

# DIGEST

SENATE AND HOUSE BILLS ENACTED  
BY THE  
SIXTY-SEVENTH GENERAL ASSEMBLY  
OF THE  
STATE OF COLORADO  
(2009 - First Regular Session)

|                                                                                                                                                        |
|--------------------------------------------------------------------------------------------------------------------------------------------------------|
| NOTE: The Digest is available on the Official Colorado State Legislative<br>Home Page at: <a href="http://www.leg.state.co.us">www.leg.state.co.us</a> |
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## **PREFACE**

Publication of the Colorado Revised Statutes occurs several months following the end of each regular legislative session. Prior to such publication, the Office of Legislative Legal Services prepares the Digest of Bills and Concurrent Resolutions as required under section 2-3-504, C.R.S. The Digest consists of summaries of all bills and concurrent resolutions enacted by the Sixty-seventh General Assembly at its First Regular Session ending May 6, 2009. The summaries include the dates bills are approved and the effective dates of the bills. The Digest also includes an alphabetical subject index and several reference tables. The Digest is not a substitute for the text of the bills or for provisions of the Colorado Revised Statutes, but gives the user notice of and summary information on recent changes to the statutes.

## **HOW TO USE THE DIGEST**

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

8. For statistics concerning the number of bills and concurrent resolutions introduced and passed in the 2009 session compared to the two prior sessions, see the Legislative Statistical Summary, page vii.

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

10. The general assembly adjourned sine die on the 120th legislative day, May 6, 2009. Accordingly, the 90-day period following adjournment in which referendum petitions may be filed in accordance with section 1 of article V of the state constitution for bills that do not contain a safety clause expires on Tuesday, August 4, 2009. The effective date for such bills is therefore 12:01 a.m., on Wednesday, August 5, 2009, the day following the expiration of the 90-day period. However, in accordance with section 1-1-106 (5), Colorado Revised Statutes, the Secretary of State has indicated that any referendum petitions must be filed on or before Tuesday, August 4, 2009.

Individual copies of enacted bills and concurrent resolutions may be obtained from the House Services Office (for House material) and the Senate Services Office (for Senate material) in the State Capitol Building and will also be published in the Session Laws of Colorado 2009.

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

## LEGISLATIVE STATISTICAL SUMMARY

|                                                 | 2009  |        | 2008  |        | 2007  |        |
|-------------------------------------------------|-------|--------|-------|--------|-------|--------|
|                                                 | Intro | Passed | Intro | Passed | Intro | Passed |
| House Bills                                     | 369   | 241    | 415   | 309    | 379   | 270    |
| Senate Bills                                    | 297   | 227    | 247   | 172    | 263   | 204    |
| Concurrent Resolutions                          | 6     | 1      | 23    | 3      | 4     | 1      |
| Bills signed by Governor                        | 463   |        | 473   |        | 464   |        |
| Bills becoming law without Governor's signature | 0     |        | 0     |        | 1     |        |
| Bills partially vetoed by the Governor          | 1     |        | 1     |        | 1     |        |
| Bills vetoed by the Governor                    | 4     |        | 7     |        | 8     |        |
| Bills referred to the People                    | 0     |        | 0     |        | 0     |        |

### BILLS VETOED BY THE GOVERNOR:

**H.B. 09-1170                      S.B. 09-050**

**H.B. 09-1180                      S.B. 09-180**

### BILLS BECOMING LAW WITHOUT GOVERNOR'S SIGNATURE:

None

### BILLS WITH PORTIONS VETOED BY THE GOVERNOR:

**S.B. 09-259**

## **BILLS ENACTED WITHOUT A SAFETY CLAUSE:\***

### **HOUSE BILLS**

|                     |                     |                       |                     |                     |
|---------------------|---------------------|-----------------------|---------------------|---------------------|
| <b>H.B. 09-1001</b> | <b>H.B. 09-1058</b> | <b>H.B. 09-1122</b>   | <b>H.B. 09-1190</b> | <b>H.B. 09-1264</b> |
| <b>H.B. 09-1007</b> | <b>H.B. 09-1059</b> | <b>H.B. 09-1124</b>   | <b>H.B. 09-1191</b> | <b>H.B. 09-1265</b> |
| <b>H.B. 09-1014</b> | <b>H.B. 09-1061</b> | <b>H.B. 09-1128</b>   | <b>H.B. 09-1197</b> | <b>H.B. 09-1266</b> |
| <b>H.B. 09-1015</b> | <b>H.B. 09-1063</b> | <b>H.B. 09-1130</b>   | <b>H.B. 09-1200</b> | <b>H.B. 09-1279</b> |
| <b>H.B. 09-1018</b> | <b>H.B. 09-1066</b> | <b>H.B. 09-1133</b>   | <b>H.B. 09-1203</b> | <b>H.B. 09-1280</b> |
| <b>H.B. 09-1021</b> | <b>H.B. 09-1067</b> | <b>H.B. 09-1136</b>   | <b>H.B. 09-1204</b> | <b>H.B. 09-1281</b> |
| <b>H.B. 09-1023</b> | <b>H.B. 09-1072</b> | <b>H.B. 09-1137</b>   | <b>H.B. 09-1205</b> | <b>H.B. 09-1285</b> |
| <b>H.B. 09-1024</b> | <b>H.B. 09-1073</b> | <b>H.B. 09-1139</b>   | <b>H.B. 09-1207</b> | <b>H.B. 09-1288</b> |
| <b>H.B. 09-1025</b> | <b>H.B. 09-1078</b> | <b>H.B. 09-1143</b>   | <b>H.B. 09-1216</b> | <b>H.B. 09-1290</b> |
| <b>H.B. 09-1026</b> | <b>H.B. 09-1079</b> | <b>H.B. 09-1148</b>   | <b>H.B. 09-1217</b> | <b>H.B. 09-1291</b> |
| <b>H.B. 09-1027</b> | <b>H.B. 09-1082</b> | <b>H.B. 09-1149</b>   | <b>H.B. 09-1220</b> | <b>H.B. 09-1295</b> |
| <b>H.B. 09-1030</b> | <b>H.B. 09-1085</b> | <b>H.B. 09-1150</b>   | <b>H.B. 09-1224</b> | <b>H.B. 09-1297</b> |
| <b>H.B. 09-1033</b> | <b>H.B. 09-1086</b> | <b>H.B. 09-1151</b>   | <b>H.B. 09-1227</b> | <b>H.B. 09-1305</b> |
| <b>H.B. 09-1034</b> | <b>H.B. 09-1088</b> | <b>H.B. 09-1153</b>   | <b>H.B. 09-1230</b> | <b>H.B. 09-1307</b> |
| <b>H.B. 09-1035</b> | <b>H.B. 09-1089</b> | <b>H.B. 09-1155</b>   | <b>H.B. 09-1234</b> | <b>H.B. 09-1312</b> |
| <b>H.B. 09-1039</b> | <b>H.B. 09-1090</b> | <b>H.B. 09-1159</b>   | <b>H.B. 09-1236</b> | <b>H.B. 09-1315</b> |
| <b>H.B. 09-1041</b> | <b>H.B. 09-1092</b> | <b>H.B. 09-1161</b>   | <b>H.B. 09-1240</b> | <b>H.B. 09-1318</b> |
| <b>H.B. 09-1043</b> | <b>H.B. 09-1099</b> | <b>H.B. 09-1162</b>   | <b>H.B. 09-1242</b> | <b>H.B. 09-1333</b> |
| <b>H.B. 09-1044</b> | <b>H.B. 09-1100</b> | <b>H.B. 09-1168</b>   | <b>H.B. 09-1244</b> | <b>H.B. 09-1336</b> |
| <b>H.B. 09-1047</b> | <b>H.B. 09-1105</b> | <b>H.B. 09-1173</b>   | <b>H.B. 09-1246</b> | <b>H.B. 09-1337</b> |
| <b>H.B. 09-1050</b> | <b>H.B. 09-1108</b> | <b>H.B. 09-1174</b>   | <b>H.B. 09-1250</b> | <b>H.B. 09-1347</b> |
| <b>H.B. 09-1052</b> | <b>H.B. 09-1110</b> | <b>H.B. 09-1180-v</b> | <b>H.B. 09-1253</b> | <b>H.B. 09-1353</b> |
| <b>H.B. 09-1053</b> | <b>H.B. 09-1112</b> | <b>H.B. 09-1181</b>   | <b>H.B. 09-1262</b> | <b>H.B. 09-1359</b> |
| <b>H.B. 09-1057</b> | <b>H.B. 09-1118</b> | <b>H.B. 09-1183</b>   | <b>H.B. 09-1263</b> |                     |

\* These bills become effective on August 5, 2009, or on the date otherwise specified in the bill. For further explanation concerning the effective date, see page vi of this digest.

v - vetoed

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

**SENATE BILLS**

|                    |                    |                    |                      |                    |
|--------------------|--------------------|--------------------|----------------------|--------------------|
| <b>S.B. 09-001</b> | <b>S.B. 09-042</b> | <b>S.B. 09-090</b> | <b>S.B. 09-140</b>   | <b>S.B. 09-225</b> |
| <b>S.B. 09-014</b> | <b>S.B. 09-048</b> | <b>S.B. 09-092</b> | <b>S.B. 09-144</b>   | <b>S.B. 09-226</b> |
| <b>S.B. 09-015</b> | <b>S.B. 09-051</b> | <b>S.B. 09-097</b> | <b>S.B. 09-148</b>   | <b>S.B. 09-235</b> |
| <b>S.B. 09-021</b> | <b>S.B. 09-053</b> | <b>S.B. 09-098</b> | <b>S.B. 09-154</b>   | <b>S.B. 09-244</b> |
| <b>S.B. 09-032</b> | <b>S.B. 09-054</b> | <b>S.B. 09-104</b> | <b>S.B. 09-157</b>   | <b>S.B. 09-248</b> |
| <b>S.B. 09-033</b> | <b>S.B. 09-065</b> | <b>S.B. 09-107</b> | <b>S.B. 09-158</b>   | <b>S.B. 09-258</b> |
| <b>S.B. 09-034</b> | <b>S.B. 09-070</b> | <b>S.B. 09-119</b> | <b>S.B. 09-161</b>   | <b>S.B. 09-287</b> |
| <b>S.B. 09-035</b> | <b>S.B. 09-075</b> | <b>S.B. 09-123</b> | <b>S.B. 09-168</b>   | <b>S.B. 09-289</b> |
| <b>S.B. 09-036</b> | <b>S.B. 09-078</b> | <b>S.B. 09-126</b> | <b>S.B. 09-176</b>   | <b>S.B. 09-290</b> |
| <b>S.B. 09-037</b> | <b>S.B. 09-084</b> | <b>S.B. 09-133</b> | <b>S.B. 09-180-v</b> | <b>S.B. 09-292</b> |
| <b>S.B. 09-039</b> | <b>S.B. 09-088</b> | <b>S.B. 09-135</b> | <b>S.B. 09-222</b>   |                    |

\* These bills become effective on August 5, 2009, or on the date otherwise specified in the bill. For further explanation concerning the effective date, see page vi of this digest.

v - vetoed

**BILLS RECOMMENDED BY STATUTORY AND 2008 INTERIM  
COMMITTEES THAT WERE ENACTED:**

**CAPITAL DEVELOPMENT  
COMMITTEE**

**H.B. 09-1168      S.B. 09-096**  
**H.B. 09-1169      S.B. 09-290**  
**H.B. 09-1333**

**LEGISLATIVE AUDIT  
COMMITTEE**

**H.B. 09-1024      S.B. 09-048**  
**H.B. 09-1229      S.B. 09-065**  
**S.B. 09-066**

**COMMITTEE ON LEGAL SERVICES**

**H.B. 09-1292      S.B. 09-292**

**LEGISLATIVE OVERSIGHT  
COMMITTEE FOR THE  
CONTINUING EXAMINATION OF  
THE TREATMENT OF PERSONS  
WITH MENTAL ILLNESS WHO  
ARE INVOLVED IN THE JUSTICE  
SYSTEM**

**H.B. 09-1021      S.B. 09-006**  
**H.B. 09-1022**

**HEALTH CARE TASK FORCE**

**H.B. 09-1025**  
**H.B. 09-1073**

**JOINT BUDGET COMMITTEE**

**(other than supplementals)**

**H.B. 09-1182      S.B. 09-181      S.B. 09-261**  
**H.B. 09-1189      S.B. 09-204      S.B. 09-262**  
**H.B. 09-1215      S.B. 09-206      S.B. 09-263**  
**H.B. 09-1222      S.B. 09-207      S.B. 09-264**  
**H.B. 09-1223      S.B. 09-208      S.B. 09-265**  
**H.B. 09-1249      S.B. 09-209      S.B. 09-267**  
**H.B. 09-1293      S.B. 09-210      S.B. 09-268**  
**H.B. 09-1320      S.B. 09-211      S.B. 09-269**  
**H.B. 09-1329      S.B. 09-212      S.B. 09-270**  
**H.B. 09-1332      S.B. 09-213      S.B. 09-271**  
**H.B. 09-1365      S.B. 09-214      S.B. 09-272**  
**H.B. 09-1367      S.B. 09-215      S.B. 09-274**  
**S.B. 09-217      S.B. 09-275**  
**S.B. 09-218      S.B. 09-276**  
**S.B. 09-219      S.B. 09-277**  
**S.B. 09-227      S.B. 09-278**  
**S.B. 09-260      S.B. 09-279**

**POLICE OFFICER'S AND  
FIREFIGHTER'S PENSION  
REFORM COMMISSION**

**H.B. 09-1030      S.B. 09-017**

**BILLS RECOMMENDED BY STATUTORY AND 2008 INTERIM  
COMMITTEES THAT WERE ENACTED: (cont.)**

**SUNSET REVIEW PROCESS**

|                    |                    |
|--------------------|--------------------|
| <b>S.B. 09-109</b> | <b>S.B. 09-127</b> |
| <b>S.B. 09-110</b> | <b>S.B. 09-128</b> |
| <b>S.B. 09-111</b> | <b>S.B. 09-138</b> |
| <b>S.B. 09-112</b> | <b>S.B. 09-151</b> |
| <b>S.B. 09-113</b> | <b>S.B. 09-167</b> |
| <b>S.B. 09-114</b> | <b>S.B. 09-169</b> |
| <b>S.B. 09-115</b> | <b>S.B. 09-239</b> |
| <b>S.B. 09-116</b> |                    |
| <b>S.B. 09-117</b> |                    |
| <b>S.B. 09-118</b> |                    |

**TRANSPORTATION  
LEGISLATION REVIEW  
COMMITTEE**

**H.B. 09-1026      S.B. 09-014**  
**H.B. 09-1027**

**WATER RESOURCES REVIEW  
COMMITTEE**

**S.B. 09-015**

**WILDFIRE ISSUES IN WILDLAND-  
URBAN INTERFACE AREAS**

**S.B. 09-001**  
**S.B. 09-013**  
**S.B. 09-020**  
**S.B. 09-021**

v - vetoed

**ACTS WITH JULY 1, 2009, AND LATER EFFECTIVE DATES:**

**JULY 1, 2009**

**HOUSE BILLS**

|                     |                       |                     |                      |                     |
|---------------------|-----------------------|---------------------|----------------------|---------------------|
| <b>H.B. 09-1010</b> | <b>H.B. 09-1132</b>   | <b>H.B. 09-1185</b> | <b>H.B. 09-1293*</b> | <b>H.B. 09-1341</b> |
| <b>H.B. 09-1012</b> | <b>H.B. 09-1141*</b>  | <b>H.B. 09-1202</b> | <b>H.B. 09-1326*</b> | <b>H.B. 09-1342</b> |
| <b>H.B. 09-1036</b> | <b>H.B. 09-1157</b>   | <b>H.B. 09-1218</b> | <b>H.B. 09-1330</b>  | <b>H.B. 09-1357</b> |
| <b>H.B. 09-1081</b> | <b>H.B. 09-1163</b>   | <b>H.B. 09-1249</b> | <b>H.B. 09-1338</b>  | <b>H.B. 09-1363</b> |
| <b>H.B. 09-1109</b> | <b>H.B. 09-1170-v</b> | <b>H.B. 09-1260</b> | <b>H.B. 09-1339</b>  |                     |
| <b>H.B. 09-1120</b> |                       |                     |                      |                     |

**SENATE BILLS**

|                     |                     |                    |                    |                     |
|---------------------|---------------------|--------------------|--------------------|---------------------|
| <b>S.B. 09-025</b>  | <b>S.B. 09-076</b>  | <b>S.B. 09-110</b> | <b>S.B. 09-128</b> | <b>S.B. 09-239</b>  |
| <b>S.B. 09-026</b>  | <b>S.B. 09-080</b>  | <b>S.B. 09-111</b> | <b>S.B. 09-137</b> | <b>S.B. 09-241*</b> |
| <b>S.B. 09-038</b>  | <b>S.B. 09-087*</b> | <b>S.B. 09-115</b> | <b>S.B. 09-138</b> | <b>S.B. 09-243</b>  |
| <b>S.B. 09-040</b>  | <b>S.B. 09-091</b>  | <b>S.B. 09-116</b> | <b>S.B. 09-151</b> | <b>S.B. 09-247</b>  |
| <b>S.B. 09-047</b>  | <b>S.B. 09-093*</b> | <b>S.B. 09-118</b> | <b>S.B. 09-175</b> | <b>S.B. 09-251</b>  |
| <b>S.B. 09-066*</b> | <b>S.B. 09-106</b>  | <b>S.B. 09-124</b> | <b>S.B. 09-228</b> | <b>S.B. 09-294</b>  |
| <b>S.B. 09-068</b>  | <b>S.B. 09-109</b>  | <b>S.B. 09-127</b> |                    |                     |

**AUGUST 1, 2009**

**HOUSE BILLS**

**SENATE BILLS**

**S.B. 09-101**

\* - portions only

v - vetoed

**ACTS WITH JULY 1, 2009, AND LATER EFFECTIVE DATES: (cont.)**

**AUGUST 5, 2009\*\***

**HOUSE BILLS**

|                     |                     |                       |                     |                     |
|---------------------|---------------------|-----------------------|---------------------|---------------------|
| <b>H.B. 09-1001</b> | <b>H.B. 09-1058</b> | <b>H.B. 09-1124</b>   | <b>H.B. 09-1191</b> | <b>H.B. 09-1264</b> |
| <b>H.B. 09-1007</b> | <b>H.B. 09-1059</b> | <b>H.B. 09-1128</b>   | <b>H.B. 09-1197</b> | <b>H.B. 09-1265</b> |
| <b>H.B. 09-1014</b> | <b>H.B. 09-1061</b> | <b>H.B. 09-1130</b>   | <b>H.B. 09-1200</b> | <b>H.B. 09-1266</b> |
| <b>H.B. 09-1015</b> | <b>H.B. 09-1063</b> | <b>H.B. 09-1133</b>   | <b>H.B. 09-1203</b> | <b>H.B. 09-1279</b> |
| <b>H.B. 09-1018</b> | <b>H.B. 09-1066</b> | <b>H.B. 09-1136</b>   | <b>H.B. 09-1205</b> | <b>H.B. 09-1280</b> |
| <b>H.B. 09-1021</b> | <b>H.B. 09-1067</b> | <b>H.B. 09-1139</b>   | <b>H.B. 09-1216</b> | <b>H.B. 09-1281</b> |
| <b>H.B. 09-1023</b> | <b>H.B. 09-1072</b> | <b>H.B. 09-1143</b>   | <b>H.B. 09-1217</b> | <b>H.B. 09-1285</b> |
| <b>H.B. 09-1025</b> | <b>H.B. 09-1073</b> | <b>H.B. 09-1148</b>   | <b>H.B. 09-1220</b> | <b>H.B. 09-1288</b> |
| <b>H.B. 09-1027</b> | <b>H.B. 09-1078</b> | <b>H.B. 09-1149</b>   | <b>H.B. 09-1224</b> | <b>H.B. 09-1290</b> |
| <b>H.B. 09-1030</b> | <b>H.B. 09-1079</b> | <b>H.B. 09-1150</b>   | <b>H.B. 09-1230</b> | <b>H.B. 09-1291</b> |
| <b>H.B. 09-1033</b> | <b>H.B. 09-1082</b> | <b>H.B. 09-1155</b>   | <b>H.B. 09-1234</b> | <b>H.B. 09-1295</b> |
| <b>H.B. 09-1034</b> | <b>H.B. 09-1085</b> | <b>H.B. 09-1159</b>   | <b>H.B. 09-1236</b> | <b>H.B. 09-1297</b> |
| <b>H.B. 09-1035</b> | <b>H.B. 09-1086</b> | <b>H.B. 09-1161</b>   | <b>H.B. 09-1240</b> | <b>H.B. 09-1307</b> |
| <b>H.B. 09-1039</b> | <b>H.B. 09-1088</b> | <b>H.B. 09-1162</b>   | <b>H.B. 09-1242</b> | <b>H.B. 09-1312</b> |
| <b>H.B. 09-1041</b> | <b>H.B. 09-1092</b> | <b>H.B. 09-1168</b>   | <b>H.B. 09-1244</b> | <b>H.B. 09-1315</b> |
| <b>H.B. 09-1043</b> | <b>H.B. 09-1099</b> | <b>H.B. 09-1173</b>   | <b>H.B. 09-1246</b> | <b>H.B. 09-1333</b> |
| <b>H.B. 09-1047</b> | <b>H.B. 09-1100</b> | <b>H.B. 09-1174</b>   | <b>H.B. 09-1250</b> | <b>H.B. 09-1336</b> |
| <b>H.B. 09-1050</b> | <b>H.B. 09-1108</b> | <b>H.B. 09-1180-v</b> | <b>H.B. 09-1253</b> | <b>H.B. 09-1337</b> |
| <b>H.B. 09-1052</b> | <b>H.B. 09-1110</b> | <b>H.B. 09-1181</b>   | <b>H.B. 09-1262</b> | <b>H.B. 09-1347</b> |
| <b>H.B. 09-1053</b> | <b>H.B. 09-1112</b> | <b>H.B. 09-1183</b>   | <b>H.B. 09-1263</b> | <b>H.B. 09-1359</b> |
| <b>H.B. 09-1057</b> | <b>H.B. 09-1118</b> | <b>H.B. 09-1190</b>   |                     |                     |

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

\* - portions only

v - vetoed

**ACTS WITH JULY 1, 2009, AND LATER EFFECTIVE DATES: (cont.)**

**AUGUST 5, 2009\*\***

**SENATE BILLS**

|                    |                    |                    |                      |                     |
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| <b>S.B. 09-001</b> | <b>S.B. 09-039</b> | <b>S.B. 09-090</b> | <b>S.B. 09-135</b>   | <b>S.B. 09-222</b>  |
| <b>S.B. 09-014</b> | <b>S.B. 09-042</b> | <b>S.B. 09-092</b> | <b>S.B. 09-144</b>   | <b>S.B. 09-225</b>  |
| <b>S.B. 09-015</b> | <b>S.B. 09-048</b> | <b>S.B. 09-097</b> | <b>S.B. 09-148</b>   | <b>S.B. 09-226</b>  |
| <b>S.B. 09-021</b> | <b>S.B. 09-054</b> | <b>S.B. 09-098</b> | <b>S.B. 09-154</b>   | <b>S.B. 09-235*</b> |
| <b>S.B. 09-032</b> | <b>S.B. 09-065</b> | <b>S.B. 09-104</b> | <b>S.B. 09-157</b>   | <b>S.B. 09-248</b>  |
| <b>S.B. 09-033</b> | <b>S.B. 09-070</b> | <b>S.B. 09-107</b> | <b>S.B. 09-158</b>   | <b>S.B. 09-258</b>  |
| <b>S.B. 09-034</b> | <b>S.B. 09-075</b> | <b>S.B. 09-119</b> | <b>S.B. 09-161</b>   | <b>S.B. 09-287</b>  |
| <b>S.B. 09-035</b> | <b>S.B. 09-078</b> | <b>S.B. 09-123</b> | <b>S.B. 09-168</b>   | <b>S.B. 09-289</b>  |
| <b>S.B. 09-036</b> | <b>S.B. 09-084</b> | <b>S.B. 09-126</b> | <b>S.B. 09-176</b>   | <b>S.B. 09-290*</b> |
| <b>S.B. 09-037</b> | <b>S.B. 09-088</b> | <b>S.B. 09-133</b> | <b>S.B. 09-180-v</b> | <b>S.B. 09-292*</b> |

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

**SEPTEMBER 1, 2009**

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| <b>HOUSE BILLS</b>   | <b>SENATE BILLS</b> |
| <b>H.B. 09-1024</b>  | <b>S.B. 09-051</b>  |
| <b>H.B. 09-1044</b>  | <b>S.B. 09-087*</b> |
| <b>H.B. 09-1090</b>  | <b>S.B. 09-140</b>  |
| <b>H.B. 09-1105</b>  |                     |
| <b>H.B. 09-1137</b>  |                     |
| <b>H.B. 09-1153</b>  |                     |
| <b>H.B. 09-1207*</b> |                     |
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**OCTOBER 1, 2009**

|                      |                     |
|----------------------|---------------------|
| <b>HOUSE BILLS</b>   | <b>SENATE BILLS</b> |
| <b>H.B. 09-1026*</b> | <b>S.B. 09-053</b>  |
| <b>H.B. 09-1089</b>  | <b>S.B. 09-292*</b> |
| <b>H.B. 09-1122</b>  |                     |

\* - portions only

v - vetoed

**ACTS WITH JULY 1, 2009, AND LATER EFFECTIVE DATES: (cont.)**

**DECEMBER 1, 2009**

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| <b>H.B. 09-1094</b>  |                     |
| <b>H.B. 09-1248*</b> |                     |

**JANUARY 1, 2010**

| <b>HOUSE BILLS</b>   | <b>SENATE BILLS</b> |
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| <b>H.B. 09-1119</b>  | <b>S.B. 09-108*</b> |
| <b>H.B. 09-1141*</b> | <b>S.B. 09-282*</b> |
| <b>H.B. 09-1151</b>  | <b>S.B. 09-290*</b> |
| <b>H.B. 09-1198*</b> | <b>S.B. 09-292*</b> |
| <b>H.B. 09-1204</b>  |                     |
| <b>H.B. 09-1207*</b> |                     |
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**APRIL 1, 2010**

| <b>HOUSE BILLS</b>   | <b>SENATE BILLS</b> |
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| <b>H.B. 09-1293*</b> |                     |

**JULY 1, 2010**

| <b>HOUSE BILLS</b>   | <b>SENATE BILLS</b> |
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| <b>H.B. 09-1026*</b> | <b>S.B. 09-235*</b> |
| <b>H.B. 09-1287</b>  | <b>S.B. 09-244</b>  |
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|                    | <b>S.B. 09-241*</b> |

**APRIL 1, 2011**

| <b>HOUSE BILLS</b> | <b>SENATE BILLS</b> |
|--------------------|---------------------|
|                    | <b>S.B. 09-235*</b> |

**JULY 1, 2011**

| <b>HOUSE BILLS</b> | <b>SENATE BILLS</b> |
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|                    | <b>S.B. 09-093*</b> |

**REFERRED MEASURES:**

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| <b>H.C.R. 09-1003</b> |               |

\* - portions only

v - vetoed

## TABLE OF ENACTED HOUSE BILLS

| <b>BILL NO.</b> | <b>PRIME SPONSOR</b> | <b>SHORT TITLE</b>                       | <b>GOVERNOR'S ACTION</b> | <b>EFFECTIVE DATE</b>                                        | <b>SESSION LAWS CHAPTER</b> | <b>PAGE OF DIGEST</b> |
|-----------------|----------------------|------------------------------------------|--------------------------|--------------------------------------------------------------|-----------------------------|-----------------------|
| 1001            | Rice, Heath          | Income Tax Credit For CO Job Growth      | Approved<br>5/4/2009     | No Safety Clause                                             | 220                         | 205                   |
| 1002            | McFadyen, Tapia      | State Lottery Operations                 | Approved 3/20/2009       | 3/20/2009                                                    | 31                          | 102                   |
| 1004            | Apuan, Boyd          | PACE Organizations Employ Physicians     | Approved 3/19/2009       | 3/19/2009                                                    | 26                          | 114                   |
| 1005            | Marostica, Veiga     | Spec Improvement Dist In Special Dist    | Approved 4/2/2009        | 4/2/2009                                                     | 81                          | 81                    |
| 1007            | Frangas, Newell      | Domestic Violence Collaborative Mgmt     | Approved 3/20/2009       | No Safety Clause                                             | 32                          | 132                   |
| 1008            | Miklosi, Williams    | State Employee Annual Leave Transfers    | Approved 4/2/2009        | 4/2/2009                                                     | 78                          | 102                   |
| 1010            | Massey, Gibbs        | Expand Film Production In Colorado       | Approved 6/4/2009        | 7/1/2009                                                     | 419                         | 103                   |
| 1012            | Rice, Mitchell       | Incentives Wellness & Prevention Prog    | Approved 4/25/2009       | 7/1/2009                                                     | 188                         | 136                   |
| 1014            | Judd, Isgar          | Conservation Easement Oversight          | Approved 2/26/2009       | No Safety Clause                                             | 1                           | 192                   |
| 1015            | Murray, Hodge        | Conduct Of Primary Elections             | Approved 5/15/2009       | No Safety Clause                                             | 259                         | 58                    |
| 1017            | Pace, Hodge          | CWCB Water Efficiency Grant Fund         | Approved 5/21/2009       | 5/21/2009                                                    | 297                         | 224                   |
| 1018            | Bradford, Spence     | SCORE System & HAVA Compliance           | Approved 4/22/2009       | No Safety Clause                                             | 158                         | 60                    |
| 1020            | Acree, Spence        | Expedite Medical Program Reenrollment    | Approved 5/21/2009       | 5/21/2009                                                    | 298                         | 123                   |
| 1021            | Solano, Boyd         | Reauthorize Mentally Ill Offenders Study | Approved 3/20/2009       | No Safety Clause                                             | 33                          | 27                    |
| 1022            | Solano, Boyd         | Recidivism Reduction Grant Program       | Approved 5/21/2009       | 5/21/2009                                                    | 299                         | 103                   |
| 1023            | Gagliardi, Boyd      | Blood Donations By Minors                | Approved 3/19/2009       | No Safety Clause                                             | 27                          | 22                    |
| 1024            | McNulty, Tochtrop    | Local Gov Audit Law Mod                  | Approved 3/18/2009       | No Safety Clause<br>9/1/2009                                 | 15                          | 78                    |
| 1025            | Riesberg, Boyd       | Report Hospital Infection Rates Criteria | Approved 3/20/2009       | No Safety Clause                                             | 34                          | 114                   |
| 1026            | Marostica, Williams  | Low-power Self-propelled Vehicles        | Approved 5/20/2009       | No Safety Clause<br>Portions on<br>10/1/2009 and<br>7/1/2010 | 281                         | 155                   |
| 1027            | Rice, Gibbs          | Yield To Transit Bus Entering Traffic    | Approved 4/2/2009        | No Safety Clause                                             | 79                          | 156                   |
| 1030            | Labuda, Tochtrop     | FPPA Pension Plan IRS Qualification      | Approved 3/18/2009       | No Safety Clause                                             | 16                          | 80                    |
| 1033            | Schafer S., Spence   | Regulation Of Flight Schools             | Approved 3/18/2009       | No Safety Clause                                             | 17                          | 182                   |
| 1034            | Liston, Gibbs        | Allow Regl Transp Auth Property Taxes    | Approved 4/16/2009       | No Safety Clause                                             | 127                         | 219                   |
| 1035            | Riesberg, Heath      | Clean Tech Med Device Tax Refund         | Approved 6/1/2009        | No Safety Clause                                             | 371                         | 206                   |
| 1036            | King S., Morse       | Registration Fee For POST Bd Cash Fund   | Approved 5/21/2009       | 7/1/2009                                                     | 300                         | 156                   |
| 1037            | Tipton, Isgar        | Montrose County Reclassification         | Approved 3/18/2009       | 3/18/2009                                                    | 18                          | 22                    |

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| 1039            | McNulty, Kopp         | In-state Tuition Military Veterans       | Approved 6/2/2009        | No Safety Clause             | 382                         | 54                    |
| 1041            | Gerou, Gibbs          | Fire Protection District Board Authority | Approved 6/3/2009        | No Safety Clause             | 415                         | 82                    |
| 1043            | Ryden, Williams       | Make-A-Wish Foundation Of CO Checkoff    | Approved 6/2/2009        | No Safety Clause             | 394                         | 206                   |
| 1044            | Roberts, Morse        | Sealing Of Direct File Records           | Approved 3/18/2009       | No Safety Clause<br>9/1/2009 | 19                          | 14                    |
| 1046            | Scanlan, Penry        | Dept Of Ed Assessments Pilot Program     | Approved 3/20/2009       | 3/20/2009                    | 35                          | 44                    |
| 1047            | Todd, Williams        | Alternative Therapies For Medicaid       | Approved 6/2/2009        | No Safety Clause             | 395                         | 123                   |
| 1050            | Soper, Tochtrop       | CO Easter Seals Fund Checkoff            | Approved 3/20/2009       | No Safety Clause             | 36                          | 207                   |
| 1052            | Waller, Heath         | Donation Bin Signs When Sold For Profit  | Approved 3/24/2009       | No Safety Clause             | 50                          | 16                    |
| 1053            | Balmer, Romer         | Foreign Capital Depository Banking Board | Approved 4/22/2009       | No Safety Clause             | 159                         | 70                    |
| 1054            | Looper, Morse         | UI Award Military Death Surviving Spouse | Approved 3/25/2009       | 3/25/2009                    | 65                          | 145                   |
| 1056            | McCann, Kopp          | Solid Waste Disposal Admin Penalties     | Approved 5/21/2009       | 5/21/2009                    | 301                         | 115                   |
| 1057            | Kerr A., Bacon        | Parental Leave Academic Activities       | Approved 6/1/2009        | No Safety Clause             | 340                         | 145                   |
| 1058            | Marostica, Morse      | Abandoned Military Remains Disposition   | Approved 5/11/2009       | No Safety Clause             | 241                         | 182                   |
| 1059            | Primavera, Carroll M. | Health Coverage During Clinical Trial    | Approved 5/2/2009        | No Safety Clause             | 214                         | 137                   |
| 1061            | McGihon, Tochtrop     | Health Care Transparency                 | Approved 4/30/2009       | No Safety Clause             | 197                         | 183                   |
| 1063            | Summers, Penry        | In-state Tuition Parent Moves For Job    | Approved 5/4/2009        | No Safety Clause             | 228                         | 55                    |
| 1064            | Kefalas, Sandoval     | Econ Opportunity Poverty Task Force      | Approved 6/1/2009        | 6/1/2009                     | 379                         | 132                   |
| 1065            | Benefield, Spence     | Educator Identifier Pilot Program        | Approved 5/21/2009       | 5/21/2009                    | 289                         | 44                    |
| 1066            | Vaad, Gibbs           | Division Of Aeronautics                  | Approved 4/2/2009        | No Safety Clause             | 82                          | 219                   |
| 1067            | Pommer, White         | Instream Flow Tax Incentives             | Approved 6/4/2009        | No Safety Clause             | 426                         | 207                   |
| 1072            | Middleton, Hudak      | Library Districts                        | Approved 4/2/2009        | No Safety Clause             | 74                          | 82                    |
| 1073            | Massey, Boyd          | Elec Prescriptions In Medicaid           | Approved 5/20/2009       | No Safety Clause             | 282                         | 124                   |
| 1076            | Pace, Tochtrop        | Remuneration From Employment Separation  | Approved 6/2/2009        | 6/2/2009                     | 408                         | 146                   |
| 1078            | Ryden, Hodge          | Foster Parents Training Indiv Ed Program | Approved 3/19/2009       | No Safety Clause             | 28                          | 133                   |
| 1079            | Vaad, Renfroe         | Junior College Dist Annex Municipalities | Approved 3/25/2009       | No Safety Clause             | 66                          | 55                    |
| 1080            | Marostica, Williams   | Building Code Official Civil Immunity    | Approved 3/20/2009       | 3/20/2009                    | 37                          | 22                    |
| 1081            | Looper, Morse         | Vehicular Homicide Statute Of Limitation | Approved 5/21/2009       | 7/1/2009                     | 302                         | 27                    |
| 1082            | Peniston, Tochtrop    | Recordings Of Bd Ed Public Meetings      | Approved 3/25/2009       | No Safety Clause             | 67                          | 44                    |
| 1083            | McFadyen, Tapia       | DPA Lease-purchase Authority             | Approved 3/14/2009       | 3/14/2009                    | 12                          | 103                   |
| 1085            | Rice, Heath           | Mortgage Loan Originator Licensing Act   | Approved 5/21/2009       | No Safety Clause             | 303                         | 183                   |
| 1086            | McGihon, Boyd         | Cont Competency Mental Health Profls     | Approved 5/21/2009       | No Safety Clause             | 304                         | 185                   |
| 1088            | Balmer, Newell        | Cert Nonprofit As Local Pub Procure Unit | Approved 3/13/2009       | No Safety Clause             | 11                          | 18                    |

| <b>BILL NO.</b> | <b>PRIME SPONSOR</b>     | <b>SHORT TITLE</b>                       | <b>GOVERNOR'S ACTION</b> | <b>EFFECTIVE DATE</b>         | <b>SESSION LAWS CHAPTER</b> | <b>PAGE OF DIGEST</b> |
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| 1089            | Primavera, Spence        | Motor Vehicle Lien Filing                | Approved 4/30/2009       | No Safety Clause<br>10/1/2009 | 196                         | 156                   |
| 1090            | Rice, Williams           | Deaf Interpreters Title Unauthorized Use | Approved 3/19/2009       | No Safety Clause<br>9/1/2009  | 29                          | 16                    |
| 1091            | Soper, Romer             | Carbon Monoxide Alarms In Res Properties | Approved 3/24/2009       | 3/24/2009                     | 51                          | 72                    |
| 1092            | Peniston, Kester         | Util Notify Exception Landscape Maint    | Approved 3/20/2009       | No Safety Clause              | 38                          | 146                   |
| 1093            | Levy, Veiga              | Corp Taxpayer Reporting Requirements     | Approved 4/2/2009        | 4/2/2009                      | 75                          | 208                   |
| 1094            | Levy, Bacon              | Cell Phone Prohibitions For Drivers      | Approved 6/1/2009        | 12/1/2009                     | 375                         | 157                   |
| 1099            | Roberts, Penry           | CO Youth Advisory Council                | Approved 4/3/2009        | No Safety Clause              | 92                          | 45                    |
| 1100            | Benefield, Tochtrop      | Alive At 25 Special License Plates       | Approved 5/19/2009       | No Safety Clause              | 279                         | 157                   |
| 1101            | Benefield, Veiga         | State Sales Tax Collection Requirements  | Approved 3/25/2009       | 3/25/2009                     | 68                          | 208                   |
| 1102            | Acree, Scheffel          | Study Health Insurance Portability       | Approved 4/3/2009        | 4/3/2009                      | 93                          | 137                   |
| 1103            | Riesberg, Newell         | Presumptive Eligibility Long-term Care   | Approved 4/22/2009       | 4/22/2009                     | 160                         | 124                   |
| 1105            | Kefalas, Scheffel        | CO Innovation Investment Tax Credit      | Approved 6/1/2009        | No Safety Clause<br>9/1/2009  | 378                         | 208                   |
| 1108            | Kerr A., Boyd            | Paycheck Bounce Cause Insufficient Funds | Approved 4/22/2009       | No Safety Clause              | 161                         | 17                    |
| 1109            | Priola, Veiga            | Foreclosure Protect Delinquency Default  | Approved 3/20/2009       | 7/1/2009                      | 39                          | 17                    |
| 1110            | Scanlan, Gibbs           | Reqd Rental Real Prop Info For Assessors | Approved 4/22/2009       | No Safety Clause              | 162                         | 73                    |
| 1111            | Massey, Boyd             | Health Resources For Underserved Areas   | Approved 6/2/2009        | 6/2/2009                      | 396                         | 116                   |
| 1112            | Kerr J., Spence          | Fiscal Note Preparation By Leg Council   | Approved 3/20/2009       | No Safety Clause              | 40                          | 71                    |
| 1118            | Murray, Kester           | Record-keeping For Certain Gov Entities  | Approved 4/16/2009       | No Safety Clause              | 130                         | 78                    |
| 1119            | Vigil, Schwartz          | Rural Substance Abuse Grant Program      | Approved 6/2/2009        | 1/1/2010                      | 397                         | 157                   |
| 1120            | Stephens, Penry          | Public Servant Safety Crimes             | Approved 5/21/2009       | 7/1/2009                      | 305                         | 27                    |
| 1121            | King S., Renfroe         | DNA Evidence Preservation Process        | Approved 3/18/2009       | 3/18/2009                     | 20                          | 27                    |
| 1122            | Roberts, Morse           | Age Limit Youthful Offender System       | Approved 4/2/2009        | No Safety Clause<br>10/1/2009 | 77                          | 20                    |
| 1123            | Lambert, Schultheis      | Human Smuggling Trafficking Servitude    | Approved 5/21/2009       | 5/21/2009                     | 306                         | 28                    |
| 1124            | Liston, Veiga            | Executive Session For Attorney Conf      | Approved 4/3/2009        | No Safety Clause              | 94                          | 103                   |
| 1125            | Merrifield, Hudak        | Limit Incentives For School Attendance   | Approved 4/16/2009       | 4/16/2009                     | 113                         | 45                    |
| 1126            | Hullinghorst, Shaffer B. | Encourage Solar Thermal Installations    | Approved 5/15/2009       | 5/15/2009                     | 254                         | 200                   |
| 1128            | Priola, Hodge            | Academic License Dentists                | Approved 3/18/2009       | No Safety Clause              | 21                          | 186                   |
| 1129            | Looper, Romer            | Precipitation Harvesting Pilot Projects  | Approved 6/2/2009        | 6/2/2009                      | 389                         | 224                   |
| 1130            | Gardner B., Isgar        | Sales Tax Collection By County Gov       | Approved 5/4/2009        | No Safety Clause              | 229                         | 209                   |

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| 1132            | Murray, Heath          | Using Text Messaging For Unlawful Acts   | Approved 6/1/2009        | 7/1/2009                                | 341                         | 28                    |
| 1133            | Sonnenberg, Kester     | Setting Fees For License Plates          | Approved 5/21/2009       | No Safety Clause                        | 307                         | 158                   |
| 1136            | Soper, Tochtrop        | Electrical Ed License Requirements       | Approved 6/2/2009        | No Safety Clause                        | 407                         | 186                   |
| 1137            | Judd, Newell           | Gambling And Refund Intercepts           | Approved 5/21/2009       | No Safety Clause<br>9/1/2009            | 308                         | 104                   |
| 1139            | Solano, Tochtrop       | Fetal Alcohol Spectrum Disorders         | Approved 4/21/2009       | No Safety Clause                        | 156                         | 133                   |
| 1141            | Ferrandino, White      | Update Consumer Credit Protections       | Approved 3/20/2009       | Portions on<br>7/1/2009 and<br>1/1/2010 | 41                          | 17                    |
| 1143            | Swalm, Schwartz        | HMOs Offer Limited Benefit Plans         | Approved 4/16/2009       | No Safety Clause                        | 114                         | 137                   |
| 1148            | Schafer S., Schwartz   | DOR Give Sev Taxpayer Info To DOLA       | Approved 3/20/2009       | No Safety Clause                        | 42                          | 209                   |
| 1149            | Merrifield, Carroll M. | Solar Home Prewire And Consultation      | Approved 5/4/2009        | No Safety Clause                        | 235                         | 193                   |
| 1150            | Todd, Williams         | Dept Of Personnel Statutory Cleanup      | Approved 5/21/2009       | No Safety Clause                        | 309                         | 104                   |
| 1151            | Todd, Heath            | Oversight School Building Inspections    | Approved 5/4/2009        | No Safety Clause<br>1/1/2010            | 230                         | 45                    |
| 1153            | May, Harvey            | Formation Issue Committees FCPA          | Approved 4/22/2009       | No Safety Clause<br>9/1/2009            | 174                         | 61                    |
| 1155            | Weissmann, Carroll M.  | Title Insurance Rate & Fee Justification | Approved 3/18/2009       | No Safety Clause                        | 22                          | 138                   |
| 1157            | Waller, Kopp           | Makes BZP A Schedule I Narcotic          | Approved 6/1/2009        | 7/1/2009                                | 342                         | 28                    |
| 1159            | Priola, Isgar          | Water District Nonresident Director      | Approved 3/20/2009       | No Safety Clause                        | 43                          | 225                   |
| 1160            | Miklosi, Bacon         | Secure Electronic Voter Information      | Approved 5/15/2009       | 5/15/2009                               | 263                         | 61                    |
| 1161            | Baumgardner, Gibbs     | Oil & Gas Valuation Supporting Doc       | Approved 3/20/2009       | No Safety Clause                        | 44                          | 209                   |
| 1162            | Gerou, Kopp            | Intergovt Coop For Wildfire Mitigation   | Approved 4/30/2009       | No Safety Clause                        | 191                         | 74                    |
| 1163            | Gardner C., Romer      | Child Victim Crimes                      | Approved 6/1/2009        | 7/1/2009                                | 343                         | 28                    |
| 1164            | Primavera, Kester      | Surcharge Breast Cancer Special Plates   | Approved 5/2/2009        | 5/2/2009                                | 215                         | 124                   |
| 1168            | Riesberg, Schwartz     | Wildlife And Parks Reports To CDC        | Approved 4/2/2009        | No Safety Clause                        | 83                          | 71                    |
| 1169            | Riesberg, Bacon        | Extend Repeal Of CDC                     | Approved 3/20/2009       | 3/20/2009                               | 45                          | 71                    |
| 1170            | Casso, Tochtrop        | Unemployment Insurance Employee Lockout  | Vetoed 5/19/2009         |                                         |                             | 147                   |
| 1171            | Court, Kester          | Mod Mfd Home Installation Requirements   | Approved 4/3/2009        | 4/3/2009                                | 95                          | 105                   |
| 1173            | Riesberg, Hodge        | Contraband Cigarettes & Tobacco Products | Approved 6/1/2009        | No Safety Clause                        | 372                         | 209                   |
| 1174            | Riesberg, Hodge        | Exempt Pre-1974 Well Depletions          | Approved 3/25/2009       | No Safety Clause                        | 69                          | 225                   |
| 1178            | Green, Boyd            | Caregiver Abuse Developmental Disability | Approved 4/2/2009        | 4/2/2009                                | 84                          | 128                   |
| 1179            | Labuda, Veiga          | Address Confidentiality Prog Eligibility | Approved 4/3/2009        | 4/3/2009                                | 96                          | 105                   |

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| 1181            | McCann, Foster       | Victim Statement Community Corrections   | Approved 4/2/2009        | No Safety Clause                                            | 76                          | 29                    |
| 1182            | Marostica, White     | Changes To On-line Education Funding     | Approved 4/3/2009        | 4/3/2009                                                    | 97                          | 46                    |
| 1183            | Vaad, Hodge          | Classify Real Estate Appraiser Offenses  | Approved 6/4/2009        | No Safety Clause                                            | 429                         | 187                   |
| 1185            | Tipton, Isgar        | Water Rights Applications Documents      | Approved 4/2/2009        | 7/1/2009                                                    | 85                          | 225                   |
| 1186            | Levy, Carroll M.     | Contents & Deliver Of Mail Ballots       | Approved 4/3/2009        | 4/3/2009                                                    | 98                          | 63                    |
| 1188            | Ryden, Carroll M.    | Modify Michael Skolnik Med Transparency  | Approved 3/30/2009       | 3/30/2009                                                   | 72                          | 187                   |
| 1189            | Pommer, Tapia        | Per Pupil Funding For State Ed Programs  | Approved 4/3/2009        | 4/3/2009                                                    | 99                          | 46                    |
| 1190            | Levy, Mitchell       | Uniform Unsworn Foreign Declarations Act | Approved 4/16/2009       | No Safety Clause                                            | 115                         | 188                   |
| 1191            | McCann, Boyd         | HCPF Liens Against Third-party Claims    | Approved 4/3/2009        | No Safety Clause                                            | 100                         | 125                   |
| 1196            | Gerou, Boyd          | Nursing Home Penalty Benefit Residents   | Approved 6/4/2009        | 6/4/2009                                                    | 428                         | 116                   |
| 1197            | McNulty, Harvey      | Foreclosure Reports By Div Of Housing    | Approved 4/3/2009        | No Safety Clause                                            | 101                         | 193                   |
| 1198            | McGihon, Morse       | Uniform Power Of Attorney Act            | Approved 4/9/2009        | Portions on<br>4/9/2009 and<br>1/1/2010                     | 106                         | 168                   |
| 1199            | Scanlan, Gibbs       | Healthy Forests Vibrant Communities Act  | Approved 6/3/2009        | 6/3/2009                                                    | 411                         | 166                   |
| 1200            | Stephens, Scheffel   | Fiscal Impact Of Legislation On Counties | Approved 4/22/2009       | No Safety Clause                                            | 163                         | 79                    |
| 1202            | Todd, Foster         | Mortuary Science Registration            | Approved 6/4/2009        | 7/1/2009                                                    | 422                         | 188                   |
| 1203            | Tipton, Isgar        | Reclassification Of Montezuma County     | Approved 4/3/2009        | No Safety Clause                                            | 102                         | 75                    |
| 1204            | Massey, Boyd         | Priority Preventive Health Services      | Approved 6/1/2009        | No Safety Clause<br>1/1/2010                                | 344                         | 138                   |
| 1205            | Looper, Williams     | Voting By Overseas Armed Forces          | Approved 6/2/2009        | No Safety Clause                                            | 383                         | 63                    |
| 1207            | Gardner C., Veiga    | Foreclosure Procedures & Deeds Of Trust  | Approved 4/22/2009       | No Safety Clause<br>Portions on<br>9/1/2009 and<br>1/1/2010 | 164                         | 194                   |
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| 1240            | Miklosi, Foster        | Colorado Teacher Of The Year Program     | Approved 5/5/2009        | No Safety Clause                          | 236                         | 47                    |
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| 1250            | Merrifield, Penry      | Fed Moneys To County For School Dists    | Approved 5/11/2009       | No Safety Clause                          | 240                         | 75                    |
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| 1260            | Ferrandino, Veiga      | Designated Beneficiary Agreement         | Approved 4/9/2009        | 7/1/2009                                  | 107                         | 169                   |
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| 1264            | Benefield, Hudak       | Higher Ed Costs For State Inmates        | Approved 4/16/2009       | No Safety Clause                          | 117                         | 21                    |
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| 1272            | Massey, Tapia          | Ltd Gaming Amend 50 Comm College Funding | Approved 4/21/2009       | 4/21/2009                               | 153                         | 190                   |
| 1275            | Apuan, Morse           | EMT Provisional Certification            | Approved 5/19/2009       | 5/19/2009                               | 278                         | 117                   |
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| 1290            | Nikkel, Harvey         | Student Financial Aid National Guard     | Approved 5/11/2009       | No Safety Clause                        | 242                         | 56                    |
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| 1292            | McGihon, Veiga         | Rule Review Bill                         | Approved 4/22/2009       | 4/22/2009                               | 187                         | 1                     |
| 1293            | Riesberg, Keller       | Medicaid Hospital Provider Fee           | Approved 4/21/2009       | Portions on<br>7/1/2009 and<br>4/1/2010 | 152                         | 125                   |
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| 1309            | Pace, Tochtrop         | Boiler Inspections                       | Approved 5/4/2009        | 5/4/2009                                | 234                         | 147                   |
| 1310            | Levy, Heath            | Employee Misclassification               | Approved 6/2/2009        | 6/2/2009                                | 406                         | 147                   |
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| 1338            | Casso, Bacon           | State Insurance Law Comply Federal Law      | Approved 6/1/2009        | 7/1/2009                                                        | 353                         | 139                   |
| 1339            | Green, Boyd            | Clinical Social Work Practice Defined       | Approved 6/4/2009        | 7/1/2009                                                        | 427                         | 190                   |
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| 1349                | Fischer, Heath         | Continue Health Care After Employment    | Approved 6/1/2009            | 6/1/2009                     | 377                                 | 140                           |
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| 013      | Gibbs, Levy          | Good Samaritan Law Voluntr Firefighters  | Approved 6/3/2009  | 6/3/2009         | 413                  | 84             |
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| 030      | Keller, Schafer S.   | Child Mental Health Treatment Act        | Approved 4/16/2009 | 4/16/2009        | 133                  | 128            |
| 031      | Heath, Riesberg      | Clean Tech Research Grant Prog           | Approved 5/4/2009  | 5/4/2009         | 222                  | 86             |
| 032      | Groff, Marostica     | UNC Education Innovation Institute       | Approved 3/18/2009 | No Safety Clause | 13                   | 52             |
| 033      | Sandoval, Solano     | Early Childhood Ed Services Free Lunch   | Approved 3/25/2009 | No Safety Clause | 54                   | 31             |
| 034      | Kester, Todd         | DOC Facility Designation Change          | Approved 3/25/2009 | No Safety Clause | 55                   | 19             |
| 035      | Renfroe, Sonnenberg  | Penalty For Ethics Violations            | Approved 4/9/2009  | No Safety Clause | 109                  | 24             |
| 036      | Gibbs, Scanlan       | Theft Of Sound Recordings                | Approved 4/22/2009 | No Safety Clause | 185                  | 24             |
| 037      | Kopp, McNulty        | Subsequent Injury Major Medical Ins Fund | Approved 6/1/2009  | No Safety Clause | 324                  | 141            |
| 038      | Hudak, Marostica     | Clarification Of Judicial Fees           | Approved 4/16/2009 | 7/1/2009         | 119                  | 22             |
| 039      | Schwartz, Curry      | Conserve Energy Tiered Rates Incentive   | Approved 4/22/2009 | No Safety Clause | 175                  | 198            |
| 040      | Hodge, Soper         | Regulation Of Manufactured Homes         | Approved 3/9/2009  | 7/1/2009         | 9                    | 191            |
| 041      | Romer, Vigil         | Private Activity Bond Ceiling Allocation | Approved 3/25/2009 | 3/25/2009        | 56                   | 86             |
| 042      | Tapia, Vigil         | Administration Of Prop Tax Exemptions    | Approved 4/22/2009 | No Safety Clause | 176                  | 203            |
| 043      | Isgar, Roberts       | San Juan Pueblo Community Coll Merger    | Approved 5/20/2009 | 5/20/2009        | 284                  | 52             |
| 044      | Boyd, Hullinghorst   | Admin Procedures & Dept Human Services   | Approved 3/25/2009 | 3/25/2009        | 57                   | 129            |

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| 047             | Newell, Roberts      | Crime Victim Services Advisory Board     | Approved 4/16/2009       | 7/1/2009                                 | 129                         | 87                    |
| 048             | Schwartz, Primavera  | Audit Office Of Child's Representative   | Approved 4/16/2009       | No Safety Clause                         | 120                         | 22                    |
| 050             | Scheffel, Murray     | Ltd Gaming Commn Member From Gaming Area | Vetoed 4/22/2009         |                                          |                             | 173                   |
| 051             | Carroll M., Levy     | Renewable Energy Financing Act           | Approved 4/22/2009       | No Safety Clause<br>9/1/2009             | 157                         | 198                   |
| 052             | Bacon, Pommer        | Waste Tire Fee Higher Ed Research Fund   | Approved 6/1/2009        | 6/1/2009                                 | 376                         | 52                    |
| 053             | Tochtrop, Schafer S. | Colorado Works Assign Child Support      | Approved 4/20/2009       | No Safety Clause<br>10/1/2009            | 137                         | 129                   |
| 054             | Scheffel, Kerr A.    | Maximum Civil Penalties Fair Trade Laws  | Approved 4/20/2009       | No Safety Clause                         | 138                         | 16                    |
| 055             | Isgar, Judd          | Family Resource Center Program           | Approved 3/20/2009       | 3/20/2009                                | 48                          | 130                   |
| 056             | Kester, Riesberg     | Trinidad State Nursing Home              | Approved 4/22/2009       | 4/22/2009                                | 177                         | 130                   |
| 059             | Schwartz, Gardner B. | Enactment Of 2008 CRS                    | Approved 4/20/2009       | 4/20/2009                                | 139                         | 202                   |
| 060             | Tochtrop, Soper      | Illegal Drug Laboratory Testing          | Approved 4/20/2009       | 4/20/2009                                | 140                         | 112                   |
| 062             | Shaffer B., Apuan    | Veterans' Teaching Incentives            | Approved 4/30/2009       | 4/30/2009                                | 193                         | 52                    |
| 065             | Schultheis, McNulty  | Delete Pub Safety Comm Trust Fund Audit  | Approved 3/25/2009       | No Safety Clause                         | 58                          | 87                    |
| 066             | Tochtrop, Primavera  | PERA Merger State Defined Contrib Plan   | Approved 3/31/2009       | Portions on<br>3/31/2009 and<br>7/1/2009 | 73                          | 88                    |
| 067             | Heath, Marostica     | Colorado Credit Reserve Program          | Approved 5/7/2009        | 5/7/2009                                 | 237                         | 141                   |
| 068             | Morse, McCann        | Funding For Domestic Abuse Services      | Approved 5/15/2009       | 7/1/2009                                 | 264                         | 130                   |
| 069             | Boyd, McCann         | Immunity Liability Parenting Coordinator | Approved 4/16/2009       | 4/16/2009                                | 121                         | 13                    |
| 070             | Foster, Acree        | Clarify Workers' Compensation Procedures | Approved 3/24/2009       | No Safety Clause                         | 49                          | 141                   |
| 075             | Schwartz, Marostica  | Low-speed Elec Self-propelled Vehicles   | Approved 6/4/2009        | No Safety Clause                         | 418                         | 199                   |
| 076             | Heath, Court         | Employment And Training Technology       | Approved 6/2/2009        | 7/1/2009                                 | 409                         | 141                   |
| 078             | Newell, Rice         | Devolve State Highways To Local Govs     | Approved 4/22/2009       | No Safety Clause                         | 178                         | 216                   |
| 079             | Newell, Acree        | Postadoption Contact Birth Siblings      | Approved 3/25/2009       | 3/25/2009                                | 59                          | 13                    |
| 080             | Isgar, Looper        | Precipitation Collect Limited Exemptions | Approved 4/22/2009       | 7/1/2009                                 | 179                         | 221                   |
| 084             | Scheffel, Scanlan    | Secured Transactions E-filing Documents  | Approved 4/20/2009       | No Safety Clause<br>8/5/2009             | 141                         | 16                    |
| 085             | Scheffel, Rice       | Phase Out Bus Personal Prop Tax          | Approved 6/4/2009        | 6/4/2009                                 | 431                         | 203                   |
| 086             | Tapia, Marostica     | Colorado State University Global Campus  | Approved 3/18/2009       | 3/18/2009                                | 14                          | 53                    |

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| 087             | Carroll M., Peniston | Special Districts Accountability         | Approved 6/1/2009        | Portions on 7/1/2009 and 9/1/2009 | 325                         | 81                    |
| 088             | Veiga, Ferrandino    | State Group Benefits Domestic Partners   | Approved 5/18/2009       | No Safety Clause                  | 267                         | 88                    |
| 089             | King K., Middleton   | State Charter School Institute           | Approved 6/4/2009        | 6/4/2009                          | 440                         | 31                    |
| 090             | Hudak, Benefield     | Parent Involvement In Education          | Approved 5/21/2009       | No Safety Clause                  | 291                         | 31                    |
| 091             | Romer, Rice          | Motor Vehicle Dealer Franchise Agreement | Approved 4/2/2009        | 7/1/2009                          | 80                          | 173                   |
| 092             | Kopp, Marostica      | State Motor Vehicles Use Natural Gas     | Approved 4/20/2009       | No Safety Clause                  | 142                         | 89                    |
| 093             | Williams, Marostica  | Identity Theft                           | Approved 6/1/2009        | Portions on 7/1/2009 and 7/1/2011 | 326                         | 24                    |
| 094             | Williams, Levy       | Create Transit And Rail Division In CDOT | Approved 5/20/2009       | 5/20/2009                         | 280                         | 216                   |
| 096             | Bacon, Sonnenberg    | Waive 6 Month Rule For Federal Funds     | Approved 3/25/2009       | 3/25/2009                         | 60                          | 89                    |
| 097             | Cadman, Pace         | Institutional Peace Officers Clean-up    | Approved 4/9/2009        | No Safety Clause                  | 110                         | 25                    |
| 098             | Schwartz, Vigil      | Tax Exempt Blended Diesel Products       | Approved 4/30/2009       | No Safety Clause                  | 195                         | 203                   |
| 099             | Morse, Ferrandino    | State Procurement Supplier Databases     | Approved 6/4/2009        | 6/4/2009                          | 420                         | 89                    |
| 100             | Newell, Frangas      | Noncustodial Parent CO Works             | Approved 4/30/2009       | 4/30/2009                         | 192                         | 131                   |
| 101             | White, Levy          | Indep Commn For Historic Preserv Fund    | Approved 6/4/2009        | 8/1/2009                          | 433                         | 90                    |
| 104             | Sandoval, Gagliardi  | Verifiable Documents Foster Care Youth   | Approved 5/2/2009        | No Safety Clause                  | 218                         | 13                    |
| 105             | Gibbs, Scanlan       | Remove Limit On Prop Tax To Fight Fires  | Approved 4/30/2009       | 4/30/2009                         | 190                         | 72                    |
| 106             | Isgar, Roberts       | Water Supply Reserve Account Extension   | Approved 6/2/2009        | 7/1/2009                          | 386                         | 221                   |
| 107             | Kester, Looper       | Bonded Title Notarized Bill Of Sale      | Approved 4/20/2009       | No Safety Clause                  | 143                         | 153                   |
| 108             | Gibbs, Rice          | Transp Sys Planning & Funding            | Approved 3/2/2009        | Portions on 3/2/2009 and 1/1/2010 | 5                           | 216                   |
| 109             | Newell, Schafer S.   | Sunset Fire Serv Train & Cert Adv Bd     | Approved 4/20/2009       | 7/1/2009                          | 144                         | 90                    |
| 110             | Morse, Levy          | Sunset Civil Rights Commission & Div     | Approved 5/11/2009       | 7/1/2009                          | 238                         | 90                    |
| 111             | Bacon, Court         | Sunset Notaries Public Act               | Approved 4/22/2009       | 7/1/2009                          | 180                         | 174                   |
| 112             | Kopp, Scanlan        | Sunset On-line Learning Advisory Board   | Approved 4/16/2009       | 4/16/2009                         | 122                         | 32                    |
| 113             | Brophy, Sonnenberg   | Sunset Measurement Stds Dept Of Ag       | Approved 4/2/2009        | 4/2/2009                          | 88                          | 2                     |
| 114             | Kester, Sonnenberg   | Sunset Farm Products Commodity Warehouse | Approved 4/9/2009        | 4/9/2009                          | 111                         | 175                   |
| 115             | Brophy, Curry        | Sunset Livestock Market Regulation       | Approved 3/25/2009       | 7/1/2009                          | 61                          | 2                     |
| 116             | Hodge, Looper        | Sunset Colorado Seed Act                 | Approved 3/25/2009       | 7/1/2009                          | 62                          | 2                     |

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| 117                 | Isgar, Vigil           | Sunset Meat Processors & Home Food Plans | Approved 4/16/2009           | 4/16/2009                    | 123                                 | 2                             |
| 118                 | Gibbs, Fischer         | Sunset PACFA & Pet Animal Adv Cmt        | Approved 6/1/2009            | 7/1/2009                     | 327                                 | 3                             |
| 119                 | Harvey, McNulty        | Clarify Enforcement Hazardous Discharges | Approved 5/4/2009            | No Safety Clause             | 223                                 | 112                           |
| 121                 | White, Marostica       | Taxation Of Restaurant Employee Meals    | Approved 6/4/2009            | 6/4/2009                     | 421                                 | 203                           |
| 123                 | Williams, Todd         | Healthy Choices Dropout Prevention       | Approved 5/21/2009           | No Safety Clause             | 287                                 | 32                            |
| 124                 | Isgar, Roberts         | Extend Ag Energy-related Projects        | Approved 5/15/2009           | 7/1/2009                     | 256                                 | 4                             |
| 125                 | Isgar, Curry           | Water Conservation Bd Construction Fund  | Approved 6/1/2009            | 6/1/2009                     | 328                                 | 222                           |
| 126                 | Newell, Apuan          | Renew Multiple Sclerosis Checkoff        | Approved 5/2/2009            | No Safety Clause             | 213                                 | 204                           |
| 127                 | Schwartz, Fischer      | Sunset Egg Regulation                    | Approved 3/25/2009           | 7/1/2009                     | 63                                  | 4                             |
| 128                 | Carroll M., Green      | Sunset Unlicensed Administration Of Meds | Approved 6/1/2009            | 7/1/2009                     | 365                                 | 175                           |
| 129                 | Tochtrop, Gagliardi    | Duties Performed By Dental Hygenists     | Approved 4/22/2009           | 4/22/2009                    | 181                                 | 176                           |
| 132                 | Boyd, Kerr J.          | Provide Discount Prescription Drug Info  | Approved 5/4/2009            | 5/4/2009                     | 224                                 | 120                           |
| 133                 | Spence, Primavera      | Surcharge CO Traumatic Brain Injury Fund | Approved 6/2/2009            | No Safety Clause             | 392                                 | 153                           |
| 135                 | Penry, Miklosi         | Parole Decision Reporting & Statistics   | Approved 6/1/2009            | No Safety Clause             | 329                                 | 19                            |
| 137                 | Renfro, Baumgardner    | Property Lien Waiver Debt Third Party    | Approved 4/20/2009           | 7/1/2009                     | 145                                 | 191                           |
| 138                 | Boyd, Gagliardi        | Sunset Certified Nurse Aides             | Approved 6/2/2009            | 7/1/2009                     | 400                                 | 176                           |
| 139                 | Shaffer B., McGihon    | Uniform Principal And Income Act Amends  | Approved 4/16/2009           | 4/16/2009                    | 131                                 | 168                           |
| 140                 | Bacon, Fischer         | Public Trustees Terms Of Service         | Approved 3/25/2009           | No Safety Clause<br>9/1/2009 | 64                                  | 192                           |
| 141                 | Tapia, Looper          | Fountain Creek Watershed District        | Approved 4/30/2009           | 4/30/2009                    | 194                                 | 81                            |
| 144                 | Kester, Gagliardi      | Accessibility Deaf & Hard Of Hearing     | Approved 5/2/2009            | No Safety Clause             | 219                                 | 131                           |
| 147                 | Hodge, Priola          | Water Supply Plans Pre-2003 Depletions   | Approved 4/9/2009            | 4/9/2009                     | 108                                 | 223                           |
| 148                 | Brophy, Merrifield     | Bicycle Road Riding Lanes Passing Veh    | Approved 5/11/2009           | No Safety Clause             | 239                                 | 154                           |
| 150                 | Heath, Levy            | Motor Vehicle Lien Perfection            | Approved 4/22/2009           | 4/22/2009                    | 182                                 | 154                           |
| 151                 | Isgar, Curry           | Sunset Licensing Livestock Slaughterers  | Approved 4/2/2009            | 7/1/2009                     | 89                                  | 4                             |
| 154                 | Hodge, Curry           | Funding Livestock Health Act Personnel   | Approved 6/1/2009            | No Safety Clause             | 330                                 | 4                             |
| 157                 | Sandoval, Hullinghorst | CU Retirement Plan Eligibility PERA      | Approved 4/20/2009           | No Safety Clause             | 146                                 | 53                            |
| 158                 | Isgar, Baumgardner     | Private Land Conservation Incentive      | Approved 6/2/2009            | No Safety Clause             | 387                                 | 163                           |
| 160                 | Hudak, Todd            | Alternative Teacher Programs & Licensure | Approved 5/21/2009           | 5/21/2009                    | 292                                 | 33                            |
| 161                 | Gibbs, Scanlan         | Ski Country Special License Plates       | Approved 6/3/2009            | No Safety Clause             | 412                                 | 154                           |
| 162                 | Schwartz, Liston       | Broadband Inventory Accept Public Funds  | Approved 6/4/2009            | 6/4/2009                     | 423                                 | 199                           |
| 163                 | Hudak, Middleton       | Ed Accountability System                 | Approved 5/21/2009           | 5/21/2009                    | 293                                 | 34                            |

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| 164                 | Newell, Miklosi      | Child Welfare Training Academy             | Approved 5/19/2009           | 5/19/2009                 | 276                                 | 131                           |
| 165                 | Isgar, Curry         | Drinking Water Wastewater Small Grants     | Approved 4/22/2009           | 4/22/2009                 | 183                                 | 112                           |
| 167                 | Boyd, Kefalas        | Sunset Bd Chiropractic Examiners           | Approved 6/1/2009            | 6/1/2009                  | 366                                 | 177                           |
| 168                 | Tochtrop, Soper      | Workers' Compensation Procedures           | Approved 4/22/2009           | No Safety Clause          | 184                                 | 142                           |
| 169                 | Tochtrop, Riesberg   | Sunset Nursing Home Administrators Board   | Approved 5/4/2009            | 5/4/2009                  | 225                                 | 177                           |
| 171                 | Schwartz, Todd       | New Energy Jobs Program                    | Approved 5/4/2009            | 5/4/2009                  | 221                                 | 53                            |
| 173                 | Veiga, Rice          | Regional Tourism Projects                  | Approved 6/4/2009            | 6/4/2009                  | 434                                 | 91                            |
| 174                 | Kester, Casso        | Horse & Greyhound Racing Regulation        | Approved 5/21/2009           | 5/21/2009                 | 296                                 | 178                           |
| 175                 | Sandoval, Pommer     | Group Special License Plate Retirement     | Approved 5/4/2009            | 7/1/2009                  | 226                                 | 154                           |
| 176                 | Spence, Casso        | Charter School District Bond Elections     | Approved 5/14/2009           | No Safety Clause          | 247                                 | 37                            |
| 177                 | Schwartz, Vigil      | New Solar Facility Prop Tax Valuation      | Approved 4/22/2009           | 4/22/2009                 | 186                                 | 204                           |
| 178                 | Heath, Liston        | Unempl Ins Attached To Regular Jobs        | Approved 5/18/2009           | 5/18/2009                 | 268                                 | 142                           |
| 179                 | Tochtrop, Gagliardi  | Communicable Disease Control               | Approved 4/9/2009            | 4/9/2009                  | 112                                 | 112                           |
| 180                 | Tochtrop, Casso      | Firefighter & Law Enf Collective Bargain   | Vetoed 6/4/2009              |                           |                                     | 77                            |
| 181                 | Tapia, Marostica     | Eliminate State Ed Fund Joint Resolution   | Approved 4/20/2009           | 4/20/2009                 | 147                                 | 38                            |
| 182                 | Penry, Stephens      | Search & Rescue Orgs Use Of State Parks    | Approved 4/20/2009           | 4/20/2009                 | 148                                 | 164                           |
| 183                 | Keller, Pommer       | Suppl Approp Dept Of Agriculture           | Approved 3/12/2009           | 3/12/2009                 | 442                                 | 6                             |
| 184                 | Keller, Pommer       | Suppl Approp Dept Of Corrections           | Approved 3/12/2009           | 3/12/2009                 | 443                                 | 6                             |
| 185                 | Keller, Pommer       | Suppl Approp Dept Of Education             | Approved 3/18/2009           | 3/18/2009                 | 444                                 | 6                             |
| 186                 | Keller, Pommer       | Suppl Approp Dept Of Gov, Lt Gov, & OSPB   | Approved 3/12/2009           | 3/12/2009                 | 445                                 | 6                             |
| 187                 | Keller, Pommer       | Suppl Approp Dept Of Health Care Pol & Fin | Approved 3/12/2009           | 3/12/2009                 | 446                                 | 6                             |
| 188                 | Keller, Pommer       | Suppl Approp Dept Of Higher Ed             | Approved 3/12/2009           | 3/12/2009                 | 447                                 | 7                             |
| 189                 | Keller, Pommer       | Suppl Approp Dept Of Human Services        | Approved 3/12/2009           | 3/12/2009                 | 448                                 | 7                             |
| 190                 | Keller, Pommer       | Suppl Approp Judicial Department           | Approved 3/12/2009           | 3/12/2009                 | 449                                 | 7                             |
| 191                 | Keller, Pommer       | Suppl Approp Dept Of Labor & Employment    | Approved 3/12/2009           | 3/12/2009                 | 450                                 | 7                             |
| 192                 | Keller, Pommer       | Suppl Approp Dept Of Law                   | Approved 3/12/2009           | 3/12/2009                 | 451                                 | 8                             |
| 193                 | Keller, Pommer       | Suppl Approp Dept Of Local Affairs         | Approved 3/12/2009           | 3/12/2009                 | 452                                 | 8                             |
| 194                 | Keller, Pommer       | Suppl Approp Dept Of Military Affairs      | Approved 3/12/2009           | 3/12/2009                 | 453                                 | 8                             |
| 195                 | Keller, Pommer       | Suppl Approp Dept Of Natural Resources     | Approved 3/12/2009           | 3/12/2009                 | 454                                 | 8                             |
| 196                 | Keller, Pommer       | Suppl Approp Dept Of Personnel             | Approved 3/12/2009           | 3/12/2009                 | 455                                 | 8                             |
| 197                 | Keller, Pommer       | Suppl Approp Dept Of Pub Health & Envir    | Approved 3/12/2009           | 3/12/2009                 | 456                                 | 9                             |
| 198                 | Keller, Pommer       | Suppl Approp Dept Of Public Safety         | Approved 3/12/2009           | 3/12/2009                 | 457                                 | 9                             |
| 199                 | Keller, Pommer       | Suppl Approp Dept Of Reg Agencies          | Approved 3/12/2009           | 3/12/2009                 | 458                                 | 9                             |

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| 200                 | Keller, Pommer        | Suppl Approp Dept Of Revenue             | Approved 3/12/2009           | 3/12/2009                                                              | 459                                 | 9                             |
| 201                 | Keller, Pommer        | Suppl Approp Dept Of State               | Approved 3/12/2009           | 3/12/2009                                                              | 460                                 | 9                             |
| 202                 | Keller, Pommer        | Suppl Approp Dept Of Transportation      | Approved 3/12/2009           | 3/12/2009                                                              | 461                                 | 10                            |
| 203                 | Keller, Pommer        | Suppl Approp Treasury Dept               | Approved 3/12/2009           | 3/12/2009                                                              | 462                                 | 10                            |
| 204                 | White, Ferrandino     | Change FY 08-09 Emer Reserve Designation | Approved 3/9/2009            | 3/9/2009                                                               | 10                                  | 10                            |
| 206                 | Keller, Pommer        | Repeal Waiting List Navigator Pilot      | Approved 3/2/2009            | 3/2/2009                                                               | 7                                   | 128                           |
| 207                 | White, Marostica      | Delay Child Welfare Mental Health Pilot  | Approved 3/2/2009            | 3/2/2009                                                               | 8                                   | 13                            |
| 208                 | Tapia, Pommer         | Augment FY 2008-09 General Fund Revenues | Approved 4/20/2009           | 4/20/2009                                                              | 149                                 | 92                            |
| 209                 | White, Marostica      | Repeal Inmate Assistance Grant Program   | Approved 3/18/2009           | 3/18/2009                                                              | 23                                  | 20                            |
| 210                 | Tapia, Ferrandino     | Tobacco Settlement Health Programs       | Approved 4/16/2009           | 4/16/2009                                                              | 124                                 | 120                           |
| 211                 | Keller, Ferrandino    | Delay CHP+ Eligibility Expansion         | Approved 2/26/2009           | 2/26/2009                                                              | 2                                   | 120                           |
| 212                 | White, Pommer         | State Sales Tax Vendor Fee Cap           | Approved 2/26/2009           | 2/26/2009                                                              | 3                                   | 204                           |
| 213                 | Tapia, Pommer         | Repeal Approp Teacher Comp Grant Prog    | Approved 2/26/2009           | 2/26/2009                                                              | 4                                   | 38                            |
| 214                 | Tapia, Pommer         | Repeal Appropriation Teacher Recruitment | Approved 3/18/2009           | 3/18/2009                                                              | 24                                  | 38                            |
| 215                 | Keller, Pommer        | Appropriations For Financing Pub Schools | Approved 4/17/2009           | 4/17/2009                                                              | 134                                 | 38                            |
| 217                 | White, Ferrandino     | Ltd Gaming Fund Money Transfer Reduction | Approved 4/2/2009            | 4/2/2009                                                               | 90                                  | 93                            |
| 218                 | White, Ferrandino     | FY07-08 GF Approp For Control Maint      | Approved 3/18/2009           | 3/18/2009                                                              | 25                                  | 10                            |
| 219                 | Tapia, Ferrandino     | FY 08-09 General Fund Reserve Reduction  | Approved 6/1/2009            | 6/1/2009                                                               | 331                                 | 94                            |
| 222                 | Lundberg, Vaad        | Traffic Automated Vehicle Identification | Approved 4/20/2009           | No Safety Clause                                                       | 150                                 | 155                           |
| 223                 | Boyd, Kerr A.         | Retail Food Establishment Inspection     | Approved 5/15/2009           | 5/15/2009                                                              | 255                                 | 113                           |
| 224                 | Shaffer B., Weissmann | FY 2009-10 Legislative Appropriations    | Approved 3/20/2009           | 3/20/2009                                                              | 441                                 | 10                            |
| 225                 | Boyd, McGihon         | Birth Control Protection Act             | Approved 4/16/2009           | No Safety Clause                                                       | 126                                 | 113                           |
| 226                 | Sandoval, Gagliardi   | School Food Allergy Policy Education     | Approved 5/14/2009           | No Safety Clause                                                       | 245                                 | 39                            |
| 227                 | Tapia, Pommer         | Assistance To Old Hire FPPA Plans        | Approved 4/16/2009           | 4/16/2009                                                              | 125                                 | 78                            |
| 228                 | Morse, Marostica      | Flexibility To Use State Revenues        | Approved 6/3/2009            | 7/1/2009                                                               | 410                                 | 94                            |
| 230                 | Spence, May           | Charter School Food Authority            | Approved 5/4/2009            | 5/4/2009                                                               | 227                                 | 39                            |
| 231                 | Penry, Solano         | Extend State Methamphetamine Task Force  | Approved 4/20/2009           | 4/20/2009                                                              | 151                                 | 25                            |
| 232                 | Schwartz, McFadyen    | State Fin Assistance For Loc Gov Constr  | Approved 6/4/2009            | 6/4/2009                                                               | 435                                 | 95                            |
| 234                 | Mitchell, Rice        | Enterprise Zone Recommendations To GA    | Approved 6/1/2009            | 6/1/2009                                                               | 332                                 | 95                            |
| 235                 | Gibbs, Merrifield     | Wildlife Habitat Stamps & Passports      | Approved 6/2/2009            | No Safety Clause<br>Portions on<br>8/5/2009, 7/1/2010,<br>and 4/1/2011 | 388                                 | 164                           |

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| 237                 | Lundberg, Acree       | Grounds For Mandatory Expulsion          | Approved 4/21/2009                                 | 4/21/2009                                | 154                                 | 40                            |
| 239                 | Tochtrop, Riesberg    | Sunset State Board Nursing               | Approved 6/2/2009                                  | 7/1/2009                                 | 401                                 | 179                           |
| 241                 | Morse, King S.        | DNA Testing Felony Arrestees             | Approved 5/21/2009                                 | Portions on<br>7/1/2009 and<br>9/30/2010 | 295                                 | 25                            |
| 243                 | Boyd, Riesberg        | Workers' Compensation Benefits Payments  | Approved 5/18/2009                                 | 7/1/2009                                 | 269                                 | 142                           |
| 244                 | Shaffer B., Primavera | Ins Cover Autism Spectrum Disorders      | Approved 6/2/2009                                  | No Safety Clause<br>7/1/2010             | 391                                 | 135                           |
| 245                 | Sandoval, Schafer S.  | Kinship Placement And Guardianship       | Approved 6/4/2009                                  | 6/4/2009                                 | 436                                 | 13                            |
| 247                 | Tochtrop, Pace        | Expand UI Benefits Fed Stimulus Moneys   | Approved 6/2/2009                                  | 7/1/2009                                 | 405                                 | 143                           |
| 248                 | Heath, McNulty        | Pub Works Contracts Surety Requirements  | Approved 5/18/2009                                 | No Safety Clause                         | 270                                 | 192                           |
| 249                 | Penry, Kerr A.        | HOA Apply New Law To Exempt Small CICs   | Approved 5/14/2009                                 | 5/14/2009                                | 248                                 | 192                           |
| 251                 | Romer, Riesberg       | Optometrists Fee For Ophthalmic Devices  | Approved 5/14/2009                                 | 7/1/2009                                 | 249                                 | 182                           |
| 252                 | Boyd, Frangas         | Medicaid Mail Order Prescriptions        | Approved 5/18/2009                                 | 5/18/2009                                | 271                                 | 121                           |
| 254                 | Bacon, Scanlan        | Common Licensed Premises Mfg Beer        | Approved 5/18/2009                                 | 5/18/2009                                | 272                                 | 182                           |
| 256                 | Romer, Pommer         | Financing Of Public Schools              | Approved 5/21/2009                                 | 5/21/2009                                | 294                                 | 40                            |
| 257                 | Schwartz, Fischer     | Impr Pub Sch Cap Constr Prog Efficiency  | Approved 6/4/2009                                  | 6/4/2009                                 | 424                                 | 95                            |
| 258                 | Veiga, Scanlan        | Employee Leasing Company Acts By CDLE    | Approved 5/14/2009                                 | No Safety Clause                         | 250                                 | 144                           |
| 259                 | Keller, Pommer        | Long Appropriations Bill                 | Approved in part and<br>vetoed in part<br>5/1/2009 | 5/1/2009                                 | 464                                 | 10                            |
| 260                 | White, Pommer         | Temp Transfer Of Pub Sch Land Money      | Approved 5/1/2009                                  | 5/1/2009                                 | 200                                 | 43                            |
| 261                 | Tapia, Ferrandino     | Old Age Pension Suppl Fund Medicaid      | Approved 5/1/2009                                  | 5/1/2009                                 | 201                                 | 132                           |
| 262                 | White, Marostica      | Breast And Cervical Cancer Program Costs | Approved 5/1/2009                                  | 5/1/2009                                 | 202                                 | 121                           |
| 263                 | White, Pommer         | Medicaid Nursing Facility Payments       | Approved 5/1/2009                                  | 5/1/2009                                 | 203                                 | 121                           |
| 264                 | Keller, Pommer        | Maximize Federal Match Under ARRA        | Approved 5/1/2009                                  | 5/1/2009                                 | 204                                 | 122                           |
| 265                 | White, Pommer         | Medicaid CHP+ Payment Timing             | Approved 5/1/2009                                  | 5/1/2009                                 | 205                                 | 123                           |
| 267                 | Tapia, Ferrandino     | Match Rate County Child Care             | Approved 5/1/2009                                  | 5/1/2009                                 | 206                                 | 132                           |
| 268                 | Tapia, Pommer         | Court Appointments Involving Children    | Approved 5/1/2009                                  | 5/1/2009                                 | 207                                 | 14                            |
| 269                 | White, Ferrandino     | Adjust Tobacco Settlement Moneys Alloc   | Approved 6/1/2009                                  | 6/1/2009                                 | 333                                 | 96                            |
| 270                 | Tapia, Marostica      | Tobacco Tax Investment Income Transfers  | Approved 5/1/2009                                  | 5/1/2009                                 | 208                                 | 97                            |
| 271                 | Tapia, Ferrandino     | Emergency Use Tobacco Tax Revenues       | Approved 6/1/2009                                  | 6/1/2009                                 | 334                                 | 97                            |
| 272                 | White, Marostica      | Recover Moneys From Telco High Cost Fund | Approved 5/1/2009                                  | 5/1/2009                                 | 209                                 | 200                           |

| <b>BILL<br/>NO.</b> | <b>PRIME SPONSOR</b>  | <b>SHORT TITLE</b>                       | <b>GOVERNOR'S<br/>ACTION</b> | <b>EFFECTIVE<br/>DATE</b>                                                  | <b>SESSION<br/>LAWS<br/>CHAPTER</b> | <b>PAGE<br/>OF<br/>DIGEST</b> |
|---------------------|-----------------------|------------------------------------------|------------------------------|----------------------------------------------------------------------------|-------------------------------------|-------------------------------|
| 274                 | Keller, Pommer        | Use HUTF Div Motor Vehicles Drivers Lic  | Approved 5/1/2009            | 5/1/2009                                                                   | 210                                 | 155                           |
| 275                 | Tapia, Ferrandino     | Eliminate State Sales Tax Vendor Fee     | Approved 5/18/2009           | 5/18/2009                                                                  | 273                                 | 204                           |
| 276                 | White, Pommer         | Suspend Property Tax Exemptions          | Approved 6/4/2009            | 6/4/2009                                                                   | 437                                 | 205                           |
| 277                 | Tapia, Marostica      | FY 09-10 General Fund Reserve Reduction  | Approved 5/1/2009            | 5/1/2009                                                                   | 211                                 | 98                            |
| 278                 | Tapia, Ferrandino     | Elim Transfers For State Cap Constr      | Approved 5/1/2009            | 5/1/2009                                                                   | 212                                 | 98                            |
| 279                 | Tapia, Pommer         | Cash Fund Transfers Augment General Fund | Approved 6/1/2009            | 6/1/2009                                                                   | 367                                 | 98                            |
| 280                 | Keller, Pommer        | Suppl Approp Capital Construction        | Approved 4/27/2009           | 4/27/2009                                                                  | 463                                 | 11                            |
| 281                 | Shaffer B., Weissmann | Pinnacol Assurance                       | Approved 6/1/2009            | 6/1/2009                                                                   | 335                                 | 144                           |
| 282                 | Sandoval, Kerr A.     | Denver Pub School Retirement PERA Merger | Approved 5/21/2009           | Portions on<br>5/21/2009 and<br>1/1/2010                                   | 288                                 | 100                           |
| 283                 | Sandoval, Scanlan     | Redaction Of Tax ID No On DOS Filings    | Approved 6/1/2009            | 6/1/2009                                                                   | 336                                 | 101                           |
| 284                 | Newell, Levy          | Police Authority To Block Communications | Approved 6/1/2009            | 6/1/2009                                                                   | 337                                 | 26                            |
| 285                 | Heath, Summers        | Career Tech Ed Concurrent Enrollment     | Approved 6/4/2009            | 6/4/2009                                                                   | 425                                 | 43                            |
| 286                 | Morse, Levy           | Justice Reinvestment Act                 | Approved 6/1/2009            | 6/1/2009                                                                   | 338                                 | 26                            |
| 287                 | Mitchell, Levy        | Renew Special Olympics CO Checkoff       | Approved 6/1/2009            | No Safety Clause                                                           | 339                                 | 205                           |
| 289                 | Schwartz, Primavera   | Collect & Allocate Waste Tire Revenues   | Approved 5/21/2009           | No Safety Clause                                                           | 314                                 | 114                           |
| 290                 | Bacon, Riesberg       | Higher Ed Capital Construction Approval  | Approved 6/1/2009            | No Safety Clause<br>Portions on<br>8/5/2009 and<br>1/1/2010                | 374                                 | 53                            |
| 291                 | Bacon, Middleton      | Sch Fin For Dist That Reinstate TABOR    | Approved 6/1/2009            | 6/1/2009                                                                   | 368                                 | 44                            |
| 292                 | Brophy, Labuda        | Revisor's Bill                           | Approved 6/1/2009            | No Safety Clause<br>Portions on<br>8/5/2009,<br>10/1/2009, and<br>1/1/2010 | 369                                 | 202                           |
| 293                 | Isgar, Curry          | Operational Acct Of Sev Tax Trust Fund   | Approved 6/1/2009            | 6/1/2009                                                                   | 370                                 | 205                           |
| 294                 | Romer, McFadyen       | PUC Taxicab Application Requirements     | Approved 6/4/2009            | 7/1/2009                                                                   | 438                                 | 200                           |
| 297                 | Sandoval, Judd        | Expedite Federal Stimulus Act Projects   | Approved 5/20/2009           | 5/20/2009                                                                  | 285                                 | 101                           |

## **ADMINISTRATIVE RULE REVIEW**

**H.B. 09-1292** Continuation of 2008 rules of executive agencies - repeal of and continuation of oil and gas conservation commission rules on practice and procedure. Provides for the continuation of rules and regulations of state agencies that were adopted or amended on or after November 1, 2007, and before November 1, 2008; except that certain rules and regulations shall expire as scheduled on May 15, 2009.

Postpones the scheduled expiration of oil and gas conservation commission rules on practice and procedure, adopted on December 11, 2008, thereby continuing the rules. Repeals portions of 3 rules of the oil and gas conservation commission on practice and procedure, effective May 15, 2009.

**APPROVED** by Governor April 22, 2009

**EFFECTIVE** April 22, 2009

## **AGRICULTURE**

**S.B. 09-113** Measurement standards - continuation of measurement standards under sunset law. Implements the recommendations of the department of regulatory agencies in its sunset review of the department of agriculture's regulation of measurement standards and:

- Continues the issuance of licenses and certificates related to measurement standards until July 1, 2018;
- Specifies that tuning forks used to determine the accuracy of radar guns are not subject to annual testing;
- Directs the commissioner of agriculture to promulgate rules to clarify the circumstances under which a blue or red tag should be issued for inaccurate weighing or measuring devices and prohibits tagged devices from being used commercially;
- Directs the commissioner to specify commercial weighing and measuring device service provider categories and performance requirements in rule;
- Updates the requirements applicable to commercial weighing and measuring device service providers;
- Repeals obsolete definitions. Changes references to "primary standards" to "reference standards" to conform to federal law;
- Allows the commissioner greater discretion in the enforcement of measurement standards; and
- Directs the agricultural commission to establish by rule annual license fees for scales based on capacity.

**APPROVED** by Governor April 2, 2009

**EFFECTIVE** April 2, 2009

**S.B. 09-115** Public livestock markets - continuation of regulation under sunset law. Continues the regulation of public livestock markets until July 1, 2019. Changes the public livestock market license expiration and renewal from May 1 of each year to a date set administratively.

**APPROVED** by Governor March 25, 2009

**EFFECTIVE** July 1, 2009

**S.B. 09-116** Seeds - regulation - continuation of the Colorado Seed Act under sunset law. Continues the "Colorado Seed Act" until July 1, 2020, under the provisions of the sunset law.

**APPROVED** by Governor March 25, 2009

**EFFECTIVE** July 1, 2009

**S.B. 09-117** Meat and meat products - slaughter, processing, and sale of meat animals - home food service plans - continuation of regulation under sunset law. Implements the recommendations of the department of regulatory agencies in its sunset review of the authority of the department of agriculture to regulate the slaughter, processing, and sale of meat animals as follows:

- Continues the authority of the department of agriculture to regulate the custom processing of meat animals until July 1, 2018, under the provisions of the sunset law.
- Authorizes the department of agriculture to regulate home food service plans

until July 1, 2018, under the provisions of the sunset law.

- Repeals the regulation of locker plants.
- Wherever practical to do so, separates the statutes regulating home food service plans from the statutes regulating custom meat processors.
- Defines "processing" and "custom processing" and clarifies that the statutes apply only to custom processing.
- Eliminates and revises certain defined terms to reflect current business practices and harmonize with other federal and state statutes.
- Updates the statutes on home food service plan sales to reflect current business practices.
- Changes the method by which a consumer may recover against the bond of a seller of a home food service plan on the basis of fraud or other wrongdoing.
- Allows the commissioner of agriculture to set the license renewal cycles for licenses administratively rather than specifying expiration dates in statute.
- Repeals the requirement to apply for a new license within 10 days after a change in ownership or location.
- Requires grocery stores to undergo sanitary inspections of their custom meat processing facilities.
- Repeals an existing prohibition on the presence of nonemployees in a meat processing area.
- Repeals the existing 20-pound minimum threshold for regulation of bulk or bundled meat products.

**APPROVED** by Governor April 16, 2009

**EFFECTIVE** April 16, 2009

**S.B. 09-118** Pet animals - regulation - continuation of the "Pet Animal Care and Facilities Act" under sunset law - appropriation. Pursuant to the provisions of the sunset laws:

- Extends the automatic termination date of the "Pet Animal Care and Facilities Act" (PACFA) to July 1, 2014; and
- Continues the pet animal advisory committee indefinitely.

Specifically authorizes the commissioner of agriculture (commissioner) to increase PACFA license fees in order to hire an additional full-time inspector, so long as such fees do not exceed the current statutory cap. States that the power of the commissioner to set fees is neither abrogated nor impaired by the specific authorization, and repeals the authorization on July 1, 2011.

Increases the size of the pet animal advisory committee by one member, which member shall represent the dog day care industry. Removes the statutory renewal date for licenses issued under the PACFA and authorizes the commissioner to set such date by rule. Allows persons breeding turtles to possess turtles with carapaces of less than 4 inches. Adds rats and gerbils to the definition of "pet animal". With respect to nonhuman primates, aligns the PACFA with the language of the federal "Animal Welfare Act". Requires PACFA licensees to display signage containing contact information for PACFA administrators.

Adjusts appropriations made to the annual general appropriation act to the department of agriculture, agricultural services division, by increasing the appropriation by \$49,653 and 1.0 FTE.

**APPROVED** by Governor June 1, 2009

**EFFECTIVE** July 1, 2009

**S.B. 09-124** Value-added development board - agricultural energy-related projects - funding - extension. Continues the existence of the agricultural energy-related projects and research program until 2012.

**APPROVED** by Governor May 15, 2009

**EFFECTIVE** July 1, 2009

**S.B. 09-127** Eggs - continuation of egg regulation under sunset law. Continues the regulation of eggs until July 1, 2020. Transfers rule-making authority from the state agricultural commission to the commissioner of agriculture (commissioner) concerning labeling, sale, storage, inspection, and record-keeping. Repeals obsolete provisions.

Replaces the wholesaler and retailer licenses with a dealer license. Authorizes the commissioner to set the license classification structure by rule. Allows a small egg producer to opt to be licensed. Authorizes the commissioner to set the license renewal dates by rule. Authorizes the commissioner to request additional information for licensing purposes. Authorizes the commission to establish a late fee for late license renewals.

Expands the requirement that eggs be refrigerated to include all stages in the delivery process. Clarifies that the commissioner is authorized to access vehicles used to transport eggs.

**APPROVED** by Governor March 25, 2009

**EFFECTIVE** July 1, 2009

**S.B. 09-151** Slaughterers - licensing functions of department - termination under sunset law - regulation by brand board. Allows the licensing of slaughterers of livestock through the department of agriculture to expire as scheduled on July 1, 2009. Repeals the pertinent statutes under title 12, Colorado Revised Statutes ("Professions and Occupations") and relocates provisions governing the inspection of brands and other inspection and enforcement activity by the state board of stock inspection commissioners under title 35, Colorado Revised Statutes ("Agriculture").

**APPROVED** by Governor April 2, 2009

**EFFECTIVE** July 1, 2009

**S.B. 09-154** Livestock Health Act - funding of personnel - appropriation. Authorizes the funding of personnel necessary to carry out the provisions of the "Livestock Health Act" with moneys from the veterinary vaccine and service fund established under said act.

Increases by 0.9 FTE the 2009 long bill cash funds appropriation to the department of agriculture, special purpose, from the veterinary vaccine and service fund.

**APPROVED** by Governor June 1, 2009

**EFFECTIVE** August 5, 2009

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

**H.B. 09-1249** Agricultural products - standards and regulations - consolidation of cash funds. Consolidates several individual cash funds related to the standards and regulation of

agricultural products into 2 cash funds, and abolishes the individual funds as follows:

- Creates the plant health, pest control, and environmental protection cash fund in the state treasury, and abolishes the following funds: The biological pest control cash fund, the phytosanitary inspection fund, the pesticide fund, the chemigation program management fund, the organic certification fund, the bee inspection fund, the Colorado nursery fund, the seed cash fund, the Colorado weed free crop certification fund, and the groundwater protection fund. Requires that moneys that were previously required to be deposited in the abolished funds be deposited into the plant health, pest control, and environmental protection cash fund and that any unexpended and unencumbered moneys remaining in the abolished funds be transferred to the plant health, pest control, and environmental protection cash fund prior to August 31, 2009.
- Abolishes the mandatory fruit and vegetable inspection fund. Requires that moneys that were previously required to be deposited in such fund be deposited in the agricultural products inspection cash fund and that any unexpended and unencumbered moneys remaining in the mandatory fruit and vegetable inspection fund be transferred to the agricultural products inspection cash fund prior to August 31, 2009.

**APPROVED** by Governor April 2, 2009

**EFFECTIVE** July 1, 2009

## APPROPRIATIONS

**S.B. 09-183** Supplemental appropriation - department of agriculture. Amends the 2008 general appropriation act to decrease the total appropriation to the department of agriculture. Decreases the general fund and federal funds portions of the appropriation and increases the cash funds and reappropriated funds portions.

**APPROVED** by Governor March 12, 2009

**EFFECTIVE** March 12, 2009

**S.B. 09-184** Supplemental appropriation - department of corrections. Amends the 2008 general appropriation act to decrease the total appropriation to the department of corrections. Decreases the general fund, reappropriated funds, and federal funds portions of the appropriation and increases the cash funds portion.

Amends the 2007 general appropriation act to increase the total appropriation to the department of corrections. Increases the reappropriated funds portion of the appropriation.

**APPROVED** by Governor March 12, 2009

**EFFECTIVE** March 12, 2009

**S.B. 09-185** Supplemental appropriation - department of education. Amends the 2008 general appropriation act to decrease the total appropriation to the department of education. Decreases the general fund portion of the appropriation and increases the cash funds and reappropriated funds portions.

Repeals various adjustments to the 2008 general appropriation act made by House Bill 08-1388, concerning the financing of public schools.

Amends the 2007 general appropriation act to increase the total appropriation to the department of education. Increases the reappropriated funds portion of the appropriation.

**APPROVED** by Governor March 18, 2009

**EFFECTIVE** March 18, 2009

**S.B. 09-186** Supplemental appropriation - offices of the governor, Lt governor, and state planning and budgeting. Amends the 2008 general appropriation act to decrease the total appropriation to the offices of the governor, Lt. governor, and state planning and budgeting. Decreases the general fund portion of the appropriation and increases the cash funds and reappropriated funds portions.

Repeals an adjustment to the 2008 general appropriation act made by House Bill 08-1388, concerning the financing of public schools.

**APPROVED** by Governor March 12, 2009

**EFFECTIVE** March 12, 2009

**S.B. 09-187** Supplemental appropriation - department of health care policy and financing. Amends the 2008 general appropriation act to increase the total appropriation to the department of health care policy and financing. Increases the general fund, cash funds, and federal funds portions of the appropriation and decreases the reappropriated funds portion.

Repeals or amends adjustments made to the 2008 general appropriations act by several 2008 acts.

Amends the 2007 general appropriation act to decrease the total appropriation to the department of health care policy and financing. Decreases the general fund and federal funds portions of the appropriation and increases the cash funds portion.

Creates additional appropriations for the payment of overexpenditures of line item appropriations contained in the 2007 general appropriation act.

**APPROVED** by Governor March 12, 2009

**EFFECTIVE** March 12, 2009

**S.B. 09-188** Supplemental appropriation - department of higher education. Amends the 2008 general appropriation act to decrease the total appropriation to the department of higher education. Decreases the general fund and reappropriated funds portions of the appropriation and increases the cash funds portion.

Amends the 2007 general appropriation act to decrease the total appropriation to the department of higher education. Decreases the cash funds portion of the appropriation.

**APPROVED** by Governor March 12, 2009

**EFFECTIVE** March 12, 2009

**S.B. 09-189** Supplemental appropriation - department of human services. Amends the 2008 general appropriation act to decrease the total appropriation to the department of human services. Decreases the general fund and reappropriated funds portions of the appropriation and increases the cash funds and federal funds portions.

Repeals or amends adjustments made to the 2008 general appropriations act made by several 2008 acts.

Amends the 2007 general appropriation act to increase the total appropriation to the department of human services. Increases the general fund portion of the appropriation and decreases the reappropriated funds portion.

**APPROVED** by Governor March 12, 2009

**EFFECTIVE** March 12, 2009

**S.B. 09-190** Supplemental appropriation - judicial department. Amends the 2008 general appropriation act to increase the total appropriation to the judicial department. Decreases the general fund and reappropriated funds portions of the appropriation and increases the cash funds portion.

Amends the 2007 general appropriation act to increase the total appropriation to the judicial department. Increases the general fund portion of the appropriation.

**APPROVED** by Governor March 12, 2009

**EFFECTIVE** March 12, 2009

**S.B. 09-191** Supplemental appropriation - department of labor and employment. Amends the 2008 general appropriation act to decrease the total appropriation to the department of

labor and employment. Decreases the cash funds and federal funds portions of the appropriation and increases the reappropriated funds portion.

**APPROVED** by Governor March 12, 2009

**EFFECTIVE** March 12, 2009

**S.B. 09-192** Supplemental appropriation - department of law. Amends the 2008 general appropriation act to decrease the total appropriation to the department of law. Decreases the general fund and federal funds portions of the appropriation and increases the cash funds and reappropriated funds portions.

Makes an additional adjustment to the 2008 general appropriation act made by House Bill 08-1353, concerning the implementation of additional requirements to verify the validity of a state income tax credit for donating a conservation easement.

Amends the 2007 general appropriation act to increase the total appropriation to the department of law. Increases the reappropriated funds portion of the appropriation.

**APPROVED** by Governor March 12, 2009

**EFFECTIVE** March 12, 2009

**S.B. 09-193** Supplemental appropriation - department of local affairs. Amends the 2008 general appropriation act to decrease the total appropriation to the department of local affairs. Decreases the general fund, general fund exempt, and cash funds portions of the appropriation and increases the reappropriated funds and federal funds portions.

**APPROVED** by Governor March 12, 2009

**EFFECTIVE** March 12, 2009

**S.B. 09-194** Supplemental appropriation - department of military and veterans affairs. Amends the 2008 general appropriation act to decrease the total appropriation to the department of military and veterans affairs. Decreases the general fund and federal funds portions of the appropriation.

**APPROVED** by Governor March 12, 2009

**EFFECTIVE** March 12, 2009

**S.B. 09-195** Supplemental appropriation - department of natural resources. Amends the 2008 general appropriation act to decrease the total appropriation to the department of natural resources. Decreases the general fund, cash funds, and federal funds portions of the appropriation and increases the reappropriated funds portion.

**APPROVED** by Governor March 12, 2009

**EFFECTIVE** March 12, 2009

**S.B. 09-196** Supplemental appropriation - department of personnel. Amends the 2008 general appropriation act to increase the total appropriation to the department of personnel. Decreases the general fund portion of the appropriation and increases the cash funds and reappropriated funds portions.

Amends the 2007 general appropriation act to increase the total appropriation to the department of personnel. Increases the reappropriated funds portion of the appropriation.

**APPROVED** by Governor March 12, 2009

**EFFECTIVE** March 12, 2009

**S.B. 09-197** Supplemental appropriation - department of public health and environment. Amends the 2008 general appropriation act to increase the total appropriation to the department of public health and environment. Decreases the general fund and federal funds portions of the appropriation and increases the cash funds and reappropriated funds portions.

**APPROVED** by Governor March 12, 2009

**EFFECTIVE** March 12, 2009

**S.B. 09-198** Supplemental appropriation - department of public safety. Amends the 2008 general appropriation act to decrease the total appropriation to the department of public safety. Decreases the general fund portion of the appropriation and increases the cash funds and reappropriated funds portions.

Amends an adjustment to the 2008 general appropriation act made by Senate Bill 08-133, concerning financial incentives for persons to enter the teaching profession.

**APPROVED** by Governor March 12, 2009

**EFFECTIVE** March 12, 2009

**S.B. 09-199** Supplemental appropriation - department of regulatory agencies. Amends the 2008 general appropriation act to decrease the total appropriation to the department of regulatory agencies. Decreases the general fund and cash funds portions of the appropriation and increases the reappropriated funds and federal funds portions.

Adjusts an appropriation made in House Bill 08-1058, concerning the enactment of the "Uniform Athletes Agent Act". Amends an adjustment to the 2008 general appropriation act made by House Bill 08-1353, concerning implementation of additional requirements to verify the validity of a state income tax credit claimed for donating a conservation easment.

**APPROVED** by Governor March 12, 2009

**EFFECTIVE** March 12, 2009

**S.B. 09-200** Supplemental appropriation - department of revenue. Amends the 2008 general appropriation act to increase the total appropriation to the department of revenue. Decreases the general fund portion of the appropriation and increases the cash funds portion.

**APPROVED** by Governor March 12, 2009

**EFFECTIVE** March 12, 2009

**S.B. 09-201** Supplemental appropriation - department of state. Amends the 2008 general appropriation act to decrease the total appropriation to the department of state. Decreases the cash funds portion of the appropriation.

**APPROVED** by Governor March 12, 2009

**EFFECTIVE** March 12, 2009

**S.B. 09-202** Supplemental appropriation - department of transportation. Amends the 2008 general appropriation act to decrease the total appropriation to the department of transportation. Decreases the reappropriated funds portion of the appropriation.

**APPROVED** by Governor March 12, 2009

**EFFECTIVE** March 12, 2009

**S.B. 09-203** Supplemental appropriation - department of the treasury. Amends the 2008 general appropriation act to decrease the total appropriation to the department of the treasury. Decreases the general fund and general fund exempt portions of the appropriation and increases the cash funds portion.

**APPROVED** by Governor March 12, 2009

**EFFECTIVE** March 12, 2009

**S.B. 09-204** FY 2008-09 budget balancing act - modifications to FY 2008-09 state emergency reserve designation. For purposes of designating the state emergency reserve for state fiscal year 2008-09, on March 9, 2009:

- Increases the maximum amount of moneys in the major medical insurance fund designation.
- Eliminates the designation of the subsequent injury fund and the workers' compensation cash fund.

**APPROVED** by Governor March 9, 2009

**EFFECTIVE** March 9, 2009

**S.B. 09-218** Controlled maintenance trust fund - additional appropriation from the general fund during FY 2007-08. Increases the amount of moneys appropriated from the state general fund to the controlled maintenance trust fund for the state fiscal year beginning July 1, 2007, from \$2,000,000 to \$2,326,990.

**APPROVED** by Governor March 18, 2009

**EFFECTIVE** March 18, 2009

**S.B. 09-224** Legislative appropriation - supplemental appropriation from youth advisory council cash fund. Appropriates \$33,501,088 for matters related to the legislative department for the 2009-10 fiscal year. Requires that any general fund appropriations to the legislative department that are unexpended and unencumbered as of the close of the 2008-09 fiscal year be transferred by the state treasurer and state controller to the ballot information publication and distribution revolving fund.

Makes a supplemental appropriation of \$30,000 for the 2008-09 fiscal year from the youth advisory council cash fund to the legislative council for the cost of implementing House Bill 08-1157.

**APPROVED** by Governor March 20, 2009

**EFFECTIVE** March 20, 2009

**S.B. 09-259** General appropriation - long bill. Provides for the payment of expenses of the executive, legislative, and judicial departments of the state of Colorado, and of its agencies and institutions, for and during the fiscal year beginning July 1, 2009. Sets the grand total

for the operating budget at \$19,164,783,775 of which \$7,646,181,291 is from the general fund, \$1,008,000 is from general fund exempt, \$5,497,229,089 is from cash funds, \$1,460,226,413 is from reappropriated funds, and \$4,560,138,982 is from federal funds.

Appropriates \$518,168,465 for capital construction projects of which \$50,659,524 is from the capital construction fund, \$426,793,196 is from cash funds, and \$40,715,745 is from federal funds.

Makes additional changes in appropriations for the 2007-2008 fiscal year.

**APPROVED** by Governor May 1, 2009

**EFFECTIVE** May 1, 2009  
**PORTIONS VETOED** May 1, 2009

**S.B. 09-280 Supplemental appropriation - capital construction.** Amends the 2005 general appropriation act to decrease the total appropriation for capital construction projects. Decreases the amount appropriated to the department of corrections for the Fort Lyon acquisition and conversion projects. Decreases the total appropriation to the department of higher education for controlled maintenance, at the university of Colorado at Boulder.

Amends the 2006 general appropriation act to decrease the total appropriation for capital construction projects. Decreases the amount appropriated to the department of higher education for controlled maintenance, at the Colorado state university at Pueblo. Decreases the amount appropriated to the department of human services for controlled maintenance at Colorado mental health institute at Fort Logan. Decreases the amount appropriated to the department of military and veterans affairs, for controlled maintenance, building system revitalization. Decreases the amount appropriated to the department of personnel, for controlled maintenance, power plant building.

Amends the 2007 general appropriation act to decrease the total appropriation for capital construction projects. Decreases the amount appropriated to the department of agriculture, for controlled maintenance, for the state fairgrounds. Decreases the amount appropriated to the department of corrections, for controlled maintenance, for water systems work at the Delta correctional facility and the Rifle correctional facility. Reduces the amount to replace locks and door controls at the Colorado Women's correctional facility. Decreases the amount appropriated to the department of higher education for various capital construction projects at the Colorado state university at Fort Collins, Colorado state university at Pueblo Fort Lewis college, University of Colorado at Boulder, Colorado school of mines, Arapahoe community college, Colorado northwestern community college, Rangely campus, Lamar community college, Pikes Peak community college, Colorado community college at Lowry, and the historical society. Increases the amount appropriated to the department of human services for the child care automated tracking system by decreasing the amounts appropriated for mental health and alcohol and drug abuse services, services for people with disabilities, and the division of youth corrections. Decreases the amount appropriated to the department of military and veterans affairs, for controlled maintenance, at the Englewood Starc headquarters. Decreases the amount appropriated to the department of personnel, controlled maintenance projects. Decreases the amount appropriated to the department of revenue for various capital construction projects.

Amends the 2008 general appropriation act to increase the total appropriation for capital construction projects. Decreases the total amount appropriated to the department of agriculture, controlled maintenance, by eliminating the repair of the infrastructure at the state

fair grounds. Decreases the total amount appropriated to the department of corrections for controlled maintenance, for various water system projects and eliminates the Fort Lyon acquisition and renovation capital construction project. Increases the total amount appropriated to the department of higher education. Increases the amount appropriated for various capital construction projects to Western state college, Colorado state university at Fort Collins, and the university of Colorado at Boulder. Decreases the amount appropriated for various capital construction projects to Colorado state university at Pueblo, Colorado school of mines, Arapahoe community college, Colorado northwestern community college, and the Colorado historical society. Eliminates the appropriation for the Butler Hancock interior renovation at the university of northern Colorado and the academic building learning center at Pueblo community college. Decreases the total amount appropriated to the department of human services, capital construction project, for air conditioning at the Colorado mental health institute and suicide risk mitigation. Decreases the total amount appropriated to the department of military and veterans affairs for the Grand Junction readiness center capital construction project. Decreases the amount appropriated to the department of personnel, controlled maintenance for various projects at the state capitol. Eliminates the amount appropriated to the department of public safety for the Alamosa troop office communication center. Increases the amount appropriated to the department of revenue, capital construction projects, for document maintenance and facial recognition systems upgrades and lottery back office system migration. Increases the amount appropriated to the department of the treasury for the addition higher education federal mineral lease revenues fund.

**APPROVED** by Governor April 27, 2009

**EFFECTIVE** April 27, 2009

## CHILDREN AND DOMESTIC MATTERS

**S.B. 09-69** Parenting coordinators - limitation on civil liability. Provides that a parenting coordinator appointed by the court is immune from liability for any claim for injury arising from an act or omission of the parenting coordinator during the performance of his or her duties, so long as the parenting coordinator is acting within the scope of his or her duties and the act or omission is not willful or wanton.

Specifies that a court shall award reasonable attorney fees to a parenting coordinator in a civil action when the court determines that the parenting coordinator is immune from civil liability.

**APPROVED** by Governor April 16, 2009

**EFFECTIVE** April 16, 2009

**S.B. 09-79** Adoption - foster care - confidential intermediary program - sibling search and contact. Authorizes a confidential intermediary to inspect confidential dependency and neglect records. Allows adults who were former foster children to use the confidential intermediary program to search for an adult birth sibling who may or may not have been adopted. Requires the registrar to maintain a confidential list of former foster children who may or may not have been adopted, who are 18 years of age or older, who have provided consent regarding release of identifying information, and who are searching for a sibling who may or may not have been adopted. Allows a sibling to revise or remove his or her consent and accompanying information at any time.

**APPROVED** by Governor March 25, 2009

**EFFECTIVE** March 25, 2009

**S.B. 09-104** Foster care - emancipated youth - documents county required to provide. Requires each county or city and county responsible for a youth in foster care to provide that youth, when he or she plans to emancipate from foster care, with verifiable documents, such as a certified birth certificate and a social security card, at no cost to the youth.

**APPROVED** by Governor May 2, 2009

**EFFECTIVE** May 2, 2009

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

**S.B. 09-207** Child welfare and mental health services - budget balancing act - elimination of FY 2008-09 appropriation. Delays implementation of the child welfare and mental health services pilot program (program) in the department of human services until on or before July 1, 2015.

Repeals the fiscal year 2008-09 appropriation for the program.

**APPROVED** by Governor March 2, 2009

**EFFECTIVE** March 2, 2009

**S.B. 09-245** Human services - foster care - kinship guardianship assistance program - appropriation. Amends portions of the "Colorado Children's Code" to comply with the federal "Fostering Connections to Success and Increasing Adoptions Act of 2008", Public

Law 110-351, concerning kinship placements and due diligence. Establishes a kinship guardianship assistance program (program), subject to available appropriations, in the department of human services (department). Allows the department to promulgate rules for the implementation of the program.

If House Bill 09-1366 becomes law, appropriates \$86,000 from the general fund to the department of human services for allocation to the office of information technology services for Colorado TRAILS.

**APPROVED** by Governor June 4, 2009

**EFFECTIVE** June 4, 2009

**Note:** House Bill 09-1366 was signed by the governor June 4, 2009.

**S.B. 09-268** Guardian ad litem appointments - clarification of appointment and termination - state payment of guardian ad litem and child and family investigator fees - budget package act - appropriation. Clarifies that the state shall bear the costs of the appointment of a child's legal representative or a child and family investigator in domestic relations cases, under certain circumstances, when the parties are indigent. In dissolution of marriage and legal separation proceedings, prior to the entry of a decree of dissolution or legal separation, requires the court to consider the combined income and assets of both parties before determining whether the parties are indigent for purposes of the state's payment of guardian ad litem fees.

Requires a court to make specific findings that the appointment of a guardian ad litem in certain delinquency cases is necessary to serve the child's best interests and to include those findings in the order of appointment. Clarifies that the court may appoint a guardian ad litem in truancy cases when extraordinary and exceptional circumstances exist. Clarifies that the appointment of a guardian ad litem in delinquency proceedings shall terminate at the conclusion of sentencing except in certain circumstances. Identifies additional circumstances in which a court may terminate the appointment of a guardian ad litem.

Makes an adjustment to the 2009 general appropriations act by decreasing the appropriation to the judicial department, office of the child's representative, for court-appointed counsel.

**APPROVED** by Governor May 1, 2009

**EFFECTIVE** May 1, 2009

**H.B. 09-1044** Juvenile offenders - direct file - expungement of records. Allows a juvenile who is charged as an adult by the direct filing of charges in district court, but sentenced as a juvenile in the same matter, to be eligible to petition the court for the expungement of his or her record.

**APPROVED** by Governor March 18, 2009

**EFFECTIVE** September 1, 2009

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

**H.B. 09-1321** Juveniles tried as adults - placement awaiting trial - factors for consideration. Outlines the factors that the district attorney and defense counsel shall consider when

determining whether to hold a juvenile in a jail or adult lockup while awaiting trial as an adult.

**APPROVED** by Governor June 1, 2009

**EFFECTIVE** June 1, 2009

**H.B. 09-1343** Early childhood and school readiness - legislative commission. Creates the early childhood and school readiness legislative commission (commission). Sets forth membership requirements and administrative functions for the commission. Outlines the scope of issues the commission is charged with studying. Grants the commission permission to request legislative changes in a manner similar to that of a legislative interim committee. Authorizes the commission to seek and accept gifts, grants, or donations. Repeals the commission, effective July 1, 2012.

**APPROVED** by Governor June 1, 2009

**EFFECTIVE** June 1, 2009

## CONSUMER AND COMMERCIAL TRANSACTIONS

**S.B. 09-54** Fair trade laws - violations - increase of maximum civil penalties recoverable by the state. Increases the maximum civil penalty that may be imposed for any related series of violations of the "Colorado Consumer Protection Act" from \$100,000 to \$500,000. Increases the maximum civil penalty that may be imposed for a violation of the "Colorado Antitrust Act of 1992" from \$100,000 to \$250,000.

**APPROVED** by Governor April 20, 2009

**EFFECTIVE** August 5, 2009

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

**S.B. 09-84** Secured transactions - filing office - requirements. Specifies that the document that must be filed with the secretary of state to assign the ability to amend a financing statement must provide the date that the initial financing statement was filed or recorded and need not provide the name of one of the debtors. Repeals the requirement that the secretary include a check digit in secured transaction file numbers. Authorizes the secretary to issue evidentiary documents related to secured transactions electronically.

**APPROVED** by Governor April 20, 2009

**EFFECTIVE** August 5, 2009

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

**H.B. 09-1052** Charitable solicitations - solicitation by container - sale of donated items for profit - disclosure. Requires a for-profit entity or other person who places a container in a public place to collect donated items that will later be sold for profit to affix to the container a disclosure label that clearly and conspicuously states that items left in the container will be sold for profit and the donations are not tax-deductible. Exempts containers used exclusively for collecting materials for recycling.

**APPROVED** by Governor March 24, 2009

**EFFECTIVE** August 5, 2009

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

**H.B. 09-1090** Colorado Consumer Protection Act - deceptive trade practices - use of titles - interpreters for the deaf. Makes the use of certain titles related to interpretation for deaf and hard-of-hearing persons by a person not certified by the national registry of interpreters for the deaf a deceptive trade practice under the "Colorado Consumer Protection Act".

**APPROVED** by Governor March 19, 2009

**EFFECTIVE** September 1, 2009

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

**H.B. 09-1108** Paychecks - nonpayment - employer's liability. Subjects an employer to a \$50 per day penalty if, 2 or more times within any 24-month period, the employer causes an employee's check to not be paid because the employer's bank did not honor the employee's paycheck upon presentment. Authorizes the director of the division of labor in the department of labor and employment to investigate alleged violations. Makes the employer liable for actual damages, including late fees, caused by such nonpayment.

**APPROVED** by Governor April 22, 2009

**EFFECTIVE** August 5, 2009

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

**H.B. 09-1109** Loans - home mortgages - foreclosure protection - definition of residence in foreclosure. Amends the definition of a "residence in foreclosure" under the "Colorado Foreclosure Protection Act" to include a residence that is subject to a mortgage loan that is at least 30 days delinquent or in default.

**APPROVED** by Governor March 20, 2009

**EFFECTIVE** July 1, 2009

**H.B. 09-1141** Uniform consumer credit code - consumer leases - fees - cash fund reserve - credit services - debt-management services. Applies fee caps and procedural requirements for the sale of credit insurance and other products in the "Uniform Consumer Credit Code" (UCCC) to consumer leases. Eliminates statutory fees and allows the administrator of the UCCC to set the fees. Creates an alternative reserve balance for the uniform consumer credit code cash fund of 1/3 of the previous fiscal year's expenditures. Repeals outdated provisions.

Includes nonprofit organizations within the definition of a "credit services organization". Updates a disclosure regarding the availability of free credit reports. Exempts providers of debt-management services that are subject to the "Colorado Foreclosure Protection Act" from the "Uniform Debt-Management Services Act".

**APPROVED** by Governor March 20, 2009

**PORTIONS EFFECTIVE** July 1, 2009

**PORTIONS EFFECTIVE** January 1, 2010

**H.B. 09-1254** Deceptive trade practices - exchange facilitators. Regulates as deceptive trade practices certain actions of exchange facilitators who, for a fee, facilitate like-kind exchanges of real property for purposes of deferring applicable federal taxes, including by failing to:

- Timely notify clients of a change in control of the exchange facilitator;
- Maintain adequate insurance or other financial assurance; and
- Act as a limited fiduciary with regard to clients' exchange funds.

**APPROVED** by Governor April 16, 2009

**EFFECTIVE** April 16, 2009

## CORPORATIONS AND ASSOCIATIONS

**H.B. 09-1088** Nonprofit entities - certification of as local public procurement units. Allows the executive director of the department of personnel to certify a public benefit nonprofit entity as a local public procurement unit. Conditions such certification on the public benefit nonprofit entity using any procured supplies, services, or construction in the furtherance of its stated nonprofit purpose. Defines "public benefit nonprofit entity" as an organization that receives funds from federal, state, or local governmental sources, that is exempt from federal taxation under section 501 (c) (3) of the federal internal revenue code, and that does not possess 501 (c) (4) status under the federal internal revenue code.

Requires the department of personnel to report by February 1, 2011, to the house and senate state, veterans, and military affairs committees, or their successor committees, on the number of public benefit nonprofit entities that were certified as local public procurement units, and the total spending by such entities under state cooperative purchasing agreements, between July 1, 2009, and November 1, 2010.

**APPROVED** by Governor March 13, 2009

**EFFECTIVE** August 5, 2009

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

**H.B. 09-1248** Filing office - partnership - qualifications - nonprofit corporation - action without a meeting - governmental immunity - claim notice mailing requirements - board membership - downtown development authorities - ditch corporations - attorney fees. Clarifies the information that must be filed with the secretary of state when a ditch company extends its term of existence. Standardizes information that must be contained in constituent filed documents by eliminating the requirement for a period of duration to be stated in the document. Improves the accuracy of records by requiring certain information to be updated when an annual report, renewal of trade name, renewal of trademark registration, or renewal of true name registration is filed. Eliminates obsolete provisions. Removes the obligation of the secretary of state to mail notice of delinquency to an entity. Standardizes the information that is added to an entity name if the entity name is not available when the entity cures its delinquency or reinstates after dissolution.

Clarifies that a person may be admitted as a partner to a general partnership without having an economic interest in the partnership and without being obligated to contribute capital to the partnership if the partnership has at least 2 partners who have economic interests at formation. Eliminates the state-law question of whether a person is a partner if that person's share of the profits and losses is very low. Clarifies that a person may be a general or limited partner in a limited partnership if there is at least one partner in the limited partnership who has an economic interest in the partnership.

Modifies the requirements for boards of directors of nonprofit corporations to take action without a meeting. Allows a notice of claim against a public entity to be sent by certified mail. Expands the pool of potential candidates for boards of directors of downtown development authorities and ditch corporations. Repeals the prohibition on the award of attorneys fees in cases involving violations of county resolutions.

**APPROVED** by Governor May 14, 2009

**PORTIONS EFFECTIVE** May 14, 2009  
**PORTIONS EFFECTIVE** December 1, 2009

## CORRECTIONS

**S.B. 09-6** County jail identification processing unit - creation - metro county service - county jail identification processing unit fund creation - report - implementation meetings - appropriation. Creates the county jail identification processing unit (unit) in the division that issues drivers' licenses within the department of revenue (department). States that the unit consists of a mobile identification processing unit staffed by the department. Directs the unit to process identification cards at county jails in Adams, Arapahoe, Boulder, Broomfield, Denver, Douglas, and Jefferson counties (counties) for prisoners without identification cards. Directs a prisoner to pay for the card unless the county chooses to bear the cost. Requires the unit to prioritize prisoners with medically documented mental illness. Permits department personnel to work with county jail staff or volunteers to assist a prisoner in the process of obtaining an identification card. Requires the department to develop a visit schedule with each sheriff from the counties. Creates the county jail identification processing unit fund (fund). Conditions the unit on receipt of sufficient gifts, grants, and donations in the fund to cover the cost of the unit.

Beginning July 1, 2011, directs the department to submit an annual report to the general assembly.

Requires the department to meet with representatives of the counties to discuss future implementation of the unit, including intergovernmental agreements for cost-sharing, solutions to technical and equipment issues, and implementation timelines.

Makes legislative findings and declarations.

Appropriates \$186,160 from the fund to the department for implementation of the program.

**APPROVED** by Governor June 2, 2009

**EFFECTIVE** June 2, 2009

**S.B. 09-34** Centennial correctional facility - designation - security level. Changes the security level designation for the Centennial correctional facility from level IV to level V.

**APPROVED** by Governor March 25, 2009

**EFFECTIVE** August 5, 2009

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

**S.B. 09-135** Parole decision data tracking - data on basis of parole decisions and recidivism - training on use of data - report. Requires the state board of parole (parole board) and the division of criminal justice (DCJ) of the department of public safety to develop and implement a process to capture and analyze data related to the basis for and the outcomes of parole decisions and data on recidivism. Requires the DCJ to analyze the data and train the parole board on the use of the data obtained and analyzed to facilitate the board's future decision-making.

On or before November 1, 2009, requires the parole board and the DCJ to report to

the general assembly regarding the implementation of the act.

**APPROVED** by Governor June 1, 2009

**EFFECTIVE** August 5, 2009

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

**S.B. 09-209** Inmate assistance demonstration grant program - repeal - budget balancing act - elimination of FY 08-09 appropriation. Repeals the inmate assistance demonstration grant program and its associated appropriation.

**APPROVED** by Governor March 18, 2009

**EFFECTIVE** March 18, 2009

**H.B. 09-1122** Youthful offender system - eligibility for sentencing - young adult offenders. Expands eligibility for sentencing to the youthful offender system (system) to allow certain young adult offenders who commit certain crimes when they are 18 or 19 years old, and who are sentenced prior to their twenty-first birthday, to be sentenced to the system. Repeals the expanded eligibility on October 1, 2012.

Requires the warden of the system, upon the request of a prosecuting attorney or a youthful offender, to determine whether a youthful offender is acceptable for a sentence to the system given the nature and circumstances of the crime; the age, circumstances, and criminal history of the youthful offender; the available bed space in the system; and any other appropriate considerations.

Allows a court to sentence a juvenile to the system even though sentencing occurs after the juvenile's nineteenth birthday, so long as sentencing occurs prior to the juvenile's twenty-first birthday.

**APPROVED** by Governor April 2, 2009

**EFFECTIVE** October 1, 2009

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

**H.B. 09-1263** Jails - deductions of time. Clarifies that every person who is sentenced to and imprisoned in a county jail and who performs faithfully the duties assigned to him or her during his or her imprisonment is entitled to a deduction from the time of his or her sentence of 2 days in any 30-day period, rather than in each calendar month.

Allows a person who is sentenced to and imprisoned in a county jail to be awarded earned time of up to 3 days in any 30-day period at the discretion of the county sheriff for the successful completion of certain designated programs or educational activities, for outstanding progress in any assigned program or activity, or for unusual or extraordinary actions as determined by the county sheriff. Requires each county sheriff to develop and implement an earned time program and schedule for use in his or her county jail in accordance with the expectations and standards of the community in which he or she serves.

Clarifies that persons confined in the county jail, serving sentences in accordance with law, who are engaged in work within or outside the walls of the jail, and who are designated

by the sheriff as trusty prisoners, and who conduct themselves in accordance with the rules of the sheriff of the county and perform their work in a creditable manner, upon approval of the sheriff, may be granted such good time as the sheriff may order, not to exceed 10 days in any 30-day period, rather than each calendar month.

Entitles a person who is confined pending a parole revocation hearing to credit for the entire period of such confinement against any period of reincarceration imposed in the parole revocation proceeding. Requires the department of corrections to deduct the period of confinement from the period of reincarceration.

**APPROVED** by Governor April 3, 2009

**EFFECTIVE** August 5, 2009

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

**H.B. 09-1264** Inmate higher education - financial aid or scholarships. Requires that costs associated with a college-level academic program for an inmate be borne by the inmate unless he or she receives financial aid or scholarships for the program.

**APPROVED** by Governor April 16, 2009

**EFFECTIVE** August 5, 2009

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

## COURTS

**S.B. 09-10** Damages - automated external defibrillators - limited immunity. Eliminates certain staffing and reporting requirements imposed on a person or entity that acquires an automated external defibrillator (AED). Provides to a person or entity who, in good faith and without compensation, renders emergency care or treatment by the use of an AED immunity from liability for any civil damages for acts or omissions made in good faith as a result of such care or treatment, regardless of whether the person or entity that acquired the AED has satisfied statutory requirements and other provisions of law. Extends this limited immunity to a person or entity that provides teaching or training programs to a site at which an AED is placed, which programs include training in the use of an AED.

**APPROVED** by Governor March 25, 2009

**EFFECTIVE** March 25, 2009

**S.B. 09-38** Docket fees - displaced homemakers fund. Removes the repeal of the docket fees for county court civil actions.

Clarifies that the assessment for displaced homemakers applies to a petition for declaration of invalidity of marriage, legal separation, or declaratory judgment.

**APPROVED** by Governor April 16, 2009

**EFFECTIVE** July 1, 2009

**S.B. 09-48** Office of the child's representative - financial audit requirement. Removes the statutorily required financial audit of the office of the child's representative.

**APPROVED** by Governor April 16, 2009

**EFFECTIVE** August 5, 2009

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

**H.B. 09-1023** Blood donation - decrease age for minors - consent of parent or legal guardian. Authorizes a minor who is at least 16 years of age to donate blood with the consent of the minor's parents.

**APPROVED** by Governor March 19, 2009

**EFFECTIVE** August 5, 2009

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

**H.B. 09-1037** County court reclassification - Montrose county. Reclassifies Montrose county from a Class C county to a Class B county for organizational and administrative purposes concerning county courts.

**APPROVED** by Governor March 18, 2009

**EFFECTIVE** March 18, 2009

**H.B. 09-1080** Building code officials - disaster emergency - qualified immunity. Grants qualified immunity from civil action to a building code official who, while acting in his or

her official capacity, assists during a state of disaster emergency.

**APPROVED** by Governor March 20, 2009

**EFFECTIVE** March 20, 2009

**H.B. 09-1305** Cost bonds in civil actions - limited to nonresident plaintiffs. Removes a court's ability to require a cost bond from a resident plaintiff, except in specified actions. Removes the personal liability of the attorney for a nonresident plaintiff to pay the costs of the lawsuit upon dismissal of the lawsuit. To ensure that access to the courts is not unreasonably denied, limits to \$5,000 the amount of a cost bond that can be required from a nonresident plaintiff in a civil lawsuit.

**APPROVED** by Governor May 21, 2009

**EFFECTIVE** September 1, 2009

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

**H.B. 09-1316** Personal information on the internet - law enforcement official. Makes it a crime to post the personal information of a judge, magistrate, or prosecutor on the internet if the dissemination of the information poses an imminent and serious safety threat.

**APPROVED** by Governor May 21, 2009

**EFFECTIVE** May 21, 2009

## CRIMINAL LAW AND PROCEDURE

**S.B. 09-35** Government official misconduct - penalty for proscribed acts related to contracts and claims. Makes it a class 1 misdemeanor to knowingly violate a provision of the proscribed acts related to contracts and claims for government officials. Permits the court to impose a fine that is no more than twice the amount of the benefit that the government official obtained or attempted to obtain.

**APPROVED** by Governor April 9, 2009

**EFFECTIVE** August 5, 2009

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

**S.B. 09-36** Music piracy - dealing in unlawfully packaged recorded articles - elements - penalty - confiscation - restitution. Adds the mens rea of knowingly and the element of commercial advantage or financial gain to the crime of dealing in unlawfully packaged recorded articles. Requires the court to impose a fine of at least \$1,000 dollars for a conviction of dealing in unlawfully packaged recorded articles if the offense involves more than 100 articles or if the defendant has previously been convicted of the offense.

Requires a law enforcement officer, upon discovery, to confiscate all recorded articles that constitute a theft of sound recordings offense and all equipment and components used to manufacture the recorded articles. Permits the confiscated recorded articles to be destroyed by court order and the confiscated equipment and components to be donated to charity by court order.

Requires restitution to the owner or producer of a master sound recording, or the trade association representing the owner or producer, for an injury suffered as a result of the theft of sound recording crime. Directs how the order of restitution is calculated.

**APPROVED** by Governor April 22, 2009

**EFFECTIVE** August 5, 2009

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

**S.B. 09-93** Identity theft - inchoate penalty - statute of limitations - criminal possession of an identification document. Beginning July 1, 2009, reduces the penalty for an identity theft inchoate offense. Starts the statute of limitations for identity theft crimes when the crime is discovered.

Beginning in July 1, 2011, criminalizes possession or control of a driver's license, government-issued identification card, social security card, or passport of another person without the permission of the other person, unless permission is authorized by law, and makes the crime a predicate offense for racketeering.

**APPROVED** by Governor June 1, 2009

**PORTIONS EFFECTIVE** July 1, 2009

**PORTIONS EFFECTIVE** July 1, 2011

**S.B. 09-97** Institutional peace officers - clean up. Makes clarifying changes to statutes related to institutional peace officers.

**APPROVED** by Governor April 9, 2009

**EFFECTIVE** August 5, 2009

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

**S.B. 09-231** State methamphetamine task force - reduction of meetings - extension of repeal. Reduces the number of times the state methamphetamine task force must meet in a year from 6 meetings to 4 meetings. Extends the repeal of the state methamphetamine task force to January 1, 2014.

**APPROVED** by Governor April 20, 2009

**EFFECTIVE** April 20, 2009

**S.B. 09-241** DNA testing - sample collection felony arrestees - file results upon charging - expungement process - DNA working group review and recommendations - cost or surcharge to offender identification fund - defendant's DNA database search rights - appropriation. Beginning September 30, 2010, requires each adult arrested for or charged with a felony to submit to a DNA test. Directs, that in most cases, the arresting agency take a biological sample for testing purposes during the booking process. In all other cases, directs that the sample be taken at the person's first court appearance, if practical.

Directs the Colorado bureau of investigation (CBI) to test the samples collected. Requires the CBI to file and maintain the results of such DNA testing in a database only after receiving confirmation that the person has been charged with a felony. Directs the CBI to furnish the results to a law enforcement agency upon request.

Permits the resulting DNA profile to be expunged from the database if:

- The person is not charged with a felony;
- The felony charges are dismissed; or
- The person is found not guilty of the felony charge.

Requires the court to advise the person of his or her expungement rights at the person's first appearance and requires readvisement by the court or district attorney if an action occurs that triggers the right of expungement. Directs a person who wants his or her record expunged from the database to submit a written request to CBI. Upon receipt of the request, directs CBI to contact the district attorney to verify that the person qualifies for expungement. Requires CBI to send notice to the person indicating whether the record has been expunged.

Requires the DNA working group to convene to discuss and make recommendations regarding the appropriateness and implementation of this act. Requires the DNA working group to provide a report regarding its discussion and recommendations to the general assembly before the next regular session of the general assembly.

Beginning July 1, 2009, creates a \$2.50 cost or surcharge on each felony, misdemeanor, and traffic offense, and on other criminal violations. Directs that the cost or surcharge be credited to the offender identification fund.

Beginning July 1, 2009, allows a defendant to request a search of a DNA database if the court determines there is a reasonable probability that a search will produce exculpatory or mitigating evidence.

Appropriates \$75,000 to the CBI in the department of public safety from the offender identification fund for the preparation for implementation and implementation of this act.

**APPROVED** by Governor May 21, 2009

**PORTIONS EFFECTIVE** July 1, 2009  
**PORTIONS EFFECTIVE** September 30, 2010

**S.B. 09-284** Communications - rerouting - authority under exigent circumstances. Allows a supervising representative of a law enforcement agency (representative) to order a communications or internet access provider employee to cut, reroute, or divert telephone lines or cellular or digital signals if the representative has probable cause to believe that a person is holding a hostage or has barricaded himself or herself in a structure or motor vehicle and is armed and a danger to himself, herself, or others. Requires the communications or internet access provider to restore the normal operations of the telephone lines or communications signals as soon as practicable following resolution of the exigent circumstances. Provides civil immunity to communications or internet access providers and their employees or agents for any damages incurred as a result of an act or omission connected with compliance with the act.

**APPROVED** by Governor June 1, 2009

**EFFECTIVE** June 1, 2009

**S.B. 09-286** Colorado commission on criminal and juvenile justice - sentencing - recommendations. Directs the Colorado commission on criminal and juvenile justice (commission) to study sentences in Colorado. Suggests the commission study the following issues:

- A department of corrections facility bed limitation;
- Sentences related to driving under restraint;
- Sentences related to drug crimes;
- Whether parole should be included in the sentence or outside the sentence;
- Alternatives to incarceration for nonviolent, first-time offenders;
- The consequences and efficacy of mandatory minimum sentences and other provisions that limit judicial discretion in the sentencing process; and
- The impact of incarceration on crime rates.

Requires the commission to update the governor, attorney general, chief justice of the supreme court, and the judiciary committees and executive committee of the general assembly regarding the commission's findings, recommendations, and proposed plan for ongoing study of sentencing by November 30, 2009. Requires the commission to report to the executive committee of the general assembly regarding any recommendations to modify any sentencing laws by February 1, 2010.

Makes legislative findings.

**APPROVED** by Governor June 1, 2009

**EFFECTIVE** June 1, 2009

**H.B. 09-1021** Study of mentally ill persons in the criminal justice system - extension - membership - areas of study - collaboration. Extends to 2015 the legislative oversight committee and task force for the continuing examination of the treatment of persons with mental illness who are involved in the criminal and juvenile justice systems. Adds a representative from the department of labor and employment to the task force, and removes one of the members from the department of human services. Identifies the areas of study for the task force. Directs the task force to collaborate with other task forces, committees, or organizations that are considering the same or similar issues.

**APPROVED** by Governor March 20, 2009

**EFFECTIVE** August 5, 2009

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

**H.B. 09-1081** Statute of limitations - vehicular homicide and leaving the scene of accident resulting in death - 5 years. Extends the statute of limitations for vehicular homicide and leaving the scene of an accident resulting in death from 3 years to 5 years. Exempts the act from the five-year statutory appropriation.

**APPROVED** by Governor May 21, 2009

**EFFECTIVE** July 1, 2009

**H.B. 09-1120** Public safety crimes - third degree assault on peace officer, firefighter, EMT - disarming peace officer crime. Makes it a third degree assault when a person, with the intent to infect, injure, harm, harass, annoy, threaten, or alarm a peace officer, a firefighter, or emergency medical technician, causes that peace officer, firefighter, or emergency medical technician to come into contact with blood, seminal fluid, urine, feces, saliva, mucus, vomit, or any toxic, caustic, or hazardous material. Requires a court to impose a sentence greater than the maximum, but not more than twice the maximum.

Clarifies that a person commits the crime of disarming a peace officer if he or she knowingly, without justification and without consent, removes the self-defense electronic control device, direct-contact stun device, or other similar device of a peace officer who is acting under his or her official authority.

**APPROVED** by Governor May 21, 2009

**EFFECTIVE** July 1, 2009

**H.B. 09-1121** DNA evidence - preservation - disposal - form and sufficiency of the notice. Repeals and reenacts the DNA evidence preservation provisions. Makes the following changes to the DNA evidence preservation provisions:

- Limits the preservation of DNA evidence collected during a criminal investigation to felonies or sex crimes;
- Allows for disposal of evidence upon the defendant's or victim's request; and
- Describes the form of the notice required and the sufficiency of such notice.

**APPROVED** by Governor March 18, 2009

**EFFECTIVE** March 18, 2009

**H.B. 09-1123** Human trafficking - age requirements - penalty trafficking in children - elements of coercion of involuntary servitude. Defines an adult for purposes of trafficking in adults as a person 18 years of age or older. Defines a child for purposes of trafficking in children as a person under 18 years of age. Increases the penalty for trafficking in children from a class 3 felony to a class 2 felony.

Adds the following elements as means to commit coercion of involuntary servitude:

- Threats of serious harm or physical restraint against a person or another person;
- Using a scheme, plan, or pattern intended to cause a person to believe that, if the person does not perform the labor or services requested of him or her, that the person or another person will suffer serious harm or physical restraint; or
- Using abuse or threatened abuse of law or the legal process against a person or another person.

**APPROVED** by Governor May 21, 2009

**EFFECTIVE** May 21, 2009

**H.B. 09-1132** Communication networks used to commit crimes - telephone networks - data networks - text messaging - instant messaging. Adds telephone networks, data networks, text messages, and instant messages as means to commit computer dissemination of indecent material to a child, internet luring of a child, internet sexual exploitation of a child, and harassment.

Exempts the bill from the requirement of including a 5-year statutory appropriation.

**APPROVED** by Governor June 1, 2009

**EFFECTIVE** July 1, 2009

**H.B. 09-1157** Schedule I controlled substance - BZP. Makes any material, compound, or mixture containing N-benzylpiperazine (BZP) a schedule I controlled substance.

Exempts the act from the requirement of including a 5-year statutory appropriation.

**APPROVED** by Governor June 1, 2009

**EFFECTIVE** July 1, 2009

**H.B. 09-1163** Child victim crimes - clarification of internet sexual exploitation of a child - child abuse aggravating circumstance out-of-state convictions - possession of movie child pornography. Clarifies the provisions of internet sexual exploitation of a child. Clarifies that a previous out-of-state conviction applies to the aggravating sentencing provisions for child abuse. Clarifies the various acts of extraordinary aggravating conduct in child abuse. Makes possession of one motion picture, video tape, or video containing child pornography a class 4 felony.

**APPROVED** by Governor June 1, 2009

**EFFECTIVE** July 1, 2009

**H.B. 09-1180** Firearms and weapons - permits to carry concealed handguns - exception to federal background check requirement. Amends the application procedure for concealed handgun permits (permits) to satisfy federal criminal background check requirements.

Allows a person to satisfy federal and state background check requirements for the transfer of a firearm by presenting a valid permit and a valid, government-issued identification card.

Requires the Colorado bureau of investigation (bureau) to establish and maintain a template establishing a uniform appearance for permits (template). Requires the bureau to make the template available to each sheriff in the state. Requires the bureau, in establishing the template, to ensure that each permit is resistant to tampering and forgery and displays certain information.

Requires each sheriff of the state to ensure that each permit that he or she issues or renews after January 1, 2010, conforms to the template. Requires a sheriff who revokes a permit to confiscate the permit from the permit holder.

Clarifies that if a permit holder fails to file for renewal of his or her permit on or before the permit expiration date, his or her permit shall be invalid from the permit expiration date until such time as the permit is renewed by the sheriff who issued the permit.

**VETOED** by Governor May 15, 2009

**H.B. 09-1181** Community corrections hearing - victim impact statement. Authorizes a victim to give an oral victim impact statement, subject to parameters set by the community corrections board, at a community corrections hearing considering a transitional referral for an offender.

**APPROVED** by Governor April 2, 2009

**EFFECTIVE** August 5, 2009

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

**H.B. 09-1227** Equity skimming - post-foreclosure rent. Expands the definition of the criminal offense of equity skimming to include the act of continuing to collect rent from a tenant after foreclosure and sale of the property to another person.

**APPROVED** by Governor April 21, 2009

**EFFECTIVE** September 1, 2009

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

**H.B. 09-1262** Criminal charges - issue summons or arrest warrant. Permits a court to issue a summons instead of an arrest warrant, without the consent of the district attorney, for class 4, 5, and 6 felonies, unless a law enforcement officer presents, in writing, a basis for believing that the defendant is a flight or public safety risk.

**APPROVED** by Governor April 3, 2009

**EFFECTIVE** August 5, 2009

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

**H.B. 09-1266** Penalties - loss of driving privileges - appropriation. Eliminates the loss of driving privileges as a penalty upon a conviction of one of the following criminal offenses:

- Criminal mischief involving defacing property or damage to a motor vehicle;
- Forgery of a penalty assessment notice issued to a minor;
- Unlawful use of a controlled substance, marihuana, or marihuana concentrate; or
- Unlawful use, distribution, manufacturing, dispensing, sale, or possession of a controlled substance, marihuana, or marihuana concentrate.

Revokes driving privileges for a first-time conviction of a minor in possession of alcohol only if the minor fails to complete an alcohol evaluation, assessment, or program ordered by the court in connection with such a conviction.

In the 2009 long bill, reduces the appropriation from the driver's license administrative revocation account to the department of revenue by \$17,425.

**APPROVED** by Governor June 1, 2009

**EFFECTIVE** August 5, 2009

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

**H.B. 09-1334** Theft crimes - permissible aggregation of multiple offenses. For certain theft crimes, clarifies that 2 or more offenses may be aggregated and charged as a single offense. Removes the requirement that the 2 or more offenses occur before jeopardy attaches to one of the offenses.

**APPROVED** by Governor May 11, 2009

**EFFECTIVE** May 11, 2009

**H.B. 09-1351** Inmate release - increased earned time for certain offenders - earned release time - appropriation. Increases the amount of earned time from 10 days to 12 days that certain inmates may earn on a monthly basis. Permits certain inmates to receive earned release time. Applies the earned time increase and earned release time to the following offenders:

- An inmate who is serving a sentence for a class 4, 5, or 6 felony;
- An inmate who is program-compliant; and
- An inmate who was not or has not been convicted of a child prostitution crime, possession of a dangerous weapon or explosive or incendiary device, or a crime subject to the victim's rights protections.

Appropriates \$867,959 to the department of corrections for the implementation of the act. Reduces the 2009 long bill general fund appropriation to the department of corrections by \$2,997, 975.

**APPROVED** by Governor June 1, 2009

**EFFECTIVE** June 1, 2009

## EDUCATION - PUBLIC SCHOOLS

**S.B. 09-33** Child nutrition school lunch protection program - expansion. Adds children who are enrolled in state-subsidized early childhood education programs operated by public schools and are eligible for reduced-cost lunches under the federal "National School Lunch Act" to the list of qualifying students eligible to receive a free lunch under the child nutrition school lunch protection program.

**APPROVED** by Governor March 25, 2009

**EFFECTIVE** August 5, 2009

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

**S.B. 09-89** State charter school institute - purchasing - funding - institute charter school capital construction assistance fund - withholding for bond payments - appropriation. Allows the state charter school institute board (institute board) to exempt the state charter school institute (institute) from the procurement code.

Reduces to one percent the amount of institute charter school funding that the department of education (department) retains for administrative costs. Directs representatives from each institute charter school and the institute board annually to review the institute's level of funding and costs and to recommend to the general assembly any appropriate changes in the institute's funding.

Creates the institute charter school capital construction assistance fund (fund) to consist of one percent of the per pupil funding calculated for each institute charter school. Allows an institute charter school that is seeking assistance in meeting capital construction needs to apply for a grant or an interest-free loan from the fund. Sets forth procedures for applying for and awarding grants. Directs the institute board to adopt rules and award grants based on economic need and the viability and merit of the capital construction projects.

Clarifies that an institute charter school may request the state treasurer or the institute to withhold moneys otherwise payable to the institute charter school and apply the moneys to the repayment of bonds issued on behalf of the institute charter school.

Appropriates \$365,226 from the fund to the department for allocation to the institute for implementation of the act.

**APPROVED** by Governor June 4, 2009

**EFFECTIVE** June 4, 2009

**S.B. 09-90** Parent involvement in education - Colorado state advisory council for parent involvement in education - school district and school accountability committees. Creates the state advisory council for parent involvement in education (council) in the department of education (department). Specifies the council membership. Directs the council to advise public education entities concerning best practices and strategies, aligned with national standards, for increasing parent involvement in public education and promoting family and school partnerships. Creates the parent involvement in education grant program (program) to provide moneys to public schools to create and implement programs to increase parent involvement in public education. Directs the state board of education (state board) to adopt rules to implement the program. Specifies eligibility criteria for applicants. Directs the

council to review applications and make recommendations to the state board for awarding grants. Creates the parent involvement grant program fund (fund) for payment of grants. In any year in which at least \$20,000 is credited to the fund, requires the state board to award grants. Requires recipient schools to report the success of grant-funded programs, and directs the council to submit a summary report to the state board and the education committees of the general assembly. Repeals the council and the grant program following sunset review.

Allows for an increase in the number of persons serving on a school district accountability committee (committee), but requires a specified level of parent representation. Directs each school district, to the extent practicable, to ensure that the parents serving on the committee reflect the student groups significantly represented within the population of students enrolled in the school district.

Changes the name of school advisory councils to school accountability committees (accountability committee). Allows for an increase in the number of persons serving on an accountability committee, but requires a specific level of parent representation. Directs the principal of each school, to the extent practicable, to ensure that the parents serving on the accountability committee reflect the student groups significantly represented within the population of students enrolled in the school. Allows a principal to adopt an alternative accountability committee membership if necessary. Allows members of a charter school governing board to serve on the charter school's accountability committee. Prohibits waiver of the accountability committee requirement for charter schools.

Requires at least one parent to be appointed to each of the following boards: The school leadership academy board, each of the regional service area councils, the state charter school institute board, the board of trustees for the Colorado school for the deaf and the blind, and the advisory committee to the Colorado commission on higher education. Removes the prohibition against appointing an officer, employee, or board member of a charter school to the state charter school institute board.

**APPROVED** by Governor May 21, 2009

**EFFECTIVE** August 5, 2009

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

**S.B. 09-112** On-line education programs - on-line learning advisory board. Repeals the on-line learning advisory board.

**APPROVED** by Governor April 16, 2009

**EFFECTIVE** April 16, 2009

**S.B. 09-123** Healthy choices dropout prevention pilot program - repeal - appropriation. Creates the healthy choices dropout prevention pilot program (program) in the department of education (department) to improve student attendance and reduce the dropout rate of adolescent students in certain public schools. Requires the department to administer the program. Requires the department to develop a standard application form for a school district to use in applying on behalf of a school for a grant from the program. Requires the commissioner of education (commissioner) or his or her designee to review each application

and, subject to the receipt of sufficient gifts, grants, and donations, determine and announce which schools shall receive grants and the amount of the grant that each recipient school shall receive. Requires a school to satisfy certain minimum standards to be eligible to receive a grant from the program. Specifies the permissible uses of grant moneys. Permits a school that receives grant moneys, or the school district of such a school, to contract with a private entity for the provision of services under the program.

Creates the healthy choices dropout prevention pilot program fund (fund) in the state treasury. Allows the department to use no more than two percent of the moneys appropriated from the fund to offset the direct and indirect costs of implementing the program. Authorizes the department to seek and accept gifts, grants, and donations from private or public sources for the program.

Requires the department to report to the education and the health and human services committees of the general assembly concerning the activities carried out under the program and the effectiveness of the program. Requires a school district that includes a school that receives a grant from the program to report to the department concerning the school's use of the grant moneys.

Requires the state board of education (state board) to promulgate rules establishing policies and procedures for the administration of the program. Requires the state board to promulgate rules establishing criteria and procedures for the commissioner or his or her designee to use in selecting schools to receive grants from the program and in determining the amount of the grant each recipient school shall receive.

Repeals the program as of July 1, 2009.

Appropriates \$8,228 from the general fund to the department for the implementation of the program. Reappropriates \$751 of said sum to the department of law for the implementation of the program.

**APPROVED** by Governor May 21, 2009

**EFFECTIVE** August 5, 2009

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

**S.B. 09-160** Educator licensure - alternative teacher licenses - teacher in residence program - appropriation. Renames the teacher in residence program to be the 2-year alternative teacher program, and relocates the provisions for that program in statute to the alternative teacher program. Renames the current alternative teacher program to be the one-year alternative teacher program. Requires both the one-year and 2-year alternative teacher programs to meet the Colorado performance-based standards for teachers. Authorizes the department of education to perform an evaluation of each one-year and 2-year alternative teacher program not more often than every 5 years. Requires the state board of education to establish common coursework standards to establish minimum competency in a licensure area. Allows a designated agency that is an institution of higher education to establish program fees that are in accordance with its existing policies.

**APPROVED** by Governor May 21, 2009

**EFFECTIVE** May 21, 2009

**S.B. 09-163** Education accountability - performance indicators - accreditation - plans - reporting - performance reports - appropriation. Repeals and reenacts, with amendments, the "Educational Accreditation Act of 1998" to align accountability and accreditation measures and procedures.

**State accountability duties and procedures.** Assigns to the state board of education (state board) the following duties with regard to accountability:

- Reviewing the performance of the statewide public education system and setting, reaffirming, or revising statewide targets for measuring the performance of each public school, each school district, the state charter school institute (institute), and the state in the areas of student longitudinal academic growth, student achievement levels on the statewide assessments, postsecondary and workforce readiness, and progress made in closing the achievement and growth gaps (the performance indicators);
- Adopting the Colorado growth model (growth model) for measuring student longitudinal academic growth;
- Entering annually into an accreditation contract with each school district and the institute, and accrediting each school district and the institute based on its performance under the contract, including performance on the performance indicators, implementation of its plan, implementation of its system for accrediting its public schools, and compliance with statutory and regulatory requirements;
- Removing a school district's or the institute's accreditation if it remains at or below a certain accreditation category for 5 consecutive school years, and directing the school district or the institute to take certain restructuring actions;
- Based on the recommendations of the department of education (department), annually directing each public school in the state to adopt a performance, improvement, priority improvement, or turnaround plan, based on the public school's performance; and
- Directing a school district or the institute to restructure one of its public schools if the school remains at a specified plan type or below for 5 consecutive school years.

Assigns to the commissioner of education (commissioner) and the department specified tasks to support the state board, school districts, the institute, and public schools in fulfilling their duties with regard to accountability, including:

- Calculating annually what will constitute adequate academic growth for each student, based on the growth model;
- Providing student academic growth information to the appropriate public school and school district or the institute;
- Measuring the performance indicators of each public school, each school district, the institute, and the state;
- Creating a state review panel to critically evaluate and provide recommendations concerning the improvement, priority improvement, or turnaround plans for certain public schools, school districts, or the institute and making recommendations concerning removing accreditation and restructuring a school district or the institute or restructuring a public school;
- Performing an annual accreditation review for each school district and the institute and, based on criteria established by state board rule, assigning an

- accreditation category to each school district and the institute;
- Annually reviewing each public school's performance and, based on the criteria established by state board rule, recommending to the state board that the public school adopt a performance, improvement, priority improvement, or turnaround plan;
- Providing technical assistance and support, subject to available resources, to public schools, school districts, and the institute if accredited at a low accreditation category or directed to adopt an improvement, priority improvement, or turnaround plan; and
- Creating and maintaining an internet-based, electronic, data delivery system (data portal) for publishing school, school district, institute, and state performance reports; the accreditation category for each school district and the institute; the performance, improvement, priority improvement, or turnaround plan for each public school, each school district, and the institute; and supporting data.

**School district and institute accountability duties and procedures.** Assigns to each school district board of education (local school board) and the institute the following duties with regard to accountability:

- For each local school board, appointing or electing a school district accountability committee, with specified membership;
- Based on the school district's or institute's accreditation category, annually adopting a performance, improvement, priority improvement, or turnaround plan, each with specified contents that include attainment targets for the performance indicators;
- If the school district or the institute adopts a turnaround plan, submitting the plan to the commissioner for review and approval;
- Submitting the final version of the performance, improvement, priority improvement, or turnaround plan to the department for publication on the data portal, and implementing the plan;
- Adopting policies for accreditation of the district public schools or the institute charter schools, which policies are comparable to and at least as rigorous as the state-level accreditation procedures;
- Annually assigning an accreditation category to each district public school or institute charter school that corresponds to the type of plan the public school is required by the state board to adopt;
- Adopting a priority improvement plan or turnaround plan for a public school of the school district or an institute charter school if directed to do so by the state board;
- Restructuring a district public school or institute charter school based on the directions from the state board;
- Submitting the final version of each district public school's or each institute charter school's performance, improvement, priority improvement, or turnaround plan to the department for publication on the data portal; and
- Reporting data to the department as required for measuring the level of attainment on the performance indicators and preparing the school district, institute, and school performance reports.

Assigns to each school district accountability committee specified tasks to support the local school board in fulfilling its duties with regard to accountability, including:

- Recommending to the local school board priorities for spending school district moneys;
- Advising the local school board concerning the preparation of and submitting to the local school board recommendations for the contents of the performance, improvement, priority improvement, or turnaround plan;
- Compiling the performance, improvement, priority improvement, and turnaround plans received from the district public schools and taking them into account in advising and making recommendations concerning the school district plan.

**School accountability duties and procedures.** Assigns to each public school the following duties with regard to accountability:

- Establishing a school accountability committee, with specified membership;
- Adopting, in consultation with the school district superintendent if the school is a district public school, a performance or improvement plan, if directed to do so by the state board;
- Annually implementing a performance, improvement, priority improvement, or turnaround plan, as directed by the state board.

Assigns to each school accountability committee specified tasks to support the public school and the school district or the institute in fulfilling its duties with regard to accountability, including:

- Recommending to the school principal priorities for spending school moneys;
- Advising the school principal, and district superintendent if the school is a district public school, concerning the preparation of and submitting to the principal and the superintendent, if appropriate, recommendations concerning the contents of a school performance or school improvement plan;
- Advising the local school board or the institute concerning the preparation of and submitting to the local school board or the institute recommendations concerning the contents of a school priority improvement or turnaround plan; and
- Meeting at least quarterly to discuss whether school district leadership, personnel, and infrastructure are advancing or impeding implementation of the school district's plan and to discuss safety issues related to the school environment.

**School performance reports.** Changes the term "school accountability report" to "school performance report", and requires the department to publish a school performance report for each public school, a school district performance report for each school district, an institute performance report, and a state performance report. Specifies the contents of the performance report, and directs the department to update the contents of each report within 60 days after receiving the necessary data.

Amends the alternative education campus provisions to conform to the accountability and accreditation changes made in the act. Expands the closing the achievement gap program to include a school district that is identified by state board rule as having a significant achievement gap.

**APPROVED** by Governor May 21, 2009

**EFFECTIVE** May 21, 2009

**S.B. 09-176 School district bond elections - inclusion of charter schools' capital construction needs.** Allows for participation by charter school representatives in a school district's long-range planning committee to assess and prioritize capital construction needs. Specifies that, no later than June 1 of the applicable election year, a school district shall invite each charter school of the district to participate in discussions concerning inclusion of the charter school in an upcoming district bond election.

Requires a school district to include a charter school in an upcoming bond election if the charter school's capital construction plan remedies shortcomings in the charter school's facilities identified pursuant to the statewide needs assessment, and the charter school's facilities' needs receive a higher priority assessment than the other schools in the school district. Requires any construction financed with bond proceeds pursuant to the act to conform to any construction guidelines established in the "Building Excellent Schools Today Act", part 1 of article 43.7 or title 22, C.R.S.

Allows the school district and the charter school to agree to an alternative financial plan that addresses the capital construction needs of the charter school and allows a school district to exclude from prioritization the capital construction plan of any charter school that is on probation with the school district or that has been authorized within the previous 5 years.

Requires the school district to notify the charter school in writing no later than 60 days prior to the date by which the school district is required to certify the ballot question to the county whether the charter school's capital construction needs have been prioritized for inclusion in the upcoming bond election. If a charter school's capital construction needs are not being prioritized, requires the school district to provide a charter school with a written statement specifying the reasons for excluding the charter school's capital construction needs in the upcoming bond election.

Removes the requirement that a district board of education review a charter school's capital construction plan to determine the need for capital construction, the viability of the capital construction plan, and the need to obtain revenues through bonded indebtedness or from a special mill levy.

Clarifies that a school district board of education may submit a question to eligible electors of a school district concerning contracting bonded indebtedness for the land and facilities needs of a charter school of the school district and for charter school capital construction without title or ownership of the charter school capital construction being held by the school district or ownership or use restrictions placed on the charter school by the school district.

Provides that no bonds shall be issued for the purpose of providing charter school capital construction unless the charter school enters into a contract with the school district requiring the ownership of any capital construction financed by the charter school to automatically revert to the school district if the charter school's charter is revoked or not renewed, the charter school becomes insolvent and can no longer operate as a charter school, or the charter school ceases to operate. Prohibits a charter school from encumbering any capital construction financed by bond revenues with any additional debt without the express approval of the school district. Requires a school district denying any additional

encumbrance to provide written reasons for the denial.

**APPROVED** by Governor May 14, 2009

**EFFECTIVE** August 5, 2009

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

**S.B. 09-181** State education fund - revenue estimates - annual resolution to certify moneys available for appropriation - repeal. Eliminates the requirement that the general assembly annually adopt a resolution to certify the amount of moneys in the state education fund that should be considered available for appropriation for the next state fiscal year.

**APPROVED** by Governor April 20, 2009

**EFFECTIVE** April 20, 2009

**S.B. 09-213** Alternative teacher compensation plan grant program - budget balancing act - elimination of FY 08-09 appropriation. Allows the general assembly to determine annually whether to appropriate moneys for the alternative teacher compensation plan grant program.

Repeals the 2008-09 fiscal year appropriation of \$1 million for the grant program.

**APPROVED** by Governor February 26, 2009

**EFFECTIVE** February 26, 2009

**S.B. 09-214** Teacher recruitment and retention - teaching and learning conditions survey - national board for professional teaching standards stipends - budget balancing act - elimination of the FY 08-09 appropriation. Requires the general assembly to determine annually whether to fund portions of the teacher recruitment and retention program (program), including the biennial survey and teacher stipends. Repeals the 2008-09 fiscal year appropriation for the program.

**APPROVED** by Governor March 18, 2009

**EFFECTIVE** March 18, 2009

**S.B. 09-215** State expenditures for the financing of public schools - modifications to appropriations - budget balancing act - reduction in FY 08-09 appropriation. For the 2008-09 budget year, specifies that the statewide base per pupil funding is \$5,250.41 to account for inflation plus an additional one percentage point. Eliminates from the statewide base per pupil funding an additional \$19.72 per pupil that is not constitutionally required to be included in such base funding.

Allows the department of education (department) to transfer its direct and indirect costs for administering the "Public School Finance Act of 1994" from the appropriation in the annual general appropriation bill for the state's share of total program of all school districts.

For the 2008-09 budget year, reduces the appropriation for charter school capital construction from \$10,000,000 to \$5,135,000, and specifies that \$135,000 of such appropriation shall be distributed to the charter school for the deaf and blind.

Extends for one year the deadline for the department to contract with a private person

or entity to conduct a study to evaluate how declining pupil enrollment in school districts statewide impacts the students that remain in the declining enrollment districts. Delays for one year the reporting requirement in connection with the study.

**APPROVED** by Governor April 17, 2009

**EFFECTIVE** April 17, 2009

**S.B. 09-226** Food allergies and anaphylaxis management - appropriation. Requires the state board of education (state board) to promulgate rules for the management of food allergies and anaphylaxis among students enrolled in public schools of the state. Requires the state board to consult with the department of public health and environment (department) in promulgating the rules. Specifies mandatory provisions to be included in the rules.

Requires each school district to adopt a policy for the management of food allergies and anaphylaxis among children in schools of the school district. Requires each school district policy to include provisions that satisfy the rules promulgated by the state board.

Requires the state charter school institute to adopt a policy for the management of food allergies and anaphylaxis among children in institute charter schools. Requires the institute charter school policy to include provisions that satisfy the rules promulgated by the state board.

Requires the department to develop, maintain, and make available to school districts and institute charter schools a standard form to be used by school districts and institute charter schools to gather information from physicians and parents and guardians of students concerning students' risk of food allergies and anaphylaxis and the treatment thereof.

Appropriates \$1,951 to the department of education for the implementation of the act.

**APPROVED** by Governor May 14, 2009

**EFFECTIVE** August 5, 2009

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

**S.B. 09-230** School districts - state charter school institute - charter schools - school food authorities. Allows a school food authority to establish, maintain, equip, and operate a food-service facility. Requires a board of education of a school district to attempt to negotiate food service terms with a district charter school of the school district, but, if the attempt fails, either to allow the district charter school to transfer the maintenance, supervision, and operation of the district charter school's food-service facility from the school district to a school food authority or to agree to provide food services to the district charter school according to terms that the district charter school requests. Requires the state charter school institute to attempt to negotiate food service terms with an institute charter school, but, if the attempt fails, either to allow the institute charter school to transfer the maintenance, supervision, and operation of the institute charter school's food-service facility from the state charter school institute to a school food authority or to agree to provide food services to the institute charter school according to terms that the institute charter school requests.

Allows a district charter school or an institute charter school to apply to the department of education (department) for authorization as a school food authority. Requires

the department to grant or deny authorization as a school food authority to district charter schools or institute charter schools that apply for the authorization. Requires the state board of education to promulgate rules establishing:

- A timeline and procedures by which a district charter school or an institute charter school may apply to the department for authorization as a school food authority; and
- A timeline, standards, and procedures for the department to use in granting or denying the authorization.

Allows the commissioner of education or his or her designee to grant or deny provisional authorization as a school food authority to district charter schools or institute charter schools that apply to the department for such authorization. Sets an expiration date for provisional authorizations. Requires the department to review each district charter school or institute charter school that receives provisional authorization and to grant or deny authorization as a school food authority to the district charter school or institute charter school prior to the expiration date of the provisional authorization. Sets a date after which the commissioner or his or her designee may no longer grant provisional authorizations.

**APPROVED** by Governor May 4, 2009

**EFFECTIVE** May 4, 2009

**S.B. 09-237** Grounds for suspension or expulsion - firearm facsimile - authorization policy. Permits, rather than requires, a school district to suspend or expel a student for carrying, using, actively displaying, or threatening the use of a firearm facsimile. Requires school districts to develop a policy that authorizes students to bring a firearm facsimile to school for a school-related or nonschool-related activity. Requires the policy to allow the discipline to be determined on a case-by-case basis.

**APPROVED** by Governor April 21, 2009

**EFFECTIVE** April 21, 2009

**S.B. 09-256** School finance - required district budget allocations - fiscal emergency restricted reserve - additional property tax revenue limitation - insufficient state share for institute charter schools - individual career and academic plans - expelled and at-risk student program - excess transportation costs - designation of real property as district emergency reserve - authorization to create a state residential school and feasibility study- centers of excellence awards - eligibility for closing the achievement gap program - appropriations. Amends the "Public School Finance Act of 1994" as follows:

- For the 2009-10 budget year, increases the statewide base per pupil funding to \$5,507.68, which is an amount equal to \$5,250.41 supplemented by \$257.27 to account for a 3.9% inflation increase, plus an additional one percentage point.
- For the 2009-10 budget year, maintains the funding for supplemental kindergarten enrollment at an amount equal to 8% of a full-day pupil.
- For the 2009-10 budget year and budget years thereafter, eliminates the requirement that each school district (district) and each charter school set aside a percentage of its budget to be allocated to an account for instructional supplies and materials and to an account for capital needs or for the management of risk-related activities. Eliminates the monetary spending restrictions from each district capital reserve fund.

- For the 2009-10 budget year, requires each district and the state charter school institute (institute) to create and budget an amount to a fiscal emergency restricted reserve (reserve). For the 2009-10 budget year, makes the total amount of the reserve \$110 million. Directs the department of education (department) to calculate the amount to be budgeted to the reserve by each district and the institute so that each budgets a proportional share of the total amount of the reserve. Requires the amount budgeted to the reserve to be released for expenditure by each district and for distribution to institute charter schools by the institute, as applicable, on January 29, 2010, if a negative supplemental appropriation to effect a rescission of the total amount of the reserve has not been enacted and become law by such date.
- Increases the cap on the amount of additional property tax revenue that a district may retain and spend to an amount equal to 25% of the district's total program. Requires a district that intends to seek voter approval to retain and spend additional property tax revenues to submit a proposal regarding the district's proposed use of the additional revenues to the state board of education (state board).
- Excludes from the calculation of a district's maximum mill levy override amount specific ownership tax revenue attributable to property tax levies made by the district that have been authorized at previous elections and property tax levies made by the district for the purpose of satisfying bonded indebtedness.
- In any budget year in which the state share of funding for an accounting district is insufficient to fully fund the total program of an institute charter school in the accounting district, directs the department to request a supplemental appropriation to ensure that the institute charter school is fully funded.
- Directs the department to distribute charter school capital construction funding in 12 approximately equal monthly payments during the applicable budget year rather than in a lump sum payment. Encourages the governor to allocate a portion of the moneys received by the state through the federal "American Recovery and Reinvestment Act of 2009" to charter schools in the state to help meet capital construction needs.

Requires each employment contract for a teacher or chief administrative officer to contain a provision requiring the teacher or chief administrative officer to accept the terms of the contract within 30 days after receipt of the contract. If the contract is not accepted within such period, authorizes the district to open the position to additional candidates.

Clarifies that the prohibition of a term in a charter contract that would require a charter school to forego operating or capital construction funds shall not be construed to prohibit a charter school from contracting with its chartering board of education or with the institute, as applicable, for the purchase of services.

Requires each district and the institute to ensure that each student who enrolls in the sixth grade in a public school registers on-line with college in Colorado. Directs each district and the institute to collaborate with the department and the department of higher education in monitoring implementation of the registration requirement. Requires each public school to assist each student and his or her parent or legal guardian in developing and maintaining the student's individual career and academic plan and to comply with the requirements of the federal "Family Educational Rights and Privacy Act of 1974" in developing and maintaining the plan. Requires the state board to promulgate rules to establish standards for individual career and academic plans for students enrolled in public schools.

Requires the state board to award at least half of any increase in the appropriation for the expelled and at-risk student services grant program for the 2009-10 fiscal year to grant applicants that provide services and supports that are designed to reduce the number of truancy cases requiring court involvement and that also reflect the best interests of the students and families. Authorizes and encourages the department to retain up to an additional 2% of any moneys appropriated to the expelled and at-risk student program to partner with organizations or agencies that provide services and supports that are designed to reduce the number of truancy cases requiring court involvement and that also reflect the best interests of students and families.

Modifies the definition of "excess transportation costs" to allow for additional money from mill levies and to include transportation vehicles or other capital outlays related to pupil transportation.

Authorizes district boards of education that provide for a district emergency reserve established at an amount equal to at least 3% of the amount budgeted in the district's general fund to designate real property as all or a portion of its constitutionally required reserve, so long as the district board has notified the state treasurer and the department of its intent to enter into a lease-purchase agreement with respect to such property. Requires a local board to restore the district emergency reserve within specified periods if the board expends any moneys from the reserve.

Requires the commissioner of education (commissioner) to study the feasibility of operating one or more state schools to serve students who are in need of greater academic support and who may be at risk of academic failure. Authorizes the commissioner to contract for the creation and operation of a state residential school to provide educational services to students who are at risk of academic failure if the commissioner concludes that state residential schools would be beneficial to the state. Requires that a state residential school provide an educational program focused on math and science. In the alternative to a state residential school, authorizes the commissioner to provide technical assistance to school districts and public schools to address the needs of students who are at risk of academic failure by improving the availability and quality of secondary-level math and science curricula. Authorizes the appropriation of up to \$3 million to the commissioner for the implementation of a state residential school or the provision of technical assistance, and specifies that such moneys may be from the state education fund.

For the 2008-09 budget year, allows the commissioner to accept, as repayment from a district that has received an overpayment, items for use by the department, including lifetime on-line curriculum licenses, in the same value as the amount of the overpayment owed by the district.

Includes in the school awards program centers of excellence awards for public schools in the state that enroll at least 75% at-risk pupils and that demonstrate the highest rates of student academic growth. Of the moneys available for the school awards program, requires that \$250,000 be awarded each year to schools through a centers of excellence award. For the 2009-10 budget year, transfers \$250,000 from the read-to-achieve cash fund to the school awards program fund to be used for centers of excellence awards.

For the 2009-10 budget year, transfers \$1.75 million from the read-to-achieve cash fund to the closing the achievement gap cash fund for the purposes of the closing the achievement gap program.

For the 2008-09 budget year, requires each district that has unexpended and unencumbered moneys remaining from the moneys that the district received for full-day kindergarten programs to return such unexpended and unencumbered moneys to the department. For the 2009-10 budget year, allows districts that do not report any full-day kindergarten pupils to use the moneys received for full-day kindergarten for planning and facility preparation for a full-day kindergarten program in subsequent years.

Reverses the change made in Senate Bill 09-269 that would allow moneys from the read-to-achieve cash fund to be used for summer school programs.

Authorizes the state treasurer to invest public funds in any certificate of participation or other security evidencing rights in payments to be made by a school district under a lease or lease-purchase agreement if the security carries at least 2 credit ratings and is rated at or above "A" by the credit rating agencies.

Reduces the appropriation to the read-to-achieve cash fund by \$2 million.

**APPROVED** by Governor May 21, 2009

**EFFECTIVE** May 21, 2009

**S.B. 09-260** State public school lands - transfer moneys to state public school fund - budget package act. For the 2008-09 and 2009-10 state fiscal years, transfers to the state public school fund, instead of the public school fund (permanent school fund), moneys not otherwise allocated from:

- Interest or income earned on the investment of the moneys in the permanent school fund;
- Proceeds received by the state for the sale of timber on public school lands, rental payments for the use and occupation of the surface of said lands, and rentals or lease payments for sand, gravel, clay, stone, coal, oil, gas, geothermal resources, gold, silver, or other minerals on said land; and
- Royalties and other payments for the depletion or extraction of a natural resource on said lands.

**APPROVED** by Governor May 1, 2009

**EFFECTIVE** May 1, 2009

**S.B. 09-285** Concurrent enrollment of students in postsecondary courses - career and technical education programs. Includes career and technical education programs among the institutions of higher education (institutions) that are permitted to offer concurrent enrollment opportunities to high school students. Adds 2 representatives of career and technical education programs to the concurrent enrollment advisory board. Requires an institution that has entered into a cooperative agreement with a local education provider concerning the provision of concurrent enrollment opportunities to qualified students to provide a copy of the cooperative agreement to the state board for community colleges and occupational education if the cooperative agreement contemplates the provision of career and technical education courses. Prohibits the concurrent enrollment of a student in a course that is offered by a career and technical education program unless the course is included in a postsecondary degree or certificate program that is approved by the state board for community colleges and occupational education (state board). Requires the instructor of a career and technical education course in which a qualified student concurrently enrolls to possess a career and technical education teaching credential that has been authorized by the state board.

States that the act shall take effect only if House Bill 09-1319 is enacted and becomes law.

**APPROVED** by Governor June 4, 2009

**EFFECTIVE** June 4, 2009

**NOTE:** House Bill 09-1319 was signed by the governor May 21, 2009.

**S.B. 09-291** School finance - state and local shares of district total program - school districts exempt from constitutional revenue limitation obtaining voter approval to again become subject to limitation - calculation of state's share. Requires that any school district that has obtained voter approval to retain and spend revenues in excess of the property tax revenue limitation imposed by the taxpayer's bill of rights and that obtains voter approval to again become subject to such limitation shall receive state aid as if the district levied the number of mills that it would have levied had the district maintained its authority to retain and spend revenues in excess of such revenue limitation.

**APPROVED** by Governor June 1, 2009

**EFFECTIVE** June 1, 2009

**H.B. 09-1046** Postsecondary and workforce readiness - assessments - pilot program. Clarifies that a vendor that participates in the postsecondary and workforce readiness assessments pilot program (pilot program) shall provide to the department of education (department) information concerning administration of the vendor's assessments in Colorado. Removes the restriction that a local education provider participating in the pilot program (participating LEP) will assess students only in spring semesters. Directs each participating LEP to ensure that the vendor provides assessment results directly to the department.

**APPROVED** by Governor March 20, 2009

**EFFECTIVE** March 20, 2009

**H.B. 09-1065** Educators - quality teachers commission - quality teacher identifier system - fund. Extends the repeal date for the quality teachers commission (commission), and redefines the time frames within which the commission must accomplish certain tasks.

Creates the educator identifier system (system) in the department of education (department). Outlines the scope, purposes, and certain restrictions on an initial-phase pilot program, the system, and the use of the data to be obtained through the system. Establishes confidentiality parameters and protections for educator identifiers. Mandates that the department shall not be obligated to implement the system until sufficient funds have been received to cover the costs of implementation. Sets forth reporting requirements. Establishes the educator identifier fund for gifts, grants, or donations, and gives the department continuous appropriation authority for the moneys in the fund. Repeals the program July 1, 2012.

**APPROVED** by Governor May 21, 2009

**EFFECTIVE** May 21, 2009

**H.B. 09-1082** School district boards of education - audio recordings of public meetings. Requires a school district board of education (board) to make a recording of each regular and special meeting of the board at which votes are taken and recorded and to make the recording available to the public. Requires the board to use appropriate technology that is available

within the school district at the time the recording is made. Allows an individual or entity to request a copy of the recording, and requires the individual or entity to pay the costs incurred in providing the copy. Requires the board to institute a policy requiring that the recordings be retained for a minimum of 90 days.

**APPROVED** by Governor March 25, 2009

**EFFECTIVE** August 5, 2009

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

**H.B. 09-1099** Youth advisory council - designation of nonprofit as custodian of moneys. Clarifies that the Colorado youth advisory council (council) is created in the legislative branch. Requires the legislative members of the council annually to designate a nonprofit or private organization (designated organization) as the custodian of moneys donated to the designated organization on behalf of the council, and authorizes the designated organization to expend any moneys necessary to further the council's operation and duties. Authorizes the designated organization and the council to contract with outside entities concerning the implementation of the council's operation and duties. Provides that moneys in the youth advisory council cash fund are continuously appropriated rather than subject to annual appropriation.

**APPROVED** by Governor April 3, 2009

**EFFECTIVE** August 5, 2009

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

**H.B. 09-1125** Enrollment incentives - prohibition - exceptions. Prohibits a school district, a board of cooperative services, a public school, or the state charter school institute (local education provider) from offering or providing an item of value prior to, upon, or after enrolling in an educational program unless:

- The local education provider makes the item of value available continuously or at regular intervals through the school year and ceases providing the item of value if the child leaves the education program before the end of the school year;
- The local education provider awards the item of value at the end of the school year or upon matriculation in recognition of student performance; or
- The local education provider pays the item of value to the child or his or her parent in exchange for services rendered.

**APPROVED** by Governor April 16, 2009

**EFFECTIVE** April 16, 2009

**H.B. 09-1151** School building inspections - department of public safety - appropriation. Effective January 1, 2010, replaces the department of labor and employment with the department of public safety as the oversight agency responsible for code inspections for public school and junior college buildings. Creates the public school construction and inspection section within the division of fire safety (division) in the department of public safety to conduct the inspections. Transfers any moneys in the public safety inspection fund from school building inspection fees collected by the department of labor and employment

to the public school construction and inspection cash fund for use by the department of public safety. Transfers employment positions, employees, and property from the department of labor and employment to the department of public safety to carry out the public school inspection duties.

Identifies the director of the division (director) as the supervisor for the public school construction and inspection program (program) and the certification program for public school and junior college building inspectors, and empowers the director to adopt rules to administer the program and to enforce the school building inspection provisions. Changes the name of the fire safety inspection cash fund to the public school construction and inspection cash fund, and exempts the fund from the limit on uncommitted reserves. Recognizes the authority of the local fire department to inspect school buildings for fire safety and to refer violations to the division for enforcement. Moves the board of appeals from the department of labor and employment to the division, and directs the board of appeals to advise the director in promulgating rules and enacting standards for the program.

For the 2009-10 fiscal year, appropriates \$635,201 and 8.0 FTE from the public school construction and inspection cash fund to the department of public safety for oversight of school building code inspections. Makes adjustments to the 2009-10 long bill to decrease the appropriation to the department of labor and employment by the same amount.

**APPROVED** by Governor May 4, 2009

**EFFECTIVE** May 4, 2009

**H.B. 09-1182** On-line education programs - funding. Repeals the on-line education cash fund on July 1, 2010. Makes the division of on-line learning in the department of education a permissible recipient of moneys from the state education fund for the purpose of funding on-line education.

**APPROVED** by Governor April 3, 2009

**EFFECTIVE** April 3, 2009

**H.B. 09-1189** Education program funding - state programs. Clarifies that the Colorado school for the deaf and the blind and education programs provided by the Colorado mental health institute at Pueblo or Fort Logan may receive per pupil funding under the "Public School Finance Act of 1994". Changes the date for reporting the pupil enrollment.

**APPROVED** by Governor April 3, 2009

**EFFECTIVE** April 3, 2009

**H.B. 09-1214** Data reporting requirements - education data accountability committee - duties - interpretation of FERPA - suspension of reporting requirements. Clarifies that the education data accountability committee (EDAC) is directed to review the reporting requirements imposed on school districts and public schools by all state and federal agencies. Directs the EDAC, in reviewing proposed statutory or regulatory data reporting requirements, to inform the enacting state or federal agency of the estimated cost to the school districts and public schools of complying with the proposed requirements and whether the proposed requirements already exist in statute or regulation.

By September 15, 2009, directs the EDAC to submit to the general assembly and publish on the internet a written report listing the data reporting requirements that are not cost-effective or that are duplicative, obsolete, inefficient, or not used and should be

repealed.

Changes the calendar for implementing changes to data reporting requirements from a rolling 90-day period for updates to a single annual date for updating changes to data reporting requirements.

Directs the state board of education to update the state's interpretation of federal data privacy restrictions and, in doing so, to consider the interpretations applied by neighboring states.

Suspends the reporting requirements for a program in any year in which the general assembly does not appropriate moneys for the program.

**APPROVED** by Governor April 30, 2009

**EFFECTIVE** April 30, 2009

**H.B. 09-1240** Colorado teacher of the year program - creation - fund. Creates the Colorado teacher of the year program (program) in the department of education (department) to recognize and reward the teacher named Colorado teacher of the year pursuant to the program coordinated through the national teacher of the year program.

Requires the state board of education to adopt rules for the implementation of the program, including the rewards, duties, and opportunities for the teacher named Colorado teacher of the year.

Creates the Colorado teacher of the year fund, and authorizes the department to solicit and accept gifts, grants, and donations to fund the program.

**APPROVED** by Governor May 5, 2009

**EFFECTIVE** August 5, 2009

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

**H.B. 09-1243** Student dropout prevention and re-engagement - office created - practices assessments - student graduation and completion plans - student re-engagement grant program - reporting - appropriation. Creates the office of dropout prevention and student re-engagement (office) in the department of education (department) to collaborate with local education providers (LEPs) to reduce the student dropout rate and increase the student graduation and completion rates. Specifies that the department is not required to implement any provision of the act until such time as the department receives gifts, grants, or donations in an amount sufficient to fund the operations of the office. Specifies the office's duties. Directs the office to identify high priority and priority LEPs to receive technical assistance and support from the office.

Requires the office to compile a report of effective dropout prevention and student engagement and re-engagement policies based on research and data. Specifies the uses for the report, and directs the office to publish the report on the internet. Requires the office annually to analyze attendance data and assess the incidence, causes, and effects of student dropout, engagement, and re-engagement. Directs the office annually to report the assessment and any recommended strategies to address student dropout, engagement, and re-engagement to LEPs, the state board of education (state board), the governor, and the

education committees of the general assembly.

Requires each high priority and priority LEP to conduct a practices assessment and to adopt a student graduation and completion plan (plan). Sets deadlines for completing the practices assessment and plan, and specifies the items the practices assessment must address and the plan must include. Directs the office to provide technical assistance to high priority and priority LEPs and, if possible within available appropriations, to provide each high priority and priority LEP a template for the practices assessment, which template includes available student data. Directs each high priority and priority LEP to submit its practices assessment and its plan to the department for publication on the internet. Directs the office to evaluate each high priority and priority LEP's plan as part of the accreditation review process.

Requires each LEP to adopt a policy to provide notice to a student's parent if the student drops out of school. Specifies that the notice shall include information concerning educational alternatives that are available to the student.

Creates the student re-engagement grant program (program) to provide moneys to LEPS to use in providing educational services and supports to students to maintain student engagement and support student re-engagement. Creates the student re-engagement grant program fund (fund) to receive gifts, grants, and donations for implementation of the program. Directs the state board to adopt rules to implement the program, including the information to be included in grant applications. Allows the department to use up to 3% of the amount annually appropriated from the fund to offset the costs of implementing the program. Requires the department to evaluate the services provided by grant recipients and to report the evaluation results to the education committees of the general assembly.

Requires the office to submit an annual report to the state board, the governor, and the education committees of the general assembly making state policy findings and recommendations to reduce the student dropout rate and increase the student graduation and completion rates. Specifies the minimum contents of the report. Specifies that the reporting requirement shall not expire within 3 years.

Repeals the mandate to expel an habitually disruptive student, and allows a school district to suspend the student. Repeals the requirement that a suspension or expulsion count as an unexcused absence under a school district's attendance policy.

Appropriates \$157,772 from the student re-engagement grant program fund to the department for implementation of the act.

**APPROVED** by Governor May 21, 2009

**EFFECTIVE** May 21, 2009

**H.B. 09-1296** Reading assistance grant program - repeal. Extends the repeal date for the reading assistance grant program by one year.

**APPROVED** by Governor April 22, 2009

**EFFECTIVE** April 22, 2009

**H.B. 09-1312** Renewable energy and energy efficiency for schools loan program. Creates the renewable energy and energy efficiency for schools loan program (loan program) to fund renewable energy projects and energy-efficient bus projects in qualified school districts.

Makes administration of the loan program a permissible use of moneys appropriated from the public school energy efficiency fund. Extends the repeal date associated with the public school energy efficiency fund to July 1, 2017.

Requires the governor's energy office (office) to administer the loan program. Requires the state board of education, in consultation with the office, to promulgate rules establishing policies and procedures for the administration of the loan program. Requires the office to review each loan application, evaluate each project associated with a loan application, and make recommendations to the state treasurer as to whether to award a loan and the amount of the loan.

Creates the renewable energy and energy efficiency for schools loan program administration fund (fund) in the state treasury. Specifies that the moneys in the fund shall be used to pay for costs incurred by the office in administering the loan program but shall not be included in any loan made to a qualified school district.

Authorizes the state treasurer to make loans and determine the interest rates and repayment terms of loans under the loan program. Authorizes the state treasurer to withhold amounts from a school district's payments of the state's share of the school district's total program received in accordance with the "Public School Finance Act of 1994" in the event that the school district fails to make timely payments against a loan received from the loan program.

Allows a qualified school district that receives a loan from the loan program for a renewable energy project to use the moneys received to finance the acquisition of a renewable energy project. Requires a qualified school district that applies for a loan from the loan program for a renewable energy project to contact its local electrical utility and allow the utility, at the discretion of the utility, to place a representative of the utility on the school district's renewable energy project team.

Requires the legislative service agencies to conduct a post-enactment review of the loan program 2 years after the implementation of the loan program and report their conclusions to the education committees of the house of representatives and senate, or any successor committees. Specifies criteria to be included in the post-enactment review.

**APPROVED** by Governor May 15, 2009

**EFFECTIVE** May 15, 2009

**H.B. 09-1319** Concurrent enrollment programs - appropriations. Repeals the high school fast track program, the "Postsecondary Enrollment Options Act", and the "Fast College Fast Jobs Act".

Allows a school district, a board of cooperative services (BOCES), a district charter school, or an institute charter school (local education provider) to partner with an institution of higher education to offer college courses to qualified high school students (qualified students). Requires a local education provider to notify middle school, junior high school, and high school students and their parents or legal guardians of the opportunity for qualified students to concurrently enroll in courses offered by institutions of higher education (concurrent enrollment). Requires a qualified student enrolled in a high school of a school district who desires to participate in concurrent enrollment to apply to the superintendent of the school district, or the superintendent's designee, and receive approval from the superintendent or his or her designee. Requires a qualified student enrolled in a district

charter school, an institute charter school, or a high school of a BOCES who desires to participate in concurrent enrollment to apply to the chief administrator of the district charter school, institute charter school, or high school of a BOCES and receive approval from the chief administrator.

Requires a local education provider of a qualified student who participates in concurrent enrollment to pay the institution of higher education in which the student enrolls for the cost of the student's tuition. Requires a qualified student who participates in concurrent enrollment, or the student's parent or legal guardian, to reimburse the student's local education provider for the amount of tuition costs paid by the local education provider for a course on behalf of the student if the student fails to complete the course without the consent of the student's high school principal. Allows a local education provider to adopt a policy that requires a qualified student and his or her parent or legal guardian to sign a document prior to the student's concurrent enrollment in a college course, which document commits the student or his or her parent or legal guardian to reimburse the local education provider for the tuition paid by the local education provider for the course in the event that the student receives a failing grade in the course.

Requires a qualified student who intends to concurrently enroll in a college course to satisfy the minimum prerequisites for the course prior to his or her enrollment in the course. If a qualified student who intends to concurrently enroll in a college course has not satisfied the minimum prerequisites for the course prior to his or her enrollment in the course, allows the qualified student to concurrently enroll in a basic skills course at the institution only if the qualified student is concurrently enrolled in the twelfth grade in a local education provider and the institution offers the basic skills course.

Requires a qualified student who intends to concurrently enroll to establish, in consultation with the administration of his or her local education provider, an academic plan of study that describes all of the courses that the qualified student intends to complete to satisfy his or her remaining requirements for graduation from the local education provider. Requires the principal, a counselor, or a teacher advisor of the qualified student's local education provider to approve the academic plan of study.

Requires the local education provider of a qualified student who participates in concurrent enrollment to enter into a cooperative agreement with the institution of higher education at which the student enrolls. Specifies mandatory provisions for the cooperative agreement, including the rate of tuition at which the local education provider will pay the institution of higher education. Requires an institution of higher education that executes a cooperative agreement to provide a copy of the cooperative agreement to the department of higher education.

Allows a district charter school to elect to allow a qualified student of the district charter school to concurrently enroll pursuant to the provisions of a cooperative agreement that is entered into by either the school district of the district charter school and an institution of higher education or the district charter school and an institution of higher education. Clarifies that, if a district charter school elects to allow a qualified student of the district charter school to concurrently enroll pursuant to the provisions of a cooperative agreement that is entered into by the school district of the district charter school and an institution of higher education, the district charter school shall be responsible for paying the tuition for each course that the qualified student completes pursuant to the cooperative agreement and the student shall apply for and receive approval from the superintendent of the school district, or his or her designee, not later than 60 days before the end of the academic term that

immediately precedes the intended term of concurrent enrollment.

Establishes a maximum concurrent enrollment tuition rate for local education providers and institutions of higher education to use in their cooperative agreements.

Creates the concurrent enrollment advisory board (advisory board) in the department of education (department). Establishes the membership of the advisory board and the terms of the members. Establishes the duties of the advisory board. Requires the advisory board to report annually to the state board of education (state board) and the Colorado commission on higher education. Repeals the advisory board following a sunset review.

Creates the accelerating students through concurrent enrollment program (ASCENT program) in the department to allow certain students to continue concurrent enrollment after the twelfth grade. Establishes criteria for the department to use in selecting students to receive grants from the ASCENT program. Requires the department to administer the ASCENT program. Requires the advisory board to establish guidelines for the administration of the ASCENT program. Requires the state board to promulgate rules for schools and school districts to follow in satisfying state and federal reporting requirements concerning the enrollment status of ASCENT program participants.

Specifies that a qualified student who participates in concurrent enrollment shall be included in a school district's pupil enrollment for the purpose of determining the school district's per-pupil funding pursuant to the "Public School Finance Act of 1994" unless the qualified student is participating in the ASCENT program. Funds at a lower rate a qualified student who is participating in the ASCENT program.

Requires the state board to promulgate rules for the administration of concurrent enrollment programs. Requires the local education provider of a qualified student who participates in concurrent enrollment to report to the department, upon request, data concerning the qualified student's participation. Requires the institution of higher education in which a qualified student concurrently enrolls to report to the department of higher education, upon request, data concerning the qualified student's experience with postsecondary course work. Requires the department and the department of higher education to report annually to the education committees of the general assembly concerning concurrent enrollment.

Anticipates that the department will receive \$30,031 in federal moneys for implementation of the act. Of said amount, reappropriates \$10,139 to the department of law for legal services.

**APPROVED** by Governor May 21, 2009

**EFFECTIVE** May 21, 2009

## EDUCATION - UNIVERSITIES AND COLLEGES

**S.B. 09-32** University of northern Colorado - education innovation institute. Creates the education innovation institute (institute) within the university of northern Colorado (university). Requires the university to administer the institute. Sets forth the purposes of the institute. Allows the general assembly to appropriate moneys to the board of trustees of the university for the administration of the institute. Requires the institute to report annually to the education committees of the senate and house of representatives, or any successor committees, concerning the activities of the institute in the previous calendar year.

**APPROVED** by Governor March 18, 2009

**EFFECTIVE** August 5, 2009

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

**S.B. 09-43** Merger of Pueblo community college and San Juan basin area vocational school - appropriation. Limits the 2-year authority of Fort Lewis college to include only an associates of arts degree in agricultural science. Allows controlled maintenance funds to be used for facilities that are transferred from the San Juan basin area vocational school to Pueblo community college.

Increases the general fund appropriation to the college opportunity fund by \$612,000. Increases the general fund appropriation for fee-for-service contracts with state institutions by \$501,374. Increases the appropriation for the state board for community colleges and occupational education state system of community and technical colleges by \$2,216,414. Decreases the appropriation for area vocational school support by \$1,466,414.

**APPROVED** by Governor May 20, 2009

**EFFECTIVE** May 20, 2009

**S.B. 09-52** Innovative higher education research fund - transfer from limited gaming fund - appropriation. Annually transfers one million dollars from the limited gaming fund to the innovative higher education research fund that would otherwise be transferred to the general fund; except that the transfer shall not be made in any year that the revenue projections indicate that there will be insufficient revenue to increase general fund revenues by 6%.

For the fiscal year beginning July 1, 2009, appropriates \$1,000,000 from the innovative higher education research fund to the department of higher education for distribution to the higher education competitive research authority.

**APPROVED** by Governor June 1, 2009

**EFFECTIVE** June 1, 2009

**S.B. 09-62** Teach Colorado grant initiative - expansion of grant purposes - veterans. Modifies the criteria that the department of higher education uses in awarding grants to institutions of higher education under the teach Colorado grant initiative to include scholarship programs designed to assist honorably discharged veterans in entering the teaching profession.

**APPROVED** by Governor April 30, 2009

**EFFECTIVE** April 30, 2009

**S.B. 09-86** Colorado state university-global campus - creation. Creates an online university to be known as Colorado state university - global campus. States that the online university will serve nontraditional students by offering undergraduate completion programs in partnership with the community colleges and offering some master's degree programs. Provides that an eligible undergraduate student is not eligible for a college opportunity fund stipend for classes taken at an institution established after July 1, 2007.

**APPROVED** by Governor March 18, 2009

**EFFECTIVE** March 18, 2009

**S.B. 09-157** Retirement - election - university retirement plan - public employees' retirement association. Specifies that certain employees of the university of Colorado shall be members of the university's retirement plan. Allows new employees who are members or inactive members of the public employees' retirement association to make an irrevocable election either to be active members of the association or to participate in the university's plan. Specifies requirements for making the election.

**APPROVED** by Governor April 20, 2009

**EFFECTIVE** August 5, 2009

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

**S.B. 09-171** Colorado customized training program - moneys for job training. Permits moneys available from the Colorado customized training program to be used to train potential employees, establish programs related to training, and help companies train employees.

**APPROVED** by Governor May 4, 2009

**EFFECTIVE** May 4, 2009

**S.B. 09-290** Capital construction projects - cash funded - 2-year projections - expedited approval - exemptions from statutory contracting requirements. Requires the Colorado commission on higher education (CCHE) to approve master plans for all capital construction projects at all state institutions of higher education (institutions). For projects estimated to cost over \$2 million, requires the CCHE to approve, prior to commencement of construction, any capital construction project requiring expenditure of moneys held by the institution other than cash funds.

Directs all institutions to submit annually to the CCHE 2-year projections for all capital construction projects to be constructed using cash funds. Directs the CCHE annually to submit to the office of state planning and budgeting (OSPB), the governor, and the general assembly a unified, 2-year projection on all capital construction projects at institutions to be constructed using cash funds.

Directs the CCHE annually to submit to the capital development committee (CDC) and OSPB the 2-year projections from the institutions. Directs the CCHE and OSPB to provide comments to the CDC on each projection. Authorizes the CDC to approve the projections or return them to the institution for modification every year. Authorizes institutions to submit amendments to an approved projection. Directs the CDC to hold a hearing on a proposed amendment within 30 days if the general assembly is in regular legislative session or within 45 days if the general assembly is not in regular legislative session.

session and to approve the amendment or return it to the institution for modification. Directs the CCHE and OSPB to provide comments to the CDC on each amendment.

On and after January 1, 2010, authorizes an institution to commence a capital construction project upon approval of the institution's governing board if the project is to be constructed, operated, and maintained solely from cash funds, was included in the most recent approved unified, 2-year projection, and is not part of the higher education revenue bond intercept program (intercept program). On and after January 1, 2010, authorizes an institution to commence a capital construction project for an academic building upon approval of the institution's governing board if the project is to be constructed using cash funds and operated and maintained using cash funds or state moneys, if the project was included in the most recent approved unified, 2-year projection, and if the project was not part of the intercept program.

Authorizes an institution to commence a capital construction project upon the approval of the CDC and the joint budget committee (JBC) if it is to be constructed, operated, and maintained using cash funds and is part of the intercept program. Authorizes an institution to commence a capital construction project for an academic building upon the approval of the CDC and JBC if it is to be constructed using cash funds and is part of the intercept program.

If an institution receives an additional gift, grant, or donation after construction has commenced on a cash-funded project, authorizes the institution to amend the project plan without the approval of the CCHE, OSPB, CDC, or JBC. Authorizes an institution to enhance a capital construction project by up to 15% more than the estimated cost.

Requires institutions to report to the CCHE any expenditures of cash funds not requiring the approval of the CCHE and for cash-funded projects involved in the intercept program.

Authorizes the executive director of the department of personnel to exempt cash-funded projects from certain statutory requirements if the executive director determines that there are adequate safeguards for the project.

For institutions, limits the required notice for a professional services contract to total project costs of \$1 million or professional services in the amount of \$100,000 and to publication once in a newspaper.

Authorizes institutions to use the internet to invite bids for construction projects. Authorizes the use of an electronic medium for publishing notice of final settlements.

**APPROVED** by Governor June 1, 2009

**EFFECTIVE** August 5, 2009

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

**H.B. 09-1039** Higher education - veterans - in-state tuition status - appropriation. Beginning with the fall semester of the 2009-10 academic year, requires the governing boards of each state institution of higher education in Colorado to adopt a policy that grants in-state tuition status to an honorably discharged veteran who enrolls in the institution and meets, for any length of time, the presumptions and rules for maintaining a domicile in Colorado. Allows

each governing board of a state institution of higher education in Colorado to adopt a similar policy concerning a dependent of such veteran, beginning with the fall semester of the 2009-10 academic year.

Makes adjustments to the 2009 long bill.

**APPROVED** by Governor June 2, 2009

**EFFECTIVE** June 2, 2009

**H.B. 09-1063** In-state tuition - student's parent moves to Colorado for a job. Provides in-state student tuition status to a student whose parent or legal guardian moves to Colorado for a job if:

- The student is a legal resident of the United States;
- The student's parent or legal guardian and the child move to Colorado during the student's senior year of high school; and
- The student graduates from a Colorado public high school.

Requires each institution of higher education (institution) to develop a policy to verify whether a student meets the requirements of this act. Allows each institution to grant in-state tuition pursuant to this act.

Prohibits a student who receives in-state tuition pursuant to this act from receiving state financial aid. Precludes a student who receives in-state tuition pursuant to this act from receiving a college opportunity fund stipend for the first year the student is enrolled at the institution.

**APPROVED** by Governor May 4, 2009

**EFFECTIVE** August 5, 2009

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

**H.B. 09-1079** Junior college district - annexation - town of Berthoud. Creates a procedure by which the town of Berthoud may be annexed to its existing junior college district. Requires the approval of the junior college district electorate after an affirmative vote of the junior college board of trustees. Requires approval of the electorate of the town of Berthoud after an affirmative vote of the governing board of the town of Berthoud.

**APPROVED** by Governor March 25, 2009

**EFFECTIVE** August 5, 2009

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

**H.B. 09-1229** Designation of auxiliary facilities as enterprises - no termination of status if facilities continue to meet requirements for enterprise. Specifies that any designation of an auxiliary facility, or group of auxiliary facilities, of an institution of higher education as an enterprise (designation) shall not terminate, expire, or be rescinded as long as the auxiliary facility or group of auxiliary facilities meets the requirements for an enterprise.

Deletes existing statutory provisions requiring all designations to expire at a specified

time and date of the year following their adoption unless the general assembly, by bill, acts to postpone the expiration of a specific designation. Deletes the current statutory deadline of June 30, 2009, for the expiration of existing designations.

Adds to the list of auxiliary facilities designated as enterprises other self-funded services of Mesa state college and continuing education at Fort Lewis college.

**APPROVED** by Governor April 22, 2009

**EFFECTIVE** April 22, 2009

**H.B. 09-1242** Gifts and bequests to institutions of higher education - venture development investment funds. Allows each state institution of higher education (institution) to establish a venture development investment fund (fund) to facilitate the commercialization of research projects conducted at a research institution of the institution or a research institution that has an office of technology transfer. Allows a fund to be administered by a nonprofit entity that is affiliated with an institution. Allows an institution and a nonprofit entity that is affiliated with an institution to seek and accept gifts, grants, and donations to facilitate the establishment of a fund. Encourages individuals, businesses, and other entities to donate moneys to research institutions to facilitate the commercialization of research projects conducted at the research institutions.

**APPROVED** by Governor June 1, 2009

**EFFECTIVE** August 5, 2009

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

**H.B. 09-1267** Student financial assistance - pervasively sectarian institutions - appropriation. Eliminates language concerning the standard by which higher education institutions may be deemed to be pervasively sectarian and thereby excluded from various forms of state financial assistance to students. Replaces the pervasively sectarian standard with a standard that prohibits state assistance to students who are pursuing professional degrees in theology. Requires a higher education institution that seeks to award state financial assistance to a student to certify that the student is not pursuing a professional degree in theology. Removes language describing the pervasively sectarian standard from the "Postsecondary Enrollment Options Act" and provisions concerning approved gifted and talented educational programs.

Appropriates an additional \$94,860 from the general fund to the department of education for allocation to the college opportunity fund for stipends to students attending participating private institutions.

**APPROVED** by Governor June 1, 2009

**EFFECTIVE** June 1, 2009

**H.B. 09-1290** Student financial assistance - tuition assistance to members of the National Guard - appropriation. Increases to \$800,000 the maximum amount of money that the Colorado commission on higher education (commission) may allocate for the purpose of providing tuition assistance to members of the National Guard.

For the 2009-10 fiscal year, reduces the appropriation to the commission for

needs-based grants and increases the appropriation to the commission for tuition assistance for members of the National Guard by \$150,000.

**APPROVED** by Governor May 11, 2009

**EFFECTIVE** August 5, 2009

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

**H.B. 09-1295** Metropolitan state college of Denver - master's degrees. Permits Metropolitan state college of Denver to offer master's degree programs.

**APPROVED** by Governor May 4, 2009

**EFFECTIVE** August 5, 2009

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

**H.B. 09-1313** Higher education optional fees - student directed programs - governing board permission to adopt policies. Allows the governing board of an institution of higher education (governing board) to establish an optional student fee to fund student-directed programs to enrich student life and learning opportunities. Directs that the governing board may adopt policies to permit student body members to place a proposed optional fee on the ballot at a regular student election. Requires approval of the fee by a majority of the votes cast at a regularly scheduled student body election. Permits each optional fee to be subject to a separate vote.

**APPROVED** by Governor May 11, 2009

**EFFECTIVE** May 11, 2009

**H.B. 09-1333** State historical fund - transfers to state museum cash fund - interest. Reduces from \$4 million to \$2 million the transfers from the state historical fund to the state museum cash fund scheduled to occur on or before October 1, 2009, and October 1, 2010. At the end of the fiscal year commencing July 1, 2008, and for each fiscal year thereafter through the fiscal year commencing July 1, 2045, authorizes the state historical society to direct the state treasurer to transfer a portion of the unexpended and unencumbered moneys in the state historical fund to the state museum cash fund.

**APPROVED** by Governor June 1, 2009

**EFFECTIVE** August 5, 2009

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

## ELECTIONS

**H.B. 09-1015** Primary elections - when canceled - primary election conducted as a mail ballot election - preelection process - notification of secretary of state - notice to electors - mail ballot packet mailing - drop-off locations - service centers - number required - services provided - hours - appropriation. Authorizes a designated election official, if there is not more than one candidate of any political party who has been nominated or who has filed a write-in candidate affidavit of intent for any office on the primary election ballot, to cancel the primary election for that nomination and declare each candidate the party nominee for that office at the general election. Deems that nominee a candidate in and the winner of the primary election for purposes of other applicable law and requires printing of the nominee's name on the official ballot prepared for the ensuing general election.

Requires a primary election to be conducted if a major political party has more than one candidate nominated for any office on the primary election ballot.

If there is not more than one candidate for each major political party who has been nominated for any office on the primary election ballot and a minor political party has more than one candidate nominated for any such office, requires the primary election to be conducted for the nomination of the minor political party candidate only.

Authorizes a designated election official for any political subdivision to conduct a primary election by mail ballot (mail ballot primary election). Prior to making a determination to conduct a mail ballot primary election, requires the county clerk and recorder (clerk) to give public notice and seek public comment. Directs the designated election official to notify the secretary of state of the mail ballot primary election no later than 120 days prior to the election. Requires that the notification include a proposed plan for conducting the mail ballot primary election, which may be based on the standard plan adopted by the secretary of state. Requires the secretary of state to provide notice on the secretary's web site of the mail ballot primary election.

Not less than 30 days nor more than 45 days before a mail ballot primary election, requires the clerk to mail a notice by forwardable mail to each unaffiliated active registered eligible elector and to each unaffiliated registered eligible elector whose registration record has been marked as "Inactive - failed to vote". States that the notice:

- Shall indicate that the unaffiliated elector has the ability to and must affiliate with a political party in order to vote in the primary election;
- Shall have a returnable portion that allows the elector to request affiliation with a political party; and
- May be included with any other communication by mail from the clerk to electors within the county.

Requires the published notice of the mail ballot primary election to advise eligible electors who are not affiliated with a political party of the ability to declare an affiliation with a political party and vote in the primary election.

Changes when the designated election official must mail the mail ballot packet in all mail ballot elections from not sooner than 25 days before, and not later than 15 days before, the election to not sooner than 22 days before, and not later than 18 days before, the election.

Requires mail ballots to be made available at the designated election official's office or the office designated in the mail ballot plan 22 days, instead of 25 days, prior to the election and until 7 p.m. on election day.

Requires that the mail ballot packet in a mail ballot primary election be mailed:

- In addition to active registered electors who are affiliated with a political party, to each registered elector who is affiliated with a political party and whose registration record has been marked as "Inactive - failed to vote"; and
- For a minor political party candidate, only to those registered electors who are affiliated with the minor political party of the candidate.

For a mail ballot primary election, requires a minimum number of mail ballot drop-off locations where mail ballots may be deposited equal to at least one drop-off location for each 30,000 affiliated active registered electors in the county. Specifies that the drop-off locations shall be arrayed throughout the county in a manner that provides the greatest convenience to electors. Authorizes the secretary of state to approve the number and location of the drop-off locations as part of the required mail ballot election plan. Requires drop-off locations to accept mail ballots delivered by electors during the 14 days prior to and including the day of the primary election, except for Sundays or the first Saturday of that period, during, at a minimum, reasonable business hours.

Requires the clerk to designate service centers for a mail ballot primary election equal to no fewer than the number of county motor vehicle offices in the county; except that:

- Each county shall have no fewer than one service center for every 60,000 affiliated active registered electors; and
- If a county has fewer than 15,000 affiliated active registered electors for each county motor vehicle office, the clerk shall designate at least one service center for each 25,000 affiliated active registered electors.

Requires any county with 30,000 or fewer affiliated active registered electors to have a minimum of one service center, regardless of the number of motor vehicle offices in that county. Requires each service center to provide the following:

- The ability for unaffiliated registered electors to affiliate with a political party and cast ballots;
- Secure computer access;
- Facilities and equipment that are compliant with the federal "Americans with Disabilities Act of 1990";
- Direct record electronic voting machines or other voting systems accessible to electors with disabilities;
- Voting booths;
- Original and replacement ballots for distribution;
- The ability to accept mail ballots that are deposited by electors;
- Emergency voter registration; and
- The ability to cast provisional ballots.

Specifies that service centers shall be open during the 8 days prior to and including the day of the primary election, except on Sundays.

Appropriates \$23,625 from the department of state cash fund to the department of

state for the implementation of the act.

**APPROVED** by Governor May 15, 2009

**EFFECTIVE** August 5, 2009

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

**H.B. 09-1018** Statewide voter registration and election system (SCORE) - removal of obsolete provisions to comply with federal "Help America Vote Act" (HAVA). Removes obsolete language in statutory provisions implementing the SCORE system for purposes of compliance with HAVA as follows:

- In connection with a verification of the registration of an elector making a change of address, specifies that the county shall only be required to issue or authorize a certificate of registration where it has printed its pollbooks.
- Repeals a requirement that the counties transmit voter registration lists to the secretary of state (secretary) under specified circumstances.
- Repeals a requirement that counties transmit to the secretary lists of canceled voters after each general election.
- Not later than 60 days after a state election, requires the secretary to generate a list of electors showing who voted and who did not vote in the election. Requires the list to be drawn from the statewide voter registration database. Upon receipt of the lists, requires the secretary to examine the lists to see which electors did and did not vote in the election in order to ascertain if any elector has voted more than once.
- If an elector registers to vote in another county, requires the county clerk and recorder (clerk) of the elector's new county of residence to transfer the elector's registration record from the old county in accordance with requirements specified in the act.
- Based upon an examination of the secretary of state's master lists of registered electors, requires each clerk to generate a list containing the name of each elector who is registered in more than one precinct in the state. Prohibits the clerk from canceling the registration record of a particular elector unless there is a match in the county's registration records and the statewide voter registration database with respect to identifying information specified in the act.
- If the clerk is not able to cancel the registration record under the standards specified in the act, requires the clerk to send a notice to the elector whose record the clerk intends to cancel. Specifies requirements governing the notice.
- Repeals a requirement that the clerk make a determination of active registered voters in each county on election day for inclusion in the official abstract of votes cast.

**APPROVED** by Governor April 22, 2009

**EFFECTIVE** August 5, 2009

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

**H.B. 09-1153** Issue committees - registration requirements - determination of ballot issue or ballot question - application to municipal annexation elections. Requires an issue committee to register with the appropriate officer within 10 calendar days of accepting or making contributions or expenditures in excess of \$200 to support or oppose any ballot issue or ballot question. Specifies the contents of such registration in the event it is required.

Except as otherwise provided in the act, specifies that a matter shall be considered to be a ballot issue or ballot question for the purpose of determining whether an issue committee has been formally established, thereby necessitating compliance with legal disclosure and reporting requirements, at the earliest of the following:

- A title for the matter has been designated and fixed in accordance with law;
- The matter has been referred to the voters by the general assembly or the governing body of any political subdivision of the state with authorization to refer matters to the voters;
- In the case of a citizen referendum petition, the matter has been submitted for format approval in accordance with law;
- A petition concerning the matter has been circulated and signed by at least one person, subject to further qualifications specified in the act; or
- A signed petition has been submitted to the appropriate election official in accordance with law.

Where a matter concerns a municipal annexation, specifies that the matter shall not be considered to be a ballot issue or ballot question for the purpose of determining whether an issue committee has been formally established, thereby necessitating compliance with any disclosure and reporting requirements, unless and until the first notice of the annexation election has been published in accordance with existing statutory provisions governing such notice.

**APPROVED** by Governor April 22, 2009

**EFFECTIVE** Septmeber 1, 2009

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

**H.B. 09-1160** Electronic form on secretary of state's official web site - elector registration - change of residence - change or withdrawal of party affiliation - application for permanent mail-in ballot status - amendment of existing mail-in ballot status - form requirements - procedures for approval of applications and additions to computerized statewide voter registration list - limited exchange of information between systems maintained by departments of state and revenue - appropriation. Permits an elector to register to vote, or to change his or her residence on the registration record, change or withdraw his or her affiliation, apply for permanent mail-in ballot status, or amend his or her existing mail-in ballot status, by completing an electronic form on the official web site (web site) of the secretary of state (secretary) if the elector's signature is stored in digital form in the database systems maintained by the department of state or accessible to the department of state.

Requires the secretary's web site to be fully secure. Requires the web site to maintain the confidentiality of all users and to preserve the integrity of the data submitted. Specifies that further specifications regarding the security of the web site may be promulgated by the secretary by rule.

No later than April 1, 2010, requires the secretary to make available on the web site electronic forms for persons to apply to register to vote and for a registered elector to change his or her residence, change or withdraw his or her affiliation, apply for permanent mail-in ballot status, or amend his or her existing mail-in ballot status.

Specifies the required contents of the electronic voter registration form. Requires the registered elector to submit his or her birth date and the last four digits of his or her social security number to access the electronic form to change his or her information.

Requires the county clerk and recorder to determine if the information submitted on the electronic form is complete prior to approving a new registration or approving an elector's change in residence, change in or withdrawal of his or her affiliation, or change to permanent mail-in ballot status.

Requires the county clerk and recorder to search for an elector's signature in specified database systems when a person completes an electronic voter registration form and is qualified to register based on the information provided in the form. If the signature is found, requires the county clerk and recorder to approve the new registration and to add the elector to the computerized statewide voter registration list maintained by the secretary.

Requires the county clerk and recorder to search for the registered elector's signature in specified database systems when a registered elector completes an electronic form to change his or her residence, change or withdraw his or her affiliation, or apply for permanent mail-in ballot status. Requires the county clerk and recorder to send a nonforwardable postcard to a registered elector who submits a change of residence at his or her old address of record, by regular mail, giving notice to the registered elector that a change in residence form has been submitted by the registered elector and asking the registered elector to contact the county clerk and recorder within 10 calendar days of receiving the postcard if it is not the registered elector's intent to change his or her address of record. Requires the county clerk and recorder to approve the change in status and to make the changes indicated on the electronic form in the computerized statewide voter registration list maintained by the secretary if the signature is found and, in the case of a change in residence, if the registered elector has not timely contacted the county clerk and recorder.

Specifies that a voter registration, change of residence, change or withdrawal of affiliation, or application for permanent mail-in ballot status made on an electronic form applies to an election if the elector completes the electronic form no later than 29 days before the election.

Requires the department of state and the department of revenue to allow for the exchange of information between the systems used by each department to collect information on residence addresses, signatures, and party affiliation for all applicants for driver's licenses or state identification cards.

Appropriates \$120,299 from the department of state cash fund to the department of state for the implementation of the act for the fiscal year beginning July 1, 2009. Appropriates \$21,549 from reappropriated funds received from the department of state out of the appropriation made to the department under the act to the department of revenue, division of motor vehicles.

**APPROVED** by Governor May 15, 2009

**EFFECTIVE** May 15, 2009

**H.B. 09-1186** Mail-in ballots - delivery to the polling place by the elector. Allows a mail-in voter to deliver a voted mail-in ballot to an early voting polling place during early voting or to any polling place on election day. Changes from 5 to 10 the number of mail-in ballots a person other than an authorized agent of a designated election official may receive for mailing or deposit at a polling place.

**APPROVED** by Governor April 3, 2009

**EFFECTIVE** April 3, 2009

**H.B. 09-1205** Absent uniformed services electors serving outside the United States - emergency registration - mail-in ballots - application - return - internet-based voting pilot program. Allows an elector to register to vote by emergency registration if the elector is a resident of this state and was an absent uniformed services elector serving outside the United States (absent uniformed services elector) who was discharged from active duty or service within 29 days prior to the election, moved to a new county of residence after the close of the registration books, and has not and will not cast a vote in the election in any other county or state.

Requires the secretary of state, in coordination with the county clerk and recorders, to develop and implement an internet-based voting pilot program to facilitate voting by absent uniformed services electors commencing with the 2012 general election. Specifies that the internet-based voting system developed for use in the pilot program shall:

- Transmit encrypted information over a secure network;
- Provide for secure identification and authentication of the information transmitted on the system, each election official, the equipment utilized by the secretary of state, and each election official in the conduct of elections via the internet;
- Protect the privacy, anonymity, and integrity of each elector's ballot;
- Prevent the casting of multiple ballots via the internet in an election by any elector;
- Provide protection against abuse, including tampering, fraudulent use, and illegal manipulation by electors, election officials, or any other individual or group; and
- Provide uninterrupted and reliable internet availability for the purpose of casting votes via the internet.

Requires the secretary of state to implement the system so that each designated or coordinated election official of a county or other political subdivision participating in the pilot program shall:

- Assure that each absent uniformed services elector who logs in to vote via the internet is eligible and registered to vote;
- Verify that each elector who logs in to vote via the internet is the same person who is registered and qualified to vote;
- Verify that the votes of the electors transmitted to such election officials via the internet are private and secure and have not been viewed or altered by sites that lie between the voting location and the vote-counting destination;
- Verify that all votes cast via the internet were cast by 7 p.m. mountain standard time on the day of the election; and
- Verify that all votes cast via the internet were indeed counted and attributed correctly to the elector who cast the vote.

Authorizes the secretary of state to establish procedures necessary to implement the act. Creates the internet-based voting pilot program fund in the state treasury to provide for the direct and indirect costs associated with implementing the program. Specifies that the fund shall consist of gifts, grants, and donations from private or public sources. Requires that sufficient gifts, grants, and donations are obtained to cover the costs of implementing the system prior to that implementation by the department of state.

Requires a mail-in ballot to be provided by electronic means to an absent uniformed services elector not later than 30 days before the election if the elector has applied for a mail-in ballot or has been placed on the permanent mail-in voter list not later than 35 days before that election.

Extends the deadline by which a mail-in ballot cast by an absent uniformed services elector must be received by the designated or coordinated election official to the eighth day following the day of the election, so long as the ballot is either transmitted by electronic means or is cast by 7 p.m. mountain standard time on the day of the election.

**APPROVED** by Governor June 2, 2009

**EFFECTIVE** August 5, 2009

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

**H.B. 09-1216** Mail-in ballots - mail ballots - applications - surrender - primary elections - voter information cards. Amends language regarding changes of residence to reflect the implementation of the statewide voter registration system.

Requires a county clerk and recorder to treat undeliverable mail-in ballots the same as undeliverable mail ballots for the purpose of marking the voter's record inactive.

Removes the prohibition against the submission of a mail-in ballot application prior to January 1 of the year for which the applicant is requesting a mail-in ballot.

Allows an eligible elector to vote in person at a polling place upon the surrender of a mail-in ballot.

Clarifies that an unaffiliated voter may cast a regular party ballot at a primary election upon the declaration of affiliation with a political party.

Amends the self-affirmation statements to harmonize the language on applications for mail ballots and mail-in ballots.

**APPROVED** by Governor April 22, 2009

**EFFECTIVE** April 22, 2009

**H.B. 09-1326** Initiative petitions - voluntary circulator training - petition entity license - petition section - notarized affidavit - protests - district court jurisdiction - ballot issues - amendments and propositions - numbering and lettering - appropriation. Requires a ballot petition, including any signature addendums, to be filed with the secretary of state 3 weeks earlier. Moves the deadline for the last title board meeting one month earlier.

Requires the secretary of state to develop training programs for paid and volunteer circulators. Requires a petition entity to be licensed by the secretary of state and to pay a fee for such license. Establishes the grounds for which the secretary of state may deny or revoke a license. Requires a petition entity to register with the secretary of state for each proposed measure.

Modifies the form of an initiative section to provide notice that an initiative may appear on a ballot. Expands a petition circulator's (circulator) affirmations that are included in the affidavit attached to a petition section. Prohibits a notary public from notarizing an affidavit unless certain criteria are met. Requires the notary public to specify the form of identification that the circulator presented. Requires the circulator and the notary public to sign the affidavit on the same day. Invalidates all petition sections circulated in whole or in part by anyone other than the circulator who signs the affidavit. Identifies exceptions to the requirement that petition signers, circulators, and notaries public must substantially comply with statutory requirements relating to petitions. Creates new criminal violations for certain acts related to petitions.

Requires the proponents of a petition or an issue committee acting on behalf of the proponents to file information related to circulators and notaries public with the secretary of state. Requires the proponents of a petition or an issue committee acting on behalf of the proponents to file information related to circulator compensation with a designated election official.

Permits a registered elector who signs a petition to withdraw his or her signature by filing a written request with the secretary of state prior to the petition being filed. After a statement of sufficiency, requires the secretary of state to make a petition available to the public for copying upon request. Changes the deadline for a designated representative of the proponents of an initiative petition to withdraw the petition from consideration as a ballot issue from 33 to 60 days prior to the election.

Requires a circulator to appear at a petition protest in a manner consistent with the rules of civil procedure. Invalidates a petition section if a circulator fails to appear at a protest that includes an allegation of circulator fraud. Limits the percentage of compensation that a paid circulator may receive for circulating petitions on a per signature or per section basis.

Establishes that a district court shall have jurisdiction to consider a protest challenging the secretary of state's statement of a petition's sufficiency without further agency action. Clarifies the grounds for challenging individual signatures or petition sections. Establishes the scope of the court's review for protests related to the secretary of state's random sample. Permits attorney fees and costs to be sought if the district court determines that there are invalid signatures or petition sections as a result of fraud. Requires attorney fees and costs to be awarded if a protest or defense is determined to have lacked substantial justification.

Requires a ballot issue changing the state constitution to be referred to as an "amendment" and a ballot issue changing the Colorado Revised Statutes to be referred to as a "proposition". Requires notice of such terminology to be printed on the official ballot and for an amendment to further be identified as "constitutional" and a proposition to be identified as "statutory" on the ballot.

Appropriates \$104,400 to the department of state for the implementation of the act. Reappropriates \$2,000 of said sum to the department of personnel and administration for the

implementation of the act.

**APPROVED** by Governor May 15, 2009

**PORTIONS EFFECTIVE** May 15, 2009

**PORTIONS EFFECTIVE** July 1, 2009

**PORTIONS EFFECTIVE** January 1, 2010

**H.B. 09-1335** Electronic or electromechanical voting systems or devices - requirements governing use, modification, or purchase - testing and certification - voter verified paper record - audit requirements.

**Use, modification, or purchase of electronic or electromechanical voting systems or devices and related components**

- Permits any existing electronic voting device or any related component to the device that was used by a political subdivision in conducting the 2008 general election to continue to be used by the political subdivision on and after May 15, 2009, as long as the device or component is used in accordance with either the conditions of use under which the device or component was originally certified for the 2008 general election or in accordance with alternate conditions of use established by the secretary of state (secretary).
- Prohibits a political subdivision from purchasing a new electronic voting device or system or any related component to such device or system without obtaining the prior approval of the secretary for such purchase. Specifies procedures by which the political subdivision obtains the approval of the secretary. Specifies factors to be considered by the secretary in determining whether or not to approve the purchase.
- Requires the secretary to promulgate rules as necessary to administer and enforce any requirement of the act governing the use, modification, or purchase of electronic voting devices or systems and related components prior to the 2014 general election.
- Authorizes the secretary, at his or her discretion, to require by rule that voting systems and voting equipment satisfy voting systems standards promulgated after January 1, 2008, by the federal election assistance commission as long as such standards meet or exceed those promulgated in 2002 by the federal election commission.
- Upon receipt by the secretary of a written application for approval of the modification of a previously certified electronic or electromechanical voting system by a political subdivision, requires the secretary to undertake a preliminary examination of the proposed modification. Specifies additional requirements governing the secretary's review of the application.
- Clarifies that, for relevant statutory provisions, "electromechanical voting system" shall include a paper-based voting system.

**Testing and certification of electronic and electromechanical voting systems**

- In relevant statutory provisions, substitutes the term "federally accredited laboratory" for "independent testing authority".
- If the electronic and electromechanical voting systems tested satisfy governing legal requirements, requires the secretary to certify such systems and to approve the purchase, installation, and use of such systems by political subdivisions and to establish standards for certification.

- Authorizes the secretary to promulgate conditions of use in connection with the use by political subdivisions of electronic and electromechanical voting systems as may be appropriate to mitigate deficiencies identified in the certification process.
- In undertaking the certification required by law, authorizes the secretary to consider either procedures used or adopted by county clerk and recorders or best practices recommended by equipment vendors. Authorizes the secretary to request a federally accredited laboratory to undertake the testing of an electronic or electromechanical voting system or to use and rely upon the testing of an electronic or electromechanical voting system already performed by another state or a federally accredited laboratory upon the satisfaction of certain conditions specified in the act. Authorizes the secretary to conduct joint testing with an agency of another state or with a federally accredited laboratory.
- Expands the period within which the secretary is required to decide whether to certify an electronic or electromechanical voting system after the system is submitted for certification.

### **Voter-verified paper record**

In connection with existing statutory requirements mandating the use of voting systems in each election held on or after January 1, 2010, that have the capability to produce a voter-verifiable paper record of each elector's vote, permits any political subdivision that has not complied with such requirements on or before January 1, 2009, to comply with such requirements by January 1, 2014.

### **Audit requirements**

- Extends from 24 hours to 5 business days the time by which the secretary is to post the reports of a random audit on the secretary's web site.
- Commencing with the 2014 general election, and following each primary, general, coordinated, or congressional vacancy election held thereafter, requires each county to make use of a risk-limiting audit. Specifies that races to be audited shall be selected in accordance with procedures established by the secretary, and all contested races shall be eligible for such selection.
- Upon written application from a county, permits the secretary to waive the risk-limiting audit requirements of the act upon a sufficient showing by the county that the technology in use by the county will not enable the county to satisfy such requirements in preparation for the 2014 general election.
- Prior to the 2010 primary election, requires the secretary to establish a pilot program in selected counties for the purpose of testing the procedures and technical requirements necessary to conduct a risk-limiting audit. Specifies additional requirements concerning the pilot program.
- Requires the secretary to promulgate rules as may be necessary to implement and administer the risk-limiting audit requirements of the act. Specifies additional requirements governing the promulgation of the rules.

**APPROVED** by Governor May 15, 2009

**EFFECTIVE** May 15, 2009

**H.B. 09-1336** Election reform commission - recommendations - group residential facilities - election forms - ballot counting - absent uniformed services electors - identification

deficiency - canvass board - rules. For the purposes of ballot delivery and pickup by a county clerk and recorder, defines "group residential facility" as a nursing home, nursing care facility, a home for persons with developmental disabilities, an assisted living residence, or a residential treatment facility for mental illness. Exempts residents of group residential facilities from showing identification at the polling place upon verification that the voter is in fact a resident of a group residential facility. Requires the secretary of state to promulgate rules as may be necessary to determine the identity of a resident of a group residential facility and any rules necessary to ensure the consistent application of such identification rules.

Requires the secretary of state to determine and consider best practices in the design and development of election forms in order to minimize voter confusion and maximize ease of use. Requires the secretary of state to promulgate rules regarding the consistent application of the verification procedures and the approval of election forms.

Changes the day on which election officials at a mail ballot counting place may begin counting mail ballots from 10 days to 15 days prior to the election.

Extends the signature verification deadline for ballots received from absent uniformed services electors serving outside the United States whose ballots are received no later than the close of business on the eighth day following the day of the election.

Requires the designated election official to mail to an eligible elector a letter explaining an identification deficiency on a returned mail-in ballot within 3 days after the receipt of the mail-in ballot by the designated election official, but in no event later than 2 days after election day. Requires the designated election official to count the ballot if the required identification is received within 8 days of election day and the ballot is otherwise valid.

Requires the canvass board of a county to reconcile the ballots cast in each precinct in the county to confirm that the number of ballots cast does not exceed the number of registered electors in the precinct. Requires the canvass board to certify the abstract of votes cast and transmit the certification to the secretary of state. Specifies that a majority of canvass board members' signatures is sufficient to certify the abstract of votes cast. When unable to certify the abstract of votes cast by a majority, requires the canvass board to transmit the noncertified abstract of votes cast to the secretary of state along with a written report detailing the reason for noncertification. Requires the secretary of state to promulgate rules for the purpose of establishing uniformity in the appointment and operation of canvass boards.

**APPROVED** by Governor May 15, 2009

**EFFECTIVE** August 5, 2009

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

**H.B. 09-1337** Ballot processing deadlines - delivery of ballots - counting of mail-in ballots - signature deficiency letters. Requires the designated election official to mail to an eligible elector a letter explaining an identification deficiency on a returned mail ballot within 3 days after receipt of the ballot, but no later than 2 days after election day. Requires the county clerk and recorder to count the ballot if the required identification is received within 8 days of election day.

Changes when a county clerk and recorder must mail to an eligible elector a letter explaining a signature deficiency on a returned ballot from within 2 days after election day to within 3 days after the deficiency has been confirmed, but no later than 2 days after the election.

Requires that mail-in ballots be delivered or mailed to electors no sooner than 22 days before every odd-year, primary, general, and congressional vacancy election.

Changes the date on which a county clerk and recorder may begin counting mail-in ballots to 15 days, instead of 10 days, prior to the election.

**APPROVED** by Governor May 15, 2009

**EFFECTIVE** August 5, 2009

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

**H.B. 09-1357** Campaign finance reports - requirement to file reports with secretary of state instead of county clerk and recorder - appropriation. Requires that specified campaign finance reports (reports) currently required to be filed with the county clerk and recorder be filed instead with the secretary of state (secretary).

Requires candidates in special district elections, the candidate committees of such candidates, political committees in support of or in opposition to such candidates, issue committees supporting or opposing a special district ballot issue, and small donor committees making contributions to such candidates to file reports with the secretary.

Except as specified in statute, requires other candidates, candidate committees, issue committees, political committees, and small donor committees to file reports with the secretary.

Specifies requirements necessary to move control of data pertaining to reports and filings in the electronic filing system maintained by the secretary from county clerk and recorders to the secretary.

Appropriates \$206,053 and 4.3 FTE from the department of state cash fund to the department of state for implementation of the act.

**APPROVED** by Governor June 1, 2009

**EFFECTIVE** July 1, 2009

## FINANCIAL INSTITUTIONS

**H.B. 09-1053** Banking board - administration - regulation of foreign capital depositories - safe deposits. Repeals the "Colorado Foreign Capital Depository Act".

Replaces the position on the banking board (board) held by the executive officer of an industrial bank with an executive officer of a licensed business that transmits money.

Authorizes the board to promulgate public depository safety and soundness standards and to preapprove shelf charters for new banks that assure the assets and liabilities of a bank that is in receivership. Removes the board's authority to regulate companies that provide safe deposit boxes. Clarifies that a bank is not in possession or control of the contents of a safe deposit box. Authorizes a bank to pledge its assets to secure a deposit with a letter of credit issued or confirmed by a federal home loan bank.

**APPROVED** by Governor April 22, 2009

**EFFECTIVE** April 22, 2009

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

**H.B. 09-1346** Federal stimulus act - implementing legislation to allow full utilization of financing instruments. Provides the statutory authority necessary to allow public entities in the state to fully utilize the financing instruments available under the federal economic stimulus act known as the "American Recovery and Reinvestment Act of 2009" (ARRA). Specifically, creates the means by which public entities may finance public projects by issuing or entering into stimulus obligations authorized by ARRA, including build America bonds, clean renewable energy bonds, new clean renewable energy bonds, qualified energy conservation bonds, qualified school construction bonds, qualified zone academy bonds, recovery zone bonds, and related lease-purchase agreements.

Specifies how the volume caps for the various types of stimulus obligations are to be administered in order to ensure that public entities in the state are able to maximize their use of the stimulus obligations. Authorizes 2 or more public entities to contract together to form a recovery and reinvestment act finance authority for the purpose of issuing or entering into stimulus obligations. Requires a public entity that issues or enters into a stimulus obligation authorized by the allocation or reallocation of volume cap to the public entity by one of several specified entities to provide a report containing specified information to the allocating or reallocating entity. To address uncertainty regarding the proper interpretation of ARRA, authorizes the governor to issue executive orders needed to ensure compliance with federal law or to authorize public entities to take full advantage of financing instruments under ARRA.

**APPROVED** by Governor June 2, 2009

**EFFECTIVE** June 2, 2009

## GENERAL ASSEMBLY

**H.B. 09-1112** Fiscal note preparation - information provided to legislative council staff - deadlines - limitations on modifying amount - information required. Requires each state department, agency, or institution to cooperate with and provide information in the manner requested by the legislative council staff for consideration in connection with the preparation of a fiscal note for a legislative measure. Directs the department, agency, or institution to substantiate the calculation of the fiscal impact of the measure in its response and provide documentation supporting that calculation and a narrative discussion justifying any change in workload.

Requires that a response to a request for information meet the deadlines established by the legislative council staff or that the need for additional time to provide the response be specified by the state department, agency, or institution.

Once a fiscal note has been released and made public, prohibits the state department, agency, or institution from modifying the amount of the fiscal impact that was originally calculated for the measure unless the measure has been amended, there is newly discovered information that was previously unavailable, or technical errors are discovered warranting modification of the original calculation and narrative. Requires that information supporting the modification of the fiscal impact be submitted in the manner requested by the legislative council staff by the head of the state department, agency, or institution.

**APPROVED** by Governor March 20, 2009

**EFFECTIVE** August 5, 2009

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

**H.B. 09-1168** Capital development committee - reports from wildlife commission and board of parks and outdoor recreation. Clarifies that when the wildlife commission (commission) or the board of parks and outdoor recreation (board) are to acquire fee title or easements, the commission or board is to approve the transaction prior to submitting a report on the transaction to the capital development committee.

**APPROVED** by Governor April 2, 2009

**EFFECTIVE** August 5, 2009

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

**H.B. 09-1169** Capital development committee - extend repeal. Extends the repeal date of the capital development committee to July 1, 2014.

**APPROVED** by Governor March 20, 2009

**EFFECTIVE** March 20, 2009

## GOVERNMENT - COUNTY

**S.B. 09-1** Community wildfire protection plans - establishment of guidelines and criteria for preparation of plans - addressing fire hazard areas within unincorporated portions of counties. By November 15, 2009, requires the state forester, in collaboration with representatives of the United States forest service, the Colorado department of natural resources, county governments, municipal governments, local fire departments or fire protection districts, electric, gas, and water utility providers in the subject area, and state and local law enforcement agencies, to establish guidelines and criteria for counties to consider in preparing their own community wildfire protection plans (CWPPs) to address wildfires in fire hazard areas within the unincorporated portion of a county.

Requires the state forester to send timely notice of the adoption of the guidelines and criteria to the department of local affairs and statewide organizations representing Colorado counties and municipalities and to post such information on the web site of the Colorado state forest service.

Requires the board of county commissioners of each county, with the assistance of the state forester, to determine whether there are fire hazard areas within the unincorporated portion of the county.

Requires the board of county commissioners, in collaboration with the representatives of the organizations or entities that participated in establishing the guidelines and criteria, to prepare a CWPP to address wildfires in fire hazard areas within the unincorporated portion of the county. In preparing the CWPP, requires the board to consider the guidelines and criteria. Specifies that a county that has already prepared a CWPP as of the effective date of the act and, in connection with such preparation, considered the guidelines and criteria, is not required to prepare a new CWPP to satisfy the requirements of the act. Subject to the CWPP, requires sheriffs, undersheriffs, and deputies to assume charge in the case of wildfires occurring in the unincorporated area of the county.

**APPROVED** by Governor March 19, 2009

**EFFECTIVE** August 5, 2009

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

**S.B. 09-105** Firefighting - property tax levy - repeal of cap. Removes the statutory limit on the amount that may be raised in a single year by a special property tax levied by a board of county commissioners for the purpose of fighting specified types of fires in a county.

**APPROVED** by Governor April 30, 2009

**EFFECTIVE** April 30, 2009

**H.B. 09-1091** Single-family and multi-family dwellings - installation of carbon monoxide alarms - duties - limitation of liability. Requires an operational carbon monoxide alarm to be installed within 15 feet of each room lawfully used for sleeping purposes, or in a location as specified in any local building code adopted by the state or any local government entity in:

- An existing single-family dwelling or dwelling unit of an existing multi-family dwelling offered for sale or transfer on or after July 1, 2009, that has a

- fuel-fired heater or appliance, a fireplace, or an attached garage;
- A single-family dwelling or dwelling unit of a multi-family dwelling that includes either fuel-fired appliances or an attached garage where, on or after July 1, 2009, interior alterations, repairs, fuel-fired appliance replacements, or additions, any of which require a building permit, occurs or where a bedroom is added;
- A single-family dwelling or a dwelling unit in a multi-family dwelling, except those with a specific type of alarm, that have a change in tenant occupancy on or after July 1, 2009, or that includes either fuel-fired appliances or an attached garage where on or after July 1, 2009, interior alterations, repairs, fuel-fired appliance replacements, or additions, any of which require a building permit, occurs or where a bedroom is added.

Requires the real estate commission to require each listing contract for residential real property to disclose the requirements regarding carbon monoxide alarm installation.

Specifies the duties of an owner of any rental property described in the act. Specifies duties of a tenant of any such rental property.

Specifies that nothing in the act shall be construed to limit a municipality, city, home rule city, city and county, county, or other local governmental entity from adopting or enforcing more stringent requirements for the installation and maintenance of carbon monoxide alarms.

Specifies that no person shall have a claim for relief against a property owner, an authorized agent of a property owner, a person in possession of real property, or an installer for any damages resulting from the operation, maintenance, or effectiveness of a carbon monoxide alarm if a carbon monoxide alarm is installed in accordance with the manufacturer's published instructions and the provisions of this article. Specifies that a purchaser shall have no claim for relief against any person licensed pursuant to the statutory provision on real estate for any damages resulting from the operation, maintenance, or effectiveness of a carbon monoxide alarm if such licensed person complies with specified rules. Specifies that the limitation of liability language is not intended to affect any remedy that a purchaser may otherwise have against a seller.

**APPROVED** by Governor March 24, 2009

**EFFECTIVE** March 24, 2009

**H.B. 09-1110** Property tax - residential real property advertised for rent - provision of requested information to assessor. Upon the request of the assessor of a county or a city and county made no more than twice during any year, requires a property owner or an agent of a property owner that advertises furnished residential real property that is located within the county or city and county for rent during any year to provide to the assessor a list that identifies the property by address and, in the case of an agent, by owner and address. Allows an assessor and a property owner or agent to mutually agree that the owner or agent shall annually provide the list to the assessor by a specified date.

Defines an "agent" of a property owner as a real estate broker, a property management company, a lodging company, an internet web site listing service, a print-based listing service, or any other person that either separately or as part of a package of services advertises furnished residential real property in the state for rent on behalf of the owner of the property in exchange for compensation. Specifies that, if taxable personal property that

has been omitted from the assessment roll of any year or series of years is discovered due to a property owner or an agent of a property owner who advertises for rent furnished residential real property providing information to an assessor, the assessor shall not notify the treasurer of any unpaid taxes on the taxable personal property for prior years and the property owner or agent shall not be liable for any such unpaid taxes for prior years.

**APPROVED** by Governor April 22, 2009

**EFFECTIVE** April 22, 2009

**H.B. 09-1162** Intergovernmental agreement between specified local governments and counties to mitigate forest land or wild land fires - components of agreement - division of parks and outdoor recreation - other state agencies - agreement to enter state land for fire mitigation purposes. On or before July 1, 2011, requires each local government that owns any land area that is located either entirely or partially outside its own territorial boundaries and inside the territorial boundaries of a county and that contains a specified percentage of forest land or land that constitutes a wild land area to enter into an intergovernmental agreement with the county for the purpose of mitigating forest land or wild land fires affecting the contiguous land areas of the local government and county. In association with the governmental parties entering into any such intergovernmental agreement, requires the parties to such agreement to consult with any utility providers that have facilities in the areas subject to the agreements to the extent the provisions of the agreements will affect the providers.

Specifies that the intergovernmental agreement shall address:

- The identification of all parties to the agreement and their respective roles and responsibilities with respect to the mitigation of forest land and wild land fires;
- The procedures for cooperation and coordination among the parties to the agreement;
- Management objectives for forest land and wild land fire prevention, preparedness, mitigation, suppression, reclamation, or rehabilitation and designation of the local government with fiscal and operational authority for each objective;
- A description of available emergency or mutual aid resources in the event of forest land and wild land fires;
- The specification of reimbursement and billing procedures; and
- Action that may be undertaken by one party to the agreement if another party to the agreement fails to satisfy its duties or responsibilities under the agreement.

Specifies that nothing in the act shall require any local government to enter into a new agreement if the local government is a party to an agreement in existence as of the effective date of the act, including, without limitation, a mutual aid agreement that satisfies the requirements of the act unless the terms of any such agreement, including a mutual aid agreement, fail to address the responsibility among local governments for mitigating wild land fires in wild land-urban interface areas.

In accordance with existing statutory requirements and pursuant to a contract, intergovernmental agreement, or memorandum of understanding, authorizes the division of parks and outdoor recreation to allow fire mitigation personnel and accompanying equipment and material under the control or supervision of a fire department to enter state parks, state recreation areas, and natural areas for the purpose of mitigating forest land or wild land fires

in or around such parks, recreation areas, and natural areas. Specifies permissible activities to be undertaken by a fire department pursuant to this requirement of the act to include prescribed burning as a component of wildfire mitigation or forest or wild land management and exercises to promote the training of firefighting personnel.

Specifies that nothing in the act shall be construed as affecting the authority of any state agency other than the division of parks and outdoor recreation to enter into a contract, intergovernmental agreement, or memorandum of understanding for the purpose of allowing fire mitigation personnel and accompanying equipment and material under the control or supervision of a fire department to enter land areas under the jurisdiction of the state agency to undertake the permissible activities specified in the act.

**APPROVED** by Governor April 30, 2009

**EFFECTIVE** August 5, 2009

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

**H.B. 09-1203** Fixing of fees - salaries of county officers - reclassification of Montezuma county. Reclassifies Montezuma county from the fourth class of counties to the third class of counties for the purpose of fixing fees. Recategorizes Montezuma county from category IV to category III for the purpose of establishing the salaries of county officers.

**APPROVED** by Governor April 3, 2009

**EFFECTIVE** August 5, 2009

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

**H.B. 09-1250** Allocation of national forest payments received by a county. Requires 25% of the national forest payments received by a county to be allocated to the county road and bridge fund and to the public schools in the county. Permits the county commissioners and representatives from the public schools in the county to meet and agree upon the allocation of the remaining 50% of the national forest payments. Prohibits the spending of any unallocated national forest payments until such time as the parties agree.

In a federal fiscal year in which the state receives less than \$6 million in national forest payments, permits the county commissioners and representatives from the public schools in the county to meet and agree upon the allocation of 100% of the national forest payments to either the county road and bridge fund or the public schools in the county. Prohibits the spending of any unallocated national forest payments until such time as the parties agree.

**APPROVED** by Governor May 11, 2009

**EFFECTIVE** August 5, 2009

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

**H.B. 09-1252** Local access to health care pilot program - expansion to San Luis valley - prioritization of vendors for performing pilot program functions - report - repeal. Expands the "Local Access to Health Care Pilot Program Act" to allow the creation of a pilot program

in the San Luis valley. Authorizes the San Luis valley county commissioners association (association) to create a pilot program to provide access to health care services to individuals employed by San Luis valley employers who are uninsured and ineligible for participation in programs available under the "Colorado Medical Assistance Act", the "Children's Basic Health Plan Act", or medicare pursuant to Title XVIII of the federal "Social Security Act".

Permits the association to contract with a nonprofit corporation for purposes of operating the pilot program. Allows the contractor to prioritize a selection of vendors that are capable, existing local entities to assist in the performance of the daily functions of the pilot program, which functions include the implementation of health benefit designs, payment of hospital and professional claims for services, provision of employer group billing, provision of actuarial and underwriting experience, and management of enrollment and eligibility for participation in the pilot program.

Requires the association and the contractor to submit a report to the general assembly by March 15, 2014, with distribution to the commissioner of insurance, the local government committee of the house of representatives, and the local government and energy committee of the senate, regarding the activities of the San Luis valley pilot program. Specifies that the report is to detail the following information:

- An assessment of whether the pilot program has benefitted the San Luis valley, employers located in the valley, and individuals and families eligible to participate in the pilot program;
- The number of eligible individuals and employers participating in the pilot program;
- The number of months that participating individuals were uninsured prior to enrolling in the pilot program; and
- Any other pertinent information.

Repeals the authority of the association to create a pilot program or contract for the operation of the pilot program on July 1, 2014.

**APPROVED** by Governor June 2, 2009

**EFFECTIVE** June 2, 2009

## GOVERNMENT - LOCAL

**S.B. 09-180** Firefighters - right to bargain collectively - exclusive representative for collective bargaining - good faith requirement - impasse - arbitration - strikes prohibited - existing bargaining relationships - right to sue - exemptions from act. Grants firefighters the right to:

- Organize, form, join, or assist an employee organization or to refrain from doing so;
- Negotiate collectively or express a grievance through representatives of their choice;
- Engage in other lawful concerted activity for the purpose of collective bargaining or other mutual aid or protection; and
- Be represented by their exclusive representative without discrimination.

Makes an employee organization recognized or elected for collective bargaining the exclusive representative of all the firefighters in the bargaining unit for the purpose of collective bargaining. Prohibits a fire department from bargaining on matters covered by the act with any other employee or group. Grants the exclusive representative the right to be present and express its views at the adjustment of a complaint made by a member of the bargaining unit without the intervention of the exclusive representative. Allows an exclusive representative to have dues and other moneys deducted from the pay of firefighters who authorize the deduction.

Authorizes and obligates a public employer and an exclusive representative to bargain collectively in good faith. Requires that any agreements negotiated between an exclusive representative and a public employer, along with any terms approved by the voters of the political subdivision of the public employer, constitute the collective bargaining agreement between the parties. Requires a collective bargaining agreement to be for a term of one to 3 years. Allows a party to request collective bargaining by sending notice to the other party by March 1 of the last year of the collective bargaining agreement, and requires the parties to begin collective bargaining by April 15 once the notice has been given. Deems an impasse to exist if the parties fail to reach a collective bargaining agreement within 30 days after the beginning of collective bargaining. States that a collective bargaining agreement may require all members of the bargaining unit, as a condition of employment, to pay the exclusive representative's fees and expenses in negotiating and enforcing the agreement.

If an impasse exists, requires the parties to allow an arbitration organization to appoint an advisory fact-finder to hold a hearing on the unresolved issues and make recommendations on which party's final offer on each issue should be accepted. Specifies the factors that the advisory fact-finder shall consider. Gives the parties 10 days to consider the advisory fact-finder's recommendations and conduct further negotiations. If either party rejects the recommendations, states that the final offers of the parties on the unresolved issues shall be submitted to the voters of the political subdivision of the public employer at a special election.

Prohibits firefighters and firefighter employee organizations from striking.

States that existing bargaining units and exclusive representatives, as of the effective date of the act, shall remain as such unless modified by agreement or election in accordance with the act. Exempts from the act bargaining relationships created by charter, ordinance, resolution, or voluntary recognition before the effective date of the act.

Allows firefighters and employee organizations to file a petition with the division of labor in the department of labor and employment for the director of the division to contact the American arbitration association to conduct secret-ballot elections to certify or decertify an employee organization as the exclusive representative of a bargaining unit.

Grants a firefighter or employee organization standing to sue to enforce the provisions of the act.

Exempts public employers that employ less than 50 firefighters from the act.

**VETOED** by Governor June 4, 2009

**S.B. 09-227** Fire and police pension association - assistance with unfunded accrued liability of old hire plans - temporary elimination of state assistance - extension of amortization period - budget balancing act - elimination of FY 08-09 appropriation. For the 2008-09, 2009-10, and 2010-11 state fiscal years, eliminates the state's annual contribution to the fire and police pension association (FPPA) to assist in amortizing the unfunded accrued liability of old hire pension plans. Resumes the state's annual contribution to the FPPA beginning in the 2011-12 state fiscal year, and extends such annual contribution through the 2014-15 state fiscal year.

Extends the amortization period for old hire pension plans that are underfunded but no longer receive state assistance.

**APPROVED** by Governor April 16, 2009

**EFFECTIVE** April 16, 2009

**H.B. 09-1024** Local government audit law - reporting requirements for specified entities - annual audits - audits by housing authorities. Requires certain entities that are not otherwise subject to certain provisions of the Colorado local government audit law to comply with certain additional reporting requirements specified in the audit law when preparing the annual audit report required of the entities.

Requires the audit required for housing authorities to be completed and the audit report thereon submitted by the auditor to the housing authority within seven months after the close of the fiscal year of the housing authority.

**APPROVED** by Governor March 18, 2009

**EFFECTIVE** September 1, 2009

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

**H.B. 09-1118** Meetings of various boards - records of proceedings - manner in which records are kept. Eliminates the requirement that the official charged with keeping the records for certain governmental entities keep the records in a book, and instead requires the records to be kept in a visual text format that can be transmitted electronically.

Authorizes records of the proceedings before the public utilities commission to be

recorded electronically if deemed appropriate by the commission, a commissioner, or an administrative law judge, as applicable.

**APPROVED** by Governor April 16, 2009

**EFFECTIVE** August 5, 2009

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

**H.B. 09-1200** Proposed legislation - fiscal impact on counties - legislative council to consider. Requires the staff of the legislative council (legislative council) to consider the fiscal impact of proposed legislation on counties when preparing the local government impact section of a fiscal note, including potential staffing and other administrative aspects.

Requires the legislative council to request from a statewide association of county commissioners fiscal information regarding the impact of the proposed legislation on certain counties to be determined by the association.

Requires the legislative council to consider any information received from the association when completing the local government section of any fiscal note.

**APPROVED** by Governor April 22, 2009

**EFFECTIVE** August 5, 2009

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

## GOVERNMENT - MUNICIPAL

**S.B. 09-17** Fire and police pension association - disability and survivor benefits. Makes the following changes related to police officers' and firefighters' disability and survivor benefit plans:

- Removes the requirement that an unmarried child between the ages of 19 and 23 be in school in order to be classified as a dependent child.
- Repeals an obsolete provision related to the ability of a member of a benefit plan to elect different disability benefit options.
- Repeals the authority of the board of directors of the fire and police pension association (board) to establish a supplemental disability benefit program.
- Repeals an earned income offset for occupational disability benefits.
- Offsets disability or survivor benefits by the amount of payments from a statewide defined benefit pension plan.
- Modifies an employer's obligation to make contributions to a retirement plan while a member is receiving temporary occupational disability payments.
- Permits the board to give a disability benefit to a member injured on duty who has a permanent occupational disability or a temporary occupational disability.
- With the exception of a surviving spouse of a member who was occupationally disabled, permits a surviving spouse to continue receiving survivor benefits upon remarriage.

**APPROVED** by Governor March 25, 2009

**EFFECTIVE** March 25, 2009

**H.B. 09-1030** Fire and police pension association - internal revenue code requirements for plans - master plan for old hire pension plans. Requires old hire pension plans to meet the qualification requirements that apply to governmental plans established by the internal revenue code. For old hire pension plans, volunteer firefighter pension plans, and plans in the fire and police pension association defined benefit system:

- Eliminates specific requirements that were intended to ensure that the plans meet the qualification requirements established by the internal revenue code; and
- Grants the applicable governing board the authority to adopt any provision for a plan that is necessary to comply with the internal revenue code.

Allows the board of directors of the fire and police pension association (board) to create a master plan document for old hire pension plans and to submit the master plan document to the internal revenue service (IRS) for a determination of the document's status as a qualified plan under the internal revenue code. Establishes what must be included in the master plan document and when the master plan document may be modified or amended. Establishes that the board may require an affiliated board to adopt the master plan document or to obtain IRS approval for its own old hire pension plan. Specifies that an affiliated board is not precluded from seeking IRS approval for its own old hire pension plan.

**APPROVED** by Governor March 18, 2009

**EFFECTIVE** August 5, 2009

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

## GOVERNMENT - SPECIAL DISTRICTS

**S.B. 09-87** Special districts - electronic availability of audit, budget, and election information - maps - mail-in voters - notice to electors - real estate transaction disclosures. Requires information about special district audits and budgets to be posted on the official web site of the division of local government in the department of local affairs (division). Requires the secretary of state to post on the department of state's official web site certified special district election results, which the division is required to provide to the secretary.

Permits the division to establish a standard form for the annual report that the board of directors of a special district (board) may use when submitting the report.

On or before January 1, 2010, requires a special district to file a current, accurate map of its boundaries with the county clerk and recorder in each of the counties in which the special district or a part thereof extends.

Establishes a procedure for metropolitan districts of a certain size and with a certain amount of annual revenue to receive a list of the names and addresses of registered electors who live in the metropolitan district and who have applied for permanent mail-in voter status. Requires the metropolitan district to mail a mail-in ballot to each eligible elector on the list.

Requires the board to annually provide notice to eligible electors that includes specified information about the special district and its elections.

Modifies the disclosures about special districts that a seller of residential real property is required to provide to a purchaser.

**APPROVED** by Governor June 1, 2009

**EFFECTIVE** June 1, 2009

**S.B. 09-141** Fountain creek watershed, flood control, and greenway district - creation - boundaries - governance - powers and duties. Creates the Fountain creek watershed, flood control, and greenway district. Specifies the boundaries, governance, and powers and duties of the district.

**APPROVED** by Governor April 30, 2009

**EFFECTIVE** April 30, 2009

**H.B. 09-1005** Special districts - special improvement districts within special district boundaries. With specified requirements, grants a special district the authority to establish special improvement districts within the boundaries of the special district and levy special assessments on property specially benefited by such improvements.

Specifies the methods for:

- Creating a special improvement district;
- Making the improvements specified for the special improvement district; and
- Levying and collecting assessments for the costs of the improvements specified for the special improvement district.

**APPROVED** by Governor April 2, 2009

**EFFECTIVE** April 2, 2009

**H.B. 09-1041** Fire protection districts - powers and duties - fees for services provided. Allows the board of any fire protection district to fix and from time to time increase or decrease fees for extrication, rescue, or safety services provided in furtherance of ambulance or emergency medical services. Specifies what is included in extrication, rescue, or safety services.

**APPROVED** by Governor June 3, 2009

**EFFECTIVE** August 5, 2009

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

**H.B. 09-1072** Library districts - powers and duties of state librarian - procedural requirements affecting written agreement for establishment of joint library or library district - appointment of initial boards of trustees of library districts - requirement of employment of director of board of library district - clarification of duties of director and responsibilities of board. Modifies statutory provisions addressing the governance of library districts in the following respects:

- Expands the powers and duties of the state librarian to include serving as the repository of the bylaws and the legal service area maps of all library districts within the state.
- In connection with the establishment of a joint library or library district, authorizes the deadline for execution of a written agreement between the legislative body of each participating governmental unit and the library board of trustees (board) to be extended by mutual agreement of the parties. Specifies matters that may be addressed in the agreement.
- In a library district established by only one governmental unit, clarifies that the legislative body of the governmental unit shall decide the number of its members to be appointed to the committee formed to appoint the initial board of trustees. In a library district established by more than one governmental unit, specifies that the legislative body of each participating governmental unit shall appoint a specified number of its members to a committee that shall appoint the initial board of trustees.
- Requires a copy of the bylaws of a library district to be filed with the legislative body of each participating governmental unit and the state library.
- Requires the board to employ a director, and specifies the duties of the director. Clarifies the responsibility of the board in certifying to the applicable legislative body of the governmental unit the amount of the mill levy necessary to maintain and operate the library during the ensuing year. Requires the board to maintain a current, accurate map of its legal service area and ensure the map is on file with the state librarian. Clarifies the person or entities to which the board is to submit an annual report.
- Where a school board, legislative body, or board of county commissioners has received a request from a board to alter the maximum tax levied to support the library, clarifies the responsibility of the school board, legislative body, or board of county commissioners in causing to be submitted to a vote of the registered electors a proposition on the tax levy.
- Clarifies the responsibility of the board in carrying insurance instead of a bond in connection with the transfer of the library's money into the custody of the

board.

**APPROVED** by Governor April 2, 2009

**EFFECTIVE** August 5, 2009

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

**H.B. 09-1217** Local improvement districts - creation - service improvements - funding.  
Allows for the creation of a local improvement district (district) for the purpose of constructing, installing, acquiring, or funding service improvements, including but not limited to gas, electric, geothermal, telecommunications, cable, and information services improvements within the district.

Requires any district and the county that formed the district to implement funding in a nondiscriminatory and technologically and competitively neutral manner.

Prohibits any district or the county that formed the district from providing any utility services and from gaining any right, title, or interest in any service improvement funded by the district.

**APPROVED** by Governor May 14, 2009

**EFFECTIVE** August 5, 2009

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

## GOVERNMENT - STATE

**S.B. 09-13** Firefighters - volunteer fire departments - immunity - donated equipment - participation in emergency response efforts. Enacts the "Marc Mullenix Volunteer Firefighter Protection Act", providing limited civil immunity for:

- Fire departments and other entities that donate surplus firefighting equipment; and
- Volunteer firefighters, their commanders, and the organizations that direct them in connection with fires and other emergencies.

**APPROVED** by Governor June 3, 2009

**EFFECTIVE** June 3, 2009

**S.B. 09-20** Prairie, forest, and wild land fire prevention and suppression - fire protection districts - county sheriffs - state forest service - general authority and responsibilities.

### **Wild land fire prevention and suppression**

- Makes the chief of the fire department (fire chief) in each fire protection district (district) in the state responsible for the management of wild land fires that occur within the boundaries of the district and that are within the capability of the district to control or extinguish. Authorizes the fire chief to utilize mutual aid agreements and unified command with neighboring districts to suppress and control fires that cross or threaten to cross the boundaries of the fire chief's district. Permits the fire chief to transfer any duty or responsibility the fire chief may assume under this section to the county sheriff with the concurrence of the sheriff.
- Makes the sheriff of every county, in addition to his or her other duties, the fire warden of the county and responsible for the planning for, and the coordination of, efforts to suppress wildfires occurring in the unincorporated area of the county outside the boundaries of a district or that exceed the capabilities of the district to control or extinguish.
- In the case of a wildfire that exceeds the capabilities of the district to control or extinguish and that requires mutual aid and outside resources, requires the sheriff to appoint a local incident management team to provide the command and control infrastructure required to manage the fire. Requires the sheriff to assume financial responsibility for fire fighting efforts on behalf of the county, and grants the sheriff the authority to order and monitor resources.
- In the case of a wildfire that exceeds the capability of the county to control or extinguish, makes the sheriff responsible for seeking the assistance of the state by requesting assistance from the forest service. Requires the sheriff and the state forester to enter into an agreement concerning the transfer of authority and responsibility for fire suppression and the retention of responsibilities under a unified command structure.
- Makes the forest service the lead state agency for wild land fire suppression as identified in the Colorado state emergency operations plan and in accordance with the provisions of existing law governing the forest service. Specifies additional powers of the forest service in connection with wild land fire prevention and suppression.
- Makes the first emergency response agency to arrive at the scene of a wild land fire, regardless of whether the incident occurs within its jurisdiction, incident commander and responsible for the initial emergency action necessary to

control the wild land fire or to protect life or property until the emergency response agency that has jurisdiction over the incident site arrives.

**County wildfire preparedness plan.**

Authorizes the sheriff of each county to develop and update as necessary a wildfire preparedness plan for the unincorporated area of the county in cooperation with any district with jurisdiction over such unincorporated area. Specifies required components of the plan. Requires the plan to be agreed upon by all participants in the plan to the extent practicable.

**Public funds**

Permits the governor's emergency fund, or other funds available to the Colorado state forest service, to be used for the purpose of preventing and suppressing wild land fires.

**Duties of the sheriff and other parties in connection with the prevention or suppression of prairie, forest, or wild land fires**

- Makes the sheriff responsible for coordinating efforts to suppress prairie and forest in addition to wild land fires occurring in the unincorporated area of the county.
- Makes it the duty of the sheriff to assume the responsibility for coordinating fire suppression efforts in case of any prairie, forest, or wild land fire occurring in the unincorporated area of the county outside the boundaries of a district or that exceed the capabilities of the district to control or extinguish.
- In the case of a prairie, forest, or wild land fire occurring within the boundaries of one or more districts that do not exceed the capabilities of the district to control or extinguish, authorizes the sheriff to assist the fire chief in controlling or extinguishing such fires, and, in connection with such assistance, authorizes the sheriff to solicit such additional assistance from such persons as the sheriff and the fire chief deem necessary. Authorizes the sheriff to assume command of such incidents with the concurrence of the fire chief.
- In the case of a prairie, forest, or wild land fire that exceeds the capabilities of the district to control or extinguish and that requires mutual aid and outside resources, requires the sheriff to appoint a local incident management team to provide the command and control infrastructure required to manage the fire. Requires the sheriff to assume financial responsibility for fire fighting efforts on behalf of the county and the authority for the ordering and monitoring of resources.
- Authorizes the state forester to assume any duty or responsibility given to the sheriff with the concurrence of the sheriff.
- Authorizes the board of county commissioners of any county to allow the sheriff, undersheriffs, deputies, municipal, or county fire departments, districts, fire authorities, and such other persons as may be called upon to assist in controlling or extinguishing a prairie, forest, or wild land fire such compensation and reimbursement for other expenses necessarily incurred as the board deems just.
- Authorizes the board of county commissioners of any county in the state to make such appropriation as it may deem proper for the purpose of controlling fires in its county. Authorizes the board of county commissioners to levy a special tax subject to approval of the voters upon every dollar of valuation of assessment of the taxable property within the county for the purpose of creating a fund that shall be appropriated, after consultation with representatives of fire departments, districts, and fire authorities in the county, to prevent, control, or extinguish such fires anywhere in the county and to fix

the rate of levy.

Makes certain provisions contingent upon the passage of Senate Bill 09-001.

**APPROVED** by Governor April 30, 2009

**EFFECTIVE** April 30, 2009

**Note:** Senate Bill 09-001 was signed by the governor March 19, 2009.

**S.B. 09-21** Volunteer firefighters - local community college tuition vouchers. Directs the division of fire safety in the department of public safety (division) to collaborate with the state board for community colleges and occupational education and the boards of trustees of junior college districts to develop a system to provide tuition vouchers to qualified volunteer firefighters who are enrolled in full-time or part-time study and who agree to serve as volunteer firefighters for no less than 4 years after completing their education.

Creates the volunteer firefighter tuition voucher fund (fund) administered by the division and consisting of gifts, grants, or donations from private or public sources that the division is required to seek and accept.

Allows the division to pay for the tuition vouchers from existing appropriations if the fund does not have sufficient moneys to pay for the tuition vouchers.

**APPROVED** by Governor June 3, 2009

**EFFECTIVE** August 5, 2009

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

**S.B. 09-31** Office of economic development - clean technology discovery evaluation grant program. Creates the clean technology discovery evaluation grant program (program) in the Colorado office of economic development (office) for the purpose of improving and expanding the development of new clean technology discoveries. Requires the office to administer the program and the director of the office to consult with a Colorado-based clean technology industry association in implementing the program.

Specifies that the program shall provide grants to offices of technology transfer at higher education research institutions, early-stage clean technology companies, and private entities. Specifies eligibility criteria for offices of technology transfer and early-stage clean technology companies that seek a grant from the program. Specifies reporting requirements for the office and for offices of technology transfer that receive grants from the program. Creates the clean technology discovery evaluation cash fund (fund) for the costs associated with implementing and administering the program. Authorizes the office to seek and accept gifts, grants, and donations for the implementation of the program. Authorizes the governor or the office to direct moneys to the fund for the implementation of the program.

**APPROVED** by Governor May 4, 2009

**EFFECTIVE** May 4, 2009

**S.B. 09-41** Private activity bond ceiling allocation - application fees - deadlines. Clarifies and defines the following fees the department of local affairs may charge for the costs associated with the administration of the "Colorado Private Activity Bond Ceiling Allocation

Act":

- The direct allocation fee;
- The statewide balance application fee; and
- The statewide balance issuance fee.

Reorganizes the creation of the private activity bond allocations fund. Excludes the fund from the laws regarding the limit on uncommitted reserves and specifies the fund's own target reserve. Establishes when fees must be reduced and when they may be increased.

Allows the executive director of the department of local affairs to contract with a private person, corporation, or entity for the review of applications for bonding authority from the statewide balance for industrial development bonds.

Makes changes to deadlines for allocation and reporting requirements.

**APPROVED** by Governor March 25, 2009

**EFFECTIVE** March 25, 2009

**S.B. 09-47** Crime victim services advisory board - creation. Creates the crime victim services advisory board (board) in the division of criminal justice in the department of public safety (division). Repeals the victims compensation and assistance coordinating committee and the victims assistance and law enforcement advisory board.

Requires the executive director of the department of public safety to appoint the members of the board. Establishes the composition of the board membership, the term of board membership, and other provisions concerning board membership.

Specifies the powers and duties of the board, including:

- Establishing a subcommittee for the development of standards and sanctions for victim compensation and local victims assistance and law enforcement programs;
- Establishing a victim rights subcommittee;
- Distributing profits from crime; and
- Advising the division concerning the award of grants for services for crime victims.

Removes specifications as to which agencies and organizations may apply for a grant to provide services to crime victims.

**APPROVED** by Governor April 16, 2009

**EFFECTIVE** July 1, 2009

**S.B. 09-65** Legislative audit committee - elimination of quadrennial audit of public safety communications trust fund. Deletes the existing statutory requirement that the legislative audit committee quadrennially review the administration of and expenditures from the public safety communications trust fund.

**APPROVED** by Governor March 25, 2009

**EFFECTIVE** August 5, 2009

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

effective date, see page vi of this digest.

**S.B. 09-66** Public employees' retirement association - Colorado public officials' and employees' defined contribution plan - merger - administration and transfer of assets - abolition of state deferred compensation committee - appropriation. Merges the state of Colorado public officials' and employees' defined contribution plan (state DC plan) into the defined contribution plan of the public employees' retirement association (PERA DC plan) as of July 1, 2009. States that participants in the state DC plan become members of the PERA DC plan and that individual participant accounts in the state DC plan become individual participant accounts in the PERA DC plan. Allows for the administration of the transfer of assets and records.

Specifies that an employer shall be responsible for ensuring that an eligible employee is given the opportunity to elect to be a member of the PERA defined benefit plan or the PERA DC plan. Specifies eligibility requirements for electing to be a member of the PERA DC plan.

Specifies that a current member of the state DC plan as of the date of the transfer shall not be subject to the vesting schedule of the PERA DC plan and instead shall be fully vested in the employer's portion of contributions to the plan. Specifies circumstances in which employees shall be subject to a new vesting schedule.

Allows certain public officials and elected employees who were eligible to participate in the state DC plan before January 1, 2006, to elect to change between the PERA DC plan and PERA's defined benefit plan during the annual open enrollment period.

Abolishes the state deferred compensation committee and requires the PERA board to assume the administration of and fiduciary responsibility for the state deferred compensation plan. Authorizes the board to set the terms and conditions of the deferred compensation plan, and creates a separate trust fund to hold the assets of the plan. Specifies procedures for new employers to affiliate with the deferred compensation plan and employees to participate in the plan. Requires the expenses of administering the deferred compensation plan to be paid from either the investment earnings or account balances of the deferred compensation plan. Specifies requirements concerning investments made, and financial losses experienced, by members of the plan.

For the implementation of the act, makes adjustments to appropriations to the division of human resources in the department of personnel made in the 2009 general appropriation act.

**APPROVED** by Governor March 31, 2009    **PORTIONS EFFECTIVE** March 31, 2009  
**PORTIONS EFFECTIVE** July 1, 2009

**S.B. 09-88** State employee group benefit plans - domestic partners covered as dependents. For state employee group benefit plans issued or renewed on or after July 1, 2010, adds a state employee's domestic partner to the list of dependents eligible for coverage under state employee group benefit plans. Defines "domestic partner", for purposes of qualifying as the dependent of a state employee, as an adult at least 18 years of age:

- Who is of the same gender as the state employee;

- With whom the state employee has shared an exclusive, committed relationship for at least one year with the intent for the relationship to last indefinitely;
- Who is not related to the state employee by blood to a degree that would prohibit marriage under state law; and
- Who is not married to another person.

**APPROVED** by Governor May 18, 2009

**EFFECTIVE** August 5, 2009

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

**S.B. 09-92** State-owned motor vehicles - motor vehicles that operate on compressed natural gas - purchase requirements. Requires the executive director of the department of personnel (executive director) to purchase motor vehicles that operate on compressed natural gas, subject to their availability and the availability of adequate fuel and fueling infrastructure, in preference to other types of flexible fuel vehicles, hybrid vehicles, or nonflexible fuel vehicles, unless the cost of the vehicle is prohibitive.

Requires the executive director to prepare a report in 2010 to specified legislative committees regarding the decision to purchase or to decline to purchase motor vehicles that operate on compressed natural gas.

**APPROVED** by Governor April 20, 2009

**EFFECTIVE** August 5, 2009

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

**S.B. 09-96** Higher education - capital construction projects - 6-month contracting requirements. Exempts capital construction projects at institutions of higher education that are funded with federal moneys from the requirement that a contract be executed and encumbered within 6 months after the date of the appropriation.

**APPROVED** by Governor March 25, 2009

**EFFECTIVE** March 25, 2009

**S.B. 09-99** Procurement - statewide centralized electronic procurement system - division of purchasing - appropriation. For purchasing agencies that access the centralized database of businesses interested in providing goods and services to the state, eliminates the reimbursement entitlement for expenses incurred in the use and maintenance of the database.

Directs the executive director of the department of personnel to develop and implement a centralized electronic procurement system (system) for state procurement services. Directs the executive director to set and collect fees to cover the direct and indirect costs of implementing and maintaining the system. Authorizes the executive director to collect moneys from cooperative purchasing organizations for procurement support.

Creates the electronic procurement program account within the supplier database cash fund. Specifies that revenues collected from the fees imposed to cover the costs of the system and any moneys received from cooperative purchasing organizations shall be credited

to the account.

Eliminates an obsolete provision regarding the transfer of moneys from the supplier database cash fund to the general fund.

Appropriates \$63,384 and 1.0 FTE to the department of personnel for the implementation of this act.

**APPROVED** by Governor June 4, 2009

**EFFECTIVE** June 4, 2009

**S.B. 09-101** State historical fund - cities receiving portion of moneys - independent historic preservation commission - creation. Prohibits the governing body of any city receiving moneys from the state historical fund for historic preservation and restoration purposes that is not a certified local government as defined in federal law (city) from expending such moneys. Requires the governing body of the city to create an independent restoration and preservation commission (commission) with the authority to expend such moneys.

Establishes the composition and operation of a commission.

**APPROVED** by Governor June 4, 2009

**EFFECTIVE** August 1, 2009

**S.B. 09-109** Fire service training and certification advisory board - continuation under sunset law - continuation of related provisions. Continues indefinitely the fire service training and certification advisory board (board) in the division of fire safety within the office of preparedness, security, and fire safety in the department of public safety, under the provisions of the sunset law. Continues the following, related to the board:

- Statutory provisions describing the duties of the board;
- Statutory provisions related to education and training programs and certification programs;
- The firefighter and first responder certification fund; and
- The fire service education and training fund.

Changes the statutory reference to the department of public health and environment's emergency medical services and prevention division, which no longer exists, to the emergency medical and trauma services section within the health facilities and emergency medical services division of such department.

**APPROVED** by Governor April 20, 2009

**EFFECTIVE** July 1, 2009

**S.B. 09-110** Colorado civil rights division - civil rights commission - continuation under sunset law - subpoena powers - initiation of complaints by commission. Implements the recommendations of the department of regulatory agencies in its sunset review of the Colorado civil rights division (division), the Colorado civil rights commission (commission), and the subpoena powers of the director of the division (director) as follows:

- Continues the commission and the division and their respective functions through July 1, 2018.
- Continues the subpoena powers of the director in employment discrimination

cases, extends those powers to all other civil rights cases under the jurisdiction of the division and the commission, and eliminates the separate sunset review of the subpoena powers of the director.

- Authorizes the commission, a commissioner, or the attorney general to initiate a charge of a discriminatory or unfair practice in cases that indicate a significant societal or community impact and limits the remedy in such cases to equitable relief to eliminate the discriminatory or unfair practice.
- Authorizes the director to delegate certain tasks to division staff, including the ability to sign a determination of probable cause.
- Reassigns to the division some procedural tasks that are statutorily assigned to the commission but are currently performed by the division, including the intake and processing of complaints alleging a discriminatory or unfair practice and the issuance of right-to-sue letters.
- Eliminates the requirement that charges of discriminatory or unfair practices be filed in duplicate.
- Adds to the definition of "discriminatory or unfair employment practice" adverse employment actions that impact an employee's terms, conditions, or privileges of employment.
- Harmonizes provisions relating to discrimination in places of public accommodation to ensure that the remedies apply to unlawful retaliation against persons who complain of unlawful discrimination in places of public accommodation.

Makes the act effective July 1, 2009, and applicable to causes of action alleging discriminatory or unfair practices accruing on or after that date.

**APPROVED** by Governor May 11, 2009

**EFFECTIVE** July 1, 2009

**S.B. 09-173** Economic development - regional tourism projects, authorities, and zones - financing entities - state sales tax increment revenue. Creates a mechanism for a local government to undertake a regional tourism project (project) to attract out-of-state visitors, to create a regional tourism zone (zone) in which the project will be built, and to create a regional tourism authority (authority) or to designate a financing entity with the power to receive and utilize the portion of revenues derived from the state sales tax collected in the zone that is above a designated base amount (state sales tax increment revenue) to be used to finance eligible improvements related to the project.

Allows any local government to apply to the Colorado office of economic development (office) and the Colorado economic development commission (commission) to undertake a project, and in connection with the project, to form a zone and an authority or to designate a metropolitan district or urban renewal authority as the approved financing entity. Specifies the information that a local government is required to include in the application for a project and the criteria that the project is required to satisfy to be approved. Requires the director of the office (director) to review each application for a project and to make an initial determination regarding whether the application meets the specified criteria.

After reviewing each application, requires the director to forward each application to any county where the project will be implemented and to municipalities adjacent to the project for an opportunity to review the application and to submit comments to the commission. In addition, requires the director to forward the application to the commission with a recommendation regarding whether the project should be approved, denied, or

approved with conditions.

Prohibits the commission from approving more than two projects and from approving a project that would likely create a state sales tax revenue dedication of more than \$50 million per year.

Requires the commission to hold a public hearing to review and consider applications for a project. After the hearing has been held, directs the commission to review each application and to approve or reject the project. If the commission approves the project, requires the commission to adopt a resolution specifying certain information about the project, including the percentage of the state sales tax increment revenue that will be dedicated to the project.

Requires the commission to authorize the creation of an authority to receive and spend state sales tax increment revenue if the commission otherwise approves the request for an application for a project that includes a request for the formation of an authority. Specifies that an authority shall be governed by a board consisting of a certain number of members appointed by the commission and a certain number of members appointed by the local government or governments. Specifies the powers of the authority and the manner in which the state sales tax increment revenue shall be divided and used.

Requires the financing entity for a project to submit an annual report to the commission containing specified information including the total amount of state sales tax increment revenue that the project has collected over the past year. Along with the annual report, requires the financing entity to submit an audit of its financial status. Specifies repayment requirements if the audit determines that the financing entity has used state sales tax increment revenue for unauthorized purposes. Requires the department of revenue and the office to submit periodic reports to the general assembly.

Requires work on a project to commence within 5 years of the commission's approval of the project, and authorizes the commission to revoke or modify approval of the project if work has not begun within such time. If work on the project does not commence within 5 years, authorizes the commission to require the financing entity to return to the state any unexpended and unencumbered state sales tax increment revenue collected.

Allows a financing entity to issue bonds to finance eligible improvements in connection with a project.

Directs the department of revenue to establish the base year revenue for a regional tourism zone and to collect, account for, and remit all state sales tax increment revenue to the applicable financing entity.

Authorizes an urban renewal authority or a metropolitan district designated as a financing entity to receive and disburse the state sales tax increment revenue generated within a zone and to act as the financing entity for the zone.

**APPROVED** by Governor June 4, 2009

**EFFECTIVE** June 4, 2009

**S.B. 09-208** Cash fund transfers to augment general fund - FY 08-09 - budget package act. For purposes of augmenting the amount of revenues in the state general fund for the 2008-09 state fiscal year, requires the state treasurer to transfer specified amounts of moneys to the

general fund from the following funds:

- The workers' compensation cash fund;
- The subsequent injury fund;
- The major medical insurance fund;
- The employment support fund;
- The local government limited gaming impact fund;
- The notary administration cash fund;
- The court security cash fund;
- The family-friendly court program cash fund;
- The state commission on judicial performance cash fund;
- The dispute resolution fund;
- The guardian ad litem fund;
- The offender services fund;
- The drug offender surcharge fund;
- The drug offender treatment fund;
- The contingency reserve fund;
- The higher education maintenance and reserve fund;
- The department of state cash fund;
- The capitol complex facilities fund;
- The motor fleet management fund;
- The alcohol and drug abuse community prevention and treatment fund;
- The medical marijuana program cash fund;
- The tobacco program fund;
- The streptococcus cash fund;
- The water quality improvement fund;
- The hazardous substance response fund;
- The recycling resources economic opportunity fund;
- The cathode ray tube recycling fund;
- The youth mentoring services cash fund;
- The student dropout prevention and intervention fund;
- The stroke prevention and treatment cash fund;
- The short-term innovative health program grant fund;
- The Colorado health care services fund;
- The offender mental health services fund;
- The Colorado water conservation board construction fund;
- The perpetual base account of the severance tax trust fund;
- The transportation infrastructure revolving fund; and
- The state rail bank fund.

Except for the transfers from the workers' compensation cash fund, the subsequent injury fund, and the major medical insurance fund on March 30, 2009, and the transfer from the higher education maintenance and reserve fund on June 30, 2009, transfers the moneys on April 20, 2009.

**APPROVED** by Governor April 20, 2009

**EFFECTIVE** April 20, 2009

**S.B. 09-217** Limited gaming fund distributions - reduction in transfer to Colorado travel and tourism fund, state council on the arts cash fund, new jobs incentives cash fund, and film incentives cash fund - budget balancing act - reduction in FY 08-09 appropriation. For fiscal year 2008-09, reduces the transfers to the Colorado travel and tourism promotion fund, the

state council on the arts cash fund, the new jobs incentives cash fund, and the film incentives cash fund from the portion of limited gaming fund moneys that would otherwise be transferred to the general fund after the transfer to the local government limited gaming impact fund.

**APPROVED** by Governor April 2, 2009

**EFFECTIVE** April 2, 2009

**S.B. 09-219** General fund reserve - reduction - FY 2008-09 - budget package act. For the 2008-09 state fiscal year:

- Reduces the statutorily-required general fund reserve from 4% to 2% of the amount appropriated for expenditure from the general fund. Specifies that the amount of general fund moneys made available for appropriation by this reduction in the required reserve may be appropriated during the fiscal year for any lawful purpose.
- If the June 2009 revenue estimate for such fiscal year indicates that general fund expenditures based on appropriations then in effect will exceed the amount of general fund revenues available, excluding the statutorily required reserve, upon written order, the governor may further reduce the 2% reserve to either a lower percentage or a zero percentage as is necessary to cover, to the greatest extent possible, any general fund appropriations for which general fund revenues would not otherwise be available.

**APPROVED** by Governor June 1, 2009

**EFFECTIVE** June 1, 2009

**S.B. 09-228** General fund appropriations limit - statutory reserve - transfers to the highway users tax fund and capital construction fund. Eliminates the 6% limit on the growth of total general fund appropriations (6% appropriations limit), and replaces it with a limit that is equal to 5% of Colorado personal income. If the 6% appropriations limit was used as a trigger for some other event, establishes a new trigger that is based on the amount actually appropriated from the general fund, or in the case of certain tax credits, that is 6% over the general fund appropriations from the prior year.

Beginning in the 2012-13 state fiscal year or a later state fiscal year, if a specified trigger is not met, increases the general fund reserve by 0.5% per year until the reserve is equal to 6.5% of the amount appropriated for expenditure from the general fund for the state fiscal year.

With respect to the general fund surplus, eliminates the automatic transfer to the highway users tax fund (HUTF) and capital construction fund and the discretionary transfer to the controlled maintenance trust fund. Eliminates the diversion of sales and use tax revenue to the sales and use tax holding fund.

For a 5-year period beginning in the 2012-13 state fiscal year or a later state fiscal year if a specified trigger is not met, requires a specified percentage of general fund revenues to be transferred to the HUTF and the capital construction fund; except that such transfers may be reduced or eliminated depending on the amount of state fiscal year spending that is constitutionally required to be refunded for the given state fiscal year.

Prior to January 1, 2016, requires the:

- Capital development committee to develop and make recommendations concerning new methods of financing the state's ongoing capital construction needs and controlled maintenance; and
- Transportation legislation review committee to develop and make recommendations concerning the financing of the completion of the strategic transportation projects identified by the department of transportation as the "seventh pot projects".

**APPROVED** by Governor June 3, 2009

**EFFECTIVE** July 1, 2009

**S.B. 09-232** Federal mineral lease revenues - transfer from local government permanent fund to local government mineral impact fund - distribution requirements. Transfers \$17,000,000 from the local government permanent fund to the local government mineral impact fund. Requires 100% of the transfer to be distributed by the executive director of the department of local affairs in accordance with purposes and priorities described in law, giving priority to the communities most directly and substantially impacted by production of energy resources on federal mineral lands.

**APPROVED** by Governor June 4, 2009

**EFFECTIVE** June 4, 2009

**S.B. 09-234** Colorado economic development commission - statewide enterprise zone - existing enterprise zones - recommendations to general assembly. Directs the Colorado economic development commission (commission), with assistance from the Colorado office of economic development, to develop recommended criteria for the potential creation of a statewide enterprise zone, the expansion of the boundaries of one or more existing enterprise zones, or the modification of existing enterprise zone credits. Specifies the aspects of enterprise zones that the commission shall consider.

Requires the commission, with assistance from the Colorado office of economic development, to submit a report to the general assembly with its recommendations regarding enterprise zones, including recommendations regarding the creation of a statewide enterprise zone.

**APPROVED** by Governor June 1, 2009

**EFFECTIVE** June 1, 2009

**S.B. 09-257** Building Excellent Schools Today Act - modifications to improve efficiency of implementation. For the purpose of allowing more efficient implementation of the "Building Excellent Schools Today Act" (BEST):

- Improves the credit rating of certificates of participation and thereby reduces the cost of associated lease payments under lease-purchase agreements authorized by BEST by clarifying existing statutory language regarding the use of state moneys and local matching moneys to make lease payments and regarding the facilities to be leased and allowing the general assembly to appropriate or transfer moneys from any legally available source to the public school capital construction assistance fund (assistance fund) to make the lease payments if the amount of moneys in the assistance fund will otherwise be insufficient to cover the full amount of the lease payments.
- If and when determined to be necessary by the state treasurer to ensure that

BEST financing complies with applicable federal laws, regulations, and administrative determinations regarding tax-exempt financing:

- Increases the percentage of public school lands income other than public school fund interest and income to be credited to the assistance fund and prohibits public school fund interest or income from being credited to the assistance fund; and
- Requires public school fund interest or income credited to the assistance fund prior to the determination of necessity by the state treasurer to be credited to a restricted account within the assistance fund and used only for purposes authorized by BEST other than the payment of lease payments under lease-purchase agreements authorized by BEST.
- Eliminates the requirement that the director of the division of public school capital construction assistance serve as a nonvoting ex officio member of the public school capital construction assistance board (assistance board).
- Extends through the 2009-10 fiscal year the period for which the assistance board may establish an annual timeline for the BEST financial assistance application process that takes into account any incomplete status of the priority assessment required by BEST, allows awards of financial assistance to be made based on consideration of so much of the assessment as has been completed, and differs from subsequent annual timelines.

**APPROVED** by Governor June 4, 2009

**EFFECTIVE** June 4, 2009

**S.B. 09-269** Tobacco litigation settlement moneys - modification of allocation - budget balancing act - adjustment of FY 09-10 appropriations. To help balance the state budget for fiscal year 2009-10, requires the lesser of \$65,000,000 of tobacco litigation settlement moneys (settlement moneys) in excess of \$15,400,000 of strategic contribution fund moneys or all settlement moneys in excess of \$15,400,000 of strategic contribution fund moneys received in fiscal year 2009-10 to be transferred to the general fund on June 30, 2010. For fiscal year 2010-11 and for each succeeding fiscal year, requires the lesser of \$65,000,000 of settlement moneys in excess of \$15,400,000 of strategic contribution fund moneys or all settlement moneys in excess of \$15,400,000 of strategic contribution fund moneys to be allocated to tobacco litigation settlement programs in the fiscal year in which they are received rather than in the next fiscal year. Exempts working capital for the operation of tobacco settlement programs from the statutory cap on the amount of an advance without interest that the state controller may make to any department, institution, or agency of state government.

Suspends the 1% annual increase in the percentage of settlement moneys allocated for the Colorado nurse home visitor program mandated by current law for fiscal year 2009-10, and thereby reduces the percentage of settlement moneys allocated for the program by 1% for each subsequent fiscal year until the 19% maximum percentage allocation specified in current law is reached. Requires all disputed payments of settlement moneys received by the state during fiscal years 2008-09, 2009-10, and 2010-11 to be credited to the general fund.

Requires all settlement moneys in excess of \$100,000,000 that would otherwise be allocated to tobacco settlement programs for fiscal year 2009-10 to instead be transferred to the general fund on the effective date of the act. Requires the following transfers to be made on June 1, 2009:

- \$1,000,000 from the general fund to the children's basic health plan trust;
- \$478,000 from the general fund to the nurse home visitor program fund; and
- \$1,100,000 from the tobacco litigation settlement cash fund to the general fund, which shall be accommodated by an offsetting reduction in the fiscal year 2009-10 allocation to the short-term innovative health program grant fund.

For fiscal year 2009-10, appropriates \$128,692 from the AIDS and HIV prevention fund, which generally funds only the HIV and AIDS prevention grant program, to the AIDS drug assistance program. Adjusts fiscal year 2009-10 long bill appropriations.

**APPROVED** by Governor June 1, 2009

**EFFECTIVE** June 1, 2009

**S.B. 09-270** Tobacco tax funded cash funds - crediting of investment proceeds to general fund for specified fiscal years - budget balancing act. Requires all interest and income derived from the deposit and investment of moneys in the tobacco tax cash fund, the health care expansion fund, the primary care fund, the tobacco education programs fund, the prevention, early detection, and treatment fund, and the health disparities grant program fund during the 2008-09, 2009-10, 2010-11, and 2011-12 fiscal years to be credited to the general fund.

**APPROVED** by Governor May 1, 2009

**EFFECTIVE** May 1, 2009

**S.B. 09-271** Use of tobacco revenues - state fiscal emergency - budget package act. Pursuant to the declaration of a state fiscal emergency in Senate Joint Resolution 09-035, for the 2009-10 fiscal year only:

- Allows up to \$15 million of the moneys in the primary care fund to be appropriated for any health-related purpose and to serve populations enrolled in the children's basic health plan and the Colorado medical assistance program at the programs' respective levels of enrollment as of January 1, 2005;
- Expands the purposes for which tobacco tax revenues in the tobacco education programs fund and the prevention, early detection, and treatment fund may be used to include any health-related purpose and to serve populations enrolled in the children's basic health plan and the Colorado medical assistance program at the programs' respective levels of enrollment as of January 1, 2005.

Adjusts the appropriation to the department of health care policy and financing in the 2009 annual general appropriation act by:

- Decreasing the general fund appropriation for medical services premiums by \$27,400,000;
- Increasing the cash fund appropriation for medical services premiums by \$27,400,000, including \$8 million from the tobacco education programs fund; \$12 million from the prevention, early detection, and treatment fund; and \$7,400,000 from the primary care fund; and
- Decreasing the cash fund appropriation for the indigent care program by \$7,400,000.

Decreases the appropriation in the 2009 annual general appropriation act to the

department of health and environment, prevention services division, for tobacco education, prevention, and cessation grants, from the tobacco education programs fund by \$4 million.

Specifies that the act shall take effect only if Senate Joint Resolution 09-035 is approved by the general assembly and is signed by the governor.

**APPROVED** by Governor June 1, 2009

**EFFECTIVE** June 1, 2009

**Note:** Senate Joint Resolution 09-035 was signed by the governor April 28, 2009.

**S.B. 09-277** General fund reserve - reduction - FY 2009-10 - budget package act. For the 2009-10 state fiscal year, reduces the statutorily required general fund reserve from 4% to 2% of the amount appropriated for expenditure from the general fund.

**APPROVED** by Governor May 1, 2009

**EFFECTIVE** May 1, 2009

**S.B. 09-278** General fund augmentation by suspending transfers of revenue that otherwise would fund capital construction needs - FY 08-09 and 09-10 - budget package act. Requires that any general fund surplus for the 2008-09 or 2009-10 state fiscal year remain in the general fund rather than be credited to the highway users tax fund and the capital construction fund. Prohibits the state treasurer from transferring any moneys from the sales and use tax holding fund to the highway users tax fund during the 2008-09 and 2009-10 state fiscal years. Requires the state treasurer to transfer the balance of the sales and use tax holding fund on June 30, 2009, and June 30, 2010, to the general fund.

**APPROVED** by Governor May 1, 2009

**EFFECTIVE** May 1, 2009

**S.B. 09-279** Cash fund transfers to augment general fund - revenue shortfall in FY 08-09 - one-day transfers to general fund - budget package act. For purposes of augmenting the amount of revenues in the state general fund for the 2008-09, 2009-10, and 2010-11 state fiscal years, requires the state treasurer to transfer specified amounts of moneys to the general fund from the following funds:

- The major medical insurance fund;
- The local government limited gaming impact fund;
- The court security cash fund;
- The offender services fund;
- The drug offender surcharge fund;
- The Colorado collegeinvest scholarship trust fund;
- The performance-based collaborative management incentive cash fund;
- The risk management fund;
- The self-insured property fund;
- The state employee workers' compensation account in the risk management fund;
- The waste tire cleanup fund;
- The building regulation fund;

- The unclaimed property tourism promotion trust fund;
- The capital construction fund;
- The controlled maintenance trust fund;
- The hazardous substance response fund;
- The waste tire recycling development cash fund;
- The home investment trust fund;
- The Moffat tunnel cash fund;
- The local government mineral impact fund;
- The unclaimed property trust fund;
- The perpetual base account of the severance tax trust fund;
- The local government severance tax fund;
- The department of human services low-income energy assistance fund;
- The Colorado high cost administration fund; and
- The licensing services cash fund.

Makes the transfers from the court security cash fund, the offender services fund, the drug offender surcharge fund, the Colorado collegeinvest scholarship fund, the unclaimed property tourism promotion trust fund, the capital construction fund, the controlled maintenance trust fund, one of the transfers from the hazardous substance response fund, one of the transfers from the unclaimed property trust fund, and one of the transfers from the perpetual base account of the severance tax trust fund effective July 1, 2009, the transfer from the Colorado high cost administration fund effective July 31, 2009, the transfer from the major medical insurance fund effective March 31, 2010, the transfer from the licensing services cash fund effective June 15, 2010, one of the transfers from the perpetual base account of the severance tax trust fund effective June 30, 2010, and transfers from the local government mineral impact fund effective after quarterly transfers are made to that fund during the 2009-10 state fiscal year. Makes all other transfers effective on the applicable effective date of the act. Makes the transfers from the Colorado high cost administration fund and the licensing services cash fund contingent on certain bills being enacted by the general assembly during the 2009 legislative session and becoming law.

For the 2008-09 state fiscal year, if the June 2009 revenue estimate indicates that general fund expenditures based on appropriations then in effect will exceed the amount of general fund revenues available, upon written order of the governor, directs the state treasurer and the controller to transfer to the general fund on June 30, 2009, such amounts as are required to meet general fund appropriations from any or all of the following funds:

- The employment support fund not exceeding \$25,000,000;
- The tobacco litigation settlement cash fund not exceeding \$84,600,000;
- The local government mineral impact fund not exceeding \$72,000,000;
- The Colorado water conservation board construction fund not exceeding \$60,000,000;
- The unclaimed property trust fund not exceeding \$100,000,000;
- The perpetual base account of the severance tax trust fund not exceeding \$75,000,000;
- The operational account of the severance tax trust fund not exceeding \$21,300,000;
- The local government severance tax fund not exceeding \$128,000,000.

On July 1, 2009, requires the state treasurer and controller to transfers moneys from the general fund to restore any moneys that were transferred from these funds on June 30, 2009.

Makes certain provisions contingent upon the passage of Senate Bill 09-272 and Senate Bill 09-274.

**APPROVED** by Governor June 1, 2009

**EFFECTIVE** June 1, 2009

**Note:** Both Senate Bill 09-272 and Senate Bill 09-274 were signed by the governor May 1, 2009.

**S.B. 09-282** Public employees' retirement association - Denver public schools retirement system - merger - Denver public schools division - administration by the association board - contribution rates - benefits - portability. Effective January 1, 2010, merges the Denver public schools retirement system (DPSRS) into the public employees' retirement association (association) and transfers assets of the DPSRS to the association. Creates the Denver public schools (DPS) division as a separate division within the association, and creates the DPS division trust fund. Incorporates the provisions of the existing DPSRS plan into statute, and requires the association board (board) to administer the provisions of the plan for DPS members and retirees. In connection with the merger of the two retirement systems, makes the following modifications to the statute governing the association:

- Appoints a nonvoting ex officio board member from the DPS division to serve on the board, and provides for the election of such ex officio member in the future;
- Specifies the duties of the board, specifies that the board shall not be deemed to have breached its duties due to the merger, and provides the board members with immunity from claims arising from the merger;
- Creates a separate health care trust fund for the DPS division, and allows DPS retirees to participate in the association's group health care program;
- When a benefit is paid, requires each division within the association to be responsible for funding its proportionate share of the benefit liability;
- Requires the amortization period for the DPS division to be calculated separately from the other divisions in the association;
- Repeals the statutory provisions regarding previous merger attempts between the association and DPSRS;
- Specifies that DPS charter schools participating in the DPSRS are included in the DPS division;
- Sets the employer and employee contribution rates for the DPS division;
- On January 1, 2015, and every fifth year thereafter, requires a true-up to be calculated to determine whether the DPS employer rate needs to be adjusted to assure the equalization of the DPS division's ratio of unfunded actuarial accrued liability over payroll to the association's school division's ratio of unfunded actuarial accrued liability over payroll at the end of the 30-year amortization period;
- Requires employers of the DPS division to pay the amortization equalization disbursement and the supplemental amortization equalization disbursement;
- Specifies that required contributions and disbursements, other than those dedicated to the health care trust fund and the annual increase reserve, are reduced annually by an amount equal to the obligations of the DPS for ongoing payment obligations in connection with pension certificates of participation issued in 1997 and 2008;
- Codifies relevant provisions of the DPS plan document, and states that such document will govern the rights and benefits of DPS members through

- December 31, 2009;
- Specifies how purchasing service credit, interest, distributions, refunds, and cost of living increases will be calculated following the merger;
- Determines how benefits for members with accounts in both DPSRS and the association will be calculated and paid;
- Specifies the rules for employment after service retirement for DPS division members;
- Provides the rules of portability for members moving between the DPS division and other divisions of the association;
- Addresses the transfer of employees of the DPSRS to the association; and
- Makes various additional modifications to ensure that the DPS division is treated in a manner similar to the other divisions of the association.

**APPROVED** by Governor May 21, 2009

**PORTIONS EFFECTIVE** May 21, 2009  
**PORTIONS EFFECTIVE** January 1, 2010

**S.B. 09-283** Secured transaction records - taxpayer identification numbers - redaction by the secretary of state - restoration - liability - rules. Allows the secretary of state to use software or other methods to redact taxpayer identification numbers from secured transaction records filed with the secretary of state. Allows the secretary to restore any erroneously redacted information upon application by any person or upon the secretary's own determination. Absolves the secretary of all liability related to the redaction of information from said records. Authorizes the secretary to promulgate rules necessary to administer the redaction and restoration of such information.

**APPROVED** by Governor June 1, 2009

**EFFECTIVE** June 1, 2009

**S.B. 09-297** Federal stimulus act projects - waiver of state contracting requirements - incentives for projects of rate-regulated utilities - designation of certain act moneys as principal of the clean energy fund. Until July 1, 2013:

- Authorizes the executive director of a principal department of the executive branch of the state government or the director of a state government office that is not part of a principal department of the state government to request a waiver of any provision of the state "Procurement Code" (code) for any procurement being funded in whole or in part with moneys received pursuant to the federal "American Recovery and Reinvestment Act of 2009" (ARRA) to the extent that the waiver is necessary in order to expedite the use of the moneys in a transparent and accountable manner consistent with the goals and purposes of ARRA or to the extent that strict adherence to the code would substantially impede the ability of the state to expend the moneys in the manner or within the time required by ARRA or any applicable federal law.
- Allows a waiver only if the waiver is approved in writing by the attorney general and the executive director of the department of personnel or such officials' respective designees.
- Authorizes the executive director of the department of transportation to award a highway project contract that is being funded in whole or in part with moneys received pursuant to ARRA and that is bid on by fewer than 3 bidders to a low responsible bidder whose bid exceeds the department's project estimate by more than the applicable existing statutory maximum percentage

- if the award is necessary in order to expedite the use of the moneys in a manner consistent with the goals and purposes of ARRA.
- Requires a written determination that a waiver of a code provision or an award to a low responsible bidder whose bid exceeds the department of transportation's project estimate is necessary to be provided to the Colorado economic recovery accountability board and made publicly available on the official Colorado economic recovery and accountability web site.
- Requires the public utilities commission to give the fullest consideration for incentives to specified types of projects of rate-regulated utilities that are eligible for ARRA funding.

Specifies that moneys received by the governor's energy office pursuant to ARRA and specified other sources are principal of the clean energy fund.

**APPROVED** by Governor May 20, 2009

**EFFECTIVE** May 20, 2009

**H.B. 09-1002** State lottery - duties and powers of Colorado lottery commission - duties and powers of the state lottery division. Makes clarifying amendments to statutory provisions related to the duties and powers of the Colorado lottery commission (commission) and the state lottery division (division) related to the commission and division being designated as **type 2** agencies under the state administrative procedure act.

Allows the director of the division to promote the lottery by selling memorabilia or other promotional items. Specifies that the proceeds from such sales shall be credited to the lottery fund.

Requires the commission to promulgate rules for the general administration of all instant scratch games. Sets forth specific matters that must be addressed in the rules. Requires the commission to establish and approve all instructions governing instant scratch games and to publish all approved instructions on the state lottery's web site. Specifies that the published instructions are binding on purchasers and claimants of instant scratch game tickets, and makes clear that the procedural rule-making requirements of the state administrative procedure act do not apply to the establishment and approval of instructions.

Removes the prohibition on selling a ticket for a price less than one dollar. Removes the requirement that the actual selection of winning tickets or shares are not to be performed by an employee of the lottery or a member of the commission. Specifies that drawings are to be witnessed by an independent auditor instead of an independent certified public accountant.

**APPROVED** by Governor March 20, 2009

**EFFECTIVE** March 20, 2009

**H.B. 09-1008** State employment - transfers of annual leave. Expands the ability of employees in the state personnel system to transfer annual leave between employees when an employee or an immediate family member of the employee experiences an unforeseeable life-altering event beyond the employee's control. Specifies that a recipient of an annual leave transfer shall have exhausted all applicable paid leave, including any compensatory time.

**APPROVED** by Governor April 2, 2009

**EFFECTIVE** April 2, 2009

**H.B. 09-1010** Colorado office of film, television, and media - incentive - cash fund. Creates the Colorado office of film, television, and media (office) within the Colorado office of economic development. Specifies that the office shall have a director and a staff to fulfill the mission of the office. Establishes the duties of the office.

Moves the existing performance-based incentive for film production in Colorado (incentive) to the new office.

Creates the Colorado office of film, television, and media operational account cash fund, and specifies that the fund shall be used for the operation of the office and for the incentive.

**APPROVED** by Governor June 4, 2009

**EFFECTIVE** July 1, 2009

**H.B. 09-1022** Recidivism reduction grant program - application form and criteria - grant amounts - fund - report. Creates the recidivism reduction grant program (program) in the division of criminal justice (division) in the department of public safety. Gives the program the authority to provide 3-year implementation grants to a county or group of counties to initiate systematic changes to reduce recidivism. Requires the division to establish the application form and criteria for the program. Limits the grants to \$100,000 per year and no more than \$200,000 over the 3-year period.

Creates the recidivism reduction grant program fund (fund). States the division shall only accept applications and award grants if there are sufficient moneys received by the fund to make grant awards.

Directs the division to submit a report to committees of the general assembly at the end of the program.

Repeals the program, effective July 1, 2013.

Makes legislative finding and declarations.

**APPROVED** by Governor May 21, 2009

**EFFECTIVE** May 21, 2009

**H.B. 09-1083** Lease-purchase agreements - department of personnel - Pueblo office and warehouse. Authorizes the state to enter into one or more lease-purchase agreements for an office and warehouse building currently occupied by the department of personnel in Pueblo county, Colorado.

**APPROVED** by Governor March 14, 2009

**EFFECTIVE** March 14, 2009

**H.B. 09-1124** Open meetings law - executive sessions - privileged attorney-client communications - record-keeping exception - conferences with attorney representing state public body. Modifies the exception to the open meetings law's recording requirements for all or a portion of a discussion during an executive session of any state public body involving a privileged attorney-client communication by limiting the nonrecording exception to executive sessions of governing boards of state institutions of higher education only.

Authorizes a state public body to hold an executive session at a regular or special meeting for the purpose of conferring with an attorney representing the public body on specific claims or grievances or to receive legal advice on specific legal questions.

**APPROVED** by Governor April 3, 2009

**EFFECTIVE** August 5, 2009

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

**H.B. 09-1137** Gambling Payment Intercept Act - restitution - gambling payment intercept cash fund - creation - information transmitted along with taxpayer refund intercepts. Creates the gambling payment intercept cash fund, to which shall be deposited gifts, grants, donations, and any money appropriated thereto by the general assembly. Requires the department of revenue to expand the gambling payment intercept program to include intercepts of court-ordered restitution as soon as there is sufficient money in the fund for such purpose. After such expansion, creates a \$25 fee to be added to each outstanding debt, the proceeds of which will be deposited in the fund.

Establishes a \$300 minimum for outstanding debts. Removes the conditional repeal of the "Gambling Payment Intercept Act".

Expands the personal information that the department of revenue is required to provide to specified state agencies that receive a portion of a taxpayer's refund as payment for a debt owed to the state agency by the taxpayer.

**APPROVED** by Governor May 21, 2009

**EFFECTIVE** September 1, 2009

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

**H.B. 09-1150** Department of personnel - administrative duties - appropriation. In addition to regular mail, allows the department of personnel (department) to issue written hearing notices under the Workers' Compensation Act by electronic mail and facsimile.

Requires the executive director of the department of personnel (executive director) to establish any fees or cost allocation billing process necessary to pay for the direct and indirect costs of the office of administrative courts. Specifies for whom fees may not be established. Creates the administrative courts cash fund to collect the fees.

Expands the list of jurisdictions where the department is to perform central service functions for the executive branch of the state.

Requires the executive director to establish any fees necessary to pay for the direct and indirect costs of training programs the department is required to establish and maintain for employees in the state personnel system, and creates the professional development center cash fund to collect the moneys collected.

Allows the state personnel board (board) or an administrative law judge for the board to give any written notices or issue any written decisions by either regular or electronic mail

or by facsimile. Requires the board to adopt rules regarding service of notices and decisions.

Makes an amendment necessary to accomplish the transfer of the information technology functions in the department of personnel to the office of information technology.

Requires all interest earned in the state archives and public records cash fund (fund) to be credited to the fund rather than to the general fund. Specifies that moneys remaining in the fund at the end of a fiscal year shall remain in the fund and not be credited to the general fund.

**APPROVED** by Governor May 21, 2009

**EFFECTIVE** August 5, 2009

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

**H.B. 09-1171** Manufactured home installations - reinstatement of surety requirement for installer registration renewal - inspection of installations. Reinstates the requirement that a registered installer of manufactured homes seeking renewal of registration provide a letter of credit, certificate of deposit, or surety bond at the time of applying for renewal. Allows the division of housing or its independent contractor to decide whether or not to inspect a manufactured home installation upon request filed by the owner, installer, manufacturer, or retailer of the manufactured home instead of requiring the division or its contractor to conduct such an inspection if requested.

**APPROVED** by Governor April 3, 2009

**EFFECTIVE** April 3, 2009

**H.B. 09-1179** Address confidentiality program - person who resides with victim of domestic abuse. Expands the eligibility to participate in the address confidentiality program to expressly include any person who resides with a victim of domestic violence, a sexual offense, or stalking, if such person's participation is necessary to ensure the safety of the victim.

**APPROVED** by Governor April 3, 2009

**EFFECTIVE** April 3, 2009

**H.B. 09-1213** Housing development grant fund - Colorado affordable housing construction grants and loan fund - creation of fund - use of moneys - requirements pertaining to appropriated moneys - repeal. Creates the housing development grant fund (fund) in the state treasury and specifies that the fund shall be administered by the division of housing within the department of local affairs (division). Specifies that the fund shall consist of all moneys appropriated to the Colorado affordable housing construction grants and loan fund by the general assembly, all moneys collected by the division for purposes of the act from federal grants, and other contributions, grants, gifts, bequests, and donations received from other governmental entities, individuals, private organizations, or foundations and any interest earned on such money. Authorizes and directs the division to solicit, accept, expend, and disburse the moneys for the purpose of making grants or loans. Requires all such moneys to be transmitted to the state treasurer to be credited to the fund. Specifies that the moneys in the fund are continuously appropriated to the division for the purposes of the act. Permits

moneys in the fund to be expended for the purpose of funding activities initiated during the 2008-09 state fiscal year that are to be completed in subsequent state fiscal years.

Upon the approval of the board, authorizes the division to make a grant or loan from moneys in the fund to improve, preserve, or expand the supply of affordable housing and to finance foreclosure prevention activities in Colorado as well as to fund the acquisition of housing and economic data necessary to advise the state housing board on local housing conditions.

In the case of any loan made from moneys in the fund for which the division is the primary lender, requires the borrower to seek replacement loans or funding no later 180 days than from the date of the loan.

Repeals the authorization granted to the division to make a grant or loan from moneys in the fund to finance foreclosure prevention activities in the state, effective June 30, 2011.

Specifies that any moneys in the fund not expended or encumbered from any appropriation at the end of any fiscal year, including interest earned on the investment or deposit of moneys in the fund, shall remain in the fund and shall not revert to the general fund or any other fund and shall remain available for expenditure by the division in the next fiscal year for the purposes specified in the act without further appropriation.

Specifies that not more than \$250,000 may be appropriated from the general fund pursuant to the act in any one state fiscal year for any uses not related to construction grants or loans.

**APPROVED** by Governor May 2, 2009

**EFFECTIVE** June 30, 2009

**H.B. 09-1218** State capital lease agreements - lease-purchase agreements - authorization. Defines a lease-purchase or capital lease as a capital lease as defined in the generally accepted accounting principles issued by the governmental accounting standards board that the controller prescribes for the state as specified in law. Establishes the following requirements for lease-purchase agreements:

- Prohibits a lease-purchase agreement for real property that requires total payments exceeding \$500,000 over the term of the agreement unless such agreement is specifically authorized, prior to its execution, by a bill enacted by the general assembly, other than the annual general appropriation act or a supplemental appropriation act;
- Prohibits a lease-purchase agreement for personal property that requires total payments exceeding \$500,000 over the term of the agreement shall be entered into unless such agreement is specifically authorized, prior to its execution, by any type of bill enacted by the general assembly;
- Specifies that lease-purchase agreements that require total payments of \$500,000 or less over the term of the agreement require an appropriation by the general assembly in an annual general appropriation act or a supplemental appropriation act;
- Requires a lease-purchase agreement that requires total payments in excess of \$500,000 over the term of the agreement to have, prior to its execution, approval by the state controller as authorized by law;

- Requires a lease-purchase agreement to include a provision that payments made by the state are subject to annual appropriation if the agreement provides for the issuance, distribution, and sale of instruments evidencing rights to receive rentals and other payments made by the state; and
- Allows the department of transportation, institutions of higher education, and the state treasurer to enter into lease-purchase agreements provided that the state controller approves each lease-purchase agreement that requires total payments in excess of \$500,000 over the term of the agreement or as otherwise provided by law.

**APPROVED** by Governor April 16, 2009

**EFFECTIVE** July 1, 2009

**H.B. 09-1222** State funds - appropriated moneys - administration. Extends the repeal dates of certain statutory sections authorizing the following actions in connection with the administration of appropriated moneys:

- Transfers of appropriations required to implement conditional or centralized appropriations;
- Transfers of appropriations between the departments of health care policy and financing and human services for medicaid programs;
- Cash fund transfers pursuant to sections authorizing the transfer of appropriations required to implement conditional or centralized appropriations and transfers of appropriations between the departments of health care policy and financing and human services for medicaid programs;
- Intradepartmental transfers between appropriations;
- Authority of the controller under specified conditions to allow any department, institution, or agency of the state, including an institution of higher education, to make an expenditure in excess of the amount authorized by an item for appropriation; and
- Transfers between items of appropriation made to the judicial department.

Clarifies that the department of health care policy and financing has unlimited overexpenditure authority for the state contribution payment pursuant to the federal "Medicare Modernization Act of 2003".

Authorizes the executive directors of the departments of health care policy and financing and human services to transfer moneys between the departments for corresponding items of appropriation if such transfers are approved by the governor and authorized in a footnote in the annual general appropriation act.

Changes the method of appropriation from the Colorado works statewide strategic use fund. Continuously appropriates the moneys in such fund to the department of human services.

**APPROVED** by Governor May 4, 2009

**EFFECTIVE** May 4, 2009

**H.B. 09-1257** Public funds - certificates of deposit - FDIC limit. Removes the out-of-date specific dollar amount of \$100,000 for public fund deposits insured by the federal deposit

insurance corporation (FDIC). Clarifies that the limit of public funds invested in any one certificate of deposit may not exceed the amount insured by the FDIC.

**APPROVED** by Governor March 20, 2009

**EFFECTIVE** March 20, 2009

**H.B. 09-1281** Persons with disabilities - state boards and commissions - membership. Encourages the governor to include representation by at least one person with a disability, a family member of a person with a disability, or a member of an advocacy group for persons with disabilities on the following boards and commissions: The Colorado children's trust fund board, the state board of housing, the state board of health, the medical services board, the state board of human services, the advisory board in the development of service standards and regulations, the transportation commission, and the Colorado commission on the aging.

**APPROVED** by Governor June 2, 2009

**EFFECTIVE** August 5, 2009

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

**H.B. 09-1285** Government data advisory board - education data subcommittee - recommendations. Replaces the data protocol development council with the government data advisory board (advisory board). Specifies the membership of the advisory board. States the advisory board's duties, including recommending to the chief information officer in the office of information technology rules for requesting data, responding to data requests, and imposing fees for responding to data requests. Directs the advisory board to report its recommendations annually to the chief information officer, and directs the chief information officer to report annually to the general assembly. Authorizes the chief information officer to adopt said rules. Repeals the advisory board after sunset review.

Creates the education data subcommittee (subcommittee) of the advisory board. Specifies the membership of the subcommittee and specifies its duties, including recommending to the chief information officer and the advisory board the creation of a statewide comprehensive P-20 education data system. Directs the subcommittee to report its recommendations at least every 6 months to the chief information officer and the advisory board, and directs the chief information officer to report annually to the general assembly. Repeals the subcommittee after sunset review.

**APPROVED** by Governor April 30, 2009

**EFFECTIVE** August 5, 2009

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

**H.B. 09-1288** Web-based system for revenue and expenditure data - modifications to executive order. Modifies the searchable web-based system that provides access to descriptions of revenues and expenditures and that was created by an executive order by requiring:

- The financial data warehouse to be the source of data;

- Access from the official state web site and other state agency sites;
- Data to be updated every 5 business days;
- Data to be in a structured data format;
- A method for user feedback;
- Data to be archived on the site;
- The exclusion of nonpublic or confidential information.

**APPROVED** by Governor June 4, 2009

**EFFECTIVE** August 5, 2009

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

**H.B. 09-1307** Colorado channel authority - creation - board of directors - powers and duties - televising proceedings of state government. Creates the Colorado channel authority (authority) as a body corporate and a political subdivision of the state. Specifies that the authority constitutes a special purpose authority under Colorado law. Places the authority under the control of a board of directors. Provides for the appointment of the members of the board of directors. Sets forth the general powers and duties of the board of directors. Specifies that the authority is responsible for televising the proceedings of the Colorado house of representatives and senate via cable television and webcast and such other programming of a state governmental nature as may be approved by the board of directors. Makes the records of such televised proceedings the property of the state of Colorado and public records under the "Colorado Open Records Act" (CORA). Makes the authority and any person or entity acting under contract with the authority the official custodian of such materials under CORA. Authorizes the executive committee of the legislative council to coordinate the televising of proceedings of the house of representatives and senate with the authority.

**APPROVED** by Governor May 20, 2009

**EFFECTIVE** August 5, 2009

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

**H.B. 09-1315** Public employee leave for public service. Clarifies that leave permitted to a public employee who is a qualified volunteer performing emergency volunteer service shall be allowed only so long as the employee returns to work the next scheduled work day following the completion of volunteer service or notifies the employer of an injury or circumstance beyond the employee's control prior to the next scheduled work day.

Clarifies that leave granted to employees in the state personnel system for volunteer American red cross service shall run concurrent with and shall not be in addition to paid leave required by law to a member of the Colorado civil air patrol.

Authorizes an employer to establish the leave year for a public employee called to service in the Colorado civil air patrol. Clarifies that the employee shall return to work on the next scheduled work day following the completion of service unless the employee notifies the employer of an injury or circumstance beyond the employee's control prior to the next scheduled work day.

Authorizes an employer to establish the leave year for a public employee who is called

to duty as a member of the Colorado National Guard or of the reserve forces of the United States.

**APPROVED** by Governor May 21, 2009

**EFFECTIVE** August 5, 2009

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

**H.B. 09-1317** State lands - prohibition of disposition when the expansion of Pinon Canyon maneuver site results - directive to the state attorney general. Prohibits the state board of land commissioners from selling or leasing state lands to the United States department of defense or any federal governmental entity if the sale or lease has the purpose or effect of expanding the Pinon Canyon maneuver site. Directs the state attorney general to oppose any attempt by the federal government to acquire state lands for which consent to acquire has been withdrawn or that are declared ineligible for sale or lease.

**APPROVED** by Governor June 2, 2009

**EFFECTIVE** June 2, 2009

**H.B. 09-1348** Immunity for legislators and legislative staff for bill drafting and constituent assistance activities - modifications to definitions relating to public records - creation of legislative department cash fund. Prohibits a member of the general assembly from being questioned for conducting or performing any legislative activity that relates to the drafting of legislative measures and to the rendering of assistance or information to constituents on personal and private matters that are not publicly known. Prohibits legislative staff members from being questioned for conducting or performing duties or functions related to such legislative activities when conducted or performed at the request of a member of the general assembly.

For purposes of the "Colorado Open Records Act":

- Defines "work product" to include documents prepared or assembled by the legislative council staff; documents prepared or assembled by a member of the general assembly related to the drafting of bills or amendments; and documents prepared by or submitted to any legislative staff in connection with assisting a member of the general assembly to respond to constituent communications that are not public records.
- Expands the constituent communication exception to the definition of "public records" to include a communication from a constituent to an elected official when that communication requests the elected official to render assistance or information relating to a personal and private matter affecting the constituent that is not publicly known.

Creates the legislative department cash fund in the state treasury. Specifies the sources of moneys to be credited to the fund. Continuously appropriates moneys in the fund to the executive committee of the legislative council to be used for expenses of the legislative department subject to any terms and conditions imposed as a condition of receiving any such moneys.

**APPROVED** by Governor June 1, 2009

**EFFECTIVE** June 1, 2009

**H.B. 09-1367** Restriction of general fund revenues - pay date shift - employees transferring to the office of information technology. For the state fiscal year commencing July 1, 2010, and each state fiscal year thereafter, restricts general fund revenues only upon payment for the purchase of services in July from the office of information technology in an amount reported to state agencies by the office of information technology.

**APPROVED** by Governor June 1, 2009

**EFFECTIVE** June 1, 2009

## HEALTH AND ENVIRONMENT

**S.B. 09-60** Illegal drug laboratories - state board of health - testing for contamination - rules. Clarifies that the state board of health (board) has the authority to promulgate rules for testing illegal drug laboratories contaminated with methamphetamine regardless of whether the property was used to manufacture methamphetamine. Requires an industrial hygienist to follow the procedures for methamphetamine testing established by the board.

**APPROVED** by Governor April 20, 2009

**EFFECTIVE** April 20, 2009

**S.B. 09-119** Water quality - discharges of hazardous substances and hazardous wastes - criminal enforcement by peace officer. Clarifies that nothing in the "Colorado Water Quality Control Act" inhibits the ability to enforce civil or criminal penalties for the discharge of hazardous substances or hazardous wastes into state waters or domestic wastewater treatment works. Credits money collected for criminal penalties to the general fund. Authorizes a peace officer to file a complaint regarding a criminal violation of a water quality discharge permit.

**APPROVED** by Governor May 4, 2009

**EFFECTIVE** August 5, 2009

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

**S.B. 09-165** Drinking water and water treatment projects - small community grant program - severance taxes. Starting July 1, 2009, caps severance tax receipts to the perpetual base account of the severance tax trust fund (perpetual base account) at \$50 million per year and transfers up to \$10 million per year that would otherwise be credited to the perpetual base account to the newly created small communities water and wastewater grant fund. Continuously appropriates moneys in the fund to the department of public health and environment (department). Credits severance tax receipts in excess of \$60 million per year to the perpetual base account.

Directs the department to make grants from the fund to governmental and not-for-profit public water systems and counties representing unincorporated areas that serve a population of not more than 5,000 people for the planning, design, and construction of drinking water or water treatment systems.

**APPROVED** by Governor April 22, 2009

**EFFECTIVE** April 22, 2009

**S.B. 09-179** Communicable disease control. Modifies certain provisions of communicable disease control laws as follows:

- Limits the scope of the prohibition against persons affected with a contagious or infectious disease working in certain food-related areas to specify that such persons cannot work in food preparation in a capacity in which the employee is likely to contaminate food or food-contact surfaces;
- Allows the state board of health (state board) to adopt necessary rules for implementing disease control laws;
- Requires health care providers providing care to a pregnant woman during

gestation, or hospitals where a pregnant woman presents for delivery, to test the woman for HIV if she has not previously been tested, and allows the pregnant woman to decline to be tested;

- Requires birth certificates to indicate whether and when a blood test for HIV has been conducted on the woman giving birth;
- Defines "sexually transmitted infections" as syphilis, gonorrhea, and any other sexually transmitted infection declared by state board rule to be contagious, and changes references from "venereal disease" to "sexually transmitted infection" throughout disease control statutes;
- Defines "health officer" to include the executive director of the department of public health and environment (department), the state chief medical officer, or a county or district public health director;
- Clarifies the rule-making authority of the state board regarding enforcement of laws pertaining to the control of sexually transmitted infections;
- Specifies that if a licensed or certified health care professional violates sexually transmitted infection control statutes or state board rules or fails to obey a lawful order of a health officer, the health care professional is subject to civil, rather than criminal, penalties;
- Allows a health officer to issue an isolation order to detain a person diagnosed with tuberculosis without a court order, requires the isolation order to advise the detained person that he or she has the right to request release from detention and limits to 5 days the duration of the detention after a release request unless a court orders the detention to continue, and specifies the procedures for seeking a court-ordered detention; and
- Modifies the membership of the HIV and AIDS prevention grant program advisory committee to eliminate the 2 members who are members of the Colorado advisory council on AIDS and to add 2 additional members who are recommended by a statewide group assisting with the department's comprehensive plan for HIV and AIDS prevention.

**APPROVED** by Governor April 9, 2009

**EFFECTIVE** April 9, 2009

**S.B. 09-223** Retail food establishments - uniform administration, interpretation, and enforcement of rules - food safety - fees - inspections - grievance process - appropriation. Ensures the uniform statewide administration of food safety in Colorado. Requires administration, implementation, interpretation, and enforcement of food safety laws by the state or county or district public health agencies. Increases the fees for retail food establishments. Creates a grievance process for food establishment licensees who believe that a county or district public health agency is taking action outside of its authority.

Appropriates \$115,157 from the food protection fund and 0.9 FTE to the department of public health and environment for allocation to the consumer protection division for the implementation of the act.

**APPROVED** by Governor May 15, 2009

**EFFECTIVE** May 15, 2009

**S.B. 09-225** Definitions - contraception. Defines contraceptive or contraception as a medically acceptable drug, device, or procedure used to prevent pregnancy. States the definition of contraception does not apply to the statutory definition of emergency

contraception.

**APPROVED** by Governor April 16, 2009

**EFFECTIVE** August 5, 2009

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

**S.B. 09-289** Waste tires - disposal fee - monofills - haulers. Changes when waste tire disposal fees are collected from the time of disposal to the time of sale. Exempts agricultural vehicles from the requirement to pay the fee. Directs retailers of new tires to provide purchasers with a specific written notice of the statutory waste tire disposal fee. Directs the department of revenue to notify retailers of the act's new requirements. Allows the department of local affairs to reallocate uncommitted waste tire disposal revenues among existing funding categories at the end of each quarter.

Prohibits the disposal of unshredded waste tires at a monofill tire landfill. Directs counties to report annually to the department of public health and environment regarding the status of monofill tire landfills, and requires the department to adopt a plan to eliminate such landfills within 10 years.

Directs the solid and hazardous waste commission to promulgate a rule to require waste tire haulers to annually provide a copy of the hauler's current registration to retailers from whom the hauler accepts waste tires. Prohibits arranging for the commercial hauling of waste tires with anyone other than a currently registered hauler.

**APPROVED** by Governor May 21, 2009

**EFFECTIVE** August 5, 2009

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

**H.B. 09-1004** Health care - all-inclusive care for the elderly - employment of physicians. Allows an organization providing a program of all-inclusive care for the elderly (PACE organization), as authorized under the "Colorado Medical Assistance Act", to employ a physician as long as the PACE organization:

- Does not limit or exercise control over the physician's independent judgment; and
- Does not offer the physician any percentage of fees charged to patients or any other financial incentive.

Requires a PACE organization that employs physicians to annually report to the department of public health and environment the number of physicians so employed.

**APPROVED** by Governor March 19, 2009

**EFFECTIVE** March 19, 2009

**H.B. 09-1025** Health facility reports - hospital infection rate data collection - exemption for national certification. Exempts ambulatory surgical centers and certified dialysis treatment centers from the requirement that an individual who collects data on hospital-acquired infection rates take a test for the appropriate national certification for infection control and

become certified within 6 months after the individual becomes eligible to take the certification test.

**APPROVED** March 20, 2009

**EFFECTIVE** August 5, 2009

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

**H.B. 09-1056** Solid waste disposal - violations - administrative penalty - procedures - hearings - exploration and production waste disposal facility - waiver of fabricated liner requirement - criteria for waiver. Authorizes the department of public health and environment (department) to assess an administrative penalty against a solid waste disposal site, facility, or person for violations of solid waste disposal requirements. Allows the department to issue an order assessing an administrative penalty, as well as requiring compliance with solid waste disposal requirements, without first conducting a hearing but allows the person subject to the penalty to request a hearing.

Outlines the procedures for hearings on such orders and on motions to stay the enforcement of such orders pending the outcome of the hearing. Increases the amount of administrative, civil, and criminal penalties for violations of the solid waste disposal laws from \$2,000 to \$10,000.

Adds the following criteria that the department, an administrative law judge, or a court is to consider when determining the amount of an administrative or civil penalty:

- The seriousness of the violation;
- Whether the violation was intentional, reckless, or negligent;
- The violation's impact on or threat to public health or the environment;
- The degree of recalcitrance or recidivism of the violator;
- The economic benefit gained as a result of the violation;
- Whether the violator voluntarily and completely disclosed the violation in a timely manner after discovery thereof;
- Whether the violator cooperated fully and promptly after disclosure of the violation;
- Whether the violator adopted a regularized and comprehensive environmental compliance program or environmental audit program in a timely and good faith manner; and
- Other aggravating or mitigating circumstances or factors.

Allows the solid and hazardous waste commission (commission), upon recommendation of the department, to waive the requirement for individual impoundments at certain exploration and production (EP) waste disposal facilities to install fabricated liners if:

- The facility accepted EP waste on or before June 4, 2008, but had not begun closure by that date;
- There have been no unpermitted discharges to ground water or surface water from the operation of the facility;
- Each impoundment for which a waiver is requested is located more than 1,000 feet from any public or private water well or surface water;
- The owner or operator of the facility complies with mandatory monitoring and

- reporting requirements; and
- The owner or operator of the facility is not subject to any outstanding compliance orders or enforcement actions regarding the facility.

Authorizes the department to recommend that the commission rescind the waiver if it finds that any of the above-described conditions are no longer met by the facility, owner, or operator. Upon rescission of a waiver, authorizes the commission to instruct the department to develop a compliance schedule for the owner or operator to install fabricated liners.

**APPROVED** by Governor May 21, 2009

**EFFECTIVE** May 21, 2009

**H.B. 09-1111** Primary care office - created - duties - state health care professional loan repayment program - appropriation. Creates the primary care office (office) in the prevention services division in the department of public health and environment to identify areas of the state that lack sufficient health resources and to coordinate available federal and state programs to maximize medical reimbursements, grants, and the placement of health care professionals within those areas. Specifies the office's duties, including applying for federal designation of certain health care shortage areas for the purpose of maximizing resources through administration of specified state and federal programs, including the state health care professional loan repayment program (loan repayment program). Creates the visa waiver program fund.

Transfers responsibility for administration of the loan repayment program from collegeinvest in the department of higher education to the office, and changes the name to the state health care professional loan repayment program. Increases to 15 members the number of members on the health care community board (board) that provides recommendations for implementing the loan repayment program. Requires the office to provide staff assistance for the board. Directs the board to review the existing health care professional loan repayment programs and recommend to the governor and the general assembly whether to consider consolidating the existing health care professional loan repayment programs in Colorado.

For the 2009-10, 2010-11, and 2011-12 fiscal years, increases the amount annually transferred from the short-term innovative health program grant fund to the health care professional loan repayment fund. For the 2009-10 fiscal year, transfers moneys from the AIDS and HIV prevention fund to the health care professional loan repayment fund and to the visa waiver program fund.

For the 2009-10 fiscal year, appropriates \$53,647 from the visa waiver program fund to the department of public health and environment for allocation to the prevention services division for the implementation of the act.

**APPROVED** by Governor June 2, 2009

**EFFECTIVE** June 2, 2009

**H.B. 09-1196** Nursing home penalty cash fund - authorized uses - improve resident quality of life - nursing facility culture change accountability board - creation - duties - sunset review - appropriation - repeal. Expands the authorized uses for moneys in the nursing home penalty cash fund (fund) to measures that will improve the quality of life of residents of nursing

facilities in the state, including:

- Consumer education to promote resident-centered care;
- Training for state surveyors, supervisors, and the state and local long-term care ombudsman regarding resident-centered care;
- Development of a newsletter and web site detailing information on resident-centered care and related information; and
- Education and consultation for purposes of identifying and implementing resident-centered care initiatives.

Caps the amount of moneys that may be used for quality of life improvement measures as follows:

- For the 2009-10 fiscal year, \$200,000; and
- For the 2010-11 and later fiscal years, the lesser of the amount specified in the budget approved by the nursing facility culture change accountability board or 25% of the moneys deposited into the fund in the prior fiscal year.

Ensures retention of a minimum balance in the fund of \$1 million, and precludes distribution of moneys from the fund for quality of life improvement measures if making such distributions would cause the fund balance to drop below that amount.

Establishes the nursing facility culture change accountability board (accountability board) to provide recommendations to the departments of health care policy and financing and public health and environment (departments) regarding expenditures from the fund for purposes of improving resident quality of life. Requires the departments to take the accountability board's recommendations into consideration when allocating moneys for quality of life improvement measures and to explain their rationale to the accountability board if the departments disagree with its recommendations. If no compromise is reached between the departments and the accountability board, defers the final authority to the medical services board for determining the allocation of moneys.

Requires the departments, with assistance from the accountability board, to report to the governor and the health and human services committees of the house of representatives and senate regarding expenditures from the fund for nursing facility quality of life improvement measures.

Repeals the accountability board and the expanded uses of the moneys in the fund on September 1, 2016. Prior to the repeal, requires a sunset review of the accountability board and the expanded use of moneys in the fund.

Appropriates \$200,000 from the fund to the department of health care policy and financing for the implementation of the act.

**APPROVED** by Governor June 4, 2009

**EFFECTIVE** June 4, 2009

**H.B. 09-1275** Emergency medical technician certification - provisional certification - fees - appropriation. Allows the department of public health and environment (department) to issue a provisional 90-day certification to an applicant seeking certification as an emergency medical technician if the applicant satisfies all statutory and regulatory requirements for certification. Allows the department to issue a provisional certification even if the

department has not yet received the results of the fingerprint-based criminal history record check on the applicant, as long as the applicant submits a name-based criminal history record check.

Authorizes the state board of health to adopt rules to implement provisional certifications, including rules establishing fees for provisional certifications. Requires fees for provisional certifications to be deposited in the emergency medical services account of the highway users tax fund.

Appropriates \$18,979 and 0.4 FTE from the emergency medical services account to the department, for allocation to the health facilities and emergency medical services division, for implementation of the act.

**APPROVED** by Governor May 19, 2009

**EFFECTIVE** May 19, 2009

**H.B. 09-1282** Electronic device recycling - task force - report - repeal - appropriation. Creates a task force within the department of public health and environment to make recommendations regarding the implementation of an electronic device recycling program. Specifies the composition, appointing authorities, objective, and public meeting requirements for the task force. Requires the task force to submit a report to the general assembly by December 15, 2009. Authorizes the reimbursement of necessary travel expenses to legislative and nonlegislative task force members and directs the department to staff the task force, subject to the receipt of sufficient gifts, grants, and donations. Repeals the task force on July 1, 2010.

Appropriates \$28,643 from the newly created electronic device recycling cash fund and 0.4 FTE to the department for allocation to the hazardous materials and waste management division for the implementation of the act.

**APPROVED** by Governor June 1, 2009

**EFFECTIVE** June 1, 2009

**H.B. 09-1320** Dairy products - sale and distribution - temporary dairy plant permit - testing license - fees - cash fund - appropriation. Increases from \$3 to \$50 the annual fee for a license to test or sample dairy products.

Increases the annual fee for a temporary license to operate a dairy plant from \$10 to an amount based on the quantity of dairy product manufactured or put in containers per day by such plant, as follows:

- Less than 1,000 pounds per day: \$300;
- 1,000 to 19,999 pounds per day: \$600;
- 20,000 to 449,999 pounds per day: \$1,000; and
- 450,000 pounds or more per day: \$1,600.

Creates the dairy protection cash fund (fund) for the deposit of license fees collected pursuant to the act. Appropriates \$25,151 from the fund to the department of public health and environment, consumer protection division, for the implementation of the act.

**APPROVED** by Governor June 1, 2009

**EFFECTIVE** June 30, 2009

**H.B. 09-1330** Water quality control - permit fees - feeding operations - animal feeding operations fund - creation - appropriation. Increases the maximum annual fee that the water quality control agency in the division of administration (division) of the department of public health and environment may impose under the "Colorado Water Quality Control Act" (act) upon concentrated animal feeding operations (CAFOs) and housed commercial swine feeding operations dischargers. On July 1, 2012, restores the maximum fee for such dischargers to pre-July 1, 2009, rates.

Makes permit amendment fees applicable to housed commercial swine feeding operations from July 1, 2009, through June 30, 2012.

Directs the division to charge unpermitted CAFOs an administrative fee from July 1, 2009, through July 1, 2012, for the direct and indirect costs associated with the environmental agriculture program.

Creates the animal feeding operations fund, consisting of moneys collected for fees imposed on animal feeding operations dischargers, for the purpose of administering permitting and oversight of CAFOs and housed commercial swine feeding operations under the act.

Commencing with the first regular session of the 68th general assembly, requires the division to report annually to the senate agriculture and natural resources committee and the house agriculture, livestock, and natural resources committee, or their successor committees, on the activities of the environmental agricultural program during the previous calendar year.

Appropriates \$325,613 and 0.3 FTE from the animal feeding operations fund to the department of public health and environment for allocation to the division. Adjusts the 2009-2010 general appropriations act by decreasing appropriations to the division for permitting and oversight of CAFOs and housed commercial swine feeding operations by \$285,760 from the water quality control fund and 0.3 FTE from federal funds.

**APPROVED** by Governor June 1, 2009

**EFFECTIVE** July 1, 2009

**H.B. 09-1332** Air quality - rules - periodic cost analyses - repeal. Repeals a requirement for the department of public health and environment to conduct a cumulative economic analysis of the costs of all air pollution control measures every 5 years.

**APPROVED** by Governor June 1, 2009

**EFFECTIVE** June 1, 2009

## HEALTH CARE POLICY AND FINANCING

**S.B. 09-132** Colorado Cares - program repealed - information concerning lower-cost prescription drug programs. Requires the department of health care policy and financing to make information available to the public regarding the availability of lower-cost prescription drug programs and to research cost-effective programs or mechanisms by which low-income, uninsured persons may purchase lower-cost prescription drugs.

Requires the department of health care policy and financing to report annually to the health and human services committees of the house of representatives and the senate concerning the provisions of the act.

Repeals the "Colorado Cares Rx Act", and amends the 2008-09 general appropriations act to remove the funding for said act.

**APPROVED** by Governor May 4, 2009

**EFFECTIVE** May 4, 2009

**S.B. 09-210** Tobacco litigation settlement moneys - allocations - appropriations. For the 2009-10 fiscal year, reduces the amount of tobacco settlement moneys transferred to the comprehensive primary and preventive care grant program by \$2.4 million, and requires that such amount be transferred to the general fund.

For the 2008-09 fiscal year, reduces the amount of tobacco settlement moneys received by the AIDS drug assistance program by \$65,000, and requires that such amount be transferred to the general fund.

Clarifies that, starting with the 2008-09 fiscal year, \$1 million shall be transferred from the tobacco settlement litigation trust fund to pay for the "Home- and Community-based Services for Children with Autism Act".

For the 2008-09 fiscal year, reduces by \$977,356 the transfer from the tobacco settlement moneys to the comprehensive primary and preventive care fund, and transfers those moneys to the general fund.

For the 2008-09 fiscal year, reduces the amount of tobacco settlement moneys transferred to the public health services support fund by \$149,070, and requires that such amount be transferred to the general fund.

Eliminates the supplemental tobacco litigation settlement moneys account within the children's basic health plan trust. Makes transfers from the strategic contribution fund directly to the children's basic health plan trust.

Makes conforming changes to the appropriations made in the 2008-09 long bill.

**APPROVED** by Governor April 16, 2009

**EFFECTIVE** April 16, 2009

**S.B. 09-211** Children's basic health plan - eligibility - budget balancing act - reduction in FY 08-09 appropriation. Eliminates the statutory change that would have expanded eligibility for the children's basic health plan to persons whose income does not exceed 225% of the federal poverty level, and restores the previous income eligibility level of 205% of the federal

poverty level.

Reduces the appropriation made in fiscal year 2008-09 for the income eligibility level expansion in the children's basic health plan.

**APPROVED** by Governor February 26, 2009

**EFFECTIVE** February 26, 2009

**S.B. 09-252** Medicaid - prescription drugs - mail order. Authorizes a medicaid recipient to receive prescription drugs through mail order if the recipient has third-party insurance that authorizes maintenance medications through mail order.

**APPROVED** by Governor May 18, 2009

**EFFECTIVE** May 18, 2009

**S.B. 09-262** Breast and cervical cancer prevention and treatment program - state costs - budget package act - appropriations. For fiscal years 2009-10 through 2011-12, requires that 100% of the state costs of the breast and cervical cancer prevention and treatment program (program) be paid from the breast and cervical cancer prevention and treatment fund (cash fund).

For fiscal years 2012-13 and 2013-14, requires that 50% of the state costs of the program be paid from the cash fund and 50% be paid from the general fund.

Makes an adjustment to the 2009 general appropriations act to decrease the general fund appropriation and increase the cash fund appropriation to reflect the statutory change.

**APPROVED** by Governor May 1, 2009

**EFFECTIVE** May 1, 2009

**S.B. 09-263** Medicaid - nursing facility provider fee - supplemental payments - limit fee - federal match - budget package act - appropriation. Provides that payments to nursing facility providers (providers) from the nursing facility provider fees (provider fees) shall be paid through supplemental monthly payments (supplemental payments) rather than through increases in per diem rates.

For the 2009-10 fiscal year and subsequent fiscal years, provides that the increase in the costs of direct and indirect health care services and raw food shall not exceed 8% per year.

Makes supplemental payments for quality incentives, residents with severe mental disorders, medicaid offset payments, and per diem rates that exceed the general fund share subject to available moneys from the provider fees and federal matching funds. Authorizes the department of health care policy and financing (department) to suspend or reduce supplemental payments if moneys from the provider fees and federal matching funds are not sufficient to fully fund all of the payments.

Clarifies that the federal match for payments associated with the general fund share of the per diem rate to nursing facility providers shall be 50%.

Provides that, for the 2009-10 fiscal year, there shall be no increase in the general fund share of the per diem rate for nursing facility providers. Provides that, for the 2010-11

fiscal year, the increase shall be limited to 5% from the prior fiscal year.

For the 2009-10 fiscal year, limits the provider fees to \$7.50 per nonmedicare-resident day. For the 2010-11 fiscal year and fiscal years thereafter, limits the provider fees to \$7.50 per nonmedicare-resident day plus inflation.

Provides that the provider fees and supplemental payments shall be due as simultaneously as feasible. Prohibits a provider from including the amount of the provider fees as a separate line item in its billing statements. Prioritizes the following uses of moneys from the provider fees and the federal matching funds:

- Payment of administrative costs for implementing the provider fee and the medicaid offset supplemental payment;
- Payment of the non-general fund portion of the per diem rates;
- Payment of quality performance supplemental payments;
- Supplemental payments for patients with mental health conditions, cognitive dementia, or acquired brain injuries; and
- Payment of supplemental quality incentive payments.

For the 2008-09 fiscal year, reduces the general fund appropriation for medical services premiums by \$4 million and increases the cash fund appropriation for medical services premiums by \$3,711,958. For the 2009-10 fiscal year, reduces general fund appropriation for the medical services premium by \$17,140,089 and increases the cash fund appropriation for medical services premiums by \$3,912,114.

**APPROVED** by Governor May 1, 2009

**EFFECTIVE** May 1, 2009

**S.B. 09-264** Medicaid - increased federal match - statutory adjustments - budget package act - appropriations. Reduces the appropriation to the pediatric specialty hospital fund from the tobacco tax cash fund in the fiscal years 2008-09 through 2010-11, and uses the amounts of the decreases to offset general fund appropriations for health-related purposes.

Reduces the transfer of moneys from the strategic contribution fund to the comprehensive primary and preventive care fund in the fiscal years 2009-10 and 2010-11, and transfers the amounts that would have been transferred to the comprehensive primary and preventive care fund to the general fund.

Reduces the transfer of moneys from the strategic contribution fund to the pediatric specialty hospital fund in the fiscal years 2008-09 through 2010-11, and transfers the amounts that would have been transferred to the pediatric specialty hospital fund to the general fund.

Specifies that, for the fiscal years 2008-09 through 2010-11, if a provider under the Colorado indigent care program or a school district submits a certification of public expenditure pursuant to federal law, the provider or school district shall receive federal matching funds in the amount of 50% of the amount certified. Provides that any federal matching funds in excess of 50% of the amount certified shall be transferred to the general fund.

Reduces the statutory appropriation to the Colorado health care services fund for the fiscal years 2008-09 and 2009-10.

For the fiscal years 2008-09 through 2010-11, authorizes transfers from the excess federal Title IV-E reimbursements cash fund to the general fund.

Makes changes to the 2008 long bill and adjustments to the 2009 long bill to reflect the statutory changes.

Makes certain provisions of the act contingent on the passage of Senate Bill 09-210.

**APPROVED** by Governor May 1, 2009

**EFFECTIVE** May 1, 2009

**Note:** Senate Bill 09-210 was signed by the governor April 16, 2009.

**S.B. 09-265** Medicaid - payments - timing - budget package act - appropriation. Clarifies that the state's contributions for the medicare prescription drug program are to be made in the manner and at the time required by the federal centers for medicare and medicaid services.

Authorizes the department of health care policy and financing to delay the last normal provider payment cycle for the 2009-10 fiscal year until after July 1, 2010.

Specifies that, after June 1, 2010, capitated payments made to various managed care entities shall be made on the first day of the month following the enrollment of recipients in the managed care entities.

Makes adjustments to the appropriations in the 2009 long bill to reflect the statutory changes.

**APPROVED** by Governor May 1, 2009

**EFFECTIVE** May 1, 2009

**H.B. 09-1020** Medicaid - children's basic health plan - reenrollment - telephone - internet. Directs the department of health care policy and financing (department) to establish a process for reenrollment in medicaid and the children's basic health plan both over the telephone or through the internet. Authorizes the department to implement the process as a pilot program. Specifies that the department shall not implement the reenrollment process until it can verify eligibility over the telephone or through the internet and has received spending authority.

Authorizes the department to solicit and accept gifts, grants, or donations to implement the act.

**APPROVED** by Governor May 21, 2009

**EFFECTIVE** May 21, 2009

**H.B. 09-1047** Medicaid - alternative therapies for persons with a spinal cord injury - pilot program - repeal - appropriation. Establishes a pilot program to provide chiropractic care, massage therapy, and acupuncture to an eligible person with a spinal cord injury (pilot program). Specifies criteria for identifying eligible persons. Directs the medical services board to adopt rules to administer the pilot program, including defining complementary and alternative therapies.

Requires the department of health care policy and financing (department) to report to health and human services committees of the general assembly. Authorizes the department

to solicit and accept gifts, grants, and donations for the pilot program. Specifies that the department need only seek a waiver for the pilot program if the department receives sufficient gifts, grants, or donation to pay for preparing the waiver.

Repeals the pilot program, effective September 1, 2015.

Appropriates \$53,480 and 0.8 FTE to the department for the implementation of the act. Specifies that \$26,740 of this amount shall be from the department of health care policy and financing cash fund and that \$26,740 of this amount shall be from federal funds.

**APPROVED** by Governor June 2, 2009

**EFFECTIVE** August 5, 2009

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

**H.B. 09-1073** Medicaid - electronic prescriptions - study - repeal - appropriation. Directs the department of health care policy and financing (department) to contract for a study and to report to the health and human services committees of the general assembly on the ability and feasibility of using electronic prescriptions in the medical assistance program. Authorizes the department to solicit and accept gifts, grants, and donations to pay for the study and report. Specifies that no general fund moneys are to be used for the implementation of the act.

Repeals the statute authorizing the study, effective July 1, 2010.

Appropriates \$52,500 to the department for the implementation of the act, of which \$26,250 shall be from the department of health care policy and financing cash fund and \$26,250 shall be from federal funds.

**APPROVED** by Governor May 20, 2009

**EFFECTIVE** August 5, 2009

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

**H.B. 09-1103** Medicaid - presumptive eligibility - long-term care. Provides that, subject to receipt of federal authorization and sufficient funding, a person in need of long-term care who declares all of the information necessary to determine eligibility under the medical assistance program (program) shall be presumptively eligible for benefits under the program based upon the declaration. Specifies that, if a person determined to be presumptively eligible is later determined to be ineligible, a county shall not be liable for medical services provided or for any federal error rate sanctions.

**APPROVED** by Governor April 22, 2009

**EFFECTIVE** April 22, 2009

**H.B. 09-1164** Breast cancer awareness special license plate - additional surcharge - funding to expand breast cancer treatment for low-income women. Adds a \$25 surcharge to the cost of a new or replacement breast cancer awareness special license plate. On or after July 1, 2012, requires payment of the \$25 surcharge to renew a breast cancer awareness special license plate.

Allocates proceeds from the \$25 surcharge to a new account within the breast and cervical cancer prevention and treatment fund to pay for the costs to expand eligibility for participation in the breast and cervical cancer prevention and treatment program under the "Colorado Medical Assistance Act" to women who are screened by providers who do not receive federal funds through the centers for disease control and prevention's national breast and cervical cancer early detection program for their screening activities but are recognized by the Colorado department of public health and environment (department) as providers of screening activities for such program. Authorizes expenditure of moneys in the breast and cervical cancer prevention and treatment fund to cover the department's costs in recognizing providers.

Requires the legislative service agencies of the Colorado general assembly to conduct a post-enactment review of the implementation of the act 5 years after the act becomes law.

**APPROVED** by Governor May 2, 2009

**EFFECTIVE** May 2, 2009

**H.B. 09-1191** Medicaid - liens - claims against third parties. With regard to liens of the department of health care policy and financing for medical assistance against claims against third parties, provides that the liens cannot exceed the amount of the medical assistance provided, are effective to the fullest extent allowed by federal law in this state, and are against the entire amount of the claim regardless of how the parties have characterized the claim.

**APPROVED** by Governor April 3, 2009

**EFFECTIVE** August 5, 2009

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

**H.B. 09-1223** Tobacco litigation settlement cash fund - health care supplemental appropriations and overexpenditures account - expending moneys for the Colorado benefits management system - extension of deadline. Extends the deadline for expending moneys for the Colorado benefits management system from the health care supplemental appropriations and overexpenditures account of the tobacco litigation settlement cash fund for one year. Upon expiration of the deadline, transfers any remaining balance to the general fund.

**APPROVED** by Governor April 3, 2009

**EFFECTIVE** April 3, 2009

**H.B. 09-1293** Hospital provider fee - rules - authorized uses - expanding eligibility - appropriations. Authorizes the department of health care policy and financing (department) to charge and collect from licensed or certified hospitals a hospital provider fee (fee). Authorizes the state medical services board (state board) to establish the amount of the fee that shall not exceed the federal limit and to promulgate rules governing the administration and collection of the fee. Specifies that the fee shall:

- Supplement and not supplant existing general fund appropriations to hospital providers unless payments to other medicaid providers are reduced;
- Be used for increasing reimbursements to hospitals under medicaid and the Colorado indigent care program, expanding eligibility for medicaid and the children's basic health plan (CHP+), and paying the costs of the department in

- administering the fee;
- Be returned if the federal government does not approve the fee; and
- Cease if the federal government no longer provides matching federal funds for the fee.

Establishes the hospital provider fee oversight and advisory board (board) to make recommendations to the department concerning the amount of the fee, procedures for collecting the fee, and changes to the eligibility requirements for assistance if moneys from the fee are insufficient to pay for all of the proposed eligibility expansions. Specifies membership of the board. Directs the board to report annually to specified committees of the general assembly, the governor, and the medical services board.

Establishes an additional hospital reimbursement based upon a hospital's performance in providing improved health outcomes for recipients.

Subject to sufficient moneys being received from the fee and the matching federal funds:

- Expands eligibility for medicaid to:
  - Parents of children eligible for medical assistance or CHP+ to up to 100% of the federal poverty level;
  - Disabled individuals participating in a medicaid buy-in program to up to 450% of the federal poverty level; and
  - Childless adults or adults without a dependent child in the home to up to 100% of the federal poverty level subject to federal authorization;
- Provides for continuous eligibility in medicaid for children for 12 months;
- Expands eligibility for children and pregnant women under CHP+ to up to 250% of the federal poverty level.

Directs that if moneys are insufficient to fully fund the proposed eligibility expansions, the state board, subject to the approval of the joint budget committee, by rule may reduce the medical benefits offered or reduce the eligibility levels, but the state board may not reduce the eligibility levels below the current levels. Provides that any rule reducing medical benefits or eligibility expires on the following May 15 unless the general assembly acts by bill to extend the rule.

Directs the state auditor to conduct a performance and fiscal audit of the fee in the second year following approval of the fee by the federal government.

Directs the legislative service agencies of the general assembly to conduct a post-enactment review of the act 5 years after enactment.

Makes adjustments to the 2008 and 2009 long bills.

**APPROVED** by Governor April 21, 2009

**PORTIONS EFFECTIVE** July 1, 2009  
**PORTIONS EFFECTIVE** April 1, 2010

**H.B. 09-1353** Medicaid - children's basic health plan - legal immigrants - pregnant women and children. Subject to sufficient appropriations and the receipt of federal financial participation, authorizes the department of health care policy and financing to provide benefits under medicaid and the children's basic health plan to pregnant women and children

who are legal immigrants prior to the 5-year waiting period following their date of entry into the United States.

**APPROVED** by Governor June 1, 2009

**EFFECTIVE** July 1, 2010

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

## HUMAN SERVICES - MENTAL HEALTH

**S.B. 09-30** Medicaid - children's mental health - reports. Requires behavioral health organizations that serve children receiving medicaid whose parents or legal guardians request residential treatment to report certain information to the department of health care policy and financing (department). Clarifies that it is the duty of the department to forward the reported information to the department of human services. Extends the repeal of the "Child Mental Health Treatment Act" to July 1, 2019.

**APPROVED** by Governor April 16, 2009

**EFFECTIVE** April 16, 2009

**S.B. 09-206** Persons with developmental disabilities - pilot navigator program - budget balancing act - elimination of FY 08-09 appropriation. Repeals the waiting list navigator pilot program (program) in the department of human services.

Repeals the fiscal year 2008-09 appropriation for the program.

**APPROVED** by Governor March 2, 2009

**EFFECTIVE** March 2, 2009

**H.B. 09-1178** Persons with developmental disabilities - caregiver abuse - task force to study creation of registry of allegations of abuse. Creates a voluntary task force of persons to study the establishment of a registry of caregivers who are deemed to have a substantiated allegation of wrongdoing against a person with a developmental disability. Directs the task force to report its recommendations to the department of human services by June 2010.

**APPROVED** by Governor April 2, 2009

**EFFECTIVE** April 2, 2009

**H.B. 09-1253** Courts - involuntary mental health treatment - jurisdiction and venue. Mandates that evidence acquired directly or indirectly from an involuntary medication proceeding is inadmissible against the defendant.

Requires the department of human services (department) to deliver, prior to the hearing, a copy of the petition for an involuntary medication order to the court that committed the defendant to the custody of the department, the prosecuting attorney, and the defendant's legal counsel or to the defendant directly. Requires a physician to assess and document a defendant's mental status prior to the administration of any court-ordered medication. Requires a petition for involuntary treatment to be heard in the court of the jurisdiction where the defendant is located.

If a defendant who was found incompetent to stand trial is returned to jail for pending court proceedings, allows the county jail to require the defendant to continue the same court-ordered treatment or administration of medication.

Clarifies statutory language concerning jurisdiction for persons found not guilty by reason of insanity.

**APPROVED** by Governor April 16, 2009

**EFFECTIVE** August 5, 2009

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

## HUMAN SERVICES - SOCIAL SERVICES

**S.B. 09-5** Traumatic brain injury program - spending authority - repeal. Expands the definition of traumatic brain injury to include blast injuries. Reconfigures the composition of the Colorado traumatic brain injury trust fund board (board). Requires the board to determine within specified percentages the amounts to be spent annually on direct services for persons with traumatic brain injuries, education services related to increasing the understanding of traumatic brain injury, and research related to the treatment and understanding of traumatic brain injury.

Makes the moneys in the Colorado traumatic brain injury trust fund subject to annual appropriations.

Removes the repeal date for the Colorado traumatic brain injury program.

**APPROVED** by Governor April 20, 2009

**EFFECTIVE** April 20, 2009

**S.B. 09-44** Administrative procedures - audio recordings - provider appeals - rule-making authority of state board and executive director. For reviews of an administrative law judge's decision involving the department of human services (department), permits a party who cannot afford a written transcript to file an audio recording.

Eliminates an exception for provider appeals that allows the decision of the administrative law judge rather than the department to constitute final agency action for purposes of judicial review.

Repeals an obsolete provision relating to appeals under the old merit system.

Makes the rule-making authority of the state board of human services (state board) and the executive director of the department (executive director) consistent throughout the statutes by clarifying that the state board has rule-making authority over program scope and content and client and provider rights and that the executive director has rule-making authority over department administration, accounting, and fiscal reporting. Clarifies that references in the statutes to rule-making by the department mean the department acting through either the state board or the executive director and that any exercise of rule-making shall be consistent with this distinction between board rules and executive director rules.

Provides that any existing rules of the executive director or of the department adopted prior to the enactment of the act that contain subject matter appropriate for board rules are valid and enforceable until revised, amended, or repealed by the state board. Provides that any existing rules of the state board or of the department adopted prior to the enactment of the act that contain subject matter appropriate for executive director rules are valid and enforceable until revised, amended, or repealed by the executive director.

**APPROVED** by Governor March 25, 2009

**EFFECTIVE** March 25, 2009

**S.B. 09-53** Colorado works - wage assignments - pre-eligibility support arrearages. Amends the Colorado works program to comply with federal law by allowing an applicant for public

assistance to retain his or her right to support arrearages that accrued prior to the applicant's date of eligibility for public assistance.

**APPROVED** by Governor April 20, 2009

**EFFECTIVE** April 20, 2009

**S.B. 09-55** Family resource centers - funding. Adds a definition for "family support and parent education" to elaborate on the term "parenting education" in the family resource center program (program). Allows a family resource center to apply for and receive funds from the Colorado works statewide strategic use fund. Adds a new criterion for a family resource center seeking a grant from the prevention services division in the department of public health and environment. Deletes the repeal date for the program.

**APPROVED** by Governor March 20, 2009

**EFFECTIVE** March 20, 2009

**S.B. 09-56** Trinidad state nursing home - transfer of title. Grants the executive director of the department of human services (director) the authority to transfer title to any real or personal property at the Trinidad state nursing home (nursing home), provided he or she works in consultation with the board of county commissioners for Las Animas county. Directs any proceeds from the transfer to be deposited in the central fund for state nursing homes and applied toward projects and programs for the state nursing homes. Requires the director to consider the results of any independent feasibility study conducted prior to making a decision, and to make available upon request any nonconfidential information concerning the nursing home that may be needed to complete such a feasibility study. Makes a provision for current employees of the nursing home who are members of public employees' retirement association to continue their membership under certain circumstances.

**APPROVED** by Governor April 22, 2009

**EFFECTIVE** April 22, 2009

**S.B. 09-68** Funding for domestic abuse programs - increase marriage license fee - increase dissolution of marriage filing fees - appropriation. Increases the fee for a marriage license by \$20 to fund domestic abuse services for married, separated, or divorced persons or their families.

Increases the filing fees for a petition and response in a dissolution of marriage action by \$10. Specifies that 1/2 of the increased filing fees for a petition and response shall be deposited in the family violence justice fund and that 1/2 of the increased filing fees shall be deposited in the Colorado domestic abuse program fund.

Requires the department of human services (department) to require each domestic abuse program to request information from each client served by the program concerning the relationship of the client to the alleged perpetrator of the domestic abuse. Removes the limit on the reimbursement rate paid to certain domestic abuse programs.

Appropriates \$843,430 to the department from the Colorado domestic abuse program fund and \$143,430 to the judicial department from the family violence justice fund.

**APPROVED** by Governor May 15, 2009

**EFFECTIVE** July 1, 2009

**S.B. 09-100** Colorado works program - noncustodial parent - eligibility. Changes the definition of a noncustodial parent so that a noncustodial parent may receive employment assistance under the Colorado works program even though his or her child is not receiving assistance under the Colorado works program.

**APPROVED** by Governor April 30, 2009

**EFFECTIVE** April 30, 2009

**S.B. 09-144** Colorado commission for the deaf and hard of hearing - auxiliary services for persons who are deaf or hard of hearing - appropriation. Allows the Colorado commission for the deaf and hard of hearing (commission) to schedule auxiliary services, including but not limited to interpreters for the state courts.

Creates a system navigator specialist position within the commission to improve and ensure equivalent access to auxiliary services by critical state and local government agencies, private agencies, and other entities, to increase awareness of programs for and rights of persons who are deaf or hard of hearing, and to assist those individuals in accessing auxiliary services.

Creates the Colorado commission for the deaf and hard of hearing grant program (grant program) and a subcommittee to administer the grant program. Clarifies grant program responsibilities and functions, including providing grants to entities to address the needs of the deaf and hard of hearing community.

Clarifies that the state court system is not responsible for providing auxiliary services in municipal courts for persons who are deaf or hard of hearing.

Clarifies that, for a person to provide auxiliary services for the deaf and hard of hearing community, the person must hold a current certification issued by the registry of interpreters for the deaf or a successor organization.

For the fiscal year beginning July 1, 2009, appropriates \$135,189 from the disabled telephone users cash fund to the Colorado commission for the deaf and hard of hearing cash fund for the implementation of the act. Further appropriates, as reappropriated funds, \$110,189 cash funds and 1.6 FTE to the department of human services (department) for allocation to the commission and \$25,000 to the department for allocation to the grant program.

**APPROVED** by Governor May 2, 2009

**EFFECTIVE** August 5, 2009

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

**S.B. 09-164** Child welfare services - child welfare training academy - appropriation. Creates the child welfare training academy (academy) in the department of human services (department). Requires the department to promulgate rules for the administration of the academy.

Makes the act effective contingent upon an increase in the appropriation to the department, division of child welfare, for training, of an amount not less than \$880,718 for the fiscal year beginning July 1, 2009, which amount includes \$496,325 of general fund

moneys and \$384,393 of moneys from federal sources, and 3.0 FTE.

**APPROVED** by Governor May 19, 2009

**EFFECTIVE** May 19, 2009

**Note:** Sufficient moneys were appropriated for the training academy.

**S.B. 09-261** Supplemental old age pension health and medical care fund - medicaid general fund costs - budget package act - appropriation. For fiscal year 2008-09, allows up to \$3 million from the supplemental old age pension health and medical care fund (fund) to be used to offset the general fund costs of persons 65 years of age or older who are served through the state medicaid program.

For fiscal year 2009-10, allows the fund to be used to offset the general fund costs of persons 65 years of age or older who are served through the state medicaid program.

For fiscal year 2008-09, reduces the general fund appropriation for medical services by \$3 million and increases the cash fund appropriation for medical services by \$3 million. For fiscal year 2009-10, reduces the general fund appropriation for medical services by \$6 million and increases the cash fund appropriation for medical services by \$6 million.

**APPROVED** by Governor May 1, 2009

**EFFECTIVE** May 1, 2009

**S.B. 09-267** Residential child care - county contribution - budget package act. Removes 6 months earlier the statutory limitation on the percentage of costs that a county department of social services (county department) pays for a child who is placed in a residential child care facility by the county department.

Reduces the general fund appropriation to the department of human services, division of child welfare, for child welfare services to reflect the increase in the county department's share of costs.

**APPROVED** by Governor May 1, 2009

**EFFECTIVE** May 1, 2009

**H.B. 09-1007** Interagency oversight - collaborative management - inclusion of domestic violence agency in program. Requires a representative from the field of domestic violence to be a part of a local interagency oversight group in a collaborative management program of multi-agency services provided to children and families, if such a person is available.

**APPROVED** by Governor March 20, 2009

**EFFECTIVE** August 5, 2009

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

**H.B. 09-1064** Economic opportunity poverty reduction task force - creation - duties - report. Creates the economic opportunity poverty reduction task force (task force) consisting of 10 members of the general assembly. Specifies that the task force shall meet during the legislative interim. Specifies the terms of membership of the task force.

Specifies the duties of the task force, including assessing current policies and practices in Colorado that promote economic opportunity and poverty reduction and developing and implementing a strategic, integrated, and comprehensive plan to reduce by at least 50% the number of Coloradans living in poverty, including families and children, by 2019.

Requires the task force to report annually to the general assembly with recommendations and any proposals for legislation that advances economic opportunity while reducing poverty, especially child and family poverty.

Repeals the task force, effective July 1, 2014.

**APPROVED** by Governor June 1, 2009

**EFFECTIVE** June 1, 2009

**H.B. 09-1078** Foster parents - training - individualized education programs. Requires that the department of human services make available to foster parents training concerning individualized education programs.

**APPROVED** by Governor March 19, 2009

**EFFECTIVE** August 5, 2009

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

**H.B. 09-1139** Fetal alcohol spectrum disorders - commission - health warning signs. Establishes a fetal alcohol spectrum disorders commission. Encourages any vendor licensed in the state of Colorado to sell alcoholic beverages to post a health warning sign on the premises concerning the risks of consuming alcoholic beverages while pregnant.

**APPROVED** by Governor April 21, 2009

**EFFECTIVE** August 5, 2009

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

**H.B. 09-1215** State supplemental security income - stabilization fund created - continuous appropriation - report. Creates a state supplemental security income stabilization fund (stabilization fund) for the purpose of stabilizing the source of funding required to meet the federal requirements for maintenance of effort (MOE) for the state-funded supplement to persons receiving federal financial benefits pursuant to Title XVI of the social security act (SSI). Directs that the stabilization fund shall consist of any excess moneys recovered due to overpayment of recipients, including regular, fraud, and interim assistance reimbursement recoveries, and any appropriations made to the stabilization fund by the general assembly. Authorizes a continuous appropriation of the moneys in the stabilization fund to be expended on programs that count toward the SSI MOE when the department of human services determines that the state is at risk of not meeting the federal MOE.

Establishes a cap of \$1.5 million that may remain in the stabilization fund at the end of each fiscal year, with the excess to revert to the general fund. Requires the department of human services to submit an annual report to the joint budget committee about expenditures

made from the stabilization fund.

**APPROVED** by Governor March 25, 2009

**EFFECTIVE** March 25, 2009

**H.B. 09-1237** Children with disabilities - early intervention services - health insurance plans - appropriation. Clarifies that the mandatory coverage for early intervention services for infants and toddlers through private health insurance plans ("private plans") as it relates to part C child find activities of the federal "Individuals with Disabilities Education Improvement Act of 2004" ("part C activities") includes contracts for health insurance and renewed plans. Requires that, if the annual appropriated rate for state-funded early intervention services increases by more than the cost-of-living adjustment, the rate paid by private plans will also increase in an equivalent amount.

Creates an exception to the cap on the annual limit for early intervention services for rehabilitation or therapeutic services that are necessary as the result of post-surgical rehabilitation.

Directs that early intervention services providers shall not seek additional reimbursement from the covered person or the insurer. Directs that a child's private plan be accessed to pay for early intervention services prior to the use of state or federal funds. Prohibits an insurer from terminating coverage or failing to renew coverage as a result of a child accessing the benefits to receive early intervention services.

Streamlines administration of the coordinated payment system by requiring all private plans to make payment of benefits for early intervention services to the department of human services for deposit in the early intervention services trust fund. Requires the private plan to make payment to the department within 30 days after notification from the department that an eligible child needs services. Extends the time allowed for submission and payment of outstanding bills after the department determines that a child is no longer eligible for services and that the private plan is no longer required to provide coverage.

Appropriates \$46,943 cash funds and 1.0 FTE out of the early intervention services trust fund to the department of human services, for allocation to services for people with disabilities, for the implementation of the act. Anticipates that the department of human services will receive \$3,514,057 cash funds custodial funds (federal funds) for early intervention services for the implementation of the act.

**APPROVED** by Governor May 2, 2009

**EFFECTIVE** May 2, 2009

**H.B. 09-1297** Child care - licensing - advisory committee. Amends the membership requirements for the advisory committee on licensing of child care facilities to allow a member to serve successive terms and to remain on the committee beyond the expiration of his or her term until the governor appoints a replacement.

**APPROVED** by Governor April 16, 2009

**EFFECTIVE** August 5, 2009

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

## INSURANCE

**S.B. 09-244** Health insurance - mandated coverage for treatment of autism spectrum disorders in children. Requires all group health benefit plans subject to the jurisdiction of the state insurance commissioner that are issued or renewed on or after July 1, 2010, to cover the assessment, diagnosis, and treatment of autism spectrum disorders (ASD) in children. Defines ASD to include autistic disorder, Asperger's disorder, and atypical autism as a diagnosis within pervasive developmental disorder not otherwise specified.

Directs that treatment for ASD shall be for treatments that are medically necessary, appropriate, effective, or efficient. Lists as treatment for autism spectrum disorders: Evaluation and assessment services, behavior training and behavior management and applied behavior analysis, habilitation or rehabilitative care, pharmacy care and medication, if covered by the health benefit plan, psychiatric care, psychological care, including family counseling, and therapeutic care. States that these listed treatments are not considered experimental or investigational and are considered appropriate, effective, or efficient for the treatment of autism.

Sets an annual maximum benefit cap for applied behavior analysis for ASD at \$34,000 for a child from birth through 8 years of age and \$12,000 for a child 9 through 18 years of age. For a person who is also covered under the mandate for physical, occupational, and speech therapy for congenital defects and birth abnormalities, allows the level of benefits for physical, occupational, or speech therapy to exceed the limit of 20 visits for each therapy if such therapy is medically necessary to treat ASD.

Requires treatment for ASD to be prescribed or ordered by a licensed physician or licensed psychologist. Defines the professional, educational, and experience requirements for autism services providers that provide direct services.

States that nothing in the statute shall be construed to require or permit a carrier to reduce benefits provided for ASD if a policy already provides coverage that exceeds the requirements of the statute, to prevent a carrier from increasing benefits provided for ASD, or to limit coverage for physical or mental health benefits covered under a health benefit plan. Prohibits a health benefit plan offered to residents of this state providing basic health care services from excluding ASD or imposing additional requirements for authorization of services.

States that coverage for ASD shall not be subject to dollar limits, deductibles, or coinsurance provisions that are less favorable to an insured than the dollar limits, deductibles, or coinsurance provisions that apply to physical illness generally under the health benefit plan. Prohibits benefits provided by a carrier for care or treatment of a health condition not diagnosed as ASD from being applied toward any ASD maximum benefit amount established under the policy. States that coverage for ASD is subject to all terms, conditions, definitions, restrictions, exclusions, limitations, and utilization review of health care services that apply to any other coverage under the health benefit plan.

Prohibits a carrier from denying or refusing to provide otherwise covered services, refusing to issue, renew, or reissue, or otherwise restricting or terminating coverage under a policy to an individual because the individual or his or her dependent is diagnosed with ASD or due to utilization of services for which coverage is mandated. Subjects any review of a treatment plan or any appeal of a decision regarding treatment to the rules of the insurance commissioner on prompt investigation of health plan claims involving utilization

review and denial of benefits. States that the statute shall not be construed to affect any obligation to provide services to an individual under an individualized family service plan, an individualized education program, or an individualized plan.

Specifies that services for the treatment of ASD are the primary services for a child who is also eligible for early intervention services, and that early intervention services supplement, but do not replace, services provided under the required coverage for ASD.

Excludes group policies from an existing statute that provides that treatment for autism is not mandated and, if covered by a policy, was not to be treated as a mental illness thereby making that statute apply just to individual policies. States that nothing in that statute shall prohibit or prevent a person with ASD from receiving mental health benefits in his or her health benefit plan.

States that the schedule of health care services under the children's basic health plan shall not include the mandated coverage for ASD. Includes a legislative declaration stating that the general assembly finds that due to budgetary issues the state cannot fund an expansion of the children's basic health plan to include a similar coverage for ASD.

**APPROVED** by Governor June 2, 2009

**EFFECTIVE** July 1, 2010

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

**H.B. 09-1012** Health insurance - individual and small group plans - wellness and prevention programs - incentives or rewards - information collected by division of insurance - reporting to health care task force. For individual and small group health coverage plans issued or renewed or on after July 1, 2009, authorizes carriers to offer incentives or rewards for covered persons and small groups to participate in wellness and prevention programs (programs). Allows the board of directors of the CoverColorado program or carriers providing health benefit plans to CoverColorado participants to also offer the incentives.

Permits incentives or rewards to include premium discounts or rebates; modifications to copayment, deductible, or coinsurance amounts; or a combination of those incentives. Requires incentives or rewards to be reasonably related to the program and tied to participation in the program rather than to particular outcomes.

Requires programs and incentives or rewards offered by carriers to comply with:

- The federal "Health Insurance Portability and Accountability Act of 1996" and related federal regulations; and
- The federal "Americans with Disabilities Act of 1990" and state antidiscrimination laws.

Allows carriers to determine the types of programs and incentives to offer as long as:

- Participation in the programs is voluntary and is not a condition of coverage;
- Incentives or rewards are uniformly applied based on the program, not the size or composition of the small group;
- Nonparticipation cannot be penalized;
- The participant is not required to achieve a certain outcome in order to receive

- the incentive; and
  - The carrier does not market the program so as to induce individuals or small groups to purchase health coverage from the carrier.

Requires the division of insurance to collect and report to the health care task force information regarding wellness and prevention programs offered in the state, including the types of programs offered; the types and nature of incentives or rewards provided; the total number of small groups and individuals participating in programs; and the percentage of carriers offering individual or small group health coverage plans in the state that also offer wellness and prevention programs.

Prohibits a small employer that makes a program available to its employees as part of its small group plan from making participation or disclosure of participation in the program a condition of employment with the small employer.

**APPROVED** by Governor April 25, 2009

**EFFECTIVE** July 1, 2009

**H.B. 09-1059** Mandatory health insurance coverage - routine patient care during clinical trial or study. Requires all individual and group health benefit plans to provide coverage for routine patient care costs while the covered person participates in a clinical trial or study if the coverage is a benefit that the covered person would receive outside of the clinical trial or study. Requires the clinical trial or study to meet specific standards of approval.

**APPROVED** by Governor May 2, 2009

**EFFECTIVE** August 5, 2009

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

**H.B. 09-1102** Health care task force - study - health insurance portability. During the 2009 interim, requires the health care task force to study the portability of health insurance after a policyholder has separated from employment.

**APPROVED** by Governor April 3, 2009

**EFFECTIVE** April 3, 2009

**H.B. 09-1143** Health insurance plans offered by health maintenance organizations - limited health benefit plans - authority to offer in rural counties - repeal. Allows health maintenance organizations (HMOs) to offer enrollees basic health care services through a limited health benefit plan under the following conditions:

- The limited health benefit plan can be offered only to those employer groups that have not offered employer-sponsored health coverage to their employees or all classes of their employees during the prior 12 months;
- The limited health benefit plan can be offered only to individuals who have been uninsured for the prior 12 months;
- The limited health benefit plan can be offered only in counties with a population that does not exceed 25,000 people;
- The limited health benefit plan provides a total annual maximum benefit amount of at least \$30,000; and
- The HMO counsels enrollees regarding the availability of catastrophic

coverage plans that are available in the market.

Requires limited health benefits plans to comply with mandatory coverage requirements and, for plans offered to employer groups, to comply with small group plan requirements and rate regulations.

Requires HMOs offering limited health benefit plans to submit an annual report to the division of insurance detailing information about the enrollment in the plan and the benefits paid under the plan. Requires HMOs to provide enrollees with detailed information regarding limited health benefit plans, including the total annual maximum benefit amount and the consequences of exceeding the total annual maximum benefit amount. Requires enrollees participating in a limited health benefit plan to sign a statement of understanding acknowledging his or her understanding of the contents and limitations of the plan. Repeals the authority of HMOs to offer limited health benefit plans on July 1, 2012.

**APPROVED** by Governor April 16, 2009

**EFFECTIVE** August 5, 2009

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

**H.B. 09-1155** Title insurance - justification of new or amended rate - procedures for filing. Requires justification for a new or amended title insurance rate or fee to be filed with the commissioner of insurance, rather than retained at the principal Colorado office of the title insurance company or agent. States that such filing shall include the effective date of the rate or fee, and that the effective date shall be at least 30 days after the commissioner receives the filing.

**APPROVED** by Governor March 18, 2009

**EFFECTIVE** August 5, 2009

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

**H.B. 09-1204** Health insurance - mandatory coverage - preventive health care services - prohibition against deductibles or coinsurance. Expands the required coverage for preventive health care services under an individual or group policy or contract providing coverage for health care services issued, delivered, renewed, or reinstated on or after January 1, 2010, to include the following preventive health care services:

- Alcohol misuse screening and behavioral counseling interventions for adults by primary care providers;
- Cervical cancer screening;
- Cholesterol screening for lipid disorders;
- Childhood immunizations pursuant to the schedule established by the advisory committee on immunization practices (ACIP);
- Influenza vaccinations pursuant to the schedule established by the ACIP;
- Pneumococcal vaccinations pursuant to the schedule established by the ACIP; and
- Tobacco use screening of adults and tobacco cessation interventions by primary care providers.

Specifies that the coverage is for services provided in accordance with A or B recommendations of the United States preventive services task force (USPSTF).

Prohibits the use of deductibles or coinsurance for covered preventive health care services, but allows the use of copayments for such services.

Modifies the breast cancer screening mandate to specify that health coverage policies are contracts to provide coverage for breast cancer screenings that are recommended pursuant to A or B recommendations of the USPSTF.

**APPROVED** by Governor June 1, 2009

**EFFECTIVE** January 1, 2010

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

**H.B. 09-1224** Insurance - health care coverage - individual health benefit plans - rates and benefits - consideration of gender - study by health care task force. Directs the health care task force during the 2009 interim to examine and make recommendations to the general assembly on the issue of health insurance carriers setting the rates and benefits offered for individual health benefit plans based on the gender of the individual insured.

**APPROVED** by Governor May 18, 2009

**EFFECTIVE** August 5, 2009

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

**H.B. 09-1338** Insurance laws updates - conformity with federal law. Modifies state insurance laws as follows to comply with recent federal law enactments:

- Conforms state law with the federal "Genetic Information Nondiscrimination Act" by expanding the scope of protections, in the areas of health care and medicare supplement insurance coverage, to the use of all genetic information, rather than just information derived from genetic testing;
- Conforms state law with the federal "Children's Health Insurance Program Reauthorization Act of 2009" by specifying that a person who loses eligibility under the "Colorado Medical Assistance Act" or the children's basic health plan, or who becomes eligible for premium assistance under such act or plan, is eligible to enroll in his or her employer's group health plan;
- Conforms state law with the federal "Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008" by specifying that the mental illness mandate applies only to small group plans and that the state mental health disorder parity law applies to large group plans;
- Conforms state law with the federal "Michelle's Law" by prohibiting carriers from terminating dependent coverage for a child under 24 years of age who is enrolled in a post-secondary institution and who takes a medically necessary leave of absence from the institution before the earlier of one year after the first day of the medically necessary leave of absence, or the date the coverage would otherwise terminate under the terms of the plan or health insurance coverage.

Makes the act applicable to policies and contracts issued, delivered, renewed, or reinstated on or after July 1, 2009.

**APPROVED** by Governor June 1, 2009

**EFFECTIVE** July 1, 2009

**H.B. 09-1349** Health care coverage - continuation after termination from employment - premium subsidy - qualifications - right to elect coverage pursuant to the federal "American Recovery and Reinvestment Act of 2009". Allows an employee who has been terminated from employment the right to continue health care coverage with a 65% premium subsidy if the employee is an assistance-eligible individual. Defines "assistance-eligible individual" as an individual who:

- Between September 1, 2008, and February 16, 2009, was continuously insured under the group policy of the employer for at least 6 months prior to termination;
- Experienced a qualifying event; and
- Is not eligible for health care coverage under another group plan or under medicare.

Defines "qualifying event" to mean an involuntary termination from employment that does not include the death of the employee, divorce or legal separation from the employee, or the loss of dependent status.

Requires an employer to provide notice to qualified beneficiaries of the right to elect coverage that includes eligibility and other information pursuant to the federal "American Recovery and Reinvestment Act of 2009".

Applies the act to employers who employ employees on at least 50% of its working days or, if the employer was not in business for the entire preceding calendar year, on at least 50% of its working days in the preceding calendar quarter.

**APPROVED** by Governor June 1, 2009

**EFFECTIVE** June 1, 2009

**H.B. 09-1364** Health care task force - membership - length of terms. Increases the length of terms that members appointed to the health care task force serve from one year to 2 years.

**APPROVED** by Governor June 1, 2009

**EFFECTIVE** June 1, 2009

## LABOR AND INDUSTRY

**S.B. 09-37** Workers' compensation - subsequent injury fund - major medical insurance fund. Limits the funding paid by employers insuring employers against liability for personal injury or death to their employees that is credited to the subsequent injury fund and the major medical insurance fund to the amount needed for anticipated claim payments and administrative costs in the following state fiscal year. Allows the director of the division of workers' compensation in the department of labor and employment to move revenues between the funds as necessary.

**APPROVED** by Governor June 1, 2009

**EFFECTIVE** August 5, 2009

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

**S.B. 09-67** Colorado economic development commission - Colorado credit reserve program - appropriation. Authorizes the Colorado economic development commission to contract with the Colorado housing and finance authority for the operation of a Colorado credit reserve program for the purpose of increasing the availability of credit to small businesses in Colorado.

Appropriates \$2,500,000 from the general fund to the Colorado economic development commission for the fiscal year beginning July 1, 2009, for the implementation of the act.

**APPROVED** by Governor May 7, 2009

**EFFECTIVE** May 7, 2009

**S.B. 09-70** Workers' compensation - procedures. Clarifies the date that compensation for a workers' compensation injury must be paid. Repeals the requirement that workers' compensation shall cease when an employee reaches 65 years of age. Clarifies that a dissatisfied party in a workers' compensation case shall file a petition at the office of administrative courts if the supplemental order was issued by an administrative law judge. Clarifies that a cease-and-desist order or fine issued for the failure to maintain workers' compensation insurance shall include specific findings of fact that the employer received notice of a hearing in circumstances where a hearing is applicable. Clarifies that an administrative law judge shall not hear and decide workers' compensation matters pending before the director of the division of workers' compensation.

**APPROVED** by Governor March 24, 2009

**EFFECTIVE** August 5, 2009

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

**S.B. 09-76** Employment and training technology fund - creation - allocation of employer tax surcharge from unemployment compensation fund - employment and training automation initiatives. Beginning July 1, 2009, through December 31, 2016, allocates 20% of the employer surcharge tax to the newly created employment and training technology fund for employment and training automation initiatives and decreases from 50% to 30% the amount allocated to the unemployment compensation fund. Requires the executive director of the

department of labor and employment to allocate moneys back to the unemployment compensation fund if the moneys in the fund fall below \$25 million, and allows the executive director to allocate moneys back to the unemployment compensation fund at any time.

**APPROVED** by Governor June 2, 2009

**EFFECTIVE** July 1, 2009

**S.B. 09-168** Workers' compensation - procedures - independent medical examiner practices - time to seek recovery of overpayment of benefits - party bearing burden of proof for modification of admission or order - timing for a claimant to request a hearing on disputed issues - recording and reporting requirements for examinations of employees receiving workers' compensation benefits. Prevents an independent medical examiner from contacting an authorized treating physician or reviewing physician or from requiring a workers' compensation claimant to undergo repeat testing when testing results are valid and any disparity in testing results has been resolved.

Except in cases of fraud, requires an attempt to recover an overpayment of disability or death benefits under workers' compensation laws to be asserted within one year after the time that the requestor knew of the overpayment.

States that, in disputes arising under the "Workers' Compensation Act of Colorado" (Act), a party seeking to modify an issue determined by a general or final admission or summary or full order bears the burden of proof for any such modification.

Provides that a claimant for workers' compensation benefits who has requested an independent medical examination (IME) is not required to file a request for a hearing on disputed issues that are ripe until the IME process is terminated for any reason. Allows issues for which a hearing or an application for a hearing is pending when a final admission of liability is filed to continue to the hearing without the claimant refiling an application for the hearing.

Requires an examiner who conducts an examination of an employee with a right to compensation under the Act to make an audio recording of the examination and to prepare a written report of the examination. Requires the fact of the audio recording to be disclosed to the employee prior to the examination. Directs that division of workers' compensation in the department of labor and employment to promulgate rules to protect the privacy of such recordings and the information therein contained.

**APPROVED** by Governor April 22, 2009

**EFFECTIVE** April 22, 2009

**S.B. 09-178** Unemployment insurance - employees attached to regular jobs - requirements to receive benefits - waiver during 2008 national economic recession. During the economic recession beginning in 2008, allows unemployed workers to receive unemployment insurance benefits without having to register for work or report to an employment office.

**APPROVED** by Governor May 18, 2009

**EFFECTIVE** May 18, 2009

**S.B. 09-243** Workers' compensation - benefits - application of fee schedule - combination of mental and physical impairment rating - payment for medical treatment after initial denial. Specifies that the fee schedule for the payment of workers' compensation benefits shall apply

to all surgical, hospital, dental, nursing, vocational rehabilitation, and medical services, and expert witness, expert reviewer, or expert evaluator services, whether related to treatment or not, provided after any final order, final admission, or full or partial settlement of the claim.

Requires the mental impairment rating to be combined with the physical impairment rating to establish a claimant's impairment rating for temporary and permanent disability payments.

Authorizes payment for an injured worker's medical treatment when compensability of the claim is initially denied and later found to be compensable if certain conditions are met.

**APPROVED** by Governor May 18, 2009

**EFFECTIVE** July 1, 2009

**S.B. 09-247** Unemployment compensation expansion - eligibility for federal stimulus moneys - reporting requirements - appropriation. For purposes of qualifying for unemployment compensation modernization incentive payments from the federal government (federal stimulus moneys) made available to states under the federal "American Recovery and Reinvestment Act of 2009", expands the availability of unemployment benefits to certain unemployed individuals as follows:

- Creates an alternative base period for an unemployed individual who has not earned sufficient wages for insured work during the existing base period to qualify for unemployment insurance benefits.
- Modifies the eligibility criteria for unemployment benefits when a worker separates from a job due to domestic violence to allow benefits when the worker reasonably believes that continued employment jeopardizes his or her safety or that of the worker's spouse, parents, or minor children and the worker submits substantiating documentation to the division of employment and training (division) in the department of labor and employment.
- Allows unemployment benefits to an individual who quits a job because of a change in employment location for the individual's spouse that necessitates a new place of residence for the individual, if the individual cannot practically commute to his or her current job and the individual, upon arrival to the new residence, is available for suitable work.
- Allows unemployment benefits to an individual who quits work to care for an ill or disabled immediate family member who requires care of a duration longer than the amount of leave allowed the individual under his or her employer's medical leave of absence policy or under the federal "Family and Medical Leave Act of 1993", as long as the individual informs the employer of the family member's condition, if so required by the employer, and provides the division, upon request, with written verification of the family member's condition.
- Authorizes enhanced unemployment insurance compensation benefits to eligible unemployment insurance claimants who are enrolled and making satisfactory progress in an approved training program that will train them for a high-demand occupation, a more stable, long-term occupation, or an occupation in the renewable energy industry. Repeals the availability of the enhanced unemployment insurance compensation benefits on July 1, 2012.
- Authorizes total unemployment rate (TUR) extended benefits when the TUR equals or exceeds 6.5%, and allows up to an additional 20 weeks of

unemployment benefits in high unemployment periods when the TUR equals or exceeds 8%.

Requires the division to submit an annual report to the joint budget committee, the business affairs and labor committee of the house of representatives, and the business, labor, and technology committee of the senate, detailing the total amount of federal stimulus moneys received and expended by the state in connection with each area of expansion of unemployment compensation benefits authorized pursuant to the act. Further requires the report to detail particular information regarding the outcomes of the enhanced unemployment insurance compensation benefits made available to individuals who undertake qualifying training to enter into a new career.

Appropriates \$234,192 from the unemployment compensation fund to the division to implement the act. Further appropriates the following amounts to the division from moneys distributed under the federal "Social Security Act" to the Colorado unemployment insurance trust fund:

- \$500,000 for regional workforce center outreach; and
- \$1,055,392 and 6.2 FTE for the TUR extended benefits program.

**APPROVED** by Governor June 2, 2009

**EFFECTIVE** July 1, 2009

**S.B. 09-258** Employee leasing companies - calculation of unemployment taxes - election of payroll report. Repeals the provision that makes an employee leasing company the only employing unit for covered employees for the purpose of calculating unemployment taxes. Allows employee leasing companies to make a one-time election to report payroll as the employing unit under its own unemployment accounts or under the individual account attributable to each work-site employer, with the right to make a one-time change from reporting as the employing unit to reporting under the respective accounts of each work-site employer. Precludes an employee leasing company that has elected to report payroll under the respective unemployment accounts of the work-site employers from later changing such election.

Makes the employee leasing company liable for the payment of all unemployment taxes regardless of the reporting method chosen. Specifies that the election made by an employee leasing company is binding on all entities related by common ownership to the employee leasing company.

**APPROVED** by Governor May 14, 2009

**EFFECTIVE** August 5, 2009

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

**S.B. 09-281** Workers' compensation - Pinnacol Assurance - operation as political subdivision of state - financial and performance audits - legislative interim study. Specifies that the board of directors of Pinnacol Assurance has the powers, rights, and duties provided by law. Requires the state auditor to undertake an annual audit, and in 2009 a performance audit, of Pinnacol Assurance and to transmit such audit together with any comments and recommendations to the governor, the general assembly, the executive director of the department of labor and employment, and the commissioner of insurance. Specifies that the

state auditor has continuing authority to conduct performance audits of Pinnacol Assurance. Establishes a legislative interim committee to meet during the 2009 interim to study the laws governing Pinnacol Assurance and to make recommendations on any policy changes with respect to these matters.

**APPROVED** by Governor June 1, 2009

**EFFECTIVE** June 1, 2009

**H.B. 09-1054** Unemployment insurance benefits - surviving spouse of armed services member killed in combat - eligibility criteria. Allows the surviving spouse of a member of the United States armed forces who is killed in combat to claim a full award of unemployment insurance benefits if the surviving spouse:

- Relocates to a new place of residence after the death of his or her active duty military spouse;
- Is unable to commute to his or her current employment from the new place of residence; and
- Is available for suitable work upon arrival at the new place of residence.

Requires the director of the division of employment and training (division) in the department of labor and employment to adopt rules to allow for a waiver of the obligation to actively seek work for individuals who are eligible for benefits under this act.

Specifies that the benefits are to be charged to the unemployment compensation fund rather than the employer.

Requires the division to track the number of claims made and the amounts awarded to surviving spouses and to submit an annual report to the business affairs and labor committee of the house of representatives and the business, labor, and technology committee of the senate, or their successor committees, detailing the number of claimants and amounts awarded.

Repeals the eligibility for benefits, effective July 1, 2019.

**APPROVED** by Governor March 25, 2009

**EFFECTIVE** March 25, 2009

**H.B. 09-1057** Leave from work - attendance at academic activities of employee's child - limitations on amount of leave - employer emergencies - notice requirements - exceptions - substitution of accrued paid leave - employer compliance by providing comparable leave - repeal. Enacts the "Parental Involvement in K-12 Education Act", which allows an employee of an employer who is subject to the federal "Family and Medical Leave Act" to take leave from work for the purpose of attending academic activities for or with the employee's child. Defines "academic activity" as a parent-teacher conference regarding the employee's child or a meeting related to special education services, response to intervention, dropout prevention, school attendance, or disciplinary issues regarding the employee's child. Permits the leave for an employee who is the parent or legal guardian of a child enrolled in a public or private school or in a nonpublic home-based educational program in this state in kindergarten through twelfth grade.

Limits the amount leave to 6 hours per month and 18 hours in any academic year. For a part-time employee, allows the employee a portion of leave based on the percent of a

full-time schedule that the employee works. Allows an employer to restrict the use of leave in cases of emergency or other situations that may endanger a person's health or safety or in a situation where the absence of the employee would result in a halt of service or production.

Permits the employer to require the employee to take leave in no greater than 3-hour increments and to provide written verification from the school or school district of the academic activity necessitating the leave. Directs employees to make reasonable attempts to schedule conferences or other activities outside of regular work hours, and requires schools and school districts to make best efforts to accommodate the schedules of working parents.

Requires the employee to provide the employer with at least one week's notice of the leave except in emergency situations where the employee is not aware of the need for leave one week in advance. When an employee takes leave without providing the requisite advance notice, requires the employee, upon return to work, to supply the employer with written verification of the academic activity from the school or school district.

Allows an employee or employer to elect to substitute accrued paid vacation leave, sick leave, personal leave, or other types of paid leave for the unpaid leave provided by the act. If an employee elects to use accrued paid leave to attend a child's academic activities, obligates the employer to allow the employee to use that accrued paid leave for the same purposes as, and with notice requirements no more stringent than, those applicable to the leave required by the act. Specifies that an employer is not required to provide its employees any additional leave as long as the employer provides its employees an amount of paid or unpaid leave sufficient to meet the requirements of the act and allows its employees to use that leave for the same purposes as, and with notice requirements no more stringent than, those applicable to the leave required by the act.

Repeals the act on September 1, 2015.

**APPROVED** by Governor June 1, 2009

**EFFECTIVE** August 5, 2009

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

**H.B. 09-1076** Unemployment insurance benefits - calculation of postponement of benefits. Treats all remuneration paid to a person due to separation from employment the same for the purpose of calculating the postponement of unemployment insurance benefits. Deletes the allowance of severance pay as a means of reducing the overall unemployment benefit. Eliminates the requirement to reduce benefit payments when social security benefits are received.

**APPROVED** by Governor June 2, 2009

**EFFECTIVE** June 2, 2009

**H.B. 09-1092** Underground facilities - excavation safety requirements - notification association - routine maintenance of existing planted landscapes - exemption. Exempts from the excavation notification statute routine maintenance of existing planted landscapes if the earth is disturbed to a depth of no more than 12 inches by hand or 4 inches by machine and does not permanently lessen the ground cover or lower the existing ground contours. Requires the person performing such maintenance to do so with due care and to promptly

notify the notification association if he or she discovers an underground facility.

**APPROVED** by Governor March 20, 2009

**EFFECTIVE** August 5, 2009

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

**H.B. 09-1170** Labor disputes - eligibility for unemployment compensation benefits due to an employee lockout. Prohibits an individual who is unemployed due to a strike or labor dispute to collect unemployment compensation benefits unless the employee is not participating in, financing, or directly interested in the strike.

Prohibits a person from being determined ineligible for unemployment compensation benefits if the person is not a member of a multi-employer bargaining unit and the unemployment is due to a lockout or if the person is a member of a multi-employer bargaining unit and the unemployment is due to a lockout that was not initiated because of a strike or labor dispute involving a multi-employer bargaining unit member.

Prohibits a person who is a member of a multi-employer bargaining unit and is unemployed due to a lockout that was initiated because of a strike or labor dispute involving a multi-employer bargaining unit member from collecting unemployment compensation benefits.

**VETOED** by Governor May 19, 2009

**H.B. 09-1309** Boilers - inspections - pressure tests - maximum fluid temperature of service and domestic-type water heaters. Increases the fluid temperature limitation of a service and domestic-type water heater from 200 degrees Fahrenheit to 210 degrees Fahrenheit.

Allows a boiler inspector to conduct a pressure test to assess the leak tightness capability of a boiler or pressure vessel upon seeing conditions that, in the inspector's discretion, indicate that a pressure-containing portion of the boiler or pressure vessel has deteriorated. Specifies that such test shall be conducted in accordance with the pressure testing considerations and guidance contained in the national board inspection code. Requires the owner or user of a boiler or pressure vessel to provide labor and equipment necessary for the performance of a hydrostatic pressure test.

**APPROVED** by Governor May 4, 2009

**EFFECTIVE** May 4, 2009

**H.B. 09-1310** Unemployment insurance - misclassification of employee as independent contractor - investigation of complaints - penalties - payment of back taxes - advisory opinions - statewide study - report - appropriation. Charges the division of employment and training (division) in the department of labor and employment (department) with the responsibility to accept and investigate complaints about employers misclassifying employees as independent contractors and enforcing the requirements of the "Colorado Employment Security Act" (act) regarding the classification of employees and the payment of employment taxes for employees.

Authorizes the director of the division to investigate complaints, focusing on the most

egregious complaints or those alleging intentional acts of misclassification undertaken to gain competitive advantage or avoid payment of taxes. Grants the director the authority to issue orders upon a finding that an employer has misclassified employees and to collect back taxes and interest from an employer who misclassified employees. Permits the director to impose the following additional fines and penalties when the director finds that the employer, with willful disregard of the law, misclassified employees:

- A fine of up to \$5,000 per misclassified employee for the first misclassification with willful disregard;
- A fine of up to \$25,000 per misclassified employee for a second or subsequent misclassification with willful disregard; and
- Upon a second or subsequent misclassification with willful disregard, issue an order debarring the employer from state contracts for up to 2 years after the issuance of the order.

Requires the director to provide a copy of the written order to the employer and to make nonconfidential portions of the order available as a public record. Grants an employer the right to appeal the order.

Permits an employer to seek and, upon such request, requires the director to issue, a nonbinding advisory opinion concerning whether to classify an individual as an employee in order to comply with the act. Authorizes the director to adopt rules establishing the process for issuing advisory opinions and a fee to be charged to cover the costs of issuing advisory opinions.

Requires the executive director of the department to conduct a statewide study to determine the scope of the problem of employee misclassification, including whether the problem is widespread, whether particular industries are more inclined to engage in the practice, estimates of state revenues lost or not collected due to employee misclassifications, and whether a uniform definition of the employment relationship is needed. Requires the executive director to submit a report to specified committees of the general assembly regarding the statewide study and the operations of the division in investigating complaints, including:

- The number of complaints submitted;
- The number of complaints investigated;
- The outcome of those complaints that were investigated; and
- A recommendation regarding whether the division's functions concerning employee misclassification should be continued, modified, or repealed.

Appropriates \$975 from the unemployment revenue fund and \$9,840 from the employee misclassification advisory opinion fund to the division for the implementation of this act.

**APPROVED** by Governor June 2, 2009

**EFFECTIVE** June 2, 2009

**H.B. 09-1363** Unemployment compensation - administration - designation of agency as enterprise. Designates the unemployment compensation section (section) of the division of employment and training in the department of labor and employment as an enterprise for purposes of section 20 of article X of the state constitution (TABOR), as long as the section retains the authority to issue revenue bonds and receives less than 10% of its total annual

revenues in grants from state and local governments.

Clarifies that, as a TABOR enterprise, the section is authorized to continue its functions consistent with current law and is not to perform any functions of the employment service section of the division or under the "Colorado Work Force Investment Act". Excludes the employment support fund and its administration from the enterprise.

Authorizes the section to issue revenue bonds for expenses of the section, subject to approval from both houses of the general assembly and the governor before issuance of any revenue bonds.

Requires employers to pay premiums, premium surcharges, and a solvency surcharge, when applicable, instead of taxes, in order to provide for unemployment compensation benefits for workers who become unemployed and eligible for such benefits.

Makes the effectiveness of certain provisions of this act contingent upon Senate Bill 09-076 becoming or not becoming law.

**APPROVED** by Governor June 1, 2009

**EFFECTIVE** July 1, 2009

**Note:** Senate Bill 09-076 was signed by the governor June 2, 2009.

## MILITARY AND VETERANS

**H.B. 09-1280** At-risk youth - education and work-training youth challenge corps program. Creates the "Colorado Youth Challenge Corps Program Act". Authorizes the department of military and veterans affairs (department) to operate a youth challenge corps program (program) through the use of National Guard facilities and equipment to provide a program for at-risk youth. Defines an at-risk youth as a person who is at least 16 years of age but less than 19 years of age and who meets certain criteria. Specifies that the program shall comply with any criteria and conditions specified in a cooperative agreement entered into between the chief of the federal National Guard bureau and the state and with applicable state licensing requirements.

Directs the adjutant general in the department, or his or her designee, to apply for any available federal moneys to implement and operate the program. Authorizes the adjutant general, or his or her designee, to accept gifts, grants, or donations to implement the program.

Establishes the youth challenge corps program fund. Identifies the anticipated receipt of federal moneys by the department to implement the program.

**APPROVED** by Governor June 2, 2009

**EFFECTIVE** August 5, 2009

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

**H.B. 09-1291** Veterans resource information clearinghouse - creation. Creates the veterans resource information clearinghouse (clearinghouse) in the division of veterans affairs (division) in the department of military and veterans affairs. Directs the division to identify the agencies, programs, services, and organizations to be included in the clearinghouse and to provide the information in a variety of formats. Specifies that operation of the clearinghouse is subject to available state and federal resources, and authorizes the division to accept and expend gifts, grants, and donations, including donations of volunteer services and in-kind donations.

**APPROVED** by Governor June 2, 2009

**EFFECTIVE** August 5, 2009

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

**H.B. 09-1325** Powers of governor - activation of Colorado National Guard. Allows the governor, as commander in chief of the state military forces, to employ the Colorado National Guard for service in a national special security event and in situations involving imminent danger of emergency or disaster.

**APPROVED** by Governor May 21, 2009

**EFFECTIVE** May 21, 2009

**H.B. 09-1329** Colorado state veterans trust fund - tobacco settlement allocation - appropriation. For the 2008-09 fiscal year and each fiscal year thereafter, specifies that 10% of the tobacco litigation settlement cash fund moneys (tobacco moneys) that are transferred to the Colorado state veterans trust fund (trust fund) shall be credited to and retained in the

trust fund as principal and that 90% of the tobacco moneys that are transferred to the trust fund and any interest earned on the principal in the trust fund shall be subject to annual appropriation by the general assembly for the authorized purposes of the trust fund.

For the 2008-09 fiscal year, appropriates \$350,000 from the trust fund to the department of military and veterans affairs for trust fund expenditures. For the 2009-10 fiscal year, appropriates \$439,500 from the trust fund to the department of military and veterans affairs for trust fund expenditures.

**APPROVED** by Governor June 2, 2009

**EFFECTIVE** June 2, 2009

## MOTOR VEHICLES AND TRAFFIC REGULATION

**S.B. 09-2** Motor vehicle registration fee - emergency medical services account - appropriation. Increases the motor vehicle registration fee from \$1.00 to \$2.00 to fund the emergency medical services account within the highway users tax fund.

Appropriates \$4,913,923 cash funds and 3.0 FTE to the department of public health and environment, health facilities and emergency medical services division from the emergency medical services account in the highway users tax fund.

**APPROVED** by Governor May 19, 2009

**EFFECTIVE** May 19, 2009

**S.B. 09-3** Emissions - automobile inspection and readjustment program - expansion of current program area - reclassification of Weld and Larimer counties as enhanced program areas - delayed deployment of remote sensing equipment pending results of legislative audit - modification of eligibility requirements for automobiles registered as collectors' items - appropriations. As of January 1, 2010, moves Weld and Larimer counties from the basic emissions program area of the automobile inspection and readjustment program (program) to the enhanced emissions program area. Modifies the geographical boundaries of those parts of Weld and Larimer counties that are excluded from the program area. Sets July 1, 2010, as the date by which vehicles in the new enhanced program areas of Weld and Larimer counties must obtain a certificate of emissions control in order to be registered or reregistered.

Requires the air quality control commission in the department of public health and environment to review the boundaries of the program area on or before December 31, 2011.

Requires the air quality control division (division) in the department of public health and environment to cooperate fully with the legislative audit committee's 2009 review of the remote sensing program. Prohibits the deployment of remote sensing equipment in new areas until the audit is completed and the division, in conjunction with the department of revenue, determines the viability and validity of the remote sensing program.

Ensures that the diesel inspection program areas remain unaltered.

Excludes a collector's item motor vehicle with a model year of 1975 or earlier from the emissions testing process. Correspondingly, changes the definition of "collector's item" from a motor vehicle that is at least 25 years old to a vehicle that is either:

- A model year of 1975 or earlier; or
- A model year of 1976 or later that is registered as a collector's item on or before September 1, 2009.

Prevents a motor vehicle with a model year of 1976 or later that is registered as a collector's item on or before September 1, 2009, from being registered as a collector's item after sale or transfer to a new owner.

For implementation of the act, makes the following appropriations:

- From the department of public health and environment (DPHE) subaccount of the automobile inspection and readjustment account of the highway users tax

- fund, \$97,112 and 1.5 FTE, or so much thereof as may be necessary, to the DPHE, for allocation to the air quality control division.
- From the department of revenue (DOR) subaccount of the automobile inspection and readjustment account of the highway users tax fund to the DOR, for allocation to the division of motor vehicles, vehicle emissions, \$39,304 and 0.5 FTE, or so much thereof as may be necessary.
- From the license plate cash fund, for allocation to the division of motor vehicles, \$67,027, or so much thereof as may be necessary. Of these moneys, reappropriates \$67,027, or so much thereof as may be necessary, to the department of corrections, for allocation to correctional industries.

**APPROVED** by Governor June 1, 2009

**EFFECTIVE** June 1, 2009

**S.B. 09-14** Splash guards - replacement - timing. Allows vehicles with deficient splash guards to remain in service until the first reasonable opportunity to replace the splash guards.

**APPROVED** by Governor April 20, 2009

**EFFECTIVE** August 5, 2009

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

**S.B. 09-25** Driver's licenses and identification cards - security - fees - appropriation. Extends the 60-cent identification security fund surcharge for driver's licenses and identification cards until July 1, 2014.

Appropriates \$292,807 to the department of revenue, division of motor vehicles, for providing identification security in drivers' licenses and other identification documents.

**APPROVED** by Governor May 18, 2009

**EFFECTIVE** July 1, 2009

**S.B. 09-107** Certificates of title - rebuilding motor vehicles - bonded title. Extends to 24 months the time that a purchaser or transferee of a 25-year-old motor vehicle has to apply for a certificate of title. Extends to 24 months the time that a notarized bill of sale exempts a motor vehicle that is at least 25 years old from requiring a bonded title when the vehicle does not have an existing title.

**APPROVED** by Governor April 20, 2009

**EFFECTIVE** August 5, 2009

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

**S.B. 09-133** Motor vehicles - traffic violations - surcharges - Colorado traumatic brain injury trust fund - appropriation. Increases the amount of the surcharges that are collected on certain traffic violations and credited to the to the Colorado traumatic brain injury trust fund.

Appropriates \$730,525 from the Colorado traumatic brain injury trust fund to the department of human services for implementation of the Colorado traumatic brain injury

program.

**APPROVED** by Governor June 2, 2009

**EFFECTIVE** June 2, 2009

**S.B. 09-148** Bicycles - operation on roadways - interaction with other vehicles - passing - safety margins - use of turn lanes - riding two abreast - harassment of bicyclists - penalties. Clarifies rules governing bicyclists riding 2 abreast, staying to the right-hand side of the roadway when possible, and using right-turn lanes. Specifies that a driver must allow at least 3 feet of clearance when passing a bicyclist, and creates a limited exception to the prohibition on driving left-of-center to allow drivers to give bicyclists extra room.

Punishes crowding or threatening a bicyclist with a motor vehicle as careless driving. Provides enhanced penalties for throwing any object or substance at a bicyclist.

**APPROVED** by Governor May 11, 2009

**EFFECTIVE** August 5, 2009

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

**S.B. 09-150** Purchase-money lien - motor vehicles - priority. Gives a perfected purchase-money lien priority over a conflicting lien in a motor vehicle and priority in proceeds if the purchase-money lien is perfected within 30 days after the debtor receives possession of the vehicle.

**APPROVED** by Governor April 22, 2009

**EFFECTIVE** April 22, 2009

**S.B. 09-161** Registration - license plates - special Colorado ski Country plates - appropriation. Authorizes Colorado ski country special license plates for motor vehicles that do not exceed 16,000 pounds. Authorizes issuance of the special license plates to persons who pay the appropriate fees, plus 2 one-time fees equaling \$50, and crediting \$25 to the highway users tax fund and \$25 to the licensing services cash fund.

Appropriates \$16,080 from the license plate cash fund to the division of motor vehicles in the department of revenue for the implementation of the act.

**APPROVED** by Governor June 3, 2009

**EFFECTIVE** June 3, 2009

**S.B. 09-175** Special license plates - issuance. Provides an additional option for applicants to receive a raptor education license plate. Extends to July 1, 2011, the date the department may stop issuing the following special license plates: Support public education; Colorado "Kids First"; Italian-American heritage; share the road; Colorado horse development authority; and Colorado carbon fund.

Authorizes people with these plates to continue using them after July 1, 2011.

**APPROVED** by Governor May 4, 2009

**EFFECTIVE** July 1, 2009

**S.B. 09-222** Moving violations - enforcement - automated vehicle identification devices - sign requirements. Sets the following standards for signs that give warning that an automated vehicle identification device is being used to detect a traffic violation or disobedience to a traffic control signal:

- The sign must be placed in a conspicuous place not fewer than 200 feet nor more than 500 feet before the automated vehicle identification system; and
- The sign must use lettering that is at least 4 inches high for upper case letters and 2 9/10 inches high for lower case letters.

**APPROVED** by Governor April 20, 2009

**EFFECTIVE** August 5, 2009

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

**S.B. 09-274** Department of revenue - division of motor vehicles - funding - highway users tax fund - driver's license and identification card fees. Authorizes appropriations from the following sources to the division of motor vehicles in the department of revenue for expenses incurred in connection with the administration of the driver's license program by the division of motor vehicles:

- The highway users tax fund during the 2008-09 and 2009-10 fiscal years; and
- The motorist insurance identification account in the highway users tax fund during the 2008-09 fiscal year.

Credits fees related to driver's licenses and identification cards to the licensing services cash fund during fiscal year 2009-10 rather than to the highway users tax fund. Modifies appropriations made to the division of motor vehicles in the 2008-09 long bill.

**APPROVED** by Governor May 1, 2009

**EFFECTIVE** May 1, 2009

**H.B. 09-1026** Small vehicles - scooters - electrical assist bicycles - mobility devices. Replaces the current categories of self-propelled vehicles of "motor-driven cycle", "motorscooter", and "motorized bicycle" with "motorcycle" and "low-power scooter". Applies substantially similar requirements to such vehicles. Defines "low-power scooter" as a vehicle with fewer than 4 wheels, no manual clutch, and a power capacity not exceeding either 50cc or 4,476 watts. Conforms the definitions of "motorcycle" and "toy vehicle" to categorize the vehicles.

Requires a motor vehicle dealer license to sell a low-power scooter. Requires the driver of a low-power scooter to carry insurance, effective July 1, 2010, and includes the vehicle in the insurance database. Prohibits the operation of a low-power scooter at over 40 miles per hour. Imposes the following penalties for exceeding 40 miles per hour:

- 1-4 miles per hour over is \$56 and 0 points;
- 5-9 miles per hour over is \$85 and 2 points;
- More than 9 miles per hour over is \$116 and 4 points.

Authorizes an electrical assisted bicycle, which has substantially similar standards to a bicycle except that it is not authorized for use on a bike or pedestrian trail. Authorizes the

use of an electric personal assistive mobility device on a roadway with the following limitations:

- It is prohibited on a limited-access highway;
- It is prohibited on a bike or pedestrian path; and
- It is limited to a speed of twelve and one-half miles per hour.

Authorizes local jurisdictions to set local standards for the use of electrical assisted bicycles and electric personal assistive mobility devices.

Clarifies that the drug and alcohol driving offenses apply to all vehicles, including low-power scooters, farm tractors, and off-highway vehicles.

Requires a license to sell powersports vehicles at wholesale. Sets standards for such licensure substantively similar to the standards for a motor vehicle wholesale license.

**APPROVED** by Governor May 20, 2009      **PORTIONS EFFECTIVE** October 1, 2009  
**PORTIONS EFFECTIVE** July 1, 2010

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

**H.B. 09-1027** Transit buses - right of way - yield sign. Authorizes illuminated yield signs on transit buses. Requires drivers of vehicles in the same lane of traffic behind a transit bus to yield the right-of-way when the bus is signaling an intention to enter a traffic lane. Specifies that a public mass transit operator is not required to install yield signs on its transit buses and that a driver of a transit bus is not relieved from the duty to drive with due regard for the safety of all persons using the roadway.

**APPROVED** by Governor April 2, 2009      **EFFECTIVE** August 5, 2009

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

**H.B. 09-1036** Vehicle - personal property registration fees - funding for peace officer training - appropriation. Increases the registration fee by 60 cents for every Class A, B, or C personal property item. Requires the registration fee to be transmitted to the state treasurer for deposit in the peace officers standards and training (P.O.S.T.) board cash fund in order to provide peace officer training programs.

For the fiscal year beginning July 1, 2009, appropriates \$1,494,995 from the P.O.S.T. board cash fund and 1.0 FTE to the department of law, criminal justice and appellate division, for peace officer training programs.

**APPROVED** by Governor May 21, 2009      **EFFECTIVE** July 1, 2009

**H.B. 09-1089** Motor vehicles - liens - filing requirements. Deletes the requirement that a motor vehicle lien filing contain the vehicle's model and color. Adds a requirement that the

filing contain the year of manufacture. Changes a potential heading for lien indexing from the motor number, manufacturer's number, or serial number to the vehicle identification number. Deletes obsolete provisions. Authorizes a separate lien release to remove the notation of security interest on a vehicle title in lieu of requiring the lienholder to sign the physical title. Extends the duration of a lien filing from 8 years to 10 years, but exempts multipurpose trailers.

**APPROVED** by Governor April 30, 2009

**EFFECTIVE** October 1, 2009

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

**H.B. 09-1094** Wireless telephone use while driving - under 18 complete prohibition - over 18 prohibit texting - exceptions. Prohibits persons who are under 18 years of age from using a wireless telephone while operating a motor vehicle. Prohibits persons who are 18 years of age and older from using a wireless telephone to send text messages while operating a motor vehicle. Makes exceptions for contacting a public safety entity or during an emergency. Makes violations a class A traffic infraction. Identifies wireless telephone use in a motor vehicle as a matter of statewide concern.

**APPROVED** by Governor June 1, 2009

**EFFECTIVE** June 1, 2009

**H.B. 09-1100** Registration and taxation - license plates - "Alive at 25" special license plate - appropriation. Authorizes "Alive at 25" special license plates for motor vehicles that do not exceed 16,000 pounds. Authorizes issuance of the special license plates to persons who pay the appropriate fees, including 2 one-time fees equaling \$50, \$25 of which is credited to the highway users tax fund and \$25 of which is credited to the licensing services cash fund. Requires a \$30 donation to the Colorado state patrol family foundation in addition to the one-time fees.

Appropriates \$16,080 from the license plate cash fund to the department of revenue to implement the act.

**APPROVED** by Governor May 19, 2009

**EFFECTIVE** May 19, 2009

**H.B. 09-1119** Rural alcohol and substance abuse prevention and treatment program - creation - surcharges on alcohol- and drug-related offenses. Establishes the rural alcohol and substance abuse prevention and treatment program (program) in the division of alcohol and drug abuse in the department of human services (division) to provide prevention and treatment services to youth in rural areas and treatment services to persons in rural areas. Directs the division to incorporate the program into existing contracting mechanisms.

Establishes the rural alcohol and substance abuse cash fund (cash fund). Repeals the program effective July 1, 2016, following a sunset review.

Establishes a surcharge on persons convicted of certain alcohol- and drug-related offenses. Directs that the moneys received from the surcharge be deposited in the cash fund.

**APPROVED** by Governor June 2, 2009

**EFFECTIVE** January 1, 2010

**H.B. 09-1133** License plate fees - division of correctional industries authority to set fees - reporting - appropriation. Repeals the statutorily set fee amounts for a license plate, decal, and validating tabs (license plate fees). Authorizes the director of the division of correctional industries in the department of corrections (director), upon the recommendation of the correctional industries advisory committee and with input from the department of revenue and the office of state planning and budgeting, to set annually the amount of license plate fees in an amount limited to the amount sufficient to cover the cost to produce the license plate, decal, or validating tab.

Requires the director to file a written report with the transportation and energy committee of the house of representatives and the transportation committee of the senate on March 1, 2010, and on or before each March 1 every 5 years thereafter, concerning any change in the license plate fee amounts imposed during the preceding 5 years and the reason for the change in fee amounts.

Appropriates \$528,000 from the license plate cash fund to the department of revenue for allocation to the division of motor vehicles for the implementation of the act. Reappropriates the \$528,000 from the department of revenue to the department of corrections for allocation to the correctional industries division for the implementation of the act.

**APPROVED** by Governor May 21, 2009

**EFFECTIVE** August 5, 2009

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

**H.B. 09-1234** Drivers' licenses - authority to revoke or suspend. Directs the department of revenue to immediately suspend the driver's license of a person who fails to appear for a license suspension hearing. Provides that a driver who failed to appear for a license suspension hearing and suffered a license suspension may request a subsequent hearing to appeal the suspension. Directs the department to revoke the license of an habitual offender.

**APPROVED** by Governor April 3, 2009

**EFFECTIVE** August 5, 2009

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

**H.B. 09-1236** School buses - stops - signs - passing. Requires a driver to stop at least 20 feet before reaching a school bus when the bus signals the driver to stop. Specifies that a driver must also stop at least 20 feet before reaching a school bus that is not required to be equipped with visual signal lights when such a bus stops to receive or discharge schoolchildren.

**APPROVED** by Governor April 2, 2009

**EFFECTIVE** August 5, 2009

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

**H.B. 09-1246** Violations - court orders - driving schools - appropriation. Requires the department of revenue (department) to contract with a private entity by July 1, 2010, to monitor and evaluate driver improvement schools that defendants are required to attend by court orders. Requires the private entity to submit a report to the court that has approved the particular driving school. Requires defendants attending the school to register with the private entity.

Broadens the ability of courts to require driving schools for the violation of any law regulating the operation of a motor vehicle, except for drug and alcohol offenses. Requires a court to offer the defendant the opportunity to attend such a school if the defendant has not been convicted of violating any law regulating the operation of a motor vehicle within the previous 18 months.

Creates the defensive driving school fund. Imposes a penalty surcharge on defendants ordered to attend a driving school in an amount determined by the department to offset the direct and indirect costs of monitoring and evaluating the schools. Requires the referring court to provide information about the penalty surcharge.

Appropriates \$29,170 from the defensive driving school fund and 0.5 FTE to the department.

**APPROVED** by Governor June 1, 2009

**EFFECTIVE** August 5, 2009

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

**H.B. 09-1279** Abandoned motor vehicles - tow carriers. Makes the following changes to the procedures for dealing with motor vehicles abandoned on public property:

- Requires a law enforcement agency to give a tow operator a written authorization to tow an abandoned motor vehicle.
- Makes the operator responsible for removing motor vehicle debris but not any hazardous or commercial cargo carried by the motor vehicle.
- Extends the right to recover reasonable fees to a tow operator who is acting under the direction of a police officer.
- Clarifies that local regulations may not deprive a tow operator of a perfected lien.

Makes the following changes to the procedures for dealing with motor vehicles abandoned on both public and private property:

- Requires auto recyclers to have a tow carrier license to deal with abandoned motor vehicles.
- Requires a tow agency to wait 2 days before having a department of revenue (department) record search performed to find the owner or lienholder.
- Clarifies that the tow operator sends the notice of a motor vehicle tow to the last address listed on the motor vehicle's registration.
- Removes the tow operator's obligation to perform a search for an owner or lienholder beyond the department's records.
- Requires the tow operator to send the notice of a motor vehicle tow to the owner or lienholder within 3 days after receiving the information.

- Authorizes the tow operator to continue to collect daily storage fees if the law enforcement agency is responsible for the operator's failure to comply with the deadline.
- Increases the threshold for when a motor vehicle is considered scrap from \$200 to \$350.
- Allows motor vehicles abandoned on the property of a motor vehicle recycler to be recycled if the vehicle's appraised value is less than \$350.
- Requires the department to send a certificate of title to the purchaser of an abandoned motor vehicle within 14 days.
- Clarifies that transferring title to a tow operator to satisfy the lien is not a sale of the motor vehicle.

For motor vehicles abandoned on private property, requires the department to send a receipt to a tow operator for funds paid when the tow operator sends the department a postage-paid, self-addressed envelope.

**APPROVED** by Governor April 22, 2009

**EFFECTIVE** August 5, 2009

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

**H.B. 09-1318 Overweight vehicles - issuance of permits based on axle configuration.**  
Effective January 1, 2010:

- Repeals before it takes effect a newly enacted increase from 85,000 pounds to 92,000 pounds in the maximum gross vehicle weight of a nonoverweight vehicle;
- Makes an overweight vehicle permit available for a vehicle that is operated in combination with a trailer or semitrailer if the trailer has a tandem or triple axle grouping and the vehicle weighs up to 97,000 pounds; and
- Specifies overweight vehicle permit fees of \$500 for an annual permit, \$250 for a 6-month permit, and \$15 plus \$10 per axle for a single trip permit for a vehicle that is operated in combination with a trailer or semitrailer, that has a trailer that has a tandem or triple axle grouping, and that weighs up to 97,000 pounds.

**APPROVED** by Governor June 1, 2009

**EFFECTIVE** January 1, 2010

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

**H.B. 09-1347 Registration - license plates - donate life special plate - appropriation.**  
Authorizes donate life special license plates for motor vehicles that do not exceed 16,000 pounds. Authorizes issuance of the special license plate to a person who pays the appropriate fees, plus 2 one-time fees equaling \$50, and crediting \$25 to the highway users tax fund and \$25 to the licensing services cash fund.

Appropriates \$16,080 from the license plate cash fund to the division of motor

vehicles in the department of revenue for the implementation of the act.

**APPROVED** by Governor June 1, 2009

**EFFECTIVE** August 5, 2009

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

## NATURAL RESOURCES

**S.B. 09-22** State board of land commissioners - increased payments from public school lands credited to investment and development fund - exceptions for expenditures from investment and development fund - lease or purchase of school trust lands by charter schools. For the 2009-10 fiscal year and each fiscal year thereafter, increases the amount of payments generated from public school lands that is credited to the state board of land commissioners investment and development fund from \$1 million to not more than the following amounts:

- For the 2009-10 fiscal year, up to \$3 million;
- For the 2010-11 fiscal year, up to \$4 million; and
- For the 2011-12 fiscal year and each fiscal year thereafter, up to \$5 million.

Requires the state board of land commissioners (state land board) to determine the precise amount of the payments that are to be credited to the investment and development fund each year, subject to the maximum amount established in statute. Eliminates the repeal of the investment and development fund.

For purposes of expenditures from the investment and development fund, exempts the state land board from the following requirements pertaining to professional services contracts:

- Procedures for preliminary selections of contractors to provide professional services; and
- Deadlines pertaining to the execution of and expenditure of funds for a professional services contract.

Allows the state land board to provide opportunities for charter schools and institute charter schools to lease, purchase, or otherwise use school trust lands for school building sites once the charter school or institute charter school has provided notice to the school district in which the school trust lands are situated. Requires the state land board to seek input from the school district in which the school trust lands are located regarding the impact on the school district of a lease, purchase, or other use of school trust lands by a charter school or institute charter school.

**APPROVED** by Governor May 14, 2009

**EFFECTIVE** May 14, 2009

**S.B. 09-24** Game damage - eligibility for prevention materials - timeliness of response by division of wildlife - liability for claims - issuance of permits to take wildlife - annual report on game damage issues - appropriation. Makes every landowner in the state eligible to receive temporary game damage prevention materials from the division of wildlife in the department of natural resources (division). Allows a landowner to obtain permanent game damage prevention materials if the landowner does not unreasonably restrict the hunting of species likely to cause damage, and:

- The landowner charges not more than \$500 per person, per season, for big game hunting access on or across the landowner's property; or
- If the landowner charges in excess of \$500, the landowner has requested and been denied permanent game damage prevention materials from the habitat partnership program administered by the division and the division determines that excessive game damage is occurring, and may continue to occur in the

future.

Requires the division to contact a landowner who has submitted an inquiry related to game damage within 2 business days of receiving the inquiry. Mandates that, within 5 business days after receiving a request for game damage prevention materials, the division shall consult with the requesting landowner about sufficient and appropriate game damage prevention materials. Unless otherwise agreed to by the landowner and the division, requires temporary game damage prevention materials to be delivered within 15 business days of the consultation. States that permanent game damage prevention materials shall be provided to an eligible landowner within 45 days of the landowner's request for such materials.

Clarifies that the state shall be liable for any damages attributable to insufficiency or unsuitability of the game damage prevention materials provided by the division or the inappropriate or insufficient erection of game damage prevention materials.

Increases to \$500 the maximum amount of a fee, beyond which the state is relieved of liability for damage caused by wildlife, that a landowner may charge per person, per season, for big game hunting access on or across the landowner's property.

Requires the division to consult with the property owner when determining whether the owner's property has sustained excessive damage due to wildlife. Encourages the division to issue permits to take wildlife when the wildlife causing the damage exceeds the objective set for that geographical area for that year. Adds designees of property owners to the list of persons eligible to receive a permit to take wildlife when excessive damage occurs. Allows a property owner to request the wildlife commission to review a denial of a request for such permit to take wildlife. Prohibits such permits from being issued or used in violation of local firearms restrictions.

Commencing with the 2010 legislative session, requires the division to report annually to the senate agriculture and natural resources committee and the house agriculture, livestock, and natural resources committee on game damage and game damage prevention issues. Specifies the minimum information to be included in the report. Sets January 31 as the annual date by which the report must be made.

Appropriates \$600,000 from the wildlife cash fund to the department of natural resources, division of wildlife, for the fiscal year beginning July 1, 2008. For the fiscal year beginning July 1, 2009, appropriates \$1,450,000 from the wildlife cash fund to the department of natural resources, division of wildlife, special purpose, game damage claims and prevention, for implementation of the act.

**APPROVED** by Governor June 1, 2009

**EFFECTIVE** June 1, 2009

**S.B. 09-158** Landowner incentive conservation programs - analysis by the department of natural resources - report - exemption of certain information from the "Colorado Open Records Act" - appropriation. Directs the department of natural resources (department) to obtain information related to participation by Colorado landowners in federal or state landowner incentive conservation programs, which provide monetary compensation to landowners who agree to set aside lands or comply with conservation practices. Mandates that the department consult with the following in order to study the feasibility of administering such a program in Colorado:

- Federal agencies that administer landowner conservation incentive programs;
- State agencies potentially affected by such programs;
- Landowners or entities representing landowner interests;
- Groups organized for wildlife conservation purposes; and
- The agriculture industry task force, which the commissioner of agriculture is authorized to assemble, consisting of persons representing the interests of the Colorado agriculture industry.

Requires the department to report, on or before February 1, 2010, to the house agriculture, livestock, and natural resources committee and the senate agriculture and natural resources committee on the compiled data and its assessment of the viability of running a Colorado-based landowner incentive conservation program. Directs that, if possible, the report shall be made at the same time that the executive director of the department delivers the annual species conservation report to the general assembly.

Exempts information controlled or compiled by the department that would identify specific landowners or lands from inspection pursuant to the "Colorado Open Records Act". Excludes from such exemption summary or aggregate data that do not specifically identify individual landowners or lands.

Appropriates \$50,000 from moneys in the operation and maintenance account of the species conservation trust fund to the executive director's office in the department.

States that the act shall take effect only if House Bill 09-1289 is enacted and becomes law, and that the later effective date of the two shall control.

**APPROVED** by Governor June 2, 2009

**EFFECTIVE** August 5, 2009

**NOTE:** (1) This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

(2) House Bill 09-1289 was signed by the governor June 1, 2009, and became effective on that date.

**S.B. 09-182** State parks and recreation areas - no fee for usage by certain search and rescue organizations - when. Enacts the "Colorado Search and Rescue State Parks Usage Act" (act), which exempts public or nonprofit search and rescue organizations from all park fees that would otherwise be imposed in connection with the use of a state park, recreation area, or facility if such organizations are using the park, area, or facility to conduct certain personnel training activities. Directs the board of parks and outdoor recreation to promulgate rules that are reasonably necessary to implement the act.

**APPROVED** by Governor April 20, 2009

**EFFECTIVE** April 20, 2009

**S.B. 09-235** Wildlife - Colorado wildlife habitat stamp - access to state wildlife areas - creation of Colorado wildlife passport and Colorado wildlife passport fund - study. Allows a person who is not hunting or fishing to use state wildlife areas without purchasing a Colorado wildlife habitat stamp (habitat stamp) issued by the division of wildlife in the department of natural resources (division). Requires the house agriculture, livestock, and natural resources committee and the senate agriculture and natural resources committee to meet jointly at least once during the 2010 legislative session to study the law related to

habitat stamps and the issues raised by the reengrossed version of Senate Bill 09-235.

Effective July 1, 2010:

- Eliminates the requirement that a person subject to the requirement to purchase a habitat stamp must obtain a habitat stamp along with the person's first 2 hunting or fishing licenses in a 12-month period, and instead requires a person to purchase a habitat stamp when applying for or purchasing a third one-day hunting or fishing license.
- Lowers the age at which a person obtaining a hunting or fishing license must buy a habitat stamp from 19 years of age to 18 years of age.
- Repeals the category of nonlifetime habitat stamps that are not associated with hunting or fishing licenses.
- Specifically allows moneys earned from the sale of habitat stamps to be used for the operation and maintenance of lands in the Colorado wildlife habitat protection program administered by the division. In allocating habitat stamp moneys, directs the commission, in its discretion and after consultation with the habitat stamp committee, to give priority to improving access for anglers and conserving and protecting winter range and vital habitat to big game wildlife.
- From the annual sales of habitat stamps, makes \$500,000 available to the Colorado water conservation board (board) for acquisition of water, water rights, or interests in water for instream flow use. In order to apply for such moneys, requires the board to have depleted the moneys available for such instream flow acquisitions from moneys appropriated from the Colorado water conservation board construction fund. Allows the commission to approve the board's application for such moneys if the board determines that it is necessary, suitable, or proper for wildlife purposes or for wildlife preservation or conservation. Requires such approval to contain the stipulation that the board shall return any unexpended habitat stamp moneys.
- Prohibits a third-party conservation easement from being obtained using proceeds from the sale of habitat stamps unless the requesting organization contributes at least 15% of the purchase price of the conservation easement or the commission uses moneys in the fund to pay 15% of the purchase price. Allows the commission to waive the 15% requirement if sufficient hunting or fishing access is provided.
- Creates the Colorado wildlife passport. Allows the wildlife commission in the department of natural resources (commission) to sell Colorado wildlife passports for the purpose of soliciting voluntary donations. Authorizes the commission to set the fee for purchase of a Colorado wildlife passport by rule, so long as the amount does not exceed the statutory maximum amount of \$25. Clarifies that the price of a Colorado wildlife passport shall include \$3 for a Colorado outdoor recreation search and rescue card. Creates the Colorado wildlife passport fund (fund), which consists of moneys received from the sale of Colorado wildlife passports and moneys donated to the habitat stamp program. Allows moneys in the fund to be used for the operation and maintenance of lands in the Colorado wildlife habitat protection program administered by the division, to market the habitat stamp program and otherwise encourage contributions for habitat protection or enhancement, and to acquire interests in real property.
- Extends to 2013 the date that laws related to habitat stamps are scheduled to repeal.

Effective April 1, 2011:

- Raises the cost of a lifetime habitat stamp from \$200 to \$300, and increases the cost of a Colorado wildlife habitat stamp purchased in conjunction with a fishing or hunting license from \$5 to \$10.
- Reduces from 2 to one the maximum number of habitat stamps that a person may be required to purchase within a 12-month period.

**APPROVED** by Governor June 2, 2009

**EFFECTIVE** June 2, 2009

**H.B. 09-1199** Wildfire preparedness - Colorado state forest service - community wildfire protection plans - healthy forests and vibrant communities fund - prescribed fire - appropriation. Enacts the "Colorado Healthy Forests and Vibrant Communities Act of 2009" (act). Directs the Colorado state forest service (forest service) to:

- Adopt standards for community wildfire protection plans (CWPPs) adopted by local communities pursuant to the federal "Healthy Forests Restoration Act of 2003" to promote greater consistency among CWPPs and facilitate the adoption of CWPPs by local communities, and to provide technical assistance to such local communities;
- Reduce wildfire risks by supporting the implementation of risk mitigation treatments that focus on protecting lives, homes, and essential community infrastructure and by improving inventory and monitoring of forest conditions, including by implementing a cost-share grant program and by hiring additional temporary field capacity;
- Support communities and land managers in moving from wildfire risk reduction to long-term ecological restoration;
- Support local business development and job creation through the implementation of forest treatments, including by administering a revolving loan fund to support woody biomass utilization, marketing timber products, and supporting the increased use of woody biomass in bio-heating;
- Issue a statewide request for proposals for loans to businesses to provide start-up capital for new facilities or equipment to harvest, remove, use, and market beetle-killed or other timber taken from private, federal, state, county, or municipal forest lands as part of a wildfire risk reduction or fuels mitigation treatment; and
- Improve outreach and technical assistance by adding full-time temporary staff and GIS capacity to assist with risk assessments and planning and by developing a web-based clearinghouse for technical assistance and funding resources.

Creates the healthy forests and vibrant communities fund (fund). For the next 3 fiscal years, transfers \$1,950,000 from the operational account of the severance tax trust fund (account) to the fund for purposes of the act and transfers \$50,000 from the account to the wildland-urban interface training fund for training for directors of fire protection districts.

Directs the division of administration in the department of public health and environment to work with key regulatory and management entities, including the forest service, to identify barriers to the increased use of prescribed fire and recommend solutions to address those barriers.

Allows the governor to make a one-time transfer of up to \$600,000 from the disaster emergency fund to the wildfire emergency response fund.

Appropriates \$50,000 from the wildland-urban interface training fund to the department public safety for allocation to the division of fire safety for the implementation of the act.

**APPROVED** by Governor June 3, 2009

**EFFECTIVE** June 3, 2009

**H.B. 09-1289** Species conservation trust fund - program eligibility list. Gives legislative approval to the expenditure of moneys from the capital and operation and maintenance accounts of the species conservation trust fund for programs submitted by the executive director of the department of natural resources that are designed to conserve native species that have been listed as threatened or endangered under state or federal law, or are candidate species or are likely to become candidate species as determined by the United States fish and wildlife service.

**APPROVED** by Governor June 1, 2009

**EFFECTIVE** June 1, 2009

## PROBATE, TRUSTS, AND FIDUCIARIES

**S.B. 09-139** Uniform principal and income - taxation - payments. Adopts amendments to provisions of the "Uniform Principal and Income Act" drafted by the national conference of commissioners on uniform state laws governing:

- Allocations of payments made by a trustee from a separate fund relating to qualifying for the federal marital deduction;
- Determination of the internal income of separate funds; and
- Payment of taxes on a trust's share of an entity's taxable income.

**APPROVED** by Governor April 16, 2009

**EFFECTIVE** April 16, 2009

**H.B. 09-1198** Uniform Power of Attorney Act. Enacts the "Uniform Power of Attorney Act" (UPOAA) to govern powers of attorney granted by individuals. Excludes certain powers of attorney from the UPOAA. Sets forth a form that may be used to create a statutory form for a power of attorney.

Specifies:

- On January 1, 2010, the UPOAA applies to a power of attorney created before, on, or after January 1, 2010.
- When a power of attorney existing on December 31, 2009, is durable and when a power of attorney created on or after January 1, 2010, is presumed durable.
- When the UPOAA applies to a judicial proceeding concerning a power of attorney.
- That an act done before January 1, 2010, is not affected by the UPOAA.

Effective January 1, 2010:

- Makes conforming amendments to part 6 of article 14 of title 15, Colorado Revised Statutes, so part 6 only applies to a power of attorney executed by entities.
- Repeals the "Uniform Statutory Form Power of Attorney Act", part 13 of article 1 of title 15, Colorado Revised Statutes.

**APPROVED** by Governor April 9, 2009

**PORTIONS EFFECTIVE** April 9, 2009  
**PORTIONS EFFECTIVE** January 1, 2010

**H.B. 09-1241** Fiduciary - Uniform Principle and Income Act. Enacts the "Uniform Principal and Income Act of 1955" (1955 act) as it existed at the time of the adoption of the "Uniform Principal and Income Act of 2000" (2000 act). Limits the applicability of the 1955 act to trusts and other interests that are not subject to the 2000 act. Applies the 1955 act retroactively for life estates for which there is no applicable law for the interim from the adoption of the 2000 act to the present. Allows the holders of such life estates to elect against the applicability of the 1955 act. Amends provisions of the 1955 act and the 2000 act concerning the disposition of natural resources.

Amends provisions concerning the entry by a representative of a custodian into a safe deposit box of a decedent.

Amends provisions concerning the duty of a personal representative to take possession or control of the estate of a decedent.

Amends provisions concerning the appointment of a guardian for a minor child by means of a signed writing.

Allows a court to appoint a guardian ad litem to represent the interest of a protected person if the court determines that a need for such representation exists.

**APPROVED** by Governor April 22, 2009

**EFFECTIVE** April 22, 2009

**H.B. 09-1260** Designated beneficiary agreements - requirements - recording - revocation - wrongful death actions - intestate succession. Authorizes 2 competent adults who are not married to enter into a designated beneficiary agreement, making each adult a designated beneficiary of the other. Creates a statutory form that the parties to the designated beneficiary agreement use to specify which rights and protections are granted to or withheld by the parties to the agreement. Specifies that rights that may be designated in a designated beneficiary agreement are the rights to:

- Acquire, hold title to, own jointly, or transfer inter vivos or at death real or personal property;
- Designate a beneficiary, payee, or owner as trustee in an inter vivos or testamentary trust for the purposes of a nonprobate transfer on death;
- Designate the other party as a beneficiary and dependent under a life insurance policy;
- Designate the other party as a beneficiary and dependent under a health insurance policy if the employer of the person making the designation elects to provide coverage to designated beneficiaries;
- Designate a beneficiary in a retirement or pension plan;
- Petition for and have priority for appointment as a conservator, guardian, or personal representative of the person making the designation (the "designating beneficiary");
- Visit the designating beneficiary in the hospital, nursing home, hospice, or similar health care facility;
- Initiate a formal complaint regarding alleged violations of the designating beneficiary's rights as a nursing home patient;
- Act as a proxy decision-maker or a surrogate decision-maker to make medical care decisions for the designating beneficiary;
- Receive notice of the withholding or withdrawal of life-sustaining procedures for the designating beneficiary;
- Challenge the validity of a declaration as to medical or surgical treatment of the designating beneficiary;
- Act as an agent to make, revoke, or object to anatomical gifts involving the designating beneficiary;
- Inherit through intestate succession upon the death of the designating beneficiary;
- Have standing to receive benefits under workers' compensation for the death on the job of the designating beneficiary;
- Have standing to sue for wrongful death of the designating beneficiary;
- Direct the disposition of the designating beneficiary's last remains.

Provides that, in the absence of a superseding legal document that controls, a properly executed and recorded designated beneficiary agreement entitles a party who is named as a designated beneficiary to exercise and enjoy the rights and protections that are granted in the designated beneficiary agreement. States that executing and signing a designated beneficiary agreement is not sufficient to designate a party for purposes of an insurance policy, pension plan, or payable upon death designation or transfer of title to property and that additional action will be required to make or change those designations.

States that a superseding legal document, regardless of the date of execution, that is valid and enforceable and conflicts with all or a portion of a designated beneficiary agreement controls and causes the designated beneficiary agreement to be replaced or set aside. Defines a "superseding legal document" to include: A will; codicil; power of attorney; medical durable power of attorney; trust instrument; beneficiary designation in an insurance policy, retirement plan, or pension plan; beneficiary designation for a deposit or account; declaration as to medical treatment; declaration as to disposition of last remains; or marriage license.

Requires the parties to a designated beneficiary agreement to record the agreement with the clerk and recorder of the county in which one of the parties resides. Authorizes the county clerk and recorder to assess fees for recording, making certified copies, and taking acknowledgments. Allows either party to a designated beneficiary agreement to unilaterally revoke the agreement by recording a revocation of designated beneficiary agreement with the clerk and recorder of the county in which the agreement was filed. Declares that a designated beneficiary agreement shall be deemed revoked upon the marriage of either party and, in the case of a common law marriage, as of the date the court determines that a valid common law marriage exists.

Provides that a designated beneficiary agreement is terminated upon the death of either of the parties to the agreement; however, a right or power conferred in the agreement survives the death of the other party. States that a party to a designated beneficiary agreement who survives a designated beneficiary may enter into a designated beneficiary agreement with a different person.

States that a person exercising rights or protections pursuant to a designated beneficiary agreement shall affirm the validity of a designated beneficiary agreement and disclose any knowledge of any superseding legal documents. States that a third party who acts in good faith reliance on the affirmation of the existence of a valid designated beneficiary agreement shall not be subject to civil liability or administrative discipline for such reliance.

Amends the statute on wrongful death actions to allow a designated beneficiary to bring an action for wrongful death of a person who designated him or her with that right. Amends the statute on intestate succession to give priority to a designated beneficiary who was designated with the right to intestate succession; except that, if the decedent has surviving children, directs that the designated beneficiary shall receive one-half of the intestate estate and the surviving children shall receive one-half of the intestate estate.

**APPROVED** by Governor April 9, 2009

**EFFECTIVE** July 1, 2009

**H.B. 09-1287** Colorado probate code - uniform law. Increases the dollar amounts for the spousal share. Establishes a formula based on the consumer price index for an automatic

annual adjustment of the dollar amounts for the spousal share, the elective share, the spouse's share of exempt property, and the family allowance.

Clarifies the requirement of survival by 120 hours as it applies to an heir who was born before the decedent's death and an individual who was in gestation at the decedent's death. States that, for purposes of inheritance through intestate succession, a parent-child relationship exists:

- Between a child and the child's genetic parents, regardless of the parents' marital status;
- Between an adoptee and the adoptee's adoptive parent.

Bars a parent from inheriting from or through a child if the parental rights were terminated or the child died before reaching 18 years of age and there is clear and convincing evidence that the parental rights could have been terminated.

Addresses inheritance issues for children conceived through assisted reproduction where a child is conceived by a method of causing pregnancy other than sexual intercourse and the birth is to a woman other than a gestational carrier as follows:

- A third-party donor does not have a parent-child relationship with a child conceived as a result of assisted reproduction (child of assisted reproduction) despite a genetic relationship with the child;
- A parent-child relationship exists between a child of assisted reproduction and the child's birth mother;
- A parent-child relationship exists between a child of assisted reproduction and the husband of the child's birth mother if the husband's sperm were used during his lifetime by his wife for assisted reproduction and the husband is the genetic father of the child, unless the husband withdraws his consent;
- A parent-child relationship exists between a child of assisted reproduction and an individual other than the birth mother who consents to assisted reproduction by the birth mother with intent to be treated as the other parent of the child;
- A posthumously conceived gestational child is treated the same as if in gestation.

Defines "gestational agreements" as agreements for assisted reproduction in which a woman agrees to carry a child to birth for an intended parent or intended parents. States that a parent-child relationship is conclusively established by a court order designating the parent or parents of a gestational child. States that a parent-child relationship between a child and the child's gestational carrier does not exist unless the gestational carrier is designated as a parent in a court order or the gestational carrier is the child's genetic parent and a parent-child relationship does not exist with an individual other than the gestational carrier. In the absence of a court order otherwise, the parent-child relationship exists between a gestational child and an intended parent or intended parents who functioned as a parent of the child not later than 2 years after the child's birth. Addresses what happens if the intended parent dies while the gestational carrier is pregnant or if an individual's sperm or eggs were used to conceive a child after the individual's death or incapacity under a gestational agreement made after that individual's death or incapacity.

Allows the use of notarized wills as an alternative to wills that are attested by 2 witnesses.

Establishes a rule of construction providing that a class gift that uses a term of relationship to identify takers also includes a child of assisted reproduction and a gestational child and their respective descendant, if appropriate to the class. Provides that an adoptee and a child born to parents who are not married to each other, and the descendant of such children, are included in class gifts. States that terms of a relationship that do not differentiate between relationships by blood and from those by marriage, such as uncle or aunt, are construed to exclude relatives by marriage, unless a contrary intent is expressed.

Allows a court to reform the terms of a governing instrument to conform to the transferor's intention if it is proved by clear and convincing evidence that the transferor's intent and the governing instrument were affected by a mistake of fact or law. Allows a court to modify the terms of a governing instrument to achieve the transferor's tax objectives.

States that testimony is not needed to prove that a will is self-proved, unless there is evidence of fraud or forgery affecting the acknowledgment or affidavit of the will. Creates a rebuttable presumption that a notarized will meets the requirements for execution of a will. Allows the attestation or testimony of an attesting witness to establish proper execution of a witnessed will.

Makes the provisions of the act applicable to governing instruments executed by decedents dying on or after July 1, 2010.

**APPROVED** by Governor May 21, 2009

**EFFECTIVE** July 1, 2009

## PROFESSIONS AND OCCUPATIONS

**S.B. 09-26** Athletic trainers - registration required - limitations on authority - exclusions from registration - grounds for discipline and proceedings - authority of director to require mental or physical examination - penalties for unauthorized practice - rules - repeal of regulation - definitions - appropriation. Creates the "Athletic Trainer Practice Act" (act). Requires an athletic trainer to obtain and possess a valid registration issued by the director of the division of registrations in the department of regulatory agencies (director) before engaging in the practice of athletic training or representing himself or herself as an athletic trainer. Specifies the criteria for registration. Allows the director to issue a registration by endorsement to an applicant who holds a current, valid license or registration in another jurisdiction. Authorizes the director to establish a schedule of renewal dates and requires renewal of the registrant in accordance with that schedule. Allows the director to set fees for the issuance of a new, renewed, or reinstated registration.

Establishes exceptions to the applicability of the act to specified persons. Sets forth grounds for disciplinary actions by the director and the types of disciplinary actions that may be taken, including issuance of a letter of admonition, denial, refusal to renew, suspension, or revocation of a registration, placement of a registrant on probation, or issuance of a cease-and-desist order. Specifies the procedure for investigating and disciplining a registrant and for judicial review of a disciplinary action by the director.

Allows the director, under certain circumstances, to order a registrant to undergo a mental or physical examination to determine whether the registrant can practice athletic training with reasonable skill and safety. Sets forth conduct or actions that constitute a violation of the act and the criminal penalties for such conduct or actions.

Sunsets the regulation of athletic trainers on July 1, 2015.

Appropriates \$130,740 from the division of registrations cash fund and 1.3 FTE to the department of regulatory agencies for allocation to the division of registrations to implement the act. Further appropriates \$21,779 from the amount appropriated to the department of regulatory agencies and 0.2 FTE to the department of law for the provision of legal services.

**APPROVED** by Governor June 1, 2009

**EFFECTIVE** July 1, 2009

**S.B. 09-50** Limited gaming - limited gaming control commission - membership - residency. Requires that at least one member of the 5-member limited gaming control commission reside in Gilpin or Teller county.

**VETOED** by Governor April 22, 2009

**S.B. 09-91** Motor vehicle dealers - powersports vehicle dealers - franchise agreements. Requires a motor vehicle or powersports manufacturer or distributor to provide a motor vehicle dealer with the list of documents and information necessary to approve the sale of a dealership's ownership or change of executive management within 20 days after receipt of a notice of such intent and to confirm the dealer's receipt of such documents and information. Requires a motor vehicle or powersports manufacturer or distributor to approve such change within 60 days.

Prohibits a motor vehicle or powersports manufacturer or distributor from conditioning the sales, services, parts, or financial incentives upon site control or an agreement to renovate or make improvements to a facility. Prohibits a motor vehicle or powersports manufacturer or distributor from requiring, coercing, or attempting to coerce any motor vehicle dealer to refrain from participating in the management of, investment in, or acquisition of any other line-make of new motor vehicles or related products if the motor vehicle dealer maintains a reasonable line of credit, reasonable facilities, and gives 90 days' advance notice. Prohibits a motor vehicle or powersports manufacturer or distributor from refusing to offer its dealers all models manufactured for that line-make because of unreasonable sales and service standards; from failing to provide any incentive, rebate, or bonus to a motor vehicle dealer that is offered to another vehicle dealer; and from conditioning a franchise agreement on improvements to a facility unless reasonably required by the technology of a motor vehicle being sold at the facility.

Requires a motor vehicle or powersports manufacturer or distributor to pay a motor vehicle dealer the cost of the lease for the facilities used for the unexpired term of the lease within 90 days after the termination of a franchise, and to pay the fair market value of a motor vehicle dealer's goodwill within 90 days after the termination of a line-make. Requires a motor vehicle manufacturer to reasonably approve or disapprove of a motor vehicle dealer initial site location or relocation request within 60 days or after sending notice to its franchised dealers, but at least within 100 days.

Prohibits a motor vehicle manufacturer from owning, operating, or controlling a used motor vehicle dealer in Colorado except during a temporary period of less than 12 months during a transition from one owner or operator to another, which may be extended by the executive director of the department of revenue for 24 months. Changes the rule to 18 months for recreational dealers. Grandfathers in manufacturers owning and operating dealerships as of January 1, 2009.

Gives a motor vehicle or powersports manufacturer or distributor the right to audit warranty, sales, or incentive claims of a motor vehicle dealer for 15 months. Prohibits a motor vehicle or powersports manufacturer or distributor from requiring a charge back, reimbursement, or credit more than 15 months after the date the claim was submitted. Authorizes a motor vehicle dealer to request, within 30 days, a determination from the executive director that such a charge back, reimbursement, or credit violated these provisions. Requires a motor vehicle dealer to submit any warrant, sales, or incentive claim to the motor vehicle or powersports manufacturer or distributor within 15 months after making a sale or providing service.

Requires a motor vehicle or powersports manufacturer or distributor to pay the reasonable attorney fees incurred by a proposed franchise owner or transferee before the manufacturer or distributor exercised the right of first refusal unless the claimant fails to submit an accounting of attorney fees within 20 days after the receipt of the manufacturer's or dealer's written request for an accounting.

**APPROVED** by Governor April 2, 2009

**EFFECTIVE** July 1, 2009

**S.B. 09-111** Notaries public - regulation - required lawful presence - discipline - journal - rules. Implements the recommendations of the department of regulatory agencies in its sunset review of the "Notaries Public Act" as follows:

- Continues the "Notaries Public Act" until July 1, 2018.
- Requires the secretary of state to verify the lawful presence in the United States of each applicant.
- Allows the secretary of state to suspend a notary public commission or issue a letter of admonition as a means of discipline.
- Requires a notary public to make a journal entry for each notarial act performed.
- Repeals the authority of a notary public to notarize photographs.

Authorizes the office of the secretary of state to promulgate rules to require that notaries public complete a training program.

**APPROVED** by Governor April 22, 2009

**EFFECTIVE** July 1, 2009

**S.B. 09-114** Farm products and commodity warehouses - continuation under sunset law. Extends the automatic termination date of the regulation of farm products and commodity warehouses by the department of agriculture until July 1, 2020, pursuant to the provisions of the sunset law. Implements the recommendations of the department of regulatory agencies in its sunset review of the department of agriculture's regulation of farm products and community warehouses as follows:

- Allows the commissioner of agriculture (commissioner) to determine the license renewal date by rule;
- Requires farm products cash buyers to pay the same license fees as small-volume dealers;
- Allows small-volume dealers to buy commodities, subject to the existing limits for farm product purchases;
- Repeals the limitation to regular business hours on the commissioner's access to a licensee's property and records;
- Repeals the commodity handler agent license classification; and
- Repeals the commissioner's authority to investigate complaints against transporters of farm products.

**APPROVED** by Governor April 9, 2009

**EFFECTIVE** April 9, 2009

**S.B. 09-128** Qualified medication administration program - continuation - repeal of review of education program - competency evaluation - documentation - web site list - drug-related background checks - appropriation. Continues the qualified medication administration person (QMAP) program. Removes the QMAP education and evaluation program from the sunset review calendar. Requires employers to require that all unlicensed medication administration persons who are currently within their employ pass the QMAP competency evaluation as a condition of employment at least once every 5 years. Requires the employers to document the passage of the competency evaluation. Requires the department of public health and environment to maintain a listing of all persons who have passed the competency evaluation on its web site. Requires employers who utilize QMAP services to conduct drug-related criminal background checks on employees prior to employment.

Appropriates \$15,218 from the medication administration cash fund and 0.1 FTE to

the department of public health and environment for allocation to the health facilities and emergency medical services division to implement the act.

**APPROVED** by Governor June 1, 2009

**EFFECTIVE** July 1, 2009

**S.B. 09-129** Dental hygienist - supervised duties - unsupervised duties - definition. Adds to the lists of what constitutes the practice of unsupervised and supervised dental hygiene. Clarifies the tasks that are authorized to be performed by dental assistants or dental hygienists. Requires practicing dental hygienists to have professional liability insurance.

**APPROVED** by Governor April 22, 2009

**EFFECTIVE** April 22, 2009

**S.B. 09-138** Certified nurse aides - continuation of regulation - advisory committee for certified nurse aides - repeal of medication administration advisory committee - discipline - unauthorized practice - repeal of public complaints - repeal of scope of practice, education, and experience requirements - rules - training programs and requirements - reinstatement of certification - delegation of selection of medications - appropriation. Continues the regulation of certified nurse aides (CNAs) through September 1, 2020, with the following changes:

- Changes the composition of the advisory committee to allow a professional nurse or a practical nurse who supervises CNAs to serve on the committee and simplifies the requirements for representing the public.
- Changes the make-up of the advisory committee and authorizes members of the advisory committee to receive a per diem for their service.
- Repeals the medication administration advisory committee.
- Clarifies grounds for discipline regarding drug use and establishes as grounds for discipline the failure to respond to the state board of nursing (board) and the failure to report a criminal conviction.
- Consolidates language regarding unauthorized nurse aide practice.
- Allows the board to require a CNA to undergo a physical or mental examination by a licensed health care provider other than a physician.
- Repeals the requirement that proceedings relating to complaints where formal charges were filed be subject to the open records law.
- Repeals the statutes specifying scope of practice, education, and experience requirements for certification as a medication aide and requires the board to promulgate rules in these areas.
- Authorizes the board to require CNA training programs to include up to 25% more hours than the minimum federal requirements.
- Specifies that the 4 months that a CNA may work without certification shall be consecutive.
- Extends the waiting period for a CNA whose certification has been denied, revoked, or surrendered from one year to 2 years before the board may reinstate the certification.

Appropriates \$17,055 from the division of registrations cash fund to the department of regulatory agencies for allocation to the division of registrations for the implementation of the act. Appropriates \$3,755 from said appropriation to the department of law for the provision of legal services to the department of regulatory agencies for the implementation

of the act.

**APPROVED** by Governor June 2, 2009

**EFFECTIVE** July 1, 2009

**S.B. 09-167** Chiropractors - continuation of regulation under sunset law - unlicensed practice - sports team exception - animal chiropractic - chiropractic assistants - appropriation. Implements the recommendations of the department of regulatory agencies in its sunset review of the state board of chiropractic examiners (board) as follows:

- Continues the board until July 1, 2020.
- Increases malpractice insurance requirements to \$300,000 per claim and \$1 million per year.
- Specifies that failure to respond to a board-generated complaint letter is grounds for discipline.
- Deletes an obsolete provision relating to board member terms.
- Limits the board's fining authority to at least \$1,000 for a first violation, up to \$3,000 for a second violation, and up to \$5,000 for a third or subsequent violation. Directs the board to establish guidelines for the imposition of such fines.

Allows a chiropractor licensed in another state or territory but not in Colorado to practice in Colorado for up to 10 days and 3 times in a 12-month period for the limited purpose of treating members, coaches, and staff of a visiting sports team.

Allows a chiropractor to become registered with the board to perform chiropractic on dogs and horses when such chiropractic diagnosis and treatment is consistent with the scope of practice for chiropractors and the animal has been provided a veterinary medical clearance by a licensed veterinarian. Allows a chiropractor who is not registered to perform chiropractic on dogs and horses to perform chiropractic if the animal has been provided a veterinary medical clearance by a licensed veterinarian and the animal chiropractic is performed under the direct, on-premises supervision of the veterinarian who has provided the veterinary medical clearance. Specifies requirements for registration, including educational credentials and continuing education. Authorizes the board to promulgate rules for implementation of animal chiropractic.

Allows a chiropractor to directly supervise up to 5 unlicensed persons who have received training as established by the board as chiropractic assistants.

Appropriates \$14,057 to the department of regulatory agencies for allocation to the division of registrations, and of that sum reappropriates \$4,882 to the department of law for the provision of legal services to the department of regulatory agencies related to the implementation of the act.

**APPROVED** by Governor June 1, 2009

**EFFECTIVE** June 1, 2009

**S.B. 09-169** Nursing home administrators - board of examiners of nursing home administrators - continuation under sunset law - board size - qualifications for licensure of nursing home administrators. Continues the board of examiners of nursing home administrators (board) and the regulation of nursing home administrators through July 1, 2018, with the following modifications:

- Reduces the size of the board from 8 to 5 members by eliminating, as their terms expire, the 2 long-term care professional members, whose terms expire July 1, 2009, and July 1, 2011, and the one public member whose term expires July 1, 2011, and allows nursing home administrators who have engaged in the practice for at least 5 years, but not necessarily in Colorado, to serve on the board.
- Allows the board to initiate investigations of a licensee concerning alleged violations of the law.
- Repeals the requirement that the board submit an annual report to the governor.
- Eliminates a bachelor's degree in business administration from the list of degrees that an applicant for a nursing home administrator license can hold in order to avoid participation in the administrator-in-training (AIT) program as a prerequisite to licensure.
- Eliminates the ability of an applicant for licensure to have 2 years of experience in supervision in a nursing home or hospital in order to avoid the AIT program as a prerequisite to licensure.
- Eliminates the requirement that participants in the AIT program submit bi-monthly progress reports to the board and instead allows the board, by rule, to determine the frequency of progress reports.
- Makes technical revisions to eliminate obsolete provisions, correct erroneous references, and allow mental or physical examinations of licensees or temporary license holders to be conducted by other licensed health care professionals who are not physicians.

**APPROVED** by Governor May 4, 2009

**EFFECTIVE** May 4, 2009

**S.B. 09-174** Horse and greyhound racing - live race meets - simulcast races - rules - taxation - allocation of proceeds - purse funds - reports to general assembly. In the statutes governing horse and greyhound racing and pari-mutuel wagering on horse and greyhound races, eliminates provisions specifying the number of simulcast days required or permitted in relation to the number of days of live racing that are run annually. Allows the number of simulcast days to be set administratively by the racing commission (commission). Establishes the maximum number of authorized simulcast facilities as the total number of facilities licensed to hold a race meet in 2003 plus one additional facility per licensee.

Gives the director of the division of racing events in the department of regulatory agencies (director) the authority to establish and collect license and registration fees administratively. Eliminates the requirement that the director prepare and submit a proposed annual budget to the commission in advance of each fiscal year. Changes the director's schedule for conferring with the commission from monthly to quarterly. For the next 3 years, requires the director to report annually to the general assembly on the status of the pari-mutuel industry

Repeals the graduated system of required live racing days for horse tracks depending on the track's historical year of operation, establishing a standard requirement of 30 race days per year regardless of how long a track has been operating. Eliminates the north and south circuits for greyhound racing.

Specifies that, for the next 5 years, if live greyhound racing is not being conducted, simulcast greyhound racing may be conducted through a class B horse track on the same

terms as simulcast horse racing. Directs racing taxes from greyhound simulcast activity into a trust account for payment as purses for live greyhound races or, if there is no live greyhound racing, to greyhound adoption and welfare organizations or the promotion of greyhound racing, in accordance with rules of the commission.

Requires moneys in the horse breeders' and owners' awards and supplemental purse fund to be paid out as purses within 3 years after receipt.

**APPROVED** by Governor May 21, 2009

**EFFECTIVE** May 21, 2009

**S.B. 09-239** Practice of nursing - regulation by state board of nursing - continuation under sunset law - board membership modifications - disciplinary procedures and grounds - definition of "practice of advanced practice nursing" - procedures and qualifications for prescriptive authority - professional liability insurance - repeal of authority for involuntary commitment certifications and examinations - appropriation. Implements the recommendations of the department of regulatory agencies in its sunset review of the state board of nursing (board) as follows:

- Continues the board and its functions through July 1, 2020.
- Eliminates the requirement that one of the 2 licensed practical nurses serving on the board must be employed by a rural hospital and instead encourages the governor, when making appointments to the board, to strive for geographical, political, urban, and rural balance among the board membership.
- Clarifies that board members representing the public cannot currently hold, and cannot have held in the past, any health care license, and they cannot be employed by or connected with a health care facility, agency, or insurer.
- Eliminates the requirement that board members be confirmed by the senate.
- Lengthens board member terms from 3 years to 4 years.
- Authorizes the board to impose administrative fines in addition to other disciplinary action against a licensee and requires the board to adopt rules to define a fining structure.
- Removes the requirement that license applicants submit proof that they are not addicted to drugs or alcohol.
- Modifies provisions regarding grounds for disciplining a licensee as follows:
  - Establishes excessive use or abuse of alcohol, habit-forming drugs, or controlled substances as a ground for discipline, rather than alcohol or drug dependence and addiction;
  - Eliminates the requirement that failure to submit a completed questionnaire to the board upon license renewal must be negligent or willful in order to constitute grounds for discipline; and
  - Adds failure to notify the board of a criminal conviction within 45 days after the conviction as a ground for discipline.
- Consolidates provisions regarding the circumstances under which the board may deny a license and adds that the board may deny a license to an applicant who lacks continued competency.
- Requires a nurse who has been denied a license, has had a license revoked, or has surrendered a license to avoid discipline to wait 2 years before reapplying for a license to practice nursing.
- Repeals obsolete provisions regarding graduate nurse permits and vouchers to spend moneys appropriated to the board.
- Repeals the requirement that proceedings relating to complaints against nurses

- where formal charges are filed are subject to the open records law.
- Clarifies that the board may conduct a criminal history record check on any person under the board's regulatory authority.
- Clarifies that professional nurses can perform medical functions delegated by physician assistants.
- Defines "practice of advanced practice nursing" as an expanded scope of professional nursing in a scope, role, and population focus approved by the board and as including the practice of professional nursing.
- Specifies that, in addition to persons seeking to renew a license, applicants for an initial or reinstated license are required to pay a fee to support the nursing peer health assistance program or nurse alternative to discipline program.
- On and after July 1, 2010, requires all new applicants for placement on the advanced practice registry to have national certification.
- Repeals the "Nursing Shortage Alleviation Act of 2002".
- Requires advanced practice nurses engaged in independent practice to purchase and maintain or be covered by professional liability insurance, and allows the board to adopt rules specifying exemptions to and lesser requirements for professional liability coverage. Adds failure to maintain professional liability insurance to the grounds for discipline by the board.

Regarding the prescriptive authority of advanced practice nurses, rejects the recommendations contained in the sunset review and instead enacts the following requirements regarding prescriptive authority of advanced practice nurses:

- Repeals existing provisions regarding prescriptive authority of advanced practice nurses, effective July 1, 2010.
- To qualify for provisional prescriptive authority, requires an advanced practice nurse applying for prescriptive authority on or after July 1, 2010, to have:
  - A graduate degree in a nursing specialty;
  - Satisfactorily completed board-specified educational requirements in the use of controlled substances and prescription drugs;
  - National certification from a nationally recognized accrediting agency;
  - Professional liability insurance; and
  - Completed a mutually structured, post-graduate preceptorship of at least 1,800 hours within the last 5 years, conducted with a physician or a physician and advanced practice nurse with appropriate corresponding experience.
- To obtain and retain full prescriptive authority after provisional prescriptive authority has been granted, requires the advanced practice nurse, within 5 years, to:
  - Complete 1,800 hours of documented experience in a mutually structured mentorship with a physician or with a physician and advanced practice nurse with appropriate corresponding experience; and
  - Develop an articulated plan for safe prescribing that documents how the advanced practice nurse plans to maintain ongoing collaboration with physicians and other health care professionals in connection with prescribing medications within the advanced practice nurse's role and population focus.
- Requires all advanced practice nurses with prescriptive authority to maintain professional liability insurance and national certification, unless the board grants an exception to the national certification requirement.

- Requires advanced practice nurses who received prescriptive authority prior to July 1, 2010, to develop an articulated plan, maintain professional liability insurance, and maintain national certification, unless the board grants an exception or the national certification requirement is not applicable to the advanced practice nurse.
- For advanced practice nurses with prescriptive authority granted by another state who apply for prescriptive authority in this state on or after July 1, 2010, requires the advanced practice nurse to satisfy the graduate degree, pharmacologic education, professional liability insurance, and national certification requirements and to have 3,600 hours of documented experience prescribing medications in order to obtain provisional prescriptive authority in this state.
- Once an advanced practice nurse with prescriptive authority from another state obtains provisional prescriptive authority in Colorado, requires the advanced practice nurse to satisfy the following in order to obtain and maintain full prescriptive authority in this state:
  - Develop an articulated plan within one year after obtaining provisional prescriptive authority; and
  - Maintain national certification, unless the board grants an exception.
- Obligates the board to conduct random audits of articulated plans of advanced practice nurses during the second year of implementation of the new prescriptive authority process to ensure compliance.
- Requires the board and the state board of medical examiners, which oversees physicians, to adopt rules to implement the new prescriptive authority procedures and detail the physician's role in collaborating with and supporting advanced practice nurses with prescriptive authority. Specifies that the rules of each board are to take into consideration the recommendations of the newly created nurse-physician advisory task force for Colorado health care (NPATCH) and are to be complimentary to the rules adopted by the other board.
- Establishes a process for the director of the division of registrations (division) in the department of regulatory agencies to review and determine whether the rules of the board and the state board of medical examiners are complimentary and, if not, for the director to adopt rules that supercede the rules of the 2 boards regarding prescriptive authority of advanced practice nurses and collaboration between advanced practice nurses and physicians.
- Authorizes and encourages physicians to serve as preceptors and mentors to advanced practice nurses applying for prescriptive authority, establishes minimum criteria for physicians who serve as preceptors or mentors, and sets forth the responsibilities of physicians who serve in those roles.
- Creates the NPATCH in the division in order to promote public safety and improve health care in the state by supporting collaboration and communication between nurses and doctors. Requires the NPATCH, among other responsibilities, to make recommendations to the board and the state board of medical examiners regarding rules to implement the new process for advanced practice nurses to obtain prescriptive authority and collaborate with physicians. Repeals the NPATCH on July 1, 2014, and requires a sunset review of its functions prior to its repeal.

Repeals statutory provisions that would have allowed advanced practice nurses, on and after July 1, 2009, to conduct examinations of individuals who are the subject of, and issue certificates in support of, petitions to involuntarily commit alcoholics or drug abusers.

Requires the division of alcohol and drug abuse in the department of human services to conduct a review of the involuntary commitment process, including qualifications of health care providers who are involved in the process, and to submit a report detailing its findings and legislative recommendations to the health and human services committees of the senate and house of representatives no later than January 15, 2010.

Appropriates \$259,881 from the division of registrations cash fund and 2.7 FTE to the division of registrations for the continuation of the state board of nursing, and reappropriates \$33,795 of such moneys and 0.2 FTE to the department of law for the provision of legal services for the state board of nursing.

**APPROVED** by Governor June 2, 2009

**EFFECTIVE** July 1, 2009

**S.B. 09-251** Ophthalmic devices - authority to charge fee. Allows an optometrist or a physician to prescribe, adjust, fit, adapt, or dispense an ophthalmic device for a fee.

**APPROVED** by Governor May 14, 2009

**EFFECTIVE** July 1, 2009

**S.B. 09-254** Manufacture of malt liquors - alternating proprietor licensed premises - shared use of premises - rules - fees - reporting. Authorizes licensed malt liquor and fermented malt beverage manufacturers and licensed brew pubs to obtain authority to use distinct areas within a common licensed premises, known as "alternating proprietor licensed premises", for the manufacture of malt liquors or fermented malt beverages in the state. Authorizes the state licensing authority to adopt rules for the implementation, standardization, and enforcement of alternating proprietor licensed premises.

Allows the wholesale sale of malt liquors or fermented malt beverages from an area licensed or defined as an alternating proprietor licensed premises but prohibits the retail sale of such alcohol beverages from alternating proprietor licensed premises. Allows the state licensing authority to establish fees for applications for alternating use of premises authority. Requires licensees to separately report on the quantities of malt liquors or fermented malt beverages manufactured or inventoried in, or transferred from, an alternating proprietor licensed premises.

**APPROVED** by Governor May 18, 2009

**EFFECTIVE** May 18, 2009

**H.B. 09-1033** Private occupational schools - exemptions - flight schools. Exempts flight schools that are approved and regulated by the federal aviation administration from statutory provisions concerning private occupational schools.

**APPROVED** by Governor March 18, 2009

**EFFECTIVE** August 5, 2009

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

**H.B. 09-1058** Funeral establishments - unidentified remains - military honors. Grants military members and veterans the right to access remains and records for identification purposes when arrangements for final disposal have not been made by the person with the

right to make final disposition within 180 days after death. Requires the person who possesses abandoned military remains to send them to the closest military cemetery upon discovery of the person's identity.

**APPROVED** by Governor May 11, 2009

**EFFECTIVE** August 5, 2009

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

**H.B. 09-1061** Health insurance carriers - intermediaries - required disclosure - unfair or deceptive act or practice. Requires a health insurance carrier that has entered into a contract with an intermediary to conduct utilization management, utilization review, provider credentialing, administration of health insurance benefits, setting or negotiation of reimbursement rates, payment to providers, network development, or disease management programs to require the intermediary to indicate the name of the health insurance carrier when making payment to a health care provider on behalf of the carrier and to comply with the standards, guidelines, medical policies, and benefit terms of the carrier. Makes a violation of this provision an unfair or deceptive act or practice in the business of insurance.

**APPROVED** by Governor April 30, 2009

**EFFECTIVE** August 5, 2009

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

**H.B. 09-1085** Mortgage brokers - mortgage loan originators - licensing - conformity to federal SAFE act - appropriation - repeal. Amends the "Mortgage Broker Licensing Act" (act) to conform to the federal "Secure and Fair Enforcement for Mortgage Licensing Act of 2008" (SAFE act) as follows:

- Renames the act as the "Mortgage Loan Originator Licensing Act" and changes the term "mortgage broker" throughout the act to "mortgage loan originator";
- Exempts from the act a loan processor or underwriter who is not an independent contractor and who performs clerical or support duties in connection with a residential mortgage loan application but does not offer or negotiate the terms of the loan;
- Exempts from the act a person engaged only in real estate brokerage activities or in extensions of credit relating to time share plans, a person who only performs services and activities of a dealer of new manufactured homes, or an individual servicing a mortgage loan;
- Requires state-licensed mortgage loan originators to register with the nationwide mortgage licensing system and registry established pursuant to the SAFE act on or after July 31, 2010, and to obtain a unique identifier through the registry for use on residential mortgage loan application forms, solicitations or advertisements, business cards or web sites, and other residential mortgage loan-related documents as specified by the director of the division of real estate (director);
- Allows the director, by rule, to authorize the use of the criminal background check provided by the nationwide mortgage licensing system and registry, instead of the criminal history record check otherwise required by the act, if

the director determines that the background check screens applicants in a manner that is sufficient to protect Colorado consumers;

- Requires applicants for a mortgage loan originator license to submit fingerprints for purposes of obtaining a fingerprint-based criminal history record check and personal history and experience information and, for applications submitted on and after January 1, 2010, requires the applicant to pay all costs associated with the criminal history record check;
- Extends the period within which the director is to issue or deny a license from 21 days to 60 days after the applicant has submitted required information to the director and the nationwide mortgage licensing system and registry;
- Establishes a minimum requirement of 8 credit hours of continuing education in order for a licensee to renew his or her license;
- Authorizes the director to inactivate a state-issued mortgage loan originator license or a registration with the nationwide mortgage licensing system and registry when a licensee fails to: Maintain the requisite surety bond; maintain errors and omissions insurance coverage; provide current contact, surety bond, and insurance coverage information; respond to an investigation or examination; comply with education or testing requirements; or register with and provide required information to the nationwide mortgage licensing system and registry;
- Establishes criteria for license renewal, including continued compliance with the requirements of the act, satisfaction of continuing education requirements, and payment of applicable fees;
- Authorizes the director to deny a license application or refuse to renew or to revoke the license of an applicant or licensee who has: Had a similar license revoked in another jurisdiction; been convicted of or pled guilty or nolo contendere to a felony involving fraud, dishonesty, breach of trust, or money laundering; been convicted of or pled guilty or nolo contendere to a felony within 7 years prior to application for a license or registration; failed to demonstrate financial responsibility, character, and general fitness to command confidence of the public; failed to complete the educational requirements set forth in the act; or failed the required written licensure examination;
- Retains the confidentiality of information or material provided to the nationwide mortgage licensing system and registry, even when the information or material is shared with other regulatory entities, and, absent a waiver, protects the information or material from disclosure to the public or discovery or admission into evidence in a civil or administrative action;
- Authorizes the director to require licensees to submit to the nationwide mortgage licensing system and registry mortgage call reports;
- Authorizes the division of real estate to expend up to \$112,000 or any other amount appropriated by the general assembly from the mortgage loan originator licensing cash fund to pay the development costs assessed by the conference of state bank supervisors for participation in the nationwide mortgage licensing system and registry, but requires the director to determine whether such expenditure is necessary for compliance with the SAFE act or for participation in the nationwide mortgage licensing system and registry.

Further amends the act to:

- Add a sunset repeal date of July 1, 2011, and require the sunset review to analyze the number and types of complaints made about mortgage loan originators and whether licensure correlates to protection of the public; and

- Exempt banks, savings banks, savings and loan associations, building and loan associations, industrial banks, industrial loan companies, credit unions, and bank or savings association holding companies that are subject to regulation by a federal banking agency, subsidiaries of such entities, and employees or exclusive agents of such entities, from the list of conduct prohibited under the act.

Appropriates \$202,636 from the mortgage loan originator licensing cash fund and 1.0 FTE to the division of real estate in the department of regulatory agencies for the implementation of the act.

**APPROVED** by Governor May 21, 2009

**EFFECTIVE** August 5, 2009

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

**H.B. 09-1086** Continuing professional competency - licensed clinical social workers - licensed social workers - licensed marriage and family therapists - licensed professional counselors - licensed addiction counselors - level II or level III certified addiction counselors - board rules - repeal - appropriation. On and after January 1, 2011, requires licensed clinical social workers, licensed social workers, licensed marriage and family therapists, licensed professional counselors, licensed addiction counselors, and level II or level III certified addiction counselors to maintain continuing professional competency in order to obtain, retain, or reinstate a license or certificate to practice their respective professions in Colorado.

Authorizes the governing body that regulates the respective professions to develop, by rule, a continuing professional competency program for the applicable profession that assesses the licensee's or certificate holder's ongoing ability to learn, integrate, and apply the knowledge, skill, and judgment necessary to practice the profession according to generally accepted industry standards and professional ethical standards in the role and setting in which the licensee or certificate holder is engaged in the practice of the profession. Specifies that a continuing professional competency program is to contain at least the following elements:

- A self-assessment of knowledge and skills;
- Development, execution, and documentation of a learning plan based on the assessment; and
- Periodic demonstration of knowledge and skills through documentation of activities necessary to ensure at least minimal ability to safely practice the profession.

Allows the regulatory board or entity to deem a licensee or certificate holder to have satisfied the continuing professional competency requirements if the licensee or certificate holder meets the continuing professional competency requirements of a state department or an accrediting body recognized, or an entity approved, by the regulatory board or entity.

Protects the confidentiality of records of assessments or other documentation developed or submitted by a licensee or certificate holder in connection with the continuing professional competency program, and allows use of such records or documents only by the regulatory board or entity for purposes of determining compliance with the competency requirements.

Repeals the continuing professional competency requirements on July 1, 2014.

Appropriates \$134,123 from the division of registrations cash fund and 1.0 FTE to the division of registrations for implementation of continuing professional competency of the specified mental health professionals, and reappropriates \$30,000 of such moneys and 0.2 FTE to the department of law for the provision of legal services in connection with the implementation of the act.

Makes the act applicable to applications for renewals or reinstatements of licenses or certificates to engage in the practice of licensed clinical social work, licensed social work, licensed marriage and family therapy, licensed professional counseling, or addiction counseling submitted on or after January 1, 2011.

**APPROVED** by Governor May 21, 2009

**EFFECTIVE** August 5, 2009

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

**H.B. 09-1128** Dentists - academic license. Creates an academic license for dentists who are employed by an accredited school or college of dentistry in this state but are not otherwise licensed to practice dentistry in the state. Allows a dentist with an academic license to practice dentistry only while engaged in the performance of his or her official duties as an employee of the school or college of dentistry and only in connection with programs affiliated or endorsed by the school or college. Prohibits the dentist with an academic license from practicing dentistry outside of his or her academic responsibilities. Submits an academic dentist to the jurisdiction of the state board of dental examiners.

**APPROVED** by Governor March 18, 2009

**EFFECTIVE** August 5, 2009

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

**H.B. 09-1136** Electricians - licensing - competency - appropriation. Clarifies that only a licensed electrician is competent to work on standard types of electrical wiring regardless of whether the source is standard or a renewable energy source. Requires a journeyman license applicant to show at least 288 hours of training in safety and the national electrical code and its applications.

Requires electricians to demonstrate continuing competency to renew their licenses. Instructs the state electrical board (board) to promulgate rules establishing standards for demonstrating continued competency. Repeals the board's authority to examine licensees or registrants in order to renew the license or registration.

Instructs the board to strive to reduce barriers for Colorado licensees to obtain licensure by endorsement or through reciprocity in other states.

Appropriates \$99,894 and 1.0 FTE to the department of regulatory agencies for allocation to the division of registrations, for the establishment of rules to ensure competency of electricians. Appropriates \$11,265 and 1.0 FTE to the department of law for the provision of legal services to the department of regulatory agencies related to the implementation of

the act.

**APPROVED** by Governor June 2, 2009

**EFFECTIVE** August 5, 2009

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

**H.B. 09-1183** Real estate appraisers - unlawful acts - criminal penalties. Reduces the types of offenses committed by real estate appraisers that are subject to criminal sanctions, and increases the criminal penalties that attach to such offenses. Increases the period of time following a person's conviction for an offense related to real estate appraisers during which subsequent offenses are penalized more harshly.

**APPROVED** by Governor June 4, 2009

**EFFECTIVE** August 5, 2009

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

**H.B. 09-1188** Physicians - Medical Practice Act - medical transparency - modifications to physician reporting requirements - appropriation. Modifies the requirements under the "Michael Skolnik Medical Transparency Act" as follows:

- Clarifies that physicians must disclose only those business ownership interests and employment contracts that are health care-related, that the reporting requirement also applies to health care-related contracts that establish an independent contractor relationship between a physician and an entity, and that updated information regarding such interests and contracts is required within one year after a change in the information rather than within 30 days after a change;
- Limits the contract disclosure requirement to contracts with an annual aggregate value in excess of \$5,000, as adjusted each license renewal cycle to reflect inflation;
- Exempts from the reporting requirements precautionary or administrative suspensions of medical staff membership or clinical privileges at a hospital or health care facility, as defined by the state board of medical examiners, unless the physician resigns his or her medical staff membership or clinical privileges while the suspension is pending;
- Limits the reporting of an involuntary limitation or probationary status on or reduction, nonrenewal, denial, revocation, or suspension of medical staff membership or clinical privileges to those actions occurring on or after September 1, 1990;
- Requires disclosure of criminal convictions or plea arrangements that have occurred since the person obtained a license to practice medicine in any state or country; and
- Limits the reporting of medical malpractice judgments, settlements, and arbitration awards against the licensee or applicant to judgments, settlements, or awards entered or granted on or after September 1, 1990.

Appropriates \$12,281 from the division of registrations cash fund to the division of registrations, and reappropriates \$1,127 of that sum to the department of law, for the

implementation of the act.

**APPROVED** by Governor March 30, 2009

**EFFECTIVE** March 30, 2009

**H.B. 09-1190** Unsworn foreign declarations - perjury - uniform law. Enacts the "Uniform Unsworn Foreign Declarations Act", drafted by the national conference of commissioners on uniform state laws. Permits the use in state legal proceedings of a signed statement not given under oath (unsworn declaration) made by a witness who is physically located outside the United States if the unsworn declaration is made subject to penalty of perjury and meets the requirements of the act. Excludes the use of unsworn declarations for:

- Depositions;
- Oaths of office;
- Oaths required to be given before specified officials other than a notary;
- Declarations required to be recorded for the purpose of conveying and recording title for real property; or
- Oaths related to self-proved wills.

Makes an unsworn declaration that meets the requirements of the act subject to the criminal laws on perjury. Directs the revisor of statutes to publish, as nonstatutory matter, the official comments to the uniform act.

**APPROVED** by Governor April 16, 2009

**EFFECTIVE** August 5, 2009

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

**H.B. 09-1202** Mortuary science code - registration and title protection - practice standards - appropriation. Requires funeral establishments and crematories to be registered. Requires that a designee be appointed by the funeral establishment and crematory to ensure compliance with the mortuary science code. Sets standards for registration and for the designee. Exempts people who provide funeral goods but not funeral services from the code.

Prohibits using the following titles unless the person meets the following qualifications:

- A mortuary science practitioner requires a mortuary science degree, passing the national board examination, and 2,000 hours of experience;
- A funeral director requires 2,000 hours of experience and 50 funerals or graveside services directed;
- An embalmer requires 4,000 hours of experience and the embalming of at least 50 dead human bodies;
- A cremationist requires 500 hours of experience and the cremation of 50 dead human bodies.

Sets the following standards for embalming:

- Maintaining a sanitary preparation room with drainage and ventilation;
- Employing universal biological hazard precautions;
- Employing reasonable care to minimize the risk of transmitting diseases;

- Being properly equipped with instruments and supplies necessary to protect health and safety; and
- Transporting dead human bodies in a safe and sanitary manner.

Requires transportation of dead human bodies to be safe and appropriate. Requires a funeral home to remove any implanted device before transporting the body to a crematory.

Prohibits a cremationist from refusing to accept a dead human body that is not in a casket, performing services beyond the cremationist's competency, and engaging in willfully dishonest conduct or committing negligence in the practice of cremation. Sets standards for record-keeping for a crematory. Authorizes a mortuary science practitioner or cremationist to dispose of cremated remains after being unclaimed for 180 days.

Sets the following standards for cremation:

- Maintaining a safe and sanitary retort or crematory chamber;
- Employing reasonable care to minimize the risk of transmitting diseases;
- Being properly equipped with instruments and supplies necessary to protect health and safety;
- Transporting dead human bodies in a safe and sanitary manner;
- Requiring a dead human body to be held and cremated in an appropriate cremation container and not removed;
- Prohibiting commingling of the ashes of multiple people;
- Using proper methods to ensure the crematory knows the identity of the ashes of the dead human body; and
- Prohibiting cremation of a body with an implanted device.

Authorizes the director of the division of registrations in the department of regulatory agencies (director) to discipline registrants for:

- Misstatements or omitted disclosures on an application;
- Being disciplined in any state;
- Violating the mortuary science code; or
- Being convicted of a crime in the practice of mortuary science or a felony involving moral turpitude.

Requires disciplinary hearings to be conducted in accordance with the "State Administrative Procedure Act". Authorizes the director to investigate potential violations, administer oaths, issue subpoenas, and hear witnesses. Authorizes revocation, suspension, fines, letters of admonition, letters of concern, and cease-and-desist orders for violations. Allows the director to obtain a consultation or opinion from an appropriate professional organization or association of persons.

Grants the director rule-making authority. Grants the director fee-setting authority to offset the costs of implementing the act. Grants immunity for good faith complaints or testimony.

Authorizes the director to forward complaints to the district attorney, or to any government law enforcement agency, for prosecution. Authorizes the director to seek injunctions and contempt orders to enforce the act.

Establishes a sunset and review date of July 1, 2015.

Appropriates \$158,614 from the division of registrations cash fund and 1.4 FTE to the department of regulatory agencies, of which, \$24,783 and 0.2 FTE is appropriated to the department of law for the provision of legal services, to implement the act.

Applies the act to offenses committed, including failure to register as required by the act, on or after January 1, 2010.

**APPROVED** by Governor June 4, 2009

**EFFECTIVE** July 1, 2009

**H.B. 09-1272** Limited gaming - expansion - games - hours - maximum bet - implementation - funding of community colleges. Implements "Amendment 50", the initiated measure approved by Colorado voters at the November 2008 general election.

Defines the games of roulette and craps. Defines limited gaming to include roulette and craps and increases the maximum single bet for all games to \$100. Repeals existing limits on the hours of casino operation.

Directs the limited gaming control commission (commission) to identify gaming tax revenues attributable to limited gaming activity under the revised limits approved by the respective gaming towns. Requires that such revenues be administratively separated from revenue attributable to limited gaming activity under the prior limitations, and directs 78% of the new revenue to community colleges and 22% to gaming towns and counties in accordance with the formula specified in Amendment 50.

Defines undefined terms in Amendment 50. Specifies the methods for calculating the apportionment of gaming tax revenues, as required by Amendment 50, among recipients of such revenues under the preexisting formula and under the formula applicable to new activity created by Amendment 50. Provides start-up funding for the commission's new regulatory functions.

Lists the community colleges that are eligible to receive funding under the new formula. Provides parameters for determining their respective full-time equivalent student enrollment, required for application of the distribution formula. Allows the governing boards of the community colleges to issue revenue bonds in anticipation of receiving gaming tax revenues.

**APPROVED** by Governor April 21, 2009

**EFFECTIVE** April 21, 2009

**H.B. 09-1339** Clinical social work practice - definition. Defines "clinical social work practice" to mean the same as "social work practice".

**APPROVED** by Governor June 4, 2009

**EFFECTIVE** July 1, 2009

**H.B. 09-1341** Psychiatric technicians - licensing - continuation of functions under sunset law. Continues the licensing and regulation of psychiatric technicians by the state board of nursing until July 1, 2019.

**APPROVED** by Governor May 18, 2009

**EFFECTIVE** July 1, 2009

## PROPERTY

**S.B. 09-40** Manufactured homes - certificate of title applications - recording requirements - home identification inspector - verification of application form - residential improvement. Modifies the recording requirements for certain documents related to a manufactured home.

Establishes the documentation that is required to be included with an application for a certificate of title for a manufactured home that was previously affixed to the ground, which documentation shall differ depending on the date the home was affixed.

Permits the department to designate a manufactured home identification inspector to physically inspect a manufactured home in order to verify specified information. Establishes requirements and procedures related to the inspection.

If a manufactured home is permanently affixed to the ground, requires the assignment of the manufactured home identification number form issued by the department to be filed and recorded.

With respect to the issuance of a new certificate of title, establishes what constitutes evidence for the right to a title in the case of an abandoned manufactured home, and creates an exception to the surety requirement.

Requires an authorized agent to remove references to mortgages from the agent's records in certain circumstances.

Requires a verification of application form to comply with a federal privacy law.

Changes the information that is required to be in a certificate of permanent location and an affidavit of real property. Requires an affidavit of real property to be filed and recorded with a county clerk and recorder.

Specifies that the certificate of removal provisions apply to a manufactured home that occupies real property subject to a long-term lease; except that it permits a landlord to remove a manufactured home from its permanent location and then file a different form of certificate of removal.

Modifies the property tax definition of "residential improvement" to include factory-built residential structures, manufactured homes, and mobile homes.

Limits the circumstances under which a manufactured home declaration must be submitted to an assessor.

**APPROVED** by Governor March 9, 2009

**EFFECTIVE** March 9, 2009

**S.B. 09-137** Fixtures - mechanics' liens - waivers - failure to pay. Requires a construction lien waiver to contain a statement that all debts associated with the lien have been paid or will be paid. Makes it a class 1 misdemeanor to knowingly fail to timely pay the debts covered by the lien waiver.

**APPROVED** by Governor April 20, 2009

**EFFECTIVE** July 1, 2009

**S.B. 09-140** Appointed public trustees - service at the pleasure of the governor- reporting to the governor. Specifies that persons appointed to serve as public trustees shall serve at the pleasure of the governor. Requires such public trustees to report to the governor at such times and on such matters as the governor may require.

**APPROVED** by Governor March 25, 2009

**EFFECTIVE** September 1, 2009

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

**S.B. 09-248** Large public works contracts - special surety requirements. Specifies that a contractor awarded a public works contract that is currently required to file a bond or other acceptable surety with the public entity that awarded the contract in an amount equal to not less than one-half of the total amount payable under the terms of the contract shall, with respect to a contract having a total value of \$500,000,000 or more, instead be required to file a bond or other acceptable surety with the public entity in an amount equal to at least one-half of the amount payable under the public works contract in any calendar year in which the contract is to be performed. Requires the contracting public entity to ensure that the contract requires that a bond or other acceptable surety be filed and current for the duration of the contract.

**APPROVED** by Governor May 18, 2009

**EFFECTIVE** August 5, 2009

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

**S.B. 09-249** Common interest communities - covenants - provisions void as against public policy - applicability. In certain applicability sections of the "Colorado Common Interest Ownership Act" (Act) that exempt some small communities from all but specifically enumerated provisions of the Act, adds provisions enacted after 2004 to those with which such small communities must comply. Subject to certain conditions and limitations, these recently enacted provisions require a community to allow:

- The display of American flags, service flags, and political signs;
- Parking of emergency vehicles by residents employed as first responders;
- Trimming of vegetation for fire defense purposes;
- Modifications required for accessibility by a resident with disabilities; and
- Specified energy efficiency improvements.

**APPROVED** by Governor May 14, 2009

**EFFECTIVE** May 14, 2009

**H.B. 09-1014** Conservation easements - division of real estate - fees. Eliminates the cap on the amount of the fee paid to the division of real estate (division) by:

- An appraiser in connection with submitting an appraisal for review; and
- An entity that holds a conservation easement in connection with an application to be certified.

Requires conservation easement holders to pay an annual fee to cover the costs of the division in reviewing appraisals of conservation easements and certifying entities that hold conservation easements. Authorizes the division to also accept and expend gifts, grants, and donations to cover such costs. Repeals the provision specifying that the certification of a conservation easement holder is effective for a 3-year period.

**APPROVED** by Governor February 26, 2009

**EFFECTIVE** August 5, 2009

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

**H.B. 09-1149** Purchase and sale - new homes - disclosures - offer to prepare for or install solar energy equipment. Requires the builder of a single-family detached residence for which a buyer is under contract to offer the prospective buyer:

- The option of having the home include, or be prepared for installation of, a solar photovoltaic or solar thermal system; and
- A list of local solar installers who can assess the home's solar energy potential.

Applies to contracts entered into, and homes built, on or after August 10, 2009. Exempts unoccupied homes serving as sales inventory or model homes.

**APPROVED** by Governor May 4, 2009

**EFFECTIVE** August 5, 2009

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

**H.B. 09-1197** Home foreclosures in the state - division of housing - public trustees - quarterly report. Directs the division of housing (division) to collect and compile home foreclosure data from each county in the state and to issue a report, at least quarterly, summarizing the information. Requires the public trustee of each county to provide to the division the foreclosure data necessary for the division to compile the foreclosure report. For the purposes of reporting foreclosure data, requires that the division use the term "foreclosure" only to refer to a property that has been sold at auction. Specifies the information to be included in the report.

Requires the division to make the foreclosure report available to the public. Designates the information compiled and reported by the division the official foreclosure data for the state. Requires that the state and any political subdivision of the state use the division's data when citing state foreclosure statistics; except that any political subdivision of the state may cite foreclosure statistics as they are reported by the public trustee of any county in the state. Directs the division and any other political subdivision of the state, whenever possible, to encourage private entities that cite foreclosure statistics to use the information compiled and reported by the division.

**APPROVED** by Governor April 3, 2009

**EFFECTIVE** August 5, 2009

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

**H.B. 09-1207** Foreclosure sale - notice - procedures - continuance - redemption. Makes the following changes related to real estate foreclosures:

- Clarifies mailing lists and amended mailing lists that are used in a foreclosure proceeding and who is included on the lists.
- Specifies that publication of combined notice shall be a legal notice that meets certain requirements set forth in law.
- Modifies the documents required to be filed to commence a public trustee foreclosure.
- Clarifies how a notice of election and demand describes the property and deed of trust.
- Clarifies when an evidence of debt shall be deemed to be properly indorsed or assigned.
- Clarifies procedures for the partial release of a deed of trust during a foreclosure.
- Increases the maximum deposit a public trustee may require at the time of the notice of election and demand.
- Requires a holder of the evidence of debt (holder) other than a qualified holder, to whom an assignment or transfer is made, to provide certain documentation to the officer conducting a foreclosure sale (officer).
- Establishes a presumption that an assignee or transferee is a not a qualified holder and therefore subject to the foregoing requirement.
- Prior to recording a notice of election and demand, requires a public trustee to review documents filed in conjunction with the notice.
- Clarifies to whom a holder is required to send notice of the foreclosure hotline.
- Clarifies the authority of an officer to continue a sale if an amended mailing list is received after the combined notice has been sent.
- Eliminates certain limitations on the type of judgment creditor who has a right to cure a default.
- Requires a person who has filed a notice of intent to cure a default to receive specified notices regarding the amount necessary to cure the default.
- Modifies how a foreclosure sale is continued if a holder fails to timely respond to a request for a cure statement.
- Specifies that the untimely submission of an otherwise valid order authorizing a sale does not invalidate a sale that has been held.
- Reorganizes the form of the bid that a holder or the attorney for the holder is required to submit to the officer.
- Permits an officer to establish written policies, which are required to be made available to the public, relating to all aspects of a foreclosure sale.
- Permits an officer to make an earlier determination that a property is not agricultural property.
- Permits an officer to continue a sale to allow the officer to correct errors in a published combined notice.
- Requires an officer to continue a sale if the officer failed to publish the combined notice as required by law.
- Modifies when a public trustee records a withdrawal of the notice of election and demand.
- Modifies how proceeds of a foreclosure sale in excess of a bid are applied and paid.
- Eliminates the requirement that the original certificate of purchase be filed

- prior to a public trustee recording a notice of rescission of sale.
- Modifies the requirements for a lienor or assignee of a lien to redeem.
- Requires a holder of a certificate of purchase that is not a qualified holder to submit certain information to an officer as part of a statement of redemption.
- Requires a redeeming lienor to pay fees and costs as of the date of the statement of redemption.
- Requires an officer to record the names of the original grantors of the deed of trust being foreclosed in a certificate of purchase or certificate of redemption.
- Modifies when an officer is required to execute and record a confirmation deed.
- Specifies how an omitted party's interest is extinguished.
- Specifies that an officer has no liability or responsibility for unknown damage, debt, or liens when a third party seeks a judicial foreclosure.
- Modifies the form of a written request to a public trustee to release a deed of trust that is used when the request is made both with and without the production of the evidence of debt.

**APPROVED** by Governor April 22, 2009 **PORTIONS EFFECTIVE** September 1, 2009  
**PORTIONS EFFECTIVE** January 1, 2010

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

**H.B. 09-1220** "Colorado Common Interest Ownership Act" - no prohibition on deed restrictions to promote affordable or workplace housing. Amends the "Colorado Common Interest Ownership Act" to specify that, notwithstanding any provision in the declaration, bylaws, or rules and regulations of the unit owners' association to the contrary, an association shall not prohibit the right of a unit owner, public or private, from restricting or specifying by deed, covenant, or other document:

- The permissible sale price, rental rate, or lease rate of the unit; or
- Occupancy or other requirements designed to promote affordable or workforce housing as such terms may be defined by the local housing authority.

Specifies that the provisions of the act shall only apply to a county the population of which is less than 100,000 persons and that contains a ski lift licensed by the passenger tramway safety board.

Specifies that the provisions of the act shall not apply to a declarant-controlled community.

Specifies that nothing in the act shall be construed to prohibit the future owner of a unit against which a restriction or specification has been placed from lifting such restriction or specification on such unit as long as any unit so released is replaced by another unit in the same common interest community on which the restriction or specification applies and the unit subject to the restriction or specification is reasonably equivalent to the unit being released in the determination of the beneficiary of the restriction or specification.

Except as otherwise provided in the declaration of the common interest community, specifies that any unit subject to the provisions of the act shall only be occupied by the owner

of the unit.

**APPROVED** by Governor April 22, 2009

**EFFECTIVE** August 5, 2009

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

**H.B. 09-1276** Foreclosure of residential property - deferment period for eligible borrowers - posting of foreclosure opportunity - responsibilities of public trustee - eligibility requirements - foreclosure counselors - early termination of foreclosure deferment - repeal. Requires the division of housing in the department of local affairs to make a description of the foreclosure deferment program available to foreclosure counselors.

Requires a holder of an evidence of debt for a property that elects to publish the property for a foreclosure sale to file a document notifying the public trustee that the property referred to in the election and demand requires a posting regarding the opportunity for a foreclosure deferment. If the documents are not filed at the appropriate time, requires the holder to request that the public trustee rerecord the notice of election and demand. Requires a notice to be posted on the front door of a residential property that is the subject of a notice of election and demand that provides information regarding how to pursue a mortgage foreclosure deferment. Requires the notice to be in both English and Spanish and to include information regarding the availability of a foreclosure counselor. Requires the holder to provide an affidavit to the public trustee stating that the posting was made.

Allows an eligible borrower the opportunity to defer a foreclosure sale on a residential property for 90 days. Requires the borrower to contact a foreclosure counselor within 20 days after the posting of the required notice on the residential property. Requires the foreclosure counselor to notify the holder that he or she has been contacted by the eligible borrower. Requires the foreclosure counselor to provide information to the eligible borrower regarding the federal foreclosure deferment program. If the foreclosure counselor determines that the eligible borrower qualifies for a foreclosure deferment, requires the counselor to notify the holder and the public trustee.

Specifies criteria for the foreclosure counselor to consider when determining whether an eligible borrower is eligible for a loan deferment with the holder of the loan. Requires a holder and the eligible borrower to negotiate the terms of the debt obligation. Requires the borrower to make payments and requires the holder to inform the eligible borrower where to send the required payments during the 90-day deferment period. Specifies terms for the early termination of a foreclosure deferment period.

Grants foreclosure counselors immunity from liability. Provides a remedy if the holder does not post the required notice.

Repeals the foreclosure deferment program, effective June 30, 2011.

**APPROVED** by Governor June 2, 2009

**EFFECTIVE** June 2, 2009

**H.B. 09-1301** Unclaimed property trust fund - continuous appropriation - rules. Establishes a continuous appropriation of moneys from the unclaimed property trust fund to the state treasurer for the payment of contract auditor services.

Requires the treasurer to promulgate rules to:

- Specify the requirements or expertise of contract auditors;
- Adequately protect unclaimed property while the property is in the possession of the contract auditor; and
- Prevent identity theft and the sale or transfer of personal identifying information obtained by the contract auditor during the course of the contractor's duties.

**APPROVED** by Governor April 22, 2009

**EFFECTIVE** April 22, 2009

**H.B. 09-1322** Motor vehicle repair shops - access to electronic system to determine ownership of vehicles. Allows a motor vehicle repair shop to determine the ownership and lienholders of abandoned motor vehicles by accessing an electronic system implemented by the department of revenue.

**APPROVED** by Governor June 1, 2009

**EFFECTIVE** June 1, 2009

**H.B. 09-1359** Common interest communities - governance - executive board - communications - finances - reserve studies. Requires all members of the executive board of a common interest community's unit owners' association (HOA) to have available to them all relevant information related to the HOA's operation. Establishes the same standards for election or appointment as a chair of an HOA committee to which authority may be delegated as apply to the election or appointment of members on the executive board.

Requires an HOA to adopt a policy concerning when and how reserve studies shall be done and to identify how it proposes to pay for scheduled repair or replacement of portions of the community that the HOA controls.

**APPROVED** by Governor May 15, 2009

**EFFECTIVE** August 5, 2009

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

## PUBLIC UTILITIES

**S.B. 09-39** Cooperative electric associations - graduated rate for increased energy consumption - energy conservation and energy efficiency purposes. Authorizes cooperative electric associations to approve revenue-neutral, reasonable rates, charges, services, classifications, and facilities that establish a graduated rate for increased energy consumption, for energy conservation and energy efficiency purposes, by residential customers, giving due consideration to the impact of such rate on low-income customers. Allows associations to utilize a community energy fund for energy efficiency, energy conservation, weatherization, and renewable energy purposes. Exempts customers that have single meters that record energy consumption for combined residential and agricultural uses from such rate.

**APPROVED** by Governor April 22, 2009

**EFFECTIVE** August 5, 2009

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

**S.B. 09-51** Electricity and natural gas - conservation - clean energy financing - third-party solar installations - renewable energy credits. Amends the "Colorado Clean Energy Finance Program Act" (Act) to:

- Encourage consumers to investigate the options for financing of clean energy improvements to their existing property through banks, credit unions, and other lenders;
- Specifically include installers of solar panels and other renewable energy generation equipment, and manufacturers or dealers of manufactured homes, among the contractors that may be certified under the Colorado clean energy finance program (program); and
- Add small businesses to the types of property for which residential-scale clean energy loans may be made.

Authorizes the governor's energy office, as administrator of the program, to develop and license the use of a "Colorado Clean & Green" logo and marketing materials for use by lenders and certified contractors under the program.

Clarifies that funding under the Act is available for energy efficiency improvements to rental property. Increases the cap on the amount of loans that may be guaranteed by the state treasurer by \$10 million, from a maximum of \$30 million to a maximum of \$40 million. Expands the Act to include larger-scale, third-party installations on commercial, industrial, or government-owned real property and to encompass loans made by the Colorado housing and finance authority.

Amends the definition of a "public utility" to exempt certain third-party installers of solar electric or solar thermal generating equipment on the customer's property.

Allows net metering customers the option of having excess generation carried forward as a credit on subsequent monthly bills rather than having the utility pay each customer in cash at the end of each 12-month period. Authorizes investor-owned electric utilities to establish standard offers of renewable energy credits for systems up to 500 kW and to employ

a contract term of other than 20 years for power purchase agreements between 100 kW and 1 MW.

**APPROVED** by Governor April 22, 2009

**EFFECTIVE** September 1, 2009

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

**S.B. 09-75** Low-speed electric vehicles - golf cars - authorization - electric vehicle grant fund. Authorizes the operation of low-speed electric vehicles on roads with a speed limit of 35 miles per hour or less. Authorizes the low-speed electric vehicles to cross faster roads when the faster road intersects with a slower road. Sets equipment standards for the sale and operation of low-speed electric vehicles. Applies generally applicable traffic laws to low-speed electric vehicles. Requires low-speed electric vehicles to use a triangular slow-moving vehicle emblem. Prohibits operating or selling a low-speed electric vehicle if said vehicle does not conform to federal manufacturing standards.

Authorizes the use of faster low-speed electric vehicles on roads with a speed limit of 45 miles per hour or less with the same rules of the road as other low-speed electric vehicles if the United States department of transportation promulgates safety standards for such vehicles.

Allows a local jurisdiction to authorize the use of a golf cars on roads under their jurisdiction if the golf car is not operated by an unlicensed driver carrying a passenger under 21 years of age, by a person under 14 years of age, or on a state highway.

Creates a fund that will provide grants to local governments to install recharging stations for electric vehicles.

**APPROVED** by Governor June 4, 2009

**EFFECTIVE** August 5, 2009

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

**S.B. 09-162** Telecommunications - broadband service - inventory of service areas - schedule - funding - appropriation. Amends statutes adopted in 2008 for the creation of an inventory of broadband service areas within the state by:

- Removing an existing limitation on the acceptance of public gifts, grants, and donations to help finance the creation of the inventory;
- Extending the deadline for completion of the inventory; and
- Extending the self-repeal date for the statutes governing creation of the inventory.

Appropriates \$331,537 to the office of information technology in the governor's office from the broadband inventory fund. Of such amount, allows up to \$100,000 to consist of grants received from the local government mineral impact fund.

**APPROVED** by Governor June 4, 2009

**EFFECTIVE** June 4, 2009

**S.B. 09-272** Telecommunications - high cost support mechanism - transfer of funds - budget package act. Directs the public utilities commission to transmit, or cause to be transmitted, to the high cost administration fund in the state treasury \$15 million of moneys currently held for distribution under the Colorado high cost support mechanism.

Exempts the high cost administration fund from statutory limits on uncommitted reserves. Makes technical and conforming amendments.

Makes certain provisions contingent on the enactment of Senate Bill 09-279.

**APPROVED** by Governor May 1, 2009

**EFFECTIVE** May 1, 2009

**Note:** Senate Bill 09-279 was signed by the governor June 1, 2009.

**S.B. 09-294** Certificate of public convenience and necessity - taxicab services. Specifies that a person opposing an application for authority to provide taxicab service in Adams, Arapahoe, Boulder, Broomfield, Denver, Douglas, El Paso, or Jefferson county will prevail if the person proves that the public convenience and necessity does not require issuance of the certificate or its issuance would be detrimental to the public interest. Changes the application fee to a fee set by the commission.

**APPROVED** by Governor June 4, 2009

**EFFECTIVE** July 1, 2009

**H.B. 09-1126** Renewable energy - tax incentives - sales and use tax exemption - solar thermal installations. Allows local governments to provide the same incentives for solar thermal installations as may now be provided for solar electric installations. Adds a corresponding exemption from state sales and use tax, effective from July 1, 2009, through June 30, 2017.

Specifies that the act will not take effect unless House Bill 09-1366 is enacted and becomes law.

**APPROVED** by Governor May 15, 2009

**EFFECTIVE** May 15, 2009

**Note:** House Bill 09-1366 was signed by the governor June 4, 2009.

**H.B. 09-1244** Motor carriers - carriers of property - exemption from regulation by public utilities commission - regulation by department of public safety. Exempts property carriers by motor vehicle from regulation by the public utilities commission (PUC). Grants authority for the enforcement of financial responsibility and insurance requirements of such carriers, in addition to existing driver and vehicle standards, to the department of public safety.

Reduces the appropriation to the PUC in the 2009 Long Bill by \$13,967 and 0.4 FTE.

**APPROVED** by Governor June 4, 2009

**EFFECTIVE** August 5, 2009

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

**H.B. 09-1345** Electric utilities - transmission facilities - integrated transmission plans - report by public utilities commission. Directs the public utilities commission (PUC) to study and report to the general assembly on the integrated transmission plans of owners and operators of electric transmission facilities in Colorado, including:

- The adequacy of such plans, including issues related to interstate coordination; and
- The need for future legislative action.

Directs the commission to rely on existing or pending transmission plans that are scheduled to be completed by December 31, 2009, and to confer with stakeholders and appropriate governmental entities. Requires an interim report on the PUC's progress by November 1, 2009, and delivery of the final report by July 1, 2010.

**APPROVED** by Governor June 1, 2009

**EFFECTIVE** June 1, 2009

## STATUTES

**S.B. 09-59** Enactment of 2008 statutes. Enacts the softbound volumes of Colorado Revised Statutes 2008 as the positive and statutory law of the state of Colorado and establishes the effective date of said publication.

**APPROVED** by Governor April 20, 2009

**EFFECTIVE** April 20, 2009

**S.B. 09-292** Revisor's Bill. Amends or repeals various statutory provisions that are obsolete, inconsistent, or in conflict with other law, clarifies the language and more accurately reflects the legislative intent of the laws.

Makes specified provisions effective contingent on the passage of House Bills 09-1026, 09-1205, 09-1293, and 09-1337, and Senate Bills 09-132, 09-148, 09-163, 09-239, 09-290, and 09-295.

**APPROVED** by Governor June 1, 2009

**EFFECTIVE** August 5, 2009

**NOTE:** (1) This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

(2) House Bill 09-1026 was signed by the governor May 20, 2009; House Bill 09-1205 was signed by the governor June 2, 2009; House Bill 09-1337 was signed by the governor May 15, 2009; Senate Bill 09-132 was signed by the governor May 4, 2009; Senate Bill 09-148 was signed by the governor May 11, 2009; Senate Bill 09-163 was signed by the governor May 21, 2009; Senate Bill 09-239 was signed by the governor June 2, 2009; and Senate Bill 09-290 was signed by the governor June 1, 2009. Senate Bill 09-295 did not pass.

## TAXATION

**S.B. 09-42** Property tax - charitable exemptions - ownership of property - notice to county officials - authority of property tax administrator. Specifies certain types of property ownership that will be deemed to meet the requirements contained in the definition of the phrase "not for private gain or corporate profit" for purposes of granting charitable property tax exemptions. Subject to certain conditions, allows an entity to own property for which a charitable property tax exemption is granted if the entity is organized for the purpose of obtaining tax credits through the federal new markets tax credit program or the federal rehabilitation tax credit program and the entity makes payments in lieu of paying school district property taxes. Specifies procedures for making the payments in lieu of taxes.

Requires the property tax administrator to provide a list of currently pending applications for property tax exemptions to the assessor, treasurer, and board of county commissioners each year.

Makes the authority of the property tax administrator permissive with respect to requiring property owners claiming certain charitable property tax exemptions to provide financial reports and requiring occupants of the properties to provide copies of their income tax reports.

Allows the state board of equalization to authorize the property tax administrator to reestablish the tax-exempt status of an organization claiming a property tax exemption.

**APPROVED** by Governor April 22, 2009

**EFFECTIVE** April 22, 2009

**S.B. 09-85** Property tax - legislative task force on the business personal property tax. Creates the legislative task force on the business personal property tax, which task force will meet in the 2009 legislative interim to discuss property tax exemptions for business personal property, the fiscal impact of the exemptions, and how to reimburse local governments for revenue lost as a result of the exemptions.

**APPROVED** by Governor June 4, 2009

**EFFECTIVE** June 4, 2009

**S.B. 09-98** Special fuel tax - blended diesel fuels - exemption. Permits a licensed blender to blend dyed diesel fuel with biodiesel fuel after withdrawal at a terminal or refinery rack up to the maximum federally allowable blend. Specifies that the blended fuel shall be exempt from the special fuel tax so long as it is used for specified exempt purposes. Establishes civil penalties for illegal blending of dyed diesel fuel and biodiesel fuel, reporting violations, and misrepresentations relating to blending.

**APPROVED** by Governor April 30, 2009

**EFFECTIVE** April 30, 2009

**S.B. 09-121** Sales and use tax - meals and beverages for employees of a business where prepared food is sold - tax exemption. Eliminates the requirement that meals provided at no charge or at a reduced charge to employees of a business at which prepared food or drink is regularly sold be considered part of the employee's salary, wages, or income in order to

qualify for a sales and use tax exemption.

**APPROVED** by Governor June 4, 2009

**EFFECTIVE** June 4, 2009

**S.B. 09-126** Income tax - voluntary contribution - multiple sclerosis fund. Extends the period for which state income tax return forms shall include a line whereby individual taxpayers may make a voluntary contribution to the multiple sclerosis fund.

**APPROVED** by Governor May 2, 2009

**EFFECTIVE** August 5, 2009

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

**S.B. 09-177** Property tax - new solar energy facilities - valuation for purpose of property taxation. Requires a new solar energy facility to be valued for the purpose of property taxation in the same manner in which a new wind facility is valued for that purpose. Applies to the determination of the actual value of new solar energy facilities first placed in production on or after January 1, 2009.

**APPROVED** by Governor April 22, 2009

**EFFECTIVE** April 22, 2009

**S.B. 09-212** State sales tax - vendor fee cap - budget balancing act - appropriation. Reduces the amount of state sales tax revenues that certain large retail vendors may retain each month for collection expenses from 3.33% to 1.35% of sales tax reported on any return made between March 2009 and December 2011.

Appropriates \$140,207 to the department of revenue for the implementation of the act.

**APPROVED** by Governor February 26, 2009

**EFFECTIVE** February 26, 2009

**S.B. 09-275** Sales tax - vendor fee - temporary elimination - appropriation - budget package act. Eliminates the ability of any retail vendor to retain an amount of state sales tax to compensate for the vendor's expenses incurred in collecting and remitting the tax (vendor fee) on any sales tax return filed on or after July 1, 2009, but prior to June 30, 2011. States that, prior to August 1, 2009, a vendor shall not be liable for interest or penalties imposed as a result of an error made in connection with the elimination of the vendor fee. Reinstates the full vendor fee for periods commencing on or after January 1, 2010, if the September 2010 forecast prepared by the legislative council staff indicates sufficient revenues to fully fund a 6% increase in general fund spending for the 2010-11 state fiscal year.

For the 2008-09 fiscal year, appropriates \$185,123 from the general fund and \$309 from the state titling and registration account and 0.1 FTE to the department of revenue for the implementation of the act.

For the 2009-10 fiscal year, appropriates \$68,412 and 0.8 FTE to the department of revenue for the implementation of the act.

**APPROVED** by Governor May 18, 2009

**EFFECTIVE** May 18, 2009

**S.B. 09-276** Property tax exemption for qualifying seniors - suspension for 2009 property tax year - reduction of FY 2009-10 appropriation - budget package act. For the 2009 property tax year, reduces the maximum amount of actual value of the primary owner-occupied residence of a qualifying senior that is partly exempt from property taxation from \$200,000 to \$0. Reduces the FY 2009-10 long bill appropriation for the senior citizen and disabled veteran property tax exemption by \$90,400,000.

**APPROVED** by Governor June 4, 2009

**EFFECTIVE** June 4, 2009

**S.B. 09-287** Income tax - voluntary contribution - Special Olympics Colorado fund. Extends the period for which state income tax return forms shall include a line for individual taxpayers to make a voluntary contribution to the Special Olympics Colorado fund.

**APPROVED** by Governor June 1, 2009

**EFFECTIVE** August 5, 2009

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

**S.B. 09-293** Operational account of the severance tax trust fund - reduction of certain tier 2 program funding due to projected revenue losses in FY 2009-10. Makes changes for specified state fiscal years to certain tier 2 transfers out of the operational account of the severance tax trust fund to compensate for a projected revenue loss in that fund for the 2009-10 state fiscal year. Specifically:

- Reduces the transfer to the water supply reserve account;
- Eliminates a contingent transfer for the water efficiency grant program;
- Reduces the total transfer to the species conservation trust fund; and
- Reduces the funding for energy-related assistance to low-income households by eliminating the transfer to the governor's energy office low-income energy assistance fund and by reducing the transfers to the energy outreach Colorado low-income energy assistance fund and the department of human services low-income energy assistance fund.

Authorizes an additional state fiscal year of funding for energy-related assistance to low-income households for the state fiscal year commencing July 1, 2012, to offset the reduction of the funding for the state fiscal year commencing July 1, 2009.

Reduces the funding provided in House Bill 09-1199 from tier 2 of the operational account of the severance tax trust fund to the healthy forests and vibrant communities fund if House Bill 09-1199 passes.

**APPROVED** by Governor June 1, 2009

**EFFECTIVE** June 1, 2009

**Note:** House Bill 09-1199 was signed by the governor June 3, 2009.

**H.B. 09-1001** Income tax - job growth incentive tax credit. Establishes a job growth incentive tax credit (credit) for income tax years commencing on or after January 1, 2009,

but prior to January 1, 2015. Upon conditional approval and annual calculation by the Colorado economic development commission (commission), allows a taxpayer to claim an annual credit for a specified credit period. Allows the commission to allocate credits by issuing credit certificates to taxpayers who meet established criteria for projects in the state. Establishes the methods for issuing credit certificates as well as the application process. Specifies how a credit is to be calculated. Allows the credit to be carried forward for a specified time but not refunded. Grants the department of revenue rule-making authority.

**APPROVED** by Governor May 4, 2009

**EFFECTIVE** August 5, 2009

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

**H.B. 09-1035** Sales and use tax refund for clean technology companies and medical device companies. Allows clean technology companies and medical device companies that employ 50 or fewer employees in Colorado (qualified clean technology and medical device companies) to receive refunds of state sales and use taxes paid on the sale, storage, use, or consumption of tangible personal property used in Colorado directly and predominately in research and development of clean technology or medical devices during a calendar year (tax refunds). Limits the amount of the tax refunds that may be claimed by qualified clean technology and medical device companies to \$50,000 per company per year. Prohibits tax refunds in each year that follows a year for which the revenue estimate prepared by the staff of the legislative council (revenue estimate) indicates that the amount of the total general fund revenues will not be sufficient to increase the total state general fund appropriations by 6% over such appropriations for the previous year. Allows a qualified clean technology or medical device company that would have been eligible to claim a tax refund in a year in which the tax refund was not allowed to claim the tax refund in the next year in which the revenue estimate allows the tax refund. Requires the department of revenue to specify on its web site whether the tax refund shall be allowed for a given calendar year.

**APPROVED** by Governor June 1, 2009

**EFFECTIVE** August 5, 2009

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

**H.B. 09-1043** Income tax - voluntary contribution to the Make-A-Wish Foundation of Colorado fund. Creates the Make-A-Wish Foundation of Colorado fund (fund) in the state treasury. For income tax years commencing on or after January 1, 2009, but before January 1, 2012, requires a voluntary contribution designation line for the fund to appear on state individual income tax return forms.

Directs the department of revenue (department) to determine annually the total amount designated to the fund and to report that amount to the state treasurer and the general assembly. Directs the state treasurer to credit that amount to the fund.

Requires the general assembly to appropriate annually from the fund to the department its costs of administering moneys designated as contributions to the fund. States that all moneys remaining in the fund at the end of a fiscal year shall be transferred to the

Make-A-Wish Foundation of Colorado, a Colorado nonprofit organization.

**APPROVED** by Governor June 2, 2009

**EFFECTIVE** August 5, 2009

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

**H.B. 09-1050** Income tax - voluntary contribution to the Easter Seals Colorado disability fund - name change - extension. Changes the name of the Colorado Easter Seals fund to the Easter Seals Colorado disability fund.

Extends the period for which state income tax return forms shall include a line whereby individual taxpayers may make a voluntary contribution to the Easter Seals Colorado disability fund.

**APPROVED** by Governor March 20, 2009

**EFFECTIVE** August 5, 2009

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

**H.B. 09-1067** Income tax - credit for donations of instream flow water rights. For income tax years commencing on or after January 1, 2009, but prior to January 1, 2015, establishes an instream flow incentive tax credit (credit). Specifies that the Colorado water conservation board (board) has exclusive authority to approve credits for permanent transfers of water rights acquired through the board's public review process and a finding that the donation will preserve the environment to a reasonable degree. Specifies that the board will approve a credit by issuing a credit certificate. Establishes that the amount of the credit will be determined by the board subject to specific guidelines. Specifies that the aggregate sum of credits approved by the board and those not yet eligible to be taken due to revenue projections may not exceed \$2,000,000.

Establishes reporting requirements.

Specifies that if a credit exceeds the income tax due on the income of the taxpayer for the taxable year, the excess credit may not be carried forward and shall be refunded to the taxpayer.

Specifies that, if S.B. 09-228 does not pass, the credit will not be allowed in a particular income tax year if the revenue estimate prepared by the staff of the legislative council indicates that the amount of the total general fund revenues will not be sufficient to maintain the limit on appropriations specified in statute.

Specifies that, if S.B. 09-228 passes, the credit will not be allowed in a particular income tax year if the revenue estimate prepared by the staff of the legislative council indicates that the amount of the total general fund revenues will not be sufficient to grow the total state general fund appropriations by six percent over such appropriations for the previous fiscal year.

Grants the executive director of the department of revenue rule-making authority with

respect to instream flow water rights.

**APPROVED** by Governor June 4, 2009

**EFFECTIVE** August 5, 2009

**Note:** (1) This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

(2) Senate Bill 09-228 was signed by the governor June 3, 2009.

**H.B. 09-1093** Corporate income tax - "Colorado Reportable Transactions Act" - reportable transactions - listed transactions - captive regulated investment company - captive real estate investment trust. Clarifies the definition of a regulated investment company, and, for purposes of income tax law, defines a captive regulated investment company, a real estate investment trust, and a captive real estate investment trust. Creates the "Colorado Reportable Transactions Act", which:

- Requires taxpayers and material advisors to disclose reportable or listed transactions;
- Establishes penalties for failure to disclose reportable or listed transactions by taxpayers and material advisors;
- Defines listed and reportable transactions; and
- Requires the department of revenue, after consultation with interested parties, to submit a report to the finance committees of the senate and house of representatives with the department's recommendations for the inclusion of any additional listed transactions.

**APPROVED** by Governor April 2, 2009

**EFFECTIVE** April 2, 2009

**H.B. 09-1101** Sales tax - failure to file timely return or pay tax - recovery of taxes. Requires the executive director of the department of revenue to take specified action when a person fails to file a sales tax return on time or to pay or account for any tax owed, rather than only when the person fails to file a sales tax return or fails to pay any tax owed.

**APPROVED** by Governor March 25, 2009

**EFFECTIVE** March 25, 2009

**H.B. 09-1105** Income tax - Colorado innovation investment tax credit - cash fund creation - appropriation. Creates the Colorado innovation investment tax credit (tax credit) to be applied against state income tax liability. Permits the tax credit for an equity investment made in 2010 in a qualified Colorado small business. Limits the tax credit to 15% of the investment up to a maximum of \$20,000. Prohibits refunds of the tax credit, but permits the tax credit to be carried forward in each of the next 5 succeeding income tax years.

Requires the Colorado office of economic development (office) to determine the eligibility for the tax credit and to issue a nontransferable tax credit certificate as evidence of eligibility and the amount of the tax credit. Requires a taxpayer to submit a copy of the tax credit certificate in order to claim the tax credit. Requires the office and the department of revenue to share information related to the tax credits.

Appropriates \$43,682 and 0.5 FTE, or so much as may be necessary for the implementation of the act, from the Colorado innovation investment tax credit cash fund.

Creates the Colorado innovation investment tax credit cash fund. Permits the office to seek and accept gifts, grants, or donations from private or public sources. Specifies that the tax credit is contingent upon the office notifying the revisor of statutes by September 1, 2009, that the office has transmitted at least \$832,055 to the state treasurer for deposit in the fund, a portion of which shall be transferred to the general fund.

**APPROVED** by Governor June 1, 2009

**EFFECTIVE** September 1, 2009

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

**H.B. 09-1130** Sales tax - collection - intergovernmental agreements with counties. Authorizes a county to enter into an intergovernmental agreement with the executive director of the department of revenue to improve efficiencies in the collection and administration of sales taxes within the county. Allows a municipality to be included in the agreement. Specifies the functions and services that may be shared pursuant to the agreement. Requires the executive director to annually provide information to the finance committees of the house of representatives and the senate regarding any agreements entered into in accordance with the act.

**APPROVED** by Governor May 4, 2009

**EFFECTIVE** August 5, 2009

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

**H.B. 09-1148** Reports and returns - confidential severance taxpayer information - department of local affairs. Permits the department of revenue to provide to the department of local affairs information about severance tax taxpayers to be used by the department of local affairs in connection with employee residence reports.

**APPROVED** by Governor March 20, 2009

**EFFECTIVE** August 5, 2009

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

**H.B. 09-1161** Oil and gas - documentation supporting valuation statement - deadline. Requires an oil and gas operator or owner to submit written documentation supporting a valuation statement to a county assessor within 30 days after the date the information is requested or the date the valuation statement is due, whichever date is later.

**APPROVED** by Governor March 20, 2009

**EFFECTIVE** August 5, 2009

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

**H.B. 09-1173** Cigarettes - civil penalty for contraband - tobacco tax enforcement cash fund - list of licensed wholesalers - tobacco products - records - remittance of tax - list of licensed distributors - appropriation. Permits the executive director of the department of revenue

(department) to impose a civil penalty of up to \$.25 per cigarette for a confiscated package of cigarettes that does not have a tax stamp or imprint. Requires the civil penalty to be deposited in the newly created tobacco tax enforcement cash fund (cash fund).

Requires a retailer that sells tobacco products to keep complete and accurate records that show that all of the retailer's tobacco products were purchased from a licensed distributor and to make those records available to the department if so requested. Establishes the funds from which the department will receive an appropriation to investigate a retailer's records.

For tobacco products for which tax has not been paid by a distributor, requires any other person or entity in possession of the tobacco products to pay the tobacco tax on behalf of the distributor. Establishes a penalty if such person or entity fails to pay the tax, the proceeds of which shall be deposited in the cash fund.

Requires the department to publish on its web site lists of all licensed wholesalers of cigarettes and licensed distributors of tobacco products.

Appropriates \$75,043 and 0.8 FTE to the department of revenue for the implementation of the act. Reappropriates \$7,510 of said sum and 0.1 FTE to the department of law for the implementation of the act.

**APPROVED** by Governor June 1, 2009

**EFFECTIVE** August 5, 2009

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

**H.B. 09-1219** Overpayment of taxes - calculation of interest - when interest paid by the state on overpayments of taxes. Specifies that no interest shall be paid by the state on overpayments of taxes that do not relate to a bona fide estimate of tax due. Establishes two different burdens of proof depending on the amount of the total payments compared to the actual tax liability.

For individual income tax, harmonizes the calculation of interest due for overpayments derived from withholding with the calculation of interest due for overpayments derived from all other sources.

Conforms the calculation of interest on overpayments for corporate income taxpayers with the calculation for individual income taxpayers.

**APPROVED** by Governor March 25, 2009

**EFFECTIVE** March 25, 2009

**H.B. 09-1230** Registration of motor vehicles - failure to pay civil penalties assessed by public utilities commission - late fees - stolen vehicles - sales tax collected on sales of motor vehicles - hold harmless - study. With certain requirements, specifies that any licensed motor vehicle dealer that collects and remits sales and use tax to the department of revenue is to be held harmless for any tax, charge, or fee liability to any taxing jurisdiction that the dealer proves was not collected solely because the purchaser provided an invalid address for purposes of calculating the tax to be collected.

Requires the transportation legislation review committee to review best practices for

the collection of sales tax on the sale of motor vehicles. States that the committee must consult with the department of revenue, Colorado licensed automobile dealers, automobile retailers, and experts in the fields of motor vehicle registration and titling and state and local sales tax collection. Enumerates specific topics for the committee to review. Requires the committee to make recommendations to the general assembly for legislation the committee deems necessary.

Specifies that any person who files to pay in full all civil penalties assessed by the public utilities commission for second or subsequent violation may have his or her vehicle registration canceled by the department of revenue.

States that the late fee for failure to timely register a motor vehicle is not to be imposed on a vehicle if the vehicle registration expired during the period the vehicle was reported stolen.

**APPROVED** by Governor May 4, 2009

**EFFECTIVE** August 5, 2009

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

**H.B. 09-1265** Property tax-exempt status - failure to qualify - limitation on abatement interest. Allows a nonprofit entity that fails to qualify for property tax-exempt status to receive abatement interest if the nonprofit entity does, in fact, meet the criteria for property tax-exempt status and failure to qualify was caused by an error or omission on the part of the nonprofit entity filing for such status. Limits any such abatement interest awarded to a nonprofit entity to a 2-year period.

**APPROVED** by Governor March 20, 2009

**EFFECTIVE** August 5, 2009

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

**H.B. 09-1294** Income tax - voluntary contribution - nongame and endangered wildlife fund. Extends the period for which state income tax return forms shall include a line whereby individual taxpayers may make a voluntary contribution to the nongame and endangered wildlife fund.

**APPROVED** by Governor April 22, 2009

**EFFECTIVE** April 22, 2009

**H.B. 09-1298** Trucking industry - economic development - sales tax refund - enterprise zone income tax credit - green truck grant program. Beginning January 1, 2011, allows a taxpayer to claim a refund of a percentage of all state sales and use taxes paid on the sale, storage, or use of a model year 2010 or newer truck tractor with a gross vehicle weight rating of 26,000 pounds or greater designated as class A personal property. Specifies that the amount of the refund will be calculated by the division of motor vehicles, and establishes the method for calculating the refund. Specifies that the total refund shall be claimed over a 5-year period at specified percentages. Sets forth how the refund is to be claimed.

Specifies that the sales tax refund shall not take effect unless a sustainable source of revenue has been identified for the implementation of the refund and the revisor of statutes has received written notice from the executive director of the department of revenue to that effect.

For specified income tax years, for purposes of the enterprise zone income tax credit for investments in certain property, establishes that a commercial truck, truck tractor, tractor, or semitrailer with a vehicle weight rating of 16,000 pounds or greater that is model year 2010 or newer, and any parts associated with the vehicle at the time of purchase, shall be deemed to be used solely and exclusively in an enterprise zone and therefore considered qualified property for purposes of the income tax credit if:

- The vehicle is licensed and registered within the state; and
- The vehicle is predominantly housed and based at the taxpayer's business trucking facility within an enterprise zone for the 12-month period following its purchase.

Specifies that a taxpayer may claim an enterprise zone income tax credit in an amount equal to specified percentages of the total qualified investment in a truck, truck tractor, tractor, or semitrailer. Specifies that the credit shall be phased in over 5 years.

Specifies that the enterprise zone income tax credit shall not take effect unless a sustainable source of revenue has been identified for the implementation of the credit and the revisor of statutes has received written notice from the executive director of the department of revenue to that effect.

Creates the green truck grant program and the green truck grant program fund to be administered by the governor's energy office to provide:

- Reimbursements of a specified percentage, not to exceed a specified amount, of the overall cost incurred by a qualified recipient in purchasing or installing specific fuel-efficient technologies and emission-control devices to reduce fuel consumption and emissions of greenhouse gases and other harmful air pollutants from trucks. Specifies a maximum amount of reimbursements to be granted in a fiscal year.
- Grants up to a specified amount per qualified recipient for the retirement and scrapping of older model year trucks that meet certain requirements. Specifies a maximum amount of grants to be awarded in a fiscal year.

Specifies that the green truck grant program can be implemented within existing appropriations of the governor's energy office.

**APPROVED** by Governor June 4, 2009

**EFFECTIVE** June 4, 2009

**H.B. 09-1311** Colorado corporate income tax - sourcing of sales of companies providing mutual fund services. Changes the use of the shareholder rule for mutual fund advisors from an apportionment rule to a sales factor sourcing rule.

Changes who must use the shareholder rule from companies deriving more than a specified percentage of income from mutual fund advisory services to all companies deriving

income from mutual fund advisory services.

**APPROVED** by Governor May 18, 2009

**EFFECTIVE** May 18, 2009

**H.B. 09-1331** Income tax - tax credit for efficient motor vehicles - purchases - conversions. Changes the tax credit for purchases of vehicles using alternative fuels for the income tax years commencing January 1, 2010, and January 1, 2011, to be at specified percentages of costs incurred for the purchase of motor vehicles using alternative fuels, the purchase of idling reduction technologies, or the conversion of motor vehicles to allow for the use of alternative fuels. Specifies a maximum credit per taxpayer for certain purchases or conversions. Specifies that the categories available for a credit are:

- Motor vehicles that comply with specified federal tier 2 emissions standards;
- Light duty passenger vehicle diesel-electric hybrids with a minimum fuel economy of 70 miles per gallon;
- Light duty passenger vehicle, light duty truck, and medium duty truck diesel-electric hybrid conversions that increase the fuel economy of the original motor vehicle by 40% or more, and new medium duty trucks that are diesel-electric hybrids or gasoline-electric hybrids that have 30% better fuel economy than a comparable vehicle powered solely by a diesel or gasoline internal combustion engine;
- Light duty passenger vehicle, light duty truck, and medium duty truck compressed natural gas conversions certified by the United States environmental protection agency and original equipment manufacturer compressed natural gas vehicles; and
- Installation of idling reduction technology.

Specifies that if the purchase or conversion of a category 3 or 4 vehicle results in the permanent displacement of a motor vehicle or power source that is 12 years or older, the percentage of costs incurred in such purchase or conversion is multiplied by 1.25, but may not result in a percentage exceeding 100%.

Creates a new tax credit for income tax years commencing January 1, 2012, through the income tax year commencing January 1, 2015, for specified percentages of costs incurred for the purchase of motor vehicles using alternative fuels, the purchase of idling reduction technologies, or the conversion of motor vehicles to allow for the use of alternative fuels. Specifies a maximum credit per taxpayer for certain purchases or conversions. Specifies that the categories available for a credit are:

- Motor vehicles that comply with specified federal tier 2 emissions standards;
- Light duty passenger vehicle diesel-electric hybrids with a minimum fuel economy of 70 miles per gallon;
- Light duty passenger vehicle, light duty truck, and medium duty truck diesel-electric hybrid conversions that increase the fuel economy of the original motor vehicle by 40% or more;
- Light duty passenger vehicle, light duty truck, and medium duty truck compressed natural gas conversions certified by the United States environmental protection agency and original equipment manufacturer compressed natural gas vehicles; and
- Installation of idling reduction technology.

Makes changes to and extends the existing alternative fuels rebate so that in the fiscal year commencing July 1, 2009, the rebate is available to qualified entities for purchases of specified motor vehicles, specified idling reduction technologies, or conversions of existing motor vehicles to allow for the use of alternative fuels.

**APPROVED** by Governor June 4, 2009

**EFFECTIVE** June 4, 2009

**H.B. 09-1342** Sales and use tax - cigarette exemption - temporary exception. For the 2009-10 and 2010-11 state fiscal years, eliminates the state sales and use tax exemption for cigarettes. Concurrently maintains the sales and use tax exemption for cigarettes for counties, statutory towns and cities, special districts, and other local governments that levy a sales or use tax based on the state tax.

Appropriates a total of \$190,655 and 0.4 FTE to the department of revenue for the implementation of the act.

**APPROVED** by Governor June 1, 2009

**EFFECTIVE** July 1, 2009

**H.B. 09-1360** Property tax - residential real property - valuation. For the 2009 and 2010 property tax years, sets the ratio of valuation for assessment for residential real property at 7.96% of actual value.

**APPROVED** by Governor June 1, 2009

**EFFECTIVE** June 1, 2009

**H.B. 09-1365** Property leased by a governmental entity - exemption from levy and collection of property tax - modifications. Modifies the requirements of the property tax exemption for real property that is used by the state, a political subdivision, or a state-supported institution of higher education (governmental entity) pursuant to a lease or rental agreement as follows:

- Requires a governmental entity to reduce, deduct, or offset property taxes from rent due under a lease or rental agreement.
- Upon receipt of a lease or rental agreement for a governmental entity, requires the county assessor to send a notice to the landlord acknowledging receipt of the lease or rental agreement.
- To the extent that real property taxes are shared and payable by one or more nongovernmental entity tenants under the lease or rental agreement, states that amounts otherwise due as real property taxes but for the property tax exemption shall be deemed taxes paid by the landlord of a property leased in part to a governmental entity.
- Specifies that only a tenant that is a governmental entity shall receive any benefit related to the tenant's property tax-exempt status.

**APPROVED** by Governor June 1, 2009

**EFFECTIVE** June 1, 2009

**H.B. 09-1366** Income tax modification for capital gains - limitation. For income tax years commencing on or after January 1, 2010:

- Eliminates the state income tax modification for qualifying net capital gains

- earned on the sale of stock or the sale of an ownership interest in a Colorado company, limited liability company, or partnership.
- Limits the state income tax modification for qualifying net capital gains earned on real or tangible personal property held for at least 5 years to \$100,000 of capital gains realized in any single income tax year on:
    - Real or tangible personal property located in Colorado and acquired on or after May 9, 1994; and
    - Tangible personal property located outside Colorado and acquired on or after June 4, 2009.

**APPROVED** by Governor June 4, 2009

**EFFECTIVE** June 4, 2009

## TRANSPORTATION

**S.B. 09-78** State highways - abandonment to local jurisdictions. Allows the transportation commission to determine that all or a portion of a state highway no longer functions as a part of the state highway system if the commission and each affected county or municipality agree that the highway or portion of a highway no longer serves the ongoing purposes of the system. Specifies that, with the agreement of each affected county or municipality, the highway or portion thereof shall be considered as abandoned and shall become either a county highway of an affected county or a city street of an affected municipality. Requires a county or municipality to credit to a special fund to be used only for transportation-related expenditures any payment received from the department of transportation as compensation for the transfer to the county or municipality of ownership of all or a portion of an abandoned state highway.

**APPROVED** by Governor April 22, 2009

**EFFECTIVE** April 22, 2009

**S.B. 09-94** Transit and rail division - creation within department of transportation. Creates the transit and rail division (division) as a **type 2** agency within the department of transportation (department) responsible for the planning, development, operation, and integration of transit and rail, including, where appropriate, advanced guideway systems, into the statewide transportation system and, in coordination with other transit and rail providers, the planning, promotion, and implementation of investments in transit and rail services statewide. Specifies the powers and duties of the division. Requires the division, in exercising its powers and performing its duties, to coordinate with the regional transportation district, regional transportation authorities, and other transit operators to ensure the efficient provision of transit services.

Requires the executive director of the department (executive director), in consultation with the transportation commission, to appoint a special interim transit and rail advisory committee to specifically advise the commission and the executive director regarding the initial focus of the division and to recommend a long-term advisory structure in support of the transit and rail-related functions of the department. Requires the membership of the advisory committee to include, at a minimum, one or more representatives of transit operators, class I railroads, short line railroads, and entities or interest groups involved in the promotion, planning, or development of passenger rail systems. Gives the executive director discretion to retain certain rail lines or rights-of-way possessed by the department.

**APPROVED** by Governor May 20, 2009

**EFFECTIVE** May 20, 2009

**S.B. 09-108** Transportation funding - imposition and allocation of road safety surcharge, fees, and fines - imposition and use of bridge safety surcharge - bonding and lease-purchase agreements - creation of bridge and high performance transportation enterprises - transportation planning requirements - accountability. For vehicle registration periods commencing on or after July 1, 2009, imposes a graduated predominantly weight-based road safety surcharge on vehicles for which existing vehicle registration fees are required to be paid. Exempts any rental vehicle on which a new \$2 daily vehicle rental fee is imposed and any antique vehicle registered as a horseless carriage from the road safety surcharge. Imposes the road safety surcharge on a farm vehicle at 50% of the rate charged for a non-farm vehicle and on a collector vehicle only once for each 5-year collector vehicle registration period. On and after July 1, 2009, imposes a \$2 daily vehicle rental fee, a

supplemental oversize and overweight vehicle surcharge, and a supplemental unregistered vehicle fine for knowingly failing to register a vehicle within 90 days of becoming a Colorado resident, and increases the amount of the fee for late motor vehicle registration. Exempts from the daily vehicle rental fee any vehicle rented for short periods to members of a vehicle sharing organization only pursuant to a vehicle sharing arrangement that meets specified criteria.

Generally requires the revenues generated by the new or increased surcharges, fees, and fines to be credited to the highway users tax fund and, in accordance with an existing motor fuel tax allocation formula, allocated as follows:

- 60% to the state highway fund for the department of transportation (CDOT);
- 22% to counties; and
- 18% to municipalities.

Generally requires CDOT, counties, and municipalities to expend their allocated revenues for road safety projects, but specifically requires CDOT to expend \$10,000,000 of its allocated revenues for transit-related projects that enhance the safety of state highways for transit users. If Senate Bill 09-094 is enacted and becomes law, diverts a total of \$5,000,000 from the allocations to counties and municipalities to the state highway fund and requires the diverted moneys to be further credited to a new state transit and rail fund and used by a new transit and rail division of CDOT, created in Senate Bill 09-94, to provide grants to counties and municipalities for local transit projects. Prohibits grant moneys from being used for the condemnation of land for the purpose of relocating a rail corridor or rail line.

Creates the statewide bridge enterprise (bridge enterprise) as a government-owned business within CDOT with the business purpose of financing and completing designated bridge projects that involve the repair, reconstruction, replacement, or ongoing operation or maintenance of bridges designated as structurally deficient or functionally obsolete and rated as poor by CDOT. Specifies the governance and general powers and duties of the bridge enterprise. For vehicle registration periods commencing on or after July 1, 2009, or on or after such later date as may be determined by the bridge enterprise, authorizes the bridge enterprise to fund the completion of designated bridge projects by imposing a graduated predominantly weight-based bridge safety surcharge on vehicles for which existing vehicle registration fees are required to be paid and using revenues generated by the surcharge to directly pay for the projects or to repay revenue bonds it issues or loans from the state it contracts for to finance the projects. Establishes maximum surcharge amounts for the 2011-12 fiscal year and subsequent fiscal years and limits any surcharge imposed for vehicle registration periods commencing during the 2009-10 and 2010-11 fiscal years, respectively, to 50% and 75% of the maximum surcharge amounts. Exempts any rental vehicle on which a new \$2 daily vehicle rental fee is imposed and any antique vehicle registered as a horseless carriage from the bridge safety surcharge. Imposes the bridge safety surcharge on a farm vehicle at 50% of the amount charged for a non-farm vehicle, and on a collector vehicle only once for each 5-year collector vehicle registration period. Authorizes the state, at the discretion of the governor and state treasurer and in accordance with specified requirements, to loan moneys to the bridge enterprise, to finance any loan made by entering into lease-purchase agreements involving state buildings or other state capital facilities, and to have any loan repaid by the bridge enterprise from bridge safety surcharge revenues and any other legally available revenues of the enterprise.

Creates the high-performance transportation enterprise (transportation enterprise) as a government-owned business within CDOT with the business purpose of pursuing

public-private partnerships and other innovative and efficient means of completing surface transportation infrastructure projects other than designated bridge projects. Abolishes the statewide tolling enterprise, specifies that the transportation enterprise is the legal successor to the powers, duties, and functions of the tolling enterprise, and further specifies the governance and general powers and duties of the transportation enterprise.

Specifically authorizes the transportation enterprise to enter into public-private partnerships and, subject to specified limitations, to impose user fees, directly or through a partner, for the privilege of using any surface transportation infrastructure that the transportation enterprise or its partner constructs or operates. Authorizes the transportation enterprise to issue revenue bonds to finance surface transportation infrastructure projects. Allows every metropolitan planning organization or other transportation planning region that includes territory in which all or any portion of a surface transportation infrastructure project that will add substantial transportation capacity or significantly alter traffic patterns is to be completed to participate in the planning and development of, and approve the completion of, the project. Specifies that such a surface transportation infrastructure project shall not proceed past the planning stage until it is approved by all entities entitled to participate in the planning, development, and approval process. Requires the transportation enterprise to consider whether the completion of a surface transportation infrastructure project to be funded, in whole or in part, with user fees will help to reconnect or reintegrate any local government or other community that has been disconnected or divided by existing transportation infrastructure.

Prohibits the transportation enterprise from supplanting or duplicating the services provided by any public mass transit operator, railroad, public highway authority, or regional transportation authority except as described in detail in an intergovernmental agreement or other contractual agreement entered into by the transportation enterprise and the operator, railroad, or authority. Specifies that moneys made available for any surface transportation infrastructure project shall not be used to supplant existing or budgeted department funding for any portion of the state highway system within the territory of any transportation planning region that includes any portion of the project. Authorizes the transportation enterprise to impose user fees on a highway segment or highway lanes that have previously served vehicular traffic on a user-fee free basis if it has obtained any required federal approval, obtained the approval of every substantially impacted county or municipality, and prepared or caused to be prepared a local air quality impact statement and a local community traffic safety assessment that specifically account for any expected diversion of traffic from the highway segment or highway lanes onto other highways, roads, or streets. Exempts both the transportation enterprise and the bridge enterprise from specified state procurement laws but subjects both enterprises to open records and open meetings laws and any labor standards that apply to CDOT.

Allows the transportation enterprise, a public highway authority, a regional transportation authority, or any other entity that is already imposing a user fee or toll for the privilege of traveling on a highway segment or highway lanes to use the fee or toll revenues for transit-related projects that relate to the supervision or maintenance of the highway segment or highway lanes on which the fee or toll is imposed. Requires CDOT to submit to the standing committees of the general assembly that have jurisdiction over transportation and publish on its web site annual transportation deficit reports that separately address the goals of repairing deficient highways and bridges, sustaining existing transportation system performance levels, and achieving transportation corridor visions and provide specified costs and other information regarding the goals.

Eliminates the 1% cap on the maximum rate of sales tax that the regional transportation district (RTD) may levy. Allows RTD to submit one or more ballot questions seeking voter approval for a sales tax rate increase to any specified rate approved by the RTD board at any general or November odd-year election. Requires the secretary of state to determine the identifying lettering or numbering of such a ballot question, and requires the question to be placed on the ballot immediately following any statewide issues and questions.

Allows a new resident of Colorado 90 rather than 30 days to register his or her vehicle in Colorado, and increases the fine imposed upon conviction of failing to register from \$500 to \$1,000. Increases the late fee imposed on residents other than new residents for failing to timely register or reregister a vehicle from up to \$10 to \$25 per month but not to exceed \$100 in total, and eliminates the discretion of the department of revenue or its authorized agents to waive the late fee. Exempts from the late fee a person who idles a business vehicle for at least one full registration period and an active duty member of the United States military serving outside Colorado when vehicle registration becomes due.

On and after January 1, 2010, without changing existing weight distribution requirements, increases the maximum gross weight of vehicles and loads that may be moved on highways and bridges without overweight permits from 85,000 to 92,000 pounds. On and after January 1, 2010, modifies overweight divisible load permit requirements and permit fees for vehicles that have quad axle groupings or tandem axle groupings on the power unit and trailer.

Requires the transportation commission to create a standing efficiency and accountability committee, and requires the committee to seek ways to maximize the efficiency of CDOT to allow increased investment in the transportation system over the short, medium, and long term. Specifies the membership of the committee and reporting requirements related to its activities and the implementation of its recommendations.

Requires specified information regarding specified policy goals to be addressed in the statewide transportation plan.

**APPROVED** by Governor March 2, 2009

**EFFECTIVE** March 2, 2009

**H.B. 09-1034** Regional transportation authorities - authorization to impose mill levy. Subject to voter approval as required by section 20 of article X of the state constitution (TABOR), authorizes a regional transportation authority (authority) to impose a uniform mill levy of up to 5 mills on all taxable property within its territory. Specifies that this authorization does not affect the existing power of an authority to establish local improvement districts and impose special assessments. Repeals the authorization, effective January 1, 2019.

**APPROVED** by Governor April 16, 2009

**EFFECTIVE** August 5, 2009

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

**H.B. 09-1066** Aeronautics division - transfers from the aviation fund - eligibility for grants - aviation fund disbursements - unneeded airport-related equipment. With respect to the aeronautics division (division) in the department of transportation:

- Eliminates both the requirement that the division provide other governmental entities with aircraft registration information and that the division deploy remote weather systems.
- Permits the division, with approval of the Colorado aeronautical board (board), to direct the state treasurer to transfer moneys from the aviation fund to the aviation account of the transportation infrastructure revolving fund.
- Requires the board to provide statewide aviation needs to be included in the statewide transportation plan.
- Allows the city and county of Denver to be eligible for grants from the state aviation system grant program.
- Permits the division to be a recipient of a state aviation system grant.
- Establishes that a governmental or airport entity operating a public-use airport is entitled to disbursements from the aviation fund based on the gasoline and fuel sold at the airport.
- Requires the city and county of Denver to convey to the division at a reasonable cost unneeded airport-related equipment for equitable distribution.
- Removes obsolete provisions related to the transfer of functions to the division.

**APPROVED** by Governor April 2, 2009

**EFFECTIVE** August 5, 2009

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

## **WATER AND IRRIGATION**

**S.B. 09-15** Water divisions - White river drainage basin - alignment of judicial and administrative oversight. Moves the White river drainage basin from water division 5 to water division 6 in order to align judicial and administrative oversight.

Makes the act applicable to matters filed in water divisions 5 and 6 on or after August 5, 2009.

**APPROVED** by Governor March 2, 2009

**EFFECTIVE** August 5, 2009

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

**S.B. 09-80** Rooftop precipitation capture - when allowed - procedures. Authorizes the collection of precipitation from the roof of a building that is primarily used as a residence and is not served by a domestic water system serving more than 3 single-family dwellings, if the water collected is used for:

- Fire protection;
- The watering of poultry, domestic animals, and livestock on farms and ranches;
- The irrigation of not over one acre of gardens and lawns; or
- Ordinary household purposes.

Restricts use of rooftop precipitation capture systems to persons having or legally entitled to have an exempt or small capacity well. Subjects such systems to any limitations on use that are or would be contained in the small capacity or exempt well permit.

Recognizes the authority of the board of a ground water management district to impose rules further restricting the use of rooftop precipitation capture systems.

Requires a person who wishes to collect precipitation from a rooftop to file an application in the form and manner specified by the state engineer and, unless the applicant has a current well permit or is applying for a new well permit, pay a fee in an amount to be determined by the state engineer. Directs the state engineer to transmit such fees to the ground water management cash fund and specifies that the fund may be used to monitor compliance with rooftop precipitation capture laws and regulations.

Authorizes the state engineer and division engineers to issue orders to enforce rooftop precipitation capture laws. When such orders are violated, allows the state engineer, through the state attorney general, to seek an injunction or a fine of up to \$500 for each violation, from the water court district in which the violations occurred. States that any fines collected shall be transmitted to the state treasurer, who shall credit the same to the ground water management fund.

**APPROVED** by Governor April 22, 2009

**EFFECTIVE** July 1, 2009

**S.B. 09-106** Water supply reserve account extension - eligibility of grant applicants subject to water conservation plan adoption requirements - Colorado water conservation board

annual report. Extends indefinitely the funding of the water supply reserve account, which is continuously appropriated with moneys transferred from the operational account of the severance tax trust fund. For the fiscal year beginning July 1, 2010, increases from \$6,000,000 to \$10,000,000 the money to be transferred from the operational account of the severance tax trust fund to the water supply reserve account. Repeals the reversion of unexpended and unencumbered moneys from the water supply reserve account to the operational account of the severance tax trust fund that was scheduled to occur one year after the final transfer of funds to the water supply reserve account.

Allows the Colorado water conservation board (board) to allocate moneys by grant from the water supply reserve account of the severance tax trust fund to applicants who are subject to the requirement to adopt a water conservation plan, only if the applicant has adopted such a plan. Specifies that repayments of principal and interest on loans from the water supply reserve account are to be credited to the account.

Requires the board to consult with the interbasin compact committee to report annually to the house agriculture, livestock, and natural resources committee and the senate agriculture, natural resources, and energy committee on how moneys in the water supply reserve account were expended during the previous year.

**APPROVED** by Governor June 2, 2009

**EFFECTIVE** July 1, 2009

**S.B. 09-125** Colorado water conservation board construction fund - project authorizations - creation of the wild and scenic rivers fund - appropriations. Appropriates the following amounts from the Colorado water conservation board construction fund for the following projects:

- \$350,000 for satellite monitoring system maintenance;
- \$50,000 for instream flow engineering and technical support services;
- \$100,000 for water resources planning studies;
- \$1,500,000 for continuation of the alternative agriculture water transfer sustainability grant program;
- \$500,000 for water adaptation partnership projects;
- \$175,000 for the continuation of the weather modification program;
- \$300,000 for an update to the national oceanic and atmospheric administration statewide precipitation atlas;
- \$30,000 for dust-on-snow studies;
- Up to \$500,000 for continuation of the Colorado floodplain map modernization program;
- \$250,000 for continuation of the watershed restoration program;
- \$125,000 for continuation of floodplain technical services;
- Up to \$300,000 to restore the unencumbered balance in the flood response fund to \$300,000;
- \$550,000 to continue the water resources information center and data harvesting initiative;
- \$50,000 to enhance the Colorado decision support systems with the modflow model;
- \$150,000 for continuation of the South Platte decision support system;
- \$1,000,000 for continuation of the Colorado river water availability study, Phase 2;
- \$250,000 for Arkansas river surface water rules technical and financial

- assistance; and
- Up to \$2,200,000 to restore the unencumbered balance in the litigation fund to \$4,000,000.

Makes the following adjustments to the 2009 general appropriations act (Senate Bill 09-259):

- Decreases by \$100,000 the appropriation from the water efficiency grant program cash fund to the Colorado water conservation board (board) for the water efficiency grant program;
- Appropriates \$100,000 from the water conservation board construction fund to the board for the water efficiency grant program;
- Decreases by \$400,000 the appropriation to the board from the interbasin compact committee operation fund; and
- Appropriates \$400,000 from the water conservation board construction fund to the board.

Allows the board to deauthorize a grant, and use any remaining moneys from such grant for other statutorily sanctioned purposes, when the project for which the grant was made has been completed or is no longer feasible.

Creates the continuously appropriated wild and scenic rivers fund for the purpose of exploring alternatives that fall within the wild and scenic designation process. Directs the state treasurer to transfer \$400,000 from the water conservation board construction fund to the wild and scenic rivers fund. Requires annual review by the board of the purposes for the wild and scenic rivers fund in order to determine whether the wild and scenic rivers fund is necessary.

Commencing with the fiscal year that begins July 1, 2009, reduces from \$1,145,067 to \$745,067 the amount of moneys annually transferred from the operational account of the severance tax trust fund to the interbasin compact committee operation fund.

Amends a 2007 provision authorizing the board to loan moneys from the severance tax trust fund perpetual base account for certain water resources projects to allow sponsors of the projects 10 additional years to enter into loan contracts with the board.

**APPROVED** by Governor June 1, 2009

**EFFECTIVE** June 1, 2009

**S.B. 09-147** Substitute water supply plans - replacement of certain out-of-priority depletions in water division 1. For plans for augmentation that are the subject of a final decree entered by the water court for water division 1, authorizes the state engineer to approve annual substitute water supply plans for plans to replace out-of-priority lagged depletions caused by pre-January 1, 2003, pumping of wells included in the decreed augmentation plans. Describes the procedure by which approval of such plans may be obtained, and specifies terms and conditions to be included in any such substitute water supply plan. Repeals the authorization on, and specifies that such plans shall expire by, July 1, 2018. Clarifies that no additional transbasin diversion of water from the Colorado river is being authorized or facilitated.

**APPROVED** by Governor April 9, 2009

**EFFECTIVE** April 9, 2009

**H.B. 09-1017** Water conservation board - water efficiency grant program - expenditures from fund - continuing authority. Continuously appropriates revenues in the water efficiency grant program cash fund to the Colorado water conservation board (CWCB). Allows the CWCB to finance ongoing programs and projects until they are completed or until June 30, 2012.

**APPROVED** by Governor May 21, 2009

**EFFECTIVE** May 21, 2009

**H.B. 09-1129** Precipitation capture - pilot projects - approval criteria - substitute water supply plan - augmentation plan - reports - repeal. Directs the Colorado water conservation board (board) to select the sponsors of up to 10 new residential or mixed-use developments that will conduct individual pilot projects to collect precipitation from rooftops and impermeable surfaces for nonpotable uses. Specifies that the purpose of the pilot projects is to:

- Evaluate the technical ability to reasonably quantify the site-specific amount of precipitation that accrues to the natural stream system via surface and ground water return flows;
- Create a baseline set of data and sound, transferable methodologies for quantifying native plant consumption and measuring local weather and precipitation patterns;
- Evaluate a variety of precipitation harvesting system designs;
- Measure precipitation capture efficiencies;
- Quantify the amount of precipitation that must be augmented to prevent injury to decreed water rights;
- Compile and analyze the data collected; and
- Provide data to allow sponsors to adjudicate permanent augmentation plans.

Directs the board to establish criteria and guidelines for applications and the selection of pilot projects, including selection of pilot projects to represent a range of project sizes and different geographic and hydrologic areas in the state and giving priority to pilot projects that are located in areas that face renewable water supply challenges and that promote water conservation.

Requires pilot projects to:

- During the term of the pilot project, operate according to a substitute water supply plan if approved annually by the state engineer in which, during at least the first 2 years, the depletion is calculated as the total captured and measured precipitation and, after 2 years, as the amount of precipitation captured minus the historical consumptive use from preexisting, natural vegetation cover on the impermeable area;
- Upon completion of the pilot project, apply for a permanent augmentation plan or retire the pilot project;
- Submit an annual preliminary report to the board and the state engineer summarizing the data collected; and
- Submit a final report to the board and the state engineer by January 15, 2019.

Requires the board and the state engineer to brief the water resources review committee on the pilot projects by July 1, 2014, and to provide a final briefing to the water resources review committee by July 1, 2019. Specifies criteria and procedures for approval

of a substitute water supply plan for pilot projects. Appropriates \$14,280 from the Colorado water conservation board construction fund for purposes of the act. Repeals the act, effective July 1, 2020.

**APPROVED** by Governor June 2, 2009

**EFFECTIVE** June 2, 2009

**H.B. 09-1159** Ground water management districts - board of directors - eligibility. Allows a person who is a resident agriculturist who owns and actively farms or ranches land located within a division of a ground water management district, and who resides within the designated ground water basin within which the district is located, to be a member of the board of directors of the district.

**APPROVED** by Governor March 20, 2009

**EFFECTIVE** August 5, 2009

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

**H.B. 09-1174** Plans for augmentation - division 1 - nonreplacement of pre-1974 pumping depletions. Specifies that decrees for plans for augmentation entered in the South Platte river basin on or after the effective date of the act shall not require the replacement of out-of-priority depletions caused by pumping that occurred prior to March 15, 1974. Allows the water judge to review all of the terms and conditions of a proposed amended plan.

**APPROVED** by Governor March 25, 2009

**EFFECTIVE** August 5, 2009

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

**H.B. 09-1185** Water rights - applications - procedures. Allows documents related to water rights applications to be transmitted by methods other than mail. Rescinds the requirement that applications and statements of opposition to such applications be filed in quadruplicate. Recognizes the authority of the Colorado supreme court to adopt rules to supplement statutory filing and transmittal procedures.

**APPROVED** by Governor April 2, 2009

**EFFECTIVE** July 1, 2009

**H.B. 09-1233** Acequias mutual ditch company - creation and conversion. Allows the creation of acequia mutual ditch companies and allows an existing mutual ditch company to convert to an acequia mutual ditch company if certain eligibility requirements are met. Allows an acequia mutual ditch company to:

- Hold its elections pursuant to a one landowner-one vote system;
- Require owners of land irrigated by an acequia to contribute labor to the maintenance and repair of the acequia or to pay an assessment in lieu of such labor;
- Allocate water on basis other than pro rata ownership of the mutual ditch; and
- Hold a right of first refusal regarding the sale, lease, or exchange of any surface water right that has historically been used to irrigate long-lot land by

the acequia.

**APPROVED** by Governor April 22, 2009

**EFFECTIVE** April 22, 2009

**H.B. 09-1303** Ground water - oil and gas wells - permit requirement - rules - compliance extension - coal bed methane wells - substitute water supply plans - plans for augmentation. Clarifies that the definition of "nontributary ground water" applies to 100 years of continuous withdrawal.

Requires notice to an oil and gas operator if the surface location of a proposed domestic exempt water well will be within 600 feet of the operator's oil and gas well. Authorizes the state engineer to issue a well permit notwithstanding the generally applicable 600-foot limitation if both the proposed well and all existing wells within 600 feet of the proposed well are oil and gas wells or if the state engineer gives notice and an opportunity to comment to the owners of wells that are not oil and gas wells within the 600-foot limit.

Authorizes the state engineer to promulgate rules applicable to the withdrawal of nontributary ground water to facilitate the mining of minerals. Gives oil and gas wells that illegally divert ground water until March 31, 2010, to come into compliance.

Specifies procedures and requirements for substitute water supply plans and plans for augmentation for coal bed methane wells that pump tributary ground water. Requires either a substitute water supply plan or a plan for augmentation for such wells by March 31, 2010. Authorizes temporary substitute water supply plans for such wells until December 31, 2012, and by January 1, 2013, requires such wells to be subject to either permanent plans for augmentation or substitute water supply plans and applications to the water court for plans for augmentation.

**APPROVED** by Governor June 2, 2009

**EFFECTIVE** June 2, 2009

## CONCURRENT RESOLUTION

**H.C.R. 09-1003** Charitable gaming - bingo and raffles - licensing authority - licensing qualifications - duration of license. Submits to the voters an amendment to the charitable gaming provisions of the constitution of the state of Colorado, which now designate the secretary of state as the licensing authority and chief enforcer for charitable gaming activity and which specify the duration of a license and certain qualifications for licensees, to instead:

- Permit the general assembly to designate a person or agency in the executive branch as the licensing authority and chief enforcer for such activity; and
- Permit the general assembly to specify the duration of a license and the minimum period of time during which a corporation or organization must have had continuous existence in order to qualify for a license.

Pending such action by the general assembly:

- Gives licensing and enforcement authority to the executive director of the department of revenue; and
- Specifies that licenses must be renewed annually and that a corporation or organization must have existed continuously for at least 5 years to qualify for a license.

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