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## 0198 Organization of State Government

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Report to the Colorado General Assembly:

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# ORGANIZATION OF STATE GOVERNMENT



COLORADO LEGISLATIVE COUNCIL

RESEARCH PUBLICATION NO. 198

December, 1972

LEGISLATIVE COUNCIL  
OF THE  
COLORADO GENERAL ASSEMBLY

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Ralph Cole  
Phillip Massari  
Harold McCormick  
Hiram McNeil  
Clarence Quinlan  
John Fuhr, Speaker  
of the House

Senators

Fay DeBerard, Vice  
Chairman  
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George Jackson  
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Ruth Stockton  
William Armstrong,  
Senator Majority  
Leader

\* \* \* \* \*

The Legislative Council, which is composed of six Senators, six Representatives, plus the Speaker of the House and the Majority Leader of the Senate, serves as a continuing research agency for the legislature through the maintenance of a trained staff. Between sessions, research activities are concentrated on the study of relatively broad problems formally proposed by legislators, and the publication and distribution of factual reports to aid in their solution.

During the sessions, the emphasis is on supplying legislators, on individual request, with personal memoranda, providing them with information needed to handle their own legislative problems. Reports and memoranda both give pertinent data in the form of facts, figures, arguments, and alternatives.

**ORGANIZATION OF STATE GOVERNMENT**

**Legislative Council  
Report To The  
Colorado General Assembly**

**Research Publication No. 198  
December, 1972**

# COLORADO GENERAL ASSEMBLY



## LEGISLATIVE COUNCIL

ROOM 46 STATE CAPITOL  
DENVER, COLORADO 80203  
892-2285  
AREA CODE 303

December 11, 1972

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REP. HAROLD L. McCORMICK

REP. HIRAM A. McNEIL

REP. PHILLIP MASSARI

REP. CLARENCE QUINLAN

To Members of the Forty-ninth Colorado General Assembly:

In accordance with Senate Joint Resolution No. 11, passed by the Second Regular Session of the Forty-eighth General Assembly, and House Joint Resolution No. 1033 of the First Regular Session, the Legislative Council submits for your consideration the accompanying report pertaining to the organization of state government in Colorado.

The Committee appointed by the Legislative Council reported its findings and recommendations to the Legislative Council on December 1, 1972, and the Council accepted the report for transmission to the Governor and members of the General Assembly.

Respectfully submitted,

/s/ Representative C. P. (Doc) Lamb  
Chairman

CPL/mp

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REP. CLARENCE QUINLAN

Representative C. P. (Doc) Lamb  
Chairman  
Colorado Legislative Council  
Room 46, State Capitol  
Denver, Colorado 80203

Dear Mr. Chairman:

The Committee on Organization of State Government appointed by the Legislative Council has completed its study and herewith submits a report of its findings and recommendations.

This report deals with two broad subjects, health care licensure and higher education. The need for the Committee's in-depth study of health licensure resulted from increased demands for recognition on the part of a growing number of occupational groups in the health care field and the absence of a legislative policy or procedure for evaluating the merits of these requests. The Committee recommends the creation of an Advisory Council for Health Care Occupations to assist the General Assembly in making determinations in this area.

While the Committee was primarily concerned with the regulatory boards for health care, its continuing responsibility as the interim committee interested in the structural and functional organization of state government dictated that the Committee also study the functions of the other regulatory boards within the Division of Registrations of the Department of Regulatory Agencies. Four bills are recommended in this area.

In the area of higher education, two bills are submitted: the first increases the size of the governing board for the School of Mines; the second strengthens the existing tuition classification statute by adding rebuttable presumptions concerning domicile and emancipation.

Respectfully submitted,

/s/ Representative Carl Gustafson  
Chairman  
Committee on Organization of  
State Government

CG/mp



## FOREWORD

As prescribed by House Joint Resolution No. 1033, 1971 Session, the Legislative Council appointed the following Committee to conduct a study of the organization of state government in Colorado:

Rep. Carl Gustafson,  
Chairman  
Senator Fred Anderson,  
Vice Chairman  
Sen. Chester Enstrom  
Sen. Vincent Massari  
Sen. Kingston Minister  
Sen. Al Ruland

Rep. Forrest Burns  
Rep. Don Friedman\*  
Rep. John Fuhr  
Rep. Charles Edmonds  
Rep. Leo Lucero  
Rep. Ralph Porter  
Rep. Eric Schmidt  
Rep. Roy Shore  
Rep. Roy Wells\*

\*Appointed for the  
1972 interim

The General Assembly directed the Organization of State Government Committee to concern itself with the governance of higher education and the licensure of health care occupations. During the 1971 interim, the subject of higher education dominated the work of the Committee although a significant amount of ground work was accomplished for continued study of health care licensure during the 1972 interim. The topic of health care licensure and an assortment of issues concerning higher education filled the Committee's agenda this year.

The Committee and its staff express their appreciation to the following individuals for their assistance during the 1972 interim: Dr. Frank Abbott, Executive Director, Commission on Higher Education, and his staff; members of the Commission on Higher Education and in particular Larry Scott, Don McKinlay, and Bob McHugh; F. Dean Lillie, Director, Community College Division; Mr. Earl Johnson, Executive Director, Department of Regulatory Agencies; Emmett Zerr, Director, State Health Planning; John Holloway, legal counsel, University of Colorado; John Bush, legal counsel, Colorado State University; and John Moore, Attorney General. Finally, the Committee appreciates the interest and participation of a number of individuals and groups in the discussion of the health care licensure issue.

Ms. Becky Lennahan and Mike Risner, Legislative Drafting Office, provided bill drafting and other legal services to the Committee. David Hite and Larry Thompson served as Legislative Council staff for the Committee.

December, 1972

Lyle C. Kyle  
Director

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## COMMITTEE FINDINGS AND RECOMMENDATIONS

Pursuant to the directives of the General Assembly, the Organization of State Government Committee's activities for the 1972 interim can be divided into two general areas, health care licensure, and governance and administrative issues in higher education.

### Health Care Licensure

The findings, conclusions and recommendations submitted by the Committee on the subject of health care licensure conclude four years of interim study. H.J.R. No. 1034 of the 1969 Session directed the Organization of State Government Committee to study:

existing laws governing the field of health care, including the supportive services pertaining thereto, including, but not limited to, a study of the need for revision of existing laws, the need for licensure and regulation of additional services in the field of health care, and the need for reducing the number of such boards, including the concept of a single board for the licensure and regulation of all services relating to the health care field.

### Health Occupations Licensed in Colorado

The precedent for the methodology of licensure in Colorado is long established. For example, Doctors of Medicine were first licensed in 1881, Dentistry in 1889, Pharmacists in 1887, Nursing in 1905, Osteopathy in 1905, Veterinary Medicine in 1909, Optometry in 1913, Chiropractic in 1918, (separate board, 1933), Licensed Practical Nurses in 1957, Physical Therapists in 1959, Psychologists in 1961, Psychiatric Technicians in 1967, and Nursing Home Administrators in 1969.

The usual pattern for State recognition is to establish a separate board for licensing each occupational group.<sup>1/</sup>

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<sup>1/</sup> See Appendix A on page 37 of this report for a listing of the health occupations licensed by each State.

With few exceptions Colorado follows this pattern. Excepted are Psychiatric Technicians, under the Board of Nursing; Chiropodists are licensed under the Board of Medical Examiners but have an independent board which acts in an advisory capacity.

The pattern of board organization in Colorado follows about one-half of the states with the boards composed solely of practicing members of the health specialty concerned. There are minor exceptions: The Practical Nurses Board is composed of three licensed practical nurses and two registered professional nurses, one of whom must be a member of the Board of Nursing; the Chiropractic Practice Act allows one member of the board of five to be elected from "the public at large".

With the establishment of a board, its regulatory powers are defined and it is required to oversee the enforcement of the law. Statutory changes in policy, as distinguished from interpretive changes in policy, must be sought from the General Assembly. The current state of affairs is that the boards are generally autonomous and often have stronger ties to their occupational associations than to public agencies.

The duties of most of these boards include examination of candidates; examination of credentials; license issuance; investigating; and enforcement. Examination in several boards includes preparing examinations for more than one subspecialty or occupation.

### Impetus for Study

The need for an in-depth analysis of health licensure results from increased demands for recognition on the part of a growing number of occupational groups in the health care field,<sup>2/</sup> the absence of a legislative policy or procedure for evaluating the merits of these requests for licensure, and finally, a desire to examine the functional organization of the Department of Regulatory Agencies' Division of Registrations.

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<sup>2/</sup> Various estimates are made of the number of health occupations in the United States. Appendix B lists 125 of these occupations. The information is provided by the U.S. Department of Health, Education and Welfare.

## The Bosworth Task Force Report

As a first step in the study, the 1969 Organization Committee appointed a Task Force Committee for Health Personnel Licensure chaired by Dr. Robert Bosworth of the Colorado Medical Society. The report of the group was submitted to the interim committee in 1970. Recommendations of this ad hoc group included:

1) with regard to the combining of existing boards or the creation of a single licensure board, a "consensus was reached to the effect that the actual examination and enforcement duties require too much separate and distinct technical expertise to conclude that one body could carry out such a function even with separate advisory groups. Therefore, the idea of what came to be called a 'super board' or all-encompassing single board as the regulatory body was rejected;"

2) establishment of a Health Services Registration Division within the Department of Regulatory Agencies to expedite administrative functions for the health care boards;

3) "Whenever possible, any health occupation brought under regulation in the future should be placed under the appropriate existing practice board, the proper board to be determined after opportunity for full hearing by all parties concerned;"

4) establishment of an evaluation group -- an Advisory Health Council\* -- with a permanent staff to a) develop an evaluation procedure to establish the need for and method of regulation of any group desiring recognition; b) establish guidelines for alternatives to licensing; and c) review amendments to present laws; and

5) all presently constituted boards retain their autonomy to determine policy and procedures for internal regulation of the occupation licensed.

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\* The Task Force Report suggested that the Advisory Health Council be constituted as follows: one member each from the occupations now licensed by the State, an attorney, a medical educator, a non-medical educator, director of the Department of Regulatory Agencies, and a hospital administrator. In addition, consultants would be appointed from the associations representing groups presently licensed by the State.

## Moratorium on Licensure

Prior to the 1971 Session the Organization Committee forwarded the Task Force Report to the General Assembly without recommendations. The Committee did recommend continued study and a two-year moratorium on any additional licensure of health care personnel. During the 1971 interim, hearings were held to receive the views of various individuals and groups concerned with health care. At the conclusion of the interim the Committee directed the staff to draft proposals taking into account the Committee's directive from the General Assembly and presentations made to the Organization Committee during the past two years. The 1972 interim has been spent evaluating alternative approaches.

## Committee Objectives

The Committee was confronted with several questions in looking at the present organizational structure for licensure and the potential alternatives:

- 1) What kind of a mechanism should be created to evaluate the need for state recognition of a health care occupation?
- 2) If some form of credentialing by the state is required for additional health care occupations, should the present organizational structure and pattern of licensure be continued?
- 3) Is the function of government unduly tested through the delegation of the powers of forming public policy to independent boards representative of particular professions not directly responsible to the public as a whole?

The Committee submits that the bills and supportive recommendations contained herein effectively deal with these questions. They also integrate many of the findings and recommendations of the Bosworth Task Force Report and other health care groups with the recommendations of executive and legislative staff agencies. Finally, the recommendations of the Committee seek to take first steps toward a more functionally streamlined organizational structure for the regulation of health care professions and occupations.

In carrying out this last objective the Committee submits that as the next phase of reorganization there is a need to move away from what has been referred to as a loose confederation of organization into a departmental structure with improved authority, responsibility, and overall coordination

in the office of the Executive Director of the Department of Regulatory Agencies.

### Advisory Council for Health Care Occupations

The continuing first objective of the Organization Committee's efforts over the last four years of study has been to devise a procedure to provide the General Assembly with an in-depth and impartial evaluation of requests for statutory regulation of health care personnel not presently regulated by the state, thus avoiding hurried judgments during the legislative session. The Bosworth Task Force Report made the following evaluation of the current procedure:

The intensity of the legislative session is no place to present for the first time the pros and cons of new licensure of as complex and technical a field as health care. It is not intended that the legislative forum for airing of conflicting opinions should be eliminated or circumvented. It simply means that a system should be developed to provide adequate background and advice to the Legislature by competent people after unhurried research and discussion. There are presently many identifiable allied health care groups who could conceivably desire licensure in the next ten or fifteen years as well as many new types of personnel being trained for new functions.

The Advisory Council measure submitted by the Committee establishes the evaluation of licensure requests as the primary duty of the Council. The specific language of the bill reads as follows:

When the public health, safety, and welfare so require, to recommend to the general assembly, after consultation with any affected health care occupations, that a health care occupation not licensed on July 1, 1973, be recognized by the general assembly and made subject to licensing or some other form of regulation. If licensing is recommended, such recommendation shall include the minimum qualifications of education, experience, character, and age which in the opinion of the council should be established for licensees.



Beyond this first objective there are other essential services the advisory council provides to the General Assembly and the health care boards. These additional activities are as follows: (See page 53 for the full text of the Advisory Council bill.)

Review the functions of existing health occupation boards to determine the feasibility of consolidating boards. During the course of the Committee's deliberations several proposals were presented for the consolidation of existing boards or the placement of new health occupations within appropriate existing boards. These proposals included combining the present board for nursing and psychiatric technicians with the board for practical nursing; creating a single board for the therapy occupations; placing newly recognized occupations within the jurisdiction of either the medical board, the nursing board, the pharmacy board or the dental board; and finally, creating six major licensing areas -- medicine, dentistry, nursing, medical technology, medical therapy, and institutional -- and placing all credentialed groups under one of the six.

Although no position is taken on any of these concepts, the Committee is aware of, and concerned with, the growing list of licensed health professionals and the subsequent need to formulate representative certification and licensure boards rather than individual boards for each new health occupation or profession recognized by the State. The Committee observes that as a practical matter, the work load of many boards may not justify a separate staff or board status; in addition, in delivering health services many occupations work under the jurisdiction of or at least together with one profession or a few occupations or professions.

Recommend revisions in the statutory qualifications of persons applying for a health occupation license. Each health licensure statute specifies minimum qualifications of education, experience, character and age. These are key factors in maintaining a control over entrance into the occupation. There may be instances where there should be a reevaluation of minimum qualifications set many years ago under entirely different circumstances than those encountered in today's health care environment. A recent federal study made the following observation relative to this point:

Licensing was originally intended to protect the public from dishonest and incompetent practitioners. Current licensing practices may obtain an additional result; they limit the number of practitioners by imposing unnecessarily difficult requirements as conditions

for acquiring a license. Furthermore, licensure qualifications are set, generally, by the professions themselves; and professional control is maintained through boards of examiners composed of or dominated by the professional practitioners. Thus, licensure may mean only that licensed practitioners meet standards set by their own profession; it does not necessarily mean that the State has evaluated the profession's standards and has approved these standards as being valuable to society.<sup>3/</sup>

Evaluate examinations administered by the boards and recommend whether they are appropriate means of deciding the qualifications of an applicant. Examinations have implications on manpower policies. Manpower policies have important implications on the deliverance of health care and its cost. A primary objective in this area is the upgrading of standards to provide uniform, minimum qualifications for each state and between states. The boards now determine the type of examination to be used -- written, oral, practical, or a combination of these. A board may also decide to use an examination prepared by national examining services or national boards of examiners. Again, the advisory council should have authority to make recommendations -- to the boards in this case -- regarding the relevance of examinations and the advisability of accepting a standardized national examination.

Make recommendations to the General Assembly concerning continuing education requirements and the substitution of practical experience for educational requirements. Proficiency and equivalency testing are now looked upon as effective measures for alleviating the shortage of qualified health manpower and recognizing competent individuals who are ineligible for certain positions solely because they lack the formal education or professional credentials required. These procedures also provide a method for career mobility.

With regards to continuing education, the traditional rationale for licensure has been to guarantee and maintain standards of quality and thus protect the citizenry against low-quality health care. Many observers suggest there is a gap between those objectives and reality. At issue is what is generally termed "professional obsolescence". The concept is by no means limited to the health care occupations, nor have professional societies and, indeed, state licensure laws totally ignored the problem. Nevertheless, a better understanding of the issue will lead to more effective ways of dealing with obsolescence in health delivery.

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<sup>3/</sup> Report on Licensure and Related Health Personnel Credentialing, U.S. Department of Health, Education, and Welfare, 1971, p. 2.

Make recommendations to the General Assembly regarding reciprocity. The practice acts that establish educational requirements, experience, and other qualifications for the various health occupations frequently differ from state to state. Thus a person licensed in one state may be barred from practice in another state unless a second license is obtained. It is suggested that these restrictions have had a definite influence on geographic mobility. On the other hand, there may be a great deal of reluctance on the part of the State to surrender its prerogative of setting specific standards. These issues should be examined in detail by the advisory council.

Composition of the Advisory Council -- a Majority and Minority Report. The Committee did not reach a consensus regarding the composition of the Advisory Council. The "majority bill" specifies that the Council number fifteen, thus including one representative from health care occupations regulated by existing licensure boards, plus one representative of insurance carriers and one representative of hospital administration.

The "minority bill" specifies that the advisory council be composed of thirteen members: five laymen, one representative of each of four health care occupations licensed by the State, and one representative from each of the following: insurance carriers, health maintenance organizations, hospital administration, and the State Comprehensive Health Planning Council.

Both bills stipulate that appointments be made by the Governor for three year terms and that members receive reimbursement only for actual and necessary expenses.

Both measures empower the Council to recommend to the Executive Director of the Department of Regulatory Agencies that sufficient staff be hired through the personnel system to meet the Council's needs.

#### Directive to the Advisory Council

Historically, issues such as licensure were of concern only to professional individuals and organizations affected. The public-policy aspects of licensure were not perceived by decision-makers. Today, matters of licensure and subsequent deliverance of health care are not immune from public criticism. "The responsibility of both public and private leadership is to fuse health-manpower credentialing with the public interest."<sup>4/</sup>

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<sup>4/</sup> Ibid.

Prior to examining the licensure procedures of the various health occupation boards in Colorado and advising the General Assembly on the recognition of additional professions and occupations, the Advisory Council will want to apprise itself of the many complex problems in the area of health care.

One question the Council will want to study is whether the traditional methodology of licensure is the best approach to credentialing. The Bosworth Task Force reported on this matter as follows:

Interest in licensure and other forms of regulation of health care personnel is not limited to Colorado; it is nation-wide. Out of these widespread efforts, it is obvious that new methodology for regulation will evolve. National legislative attention directed toward reducing spiraling costs of health care delivery will undoubtedly involve attention directly toward national licensure. The increasingly intensive efforts of organized medicine, the legal profession and government both locally and nationally, will almost certainly focus some attention on new systems of regulation. Already, innovative suggestions referred to as "team licensing", "physicians assistants", and others have gained wide attention. The Task Force Committee believes that some mechanism must be developed which would allow for ongoing, in-depth study of such deviations from the traditional. Without such study, the legislative process could lag behind technological progress in a field which even now significantly affects the economy of Colorado. The problems of effective use of health care manpower and proper protection of our citizens (licensure or regulation) overlap as do the responsibilities and interests of the public and private sectors of the health care field.

There is an excellent, current library on the subject of health care credentialing which presents many demanding issues and unresolved problems. Among the questions the Advisory Council will wish to give critical consideration before looking at the current and proposed licensure statutes are the following: Have licensure and certification outlived their usefulness as quality-control and consumer-protection measures? Have these systems become exclusion-oriented devices for the protection of professional and economic interests of certain groups? Have licensure and certification

rigidities limited career opportunities for new types of professionals and, thus, contributed directly to the health-manpower shortage?

The duties prescribed in Bill A, majority and minority versions, and outlined briefly above are meant to be broad perimeters within which the Advisory Council may function. The service such a group can perform for the General Assembly is vitally important. The Committee believes sufficient authority is outlined in the bill accompanying this report to give the Council the tools to do the job.

#### Continuation of the Moratorium on Health Care Licensure

The 1970 report of the Organization of State Government Committee contained a recommendation for a two-year moratorium on additional licensure of health personnel. This recommendation was accepted by the General Assembly; no new categories of health personnel have been recognized by the State. The moratorium ends at the start of the 1973 Session.

Committee Recommendation. The Committee recommends that the moratorium be continued pending final action by the General Assembly on the advisory council concept. If the Advisory Council measure is passed by the General Assembly, it should be operative and able to make recommendations by the 1974 Session on the advisability of extending licensure to requesting health care occupations. To lift the moratorium prior to final action on the advisory council concept would defeat one of the central duties of the advisory council mechanism, that is, to serve as a counsel to the legislature on the difficult question of what additional occupations should be recognized by the State and how they should be recognized.

If the advisory council measure is defeated during the 1973 Session, the Committee recommends that the moratorium be lifted immediately.

It may be of interest to note that Colorado is not the only state to place a moratorium on additional health licensure boards. In addition to other state moratoriums, a major study by the Department of Health, Education and Welfare on the subject of health personnel credentialing has recommended that all states "observe a two-year moratorium on the enactment of legislation that would establish new categories of health personnel with statutorily-defined scopes of function".<sup>5/</sup>

<sup>5/</sup> Licensure and Related Health Personnel Credentialing, U.S. Department of Health, Education and Welfare, 1971, p. 73.

## The Functional Organization of The Division of Registrations

While the Committee was primarily interested in the regulatory boards for health care within the Division of Registrations, its continuing responsibilities as the interim legislative committee concerned with the structural and functional organization of state government dictated that it also study the functions of the other regulatory boards within the division. An organization chart of the entire Department of Regulatory Agencies is shown on page 16 of this report.

In light of this fact, four bills are recommended for consideration by the General Assembly to initiate a functional reorganization of the Division of Registrations within the Department of Regulatory Agencies. Each recommended measure is detailed below.

The Committee submits that, in addition to achieving the objectives outlined earlier in this report, the proposals will strengthen the administrative efficiency of the Division of Registrations by increasing the centralization of services. Services assumed through centralized administration usually include answering inquiries from applicants for licenses; preparing and mailing licenses; mailing renewal applications; renewing licenses; inspecting licensees at their places of work; investigating complaints; collecting and depositing fees; and maintaining financial records for the boards. Many of these activities have been centralized in the Division of Registrations, but there is much work to be accomplished.

### Abolish Cash Funding

Twenty-nine separate cash funds are now maintained to account for revenues and expenditures of all the boards within the Division of Registrations of the Department of Regulatory Agencies. These boards include health care regulatory boards as well as other occupational boards.

The Committee recommends abolishing these funds and providing that all moneys received by the boards within the Division of Registrations flow into the State General Fund, thus allowing for the funding of the operations of the Division of Registrations through the General Fund. (Due to the length of this bill, it is not included in the Committee's report.)

Abolishing cash funding of the licensure boards is not a new item of discussion. It has been studied by the Organ-

ization of State Government Committee in the past but action has been deferred. Renewed interest is represented in a 1972 State Auditor's report which recommends elimination of the cash funds in the Division of Registrations.

Several points are advanced in support of abolishing separate cash funds:

1. Such a step would vest more authority and responsibility for the general management of the agencies with the head of the Division of Registration and the Executive Director of the Department. It would provide the department and division directors needed flexibility in administering the operations of the boards by having one appropriation account for all expenses.

2. Elimination of the cash funds will not affect the boards' responsibility, i.e., to govern the examination and licensing practices for all persons and businesses which, by statute, are placed under the authority of the Department of Regulatory Agencies, and its Division of Registrations.

The Committee is concerned with the common contention of the boards that they are "paying their way" and as such are not a burden on the State, but to the contrary, a revenue raising agent of the State, and should remain autonomous.

3. Elimination of the present system would allow centralization of all costs applicable to a board instead of paying part of the costs from cash funds and other costs from the general fund. Efficiency could be gained by combining the several separate accounting records into one larger, unified system.

The Division of Registrations' accounting system should provide for accumulating revenue and expenses applicable to each board. The records should be reviewed periodically to determine if variances between revenue and expenses justify changes in fees.

### Investigations and Hearings

The investigating and hearing functions of each occupational board are critical elements of their responsibilities as agents of the State. With regards to the health care boards, the Bosworth report summarized the manner in which these two functions are carried out.

Investigation may have to be obtained by hire, and often facts developed are not of the nature which is needed for the formal hearing

or prosecution of an offense. Hearings for suspension or reinstatement are time-consuming, often expensive, and procedures for such may vary greatly from one board to another.

Committee Recommendation: grant the department and division head authority to initiate an investigation. In general, regulatory boards investigate a practitioner's compliance with the law only when a complaint is filed. It is often difficult to determine whether an individual is in violation of specific sections of a statute because standards of performance are formulated in broad terms. Thus, to a marked degree, the enforcement of licensing laws depends on voluntary compliance and the efforts of occupational associations. Nevertheless, the disciplinary function of a state licensing board should be viewed as one of the most effective and potent means of enforcing high standards of occupational performance.

Within the Division of Registrations, the investigative function is handled in several different ways. In many instances, investigations are conducted by staff personnel. Only the Real Estate Commission and the Pharmacy Board have staff personnel assigned the full time duty of investigations. Other boards hire private investigators, or board members conduct investigations, or, at least in one instance, only the professional association carries out an investigation. Almost without exception investigations are conducted pursuant only to complaints.

One of the most obvious problems in this area is the reluctance on the part of boards to invoke disciplinary action against their fellows and, in many instances, to even initiate an investigation. The Committee submits that such action is a fundamental ingredient in the State's protection of the public. The Committee therefore recommends Bill B on page 61 of this report. This measure would give the Executive Director of the Department of Regulatory Agencies or the Director of the Division of Registrations the authority to initiate an investigation pursuant to any complaint presented to him concerning a licensee.

Committee Recommendation: authorize boards and commissions to hire hearings officers. An additional problem facing regulatory boards is that they frequently must assume the roles of investigators, prosecutors, juries, and judges. Whether this procedure provides adequate safeguards with respect to conflict of interest and due process of law is presently an unanswered question. On the other hand, there seems to be little doubt that society is becoming more litigious and the courts are taking a much closer look at the due process issue.



Within the Division of Registrations, the Board of Pharmacy presently has statutory authority to hire a hearings officer; the Real Estate Commission uses the service of a hearings officer occasionally, and the Executive Director of the Department of Regulatory Agencies serves as a hearings officer for the Collection Agency Board. Thus, with a few exceptions, the occupational board serves as the hearings body.

The Committee recommends Bill C on page 63 of this report as a means of granting the boards and commissions within the Division of Registrations the authority to hire hearings officers.

In recommending the bill, the Committee contends that granting the various boards and commissions the authority to hire hearings officers will accomplish several objectives. It will be a first step toward the establishment of a better judicial procedure. Boards are often baffled and embarrassed by due process entanglements which lead to the loss of a case on procedural grounds rather than substantive questions. The hiring of a hearings officer may also lead to the more efficient handling of cases by the boards and fewer appeals as well. In addition, such a procedure would release the boards from part of their work in the judicial proceedings thus allowing time for other functions.

Finally, there are presently few people with a complete and working knowledge of the State's administrative code; implementation of the Committee's recommendation will change this practice. It is the Committee's belief that a more structured and judicial approach to the hearing function, in accordance with the provisions of the administrative code, will strengthen the boards' position.

Committee Recommendation: empower the executive director to standardize license formats. Although the Division of Registrations of the Department of Regulatory Agencies is composed of agencies with diverse interests, methods of operation, and physical separation, each agency performs a common regulatory function and thus, as the Governor's Committee on Efficiency and Economy noted in 1969, "some procedural improvements, joint use of personnel and facilities, and reorganization can and should be made". Two statutory changes were made in 1970 to facilitate greater economies and efficiencies in the handling of licenses. These changes provided for staggered license renewals and extended license periods. Another recommendation from the Governor's task force called for the standardization of license forms including the size, number and distribution of copies, type of license and renewal applications. Bill D on page 65 of this report gives the Executive Director the authority to work toward implementation of that recommendation.

With the adoption of a standard format, standardization of office procedures may follow which will facilitate greater flexibility, accuracy and promptness, and work away from the kinds of procedures within the Division of Registrations that led the Bosworth Task Force to criticize the administrative procedures of the Division and "question whether the real intent of governmental reorganization has been realized in this department...".

[illegible]

DIVISION OR SECTION OVER WHICH THE DEPARTMENT OR DIVISION HAS LIMITED COORDINATION. BUDGET AND PLANNING RELATIONSHIP OR LESS THAN COMPLETE AUTHORITY OVER POLICY AND ADMINISTRATION.

WHOLLY APPOINTED BY THE GOVERNOR

**!! PARTIALLY APPOINTED BY THE GOVERNOR.**

## Higher Education

The Committee studied several issues affecting the State's institutions of higher education: the structure of governing boards, the management of auxiliary enterprises and revenue bond obligations, the classification of students for tuition purposes, the state's tuition setting policy, and the authority over, and funding of, automated data processing as it relates to higher education.

### Governance of Higher Education

Committee Recommendation. During the 1971 interim the Committee devoted considerable attention to the question of the governance of higher education. Several measures were recommended in the Committee's final report to the General Assembly. One of the Committee proposals introduced in the last Session which was not acted upon by the General Assembly increased the size of the governing board for the Colorado School of Mines. The Committee herein submits the measure for consideration by the 1973 Session of the General Assembly.

The bill, found on page 67 of this report, adds two members to the Board of Trustees of the School of Mines, thus increasing its number from five to seven.

If the scheme of governance formulated around lay control is to remain viable, it is important that a governing board not be overburdened and that voices representative of the different professional interests fostered by the school be included. Enlarging the board will accomplish these necessary objectives.

### Management of Auxiliary Enterprises at State Colleges and Universities

In a narrow sense, the issues regarding auxiliary enterprises that were discussed by the Committee included revenue bond principal and interest payment problems at Lamar Community College and Otero Junior College (the auxiliary enterprise accounts at the two schools had expenditures in excess of income),<sup>6/</sup> whether similar problems may exist at other community or junior colleges, and what role the General Assembly should assume.<sup>7/</sup>

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<sup>6/</sup> For a more detailed account of the Lamar and Otero issue, see Appendix C, page 49 of this report.

<sup>7/</sup> Table I on page 18 details the annual debt requirements of the state's community colleges, including local district schools.

TABLE I  
ANNUAL DEBT REQUIREMENTS  
STATE OF COLORADO COMMUNITY COLLEGES  
MEMBER AND NON-MEMBER SCHOOLS

| Calendar Year | Outstanding Debt Requirements of the Member Schools |                               |                         |                       |                          |                          | Outstanding Debt Requirements of Non-Member Schools* |                              |  |  |                              |
|---------------|---|-------------------------------|-------------------------|-----------------------|--------------------------|--------------------------|--|------------------------------|--|--|------------------------------|
|               | Arapahoe Community College                          | Lamar Junior College District | Trinidad Junior College | Otero County District | Otero Building Authority | Total Annual Member Debt | Northeastern Junior College District                 | Mesa Junior College District | Colorado Schools Leasing Corp. (Rangely) | Western Colorado Leasing Corp. (Rangely) | Total Annual Non-Member Debt |
| 1972          |   | \$ 52,319                     | \$ 128,975              | \$ 90,130             | \$ 29,270                | \$ 300,694               | \$ 176,287   | \$ 306,211                   | \$ 31,810                                | \$ 29,577                                | \$ 543,885                   |
| 1973          | \$ 41,700   | 51,715                        | 126,975                 | 88,870                | 29,272                   | 338,532                  | 173,500  | 305,823                      | 32,192                                   | 29,157                                   | 540,672                      |
| 1974          | 41,700  | 56,081                        | 129,975                 | 87,610                | 29,227                   | 344,593                  | 170,237  | 310,248                      | 31,527                                   | 29,737                                   | 541,749                      |
| 1975          | 41,700  | 55,231                        | 127,775                 | 91,350                | 31,135                   | 347,191                  | 176,975  | 314,198                      | 31,862                                   | 29,265                                   | 552,300                      |
| 1976          | 46,700  | 54,381                        | 130,575                 | 89,910                | 30,900                   | 352,476                  | 173,862  | 317,898                      | 31,150                                   | 29,792                                   | 552,702                      |
| 1977          | 51,500  | 53,531                        | 128,175                 | 88,390                | 30,583                   | 352,229                  | 175,550  | 311,148                      | 31,437                                   | 30,267                                   | 548,402                      |
| 1978          | 61,250  | 52,681                        | 130,775                 | 91,870                | 26,218                   | 362,794                  | 177,125  | 314,398                      | 30,677                                   | 30,690                                   | 552,890                      |
| 1979          | 70,650  | 51,831                        | 128,175                 | 90,160                |                          | 340,816                  | 178,437  | 312,236                      | 30,917                                   | 30,060                                   | 551,650                      |
| 1980          | 69,750  | 55,981                        | 130,575                 | 93,450                |                          | 349,756                  | 174,537  | 314,873                      | 31,110                                   | 30,430                                   | 550,950                      |
| 1981          | 73,850  | 54,919                        | 127,775                 | 91,550                |                          | 348,094                  | 180,287  | 312,276                      | 31,255                                   | 29,747                                   | 553,565                      |
| 1982          | 72,800  | 53,825                        | 129,825                 | 89,550                |                          | 346,000                  | 181,100  | 314,508                      | 31,352                                   | 29,065                                   | 556,025                      |
| 1983          | 71,750  | 57,731                        | 131,637                 | 92,550                |                          | 353,668                  | 181,712  | 311,241                      | 31,402                                   | 29,382                                   | 553,737                      |
| 1984          | 70,700  | 56,419                        | 128,237                 | 90,350                |                          | 345,706                  | 182,062  | 312,803                      | 31,405                                   | 29,647                                   | 555,917                      |
| 1985          | 74,650  | 55,106                        | 129,837                 | 93,150                |                          | 352,743                  | 182,212  | 248,903                      | 31,360                                   | 29,860                                   | 492,335                      |
| 1986          | 73,450  | 53,794                        | 131,225                 | 90,750                |                          | 349,219                  | 182,162  | 202,213                      | 31,267                                   | 29,020                                   | 444,662                      |
| 1987          | 77,250  | 52,481                        | 127,350                 | 93,290                |                          | 350,371                  | 181,912  | 206,401                      | 31,127                                   | 29,180                                   | 448,620                      |
| 1988          | 75,900  | 56,169                        | 128,300                 | 90,625                |                          | 350,994                  | 185,462  | 205,126                      | 30,940                                   | 31,287                                   | 452,813                      |
| 1989          | 79,550  | 54,638                        | 129,025                 | 92,960                |                          | 356,173                  | 178,612  | 203,601                      | 30,705                                   | 30,237                                   | 443,155                      |
| 1990          | 78,050  | 53,106                        | 129,525                 | 90,090                |                          | 350,771                  | 181,762  | 201,813                      | 30,422                                   | 34,187                                   | 448,184                      |
| 1991          | 81,550  | 56,575                        | 129,800                 | 92,220                |                          | 360,145                  | 173,887  | 204,803                      | 24,092                                   | 157,875                                  | 560,657                      |
| 1992          | 79,900  | 54,775                        | 129,850                 | 94,070                |                          | 358,595                  | 166,012  | 202,448                      |  |  | 368,460                      |
| 1993          | 83,250  | 52,975                        | 129,675                 | 90,710                |                          | 356,610                  | 163,137  | 204,837                      |  |  | 367,974                      |
| 1994          | 86,450  | 56,175                        | 99,275                  | 92,350                |                          | 334,250                  |  | 201,775                      |  |  | 201,775                      |
| 1995          | 89,500  | 54,915                        |                         | 93,780                |                          | 238,195                  |  | 203,456                      |  |  | 203,456                      |
| 1996          | 87,400  | 57,125                        |                         |                       |                          | 144,525                  |  | 199,631                      |  |  | 199,631                      |
| 1997          | 90,300  | 54,750                        |                         |                       |                          | 145,050                  |  |                              |  |  |                              |
| 1998          | 93,050  | 52,375                        |                         |                       |                          | 145,425                  |  |                              |  |  |                              |
| 1999          | 95,650  |                               |                         |                       |                          | 95,650                   |  |                              |  |  |                              |
| 2000          | 98,100  |                               |                         |                       |                          | 98,100                   |  |                              |  |  |                              |
| 2001          | 93,400  |                               |                         |                       |                          | 93,400                   |  |                              |  |  |                              |
| 2002          | 92,700  |                               |                         |                       |                          | 92,700                   |  |                              |  |  |                              |
|               | \$2,246,200   | \$1,471,604                   | \$2,943,311             | \$2,189,735           | \$206,605                | \$9,057,445              | \$3,896,829  | \$6,542,881                  | \$618,009                                | \$728,462                                | \$11,786,181                 |

\*Does not include debt of Rocky Mountain College.

Viewed in a broader sense, however, the issues included whether the revenue bond obligation problem exists potentially at every institution, whether state funds should be used to meet bond obligations on auxiliary operations, what involvement the General Assembly should have in the planning for and development of auxiliary enterprises, and what alternatives are available including alternatives to the present method of meeting bond obligations.

The Committee's agenda did not allow for an extensive study of all of the issues surrounding these important questions. Meetings were held with representatives of every governing board or school for higher education and with legal and bond counsel. The Committee is not prepared to identify a single cause of the revenue bond funding problem facing the state's junior colleges. A number of factors, seemingly acting in concert, have caused the present situation. These factors are reviewed below.

Development of the Junior College System. Before the passage of the Junior College Act of 1967 there were seven junior colleges in Colorado, all located in the perimeter of the state. Efforts to develop additional junior colleges in the metropolitan areas were at the time voted down and students from the metropolitan areas began to enroll in outlying junior colleges. Thus, the need for dormitories and student centers became apparent.

With passage of the state Junior College law, junior colleges in Denver and Colorado Springs were created. Then came Arapahoe Community College, Aims College, Colorado Mountain College, and Morgan County Community College. As these junior colleges developed, students who might have attended one of the seven established schools chose junior colleges closer to home. This had an adverse effect on the rate of growth in enrollments in existing junior colleges.

The problem may have been compounded when out-of-state tuition was increased in 1970. This probably had an effect on the number of fee paying out-of-state students.

Finally, continued development of new junior colleges and the conversion of two-year colleges to four-year colleges in Colorado has caused a surplus of vacancies for freshmen and transfer students.

In most if not all of these developments, the state -- the General Assembly -- played a conscious role. Based on inflated enrollment projections, the economic and political pressures for the establishment of local educational institutions, the decision to appropriate tuition moneys and thus,

in effect, set tuition policy, and the decision to limit certain enrollments -- all of these factors have had and will continue to have an impact on the auxiliary enterprise situation at junior colleges in particular.

Management of Resources. Much of the responsibility for the current problem at the junior college level seems to lie with management of the schools' financial resources and, in the larger context, governance by the state board.

Probably the most serious situation exists at Lamar where 1) the school has been without a full-time business manager for two years; and 2) a change in the management of some auxiliary enterprise funds probably could have provided moneys to pay the bond obligation this year. When such a decision effects the ability of the school to meet its bond obligations, then it becomes a concern of the Board for Community Colleges and should be a concern of the legislature.

Another example of the internal management situation, in this instance at Otero, Lamar and Trinidad, was brought to the Committee's attention through the staff work of the Legislative Audit Committee. Audits contracted by the Committee disclose the need for, at the very least, a better accounting procedure and extensive reform in other areas.

Role of the State Board. Finally, the question is raised as to the role of the State Board for Community Colleges. The Board is responsible for establishing conditions under which local community colleges enter the state system. The present and past difficulties at Lamar and Otero should be weighed in the future when applications for admission into the state system are considered from local district schools presently in operation: Northeastern, Morgan, Colorado Mountain College, Colorado Western. All of these schools are reported to be in tight financial condition.

The Committee observes that the board should closely examine applications in light of the probable fiscal implications for the State. Several schools have sold bonds in which there was a pledging of tuition monies to retire the bonded indebtedness. Entrance into the state system will prevent this practice.

The status of auxiliary enterprises at other schools. Time did not allow for a more careful review of the auxiliary enterprise function at other schools. Whether or not the potential for financial problems exist at these schools is not fully known. The Committee was assured by representatives of the various schools that their operations are fiscally sound.

What is known is that CU is building additional dormitory facilities at Boulder and CSU is planning a new married student facility at Fort Collins, and that these and any other auxiliary enterprises are outside the legislative review process. Thus buildings are planned and constructed and operational levels and fees are set without review or approval by the legislature. At the same time, as in the case of Otero and Lamar, supplemental assistance is requested when the income from these auxiliary enterprises is insufficient to meet revenue bond obligations.

The question becomes one of whether the legislative branch should somehow be involved not only in the losses but in overseeing the management of auxiliary activities including what fees and rents to charge, whether to require students to live in dorms, the kinds, size and cost of facilities, use of vacant dorm space for other activities, and the like.

The Committee observes that responsibility for the management of auxiliary enterprises probably should continue to rest with the administrative officials of each institution and the respective governing boards. Thus, the revenue bond obligations would continue to be met by the schools themselves. The Committee further notes that assurances have been given by the State Board for Community Colleges that practices have been initiated for better management and a "tightening-up" of auxiliary enterprises.

Alternative Approaches. Among the alternative approaches to dealing with the auxiliary enterprise issue at Lamar and Otero as well as other institutions of higher education are:

- 1) Establish a clear understanding among bond holders, auxiliary enterprise administrators, the executive branch and the legislature that no state money is going to be available to support auxiliary operations. Thus, the problem becomes one to be solved by management. It is evident that accounting procedures at the States' community colleges are not in full compliance with desired standards so that financial reports are comparable and compatible with reports of other institutions. This problem has been investigated by the Legislative Audit Committee and its staff. It is the Committee's understanding that steps are being taken to tighten the management of auxiliary enterprises throughout the system.

- 2) Allow General Fund monies to be used for the support of auxiliary operations either through specific supplemental appropriations or the support of corporate solutions similar to that initiated by the State Community College



Board this summer. This is supportive of the conclusion shared by many that economics necessitate that there be some State payment of principal and interest; and for investor acceptance and without regard to legal obstacles, no combination of tuition, fees or use charges, perhaps even on a pooled basis, will be sufficient to meet the market. The General Assembly may wish to exercise some authority in the management of these enterprises if such an approach is adopted.

3) Grant additional authority to the Commission on Higher Education over the planning, authorization and general management of auxiliary facilities. The Commission, through increased authority granted by the legislature in 1970, has the kind of responsibility that could be broadened to include purview over auxiliary activities.

4) Refund the outstanding debt of the Community Colleges. This could be accomplished either by (1) establishing a government bond escrow utilizing a one-time state appropriation of approximately \$5,000,000 to fund principal and interest requirements of \$9,057,445, or (2) by establishing a government bond escrow from the proceeds of the sale of bonds issued by the State Board. This bond issue would be in the approximate amount of \$5,000,000. If the total debt of the Community Colleges as well as the non-member colleges is refunded, the total requirement will be approximately \$12,085,000 to fund principal and interest of \$20,843,636.

5) Create a building authority for issuance of bonds payable in whole or in part by state appropriations but without the state legally obligated to make such appropriations.

#### Modifications of Residency Law for Tuition Classification

Prompted by an October 2 Colorado Supreme Court decision in the case of Covell v. Douglas, et al., the Organization of State Government Committee studied proposals to revise Colorado's tuition classification law. The Colorado Supreme Court voided a provision in the law which effectively required out-of-state students to drop out of school for a year or become part-time students before they could claim in-state resident status and thereby pay lower tuition fees.

The Covell Case. Bradford C. Covell was a full-time student at the University of Colorado during the fall term of 1969 and the spring of 1970. He was classified as an out-of-state student for tuition purposes. When Mr. Covell returned to school in January, 1971, he requested classification as a resident student.

Mr. Covell's appeal for in-state classification for tuition purposes was based on the fact that he had been domiciled in Colorado for one year as required by 124-18-2 (2). In addition, Mr. Covell contended that he had specifically stated his intent to make Colorado his domicile; he had obtained a Colorado driver's license; become a registered voter and had previously voted in Colorado; had been employed in Colorado; had paid Colorado income taxes; and was maintaining a bank account in a Colorado bank. Finally, Covell stated that he was a qualified person to determine his own domicile since he had become an emancipated minor on January 1, 1970.

Despite Covell's arguments for classification as a resident student, the C.U. Committee on Tuition Classification denied a change in status on grounds that Covell had not complied with 124-18-3 (3). Covell then challenged the constitutionality of that portion of 124-18-3 (3) which reads:

...An emancipated minor or adult student who has registered as a full-time student for more than eight hours per term shall not qualify for a change in his classification for tuition purposes unless he shall have completed twelve continuous months of residence while not attending an institution of higher learning, public or private, in the state....

The District Court upheld the decision of the Committee on Tuition Classification. Covell appealed to the Colorado Supreme Court. The Supreme Court reversed the judgment stating that the portion of section 124-18-3 (3) questioned by Covell imposes an "invidious discrimination violative of the Fourteenth Amendment."

It should be noted that only that one sentence of the classification law was declared unconstitutional and severable from the remainder of the statute. Thus, except for the one sentence, the tuition classification law remains intact.

There could be court action overturning the Colorado Supreme Court decision, as the case will be appealed to the U.S. Supreme Court. Many observers believe however, that the Supreme Court will refuse to hear the case.

Committee Discussion on Proposals to Revise the Tuition Classification Law. The effect of the Supreme Court decision is that it will require reclassification of those students 21 years or older, or emancipated, who have resided here one year or more and have established a bona fide domicile in Colorado. It has been estimated that the decision

could result in lower tuition rates for approximately 4,000 nonresident students in state colleges and universities.

Thus, there are significant fiscal implications for Colorado state colleges and universities. In fact, the Commission of the States indicates that Colorado has the third largest nonresident student enrollment in the United States and potentially, in terms of total dollars, the second largest nonresident tuition income to the State.

The Commission on Higher Education presented the Committee with figures on projected tuition revenue losses as a result of the Supreme Court decision. There are 98,000 students in Colorado institutions of higher education, 75,500 of which are residents. Of the 22,500 nonresident students in Colorado, 17,500 are undergraduates and 5,000 are graduate students.

Of course, not all students paying nonresident tuition can be reclassified because the requirements remain of one year of domicile in Colorado as well as being 21 or being able to document that one is fully emancipated.

It was estimated that 2,000 to 4,000 students could be reclassified within one academic year, which could result in a tuition revenue loss of \$2.5 to \$5 million. In counting only the students newly eligible during the winter and spring quarters for in-state tuition classification, there could be a revenue deficit of \$1.3 to \$3.5 million. With an expected increase in the number of emancipated students, there could be an annual revenue loss of \$5 to \$10 million.

Implications for C.U. Some 10,062 University of Colorado students are nonresidents, nearly 50 percent of the school's enrollment. If all nonresidents now at C.U. attempted to be reclassified for the remainder of the academic year, it is estimated that 775 to 1,375 would be eligible for a change in status. This could result in a tuition revenue loss for C.U. of \$560,000 to \$1 million. For the 1973-74 academic year, 1,175 to 1,875 students could be reclassified, with a possible resultant revenue loss of \$1.5 to \$2.6 million.

Alternative Methods for Assessing Tuition. Several alternative methods of assessing tuition for resident and nonresident students were considered by the Committee. Among the proposals were:

(1) live with the existing statute, as modified by the Covell case. The one year durational residency requirement is still in effect for emancipated and 21-year old students along with the criteria of establishing a bona fide domicile.

(2) amend the existing statutes to add rebuttal presumptions concerning domicile, plus other indicators of intent.

(3) amend the existing statute to recognize the two classifications of in-state, out-of-state upon criteria other than those referring to domicile. Graduation from a Colorado high school could be a prime criteria for the in-state classification.

(4) establish tuition based on a "benefit to Colorado" basis. Under this proposal, the declaration of a person as a resident for tuition purposes would be based on his contribution to the state income tax fund.

(5) repeal the existing statute, adopt a broad general statement of legislative purpose and delegate discretion to individual institutions. Each educational institution, under this proposal, would be given the responsibility to decide for its own students criteria for recognition as an in-state resident.

(6) establish state funded scholarships to Colorado residents. Scholarships could be funded through institutions of higher education to students graduating from Colorado public and parochial high schools.

(7) provide equal tuition rates for all students. All students would be required to pay the same tuition, thus the rates for in-state students could be raised substantially.

(8) initiate graduated tax credits. This proposal would grant tax credits over a number of years to Colorado residents, or their parents.

(9) limit admission to Colorado institutions of higher education to Colorado residents only.

Committee Recommendation. The Committee recommends that the existing tuition classification statute be strengthened to add rebuttable presumptions concerning domicile, plus other indicators of intent. The Committee's proposal is found on page 69 . In proposing the bill the Committee submits that it will meet several objectives: be acceptable to the courts, insure that in-state and out-state students will continue to pay appropriate tuition fees, avoid retaliation by other states in the form of higher tuition rates in their schools for Colorado residents, and extend educational opportunities to the entire citizenry in the form of reasonable tuition rates for all persons desiring a higher education.

Provisions of the bill. The proposed legislation permits a change of tuition status for emancipated minors or adult students only if they can comply with various criteria spelled out in the bill.

Among the indicators of domicile which may be used to prove that one is a bona fide Colorado resident are the following: employment in the state other than at an institution of higher education; ownership of residential real property in Colorado; graduation from a Colorado high school; continued residence in the state during periods when one is not enrolled as a student or during periods between academic sessions. No single one of the above-mentioned criteria is necessarily sufficient evidence that a person has established a bona fide domicile in Colorado.

The bill also sets down criteria which can be used to prove a student is not qualified to be a resident for tuition purposes. Among those listed criteria are: failure to comply with any law which requires compliance of residents; maintenance of a home in another state; "prolonged absence from Colorado" except for military service; "any other factor peculiar to the individual" which shows his home to be in another state. The last is a "catch-all" clause which college administrators can use to disqualify students from resident status.

The proposed bill further "tightens up" the tuition classification law by repealing 124-18-3 (1) (g). That subsection now allows spouses or minor children, or both, of persons employed full-time in the state to be immediately declared residents for tuition purposes. This portion of the law has been particularly advantageous for persons attending graduate school. Repeal of the section will insure that there will be a one year durational requirement for everyone and secondly, avoid creation of a special class of persons.

Explicit criteria are also spelled out in the bill as a guide to determining whether a student is or whether a student is not emancipated. Once again, no single criterion is considered conclusive evidence as to either category.

One final aspect of the bill should be emphasized. The burden of proof in establishing a Colorado domicile will be on the person seeking to establish domicile. The registering authority of any institution may require the individual seeking to establish domicile, to support his claim by evidence which will satisfy the registering authority of the validity of the claim.

## The State's Tuition Setting Policy

In addition to the discussion on the modification of residency requirements for tuition classification, the Committee discussed the broader subject of the State's tuition setting policy.

Prior to the last two fiscal years the setting of tuition has been in the hands of the individual governing boards. This vesting of full authority has been subsequently changed by 1) legislative practice in the annual appropriation bill; 2) specifying in the 1970 amendments to the Commission on Higher Education's statutory authority that tuition will be set by boards "in accordance with the level of appropriations set by the general assembly"; and 3) in 1972 providing that no revision in tuition rates "should become effective unless determined by the commission to be consistent with the level of appropriations and other directives set by the general assembly".

As a result of these changes, for the past two years, tuition has been generally based on charging resident students twenty-five percent of educational and general cost (based on previous year's cost), and nonresidents one hundred percent of that cost. There are exceptions: for two-year schools, the charges are calculated as twenty percent of the costs; at Otero and Lamar, nonresidents pay sixty-five percent of costs; for 1972-73, for resident students at the Medical Center and Veterinary School, state support is eighty percent while nonresidents pay fifty percent of the cost. Finally, state support at the School of Mines is set at the difference between the University of Colorado's tuition level and the cost per student at Mines.

In addition to these exceptions, and as a result of the past dispersion of tuition setting authority, important variations in tuition policy have arisen. The Commission on Higher Education points out some of the more significant variations:

1. In the number of credits to be counted in the definition of full-time as against part-time students -- it varies from 6 to 11 credits.

2. Some institutions charge for each credit registered for, others for blocks of credit.

3. In the treatment of part-time nonresidents, some institutions do not distinguish between resident and nonresident students enrolled for six or fewer credits.

4. In charges, or lack of charges, for "overloads."

5. In charges levied on graduate teaching and research assistants.

6. In charges levied upon employees of the institution, and their family members.

Committee recommendation. Time did not allow for a full discussion of the state's tuition setting policy or consideration of bill drafts to clarify authority in this area. Neither did the Committee's agenda provide an opportunity to hear the recommendations of the Commission on Higher Education. What is known, however, is that there is concern for uniformity of policy in this area, plus a need to abandon policies that lead to undesirable competition or inequity. Finally, there is need to study alternative approaches to tuition setting -- unit costs for example.

The Committee submits that this is a topic of sufficient importance that the General Assembly should consider a bill during the 1973 Session which would recognize the already existing fact that the General Assembly has the primary role in setting tuition. Such a measure should, to be sure, specify that the levels of tuition determined by the General Assembly be established with the advice and counsel of the Commission on Higher Education.

#### Authority Over and Funding of Automated Data Processing

Over the past dozen years the use and subsequent cost of ADP resources and services has spiraled. It is estimated that Colorado state government currently invests some \$16 million annually for ADP. Prior to 1968, the magnitude of these factors led to the creation and operation of various interagency planning and coordinating committees.

Role of the Department of Administration. With the Administrative Organization Act of 1968 and its realignment of the structure and functions of the executive branch, the General Assembly initiated a system of central control within the Department of Administration, its executive director, and the Division of Automated Data Processing. The major provisions of the distribution of that authority are cited below.

3-26-2. Division of automated data processing.—There is hereby created a division of automated data processing in the department of administration. The executive director of the department of administration shall appoint, pursuant to section 13 of article XII of the state constitution, a director of automated data processing, as head of the division, and also such other personnel as may be necessary for the efficient operation of the division.

**3-26-3. Functions of the division.—**(1) (a) The division shall perform the following functions:

(b) In consultation with state departments, institutions, and agencies, formulate recommendations for a current and long-range automated data processing plan for approval of the executive director of the department and the governor;

(c) Administer the approved current and long-range plan for automated data processing, and exercise general supervision over all automated data processing applications, planning, systems, programs, personnel, equipment, and facilities of state government in accordance with the approved plan;

(d) Review all existing and future automated data processing applications, planning, systems, programs, personnel, equipment, and facilities, and to establish priorities for those that are necessary and desirable to accomplish the purposes of this article;

(e) Establish automated data processing procedures and standards for management of automated data processing facilities for all state departments, institutions, and agencies;

(f) Establish and maintain automated data processing facilities including, but not limited to, the operation of automated data processing equipment and facilities, and the employment of necessary personnel;

(g) Advise the civil service commission on qualifications and wage standards necessary to recruit and retain automated data processing personnel essential for the implementation of a sound long-range automated data processing plan;

(h) Advise the governor and general assembly on automated data processing matters;

(i) Prepare and submit such reports as are required by this article or which the governor or general assembly may request;

(j) Approve or disapprove the acquisition of automated data processing equipment by any state department, institution, or agency, and to approve, modify, or disapprove the staffing pattern for automated data processing operations by any state department, institution, or agency in accordance with the approved plan;

(k) Continually study and assess the data processing operations and needs of state departments, institutions, and agencies; and

(l) Provide automated data processing services, equipment, and facilities for state departments, institutions, and agencies according to their needs.

**3-26-4. Powers of the director.—**(1) (a) In order to perform the functions and duties of the division as set forth in this article, the director, with approval of the executive director of the department of administration, shall exercise the following powers:

(b) Approve the equipment and facilities on which specific automated data processing services shall be performed by or for any state department, institution, or agency in accordance with the approved plan;

(c) Prescribe standards governing the selection and operation of automated data processing equipment;

(d) Adopt such rules and regulations as may be necessary to carry out the purposes and provisions of this article;

(e) Contract for such services as the division may require;

(f) Require such reports from other agencies as may be necessary; and

(g) Recommend to the executive director of the department and the governor the transfer of funds, equipment, supplies, and personnel from existing agencies to the division or to such other agency as may be necessary to accomplish the purposes of this article, such transfer to be effective upon the approval by the governor.



**3-26-5. Appeal from decisions of director.**—If any department, institution, or agency shall disagree with any decision, plan, procedure, priority, standard, rule, or regulation or other act of the division or its director, then, in such case, the head thereof shall notify the executive director of the department of administration and the director of the basis for such disagreement, and the said executive director may, in his discretion, uphold, modify, or reverse such decision, procedure, plan, priority, standard, rule, or regulation or other act; but no further action shall be taken by the division or the director to implement any decision, plan, procedure, priority, standard, rule, or regulation or other act after such notification until the said executive director shall have rendered his decision in the matter.

**3-26-6. Existing and new equipment, personnel, applications, systems, subject to approval of director.**—On and after July 1, 1968, no automated data processing equipment shall be purchased, leased, or otherwise acquired by any department, institution, or agency, nor shall any new automated data processing personnel be added to the state service nor shall any new applications, systems, or programs begin except upon the written approval of the director; nor shall any automated data processing equipment presently leased or operated by any department, institution, or agency, continue to be so leased or operated after July 1, 1969, unless certified by the director to be in accordance with the approved plan.

Thus the authority to direct ADP resources necessary for the implementation of other executive department programs was vested with the Department of Administration. To cope with difficulties which might arise between the central authority for ADP and the departmental responsibility for the implementation of departmental programs, the law provided for a) development of a long-range state-wide ADP plan, in consultation with state agencies, for implementation upon approval of the Governor, for the administration of the state's ADP program; b) establishment of ADP standards and procedures for all state departments; and c) the Governor's approval of any proposed transfer for ADP equipment or personnel.

Role of the Commission on Higher Education. As summarized by the Executive Director of the Department of Higher Education, the Commission on Higher Education plays a role in ADP because

...its statutory obligations required the Commission to assert leadership in coordinating the data processing resources of higher education and in planning for the expansion of computing services. Under Executive Orders which recognized this need and with funding provided by the Legislature, CCHE actively undertook coordination and planning in the field of ADP in the summer of 1967. A statewide ADP plan for higher education was developed; regular updates of this plan have been made, the most recent in November 1970. The Commission

undertook review and approval actions both on ADP equipment needs and on institutional ADP budget requests, in accordance with these plans.

With CCHE assuming leadership in the assessment of needs and in statewide planning in higher education, the establishment of central control for ADP in the Department of Administration in 1968 led to some important difficulties. Both departments now were, in effect, responsible for determining resource needs, and the Department of Administration was made responsible for decisions relating to ADP hardware, personnel, systems and programs which affected not only the ability of the institutions to accomplish their work in instruction, research and public service but also of the Commission to meet its responsibilities of review, coordination, needs assessment, and planning.

...the Reorganization Act did provide for ways by which these overlapping areas of function and responsibility might possibly be reconciled, but this reconciliation has not been accomplished. No current and long-range statewide plan for ADP has been developed. Some standards and procedures have been promulgated during the past two years but without processes of prior consultation and with some resulting provisions which seem arbitrary and unnecessary. Excessive time, often involving dollar costs, results from review processes in higher education which are duplicated within the Department of Administration. Most significantly, accountability is impaired in both departments when responsibility for decisions, often involving complex technical and financial issues, cannot be pinned down.

To extend the ability of CCHE to exercise its responsibility for critical assessment of resource needs in ADP and to improve accountability, the Legislature a year ago and again for the current year appropriated ADP funds for higher education to the Commission. Since the Department of Administration is made responsible and is given authority by Article 26 of Chapter 3 for the

operation of state ADP resources, that Department continues to exercise final control over fund expenditures.

Committee Comment. The immediate issue confronting the legislature concerns the mixed responsibility and authority over ADP between the Department of Administration and the Commission on Higher Education. Three courses of action are open: 1) continue the present situation of mixed responsibility and authority; 2) leave statutory provisions for ADP administration unchanged; remove the Commission on Higher Education from needs assessment and planning for data processing within higher education; and stop appropriating funds for ADP in higher education to the Commission; and 3) exempt from the application of Article 26, Chapter 3, the Commission and institutions of higher education, and make the Commission responsible for and give it the authority to develop and administer a statewide plan for ADP for higher education.

The Committee makes no recommendation regarding these alternative approaches. Based on the testimony and information provided the Committee, a correct course of action regarding this immediate problem is not clear. What is clear to the Committee is that the present procedure for the fractionalization of authority and responsibility over automated data processing is a poor situation indeed, and such a procedure should be changed.

The solution to this immediate issue as well as the overall, long-range problem of the proper management of ADP in the state may lie with a Master Plan to be presented by the Department of Administration early in 1973. Extensive study should be given to this Master Plan, for the efficient and economical management of this vital functional resource is imperative.

The Proliferation of State Agencies  
Concerned with the Environment

Committee Recommendation. Pollution control, land use and the conservation and management of the state's natural resources are all activities included within the broad function of environmental protection. In Colorado, in addition to the Office of the Governor, eight executive departments and a substantial number of divisions and sections within these departments are involved in environmental management. These state agencies are:

Office of the Governor

Coordinator of Environmental Problems  
Colorado Land Use Commission  
Population Advisory Council  
Colorado Olympics Commission

State Department of Health

Water Pollution Control Commission  
Water Pollution Control Division  
Air Pollution Control Commission  
Variance Board  
Division of Administration  
State Chemist  
Radiological Health

Department of Natural Resources

Division of Wildlife  
Division of Parks and Outdoor Recreation  
State Board of Land Commissioners  
Division of Mines  
Division of Water Resources,  
(The State Engineer's Office)  
Water Conservation Board  
Oil and Gas Conservation Commission  
Colorado Geological Survey  
Soil Conservation Board  
Weather Control Regulation  
Land Reclamation Board

Department of Agriculture

Division of Plant Industry  
Division of Animal Industry

Department of Highways

Department of Regulatory Agencies

Public Utilities Commission

Department of Education

Department of Higher Education

State Historical Society  
Agricultural Experiment Station  
State Forest Service

Department of Local Affairs

Division of Commerce and Development  
Division of Housing  
Division of Planning  
Comprehensive Health Planning

The Committee is concerned about the continued dispersal of governmental responsibilities concerning environmental matters. The Committee is of the opinion that a need exists to review the responsibilities of those agencies concerned with environmental matters to determine if the needs of the state can better be met by combining or restructuring certain of these various state agencies, possibly into a single department. The Committee thus recommends that such a review merits the kind of careful study that can only be carried out by an interim Legislative Council study. Between now and the initiation of such a project the Committee recommends that very careful thought and analysis be given to proposals introduced in the 1973 Session creating new state agencies concerned with environmental protection or in any other way adding to the proliferation of agencies concerned with the environment.

Trends in Environmental Management. The federal government has sought to control its own environmental management activities through consolidations of existing programs in the Environmental Protection Agency and the National Oceanic and Atmospheric Agency, and the creation of a totally new agency to conduct a new function, the Council on Environmental Quality.

At the state level, recent changes in Illinois, Minnesota, Washington, Wisconsin, New York, New Jersey, Vermont, Oregon and Pennsylvania have also consolidated environmental

management. Prior to reorganization in these states, environmental programs had been split among several agencies, in many cases reflecting the kind of organizational maze that is found in Colorado. A recent report issued by the Smithsonian Institution summarizes the desired objectives of the consolidation effort on the part of state administrators:

In general, these changes were made for the following reasons, which vary in importance from state to state.

- (1) Consolidate fragmented activities to make program administration match the integrative way problems occur in the environment.
- (2) Reduce the proliferation of boards and commissions to make state government more manageable, and in some cases change their role and composition to "professionalize" state environmental policy-making, and make policy-makers more responsive to elected leaders and the public.
- (3) Transfer pollution control programs from the health department to broaden pollution concerns beyond health.
- (4) Create a stronger regulatory role for the state and an agency advocate for the environment.
- (5) Design a new environmental department that will be more publicly visible, thus demonstrating the state's commitment to environmental protection and rallying environmental interest groups to form a stronger political base for environmental control.
- (6) Increase accountability of public officials and public programs.
- (7) Facilitate administrative efficiencies.<sup>8/</sup>

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<sup>8/</sup> Haskell, Elizabeth H., Managing the Environment, Woodrow Wilson International Center for Scholars, Smithsonian Institution, Washington, D.C., 1971, pp. 11-12.

# APPENDIX A

## HEALTH OCCUPATIONS LICENSED IN EACH STATE

| STATE       | TOTAL | NUMBER OF OCCUPATIONS LICENSED <sup>1</sup> | ADMINISTRATOR <sup>2</sup> OF NURSING HOME | CHIROPRACTOR | CLINICAL LABORATORY PERSONNEL |                      | DENTAL LABORATORY TECHNICIAN | INHALATION THERAPIST | MIDWIFE | NATUROPATH | OPTICIAN | OPTICAL TECHNICIAN | PHYSICAL THERAPY ASSISTANT | PHYSICIAN ASSISTANT | PSYCHIATRIC ATTENDANT | PSYCHOLOGIST | RADIOLOGIC TECHNOLOGIST | SANITARIAN | SANITARIAN TECHNICIAN | SOCIAL WORKER | STATE   |
|-------------|-------|---|--|--------------|-------------------------------|----------------------|------------------------------|----------------------|---------|------------|----------|--------------------|----------------------------|---------------------|-----------------------|--------------|-------------------------|------------|-----------------------|---------------|---------|
|             |       |   |  |              | DIRECTOR                      | MEDICAL TECHNOLOGIST |                              |                      |         |            |          |                    |                            |                     |                       |              |                         |            |                       |               |         |
| ALA. ....   | 18    | X   | X  |              | X                             |                      |                              |                      |         |            |          |                    | X                          |                     |                       | X            |                         | X          |                       |               | ALA.    |
| ALASKA ..   | 14    |   | X  |              |                               | X                    |                              |                      |         |            |          |                    |                            |                     |                       | X            |                         |            |                       |               | ALASKA  |
| ARIZ. ....  | 18    |   | X  |              |                               |                      |                              |                      | (3)     | X          | X        |                    | X                          | (4)                 |                       | X            |                         |            |                       |               | ARIZ.   |
| ARK. ....   | 18    | X   | X  |              |                               |                      |                              | X                    |         |            |          |                    |                            |                     | X                     |              |                         | X          |                       |               | ARK.    |
| CALIF. .... | 25    | X   | X  | X            | X                             | X                    |                              |                      | (3)     | (3)        | X        |                    |                            | (4)                 | X                     | X            | X                       | X          |                       | X             | CALIF.  |
| COLO. ....  | 18    | X   | X  | X            |                               |                      |                              |                      | (3)     |            |          |                    |                            | X                   |                       | X            |                         | X          |                       |               | COLO.   |
| CONN. ....  | 21    | X   | X  | X            | X                             |                      |                              |                      | (3)     | X          | X        | X                  |                            |                     |                       | X            |                         | X          |                       |               | CONN.   |
| DEL. ....   | 17    | X   | X  | X            | X                             |                      |                              |                      | X       |            |          |                    |                            |                     |                       | X            |                         |            |                       |               | DEL.    |
| D.C. ....   | 16    | X   | X  |              |                               |                      |                              |                      | X       |            |          |                    |                            |                     |                       | X            |                         |            |                       |               | D.C.    |
| FLA. ....   | 22    | X   | X  | X            | X                             | X                    |                              |                      | X       | (3)        | X        |                    | X                          | (4)                 |                       | X            |                         | X          |                       |               | FLA.    |
| GA. ....    | 18    | X   | X  |              |                               |                      |                              |                      | X       |            | X        |                    |                            |                     |                       | X            |                         | X          |                       |               | GA.     |
| HAWAII ...  | 21    | X   | X  |              | X                             | X                    |                              |                      | X       | X          | X        |                    |                            |                     |                       | X            |                         | X          |                       |               | HAWAII  |
| IDAHO ....  | 16    | X   | X  | X            |                               |                      |                              |                      |         | X          |          |                    |                            |                     |                       | X            |                         | X          |                       |               | IDAHO   |
| ILL. ....   | 20    | X   | X  |              | X                             | X                    |                              |                      | (3)     |            |          |                    |                            |                     |                       | X            |                         | X          |                       | X             | ILL.    |
| IND. ....   | 17    | X   | X  | X            |                               |                      |                              |                      | X       |            |          |                    | X                          |                     |                       | X            |                         | X          |                       |               | IND.    |
| IOWA ....   | 14    | X   | X  | X            |                               |                      |                              |                      |         |            |          |                    |                            |                     |                       | X            |                         | X          |                       |               | IOWA    |
| KANS. ....  | 15    | X   | X  |              |                               |                      |                              |                      |         |            |          |                    |                            | (4)                 |                       | X            |                         |            |                       |               | KANS.   |
| KY. ....    | 19    | X   | X  |              |                               |                      |                              |                      | X       |            | X        |                    | X                          |                     |                       | X            |                         | X          |                       |               | KY.     |
| LA. ....    | 16    | X   |  |              |                               |                      |                              |                      | X       |            |          |                    |                            |                     |                       | X            |                         | X          |                       |               | LA.     |
| MAINE ....  | 15    | X   | X  |              |                               |                      |                              |                      |         |            |          |                    |                            |                     |                       | X            |                         |            |                       |               | MAINE   |
| MD. ....    | 19    | X   | X  | X            | X                             |                      |                              |                      | X       |            |          |                    |                            |                     |                       | X            |                         | X          |                       |               | MD.     |
| MASS. ....  | 16    | X   | X  |              |                               |                      |                              |                      |         |            | X        |                    |                            |                     |                       |              | X                       | X          |                       |               | MASS.   |
| MICH. ....  | 17    | X <sup>2</sup>                              | X  | X            |                               |                      |                              |                      |         |            |          |                    |                            |                     | X                     | X            |                         | X          |                       |               | MICH.   |
| MINN. ....  | 17    | X <sup>2</sup>                              | X  |              |                               |                      |                              |                      | X       |            |          |                    |                            |                     |                       | X            |                         |            |                       |               | MINN.   |
| MISS. ....  | 15    | X   |  |              |                               |                      |                              |                      |         |            |          |                    |                            |                     |                       | X            |                         | X          |                       |               | MISS.   |
| MO. ....    | 14    | X   | X  |              |                               |                      |                              |                      |         |            |          |                    |                            |                     |                       |              |                         |            |                       |               | MO.     |
| MONT. ....  | 15    | X   | X  |              |                               |                      |                              |                      |         |            |          |                    |                            |                     |                       |              |                         | X          |                       |               | MONT.   |
| NEBR. ....  | 16    | X   | X  |              |                               |                      |                              |                      |         |            |          |                    |                            |                     |                       | X            |                         | X          |                       |               | NEBR.   |
| NEV. ....   | 19    | X   | X  |              | X                             | X                    |                              |                      |         |            | X        |                    |                            |                     |                       | X            |                         | X          |                       |               | NEV.    |
| N.H. ....   | 15    | X   | X  |              |                               |                      |                              |                      |         |            |          |                    |                            |                     |                       | X            |                         |            |                       |               | N.H.    |
| N.J. ....   | 23    | X <sup>2</sup>                              | X  | X            | X                             | X                    |                              |                      | X       |            | X        | X                  |                            |                     |                       | X            | X                       | X          |                       |               | N.J.    |
| N. MEX. ... | 17    | X   | X  |              |                               |                      |                              |                      | X       |            |          |                    |                            |                     |                       | X            |                         | X          |                       |               | N. MEX. |
| N.Y. ....   | 19    | X   | X  |              | X                             |                      |                              |                      |         |            | X        |                    |                            |                     |                       | X            | X                       |            |                       | X             | N.Y.    |
| N.C. ....   | 19    | X   | X  |              |                               |                      |                              |                      | X       |            | X        |                    | X                          | (4)                 |                       | X            |                         | X          |                       |               | N.C.    |
| N. DAK. ... | 15    | X   | X  |              |                               |                      |                              |                      |         |            |          |                    |                            |                     |                       | X            |                         |            |                       |               | N. DAK. |
| OHIO ....   | 15    | X   | X  |              |                               |                      |                              |                      | X       |            |          |                    |                            |                     |                       |              |                         |            |                       |               | OHIO    |
| OKLA. ....  | 18    | X   | X  |              |                               |                      |                              |                      |         |            |          |                    | X                          | (4)                 |                       | X            |                         | X          |                       | X             | OKLA.   |
| OREG. ....  | 18    | X   | X  |              |                               |                      |                              |                      |         | X          |          |                    | X                          |                     |                       | X            |                         | X          |                       |               | OREG.   |
| PA. ....    | 16    | X   | X  | X            | X                             | X                    |                              |                      |         |            |          |                    |                            |                     |                       |              |                         |            |                       |               | PA.     |
| R.I. ....   | 19    | X   | X  | X            |                               |                      |                              |                      |         |            | X        |                    |                            |                     |                       | X            |                         | X          |                       | X             | R.I.    |
| S.C. ....   | 20    | X   | X  |              |                               | X                    |                              |                      |         |            | X        |                    |                            |                     |                       | X            |                         | X          | X                     | X             | S.C.    |
| S. DAK. ... | 15    | X   | X  |              |                               |                      |                              |                      |         |            |          |                    |                            |                     |                       |              | X                       | X          |                       |               | S. DAK. |
| TENN. ....  | 19    | X   | X  | X            | X                             | X                    |                              |                      |         |            | X        |                    |                            |                     |                       | X            |                         | X          |                       |               | TENN.   |
| TEX. ....   | 15    | X   | X  |              |                               |                      |                              |                      |         |            |          |                    | X                          |                     |                       | X            |                         | X          |                       |               | TEX.    |
| UTAH ....   | 17    | X   | X  |              |                               |                      |                              |                      |         | X          |          |                    |                            |                     |                       | X            |                         | X          |                       |               | UTAH.   |
| VT. ....    | 14    | X   | X  |              |                               |                      |                              |                      |         |            |          |                    |                            |                     |                       |              |                         |            |                       |               | VT.     |
| VA. ....    | 20    | X   | X  |              |                               |                      |                              |                      | X       |            | X        |                    | X                          |                     |                       | X            |                         | X          |                       | X             | VA.     |
| WASH. ....  | 19    | X   | X  |              |                               |                      |                              |                      | X       | X          | X        |                    |                            |                     |                       | X            |                         | X          |                       |               | WASH.   |
| W. VA. .... | 17    | X   | X  |              |                               |                      |                              |                      | X       |            |          |                    |                            |                     |                       | X            |                         | X          |                       |               | W. VA.  |
| WIS. ....   | 16    | X   | X  |              |                               |                      |                              |                      |         |            |          |                    |                            |                     |                       | X            |                         | X          |                       |               | WIS.    |
| WYO. ....   | 16    | X   | X  |              |                               |                      |                              |                      | X       |            |          |                    |                            |                     |                       | X            |                         |            |                       |               | WYO.    |

<sup>1</sup> FOR THE FOLLOWING 12 PROFESSIONS A LICENSE IS REQUIRED TO PRACTICE IN ALL STATES AND THE DISTRICT OF COLUMBIA: DENTAL HYGIENIST, DENTIST, ENGINEER (PROFESSIONAL), NURSE (PRACTICAL), NURSE (PROFESSIONAL), OPTOMETRIST, PHARMACIST, PHYSICIAN (M.D.), PHYSICIAN (D.O.), PODIATRIST, VETERINARIAN, AND PHYSICAL THERAPIST.

<sup>2</sup> ALSO HEALTH DEPARTMENT ADMINISTRATOR IN NEW JERSEY AND HOSPITAL ADMINISTRATOR IN MINNESOTA.

<sup>3</sup> NEW LICENSES ARE NO LONGER ISSUED, ALTHOUGH THOSE IN EXISTENCE MAY BE RENEWED.

<sup>4</sup> STATUTES AUTHORIZE DELEGATION OF FUNCTIONS TO BE PERFORMED UNDER SUPERVISION OF A PHYSICIAN.

SOURCE: PENNELL, M. Y., AND STEWART, P. A. STATE LICENSING OF HEALTH OCCUPATIONS. PUBLIC HEALTH SERVICE PUB. NO. 1758. WASHINGTON: U.S. GOVERNMENT PRINTING OFFICE, 1968, UPDATED.

## APPENDIX B

### HEALTH OCCUPATIONS

| <i>Primary title (1)</i>                 | <i>Alternate title</i>  |
|--|---|
| <b>ADMINISTRATION:</b>                   |   |
| Health administrator.....                | Health officer or commissioner.<br>Environmental control administrator.<br>Health agency executive director.<br>Health care administrator.<br>Hospital administrator.<br>Medical care administrator.<br>Nursing home administrator.<br>Public health administrator. |
| Health program analyst.....              | Public health analyst.<br>Public health specialist.   |
| Health program representative.           | Public health advisor.<br>Public health representative.   |
| Health systems analyst.....              |   |
| <b>BIOMEDICAL ENGINEERING:</b>           |   |
| Biomedical engineer.....                 | Bioengineer.<br>Medical engineer.   |
| Biomedical engineering technician.....   | Medical engineering technician.   |
| Biomedical engineering aide...           |   |
| <b>CHIROPRACTIC AND NATUROPATHY:</b>     |   |
| Chiropractor.....                        | Doctor of chiropractic.   |
| Naturopath.....                          | Naturopathic physician.   |
| <b>CLINICAL LABORATORY SERVICES (2):</b> |   |
| Clinical laboratory scientist (3).....   | Clinical chemist (3).<br>Microbiologist (3).  |
| Clinical laboratory technologist.....    | Medical laboratory technologist.<br>Medical technologist.<br>Blood banking technologist.<br>Chemistry technologist.<br>Hematology technologist.<br>Microbiology technologist.<br>Nuclear medical technologist.  |



| <i>Primary title (1)</i>                        | <i>Alternate title</i>  |
|---|---|
| Clinical laboratory technician.                 | Medical laboratory technician.<br>Medical technician.<br>Cytotechnician.<br>Cytotechnologist.   |
| Clinical laboratory aide. . . . .               | Laboratory assistant.<br>Certified laboratory assistant.<br>Histologic aide.<br>Histologic technician.<br>Pathology laboratory aide.  |
| <b>DENTISTRY AND ALLIED SERVICES:</b>           |   |
| Dentist. . . . .                                | Endodontist.<br>Oral pathologist.<br>Oral surgeon.<br>Orthodontist.<br>Pedodontist.<br>Periodontist.<br>Prosthodontist.<br>Public health dentist.   |
| Dental hygienist. . . . .                       |   |
| Dental assistant. . . . .                       |   |
| Dental laboratory technician. .                 | Dental laboratory assistant (aide).   |
| <b>DIETETIC AND NUTRI-<br/>TIONAL SERVICES:</b> |   |
| Dietitian, . . . . .                            | Administrative dietitian.<br>Consultant (public health) dietitian.<br>Research dietitian.<br>Teaching dietitian.<br>Therapeutic dietitian.  |
| Nutritionist (3) . . . . .                      | Public health nutritionist.   |
| Dietary technician. . . . .                     | Dietary (food service) assistant.<br>Food service manager.<br>Food service technician.  |
| Dietary aide. . . . .                           | } Dietary (food service) worker.  |
| Food service supervisor. . . . .                |   |
| <b>ENVIRONMENTAL<br/>CONTROL (4):</b>           |   |
| Environmental scientist (3) . . .               | Sanitary sciences specialist (3).<br>Air pollution meteorologist (3).<br>Environmental control chemist (3).<br>Estuarine oceanographer (3).<br>Ground water hydrologist (3).<br>Health physicist (3).<br>Limnologist (3). |

| <i>Primary title (1)</i>                        | <i>Alternate title</i>  |
|---|---|
| Environmental engineer . . . . .                | Sanitary engineer.<br>Air pollution engineer.<br>Hospital engineer.<br>Industrial hygiene engineer.<br>Public health engineer.<br>Radiological health engineer. |
| Environmental technologist . . .                | Sanitarian.<br>Air pollution specialist.<br>Industrial hygienist.<br>Radiological health specialist.  |
| Environmental technician . . . .                | Sanitarian technician.<br>Environmental engineering technician.<br>Radiological health technician (monitor).  |
| Environmental aide . . . . .                    | Sanitarian aide.<br>Environmental engineering aide.<br>Sewage plant assistant.<br>Waterworks assistant.   |
| <b>FOOD AND DRUG PRO-<br/>TECTIVE SERVICES:</b> |   |
| Food technologist . . . . .                     |   |
| Food and drug inspector . . . . .               |   |
| Food and drug analyst . . . . .                 |   |
| <b>HEALTH EDUCATION:</b>                        |   |
| Health educator . . . . .                       | Community health educator.<br>Public health educator.<br>School health coordinator.<br>School health educator.  |
| Health education aide . . . . .                 |   |
| <b>INFORMATION AND<br/>COMMUNICATION:</b>       |   |
| Health information specialist . .               | Biomedical communication specialist.  |
| Health science writer . . . . .                 | Medical writer.   |
| Health technical writer . . . . .               | Medical technical writer.<br>Medical editor.  |
| Medical illustrator . . . . .                   | Medical photographer.   |
| <b>LIBRARY SERVICES:</b>                        |   |
| Medical librarian . . . . .                     |   |
| Medical library assistant . . . .               |   |
| Hospital librarian . . . . .                    | Patients' librarian.  |
| <b>MATHEMATICAL<br/>SCIENCES (4):</b>           |   |
| Mathematician . . . . .                         | Biomathematician.<br>Demographer.   |
| Statistician . . . . .                          | Biostatistician.<br>Health statistician.<br>Vital record registrar.   |

| <i>Primary title (1)</i>            | <i>Alternate title</i>   |
|-------------------------------------|--|
| <b>MEDICAL RECORDS:</b>             |  |
| Medical records librarian . . . . . | Medical record specialist.<br>Medical record technologist.     |
| Medical record technician . . . . . | Medical record assistant.                                      |
| Medical record clerk . . . . .      | Medical record aide.   |
| <b>MEDICINE AND<br/>OSTEOPATHY:</b> |  |
| Physician . . . . .                 | Doctor of medicine—M.D.  |
| Osteopathic physician . . . . .     | Doctor of osteopathy—D.O.                                      |
| M.D. or D.O.                        | Allergist.   |
|                                     | Anesthesiologist.  |
|                                     | Aviation medicine specialist.                                  |
|                                     | Cardiovascular disease specialist.                             |
|                                     | Colon and rectal surgeon (proctologist).                       |
|                                     | Dermatologist.   |
|                                     | Forensic pathologist.  |
|                                     | Gastroenterologist.  |
|                                     | General practitioner.  |
|                                     | Gynecologist.  |
|                                     | Internist.   |
|                                     | Manipulative therapy specialist.                               |
|                                     | Neurological surgeon.  |
|                                     | Neurologist.   |
|                                     | Occupational medicine specialist.                              |
|                                     | Obstetrician.  |
|                                     | Ophthalmologist.   |
|                                     | Orthopedic surgeon.  |
|                                     | Otolaryngologist (otorhinolaryngologist).                      |
|                                     | Pathologist.   |
|                                     | Pediatrician (5).  |
|                                     | Physiatrist (physical medicine and rehabilitation specialist). |
|                                     | Plastic surgeon.   |
|                                     | Preventive medicine specialist.                                |
|                                     | Psychiatrist (6).  |
|                                     | Public health physician.                                       |
|                                     | Pulmonary disease specialist.                                  |
|                                     | Radiologist (7).   |
|                                     | Surgeon.   |
|                                     | Thoracic surgeon.  |
|                                     | Urologist.   |
|                                     | Intern.  |
|                                     | Resident.  |
|                                     | Fellow.  |

| <i>Primary title (1)</i>                  | <i>Alternate title</i>  |
|---|---|
| <b>MIDWIFERY:</b>                         |   |
| Midwife.....                              | Lay midwife.<br>Nurse midwife (8).  |
| <b>NATURAL SCIENCES (4):</b>              |   |
| Anatomist.....                            | Cytologist.<br>Embryologist.<br>Histologist.  |
| Botanist.....                             |   |
| Chemist.....                              | Bioanalyst.<br>Biochemist.<br>Clinical chemist (9).<br>Environmental control chemist (10).  |
| Ecologist.....                            |   |
| Entomologist.....                         |   |
| Epidemiologist.....                       |   |
| Geneticist.....                           |   |
| Hydrologist.....                          | Ground water hydrologist (10).  |
| Immunologist.....                         |   |
| Meteorologist.....                        | Air pollution meteorologist (10).   |
| Microbiologist (9).....                   | Bacteriologist.<br>Mycologist.<br>Parasitologist.<br>Virologist.  |
| Nutritionist (11).....                    |   |
| Oceanographer.....                        | Estuarine oceanographer (10).   |
| Pathologist.....                          |   |
| Pharmacologist.....                       | Toxicologist.   |
| Physicist.....                            | Biophysicist.<br>Health physicist (10).   |
| Physiologist.....                         |   |
| Sanitary sciences<br>specialist (10)..... |   |
| Zoologist.....                            | Limnologist (10).   |
| <b>NURSING AND RELATED<br/>SERVICES:</b>  |   |
| Nurse.....                                | Registered nurse—R.N.<br>Graduate nurse.<br>Professional nurse.<br>Hospital nurse.<br>Occupational health (industrial) nurse.<br>Office nurse.<br>Private duty nurse.<br>Public health nurse.<br>School nurse.<br>Nurse anesthetist.<br>Nurse midwife (12). |

| <i>Primary title (1)</i>                   | <i>Alternate title</i>            |
|--|-----------------------------------|
|  | Obstetrical nurse.                |
|  | Pediatric nurse.                  |
|  | Psychiatric nurse.                |
|  | Surgical (operating room) nurse.  |
| Practical nurse.....                       | Licensed practical nurse.         |
|  | Vocational nurse.                 |
|  | Licensed vocational nurse.        |
| Nursing aide.....                          | Nursing assistant.                |
| Orderly.....                               |                                   |
| Attendant.....                             |                                   |
|  | Psychiatric (mental health) aide. |
| Home health aide.....                      | Home aide--homemaker.             |
|  | Visiting health aide.             |
| Ward clerk.....                            | Floor clerk.                      |
| <b>OCCUPATIONAL THERAPY:</b>               |                                   |
| Occupational therapist.....                |                                   |
| Occupational therapy assistant.....        | Occupational therapy technician.  |
| Occupational therapy aide....              |                                   |
| <b>ORTHOTIC AND PROSTHETIC TECHNOLOGY:</b> |                                   |
| Orthotist.....                             | Orthopedic brace maker.           |
| Orthotic aide.....                         |                                   |
| Prosthetist.....                           | Artificial limb maker.            |
| Prosthetic aide.....                       |                                   |
| Restoration technician.....                |                                   |
| <b>PHARMACY:</b>                           |                                   |
| Pharmacist.....                            | Community pharmacist.             |
|  | Hospital pharmacist.              |
|  | Industrial pharmacist.            |
| Pharmacy aide.....                         | Pharmacy helper.                  |
| <b>PHYSICAL THERAPY:</b>                   |                                   |
| Physical therapist.....                    |                                   |
| Physical therapy assistant....             | Physical therapy technician.      |
| Physical therapy aide.....                 |                                   |
| <b>PODIATRY:</b>                           |                                   |
| Podiatrist.....                            | Chiropodist.                      |
|  | Foot orthopedist.                 |
|  | Foot roentgenologist.             |
|  | Podiatric surgeon.                |
|  | Pododermatologist.                |

| <i>Primary title (1)</i>                        | <i>Alternate title</i>  |
|---|---|
| <b>23. RADIOLOGIC TECHNOLOGY:</b>               |   |
| Radiologic technologist.....                    |   |
| Radiologic technician.....                      | X-ray technician.<br>Nuclear medical technician.<br>Radiation therapy technician.                                       |
| <b>24. SECRETARIAL AND OFFICE SERVICES (4).</b> |   |
| Secretary.....                                  | Dental secretary.<br>Medical secretary.   |
| Office assistant.....                           | Dentist's office assistant.<br>Medical assistant.<br>Optometrist's office assistant.<br>Physician's office assistant.   |
| <b>25. SOCIAL SCIENCES (4).</b>                 |   |
| Anthropologist.....                             | Cultural (social) anthropologist.<br>Physical anthropologist.   |
| Economist.....                                  | Health economist.   |
| Psychologist.....                               | Clinical psychologist.<br>Counseling psychologist.<br>Measurement psychologist (psychometrist).<br>Social psychologist. |
| Sociologist.....                                | Medical sociologist.  |
| <b>26. SOCIAL WORK:</b>                         |   |
| Clinical social worker.....                     | Medical social worker.<br>Psychiatric social worker.  |
| Clinical social work assistant..                |   |
| Clinical social work aide.....                  | Clinical casework aide.   |
| <b>27. SPECIALIZED REHABILITATION SERVICES:</b> |   |
| Corrective therapist.....                       |   |
| Corrective therapy aide.....                    |   |
| Educational therapist.....                      |   |
| Manual arts therapist.....                      |   |
| Music therapist.....                            |   |
| Recreation therapist.....                       | Therapeutic recreation specialist.  |
| Recreation therapy aide.....                    |   |
| Homemaking rehabilitation consultant.....       |   |
| <b>28. SPEECH PATHOLOGY AND AUDIOLOGY:</b>      |   |
| Audiologist.....                                | Hearing therapist.  |
| Speech pathologist.....                         | Speech therapist.   |

| <i>Primary title (1)</i>                         | <i>Alternate title</i>   |
|--|--|
| <b>29. VETERINARY MEDICINE:</b>                  |  |
| Veterinarian . . . . .                           | Laboratory (animal medicine) veterinarian.<br>Public health veterinarian.<br>Veterinary laboratory diagnostician.<br>Veterinary microbiologist.<br>Veterinary pathologist.<br>Veterinary radiologist.<br>Veterinary surgeon.<br>Veterinary toxicologist. |
| Veterinary technician . . . . .                  | Animal technician.   |
| <b>30. VISION CARE:</b>                          |  |
| Ophthalmologist (13) . . . . .                   |  |
| Optometrist . . . . .                            |  |
| Vision care technologist . . . . .               | Ocular care technologist.<br>Ophthalmic technologist.<br>Optometric technologist.  |
| Technician:                                      |  |
| Vision care technician . . . . .                 | Ocular care technician.<br>Ophthalmic technician (assistant).<br>Optometric technician (assistant).  |
| Orthoptic technician . . . . .                   | Orthoptist.  |
| Optician . . . . .                               | Dispensing optician.<br>Ophthalmic dispenser (optical fitter).<br>Contact lens technician.<br>Lens grinder-polisher (14).<br>Optical (laboratory) mechanic.  |
| Visual care aide . . . . .                       | Ocular care aide.<br>Ophthalmic aide.<br>Optometric aide.<br>Visual training aide.   |
| <b>31. VOCATIONAL REHABILITATION COUNSELING:</b> |  |
| Vocational rehabilitation counselor . . . . .    | Rehabilitation counselor.  |
| <b>32. MISCELLANEOUS HEALTH SERVICES:</b>        |  |
| Physician's associate (15) . . . . .             | Pediatric associate.   |
| Physician's assistant . . . . .                  | Orthopedic assistant.  |
| Physician's aide . . . . .                       | Obstetrical aide<br>Pediatric aide.<br>Surgical aide.  |

| <i>Primary title (1)</i>                          | <i>Alternate title</i>   |
|---|--|
| Community health aide. . . . .                    | School health aide.<br>Dental health aide.<br>Mental health aide (worker).   |
| Medical machine technician. . .                   | Biomedical equipment technician.<br>Cardiopulmonary technician.<br>Electrocardiograph technician.<br>Electroencephalograph technician. |
| Miscellaneous health workers:                     |  |
| Extracorporeal circulation<br>specialist. . . . . |  |
| Inhalation therapist<br>(technician). . . . .     |  |
| Inhalation therapy aide. . .                      |  |
| Medical emergency<br>technician. . . . .          |  |
| Ambulance attendant (aide).                       |  |

## REFERENCES

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| <p>(1) The occupations listed are those which make a significant contribution to the health field and for which individuals have developed specialized competence.</p> <p>(2) Includes pathology laboratory.</p> <p>(3) See Natural Sciences.</p> <p>(4) For some of the occupations listed, only a minority of the workers may be engaged in health related work.</p> <p>(5) Includes specialists in pediatric allergy and cardiology.</p> <p>(6) Includes specialists in child psychiatry.</p> | <p>(7) Includes specialists in diagnostic and therapeutic radiology.</p> <p>(8) See Nursing and Related Services.</p> <p>(9) See Clinical Laboratory Services.</p> <p>(10) See Environmental Control.</p> <p>(11) See Dietetic and Nutritional Services.</p> <p>(12) See Midwifery.</p> <p>(13) See Medicine and Osteopathy.</p> <p>(14) Also known as assembler, benchman, edger, or surfacer; optical technician or shopman.</p> <p>(15) Baccalaureate or higher educational background.</p> |
|--|--|

SOURCE: U. S. Department of Health, Education and Welfare, Public Health Service, *Health Resources Statistics* (1968).



## APPENDIX C

### AUXILIARY ENTERPRISES AT STATE COLLEGES AND UNIVERSITIES

#### Specifics of the Lamar and Otero Issue

The problems confronting Lamar Community College are illustrative of those faced by Otero.

In February, 1965, the Lamar Junior College, operating within a junior college district, issued revenue bonds of \$750,000 for construction of student housing. An additional \$150,000 in bonds was issued in February, 1966, for the same purpose.

The bond resolutions pledged all fees, rates and charges derived from the operation of the college and educational facilities of the district, excluding revenues derived from ad valorem taxes. Thus, tuition, and incomes from housing facilities, fees, cafeterias and bookstores, and any other revenues produced from sources other than ad valorem taxes were included.

In 1967, the Lamar Junior College district submitted a dissolution plan pursuant to which the College was incorporated into the system of the State Board for Community Colleges and Occupational Education.

With entry into the state system, tuition moneys were paid into the general fund of the state and were no longer available for payment of the interest or redemption of bonds. The amounts being realized from the other indicated sources were considerably lower than the original contemplated amounts.

As a result of the combined losses of revenues, in 1971 the bonds were in technical default to the extent that a \$50,000 reserve fund which is required under the bond resolution was depleted. The next installment was due August 1, 1971, on an annual total payment of \$52,898.

Colorado law (124-26-30) provides, in part, that a dissolution plan

shall make provision for meeting all liabilities of the district through assumption by the board or by other lawful means which do not impair the existing obligations of contract. Liabilities to be assumed by the board shall

include all revenue bonds and other special obligations which by their terms are not payable from revenues derived from ad valorem taxes of the district....Such revenue bonds shall continue to be payable from the revenues designated therein, and shall not become the general obligation of the board or of the state of Colorado....

In a memorandum, the state's Attorney General wrote that the tuition moneys and other revenues, except ad valorem taxes, should be applied to the bond interest and redemption payments as provided in the bond agreements. Failure to so earmark the tuition fees for this purpose constitutes an impairment of the bond contracts.

The Attorney General reported that a similar situation existed with regard to Otero Junior College's revenue bond issues, and its obligations under the bond resolutions.

Still another institution, Trinidad State Junior College, issued revenue bonds and became obligated under bond covenants when the school was a part of a local district. Again, when the school joined the state system, tuition became an appropriated item and could no longer be pledged, although such a move constituted a breach of the original covenant.

At Otero and Lamar funds were needed in 1971 to meet the agreements of the bonds. Funds were provided through a supplemental appropriation of \$34,144 for Lamar and \$17,373 for Otero.

Otero Junior College, in order to meet principal and interest payment of \$62,565 due May 15, 1972, was short \$34,565. This amount was withdrawn from the reserve fund whereupon the paying agent informed bondholders of this "event of default". Lamar Community College had principal and interest of \$33,660 due August 1, 1972, with only about \$16,000 on hand to make payment, with their reserve fund already depleted.

During the last legislative session, Otero Junior College, Lamar Community College and the State Board for Community Colleges and Occupational Education requested support of the institutions' auxiliary enterprise activities in the amounts of \$25,627 and \$17,209, respectively. As in the previous year, these debts had been incurred during the current fiscal year, and were for bond principal and interest payments for dormitories at both institutions, and a student center at Otero Junior College. The requests were rejected by the General Assembly.

In May of this year the Attorney General responded to a letter from the Division of Community Colleges and the State Board asking whether the Board could authorize community colleges to deplete their revenue bond reserve funds. The Attorney General observed that such action would impair contract obligations and place the state in a position of moral responsibility for paying the bonds from state funds.

Action by the Board for Community Colleges and Occupational Education. A number of alternative solutions to the revenue bond payment issue were discussed by the State Board for Community Colleges and Occupational Education.

- 1) Default on the bond principal and interest payments. It was generally agreed that such a position would ensure a law suit, bad publicity, credit problems and subsequent difficulties in selling bonds in the future.
- 2) Pledge first monies received from tuition. Such an approach leads to a reduction in operating budgets unless supplemental appropriations are made each year.
- 3) Pledge first monies received from auxiliary enterprises and student fees. This approach may lead to a reduction in student activities and possibly even enrollment.
- 4) Alter student fees by either raising fees on a pro rata credit hour basis or charging a fee for all part-time students or initiating a bond retirement fee for all students within the community college system. Such a course of action would be discriminatory and could lead to administration and student unrest.
- 5) Use excess cash to make bond payment. This is a short term solution which cannot be relied upon year after year.
- 6) Use monies from ad valorem mill levies. This is by present statute illegal.
- 7) Increase room, board and cafeteria rates. As with the alternative of raising rates, it was generally thought that a loss of students was possible.
- 8) Rent dormitory space to the college or the community. It was questionable whether the income generated would be sufficient.
- 9) Establish a system wide general fund reserve account. Such a procedure would lead to a reduction in the base for institutional operating budgets.

As noted above, Otero College withdrew sufficient funds from its Bond Reserve Fund to meet its May, 1972, obligations. To help meet the August bond obligations at Lamar, money was obtained from the Governor's emergency fund. Thus the short-term problem of meeting the obligation deadlines was met. As one means of dealing with the longer range problem of meeting debt obligations in subsequent years, the State Board has taken the position that the problem is one that should be solved by the Board and its institutions, that help from the General Assembly via supplemental appropriations cannot be expected in the future, and that to meet these obligations a general fund reserve account shall be established representing one-half of one percent of each institution's general fund allotment which represents the following for fiscal 1973: Trinidad, \$5,845; Arapahoe, \$7,000; El Paso, \$10,980; Lamar, \$2,802; Denver, \$27,360; and Otero, \$3,945; Total, \$57,934. The effectiveness of such a policy remains to be seen.

MAJORITY BILL

BILL A

A BILL FOR AN ACT

1 ESTABLISHING AN ADVISORY COUNCIL FOR HEALTH CARE OCCUPATIONS, AND  
2 MAKING AN APPROPRIATION THEREFOR.

3 Be it enacted by the General Assembly of the State of Colorado:

4 SECTION 1. Chapter 3, Colorado Revised Statutes 1963, as  
5 amended, is amended BY THE ADDITION OF A NEW ARTICLE to read:

6 ARTICLE 36

7 ADVISORY COUNCIL FOR HEALTH CARE OCCUPATIONS

8 3-36-1. Advisory council created. (1) There is hereby  
9 created in the department of regulatory agencies the advisory  
10 council for health care occupations, referred to in this article  
11 as the "council". The council shall consist of fifteen members  
12 to be appointed by the governor for terms of three years each;  
13 except that, of those appointed to take office on July 1, 1973,  
14 five members shall be appointed for one-year terms, five members  
15 shall be appointed for two-year terms, and five members shall be  
16 appointed for three-year terms. The council shall be composed of  
17 one representative from each of the health care occupations  
18 regulated by the boards designated in section 3-36-2, one  
19 representative of insurance carriers, and one representative of  
20 hospital administration.

21 (2) The council may recommend to the executive director of

1 the department of regulatory agencies that he employ such staff  
2 members as may be necessary to carry out the purposes of this  
3 article, and he may employ such staff pursuant to the provisions  
4 of article XII, section 13, of the state constitution.

5 (3) Members of the council shall receive no compensation  
6 for their services but shall be reimbursed for actual and  
7 necessary expenses incurred in the performance of their duties.

8 3-36-2. Designated health care occupations. (1) (a) The  
9 council shall perform the duties specified by section 3-36-3 (1)  
10 (c), (d), (e), (f), and (g) with respect to the health care  
11 occupations regulated by the following boards and any other board  
12 which may be established by law to regulate health care  
13 occupations:

- 14 (b) State board of examiners in the basic sciences;
- 15 (c) Colorado state board of chiropractic examiners;
- 16 (d) State board of dental examiners;
- 17 (e) Colorado state board of medical examiners;
- 18 (f) Board of mortuary science;
- 19 (g) State board of nursing;
- 20 (h) State board of optometric examiners;
- 21 (i) State board of pharmacy;
- 22 (j) State board of physical therapy;
- 23 (k) Board of practical nursing;
- 24 (l) Colorado state board of psychologist examiners;
- 25 (m) State board of veterinary medicine;
- 26 (n) Board of examiners of nursing home administrators.

27 3-36-3. Duties of the council. (1) (a) The duties of the

1 council shall be:

2 (b) When the public health, safety, and welfare so require,  
3 to recommend to the general assembly, after consultation with any  
4 affected health care occupations, that a health care occupation  
5 not licensed on July 1, 1973, be recognized by the general  
6 assembly and made subject to licensing or some other form of  
7 regulation. If licensing is recommended, such recommendation  
8 shall include the minimum qualifications of education,  
9 experience, character, and age which in the opinion of the  
10 council should be established for licensees;

11 (c) To review the functions of the regulatory boards for  
12 health care occupations and, where it deems necessary, to  
13 recommend to the general assembly the consolidation of boards;

14 (d) After consultation with the appropriate health care  
15 board, to formulate and recommend to the general assembly for its  
16 adoption any revision in the minimum qualifications of education,  
17 experience, character, and age of persons applying for a license  
18 to engage in health care occupations;

19 (e) To analyze examinations administered by the regulatory  
20 boards for health care occupations to determine whether such  
21 examinations are appropriate means for deciding whether a person  
22 is qualified for the occupation for which he seeks a license, and  
23 to make recommendations to the boards thereon;

24 (f) To study and make recommendations to the general  
25 assembly concerning the substitution of practical experience for  
26 some portion of the educational requirements for licensure in  
27 appropriate health care occupations, and requiring licensees to

1 continue their training by participation in educational programs  
2 at designated intervals in their careers as a prerequisite for  
3 renewal of a license;

4 (g) After studying the licensing systems of other states,  
5 to recommend to the general assembly any statutory changes which  
6 it finds desirable for easing restrictions on interstate movement  
7 of health care personnel.

8 SECTION 2. Appropriation. There is hereby appropriated,  
9 out of any moneys in the state treasury not otherwise  
10 appropriated, to the department of regulatory agencies for the  
11 advisory council for health care occupations, for the fiscal year  
12 beginning July 1, 1973, the sum of \_\_\_\_\_ dollars (\$ ),  
13 or so much thereof as may be necessary, for the implementation of  
14 this act.

15 SECTION 3. Effective date. This act shall take effect July  
16 1, 1973.

17 SECTION 4. Safety clause. The general assembly hereby  
18 finds, determines, and declares that this act is necessary for  
19 the immediate preservation of the public peace, health, and  
20 safety.



MINORITY BILL

A BILL FOR AN ACT

1 ESTABLISHING AN ADVISORY COUNCIL FOR HEALTH CARE OCCUPATIONS, AND  
2 MAKING AN APPROPRIATION THEREFOR.

3 Be it enacted by the General Assembly of the State of Colorado:

4 SECTION 1. Chapter 3, Colorado Revised Statutes 1963, as  
5 amended, is amended BY THE ADDITION OF A NEW ARTICLE to read:

6 ARTICLE 36

7 ADVISORY COUNCIL FOR HEALTH CARE OCCUPATIONS

8 3-36-1. Advisory council created. (1) There is hereby  
9 created in the department of regulatory agencies the advisory  
10 council for health care occupations, referred to in this article  
11 as the "council". The council shall consist of thirteen members  
12 to be appointed by the governor for terms of three years each;  
13 except that, of those appointed to take office on July 1, 1973,  
14 five members shall be appointed for one-year terms, four members  
15 shall be appointed for two-year terms, and four members shall be  
16 appointed for three-year terms. The council shall be composed of  
17 one representative of each of four health care occupations, one  
18 representative of insurance carriers, one representative of  
19 health maintenance organizations, one representative of hospital  
20 administration, one member of the state comprehensive health  
21 planning council, and five laymen who are not engaged in any

1 health care occupation.

2 (2) The council may recommend to the executive director of  
3 the department of regulatory agencies that he employ such staff  
4 members as may be necessary to carry out the purposes of this  
5 article, and he may employ such staff pursuant to the provisions  
6 of article XII, section 13, of the state constitution.

7 (3) Members of the council shall receive no compensation  
8 for their services but shall be reimbursed for actual and  
9 necessary expenses incurred in the performance of their duties.

10 3-36-2. Designated health care occupations. (1) (a) The  
11 council shall perform the duties specified by section 3-36-3 (1)  
12 (c), (d), (e), (f), and (g) with respect to the health care  
13 occupations regulated by the following boards and any other board  
14 which may be established by law to regulate health care  
15 occupations:

- 16 (b) State board of examiners in the basic sciences;
- 17 (c) Colorado state board of chiropractic examiners;
- 18 (d) State board of dental examiners;
- 19 (e) Colorado state board of medical examiners;
- 20 (f) Board of mortuary science;
- 21 (g) State board of nursing;
- 22 (h) State board of optometric examiners;
- 23 (i) State board of pharmacy;
- 24 (j) State board of physical therapy;
- 25 (k) Board of practical nursing;
- 26 (l) Colorado state board of psychologist examiners;
- 27 (m) State board of veterinary medicine;

1 (n) Board of examiners of nursing home administrators.

2 3-36-3. Duties of the council. (1) (a) The duties of the  
3 council shall be:

4 (b) When the public health, safety, and welfare so require,  
5 to recommend to the general assembly, after consultation with any  
6 affected health care occupations, that a health care occupation  
7 not licensed on July 1, 1973, be recognized by the general  
8 assembly and made subject to licensing or some other form of  
9 regulation. If licensing is recommended, such recommendation  
10 shall include the minimum qualifications of education,  
11 experience, character, and age which in the opinion of the  
12 council should be established for licensees;

13 (c) To review the functions of the regulatory boards for  
14 health care occupations and, where it deems necessary, to  
15 recommend to the general assembly the consolidation of boards;

16 (d) After consultation with the appropriate health care  
17 board, to formulate and recommend to the general assembly for its  
18 adoption any revision in the minimum qualifications of education,  
19 experience, character, and age of persons applying for a license  
20 to engage in health care occupations;

21 (e) To analyze examinations administered by the regulatory  
22 boards for health care occupations to determine whether such  
23 examinations are appropriate means for deciding whether a person  
24 is qualified for the occupation for which he seeks a license, and  
25 to make recommendations to the boards thereon;

26 (f) To study and make recommendations to the general  
27 assembly concerning the substitution of practical experience for

1 some portion of the educational requirements for licensure in  
2 appropriate health care occupations, and requiring licensees to  
3 continue their training by participation in educational programs  
4 at designated intervals in their careers as a prerequisite for  
5 renewal of a license;

6 (j) After studying the licensing systems of other states,  
7 to recommend to the general assembly any statutory changes which  
8 it finds desirable for easing restrictions on interstate movement  
9 of health care personnel.

10 SECTION 2. Appropriation. There is hereby appropriated,  
11 out of any moneys in the state treasury not otherwise  
12 appropriated, to the department of regulatory agencies for the  
13 advisory council for health care occupations, for the fiscal year  
14 beginning July 1, 1973, the sum of \_\_\_\_\_ dollars (\$ ),  
15 or so much thereof as may be necessary, for the implementation of  
16 this act.

17 SECTION 3. Effective date. This act shall take effect July  
18 1, 1973.

19 SECTION 4. Safety clause. The general assembly hereby  
20 finds, determines, and declares that this act is necessary for  
21 the immediate preservation of the public peace, health, and  
22 safety.

BILL B

A BILL FOR AN ACT

1 CONCERNING INVESTIGATIONS WITH RESPECT TO LICENSEES OF BOARDS AND  
2 AGENCIES IN THE DIVISION OF REGISTRATIONS.

3 Be it enacted by the General Assembly of the State of Colorado:

4 SECTION 1. 3-27-2, Colorado Revised Statutes 1963, as  
5 amended, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

6 3-27-2. Division of registrations - creation - director -  
7 duties. (9) The executive director of the department of  
8 regulatory agencies or the director of registrations may cause an  
9 investigation to be made of any complaint presented to him  
10 concerning a person licensed by any board or agency in the  
11 division of registrations.

12 SECTION 2. Safety clause. The general assembly hereby  
13 finds, determines, and declares that this act is necessary for  
14 the immediate preservation of the public peace, health, and  
15 safety.

BILL C

A BILL FOR AN ACT

1 CONCERNING HEARING OFFICERS FOR THE BOARD AND AGENCIES IN THE  
2 DIVISION OF REGISTRATIONS OF THE DEPARTMENT OF REGULATORY  
3 AGENCIES.

4 Be it enacted by the General Assembly of the State of Colorado:

5 SECTION 1. 3-27-2, Colorado Revised Statutes 1963, as  
6 amended, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

7 3-27-2. Division of registrations - creation - director -  
8 duties. (9) Each of the examining and licensing boards and  
9 agencies in the division of registrations shall have the power to  
10 employ a hearing officer or officers to conduct hearings on any  
11 matter within the jurisdiction of the board or agency; except  
12 that whenever a specific statutory provision authorizes the  
13 employment of hearing officers for a board or agency in the  
14 division, such statutory provision shall control. Hearing  
15 officers employed pursuant to this subsection (9) shall possess  
16 the following qualifications: LL.B. or equivalent degree from an  
17 accredited law school, admission to the bar of the state of  
18 Colorado, and at least five years' experience as a licensed  
19 attorney. Any hearing conducted by a hearing officer employed  
20 pursuant to this subsection (9) shall be conducted in accordance  
21 with the provisions of section 3-16-4, and the hearing officer

1 shall have the authority specified therein.

2 SECTION 2. Safety clause. The general assembly hereby  
3 finds, determines, and declares that this act is necessary for  
4 the immediate preservation of the public peace, health, and  
5 safety.

STATE OF COLORADO

BILL D

A BILL FOR AN ACT

1 CONCERNING THE POWERS AND DUTIES OF THE EXECUTIVE DIRECTOR OF THE  
2 DEPARTMENT OF REGULATORY AGENCIES.

3 Be it enacted by the General Assembly of the State of Colorado:

4 SECTION 1. 3-27-2, Colorado Revised Statutes 1963, as  
5 amended, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

6 3-27-2. Division of registrations - creation - director -  
7 duties. (9) The form and content of any license, certificate,  
8 permit, or similar indicia of authority issued by any examining  
9 or licensing board or commission in the division of  
10 registrations, including any document evidencing renewal of a  
11 license, certificate, permit, or similar indicia of authority,  
12 shall be determined by the executive director of the department  
13 of regulatory agencies after consultation with the examining or  
14 licensing board or commission concerned.

15 SECTION 2. Safety clause. The general assembly hereby  
16 finds, determines, and declares that this act is necessary for  
17 the immediate preservation of the public peace, health, and  
18 safety.



BILL E

A BILL FOR AN ACT

1 CONCERNING THE COMPOSITION OF THE BOARD OF TRUSTEES OF THE  
2 COLORADO SCHOOL OF MINES.

3 Be it enacted by the General Assembly of the State of Colorado:

4 SECTION 1. 124-9-2, Colorado Revised Statutes 1963, is  
5 amended to read:

6 124-9-2. Board of trustees - term. (1) There shall be a  
7 board of trustees of the Colorado school of mines to be composed  
8 of ~~five~~ SEVEN persons. ~~who-after-the-appointments-to-be-made--in~~  
9 ~~1935--shall-be--appointed-for-a-period-of-six-years.--Commencing~~  
10 ~~with-the-year-1935-on-or-before-the-expiration-of--the--terms--of~~  
11 ~~three--of--the-present-trustees;-the-governor-shall-appoint-three~~  
12 ~~trustees-to-fill-these-vacancies-as-follows:-One-for--a--term--of~~  
13 ~~four--years--and--two--for--terms-of-six-years:~~ THE FIVE MEMBERS  
14 SERVING ON THE BOARD ON JULY 1, 1973, SHALL CONTINUE TO SERVE THE  
15 TERMS FOR WHICH THEY WERE APPOINTED. ON OR BEFORE JULY 1, 1973,  
16 THE GOVERNOR SHALL APPOINT TWO ADDITIONAL MEMBERS OF THE BOARD, OF  
17 WHICH ONE SHALL BE APPOINTED FOR A TERM TO EXPIRE ON MARCH 1,  
18 1975, AND ONE SHALL BE APPOINTED FOR A TERM TO EXPIRE ON MARCH 1,  
19 1977. Thereafter the governor shall ~~appoint~~ FILL THE VACANCIES  
20 OCCURRING every two years ~~a-member-or~~ BY APPOINTMENTS OF members  
21 of the board for ~~a-term~~ TERMS of six years EACH, in accordance

1 with this arrangement.

2 (2) Said trustees shall hold their offices for the terms for  
3 which they have been appointed and until their successors are  
4 appointed and qualified. Any ~~three~~ FOUR of said board shall  
5 constitute a quorum for the transaction of business, and the said  
6 board shall have such powers and perform such duties as specified  
7 in the laws creating the institution and providing for its  
8 maintenance.

9 SECTION 2. Safety clause. The general assembly hereby  
10 finds, determines, and declares that this act is necessary for  
11 the immediate preservation of the public peace, health, and  
12 safety.

**BILL F**

**A BILL FOR AN ACT**

1 CONCERNING THE CLASSIFICATION OF STUDENTS IN STATE INSTITUTIONS  
2 OF HIGHER EDUCATION FOR TUITION PURPOSES.

3 Be it enacted by the General Assembly of the State of Colorado:

4 SECTION 1. 124-18-3 (1) (b) and (c), Colorado Revised  
5 Statutes 1963, as amended, are REPEALED AND REENACTED, WITH  
6 AMENDMENTS, and the said 124-18-3 (1) is further amended BY THE  
7 ADDITION OF A NEW PARAGRAPH, to read:

8 124-18-3. Presumptions and rules for determination of  
9 status. (1) (b) The domicile of an unemancipated minor is that  
10 of his father; or, if no father, that of his mother; or, if one  
11 parent has custody of the minor, that of such parent; or, if  
12 there is a guardian of his person, that of such guardian, but  
13 only if the court appointing such guardian (who has legal custody  
14 of the minor child as defined in section 22-1-3 (6) (a), C.R.S.  
15 1963) shall certify that the primary purpose of such appointment  
16 is not to qualify such unemancipated minor as a resident of this  
17 state and that his parents, if living, do not provide substantial  
18 support to the minor child.

19 (c) The domicile of a married woman is normally that of her  
20 husband; except that a married woman may adopt a domicile  
21 different from that of her husband upon completion of the

1 requirements for domicile as defined in this article.

2 (i) A minor is unemancipated.

3 SECTION 2. 124-18-3 (2), Colorado Revised Statutes 1963, is  
4 amended BY THE ADDITION OF THE FOLLOWING NEW PARAGRAPHS to read:

5 124-18-3. Presumptions and rules for determination of  
6 status. (f) (i) The following may be considered evidence of  
7 domicile even though no one of these criteria, if taken alone,  
8 may be considered as conclusive evidence of domicile:

9 (ii) Employment in Colorado other than that normally  
10 provided on a temporary basis to students by an institution of  
11 higher education, or other temporary employment;

12 (iii) Ownership of residential real property in Colorado;

13 (iv) Graduation from a high school located in Colorado;

14 (v) Continued residence in the state of Colorado during  
15 periods when not enrolled as a student or during periods between  
16 academic sessions;

17 (vi) Acceptance of future employment in the state of  
18 Colorado;

19 (vii) Any other factor peculiar to the individual which  
20 tends to establish the necessary intent to make Colorado a  
21 permanent home.

22 (g) (i) The following may be considered as evidence of  
23 domicile in another state even though no one of these criteria,  
24 if taken alone, may be considered as conclusive evidence of  
25 domicile in another state:

26 (ii) Failure to comply with any law imposing a mandatory  
27 duty upon a domiciliary or resident of this state;

1 (iii) Maintenance of a home in another state;

2 (iv) Prolonged absence from Colorado, except in military or  
3 governmental service, or except when the absence is due to a  
4 relocation required as a condition of employment which the  
5 employer does not intend to make permanent;

6 (v) Any other factor peculiar to the individual which tends  
7 to establish the fact that his permanent home is in another  
8 state.

9 (h) (i) The following may be considered as evidence of  
10 emancipation for the purposes of this article even though no one  
11 of these criteria, if taken along, may be considered as  
12 conclusive evidence of emancipation:

13 (ii) An affidavit of the parents stating their  
14 relinquishment of any claim or right to the care, custody, and  
15 earnings of the minor as well as the duty to support the minor;

16 (iii) Entry into the military service by the minor;

17 (iv) Failure of the parents to provide financial support to  
18 the minor, coupled with the evidence that the minor is  
19 independently able to meet his own financial obligations,  
20 including the costs of his education;

21 (v) Any other factor peculiar to the individual which tends  
22 to establish that the minor is independent of his parents and is  
23 providing his own support.

24 (i) (i) The following may be considered as evidence of  
25 nonemancipation for the purpose of this article even though no  
26 one of these criteria, if taken along, may be considered as  
27 conclusive evidence of nonemancipation:

1           (ii) The claiming of a minor as a dependent for the  
2 purposes of income taxation;

3           (iii) Receipt of gifts by a minor which the minor depends  
4 upon for financial support, whether the gifts are made by the  
5 parents, any other relative, or friend of the minor;

6           (iv) Residence in the home of his parents by the minor,  
7 except for temporary visits;

8           (v) Any other factor peculiar to the individual which tends  
9 to establish the minor's lack of independence and his dependency  
10 upon his parents.

11          (j) The marriage of a minor results in his emancipation.

12          (k) The establishment of a Colorado domicile shall be the  
13 burden of the person seeking to establish domicile. The  
14 registering authority of any state institution of higher  
15 education may require the individual seeking to establish  
16 domicile to support his claim by evidence which will satisfy the  
17 registering authority of the validity of the claim. The  
18 registering authority may require the individual seeking to  
19 establish domicile to complete forms prepared by the registering  
20 authority for the purpose of aiding him in his determination and  
21 to provide such documentation as may be required to support the  
22 classification.

23          SECTION 3. 124-18-3 (3), Colorado Revised Statutes 1963  
24 (1967 Supp.), is REPEALED AND REENACTED, WITH AMENDMENTS, to  
25 read:

26          124-18-3. Presumptions and rules for determination of  
27 status. (3) An unemancipated minor shall qualify for a change in  
28 status only if his parents or legal guardian or person having

1 legal custody have completed the requirements for establishing  
2 domicile as defined in this article. An adult or emancipated  
3 minor student shall qualify for a change in status only upon  
4 completion of the requirements for domicile as defined in this  
5 article.

6 SECTION 4. Repeal. 124-18-3 (1) (g), Colorado Revised  
7 Statutes 1963 (1967 Supp.), is repealed.

8 SECTION 5. Applicability. This act shall apply only with  
9 respect to periods of registration at the state institutions of  
10 higher education which begin on or after the passage of this act.

11 SECTION 6. Safety clause. The general assembly hereby  
12 finds, determines, and declares that this act is necessary for  
13 the immediate preservation of the public peace, health, and  
14 safety.