

# DIGEST

SENATE AND HOUSE BILLS ENACTED  
BY THE  
SIXTY-SEVENTH GENERAL ASSEMBLY  
OF THE  
STATE OF COLORADO  
(2010 - Second Regular Session)

NOTE: Electronic versions of current and past Digests are available on the Official Colorado State Legislative Home Page at: [www.leg.state.co.us](http://www.leg.state.co.us), click on the Bill Digest link.



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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 Second Regular Session ending May 12, 2010. 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 xvii.
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 xvii.
4. To convert a particular bill number to a chapter number in the Session Laws, refer to the Conversion Table, beginning on page xvii.
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 2009 interim committee, refer to page x and xi.

8. For statistics concerning the number of bills and concurrent resolutions introduced and passed in the 2010 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 12, 2010. 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 10, 2010. The effective date for such bills is therefore 12:01 a.m., on Wednesday, August 11, 2010, 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 10, 2010.

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 2010.

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## LEGISLATIVE STATISTICAL SUMMARY

	2010		2009		2008	
	Intro	Passed	Intro	Passed	Intro	Passed
House Bills	432	302	369	241	415	309
Senate Bills	217	156	297	227	247	172
Concurrent Resolutions	18	2	6	1	23	3
Bills signed by Governor	453		463		473	
Bills becoming law without Governor's signature	0		0		0	
Bills partially vetoed by the Governor	0		1		1	
Bills vetoed by the Governor	5		4		7	
Bills referred to the People	0		0		0	

### BILLS VETOED BY THE GOVERNOR:

**H.B. 10-1101**

**H.B. 10-1287**

**H.B. 10-1409**

**H.B. 10-1281**

**H.B. 10-1364**

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

None

### BILLS WITH PORTIONS VETOED BY THE GOVERNOR:

None

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

### **HOUSE BILLS**

<b>H.B. 10-1001</b>	<b>H.B. 10-1050</b>	<b>H.B. 10-1118</b>	<b>H.B. 10-1205</b>	<b>H.B. 10-1281-v</b>
<b>H.B. 10-1002</b>	<b>H.B. 10-1054</b>	<b>H.B. 10-1119</b>	<b>H.B. 10-1208</b>	<b>H.B. 10-1288</b>
<b>H.B. 10-1003</b>	<b>H.B. 10-1057</b>	<b>H.B. 10-1122</b>	<b>H.B. 10-1210</b>	<b>H.B. 10-1330</b>
<b>H.B. 10-1004</b>	<b>H.B. 10-1058</b>	<b>H.B. 10-1123</b>	<b>H.B. 10-1214</b>	<b>H.B. 10-1334</b>
<b>H.B. 10-1005</b>	<b>H.B. 10-1059</b>	<b>H.B. 10-1125</b>	<b>H.B. 10-1215</b>	<b>H.B. 10-1335</b>
<b>H.B. 10-1008</b>	<b>H.B. 10-1060</b>	<b>H.B. 10-1132</b>	<b>H.B. 10-1216</b>	<b>H.B. 10-1351</b>
<b>H.B. 10-1010</b>	<b>H.B. 10-1062</b>	<b>H.B. 10-1133</b>	<b>H.B. 10-1221</b>	<b>H.B. 10-1352</b>
<b>H.B. 10-1014</b>	<b>H.B. 10-1064</b>	<b>H.B. 10-1134</b>	<b>H.B. 10-1223</b>	<b>H.B. 10-1355</b>
<b>H.B. 10-1016</b>	<b>H.B. 10-1073</b>	<b>H.B. 10-1137</b>	<b>H.B. 10-1231</b>	<b>H.B. 10-1358</b>
<b>H.B. 10-1017</b>	<b>H.B. 10-1076</b>	<b>H.B. 10-1139</b>	<b>H.B. 10-1233</b>	<b>H.B. 10-1359</b>
<b>H.B. 10-1019</b>	<b>H.B. 10-1081</b>	<b>H.B. 10-1141</b>	<b>H.B. 10-1238</b>	<b>H.B. 10-1362</b>
<b>H.B. 10-1021</b>	<b>H.B. 10-1085</b>	<b>H.B. 10-1143</b>	<b>H.B. 10-1241</b>	<b>H.B. 10-1363</b>
<b>H.B. 10-1023</b>	<b>H.B. 10-1090</b>	<b>H.B. 10-1148</b>	<b>H.B. 10-1242</b>	<b>H.B. 10-1370</b>
<b>H.B. 10-1024</b>	<b>H.B. 10-1095</b>	<b>H.B. 10-1161</b>	<b>H.B. 10-1243</b>	<b>H.B. 10-1395</b>
<b>H.B. 10-1025</b>	<b>H.B. 10-1096</b>	<b>H.B. 10-1166</b>	<b>H.B. 10-1244</b>	<b>H.B. 10-1400</b>
<b>H.B. 10-1026</b>	<b>H.B. 10-1097</b>	<b>H.B. 10-1168</b>	<b>H.B. 10-1256</b>	<b>H.B. 10-1403</b>
<b>H.B. 10-1027</b>	<b>H.B. 10-1098</b>	<b>H.B. 10-1171</b>	<b>H.B. 10-1259</b>	<b>H.B. 10-1408</b>
<b>H.B. 10-1030</b>	<b>H.B. 10-1099</b>	<b>H.B. 10-1172</b>	<b>H.B. 10-1264</b>	<b>H.B. 10-1413</b>
<b>H.B. 10-1033</b>	<b>H.B. 10-1101-v</b>	<b>H.B. 10-1178</b>	<b>H.B. 10-1267</b>	<b>H.B. 10-1415</b>
<b>H.B. 10-1034</b>	<b>H.B. 10-1109</b>	<b>H.B. 10-1185</b>	<b>H.B. 10-1275</b>	<b>H.B. 10-1418</b>
<b>H.B. 10-1041</b>	<b>H.B. 10-1112</b>	<b>H.B. 10-1197</b>	<b>H.B. 10-1276</b>	<b>H.B. 10-1422</b>
<b>H.B. 10-1042</b>	<b>H.B. 10-1115</b>	<b>H.B. 10-1204</b>	<b>H.B. 10-1278</b>	<b>H.B. 10-1431</b>
<b>H.B. 10-1045</b>	<b>H.B. 10-1117</b>			

\* These bills become effective on August 11, 2010, 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. 10-007</b>	<b>S.B. 10-047</b>	<b>S.B. 10-083</b>	<b>S.B. 10-126</b>	<b>S.B. 10-172</b>
<b>S.B. 10-009</b>	<b>S.B. 10-052</b>	<b>S.B. 10-088</b>	<b>S.B. 10-138</b>	<b>S.B. 10-174</b>
<b>S.B. 10-012</b>	<b>S.B. 10-053</b>	<b>S.B. 10-094</b>	<b>S.B. 10-139</b>	<b>S.B. 10-177</b>
<b>S.B. 10-015</b>	<b>S.B. 10-056</b>	<b>S.B. 10-099</b>	<b>S.B. 10-141</b>	<b>S.B. 10-181</b>
<b>S.B. 10-021</b>	<b>S.B. 10-058</b>	<b>S.B. 10-103</b>	<b>S.B. 10-142</b>	<b>S.B. 10-186</b>
<b>S.B. 10-022</b>	<b>S.B. 10-061</b>	<b>S.B. 10-106</b>	<b>S.B. 10-147</b>	<b>S.B. 10-189</b>
<b>S.B. 10-023</b>	<b>S.B. 10-063</b>	<b>S.B. 10-111</b>	<b>S.B. 10-152</b>	<b>S.B. 10-192</b>
<b>S.B. 10-024</b>	<b>S.B. 10-071</b>	<b>S.B. 10-112</b>	<b>S.B. 10-155</b>	<b>S.B. 10-193</b>
<b>S.B. 10-031</b>	<b>S.B. 10-075</b>	<b>S.B. 10-116</b>	<b>S.B. 10-159</b>	<b>S.B. 10-195</b>
<b>S.B. 10-035</b>	<b>S.B. 10-079</b>	<b>S.B. 10-122</b>	<b>S.B. 10-161</b>	
<b>S.B. 10-037</b>	<b>S.B. 10-081</b>	<b>S.B. 10-124</b>	<b>S.B. 10-162</b>	

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v - vetoed

**BILLS RECOMMENDED BY STATUTORY AND 2009 INTERIM  
COMMITTEES THAT WERE ENACTED:**

**CAPITAL DEVELOPMENT  
COMMITTEE**

**H.B. 10-1375     S.B. 10-166**  
**H.B. 10-1402**

**COMMITTEE ON LEGAL SERVICES**

**H.B. 10-1039     S.B. 10-060**  
**H.B. 10-1235     S.B. 10-123**  
**H.B. 10-1346**  
**H.B. 10-1422**

**DEVELOPMENTAL DISABILITY  
WAITING LIST, INTERIM  
COMMITTEE ON THE**

**H.B. 10-1029     S.B. 10-002**  
**H.B. 10-1041**

**EARLY CHILDHOOD & SCHOOL  
READINESS LEGISLATIVE  
COMMISSION**

**H.B. 10-1026**  
**H.B. 10-1028**  
**H.B. 10-1030**  
**H.B. 10-1035**

**ECONOMIC OPPORTUNITY POVERTY  
REDUCTION TASK FORCE**

**H.B. 10-1002     S.B. 10-006**  
**H.B. 10-1017     S.B. 10-007**  
**H.B. 10-1022     S.B. 10-009**  
**H.B. 10-1023     S.B. 10-010**

**HEALTH CARE TASK FORCE**

**H.B. 10-1004     S.B. 10-020**  
**H.B. 10-1005**  
**H.B. 10-1008**  
**H.B. 10-1021**  
**H.B. 10-1032**  
**H.B. 10-1033**

**HOSPICE & PALLIATIVE CARE IN  
COLORADO**

**H.B. 10-1024     S.B. 10-061**  
**H.B. 10-1025**  
**H.B. 10-1027**  
**H.B. 10-1050**

**JOINT BUDGET COMMITTEE  
(other than supplementals)**

**H.B. 10-1318     H.B. 10-1378     S.B. 10-146**  
**H.B. 10-1319     H.B. 10-1379     S.B. 10-148**  
**H.B. 10-1320     H.B. 10-1380     S.B. 10-149**  
**H.B. 10-1321     H.B. 10-1381     S.B. 10-150**  
**H.B. 10-1322     H.B. 10-1382     S.B. 10-151**  
**H.B. 10-1323     H.B. 10-1383     SJR 10-010**  
**H.B. 10-1324     H.B. 10-1384**  
**H.B. 10-1325     H.B. 10-1385**  
**H.B. 10-1326     H.B. 10-1386**  
**H.B. 10-1327     H.B. 10-1387**  
**H.B. 10-1339     H.B. 10-1388**  
**H.B. 10-1372     H.B. 10-1389**  
**H.B. 10-1377     H.B. 10-1409-v**

v - vetoed

**BILLS RECOMMENDED BY STATUTORY AND 2009 INTERIM  
COMMITTEES THAT WERE ENACTED: (cont.)**

**LEGISLATIVE AUDIT COMMITTEE**

**H.B. 10-1003      S.B. 10-118**

**H.B. 10-1011      S.B. 10-186**

**H.B. 10-1110**

**LEGISLATIVE OVERSIGHT**

**COMMITTEE FOR THE CONTINUING  
EXAMINATION OF THE TREATMENT  
OF PERSONS WITH MENTAL ILLNESS  
WHO ARE INVOLVED IN THE  
CRIMINAL AND JUVENILE JUSTICE  
SYSTEMS**  
**S.B. 10-014**

**LONG-TERM FISCAL STABILITY  
COMMISSION**

**H.B. 10-1010      S.B. 10-003**  
**SJR 10-002**

**PINNACOL ASSURANCE, INTERIM  
COMMITTEE TO STUDY ISSUES  
RELATED TO**

**H.B. 10-1009      S.B. 10-011**  
**H.B. 10-1038      S.B. 10-012**  
**S.B. 10-013**

**POLICE OFFICERS' AND  
FIREFIGHTERS' PENSION REFORM  
COMMISSION**

**H.B. 10-1016      S.B. 10-021**  
**S.B. 10-022**  
**S.B. 10-023**  
**S.B. 10-024**

**SCHOOL FINANCE, INTERIM COMMITTEE  
TO STUDY**

**H.B. 10-1013      S.B. 10-008**

**H.B. 10-1034      S.B. 10-018**

**H.B. 10-1036**

**H.B. 10-1037**

**SUNSET REVIEW PROCESS**

**H.B. 10-1220      H.B. 10-1245**

**H.B. 10-1221      H.B. 10-1247**

**H.B. 10-1222      H.B. 10-1255**

**H.B. 10-1223      H.B. 10-1256**

**H.B. 10-1224      H.B. 10-1260**

**H.B. 10-1225      H.B. 10-1364-v**

**H.B. 10-1236**

**TRANSPORTATION LEGISLATION REVIEW  
COMMITTEE**

**H.B. 10-1014      S.B. 10-015**

**H.B. 10-1018      S.B. 10-016**

**H.B. 10-1019**

**WATER RESOURCES REVIEW COMMITTEE**

**S.B. 10-019**

**S.B. 10-025**

v - vetoed

**ACTS WITH JULY 1, 2010, AND LATER EFFECTIVE DATES:**

**JULY 1, 2010**

**HOUSE BILLS**

<b>H.B. 10-1009</b>	<b>H.B. 10-1138</b>	<b>H.B. 10-1220</b>	<b>H.B. 10-1236</b>	<b>H.B. 10-1285</b>
<b>H.B. 10-1018*</b>	<b>H.B. 10-1146*</b>	<b>H.B. 10-1222</b>	<b>H.B. 10-1245</b>	<b>H.B. 10-1291</b>
<b>H.B. 10-1052</b>	<b>H.B. 10-1147</b>	<b>H.B. 10-1224</b>	<b>H.B. 10-1255</b>	<b>H.B. 10-1347</b>
<b>H.B. 10-1113</b>	<b>H.B. 10-1160</b>	<b>H.B. 10-1225</b>	<b>H.B. 10-1260</b>	<b>H.B. 10-1384*</b>
<b>H.B. 10-1114</b>	<b>H.B. 10-1209</b>	<b>H.B. 10-1227*</b>	<b>H.B. 10-1277</b>	<b>H.B. 10-1386</b>
<b>H.B. 10-1135</b>	<b>H.B. 10-1211</b>	<b>H.B. 10-1228</b>	<b>H.B. 10-1284*</b>	

**SENATE BILLS**

<b>S.B. 10-011*</b>	<b>S.B. 10-038</b>	<b>S.B. 10-117</b>	<b>S.B. 10-156</b>	<b>S.B. 10-196</b>
<b>S.B. 10-013</b>	<b>S.B. 10-041</b>	<b>S.B. 10-128*</b>	<b>S.B. 10-158</b>	<b>S.B. 10-198</b>
<b>S.B. 10-020</b>	<b>S.B. 10-072</b>	<b>S.B. 10-144</b>	<b>S.B. 10-178</b>	<b>S.B. 10-199</b>
<b>S.B. 10-034</b>	<b>S.B. 10-080</b>	<b>S.B. 10-151*</b>	<b>S.B. 10-187*</b>	<b>S.B. 10-212</b>

**AUGUST 1, 2010**

**HOUSE BILLS**

**SENATE BILLS**

**S.B. 10-110**

\* - portions only  
v - vetoed

**ACTS WITH JULY 1, 2010, AND LATER EFFECTIVE DATES: (cont.)**

**AUGUST 11, 2010\*\***

**HOUSE BILLS**

<b>H.B. 10-1001</b>	<b>H.B. 10-1058</b>	<b>H.B. 10-1119</b>	<b>H.B. 10-1208</b>	<b>H.B. 10-1284*</b>
<b>H.B. 10-1002</b>	<b>H.B. 10-1059</b>	<b>H.B. 10-1122</b>	<b>H.B. 10-1210</b>	<b>H.B. 10-1288</b>
<b>H.B. 10-1003</b>	<b>H.B. 10-1062</b>	<b>H.B. 10-1123</b>	<b>H.B. 10-1214</b>	<b>H.B. 10-1330</b>
<b>H.B. 10-1004</b>	<b>H.B. 10-1064</b>	<b>H.B. 10-1125</b>	<b>H.B. 10-1215</b>	<b>H.B. 10-1334</b>
<b>H.B. 10-1005</b>	<b>H.B. 10-1073</b>	<b>H.B. 10-1132</b>	<b>H.B. 10-1216</b>	<b>H.B. 10-1335</b>
<b>H.B. 10-1010</b>	<b>H.B. 10-1076</b>	<b>H.B. 10-1134</b>	<b>H.B. 10-1221</b>	<b>H.B. 10-1351</b>
<b>H.B. 10-1014</b>	<b>H.B. 10-1081</b>	<b>H.B. 10-1137</b>	<b>H.B. 10-1223</b>	<b>H.B. 10-1352</b>
<b>H.B. 10-1016</b>	<b>H.B. 10-1085*</b>	<b>H.B. 10-1139</b>	<b>H.B. 10-1231</b>	<b>H.B. 10-1355</b>
<b>H.B. 10-1023</b>	<b>H.B. 10-1090</b>	<b>H.B. 10-1141</b>	<b>H.B. 10-1233</b>	<b>H.B. 10-1360*</b>
<b>H.B. 10-1024</b>	<b>H.B. 10-1095</b>	<b>H.B. 10-1143</b>	<b>H.B. 10-1242</b>	<b>H.B. 10-1362</b>
<b>H.B. 10-1025</b>	<b>H.B. 10-1096</b>	<b>H.B. 10-1148</b>	<b>H.B. 10-1243</b>	<b>H.B. 10-1363</b>
<b>H.B. 10-1026</b>	<b>H.B. 10-1098</b>	<b>H.B. 10-1161</b>	<b>H.B. 10-1244</b>	<b>H.B. 10-1395</b>
<b>H.B. 10-1027</b>	<b>H.B. 10-1099</b>	<b>H.B. 10-1168</b>	<b>H.B. 10-1256</b>	<b>H.B. 10-1403</b>
<b>H.B. 10-1030</b>	<b>H.B. 10-1101-v</b>	<b>H.B. 10-1171</b>	<b>H.B. 10-1259</b>	<b>H.B. 10-1408</b>
<b>H.B. 10-1033</b>	<b>H.B. 10-1109</b>	<b>H.B. 10-1178</b>	<b>H.B. 10-1264</b>	<b>H.B. 10-1413</b>
<b>H.B. 10-1034</b>	<b>H.B. 10-1112</b>	<b>H.B. 10-1185</b>	<b>H.B. 10-1267</b>	<b>H.B. 10-1415</b>
<b>H.B. 10-1041</b>	<b>H.B. 10-1115</b>	<b>H.B. 10-1197</b>	<b>H.B. 10-1275</b>	<b>H.B. 10-1418</b>
<b>H.B. 10-1050</b>	<b>H.B. 10-1117</b>	<b>H.B. 10-1204</b>	<b>H.B. 10-1276</b>	<b>H.B. 10-1422</b>
<b>H.B. 10-1054</b>	<b>H.B. 10-1118</b>	<b>H.B. 10-1205</b>	<b>H.B. 10-1281-v</b>	<b>H.B. 10-1431</b>
<b>H.B. 10-1057</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, 2010, AND LATER EFFECTIVE DATES: (cont.)**

**AUGUST 11, 2010\*\***

**SENATE BILLS**

<b>S.B. 10-007</b>	<b>S.B. 10-047</b>	<b>S.B. 10-081</b>	<b>S.B. 10-116</b>	<b>S.B. 10-161</b>
<b>S.B. 10-009</b>	<b>S.B. 10-052</b>	<b>S.B. 10-083</b>	<b>S.B. 10-122</b>	<b>S.B. 10-172</b>
<b>S.B. 10-012</b>	<b>S.B. 10-053</b>	<b>S.B. 10-088</b>	<b>S.B. 10-124</b>	<b>S.B. 10-174</b>
<b>S.B. 10-015</b>	<b>S.B. 10-056</b>	<b>S.B. 10-094</b>	<b>S.B. 10-126</b>	<b>S.B. 10-177</b>
<b>S.B. 10-021</b>	<b>S.B. 10-058</b>	<b>S.B. 10-099</b>	<b>S.B. 10-138</b>	<b>S.B. 10-181</b>
<b>S.B. 10-022</b>	<b>S.B. 10-061</b>	<b>S.B. 10-103</b>	<b>S.B. 10-139</b>	<b>S.B. 10-186</b>
<b>S.B. 10-023</b>	<b>S.B. 10-063</b>	<b>S.B. 10-106</b>	<b>S.B. 10-142</b>	<b>S.B. 10-189</b>
<b>S.B. 10-024</b>	<b>S.B. 10-071</b>	<b>S.B. 10-111</b>	<b>S.B. 10-155</b>	<b>S.B. 10-192</b>
<b>S.B. 10-031</b>	<b>S.B. 10-075</b>	<b>S.B. 10-112*</b>	<b>S.B. 10-159</b>	<b>S.B. 10-195</b>
<b>S.B. 10-037</b>	<b>S.B. 10-079</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.

**AUGUST 15, 2010**

**HOUSE BILLS**

**H.B. 10-1097**

**SENATE BILLS**

**SEPTEMBER 1, 2010**

**HOUSE BILLS**

**H.B. 10-1017**

**H.B. 10-1042**

**H.B. 10-1060**

**H.B. 10-1238**

**H.B. 10-1359**

**SENATE BILLS**

**S.B. 10-147**

**S.B. 10-152**

\* - portions only

v - vetoed

**ACTS WITH JULY 1, 2010, AND LATER EFFECTIVE DATES: (cont.)**

**SEPTEMBER 30, 2010**

<b>HOUSE BILLS</b>	<b>SENATE BILLS</b>
<b>H.B. 10-1428*</b>	

**OCTOBER 1, 2010**

<b>HOUSE BILLS</b>	<b>SENATE BILLS</b>
<b>H.B. 10-1172</b>	

**NOVEMBER 1, 2010**

<b>HOUSE BILLS</b>	<b>SENATE BILLS</b>
<b>H.B. 10-1400</b>	

**JANUARY 1, 2011**

<b>HOUSE BILLS</b>	<b>SENATE BILLS</b>
<b>H.B. 10-1008</b>	<b>S.B. 10-001*</b>
<b>H.B. 10-1019</b>	<b>S.B. 10-035</b>
<b>H.B. 10-1021</b>	<b>S.B. 10-068</b>
<b>H.B. 10-1085*</b>	<b>S.B. 10-112*</b>
<b>H.B. 10-1133</b>	<b>S.B. 10-120</b>
<b>H.B. 10-1146*</b>	<b>S.B. 10-187*</b>
<b>H.B. 10-1164</b>	<b>S.B. 10-193</b>
<b>H.B. 10-1202</b>	
<b>H.B. 10-1252</b>	
<b>H.B. 10-1278</b>	
<b>H.B. 10-1358</b>	
<b>H.B. 10-1370</b>	

**JUNE 1, 2011**

<b>HOUSE BILLS</b>	<b>SENATE BILLS</b>
<b>H.B. 10-1035*</b>	

**JULY 1, 2011**

<b>HOUSE BILLS</b>	<b>SENATE BILLS</b>
<b>H.B. 10-1045</b>	
<b>H.B. 10-1175</b>	
<b>H.B. 10-1241</b>	

\* - portions only  
v - vetoed

**ACTS WITH JULY 1, 2010, AND LATER EFFECTIVE DATES: (cont.)**

<u><b>JANUARY 1, 2012</b></u>		<u><b>JULY 1, 2012</b></u>	
<b>HOUSE BILLS</b>	<b>SENATE BILLS</b>	<b>HOUSE BILLS</b>	<b>SENATE BILLS</b>
<b>H.B. 10-1166</b>	<b>S.B. 10-162</b>		<b>S.B. 10-128*</b>

<u><b>EFFECTIVE DATES YET TO BE DETERMINED</b></u>		<u><b>REFERRED MEASURES</b></u>	
<b>HOUSE BILLS</b>	<b>SENATE</b>	<b>HOUSE</b>	<b>SENATE</b>
<b>H.B. 10-1146*+</b>	<b>S.B. 10-141++</b>	<b>HCR 10-1004</b>	
<b>H.B. 10-1384*+</b>		<b>HCR 10-1005</b>	

\* - portions only  
v - vetoed

+ January, 1, 2014, unless certain notification is received prior to this effective date

++ only if HCR 09-1003 approved by the people of Colorado and then will be effective upon proclamation of the Governor



## 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	Tyler, Schwartz	Renewable Energy Stds Solar Certif	Approved 3/22/2010	No Safety Clause	37	222
1002	Kefalas, Sandoval	Priority Of TABOR Refund Methods	Approved 4/5/2010	No Safety Clause	69	108
1003	McNulty, Tochtrop	State Personnel Bd Appeal Deadline	Approved 4/5/2010	No Safety Clause	70	108
1004	Massey, Foster	Standardized Health Ins Information	Approved 4/20/2010	No Safety Clause	141	165
1005	Massey, Foster	Home Health Care	Approved 6/7/2010	No Safety Clause	345	145
1007	Judd, Brophy	County Clerk & Recorder Filing Fees	Approved 4/5/2010	4/5/2010	71	81
1008	Schafer S., Carroll M.	No Gender Individual Health Ins Rates	Approved 3/29/2010	No Safety Clause 1/1/2011	40	165
1009	Miklosi, Hodge	Pinnacol Assurance Board Of Directors	Approved 5/26/2010	7/1/2010	273	177
1010	Ferrandino, Morse	Expand Public-private Initiatives	Approved 4/15/2010	No Safety Clause	90	108
1011	Kerr J., Schultheis	DOR Employee Criminal History Check	Approved 4/15/2010	4/15/2010	110	183
1013	Middleton, Romer	Modifications To School Finance Admin	Approved 6/10/2010	6/10/2010	399	51
1014	McFadyen, Spence	Highway Work Zone Accident Reporting	Approved 3/18/2010	No Safety Clause	24	183
1016	Waller, Tochtrop	FPPA Retired Bd Member Term Extension	Approved 4/5/2010	No Safety Clause	72	89
1017	Kagan, Boyd	Vol Agrmnt Affecting Rent Pvt Res Prop	Approved 5/6/2010	No Safety Clause 9/1/2010	208	218
1018	Looper, Gibbs	Reduce Waste Tire Stockpile Risks	Approved 6/10/2010	Portions on 6/10/2010 and 7/1/2010	421	132
1019	Frangas, Williams	Reserved Disabled Parking Enforcement	Approved 6/10/2010	No Safety Clause 1/1/2011	400	184
1020	Weissmann, Morse	Legislative Department Contracts	Approved 4/15/2010	4/15/2010	111	78
1021	Frangas, Foster	Required Coverage Reproductive Services	Approved 5/26/2010	No Safety Clause 1/1/2011	297	165
1022	Summers, Boyd	Suppl Nutrition Assistance Prog Admin	Approved 6/10/2010	6/10/2010	414	156
1023	Waller, Hudak	Employer Liability Negligent Hiring	Approved 3/29/2010	No Safety Clause	42	28
1024	Balmer, Williams	Declaring Patients Terminally Ill	Approved 4/15/2010	No Safety Clause	112	197
1025	Roberts, Newell	CO Medical Treatment Act Updates	Approved 4/15/2010	No Safety Clause	113	197
1026	Solano, Hodge	Quality Child Care Grant Incentive Prog	Approved 4/15/2010	No Safety Clause	114	157
1027	Roberts, Williams	Medicaid Hospice Life Expectancy	Approved 5/26/2010	No Safety Clause	274	146
1028	Benefield, Hodge	Early Childhood Universal Application	Approved 4/5/2010	4/5/2010	73	109

<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>
1029	Acree, Keller	State Negotiated Prices Medical Goods	Approved 5/10/2010	5/10/2010	219	146
1030	Peniston, Steadman	Early Childhood Teacher Scholarships	Approved 4/15/2010	No Safety Clause	115	52
1032	Frangas, Boyd	Behavioral Health Crisis Response Servs	Approved 5/27/2010	5/27/2010	316	153
1033	Massey, Boyd	Screening Brief Intervention Referral	Approved 6/7/2010	No Safety Clause	346	146
1034	Massey, King K.	School Speech-language Pathology Asst	Approved 4/15/2010	No Safety Clause	116	53
1035	Massey, Steadman	Eligibility Child Care Assistance Prog	Approved 6/3/2010	Portions on 6/3/2010 and 6/1/2011	337	157
1036	Scanlan, Romer	Pub Sch Transparency Fin Info On-line	Approved 4/12/2010	4/12/2010	79	53
1037	Massey, Spence	Extend Supplemental On-line	Approved 3/29/2010	3/29/2010	43	54
1038	Miklosi, Carroll M.	Workers' Comp Claims Process Brochure	Approved 5/26/2010	5/26/2010	275	177
1039	Gardner B., Brophy	Enactment Of 2009 CRS	Approved 2/24/2010	2/24/2010	4	229
1041	Acree, Mitchell	Universal Application Childrens Medicaid	Approved 3/18/2010	No Safety Clause	25	147
1042	Peniston, Hodge	Air Quality Permitting Program	Approved 5/6/2010	No Safety Clause 9/1/2010	209	134
1043	Apuan, Sandoval	Public Benefits Change AFDC References	Approved 4/15/2010	4/15/2010	92	147
1044	Carroll T., Steadman	Neighborhood Youth Org Requirements	Approved 4/14/2010	4/14/2010	85	15
1045	Miklosi, Romer	DOR Electronic Address Change	Approved 5/27/2010	No Safety Clause 7/1/2011	317	109
1046	Tyler, Hudak	Receipt Of Tax Payment By Cnty Treasurer	Approved 3/5/2010	3/5/2010	16	233
1049	Rice, Romer	Motor Vehicle Dealer Franchise	Approved 3/22/2010	3/22/2010	32	204
1050	Tyler, Tochtrop	On-line Registry Med Directives Form	Approved 4/12/2010	No Safety Clause	80	134
1051	Pommer, Whitehead	Water Efficiency Plans Annual Reports	Approved 6/7/2010	6/7/2010	378	246
1052	Solano, Newell	Recycle Resources Econ Opportunity Fund	Approved 4/13/2010	7/1/2010	84	135
1053	Riesberg, Boyd	Medicaid Community Long-term Care Saving	Approved 5/26/2010	5/26/2010	276	147
1054	King S., Carroll M.	Higher Ed Safety Protocols Presentation	Approved 4/15/2010	No Safety Clause	117	67
1055	Kefalas, Steadman	DOR Fees Paid To 3rd Pty Debt Collectors	Approved 3/22/2010	3/22/2010	33	233
1057	Ryden, Spence	Cnty Sheriff Service Of Process	Approved 4/15/2010	No Safety Clause	118	82
1058	Riesberg, Hodge	Civil Penalty For Unstamped Cigarettes	Approved 4/21/2010	No Safety Clause	158	233
1059	Gagliardi, Newell	Driver Ed Minors Affidavit Of Liability	Approved 3/23/2010	No Safety Clause	38	15
1060	Kagan, Steadman	Penalty For Failing To Withhold Sev Tax	Approved 5/26/2010	No Safety Clause 9/1/2010	277	233
1062	Schafer S., Hodge	Gov Crime Ins Coverage Of Cnty Officers	Approved 4/21/2010	No Safety Clause	161	82

<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>
1063	Todd, Gibbs	Newspaper For Municipal Legal Notice	Approved 3/18/2010	3/18/2010	26	89
1064	Schafer S., Spence	Ineligible Student Arbitration Appeal	Approved 3/31/2010	No Safety Clause	54	54
1065	McCann, Tochtrop	No Counting Juv Escape Toward Completion	Approved 3/18/2010	3/18/2010	27	16
1071	Labuda, Heath	Forestry Eliminate Experience Reqmnt	Approved 3/29/2010	3/29/2010	44	192
1073	Roberts, Sandoval	Colorado 2-1-1 Checkoff	Approved 6/7/2010	No Safety Clause	347	234
1076	DelGrosso, Heath	Prop Tax Work-off Prog Particip Status	Approved 4/28/2010	No Safety Clause	162	177
1080	Lambert, Sandoval	Leg Emer Epidemic Response Cmt	Approved 3/31/2010	3/31/2010	55	78
1081	Priola, Steadman	Money Laundering Criminal Fraud	Approved 5/25/2010	No Safety Clause	256	33
1083	Gardner B., Steadman	DOC Surgery Unit Lease Purchase	Approved 4/21/2010	4/21/2010	159	23
1085	Kerr J., Tapia	Land Surveys & Profl Land Surveyors	Approved 4/15/2010	No Safety Clause Portions on 8/11/2010 and 1/1/2011	95	204
1089	Waller, Newell	No SVP In Return-to-custody Facilities	Approved 3/31/2010	3/31/2010	56	23
1090	Waller, Morse	Jail Sentence Driving Under Restraint	Approved 3/29/2010	No Safety Clause	45	185
1095	Gerou, Kopp	Fire Protection District Accident Fees	Approved 3/10/2010	No Safety Clause	23	91
1096	Tipton, Morse	Designate VIN Inspectors	Approved 5/20/2010	No Safety Clause	240	82
1097	Benefield, Morse	Temp Inj Child Custody Cases	Approved 3/25/2010	No Safety Clause 8/15/2010	39	16
1098	Levy, Hodge	REA Elec Coop Bd Of Director Elections	Approved 6/11/2010	No Safety Clause	424	224
1099	Pace, Tapia	Colorado State Fair Alcohol Beverages	Approved 5/27/2010	No Safety Clause	318	205
1101	Baumgardner, Harvey	Farm Truck Registration	Vetoed 5/10/2010			185
1104	Looper, Williams	Veterans Treatment Court	Approved 4/16/2010	4/16/2010	139	28
1106	Casso, Sandoval	Child Welfare Adoption Multiethnic Act	Approved 5/26/2010	5/26/2010	278	158
1107	Fischer, Carroll M.	Urban Renewal Area Ag Lands	Approved 4/14/2010	6/1/2010	89	84
1108	McCann, Johnston	Nonprofit Youth Sports Coach Indep Contr	Approved 4/15/2010	4/15/2010	119	177
1109	McCann, Mitchell	Inmate Work Program Workers' Comp	Approved 4/29/2010	No Safety Clause	171	178
1110	Weissmann, Morse	Supplemental Approp To State Auditor	Approved 3/15/2010	3/15/2010	429	6
1112	Miklosi, Newell	Corr Educ Vocational Prog Standards	Approved 3/31/2010	No Safety Clause	57	24
1113	McFadyen, Hodge	Transfer Ports Of Entry From DOR To CSP	Approved 5/21/2010	7/1/2010	244	110
1114	Liston, Johnston	Register Agent Money Transmitter	Approved 5/5/2010	7/1/2010	192	205
1115	Gagliardi, Scheffel	County Assessment Of Cost Core Services	Approved 4/15/2010	No Safety Clause	120	159
1116	Todd, Newell	Revisions To CO Election Law	Approved 5/5/2010	5/5/2010	194	73

<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>
1117	Benefield, Johnston	Certain Tax Procedures Of Cnty Officers	Approved 5/5/2010	No Safety Clause	195	83
1118	Kerr J., Hudak	Reg Distressed Real Prop By Cnty Commrs	Approved 6/7/2010	No Safety Clause	348	83
1119	Ferrandino, Shaffer B.	SMART Government Act	Approved 6/5/2010	No Safety Clause	340	110
1122	Roberts, Williams	Medical Orders Scope Of Treatment	Approved 5/26/2010	No Safety Clause	279	198
1123	Sonnenberg, Renfroe	No Arson In Controlled Ag Burn Case	Approved 4/15/2010	No Safety Clause	121	33
1125	Hullinghorst, Schwartz	Regulate Grease Collection & Disposal	Approved 6/7/2010	No Safety Clause	349	135
1128	Looper, Hudak	Registrations Regulatory Efficiency	Approved 4/29/2010	4/29/2010	172	206
1131	Scanlan, Gibbs	Colorado Kids Outdoors Grant Program	Approved 5/27/2010	5/27/2010	332	54
1132	Gardner B., Hodge	Business Production Of Records	Approved 4/15/2010	No Safety Clause	122	28
1133	Massey, Tochtrop	Foreclosure Amend Equity Purchaser Prov	Approved 6/7/2010	No Safety Clause 1/1/2011	350	19
1134	Casso, Kester	Racing Pari-mutuel Wager Interstate Comp	Approved 4/5/2010	No Safety Clause	74	206
1135	Ryden, Hudak	Define Domestic Violence Child Custody	Approved 4/14/2010	7/1/2010	87	17
1137	Gardner B., Steadman	People First Language In Laws	Approved 4/15/2010	No Safety Clause	93	112
1138	Gagliardi, Morse	Colorado Health Services Corps	Approved 4/20/2010	7/1/2010	142	136
1139	Apuan, Heath	Iraq Afghanistan Veteran License Plates	Approved 5/19/2010	No Safety Clause	236	185
1140	Nikkel, Shaffer B.	Veterans Trust Fund Guard Armories	Approved 4/16/2010	4/16/2010	138	181
1141	Carroll T., Tochtrop	Mortgage Company Registration	Approved 5/26/2010	No Safety Clause	280	207
1143	McNulty, Johnston	Uses At RTD Transfer Facilities	Approved 4/15/2010	No Safety Clause	123	91
1146	Hullinghorst, Tochtrop	State-funded Public Assistance Programs	Approved 5/26/2010	Portions on 5/26/2010, 7/1/2010, 1/1/2011, and the earlier of 1/1/2014 or receipt of certain notification	281	159
1147	Kefalas, Bacon	Safer Streets For Nonmotorized Transport	Approved 6/10/2010	7/1/2010	422	244
1148	Gerou, Tapia	Architect License Renew Profl Competency	Approved 4/5/2010	No Safety Clause	68	207
1149	Hullinghorst, Foster	Update Radiation Control Laws	Approved 5/26/2010	5/26/2010	282	137
1160	Rice, Mitchell	Wellness Incentives Rewards Outcomes	Approved 5/26/2010	7/1/2010	283	166
1161	Nikkel, Spence	Livery License Plate	Approved 5/27/2010	No Safety Clause	319	186

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1164	Kerr A., Tochtrop	Service Process Motor Vehicle Insurance	Approved 5/5/2010	1/1/2011	196	167
1165	Merrifield, Tapia	St Land Bd Bond Convey Local Gov	Approved 4/15/2010	4/15/2010	124	192
1166	Kefalas, Newell	Plain Language In Insurance Policies	Approved 4/20/2010	No Safety Clause 1/1/2012	143	168
1167	Peniston, Kopp	PUC Prop Carrier Motor Trucks Enforcemt	Approved 4/15/2010	4/15/2010	125	224
1168	Levy, Steadman	Limit Reimburs Fully Comp Injured Person	Approved 4/28/2010	No Safety Clause	164	29
1170	DelGrosso, Bacon	Alcohol Sales Luxury Boxes Sports Venues	Approved 4/12/2010	4/12/2010	81	208
1171	Benefield, Steadman	Repeal Of School Reporting Requirements	Approved 6/10/2010	6/10/2010	401	55
1172	Bradford, Cadman	Mobile Machinery Specific Ownership Tax	Approved 5/27/2010	No Safety Clause 10/1/2010	320	186
1175	Looper, Tapia	Endorsement Competency Cont Education	Approved 3/29/2010	7/1/2011	46	208
1176	Vaad, Mitchell	Require Government Recovery Audits	Approved 6/10/2010	6/10/2010	402	112
1178	Stephens, Scheffel	Transparency In The Use Of Grant Moneys	Approved 4/29/2010	No Safety Clause	173	113
1180	Massey, Gibbs	Perf-based Incentive For CO Film Prod	Approved 5/18/2010	5/18/2010	232	114
1181	Todd, Bacon	DPA Administrative Clean-up	Approved 6/7/2010	6/7/2010	351	115
1182	Solano, Schwartz	Clean Energy Dev Auth Financing Limits	Approved 5/5/2010	5/5/2010	190	117
1183	Middleton, Johnston	Alternative School Finance Models	Approved 4/29/2010	4/29/2010	174	55
1185	Priola, Schwartz	Extend Dates Petroleum Storage Tank Fund	Approved 4/12/2010	No Safety Clause	82	178
1189	Pommer, Heath	Elim Sales Tax Exemption For Direct Mail	Approved 2/24/2010	2/24/2010	5	234
1190	Pommer, Heath	Suspend Indus Fuel Sales & Use Tax Exemp	Approved 2/24/2010	2/24/2010	6	235
1191	Pommer, Heath	Elim Candy & Soda Sales Tax Exemption	Approved 2/24/2010	2/24/2010	7	235
1192	Pommer, Heath	Sales & Use Tax Of Standardized Software	Approved 2/24/2010	3/1/2010	8	236
1193	Pommer, Heath	Sales Tax Out-of-state Retailers	Approved 2/24/2010	2/24/2010	9	237
1194	Ferrandino, Heath	Elim Nonessent Articles Sales Tax Exemp	Approved 2/24/2010	2/24/2010	10	239
1195	Ferrandino, Heath	Suspend Ag Sales & Use Tax Exemp	Approved 2/24/2010	2/24/2010	11	239
1196	Ferrandino, Heath	Elim Certain Cars Qualified For Tax Cred	Approved 2/24/2010	2/24/2010	12	239
1197	Ferrandino, Heath	Reduce Conservation Easement Cap Amount	Approved 4/29/2010	No Safety Clause	175	240
1199	Ferrandino, Heath	Net Operation Loss Deduction Temp Limit	Approved 2/24/2010	2/24/2010	13	240
1200	Hullinghorst, Heath	Enter Zone Inv Tax Credit Deferral	Approved 5/27/2010	5/27/2010	321	240
1201	Middleton, Steadman	Consent To Search Advisement	Approved 4/29/2010	4/29/2010	176	34
1202	Primavera, Tochtrop	Insurance Coverage Chemo Treatment	Approved 4/15/2010	1/1/2011	91	168
1203	Kerr A., Steadman	Group Life Ins Minimum No Reqmnt	Approved 3/29/2010	3/29/2010	47	168
1204	Soper, Tochtrop	Plumbing Code Water Conservation Stnd	Approved 4/5/2010	No Safety Clause	67	208

<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>
1205	Ryden, Spence	Local Land Use Planning For Mil Install	Approved 5/21/2010	No Safety Clause	242	86
1208	Todd, Shaffer B.	Higher Ed Statewide Transfer Agreements	Approved 5/5/2010	No Safety Clause	191	67
1209	Balmer, Gibbs	Voluntary Military Driver's License	Approved 5/27/2010	7/1/2010	322	186
1210	Weissmann, Morse	Redistricting Process	Approved 6/7/2010	No Safety Clause	352	78
1211	Tyler, Williams	Reduce Late Vehicle Registration Penalty	Approved 5/27/2010	7/1/2010	323	187
1212	Rice, Schwartz	Req Rules For Late Veh Regis Fee Exempts	Approved 4/15/2010	4/15/2010	126	187
1213	Acree, Keller	Individualized Plans Dev Disab Wait List	Approved 5/10/2010	5/10/2010	220	159
1214	McCann, Schwartz	Adopt A Shelter Pet License Plate	Approved 6/9/2010	No Safety Clause	394	187
1215	Waller, Scheffel	Use Of Cash Bonds To Satisfy Court Debts	Approved 4/15/2010	No Safety Clause	127	30
1216	Riesberg, Sandoval	Chiropractor & Pharmacist Admin Drugs	Approved 4/15/2010	No Safety Clause	128	208
1218	Waller, Newell	Protection Order Registry Information	Approved 4/29/2010	4/29/2010	177	34
1220	Priola, Schwartz	Sunset DOI Functions Property & Casualty	Approved 5/5/2010	7/1/2010	197	168
1221	Curry, Schwartz	Sunset Licensing River Outfitters	Approved 6/7/2010	No Safety Clause	353	192
1222	Middleton, Carroll M.	Sunset Cont Collection Agency CO Office	Approved 5/6/2010	7/1/2010	210	208
1223	Baumgardner, Whitehead	Sunset Repeal Forestry Advisory Board	Approved 3/29/2010	No Safety Clause	41	193
1224	Gerou, Boyd	Sunset Colorado Podiatry Board	Approved 6/10/2010	7/1/2010	420	209
1225	Soper, Tochtrop	Sunset Continue State Electrical Board	Approved 5/5/2010	7/1/2010	198	210
1226	Kefalas, Spence	Differential Response To Child Abuse	Approved 4/15/2010	4/15/2010	129	17
1227	DelGrosso, Tochtrop	Medical Malpractice Insurance Sales	Approved 4/15/2010	Portions on 4/15/2010 and 7/1/2010	130	170
1228	Benefield, Hudak	Dependent Coverage State Health Benefits	Approved 5/26/2010	7/1/2010	298	117
1229	Pace, Newell	Authentication Of Verbal Medical Orders	Approved 5/5/2010	5/5/2010	199	138
1231	Sonnenberg, Tochtrop	Conveyance Regulation	Approved 4/5/2010	No Safety Clause	75	179
1232	Baumgardner, King K.	School Bus Vehicle	Approved 4/28/2010	4/28/2010	163	56
1233	Ryden, Newell	Relocation Of Stalking Statute	Approved 4/14/2010	No Safety Clause	88	34
1235	Levy, Brophy	APA Incorporation By Reference In Rules	Approved 4/5/2010	4/5/2010	76	117
1236	Kerr A., Tochtrop	Sunset State Board Of Accountancy	Approved 4/21/2010	7/1/2010	146	210
1238	Curry, Schwartz	Wildlife Crossing Zones Traffic Safety	Approved 6/9/2010	No Safety Clause 9/1/2010	393	188
1240	Ferrandino, Carroll M.	Residential Foreclosure Deferments	Approved 5/5/2010	5/5/2010	200	219
1241	Casso, Tochtrop	Register Fire Suppress Sprinkler Fitters	Approved 6/7/2010	No Safety Clause 7/1/2011	354	211

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1242	Apuan, Tochtrop	Uniform Individual Health Insurance App	Approved 5/10/2010	No Safety Clause	222	170
1243	McFadyen, Gibbs	Trans Related Powers Of Spec Dists	Approved 6/8/2010	No Safety Clause	385	92
1244	Labuda, Mitchell	Corporate Practice Of Medicine	Approved 5/10/2010	No Safety Clause	221	212
1245	Liston, Johnston	Sunset Continue Boxing Commission	Approved 4/15/2010	7/1/2010	131	212
1247	Gagliardi, Carroll M.	Sunset Work Comp Class Appeals Board	Approved 4/5/2010	4/5/2010	77	179
1249	Labuda, Johnston	Expedited Residential Foreclosure Sales	Approved 4/29/2010	4/29/2010	181	219
1250	Fischer, Hodge	Water Conservation Bd Construction Fund	Approved 6/7/2010	6/7/2010	381	246
1252	Primavera, Boyd	Breast Cancer Screening With Mammography	Approved 5/17/2010	1/1/2011	226	171
1255	Kefalas, Steadman	Sunset CO Commn Deaf And Hard Of Hearing	Approved 4/15/2010	7/1/2010	132	160
1256	McNulty, Johnston	Sunset High Tech Prog Advisory Cmt	Approved 4/15/2010	No Safety Clause	133	68
1259	Nikkel, Lundberg	Conform Annex Act To State Const	Approved 5/6/2010	No Safety Clause	211	89
1260	Riesberg, Boyd	Sunset Review Bd Medical Examiners	Approved 6/10/2010	7/1/2010	403	213
1264	Priola, Heath	Incent State Employees Suggest Cost Sav	Approved 5/26/2010	No Safety Clause	284	117
1265	Vigil, Newell	Waive Surcharges Indigent Defendants	Approved 4/29/2010	4/29/2010	178	34
1267	Kerr A., Romer	Prop Tax Of Indep Residential Solar	Approved 6/11/2010	No Safety Clause	425	241
1271	Curry, Morse	Date Of Registration For Nomination	Approved 5/27/2010	5/27/2010	324	74
1273	Merrifield, Spence	Arts Ed For Workforce Development	Approved 5/18/2010	5/18/2010	233	56
1274	Schafer S., Johnston	Out-of-home Juvenile Transition Pub Sch	Approved 5/25/2010	5/25/2010	271	57
1275	Baumgardner, Newell	Record Private Burial County Clerk	Approved 5/5/2010	No Safety Clause	193	138
1276	Levy, Mitchell	Sale RR Right-of-way Pub Rail Service	Approved 5/5/2010	No Safety Clause	201	225
1277	DelGrosso, Steadman	Sexual Conduct In Correctional Facility	Approved 5/25/2010	7/1/2010	262	34
1278	Ryden, Carroll M.	Create HOA Ombudsman	Approved 6/7/2010	No Safety Clause 1/1/2011	365	220
1281	Casso, Spence	Telco VoIP Wireless Dereg Basic Service	Vetoed 6/7/2010			225
1284	Massey, Romer	Medical Marijuana Regulations	Approved 6/7/2010	Portions on 7/1/2010 and effective date of HB 10-1033	355	35
1285	Priola, Tapia	Overweight Vehicle Fine Tax Incentives	Approved 6/10/2010	7/1/2010	423	189
1287	Lambert, Cadman	Using State-owned Vehicles For Commuting	Vetoed 6/7/2010			118
1288	Nikkel, Williams	Create Commercial Real Est Brokers' Lien	Approved 4/29/2010	No Safety Clause	179	216
1291	Priola, Newell	Eliminate Witness Fees Court Attendance	Approved 5/27/2010	7/1/2010	325	30

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1293	Massey, Whitehead	Study Ag Exemption Prop Tax	Approved 6/7/2010	6/7/2010	357	241
1297	Pommer, Keller	Suppl Approp Dept Of Agriculture	Approved 3/10/2010	3/10/2010	431	6
1298	Pommer, Keller	Suppl Approp Dept Of Corrections	Approved 3/10/2010	3/10/2010	432	6
1299	Pommer, Keller	Suppl Approp Dept Of Gov, Lt Gov, & OSPB	Approved 3/10/2010	3/10/2010	434	6
1300	Pommer, Keller	Suppl Approp Dept Of Health Care Pol & Fin	Approved 3/10/2010	3/10/2010	435	7
1301	Pommer, Keller	Suppl Approp Dept Of Higher Ed	Approved 3/10/2010	3/10/2010	436	7
1302	Pommer, Keller	Suppl Approp Dept Of Human Services	Approved 3/10/2010	3/10/2010	437	7
1303	Pommer, Keller	Suppl Approp Judicial Department	Approved 3/10/2010	3/10/2010	438	8
1304	Pommer, Keller	Suppl Approp Dept Of Labor & Employment	Approved 3/10/2010	3/10/2010	439	8
1305	Pommer, Keller	Suppl Approp Dept Of Law	Approved 3/10/2010	3/10/2010	440	8
1306	Pommer, Keller	Suppl Approp Dept Of Legislature	Approved 3/10/2010	3/10/2010	441	8
1307	Pommer, Keller	Suppl Approp Dept Of Local Affairs	Approved 3/10/2010	3/10/2010	442	8
1308	Pommer, Keller	Suppl Approp Dept Of Military Affairs	Approved 3/10/2010	3/10/2010	443	8
1309	Pommer, Keller	Suppl Approp Dept Of Natural Resources	Approved 3/10/2010	3/10/2010	444	9
1310	Pommer, Keller	Suppl Approp Dept Of Personnel	Approved 3/10/2010	3/10/2010	445	9
1311	Pommer, Keller	Suppl Approp Dept Of Pub Health & Envir	Approved 3/10/2010	3/10/2010	446	9
1312	Pommer, Keller	Suppl Approp Dept Of Public Safety	Approved 3/10/2010	3/10/2010	447	9
1313	Pommer, Keller	Suppl Approp Dept Of Reg Agencies	Approved 3/10/2010	3/10/2010	448	9
1314	Pommer, Keller	Suppl Approp Dept Of Revenue	Approved 3/10/2010	3/10/2010	449	9
1315	Pommer, Keller	Suppl Approp Dept Of State	Approved 3/10/2010	3/10/2010	450	10
1316	Pommer, Keller	Suppl Approp Dept Of Transportation	Approved 3/10/2010	3/10/2010	451	10
1317	Pommer, Keller	Suppl Approp Treasury Dept	Approved 3/10/2010	3/10/2010	452	10
1318	Pommer, Tapia	Minimum State Aid For School Districts	Approved 3/22/2010	3/22/2010	34	58
1319	Ferrandino, Tapia	Modify Sev Tax Trust Fund LEAP Trans	Approved 3/18/2010	3/18/2010	28	242
1320	Pommer, Tapia	Use Of Tobacco Tax Fiscal Emergency	Approved 4/15/2010	4/15/2010	134	148
1321	Pommer, Tapia	Health Care Services Fund Moneys	Approved 3/29/2010	3/29/2010	48	149
1322	Lambert, White	Repeal Telemedicine Pilot Programs	Approved 3/18/2010	3/18/2010	29	149
1323	Pommer, Tapia	Use Of Tobacco Tax Master Settlement	Approved 3/22/2010	3/22/2010	35	119
1324	Ferrandino, White	Medicaid Nursing Facility Per Diem Rates	Approved 3/1/2010	3/1/2010	14	149
1325	Lambert, White	Natural Resource Damage Recovery Fund	Approved 3/18/2010	3/18/2010	30	120
1326	Pommer, Tapia	Increase Severance Tax Approp Div Parks	Approved 3/22/2010	3/22/2010	36	193
1327	Pommer, White	Cash Fund Transfers Augment General Fund	Approved 4/15/2010	4/15/2010	135	120
1328	Miklosi, Schwartz	New Energy Jobs Creation Act	Approved 6/11/2010	6/11/2010	426	92



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1329	Peniston, Boyd	Solid Waste User Fees	Approved 6/7/2010	6/7/2010	358	138
1330	Kefalas, Morse	All-payer Health Claims Database	Approved 5/26/2010	No Safety Clause	299	149
1332	Miklosi, Romer	Medical Clean Claims	Approved 5/26/2010	5/26/2010	300	139
1333	Vigil, Schwartz	Green Jobs CO Training Pilot Program	Approved 6/11/2010	6/11/2010	427	120
1334	King S., Steadman	Public Indecency And Indecent Exposure	Approved 6/7/2010	No Safety Clause	359	37
1335	Massey, Sandoval	BOCES School Food Program	Approved 5/27/2010	No Safety Clause	326	58
1336	Schafer S., Newell	CDPS Expenditures School Safety	Approved 6/5/2010	6/5/2010	342	121
1338	McCann, Steadman	Probation Eligible Two Prior Felony	Approved 5/25/2010	5/25/2010	257	37
1339	Pommer, White	FY09-10 Distrib Ltd Gaming Fund Moneys	Approved 4/15/2010	4/15/2010	136	121
1340	Vigil, Newell	Law Enforcement Abandoned Vehicle Tow	Approved 5/5/2010	5/5/2010	202	189
1341	Judd, Keller	Insurance Title Register Vehicles Funds	Approved 5/26/2010	5/26/2010	285	189
1342	Levy, Williams	Community Solar Gardens Util Elec Std	Approved 6/5/2010	6/5/2010	344	226
1345	Carroll T., Steadman	Emergency Powers Over Charter Schools	Approved 5/21/2010	5/21/2010	245	59
1346	Kagan, Carroll M.	APA Emergency Rule-making Changes	Approved 4/15/2010	4/15/2010	137	122
1347	Levy, Morse	DUI Penalties	Approved 5/25/2010	7/1/2010	258	189
1348	McFadyen, Kester	Increase Oversight Radioactive Materials	Approved 6/8/2010	6/8/2010	388	194
1349	Fischer, Schwartz	Re-energize CO Renewable Elec For Parks	Approved 6/8/2010	6/8/2010	387	194
1351	Ferrandino, Romer	Deferred Deposit Loan Interest Rate	Approved 5/25/2010	No Safety Clause	267	20
1352	Waller, Steadman	Controlled Substance Crime Changes	Approved 5/25/2010	No Safety Clause	259	38
1355	Gagliardi, Kopp	Off-label Use Of Cancer Drugs	Approved 5/17/2010	No Safety Clause	229	171
1358	Fischer, Johnston	Water-smart Homes	Approved 6/9/2010	No Safety Clause 1/1/2011	398	221
1359	McCann, Steadman	Change Of Venue Dependency And Neglect	Approved 5/14/2010	No Safety Clause 9/1/2010	223	160
1360	Pace, Steadman	Parole Placement For Technical Violation	Approved 5/25/2010	Portions on 5/25/2010 and effective date of HB 10-1233	263	24
1362	Vigil, Schwartz	Inactive Special Districts	Approved 6/7/2010	No Safety Clause	360	94
1363	Scanlan, White	Promote Biogenic Gas Production	Approved 6/9/2010	No Safety Clause	389	226
1364	Ryden, Hudak	Sunset Sex Offender Management Board	Vetoed 5/21/2010			39
1365	Solano, Whitehead	Incent Util Convert Coal To Natural Gas	Approved 4/19/2010	4/19/2010	140	227
1367	Weissmann, Morse	FY 2010-11 Legislative Appropriations	Approved 4/15/2010	4/15/2010	430	10

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1369	Scanlan, Bacon	Financing Of Public Schools	Approved 5/21/2010	5/21/2010	246	59
1370	Court, Steadman	Ballot Measure Disclosure Requirements	Approved 5/25/2010	No Safety Clause 1/1/2011	270	75
1372	Ferrandino, White	Dates And Appropriations In HB09-1293	Approved 5/5/2010	5/5/2010	203	150
1373	Carroll T., Hudak	Sentencing Changes For Escape Crimes	Approved 5/25/2010	5/25/2010	260	41
1374	Ferrandino, Penry	Parole Changes Evidence-based Practices	Approved 5/25/2010	Portions on 5/25/2010 and effective date of HB 10-1364	261	25
1375	Riesberg, Bacon	Metro State College Finance Authority	Approved 5/27/2010	5/27/2010	327	68
1376	Pommer, Keller	Long Appropriations Bill	Approved 4/29/2010	4/29/2010	453	10
1377	Lambert, Tapia	Cash Fund Agriculture Programs 2 Years	Approved 5/6/2010	5/6/2010	212	4
1378	Ferrandino, Keller	2010 Transfers For Health Care Services	Approved 5/6/2010	5/27/2010	213	150
1379	Ferrandino, White	2010 Nursing Facility Rate Reductions	Approved 5/6/2010	5/6/2010	214	151
1380	Pommer, White	Use Suppl OAP Health Fund For Medicaid	Approved 5/6/2010	5/6/2010	215	151
1381	Ferrandino, White	Tobacco Revenues Offset Medical Services	Approved 5/6/2010	5/27/2010	216	151
1382	Ferrandino, White	Repeal Delay Of Pub Med Asst Prog Pmts	Approved 5/6/2010	5/6/2010	217	152
1383	Pommer, White	Funding Financial Assistance Higher Ed	Approved 6/7/2010	6/7/2010	361	68
1384	Lambert, White	Noncitizen Eligibility Old Age Pension	Approved 5/6/2010	Portions on 5/6/2010, 7/1/2010, and the earlier of 1/1/2014 or receipt of certain notification	218	161
1385	Lambert, Tapia	Funding Insurance Fraud Cases	Approved 5/5/2010	5/5/2010	204	171
1386	Ferrandino, White	Property Tax Exemption Filing Fees	Approved 5/27/2010	7/1/2010	328	242
1387	Pommer, White	Finance Driver's Licenses DOR	Approved 5/5/2010	5/5/2010	205	190
1388	Ferrandino, Tapia	Cash Fund Transfers Augment General Fund	Approved 6/7/2010	6/7/2010	362	122
1389	Ferrandino, Tapia	Capital Construction Transfers	Approved 5/5/2010	5/5/2010	206	123
1391	Rice, Boyd	Sunset Instacheck Firearm Transfer	Approved 6/7/2010	6/7/2010	363	123
1392	Benefield, Johnston	Government Data Advisory Bd Membership	Approved 5/26/2010	5/26/2010	286	123
1393	Nikkel, Kopp	Transparency Online Project Information	Approved 5/27/2010	5/27/2010	329	124

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1394	Rice, Scheffel	Professional Construction Insurance	Approved 5/21/2010	5/21/2010	253	172
1395	Gardner B., Steadman	Interlocutory Appeals In Civil Cases	Approved 6/7/2010	No Safety Clause	364	30
1398	Fischer, Whitehead	Species Conservation Trust Fund	Approved 6/7/2010	6/7/2010	380	195
1399	Weissmann, Gibbs	Bureau Investigation Assist Fire Chiefs	Approved 5/27/2010	5/27/2010	331	124
1400	Apuan, Johnston	Refund Anticipation Loan Facilitators	Approved 5/19/2010	No Safety Clause 11/1/2010	237	20
1401	Ferrandino, Carroll M.	State Info Tech Management	Approved 6/7/2010	6/7/2010	367	124
1402	Riesberg, Bacon	Capitol Dome Restoration Fundraising	Approved 5/25/2010	5/25/2010	255	79
1403	Kerr A., Whitehead	Secretary Of State Notifications	Approved 6/10/2010	No Safety Clause	404	22
1404	McCann, Steadman	Independent Ethics Commission	Approved 6/10/2010	6/10/2010	405	125
1405	Vaad, Spence	Require State Highway Devolution Study	Approved 6/7/2010	6/7/2010	368	245
1408	Weissmann, Morse	Repeal Congressional District Criteria	Approved 6/7/2010	No Safety Clause	369	80
1409	Pommer, Tapia	State Employee Compensation	Vetoed 6/7/2010			126
1411	Waller, Tochtrop	Natl Instant Crim Background Check Sys	Approved 6/7/2010	6/7/2010	370	127
1412	Carroll T., Johnston	Charter School & Authorizer Standards	Approved 5/21/2010	5/21/2010	248	62
1413	Levy, Newell	Limitation On Juvenile Direct File	Approved 5/25/2010	No Safety Clause	264	18
1414	Benefield, Foster	Rpt Identity Injectable Drug Diversion	Approved 6/5/2010	6/5/2010	338	141
1415	Gagliardi, Morse	Sunrise Surgical Technologist Registration	Approved 6/5/2010	No Safety Clause	339	217
1417	Peniston, Williams	Pay Equity Commission	Approved 5/25/2010	5/25/2010	266	179
1418	McFadyen, Bacon	Community-based Renewable Energy Proj	Approved 6/10/2010	No Safety Clause	406	228
1422	Gardner B., Brophy	Revisor's Bill	Approved 6/10/2010	No Safety Clause	419	229
1425	Miklosi, Foster	DPS Postretirement Employment Limit	Approved 5/27/2010	5/27/2010	330	128
1427	Todd, Heath	Higher Ed Group Benefit Ins Coverage	Approved 6/10/2010	6/10/2010	408	68
1428	Middleton, Romer	Student Loans	Approved 6/9/2010	Portions on 6/9/2010 and 9/30/2010	390	69
1431	McKinley, Penry	Renew Energy Facility Prop Tax Valuation	Approved 6/7/2010	No Safety Clause	372	242

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001	Shaffer B., Kerr A.	Eliminate PERA's Unfunded Liability	Approved 2/23/2010	Portions on 2/23/2010 and 1/1/2011	2	95
002	Steadman, Looper	Medical Ins Coverage Denials Appeals	Approved 6/7/2010	6/7/2010	366	142
003	Morse, Middleton	Higher Education Flexibility	Approved 6/9/2010	6/9/2010	391	63
006	Boyd, Summers	Identification Documents Reduce Poverty	Approved 6/5/2010	6/5/2010	341	97
007	Hudak, Gagliardi	Collaborative Mgmt Multi-agency Services	Approved 4/21/2010	No Safety Clause	148	12
008	Johnston, Scanlan	Average Daily Membership Study	Approved 4/21/2010	4/21/2010	149	43
009	Sandoval, Gagliardi	Economic Opportunity Task Force	Approved 4/15/2010	No Safety Clause	97	154
010	Boyd, Kefalas	Statewide Strategic Use Fund Evaluation	Approved 3/31/2010	3/31/2010	58	154
011	Carroll M., Miklosi	Workers' Comp Conflicts Of Interest	Approved 5/27/2010	Portions on 5/27/2010 and 7/1/2010	302	173
012	Tochtrop, Pace	Workers' Comp Benefits Knowing Penalty	Approved 5/26/2010	No Safety Clause	287	173
013	Hodge, Ryden	Workers' Compensation Accountability	Approved 5/27/2010	7/1/2010	303	174
014	Tochtrop, Solano	Family System Navigators	Approved 3/31/2010	3/31/2010	59	12
015	Renfroe, McNulty	Driver's License & Permit Training	Approved 3/31/2010	No Safety Clause	60	182
016	Williams, Vaad	Modify Toll Evasion Notice Process	Approved 4/21/2010	4/21/2010	150	244
018	King K., Merrifield	School Awards Program Fund	Approved 3/29/2010	3/29/2010	49	43
019	Schwartz, Fischer	Valuation Of New Hydroelec Facilities	Approved 6/8/2010	6/8/2010	382	230
020	Boyd, Massey	CoverColorado Financial Viability	Approved 5/20/2010	7/1/2010	239	163
021	Morse, Labuda	Volunteer Firefighter Pension Plan	Approved 3/10/2010	No Safety Clause	17	88
022	Morse, Riesberg	FPPA Defined Benefit Member Contribution	Approved 3/10/2010	No Safety Clause	18	88
023	Williams, Riesberg	Return To Work By FPPA Member	Approved 3/10/2010	No Safety Clause	19	88
024	Tochtrop, Labuda	Eliminate FPPA Affiliated Local Plans	Approved 3/10/2010	No Safety Clause	20	89
025	Whitehead, Baumgardner	Extend Funding Water Efficiency Grants	Approved 6/7/2010	6/7/2010	379	246
027	Sandoval, Roberts	Fine Illegal Surface Water Diversions	Approved 4/14/2010	4/14/2010	86	246
028	Heath, Pace	Work Share Program	Approved 6/9/2010	6/9/2010	397	174
031	Scheffel, Rice	Exclude Gambling From Regl Tourism Act	Approved 3/31/2010	No Safety Clause	61	98
032	Tapia, Lambert	Allow Amendment To Existing IT Contracts	Approved 4/15/2010	4/15/2010	98	98
034	Whitehead, Looper	Pesticide Act Refillers Requirements	Approved 6/7/2010	7/1/2010	376	2

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035	Newell, Bradford	Retirement Plans Automatic Enrollment	Approved 2/24/2010	No Safety Clause 1/1/2011	3	175
036	Johnston, Merrifield	Program Results For Educator Preparation	Approved 1/15/2010	1/15/2010	1	43
037	Kester, Casso	Horse Racing Owner Breeder Admin Fee	Approved 3/31/2010	No Safety Clause	62	200
038	Hodge, Fischer	Organic Certification Act	Approved 4/29/2010	7/1/2010	165	3
041	Bacon, Nikkel	Campaign Finance Clean-up	Approved 4/21/2010	7/1/2010	151	70
042	Schwartz, Frangas	Fin Exploitation Consent Release Records	Approved 6/8/2010	6/8/2010	383	76
043	White, Pommer	Extend Repeal Office Child Rep	Approved 4/20/2010	4/20/2010	145	27
046	Gibbs, Levy	Boundaries Of Forest Improvement Dist	Approved 3/10/2010	3/10/2010	21	91
047	King K., Looper	Service Member Designation Last Remains	Approved 4/29/2010	No Safety Clause	166	196
049	Sandoval, Benefield	Liability Lmts Life Hlth Ins Protection	Approved 3/5/2010	3/5/2010	15	163
052	Brophy, Curry	Alter Designated Groundwater Basin Area	Approved 3/31/2010	No Safety Clause	63	246
053	Foster, Acree	Metro Sewer Dist Bd Weighted Voting	Approved 3/10/2010	No Safety Clause	22	91
054	Hudak, Levy	Educ Services For Juv Charged As Adult	Approved 5/25/2010	5/25/2010	265	44
055	Harvey, Gardner C.	DOR To Receive Donations For CSTARS	Approved 4/21/2010	4/21/2010	152	98
056	Boyd, Riesberg	Immunization Information School Children	Approved 3/29/2010	No Safety Clause	50	45
058	Tapia, Gagliardi	Eligibility Nursing Teacher Loan Forgive	Approved 4/20/2010	No Safety Clause	144	64
060	Morse, Labuda	Rule Review Bill	Approved 4/29/2010	4/29/2010	167	1
061	Tochtrop, Soper	Medicaid Hospice Room And Board Charges	Approved 5/21/2010	No Safety Clause	247	142
062	Steadman, Peniston	Categorical Ed Programs	Approved 4/29/2010	4/29/2010	168	45
063	White, Waller	Alternate Defense Contr Atty Immunity	Approved 4/15/2010	No Safety Clause	99	27
064	Bacon, Merrifield	Institutions Apply For COF For Students	Approved 5/26/2010	5/26/2010	288	64
065	Keller, Pommer	Suppl Approp Dept Of Education	Approved 1/28/2010	1/28/2010	433	6
066	Hudak, Levy	Reporting Of Child Abuse Or Neglect	Approved 6/10/2010	6/10/2010	418	12
068	Boyd, Massey	Colorado Works Streamlining Eligibility	Approved 4/21/2010	1/1/2011	160	154
070	Kester, McCann	Ballot Question Re Dist Atty Term Limits	Approved 5/20/2010	5/20/2010	238	42
071	Morse, Riesberg	Create Seniors Lifetime State Parks Pass	Approved 5/19/2010	No Safety Clause	235	191
072	Schwartz, Vigil	Colorado Seed Potato Act	Approved 6/8/2010	7/1/2010	384	3
073	Tapia, McFadyen	Nurse Home Visitor Program Admin	Approved 6/8/2010	6/30/2010	386	129
075	White, Baumgardner	Military Vehicles License Plates	Approved 4/29/2010	No Safety Clause	169	182
076	Carroll M., Primavera	Unreasonable Insurance Claims Practices	Approved 5/17/2010	5/17/2010	228	164
079	Penry, Bradford	Mesa State College Program Authority	Approved 4/21/2010	No Safety Clause	153	65
080	Newell, Frangas	Protection Orders Pets Animals	Approved 4/12/2010	7/1/2010	78	27

<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>
081	Sandoval, Solano	Farm-to-school Interagency Task Force	Approved 4/15/2010	No Safety Clause	96	4
082	Whitehead, Roberts	Repeal S Ute Env Commn Term Limits	Approved 4/29/2010	4/29/2010	182	130
083	Kester, Middleton	Regulation Alcohol Beverage Credit Sales	Approved 4/15/2010	No Safety Clause	100	200
087	Steadman, Liston	SOS Authority Reg Lobbyists	Approved 6/10/2010	6/10/2010	407	99
088	Johnston, Massey	Two-year College Degree Designation	Approved 4/21/2010	No Safety Clause	154	65
094	Steadman, Rice	Art In Pub Places Define Appropriation	Approved 5/18/2010	No Safety Clause	230	100
098	Tochtrop, Sonnenberg	Allocate Moneys Conserve Nat Resources	Approved 4/29/2010	4/29/2010	183	100
099	Cadman, Weissmann	Legislator Acceptance Of Reimbursement	Approved 4/29/2010	No Safety Clause	184	101
100	Schwartz, Miklosi	Cross-boundary Energy Improvement Dist	Approved 5/5/2010	5/5/2010	207	81
101	Gibbs, Scanlan	CO Mountain College Bachelor Degrees	Approved 5/27/2010	5/27/2010	335	65
102	Gibbs, Fischer	State Forester Prescribed Fire Cert Stnd	Approved 4/15/2010	4/15/2010	101	65
103	Sandoval, Baumgardner	Colorado State Parks License Plate	Approved 5/27/2010	No Safety Clause	304	182
106	Bacon, Looper	Food Systems Advisory Council	Approved 5/26/2010	No Safety Clause	293	102
108	King K., Middleton	Higher Ed Core Courses	Approved 5/27/2010	5/27/2010	301	66
109	Romer, Massey	Medical Marijuana Dr Patient Relations	Approved 6/7/2010	6/7/2010	356	130
110	Williams, Ryden	Primary Seat Belt Law	Approved 5/26/2010	8/1/2010	294	182
111	King K., Massey	Institute Charter Schools	Approved 4/29/2010	No Safety Clause	170	45
112	Kopp, Swalm	Workers' Compensation Ins Rate Setting	Approved 3/31/2010	No Safety Clause Portions on 8/11/2010 and 1/1/2011	52	164
115	Tochtrop, Primavera	Facilities May Donate Unused Medications	Approved 4/13/2010	4/13/2010	83	143
116	Kopp, Rice	Change Orders On Public Works Contracts	Approved 3/31/2010	No Safety Clause	53	84
117	Foster, Primavera	Medicaid Over-the-counter Medicines	Approved 5/17/2010	7/1/2010	227	143
118	Tochtrop, Miklosi	Background Check Child Care Assistance	Approved 4/15/2010	4/15/2010	102	155
119	Shaffer B., May	Payments To Members Of GA	Approved 4/15/2010	4/15/2010	103	77
120	White, Rice	Prepaid Wireless Telephone 911 Surcharge	Approved 6/7/2010	1/1/2011	371	84
122	Morse, Weissmann	Abolishment Of Capital Finance Corp	Approved 3/31/2010	No Safety Clause	64	103
123	Morse, Labuda	Secretary Of State On-line Publications	Approved 4/15/2010	4/15/2010	104	104
124	Carroll M., Ryden	Michael Skolnik Med Transparency 2010	Approved 6/10/2010	No Safety Clause	416	200
126	Carroll M., Tyler	Pharmaceutical Transparency Act	Approved 6/10/2010	No Safety Clause	417	131

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128	Hudak, Rice	Invasion Of Privacy	Approved 6/10/2010	Portions on 7/1/2010 and 7/1/2012	415	32
129	Hudak, Rice	HCBS Autism Services Coordination	Approved 4/15/2010	4/15/2010	105	143
130	Kester, McCann	Alignment Of Powers Dept Of Corrections	Approved 4/15/2010	4/15/2010	106	23
138	Heath, Peniston	Property Tax Appeal Fees & Costs	Approved 4/21/2010	No Safety Clause	155	81
139	Kester, Sonnenberg	Unwanted Horse Fund Tax Checkoff	Approved 5/27/2010	No Safety Clause	305	230
140	Mitchell, McCann	Human Trafficking	Approved 4/21/2010	4/21/2010	156	32
141	King K., Lambert	Move Bingo Raffle Reg To Dept of Revenue	Approved 5/21/2010	No Safety Clause Effective date of HCR 09-1003	249	202
142	Foster, Gerou	Local Sales Tax Appeal Time Limit	Approved 3/29/2010	No Safety Clause	51	84
143	Morse, Scanlan	Dept Of State Cash Fund Refunds	Approved 5/25/2010	5/25/2010	268	104
144	Scheffel, Rice	Mounted Equipment Registration Tax	Approved 5/26/2010	7/1/2010	289	183
146	Keller, Pommer	PERA Contribution Rates	Approved 3/31/2010	3/31/2010	65	104
147	Lundberg, DelGrosso	Exempt Life Insurance Annuity Execution	Approved 4/21/2010	No Safety Clause 9/1/2010	147	28
148	White, Lambert	Transfer Of Enterprise Facility To OIT	Approved 4/15/2010	4/15/2010	107	104
149	Tapia, Ferrandino	County Tax Base Relief Fund Advancements	Approved 4/15/2010	4/15/2010	94	155
150	Tapia, Pommer	Temp Transfer Of Pub Sch Land Money	Approved 4/15/2010	4/15/2010	108	46
151	White, Pommer	Repeal Comprehensive Hlth Ed Fund	Approved 4/15/2010	Portions on 4/15/2010 and 7/1/2010	109	46
152	Newell, Gagliardi	Info To Mandatory Reporter Child Abuse	Approved 5/14/2010	No Safety Clause 9/1/2010	224	12
153	Boyd, Frangas	Behavioral Health Screening & Efficiency	Approved 5/26/2010	5/26/2010	295	153
154	Sandoval, Middleton	High-risk Student Alternative Ed Campus	Approved 4/21/2010	4/21/2010	157	47
155	Tochtrop, Benefield	Limitations On Gift Cards	Approved 4/29/2010	No Safety Clause	180	19
156	Heath, Hulinghorst	Rights Of Mobile Home Owners	Approved 6/5/2010	7/1/2010	343	218
158	Newell, Rice	Creative Industries Division In OED	Approved 5/18/2010	7/1/2010	231	105
159	Foster, Miklosi	Defendant Statement Community Correction	Approved 5/27/2010	No Safety Clause	306	32
161	King K., Massey	Charter School Collaboratives	Approved 5/21/2010	No Safety Clause	250	47

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162	Heath, Hullinghorst	Modifications To Enterprise Zone Act	Approved 6/9/2010	No Safety Clause 1/1/2012	395	231
163	Tochtrop, Kerr A.	Workers' Compensation Procedures	Approved 3/31/2010	3/31/2010	66	175
165	Hodge, Hullinghorst	Adjust Oil And Gas Well Regulation	Approved 3/22/2010	3/22/2010	31	191
166	Bacon, Riesberg	Lease-purchase Building Agreements	Approved 4/29/2010	4/29/2010	185	105
167	Boyd, Riesberg	Medicaid Efficiency & False Claims	Approved 5/26/2010	5/26/2010	296	144
169	Boyd, Riesberg	Provider Fee Enhanced Match Use	Approved 5/27/2010	5/27/2010	307	145
171	Newell, Gagliardi	Create Child Protection Ombudsman Prog	Approved 5/14/2010	5/14/2010	225	13
172	Steadman, Primavera	Continuing Expiring Income Tax Checkoffs	Approved 4/29/2010	No Safety Clause	186	231
174	Schwartz, Massey	Promote Geothermal Energy Development	Approved 4/30/2010	No Safety Clause	189	191
175	Boyd, Riesberg	Relocate Provisions Behavioral Health	Approved 4/29/2010	4/29/2010	188	153
176	Tochtrop, Gagliardi	APN Registry Inclusion Requirements	Approved 4/29/2010	4/29/2010	187	203
177	Schwartz, Scanlan	Promote Biomass Energy Development	Approved 6/9/2010	No Safety Clause	392	222
178	Hodge, Gerou	Fair Workers' Comp Provider Reviews	Approved 5/26/2010	7/1/2010	290	176
180	Williams, Kerr A.	Colo Smart Grid Task Force	Approved 6/11/2010	6/11/2010	428	222
181	Kester, McKinley	Municipal Authority To Lease Land	Approved 6/7/2010	No Safety Clause	373	84
182	Schwartz, Peniston	Recommendations Cnty Salary Commn	Approved 5/26/2010	5/26/2010	291	81
183	Morse, Gagliardi	Extend Prohib On Medical Balance Billing	Approved 5/27/2010	5/27/2010	308	164
184	Romer, Scanlan	I-70 Mountain Corridor Trans Demand Mgmt	Approved 5/27/2010	5/27/2010	334	244
186	Tochtrop, Primavera	Transfer Tax Warrants Unclaimed Prop	Approved 5/27/2010	No Safety Clause	309	232
187	Tochtrop, Riesberg	Workers' Comp Act Various Provisions	Approved 5/27/2010	Portions on 7/1/2010 and 1/1/2011	310	176
189	Steadman, Weissmann	Prevent Disease Spread Syringe Exchange	Approved 5/26/2010	No Safety Clause	272	131
190	White, Riesberg	Suspend Senior Property Tax Exemption	Approved 5/27/2010	5/27/2010	311	232
191	Johnston, Scanlan	Principal And Teacher Effectiveness	Approved 5/20/2010	5/20/2010	241	47
192	Kopp, Sonnenberg	Fund Capitol Dome Repair From Ltd Gaming	Approved 5/25/2010	No Safety Clause	254	106
193	Hudak, Levy	Restraints Used On Pregnant Inmates	Approved 5/27/2010	No Safety Clause 1/1/2011	312	23
194	Boyd, Riesberg	License Dev Disab Home Care Agency	Approved 5/21/2010	5/21/2010	251	132
195	Newell, Solano	Early Childhood Leadership Commission	Approved 6/3/2010	No Safety Clause	336	155
196	Gibbs, Scanlan	Minimum Speeds Interstate 70	Approved 5/27/2010	7/1/2010	333	183
197	Hodge, Riesberg	Transfer Of Rx Drugs By Public Entities	Approved 5/21/2010	5/21/2010	252	203



<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>
198	Whitehead, McKinley	Reduce Late Vehicle Registration Fees	Approved 6/7/2010	7/1/2010	377	183
199	Carroll M., Court	Probate Code Revisions	Approved 6/7/2010	7/1/2010	374	196
200	Schwartz, Fischer	HIRE Act Conforming Amendments	Approved 5/18/2010	5/18/2010	234	106
201	Mitchell, Soper	Motor Vehicle Manufacturer Penalties	Approved 6/10/2010	6/10/2010	409	203
202	Whitehead, Kerr A.	Savings Accounts For Job Retraining	Approved 6/9/2010	6/9/2010	396	66
203	Carroll M., Weissmann	Indep Expenditures After Citizens United	Approved 5/25/2010	5/25/2010	269	70
204	Shaffer B., Solano	Penalty Careless Driving Causing Death	Approved 5/21/2010	5/21/2010	243	33
205	Bacon, Scanlan	Sch Dist Bonded Indebtedness Elections	Approved 5/27/2010	5/27/2010	313	50
207	Johnston, Tyler	Finance State Energy Efficiency Projects	Approved 6/10/2010	6/10/2010	410	106
208	Keller, Acree	Dev Disab Referral & Placement Cmt	Approved 5/27/2010	5/27/2010	314	156
209	Schwartz, Vigil	Allocation National Forest Payments	Approved 6/10/2010	6/10/2010	411	107
211	Morse, Looper	Wounded Warrior Big Game Hunting License	Approved 5/26/2010	5/26/2010	292	181
212	Cadman, Weissmann	Repeal Most TABOR Refund Mechanisms	Approved 6/10/2010	7/1/2010	412	232
213	Shaffer B., Weissmann	Suspension 2010 Interim Committees	Approved 6/7/2010	6/7/2010	375	77
216	Heath, Court	Change Ballot Order Statewide Measures	Approved 6/10/2010	6/10/2010	413	73
217	Boyd, Riesberg	Hosp Report Card Nursing Quality Measure	Approved 5/27/2010	5/27/2010	315	132

## **ADMINISTRATIVE RULE REVIEW**

**S.B. 10-60** Continuation of 2009 rules of executive agencies. Based on the findings and recommendations of the committee on legal services, the rules and regulations of state agencies that were adopted or amended on or after November 1, 2008, and before November 1, 2009, are extended; except that certain rules and regulations listed in the act shall expire as scheduled on May 15, 2010.

**APPROVED** by Governor April 29, 2010

**EFFECTIVE** April 29, 2010

## AGRICULTURE

**S.B. 10-34 Pesticides - regulation of pesticides and devices - refillers.** According to new requirements for pesticide containers under the "Federal Insecticide, Fungicide, and Rodenticide Act" (FIFRA), a state with primary enforcement responsibility for pesticide use must have authority over establishments that refill pesticide containers to ensure compliance with the FIFRA. In order to meet this requirement, the act amends the state "Pesticide Act" (state act) to:

- Include refilling pesticides among the regulated activities mentioned in the legislative declaration;
- Define the terms "refillable container", "refiller", and "refill";
- Grant the state department of agriculture (department) jurisdiction in all matters pertaining to removal of pesticide residue from containers;
- Require pesticide refillers to comply with record-keeping and reporting regulations specified by the commissioner of the department of agriculture (commissioner) by rule;
- Require pesticide refillers to comply with residue removal requirements promulgated by the commissioner; and
- Make unlawful certain acts by pesticide refillers.

In addition to the provisions regarding refillers, the act amends various provisions of the state act as follows:

- Authorizes the commissioner to exempt, in accordance with the FIFRA, certain pesticides from the registration requirement;
- Allows the commissioner to waive the requirement that a person applying to register a pesticide list all inert ingredients in the application;
- Requires the commissioner to set by rule the date on which registrations of pesticides and devices expire;
- Repeals redundant provisions stating that applicants must pay a penalty fee when cease-and-desist orders are issued for distribution of an unregistered pesticide or unregistered device;
- Clarifies that the confidentiality provisions in the state act apply only to inert ingredients;
- Allows an expired pesticide registration to be renewed within the 2-year period following the date of the registration's expiration, rather than the date the registration was issued;
- Requires applications for renewal of pesticide and device registrations or pesticide dealer licenses to be received, rather than postmarked, by the date specified by the commissioner;
- Clarifies that, if an application for renewal of a pesticide dealer license is not timely received, the license shall not be renewed and the dealer must apply for a new license;
- Amends an incorrect citation to federal rules;
- Removes from the list of deceptive trade practices making a false statement by a pesticide dealer on an invoice, record, report, or application required under the state act or under any rule promulgated pursuant to the state act; and
- Adds to the list of prohibited acts making a false statement by any person on an invoice, record, report, or application required under the state act or under

any rule promulgated pursuant to the state act.

**APPROVED** by Governor June 7, 2010

**EFFECTIVE** July 1, 2010

**S.B. 10-38** Organic agricultural products - inspection - authorization to contract with independent inspectors - organic certification advisory board - modifications to size and membership - appropriation. Under current law, the commissioner (commissioner) of the department of agriculture (department) may delegate duties under the "Organic Certification Act" only to employees of the department. The act allows the commissioner to contract with qualified independent inspectors to conduct inspections under the Organic Certification Act, and authorizes the commissioner to promulgate minimum qualifications for those inspectors.

The act also increases the size of the organic certification advisory board from 9 to 12 members as follows:

- 9 members shall represent certified organic operations;
- 1 member shall be a consumer representing the general public;
- 1 member shall represent the Colorado cooperative extension service; and
- 1 member shall represent the Colorado agricultural experiment station.

\$28,112 is appropriated from the plant health, pest control, and environmental protection cash fund to the department, for allocation to the agricultural services division, for implementation of the act.

**APPROVED** by Governor April 29, 2010

**EFFECTIVE** July 1, 2010

**S.B. 10-72** Seed potatoes - certification required for lots of one or more acres - exceptions - record-keeping - audits - fees - civil penalties - seed potato advisory committee - seed potato cash fund - appropriation. The act creates the "Colorado Seed Potato Act", which requires all potato growers who plant potatoes in lots of one or more acres to plant seed potatoes, which are defined as vegetatively propagated tubers used or intended to be used for potato production, that have been certified by a certifying authority. A "certifying authority" is Colorado state university or, for seed potatoes grown outside of Colorado, the duly authorized seed certifying agency of the state, territory, or country of origin. The act requires imported certified seed potatoes to meet certain minimum standards for certification.

The act creates the seed potato advisory committee and describes the composition, terms, and duties of the advisory committee. The act specifies a sunset date of September 1, 2019, for the advisory committee.

The following exceptions are made to the certification requirement:

- A potato grower may plant uncertified and untested seed potatoes until January 1, 2012, if the seed potatoes were grown as part of that grower's operations.
- A potato grower may plant uncertified seed potatoes that are one generation from his or her own certified or qualified seed potatoes and have been grown by that grower. Any grower who wishes to plant seed potatoes that are more than one year out from certification must submit the seed stock to the state

- certifying agency for testing and approval.  
 • In any year in which the supply of certified or exempt seed potato stock is insufficient, as determined by the commissioner of agriculture (commissioner), growers may apply for permission to plant uncertified seed potatoes pursuant to specified conditions of approval.

Potato growers must comply with certain record-keeping requirements. An independent auditor must perform annual records reviews on 10% of potato growers, selected randomly according to a method established by the commissioner. The commissioner shall select a qualified department of agriculture employee or an independent auditor upon recommendation from the advisory committee. The actual costs of the records reviews and other services performed by the department of agriculture shall be paid by the area committees for areas 2 and 3, established in the marketing order regulating the handling of potatoes grown in the state of Colorado, as amended, issued pursuant to the "Colorado Agricultural Marketing Act of 1939".

The act authorizes the commissioner to investigate and promulgate rules to enforce and administer the act. Civil penalties for violations of the act are specified.

The act also creates the seed potato cash fund (fund), consisting of moneys from fees and civil fines paid under the act. To implement the act, \$2,959 is appropriated from the fund to the agricultural services division in the department of agriculture. Of that amount, \$905 is appropriated to the department of law for legal services related to the implementation of the act rendered to the department of agriculture.

**APPROVED** by Governor June 8, 2010

**EFFECTIVE** July 1, 2010

**S.B. 10-81** Interagency farm-to-school coordination task force - creation - report - repeal. In order to facilitate the future development of a state farm-to-school program that will promote in education settings the consumption of nutritional foods provided by state agricultural producers, the act creates the "Farm-to-School Healthy Kids Act", which establishes the interagency farm-to-school coordination task force (task force). The act describes the composition and duties of the task force, and sets a future repeal date of December 31, 2013.

**APPROVED** by Governor April 15, 2010

**EFFECTIVE** August 11, 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. 10-1377** Agricultural programs funded with both cash fund and general fund moneys - exclusive financing with cash funds for two years - adjustments to the 2010 general appropriation act. For fiscal years 2010 and 2011, the act requires the following agricultural programs, which are normally financed by moneys from both cash funds and the general fund, to be entirely cash-funded:

- Commercial fertilizers, plant amendments, and soil conditioners;
- Measurement standards;
- Commercial feeding stuffs; and
- Farm products and farm commodity handlers.

The act makes the following adjustments to the department of agriculture's appropriations in the 2010 long bill:

- Decreases by \$287,064 the general fund appropriation for the commissioner of agriculture's (commissioner) office and administrative services, and correspondingly transfers \$178,835 from the inspection and consumer services cash fund and \$108,229 from the agriculture services division, which amount is appropriated to the agricultural services division from the inspection and consumer services cash fund, a total of \$287,064, to the commissioner's office and administrative services;
- Reduces the general fund appropriation for program costs of the agricultural services division by \$974,518 and 12.5 FTE and replaces this appropriation with a transfer of \$974,518 and 12.5 FTE to the agricultural services division from the inspection and consumer services cash fund; and
- Decreases by \$39,672 the general fund appropriation to the agricultural services division for lease purchase lab equipment, and increases the cash fund appropriation from the inspection and consumer services cash fund, to the agricultural services division for lease purchase lab equipment by \$39,672.

**APPROVED** by Governor May 6, 2010

**EFFECTIVE** May 6, 2010

## APPROPRIATIONS

**S.B. 10-65** Supplemental appropriation - department of education. The 2009 general appropriation act is amended to increase the total appropriation made to the department of education. The general fund, cash funds, and reappropriated funds portions of the appropriation are decreased and the federal funds portion is increased.

The appropriation in House Bill 09-1319, concerning concurrent enrollment of public school students in courses offered by institutions of higher education, and House Bill 09-1243, concerning measures to raise the graduation rates in public high schools, are adjusted.

**APPROVED** by Governor January 28, 2010

**EFFECTIVE** January 28, 2010

**H.B. 10-1110** Supplemental appropriation - legislative department. The amount of reappropriated funds appropriated to the state auditor for state fiscal year 2009-10 is increased by \$130,000 so that the state auditor is authorized to expend funds to be received from various departments for audits conducted as required by the federal "American Recovery and Reinvestment Act of 2009".

**APPROVED** by Governor March 15, 2010

**EFFECTIVE** March 15, 2010

**H.B. 10-1297** Supplemental appropriation - department of agriculture. The 2009 general appropriation act is amended to decrease the total appropriation made to the department of agriculture. The general fund, cash funds, and federal funds portions of the appropriation are decreased and the reappropriated funds portion is increased.

**APPROVED** by Governor March 10, 2010

**EFFECTIVE** March 10, 2010

**H.B. 10-1298** Supplemental appropriation - department of corrections. The 2009 general appropriation act is amended to decrease the total appropriation made to the department of corrections. The general fund portion of the appropriation is decreased and the cash funds, reappropriated funds and federal funds portions portion are increased.

The 2008 general appropriation act is amended to decrease the general fund portion of the appropriation and increase the federal funds portion.

**APPROVED** by Governor March 10, 2010

**EFFECTIVE** March 10, 2010

**H.B. 10-1299** Supplemental appropriation - offices of the governor, lt governor, and state planning and budgeting. The 2009 general appropriation act is amended to increase the total appropriation made to the offices of the governor, lieutenant governor, and state planning and budgeting. The cash funds portion of the appropriation is increased and the general fund, reappropriated funds, and federal funds portions are decreased.

**APPROVED** by Governor March 10, 2010

**EFFECTIVE** March 10, 2010

**H.B. 10-1300** Supplemental appropriation - department of health care policy and financing. The 2009 general appropriation act is amended to decrease the total appropriation made to the department of health care policy and financing. The general fund and federal funds portions of the appropriation are decreased and the cash funds and reappropriated funds portions are increased.

Further adjustments in appropriations made in House Bill 09-1293, concerning a hospital provider fee, and Senate Bill 10-264, concerning the increases moneys received due to the federal "American Recovery and Reinvestment Act of 2009" are made.

The 2008 general appropriation act is amended to decrease the total appropriation made to the department of health care policy and financing. The general fund and federal funds portions of the appropriation are decreased and the reappropriated funds portion is increased.

Adjustments are made to the department's 2008 appropriations for overexpenditures in which restrictions on funds for the executive director's office, medical services premiums, medicaid mental health community programs, and other medicaid mental health payments are released.

**APPROVED** by Governor March 10, 2010

**EFFECTIVE** March 10, 2010

**H.B. 10-1301** Supplemental appropriation - department of higher education. The 2009 general appropriation act is amended to decrease the total appropriation made to the department of higher education. The general fund and reappropriated funds portions of the appropriation are decreased and the cash funds and federal funds portions are increased.

The 2008 general appropriation act is amended to reorganize the distribution of moneys to various line items of the appropriation.

The adjustments to the 2009 long bill in Senate Bill 09-43, concerning the merger of Pueblo community college and San Juan Basin are vocational school and House Bill 09-1267, concerning the removal of statutory provisions describing pervasively sectarian educational institution, are modified.

**APPROVED** by Governor March 10, 2010

**EFFECTIVE** March 10, 2010

**H.B. 10-1302** Supplemental appropriation - department of human services. The 2009 general appropriation act is amended to decrease the total appropriation made to the department of human services. The general fund, cash funds, and reappropriated funds portions of the appropriation are decreased and the federal funds portion is increased.

The 2008 general appropriation act is amended to increase the total appropriation made to the department of human services. The general fund, cash funds, reappropriated funds, and federal funds portions of the appropriation are increased.

**APPROVED** by Governor March 10, 2010

**EFFECTIVE** March 10, 2010



**H.B. 10-1303** Supplemental appropriation - judicial department. The 2009 general appropriation act is amended to decrease the total appropriation made to the judicial department. The general fund portion of the appropriation is decreased and the cash funds and reappropriated funds portions are increased.

The 2008 general appropriation act is amended to increase the total appropriation made to the judicial department. The general fund portion of the appropriation is increased.

**APPROVED** by Governor March 10, 2010

**EFFECTIVE** March 10, 2010

**H.B. 10-1304** Supplemental appropriation - department of labor and employment. The 2009 general appropriation act is amended to increase the total appropriation made to the department of labor and employment. The cash funds portion of the appropriation is decreased and the reappropriated funds and federal funds portions are increased.

The appropriation made in Senate Bill 09-247, concerning the expansion of benefits for unemployed workers in Colorado is amended to indicate that specified moneys are from federal funds.

**APPROVED** by Governor March 10, 2010

**EFFECTIVE** March 10, 2010

**H.B. 10-1305** Supplemental appropriation - department of law. The 2009 general appropriation act is amended to increase the total appropriation made to the department of law. The general fund, reappropriated funds, and federal funds portions of the appropriation are decreased and the cash funds portion is increased.

**APPROVED** by Governor March 10, 2010

**EFFECTIVE** March 10, 2010

**H.B. 10-1306** Supplemental appropriation - legislative department. The 2009 general appropriation act is amended to decrease the total appropriation made to the department of legislature. The general fund portion of the appropriation is decreased.

**APPROVED** by Governor March 10, 2010

**EFFECTIVE** March 10, 2010

**H.B. 10-1307** Supplemental appropriation - department of local affairs. The 2009 general appropriation act is amended to increase the total appropriation made to the department of local affairs. The general fund and cash funds portions of the appropriation are decreased and the reappropriated funds and federal funds portions are increased.

**APPROVED** by Governor March 10, 2010

**EFFECTIVE** March 10, 2010

**H.B. 10-1308** Supplemental appropriation - department of military and veterans affairs. The 2009 general appropriation act is amended to decrease the total appropriation made to the department of military and veterans affairs. The general fund, cash funds, and federal funds portions of the appropriation are decreased.

**APPROVED** by Governor March 10, 2010

**EFFECTIVE** March 10, 2010

**H.B. 10-1309** Supplemental appropriation - department of natural resources. The 2009 general appropriation act is amended to decrease the total appropriation made to the department of natural resources. The general fund, cash funds, reappropriated funds, and federal funds portions of the appropriation are decreased.

**APPROVED** by Governor March 10, 2010

**EFFECTIVE** March 10, 2010

**H.B. 10-1310** Supplemental appropriation - department of personnel and administration. The 2009 general appropriation act is amended to decrease the total appropriation made to the department of personnel. The general fund and reappropriated funds portions of the appropriation are decreased and the cash funds portion is increased.

**APPROVED** by Governor March 10, 2010

**EFFECTIVE** March 10, 2010

**H.B. 10-1311** Supplemental appropriation - department of public health and environment. The 2009 general appropriation act is amended to decrease the total appropriation made to the department of public health and environment. The general fund, cash funds, reappropriated funds, and federal funds portions of the appropriation are decreased.

**APPROVED** by Governor March 10, 2010

**EFFECTIVE** March 10, 2010

**H.B. 10-1312** Supplemental appropriation - department of public safety. The 2009 general appropriation act is amended to decrease the total appropriation made to the department of public safety. The general fund and federal funds portions of the appropriation are decreased and the cash funds and reappropriated funds are increased.

**APPROVED** by Governor March 10, 2010

**EFFECTIVE** March 10, 2010

**H.B. 10-1313** Supplemental appropriation - department of regulatory agencies. The 2009 general appropriation act is amended to decrease the total appropriation made to the department of regulatory agencies. The general fund, cash funds, reappropriated funds, and federal funds portions of the appropriation are decreased.

**APPROVED** by Governor March 10, 2010

**EFFECTIVE** March 10, 2010

**H.B. 10-1314** Supplemental appropriation - department of revenue. The 2009 general appropriation act is amended to increase the total appropriation made to the department of revenue. The general fund and reappropriated funds portions of the appropriation are decreased and the cash funds portion is increased.

The adjustments to the 2009 long bill made in Senate Bill 09-274, concerning the financing of the division of motor vehicles in the department of revenue, are modified.

**APPROVED** by Governor March 10, 2010

**EFFECTIVE** March 10, 2010

**H.B. 10-1315** Supplemental appropriation - department of state. The 2009 general appropriation act is amended to increase the total appropriation made to the department of state. The cash funds portion of the appropriation is increased.

**APPROVED** by Governor March 10, 2010

**EFFECTIVE** March 10, 2010

**H.B. 10-1316** Supplemental appropriation - department of transportation. The 2009 general appropriation act is amended to decrease the total appropriation made to the department of transportation. The reappropriated funds portion of the appropriation is decreased.

**APPROVED** by Governor March 10, 2010

**EFFECTIVE** March 10, 2010

**H.B. 10-1317** Supplemental appropriation - department of the treasury. The 2009 general appropriation act is amended to decrease the total appropriation made to the department of treasury. The general fund portion of the appropriation is decreased and the cash funds portion is increased.

**APPROVED** by Governor March 10, 2010

**EFFECTIVE** March 10, 2010

**H.B. 10-1367** Legislative appropriation - appropriation to youth advisory council cash fund. The act appropriates \$33,359,408 for matters related to the legislative department for the 2010-11 fiscal year. Any general fund appropriations to the legislative department that are unexpended and unencumbered as of the close of the 2009-10 fiscal year are required to be transferred by the state treasurer and state controller to the ballot information publication and distribution revolving fund. The act appropriates \$8,472 to the youth advisory council cash fund.

**APPROVED** by Governor April 15, 2010

**EFFECTIVE** April 15, 2010

**H.B. 10-1376** General appropriation - long bill. For the fiscal year beginning July 1, 2010, the act provides for the payment of expenses of the executive, legislative, and judicial departments of the state of Colorado, and of its agencies and institutions. The grand total for the operating budget is set at \$20,011,216,295 of which \$7,104,323,894 is from general fund, \$429,194,000 is from general fund exempt, \$5,693,507,779 is from cash funds, \$1,506,146,343 is from reappropriated funds, and \$5,278,044,279 is from federal funds.

For the fiscal year beginning July 1, 2010, the act provides for the payment of capital construction projects. The grand total for capital construction projects is \$99,911,749 with \$16,762,506 from the capital construction fund portion of the appropriation, \$72,875,745 from the cash funds portion, and \$10,273,498 from the federal funds portion.

The capital construction portion of the 2005 long bill is amended to decrease the total amount appropriated to the department of higher education, university of Colorado at Colorado Springs for allocation to the science and engineering buildings.

The capital construction portion of the 2006 long bill is amended to increase the total amount appropriated to the department of military affairs, controlled maintenance, Englewood STARC headquarters, HVAC modification.

The capital construction portion of the 2007 long bill is amended to increase the total amount appropriated to the department of higher education, Mesa State college, for the W.W. Campbell college center and the Colorado historical society for track rehabilitation of the Cumbres and Toltec scenic railroad.

The capital construction portion of the 2008 long bill is amended to increase the total amount appropriated to the department of higher education, Mesa State college, for the addition and renovation of Saunders Fieldhouse. Colorado State university at Fort Collin's 2008 appropriation is amended to increase the total amount appropriated for the performance/clinical research lab. Fort Lewis college's 2008 appropriation is increased for the new residence hall and student union. The university of Colorado at Denver and health sciences center's total appropriation is increased for renovation of 1475 Lawrence street. Colorado Northwestern community college's 2008 appropriation is increased for the Craig campus, career and technical center. The capital construction portion is amended to increase the total amount appropriated to the department of human services, mental health and alcohol and drug abuse services, for suicide risk mitigation.

The capital construction portion of the 2009 long bill is amended to decrease the total amount appropriated to the department of corrections, for the lease-purchase of Colorado state penitentiary II. The capital construction portion is amended to increase the total amount appropriated to the department of higher education, Adams state college, Auxiliary facilities. Metropolitan state college of Denver's total amount is increased for the neighborhood building and hotel learning center. The Colorado state university at Fort Collins total appropriation is increased for the Snow Mountain ranch conservation easements and the research innovation center. The university of Colorado at Boulder's appropriation is increased for the basketball and volleyball practice facility and the addition of the systems biotechnology building. The university of Colorado at Denver and health sciences center's appropriation is decreased for the lease purchase of academic facilities of Fitzsimons but the appropriation is increased for the health and wellness center. The capital construction portion for the Colorado School of Mines is increased to include the west campus parking garage, the Ford and Jones road property purchase, the student health and wellness center and the Weaver tower renovation. The university of Northern Colorado's appropriation is increased to include the Butler Hancock interior renovation. The total appropriation to the department of human services is increased to include the Colorado mental health institute at Fort Logan, F-Cottage life safety improvements and for services for people with disabilities, Colorado State veterans home at Walsenburg, quality of life improvement project. The division of vocational rehabilitation, Colorado AWARE VR case management system is added to the appropriation. The total appropriation to the department of revenue is increased for inclusion of the Loma port-of-entry repair and abatement. The total appropriation to the department of the treasury is decreased for the lease purchase of academic facilities.

**APPROVED** by Governor April 29, 2010

**EFFECTIVE** April 29, 2010

## CHILDREN AND DOMESTIC MATTERS

**S.B. 10-7** County departments of social services - interagency work groups - family resource centers. The act allows county departments of social services to include family resource centers in memorandums of understanding (MOU's) that are designed to promote a collaborative system of local-level interagency oversight groups and individualized service and support teams to coordinate and manage the provision of services to children and families who would benefit from integrated multi-agency services. If a family resource center is included in an MOU, the family resource center shall have the same rights and responsibilities as any other participant in the MOU.

**APPROVED** by Governor April 21, 2010

**EFFECTIVE** August 11, 2010

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

**S.B. 10-14** Family advocate demonstration programs - family system navigators. Under the current demonstration programs for system of care family advocates, the services are provided by family advocates. The act will allow family system navigators to provide the same services through the demonstration programs. The act makes necessary conforming amendments.

**APPROVED** by Governor March 31, 2010

**EFFECTIVE** March 31, 2010

**S.B. 10-66** Dependency and neglect - persons required to report child abuse or neglect. The act clarifies that the requirement that certain persons report child abuse or neglect does not apply if the person does not learn of the suspected abuse or neglect until after the alleged victim is 18 years of age or older and the person does not have reasonable cause to know or suspect that the perpetrator of the suspected abuse or neglect has subjected any other child under 18 years of age to abuse or neglect or that the perpetrator is currently in a position of trust with regard to any child under 18 years of age.

**APPROVED** by Governor June 10, 2010

**EFFECTIVE** June 10, 2010

**S.B. 10-152** Dependency and neglect - mandatory reporters - status of report. The list of persons who have access to child abuse or neglect records or reports is expanded to include certain mandatory reporters. If one of the specified mandatory reporters submits a report of suspected child abuse or neglect, the county department of social services (county department) will provide information concerning the child in the report to the mandatory reporter if he or she continues to be officially and professionally involved in the ongoing care of the child.

Within 30 calendar days after receiving a report, a county department shall provide certain information to the mandatory reporter, including but not limited to the name of the child and the date of the report, whether the referral was accepted for assessment, whether the referral was closed without services, whether the assessment resulted in services related to the safety of the child, and contact information for the caseworker investigating the report. Within 90 calendar days after the county department received the report, the mandatory reporter may seek certain additional information from the county department.

A county department may provide information concerning action on a report of suspected child abuse or neglect only to certain mandatory reporters, including hospital personnel, physicians, nurses, dentists, psychologists, unlicensed psychotherapists, licensed professional counselors, licensed marriage and family therapists, social workers, victim advocates, clergy members, school employees and officials, and mental health professionals.

Information disclosed to a mandatory reporter is confidential, and the mandatory reporter shall not disclose the information to any other person.

**APPROVED** by Governor May 14, 2010

**EFFECTIVE** August 11, 2010

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

**S.B. 10-171** Dependency and neglect - creation of child protection ombudsman program - appropriation. The act establishes the child protection ombudsman program (program) as an independent program in the department of human services (state department). The program shall be operated through a contract with a private nonprofit or public agency or organization. The executive director of the state department (executive director) shall administer the contract for the program independent of the divisions in the state department that are responsible for child welfare, youth corrections, or child care. The director of the program shall be known as the child protection ombudsman (ombudsman).

Within 45 days after May 14, 2010, the executive director shall convene a voluntary work group to assist and advise in developing a detailed plan for the design of the program (detailed plan), including the qualifications of the ombudsman, the length of the contract, specific benchmarks for the program, and the criteria for the request for proposals issued for the contract. The president of the senate and the minority leader of the house of representatives shall each select one legislator to serve on the work group. The governor shall select the remaining members of the work group. The work group may consist of members who represent county departments of social or human services, county attorneys, county commissioners, the judicial department, mandatory reporters, service providers, persons or family members of persons who have had prior involvement as children in the child welfare system, child protection advocates, and law enforcement agencies. The governor shall establish a process by which persons interested in participating in the work group may submit letters of interest to the governor. To the extent practicable, the work group shall include persons from throughout the state, and members of the work group shall serve without compensation.

Within 30 days after completing the detailed plan for the program, the executive director shall issue a request for proposals; except that the executive director shall not issue the request for proposals until he or she determines that sufficient moneys are committed or available for awarding and implementing the contract for the program. The proposal submission period, the review of proposals, and the award of the contract shall be completed within 60 days after the issuance of the request for proposals.

The duties of the ombudsman shall include:

- Reviewing and seeking resolution of complaints concerning child protection services made by or on behalf of a child, including requesting and reviewing information relating to the case;

- Evaluating and making recommendations for a statewide grievance policy; and
- Filing an annual report concerning the actions taken by the ombudsman relating to the duties of the program.

The powers of the ombudsman shall include:

- Reviewing issues raised by members of the community relating to child protection policies or procedures and making recommendations for resolution of the issues;
- Reviewing and evaluating the effectiveness and efficiency of any existing grievance resolution mechanisms.
- Helping to educate the public concerning the prevention of child maltreatment;
- Promoting best practices and effective programs relating to the child protection system; and
- Recommending statutory, regulatory, budgetary, and administrative changes to improve the child protection system.

The ombudsman shall refer any complaints relating to the judicial department and judicial proceedings, including complaints concerning the conduct of judges and officers or attorneys of record, to the appropriate entity or agency within the judicial department.

The program will comply with all state and federal laws relating to the treatment of confidential information and shall further treat all complaints received as confidential, including the identities of the complainants, unless the ombudsman deems it necessary to disclose information in performing his or her duties or to support a recommendation resulting from the investigation of the complaint. Records relating to complaints received by the ombudsman and the investigation of complaints shall be exempt from public disclosure.

In investigating a complaint, the ombudsman shall have the authority to request and review any information, records, or documents, including records of third parties, that the ombudsman deems necessary to conduct a thorough and independent review of a complaint so long as either the state department or a county department of social or human services would be entitled to access or receive such information, records, or documents. The ombudsman shall be a mandatory reporter under the law with respect to reporting suspicions of abuse or neglect with respect to a child. The ombudsman and employees of the program will have qualified immunity from suit and liability except in cases of intentional or willful and wanton misconduct.

The state department may accept gifts, grants, or donations for the program so long as the executive director determines that the acceptance of such moneys does not create the appearance of impropriety or is contrary to the best interests of the program. The act creates the child protection ombudsman program fund that shall consist of any moneys appropriated to the fund by the general assembly and any gifts, grants and donations received by the state department.

On or before September 1 of each year, commencing with the September 1 following the fiscal year in which the program is implemented, the ombudsman will prepare and transmit an annual report concerning the program to the executive director for review and comment, and the executive director will forward the report to the governor and to the health and human services committees of the house of representatives and the senate. The state

department shall post the annual report on the state department's web site.

At the beginning of the third year of the operation of the program or within the time frame specified in the detailed plan, whichever is sooner, the state auditor's office will conduct a performance and fiscal audit of the program.

For the 2010-2011, the act appropriates \$175,000 from the general fund to the state department for the program.

**APPROVED** by Governor May 14, 2010

**EFFECTIVE** May 14, 2010

**H.B. 10-1044** Neighborhood youth organizations - licensing. A neighborhood youth organization (NYO) may obtain either a general child care center license or a separate NYO license. An NYO that chooses to obtain a separate NYO license shall have the following duties and requirements for operation:

- To inform a parent or legal guardian of each youth member who attends the NYO of the legal requirements that the NYO must meet and to post a notice in bold print and in plain view on the premises of the NYO facility listing these requirements;
- To inform a parent or legal guardian of a youth member who attends the NYO of the telephone number and address of the appropriate division within the department of human services for investigating complaints about NYOs, with the instruction that any complaint about the NYO's compliance with legal requirements be directed to such division, and to post a notice in bold print and in plain view on the premises of the NYO facility containing this information;
- Prior to admitting a youth into the NYO, to require the youth member's parent or legal guardian to sign a statement authorizing the youth member to arrive and depart from the NYO or participate in field trips without parental or organizational supervision;
- To establish a process to receive and resolve parental or legal guardian complaints;
- To establish an internal process to report known or suspected abuse or neglect to appropriate authorities;
- To maintain, either at the NYO or at a central administrative facility, records containing specified information concerning each youth member admitted into the NYO;
- To complete a fingerprint-based or other criminal history record check on each adult employee or adult volunteer who works or will work with youth members 5 or more days in a calendar month, and to have all visitors and guests be supervised by employees who have had a criminal history record check; and
- To adopt minimum standards for operation.

**APPROVED** by Governor April 14, 2010

**EFFECTIVE** April 14, 2010

**H.B. 10-1059** Foster care - driver's education - affidavit of liability. A minor who is 15 years of age or older and in the foster care system (minor) is not required to complete and



present an affidavit of liability (affidavit) in order to register for a department of revenue-approved driver education class prior to applying for a minor's instruction permit (permit). The minor shall continue to be required to present an affidavit before beginning to drive with a permit.

**APPROVED** by Governor March 23, 2010

**EFFECTIVE** August 11, 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. 10-1065** Juvenile commitment - no time credit when on escape status. The department of human services is prohibited from counting any time that a juvenile may spend on escape status toward completion of the juvenile's commitment.

**APPROVED** by Governor March 18, 2010

**EFFECTIVE** March 18, 2010

**H.B. 10-1097** Custody proceedings - temporary injunction. The act creates a temporary injunction, upon personal service on the respondent, in paternity proceedings and in proceedings involving the allocation of parental responsibilities that are not brought as part of a divorce or legal separation action.

The temporary injunction created in the act enjoins both parties from:

- Removing a minor child from the state without the consent of the other party or order of the court;
- Molesting, or disturbing the peace of, the other party; and
- Cancelling, modifying, terminating, or allowing to lapse for nonpayment of premiums, without at least 14 days' advance notification and the written consent of the other party or order of the court, a health or life insurance policy that provides coverage to a minor child or names a minor child as the beneficiary of the policy.

Either party may seek a modification of the temporary injunction from the court or through the consent of the other party.

The temporary injunction remains in effect for 120 days in paternity proceedings, unless the 120-day period is modified by the parties or by the court. In proceedings involving the allocation of parental responsibilities, the temporary injunction remains in effect until the court enters the final decree, dismisses the petition, or enters a further order modifying the injunction.

The act clarifies the enforcement procedure for peace officers responding to an alleged violation of the part of the temporary injunction that restrains a party from molesting, or disturbing the peace of, the other party.

Proceedings initiated by grandparents seeking parenting time only, and proceedings initiated by a delegate child support enforcement unit pursuant to the "Colorado Child Support Enforcement Act", the "Colorado Administrative Procedure Act for the Establishment and Enforcement of Child Support", or the "Uniform Interstate Family

Support Act" are excluded from the temporary injunction created in the act.

The temporary injunction applies upon personal service of a respondent in cases filed on or after August 15, 2010.

**APPROVED** by Governor March 25, 2010

**EFFECTIVE** August 15, 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. 10-1135** Best interests of the child determinations - definition of domestic violence. In the statutory section concerning the best interests of the child under the "Uniform Dissolution of Marriage Act" and statutory sections relating to modification of parenting time, the act replaces the term "spouse abuse" in each occurrence with the broader term "domestic violence". The act defines "domestic violence" as an act of violence or a threatened act of violence by an actor upon a person who is or has been involved in an intimate relationship and includes examples of acts or threatened acts.

The new definition of "domestic violence" will apply to determinations of the best interests of a child occurring on or after July 1, 2010.

**APPROVED** by Governor April 14, 2010

**EFFECTIVE** July 1, 2010

**H.B. 10-1226** Dependency and neglect - child abuse or neglect - differential response pilot program for child abuse or neglect cases of low or moderate risk. The act creates the differential response pilot program (pilot program) for certain county departments of social services (participating county departments) to use in addressing intrafamilial abuse or neglect cases that are deemed to be of low or moderate risk according to an assessment performed by each participating county department. The state department of human services (state department) and participating county departments shall administer the pilot program. The participating county departments, in administering the pilot program, shall cooperate with local community service organizations in addressing known or suspected incidents of intrafamilial abuse or neglect.

The state board of human services may promulgate rules for the administration of the pilot program.

The participating county departments shall each prepare and submit to the state department a report concerning the county department's administration of the pilot program. The state department shall prepare and submit to the health and human services committees of the house of representatives and senate a report concerning the administration of the pilot program. The report prepared by the state department, at a minimum, shall include an evaluation of the pilot program's success or failure, a description of any specific problems encountered during the administration of the pilot program, and a recommendation as to whether the general assembly should repeal the pilot program, continue the pilot program for a specific period, or establish the pilot program statewide on a permanent basis.

The pilot program is repealed after 4 years.

**APPROVED** by Governor April 15, 2010

**EFFECTIVE** April 15, 2010

**H.B. 10-1413 Juvenile justice - direct filing of charges in district court - minimum age - notice of direct file - 14-day delay in direct file - sentencing - appropriations.** For purposes of authorizing a district attorney to directly file charges in district court against a juvenile (direct file), the act changes the minimum age of the defendant from 14 to 16 years, except in the case of first degree murder, second degree murder, or certain sex offenses. The district attorney must consider specified criteria in deciding whether to direct file charges against a juvenile. At least 14 days prior to filing the charges in district court, the district attorney must file a notice of consideration of direct file. During the 14-day period prior to filing in adult court, the juvenile or his or her attorney may provide the district attorney with information related to the criteria that the district attorney considers in deciding whether to direct file charges against the juvenile. The district attorney must submit a written statement listing the criteria the district attorney relied upon in deciding to direct file.

The act permits a juvenile convicted in district court of a class 2 felony, other than a sex offense, to be sentenced to the youthful offender system.

The act appropriates \$371,880 from the general fund to the department of human services, division of youth corrections for the purchase of contract placements and \$135,678 from the general fund to the department of corrections, youthful offender system for implementation of the act. The act reduces the general fund appropriation to the department of correction, external capacity subprogram by \$266,803. The general fund appropriations come from the savings generated by House Bill 10-1360.

**APPROVED** by Governor May 25, 2010

**EFFECTIVE** August 11, 2010

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

## CONSUMER AND COMMERCIAL TRANSACTIONS

**S.B. 10-155** Gift cards - limitations on issuance. An issuer of a gift card is required to redeem the gift card for cash if the amount remaining is less than \$5 on request of the holder. The act prohibits an issuer of a gift card from charging any fees in connection with the issuance of the card.

The act excludes from the definition of "gift card" a prefunded tangible or electronic record issued by, or on behalf of, any government agency; a gift certificate that is issued only on paper; a prepaid telecommunications or technology card; a card or certificate issued to a consumer pursuant to an awards, loyalty, or promotional program for which no money or other item of monetary value was exchanged; and a card that is donated or sold below face value at a volume discount to an employer or charitable organization for fundraising purposes.

The act also makes violation of the limitations regarding gift cards a deceptive trade practice.

**APPROVED** by Governor April 29, 2010

**EFFECTIVE** August 11, 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. 10-1133** Consumer protection - Foreclosure Protection Act - equity purchasers - short sales - definitions - disclosures. The act amends key provisions of the "Colorado Foreclosure Protection Act", enacted in 2006, including the definition of an "equity purchaser", and imposes additional duties on equity purchasers.

A person who acquires title to a residence in foreclosure as a result of a short sale in which an appropriate addendum to the contract is included and all statutorily required disclosures are made is exempted from the definition of an "equity purchaser". "Home owner" is redefined to mean the owner of a dwelling who occupies it as a principal place of residence, rather than the owner of a residence in foreclosure.

For purposes of the equity purchaser provisions, "residence in foreclosure" is defined as a residence that is occupied as the home owner's principal residence, is encumbered by a residential mortgage loan, and as to which an equity purchaser knows or should know that the loan is at least 30 days in default. A "short sale" is defined as a transaction in which a residence in foreclosure is sold for less than the amount due under a recorded lien, and the lien is released.

The requirement that a sales contract be in "bold-faced" type is eliminated and, instead, contracts must be "legible". A uniform 9-point type size is adopted for certain documents. If the equity purchaser knows or should know that the home owner's principal language is other than English, a separate disclosure form in the home owner's principal language must be provided along with the contract.

In a short sale transaction in which the equity purchaser intends to sell the property to another purchaser within 14 days, the equity purchaser must disclose to the seller and the seller's lender, as well as to any subsequent purchasers and their lenders, the terms of the

intended resale including the amount to be paid.

**APPROVED** by Governor June 7, 2010

**EFFECTIVE** January 1, 2011

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

**H.B. 10-1351** Deferred deposit loans - limitation on lender charges. The act creates a 6-month minimum loan term and no maximum loan term for each deferred deposit loan. Lenders must accept prepayment from a consumer with no penalty for the early payment. In addition to the finance charge currently allowed for each loan, lenders may charge an interest rate of 45% and must pay a prorated refund of the interest rate back to the consumer if the loan is prepaid. A lender may charge a monthly maintenance fee for each outstanding deferred deposit loan and charge an interest rate of 45% upon renewal of a deferred deposit loan. A lender is no longer required to offer a consumer a payment plan after a 4th consecutive loan. The act creates an unfair or deceptive trade practice for specific violations of the "Deferred Deposit Loan Act".

**APPROVED** by Governor May 25, 2010

**EFFECTIVE** August 11, 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. 10-1400** Refund anticipation loans - facilitators - electronic return originator registration - mandatory disclosures to consumers - investigation and enforcement - penalties - repeal. A "refund anticipation loan" is a loan that is made to a Colorado consumer based on the consumer's anticipated income tax refund. Currently, Colorado does not regulate issuers of refund anticipation loans, commonly known as "refund anticipation loan facilitators". In order to implement the recommendations of the "2010 Sunrise Review: Refund Anticipation Loan Facilitators" conducted by the department of regulatory agencies, the act creates the "Refund Anticipation Loans Act", which:

- Requires a refund anticipation loan facilitator to be registered with the federal internal revenue service as an electronic return originator or directly employed by a person so registered;
- Specifies information that a refund anticipation loan facilitator is required to disclose to a consumer;
- Makes a willful violation of the "Refund Anticipation Loans Act" a misdemeanor that is punishable by a fine of up to \$500, imprisonment in county jail for up to one year, or by both such fine and imprisonment; and
- Requires the administrator of the "Uniform Consumer Credit Code" (code) to enforce the act and applies to the act the same civil actions available to the administrator under the code.

The act takes effect on November 1, 2010, and, unless extended by bill, is repealed on September 1, 2019.

**APPROVED** by Governor May 19, 2010

**EFFECTIVE** November 1, 2010

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

effective date, see page vi of this digest.

## CORPORATIONS AND ASSOCIATIONS

**H.B. 10-1403** Secretary of state - notifications - periodic reporting - appropriation. The act allows the secretary of state (secretary) to notify persons regulated under the charitable solicitations law regarding missed filing deadlines by means other than the mail. The secretary may notify any person about any matter arising under Colorado's corporation, partnership, and association laws in a manner determined by the secretary, and the secretary may use a phase-in period or other method, including exemptions, to mitigate hardship caused by electronic notification. Several redundant notification laws are repealed.

Current law requires corporations, partnerships, and associations to file annual reports with the secretary. The act allows reporting entities to elect biennial reporting rather than annual reporting and to select an anniversary month different from the default anniversary month. The remaining portions of the act change references to "annual" reporting to "periodic" reporting and make conforming amendments or other nonsubstantive changes to the law.

The act appropriates \$105,200 from the department of state cash fund to the department of state for the implementation of the act.

**APPROVED** by Governor June 10, 2010

**EFFECTIVE** August 11, 2010

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

## CORRECTIONS

**S.B. 10-130** Executive director - authority - correctional facilities. The act clarifies that the executive director of the department of corrections (DOC), and not the director of the division of adult parole within the DOC, shall supervise and control the state's correctional facilities and that the DOC, and not the division of adult parole within the DOC, shall exercise the powers, duties, and functions of the former department of institutions with respect to honor camps, work release programs, and other adult correctional programs.

**APPROVED** by Governor April 15, 2010

**EFFECTIVE** April 15, 2010

**S.B. 10-193** Use of restraints on pregnant women in custody. The act requires that staff at a prison, city and county jail, juvenile detention facility, or department of human services facility (facility) use the least restrictive restraints necessary to ensure safety on a pregnant woman in the custody of the facility while the woman is pregnant, during postpartum recovery, and during transport to and from childbirth.

Staff of the facility and medical personnel shall not use restraints of any kind on a pregnant woman during labor and delivery of the child unless medical personnel determine that restraints are necessary for safe childbirth; the woman poses an immediate and serious risk of harm to herself, other patients, or medical personnel; or the woman poses a substantial risk of escape that cannot be reasonably reduced by another method. Staff of the facility shall make a record of any restraint used on a woman during labor or delivery of the child, keep the record for a minimum of 5 years, and make the record available to the public with personally identifying information removed.

The act entitles a woman to have a member of the medical staff present at any strip search conducted upon the woman's return to confinement after childbirth.

Upon determination of a pregnancy, staff of the facility shall inform the pregnant woman of the provisions of the statute relating to the use of restraints and post-childbirth strip searches. Staff of each facility shall receive adequate training concerning the provisions of the act.

**APPROVED** by Governor May 27, 2010

**EFFECTIVE** January 1, 2011

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

**H.B. 10-1083** Day surgery center - lease-purchase agreement. The act authorizes the executive director of the department of corrections to enter into one or more lease-purchase agreements for purchase of a day surgery center for the department of corrections.

**APPROVED** by Governor April 21, 2010

**EFFECTIVE** April 21, 2010

**H.B. 10-1089** Sexually violent predators - parolee revocation placement - department of corrections facility. The state board of parole may revoke the parole of a parolee who has



been designated a sexually violent predator and has committed a parole violation and may request that the parolee be placed in a department of corrections facility.

**APPROVED** by Governor March 31, 2010

**EFFECTIVE** March 31, 2010

**H.B. 10-1112** Correctional facilities and programs - correctional educational program. The act adds vocational programs to the educational programs that are offered by the department of corrections (department) pursuant to the "Correctional Education Program Act of 1990" (Program Act). The act amends an objective of the Program Act to ensure that every person in a correctional facility who has an expectation of release from custody within 5 years receives adult basic education instruction if he or she lacks basic and functional literacy skills and that he or she has the opportunity to achieve functional literacy, be released possessing at least entry-level marketable vocational skills, and obtain the equivalent of a high school education.

The act establishes performance objectives for each educational and vocational program (program) offered under the Program Act (performance objectives). On or before December 31, 2010, the department will develop a plan to meet each performance objective.

The act requires the department of labor and employment to provide annually to the department data on current market trends and labor needs in Colorado.

When considering an offender for transfer, the department shall take the offender's enrollment in a program into consideration unless the offender is granted parole or is placed into a community corrections program. If the department transfers an offender enrolled in a program to another facility, the department is encouraged to give the offender priority for placement in a comparable program if such a program exists at the facility.

The act requires the department annually to report certain information regarding the programs offered under the Program Act.

**APPROVED** by Governor March 31, 2010

**EFFECTIVE** August 11, 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. 10-1360** Parole - parole officer duties - parole placement options - cost savings allocation - general assembly reports - appropriations. The act clarifies that parole officers' duties include helping offenders reintegrate into society.

Under current law if the state board of parole (parole board) revokes the parole of an offender who committed a class 5 or 6 nonviolent felony, the parole board can place the offender in a return to custody facility for up to 180 days. Under the act, the parole board has that option for an offender who committed a class 4 nonviolent felony.

Under current law, if the parole board revokes an offender's parole and places the offender in a department of corrections facility, the maximum term is 180 days. Under the act, the maximum term is 180 days if the offender is assessed as high risk and 90 days if the offender is assessed below high risk.

The act creates a new option for the parole board at a revocation hearing for a parolee whom the parole board determines is in need of treatment. If the parole board finds the parolee would be amenable to treatment, the parole board can modify the parolee's parole conditions to allow the parolee to be placed in a treatment program that suits the parolee's needs.

In future sessions, the general assembly will appropriate a portion of the savings generated by the act to pay for re-entry services for parolees. The division of criminal justice in the department of public safety and the division of adult parole in the department of corrections must report to the judiciary committees of the general assembly on the effect of the act.

The act makes the following appropriations from the general fund for the 2010-11 fiscal year:

- \$1,285,409 and 0.8 FTE to the department of public safety for allocation to the division of criminal justice for community corrections residential treatment beds;
- \$260,000 to the department of public safety for allocation to the division of criminal justice for 10 transition community corrections beds specifically for sex offenders;
- \$174,107 and 2.1 FTE to the department of corrections for allocation to the parole subprogram for community parole officers;
- \$80,774 and 2.0 FTE to the department of corrections for allocation to the parole subprogram for administrative support;
- \$65,553 and 1.0 FTE to the department of corrections for allocation to the business operations subprogram for information technology support;
- \$1,807,225 to the department of corrections for allocation to the business operations parole subprogram for information technology support;
- \$1,807,225 to the department of corrections for allocation to the parole subprogram for parole wrap-around services;
- \$500,000 to the department of corrections for allocation to the parole subprogram for employment and job training services;
- \$250,000 to the department of corrections for allocation to the parole subprogram for outpatient mental health treatment for transition parolees; and
- \$75,000 and 1.0 FTE to the department of corrections for allocation to the parole board for a parole revocation hearing officer.

The act decreases by \$4,738,823 the general fund appropriation made in the annual general appropriation act to the department of corrections, management, external capacity subprogram for payments to house state prisoners.

**APPROVED** by Governor May 25, 2010

**EFFECTIVE** May 25, 2010

**NOTE:** Certain sections of this act are contingent on House Bill 10-1233 taking effect. House Bill 10-1233 was signed by the governor April 14, 2010.

**H.B. 10-1374 Parole - development of release and revocation guidelines - earned time - appropriations.** The sex offender management board will develop a specific sex offender release guideline instrument for the state board of parole (parole board) to use in determining when to release a sex offender on parole.

The division of criminal justice in the department of public safety (division) will develop, in consultation with the parole board, an administrative release guideline instrument for the parole board to use in determining when to release an offender on parole. The department of corrections will develop, in consultation with the parole board, administrative revocation guidelines for the parole board to use in determining when to revoke an offender's parole. The parole board will use both a risk assessment scale and the administrative release guidelines that are based on evidence-based practices in addition to their professional judgment in making parole decisions. The parole board will use administrative revocation guidelines and consider a new set of factors when considering a parole revocation. The division of criminal justice will develop the Colorado risk assessment scale and the parole board action form and provide training on the Colorado risk assessment scale and the administrative release guideline instrument.

The act removes the statutory provision that requires a parole officer to arrest a parolee as a parole violator if the parolee is located in a place without lawful permission to be there. Under current law, certain offenders who are serving sentences for lower-class, nonviolent felonies can earn more earned time per month than other offenders. The act changes the qualifications that an offender must meet in order to earn additional earned time.

The chair of the parole board must make an annual report to the house and senate judiciary committees on the operations of the board.

For the 2010-11 fiscal year, the act appropriates from the state general fund:

- To the department of corrections, for allocation to the executive director's office and parole subprograms, for research and parole services, \$353,786 and 7.9 FTE;
- To the department of public safety, for allocation to the division of criminal justice, for parole guideline duties and actuarial consultation, \$80,154 and 0.7 FTE, or so much thereof as may be necessary, for the implementation of this act;
- To the department of public safety, for allocation to the division of criminal justice, for costs associated with the Colorado criminal and juvenile justice commission, \$114,127.
- The department of corrections budget for management, external capacity subprogram, for payments to house state prisoners, is decreased by \$548,067.

**APPROVED** by Governor May 25, 2010

**EFFECTIVE** May 25, 2010

**NOTE:** Certain provisions of the act are contingent upon whether or not House Bill 10-1364 is enacted and becomes law. House Bill 10-1364 was vetoed by the governor, May 21, 2010.

## COURTS

**S.B. 10-43** Office of the child's representative - extension. The repeal clause for the "Office of the Child's Representative Act" is removed.

**APPROVED** by Governor April 20, 2010

**EFFECTIVE** April 20, 2010

**S.B. 10-63** State public defender - alternate defense counsel - claims against attorneys. If a person files a claim for damages arising from professional negligence as a result of an act or omission committed by an attorney while performing duties pursuant to a contract with the office of alternate defense counsel (OADC):

- The person shall file with the court a certificate of review;
- The attorney shall not be required to file an answer to the complaint until 20 days after the person files the certificate of review; and
- The office of the attorney general shall represent the attorney unless the OADC determines that the act or omission that gave rise to the claim was not performed during the course of the attorney's contractual duties.

A court may order an OADC contract attorney to reimburse the office of the attorney general for reasonable costs and attorney fees if a court determines that the act or omission that gave rise to a claim was not performed during the course of the attorney's contractual duties.

If a person files a claim for damages arising from professional negligence as a result of an act or omission committed by an attorney while performing duties pursuant to a contract with the OADC, and the attorney's contract for malpractice insurance requires the attorney to notify the insurance carrier upon the filing of a claim against the attorney, the insurance carrier may not consider the claim in determining the amount of the attorney's future malpractice insurance premiums unless a certificate of review is timely filed with the complaint.

**APPROVED** by Governor April 15, 2010

**EFFECTIVE** August 11, 2010

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

**S.B. 10-80** Civil protection orders - protection of animals owned by party. A court-entered civil protection order may restrain a party from threatening, molesting, injuring, killing, taking, transferring, encumbering, concealing, or disposing of an animal owned, possessed, leased, kept, or held by any other party. A court-entered civil protection order may also specify arrangements for possession and care of any animal owned, possessed, leased, kept, or held by any other party.

The definitions of "abuse of the elderly or of an at-risk adult", "domestic abuse", and "protection order" are amended as necessary to include threats or actions against animals.

**APPROVED** by Governor April 12, 2010

**EFFECTIVE** July 1, 2010

**S.B. 10-147** Assets exempt from execution. The act concerns assets that are exempt from creditors. Currently \$50,000 of the cash surrender value of life insurance policies is exempt. The act increases the exemption to \$100,000 of the cash surrender value.

**APPROVED** by Governor April 21, 2010

**EFFECTIVE** September 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. 10-1023** Evidence - civil actions - employers. In a civil action, information regarding an employee's criminal history shall not be introduced as evidence against an employer if:

- The nature of the criminal history does not bear a direct relationship to the facts underlying the cause of action;
- A court order sealed any record of a criminal case or a pardon was issued before the occurrence of the civil action;
- The record of an arrest or charge did not result in a criminal conviction; or
- The employee or former employee received a deferred judgment at sentencing and the deferred judgment was not revoked.

This act does not affect the existing statutory requirements for conducting criminal history background checks in hiring for certain employment.

**APPROVED** by Governor March 29, 2010

**EFFECTIVE** August 11, 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. 10-1104** Veterans' treatment court - authority to seek federal funds - chief judge may establish a court. The state court administrator has the authority to seek federal funding as it becomes available on behalf of the state court system for the establishment, maintenance, or expansion of veterans' treatment courts. The chief judge of a judicial district can establish an appropriate program for the treatment of veterans and members of the military.

**APPROVED** by Governor April 16, 2010

**EFFECTIVE** April 16, 2010

**H.B. 10-1132** Production of business records - service of process time and method - copy of the attestation with the records. The act allows a peace officer to serve a court order for production of records to a business at a convenient time for the business that may be outside its normal business hours. The peace officer may serve the court order electronically or by any other means used by the business to receive service of process. Under current law, the business must provide a notarized attestation of accuracy for the records it produces. The act clarifies the contents of the attestation. The business need only provide a copy of the attestation when it produces the records but must provide the original attestation within 10 days after providing the records. The act adds employees of the Colorado department of labor and employment to the definition of Colorado criminal investigator under the

production of business records statute.

**APPROVED** by Governor April 15, 2010

**EFFECTIVE** August 11, 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. 10-1168** Full compensation for injured party - limit on subrogation rights of insurer. Under current law, an insurer that pays benefits to a person who is injured due to an act or omission of a third party may, under some circumstances, obtain repayment of those benefits out of any recovery paid to the injured party, regardless of whether the injured party has been fully compensated for his or her losses.

The act limits the ability of an insurer to obtain a repayment of benefits, through reimbursement or subrogation, if the repayment would cause the injured party to not be fully compensated. Additionally, if the injured party has been fully compensated and the repayment is allowed, the amount of the repayment is limited to the amount actually paid by the insurer or, for health care services provided on a capitated basis, 80% of the usual and customary charge for the same service charged by health care providers that provide care on a noncapitated basis in the geographic region. Finally, an insurer must pay its proportionate share of attorney fees and costs incurred by the injured party in obtaining the settlement or judgment. However, an insurer may seek repayment of amounts paid for property damage or uninsured or underinsured motorist coverage, and such insurers are not required to share in the injured party's attorney fees and costs.

If an injured party makes a recovery of an amount that is less than the total amount of coverage available under any third-party liability insurance policy or uninsured or underinsured motorist coverage, the injured party is presumed to be fully compensated. A rebuttable presumption that an injured party has not been fully compensated is created if the injured party makes a recovery that equals the amount of coverage available under all third-party liability insurance policies and uninsured or underinsured motorist coverages. Further, when an injured party obtains a judgment, the amount of the judgment is presumed to be the amount necessary to fully compensate the injured party.

An injured party who obtains a recovery that is less than the sum of all of his or her damages and who intends to limit an insurer's ability to obtain repayment of benefits paid to or on behalf of the injured party must notify the insurer within 60 days after obtaining each recovery, and the notice is to specify the total amount and source of the recovery, any applicable coverage limits, and the amount of costs charged to the injured party.

If the insurer disputes the injured party's claim, the insurer may request arbitration of the dispute within 60 days after receipt of the notice from the injured party. The parties are to jointly appoint an arbitrator or, if they cannot agree on a single arbitrator, each party appoints an arbitrator and the 2 arbitrators together select a third arbitrator to serve on a panel to resolve the dispute. If the arbitrator determines that the recovery does not fully compensate the injured party, the insurer has no right to reimbursement or subrogation.

An insurer is precluded from bringing a direct action against the at-fault third party for subrogation or reimbursement unless the injured party has not pursued a claim against the at-fault third party by 60 days before the statute of limitations expires, in which case an insurer may bring a direct action against the at-fault third party. The third party cannot add

the insurer as a copayee on any check or draft in payment of a settlement or judgment for the injured party.

Insurers cannot delay, withhold, or reduce benefits either because the obligation to pay benefits results from the acts or omissions of a third party or as a means to compel reimbursement or subrogation. Additionally, if an insurer obtains reimbursement of benefits paid, the insurer must apply the amount of the reimbursement as a credit against any applicable lifetime cap on benefits contained in the applicable policy or plan.

The act does not affect:

- Statutory liens granted to hospitals that provide care to an injured party;
- Lien rights of the department of health care policy and financing with regard to medical benefits provided under a medical assistance program pursuant to the "Colorado Medical Assistance Act"; or
- Subrogation and lien rights granted under the "Workers' Compensation Act of Colorado".

**APPROVED** by Governor April 28, 2010

**EFFECTIVE** August 11, 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. 10-1215** Cash bonds - application to bond to outstanding costs. Under current law, when a defendant is no longer liable for a cash bond, the court returns the deposit for the bond to the depositor. Under the act, the court is allowed to apply the bond deposit to satisfy any outstanding court costs, fees, fines, restitution, or surcharges the defendant may owe if the defendant is the depositor. In cases in which the defendant is not the depositor and the depositor consents in writing, the court may apply the bond deposit toward court costs, fees, fines, restitution, or surcharges owed by the defendant.

**APPROVED** by Governor April 15, 2010

**EFFECTIVE** August 11, 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. 10-1291** Witness fees - appropriation. The act eliminates the statutory, daily witness fee for attending certain courts and for attending a coroner's inquest.

For fiscal year 2010-11, the act reduces the appropriation to the judicial department for district attorney mandated costs by \$17,300 to reflect the elimination of witness fees.

**APPROVED** by Governor May 27, 2010

**EFFECTIVE** May 27, 2010

**H.B. 10-1395** Court of appeals - jurisdiction - interlocutory appeals. The act provides that the Colorado court of appeals shall have initial jurisdiction over interlocutory appeals from certified questions of law in civil cases. A majority of the judges who are in regular active service on the court of appeals and who are not disqualified may order, if approved by rules promulgated by the Colorado supreme court, that an interlocutory appeal permitted by the

court of appeals be heard or reheard by the court of appeals en banc.

**APPROVED** by Governor June 7, 2010

**EFFECTIVE** August 11, 2010

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



## CRIMINAL LAW AND PROCEDURE

**S.B. 10-128** Invasion of privacy for sexual gratification - enhanced penalty - reduced penalty for eavesdropping - appropriation. The act moves the crime of invasion of privacy for sexual gratification from the unlawful sexual contact statute into its own statute. The act increases the penalty for the crime of invasion of privacy for sexual gratification to a class 6 felony when either:

- The defendant has been previously convicted of an unlawful sexual behavior offense; or
- The defendant observed a person under 15 years of age during the commission of the crime and the defendant is at least 4 years older than the person observed.

Currently, the crime of invasion of privacy may be committed by capturing an image of another person's intimate parts without the person's consent. The act adds live feed as a means of capturing the image and includes observing a person's intimate parts as a means of committing the offense.

The act reduces the penalty for eavesdropping from a class 6 felony to a class 1 misdemeanor.

For the 2012-2013 fiscal year, the act appropriates \$83,861 from the capital construction fund to the corrections expansion reserve fund. The act appropriates the following amounts from the general fund to the department of corrections:

- For the 2013-14 fiscal year, \$28,014; and
- For the 2014-15 fiscal year, \$4,482.

**APPROVED** by Governor June 10, 2010

**EFFECTIVE** June 10, 2010

**S.B. 10-140** Offenses against the person - human trafficking and slavery. The provisions relating to trafficking in adults, trafficking in children, and coercion of involuntary servitude are repealed and relocated. Trafficking in adults, trafficking in children, and coercion of involuntary servitude are added to the list of offenses against the person that qualify as a racketeering activity for the purposes of the "Colorado Organized Crime Control Act".

**APPROVED** by Governor April 21, 2010

**EFFECTIVE** April 21, 2010

**S.B. 10-159** Community corrections - transitional referral - offender statement. The act allows an offender who is under consideration for transitional placement in a community corrections program to provide to the community corrections board considering the transitional placement (board) a written statement concerning the offender's transition plan, community support, and the appropriateness of community corrections for the offender. The department of corrections (department) shall determine the procedures and time frame for an offender to submit a written statement, and, if submitted, the department shall include a copy of the offender's statement within any transitional referral.

A board may allow, within its own parameters, a person designated by an offender to submit a written statement or give an oral statement to the board on the offender's behalf.

A board shall develop written policies and procedures relating to written and oral statements by victims and the permissibility and parameters for a written or oral statement by a person designated by an offender.

Neither the department nor a board shall be required to provide transportation or make arrangements for the appearance of an offender or a person designated by the offender at the board hearing. The department shall not be required to notify any person, other than a registered victim, of a board hearing relating to an offender.

**APPROVED** by Governor May 27, 2010

**EFFECTIVE** August 11, 2010

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

**S.B. 10-204** Careless driving resulting in death - points assessment. The act increases from 4 to 12 the number of points that accumulate on a person's driver's license as a result of a conviction for careless driving resulting in death.

**APPROVED** by Governor May 21, 2010

**EFFECTIVE** May 21, 2010

**H.B. 10-1081** Offenses involving fraud - fraudulent and deceptive sales and business practices - money laundering - appropriations. The act eliminates money laundering as a criminal offense specific to the "Uniform Controlled Substances Act of 1992" and relocates it, with amendments, as a criminal offense involving fraud. The act also adds money laundering to the definition of "racketeering activity" for the purposes of the "Colorado Organized Crime Control Act".

For the 2010-11 fiscal year, the act appropriates \$91,370 from the capital construction fund to the corrections expansion reserve fund. Beginning in the 2011-12 fiscal year and continuing through the 2014-15 fiscal year, the act annually appropriates \$28,800 from the general fund to the department of corrections for implementation of the act.

**APPROVED** by Governor May 25, 2010

**EFFECTIVE** August 11, 2010

**NOTE:** (1) This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

(2) The act is contingent on the final fiscal estimate for House Bill 10-1338 and said bill becoming law. House Bill 10-1338 was signed by the governor May 25, 2010.

**H.B. 10-1123** Fourth degree arson - agricultural burn - no crime. The act states that it is not a fourth degree arson offense if the person started and maintained a fire as a controlled agricultural burn in a reasonably cautious manner and there was no personal injury as a result.

**APPROVED** by Governor April 15, 2010

**EFFECTIVE** August 11, 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. 10-1201** Consensual searches - person, automobile, or effects - advisement - consent before search - remedy for violation - applicability. Before conducting a consensual search of a person, the person's effects, or a car, a peace officer is required to articulate the factors related to the search to the person and obtain the person's consent to the search.

If a defendant is searched in violation of the act and moves to suppress the evidence obtained in the search, the court shall consider the failure to comply with the statute as a factor in determining the voluntariness of the consent.

The provisions of the act apply only to searches for which there is otherwise no legal basis.

**APPROVED** by Governor April 29, 2010

**EFFECTIVE** April 29, 2010

**H.B. 10-1218** Central registry of protection orders - felony charges. The act specifies that the central registry of protection orders shall contain an indication of whether the conditions of a protection order are also conditions of a bail bond for a felony charge.

**APPROVED** by Governor April 29, 2010

**EFFECTIVE** April 29, 2010

**H.B. 10-1233** Stalking - relocation. The crime of stalking is relocated in the statutes.

**APPROVED** by Governor April 14, 2010

**EFFECTIVE** August 11, 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. 10-1265** Victims and witness services - surcharges - indigence waiver. If the court determines that a defendant is indigent, the court may suspend or waive surcharges and costs for victims and witness services that are levied against a defendant upon conviction of certain criminal actions and traffic offenses or infractions.

**APPROVED** by Governor April 29, 2010

**EFFECTIVE** April 29, 2010

**H.B. 10-1277** Sexual conduct in a correctional institution - juvenile facilities - community corrections facilities - appropriation. Current law prohibits a correctional employee or volunteer from engaging in sexual activity with an inmate. The act extends that prohibition to engaging in sexual activity with a person or with a juvenile in a juvenile detention or commitment facility or a community corrections facility.

The act makes the following appropriations from the capital construction fund to the corrections expansion reserve fund: In fiscal year 2010, \$83,861; in fiscal year 2011, \$28,014; and in fiscal year 2012, \$4,482. The appropriation for fiscal year 2010 is derived

from the savings generated from the implementation of House Bill 10-1338. The act becomes law only if House Bill 10-1338 becomes law and the savings in House Bill 10-1338 are sufficient to cover the necessary appropriation for 2010.

**APPROVED** by Governor May 25, 2010

**EFFECTIVE** July 1, 2010

**H.B. 10-1284** Medical marijuana - state licensing authority - rule-making authority - local option to ban medical marijuana operations - licensing for medical marijuana centers and infused - products manufacturers - optional premises cultivation licenses - medical marijuana license cash fund - licensing sunset review - state health agency rule-making - patient limit for primary caregivers - use for medical marijuana tax revenue - smoking ban - appropriations. The act creates the state licensing authority in the department of revenue as the medical marijuana licensing authority. The state licensing authority grants, refuses, or renews a medical marijuana center license after the licensee has received local approval. The state licensing authority also administers aspects of medical marijuana licensure, including rule-making. Many of the functions and duties of the state licensing authority are similar to those held by the state licensing authority for alcoholic beverages. Licenses will be issued to operate medical marijuana centers and associated off-premises cultivation operations and medical-marijuana-infused products manufacturers and associated off-premises cultivation operations. The act describes persons who are prohibited from being licensees and requires licensee applicants to undergo a background check. The act also limits the areas where a licensed operation may be located. The state licensing authority may set fees for the various types of licenses it issues. The fees shall be credited to the medical marijuana license cash fund, which is created by the act.

Licensing begins on August 1, 2010. All existing operations must apply prior to August 1, 2010, to continue operations until the issuance or denial of a license. A business that applies for a license prior to August 1, 2010, must certify by September 1, 2010, that it is growing at least 70% of the medical marijuana necessary for its operation.

A local government may ban the sale, distribution, cultivation, and dispensing of medical marijuana within its jurisdiction by a majority vote of its governing board or a majority vote of its citizens.

A licensed medical marijuana center can sell packaged and labeled medical marijuana and medical marijuana-infused products that it purchases from an infused-product licensee. A center must verify the registration card of each purchaser. To cultivate medical marijuana, the center must have an optional premises cultivation license. A medical marijuana center may only sell medical marijuana it cultivates itself or medical marijuana purchased from another center in a quantity that is no more than 30% of its inventory.

A licensed medical marijuana infused-products manufacturer may produce infused-products from its own cultivated medical marijuana, if it has an optional cultivation license, or use medical marijuana from up to 5 different medical marijuana centers in the production of one product. An infused-products manufacturer may sell its products to any medical marijuana center. All infused-products must be sealed and labeled. An infused-product manufacturer with a cultivation license may not sell any of its cultivated medical marijuana.

The act describes various unlawful acts that related to the operation of a licensed medical marijuana business.

The licensing provisions are repealed July 1, 2015. Prior to the repeal, the department of regulatory agencies must conduct a sunset review of the licensing provisions.

The department of public health and environment (department) shall promulgate rules related to a waiver process to allow a homebound patient to have a primary caregiver transport the patients medical marijuana from a licensed medical marijuana center and a sales tax exemption for indigent patients. The department may promulgate rules related to what constitutes significant responsibility for managing the well-being of a patient; a primary caregiver registration form; what constitutes written documentation; and grounds and a procedure for a patient to change his or her primary caregiver.

A primary caregiver may serve no more than 5 patients on the registry at one time, unless the department allows more patients due to exceptional circumstances.

A patient who is permitted to use medical marijuana must have in his or her possession a registry identification card at all times when in possession of medical marijuana.

The act lists various places and situations in which the patient or primary caregiver may not use or possess medical marijuana.

The act provides an exception to the adulterated food offenses for medical marijuana centers that manufacture or sell food that contains medical marijuana if the food is labeled as containing medical marijuana and the label specifies the amount of medical marijuana.

The general assembly shall appropriate up to the first \$2,000,000 of sales tax revenue generated by the sale of medical marijuana as follows:

- Half of the money to the department of human services for services and treatment for persons with substance abuse disorders and mental health needs who are in the criminal justice system; and
- Half of the money to the department of health care policy and financing for substance abuse treatment screening and referral.

Medical marijuana is included in the state indoor smoking ban.

The act exempts patients who are determined to be indigent from sales tax when purchasing medical marijuana.

For the 2010-11 fiscal year, the act makes the following appropriations if House Bill 10-1033 becomes law:

- \$334,227 from the general fund to the department of human services for allocation to the mental health and alcohol and drug abuse services;
- \$10,317,583 and 110.0 FTE from the medical marijuana license cash fund to the department of revenue;
- \$271,368 and 2.0 FTE from the amount appropriated to the department of revenue by the act are reappropriated to the department of law for the provision of legal services to the department of revenue related to the implementation of the act;
- \$260,700 and 1.2 FTE from the amount appropriated to the department of revenue by the act are reappropriated to the Colorado bureau of investigation

- in the department of public safety for the provision of background checks related to the implementation of the act; and \$59,747 and 1.2 FTE from the medical marijuana program cash fund, to the department of public health and environment for allocation to the center for health and environmental education.

If House Bill 10-1033 does not become law, the appropriation to the department of human services for allocation to the mental health and alcohol and drug abuse services is increased to \$668,454.

**APPROVED** by Governor June 7, 2010

**EFFECTIVE** June 7, 2010

**NOTE:** The digest entry for Senate Bill 10-109 "Concerning regulation of the physician-patient relationship for medical marijuana patients" can be found under the Health and Environment section of this digest.

**H.B. 10-1334** Indecency crimes - public indecency - indecent exposure - public masturbation. Under current law, a public act of masturbation is a crime under the public indecency statute and is a class 1 petty offense. The act includes an act of masturbation in the view of a person under circumstances in which the conduct is likely to cause affront or alarm to the person in the description of the crime of indecent exposure, a class 1 misdemeanor.

The act removes an act of deviate sexual intercourse from the crime of public indecency, and expands the definition of the crime of public indecency, which is a class 1 petty offense, to include knowingly exposing one's genitals in a way that is likely to cause affront or alarm to another person. If a person has been previously convicted of that same act of public indecency, the act raises the penalty from a class 1 petty offense to a class 1 misdemeanor.

The act also expands the definition of the crime of indecent exposure to include exposing one's genitals in public with the intent to arouse or satisfy the sexual desire of any person.

The act adds a subsequent conviction within 5 years or 3 violations of the crime of public indecency involving exposure of the offenders genitals to the definition of "unlawful sexual behavior" for purposes of the sex offender registration statutes and the definition of sex offense for sex offender treatment purposes.

**APPROVED** by Governor June 7, 2010

**EFFECTIVE** August 11, 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. 10-1338** Sentencing in criminal cases - probation - application for probation - appropriation. For persons who apply for probation based on a conviction for a felony, which conviction occurred on or after the effective date of the act, the act allows a person who has been twice convicted of a felony upon charges separately brought, and arising out of separate and distinct criminal episodes, to be eligible for probation unless his or her current conviction or a prior conviction is for 1st or 2nd degree murder, manslaughter, 1st

or 2nd degree assault, 1st or 2nd degree kidnapping, a sexual offense, 1st degree arson, 1st or 2nd degree burglary, robbery, aggravated robbery, theft from the person of another, a felony offense committed against a child, or any criminal attempt or conspiracy to commit any of the aforementioned offenses.

As a result of the changes to probation eligibility, the act reduces the general fund appropriation for the 2010-11 fiscal year to the department of corrections by \$2,541,810 and reappropriates a portion of said moneys as follows:

- \$308,628 and 5.2 FTE to the judicial department for probation programs;
- \$336,057 to the department of revenue for implementation of H.B. 09-1137;
- \$28,887 to the department of health care policy and financing, department of human services medicaid-funded programs, for child welfare services; and
- \$991,919 to the department of human services, division of child welfare, for child welfare services.

**APPROVED** by Governor May 25, 2010

**EFFECTIVE** May 25, 2010

**H.B. 10-1352** Drug crimes - penalty for use and possession - marijuana penalties - special offender provisions - drug-offender surcharge amounts - cost-savings allocation - appropriations. The act changes the classification, scope, definitions, and other specific provisions of certain drug-related crimes.

**Section 2** lowers the penalty for unlawful use of a controlled substance.

**Sections 3 and 4** separate the crime of possession of a controlled substance, other than marijuana, from the crime of manufacturing, dispensing, selling, distributing, or possessing with intent to manufacture, dispense, sell, or distribute a controlled substance, and change the penalties.

**Section 5** makes distributing a controlled substance to a minor a class 3 felony subject to enhanced sentencing.

**Section 6** makes changes to marijuana offenses and penalties.

**Section 7** amends the special offender designations for certain drug crimes by:

- Increasing the amount of a schedule I or II controlled substance necessary to designate as a special offender a person who commits unlawful introduction, distribution, or importation into the state; and
- Clarifying the conditions under which possession of a firearm in the commission of a drug offense designates an offender as a special offender.

**Section 8** lowers the penalty for fraud and deceit in connection with controlled substances from a class 5 to a class 6 felony.

**Sections 9 and 10** direct the general assembly to appropriate a portion of the cost savings generated by the act to the drug offender treatment fund.

**Section 11** requires the division of criminal justice in the department of public safety to analyze annually and report the fiscal savings generated by the act.

**Section 25** adjusts the amounts of the drug offender surcharge to remain revenue neutral.

**Section 26**, for the 2010-11 fiscal year, appropriates:

- \$263,377 and 4.8 FTE to the judicial department, for allocation to the probation and related services division, for probation programs;
- \$36,528 to the department of public safety, for allocation to the division of criminal justice, for analyzing and reporting on the annual fiscal savings generated by House Act 10-1352;
- \$1,468,196 to the judicial department, for allocation to the probation and related services division, to be credited to the drug offender surcharge fund;

For the 2010-11 fiscal year, the department of corrections budget for management, external capacity subprogram, for payments to house state prisoners, is decreased by \$1,523,589, and the appropriation to the judicial department for the public defender's office is decreased by \$244,512 and 5.6 FTE.

**APPROVED** by Governor May 25, 2010

**EFFECTIVE** August 11, 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. 10-1364** Sex offender management board - repeal - appropriations. The act extends the repeal date for the sex offender management board (board) by 5 years to July 1, 2015, and revises the board's duties. The department of regulatory agencies (DORA) shall conduct a sunset review of the board prior to the new termination date.

The legislative declaration for the board, as well as language in other sections in the statutory article that governs the board (article), now refers to juvenile offenders as "juveniles who have committed sexual offenses" rather than labeling juveniles as sex offenders and adds definitions to the statute for "adult sex offender" and "juvenile who has committed a sexual offense".

The board members appointed by a specific appointing authority are listed under the appointing authority, and all board members will serve 4-year terms. Members of the board shall elect the chair and vice chair of the board from among the members of the board and these presiding officers shall serve 2-year terms.

With respect to the board's duties, the act:

- Removes the "no known cure" language in the statute relating to the board's duty to prescribe a standardized procedure for the evaluation and identification of adult sex offenders and replaces it with the statement that certain adult sex offenders are extremely habituated and cannot or will not respond to treatment;
- Removes the requirement that the board develop and implement standards for a system of programs for the treatment of adult sex offenders. This change is mirrored in provisions relating to juveniles.
- Adds family counseling and shared living arrangements to the continuum of treatment programs that may be used for adult sex offenders. This change is



- mirrored in provisions relating to juveniles.
- Clarifies that, to the extent possible, treatment programs may be accessed by all offenders, including those with mental illness and co-occurring disorders. This change is mirrored in provisions relating to juveniles.
- Requires the standards adopted by the board to include a requirement that persons and programs that provide sex offender evaluation, treatment, or polygraph services provide the board with the data and information concerning sex offenders in treatment that the board deems necessary to carry out its duties;
- Clarifies that the board's existing duty to research and analyze the effectiveness of evaluation, identification, and treatment procedures includes a review of the no-cure policy and the containment model for sex offender treatment and management, and requires the board to prepare and present a report to the judiciary committees of the general assembly, on or before December 1, 2011, concerning the board's research and analysis;
- Relocates a provision in existing law that requires the board, in collaboration with the department of corrections, the judicial department, and the parole board, to establish standards for community entities that provide supervision and treatment for adult sex offenders who have developmental disabilities;
- Clarifies that the board and the individual board members are immune from liability for the good faith performance of all of the board's duties set forth in statute and not just those duties set forth in the statutory section related to the sex offender management board's duties.

The board has specific authority to develop an application and review process for the approval of persons to be placed on a list of persons who may provide sex offender evaluation, treatment, and polygraph services pursuant to the article (list), as well as a renewal process for those persons.

An offender's supervising agency will provide the offender with a list of at least 3 appropriate treatment providers, where available, unless the supervising agency documents in writing that, based upon the nature of the program offered and the treatment needs of the offender, fewer than 3 providers can meet the specific treatment needs of the offender and ensure the safety of the public.

There is now a formal statutory process to review complaints and grievances against providers who provide services pursuant to the article. The board shall refer all complaints or grievances against providers to DORA. The appropriate mental health board (DORA board) shall review all complaints or grievances received by DORA or referred to DORA by the board. The DORA board shall investigate the complaints and grievances and take appropriate disciplinary action against the individual and shall provide the board with the results of the investigation and advise the board of any disciplinary action the DORA board takes. The board may take any disciplinary action permitted by law against the individual or entity, including but not limited to removing the individual from the list. The board may determine the requirements for a provider to be placed on the list after the provider has been removed from the list for disciplinary or other reasons.

The board shall report annually to the judiciary committees of the general assembly regarding information pertaining to the treatment of sex offenders. The board shall also report a summary of the complaints or grievances against providers reviewed and investigated by the DORA board and the resolution of those complaints or grievances.

The act amends a statutory provision concerning community notification relating to sexually violent predators by clarifying when a sex offender convicted in another jurisdiction will be designated as a sexually violent predator pursuant to Colorado law.

The executive director of the department of public safety, after consultation with the board, will promulgate rules regarding sex offender treatment standards, lifetime supervision criteria, and eligibility standards for providers.

For the 2010-11 fiscal year, the act appropriates \$100,926 and .3 FTE to the department of public safety: \$17,911 to the division of criminal justice for research and reporting functions; \$80,000 to the division of criminal justice for information technology consultation; and \$3,015 to the division of criminal justice for legal services to be reappropriated to the department of law for legal services relating to rulemaking provisions.

The provisions of the act relating to collecting information from programs and providers and adopting the board's standards through rulemaking will only become effective if House Bill 10-1338 becomes law and the director of the joint budget committee files a notice with the revisor of statutes, no later than July 15, 2010, that the projected savings in general fund revenues from House Bill 10-1338 are equal to or greater than the amount of the general fund appropriations for the implementation of the act.

**VETOED** by Governor May 21, 2010

**H.B. 10-1373** Escape crimes - penalties for community corrections and intensive supervision parole escapes. Under current law, a person who commits an escape crime following conviction for a felony commits a class 4 felony and is subject to a mandatory consecutive prison sentence. The act reduces the penalty from a class 4 felony to a class 5 felony if the escape is from a direct sentence to a community corrections facility or intensive supervised parole, and the court may order that the sentence be served either consecutively or concurrently to any other sentence.

**APPROVED** by Governor May 25, 2010

**EFFECTIVE** May 25, 2010

## DISTRICT ATTORNEYS

**S.B. 10-70** District attorney - ballot questions regarding term limits - specific statutory mechanism. The act provides an explicit statutory mechanism for the referral of ballot questions that seek to modify the limitations on terms of office for district attorneys to the eligible electors of single-county or multiple-county judicial districts pursuant to the state constitution.

Specifically, the act provides that:

- For single-county judicial districts, the board of county commissioners of the county that comprises the judicial district is the governing body for such questions.
- For multiple-county judicial districts, the boards of county commissioners of each county within the judicial district are the governing bodies for their respective counties for such questions.
- In multiple-county judicial districts, the ballot question must appear on the ballot for each county within the judicial district at the same election, and the question must be worded in a substantially identical manner in each county.
- Such questions are to be submitted at a coordinated or general election.
- The clerk and recorder of any county referring such a question is to be the designated election official and must certify the results of the question to the secretary of state, who will then compile the votes of the entire judicial district.
- The people of a county may initiate a question that seeks to modify the limitations on terms of office for a district attorney. The act specifies the procedure for such an initiative petition.

**APPROVED** by Governor May 20, 2010

**EFFECTIVE** May 20, 2010

## EDUCATION - PUBLIC SCHOOLS

**S.B. 10-8** School finance - pupil enrollment calculation - average daily membership study. The department of education (department) is required to contract with a private or private nonprofit Colorado-based education policy or research organization for a study to evaluate the feasibility, design, and local education provider impact of a system to determine pupil enrollment based on the average number of days that each pupil is enrolled in school during the school year (average daily membership) rather than based on a single count date; except that the department shall contract for the study only if the department receives gifts, grants, or donations in an amount necessary to cover the costs of the study. The department shall award the contract no later than 60 days after the date that the department receives moneys to conduct the study, and the contract award shall be based on a competitive bid; except that the provisions of the "Procurement Code" shall not apply to the contract.

The department is required to incorporate any previous studies or information gathered regarding average daily membership into the study, and the staff of the school finance unit of the department is required to oversee the study. Upon conclusion of the study, the department shall submit its findings to the education data advisory committee for review. When the department receives the necessary funding to contract for the study, the department is required to notify the general assembly.

A 16-member advisory committee (committee) will be appointed to work with the organization that conducts the study. The organization and the committee are directed to focus on certain areas regarding alternative count-date mechanisms in conducting the study. The organization is charged with providing staff support and administrative services to the committee.

The department is required to submit a report to the general assembly, the office of the governor, and the state board of education no later than January 15, 2011.

The use of state moneys for the purposes of conducting the average daily membership study is prohibited, but the department is authorized to receive gifts, grants, and donations to use in conducting the study. The average daily membership study fund is created in the state treasury and, any gifts, grants, or donations received for the study shall be deposited into the fund.

**APPROVED** by Governor April 21, 2010

**EFFECTIVE** April 21, 2010

**S.B. 10-18** Education accountability - school awards program. The department of education is authorized to accept gifts, grants, and donations for the school awards program fund to pay for banners and trophies for schools that are identified as eligible to receive awards under the Colorado school awards program.

**APPROVED** by Governor March 29, 2010

**EFFECTIVE** March 29, 2010

**S.B. 10-36** Educator preparation programs - report - rules. Beginning July 1, 2011, the act requires the department of education (department) to prepare an annual report on educator preparation program effectiveness using data collected through the educator identifier system from an educator in his or her first 3 years of placement as a teacher of record. The

department shall make the report available to the public on its web site and to educator preparation programs. The state board of education (state board) will promulgate rules regarding the methods of data collection and the content of the report. The state board is further required to use the report in its review of educator preparation programs.

The act creates the state preparation and readiness of educators program fund for use by the department in implementing the provisions of the act, and specifies that the department is not required to implement the act until it receives sufficient moneys to do so.

**APPROVED** by Governor January 15, 2010

**EFFECTIVE** January 15, 2010

**S.B. 10-54** School districts - juveniles held in jail - educational services - appropriation. The act requires a school district to provide educational services for up to 4 hours per week during the school year to a juvenile who is held, pending trial as an adult, in a jail located within the school district. The school district is also required to comply with the federal "Individuals with Disabilities Education Act" if the juvenile has a disability. A school district is not required to provide educational services to a juvenile who has already graduated from high school or to a student who has received a GED, unless the student has a disability. A school district also does not have to provide educational services if:

- The juvenile refuses to receive the services, but the official in charge of the jail (official) must offer the services at least weekly and the school district must provide them upon the juvenile's acceptance;
- The school district or the official determines that an appropriate and safe environment in which to provide the educational services is not available. If this occurs, the official must notify the juvenile's parents, his or her attorney, and the court; or
- The juvenile is violent toward or physically injures a school district employee or contractor who is providing educational services. If this occurs, the official must notify the juvenile's parents, his or her attorney, and the court.

The school district that provides the educational services may include the juvenile in its pupil enrollment if the school district is providing the services as of October 1 or may seek reimbursement from another school district or charter school if the juvenile was included in the other district's or charter school's pupil enrollment for the applicable budget year. If the juvenile was not included in the state's pupil enrollment, the school district may seek reimbursement from the department of education. The school district that provides services will also receive an amount equal to the daily rate established for approved facility schools multiplied by the number of weekdays during the period in which the juvenile is held and receiving services. The school district may also seek excess costs tuition from the juvenile's school district of residence if the juvenile is receiving special education services. The moneys to pay the per pupil amount for juveniles who are not included in pupil enrollment and to pay the daily-rate reimbursement for the 2010-11 fiscal year are appropriated from the read-to-achieve fund.

The official that receives a juvenile for holding pending trial as an adult must request educational services from the school district in which the jail is located and cooperate with the school district to provide an appropriate and safe environment in which to provide the services. The official will annually compile specified information concerning educational services received by the juveniles in the jail and report the information to the division of criminal justice in the department of public safety. The division of criminal justice will

release the information upon request by a member of the public.

In determining the appropriate placement for a juvenile offender who is charged as an adult, the juvenile justice community in the appropriate judicial district and the district attorney and defense council shall specifically consider the juvenile's educational needs.

For the 2010-11 fiscal year, the act appropriates \$209,287 from the read to achieve fund to the department of education for implementation of the act.

**APPROVED** by Governor May 25, 2010

**EFFECTIVE** May 25, 2010

**S.B. 10-56** Health - immunization - standardized information. The state charter school institute, each school district board of education, and the Colorado school for the deaf and the blind are required annually to provide parents and legal guardians with a standardized immunization document (document) developed and updated by the department of public health and environment. The department of public health and environment shall provide the document to the department of education, which shall post it on the department of education's web site. Each school or school district is also encouraged to post a copy of the document on its web site. The document is required to comply with existing legal exemptions to immunization.

**APPROVED** by Governor March 29, 2010

**EFFECTIVE** August 11, 2010

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

**S.B. 10-62** English language proficiency act - students with limited English proficiency. The act amends provisions of the education statutes to replace the term "student whose dominant language is not English" with "student with limited English proficiency".

**APPROVED** by Governor April 29, 2010

**EFFECTIVE** April 29, 2010

**S.B. 10-111** State charter school institute - institute charter schools - authority to contract - study of effect of being a local education agency - school food authority account - institute charter school assistance fund - procedures. The act clarifies that a board of cooperative services (BOCES) may contract with an institute charter school to provide a building, building maintenance, or educational or other services and that an institute charter school may contract with the BOCES.

By August 15, 2010, the state charter school institute (institute) will convene a study group to study the feasibility and effect of identifying institute charter schools as local education agencies for purposes of federal law. The study group will include representatives from the department of education, school executives, school district boards of education, charter schools, teachers, and BOCES. The institute will report its findings and recommendations to the education committees of the general assembly by January 15, 2011.

The institute will create a separate account within the state charter school institute fund in which to hold any moneys received by the institute as a result of its operations as a school food authority. The moneys in the account are continuously appropriated to the

institute.

The act changes the name of the "institute charter school capital construction assistance fund" to the "institute charter school assistance fund" (fund) and authorizes the state charter school institute board (board) to award from the moneys in the fund a grant or interest-free loan to an institute charter school to address a facility or special education services funding emergency, as defined by rule of the board. In any budget year in which the total amount appropriated for total program funding is reduced, the act suspends the requirement that the board withhold and credit to the fund 1% of the moneys payable to institute charter schools.

Under prior law, the institute was required to collect from institute charter schools 3 times per year specified data concerning students enrolled in the schools. Under the act, the institute will collect the information once during the first academic year of operation for institute charter schools authorized on or after July 1, 2010.

The board now has 75 days, rather than 60, to rule on an institute charter school application. The institute board is required to meet at least once each year with the school accountability committees of the institute charter schools to discuss accountability and accreditation of institute charter schools. The institute may no longer opt out of the state procurement code.

**APPROVED** by Governor April 29, 2010

**EFFECTIVE** August 11, 2010

**NOTE:** (1) This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

(2) Makes certain provisions contingent on House Bill 10-1369 being enacted and becoming law. House Bill 10-1369 was signed by the governor May 21, 2010.

**S.B. 10-150** State public school lands - transfer moneys to state public school fund - budget package act. For the 2010-11 state fiscal year, the act transfers to the state public school fund, instead of the 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 April 15, 2010

**EFFECTIVE** April 15, 2010

**S.B. 10-151** Compensatory education - Colorado comprehensive health education act. The Colorado comprehensive health education fund is repealed.

**APPROVED** by Governor April 15, 2010

**PORTIONS EFFECTIVE** April 15, 2010

**PORTIONS EFFECTIVE** July 1, 2010

**S.B. 10-154** Alternative education campuses - designation. The act amends the criteria that a public school must meet to be designated as an alternative education campus to include schools that serve a population in which more than 95% of the students have either an individual education plan or meet the definition of a high-risk student.

The act expands the definition of "high-risk student" to include a migrant child, a homeless child, and a child with a documented history of serious psychiatric or behavioral disorders.

**APPROVED** by Governor April 21, 2010

**EFFECTIVE** April 21, 2010

**S.B. 10-161** Charter schools - contracts with boards of cooperative services - federal grant applications - charter school collaboratives - appropriation. The act authorizes charter schools and boards of cooperative services to contract for buildings and services. If a district or institute charter school chooses to apply for a grant through a nonformulaic, competitive federal grant program, the state charter school institute (institute) may act as the local education agency and fiscal agent for the charter school for purposes of the grant, but this authority does not apply to any grants available under the federal "Individuals with Disabilities Act" or the federal "Elementary and Secondary Education Act of 1965". The institute may charge the charter school a fee to act as the local education agency and fiscal agent for this purpose.

The act authorizes charter schools to form charter school collaboratives to perform any function appropriately performed by a charter school. A charter school need not obtain the approval of its authorizer to participate in a charter school collaborative. A charter school collaborative will operate as a separate, independent legal entity that is subject to the open meetings law and to all statutes regulating charter schools as public entities. The department of education may charge a fee to a charter school collaborative to offset the direct costs incurred by the department in collecting data from and otherwise regulating the charter school collaborative.

The act appropriates 1.0 FTE to the institute, which FTE will be paid for from fees collected by the institute in exchange for acting as a local education agency and fiscal agent for a charter school for purposes of applying for a federal grant.

**APPROVED** by Governor May 21, 2010

**EFFECTIVE** August 11, 2010

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

**S.B. 10-191** Teachers - licensed personnel evaluation system - employment - contracts - probationary and nonprobationary status. The act creates a strategy based on educator effectiveness to develop greater opportunities for educators and enhance education for students throughout Colorado. The state board of education (state board) is required to work with the state council for educator effectiveness (council) to promulgate rules concerning a system to evaluate the effectiveness of educators (system). In promulgating the rules, the state board is required to conform to a timeline established by statute and listed below. The general assembly is then tasked with reviewing the rules in a bill separate from the annual rule review bill and may repeal individual rules in that bill.



The state licensed personnel performance evaluation council is repealed.

The governor's council for educator effectiveness, created by executive order, is codified as the council. Additional duties are listed for the council. Among those duties are developing, on or before March 1, 2011, recommendations for the state board regarding teacher and principal evaluations and granting and revoking nonprobationary status. The council is also charged with accomplishing and making appropriate recommendations to the state board on or before March 1, 2011, for the following:

- Guidelines for establishing performance standards for different categories of educators;
- The implementation and testing of the system, including a cost analysis study;
- The involvement of parents in a child's education as it relates to teacher effectiveness;
- Statewide definitions of principal and teacher effectiveness, to be centered on a demonstrated ability to achieve and sustain adequate student academic growth;
- Measuring effectiveness through a set of quality standards;
- The use of evaluation data for decisions in the areas of compensation, promotion, retention, removal, and professional development; and
- A process by which a nonprobationary teacher may appeal ratings of ineffectiveness.

The recommendations of the council to the state board shall reflect a consensus vote, and, for any issue on which the council was unable to reach consensus, the council shall provide to the state board the reasons it was unable to reach consensus.

On or before September 1, 2011, the state board shall promulgate rules addressing each of the council's duties and recommendations. If the council fails to make recommendations to the state board by March 1, 2011, the state board shall promulgate, on or before September 1, 2011, rules concerning any of the items with which the council was charged to make recommendations.

In promulgating rules, the state board shall adhere to the following timeline:

- 2011-12 school year: The department of education (department) will work with school districts and boards of cooperative services to assist with development of evaluation systems based on quality standards;
- On or before January 15, 2012: The state board shall provide to the general assembly the rules promulgated based on the council's recommendations;
- 2012-13 school year: Initial implementation and testing of the system per the council's recommendations;
- 2013-14 school year: Statewide implementation of the system per the council's recommendations. Demonstrated effectiveness shall begin to be considered in the acquisition of probationary or nonprobationary status;
- 2014-15 school year: Statewide implementation of the system shall be finalized, and demonstrated effectiveness shall begin to be considered in the acquisition or loss of probationary or nonprobationary status.

On or before November 1, 2011, the department shall create and make available to school districts and boards of cooperative services a resource bank of assessments and tools to assist in developing local-level evaluation systems that meet the provisions of the system.

The department shall not be obligated to implement the act until sufficient funds have been obtained through federal grants. The great teachers and leaders fund is created and authorizes the department to accept federal grants for the purposes of implementing the provisions of the act. The act allows for moneys to be transferred out of the contingency reserve fund or state education fund in fiscal years 2010-11 and 2011-12 if \$250,000 has not been credited to the great teachers and leaders fund through federal grants on or before September 30, 2010.

A school district board of education or board of cooperative services is required to meet or exceed the guidelines established by the state board when creating its performance evaluation system. Upon the adoption of the system based on quality standards, one of the standards for measuring effectiveness shall be directly related to classroom instruction and shall require that at least 50% of a teacher's evaluation be determined by the academic growth of the teacher's students. The district accountability committee shall provide input and recommendations concerning the assessment tools used to measure student academic growth as it relates to teacher evaluations. For the purposes of measuring effectiveness, expectations of student academic growth shall take into account diverse factors, including but not limited to special education, student mobility, and classrooms with a student population in which 95% of the students meet the definition of high-risk student. Standards are provided for a school district board of education to use when evaluating principals.

Teachers and principals whose performance has been deemed ineffective shall be provided with a remediation plan that includes professional development opportunities that are intended to help the teacher or principal achieve an effective rating in his or her next performance evaluation.

The act includes an appeal process for nonprobationary teachers who object to a rating of ineffectiveness. At a minimum, a nonprobationary teacher may appeal his or her rating to the superintendent or his or her designee. If there is no collective bargaining agreement in place, following the ruling of the superintendent or his or her designee, the appealing teacher may request a review by a mutually agreed-upon third party, who shall review whether the decision was arbitrary and capricious. The decision of the third party shall be binding on both parties. If there is a collective bargaining agreement in place, either party may choose to opt into this process.

School district accountability committees are given the additional duty of providing input and recommendations concerning the development and use of assessment tools for teacher evaluations. School accountability committees are given the additional duty of providing input and recommendations to district accountability committees concerning principal evaluations and professional development plans.

Probationary teacher is redefined as a teacher who has not completed 3 consecutive years of demonstrated effectiveness or a nonprobationary teacher who has had 2 consecutive years of demonstrated ineffectiveness, as defined by rule of the state board.

The act requires teacher placement by mutual consent of the teacher and the principal of the receiving school and with input from at least 2 teachers employed at the school. Each teacher employment contract shall contain a provision stating that the teacher may be assigned to a particular school only upon the consent of the receiving school. If a teacher is unable to secure a position after 2 hiring cycles, he or she will be placed on unpaid leave without benefits until he or she earns a position, at which time his or her benefits and years of experience will be reinstated. Any active nonprobationary teacher who was deemed

effective during the prior school year and has not secured a mutual consent placement shall be a member of a priority hiring pool. If a nonprobationary teacher is unable to secure a mutual consent assignment after 12 months or 2 hiring cycles, whichever is longer, the school district shall place the teacher on unpaid leave until the teacher is able to secure an assignment. If the teacher secures an assignment, the school district shall reinstate the teacher's salary and benefits at the level they would have been if the teacher had not been placed on unpaid leave. The provisions concerning mutual consent placement may be waived in whole or in part for a renewable 4-year period by the state board in certain situations.

Beginning February 15, 2012, probationary and nonprobationary status and demonstrated effectiveness are allowed to be factors in cancelling employment contracts when there is a justifiable decrease in the number of teaching positions.

There will be a gradual phase-in of the system by providing an employing school district, beginning in the 2010-11 school year, with the option to renew a teacher's contract on either a probationary or nonprobationary status or not to renew the contract of a probationary teacher who has completed his or her third year of employment.

A probationary teacher who is deemed to be performing satisfactorily in the school years 2010-11 through 2013-14 shall be considered to have performed effectively during the same school years. Beginning with the 2014-15 school year, a nonprobationary teacher with effective ratings who becomes employed by a different school district may provide to the hiring school district evidence of his or her effectiveness and student academic growth data for the purposes of retaining nonprobationary status.

**APPROVED** by Governor May 20, 2010

**EFFECTIVE** May 20, 2010

**S.B. 10-205** Bonded indebtedness elections - additional purpose - costs paid from the general fund - cash flow deficit restricted reserve. A school district may ask its eligible electors for permission to issue bonded indebtedness to pay the costs that may be paid from the district's general fund, but only if Amendment 61, concerning state and local debt limitations, is adopted by the voters at the November 2010 general election and the eligible electors of the district approve a question to create debt for such purpose at the November 2010 general election or a subsequent election.

Any board of education (board) of a district that issues bonded indebtedness for the purpose of paying the costs that may be paid from the district's general fund shall deposit any moneys from such bonded indebtedness into a cash flow deficit restricted reserve in the general fund of the district. The board is authorized to expend the moneys deposited in the reserve only for the purpose of alleviating the district's annual temporary cash flow deficit and shall repay, from the property tax revenues of the district, the total amount expended from the reserve in any fiscal year on or before June 30 of the applicable fiscal year. A board may request from the department of education a waiver that would allow repayment of the reserve on or before June 30 of the fiscal year following the fiscal year in which the board expended moneys from the reserve. If a district no longer experiences an annual temporary cash flow deficit, the district is required to use the moneys in the reserve to repay outstanding bonded indebtedness.

The state treasurer is exempt from the requirement to make a payment of principal or interest on behalf of the school district on bonds issued for the purpose of paying the costs that may be paid from the district's general fund.

**APPROVED** by Governor May 27, 2010

**EFFECTIVE** May 27, 2010

**H.B. 10-1013** Department of education - public schools - administration - modifications. Each school district will provide funding for capital construction to each qualified charter school in the district by making a monthly payment to the qualified charter school after the school district has received the monthly payment from the department of education (department). The department will provide funding for capital construction to the state charter school institute by making a monthly payment to the institute. The institute will then promptly remit the appropriate amount to each qualified institute charter school.

A school district board of education (local board) no longer has the authority to negotiate business incentive agreements (BIAs) with a taxpayer who establishes a new business facility in the school district. A school district that has entered into a BIA with a taxpayer is no longer allowed to receive state share of total program funding in an amount equal to the amount of the incentive payment or credit to the taxpayer pursuant to the agreement.

A local board that has received approval at an election to issue bonds may at another election submit the question of issuing the bonds at a higher principal amount or higher repayment cost than approved at the original election, rather than the question of issuing the bonds at a higher net effective interest rate or longer period than the maximum period of maturity approved at the original election.

In the 2009-10 budget year and budget years thereafter, a local board may transfer any unrestricted moneys into or out of the capital reserve fund and the district's risk management fund or account and may transfer moneys from the district's general fund or any other fund to the capital reserve fund or the risk management fund or account.

The budget for each school district must now include a uniform summary sheet for each fund administered by the district that includes the beginning fund balance for the budget year, the anticipated fund revenues, transfers, and expenditures for the budget year, and the amount of reserves in the fund.

The department may grant provisional authorization as a school food authority to a charter school until the charter school has met certain criteria, at which point the department may grant the charter school full authorization as a school food authority. The department may grant provisional authorization to up to 6 charter schools and is no longer limited to 4. In addition, the provisional authorizations are not repealed in July 2010.

A district is no longer required to notify the state board of education (state board) or submit a proposal of what the district will do with additional property tax revenue when the district plans to seek voter approval to retain and spend property tax revenue in an amount equal to 25% of the district's total program.

For the 2010-11 budget year, the department will pay in installments to each district the amount of the state's share of the district's total program for the budget year and shall pay

in installments to the state charter school institute the total amount withheld from any accounting district. The department shall determine the timing and amount of each installment payment. The department shall resume normal payments to districts and to the state charter school institute if Amendment 61 does not pass at the November 2010 general election.

A school food authority may use the matching fund moneys that it receives from the general assembly to subsidize school lunches in lieu of using moneys from the authority's general fund.

The reporting requirements and additional responsibilities for districts and the department in connection with military dependant supplemental pupil enrollment aid are required only in a budget year in which the department requests an appropriation to fund military dependant supplemental pupil enrollment aid and the general assembly makes an appropriation for such purpose.

Language applicable to a prior distribution of charter school capital construction moneys to a charter school for the deaf and blind is repealed.

The deadlines by which the state board is to complete the following actions are extended: Adopt guidelines for the establishment of high school graduation requirements; review the school readiness description and adopt any appropriate revisions; review and adopt any appropriate revisions to the preschool through elementary and secondary education standards and assessments; adopt and review one or more postsecondary and workforce planning, preparation, and readiness assessments; and adopt and revise criteria that a local school board, board of cooperative services, or institute charter high school may apply to endorse high school diplomas to indicate that students have achieved postsecondary and workforce readiness. In addition, the dates by which the state board and local education providers are required to take other actions in connection with such guidelines and assessments are extended.

References in statute to "per pupil operating revenues" are eliminated as they are no longer relevant.

**APPROVED** by Governor June 10, 2010

**EFFECTIVE** June 10, 2010

**H.B. 10-1030** Early childhood educator scholarship program - creation - scholarships for early childhood degrees - automatic repeal if no funding. Subject to the receipt of sufficient federal moneys or gifts, grants, or donations, the act creates the early childhood educator development scholarship program (program) in the department of education (department). The program will provide scholarships to persons who are employed in early childhood development and are pursuing an associate of arts degree in early childhood education. The department will administer the program and develop rules, in collaboration with the department of human services, the community college system, and the office of information technology, for application to the program, the selection of recipients, and the amount of awards. The resources for the early childhood educator development scholarship fund will come from the federal moneys and gifts, grants, and donations. The department will provide all recipients with a unique educator identifier.

If the department does not receive the necessary funding for the program, the act

automatically repeals upon notice to the revisor of statutes.

**APPROVED** by Governor April 15, 2010

**EFFECTIVE** August 11, 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. 10-1034** Colorado educator licensing act - authorizations - speech-language pathology assistant. The act allows the department of education to issue an emergency authorization to a school speech-language pathology assistant (SLP assistant) who has not yet met the statutory requirements for a school SLP assistant authorization. For the purpose of authorizing an SLP assistant, a nationally certified speech-language pathologist may supervise an SLP assistant candidate's completion of at least 100 clock hours of a school-based practicum electronically via remote interactive technology. The state board of education is required to promulgate rules establishing a minimum number of credits of course work in speech, language, and hearing sciences that a person with a bachelor's degree must complete to receive an emergency authorization as an SLP assistant.

**APPROVED** by Governor April 15, 2010

**EFFECTIVE** August 11, 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. 10-1036** Public school financial reporting - public, on-line access to school budgets, credit and debit card statements, and investment performance reports. The act enacts the "Public School Financial Transparency Act", which requires school districts, district charter schools, boards of cooperative services, the state charter school institute, and institute charter schools (local education providers) to post financial information on-line, in a downloadable format, for free public access. Additionally, local education providers shall provide a link to, or web site information for, the department of education (department).

The requirement for posting certain types of financial information is phased-in over 3 years. Commencing July 1, 2010, local education providers shall post adopted budgets, annual audited financial statements, at least quarterly financial statements, and salary schedules or policies on-line within 60 days after the reports or schedules are completed. Commencing July 1, 2011, local education providers shall post accounts payable check registers and credit, debit, and purchase card statements on-line within 60 days after the statements are received. However, a local education provider shall not be required to post personal information relating to payroll, including but not limited to payroll deductions or contributions, or any other information that is confidential or protected from disclosure pursuant to state or federal law. Commencing July 1, 2012, local education providers shall post investment performance reports or statements on-line within 60 days after receipt of those statements. The local education provider will maintain public on-line access to the prior 2 budget year's financial information until the end of the current budget year.

By July 1, 2010, the department's policies and procedures advisory committee (committee) shall create a template for voluntary use by a local education provider for the posting of the required information. The template may include the type of electronic file posted as well as the information to be included in the posting. The committee may take into consideration any existing templates or reports developed by the department for financial

reporting.

The act also expands the period of time within which a school district board of education must post collective bargaining agreements on-line from 10 working days under current law to 30 working days.

**APPROVED** by Governor April 12, 2010

**EFFECTIVE** April 12, 2010

**H.B. 10-1037** Supplemental on-line education grant program - contract - removal of repeal clause. The supplemental on-line education grant program and the funding of a contract for the provision of supplemental on-line education services are continued by removing the automatic repeal date.

**APPROVED** by Governor March 29, 2010

**EFFECTIVE** March 29, 2010

**H.B. 10-1064** School district boards of education - powers and duties - extracurricular and interscholastic activities. The act requires a student who is found by a school, school district, or any organization or association to be ineligible to participate in an extracurricular or interscholastic activity or who is otherwise sanctioned, to complete an appeal process before filing a petition or complaint with a group of sitting or retired judges or other group of neutral arbitrators.

**APPROVED** by Governor March 31, 2010

**EFFECTIVE** August 11, 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. 10-1131** Colorado kids outdoors grant program - state plan for environmental education. The act creates the Colorado kids outdoors grant program (grant program) in the department of natural resources to provide grants for programs that allow Colorado youth to participate in outdoor activities in the state, including but not limited to programs that emphasize the environment and experiential, field-based learning. The executive director of the department of natural resources (executive director) will adopt rules to implement the grant program, including criteria for selecting grant recipients. An advisory council will assist the executive director in reviewing the applications and creating the criteria. The grant program will be funded through gifts, grants, and donations, which will be deposited in the newly created Colorado kids outdoors grant program fund. The executive director may also use moneys donated for programs that provide summer jobs for youth interested in careers in natural resources to award grants to applicants whose programs meet this description. The executive director will report to certain legislative committees concerning implementation of the grant program, including the amount awarded and the activities that receive funding.

The act directs the department of education, in consultation with the department of natural resources, to create and the state board of education (state board) to adopt a state plan for environmental education (state plan). The state plan will be designed to strengthen environmental education in the state and provide to educators professional development in environmental education. The department of education and the state board will create and adopt the state plan only if the department receives gifts, grants, and donations to pay the

costs of creating and adopting the plan. Any moneys received by the department of education for creating the state plan will be credited to the newly created state environmental education fund.

**APPROVED** by Governor May 27, 2010

**EFFECTIVE** May 27, 2010

**H.B. 10-1171** Data reporting requirements. Current law requires the state board of education (state board) to adopt rules specifying the method for calculating the dropout rate for students enrolled in grades 7 through 12. The act repeals the requirement that the state board also calculate the number of students who obtain a high school diploma after reaching 21 years of age and repeals the specific definition of "dropout".

With regard to the "Colorado Basic Literacy Act", the act changes the reporting requirements to require school districts to report to the department of education the state-assigned student identifier for each pupil in the district who has an individual literacy plan and for each pupil for whom literacy goals are included in his or her individualized education program.

The act clarifies the circumstances under which the education data advisory committee (EDAC) may identify a data reporting request as mandatory, required to receive a benefit, or voluntary. The EDAC will review the processes and timing for collecting student demographic data and recommend to the state board procedures for efficiently updating the data as necessary.

The act repeals several data reporting requirements as follows:

- Updated versions of school district annual budgets;
- Data concerning physically, morally, and mentally defective students;
- Data from the in-home or in-school suspension grant program; and
- Data from the pilot schools for expelled students.

Institutions of higher education that report data concerning student remediation will report the data on an individual student basis as soon as practicable after the institution begins using the unique student identifiers assigned to students by the department of education.

**APPROVED** by Governor June 10, 2010

**EFFECTIVE** August 11, 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. 10-1183** School finance - alternative school funding models pilot program. The act creates the alternative school funding models pilot program (pilot program) to encourage school districts and charter schools to collect data that will be used to compare the effects of alternative school funding models with those of the actual school funding method. A school district or charter school that chooses to participate in the pilot program will continue to receive its actual funding as provided in the "Public School Finance Act of 1994" while participating in the pilot program. A charter school must have its authorizer's approval to participate in the pilot program. A school district or charter school that participates in the pilot program may accept gifts, grants, and donations to offset the costs incurred.



The act creates an advisory council, consisting of selected members of the general assembly, selected members of the state board of education (state board), a person with expertise in school finance, selected members representing teachers, school districts, and school executives, and the commissioner of education (commissioner). The advisory council and the commissioner will review the applications submitted by school districts and charter schools to participate in the pilot program and recommend applicants to the state board for selection. The state board will select the participants. A participating school district or charter school may request waivers of education statutes, which the state board may grant; except that the state board will not waive performance targets or statutes pertaining to licensure, evaluation, or employment of teachers. Any waivers that the state board grants will expire upon repeal of the pilot program.

A participating school district or charter school must participate in the pilot program for a minimum of 2 school years and will annually submit to the advisory council the data it collects, including identification of the funding differences the school district or charter school would experience if it were funded under an alternative school funding model. The advisory council will submit to the state board, the governor, and the general assembly an annual summary report of the data received from the pilot program participants. The advisory council may accept and expend gifts, grants, donations, and services in kind to offset the costs incurred in implementing the pilot program.

The pilot program will repeal on July 1, 2015.

**APPROVED** by Governor April 29, 2010

**EFFECTIVE** April 29, 2010

**H.B. 10-1232** School vehicles - school buses - definitions. The act defines the term "school vehicle", amends the definition of "school bus", and amends certain statutory provisions that refer to "school vehicle" and "school bus" to clarify when each term applies and does not apply.

**APPROVED** by Governor April 28, 2010

**EFFECTIVE** April 28, 2010

**H.B. 10-1273** Arts education - graduation guidelines - integration of arts education into standards, assessments, individual career and academic plans, dropout prevention efforts, and career and technical education. The act recognizes the importance of visual arts and performing arts in public education and encourages each public school in the state to provide visual arts and performing arts courses. Prior to adoption of the act, the state board of education (state board) was required by December 15, 2009, to adopt guidelines for graduation requirements to be used by each school district board of education. The act extends until December 15, 2011, the deadline for adopting the guidelines and instructs the state board, in formulating the guidelines, to recognize and acknowledge the importance of performing arts and visual arts education in strengthening student learning.

Prior to adoption of the act, the state board was charged with adopting rules to describe the minimum contents of each student's individual career and academic plan. Under the act, each plan must specifically include the student's progress in visual arts and performing arts classes.

The act amends several provisions of the "Preschool to Postsecondary Education Alignment Act" to specifically incorporate visual arts and performing arts education into the standards, assessments, and postsecondary and workforce readiness program that the state board and local education providers adopt.

The act also recognizes the importance of visual arts and performing arts education in preventing student dropouts and in helping local education providers re-engage students in school. Prior to adoption of the act, the office of dropout prevention and student re-engagement, in the department of education, was required to collaborate with several community organizations. The act includes private nonprofit or for-profit community arts organizations in the list of collaborative agencies. Certain local education providers are currently required to assess their practices related to student dropouts and re-engagement. The act includes policies and practices related to visual arts and performing arts education in the assessment. Those local education providers that adopt student graduation and completion plans are encouraged to include increased availability of visual arts and performing arts education in those plans. For purposes of the student re-engagement grant program, the act requires each grant application to include a description of the applicant's practices and policies concerning student participation in and the availability of visual arts and performing arts education.

The act also clarifies that career and technical education for which a school district, board of cooperative services, or charter school may receive funding includes visual arts and performing arts education.

**APPROVED** by Governor May 18, 2010

**EFFECTIVE** May 18, 2010

**H.B. 10-1274** Transitions to public schools - safety - notification of risk. The act requires the department of human services (department) to provide written notification to the child welfare education liaison (liaison) of the applicable school district or institute charter school 10 calendar days prior to enrollment of a student who is transferring from a state-licensed day treatment facility, facility school, or hospital and has been determined by one of those entities or the court to present a risk to himself or herself or the community (student) within the previous 12 months. In a case where the student requires a change of public placement, the act requires the department to provide written notification to the liaison at least 5 calendar days following the student's placement.

Within the confidentiality and privacy parameters of state and federal law, the responsible county department of human services and the school district, charter school, institute charter school, or facility school shall provide information about the student to assist the receiving entity in determining an appropriate educational placement for the student and in developing a transition plan.

The department and the department of education are required to enter into a memorandum of understanding that includes, at a minimum:

- A consistent and uniform approach to sharing medical, mental health, sociological, and scholastic achievement data about students between a school district, charter school, or institute charter school and the county department of social services to better facilitate the creation of transition plans for those students and ensure the safety of the people in the school community;

- A plan for utilizing existing state and federal data and any existing information-sharing activities;
- A plan for determining accountability and collecting data concerning the implementation of notifications and invitations, the sharing of information, and the number of emergency placements that occur;
- A process for determining information sharing and collaboration for placement of students;
- Recommendations for an approach to sharing data;
- Identification of training and professional development needs associated with implementing information sharing between the entities involved; and
- Consideration of recommendations made by existing working groups or projects concerning information sharing as it relates to students transitioning back into public schools.

The state board of education may promulgate rules regarding notification and sharing of information regarding students transitioning back into public schools.

The child welfare education liaison for each school district and the state charter school institute is given the additional responsibility of being included in and participating with any interagency collaboration teams or threat assessment teams.

**APPROVED** by Governor May 25, 2010

**EFFECTIVE** May 25, 2010

**H.B. 10-1318** School finance - total program funding - minimum state aid - suspension - budget package act. The requirement that each school district receive a minimum amount of state funding (minimum state aid) in each budget year, notwithstanding the state and local shares of total program funding determined through the "Public School Finance Act of 1994" (school finance act), is suspended for the 2010-11 through 2014-15 budget years. In connection with the suspension, the department of education (department) is required to submit a report to legislative committees regarding the estimated fiscal impact of the reinstatement of the minimum state aid requirement in the 2015-16 budget year.

In any year in which the amount appropriated to fund the state's share of total program of all districts, including funding for institute charter schools, is insufficient, the department will reduce each district's state aid by the district's proportionate share of the shortfall, even if the reduction results in the district receiving less than the minimum state aid amount for the applicable budget year.

In addition, when the department withholds a percentage of the total appropriation for the state's share of total program funding to pay the department's administrative costs incurred in implementing the school finance act, the department reduces each district's total program by the district's share of said percentage, even though, as a result of the reduction, the district receives less than the minimum state aid amount for the applicable budget year.

**APPROVED** by Governor March 22, 2010

**EFFECTIVE** March 22, 2010

**H.B. 10-1335** Boards of cooperative services - authorization to operate as school food authorities - rules. Each board of cooperative services (BOCES) may maintain, equip, and operate a food-service facility as a school food authority. The department of education

(department) will implement the BOCES healthy food grant program (program) that will: (1) Make grants available to BOCES that maintain, equip, and operate food-service facilities as school food authorities; and (2) require each BOCES that receives a grant from the program to procure and distribute to schools of its constituent school districts only food and beverages that satisfy certain nutritional standards. The act sets forth an application process for the program and permissible uses of grant moneys. The BOCES healthy food grant program cash fund (fund) is created, and the department is authorized to expend no more than 10% of the moneys appropriated to the fund to offset the direct and indirect costs incurred by the department in implementing the program.

The department will prepare and submit to the education committees of the general assembly a report that describes the activities carried out under the program and evaluates the effectiveness of the program. The state board of education will promulgate rules establishing policies and procedures for the administration of the program.

The program is repealed, effective July 1, 2015.

**APPROVED** by Governor May 27, 2010

**EFFECTIVE** August 11, 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. 10-1345** Charter schools - authorizers - emergency powers and duties - rules. The act allows a school district board of education or the state charter school institute that has authorized a charter school (authorizer) to request from the commissioner of education (commissioner) the power for an external entity to have control over a charter school or a charter management organization that is considered to be in an emergency situation (charter respondent). The commissioner may grant a temporary order, a preliminary order, or an order of reorganization if all parties have been given notice and an opportunity to be heard. The commissioner may appoint the authorizer or a separate entity to act as a fiduciary to take control over the operations of the school. The act outlines the powers that are permitted and prohibited under an order and details the processes for obtaining and issuing such an order. The act establishes the options available to an authorizer or entity appointed by the commissioner as a fiduciary if the authorizer or fiduciary determines that a respondent has engaged in excess benefit transactions, as defined in the act.

The state board of education is authorized to promulgate rules for the implementation of the act.

**APPROVED** by Governor May 21, 2010

**EFFECTIVE** May 21, 2010

**H.B. 10-1369** School finance - base per pupil funding - district total program funding amount - state budget stabilization reduction - categorical buyout district mill levy - district mill levy override limit - funded pupil count - charter school conversion - school land trust - appropriation. Funding for public schools from kindergarten through the 12th grade, as determined by the "Public School Finance Act of 1994", is modified for the 2010-11 and 2011-12 budget years.

**Statewide base per pupil funding.** For the 2010-11 budget year, the statewide base per pupil funding is increased to \$5,529.71 to account for a -0.6% inflation rate plus one

percentage point.

**State budget stabilization reduction.** For the 2010-11 and 2011-12 budget years, the amount of the annual appropriation to fund the state's share of total program funding is reduced for all school districts (districts) and institute charter schools. The department of education (department) and the legislative council staff shall determine, based on budget projections, the amount of the reduction that will ensure that the total program funding amount for all districts, including the funding for institute charter schools, will not be less than \$5,438,295,823 for each of the 2010-11 and 2011-12 budget years. Said amount is \$260 million less than the amount of total program funding associated with the original appropriation for the state's share of total program funding for all districts and the funding for institute charter schools for the 2009-10 budget year. The department and the legislative council staff will make mid-year revisions to replace the projections with actual figures to determine the total reduction amount.

The department shall calculate and apply the state budget stabilization reduction to all districts. Specifically, the department is required to:

- Calculate a state budget stabilization factor by dividing the state budget stabilization reduction amount as determined by the department and the legislative council staff by the sum of total program funding for all districts, including institute charter schools, for the 2010-11 or 2011-12 budget year, as applicable; and
- Calculate the amount of each district's and each institute charter school's state budget stabilization reduction amount by multiplying the district's total program funding amount for the 2010-11 or 2011-12 budget year, as applicable, by the state budget stabilization factor.

Total program funding for the 2010-11 or 2011-12 budget year, as applicable, for a district that is not a categorical buyout district shall be the greater of:

- The amount of the district's total program funding as calculated before the state budget stabilization factor is applied, including any funding for institute charter schools, minus the district's state budget stabilization reduction amount; or
- The base per pupil funding amount multiplied by the district's funded pupil count.

Total program funding for the 2010-11 or 2011-12 budget year, as applicable, for a district that is a categorical buyout district shall be determined as follows:

- For any district that levies the number of mills that will generate property tax revenue in an amount equal to the district's total program, the district's total program shall be the district's total program as calculated before the state budget stabilization factor is applied. The district's total program mill levy is unaffected by the state budget stabilization reduction factor. The district shall use revenues generated by its total program mill levy to replace any categorical program support funds that the district would otherwise be eligible to receive from the state. The amount of the categorical program support funds that the district is required to replace shall not exceed an amount equal to the district's state budget stabilization reduction amount.
- For any district with a state budget stabilization reduction amount that exceeds

the district's state share of total program funding, the district's total program funding amount shall be the district's total program as calculated before the state budget stabilization factor is applied minus the district's state aid. The district shall use revenues generated by its total program mill levy to replace any categorical program support funds that the district would otherwise be eligible to receive from the state. The amount of the categorical program support funds that the district is required to replace shall not exceed an amount equal to the remainder of the district's state budget stabilization reduction amount after subtracting the district's state aid.

The department shall use the amount of categorical program support funds replaced by property tax revenue to make payments of categorical support funds to eligible districts.

The department will also apply the state budget stabilization factor to a district's on-line funding and a district's accelerating students through concurrent enrollment (ASCENT) program funding.

**District's mill levy override limit.** For the purpose of determining the maximum amount of additional local property tax revenues that a district may receive, a district's total program shall be the district's total program as calculated before the state budget stabilization factor is applied.

**Charter school conversion.** For the 2010-11 budget year and each budget year thereafter, for the purposes of determining a district's funded pupil count, a district's pupil enrollment for the applicable budget year and any preceding budget year shall not include any pupil who is or was enrolled in a district charter school that was subsequently converted, on or after July 1, 2010, to an institute charter school or a charter school of another district.

**School land trust.** The annual transfer of \$11 million into the state public school fund to be used for school finance purposes shall be made from the interest or income earned on the public school fund rather than from the land earnings.

**Appropriation.** For the 2010-11 fiscal year, the appropriations made in the annual general appropriation act to the department of education are adjusted as follows:

- The cash funds appropriation for management and administration, reprinting and distributing laws concerning education, is decreased by \$35,480. Said sum shall be from rental income earned on public school lands that is credited to the state public school fund. The same appropriation is increased by \$35,480 from interest or income earned on the investment of the moneys in the public school fund that is credited to the state public school fund.
- The general fund appropriation for public school finance, state share of districts' total program funding, is decreased by \$363,476,454.
- The cash funds appropriation for public school finance, state share of districts' total program funding, is decreased by \$8,491,876 payable from rental income earned on public school lands that is credited to the state public school fund. The same appropriation is increased by \$8,491,876. Said sum shall be from interest or income earned on the investment of the moneys in the public school fund that is credited to the state public school fund.
- The cash funds appropriation for public school finance, hold-harmless full-day kindergarten funding, is decreased by \$487,964. Said sum shall be from the state education fund.

- The cash funds appropriation for grant programs, distributions, and other assistance, state match for school lunch program, is decreased by \$2,472,644. Said sum shall be from rental income earned on public school lands that is credited to the state public school fund. The same appropriation is increased by \$2,472,644 payable from interest or income earned on the investment of the moneys in the public school fund that is credited to the state public school fund.
- The cash funds appropriation for grant programs, distributions, and other assistance, facility school funding, is decreased by \$1,120,923. Said sum shall be from the state education fund.
- The general fund appropriation for the Colorado school for the deaf and the blind, school operations, is increased by \$85,334.
- The appropriation for the Colorado school for the deaf and the blind, school operations, is decreased by \$85,334. Said sum shall be from reappropriated funds transferred from the annual appropriation for facility school funding.

For the 2010-11 fiscal year, the appropriations made in the annual general appropriation act to the department of human services are adjusted as follows:

- The general fund appropriation for mental health and alcohol and drug abuse services, mental health institutes, educational programs, is increased by \$13,439.
- The appropriation for mental health and alcohol and drug abuse services, mental health institutes, educational programs, is decreased by \$13,439. Said sum shall be from reappropriated funds transferred from the annual appropriation to the department of education for facility school funding.

**APPROVED** by Governor May 21, 2010

**EFFECTIVE** May 21, 2010

**H.B. 10-1412** Charter schools - charter school and charter authorizer standards review committee. The act creates the charter school and charter authorizer standards review committee (committee), which is charged with making recommendations to the state board of education (state board) and the education committees of the house of representatives and the senate concerning standards for charter schools and charter school authorizers. The act creates the 13-member committee with specific appointments reflecting charter school and school district interests and expertise. The act sets forth procedures for the committee and outlines the areas in which the committee is required to make recommendations. After receiving the committee's recommendations, the state board is required to adopt by rule, on or before January 15, 2012, standards for charter schools and charter school authorizers based on those recommendations. The committee is repealed, effective August 30, 2011.

**APPROVED** by Governor May 21, 2010

**EFFECTIVE** May 21, 2010

## EDUCATION - UNIVERSITIES AND COLLEGES

**S.B. 10-3** Higher education - master plan - authority to set tuition - financial aid - student enrollment - operational flexibility - Colorado school of mines. **Legislative findings:** The general assembly makes legislative findings with regard to the challenges facing the state system of higher education, the need for a new master plan to address those challenges, and the need to grant institutions of higher education (institutions) greater flexibility with regard to tuition-setting and operations.

**Statewide master plan:** On or before December 15, 2010, the Colorado commission on higher education (CCHE) will submit to the governor and the general assembly a new master plan for the state system of higher education. The CCHE will work with the governing boards and chief executive officers of the institutions in preparing the master plan and will take into consideration the recommendations of the governor's higher education strategic planning steering committee. The master plan will address several issues and goals pertaining to alignment with elementary and secondary education, accessibility and affordability, funding, and program quality. The governing boards will have an opportunity to comment on the draft master plan.

**Tuition-setting authority:** For fiscal years 2011-12 through 2015-16, each governing board will set the tuition rates for the institutions it controls. A governing board may increase undergraduate, resident tuition by as much as 9% each fiscal year, except the Colorado school of mines (mines) may increase its tuition by the greater of 9% or twice the inflation rate. If a governing board wants to increase tuition by more, it must first receive authorization from the CCHE by submitting a 5-year financial and accountability plan (plan). The plan will specify the amount of tuition increase requested, the governing board's plans for ensuring accessibility and affordability, and the measures the governing board will implement to ensure academic program quality. The CCHE may approve the tuition increase for the full 5 years or may approve it for 2 years with approval for the remaining years conditional upon performance.

**Financial aid:** State institutions and certain private institutions will have greater flexibility in distributing state financial aid moneys, rather than being required to comply with the guidelines established by the CCHE.

**Foreign student enrollment:** The university of Colorado system (CU system) and Colorado state university (CSU) will not include foreign students in calculating the percentage of in-state students enrolled in a campus of the CU system or at CSU so long as the institutions meet specified requirements regarding enrollment of resident students and foreign-student enrollment does not exceed 12% of the enrollment at any campus of the CU system or at CSU in any one year.

**Operational flexibility:** Each institution, including the Auraria higher education center, is exempt from several statutes and rules that affect operations, including:

- Certain state controller rules, including debt collections;
- The required use of central services, such as printing, document management, mail-related services, micro-film, graphic arts, and fleet management;
- Contracting for personal services and monitoring vendor performance and concerning contractor performance evaluation reports for construction contracts;
- Granting employment separation incentives;



- Leasing property and acquiring property using institutional moneys; and
- Employing retirees who receive benefits through the state retirement system.

**Colorado school of mines:** Mines currently operates under a performance contract that will expire in July 2011. Under the act, the contract may be renegotiated and reapproved for another 10-year term. Beginning in fiscal year 2016-17, mines will have sole authority to set the amount of tuition. Beginning in fiscal year 2011-12, mines will receive an annual appropriation of moneys, in lieu of receiving moneys through fee-for-service contracts, that it must use to provide merit-based scholarships, need-based financial aid, and graduate fellowships to ensure that, no later than fiscal year 2020-21, the average discounted tuition rate for resident students at mines is 30%. Beginning with appointments made on or after July 1, 2010, the governor, when appointing members of the mines board of trustees, must ensure that no more than 2 members at any one time live outside the state and must take into account an appointee's background as it relates to the industries and fields that are pertinent to mines, an appointee's other areas of expertise, and an appointee's commitment to using personal time to serve and support mines.

**Executive sessions of governing boards:** The act clarifies that, in determining whether to go into executive session, a governing board requires approval of 2/3 of the board members who are authorized to vote.

**Auxiliary facilities:** The act adds alternative or renewable energy producing facilities to the list of auxiliary facilities that an institution may identify as an enterprise and for which an institution may issue bonds.

**APPROVED** by Governor June 9, 2010

**EFFECTIVE** June 9, 2010

**S.B. 10-58** Nursing teacher loan forgiveness pilot program - eligibility. The act changes certain eligibility requirements for the nursing teacher loan forgiveness pilot program, including reducing the required employment in teaching from full time to half time and allowing the teaching position to begin within 4 years after the completion of the nursing teacher's advanced degree.

**APPROVED** by Governor April 20, 2010

**EFFECTIVE** August 11, 2010

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

**S.B. 10-64** College opportunity fund - applications - institutions make application - appropriation. The act allows an institution of higher education to apply for a stipend from the college opportunity fund (COF) on behalf of an admitted student using the information in the student's admission application if the student agrees.

The act appropriates \$403,868 to the department of higher education for COF stipends for students attending state institutions, for an estimated 217.1 eligible full-time equivalent students and reduces the amount appropriated for fee-for-services contracts by the same amount.

**APPROVED** by Governor May 26, 2010

**EFFECTIVE** May 26, 2010

**S.B. 10-79** Mesa state college - role and mission. Under the act, the Mesa state college is identified as a general baccalaureate and graduate institution, rather than an institution with specialized graduate program authority.

**APPROVED** by Governor April 21, 2010

**EFFECTIVE** August 11, 2010

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

**S.B. 10-88** Two-year degree programs - academic designation - valid transfer agreement - review and approval of the designation. Community colleges and junior colleges are authorized to offer 2-year degree programs with academic designation. For community colleges, the degree programs with academic designation must have a valid student transfer agreement. Prior to offering the degree program, a community college must submit the degree program designation for review and approval by the state board for community colleges and occupational education and the Colorado commission on higher education. Prior to offering the degree program, a junior college must submit the degree program designation for review and approval by its board of trustees and the Colorado commission on higher education.

**APPROVED** by Governor April 21, 2010

**EFFECTIVE** August 11, 2010

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

**S.B. 10-101** Colorado mountain college - baccalaureate degrees - limit to 5 degree programs - approval by CCHE - criteria for approval. The act authorizes Colorado mountain college (CMC) to offer up to 5 baccalaureate degrees that address the needs of the communities within its service area. The Colorado commission on higher education shall approve the baccalaureate degree programs based on the following criteria:

- Whether CMC can demonstrate workforce and student demand for the degree program;
- Whether CMC can demonstrate the necessary accreditation requirements;
- Whether CMC can demonstrate that its provision of the degree program is the most cost-effective way for providing the degree program in its service area; and
- Whether CMC can provide a cost-benefit analysis that shows the new degree programs will not have a negative impact on CMC or require additional state money.

**APPROVED** by Governor May 27, 2010

**EFFECTIVE** May 27, 2010

**S.B. 10-102** Colorado state university - Colorado state forest service - prescribed fire - standards. The act directs the Colorado state forest service to establish training and certification standards for users of prescribed fire, including certified burner and noncertified burner designations, recommended processes for certified burners to conduct a prescribed fire, recommended organizational structures for prescribed burn operations, training

standards for certified burners, and identification of preexisting fees, permit requirements, liabilities, liability exemptions, and penalties for prescribed burn personnel and landowners.

**APPROVED** by Governor April 15, 2010

**EFFECTIVE** April 15, 2010

**S.B. 10-108** Core course requirements - nonpublic institutions of higher education - transferability of credits - appropriation. Current law requires the Colorado commission on higher education (commission) to define a process whereby students enrolled in public institutions of higher education may test out of core courses and receive credit for those courses without paying tuition. The act requires the commission to put this process in place for use beginning in the 2010-11 academic year.

The act allows a nonpublic institution of higher education (nonpublic institution) to choose to conform its core course requirements with, or adopt core course requirements that meet, the general education course guidelines developed by the department of higher education (department). The nonpublic institution may require all of its students to comply with these requirements or just those students who are concurrently enrolled in a high school and the nonpublic institution.

The department will review the nonpublic institution's core course requirements and determine whether they comply with the department's general education course guidelines. If they do, the nonpublic institution's core course credits shall be transferable to public institutions of higher education, and the nonpublic institution will accept transfers of core course credits. The department will annually review the nonpublic institution's core course requirements to ensure that they remain in compliance with the department's general education course guidelines.

The department will collect from each participating nonpublic institution a fee for the initial review and for the annual reviews. The commission will set the fee amounts to reflect the department's direct and indirect costs in conducting the reviews.

On or before March 1, 2016, the commission will submit a report to the education committees of the general assembly concerning participation by nonpublic institutions in the general education course guidelines.

The act appropriates \$36,820 and 0.4 FTE from the amounts collected in initial and renewal fees to the department for implementation of the act.

**APPROVED** by Governor May 27, 2010

**EFFECTIVE** May 27, 2010

**S.B. 10-202** College savings program - college savings accounts - job retraining - adult learners. Any adult may open a college savings account (account) through a college savings program for the benefit of himself or herself in furtherance of the adult's own postsecondary educational and job retraining goals (adult learner). The authority that administers the college savings plan (authority) is directed to:

- Promote the use of accounts by adult learners and to develop and implement procedures to allow an employer to make a matching contribution to an adult learner's account for any contribution made by the adult learner;
- Develop procedures to provide college planning and preparation for adult

- learners through college in Colorado; and
- Develop procedures for coordinating with the department of labor and employment to make information regarding accounts for adult learners available to potential participants.

The authority shall work with the financial institutions that manage the accounts to determine the savings options that would be most beneficial to adult learners, and the financial institutions shall develop and implement a plan to expand the promotion of the college savings program to encourage adults to open accounts and participate as adult learners.

Any employer matching contribution to an account for an adult learner is subtracted from federal taxable income to the extent that the contribution is included in federal taxable income.

The job retraining cash fund is created in the state treasury and an amount from the fund shall be annually transferred to the general fund for specified state fiscal years to assist in defraying the cost to the state of people contributing to an account for an adult learner. The moneys in the fund shall consist of a portion of the proceeds from the sale of the loan assets of the authority.

**APPROVED** by Governor June 9, 2010

**EFFECTIVE** June 9, 2010

**NOTE:** Certain sections are contingent on whether or not House Bill 10-1428 is enacted and becomes law. House Bill 10-1428 was signed by the governor June 9, 2010.

**H.B. 10-1054** Critical incident response protocols - development - dissemination of information. Institutions of higher education, including state institutions of higher education, junior colleges, area vocational schools, and technical colleges, are required to develop policies and procedures that are tailored to the institution of higher education and that reflect best practices concerning critical incident response protocols and personal safety on campus and in school buildings on campus. Beginning in the 2011-12 academic year, each institution of higher education shall disseminate annually school safety information to students, faculty, and staff.

**APPROVED** by Governor April 15, 2010

**EFFECTIVE** August 11, 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. 10-1208** Statewide degree transfer agreements - 2-year colleges to 4-year colleges. By July 1, 2016, the Colorado commission on higher education, collaborating with the institution governing boards and the institution council, will complete at least 14 transfer agreements (transfer agreements) to transfer associate of arts (AA) degrees and associate of science (AS) degrees from one state institution of higher education (institution) to another. A student who earns an AA or AS degree that is the subject of a transfer agreement and who is admitted to a 4-year institution will be enrolled with junior status. However, an institution that admits the student may require the student to complete additional lower-level courses if necessary for the degree program to which the student transfers, so long as the additional

credits do not extend the student's time to degree completion beyond that required for a student who begins and completes his or her degree at the institution.

**APPROVED** by Governor May 5, 2010

**EFFECTIVE** August 11, 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. 10-1256** Colorado high technology scholarship program - repealed. The Colorado high technology scholarship program is repealed.

**APPROVED** by Governor April 15, 2010

**EFFECTIVE** August 11, 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. 10-1375** Metropolitan state college of Denver - power of eminent domain. The board of trustees for Metropolitan state college of Denver is added to the list of higher education governing boards that may exercise the power of eminent domain.

**APPROVED** by Governor May 27, 2010

**EFFECTIVE** May 27, 2010

**H.B. 10-1383** Collegeinvest scholarship trust fund -use of fund moneys - appropriation. The state may use moneys in the collegeinvest scholarship trust fund to fund need-based financial aid. The state treasurer will make a one-time transfer of \$29.8 million from the collegeinvest scholarship trust fund to the general fund if the June 2010 state revenue estimates indicate that general fund expenditures will use more than 3/8 of the reserve required by law or if the September or December 2010 or the March or June 2011 state revenue estimates indicate that general fund expenditures will use more than 3/8 of the reserve required by law.

The statutory requirement to increase appropriations for student financial assistance is suspended for the 2010-11 fiscal year.

For the 2010-11 fiscal year, the act appropriates \$15,400,000 to the department of higher education, commission on higher education financial aid, for need-based grants and decreases the general fund appropriation to the department of higher education by \$15,400,000.

**APPROVED** by Governor June 7, 2010

**EFFECTIVE** June 7, 2010

**H.B. 10-1427** Group benefit insurance plans - employees in state personnel system. A state institution of higher education that has offered one or more group benefit insurance plans other than a plan contracted for by the director of the department of personnel to employees of the institution who are in the state personnel system may continue to offer those insurance

plans to such employees.

**APPROVED** by Governor June 10, 2010

**EFFECTIVE** June 10, 2010

**H.B. 10-1428** Student loans - collegeinvest - restructuring plan - sale of interests in loans - repeal of obsolete provisions. The department of higher education (department) shall submit to the education committees of the general assembly a restructuring plan to deal with changes made in federal law regarding administering student loans.

If collegeinvest or any other division of the department sells its interest in student loans or obligations, the proceeds of the sale will be used to fund the repurchase of student loans under certain circumstances, to be the costs incurred in winding down the state student loan program, and to fund financial need scholarships.

The act repeals statutory provisions concerning collegeinvest that are no longer needed because of changes in the way federally guaranteed student loans are originated and serviced. Collegeinvest will continue to service existing student loans.

The authority of collegeinvest to participate in the making of student loans is repealed as of September 30, 2010.

The Colorado commission on higher education shall adopt policies and procedures to direct state-supported institutions of higher education to participate in student loan programs sponsored by the federal government.

**APPROVED** by Governor June 9, 2010

**PORTIONS EFFECTIVE** June 9, 2010

**PORTIONS EFFECTIVE** September 30, 2010

**NOTE:** Certain sections are contingent on whether or not Senate Bill 10-202 is enacted and becomes law. Senate Bill 10-202 was signed by the governor June 9, 2010.

## ELECTIONS

**S.B. 10-41** Campaign and political finance - technical modifications. The act makes technical modifications to statutory provisions governing campaign finance. Specifically, the act:

- Conforms the registration requirements for issue committees involved in recall elections to the registration requirements for other types of issue committees.
- Extends from 7 business days to 15 business days the amount of time allowed for curing a deficiency in a report required to be filed under the "Fair Campaign Practices Act". The secretary of state may require any filing of campaign finance reports to be made by electronic means.
- Directs that a notice of disqualification sent to a candidate barred from seeking a particular office is to be addressed to the person's mailing address, instead of the person's residence address as under previous law. The act also clarifies that disqualification occurs after a notice of disqualification is sent by the designated election official certifying the ballot, instead of by the appropriate officer as under previous law.
- Changes the deadline by which certain public officials must file their personal financial disclosure statements from 30 days after their election, reelection, appointment, or retention to the January 10 following their election, reelection, appointment, or retention. Any person who has timely filed an amended personal financial disclosure statement with the secretary of state is not required to additionally file an original disclosure statement by the January 10 following his or her election, reelection, appointment, or retention in office.

**APPROVED** by Governor April 21, 2010

**EFFECTIVE** July 1, 2010

**S.B. 10-203** Campaign and political finance - independent expenditures - restrictions on foreign corporations - independent expenditures by corporations and labor organizations - registration - disclosure - disclaimers - public inspection of media records - civil penalties for nondisclosure - immunity from liability - media outlets - appropriation. The act defines "foreign corporation" under the "Fair Campaign Practices Act" (FCPA) so as to limit the term to corporations from foreign countries as a foundation for other provisions in the act restricting certain political activity by such entities.

No foreign corporation may expend moneys on an independent expenditure in connection with an election in the state.

### **Registration, disclosure, and disclaimer requirements in connection with independent expenditures**

In accordance with a recent decision of the Colorado supreme court, the act affirms that corporations and labor organizations shall not be prohibited from making independent expenditures. All such expenditures must be disclosed in accordance with the existing constitutional and statutory requirements. Any use of the word "person" shall be construed to include, without limitation, any corporation or labor organization.

Any person that accepts a donation that is given for the purpose of making an

independent expenditure in excess of \$1,000 or that makes an independent expenditure in excess of \$1,000 shall register with the appropriate officer within 2 business days of the date on which an aggregate amount of donations accepted or expenditures made reaches or exceeds \$1,000.

The act supplements existing campaign finance disclosure requirements by requiring any person making an independent expenditure in an aggregate amount in excess of \$1,000 in any one calendar year to report certain additional information to the appropriate officer in accordance with the existing disclosure schedule for political committees; except that any person making an independent expenditure in excess of \$1,000 within 30 days before a primary or general election must disclose the expenditure within 48 hours after obligating moneys for the independent expenditure. Any person who expends an aggregate amount in excess of \$1,000 or more per calendar year for the purpose of making an independent expenditure must report to the appropriate officer the name and address of any person that, for the purpose of making an independent expenditure, donates more than \$250 per year to the person expending \$1,000 or more on an independent expenditure. There are additional disclosure requirements depending upon whether the person making the \$250 donation is a natural person or is not a natural person.

Any communication that is broadcast, printed, mailed, delivered, or otherwise circulated that constitutes an independent expenditure for which the person making the independent expenditure expends in excess of \$1,000 on the communication must include in the communication a disclaimer statement containing certain information.

Any person that expends an aggregate amount in excess of \$1,000 on an independent expenditure in an aggregate amount of \$1,000 in any one calendar year must deliver to the appropriate officer written notice that lists with specificity the name of the candidate whom the independent expenditure is intended to support or oppose.

Any person that accepts any donation that is given for the purpose of making of an independent expenditure or expends any moneys on an independent expenditure in an aggregate amount of \$1,000 in any one calendar year shall establish a separate account in a financial institution for the deposit of moneys donated for the making of the independent expenditure and the withdrawal of moneys used for the expenditure. Discovery of information concerning the person's use of the account is restricted.

Any person that donates \$1,000 or more to any person during any one calendar year for the purpose of making an independent expenditure must report the donation in accordance with the existing disclosure schedule for political committees. On an annual basis, the secretary of state (secretary) is required to forward to the department of revenue a summary of donation reports required under the act. The act specifies permitted uses of the information contained in such reports.

All new information required to be disclosed to the secretary under the act must be posted on the web site of the secretary within 2 business days after its receipt by the secretary.

Any requirement of the act that is applicable to a corporation is also applicable to a labor organization.

Any media outlet that is subject to certain provisions of federal law shall maintain and make available for public inspection such records as the outlet is required to maintain to



comply with federal law or rules.

During the period commencing on May 25, 2010, and continuing through December 31, 2010, any report, statement, or other document that is to be filed electronically with the secretary's office may be filed manually or by means of a portable document format file acceptable to the secretary.

### **Enforcement and sanctions**

Depending on the circumstances, an administrative law judge (ALJ) is authorized or required to impose specified penalties for failure to file certain reports, statements, or other documents required to be filed under the act. In connection with a complaint, an ALJ may order disclosure of the source and amount of any undisclosed donations or expenditures. Disclosure, by means of discovery or any other manner, of the membership lists of a labor organization or, in the case of a publicly held corporation, a list of the shareholders of the corporation, is prohibited.

### **Immunity from liability**

Media outlets are immune from civil liability where the media outlet withdraws advertising time or voids an advertising contract in the case of a person purchasing advertising time for an independent expenditure that is not compliant with the requirements of the act.

### **Restrictions on political activity by the state and political subdivisions**

Existing statutory restrictions on the ability of the state or any political subdivision of the state from making any contribution in campaigns involving the nomination, retention, or election of any person to any public office are expanded to prohibit such entities from making any donation to any other person for the purpose of making an independent expenditure. The act also removes a statutory limitation that had restricted the prohibition on political involvement by the state or political subdivisions to the use of public moneys so that the prohibition applies to all moneys.

### **Appropriation**

The act appropriates, out of any moneys in the department of state cash fund not otherwise appropriated, to the department of state, for the 2010-11 fiscal year, the sum of \$101,662 cash funds, or so much thereof as may be necessary, for the implementation of the act.

The act appropriates to the department of law, for the 2010-11 fiscal year, the sum of \$4,522, or so much thereof as may be necessary, for the provision of legal services to the department of state related to the implementation of the act. Said sum shall be from reappropriated funds received from the department of state out of the appropriation made to the department of state in the act.

The act appropriates to the department of personnel and administration, division of administrative courts, for the 2010-11 fiscal year, the sum of \$4,500, or so much thereof as may be necessary, for the provision of administrative law judge services to the department of state related to the implementation of the act. Said sum shall be from reappropriated funds received from the department of state out of the appropriation to the department of state made in the act.

**APPROVED** by Governor May 25, 2010

**EFFECTIVE** May 25, 2010

**S.B. 10-216** Statewide ballot measures - ballot order. Currently, statewide ballot measures are required to appear in the following order on a ballot: Initiated amendments to the state constitution, referred amendments, initiated propositions to change the Colorado Revised Statutes, and referred propositions.

The order of referred and initiated measures are switched, while keeping the order of amendments and propositions. Accordingly, beginning with the 2010 general election, the order of statewide ballot measures will be: Referred amendments, initiated amendments, referred propositions, and initiated propositions.

**APPROVED** by Governor June 10, 2010

**EFFECTIVE** June 10, 2010

**H.B. 10-1116** Voter registration - change of residence - emergency registration - polling place accessibility - acceptance of nomination - polling places for primary election conducted as mail ballot election - party affiliation of logic and accuracy testing judges for nonpartisan elections - TABOR ballot issue notice - mail ballot election notice deadlines - signature verification - abstract of votes cast - canvass board deadlines - penalty provisions - repeal of obsolete provisions. The act makes technical and administrative revisions to the "Uniform Election Code of 1992" (election code) and other election-related provisions. Specifically, the act:

- Repeals an obsolete provision requiring a county clerk and recorder to attest to electors' signatures on registration sheets. These registration sheets are no longer used by county clerk and recorders.
- Deletes the obsolete effective date of July 1, 1985, regarding a provision related to voter registration at driver's license examination facilities.
- Deletes obsolete language relating to voters who have moved from one precinct to another within the same county. Due to the implementation of the statewide voter registration database, the language has been changed to reflect moves between precincts in the state rather than precincts in the county.
- Repeals obsolete language relating to the emergency registration of a voter who has moved to a new county. Due to the implementation of the statewide voter registration database, this situation is now covered by another provision of law.
- Repeals an obsolete statutory section that allowed a person with disabilities to request an accessible polling place if the person's assigned polling place was not accessible. Pursuant to the federal "Help America Vote Act of 2002", all polling places must now be accessible to persons with disabilities, rendering this section obsolete.
- Makes a correction to a provision that specifies the procedures to be followed if a registered elector moves to another state. The previous language inaccurately referred to a "county" rather than a "state".
- Specifies that no elector's registration record shall be canceled solely for failure to vote.
- Shortens from 10 days to 4 days the period in which a candidate must file an acceptance of nomination in order to conform to another provision of law.
- Deletes an obsolete date regarding the applicability of a provision governing a vacancy in the office of lieutenant governor.
- Deletes language in order to harmonize conflicting dates regarding the

- cancellation of an election.
- Deletes obsolete applicability dates of January 1, 2006, regarding electronic voting systems and devices.
- Specifies that certain polling place procedures regarding declaration of affiliation shall not apply if the primary election is being conducted as a mail ballot election.
- Removes the party affiliation requirements for judges who perform logic and accuracy testing on electronic voting equipment if the election for which the equipment is being tested is a nonpartisan election.
- Specifies that, for purposes of the ballot issue notice required by the taxpayer's bill of rights, the governing body of a political subdivision, including a special district, is the "election official" responsible for summarizing the comments for and against a ballot issue placed on the ballot by a political subdivision.
- Deletes conflicting language regarding the deadline to notify the secretary of state of a special district's intent to conduct an election as a mail ballot election and the deadline for the secretary to approve or disapprove the mail ballot election. Previously, the deadline to notify was 2 days prior to the deadline to cancel an election.
- Repeals obsolete language regarding secretary of state approval for delayed mailing dates and repeals an obsolete provision regarding mail ballots returned without identification.
- Requires signature verification for all mail ballot elections.
- Requires signature verification for all mail-in elections.
- Deletes obsolete language requiring a county clerk and recorder to compare signatures on mail or mail-in ballots with signatures on file in the office of the county clerk and recorder. Storing signatures on file is no longer the practice due to the implementation of the statewide voter registration database.
- Requires the secretary of state to send a paper copy of the abstract of votes cast to a county clerk and recorder only if the county clerk and recorder requests a paper copy.
- Increases the time in which a canvass board must certify the abstract of votes cast from 7 days to 17 days after an election to correspond with other relevant election dates. Previously, the deadline to certify the abstract was prior to the date by which voters may resolve signature discrepancies.
- Adds language to the general penalty provisions of the election code to specify that voter registration drive organizers and circulators are subject to a different set of penalty provisions contained elsewhere in the election code.
- Updates an internal reference by adding references to recently added sections regarding ballot preparation and publication.
- Repeals obsolete language regarding the city of Broomfield's change to the city and county of Broomfield.

**APPROVED** by Governor May 5, 2010

**EFFECTIVE** May 5, 2010

**H.B. 10-1271** Nomination for candidacy for partisan political office - date of registration. Effective for the 2012 general election and thereafter, the period during which a person seeking nomination must be affiliated with a major or minor political party, or unaffiliated if reaching the ballot by petition as an unaffiliated candidate, as shown on the books of the county clerk and recorder, is shortened. The act specifies that such a person must be shown as affiliated with the major or minor party, or unaffiliated, as applicable, no later than the first business day of the January immediately preceding the election at which the person

desires to be placed in nomination, unless otherwise provided by party rules.

**APPROVED** by Governor May 27, 2010

**EFFECTIVE** May 27, 2010

**H.B. 10-1370** Initiated ballot measures - proponents - registration of issue committee - blue book - arguments for and against measure - disclosure - major purpose - issue committee ads - disclaimer - failure to report - penalty. The act requires the secretary of state to notify the proponents of a statewide initiative petition, at the time a petition is approved, that the proponents must register an issue committee if 200 or more petition sections are printed or accepted in connection with circulation of the petition.

Each person who submits written comments to the staff of the legislative council, in connection with drafting the arguments for and against the initiated or referred measures contained in the ballot information booklet (blue book), must provide certain identifying information. The arguments for and against each measure in the analysis section of the blue book will be preceded by a phrase referencing the secretary of state's election center web site address containing information on those issue committees that support or oppose the measures at the upcoming election.

The act clarifies the term "major purpose" for purposes of the campaign and political finance provisions of the state constitution.

An issue committee that makes an expenditure in excess of \$1,000 on a communication that is broadcast, printed, mailed, or delivered must disclose, in the communication produced by the expenditure, the name of the issue committee making the expenditure. The act specifies how the disclaimer must appear in the communication.

Upon a determination by the office of administrative courts that an issue committee knowingly or intentionally failed to file a report required pursuant to the state's campaign finance laws, an administrative law judge will direct the issue committee to file any such report within 10 days and, in addition to any other penalty, may authorize the imposition of a penalty not to exceed \$20 for each contribution received and expenditure made by the issue committee that was not timely reported.

**APPROVED** by Governor May 25, 2010

**EFFECTIVE** January 1, 2011

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

## FINANCIAL INSTITUTIONS

**S.B. 10-42** At-risk adults - financial exploitation investigations - prior consent to release financial records. Under the "Protection Against Financial Exploitation of At-risk Adults Act" in the "Colorado Human Services Code", current law requires banks, industrial banks, federal savings banks, savings and loan associations, building and loan associations, trust companies, and credit unions (financial institutions), only upon request of a consumer, to offer the requesting consumer, who is either over 60 years of age or is an at-risk adult, the option to sign an informed consent form for placement in the consumer's file or records, thereby allowing the financial institution to disclose the consumer's financial information or records in connection with an investigation of known or suspected financial exploitation of the consumer.

This provision is relocated to Colorado consumer affairs statutes with the following substantive modifications:

- Financial institutions, which are redefined to include a state or federal bank, savings bank, saving and loan association, building and loan association, trust company, or credit union, are required to inform all account holders who are at-risk adults of their right to voluntarily sign and have placed in their bank records a consent form;
- Financial institutions are permitted to offer the prior consent form to all account holders, regardless of whether they are at-risk adults;
- The name of the form is changed from "informed consent" to "prior consent" form to reflect that the account holder is giving his or her consent, prior to any alleged or suspected financial exploitation activities, to the release of otherwise confidential records so as to allow a financial institution to alert or notify local law enforcement and the county or district department of social services (county departments) of potential financial exploitation and provide access to those records to expedite an investigation and minimize losses suffered by victims as a result of financial exploitation;
- The attorney general is to work with stakeholders, including the divisions of banking and financial services in the department of regulatory agencies, representatives of financial institutions, county departments, local law enforcement, district attorneys, and at-risk adults, to develop a standard prior consent form that may be used by financial institutions;
- A financial institution is not obligated to report known or suspected financial exploitation of an account holder.

"At-risk adult" is defined, consistent with the "Colorado Criminal Code", as a person who is:

- 60 years of age or older; or
- 18 years of age or older and is a person with a disability.

**APPROVED** by Governor June 8, 2010

**EFFECTIVE** June 8, 2010

## GENERAL ASSEMBLY

**S.B. 10-119** Compensation of members - delay of per diem increase for nonmetro members - guidelines for travel expense reimbursement and designation of Denver metro area. The act gives the executive committee of the legislative council the authority to establish guidelines regarding reimbursements and substantiation requirements for travel expenses incurred by members of the general assembly. Members of the general assembly who reside outside the Denver metropolitan area currently receive \$150 per legislative day for expenses incurred during the legislative session. The legislative per diem rate for members residing outside the Denver metropolitan area is scheduled to change on July 1, 2010, to an amount equal to 85% of the federal per diem rate for the city and county of Denver. The act delays this increase so that these members will continue to receive \$150 per legislative day for expenses incurred during the legislative session until July 1, 2012. For purposes of the legislative per diem rate, the executive committee of the legislative council will establish guidelines designating the area comprising the Denver metropolitan area, whereas currently, the counties and cities and counties that comprise the Denver metropolitan area are specified in statute.

**APPROVED** by Governor April 15, 2010

**EFFECTIVE** April 15, 2010

**S.B. 10-213** Suspension of 2010 interim committees - designation of committee of reference for legislation proposing interim studies. The legislative council of the general assembly is prohibited from creating or authorizing the conduct of any interim studies during the 2010 interim. The legislative council is designated to be the committee of reference for all bills and joint resolutions that create or authorize interim studies, and any bill or joint resolution that is amended during the legislative process to include the creation or authorization of an interim study is required to be referred to the legislative council for consideration.

The activities of the following committees and task forces are suspended during the 2010 interim:

- Economic opportunity poverty reduction task force;
- Legislative emergency epidemic response committee;
- Health care task force;
- Legislative oversight committee for the continuing examination of the treatment of persons with mental illness who are involved in the criminal and juvenile justice systems;
- Mentally ill offender task force;
- Early childhood and school readiness legislative commission;
- Police officers' and firefighters' pension reform commission;
- Water resources review committee;
- Transportation legislation review committee.

Reporting requirements related to the activities of these committees and task forces are suspended or postponed due to the suspension of their activities during the 2010 interim.

**APPROVED** by Governor June 7, 2010

**EFFECTIVE** June 7, 2010

**H.B. 10-1020** Legislative department - contracts - approval. Current law requires all legislative department contracts to be approved by the attorney general and the state controller. Current law also treats the legislative department as equivalent to agencies of the executive branch of state government under statutes restricting the leasing of real and personal property for purposes of oversight of executive branch spending by the state controller.

The act provides that, except for certain types of contracts required under the state constitution to be approved by the governor or his or her designee, legislative department contracts shall be approved by the director of the office of legislative legal services or the director's designee. The act exempts the legislative department from the statutory provisions restricting the leasing of real and personal property for purposes of oversight of executive branch spending by the state controller. The act also reduces the general fund appropriation to the legislative department for legal services for the 2010-11 fiscal year by \$1,131 and 15 hours. The act specifies that it applies to contracts of the legislative department entered into on or after April 15, 2010.

**APPROVED** by Governor April 15, 2010

**EFFECTIVE** April 15, 2010

**H.B. 10-1080** Legislative emergency epidemic response committee - expansion of duties - authority to recommend legislation. The scope of the current legislative emergency epidemic response committee (committee) is broadened to allow the committee to prepare for disaster as well as epidemic emergencies. The name of the committee is changed to the legislative emergency preparedness, response, and recovery committee to reflect the broadened scope of the committee.

Additionally, the committee has the authority to recommend legislation pertaining to the preparedness, response, and recovery by, and continuation of operations of, the general assembly and the legislative service agencies in the event of an emergency epidemic or disaster.

**APPROVED** by Governor March 31, 2010

**EFFECTIVE** March 31, 2010

**H.B. 10-1210** Redistricting - statutes updated - account created - data and computer system authorized - plan for reapportionment commission - moneys transferred. The permanent statutes relating to redistricting are updated by requiring the Colorado reapportionment commission (commission) appointed in 2011 to designate in its plan which senatorial districts will stand for election in 2012 and which in 2014.

If a senator elected in 2010 vacates his or her seat prior to the start of the 2013 regular legislative session, the vacancy shall be filled from the district from which the senator was elected; however, any election in 2012 shall be from the newly drawn district. If such senator vacates his or her seat on or after the start of the 2013 regular legislative session, the vacancy shall be filled from the newly drawn district.

The redistricting account in the legislative department cash fund (account) is created, and the allowable uses of moneys in the account are specified.

The general assembly declares that, because 2012 is a presidential election year and precinct caucuses may be held on February 7, 2012, the time for the commission to complete its final plan is shortened. The declaration urges the commission and the Colorado supreme court to approve a final redistricting plan by December 14, 2011.

The legislative council will compile specified information and computer databases for use by the reapportionment commission and the general assembly in redrawing district boundaries. The director of research of the legislative council will acquire a computer system to prepare legislative districts. The election and voter registration information from the 2008 and 2010 general elections to be included in the computer database are specified. The executive committee of the legislative council is authorized to adopt a policy, including fees, for public access to the computerized database.

The act makes arrangements for commission staff, offices, and meeting rooms and for assistance from state agencies.

The state treasurer is directed to transfer \$1,129,607 from the ballot information publication and distribution revolving fund to the account.

**APPROVED** by Governor June 7, 2010

**EFFECTIVE** June 7, 2010

**H.B. 10-1402** Capital development committee - capitol dome restoration - approval of private fundraising and cause-related marketing campaign - trust fund. The capital development committee (CDC) will oversee and approve a 2-year fund-raising effort and any associated agreements made with a nonprofit, statewide historic preservation organization (nonprofit) and a marketing firm for a cause-related marketing and cause-related sponsorship program and grassroots public campaigns to raise moneys to repair the state capitol dome. The CDC will review and approve any cause-related marketing, including but not limited to the use of any protective covering over the state capitol dome and related superstructure during construction. In approving any cause-related marketing and cause-related sponsorships, the CDC shall consider how these efforts will promote public support for the project and recognize major sponsors of the restoration project in a tasteful and appropriate manner consistent with the importance and historic nature of the state capitol building. The CDC will provide periodic reports, as needed, to the executive committee of the legislative council about the types of fund-raising efforts the CDC has under consideration for approval and about the status of the fund-raising efforts for the dome restoration project.

The state capitol building advisory committee will review, advise, and make recommendations to the CDC about the proposed fund-raising efforts for the repair of the dome. The state capitol building advisory committee shall submit a written report with the recommendations to the CDC and to the executive committee of the legislative council.

The nonprofit will make quarterly reports to the CDC and to the department of personnel on the status of the fund-raising efforts and the amount of moneys that have been raised. As moneys are needed for discrete phases of the restoration project, the nonprofit and the department of personnel shall coordinate the timing and amount of the donation of moneys raised through the cause-related marketing and cause-related sponsorship program and the grassroots public campaigns. The moneys raised will be credited to a capitol dome restoration trust fund to pay for the expenses of the dome restoration project pursuant to an approved capital construction project request and subject to appropriations by the general



assembly for the project.

If the state historical society makes a grant from the state historical fund for the capitol dome restoration project, the administrative fee retained by the nonprofit as a commission for conducting the cause-related fund-raising program shall not apply to the grant.

The act repeals the authority of the CDC to oversee the fund-raising process and repeals the advisory role of the state capitol building advisory committee regarding the fund-raising efforts on July 1, 2012. The remainder of the act is repealed, effective July 1, 2014.

**APPROVED** by Governor May 25, 2010

**EFFECTIVE** May 25, 2010

**NOTE:** The digest entry for Senate Bill 10-192 (companion legislation) can be found under the Government - State section of this digest.

**H.B. 10-1408** Congressional districts - criteria for courts. When adopting or reviewing congressional districts, prior law prohibited courts from considering political factors concerning the outcome of an election. This prohibition is repealed.

Prior law directed courts, when adopting or reviewing congressional districts, to utilize certain criteria in a specified order of preference. Under the act, courts are required to consider population equality and compliance with the federal Voting Rights Act of 1965 and may consider the following factors, without weighting any factor:

- Preservation of political subdivisions;
- Preservation of communities of interest;
- Compactness; and
- Minimization of the disruption of prior district lines.

**APPROVED** by Governor June 7, 2010

**EFFECTIVE** August 11, 2010

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

## GOVERNMENT - COUNTY

**S.B. 10-100** Local improvement districts - energy efficiency improvements and renewable energy improvements - multi-county districts - qualified community locations. Current law prohibits local improvement districts for energy efficiency improvements and renewable energy improvements (energy LIDs) to cross county boundaries. The act allows such a district formed by a county to be created in 2 or more counties. The definition of "renewable energy improvement" for energy LIDs formed by both counties and municipalities will include improvements located at a qualified community location rather than directly on a residential or commercial building. "Qualified community location" is defined, for purposes of investor-owned utilities, as a community solar garden as defined in House Bill 10-1342. Energy LIDs formed by a county are exempted from a variety of inappropriate requirements that are otherwise generally applicable to local improvement districts. The inclusion contract or agreement must notify the homeowner of the district's right to accelerate payments upon default. The municipality or county must notify the record owner of any first priority mortgage or deed of trust that the property has been included in the district.

**APPROVED** by Governor May 5, 2010

**EFFECTIVE** May 5, 2010

**S.B. 10-138** Property tax - appeal of valuation - costs and fees. A taxpayer and a county shall each be responsible for their respective costs when a taxpayer appeals the valuation of the taxpayer's property in an appeal from a county board of equalization.

**APPROVED** by Governor April 21, 2010

**EFFECTIVE** August 11, 2010

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

**S.B. 10-182** County officials' salary commission - 2010 report to general assembly - recommendations - implementation. The following 2 requests made by the county elected officials' salary commission in its 2010 report to the general assembly are implemented:

- The frequency of when the commission will meet and submit its report to the general assembly is changed from every 4 years to every 2 years. The timing is also changed from the second regular session to the first regular session of a general assembly.
- The language regarding payments to a county surveyor is clarified to reflect that the board of county commissioners may compensate the county surveyor for any additional work beyond the scope of the original contract.

**APPROVED** by Governor May 26, 2010

**EFFECTIVE** May 26, 2010

**H.B. 10-1007** Clerk and recorder - filing fees. A county clerk and recorder will charge \$10 for the first page of each document filed and \$5 for each additional page. The additional fee for documents that require multiple entries in the grantor or grantee index is eliminated. The

existing \$5 per page fee is retained for certain filings made by the executive director of the department of revenue. The act applies to documents filed on or after July 1, 2010.

**APPROVED** by Governor April 5, 2010

**EFFECTIVE** April 5, 2010

**H.B. 10-1057** Fees - county sheriff - service of process - mileage. The maximum fee a sheriff may charge for making a return on a summons not served is raised from \$16 to \$20.

County sheriffs may implement a zone- or zip code-based mileage structure, which will allow sheriffs to charge a flat rate for any service of process within a specified zone or zip code.

Additionally, for service of multiple papers on one person, or on different persons at the same place of service for the same action, the prohibition on constructive mileage is eliminated and, instead, the sheriff is allowed to charge the standard rate for the first service of process and \$10 for each additional service of process.

Finally, a sheriff may establish billing accounts for licensed attorneys and licensed collection agencies that have a principal office in the state.

**APPROVED** by Governor April 15, 2010

**EFFECTIVE** August 11, 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. 10-1062** County officers - crime insurance in lieu of surety bond requirement - repeal of obsolete language. In addition to the surety bonds that county officers have been required to purchase to ensure the faithful performance of duties, counties have the option to purchase crime insurance coverage to protect against potential malfeasance of county employees and any of the following county officers or their deputies while in office: County commissioners, clerk and recorders, sheriffs, coroners, treasurers, assessors, and surveyors.

Additionally, obsolete references to clerks of district and county courts as county officers are repealed. Such court clerks are now employees of the judicial branch.

**APPROVED** by Governor April 21, 2010

**EFFECTIVE** August 11, 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. 10-1096** Vehicle identification number inspections - certification of additional inspectors. Currently, only peace officers are allowed to perform certified vehicle identification number inspections. County sheriffs and municipal police chiefs will be allowed to certify additional individuals to perform the inspections if the individuals complete the inspection training provided by the peace officers standards and training board. The individuals must also be employees or bona fide representatives of a county or

municipality and must pass fingerprint and background checks.

**APPROVED** by Governor May 20, 2010

**EFFECTIVE** August 11, 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. 10-1117** Taxation - real and personal property - abatement - electronic notices of valuation and tax statements. Prior to the passage of the act, a board of county commissioners or a county assessor could issue an abatement or refund up to \$1,000 to a taxpayer without the approval of the property tax administrator. This amount is raised to \$10,000.

Additionally, a county assessor may send notices of valuation for real and personal property to a taxpayer electronically if the taxpayer so requests. If the taxpayer later requests to cease the electronic transmissions, the assessor must comply with the request and send all future notices of valuation by regular mail.

Finally, a county treasurer, at the treasurer's discretion, may send tax statements for real and personal property to a taxpayer electronically if the taxpayer so requests or may send electronic notice of the availability of an electronic statement to the taxpayer. If the taxpayer later requests to cease the electronic transmissions, the treasurer must comply with the request and send all future tax statements by regular mail.

**APPROVED** by Governor May 5, 2010

**EFFECTIVE** August 11, 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. 10-1118** Land use - regulation of distressed real property. A board of county commissioners has the power to require the owner or the lienholder or receiver in possession of distressed real property to secure, maintain, and insure the property and to provide the county planning and zoning department with contact information for the party responsible for the preservation of the property.

**APPROVED** by Governor June 7, 2010

**EFFECTIVE** August 11, 2010

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

## GOVERNMENT - LOCAL

**S.B. 10-116** Public entity - contracts - change orders - periodic cost reimbursement. Contracts between a public entity and a contractor or designer for a public works project must contain a clause requiring the public entity to pay the contractor on a periodic basis for any costs incurred by the contractor for work performed after the contractor has submitted an estimate of cost and until the change order is finalized.

**APPROVED** by Governor March 31, 2010

**EFFECTIVE** August 11, 2010

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

**S.B. 10-120** 911 services - funding - prepaid wireless telephones - appropriation. A 1.4% charge on the retail sale of prepaid wireless telephone service is imposed for use by local 911 authority boards to fund E911 services. The charge is collected and remitted by retail sellers to the department of revenue (department) in the same manner as sales tax is collected, after which the department transfers the fee to local 911 call centers in proportion to the number of wireless calls they receive. Retail sellers may retain 2% of the amount collected until July 1, 2011, after which the amount is 3.3%. The act is cash-funded by allowing the department to retain a portion of the charge.

\$476,195 is appropriated to the department to implement the act.

**APPROVED** by Governor June 7, 2010

**EFFECTIVE** January 1, 2011

**S.B. 10-142** Sales and use tax - deficiency notice. A deficiency notice issued by a local government to a taxpayer for sales or use taxes that are due shall contain a notification of the time limit to file a protest to the notice. A taxpayer shall file any protest to the deficiency notice with the local government within 30 days after the notice.

**APPROVED** by Governor March 29, 2010

**EFFECTIVE** March 29, 2010

**S.B. 10-181** Municipal lands connected to water right - authority to lease. Currently, a municipality is allowed to purchase water rights, to purchase and hold the lands with which the water rights are connected, and to sell such lands when deemed advisable by the governing body of the municipality. The act allows the city to also lease such lands.

**APPROVED** by Governor June 7, 2010

**EFFECTIVE** August 11, 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. 10-1107** Urban renewal - prohibition on inclusion of agricultural land within urban renewal area - exceptions to prohibition - calculation of taxes to be paid for purposes of determining available tax increment. Any area that has been designated as an urban renewal area is prohibited from containing any agricultural land unless:

- The agricultural land is a brownfield site as designated by the United States environmental protection agency;
- The area containing the agricultural land is at least two-thirds contiguous with urban-level development and at least one-half of the area consists of urban-level development that is determined to constitute a slum or blighted area;
- The agricultural land is an enclave within the territorial boundaries of a municipality and the entire perimeter of the enclave has been contiguous with urban-level development for a period of not less than 3 years;
- Each public body that levies an ad valorem property tax on the agricultural land agrees in writing to the inclusion of the agricultural land within the urban renewal area; or
- The agricultural land was included in an approved urban renewal plan prior to June 1, 2010.

In addition to the exceptions specified above, for a period commencing on June 1, 2010, and concluding June 1, 2020, no area that has been designated as an urban renewal area shall contain any agricultural land unless:

- The agricultural land is contiguous with an urban renewal area in existence as of June 1, 2010;
- The person who is the fee simple owner of the agricultural land as of June 1, 2010, is also the fee simple owner of land within the urban renewal area as of June 1, 2010, that is contiguous with the agricultural land; and
- Both the agricultural land and the land within the urban renewal area will be developed solely for the purpose of creating primary manufacturing jobs, and any ancillary jobs necessary to support such manufacturing operations, for the duration of the period during which property tax revenues in excess of a base amount are paid into a special fund for the purpose of financing an urban renewal project. "Primary manufacturing jobs" is defined to mean manufacturing jobs that produce products that are in excess of those that will be consumed within the boundaries of the state and that are exported to other states and foreign countries in exchange for value.

Where agricultural land is included within an urban renewal area under the conditions specified in the act, the county assessor is required to value the agricultural land at its fair market value in making the calculation of the taxes to be paid to the public bodies solely for the purpose of determining the tax increment available. The act shall not affect the actual classification, or require reclassification, of agricultural land for property tax purposes, and nothing in the act shall affect the taxes actually to be paid to the public bodies, which shall continue to be based on the agricultural classification of such land unless and until it has been reclassified in the normal course of the assessment process.

The grounds allowing counties to challenge information contained in urban renewal impact reports are expanded.

The required agreement to be entered into by or among the municipality and urban renewal authority and county taxing entities in the case of tax increment financing may provide for a waiver of certain requirements under the urban renewal law.

Urban renewal plans are required to include a legal description of the urban renewal area, including the legal description of any agricultural land proposed for inclusion within

the urban renewal area pursuant to the conditions specified in the act.

A city and county is exempted from submitting an urban renewal impact report, which, under current law, the governing body of the municipality or urban renewal authority is required to submit to the board of county commissioners.

Not later than 30 days after the municipality has provided the county assessor notice that the urban renewal plan contains tax increment financing provisions, the assessor may provide written notice to the municipality if the assessor believes that agricultural land has been improperly included in the urban renewal area under the conditions specified in the act. If the notice is not delivered within the 30-day period, the inclusion of the land in the urban renewal area as described in the urban renewal plan shall be incontestable in any suit or proceeding notwithstanding the presence of any cause. If the assessor provides written notice to the municipality within the 30-day period, the municipality may file an action in state district court for an order determining whether the inclusion of the land in the urban renewal area is consistent with one of the conditions specified in the act and shall have an additional 30 days from the date it receives the notice in which to file the action. If the municipality fails to file such an action within the additional 30-day period, the urban renewal area shall not include the agricultural land.

**APPROVED** by Governor April 14, 2010

**EFFECTIVE** June 1, 2010

**H.B. 10-1205** Land use planning - notification by local governments to military installations - specified land use developments. The act modifies statutory provisions requiring local governments to notify military installations of certain land use developments occurring near such installations in the following respects:

- The prior definition of "military installation" is modified so that the term now means either a base, camp, post, station, airfield, yard, center, or any other land area under the jurisdiction of the United States department of defense, including any leased facility, that is larger than 500 acres, or the Greeley Air National Guard station.
- Current law requires a local government with a military installation within its territory to submit to the commanding officer of the installation information about proposed changes to the local government's comprehensive plan or land development regulations that would affect any territory of the local government within 2 miles of the installation. The act modifies these requirements by requiring a local government with territory within 2 miles of a military installation to timely submit to the installation commanding officer and the flying mission commanding officer, or their designees, information related to proposed zoning changes, and amendments to the local government's comprehensive plan, or land development regulations that, if approved, would affect the use of any area within 2 miles of the installation. The act also gives the military installation 14 days within which to review the information and submit comments to the local government on the impact the proposed changes may have on the mission of the military installation.
- A county or municipality is not required to prepare a new master plan in order to satisfy any of its requirements.

"Military installation" is added to the list of public places or facilities that may be

included in a county or municipal master plan.

**APPROVED** by Governor May 21, 2010

**EFFECTIVE** August 11, 2010

**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. 10-21** Volunteer firefighter pensions - definitions - board composition - investment restrictions - reports. The following changes are made to the "Volunteer Firefighter Pension Act":

- Eliminating the exclusion of the reimbursement for lost wages from the definition of "compensation", as the term is used in the definition of "volunteer firefighter";
- Permitting retired fire department members, including those who have returned to active service, to serve on the board of trustees of a volunteer firefighter pension fund (fund);
- Eliminating an investment restriction on a trustee of a fund; and
- Eliminating the requirement that the board of trustees of a fund deliver a copy of a report on the condition of the fund to the board of directors of its fire protection district.

**APPROVED** by Governor March 10, 2010

**EFFECTIVE** August 11, 2010

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

**S.B. 10-22** Fire and police pension association - statewide defined benefit plan - member contribution rate - increase. The board of directors of the fire and police pension association (board) is authorized to increase the member contribution rate for the statewide defined benefit plan (plan) if the increase:

- Does not require an increase in the employer contribution rate or adversely affect the plan's status under federal law; and
- Is approved by a supermajority of active plan members and a majority of the employers.

The board may eliminate the increase in the member contribution rate so long as the requirements for an increase are met. Conforming amendments are made to ensure that the increase in the member contribution rate does not change other requirements related to the plan.

**APPROVED** by Governor March 10, 2010

**EFFECTIVE** August 11, 2010

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

**S.B. 10-23** Fire and police pension association - return to work - benefits - rules. The board of directors of the fire and police pension association is authorized to adopt rules, in the board's discretion, suspending the distribution of benefits to any retired member participating in the defined benefit system who, after electing a retirement, has returned to work with an employer who also participates in the defined benefit system.

Upon findings by the board that the rules are in compliance with provisions of the federal internal revenue code and that there will be no actuarial impact to the defined benefit system, the board of directors is authorized to adopt rules that allow a member who has

elected a retirement to continue to receive retirement benefits and earn additional benefits.

**APPROVED** by Governor March 10, 2010

**EFFECTIVE** August 11, 2010

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

**S.B. 10-24** Fire and police pension association - affiliated plans - repeal. The act repeals the authority of the board of directors of the fire and police pension association to enter into an agreement with an employer establishing a money purchase pension plan for the purpose of having the board administer the plan and manage the investment of the moneys of the plan.

**APPROVED** by Governor March 10, 2010

**EFFECTIVE** August 11, 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. 10-1016** Fire and police pension association - board of directors - retired firefighter or police officer serving on board - extension of term. The term of the retired firefighter or police officer serving as a member of the board of directors of the fire and police pension association is extended from 4 years to 6 years.

The act applies to terms commencing on or after January 1, 2010.

**APPROVED** by Governor April 5, 2010

**EFFECTIVE** August 11, 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. 10-1063** Publication of legal notices or advertisements - exception for municipalities without newspaper satisfying requirement of legal publication. Current law specifies that no publication, no matter how frequently published, shall be considered a legal publication unless it has been admitted to the United States mails with periodicals mailing privileges. The act specifies that if no newspaper is published within the territorial boundaries of a municipality that satisfies the existing requirements for a legal publication, but a newspaper that provides local news and that would satisfy the requirements to be admitted to the United States mails with periodicals mailing privileges but for the absence of paid circulation is distributed within such territorial boundaries, the municipality may publish any legal notice or advertisement required by law in such newspaper.

**APPROVED** by Governor March 18, 2010

**EFFECTIVE** March 18, 2010

**H.B. 10-1259** Annexation - harmonization of statutory annexation provisions with constitutional annexation provisions. The state constitution, as a result of a citizen initiative adopted by the voters in 1980 (Poundstone II), prohibits an unincorporated area from being annexed to a municipality unless one of the following constitutional annexation requirements first has been met:

- The question of annexation has been submitted to the vote of the landowners and the registered electors in the area proposed to be annexed, and the majority of the persons voting on the question have voted for the annexation;
- The annexing municipality has received a petition for the annexation of the area signed by persons comprising more than 50% of the landowners in the area and owning more than 50% of the area, excluding public streets and alleys and any land owned by the annexing municipality; or
- The area is entirely surrounded by or is solely owned by the annexing municipality.

The act amends the "Municipal Annexation Act of 1965" (annexation statute) to conform its provisions to Poundstone II. In particular, the act:

- Amends the legislative declaration in the annexation statute to add as a purpose of the statute the implementation of the constitutional annexation requirements.
- Amends various provisions of the annexation statute to reference Poundstone II as a requirement that must be satisfied in addition to the statutory requirements already contained in the applicable provisions.
- Substitutes the terms "landowner" and "registered elector", as applicable, in place of the terms "qualified elector" and "nonresident landowner". This change relates to approval of an annexation by the persons residing in the affected area.
- Specifies that persons comprising more than 50% of the landowners in an area and owning more than 50% of the area, excluding any land owned by the annexing municipality, may petition the governing body of any municipality for the annexation of the territory. Under current law, this requirement applies to the landowners of more than 50% of the area but is silent with respect to land owned by the annexing municipality. The act also clarifies the requirements affecting a petition for annexation to specify that a petition must contain an allegation that the signers of the petition comprise more than 50% of the landowners in the area and own more than 50% of the area proposed to be annexed, excluding public streets and alleys and any land owned by the annexing municipality. Under current law, the signers must comprise the landowners of more than 50% of the territory included in the area proposed to be annexed, but current law is silent with respect to land owned by the annexing municipality.
- Eliminates redundant and potentially confusing language currently in the annexation statute.

**APPROVED** by Governor May 6, 2010

**EFFECTIVE** August 11, 2010

**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. 10-46** Forest improvement districts - boundaries within the boundaries of a county or municipality. Previously, the governing board of a county or municipality could only propose the creation of a forest improvement district if the boundaries of the proposed district would include the entire territory of the county or municipality.

A governing body of a county or municipality may now propose the creation of a forest improvement district with boundaries not necessarily encompassing the entire territory of the county or municipality.

**APPROVED** by Governor March 10, 2010

**EFFECTIVE** March 10, 2010

**S.B. 10-53** Metropolitan sewage disposal districts - use of weighted voting in specified circumstances. Prior to the adoption of the act, state law required any action of a board of directors of a metropolitan sewage disposal district to have the approval of a majority of board members present and voting at a regular or special meeting at which a quorum consisting of one-half of the total membership of the board of directors is present. The act excepts weighted voting conducted in accordance with the bylaws of the district, applicable resolutions of the board, or other laws or rules governing the procedures of the board from these requirements.

**APPROVED** by Governor March 10, 2010

**EFFECTIVE** August 11, 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. 10-1095** Fire protection districts - motor vehicle accident rescue fees. A fire protection district's authority to charge certain rescue fees is limited to services provided at the scene of a motor vehicle accident.

**APPROVED** by Governor March 10, 2010

**EFFECTIVE** August 11, 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. 10-1143** Regional transportation district - authorization for agreements to provide residential and other uses at transit facilities. Under existing law, the regional transportation district (RTD) may negotiate and enter into agreements with any person or public entity for the provision of retail and commercial goods and services to the public at transfer facilities. The act permits RTD to negotiate and enter into similar agreements for the provision of residential or other uses at transfer facilities, so long as such uses are consistent with local laws relating to planning and zoning. The act also modifies an existing prohibition on the uses of a transfer facility that reduce transit services or reduce the availability of adequate parking for the public to include residential or other uses among the uses prohibited. The act modifies another existing prohibition on the uses of a transfer facility that create a competitive disadvantage for nearby businesses to only include uses involving the provision of retail or commercial goods or services. Finally, the act requires the provision of retail and

commercial goods and services or the provision of residential or other uses at a transfer facility to be conducted in a manner that encourages multimodal access for all users.

**APPROVED** by Governor April 15, 2010

**EFFECTIVE** August 11, 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. 10-1243** Special districts that provide transportation-related services - authorization to impose sales tax and join a regional transportation authority. The act authorizes a county that previously was not authorized to levy a sales tax for transportation-related purposes due to having a population of 100,000 or less to levy such a tax. The act authorizes a special district that is a metropolitan district organized with street improvement, safety protection, or transportation powers, as defined by existing law, to levy a uniform voter-approved sales tax in any unincorporated territory of the district subject to the following conditions:

- Proceeds of any sales tax levied shall be used only to fund transportation-related safety protection and street improvement in areas of the metropolitan district in which the tax is levied, and transportation, as described in, and limited by, specified existing statutory provisions;
- The department of revenue shall collect, administer, and enforce any sales tax levied; and
- Revenues raised by a metropolitan district through the levy of a sales tax may not be used to supplant any state funding that the district or any county, municipality, regional transportation authority, or other governmental entity that has transportation-related powers and that includes territory located within the district would otherwise be entitled to receive from the state.

The act authorizes a special district that is organized with street improvement, safety protection, or transportation powers, as defined by existing law, to join a regional transportation authority.

**APPROVED** by Governor June 8, 2010

**EFFECTIVE** August 11, 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. 10-1328** Colorado new energy improvement district - creation - powers and duties. The Colorado new energy improvement district (district) is created as an independent public body corporate and a public instrumentality performing an essential public function. The act clarifies that, under applicable Colorado supreme court case law, the district is not subject to the provisions of the taxpayer's bill of rights and specifies the qualifications, manner of appointment, and terms of the board of directors of the district. The purpose of the district is to help provide the special benefits of new energy improvements to owners of eligible residential real property who voluntarily join the district by establishing, developing, financing, and administering a new energy improvement program (program) in counties that have approved the conduct of the program by the district.

The program allows the district to provide assistance to any such owner in completing a new energy improvement on the owner's property or participating with other property owners in completing an interacting group of new energy improvements that directly benefit the owner's property through a qualified community location by providing reimbursement or a direct payment for all or a portion of the cost of completing the new energy improvement or interacting group of improvements. The powers and duties of the district include but are not limited to the power to:

- Develop and implement a process by which an owner of eligible real property may join the district;
- Impose special assessments on eligible real property included in the district; and
- Issue bonds payable from the special assessments for the purpose of generating the moneys needed to make a reimbursement or a direct payment to district members for all or a portion of the cost of completing new energy improvements.

The public utilities commission (commission) is required to:

- Determine the extent to which the marketing, promotional, and other efforts of a utility for which the commission has developed demand-side management targets or goals have contributed to energy efficiency improvements funded by the district; and
- Allow a utility to count the related energy savings towards compliance with the targets or goals using any method deemed appropriate by the commission.

No later than June 30, 2014, and no later than June 30 of every fifth year thereafter, the state auditor is required to conduct or cause to be conducted a performance audit of the district and the program and to prepare and present to the legislative audit committee a report and recommendations on each audit conducted.

The clean energy improvement debt reserve fund is created. The principal of the fund shall consist of up to \$10,000,000 of legally available moneys from nonstate sources under the control of the governor's energy office and fees paid to the state treasurer by local improvement districts or other special districts that finance renewable energy improvements or clean energy improvements as compensation for the privilege of being authorized by the state treasurer and the governor's energy office to rely upon the fund as a secondary debt reserve fund and thereby lowering their financing costs. All fund investment earnings are required to be credited to the fund, and the fund is continuously appropriated to the state treasurer for use, under specified circumstances and subject to specified limitations, as a backup source of moneys for the payment of principal and interest owed to holders of the bonds issued by such districts.

Nothing in the act creates any state debt, requires the state to make bond payments on behalf of a district or from any source of moneys other than the clean energy improvement debt reserve fund, or requires the state to fully pay off any outstanding bonds of a district that cannot make scheduled bond payments. The act guarantees that the state will not do anything to impair the contractual rights of purchasers of bonds issued in reliance upon the existence of the clean energy improvement debt reserve fund.

**APPROVED** by Governor June 11, 2010

**EFFECTIVE** June 11, 2010

**H.B. 10-1362** Designation of inactive status - return to active status. The act establishes procedures by which a special district may designate itself as an inactive special district and by which an inactive special district may return to active status. The board of directors (board) of an inactive special district may adopt a resolution that describes and affirms its qualifications for its inactive status and may direct that a notice of inactive status be filed with specified persons or entities. Such notice is to be filed on or before December 15 of the year in which the resolution for inactive status is adopted.

When the board determines that the district will be returning to active status, the board is required to adopt a resolution that declares the district's return to active status and authorizes the filing of a notice of the district's determination to return to active status. The act specifies additional requirements the special district must satisfy to return to active status.

The various forms of notice concerning inactive status the special district is required to complete are to be standard forms developed by the division of local government and made available on the division's web site.

The special district is required to be on inactive status during the period commencing with its notice of inactive status until it issues a notice of its determination to return to active status. During the period that a district is on inactive status, the district is forbidden from issuing any debt, imposing a mill levy, or conducting any other official business other than conducting elections and undertaking procedures necessary to implement the district's intention to return to active status. Inactive special districts are required to file with the state auditor and the division of local government on or before December 15 of each year in which the district is on inactive status a notice that it is continuing in such status for the next fiscal year.

An inactive district is also exempt from certain specified statutory provisions.

**APPROVED** by Governor June 7, 2010

**EFFECTIVE** August 11, 2010

**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. 10-1** Public employees' retirement association - amortization equalization disbursement - supplemental amortization equalization disbursement - cost of living adjustment - early retirement reduction factors - highest average salary - indexing of benefits - employer matching contribution - service retirement eligibility - suspended benefits - working after retirement. The benefits of and contributions to the benefit plans of the public employees' retirement association (PERA) are changed as necessary to fully fund each of PERA's divisions and reach a 100% funded ratio for each division within the next 30 years.

### **Amortization equalization disbursement (AED):**

- For employers in the school and DPS divisions, the annual increase in the AED is extended through the 2016 calendar year. The increase will be 0.4 % through 2015 and 0.3% in 2016, resulting in a total AED of 4.5% of the employer's total payroll.
- For employers in the state division, the 0.4% annual increase in the AED is extended through the 2017 calendar year, resulting in a total AED of 5% of the employer's total payroll.
- For employers in the local government division and the judicial division, the annual increase in the AED is frozen beginning with the 2011 calendar year, and the AED will stay at the 2010 rate of 2.2% of the employer's total payroll.

### **Supplemental amortization equalization disbursement (SAED):**

- For employers in the school and DPS divisions, the annual 0.5% increase in the SAED is extended through the 2018 calendar year, resulting in a total SAED of 5.5% of the employer's total payroll.
- For employers in the state division, the annual 0.5% increase in the SAED is extended through the 2017 calendar year, resulting in a total SAED of 5% of the employer's total payroll.
- For employers in the local government division and the judicial division, the annual increase in the SAED is frozen beginning with the 2011 calendar year, and the SAED will stay at the 2010 rate of 1.5% of the employer's total payroll.

**Adjustment of AED and SAED.** The AED and SAED will be adjusted based on the funded status of each division of PERA.

- For the state, school, or DPS divisions, the AED and SAED will be reduced once the funded status of the division reaches 103%. Subsequently, if the funded status of any of these 3 divisions falls below 90%, the AED and SAED for the division will be increased. The AED and SAED will not exceed the total reached for each respective division.
- For the local government and judicial division, the AED and SAED will be reduced once the funded status of the division reaches 103%. If, after reaching a 90% funded status, the funded status of either division falls below 90%, the AED and SAED for that division will be increased. The AED and SAED for the local government and judicial divisions will not exceed 5% each.

**Cost of living adjustment (COLA).** For the year 2010, the COLA is 0%. For the year 2011 and each year thereafter, the COLA will be the applicable COLA cap, which will be 2% for the foreseeable future. If PERA experiences a year with a negative investment



return, it triggers a 3-year period during which the COLA will be the lesser of inflation or the COLA cap. In addition:

- The COLA will be applied each year starting with the July benefit.
- Benefit recipients whose effective date of retirement is on or after January 1, 2011, must receive benefits for at least 12 months following retirement before receiving the COLA. Members who are not eligible to retire as of January 1, 2011, and who retire with a reduced service retirement must reach 60 years or meet the applicable age and service requirement for a full service retirement to receive the COLA.
- The COLA cap will be increased if PERA's funded status reaches 103%, and decreased if the funded status subsequently falls below 90%. The COLA cap will never go below 2%.

**Additional employer contribution change.** Employers in the school and DPS divisions of PERA are no longer required to increase their employer contributions in 2013.

**Highest Average Salary (HAS).** Members who are not able to draw a full or reduced service retirement benefit on January 1, 2011, will have their HAS calculated based on a 3-year HAS calculation and an 8% cap on the amount of annual salary increases that will be included in the calculation.

**Employer matching contribution.** Members who receive a refund when they have fewer than 5 years of earned service credit will not receive an employer matching contribution. Members who have fewer than 5 years of service credit on January 1, 2011, and who receive a refund of their account will receive the match on employee contributions made through such date.

**Service retirement eligibility.** The age and service requirements for a full service retirement for members, excluding state troopers, are modified as follows:

- Existing members with less than 5 years of service credit are subject to the rule of 85 with a minimum age of 55 to retire.
- Members hired on or after January 1, 2011, but prior to January 1, 2017, are subject to a new rule of 88 and must have 30 years of service and have reached age 58 to retire.
- Members of the state, local government, and judicial divisions hired on or after January 1, 2017, are subject to a new rule of 90 and must have 30 years of service and have reached age 60 to retire.
- Members of the school and DPS divisions hired on or after January 1, 2017, are subject to the rule of 88, so long as the most recent 10 years of service credit have been earned in the school or DPS division.

**Early retirement reduction factors.** For members who are not eligible to draw a retirement benefit on January 1, 2011, the reduction factor for early retirement is changed to the actuarial cost of the reduction to ensure that early retirement benefits are not greater than the actuarial equivalent of a full service retirement benefit.

**COLA.** The benefit of any vested inactive member who terminated PERA membership will not be increased by the COLA that would have been granted if the retirement benefit had been paid since the date of termination of membership. This only applies if the member is not eligible to draw a benefit on January 1, 2011.

**Working retiree contribution.** A retiree who returns to work for a PERA employer shall make a working retiree contribution to PERA in an amount equal to what would be paid as a member contribution. The working retiree contribution is not a member contribution and will not be deposited in the retiree's member contribution account.

**Employment after service retirement.** For each PERA employer in the school and DPS divisions and the higher education employers in the state division, the maximum number of days that a retiree may work is increased to 140 days or 916 hours in the calendar year. Each employer in the school and DPS division and each higher education employer may hire up to 10 employees with the increased limits.

**Benefit calculation for service earned by a retiree who suspends retirement benefits and returns to membership.** Each period of service for a PERA employer after retirement shall be calculated as a separate benefit segment under the benefit structure that was in place when the retiree originally retired. If the retiree works for at least a year, the retiree may receive an additional benefit upon re-retirement or may choose a refund of any moneys credited to the member's contribution account during the period that the retiree worked after retirement. If the retiree works for less than a year, the retiree is entitled only to the refund.

**Optional retirement plan.** A retiree working for an institution of higher education may suspend retirement benefits and return to PERA membership pursuant to PERA laws.

**DPS division.** The same changes are made to the DPS division of PERA as are made to the school division to fully fund the DPS division.

**PERA board of trustees.** The PERA board of trustees shall determine the funded status of PERA and then determine the funded status of each division separately. PERA shall submit a report to the general assembly every 5 years regarding the progress made toward eliminating the unfunded liabilities of each division of PERA.

**Notice of possible change in benefits.** PERA shall notify members, DPS members, and inactive members that if an actuarial necessity occurs in the future, their benefits may be modified.

**APPROVED** by Governor February 23, 2010

**EFFECTIVE** February 23, 2010

**S.B. 10-6 Fees for certified birth and death records and identification cards - name change for persons convicted of a felony.** The state shall not charge a fee for a copy of a certified birth or death record if the applicant is a county department of social services or human services (county department) or the applicant has a letter of referral from such a county department. In establishing the fee for county departments issuing copies of certified birth or death records, the state registrar may consider the direct and indirect costs to both the county department and the state department of human services.

The state shall not charge a fee for a Colorado identification card to an applicant referred by the department of corrections, the division of youth corrections in the department of human services, or a county jail.

A court may grant a name change to a person who has previously been convicted of a felony if the person needs the name change to be issued a driver's license or identification

card and if the court finds that the petitioner meets specified additional conditions, including:

- Submitting fingerprints to the Colorado bureau of investigation and the federal bureau of investigation and adding the new name to the petitioner's criminal record history; and
- Forwarding information on the name change to the district attorney's office and any supervising criminal justice agency.

The act specifies that the department of revenue shall not issue a license or identification card in a new name without an order from a court.

**APPROVED** by Governor June 5, 2010

**EFFECTIVE** June 5, 2010

**S.B. 10-31** Economic development - Colorado regional tourism act - gambling-related activities. Any proposed regional tourism project is prohibited from including a facility that would offer, make available, or facilitate gambling-related activities. Gambling-related activities include betting, wagering, or payments made on or in connection with one or more games that qualify as gambling or limited gaming as defined by law.

**APPROVED** by Governor March 31, 2010

**EFFECTIVE** August 11, 2010

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

**S.B. 10-32** Office of information technology - existing information technology resources contracts - consolidation - amendments. The office of information technology (office) is authorized, subject to certain conditions, to negotiate amendments to existing contracts for information technology resources (contracts) through June 30, 2012. Contract amendments may include, but need not be limited to:

- Expansion of the scope of a contract to include additional state agencies;
- Extension of the term of a contract; and
- Improvements to cyber security.

The office is allowed to review existing contracts to determine whether the state can improve the cost-effectiveness of its technology investments and ensure that the business needs of the state are met by amending such contracts. The office is permitted to create a process and procedures for the negotiation of an amendment in accordance with certain requirements for such negotiation.

Amendments to existing contracts are exempt from the requirements of the "Procurement Code"; except that the provisions of the "Procurement Code" regarding remedies applies to amendments to existing contracts.

**APPROVED** by Governor April 15, 2010

**EFFECTIVE** April 15, 2010

**S.B. 10-55** Department of revenue - division of motor vehicles - highway users tax fund - state titling and registration system - gifts, grants, and donations. The division of motor vehicles in the department of revenue may accept gifts, grants, and donations for the purpose

of developing and operating the Colorado state titling and registration system. Any gifts, grants, or donations received will be credited to the Colorado state titling and registration account in the highway users tax fund.

Any unexpended and unencumbered moneys remaining in the account at the end of any fiscal year will remain in the account and will not be transferred to the general fund or any other fund.

**APPROVED** by Governor April 21, 2010

**EFFECTIVE** April 21, 2010

**S.B. 10-87** Lobbyists - registration - fiscal year orientation - fines and penalties for non-disclosure - revocation of registration - prohibited practices - appropriation. The act makes the following changes related to the regulation of lobbyists by the secretary of state (secretary):

- The act orients the registration of lobbyists around a fiscal year that commences on July 1 of a calendar year and concludes on June 30 of the following calendar year instead of around a calendar year as under existing law.
- Currently, the secretary imposes a fine of \$10 per day for each day after the deadline for filing a disclosure statement that a lobbyist fails to file the statement. The act maintains the \$10 fine for the first 10 business days on which the disclosure statement has not been filed after the day due. For failure to file a disclosure statement by the close of the 11th business day on which the disclosure statement has not been filed after the day due, in addition to the existing criminal penalty, the act requires the secretary to impose an additional penalty of \$100 for each day thereafter that a disclosure statement is not filed by the close of the business day. The act also clarifies that the secretary may excuse the payment of any such penalty, or reduce the amount of any penalty imposed, for bona fide personal emergencies.
- The act authorizes the secretary to set the registration fee for professional lobbyists by rule.
- The act requires the secretary to revoke the certificate of registration of any individual whose lobbying privileges before the general assembly have been suspended following action on a written complaint against the person in accordance with the general assembly's rules on lobbying practices.
- In the case of misconduct by an individual culminating in the revocation of a certificate of registration, the act requires the secretary to additionally indicate the revocation of the individual's certificate of registration on the web site maintained by the secretary and requires the secretary to send written notice of the revocation by United States mail to each principal for whom the individual lobbies as shown on the individual's registration statement. In the case of misconduct by an individual culminating in a resolution of censure that has been adopted by the general assembly in accordance with its rules on lobbying practices, the act also requires the secretary to send a copy of the resolution by United States mail to each principal for whom the individual lobbies as shown on the individual's registration statement. The act also grants the secretary authority to revoke or suspend the registration of a lobbyist for failure of the lobbyist to pay any penalty fines.
- The act specifies a list of practices that a person engaged in lobbying is prohibiting from doing.

The act appropriates \$32,560 from the secretary of state cash fund to the department of state for the implementation of the act.

**APPROVED** by Governor June 10, 2010

**EFFECTIVE** June 10, 2010

**S.B. 10-94** Art in public places program - type of capital construction projects included. The act clarifies that it is the state funded portion of the total capital construction costs that requires the application of the 1% calculation for purposes of the art in public places program.

Any capital construction project that is the subject of a lease purchase agreement that provides for lease payments from moneys that have been appropriated in full or in part by the state must include in the project budget an allocation of not less than 1% of the total construction costs to be used for the acquisition of works of art.

The following are exempt from the art in public places program:

- Capital construction appropriations for correctional and juvenile facilities;
- Agricultural facilities where livestock are housed or agricultural products are grown;
- Capital construction appropriations for controlled maintenance;
- Any lease-purchase agreements entered into by the state treasurer pursuant to the "Building Excellent Schools Today Act";
- Any construction by the Colorado department of public health and environment for cleanup and redevelopment of contaminated sites; and
- Any state appropriation for charter school capital construction.

**APPROVED** by Governor May 18, 2010

**EFFECTIVE** May 18, 2010

**S.B. 10-98** Conservation trust fund - cooperation or contracting by eligible entities with conservation districts and local noxious weed control programs - utilization of moneys from fund. Under existing law, counties and certain special districts (eligible entities) are entitled to receive a regular distribution of moneys from the conservation trust fund (CTF). Current law already authorizes eligible entities to cooperate or contract with any other government or political subdivision in connection with the utilization of moneys from the CTF.

The act explicitly includes conservation districts and local noxious weed control programs among the governments or political subdivisions with which an eligible entity may cooperate or contract in the utilization of such moneys. In connection with an existing statutory provision stating that such cooperation may include the sharing of moneys held by any eligible entities in their respective conservation trust funds for joint expenditures for the acquisition, development, and maintenance of new conservation sites, the act clarifies that the term "new conservation sites" is as defined under existing law and that the requirements of the act are to be implemented in accordance with the Great Outdoors Colorado Program provisions of the state constitution.

**APPROVED** by Governor April 29, 2010

**EFFECTIVE** April 29, 2010

**S.B. 10-99** Members of the general assembly - joint governmental agencies - meetings - acceptance of payment for travel expenses - conditions - reporting in gift and honoraria report. Section 3 of article XXIX of the state constitution prohibits a member of the general assembly (member) from accepting gifts or other things of value from certain persons without the persons receiving lawful consideration of equal or greater value in return from the member. There is an exception to this prohibition for the reasonable expenses paid by certain nonprofit organizations or state or local government for attendance at meetings where the member is scheduled to participate.

Under current law, the council of state governments, the national conference of state legislatures, the energy council, and the American legislative exchange council are each recognized as a joint governmental agency to which the general assembly or its members may subscribe and for which membership fees or certain meeting expenses may be paid from legislative appropriations.

The act authorizes a member to accept the payment of or reimbursement for actual and necessary expenses for travel, board, and lodging from a joint governmental agency if:

- The expenses are related to the member's attendance at a convention or meeting of the joint governmental agency at which the member is scheduled to deliver a speech, make a presentation, participate on a panel, or represent the state of Colorado or for some other legitimate state purpose;
- The travel, board, and lodging arrangements are appropriate for purposes of the member's attendance at the convention or meeting;
- The duration of the member's stay is no longer than is reasonably necessary for the member to accomplish the purpose of his or her attendance at the convention or meeting;
- The member is not currently and will not subsequent to the convention or meeting be in a position to take any official action that will benefit the joint governmental agency; and
- The attendance at a convention or meeting of the joint governmental agency has been approved by the executive committee of the legislative council or by the leadership of the house of the general assembly to which the member belongs.

Alternatively, the member is authorized to accept such payment or reimbursement if the general assembly pays regular monthly, annual, or other periodic dues to the joint governmental agency that are invoiced expressly to cover travel, board, and lodging expenses for the attendance of members at conventions or meetings of the joint governmental agency.

Incumbents in and candidates elected to public office are currently not required to disclose the payment of or reimbursement for certain travel and lodging expenditures by a joint governmental agency in reports required pursuant to the "Colorado Sunshine Act of 1972". The act requires that the reports include the payment of or reimbursement for these expenses by a joint governmental agency.

**APPROVED** by Governor April 29, 2010

**EFFECTIVE** August 11, 2010

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

**S.B. 10-106 Food systems policy council - creation - duties - sunset review - appropriation.** The act creates a 13-member food systems advisory council (council) in the department of agriculture. The executive directors or their designees from the departments of public health and environment, agriculture, human services, and education are 4 members of the council. The governor will appoint 9 members to represent 5 functional areas: Nutrition and health, agricultural production, food wholesalers or food retailers, anti-hunger and food assistance programs, and rural community and regional development programs or community and economic development programs.

The purposes of the council are to:

- Identify and use existing studies of the food system and examples of best practices whenever possible;
- Work with other task forces, committees, or organizations with similar purposes;
- Develop local food recommendations that promote building robust, resilient, and long-term local food economies;
- Develop recommendations regarding hunger and food access;
- Collaborate with, serve as a resource to, and receive input from local and regional food policy councils;
- Collaborate with the department of agriculture in promoting the marketing program known as "Colorado Proud"; and
- Develop recommendations for actions that state and local governments, businesses, agriculturists, and consumers can take to build robust, resilient, and long-term local food economies.

The council shall study and consider:

- An examination of foods made available to children and ways to improve the nutritional quality of and increased access to locally grown foods and coordinating with the work of the Colorado campaign to end childhood hunger by 2015;
- A study of efforts to make local, healthy, and safe foods available under public assistance programs;
- An in-depth examination of local and regional efforts to strengthen local food economies by supporting and promoting urban, suburban, and rural agricultural production; identifying and developing solutions to regulatory and policy barriers; and strengthening local infrastructure and entrepreneurial efforts; and
- The potential impacts of local food production on economic development.

The council may appoint subcommittees in the following areas: Local and regional food councils, local governments, school districts, and a coordination subcommittee to collaborate with other task forces, committees, and organizations, including the interagency farm-to-school coordination task force.

The council may accept gifts, grants, donations, or federal funds to fund the work of the council. The act creates a food systems advisory council fund. The council may accept in-kind donations of staff services from the private sector to staff the council. The act states that it is the intent of the general assembly that no moneys from the general fund be appropriated for the council, that no state employees be hired to implement the act, and that the administrative costs of providing fiscal support to the council be absorbed by the

department of agriculture.

The council will annually report its findings and recommendations, including proposals for legislation or for administrative action, to the general assembly, the governor, and the commissioner of agriculture. The council will also report its findings and recommendations to the house and senate health and human services committees and to the house agriculture, livestock, and natural resources committee and the senate agriculture and natural resources committee, or their successor committees.

The council is extended until July 1, 2013, pursuant to the provisions of the sunset law.

The act appropriates \$22,531 from the food systems advisory council fund to the department of agriculture for allocation to the council.

**APPROVED** by Governor May 26, 2010

**EFFECTIVE** August 11, 2010

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

**S.B. 10-122** State master lease program - elimination of nonprofit corporation organized as lessor - specifying types of entities that can be lessor. The nonprofit corporation organized to be a lessor in the master lease program of the state, which is the capital finance corporation, is abolished. The act specifies that a lessor in the master lease program can be any for-profit or nonprofit corporation, trust, or commercial bank as trustee.

The executive director of the department of personnel is authorized:

- To execute on behalf of the abolished nonprofit corporation any documents related to a lease-purchase agreement for which the abolished nonprofit corporation was the lessor; and
- To expend moneys of the abolished nonprofit corporation as is necessary to wind up the affairs of the nonprofit corporation.

The state treasurer is:

- Required to transfer to the general fund the remaining balance of any account containing moneys of the abolished nonprofit corporation upon receiving written notification from the director of the department of personnel that the affairs of the nonprofit corporation have been wound up; and
- Authorized to accept on behalf of the abolished nonprofit corporation any revenues to which the nonprofit corporation would otherwise be legally entitled and to credit such revenues to the general fund.

**APPROVED** by Governor March 31, 2010

**EFFECTIVE** August 11, 2010

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



**S.B. 10-123** Secretary of state - on-line publications. The act replaces references in the "State Administrative Procedure Act" to the print publication of the code of Colorado regulations and the Colorado register with similar references to the electronic version of these publications. In cases of conflict between the electronic and print versions of a document, the act gives precedence to the electronic version unless it is conclusively shown that the electronic version contains an error. In addition, the Colorado register is authorized to include public notices that are not related to rule-making as well as those that are related to rule-making.

**APPROVED** by Governor April 15, 2010

**EFFECTIVE** April 15, 2010

**S.B. 10-143** Secretary of state - erroneously collected fees - refund. The act authorizes the state controller to refund to the proper persons, upon the receipt of a voucher from the secretary of state, any moneys erroneously collected by the department of state prior to July 1, 2006. The secretary of state shall transfer the moneys to the unclaimed property trust fund if the moneys cannot be refunded because the warrant goes unclaimed for a year, the secretary cannot determine an address for the intended recipient, or the secretary determines that the amount of erroneously collected money is so small that attempting a refund would be cost-prohibitive.

**APPROVED** by Governor May 25, 2010

**EFFECTIVE** May 25, 2010

**S.B. 10-146** Public employees' retirement association - employer and member contributions - appropriation. For the 2010-11 state fiscal year only, the employer contribution rate for employers in the state and judicial divisions of the public employees' retirement association (PERA) is decreased by 2.5%, and the member contribution rate for employees in the state and judicial divisions of PERA is increased by 2.5%. The contribution rates will be changed as follows:

- For the state division, except state troopers, the employer contribution rate is decreased from 10.15% to 7.65% of salary, and the member contribution is increased from 8% to 10.5% of salary.
- For state troopers, the employer contribution rate is decreased from 12.85% to 10.35% of salary, and the member contribution rate is increased from 10% to 12.5% of salary.
- For the judicial division, the employer contribution rate is decreased from 13.66% to 11.16% of salary, and the member contribution rate is increased from 8% to 10.5% of salary.

For the fiscal year beginning July 1, 2009, \$5,138 is appropriated, out of moneys in the general fund not otherwise appropriated, to the department of personnel for the implementation of the act.

**APPROVED** by Governor March 31, 2010

**EFFECTIVE** March 31, 2010

**S.B. 10-148** Enterprise facility for operational recovery, readiness, response, and transition services - management - funding - transfer. On July 1, 2010, the management responsibilities for the enterprise facility for operational recovery, readiness, response, and transition services (enterprise facility) will be transferred from the department of state to the

office of information technology in the office of the governor.

The funding of the enterprise facility is also transferred from the department of state cash fund to the computer services revolving fund in increasing increments over the next 4 state fiscal years as follows:

- For state fiscal year 2010-11, the enterprise facility will be funded 100% from the department of state cash fund;
- For state fiscal year 2011-12, the enterprise facility will be funded 67% from the department of state cash fund and 33% from the computer services revolving fund;
- For state fiscal year 2012-13, the enterprise facility will be funded 33% from the department of state cash fund and 67% from the computer services revolving fund;
- For state fiscal year 2013-14, and for each fiscal year thereafter, the enterprise facility will be funded 100% from the computer services revolving fund.

**APPROVED** by Governor April 15, 2010

**EFFECTIVE** April 15, 2010

**S.B. 10-158** Office of economic development - creative industries division - creative industries cash fund - creation. A creative industries division (division) is created within the Colorado office of economic development and the statutory provisions that create the office of film, television, and media (office), the state council on the arts, and the art in public places program (program) are reorganized into a new part. The state council on the arts is renamed the council on creative industries (council) and is authorized to establish policies for the council, the office, and the program. The director of the council is the director of the division.

The act creates the creative industries cash fund and specifies the sources of moneys in the fund and the purposes for which moneys in the fund may be appropriated.

**APPROVED** by Governor May 18, 2010

**EFFECTIVE** July 1, 2010

**S.B. 10-166** Lease-purchase agreements - authority for treasurer - transfer to department of personnel - cash fund. Current law requires a lease-purchase agreement for real property that requires total payments in excess of \$500,000 to be approved by a bill other than the general appropriation bill or a supplemental appropriation bill. Under this act, the treasurer is authorized to enter into a lease-purchase agreement for real property and associated personal property, on behalf of the department of personnel (department), if, at the time the agreement is executed, specified factors exist, including:

- The amount of the rent appropriated for the state agency to be located in the building plus any anticipated rent from private persons exceeds the amount of annual costs for lease-purchase payments, operating costs, maintenance costs, and all other lease-purchase costs; and
- The plan for the transaction is approved by the executive director of the department, the office of state planning and budgeting, and the capital development committee of the general assembly.

After execution of the agreement, the treasurer shall transfer benefits and

responsibilities to the department. The act specifies terms that must be and may be included in the lease-purchase agreement. Moneys appropriated to state agencies for rent are to be transferred to the lease-purchase servicing account within the capital construction fund. Moneys in the account shall be used only for the costs of a building subject to a lease-purchase agreement.

If private tenants are to be in the building, the executive director is authorized to hire a building manager or lease the space to a private person. Moneys received from private tenants are to be credited to the lease-purchase rental cash fund and shall only be used to pay the costs of the building.

**APPROVED** by Governor April 29, 2010

**EFFECTIVE** April 29, 2010

**S.B. 10-192** Capital development - repair and restoration of state capitol dome and supporting structures - funding - progress reports. The act creates the capitol dome restoration fund (fund) in the state treasury to finance repairs and safety improvements to the state capitol dome and supporting structures, and transfers to the fund \$4 million in state fiscal year 2010-11 and up to \$4 million per year in each of state fiscal years 2011-12 and 2012-13 from moneys constitutionally allocated to historic preservation. If money is raised through cause-related marketing implemented under companion legislation (H.B. 10-1402), the \$4 million transferred in 2011-12 and 2012-13 will be reduced by an amount equal to the amount raised. Until completion of the repair and restoration project, the Colorado historical society is required to report annually to the capital development committee concerning grants awarded from the state historical fund. In addition, the state architect is directed to report periodically to the capital development committee concerning the progress of the work, updated cost estimates, and any problems encountered.

**APPROVED** by Governor May 25, 2010

**EFFECTIVE** August 11, 2010

**NOTE:** (1) This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

(2) The digest entry for House Bill 10-1402 (companion legislation) can be found under the General Assembly section of this digest.

**S.B. 10-200** Colorado Recovery and Reinvestment Finance Act of 2009 - amendments to conform to federal law changes. The act amends the "Colorado Recovery and Reinvestment Finance Act of 2009" to the extent necessary to conform to amendments made to the federal "American Recovery and Reinvestment Act of 2009" by the recently enacted federal "Hiring Incentives to Restore Employment Act".

**APPROVED** by Governor May 18, 2010

**EFFECTIVE** May 18, 2010

**S.B. 10-207** State energy efficiency project financing - authorization of lease-purchase agreements - appropriation. The state treasurer, with sole discretion as to timing, is authorized to enter into lease-purchase agreements on behalf of the state to finance capital construction projects that improve the energy efficiency of state buildings or facilities. The act specifies the process, including required executive agency and legislative committee approvals, for determining which projects are to be financed through the lease-purchase

agreements.

Certificates of participation (COPs) may be issued in connection with the lease-purchase agreements and the total par value of the COPs that may be issued is limited to \$73,000,000.

A lease-purchase agreement shall include provisions that:

- Specify that payment of the state's obligations under the agreement are subject to annual appropriation and do not create any indebtedness of the state;
- Indicate that the sole security available to the lessor if the state does not renew the agreement is the property that is the subject of the nonrenewed agreement; and
- Allow the state to receive title to the real and personal property that is the subject of the agreement on or prior to the expiration of the entire term of the agreement, including all optional renewal terms.

Only a building or facility subject to an energy performance contract that is under consideration by the office of the state architect as of 30 days following the effective date of the bill may be the subject of a lease-purchase agreement.

Interest paid under a lease-purchase agreement, including interest represented by COPs, is exempt from state income tax.

The energy efficiency project proceeds fund is created. The fund consists of moneys received by the state from any sale of COPs, energy cost savings resulting from capital construction projects financed through lease-purchase agreements, interest, and any other legally available moneys appropriated or transferred to the fund. Moneys in the fund may be expended solely for the purposes of completing projects being financed by lease-purchase agreements, paying the obligations of the state under such agreements, and defraying any incremental costs incurred by the state controller in managing accounting and reporting requirements related to such agreements.

The act appropriates \$20,900 and 0.2 FTE from the energy efficiency project proceeds fund to the department of personnel and administration, for allocation to the division of accounts and control - controller, for the 2010-11 fiscal year.

**APPROVED** by Governor June 10, 2010

**EFFECTIVE** June 10, 2010

**S.B. 10-209** Federal national forest payments - county allocation. The act suspends, for certain counties, the statutory minimum allocations between the county road and bridge fund and the public schools in the county for purposes of allocating the 2009 national forest payments. The suspension of the statutory minimums applies to counties that were deemed to have retained 2008 national forest payment that were allocated to the public schools in the county in excess of the then-existing statutory minimums for the purposes of calculating the county's 2010 federal payments in lieu of taxes (PILT) moneys and were "alternative A" counties for purposes of the 2010 PILT moneys.

In place of the statutory minimum allocations to the county road and bridge fund and the public schools in the county, county and school district representatives shall instead

allocate 100% of the 2009 national forest payments between the county's road and bridge fund and the public schools in the county.

For counties that have allocated only 50% of the 2009 national forest payments prior to the effective date of the act, the entire amount of the national forest payments actually received by the public schools in the county shall be deemed to be the amount allocated by the county and school district representatives to the public schools in the county.

The provisions relating to the allocation of the federal fiscal year 2009 national forest payments are repealed on July 1, 2011.

**APPROVED** by Governor June 10, 2010

**EFFECTIVE** June 10, 2010

**H.B. 10-1002** Excess state revenues - refund mechanisms - rate reduction - earned income tax credit refund. The threshold necessary to trigger a temporary income tax rate reduction as a method to provide a constitutionally required refund of excess state revenues is increased so that the rate reduction does not occur unless there is also an earned income tax credit refund.

**APPROVED** by Governor April 5, 2010

**EFFECTIVE** August 11, 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. 10-1003** State personnel system - grievances - review. The deadline for the review of grievance petitions by the state personnel board is extended from 90 to 120 days.

**APPROVED** by Governor April 5, 2010

**EFFECTIVE** August 11, 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. 10-1010** Public-private initiatives - use by state agencies and nonprofit entities. Using the existing public-private initiative program for the department of transportation as a model, the act:

- Authorizes state agencies to enter into public-private initiative agreements with nonprofit entities;
- Specifies evaluative criteria to be used by and procedures to be followed by the agencies in considering, evaluating, providing public notice of, and accepting or rejecting unsolicited proposals for public-private initiatives;
- Requires an agency, before considering an unsolicited or comparable proposal for a public-private initiative, to adopt rules or other written policy guidelines that it determines to be necessary or appropriate, and requires such rules or guidelines to require both the nonprofit entity and the agency to disclose any individual or organizational conflicts of interest related to the public-private initiative and to document and properly manage any disclosures;
- At the time it submits its annual budget request, requires a principal department of state government to report to the joint budget committee of the

general assembly specified information regarding any public-private initiative then in effect that the department or an agency within the department has entered into;

- Prohibits an organization banned from receiving federal funds, or any successor organization to such an organization, from being a party to a public-private initiative agreement; and
- Provides an incentive for an agency to enter into public-private initiatives by amending an existing statutory definition of "cost savings" in order to allow an agency to retain a portion of any cost savings realized from a personal services contract entered into pursuant to a public-private initiative agreement.

**APPROVED** by Governor April 15, 2010

**EFFECTIVE** August 11, 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. 10-1028** Early childhood universal application subcommittee - created - duties - repeal. The act establishes an early childhood universal application subcommittee (subcommittee) to the government data advisory board (advisory board) created in the office of information technology. The subcommittee's membership and duties are specified. The subcommittee will report to the chief information officer (CIO) and the advisory board. The CIO will prepare a report on a universal application to be used by all state agencies, school districts, and federally funded early childhood programs and will combine that report into the annual report the CIO submits to the general assembly. The subcommittee is repealed effective July 1, 2013.

**APPROVED** by Governor April 5, 2010

**EFFECTIVE** April 5, 2010

**H.B. 10-1045** Secretary of state - department of revenue - change of personal address on file - appropriation. The secretary of state and the department of revenue must include links on their respective official web sites whereby a person who is visiting the official web site of one department may follow the link to the other department's official web site and change his or her address electronically with the second department.

A person may update his or her address with the department of revenue electronically via the department of revenue's official web site. The act defines the term "last-known address" for the purpose of providing certain motor vehicle notices to licensees or registered owners of motor vehicles.

A person who has moved must change the address information for vehicle registration purposes with the county and not the department of revenue.

The act appropriates \$63,538 from the licensing services cash fund to the division of motor vehicles, driver and vehicle services, within the department of revenue for state fiscal year 2010-11 for the implementation of the act.

**APPROVED** by Governor May 27, 2010

**EFFECTIVE** July 1, 2011

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

**H.B. 10-1113** Motor carrier safety assistance program - transfer from ports of entry section in the department of revenue to the Colorado state patrol in the department of public safety - appropriation. The motor carrier safety assistance program of the ports of entry section in the department of revenue is transferred to the Colorado state patrol in the department of public safety on August 15, 2010.

The department of public safety, in collaboration with the department of transportation and the department of revenue, must contract with an independent private vendor, who shall conduct a comprehensive study of the ports of entry. The departments shall work together to determine the scope of the study, but the study shall, at minimum, attempt to identify cost savings and efficiencies, as well as attempt to determine which principal department of state government is the most appropriate for operating the ports of entry section in a cost-effective manner. The independent private vendor shall complete the study and report its findings to the general assembly no later than June 1, 2011.

For the purposes of implementing the act, the act appropriates moneys and full time equivalents (FTE) for state fiscal year 2010-11 as follows:

- \$255,011 from the highway users tax fund to the Colorado state patrol in the department of public safety;
- \$9,625 from the highway users tax fund to the executive director's office in the department of public safety;
- \$800,891 and 8.8 FTE to the Colorado state patrol in the following manner: \$30,770 from the highway users tax fund, \$29,176 from the nuclear materials transportation fund, \$73,364 from the motor carrier safety assistance program, and \$667,581 from the motor carrier assistance program grant;
- \$9,625 from the highway users tax fund to the department of revenue;
- \$800,891 and 8.8 FTE to the department of revenue in the following manner: \$30,770 from the highway users tax fund, \$29,176 from the nuclear materials transportation fund, \$73,364 from the motor carrier safety assistance program, and \$667,581 from the motor carrier assistance program grant.

**APPROVED** by Governor May 21, 2010

**EFFECTIVE** July 1, 2010

**H.B. 10-1119** SMART Government Act - state budget - implementation of and process for performance-based budget - study of electronic budgeting system - appropriation. The act, which is known as the "State Measurements for Accountable, Responsive, and Transparent (SMART) Government Act", requires the joint budget committee (JBC) to:

- Consider for recommendation to the general assembly any report approved by the office of state planning and budgeting (OSPB) from a department that suggests improved budgetary efficiency or administrative flexibility through line item consolidation in the annual general appropriation bill; and
- Prioritize requests for information in preparing any letter to the governor after passage of the annual general appropriation act.

The act also modifies the state budgeting process by establishing a new performance-based budgeting program that includes the following:

- For the state budget process for the state fiscal year 2012-13, and for each

fiscal year thereafter, each principal department of the executive branch and the judicial branch of state government (department) must develop a strategic plan, which will then be posted on the official web site of the department and of the OSPB.

- A department's presentation to the assigned legislative committees of reference (committees) must include information about the department's strategic plan, a review of the department's performance-based goals and performance measures, and a report on the actual outcomes.
- The committees may hold meetings outside of the Denver metro area to hear public testimony regarding legislative priorities and the department's strategic plans.
- Legislators from committees and the JBC will be liaisons to the department with respect to the performance-based budget program.
- A committee will provide any written recommendations to the department within 30 days after the department presentation.
- Each department may implement the recommendations in the strategic plan for the following state fiscal year, but must provide the committee a written explanation for any of the recommendations are not implemented.
- The state auditor will conduct a performance audit of one or more specific programs or services in at least 2 departments and will continue to annually conduct performance audits so that all departments are audited in a 9-year cycle. The state auditor will present, along with any other audit reports that he or she deems relevant, the audit report to the appropriate committee within the first 15 days of the legislative session.
- Each committee must consider the department's strategic plan and other factors and may report to the JBC its recommendations for priorities or any changes for the department's November 1 budget request for the upcoming state fiscal year. The JBC is not required to take the committee's recommendations into account in preparing the annual general appropriation bill but it must report back to the committee its reasoning for following or not following the committee's recommendations.
- The OSPB must publish an annual performance report for each department except the department of state, the department of the treasury, the department of law, and the judicial branch, which agencies are responsible for publishing their own reports.
- The annual performance reports must include summaries of each department's strategic plan, must be clearly written and easily understood and limited in length, and must be distributed to the members of the general assembly to assist members in making decisions related to the annual general appropriation bill.
- All state agency budget submissions will be distributed in an electronic format, and the department of state, the department of the treasury, the department law, and the judicial branch will use the state agency budget submissions as a guideline for the submission of their budgets to the JBC.

The office of information technology (OIT) must conduct a feasibility and requirements study to determine the cost to build an electronic budgeting system for the state, provide a copy of the study to the JBC, and make a request for funding for the system to the JBC, if necessary, no later than November 1, 2010.

The act increases the statewide limit for interdepartmental transfers from \$2 million to \$5 million but does not change any other parts of the structured approval process or



change limits for specific agencies. Departments are no longer prohibited from using the interdepartmental transfer authority to:

- Transfer dollars from a nonpersonal services line item (such as operating) into a personal services line item;
- Transfer dollars between personal services line items; and
- Transfer dollars from an operating line into a utilities line or lease space line, or between utility line items.

The controller's authority is increased to allow, upon approval of the governor, a department to make an expenditure in excess of the amount authorized in an appropriation up to a limit of \$3 million.

The act states that the general assembly anticipates that, for the state fiscal year beginning July 1, 2010, the office of the governor, for allocation to the office of information technology, will receive \$65,000 in federal funds for the implementation of section 9 of the act

**APPROVED** by Governor June 5, 2010

**EFFECTIVE** August 11, 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. 10-1137** Statutes and administrative rules - drafting - people first language. People first language must be used when drafting any new or amended state statutes and administrative rules. People first language is language that refers to persons with disabilities as persons first. For example, people first language uses the term "persons with developmental disabilities" rather than "the developmentally disabled".

**APPROVED** by Governor April 15, 2010

**EFFECTIVE** August 11, 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. 10-1176** Recovery audits for state agencies - required for 2007-08, 2008-09, and 2009-10 fiscal years - appropriations. Overpayments to vendors and other entities are declared to be a serious problem for state executive branch agencies (state agencies) that can be mitigated by requiring the state controller to contract for recovery audits of state agency expenditures. The state controller must:

- Contract with one or more private consultants to conduct recovery audits of state agencies for the 2007-08, 2008-09, and 2009-10 fiscal years;
- Provide to an auditing consultant any confidential information necessary for the conduct of an audit to the extent not prohibited by law or an agreement;
- Provide copies of all reports received from recovery audit consultants to the governor, the state auditor, and the legislative audit and joint budget committees of the general assembly within 7 days of receipt; and
- Issue a report to the general assembly summarizing the contents of all reports

received from recovery audit consultants no later than June 30, 2012.

The state controller may:

- Subject to review and approval by the legislative audit and joint budget committees of the general assembly, exempt a state agency from recovery audits if the state controller determines that subjecting the state agency to a recovery audit is not likely to yield significant net benefits to the state or that the state agency is already subjected to recovery audits under any federal law or regulation or state law, rule, or policy. The state controller must provide the committees with a report detailing any proposed exemptions, and the committees may veto any proposed exemption.
- Make rules to establish additional specific criteria for exempting state agencies from recovery audits; and
- Retain a portion of any amount recovered due to a recovery audit in order to defray the reasonable and necessary administrative costs in contracting for and providing oversight of the recovery audit, including costs incurred by other state agencies in relation to the recovery audit.

The following appropriations are made for the fiscal year 2010-11:

- \$114,194 and 1.8 FTE from the general fund to the department of personnel and administration, for allocation to the division of accounts and control - controller, office of the state controller, for personal services;
- \$18,522 from the general fund to the department of personnel and administration, for allocation to the division of accounts and control - controller, office of the state controller, for operating expenses;
- \$2,000 to the department of law, for the provision of legal services to the department of personnel and administration from reappropriated funds originally appropriated from the general fund to the department of personnel and administration, for allocation to the executive director's office, department administration, for legal services; and
- \$26,927 and 0.3 FTE from the general fund to the department of local affairs, for allocation to the division of local governments, field services, for program costs.

The act is contingent upon the passage of and cost savings realized from House Bill 10-1338.

**APPROVED** by Governor June 10, 2010

**EFFECTIVE** June 10, 2010

**NOTE:** House Bill 10-1338 was signed by the governor May 25, 2010, and shows sufficient cost savings.

**H.B. 10-1178** State funds - gifts, grants, and donations to state agencies - status of programs - report - repeal of unfunded programs - statutory reauthorization and appropriation of state moneys. Each state agency, with the exception of any institution of higher education, that receives moneys from gifts, grants, and donations (grants) to provide funding for a bill enacted by the general assembly that relies on grants for its funding source is required to submit a report to the joint budget committee of the general assembly specifying information about the grant. Such information includes the source, amount, and duration of the grant

and the bill number of the bill that created the specific program for which the grant money is intended to be used. State agencies are required to request that grant donors submit a letter including such information to the state agency at the time of making the grant to assist the state agency in tracking and reporting all grants received during a fiscal year.

Each new bill enacted by the general assembly on or after January 1, 2011, is required to include a notice of funding requirement if a program, service, study, interim committee, or other function of state government (program) created in the new bill will be funded entirely or in any part by grant moneys. The notice of funding requirement directs the state agency that will oversee the program to submit notice to the legislative council staff when adequate funding for the program is received.

Legislative council staff will submit a list of bills that have not received sufficient grant funding to the executive committee of the legislative council of the general assembly, the committee on legal services, and the revisor of statutes. Beginning with the legislative session commencing in January 2013, the revisor of statutes, under the supervision and direction of the committee on legal services, is required to prepare and submit an annual bill containing the repeal of the statutory provisions created by the bills on the list.

Beginning on January 1, 2011, a state agency is prohibited from requesting, and the general assembly is prohibited from authorizing, the appropriation of state moneys to fund a program that was previously funded through grant moneys and that has not received adequate grant moneys to support the program, unless the general assembly adopts legislation to reauthorize the program and the legislation includes an appropriation of state moneys for the program.

**APPROVED** by Governor April 29, 2010

**EFFECTIVE** August 11, 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. 10-1180** Performance-based incentive for film production activities in Colorado - criteria for qualification. The act adjusts the qualifying criteria for a film production company applying for a performance-based incentive for film production activities in Colorado on or after the effective date of the act. Specifically, the act:

- Allows an incentive for a television commercial;
- Incorporates the definition of "qualified payroll expenditure" into the definition of "qualified local expenditure" for ease of understanding. There are conforming amendments throughout the bill to accommodate this change.
- Removes the requirement that the production company must spend at least 75% of its production expenditures on qualified local expenditures and qualified local payroll expenditures;
- Adds a requirement that the production company must employ a workforce made up of at least 25% Colorado residents for any in-state production activities;
- Reduces the minimum total qualified local expenditures for a production company that does not originate the film production activities in Colorado from \$1 million to \$250,000; and
- Lowers the actual qualified local expenditures necessary to receive an

incentive from equal to or exceeding the projected expenditures to equal to or exceeding the minimum total qualified local expenditures.

**APPROVED** by Governor May 18, 2010

**EFFECTIVE** May 18, 2010

**H.B. 10-1181** Department of personnel - administration - adjustments - public employees' retirement association - legal advisor - appropriation. The administration of the department of personnel (department) is changed as follows:

- The restriction on the amount of moneys that the state controller is authorized to allow as an advance to employees and officials for authorized travel on official state business is eliminated.
- The amount of time that the state controller has to process uncollected debts that have been referred by state agencies is extended to 180 days, after which time any claims that the state controller has not processed are referred to private counsel or a private collections agency. If a debt is litigated and the state prevails, outstanding debts must be paid in a specific order if the court-ordered award is insufficient to cover the total amount outstanding.
- The definition of state agency for the purposes of the department's division of central services is changed to exclude state institutions of higher education.
- The department is authorized to offer central services to any state institution of higher education that chooses to purchase the services. State institutions of higher education must include the department in any solicitation for services and must work with the department whenever practicable for the purpose of procuring services at a cost savings to the institution and the state.
- The department is required to establish a rule that provides a waiver to a state agency from the requirement that the agency purchase central services through the department if the agency can procure the services at a cost savings to the state.
- Revenue from specific sources shall be deposited in the department's already existing revolving fund.
- The department is allowed to delegate the responsibility to negotiate and execute leases for land and buildings on behalf of the state to a person employed by a state agency who has demonstrated expertise related to the leasing and acquisition of commercial real property. In an instance of such delegation, the department is also authorized to waive the required use of department-approved forms.
- If a state agency needs to contract for professional services, the agency is required to give notice, based on the estimated contract costs, under the same circumstances that state institutions of higher education are required to give notice.
- The deductible for claims for loss or damage to state property is increased from \$1,000 to \$5,000.
- The state personnel director (director) is no longer required to provide postaudit reviews of the operation and management of the state personnel system by the heads of principal departments and presidents of colleges and universities. Instead, the director is authorized to conduct a review of such operation and management in the director's discretion.
- The administrator of the state personnel board, and not the director, shall maintain the records of the board.

- The provision establishing the total compensation advisory council is repealed.
- The 90-day period for the director to review certain complaints and appeals filed by state employees is tolled if an employee who has filed a complaint with the director also files a complaint with the state personnel board or the Colorado civil rights division in the department of regulatory agencies and both complaints arise out of the same incident.
- The director no longer has the authority to conduct a postaudit review of the administrative positions that the president of a state institution of higher education or the executive director of the Colorado commission on higher education determine are exempt from the state personnel system.
- The director is no longer required to provide to the legislative committee of reference a financial impact statement regarding the impact of proposed insurance coverage mandates on state and state employee contributions to health plans, as the same information is provided through the fiscal note process.
- The director has the authority to charge fees to state agencies that need to access documents from the state archives. The fees may be charged for the direct and indirect costs of retrieving and researching the requested information.
- For most state agencies, the definition of public project is modified to exclude any project that is reasonably expected not to exceed \$500,000, rather than \$150,000, in the aggregate for any fiscal year.
- The department shall establish a procurement card program for all governmental bodies; except that the program shall not apply to any state institution of higher education that has elected to be excluded from the meaning of governmental body. Any revenues generated from the procurement card program shall be deposited in the general fund and the state controller shall make adjustments equivalent to such revenues in the form of a reduction of administrative costs allocated to governmental bodies on a proportional basis.
- If, pursuant to the procurement code, a state agency has suspended a person from consideration for award of contracts because a criminal charge has been issued against an officer, director, partner, manager, key employee, or other principal of the suspended person, the state agency is authorized to allow the suspension to remain in effect until after the trial of the suspended person or until after the charges against the suspended person have been dismissed.
- References to the division of accounts and controls are changed to the office of the state controller.

The attorney general shall be the legal advisor to the board of the public employees' retirement association upon request of the board. The board has the authority to select and retain legal council in the board's discretion.

Adjusts the appropriations made to the department in the 2010 general appropriation act as follows:

- The general fund appropriation for the executive director's office, statewide special purpose, Colorado state archives, personal services, is decreased by \$6,802, and the cash fund appropriation to such office is increased by \$6,802.
- The appropriation from the debt collection fund for the division of accounts and control - controller, collections services, private collection agency fees is

decreased by \$94,864.

**APPROVED** by Governor June 7, 2010

**EFFECTIVE** June 7, 2010

**H.B. 10-1182** Renewable energy - Colorado clean energy development authority - powers and duties - loans and financing agreements. The act expands the types of loans and financing agreements the Colorado clean energy development authority may make to facilitate electric power interconnection projects.

**APPROVED** by Governor May 5, 2010

**EFFECTIVE** May 5, 2010

**H.B. 10-1228** State personnel system - group benefits plan - dependent coverage - ineligibility notification - appropriation. The act requires the state personnel director to remove an ineligible dependent from a state group health benefit plan by the end of the month in which the dependent ceases to be eligible because the dependent turned twenty-five years of age. Current practice and proposed rules require the employee to remove the ineligible dependent and the employee's department to verify continuing dependent eligibility.

The act clarifies that neither the employee or the employee's department shall be directly financially liable for the premiums paid for the dependent coverage if no claims have been paid for the ineligible dependent. If the director fails to remove the ineligible dependent and a claim has been paid for the ineligible dependent, the employee and the employee's department shall not be directly financially liable for the paid claim. The costs for premiums and claims paid may be paid from the group benefit plans reserve fund.

The act appropriates \$4,400 from the group benefit plans reserve fund to implement the act.

**APPROVED** by Governor May 26, 2010

**EFFECTIVE** July 1, 2010

**H.B. 10-1235** Executive branch agency rules - incorporation of outside materials by reference. The current requirements for incorporating by reference published codes, standards, guidelines, or rules into agency rules are changed to reflect the revised model state administrative procedure act, including allowing agencies to make incorporated materials available to the public by providing the incorporated materials electronically.

**APPROVED** by Governor April 5, 2010

**EFFECTIVE** April 5, 2010

**H.B. 10-1264** Cost savings identified by state employees - idea application - fund - process - implementation - incentive. The act requires the state personnel director, or his or her designee, to create and make publicly available to all state employees an idea application to allow employees to suggest state agency improvements that result in cost savings. The form must be available by October 1, 2010, on the department of personnel's web site and must be advertised on any type of payroll statements issued to employees. The state personnel director, or his or her designee, is required to create evaluation criteria for the evaluation of the idea application. Any employee may submit an idea application.

The executive director of the employee's state agency (executive director), or his or her designee, must respond to an idea application originating in his or her agency in a timely fashion. The executive director must also cause a projected savings calculation to be completed before he or she makes a decision to accept or reject the employee's idea application. The executive director, or his or her designee, may automatically deny an idea application if it is duplicative of another recently submitted application. The office of state planning and budgeting shall provide oversight of any idea applications that are denied.

Thirteen months after the idea is fully implemented, the executive director must calculate the savings realized for the first 12 months of full implementation. The executive director will then forward the calculation of the savings realized to the state auditor for review and verification. Within 120 days after receipt of the calculation, the state auditor will present a report of the review and verification to the legislative audit committee.

The act creates a state employee incentive fund that consists of moneys transferred by state agencies and of specific accounts realized by each idea application approved for each state agency. The moneys in each account will be available for distribution by each state agency as specified in the act no later than 30 days after the state auditor's report. If the moneys in the account are not distributed by a state agency within that 30-day period, the moneys in that account revert to the general fund.

The act requires the executive director, or his or her designee, to identify, where possible, any state laws or regulations that need to be changed to implement an idea. The executive director, or his or her designee, must submit a request for legislation to the appropriate committee of reference for any idea application that requires legislation for implementation.

The act specifies that, except for federal moneys saved, and unless otherwise prohibited or directed, the amount reviewed and verified by the state auditor as the savings realized shall be distributed as follows:

- 5%, up to \$5,000, of the savings realized as a one-time honorary award to the employee who submitted the idea application;
- 25%, up to \$25,000, of the savings realized to the state agency that the employee's idea application directly affects; and
- The remainder to the general fund.

Finally, the act specifies that, except for any savings realized distributed to the department of transportation, a state agency may use its distribution for any projects that would increase that state agency's efficiency or improve services provided to state residents, but the distribution may not be used to hire additional full-time equivalent employees or for personal services expenditures. Any savings realized distributed to the department of transportation must be transferred to the state highway fund to be used for material costs of road and bridge repairs.

**APPROVED** by Governor May 26, 2010

**EFFECTIVE** August 11, 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. 10-1287** State-owned motor vehicles - division of central services - commuting - authorization - reimbursement - report. The program that allows state employees to use state-owned motor vehicles for commuting is changed to:

- Require the need for an employee to commute with a state-owned motor vehicle to be set forth in the position description questionnaire for the employee's position;
- Beginning October 1, 2010, prohibit an employee from using a state-owned motor vehicle for commuting, unless the division of central services in the department of personnel and administration (division) approves the use as consistent with the criteria for commuting authorization;
- Require an employee to reimburse the state for commuting with a state-owned motor vehicle at a rate that is established annually based on the federal commuting valuation rule or a lease-value methodology established by the division;
- Exempt certain employees from the reimbursement requirement;
- If applicable, require an employee to allow reimbursement to be deducted from his or her salary;
- Require reimbursement payments to be credited to the newly created state-owned motor vehicle commuter cash fund;
- Require moneys in the fund to offset the appropriation to a state agency or other funding for operating expenses for a state-owned motor vehicle; and
- Require the division to annually provide the joint budget committee with a report regarding the use of state-owned motor vehicles for commuting.

**VEETOED** by Governor June 7, 2010

**H.B. 10-1323** Tobacco litigation settlement moneys - modification of allocation - budget package act - adjustments of FY 09-10 appropriations. To help balance the state budget for fiscal years 2009-10 and 2010-11, the act limits the amount of tobacco litigation settlement moneys transferred to the comprehensive primary and preventive care grant program to the amount of moneys committed for grants on or before September 30, 2009, and transfers the remaining amount to the general fund. For the 2010-11 fiscal year, the act transfers to the general fund all \$2.9 million of the tobacco litigation settlement moneys annually transferred to the comprehensive primary and preventive care grant program.

The transfer of tobacco litigation settlement moneys is reallocated from the Colorado indigent care program to the children's basic health plan trust. For the 2009-10 fiscal year, the \$2 million of tobacco litigation settlement moneys that would have gone to the Colorado indigent care program are transferred to the general fund.

The supplemental tobacco litigation settlement moneys account in the comprehensive primary and preventive care fund is repealed.

The \$1.6 million balance of tobacco litigation settlement moneys remaining in the short-term innovative health program fund at the end of fiscal year 2010-11 is transferred to the general fund.

The act permits the use of moneys in the AIDS and HIV prevention fund for the AIDS drug assistance program in 2010-11 fiscal year.



For purposes of the appropriation of tobacco settlement moneys to the state auditor's office, moneys that were transferred to the general fund in fiscal years 2009-10 and 2010-11 that would otherwise have been transferred to a tobacco settlement program shall be deemed to have been transferred to a tobacco settlement program.

**APPROVED** by Governor March 22, 2010

**EFFECTIVE** March 22, 2010

**H.B. 10-1325** Natural resource damage recovery fund - transfer of interest earned on settlement moneys to the hazardous substance response fund and to the general fund. The act transfers 62.3% of the interest earned on certain settlement moneys in the natural resource damage recovery fund to the hazardous substance response fund on an annual basis until a total of \$1,657,577 has been transferred. The act transfers the remaining 37.7% of the interest earned on such settlement moneys in the natural resource damage recovery fund to the general fund on an annual basis until a total of \$1,004,873 has been transferred.

**APPROVED** by Governor March 18, 2010

**EFFECTIVE** March 18, 2010

**H.B. 10-1327** Transfers to augment general fund - budget package act. For the purpose of augmenting the amount of revenues in the state general fund for the 2009-10 state fiscal year, the state treasurer is required to transfer specified amounts of moneys to the general fund from the following funds:

- The higher education maintenance and reserve fund;
- The motor fleet management fund;
- The waste tire cleanup fund;
- The public safety communications trust fund;
- The emergency controlled maintenance account in the capital construction fund;
- The processors and end users of waste tires cash fund;
- The local government permanent fund;
- The perpetual base account of the severance tax trust fund;
- The operational account of the severance tax trust fund;
- The local government severance tax fund;
- The law enforcement assistance fund for the prevention of drunken driving and the enforcement of laws pertaining to driving under the influence of alcohol or drugs (referred to as the LEAF fund).

The transfers from the specified funds will occur on April 15, 2010; except that the transfer from the LEAF fund will occur on June 30, 2010.

**APPROVED** by Governor April 15, 2010

**EFFECTIVE** April 15, 2010

**H.B. 10-1333** Office of the governor - green jobs Colorado training program - advisory council - funding - review - appropriation. The act creates the green jobs Colorado training program, which is a 2-year pilot program. The pilot program will offer grants to applicants that train individuals for jobs in the wind, solar, renewable energy, and energy efficiency industries. Funding for the program will be from federal moneys received by the department of labor and employment for the purposes of the pilot program and from moneys from the

governor's energy office.

The pilot program will be administered by the newly created green jobs Colorado advisory council (advisory council), which consists of 17 members as designated in the act. The advisory council will also receive and review grant applications, award grants to applicants who meet the criteria specified in the act, establish reporting requirements for grant recipients, develop internal operation procedures, and coordinate the activities of any other state department, office, or agency in so far as those activities may relate to green jobs.

The executive director of the department of labor and employment will evaluate the pilot program and report his or her findings to the governor and specified legislative committees.

The act reappropriates \$100,000 of federal funds to the department of labor and employment, division of employment and training, employment and training programs, workforce investment act, for the 2010-11 fiscal year. The act increases by 1.4 FTE the federal moneys appropriation made in the 2010-11 general appropriation act to the department of labor and employment, division of employment and training, employment and training programs, workforce investment act.

**APPROVED** by Governor June 11, 2010

**EFFECTIVE** June 11, 2010

**H.B. 10-1336** Department of public safety - school safety resource center - appropriation. The act authorizes the division of criminal justice in the department of public safety (department) to expend any state, federal, or other moneys made available under any law or program designed to improve the administration of criminal justice, court systems, law enforcement, prosecution, corrections, probation and parole, juvenile delinquency programs, and related fields.

The act creates the school safety resource center cash fund (fund) and authorizes the department to solicit and accept gifts, grants, and donations for the purpose of implementing the school safety resource center (resource center). The department is authorized to expend moneys from the fund for the purpose of implementing the resource center. The department may expend up to 2% of the moneys annually appropriated from the fund to offset the costs incurred in implementing the resource center. The resource center may charge a fee to each attendee of a training program or conference that the resource center implements. The total amount of fees charged to attendees of a training program or conference shall not exceed the actual costs incurred by the resource center in implementing the training program or conference.

For the 2010-11 fiscal year, the act appropriates \$44,000 from the fund to the department for program costs.

**APPROVED** by Governor June 5, 2010

**EFFECTIVE** June 5, 2010

**H.B. 10-1339** Limited gaming moneys - limited gaming fund - 2009-10 state fiscal year distributions - limited gaming impact fund - distribution requirements and transfers - budget package act. The act eliminates the specified transfer for the 2009-10 state fiscal year from the limited gaming fund to the clean energy fund. The act establishes a specified transfer for the state fiscal year 2009-10 from the limited gaming fund to the general fund. The act

also establishes specified transfers for the state fiscal year 2009-10 from the limited gaming fund to the:

- Colorado travel and tourism promotion fund;
- State council on the arts cash fund;
- New jobs incentives cash fund;
- Colorado office of film, television, and media operational account cash fund; and
- Innovative higher education research fund.

Except for the transfer to the general fund, the state fiscal year 2009-10 transfers are subject to either proportional reduction or proportional increase by the state treasurer depending on the June 2010 revenue forecast prepared by the staff of the legislative council.

On April 15, 2010, the executive director of the department of local affairs is required to distribute the moneys from the limited gaming impact account that were transferred in the 2008-09 state fiscal year for use in the 2009-10 state fiscal year.

The act requires that, on June 30, 2010, the state treasurer transfer \$2 million from the local government limited gaming impact fund to the general fund.

The act makes adjustments to cash fund appropriations in the 2010 long bill as a result of the transfers.

**APPROVED** by Governor April 15, 2010

**EFFECTIVE** April 15, 2010

**H.B. 10-1346** State agency rules - extension of effective period - emergency rules. The act extends the period that temporary or emergency rules adopted by executive branch agencies remain in effect from 3 months to 120 days.

**APPROVED** by Governor April 15, 2010

**EFFECTIVE** April 15, 2010

**H.B. 10-1388** Transfers to augment general fund for 2010-11 state fiscal year - budget package act. For the purpose of augmenting the amount of revenues in the state general fund for the 2010-11 state fiscal year, on June 30, 2011, the state treasurer is required to transfer specified amounts of moneys to the general fund from the following funds:

- The medical marijuana program cash fund;
- The perpetual base account of the severance tax trust fund;
- The local government severance tax fund;
- The alternative fuels rebate fund.; and
- The law enforcement assistance fund for the prevention of drunken driving and the enforcement of laws pertaining to driving under the influence of alcohol or drugs (referred to as the LEAF fund).

Due to the transfer of moneys from the local government severance tax fund, for the 2010-11 state fiscal year, the distributions from the local government severance tax fund are adjusted so that the amount of gross receipts distributed to political subdivisions impacted by energy development is reduced by \$3 million and the amount of gross receipts distributed to counties and municipalities based on the proportion of energy-related employees who

reside in such counties and municipalities is increased by \$3 million.

**APPROVED** by Governor June 7, 2010

**EFFECTIVE** June 7, 2010

**H.B. 10-1389** Capital construction - transfers - budget package act. In the 2008-09 fiscal year, changes the \$9 million transfer to the capital construction fund from the general fund exempt account to the general fund.

For the 2009-10 fiscal year:

- Transfers \$13,317,845 from the capital construction fund to the general fund;
- Transfers \$750,000 from the higher education federal mineral lease revenues fund to the general fund;
- Transfers \$5,054,918 from the Fitzsimons trust fund to the general fund;
- Repeals \$1,807,306 in statutory transfers from the general fund to the capital construction fund and from the capital construction fund to the corrections expansion reserve fund.

For the 2010-11 fiscal year:

- Transfers \$7 million from the higher education federal mineral lease revenues fund to the general fund;
- Transfers \$3,448,537 from the Fitzsimons trust fund to the general fund;
- Transfers \$8,625,506 from the general fund to the capital construction fund; and
- Transfers \$500,000 from the general fund exempt account to the capital construction fund.

**APPROVED** by Governor May 5, 2010

**EFFECTIVE** May 5, 2010

**H.B. 10-1391** Firearms transfers - Colorado bureau of investigation - national instant criminal background check system - denial of firearm transfer. The act eliminates the July 1, 2010, repeal of certain provisions requiring that the Colorado bureau of investigation deny the transfer of a firearm to a person if the bureau receives certain information about the person's criminal history in response to a request transmitted to the national instant criminal background check system or a search of another database.

**APPROVED** by Governor June 7, 2010

**EFFECTIVE** June 7, 2010

**H.B. 10-1392** Government data advisory board - membership. Current law specifies that the members of the government data advisory board (board) in the office of information technology are appointed by the governor and certain department heads. Additionally, the governor, at the invitation of the chief information officer, has the authority to direct the heads of other departments to select a board member from that department who meets certain qualifications.

The act provides the ability for expansion of the board's membership by, at the

invitation of the chief information officer, authorizing:

- The governor to select a member from one or more political subdivisions of the state;
- The secretary of state, attorney general, and treasurer to select a member from his or her department;
- The chief justice of the supreme court to select a member from the judicial department; and
- The speaker of the house of representatives and the president of the senate to jointly select a member from the legislative branch.

**APPROVED** by Governor May 26, 2010

**EFFECTIVE** May 26, 2010

**H.B. 10-1393** Web-based system - government revenue and expenditures data - allowable exclusions and aggregation - appeal process - duty of state officers. In 2009, the governor issued an executive order to create a web-based system that allows public access to government revenue and expenditures data, which system is commonly known as the "transparency online project", and the web-based system was modified by a subsequent law. The web-based system is further modified to:

- Expand the type of information that may be aggregated or excluded therefrom;
- Require a description of the excluded information;
- Create a process for challenging an exclusion;
- Permit the chief information officer of the state and the state controller to reasonably rely on representations by a state agency regarding the information to be included in the web-based system; and
- Clarify that web-based system reports are to be made available for download.

**APPROVED** by Governor May 27, 2010

**EFFECTIVE** May 27, 2010

**H.B. 10-1399** Crime of arson - fire departments - Colorado bureau of investigation assistance. If the chief of a fire department requests assistance from the Colorado bureau of investigation (bureau) in investigating the cause and origin of a fire or in enforcing the laws related to the crime of arson, the bureau may provide such assistance, with the approval of the director of the bureau. The fire department shall notify the appropriate law enforcement agencies that a request for assistance from the bureau has been made.

**APPROVED** by Governor May 27, 2010

**EFFECTIVE** May 27, 2010

**H.B. 10-1401** Collaboration, office productivity, and electronic mail software or "COPE" - software as a service or "SaaS" - COPE implementation - reporting to joint budget committee - statewide internet portal authority - fees and charges - reporting to house and senate business committees - financial and performance audits of the authority - state auditor - scope - reporting to legislative audit committee. The act defines "collaboration, office productivity, and electronic mail solution" or "COPE" as software that is delivered via an SaaS model and offered as a specific service by the statewide internet portal authority (SIPA) or any private sector provider of information technology resources. "Software as a service" or "SaaS" is defined as a model of software development via the internet that:

- Allows a customer to use the SaaS on demand through a subscription or a pay-as-you-go model;
- Does not require the user to purchase hardware or software directly to run an information technology application since the application is accessible via the internet; and
- May be utilized for various information technology applications, including but not limited to electronic mail, video conferencing, instant messaging, office productivity applications, and electronic calendaring.

The act requires that if the office of information technology (office) initiates any COPE in a state agency on or after January 1, 2010, through an agreement with the SIPA or any private sector provider, it must file a report with the joint budget committee (JBC) and the legislative audit committee (LAC) no later than 30 days after the last day of the fiscal quarter in which the COPE was initiated. The report must include:

- An implementation plan for the COPE in the state agency that includes the estimated completion date for such implementation;
- A cost-benefit analysis for implementing the COPE showing the cost savings to the state agency from that implementation; and
- An analysis demonstrating that implementation of the COPE is in conformance with the agency's information security plan.

Following the first report, the office must thereafter file quarterly reports with the JBC for a period of 2 years containing information on the progress of the implementation of COPE services in the state agency and the cost savings from that implementation. These reporting requirements are repealed on July 1, 2014.

The act requires each state agency that imposes charges or fees for accessing electronic information, products, or services through the statewide internet portal to provide a report to the executive director of the SIPA on the total amount of the charges or fees imposed in the preceding fiscal year. The SIPA board is directed to periodically report to the house and senate business committees and to the JBC on:

- The total amount of charges or fees imposed by each state agency for accessing electronic information, products, and services through the statewide internet portal made in the preceding fiscal year; and
- The total amount of receipts and revenue derived by the SIPA from those transactions through the portal for the preceding fiscal year.

If a financial audit of the SIPA is conducted by an independent certified public accountant, any statements, records, schedules, working papers, and memoranda prepared by the CPA must be made available to the state auditor's office and kept confidential unless a majority of the LAC vote to open the documents.

The state auditor may also conduct, at the state auditor's discretion, performance audits of the SIPA. The scope of the information requested from the SIPA by the state auditor is limited to that authorized by law and the LAC. Input and recommendations from the SIPA and the board must be considered by the state auditor during the planning process for performance audits so as to minimize the impacts on the SIPA's staff, planning, and project schedules and to not conflict with a financial audit. The state auditor must submit a written report to the LAC upon the completion of each financial or performance audit. The cost of financial audits must be paid by the SIPA, and the cost of performance audits

must be paid from appropriations to the state auditor's office.

**APPROVED** by Governor June 7, 2010

**EFFECTIVE** June 7, 2010

**H.B. 10-1404** Independent ethics commission - transfer of commission to judicial department as independent agency - changes in procedures affecting commission - repeal of statutory provisions authorizing secretary of state to issue advisory opinions - inclusion of commission within new statutory requirements concerning performance-based budgeting - appropriations. The act transfers the independent ethics commission (commission) from the office of administrative courts in the department of personnel to the judicial department and establishes the commission as an independent agency in the judicial department.

The act eliminates an existing statutory requirement that the member of the commission appointed by the house of representatives be affiliated with a different political party than the person appointed by the senate.

In the case of a request for an advisory opinion from the commission, the commission is required to prepare a response to such request as soon as practicable after the request is made, rather than within 20 business days as under current law.

Any state employee on the staff of the commission as of the effective date of the act will be transferred with the agency and will become an employee of the agency.

The act repeals existing statutory provisions authorizing the secretary of state to issue advisory opinions concerning issues relating to the requesting person's conduct.

The act includes the commission in a new statewide performance-based budgeting program arising from the enactment of House Bill 10-1119, which provisions only take effect upon the enactment of House Bill 10-1119. Specifically:

- Along with other agencies housed within the judicial department, for the state budget process for the state fiscal year 2012-13, and for each fiscal year thereafter, the commission is required to develop a strategic plan, which will then be posted on the official web site of the commission and the official web site of the office of state planning and budgeting.
- Starting December 1, 2012, and each December 1 thereafter, the commission must publish an annual performance report.
- The commission will use the state agency budget submissions as a guideline for the submission of its budget to the joint budget committee.
- The electronic budgeting system created by House Bill 10-1119 must, among other things, provide access to the commission as with other agencies of state government.

For FY 2010-11, in addition to the transfer of 2.0 FTE, the act reduces the long bill appropriation to the department of personnel for the commission by \$270,822 and appropriates that amount out of the general fund to the judicial department for the commission.

**APPROVED** by Governor June 10, 2010

**EFFECTIVE** June 10, 2010

**NOTE:** Certain sections of the act are contingent on House Bill 10-1119 becoming law.

House Bill 10-1119 was signed by the governor June 5, 2010.

**H.B. 10-1409** State employee compensation - new pay plan established - twelve annual incremental salary rates within pay grade or range - core competencies for positions established - advancement to higher salary rate - contingent upon appropriation by general assembly - state personnel director - reporting. Under current law, employees in the state personnel system are eligible for periodic salary increases based on performance. The department of personnel is currently responsible for developing guidelines and coordinating a performance system containing certain components. Employee salaries may be increased or left unchanged subject to available appropriations, and no annual increase in salary is guaranteed.

The act requires the state personnel director (director), on or before July 1, 2010, to establish a pay plan that specifies 12 annual incremental salary rates within the pay grade or pay range for each job classification in the state personnel system.

The act also requires, on or before July 1, 2012, the director, the executive director of each principal department, and the presidents of the colleges and universities, following consultation in good faith with state employee representatives and employee organizations, to identify and establish core job competencies specific to positions in the state personnel system.

For the 2010-11 fiscal year and each fiscal year thereafter, if the general assembly makes the necessary appropriation for advancements to higher salary rates under the new pay plan:

- An employee in the state personnel system may advance to a higher salary rate within the employee's pay grade or pay range based on a satisfactory performance evaluation and, on and after July 1, 2012, the achievement of the core job competencies established by the director; and
- Each of the principal departments of state government shall specify in the annual budget request for the department the amount necessary to advance the employees of such department to higher salary rates within employees' pay grades or pay ranges.

The director is authorized to adopt appropriate procedures to implement the act's provisions on annual incremental rate increases in employees salaries.

The director's annual report to the joint budget committee (JBC) on compensation must include the total dollar amount appropriated for personal services used to fund annual incremental rate increases in employee salaries.

The date by which the director must submit to the governor and JBC of the general assembly the annual compensation report and recommendations and estimated costs for state employee compensation for the next fiscal year is changed from August 1 to October 1 of each year.

**VEETOED** by Governor June 7, 2010



**H.B. 10-1411** Firearms tranfers - Colorado bureau of investigation - national instant criminal background check system - denial of firearm transfer - review of records upon which denial is based. Within 30 days after denial of a firearm transfer, the transferee may request a review of the denial and of the instant criminal background check records that prompted the denial. Within 30 days after receiving the review request, the Colorado bureau of investigation (bureau) shall perform a thorough review of the instant criminal background check records that prompted the denial and render a final administrative decision regarding the denial. The inability of the bureau to obtain the final disposition of a case that is no longer pending shall not constitute a basis for the continued denial of the firearm transfer.

**APPROVED** by Governor June 7, 2010

**EFFECTIVE** June 7, 2010

**NOTE:** The act is contingent on House Bill 10-1391 becoming law. House Bill 10-1391 was signed by the governor June 7, 2010.

**H.B. 10-1425** Public employees' retirement association - postretirement employment limit - Denver public school employees - exemption. An hourly employee of the Denver public school district (DPS) or a DPS charter school who is a public employees' retirement association (PERA) retiree and who was an hourly employee of DPS or a DPS charter school when the merger between PERA and the Denver public schools retirement system took effect is exempt from the postretirement employment limit for PERA retirees, so long as the retiree continues to be employed by the same pre-merger employer. Any such retiree is required to make the working retiree contribution, and DPS or the DPS charter school, as applicable, is required to make the applicable employer contribution and amortization equalization disbursement and supplemental amortization equalization disbursement payments.

**APPROVED** by Governor May 27, 2010

**EFFECTIVE** May 27, 2010

## HEALTH AND ENVIRONMENT

**S.B. 10-73** Nurse home visitor program - administration - duties of the department of public health and environment and the health sciences facility - adjustment to the 2010 long bill. The act modifies and clarifies the roles of the department of public health and environment (department) and the health sciences facility at the university of Colorado (health sciences facility) with regard to the nurse home visitor program (program), which receives moneys from tobacco litigation settlement funds and sets forth the general assembly's intent that the 2 entities collaborate.

With regard to the health sciences facility, the act:

- Identifies the Anschutz medical campus, or any successor entity, as the health sciences facility;
- Specifies the duties of the health sciences facility in regard to the program, which duties include programmatic and clinical support, evaluation, and monitoring;
- Requires the health sciences facility to work with the state auditor's office as that office conducts its annual evaluations of tobacco settlement programs; and
- Requires the health sciences facility, rather than the state board of health (state board) and the department, to monitor the effectiveness of the program.

With regard to the department, the act:

- Clarifies the department's role with respect to the program which include financial administration and cooperation with the health sciences facility; and
- Allows the department, in consultation with the health sciences facility, to propose rules regarding program applications for the state board to promulgate.

The act also requires the state board to consult with the department and the health sciences facility when promulgating rules regarding processing of applications from entities applying to administer the program in a community. Contractors and entities administering the program shall collaborate with the department and the health sciences facility to prepare required annual reports.

From the amount of the money annually appropriated for the program from the nurse home visitor program fund, the amount that the department may retain is capped at 5%, of which up to 2% may be retained by the department for its costs to implement the program and up to 3% may be used to compensate the health sciences facility for its costs in administering the program. For any year in which the total amount appropriated for the program exceeds \$19,000,000, the department and the health sciences facility must report to the general assembly on whether a smaller appropriation can cover their program costs.

For implementation of the act, the appropriation to the department in the 2010 general appropriation act is reduced by 1.0 FTE.

**APPROVED** by Governor June 8, 2010

**EFFECTIVE** June 30, 2010

**S.B. 10-82** Air quality - Southern Ute Indian tribe/state of Colorado environmental commission. The act repeals the term limits applicable to the members of the Southern Ute Indian tribe/state of Colorado environmental commission and repeals a moot condition relating to the repeal of the commission.

**APPROVED** by Governor April 29, 2010

**EFFECTIVE** April 29, 2010

**S.B. 10-109** Medical marijuana - physician-patient relationship - state health agency rule-making - physician recommendation requirements - physician violations enforcement - appropriations. Under the act, the state health agency designated by the governor to administer the medical marijuana program will promulgate new rules related to standards for issuing registry identification cards, documentation for physicians who prescribe medical marijuana, claims of indigence related to the application fee, and sanctions for physicians who violate the act.

A physician who certifies that a patient can use medical marijuana shall:

- Certify certain information to the state health agency and maintain a record-keeping system for his or her medical marijuana patients;
- Identify in the certification the debilitating medical condition that forms the basis of the certification; and
- Not receive remuneration from or offer it to a primary caregiver, distributor, or any other provider of medical marijuana.

The act creates an enforcement process for physicians who violate the state constitution, state statutes, or promulgated rules related to medical marijuana. For alleged violations that relate to a physician's standard of care, the board of medical examiners may investigate and sanction those violations. For violations that are related to improper medical marijuana recommendations, the state health agency shall conduct a hearing on the alleged violation and, upon finding a violation, may impose sanctions.

The act requires a medical marijuana patient with a valid registration card who is convicted of a drug offense and sentenced to drug treatment or the division of youth corrections in the department of human services to seek immediate renewal of the registration card based on the recommendation of a court-appointed physician.

The act requires that a parent who submits a medical marijuana registry application for his or her child have his or her signature notarized on the form.

The act adds the medical marijuana program to the list of statutes that involve medical records.

For the 2010-11 fiscal year, the act appropriates from the medical marijuana program cash fund to the department of public health and environment \$815,224 cash funds and 2.1 FTE. Of said appropriation, \$99,879 shall be allocated to the administration and support division, and \$715,345 and 2.1 FTE shall be allocated to the center for health and environmental information.

For the 2010-11 fiscal year, the act appropriates \$593,333 and 1.2 FTE to the department of regulatory agencies for the investigation and prosecution of physicians referred to the board of medical examiners. The appropriation shall be from reappropriated

funds received from the department of public health and environment to the center for health and environmental information. Of said appropriation, \$512,584 shall be allocated to the executive director's office, and \$80,749 and 1.2 FTE shall be allocated to the division of registrations.

For the 2010-11 fiscal year, the act appropriates to the department of law \$612,463 and 5.2 FTE for the provision of legal services to the department of public health and environment and the department of regulatory agencies related to the implementation of the act. Of said appropriation, \$99,879 shall be from reappropriated funds received from the department of public health and environment to the administration and support division, and \$512,584 shall be from reappropriated funds received from the department of regulatory agencies to the executive director's office.

**APPROVED** by Governor June 7, 2010

**EFFECTIVE** June 7, 2010

**NOTE:** The digest entry for House Bill 10-1284, "Concerning regulation of medical marijuana" can be found under the Criminal Law and Procedure section of this digest.

**S.B. 10-126** Pharmaceutical transparency reporting to federal government - annual report posted on department of regulatory agencies web site. The department of regulatory agencies (department) is required to post on its web site the report submitted to the state by the secretary of the United States department of health and human services, as required by the federal "Patient Protection and Affordable Care Act", that summarizes information submitted to the secretary by certain drug, medical device, biological product, or medical supply manufacturers and group purchasing organizations regarding:

- Payments or other transfers of value made by covered manufacturers to physicians and teaching hospitals; and
- Ownership or investment interests held by a physician or immediate family member in a covered manufacturer or group purchasing organization.

The department is to post the report by September 30, 2013, and by each June 30 thereafter, or as soon as possible after receipt of the report, whichever occurs first.

**APPROVED** by Governor June 10, 2010

**EFFECTIVE** August 11, 2010

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

**S.B. 10-189** Public health - clean syringe exchange program. The act creates an exemption from drug paraphernalia laws for an employee or volunteer of an approved clean syringe exchange program (program). A county board of health or district board of health (board) is granted the authority to approve a program proposed by a county public health agency or district public health agency (agency), provided certain procedures are followed. Prior to approving a program, the board shall consult with interested stakeholders from the community and shall address with them certain issues, including the scope of the program, any concerns of law enforcement, and the parameters of the program. Several components are listed that proposed programs shall have the ability to provide.

If an agency contracts with a nonprofit organization to operate a program, the contract

will be subject to annual review and reauthorization.

One or more counties represented on a district board of health may at any time opt out of a proposed or approved program.

Each board that authorizes a program is required to submit an annual report to the department of public health and environment, which will in turn submit an annual report to the health and human services committees of the house of representatives and the senate.

**APPROVED** by Governor May 26, 2010

**EFFECTIVE** August 11, 2010

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

**S.B. 10-194** Home care agencies - licensure - entities providing certain services to persons with developmental disabilities. Current law requires a home care agency, which is an entity that manages and offers, directly or by contract, skilled home health services or personal care services to a home care consumer in the home care consumer's temporary or permanent home or place of residence, to be licensed by the department of public health and environment. The act requires community centered boards and service agencies that provide skilled home health services or in-home personal care services to persons with developmental disabilities to apply for licensure by March 1, 2011. On and after September 1, 2011, it will be unlawful for a community centered board or service agency to conduct or maintain home care agencies that provide skilled home health services or in-home personal care services unless the community centered board or service agency is licensed as a home care agency.

The act excludes qualified early intervention service providers from the scope of the term "home care agency".

**APPROVED** by Governor May 21, 2010

**EFFECTIVE** May 21, 2010

**S.B. 10-217** Hospital report card - nursing-sensitive quality measures - repeal reference to national database of nursing quality indicators. Under current law, the association designated by the executive director of the department of public health and environment that is responsible for implementing the comprehensive hospital information system and the hospital report card is required to collect, review, and implement certain nursing-sensitive quality measures, including registered nurse education and certification as defined by the national database of nursing quality indicators.

The requirement that the designated association collect, review, and implement registered nurse education and certification quality measures is retained, but the reference to the national database of nursing quality indicators, for purposes of defining those quality measures, is repealed.

**APPROVED** by Governor May 27, 2010

**EFFECTIVE** May 27, 2010

**H.B. 10-1018** Waste tires - regulation by department of public health and environment - allocation of waste tire fee - registration of waste tire facilities - decals and manifests - fire

prevention and inventory reduction requirements - advisory committee - rules. Current law gives several departments authority over fees collected upon the sale of new motor vehicle tires to deal with waste tires. The act consolidates all such authority in the department of public health and environment (department) and adds requirements for fire prevention planning, registration, decals, and manifests for certain waste tire haulers and waste tire facilities.

The act ends the transfer of waste tire fees to the innovative higher education research authority program effective July 1, 2014. The department of local affairs will no longer administer the waste tire cleanup fund. The advanced technology fund is repealed and, effective July 1, 2011, the transfer of waste tire fees to the recycling resources economic opportunity grant program will cease.

The law that imposes the \$1.50 waste tire fee is repealed and reenacted, with amendments. The 3.33% vendors' fee is repealed. The fee is allocated as follows:

- Until July 1, 2014, 30.33% to the processors and end users fund and 6.67% to the innovative higher education research fund; after July 1, 2014, 37% to the processors and end users fund;
- 39.66% to the waste tire cleanup fund;
- 6.67% to the waste tire fire prevention fund until July 1, 2011, after which the allocation is increased to 8%;
- 16.67% to the recycling resources economic opportunity fund until July 1, 2011;
- After July 1, 2011, 6.67% to the waste tire market development fund; and
- After July 1, 2011, 8.67% to the law enforcement grant fund.

The law regarding the processors and end users fund is updated. The waste tire cleanup fund is recreated. The waste tire fire prevention fund and the waste tire market development fund are created. The maximum reimbursements to processors and end users are increased from \$50 to \$65 per ton of waste tires.

Decals will be required on waste tire hauling vehicles and haulers will have to complete and retain manifests. A person will be prohibited from hauling more than a quantity of waste tires in excess of a limit established by rule by the solid and hazardous waste commission (commission) unless the person is registered.

The act creates several new sections of law that:

- Specify requirements for decals and manifests;
- Require the registration of waste tire facilities;
- Require, as a condition of maintaining their registration, that waste tire monofills submit to the department a waste tire inventory reduction plan and that certain waste tire facilities process 75% of the 3-year rolling annual average amount of waste tires accepted by that facility each year;
- Impose requirements relating to financial responsibility for closure and reclamation of waste tire facilities;
- Give the commission general rule-making authority regarding waste tires, direct the department to annually report to legislative oversight committees, and identify enforcement authorities;
- Create a waste tire advisory committee; and
- Create a waste tire fund, used for the department's costs in administering the

program.

The department of regulatory agencies will conduct a sunset review of the waste tire advisory committee prior to the committee's repeal on July 1, 2020. The director of the division of fire safety in the department of public safety will adopt rules regarding fire safety standards at waste tire facilities.

The definition of "waste tire" in the solid waste statute is conformed to that in the waste tire fee statute. Effective July 1, 2010, sales tax will not be assessed when the waste tire fee is collected upon the sale of a new tire. The act appropriates \$3,945,855 and 3.1 FTE to the department of public health and environment, decreases the appropriation to the department of local affairs by \$4,200,000 and .7 FTE, and appropriates \$71,970 to the division of fire safety.

**APPROVED** by Governor June 10, 2010

**EFFECTIVE** June 10, 2010

**NOTE:** Certain sections of the act are contingent on House Bill 10-1052 becoming law. House Bill 10-1052 was signed by the governor April 13, 2010.

**H.B. 10-1042** Air quality - permits - notice for construction permits - violations of the open burning law. Instead of conducting a review by the air quality control commission (commission) for all permits that required 5 or more hours of professional staff time to process, the act requires the commission to report permit information on stationary industrial sources of pollution in its annual report to the public.

The act makes explicit an exemption from permitting allowed under the federal "Clean Air Act" for small non-Title V sources of air pollution.

An entity with a construction permit can notify the division of administration within 15 days after beginning construction activity rather than 30 days prior to beginning construction activity.

The act changes the civil penalty from \$100 per day to up to \$500 per day for a violation of the open burning law by a person who conducts a burn for noncommercial purposes without a permit. The civil penalty for a second violation is up to \$1,000 per day and the penalty for a third or subsequent violation is up to \$1,500 per day.

**APPROVED** by Governor May 6, 2010

**EFFECTIVE** September 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. 10-1050** Administration - end-of-life directive forms - availability. The act allows a public or private entity, including but not limited to a nonprofit organization, that facilitates the exchange of health information among emergency medical technicians, doctors, hospitals, nursing homes, pharmacies, home health agencies, health plans, and local health information agencies through the use of health information technology to facilitate the voluntary, secure, and confidential exchange of forms containing advanced directives regarding a person's acceptance or rejection of life-sustaining medical or surgical treatment. The department of public health and environment is required to include on its public web

site home page a link to forms containing advanced directives regarding a person's acceptance or rejection of life-sustaining medical or surgical treatment, which forms are available to be downloaded electronically.

**APPROVED** by Governor April 12, 2010

**EFFECTIVE** August 11, 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. 10-1052** Recycling - extension of repeal dates - solid waste user fee - recycling resources economic opportunity program - recycling resources economic opportunity fund - modification of source of funding. The act extends from July 1, 2010, to July 1, 2017, the repeal dates for the following:

- The solid waste user fee;
- The recycling resources economic opportunity fund; and
- The recycling resources economic opportunity program.

The act also eliminates, effective July 1, 2011, revenues collected from a fee imposed on the sale of new tires on or after August 5, 2009, as a source of funding for the recycling resources economic opportunity fund. On and after July 1, 2011, the act diverts these moneys to the processors and end users of waste tires cash fund.

**APPROVED** by Governor April 13, 2010

**EFFECTIVE** July 1, 2010

**H.B. 10-1125** Grease - department of public health and environment to regulate collection, transportation, storage, and disposal - registration - fee - manifests - decals - recordkeeping requirements - annual report - personal use - rules - appropriations. The act empowers the Colorado department of public health and environment (department) to regulate the collection, transportation, and disposal of trap grease and yellow grease (jointly referred to as "grease"). Specifically, the act requires persons, facilities, and vehicles engaged in the collection, transportation, storage, processing, or disposal of grease to register annually with the department, which registration shall include completing an application, paying a fee, and posting a surety bond or other debt instrument or method of financial assurance. Individuals employed or engaged by other persons to collect, transport, store, process, or dispose of grease are not required to separately register. Registered facilities and vehicles must display department-issued decals. In addition, registrants will be required to complete manifests, which will be available on the department's web site, containing certain information related to grease collection, transportation, and disposal, maintain certain records for a period of 2 years and furnish the records to the department upon request, and submit timely annual reports to the department.

Personal use of grease requires separate registration under the act. "Personal use" is triggered when:

- A person intends to use the grease the person is transporting or possessing;
- The person is transporting or possessing a minimum quantity of grease, as determined by the commission by rule; and
- The person is transporting no more than 55 gallons at one time or possessing no more than 165 gallons of grease at one time.



A person collecting, transporting, using, or storing grease for use by the person as biofuel is exempt from the personal use limitations on quantity and registration and fee requirements. Persons registering as personal users are prohibited from bartering, trading, or selling their grease. A personal user is prohibited from taking grease from a registrant unless the registrant gives the personal user written permission to do so.

A person is allowed to store grease that the person intends to use on the person's property, and the department is vested with exclusive authority to regulate the storage of grease.

In order to administer the laws related to grease regulation, the act requires the solid and hazardous waste commission (commission) in the department to promulgate rules by December 31, 2011, and periodically thereafter. Such rules shall include setting registration fees, which are capped at the following amounts:

- \$1,040 per nonvehicle registrant;
- \$570 per vehicle; and
- \$96 per personal user.

Existing provisions regarding solid waste-related inspection, enforcement, nuisance actions, violations, and civil and criminal penalties are applied to the provisions regulating grease.

In order to implement the act, for the fiscal year beginning July 1, 2010: \$61,964 and 0.7 FTE are appropriated from the solid waste management cash fund to the hazardous materials and waste management division in the department. Of those moneys, \$7,538 is appropriated to the department of law for the provision of legal services to the department related to implementation of the act.

**APPROVED** by Governor June 7, 2010

**EFFECTIVE** August 11, 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. 10-1138** Colorado health service corps - advisory council - fund. The act changes the name of the state health care professional loan repayment program to the Colorado health service corps (health service corps), the name of the health care community board to the Colorado health service corps advisory council, and the name of the health care professional loan repayment fund to the Colorado health service corps fund. Contracts for health care professional loan repayments entered into by collegeinvest or the primary care office in the department of public health and environment (primary care office) under the prior name of the program are still valid obligations.

The act specifies the manner in which the health service corps may make a lump sum payment on an eligible professional's education loans pursuant to a contract. The act exempts the selection of health care professionals from the competitive bidding requirements of the procurement code. The act repeals the \$35,000 per year limit on the amount of education loan repayment that a health professional may receive under the health service corps.

The act requires the primary care office to report specified information to the governor and specified committees of the general assembly on or before December 1, 2011, and on or before December 1 each year thereafter.

**APPROVED** by Governor April 20, 2010

**EFFECTIVE** July 1, 2010

**H.B. 10-1149** Radiation control - regulation prior to disposal of sources that emit radiation - general provisions. The act updates state radiation control laws as follows:

- Replaces the defined term "ionizing radiation" with "radiation";
- Includes radiation machines among the items for which the state board of health (state board) must promulgate rules;
- Repeals specific provisions containing standards for mammographer rules and deeming a person who possesses a federally issued license to have an identical state-issued license;
- Adds certain application fees to the services for which the state board may establish a fee schedule and specifies who shall pay such fees;
- Requires the state board to set fees for radiation control services at an amount sufficient to reimburse the state for the entire cost of those services, rather than a partial reimbursement;
- Repeals specific rule-making mandates to the state board to establish minimum specifications of radiation machines and radiation machine inspectors and procedures for radiation machine inspection;
- Repeals provisions that prohibit any person not approved by the state board from performing mammographies;
- Repeals the authorization to the state board to contract for audit inspections of radiation machines;
- Adds, as grounds for an injunction, a violation of a license or registration issued under the state radiation control laws;
- Makes the attorney general, rather than a district or county attorney, the authority from whom the department of public health and environment (department) may request commencement of a civil action against a person for nonpayment of fees for radiation control services and credits civil penalties collected as penalty for such nonpayment to the general fund;
- Subjects persons violating radiation control laws to an administrative penalty of up to \$15,000 per violation per day;
- Requires the department to send to an alleged violator a written notice of an alleged violation;
- Sets forth factors that the department must consider when determining the amount of an administrative penalty for a violation of radiation control laws and requires the state board to promulgate rules for determining the amount of administrative penalties in accordance with those factors and the state "Administrative Procedures Act";
- Allows the department to enter into settlement agreements regarding resolved penalties and claims under radiation control laws and permits the agreements to include payment of moneys to state or local agencies for environmentally beneficial purposes;
- Repeals provisions regarding orders for abatement; and
- Allows the department to issue a cease-and-desist order under certain conditions and describes procedures and standards for a stay of the order; and

- Repeals the exemptions from paying fees for licenses for radioactive materials.

**APPROVED** by Governor May 26, 2010

**EFFECTIVE** May 26, 2010

**H.B. 10-1229** Licensed hospitals - authentication of verbal orders. The act obligates a licensed hospital to require that all verbal orders be authenticated by a physician or responsible individual who has the authority to issue a verbal order in accordance with hospital and medical staff policies or bylaws. A verbal order must be authenticated within 48 hours after the time the order was made unless a read-back and verify process is followed. If a read-back and verify process is followed, the order may be authenticated within 30 days after the date the order was made. Current federal law requires a 48-hour authentication period unless state law designates a specific time frame for the authentication of verbal orders.

**APPROVED** by Governor May 5, 2010

**EFFECTIVE** May 5, 2010

**H.B. 10-1275** Dead human bodies - private burials - requirements. The act requires a landowner to record information about a private burial with the county clerk, setting standards for the recording including the deceased person's name, location of burial, dates of birth and death, cause of death, the legal description of the property where the body is interred, and the reception number for the death certificate. The act requires a burial permit to contain a notice of the recording requirement.

**APPROVED** by Governor May 5, 2010

**EFFECTIVE** August 11, 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. 10-1329** Solid waste disposal site user fees - amount and effective date to be set by rule - criteria for establishing amount of fee - distribution of fee revenue - extension of repeal date - transfer from the hazardous substance response fund to the solid waste management fund - appropriations - adjustments to 2010 long bill. With regard to solid waste user fee laws, the act:

- Adds the term "commission", which means the solid and hazardous waste commission (commission) in the department of public health and environment (department), to the definitions section of the laws pertaining to solid and hazardous waste sites;
- Requires the commission to promulgate rules by July 1, 2011, that establish a solid waste user fee on persons disposing of solid waste at an attended solid waste disposal site;
- Specifies criteria for determination of the fee and the destinations to which portions of the fee shall be sent;
- Repeals, on the date that the new fee takes effect or on July 1, 2011, whichever occurs first, current provisions relating to solid waste user fees;
- Extends from July 1, 2010, to July 1, 2017, the future repeal date of the solid waste user fee laws;

- Requires 100% of the state-imposed solid waste user fees that are collected by attended solid waste disposal sites to be credited to those sites if, and to the extent that, the sites are also subject to local government solid waste disposal fees for hazardous substance response activities at sites listed on the national priority list under the federal "Comprehensive Environmental Response, Compensation, and Liability Act of 1980" (CERCLA);
- Instructs the department to evaluate the need to reduce solid waste user fees in any state fiscal year that the balance of the hazardous substance response fund exceeds \$10,000,000;
- Authorizes the state treasurer to make a one-time transfer of up to \$400,000 from the hazardous substance response fund to the solid waste management fund, for use by the department in connection with its solid waste management activities, for the state fiscal year commencing on July 1, 2010; and
- Clarifies that current law allowing a governing body to collect service charges from users of publicly owned or operated solid waste disposal sites and facilities does not confer authority for that governing body to collect service charges from users of certain privately owned or operated sites and facilities.

To implement the act, \$511,159 is appropriated from the hazardous substance response fund to the department's hazardous materials and waste management division, contaminated site clean-ups, for payments to the department of law for CERCLA-related services. Furthermore, the following reappropriations from that sum and corresponding adjustments to the 2010 general appropriations act are made:

- Appropriations to the administration division are decreased by \$37,691 in general fund moneys and increased by \$37,691 in reappropriated funds;
- The appropriation to the criminal justice and appellate division, appellate unit, is decreased by \$41,384 in general fund moneys and increased by the same amount in reappropriated funds from indirect cost recoveries;
- The appropriation to the water and natural resources division, CERCLA, is decreased by \$357,084 general fund and increased by that sum in reappropriated moneys;
- The appropriation to the department of law's water and natural resources division, CERCLA contracts, is reduced by \$75,000 general fund and increased by \$75,000 in reappropriated funds.

**APPROVED** by Governor June 7, 2010

**EFFECTIVE** June 7, 2010

**H.B. 10-1332** Medical claims - standard payment rules and claim edits - use by payers and health care providers. The act creates the "Medical Clean Claims Transparency and Uniformity Act" (act), which requires the executive director of the department of health care policy and financing (department) to establish a task force by November 30, 2010, to develop a standardized set of payment rules and claim edits to be used by payers and health care providers in Colorado. The task force is to be comprised of members of industry segments directly affected who have expertise in the areas of payment rules and claim edits and their impact on the submission and payment of health insurance claims. Members are to include:

- Health care providers or employees of health care providers, with representation from health care community clinics, ambulatory surgical

- centers, urgent care centers, and hospitals;
- Persons or entities that pay for health care services (payers);
- Practice management system vendors;
- Billing and revenue cycle management service companies; and
- State and federal government entities and agencies that pay for or are involved in the payment or provision of health care services.

The task force is to track the progress of a national initiative led by the secretary of the United States department of health and human services (national initiative) in the development of a national uniform, standardized set of payment rules and claims edits so as to avoid duplication or conflict with any rules and edits developed through the national initiative.

The task force is to develop a base set of rules and edits using existing national industry sources and work with the national initiative to develop a complete set of uniform, standardized payment rules and claim edits applicable to all types of professional services.

The task force is required to report its recommendations to the executive director of the department and the health and human services committees of the senate and house of representatives by November 30, 2012, which shall include recommendations to:

- Adopt any standardized rules and edits developed by the national initiative if appropriate for Colorado, for implementation by commercial payers according to a schedule outlined under the national initiative or by January 1, 2014, whichever occurs first, and by nonprofit payers by January 1, 2015; or
- Adopt the rules and edits sets established by the task force if the national initiative has not come to consensus.

If the task force is required to develop its own standard rules and edits, the task force is to do so by December 31, 2013, and payers are to implement the standard rules and edits according to a schedule outlined under the national initiative or by January 1, 2015, whichever occurs first, for commercial payers and by January 1, 2016, for nonprofit payers.

The use of any proprietary or other claims edits to modify the payment of the charges for covered services is prohibited once the standard payment rules and claim edits are implemented.

Contractual provisions are preserved between contracting persons or entities and health care providers regarding actual contracted reimbursement rates for procedures and other contractual arrangements negotiated by the parties.

The department is not required to provide administrative or research support or assistance to the task force, and the executive director of the department is required to designate a nonprofit or private organization as the custodian of funds for the task force. The designated organization may seek, accept, and expend monetary and in-kind gifts, grants, and donations to further the task force's duties and responsibilities. The designated organization is to prepare, and submit to the executive director, an operating budget for the task force and must certify to the executive director that the task force has received sufficient funding to cover its expenses as identified in its budget. If the task force does not receive sufficient funding by June 30, 2012, the law is repealed.

The act reorganizes provisions pertaining to health care contracts, without making

any substantive changes to those provisions.

**APPROVED** by Governor May 26, 2010

**EFFECTIVE** May 26, 2010

**H.B. 10-1414** Diversion of injectable drugs - health care facility to report identifying information about individual who diverted drugs. Under current law, licensed and certified health care facilities are required to report to the department of public health and environment any occurrences at the facility in which drugs that are intended for use by patients or residents of the facility are diverted to use by other persons. The act would further require a facility, when reporting such occurrences involving injectable drugs, to also report the full name and date of birth of the individual who diverted the injectable drugs, if known.

**APPROVED** by Governor June 5, 2010

**EFFECTIVE** June 5, 2010

## HEALTH CARE POLICY AND FINANCING

**S.B. 10-2** Medicaid - denial of benefits by third parties - children's waiting list reduction fund. The department of health care policy and financing (department) shall provide recipients of public medical benefits with information concerning the recipient's right to appeal denials of benefits by third parties.

An applicant for medical benefits, upon application and redetermination, is required to disclose any third party that might be responsible for payment of medical expenses. The department shall require entities accepting applications to enter the third-party information into the automated system.

The department shall examine the feasibility of requiring the independent contractor that reviews denials of third-party claims to develop an additional process to prioritize appeals of denials. If the department includes the additional process a contract with an independent contractor, the fee may be increased to 25% of the recoveries.

The amount of additional recoveries generated by the additional processes will be transferred from the general fund to the children's waiting list reduction fund (fund), which is created in the state treasury. Moneys in the fund are to be used to reduce the number of children on the waiting list for home- and community-based services.

The department is directed to include in its annual report to specified committees of the general assembly information on the effectiveness of the additional processes.

The authority for the additional processes is repealed, effective July 1, 2013.

**APPROVED** by Governor June 7, 2010

**EFFECTIVE** June 7, 2010

**S.B. 10-61** Medicaid - hospice room and board payment - appropriation. Subject to the receipt of any necessary federal authorization:

- The department of health care policy and financing (department) shall pay a nursing facility directly for inpatient services provided to a medicaid recipient who elects to receive hospice care rather than paying the hospice provider who then pays the nursing facility; and
- Hospice care may include room and board in a licensed inpatient hospice facility.

The department, subject to the receipt of sufficient gifts, grants, or donations to pay the state's costs of preparing the request, shall request federal authorization to pay the nursing facility directly and to pay room and board in a licensed hospice facility. Such gifts, grants, or donations shall be deposited into the hospice care account in the department of health care policy and financing cash fund (cash fund) and may be used only for the state's costs of preparing the requests.

For fiscal year 2010-11, the act appropriates \$102,570 to the department for implementation of the act. Fifty percent of the amount appropriated is from the cash fund

and 50% is from federal moneys.

**APPROVED** by Governor May 21, 2010

**EFFECTIVE** August 11, 2010

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

**S.B. 10-115** Donation of medications, medical supplies, and medical devices - entities that may donate - limitations on donated medications. The act adds community mental health centers, acute treatment units, and licensed long-term care facilities to the facilities that may donate unused medications to be redispensed to another patient or to a nonprofit entity. It also includes unused medical supplies and devices as items that are permitted to be donated. The act specifically allows a licensed facility to donate unused medications to a person legally authorized to dispense the medications on behalf of a nonprofit entity that has the express purpose of providing medical supplies for the relief of victims who are in urgent need as a result of natural or other types of disasters. The act places additional limitations on the medications that may be donated.

**APPROVED** by Governor April 13, 2010

**EFFECTIVE** April 13, 2010

**S.B. 10-117** Medicaid - over-the counter medications - pharmacist authority to prescribe. Certain over-the counter medications may be provided as a service under medicaid. The medications will be provided only if they will result in overall cost savings to the state, are identified through the drug utilization review process, and are prescribed by a licensed practitioner or a qualified licensed pharmacist. The medical services board must to adopt rules to allow pharmacies to be reimbursed for dispensing the specified medications to medicaid recipients and to identify the standards for qualified pharmacists. Licensed pharmacists are required to consult with the recipient and, when appropriate, refer the recipient to an appropriate health care professional.

An exception to the definition of "pharmaceutical care" is created for pharmacists to be allowed to prescribe these over-the-counter medications to medicaid recipients.

**APPROVED** by Governor May 17, 2010

**EFFECTIVE** July 1, 2010

**S.B. 10-129** Medicaid - home- and community-based services for children with autism - community centered boards. The law currently directs the department of health care policy and financing (department) to contract with a community centered board for persons with developmental disabilities to serve as the single entry point agency and as the care planning agency for children with autism under the home- and community-based services waiver. If the community centered board is unwilling or unable to contract with the department for these services, the act allows the department to enter into the contract with a single entry point agency or a department-approved case management agency to provide the services.

**APPROVED** by Governor April 15, 2010

**EFFECTIVE** April 15, 2010



**S.B. 10-167** Colorado medical assistance act - prepayment review of medical assistance claims - false claims act - post-enactment review - appropriations. It is the intent of the general assembly that the implementation of the act's provisions will result in a significant reduction in general fund expenditures for public medical benefits. In order to achieve the expected savings, the department of health care policy and financing (state department) shall:

- Appoint an internal auditor for purposes of conducting internal audits of the state department, coordinating external audits of the state department, and conducting and supervising performance audits to ensure effective and efficient operation and administration of state department programs;
- Ensure that persons who receive public benefits from this state are not also receiving them from other states;
- Purchase health insurance for up to 2,000 medical assistance recipients who are eligible to enroll in private health insurance plans if the purchase is cost-effective for the state;
- Implement and maintain a system for reducing medical services coding errors through the use of automatic, prepayment review of medical assistance claims. The state department shall implement a system using nationally recognized correct coding methods in accordance with federal law and shall report to the general assembly concerning the implementation of the system and any savings in state expenditures realized through the use of the system.
- As a condition of doing business in the state, the state department will bill a third party on behalf of a provider of pharmaceutical services if the third party is found to be a first payer for such services.

No action may be taken against a medical assistance recipient for an overpayment that occurred through no fault of the recipient.

The executive director of the state department will appoint a chief medical officer, who will receive a salary consistent with moneys available through general fund appropriations or otherwise.

The state or a private person (relator) may bring a civil action against a person who submits a false claim to the state in connection with medicaid, and the court may impose specified penalties against persons who are found to have submitted false claims. The act establishes procedures if an action is commenced by a relator and specifies percentages of recoveries that may be awarded to the relator.

There is a private right of action against an individual who retaliates against a relator because the relator takes lawful action in furtherance of a false claim action.

The attorney general, in accordance with statutory procedure, may serve upon a person a civil investigative demand requiring the person to answer written or oral questions and to produce documents in the person's possession or control. The attorney general will submit an annual report to specified committees of the general assembly concerning medicaid false claims.

For the crime of theft of medical records, the act clarifies that possession of medical records by a law enforcement officer or a health oversight entity is not covered.

The legislative service agencies of the general assembly will conduct a

post-enactment review of the implementation of the act, in accordance with the post-enactment review statute, 5 years after the act becomes law to determine whether the act has resulted in a significant reduction in general fund expenditures for public medical benefits.

The act adjusts the appropriations in the fiscal year 2010 long bill by:

- Increasing the appropriation to the office of the executive director of the state department by \$503,705 from the general fund and \$824,656 from federal funds and 7.0 FTE; and
- Decreasing the appropriation to the medical services premiums division by \$918,218 from the general fund and \$1,472,352 from federal funds.

In the 2010-11 fiscal year, the act appropriates \$69,145 from the general fund and \$207,435 from federal funds and 3.0 FTE to the department of law, criminal justice and appellate division, for allocation to the medicaid fraud control unit for provisions of the act relating to the Colorado medical assistance act

**APPROVED** by Governor May 26, 2010

**EFFECTIVE** May 26, 2010

**NOTE:** Certain sections of the act are contingent on House Bill 10-1357 not becoming law. House Bill 10-1357 lost on second reading in the senate.

**S.B. 10-169** Medicaid - hospital provider fee - use of increased federal match - transfer to health care expansion fund - appropriation. For the 2009-10 and 2010-11 state fiscal years, the amount of increased federal financial participation, pursuant to the federal "American Recovery and Reinvestment Act of 2009" or other federal act, generated from appropriations out of the hospital provider fee cash fund shall be used to offset other general fund appropriations for medicaid services. As moneys in the health care expansion fund have been used to offset general fund expenditures for medicaid services, the first \$41.4 million of increased federal financial participation shall be transferred to the health care expansion fund and any amount in excess of \$41.4 million shall be appropriated for medicaid services.

Appropriations made in both the 2009-10 and 2010-11 long bills are adjusted to reflect this transfer and appropriation.

**APPROVED** by Governor May 27, 2010

**EFFECTIVE** May 27, 2010

**H.B. 10-1005** Colorado medical assistance act - home health care through telemedicine - appropriation. The act makes telemedicine eligible for reimbursement under the state's medical assistance program in order to comply with direction from the federal centers for medicare and medicaid services.

The act eliminates incorrect references to the way reimbursement payments are made under the medical assistance program and deletes the requirement that reimbursement rates from telemedicine be budget-neutral or result in cost savings to the program. It also requires that any cost savings identified be considered for use in paying for home health care or home- and community-based services instead of requiring the savings be applied to payment for the services.

The state medical services board is no longer required to consider reductions in travel costs by home health care or home- and community-based service providers and other factors when setting reimbursement rates for services.

The act requires that gifts, grants, and donations be used for the implementation of at-home telemedicine and creates the home health telemedicine cash fund for this purpose.

The act appropriates \$47,348 from the home health telemedicine cash fund and \$75,922 from federal funds to the department of health care policy and financing for the implementation of the act.

**APPROVED** by Governor June 7, 2010

**EFFECTIVE** August 11, 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. 10-1027** Medicaid - hospice services - eligibility - prognosis of life expectancy - appropriation. The act increases the life expectancy prognosis from 6 months to 9 months for eligibility for hospice services under medicaid if the department of health care policy and financing (department) receives the necessary federal authorization. The department may seek and accept gifts, grants, or donations for the purpose of meeting the administrative costs associated with seeking the necessary federal authorization. The executive director of the department shall notify the revisor of statutes within 60 days after receiving the of federal authorization.

For the 2010-2011 fiscal year, the act appropriates \$12,500 from the department of health care policy and financing cash fund and \$12,500 from federal funds for the implementation of the act.

**APPROVED** by Governor May 26, 2010

**EFFECTIVE** August 11, 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. 10-1029** Discounted equipment and supplies - approved list - link to vendor list. The department of health care policy and financing ("department") will work with one or more nonprofit organizations to develop a link to a list of approved vendors of durable medical equipment and medical supplies so that persons who are on a waiting list for public medical benefits can purchase equipment and supplies at the lowest cost. The department will provide criteria for a nonprofit organization to use to approve a vendor for the vendor list, maintain the link to the list, make the link available on the department's web site, and provide copies of the list to sites where medical assistance applications are accepted through the applicant survey.

**APPROVED** by Governor May 10, 2010

**EFFECTIVE** May 10, 2010

**H.B. 10-1033** Medicaid - optional services - screening, brief intervention, and referral to treatment - appropriation. To the list of optional services provided to medicaid recipients, the act adds screening, brief intervention, and referral to treatment for alcohol and other

substance abuse services. The additional services shall be added to the list only if House Bill 10-1284, which includes a provision transferring moneys for the costs of the services, becomes law.

For the 2010-11 fiscal year, the act appropriates \$334,227 from the general fund, which amount is matched by \$535,928 in federal funds.

**APPROVED** by Governor June 7, 2010

**EFFECTIVE** August 11, 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. 10-1041** Health care - children - home- and community-based services waivers for children - universal application. The department of health care policy and financing is authorized to create a universal application for a single point of entry for home- and community-based services waivers for children.

**APPROVED** by Governor March 18, 2010

**EFFECTIVE** August 11, 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. 10-1043** Medicaid - AFDC eligibility - AFDC references. Prior to the federal welfare reform act "Personal Responsibility and Work Opportunity Reconciliation Act of 1996" (PRWORA), a family or child who was receiving welfare through aid to families with dependent children (AFDC) was automatically eligible for medicaid. Under PRWORA, that eligibility link was ended, and eligibility became based on a person's income and resources, independent of whether the person was participating in temporary aid to families with needy children, referred to in Colorado as Colorado works. In 1996, PRWORA required states to set the eligibility for medicaid using the same eligibility criteria that they were using for AFDC as of July 16, 1996. The medical services board is authorized to develop an income- and resource-counting method to replace the AFDC rules that is consistent with federal law, no more restrictive than the AFDC rules, and no less restrictive than current eligibility requirements.

References to the former federal AFDC program in statutes dealing with the department of health care policy and financing and the department of human services are eliminated.

**APPROVED** by Governor April 15, 2010

**EFFECTIVE** April 15, 2010

**H.B. 10-1053** Medicaid - studies of HCBS waiver recipients - alternative care facilities study - study of older Coloradans program population - approvals - implementation - rules for adult day care facilities - appropriations. Subject to the receipt of sufficient moneys through gifts, grants, or donations, the department of health care policy and financing (department) shall contract for one or more studies of medicaid recipients who receive services under a home- and community-based waiver. The department will make necessary data available to the contractor. The department shall provide copies of the studies to members of specified committees of the general assembly.

If a study concludes that savings can be realized, the department shall seek any necessary federal authorization and, if authorization is received, the department shall seek to implement the change through the regular budget process. The department will report annually to the JBC on any savings realized as a result of the changes.

One of the studies shall include research and analysis of persons with a chronic incapacitating condition who might benefit from receiving services through an alternative care facility. Such a study is to be completed by January 1, 2011, and, if any necessary approval is obtained, the department shall seek to implement the changes as of July 1, 2011.

Subject to the receipt of sufficient moneys through gifts, grants, and donations, the department of human services or the department shall contract for a study of the population eligible for services through the older Coloradans program. If the study concludes that increasing funding for community-based services would result in cost savings, the department of human services is to report to specified committees of the general assembly on a strategic plan. If the department of human services determines that implementing the strategic plan would result in cost savings, the department of human services shall seek to implement the strategic plan through the regular budget process.

If the strategic plan concludes that additional studies are necessary, subject to the receipt of sufficient moneys, the department of human services or the department shall contract for additional studies.

The medical services board shall adopt rules on restrictive access to adult day care centers.

For the 2010-11 fiscal year, the act appropriates:

- \$75,000 to the department, half of which is from the department cash fund and half of which is from federal funds, for implementation of the act; and
- \$200,000 to the department of human services from the older Coloradans study cash fund for implementation of the act.

**APPROVED** by Governor May 26, 2010

**EFFECTIVE** May 26, 2010

**H.B. 10-1320 Tobacco tax revenues - health disparities grant program fund - declaration of fiscal emergency.** Pursuant to the declaration of a state fiscal emergency, for the 2009-10 fiscal year only, the act expands the purposes for which tobacco tax revenues in the health care expansion fund and the health disparities grant program 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.

The act reduces the general fund appropriation to medicaid medical services premiums by \$43,693,900. The reduction is offset by \$1 million from the health disparities grant program fund and \$42,693,900 from the health care expansion fund.

**APPROVED** by Governor April 15, 2010

**EFFECTIVE** April 15, 2010

**H.B. 10-1321** Health clinics - appropriations. For the 2009-10 fiscal year, \$10,390,000 is appropriated from the general fund to the Colorado health care services fund. For that fiscal year, the act changes the allocation of moneys appropriated out of the Colorado health care services fund.

The act establishes the primary care special distribution fund (fund). Portions of the moneys in the fund shall be appropriated to 2 classes of clinics that received reduced funding due to moneys being transferred out of the primary care fund. The department of health care policy and financing shall develop distribution formulas to equalize the reductions experienced by health clinics.

Current law allows up to \$15 million of the money in the primary care fund to be appropriated for certain health-related purposes. The limit is increased to \$17,790,000 for the 2009-10 fiscal year. The act also transfers \$2,005,000 from the primary care fund to the fund for the 2009-10 fiscal year.

**APPROVED** by Governor March 29, 2010

**EFFECTIVE** March 29, 2010

**H.B. 10-1322** Medicaid - pilot programs on use of telemedicine - repeal - appropriation. Provisions directing the department of health care policy and financing to conduct pilot programs on the use of telemedicine are repealed.

The repeal results in a reduction of \$317,500, \$158,750 from the general fund and \$158,750 from federal funds, in the 2009-10 fiscal year appropriation for services to individuals with disabilities who are eligible for supplemental security income.

**APPROVED** by Governor March 18, 2010

**EFFECTIVE** March 18, 2010

**H.B. 10-1324** Medicaid - nursing facility provider reimbursement - reduction. Commencing March 1, 2010, and continuing through June 30, 2011, the general fund portion of per diem rates paid to medicaid-certified class I nursing facility providers is reduced by 1.5%. The department of health care policy and financing may, but is not required to, increase the supplemental medicaid payments made to the providers due to the reduction.

Moneys in the medicaid nursing facility cash fund are authorized to be used to reimburse the general fund for increased reimbursements paid to nursing facilities for services provided to hospice patients.

**APPROVED** by Governor March 1, 2010

**EFFECTIVE** March 1, 2010

**H.B. 10-1330** Advisory committee to establish all-payer health claims database created - administrator appointed - report to general assembly and governor - implementation of the all-payer health claims database - funding - requirements of the database - sunset review. The act requires the executive director of the department of health care policy and financing to appoint an advisory committee to make recommendations regarding the creation of a Colorado all-payer health claims database for the purpose of transparent public reporting of health care information. The executive director is required to appoint an administrator to

create the database. The administrator is required to seek funding for the creation of the database, develop a plan for the financial stability of the database, and report to the governor and the general assembly on the status of the funding effort and on the status of the recommendations of the advisory committee. The administrator, in consultation with the advisory committee, shall create the database if sufficient gifts, grants, and donations are received on or before January 1, 2012, to pay for the creation and maintenance of the database. The executive director shall promulgate rules to create and maintain the database. The data shall be made available to the public, state agencies, and private entities, consistent with privacy laws.

The advisory committee is scheduled to sunset July 1, 2013; however, if sufficient moneys are not received by January 1, 2012, the entire act shall repeal. In addition, if at any time there is not sufficient funding to finance the ongoing operations of the database, the database shall cease operating and the advisory committee and administrator shall no longer have the duty to carry out the functions established in the act.

**APPROVED** by Governor May 26, 2010

**EFFECTIVE** August 11, 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. 10-1372** Medicaid - hospital provider fee cash fund - appropriations. The act amends the appropriations clause in House Bill 09-1293 to reduce the appropriations from the hospital provider fee cash fund for the 2009-10 fiscal year. The act authorizes up to \$2.2 million of the appropriation to be used for computer system changes to be carried forward to the 2010-11 fiscal year.

**APPROVED** by Governor May 5, 2010

**EFFECTIVE** May 5, 2010

**H.B. 10-1378** Transfers of tobacco tax revenues - transfers - primary care special distribution fund appropriation - budget package act - appropriations. For the 2010-11 fiscal year, the act authorizes appropriation of the following amounts from the tobacco tax revenues credited to the primary care fund:

- \$11,940,000 to the Colorado health care services fund; and
- \$12,800,000 for health-related purposes.

The act also transfers \$3,560,000 from the primary care fund to the primary care special distribution fund.

The act directs the department of health care policy and financing to develop a distribution formula to allocate the moneys in the Colorado health care services fund to Denver health and hospitals and to community health clinics.

The act specifies how moneys in the primary care special distribution fund are to be allocated between providers that participate in the Colorado indigent care program and providers that do not participate.

The act makes adjustments to the 2010 general appropriation act (House Bill 10-1376) for the implementation of the act.

**APPROVED** by Governor May 6, 2010

**EFFECTIVE** May 27, 2010

**NOTE:** Section 5 of the act states that the act shall only take effect if Senate Joint Resolution 10-010 is approved by the general assembly and signed by the governor. The governor signed the resolution May 27, 2010.

**H.B. 10-1379** Nursing facility - per diem rates - general fund portion - budget package act - appropriation. Current law reduces the general fund portion of per diem rates paid to nursing facilities by 1.5%. For the 2010-11 fiscal year, the act increases that reduction to 2.5%.

Current law allows the general fund portion of the per diem rates paid to nursing facilities to increase by up to 5% over the previous year for the 2010-11 fiscal year. The act provides that, for the 2010-11 fiscal year, the general fund portion shall not increase by more than 1.9% over the previous year.

The bill adjusts the appropriations for the 2010-11 fiscal year.

**APPROVED** by Governor May 6, 2010

**EFFECTIVE** May 6, 2010

**H.B. 10-1380** Medicaid - program services - supplemental old age pension health and medical care fund - budget package act. The act allows up to \$4,850,000 in fiscal year 2010-11 and up to \$3,000,000 in fiscal year 2011-12 of moneys in the supplemental old age pension health and medical care fund to be used to offset general fund costs for state medicaid program services for persons 65 years of age or older. The provisions repeal on July 1, 2012.

For fiscal year 2010-11, the act appropriates \$4,850,000 from the supplemental old age pension health and medical care fund for medical services premiums for the state medicaid program and reduces the appropriation from the general fund by the same amount.

**APPROVED** by Governor May 6, 2010

**EFFECTIVE** May 6, 2010

**H.B. 10-1381** Use of tobacco tax revenues - state medicaid program - budget package act - appropriations. Pursuant to a declaration of a state fiscal emergency under section 21 of article X of the state constitution, for the 2010-11 fiscal year only, the act allows tobacco tax revenues in the tobacco education programs fund, the prevention, early detection, and treatment fund, and the health disparities grant program fund to be used for any health-related purpose and to serve populations enrolled in the children's basic health plan and the Colorado medical assistance program.

The act adjusts the appropriations in the long bill for the 2010-11 fiscal year as follows:

- Decreases the general fund appropriation for medical services premiums by \$25,691,418;



- Increases the cash fund appropriations from the tobacco education programs fund by \$15,521,625;
- Increases the cash fund appropriations from the prevention, early detection, and treatment fund by \$5,679,358; and
- Increases the reappropriated funds appropriation from the health disparities grant program fund by \$4,490,435.

**APPROVED** by Governor May 6, 2010

**EFFECTIVE** May 27, 2010

**NOTE:** Section 3 of the act states that the act shall only take effect if Senate Joint Resolution 10-010 is approved by the general assembly and signed by the governor. The governor signed the resolution May 27, 2010.

**H.B. 10-1382** Medicaid - provider payment delay - repeal - budget package act - appropriations. Senate Bill 09-265 authorized 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. The act repeals this authorization.

Senate Bill 09-265 also specified 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 entity. The act repeals these provisions.

The act amends the general appropriations acts for fiscal years 2009-10 and 2010-11 to reflect the fiscal impact of repealing the delay in payments.

**APPROVED** by Governor May 6, 2010

**EFFECTIVE** May 6, 2010

## HUMAN SERVICES - MENTAL HEALTH

**S.B. 10-153** Behavioral health - behavioral health transformation council - sunset review. The act sets forth a legislative declaration concerning the importance of creating a comprehensive approach to behavioral health issues, including mental health and substance use disorders, and establishes the behavioral health transformation council (council) to develop strategies for implementing a systemic transformation of the behavioral health care system. The governor is directed to create the council, with specified membership, whose goal it is to implement a systemic transformation of the behavioral health system.

The council repeals July 1, 2020, following review under the provisions of the sunset law.

**APPROVED** by Governor May 26, 2010

**EFFECTIVE** May 26, 2010

**S.B. 10-175** Behavioral health - reorganization of statutes. The act relocates provisions in statute relating to behavioral health disorders.

**APPROVED** by Governor April 29, 2010

**EFFECTIVE** April 29, 2010

**H.B. 10-1032** Coordinated behavioral health crisis response plan - report of department of human services. The department of human services (department) will review the current behavioral health crisis response in Colorado and formulate a plan to address the lack of coordinated crisis response in the state (plan). The plan shall include an analysis of the best use of existing resources. On or before January 30, 2013, the department shall present the plan to a joint meeting of the health and human services committees of the general assembly. The department's review, formulation of the plan, and preparation of the report to the general assembly shall be completed within the department's existing appropriations and the department will design the plan to be implemented within existing appropriations.

**APPROVED** by Governor May 27, 2010

**EFFECTIVE** May 27, 2010

## HUMAN SERVICES - SOCIAL SERVICES

**S.B. 10-9** Economic opportunity poverty reduction task force - duties of task force. The act specifies that the duties of the economic opportunity poverty reduction task force (task force) include developing a relevant, fluid model for assessing progress toward reducing poverty and increasing economic opportunity in Colorado. Once a model is developed by the metrics subcommittee of the task force, the task force will recommend that the general assembly adopt the task force's model for purposes of evaluating the effectiveness of certain public programs and policies in achieving the goals of the task force.

**APPROVED** by Governor April 15, 2010

**EFFECTIVE** August 11, 2010

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

**S.B. 10-10** Statewide strategic use fund - evaluation. The act authorizes the executive director of the department of human services (executive director), after consultation with the strategic allocation committee, to contract with a qualified, independent entity to perform an evidence-based evaluation of the effectiveness of the statewide strategic use fund (SSUF) in meeting the objectives of the Colorado works program, as well as the effectiveness of the individual initiatives and programs supported by the SSUF.

The executive director may annually use up to 2% of the moneys annually allocated to the SSUF to contract for the evaluation. The executive director shall include a copy of the most recent evaluation in his or her annual report on the SSUF to the health and human services committees of the general assembly.

**APPROVED** by Governor March 31, 2010

**EFFECTIVE** March 31, 2010

**S.B. 10-68** Colorado works program - eligibility requirements - appropriations. Under the act, verification of a child's immunization status will no longer be required as a condition of eligibility to participate in the Colorado works program (works program). A county department of social services will distribute literature regarding immunizations to participants at the time they submit an application for the works program.

The act defines the term "assistance" to align with the use of the term in current law and under department of human services (department) rule and adds a definition for "guardian" to the works program. The defined term "specified caretaker relative" is amended to "specified caretaker" to include a person who exercises responsibility for a dependent child in his or her home.

The act expands eligibility for the works program to eligible pregnant women upon verification of the pregnancy, regardless of the length of the pregnancy, and removes the asset test as a condition of eligibility for the works program.

The act removes statutory language concerning the standard of need for eligibility for basic cash assistance and the calculation of the amount of a basic cash assistance grant. The department of human services, through the state board of human services, will promulgate rules concerning the standard of need for eligibility for a basic cash assistance grant. The standard of need shall not be less than the basis for standard of need that existed on July 1,

2009. The department shall also promulgate rules concerning the calculation for determining the amount of a participant's basic cash assistance grant, and that calculation shall include an earned income disregard. The department shall ensure that the earned income disregard and the calculation for a basic cash assistance grant do not result in an applicant or participant having or receiving fewer financial resources than a similarly situated applicant or participant would have had or received under previous law or rule as it existed on July 1, 2009.

For the 2010-11 fiscal year, the act appropriates \$966,000 from federal block grant moneys to the department for allocation to the office of information technology for the Colorado benefits management system.

**APPROVED** by Governor April 21, 2010

**EFFECTIVE** January 1, 2011

**S.B. 10-118** Child care - exempt family child care home providers - criminal history check. The department of human services is required to obtain a fingerprint-based criminal history record check on a family child care home provider who cares for a related child if the child's care is funded in whole or in part with moneys received on the child's behalf from the Colorado child care assistance program.

**APPROVED** by Governor April 15, 2010

**EFFECTIVE** April 15, 2010

**S.B. 10-149** General provisions - county contingency fund - county tax base relief fund. The formula by which advancements are made to counties from the county tax base relief fund (fund) in any year in which appropriations to the fund are insufficient to cover all advancements is clarified. For the 2009-10, 2010-11, and 2011-12 fiscal years, advancements from the fund are limited to only tier 1 advancements.

**APPROVED** by Governor April 15, 2010

**EFFECTIVE** April 15, 2010

**S.B. 10-195** Early childhood leadership commission - creation - federal funds - repeal. The act creates the early childhood leadership commission (commission) in the governor's office to advance a comprehensive service delivery system for children from birth to 8 years of age using data to improve decision-making, alignment, and coordination among federally funded and state-funded services and programs targeted at young children and their families.

The commission will consist of up to 35 members, including representatives from 8 governmental agencies that provide or are involved in providing services and supports to young children and their families; up to 23 persons appointed by the governor who represent community and local government agencies that provide services and support for young children, nonprofit organizations that are involved in children's issues, and representatives from the business community; and 4 members of the legislature. The commission may appoint an executive director, and the executive director may hire persons to assist the commission, which persons may be paid only from federal moneys. The departments represented on the commission may also provide support services within existing appropriations, and the commission may accept in-kind contributions of services. The costs incurred by the commission will be paid from the early childhood leadership commission fund, which will consist of any federal moneys the governor may allocate to the fund. The

fund may not receive appropriations from the general fund.

The commission's duties include recommending methods to promote the sharing and use of common data by state programs and agencies that support young children, generally coordinating and aligning the efforts of state agencies in providing these services and supports; reviewing and approving, if appropriate, requests made by the early childhood councils for waivers of rules; and making recommendations to the governor, the general assembly, and public and private agencies and policy boards concerning creating a state-level oversight and coordination structure for services and supports for children from birth to 8 years of age. The commission will collaborate with other executive-branch boards, commissions, and councils that address children's issues and with statewide organizations that address child protection and criminal justice issues. The commission will report its recommendations annually in a joint meeting with the governor and the education and health and human services committees of the general assembly.

The early childhood council advisory team will collaborate with the commission and report to the commission annually.

The commission is repealed, effective July 1, 2013.

**APPROVED** by Governor June 3, 2010

**EFFECTIVE** August 11, 2010

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

**S.B. 10-208** Persons with developmental disabilities - individualized plans - referral and placement committees - interdisciplinary teams. The act updates language and removes references to the referral and placement committee, which committee duplicates efforts of the interdisciplinary teams in developing and reviewing individualized plans for persons with developmental disabilities.

**APPROVED** by Governor May 27, 2010

**EFFECTIVE** May 27, 2010

**H.B. 10-1022** Federal supplemental nutrition assistance program - eligibility - state outreach plan. The department of human services (department) will partner with one or more counties and nonprofit organizations to develop and implement a state outreach plan (outreach plan) with the use of private and federal moneys to promote access to federal food benefits by eligible persons. The department may seek and accept gifts, grants, and donations to develop and implement the outreach plan. The department shall submit the outreach plan for federal approval by September 1, 2010, and shall request any matching federal moneys that may be available upon federal approval of the outreach plan. The department will not develop or implement the outreach plan if the department does not receive sufficient private or federal moneys to cover the state and county costs associated with the outreach plan.

No later than October 1, 2010, the department shall create a program or policy, pursuant to federal law, establishing broad-based categorical eligibility for federal food assistance benefits. At a minimum, the program or policy shall, to the extent authorized by

federal law, remove the asset test for eligibility. The department will establish categorical eligibility only if it receives moneys from the federal 2010 department of defense appropriations bill that may be used for this purpose.

**APPROVED** by Governor June 10, 2010

**EFFECTIVE** June 10, 2010

**H.B. 10-1026** Child care - early childhood care and education - quality in child care incentive grant program. Subject to the receipt of sufficient federal moneys or gifts, grants, or donations, the act creates the Colorado quality in child care incentive grant program (grant program), with the objective of providing incentives to county or district departments of social services to increase the quality of early care and education providers and facilities in the county while allowing each grantee to retain flexibility concerning how to utilize its resources. The state board of human services is given rule-making authority to establish policies and procedures for the grant program. The department of human services is required to prepare and submit to the education and health and human services committees of the house of representatives and the senate a report describing the activities of the grant program. The act creates a separate fund to accept federal moneys and any gifts, grants, or donations received for the purpose of implementing the grant program. The grant program is repealed if sufficient gifts, grants, and donations to cover the costs of the grant program are not received in a timely fashion.

**APPROVED** by Governor April 15, 2010

**EFFECTIVE** August 11, 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. 10-1035** Child care assistance program - head start program - eligibility determinations - appropriation. The act sets forth a legislative declaration concerning the need for consistent and stable child care. It clarifies certain aspects of the Colorado child care assistance program (program) that will help provide increased stability for children and families. Beginning June 1, 2011, the eligibility redetermination period is extended for all participants in the program from 6 months to 12 months, and, for a family enrolled in both the program and a head start program, the redetermination periods are aligned.

Beginning June 1, 2011, a parent is not required to report any income or activity changes during the eligibility period; except that, within the 12-month eligibility period, a family shall be required to report if the family's income exceeds 85% of the state median income. A parent shall not be determined ineligible for program moneys as a result of taking maternity leave or of being a separated spouse or a parent under a validly issued temporary order for parental responsibilities or child custody where the other spouse or parent has disqualifying financial resources.

Beginning June 1, 2011, an early care and education provider (provider) is allowed to perform pre-eligibility determinations that it then forwards to the county for final determination of eligibility. The provider may provide services to the family pending the county's final determination of eligibility but shall be reimbursed for those services only if the county determines the family is eligible for services.

For the 2010-11 fiscal year, the act appropriates \$249,700 from federal child care development funds to the department of human services, office of information technology, for the child care automated tracking system.

**APPROVED** by Governor June 3, 2010

**PORTIONS EFFECTIVE** June 3, 2010

**PORTIONS EFFECTIVE** June 1, 2011

**H.B. 10-1106** Relinquishment and adoption of children - considerations for placements of children - appropriations. To bring Colorado law into compliance with certain provisions of the federal "Social Security Act of 1965", as amended, certain persons residing in the state less than 2 years, specialized group home parents, and any person working in a 24-hour child care facility must submit to a federal bureau of investigation fingerprint-based criminal history records check in addition to a Colorado bureau of investigation fingerprint-based criminal history records check.

To ensure compliance with the federal "Multiethnic Placement Act of 1994", as amended:

- A court, county department of social services, or licensed child placement agency must primarily consider a child's best interests when making determinations concerning the placement of the child for the purpose of adoption;
- The social services offered by a county or a city and county must ensure that the placement of a child is neither delayed nor denied due to consideration of the race, color, or national origin of the child or any other person unless such consideration is permitted pursuant to federal law;
- An agency that has responsibility for placing children out of the home must use good faith efforts and due diligence to recruit and retain prospective foster and adoptive families from communities that reflect the children's racial, ethnic, cultural, and linguistic backgrounds;
- A court, county department of social services, or licensed child placement agency, in making determinations concerning the placement of a child for the purpose of adoption, may not consider the racial or ethnic background, color, or national origin of either the child or a family who has submitted an application to adopt except in extraordinary circumstances;
- A court, county department of social services, or licensed child placement agency may not delay a foster or adoptive placement of a child based on the racial or ethnic background, color, or national origin of the child or a family who has submitted an application to adopt; and
- A birth parent may designate a specific applicant with whom he or she wishes to place his or her child for purposes of adoption in private adoption cases.

For the 2010-11 fiscal year, the act appropriates \$56,308 and 0.3 FTE to the department of public safety for allocation to the Colorado bureau of investigation from the Colorado bureau of investigation identification unit fund for fingerprint processing services related to the implementation of the act.

**APPROVED** by Governor May 26, 2010

**EFFECTIVE** May 26, 2010

**H.B. 10-1115** Core child welfare services - fees. A county department of social services, in the best interest of a child, may exempt a family from paying the fee established for core child welfare services that are provided to the family.

**APPROVED** by Governor April 15, 2010

**EFFECTIVE** August 11, 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. 10-1146** Adult foster care - home care allowance - eligibility - appropriations. As of July 1, 2010, the department of human services (department) will contract directly with the single entry point agencies for the home care allowances and adult foster care programs.

As of January 1, 2011:

- The act clarifies the circumstances under which recipients of old age pension, aid to the needy disabled, aid to the blind, or supplemental security income benefits can receive state-funded adult foster care and home care allowance; and
- The department is no longer authorized to make medical care payments not covered by medicare or medicaid for persons receiving aid to the needy disabled or aid to the blind.

As of the earlier of January 1, 2014, or the date on which the state no longer is required to meet a maintenance of effort requirement on medicaid eligibility pursuant to federal law, home care allowances are extended to persons who are receiving old age pension benefits on that date, but the home care allowances for future old age pension beneficiaries who are not eligible for supplemental social security benefits are eliminated.

The act adjusts the appropriations for the 2010-11 fiscal year to reflect the changes required by the act.

**APPROVED** by Governor May 26, 2010

**PORTIONS EFFECTIVE** May 26, 2010

**PORTIONS EFFECTIVE** July 1, 2010

**PORTIONS EFFECTIVE** January 1, 2011

**PORTIONS EFFECTIVE** (See Note)

**NOTE:** Section 8 of the act provides that certain provisions are effective January 1, 2014, or on the date the revisor of statutes receives notification that the federal center for medicare and medicaid services has authorized Colorado to reduce eligibility for its medicaid program.

**H.B. 10-1213** Developmental disabilities - waiting list - individualized plans. The act eliminates the statutory requirement that an individualized plan be created within 30 days after a person with developmental disabilities is determined to be eligible for services and supports and eliminates the annual review of an individualized plan for a person with developmental disabilities who is on the waiting list for services or supports. However, the community centered board is required to maintain annual contact with a person with a



developmental disability who does not have an individualized plan. The purpose of the annual contact shall be to provide information and referral services to those persons on the waiting list about services and supports that are commonly used by persons with developmental disabilities. A community centered board is required to develop an individualized plan for a person with developmental disabilities when the person is enrolled into a program. The department of human services is required to promulgate rules concerning the procedures and criteria for developing an individualized plan and the type of contact a community centered board must maintain with individuals who are on the waiting list for developmental disabilities services and supports.

**APPROVED** by Governor May 10, 2010

**EFFECTIVE** May 10, 2010

**H.B. 10-1255** Colorado commission for the deaf and hard of hearing - continuation under sunset law. The act continues the Colorado commission for the deaf and hard of hearing until 2015.

**APPROVED** by Governor April 15, 2010

**EFFECTIVE** July 1, 2010

**H.B. 10-1359** Dependency and neglect - proceedings - change of venue. The act clarifies the process for transferring jurisdiction over dependency and neglect cases to a different court. In a case where the proceedings were commenced in a county other than the county in which the child resides, the court may transfer the case to another county if the transfer would not be detrimental to the best interests of the child and the child has been adjudicated dependent and neglected or the case has been continued according to certain provisions in law.

An order granting a change of venue and transferring jurisdiction shall be effective 15 days after the court signs the order and must include specific provisions. The court to which jurisdiction is transferred must hold an initial hearing in the case within 30 days after the transferring court signs the order.

Motions for change of venue must be in writing, certify that the movant has complied with statutory requirements, and be mailed to all parties and attorneys of record and to the county attorney of the receiving jurisdiction.

Within 15 days after a court signs an order granting a change of venue and transferring jurisdiction of the case, the transferring county department of social or human services (county department) shall provide written case information, update all documentation in the case file, including information in the state automated system, provide information concerning the physical location of persons relating to the case, schedule a family engagement meeting or conduct a staffing between caseworkers, and otherwise facilitate the transfer of the case. Each county department shall designate a change of venue coordinator to facilitate these transfers. In this same time frame, the transferring county attorney's office shall forward a complete copy of the case file, excluding confidential attorney-client communications, to the county attorney's office in the receiving county.

The state department of human services shall promulgate rules relating to the effective transfer of case responsibilities between county departments in change of venue

cases.

**APPROVED** by Governor May 14, 2010

**EFFECTIVE** September 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. 10-1384** Public assistance - old age pension - qualified aliens - 5-year waiting period - counting of relative sponsor income and resources - hardship exceptions - appropriations - adjustment to 2010 long bill. Effective July 1, 2010, the waiting period for the old age pension (OAP) for qualified aliens is increased from 3 years to 5 years.

The income and resources of a relative sponsor of a qualified alien must be counted in determining the qualified alien's eligibility for the OAP. This requirement takes effect January 1, 2011, or upon the expiration of the provisions of the federal "American Reinvestment and Recovery Act" or any other federal law that restricts reimbursement of an enhanced federal medicaid assistance percentage, known as FMAP, to a state that reduces eligibility for its medicaid program, whichever is later.

The 5-year waiting period for receiving OAP benefits and the counting of sponsor income of relative sponsors do not affect a qualified alien's eligibility for OAP if it is determined that:

- The qualified alien has been abandoned by or is being mistreated by his or her sponsor or is an abused spouse and would incur a significant financial hardship; or
- The qualified alien who does not have a sponsor would have insufficient income to support himself or herself or would otherwise incur a significant financial hardship; or
- The person who sponsored the qualified alien's entry into the United States and who satisfied sponsorship financial requirements now no longer has sufficient income to meet the needs of the qualified alien; or
- The qualified alien is also eligible for supplemental security income benefits.

Once the provision on counting a relative sponsor's income is effective, the department of human services may pursue repayment from a qualified alien's sponsor for the OAP provided to a qualified alien during the time that the sponsorship affidavit of support is in effect as determined by the United States citizenship and immigration services or its successor agency.

The act appropriates \$8,660 to the department of health care policy and financing in FY 2009-10 from the general fund and from various cash funds for the implementation of the act. It is anticipated that the department of health care policy and financing will receive an additional \$8,649 in federal funds for the implementation of the act. The act appropriates \$30,799 to the department of human services in FY 2009-10 from the general fund, the old age pension fund, and reappropriated funds for the implementation of the act. It is anticipated that the department of human services will receive an additional \$15,201 in federal funds for the implementation of the act.

The act appropriates \$8,615 to the department of health care policy and financing from the general fund and from various cash funds for the implementation of the act. It is

anticipated that the department of health care policy and financing will receive an additional \$8,605 in federal funds for the implementation of the act. The act appropriates \$30,640 to the department of human services from the general fund, the old age pension fund, and reappropriated funds for the implementation of the act. It is anticipated that the department of human services will receive an additional \$15,121 in federal funds for the implementation of the act. The act appropriates \$45,761 from reappropriated funds to the Governor's office for allocation to the office of information technology for the implementation of the act.

The act makes adjustments to the 2010 long bill (House Bill 10-1376) for the implementation of the act, thereby resulting in an increase of \$13,439,987 to the general fund.

**APPROVED** by Governor May 6, 2010

**PORTIONS EFFECTIVE** May 6, 2010

**PORTIONS EFFECTIVE** July 1, 2010

**PORTIONS EFFECTIVE** (See Note)

**NOTE:** Section 7 of the act provides that certain provisions are effective January 1, 2014, or on the date the revisor of statutes receives notification that the federal center for medicare and medicaid services has authorized Colorado to reduce eligibility for its medicaid program.

## INSURANCE

**S.B. 10-20** CoverColorado program - provider fee schedule - enrollment limitations - procedures - temporary high risk pool - implementation of federal legislation. The board of directors (board) of the CoverColorado program is authorized to establish a schedule of fees for compensating health care providers that render covered health care services to CoverColorado participants, which fee schedule is not to take effect before January 1, 2011. The fee schedule may be based on various reimbursement methodologies commonly used in the health insurance industry but must be set at levels exceeding the reimbursement rates generally paid by Medicare to any category of provider. The board must consider at least the following factors in developing a fee schedule:

- The cost savings to the program;
- The equity of the fee schedule for providers;
- The impact a fee schedule may have on the cost shift to other payers; and
- The impact a fee schedule may have on access to providers.

Before establishing a fee schedule, the board is to create an advisory reimbursement committee or other similar mechanism to assist and make recommendations regarding the fee schedule, and the board is obligated to consider such recommendations and other input from providers when setting a fee schedule.

If provider fee schedules result in savings to the program, the board is required to use the savings to reduce the total funding for the program obtained from participant premiums, insurer assessments, and moneys transferred from the unclaimed property trust fund.

Health care providers are prohibited from billing program participants for costs in excess of the applicable fee on the fee schedule for services covered by the program.

Additionally, the board is authorized to maintain enrollment in the CoverColorado program consistent with the program's financial resources but requires the board, prior to implementing any limitations on new enrollment, to notify the joint budget committee of the general assembly of the proposed limitations and refrain from implementing an enrollment limitation until the joint budget committee has an opportunity to determine whether additional moneys are available to fund the program.

Finally, the board is authorized to apply for, accept, or expend any federal funds, grants, or donations provided to the program from the implementation and administration of a temporary high risk health insurance pool program as required by the federal "Patient Protection and Affordable Care Act" or for the payment of claim expenses of individuals who participate in the program under such temporary high risk health insurance pool program. Moneys received by the program for the temporary high risk health insurance pool program are not to be commingled with moneys used to fund the CoverColorado program and are not to be included as a source of funding for any CoverColorado program other than the temporary high risk health insurance pool program.

**APPROVED** by Governor May 20, 2010

**EFFECTIVE** July 1, 2010

**S.B. 10-49** Liability limits - life and health insurance protection association - increase of limits for annuity and structured settlement annuity benefits and long-term care benefits. Current law establishes the life and health insurance protection association (association) to

pay benefits to an eligible person whose insurer, that is a member of the association, becomes insolvent and cannot pay benefits. Under current law, with regard to annuities and structured settlement annuities, the benefits for which the association may become liable are capped at \$100,000 in the present value of annuity benefits. The current limit for health insurance benefits, which applies to long-term care benefits, is also \$100,000.

The annuity and structured settlement annuity benefits limits are increased to \$250,000, and the limit applicable to long-term care benefits is increased to \$300,000.

**APPROVED** by Governor March 5, 2010

**EFFECTIVE** March 5, 2010

**S.B. 10-76** Unfair compensation practices. The act defines as an unfair compensation practice and a deceptive act or practice in the business of insurance the practice of basing the compensation of a claims employee or contracted claims personnel on any of the following:

- The number of policies canceled;
- The number of times coverage is denied;
- The use of a quota limiting or restricting the number or volume of claims; or
- The use of an arbitrary quota or cap limiting or restricting the amount of claims payments without due consideration of the merits of the claim.

**APPROVED** by Governor May 17, 2010

**EFFECTIVE** May 17, 2010

**S.B. 10-112** Workers' compensation insurance - rate setting - public access to rate filing data. The act modifies 2 areas of current law regarding rate setting for workers' compensation insurance. First, under current law, when an insured employer agrees to pay a deductible as part of its workers' compensation insurance policy, the insurance carrier is to exclude the deductible amounts in establishing modification factors based upon experience that carriers use to determine premiums. Effective January 1, 2011, the act specifies that for purposes of experience modifications, medical only claims are to be calculated in the same manner as claims with indemnity payments.

With regard to rate filings by workers' compensation rating organizations, the act makes the aggregate loss and payroll data by class code that the rating organization submits with rate filing available to the public and prohibits the use of the data for any commercial purpose.

**APPROVED** by Governor March 31, 2010    **PORTIONS EFFECTIVE** August 11, 2010  
**PORTIONS EFFECTIVE** January 1, 2011

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

**S.B. 10-183** Health insurance - benefits - out-of-network charges - balance billing - prohibition on charging patient for services not covered. Prior case law interpreting Colorado's health insurance statutes had allowed "balance billing" for increased charges of

out-of-network providers working in in-network facilities without the prior knowledge or consent of insured patients. The general assembly legislatively overruled that interpretation, subject to future review and repeal. The act continues indefinitely the requirement that health insurers hold consumers harmless for charges over and above the in-network rates for services rendered in an in-network facility.

**APPROVED** by Governor May 27, 2010

**EFFECTIVE** May 27, 2010

**H.B. 10-1004** Health insurance - plans - standardized format - policy form sections - explanation of benefits forms - commissioner rules. The commissioner of insurance (commissioner) is required to convene a stakeholder group to develop a standardized format, for use in health benefit plans, limited benefit health insurance, and dental plans, for the following:

- Section names and the placement of those sections in the policy forms used by carriers; and
- The required information for carriers to provide on an explanation of benefits form.

After considering input from carriers, health care providers, consumers, and other stakeholders, the commissioner is to adopt rules to implement the standardized format, applicable to health benefit plans, limited benefit health insurance, and dental plans issued or delivered on or after January 1, 2012.

**APPROVED** by Governor April 20, 2010

**EFFECTIVE** August 11, 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. 10-1008** Health insurance - individual health coverage plans - prohibition against gender rating. The act prohibits carriers from using gender as a basis for varying premium rates for individual health insurance policies and declares premium rates based on gender to be unfairly discriminatory. The prohibition will apply to individual health coverage plans issued or renewed on or after January 1, 2011.

**APPROVED** by Governor March 29, 2010

**EFFECTIVE** January 1, 2011

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

**H.B. 10-1021** Health insurance - mandatory coverage provisions - maternity coverage - contraceptive coverage. The act requires entities issuing individual sickness and accident insurance policies in this state to provide the same coverage for maternity care as is currently mandated for all group sickness and accident insurance policies; except that individual sickness and accident insurance policies may exclude coverage for pregnancy and delivery expenses on the grounds that pregnancy was a preexisting condition. The act also requires

both individual and group policies to provide coverage for contraception.

**APPROVED** by Governor May 26, 2010

**EFFECTIVE** January 1, 2011

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

**H.B. 10-1160** Wellness and prevention programs - incentives based on outcomes - limitations - requirements carriers must satisfy - review by accrediting entity - reporting by division of insurance - commissioner oversight duties - repeal. Current law allows health insurance carriers offering individual health coverage plans and small group plans, as well as the board of directors of the CoverColorado program or carriers providing health benefit plans to CoverColorado participants, to offer incentives or rewards to encourage persons covered under the plans to participate in a wellness and prevention program. The incentives or rewards can be based only on participation in a wellness and prevention program, cannot be tied to any particular outcome achieved by participating in the program, and may include premium discounts or rebates, modifications to copayment, deductible, or coinsurance amounts, or a combination of these incentives or rewards.

The restriction on incentives based on outcomes is repealed, and carriers are now permitted to base incentives or rewards on satisfaction of a standard related to a health risk factor if the incentive or reward under the wellness and prevention program is consistent with the nondiscrimination requirements of the federal "Health Insurance Portability and Accountability Act of 1996". A "health risk factor" is defined to include health behaviors, such as smoking, diet, alcohol consumption, exercise, and exposure to UV radiation, that are known to be associated with increased mortality and morbidity for a number of conditions. Licensed health care providers, community-based wellness programs, employers, and individuals participating in an individual health coverage plan are permitted to develop wellness and prevention programs for carriers to consider in determining the types of programs to offer to covered persons.

A carrier cannot use wellness and prevention programs or incentives or rewards under such programs to increase rates or premiums for any individuals or small groups covered by the carrier's plans.

Carriers may offer incentives or rewards based upon satisfaction of a standard related to a health risk factor only if the incentive or reward is offered pursuant to a bona fide wellness and prevention program and only if the following standards are met:

- The incentive is reasonably related to the wellness and prevention program and does not exceed 20% of the cost of employee-only coverage under the health coverage or small group plan;
- The wellness and prevention program is consistent with evidence-based research and best practices, has a reasonable likelihood of improving the health of or preventing disease in participating individuals, contains culturally and linguistically appropriate programs and materials, and is not overly burdensome or a subterfuge for discrimination based on a health factor;
- The program gives individuals the opportunity to qualify for the incentive at the time of enrollment in the plan and at least annually thereafter;
- The full incentive is made available to all similarly situated individuals, and

the program allows an individual or his or her health care provider to request a reasonable alternative standard or waiver of an otherwise applicable standard for obtaining an incentive if the standard is unreasonably difficult for the individual to meet due to a medical condition or because it is medically inadvisable for the individual to attempt to satisfy the standard; and

- The incentives are provided based on a program or activity that is scientifically proven to improve health, and the carrier does not provide incentives based on an individual's actual health status.

Prior to offering or providing an incentive or reward, carriers are required to submit proposed incentives or rewards for review and approval by a nationally recognized nonprofit entity that accredits wellness programs.

Additionally, current law requires the division of insurance (division) to collect and provide to the health care task force information regarding wellness and prevention programs being offered in the Colorado market. That information is now to be provided to the health and human services committees of the senate and house of representatives; the business, labor, and technology committee of the senate; and the business affairs and labor committee of the house of representatives by each January 1, starting January 1, 2012, through January 1, 2015. Further, the division is required to collect and submit additional information as follows:

- The number of business groups of one, small groups with between 2-10 employees, small groups with 11-25 employees, and small groups with 26-50 employees that are participating in a wellness and prevention program offered by a carrier;
- Information as may be required by the commissioner of insurance (commissioner) to ensure that rates filed in conjunction with wellness and prevention programs are not excessive, inadequate, or unfairly discriminatory;
- The dollar amount of discounts provided to the total number of small groups and to the total number of individuals participating in the program.

The commissioner is to monitor and enforce the requirements of law regarding incentives and rewards and may take any market conduct action authorized by law that the commissioner deems necessary to enforce the law.

The authority to offer incentives and rewards is repealed on July 1, 2015.

The act applies to health coverage plans and small group plans issued, delivered, or renewed on or after July 1, 2010.

**APPROVED** by Governor May 26, 2010

**EFFECTIVE** July 1, 2010

**H.B. 10-1164 Motor vehicles - civil actions - appointment of agent for service of process.**

The act requires a motor vehicle insurance company to be appointed as an insured person's agent for service of process in a lawsuit arising from an accident that may be covered by the person's motor vehicle insurance. The amount that may be recovered from the insurance carrier is limited to the policy limits. If a potential defendant and the defendant's insurance company cannot be served in such a lawsuit, the defendant is deemed to be uninsured for the



purposes of allowing recovery under an uninsured motorist coverage policy.

**APPROVED** by Governor May 5, 2010

**EFFECTIVE** January 1, 2011

**H.B. 10-1166** Insurance policies - plain language required. The act requires that automobile insurance policies, health benefit plans, limited benefit health insurance, dental plans, and long-term care plans that are issued or renewed on or after July 1, 2011, be written at or below the tenth-grade reading level. The act also requires the text of the policies and plans to be written in 12-point type or larger and to contain an index or table of contents if they are longer than 3 pages or 3,000 words. A violation of this requirement is an unfair or deceptive act or practice in the business of insurance.

**APPROVED** by Governor April 20, 2010

**EFFECTIVE** January 1, 2012

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

**H.B. 10-1202** Health insurance - mandatory coverage - oral anticancer medication. The act requires a health benefit plan that covers cancer chemotherapy treatment to provide coverage for prescribed, orally administered anticancer medication at a cost to the patient at the same coinsurance percentage or copayment amount as is applied to the cost of other cancer medications. The act requires that the medication be prescribed only upon a finding that it is medically necessary by the treating physician for the treatment of cancer in a manner that is in accordance with nationally accepted standards of medical practice, clinically appropriate in terms of type, frequency, extent site, and duration, and not primarily for the convenience of the patient or the health care provider.

The act is applicable to policies issued or renewed on or after January 1, 2011.

**APPROVED** by Governor April 15, 2010

**EFFECTIVE** January 1, 2011

**H.B. 10-1203** Insurance - group life insurance- covered persons - minimum number - deletion. Current law establishes the minimum number of persons that must be covered by a group life insurance policy, setting the minimum at 3. This act deletes the minimum number requirement.

**APPROVED** by Governor March 29, 2010

**EFFECTIVE** March 29, 2010

**H.B. 10-1220** Division of insurance - continuation of functions related to property and casualty insurance - consolidation of future sunset reviews - additional insurer practices defined as unfair or discriminatory - public access to self-audit results. The act implements the recommendations of the department of regulatory agencies in its sunset review of the functions of the division of insurance (division) related to the regulation of property and casualty, automobile, and any other entity or function that does not offer health or life insurance.

The functions of the division related to the regulation of property and casualty, automobile, and any other entity or function that does not offer health or life insurance are

continued for 7 years until July 1, 2017. Additionally, the current sunset review schedule related to the other functions of the division is repealed, and the sunset review of the entire division, except for its functions related to the licensing of bail bonding agents, is consolidated into a single sunset review with a new sunset repeal date of July 1, 2017.

The repeal and sunset review of the functions of the division related to the licensing of bail bonding agents are moved up by one year, to July 1, 2012.

The following acts, practices, or omissions are established as unfair or deceptive acts or practices in the business of insurance:

- Knowingly filing with the commissioner of insurance (commissioner) or other public official, or with an employee or agent of the division, a written false statement of material fact as to the insurer's financial condition;
- Knowingly making any false entry of a material fact in any book, report, or other written statement of any insurer;
- Knowingly omitting or failing to make a true entry of a material fact pertaining to the business of the insurer in any book, report, or other written statement of the insurer; and
- Knowingly making any written false material statement to the commissioner or any employee or agent of the division.

The following practices are established as unfair discrimination in the business of insurance:

- Differential treatment of individuals of the same class and essentially the same hazard in the amount of premiums, policy fees, or rates charged for health insurance, in the benefits payable under a health insurance policy, in the terms or conditions of the policy, or in any other manner;
- Differential treatment of individuals or risks of the same class and essentially the same hazard by refusing to insure or renew, or canceling or limiting the amount of coverage under, a policy of property or casualty insurance solely based on the geographical location of the risk, absent sound underwriting and actuarial justification;
- Differential treatment of individuals or risks of the same class and essentially the same hazard by refusing to insure or renew, or canceling or limiting the amount of coverage on, the residential property risk or personal property contained within the residential property, solely because of the age of the residential property;
- Termination or modification of coverage or refusal to issue or renew a property or casualty insurance policy solely because the applicant or insured or an employee thereof is mentally or physically impaired;
- Refusing to insure a person solely because another insurer has refused to write a policy or has canceled or refused to renew an existing policy.

The commissioner is permitted to make available to the public, in an aggregated format, the final results of insurer self-audits and other division analyses of insurers that do not constitute formal market conduct examinations of the insurer.

The statutory authorization for the formation of employers' mutual liability companies and self-insurance pools for the purpose of providing coverages such as workers' compensation coverage is repealed.

The commissioner is permitted, rather than required, to rely on the advice and assistance of an association of insurance brokers to carry out the purposes of the "Nonadmitted Insurance Act".

Current law allows the commissioner to perform examinations of the books, records, and accounts of licensed preneed funeral contract sellers but limits the commissioner's ability to perform such examinations to not more than once a year, unless good cause is shown. The act requires, rather than permits, the commissioner to perform examinations of the books, records, and accounts of each licensed preneed funeral contract seller at least once every 5 years and allows the commissioner to conduct such examinations more often as deemed necessary by the commissioner. Additionally, the commissioner is no longer required to make every reasonable effort to use division employees rather than contracting with an outside examiner to perform the examinations.

The medical malpractice insurance joint underwriting association and the commercial liability insurance joint underwriting association are repealed.

The act reconciles the number of days allowed until a protested motor vehicle policy change is effective to ensure that a proposed change to a policy takes effect 20 days after notice, regardless of whether the protest was dismissed without a hearing or the proposed change was found, after a hearing, to be justified.

Obsolete provisions of law requiring Pinnacol Assurance (Pinnacol) to submit a plan to the commissioner regarding how it intends to accumulate a surplus fund are repealed because Pinnacol has submitted the plan and has accumulated a sufficient surplus.

**APPROVED** by Governor May 5, 2010

**EFFECTIVE** July 1, 2010

**H.B. 10-1227** Health Care Availability Act - financial responsibility requirements - approved nonadmitted insurers. Current law requires physicians, dentists, and health care institutions to comply with minimum financial responsibility requirements for professional liability insurance coverage as a condition of active licensure or authority to practice in Colorado. This act clarifies that this financial responsibility requirement may be satisfied by maintaining insurance through approved nonadmitted insurers authorized by law to insure in Colorado. If a health care institution does not have a commercial professional liability insurance policy, or the limits of professional liability insurance coverage are in excess of any self-insured retention amount, or there is a deductible other than zero dollars, the health care institution must furnish evidence to the department of public health and environment that the commissioner of insurance has accepted and approved an alternative form of establishing financial responsibility pursuant to rules of the commissioner of insurance. The act also makes a conforming amendment contingent on the possible passage of other legislation affecting this law.

**APPROVED** by Governor April 15, 2010

**EFFECTIVE** April 15, 2010

**NOTE:** Specified sections of the act are contingent on House Bill 10-1260 being enacted and becoming law. House Bill 10-1260 was signed by the governor June 10, 2010.

**H.B. 10-1242** Health insurance - individual plans - uniform application form. The act requires the commissioner of insurance (commissioner) to implement an initial uniform

application form for individual sickness and accident health benefit plans. The commissioner is required to take recommendations from members of the insurance industry regarding the form and content of the uniform application form and to promulgate rules to require its exclusive use by the industry after January 1, 2012.

**APPROVED** by Governor May 10, 2010

**EFFECTIVE** August 11, 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. 10-1252** Health insurance - mandatory coverage - preventive health care services - mammography. In 2009, the general assembly changed the required breast cancer screening coverage provisions to tie them to the recommendations of the U.S. preventive services task force. Notwithstanding those requirements, the act requires that breast cancer screening with mammography be covered for all individuals possessing at least one risk factor, including, but not limited to, a family history of breast cancer, being forty years of age or older, or a genetic disposition to breast cancer.

**APPROVED** by Governor May 17, 2010

**EFFECTIVE** January 1, 2011

**H.B. 10-1355** Health insurance - prescription drug coverage - off-label use of cancer drugs. The act prohibits a health benefit plan from limiting or excluding coverage for a drug that is approved by the federal food and drug administration for the treatment of one specific type of cancer on the basis that the drug has not been approved for another specific type of cancer, if the drug is recognized for treatment for that cancer in the reference compendia as identified by the secretary of the United States department of health and human services, and the treatment is for a covered condition.

**APPROVED** by Governor May 17, 2010

**EFFECTIVE** August 11, 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. 10-1385** Insurance fraud - funding for investigations and prosecutions - insurance fraud cash fund - appropriation. Under current law, insurance companies pay an annual insurance fraud fee of \$425 to fund part of the department of law's expenses in investigating and prosecuting allegations of insurance fraud. The revenue from this insurance fraud fee is deposited in the division of insurance cash fund.

The act redirects the insurance fraud fee into the newly created insurance fraud cash fund and increases the amount of the fee to \$561 to provide for the department of law's direct and indirect costs for insurance fraud investigations and prosecutions.

The appropriations from the division of insurance cash fund to the departments of law and of regulatory agencies for the 2010-11 fiscal year for insurance fraud prosecution and related costs are reduced, and instead, \$748,954 is appropriated from the new insurance fraud cash fund to the department of law for such purposes.

**APPROVED** by Governor May 5, 2010

**EFFECTIVE** May 5, 2010

**H.B. 10-1394** Construction professionals - general liability insurance - contract interpretation. The act imposes the following rules of contract construction to guide a court in construing general liability insurance policies issued to construction professionals:

- A court should presume that the work of a construction professional that results in property damage is an accident unless the property damage is intended and expected by the insured.
- When weighing conflicting provisions, the court should construe the policy and harmonize the conflicts to favor coverage.
- A court may consider and give weight to appropriate writings not included in the insurance contract to determine the construction professional's reasonable expectations.
- The insurer bears the burden of proving that a policy provision limits or bars coverage.

The act prohibits a general liability policy insurer from excluding or limiting coverage of damages that occur before the policy period begins but continue after the policy began unless the insured knew of the damage when the policy period began. A policy provision that conflicts with this rule is unenforceable.

**APPROVED** by Governor May 21, 2010

**EFFECTIVE** May 21, 2010

## LABOR AND INDUSTRY

**S.B. 10-11** Workers' compensation - administration of claims - disclosure of relationship between proposed independent medical examiner and party - prohibited grounds for financial incentives - injured worker's access to communications between physicians and injured worker's employer or insurer - prohibition against reversionary interests in annuities for indemnity benefits. Prior to making a determination to strike a physician from the list of independent medical examination (IME) physicians proposed by the division of workers' compensation (division) in the department of labor and employment to perform an IME of an injured worker, a party may request and is entitled to obtain and review a summary disclosure of any business, employment, financial, or advisory relationship between a listed physician and an insurer, self-insured employer, or claimant. The director of the division (director) is to adopt rules as necessary to implement the disclosure requirements.

Additionally, an insurer, self-insured employer, health care provider, or employee or contractor of an insurer, self-insured employer, or health care provider is prohibited from paying or receiving any form of financial remuneration that is based on any of the following:

- The number of days to maximum medical improvement;
- The rate of claims approval or denial;
- The number of medical procedures, diagnostic procedures, or treatment appointments approved; or
- Any other criteria designed or intended to encourage a violation of the "Workers' Compensation Act of Colorado".

Payment of remuneration based on any such factors constitutes an unfair or deceptive practice in the business of insurance and subjects the insurer or self-insured employer committing the violation to penalties under the unfair or deceptive insurance practices statutes, which may be up to \$3,000 per violation, not to exceed an aggregate penalty of \$30,000, or, in the case of knowing violations, up to \$30,000 per violation, not to exceed an aggregate penalty of \$750,000 annually. An insurer or self-insured employer who commits a violation is also subject to fines as determined by the director in accordance with the "Workers' Compensation Act of Colorado".

The act also prohibits a treating physician from communicating with the insurer or employer of an injured worker unless the injured worker is present or the physician makes an accurate written record of the communication and allows the injured worker access to the writing in the same manner as allowed pursuant to director rules for medical records disclosures.

Finally, the act specifies that contractual provisions that establish a reversionary interest in an insurer for indemnity benefits are void as against public policy.

**APPROVED** by Governor May 27, 2010

**PORTIONS EFFECTIVE** May 27, 2010  
**PORTIONS EFFECTIVE** July 1, 2010

**S.B. 10-12** Workers' compensation - penalties - increase - apportionment. The penalty for violating the workers' compensation laws is increased from up to \$500 to up to \$1,000. The director of the division of workers' compensation or an administrative law judge will

apportion at least 50% of the penalties to the aggrieved party, with the remainder to the workers' compensation cash fund. The mental state is changed from "willfully" to "knowingly" in the statute that penalizes an insurer or a self-insured employer for denying workers' compensation medical benefits, delaying payment of medical benefits for more than 30 days, or stopping payments. No penalty will be due if a delay was due to excusable neglect. The director of the division of workers' compensation or an administrative law judge will apportion these penalties, in whole or part, among the aggrieved party, the medical services provider, and the workers' compensation cash fund.

**APPROVED** by Governor May 26, 2010

**EFFECTIVE** August 11, 2010

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

**S.B. 10-13** Workers' compensation - insurance - survey of injured workers - Pinnacol Assurance annual report required - complaint procedure for injured workers - posting required - appropriation. The act requires workers' compensation insurers to survey a limited number of injured workers at the close of each claim. The act also requires the insurers to report the results of the surveys to the division of workers' compensation in the department of labor and employment, and requires the division to post the survey results on the division's web site. The act prohibits an employer or insurer from taking disciplinary action or otherwise retaliating against an injured worker or his or her dependents for completing a survey.

The act requires the chief executive officer of Pinnacol Assurance to submit an annual report to the governor and committees of the general assembly reporting on the business operations, resources, and liabilities of the Pinnacol Assurance fund.

The act requires the division to post on the division's web site the procedure for an injured worker to follow to file a complaint with the division regarding any issue over which the director or his or her designee has authority to pursue, settle, or enforce.

The act appropriates \$3,756 from the workers' compensation cash fund to the department of labor and employment for allocation to the division of workers' compensation for the implementation of the act.

**APPROVED** by Governor May 27, 2010

**EFFECTIVE** July 1, 2010

**S.B. 10-28** Unemployment compensation benefits - work share program established. The act requires the director of the division of employment and training in the department of labor and employment to establish a work share program allowing for the payment of unemployment compensation benefits to employees of a particular work unit whose work hours have been reduced at least 10% but not more than 40%. In order to be eligible for payment of benefits, an employer must submit a work share plan to the director for approval. The plan must apply to at least 10% of the employees in the affected unit. The plan must meet specific requirements in order to be approved by the director. Employees must also meet specific eligibility requirements in order to be eligible for the payment of benefits. The act allows for modifications to a plan if conditions of the employer change. The act also

specifies that the benefits payable under the work share program are not in addition to the total maximum allowable regular unemployment benefits in a benefit year.

**APPROVED** by Governor June 9, 2010

**EFFECTIVE** June 9, 2010

**S.B. 10-35** Employee retirement plans - automatic enrollment - payroll deductions permitted - employer relief from liability for investment decisions. The act allows wage deductions for contributions attributable to automatic enrollment in an employee retirement plan (plan) regardless of whether the federal "Employee Retirement Income Security Act of 1974", as amended (ERISA), applies to the plan. "Automatic enrollment" is defined to allow an employee to specify the amount of his or her wage deduction, or, in accordance with the federal "Pension Protection Act of 2006", to elect to elect affirmatively to have no wage deduction, under a plan. Employers or other plan officials are relieved from liability related to investment decisions if the following conditions are met:

- The plan allows the participating employee at least quarterly opportunities to select investments for the employee's contributions among investment alternatives available under the plan;
- The employee is given notice of the investment decisions that will be made in the absence of participant direction, a description of all the investment alternatives available for employee investment direction under the plan, and a brief description of procedures available for the employee to change investments; and
- The employee is given at least annual notice of the actual default investments made of contributions attributable to the employee.

**APPROVED** by Governor February 24, 2010

**EFFECTIVE** January 1, 2011

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

**S.B. 10-163** Workers' compensation - procedures - applicability of Senate Bill 09-168. The act creates the following requirements with regard to workers' compensation procedures:

- Requires the director of the division of workers' compensation in the department of labor and employment to promulgate rules biennially that establish a single life expectancy table based on mortality tables issued by the federal government and private industry;
- Requires lump sum settlements to be paid to a claimant within 15 days after the respondent receives the executed settlement order; and
- Requires documents to be transmitted or served using identical means to all required recipients.

The act also states that the provisions of Senate Bill 09-168, which bill is declared to be procedural in nature, applies to all workers' compensation claims, regardless of the date the claims were filed.

**APPROVED** by Governor March 31, 2010

**EFFECTIVE** March 31, 2010



**S.B. 10-178** Workers' compensation - health care providers - performance review programs. The act requires workers' compensation insurers to include quality and patient data in programs that evaluate health care providers' performance. The act also requires such programs to be based on objective data that is available to affected providers. The act provides due process for health care providers, including disclosure of the processes followed and the provider's rights, and an appeal process to challenge results and decisions relating to performance programs.

**APPROVED** by Governor May 26, 2010

**EFFECTIVE** July 1, 2010

**S.B. 10-187** Workers' compensation - health insurance plans excluded - calculating wages - recovery of costs - clarification of at the time of injury - permanent partial disability exclusions to offset receipt of certain federal benefits - rejection of modified employment offer - modification of specific permanent medical impairment injuries schedule - combined temporary disability and permanent partial disability payments adjusted - employee waiving right to pursue permanent total disability payments. The act makes the following changes to the "Workers' Compensation Act of Colorado" (Act):

- Excludes medicaid and other indigent health care programs from the purview of health insurance plans, the cost of which is factored into a calculation of wages under the Act;
- Adds a compensable cost under the Act by requiring a court to award all reasonable costs, not including attorney fees, to a claimant when medical maintenance benefits that have been recommended by an authorized treating physician but are unpaid and contested are either admitted fewer than 20 days before the date of the hearing or ordered after the application for hearing on the benefits is filed;
- Clarifies that the phrase "at the time of injury", with respect to calculation of a worker's average weekly wage, means the wages the worker was earning on the date of the worker's accident;
- Eliminates permanent partial disability from the types of disabilities for which payments must be reduced under the Act in order to offset benefits payable under the federal "Old-age, Survivors, and Disability Insurance Amendments of 1965" (federal act) and repeals the requirement that employees apply for benefits under the federal act upon request by the insurer or employer;
- Describes some circumstances under which a temporarily disabled employee's rejection of an offer of modified employment does not constitute employee responsibility for termination of employment;
- On the schedule of specific permanent medical impairment injuries, replaces loss of an eye by enucleation with loss of a tooth, and sets the compensation period for the loss of a tooth at 6 weeks;
- Effective January 1, 2011, requires the director of the division of workers' compensation (director) in the department of labor and employment to annually adjust, based on the annual adjustments to the computation of average weekly wages, the amount of compensation for combined temporary disability payments and permanent partial disability payments for injuries sustained on or after January 1, 2012; and

- Prohibits the director or an administrative law judge from conditioning a lump sum payment on the claimant's waiver of his or her right to pursue permanent total disability payments.

**APPROVED** by Governor May 27, 2010

**PORTIONS EFFECTIVE** July 1, 2010  
**PORTIONS EFFECTIVE** January 1, 2011

**H.B. 10-1009** Workers' compensation - insurance - Pinnacol Assurance - posting of notice of board meetings required. The act requires the board of directors of Pinnacol Assurance to post the date, time, and location of board meetings on the Pinnacol Assurance web site at least 7 calendar days prior to a meeting.

**APPROVED** by Governor May 26, 2010

**EFFECTIVE** July 1, 2010

**H.B. 10-1038** Workers' compensation - brochure to claimants - adjustment in appropriations. An employer or the employer's insurance carrier shall provide a brochure to a workers' compensation claimant, in a form developed by the director of the division of workers' compensation in the department of labor and employment. The brochure shall describe the entities the claimant may contact for information, the claimant's rights related to his or her medical treatment and rights to receive benefit payments, and the claims process.

To implement the act, appropriations made in the annual general appropriation act for the fiscal year beginning July 1, 2010, to the department of employment and training, division of workers' compensation, are reduced by \$18,000 cash funds from the workers' compensation cash fund.

**APPROVED** by Governor May 26, 2010

**EFFECTIVE** May 26, 2010

**H.B. 10-1076** Property tax work-off program participants - status - workers' compensation - unemployment insurance - workers' compensation coverage - self-insured entity. The act classifies a participant in a property tax work-off program (program) as an "employee" under the "Workers' Compensation Act of Colorado" and includes the services performed by such a participant as "employment" for purposes of the "Colorado Employment Security Act". The act also allows a governmental entity or private nonprofit or for-profit entity that has a contract with a governmental entity that is self-insured under the "Workers' Compensation Act of Colorado" to purchase workers' compensation insurance for a program participant.

**APPROVED** by Governor April 28, 2010

**EFFECTIVE** August 11, 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. 10-1108** Workers' compensation - youth sports coaches - independent contractor - evidenced in written contract. The act establishes that a written contract between a coach and a nonprofit youth sports organization, declaring that the coach is an independent contractor and not an employee of the organization, is conclusive evidence of the

independent contractor relationship between the coach and the organization for purposes of workers' compensation laws. The written contract must contain a conspicuous declaration, acknowledged by the coach and organization, indicating that the coach is an independent contractor, is not entitled to workers' compensation benefits, and is obligated to pay income taxes on any moneys paid to the coach under the contract for services performed for the organization.

For purposes of a civil action brought by a third party, the written agreement between a nonprofit youth sports organization and a coach is not conclusive evidence of an independent contractor relationship.

**APPROVED** by Governor April 15, 2010

**EFFECTIVE** April 15, 2010

**H.B. 10-1109** Workers' compensation - benefits - inmates participating in a federal Prison Industry Enhancement Certification Program - coverage method. As a condition of participating in the federal prison industry enhancement certification program (PIECP), federal law requires workers' compensation benefits to be made available to an inmate working in a PIECP-certified training, rehabilitation, or work release program. In order to comply with that requirement, the act clarifies that, for the purposes of state laws concerning workers' compensation, the term "employee" includes an inmate of a department of corrections facility or a city, county, or city and county jail who is working, performing services, or participating in a program that has been certified under the PIECP.

For workers' compensation purposes, an inmate working in a PIECP-certified program is an employee of that program. The act also clarifies that workers' compensation benefits to which an inmate is entitled as a result of working in a program shall not be suspended for the period of time during which the inmate is incarcerated.

The act requires PIECP-certified programs to carry workers' compensation insurance. In order to provide public entities with more insurance options for PIECP-certified programs, current law is amended to allow public entities to select any method of workers' compensation insurance for PIECP participants.

**APPROVED** by Governor April 29, 2010

**EFFECTIVE** August 11, 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. 10-1185** Fuel products - petroleum storage tank fund - modification of dates. The act eliminates the specific date of each calendar month by which a person is required to pay the environmental response surcharge or fee for odorized liquefied petroleum gas and fuel products (fee) and clarifies that both the fee and the environmental response surcharge shall be collected, administered, enforced, and subject to the same penalty and interest provisions as fuel taxes.

Current law provides that, beginning July 1, 2012, if the available balance of the petroleum storage tank fund exceeds \$8,000,000, no environmental response surcharge shall be imposed. The act delays that date to July 1, 2018. The act also extends, until July 1, 2018, the date until which moneys in the petroleum storage tank fund may be used to pay

for costs related to petroleum storage tank facility inspections and meter calibrations.

**APPROVED** by Governor April 12, 2010

**EFFECTIVE** August 11, 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. 10-1231** Conveyance regulation - administration - inspection - stairway chair lifts. Stairway chair lifts are exempted from regulation under the "Elevator and Escalator Certification Act" (act). The current law allowing contractors from other states to qualify for licensure if the contractor is licensed in a state with standards similar to Colorado's is repealed, which means a contractor from another state is required to comply with the same personnel and insurance requirements placed on Colorado contractors. New guidelines allow contractors to report dangerous conditions to approved local jurisdictions in addition to the department administrator (administrator). Newly installed or altered conveyances must be inspected before being put in use and subsequent periodic inspections are required. The administrator must promulgate rules exempting continued use of a private residence conveyance installed before 2008 in a building that is not a single-family residence.

**APPROVED** by Governor April 5, 2010

**EFFECTIVE** August 11, 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. 10-1247** Workers' compensation - classification appeals board - continuation under sunset law. The act implements the recommendations of the department of regulatory agencies in its sunset review of the workers' compensation classification appeals board by continuing the board until 2021.

**APPROVED** by Governor April 5, 2010

**EFFECTIVE** April 5, 2010

**H.B. 10-1417** Pay equity commission - creation - membership - duties - annual report - repeal. The bill establishes the pay equity commission (commission) within the Colorado department of labor and employment (department). The commission consists of 11 members, appointed within 90 days after the act becomes effective, as follows:

- The executive director of the department or his or her designee;
- The director of the civil rights division in the department of regulatory agencies or his or her designee;
- A member representing higher education who has expertise in pay equity issues, appointed by the governor;
- A member representing a statewide labor union federation and a member representing a national organization that serves minority communities, both appointed by the president of the senate;
- A member representing a women's national association or organization and a member who is an attorney with experience in labor and employment issues, is an active member of the bar association, and represents employees, both appointed by the speaker of the house of representatives;
- A member representing a business association, appointed by the minority

- leader of the senate;
- A member representing a chamber of commerce or consortium of chambers, appointed by the minority leader of the house of representatives;
- A member who is a private, for-profit employer with fewer than 15 employees, jointly appointed by the minority leaders of the senate and house of representatives; and
- A member who is a private, for-profit employer with at least 15 employees, jointly appointed by the president and minority leader of the senate and the speaker and minority leader of the house of representatives.

The commission is to convene its first meeting by September 1, 2010, and is charged with the following tasks:

- Educating employers in the state about issues or practices that may contribute to pay inequities;
- Working with business groups and educational institutions to develop and maintain an inventory of best practices for encouraging equal pay;
- Encouraging employers to implement equal pay best practices;
- Studying other state models of equal pay practices that achieve pay equity;
- Developing a program recognizing employers who pursue pay equity practices;
- Conducting outreach and education to employees and employers regarding pay equity; and
- Working to establish Colorado as a model employer with regard to pay equity.

The commission is required to submit annual reports to the executive director of the department, detailing the work it has done. The executive director is to present the commission's report to the business, labor, and technology committee of the senate, and the business affairs and labor committee of the house of representatives and, after such presentation, post the report on the department's web site. The commission may submit recommendations for policy or administrative changes, upon approval of 2/3 of its members, and any such recommendations shall be included in the commission's annual reports. The commission is subject to sunset review, with the repeal of the commission set for July 1, 2015.

**APPROVED** by Governor May 25, 2010

**EFFECTIVE** May 25, 2010

## MILITARY AND VETERANS

**S.B. 10-211** Wounded warrior program members - big game hunting - license fees - preference program. The act authorizes the state wildlife commission to reduce or eliminate big game hunting license fees and establish a big game hunting license preference for members of the United States armed services wounded warrior programs who are residents of, or stationed in, Colorado and who have sustained severe injuries in certain post-September 11, 2001, combat operations. The legislative declaration states that the act is intended to provide assistance for such wounded warriors during their rehabilitation and to acknowledge their service and sacrifice.

**APPROVED** by Governor May 26, 2010

**EFFECTIVE** May 26, 2010

**H.B. 10-1140** Veterans - division of veterans affairs - Colorado state veterans trust fund - armories. The act permits moneys from the Colorado state veterans trust fund to be used to construct armories for the National Guard and sets a repeal date for such use.

**APPROVED** by Governor April 16, 2010

**EFFECTIVE** April 16, 2010

## MOTOR VEHICLES AND TRAFFIC REGULATION

**S.B. 10-15** Driver's licenses - minors - driver training. The age at which a minor is required to obtain behind-the-wheel training to obtain a driver's license is changed from 18 to 16 and 6 months.

**APPROVED** by Governor March 31, 2010

**EFFECTIVE** August 11, 2010

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

**S.B. 10-75** License plates - collector military vehicles - exemption from display requirement. The owner of a collector military vehicle is authorized to keep the license plate issued to the vehicle in the vehicle instead of displayed on the outside.

**APPROVED** by Governor April 29, 2010

**EFFECTIVE** August 11, 2010

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

**S.B. 10-103** Registration - special license plates - Colorado state parks - appropriation. The Colorado state parks special license plate is created. A person becomes eligible for the plate by donating \$44 to the foundation for Colorado state parks. In addition to the normal motor vehicle fees, the plate requires 2 one-time fees of \$25. One of the fees is credited to the highway users tax fund and the other to the licensing services cash fund.

\$17,760 is appropriated to the department of revenue to implement the act.

**APPROVED** by Governor May 27, 2010

**EFFECTIVE** August 11, 2010

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

**S.B. 10-110** Child restraint systems - age and height requirements - parental responsibility - primary offense - warning for the first year. The act modifies the age and height requirements for certain children who are otherwise required to be fastened in a child restraint system. A child is who is less than 8 years of age must be restrained in an appropriate child restraint system pursuant to the manufacturer's instructions. If the child is less than 1 year of age and weighs less than 20 pounds, the child must be restrained in a child restraint system in the rear seat of the vehicle. A child who is at least 8 years of age but less than 16 years of age must be properly restrained in either a child restraint system pursuant to the manufacturer's instructions or a seat belt.

It is a parent's responsibility to ensure that the child is properly restrained unless no parent is in the car, then it is the driver's responsibility.

A violation of the child restraint system section is a primary offense. For the first year

that the provision is in effect, a peace officer may only give a violator a warning.

**APPROVED** by Governor May 26, 2010

**EFFECTIVE** August 1, 2010

**S.B. 10-144** Ownership tax - Class F personal property - power take off equipment. Currently, special mobile machinery and mounted equipment are registered separately from the motor vehicle with the department of revenue as Class F personal property. The act excludes power take off equipment from Class F personal property, which means that it will typically be registered under Class A or Class B.

**APPROVED** by Governor May 26, 2010

**EFFECTIVE** July 1, 2010

**S.B. 10-196** Interstate 70 - speed - limits and minimums. The department of transportation is prohibited from setting a speed limit for one class of motor vehicle on interstate 70 that is more than 25 miles per hour less than the highest limit for another class of motor vehicle. A driver is prohibited from driving on a 6% uphill grade of interstate 70 at a speed that is less than the lower of 10 miles per hour below the speed limit or the minimum speed set by the department of transportation, except if necessary to obey traffic control devices, to enter or exit interstate 70, to compensate for the weather or traffic conditions, or to navigate a lane closure or blockage. The department of transportation will post signs notifying drivers of the restriction.

**APPROVED** by Governor May 27, 2010

**EFFECTIVE** July 1, 2010

**S.B. 10-198** Late vehicle registration fees - reduction for camper trailers, multipurpose trailers, and light vehicles without motive power. Effective July 1, 2010, the penalty for late registration of any vehicle without motive power that weighs more than 2,000 pounds but not more than 16,000 pounds and any camper trailer or multipurpose trailer regardless of its weight is reduced from \$25 per month up to \$100 to \$10.

**APPROVED** by Governor June 7, 2010

**EFFECTIVE** July 1, 2010

**H.B. 10-1011** Department of revenue - employees - criminal history. The act authorizes the department of revenue to obtain criminal history record checks based on fingerprints for current and prospective department employees who have access to driver's licenses and state identification cards or personal identifying information used to issue driver's licenses or state identification cards.

**APPROVED** by Governor April 15, 2010

**EFFECTIVE** April 15, 2010

**H.B. 10-1014** Accidents in state highway work areas - reporting. The act requires the department of transportation and the Colorado state patrol to annually present a joint report to the transportation and energy committee of the house of representatives and the



transportation committee of the senate regarding fatal accidents occurring in state highway work areas.

**APPROVED** by Governor March 18, 2010

**EFFECTIVE** March 18, 2010

**H.B. 10-1019** Disabled parking - administration and enforcement. The act creates a cash fund that receives fine moneys and may accept donations, and requires the fund to be used to implement the reserved parking program for the disabled. A disabled parking education program is created. The act changes the administration of reserved parking for the disabled with the following:

- Requires identification to obtain a license plate or placard;
- Requires the placard to bear a visible expiration date and the last 4 digits of a person's identification number;
- Subjects the holder of a permanent disability license plate or placard to reverification of the disability every 3 years;
- Changes the application to contain an eligibility notice and penalties for obtaining a license plate or placard when not eligible;
- Creates a form that a professional signs, under penalty of perjury, when verifying a disability;
- When renewing a license plate, requires a statement, under penalty of perjury, that the person is eligible to use a reserved parking plate;
- Allows the department to require another professional to verify a disability upon a complaint or finding reasonable suspicion that a person is not entitled to use reserved parking privileges;
- Requires the department to give peace officers electronic access to disabled parking records; and
- Limits the validity of placards from another jurisdiction to 90 days after moving to Colorado.

In addition, the act changes the laws governing enforcement of the reserved parking program for the disabled in the following ways:

- Prohibits imposing restrictions on the use of reserved parking unless specifically authorized by law and notice is posted;
- Requires wheelchair unloading areas to be marked with a sign;
- Increases the fine for misuse of reserved parking from \$100 or \$200 to \$350 for the first offense, \$600 and community service for a second offense, and \$1,000 for subsequent offenses, and doubles those fines for commercial carriers;
- Authorizes a peace officer to confiscate a placard that is being misused;
- Prohibits creating a device that mimics a placard;
- Prohibits retaliation against an employee for notifying the authorities of a violation of a possible reserved parking violation;
- Authorizes a peace officer or property owner to remove a vehicle that is violating the reserved parking provisions;
- Prohibits moving a vehicle to avoid time limits on reserved parking spaces;
- Prohibits using reserved parking for commercial purposes unrelated to transacting business with the person the space is intended to serve.

In the use of a parking space such as a parking lot or parking meter, the act prohibits

taking adverse action against a person with a disability if the method of payment is not reasonably accessible. \$17,918 is appropriated to the governor and \$30,341 is allocated to the department of revenue to implement the act.

**APPROVED** by Governor June 10, 2010

**EFFECTIVE** January 1, 2011

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

**H.B. 10-1090** Driver's license - driving under restraint - penalty. The act eliminates the mandatory 5-day jail sentence for a person who is convicted of driving a motor vehicle or off-highway vehicle upon any highway of the state with knowledge that his or her license or privilege to drive, either as a resident or a nonresident, is under restraint for any reason other than conviction of driving under the influence (DUI), DUI per se, driving while ability impaired, habitual user, or underage drinking and driving. The act eliminates the requirement that a court require an offender to immediately surrender his or her driver's license or instruction permit upon entry of a plea of guilty or nolo contendere to a driving-under-restraint violation. A court still must require an offender to immediately surrender his or her driver's license or instruction permit upon a verdict or judgment of guilt for a driving-under-restraint violation.

**APPROVED** by Governor March 29, 2010

**EFFECTIVE** August 11, 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. 10-1101** Taxation - agricultural vehicles - exemptions. Currently, a county clerk may require that a person demonstrate that the person's primary business is agriculture to register a motor vehicle as a farm truck or truck tractor. The act exempts people who use land classified as agricultural land for tax purposes for agricultural production from this requirement to register a farm truck or truck tractor. In addition, the act requires such vehicles to pay the motorist insurance identification fee.

**VETOED** by Governor May 10, 2010

**H.B. 10-1139** Registration - special license plates - veterans of Afghanistan or Iraq wars - appropriation. Two sets of special license plates are created to identify that the owner of the motor vehicle is a veteran of either the Afghanistan or Iraq war. The owner would pay the normal fees for special license plates.

The act appropriates \$35,520 from the license plate cash fund to the division of motor vehicles, driver and vehicle services, for the implementation of the act.

**APPROVED** by Governor May 19, 2010

**EFFECTIVE** August 11, 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. 10-1161** Registration - special license plates - luxury limousine services. The act creates a livery license plate for luxury limousine services regulated by the public utilities commission (PUC). The act also creates a personalized livery license plate. A luxury limousine service will be required to use the plate, but a motor vehicle may only display the plate if it is used for such a service. The PUC is instructed to notify the appropriate service providers of the act's requirements and to provide verification of such provider's status.

\$10,064 is appropriated to the division of motor vehicles, driver and vehicle services, to implement the act.

**APPROVED** by Governor May 27, 2010

**EFFECTIVE** August 11, 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. 10-1172** Registration - special mobile machinery - appropriation. The act makes stylistic changes to clarify the definition and registration requirements of special mobile machinery and modifies the registration and taxation of special mobile machinery by:

- Deeming farm equipment meeting the definition of special mobile machinery to be Class F personal property if the equipment is used for a purpose other than agricultural production for the time it was used for the other purposes;
- Prohibiting the use of a prorated registration sticker on special mobile machinery unless the machinery is registered;
- Prohibiting the operation of such machinery unless it is registered, and grants a credit for taxes paid to the owner who converts a vehicle to special mobile machinery;
- Creating and setting the requirement for a demonstration plate to be used by people who sell special mobile machinery;
- Requiring a person who sells special mobile machinery to notify the buyer that the owner should register the machinery; and
- Authorizing owners to obtain a temporary registration similar to the temporary registration for motor vehicles.

\$560 is appropriated to the department of revenue to implement the act.

**APPROVED** by Governor May 27, 2010

**EFFECTIVE** October 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. 10-1209** Driver's license - branch of service identifier - appropriation. Upon presentation of proof that an applicant is an active member or veteran of a branch of the armed forces, a service member or veteran may request a branch of armed forces identifier on a driver's license or identification card. No proof is necessary when the applicant is renewing such a license. The fee for voluntarily having an armed forces identifier on a driver's license or identification card is \$15 when the license is issued or renewed. A portion of the fee is used to offset the cost of including armed forces identifiers on driver's licenses and identification cards and the remainder is transmitted to the highway users tax fund.

The act appropriates \$83,088 to the department of revenue, division of motor vehicles, driver vehicle services, to implement the act.

**APPROVED** by Governor May 27, 2010

**EFFECTIVE** July 1, 2010

**H.B. 10-1211** Late vehicle registration fee - reduction for light vehicles without motive power. Effective July 1, 2010, the act reduces the penalty for late registration of a vehicle without motive power that weighs 2,000 pounds or less from \$25 per month up to \$100 to \$10.

**APPROVED** by Governor May 27, 2010

**EFFECTIVE** July 1, 2010

**H.B. 10-1212** Late vehicle registration fee - rules for exemption, reduction, or waiver. The executive director of the department of revenue is required to promulgate rules that establish circumstances, in addition to circumstances already established in statute, in which a vehicle owner shall be exempted from paying the late fee for late registration of a motor vehicle. The rules shall apply uniformly throughout the state and include, but not be limited to, exemptions for:

- Acts of God and weather-related delays;
- Office closures and furloughs;
- Temporary registration number plates, tags, or certificates that have expired;
- Medical hardships; and
- Information technology failures.

The executive director is required to consult with the county clerk and recorders in promulgating the rules. The executive director is required to promulgate additional rules that allow the department or an authorized agent of the department to reduce or waive the late fee for late registration of a trailer that is a commercial or farm vehicle, as part of the normal operation, if the owner can establish, in accordance with criteria specified in the rules that the trailer was idled so that it was not operated on any public highway in the state for at least a full registration period.

**APPROVED** by Governor April 15, 2010

**EFFECTIVE** April 15, 2010

**H.B. 10-1214** Registration - special license plates - adopt a shelter pet - appropriation. The act adds a representative of the western slope to the Colorado pet overpopulation authority and creates the adopt a shelter pet account (account) in the pet overpopulation fund.

The adopt a shelter pet special license plate for motor vehicles that do not exceed 16,000 pounds is created. The fees for the special license plate consist of normal registration fees plus 3 one-time fees equaling \$80. Out of the said \$80, \$25 is credited to the highway users tax fund, \$25 is credited to the licensing services cash fund, and \$30 is credited to the account. In addition, the special plate requires an annual renewal fee of \$25 that is also credited to the account.

\$17,760 is appropriated to the department of revenue, division of motor vehicles,

driver and vehicle services, to implement the act.

**APPROVED** by Governor June 9, 2010

**EFFECTIVE** August 11, 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. 10-1238 Wildlife crossing zones - increased penalties - limitations.** The act allows the department of transportation (department), in consultation with the state patrol and the division of wildlife in the department of natural resources, to establish areas within the public highways of the state as wildlife crossing zones. If the department receives authorization from the federal government to designate areas of the federal highways of the state as wildlife crossing zones, the department may do so. The department is prohibited from establishing any area of any interstate highway as a wildlife crossing zone. The department is prohibited from establishing a lower speed limit for more than 100 miles of the public highways of the state that have been established as wildlife crossing zones.

If the department establishes an area as a wildlife crossing zone, the department may erect signs identifying the zone and establishing a lower speed limit for the portion of the highway that lies within the zone. In establishing a lower speed limit within a wildlife crossing zone, the department shall give due consideration to factors including, but not limited to, the percentage of traffic accidents that occur within the area that involve the presence of wildlife on the public highway, the relative levels of traffic congestion and mobility in the area, and the relative numbers of traffic accidents that occur within the area during the daytime and evening hours and involve the presence of wildlife on the public highway. If the department erects a new wildlife crossing zone sign, it shall ensure that the sign indicates, in conformity with the state traffic control manual, that increased traffic penalties are in effect within the zone.

The act requires the department to prepare and submit a report to the transportation and energy committee of the house of representatives and the transportation committee of the senate concerning the establishment of wildlife crossing zones. The report, at a minimum, shall include the location and length of each wildlife crossing zone; the total number of miles within the public highways of the state that the department has established as wildlife crossing zones; the total number of wildlife crossing zones for which the department of transportation has established a lower speed limit; the effect, if any, that the establishment of each wildlife crossing zone has had in reducing the frequency of traffic accidents within the wildlife crossing zone; and a recommendation by the department as to whether the general assembly should discontinue the establishment of wildlife crossing zones, continue the limited establishment of wildlife crossing zones, or expand the establishment of wildlife crossing zones.

The act subjects a person who commits a moving traffic violation in a wildlife crossing zone to increased penalties and surcharges. If the department erects a traffic sign designating an area of a public highway as a wildlife crossing zone, the department shall establish when the area will be deemed to be a wildlife crossing zone and ensure that the sign indicates when the area will be deemed to be a wildlife crossing zone.

The act creates the wildlife crossing zone safety account (account) within the highway users tax fund and requires that one-half of each doubled penalty and surcharge for traffic offenses committed within wildlife crossing zones be deposited in the account to be

continuously appropriated to the department for wildlife crossing zones and enforcement.

**APPROVED** by Governor June 9, 2010

**EFFECTIVE** September 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. 10-1285** Heavy commercial vehicles - tax incentives - overweight motor vehicle fines - appropriation. The act raises the fines on overweight motor vehicles, uses the additional fine money to finance a sales tax refund and an income tax credit for commercial vehicle investment in Colorado, and establishes procedures for qualifying for the refund and credit. A semitrailer is added to the sales tax refund. The phase-in of the sales tax refund is modified to equal one-third of the refund each year. The phase-in of the income tax credit is modified to be a flat rate. The amount of the refund is capped to equal the amount of the fine revenue.

The act clarifies that a motor vehicle registered in Colorado, subsequently registered in another state, then reregistered in Colorado is not subject to taxes and fees due during the time it was registered in another state.

\$86,658 is appropriated from the commercial vehicle enterprise tax fund to the department of revenue to implement the act.

**APPROVED** by Governor June 10, 2010

**EFFECTIVE** July 1, 2010

**H.B. 10-1340** Abandoned vehicles - law enforcement - notices. Currently, the statutes governing the towing of vehicles on public property require that both the law enforcement agency and the tow operator send a notice of the tow by certified mail to the owner or lienholder of a towed vehicle. If a law enforcement agency uses a tow operator, the act requires the law enforcement agency to send a notice by first-class mail.

**APPROVED** by Governor May 5, 2010

**EFFECTIVE** May 5, 2010

**H.B. 10-1341** Titling and registration - funding - motorist insurance identification account. Moneys in the motorist insurance identification account in the highway users tax fund in excess of its appropriations are transferred to the Colorado state titling and registration account in the highway users tax fund.

**APPROVED** by Governor May 26, 2010

**EFFECTIVE** May 26, 2010

**H.B. 10-1347** Alcohol and drug offenses - driving under the influence - driving while ability impaired - penalties for persons convicted of multiple offenses - appropriation. The act adjusts the penalties for second offenses of driving under the influence (DUI), DUI per se, habitual user, and driving while ability impaired (DWAI) and creates new penalties for third and subsequent offenses of DUI and DWAI.

In sentencing persons for DUI, DWAI, DUI per se, and habitual user, courts are encouraged to require the use of approved ignition interlock devices by persons as a

condition of bond, probation, and participation in work, educational, and medical release programs.

An approved alcohol or drug treatment facility may not require a person to repeat any portion of an alcohol or drug treatment program that he or she has successfully completed while he or she was imprisoned.

For the 2010-11 fiscal year, the act makes the following appropriations:

- \$438,518 and 7.3 FTE from the general fund to the judicial department, probation and related services for probation programs; and
- \$249,750 from the persistent drunk driver cash fund to the judicial department, probation and related services, for offender treatment and services.

**APPROVED** by Governor May 25, 2010

**EFFECTIVE** July 1, 2010

**H.B. 10-1387** Department of revenue - regulation of drivers and motor vehicles - funding. For fiscal years 2010-11 and 2011-12, the revenue from the fees for driver's license examinations and issuance or renewal of instruction permits, driver's licenses, and identification cards is diverted from the highway users tax fund (HUTF) to the licensing services cash fund. The state treasurer will credit unappropriated moneys beyond a 16.5% reserve in the licensing services cash fund to the HUTF. The department of revenue may use funds in the motorist insurance identification subaccount of the HUTF for expenses incurred by the department of revenue for licensing drivers and issuing identification cards. The department of revenue may use funds in fiscal year 2010-11 in the HUTF "off-the-top" appropriation for the expenses incurred by the department of revenue for licensing drivers and issuing identification cards. An appropriation clause makes corresponding adjustments to the 2010-11 long bill.

**APPROVED** by Governor May 5, 2010

**EFFECTIVE** May 5, 2010

## NATURAL RESOURCES

**S.B. 10-71** Aspen leaf lifetime pass - creation - eligibility - rules - purchase cutoff date - report - appropriation. The act creates the aspen leaf lifetime pass (lifetime pass), which allows its holder entry into state parks and recreation areas for the duration of the holder's lifetime. The lifetime pass will be available for purchase by a state resident who meets the age of eligibility set by the board of parks and outdoor recreation (board) for the aspen leaf annual pass. The board will set by rule the manner in which the lifetime pass shall be displayed and the amount of the fee for the lifetime pass, not to exceed five times the amount of the aspen leaf annual pass.

Current laws regarding the use and suspension of the aspen leaf annual pass are applied to the lifetime pass.

The lifetime pass shall not be sold on or after March 1, 2014. Prior to that date, the department of natural resources (department) is required to report to the senate agriculture and natural resources committee and the house agriculture, livestock, and natural resources committee regarding the lifetime pass.

For implementation of the act, \$8,800 is appropriated from the parks and outdoor recreation cash fund to the division of parks and outdoor recreation in the department.

**APPROVED** by Governor May 19, 2010

**EFFECTIVE** August 11, 2010

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

**S.B. 10-165** Water rights - well permits - mine dewatering - oil and gas wells. House Bill 09-1303 imposed new requirements on oil and gas wells, including permitting by the state engineer and substitute water supply plans. The act specifies that, except for coal bed methane wells, no well permit is required if the nontributary groundwater being removed to facilitate or permit the mining of minerals will not be beneficially used or will be used only by operators within the geologic basin where the groundwater is removed to facilitate or permit the mining of minerals. The act also provides that permitting determinations neither confer a water right nor preclude determination of a water right by the water court, and extends the well permitting and substitute water supply plan compliance deadlines for oil and gas wells, including coal bed methane wells, from March 31, 2010, to August 1, 2010.

**APPROVED** by Governor March 22, 2010

**EFFECTIVE** March 22, 2010

**S.B. 10-174** Geothermal resources - activities of state interest - federal leasing revenues - reasonable accommodation doctrine - material injury - valuation - electric utility generation acquisitions. Municipalities and counties may designate the use of geothermal resources for the commercial production of electricity as an activity of state interest. Federal mineral lease revenues derived from geothermal resource development are allocated to the geothermal resource leasing fund, and the executive director of the department of local affairs is authorized to distribute the revenues:

- To state agencies, school districts, and political subdivisions of the state affected by the development and production of geothermal resources primarily



- for use by such entities in planning for and providing facilities and services necessitated by such development and production; and
- Secondly to such entities, in consultation with the governor's energy office, for the promotion of the development of geothermal energy resources.

The reasonable accommodation doctrine is adopted regarding relations between surface owners and geothermal resource developers. "Material injury", with respect to geothermal rights, is limited to include an alteration in the temperature of water only if the alteration adversely affects a valid, prior geothermal right. For the purpose of property taxation, geothermal energy facilities will be valued in the same manner in which wind or solar energy facilities are valued. The public utilities commission, in its consideration of generation acquisitions for electric utilities, is allowed to give the fullest possible consideration to the cost-effective implementation of new energy technologies for the generation of electricity from geothermal resources.

**APPROVED** by Governor April 30, 2010

**EFFECTIVE** August 11, 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. 10-1071** Forestry - Colorado state university system - persons employed in a technical forestry capacity - elimination of minimum experience requirement. The act eliminates the requirement that a person employed in a technical forestry capacity by the board of governors of the Colorado state university system possess a minimum of 2 years' experience in forest practice.

**APPROVED** by Governor March 29, 2010

**EFFECTIVE** March 29, 2010

**H.B. 10-1165** State board of land commissioners - conveyances to local governments - financial warranty account. The act:

- Allows the state board of land commissioners (board) to convey land to units of local government if the conveyance would add value to adjoining or nearby state trust property, benefit board operations, or comply with local land use regulations;
- Credits all financial warranties collected by the board that have been forfeited or are required for remediation activities to the newly created financial warranty account of the state land board trust administration fund; and
- Continuously appropriates the warranties for the remediation or other activities on the affected property.

**APPROVED** by Governor April 15, 2010

**EFFECTIVE** April 15, 2010

**H.B. 10-1221** River outfitters - continuation under sunset law - advertising - license renewals - notification rules - guide qualifications - penalties - advisory committee. The act implements the sunset review recommendations of the department of regulatory agencies regarding river outfitters pursuant to the provisions of the sunset law, with modifications. The river outfitting licensure program is extended until September 1, 2019. The definition of "advertise" in connection with the licensure requirement is broadened to included any

printed materials or electronic media used in marketing and messaging of river outfitter operations. The board of parks and outdoor recreation (board) will adopt a schedule for license renewals, with license terms not to exceed 3 years, and allow the length of license terms to be staggered so that approximately equal numbers of licensees renew their licenses each year. The board must e-mail a notice of every proposed rule to each licensee and adopt rules concerning notification to outfitters of division of parks and outdoor recreation (division) personnel changes and safety, customer, and outfitter interaction training standards for division rangers who oversee regulated trips. The act:

- Specifies that, of the 500 river miles currently required to be qualified as a trip leader, at least 250 must be from regulated trips and no more than 250 may be from nonregulated trips;
- Requires all guides to be trained in cardiopulmonary resuscitation; and
- Repeals the guide qualification exemption for designated faculty members of institutions of higher education in charge of water sport activity courses.

A river outfitter that operates a river-outfitting business without a valid license will be liable for an administrative penalty of 5 times the annual licensing fee. The river outfitter advisory committee is recreated, consisting of 2 river outfitters and one representative of the division. The committee will make recommendations concerning rules and proposed rules. The advisory committee is scheduled for repeal on September 1, 2019.

**APPROVED** by Governor June 7, 2010

**EFFECTIVE** August 11, 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. 10-1223** Forests - forestry advisory board - repeal under sunset law. The act implements the recommendations of the department of regulatory agencies in its sunset review of the forestry advisory board within the division of forestry in the department of natural resources by repealing the board.

**APPROVED** by Governor March 29, 2010

**EFFECTIVE** August 11, 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. 10-1326** Department of natural resources - division of parks and outdoor recreation - funding. The act adjusts the authorization of appropriations from the operational account of the severance tax trust fund (account) for tax years beginning on or after July 1, 2009, as follows:

- Decreases the authorization to the Colorado oil and gas conservation commission from up to 40% to up to 35% of the account;
- Increases the authorization to the division of parks and outdoor recreation (parks division) from up to 5% to up to 10% of the account; and
- Allows the increased appropriation to supplant moneys that would otherwise be available to the parks division.

The act also:

- Decreases the transfers from the account to the water supply reserve account for the state fiscal year beginning on July 1, 2010, from \$10 million to \$6 million and for the state fiscal year beginning on July 1, 2011, from \$10 million to \$7 million; and
- Decreases the 2009 long bill general fund appropriation to the parks division by \$2,147,415 and increases its cash fund appropriation by the same amount.

**APPROVED** by Governor March 22, 2010

**EFFECTIVE** March 22, 2010

**H.B. 10-1348** Uranium - classified material - licensing requirements - reporting - notice - warranties. The act directs the agencies involved in regulating in situ leach mining of uranium to coordinate to resolve conflicts between the regulatory programs. Uranium mills, uranium processing facilities, and associated disposal facilities licensed for the disposal of radioactive waste originating outside of Colorado or the acceptance of classified material (uranium processing and disposal facilities) that have caused a release that exceeds groundwater standards must submit an annual report to the owners of wells located within a mile of the contaminated groundwater plume. Such facilities must also submit an annual report to the department of public health and environment (department) regarding the adequacy of the facilities' financial assurance warranties. The applicable hearing procedures relating to the warranties are modified, and the receipt of classified material at such a facility that disputes the department's proposed adjustment of a warranty is prohibited unless the facility posts a bond equal to the amount in dispute. The decommissioning fund is explicitly allowed to be used for uranium processing and disposal facilities.

The procedural requirements, including public notice, that a uranium processing and disposal facility must meet for license applications, renewals, and amendments are modified, as are the department's deadlines for determining such actions and the procedural requirements, including public notice, that such a facility must meet to receive, store, process, or dispose of classified material.

**APPROVED** by Governor June 8, 2010

**EFFECTIVE** June 8, 2010

**H.B. 10-1349** Parks and outdoor recreation - renewable energy generation for use by division of parks and outdoor recreation - re-energize Colorado program. The act directs the governor's energy office or its designee to create an inventory and map of lands under the control of the division of parks and outdoor recreation in the department of natural resources that have potential to support the development of renewable resource generation projects. The executive director of the department of natural resources and the state land board, respectively, will include such lands among those suitable for acquisition or leasing for the purpose of allowing renewable energy generation projects to proceed.

The act also creates the re-energize Colorado program, under which the division of parks and outdoor recreation is encouraged to undertake renewable energy generation projects on land under its control to supply or offset all of its electrical energy needs by the year 2020, and authorizes a qualifying retail utility to waive some of the existing statutory limits placed on net metering and customer-sited generation projects for purposes of meeting this goal.

The act directs the public utilities commission to give the fullest possible consideration to projects under the re-energize Colorado program, especially where such

projects offer good prospects for job creation and local economic growth, when considering the issuance of certificates of public convenience and necessity to utilities.

Finally, the act allocates \$50,000 in anticipated federal funds to the governor's energy office to augment any available private donations for preparation of the inventory and map of suitable lands.

**APPROVED** by Governor June 8, 2010

**EFFECTIVE** June 8, 2010

**H.B. 10-1398** Species conservation trust fund - program eligibility list - transfer of moneys previously appropriated to capital account to operation and maintenance account for upper Colorado river recovery program - transfers from the operational account of the severance tax trust fund to the capital and operation and maintenance accounts of the species conservation trust fund. The act appropriates money from the species conservation trust fund (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.

The act also directs the state treasurer to transfer, on July 1, 2010, \$500,000 from the capital account of the fund (capital account), which moneys were appropriated for instream flow protection in fiscal year 2009, to the operation and maintenance account of the fund (operation and maintenance account), for use in the upper Colorado river recovery program.

For fiscal year 2011, the act:

- Reduces from \$4 million to \$3 million the amount to be transferred to the capital account from the operational account of the severance tax trust fund (operational account); and
- Transfers \$1 million to the operation and maintenance account from the operational account.

For the 2012 and 2013 fiscal years, the act makes the following transfers from the operational account:

- \$4.5 million to the capital account; and
- \$2.5 million to the operation and maintenance account.

**APPROVED** by Governor June 7, 2010

**EFFECTIVE** June 7, 2010

## PROBATE, TRUSTS, AND FIDUCIARIES

**S.B. 10-47** Military service members - disposition of remains - federal record of emergency data. If a person is a member of the United States armed forces, United States reserve forces, or a state National Guard called to federal service, then a valid federal record of emergency data (DD form 93), or any successor form, executed by the service member as part of his or her military service shall be the controlling document with respect to the person authorized to direct the disposition of the service member's last remains, regardless of when the document was executed. The person authorized by the service member on the DD form 93 shall direct the disposition of the service member's remains, including ceremonial arrangements, in accordance with the service member's declaration.

**APPROVED** by Governor April 29, 2010

**EFFECTIVE** August 11, 2010

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

**S.B. 10-199** Colorado probate code - designated beneficiary agreements. The revisor of statutes will include in the publication of the "Colorado Probate Code" as nonstatutory matter, following each amended or added section, the full text of the official comments to that section contained in the 2008 official text of "Amendments to Uniform Probate Code" issued by the national conference of commissioners on uniform state laws, with any changes in the official comments or Colorado comments to correspond to Colorado changes in the uniform probate code.

Cost-of-living adjustments of certain dollar amounts will be rounded to one-thousand-dollar increments, rather than one-hundred-dollar increments, for purposes of the Colorado probate code.

A "will" does not include a designated beneficiary agreement for purposes of the Colorado probate code. The act removes statutory language awarding part or all of an intestate estate to a designated beneficiary who was designated by the decedent to be his or her designated beneficiary for purposes of intestate succession and adds new statutory language concerning the rights of a designated beneficiary to receive all or part of an intestate estate.

The act removes statutory language awarding a share of an intestate estate for a decedent's stepchildren when there are no blood relatives of the decedent available to receive an intestate share.

A child who is in the process of being adopted by a second adult in a second-parent adoption when the second adult dies will be treated as adopted by the second adult if the child's parent survives the second adult by 120 hours.

The act reduces the degree of evidence required to overcome a presumption that a deceased spouse has a parent-child relationship with a child born using assisted reproduction technologies.

The act revises the scope of the rules of construction applicable to wills and other governing instruments to specify that new class gift rules apply only to documents executed or re-published on or after the effective date of the applicable statute.

Terms of relationship in a governing instrument that do not differentiate relationships by blood from those by marriage, such as uncles, aunts, nieces, or nephews, are construed to exclude relatives by marriage.

A personal representative is protected from potential surcharges and liability as a result of the personal representative making distributions of assets without knowledge that an individual intends or may intend to use a decedent's genetic material to create a child and that the birth of such a child would affect the asset distribution formula.

The statutory form of a designated beneficiary agreement is amended with language indicating that the agreement is intended to grant all of the rights and protections listed in the form unless the parties withhold a right or protection in a prescribed manner.

The act amends the effective date-applicability clause of House Bill 09-1287, enacted in 2009.

**APPROVED** by Governor June 7, 2010

**EFFECTIVE** July 1, 2010

**H.B. 10-1024** Declaration as to medical or surgical treatment - terminal illness. The ability to declare a patient terminally ill for purposes of triggering end-of-life decisions is left to the sole discretion of a physician.

The act shall not take effect if House Bill 10-1025 is enacted and becomes law.

**APPROVED** by Governor April 15, 2010

**EFFECTIVE** August 11, 2010

**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 10-1025 was signed by the governor April 15, 2010.

**H.B. 10-1025** Future medical treatment - Colorado medical treatment decision act. The act repeals and reenacts, with amendments, the "Colorado Medical Treatment Decision Act". The term "lacking decisional capacity" replaces "incompetent", and a new term, "persistent vegetative state", is added to clarify different medical conditions under which the act shall be applied. The options available to the patient when he or she is in a terminal condition or persistent vegetative state and lacking decisional capacity are clarified. The act removes from statute the legal form that the declaration as to medical or surgical treatment may take and makes further clarifications concerning the declaration. Any declaration executed in compliance with Colorado law at the time it was made shall continue to be an effective declaration, and any declaration executed in compliance with the laws of another state shall be considered effective in Colorado, so long as the declaration does not violate any Colorado law.

**APPROVED** by Governor April 15, 2010

**EFFECTIVE** August 11, 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. 10-1122** Declarations for future medical treatment - directives concerning medical orders for scope of treatment. A medical orders for scope of treatment form (MOST form) that is properly executed and signed by an adult's physician, advanced practice nurse, or, if under the supervision or authority of the physician, physician's assistant shall have the same force and effect as a physician's order with respect to medical treatment of the adult who is the subject of the MOST form. An adult with decisional capacity or an authorized decision-maker for an adult who lacks decisional capacity may execute a MOST form.

Emergency medical service personnel, a health care provider, or a health care facility must comply with a MOST form that is apparent and immediately available. Emergency medical service personnel, a health care provider, or a health care facility that complies with a MOST form is exempt from civil or criminal liability or regulatory sanction. A verbal order from an adult's physician, advanced practice nurse, or, if under the supervision or authority of the physician, physician's assistant shall have the same force and effect as an executed MOST form so long as the verbal order is acknowledged in writing and signed by the adult's physician, advanced practice nurse, or, if under the supervision or authority of the physician, physician's assistant.

A health care provider may revise the provisions of an adult's executed MOST form only if: (1) The adult's medical condition has changed since the execution of the form or the provisions of the form are not, in the provider's independent medical judgment, medically appropriate; (2) the provider consults with the adult or, if the adult lacks decisional capacity, the adult's surrogate decision-maker concerning the revision of the form; and (3) the adult or, if the adult lacks decisional capacity, the adult's authorized surrogate decision-maker consents to the revision of the provisions of the form. If a health care provider revises an adult's executed MOST form, the provider shall record the revisions on the form and the provider and the adult or, if the adult lacks decisional capacity, the adult's authorized surrogate decision-maker shall sign and date the form.

A health care facility or health care provider that transfers an adult who is known to have properly executed and signed a MOST form must communicate the existence of the form to the receiving health care facility or health care provider before the transfer and ensure that the form or a copy of the form accompanies the adult upon admission to or discharge from a health care facility.

A health care provider or health care facility that provides care to an adult whom the health care provider or health care facility knows to have executed a MOST form must provide notice to the adult or, if appropriate, to the adult's authorized surrogate decision-maker, of any policies based on moral convictions or religious beliefs of the health care provider or health care facility relative to the withholding or withdrawal of medical treatment. A health care provider or health care facility must promptly transfer an adult who has executed a MOST form to another health care provider or health care facility if the original health care provider or health care facility will not comply with the provisions of the form on the basis of policies based on moral convictions or religious beliefs.

An adult with decisional capacity may revoke all or part of his or her executed MOST form at any time. An authorized surrogate decision-maker may revoke an adult's MOST form. Emergency medical service personnel, a health care provider, or an authorized surrogate decision-maker who becomes aware of the revocation of a MOST form must promptly communicate the fact of the revocation to a physician, advanced practice nurse, or physician's assistant who is providing health care to the adult who is the subject of the form.

A health care facility may not require an adult to complete a MOST form as a condition of being admitted to, or receiving treatment from, the health care facility. Neither the existence nor absence of a MOST form shall be the basis for any delay in issuing or refusing to issue an annuity or policy of life or health insurance or any increase of a premium therefor. The act clarifies the effect of a MOST form on conflicting provisions of another form of advance medical directive.

**APPROVED** by Governor May 26, 2010

**EFFECTIVE** August 11, 2010

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



## PROFESSIONS AND OCCUPATIONS

**S.B. 10-37** Racing - proceeds of pari-mutuel wagering - horse breeders' and owners' awards and supplemental purse fund - administrative expenses - increase. In the statutes governing pari-mutuel wagering on horse races, current law provides that up to 5% of the moneys in the horse breeders' and owners' awards and supplemental purse fund may be paid to Colorado horse breeder associations in the form of an administrative fee for the cost of registering and maintaining breeding records. The act increases the administrative fee cap from 5% to 10%.

**APPROVED** by Governor March 31, 2010

**EFFECTIVE** August 11, 2010

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

**S.B. 10-83** Alcohol beverage sales - limitation on extension of credit - rules for alcohol content testing of beer. The act requires the state licensing authority to enforce the prohibition under federal regulations against the extension of credit for more than 30 days. Further, the act prohibits the state licensing authority from adopting any rule regulating or prohibiting the sale of alcohol beverages on credit offered or extended to a licensed retailer where the credit is offered for 30 or fewer days, but allows the adoption of rules regarding the sale of alcohol beverages on credit for more than 30 days, consistent with applicable federal regulations. The act also clarifies that the state licensing authority cannot adopt rules restricting sales of alcohol beverages on a cash-on-delivery basis to a retailer who is or may be in arrears on prior alcohol beverage sales.

Licensees are obligated to comply with the credit sales prohibition and with any rules adopted by the state licensing authority. For purposes of the prohibition on credit sales of alcohol beverages, "licensee" includes, consistent with federal regulations, a person in business as a distiller, brewer, rectifier, blender, or other producer; as an importer or wholesaler of alcohol beverages; or as a bottler or warehouseman and bottler of spiritous liquors.

The act also specifies that the extension of credit beyond 30 days or in a manner inconsistent with rules of the state licensing authority constitutes unlawful financial assistance under the "Colorado Liquor Code".

The act requires the state licensing authority to adopt rules by January 1, 2011, regarding alcohol content testing of malt liquor and fermented malt beverages sold by persons licensed under the "Colorado Beer Code" or the "Colorado Liquor Code".

**APPROVED** by Governor April 15, 2010

**EFFECTIVE** August 11, 2010

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

**S.B. 10-124** Michael Skolnik Medical Transparency Act of 2010 - reporting by additional health care professionals - modifications to reporting requirements - awards and recognitions permitted. Pursuant to the "Michael Skolnik Medical Transparency Act", enacted in 2007, physicians licensed in Colorado are required to report information pertaining to their practice

history, including the following:

- The physician's name, address, and telephone number;
- Information pertaining to any license to practice medicine held by the physician at any time;
- Any board certifications and specialties;
- Any affiliations with hospitals or health care facilities;
- Any health care-related business ownership interests or employment contracts if the aggregate value of the contracts exceeds \$5,000 annually;
- Any public disciplinary action taken by the state board or the regulatory body of another state or country;
- Any agreement or stipulation to temporarily cease or restrict practice or any board order restricting or suspending the physician's license;
- Any final action resulting in an involuntary limitation or probationary status on, or reduction, nonrenewal, denial, revocation, or suspension of, the physician's medical staff membership or clinical privileges at a hospital or health care facility on or after September 1, 1990;
- Any involuntary surrender of the physician's United States drug enforcement administration registration;
- Any final criminal conviction or plea arrangement relating to the commission or alleged commission of a felony or crime of moral turpitude;
- Any final judgment, settlement, or arbitration award in a medical malpractice claim; and
- The refusal of an insurance carrier to issue a medical malpractice insurance policy to the physician due to past claims experience.

Under the "Michael Skolnik Medical Transparency Act of 2010", similar reporting requirements are extended, as applicable, to the following health care professionals who apply for a new license, certification, or registration or to renew, reinstate, or reactivate a license, certification, or registration on or after July 1, 2011:

- Audiologists and licensed hearing aid providers;
- Acupuncturists;
- Podiatrists;
- Chiropractors;
- Dentists and dental hygienists;
- Physician assistants;
- Direct-entry midwives;
- Practical nurses, professional nurses, and advanced practice nurses;
- Optometrists;
- Physical therapists; and
- Psychologists, social workers, marriage and family therapists, professional counselors, addiction counselors, and unlicensed psychotherapists.

The reporting requirements, as enacted in the original "Michael Skolnik Medical Transparency Act" of 2007, are modified to require all impacted professionals, including physicians, to:

- Report the location of the applicant's practice if different than the applicant's address of record;
- Report information about the education and training the person received pertaining to his or her profession;

- Report information pertaining to the applicant's employer, if any;
- Provide information about other licenses, certifications, or registrations to practice the applicant's profession that were issued in the previous 10 years, rather than those issued at any time in the person's career;
- Report any final action by an employer that results in the applicant's loss of employment if the grounds for termination constitute a violation of the laws regulating the applicant's profession; and
- Comply with their responsibility to report adverse actions to the appropriate regulatory body as otherwise required by law.

The requirement to report the license number, type, original issue date, last renewal date, and expiration date of any other license, certification, or registration issued to the person is eliminated.

In addition to the information required to be reported, an impacted professional is also permitted to submit information pertaining to relevant awards and recognitions received by the person or charity care provided by the person.

The act appropriates \$98,873 and 1.0 FTE 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, and reappropriates \$7,538 of those moneys 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 10, 2010

**EFFECTIVE** August 11, 2010

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

**S.B. 10-141** Games of chance - Bingo and Raffles Law - licensing and enforcement - delegation of authority - transfer from secretary of state to department of revenue - appropriation. HCR 09-1003 will be referred to Colorado voters at the November 2010 general election. If approved by the voters, it will amend the Colorado constitution to transfer responsibility for the licensing of games of chance and the enforcement of Colorado's "Bingo and Raffles Law" from the secretary of state to an agency designated by the general assembly, which unless otherwise specified will be the executive director of the department of revenue.

The act, which will only take effect if HCR 09-1003 is approved by the voters, makes conforming changes to the "Bingo and Raffles Law" as follows:

- Revises the definition of the term "licensing authority" as of July 1, 2011, and repeals an obsolete provision concerning a study of this transfer of responsibility;
- Creates a new fund for the receipt of license fees and other fees to offset the costs of regulation of games of chance;
- Amends references to the secretary of state; and
- Transfers existing employees, books, and records pertaining to games of chance from the secretary of state's office to the department of revenue.

Finally, the act appropriates \$116,020 from the department of state cash fund to the

department of revenue for implementation of the act.

**APPROVED** by Governor May 21, 2010

**EFFECTIVE** (See Note)

**NOTE:** Section 10 of the act provides that this act shall take effect upon the applicable effective date of House Concurrent Resolution 09-1003, only if said concurrent resolution is approved by the people at the general election in November 2010.

**S.B. 10-176** Advanced practice nurse registry - requirements for inclusion. Under current law, a professional nurse with an identified specialty area may apply for inclusion in the advanced practice nurse registry as a professional nurse who has obtained specialized education or training. The act updates terminology in the law to refer to a professional nurse's "role and population focus" rather than "specialty area", and allows the state board of nursing to determine the appropriate graduate degrees a professional nurse must successfully complete in order to qualify for inclusion on the registry.

Additionally, a professional nurse may be included on the registry by endorsement if he or she:

- Is recognized as an advanced practice nurse in another state or jurisdiction and has practiced as an advanced practice nurse for at least 2 of the last 5 years; or
- Holds a national certification in the appropriate role and population focus and possesses an appropriate graduate degree.

**APPROVED** by Governor April 29, 2010

**EFFECTIVE** April 29, 2010

**S.B. 10-197** Pharmaceuticals and pharmacists - wholesale distribution of prescription drugs - transfer of drugs by public agencies permitted. Currently, agencies that do not have a wholesaler pharmacy license cannot transfer prescription drugs between sites. By exempting the transfer of prescription drugs purchased with public funds by public entities from the definition of "wholesale distribution", the act allows the department of public health and environment and a district or county public health agency to make the transfers.

**APPROVED** by Governor May 21, 2010

**EFFECTIVE** May 21, 2010

**S.B. 10-201** Motor vehicle - manufacturer - regulation - violation - penalties. House Bill 10-1049 created a right of first refusal when a motor vehicle manufacturer terminates a motor vehicle dealer's franchise and within 5 years offers the same franchise within 5 miles of the original franchise. The act imposes a civil fine of \$10,000 to \$25,000 on a motor vehicle manufacturer or distributor for failing to offer the right of first refusal or make a compensation payment required under the right of first refusal. The remedies for such failure are expanded to include costs of the action that a person licensed under the motor vehicle dealer statutes may recover from a manufacturer or distributor. The act clarifies that a license may be denied, suspended, or revoked for willfully failing to offer the right of first refusal or make a compensation payment required under the right of first refusal.

**APPROVED** by Governor June 10, 2010

**EFFECTIVE** June 10, 2010

**H.B. 10-1049** Motor vehicle - manufacturer - dealers - franchises. A motor vehicle or powersports manufacturer is prohibited from charging a dealer for exporting a motor vehicle unless the manufacturer proves the dealer should have known the vehicle was intended for export. After a manufacturer has terminated a motor vehicle or powersports franchise for any reason other than bad conduct, the manufacturer shall reimburse the dealer for any upgrades required by the manufacturer during the last 5 years and pay the dealer for the lost goodwill if the termination was due to the manufacturer's insolvency.

If the franchise of a motor vehicle or powersports dealer has been terminated by the manufacturer because of the manufacturer's insolvency, the dealer is granted a right of first refusal when the manufacturer awards another franchise in the area. The right lasts for 5 years. A dealer may choose to receive compensation for the investment and the value of the lost dealership as currently required by statute instead of the right of first refusal.

A manufacturer is currently prohibited from operating a motor vehicle dealership unless the manufacturer has no franchised dealers. The exception is narrowed to apply when the manufacturer has no dealers. In addition, manufacturers operating a dealership on January 1, 2009 are grandfathered from the prohibition.

The amount of time during which a manufacturer may audit a motor vehicle or powersports dealer and during which the dealer may make a claim on the manufacturer is lowered from 15 to 9 months, and the record-keeping requirement is lowered from 24 to 15 months.

Judicial execution of the following payments currently required by statute is prohibited:

- The motor vehicle or powersports dealer's cost of unsold motor vehicles, supplies, and parts;
- The fair market value of signs bearing trade names and trademarks required by the motor vehicle or powersports manufacturer;
- The fair market value of special tools and equipment acquired for the motor vehicle or powersports manufacturer;
- The cost of returning the motor vehicles, supplies, parts, signs, tools, and equipment to the motor vehicle or powersports manufacturer;
- The cost of the unexpired lease or the rental value of owned property for a period of up to 12 months; and
- The fair market value of the motor vehicle or powersports dealer's goodwill.

**APPROVED** by Governor March 22, 2010

**EFFECTIVE** March 22, 2010

**H.B. 10-1085** Land surveying - qualifications for licensure - surveyor's affidavit of correction. Effective January 1, 2011, the act adds a set of qualifications under which a person applying for licensure as a professional land surveyor (applicant) by education, experience, and examination may qualify to take the licensure examination. The act also requires the state board of licensure for architects, professional engineers, and professional land surveyors to specify in rule the surveying course work required for such applicants. The act repeals, effective July 1, 2020, the ability for an applicant to qualify for the examination by experience and education.

The act identifies a surveyor's affidavit of correction, which may be used to make

certain minor technical corrections to recorded survey plats or parcel descriptions, and describes the procedure for the creation of a surveyor's affidavit of correction. The act requires a surveyor's affidavit of correction to be prepared instead of a correction plat when a technical error in a plat meets the criteria under which a surveyor's affidavit of correction is required.

The act updates current provisions relating to affidavits that may affect titles of real property and requires court orders that establish corners or boundaries of disputed land boundaries to be filed in the grantor-grantee index of the county or counties in which the land lies.

**APPROVED** by Governor April 15, 2010      **PORTIONS EFFECTIVE** April 15, 2010  
**PORTIONS EFFECTIVE** January 1, 2011

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

**H.B. 10-1099** Alcohol beverages - state fair - sale - consumption. The act authorizes a person who purchases an alcohol beverage at the Colorado state fair to consume and possess the drink anywhere within the state fair.

**APPROVED** by Governor May 27, 2010      **EFFECTIVE** August 11, 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. 10-1114** Money transmitters - agents - regulation - appropriation. The act authorizes the banking board to share information about money transmitters with the United States attorney general. In addition, the act imposes regulations on money transmitter agents, which include the following:

- Requiring the agent to provide the banking board certain business information, which may be shared with law enforcement;
- Requiring the agent and the agent's employees to sign a statement containing a notice of the money laundering laws or to receive training in the money laundering laws, and the agent is required to keep a record that is open to inspection by law enforcement;
- Prohibits a money transmitter from employing an agent who has committed certain crimes related to banking or property;
- Prohibits an agent from employing a person who has committed certain crimes related to banking or property;
- Imposes a class 2 misdemeanor for a violation and a class 1 misdemeanor for subsequent violations;
- Punishes a person who acts as an agent of an unlicensed money transmitter with a class 2 misdemeanor.

The act appropriates 0.5 FTE and \$23,124 from the division of banking cash fund to the division of banking for the implementation of the act.

**APPROVED** by Governor May 5, 2010      **EFFECTIVE** July 1, 2010

**H.B. 10-1128** Division of registrations - supervision of regulated professionals - efficiency measures. This act makes the "Colorado Licensing of Controlled Substances Act" and the sunset law consistent with provisions enacted in Senate Bill 09-128, enacted in 2009, that continued the regulation of administration of medication by unlicensed persons.

The act clarifies that moneys collected on behalf of administering entities of professional peer review programs do not constitute "state fiscal year spending" for purposes of section 20 of article X of the state constitution.

The act clarifies the exemptions to the dental practice act by providing that dental students and residents practicing dentistry while in dental school are exempt from the dental practice act. The exemption for foreign-trained dentists teaching at a dental school because such dentists were granted dental license options in legislation enacted in 2009 was deleted.

The act repeals duplicate regulatory requirements in the "Colorado Medical Practice Act" for the inspection of X-ray equipment and standards for persons using the equipment, thereby allowing the department of public health and environment rules to govern these activities for physicians.

The director of the division of registrations is authorized to take disciplinary action under the "Massage Therapy Practice Act" against persons convicted of unlawful sexual behavior or prostitution-related offenses.

The act deletes special license requirements for out-of-state chiropractors and medical doctors to obtain special temporary licenses to practice at United States olympic committee-sanctioned events and replaces those requirements with an exemption allowing this type of temporary professional practice for no more than 90 days per calendar year. Special license requirements for out-of-state medical doctors to evaluate children as patients of Shriners hospitals for children are repealed and replaced with an exemption allowing this type of temporary professional practice for not more than 90 days per calendar year.

The act repeals the regulatory functions of the division of registrations with respect to athlete agents.

The act decreases the appropriations in the 2010 long appropriation act to the department of regulatory agencies and the department of law by \$35,887 and \$9,799 cash funds, respectively.

**APPROVED** by Governor April 29, 2010

**EFFECTIVE** April 29, 2010

**H.B. 10-1134** Racing - pari-mutuel wagering - out-of-state simulcast facilities. The act defines a "source market fee" as a fee payable by persons outside of Colorado who conduct pari-mutuel wagering on simulcast races and who accept wagers from Colorado residents at out-of-state simulcast facilities. The act also authorizes the licensing and regulation of such persons and facilities, and caps the source market fee at 10% of the gross receipts of all pari-mutuel wagering by Colorado residents conducted by such persons at out-of-state simulcast facilities.

The director of the division of racing events is authorized to negotiate and participate in one or more interstate compacts governing horse and greyhound racing, if so directed by

the Colorado racing commission. Unused moneys from the Colorado horse breeders' and owners' awards and supplemental purse fund will be paid out as fees for participation in such an interstate compact.

**APPROVED** by Governor April 5, 2010

**EFFECTIVE** August 11, 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. 10-1141** Real estate - mortgage companies - registration required - board of mortgage loan originators - creation - powers and duties - continuation under sunset law - appropriation. Mortgage companies are required to register with and be regulated by the division of real estate under the "Mortgage Loan Originator Licensing and Mortgage Company Registration Act". The board of mortgage loan originators is created in the division of real estate. The powers, duties, and functions of the board are set forth, and the powers, duties, and functions of the division of real estate and its director are clarified as part of the department of regulatory agencies. Standards are set for mortgage companies to be registered, including that they be registered on the nationwide mortgage licensing system and registry created pursuant to the federal "Secure and Fair Enforcement for Mortgage Licensing Act of 2008". Grounds for disciplinary action against mortgage companies are specified.

The scheduled sunset date for this regulatory program is delayed from July 1, 2011, to July 1, 2013, pursuant to the provisions of the sunset law.

The act appropriates \$15,782 from the mortgage company and loan originator licensing cash fund to the division of real estate, including \$6,407 to the department of law, for the implementation of the act.

**APPROVED** by Governor May 26, 2010

**EFFECTIVE** August 11, 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. 10-1148** Architects - continuing professional competency requirement - repeal - appropriation. The act repeals the continuing professional competency requirement for an architect to maintain his or her license to practice architecture in the state.

To reflect reduced state expenditures resulting from the elimination of the continuing professional competency requirement, the act adjusts the 2010 general appropriation act (HB10-1376) by decreasing the appropriation to the department of law by \$11,307, which amount is received from the department of regulatory agencies in funds reappropriated from the division of registrations cash fund.

**APPROVED** by Governor April 5, 2010

**EFFECTIVE** August 11, 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. 10-1170** Alcohol beverages - sale or provision to luxury box occupants. The act permits the sale or provision of alcohol beverages in sealed containers to adult occupants of luxury boxes located in stadiums, arenas, and similar sports and entertainment venues with a seating capacity of at least 1,500 seats. Occupants are not permitted to leave the luxury box with an alcohol beverage in a sealed container.

**APPROVED** by Governor April 12, 2010

**EFFECTIVE** April 12, 2010

**H.B. 10-1175** Licensure, certification, and registration by endorsement - demonstration of continued competency as an alternative to work or practice. For occupations and professions regulated by the department of regulatory agencies (department) that require a period of work or practice in the regulated occupation or profession prior to the issuance of a certification, registration, or license by endorsement, the act allows an applicant to demonstrate competency in his or her particular field as determined by the director of the division of registrations or the applicable regulatory board. The act specifically allows the demonstration of competency for chiropractors, dentists, dental hygienists, optometrists, nursing home administrators, and physical therapists.

**APPROVED** by Governor March 29, 2010

**EFFECTIVE** July 1, 2011

**H.B. 10-1204** Plumbing - code - conservation requirement. The act requires the plumbing code adopted by the examining board of plumbers in the department of regulatory agencies to include a standard for conservation, defined as efficiency measures that meet national guidelines and standards and are tested and approved by a nationally recognized testing laboratory, including water-efficient devices and fixtures and the use of locally produced materials when practicable.

**APPROVED** by Governor April 5, 2010

**EFFECTIVE** August 11, 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. 10-1216** Pharmacists - off-premise immunizations and vaccines. The act permits a prescription drug outlet to allow a pharmacist to take immunizations and vaccines off the premises for administration to a patient.

**APPROVED** by Governor April 15, 2010

**EFFECTIVE** August 11, 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. 10-1222** Collection agencies - local office requirement - notice. The act continues indefinitely the requirement that a collection agency maintain an office in Colorado, adding the requirements that the office accept a payment and the collection agency notify consumers of the office's phone number and address.

**APPROVED** by Governor May 6, 2010

**EFFECTIVE** July 1, 2010

**H.B. 10-1224** Podiatrists - continuation of regulation - expansion of practice - liability insurance - licensure qualification - creation of volunteer and training licenses - repeal - appropriation. The act extends the Colorado board (board) of podiatry until July 1, 2019. It also amends the definition of the "practice of podiatry" to clarify that podiatrists may treat the soft tissue below the mid-calf.

A podiatrist licensed after July 1, 2010, may perform ankle surgery without certification by the American board of podiatric surgery if he or she has completed a 3-year residency program or is certified in reconstructive rearfoot/ankle surgery or foot and ankle surgery by the American board of podiatric surgery. A podiatrist licensed after July 1, 2010, who is supervising a licensed podiatrist who does not have the certification must have the rearfoot/ankle surgery or foot and ankle certification.

The required minimum levels of liability insurance for podiatrists who perform surgical procedures are increased from \$500,000 per claim to \$1,000,000 per claim and from \$1,500,000 per year for all claims to \$3,000,000 per year for all claims. The act also requires a podiatry training license for persons in an approved podiatry residency program.

The act prohibits the public member of the board from being a licensed health care professional or from being employed in or benefitting financially from the health care industry. It also repeals the office of secretary from the board and updates the operation of the board to reflect current practice.

Licensure qualifications are amended to require the completion of one year of an approved residency program and to allow the board to promulgate rules to define an approved residency. An applicant for initial licensure is required to demonstrate that, during the 2 years immediately preceding the date the application is received by the board, he or she was enrolled in a medical school or residency program, passed the national examination, was engaged in the active practice of podiatry, or can otherwise demonstrate competency.

Fees are no longer statutorily specified for the podiatry examination and the administration of the examination by the board.

The definition of "unprofessional conduct" is clarified regarding the excessive use or abuse of alcohol or controlled substances. A 30-day period in which a licensee shall report to the board any adverse actions taken against the licensee and the failure to respond to a complaint made to the board are added to the definition of "unprofessional conduct".

A volunteer podiatrist license is added as an alternative to the regular license for those who no longer earn income from the practice of podiatry, and a podiatry training license is also created for persons in a podiatry residency program in Colorado.

An applicant for licensure by endorsement is required to demonstrate that, in the previous 2 years, he or she has been actively engaged in the practice of podiatry or otherwise demonstrates competency.

The board is authorized to impose a fine of not more than \$5,000 for a violation of the practice act. The time period for a podiatrist who is the subject of a complaint to respond is changed from 20 to 30 days. The board is also authorized to suspend the license of a podiatrist for the failure to comply with a condition imposed by the board.

The existing exemption to the practice act for surgeons commissioned to serve in the United States Army, Navy, or Marines is broadened to cover the United States armed forces. The role of the physician assistant issuing prescription drugs under the supervision of a podiatrist is clarified.

The act appropriates \$3,149 from the division of registrations cash fund to the department of regulatory agencies for the implementation of the act and \$2,261 to the department of law for the provision of legal services.

**APPROVED** by Governor June 10, 2010

**EFFECTIVE** July 1, 2010

**H.B. 10-1225** Electricians - state electrical board - administration - continuation under the provisions sunset law. The act implements the recommendations of the department of regulatory agencies in its sunset review of the functions of the state electrical board (board), which include the following recommendations:

- Continues the board until 2019;
- Confers enforcement authority on the board concerning local governmental compliance with the state electrical code. Current law allows work to continue if the inspection is not performed within 5 days after a request, the act repeals that authorization for work to continue without an inspection;
- Authorizes the board to suspend the license of, issue a letter of admonition to, place on probation, or issue a citation to a contractor's designated master electrician;
- Repeals authorization for a homeowner to alter electrical work without having a license;
- Allows the board to meet annually rather than monthly;
- Replaces one of the board seats allotted to a utility with a lay representative of the public;
- Prohibits a person from using the title of master electrician, journeyman electrician, or residential wireman without a license; and
- Replaces the size and valuation criteria for setting fees with an actual cost of inspection criteria set administratively.

In addition, state and local inspectors are authorized to enforce any provision of the statutes concerning the regulation of electricians or electrical work. Administrative procedures for discipline are also clarified.

**APPROVED** by Governor May 5, 2010

**EFFECTIVE** July 1, 2010

**H.B. 10-1236** Accountants - administration - discipline - education - title protection. The act implements the recommendations of the department of regulatory agencies in its sunset review of the functions of the state board of accountancy, which include the following recommendations:

- Recommendation 1 continues the state board of accountancy (board) and the regulation of certified public accountants and firms until 2019.
- Recommendation 2 requires 150 hours of education for a certified public

- accountant (CPA) to be licensed after June 30, 2015.
- Current law allows a CPA candidate to substitute additional education for a year of experience working for a CPA. Recommendation 3 repeals the additional education allowance in lieu of experience pathway to obtain a license.
- Recommendation 4 expands the scope of acceptable experience required for licensure as a CPA.
- Recommendation 5 clarifies that any disciplinary action taken by another state, foreign, or federal agency may serve as grounds for discipline by the board.
- Recommendation 6 clarifies that disciplinary actions taken by the public company accounting oversight board, created by the federal "Sarbanes-Oxley Act of 2002", may serve as grounds for discipline by the board.
- Recommendation 7 expands the board's disciplinary authority over registered firms to include the denial of or refusal to renew a registration, imposition of a fine, issuance of a letter of admonition, or placing the registrant on probation.
- Recommendation 8 increases the board's fining authority from \$1,000 to \$5,000 against licensed CPAs and adds the authority to fine registrants up to \$10,000.
- Recommendation 9 repeals the board's authority to issue a censure.
- Recommendation 10 clarifies the requirements for using the titles "certified public accountant", "C.P.A.", "certified public accountants", or "C.P.A.s" in its name. It also specifies additional title protection requirements.
- Recommendation 11 clarifies that a candidate for licensure must pass the uniform CPA examination, in addition to other requirements.

In addition, the act requires a firm or individual that practices certified public accounting to comply with a peer review process created by the state board of accountancy.

**APPROVED** by Governor April 21, 2010

**EFFECTIVE** July 1, 2010

**H.B. 10-1241** Sprinkler fitters - installation of fire suppression systems - registration required - sprinkler fitter apprentice program - appropriation. The act prohibits a person from acting or advertising as a sprinkler fitter unless the person has registered with the state fire suppression administrator. In order to register, a person shall pay a fee and demonstrate that he or she has successfully completed a sprinkler fitter apprenticeship program, complete an application for reciprocity, perform at least 8,000 hours of documented practical work experience on fire suppression systems, or otherwise demonstrate competency as a sprinkler fitter as determined by the administrator.

The act defines a sprinkler fitter to include a person who installs fire suppression systems and to exclude persons who perform maintenance and repair on fire suppression systems as a part of their employment, who perform work exclusively on cross-connection control devices, who work on their own homes, and who perform work exclusively on an underground system.

Sprinkler fitters must complete continuing education, annually renew their registration, and complete a revised examination in the years that the fire and building codes are revised.

The act appropriates \$15,000 from the fire suppression cash fund to the department of public safety, office of preparedness, security, and fire safety for the implementation of the act.

**APPROVED** by Governor June 7, 2010

**EFFECTIVE** July 1, 2011

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

**H.B. 10-1244** Physicians - professional service corporations - heir of deceased shareholder - right to become a shareholder. The act allows an heir of a person licensed to practice medicine who is a shareholder in a professional service corporation to become a shareholder of the corporation for up to 2 years if the physician shareholder dies, regardless of whether the heir has a license to practice medicine. The act specifies that when the heir ceases to be a shareholder, provision is made for the shares to be reacquired by the corporation or by a person actively practicing medicine in the offices of the corporation. The act makes the heir a nonvoting shareholder unless the deceased shareholder was the only shareholder of the corporation.

**APPROVED** by Governor May 10, 2010

**EFFECTIVE** August 11, 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. 10-1245** State boxing commission - continuation under sunset law - administration. The act implements the recommendations of the department of regulatory agencies in its sunset review of the functions of the Colorado state boxing commission (commission) as follows:

- Continues the commission and the office of boxing (office) until 2017;
- Clarifies that mixed martial arts is regulated by the commission and repeals a requirement that the department of regulatory agencies adopt standards that allow amateur tough person fighting;
- Changes the requirement for the commission to meet at least quarterly and substitutes an annual meeting;
- Repeals the requirements that the director of the office confer with the commission at least monthly and that the executive director of the department of regulatory agencies appoint and supervise the director of the office, and transfers these duties to the director of the division of registrations;
- Transfers the commission's authority to establish and collect licensing fees and surcharges to the director of the division of registrations and credits fines to the state's general fund rather than the division of registrations cash fund;
- Transfers enforcement authority from the commission to the director of the office, repeals authorization for the commission to maintain a membership in the association of boxing commissions and for the director of the office to attend the association's annual convention, and repeals authorization for the commission to subscribe to the record-keeping database provider approved by the association of boxing commissions.

The act also clarifies the procedures and findings necessary to discipline a licensee.

**APPROVED** by Governor April 15, 2010

**EFFECTIVE** July 1, 2010

**H.B. 10-1260** Board of medical examiners - continuation and renaming of Colorado medical board - regulation of EMTs - medical board membership, duties, and powers - licenses issued by medical board. The act implements the recommendations of the department of regulatory agencies in its sunset review of the Colorado state board of medical examiners by amending the "Colorado Medical Practice Act" in numerous respects.

The Colorado state board of medical examiners and its functions are continued for 9 years, until July 1, 2019. The board is renamed the "Colorado medical board" (medical board).

The system of professional review committees that review and evaluate the quality and appropriateness of patient care provided by licensed physicians in this state, which is not currently reviewed through the sunset review process, is scheduled for a sunset review and repeal on July 1, 2012.

The functions of the medical board regarding the regulation of emergency medical technicians (EMTs) are modified to:

- Transfer regulatory authority pertaining to the duties and functions of (EMTs) from the medical board to a newly created advisory council within the Colorado department of public health and environment (department), effective January 1, 2011;
- Create the emergency medical practice advisory council (advisory council) to advise the department regarding the appropriate scope of practice for EMTs and make recommendations to the executive director of the department or the chief medical officer, as appropriate, regarding the adoption of rules for the regulation of EMTs and their duties and functions;
- Set forth the membership of the advisory council, with 8 voting members appointed by the governor, including physician emergency medical service medical directors from rural and urban counties; EMTs certified at advanced life support and basic life support levels; one voting member appointed by the executive director who serves on the state emergency medical and trauma services advisory council; and 2 ex officio members appointed by the executive director;
- Clarify that the rendering of services by certified EMTs that are consistent with EMT functions and duties, as defined by rules adopted by the executive director or chief medical officer, with advice from the advisory council, does not constitute the practice of medicine;

The structure and functions of the medical board are modified to:

- Eliminate the 5-year residency requirement for prospective members of the medical board;
- Repeal the statutory requirement that the governor, when making appointments to the medical board, consult with professional associations for physicians and osteopathic physicians;
- Eliminate the notice and hearing requirement when the governor removes a

- member of the medical board;
- Repeal the office of the secretary on the medical board;
- Increase the size of the medical board by 3 members;
- Add a licensed physician assistant to the medical board;
- Create a licensing panel within the medical board to address issues pertaining to the licensing of physicians and the unlicensed practice of medicine;
- Repeal outdated provisions regarding the procedures and duties of the medical board;
- Protect from subpoena, discovery, and admissibility in court the records of the medical board related to a complaint filed against a physician or physician assistant;
- Clarify that the director of the division of registrations has a continuing obligation and authority to ensure that the rules of the medical board and the state board of nursing pertaining to the prescriptive authority of advanced practice nurses and collaboration with physicians are and remain complementary.

The provisions pertaining to the types of licenses issued by the medical board and the eligibility or need for a particular type of license are modified to:

- Repeal the existing limited license that is available only to physicians providing pro bono services to pediatric patients of Shriners hospital and replace the limited license with a broader pro bono license that would allow physicians, who are either licensed in Colorado but ceasing their regular practice or are licensed in another jurisdiction, to provide medical services in this state free of charge. A physician seeking a pro bono license is required to provide the medical board with proof of qualifications, and the physician is subject to regulatory oversight by the medical board. Additionally, a physician practicing under a pro bono license still needs to maintain professional liability coverage.
- Create a new type of license, referred to as a "reentry license", for physicians and physician assistants who have not actively engaged in their respective practices for 2 years or have not maintained continued competency during that period. The reentry license allows a physician or physician assistant to engage in the practice after an assessment of his or her competency and areas of needed improvement, participation in an educational program specifically geared to that person's needs, and supervision of his or her practice, as necessary.
- Streamline the process for issuing a license by endorsement to a physician who holds a current, valid license from another jurisdiction by allowing the medical board to rely on the verification of the applicant that he or she has actively practiced medicine in the other jurisdiction for 5 of the last 7 years or has otherwise maintained competency and the submission of proof satisfactory to the medical board that the applicant has not been subject to final or pending disciplinary action in another jurisdiction.
- Impose a 2-year waiting period for application for a license to practice medicine or as a physician assistant for a physician, physician assistant, or other health care professional whose license has been revoked or who has surrendered his or her license to avoid discipline.
- Create a separate and distinct license for physician assistants while maintaining the same qualifications and licensing requirements for physician assistants.

- Relocate provisions concerning distinguished foreign teaching physician licenses and temporary licenses to separate and distinct sections in the "Colorado Medical Practice Act".

The medical board is authorized to annually adjust the fee that is assessed upon physician and physician assistant license and renewal applicants and used to fund the physicians' and physician assistants' peer health assistance program to reflect not only the rate of inflation, but also the overall utilization of the program. The board is further authorized to assess different fee amounts to physicians and physician assistants based on the program utilization rates by practice type.

The "Colorado Medical Practice Act" is updated to:

- Eliminate from the definition of "practice of medicine" the requirement that the physician be compensated;
- Move the definition of "telemedicine" to a new statutory definitions section created in the act;
- Clarify the conditions under which a physician licensed in another state may engage in the occasional practice of medicine in Colorado without first obtaining a Colorado license;
- Allow a physician lawfully practicing in another state or territory to provide medical services to athletes of team personnel registered to train at, or at an event sanctioned by, the United States olympic training center without having to obtain a Colorado license;
- Allow physicians to supervise up to 4 physician assistants, rather than 2;
- Eliminate the requirement that a physician supervising a physician assistant in an acute care hospital setting review the medical services rendered by the physician assistant, as reflected in the medical records, every 2 working days;
- Create a new definition section in the act to which defined terms throughout the act are relocated.

With regard to the medical board's authority to supervise and discipline licensees, the "Colorado Medical Practice Act" is amended to:

- Allow a physician or physician assistant who suffers from a physical or mental illness or disability that limits his or her ability to practice to enter into a confidential agreement with the medical board whereby the licensee agrees to limit his or her practice in a manner consistent with the limitations of the disability. The licensee is obligated to inform the medical board when he or she suffers from such an illness or disability, and failure to so inform the board, to act within his or her limitations based on the illness or disability, or to comply with the terms of the confidential agreement constitutes unprofessional conduct subject to discipline by the medical board.
- Require a licensee to report to the medical board any adverse action taken against him or her within 30 days of the action, and makes failure to so report unprofessional conduct subject to discipline.
- Restate the grounds for disciplining a licensee on the basis of alcohol or drug abuse to specify that the use or abuse of alcohol or drugs must be habitual or excessive.
- Expand the medical board's authority to impose fines by eliminating the requirement that fines may only be imposed in lieu of license suspension, and reduce the maximum amount of such fines from \$10,000 per violation to



- \$5,000 per violation.
- Consolidate provisions concerning unauthorized practice under the act and clarify that physician assistants are also subject to penalties for engaging in the unauthorized practice as a physician assistant.

The following requirements are imposed on licensees:

- The minimum level of professional liability coverage that physicians are required to maintain is increased from \$500,000 per incident to \$1 million per incident, and from \$1.5 million annual aggregate per year to \$3 million annual aggregate per year.
- Physicians and physician assistants are to make arrangements for the safekeeping of patient medical records in their custody if the physician or physician assistant ceases practice. Each physician and physician assistant is required to develop a plan detailing these arrangements, certify to the medical board that he or she has developed the plan, and notify patients as to how to access their records if the physician or physician assistant is unavailable to provide the records.
- The time period for which physicians must report their licensing histories is limited to the prior 10 years.

Physician assistants are allowed to be shareholders in a professional service corporation formed by licensed physicians for the practice of medicine.

To implement the act, the following amounts are appropriated:

- \$29,686 from the division of registrations cash fund to the division of registrations in the department of regulatory agencies for the implementation of the act, and, of such sum, reappropriates \$16,584 and 0.1 FTE to the department of law for the provision of legal services;
- \$68,657 and 0.9 FTE from the emergency medical services account in the highway users tax fund to the health facilities and emergency medical services division in the department of public health and environment for the implementation of the act, and, of such sum, reappropriates \$678 to the department of law for the provision of legal services.

**APPROVED** by Governor June 10, 2010

**EFFECTIVE** July 1, 2010

**NOTE:** Certain sections of the act are contingent on Senate Bill 10-124, House Bill 10-1224, and House Bill 10-1128 being enacted and becoming law. House Bill 10-1128 was signed by the governor April 24, 2010; Senate Bill 10-124 was signed by the governor June 10, 2010; House Bill 1224 was signed by the governor June 10, 2010.

**H.B. 10-1288** Real estate brokers - commercial real estate - commission for procuring tenant on behalf of owner - lien to enforce payment - conditions - procedure. Existing law allows architects, building contractors, auto mechanics, and others to enforce debts through creation of a lien on real or personal property. The act extends this enforcement mechanism to real estate brokers who procure tenants for commercial real estate under a written agreement giving the broker a right to compensation.

The act places conditions on the real estate broker's right to the lien, including an obligation to seek mediation of the dispute; to give notice of the intent to pursue enforcement of the debt through the lien process, both before and after recording the notice of lien; and to commence a lawsuit within 6 months if the debt is not paid. The act makes it an affirmative defense that the owner has paid any compensation owed to the listing broker in an amount sufficient to satisfy the contractual and legal obligations of the owner, including compensation to the tenant's broker.

The act applies to cases in which a written agreement is entered into on or after the applicable effective date of the act.

**APPROVED** by Governor April 29, 2010

**EFFECTIVE** August 11, 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. 10-1415** Surgical assistants and surgical technologists - registration - employer verification - disciplinary authority of director of division of registrations - repeal under sunset law - appropriation. Effective April 1, 2011, surgical assistants and surgical technologists will have to pay a fee to, and register with, the director of the division of registrations in the department of regulatory agencies. The director will then create a database of registered surgical assistants and surgical technologists. Employers of surgical assistants and surgical technologists will be required to check the database before allowing a surgical assistant or surgical technologist to perform his or her duties and to notify the director of conduct that may violate the act. Such employers will have limited immunity for providing job references to other prospective employers. The director will have standard disciplinary authority, and the new provisions will repeal on September 1, 2016, subject to the sunset review law.

The act appropriates \$43,414 and 0.4 FTE from the division of registrations cash fund for implementation of the act, of which \$3,769 is reappropriated to the department of law.

**APPROVED** by Governor June 5, 2010

**EFFECTIVE** August 11, 2010

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

## PROPERTY

**S.B. 10-156** Mobile homes - Mobile Home Park Act - eviction notice period - period to move a mobile home following a court order - right to peaceably assemble - landlord remedies - water and sewer service - change of uses notification - attorney fees - access to utility infrastructure. The act makes several changes to the "Mobile Home Park Act". Specifically, the act:

- Adds manufactured homes to the definition of mobile homes;
- Increases the notice period for eviction from 30 days to 60 days, unless there is a substantial violation necessitating an immediate eviction;
- Requires a mobile home park owner to notify the mobile home owners in writing within 17 days of receipt of notice of condemnation;
- Requires any notice of termination to include a statement advising the tenant of the tenant's right to mediation. Extends the deadline for a tenant to move a mobile home to up to 30 days after entry of judgment if the tenant prepays all back rent owed and prorate rent that will be incurred.
- Specifies mobile home owners' right to peaceably assemble in the mobile home park;
- Clarifies that a landlord may be entitled to a money judgment as calculated by the court following a forcible entry and detainer action;
- Specifies a landlord's duty to ensure that mobile home owners receive water and sewer service;
- Requires a landlord to notify the municipality as well as the home owners of any intent to change the use of the mobile home park;
- Requires the award of reasonable attorney fees to a successful home owner in a private civil action;
- Requires a landlord to grant county or municipal employees access to the park for the purposes of investigating and studying the utility infrastructure in circumstances when the health or safety of park residents is in danger.

**APPROVED** by Governor June 5, 2010

**EFFECTIVE** July 1, 2010

**H.B. 10-1017** Rent control statute - exception for voluntary agreements between governmental entity and property owner - exception for deed restrictions arising out of voluntary agreements - effect on permit applications. Current law prohibits counties and municipalities from enacting any ordinance or resolution that would control rent on private residential property (rent control statute). The act clarifies that the rent control statute applies to either private residential property or private residential housing units.

For purposes of the rent control statute, an ordinance or resolution that would control rent on either private residential property or a private residential housing unit shall not include:

- A voluntary agreement between a county or municipality and a permit applicant or property owner to limit rent on the property or unit or that is otherwise designed to provide affordable housing stock; or
- The placement on the title to the unit of a deed restriction that limits rent on the property or unit or that is otherwise designed to provide affordable housing stock pursuant to a voluntary agreement between a county or municipality and a permit applicant or property owner to place the deed

restriction on the title.

An agreement authorized under the terms of the act may further specify how long either private residential property or a private residential housing unit is subject to its terms, whether a subsequent property owner is subject to the agreement, and remedies for early termination agreed to by both the permit applicant or property owner and the county or municipality.

A county or municipality may not deny an application for a development permit because an applicant for such a permit declines to enter into an agreement to limit rent on either private residential property or a private residential housing unit.

**APPROVED** by Governor May 6, 2010

**EFFECTIVE** August 11, 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. 10-1240** Foreclosure process - residential properties - deferment period - correction of erroneous notice. Current law allows a 90-day foreclosure deferment period for eligible borrowers and requires that a notice of such opportunity be posted on the eligible borrower's property. If the public trustee is incorrectly notified that a property is eligible for such a posting, the act establishes ways to correct such notice.

Current law requires the public trustee to hold a hearing before foreclosing on a property. The act requires a notice to be posted at least 15 days before the hearing on the property subject to the sale, and clarifies that the notice of opportunity for foreclosure deferment may not be posted prior to the date the public trustee determines that the documents filed for the commencement of the foreclosure are complete and accurate. The act also requires that the notice of opportunity for foreclosure deferment include a telephone number for the holder and, if applicable, the attorney for the holder and the public trustee foreclosure number. The act also gives general rule-making authority to the division of housing in the department of local affairs related to the deferment process.

The act requires a foreclosure counselor to inform the holder if an eligible borrower who qualifies for a foreclosure deferment chooses not to participate. It also prohibits an eligible borrower from qualifying for a foreclosure deferment if the borrower has transferred title to the property to another party.

**APPROVED** by Governor May 5, 2010

**EFFECTIVE** May 5, 2010

**H.B. 10-1249** Residential real property - public trustee - abandoned homes - court order - expedited foreclosure sales. Currently, the initial foreclosure sale date for residential real property by a public trustee is set between 110 and 125 calendar days after the recording of the notice of election and demand (notice). For a 3-year period, an eligible holder of an evidence of debt (holder) may elect to have an expedited sale of residential property, which will occur between 45 and 65 calendar days after the recording of the notice.

In order for the expedited sale to be conducted, a court must issue an order for expedited sale (order), and a copy of the order must be filed with the public trustee. The court shall only issue an order if clear and convincing evidence is presented proving that the

property has been abandoned or that the grantor of the deed of trust requests the order for expedited sale. An affidavit that meets certain criteria is prima facie evidence of abandonment.

If an expedited sale is set, the following changes apply to the public trustees' foreclosure process:

- Replaces the original mailing list with an expedited mailing list, which is filed later and includes all persons on an amended mailing list;
- Eliminates notice related to a foreclosure deferment;
- Eliminates the first mailing of the combined notice;
- Requires the second mailing of the combined notice to be sent earlier;
- Establishes a deadline for delivering an amended mailing list;
- Requires a copy of a section of the expedited sale law to be mailed with the combined notice;
- Reduces the publication of the combined notice to 4 times and requires the publication to be completed more than 5 business days prior to the sale; and
- Limits a holder's ability to request a continuance of the expedited sale.

**APPROVED** by Governor April 29, 2010

**EFFECTIVE** April 29, 2010

**H.B. 10-1278** Common interest communities - HOA information and resource center - creation - annual registration fee - sunset review - appropriation. Current law provides for the creation of common interest communities (usually residential subdivisions), governed by unit owners' associations (HOAs). Such entities are created by contract, through recorded documents containing mutually binding covenants that homeowners and HOAs must enforce, if at all, through private legal action. There is no state agency supervising the operation of HOAs or enforcing compliance by either individual homeowners or HOAs with the requirements of state law.

The act creates the HOA information and resource center, under the direction of an HOA information officer, to act as a clearing house for information on the law governing HOAs, to track inquiries and complaints, and to report annually to the director of the division of real estate (director) regarding the number and type of inquiries and complaints received. All HOAs will be required to register annually, and HOAs that have annual revenues over \$5,000 or have revenue and are authorized to make assessments will be required to pay a fee of up to \$50 defray the center's operating costs. An HOA that fails to register and pay the annual fee is not eligible to pursue a lien for assessments or otherwise enforce its rights and remedies under the "Colorado Common Interest Ownership Act". The act makes the director's determinations with regard to registration and fees appealable in the same manner as other administrative determinations.

The act also:

- Outlines the information officer's powers, duties, and qualifications;
- Creates a cash fund for use by the director to receive registration fees and pay expenses;
- Provides for sunset review of the HOA information and resource center after 10 years; and
- Appropriates \$205,828 and 2.0 FTE to the division of real estate, of which

\$15,679 and 0.1 FTE are reappropriated to the department of law for legal services.

**APPROVED** by Governor June 7, 2010

**EFFECTIVE** January 1, 2011

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

**H.B. 10-1358** Home builders - water efficiency options. Effective January 1, 2011, the act requires every person that builds a new single-family detached residence for which a buyer is under contract to offer the buyer the opportunity to select one or more of the following water-smart home options for the residence:

- Installation of water-efficient toilets, lavatory faucets, and showerheads;
- If dishwashers or clothes washers are financed, installed, or sold as upgrades through the home builder, the model selected must be qualified pursuant to the federal environmental protection agency's energy star program at the time of offering;
- If front yard landscaping is financed, installed, or sold as upgrades through the home builder and will be maintained by the home owner, the home builder must offer a landscape design that follows specified best management practices to ensure both the professional design and installation of such landscaping and that water conservation will be accomplished, including xeriscaping; water budgeting; landscape design; landscape installation and erosion control; soil amendment and ground preparation; tree placement and planting; irrigation design, installation, technology, and scheduling; and mulching; and
- Installation of a pressure-reducing valve that limits static service pressure in the residence to a maximum of 60 pounds per square inch.

**APPROVED** by Governor June 9, 2010

**EFFECTIVE** January 1, 2011

**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. 10-177** Biomass - taxation - electric generation - renewable energy standard. The act exempts forestry equipment from property taxes, effective July 1, 2013. Biomass energy facilities will be valued for the purpose of property taxation in the same manner in which wind or solar energy facilities are valued.

The public utilities commission (PUC) may consider electric utilities' acquisition of generation capacity from the combustion of woody biomass, biosolids derived from the treatment of wastewater, and municipal solid waste.

For purposes of renewable energy credits in the renewable energy standard:

- The PUC may not restrict a qualifying retail utility's ownership of the credits if the qualifying retail utility uses the statutory definitions of eligible energy resources, as clarified by the PUC; and
- Once a qualifying retail utility receives an air or water quality permit for a facility or enters into a contract that relies on or is affected by the definitions of eligible energy resources, those definitions apply to the contract or facility notwithstanding any subsequent alteration of the definitions, whether by statute or rule.

**APPROVED** by Governor June 9, 2010

**EFFECTIVE** August 11, 2010

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

**S.B. 10-180** Electric utilities - transmission and distribution facilities - smart grid technology - task force - study - report. The act creates an 11-member Colorado smart grid task force to gather information and report to the governor, general assembly, and Colorado public utilities commission on issues related to the implementation of a smart energy grid in Colorado. The task force's initial report is due by January 20, 2011, and the task force is directed to meet periodically to update the information in the report. The act provides for funding of the task force's activities through gifts, grants, donations, and an anticipated \$20,000 in federal stimulus funds and contains a 5-year sunset provision.

**APPROVED** by Governor June 11, 2010

**EFFECTIVE** June 11, 2010

**H.B. 10-1001** Electricity - renewable energy resources - portfolio standard - increase in percentage - incentives - standards for solar installations - regulation by public utilities commission - appropriation. Existing law creates a renewable energy portfolio standard (RPS) under which certain electric utilities are required to generate an increasing percentage of their electricity from renewable sources, in a series of increments from 3% in 2007 to 20% in 2020 and thereafter. The act boosts these RPS percentages to achieve 30% renewable generation by 2020 and requires a portion of the RPS to be met through a subset of renewable generation, "distributed generation" (DG).

The act defines terms, increases the RPS percentages, and, within each RPS percentage, requires an increasing portion to be derived from DG (which includes customer-sited solar generation), of which half must represent retail DG acquisitions. The

Colorado public utilities commission (PUC) may reduce the DG percentages after 2014, upon application by a utility, if it finds that the existing percentage requirements are no longer in the public interest and, if the PUC finds that an increase is in the public interest, directs the PUC to so notify the general assembly. The existing 1.25 multiplier for in-state renewable electric generation, as applied to DG, is limited to wholesale DG only.

The PUC is given discretion to incrementally reduce the existing standard rebate offer (which utilities must pay as an incentive for new customer-sited renewable generation facilities such as rooftop solar panels) from \$2 per watt to some lesser amount if the PUC finds that market changes support the change.

For large DG facilities of one megawatt or more, the PUC is directed to require registration with a regional system for tracking renewable energy generation. The act also:

- Allows a utility, upon approval by the PUC, to advance funds from year to year for the acquisition of renewable energy resources so long as it does not exceed the existing 2% retail rate cap;
- Directs the PUC to ensure that, as between residential and nonresidential DG acquisitions, a utility allocates its expenditures according to the proportion of its revenues derived from each;
- Increases the threshold at which a utility may negotiate purchases of renewable energy credits (RECs) from individual customers from 100 kW to 500 kW (this is a correction to conform to changes made in 2009 legislation);
- Allows the commission to determine a reasonable retail rate that solar program participants should continue to pay into the renewable energy standard adjustment; and
- Creates a rebuttable presumption of prudence for actions taken by a utility under an approved compliance plan.

Effective January 1, 2012, new photovoltaic (PV) installations must be funded wholly or partly through ratepayer incentives and rebates must be installed by licensed electricians or apprentices, where appropriate, and supervised by persons who are certified by the North American board of certified energy practitioners (NABCEP) or another nationally recognized organization designated by the state electrical board. Depending on whether the PV system has a direct current design capacity of 500 kW or more, the act specifies the stages of construction at which at least one of every 4 workers present must be a licensed electrician, registered electrical apprentice, or NABCEP-certified energy practitioner.

The PUC is directed to consider employment and economic factors when evaluating proposed new electric generation resource acquisitions by utilities, including the use of "best value" employment metrics such as the availability of training programs and the wages, health benefits, and pensions that workers will earn.

Any committee formed by executive order for the purpose of studying the desirability of regulating solar installers is expressly authorized to submit a request for sunrise review by the department of regulatory agencies under the state's sunrise law.

For PV projects funded by federal or state grants or by clean energy loans made through the state's clean energy finance program, the licensing and NABCEP requirements apply beginning July 1, 2011.

The act appropriates \$51,440 and 0.5 FTE to the department of regulatory agencies,



for allocation to the PUC, for the implementation of this act.

**APPROVED** by Governor March 22, 2010

**EFFECTIVE** August 11, 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. 10-1098** Cooperative electric associations - governance - board of directors - elections - meetings - notices. Existing law allows cooperative electric associations (associations) to exempt themselves from regulation by the public utilities commission and become self-governing, under the control of a board of directors (board) elected by member-consumers (members). Current provisions concerning board meetings, notices, elections, and conflicts of interest lack specificity in some areas.

The act gives members the right to address the board about issues to be decided by the board at meetings, subject to reasonable, viewpoint-neutral restrictions on the amount and duration of public comment. It also requires the posting of meeting minutes on the association's web site. Notice of board meetings must be posted on the web site at least 10 days in advance for regular meetings and as soon as possible for special meetings.

The association must adopt, and post on its web site, a written policy governing elections of directors and information about how a member may become a candidate for a position on the board. In addition, the date of an election and notice of the ballot mailing deadline for the election must be posted in advance, and candidates for positions on the board must be given equal access to member lists. Board members must supply their contact information for use by members.

The act also requires the order of names on the ballot to be determined randomly, without automatically assigning the top line to the incumbent, and prohibits the association or the board from supporting or opposing a candidate.

Finally, the act states that, in case of any conflict between the provisions governing associations and the general law governing nonprofit corporations, the provisions governing associations will control.

**APPROVED** by Governor June 11, 2010

**EFFECTIVE** August 11, 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. 10-1167** Motor carriers - property carriers - safety and insurance requirements - regulatory authority - jurisdiction of public utilities commission and department of revenue. Recent changes to federal law preempted the state's authority over property carriers by motor vehicle, subject to limited exceptions for safety and insurance requirements. Last year's H.B. 09-1244 curtailed the authority of the public utilities commission over property carriers generally, but did not contain specific provisions for movers and other carriers previously subject to limited or special treatment within the motor vehicle statutes.

The act:

- Makes conforming amendments as required to apply H.B. 09-1244 to these special cases; and
- Grants enforcement authority to the ports of entry within the department of revenue to check for valid insurance.

**APPROVED** by Governor April 15, 2010

**EFFECTIVE** April 15, 2010

**H.B. 10-1276** Railroads - sale of railroad right-of-way for operation of public passenger rail service. Any railroad company may sell its right-of-way for the operation of a public passenger rail service, defined as any passenger service that runs on rails or electromagnetic guideways. The right-of-way shall continue to be used as a public highway only for operation of public passenger rail service if ownership of the right-of-way is transferred to a public passenger rail service provider, regardless of:

- Whether or not an order of abandonment has been issued for the right-of-way by the federal surface transportation board, any successor federal agency, or by any court of competent jurisdiction;
- The technology used to operate the public passenger rail service; or
- Whether ownership of the railroad is public or private.

Nothing in the act shall be construed to affect any vested right of any party.

No rail service provider operating public passenger rail service shall be required to offer its right-of-way for use by any other rail service provider by operation of Colorado law after an order of abandonment has been issued.

**APPROVED** by Governor May 5, 2010

**EFFECTIVE** August 11, 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. 10-1281** Telecommunications - basic local exchange service - partial deregulation - voice-over-internet-protocol service - deregulation - uniformity of rates - appropriation. Under existing law, the Colorado public utilities commission (PUC) may relax the regulation of basic telecommunications services upon a finding that, due to increased competition, market forces will keep prices reasonable and service available to customers. Other services are specifically deregulated by statute.

The act transfers "basic local exchange service" (traditional two-way, land-line voice communication) from the statutory category of fully regulated telecommunications service to the statutory category of partially regulated telecommunications service, subject to potential deregulation by the PUC based on changing market conditions, and adds voice-over-internet-protocol (VoIP) service to the list of services specifically deregulated by statute.

The act also authorizes the PUC to require a provider to charge uniform rates for basic local exchange service throughout the provider's service territory.

The act appropriates \$184,444 and 1.9 FTE from the PUC fixed utility fund to the

PUC, of which amount \$51,258 and 0.4 FTE are reappropriated to the department of law for legal services.

**VETOED** by Governor June 7, 2010

**H.B. 10-1342** Electric utilities - renewable portfolio standard - rebates - credits - eligibility - community solar gardens. Existing law directs the Colorado public utilities commission (PUC) to adopt rules implementing the renewable energy portfolio standards (RPS) for electric utilities, under which increasing amounts of electricity must be generated from renewable sources. The current rules provide for standard rebates for the cost of installation and renewable energy credits (RECs) to promote customer-sited solar generation facilities.

The act directs the PUC to adopt new rules under which standard rebates can apply to solar generation facilities that are beneficially owned by 10 or more customers at a shared location, called a "community solar garden". This will help customers participate in solar generation even though solar facilities on their own properties may not be feasible due to cost, the physical characteristics of their sites, their status as renters, or other factors.

The act amends an existing legislative declaration to state that it is in the public interest to allow renters, low-income utility customers, and agricultural producers to own interests in solar generation facilities, to make interests in solar generation facilities portable and transferable, and to leverage Colorado's solar generating capacity through economies of scale. The act also:

- Defines a community solar garden as an on-site eligible solar electric generation facility with a nameplate rating of 2 megawatts or less and in which subscriptions are owned by 10 or more customers of a qualifying retail utility;
- Limits the size of a subscription to 120% of the average annual electric consumption of each subscriber at the premises to which the subscription is attributed;
- Allows the creation of a community solar garden owned by a subscriber organization, subject to rules adopted by the PUC by October 1, 2010;
- Specifies that, in their first 3 compliance plan years after the effective date of the act, qualifying retail utilities must purchase the lesser of 6 megawatts, or half their total purchases of electricity from community solar gardens, from gardens that are sized at 500 kilowatts or smaller;
- Limits to 20% the amount of renewable energy credits generated from solar gardens that a utility may use toward the retail distributed generation standard in years 2011 through 2013;
- Exempts community solar gardens from the definition of a utility; and
- Specifies that the act does not apply to cooperative electric associations or municipally owned utilities.

**APPROVED** by Governor June 5, 2010

**EFFECTIVE** June 5, 2010

**H.B. 10-1363** Biogenically produced methane - resource acquisitions by electric utilities - clean energy. The act:

- Allows the public utilities commission, in its consideration of generation acquisitions for electric utilities, to give the fullest possible consideration to the

- cost-effective implementation of new energy technologies for the generation of electricity from methane produced biogenically in geologic strata as a result of human intervention; and

● Includes methane produced biogenically in geologic strata that was created as a result of human intervention and that does not involve additional land disturbance within the definition of "clean energy" for purposes of the Colorado clean energy development authority.

Section 1 of the act shall take effect only if House Bill 10-1001 is enacted and becomes law.

**APPROVED** by Governor June 9, 2010

**EFFECTIVE** August 11, 2010

**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 10-1001 was signed by the governor March 22, 2010.

**H.B. 10-1365** Electric utilities - conversion of coal-fired generation - natural gas or other low-emitting resources - cost recovery - appropriation. In order to meet reasonably foreseeable federal "Clean Air Act" requirements to reduce emissions from coal-fired power plants, all rate-regulated utilities that own or operate coal-fired electric generating units must submit to the public utilities commission (PUC) an emission reduction plan for emissions from those units covering the lesser of 900 megawatts or 50% of the utility's coal-fired electric generating units in Colorado. The plans have to give primary consideration to replacing or repowering coal-fired electric generators with natural gas and must also consider other low-emitting resources, including energy efficiency.

The PUC will provide the department of public health and environment (department) an opportunity to comment on the utilities' plans. The department will determine whether the new or repowered electric generating units proposed under the plans will achieve emission rates equivalent to or less than a combined-cycle natural gas generating unit and whether the plans comply with current and reasonably foreseeable requirements of the federal and state clean air laws. The plans are to be implemented by December 31, 2017.

In evaluating the plans, the PUC is to consider the following factors: The pollution reductions to be achieved; the increased use of existing natural gas-fired electric generating capacity; and the plan's effect on economic development, electricity reliability, cost and rate increases, compliance with renewable energy standards, and reliance on energy efficiency or other low-emitting resources. The PUC is to approve, deny, or modify the plans by December 15, 2010. The utilities' actions in complying with the plans are presumed to be prudent actions, the costs of which are recoverable in rates.

The air quality control commission will consider incorporating the emissions reductions derived from the plans into the regional haze element of the state implementation plan. Early reductions of emissions will count as voluntary for purposes of early reduction credits under federal law.

On and after January 1, 2012, the PUC may approve interim rates taking effect no later than 60 days after a rate increase filing. A utility will have to rebate the excess if a final rate is lower than an interim rate.

Up to \$74,115 and 0.6 FTE are appropriated for implementation of the act from the PUC's fixed utility fund.

**APPROVED** by Governor April 19, 2010

**EFFECTIVE** April 19, 2010

**H.B. 10-1418** Renewable energy standard - multiplier for connection to facilities owned by a cooperative electric association or municipally owned utility - community-based projects.  
With regard to the renewable energy portfolio standard, the act:

- Allows each kilowatt-hour of electricity generated from eligible energy resources from a project up to 30 megawatts of nameplate capacity that has a point of interconnection rated at 69 kilovolts or less, and that interconnects to electric transmission or distribution facilities owned by a cooperative electric association or municipally owned utility, to be counted for the life of the project as 2 kilowatt hours. Projects that interconnect after December 31, 2014, or after an aggregate of 100 megawatts of capacity have been claimed may not claim this multiplier.
- Directs the public utilities commission to report to the general assembly's oversight committees regarding implementation of the multiplier;
- Prohibits qualifying retail utilities from claiming the benefit of this new multiplier for any electricity that the qualifying retail utility claims for satisfaction of the distributed generation requirement enacted by House Bill 10-1001; and
- Modifies the definition of a "community-based project" to include a project that is owned by an organization or cooperative that is controlled by individual residents of the community.

**APPROVED** by Governor June 10, 2010

**EFFECTIVE** August 11, 2010

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

## STATUTES

**H.B. 10-1039** Colorado Revised Statutes - enactment of 2009 statutes. This bill enacts the softbound volumes of Colorado Revised Statutes 2009 as the positive and statutory law of the state of Colorado and establishes the effective date of said publication.

**APPROVED** by Governor February 24, 2010

**EFFECTIVE** February 24, 2010

**H.B. 10-1422** Revisor's Bill. The act amends or repeals various statutory provisions that are obsolete, inconsistent, or in conflict with other law, clarifies the language to more accurately reflect the legislative intent of the laws, and reconstructs provisions to follow standard drafting format. The specific reasons for each amendment or repeal are set forth in the appendix to this act.

**APPROVED** by Governor June 10, 2010

**EFFECTIVE** August 11, 2010

**NOTE:** (1) This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

(2) Certain sections of this act are contingent on various other acts becoming law.

## TAXATION

**S.B. 10-19** Property taxation - small or low impact hydroelectric facilities - valuation for purpose of property taxation. The act:

- Requires a new small or low impact hydroelectric energy facility to be valued for the purpose of property taxation in the same manner in which new wind energy facilities and new solar energy facilities are valued for that purpose;
- Defines a small or low impact hydroelectric facility to limit the application of the act to a new facility, which may be an addition or efficiency improvement to an existing facility if it increases the total capacity of the existing and new facility combined by at least 25% over the capacity of the existing facility alone, first placed in production on or after January 1, 2010, that is:
  - A small facility that has a name plate rating of 10 megawatts or less; or
  - A low impact facility that has a nameplate rating of more than 10 megawatts, is an addition to existing water infrastructure, does not change the quantity or timing of diversions or releases for purposes of peak power generation, includes measures to prevent fish mortality in on-stream reservoirs and natural waterways, and does not cause any violation of state water quality standards when operated; or
  - A low impact facility that has a nameplate rating of more than 10 megawatts, is placed into production as part of new water infrastructure constructed on or after January 1, 2010, for primary beneficial uses of water other than solely for production of electricity, includes measures to prevent fish entrainment in reservoirs and natural waterways, and does not cause any violation of state water quality standards when operated.

**APPROVED** by Governor June 8, 2010

**EFFECTIVE** June 8, 2010

**S.B. 10-139** Income tax - voluntary contribution - unwanted horse fund. The act creates the unwanted horse fund (fund) in the state treasury. For the 3 income tax years immediately following the year in which the executive director of the department of revenue (department) files written certification with the revisor of statutes that there are no more than 14 other voluntary contribution lines on the income tax return form for the state income tax year commencing in January of the following year, the act requires a voluntary contribution designation line for the fund to appear on the forms.

If the voluntary contribution line for the fund appears on the state income tax return form, the department must determine annually the total amount designated to the fund and report that amount to the state treasurer and the general assembly. The state treasurer shall credit that amount to the fund.

Finally, the general assembly must appropriate annually from the fund to the department its costs of administering contributions to the fund. All moneys remaining in the fund at the end of a fiscal year shall be transferred to the Colorado unwanted horse alliance, a Colorado nonprofit organization.

**APPROVED** by Governor May 27, 2010

**EFFECTIVE** August 11, 2010

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

**S.B. 10-162 Enterprise zones - designated areas - population - administration - income tax credits - taxpayer pre-certification requirements - data collection.** The population of an enterprise zone shall be calculated using data from the most recent federal decennial census. In addition, the population limitation for an urban enterprise zone is increased to 115,000 people, and the limitation for a rural enterprise zone is increased to 150,000 people.

When evaluating the effectiveness of the "Urban and Rural Enterprise Zone Act" (act), the state auditor is no longer required to use 6 broad economic indicators. Instead, as an indicator of the act's effectiveness, a taxpayer shall follow a pre-certification process if the taxpayer intends to claim an enterprise zone income tax credit pursuant to the act to demonstrate that the act has an impact on the taxpayer's decisions.

On and after January 1, 2012, a taxpayer is required to complete a pre-certification process prior to beginning any activity for which the taxpayer intends to claim an income tax credit pursuant to the act. The department of revenue (department) shall include a section for the pre-certification data on the enterprise zone income tax credit certification forms that the department currently uses.

Each enterprise zone administrator that charges a fee to programs, projects, and organizations that make contributions for the purpose of implementing the economic development plan in an enterprise zone and that have been approved by the Colorado economic development commission (commission) shall create a policy regarding the fees and submit the policy to the commission for approval. The commission shall review each policy submitted by an enterprise zone administrator.

The Colorado office of economic development (office) shall collaborate with the commission and the department to develop the capability to allow taxpayers that intend to claim one or more income tax credits pursuant to the act to submit required information in an electronic format.

For the 2012 income tax year and each income tax year thereafter, a taxpayer that claims an income tax credit pursuant to the act is required to file a state income tax return in an electronic format unless it would cause undue hardship to the taxpayer and to submit a full carryforward schedule to the department along with the taxpayer's income tax return.

The department shall aggregate and report specified data regarding tax credits claimed pursuant to the act and submit the data to the office on an annual basis. The department shall also submit information to the office regarding the actual amount of tax credits claimed pursuant to the act and information regarding tax credits that taxpayers will carry forward. The office shall transmit to the department data regarding income tax credits allowed pursuant to the act that are certified by enterprise zone administrators.

**APPROVED** by Governor June 9, 2010

**EFFECTIVE** January 1, 2012

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

**S.B. 10-172 Income tax - voluntary contribution to the Colorado domestic abuse program fund, the pet overpopulation fund, and the Colorado breast and women's reproductive cancers fund - extension.** The voluntary contribution designation lines on state individual income tax



return forms for the Colorado domestic abuse program fund, the pet overpopulation fund, and the Colorado breast and women's reproductive cancers fund are extended to include income tax years commencing prior to January 1, 2020.

**APPROVED** by Governor April 29, 2010

**EFFECTIVE** August 11, 2010

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

**S.B. 10-186** State warrants for tax refunds - legal effect of warrant not presented for timely payment - abandonment of warrant as unclaimed property- extension of requirements to all taxes imposed by department of revenue. Existing law provides that any warrant from the state representing a refund of income tax imposed that is not presented for payment within 6 months from its date of issuance shall be void. The act expands this requirement to include all taxes imposed or assessed by the department of revenue (department).

In connection with statutory provisions governing unclaimed property, existing law provides that any amount due and payable as a refund of Colorado income tax represented by a warrant that has not been presented for payment within 6 months from the date of issuance of the warrant and that has been forwarded by the department to the state treasurer is presumed abandoned. The act expands this requirement to apply to all taxes imposed or assessed by the department.

**APPROVED** by Governor May 27, 2010

**EFFECTIVE** August 11, 2010

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

**S.B. 10-190** Senior property tax exemption - suspension for 2010 and 2011 property tax years - appropriation. The act suspends the property tax exemption for qualifying seniors for the 2010 and 2011 property tax years, declares the intent of the general assembly that any general fund savings resulting from the suspension be used to provide a portion of the state share of school districts' total program funding, and decreases the 2010 general fund appropriation for special purpose, senior citizen and disabled veteran property tax exemption by \$91,729,198.

**APPROVED** by Governor May 27, 2010

**EFFECTIVE** May 27, 2010

**S.B. 10-212** State revenues - constitutional spending limit - refund methods - repeal. Section 20 (7) (d) of article X of the state constitution requires the state to refund any state revenues in excess of the state fiscal year spending limit. In accordance with this constitutional requirement, the general assembly enacted various methods to refund the excess state revenues. All of the current methods are repealed, with the exception of the:

- Earned income tax credit;
- Income tax rate reduction; and
- State sales tax refund.

**APPROVED** by Governor June 10, 2010

**EFFECTIVE** July 1, 2010

**H.B. 10-1046** Property tax - county treasurer - receipt of payment - date of payment. Current law makes no provision for how a county treasurer should record the date of payment of a property tax payment that was received through the mail but has no United States postal service (USPS) postmark.

The act specifies that, if a payment that has no USPS postmark is actually received in the treasurer's office no later than 5 days after the due date, the treasurer shall record the due date as the date of payment. If the payment is actually received in the treasurer's office 6 or more days after the due date, the treasurer shall record the date of actual receipt as the date of payment.

**APPROVED** by Governor March 5, 2010

**EFFECTIVE** March 5, 2010

**H.B. 10-1055** Enforcement of delinquent tax collection - third party debt collection agency or attorney - fees for services rendered. The department of revenue pays a third-party debt collection agency or attorney its fees for services rendered in collecting delinquent taxes out of the total amount of delinquent taxes actually collected. The act requires the debt collection agency or attorney to add fees for services rendered to the total amount to be collected, but specifies the fees for services rendered shall not exceed 20% of the total amount of delinquent taxes, including accrued penalties and interest, that is actually collected.

**APPROVED** by Governor March 22, 2010

**EFFECTIVE** March 22, 2010

**H.B. 10-1058** Cigarette tax - unstamped cigarettes - civil penalty - appropriation. The department of revenue (department) is currently authorized to impose a civil penalty on any person or entity from whom unstamped cigarettes found in this state have been confiscated. This authority is expanded to permit the department to impose a civil penalty for the purchase or possession of unstamped cigarettes, regardless of whether the cigarettes have been confiscated.

The department's authority to confiscate unstamped cigarettes and to impose a civil penalty for the purchase or possession of unstamped cigarettes is clarified so as to make clear that such authority does not apply to cigarettes purchased from a United States military exchange or commissary, so long as the cigarettes are not for resale in this state.

\$1,400 is appropriated from the tobacco tax enforcement cash fund to the central department operations division for the implementation of the act.

**APPROVED** by Governor April 21, 2010

**EFFECTIVE** April 21, 2010

**H.B. 10-1060** Severance tax - oil and gas - withholding payments - reports - penalty for failure to pay or file - authority of executive director to waive new and existing penalties. Under current law, a producer or purchaser who disburses funds to an interest owner is generally required to withhold 1% of the gross income from an interest in oil and gas and to pay such amount to the department of revenue (department). A penalty is established for failing to make these withholding payments that is equal to 30% of the amount of withholding payment owed or \$30, whichever is the greater amount, plus interest. The penalty does not apply to income from a well that was a stripper well in the prior taxable year.

Currently, the department requires a producer or purchaser to file an annual report with the department reflecting the total withholding payments. A penalty is established for failing to file this report that is equal to 15% of the amount of withholding that should have been reflected in the report or \$1,500, whichever is the lesser amount.

The executive director may waive, for good cause shown, either of the new penalties as well as the existing penalties for failing to pay severance taxes owed or to file a report related to such taxes.

**APPROVED** by Governor May 26, 2010

**EFFECTIVE** September 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. 10-1073** Income tax - voluntary contribution - Colorado 2-1-1 first call for help fund. The act creates the Colorado 2-1-1 first call for help fund (fund) in the state treasury. For income tax years commencing on or after January 1, 2010, but before January 1, 2013, the act requires a voluntary contribution designation line for the fund to appear on state individual income tax return forms.

The department of revenue (department) must determine annually the total amount designated to the fund and report that amount to the state treasurer and the general assembly. The state treasurer shall credit that amount to the fund.

Finally, the general assembly must appropriate annually from the fund to the department its costs of administering contributions to the fund. All moneys remaining in the fund at the end of a fiscal year shall be transferred to Mile High United Way, a Colorado nonprofit organization, solely for use in operating 2-1-1 Colorado.

**APPROVED** by Governor June 7, 2010

**EFFECTIVE** August 11, 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. 10-1189** State sales and use tax - exemption for direct mail advertising materials - appropriation. Effective March 1, 2010, the act:

- Eliminates the state sales and use tax exemption for direct mail advertising materials that are distributed in Colorado by any person engaged in the business of providing cooperative direct mail advertising;
- Prohibits the appropriation of moneys derived from the increase in state revenues resulting from the act to fund additional full-time equivalent state employees;
- Requires the department of revenue to account for all revenue attributable to the act and, to the extent such information is available, make quarterly reports to the general assembly regarding the resulting quarterly and cumulative net revenue gain to the state;
- Specifies that the elimination of the exemption does not affect county, municipal, and other local government or political subdivision sales and use tax bases; and

- Appropriates \$94,322 and 0.9 FTE to the department of revenue for allocation to the taxation business group, taxation and compliance division, for the implementation of the act.

**APPROVED** by Governor February 24, 2010

**EFFECTIVE** February 24, 2010

**H.B. 10-1190** State sales and use tax - exemption for industrial fuels - suspension - appropriation. For the period commencing March 1, 2010, and ending June 30, 2012, the act generally suspends the exemption from the state sales and use taxes for the sale, purchase, storage, use, or consumption of electricity, coal, gas, fuel oil, steam, coke, or nuclear fuel, for use in processing, manufacturing, mining, refining, irrigation, building construction, telegraph, telephone, and radio communication, street transportation services, and all industrial uses. During the suspension period, the act continues to exempt from the state sales and use taxes the sale, purchase, storage, use, or consumption of:

- Diesel fuel for off-road use;
- Electricity, coal, gas, fuel oil, steam, coke, or nuclear fuel for agricultural purposes or for railroad transportation services; and
- Coal, gas, fuel oil, steam, coke, or nuclear fuel for use in generating electricity.

The act also:

- Requires the department of revenue to account for all revenue attributable to the enactment of the bill and, to the extent such information is available, make quarterly reports to the general assembly regarding the resulting quarterly and cumulative net revenue gain to the state;
- Specifies that the suspension of the exemption does not affect county, municipal, and other local government or political subdivision sales and use tax bases;
- Prohibits the appropriation of moneys derived from the increase in state revenues resulting from the enactment of the bill to fund additional full-time equivalent state employees; and
- Appropriates \$94,322 and 0.9 FTE to the department of revenue for allocation to the taxation business group, taxation and compliance division, for the implementation of the act.

**APPROVED** by Governor February 24, 2010

**EFFECTIVE** February 24, 2010

**H.B. 10-1191** State sales and use tax - exemption for candy and soft drinks - elimination - appropriation. Effective May 1, 2010, the act:

- Narrows the state sales and use tax exemptions for food so that candy and soft drinks are no longer exempt from the state sales and use taxes;
- Authorizes the department of revenue to promulgate rules that allow sellers of candy and soft drinks to, if necessary, reasonably estimate the amount of sales taxes due on their sales;
- Exempts a taxpayer who makes an error related to the narrowing of the exemption on a sales tax return made prior to August 1, 2010, from liability for interest or other penalties;
- Requires the department of revenue to account for all revenue attributable to the

enactment of the bill and, to the extent such information is available, make quarterly reports to the general assembly regarding the resulting quarterly and cumulative net revenue gain to the state;

- Specifies that the elimination of the exemption does not affect county, municipal, and other local government or political subdivision sales and use tax bases;
- Prohibits the appropriation of moneys derived from the increase in state revenues resulting from the act to fund additional full-time equivalent state employees; and
- Appropriates \$94,322 and 0.9 FTE to the department of revenue for allocation to the taxation business group, taxation and compliance division, for the implementation of the act.

**APPROVED** by Governor February 24, 2010

**EFFECTIVE** February 24, 2010

**H.B. 10-1192** State sales and use tax - standardized software. Effective March 1, 2010, the act:

- Repeals Special Regulation 7: Computer Software, promulgated by the department of revenue related to the type of software subject to sales or use tax;
- Specifies that tangible personal property includes standardized software without regard to how such standardized software is acquired by the purchaser or downloaded to the purchaser's computer;
- Allows the department of revenue to promulgate rules for apportioning tax in those instances in which standardized software is transferred for use in more than one state;
- Defines standardized software to mean computer software, including prewritten upgrades, that is not designed or developed to the specifications of a specific purchaser or designed and developed to the specification of a specific purchaser but then sold to another purchaser. The definition:
  - Specifies that standardized software includes standardized software that is modified or enhanced even if such modification or enhancement is designed and developed to the specifications of a specific purchaser, unless such standardized software is a de minimis component of such software;
  - Specifies that standardized software does not include software or information technology services that modify or enhance standardized software if there is a reasonable, separately stated charge, invoice, or other statement of price given to the purchaser for such software or information technology services that modify or enhance the standardized software;
  - Specifies that standardized software includes the combination of two or more standardized software programs or portions thereof;
  - Specifies that standardized software does not include maintenance agreements for the maintenance of standardized software; and
  - Specifies that standardized software does not include software developed for a person's or affiliate's own use unless the software is subsequently sold.
- Declares that the act is not intended to:

- Tax separately stated information technology services or separately stated custom software that is a part of what is known in the industry as "modified off-the-shelf software";
- Tax information technology services or custom software where those services or software constitute what is known in the industry as "pure" custom software, including software designed and developed for a developer's own use; and
- Alter, other than the designation of standardized software as tangible personal property, the tax treatment of what is known in the industry as "digital goods", "application service providers", "software as a service", or "cloud computing";
- Allows developers of standardized software to take advantage of the sales tax exemption for machinery and machine tools;
- Requires the department of revenue to account for all revenue attributable to the enactment of the act and, to the extent such information is available, make quarterly reports to the general assembly regarding the resulting quarterly and cumulative net revenue gain to the state;
- Prohibits the appropriation of moneys derived from the increase in state revenues resulting from the enactment of the act to fund additional full-time equivalent state employees; and
- Appropriates \$94,322 and 0.9 FTE to the department of revenue for allocation to the taxation business group, taxation and compliance division, for the implementation of the act.

**APPROVED** by Governor February 24, 2010

**EFFECTIVE** February 24, 2010

**H.B. 10-1193** State sales and use tax - retailers that do not collect Colorado sales tax - doing business in the state - subpoena power - notification requirements - appropriation. Effective March 1, 2010, the act specifies that if a retailer that does not collect Colorado sales tax is a part of a controlled group of corporations, and that controlled group has a component member that is a retailer with physical presence in this state, the retailer that does not collect Colorado sales tax is presumed to be doing business in this state. The presumption may be rebutted by proof that during the calendar year the component member that is a retailer with physical presence in this state did not engage in any constitutionally sufficient solicitation in this state on behalf of the retailer that does not collect Colorado sales tax.

Effective February 24, 2010, the act:

- Specifies that, for purposes of any efforts to collect sales tax, the executive director of the department of revenue (executive director) may issue a subpoena to any retailer that does not collect Colorado sales tax if such retailer refuses to voluntarily furnish specific information when requested and may take such retailer's testimony under oath. If such retailer fails or refuses to respond to the subpoena and give testimony, the executive director may apply to any judge of the district court of the state of Colorado to enforce such subpoena.
- Requires each retailer that does not collect Colorado sales tax to notify Colorado purchasers that sales or use tax is due on certain purchases made from the retailer and that the state of Colorado requires the purchaser to file a sales or use tax return. Failure to provide such notice will subject the retailer to a penalty of \$5 for each such failure unless the retailer shows reasonable cause.

- Requires each retailer that does not collect Colorado sales tax to send notification to all Colorado purchasers by January 31 of each year showing information that the department of revenue requires by rule, including the total amount paid by the purchaser for Colorado purchases made from the retailer in the previous calendar year. Failure to provide such notification will subject the retailer to a penalty of \$10 for each such failure unless the retailer shows reasonable cause. The notification must:
  - Be sent separately to all Colorado purchasers by first-class mail and may not be included with any other shipments;
  - Include the words "Important Tax Document Enclosed" on the exterior of the mailing;
  - Include the name of the retailer;
  - State that the state of Colorado requires a sales or use tax return to be filed and sales or use tax to be paid on certain Colorado purchases made by the purchaser from the retailer; and
  - State, if available:
    - The dates of purchases;
    - The amount of each purchase; and
    - The category of the purchase, including, if known by the retailer, whether the purchase is exempt or not exempt from taxation.
- Requires each retailer that does not collect Colorado sales tax to file an annual statement by March 1 of each year with the department of revenue for each purchaser showing the total amount paid for Colorado purchases by such purchaser during the preceding calendar year. The executive director may require a retailer that does not collect Colorado sales tax that makes total Colorado sales of more than \$100,000 in a year to file the annual statement by magnetic media or another machine-readable form for that year. Failure to provide such annual statement will subject the retailer to a penalty of \$10 for each purchaser that should have been included in the annual statement unless the retailer shows reasonable cause.
- Requires the department of revenue to account for all revenue attributable to the act and, to the extent such information is available, make quarterly reports to the general assembly regarding the resulting quarterly and cumulative net revenue gain to the state;
- Prohibits the appropriation of moneys derived from the increase in state revenues resulting from the act to fund additional full-time equivalent state employees except for any full-time equivalent state employees necessary to enforce the act;
- Appropriates \$131,584 and 1.0 FTE to the department of revenue for allocation to the taxation business group for the implementation of the act;
- Appropriates \$40,000 of reappropriated funds received from the department of revenue to the department of law for the provision of legal services to the department of revenue related to the implementation of the act; and
- Appropriates \$30,000 to the department of revenue for allocation to the taxpayer service division for the implementation of the act.

**APPROVED** by Governor February 24, 2010

**EFFECTIVE** February 24, 2010

**H.B. 10-1194 State sales and use tax - exemption for nonessential items provided with food - elimination - appropriation.** Effective March 1, 2010, the act:

- Narrows the state sales and use tax exemptions for sales to retailers or vendors of food, meals, or beverages of articles, containers, and bags that are to be furnished without separate charge to consumers or users for use with articles of tangible personal property purchased at retail upon which state sales tax is paid so that articles, containers, and bags that are nonessential to the consumer or user are no longer exempt from the state sales and use taxes;
- Exempts a taxpayer who makes an error related to the narrowing of the exemption on a sales tax return made prior to August 1, 2010, from liability for interest or other penalties;
- Requires the department of revenue to account for all revenue attributable to the enactment of the act and, to the extent such information is available, make quarterly reports to the general assembly regarding the resulting quarterly and cumulative net revenue gain to the state;
- Specifies that the elimination of the exemption does not affect county, municipal, and other local government or political subdivision sales and use tax bases;
- Prohibits the appropriation of moneys derived from the increase in state revenues resulting from the enactment of the act to fund additional full-time equivalent state employees; and
- Appropriates \$94,322 and 0.9 FTE to the department of revenue for allocation to the taxation business group, taxation and compliance division, for the implementation of the act.

**APPROVED** by Governor February 24, 2010

**EFFECTIVE** February 24, 2010

**H.B. 10-1195 State sales and use tax - items used in agricultural production - appropriation.**

The act suspends the exemption from the state sales and use taxes for the sale or storage, use, or consumption of agricultural compounds used in caring for livestock, semen for agricultural and ranching purposes, and pesticides for use in the production of agricultural and livestock products for the period beginning March 1, 2010, and ending June 30, 2013. The act requires the department of revenue to account for all revenue attributable to its enactment and, to the extent the information is available, to make quarterly reports to the general assembly regarding the quarterly and cumulative net revenue gain to the state resulting from the enactment. The act prohibits any moneys derived from the increase in state revenues resulting from its passage from being appropriated for the purpose of funding additional full time equivalent state employees. The act makes conforming amendments to prevent the narrowing of the exemption from affecting county, municipal, and other local government or political subdivision sales and use taxes. Finally, the act makes a fiscal year 2009-10 appropriation of \$94,322 and 0.9 FTE to the department of revenue for allocation to the taxation business group, taxation and compliance division, for its implementation.

**APPROVED** by Governor February 24, 2010

**EFFECTIVE** February 24, 2010

**H.B. 10-1196 Income tax - tax credit for purchases of certain efficient motor vehicles - limitation.** Motor vehicles that meet certain federal guidelines and have a minimum fuel economy of 30 miles per gallon but less than 40 miles per gallon (category 7 motor vehicles) qualify for a state income tax credit for the purchase of vehicles using alternative fuels for the



tax years commencing January 1, 2010, and January 1, 2011. The act disqualifies category 7 motor vehicles from the state income tax credit for purchases of category 7 motor vehicles made on or after January 1, 2011. The department of revenue is required to account for all revenue attributable to the enactment of the act and, to the extent such information is available, make quarterly reports to the general assembly regarding the resulting quarterly and cumulative net revenue gain to the state.

**APPROVED** by Governor February 24, 2010

**EFFECTIVE** February 24, 2010

**H.B. 10-1197** Conservation easements - limitation of income tax credit - valuation of residential property subject to easement for property tax purposes - appropriation. The aggregate amount of state income tax credits that can be claimed by all taxpayers for donating conservation easements is limited to \$26 million for each of the 2011, 2012, and 2013 income tax years. Taxpayers are required to first submit a claim for a tax credit to the division of real estate, and the division is required to issue certificates in the order the claims were received. If the claims for certificates exceed \$26 million during an income tax year, the excess claims are placed on a wait list, and certificates for the claims are issued for use in the 2012 or 2013 tax years. The division is authorized to promulgate rules for the issuance of the certificates.

A portion of agricultural land that is used for residential purposes will continue to be valued as agricultural land after becoming subject to a conservation easement unless the portion of land is used for nonagricultural residential purposes.

The act appropriates \$9,028 cash funds and 0.2 FTE from the conservation easement holder certification fund to the department of regulatory agencies, for allocation to the division of real estate, for the implementation of the act.

**APPROVED** by Governor April 29, 2010

**EFFECTIVE** August 11, 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. 10-1199** Income tax - net operating loss deduction - temporary cap. Under current law, a corporation may reduce its Colorado taxable income by carrying forward a net operating loss (NOL). There is no annual limit on the amount of NOL that may be carried forward.

For each of the next 3 income tax years, the maximum amount of NOL that may be carried forward will be \$250,000. A NOL may be carried forward one additional year for each year that a corporation is prohibited from carrying forward a portion of its NOL because of this cap. Also, a corporation will increase the total amount of its NOL by an amount equal to interest at 3.25% on the portion of NOL that was prohibited from being carried forward during the 3-year period.

**APPROVED** by Governor February 24, 2010

**EFFECTIVE** February 24, 2010

**H.B. 10-1200** Enterprise zone tax incentives - investment tax credit - temporary deferral. For the 2011, 2012, and 2013 income tax years, the amount of the credit that a taxpayer may claim for a qualified investment during an income tax year in qualified property that is used solely and exclusively in an enterprise zone for at least one year is limited to \$500,000. A taxpayer

is required to defer claiming any amount of the credit allowed that exceeds \$500,000 to the 2014 income tax year. A taxpayer that deferred claiming any credit in excess of \$500,000 is allowed to carry forward the credit for 12 income tax years after the year the credit was originally allowed, plus one additional year for each year that the taxpayer had to defer claiming the credit in excess of \$500,000.

**APPROVED** by Governor May 27, 2010

**EFFECTIVE** May 27, 2010

**H.B. 10-1267** Property tax - household furnishings - independently owned residential solar electric generation facility. Household furnishings that are not used for the production of income are exempt from property tax. Household furnishings are expanded to include an independently owned residential solar electric generation facility, which is personal property that:

- Is located on residential real property;
- Is owned by a person other than the owner of the residential real property;
- Is installed on the customer's side of the meter;
- Is used to produce electricity from solar energy primarily for use in the residential improvements located on the residential real property; and
- Has a production capacity of no more than 100 kilowatts.

An independently owned residential solar electric generation facility is not considered to be used for the production of income unless the facility produces income for the owner of the residential real property on which the facility is located. Rebates, offsets, credits, and reimbursements made available by a utility do not constitute the production of income.

**APPROVED** by Governor June 11, 2010

**EFFECTIVE** August 11, 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. 10-1293** Property tax - land assessment and classification task force - 2010 interim. The act creates a 9-member land assessment and classification task force (task force) to meet during the 2010 interim to study the assessment and classification of agricultural and residential land, report its findings and recommendations, and, if appropriate, propose statutory modifications to ensure that land is valued based on its actual use. The act specifies how the members of the task force are appointed and additional requirements governing the duties and procedures of the task force.

The task force is required to study, make legislative recommendations, and report findings on all matters relating to property tax assessment and classification in connection with land used for both agricultural and residential purposes, including, without limitation, the current system for classification of agricultural and residential property in Colorado, the fiscal, land use, and other impacts of the state's current classification system, and ideas for improving the current classification system. The task force is required to submit a written report of its findings and recommendations to the legislative committees of reference in each house exercising jurisdiction over local government and agriculture by October 15, 2010.

**APPROVED** by Governor June 7, 2010

**EFFECTIVE** June 7, 2010

**H.B. 10-1319** Operational account of the severance tax trust fund - low-income energy assistance programs - eliminations of transfers - budget package act. For the 2010-11 and 2011-12 state fiscal years, the transfers from the operational account of the severance tax trust fund to the governor's energy office low-income energy assistance fund are eliminated.

The state treasurer, on March 18, 2010, is required to transfer back to the operational account of the severance tax trust fund a 2009-10 state fiscal year transfer of \$1,625,000 that occurred on January 4, 2010, from the operational account of the severance tax trust fund to the department of human services low-income energy assistance fund for providing energy-related assistance to low-income households.

**APPROVED** by Governor March 18, 2010

**EFFECTIVE** March 18, 2010

**H.B. 10-1386** Property tax - administrator - tax-exempt status - filing fees - waiver - budget package act - appropriation. The act adjusts the filing fees that accompany applications to the property tax administrator (administrator) for tax-exempt status for real and personal property and that accompany annual reports filed by owners of exempt property.

The minimum fee amounts are increased so that they adequately fund the costs of the program.

The administrator also has the discretion to waive all or a portion of any late filing fees for good cause shown as determined by the administrator.

Finally, for the implementation of the act, the appropriation made in the 2010 general appropriation act to the department of local affairs, property tax, division of property taxation line item is decreased by \$169,742. Additionally, \$301,073 are appropriated for state fiscal year 2010-11 to the department of local affairs, property tax, division of property taxation line item.

**APPROVED** by Governor May 27, 2010

**EFFECTIVE** May 27, 2010

**H.B. 10-1431** Property tax - valuation of renewable energy facilities. The methodology used to value renewable energy facilities for purposes of property taxation is modified to require the state property tax administrator:

- When considering the additional incremental cost per kilowatt of the construction of the facility over that of a comparable nonrenewable energy facility as required by current law, to include the cost of all property required to generate and deliver energy to the interconnection meter;
- When valuing a renewable energy facility that begins generating energy before January 1, 2012, to include only the cost of all property required to generate and deliver renewable energy to the interconnection meter that does not exceed the cost of property required to generate nonrenewable energy.
- When valuing a renewable energy facility that begins generating energy on or after January 1, 2012, to include only the cost of all property required to generate and deliver renewable energy to the interconnection meter that does

not exceed the cost of property required to generate and deliver nonrenewable energy to the interconnection meter.

**APPROVED** by Governor June 7, 2010

**EFFECTIVE** August 11, 2010

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

## TRANSPORTATION

**S.B. 10-16** Toll evasion - modification of civil penalty assessment notice requirements. The act modifies the manner in which civil penalty assessment notices of toll evasion evidenced by automatic vehicle identification technology are provided to an owner of a vehicle so identified and the manner in which appeals of administrative adjudications of toll evasion by a public highway authority or the high-performance transportation enterprise are reviewed by county courts by:

- Eliminating the requirement that a second civil penalty assessment notice be sent if the owner does not pay the civil penalty imposed by or otherwise respond to an initial civil penalty assessment notice;
- Increasing the length of time to pay or otherwise respond to an initial civil penalty assessment notice from 20 to 30 days; and
- Changing an appeal of an administrative adjudication of a toll evasion from a review of the record of the administrative adjudication to a de novo hearing.

**APPROVED** by Governor April 21, 2010

**EFFECTIVE** April 21, 2010

**S.B. 10-184** Transportation demand management contract for reversible lanes in the interstate 70 mountain corridor. The act:

- Authorizes the high-performance transportation enterprise to enter into a transportation demand management contract with the department of transportation to relieve traffic congestion during peak travel times in a specified portion of the interstate 70 mountain corridor by providing and operating reversible highway lanes within that portion of the corridor;
- Specifies that, if a feasibility study of a moveable barrier system on interstate 70 is completed and demonstrates that such a system is viable and that life safety issues can be addressed, a transportation demand management contract may establish, consistent with specified statutory planning provisions, the interstate 70 collaborative effort, context sensitive solutions, and the processes required by the federal "National Environmental Policy Act of 1969", the goal of beginning the provision and operation of reversible highway lanes and reporting to the general assembly no later than January 1, 2011; and
- Further specifies that a transportation demand management contract may authorize the high-performance transportation enterprise to enter into single-fiscal year or multiple-fiscal year operating lease agreements or capital lease or lease-purchase agreements with a private contractor as needed to provide and operate the reversible highway lanes.

**APPROVED** by Governor May 27, 2010

**EFFECTIVE** May 27, 2010

**H.B. 10-1147** Use of nonmotorized wheeled transportation by minors - codification of bicycle and pedestrian policy of the department of transportation - safety education. The act codifies the existing bicycle and pedestrian policy directive of the department of transportation (CDOT) into law. The act also requires CDOT, in collaboration with the departments of education and public safety and appropriate nonprofit organizations and advocacy groups, to notify schools of the availability of and make available to schools existing educational

curriculum regarding the safe use of public streets and premises open to the public by users of nonmotorized wheeled transportation and pedestrians.

**APPROVED** by Governor June 10, 2010

**EFFECTIVE** June 10, 2010

**H.B. 10-1405** State highway system - required study. The act:

- Requires the transportation commission to conduct or direct the department of transportation to conduct a study of the state highway system for the purpose of determining which state highways or portions of state highways are commuter highways and to report the study results to specified legislative committees;
- Allows the commission to include in the report recommendations as to whether all or some of the commuter highways should be removed from the state highway system and thereafter maintained and supervised by counties and municipalities; and
- Requires the commission, if it recommends the removal of any commuter highways from the state highway system, to have first received the input of one local government elected official appointed by each of the 5 metropolitan planning organizations in the state for the purpose of providing such input and to also make recommendations regarding modification of the statutory formulas used to allocate moneys in the highway users tax fund between the state, counties, and municipalities in order to provide the level of funding necessary to avoid any unfunded mandates created by changes in the allocation of highway maintenance and supervision responsibilities between the state, counties, and municipalities that would result from the removal.

**APPROVED** by Governor June 7, 2010

**EFFECTIVE** June 7, 2010

## **WATER AND IRRIGATION**

**S.B. 10-25** Water efficiency grant program - extension - funding. The water efficiency grant program is currently scheduled to be repealed on July 1, 2012. The act extends the repeal until July 1, 2020; authorizes up to \$550,000 of annual appropriations from the water efficiency grant program cash fund beginning on July 1, 2010; and annually transfers \$550,000 from tier 2 of the operational account of the severance tax trust fund to the water efficiency grant program cash fund beginning on July 1, 2012.

**APPROVED** by Governor June 7, 2010

**EFFECTIVE** June 7, 2010

**S.B. 10-27** Surface water - enforcement - fine. The act subjects a person who illegally diverts surface water to the same \$500-per-day fine that currently applies to illegal diversions of groundwater.

**APPROVED** by Governor April 14, 2010

**EFFECTIVE** April 14, 2010

**S.B. 10-52** Designated groundwater basins - boundaries - ability of designated groundwater commission to alter boundaries. The act will allow the groundwater commission to revise the boundaries of a designated groundwater basin (basin) to omit previously included areas only if the revision would not exclude any wells for which conditional or final permits have been issued. This is declared to be consistent with the general assembly's original intent to prohibit challenges to the legal status of designated groundwater in a basin after the date of finality for a basin's original designation.

**APPROVED** by Governor March 31, 2010

**EFFECTIVE** August 11, 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. 10-1051** Water providers - efficiency plans - Colorado water conservation board - guidelines - report. The act requires water providers' water efficiency plans to include specific elements, including the use of water-efficient washing machines, and, beginning in 2014, requires water providers to report annually to the Colorado water conservation board data regarding water use and conservation following guidelines adopted by the board. The board must report to the senate agriculture and natural resources and the house of representatives agriculture, livestock, and natural resources committees regarding the guidelines no later than February 1, 2012, and no later than February 1, 2019, regarding the guidelines and the collected data.

**APPROVED** by Governor June 7, 2010

**EFFECTIVE** June 7, 2010

**H.B. 10-1250** Colorado water conservation board construction fund - annual project authorizations - purchase of Animas-La Plata project water - transfer of moneys from the perpetual base account of the severance tax trust fund - appropriations. For the fiscal year beginning July 1, 2010, the act appropriates the following amounts from the Colorado water conservation board construction fund (CWCB construction fund) for the following projects:

- \$250,000 for continuation of satellite monitoring system maintenance;
- \$50,000 for instream flow engineering and technical support services;
- \$175,000 for continuation of the weather modification program;
- \$500,000 for continuation of the Colorado floodplain map modernization program;
- \$250,000 for continuation of the watershed restoration program; and
- Up to \$300,000 to restore the unencumbered balance in the flood response fund to \$300,000.

The act also directs the state treasurer to transfer a total of \$36,000,000 from the perpetual base account of the severance tax trust fund to the CWCB construction fund to enable the Colorado water conservation board to purchase all or a portion of the state's allotment of the Animas-La Plata project water. Such transfer shall be made in three consecutive annual installments of \$12,000,000 on June 30 of each year, commencing June 30, 2011.

**APPROVED** by Governor June 7, 2010

**EFFECTIVE** June 7, 2010



## CONCURRENT RESOLUTIONS

**H.C.R. 10-1004** Seat of government - temporary location following a declared disaster emergency. The concurrent resolution submits to the voters an amendment to the Colorado constitution regarding the temporary location of the seat of government following a declared disaster emergency.

Upon issuance by the governor of an executive order declaring a disaster emergency that substantially affects the ability of the state government to operate in the city and county of Denver, the governor would be authorized to designate a temporary meeting location for the general assembly. The governor must consult with the chief justice of the supreme court, the president of the senate, and the speaker of the house of representatives in determining the temporary meeting location.

The general assembly must convene in the temporary meeting location and may, acting by bill, designate the location of a temporary seat of government.

**H.C.R. 10-1005** Taxation - property tax - possessory interests - exemption. For property tax years commencing on or after January 1, 2012, the concurrent resolution creates an exemption from property taxation for possessory interests in real property with a value of \$6,000 or less, as adjusted for inflation.

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