

**DIGEST OF BILLS**

*Enacted by The*

**FILE COPY**

**FIFTY-SIXTH  
GENERAL ASSEMBLY**

*1987 First Regular Session*

*July, 1987*



**COLORADO  
LEGISLATIVE DRAFTING OFFICE**

091 State Capitol Bldg.  
Denver, Colorado 80203



DIGEST  
OF  
SENATE AND HOUSE BILLS ENACTED  
BY THE  
FIFTY-SIXTH GENERAL ASSEMBLY  
OF THE  
STATE OF COLORADO

(1987 - First Regular Session)

For grouping of bills by general subject matter,  
see pages i and ii.

Detailed subject index appears at end of digest,  
followed by an index by bill number and lists of  
interim committee bills which became law, bills  
which became law without the Governor's  
signature, and bills vetoed by the Governor.

\* \* \* \* \*

Compiled by the  
Legislative Drafting Office  
and the  
Office of Revisor of Statutes  
State Capitol Building  
Denver

\* \* \* \* \*

This digest includes all bills enacted by the General Assembly, as  
of June 25, 1987, including bills vetoed by the Governor.

	<u>Introduced</u>	<u>Passed</u>
HOUSE BILLS	383	207
SENATE BILLS	<u>246</u>	<u>139</u>
TOTALS	629	346

Of the House Bills passed: 183 were signed by the Governor  
11 became law without the Governor's  
signature  
13 were vetoed by the Governor

Of the Senate Bills passed: 126 were signed by the Governor  
8 became law without the Governor's  
signature  
5 were vetoed by the Governor

NOTE: The General Assembly will reconvene on August 11, 1987,  
at which time additional bills may be acted upon.



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## ADMINISTRATIVE RULES AND REGULATIONS

H.B. 1089 Continuation of 1986 rules of executive agencies - repromulgation of expired rules. Postpones the expiration of rules and regulations of executive agencies which were adopted or amended during 1986, except that specified rules and regulations are allowed to expire as scheduled on June 1, 1987.

Allows the following 1986 rules to expire as scheduled: Rules of the department of administration concerning the definitions of "employee", "settlement", and "authorized to settle" for the division of risk management; a rule of the state claims board concerning the definitions of "settlement" and "authorized to settle"; a rule of the Colorado air quality control commission concerning penalties for non-compliance; a rule of the department of health concerning penalties for violating the pasteurized fluid milk and milk products rules; a rule of the student loan division concerning the standards and procedures for due diligence in collecting student loans; a rule of the oil and gas conservation commission concerning the mill levy on oil and gas production; a rule of the wildlife commission concerning claim settlements for damage caused by big game; 2 rules of the board of parks and outdoor recreation concerning prohibition of alcoholic beverages at state park facilities; several rules of the civil rights commission concerning remedies for owners of disputed tickets; several rules of the department of social services relating to the county personnel merit system; and a rule of the department of personnel concerning the administrative suspension without pay of a person within the personnel system.

Repeals the "3 + 3" affirmative action rules of the department of personnel.

Clarifies that rules adopted or amended shall expire at 11:59 P.M. on June 1 of the year following their adoption.

States that a rule which has been allowed to expire by action of the general assembly because the general assembly has determined that such rule is not authorized by the state constitution or statutes shall not be repromulgated by an agency unless the authority to promulgate such rule has been granted to such agency by a statutory amendment or by the state constitution or by a judicial determination that statutory or constitutional authority exists. Makes any rule so repromulgated void.

APPROVED by Governor June 1

EFFECTIVE June 1

H.B. 1370 Code of Colorado regulations - furnishing of sets to state departments and to counties. Eliminates the requirement that the state provide at least one code of Colorado regulations to the board of county commissioners of each county and to each principal department of state government.

APPROVED by Governor July 1

EFFECTIVE July 1



AGRICULTURE

S.B. 62 Rapeseed - regulation by department of agriculture - appropriation. Authorizes the department of agriculture to promulgate rules regulating the variety and location of rapeseed in Colorado. Grants rule-making authority for the enforcement of said rules by the department, including the collection of fees for services performed by the department.

Appropriates \$2,365 to the department of agriculture for rapeseed regulation.

APPROVED by Governor May 28 EFFECTIVE May 28

S.B. 78 Agricultural products. Adds definitions of "commodity" and "credit sale contract" to the "Farm Products Act", and makes changes with respect to such contracts in the "Commodity Warehouse Act".

Changes the following dates in both acts: (1) From June 30 to the last day of February, as the expiration date of an issued license, and (2) from July 1 to March 1, for the date by which a licensee must apply for renewal.

States that the surety on a bond shall not be liable to pay any claim pursuant to any action brought under the "Farm Products Act" or the "Commodity Warehouse Act" if not commenced within 24 months of the transaction on which the claim is based. States that a bond shall not be required for credit sale contracts.

Authorizes the commissioner of agriculture, in addition to his existing authority, to refuse to renew a license for certain prescribed reasons under the "Farm Products Act" and gives the commissioner such authority under the "Commodity Warehouse Act".

APPROVED by Governor May 28 EFFECTIVE July 1

S.B. 123 Farmers and ranchers - mediation of indebtedness on agricultural real and personal property - rights of parties - definitions - appropriation. Defines the terms "agricultural personal property", "farmer or rancher", "farming operation", and "waiver with informed consent". Modifies the provisions governing a debtor's right to redeem collateral which is agricultural personal property by providing a right to cure a default and establishing procedures therefor. Establishes a farm mediation program for the purpose of mediating between debtors and

creditors in connection with their interests in agricultural personal property. Provides procedures for such mediation.

Defines the term "crop year". Clarifies the rights and duties of a qualified farm owner-tenant and of a property owner under the forcible entry and detainer statutes.

Defines the term "agricultural residence". Clarifies the rights to apply for the redemption of agricultural real estate and of an agricultural residence. Provides procedures for the bifurcated sale of agricultural real estate and for different redemption periods for an agricultural residence and the remaining agricultural real estate.

Appropriates \$18,616 from the farm mediation cash fund for the direct and indirect costs of administering the farm mediation program.

APPROVED by Governor July 1

EFFECTIVE July 1

H.B. 1024 Colorado Chemigation Act - creation - powers and duties of commissioner of agriculture - permit requirement - penalties - appropriation. Creates the "Colorado Chemigation Act". Defines "chemigation" to mean any process whereby chemicals are applied to land or crops in or with water through an irrigation system. Makes the commissioner of the department of agriculture responsible for administering the provisions of the act. Requires any person utilizing chemigation on and after January 1, 1990, to obtain a permit from the department for each irrigation system utilizing chemigation. Allows the issuance of a provisional permit and grants any person obtaining a provisional permit an affirmative defense to a civil or criminal action for contamination of ground water or surface water.

Authorizes the commissioner to promulgate rules and regulations to implement the act. Establishes equipment requirements for equipment used in chemigation. Provides for inspection of irrigation systems. Provides that an individual commits a class 5 felony if he chemigates without a permit on and after January 1, 1990. Authorizes the commissioner to contract with ground water management districts for the enforcement of the act.

Creates the chemigation program management fund and appropriates \$197,315 and 2.0 FTE from the fund for the implementation of the act.

APPROVED by Governor June 26

EFFECTIVE June 26

H.B. 1052 Brucella ovis in sheep. Controls brucella ovis in sheep by requiring any reactor ram to be branded or castrated. Requires the slaughter of reactor rams which have not been castrated.

APPROVED by Governor March 13                      EFFECTIVE      July 1

H.B. 1090 Assessments levied against producers of agricultural products - refunds. Allows marketing orders issued after July 1, 1987, to contain provisions for refunds of assessments. Requires the commissioner of agriculture to make a determination that the marketing order is approved by certain producers before the provisions relating to refunds become effective. Authorizes the commissioner to promulgate rules and regulations for the implementation of the refunding procedure. Exempts marketing orders which contain provisions for refunds of assessments from the requirement that such orders be approved by at least two-thirds of certain producers before such orders are effective.

APPROVED by Governor April 6                      EFFECTIVE      April 6

H.B. 1195 Nursery license fees - pesticide registration fees - Colorado nursery fund - Colorado pesticide fund - appropriation. Authorizes the commissioner of agriculture to establish rules and regulations to set annual fees for nursery licenses and pesticide registration. Establishes a penalty fee for nonregistration of pesticides and a formula for a late application fee for nursery licenses. Increases the maximum amount to be charged for nursery inspections. Requires the secretary of state, when acting as agent for service of process for out-of-state nurseries and nonresident registrants of pesticides, to collect a fee for such service of process. Creates the Colorado nursery fund and the Colorado pesticide fund for purposes of cash funding the activities of the department of agriculture relating to nursery licensing and pesticide registration.

Appropriates \$115,291 from the Colorado nursery fund, \$258,910 from the Colorado pesticide fund, and \$60,000 from the commercial pesticide applicator fund to the department of agriculture for the implementation of the act.

APPROVED by Governor July 1                      EFFECTIVE      July 1

H.B. 1222 Soil conservation districts - inclusion in risk management fund - appropriation. Includes soil conservation districts within the definition of "state agency" for the purpose of liability protection under the risk management fund. Requires each soil conservation district to contribute moneys to the risk management fund for the district's proportionate share, as determined by the state risk manager, of potential claims arising from soil conservation districts.

Appropriates \$10,000 to the risk management fund from such contributions for the implementation of the act.

APPROVED by Governor July 10  
PORTIONS EFFECTIVE July 1  
July 10

Note: Although the effective date stated in the act for sections 2, 3, and 4 is July 1, 1987, the Governor did not sign the act until July 10, 1987.

APPROPRIATIONS AND FISCAL MATTERS

Note: For explanation of the single asterisk and the double asterisk, see page 13.

- S.B. 126 Revenue estimate - deadline for certification by general assembly to controller. Changes the date for certification of the revenue estimate by the general assembly to the state controller from March 15 to February 15 of each year.

APPROVED by Governor May 8                      EFFECTIVE              May 8

- S.B. 169 Supplemental appropriation - department of administration. Amends the 1986 general appropriation act to increase the total appropriation to the department. Reduces the general fund portion of the appropriation and increases the cash funds and federal funds portions of the appropriation. Amends 1986 House Bill No. 1217, concerning telephone service assistance programs for low-income individuals, to delete the general fund appropriation to state agencies for the purposes of paying increased telephone charges resulting from the act.

APPROVED by Governor April 1                      EFFECTIVE              April 1

- S.B. 170 Supplemental appropriation - department of agriculture. Amends the 1986 general appropriation act to decrease the total appropriation to the department. Reduces the general fund portion of the appropriation and increases the cash funds and federal funds portions of the appropriation.

APPROVED by Governor April 1                      EFFECTIVE              April 1

- S.B. 171 Supplemental appropriation - department of corrections. Amends the 1986 general appropriation act to increase the total appropriation to the department. Adds footnotes concerning a telephone system lease, payments to local governments for maintenance of prisoners, and possible privatization of health services.

APPROVED by Governor April 1                      EFFECTIVE              April 1

- S.B. 172 Supplemental appropriation - department of education. Amends the 1986 general appropriation act to decrease the total appropriation to the department.

\* APPROVED by Governor April 1                      EFFECTIVE              April 1

- S.B. 173 Supplemental appropriation - office of the governor. Amends the 1986 general appropriation act to decrease the total general fund appropriation to the governor's office.  
\* APPROVED by Governor April 1            EFFECTIVE April 1
- S.B. 174 Supplemental appropriation - department of health. Amends the 1986 general appropriation act to decrease the total appropriation to the department.  
\* APPROVED by Governor April 1            EFFECTIVE April 1
- S.B. 175 Supplemental appropriation - department of higher education. Amends the 1986 general appropriation act to decrease the total appropriation to the department. Adds footnotes expressing the legislative intent regarding supplemental appropriations that affect enrollment and funding for the supercomputer center at Colorado state university.  
\* APPROVED by Governor April 16            EFFECTIVE April 16
- S.B. 176 Supplemental appropriation - state department of highways. Amends the 1986 general appropriation act to increase the total appropriation to the department.  
APPROVED by Governor April 16            EFFECTIVE April 16
- S.B. 177 Supplemental appropriation - department of institutions. Amends the 1986 general appropriation act to decrease the total appropriation to the department.  
APPROVED by Governor April 16            EFFECTIVE April 16
- S.B. 178 Supplemental appropriation - judicial department. Amends the 1986 general appropriation act to increase the total appropriation to the department.  
APPROVED by Governor April 3            EFFECTIVE April 3
- S.B. 179 Supplemental appropriation - department of labor and employment. Amends the 1986 general appropriation act to increase the total appropriation to the department. Reduces the general fund and federal funds portions of the appropriation and increases the cash funds portion of the appropriation.  
\* APPROVED by Governor April 3            EFFECTIVE April 3

- S.B. 180 Supplemental appropriation - department of law. Amends the 1986 general appropriation act to increase the total appropriation to the department. Reduces the general fund portion of the appropriation and increases the cash funds portion of the appropriation.
- APPROVED by Governor April 16                      EFFECTIVE April 16
- S.B. 181 Supplemental appropriation - legislative department. Amends the 1986 general appropriation act and the 1986 legislative appropriation act to decrease the total appropriation to the department.
- APPROVED by Governor April 3                      EFFECTIVE April 3
- S.B. 182 Supplemental appropriation - department of local affairs. Amends the 1986 general appropriation act to increase the total appropriation to the department. Includes in such increase an appropriation of \$800,000 from the general fund for the super conducting super collider project.
- \* APPROVED by Governor April 3                      EFFECTIVE April 3
- S.B. 183 Supplemental appropriation - department of military affairs. Amends the 1986 general appropriation act to decrease various general fund appropriations to the department.
- APPROVED by Governor April 16                      EFFECTIVE April 16
- S.B. 184 Supplemental appropriation - department of natural resources. Amends the 1986 general appropriation act to increase the total appropriation to the department. Decreases the general fund and the federal funds portions of the appropriation and increases the cash funds portion. Adds a new footnote indicating that funds appropriated for certain programs not be used to employ full-time permanent state employees.
- APPROVED by Governor April 16                      EFFECTIVE April 16
- S.B. 185 Supplemental appropriation - department of personnel. Amends the 1986 general appropriation act to decrease the total general fund appropriation to the department.
- APPROVED by Governor April 1                      EFFECTIVE April 1

S.B. 186 Supplemental appropriation - department of public safety. Amends the 1986 general appropriation act to decrease the total appropriation to the department. Increases the cash funds and federal funds portions of the appropriation and reduces the general fund portion. Adds a footnote directing the department to use the appropriation for ADP capital outlay for network reconfiguration for the Colorado bureau of investigation.

Also amends the 1985 general appropriation act to reduce the appropriation to the division of fire safety for travel and subsistence.

APPROVED by Governor April 3                      EFFECTIVE April 3

S.B. 187 Supplemental appropriation - department of regulatory agencies. Amends the 1986 general appropriation act to decrease the total appropriation to the department. Amends footnote 94 to decrease the amount which is assumed will be collected by the division of insurance from out-of-state insurance companies for rate examinations.

APPROVED by Governor April 16                      EFFECTIVE April 16

S.B. 188 Supplemental appropriation - department of revenue. Amends the 1986 general appropriation act to decrease the total appropriation to the department. Increases the cash funds portion of the appropriation and reduces the general fund portion. Adds a footnote indicating that emission inspection forms are to be purchased from the division of correctional industries.

APPROVED by Governor April 3                      EFFECTIVE April 3

S.B. 189 Supplemental appropriation - department of social services. Amends the 1986 general appropriation act to increase the total appropriation to the department. Amends footnote 116 to increase the maximum drug dispensing fee for institutional pharmacies. Adds a new footnote that states that a new appropriation for a court-ordered payment is made with the understanding that it may be recovered in a future fiscal year if the department's appeal is successful.

\* APPROVED by Governor April 16                      EFFECTIVE April 16

S.B. 190 Supplemental appropriations - department of state. Amends the 1986 general appropriation act to decrease the total cash funds appropriation to the department.

APPROVED by Governor April 16                      EFFECTIVE April 16



S.B. 191 Supplemental appropriation - department of the treasury. Amends the 1986 general appropriation act to decrease the total appropriation to the department. Increases the general fund portion of the appropriation and reduces the cash funds portion.

APPROVED by Governor April 16

EFFECTIVE April 16

S.B. 192 Supplemental appropriation - capital construction. Amends the 1986 general appropriation act to increase the total appropriation for capital construction. Included are the following changes: A decrease in the appropriation for the replacement of floors in various facilities of the division of youth services; a decrease in the appropriation for hot water tanks at the Grand Junction regional center; a decrease in the appropriation for ventilation systems at the Wheat Ridge regional center; an increase in the appropriation for the renovation of the social services building; an appropriation for communications equipment for the department of public safety; and an appropriation for equipment for the state veterans nursing home at Rifle. Adds a new footnote providing that appropriations for specific and controlled maintenance may be expended only in fiscal years 1986-87 and 1987-88.

Also amends the 1983, 1984, and 1985 general appropriation acts to make adjustments in capital construction appropriations.

APPROVED by Governor April 22

EFFECTIVE April 22

S.B. 194 Satisfaction of a judgment against the state of Colorado - Parkey v. State of Colorado. Appropriates \$26,611.04 to the attorney general to satisfy a judgment in favor of the East Denver Flying Service, Inc., and against the state of Colorado in the case of Parkey v. State of Colorado. Specifies that the appropriation is \$25,000 for the judgment and \$1,611.04 for the interest. Specifies to whom the warrant is to be made.

APPROVED by Governor June 20

EFFECTIVE June 20

S.B. 196 Fiscal policy - augmentation of general fund for FY 1986-87 - increased requirement for general fund reserve. Increases the amount of moneys available in the general fund to meet obligations for the 1986-87 fiscal year, as follows: Changes the date for making the annual state payment to the fire and police members' benefit fund from April 30 to September 30; defers for one year the repayment of \$5,000,000 of the \$20,000,000 previously

borrowed from the Colorado water conservation board construction fund; and permits borrowing up to \$19,700,000 from the severance tax trust fund as necessary to meet general fund obligations.

With respect to the existing requirement that 75% of any general fund revenues in excess of general fund appropriations and the required general fund reserve shall be transferred to the capital construction fund at the end of each fiscal year, provides such requirement shall not apply to the 1986-87 fiscal year, and that any such excess shall instead be retained in the general fund. For the 1987-88 fiscal year, requires that the moneys borrowed from the Colorado water conservation board construction fund and the severance tax trust fund must be restored to such funds from general fund revenues before any transfer of general fund moneys to the capital construction fund.

For the 1987-88 fiscal year and each fiscal year thereafter, increases the required general fund reserve from 5% to 6% of general fund appropriations.

APPROVED by Governor April 22

EFFECTIVE April 22

S.B. 217 Supplemental appropriation - department of social services. Makes a supplemental appropriation to the department of social services for the fiscal year ending June 30, 1987. Increases appropriations for skilled and intermediate nursing care under the medical assistance program and for the medicaid management information system. Reduces the personal services appropriation for departmental and welfare administration.

APPROVED by Governor June 20

EFFECTIVE June 20

S.B. 218 General appropriation act - "long bill". Makes appropriations for the expenses of the executive, legislative, and judicial departments of state government for the fiscal year beginning July 1, 1987. Sets the grand total of the operating budget at \$4,078,667,735, of which \$2,062,670,005 is from the general fund, \$1,160,217,391 is from cash funds, and \$855,780,339 is from federal funds. Transfers \$45,132,485 to the capital construction fund, of which \$17,500,000 is from the lottery fund and \$27,632,485 is from the general fund. Appropriates \$149,929,655 for capital construction, of which \$50,340,793 is from the capital construction fund, \$38,310,666 is from cash funds, and \$61,278,196 is from federal funds.

Amends the 1986 general appropriation act to increase the total appropriations to the departments of agriculture, highways, and the treasury.

\*\* APPROVED by Governor June 22                      EFFECTIVE      June 22

S.B. 225      Appropriation - legislative department. Appropriates \$14,872,510, including \$75,000 in cash funds, to the legislative department for its expenses during the 1987-88 fiscal year.

APPROVED by Governor June 20                      EFFECTIVE      June 20

H.B. 1367      Transfers of appropriations for purpose of paying employee separation costs due to program cuts. Authorizes transfers of 1986-87 general fund appropriations as may be necessary to allow the departments of administration and education to pay the costs of separation of state employees attributable to various program cuts effective July 1, 1987.

APPROVED by Governor July 1                      EFFECTIVE      July 1

H.B. 1380      Closing of the state's books for 1986-87 fiscal year - limited authority to overexpend appropriations. For purposes of closing the state's books for the 1986-87 fiscal year, authorizes the state controller to allow agencies to overexpend items of appropriations under limited circumstances. When an agency is allowed to overexpend its appropriation, requires the controller to restrict the agency's appropriation for the next fiscal year in an amount equal to the overexpenditure. Authorizes the controller to release such restriction only if the agency obtains a supplemental appropriation to cover the original overexpenditure.

APPROVED by Governor July 1                      EFFECTIVE      July 1

\* Portions of these bills were vetoed by the Governor. (See the Governor's letters printed in the Senate Journal on pages 603-609, 702-707.) The Senate, upon determination that the purported item veto was invalid, voted to remove its consideration from the Senate calendar as no action was necessary. (See Senate Journal, pages 893-895.)

\*\* Portions of this bill were vetoed by the Governor. (See the Governor's letter printed in the Senate Journal on pages 1376-1379.) The vetoes were declared invalid. (See Senate Journal on pages 1422-1424. Also see House Journal on pages 1993-1995.)

## CHILDREN AND DOMESTIC MATTERS

S.B. 63 Child abuse - definitions - central registry records - reports to Colorado bureau of investigation - criteria for termination of parent-child relationship. Requires notification to the Colorado bureau of investigation, the local law enforcement agency of the prisoner's home or parole jurisdiction, and victims and those with whom they reside when a person confined for child abuse is about to be released from a correctional facility. Also requires that such release be into the custody of the issuing law enforcement agency when there is an outstanding warrant for the arrest of such person.

Defines "confirmed" as it relates to a child abuse or neglect report to mean that credible evidence exists to support such report, and excepts from the definition of "child abuse or neglect" acts reasonably necessary to subdue a child being taken into custody under certain circumstances. Provides that confirmed reports of child abuse or neglect shall be filed at the central registry. Provides that the subject of a confirmed child abuse or neglect report must place a request to amend, seal, or expunge such reports with the director of the central registry within a reasonable time, and clarifies the procedure required to delete a record of a confirmed case of child abuse or neglect from the central registry.

Adds pharmacists, commercial film processors, and certain law enforcement officers to the list of persons required to report observed instances of child abuse, and requires commercial film processors to report instances of observed sexual conduct.

Authorizes the formation of a child protection team upon receipt by the county department or local law enforcement agency of a certain number of known or suspected child abuse or neglect reports. Permits the report by the local coordinator to be sent to the central registry only if the child abuse case has been confirmed.

Requires the Colorado bureau of investigation to obtain, if available, the dental records of any child missing more than 30 days. Requires law enforcement agencies to report information that a child is believed to be missing to the Colorado bureau of investigation. Specifies that law enforcement agencies also must communicate the modus operandi of child abusers to the Colorado bureau of investigation.

Repeals a statutory provision to conform to the requirement of reporting only confirmed cases of child abuse or neglect to the central registry.

Recognizes a finding that no treatment plan can be devised due to parent unfitness as a factor in terminating a parent-child relationship, and enumerates the conditions which may form the basis of a parent's unfitness.

APPROVED by Governor June 16                      EFFECTIVE      July 1

S.B. 64      Placement out of the home of children with developmental disabilities. Changes the definition of "placement out of the home" contained in the "Colorado Children's Code" to include placement of a child who has a developmental disability.

APPROVED by Governor May 25                      EFFECTIVE      May 25

S.B. 144      Colorado Children's Code - repeal and reenactment. Recodifies the "Colorado Children's Code". Reorganizes the provisions of such code to provide for greater clarity and consistency. Incorporates changes made to the code by other legislation passed during the 1987 session.

Makes procedures to be used for juvenile delinquency proceedings more consistent with those applicable to adult criminal offenders. Removes adults from the jurisdiction of the juvenile court and puts the offense of contributing to the delinquency of a minor in the criminal code. Transfers the authority to administer juvenile diversion programs from the division of youth services in the department of institutions to the division of criminal justice in the department of public safety on July 1, 1987.

Requires a guardian ad litem appointed in a dependency and neglect proceeding to be an attorney. Provides for an in-camera hearing to determine the admissibility in a subsequent criminal proceeding of evidence obtained pursuant to compulsory process in a dependency and neglect proceeding. Requires the court to rule such evidence admissible if the district attorney presents prima facie evidence that its inadmissibility would substantially impair his ability to prosecute the case. Makes privileged, for the purposes of a subsequent criminal proceeding, statements made during the course of a treatment plan entered by the court.

Creates the category of "special respondent" for the purpose of dependency and neglect proceedings, and defines such term as any person not a parent, guardian, or legal custodian who is involuntarily joined as a party for the purpose of protective orders or inclusion in a

treatment plan. Gives a special respondent the right to a hearing to contest his joinder and the appropriateness of any orders that affect him.

Excludes acts performed by a peace officer which are reasonably necessary to subdue a child being taken into custody from the definition of "child abuse and neglect" and allows a peace officer put on the central registry of child abuse and neglect prior to July 1, 1987, to request expungement of his name from such registry.

APPROVED by Governor July 10  
PORTIONS EFFECTIVE July 1  
October 1

Note: Although the effective date stated in the act for sections 24, 25, 26, and 47 is July 1, 1987, the Governor did not sign the act until July 10, 1987. Also please note that many of the amendments made to the Children's Code in bills passed during this session have been incorporated into S.B. 144.

S.B. 215 Juvenile diversion program - elimination. Eliminates the juvenile diversion program administered by the division of youth services in the department of institutions.

VETOED May 27

S.B. 229 Joint custody - applicability of orders. Resolves a conflict between a statutory provision of H.B. 1019 concerning applicability of joint custody orders and the applicability section of that bill by repealing the statutory provision, 14-10-123.5 (6), thereby making it clear that the general applicability clause of the bill controls.

APPROVED by Governor June 20 EFFECTIVE June 20

H.B. 1019 Joint and sole custody of children. Declares that children have the right to have determinations of custody based upon the best interests of the child.

Allows the court on its own motion or upon the motion of one of the parties to award joint or sole custody of the minor child depending upon which is in the child's best interests. Requires the court in determining the best interests of the child to consider whether one of the parties has been a perpetrator of child abuse or neglect or a perpetrator of spouse abuse, which allegations shall be supported by credible

evidence. If the court finds that one of the parties has been a perpetrator of child abuse or neglect, provides that it shall not be in the best interests of the child to award joint custody over the objection of the other party or the child's guardian ad litem. If the court finds that one of the parties has been a perpetrator of spouse abuse, provides that it shall not be in the best interests of the child to award joint custody over the objection of one of the parents or the child's guardian ad litem unless the court finds that the parties are able to make shared decisions about their children without physical confrontation and without danger to the abused spouse or child.

Specifies that, in awarding joint custody, the court may order that one party have a longer period of physical custody of the child but that such order shall not affect the parties' legal rights and responsibilities with regard to joint custody.

States that in the event of a dispute about the need for or type of medical treatment for a child involved in a joint custody situation, either parent shall be allowed to obtain necessary medical treatment without being in violation of the joint custody order or in contempt of court.

Provides that the act shall apply to petitions in proceedings for dissolution of marriage, legal separation, or invalidity filed on or after July 1, 1987.

States that the provisions relating to joint custody in effect at the time of a joint custody order apply to joint custody orders entered into on or after July 1, 1983, and before July 1, 1987.

APPROVED by Governor March 26                      EFFECTIVE      July 1

Note: For a change in the applicability of joint custody orders, see S.B. 229.

H.B. 1122 Disputes involving visitation of children. Upon a verified motion of an allegation of noncompliance with visitation, requires the court to determine, from the motion and any response, whether there has been or is likely to be a substantial and continuing noncompliance with visitation. Permits the court to either deny the motion, set the matter for a hearing, or require the parties to seek mediation and report back to the court. Permits the court, if noncompliance is found, to issue orders to impose additional conditions on visitation, modify the previous order, require the violator to post a bond or security to insure compliance, require that

visitation for the aggrieved parent or child be made up under certain conditions, find the violator in contempt of court and impose a fine or jail sentence, or schedule a hearing for modification of custody. Allows the court to award attorney fees, court costs, and expenses incurred by a parent because of the other parent's failure to provide or exercise court ordered visitation. States that the civil remedies available to the court shall not preclude a party's right to a separate and independent legal action in tort.

APPROVED by Governor April 22

EFFECTIVE July 1

H.B. 1182 Juvenile community review boards - approval of residential community placements of certain juveniles. Authorizes a board of county commissioners or the city council of the city and county of Denver to appoint a juvenile community review board for the purpose of approving the residential community placement of children under commitment to the department of institutions prior to their placement in the county. Requires the review board to review the case file of the child proposed for placement. Outlines the information to be included in the case file. Establishes factors to be considered by the review board in making its decision regarding the proposed placement.

Requires the department of institutions to submit a report to the general assembly concerning juvenile community review boards and residential community programs for juveniles.

APPROVED by Governor April 23

EFFECTIVE April 23

H.B. 1263 Child support and maintenance - establishment and enforcement of support orders. Provides that notice of a pending wage assignment is required to be given in every order for child support, maintenance when combined with child support, child support debts, or maintenance. Eliminates the execution stage for wage assignments for support orders. Provides that a wage assignment may be activated upon the obligor's request, upon agreement of the parties, or upon filing with the court of a notice of activation by the obligee because the payment is late. Provides for activation of a wage assignment under the procedures specified in this act for support orders entered into before July 10, 1987 if notice of the new procedures is given to the obligor. Specifies the type of notice required to be given for pending wage assignments and for notice of activation of a wage assignment. Specifies the priority of payment for multiple wage assignments.



Clarifies that writs for child support or for child support debt, although not subject to the exemptions for attachment, execution, and garnishment, are subject to the exemptions in garnishment on the total amount of a person's earnings that may be garnished for child support.

Prohibits retroactive modification of child support arrearages. States that any support order is a final judgment entitled to be given full faith and credit.

Makes the following changes to the child support guidelines:

(1) Permits parties to periodically exchange financial information and update and modify an order with court review but without a court hearing;

(2) Requires the standardized child support guideline forms to be periodically updated;

(3) Defines shared physical custody and split physical custody;

(4) Adjusts the general formula used in calculating all child support by dividing the basic child support obligation, and any adjustments thereto, between the parents in proportion to their adjusted gross incomes;

(5) Redefines extraordinary expenses to include certain education and transportation expenses and permits additional factors that actually diminish the basic needs of the child to be considered;

(6) Amends the formula for calculating child support obligations in cases of shared physical custody to mitigate the substantial drop in child support that occurs under the current formula when the 25% threshold for adjustment is met and to adjust for duplicated expenses in shared physical custody situations; and

(7) Makes the child support guidelines apply to all child support obligations regardless of when they were filed.

Gives a wage assignment for child support or maintenance priority over other garnishments, liens, or wage assignments.

Requires court clerks to transfer information relating to child support orders to the child support enforcement agency upon request. Specifies the procedures for filing a notice of a pending wage

assignment and activation of a wage assignment of support orders and for enforcing interstate income withholding under the "Revised Uniform Reciprocal Enforcement of Support Act".

Restores to the "Colorado Children's Code" a provision which sets the statute of limitations for paternity actions at 3 years after the child reaches majority. Removes a reference to the statute of limitations for paternity actions which was incorrectly placed in the statute of limitations for actions against manufacturers, sellers, or lessors of new manufacturing equipment. Makes the child support guidelines a factor for orders of support issued when paternity has been determined.

States that foster care fees are considered child support and, therefore, all child support enforcement remedies are applicable.

Clarifies in the "Colorado Workmen's Compensation Act" that workmen's compensation benefits are not exempt from lawful claims for child support debts. Defines and includes workmen's compensation benefits, teachers' retirement fund benefits, public employees' retirement benefits, and policemen's and firemen's pension fund payments as part of earnings which are subject to garnishment and levy under execution or attachment.

Gives notice to a judgment debtor that, although he has a right to claim certain property exempt, no exemptions (other than the limits on the total amount that may be garnished for child support) may be claimed for a writ which is to collect child support or child support debt.

Authorizes actions to modify child support obligations under the "Child Support Enforcement Act".

Repeals a provision in the child support guidelines which defined when a parent was not "underemployed".

APPROVED by Governor July 10

EFFECTIVE July 10

Note: Although the effective date stated in the act for sections 28 and 29 is July 1, 1987, the Governor did not sign the act until July 10, 1987.

H.B. 1296 Adoption of children - prerequisites. Requires parents who wish to relinquish their child to obtain counseling from the county department of social services in the county where such parent resides or from a licensed child placement agency. Requires a petition for relinquishment to be accompanied by a statement indicating the nature

and extent of counseling furnished to the petitioner and the recommendations of the counselor. Requires the court, if the petitioner has not received counseling, to continue such petition and refer the petitioner for counseling. Requires the county department of social services to charge a fee for the full cost of such counseling.

Allows a birth parent to designate an applicant with whom he wishes to place his child for purposes of adoption.

Allows the court, upon the termination of the parent-child relationship, to consider a request that custody of the child, with the option of applying for adoption, be placed with a relative. Requires that guardianship remain with the licensed child placement agency, the county department of social services, or the parent.

Allows disclosure of the natural parents, child, and adoptive parents pursuant to a designated adoption.

Allows a court to terminate the placement, at any time during the interval between the initial placement and the final adoption decree, if it appears the adoption is not in the best interest of the child.

Prohibits a person from offering, giving, charging, or receiving money or other consideration in connection with the relinquishment and adoption of a child, or the locating and identifying of a child for purposes of adoption, except for an adoption exchange whose membership includes county departments and child placement agencies or a licensed child placement agency or county department in connection with such locating and identifying of a child, natural parent, expectant natural parent, or prospective natural parent, for purposes of adoption. Allows physicians and attorneys to charge reasonable fees.

APPROVED by Governor May 6

EFFECTIVE October 1

CONSUMER AND COMMERCIAL TRANSACTIONS

H.B. 1262 Security interests in farm products. Makes a security interest in farm products and the rights of a secured party, a buyer of farm products, a commission merchant, or a selling agent, as defined in the federal "Food Security Act of 1985", subject to the provisions of said act. Defines "receipt" by a buyer, a commission merchant, or a selling agent of notice of a security interest created by a seller to be the earlier of actual receipt of notice by said parties or the tenth business day after the notice is deposited in the United States mails, certified or registered, postage prepaid to said buyer, commission merchant, or selling agent.

APPROVED by Governor May 8

EFFECTIVE May 8

H.B. 1300 Fraudulent acts - Consumer Protection Act - Motor Vehicle Repair Act of 1977. Makes numerous changes to the "Consumer Protection Act" including expanding the enforcement power of district attorneys, terminating the confidentiality of assurances of discontinuance upon the filing of a civil action by the attorney general or a district attorney, creating a new civil penalty, amending the type and amount of recoverable damages, and imposing a statute of limitations on actions brought under the act.

Makes numerous changes to the "Motor Vehicle Repair Act of 1977" including changing the criminal penalties imposed for violations of the act and allowing treble damages in civil actions brought to enforce the act, requiring a motor vehicle repair garage to keep detailed records of an owner's consent to various types of repairs, and reorganizing and clarifying existing provisions of such act.

Clarifies that motor vehicles driven more than 200 miles by the dealer are "used motor vehicles" for the purposes of the statutes regulating the sale of used motor vehicles.

APPROVED by Governor May 20

EFFECTIVE July 1

## CORPORATIONS AND ASSOCIATIONS

H.B. 1126 Notice of noncompliance with corporate filing requirements - use of first-class mail by secretary of state - appropriation. Requires the secretary of state to mail a notice by first-class mail to any domestic or foreign corporation, including corporations for profit and nonprofit corporations, if the corporation fails to pay a fee or fails to file a report or statement required by the secretary of state.

Appropriates \$16,000 to the department of state from the department of state cash fund to cover the cost of first-class mailing.

Applies to corporate reports mailed on or after January 1, 1988.

APPROVED by Governor June 20

EFFECTIVE July 1

H.B. 1142 Directors and officers - limitations on personal liability - indemnification - board member immunity. Permits shareholders of a corporation for profit, members of a nonprofit corporation, stockholders of a state bank, stockholders of a savings and loan association, and members of a cooperative association to eliminate or limit the monetary liability of directors regarding their fiduciary duty of care to the corporation and to its shareholders or members, except with respect to specified acts or omissions.

Extends existing provisions concerning the indemnification of directors, officers, agents, and employees of corporations for profit to nonprofit corporations, cooperative associations, state banks, and savings and loan associations. Specifies that insurance coverage of directors, officers, and employees may be procured from any insurance company, including one in which the corporation has an equity or other interest.

Amends the indemnification provisions to conform with the "Revised Model Business Corporation Act", including defining "director" to include the estate or personal representative of the director, changing the term "individual" to "person", and clarifying how determinations of indemnification and authorizations of payments are made. Makes the "fairness" test for a conflict of interest relating to shares independent of any corporate action.

Limits the personal liability of an officer or director for injury arising from a tort committed by an

employee except where the officer or director was personally involved in the tortious act or where he committed a criminal offense. Provides that such limitation does not restrict other common law protections and rights of an officer or director and does not restrict the corporation's right to eliminate or limit the director or officer's personal liability. Extends the same limitations on personal liability for any tort injury to directors and officers of nonprofit corporations, cooperative associations, state banks, and savings and loan associations.

Defines "board of directors of a nonprofit corporation", for purposes of the board member immunity statute.

Changes the wording in the immunity provision for members of a board of directors of a nonprofit corporation to clarify that immunity applies to acts or omissions that are both reckless and intentional.

Repeals an indemnification provision concerning nonprofit corporations.

APPROVED by Governor May 20

EFFECTIVE May 20



H.B. 1242 Home detention of prisoners. Authorizes a county to provide a program of home detention for persons sentenced to county jails, whereby prisoners are monitored by wearing an electronic transmitting device which sends signals to the prisoner's home telephone. Requires such home-detained prisoners to pay for the cost of the supervision and administrative services related to their home detention. Exempts such home-detained prisoners from penalty work requirements. Exempts the county from supporting the family of a home-detained prisoner. Provides that a person who participates in a home detention program shall be deemed to be in custody and not attempting to escape. Denies eligibility for a home detention program to a prisoner who has been convicted of specified crimes of violence or sex offenses or who has been convicted of a class 1 misdemeanor in which a deadly weapon is used.

APPROVED by Governor May 16

EFFECTIVE May 16

H.B. 1283 Parole - drug and alcohol testing - appropriation. Makes it a condition of parole that a parolee, at his own expense, submit to periodic and random chemical testing of his urine for drugs and alcohol. States that the parole officer shall be responsible for seeing that a urine specimen is obtained from the parolee. Authorizes the department of health to set, by rule and regulation, the fee to be charged to the parolee for said testing and makes the department responsible for ensuring that the results of chemical tests are submitted to the parole officer within 5 working days of testing. Requires the results of such testing to be made available to the parolee or his attorney on request.

Provides that a parolee may be required to participate at his own expense in an appropriate treatment program if a chemical test indicates the presence of drugs or alcohol. Allows a parole officer to arrest the parolee and begin parole revocation proceedings if any subsequent test reflects the presence of controlled substances or the presence of noncontrolled substances if such substances are present at such a level to indicate abuse.

Mandates the arrest of a parolee who refuses to submit to chemical testing and the initiation of parole revocation proceedings against him.

States that statutory provisions applicable to the admissibility of laboratory tests shall apply to the chemical testing of parolees.

Appropriates \$42,600 to the department of health



for implementation of the act. Specifies that, of such sum, \$16,930 shall be from the general fund and \$25,670 shall be from fees paid by parolees for chemical testing.

APPROVED by Governor July 10

EFFECTIVE July 1

Note: Although the effective date stated in the act is July 1, 1987, the Governor did not sign the act until July 10, 1987.

H.B. 1311 Parole reform - revocation proceedings - board membership - risk assessment guidelines - appropriation. Requires the division of criminal justice in the department of public safety to develop risk assessment guidelines to be used by the state board of parole in making release decisions. Establishes a commission to make recommendations to the general assembly concerning the approval and revision of such guidelines. Provides that the continued failure of a parole board member to follow such guidelines shall be grounds for his removal. Requires revocation proceedings to be brought against any parolee found in possession of a deadly weapon or arrested for a felony, violent crime, misdemeanor assault, or sexual assault. Allows 2 parole board members to overrule a decision not to revoke the parole of such an offender. Allows the district attorney to be present at revocation proceedings. Restores the right of the state board of parole to appoint the state public defender to represent parolees at revocation hearings under certain circumstances. Provides that a parolee's appeal of the revocation of his parole shall be on the record.

Imposes requirements on the composition of the state board of parole. Repeals the statutory provision reducing the membership of such board which would have gone into effect on July 1, 1987.

Authorizes the division of adult services in the department of corrections to maintain a service to provide information to law enforcement agencies concerning parolees and inmates. Requires the department of corrections to inform the Colorado bureau of investigation of offenders coming under or being discharged from its supervision within 24 hours. Requires a law enforcement agency to keep within its custody for 72 hours any parolee arrested for a violent crime while on parole for a violent crime.

Requires every parolee to sign a parole agreement containing certain specified conditions of parole. States that the expiration of a parolee's parole shall be tolled by the filing of a complaint by his parole

officer.

Allows for the early release from incarceration of nonviolent class 4 and class 5 felony offenders. Makes offenders who have twice been convicted of violent crimes ineligible for parole until they have served 75% of their sentences minus earned time, and offenders who have been convicted of 3 violent crimes ineligible until they have served 100% of their sentences minus earned time. Allows the governor to grant parole to such offenders before their eligibility date if extraordinary mitigating circumstances exist. Puts the definition of "crime of violence" in the general definitional section of the code of criminal procedure. Allows the parole board to require a parolee to participate in a community correctional facility or program.

Appropriates \$53,642 and 1.0 FTE to the department of corrections for allocation to the parole board for the payment of costs incurred for the additional parole board member.

APPROVED by Governor July 10                      EFFECTIVE      July 1

Note: Although the effective date stated in the act is July 1, 1987, the Governor did not sign the act until July 10, 1987.

H.B. 1348 Community corrections - state payments to providers. Reduces the amount of state payments to community corrections providers by an amount that represents the reimbursement to such providers by their clients. Allows a governmental or nongovernmental agency operating a community correctional facility or program to charge clients for nonresidential services.

VETOED May 27

## COURTS

S.B. 16 Probate - exempt property allowance - family allowance - estates not closed after three years - official bond of foreign personal representative. Increases the exempt property allowance of a surviving spouse and each dependent child from \$7,500 to \$15,000. Increases the lump sum family allowance from \$6,000 to \$12,000 and increases the periodic installment of a family allowance from \$500 to \$1,000 per month for one year. Allows for the closure of an estate when no action has been taken in 3 years instead of 5 years. Authorizes a domiciliary foreign personal representative to file with a court in this state, in a county in which property belonging to the decedent is located, authenticated copies of his appointment without filing any official bond which he has given.

APPROVED by Governor May 8

EFFECTIVE July 1

S.B. 22 Mandatory arbitration in civil actions - pilot project. Creates a pilot project on January 1, 1988, in the 1st, 3rd, 6th, 7th, 8th, 14th, 18th, and 20th judicial districts to require any civil action for money damages for \$50,000 or less and any counterclaim or crossclaim for \$50,000 or less to be assigned by the court for mandatory arbitration once the matter is at issue between the parties. Excludes civil actions brought in county courts and small claims courts. Excludes a party who is indigent from participation in mandatory arbitration.

Requires the complaint and any crossclaim or counterclaim in a civil action to include a certification as to whether or not the probable amount of recovery exceeds the amount limit for mandatory arbitration. Provides for the award of attorney fees if such certification lacks substantial justification. Provides a system for the parties to select a single arbitrator or a panel of 3 arbitrators. Provides for the appointment of arbitrators by the court if the parties cannot agree on arbitrators. States that arbitrators do not have to be attorneys. Requires the parties to pay for the arbitrators' compensation and any other costs.

Directs the holding of expedited, informal hearings for the taking of evidence. Authorizes arbitrators to issue subpoenas and decide all matters of law and fact at such hearings. Allows a dissatisfied party to file a demand for trial de novo within 30 days after the filing of the arbitrators' decision. Provides for recovery of costs, including arbitrator fees, not to exceed \$1000

when dissatisfied parties proceed to trial and fail to better the award granted by the arbitrators by more than 10%. Directs the supreme court to promulgate rules governing arbitration proceedings and fee guidelines for the payment of arbitrators.

Applies to civil actions for damages filed on or after January 1, 1988, and until the pilot project concludes on July 1, 1990.

APPROVED by Governor May 28      EFFECTIVE    Jan. 1, 1988

S.B. 74

Statutes of limitations - statute of repose for actions involving health care - definition of "person under disability" - accrual of actions. Reinstates former provisions of the statutes of limitations which were omitted in a prior omnibus statute of limitations revision bill. Such provisions include: (1) Reinstating the statute of repose, and the exceptions (knowing concealment and leaving an unauthorized foreign object in the patient's body) and the special provisions for minors thereto, for actions against physicians, hospitals, and other health care providers; and (2) recognizing a natural guardian (parent) to the same extent as a legal guardian for purposes of defining a "person under disability".

Specifies that a cause of action accrues for injury to person, property, reputation, possession, relationship, or status on the date the injury is discovered or should have been discovered rather than on the date both the injury and its cause are known or should have been known. Defines "injury" as the damage or loss for which compensation is sought.

VETOED May 21

S.B. 75

Statutes of limitations - corrections - reenactment of limitation on actions for damages sustained during the commission of a felonious act. Makes the following corrections to the statutes of limitations:

(1) Clarifies that an action brought to collect a penalty for failure of a railroad to plow a roadbed is an action for debt;

(2) Creates a 3-year statute of limitation for actions for recovery of erroneous or excessive refunds of any tax administered by the department of revenue and specifies when a cause of action for such recovery accrues;

(3) Deletes a separate 2-year limitation for breach of warranty since such actions are allegations of a breach of contract and come within the 3-year limitation for contract actions;

(4) Clarifies that an action for payment out of the real estate recovery fund may be brought on the grounds of negligence and conversion of trust funds;

(5) Eliminates the common law term "actions of debt founded upon contract or liability in action" and replaces it with an "action to recover a liquidated debt or an unliquidated, determinable amount of money due to the person bringing an action";

(6) Deletes an incorrect cross reference to the limitations for paternity from the limitations pertaining to actions against manufacturers, sellers, or lessors of new manufacturing equipment;

(7) Repeals one of 2 conflicting time limitations for actions against debt adjusters, resulting in a one-year limitation for such actions.

Reenacts a provision that was not included in the 1986 repeal and reenactment of the statutes of limitations which limits the right of a person to bring a civil action for damages for injuries sustained while committing a felonious act or while in flight from the commission of a felonious act.

Applies to claims for relief arising on or after July 1, 1987. Specifies that causes of action arising before July 1, 1987, but commenced on or after July 1, 1987, are subject to the statutes of limitations in effect at the time such causes of action arose.

APPROVED by Governor May 20

EFFECTIVE July 1

S.B. 80

Immunity from liability of volunteers who assist organizations relating to young persons. Provides that a volunteer assisting in any program, organization, association, group, or nonprofit corporation serving young persons 18 years of age or younger or providing sporting programs or activities for such young persons shall not be liable for acts or omissions in the performance of his duties except for wanton and willful acts or omissions. Provides that such immunity does not protect such volunteer from acts or omissions which harm third persons.

APPROVED by Governor April 30

EFFECTIVE April 30



H.B. 1016 Supreme court library fund. Authorizes the Colorado supreme court to expend moneys from the supreme court library fund when the chief justice deems such expenditure necessary for library service expenses.

APPROVED by Governor April 6                      EFFECTIVE April 6

H.B. 1103 Forcible entry and detainer actions - procedure. Allows a holdover tenant 3 days to comply with any condition or covenant in his lease before he is guilty of an unlawful detention of real property. Authorizes the attorney for the plaintiff to issue a summons to the defendant upon the filing of a complaint in a forcible entry and detainer action. Requires the plaintiff to mail a copy of the summons or alias summons and a copy of the complaint to the defendant no later than the next day following the day on which the complaint was filed.

Allows the court to require security other than a bond of any party requesting a delay in a forcible entry and detainer action.

APPROVED by Governor March 13                      EFFECTIVE March 13

H.B. 1159 Interpreters for the hearing-impaired. Repeals and reenacts the provisions regarding the appointment of interpreters for the hearing-impaired by a court, board, commission, agency, or licensing or law enforcement authority of the state or any of its political subdivisions. Sets forth the proceedings in which a qualified interpreter shall be appointed.

Requires the division of rehabilitation in the department of social services to establish and either distribute or make available an interpreter referral resources list for use by the political body, the proceedings of which require a qualified interpreter. Allows the use of a second interpreter where necessary to provide accurate interpretation between spoken English and sign language or between variants of sign language. Requires an interpreter to take an oath to make a true interpretation if the entity presiding over the proceedings has been given, by statute, the authority to administer such an oath. Requires each interpreter to be placed in full view to assure effective communication prior to commencing any proceeding.

Permits a waiver of the right to an interpreter and specifies how such waiver may be made. If a qualified interpreter is called upon to interpret privileged communications, specifies that the interpreter shall not testify without the written consent of the person who

holds the privilege. In certain instances where qualified interpreters are required, allows the division of rehabilitation to compensate such interpreters from its available appropriations.

Authorizes the department of social services to promulgate rules and regulations regarding the appointment of interpreters for the hearing-impaired which have been proposed by the division of rehabilitation.

APPROVED by Governor April 23

EFFECTIVE April 23

H.B. 1176 Small claims court - jurisdiction - limitation on number of claims - docket fees - appropriation. Increases the jurisdictional amount for small claims court from \$1,000 to \$2,000. Increases the number of claims which can be filed in said court from one claim per month to 2 claims per month with a maximum of 18 claims per year. Raises the docket fee for the plaintiff from \$8 to \$16 and for the defendant from \$4 to \$8.

Appropriates \$273,935 and 10.6 FTE to the judicial department for implementation of the act.

APPROVED by Governor July 10

EFFECTIVE July 1

Note: Although the effective date stated in the act is July 1, 1987, the Governor did not sign the act until July 10, 1987.

H.B. 1184 Joint liability - apportionment of fault among tortfeasors in civil actions. With respect to the statutory provision that requires the apportionment of negligence or fault of defendants on a pro rata basis, creates an exception by allowing joint liability to be imposed on 2 or more persons who consciously conspire and deliberately pursue a common plan or design to commit a tortious act. Provides that a person who is held jointly liable under such exception has a right of contribution from his fellow defendants acting in concert and is liable only for the percentage of fault assessed to those persons with whom he acted in concert.

Requires jury instructions concerning the effect of the jury's finding as to the percentage of negligence or fault as between the plaintiff or plaintiffs and the defendant or defendants in trials in which contributory negligence or comparative fault is at issue. Prohibits jury instructions in such cases concerning the effect of the jury's finding as to the allocation of fault among 2 or more defendants. Allows attorneys for each party to



argue the effect of the instruction on the facts before the jury.

Applies to civil actions commenced on or after July 1, 1987.

APPROVED by Governor April 22                      EFFECTIVE      July 1

H.B. 1201 Certificate of review requirements for civil actions for professional negligence of licensed professionals. Requires the filing of a certificate of review for civil actions for damages or indemnity based upon the alleged professional negligence of persons who are licensed to practice a particular profession and regarding whom expert testimony would be necessary to establish a prima facie case. Requires that the certificate of review contain a declaration that the plaintiff's attorney has consulted an expert in the area of the alleged negligent conduct and that the expert has concluded that there is justification for the claim. Permits the court to require that the identity of the person consulted be disclosed to the court. States that the identity of such consultant need not be identified to the opposing party or parties in the civil action.

Makes the failure to file a certificate of review grounds for dismissal of the complaint, counterclaim, or crossclaim. States that the certificate of review requirement shall not affect the rights and obligations under the statutes concerning the award of attorney fees for frivolous, groundless, or vexatious actions.

Repeals the certificate of review requirements specified for architects, engineers, and land surveyors.

Applies to civil actions commenced on or after July 1, 1987.

APPROVED by Governor April 16                      EFFECTIVE      July 1

H.B. 1204 Compilation of district court sentences in felony cases - appropriation. Requires the state court administrator's office to prepare and make available to the public a compilation of the sentences imposed in felony cases by each district court judge. Specifies the information to be included in such compilation.

Appropriates \$3,000 to the judicial department for implementation of the act.

APPROVED by Governor May 13                      EFFECTIVE      July 1

H.B. 1256 Hearsay declarations of children - admissibility in evidence. Makes admissible as an exception to the hearsay rule an out-of-court statement of a child who witnesses but is not the actual victim of an unlawful sexual offense or of child abuse or of child neglect or dependency.

APPROVED by Governor April 16

EFFECTIVE April 16

H.B. 1304 Dismissal of certain tort actions - recovery of expenses by defendants. Provides that in all actions brought as a result of a death or an injury to person or property occasioned by the tort of any other person, where any such case is dismissed prior to trial under rule 12(b), C.R.C.P., except those cases where a motion under rule 12(b), C.R.C.P., is treated as a motion for summary judgment and disposed of as provided in rule 56, C.R.C.P., such defendant shall have judgment for his reasonable attorney fees and for his costs in defending such action.

APPROVED by Governor April 22

EFFECTIVE July 1

CRIMINAL LAW

S.B. 73 Ballistic knives - stun guns. Includes possession of a ballistic knife within the criminal offense of possession of a dangerous or illegal weapon. Makes the use of a stun gun in the commission of a criminal act a class 5 felony.

APPROVED by Governor May 16 EFFECTIVE May 16

S.B. 110 Victims of crime - advisement of right to seek civil judgment. Encourages law enforcement agencies, prosecutors, and judges to help ensure that victims of crimes are advised of the right to pursue a civil judgment against the perpetrators for damages incurred by such victims as a result of the crime, regardless of whether the perpetrators have been ordered to make restitution to the victims.

APPROVED by Governor May 13 EFFECTIVE July 1

H.B. 1044 Criminal offenses - change or clarification of elements of offenses - deferred sentencing - wiretapping and eavesdropping orders - public access to identity of juvenile offenders. Makes partnership property subject to the theft statute. Allows the aggregation of the value of stolen property in theft of rental property cases. Deletes the culpable mental state of "intentionally" from certain drug offenses. Clarifies that the culpable mental state for second degree kidnapping is "knowingly".

Makes the statute concerning bail consistent with the right to bail provision in the Colorado constitution. Adds escape and introduction of contraband to the list of offenses for which an ex parte order for wiretapping and eavesdropping may be obtained. Expands the period for deferred sentencing in a felony case from 2 to 4 years. Allows the court to find a defendant who has not made restitution to be in violation of his deferred sentence regardless of whether the defendant is able to pay such restitution.

Allows public access to the identity of a juvenile offender between the ages of 14 and 18 who has committed a crime of violence.

APPROVED by Governor March 13 EFFECTIVE July 1

H.B. 1060 Tobacco products - prohibition on the furnishing to minors - vending machines. Prohibits persons from knowingly distributing cigarettes or tobacco products to persons under 18 years of age. Prohibits persons under

18 years of age from purchasing cigarettes or tobacco products. Prohibits the offering for sale or the sale of smokeless tobacco products in vending machines. Prohibits the offering for sale or the sale of cigarettes or tobacco products, other than smokeless tobacco products, in vending machines that do not display a specified warning sign. Makes violations of such prohibitions a class 2 petty offense and imposes a \$25 fine per violation. States that municipalities may enact ordinances which prohibit persons under 18 years of age from purchasing cigarettes or tobacco products.

APPROVED by Governor June 26

EFFECTIVE July 1

H.B. 1088 Theft offenses - theft by receiving - decrease in time for aggravated motor vehicle theft - recovery of damages by victims. Amends a treble damages recovery provision relating to rights to stolen property to specify that the owner of stolen property may recover the greater of \$200 or 3 times the amount of actual damages in an action against the taker or possessor of his property. Decreases the length of time of possession of a motor vehicle for purposes of the aggravated motor vehicle theft statute from 72 hours to 24 hours and decreases the length of time of removal of a motor vehicle from this state for purposes of the statute from 48 hours to 12 hours. Decreases from 3 to 2 the number of stolen things necessary to constitute prima facie evidence that a person is engaged in transactions for profit in stolen goods.

APPROVED by Governor May 8

EFFECTIVE July 1

H.B. 1139 Criminal offenses - procedural changes - creation of new offenses and penalties - technical amendments. Eliminates the right to a preliminary hearing for persons accused of a class 1 misdemeanor. Establishes procedures by which a person may plead guilty in one county to crimes committed in 2 or more counties. Authorizes the court to provide airplane tickets to out-of-state witnesses. Includes sexual assault among the offenses for which evidence of similar transactions is admissible. Allows the district attorney to file complaints alleging probation violations. Allows the court to impanel a new jury solely for the purpose of retrying habitual criminal counts after the first such trial ends in a mistrial.

Includes as an aggravating factor for purposes of an enhanced penalty that the defendant was on bond for having pled guilty to a lesser offense when the original offense charged was a felony. Extends the period during

which a trial must be held by 6 months when the defendant fails to appear on his trial date. Increases the penalty for enticement of a child when the defendant has a prior conviction for conspiracy to commit or for attempted commission of enticement of a child or sexual assault on a child or when the enticement results in bodily injury to the child. Creates the offense of theft from the person of the elderly or handicapped. In imitation controlled substances cases, disallows the defense that the defendant believed the substance was a genuine controlled substance.

Makes unlicensed motor vehicle dealers subject to a fine of \$2,500. Expands the definition of "motor vehicle dealer" to include the owner of real estate upon which 3 or more motor vehicles are offered for sale. Makes the offering for sale of 3 or more motor vehicles at the same address or telephone number in any one calendar year prima facie evidence that a person is engaged in the business of selling motor vehicles.

Creates the offense of tampering with a public water system or with public drinking water and provides criminal and civil penalties for such offense.

Expands the offense of charitable fraud to include a person's failure to disclose certain facts, misrepresentation of a material fact, or assumption of a false identity in the course of soliciting contributions for a charitable purpose.

Makes technical and clarifying amendments to criminal statutory provisions.

APPROVED by Governor June 3

EFFECTIVE July 1

H.B. 1167 Equity skimming - penalties. Creates the crime of equity skimming of real property as a class 4 felony. Requires at least 2 instances of illegal conduct before a person may be convicted of the crime. Creates defenses to the charge of equity skimming of real property.

Creates the crime of equity skimming of a vehicle as a class 5 felony.

Allows a condominium association which charges fees for the upkeep of common areas to proceed pursuant to rule 102 of the Colorado rules of civil procedure if such fees have not been received by the association for a period of 90 days.

APPROVED by Governor May 16

EFFECTIVE July 1

CRIMINAL PROCEDURE

S.B. 127 Community or useful public service - sentencing alternative - traffic offenses - alcohol-related driving offenses. Establishes community or useful public service as a sentencing alternative for misdemeanor offenses and for class 1 and 2 traffic offenses. Sets conditions and restrictions on such public service sentences.

Under the statutory provision providing for useful public service sentences for persons committing alcohol-related driving offenses, changes the required coverage in general public liability insurance policies from \$1,000,000 for a combined single limit to the current limit on government liability provided for in the "Colorado Governmental Immunity Act". Increases the fee imposed on such persons from \$40 to \$60.

APPROVED by Governor May 20

EFFECTIVE July 1

H.B. 1042 Sexual assault - statute of limitations. Extends the statute of limitations from 3 to 10 years for felony sexual assaults committed on or after July 1, 1984, where the victim is 15 years of age or older. Extends the statute of limitations from 18 months to 5 years for misdemeanor sexual assaults committed on or after January 1, 1986, where the victim is 15 years of age or older.

APPROVED by Governor March 11

EFFECTIVE July 1

H.B. 1095 Death penalty - murder during attempted commission of felony. Adds as an aggravating factor for purposes of the imposition of the death penalty the case in which a defendant intentionally causes the death of a nonparticipant during the attempted commission of a class 1, 2, or 3 felony.

APPROVED by Governor April 30

EFFECTIVE April 30

H.B. 1096 Tracking of offenders. Defines "offender" and requires the reporting of certain identification and arrest information concerning an offender at the different stages of the offender's progress through the criminal justice system. Requires such information to be provided to the Colorado bureau of investigation by the court or the district attorney after the final disposition of the case. Requires a court to order the fingerprinting of any offender not yet fingerprinted for the charge pending before the court and further requires

that such fingerprints be sent to the Colorado bureau of investigation within 25 hours after completion.

APPROVED by Governor April 30                      EFFECTIVE      July 1

H.B. 1116 Bad checks submitted by criminal defendants - assessment of charge. Authorizes the assessment of a charge of \$15 against a defendant for collection of any bad check submitted by said defendant including a check received as a restitution payment.

APPROVED by Governor April 6                      EFFECTIVE      July 1

H.B. 1233 Defense of mental condition - waiver of physician-client privilege. States that a defendant who places his mental condition at issue in a criminal case waives, for the purpose of any trial or hearing concerning such mental condition, any claim of confidentiality as to communications made by him to a physician or psychologist who treats him for such mental condition.

APPROVED by Governor May 16                      EFFECTIVE      July 1

H.B. 1280 Forfeiture proceedings - public nuisance act - Colorado Contraband Forfeiture Act - Colorado Organized Crime Control Act. Establishes procedures whereby property may be confiscated and forfeited under the public nuisance statutes. Expands the definition of "public nuisance" to include buildings or vehicles used for unlawful possession of a controlled substance or vehicles used in the commission of vehicular eluding or hit and run resulting in serious bodily injury or death.

Specifies the elements of an affirmative defense to forfeiture actions and enumerates factors to be considered by the court in determining whether or not the owner of property would suffer "undue hardship" as a result of forfeiture of his property. Specifies circumstances under which currency can be subject to forfeiture and allows such currency to be placed in an interest-bearing account while the proceedings are pending. Allows the attorney general, with the consent of the district attorney, to bring an action for forfeiture.

Rewrites provisions for temporary restraining orders. Allows property forfeited to be transmitted directly to the seizing agency for use in law enforcement. Allows personal property to be seized when such seizure is incident to a lawful search or arrest. Provides that the title to real or personal property

subject to forfeiture shall vest in the state or seizing agency at the time of the physical seizure of the property or at the time of the issuance of court process for the seizure of the property, whichever occurs first. Requires seizing agencies to report to their respective governing authorities on moneys or property received.

Clarifies existing procedures and specifies additional ones for forfeiture proceedings brought pursuant to the "Colorado Contraband Forfeiture Act". Excludes possession of less than 8 ounces of marihuana from seizure under the act and requires 10% of the proceeds from forfeited property to be deposited in the general fund to pay for costs attributable to forfeiture proceedings.

Allows a money judgment of forfeiture to be awarded in civil proceedings under the "Colorado Organized Crime Control Act". Clarifies that such proceedings may be brought even if the defendant has not been charged with or convicted of an offense under said act.

APPROVED by Governor June 16

EFFECTIVE July 1



EDUCATION - PUBLIC SCHOOLS

H.B. 1175 Handicapped children - program costs. Requires the state board of education to promulgate rules and regulations to define the types and amounts of costs in excess of applicable revenues that a school district of residence must pay as tuition to educate a handicapped child elsewhere.

Directs the agency responsible for out of home placement of a handicapped child to work cooperatively with the administrative unit of attendance in which the agency wishes to place the child, prior to the placement of such child, to ensure that appropriate educational and residential services are available. Prohibits the placement of a handicapped child unless the administrative unit is able to ensure the provision of appropriate educational and residential services.

Allows an administrative unit of residence to contract with another entity to provide a special education program for a handicapped child. Requires such entity to document its costs for educating such child to the department of education. Requires the department of education to establish the tuition charge which shall be the maximum amount the school district of residence shall be obligated to pay for the special education program. Allows a school district to pay a higher tuition charge for students in need of specialized services which services were included in the individual education plan but which were not included in the tuition charge established by the department.

Requires the state board of education to promulgate rules and regulations to establish a tuition cost formula.

Allows a school district to pay tuition costs approved by the department of education but which costs were not reimbursable by the department under the established tuition cost formula.

Requires recommendations to be submitted to the general assembly by January 1, 1988, on the financing of handicapped education programs.

APPROVED by Governor May 16

EFFECTIVE May 16

H.B. 1178 Recovery of penalty and interest fees from school districts, boards of cooperative services, and group care facilities and homes. Authorizes the commissioner of education to recover a penalty fee from current state payments to a school district, a board of cooperative

services, or a group care facility or home when certification by such district, board, facility, or home to the department of education for the determination of state funding is not supported by generally accepted accounting principles upon audit by the department. Establishes the penalty fee assessed at no less than \$50 and no more than \$20,000 per initial audit.

Authorizes the commissioner of education to recover an interest fee from current state payments to a school district, a board of cooperative services, or a group care facility or home when certification to the department of education by such districts, boards, facilities, or homes for the determination of state funding results in an overpayment.

APPROVED by Governor April 22

EFFECTIVE April 22

H.B. 1188 School attendance requirements. Exempts application of compulsory school attendance laws for students being instructed at home by a parent under an established system of home study.

Allows a school district to combine notice to a parent and child of failure to comply with school attendance laws together with a summons that proceedings will be initiated to compel compliance with the compulsory school attendance statute. Requires such proceeding to be initiated not less than 5 days from the date of the notice and summons.

Allows a court to order an investigation to be conducted, as provided in the "Children's Code", if the child fails to comply with a court order concerning school attendance.

Permits a court to include as a sanction, after a finding of contempt, an appropriate treatment plan having goals which ensure that the child obtain a quality education.

APPROVED by Governor May 22

EFFECTIVE July 1

H.B. 1327 School finance - ARB increase - property tax reassessment - second chance program. Authorizes increases in authorized revenue bases (ARBs) of school districts for 1988 as follows: \$115 for districts having the minimum ARB; \$66.45 for most districts having an ARB below the break point ARB; and \$33.22 for districts above the break point ARB. Establishes the break point ARB as a weighted average of districts whose ARBs are at or above the statewide average revenue base.

Reduces the minimum guarantee from \$10 to \$5.

Enacts a special formula for 1988 and 1989 to mitigate the effects of property tax reassessment. Provides that the equalization program support level (the state guarantee per pupil per mill) will be increased according to the formula for qualifying districts. Defines a qualifying district as one in which the percentage increase in the amount raised per pupil by a one-mill levy exceeds the percentage increase in the state guarantee plus 5%.

Provides that cuts in state appropriations for the 1986-87 fiscal year will be apportioned among districts according to their ARBs, not according to the amount of state aid received.

Makes the "second chance" program, which enables students who have dropped out of school to attend eligible public schools in districts other than their district of residence, permanent by repealing the current July 1, 1987, termination date.

APPROVED by Governor June 20

EFFECTIVE June 20

H.B. 1337 School finance - excess state equalization payments due to incorrect county valuation for assessment - reimbursement determination. For the property tax year commencing January 1, 1985, conforms the method for determining the amount the county shall repay the state for excess state equalization payments made to school districts within the county to the method in place prior to such property tax year. Specifically provides that reimbursement shall be based on the difference between the value arrived at by the county assessor pursuant to the reappraisal ordered by the state board of equalization and the value (deemed incorrect by the state board of equalization) arrived at by the county assessor in the prior year.

APPROVED by Governor July 1

EFFECTIVE July 1

H.B. 1359 School districts - fiscal year - state fiscal year. Repeals the statute which provided that, effective January 1, 1988, the calendar year would be the state's fiscal year.

Requires that, effective July 1, 1989, the fiscal year of school districts will begin on July 1 and will end on the following June 30. Directs the general assembly to enact implementing legislation in its 1988 regular session.

Provides for a legislative council study concerning the change in the school district fiscal year. Mandates that the study examine the use of the same fiscal year for all units of government and the feasibility of altering the property tax calendar. Requires a report on or before January 1, 1988.

APPROVED by Governor July 1                      EFFECTIVE      July 1

H.B. 1378 Educational television. Repeals provisions for state aid for instructional television.

APPROVED by Governor July 11                      EFFECTIVE      July 1

Note: Although the effective date stated in the act is July 1, 1987, the Governor did not sign the act until July 11, 1987.

EDUCATION - UNIVERSITIES AND COLLEGES

S.B. 48 Consortium of state colleges - board of trustees. Continues faculty representation on the board of trustees of the consortium of state colleges.

APPROVED by Governor April 22                      EFFECTIVE April 22

S.B. 66 Colorado state university - veterinary medicine program - fees. Eliminates the following 2 fees assessed against cooperative states or accountable students in the veterinary medicine program: The fee based on the cost of using some facilities in the program; and the fee based on owning and operating costs of the new hospital. Replaces such fees with a fee to be assessed on accountable students for acquisition of equipment and renovation. Specifies that the proportional amount to be paid by the state of Colorado for such acquisition and renovation shall be determined by the annual ratio of Colorado students to accountable students.

APPROVED by Governor May 28                      EFFECTIVE July 1

S.B. 165 Department of institutions - transfer of property in Mesa county. Authorizes the transfer of certain described real property in Mesa county from the department of institutions to the consortium of state colleges for use by Mesa college.

APPROVED by Governor May 20                      EFFECTIVE May 20

H.B. 1017 Undergraduate fellowship program - name change - expansion - nonresident students in Colorado. Changes the name of the undergraduate fellowship program to the educational exchange program. Allows graduate students to participate in the program. Expands the number of Colorado students who may participate in the program from 50 to 100. Forbids nonresident students attending Colorado institutions from applying time spent in the fellowship program toward satisfaction of residency requirements for tuition purposes.

APPROVED by Governor March 12                      EFFECTIVE March 12

H.B. 1018 Open meetings - applicability to governing boards of state institutions of higher education. Specifies that the regents of the university of Colorado and all other governing boards of state institutions of higher education are subject to the open meetings requirements

of the sunshine act unless holding an executive session for any of the following reasons:

(1) To consider the acquisition of property as a gift, but only if an executive session is requested by the donor;

(2) To confer with an attorney concerning specific claims or grievances or for purposes of receiving legal advice on specific legal questions;

(3) To consider matters concerning the modification, initiation, or cessation of patient care programs at the university of Colorado university hospital;

(4) To consider the appointment or employment of a public official or employee or the dismissal, discipline, promotion, demotion, or compensation of, or the investigation of charges or complaints against, a public official or employee;

(5) To review administrative actions regarding investigation of charges or complaints and attendant investigative reports against students where public disclosure could adversely affect the person or persons involved, unless the students have specifically consented to or requested the disclosure of such matters.

APPROVED by Governor March 27

EFFECTIVE March 27

H.B. 1021 Draft registration prerequisite to enrollment in state-supported institutions of higher education. Requires males born after December 31, 1959, to file a statement certifying compliance with federal draft registration requirements in order to be eligible to enroll at state-supported institutions of higher education. Specifies when such statement of registration compliance shall be given. Makes knowingly giving false information in such statement of registration compliance perjury in the second degree.

BECAME LAW without Governor's signature  
EFFECTIVE

March 24  
July 1

H.B. 1093 Student loans - consolidation and refinancing. Authorizes the student loan division in the department of higher education to guarantee, originate, service, make, and purchase consolidation loans of refinancing loans for all persons eligible for the consolidation and refinancing of student loans under Part B of Title IV of the federal "Higher Education Act of 1965", as amended.

Defines "student loans" to mean those loans eligible for consolidation and refinancing under the federal act.

Within the statutory provisions pertaining to the authority of the Colorado student obligation bond authority, redefines "student obligations" to include those loans eligible for consolidation and refinancing under the federal act.

APPROVED by Governor Feb. 26

EFFECTIVE Feb. 26

H.B. 1180 Colorado commission on higher education - commission directive - study of administrative expense reduction. Authorizes and directs the Colorado commission on higher education, in consultation with the governing boards of state-supported institutions of higher education, to develop policies concerning administrative cost reduction and to report its recommendations to the general assembly.

APPROVED by Governor April 22

EFFECTIVE April 22

H.B. 1181 Postsecondary education system - appropriations - grants. Requires the general assembly to make separate appropriations to the governing boards for the campus of the university of Colorado associated with the Colorado university hospital and the veterinary medicine program of Colorado state university which are consistent with formulas developed by the Colorado commission of higher education.

Modifies the amount allowed for direct grants made to junior college districts from \$700 per resident full-time student, which could be increased in certain circumstances, to an amount not to exceed 2/3 of the average amount of general fund support for each full-time equivalent resident student at state system community colleges. Eliminates the requirements that an additional grant amount be made for each full-time equivalent resident student enrolled in occupational courses and that the board of a junior college submit a copy of its approved budget each fiscal year.

Changes the grant reimbursement for area vocational schools from an amount not to exceed the amount of grants authorized for occupational students at junior college districts to an amount no greater than 25% more than the amount of such grants for junior colleges.

APPROVED by Governor June 16

EFFECTIVE June 16

H.B. 1187 School of mines - retention of money derived from sale or lease of land. Allows the Colorado school of mines to retain income derived from the sale or lease of public lands belonging to the school of mines.

APPROVED by Governor April 22                      EFFECTIVE April 22

H.B. 1234 Trustees of the consortium of state colleges - authorization to sell real property - undergraduate enrichment fund. Authorizes the trustees of the consortium of state colleges in Colorado to sell real property owned by the trustees subject to certain conditions. Requires that the proceeds from such sale be placed in the state colleges undergraduate enrichment fund under the exclusive control of the trustees. Provides that moneys in the fund may be used for certain types of investments and that the interest earned thereon may be used to annually fund programs for the advancement and enrichment of undergraduates at institutions of higher education under the control of the trustees.

APPROVED by Governor May 1                      EFFECTIVE May 1

H.B. 1237 Faculty members - termination of employment. Repeals statutory provisions providing procedures for the termination of employment of faculty members at certain publicly controlled institutions of higher education.

VETOED May 10

H.B. 1345 Centers of excellence - funding. Provides that appropriations for centers of excellence in higher education are discretionary, not mandatory, and makes the one percent allocation to such centers subject to available appropriations.

APPROVED by Governor June 1                      EFFECTIVE June 1

H.B. 1354 Faculty members - termination of employment. Repeals statutory provisions providing procedures for the termination of faculty members at certain publicly controlled institutions of higher education. Requires the governing boards of such institutions to maintain policies and practices which afford due process procedures for faculty members who are terminated.

APPROVED by Governor July 1                      EFFECTIVE May 1, 1988

Note: The repeal provision was also contained in H.B. 1237 which was vetoed by the governor.



H.B. 1364 Colorado advanced technology institute - development of plan for international research centers - modification of structure of institute's commission. Declares that it is critical to the state's economy to establish international research centers for science and technology, and that the Colorado advanced technology institute (CATI) is the suitable entity to administer and govern such centers.

Requires CATI to develop a plan for creation of said international research centers with a preliminary report to be presented to the general assembly by August 1, 1987, and a final report to be presented by January 1, 1988.

Changes the membership and terms of the CATI commission including altering the commissioner appointed by the Colorado commission on higher education to a nonvoting commissioner and increasing the number of commissioners appointed by the governor from 6 to 7.

Specifies the duties and authority the CATI commission shall have in administering and governing the international research centers if the final report and plan are accepted by the general assembly.

States that the \$2 million appropriation to CATI in the general appropriation bill for the fiscal year 1987-88 shall be used to promote and support research in telecommunication and superconductivity, excluding \$50,000 which shall be used for the study and plan of the international research centers.

APPROVED by Governor July 10

EFFECTIVE July 10

H.B. 1379 Regulation of private occupational schools - exemption - cash funding. Authorizes the state board for community colleges and occupational education to establish fees for the direct and indirect costs of administration relating to private occupational schools, which fees shall accompany any application for a certificate of approval for a new school or for a school other than a new school, for an agent's permit, or for a change of ownership. Authorizes the board to establish a fee for reviewing the qualifications of and issuing credentials to instructors and administrators. Credits such fees to the private occupational schools fund and makes moneys in the fund subject to annual appropriation by the general assembly for the direct and indirect costs of administering the article regulating private occupational schools.

APPROVED by Governor July 1

EFFECTIVE July 1

## ELECTIONS

S.B. 101 Elections - registration sites - arrangement of names on ballots - disclosure statements. Establishes hours and procedures for branch registration sites. Authorizes the establishment of mobile registration sites.

Prohibits the use by any person of the name of a political party unless such person has received permission from the executive committee of the political party.

Requires a candidate to receive 30% or more of the votes cast at the assembly to qualify for placement on the primary election ballot. Limits the assembly to 2 ballots to designate candidates for the general election. Increases the time required for filing petitions for nominations from 45 days to 55 days before the primary election.

Provides that votes cast for a candidate who has withdrawn his designation or nomination shall be deemed invalid.

Establishes a procedure for a lot drawing for the arrangement of names for offices on the general election ballot.

Extends the absentee voter provisions to include elderly persons.

Requires a registered elector who is protesting the registration of any person whose name appears in a registration book to state the facts supporting the challenge and provide documentary evidence to support the challenge and authorizes the county clerk to either: Cancel the registered elector's name from the registration book; mark the elector as "inactive"; or deny the challenge to cancel.

Provides that any candidate who fails to file a candidate affidavit or a disclosure statement shall be disqualified as a candidate.

APPROVED by Governor June 26

EFFECTIVE June 26

H.B. 1063 United States senatorial vacancy - temporary appointment. Until a general election can be held, provides that vacancies in unexpired terms of a United States senator from Colorado shall be temporarily filled by the governor by appointment of one of 3 persons nominated by the membership of the state central

committee of the same political party represented by the former senator.

VETOED April 16

Note: For a later bill dealing with U.S. senatorial vacancies, see H.B. 1356.

H.B. 1148 Absent voters' ballots - time periods for delivery. Increases the period of time before a general election or a congressional vacancy election for the delivery of absent voters' ballots to absent voters' polling places from the fifteenth day preceding such election to the thirtieth day preceding such election.

APPROVED by Governor April 16

EFFECTIVE April 16

H.B. 1200 Voter registration - procedure for cancellation. Repeals and reenacts provisions relating to the cancellation of registered electors from the county registration book. Sets up a procedure whereby a registered elector first acquires "Inactive" status and then is cancelled from the registration book unless his status is changed to "Active".

Specifies that a registered elector's "Inactive" status may arise if communication mailed to him by the county clerk and recorder was returned as undeliverable, if his registration sheet was marked "Inactive" on May 15, 1987, or if he failed to vote in a general election. Permits such an elector to change his status to "Active" by making current his registration information prior to or on the day of any primary, general, or congressional vacancy election or by voting in any such election.

If a registered elector's "Inactive" status has not been changed to "Active" within 45 days after any general election, provides that the county clerk and recorder mail such elector a continuance card which the elector may return so that his name is retained on the registration book. Provides for the cancellation of the elector's registration if he fails to return the card or if the card was returned to the clerk and recorder as undeliverable.

Requires the county clerk and recorder within 120 days following any general election to provide the county chairmen of the 2 major political parties with information concerning those registered electors who have been canceled from the registration book.

Provides that registered electors who have been deemed "Inactive" shall not be prohibited from voting in any local election although taking such action shall not result in a registered elector's return to "Active" status.

Makes conforming amendments.

BECAME LAW without Governor's signature  
EFFECTIVE

May 15  
May 15

H.B. 1223 Election laws - term "registered elector" - changes in election procedure. Replaces the term "qualified elector" with the term "registered elector" or strikes the word "qualified" if used with the term "registered elector" in order that the single term "registered elector" is used consistently throughout the statutes to identify the type of elector who is eligible to act pursuant to the specific statutory provision. Provides that, notwithstanding the change in terms, any acts or elections which were conducted prior to July 1, 1987, pursuant to statutory provisions which refer to a "qualified elector" rather than a "registered elector" shall be deemed valid.

Modifies the number of days allowed for voter registration to 25 days in the following elections: Any primary, general, or congressional vacancy election, any regular biennial, special, or recall school election, and any municipal election. Clarifies that a certificate of registration shall be issued by the county clerk and recorder if requested on the day of certain elections. Changes the manner and time limits for changing an address with the county clerk and recorder. Eliminates a ground for a registered elector to lose his party affiliation.

With respect to school elections, amends the residence requirements of an election judge and the manner in which such judge shall record a voter in the pollbook. Specifies that in recall elections the board of education shall adopt a schedule to modify the time of the regular biennial election so that the recall election is conducted within the prescribed deadline. Prohibits a recalled school director from being a candidate to fill the vacancy. Eliminates the specific absentee voter's ballot provision for elections authorizing a local revenue base in order to make procurement of the absent voter's ballot the same as in other school elections. Specifies when a school election may be cancelled.

Amends provisions under the municipal election code on absentee voting to provide for handicapped and elderly

registered electors. Provides that certain absentee voting requirements need not be met if a handicap or advanced age is the basis for the request. Amends the registration requirements of election judges and the number of days before an election during which nomination petitions for municipal offices may be amended.

Clarifies the time for holding a regular or special election in a special district following publication of the notice of election. Changes the deadlines for acting with respect to the nomination of special district directors, the establishment of polling places, and the application for an absent voter's ballot. Modifies who may vote at special district elections. Permits a family member to sign an absent voter's ballot application for a special district election.

Within the "Three Lakes Water and Sanitation District Act", amends the definition of "elector", who is entitled to vote at the district election, and how notice of the election is to be given. Modifies requirements regarding district election laws and instructions for judges, absentee voting, and compensation for judges of elections.

APPROVED by Governor June 9

EFFECTIVE July 1

H.B. 1356 United States senatorial vacancy election. Requires vacancies in unexpired terms of a United States senator from Colorado to be filled by a senatorial vacancy election. Provides that a senatorial vacancy election shall be conducted in the same manner as a congressional vacancy election. Repeals the provision requiring the governor of this state to make a temporary appointment to fill a United States senate vacancy until the vacancy is filled at a general election.

VETOED June 20

## FINANCIAL INSTITUTIONS

S.B. 44 Insolvency of banks - issuance of emergency grant of a branch facility for limited time period and conversion of such facility to a state bank - increased time period of notice of an impairment of capital - priority of claims upon liquidation of an insolvent bank - additional protection for public moneys in banks upon or prior to insolvency. Allows a state bank to offer for sale at a private sale the shares of a defaulting stockholder who does not pay an assessment to remedy an impairment of capital within a specified period of time. Authorizes the banking board for good cause shown to extend the period of time in which such an assessment must be paid.

Authorizes the banking board to issue to a bank, which has its principal place of business in this state and which has acquired a closed bank, an emergency grant of authority to operate a branch facility at or near the location of such closed bank for a period of 5 years, which may be extended for an additional period of 3 years. Provides for the conversion of such branch facilities to state banks within a specified period after the issuance of the emergency grant of authority. Repeals provisions authorizing emergency grants of branch facilities July 1, 1992, but provides that such repeal shall not affect any bank's authority to operate a branch facility during the 5-year period or to obtain an extension during such period.

Sets priorities for claims for payment on liquidation of a state bank. Authorizes the commissioner of banking to retain jurisdiction over and responsibility for collateral pledged pursuant to the "Public Deposit Protection Act of 1975" and clarifies the criminal penalties for violating the act. Increases the maximum amount of fine for a violation from \$500 to \$2000.

APPROVED by Governor May 1

EFFECTIVE May 1

S.B. 117 Industrial banks - membership in the federal deposit insurance corporation or the federal reserve system - assistance in obtaining such membership - dissolution of the industrial bank savings guaranty corporation and distribution of the assets thereof. Requires that by September 1, 1987, industrial banks that are members of the industrial bank savings guaranty corporation of Colorado shall apply for membership in the federal deposit insurance corporation or the federal reserve system. Provides that after July 1, 1989, unless an extension is granted by the state bank commissioner, no industrial bank may accept or hold savings obligations

unless such obligations are insured by the federal deposit insurance corporation. Authorizes the guaranty corporation to make capital assistance loans to any member industrial bank from the guaranty fund to enable such member bank to increase its capital sufficiently to satisfy federal deposit insurance corporation or federal reserve system membership requirements. Specifies the conditions for making any capital assistance loan to any member bank and the requirements for repaying any such loan. Authorizes the directors of the guaranty corporation to take measures to facilitate the acceptance of member industrial banks as members of the federal deposit insurance corporation or the federal reserve system. Establishes procedures for the distribution of the assets of the guaranty corporation and for the dissolution thereof. Allows the state bank commissioner to authorize an industrial bank which is a member of the federal deposit insurance corporation to operate as a branch facility for up to 5 years another industrial bank which it has acquired and which is required to have its deposits insured by the federal deposit insurance corporation by July 1, 1989, and which has capital and surplus of less than \$500,000. Allows such grant of authority to be extended for an additional 3 years if certain conditions are met. Provides for the conversion of a temporary branch facility into an industrial bank. Repeals provisions related to temporary branch facilities on July 1, 1992.

APPROVED by Governor May 16

EFFECTIVE May 16

H.B. 1070 Savings and loan associations - insurance with federal savings and loan insurance corporation. Requires a savings and loan association to insure its shares and obligations with the federal savings and loan insurance corporation. States that it is the intent of the general assembly to establish, as a supplement to federally authorized insurance, a means for insuring savings and loan association accounts by a Colorado nonprofit corporation.

APPROVED by Governor March 11

EFFECTIVE July 1

H.B. 1238 Savings and loan associations - authority of commissioner - reimbursement for disclosures in civil actions. Allows the state commissioner of savings and loan associations to deny a depository the right to accept and hold additional public deposits if it violates any regulation of the commissioner or any provision of the "Savings and Loan Association Public Deposit Protection Act". Authorizes the commissioner to promulgate regulations requiring a depository to reduce or eliminate its

uninsured public deposit liability or to pledge additional eligible collateral in certain cases.

Allows a savings and loan association to be reimbursed for costs associated with complying with a subpoena.

APPROVED by Governor May 1

EFFECTIVE May 1

H.B. 1248 Credit unions - loans to directors or officers - trustees under preneed funeral contracts - workmen's compensation deposits for minor dependents. Establishes requirements under which credit unions may make loans to their directors and officers. Allows credit unions to accept deposits of funds as trustees under preneed funeral contracts. Allows the director of the division of labor to safeguard workmen's compensation payments made to minor dependents by depositing such payments in credit unions insured by the national credit union share insurance fund.

APPROVED by Governor May 8

EFFECTIVE May 8



GENERAL ASSEMBLY

S.B. 197 Southwest regional energy council - state membership. Declares the southwest regional energy council to be a joint governmental agency of this state and of other states which cooperate with the council. Authorizes the general assembly to subscribe to membership in the council and to pay membership fees. Repeals the authorization to subscribe to membership in the council on March 15, 1989.

APPROVED by Governor July 10

EFFECTIVE July 10

GOVERNMENT - COUNTY

S.B. 23 Lodging tax - levy by board of county commissioners. Authorizes the board of county commissioners of any county to levy a lodging tax of not more than 2% within the county, except within any municipality already levying a lodging tax. Requires a proposal for such tax to be submitted at the next general election to the registered electors subject to such tax. Requires the department of revenue to collect, administer, and enforce the tax and authorizes the department to retain its costs for such tasks, based upon an annual cost analysis, which amount shall be credited to the general fund and shall be subject to appropriation by the general assembly.

Credits the revenue from such lodging tax to the county lodging tax tourism fund, which fund shall be used to advertise and market tourism and to reimburse the general fund for the cost of the election. Prohibits the use of such fund for capital expenditures, except for tourist information centers. Upon approval of the tax, requires the board of county commissioners to select a panel to administer the tourism fund and sets forth guidelines for the membership of such panel.

States that the authority to collect a lodging tax shall terminate 3 years from the date of enactment of the statutory provision unless reauthorized by the general assembly.

APPROVED by Governor May 6                      EFFECTIVE      May 6

Note: See S.B. 223 which allows the question of the lodging tax to be submitted at a special election until January 1, 1989.

S.B. 100 Ordinances for removal of refuse - assessment and collection of cost of removal. Allows counties to require property owners to remove junk, brush, and weeds from certain lots and tracts. Provides for removal by the county at the property owner's expense and for collection and foreclosure procedures in the event of nonpayment.

APPROVED by Governor May 14                      EFFECTIVE      May 14

S.B. 141 State-licensed group homes for persons with mental illness. Declares that the establishment of state-licensed group homes for the exclusive use of persons with mental illness is a matter of statewide

concern and that a state-licensed group home for 8 persons with mental illness is a residential use of property for zoning purposes.

Prohibits group homes for persons with mental illness from being located within 750 feet of other such homes, unless otherwise provided for by the county.

Requires a person to be screened by a mental health professional prior to such person's placement in a group home.

Prohibits persons found not guilty of a violent offense by reason of insanity or persons convicted of a violent felony from being placed in such group homes.

APPROVED by Governor May 18                      EFFECTIVE      July 1

S.B. 223 Lodging tax - special election. Specifies that, until January 1, 1989, the approval of a proposal for a county lodging tax shall be referred to the registered electors at a special election. After January 1, 1989, requires such approval to be submitted at a general election.

APPROVED by Governor June 20                      EFFECTIVE      June 20

Note: See S.B. 23 which authorizes the levying of the lodging tax.

H.B. 1014 Eminent domain - acquisition of county buildings. Authorizes counties to exercise the power of eminent domain to acquire land or buildings for various types of county facilities. Specifies the manner in which eminent domain shall be performed.

APPROVED by Governor March 13                      EFFECTIVE      July 1

H.B. 1080 Fees of county treasurer - processing of tax statements. Allows the county treasurer to charge a taxpayer an administrative fee of \$5 for processing a property tax statement when such statement is for an amount less than \$10 excluding certain license fees which may be collected. Provides that such fee shall be credited to the county general fund.

APPROVED by Governor April 30                      EFFECTIVE      April 30

H.B. 1210 Sales tax - levy to fund improvements within a local improvement district. Allows a county to fund improvements authorized to be constructed by a local

improvement district, except water or sewer systems, through the imposition of a limited sales tax throughout the district, in addition to assessments currently authorized, or by a combination of such assessments and tax. Requires such district to be contiguous. Prohibits the levying of such tax in any municipality in the county, except where the tax is being levied in territory which is annexed or incorporated, and prohibits the creation of a district across county boundaries. Requires a proposal for such tax to be referred to the electors of the district either by resolution of the board of county commissioners or by initiated petition of a specified number of electors of the district. Sets forth other requirements to be complied with prior to imposing such tax.

Requires construction contracts for improvements funded by such tax or by revenue bonds payable from such tax to be awarded by competitive sealed bidding. Provides for the dissolution of a district upon completion of the local improvements and payment of outstanding debts or bonds.

APPROVED by Governor May 7

EFFECTIVE May 7

GOVERNMENT - LOCAL

- S.B. 146 Colorado housing finance authority - expansion of powers - change of name. Expands the powers of the Colorado housing finance authority to include furnishing capital and providing financial assistance to businesses other than just small businesses. Creates the economic development fund in the authority for the purpose of financing projects and providing capital to businesses. Changes the name of the authority to the Colorado housing and finance authority.

APPROVED by Governor May 20

EFFECTIVE May 20

- S.B. 147 Colorado housing finance authority - debt limitation - issuance of notes, bonds, and other securities. Raises the permissible amount of outstanding indebtedness of the Colorado housing finance authority from \$1,800,000,000 to \$2,400,000,000. Repeals the debt limitation relating to the financing of projects or loans issued in connection with providing working capital to small businesses. Permits the authority to issue notes, bonds, and other securities secured by or evidencing loans or participations or other such interests.

APPROVED by Governor May 8

EFFECTIVE May 8

- H.B. 1008 Valuation for assessment - implementation of limitation - exclusions. Corrects statutory references to assure that the 5 1/2% limitation in effect for 1988 property tax collections will apply to entities that are subject to the 6% limitation for 1989 and thereafter.

Makes consistent the language addressing the following increases in valuation that are excluded from the total valuation for assessment for purposes of computing the limitation on property tax levies: Annexation or inclusion of additional land, the improvements thereon, and personal property connected therewith within the taxing entity for the preceding year; new construction and personal property connected therewith within the taxing entity for the preceding year; increased volume of production for the preceding year by a producing mine if said mine is wholly or partially within the taxing entity and if such increase in volume of production causes an increase in the level of services provided by the taxing entity; and previously legally exempt federal property which becomes taxable if such property causes an increase in the level of services provided by the taxing entity.

Replaces the term "taxing district" with the term "taxing entity" so that a single term "taxing entity" is used to refer to any body politic subject to revenue raising limitations.

APPROVED by Governor March 12

EFFECTIVE March 12

H.B. 1011 Local body politic levying property tax - term describing body politic. Replaces the terms "taxing authority" and "taxing district" with the term "taxing entity" in referring to a body politic which levies annual property taxes.

APPROVED by Governor April 30

EFFECTIVE April 30

H.B. 1012 Property taxes - news medium for publication of question of whether to grant an increased property tax levy above the revenue limitation imposed by law. Specifies that a newspaper published within the taxing entity or, if there is no such newspaper, then a newspaper published within the county which has general circulation within the taxing entity shall be the news medium for publicizing the question of whether to grant an increased property tax levy above the revenue limitation imposed by law.

APPROVED by Governor May 1

EFFECTIVE May 1

H.B. 1140 Statutory tax levy limitations - computation. Specifies that taxes paid on taxable property which had previously been omitted from the assessment roll of specified taxing entities shall be excluded from the amount of revenue which may be levied after computation of the limitation on increases of tax levies.

APPROVED by Governor April 16

EFFECTIVE April 16

H.B. 1183 Residency restrictions on public employment. Prohibits any local government from imposing residency restrictions on its employees, other than its elected officials, certain key employees, and specified appointed officials. Declares that residency restrictions on public employment are a matter of statewide concern and that statutory provisions preempt any local government provisions to the contrary.

VETOED May 21

H.B. 1252 Conservation trust funds - eligibility of school districts to receive conservation trust fund money - operation of recreation facilities and playgrounds. Includes within the definition of special district a school district which owned or operated as a successor in interest to a previously established park and recreation district a system of public recreation and

playgrounds prior to January 1, 1987, and which collected moneys and separately accounted for and devoted such moneys to the operation of such public system. Provides that school districts which are included within the definition of special districts are deemed to have been authorized to create conservation trust funds, and that any moneys collected and separately accounted for and devoted exclusively to the operation of a system of public recreation and playgrounds prior to January 1, 1987, are conservation trust funds. States that no such school district shall be entitled to the receipt of state conservation trust funds prior to April 22, 1987.

APPROVED by Governor April 22

EFFECTIVE April 22

GOVERNMENT - MUNICIPAL

S.B. 18 Fire and police pension association - use of moneys in policemen's pension funds - services - members' benefit provisions for fire chiefs - group health insurance plans for retirees - stabilization reserve. Expands the authority of municipalities to use moneys in policemen's pension funds. Authorizes the board of directors of the fire and police pension association to provide group health insurance plans for members who have retired. Directs the board of directors of the fire and police pension association to assess the results of a yearly, independent actuarial valuation of the fire and police members' benefit fund in order to determine whether the cost of providing the current level of statewide benefits is less than the total amount of contributions required from both the employers and the employees. Establishes in the fire and police members' benefit fund a new hire benefits account, which shall consist of an actuarial subaccount and a stabilization reserve subaccount and from which normal retirement benefits, any return or transfer of contributions, and separate retirement account benefits shall be paid. Provides for the allocation of moneys in the new hire benefits account to the actuarial subaccount, the stabilization reserve subaccount, and, for accounting purposes only, the individual separate retirement accounts of each member which shall comprise the stabilization reserve account. Provides the conditions under which moneys shall be allocated to individual separate retirement accounts and conditions under which the balances in such separate retirement accounts may be reduced. Provides for the administration of the individual separate retirement accounts and for options for the payment of moneys in such accounts to eligible retired members.

APPROVED by Governor April 16

EFFECTIVE July 1

S.B. 45 Annexation - eligible lands - limitations - impact report - judicial review. States that the contiguity required of annexed parcels shall not be affected by the existence of public lands, whether owned by the state, the United States, or any agency thereof, except county-owned open space, which lies between the annexing municipality and the land proposed to be annexed. Specifies that contiguity may be established by the annexation of one or more parcels in a series. Allows annexations to be completed simultaneously and considered together. Prohibits the annexation of any parcel of real property which would have the effect of extending a municipal boundary more than 3 miles in any direction from any point of a municipal boundary in any one year. Allows



the 3-mile limitation to be exceeded if the limitation would have the effect of dividing a parcel of property held in identical ownership so long as at least 50% of such property is within the 3-mile limitation. Allows the use of flag-pole annexations within the 3-mile limitation. Requires the annexing municipality to have a plan in place for the area to be annexed which describes, among other things, the location, character, and extent of public improvements in the area to be annexed.

Requires notice and a copy of the resolution and petition of annexation to be sent to any special district or school district having territory within the area to be annexed at least 25 days prior to the date for a hearing on the annexation. Requires the annexing municipality to prepare an impact report for all proposed annexations except those which are less than 10 acres and those which are waived by agreement of the municipality and the board of county commissioners governing the area to be annexed. Specifies that such report shall be prepared and filed with the board of county commissioners 25 days prior to the date of hearing. Specifies the considerations which must be included in the impact report. States that actions for judicial review must be brought within 60 days of the effective date of the ordinance.

APPROVED by Governor May 28

EFFECTIVE May 28

S.B. 243 State's contribution to fire and police pension fund - one-year reduction. For the calendar year beginning January 1, 1987, decreases the amount of the state contribution to the fire and police members' benefit fund from \$20 million to \$5.5 million. States that employer and employee contributions to policemen's and firemen's pension funds shall not be increased to compensate for the reduction of state assistance.

BECAME LAW without Governor's signature  
EFFECTIVE

July 11  
July 11

H.B. 1055 Fire and police pensions - members transferred or employed through an intergovernmental proceeding or agreement. Permits any employer resulting from an exclusion or dissolution or agreement or proceeding between or among existing employers to continue the pension plans of the employees transferred to such employer. Requires all members transferred to a resulting employer to have the rights and obligations they had prior to the creation of the resulting employer. Requires remaining and resulting pension plans to be actuarially sound after such agreement or proceeding.

Allows a resulting employer which had no members prior to the proceeding or agreement to continue as its pension plan the plan of a transferring employer. Empowers the board of directors of the fire and police pension association to authorize a resulting employer to consolidate preexisting retirement plans if the plans to be consolidated are identical, the benefits are equal for all covered members and are not reduced, and there is not an increase in member contributions.

APPROVED by Governor Feb. 13

EFFECTIVE Feb. 13

GOVERNMENT - SPECIAL DISTRICTS

S.B. 9 Notification deadline on boundary changes for property taxation purposes. Creates a deadline by which a court order of inclusion or exclusion changing a special district's boundaries must be filed in the office of the county clerk and recorder of the county in which the inclusion or exclusion took place in order for the special district to levy a tax on property within the district due to the boundary change.

APPROVED by Governor April 22

EFFECTIVE April 22

S.B. 195 Elections - failure to hold. If there are no duly elected directors of a special district and the failure to appoint a new board will result in the interruption of services that are being provided by the district, provides that the board of county commissioners of the county in which the organizational petition of the district is filed may appoint all of the directors of the board of the special district. Requires the board so appointed to hold a special election for directors within 6 months after their appointment. For purposes of administrative dissolution by the division of local government, precludes a special district from demonstrating that it has performed its statutory or service responsibility or will proceed to perform such responsibilities if it has failed to hold or properly cancel an election, no board has been appointed by the board of county commissioners, and there will be no interruption of services being provided by the district.

APPROVED by Governor May 16

EFFECTIVE May 16

H.B. 1138 Scientific and cultural facilities districts - creation - board of directors - voter approval of sales tax levy - collection and distribution of revenues. Creates the Denver metropolitan scientific and cultural facilities district, which consists of that area comprising the regional transportation district. Authorizes the district to submit to the registered electors within the geographical boundaries of the district at a general election the question of whether the district is authorized to levy and collect the following sales taxes: A .0065 sales tax to be distributed to the Denver museum of natural history, the Denver zoological gardens, the Denver art museum, and the Denver botanical gardens; a .0025 sales tax to be distributed to qualifying scientific and cultural facilities within the district; and a .0010 sales tax to be distributed to qualifying scientific and cultural facilities within the district.

Authorizes the creation of a scientific and cultural facilities district in any county with a population exceeding 100,000 and which is not included or partially included in the Denver metropolitan scientific and cultural facilities district. Allows the question of whether a district should be created and whether the district should be authorized to levy a .010 sales tax to be submitted to the registered electors of the county at a general election by petition signed by registered electors in the county or by resolution adopted by the board of county commissioners of the county.

Specifies the membership of the board of directors of a district and the terms of such members. Sets forth the powers and duties of the board.

Authorizes a board to levy said sales taxes on and after the January 1 following the election in which said sales tax or sales taxes were approved by the electors. Specifies that the collection, administration, and enforcement of said sales tax or sales taxes are to be performed by the executive director of the department of revenue. Specifies the distribution of sales tax revenues to qualifying scientific and cultural facilities within a district after deduction of certain costs of the district.

Repeals these statutory provisions on July 1, 1996.

APPROVED by Governor May 22                      EFFECTIVE      July 1

H.B. 1174 Dissolution proceedings. Changes the number of electors required for an application to dissolve a special district with 25,000 people or less from 5% of the electors or 50 electors of the special district, whichever is less, to 5% of the electors or 250 electors, whichever is less. Changes the number of electors required for such dissolution application for a special district with more than 25,000 people from 5% of the electors of the special district to 3% of the electors.

APPROVED by Governor May 8                      EFFECTIVE      May 8

H.B. 1217 Metropolitan districts - authority relating to telephone service. Authorizes metropolitan districts, in addition to their other powers, to finance line extension charges for new telephone construction for the purpose of furnishing telephone service exclusively in districts which have no property zoned or valued for assessment as residential.

APPROVED by Governor April 22                      EFFECTIVE      April 22

H.B. 1249 Rapid transit system for Denver metropolitan area - transit construction authority - regional transportation district. Creates a political subdivision of the state to be known as the transit construction authority. Authorizes such authority to establish a rapid transit system to connect the southeast business corridor with downtown Denver.

Vests the power of the authority in a 7-member board to be composed of the following members: 2 commercial property owners, one member of the board of directors of the regional transportation district, and 4 members with experience in the financing and operation of transportation projects.

Defines "fixed guideway rapid transit system" and authorizes the authority to construct such a system. Enumerates the administrative and financial powers of the board. Requires the officers and employees of the regional transportation district to cooperate with the board by providing all records or other documents requested by the board.

Defines "fixed guideway mass transit system" and directs the board of directors of the regional transportation district to construct and operate such a system in certain fixed guideway corridors in the Denver metropolitan area. Further directs the district to acquire the necessary right-of-way and to develop a financing plan to implement the phases of such system. Requires the district to report to the general assembly no later than January 1, 1988, as to the route alignment, cost estimates, construction timetables, and any requests for additional financing authority. Makes construction of the fixed guideway mass transit system contingent on the outcome of an election held to determine whether the district shall levy an additional sales tax to partially finance such system.

Authorizes the district to impose taxes and fees to defray the cost of construction of a fixed guideway mass transit system. Creates a fixed guideway account which shall consist of the revenues generated by the taxes and fees.

APPROVED by Governor May 22

EFFECTIVE May 22

H.B. 1266 Tunnels - construction, operation, and financing. Authorizes the creation of tunnel districts under the "Special District Act" for the purpose of constructing and maintaining toll tunnels or toll roads. Outlines additional powers which may be exercised by tunnel districts. Authorizes tunnel districts to issue

securities to defray the costs of tunnel projects and establishes procedures relating thereto.

APPROVED by Governor May 13

EFFECTIVE May 13

H.B. 1362 Regional transportation district - department of revenue to retain moneys for costs of collecting and administering sales tax. Provides that the net cost to the department of revenue of collecting and administering any sales tax imposed by the regional transportation district shall be retained by the department from the moneys collected from any such sales tax. Specifies that the cost of collecting and administering such sales tax shall be the audited net incremental cost thereof reduced by the amount of interest earned on such sales tax collections prior to distribution to the district.

APPROVED by Governor July 1

EFFECTIVE Jan. 1, 1988

GOVERNMENT - STATE

S.B. 2 Department of administration - master lease program. Defines "master lease program" and authorizes the executive director of the department of administration to develop such a program if he determines that the program will result in economic or other benefits. Requires the executive director to report to the joint budget committee on or before December 15 of each year as to the economic benefits achieved by the program.

Requires the lessor under a master lease program to be a nonprofit corporation and specifies the directors of such corporation. Makes payment obligations of the state under the master lease program subject to annual appropriations of the general assembly.

Authorizes the executive director to include whatever terms and conditions he deems necessary in lease-purchase agreements entered into under a master lease program. Further authorizes the executive director to enter into other agreements which he deems necessary in connection with the master lease program.

APPROVED by Governor June 20

EFFECTIVE June 20

S.B. 3 Art in public places program - supervision by Colorado council on arts and humanities - creation of prison inmate art fund. Makes works of art purchased pursuant to the capital construction allocation for the art in public places program part of a state art collection to be administered by the Colorado council on the arts and humanities. Requires that jury recommendations concerning the selection of artists for the program be presented to the council for review and final approval. Makes any significant changes in the design or construction of the work of art occurring after the selection of the artist subject to the approval of the jury and the council. Expands the definition of "works of art" to include environmental landscaping and restoration or renovation of existing works of art of historical significance. Abolishes the payment of honoraria to members of the juries and requires that such members be reimbursed for their travel expenses with funds deducted from the one percent capital construction allocation. Requires any moneys allocated for the acquisition of works of art which are not expended for such purpose to be used for the capital construction project itself or be transferred to the general fund. Requires the respective state agencies to bear the costs of maintaining and insuring the works of art. Allows the

state agencies and the council to make available works of art acquired under the program for exhibition in other public facilities. Limits participation in the program to residents of Colorado and nationally prominent artists.

Exempts correctional facilities, certain agricultural facilities, and certain juvenile detention centers from the one percent capital construction allocation for art requirement. Requires that each capital construction appropriation for a correctional facility include an allocation for a prison inmate art fund. Provides that moneys from such fund shall be used to allow inmates to create works of art to be displayed in each correctional facility. Authorizes the department of corrections to administer a competitive program among the inmates to determine which art projects shall be awarded moneys from the fund. Limits such awards to \$200 each.

APPROVED by Governor March 19

EFFECTIVE March 19

S.B. 11 Department of administration - appropriations for controlled maintenance projects. Extends the statutory provision which grants the executive director of the department of administration increased flexibility in administering appropriations for controlled maintenance projects.

APPROVED by Governor May 6

EFFECTIVE May 6

S.B. 52 Lottery money - use of moneys - limitation. Limits the use of lottery money to the acquisition and development of new state recreation areas or new recreational trails, the expansion of existing state parks, state recreation areas, or recreational trails, or capital improvements of both new and existing state parks, state recreation areas, or recreational trails. Allows the use of lottery moneys for maintenance and operation of state parks, state recreational areas, or recreational trails, or any portions thereof, that have been acquired with lottery moneys.

APPROVED by Governor May 20

EFFECTIVE July 1

S.B. 59 State lottery division - location of headquarters - appropriation. Provides that the lottery division rather than the city of Pueblo shall pay the expenses of Pueblo-based lottery division facilities and that the location of such facilities shall be determined by the department of revenue. Extends to 1992 the date at which



the general assembly shall review the location of state lottery division headquarters.

Appropriates \$94,668 to the department of revenue for allocation to the state lottery division to pay the expenses of the division's facilities.

APPROVED by Governor June 20

EFFECTIVE June 20

S.B. 61 Public employees' retirement system - unreduced benefits for early retirements - cost of living increases - reduction in employer contributions. Allows a member of the public employees' retirement association who retires between July 1, 1987, and August 31, 1987, inclusive, to receive full retirement benefits if the member's age plus his years of service credit equal 75 and if the member is at least 55 years of age. Allows certain members of the association to exempt themselves from membership in order to retire during said period. States that a teacher or administrative officer who retires during said period shall not be liable for damages for breach of an employment contract. Provides that members who retire during said period shall receive payments over a 2-year period for 1/4 of their unused accumulated sick leave.

Reduces the rate of employer contributions made by school districts to the public employees' retirement fund for the fiscal year beginning July 1, 1987, from 12.5% to 11.5%. Increases credit for 21 through 40 years of service from 1% to 1 and 1/4% of the final average salary per year. For benefits beginning after May 1, 1986, provides for the annual cost of living increase in benefits to occur on May 1 or November 1, whichever is earlier, following the date upon which a person has received benefits for at least 12 full months.

APPROVED by Governor June 20

EFFECTIVE July 1

S.B. 72 Private activity bonds - state allocation of private activity bond ceiling. Establishes a formula for allocating the state's total tax-exempt private activity bond issuance authority among the issuing authorities of the state. Requires 50% of the state's bond ceiling to be initially allocated among certain state issuing authorities. Requires that allocations made to such authorities be relinquished to the statewide balance on September 15 of each year unless bonds are issued or unless the authority notifies the department of local affairs of its intent to use the allocation for a carryforward purpose. Requires the remainder of the bond ceiling to be allocated or to be made available for allocation to local issuing authorities and, under

certain limited conditions, to state issuing authorities. If the amount of an issuing authority's allocation exceeds the amount of bonds actually issued or used for a carryforward purpose, requires the excess to be relinquished to the statewide balance.

Defines "designated local issuing authority" and provides a formula by which these authorities obtain a direct allocation of the state ceiling. Requires allocations made to such authorities to be relinquished to the statewide balance on September 15 of each year unless bonds are issued or unless the authority notifies the department of local affairs of its intent to use the allocation for a carryforward purpose.

Creates a bond allocations committee which reviews and recommends to the executive director of the department of local affairs statewide priorities for bond allocations. Requires the executive director to make allocations from the statewide balance to issuing authorities which are not designated local issuing authorities and, under certain limited conditions, to designated local issuing authorities and to state issuing authorities.

Requires the department of local affairs to notify the issuing authority of amounts allocated from the statewide balance. Provides that allocations of the statewide balance are only valid until the expiration of the statewide balance award period unless bonds are issued within such period.

Requires the executive director of the department of local affairs to determine which issuing authorities shall receive allocations for carryforward purposes.

APPROVED by Governor May 20

EFFECTIVE May 20

S.B. 83 Deputy state officials - salaries. Changes the salaries paid to the deputy secretary of state and the deputy state treasurer from \$27,500 per year to amounts set by the secretary of state and the state treasurer, respectively.

APPROVED by Governor July 10

EFFECTIVE July 10

S.B. 103 Colorado promotion association - appropriation. Creates the Colorado promotion association to promote the sale of Colorado products and services. Repeals the authority of the association on July 1, 1990.

Appropriates \$114,000 to the department of local affairs for allocation to the Colorado promotion association for implementation of the act, of which \$20,000 is from the general fund and \$94,000 is from funds received separately by the association.

APPROVED by Governor June 24                      EFFECTIVE    June 24

- S.B. 108    Governmental immunity - inclusion of health care practitioners. Includes the following persons as public employees for purposes of coverage under the "Colorado Governmental Immunity Act": Any health care practitioner employed full-time or any health care practitioner employed part-time by a public entity but who does not have an independent health care practice; any health care practitioner employed part-time by and holding a clinical faculty appointment at a public entity as to any injury caused by a health care practitioner-in-training under his supervision; and any health care practitioner-in-training who is a student of a public entity and who is working at either a public or nonpublic entity. Specifies when such persons maintain the status of a public employee.

APPROVED by Governor June 20                      EFFECTIVE    June 20

- S.B. 112    Governmental immunity - elimination of strict liability as applied to a public water or sanitation facility. States that no rule of law imposing strict liability shall be applied to a public entity or public employee under the "Colorado Governmental Immunity Act" in any action for an injury resulting from a dangerous condition of, or the operation and maintenance of, a public water facility or a public sanitation facility. Provides that liability shall be imposed in any such action only if negligence is proven.

APPROVED by Governor May 13                      EFFECTIVE    May 13

- S.B. 143    Public employees' retirement system - recodification. Repeals and reenacts article 51 of title 24 which governs public employees' retirement systems. Moves certain provisions concerning public employees' social security and county, municipal, and special district retirement systems to new articles in title 24. Consolidates and eliminates duplicative provisions relating to county, municipal, and special district retirement systems.

Requires at least one member of the PERA board of directors elected from the state division be an employee of a state institution of higher education and at least

one member not be an employee of such an institution. Modifies the procedure for filling a vacancy on the board. Makes the provision relating to the composition and election of the board take effect upon passage. Requires the board to conduct meetings in accordance with open meeting laws.

Allows the board of directors to keep records pertaining to members confidential. Requires the trustees of the board, the executive director, the deputy executive directors, and any association employee who is in a fiduciary position to comply with financial disclosure laws. Imposes personal liability on certain persons associated with PERA who violate laws governing the association. Establishes fiduciary responsibility and conflict of interest provisions concerning the board of directors. Provides for financial and performance audits to be conducted of all financial transactions and accounts of the association.

Eliminates the membership fee to join the public employees' retirement system. Standardizes certain benefits of retirees from the judicial division with benefits of retirees from other divisions. Defines a highest average salary as an average of annual salaries rather than as an average of monthly salaries. Allows members to purchase service credit at any time during membership up to and including the effective date of retirement. Eliminates the application fee for members purchasing service credit.

Combines multiple accounts for members who have more than one separate period of membership. Allows members with several refunded retirement accounts to reinstate any number of them at the member's discretion rather than at the same time. Establishes a uniform interest rate charged to members and employers.

Allows retirees from the state division to work the same number of days or hours for a PERA-affiliated employer after retirement as retirees from the school and municipal divisions. Allows members of the school, municipal, and judicial divisions with 35 years of PERA-covered service to retire at any age, as members of the state division presently can.

Eliminates the requirement that a retiring member must show an insurable interest in the life of a cobeneficiary when selecting a joint-life benefit option. Requires the general assembly to approve the health care premium subsidy after consideration of the recommendation of the board.

APPROVED by Governor May 28

EFFECTIVE July 1

S.B. 214 Personnel system - periodic salary increases - deferral for one year. Provides that, for employees in the state personnel system, no periodic salary increases for satisfactory performance and quality of performance scheduled to take effect during the fiscal year beginning July 1, 1987, shall be implemented, and that no employee shall be advanced to the next step in his assigned pay grade until the fiscal year beginning July 1, 1988.

VETOED May 27

S.B. 227 Appellate review of district court decisions regarding agency actions. Extends the time period in which a notice of intent to seek appellate review of district court decisions concerning agency actions must be filed from 30 days to 45 days.

APPROVED by Governor June 20 EFFECTIVE June 20

S.B. 234 Superconducting super collider project - site acquisition - transfer to federal government. Declares that permanently locating the superconducting super collider project in the state would enhance the economic vitality of the state and benefit the health, safety, and welfare of the residents of the state. Confers general powers and duties upon the executive director of the department of local affairs to: Enter into contracts; purchase, trade, or exchange real or personal property; employ officers and agents; enter upon property to determine its suitability for the project; and exercise all other necessary powers.

Empowers the executive director to acquire property for the site in the event the state is selected by the federal government as the site for the project. Grants the powers of eminent domain and dominant eminent domain to the executive director for the purpose of acquiring property for the project. Authorizes the executive director to convey such property to the federal government for the project.

Repeals the statutory provisions on December 31, 1989.

APPROVED by Governor July 1 EFFECTIVE July 1

S.B. 239 State contribution to public employees' retirement association - temporary reduction. Reduces by 2% the amount of employer contributions made by the state to the public employees' retirement fund for the fiscal year beginning July 1, 1987.

BECAME LAW without Governor's signature July 14  
EFFECTIVE July 14

S.B. 240 State personnel system - salary survey data collection - use of other surveys for salary survey recommendations. Requires the state personnel director to use appropriate surveys conducted by public or private agencies, rather than surveys conducted by the state personnel director, to determine comparable rates for salaries and fringe benefits prevailing in other places of public and private employment in the preparation of the annual salary and fringe benefit recommendations for employees in the state personnel system. Requires that for the fiscal year beginning July 1, 1987, salary survey recommendations which include a class in-grade hire rate increase shall not be implemented unless such implementation can be made within existing appropriations without laying off or terminating any employees.

BECAME LAW without Governor's signature July 11

EFFECTIVE July 1

Note: Although the effective date stated in the act is July 1, 1987, the act did not become law until July 11, 1987.

S.B. 242 Victims assistance program - appropriation of administrative costs from victims assistance fund. Provides for the appropriation by the general assembly of moneys in the victims assistance and law enforcement fund for payment of costs incurred by the division of criminal justice in administering said fund and in administering any victims and criminal justice assistance program authorized by federal law.

APPROVED by Governor July 1 EFFECTIVE July 1

S.B. 246 State data processing and information management - creation of commission on information management - abolition of division of automated data processing. Creates a commission on information management to perform the strategic planning and set the policy for the state's information systems. Makes the commission a type 1 agency consisting of 15 members, as follows: 8 members appointed by the governor from the private sector; the executive director of the department of administration; 3 members designated by the governor who are executive directors of other principal departments; the state court administrator; one member appointed by the president of the senate; and one member



Repeals the following provisions: A requirement that the division of purchasing send to the division of correctional industries copies of all purchase orders for goods and services that are available from the division of correctional industries; the designation of a nonprofit entity to allocate state agency purchase orders among nonprofit organizations for the severely handicapped; a requirement that duplicate invoices of printing products be filed with the state purchasing director; and the special account for parking fees.

APPROVED by Governor April 6                      EFFECTIVE      July 1

H.B. 1049 Department of administration - division of hearing officers - rules and regulations - name change to division of administrative hearings. Authorizes the executive director of the department of administration to promulgate procedural rules governing the conduct of hearings before the division of hearing officers. Changes the name of the division to the division of administrative hearings and the title of the hearing officers functioning therein to administrative law judges. Changes the requirements for employment as a hearing officer.

APPROVED by Governor March 13                      EFFECTIVE      March 13

H.B. 1059 Public employees' retirement system - addition of judge member to board. Includes a judge member on the public employees' retirement board to be elected by the active contributing judge members of the public employees' retirement association.

APPROVED by Governor March 12                      EFFECTIVE      March 12

Note: This same provision was enacted in H.B. 1173.

H.B. 1077 Controller - fiscal rules - expenses of state agencies. Authorizes the controller to provide by fiscal rule for the amount a state agency may draw from its appropriation for the payment of expenses incurred for incidental items, travel advances, and moving and relocation of employees. Provides that such fiscal rule may not authorize a sum in excess of \$1,500 for any of these purposes.

APPROVED by Governor April 22                      EFFECTIVE      April 22

H.B. 1099 State treasurer - authority to make payments for expenses related to the deposit of moneys in the state treasury. Allows the state treasurer to make payments, without appropriation, of all actual and necessary charges made by banks in which moneys received by the



treasury department are deposited. Requires the state treasurer to contract for bank services in accordance with the procurement code. Makes the criteria used by the state treasurer in selecting the vendor for bank services available to the general assembly and makes all contracts for bank services available for public inspection. Requires the state treasurer to submit a report to the general assembly which contains a summary of the bids submitted for bank services and a summary of the contract awarded.

APPROVED by Governor May 16                      EFFECTIVE      May 16

- H.B. 1136 Fire safety - advisory board - appropriation. Requires the fire safety advisory board to establish a fire service education and training program. Reconstitutes the fire safety advisory board and adds 2 members to such board. Requires the director of the division of fire safety to coordinate and administer the fire service education and training program and to compile a list of all scheduled fire service education and training programs available in the state. Creates a fire service education and training fund consisting of all moneys received by the director pursuant to the administration of the fire service education and training program.

Appropriates \$7,000 out of the fire service education and training fund to the department of public safety for allocation to the division of fire safety for the implementation of this act.

APPROVED by Governor July 1                      EFFECTIVE      July 1

- H.B. 1173 Public employees' retirement system - election of retired members to board. Expands the membership of the public employees' retirement board from 15 to 16 members. Modifies the method of electing retired members to said board by requiring one retired member to be elected by the association members who have retired from the state, municipal, or judges' division of the public employees' retirement association and one retired member to be elected by the association members who have retired from the school, municipal, or judges' division of the association.

APPROVED by Governor May 7                      EFFECTIVE      May 7

Note: The provision concerning the addition of a judge member to the board was also enacted in H.B. 1059.

- H.B. 1240 Lottery ticket sales agents - authority to retain unclaimed prize money. Authorizes the lottery commission to allow licensed sales agents to retain unclaimed lottery prizes, as determined by the rules of the



H.B. 1339 Public employees' retirement system - exemption of certain municipal officials. Eliminates the requirement that city managers and key municipal management staff have a retirement plan with the international city management association retirement corporation in order to be exempt from membership in the public employees' retirement system.

APPROVED by Governor May 20

EFFECTIVE May 20

H.B. 1342 Gubernatorial appointees - decrease in length of term of office for certain appointees - replacement of officeholders by governor. Decreases to 4 years the length of the term of office for members of the following state boards, commissions, and authorities: The banking board, the Colorado state board of examiners of architects, the state board of pharmacy, the Colorado podiatry board, the Colorado state board of chiropractic examiners, the state board of medical examiners, the state board of optometric examiners, the Colorado racing commission, the state board of veterinary medicine, the state board of parole, the advisory board for the Colorado school for the deaf and blind, the Colorado student obligation bond authority, the state council on the arts and humanities, the Colorado postsecondary educational facilities authority, the board of trustees for the university of northern Colorado, the board of trustees of the consortium of state colleges in Colorado, the advisory committee on commerce and development, the state housing board, the governor's traffic safety advisory committee, the Colorado land use commission, the Colorado health facilities authority, the advisory committee on governmental accounting, the Colorado housing finance authority, the oil and gas conservation commission, the state board of stock inspection commissioners, the Colorado state fair authority, the Colorado agricultural development authority, the board of assessment appeals, and the public utilities commission. Provides that, on June 15, 1987, all persons holding office on such boards, commissions, and authorities shall continue to serve in such office at the pleasure of the governor who may appoint a replacement to serve for the unexpired term. If the governor does not appoint a replacement on or before November 15, 1987, provides that the person holding office on June 15, 1987, shall no longer be subject to replacement pursuant to this statutory provision.

APPROVED by Governor June 15

EFFECTIVE June 15

H.B. 1343 Lobbying by state officials or employees - Colorado sunshine act of 1972 requirements. Requires each principal department of state government to designate one

person to be responsible for any lobbying done on behalf of the department. Requires all such designated persons as well as those who lobby for higher education to register with the secretary of state and prescribes information requested to be included in the registration statement. Requires the filing of a disclosure statement with the secretary of state in addition to the registration statement. Defines state official or employee for purposes of the act. Provides for certain individual exemptions from the registration and disclosure requirements.

BECAME LAW without Governor's signature  
EFFECTIVE

July 3  
July 3

H.B. 1346 Maintenance of state capitol buildings - department of administration contracts. Authorizes the department of administration to contract for the provision of maintenance for the state capitol buildings group, subject to legislative appropriations made for such purpose.

VETOED May 27

H.B. 1347 Department of administration - state buildings division - elimination - transfer of functions. Eliminates the state buildings division in the department of administration and transfers the functions of the division to other state agencies. Requires the division of accounts and control in the department of administration to maintain a record of the balances in the capital construction and controlled maintenance funds and to develop a method to assure compliance with appropriation provisions relating to capital construction and controlled maintenance projects.

Requires the office of state planning and budgeting to supervise the expenditure of funds appropriated for capital construction projects; to coordinate capital construction and controlled maintenance budget requests; to negotiate and execute leases; to develop architectural and mechanical standards; and to maintain an inventory of state property.

Requires each state agency to monitor inspection of construction projects; to develop facility program plans; to submit capital construction and controlled maintenance budget requests to the office of state planning and budgeting; and to enforce standards for the handicapped.

VETOED May 27

H.B. 1349 Legal services for state agencies - charges - contract review. Requires the department of law to provide an estimate of the number of hours it will charge to the account of any agency for legal services requested by such agency. Prohibits any attorney in the department of law from charging more than an average of 40 hours per week in any fiscal year without the specific authorization of the attorney general. Requires the attorney general to report to the general assembly as to the total number of hours charged to each state agency for legal services.

Prohibits review by any attorney in the department of law of any contract which has been reviewed by another attorney licensed in Colorado on behalf of a state agency.

VETOED May 27

H.B. 1351 Office of state planning and budgeting - elimination of planning functions - name change. Eliminates the planning responsibilities of the office of state planning and budgeting. Changes the name of the office to the office of state budgeting. Validates with the office of state budgeting all contracts entered into by the office of state planning and budgeting prior to July 1, 1987.

VETOED May 27

H.B. 1353 Increase in moneys available to fund state expenditure priorities - restructuring of programs and revenues. Restructures, reduces, or eliminates various state programs and functions and provides for additional state revenues in order to increase the amount of moneys available to fund the following 1987 state expenditure priorities: Support of public schools and higher education, promotion of economic development, and capital construction.

Specifically, the bill makes the following changes:

State Contribution to Public Employees' Retirement Association. Reduces by 2% the amount of employer contributions made by the state to the public employees' retirement fund for the fiscal year beginning July 1, 1987.

Division of Automated Data Processing. Creates a commission on information management to perform the strategic planning and set the policy for the state's information systems. Makes the commission a type 1 agency consisting of 15 members, as follows: 8 members

appointed by the governor from the private sector; the executive director of the department of administration; 3 members designated by the governor who are executive directors of other principal departments; the state court administrator; one member appointed by the president of the senate; and one member appointed by the speaker of the house of representatives. Establishes powers and duties of the commission relating to the state's strategic data processing plans, assurance of statewide compatibility, and specification, through rules and regulations, of standards and criteria for procurement of information systems. Makes state agencies responsible for the general supervision of their automated data processing systems, but requires state agencies to comply with the commission's plans, policies, directives, rules, and regulations. Abolishes the division of automated data processing in the department of administration.

Inmate Medical Visits. Requires the department of corrections to charge \$3 to inmates of correctional facilities for each medical visit. Requires that such charge be deducted from the inmate's account before the inmate may incur other charges against his account for personal use.

Cash Funding of State Certification of Emergency Medical Services Technicians. Requires the state board of health to establish fees for the issuance of emergency medical technician certificates. Requires that such fees be sufficient to offset the direct and indirect costs of the certification program. Exempts volunteer emergency medical technicians from the fee requirement.

Increased Cash Funding of Stationary Sources Permits. Eliminates the \$25,000 ceiling for permit fees for stationary sources which may emit air pollutants. For the fiscal year 1987-88, establishes a \$96 per hour fee for processing applications for stationary source permits and, for subsequent fiscal years, requires the air quality control commission to set the fee at an amount which is sufficient to cover the costs of processing permit applications. Eliminates the requirement that a single fee be charged to a permit applicant for any indirect source plan or plans submitted at any one time. For the fiscal year 1987-88, establishes a \$60 annual fee for each air pollution point source and, for subsequent fiscal years, requires the commission to set the annual fee at an amount which is sufficient to cover the costs of administration and inspections.

Regulation of Private Occupational Schools. Authorizes the state board for community colleges and occupational education to establish fees for

the direct and indirect costs of administration relating to private occupational schools, which fees shall accompany any application for a certificate of approval for a new school or for a school other than a new school, for an agent's permit, or for a change of ownership. Authorizes the board to establish a fee for reviewing the qualifications of and issuing credentials to instructors and administrators. Credits such fees to the private occupational schools fund and makes moneys in the fund subject to annual appropriation by the general assembly for the direct and indirect costs of administering the article regulating private occupational schools. Exempts schools which offer programs, the majority of which are not occupational in nature, from regulation under the "Private Occupational Education Act of 1981". Repeals the current exemption for schools which are regulated and approved pursuant to any other law.

Cash Funding of Worker's Compensation System. Imposes a surcharge on workmen's compensation insurance premiums to fund the direct and indirect administrative costs of the workmen's compensation system. Requires the director of the division of labor, by rule, to set the rate of the surcharge assessed based on the appropriations made for such costs. Creates the workmen's compensation cash fund, and provides that moneys collected from the surcharge on workmen's compensation insurance premiums be credited to such cash fund. Establishes procedures for the collection, administration, and enforcement of the insurance premium surcharge.

Diversion of State's Share of Severance Tax to General Fund. For the fiscal year 1987-88, credits gross receipts to the general fund which would otherwise be credited to the state severance tax trust fund.

Cash Funding of Joint Review Process. Extends from 1987 to 1993 the termination date of the Colorado joint review process, which is an agency in the office of the executive director of the department of natural resources that coordinates relations between developers of natural resources projects and the federal, state, and local governmental agencies issuing project permits and licenses. Directs the executive director of the department of natural resources by rule to establish fees to be paid by sponsors of projects utilizing the Colorado joint review process. Requires that all moneys generated from such fees be deposited in the Colorado joint review process cash fund and makes moneys in the fund subject to annual appropriation by the general assembly for the direct and indirect costs of administering the Colorado joint review process.

Alternate Method of Salary Survey Data Collection. Requires the state personnel director to use appropriate surveys conducted by public or private agencies, rather than surveys conducted by the state personnel director, to determine comparable rates for salaries and fringe benefits prevailing in other places of public and private employment in the preparation of the annual salary and fringe benefit recommendations for employees in the state personnel system.

Administrative Costs of the Victims Assistance Program. Provides for the appropriation by the general assembly of moneys in the victims assistance and law enforcement fund for payment of costs incurred by the division of criminal justice in administering said fund and in administering any victims and criminal justice assistance program authorized by federal law.

Surcharge on Occupational License Fees. Imposes a 25% surcharge on fees related to the licensing of individuals to practice a profession or occupation regulated by the department of regulatory agencies. For purposes of such surcharge, includes fees for registration, certification, examinations, and applications; fees for license renewal, reinstatement, and continuation; and other similar fees. Credits the revenue from such surcharge to the general fund.

Utilization of LEAP Funds rather than the Old Age Pension Funds for Utility Grants. Repeals the provision that grants funds to offset the increased expense of providing heat and fuel in winter to recipients of old age pensions.

Medicaid Reimbursements to Nursing Homes. Imposes various limitations on medicaid reimbursements to nursing homes, as follows: Reduces the ceiling on reimbursements for the costs of administration, property, and room and board from the 90th percentile to the 85th percentile of medicaid patients in participating nursing homes; requires reimbursement rates to be adjusted every 12 months rather than every 6 months; reduces the rental rate established for purposes of calculating the fair rental allowance for capital-related assets; and imposes other limitations on reimbursements for the fair rental allowance.

Surcharge on Secretary of State Fees. Imposes a 25% surcharge on fees charged by the secretary of state. Credits the revenue from such surcharge to the general fund. Requires the secretary of state to report by October 1 of each year the amount of money credited to the general fund pursuant to such surcharge.



Unclaimed Property. Provides that intangible property held by banking and financial organizations such as banks and savings and loan associations is subject to the custody of the state if specified conditions raise the presumption that said intangible property was abandoned by its owner. Provides that such property includes moneys, checks other than travelers checks, drafts, deposits, customer overpayments, and stocks. Provides that a holder of property presumed abandoned file a report with the state treasurer stating the name and last-known address of the apparent owner of such property, the amount of such property, and the date such property became payable, demandable, or returnable. Requires the holder of property presumed abandoned to send written notice to the last-known address of the apparent owner informing him that the holder is in possession of property which may belong to said owner. Requires that, after a specified duration of time, the holder pay or deliver such property to the state treasurer. Requires the state treasurer to publish lists of abandoned property in specified newspapers. Allows the owner to claim said property from the state treasurer upon proof of ownership. From moneys received, requires the state treasurer to maintain a balance of \$100,000 to \$120,000 in the abandoned property fund for payment of such claims and to credit the remainder of moneys received to the general fund. With respect to property presently held by banking and financial organizations, provides that the act applies to any property for which the presumption of abandonment (as defined in the act) first arose during the 10-year period preceding July 1, 1987.

One-year Reduction of State's Payment to Fire and Police Pension Fund. Decreases the amount of the state contribution to the fire and police members' benefit fund for the year beginning January 1, 1987, from \$20,000,000 to \$5,500,000. Requires that employer and employee contributions to policemen's and firemen's pension funds not be increased to compensate for the reduction of state assistance for the year 1987.

Code of Regulations. Eliminates the requirement that the state provide at least one code of Colorado regulations to the board of county commissioners of each county and to each principal department of state government.

Educational TV. Repeals provisions for state aid for instructional television.

Liquor Enforcement Division. Provides that functions and activities of the department of revenue in connection with the regulation of alcoholic and fermented



shall be subject to annual appropriation by the general assembly for the purposes of the article. States that the governor may not expend moneys from the fund unless such expenditure has been reviewed and recommended by the commission, but that the governor may reject any recommendations by the commission.

Transfers any appropriation made to the department of local affairs for economic development marketing and to the legislative department for economic development programs, for the fiscal year beginning July 1, 1987, to the Colorado economic development commission.

APPROVED by Governor July 8                      EFFECTIVE      July 8

H.B. 1371 Surcharge on fees charged by secretary of state. Imposes a 25% surcharge on fees charged by the secretary of state. Credits the revenue from such surcharge to the general fund. Requires the secretary of state to report by October 1 of each year the amount of money credited to the general fund pursuant to such surcharge.

APPROVED by Governor July 1                      EFFECTIVE      July 1

H.B. 1382 State assistance for Denver convention center. Provides for a contract between the state and the city and county of Denver under which the state would make 6 payments of \$6 million each to be applied to the payment of Denver's obligations in connection with land acquisition for the proposed Denver convention center. Provides that payments begin July 1, 1988, and be made on July 1 of each year thereafter through July 1, 1993. Makes such payments subject to annual appropriation by the general assembly out of the capital construction fund. States that payments under the contract, and any instruments issued, shall not be deemed an indebtedness of the state.

Establishes a 7-member committee which is directed to adopt criteria by July 1, 1987, for selecting the best proposal for a convention center. Requires developers to submit complete proposals by July 8, 1987. Specifies that, no later than July 15, 1987, the committee must select between 5 and 9 persons to evaluate the proposals from a list furnished by the urban land institute. Directs that such persons make their report on the proposals and a site recommendation to the city and county of Denver by August 3, 1987. Also requires such persons to report on the advisability of a special assessment on land benefited by the convention center, on the advisability of operating the center under a contract and not by city employees, and on whether Denver has adequate construction specification procedures.

Creates a 3-member executive committee to oversee the state's role in the convention center project.

Requires the contract to provide that Denver will not enforce its residency requirement for employment at the convention center and that suitable display space in the convention center will be made available to public and nonprofit organizations to promote tourism and Colorado businesses and products.

APPROVED by Governor June 25

EFFECTIVE June 25

HEALTH

- S.B. 28 Public health nursing services. Requires local boards of health to provide public health nursing services to areas within their jurisdiction. Defines public health nursing services.

APPROVED by Governor April 16                      EFFECTIVE April 16

- S.B. 145 Control of pollution - emissions from fireplaces and wood stoves - appropriation. Requires the Colorado air quality control commission to study the availability, technology, and economic impact of fireplace controls and, based on such study, to promulgate rules and regulations which establish emission standards and provide for the certification of all new fireplaces. Deletes the original compliance date of July 1, 1987, for fireplaces to comply with approved design specifications and instead requires the commission to set a compliance date by rule and regulation for the installation and sale of new fireplaces.

Repeals the existing definitions of "fireplace" and "wood stove" and requires the commission to establish such definitions by rule and regulation.

Requires the commission to establish exemptions from the certification requirements for wood stoves and fireplaces. Requires county building codes to contain a provision which requires any person who installs or constructs a fireplace to provide evidence of certification and, in the case of site-built fireplaces, to demonstrate compliance with the certificate.

Appropriates \$4,150 to the department of health from the stationary sources control fund for allocation to the air pollution control division for implementation of the act.

APPROVED by Governor June 16                      EFFECTIVE June 16

- H.B. 1045 Department of health - revenue and license collecting functions. Repeals the statutory provision which provides that the department of health has no revenue or license collecting functions. Authorizes the director of the office of state planning and budgeting to order the controller to transfer to the department of health moneys appropriated to the department of revenue for revenue and license collecting functions to be performed on behalf of the department of health.

APPROVED by Governor May 8                      EFFECTIVE July 1

H.B. 1163 Newborn screening - testing for cystic fibrosis - appropriation. Includes cystic fibrosis as one of the conditions for which newborn infants are required to be tested. Requires the results of such testing, as well as tests for other conditions for which testing is required, to be forwarded to the physician or other primary health care provider.

Appropriates \$259,201 and 2.0 FTE from the newborn screening and genetic counseling cash funds for implementation of the act.

APPROVED by Governor June 20                      EFFECTIVE      July 1

H.B. 1177 AIDS - declaration of the virus which causes AIDS as a communicable disease - procedures for control of the disease. Declares human immunodeficiency virus (HIV), the virus which causes acquired immune deficiency syndrome (AIDS), to be a communicable disease. Requires physicians and persons in charge of clinical laboratories, hospitals, clinics, and institutions to report cases of HIV infection to public health departments. Requires laboratories to report positive tests for HIV. Provides for the confidentiality of reports and limits the circumstances in which release of such reports is authorized.

Authorizes state and local health officers to investigate sources of HIV infection and to implement disease control efforts, including public information, risk reduction, education, voluntary testing and counseling, educational information for schools, and professional education for health care providers.

Establishes procedures for the examination and treatment of minors for HIV infection. Authorizes the parents or guardians of a minor to be notified only if the minor is less than 16 years of age or not emancipated.

Allows a person to be tested for HIV infection without his knowledge and consent if: (1) The health of a health care provider or an employee of the department of corrections or the department of institutions is threatened by exposure to HIV in blood or other bodily fluids; (2) consent cannot be obtained; (3) testing is done for data gathering purposes and personal identifiers are removed; or (4) the person is in the custody of the department of corrections or committed to the Colorado state hospital.

Authorizes state and local health officers to issue an order to require a person to be tested, require a

person with HIV infection to be counseled, or direct a person with HIV infection to cease and desist from conduct that endangers the public health. Provides for the enforcement of cease and desist orders through the imposition of restrictions on the person for a period not to exceed 3 months. Affords a person who is the subject of a department of health order certain rights, including the right to a judicial hearing. Requires the department of health to show by clear and convincing evidence the need for the order.

Establishes emergency procedures to be used by the department of health for dealing with persons having, or believed to have, HIV infection. Allows the department to seek to enjoin a person from engaging in specific conduct which endangers the public health. In addition to the injunction order, authorizes the district court to issue other appropriate orders, including an order to take the person into custody for not more than 72 hours for the purpose of testing and counseling. Affords the person who is the subject of the custody order the right to seek review of the order in district court within 48 hours of its issuance. Requires the department of health to show by clear and convincing evidence the need for the injunction or the custody order.

Makes failure to file a report on a person having HIV infection a class 2 petty offense punishable by a fine of not more than \$300. Makes breach of the confidentiality provisions a misdemeanor punishable by a \$500 to \$5,000 fine or imprisonment in the county jail for 6 to 24 months, or both.

Repeals the statutory provisions concerning HIV and AIDS on July 1, 1990, subject to continuation by the general assembly following an analysis and evaluation of the provisions by the state auditor.

APPROVED by Governor June 8

EFFECTIVE June 8

H.B. 1239 Asbestos control - powers and duties of air quality control commission - abatement project requirements - certification - emission notices and permits - enforcement - definitions - appropriation. Repeals and reenacts provisions regarding the control of asbestos to provide for statewide uniformity in the regulation of asbestos abatement practices in areas of public access, and for uniformity in the qualifications required and certification of persons who perform asbestos abatement. Authorizes the air quality control commission to promulgate rules and regulations regarding performance standards and practices for asbestos abatement, allowable asbestos levels, asbestos abatement project notices and

permits, and procedures for inspecting abatement sites. Also authorizes the division of administration in the department of health to establish procedures used to certify individuals and projects involved in asbestos abatement and to enforce compliance with the provisions of the act.

Establishes certification requirements for all asbestos abatement projects. Requires that persons performing asbestos abatement projects in schools be certified by the division in accordance with federal law. Requires that asbestos abatement projects in all other buildings be performed by a person who has been issued a "certificate to perform asbestos abatement". Sets forth the criteria and procedures to obtain and maintain certification. Provides administrative procedures for appealing the division's denial, suspension, or revocation of certification. Allows the air quality control commission to set, by rule, fees regarding the various types of certification authorized under the act, and specifies that such fees shall be credited to the stationary sources control fund. Prohibits local governmental authorities from duplicating certification established by the act.

Permits the division of administration to issue a notice of violation and a cease and desist order, and to assess penalties for violating provisions of the act or rules or regulations promulgated under it. Provides for procedures for enforcement of the act. Credits all penalties which are collected to the general fund.

Defines terms used throughout the act.

Makes various amendments to conform the provisions relating to the air quality control program to the asbestos control provisions of this act.

Appropriates \$38,200 and 0.5 FTE out of the stationary sources control fund to the department of health for allocation to the air pollution control division for the implementation of the act.

APPROVED by Governor July 1

EFFECTIVE July 1

H.B. 1308 Drug abuse - creation of drug education and treatment programs. Encourages the creation of drug education and treatment programs by both the private and public sectors in Colorado. Specifies certain techniques to be used in such programs, including: Elementary and secondary curricula to teach that illegal drug use is wrong and harmful; school-based programs of drug abuse prevention and early intervention; family drug abuse prevention



programs; counseling programs; drug abuse treatment and rehabilitation referral programs; and training programs for certain individuals.

VETOED July 10

H.B. 1340 Noise levels - public events exemption from maximum permissible levels. Exempts property used by the state of Colorado, political subdivisions of the state, and nonprofit entities, and their lessees, licensees, and permittees, for cultural, entertainment, athletic, or patriotic events from the maximum permissible noise levels allowed by law.

APPROVED by Governor May 20

EFFECTIVE May 20

H.B. 1352 Sanitary inspections. Repeals statutory provisions concerning the regulation and inspection of food service establishments by the department of health, but retains the authority of such department to adopt a model code of sanitary rules and regulations. Authorizes counties and municipalities to regulate food service establishments, to adopt sanitary rules and regulations which may be modeled on the code adopted by the department of health but which may be more or less stringent than such code, and to charge reasonable fees for licensing, certifying, and inspecting such establishments.

Provides that other sanitary inspections shall be performed by the department of health subject to available appropriations.

VETOED May 27

H.B. 1372 Air pollution - stationary sources permits - increased cash funding. Eliminates the \$25,000 ceiling for permit fees for stationary sources which may emit air pollutants. For the fiscal year 1987-88, establishes a \$96 per hour fee for processing applications for stationary source permits and, for subsequent fiscal years, requires the air quality control commission to set the fee at an amount which is sufficient to cover the costs of processing permit applications. Eliminates the requirement that a single fee be charged to a permit applicant for any indirect source plan or plans submitted at any one time. For the fiscal year 1987-88, establishes a \$60 annual fee for each air pollution point source and, for subsequent fiscal years, requires the commission to set the annual fee at an amount which is sufficient to cover the costs of administration and inspections.

APPROVED by Governor July 1

EFFECTIVE July 1

H.B. 1374 Emergency medical technicians - state certification - cash funding. Requires the state board of health to establish fees for the issuance of emergency medical technician certificates. Requires that such fees be sufficient to offset the direct and indirect costs of the certification program. Defines "volunteer emergency medical technician" and exempts such technicians from the fee requirement.

APPROVED by Governor July 1

EFFECTIVE July 1

HIGHWAYS AND ROADS

- S.B. 27 Eminent domain - computation of damages. Allows the state department of highways to include in the computation of a compensation award for a partial taking of real property any damages, benefits, or increases in value to the remaining portion of the property.

APPROVED by Governor May 20 EFFECTIVE July 1

- S.B. 32 Acquisition or disposal of real property by the state department of highways. Permits the state department of highways to acquire or to dispose of real property by exchange, in addition to its existing authority to acquire and dispose of real property by purchase, sale, or condemnation.

APPROVED by Governor April 16 EFFECTIVE April 16

- S.B. 156 Hazardous materials - transportation by motor vehicles - permits and routes - appropriation. Creates the "Hazardous Materials Transportation Act of 1987". Authorizes and directs the chief of the Colorado state patrol to promulgate rules and regulations for the administration of the act. Identifies the persons authorized to enforce the provisions of the act and allows those persons to issue civil penalty assessments for violations of the act and, in lieu thereof, warning citations. Provides that the fixed-site use of hazardous materials is not affected by the act. Authorizes local governments to adopt regulations, ordinances, and penalties which are no more stringent than state law or regulations. Creates a hazardous materials safety fund in the state treasury.

Establishes a permit system for the transportation of hazardous materials. Exempts federal government vehicles and farm machinery from the requirements of the permit system. Establishes a fee schedule for the permits based on the number of vehicles operated. Prohibits local governments from establishing permit or fee systems for transportation of hazardous materials.

Authorizes the Colorado state patrol to designate routes for persons transporting hazardous materials and allows local governments to petition the state patrol for hazardous materials route designations. Establishes penalties for deviations from authorized routes and establishes civil and criminal penalties for violations of the act.

Eliminates the Colorado training institute. Creates the Colorado safety institute as a division within the department of public safety. Authorizes the institute to train and instruct personnel involved in the transportation and cleanup of hazardous materials, to investigate hazardous material spills that occur during transportation, to prepare emergency plans, and to provide assistance to state and local agencies.

Appropriates the following moneys out of the hazardous materials safety fund for implementation of the act: \$176,986 and 8.0 FTE to the department of revenue for allocation to the port of entry division; \$51,108 and 2.0 FTE to the department of regulatory agencies for allocation to the public utilities commission; \$304,927 and 11 FTE to the department of public safety for allocation to the Colorado state patrol; \$200,000 to the department of public safety for allocation to the Colorado safety institute; \$25,000 to the state department of highways; and \$200,000 to the department of public safety.

APPROVED by Governor June 24                      EFFECTIVE      July 1

S.B. 202      State highway budget - recovery of statewide indirect costs incurred by state agencies. Requires the division of highways, out of moneys budgeted therefor by the state highway commission, to reimburse other state agencies for the costs incurred by such agencies in providing necessary services in support of the division and the administration of the highway funds of the state. Requires that the amount of the reimbursement made to each such agency shall be the amount so indicated by the general assembly in the annual general appropriation act (the long bill).

Applies to fiscal years beginning on or after July 1, 1986.

BECAME LAW without Governor's signature                      July 3  
EFFECTIVE    July 3

H.B. 1039      Specific information signs on the interstate system. Restricts specific information signs erected and maintained by the state department of highways to rights-of-way located outside urban areas. Requires applicants for a business sign permit to pay an administration and maintenance fee. Requires the department to rotate business signs when the number of applications for permits at a particular location exceeds the number of such signs which can be accommodated.

APPROVED by Governor March 12                      EFFECTIVE      March 12

H.B. 1085 Highway commission - reapportionment of commission districts - appointment of new members of commission. Reapportions the state highway commission districts. Terminates the terms of current members of the commission from certain districts and continues the terms of members from certain districts. Specifies the length of terms of initial appointments and the length of terms of members continued in office.

APPROVED by Governor May 16

EFFECTIVE May 16

H.B. 1350 Highway users tax fund - diversion of general fund revenues. Repeals provisions of law requiring that a portion of sales and use tax revenues attributable to sales or use of vehicles and related items be credited to the highway users tax fund rather than the general fund.

Provides for the transfer of up to \$40 million in fiscal year 1987-88 from the general fund to the highway users tax fund out of state income tax revenues attributable to federal tax reform. Provides that the following obligations would have to be satisfied out of state income tax revenues attributable to federal tax reform before the transfer could be made: Amounts in excess of general fund revenues required to pay general fund appropriations for fiscal year 1987-88; the reserve for 1987-88; and the amount required to restore the Colorado water conservation board construction fund and the severance tax trust fund as provided by law.

Appropriates \$30 million of general fund revenues to the highway users tax fund for the fiscal year 1988-89. Appropriates \$10 million of general fund revenues to the highway users tax fund for each of the fiscal years 1989-90 and 1990-91.

Provides for the allocation of general fund revenues appropriated to the highway users tax fund among the state highway fund, counties, and municipalities.

APPROVED by Governor June 1

EFFECTIVE July 1

## INSTITUTIONS

S.B. 134 Mentally ill persons - release of confidential information. Creates procedures for the release of confidential information to family members. Allows the location and fact of admission of a mentally ill person to be released to adult family members upon the admission of a mentally ill person to inpatient or residential care and treatment, except when the treating professional person or his designee determines that the release of such information would not be in the person's best interests. Entitles a family member to administrative review of a decision to withhold such information.

In certain circumstances, allows information about the care and treatment of a mentally ill person to be released upon request to adult family members. When such a request is made, requires the treating professional person or his designee to determine whether the mentally ill person is capable of making a rational decision in weighing his confidentiality interests and care and treatment interests. Requires such information to be released if a mentally ill person is found capable and consents to the release of information, unless the treating professional person or his designee determines that such release would not be in the person's best interests. Prohibits the release if a mentally ill person is found capable and objects to the release of information. Provides that such information may be released when a mentally ill person is found not capable and when the treating professional person or his designee finds that such release would be in the best interests of the mentally ill person. Entitles a family member or a mentally ill person to administrative review of a decision to withhold or release information when the mentally ill person is found not to be capable of making a rational decision concerning his interests, and entitles the mentally ill person to administrative review of the decision concerning capability. Permits a mentally ill person to request judicial review of an administrative review decision that is adverse to him.

States that the provisions concerning the release of information do not preclude the release of information to a parent concerning his minor child.

Requires information about the administrative review process to be given to family members whose request for information is denied. Authorizes the department of institutions to promulgate rules concerning the administrative review process. Requires the department of institutions to report to the general

assembly concerning the implementation of these statutory provisions.

APPROVED by Governor May 28

EFFECTIVE July 1

H.B. 1082 Colorado state hospital and Ft. Logan mental health center - administration - chief officers. Deletes references to the superintendent of the Colorado state hospital and the director of the Fort Logan mental health center. Authorizes the head of the administrative division overseeing those institutions to appoint or employ employees necessary for the proper conduct of the institutions and further authorizes such person to contract with the board of regents of the university of Colorado health sciences center for the provision of services by physicians for such institutions.

APPROVED by Governor March 13

EFFECTIVE March 13

INSURANCE

- S.B. 47 Sickness and accident insurance - direct reimbursement for registered professional nurses. Provides that registered professional nurses may not be denied reimbursement for the provision of nursing services under a policy of sickness and accident insurance and that registered professional nurses acting as independent providers of nursing services of nonprofit hospital and health service corporations shall be reimbursed directly.

States that the inclusion of nurses among the licensed persons who may not be denied reimbursement under a policy of sickness and accident insurance shall not be interpreted as enlarging the scope of professional nursing practice.

Repeals the statutory provisions on July 1, 1990.

APPROVED by Governor May 16

EFFECTIVE May 16

- S.B. 67 Unfair claim settlement practices - delay or denial of payment - instructions to trier of fact. In any civil action for damages founded upon contract or tort, or both, against an insurance company, permits the trier of fact to be instructed that the insurer owes its insured the duty of good faith and fair dealing, which duty is breached if the insurer delays or denies payment without a reasonable basis. Provides standards for determining whether a delay or denial was unreasonable under policies of liability insurance and first-party insurance.

Permits the jury to be instructed that willful conduct of the kind set forth in certain statutory provisions as an unfair claim settlement practice is prohibited and may be considered if the delay or denial and the claimed injury, damage, or loss was caused by or contributed to by such prohibited conduct. States that nothing in the statutory provisions concerning unfair methods of competition and deceptive practices creates a private cause of action or abrogates common law contract or tort actions.

Applies to causes of action arising on or after July 1, 1987.

APPROVED by Governor May 16

EFFECTIVE July 1

- S.B. 95 Newborn children - health care coverage for treatment of cleft lip or cleft palate. Requires a sickness and accident insurance policy or contract issued by a hospital and health service corporation or by a health maintenance organization, which policy or contract is in



effect at the time of the birth of a child with cleft lip or cleft palate, or both, to provide coverage for medically necessary care and treatment, including medically necessary orthodontic and prosthodontic treatment, for such child. If a dental insurance policy or contract is in effect at the time of the birth of a child with such a condition, requires such policy to provide fully for any orthodontic or dental care needed as a result of the condition. Makes these provisions applicable to any individual or group policy or contract issued, renewed, or reinstated on or after July 1, 1987.

APPROVED by Governor May 20

EFFECTIVE May 20

- H.B. 1064 Discretionary use of hearing officers - exemption of adjusters from licensing requirements. Provides discretion to the commissioner of insurance to designate employees who have administrative responsibilities to serve as hearing officers or to use hearing officers from the division of hearing officers for any hearings required under the insurance statutes. Exempts from licensing requirements full-time adjusters who are employed by an insurer or by a group of insurers under common control or ownership.

APPROVED by Governor Feb. 26

EFFECTIVE Feb. 26

Note: H.B. 1064 was further amended in H.B. 1049 to conform to change of terms from "hearing officer" to "administrative law judge" and "division of hearing officers" to "division of administrative hearings".

- H.B. 1087 Fraudulent insurance acts - immunity from liability for persons furnishing information relating to insurance fraud - definition. Provides immunity from civil liability to any person who furnishes information to the commissioner of insurance, the division of insurance, law enforcement officials, or other similar entities relating to suspected fraudulent insurance acts. States that an allegation of a fraudulent insurance act shall not excuse an insurance company from its duty to promptly investigate a claim.

Defines fraudulent insurance acts for purposes of the immunity and for purposes of the regulatory authority of the commissioner of insurance.

APPROVED by Governor March 25

EFFECTIVE March 25

- H.B. 1098 Certificate of authority requirements - excess reserves limitations. Eliminates limitations on the amount of excess reserves which a nonprofit hospital, medical-surgical, or health service corporation may

accumulate in order to conform Colorado corporate income tax treatment of such corporations to federal income tax treatment.

APPROVED by Governor April 22

EFFECTIVE April 22

H.B. 1119 Title insurance companies - performance of closing and settlement services. Authorizes title insurance companies to provide escrow and other similar services in conjunction with the issuance of a title insurance policy. Defines "closing and settlement services" and "gap coverage" for purposes of the title insurance code.

APPROVED by Governor April 30

EFFECTIVE April 30

H.B. 1143 Property and casualty insurance - agents and brokers - training prerequisite for licensing. Requires applicants for licensure as property and casualty insurance agents or brokers, on and after January 1, 1988, to complete 50 hours of training for certification as a condition for issuance of a license. Requires persons licensed as property and casualty insurance agents or brokers prior to January 1, 1988, to comply with said training requirements prior to January 1, 1990.

Authorizes the commissioner of insurance to issue rules and regulations specifying basic training requirements, standards for qualified programs and courses, and a system of control and reporting. Allows for individual insurance companies to perform comparable training at their option if such training programs are approved by the commissioner. Creates an advisory committee to make recommendations to the commissioner concerning said basic training requirements and the standards for qualified programs and courses. Repeals statutory provisions concerning the advisory committee on January 1, 1991.

APPROVED by Governor April 23

EFFECTIVE April 23

H.B. 1232 Captive insurance companies. Expands the scope of the captive insurance company act to include industrial insured captive insurance companies. Broadens the definition of "captive insurance company" to include industrial insured captive insurance companies. Removes the year-long membership requirement of "member organizations". Removes requirements that a pure captive insurance company or an association captive insurance company show, in its application for a certificate of authority, that insurance coverage is unavailable or is available only at excessive rates or unreasonable

deductibles. Sets a \$200 nonrefundable fee for examining, investigating, and processing an application for a license and a \$300 annual renewal fee to be paid to the division of insurance. Substitutes alternative amounts of capital and surplus required for various captive insurance entities. Provides that pure and industrial insured captive insurance companies are not subject to restrictions on allowable investments, but authorizes the commissioner to prohibit or limit any investment that threatens the solvency or liquidity of such insurance companies. Removes insurance written by captive insurance companies from the category of insurance regulated by prior filing and approval of rating information (Type I). Requires captive insurance companies to file rating data concurrent with the effective date of new rates. Authorizes the commissioner to waive the requirement of obtaining approval of claims-made policies.

Permits excess surplus required by the commissioner to be maintained in the form of an irrevocable letter of credit. Changes the types of entities which may issue letters of credit from a national bank or a state bank to a state or federally chartered savings and loan association insured by the FSLIC or a bank chartered by the state or chartered by a national banking association insured by the FDIC.

Repeals a provision which authorized the commissioner to suspend the certificate of authority of any captive insurance company for violations of the insurance statutes and a provision relating to the making of rates.

APPROVED by Governor May 22

EFFECTIVE May 22

H.B. 1291 Decreased notice requirements for property and casualty insurance - notice requirements for homeowner's insurance - surplus line insurance covered under unfair and deceptive trade practices prohibitions - exemption from regulation of surplus line insurance - joint underwriting association. Clarifies that limited insurance representatives and surplus line brokers and insurers are subject to the unfair competition and deceptive trade practices prohibitions in the insurance statutes.

Shortens from 90 to 45 days the period of advance notice an insurer is required to give an insured of the insurer's intent to cancel, not renew, unilaterally increase the premium of, or decrease the coverage benefits of a commercial insurance policy. If an insurer fails to state the renewal terms and the amount of premium due at least 45 days prior to the policy expiration, specifies that the insurer shall



LABOR AND INDUSTRY

- S.B. 76 Unemployment insurance - benefit awards - conditions for granting. Provides that a recipient of unemployment insurance benefits who became unemployed because he quit his full-time job to accept a better job, and subsequently became separated from the better job, must accept employment in the full-time job he quit, if such prior full-time job is offered, or lose unemployment insurance benefits. If an individual has received unemployment insurance benefits for 6 consecutive weeks, provides that no work shall be considered unsuitable because of prior training or the individual's experience and prior training or the individual's experience and prior earnings if the work offers wages in excess of 150% of the individual's weekly benefit amount. Specifies that the offer of a prior job with the same employer at a lower rate of pay shall not be considered suitable work.

VETOED May 28

- S.B. 79 Workmen's compensation - elimination of vocational rehabilitation as a mandatory benefit - increase in certain benefits - election to waive prior vocational rehabilitation benefits - limitation on contingent fees - workmen's compensation study - appropriation. Eliminates vocational rehabilitation benefits as a mandatory benefit. Requires a claimant to submit to vocational evaluation upon request of the employer or his insurer. Provides that a totally disabled employee capable of rehabilitation to gainful employment who refuses an offer of employment in a suitable job by the employer or an offer of vocational rehabilitation paid for by the employer shall not be awarded permanent total disability benefits. Specifies that, except where vocational rehabilitation is offered by the employer, temporary total disability payments shall cease when the employee reaches maximum improvement from medical care or returns to work or as otherwise determined by the director. Specifies that temporary partial disability payments cease when the employee reaches maximum improvement from medical care or as otherwise determined by the director.

Increases the compensation rate under the disability schedule from \$84 to \$150 per week. Increases the compensation rate for permanent partial disability from \$84 to \$120 per week. Changes the maximum amount for permanent partial disability from \$26,292 to \$37,560.

Limits a disabled employee's permanent partial disability award to the lesser of either permanent medical impairment or a payment under the disability

schedule when an employer reemploys or continues such employee at work at the preinjury wage. States that such limitation does not apply if the director finds the employee is permanently unable to perform the duties offered by the employer due to the injury. Allows an employee to petition for a redetermination of his original permanent partial disability award if, during the 2 years following the date of return to work or reemployment, the employee as a result of his disability is dismissed or resigns from employment.

In workmen's compensation cases arising prior to July 1, 1987, permits the employee, employer, and the insurance carrier to elect, upon unanimous agreement, to waive vocational rehabilitation awarded under prior law and to become subject to the newly enacted permanent partial disability provisions.

Establishes a presumption that a contingent attorney fee exceeding 20% of the amount of contested benefits is reasonable. Permits the director of the division of labor, upon request, to determine the reasonableness of the attorney fee. Permits the director to award or approve a contingent fee greater than 20% of contested benefits if he finds that appellate review was perfected or that the attorney reasonably devoted an extraordinary amount of time to the case.

Allows hearing officers to appoint guardian ad litem in matters involving dependents' claims and to assess reasonable costs relating thereto.

Requires a party who files a petition to review an order of an administrative law judge in workmen's compensation hearings to first request specific findings of fact and conclusions of law in writing. Deletes a provision enacted in 1987 H.B. 1276 which permitted the director of the division of labor or the hearing officer to rule on a petition to review without a transcript of the hearing.

Authorizes the state compensation insurance authority to contract with the department of administration for information processing and administrative support services. Authorizes the department of administration to provide such services to the authority.

Authorizes the director of the division of labor to contract for an independent study of the workmen's compensation system to obtain data on the effectiveness of the system. Requires the director of the division of labor and the director of the division of rehabilitation services of the department of social services to analyze

and report to the general assembly on the impact of this act on vocational outcome of injured employees.

Clarifies that workmen's compensation insurance rather than no-fault insurance is the primary insurance coverage for an employee injured in a motor vehicle accident.

Appropriates \$125,000 to the department of labor and employment for allocation to the division of labor for the study of the workmen's compensation system.

APPROVED by Governor July 2                      EFFECTIVE      July 1

Note: Although the effective date stated in the act is July 1, 1987, the Governor did not sign the act until July 2, 1987.

S.B. 121      Preferences for resident bidders. When a contract for commodities and services is to be awarded, requires that a resident bidder be allowed a preference against a nonresident bidder equal to the preference given or required by the state in which the nonresident bidder is a resident.

Authorizes suspension of the preference requirement if it is determined that compliance with such requirement may cause denial of federal moneys or otherwise be inconsistent with requirements of federal law.

Repeals the requirement for resident bidder preferences on July 1, 1989.

APPROVED by Governor May 13                      EFFECTIVE      May 13

S.B. 124      State apprenticeship council. Abolishes the state apprenticeship council.

APPROVED by Governor May 20                      EFFECTIVE      May 20

S.B. 213      Aboveground mining operations - dangerousness of employment - hours of employment. Removes employment in opencut workings, open-pit workings, reduction works, stamp mills, concentration mills, chlorination processes, cyanide processes, and coke ovens from the list of categories declared to be inherently injurious to health and dangerous to life and limb, and from the list of occupations in which persons may not work more than 8 hours in a 24 hour period.

APPROVED by Governor June 20                      EFFECTIVE      June 20

S.B. 232 Workmen's compensation - review procedures. Requires a party who files a petition to review an order of an administrative law judge in workmen's compensation hearings to first request specific findings of fact and conclusions of law in writing.

Deletes a provision enacted in 1987 H.B. 1276 which permitted the director of the division of labor or the hearing officer to rule on a petition to review without a transcript of the hearing.

APPROVED by Governor June 26                      EFFECTIVE    June 26

H.B. 1041 Unemployment compensation - deduction of lump-sum retirement payments. Specifies that an individual's unemployment compensation benefits shall not be reduced due to the receipt of a lump-sum retirement payment from a plan, fund, or trust that has been contributed to by his base period employer when all of the following conditions are met: The individual's separation is not due to involuntary retirement or voluntary retirement, and the individual presents proof to the division of employment and training that the payment has been reinvested in an individual retirement account or Keogh plan for at least one year. If an individual receives a lump-sum retirement payment which does not meet such conditions, reduces the individual's unemployment compensation benefits by the total amount of the lump-sum payment divided by the employee's full-time weekly wage. Clarifies that a lump-sum retirement payment may be made from a trust.

APPROVED by Governor April 16                      EFFECTIVE    April 16

H.B. 1079 Unemployment revenue fund - expenditures by division of employment and training - insufficient allocations of federal moneys. Provides for the use of moneys from the unemployment revenue fund to defray expenditures made by the division of employment and training in the administration of the provisions of the "Colorado Employment Security Act" for which insufficient allocations of federal moneys have been made as determined by the division.

APPROVED by Governor June 20                      EFFECTIVE    June 20

H.B. 1132 Unemployment insurance - reduction in state's share of extended benefit payments. Reduces the state's share of extended benefit unemployment payments on a weekly basis and in total for a benefit year to the same extent federal share payments are reduced under the provisions



of the federal "Balanced Budget and Emergency Deficit Control Act of 1985" (Gramm-Rudman-Hollings Act).

APPROVED by Governor April 16                      EFFECTIVE April 16

- H.B. 1151 Workmen's compensation - surety obligations of defaulting employers - continuation of fee collection from self-insuring employers. Specifies that the filing of an appeal of an award does not relieve a defaulting employer of surety obligations under the workmen's compensation law.

Eliminates the automatic repeal date of the provision allowing collection of fees from self-insuring employers and funding administrative costs of the self-insurance program.

APPROVED by Governor May 8                      EFFECTIVE May 8

- H.B. 1153 Unemployment insurance - exemption of services performed by certain aliens from definition of employment - determinations of other forums nonbinding on division of employment and training. Extends the exemption from coverage for unemployment insurance purposes of service performed by certain aliens in agricultural labor to conform with federal law.

Provides that determinations made by other forums shall not be binding on the division of employment and training for unemployment insurance purposes.

APPROVED by Governor April 16                      EFFECTIVE April 16

- H.B. 1162 Unemployment compensation - inclusion of Indian tribes as employers. Includes "Indian tribe" within the definition of "political subdivision" for purposes of unemployment compensation.

APPROVED by Governor June 1                      EFFECTIVE June 1

- H.B. 1168 Unemployment compensation - limitation on benefits on the basis of a separation due to use of alcohol or controlled substances - elimination of benefits when claimant quits for a better job. Limits the circumstances under which a claimant may receive a full award for unemployment benefits due to a separation because of health by not allowing a person who is separated because of use of alcohol or a controlled substance to receive a full benefit unless there is an admission of addiction, a licensed physician substantiates the addiction, the

claimant participates in and completes an approved rehabilitation program, and the claimant has not received benefits for health reasons caused by use of alcohol or a controlled substance within the preceding 5 years. Disqualifies a claimant if he fails to participate in or refuses to complete the rehabilitation program but permits the division of employment and training to consider specified extenuating circumstances for the claimant's failure to participate in or complete the program. Specifies that financial reasons are not an extenuating circumstance. Permits the claimant or the employer to appeal decisions of the division relating to the award or denial of benefits.

Eliminates statutory provisions that allow an award of full benefits when the claimant quit to accept a better job.

VETOED May 4

H.B. 1186 Workmen's compensation - authorization of self-insurance pools for employers engaged in similar fields. Permits a bona fide trade or professional association or 2 or more employers which are engaged in the same or similar type of business or who are members of the same bona fide trade or professional association to form a self-insurance pool to meet their workmen's compensation insurance obligations. Requires such associations or employers to receive approval and a certificate of authority from the commissioner of insurance. Requires the commissioner of insurance, or his designee, to conduct a yearly insurance examination of the insurance pool. Authorizes the commissioner of insurance, under certain circumstances, to revoke or suspend a certificate of authority or to supervise or rehabilitate a self-insurance pool.

Requires each self-insurance pool to establish a trust fund to provide payment of the total workmen's compensation loss cost incurred by pool members each year. Requires each pool to have aggregate excess insurance or some other security standards to assure payment of workmen's compensation in the event a self-insurance pool disbands or defaults.

APPROVED by Governor July X

EFFECTIVE July X

H.B. 1215 Workmen's compensation - exemption of general contractors from liability for certain persons who decline coverage - limitation on tort recovery. Provides that any individual employer, corporate officer, or working partner, whether or not he has employees, who does not obtain coverage for himself under a workmen's compensation policy as permitted under current law is

precluded from making a claim under the "Workmen's Compensation Act of Colorado". If such person who declines to insure himself under a workmen's compensation policy brings a cause of action resulting from a work-related injury which otherwise would have been compensable under the "Workmen's Compensation Act of Colorado", limits the total amount of damages recoverable to an amount not to exceed \$15,000.

For these purposes, defines "individual employer" or "working partner" as a sole proprietor who owns the assets of a business and who manages and controls such business solely by himself or with a partner and who has ultimate responsibility for all decisions affecting the business.

BECAME LAW without Governor's signature  
EFFECTIVE

July 3  
July 3

H.B. 1267 Unemployment compensation - in training with division approval includes internship - Weld county demonstration project. Provides that otherwise eligible unemployment compensation claimants shall not be denied benefits if they are in training under a voluntary internship program.

Establishes an internship demonstration project in Weld county. States the conditions under which a claimant may participate in the internship as well as such claimant's rights and privileges under the program.

Establishes criteria under which employers of claimants shall be evaluated as to whether they are suitable to contract with for internship.

APPROVED by Governor May 16

EFFECTIVE May 16

H.B. 1276 Workmen's compensation - definition of wages for agricultural employees - procedures for petitions to review - additional member to state compensation insurance authority board - classification of places of employment under the state compensation authority fund - deductibles under the fund. Requires that the term "wages" as applied to farm and ranch labor employees or to agricultural employees be based solely upon income reported on an employee's form W-2 for federal income tax purposes rather than upon wages and room and board benefits.

Permits the director of the division of labor or the hearing officer to rule on a petition to review without a transcript of the hearing if the initial order



MILITARY AND VETERANS

H.B. 1134 Colorado Code of Military Justice - rulings of military judges - appeals. In the "Colorado Code of Military Justice": Permits trial counsel to file an interlocutory appeal in the supreme court from rulings of a military judge concerning motions by the accused granted prior to trial with regard to the return of property, the suppression of evidence, or the suppression of an extrajudicial confession or admission; allows for appeal to the supreme court; extends the time allowed for filing an appeal when the accused has petitioned the governor to review the final action of the reviewing authority; and states that the supreme court may not order the governor to review the final action of the reviewing authority.

APPROVED by Governor April 16

EFFECTIVE April 16

MOTOR VEHICLES AND TRAFFIC REGULATIONS

S.B. 12 Safety belt systems - mandatory use in motor vehicles. With certain exceptions, requires every driver and every front-seat passenger in a motor vehicle to use the safety belt system. Makes operation of a motor vehicle in violation of this requirement a class B traffic infraction. Restricts citation for such offense to situations in which the driver was stopped for a different offense. Sets the penalty at \$10. Allows evidence of noncompliance to be admissible to mitigate damages sustained by a person from a motor vehicle accident in which he was not wearing his safety belt.

Allows insurance companies to offer reduced premiums on motor vehicle insurance if the claims experience following implementation of the mandatory seat belt law so warrants.

Defines "motor vehicle" and "safety belt system" for purposes of the statute.

Repeals the safety belt requirement in 1989 unless statistics for 1988 show a reduction in highway deaths.

APPROVED by Governor May 7

EFFECTIVE July 1

H.B. 1015 Maximum speed limit - adjustment as allowed by federal law. Authorizes the state department of highways to adjust the speed limit as allowed by federal law or regulation. Requires the state department of highways to consider relevant crash data and other criteria when making such adjustments.

APPROVED by Governor March 12

EFFECTIVE March 12

Note: The statutory provisions concerning speeding were further amended in H.B. 1150.

H.B. 1113 Motor vehicle emissions inspection program - compliance. Changes the definition of "motor vehicle" to include motor vehicles owned or operated by certain nonresidents. Requires certain nonresident motor vehicle owners to obtain a certification of emissions compliance. Authorizes police officers, during any traffic investigation, to require the driver of any vehicle involved in such investigation to provide evidence of a valid certification of emissions control.

Exempts collector's items which are at least 25

years old from the requirements of the inspection program.

APPROVED by Governor June 26

EFFECTIVE July 1

H.B. 1117 Driver's licenses - revocation for alcohol-related offenses - chemical analysis of blood or breath - license restoration fee increase - appropriation. Increases from one hour to 2 hours the time period within which a chemical analysis of a person's blood or breath must be obtained for the purpose of driver's license revocation proceedings.

Increases the license restoration fee from \$30 to \$40.

Appropriates \$11,478 and 0.4 FTE to the department of revenue for implementation of this act.

APPROVED by Governor May 13

EFFECTIVE July 1

H.B. 1150 Traffic offenses - procedures - penalties. Establishes a one-year statute of limitations for traffic infraction matters and misdemeanor traffic offenses. Provides that a cause of action for a traffic infraction accrues on the date the infraction was committed.

Defines "all-terrain recreational vehicle" and prohibits use of such vehicle on a highway unless the vehicle was being used primarily or exclusively in agricultural operations. Makes it unlawful for a person to drive an all-terrain recreational vehicle while his license is denied, suspended, or revoked.

Repeals and reenacts the statutory provision detailing when a person is required to have a Colorado driver's license and establishes an affirmative defense relating thereto. Adds to the information which must be included on the driver's license. Allows the department of revenue to impose restrictions, limitations, and conditions on provisional driver's or minor driver's licenses and on instruction permits. Makes it a class B traffic infraction to drive a motor vehicle in violation of license restrictions, limitations, or conditions and to fail to notify the department of a change in address or name. Authorizes the assessment of 6 points against a person's driver's license for a second or subsequent violation of the prohibition against driving in this state without a valid license or permit or of the prohibition against driving in this state without the correct type or general class of license or permit. Establishes a new point assessment schedule for exceeding

the reasonable or prudent speed or exceeding the 55 or 65 speed limit: One to 4 miles, one point; 5 to 9 miles, 3 points; 10 to 19, 4 points; 20 or more, 6 points. Increases the maximum points that may be accumulated prior to license suspension for a provisional driver from 8 points to 9 points and for a minor driver from 4 points to 5 points. Repeals and reenacts provisions concerning the unlawful possession or use of a driver's license. Makes changes in the provisions related to unauthorized driving. Includes driving a motor vehicle while a license is denied as an offense which may lead to a person's being found to be an habitual traffic offender.

Reclassifies several motor vehicle registration violations from misdemeanors to misdemeanor traffic offenses or class B traffic infractions. Reclassifies offenses relating to tire equipment, alteration of suspension systems, and excess weight to class 2 misdemeanor traffic offenses.

In a provision which specifies that only emergency vehicles using audible and visual signals are exempt from certain traffic laws, makes an exception with regard to the use of audible signals when the emergency vehicle is parked or stopped.

Makes it a class B traffic infraction to operate a motor vehicle while wearing earphones and imposes a \$15 fine therefor. Establishes a new class 2 misdemeanor traffic offense relating to the use of runaway vehicle ramps and imposes a \$100 fine for a violation thereof.

Repeals and reenacts the statutory provision establishing speed limits incorporating changes required by the reestablishment of the 65 mile per hour speed limit on certain interstate highways.

Repeals and reenacts the penalty assessment schedule for traffic infractions and certain misdemeanor traffic offenses. Changes the form of the schedule so that the offenses are listed in order by statutory section number. Includes in the schedule the amount of the surcharge imposed on each offense for the victims and witnesses assistance and law enforcement fund. Changes the fine schedule for speeding offenses. Makes numerous changes in the procedures for the issuance of penalty assessment notices and summons and complaints for traffic violations.

Amends numerous statutory sections to make consistent the use of the term "misdemeanor traffic offense" in lieu of "traffic offense".

APPROVED by Governor June 26

EFFECTIVE July 1



H.B. 1192 Motor vehicle emissions inspection program - Weld county - appropriation. Includes a portion of Weld county in the motor vehicle emissions inspection program area. Provides that, on or after January 1, 1988, if such portion of Weld county exceeds the carbon monoxide standards of the national ambient air quality standards twice during a 12-month period, the portion of Weld county which is included in the program area shall be expanded 4 months after the department of health verifies that such standards have been exceeded.

Provides for the inspection requirements for vehicles in said designated area to be in effect on and after January 1, 1988. Allows a grace period of one year thereafter for owners of vehicles in said designated area to repair vehicles which have visible emissions of smoke or equipment deficiencies. Authorizes the county clerk and recorder of Weld county to collect an additional fee on the registration of vehicles in said designated area on and after July 1, 1987, to cover administrative costs due to inclusion in the emissions inspection program area.

Appropriates \$38,900 to the department of health and \$21,460 to the department of revenue for implementation of the act.

APPROVED by Governor July 1                      EFFECTIVE      July 1

H.B. 1259 License plates - issuance of special plates to survivors of Pearl Harbor - issuance of other special plates. Authorizes the issuance of special motor vehicle license plates to survivors of the attack on Pearl Harbor. Specifies criteria which must be met before someone may be issued such special plates. Requires payment of the same amount of taxes and fees for such special plates as the amount of taxes and fees required for regular motor vehicle license plates plus an additional fee not to exceed \$12.

States that the general assembly, acting by joint resolution signed by the governor, may authorize the executive director of the department of revenue to issue other special plates.

APPROVED by Governor June 9                      EFFECTIVE      July 1

NATURAL RESOURCES

- S.B. 30 State park and recreation areas - free entrance for disabled veterans. Grants free entrance to parks and recreation areas to persons in vehicles displaying Colorado disabled veteran's license plates.

Repeals the statutory provision on July 1, 1992.

APPROVED by Governor May 20                      EFFECTIVE      July 1

- S.B. 37 Colorado joint review process - termination. Extends to July 1, 1993, the termination date of the Colorado joint review process, an agency in the office of the executive director of the department of natural resources, which coordinates relations between developers of natural resources projects and the federal, state, and local governmental agencies issuing project permits and licenses.

APPROVED by Governor May 25                      EFFECTIVE      May 25

- S.B. 87 Oil and gas conservation commission - increase in administrative charges. Increases from one to 1 1/2 mills per dollar the charge the oil and gas conservation commission may impose on the market value at the well of oil and gas.

APPROVED by Governor May 8                      EFFECTIVE      May 8

- S.B. 93 Division of wildlife - acquisition of land - water rights - appropriation. Authorizes the division of wildlife in the department of natural resources to acquire fee title to 750.68 acres of land plus ancillary water rights located in Jackson county for public purposes.

Declares that the legislative intent is that the division manage such acquisition so as to control noxious weeds on the property and that the division cooperate with the county weed control district or any special weed control district to control all noxious weeds.

Appropriates \$338,806 to the division for said acquisition with \$113,464 of such sum coming from the wildlife cash fund and the remaining \$225,342 coming from federal funds.

APPROVED by Governor May 25                      EFFECTIVE      May 25

S.B. 106 Public lands under the control of the state board of land commissioners which are subject to development. Declares that some of the public lands under the direction, control, and disposition of the state board of land commissioners are within the path of impending development and are therefore of unique economic value to the state for the funding of public schools. Defines "land subject to development" and requires the lessee of such lands to meet all federal, state, and local land use regulations. Mandates that the terms of the lease encourage the lessee to obtain the maximum economic recovery from the development of such lands. Provides that the appropriation and development of water associated with public lands under control of the board be pursuant to applicable laws of the state and federal governments only. Requires the lessee to make payments to affected governmental entities in lieu of taxes which would be assessed against such land if it were not owned by the state.

APPROVED by Governor May 25                      EFFECTIVE      May 25

S.B. 131 Colorado Surface Coal Mining Reclamation Act - conformance with federal statute of standard for commencement of a civil action. Conforms the "Colorado Surface Coal Mining Reclamation Act" to the federal "Surface Mining Control and Reclamation Act" by changing the standard for immediate commencement of a civil action for an alleged failure of the board or division to perform an act or duty to allow commencement of suit if the failure would "immediately affect" rather than "irreparably damage" a legal interest of the plaintiff.

APPROVED by Governor May 13                      EFFECTIVE      May 13

S.B. 211 Cultivation of state land. Prohibits a lessee of state land from converting native grassland to cultivated land so long as the federal government has in place incentives to encourage the reduction of cultivated land. Provides an exception for small parcels that are contiguous to previously cultivated land. States that the section is enacted to protect state land and further national and state interests and to assure maximum revenue for leased state land.

APPROVED by Governor June 20                      EFFECTIVE      June 20

S.B. 244 Colorado joint review process - cash funding. Directs the executive director of the department of natural resources by rule to establish fees to be paid by sponsors of projects utilizing the Colorado joint review

executive director that coordinates relations between developers of natural resources projects and the federal, state, and local governmental agencies issuing project permits and licenses. Requires that all moneys generated from such fees be deposited in the Colorado joint review process cash fund and makes moneys in the fund subject to annual appropriation by the general assembly for the direct and indirect costs of administering the Colorado joint review process.

APPROVED by Governor July 1 EFFECTIVE July 1

H.B. 1027 Search and rescue fund - licensed hunters and fishermen - appropriation. Creates a search and rescue fund in the state treasury to reimburse political subdivisions of the state for their costs involving rescue activities for licensed hunters and fishermen. Limits the reimbursable costs to actual operational expenses.

Assesses a 25¢ surcharge on each hunting and each fishing license sold by the division of wildlife. Requires the receipts from such surcharge to be deposited in the search and rescue fund. Authorizes agencies of the state to make a claim on the fund for the reimbursement of costs incurred in the performance of rescue activities. Requires the wildlife commission to establish rules for the claim procedure. Requires any balance in the fund in excess of \$300,000 to be transferred to the wildlife cash fund.

Appropriates \$21,222 from the fund to the department of natural resources for allocation to the division of wildlife for search and rescue activities.

APPROVED by Governor June 26 EFFECTIVE Jan. 1, 1988

H.B. 1037 Hunting, trapping, or fishing on certain state lands - penalty. Makes it a misdemeanor for any person to enter upon lands under the control of the state board of land commissioners to take any wildlife by hunting, trapping, or fishing without first obtaining permission from the person in possession of such land.

BECAME LAW without Governor's signature April 17  
EFFECTIVE July 1

H.B. 1097 Mineral leasing fund distribution formula - continuation. Continues the existing mineral leasing fund distribution formula by deleting language which would have repealed said formula on December 31, 1987.

APPROVED by Governor April 6 EFFECTIVE April 6

H.B. 1124 Division of wildlife - acquisition of water rights in Larimer county - appropriation. Authorizes the acquisition by the division of wildlife of a water right of the Canyon canal company ditch in Larimer county for public purposes.

Appropriates \$222,700 to the division of wildlife for such acquisition.

APPROVED by Governor June 20                      EFFECTIVE    June 20

H.B. 1161 Division of wildlife - licenses for taking of game when number of licenses are limited - processing fee. Allows the division of wildlife to collect a nonrefundable processing fee of not more than \$3 from applicants for licenses to take game when the licenses are those issued in limited numbers by the division.

APPROVED by Governor May 20                      EFFECTIVE    Jan. 1, 1988

H.B. 1341 Wildlife commission - composition of commission. Abolishes and recreates the wildlife commission.

Creates 5 districts in the state for purposes of membership on the wildlife commission and provides for membership from the public at large. Establishes staggered 2-year terms of office for members of the commission. Requires the following groups to be represented on the commission: Livestock producers, agricultural and produce growers, sportsmen and outfitters, wildlife organizations, and boards of county commissioners.

APPROVED by Governor June 16                      EFFECTIVE    June 16

## PROFESSIONS AND OCCUPATIONS

S.B. 50 Financial responsibility requirements - regulated commercial activities - alternatives - liens to secure taxes. Alters the form of financial responsibility that is required for various types of licensees and agents as a condition to licensure or authority to conduct business or perform duties in this state. Depending upon the particular type of licensee or agent, offers the following alternatives to the requirement of filing a bond as evidence of financial responsibility: Evidence of a savings account, deposit, or certificate of deposit or an irrevocable letter of credit. Specifies certain criteria for an irrevocable letter of credit. Eliminates the requirement of any form of evidence of financial responsibility for other types of regulated entities.

Provides for the imposition of liens for nonpayment of excise taxes on alcoholic beverages, fermented malt beverages, gasoline, and special fuels.

Creates the licensed agent recovery reserve to replace the bond requirement for licensed lottery sales agents. Specifies that reserve shall be financed by a fee assessed upon each licensed sales agent, the amount of the fee and the frequency with which it shall be collected to be established by the Colorado lottery commission's rules and regulations. Provides that payments be made from the licensed agent recovery reserve to the lottery fund when a licensed sales agent has failed to remit moneys owed to the lottery. Permits the director of the state lottery division to initiate license revocation proceedings against the licensee if a payment is made out of the fund.

Permits the distributor or refiner of gasoline or the distributor of special fuel who has been licensed for a specified number of years and who, during that time period, has not been delinquent in the payment of the excise taxes imposed on him to forego filing a bond or other evidence of financial responsibility as a condition of licensure. Reinstates the requirement for a form of financial responsibility if such licensee becomes delinquent in his tax payments.

APPROVED by Governor May 20

EFFECTIVE July 1

S.B. 81 Anabolic steroids - labeling - dispensing - penalties. Defines "anabolic steroid". Requires that prescription labels for anabolic steroids state the purpose for which the anabolic steroid is being prescribed. Adds provisions in the "Medical Practice

Act" which make the dispensing or prescribing of anabolic steroids for the purpose of hormonal manipulation and the dispensing or injecting of anabolic steroids without a written prescription acts which constitute unprofessional conduct.

Imposes criminal penalties against any person who dispenses or injects anabolic steroids unless the anabolic steroid is dispensed pursuant to a written prescription or is dispensed in the course of a practitioner's professional practice.

APPROVED by Governor May 20

EFFECTIVE May 20

S.B. 94 Wine - interstate shipment to adult Colorado residents. Allows an adult resident of another state or a holder of an alcoholic beverage license in another state to ship not more than 2 cases of wine per month (not exceeding 9 liters per case) for personal use to any adult in Colorado if the state in which such adult or licensee is a resident allows similar wine shipments to its adult residents from Colorado. Provides that such shipments of wine to Colorado do not constitute a sale in Colorado. Requires that shipping containers of such wine shipments into or out of Colorado shall be labeled to forbid delivery to minors or intoxicated persons.

Prohibits adult residents or holders of alcoholic beverage licenses in states other than Colorado from advertising in Colorado the availability of products by shipment to Colorado. Requires orders for wine shipments to be made by the purchaser in person at the licensed premises of the seller.

APPROVED by Governor May 16

EFFECTIVE May 16

S.B. 222 Liquor licenses - hearings - representation. Requires state and local licensing authorities to consider evidence submitted by the principal or representative of a school located within 500 hundred feet of the premises for which an application for a license to sell fermented malt beverages has been made and allows the principal or representative of any such school to present evidence and to cross-examine witnesses at a public hearing on an application for any other type of license to sell alcoholic beverages for which a public hearing is required.

APPROVED by Governor June 20

EFFECTIVE June 20

S.B. 228 Electricians - national electrical code. Updates a reference to the national electrical code to indicate that the rules and regulations adopted by the state electrical board shall be governed by the standards contained in the most recent 1987 version of the code instead of the 1984 version of the code.

APPROVED by Governor June 20

EFFECTIVE June 20

S.B. 236 Regulation of racing events - drug testing of animals - board of stewards or judges. Requires the taking of laboratory samples from racing animals at race meets on a random, statistically valid basis instead of taking such samples at every race as currently required. Requires that at least one member of a board of stewards or judges be appointed and employed by the racing commission. Provides that any action of a board of stewards or judges to deny or suspend a license or to impose a fine shall be effective only if approved by at least one member of the board who is appointed and employed by the commission.

BECAME LAW without Governor's signature  
EFFECTIVE

July 3  
July 1

Note: Although the effective date stated in the act is July 1, 1987, the act did not become law until July 3, 1987.

H.B. 1020 Architects - corporate practice - insurance requirements. Adds to the criteria for the corporate practice of architecture the requirements that all architectural work produced on behalf of the corporation bear the seal and signature of the architect in "responsible charge" of, and responsible for, the architectural work, and that the corporation's articles of incorporation provide that shareholders shall be liable for acts of the corporation's employees unless the corporation possesses professional liability insurance. Specifies the minimal provisions for coverage that such a policy shall contain and identifies certain optional coverage provisions.

Defines "responsible charge".

APPROVED by Governor Feb. 26

EFFECTIVE Feb. 26

H.B. 1030 Pharmacists' internship for licensure by examination - standards - repeal. Requires the state board of pharmacy to develop a manual for use in the pharmacists' internship program. Prescribes subject areas for instruction of interns. Provides for evaluation and



disqualification of preceptors and for evaluation of interns. Delays the repeal of the statutory provisions on internship from July 1, 1987, to July 1, 1989.

APPROVED by Governor May 16

EFFECTIVE May 16

H.B. 1032 Real estate commission - real estate license renewal fees - administrative fines - procedures related to the real estate recovery fund. Authorizes the real estate commission to impose administrative fines not to exceed \$2500 for each separate offense upon real estate licensees and registered developers for violations of their regulatory statutes. Credits all such administrative fines collected to the real estate recovery fund. Increases from \$20 to \$40 the real estate license renewal fee which is deposited into the real estate recovery fund. Clarifies the procedures required for applications for payments out of the real estate recovery fund. Changes the term used to refer to parties who apply for payment from the fund. Requires that a court, upon petition of the real estate commission, shall join all claimants against a licensee in one action.

Provides that the real estate recovery fund shall not be subject to a claim by a licensee involving a transaction in which the claimant performed acts for which a real estate license is required. Further provides that the fund shall not be liable for a claim against a corporation which is a real estate licensee. Provides for written notice to the judgment debtor in applications for payment from the fund and for written responses from the real estate commission and the judgment debtor prior to a hearing on the application for payment. Clarifies matters a claimant must show at a hearing upon an application for payment from the fund prior to entry of an order for payment. Provides that the real estate commission may defend any action on behalf of the recovery fund and establishes presumptions regarding claims under certain conditions and rights of the commission to compromise claims against the fund.

Provides for the conclusiveness of the adjudication of certain issues against a judgment debtor for purposes of proceedings to order payment from the fund. Authorizes the real estate commission to automatically revoke the license of a broker or salesman upon the date of a court order for payment from the fund and provides that no broker or salesman shall be licensed again until the fund has been repaid in full. Allows the commission to satisfy duly authorized claims or portions thereof if moneys in the fund are insufficient to satisfy all claims and sufficient funds are subsequently deposited in the real estate recovery fund. Clarifies the applicability

of certain statute of limitations provisions with respect to real estate recovery fund actions.

APPROVED by Governor April 22                      EFFECTIVE     July 1

H.B. 1034 Beer and liquor licenses - payment of fine in lieu of license suspension. Allows the state or local licensing authority under the "Colorado Beer Code" and the "Colorado Liquor Code" to accept payment of a fine by a retail licensee in lieu of having his license suspended for all or part of the suspension period if: The public welfare would not be impaired by permitting the retail licensee to operate during the suspension period and the payment of the fine would achieve the desired disciplinary purposes; the loss of sales which the retail licensee would incur had the suspension taken effect can be determined with reasonable accuracy; and the amount of the fine imposed in lieu of suspension equals 20% of the retail licensee's gross revenues from the sales of beverages containing alcohol, but such fine shall not be less than \$200 nor greater than \$5,000.

Provides that the fines collected by the local licensing authority shall be paid into the general fund of the authority and that the fines collected by the state licensing authority shall be credited to the general fund of the state. Requires the state and local licensing authority to annually report to the general assembly all actions taken to impose fines, suspensions, and revocations.

Repeals the statutory provisions on July 1, 1990.

APPROVED by Governor April 16                      EFFECTIVE     April 16

H.B. 1066 Physicians and surgeons - definition of unprofessional conduct. Amends the definition of "unprofessional conduct" of a physician to include 2 or more acts or omissions which fail to meet generally accepted standards of medical practice, whether said acts occur during a single treatment of one patient, during the course of treatment of one patient, or during the treatment of more than one patient. Also includes violation of any valid order of the board of medical examiners or violation of any lawful rule or regulation promulgated by the board within such definition.

APPROVED by Governor March 13                      EFFECTIVE     March 13

H.B. 1147 Physicians' peer health assistance fund - creation - funding. Creates the physicians' peer health assistance fund to be used by the state board of medical examiners to fund grants to peer assistance programs for physicians in need of assistance in dealing with their physical,

emotional, or psychological problems. Establishes criteria for eligibility of programs for grants. Provides moneys for the fund through the assessment of an additional biennial fee on licensed physicians.

APPROVED by Governor May 1

EFFECTIVE May 1

H.B. 1149 Anatomical gifts - procurement protocol. Requires licensed or certified hospitals to implement, by October 1, 1987, an organ and tissue procurement protocol for the purpose of identifying potential organ donors. Requires that each hospital protocol designate who shall make requests for anatomical gifts and the circumstances under which such a request may be made. Establishes the responsibilities of the attending physician and the hospital in the identification of potential donors and in the determination of whether a donation is suitable and, if the donation is suitable, when such donation should be made.

Defines "procurement agency" and requires each procurement agency to inform hospitals of the needs for organs and tissue, to assist hospitals in the training of personnel and the development of protocol, and to coordinate a central clearinghouse to expediate the procurement process. Requires the procurement agency requesting the anatomical gift to pay all costs associated with the procurement of the gift.

Immunizes persons acting in good faith from civil or criminal liability.

APPROVED by Governor May 8

EFFECTIVE May 8

H.B. 1320 Legal drinking age - grandfather clause - criminal penalty - expungement of record. Raises the legal age to purchase, possess, use, sell, or dispense fermented malt beverages from 18 years of age to 21 years of age. Amends the penalty provisions on the purchase, the possession, and the posting of notice with regard to fermented malt beverages. Exempts any person who is 18 years of age or older on July 29, 1987, from the increase in the legal drinking age and allows such person to continue to drink fermented malt beverages.

Requires the legal drinking age to be lowered to 19 years of age if the United States congress repeals the federal mandate which requires a legal drinking age of 21 or if the United States supreme court declares such provision to be unconstitutional or otherwise invalid.

Provides that any person who is 18 years of age or



PROPERTY

- S.B. 60 Vested real property rights - establishment. Provides for the establishment of a vested property right to develop and use real property upon the approval or conditional approval of a site specific development plan by the local government in which the property is located. Makes such approval subject to all rights of referendum and judicial review. Declares that the establishment of vested property rights is a matter of statewide concern. States that a vested property right is vested for 3 years but permits local governments to enter into agreements allowing such rights to vest for a longer period. States that zoning that is not part of a site specific plan does not result in the creation of a vested property right.

Once a vested property right vests, precludes any zoning or land use action by a local government or pursuant to an initiated measure which would alter, impair, prevent, diminish, or delay the development or use except with the landowner's consent or upon the discovery of natural or man-made hazards on or in the immediate vicinity of the property or if the landowner receives just compensation for all costs, expenses, and liabilities incurred.

Provides that a vested property right arising while one local government has jurisdiction over the property shall be effective against any other local government which may obtain or assert jurisdiction over the property.

VETOED May 11

- S.B. 199 General mechanics' liens - owners of property - affirmative defense. Makes it an affirmative defense in any action to enforce a general mechanics' lien that the owner or some person acting on his behalf has paid an amount sufficient to satisfy the contractual and legal obligation of the owner, including the initial purchase price or contract amount plus any additions or change orders, to the principal contractor or any subcontractor for the purpose of payment to the subcontractors or suppliers of materials or services to the job. Limits the application of the affirmative defense to the owner of property which is: A single-family dwelling unit; a residence constructed by the owner or under a contract entered into by the owner prior to its occupancy as his primary residence; or a single-family owner-occupied dwelling unit, including a residence constructed and sold for occupancy as a primary residence. States that the defense does not apply to a developer or builder of multiple residences, except for the residence actually

occupied as the primary residence of such developer or builder.

APPROVED by Governor May 25

EFFECTIVE May 25

H.B. 1025 Land survey plats or right-of-way surveys - deposit with county surveyor. Specifies instances in which a land surveyor shall submit a land survey plat to the county surveyor. States that all such land survey plats or right-of-way surveys shall be deposited by the county surveyor in a public office as provided by the board of county commissioners within 60 days of completion. Requires the county surveyor of each county to create a separate file and index for land survey plats and a separate file and index for right-of-way surveys. Establishes fees for depositing such plats and a fee, not to exceed \$50, for reviewing and checking any land survey plat or survey. Specifies that such land survey plats or surveys deposited with the county surveyor shall be for informational purposes only and shall not be construed to affect the basic description of a subdivision, line, or corner contained in the official plats and field notes of record.

Requires the state department of highways to file any right-of-way survey in the office of the county clerk and recorder in the county such survey was made. States that no fee shall be charges for such filing.

APPROVED by Governor June 3

EFFECTIVE July 1

H.B. 1105 Mobile home parks - notice of sale. Requires the owner of a mobile home park to notify the owners of all mobile homes in the park of his intent to sell. States that such notification shall be made only once for any particular contract to sell or trade a mobile home park. Mandates such notice to be mailed to each mobile home owner at the address shown on the rental agreement with the mobile home park owner at least 10 days prior to the first scheduled closing for the sale or trade of the mobile home park. Exempts the sale of a mobile home park to a member of the immediate family of the owner or the sale of the park to partners in a partnership from such statutory requirement.

APPROVED by Governor April 22

EFFECTIVE July 1

H.B. 1155 Mortgages - lending - servicing - standards. Requires any funds paid to a mortgage broker as a fee pending consummation of a loan secured or to be secured by mortgage or other transfer of or encumbrance on real estate to be held in an escrow or a trustee account

pending finalization of the loan. Provides a criminal penalty of theft and civil damages of \$1,000 plus actual damages for any mortgage broker that misappropriates funds held in such escrow or trustee account.

Requires any person regularly engaged in the making of a loan secured by a mortgage or deed of trust on a one- to four-family dwelling unit to deliver in writing to the loan applicant a good faith estimate of each charge for a settlement service or cost to be paid at the time the loan is made. Requires a written statement from any mortgage lender at the time of application as to the conditions of any guaranty of the terms of a loan, if any such guarantees are given. States that such provisions do not apply to certain types of lenders regulated under other laws.

Requires both the transferor and transferee of the servicing of such a loan to give notice of such transfer. Requires the servicer of a loan to give a written reply to a written request from a debtor for information concerning the debtor's loan which is readily available to the servicer and which is not legal advice. Requires the servicer of a loan to provide annually to the debtor a summary of activity related to the loan. Makes the servicer of a loan liable for any interest or late fees charged by any taxing entity if funds for the full payment of taxes on the real estate have been held in escrow by the servicer and not remitted when due.

Provides for the award of attorney fees and a penalty of \$500 to the debtor or applicant where the court finds that actual damages have occurred by reason of the violation of the statutory provisions related to mortgage lending and servicing.

APPROVED by Governor May 16 EFFECTIVE July 1

H.B. 1171 Mobile home parks - use of terms. Clarifies the provisions of the "Mobile Home Park Act" by eliminating the use of the terms "resident" and "tenant", and by substituting therefor the term "home owner". Defines "management" or "landlord" for purposes of the act.

APPROVED by Governor May 8 EFFECTIVE May 8

H.B. 1197 Public trustees - matters for which not responsible - forfeiture of fees for failure to issue deed - vesting of title - foreclosure bid form - attorney fees - definition of "agricultural real estate" - cooperation between public trustees. Specifies matters for which a public trustee shall have no responsibility. If the public trustee fails to commence a foreclosure or to issue a deed within the statutory time limits, provides that 5%

of the public trustee's fees are forfeited.

Provides that, at the end of all redemption periods following a foreclosure, title to the property foreclosed vests in the holder of the certificate of purchase or the last redeeming lienor if redeemed, and that the foreclosing officer issue a deed to confirm the vesting of title.

Clarifies the information to be contained in the written foreclosure bid and allows appraisal fees and attorney fees for attorneys employed by the foreclosing party. Clarifies that the statutory limitation on attorney fees and frequency of foreclosures applies only to foreclosures based upon past due installments without an acceleration of the entire debt.

Allows the holder of a certificate of purchase to recover costs and expenses of defending, protecting, and maintaining the property during the period between the foreclosure sale and a redemption from such sale.

Redefines "agricultural real estate" for the purpose of determining the length of the redemption period to include only lands that are assessed as agricultural lands and excludes from such definition lands that are at least partly within the boundaries of a municipality, within a platted subdivision, or described in the deed of trust or mortgage as being nonagricultural lands.

Allows public trustees to cooperate and contract between themselves and others for the provision of any function, service, or facility needed in carrying out their duties.

Removes a requirement that an assignment of a certificate of purchase be recorded with the public trustee or other official.

Repeals provisions terminating the rights of a person entitled to a deed if such deed is not applied for or issued within 9 months after expiration of the last period of redemption.

APPROVED by Governor May 20

EFFECTIVE July 1

H.B. 1228 Liens - release requirements upon satisfaction of indebtedness. Requires the holder of an indebtedness secured by a lien on real property to release the lien within 90 days of its satisfaction and of receipt of the reasonable costs of procuring and recording a release or, in the case of an indebtedness secured by a deed of trust, to file the necessary documents to obtain the



release with the public trustee. Provides in the alternative for delivery to the debtor of the cancelled debt instruments.

Repeals a statutory provision which required a similar release by certain lenders.

APPROVED by Governor April 22

EFFECTIVE April 22

H.B. 1368 Unclaimed property held by banking and financial organizations - inclusion of travelers checks - clarification of applicability of Unclaimed Property Act. Expands the definition of intangible property that is subject to the provisions of the "Unclaimed Property Act" to include travelers checks. Clarifies that certain provisions of the act relating to charges imposed due to a delay in presentation for payment of money orders, travelers checks, and instruments such as checks and drafts and charges for dormancy or inactivity of deposits and funds in financial organizations are applicable beginning July 1, 1987. Clarifies that the administrator may estimate and require payment of unclaimed property to the state based only on the insufficiency of required records which are in existence on or after July 1, 1987, and that no charge, estimate, assessment, or penalty may be based on insufficiency of records occurring prior to July 1, 1987. Reiterates that the initial report of abandoned property must be filed before November 1, 1987.

APPROVED by Governor July 10

EFFECTIVE July 1

Note: Although the effective date stated in the act is July 1, 1987, the Governor did not sign the act until July 10, 1987.

H.B. 1376 Unclaimed Property Act - transfer of unclaimed property held by banking and financial organizations to state. Enacts the "Unclaimed Property Act" to provide that intangible property held by banking and financial organizations such as banks and savings and loan associations is subject to the custody of the state if specified conditions raise the presumption that said intangible property was abandoned by its owner. Provides that such property includes moneys, checks other than travelers checks, drafts, deposits, customer overpayments, and stocks. Requires a holder of property presumed abandoned to file a report with the state treasurer stating the name and last-known address of the apparent owner of such property, the amount of such property, and the date such property became payable, demandable, or returnable. Requires the holder of property presumed abandoned to send written notice to the

last-known address of the apparent owner informing him that the holder is in possession of property which may belong to said owner. Requires that, after a specified duration of time, the holder shall pay or deliver such property to the state treasurer. Requires the state treasurer to publish lists of abandoned property in specified newspapers. Allows the owner to claim said property from the state treasurer upon proof of ownership. From moneys received, requires the state treasurer to maintain a balance of \$100,000 to \$120,000 in the abandoned property fund for payment of such claims and to credit the remainder of moneys received to the general fund. With respect to abandoned property presently held by banking and financial organizations, provides that the act only applies to property for which the presumption of abandonment (as defined in the act) first arose during the 10-year period preceding July 1, 1987.

APPROVED by Governor July 1

EFFECTIVE July 1

Note: H.B. 1368 makes "technical corrections" to the "Unclaimed Property Act" and adds travelers checks to the definition of intangible property that is covered by the act.

PUBLIC UTILITIES

S.B. 51 Railroad peace officers - scope of authority - liability of railroad. Permits a class I railroad corporation to employ a railroad peace officer to protect and investigate offenses against the railroad corporation. Defines the term "railroad peace officer" and identifies the scope of such peace officer's authority. Provides that the employing railroad corporation shall be solely responsible for any liability resulting from acts or omissions of the railroad peace officer that arise within the scope and course of his employment. Requires the public utilities commission to establish eligibility requirements for railroad peace officers.

APPROVED by Governor April 30

EFFECTIVE April 30

H.B. 1068 Operation of a carrier or carrier properties by a person seeking to acquire the carrier's property or stock - temporary approval. Allows the public utilities commission to extend temporary approval for the operation of a carrier or carrier properties for a period of time which may extend until a final administrative decision is rendered.

APPROVED by Governor Feb. 26

EFFECTIVE Feb. 26

H.B. 1336 Intrastate telecommunications service - regulation by the public utilities commission. Declares that it is the policy of the state of Colorado to promote a competitive telecommunications marketplace while protecting and maintaining the wide availability of high-quality telecommunications services. Defines terms used in the context of regulation of intrastate telecommunications service. States that nothing in the article relating to such services shall be construed to supersede any existing powers of a local government. Prohibits a local exchange provider providing basic local exchange service from granting a preference to any person providing telecommunications service between exchanges. Requires access charges to be cost-based. Prohibits cross-subsidization between regulated and non-regulated services and products. Allows the public utilities commission to inspect books and documents of a local exchange provider as they pertain to any proceeding pending before the commission and to inspect the books and records of any affiliate of a local exchange provider if the affiliate uses a plant or incurs costs which are joint and common to the provision of basic local exchange service. Sets forth requirements with respect to segregation of investments and expenses to ensure

non-subsidization. Requires averaging of interexchange voice grade rates on a statewide basis. Allows a single entity to offer both regulated and unregulated products and services.

Declares that providers of basic local exchange service are subject to the public utilities law, including the regulation of all rates and charges. Includes the following products, services, and providers within such regulation: Basic emergency service; public coin telephone service; white page directory listing; local exchange listed telephone number service; new products and services necessary for the provision of basic local exchange service; and dual tone multifrequency signaling (touch-tone). Requires a local exchange provider to obtain a certificate of public convenience and necessity prior to operating in this state. Allows the commission to refrain from regulating for competitive purposes and to authorize a local exchange provider to provide all or a portion of a private telecommunications network service to specified persons. Sets forth requirements with respect to such refraining. Also allows the commission to refrain from regulation for competitive need for specific telecommunications service otherwise subject to its jurisdiction. Requires every local exchange provider to continue to provide basic local exchange service in any exchange area it served prior to July 2, 1987, unless the commission determines there are alternative providers. Prohibits requiring measured or message rate service unless the commission so orders.

Requires the commission to reclassify and regulate specific telecommunications services under the emerging competitive telecommunications competitive requirements upon a finding that there is effective competition in the relevant market for such service and that such regulation will promote the public interest and the provision of adequate and reliable service at just and reasonable rates. Sets forth factors to be considered by the commission in making such finding.

Places the following products, services, and providers under the regulation of the commission as emerging competitive telecommunications service: Advanced features offered and provided to residential customers and nonresidential customers with no more than 5 lines; premium services except those which are unregulated; interLATA toll; intraLATA toll; switched access; and private line service. Requires the commission to consider alternatives to traditional rate of return regulation in promulgating rules and regulations to regulate such services and products.

Requires the commission to deregulate specific telecommunications services otherwise subject to regulation upon a finding that there is effective competition in the relevant market for such service and that such deregulation will promote the public interest and the provision of adequate and reliable service at just and reasonable rates. Sets forth factors the commission shall consider in determining whether effective competition for a specific service exists. Requires the commission to approve or deny an application for deregulation within 180 days after the filing of such application and allows one additional period of 90 days in which to act. Deems the application granted if the commission does not act within such time. States that any telecommunications service or product which is not classified elsewhere shall be classified as an emerging competitive telecommunications service. Sets forth certain requirements for deregulating intraLATA interexchange service and switched access.

Exempts the following products, services, and providers from regulation under the public utilities law: Cable services; cellular telecommunications services; mobile radio service; radio paging service; new products and service other than those necessary to provide basic local exchange service; centron and centron-like services; special arrangements; special assemblies; informational services; operator services; advanced features offered and provided to nonresidential customers with more than 5 lines; and special access. Prohibits the commission from reclassifying deregulated products or services but allows the general assembly to reregulate any such product or service. Allows the commission to decide disputes concerning interconnection or access of lines or facilities between providers.

APPROVED by Governor July 2

EFFECTIVE July 2

## SOCIAL SERVICES

S.B. 71 Alternative care facilities program - extension - training program fund. Extends until 1990 the alternative care facilities pilot program, which offers eligible individuals in the medicaid program an alternative to long-term nursing home care. Expands the rule-making authority of the department of social services of the state to include promulgation of rules on the quality of care delivered in an alternative care facility. Removes the fee requirement for certification but provides that the department of social services shall collect a fee for the training program which is operated by said department and required of alternative care providers who seek certification. Establishes the alternative care facility training program fund to which such fees shall be credited and authorizes the department of social services to set the amount of such fee by rule. Requires said department to report annually to the general assembly on the availability and quality of alternative care services.

Clarifies that only certified alternative care facilities shall provide alternative care services and that such services do not include the medical, nursing, and therapeutic services offered at intermediate and skilled nursing facilities. Requires the advisory committee to submit an annual report to the general assembly. Requires such committee to include members who represent the affected population of elderly, blind, and disabled persons.

APPROVED by Governor June 16

EFFECTIVE July 1

S.B. 107 Medical assistance - basic services for the categorically needy. Adds case management services to those basic services available to categorically needy developmentally disabled and mentally ill persons under the "Colorado Medical Assistance Act", but only to the extent appropriations are made by the general assembly for such purpose. Defines "case management services".

APPROVED by Governor May 16

EFFECTIVE May 16

S.B. 209 County departments of social services - reimbursement - county contingency fund. Authorizes county departments of social services to receive and spend federal funds and to spend county funds in excess of the 20% county share of payments for employees' health, dental, or life insurance benefits without affecting the state's contribution to such payments. Modifies the number of

mills used to determine eligibility for an advancement from the county contingency fund if the total valuation for assessment of property in a county has changed on or after January 1, 1988. Specifies the formula to be used in determining the number of mills to be used in said determination.

APPROVED by Governor June 16                      EFFECTIVE     June 16

S.B. 245     Utility grants to old age pension recipients. Repeals the provision that grants funds to offset the increased expense of providing heat and fuel in winter to recipients of old age pensions.

APPROVED by Governor July 1                      EFFECTIVE     July 1

H.B. 1065     Medical assistance for the categorically needy - freestanding dialysis clinic services. Specifies that clinic services provided to the categorically needy under medicaid statutes shall include services furnished to outpatients in a facility which is not part of a hospital but is organized and operated as a freestanding dialysis clinic.

APPROVED by Governor May 1                      EFFECTIVE     May 1

H.B. 1135     Aid to families with dependent children - recoupment of assistance payments. Allows the state to recoup payments of aid to families with dependent children which are received conditionally upon the recipient's written agreement to make a good faith effort to dispose of real property that would otherwise render the recipient ineligible for assistance.

APPROVED by Governor May 28                      EFFECTIVE     May 28

H.B. 1226     Public assistance - eligibility - valuation of real property. Changes the method of valuation of real property used in determining public assistance eligibility by requiring the use of actual rather than assessed value of real property when calculating an applicant's available resources.

APPROVED by Governor May 1                      EFFECTIVE     May 1

H.B. 1268     Old age pension benefits - aliens. Requires the application for old age pension benefits to contain questions relating to the citizenship of the applicant, the number of years the applicant has resided in the

United States, and, if the applicant is an alien, the name of the person who sponsored the applicant's entry into the United States. Mandates the application to state in bold-faced type that aliens who have resided in the United States for less than 5 years and who receive old age pension benefits shall be reported to the immigration and naturalization service. States that, before such benefits may be awarded to an alien, the department of social services must determine that the person who sponsored the alien's entry into the United States has insufficient income to meet the needs of such alien. Requires the department to report such aliens to the immigration and naturalization service.

VETOED May 10

H.B. 1381 Medicaid reimbursements to nursing homes. Imposes various limitations on medicaid reimbursements to nursing homes, as follows: Reduces the ceiling on reimbursements for the costs of administration, property, and room and board from the 90th percentile to the 85th percentile of medicaid patients in participating nursing homes; requires reimbursement rates to be adjusted every 12 months rather than every 6 months; reduces the rental rate established for purposes of calculating the fair rental allowance for capital-related assets; and imposes other limitations on reimbursements for the fair rental allowance.

BECAME LAW without Governor's signature	July 11
EFFECTIVE	July 1

Note: Although the effective date stated in the act is July 1, 1987, the act did not become law until July 11, 1987.



STATUTES

H.B. 1075 Colorado Revised Statutes - supplements and replacement volumes - enactment and effective date. Establishes the effective date for the 1986 replacement volumes 3A, 3B, 8A, 8B, 12A, and 12B and for the 1986 supplements to the Colorado Revised Statutes. Enacts the replacement volumes and supplements as the positive statutory law of the state of Colorado.

Includes changes made to the statutory penalty for theft in 1984 which were inadvertently omitted from the 1986 replacement volume 8B.

APPROVED by Governor April 16

EFFECTIVE April 16

H.B. 1355 Revisor's bill - revisions to conform, correct, and clarify. Amends or repeals various statutory provisions which are obsolete, inconsistent, or in conflict with other laws, clarifies the language and more accurately reflects the legislative intent of the laws, and conforms the laws to the constitution and to Colorado supreme court decisions.

APPROVED by Governor July 10

PORTIONS EFFECTIVE July 1

July 10

October 1

Note: Although the effective date stated in the act for certain sections is July 1, 1987, the Governor did not sign the act until July 10, 1987.

TAXATION

- S.B. 7 Property taxes - valuation for assessment - statutory sections inconsistent with constitutional requirements - repeal. Repeals those statutory sections that were enacted prior to the 1982 constitutional amendment to section 3 of article X of the state constitution which conflict with such amendment's requirements on valuation for assessment, either in determination of actual value or assessment rates.

APPROVED by Governor May 20                      EFFECTIVE      May 20

- S.B. 8 Property taxes - valuation of oil and gas leaseholds and lands. Provides that the valuation for assessment of oil and gas leaseholds and lands for property tax purposes shall be determined solely by the current value of income rather than by relation back to a base year value.

Applies to property tax years beginning on or after January 1, 1987.

APPROVED by Governor April 1                      EFFECTIVE      April 1

- S.B. 25 Enterprise zones - tax credit or refund - new business facility employee - health insurance. Extends the availability of the income tax credit or refund for each additional new business facility employee employed by any taxpayer who establishes a new business facility located in an enterprise zone to each income tax year subsequent to the first full tax year. Allows an income tax credit of \$200 to a taxpayer for each new business facility employee who is insured under a health insurance plan or program provided through his employer.

Allows such credit or refund only with respect to taxable years beginning prior to July 1, 1995.

APPROVED by Governor May 25                      EFFECTIVE      May 25

Note: The substantive provisions of this bill concerning the income tax credits or refunds for new business facility employees are identical to provisions in H.B. No. 1274.

- S.B. 33 Public sale of tax liens - authority of county treasurer. Authorizes the county treasurer to establish rules which set forth bidding procedures for conducting the public sale of tax liens on lands and lots. Outlines specific powers of the county treasurer in establishing

such rules. Requires the county treasurer to announce such bidding rules at the beginning of the sale and that such rules shall apply to all bidders throughout the sale.

APPROVED by Governor May 8                      EFFECTIVE              May 8

S.B. 36      Income taxes - nongame wildlife program - voluntary contribution - postponement of expiration. Postpones from January 1, 1988, to January 1, 1991, the automatic expiration of the statutory provisions which authorize taxpayers to designate a portion of their income tax refund to go to the nongame wildlife program.

APPROVED by Governor May 8                      EFFECTIVE              May 8

S.B. 40      Property taxes - exemption - charitable fraternal and veteran organizations. Exempts from property taxation property owned by charitable fraternal organizations or veteran organizations when the net income received from such property has been irrevocably dedicated to charitable purposes.

Applies to property tax years commencing on or after January 1, 1988.

APPROVED by Governor May 21                      EFFECTIVE              Jan. 1, 1988

S.B. 88      Property taxes - valuation for assessment - real property. For the 1987 and 1988 property tax years, requires county assessors to revalue any real property to reflect changes in value due to the ending of the economic life of an improvement with only salvage value remaining. Provides that, for the 1987 and 1988 property tax years, producing coal mines and other lands producing nonmetallic minerals shall be valued for assessment without relating the actual value of such property back to a specified year's level of value pursuant to article 1 of title 39.

For property tax years 1989 and thereafter, modifies the time period to be utilized by assessors to determine the level of value of taxable property. Requires annual assessments of taxable property to be conducted beginning in 1991. Specifies that the general assembly shall consider making an appropriation during the 1988 regular session to reimburse counties for actual and reasonable costs incurred in determining the level of value for the property tax year 1989 and, in addition, shall consider alternative methods of funding the costs of annual assessments. Specifies procedures to be used

in reimbursing any moneys appropriated. Requires the legislative council to evaluate alternative methods of funding the costs of annual assessments and to report its findings to the general assembly by March 15, 1988.

Specifies that the amount of payments into escrow accounts for the payment of ad valorem taxes shall be increased only upon official notification of an increase in the amount of taxes levied, and shall not be increased solely upon notification of an increase in the valuation for assessment.

APPROVED by Governor June 20  
PORTIONS EFFECTIVE June 20  
Jan. 1, 1991

S.B. 198 Property taxes - payment of taxes on fractional interests in lands - tax liability - moneys deposited in escrow - exception - distribution of moneys. Eliminates the ad valorem tax liability of an owner of a fractional interest in wells or fields operated as units for the production of oil, gas, or other hydrocarbons to the extent such tax has been withheld from royalty or working interest payments of the owner by the unit operator or the first purchaser but has not been remitted to the treasurer. Eliminates the ad valorem tax liability of the unit operator of such unit to the extent such tax has been withheld from oil and gas sale proceeds of the unit operator by the first purchaser but has not been remitted to the treasurer.

Requires the unit operator to place in escrow an amount equal to the tax collected from the owners of fractional interests in the unit by the unit operator plus the proportional share of tax levied on the fractional interest in the unit owned by the unit operator. Requires the money to be deposited within 30 days from the date the unit operator receives payment for the sale of any oil or gas from such lease. Authorizes the treasurer to waive such escrow requirement if the unit operator provides an adequate financial statement or bond.

Upon completion of all production of oil and gas from the unit and after all wells in the unit are plugged and abandoned, specifies that all moneys remaining in the escrow account after full payment of all ad valorem tax due on the unit be distributed to the owners of the fractional interests in the unit based upon each owner's proportional interest in the unit. Requires that interest accruing to the escrow account be credited to the account and distributed with other moneys in the account when production from the unit is completed and

all wells are plugged.

Makes the unit operator and first purchaser liable for the ad valorem tax of the owners of fractional interests to the extent the unit operator or the first purchaser has withheld such tax from royalty and working interest payments but has failed to remit such tax collected. Authorizes the treasurer to give notice to the first purchaser to withhold sale proceeds to the unit operator and to remit such proceeds to the treasurer until the delinquent tax and penalties are paid when the unit operator has failed to remit such tax collected from the owners of fractional interests or when the unit operator has failed to remit the proportional share of tax levied on the fractional interest in the unit owned by the unit operator.

Makes the first purchaser liable for the amount of delinquent tax if he fails to collect the tax after receiving notice from the treasurer or if he collects the tax but fails to transfer the tax to the unit operator or the treasurer.

APPROVED by Governor May 20                      EFFECTIVE      May 20

S.B. 238      Severance tax receipts - temporary diversion of state share to general fund. For the fiscal year 1987-88, credits gross receipts to the general fund which would otherwise be credited to the state severance tax trust fund.

APPROVED by Governor July 1                      EFFECTIVE      July 1

H.B. 1002      Property taxes - valuation of producing mines. Provides that the valuation for assessment of producing mines for property tax purposes shall be based on the gross proceeds or net proceeds for the preceding calendar year rather than by relation back to a base year value.

Applies to property tax years beginning on or after January 1, 1987.

APPROVED by Governor April 1                      EFFECTIVE      April 1

H.B. 1003      Property taxes - valuation of residential real property for assessment. Declares that residential real property shall be valued at 21% of its actual value; except that, pursuant to the provisions of section 3 of article X of the Colorado constitution, for the property tax years commencing on and after January 1, 1987, but prior to January 1, 1989, residential real property shall be

valued at 18% of its actual value in order to maintain the percentage of aggregate statewide valuation for assessment which was attributable to residential real property for the property tax year commencing January 1, 1986.

APPROVED by Governor April 16

EFFECTIVE April 16

H.B. 1004 Valuation for assessment - conforming statutes to existing constitutional provisions. Changes the statutory percentage of actual value to 29% which is the same as the percentage mandated by the constitutional amendment.

APPROVED by Governor July 10

EFFECTIVE July 10

H.B. 1006 Property taxes - personal property - failure to fully and completely disclose - penalties - determination of actual value - maximum value. After August 1, 1987, allows the assessor, upon discovery that any person has failed to make a full and complete disclosure of his personal property for assessment purposes, after being given personal property tax schedules, to value such person's personal property based on the best available information and to impose a penalty upon such person in an amount up to 25% of the valuation for assessment determined for the omitted property. Exempts a person from imposition of said penalty if he fully and completely discloses such property on the first personal property schedule he is issued after August 1, 1987. Specifies that any person subject to a penalty shall have the right to pursue the available statutory taxpayer remedies. Removes language regarding filings which constitute a failure to fully and completely disclose personal property from the statute which addresses those persons who fail to file a personal property tax schedule.

Requires the assessing officer to consider the value of personal property which is derived from the cost approach to the appraisal of property to be the maximum value of the property, if the owner has timely filed his declaration which contains all relevant information pertaining to the valuation of such property and which also contains a full disclosure of all costs incurred in the acquisition and installation of all personal property owned or in the possession of the taxpayer. Allows denial of the use of the cost approach only if such requirements are not met. Holds the assessing officer liable for costs incurred by a taxpayer for protesting an assessment where the use of the cost approach was wrongly denied by the assessing officer. Provides that nothing shall preclude an assessing officer from using other

authorized methods of appraising personal property if it would result in a lower value and is based on independent information obtained by the assessing officer.

APPROVED by Governor June 16  
PORTIONS EFFECTIVE June 16  
August 1

H.B. 1010 Property taxes - calendar for certification of levies - uniform dates. Uniformly applies November 20 as the date by which needed levy amounts shall be certified to the county commissioners by local governments, special districts, and school districts, and December 1 as the date the county commissioners shall levy against the valuation for assessment. Extends the November 20 deadline to December 15 and continues to allow a delay in the levy against valuation for assessment when an election for an increased property tax levy is held. Allows adjustments in the tax levies to reflect changes in the valuation for assessment only when such changes occur after the valuation for assessment but prior to the delivery of the tax warrant.

APPROVED by Governor April 22 EFFECTIVE April 22

H.B. 1013 Property taxes - access to documents for annual valuation for assessment study. Authorizes the contractor and his employees performing the annual valuation for assessment study to have access to documents in the custody of an assessor or the property tax administrator. Allows such contractor and his employees to have the same access to confidential documents that assessors, the property tax administrator, and other authorized persons have and allows persons with taxable personal property listed in such confidential documents to have the same access to such documents.

APPROVED by Governor March 13 EFFECTIVE March 13

H.B. 1036 Delinquent taxes - collection from Colorado residents - contracts for collection services. Authorizes the executive director of the department of revenue to contract with 2 or more debt collection agencies or attorneys for collection of taxes, penalties, and interest from Colorado residents whose taxes are more than 12 months overdue. Requires the collection agency to file a bond of between \$100,000 and \$500,000, with a fidelity and surety insurance corporation as surety, to guarantee compliance with the terms of the contract.

APPROVED by Governor July 10 EFFECTIVE July 10

H.B. 1072 Cigarette and tobacco products taxes - penalties for noncompliance with reporting and payment procedures. Imposes penalties for the failure to file required cigarette and tobacco products tax returns when due and clarifies when the penalties for the failure to pay such taxes apply.

APPROVED by Governor April 16                      EFFECTIVE April 16

H.B. 1107 Property taxes - schedules of property - late filing penalties. Authorizes the property tax administrator to impose a late filing penalty on a public utility which fails to return its statement of property to him by April 15 of each year. Requires the imposition of a fine of \$100 for each calendar day the statement of property is delinquent with the total penalty imposed not to exceed \$3,000. Credits all late filing penalties to the general fund. If the statement of property is not filed by the public utility by May 15, provides that, in addition to imposing a late filing penalty, the administrator shall determine the actual value of the property of the public utility on the basis of the best information available.

Authorizes the property tax administrator to determine the actual value of the property of a public utility on the basis of the best information available when a public utility fails to file a completed statement of property, fails to include property of the public utility in a statement of property, or includes false, erroneous, or misleading information concerning property of the public utility in a statement of property.

APPROVED by Governor April 16                      EFFECTIVE Jan. 1, 1988

H.B. 1110 Gasoline and special fuels taxes - refunds of taxes erroneously paid. Authorizes the refund of taxes erroneously paid by a distributor on gasoline and special fuels due to mistake of fact, law, or computation. Requires the application for such a refund to be made within 3 years of the date of the erroneous payment of tax.

APPROVED by Governor May 8                      EFFECTIVE May 8

H.B. 1127 Cigarette tax - use of metering machines. Requires the department to set metering machines to the number of units requested by the wholesaler and to determine the amount of the cigarette tax due as of the time of such setting.

Clarifies the time at which the tax is payable and the penalties imposed for late payment.

APPROVED by Governor May 1                      EFFECTIVE May 1



H.B. 1170 Estate taxes - filing of return - penalties. Clarifies provisions relating to who must file an estate tax return by specifying that if a person is not required to file a federal return such person is not required to file a Colorado return. Changes the penalty for failure to pay any tax by a specified date to \$15 or 5% of the amount of the tax, whichever is greater. Requires an additional penalty for each month that the tax is not paid of 5% per month up to but not to exceed 20%. Allows the executive director to reduce or waive the penalty for reasonable cause.

Applies to estates of decedents dying on or after January 1, 1986.

APPROVED by Governor April 22                      EFFECTIVE April 22

H.B. 1212 Property tax administrator - procedures for discontinuing exemptions from property tax - hearings - appropriation. Effective January 1, 1988, requires the property tax administrator, in instances where an exemption for a property or use may be discontinued, to provide the affected owner or user with written notice of such pending action and a public hearing on the matter. Directs the administrator to provide the property owner and any user of the property 60 days within which to either comply and retain the property tax exemption or have the property disqualified from such tax exemption.

Effective July 1, 1987, increases the fee for filing an application claiming initial exemption of real and personal property from general taxation from \$25 to \$50. Also effective July 1, 1987, increases the fee for filing an annual report for exempt property with the property tax administrator from \$5 to \$25 and increases the fee from \$25 to \$50 for reports not filed by the specified deadline.

Appropriates \$148,989 and 4.0 FTE from the general fund to the department of local affairs for the implementation of the act.

APPROVED by Governor July 10                      EFFECTIVE July 1

Note: Although the effective date stated in the act for section 1 is July 1, 1987, the Governor did not sign the act until July 10, 1987.

H.B. 1214 Tourism tax - increase in amount of tax - extension of tax and Colorado tourism board. Increases the tax on the following tourist related services and activities from one tenth of one percent to two tenths of one percent: Lodging services, food and drink sales, ski lift and

admission tickets, private tourist attraction admissions, the sales tax on rental automobiles, and bus and sightseeing passenger carrier tickets.

Postpones the repeal of statutory provisions authorizing the Colorado tourism board and the tax on tourist related services and activities until 1993.

APPROVED by Governor June 16                      EFFECTIVE      July 1

H.B. 1220 Property taxes - classification of agricultural equipment - mechanical equipment for conveyance and storage of animal products. Amends the definition of "agricultural equipment used on the farm or ranch in the production of agricultural products" to include, within the exemption from property tax, mechanical systems used for conveyance and storage of raw or unprocessed animal products. Clarifies that the definition encompasses such mechanical systems regardless of their affixation to real property.

APPROVED by Governor May 8                      EFFECTIVE      May 8

H.B. 1243 Income taxes - financial institutions - carry forward of net operating losses. Authorizes a financial institution to carry forward any unused portion of a net operating loss it suffers during any taxable year beginning on or after January 1, 1984, to each of the 15 years following the taxable year such loss was incurred.

APPROVED by Governor May 4                      EFFECTIVE      May 4

H.B. 1274 Enterprise zones - increase in number allowed - tax credit or refund - new business facility employee - incentive payment. Increases the number of enterprise zones which may be created from 8 to 12, not more than 4 of which may be in urban areas and not more than 8 of which may be in predominantly rural areas. Provides a credit equal to 3% of the total investment made in qualified property used in an enterprise zone, to the extent such property is used in the enterprise zone for one year. Extends the availability of the income tax credit or refund for each additional new business facility employee employed by any taxpayer who establishes a new business facility located in an enterprise zone to each income tax year subsequent to the first full tax year. Allows an income tax credit of \$200 for each new business facility employee insured under a health insurance plan or program provided through his employer. Permits an existing business located in a zone which adds value to agricultural commodities to receive a credit or refund of up to \$500 for each additional new

business facility employee. Permits local governments to negotiate with taxpayers in enterprise zones for the abatement of certain property and sales taxes.

Extends the repeal date of the enterprise zone act to 1995.

APPROVED by Governor May 28                      EFFECTIVE      May 28

Note: The substantive provisions of this bill concerning the income tax credits or refunds for new business facility employees are identical to provisions in S.B. 25.

H.B. 1289 Property taxes - taxable personal property - removal from state before next assessment date - waiver of revaluation. Makes the failure to apply to the assessor for revaluation of taxable personal property before removing it from the state a waiver of revaluation of that property, and under those circumstances no proportionate revaluation by the assessor shall be required.

APPROVED by Governor April 23                      EFFECTIVE      April 23

H.B. 1315 Property taxes - incorrect levies - elimination of review by property tax administrator. Eliminates review by the property tax administrator of property tax abatements or refunds in amounts of \$300 or less which the board of county commissioners has found to be erroneous or illegal.

Applies to recommendations by the board of county commissioners occurring on or after May 6, 1987.

APPROVED by Governor May 6                      EFFECTIVE      May 6

H.B. 1330 Sales and use taxes - definition of food - exemptions of certain purchases of food. Specifies that any statutory or home rule city, town, city and county, or county that imposes a rate of sales tax on prepared food or food for immediate consumption which is higher than its general rate of sales tax shall exclude from such higher rate of sales tax any food for domestic home consumption.

Prohibits the state and any locality from imposing a sales or use tax on the sale of food, as defined by federal law for purposes of the federal food stamp program, which is purchased with federal food stamps or with funds provided by the special federal supplemental food program for women, infants, and children.

For purposes of imposition of state or local sales or use taxes, defines "food" as food for domestic home consumption as defined by federal law for purposes of the federal food stamp program, excluding the following: Carbonated water marketed in containers; chewing gum; seeds and plants to grow foods; prepared salads and salad bars; cold sandwiches; deli trays; and food or drink vended by or through machines on behalf of a vendor.

APPROVED by Governor May 22

EFFECTIVE October 1

H.B. 1331 Income tax - "Tax Equity Act of 1987" - sales and use tax exemption. For taxable years commencing on or after January 1, 1987, imposes a single tax rate of 5% on the modified federal taxable income of individuals, estates, and trusts and replaces the current graduated rate of taxation on the income of individuals, estates, and trusts. In addition, imposes an alternative minimum tax of 3.75% on the modified alternative minimum taxable income of every individual, estate, and trust. Allows a credit in an amount equal to 18% of the alternative minimum tax credit allowed by federal law. Maintains current exclusions from taxable income for pensions and annuities up to \$20,000 per tax year and of \$2,000 per tax year for amounts received from the federal government as military retirement pay by individuals less than 55 years of age.

Imposes a graduated income tax on corporations with rates ranging from 6% for corporate net incomes in excess of \$50,000 in 1987 to a single 5% rate of tax for corporations beginning July 1, 1993. Ends current tax credits for individuals for taxable years commencing on or after January 1, 1987, and limits such credits to corporations. Reinstates an investment tax credit for corporations beginning in tax years commencing on or after January 1, 1988. On and after January 1, 1988, makes all purchases of machinery or machine tools in excess of \$1,000 exempt from sales and use taxation.

Makes the current income tax credit for property tax, rent, heat, or fuel for the elderly a grant assistance program administered by the department of revenue rather than an income tax credit.

APPROVED by Governor June 22

EFFECTIVE June 22

WATER AND IRRIGATION

- S.B. 10 River basin authorities - repeal. Repeals statutory provisions relating to river basin authorities and the powers and duties associated therewith.

APPROVED by Governor May 20 EFFECTIVE May 20

- S.B. 15 Colorado water conservation board - project authorizations - studies. Approves 9 water resource projects for financial assistance loans out of the Colorado water conservation board construction fund. Approves 4 water resource projects for financial assistance loans out of the fund subject to a determination by the Colorado water conservation board that such projects are technically and financially feasible. Sets the total amount of all such loans at \$13,717,900 and sets forth certain conditions relating to such projects.

Authorizes the board to loan and grant \$500,000 to the Conejos water conservancy district for the purchase of the existing Platoro reservoir project. Makes \$100,000 of the loan nonreimbursable in recognition of the fact that the state shall receive the right to store water in the reservoir for the purposes of meeting the state's Rio Grande compact obligations. Increases the amount of the loan for the Stagecoach reservoir project from \$6,000,000 to \$8,000,000.

Authorizes a study of the deep ground water aquifers of the Denver basin in the vicinity of Castle Pines at a cost to the board not to exceed \$100,000 provided that matching funds are made available. Authorizes a study of the state's water right adjudication system at a cost not to exceed \$250,000.

APPROVED by Governor June 1 EFFECTIVE June 1

- S.B. 200 Ground water management cash fund - creation - uses - increase in well permit fees - time limit for action on well permit applications. Creates the ground water management cash fund for the following purposes: Creating an automated well permit processing system which will expedite the issuance of well permits; creating and maintaining a ground water information management system; establishing ground water recharge programs; and conducting ground water related activities which are deemed necessary by the state engineer in performing his statutory duties. Provides that data in the ground water data network shall be made available to the public by the

office of the state engineer as expeditiously as possible.

Increases the fee for applications for all new well permits regardless of well capacity from \$30 to \$60. Increases the fee to modify or replace an existing well from \$10 to \$60. Increases the fee for any change in a well permit from \$30 to \$60. Establishes a \$60 fee for extensions of well permits. Requires a processing fee of \$60 for recording exempt wells put to beneficial use before 1972. Requires the state engineer, except as otherwise provided by specific statute, to act upon an application for a well permit within 45 days of the receipt thereof.

Appropriates \$297,900 to the state engineer for implementation of the act.

APPROVED by Governor July 2                      EFFECTIVE      July 1

Note: Although the effective date stated in the act is July 1, 1987, the Governor did not sign the act until July 2, 1987.

S.B. 212 Minimum stream flows - right of appropriation - limitation. Reaffirms existing law to state that only the Colorado water conservation board has the authority to appropriate or acquire water, water rights, or interests in water for minimum stream flows or for natural surface water levels or volumes for natural lakes, in order to preserve the natural environment to a reasonable degree. At the request of any person, including any governmental entity, states that the board shall determine in a timely manner, not to exceed 120 days unless further time is granted by the requesting person or entity, those terms and conditions it will accept in a contract or agreement for the acquisition by it from such person or entity of water, water rights, or interests in water, to be held by the board to ensure minimum stream flows and to preserve the natural environment to a reasonable degree.

APPROVED by Governor June 20                      EFFECTIVE      June 20

H.B. 1046 Colorado water resources research institute - continuation - report concerning source of operating funds. Extends the repeal date of provisions relating to the Colorado water resources research institute until July 1, 1997.

Requires the institute to report to legislative committees concerning the source of its operating funds

by January 15, 1988. Repeals the reporting requirement on July 1, 1988.

APPROVED by Governor July 10

EFFECTIVE July 10

H.B. 1158 Water resources - Colorado Ute Indian water rights final settlement agreement - mitigation and enhancement of fish and wildlife affected by water projects - appropriation. Makes the director of the division of wildlife a nonvoting member of the Colorado water conservation board. Grants the board powers to make mitigation and enhancement grants for fish and wildlife resources. Creates the fish and wildlife resources account in the Colorado water conservation board construction fund. Creates the water rights final settlement fund for the purpose of providing moneys for tribal development funds for the Southern Ute Indian tribe and the Ute Mountain Ute Indian tribe as provided for in the Colorado Ute Indian water rights final settlement agreement of December 10, 1986. Transfers \$5 million into the fund on July 1, 1987. Provides for the transfer of the \$5 million to the Colorado water resources and power development authority and to the Colorado water conservation board construction fund if federal moneys are not deposited in the tribal development funds before June 1, 1990. Transfers development moneys to the fish and wildlife resources account, the Colorado water conservation board construction fund, and the Colorado water resources and power development authority annually beginning July 1, 1988, through July 1, 1990.

Recognizes the responsibility of the state to enhance and protect those fish and wildlife resources found in and around state waters. Declares that such fish and wildlife resources are a matter of statewide concern and that impacts on such resources should be mitigated by the project applicants in a reasonable manner. Requires every applicant for any water diversion, delivery, or storage facility which requires an application for a permit, license, or other approval from the United States to submit a mitigation proposal. Exempts the Animas-La Plata project, the Two Forks dam and reservoir project, and the Homestake water project from this requirement if they do not seek a mitigation grant.

Provides that, if the applicant and the wildlife commission agree upon a mitigation plan, the agreement shall be forwarded to the Colorado water conservation board which shall adopt such agreement as the official state position on the mitigation actions required of the applicant. If the commission and the board disagree as

to what mitigation actions are required, states that the governor shall determine the official state position on the mitigation actions required of the applicant. Provides that the official state position shall be communicated to each federal, state, or other governmental agency from which applicant must obtain a permit, license, or approval.

States that, to the extent that the cost of implementing the mitigation recommendation exceeds 5% of the costs of a diversion, delivery, or storage facility, the board shall make a mitigation grant up to but not to exceed 5% of the construction costs of such facility. Provides that any mitigation cost in excess of 10% of the construction costs of a project shall be borne by the applicant. States that decisions relating to the official state mitigation position shall not be subject to judicial review.

Provides that an applicant may apply for an enhancement grant for enhancing fish and wildlife resources over and above the levels existing without such facilities. Requires the board to distribute mitigation and enhancement grants reasonably and equitably among the state's water basins.

Appropriates \$70,517 and 1.0 FTE to the Colorado water conservation board for the purpose of making findings regarding mitigation actions.

APPROVED by Governor July 13

EFFECTIVE July 13



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S.B. 161 Community corrections - referral of offenders by the department of corrections - condition of parole. Requires the department of corrections to refer any offender who has not received an enhanced sentence for a conviction of a violent crime to community corrections for short-term, prerelease placement. Specifies the maximum number of months that such offender may be placed in community corrections. Declares the legislative intent with respect to the public safety purposes of community corrections.

Gives the right of first refusal of placement of an offender to the corrections board in the community where the offender will reside after his release from custody. Authorizes the state board of parole to require participation in community corrections as a condition of parole. Requires the department of corrections to establish programs and procedures whereby offenders may contribute toward the restitution of their victims.

APPROVED by Governor August 27      EFFECTIVE August 27

S.B. 201 Private educational clinics for public school dropouts - appropriation. Authorizes the commissioner of education and counties to contract with certified private educational clinics to provide individualized instruction in basic academic skills and employment orientation. Encourages public school reentry for 13-21 year-olds who have dropped out of public school. Allows attendance at clinics to satisfy compulsory attendance requirements and, if certain attendance and performance requirements are met, allows a student to reenroll in a public school and graduate with his class.

Establishes standards and procedures for the commissioner to certify educational clinics and requires the department of education to report to the general assembly on the effect of the program on the school dropout problem.

Creates a cash fund for contributions from federal, local, and private sources, and appropriates \$400,000 therefrom to the department of education for implementation of the act.

APPROVED by Governor August 27      EFFECTIVE August 27

S.B. 219 Vested real property rights - establishment. Provides for the establishment of a vested property right to develop and use real property upon the approval or conditional approval of a site specific development plan

by the local government in which the property is located. Makes such approval subject to all rights of referendum and judicial review. Declares that the establishment of vested property rights is a matter of statewide concern. States that a vested property right is vested for 3 years but permits local governments to enter into agreements allowing such rights to vest for a longer period. States that zoning that is not part of a site specific plan does not result in the creation of a vested property right.

Provides that what constitutes a vested property right shall be finally determined by the local government either pursuant to ordinance or regulation or upon the agreement entered into by the local government and the landowner. Requires the identification of the document which triggers a vested right.

Once a vested property right vests, precludes any zoning or land use action by a local government or pursuant to an initiated measure which would alter, impair, prevent, diminish, or delay the development of use except with the landowner's consent or upon the discovery of natural or man-made hazards on or in the immediate vicinity of the property or if the landowner receives just compensation for all costs, expenses, and liabilities incurred.

Provides that a vested property right arising while one local government has jurisdiction over the property shall be effective against any other local government which may obtain or assert jurisdiction over the property.

States that statutory provisions shall not preclude judicial determination that a vested property right exists or that a compensable taking has occurred.

APPROVED by Governor August 27 EFFECTIVE Jan. 1, 1988

S.B. 247

Public highway authorities - creation - operation - financing. Authorizes the creation of public highway authorities for the purpose of financing, constructing, operating, and maintaining a public highway. Defines "public highway" and other necessary terms. Specifies which entities may combine to form an authority and the powers of such authority, including the power to establish tolls for traveling on a public highway and the power to establish local improvement districts and value capture areas to facilitate the construction of a public highway. Authorizes the authority to levy certain taxes and impose certain fees within the area of the authority

and to issue bonds. Requires that any action by an authority to establish or increase any tax or motor vehicle registration fee be submitted to a referendum for approval or rejection by a majority of registered electors. Authorizes governmental units to take specified actions, including pledging moneys received from the highway users tax fund, relating to a public highway.

APPROVED by Governor August 27      EFFECTIVE August 27

S.B. 248 "Colorado Children's Code" - correction of date. Conforms the date contained in the provision of the "Colorado Children's Code" governing previous court orders and decrees to the effective date of the act that repealed and reenacted such code, October 1, 1987.

APPROVED by Governor August 27      EFFECTIVE August 27

H.B. 1299 School district management and efficiency. Assigns to the interim school finance study committee the responsibility for overseeing a study of minimizing administrative costs of school districts which was authorized by a footnote to the general appropriation bill, S.B. 218. Requires school districts to comply with requests made in the conduct of such study. Delays the date for the department of education to report on the results of such study from January 15, 1988, to February 15, 1988.

APPROVED by Governor August 27      EFFECTIVE August 27

H.B. 1369 Mined land reclamation board - cash funding - transfer authorization. Establishes the cash funding of the mined land reclamation board. Authorizes the director of the office of state planning and budgeting, after consulting with the executive director of the department of natural resources and with the approval of the governor, to order the controller to transfer \$125,779 and 3.5 FTE from the Colorado mine safety program to the division of mined land reclamation for the minerals program.

APPROVED by Governor August 27      EFFECTIVE August 27

H.B. 1383 Closing of the books for the 1986-87 fiscal year - transfers between appropriations. Makes various transfers between appropriations for the purpose of closing the books for the 1986-87 fiscal year including intradepartmental transfers for the departments of administration, agriculture, corrections, health, higher education, institutions, natural resources, and social



services, the judicial department, and the department of the treasury, and a transfer of \$323,894 in general fund appropriations from the department of corrections to the department of administration.

APPROVED by Governor August 27      EFFECTIVE August 27

H.B. 1384 Surcharge on occupational license fees - changes to 1987 H.B. No. 1377. Amends 1987 H.B. No. 1377, which imposed a 25% surcharge on fees related to the licensing of individuals to practice a profession or occupation regulated by the department of regulatory agencies, by denominating the surcharge an "excise tax", eliminating the rule-making authority of the executive director of the department of regulatory agencies, removing a reference to the amount expected to be raised by the tax, listing various specific kinds of fees not subject to the tax, and authorizing rounding the dollar amount of the tax to the nearest whole dollar.

APPROVED by Governor August 27      EFFECTIVE August 27

H.B. 1385 Supplemental appropriation - department of education. Amends the 1987 general appropriation act to decrease the total appropriation to the department.

APPROVED by Governor August 27      EFFECTIVE August 27