

University of Denver

Digital Commons @ DU

All Publications (Colorado Legislative Council)

Colorado Legislative Council Research
Publications

12-1982

0276 Committees on: Child Molestation, State Government Issues, Sunset Reviews, Legislative Procedures

Colorado Legislative Council

Follow this and additional works at: https://digitalcommons.du.edu/colc_all

Recommended Citation

Colorado Legislative Council, "0276 Committees on: Child Molestation, State Government Issues, Sunset Reviews, Legislative Procedures" (1982). *All Publications (Colorado Legislative Council)*. 284.
https://digitalcommons.du.edu/colc_all/284

This Article is brought to you for free and open access by the Colorado Legislative Council Research Publications at Digital Commons @ DU. It has been accepted for inclusion in All Publications (Colorado Legislative Council) by an authorized administrator of Digital Commons @ DU. For more information, please contact jennifer.cox@du.edu, dig-commons@du.edu.

0276 Committees on: Child Molestation, State Government Issues, Sunset Reviews, Legislative Procedures

Report to the Colorado General Assembly

**RECOMMENDATIONS FOR 1983
COMMITTEES ON:**

**CHILD MOLESTATION
STATE GOVERNMENT ISSUES
SUNSET REVIEWS
LEGISLATIVE PROCEDURES**



COLORADO LEGISLATIVE COUNCIL

**RESEARCH PUBLICATION NO. 276
December, 1982**

Law Lib. KFC 1820 .L4
no. 276
Colorado. General Assembly.
Legislative Council.

Colorado Legislative Council
recommendations for 1983

LEGISLATIVE COUNCIL
OF THE
COLORADO GENERAL ASSEMBLY

Senators

Dan D. Noble
Vice Chairman
J. Robert Allshouse
Fred E. Anderson
Regis F. Groff
Joel M. Hefley
Martin Hatcher
Donald A. Sandoval

Representatives

John G. Hamlin
Chairman
Carl B. "Bev" Bledsoe
Richard Castro
Frank DeFilippo
Peter M. Minahan
Federico F. Pena
Bev Scherling

The fourteen-member Legislative Council serves as the fact-finding and information-collecting agency of the General Assembly. The Speaker of the House and the Majority Leader of the Senate serve ex officio with twelve appointed legislators -- six senators and six representatives.

Between sessions, the interim legislative committees concentrate on specific study assignments approved by resolution of the General Assembly or directed by the council. Committee documents, data, and reports are prepared with the aid of the council's professional staff.

During sessions, the council staff provides support services to the various committees of reference and furnishes individual legislators with facts, figures, arguments, and alternatives.

KFC
1820
111
70-776

COLORADO LEGISLATIVE COUNCIL
RECOMMENDATIONS FOR 1983

COMMITTEES ON:

Child Molestation
State Government Issues
Sunset Reviews
Legislative Procedures

Legislative Council
Report to the
Colorado General Assembly

Research Publication No. 276
December, 1982

Law Lib. KFC 1820 .L4
no. 276
Colorado. General Assembly.
Legislative Council.

Colorado Legislative Council
recommendations for 1983

COLORADO GENERAL ASSEMBLY

OFFICERS

REP. JOHN G. HAMLIN
Chairman

SEN. DAN D. NOBLE
Vice Chairman

STAFF

LYLE C. KYLE
Director

DAVID F. MORRISSEY
Assistant Director



LEGISLATIVE COUNCIL

ROOM 46 STATE CAPITOL
DENVER, COLORADO 80203
866-3521
AREA CODE 303

MEMBERS

SEN. J. ROBERT ALLSHOUSE
SEN. FRED E. ANDERSON
SEN. REGIS F. GROFF
SEN. JOEL M. HEFLEY
SEN. MARTIN HATCHER
SEN. DONALD A. SANDOVAL
REP. CARL B. "BEV" BLEDSOE
REP. RICHARD CASTRO
REP. FRANK DeFILIPPO
REP. PETER M. MINAHAN
REP. FEDERICO F. PENA
REP. BEV SCHERLING

To Members of the Fifty-fourth Colorado General Assembly:

Submitted herewith are the final reports of the Committee on Child Molestation, State Government Issues, and Legislative Procedures. These committees were appointed by the Legislative Council pursuant to Senate Joint Resolution No. 19, 1982 session.

At its meeting of November 29, the Legislative Council approved motions to transmit these reports to the Fifty-fourth General Assembly.

Pursuant to the provisions of section 24-34-104, C.R.S. 1973, as amended, the Legislative Council held public hearings and conducted sunset reviews of seven boards, offices and commissions scheduled for review this year. The council's recommendations are included in this report.

Respectfully submitted,

/s/ Representative John G. Hamlin
Chairman
Colorado Legislative Council

TABLE OF CONTENTS

	<u>Page</u>
Letter of Transmittal.....	iii
Table of Contents.....	v
List of Bills and Resolutions.....	vii
List of Appendices.....	ix
Committee on Child Molestation	
Members of the Committee.....	1
Summary.....	3
Committee Recommendations.....	5
Sexual Assaults on Children.....	5
Protection for Child Sex Assault Victims.....	7
Judicial Proceedings.....	9
Committee on State Government Issues	
Members of the Committee.....	57
Summary of Procedures, Findings and Recommendations.....	59
Charge.....	61
Activities.....	62
Agenda for the Interim.....	62
Capital Planning and Budgeting.....	62
Sale or Disposal of State Property.....	63
Seven Percent Spending Limitation.....	63
Other Issues.....	64
Capital Planning and Budgeting.....	64
Capital Development.....	64
State Seven Percent Spending Limitation.....	65
Limitation on the Appropriation of State Revenues.....	65
State Revenues Comprising the General Fund.....	67
Other Issues.....	67
Exemption from Local Government Revenue-	
Raising Limitations.....	68

	<u>Page</u>
Committee on the Sunset Reviews	
Members of the Committee.....	93
Introduction.....	95
Committee Recommendations.....	97
Department of Regulatory Agencies.....	97
Department of Administration.....	98
Department of Higher Education.....	98
Department of Health.....	98
Background Report.....	99
Board of Examiners of Nursing Home Administrators.....	99
Colorado Racing Commission.....	99
Passenger Tramway Safety Board.....	100
Office of Regulatory Reform.....	101
Division of Central Services.....	102
Colorado Commission on Higher Education.....	102
Colorado Advisory Commission on Family Medicine.....	104
Committee on Legislative Procedures	
Members of the Committee.....	119
Summary of Recommendations.....	121
Background Report.....	125
Bills and Resolutions Recommended by the Committee.....	125
Legislative Bill Room.....	129
Other Committee Business.....	131
Construction Projects.....	135

LIST OF BILLS AND RESOLUTIONS

	<u>Page</u>
Bill 1 -- CONCERNING SEXUAL OFFENSES AGAINST CHILDREN, AND IN CONNECTION THEREWITH CREATING NEW OFFENSES AND PROVIDING FOR THE PROSECUTION AND SENTENCING OF OFFENDERS.....	13
Bill 2 -- CONCERNING PIMPING.....	21
Bill 3 -- CONCERNING ISSUANCE OF RESTRAINING ORDERS AND EMERGENCY PROTECTION ORDERS TO PROTECT A CHILD- VICTIM FROM AN UNLAWFUL SEXUAL OFFENSE.....	23
Bill 4 -- CONCERNING LICENSING OF FAMILY CARE HOMES AND CHILD CARE CENTERS.....	29
Bill 5 -- CONCERNING BACKGROUND CHECKS ON CERTAIN EMPLOYERS AND EMPLOYEES TO DETERMINE WHETHER THEY HAVE PRE- VIOUSLY BEEN CONVICTED OF SEXUAL OFFENSES AGAINST CHILDREN.....	33
Bill 6 -- CONCERNING THE FAILURE TO REPORT CHILD ABUSE OR NEGLECT.....	41
Bill 7 -- CONCERNING THE ISSUANCE OF COLORADO TEACHING CERTIFICATES BY THE DEPARTMENT OF EDUCATION, AND PROVIDING REQUIREMENTS THEREFOR.....	43
Bill 8 -- CONCERNING THE COMPETENCY OF CHILDREN TO TESTIFY IN SEXUAL ABUSE, SEXUAL ASSAULT, AND INCEST CASES.....	47
Bill 9 -- CONCERNING ADMISSIBILITY IN EVIDENCE IN A CRIMINAL OR CIVIL PROCEEDING OF STATEMENTS MADE BY A CHILD VICTIM OF AN UNLAWFUL SEXUAL OFFENSE.....	49
Bill 10 -- CONCERNING ANATOMICALLY CORRECT DOLLS FOR USE IN INVESTIGATING CIVIL OR CRIMINAL ACTIONS INVOLVING CHILDREN OR MENTAL INCOMPETENTS, AND MAKING AN APPROPRIATION THEREFOR.....	53
Bill 11 -- CONCERNING CAPITAL DEVELOPMENT FOR THE STATE OF COLORADO, AND CREATING COMMITTEES AND PROVIDING FOR FINANCING RELATING THERETO.....	69
Bill 12 -- CONCERNING LIMITATIONS ON THE APPROPRIATION OF STATE REVENUES.....	77
Bill 13 -- CONCERNING STATE REVENUES COMPRISING THE GENERAL FUND.....	81

	<u>Page</u>
Bill 14 -- CONCERNING THE PERIOD OF TIME WITHIN WHICH AN EXEMPTION FROM LOCAL GOVERNMENT REVENUE-RAISING LIMITATIONS IS EFFECTIVE.....	91
Bill 15 -- CONCERNING THE BOARD OF EXAMINERS OF NURSING HOME ADMINISTRATORS, AND PROVIDING FOR THE CONTINUATION THEREOF.....	105
Bill 16 -- CONCERNING THE DIVISION OF RACING EVENTS, INCLUD- ING THE COLORADO RACING COMMISSION, AND PROVIDING FOR THE CONTINUATION THEREOF.....	107
Bill 17 -- CONCERNING THE PASSENGER TRAMWAY SAFETY BOARD, AND PROVIDING FOR THE CONTINUATION THEREOF.....	109
Bill 18 -- CONCERNING THE OFFICE OF REGULATORY REFORM, AND PROVIDING FOR THE CONTINUATION THEREOF.....	111
Bill 19 -- CONCERNING THE DIVISION OF CENTRAL SERVICES, AND PROVIDING FOR THE CONTINUATION THEREOF.....	113
Bill 20 -- CONCERNING THE COLORADO COMMISSION ON HIGHER EDU- CATION, AND PROVIDING FOR THE CONTINUATION THEREOF.....	115
Bill 21 -- CONCERNING THE ADVISORY COMMISSION ON FAMILY MEDICINE, AND PROVIDING FOR THE CONTINUATION THEREOF.....	117
Bill 22 -- CONCERNING LEGISLATIVE PROCEDURES RELATING TO THE SUMMONING OF WITNESSES AND PUNISHMENTS FOR CONTEMPT....	155
Bill 23 -- CONCERNING APPROVAL BY THE PRESIDENT OF THE SEN- ATE OF CONTRACTS TO WHICH THE SENATE IS A PARTY.....	163
Bill 24 -- CONCERNING THE DEPARTMENT OF ADMINISTRATION'S DUTIES WITH REGARD TO BUILDINGS UNDER THE JURISDICTION OF THE GENERAL ASSEMBLY.....	165
Joint Resolution 1 -- CONCERNING THE USE OF JOINT INTERVIEWS IN CHILD SEXUAL ASSAULT CASES.....	55
Joint Resolution 2 -- CONCERNING JOINT RULE NO. 4.....	137
Joint Resolution 3 -- CONCERNING JOINT RULE NO. 24(c).....	139
Joint Resolution 4 -- CONCERNING RULE NO. 25(a).....	141
Joint Resolution 5 -- CONCERNING JOINT RULE NO. 23(a).....	143
Joint Resolution 6 -- CONCERNING JOINT RULE NO. 33.....	147

LIST OF APPENDICES

	<u>Page</u>
APPENDIX A -- Committee schedule.....	167
APPENDIX B -- Pre-session Orientation Conference Agenda.....	171

LEGISLATIVE COUNCIL
COMMITTEE ON CHILD MOLESTATION

Members of the Committee

Sen. Dan Schaefer, Chairman	Rep. Bill Artist
Rep. Don Mielke, Vice Chairman	Rep. Gwenne Hume
Sen. Polly Baca Barragan	Rep. Bob Martinez
Sen. William Becker	Rep. Betty Orten
Sen. Richard Soash	Rep. Ruth Prendergast
Sen. Sam Zakhem	Rep. Arie Taylor

Council Staff

Earl E. Thaxton
Principal Analyst

Larry Thompson
Senior Analyst

Legislative
Drafting Staff

Linda Smoke
Staff Attorney

SUMMARY

The interim Committee on Child Molestation was directed by the Legislative Council, pursuant to Senate Joint Resolution No. 19, to conduct a study of the laws pertaining to child molestation. During the 1982 session, the General Assembly enacted Senate Bill 34 and Senate Bill 66 in an effort to deal with some of the problems concerning the sentencing of child sexual assault offenders. Senate Bill 34 created the offense of habitual sex offender against children and provided that a person convicted of an unlawful sexual offense against a child a second or subsequent time shall receive a sentence of not less than the upper limit of the presumptive range for the class felony or the maximum sentence for the class misdemeanor, as applicable. Senate Bill 66 defined the offenses which constitute an "unlawful sexual offense" against a child and lengthened the period of time in which an action may be commenced against a person who has committed a sexual offense against a child.

Many persons believed that more effort should be made to protect children from being the victim of a sexual assault, to provide treatment for the child who is a victim, and to provide mechanisms to assist the prosecution of child sexual assault offenders. The committee was established to examine the scope and severity of the child molestation problem, to study the treatment programs for both the victim and the offender, and to examine laws and proposals aimed at protecting children from sexual assaults and to assist in the prosecution of such offenses.

In carrying out the purposes of the study, the committee held six meetings during the interim. Testimony was received from professionals and practitioners in the area of dealing with child victims and in the prosecution and treatment of sex offenders. A total of eleven bills are recommended by the committee: a bill to increase the penalties for certain sexual offenses against children, to prescribe additional methods in prosecuting sex offenders, and to revise procedures for the sentencing and treatment of sex offenders; a bill to increase the penalty for pimping; a bill to allow the issuance of restraining orders and emergency protection orders to protect a child victim; a bill to strengthen the requirements for licensing of family care homes and child care centers; a bill to require background checks of certain employers and employees to determine if they have previously committed sexual offenses; a bill to increase the penalty for failure to report child abuse or neglect; a bill to require training of educators in how to recognize and deal with victims of sexual abuse; a bill to ease the requirements of determining if a child victim is competent to testify; a bill to allow prior statements of a child victim to be admitted as evidence under certain circumstances; a bill to provide anatomically correct dolls in local jurisdictions; and a joint resolution to encourage the use of joint interviews by the local jurisdictions.

The purpose of this report is to briefly summarize the bills which the committee recommends for approval.

COMMITTEE RECOMMENDATIONS

Sexual Assaults on Children

Bill 1 -- CONCERNING SEXUAL OFFENSES AGAINST CHILDREN, AND RELATING TO THE CREATION OF NEW OFFENSES THEREOF AND THE PROSECUTION AND SENTENCING OF OFFENDERS THEREUNDER

The committee recommends Bill 1 which increases the penalties for certain sexual offenses against children, prescribes additional methods in prosecuting sex offenders, and revises procedures for the sentencing and treatment of said offenders.

Bill 1 makes the crime of sexual assault on a child by a person in a "position of trust" a class 3 felony. Conviction of this crime subjects the offender to imprisonment from four to eight years, plus one year of parole. A person in a "position of trust" is one who is a parent or one assuming parental responsibilities for the health, welfare, education, and supervision of a child, including foster care, child care, or family care. The committee believes that increased penalties are appropriate for incidents of sexual assault on a child which are committed by a person to whom a child is entrusted.

The bill requires courts to hear child sexual assault cases as soon as possible after they are filed and provides that all cases involving an unlawful sexual offense shall take precedence before the court. A particularly bothersome issue in sex abuse cases is the problem of continuances. The longer the child witness may have to wait to testify in court, the longer he is subjected to the sometimes hostile and negative feelings of the family attempting to influence him or her not to go ahead with the criminal trial. A child's memory is not as accurate on details and facts over a long time period, particularly since the child is trying to forget the assault.

Bill 1 permits a court to admit a previously recorded video tape deposition of a child as a substitute for in-court testimony where the child is considered a victim of a sexual offense and where the court finds that the child is medically unavailable or otherwise unavailable as a witness within the meaning of the Colorado rules of evidence. Under these circumstances the court may admit the video tape of the victim's deposition as former testimony under the Colorado rules of evidence. Implementation of this portion of Bill 1 will allow one or two well trained investigators, knowledgeable regarding the legal process and evidence, to conduct all the interviews with the child. The interviews will be audio or video-tape recorded for use by others. Although it may be necessary to talk to a child more than once during the course of a case, use of such procedures may reduce the number of times a child is questioned and will permit the court to excuse the victim from testifying in open court when the court finds that such further testimony would cause the victim severe emotional trauma.

In view of testimony provided to the committee concerning the traumatic effect of sexual assault on a child and the need to treat such trauma, the committee recommends provisions in Bill 1 which will enable the court to order a person convicted of a sexual offense against a child to pay the costs of treatment prescribed for the victim or victims of his offense. Testimony indicated that there has been successful treatment of incest victims. The committee believes it is appropriate that the offender, rather than public entities, be responsible for payment of victim treatment. The bill allows the court to suspend a portion of the sentence when payment of treatment costs is ordered for those persons who are not habitual sexual offenders against a child, as described in section 18-3-412, C.R.S. 1973, as amended.

The crimes of incest and aggravated incest are redefined in the bill. Under current statutes a person is guilty of incest or aggravated incest only if he has sexual intercourse with the victim. Bill 1 expands the crime of incest and aggravated incest to include incidents of "sexual penetration", "sexual intrusion" or "sexual contact" as said terms are defined in section 18-3-401, C.R.S. 1973. Testimony to the committee indicated that incest is overall more damaging than third party assaults in its affect on children. In such cases there is an undermining of trust since incest frequently occurs in a loving and protective atmosphere. The committee also recommends that the penalty for incest be increased from a class 5 to a class 4 felony and the penalty for aggravated incest be increased from a class 4 to a class 3 felony.

The bill creates the offense of aiding incest or aggravated incest and provides that any person over eighteen years of age who, while living in the same household as an individual who commits incest or aggravated incest, knowingly allows, assists, or encourages the offender in committing the crime of incest or aggravated incest may be charged with aiding incest or aggravated incest. Said person can also be charged if they have knowledge that the crime of incest or aggravated incest is being committed and said person fails to report the crime to the appropriate law enforcement authorities. The committee believes that adoption of this statutory provision will make the "passive" parent or partner more inclined to report incestuous relationships. The penalty for violation of these provisions is a class 5 felony if the offense is aiding incest, and a class 4 felony if the offense is aiding aggravated incest.

In recognition of a need to deal with intrafamily crimes differently than crimes perpetrated by a third party offender, the bill provides the sentencing court the option to suspend a portion of the sentence of an individual who commits incest or aggravated incest if the offender satisfactorily completes a recommended treatment program. The major emphasis of a treatment program is rehabilitation of the offender. The committee believes that punishment for certain incest offenders is not a deterrent, and that treatment can change the behavior which led to and may again lead to criminal activity.

The bill also provides that in all cases involving the prosecution for an unlawful sexual offense, the statutory privilege between patient and physician and between husband and wife shall not be available for excluding or refusing testimony.

Bill 2 -- CONCERNING PIMPING

In view of the testimony provided to the committee that child victims of sexual assault frequently become involved in adolescent drug addiction and prostitution, the committee recommends Bill 2. The bill increases the penalty for pimping from a class 5 felony to a class 4 felony. Pimping is considered to occur when any person lives on or is supported in whole or in part by money received from any other person through the act of prostitution.

Protection for Child Sex Assault Victims

Bill 3 -- CONCERNING ISSUANCE OF RESTRAINING ORDERS AND EMERGENCY PROTECTION ORDERS TO PROTECT A CHILD-VICTIM FROM AN UNLAWFUL SEXUAL OFFENSE

When there are reasonable grounds to believe that a child is in an immediate and present danger of being the victim of an unlawful sexual offense, Bill 3 authorizes juvenile and district court judges to issue restraining orders and emergency protection orders. The bill states that an emergency protection order may include: 1) restraining an individual from threatening, molesting, or injuring a child; 2) excluding an individual from the family home upon a showing that physical or emotional harm could occur; or 3) enjoining an individual from contacting a child at school, work, or wherever he may be found. The bill requires that the emergency protection order expire not later than the close of judicial business on the next day of judicial business following the day of issue, unless otherwise continued by the court.

Bill 4 -- CONCERNING LICENSING OF FAMILY CARE HOMES AND CHILD CARE CENTERS

To enable the Department of Social Services to quickly revoke a child care license when there is probable cause to suspect sexual abuse, Bill 4 is recommended. Additional grounds for the denial, suspension, revocation, probation, or refusal by the department to renew the license for a family care home or a child care center are provided in the bill. Grounds that may be used by the department not to offer or renew a license include situations when the licensee, person employed by the licensee, or person who resides with the licensee, has been charged with an act of child abuse or a sex offense against a child and a hearing officer finds that such charge is supported by substantial evidence or if such individual has admitted committing the act or offense.

Bill 5 -- CONCERNING BACKGROUND CHECKS ON CERTAIN EMPLOYERS AND
EMPLOYEES TO DETERMINE WHETHER THEY HAVE PREVIOUSLY
COMMITTED SEXUAL OFFENSES AGAINST CHILDREN

Bill 5 provides that if a person is self employed and operates a business which has the primary responsibility to provide services to children, and that business is required to be licensed or certified by a public entity, a license or certificate shall not be issued until the public entity has consulted the Colorado Bureau of Investigation (CBI) to determine whether the person who is applying for the license has previously been convicted of an unlawful sexual offense. The same requirements apply to public entities charged with providing services to children.

The bill also requires the State Board of Education to consult with the CBI to determine whether bureau records indicate that a person applying for an original certificate or certificate renewal has previously been convicted of an unlawful sexual offense. The cost for obtaining the record checks are charged to the applicant for teaching certification.

The bill further provides that no original license or renewal license shall be issued to a family care home or child care center until the Department of Social Services consults with the CBI and has evidence that the applicant for licensure has consulted the bureau to ensure that no employee of a family care home or child care center has been convicted of an unlawful sexual offense.

Failure to consult with the CBI could, in certain instances, subject the employer or public entity to a civil suit if an employee or person to whom a license or certificate has been issued commits an unlawful sexual offense against a child. Failure to consult with the CBI, as required, will result in the denial, loss, or nonrenewal of the employer's license or certification if such license or certification is required by a public entity.

Bill 6 -- CONCERNING THE PENALTY FOR FAILURE TO REPORT CHILD ABUSE OR
NEGLECT

Testimony to the committee indicated that many professionals (doctors, teachers, and psychiatrists) fail to report to the county department or local law enforcement authority incidents of child abuse or neglect. Current statutes provide that the penalty for failure to report child abuse or neglect is a class 2 petty offense which subjects the offender to a fine not to exceed two hundred dollars. Believing that this penalty is not severe enough to encourage reporting, the committee recommends the enactment of Bill 6 which increases the penalty for failure to report to a class 2 misdemeanor (penalty of three months imprisonment or two hundred fifty dollar fine, or both, up to twelve months imprisonment, or one thousand dollars fine, or both).

Bill 6 also provides that persons who report an incident of child abuse or neglect in good faith cannot be terminated from employment because of the filing of such report. This protection is in addition to the statutory provisions giving immunity from liability, civil or criminal, that otherwise might result by reason of such reporting.

Bill 7 -- CONCERNING THE RENEWAL OF TEACHING CERTIFICATES BY THE DEPARTMENT OF EDUCATION, AND PROVIDING REQUIREMENTS THEREFOR

Recognizing that teachers are in a strategic position to observe children who may be victims of sex offenses, the committee believes that teachers should have special training designed to assist in the recognition of symptoms of sexual abuse of children and to provide the teacher with information on how to report the incident and how to assist the child victim and the family.

Bill 7 requires new applicants for teaching certificates and those seeking renewal of certificates to give evidence of having successfully completed a course of instruction designed to help the teacher to recognize child victims of sexual abuse and to provide the educator with information on how to report the incident and methods for assisting the child-victim and his family. The Commission on Higher Education is directed to suggest to higher education governing boards its recommendations for courses to fulfill this requirement.

The effective date for Bill 7 is January 1, 1984.

Judicial Proceedings

Bill 8 -- CONCERNING THE COMPETENCY OF CHILDREN TO TESTIFY IN SEXUAL ABUSE, SEXUAL ASSAULT, AND INCEST CASES

A presumption exists in current law that children under ten years of age are not competent to testify. However, the need for a child victim's testimony in a sexual assault case is critical to the prosecution since other admissible corroborating evidence is often nonexistent. The child victim is often the only witness for the prosecution.

Testimony presented to the committee indicated that it is not the age of the child, but rather the child's intelligence which should be used to determine his competency to testify at a trial. In this regard, the committee recommends the enactment of Bill 8 which provides an additional standard to be used by the court in determining competency to testify of children under ten years of age in sexual abuse, sexual assault, and incest cases. The bill allows children under ten years of age to testify when the child is able to describe in language appropriate for a child of that age the events for which the child is examined.

Bill 9 -- CONCERNING ADMISSIBILITY IN EVIDENCE IN A CRIMINAL OR CIVIL PROCEEDING OF STATEMENTS MADE BY A CHILD VICTIM OF AN UNLAWFUL SEXUAL OFFENSE

Under the provisions of Bill 9, an out-of-court statement (hearsay) made by a child describing an act of sexual abuse will be admissible in evidence in criminal proceedings in which the child is the victim of the sexual offense if the court determines that the content and circumstances of the statement provide sufficient safeguards of reliability and the child either testifies at the proceedings or when unavailable as a witness, there is corroborative evidence of the act which is the subject of the statement. Bill 9 requires that the court instruct the jury to determine the credibility of the statement and provides guidelines for making that determination.

Hearsay evidence is usually defined as testimony in court of a statement made out of court. A hearsay statement may be offered to prove the truth of the matter asserted. The value of such a statement usually is dependent on the credibility of the child-victim at the time the statement is made. Existing hearsay exceptions in the rules of evidence do not permit most statements of child sexual abuse to be admitted into evidence. In child sexual abuse cases there are rarely eyewitnesses or medical evidence and much of the evidence may be circumstantial or hearsay. The child may not be a competent witness and thus be unable to testify. Bill 9 eases the requirements of the hearsay rule so that hearsay statements by child sex assault victims may be admissible in a criminal or civil proceeding.

Bill 10 -- CONCERNING ANATOMICALLY CORRECT DOLLS FOR USE IN INVESTIGATING CIVIL OR CRIMINAL ACTIONS INVOLVING CHILDREN OR MENTAL INCOMPETENTS, AND MAKING AN APPROPRIATION THEREFORE

Testimony indicated that the use of anatomically correct dolls to facilitate interviews with child victims is very helpful to the person conducting the interview. These dolls can also be used by the district attorneys in facilitating the testimony of a child victim in court. Through the use of these dolls a child can indicate the type of sexual assault or contact which occurred, even though the child may not be able to verbalize the incident. The committee concluded that these anatomically correct dolls should be available in every part of the state and recommends the enactment of Bill 10.

The bill requires the Department of Social Services to provide each county social service department with at least one set of anatomically correct dolls. The dolls shall be made available to the individuals within each county investigating any civil or criminal action involving a child or mental incompetent. An appropriation of \$5,670 is provided to defray necessary costs for purchase of the dolls.

Joint Resolution 1 -- CONCERNING JOINT INTERVIEWS OF A CHILD-VICTIM OF
SEXUAL ASSAULT

If the sexual assault is reported, it will generally be reported to the police, the department of social services, or to any number of public or private agencies coming in contact with the child. The police and social services interview the child victim as soon as possible. Often there are multiple and repeated interviews of the child by the police, social workers, mental health professionals, physicians, prosecutors, and defense attorneys. All of these persons and agencies often require the same information from the child. Testimony before the committee clearly indicated that requiring a child victim to repeat the painful details of a sexual assault to different persons at different times and for different purposes creates an additional and unnecessary trauma to the child. In addition, it was explained that many of the people who interview the child are not trained in interview techniques of young children and are not sensitive to a child's powers of narration, his veracity, and the vulnerability to mental trauma. Many have neither special training in the dynamics of sexual abuse nor extensive experience in dealing with child victims.

The committee received several suggestions on what could be done to avoid repetitive interviews of the child victim and thereby lessen the trauma to the child. One method used in some jurisdictions to reduce the number of interviews during the investigative process is to conduct joint interviews in which the various professions needing information from the child can participate in one interview. Another method used in some jurisdictions is to have one (or two -- one for the criminal and another for the child protection case) well-trained interviewer conduct all the interviews with the child. Such interviews are audio- or video-tape recorded for use by others.

The committee concluded that efforts should be made to minimize the trauma caused to children by multiple interviews and recommends the enactment of Joint Resolution 1 which urges that investigators and staff of law enforcement and social service agencies and district attorneys' offices attempt to reduce the trauma experienced by the child victim through the adoption of one or more of the interview techniques discussed above. The resolution also suggests that an integrated community-based approach to the problem of incest, similar to the Boulder County Child Sexual Abuse Treatment Program, be implemented in the various communities throughout the state. This program coordinates the offices of county attorney, district attorney, department of social services, probation department, and school system in dealing with sexual abuse cases.

BILL 1

A BILL FOR AN ACT

1 CONCERNING SEXUAL OFFENSES AGAINST CHILDREN, AND IN CONNECTION
2 THEREWITH CREATING NEW OFFENSES AND PROVIDING FOR THE
3 PROSECUTION AND SENTENCING OF OFFENDERS.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

Makes the crime of sexual assault on a child by one in a position of trust a class 3 felony and defines "position of trust".

Requires courts to hear cases involving sexual offenses against children as soon as possible after they are filed, and makes unavailable the patient-physician and husband-wife evidentiary privileges in such cases.

Permits a court to admit a previously recorded video tape deposition of a child as a substitute for in-court testimony when the child is considered the victim of a sexual offense.

Enables the court to order a person convicted of a sexual offense against a child to pay the costs of treatment prescribed for the victim or victims of his offense, to order probation for the purpose of paying the treatment costs of the victim or victims, and under certain circumstances to suspend a portion of the offender's sentence when the payment of treatment costs is ordered.

Redefines incest and aggravated incest and increases the penalties for those offenses.

Provides that any person over eighteen years of age, who lives in the same household as an individual who commits incest or aggravated incest, may be charged with aiding incest or aggravated incest upon allowing, advising, assisting, or encouraging the offender in planning or committing the crime

or, with knowledge of the offense, failing to report it.

Gives the court the option to suspend a portion of the sentence of an individual who commits incest, aggravated incest, or aiding incest or aggravated incest if the offender satisfactorily completes a recommended treatment program; also gives the court the option to sentence the offender to a period of probation for treatment.

Creates the crime of procurement of a child, and makes it a class 3 felony.

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

2 SECTION 1. 18-3-401, Colorado Revised Statutes 1973,
3 1978 Repl. Vol., is amended BY THE ADDITION OF A NEW
4 SUBSECTION to read:

5 18-3-401. Definitions. (3.5) One in a "position of
6 trust" includes, but is not limited to, any person who is a
7 parent or acting in the place of a parent and charged with any
8 of a parent's rights, duties, or responsibilities concerning a
9 child, or a person who is charged with any duty or
10 responsibility for the health, education, welfare, or
11 supervision of a child, including foster care, child care, or
12 family care, either independently or through another, no
13 matter how brief, at the time of an unlawful act.

14 SECTION 2. 18-3-405 (2), Colorado Revised Statutes 1973,
15 1978 Repl. Vol., is amended to read:

16 18-3-405. Sexual assault on a child. (2) Sexual
17 assault on a child is a class 4 felony, but it is a class 3
18 felony if:

19 (a) The actor commits the offense on a victim by use of
20 such force, intimidation, or threat as specified in section

1 18-3-402 (1) (a), (1) (b), or (1) (c); OR

2 (b) THE ACTOR WHO COMMITS THE OFFENSE ON A VICTIM IS ONE
3 IN A POSITION OF TRUST WITH RESPECT TO THE VICTIM.

4 SECTION 3. 18-3-411, Colorado Revised Statutes 1973,
5 1978 Repl. Vol., as amended, is amended BY THE ADDITION OF THE
6 FOLLOWING NEW SUBSECTIONS to read:

7 18-3-411. Sex offenses against children - unlawful
8 sexual offense defined - limitation for commencing proceedings
9 - statutory privilege. (3) All cases involving the
10 commission of an unlawful sexual offense shall take precedence
11 before the court; the court shall hear these cases as soon as
12 possible after they are filed.

13 (4) The statutory privilege between patient and
14 physician and between husband and wife shall not be available
15 for excluding or refusing testimony in any prosecution of an
16 unlawful sexual offense.

17 SECTION 4. Part 4 of article 3 of title 18, Colorado
18 Revised Statutes 1973, 1978 Repl. Vol., as amended, is amended
19 BY THE ADDITION OF A NEW SECTION to read:

20 18-3-413. Video tape depositions - children - victims of
21 sexual offenses. (1) When a defendant has been charged with
22 an unlawful sexual offense, as defined in section 18-3-411
23 (1), and when the victim at the time of the commission of the
24 act is a child less than fifteen years of age, the prosecution
25 may apply to the court for an order that a deposition be taken
26 of the victim's testimony and that the deposition be recorded

1 and preserved on video tape.

2 (2) The prosecution shall apply for the order in writing
3 at least three days prior to the taking of the deposition.
4 The defendant shall receive reasonable notice of the taking of
5 the deposition.

6 (3) Upon timely receipt of the application, the court
7 shall make a preliminary finding regarding whether, at the
8 time of trial, the victim is likely to be medically
9 unavailable or otherwise unavailable within the meaning of
10 rule 804 (a) of the Colorado rules of evidence. If the court
11 so finds, it shall order that the deposition be taken and
12 preserved on video tape. The prosecution shall transmit the
13 video tape to the clerk of the court in which the action is
14 pending.

15 (4) If at the time of trial the court finds that further
16 testimony would cause the victim emotional trauma so that the
17 victim is medically unavailable or otherwise unavailable
18 within the meaning of rule 804 (a) of the Colorado rules of
19 evidence, the court may admit the video tape of the victim's
20 deposition as former testimony under rule 804 (b) (1) of the
21 Colorado rules of evidence.

22 SECTION 5. Part 4 of article 3 of title 18, Colorado
23 Revised Statutes 1973, 1978 Repl. Vol., as amended, is amended
24 BY THE ADDITION OF A NEW SECTION to read:

25 18-3-414. Payment of treatment costs for the victim or
26 victims of a sexual offense against a child. (1) In addition

1 to any other penalty provided by law, the court may order any
2 person who is convicted of an unlawful sexual offense, as
3 defined in section 18-3-411 (1), to meet all or any portion of
4 the financial obligations of treatment prescribed for the
5 victim or victims of his offense; however, in the case of a
6 person who is not a habitual sexual offender against a child,
7 as described in section 18-3-412, the court may suspend a
8 portion of the sentence when payment of treatment costs is
9 ordered.

10 (2) At the time of sentencing, the court may order that
11 an offender described in subsection (1) of this section be put
12 on a period of probation for the purpose of paying the
13 treatment costs of the victim or victims, which, when added to
14 any time served, does not exceed the maximum sentence
15 imposable for the offense.

16 SECTION 6. 18-6-301, Colorado Revised Statutes 1973,
17 1978 Repl. Vol., is amended to read:

18 18-6-301. Incest. Any person who knowingly marries, or
19 ~~has-sexual-intercourse-with~~ INFLECTS SEXUAL PENETRATION OR
20 SEXUAL INTRUSION ON, OR SUBJECTS TO SEXUAL CONTACT, AS DEFINED
21 IN SECTION 18-3-401, an ancestor or descendant, a brother or
22 sister of the whole or half blood, or an uncle, aunt, nephew,
23 or niece of the whole blood commits incest, which is a class 5
24 4 felony. FOR THE PURPOSE OF THIS SECTION ONLY, "DESCENDANT"
25 INCLUDES A CHILD BY ADOPTION AND A STEPCHILD, BUT ONLY IF THE
26 PERSON IS NOT LEGALLY MARRIED TO THE CHILD BY ADOPTION OR THE

1 STEPCHILD.

2 SECTION 7. 18-6-302, Colorado Revised Statutes 1973,
3 1978 Repl. Vol., is amended to read:

4 18-6-302. Aggravated incest. (1) Any A person who
5 knowingly--has--sexual--intercourse--with COMMITS AGGRAVATED
6 INCEST WHEN HE OR SHE KNOWINGLY:

7 (a) MARRIES HIS OR HER NATURAL CHILD OR INFLICTS SEXUAL
8 PENETRATION OR SEXUAL INTRUSION ON OR SUBJECTS TO SEXUAL
9 CONTACT, AS DEFINED IN SECTION 18-3-401, his or her natural
10 child, stepchild, or child by adoption, unless BUT THIS
11 PARAGRAPH (a) SHALL NOT APPLY WHEN THE PERSON IS legally
12 married to the stepchild or child by adoption. commits
13 aggravated-incest:

14 (2) For the purpose of this section PARAGRAPH (a) only,
15 "child" means a person under twenty-one years of age.

16 (b) MARRIES, INFLICTS SEXUAL PENETRATION OR SEXUAL
17 INTRUSION ON, OR SUBJECTS TO SEXUAL CONTACT, AS DEFINED IN
18 SECTION 18-3-401, A DESCENDANT, A BROTHER OR SISTER OF THE
19 WHOLE OR HALF BLOOD, OR AN UNCLE, AUNT, NEPHEW, OR NIECE OF
20 THE WHOLE BLOOD WHO IS UNDER TEN YEARS OF AGE.

21 (3) (2) Aggravated incest is a class 4 3 felony.

22 SECTION 8. Part 3 of article 6 of title 18, Colorado
23 Revised Statutes 1973, 1978 Repl. Vol., is amended BY THE
24 ADDITION OF THE FOLLOWING NEW SECTIONS to read:

25 18-6-303. Aiding incest or aiding aggravated incest.

26 (1) Any person over eighteen years of age, who, while living

1 in the same household as an individual who commits incest,
2 knowingly allows, advises, assists, or encourages the offender
3 in planning or committing the offense of incest or, with
4 knowledge of the offense, fails to report it, commits the
5 offense of aiding incest, which is a class 5 felony.

6 (2) Any person over eighteen year of age, who, while
7 living in the same household as an individual who commits
8 aggravated incest, knowingly allows, advises, assists, or
9 encourages the offender in planning or committing the offense
10 of aggravated incest or, with knowledge of the offense, fails
11 to report it, commits the offense of aiding aggravated incest,
12 which is a class 4 felony.

13 18-6-304. Sentencing. (1) The court may suspend a
14 portion of the sentence of any person who is convicted of a
15 violation of any offense listed in this part 3 who is not a
16 habitual sex offender against children, as described in
17 section 18-3-412, if the offender receives a presentence
18 evaluation which recommends a treatment program and the
19 offender satisfactorily completes the recommended treatment
20 program.

21 (2) In addition to any other penalty provided by law,
22 the court may sentence a defendant who is convicted of a first
23 offense pursuant to this part 3 to a period of probation for
24 purposes of treatment which, when added to any time served,
25 does not exceed the maximum sentence imposable for the
26 offense.

1 SECTION 9. Part 4 of article 7 of title 18, Colorado
2 Revised Statutes 1973, 1978 Repl. Vol., as amended, is amended
3 BY THE ADDITION OF A NEW SECTION to read:

4 18-7-403.5. Procurement of a child. Any person who
5 intentionally gives, transports, provides, or makes available,
6 or who offers to give, transport, provide, or make available,
7 to another person a child for the purpose of prostitution of
8 the child commits procurement of a child, which is a class 3
9 felony.

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

BILL 2

A BILL FOR AN ACT

1 CONCERNING PIMPING.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

Increases the penalty for pimping.

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

3 SECTION 1. 18-7-206, Colorado Revised Statutes 1973,
4 1978 Repl. Vol., is amended to read:

5 18-7-206. Pimping. Any person who knowingly lives on or
6 is supported or maintained in whole or in part by money or
7 other thing of value earned, received, procured, or realized
8 by any other person through prostitution commits pimping,
9 which is a class 5 4 felony.

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

BILL 3

A BILL FOR AN ACT

1 CONCERNING ISSUANCE OF RESTRAINING ORDERS AND EMERGENCY
2 PROTECTION ORDERS TO PROTECT A CHILD-VICTIM FROM AN
3 UNLAWFUL SEXUAL OFFENSE.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

Enables juvenile and district court judges to issue restraining orders and emergency protection orders when the court is closed for judicial business to prevent an unlawful sexual offense on a child-victim. Provides that an emergency protection order shall expire not later than the close of judicial business on the next day of judicial business following the day of issue, unless otherwise continued by the court.

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

5 SECTION 1. Article 10 of title 19, Colorado Revised
6 Statutes 1973, 1978 Repl. Vol., as amended, is amended BY THE
7 ADDITION OF A NEW SECTION to read:

8 19-10-116. Restraining orders and emergency protection
9 orders. (1) (a) The juvenile court and the district court
10 shall have authority to issue restraining orders to prevent an

1 unlawful sexual offense, as defined in section 18-3-411 (1),
2 C.R.S. 1973, when requested by the local law enforcement
3 agency, county department, or a responsible person who
4 asserts, in a verified petition supported by affidavit, that
5 there are reasonable grounds to believe that a child is in an
6 immediate and present danger of being the victim of an
7 unlawful sexual offense, based upon an allegation of a recent
8 actual unlawful sexual offense or threat of the same.

9 (b) A copy of any order issued pursuant to this
10 subsection (1) shall be delivered to any law enforcement
11 agency having jurisdiction to enforce said order and to the
12 protected party or his parent or individual acting in the
13 place of a parent who is not the respondent.

14 (c) If any person named in an order issued pursuant to
15 this subsection (1) has not been served personally with such
16 order but has received actual notice of the existence and
17 substance of such order from any person, any act in violation
18 of such order may be deemed sufficient to subject the person
19 named in such order to any penalty for such violation.

20 (d) At any time the law enforcement agency having
21 jurisdiction to enforce the order issued pursuant to this
22 subsection (1) has cause to believe that a violation of the
23 order has occurred, it shall enforce the order. If the order
24 has not been personally served, the member of the law
25 enforcement agency responding to the call shall serve a copy
26 of said order upon the person named respondent therein. The

1 cost of serving said order shall be ten dollars, payable to
2 the law enforcement agency serving said order, which shall be
3 assessed against the parties as court costs of obtaining said
4 order.

5 (2) (a) The chief judge in each judicial district shall
6 be responsible for making available in each judicial district
7 a judge to issue by telephone emergency protection orders at
8 all times when the district and juvenile courts are closed for
9 judicial business.

10 (b) When the district and juvenile courts are closed for
11 judicial business and a peace officer asserts reasonable
12 grounds to believe that a child is in an immediate and present
13 danger of being the victim of an unlawful sexual offense,
14 based upon an allegation of a recent actual unlawful sexual
15 offense or threat of the same, a judge made available pursuant
16 to paragraph (a) of this subsection (1) may issue a written or
17 verbal ex parte emergency protection order.

18 (c) An emergency protection order may include:

19 (I) Restraining an individual from threatening,
20 molesting, or injuring a child; or

21 (II) Excluding an individual from the family home upon a
22 showing that physical or emotional harm would otherwise
23 result; or

24 (III) Enjoining an individual from contacting a child at
25 school, work, or wherever he may be found.

26 (d) An emergency protection order shall expire not later

1 than the close of judicial business on the next day of
2 judicial business following the day of issue, unless otherwise
3 continued by the court. With respect to any continuing order,
4 on two days' notice to the party who obtained the emergency
5 protection order or on such shorter notice to said party as
6 the court may prescribe, the adverse party may appear and move
7 its dissolution or modification. The motion to dissolve or
8 modify the emergency protection order shall be set down for
9 hearing at the earliest possible time and take precedence of
10 all matters except older matters of the same character, and
11 the court shall determine such motion as expeditiously as the
12 ends of justice require.

13 (e) A verbal emergency protection order may be issued
14 only if the issuing judge finds that an imminent danger in
15 close proximity exists to the life or health of the child.
16 Such an order shall be reduced to writing and signed by the
17 officer and shall include a statement of the grounds for the
18 order asserted by the officer. The emergency protection order
19 shall be served upon the respondent with a copy given to the
20 protected party or responsible person who is not the
21 respondent and filed with the court as soon as practicable
22 after issuance. If any person named in an order issued
23 pursuant to this subsection (2) has not been served personally
24 with such order but has received actual notice of the
25 existence and substance of such order from any person, any act
26 in violation of such order may be deemed by the court a

1 violation of such order and may be deemed sufficient to
2 subject the person named in such order to any penalty for such
3 violation.

4 (f) At any time the law enforcement agency having
5 jurisdiction to enforce the emergency protection order
6 promulgated pursuant to this subsection (2) has cause to
7 believe that a violation of the order has occurred, it shall
8 enforce the order. If the order is written and has not been
9 personally served, a member of the law enforcement agency
10 shall serve a copy of said order on the person named
11 respondent therein. If the order is verbal, a member of the
12 law enforcement agency shall notify the respondent of the
13 existence and substance thereof.

14 (3) A peace officer shall use every reasonable means to
15 enforce an order of the court issued pursuant to this section.
16 A peace officer shall not be held civilly or criminally liable
17 for acting pursuant to this section if he acts in good faith
18 and without malice.

19 (4) A person failing to comply with any order of the
20 court issued pursuant to this section shall be found in
21 contempt of court.

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

BILL 4

A BILL FOR AN ACT

1 CONCERNING LICENSING OF FAMILY CARE HOMES AND CHILD CARE
2 CENTERS.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

Provides additional criteria for the denial, suspension, revocation, probation, or refusal to renew a license for a family care home and a child care center.

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

4 SECTION 1. 26-6-108 (2) and (3), Colorado Revised
5 Statutes 1973, 1982 Repl. Vol., are amended to read:

6 26-6-108. Denial of original license - suspension,
7 revocation, probation, or refusal to renew license. (2) The
8 department may suspend, revoke, make probationary, or refuse
9 to renew the license of any facility regulated and licensed
10 under this article should the licensee, PERSON EMPLOYED BY THE
11 LICENSEE, OR PERSON WHO RESIDES WITH THE LICENSEE:

12 (a) Be convicted of any offense---involving---mora

1 turpitude FELONY, ACT OF CHILD ABUSE, OR SEX OFFENSE AGAINST A
2 CHILD, AS SPECIFIED IN SECTION 18-3-411 (1), C.R.S. 1973, the
3 record of conviction being conclusive evidence thereof; in
4 considering the conviction of a crime, the department shall be
5 governed by the provisions of section 24-5-101, C.R.S. 1973;
6 OR

7 (b) Be determined to be insane or mentally incompetent
8 by a court of competent jurisdiction and should a court enter,
9 pursuant to part 3 or part 4 of article 14 of title 15 or
10 section 26-3-104 (4), 27-10-109 (4), or 27-10-125, C.R.S.
11 1973, an order specifically finding that the mental
12 incompetency or insanity is of such a degree that the licensee
13 is incapable of operating a family care home or child care
14 center, the record of such determination and entry of such
15 order being conclusive evidence thereof; OR

16 (c) Use any controlled substance, as defined in section
17 12-22-303 (7), C.R.S. 1973, or any alcoholic beverage to an
18 extent or in a manner that such use impairs his ability to
19 properly care for children; OR

20 (d) Consistently fail to maintain standards prescribed
21 and published by the department; OR

22 (e) Furnish or make any misleading or any false
23 statement or report to the department; OR

24 (f) Refuse to submit to the department any reports or
25 refuse to make available to the department any records
26 required by it in making investigation of the facility for

1 licensing purposes; OR

2 (g) Fail or refuse to submit to an investigation or
3 inspection by the department or to admit authorized
4 representatives of the department at any reasonable time for
5 the purpose of investigation or inspection; OR

6 (h) Fail to provide, maintain, equip, and keep in safe
7 and sanitary condition premises established or used for child
8 care pursuant to minimum standards prescribed by the
9 department of health or by ordinances or regulations
10 applicable to the location of such facility; OR

11 (i) Willfully or deliberately violate any of the
12 provisions of this article; OR

13 (j) Fail to maintain financial resources adequate for
14 the satisfactory care of children served in regard to upkeep
15 of premises and provision for personal care, medical services,
16 clothing, and other essentials in the proper care of children;
17 OR

18 (k) BE CHARGED WITH THE COMMISSION OF AN ACT OF CHILD
19 ABUSE OR A SEX OFFENSE AGAINST A CHILD, AS SPECIFIED IN
20 SECTION 18-3-411 (1), C.R.S. 1973, IF THE HEARING OFFICER
21 FINDS THAT SUCH CHARGE IS SUPPORTED BY SUBSTANTIAL EVIDENCE OR
22 IF SUCH INDIVIDUAL HAS ADMITTED COMMITTING THE ACT OR OFFENSE
23 AND THE ADMISSION IS DOCUMENTED OR UNCONTROVERTED.

24 (3) The department shall suspend, revoke, or refuse to
25 renew a license only in conformity with the provisions and
26 procedures specified in article 4 of title 24, C.R.S. 1973,

1 and after a hearing thereon as provided in said article 4;
2 except that all hearings under this article shall be conducted
3 by a hearing officer of the department who shall render his
4 decision, which shall be the final decision of the department,
5 AND NO LICENSEE SHALL BE ENTITLED TO A RIGHT TO CURE ANY OF
6 THE CHARGES DESCRIBED IN PARAGRAPH (a), (b), (c), OR (k) OF
7 SUBSECTION (2) OF THIS SECTION. No such hearing shall prevent
8 or delay any injunctive proceedings instituted under the
9 provisions of section 26-6-111.

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

BILL 5

A BILL FOR AN ACT

1 CONCERNING BACKGROUND CHECKS ON CERTAIN EMPLOYERS AND
2 EMPLOYEES TO DETERMINE WHETHER THEY HAVE PREVIOUSLY BEEN
3 CONVICTED OF SEXUAL OFFENSES AGAINST CHILDREN.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

Provides that certain employers and certain public entities which issue licenses or certificates shall, and other employers may, consult with the Colorado bureau of investigation to determine whether certain employees or license or certificate applicants have previously been convicted of sexual offenses against children. Specifies that failure to consult with the bureau shall subject such an employer or public entity to a civil suit if an employee or person to whom a license or certificate has been issued commits an unlawful sexual offense against a child in certain circumstances and sets out the evidentiary effect of the failure to consult the bureau.

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

5 SECTION 1. Part 1 of article 21 of title 13, Colorado
6 Revised Statutes 1973, as amended, is amended BY THE ADDITION
7 OF A NEW SECTION to read:

8 13-21-115. Duty and liability of an employer or public

1 entity regarding ex-sex offenders against children. (1) As
2 used in this section:

3 (a) "Bureau" means the Colorado bureau of investigation.

4 (b) "Covered employee" means an employee whose primary
5 duty or responsibility is to provide services to children.

6 (c) "Consult the bureau" includes providing the bureau
7 with fingerprints of the applicant or covered employee.

8 (d) "Covered employer" means an employer whose primary
9 duty or responsibility is to provide services to children.

10 (e) "Public entity" means the state, a political
11 subdivision of the state, or an agency of either the state or
12 a political subdivision of the state.

13 (f) "Unlawful sexual offense" has the meaning ascribed
14 to it in section 18-3-411 (1), C.R.S. 1973.

15 (2) An employer shall consult the bureau to determine
16 whether a prospective employee has been convicted of an
17 unlawful sexual offense if:

18 (a) (I) An employer is a covered employer; or

19 (II) An employer seeks to hire a covered employee; and

20 (b) (I) The covered employer is subject to licensure,
21 certification, or regulation by a public entity or receives
22 any public funds; or

23 (II) The covered employee is subject to licensure,
24 certification, or regulation by a public entity.

25 (3) An employer who is required to consult the bureau
26 pursuant to subsection (2) of this section shall be subject to

1 a civil suit by a person who has suffered damage as a result
2 of an employee's commission of an unlawful sexual offense if:

3 (a) The employee had, according to the bureau,
4 previously been convicted of an unlawful sexual offense which
5 would have appeared on the bureau's records at the time at
6 which an employer was most recently required to consult the
7 bureau's records; and

8 (b) The employee committed the offense that is the
9 subject of the suit during the course of the performance of
10 his duties and responsibilities for the employer or as a
11 result of the employment relationship.

12 (4) The failure of an employer who is subject to the
13 requirement of subsection (2) of this section to consult with
14 the bureau shall be evidence of negligence per se in a suit
15 brought against that employer pursuant to subsection (3) of
16 this section. Such failure to consult with the bureau shall
17 result in the denial, loss, or nonrenewal of the employer's
18 license or certification if such license or certification is
19 required by a public entity.

20 (5) If a person is self-employed and operates a business
21 which has the primary duty or responsibility to provide
22 services to children and that business is required to be
23 licensed or certified by a public entity, a license or
24 certificate shall not be issued until the public entity has
25 consulted the bureau to determine whether the person who is
26 applying for the license has, according to the bureau's

1 records, previously been convicted of an unlawful sexual
2 offense.

3 (6) The public entity which is required to consult the
4 bureau pursuant to subsection (5) of this section shall be
5 subject to a civil suit by a person who has suffered damage as
6 a result of a licensee's commission of an unlawful sexual
7 offense if:

8 (a) The person applying for licensure or certification
9 had, according to the bureau, been previously convicted of an
10 unlawful sexual offense which would have appeared on the
11 bureau's records at the time at which the public entity was
12 most recently required to consult the bureau's records; and

13 (b) The person whose business was licensed or certified
14 committed the offense that is the subject of the suit during
15 the course of conducting his business or as a result of
16 conducting his business.

17 (7) The failure of a public entity which is subject to
18 the requirement of subsection (5) of this section to consult
19 with the bureau shall be evidence of negligence per se in a
20 suit brought against that public entity pursuant to subsection
21 (6) of this section.

22 (8) An employer who is required under subsection (2) of
23 this section and a public entity which is required under
24 subsection (5) of this section to consult with the bureau
25 shall do so prior to the time an employee is hired or an
26 applicant for licensure or certification is so licensed or

1 certified and prior to each relicensure or recertification.

2 (9) An employer may consult the bureau to determine
3 whether a prospective employee has previously been convicted
4 of an unlawful sexual offense if:

5 (a) (I) An employer is a covered employer; or

6 (II) An employer seeks to hire a covered employee; and

7 (b) (I) The covered employer is not subject to
8 licensure, certification, or regulation by a public entity and
9 does not receive any public funds; or

10 (II) The covered employee is not subject to licensure,
11 certification, or regulation by a public entity.

12 SECTION 2. 22-32-109 (1), Colorado Revised Statutes
13 1973, as amended, is amended BY THE ADDITION OF A NEW
14 PARAGRAPH to read:

15 22-32-109. Board of education - specific duties.

16 (1) (y) To consult with the Colorado bureau of investigation,
17 as defined in section 13-21-115 (1) (c), C.R.S. 1973, to
18 determine whether the bureau's records indicate that a
19 prospective employee, not including a holder of a certificate
20 or letter of authorization, has previously been convicted of
21 an unlawful sexual offense, as defined in section 18-3-411
22 (1), C.R.S. 1973. Payment for such consultation shall be
23 remitted to the bureau.

24 SECTION 3. 22-60-106, Colorado Revised Statutes 1973, as
25 amended, is amended to read:

26 22-60-106. Fees. The fee for the examination and review

1 of an application for a certificate or letter of
2 authorization, or any renewal thereof, is fifteen dollars,
3 plus the fee for performing a record check pursuant to section
4 22-60-116, which shall be nonrefundable. Upon determination
5 of eligibility, such certificate or letter of authorization
6 shall be issued without an additional fee. ~~All fees~~ Fifteen
7 dollars of each fee collected under this section shall be
8 transmitted to the state treasurer and credited to the general
9 fund, and the remainder of the fee shall be remitted to the
10 Colorado bureau of investigation.

11 SECTION 4. Article 60 of title 22, Colorado Revised
12 Statutes 1973, as amended, is amended BY THE ADDITION OF A NEW
13 SECTION to read:

14 22-60-116. Record checks. The state board of education
15 shall consult with the Colorado bureau of investigation, as
16 defined in section 13-21-115 (1) (c), C.R.S. 1973, to
17 determine whether the bureau's records indicate that an
18 individual applying for a certificate or the issuance of a
19 letter of authorization or the renewal of such a certificate
20 or letter of authorization pursuant to this article has
21 previously been convicted of an unlawful sexual offense, as
22 defined in section 18-3-411 (1), C.R.S. 1973. The cost of
23 checking the bureau's records shall be included in the fee
24 submitted by the individual making application.

25 SECTION 5. 26-6-104, Colorado Revised Statutes 1973,
26 1982 Repl. Vol., is amended BY THE ADDITION OF A NEW

1 SUBSECTION to read:

2 26-6-104. Licenses - out-of-state notices and consent.

3 (7) No license or certificate to operate a family care home or
4 a child care center shall be issued by the department, a
5 county department, or a child placement agency licensed under
6 the provisions of this article if:

7 (a) The person applying for such a license or
8 certificate has been convicted of an unlawful sexual offense,
9 as defined in section 18-3-411 (1), C.R.S. 1973, according to
10 the records of the Colorado bureau of investigation; or

11 (b) The person applying for a license or certificate has
12 not consulted with the Colorado bureau of investigation, as
13 defined in section 13-21-115 (1) (c), C.R.S. 1973, to
14 determine whether any employee of the family care home or
15 child care center has, according to the bureau's records, been
16 convicted of an unlawful sexual offense, as defined in section
17 18-3-411 (1), C.R.S. 1973.

18 SECTION 6. 26-6-108 (2) (a), Colorado Revised Statutes
19 1973, 1982 Repl. Vol., is amended to read:

20 26-6-108. Denial of original license - suspension,
21 revocation, probation, or refusal to renew license.

22 (2) (a) Be convicted of any offense involving moral
23 turpitude, the record of conviction being conclusive evidence
24 thereof; in considering the conviction of a crime, the
25 department shall be governed by the provisions of section
26 24-5-101, C.R.S. 1973; EXCEPT THAT THE DEPARTMENT SHALL NOT

1 RENEW A LICENSE FOR ANY FACILITY REGULATED AND LICENSED UNDER
2 THIS ARTICLE UNTIL THE DEPARTMENT CONSULTS THE COLORADO BUREAU
3 OF INVESTIGATION PURSUANT TO SECTION 13-21-115 (5), C.R.S.
4 1973, AND HAS EVIDENCE THAT THE APPLICANT FOR RENEWAL HAS
5 CONSULTED SAID BUREAU PURSUANT TO SECTION 13-21-115 (2),
6 C.R.S. 1973.

7 SECTION 7. Effective date. This act shall take effect
8 July 1, 1983.

9 SECTION 8. Safety clause. The general assembly hereby
10 finds, determines, and declares that this act is necessary
11 for the immediate preservation of the public peace, health,
12 and safety.

BILL 6

A BILL FOR AN ACT

1 CONCERNING THE FAILURE TO REPORT CHILD ABUSE OR NEGLECT.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

Increases the penalty for failure to report child abuse or neglect, and establishes that a reporting individual shall not be subject to termination of employment as a result of such report.

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

3 SECTION 1. 19-10-104 (4) (a), Colorado Revised Statutes
4 1973, 1978 Repl. Vol., is amended to read:

5 19-10-104. Persons required to report child abuse or
6 neglect. (4) (a) ~~Commits a class-2 petty-offense-and; upon~~
7 ~~conviction thereof; shall be punished by a fine not to exceed~~
8 ~~two--hundred--dollars~~ MISDEMEANOR AND SHALL BE PUNISHED AS
9 PROVIDED IN SECTION 18-1-106, C.R.S. 1973;

10 SECTION 2. 19-10-110, Colorado Revised Statutes 1973,
11 1978 Repl. Vol., is amended to read:

12 19-10-110. Immunity from liability - persons reporting.

1 Any person participating in good faith in the making of a
2 report or in a judicial proceeding held pursuant to this
3 title, the taking of color photographs or X rays, or the
4 placing in temporary protective custody of a child pursuant to
5 this article or otherwise performing his duties or acting
6 pursuant to this article shall be immune from any liability,
7 civil or criminal, OR TERMINATION OF EMPLOYMENT that otherwise
8 might result by reason of such reporting. For the purpose of
9 any proceedings, civil or criminal, the good faith of any
10 person reporting child abuse, any person taking color
11 photographs or X rays, and any person who has legal authority
12 to place a child in protective custody shall be presumed.

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

BILL 7

A BILL FOR AN ACT

1 CONCERNING THE ISSUANCE OF COLORADO TEACHING CERTIFICATES BY
2 THE DEPARTMENT OF EDUCATION, AND PROVIDING REQUIREMENTS
3 THEREFOR.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

Requires an applicant for an original teaching certificate or renewal of a teaching certificate to give evidence of having successfully completed a course of instruction designed to inform the teacher about the "Child Protection Act of 1975", section 19-10-101, C.R.S. 1973, help the teacher recognize child abuse and molestation, and provide the teacher with information on how to report the incident and how to assist the child-victim and his family. Allows an applicant for renewal to complete this requirement by the date of the second renewal of his certificate following January 1, 1984. Empowers the commission on higher education to recommend provision of courses to fulfill this requirement.

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

5 SECTION 1. 22-60-104 (4), Colorado Revised Statutes
6 1973, as amended, is amended to read:

7 22-60-104. Types of certificates issued - term.

8 (4) Applicants for an initial Colorado teaching certificate

1 must have completed, within the five-year period prior to the
2 date of application:

3 (a) A minimum of six semester or nine quarter hours of
4 credit from an accepted institution of higher education
5 appropriate to the certificate being requested; AND

6 (b) A COURSE OF INSTRUCTION DESIGNED TO INFORM THE
7 TEACHER ABOUT THE "CHILD PROTECTION ACT OF 1975", ARTICLE 10
8 OF TITLE 19, C.R.S. 1973, HELP THE TEACHER RECOGNIZE CHILD
9 ABUSE AND MOLESTATION, AND PROVIDE THE TEACHER WITH
10 INFORMATION ON HOW TO REPORT SUCH AN INCIDENT AND HOW TO
11 ASSIST THE CHILD-VICTIM AND HIS FAMILY, WHICH COURSE SHALL BE
12 APPROVED BY THE STATE BOARD OF EDUCATION.

13 SECTION 2. 22-60-107, Colorado Revised Statutes 1973, as
14 amended, is amended BY THE ADDITION OF A NEW SUBSECTION to
15 read:

16 22-60-107. Renewal of a certificate. (7) If an
17 applicant for renewal is not in compliance with the
18 requirement specified in section 22-60-104 (b), no later than
19 the date of his second renewal following January 1, 1984, an
20 applicant shall give evidence of having successfully completed
21 a course of instruction designed to inform the teacher of the
22 "Child Protection Act of 1975", article 10 of title 19, C.R.S.
23 1973, help the teacher recognize child abuse and molestation,
24 and provide the teacher with information on how to report the
25 incident and how to assist the child-victim and his family,
26 which course shall be approved by the state board of

1 education. The state board of education may consider the
2 applicant's successful completion of course work in
3 conjunction with an undergraduate or graduate degree program
4 or in conjunction with a program for certification renewal as
5 evidence of fulfilling the requirements of this subsection
6 (7). The state board of education may also consider the
7 successful completion of in-service courses offered to
8 educators in the individual school districts as fulfilling the
9 requirements of this subsection (7).

10 SECTION 3. 23-1-107 (1), Colorado Revised Statutes 1973,
11 as amended, is amended BY THE ADDITION OF A NEW PARAGRAPH to
12 read:

13 23-1-107. Duties of commission with respect to roles and
14 functions of institutions. (1) (h) Review the requirements
15 specified for obtaining an original or renewing a teaching
16 certificate pursuant to article 60 of title 22, C.R.S. 1973,
17 and make recommendation to the respective governing boards of
18 the state-supported institutions regarding provision of
19 courses to fulfill those requirements.

20 SECTION 4. Effective date. This act shall take effect
21 January 1, 1984.

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

BILL 8

A BILL FOR AN ACT

1 CONCERNING THE COMPETENCY OF CHILDREN TO TESTIFY IN SEXUAL
2 ABUSE, SEXUAL ASSAULT, AND INCEST CASES.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

Provides an additional standard to be used by the court in determining competency to testify of children under ten years of age in sexual abuse, sexual assault, and incest cases.

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

4 SECTION 1. 13-90-106 (1) (b), Colorado Revised Statutes
5 1973, is amended to read:

6 13-90-106. Who may not testify. (1) (b) (I) Children
7 under ten years of age who appear incapable of receiving just
8 impressions of the facts respecting which they are examined or
9 of relating them truly.

10 (II) THIS PROSCRIPTION DOES NOT APPLY TO A CHILD UNDER
11 TEN YEARS OF AGE, IN ANY CIVIL OR CRIMINAL PROCEEDING FOR
12 SEXUAL ABUSE, SEXUAL ASSAULT, OR INCEST, WHEN THE CHILD IS

1 ABLE TO DESCRIBE OR RELATE IN LANGUAGE APPROPRIATE FOR A CHILD
2 OF THAT AGE THE EVENTS OR FACTS RESPECTING WHICH THE CHILD IS
3 EXAMINED.

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

BILL 9

A BILL FOR AN ACT

1 CONCERNING ADMISSIBILITY IN EVIDENCE IN A CRIMINAL OR CIVIL
2 PROCEEDING OF STATEMENTS MADE BY A CHILD VICTIM OF AN
3 UNLAWFUL SEXUAL OFFENSE.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

Specifies circumstances under which statements made by a child victim of an unlawful sexual offense may be admissible in evidence in a criminal or civil proceeding. Also provides that an instruction must be given to the jury regarding the credibility of the statement and that reasonable advance notice of intent to use the statement must be given the adverse party.

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

5 SECTION 1. Article 25 of title 13, Colorado Revised
6 Statutes 1973, as amended, is amended BY THE ADDITION OF A NEW
7 SECTION to read:

8 13-25-129. Statements of child victim of unlawful sexual
9 offense against a child - hearsay exception. (1) An
10 out-of-court statement made by a child, as child is defined

1 under the statutes which are the subject of the action,
2 describing any act of sexual contact, intrusion, or
3 penetration, as defined in section 18-3-401, C.R.S. 1973,
4 performed with, by, or on the child declarant, not otherwise
5 admissible by a statute or court rule which provides an
6 exception to the objection of hearsay, is admissible in
7 evidence in criminal proceedings in which the child is a
8 victim of an unlawful sexual offense, as defined in section
9 18-3-411 (1), C.R.S. 1973, or the subject of a proceeding
10 alleging that the child is neglected or dependent under
11 section 19-1-104 (1) (c), C.R.S. 1973, if:

12 (a) The court finds in a hearing conducted outside the
13 presence of the jury that the time, content, and circumstances
14 of the statement provide sufficient safeguards of reliability;
15 and

16 (b) The child either:

17 (I) Testifies at the proceedings; or

18 (II) Is unavailable as a witness and there is
19 corroborative evidence of the act which is the subject of the
20 statement.

21 (2) If a statement is admitted pursuant to this section,
22 the court shall instruct the jury that it is for the jury to
23 determine the weight and credit to be given the statement and
24 that, in making the determination, it shall consider the age
25 and maturity of the child, the nature of the statement, the
26 circumstances under which the statement was made, and any

1 other relevant factor.

2 (3) The proponent of the statement shall give the
3 adverse party reasonable notice of his intention to offer the
4 statement and the particulars of the statement.

5 SECTION 2. 18-3-411, Colorado Revised Statutes 1973,
6 1978 Repl. Vol., as amended, is amended BY THE ADDITION OF A
7 NEW SUBSECTION to read:

8 18-3-411. Sex offenses against children - unlawful
9 sexual offense defined - limitation for commencing proceedings
10 - evidence. (3) Out-of-court statements made by a child
11 describing any act of sexual contact, intrusion, or
12 penetration, as defined in section 18-3-401, performed with,
13 by, or on the child declarant, not otherwise admissible by a
14 statute or court rule which provides an exception to the
15 objection of hearsay, may be admissible in any proceeding in
16 which the child is a victim of an unlawful sexual offense
17 pursuant to the provisions of section 13-25-129, C.R.S. 1973.

18 SECTION 3. 19-1-107, Colorado Revised Statutes 1973,
19 1978 Repl. Vol., as amended, is amended BY THE ADDITION OF A
20 NEW SUBSECTION to read:

21 19-1-107. Hearings - procedure - record.
22 (2.5) Out-of-court statements made by a child describing any
23 act of sexual contract, intrusion, or penetration, as defined
24 in section 18-3-401, C.R.S. 1973, performed with, by, or on
25 the child declarant, not otherwise admissible by a statute or
26 court rule which provides an exception to the objection of

1 hearsay, may be admissible in any proceeding in which the
2 child is the subject of a petition under section 19-1-104 (1)
3 (c) pursuant to the provisions of section 13-25-129, C.R.S.
4 1973.

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

BILL 10

A BILL FOR AN ACT

1 CONCERNING ANATOMICALLY CORRECT DOLLS FOR USE IN INVESTIGATING
2 CIVIL OR CRIMINAL ACTIONS INVOLVING CHILDREN OR MENTAL
3 INCOMPETENTS, AND MAKING AN APPROPRIATION THEREFOR.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

Requires the department of social services to provide each county department of social services with anatomically correct dolls for the purpose of facilitating testimony in civil or criminal actions involving children or mental incompetents and provides the funds therefor.

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

5 SECTION 1. Article 10 of title 19, Colorado Revised
6 Statutes 1973, 1978 Repl. Vol., as amended, is amended BY THE
7 ADDITION OF A NEW SECTION to read:

8 19-10-116. Anatomically correct dolls for use in
9 facilitating testimony. The state department shall provide
10 each county department with at least one set of anatomically
11 correct dolls. Each county department shall make these dolls

1 available to the individuals within each county investigating
2 any civil or criminal action involving a child or mental
3 incompetent. The dolls shall be used to facilitate testimony.

4 SECTION 2. Appropriation. In addition to any other
5 appropriation, there is hereby appropriated, out of any moneys
6 in the state treasury not otherwise appropriated, to the
7 department of social services, for the fiscal year commencing
8 July 1, 1983, the sum of five thousand six hundred seventy
9 dollars (\$5,670), or so much thereof as may be necessary, to
10 provide anatomically correct dolls to each county or district
11 department of social services for the purpose of facilitating
12 testimony.

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

JOINT RESOLUTION 1

1 WHEREAS, The process of questioning the child-victim of a
2 sexual assault, including incest, is traumatic for the child;
3 and

4 WHEREAS, Several interviewers may be involved throughout
5 the investigative process for both civil and criminal actions;
6 and

7 WHEREAS, The investigative process should be geared
8 toward minimizing the negative effects on the victim; now,
9 therefore,

10 Be It Resolved by the House of Representatives of the
11 Fifty-fourth General Assembly of the State of Colorado, the
12 Senate concurring herein:

13 That this General Assembly does hereby urge that
14 investigators and staff of law enforcement and social service
15 agencies and district attorneys' offices attempt to reduce the
16 trauma experienced by the child-victim of sexual assault in
17 one of the following manners:

18 (1) Conduct joint interviews in which various
19 professionals needing information from the child can
20 participate in one interview; or

21 (2) Have one well-trained investigator (or one for the
22 prosecution and another for the child protection team) conduct
23 all the interviews with the child; and have such interviews
24 audio- or video-taped for use by others; or

25 (3) Devise and implement an integrated community-based
26 approach to the problem of incest, which coordinates the
27 offices of the county attorney, district attorney, department
28 of social services, probation department, and school system,
29 similar to the Boulder County Child Sexual Abuse Treatment
30 Program.

1 Be It Further Resolved, That a copy of this Resolution be
2 sent to the department of social services, and each of the
3 district attorneys and public defenders in the state.

LEGISLATIVE COUNCIL
COMMITTEE ON STATE GOVERNMENT ISSUES

Members of the Committee

Legislative Members

Sen. Ted Strickland, Chairman	Rep. John Davoren
Rep. Jim Lillpop, Vice Chairman	Rep. Candace Dyer
Sen. John Beno	Rep. Jim Lee
Sen. Martha Ezzard	Rep. Chris Paulson
Sen. Dennis Gallagher	Rep. Glenn Underwood
Sen. Sam Zakhem	

Nonlegislative Members

Mr. Bob Boucher*	Mr. Nicholas Muller
Mr. Tony Fernandes	Mrs. Betty Proctor
Mr. N. Berne Hart	

Council Staff

Charles Brown Principal Analyst	Daniel Chapman Senior Analyst
------------------------------------	----------------------------------

Robert Muldoon
Senior Research Assistant

* Resigned from committee August 16, 1982

SUMMARY OF PROCEDURES, FINDINGS, AND RECOMMENDATIONS

During the 1982 legislative interim, the Committee on State Government Issues addressed three major study topics:

- (1) Capital planning and budgeting. This topic encompassed analysis of the short- and long-range capital needs of the state, development of alternatives for financing capital construction, and development of an inventory system of capital assets owned by the state.
- (2) Sale or disposal of state property. The committee considered both the feasibility of selling or disposing of state property and the appropriate mechanism for executing such disposition.
- (3) The state's seven percent limitation on general fund appropriations. Items considered included the history of the limit, the effects of the limit on state general funds, and possible alternatives in computing the limit, as are employed by other states.

Activities

The committee held a total of seven meetings during the interim and divided its efforts as follows: state seven percent limitation (two meetings); capital planning and budgeting and sale or disposition of state property (two meetings); and working sessions on proposed bills (three meetings). The committee heard testimony from a variety of sources representing the executive and legislative branches of state government as well as from business and industry and from members of the public at the first four meetings. The final three meetings were reserved for drafting and discussion of proposed legislation on each of the three major study topics.

Recommendations

The committee recommends a total of four bills. Bill 11 addresses capital planning and budgeting (and sale or disposal of state properties); Bill 12 addresses the state's seven percent spending limit; Bill 13 addresses the general fiscal policies of the state; and Bill 14 concerns local revenue-raising limitations.

The bills are briefly summarized as follows.

Bill 11 creates a new legislative committee on capital development which would be responsible for reviewing, evaluating, and prioritizing all capital construction projects in the state. The bill also creates a citizens' advisory committee to assist the capital

development committee in reviewing capital proposals and in long-term capital planning. Funding for capital construction is achieved through a set-aside of no less than two percent of the previous year's general fund appropriation.

Bill 12 exempts capital construction from provisions of the state seven percent spending limitation. The bill also extends the provisions of the seven percent limitation to all state expenditures, including appropriated tax relief. Computation of the four percent reserve is also extended to all state expenditures. Technical changes related to computation of the limit and certification of revenue estimates are contained in the bill. Additionally, the \$15 million cash revolving fund is eliminated by the bill.

Bill 13 acts to channel the interest earned on investment of a number of diverse individual funds into the general fund for purposes of legislative appropriation of these funds.

Bill 14 advances the effective date by which local governments may exercise an option to be exempted from the seven percent limitation on annual mill levies. The bill also extends the provisions of these exemptions indefinitely.

CHARGE

As stated in Senate Joint Resolution No. 19, the interim Committee on State Government Issues was assigned the following study topics:

- (a) The feasibility of selling or otherwise disposing of state properties including consideration of the following questions:
 - (I) Whether the state of Colorado or any of its entities owns real property which is not needed for state purposes;
 - (II) If so, whether such property should be sold or be otherwise disposed of;
 - (III) Whether legislative consent should be required for the sale or disposition of such property;
 - (IV) Whether the terms and conditions of any such sale or disposition should be set by the General Assembly; and
 - (V) Whether any restrictions should be placed on the uses to be made of the proceeds of any such sales or other dispositions of such property.
- (b) Capital planning and budgeting:
 - (I) The development of an inventory system of capital assets owned by the state, considerations of measures of use, condition, and operating costs of the state's capital assets, methods of assessing depreciation, maintenance, and rehabilitation costs of these assets, and the criteria, schedules, forecasts, technical studies, and guidelines necessary for the management of capital assets of the state;
 - (II) An analysis of the short- and long-range future capital construction needs of the state, preparation of a listing of such needs, and development of alternatives for the financing of such projects.
- (c) The effects of the seven percent spending limitation on state general funds, including, but not limited to, methods of distributing property tax relief, the long-term effects of financing capital investments within such limit, the issue of reductions in federal spending, and limitations and methods utilized by other states which consider population growth and inflation.

ACTIVITIES

Agenda for the Interim

In its initial meeting, the committee prioritized the areas of study in the following manner: the state's seven percent spending limitation (40-50 percent of committee time); capital planning and budgeting (20-25 percent of committee time); and sale or disposal of state properties and related issues (remainder of committee time). The committee held a total of seven meetings to address these topics and approached the study areas in the following sequence:

- June 23 and July 21: testimony, presentations, and discussion of capital planning and budgeting and sale or disposition of state property;
- August 23 and September 15: testimony, presentations, and discussion of the state's seven percent limitation;
- September 29, October 20, and November 12: working sessions on the drafting of bills and recommendations.

Capital Planning and Budgeting

The committee began the interim by focusing on the issue of capital planning and budgeting. Testimony was received by the committee from the staff director of the governor's Blue Ribbon Panel, the executive director of the Office of State Planning and Budgeting, members of the Denver Chamber of Commerce Task Force on Capital Planning, representatives of the Department of Administration, the State Treasurer, and the authors of the State Inventory Project Final Report commissioned by the Joint Budget Committee. The testimony presented indicated that because Colorado currently has no mechanism for managing its capital assets or planning for future infrastructure needs, agency plans are often either lacking, conflicting, or disjointed. Throughout the interim, various proposals were presented to the committee for the establishment of:

- (a) a joint legislative/executive/private sector committee which would review and make recommendations on the short- and long-range capital needs of the state;
- (b) a process for long-range forecasting of economic growth;
- (c) a five-year plan and annual report on the state's capital investments; and
- (d) a separate budget for capital expenditures. In addition, facility master plans, such as the master plans utilized by the Department of Higher Education were identified as a possible

prototype for the type of planning needed throughout state government.

The committee's deliberations in the area of capital planning and budgeting resulted in the recommendation of Bill 1.

Sale or Disposal of State Property

The second issue which the committee concentrated on was the disposition and sale of state properties. The committee heard testimony from the Department of Administration, the Colorado Commission on Higher Education, and Consultants, Researchers and Lobbyists Associates (CRL Associates). The testimony presented indicated that there is currently fragmented statutory authority for agencies to sell or otherwise dispose of their unneeded property. In a few cases, agencies are empowered to dispose of their property, or certain types of property, while most agencies must rely on passage of legislation for permission to sell or trade. In addition, once the sales, trades, or leases occur they are often unreported and are not tracked on the Department of Administration's capital inventory. For this reason, the state inventory is not complete.

Seven Percent Spending Limitation

During the latter part of the interim, the committee focused its efforts on its final charge -- the seven percent limitation on state spending. A variety of analytical and historical information on the limit was presented by: Senator James Kadlecck, the limitation's author; the Office of the State Auditor; the Legislative Council Staff; the Office of State Planning and Budgeting; and, the National Conference of State Legislatures. Testimony and recommendations were also presented by the State Controller, the League of Women Voters, the Colorado Association of Commerce and Industry, the Colorado Association of Public Employees, the National Federation of Independent Business, and the Colorado Education Association.

Generally, testimony presented to the committee indicated that:

- (1) overall state spending has increased at a rate greater than seven percent due to the handling of state school aid, the exemption of other spending from the limit, and off-the-top diversions from general fund revenue sources;
- (2) although state spending has increased at a higher rate than seven percent, the limit has had a marked effect on limiting increases in spending and tax revenues;
- (3) the limit has drastically constrained general fund appropriations for capital construction; and

- (4) the computation of the four percent reserve based upon general fund revenues rather than all spending has tended to decrease the margin of error allowable for revenue estimating over the years.

Recommendations made to the committee identified a spectrum of options ranging from extension of the limit over all state spending to abolishing the limit entirely.

Other Issues

Consideration of other issues related to the three major study topics was also undertaken by the committee. Among the subjects considered were the following:

- the committee heard testimony on the impact of limitations on local government revenue-raising capabilities. Information provided to the committee indicated that recent cutbacks in federal assistance to local governments has made relief from local revenue restrictions an important priority. The committee acted to recommend Bill 14 which would advance the date by which local governments could opt out from under the limit.
- the impact of changing state-federal relations was monitored by the committee. Testimony from representatives of the interim Committee on State-Local Issues (New Federalism) highlighted some of the possible problems caused by turnback of federal programs and revenue sources, particularly as they interact with the state's seven percent spending limitation. No formal action was taken in regard to this issue.
- the committee heard specific proposals for purchase of state lands from persons representing various groups, including the Jefferson County Open space Council, the city of Golden, and private individuals. This testimony highlighted the problems implicit in state responsiveness to offers to purchase state properties. The committee took no formal action on these proposals.

Capital Planning and Budgeting

Capital Development -- Bill 11

Capital development. The committee found that capital construction has received a declining proportion of general fund appropriations since the mid-1970's, and that no legislative mechanism existed for ongoing capital planning and budgeting. The committee recommends Bill 11 to create an ongoing Capital Development Committee within the legislature which would review, evaluate, and prioritize capital construction budget requests; would be responsible for

coordinating and overseeing ongoing capital planning; and would report its findings annually to the General Assembly. In addition, a non-legislative twelve member advisory committee would be formed to assist the legislative committee in its functions. The advisory committee would also study the feasibility of creating and maintaining an ongoing inventory of state capital assets. The legislative committee, after receiving recommendations from its citizens' advisory committee, would submit its recommendations for funding directly to the General Assembly.

Bill 11 also provides an ongoing source of funding for capital construction in the form of a set-aside of at least three percent of the previous year's general fund appropriation for operating expenses to be drawn from the special reserve fund; and, if insufficient funds are available from the special reserve fund, the amount of the deficiency (up to two percent) is to be made up from the general fund. In this fashion, the committee has acted to guarantee that at least a certain percentage of general fund dollars will be reserved for capital construction purposes. Moreover, the committee recommends that capital construction be exempted from the provisions of the seven percent limit (see discussion, Bill 12).

Finally, among the implementing provisions of the bill is a definition of "capital asset" which includes any building, structure, facility, or physical betterment or improvement, or any land or rights in land. Additionally the bill authorizes the capital asset and development committee to study the feasibility of compiling and maintaining an inventory of the state's capital assets. The bill also details provisions governing organization, meetings, and staffing procedures for both the legislative committee and the advisory committee.

Sale or disposition of state property. The committee determined that there is currently no centralized authority for coordination of selling or otherwise disposing of state property. Constitutional and statutory fragmentation of this responsibility has precluded expeditious transactions and has caused confusion between state departments and agencies. To remedy this situation, the committee incorporated into Bill 11 specific provisions empowering the capital development committee to screen and make recommendations on all proposals for acquisition or disposition of state capital assets. The citizens' advisory committee would play a role in performing this function.

State Seven Percent Spending Limitation

Limitations on the Appropriation of State Revenues -- Bill 12

The committee found that there has been a dramatic decrease in appropriations for capital construction. Conversely, the exemption of other funds not previously included under the limit and off-the-top

diversions have weakened the limit. The committee reasoned that if the limit is to have any meaning, it should be applicable to as broad a spectrum of state operating expenditures as possible. Further, the committee concludes that capital construction appropriations (which are used to finance capital projects that vary in funding from year to year) are not a logical target for the limit. Thus, the committee recommends Bill 12.

Bill 12 amends the existing statute which governs the state's seven percent limitation on general fund appropriations, and adds new provisions of law dealing with revenue estimates and the general cash revolving fund. The most significant effect of the bill is the exemption of capital construction from provisions of the seven percent limitation, ensuring that all capital construction will become eligible for the type of funding traditionally afforded to water projects, highway construction, and tax relief. This exemption would apply to capital construction as defined in statute which includes: purchase of land; purchase, construction, or demolition of buildings or other physical facilities; remodeling or renovation of existing buildings; site improvement or development; purchase and installation of fixed or movable equipment; purchase of the services of architects, engineers, and other consultants; and purchase of any item of instructional or scientific equipment costing in excess of \$50,000. An exemption for funding of controlled maintenance, however, is not provided for in the bill.

The second major provision of Bill 12 is an expansion of the basis for calculation of the seven percent limitation (and the four percent reserve) to include all appropriated funds and disbursements, including appropriated tax relief and expenditures from the special reserve fund (surplus). Currently, both appropriated tax relief, which is drawn from the surplus, and diverted funds are excluded from calculation of both the seven percent limit and the four percent reserve.

The bill also contains a number of technical amendments related to the administration of the limit. These amendments include:

- a clarification of statutory language referring to state general fund "spending," by substitution of the phrase "APPROPRIATIONS FOR EXPENDITURES";
- a clarification of language governing computation of the four percent reserve by elimination of the words "no less than" (four percent), and by clearly detailing the basis upon which the reserve is computed (see above) (as previously mentioned, the committee also recommends expanding the size of the reserve by applying the four percent to all appropriations for expenditures and disbursements);
- elimination of the \$15 million cash revolving fund which, in essence, will be absorbed into the expanded four percent reserve; and

- a new provision directing that a revenue estimate be certified by the legislature to the State Controller's Office by March 1 of each year, which estimate shall be the Legislative Council estimate, formulated in consultation with the Office of State Planning and Budgeting.

State Revenues Comprising the General Fund -- Bill 13

In the course of its study, the committee found that a substantial amount of state revenue was being diverted out of the general fund without specific annual appropriation. These diversions include interest earned on several special earmarked funds being paid to those funds rather than the general fund, diversion of insurance tax proceeds to the policemen's and firemen's pension fund, and cigarette tax rebates to local governments.

Bill 13 acts to channel the interest earned on investment of a number of diverse individual funds into the general fund. Included in the bill are the following: interest from the subsequent injury fund, the state compensation fund, the medical disaster insurance fund (including surplus and reserves), major medical insurance fund, group insurance reserve fund, the mineral leasing fund, the brand inspection fund, estray fund, the state board of stock inspection commission revolving fund, the Colorado water conservation board construction fund, and the student loan guarantee fund. Monies currently diverted from general fund revenue sources to finance the policemen's and firemen's pension fund and cigarette tax rebates to local governments would be discontinued and replaced by annual general fund appropriations. Not included in the bill are interest on the highway users tax fund, the old age pension fund, or the state public school fund.

In recommending Bill 13, the committee reasoned that the General Assembly should be permitted to exercise a greater degree of control over the various revenue sources of the state and should be placed in a position of making conscious decisions on the amount of funds to be appropriated for these specific purposes. The committee also expressed its concern that not all diverted funds may have been captured in Bill 13, and stated its intent that all such funds not constitutionally designated otherwise should be channeled into the general fund for the above state purposes.

Other Issues

The committee surveyed other issues related to the three major study topics, but acted to recommend only one other bill. Bill 14 would act to advance the date by which local governments could opt out from the seven percent limitation on local mill levies.

Exemption from Local Government Revenue-Raising Limitations -- Bill 14

Bill 14 amends the existing statutes which govern exemptions from local government revenue-raising limitations in two ways. As currently structured, local governments may exercise an option to be exempted from the seven percent limitation on annual mill levies, beginning January 1, 1985, provided that they demonstrate compliance with statutory provisions for public disclosure of property tax levies. Bill 14 acts to advance the effective date for this option to July 1, 1983, and repeals the expiration date originally set for December 31, 1987. Thus the bill acts to both advance the effective date and extend the provisions of the exemption indefinitely.

BILL 11

A BILL FOR AN ACT

1 CONCERNING CAPITAL DEVELOPMENT FOR THE STATE OF COLORADO, AND
2 CREATING COMMITTEES AND PROVIDING FOR FINANCING RELATING
3 THERETO.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

Establishes a capital development committee as a legislative service agency and an advisory committee to assist that committee in establishing priorities for the acquisition and disposal of capital assets by the various departments and agencies of state government. Provides that in each fiscal year, commencing in 1984, the general assembly shall make appropriations to the capital construction fund out of the special reserve fund created as a result of spending limitations on the operating budget. Provides that, if that fund is inadequate, the deficiency can be taken from the general fund, up to a specified limit.

4 Be it enacted by the General Assembly of the State of Colorado:
5 SECTION 1. Article 3 of title 2, Colorado Revised
6 Statutes 1973, 1980 Repl. Vol., as amended, is amended BY THE
7 ADDITION OF A NEW PART to read:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

PART 12

CAPITAL DEVELOPMENT

2-3-1201. Definition. As used in this part 12, unless the context otherwise requires:

(1) "Capital asset" means any building, structure, facility, or physical betterment or improvement or any land or rights in land.

2-3-1202. Capital development committee established.

(1) There is hereby established a joint committee of the senate and house of representatives officially known as the capital development committee, which shall consist of two majority party members and one minority party member of the house of representatives and two majority party members and one minority party member of the senate. Members of the committee shall be chosen in each house in the same manner as members of other standing committees are chosen. The committee shall function during the legislative sessions and during the interim between sessions.

(2) The capital development committee shall elect a chairman and a vice-chairman, one from the senate membership of the committee and one from the house membership of the committee. The chairman so elected shall serve as chairman for the first regular session of the general assembly at which the committee is to serve and as vice-chairman for the second regular session; the vice-chairman so elected shall serve as chairman for the second regular session of said general

1 assembly.

2 2-3-1203. Organization and meetings. The capital
3 development committee may prescribe its own rules of procedure
4 and may appoint subcommittees from the membership of the
5 general assembly and shall meet as often as is necessary to
6 perform its functions, as specified in sections 2-3-1204 and
7 2-3-1205.

8 2-3-1204. Powers and duties of capital development
9 committee. (1) The capital development committee shall have
10 the powers and duties specified in this section, including:

11 (a) To study the capital construction requests and
12 proposals for the acquisition or disposition of capital assets
13 of each state department, institution, and agency after
14 receiving the necessary reports from the capital asset and
15 development advisory committee, as provided for in this part
16 12;

17 (b) To hold such hearings as may be necessary to
18 adequately consider the reports of said advisory committee and
19 to hold hearings to receive such testimony as the capital
20 development committee may feel advisable to receive from the
21 department, institution, or agency itself, with respect to any
22 such capital construction or acquisition or disposition of
23 capital assets;

24 (c) To make determinations of the priority to be
25 accorded to the proposals made by the various departments,
26 institutions, and agencies with respect to capital

1 construction proposals and capital asset acquisitions and
2 disposals, based upon information made available to the
3 capital development committee from any sources with respect to
4 estimates of revenues available for such purposes, including
5 consideration of revenues which might be made available by
6 reason of the disposition of capital assets. The capital
7 development committee shall give full consideration to all
8 recommendations made to it by the capital asset and
9 development advisory committee, but it shall not be bound by
10 any such recommendations in reaching its final decisions.

11 2-3-1205. Recommendations and findings. The capital
12 development committee shall make written reports setting forth
13 its recommendations, findings, and comments as to each
14 recommendation concerning capital assets which it submits to
15 the house and senate appropriations committees. Other reports
16 may be issued from time to time by the committee whenever it
17 deems such action to be appropriate or whenever requested by
18 the general assembly.

19 2-3-1206. Staff assistance. In carrying out its duties
20 under this part 12, the capital development committee may
21 request staff assistance from the offices providing other
22 legislative services or from the department of administration
23 and the office of state planning and budgeting. The
24 legislative council shall provide necessary secretarial and
25 clerical assistance.

26 2-3-1207. Capital asset and development advisory

1 committee established. In order to expedite the work of the
2 capital development committee, there is hereby created a
3 capital asset and development advisory committee, the members
4 of which shall be appointed for terms commencing July 1, 1983.
5 Said committee shall consist of twelve members, none of whom
6 shall be members of the general assembly. Six members thereof
7 shall be appointed by the governor for original terms of one
8 year for two appointees, two years for two appointees, and
9 three years for two appointees. Three members shall be
10 appointed by the president of the senate for original terms of
11 one, two, and three years, and three members shall be
12 appointed by the speaker of the house of representatives for
13 original terms of one, two, and three years. Thereafter, all
14 appointments shall be for three-year terms.

15 2-3-1208. Duties and responsibilities of capital asset
16 and development advisory committee. (1) Each state
17 department, institution, and agency shall, on or before
18 _____ of each year, commencing in 1984, submit to the
19 capital asset and development advisory committee its proposed
20 budget for capital construction. The said advisory committee
21 shall review and evaluate capital construction budgets and
22 shall make recommendations on such budgets to the capital
23 development committee.

24 (2) Each state department, institution, and agency
25 shall, on or before _____ of each year, commencing in
26 1984, submit to the capital asset and development advisory

1 committee its proposals for the acquisition of any capital
2 asset, whether such acquisition would be by purchase or by
3 exchange of property. The department, institution, or agency
4 shall not include such proposed capital asset acquisition in
5 its operating budget. The said advisory committee shall
6 review and evaluate agency proposals for acquisition in the
7 same manner as is provided in subsection (1) of this section.

8 (3) Each department, institution, and agency shall
9 likewise submit to the capital asset and development advisory
10 committee its proposals for disposing of any capital asset
11 under the control of the department, institution, or agency.
12 The said advisory committee shall review and evaluate
13 department, institution, and agency proposals for disposition
14 in the same manner as is provided in subsection (1) of this
15 section.

16 (4) The capital asset and development advisory committee
17 shall study the feasibility of compiling and maintaining an
18 inventory of capital assets of the state and shall report its
19 findings thereon on or before _____ to the capital
20 development committee.

21 2-3-1209. Advisory committee to evaluate proposals. The
22 capital asset and development advisory committee shall make
23 reports to the capital development committee upon the
24 completion of such hearings on capital asset proposals and
25 after receiving such reports and documents as it feels
26 necessary, from whatever source. In such reports, the said

1 advisory committee may rank the various capital asset
2 proposals, based upon such project request guidelines as said
3 advisory committee may establish. Rankings may be based upon
4 information concerning budget constraints and recommendations
5 supplied by budget analysts and surplus forecasts provided by
6 the office of state planning and budgeting and by the
7 legislative council. Rankings shall be determined by a
8 majority vote of the said advisory committee but shall have no
9 binding effect on the capital development committee, which
10 shall make its own final evaluation of such proposals. The
11 final report of the advisory committee shall be made prior to
12 the end of each calendar year with respect to recommendations
13 for the next legislative session.

14 2-3-1210. Staff assistance for advisory committee - per
15 diem allowance. (1) The capital asset and development
16 advisory committee shall be entitled to the services of one
17 member of the staff of the joint budget committee and one
18 member of the staff of the legislative council during any
19 period of time when it is engaged in scheduled meetings
20 involving questions which it is directed by this part 12 to
21 study and to make reports on. The legislative council shall
22 provide necessary secretarial and clerical assistance.

23 (2) Members of the said advisory committee shall be
24 entitled to per diem compensation at the same rate that is
25 paid to members of interim committees appointed by the
26 legislative council for studies of specified subjects.

1 SECTION 2. 24-75-303, Colorado Revised Statutes 1973,
2 1982 Repl. Vol., is REPEALED AND REENACTED, WITH AMENDMENTS,
3 to read:

4 24-75-303. Appropriations for capital construction. For
5 the fiscal year commencing July 1, 1984, and for each ensuing
6 fiscal year, the general assembly shall appropriate to the
7 capital construction fund an amount equivalent to at least
8 three percent of the general fund appropriation for operating
9 expenses in the preceding fiscal year. Such appropriation
10 shall be from moneys remaining in the special reserve fund
11 authorized under section 24-75-201.1 as of June 30, 1983, and
12 amounts remaining in said fund on June 30 of each ensuing
13 fiscal year. Should the special reserve fund balance be
14 insufficient for such appropriation, the general assembly
15 shall appropriate the amount of the deficiency, up to two
16 percent of the amount of the general fund appropriation for
17 operating expenses made in the preceding fiscal year, to cover
18 such deficiency. The proceeds of the sale of any capital
19 assets of the state disposed of pursuant to the provisions of
20 part 12 of article 3 of title 2, C.R.S. 1973, shall be
21 available for the purpose of satisfying the appropriation
22 requirements of this section.

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

BILL 12

A BILL FOR AN ACT

1 CONCERNING LIMITATIONS ON THE APPROPRIATION OF STATE REVENUES.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

Authorizes the use of the special reserve fund, created by limiting state spending increases, for capital construction, and provides that the 7% limit on annual state appropriation increases and the 4% retention requirement on year-end balances are to be computed on all appropriations and disbursements from the general fund, including any of the authorized uses of funds in the special reserve fund. Provides that the general assembly, by joint resolution, is to certify the revenue estimate for the next fiscal year to the controller. Terminates the general cash revolving fund as of June 30, 1983.

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

3 SECTION 1. 24-75-201.1, Colorado Revised Statutes 1973,
4 1982 Repl. Vol., is amended to read:

5 24-75-201.1. Restriction on state appropriations.

6 (1) For the fiscal year 1978-79 and each fiscal year
7 thereafter, state general fund ~~spending~~ APPROPRIATIONS FOR

1 EXPENDITURE shall be limited to seven percent over the
2 previous year. Any amount of general fund revenues in excess
3 of seven percent, and after retention of unrestricted general
4 fund year-end balances of ~~no-less-than~~ four percent of the
5 amount appropriated for expenditure from the general fund for
6 the current fiscal year, shall be placed in a special reserve
7 fund to be utilized for tax relief, and FOR CAPITAL
8 CONSTRUCTION AS DEFINED IN SECTION 24-30-1301 (1), for
9 construction, maintenance, and repair of highways, and for
10 water projects. ~~and-for-only-the-fiscal-year-beginning-july-1;~~
11 ~~1980;-for-administration-of-highways-~~

12 (2) THE BASIS FOR THE CALCULATION OF THE PERCENTAGES AS
13 SPECIFIED IN SUBSECTION (1) OF THIS SECTION SHALL INCLUDE ALL
14 APPROPRIATIONS FOR EXPENDITURES AND DISBURSEMENTS AUTHORIZED
15 BY LAW FROM THE GENERAL FUND, INCLUDING TAX RELIEF
16 APPROPRIATIONS AND OTHER EXPENDITURES MADE IN ACCORDANCE WITH
17 THE PROVISIONS OF SUBSECTION (1) OF THIS SECTION.

18 SECTION 2. Part 2 of article 75 of title 24, Colorado
19 Revised Statutes 1973, 1982 Repl. Vol., is amended BY THE
20 ADDITION OF A NEW SECTION to read:

21 24-75-201.3. Procedures relating to revenue estimates.
22 The general assembly, acting by joint resolution, shall
23 certify to the controller by March 1 of each year the revenue
24 estimate for the next fiscal year of the state, which estimate
25 shall be based upon the estimate of the legislative council,
26 after the council has consulted with the office of state

1 planning and budgeting.

2 SECTION 3. Part 5 of article 75 of title 24, Colorado
3 Revised Statutes 1973, 1982 Repl. Vol., is amended BY THE
4 ADDITION OF A NEW SECTION to read:

5 24-75-506. Termination of fund - disposition of moneys.
6 The general cash revolving fund created by section 24-75-502
7 shall be terminated as of June 30, 1983, and all amounts
8 credited to said fund as of that date shall be transferred to
9 the general fund.

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

BILL 13

A BILL FOR AN ACT

1 CONCERNING STATE REVENUES COMPRISING THE GENERAL FUND.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

Provides that interest earned by various state funds will go to the general fund rather than being retained in the fund which earns the interest. Changes certain provisions which authorize transfers of funds by the state treasurer and instead authorizes specific appropriations of such funds by the general assembly.

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

3 SECTION 1. 8-51-111 (1), Colorado Revised Statutes 1973,
4 as amended, is amended to read:

5 8-51-111. State treasurer to invest funds. (1) The
6 state treasurer shall invest any portion of the subsequent
7 injury fund, including its surplus and reserves, which the
8 commission determines is not needed for immediate use. All
9 interest earned upon such invested portion shall be credited
10 to the GENERAL fund. ~~and-used-for-the-same-purposes-and-in-the~~

1 ~~same-manner-as-other-moneys-in-the-fund:--~~Such MONEYS IN THE
2 SUBSEQUENT INJURY FUND may be invested in the types of
3 investments authorized in sections 24-36-109, 24-36-112, and
4 24-36-113, C.R.S. 1973.

5 SECTION 2. 8-54-106, Colorado Revised Statutes 1973, as
6 amended, is amended to read:

7 8-54-106. State compensation fund a continuing fund -
8 sources - applicability. The state compensation insurance
9 fund shall be a continuing fund and shall consist of all
10 premiums received and paid into said fund for compensation
11 insurance, all property and securities acquired by and through
12 the use of moneys belonging to said fund, and all **interest**
13 ~~earned--upon~~ moneys belonging to said fund and deposited or
14 invested as provided in section 8-54-122. Said fund shall be
15 applicable to the payment of the salaries of the employees of
16 the fund and to its other operating expenses and to the
17 payment of losses sustained or liabilities incurred under the
18 contracts or policies of insurance issued by said state
19 compensation insurance fund in accordance with the provisions
20 of articles 40 to 54 of this title. It is hereby declared
21 that it was and is the purpose and intent of this section that
22 the operating expenses mentioned in this section shall
23 include, among other items, such reasonable monthly rentals
24 for quarters furnished by the state for use in the
25 administration of said fund as shall, from time to time, be
26 determined by the office of state planning and budgeting.

1 SECTION 3. 8-65-108 (1), Colorado Revised Statutes 1973,
2 as amended, is amended to read:

3 8-65-108. State treasurer to invest funds. (1) The
4 state treasurer shall invest any portion of the medical
5 disaster insurance fund, including its surplus and reserves,
6 which the director determines is not needed for immediate use.
7 All interest earned upon such invested portion shall be
8 credited to the GENERAL fund. ~~and-used-for-the-same-purposes~~
9 ~~and-in-the-same-manner-as-other--moneys--in--the--fund:---Such~~
10 MONEYS IN THE MEDICAL DISASTER INSURANCE FUND may be invested
11 in the types of investments authorized in sections 24-36-109,
12 24-36-112, and 24-36-113, C.R.S. 1973.

13 SECTION 4. 8-66-110 (1), Colorado Revised Statutes 1973,
14 as amended, is amended to read:

15 8-66-110. State treasurer to invest funds. (1) The
16 state treasurer shall invest any portion of the major medical
17 insurance fund, including its surplus and reserves, which the
18 commission determines is not needed for immediate use. All
19 interest earned upon such invested portion shall be credited
20 to the GENERAL fund. ~~and-used-for-the-same--purposes--and--in~~
21 ~~the--same-manner-as-other-moneys-in-the-fund:---Such~~ MONEYS IN
22 THE MAJOR MEDICAL INSURANCE FUND may be invested in the types
23 of investments authorized in sections 24-36-109, 24-36-112,
24 and 24-36-113, C.R.S. 1973.

25 SECTION 5. 10-8-215 (3), Colorado Revised Statutes 1973,
26 as amended, is amended to read:

1 10-8-215. Group insurance reserve fund. (3) The board,
2 from time to time, shall certify in writing to the state
3 treasurer for investment such portions of the group insurance
4 reserve fund as in its judgment may not be needed for the
5 payment of premiums to the carriers underwriting the group
6 insurance or supplemental plans. Such investments shall be
7 made as determined by the state treasurer and shall be limited
8 to those securities authorized for investment by the public
9 employees' retirement board pursuant to section 24-51-107,
10 C.R.S. 1973. ALL INTEREST EARNED FROM INVESTMENT OF THE FUND
11 SHALL BE CREDITED TO THE GENERAL FUND.

12 SECTION 6. 23-3.1-107, Colorado Revised Statutes 1973,
13 as amended, is amended BY THE ADDITION OF A NEW SUBSECTION to
14 read:

15 23-3.1-107. Loan guarantee fund created. (3) All
16 interest earned by the state treasurer from investment of the
17 fund shall be credited to the general fund.

18 SECTION 7. 31-30-1014 (5), Colorado Revised Statutes
19 1973, 1977 Repl. Vol., as amended, is REPEALED AND REENACTED,
20 WITH AMENDMENTS, to read:

21 31-30-1014. State contribution. (5) The general
22 assembly may appropriate moneys from the general fund to the
23 fund created by section 31-30-1012. Moneys in said fund shall
24 not revert to the general fund but shall be continuously
25 available for the purposes provided in this part 10.

26 SECTION 8. 34-63-102 (1) (a), Colorado Revised Statutes

1 1973, as amended, is amended to read:

2 34-63-102. Creation of mineral leasing fund -
3 distribution. (1) (a) On or after January 1, 1977, all
4 moneys ~~including any interest earned therefrom; now~~ held or to
5 be received by the state treasurer pursuant to the provisions
6 of the federal mineral lands leasing act of February 25, 1920,
7 as amended, except those moneys described in section
8 34-63-104, shall be ~~deposited~~ CREDITED by the state treasurer
9 ~~into~~ TO a special fund to be known as the mineral leasing
10 fund, which is hereby created, for use by state agencies,
11 public schools, and political subdivisions of the state as
12 described in this section for planning, construction, and
13 maintenance of public facilities and for public services.
14 INTEREST EARNED BY THE STATE TREASURER FROM INVESTING THE FUND
15 SHALL BE CREDITED TO THE GENERAL FUND.

16 SECTION 9. Article 41 of title 35, Colorado Revised
17 Statutes 1973, as amended, is amended BY THE ADDITION OF A NEW
18 SECTION to read:

19 35-41-105. State treasurer to invest funds. It shall be
20 the duty of the state treasurer to invest the moneys in the
21 brand inspection fund, estray fund, and revolving fund created
22 by this article. Interest earned on the investment of said
23 funds shall be credited to the general fund.

24 SECTION 10. 37-60-121 (1) (a), Colorado Revised Statutes
25 1973, as amended, is amended to read:

26 37-60-121. Colorado water conservation board

1 construction fund - creation of - nature of fund - funds for
2 investigations - contributions. (1) (a) There is hereby
3 created a fund to be known as the Colorado water conservation
4 board construction fund, which shall consist of all moneys
5 which may be appropriated thereto by the general assembly or
6 which may be otherwise made available to it by the general
7 assembly and such charges that may become a part thereof under
8 the terms of section 37-60-119. All interest earned from the
9 investment of moneys in the COLORADO WATER CONSERVATION BOARD
10 CONSTRUCTION fund shall be credited to the GENERAL fund and
11 become a part thereof. Such THE COLORADO WATER CONSERVATION
12 BOARD CONSTRUCTION fund shall be a continuing fund to be
13 expended in the manner specified in section 37-60-122 and
14 shall not revert to the general fund of the state at the end
15 of any fiscal year.

16 SECTION 11. 39-22-623, Colorado Revised Statutes 1973,
17 1982 Repl. Vol., as amended, is REPEALED AND REENACTED, WITH
18 AMENDMENTS, to read:

19 39-22-623. Disposition of collections.
20 (1) (a) Commencing July 1, 1983, the general assembly may
21 appropriate from the general fund an amount equivalent to a
22 percentage of the gross state cigarette tax to incorporated
23 cities and incorporated towns which levy taxes and adopt
24 formal budgets and to counties. For the purposes of this
25 section, a city and county shall be considered as a city. The
26 city or town share shall be apportioned according to the

1 percentage of state sales tax revenues collected by the
2 department of revenue in an incorporated city or incorporated
3 town as compared to the total state sales tax collections that
4 may be allocated to all political subdivisions in the state;
5 the county share shall be the same as that which the
6 percentage of state sales tax revenues collected in the
7 unincorporated area of the county bears to total state sales
8 tax revenues which may be allocated to all political
9 subdivisions in the state. The department of revenue shall
10 certify to the state treasurer, at least annually, the
11 percentage for allocation to each city, town, and county, and
12 such percentage for allocation so certified shall be applied
13 by said department in all distributions to cities, towns, and
14 counties until changed by certification to the state
15 treasurer. In order to qualify for a general fund
16 appropriation, units of local government are prohibited from
17 imposing fees, licenses, or taxes on any person as a condition
18 for engaging in the business of selling cigarettes or from
19 attempting in any manner to impose a tax on cigarettes. For
20 the purposes of this paragraph (a), the "gross state cigarette
21 tax" means the total tax before the discount provided for in
22 section 39-28-104 (1).

23 (b) In addition to the appropriation for cities, towns,
24 and counties provided for in paragraph (a) of this subsection
25 (1), the general assembly may make appropriations for the
26 expenses of the administration of this section.

1 (c) Distribution to each city, town, and county shall be
2 made monthly, no later than the fifteenth day of the second
3 successive month after the month for which cigarette tax
4 collections are made.

5 (d) Each city, town, and county, upon request and at
6 reasonable times, shall be entitled to verify with the
7 executive director or his designated representative the
8 proceeds to which the local government is entitled pursuant to
9 the provisions of this section.

10 (e) Where, prior to July 1, 1973, a city or town has
11 pledged the proceeds of all or a portion of its local
12 cigarette tax or tax on the occupation of selling cigarettes
13 for the payment of bonds or other obligations, the city or
14 town shall pledge or place in trust an equivalent amount from
15 its share of the proceeds of the state cigarette tax for the
16 payment of such bonds or other obligations.

17 (f) In order to replace any loss of revenue to the old
18 age pension fund, the department of revenue shall certify to
19 the state treasurer an amount equal to the sum accurately
20 estimated for revenue loss to the old age pension fund from
21 amendments made to section 39-23-113 (2) (a), and such amount
22 shall be credited to the old age pension fund.

23 SECTION 12. Repeal. 34-63-104 (2), Colorado Revised
24 Statutes 1973, as amended, is repealed.

25 SECTION 13. Effective date. This act shall take effect
26 July 1, 1983.

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

BILL 14

A BILL FOR AN ACT

1 CONCERNING THE PERIOD OF TIME WITHIN WHICH AN EXEMPTION FROM
2 LOCAL GOVERNMENT REVENUE-RAISING LIMITATIONS IS
3 EFFECTIVE.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

Provides that an exemption procedure whereby specified local government taxing entities can be exempt from limitations on annual spending will first take effect in 1984 rather than in 1986 and removes a provision for the termination of the exemption procedure.

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

5 SECTION 1. 29-1-303 (9), Colorado Revised Statutes 1973,
6 1977 Repl. Vol., as amended, is amended to read:

7 29-1-303. Revenue-raising limitation exemption - public
8 disclosure of tax levy. (9) This section is effective
9 ~~January--1,-1985~~ JULY 1, 1983, and shall apply to the ~~1986-and~~
10 1987 1984 AND SUBSEQUENT local government fiscal years.

1 SECTION 2. Repeal. 29-1-303 (10), Colorado Revised
2 Statutes 1973, 1977 Repl. Vol., as amended, is repealed.

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

LEGISLATIVE COUNCIL

SUNSET REVIEWS

Members of the Committee

Rep. John Hamlin,
Chairman

Sen. Dan Noble,
Vice Chairman

Sen. Bob Allshouse

Sen. Fred Anderson

Sen. Regis Groff

Sen. Martin Hatcher

Sen. Joel Hefley

Sen. Don Sandoval

Rep. Carl "Bev" Bledsoe

Rep. Rich Castro

Rep. Frank DeFilippo

Rep. Peter Minahan

Rep. Federico Pena

Rep. Bev Scherling

Council Staff

Larry Thompson
Senior Analyst

Legislative
Drafting Staff

Linda Smoke
Staff Attorney

George Bogart
Staff Attorney

Matt Flora
Senior Staff Attorney

INTRODUCTION

The Legislative Council, pursuant to provisions of section 24-34-104, C.R.S. 1973, as amended, held public hearings and conducted sunset reviews of seven boards, offices, and commissions scheduled for review this year.

The sunset law seeks to provide legislative oversight of the boards and commissions which have regulatory powers within the executive branch of state government. The law gives an agency a terminable life of ten years. Prior to the end of the ten-year period, the General Assembly must conduct a review and re-evaluation of the agency. If the General Assembly determines that the agency should be continued, it is reestablished for another ten-year period.

The statutes provide that the following boards, offices, and commissions be subject to review this year:

- Division of Racing Events
- Passenger Tramway Safety Board
- Board of Examiners of Nursing Home Administrators
- Office of Regulatory Reform
- Colorado Commission on Higher Education
- Division of Central Services
- Advisory Commission on Family Medicine
- Division of Insurance
- Public Utilities Commission

In carrying out the sunset reviews, the committee held four meetings during the interim. Testimony was received from representatives of the Department of Regulatory Agencies, the Department of Administration, the Department of Health, the Commission on Higher Education, representatives of governing boards for higher education, professional associations, and the public. The testimony provided the committee with an evaluation of the effectiveness and efficiency of those agencies subject to sunset review in performing their statutorily assigned tasks. Comments were received on the need for continuation of said agencies and proposals were submitted for statutory changes in their powers and duties.

A total of seven bills are recommended by the committee. The bills recommend continuation of the following agencies, boards, and commissions: Division of Racing Events; Passenger Tramway Safety Board; Board of Examiners of Nursing Home Administrators; Office of Regulatory Reform; Colorado Commission on Higher Education; Division of Central Services; and the Advisory Commission on Family Medicine. The committee did not receive sunset reports from the Department of Regulatory Agencies on the Public Utilities Commission or the Division of Insurance. There are no recommendations on those agencies. No action was taken by the committee on the proposals in the various sunset reports to revise the statutory powers and duties of the agencies subject to review this year. The Legislative Council urges

agency, commission, and board representatives to contact members of the General Assembly to expedite the introduction and consideration in the 1983 session of those legislative recommendations.

The purpose of this part of the report is to summarize the bills recommended by the committee. The background report contains a summary of the functions of each of those agencies subject to review this year and a listing of the recommended statutory revisions which had been proposed in the various sunset reports and in testimony before the committee. Copies of the various sunset reports are on file in the Legislative Council office.

COMMITTEE RECOMMENDATIONS

Department of Regulatory Agencies

Bill 1 -- CONCERNING THE BOARD OF EXAMINERS OF NURSING HOME ADMINISTRATORS, AND PROVIDING FOR THE CONTINUATION THEREOF

The committee recommends Bill 1 which provides a new termination date of July 1, 1993 for the Board of examiners of Nursing Home Administrators. Testimony before the committee indicated that each state is required by federal law to have procedures for the licensure of nursing home administrators and a board that is representative of nursing home institutions and professions to administer those procedures. Without continuation of state regulation of nursing home administrators there will be no medicaid dollars available to Colorado.

Bill 2 -- CONCERNING THE DIVISION OF RACING EVENTS, INCLUDING THE COLORADO RACING COMMISSION, AND PROVIDING FOR THE CONTINUATION THEREOF

Bill 2 provides a new termination date of July 1, 1993 for the Division of Racing Events, including the Colorado Racing Commission. The committee believes that the division and the commission should be continued because regulation of the racing industry is necessary for protection of the public and conditions have changed to make such regulation even more essential. Examples of the changing conditions are the increase in the total amount of dollars wagered by the public and the annual number of race days, both of which are supervised by the Division of Racing Events.

Bill 3 -- CONCERNING THE PASSENGER TRAMWAY SAFETY BOARD, AND PROVIDING FOR THE CONTINUATION THEREOF

Under the provisions of Bill 3, the Passenger Tramway Safety Board termination date would be extended to July 1, 1993. In the interest of public safety, the committee recommends that the board be continued. Tramways are mechanical devices subject to wear, and inspections may reduce the risk of mechanical failure.

Bill 4 -- CONCERNING THE OFFICE OF REGULATORY REFORM, AND PROVIDING FOR THE CONTINUATION THEREOF

The committee recommends that the Office of Regulatory reform be continued. The Office of Regulatory Reform (ORR) was created in 1981 to alleviate the regulatory burden imposed on businesses by government rules and regulations. Since its inception ORR has been the one office in the state where a person can obtain information on all the federal, state and local permit and license requirements for starting a new business. In the area of regulatory reform, ORR has developed a consolidated construction permit and license form to be used throughout the Denver metro area.

Bill 4 provides a new termination date of July 1, 1987 for the Office of Regulatory Reform.

Department of Administration

Bill 5 -- CONCERNING THE DIVISION OF CENTRAL SERVICES, AND PROVIDING FOR THE CONTINUATION THEREOF

Bill 5 allows the Division of Central Services to be continued and removes the division from the requirement of further sunset reviews. Testimony before the committee indicated that the division is performing effectively and efficiently. The sunset report on the Division of Central Services concluded that it provides essential services, which if not centralized under one agency, would result in a costly duplication of labor, equipment, and material. The committee recommends removing the division from sunset law requirements since it has no direct contact with the public and performs no regulatory functions.

Department of Higher Education

Bill 6 -- CONCERNING THE COLORADO COMMISSION ON HIGHER EDUCATION, AND PROVIDING FOR THE CONTINUATION THEREOF

Under the provisions of Bill 6, the termination date for the Commission on Higher Education is extended to July 1, 1993. The consensus of testimony to the committee was that there is a need for the statewide coordination of public higher education and that the commission is the appropriate coordinating agency to perform this function. Sunset reports on the commission concluded that it has helped to eliminate waste, duplication, and inefficiency in higher education.

Department of Health

Bill 7 -- CONCERNING THE ADVISORY COMMISSION ON FAMILY MEDICINE, AND PROVIDING FOR THE CONTINUATION THEREOF

Bill 7 provides a new termination date of July 1, 1993 for the Advisory Commission on Family Medicine. Testimony to the committee indicated that there is a need for medical generalists who are trained to give quality comprehensive care, particularly in small communities. It is the function of the commission to advise the General Assembly on how to solve the problem of inadequate availability of primary care in many parts of the state. The committee believes that the commission serves a useful role as an advocate for family medicine.

BACKGROUND REPORT

Board of Examiners of Nursing Home Administrators

Functions of board. The Board of Examiners of Nursing Home Administrators, which was established in 1969, is a cash-funded board located in the Department of Regulatory Agencies. The state statutes require that each nursing home in the state must have a licensed and registered nursing home administrator. Among the duties of the board of examiners are to set standards for licensees, conduct exams and investigations, issue licenses and registrations, revoke or suspend licenses and registrations, investigate, conduct hearings, take evidence, and subpoena witnesses. The board is responsible for a continuing investigation of nursing home administrators to improve standards. The board is required to keep a register of all nursing home administrator applicants.

Legislative recommendations for nursing home administrators. Testimony presented by representatives of the Department of Regulatory Agencies and the sunset report on the Board of Examiners of Nursing Home Administrators prepared by the Department of Regulatory Agencies provided the following statutory recommendations:

- 1) The Board of Examiners of Nursing Home Administrators should be transferred to the Department of Health by a type 1 transfer.
- 2) The statutory liability of nursing home owners relative to nursing home administrators should be clarified.
- 3) The Board of Examiners of Nursing Home Administrators should be given censure and reprimand powers similar to the Board of Medical Examiners.
- 4) The membership of the nursing home board should be reduced from nine to seven.

Colorado Racing Commission

Functions of the commission. The Colorado Racing Commission was created in 1949. In 1968, the commission was placed in the Department of Regulatory Agencies as a policymaking agency. The commission is the head of the Division of Racing Events which has administrative responsibilities in the promotion of racing.

The commission licenses, regulates, and supervises all race meets. It is required to have its members or employees inspect all race tracks at least once a year. The commission supervises the use of pari-mutuel equipment, weighting operations, and the taking of samples from animals. Regulatory authority for the control, supervision, fingerprinting, and identification of applicants for licenses is granted to the commission. It is empowered to suspend, fine and discipline all licensees.

Legislative recommendations for Colorado Racing Commission.
Legislative proposals in the racing commission sunset report prepared by Mr. Ronald E. Gregson on behalf of the Department of Regulatory Agencies and in testimony by representatives of the Department of Regulatory Agencies are as follows:

- 1) The statutes should be amended to establish a division director as head of the Division of Racing Events.
- 2) The commission should be given the power to investigate and approve or disapprove changes in track ownership involving ten percent or more of the voting stock of a corporation owning a track.
- 3) Provisions in commission statutes relating to conflict of interest should be amended to prohibit the commissioners and division staff from having any pecuniary interest in a racetrack or in any race animal competing in Colorado, or in any association, corporation or firm contracting with any division licensee.
- 4) The commission should be given the authority to deny licensure of a race meet applicant on the basis of the commission's financial inability to supervise such a meet during the initial period of licensure.
- 5) The number of racing commissioners should be increased from three to five.
- 6) A supplemental purse fund for greyhound breeders should be established.
- 7) The Division of Racing Events personnel should be authorized to arrest persons in cases of animal abuse.
- 8) Civil penalties should be set for persons who return to race tracks from which they have been removed as undesirable.

Passenger Tramway Safety Board

Functions of board. The Passenger Tramway Safety Board, which was created in 1965, is a cash-funded agency located in the Department of Regulatory Agencies. The main function of the board is to assure public safety through the monitoring of the design and construction of tramways, qualifying tramway design and construction engineers, and setting standards for and inspections of tramways. The board may hold hearings, subpoena witnesses, compel production of relevant records and appoint hearing officers. Authority is given to the board to approve, deny, revoke, and renew registrations.

Legislative recommendations for Passenger Tramway Safety Board. Testimony to the committee by members of the Passenger Tramway Safety Board and representatives of the skiing industry, in addition to the sunset report prepared by the Department of Regulatory Agencies, provided the following statutory recommendations:

- 1) Funding should be allocated to hire a full-time supervisory tramway engineer.
- 2) For qualification to perform tramway engineering services, only registration in Colorado as a professional engineer should be required.

Office of Regulatory Reform

Functions of office. The Office of Regulatory Reform (ORR) was created on July 1, 1981 and is established in the Department of Regulatory Agencies. The major duty of ORR is to review existing and proposed rules of all state agencies to determine the effect of each rule on small business. Other major functions of the Office of Regulatory Reform include:

- 1) Provide information to the public on federal, state, and local requirements necessary to begin a business;
- 2) Try to coordinate federal, state, and local permitting processes;
- 3) Simplify and reduce business paperwork requirements;
- 4) Facilitate timely permit review and hearing consolidation; and
- 5) Consolidate individual permitting requirements into a master application procedure.

Legislative recommendations for Office of Regulatory Reform. The testimony presented by representatives of the Department of Regulatory Agencies and the sunset report on ORR prepared by the Department of Regulatory Agencies provided the following statutory recommendations:

- 1) An eleven member Regulatory Reform Advisory Council to the Office of Regulatory Reform should be statutorily created. Council members should be appointed by the governor and should receive actual and necessary expenses.
- 2) The General Assembly should re-examine its legislative declaration with respect to the Office of Regulatory Reform to clearly identify its large business as compared to small business concerns.
- 3) The Office of Regulatory Reform should be authorized to comment on all rules proposed by any agency on the basis of enumerated goals.

- 4) The statutory requirement of an annual cost-effectiveness report by the Office of Regulatory Reform should be eliminated.

Division of Central Services

Functions of division. The Division of Central Services, which was created in 1977, is located in the Department of Administration. The division is a revolving fund agency which receives no general fund monies. The purpose of the Division of Central Services is to control, coordinate, and furnish support services such as printing, mail room, messengers, office supplies, copies, microfilm, forms management, graphic arts, motor pool, and similar services for state agencies. The division's primary goal is to meet the service needs of state departments, institutions, and agencies. The division operates only in the counties of Adams, Arapahoe, Jefferson, and the City and County of Denver.

Legislative recommendations for Division of Central Services. The sunset report prepared by the Division of Management Services in the Department of Administration and testimony by department representatives provided the committee with the following legislative proposals:

- 1) Annual reporting requirements should be reduced by eliminating the requirement for major equipment and personnel inventory reports.
- 2) Provisions of section 24-30-1104, C.R.S. 1973, as amended (functions of Division of Central Services), should be made applicable to institutions of higher education.
- 3) Section 24-30-1104 (1), C.R.S. 1973, should be amended to authorize but not require statewide operations.
- 4) Section 24-30-1104 (1), C.R.S. 1973, should be amended to permit the Division of Central Services to sell to the public those products that are unique to state government.
- 5) The requirements of section 24-30-1104 (1) (e), C.R.S. 1973, concerning the division advising the Department of Personnel on personnel qualifications and wage standards, should be repealed.
- 6) The word "overhead" in section 24-30-1108 (2), C.R.S. 1973 (concerning the revolving fund for Division of Central Services) should be defined to be consistent with the definition used by the state controller.

Colorado Commission on Higher Education

Functions of commission. The Colorado Commission on Higher Education (CCHHE) was created in 1965 and is established within the

Department of Higher Education. The commission is a statewide coordinating agency which was created to regulate, advise, and coordinate duties with respect to the governor, General Assembly, governing boards and educational institutions for the purpose of promoting economy, efficiency and accessibility to higher education. Among the major responsibilities of the commission are the following:

- 1) approve each capital construction project prior to implementation;
- 2) approve new degree programs;
- 3) review and recommend to the various governing boards existing degree programs which could be eliminated or expanded;
- 4) develop statewide policies and plans for all postsecondary education; and
- 5) conduct studies and maintain a comprehensive plan for higher education.

Legislative recommendations for Colorado Commission on Higher Education. The sunset reports prepared on the Colorado Commission on Higher Education recommended the following statutory revisions:

- 1) Sections 23-71-301 (1) (a), 23-1-105 (2), and 23-1-112, C.R.S. 1973, as amended, regarding the relationship of local district colleges to Colorado's system of higher education, should be clarified. Are local district colleges subject to CCHE policies in the area of student FTE reporting and tuition approval?
- 2) The General Assembly should clarify sections 23-1-107 (1) (c) and 23-1-108, C.R.S. 1973, to give the Commission on Higher Education the authority and responsibility to approve the roles and mission for the various state institutions of higher education.
- 3) The word "allocated" in section 24-1-114 (4), C.R.S. 1973, should be defined in its application to relationships of educational institutions to the Department of Higher Education and to the commission's administrative role in the budgetary process.
- 4) The Commission on Higher Education should be required to review capital construction projects of local district colleges and area vocational schools.
- 5) The General Assembly should clarify paragraphs 23-1-407 (1) (b) and (e) and 23-60-202 (1) (f), C.R.S. 1973, to provide the CCHE with authority to review all degree and non-degree programs including all occupational programs.
- 6) The CCHE should be given statutory authority to eliminate unnecessary and duplicative degree programs.

Colorado Advisory Commission on Family Medicine

Functions of commission. The Colorado Advisory Commission on Family Medicine was created in 1976 and is statutorily placed in the Department of Health. The major function of the commission is to assure the quality of family medicine education in the state. Additional commission responsibilities include: locating specific areas in the state underserved by family physicians; monitoring the state's family medicine residency training programs; and recommending and approving allocation of funds appropriated by the General Assembly for any family medicine residency training program.

Legislative recommendations for Colorado Advisory Commission on Family Medicine. Testimony before the committee by representatives of the Advisory Commission on Family Medicine provided the following legislative proposals:

- 1) Commission membership should be expanded to include the director of any family medicine program accredited by the American Osteopathic Association or the American Medical Association.
- 2) The advisory functions of the commission, as enumerated by statute, should be expanded to include offering to the General Assembly alternative ideas on providing medical care to Colorado's medically indigent citizens.

BILL 15

A BILL FOR AN ACT

1 CONCERNING THE BOARD OF EXAMINERS OF NURSING HOME
2 ADMINISTRATORS, AND PROVIDING FOR THE CONTINUATION
3 THEREOF.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

Provides a new termination date for the board of examiners of nursing home administrators.

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

5 SECTION 1. 24-34-104, Colorado Revised Statutes 1973,
6 1982 Repl. Vol., is amended BY THE ADDITION OF A NEW
7 SUBSECTION to read:

8 24-34-104. General assembly review of regulatory
9 agencies for termination, continuation, or reestablishment.

10 (4.8) The following boards and agencies in the division of
11 registrations shall terminate on July 1, 1993: Board of
12 examiners of nursing home administrators, created by article
13 39 of title 12, C.R.S. 1973.

1 SECTION 2. Repeal. 24-34-104 (4.1) (b) (III), Colorado
2 Revised Statutes 1973, 1982 Repl. Vol., is repealed.

3 SECTION 3. Effective date. This act shall take effect
4 July 1, 1983.

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

BILL 16

A BILL FOR AN ACT

1 CONCERNING THE DIVISION OF RACING EVENTS, INCLUDING THE
2 COLORADO RACING COMMISSION, AND PROVIDING FOR THE
3 CONTINUATION THEREOF.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

Provides a new termination date for the division of racing events, including the Colorado racing commission.

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

5 SECTION 1. 24-34-104, Colorado Revised Statutes 1973,
6 1982 Repl. Vol., is amended BY THE ADDITION OF A NEW
7 SUBSECTION to read:

8 24-34-104. General assembly review of regulatory
9 agencies for termination, continuation, or reestablishment.

10 (4.8) The following divisions in the department of regulatory
11 agencies shall terminate on July 1, 1993: The division of
12 racing events, including the Colorado racing commission,
13 created by article 60 of title 12, C.R.S. 1973.

1 SECTION 2. Repeal. 24-34-104 (4.1) (a) (II), Colorado
2 Revised Statutes 1973, 1982 Repl. Vol., is repealed.

3 SECTION 3. Effective date. This act shall take effect
4 July 1, 1983.

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

BILL 17

A BILL FOR AN ACT

1 CONCERNING THE PASSENGER TRAMWAY SAFETY BOARD, AND PROVIDING
2 FOR THE CONTINUATION THEREOF.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

Provides a new termination date for the passenger tramway safety board.

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

4 SECTION 1. 24-34-104, Colorado Revised Statutes 1973,
5 1982 Repl. Vol., is amended BY THE ADDITION OF A NEW
6 SUBSECTION to read:

7 24-34-104. General assembly review of regulatory
8 agencies for termination, continuation, or reestablishment.

9 (4.8) The following boards and agencies in the division of
10 registrations shall terminate on July 1, 1993: The passenger
11 tramway safety board, created by part 7 of article 5 of title
12 25, C.R.S. 1973.

13 SECTION 2. Repeal. 24-34-104 (4.1) (b) (I), Colorado

1 Revised Statutes 1973, 1982 Repl. Vol., is repealed.

2 SECTION 3. Effective date. This act shall take effect
3 July 1, 1983.

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

BILL 18

A BILL FOR AN ACT

1 CONCERNING THE OFFICE OF REGULATORY REFORM, AND PROVIDING FOR
2 THE CONTINUATION THEREOF.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

Provides a new termination date for the office of regulatory reform.

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

4 SECTION 1. 24-34-104 (4.5), Colorado Revised Statutes
5 1973, 1982 Repl. Vol., is amended BY THE ADDITION OF A NEW
6 PARAGRAPH to read:

7 24-34-104. General assembly review of regulatory
8 agencies for termination, continuation, or reestablishment.

9 (4.5) (c) The following office in the office of the executive
10 director of the department of regulatory agencies shall
11 terminate on July 1, 1987: The office of regulatory reform,
12 created by part 9 of this article.

13 SECTION 2. Repeal. 24-34-104 (4.1) (c), Colorado

1 Revised Statutes 1973, 1982 Repl. Vol., is repealed.

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

BILL 19

A BILL FOR AN ACT

1 CONCERNING THE DIVISION OF CENTRAL SERVICES, AND PROVIDING FOR
2 THE CONTINUATION THEREOF.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

Continues the division of central services in the department of administration and takes the division out of the sunset review process.

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

4 SECTION 1. Repeal. 24-30-1110, Colorado Revised
5 Statutes 1973, 1982 Repl. Vol., is repealed.

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

BILL 20

A BILL FOR AN ACT

1 CONCERNING THE COLORADO COMMISSION ON HIGHER EDUCATION, AND
2 PROVIDING FOR THE CONTINUATION THEREOF.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

Continues the Colorado commission on higher education.

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

4 SECTION 1. 23-1-114, Colorado Revised Statutes 1973, as
5 amended, is amended to read:

6 23-1-114. Commission subject to termination. Unless
7 continued by the general assembly, the commission shall
8 terminate on July 1, ~~1983~~ 1989. The provisions of section
9 24-34-104 (5) to ~~(11)~~ (12), C.R.S. 1973, concerning a wind-up
10 period, an analysis and evaluation, public hearings, and
11 claims by or against an agency shall apply to the commission;
12 except that the executive director of the Colorado commission
13 on higher education shall perform the duties of the executive

1 director of the department of regulatory agencies set forth
2 under such section, and the factors listed in section
3 24-34-104 (9) (b), C.R.S. 1973, which are applicable only to
4 regulatory agencies shall not be considered.

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

BILL 21

A BILL FOR AN ACT

1 CONCERNING THE ADVISORY COMMISSION ON FAMILY MEDICINE, AND
2 PROVIDING FOR THE CONTINUATION THEREOF.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

Continues the advisory commission on family medicine.

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

4 SECTION 1. 25-1-904, Colorado Revised Statutes 1973,
5 1982 Repl. Vol., is amended to read:

6 25-1-904. Commission subject to termination. Unless
7 continued by the general assembly, the commission shall
8 terminate on July 1, ~~1983~~ 1989. Only the provisions of
9 section 24-34-104 (5) to ~~(11)~~ (12), C.R.S. 1973, concerning a
10 wind-up period and claims by or against an agency shall apply
11 to the commission.

12 SECTION 2. Safety clause. The general assembly hereby
13 finds, determines, and declares that this act is necessary

- 1 for the immediate preservation of the public peace, health,
- 2 and safety.

LEGISLATIVE COUNCIL
COMMITTEE ON LEGISLATIVE PROCEDURES

Members of the Committee

Rep. John Hamlin,
Chairman
Sen. Dan Noble,
Vice Chairman
Sen. Fred Anderson
Sen. Regis Groff

Rep. Carl "Bev" Bledsoe
Rep. Federico Pena
Rep. Ronald Strahle

Council Staff

Tina Walls
Senior Analyst

Legislative
Drafting Staff

Doug Brown
Director

Becky Lennahan
Assistant Director

Margaret Makar
Staff Attorney

SUMMARY OF RECOMMENDATIONS

As part of the interim Committee on Procedures' continuing responsibility for studying and examining the procedures of the General Assembly, a number of topics were addressed. The committee recommends the bills and resolutions and the findings concerning the legislative bill room service and other procedural matters listed below.

Resolutions and Bills

Resolution 2 provides for a procedure in Joint Rule 4 to correct an error, conflict or inconsistency in a conference committee report to reflect the true intent of the General Assembly.

Resolution 3 amends Joint Rule 24 (c) to require legislators to provide bill draft information to the Legislative Drafting Office within two working days of the bill draft request.

Resolution 4 eliminates the House Committee on Game, Fish, and Parks.

Resolution 5 adjusts the deadlines for the even-numbered year sessions to meet the 140-day deadline approved by the voters in the 1982 general election. The deadlines changed are: prefiled bills -- November 15; bill draft requests -- 10th legislative day; recess -- 115th legislative day; and reconvene for adjournment sine die -- 137th legislative day. Also, interim bills are exempt from the prefiled bill deadline, prefiled bills are limited to four, and other bills, except appropriations bills, are limited to two.

Resolution 6 repeals and reenacts Joint Rule 33. Joint Rule 33 concerns the authority of the General Assembly to vest subpoena powers in any committee created pursuant to statute or resolution or, during the interim, the legislative council's authority to vest such powers in any interim committee or other committee established by statute or resolution. In addition, the required content of a subpoena and the procedure for serving a subpoena is described. The resolution also adds Joint Rule 33A which defines the conduct of any person which constitutes direct or indirect contempt of the General Assembly, either house thereof, or a committee thereof and the procedure for determining indirect contempt during a legislative session and during the interim. A legislatively imposed penalty for contempt is also specified.

Bill 22 provides that the General Assembly may prescribe procedures for issuing and enforcing subpoenas; the president of the senate, the speaker of the house, or a chairman of any committee of the General Assembly may administer oaths; "in camera" hearings (closed hearings) may be held and a portion of

subpoenaed evidence or testimony may be designated exempt from the public records law; persons who do not obey a subpoena are subject to criminal punishment by a fine not to exceed \$500, imprisonment of not more than one year, or both; and the General Assembly, either house, or a committee may apply to the courts for the enforcement of a subpoena, for a finding of contempt, or for enforcement of the General Assembly's finding of contempt.

Bill 23 changes the senate official for approving contracts from the majority leader to the senate president.

Bill 24 requires progress reports from the Department of Administration on its performance of duties relating to capital construction and controlled maintenance for those areas of the state capitol building under the jurisdiction of the General Assembly.

Bill Room Service

The committee recommends changes in the legislative bill information (i.e., introduced bills, journals, calendars, status sheet, bill subject index) provided by the legislative bill room to paying and non-paying boxholders. For boxholders who pay for and pickup the service, fifty copies of each reengrossed and rerevised bill will be available, except the Long Bill, on a first come basis. Boxholders who are mailed bill information, on a weekly basis without charge, will no longer receive the house and senate calendars as a part of the legislative bill service. Boxholders will be notified of the new policy prior to the 1983 legislative session.

Other Committee Business

The committee also transmits the following recommendations and committee actions on other matters concerning the procedures of the General Assembly.

- 1) Utilize the deadline schedule expressed in Joint Rule 23 for the 1983 session.
- 2) Continue using the committee schedule from the 1981-82 biennium, except eliminate the House Committee on Game, Fish, and Parks.
- 3) A printing contract has been negotiated for the 1983-84 legislative sessions.
- 4) Install a coin operated copier in the anteroom of the print shop for nonlegislative use.
- 5) Install vending machines on the second floor for the session only.

- 6) Continue utilizing the "Oregon Plan" for procuring legal services from the Department of Law.
- 7) Adopt the 1982 pre-session orientation conference agenda.
- 8) No policy change on the method for staff to accumulate compensatory and vacation time.
- 9) The rewiring project will be completed in the subbasement, second, and third floors prior to the 1983 session. Additional funds will be necessary to complete the rewiring in the basement and first floor. The capitol cafeteria remodeling project also will be completed prior to 1983. The committee initially recommended using funds appropriated to the State Museum Building for a new chiller for the capitol complex. Use of the state museum funds, however, have been restricted by the governor.

BACKGROUND REPORT

Bills and Resolutions Recommended by the Committee

Correction of a conference committee report -- Joint Resolution 2. Currently, pursuant to Joint Rule 16, corrections of errors in spelling, punctuation, grammar, and matters of form may be made prior to engrossing or enrolling a measure if the meaning is not changed. If the meaning of a bill is changed, both houses must follow a series of procedures to withdraw adoption of a conference committee report.

The proposed rule will provide a mechanism for presenting a corrected report. A report may be presented by a conference committee to correct an error, conflict, or inconsistency which cannot be corrected pursuant to Joint Rule 16 when a technical change is necessary to reflect the true intent of the General Assembly. A corrected report may be submitted at any time as long as the first report has not been rejected by either house and the adoption of a corrected report is not considered a rejection of the first report as stated in Joint Rule 6. Joint Rule 6 provides that the only appropriate action if one house rejects a report is that either house may recede from its position on the bill and pass the bill.

Bill draft information deadline -- Joint Resolution 3. Joint Rule 24 (c) will be amended to reduce the amount of time bill draft information must be provided by a legislator to the Legislative Drafting Office after requesting a bill draft. Currently, legislators have five working days to provide any necessary information to draft a bill. The deadline will be reduced to two days. If information is not supplied within two working days, the drafting office will consider that the sponsor has withdrawn the request.

Elimination of the House Game, Fish, and Parks Committee -- Resolution 4. The committee recommends eliminating the House Committee on Game, Fish, and Parks. Any references to the committee in the joint rules of the senate and house will mean the House Committee on Agriculture, Livestock, and Natural Resources.

Committees of reference in the Colorado House of Representatives and Senate will be as follows:

<u>House Committees</u>	<u>Senate Committees</u>
(1) Agriculture, Livestock, and Natural Resources	(1) Agriculture, Natural Resources, and Energy
(2) Appropriations	(2) Appropriations
(3) Business Affairs and Labor	(3) Business Affairs and Labor
(4) Education	(4) Education

- | | |
|---|---|
| (5) Finance | (5) Finance |
| (6) Health, Environment,
Welfare, and Institutions | (6) Health, Environment,
Welfare, and Institutions |
| (7) Judiciary | (7) Judiciary |
| (8) Local Government | (8) Local Government |
| (9) State Affairs | (9) State Affairs |
| (10) Transportation and
Energy | (10) Transportation |

Even-year deadlines -- Joint Resolution 5. Since 1952 the General Assembly has met in session during the even-numbered years, as well as the odd-numbered years. The even year session, commonly known as the "short session," has been limited to subject matters designated by the governor (the so-called governor's call), and revenue raising and appropriations bills. At the 1982 general election, the voters approved a constitutional amendment which eliminated the governor's call and limited the even year session to 140 days.

In an effort to meet the 140-day constitutional deadline, the committee reviewed the existing even year deadlines outlined in Joint Rule 23. Adjustments are recommended to four deadlines (i.e. deadlines for prefiled bills, bill draft requests, recess, and reconvene for adjournment sine die) to provide adequate time for preparing prefiled bills and bill draft requests not exempt from the prefiled bill deadline, and consideration of bills by the General Assembly prior to the 140-day constitutional limitation. A comparison of the current deadlines for the even year session and the recommended changes are listed below.

	<u>Current Deadlines</u>	<u>Proposed Deadlines</u>
Prefiled Bills	December 1	November 15
Bill Draft Requests	15th legislative day	10th legislative day
Bill Introduction	30th legislative day	no change
Bills Reported Out of Committee in House of Origin	45th legislative day	no change
Final Passage in House of Origin	55th legislative day	no change

Bills Reported Out of Committee in Second House	70th legislative day	no change
Final Passage Out of Second House	80th legislative day	no change
Recess	105th legislative day	115th legislative day
Reconvene for Adjournment Sine Die	150th legislative day	137th legislative day

In addition, the resolution exempts interim committee bills in the even and odd year sessions from the prefiled bill deadline because the Legislative Council does not review interim committee recommendations until the end of November. Also in the even year session, bills are limited to six per legislator, except appropriations, delayed, and interim bills. No more than two bills may be requested after November 15.

Legislative Investigations -- Joint Resolution 6 and Bill 22. In an effort to eliminate contradictory language in the statutes and the joint rules of the General Assembly concerning summoning of witnesses and contempt of the General Assembly, the committee recommends Bill 22 and Joint Resolution 6.

Bill 22 provides that the General Assembly, by resolution, may prescribe procedures not in conflict with statutory language, to govern the issuance and enforcement of subpoenas and other matters concerning the conduct of investigations by the General Assembly, either house, or any of its committees. Such procedures may include any methods of taking testimony authorized by the Colorado Rules of Civil Procedure. The General Assembly or either house, by resolution or any other method, may vest in any committee of the General Assembly the power to issue subpoenas. If not in session, the Legislative Council may vest the power to issue subpoenas in a subcommittee of the council, interim committee, or any other legislative committee established pursuant to statute or resolution.

Other provisions enumerated in the bill include the following. An "in camera" hearing (private hearing excluding the public) may be held if the General Assembly, either house, or a committee agrees to hold such hearing by a two-thirds vote of its entire membership. Any portion of subpoenaed testimony or evidence may be exempted from the public records law by a two-thirds vote of those present. Any person summoned who willfully fails or refuses to appear or, having appeared, refuses to be sworn, testify, produce evidence, or answer any material and pertinent question, upon conviction, shall be punished by \$500 fine, or imprisonment in jail for not more than one year, or both. The bill gives the General Assembly, either house, or a committee standing to apply to a district court for the enforcement of a subpoena or general contempt proceedings. Such application may be

based on the following circumstances: to compel obedience to a subpoena; to determine whether a contempt has been committed; or to enforce a legislative finding of contempt.

While Bill 22 is a general statutory grant of authority to the General Assembly to enable it to adopt procedures for the summoning of witnesses, Joint Resolution 6 implements the bill by detailing the procedures to be followed when issuing subpoenas and determining direct and indirect contempt of the General Assembly. The resolution repeals and reenacts Joint Rule 33 to not only define who has the power to issue subpoenas and how such power may be vested in committees but also provides specific procedures for serving subpoenas and payment of witnesses.

The resolution also adds a new joint rule concerning contempt. Contempt is defined as conduct which: evidences disobedience to the orders of the General Assembly, either house, or a committee; interrupts, disturbs, or delays proceedings; evidences contempt including deception, lies, or insulting or indecorous language or expressions; or constitutes a crime or unlawful act committed in the presence of the General Assembly, either house, a committee, or against the members, or property of the General Assembly.

Direct contempt is defined as one which is committed entirely within the presence of the General Assembly, either house, or a committee. The proof of direct contempt requires no additional evidence; thus no further procedure is necessary before imposing punishment. The procedure for finding and punishing indirect contempt is specified when committed during a legislative session and when committed during the interim. A hearing must be held to determine whether indirect contempt has been committed. During the session such hearings are required to be held before the General Assembly, either house, or a committee designated to hold such hearing. During the interim such hearing may be held before the Legislative Council or a committee or a subcommittee designated by the Legislative Council.

Any person found to be guilty of contempt may be punished by a penalty of not more than five hundred dollars, or by imprisonment in the county jail for not more than six months, or both.

Legislative department contract approval -- Bill 23. Conflicts exist in the statutes pertaining to the senate official who approves legislative contracts. The committee attributes the current inconsistency to the 1974 constitutional amendment which granted the senate the right to elect one of its own members as president. Prior to 1974, the lieutenant governor was the presiding officer in the senate, and legislative contracts pertaining to the senate were approved by the majority leader. In 1979, legislation was adopted which authorized the senate president to approve the standards used by the Department of Administration for construction contracts pertaining to capital construction and controlled maintenance projects in the area of the state capitol under the jurisdiction of the General Assembly (24-30-1303 (1) (h), C.R.S. 1973, as amended).

Bill 23 changes the responsibility for approving legislative contracts from the majority leader of the senate to the president.

Controlled maintenance and capital construction progress reports -- Bill 24. Administrative problems have occurred concerning construction projects and controlled maintenance projects for the legislative branch. In some instances projects have been impeded because of administrative problems in the Department of Administration. Delays in projects have resulted when action could have been taken by the affected legislative agency. To alleviate delays in projects, Bill 24 allows the legislative agency, acting as the principal representative for a project, to request a progress report from the Department of Administration concerning controlled maintenance and capital construction projects in the capitol building which are under the jurisdiction of the General Assembly. The proposal requires the department to comply with the request for a progress report in five days.

Legislative Bill Room

The committee reviewed the legislative bill room's dissemination of bill activity information. Of particular interest was a request for copies of amended bills from boxholders who pay for the yearly bill activity service. As a part of the committee's deliberations, "paying" boxholders who pick up information from the bill room were asked to respond to a questionnaire concerning reengrossed and rerevised bills. Another questionnaire concerning the bill activity information desired and ability and willingness to pay postage was sent to those who receive information by mail without charge.

Bill room service. The bill room distributes copies of each printed bill, the daily journal for each house, the daily calendar for each house, the cumulative subject index, and the daily status sheet to paying and non-paying boxholders. Information is distributed on a daily basis to approximately 200 public and private organizations. Weekly mailings are made to over 100 organizations.

In 1982 the bill room distributed complete sets of legislative bill activity information to 142 paying and 67 non-paying boxholders who pick up the information. Generally those who pay for the service are lobbyists and those who do not pay are associated with public offices. The bill room also provides information by mail on a weekly basis to a myriad of individuals and organizations. Those who receive the service without charge are public offices (i.e., county clerks, libraries), rural newspapers, and individuals and organizations which a legislator has requested that such information be sent. Upon request in person, by mail, or phone, a citizen may request a copy of any such item distributed. The information is available without charge and will be mailed upon request. Also a copy of each printed bill is available for reference use outside the bill room and at the desk of the sergeant-at-arms located outside the committee hearing rooms.

Cost of the service. Boxholders pay \$360 per legislative session for the bill room service, if they pick up the information. If the material is mailed, the cost is \$480.

Questionnaire results -- boxholders who pay and pickup. A questionnaire was sent to boxholders who pay for and pick up bill activity information. They were asked whether or not they want to receive the reengrossed and rerevised bills and their willingness to pay an increased fee for the additional service. The response to the questions are as follows.

QUESTIONNAIRE RESULTS FROM
BILL ROOM BOXHOLDERS WHO PAY

Number of Questionnaires Mailed	138
Number of Responses	93
Percentage Returned	67%

<u>Question No. 1</u>	<u>Yes</u>	<u>No</u>	<u>No Response</u>
Do you want to receive the reengrossed and rerevised versions of all bills?	56	36	1
% of response	60%	39%	1%

<u>Question No. 2</u>	<u>Yes</u>	<u>No</u>	<u>No Response</u>
Are you willing to pay an increased fee for the additional service?	55	29	9
% of response	59%	31%	10%

Comments were not solicited; however, twenty percent of the respondents suggested providing only the reengrossed and rerevised bills of interest.

Committee recommendation. The committee recommends providing fifty copies of each reengrossed and rerevised bill, except the Long Bill. Distribution will be on a first come basis. Boxholders will be notified of the policy prior to the opening of the 1983 legislative session.

Questionnaire results for boxholders mailed information without charge. A questionnaire was sent to boxholders who are mailed bill information without charge. They were asked to list the information

which is necessary to best serve their clientele. They also were asked whether or not they are willing to pay postage and if they will discontinue the service if required to pay postage. The response to the questions are as follows.

QUESTIONNAIRE RESULTS FROM BILL ROOM BOXHOLDERS
MAILED INFORMATION WITHOUT CHARGE

Number of Questionnaires Mailed	91
Number of Responses	51
Percentage Returned	56%

Question No. 1

Please indicate with an "X" the information which is necessary to best serve your clientele.

Daily Status Sheet	33
Cumulative Subject Index	30
House and Senate Daily Journal	20
House and Senate Daily Calendar	11
Each Bill Introduced	42

	<u>Yes</u>	<u>No</u>	<u>No Response</u>
<u>Question No. 2</u>			
Are you willing to pay postage?	22	24	5
% of response	43%	47%	10%

Question No. 3

Will you discontinue the service if you are required to pay postage?	13	29	9
% of response	25%	57%	18%

Committee recommendation. The committee recommends continuing the practice of providing each introduced bill, a weekly status sheet, cumulative subject index, and the daily journals. The only portion of the service discontinued is the daily calendars. No charge will be assessed for the bill information or postage.

Other Committee Business

Deadline schedule for the 1983 session. The committee reviewed the deadline schedule followed by the General Assembly in the 1981

session. No changes are recommended to the schedule. The committee recommends the following deadline schedule for the 1983 session.

1983 LEGISLATIVE SESSION DEADLINE DATES

December 1, 1982 (Wednesday)	Deadline for members to request a bill to be drafted for prefiling thus avoiding six bill limit.
January 5, 1983 (Wednesday)	General Assembly convenes.
February 3, 1983 (Thursday)	30th legislative day -- deadline for members to request a bill to be drafted.
March 5, 1983 (Saturday)	60th legislative day -- deadline for members to introduce bills.
March 25, 1983 (Friday)	80th legislative day -- deadline for bills to be reported out of committee in house of origin.
April 9, 1983 (Saturday)	95th legislative day -- deadline for bills to be passed by the house of origin.
April 24, 1983 (Sunday)	110th legislative day -- deadline for bills to be reported out of committee in second house.
May 4, 1983 (Wednesday)	120th legislative day -- deadline for bills to be passed by the second house.
May 14, 1983 (Saturday)	130th legislative day -- deadline for recess to permit governor to dispose of all bills (usually a recess of approximately two or three weeks is scheduled).
June 28, 1983 (Tuesday)	175th legislative day -- deadline for adjournment sine die.

Committee schedule. The committee recommends adoption of the committee of reference schedule used for the fifty-third General Assembly. The only change is the elimination of the House Game, Fish, and Parks Committee as proposed in Resolution 3. (See Appendix A.)

Printing contract for the 1983-84 biennium. Prior to each biennium, a legislative printing contract is negotiated to provide for

the printing of house and senate calendars, journals, bills, memorials, and resolutions, and the binding of journals and session laws. A printing contract has been negotiated for the fifty-fourth biennium.

Pay copier. The 1981 procedures committee recommended the installation of a pay copy machine for lobbyists and other persons who require copy services during the session. During the 1982 session, the pay copy machine reduced the number of interruptions experienced by the print room staff and the legislative copying equipment became more accessible for legislators and staff. Lobbyists' and citizens' usage of the coin operated copier increased as individuals became aware of its installation. The primary use of the equipment is for documents pertaining to the legislative process. The committee recommends installing a pay copier for the 1983 session. The committee also plans to evaluate the cost and usage during the 1983 interim.

Vending machines. The operator of the capitol cafeteria has agreed to install vending machines in the hallway west of the senate chambers for the 1983 session. The practice began during the 1982 session.

Oregon Plan for legal services. As reported to the interim committee, the "Oregon Plan" is designed to provide legal services in a similar manner as a private individual might hire a private legal firm for specific legal work. The plan was instituted to provide an incentive to agencies to minimize the use of legal service.

Funds are appropriated to state agencies for services rendered by the Colorado Department of Law. An equivalent amount of cash spending is authorized for the department. The law department's attorneys and other legal staff monitor the amount of time spent per job in 15 minute units. Monthly bills are prepared and presented to an agency based on the units of time used. Each agency controls the nature and extent of the legal services, with the advice of the law department. The department also receives a direct appropriation for legal work which cannot be attributed to a specific state agency (i.e., water litigation).

The committee's primary concern was whether or not the plan works for the legislative branch. Problems occurred concerning the amount of time available for legal services for each legislator. Also billing statements which were submitted by the Department of Law to the legislative branch were occasionally incorrect. The department responded that the amount of legal services provided to the General Assembly should be monitored to account for the amount of time used for each legislator. A monitoring system reduces the amount of unnecessary legal research conducted by the department. The department also assured the committee that any billing errors would be adjusted.

The committee recommends continuation of the Oregon Plan for procuring legal service for the General Assembly.

Pre-session orientation conference. Prior to each biennium, a pre-session orientation conference is held for newly elected members of the Colorado General Assembly. In the past, the conference has addressed the work of the legislative service agencies, the procedures of each house, and other matters pertinent to the legislative process. The agenda for the 1982 orientation conference, as recommended by the interim committee, will expand the conference to include seminars on statewide issues (i.e., state fiscal policy, school finance, education, criminal justice, water) and provide personal experience with the legislative process through moot or mock committee and floor sessions. The agenda recommended by the committee is illustrated in Appendix B.

Staff accumulated compensatory and vacation time. The 1981 interim committee reviewed in detail the amount of compensatory and vacation time accumulated by legislative staff. The committee determined that the accumulation of time was concentrated in two agencies, legal services and legislative council. The committee recommended that compensatory time be reduced and the directors report yearly the time accumulated by staff to the appropriate governing body and the legislative leadership. The number of staff in each agency which have accumulated vacation and compensatory time in excess of the state personnel guidelines is as follows.

Number of Employees with Compensatory and Vacation
Time Accrued in Excess of the Days Permitted by the
State Personnel System

	As of October 31, <u>1981</u>	As of October 31, <u>1982</u>
Legislative Council	6	8 ¹ / ₂
Legal Services Committee Staff	16	5 ² / ₃
House Staff	1	1
Senate Staff	1	0
JBC	0	0
Auditor's Office	<u>0</u>	<u>0</u>
TOTAL	24	14

1/ Four of eight staff member's excess compensatory and vacation time is less than one week.

2/ The excess compensatory and vacation time accrued by the Legal Services Committee staff will be paid over a five-year period.

The committee does not recommend any change in the compensatory and vacation policy.

Construction Projects

Capitol rewiring. Based on the 1981 interim committee's recommendation, the 1982 General Assembly appropriated \$290,000 in addition to the \$550,000 appropriated in 1981 for the completion of the rewiring project in the capitol building. The project will be completed prior to the 1983 session in the subbasement, second and third floors. An additional appropriation will be necessary to complete the project in the basement and first floors.

Capitol cafeteria. The remodeling of the capitol cafeteria began in September, 1982. The 1981 committee suggested the 1982 schedule so that the project would not interfere with the legislative session. The project will be completed prior to the 1983 legislative session.

Chiller equipment. The committee recommends utilizing a portion of the \$1.25 million previously appropriated for the remodeling of the State Museum Building for a 650 ton chiller for the capitol complex. The current air conditioning system for the complex does not have sufficient chiller capacity to provide air conditioning for the museum building when it is remodeled. In addition, the current chiller capacity for the capitol complex is inadequate.

The recommendation has been suspended, because the governor has restricted the use of capital construction funds.

JOINT RESOLUTION 2

1 Be It Resolved by the House of Representatives of the
2 Fifty-fourth General Assembly of the State of Colorado, the
3 Senate concurring herein:

4 That Joint Rule No. 4 of the Joint Rules of the Senate
5 and House of Representatives is amended BY THE ADDITION OF A
6 NEW SUBSECTION to read:

7 4. CONFERENCE COMMITTEES

8 (h) If the report of a conference committee contains an
9 error, conflict, or inconsistency which cannot be
10 corrected pursuant to Joint Rule No. 16 (a), and a
11 technical change is necessary in order to reflect
12 the true intent of the general assembly, the
13 conference committee may present a second report for
14 the sole purpose of correcting such error, conflict,
15 or inconsistency. Such a second report shall be
16 clearly labeled as a corrected report. A corrected
17 report may be presented at any time, but it may not
18 be presented if the first report has been rejected
19 by either house. A corrected report shall be first
20 considered by the house assenting to the conference,
21 without the necessity of a motion for
22 reconsideration or the matter being placed on the
23 calendar, and the motions shall be "To adopt the
24 corrected report of the conference committee in lieu
25 of the first report of said committee", and "To
26 repass the measure as amended". If the motions
27 pass, the measure shall be considered as having been
28 repassed with the corrections contained in the
29 corrected report and shall be transmitted to the
30 house requesting the conference for similar action.
31 No action taken on a corrected report pursuant to
32 this paragraph (1) shall be deemed to be the
33 rejection of the first report of the conference
34 committee within the meaning of Joint Rule No. 6.

JOINT RESOLUTION 3

1 Be It Resolved by the House of Representatives of the
2 Fifty-fourth General Assembly of the State of Colorado, the
3 Senate concurring herein:

4 That Joint Rule No. 24 (c) of the Joint Rules of the
5 Senate and House of Representatives is amended to read:

6 24. SPONSORSHIP OF BILLS

7 (c) Any member of the General Assembly who submits a bill
8 draft request to the Legislative Drafting Office by
9 subject only shall be required to provide the necessary
10 information to enable said office to proceed with the
11 drafting of the bill within ~~five~~ TWO WORKING days after
12 making the request. Failure to submit such information
13 within the prescribed time period shall be considered as
14 a request by a member to withdraw the bill draft request.
15

JOINT RESOLUTION 4

1 Be It Resolved by the House of Representatives of the
2 Fifty-fourth General Assembly of the State of Colorado:

3 That Rule No. 25 (a) of the Rules of the House of
4 Representatives is REPEALED AND REENACTED, WITH AMENDMENTS, to
5 read:

6 25. COMMITTEES

7 (a) Committees of reference of the House shall be:

- 8 (1) Agriculture, Livestock, and Natural Resources.
9 (2) Appropriations.
10 (3) Business Affairs and Labor.
11 (4) Education.
12 (5) Finance.
13 (6) Health, Environment, Welfare, and Institutions.
14 (7) Judiciary.
15 (8) Local Government.
16 (9) State Affairs.
17 (10) Transportation and Energy.

18 That Rule No. 25 (k) (1) of the Rules of the House of
19 Representatives is amended, and the said Rule No. 25 is
20 further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

21 25. COMMITTEES

22 (k) (1) The committees of reference as listed in subsection
23 (a) of this rule shall be placed in the following
24 categories for the purpose of scheduling meetings:

1	<u>Category</u>	<u>Committee</u>
2	1	Business Affairs and Labor.
3		Judiciary.
4		State Affairs.
5	2	Education.
6		Health, Environment, Welfare, and
7		Institutions.
8		Local Government.
9	3	Agriculture, Livestock, and Natural
10		Resources.
11		Finance.
12		Transportation and Energy.
13	4	Appropriations.
14		Game;--Fish;--and-Parks:

15 (1) Any reference in the joint rules of the Senate and House
16 of Representatives to the House committee on Game, Fish,
17 and Parks shall be deemed to mean the House committee on
18 Agriculture, Livestock, and Natural Resources.

19 Be It Further Resolved, That this Resolution shall apply
20 to the first regular session of the Fifty-fourth General
21 Assembly and thereafter.

JOINT RESOLUTION 5

1 Be It Resolved by the House of Representatives of the
2 Fifty-fourth General Assembly of the State of Colorado, the
3 Senate concurring herein:

4 That Joint Rule No. 23 (a) of the Joint Rules of the
5 Senate and House of Representatives is amended, and the said
6 Joint Rule No. 23 is further amended BY THE ADDITION OF A NEW
7 SUBSECTION, to read:

8 23. DEADLINE SCHEDULE

9 (a) Deadline schedule. For the purposes of organizing
10 the legislative session, the schedule for the
11 enactment of legislation shall be as follows:

12 Odd-year Session

13 First House
14 Deadlines:

15 30th day Deadline for bill draft requests to the Legislative
16 Drafting Office.*

17 60th day Deadline for the introduction of bills. No bill
18 delivered by the Legislative Drafting Office on or
19 before the fiftieth legislative day shall be
20 introduced more than ten legislative days after
21 such delivery. Any bill delivered by the
22 Legislative Drafting Office on or after the
23 fifty-first legislative day shall be introduced not
24 later than the sixtieth legislative day.*

25 80th day Deadline for committees of reference to report
26 bills originating in their own house.*

27 95th day Deadline for final passage of bills in the house of
28 introduction.*

29 Second House

- 1 Deadlines:
- 2 110th day Deadline for committees of reference to report
3 bills originating in the other house.*
- 4 120th day Deadline for final passage of all bills originating
5 in the other house.
- 6 130th day Deadline for recess.
- 7 175th day Reconvene for adjournment sine die unless earlier
8 reconvened by joint notice by the President of the
9 Senate and the Speaker of the House of
10 Representatives.

11 *Appropriation bills are excluded from these deadlines.

12 Even-year Session

13 First House
14 Deadlines:

- 15 15th day Deadline for bill draft requests to the Legislative
16 10TH Drafting Office.*
- 17 30th day Deadline for the introduction of bills. No bill
18 delivered by the Legislative Drafting Office on or
19 before the twentieth legislative day shall be
20 introduced more than ten legislative days after
21 such delivery. Any bill delivered by the
22 Legislative Drafting Office on or after the
23 twenty-first legislative day shall be introduced
24 not later than the thirtieth legislative day.*
- 25 45th day Deadline for committees of reference to report
26 bills originating in their own house.*
- 27 55th day Deadline for final passage of bills in the house of
28 introduction.*

29 Second House
30 Deadlines:

- 31 70th day Deadline for committees of reference to report
32 bills originating in the other house.*
- 33 80th day Deadline for final passage of all bills originating
34 in the other house.
- 35 105th day Deadline for recess.
36 115TH

1 150th day Reconvene for adjournment sine die unless earlier
2 137TH reconvened by joint notice by the President of the
3 Senate and the Speaker of the House of
4 Representatives.

5 *Appropriation bills are excluded from these deadlines.

6 (d) The maximum of one hundred forty calendar days
7 prescribed by section 7 of article V of the state
8 constitution for regular sessions of the general
9 assembly convening in even-numbered years shall be
10 deemed to be one hundred forty consecutive calendar
11 days.

12 That Joint Rule No. 24 (b) of the Joint Rules of the
13 Senate and House of Representatives is amended to read:

14 24. SPONSORSHIP OF BILLS

15 (b) (1) (A) A member of the General Assembly may not introduce
16 more than six bills in a regular session of the
17 General Assembly CONVENING IN AN ODD-NUMBERED YEAR,
18 excluding bills for appropriations, BILLS
19 RECOMMENDED BY AN INTERIM COMMITTEE OR BY A
20 COMMITTEE CREATED BY STATUTE OR RESOLUTION WHICH
21 OPERATES DURING THE INTERIM, and bills requested of
22 the Legislative Drafting Office no later than
23 December 1, which the member has specified to be
24 prefiled, except when given permission to exceed
25 the limit established by this rule by the Senate
26 Committee on Delayed Bills for members of the
27 Senate and the House Committee on Delayed Bills for
28 members of the House of Representatives. ~~except~~
29 ~~that nothing in this subsection (b) shall limit the~~
30 ~~number of bills originating in the other house~~
31 ~~which a member may introduce in the second house.~~

32 (B) A MEMBER OF THE GENERAL ASSEMBLY MAY NOT INTRODUCE
33 MORE THAN SIX BILLS IN A REGULAR SESSION OF THE
34 GENERAL ASSEMBLY CONVENING IN AN EVEN-NUMBERED
35 YEAR, EXCLUDING BILLS FOR APPROPRIATIONS AND BILLS
36 RECOMMENDED BY AN INTERIM COMMITTEE OF BY A
37 COMMITTEE CREATED BY STATUTE OR RESOLUTION WHICH
38 OPERATES DURING THE INTERIM, EXCEPT WHEN GIVEN
39 PERMISSION TO EXCEED THE LIMIT ESTABLISHED BY THIS
40 RULE BY THE SENATE COMMITTEE ON DELAYED BILLS FOR
41 MEMBERS OF THE SENATE AND THE HOUSE COMMITTEE ON
42 DELAYED BILLS FOR MEMBERS OF THE HOUSE. OF THE
43 BILLS WHICH ARE SUBJECT TO THE SIX-BILL LIMIT UNDER
44 THIS SUBPARAGRAPH (B), NOT MORE THAN TWO BILLS MAY

1 BE REQUESTED AFTER THE NOVEMBER 15 WHICH PRECEDES
2 THE CONVENING OF THE REGULAR SESSION IN AN
3 EVEN-NUMBERED YEAR. BILLS REQUESTED ON OR BEFORE
4 SAID NOVEMBER 15 SHALL BE TREATED AS PREFILED
5 BILLS, UNLESS THE MEMBER MAKING THE REQUEST
6 SPECIFIES OTHERWISE.

7 (C)NOTHING IN THIS SUBSECTION (b) SHALL LIMIT THE
8 NUMBER OF BILLS ORIGINATING IN THE OTHER HOUSE
9 WHICH A MEMBER MAY INTRODUCE IN THE SECOND HOUSE.

10 (2) If a bill which would be excluded from the
11 limitation imposed by SUBPARAGRAPH (A) OF paragraph
12 (1) of this subsection (b) as a prefiled bill is
13 not introduced on the convening day of the
14 legislative session, the bill shall be excluded
15 from such limitation if the failure to introduce
16 the bill is due to the workload of the Legislative
17 Drafting Office and was not due to the delay of the
18 member.

JOINT RESOLUTION 6

1

2 Be It Resolved by the of the
3 Fifty-fourth General Assembly of the State of Colorado, the
4 concurring herein:

5

6 That Joint Rule No. 33 of the Joint Rules of the Senate
7 and House of Representatives is REPEALED AND REENACTED, WITH
8 AMENDMENTS to read:

8

33. SUBPOENAS

9

10

11

12

13

14

(a) (1) The General Assembly or either house thereof may vest in any committee thereof or any legislative committee created by statute or by resolution the power to subpoena witnesses, to take testimony under oath, and to assemble records, documents, and other evidence by subpoena duces tecum or otherwise.

15

16

17

18

19

20

21

22

23

24

(2) When the General Assembly is not in session, the legislative council may vest in any interim or other legislative committee established pursuant to statute or resolution the power to subpoena witnesses, to take testimony under oath, and to assemble records, documents, and other evidence by subpoena duces tecum or otherwise. The power to subpoena vested under this paragraph (2) shall continue until revoked by the General Assembly or the legislative council.

25

26

27

28

29

30

31

32

(b) (1) Whenever a subpoena is issued by the General Assembly, either house thereof, or any committee thereof, such subpoena shall: State the name of the issuing body, the authority under which the subpoena is issued, and the subject of the inquiry and command each person to whom it is issued to attend and give testimony at a time and place specified in such subpoena. A subpoena may also command the

1 person to whom it is directed to produce such books,
2 records, documents, or other tangible evidence as
3 the issuing body may require.

4 (2) Service of a subpoena may be made by a sheriff, his
5 deputy, or any other person who is at least eighteen
6 years of age and not interested in the proceeding.
7 Service shall be made by delivering a copy of the
8 subpoena to the person named not later than
9 forty-eight hours before the time specified for
10 appearance in such subpoena unless, for good cause
11 shown, a majority of the issuing body authorizes
12 service within such forty-eight-hour period. The
13 amount of fees for attendance and mileage shall be
14 the same as that allowed by law for witnesses in
15 civil cases and shall be paid after the witness is
16 discharged from further attendance.

17 (3) If any person issued a subpoena pursuant to this
18 joint rule believes such subpoena to be unreasonable
19 or oppressive, relief therefrom shall be requested
20 in writing from the issuing body, accompanied by a
21 statement of the reasons for such belief.

22 (c) Any witness subpoenaed to give testimony or produce
23 evidence may have legal counsel present to advise him.

24 (d) A subpoena shall be signed by the President of the Senate
25 or Speaker of the House of Representatives, or both, or
26 the chairman of a committee, but only upon the vote of a
27 majority of a quorum of the General Assembly, either
28 house, or the committee, as the case may be.

29 (e) The primary purpose of this joint rule is to assist the
30 General Assembly, the houses thereof, and the committees
31 thereof in the performance of their duties through the
32 use of the subpoena power.

33 That the Joint Rules of the Senate and House of
34 Representatives are amended BY THE ADDITION OF A NEW JOINT
35 RULE to read:

36 33A. CONTEMPT

37 (a) Definitions. (1) Contempt shall consist of the conduct
38 of any person which:

39 (A) Evidences disobedience to the orders, including
40 any subpoena, of the General Assembly, either
41 house thereof, or a committee thereof;

1 (B) Interrupts, disturbs, or delays the proceedings
2 of the General Assembly, either house thereof,
3 or a committee thereof;

4 (C) Evidences contempt, including, but not limited
5 to, deception, lies, or insulting or indecorous
6 language or expressions, directed toward and in
7 the presence of the General Assembly or a
8 house, committee, or member thereof and tending
9 to impair the authority or dignity of the
10 General Assembly, either house thereof, or a
11 committee thereof;

12 (D) Constitutes a crime or unlawful act committed
13 in the presence of the General Assembly, either
14 house thereof, or a committee thereof or
15 against the members or property thereof.

16 (2) A direct contempt is one committed entirely within
17 the presence of the General Assembly, either house
18 thereof, or a committee thereof, the proof of which
19 requires no additional evidence.

20 (b) Indirect contempt committed during the legislative
21 session. (1) The General Assembly, the Senate, and the
22 House of Representatives may each impose punishment as
23 provided in this subparagraph (b) for contempt committed
24 against any one of them or a committee thereof during a
25 regular or special legislative session. In all cases
26 where punishment is imposed under this joint rule, except
27 those involving direct contempt, a hearing shall be held
28 to determine whether a contempt has been committed. Such
29 hearing may be before the General Assembly, either house
30 thereof, or a committee designated to hold such hearing.

31 (2) (A) If the contempt was committed against the
32 General Assembly or either house thereof, a
33 resolution calling for a hearing must be
34 approved by a majority of the membership of the
35 affected body. If the contempt was committed
36 against a committee, the resolution calling for
37 a hearing must first be approved by a majority
38 of the membership of the committee and then of
39 the parent house or, in the case of a joint
40 committee, of both houses. Persons named in
41 the resolution shall be served a copy thereof,
42 together with a notice of the hearing, in the
43 same manner as is provided by law and the
44 Colorado rules of civil procedure for the
45 acquisition of jurisdiction over the person in
46 civil actions.

- 1 (B) A notice to the alleged contemnor shall
2 include:
- 3 (I) A general statement of the facts
4 constituting the contempt;
- 5 (II) A general statement of the procedure
6 followed by the committee, house, or
7 General Assembly;
- 8 (III) A statement of the time and place of the
9 contempt hearing;
- 10 (IV) An advisement of the person's rights.
- 11 (C) The time and place for the hearing shall allow
12 the person a reasonable period of time to
13 prepare an appropriate defense of the charges
14 against him.
- 15 (3) At the contempt hearing, the person cited shall have
16 the right to counsel and an opportunity to be heard
17 and submit written arguments or other evidence.
- 18 (4) If a committee is designated to hold the hearing, it
19 shall report its findings and recommendations to the
20 parent house.
- 21 (5) If the General Assembly, or the House or the Senate
22 finds, by a majority vote after notice and a hearing
23 as required in this subsection (b), that the person
24 cited has committed a contempt against it, the cited
25 person is guilty of contempt.
- 26 (c) Indirect contempt committed during an interim. (1) When
27 the General Assembly is not in session, the finding and
28 imposition of any punishment for contempt by any
29 committee of the General Assembly or either house
30 thereof, a subcommittee, an interim committee, or a
31 committee created by statute or resolution, a majority of
32 the members of which are legislators, may only be made as
33 provided in this subsection (c). In all cases where
34 punishment is to be imposed under this joint rule, except
35 those involving direct contempt, a hearing shall be held
36 to determine whether a contempt has been committed. Such
37 hearing may be before the legislative council or a
38 committee or a subcommittee designated by the legislative
39 council to hold such hearing.
- 40 (2) (A) A resolution calling for a hearing must be
41 approved by a majority of the membership of the

1 committee. Persons named in the resolution
2 shall be served a copy thereof, together with a
3 notice of the hearing, in the same manner as is
4 provided by law and the Colorado rules of civil
5 procedure for the acquisition of jurisdiction
6 over the person in civil actions.

7 (B) A notice to the alleged contemnor shall
8 include:

9 (I) A general statement of the facts
10 constituting the contempt;

11 (II) A general statement of the procedure
12 followed by the committee;

13 (III) A statement of the time and place of the
14 contempt hearing;

15 (IV) An advisement of the person's rights.

16 (C) The time and place for the hearing shall allow
17 the person a reasonable period of time to
18 prepare an appropriate defense of the charges
19 against him.

20 (3) At the contempt hearing, the person cited shall have
21 the right to counsel and an opportunity to be heard
22 and shall submit written arguments or other
23 evidence.

24 (4) If a committee or subcommittee is designated to hold
25 a hearing, it shall report its findings and
26 recommendations to the legislative council.

27 (5) If the legislative council finds, by a majority vote
28 after notice and a hearing as required in this
29 subsection (c), that the person cited has committed
30 a contempt against it, the cited person is guilty of
31 contempt.

32 (d) Punishment. (1) (A) Except as provided in subparagraph
33 (B) of this paragraph (1), any person found guilty of
34 contempt under this joint rule shall be punished by a
35 penalty of not more than five hundred dollars, or by
36 imprisonment in the county jail for not more than six
37 months, or by both such fine and imprisonment.

38 (B) Any person found guilty of contempt for
39 refusing to testify or produce evidence in
40 accordance with Joint Rule No. 33 of these

1 rules may be punished by a penalty of up to
2 twenty-five dollars for each calendar day of
3 refusal to obey a lawful order or demand of the
4 General Assembly or either house thereof or a
5 committee thereof or by imprisonment in the
6 county jail until such time as he notifies the
7 officer or officers issuing the warrant of his
8 consent to give such testimony or produce such
9 evidence.

10 (C) If a person cited for contempt fails to appear
11 at the time and place designated, a warrant for
12 his arrest may issue to the county sheriff.
13 Such warrant shall fix the time and place for
14 the production of such person for the hearing
15 on contempt. The body which will hold the
16 contempt hearing shall direct by endorsement
17 thereon the amount of the bail required, and
18 such person shall be discharged upon delivery
19 to and approval by the sheriff of a written
20 undertaking, executed by two or more sufficient
21 sureties or a corporate surety company, to the
22 effect that he will appear at the time and
23 place designated in the warrant and at any time
24 thereafter to which the contempt hearing may be
25 continued or that he will pay the sum
26 specified. If such person fails to appear at
27 the time and place designated in the warrant or
28 at any time to which the contempt hearing may
29 be continued, the undertaking may be forfeited,
30 and the amount thereof shall be paid into the
31 general fund. If he fails to make bail, the
32 sheriff shall keep him in custody, subject to
33 the order of the body which will hold the
34 hearing.

35 (2) Any imprisonment shall be effected by a warrant in
36 the name of the people of the state, signed by the
37 presiding officer of the house against which the
38 contempt was committed or, in the case of the
39 General Assembly or a statutory, joint, or interim
40 committee, by both presiding officers. Such warrant
41 shall be directed to the chief security officer of
42 such house or to the state police and shall order
43 the apprehension of the contemnor and the delivery
44 of him to the county sheriff for transfer to the
45 county jail.

46 (3) Any action, contempt proceeding, or sanction brought
47 or imposed pursuant to this joint rule shall not
48 abate upon adjournment sine die by the General

1 Assembly. If the contemnor is imprisoned, he shall
2 serve the remainder of his term if the presiding
3 officer or officers who effected his arrest certify
4 a continuing interest to the chief judge of the
5 district court for the district in which the
6 contemnor is imprisoned.

7 (4) In the case of a direct contempt, the contemnor may
8 be punished summarily. In such case, an order shall
9 be made reciting the facts constituting the
10 contempt, the vote of the house or committee which
11 held the contemnor guilty, and the penalty
12 prescribed.

13 (5) A finding of contempt and punishment therefor shall
14 not constitute a bar to any other proceeding, civil
15 or criminal, for the same act.

16 (6) Any fine imposed under this subsection (d) may be
17 enforced as a civil judgment.

BILL 22

A BILL FOR AN ACT

1 CONCERNING LEGISLATIVE PROCEDURES RELATING TO THE SUMMONING OF
2 WITNESSES AND PUNISHMENTS FOR CONTEMPT.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

Repeals conflicting existing statutes and provides a single statutory scheme relating to legislative subpoenas, legislative contempt, and legislative investigations. Provides that the general assembly, or either house thereof, may issue subpoenas or vest that power in its committees. (During the interim, the legislative council could vest subpoena powers in interim committees.) Authorizes committees, upon a vote, to exempt subpoenaed evidence from the open records law and to hold a closed meeting to consider subpoenaed evidence. Authorizes access to the courts to compel obedience to a legislative subpoena, to determine whether legislative contempt has been committed, or to enforce a legislative finding of contempt. Contemplates the adoption of procedural rules to govern further details relating to legislative investigations. Provides a criminal penalty for a witness's failure to respond when summoned.

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

4 SECTION 1. Article 2 of title 2, Colorado Revised
5 Statutes 1973, 1980 Repl. Vol., as amended, is amended BY THE
6 ADDITION OF A NEW PART to read:

PART 6

LEGISLATIVE PROCEDURES RELATING TO THE SUMMONING OF
WITNESSES AND PUNISHMENTS FOR CONTEMPT

2-2-601. Legislative declaration. The general assembly hereby declares that this part 6 is enacted under its inherent legislative powers and under its constitutional powers as expressed in article III and in section 12 of article V of the constitution of the state of Colorado. Nothing in this part 6 shall be deemed in any way to limit such powers or to restrict the general assembly from exercising such powers in any constitutional manner.

2-2-602. Definitions. As used in this part 6, unless the context otherwise requires:

(1) "Committee" or "committee of the general assembly" includes any committee of the general assembly or of either house thereof, a subcommittee, an interim committee, or a committee created by statute or resolution, a majority of the members of which are legislators.

(2) "Subpoena" includes a subpoena duces tecum.

2-2-603. Witnesses - attendance - testimony. (1) The general assembly, by resolution, may prescribe procedures not in conflict with this part 6, which shall govern the issuance and enforcement of subpoenas and other matters concerning the conduct of investigations by the general assembly, either house thereof, or any committee thereof. Such procedures may include the taking of testimony through depositions,

1 interrogatories, or any other method authorized by the
2 Colorado rules of civil procedure.

3 (2) The general assembly or either house thereof may
4 issue its subpoena compelling a witness to attend and give
5 testimony, with or without documents in his possession or
6 under his control, in a proceeding before the general assembly
7 or either house thereof. The general assembly or either house
8 thereof, by resolution or otherwise, as it deems best, may
9 vest in any committee of the general assembly the power to
10 issue subpoenas compelling witnesses to attend and give
11 testimony, with or without documents in their possession or
12 under their control, in a proceeding before such committee.
13 When the general assembly is not in session, the legislative
14 council may vest the power to issue such subpoenas in a
15 subcommittee of the legislative council, any interim
16 committee, or any other legislative committee established
17 pursuant to statute or resolution. The issuance of subpoenas
18 by the general assembly, either house thereof, or any
19 committee thereof shall be in accordance with the procedures
20 prescribed pursuant to subsection (1) of this section.

21 (3) The president of the senate, speaker of the house of
22 representatives, or the chairman or any member of any
23 committee of the general assembly is authorized to administer
24 oaths and affirmations to witnesses regarding testimony
25 touching any matter or thing which may be under consideration
26 or investigation.

1 2-2-604. In camera hearing. (1) If the general
2 assembly, either house thereof, or a committee thereof
3 decides, by a two-thirds vote of its entire membership, it may
4 hold an in camera hearing to receive subpoenaed testimony or
5 evidence.

6 (2) The general assembly, either house thereof, or a
7 committee thereof may, by a two-thirds vote of those present,
8 designate any portion of subpoenaed testimony or evidence to
9 be exempt from the public records provisions of part 2 of
10 article 72 of title 24, C.R.S. 1973.

11 2-2-605. Violation - penalty. Any person summoned as a
12 witness by the general assembly, either house thereof, or a
13 committee thereof who willfully fails or refuses to appear or,
14 having appeared, willfully refuses to be sworn, to testify, to
15 produce evidence, or to answer any material and pertinent
16 question in obedience to such summons is guilty of a
17 misdemeanor and, upon conviction thereof, shall be punished by
18 a fine of not more than five hundred dollars, or by
19 imprisonment in the county jail for not more than one year, or
20 by both such fine and imprisonment. This section shall not
21 limit or affect in any manner the inherent legislative powers
22 or the constitutional powers of the general assembly to punish
23 for contempt.

24 2-2-606. Application to the courts by the general
25 assembly, either house thereof, or a committee thereof in
26 relation to enforcement of a subpoena or general contempt

1 proceedings. (1) The general assembly, either house thereof,
2 or a committee thereof may apply to a district court in the
3 following circumstances:

4 (a) To compel obedience to a subpoena whether
5 disobedience has actually occurred or is threatened;

6 (b) To determine whether a contempt of the general
7 assembly, either house thereof, or a committee thereof has
8 been committed; or

9 (c) To enforce a legislative finding of contempt.

10 (2) Any refusal or failure to obey a lawful order of the
11 district court issued pursuant to this section may be held by
12 such court to be a contempt thereof. A contempt proceeding
13 shall be commenced by an order to show cause before the court
14 why the person refusing or failing to obey the court order
15 should not be held in contempt of court. Such contempt
16 proceeding shall be tried by the court and shall be summary in
17 manner.

18 (3) Process in any action commenced in a court pursuant
19 to this section shall be served in the manner provided by law
20 and the Colorado rules of civil procedure.

21 (4) No action or sanction brought or imposed pursuant to
22 this section shall abate upon adjournment sine die by the
23 general assembly if the general assembly, the house, or the
24 committee certifies to the court that it maintains its
25 interest in the matter.

26 (5) If any action is brought pursuant to this section,

1 the court shall assign the action for hearing at the earliest
2 practicable date and cause the action in every way to be
3 expedited. Any appeal or petition for review from any order
4 or judgment in such action shall be expedited in the same
5 manner.

6 SECTION 2. 2-2-406, Colorado Revised Statutes 1973, 1980
7 Repl. Vol., is REPEALED AND REENACTED, WITH AMENDMENTS, to
8 read:

9 2-2-406. Contempt of general assembly. (1) The general
10 assembly or either house thereof, by resolution or otherwise,
11 as it deems best, may prescribe the conditions under which and
12 the manner in which persons may be punished for contempt of
13 the general assembly, either house thereof, or a committee
14 thereof, in addition to the conditions and manner set forth in
15 part 6 of this article.

16 (2) Nothing in this part 4 shall be deemed in any way to
17 limit the general assembly's inherent legislative power or
18 constitutional power as expressed in article III and section
19 12 of article V of the constitution of the state of Colorado
20 to punish persons for contemptuous acts committed against it,
21 including compulsory or remedial process.

22 SECTION 3. 24-72-202 (6), Colorado Revised Statutes
23 1973, 1982 Repl. Vol., is amended to read:

24 24-72-202. Definitions. (6) "Public records" means and
25 includes all writings made, maintained, or kept by the state
26 or any agency, institution, or political subdivision thereof

1 for use in the exercise of functions required or authorized by
2 law or administrative rule or involving the receipt or
3 expenditure of public funds. It does not include criminal
4 justice records which are subject to the provisions of part 3
5 of this article OR RECORDS SUBPOENAED BY THE GENERAL ASSEMBLY,
6 EITHER HOUSE THEREOF, OR A COMMITTEE THEREOF AND DESIGNATED AS
7 EXEMPT FROM THIS PART 2 PURSUANT TO SECTION 2-2-605, C.R.S.
8 1973.

9 SECTION 4. Repeal. 2-2-313, 2-2-314, 2-2-315, and
10 2-3-306, Colorado Revised Statutes 1973, 1980 Repl. Vol., are
11 repealed.

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

BILL 23

A BILL FOR AN ACT

1 CONCERNING APPROVAL BY THE PRESIDENT OF THE SENATE OF
2 CONTRACTS TO WHICH THE SENATE IS A PARTY.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

Changes the senate official required to approve legislative contracts from the majority leader to the president of the senate.

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

4 SECTION 1. 2-2-320 (1), Colorado Revised Statutes 1973,
5 1980 Repl. Vol., is amended to read:

6 2-2-320. Legislative department contracts - approval.

7 (1) Any contract to which the house of representatives or the
8 senate is a party shall be approved by the speaker of the
9 house of representatives or the ~~majority-leader~~ PRESIDENT of
10 the senate, as the case may be. Whenever the house of
11 representatives and the senate are parties to the same
12 contract, both the speaker of the house of representatives and

1 the ~~majority-leader~~ PRESIDENT of the senate shall approve the
2 contract. Any contract to which the legislative council, the
3 legislative drafting office, the office of revisor of
4 statutes, the joint budget committee, the office of the state
5 auditor, the commission on interstate cooperation, or the
6 commission on uniform state laws is a party shall be approved
7 by the chairman or vice-chairman of the governing committee of
8 such agency, as the case may be.

9 SECTION 2. Applicability. This act shall apply to
10 contracts entered into on or after the effective date of this
11 act.

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

BILL 24

A BILL FOR AN ACT

1 CONCERNING THE DEPARTMENT OF ADMINISTRATION'S DUTIES WITH
2 REGARD TO BUILDINGS UNDER THE JURISDICTION OF THE GENERAL
3 ASSEMBLY.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

Provides for progress reporting on the performance of the department of administration's duties with regard to capital construction and controlled maintenance to be performed in that portion of the capitol buildings group under jurisdiction of the general assembly.

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

5 SECTION 1. 24-30-1303, Colorado Revised Statutes 1973,
6 1982 Repl. Vol., is amended BY THE ADDITION OF A NEW
7 SUBSECTION to read:

8 24-30-1303. Department of administration -
9 responsibilities. (4) When the principal representative is a
10 legislative agency, the principal representative may request,
11 and the department shall provide to the principal

1 representative within five working days of such request, a
2 progress report of the department's actions undertaken as of
3 the date of the request towards completion of any of the
4 department's duties set forth in subsection (1) of this
5 section.

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

1983 Legislative Session

First Regular Session -- 54th General Assembly

MORNING HOUSE COMMITTEE SCHEDULE*

House Committee Room	Monday 10:00 a.m. to 12:00 noon	(Category 1) Tuesday 9:00 a.m. to 12:00 noon	(Category 2) Wednesday 9:00 a.m. to 12:00 noon	(Category 3) Thursday 9:00 a.m. to 12:00 noon	Friday 8:00 a.m. to 12:00 noon
B	10:00 a.m. FLOOR ACTION FOR SECOND READING	Business Affairs and Labor <u>Chrm:</u> <u>Staff:</u>	Health, Environment, Welfare, and Institutions <u>Chrm:</u> <u>Staff:</u>		
C		State Affairs <u>Chrm:</u> <u>Staff:</u>		Finance <u>Chrm:</u> <u>Staff:</u>	Legislative Audit Committee 1st & 3rd Fridays of each month 8:00-11:00 a.m.
D		Judiciary <u>Chrm:</u> <u>Staff:</u>		Agriculture, Livestock, and Natural Resources <u>Chrm:</u> <u>Staff:</u>	
E			Local Government <u>Chrm:</u> <u>Staff:</u>		Committee on Legal Services 2nd & 4th Fridays of each month 8:00-11:00 a.m.
F			Education <u>Chrm:</u> <u>Staff:</u>	Transportation and Energy <u>Chrm:</u> <u>Staff:</u>	11:00 a.m. - 12:00 p.m. FLOOR ACTION FOR THIRD READING
G					

*Joint Budget Committee will meet in Room 341 from 9:00 until 12:00 noon Tuesday through Thursday.

AFTERNOON HOUSE COMMITTEE SCHEDULE*

House Com- mittee Room	<u>Monday and Wednesday</u>		<u>Tuesday and Thursday</u>	<u>Friday</u>
	<u>1:30 p.m. to 3:30 p.m. (Category 2)</u>	<u>3:30 p.m. to 5:00 p.m. (Category 3)</u>	<u>1:30 p.m. to 5:00 p.m. (Category 1)</u>	<u>1:30 p.m. to 5:00 p.m. (Category 4) **</u>
B	Health, Environ- ment, Welfare, and Institutions <u>Chrm:</u> <u>Staff:</u>		Business Affairs and Labor <u>Chrm:</u> <u>Staff:</u>	
C		Finance <u>Chrm:</u> <u>Staff:</u>	State Affairs <u>Chrm:</u> <u>Staff:</u>	
D		Agriculture, Livestock, and Natural Resources <u>Chrm:</u> <u>Staff:</u>	Judiciary <u>Chrm:</u> <u>Staff:</u>	
E	Local Government <u>Chrm:</u> <u>Staff:</u>			
F	Education <u>Chrm:</u> <u>Staff:</u>			
G		Transportation and Energy <u>Chrm:</u> <u>Staff:</u>		

*Joint Budget Committee will meet in Room 341 from 1:30-5:00 p.m. Monday through Thursday.

**The Committee on Appropriations is considered a Category 4 committee.

1983 Legislative Session

First Regular Session -- 54th General Assembly

MORNING SENATE COMMITTEE SCHEDULE*

Senate Committee Room	<u>Monday</u> 10:00 a.m. to 12:00 noon	(Category 1) <u>Tuesday</u> 9:00 a.m. to 12:00 noon	(Category 2) <u>Wednesday</u> 9:00 a.m. to 12:00 noon	(Category 3) <u>Thursday</u> 9:00 a.m. to 12:00 noon	<u>Friday</u> 8:00 a.m. to 12:00 noon
320A	10:00 a.m. FLOOR ACTION FOR SECOND READING	Business Affairs and Labor <u>Chrm:</u> <u>Staff:</u>	Health, Environment, Welfare, and Institutions <u>Chrm:</u> <u>Staff:</u>	Education <u>Chrm:</u> <u>Staff:</u>	11:00 a.m. - 12:00 p.m. FLOOR ACTION FOR THIRD READING Legislative Audit Committee will meet on 1st & 3rd Fridays, 8:00 - 11:00 a.m. in House Committee Room C. Committee on Legal Services will meet on the 2nd & 4th Fridays, 8:00 - 11:00 a.m. in House Committee Room E.
320B		State Affairs <u>Chrm:</u> <u>Staff:</u>	Local Government <u>Chrm:</u> <u>Staff:</u>	Agriculture, Natural Resources & Energy <u>Chrm:</u> <u>Staff:</u>	
320C		Judiciary <u>Chrm:</u> <u>Staff:</u>	Transportation <u>Chrm:</u> <u>Staff:</u>	Finance <u>Chrm:</u> <u>Staff:</u>	
320E					

*Joint Budget Committee will meet in Room 341 from 9:00 until 12:00 noon Tuesday through Thursday.

1983 Legislative Session

First Regular Session -- 54th General Assembly

AFTERNOON SENATE COMMITTEE SCHEDULE*

Senate Com- mittee Room	Monday and Wednesday	Tuesday and Thursday		Friday
	1:30 p.m. to 5:00 p.m. (Category 1)	1:30 p.m. to 3:30 p.m. (Category 3)	3:30 p.m. to 5:00 p.m. (Category 2)	(Category 4) **
320A	Business Affairs and Labor <u>Chrm:</u> <u>Staff:</u>	Education <u>Chrm:</u> <u>Staff:</u>	Health, Environ- ment, Welfare and Institutions <u>Chrm:</u> <u>Staff:</u>	
320B	State Affairs <u>Chrm:</u> <u>Staff:</u>	Agriculture, Natural Resources, and Energy <u>Chrm:</u> <u>Staff:</u>	Local Government <u>Chrm:</u> <u>Staff:</u>	
320C	Judiciary <u>Chrm:</u> <u>Staff:</u>	Finance <u>Chrm:</u> <u>Staff:</u>	Transportation <u>Chrm:</u> <u>Staff:</u>	
320E				

*Joint Budget Committee will meet in Room 341 from 1:30-5:00 p.m. Monday through Thursday.

**The Committee on Appropriations is considered a Category 4 committee.

APPENDIX B

AGENDA

PRE-SESSION LEGISLATIVE ORIENTATION CONFERENCE

Sunday, December 5, 1982

6:00 p.m.- 9:00 p.m. Reception and Dinner
Century Room
Plaza Cosmopolitan Hotel
Speaker: Chuck Henning
"The Third House and the Fourth Estate"

Monday, December 6, 1982

8:15 a.m.- 8:45 a.m. Coffee
Opening Remarks:
Representative John Hamlin, Chairman
Legislative Council

House Committee Room F

8:45 a.m.-10:00 a.m. State Fiscal System Seminar
Charlie Brown, Legislative Council Staff

Resource Persons:
Stan Schwartz, Department of Revenue
Stan Solodky, Office of State Planning
and Budgeting

House Committee Room F

10:15 a.m.-11:30 a.m. Water Seminar
David Hite, Legislative Council Staff

Resource Persons:
Bill McDonald, Colorado Water Conservation
Board
Jeris Danielson, State Water Engineer

House Committee Room F

11:45 a.m.- 1:30 p.m. Lunch
Denver Room
Hilton Hotel
Speaker: The Honorable Paul V. Hodges
Chief Justice, Colorado Supreme Court

- 1:45 p.m.- 3:30 p.m. Legislative Staff Services Briefing
- Group A -- Legislative Council
Lyle Kyle, Director
Joint Budget Committee
Bob Moore, Director
Legislative Audit Committee
Representative Paul Schauer,
Chairman
Bob Scott, State Auditor
- House Committee Room D
- Group B -- Legal Services/Statute Revision
Doug Brown, Director,
Legislative Drafting Office
and Revisor of Statutes
- House Committee Room E
- 3:45 p.m.- 5:00 p.m. Education Seminar
Stan Elofson, Legislative Council Staff
- House Committee Room F

Tuesday, December 7, 1982

- 8:30 a.m.-10:00 a.m. House and Senate Procedures
- (House and Senate members will meet in
their respective chambers)
- Front Desk Procedures
Marge Nielson, Senate Secretary
Lorraine Lombardi, Chief Clerk of the
House
- Constituent Services -- Inquiries
Senator Dan Noble
Representative Carl "Bev" Bledsoe
- "How to Succeed in the Opposite House"
Senators Dan Noble and Ted Strickland
Representatives Carl "Bev" Bledsoe
and Ronald Strahle
- 10:15 a.m.-11:30 a.m. Criminal Justice Seminar
Earl Thaxton, Legislative Council Staff

Resource Persons:

Bill Woodward, Department of Local
Affairs

Jim Thomas, State Judicial Administrator
James Ricketts, Department of
Corrections
House Committee Room F

11:45 a.m.- 1:30 p.m.

Lunch

Onyx Room
Brown Palace Hotel

Speaker: The Honorable Richard D. Lamm
Governor of the State of Colorado

1:45 p.m.- 2:15 p.m.

House and Senate Rules

(House and Senate members will meet in
their respective chambers)

Senator Ted Strickland
Representative Carl "Bev" Bledsoe

Moot Committee and Floor Sessions

(Senate Bill 119, 1982 -- Lottery Bill
will be used in the moot session
discussions)

2:15 p.m.- 3:00 p.m.

Committee Sessions

Senator Martha Ezzard, Committee
Chairman
Senator Fred Anderson, Bill Sponsor

(Senate members will meet in Senate
Committee Room 320A)

Representative John Hamlin, Committee
Chairman
Representative Charles Heim, Bill
Sponsor

(Representatives in Group A will meet
in House Committee Room D)

Representative Ronald Strahle, Committee
Chairman
Representative John Herzog,
Bill Sponsor

(Representatives in Group B will meet
in House Committee Room E)

3:15 p.m.- 5:00 p.m.

Moot Floor Sessions

(House and Senate members will meet in
their respective chambers)

Senators Ted Strickland, Dan Noble, and
Don MacManus

Representatives Carl "Bev" Bledsoe, Ron
Strahle, and David Skaggs

Wednesday, December 8, 1982

8:30 a.m.-10:00 a.m.

School Finance Seminar
Charlie Brown, Legislative Council Staff

Resource Persons:
Doug Brown and Becky Lennahan,
Legislative Drafting Office

House Committee Room F

10:15 a.m.-11:40 a.m.

Legislative Staff Services Briefing

Group B -- Legislative Council
Lyle Kyle, Director
Joint Budget Committee
Bob Moore, Director
Legislative Audit Committee
Representative Paul Schauer,
Chairman
Bob Scott, State Auditor

House Committee Room E

Group A -- Legal Services/Statute Revision
Doug Brown, Director,
Legislative Drafting Office
and Revisor of Statutes

House Committee Room D

11:45 a.m.- 1:30 p.m.

Lunch with the Press
Quorum Restaurant
Fred Brown, The Denver Post
Carl Hilliard, Associated Press
Dave Minshall, KMGH TV, Channel 7

1:45 p.m.- 3:00 p.m.

Intergovernmental Relations/Separation of Powers Seminar

Robert Burco, Center for the Improvement of Public Management

James Null, University of Colorado-Colorado Springs

William Pound, National Conference of State Legislatures

House Committee Room F

3:15 p.m.- 5:00 p.m.

Continuation of House and Senate Procedures

(House and Senate members will meet in their respective chambers)

Marge Nielson, Senate Secretary

Lorraine Lombardi, Chief Clerk of the House

Thursday, December 9, 1982

8:00 a.m.- 2:00 p.m.

Legislative Conference on the Economy

Sponsored by the Colorado Council on Economic Education and the Colorado Association of Commerce and Industry/Project Confidence

State Capitol Building

House Committee Room F