11-1990

0351 Legislative Council Subcommittees on: Long Range Planning, Economic Development, Structure of State and Local Government

Colorado Legislative Council

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0351 Legislative Council Subcommittees on: Long Range Planning, Economic Development, Structure of State and Local Government

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INTRODUCTION

In 1988, the Executive Committee of the Legislative Council authorized the VISION COLORADO project to examine what the role of the state should be in the future. The VISION COLORADO experiment included participation by a diverse group representing broad geographic, professional and political backgrounds.

VISION COLORADO members voted on final recommendations in December 1988. These recommendations addressed the following issues: governance; taxation and revenues; economic development; education; human services; environment; and infrastructure.

In June 1989, three Legislative Council subcommittees were created by House Joint Resolution 1030 to address the recommendations of the VISION COLORADO project and to continue planning for Colorado's future. These subcommittees were:

1) **Economic Development** -- directed to examine the efficiency and effectiveness of current economic development efforts;

2) **Long-Range Planning for State Government** -- asked to examine the current planning structures of state government and recommend steps to improve the long-range planning process for all branches of state government; and

3) **Structure of State and Local Government** -- assigned to evaluate the current service delivery systems of the state, counties, cities, and special districts with a view toward streamlining state and local governmental structures.

Included herein are the final reports of these three subcommittees.
To Members of the Fifty-Eighth Colorado General Assembly:

The Legislative Council Subcommittee on Economic Development was created in June, 1989, by House Joint Resolution 1030 (L. 89, p. 1721). The subcommittee was created to study the effectiveness and efficiency of the state’s economic development programs and to identify additional programs which would enhance the economic growth of the state.

To discharge its obligations, the subcommittee met four times in the fall of 1989 and twice during the summer of 1990. The subcommittee heard from a wide variety of state government officials who explained Colorado’s existing programs, industry representatives who commented on the state’s efforts, and representatives of local, state, and national economic development organizations who provided additional perspectives and suggestions.

A recurring concern of many of the witnesses and subcommittee members was that the state’s economic development programs were fragmented and lacked cohesion and a common direction. In that regard, the consensus of the committee was that the passage of Senate Bill 203 (1990) and the creation of the Colorado Economic Development Advisory Board was a major step toward addressing that concern. By structuring the board to include a broad spectrum of economic development interests as well as key legislative and executive branch leadership, the board will likely serve as a useful means by which to develop consensus and to address problems with a more unified effort.

This point should not obscure the fact that subcommittee testimony and discussion revealed several specific areas of continuing concern about the state’s economic development efforts (Attachment A). However, members viewed the advisory board as the most appropriate and effective forum to resolve these issues. Therefore, rather than offer specific legislative proposals for the 1991 session, the subcommittee voted unanimously to transmit the subcommittee’s materials to the advisory board.

Respectfully submitted,

/s/ Representative Betty Neale, Chairman
Subcommittee on Economic Development
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SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

Members of the Subcommittee
Representative Betty Neale, Senator Bob Schaffer
Chairman Senator Claire Traylor
Senator Jim Rizzuto, Representative Dan Prinster
Vice Chairman Representative Jeff Shoemaker

Advisory Members
Mr. Bill Artist Mr. Clyde Hodge
Mr. Bill Barrow Mr. Walt Imhoff
Ms. Carol Beam Mr. Rick Leech
Ms. Angela Corbitt Ms. Sharon Proehl
Mr. Larry Green Mr. Jim Smith

Legislative Council Staff
Bill Goosmann Ed Bowditch
Research Associate II Senior Research Assistant

Office of Legislative Legal Services
Bart Miller
Senior Attorney
Attachment A

List of Issues Considered
by the Subcommittee on Economic Development

The topics below represent the major issues of concern expressed by subcommittee members and those testifying before the subcommittee during its 1989 and 1990 meetings. The order in which the items appear does not reflect the priorities of the committee. This list will be forwarded to the Colorado Economic Development Advisory Board (Senate Bill 203, 1990).

Organization and Program Coordination

- Improve the coordination between the state's economic development programs as well as between state and local programs.
- Create a long-term, comprehensive state economic development strategy.
- Create a state-level department of economic development. Gathering all of the state's economic development programs under a single department would improve the coordination among and the focus of those programs and provide a single point of access for those seeking assistance.
- More clearly define the role of state government in economic development.
- Enact more of the Vision Colorado recommendations.
- Create economic development program performance measures and program goals in the Office of Business Development and the Department of Local Affairs.

Business Climate and Business Assistance

- Improve the state's business climate by diminishing the impact of regulations and decreasing the tax burden (especially property taxes).
- Improve and increase state small business assistance programs.
- Implement the recommendations of the Office of Business Development's targeted industries study.
- Investigate methods to improve the availability of capital in the state.
• Enhance the state's entrepreneurial climate and support the entrepreneurial
tendencies of the state's citizens.

• Expand the funding for the Colorado FIRST Customized Training Program.

• Explore the effectiveness and coordination of the state's existing labor market
assistance programs.

• Improve the state's workers' compensation system. The current costs and
recent rate increases in the system hurt the state's business climate and put it at
a competitive disadvantage.

Other

• Expand assistance to rural communities, especially those not associated with
major recreational areas.

• Expand tourism promotion, monitor international marketing efforts more
closely, and improve the coordination between foreign tourism promotion and
business development programs.

• Review the lending criteria and procedures of the Financial Review Committee.
The committee was created by executive order to standardize the financial
assistance policies and to coordinate the financial assistance programs in various
state agencies. Membership includes representatives of the Departments of
Agriculture and Local Affairs, the Colorado Economic Development
Commission, the Governor's Office of Business Development, and the
Colorado Housing and Finance Authority.

• Explore achieving economies of scale in economic development programs by
establishing regional efforts with other states (e.g., combined trade offices in
other countries; initiatives for natural resource industries).
Attachment B

List of Organizations and Individuals Providing Testimony

Government Agencies

- Ray Baker, Vice Chairman, Colorado Economic Development Commission (CEDC)
- Cindy Baouchi, Economist, Office of State Planning and Budgeting (OSPB)
- Phillips Bradford, Executive Director, Colorado Advanced Technology Institute
- Joanne Hill, Commissioner of Insurance, Department of Regulatory Agencies
- Robert Husson, Vice President of Benefits, Colorado Compensation Insurance Authority (CCIA)
- Manlio Huacuja, Economist, OSPB
- Janet Lappen, Vice President of Policyholder Services, CCIA
- Nancy McCallin, Chief Economist, Colorado Legislative Council
- Rich Meredith, Director, Colorado Tourism Board
- David Mitchem, Director, Division of Labor, Department of Labor and Employment
- Fred Niehaus, Director, Office of Business Development
- Tim O’Brien, State Auditor
- Jim Rubingh, Director of Marketing, Department of Agriculture
- Tim Schultz, Executive Director, Department of Local Affairs and Chairman, CEDC
- Morgan Smith, Director, International Trade Office
- Curt Wiedeman, Assistant Director, OSPB
Industry and Industry Associations

- Mike Betts, Partner, KPMG Peat Marwick
- Andrew Hattendorf, Cell Technologies (Boulder)
- Robert Pfaff, Partner, KPMG Peat Marwick
- Joan Ringel, Vice President, Governmental Affairs, Colorado Association of Commerce and Industry
- Terry Schreier, Cell Technologies (Boulder)
- Don Withers, Managing Partner, Grant Thornton, Inc.

Other

- Tom Clark, Greater Denver Chamber of Commerce and the Metro Denver Network
- Chapman Cox, Chairman, Colorado Commission on Space Science and Industry
- Robert Friedman, Past President, Corporation for Economic Development
- Mr. Jim Kadlecak, Economic Developers Council of Colorado
- Harvey Paneitz, President, Pueblo Economic Development Corporation
- Dan Pilcher, Program Director for Economic Development, National Conference of State Legislatures (NCSL)
- Brenda Trolin, Program Principal, Labor and Insurance, NCSL
SUBCOMMITTEE ON
LONG-RANGE PLANNING FOR
STATE GOVERNMENT
To Members of the Fifty-Eighth Colorado General Assembly:

Submitted herewith is the final report of the Legislative Council Subcommittee on Long-Range Planning for State Government. The subcommittee was created in June 1989 by House Joint Resolution 1030.

At its meeting on October 15, 1990, the Legislative Council reviewed the subcommittee’s one legislative recommendation. A motion to forward the bill, with favorable recommendation, to the Fifty-eighth General Assembly was approved by the Legislative Council.

Respectfully submitted,

/s/ Representative Tony Grampsas
Chairman, Subcommittee on Long-Range Planning for State Government
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LEGISLATIVE COUNCIL

SUBCOMMITTEE ON LONG-RANGE PLANNING
FOR STATE GOVERNMENT

Members of the Subcommittee

Rep. Tony Grampsas, Chairman
Rep. Jerry Kopel,
Vice Chairman
Sen. Bill Schroeder
Sen. Brian McCauley
Sen. Bonnie Allison
Rep. John Irwin

Jeff Coors, Adolph Coors Co.
Neil Hinchman, AT&T
Dick MacRavey, Colorado Water
Congress
Gene Petrone, Office of State
Planning and Budgeting
Don Rieger, Business Systems
Consulting
Steve Schuck, The Schuck Corp.
Bob Scott, Public Employees’
Retirement Association
George Wallace, Denver Technological
Center
Richard Weingardt, Weingardt
Engineers

Legislative Council Staff

Harriet Crittenden La Mair
Research Associate II

Office of
Legislative Legal Services

Kent Singer
Senior Attorney
**Subcommittee Charge**

The Legislative Council Subcommittee on Long-Range Planning for State Government met throughout the summer and fall of 1989, studying "long-range planning for state government, including the creation or identification of agencies most appropriate for such planning activities, and means of including the legislative, executive and judicial branches in such planning activities."

In September 1989, the subcommittee further defined its mission as follows:

Recommend to the General Assembly appropriate action necessary to implement an effective and continuous long-range planning process for Colorado state government. The recommendation must include:

- a process for identification of goals and priorities (driving force);
- a means of obtaining citizen, legislative, executive and judicial involvement and support for the plan;
- a definition of responsibilities, accountabilities and organizational placement for the planning process; and
- a method of evaluating the plan and the planning process.

**Subcommittee Activities**

Presentations were made to the subcommittee by Phil Burgess, Center for the New West; Former Governor Dick Lamm; and staff from the National Conference of State Legislatures. The committee received background information about the need for long-range state planning, demographic factors important to state planning, other state planning programs, private sector planning, and historical efforts to establish long-term planning in Colorado. The subcommittee took an organized approach to reviewing the various elements of its mission. Appendix A provides background information regarding the history and issues relevant to long-range state planning.
I. Legislative Recommendations

Based on the subcommittee's study and discussion in 1989, a bill was recommended to the 1990 General Assembly. The measure, House Bill 90-1327, was postponed indefinitely by a Senate committee after receiving strong support in the House of Representatives. During the 1990 interim, the subcommittee reconsidered House Bill 90-1237, and after some modification, recommends its introduction in the 1991 session.

Summary of the Bill

The bill creates a 14-member commission to develop long- and short-range plans for Colorado's state government. The objective of the long-range ten-year plan and short-range two-year plan is to provide direction to the planning and budgeting activities of state agencies. The commission is comprised of legislative leaders and gubernatorial appointees requiring Senatorial confirmation.

The long-range plan will define goals and objectives that relate to issues identified as affecting the state during the next ten years and beyond. It will also establish a schedule for completion of projects and development of programs intended to facilitate the defined goals and objectives. A final objective of the long-range plan is to articulate the mission of state agencies, including the elimination of programs or services which are duplicative. The Governor, the General Assembly, and the public are afforded opportunities to review and comment on the commission's preliminary long-range plan before it is revised and proposed as a final long-range plan in the form of a joint resolution introduced in the General Assembly by April 15, 1992.

The two-year plan implements the long-range plan by defining specific objectives consistent with the goals listed in the long-range plan. The two-year plan identifies resources for allocation to initiatives and projects recommended in the plan. The commission will annually review the two-year plan with the assistance of the Governor, the General Assembly, and the public. Revisions to the two-year plan will be incorporated in the long-range plan. State agency budgets are to be submitted to the commission for review to determine whether agencies are in compliance with the long-range and two-year plans. The effectiveness and continuation of the Long-Range Planning Commission will be evaluated by the General Assembly prior to July 1, 1993.

Appendix B depicts the long-range plan development and implementation process.
APPENDICES
MEMORANDUM

October 10, 1989

TO: Subcommittee on Long-Range Planning for State Government

FROM: Legislative Council Staff

SUBJECT: Overview of Long-Range Planning for State Government -- History, Considerations, and Issues

This memorandum is designed to assist in understanding long-range planning for state government by briefly reviewing: 1) its history; 2) why it is important for state governments; 3) difficulties involved; 4) issues to consider; and 5) factors that appear to influence the success of long-range planning efforts. Supporting documents and reports are available from the Legislative Council staff.

**History of Long-Range Planning in Colorado**

The need for adequate long-range governmental planning can be viewed as the single most unfulfilled need of state government. Such planning is not presently performed on a continuous or government-wide basis by any state agency or group of state officials. In fact, the state planning document must serve in most cases as the state planning documents. (Legislative Council Interim Committee on the Organization of State Government, December 1973).

The committee's observations which are applicable 16 years ago appear to apply today. The 1973 interim committee identified a need for a structure to carefully evaluate and implement long-range governmental plans for a broader perspective than that of a department, institution, or agency. The committee recommended the creation of an Office of State Planning and Budgeting (OSPB) with executive department status.

**OSPB - Brief History**

The bill establishing OSPB became law in June of 1974. The basic structure of the office was recommended to the interim committee by Gene Petrone, then Director of the Department of Administration. The concept was agreed to by Governor Vanderhoof. In essence, OSPB, as envisioned by the interim committee, was to combine the budget function of the Governor's office with a new long-range planning capacity in a new executive department. The planning function of the office
was to coordinate the performance of executive departments on a long-range basis. The executive director of the proposed department was to ensure that the recommendation of the planning unit were utilized in the activities of the budgeting unit.

The concept of the OSPB was approved by the General Assembly. However, according to Mr. Petrone, when Governor Vanderhoof was defeated in 1974, the office did not have the leadership needed to fully succeed in its planning function. The number of staff declined over the years from eight general planners and five capital construction planners in 1974 to only three planners in 1977. In 1984, ten years after its establishment as an executive department, the office lost its departmental status. The General Assembly moved the function into the Governor's Office, where it remains today.

1977 interim committee. Three years after establishment of the OSPB, the 1977 Interim Committee on the Budget Process also reported a lack of long-range planning in the state. The report stated that:

Other than specialized planning conducted by the executive departments, no comprehensive planning for the state is being conducted. For the present (1977) budget year, OSPB was budgeted for only three FTE to carry out its statutory planning responsibilities...planning is short-range and primarily accomplished through the appropriations process. Due to the uncertainly of the direction of the General Assembly from year to year, executive departments are prevented from planning to meet perceived future needs. (Legislative Council Interim Committee on the Budget Process, December 1977.)

The Importance of Long-Range Planning

There are many external and internal factors affecting state government that make long-range planning of increased importance, including the following:

- scarce resources demand careful planning of those programs that are funded;
- issues confronting legislatures are becoming more complex and often scientific in nature;
- many of the problems facing the state cannot be resolved quickly;
- the impacts of a decision may extend far into the future;
- many issues are easier to confront in their early stages; and
- the role of the states in intergovernmental policy making has expanded and will continue to expand.
Difficulties with Long-Range Planning for State Government

Keon Chi, a noted researcher on state long-range planning efforts, wrote:

Decisions are generally made outside of the existing process without due consideration for the relevant program and policy-related material made by planners .... State government does not encourage good planning and has many powerful dynamics opposing planning, such as a lack of a uniform data base for most areas and no ... uniform set of state planning policies. Furthermore, Chi notes that apparently state legislators, following the election cycle, look more at short-term trends and district level issues. Also, they tend to expect short-term rather than long-term results.

Other States’ Experiences with Long-Range Planning

Keon Chi’s article, "Initiating a State Futures Project: Practical Models and Methods" offers some practical approaches for conducting a state long-range planning project, based on a survey of recent experiences. A variety of management organizations have been used by other states to implement planning projects. A state might choose one of these models or create its own unique structure, perhaps by incorporating aspects of each of these models. These structural patterns are described in the following paragraphs.

Executive planning model. This model can be adopted by gubernatorial directive and housed in either the Governor's office of a planning agency. The executive planning model may or may not necessitate a new organizational structure to initiate a statewide futures project. It is important that this model include a lot of interagency and intergovernmental cooperation.

Commission model. The commission model establishes a long-range planning task force or commission outside the existing governmental organization and assumes that this model enhances the project's visibility, better ensures interagency cooperation, and receives broader private sector support. Mr. Chi's article suggests that if this model were approached jointly by the legislative and executive branches, it might be more effective in securing necessary funding and implementing recommendations.

Private sector model. Under this model, a citizens’ organization is formed and funded by private organizations, membership dues, and government grants. Although this model may be undertaken on a permanent basis, it is often a short-term project lasting only a few months to two or three years. An example of this approach is the Illinois 2000 Project, carried out by the state Chamber of Commerce.
The Illinois 2000 Project mobilized the private sector, academicians, and public officials to propose long-range economic goals in cooperation with the ongoing Task Force on the Future of Illinois, a government-run project. It is suggested that this informal link to state government helped to ensure the project’s success.¹

**Legislative foresight model.** Legislators can play a role in the state long-range planning projects by participating in a commission or by initiating a legislative organization to anticipate long-range planning needs. One approach legislative bodies might consider is the concept of a state level Congressional Clearinghouse on the Future. The clearinghouse assists members of the U.S. House of Representatives and their staffs in raising future consciousness by facilitating the translation of long-range research findings into political implications. This approach may be the least political.

Florida is an example of a state that has tried this model. In 1981, the Florida House of Representatives established a committee to identify and evaluate emerging issues that are likely to affect the state's future. The committee has produced a series of futures studies and presented futures reports to the legislature. The committee remains in existence and is considered a successful legislatively initiated project.

**Considerations in Long-Range Planning**

- How will the final product be used, in what ways, and by whom?

- Will the long-range planning process incorporate established goals and policies? If so, through what structure will the goals be established and incorporated into the process?

- Goals, priorities and policies are only the beginning of the state long-range planning. How will they be implemented?

- Where will the long-range planning organization be placed -- i.e., the legislature, governor's office, private sector, or elsewhere?

- What method of involving citizens will be used -- i.e., task forces, local or regional conferences, a network of local commissions, news media, opinion surveys, etc.?

- How will the long-range planning process become an ongoing permanent process? Should it be a permanent process?

Success Factors

The articles researched for this report noted some common factors that apparently influence the success of long-range planning projects. Some of those common factors are listed below.

1. **Implementation.** One way to encourage the implementation of a committee's recommendation is to define proper roles of state officials in the final report. For example, a report might challenge the Governor to institute a long-range planning process and the legislature to incorporate the Governor's plan into its committee's agenda. The long-range planning committee would then refer the results of its deliberations to the legislature's appropriate standing committee(s).

2. **Cooperation.** Another factor listed as important to the success of state planning efforts is the establishment of new cooperative relationships between state planners, the legislature, executive departments, and the Governor.

3. **Institutionalization.** Long-lived projects might improve fragmented and piecemeal approaches to future planning by developing credibility and legitimacy that a one-time project cannot develop. Long-term projects might also overcome some of the potential implementation problems and could establish a constituency which might provide a greater assurance of success when political action was sought. However, institutionalized long-range planning efforts might also diminish the Governor's and legislators' policy-making flexibility. One compromise might be to have a long-range plan carried out and updated every three or five years.

4. **Citizen involvement.** Various methods of involving citizens in long-range planning have been discussed. The level and type of citizen involvement in long-range planning is critical to the plan's eventual success. Research suggests that long-range planning efforts need a broad constituency to survive in the political arena.
A BILL FOR AN ACT

CONCERNING THE CREATION OF A STATE LONG-RANGE PLANNING COMMISSION, AND, IN CONNECTION THEREWITH, REQUIRING THE COMMISSION TO DEVELOP A LONG-RANGE PLAN AND TWO-YEAR PLANS FOR STATE GOVERNMENT.

Bill Summary

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

Creates the long-range planning commission to be composed of the following members: The governor, who shall serve as the chairman of the commission, the speaker or the majority leader of the house of representatives, the minority leader of the house of representatives, the president or the majority leader of the senate, the minority leader of the senate, and nine at-large members appointed by the governor. Requires the commission to adopt a long-range plan to define goals and priorities for the state and to outline the policies which must be implemented to achieve the goals. Allows for input from the public in the development of the long-range plan through public hearings. Requires state agencies to consider the long-range plan when formulating their budgets and programs.

Further requires the commission to develop two-year plans, which shall include specific recommendations for implementation of the long-range plan. Provides for the annual revision and update of the long-range plan and each two-year plan. Requires the commission to report annually to the general assembly and to the governor regarding the
Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Title 24, Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW ARTICLE to read:

ARTICLE 49.7

Long-range Planning

24-49.7-101. Legislative declaration. The general assembly hereby declares that long-range planning is necessary for Colorado to meet the challenges of the future. The development of a continuous long-range planning process and the creation of a long-range plan for state government, which plan is implemented through specific two-year plans and annual budgets, will enable the state to improve the delivery of governmental services. Such long-range planning conducted pursuant to this article shall serve to provide direction to the state in areas including, but not limited to, education, infrastructure, economic development, the environment and human services.

24-49.7-102. Long-range planning - commission.

(1) There is hereby created in the office of the governor the long-range planning commission, referred to in this article as the "commission", which shall be comprised of fourteen members as follows: The governor, who shall serve as the chairman of the commission, the speaker or the majority leader of the
house of representatives, the minority leader of the house of representatives, the president or the majority leader of the senate, the minority leader of the senate, and nine members appointed by the governor and confirmed by the senate. Of the members appointed by the governor, one shall be appointed from each congressional district in the state, and the remaining three members shall be appointed on an at-large basis. A vacancy on the board occurs whenever any member moves out of the congressional district from which he was appointed. A member who moves out of such congressional district shall promptly notify the governor of the date of such move, but such notice is not a condition precedent to the occurrence of the vacancy. Should a vacancy occur in any commission membership before the expiration of the term thereof, the governor shall fill such vacancy by appointment for the remainder of such term in the same manner as in the case of original appointments. The governor shall appoint at least four members from each major political party. Of the members appointed by the governor, four shall serve for a two-year term, and five shall serve for a four-year term. Thereafter, the members of the commission appointed by the governor shall serve four-year terms. Any member of the commission appointed by the governor may be removed by the governor.

(2) The commission may establish such advisory committees as it deems necessary in order to assist it in completing the strategic plans required by sections
24-49.7-103 and 24-49.7-104. The staff of the office of state planning and budgeting and of the legislative council shall also assist the commission in performing its duties, and the commission may seek further assistance from the private sector by using loaned executives, graduate students, or other volunteers.

(3) The members of the commission and any advisory committee created by the commission shall receive no compensation but shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties.

24-49.7-103. **Long-range plan.** (1) The commission shall develop a long-range plan for Colorado which:

(a) Identifies and defines issues which will face the entire state of Colorado and each of the regions of Colorado during the next ten years and beyond;

(b) Lists the goals and objectives related to such issues and establishes priorities for the achievement of such goals;

(c) Establishes a schedule for the completion of projects and the development of programs which are intended to facilitate the objectives; and

(d) Defines the mission of state agencies, which mission shall include the elimination of programs or services which are duplicative, in relation to the long-range plan.

(2) A preliminary draft of the long-range plan developed
by the commission pursuant to subsection (1) of this section shall be made available to the governor and to the general assembly no later than January 15, 1992, for review and comment. The commission shall hold public hearings regarding the preliminary long-range plan to receive input and comment from the public. Once such public hearings have been completed and the governor, the general assembly, and the legislative council subcommittee on long-range planning for state government have had an opportunity to review and comment on the preliminary long-range plan, the commission shall revise the plan and propose a final long-range plan to the general assembly in a joint resolution no later than April 15, 1992.

(3) The commission shall annually revise the long-range plan with the input of the governor, the general assembly, and the public in accordance with the procedure established in section 24-49.7-103 (2). Such revisions to the long-range plan shall be combined with the revisions to the two-year plan adopted in accordance with section 24-49.7-104 (2) and shall be included in a joint resolution which the commission shall recommend to the general assembly.

24-49.7-104. Two-year plans – revision. (1) In addition to the long-range plan developed by the commission pursuant to section 24-49.7-103, the commission shall also develop two-year plans for the implementation of the long-range plan, beginning with a two-year plan for the fiscal years 1993-94.
and 1994-95. Each two-year plan shall define specific objectives for the two-year period which are consistent with the goals listed in the long-range plan. Recommendations for specific initiatives and projects shall be included in the two-year plan as well as the allocation of resources for such initiatives and projects. The two-year plan shall provide direction to state agencies for planning and budgeting purposes.

(2) The commission shall annually review each two-year plan adopted pursuant to subsection (1) of this section for the purpose of updating and revising such plan. Such revisions shall be made with the input of the governor, the general assembly, and the public in accordance with the procedure established in section 24-49.7-103 (2). Such revisions shall be combined with the revisions made to the long-range plan pursuant to section 24-49.7-103 (3) and shall be included in a joint resolution which the commission shall recommend to the general assembly and shall also be included in the annual report on the implementation of the long-range and two-year plans, which report is made pursuant to 24-49.7-105 (2).

24-49.7-105. State agencies - use of long-range and two-year plans - budgeting - report. (1) Each state agency shall use the long-range and two-year plans developed pursuant to sections 24-49.7-103 and 24-49.7-104 as a guideline in preparing its budget and program plans. Each state agency shall submit a copy of its budget and program plan to the
commission at the same time such agency submits such
information to the joint budget committee. The commission
shall review the budget and program plans of each agency to
determine whether the agency is in compliance with the
long-range and two-year plans.

(2) The commission shall make a report no later than
January 1, 1993, to the general assembly and to the governor,
which report shall be made available to the public, regarding
the progress being made toward the implementation of the
long-range plan and the two-year plan.

(3) This article is repealed, effective July 1, 1993.

SECTION 2. Safety clause. The general assembly hereby
finds, determines, and declares that this act is necessary
for the immediate preservation of the public peace, health,
and safety.
To Members of the Fifty-Eighth Colorado General Assembly:

Submitted herewith is the final report of the Legislative Council Subcommittee on Structure of State and Local Government. The subcommittee was created in June 1989 by House Joint Resolution 1030.

At its meeting October 15, 1990, the Legislative Council reviewed the subcommittee's four legislative recommendations. The Chairman of the Legislative Council ruled that one of the proposed bills, concerning the creation of a mandatory training program for managers in the state personnel system, did not fall within the subcommittee's charge and, therefore, was not approved.

A motion to forward three bills, with favorable recommendation, to the Fifty-eighth General Assembly was approved by the Legislative Council.

Respectfully Submitted,

/s/ Senator Mary Anne Tebedo, Chairman
Subcommittee on Structure of State and Local Government
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LEGISLATIVE COUNCIL

SUBCOMMITTEE ON STRUCTURE OF
STATE AND LOCAL GOVERNMENT

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Subcommittee on Structure of State and Local Government

Subcommittee Charge

The Legislative Council Subcommittee on Structure of State and Local Government was created in June 1989 by House Joint Resolution 1030. The subcommittee was charged with studying "the structure of state and local government and the means of enhancing intergovernmental cooperation in the delivery of services to the public, the elimination of duplicative services, the consolidation of such units of government, and the reduction of the cost of such services to the taxpayers."

Subcommittee Recommendations

As a result of extensive discussion and deliberation, the subcommittee recommends three bills for consideration in the 1991 legislative session.

Bill 1 will expand the authority of county commissioners in regard to the review of special district service plans; authorize the Division of Local Government to require special districts to meet for the purpose of considering consolidation, or to hold a consolidation election; clarify what constitutes a material modification; require the district court to remand a special district matter to the county or municipality for another hearing; limit the time during which a special district may issue general obligation bonds after the bond election; require special districts to apply for a quadrennial finding of reasonable diligence in issuing general obligation debt; and require county treasurers to provide a taxpayer an itemized list of taxes imposed when requested.

Bill 2 will establish procedures by which any county with all municipalities and special districts wholly contained within its boundaries may form a unified government; and

Bill 3 will increase the number of gubernatorial appointees on the Incentive Award Suggestion Board from three to five.
Subcommittee Activities

The subcommittee received testimony from various groups concerning the current service delivery systems of the state, counties, cities, and special districts. Topics discussed by the subcommittee were:

- giving more responsibility to counties and municipalities to prepare for and respond to new growth;

- continued state encouragement and promotion of intergovernmental agreements to provide shared services, facilities and equipment;

- implementation of strategies to improve control over governmental agency spending and operation;

- methods to simplify and encourage the process of consolidation of special districts, municipalities, and counties;

- the findings of the Commission on Government Productivity;

- methods to encourage the privatization and contracting-out of some state services;

- methods of enhancing and publicizing the state employee Incentive Award Suggestion System; and

- creation of a state management training academy.
I. Legislative Recommendations

Concerning Special Districts -- Bill 1

Various local government organizations expressed concern over current problems in the "Special District Act." The following changes to the act are proposed:

- extend the review period to allow the board of county commissioners adequate time to review the service plan;

- allow county commissioners to charge an additional fee for special review of a special district service plan, but place a cap on such fee;

- change the postcard notification requirements for hearings on special districts so that the information required on the postcards does not have to appear on a particular side of the postcard; and

- define and clarify the term "material modification" to a service plan.

Pursuant to Bill 1, county commissioners are immune from civil and criminal liability in regard to their decisions concerning special districts. Commissioners are also not required to set a public hearing date until the first meeting of the board of county commissioners which is held at least ten days after the final planning commission action on the service plan. Continuances of these public hearings are limited to thirty days unless the parties agree to a longer period of time. The board of county commissioners is authorized to impose an additional fee for reasonable direct costs related to the special review of a service plan. Such additional fee shall not be less than $500 nor exceed one one-hundredth of one percent of the amount of debt issued by the district or $10,000, whichever is less. In the event that modifications of service plans are required for the purpose of consolidating special districts, the processing fee and any additional fees shall not exceed $500.

Postcard notification requirements for hearings on the creation of special districts and the inclusion of property in existing special districts are changed to allow information required on the postcard to be printed on either side. Bill 1 also requires the district court to remand a special district matter to the county or municipality for another hearing.

The Division of Local Government may require the boards of two or more special districts to meet publicly for the sole purpose of considering the consolidation of such districts. If at such meeting, the boards of these special districts agree that consolidation is appropriate, a consolidation election will be held. The division is also authorized to require that special districts initiate a consolidation election if the Executive Director of the Department of Local Affairs approves a report by the
division which states the reasons for the consolidation and includes an analysis of the benefits of consolidation to the residents of the district as well as the quality of service to be provided by the consolidated district. In the event that the division orders a consolidation election, it will pay the costs of such election unless the consolidation is approved, in which case the consolidated district will reimburse the division. Bill 1 also:

- authorizes the county treasurer to prohibit the release of special district moneys if the special district has not filed certain information with the appropriate officers;

- prohibits special district boards from paying more than fair market value for any interest in real property;

- prohibits such boards from paying for interests in real property which are otherwise required to be dedicated for public use;

- limits the period of time during which a special district board may issue general obligation bonds after the bond election;

- requires special districts to apply to the board of county commissioners for a quadrennial finding of reasonable diligence in issuing general obligation indebtedness; and

- requires county treasurers to include an itemized list of taxes imposed according to taxing jurisdiction whenever a taxpayer requests such information on a certificate of taxes due.

Concerning the Optional Unification of Local Governments Located Within a Single County -- Bill 2

Bill 2 addresses many of the issues contained in House Bill 1330, 1989 session. In 1990, the subcommittee determined that its charge would allow for further review of the provisions of that bill. A working group comprised of various interested parties, members of the subcommittee, and a representative from the Office of Legislative Legal Services met several times to work on a proposed draft to be submitted to the whole subcommittee.

Bill 2 establishes procedures for the optional unification of any county when all of the municipalities and special districts are wholly within the county. Counties whose municipalities are not wholly contained within their county boundaries will not be allowed to initiate the unification process. Those special districts which are only partially within a county shall not be merged into the unified government, but the governing body of the unified government will be encouraged to maximize the
efficiency of governmental services through the use of intergovernmental agreements.

The bill provides that the unification process may be initiated by a petition signed by at least ten percent of the registered voters who reside in the municipalities and ten percent of those who reside in the unincorporated areas of the county. It may also be initiated by a resolution or ordinance adopted by the board of county commissioners, a majority of the governing body of the municipalities wholly contained within the county boundaries, and a majority of the governing body of the special districts wholly contained within the county boundaries.

Procedures for the formation election and the charter election are established in this bill. Bill 2 requires as part of the charter election process that elections be held within any wholly contained municipalities on the question of whether the home rule charters of said municipalities shall be repealed. In order for a unified government charter to be approved, the home rule charter must be repealed. The unified government must perform all mandatory functions of the county, and is required to create a unified government court to replace the municipal court system.

Bill 2 also provides distributions to unified governments from the lottery fund, the conservation trust fund, the mineral leasing fund, the local government severance tax fund, and the highway users tax fund and from the portion of income tax receipts which are distributed to local governments based on the amount of state cigarette taxes collected in each local government.

Concerning the Incentive Award Suggestion System -- Bill 3

Senate Bill 94, 1989 session, established the State Employees Incentive Award Suggestion System. The incentive program board consists of three members appointed by the Governor; one member appointed by the President of the Senate; one member appointed by the Speaker of the House; the chairman of the Joint Budget Committee or his designee to serve as chairman of the board; and the director of the principal department which will be affected by the cost saving suggestion of the employee.

Members of the subcommittee were concerned that business interests are not represented on the incentive board. Bill 3 increases the number of people appointed to the Incentive Award Suggestion System Board by the Governor from three to five members, with more direction given to the Governor for his appointees. These members are to be appointed as follows: one classified state employee with no management responsibilities; two executive directors of principal departments or their designees; and two private sector members who are employed in positions which require expertise in personnel matters and incentive programs.
The subcommittee was also concerned that, although established in 1989, the board has not held its first meeting. A letter was sent to the chairman of the Joint Budget Committee, who is designated as chairman of the incentive board, encouraging an initial meeting of the board prior to the 1991 legislative session.
II. Other Major Issues Considered by the Subcommittee

Management Training Academy for State Employees

A fourth bill, which would have created a mandatory, intensive training program for state classified employees who are managers and supervisors, was rejected by the Legislative Council Committee. It was determined that the bill fell outside of the charge to the subcommittee.

The proposal provided that promotion and job advancement for managerial and supervisory positions would be based upon the successful completion of the program. Participation in the management academy would be free of cost to the eligible employee. The proposal directed the chancellor of University of Colorado - Denver (UCD) to administer the academic portion of the program by establishing the curriculum and developing standards to evaluate successful completion, and directed the Department of Personnel to select eligible persons to participate in the academy.

Special District Financing

Representatives of the Special District Association (SDA) offered a bill which would have authorized an alternative means for financing special district capital facilities through the use of special facility bonds and fees. The imposition of such bonds and fees would help ease the property tax burden in special districts while enabling such facilities to provide capital facilities for the public.

Recommendation. The subcommittee voted not to consider this proposal as one of its four bills.

Copyright/Patent Sharing

Subcommittee members expressed interest in addressing how public employees can be encouraged to save money by developing cost-saving ideas. The concept of sharing a patent or copyright between the state and the employee who initiated the idea was discussed.

Recommendation. The subcommittee concluded that this proposal could be implemented with the incentive program and, therefore, legislation at this time was not necessary.
A BILL FOR AN ACT

CONCERNING SPECIAL DISTRICTS.

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 county commissioners are immune from civil and criminal liability when acting in their official capacity in relation to special districts. Provides that county commissioners are not required to set a date for a public hearing on a special district service plan until the first meeting of the board of county commissioners which is held at least ten days after the final planning commission action on the service plan. Limits continuances of such public hearings to thirty days unless the parties agree to further continuances. Authorizes the board of county commissioners to charge an additional processing fee for the special review of service plans. Imposes a ceiling on such additional fee.

Changes the postcard notification requirements for hearings on the creation of special districts and on the inclusion of property in existing special districts so that the information required to be included on the postcards is not required to be on a particular side of the postcards. Requires the district court, whenever it determines that a board of county commissioners or the governing body of a municipality acted arbitrarily in failing to approve a petition for the organization of a special district, to remand the matter back to the county or municipality for another hearing.

Clarifies what circumstances constitute a material modification of a service plan such that the service plan has to be approved by the board of county commissioners.
Specifies the information which shall be included in a special district annual report.

Authorizes the division of local government to require special districts to hold a consolidation election. Provides that the division shall pay the costs of such election unless the consolidation is approved, in which case the division shall be reimbursed by the consolidated district. Provides that the division may initiate proceedings to dissolve special districts.

Authorizes the county treasurer to prohibit the release of special district moneys if the special district has not filed certain information with the appropriate officers. Prohibits special district boards from paying more than fair market value for any interest in real property and further prohibits such boards from paying for interests in real property which are otherwise required to be dedicated for public use. Limits the period during which a special district board may issue general obligation bonds after the bond election. Requires special districts to apply to the board of county commissioners for a quadrennial finding of reasonable diligence in issuing general obligation indebtedness. Requires county treasurers to include an itemized list of taxes imposed according to taxing jurisdiction whenever a taxpayer requests such information on a certificate of taxes due.

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

SECTION 1. Part 1 of article 1 of title 32, Colorado Revised Statutes, as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

32-1-114. County commissioners - immunity. When acting in their official capacity, county commissioners shall be immune from any liability, civil or criminal, which otherwise might result from any action they may take which relates to special districts, so long as the acts of such county commissioners are in good faith and are not reckless or wanton.

SECTION 2. 32-1-202 (1), (2) (b), and (3), Colorado
Revised Statutes, as amended, are amended to read:

32-1-202. Filing of service plan required - report of filing - contents - fee. (1) Persons proposing the organization of a special district, except for a special district which is contained entirely within the boundaries of a municipality and subject to the provisions of section 32-1-204.5, shall submit a service plan to the board of county commissioners of each county which has territory included within the boundaries of the proposed special district prior to filing a petition for the organization of the proposed special district in any district court. Such service plan shall be filed with the county clerk and recorder for the board of county commissioners at least ten days prior to a regular meeting of the board of county commissioners. Within five days after the filing of any such service plan, the county clerk and recorder, on behalf of the board of county commissioners, shall report to the division of local government in the department of local affairs on forms furnished by said division the name and type of the proposed special district for which the service plan has been filed. At the next regular meeting of the board of county commissioners immediately following the filing of a service plan with the county clerk and recorder which is held at least ten days after the final planning commission action on the service plan, the board of county commissioners shall set a date within thirty days of such meeting for a public hearing.
on the service plan of the proposed special district. The
board of county commissioners shall provide written notice of
the date, time, and location of such hearing to the division
of local government. THE BOARD MAY CONTINUE THE HEARING FOR A
PERIOD NOT TO EXCEED THIRTY DAYS UNLESS THE PROONENTS OF THE
SPECIAL DISTRICT AND THE BOARD AGREE TO CONTINUE THE HEARING
FOR A LONGER PERIOD.

(2) (b) A financial plan showing how the proposed
services are to be financed, including the proposed operating
revenue derived from property taxes for the first budget year
of the district, which shall not be materially exceeded except
as authorized pursuant to section 32-1-207 or 29-1-302, C.R.S.
ALL PROPOSED INDEBTEDNESS FOR THE DISTRICT SHALL BE DISPLAYED
TOGETHER WITH A SCHEDULE INDICATING THE DATES UPON WHICH THE
DEBT WILL ACTUALLY BE ISSUED. THE BOARD OF DIRECTORS OF THE
DISTRICT SHALL NOTIFY THE BOARD OF COUNTY COMMISSIONERS OR THE
GOVERNING BODY OF THE MUNICIPALITY OF ANY ALTERATION OF
REVISION OF THE PROPOSED SCHEDULE OF DEBT ISSUANCE SET FORTH
IN THE FINANCIAL PLAN;

(3) (a) Each service plan filed shall be accompanied by
a processing fee set by the board of county commissioners not
to exceed five hundred dollars, which shall be deposited into
the county general fund; except that the board of county
commissioners may waive such fee. Such processing fee shall
be sufficient utilized to reimburse the county for reasonable
direct costs related to processing such service plan and the
hearing prescribed by section 32-1-204, including the costs of notice, publication, and recording of testimony. If the Board of County Commissioners determines that special review of the service plan is required, the Board may impose an additional fee to reimburse the County for reasonable direct costs related to such special review. If the Board imposes such an additional fee, it shall not be less than five hundred dollars and it shall not exceed one one-hundredth of one percent of the total amount of the debt to be issued by the district as indicated in the service plan or the amended service plan or ten thousand dollars, whichever is less. The Board may waive all or any portion of the additional fee.

(b) In the event that modifications of service plans are required for the purpose of consolidating special districts, the processing fee and any additional fees shall not exceed five hundred dollars.

Section 3. 32-1-204 (1) and (1.5), Colorado Revised Statutes, as amended, are amended to read:

32-1-204. Public hearing on service plan - procedures - decision. (1) The board of county commissioners shall provide written notice of the date, time, and location of the hearing to the petitioners and the governing body of any existing municipality or special district which has levied an ad valorem tax within the next preceding tax year and which has boundaries within a radius of three miles of the proposed special district boundaries, which governmental units shall be
interested parties for the purposes of this part 2. The board of county commissioners shall make publication of the date, time, location, and purpose of such hearing, the first of which shall be at least twenty days prior to the hearing date. The board of county commissioners shall include in such notice a general description of the land contained within the boundaries of the proposed special district and information outlining methods and procedures pursuant to section 32-1-306(3) 32-1-203(3.5) concerning the filing of a petition for exclusion of territory. Such publications shall constitute constructive notice to the residents and property owners within the proposed special district who shall also be interested parties at the hearing.

(1.5) Not more than thirty days nor less than twenty days prior to the hearing held pursuant to this section, the petitioners for the organization of the special district shall send postcard notification of said hearing to the property owners within the proposed special district as listed on the records of the county assessor on the date requested unless the petitioners represent one hundred percent of the property owners. The postcard notification shall indicate on-the-front that it is a notice of a hearing for the organization of a special district and on-the-back shall indicate the date, time, location, and purpose of such hearing, a reference to the type of special district, and the maximum mill levy, if any, or stating that there is no maximum which may be imposed.
by the proposed special district. Except when no mailing is
required, the mailing of the postcard notification to all
addresses, except post office box addresses, within the
proposed special district shall constitute a good-faith effort
to comply with this subsection (1.5), and failure to notify
all electors thereby shall not provide grounds for a challenge
to the hearing being held.

SECTION 4. 32-1-206 (1), Colorado Revised Statutes, as
amended, is amended to read:

32-1-206. Judicial review. (1) If the petitioners for
the organization of a proposed special district fail to secure
such resolution of approval from any board of county
commissioners OR, WHERE REQUIRED PURSUANT TO SECTION
32-1-204.5, FROM THE GOVERNING BODY OF ANY MUNICIPALITY, the
petitioners may request the court to review such action. If
the court determines such action to be arbitrary, capricious,
or unreasonable, the court may approve the organization of
such special district without such resolution of approval if
the petitioners file with the court an acceptable service plan
in accordance with the provisions of this part 2 which shall
be approved by the court and incorporated by reference in--and
appended--to the order establishing the special district after
all other legal procedures for the organization of the
proposed special district have been complied with SHALL REMAND
the matter back to the board of county commissioners or to the
governing board of the municipality for another public hearing.
WHICH SHALL BE HELD IN ACCORDANCE WITH THE PROVISIONS OF SECTION 32-1-204.

SECTION 5. 32-1-207 (2) and (3) (c), Colorado Revised Statutes, as amended, are amended to read:

32-1-207. Compliance - modification - enforcement.

(2) After the organization of a special district pursuant to the provisions of this part 2 and part 3 of this article, material modifications of the service plan as originally approved may be made by the governing body of such special district only by petition to and approval by the board of county commissioners in substantially the same manner as is provided for the approval of an original service plan; but the processing fee for such modification procedure shall not exceed two hundred fifty dollars. Such approval of modifications shall be required only with regard to changes of a basic or essential nature, including BUT NOT LIMITED TO THE FOLLOWING: Any addition to the types of services provided by the special district; and A DECREASE IN THE LEVEL OF SERVICES; A DECREASE IN THE FINANCIAL ABILITY OF THE DISTRICT TO DISCHARGE THE EXISTING OR PROPOSED INDEBTEDNESS; OR A DECREASE IN THE EXISTING OR PROJECTED NEED FOR ORGANIZED SERVICE IN THE AREA. APPROVAL FOR MODIFICATION shall not be required for changes of a mechanical type necessary only for the execution of the original service plan or for changes in the boundary of the special district; EXCEPT THAT THE INCLUSION OF PROPERTY WHICH IS LOCATED IN A COUNTY OR MUNICIPALITY WITH NO OTHER
TERRITORY WITHIN THE SPECIAL DISTRICT MAY CONSTITUTE A
MATERIAL MODIFICATION OF THE SERVICE PLAN OR THE STATEMENT OF
PURPOSES OF THE SPECIAL DISTRICT AS SET FORTH IN SECTION
32-1-208. IN THE EVENT THAT A SPECIAL DISTRICT CHANGES ITS
BOUNDARIES TO INCLUDE TERRITORY LOCATED IN A COUNTY OR
MUNICIPALITY WITH NO OTHER TERRITORY WITHIN THE SPECIAL
DISTRICT, THE SPECIAL DISTRICT SHALL NOTIFY THE BOARD OF
COUNTY COMMISSIONERS OF SUCH COUNTY OR THE GOVERNING BODY OF
THE MUNICIPALITY OF SUCH INCLUSION. THE BOARD OF COUNTY
COMMISSIONERS OR THE GOVERNING BODY OF THE MUNICIPALITY MAY
REVIEW SUCH INCLUSION AND, IF IT DETERMINES THAT THE INCLUSION
CONSTITUTES A MATERIAL MODIFICATION, MAY REQUIRE THE GOVERNING
BODY OF SUCH SPECIAL DISTRICT TO FILE A MODIFICATION OF ITS
SERVICE PLAN IN ACCORDANCE WITH THE PROVISIONS OF THIS
SUBSECTION (2).
(3) (c) A board of county commissioners may request any
special district located wholly or partially within the
county's unincorporated area, and the governing body of any
municipality may request any special district located wholly
or partially within the municipality's boundaries, to file,
not more than once a year, a special district annual report.
The report shall be available for public inspection, and a
copy of the report shall be made available by the special
district to any interested party pursuant to section 32-1-204
(1) and to the division. IF A SPECIAL DISTRICT FILES AN ANNUAL
REPORT PURSUANT TO THIS PARAGRAPH (c), SUCH REPORT SHALL
INCLUDE BUT SHALL NOT BE LIMITED TO INFORMATION ON THE
PROGRESS OF THE SPECIAL DISTRICT IN THE IMPLEMENTATION OF THE
SERVICE PLAN. THE BOARD OF COUNTY COMMISSIONERS OR THE
GOVERNING BODY OF THE MUNICIPALITY MAY REVIEW THE ANNUAL
REPORTS IN A REGULARLY SCHEDULED PUBLIC MEETING, AND SUCH
REVIEW SHALL BE INCLUDED AS AN AGENDA ITEM IN THE PUBLIC
NOTICE FOR SUCH MEETING.

SECTION 6. Part 2 of article 1 of title 32, Colorado
Revised Statutes, as amended, is amended BY THE ADDITION OF A
NEW SECTION to read:

32-1-209. Submission of information. If a special
district fails either to file a special district annual report
pursuant to section 32-1-207 (3) (c) or to provide any
information required to be submitted pursuant to section
32-1-104 (2) within nine months of the date of the request for
such information, the board of county commissioners of any
county or the governing body of any municipality in which the
special district is located, after notice to the affected
special district, may notify any county treasurer holding
moneys of the special district and authorize the county
treasurer to prohibit release of any such moneys until the
special district complies with such requirements.

SECTION 7. 32-1-304, Colorado Revised Statutes, as
amended, is amended to read:

32-1-304. Notice of court hearing. Immediately after the
filing of a petition, the court wherein such petition is
filed, by order, shall fix a place and time, not less than twenty days nor more than forty days after the petition is filed, for hearing thereon. Thereupon the clerk of said court shall cause notice by publication to be made of the pendency of the petition, the purposes and boundaries of the special district, and the time and place of hearing thereon. The clerk of said court shall also forthwith cause a copy of said notice to be mailed by United States registered mail to the board of county commissioners of each of the several counties and to each party entitled to notice pursuant to section 32-1-206 (2). Said notice shall include a general description of the land contained within the boundaries of the proposed special district and information explaining methods and procedures for the filing of a petition for exclusion of territory PURSUANT TO SECTION 32-1-305 (3).

SECTION 8. 32-1-401 (3), Colorado Revised Statutes, as amended, is amended to read:

32-1-401. Inclusion of territory - procedure. (3) Not more than thirty days nor less than twenty days prior to a meeting of the board held pursuant to paragraph (b) of subsection (1) of this section or paragraph (b) of subsection (2) of this section, the secretary of the special district shall send postcard notification of said meeting to the property owners within the area proposed to be included within the special district as listed on the records of the county assessor on the date requested unless the petitioners
represent one hundred percent of the property owners. The
postcard notification shall indicate that it is a notice of a meeting for consideration of the inclusion of real
property within a special district and shall indicate the date, time, location, and purpose of the meeting,
a reference to the type of special district proposed for inclusion, and the maximum mill levy, if any, or stating that there is no maximum which may be imposed if the proposed area is included within the special district. Except as provided in this subsection (3), the mailing of the postcard notification to all addresses, except post office box addresses, within the area proposed to be included within the special district shall constitute a good-faith effort to comply with this section, and failure to notify all electors thereby shall not provide grounds for a challenge to the meeting being held.

SECTION 9. Part 6 of article 1 of title 32, Colorado Revised Statutes, as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

32-1-602.5. Consolidation by administrative action.

(1) The division may require the boards of two or more special districts to meet publicly for the sole purpose of considering the consolidation of such districts. If at such meeting the boards of such districts agree that consolidation is appropriate, they shall commence consolidation procedures pursuant to section 32-1-602.

(2) The division may require that special districts
initiate a consolidation election pursuant to section 32-1-602
if the executive director of the department of local affairs
approves a report prepared by the division which states the
reasons for the consolidation and includes an analysis
regarding the benefits of consolidation to the residents of
the districts as well as the quality of service to be provided
by the consolidated district. The report shall be made
available to the public not later than thirty days prior to
the consolidation election. The sole question at such election
shall be whether the districts shall be consolidated.

(3) In the event that the division orders a consolidation election pursuant to this section, the costs of such election shall be paid by the division. If the consolidated district is approved at the election, the consolidated district shall reimburse the division for all costs incurred by the division in holding the election.

SECTION 10. 32-1-701 (2), Colorado Revised Statutes, as amended, is amended to read:

32-1-701. Initiation - petition - procedure. (2) The board, promptly and in good faith, shall also take the necessary steps to dissolve the special district whenever five percent of the electors or two hundred fifty electors, whichever is the lesser number, or, in case of special districts larger than twenty-five thousand persons, three percent of the electors of such district, OR THE DIVISION, file an application with the board to dissolve the special
district pursuant to the provisions of this part 7. In such case the board shall file a petition for dissolution with the court within sixty days after the date of filing of such application by the electors. The petition for dissolution shall request an election and shall include a report on the steps which have been taken to comply with the requirements of section 32-1-702. The board, at the time it files a petition for dissolution pursuant to this subsection (2), may request that the proceedings under sections 32-1-703 and 32-1-704 be continued until further progress has been made in complying with the requirements of section 32-1-702.

SECTION 11. 32-1-1001 (1) (f), Colorado Revised Statutes, as amended, is amended to read:

32-1-1001. Common powers. (1) (f) To acquire, dispose of, and encumber real and personal property including, without limitation, rights and interests in property, leases, and easements necessary to the functions or the operation of the special district; EXCEPT THAT THE BOARD SHALL NOT PAY MORE THAN FAIR MARKET VALUE AND REASONABLE SETTLEMENT COSTS FOR ANY INTEREST IN REAL PROPERTY AND SHALL NOT PAY FOR ANY INTEREST IN REAL PROPERTY WHICH MUST OTHERWISE BE DEDICATED FOR PUBLIC USE OR THE SPECIAL DISTRICT'S USE IN ACCORDANCE WITH ANY GOVERNMENTAL ORDINANCE, REGULATION, OR LAW;

SECTION 12. 32-1-1101 (2), Colorado Revised Statutes, as amended, is amended to read:

32-1-1101. Common financial powers. (2) Whenever the
board determines, by resolution, that the interest of the special district and the public interest or necessity demand the acquisition, construction, installation, or completion of any works or other improvements or facilities or the making of any contract with the United States or other persons or corporations to carry out the objects or purposes of such district, requiring the creation of a general obligation indebtedness exceeding one and one-half percent of the valuation for assessment of the taxable property in the special district, said board shall order the submission of the proposition of issuing such general obligation bonds or creating other general obligation indebtedness, except the issuing of revenue bonds, at an election held for that purpose. The resolution shall also fix the date upon which such election will be held. Such election shall be held and conducted, and the results thereof determined, in the manner provided in part 8 of this article. Any such election may be held separately or may be consolidated or held concurrently with any other election authorized by this article. IF THE ISSUANCE OF GENERAL OBLIGATION BONDS IS APPROVED AT AN ELECTION HELD PURSUANT TO THIS SUBSECTION (2), THE BOARD SHALL BE AUTHORIZED TO ISSUE SUCH BONDS FOR A PERIOD NOT TO EXCEED FIVE YEARS FOLLOWING THE DATE OF THE ELECTION OR FOR A PERIOD NOT TO EXCEED TWENTY YEARS FOLLOWING THE DATE OF THE ELECTION IF THE ISSUANCE OF SUCH BONDS IS IN MATERIAL COMPLIANCE WITH THE FINANCIAL PLAN SET FORTH IN THE SERVICE PLAN, AS SUCH PLAN
IS AMENDED FROM TIME TO TIME, OR THE STATEMENT OF PURPOSES OF THE SPECIAL DISTRICT. AFTER SUCH PERIOD HAS EXPIRED, THE BOARD SHALL NOT BE AUTHORIZED TO ISSUE BONDS WHICH WERE AUTHORIZED BUT NOT ISSUED AFTER THE INITIAL ELECTION UNLESS SUCH ISSUANCE IS APPROVED AT A SUBSEQUENT ELECTION.

SECTION 13. Part 11 of article 1 of title 32, Colorado Revised Statutes, as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

32-1-1101.5. Special district debt - quadrennial findings of reasonable diligence. (1) In every fourth calendar year after the calendar year in which a special district's proposition to issue general obligation indebtedness was approved, the board of such special district shall file with the board of county commissioners an application for a quadrennial finding of reasonable diligence. Subsequent applications shall be filed during the same month every four years thereafter until all of the general obligation debt which was authorized by the election has been issued or abandoned.

(2) (a) In reviewing the application, the board of county commissioners shall determine whether the service plan and financial plan of the district are adequate to meet the debt financing requirements of the authorized and unissued general obligation debt based upon present conditions within the district. After its review of the application, the board is authorized to:
(I) Determine that the implementation of the service and financial plan will result in the timely and reasonable discharge of the special district's general obligation debt. If the board makes such a finding, it shall reaffirm the service plan and grant a continuation of the authority for the board of the special district to issue any remaining authorized general obligation debt.

(II) Determine that the implementation of the service and financial plan will not result in the timely and reasonable discharge of the special district's general obligation debt and that such implementation will place property owners at risk for excessive tax burdens to support the servicing of such debt. If the board makes such a finding, it shall deny a continuation of the authority of the board of the special district to issue any remaining authorized general obligation debt.

(III) Determine that the implementation of the service and financial plan will not result in the timely and reasonable discharge of general obligation debt and require the board of the special district to submit amendments or modifications to such plans as a precondition to a finding of reasonable diligence.

(b) The board of county commissioners shall have all available legal remedies to enforce its determination under paragraph (a) of this subsection (2).

(3) Upon request by the board of the special district,
the board of county commissioners may, if it determines that
the public interest would be served, consolidate the
quadrennial applications for determination of reasonable
diligence for the requesting special district in order to
provide a thorough analysis of the financial and economic
conditions of the district.

(4) The provisions of this section shall apply to all
authorized but unissued general obligation debt for each
special district organized under this title. For all unissued
general obligation indebtedness authorized by any special
district created on or after January 1, 1980, such special
district shall file an application for a quadrennial finding
of reasonable diligence no later than September 1, 1992.
Special districts created before January 1, 1980, which have
authorized but unissued general obligation debt in excess of
five million dollars shall file such application no later than
September 1, 1994. The board of county commissioners may
require special districts created before January 1, 1980,
which have authorized but unissued general obligation debt
less than five million dollars to file an application.

SECTION 14. 39-10-115 (1), Colorado Revised Statutes,
1982 Repl. Vol., is amended to read:

39-10-115. Certificate of taxes due. (1) Upon request,
the treasurer shall certify in writing the full amount of
taxes due upon any parcel of real property or mobile home in
his county, and all outstanding sales for unpaid taxes as
shown by the records of his office or the records of the motor
vehicle division of the department of revenue, with the amount
required for redemption of such sales, if the same still are
redeemable. UPON THE REQUEST OF ANY TAXPAYER, THE TREASURER
SHALL INCLUDE ON SUCH CERTIFICATE OF TAXES DUE AN ITEMIZED
LIST OF THE TAXES IMPOSED ACCORDING TO TAXING JURISDICTION. A
fee shall be collected for each such certificate issued by
him, as provided in section 30-1-102, C.R.S. 1973.

SECTION 15. Safety clause. The general assembly hereby
finds, determines, and declares that this act is necessary
for the immediate preservation of the public peace, health,
and safety.
A BILL FOR AN ACT

CONCERNING THE OPTIONAL UNIFICATION OF LOCAL GOVERNMENTS LOCATED WITHIN A SINGLE COUNTY.

Bill Summary

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

Establishes procedures for the optional unification of any county with all of the municipalities and special districts which are wholly within the county to form a unified government. Excludes any county which contains any portion of a municipality which is not wholly contained within such county and excludes any city and county. Provides that special districts which are only partially within a county shall not be merged into the unified government, but requires the governing body of the unified government to seek to maximize the efficiency of governmental services through the use of intergovernmental agreements with such special districts. Provides that the unification process may be initiated either by a petition signed by registered voters of the county or by a resolution or ordinance adopted by the county, a majority of the wholly contained municipalities, and a majority of the wholly contained special districts. Establishes election procedures for the formation election and for the charter election. Requires as part of the charter election process that elections be held within any wholly contained municipalities on the question whether the home rule charters of such municipalities shall be repealed. Requires that the home rule charters of all such wholly contained municipalities be repealed in order for a unified government charter to be approved. Directs that any formation election or charter
election shall be held at a general election if a general election falls within the period during which the formation election or charter election will be held. Designates the minimum contents of a unified government charter. Directs that a unified government shall perform all mandatory functions of a county. Provides the powers which may be granted to a unified government by the charter of such government. Requires each unified government to create a unified government court. Provides requirements for the formation and operation of unified government courts. Provides distributions to unified governments from the lottery fund, the conservation trust fund, the mineral leasing fund, the local government severance tax fund, and the highway users tax fund and from the portion of income tax receipts which are distributed to local governments based upon the amount of state cigarette taxes collected in each such local government.

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

SECTION 1. Title 29, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW ARTICLE to read:

ARTICLE 30

Creation of Unified Governments

29-30-101. Legislative declaration. In enacting this article, it is the intent of the general assembly to provide for the implementation of amendments made to article XIV of the state constitution adopted at the 1970 general election concerning local government (Session Laws of Colorado 1969, pages 1247-1250); to respond to recommendations put forward by the Vision Colorado project; to streamline local government in Colorado so that it is more responsive to the needs of its people and more efficient in its use of resources; and to give the citizens of the state greater opportunity to shape the structure of the government which serves them.
29-30-102. Definitions. As used in this article, unless the context otherwise requires:

(1) "Board" means the board of county commissioners of the county to be included in the proposed unified government.

(2) "Charter commission" or "commission" means the charter commission formed pursuant to the provisions of section 29-30-106.

(3) "County clerk and recorder" means the county clerk and recorder of the county for which unification has been proposed.

(4) "Governing body" means a board, council, or other elected or appointed body in which the legislative powers of a local government are vested.

(5) "Municipality" means any city or town including a city or town incorporated prior to July 3, 1877, whether or not reorganized, and any city or town which has chosen to adopt a home rule charter pursuant to the provisions of article XX of the state constitution. "Municipality" does not include the city and county of Denver.

(6) "Publish" means one publication in the newspaper having the largest paid circulation in the county and which is published within or nearest to the county, or, if there is no such newspaper, "publish" means a posting in at least three public places within each municipality and in at least three public places in the unincorporated territory of the county which will be within the boundaries of the county.
(7) "Registered elector" means a person who has registered to vote in the manner required by law and who has been a resident of the area to be included in the proposed unified government for not less than thirty-two days.

(8) "Resolution" includes an ordinance adopted by a local government.

(9) "Special district" means any quasi-municipal corporation and political subdivision which is organized or acting pursuant to the provisions of title 32, C.R.S. "Special district" does not include a school district.

(10) "Unified government" means a political subdivision created pursuant to the requirements of this article through the unification of the political and corporate functions of a county or home rule county with the political and corporate functions of the municipalities and special districts located wholly within the boundaries of the county.

29-30-103. Initiation of unification. (1) Unification may be initiated by either of the following methods:

(a) The submission to the county clerk and recorder of a formation election petition as follows:

(I) The petition process shall be commenced by filing with the county clerk and recorder a statement of intent to circulate a petition. A statement of intent to circulate a petition shall be signed by at least five registered electors of the county. The petition shall be circulated for a period not to exceed ninety days from the date of filing of the
statement of intent and shall be filed with the county clerk and recorder before the close of business on the ninetieth day from the said date of filing or on the next business day when said ninetieth day is a Saturday, Sunday, or legal holiday.

(II) A petition for a formation election shall be signed by:

(A) At least ten percent of the registered electors of the county registered on the date of filing of the statement of intent who reside in municipalities which are located wholly or partially within the county; and

(B) At least ten percent of the registered electors of the county registered on the date of filing of the statement of intent who reside in the unincorporated areas of the county.

(b) The submission to the county clerk and recorder of a resolution proposing the unification which has been adopted by the board of county commissioners, by a majority of the municipalities located wholly within the boundaries of the county, and by a majority of the special districts located wholly within the boundaries of the county.

(2) If a unification has been properly initiated pursuant to subsection (1) of this section, the county clerk and recorder shall call a formation election on the question of forming a charter commission and for the purpose of electing the members of the charter commission. Such formation election shall be held not less than ninety nor more than one...
hundred twenty days after the date of filing of a petition or resolution with the county clerk and recorder. If a general election is to be held during such period, then such formation election shall be held at the general election. If no general election is to be held during such period, then the county clerk and recorder shall call a special election.

(3) (a) A petition or resolution to initiate the unification process shall include, but need not be limited to, the following provisions:

(I) The total number of charter commission members;

(II) The number of the charter commission members, if any, who shall represent the county at large;

(III) The number of charter commission members, if any, who shall represent geographic districts of the county, together with a description of such geographic districts pursuant to paragraph (b) of this subsection (3);

(IV) The number of charter commission members who shall represent each form of local government as required by paragraph (c) of this subsection (3); and

(V) The maximum amount of expenses to be incurred by the charter commission which the local governments within the county may be required to pay pursuant to the provisions of section 29-30-107 (6). Such maximum amount shall only limit the liability of local governments for the expenses incurred by the charter commission through the date of the first charter election and shall not apply to payments required for
any expenses which are incurred in the preparation of a revised charter pursuant to section 29-30-111 (4).

(b) If the petition or resolution to initiate the unification process stipulates that any members of the charter commission shall represent geographic districts within the proposed unified government's boundaries, then the petition or resolution shall contain a description of the geographic districts within the county from which charter members shall be elected. Such districts shall be compact and shall be approximately equal in population.

(c) A petition or resolution to initiate the unification process shall provide for membership on the charter commission to represent each of the following:

(I) The unincorporated areas of the county;

(II) The municipalities within the county; and

(III) The special districts within the county.

29-30-104. Notice of formation election. The county clerk and recorder shall publish notice of a formation election no more than seventy nor less than sixty days prior to the date of the election. A second notice shall be published no more than fifteen nor less than ten days before the date of the election, which notice shall include a complete listing of the candidates for the charter commission.

29-30-105. Candidates for charter commission.

(1) Except as otherwise provided in subsection (2) of this section, candidates for charter commission membership shall be
registered electors who have been residents of the county for more than one hundred eighty days as of the date of the election. Any such registered elector who files with the county clerk and recorder a nomination petition containing the signatures of at least twenty-five registered electors and a statement of willingness to serve on the charter commission if elected shall be deemed a candidate. Such petition and statement shall state whether the candidate is running for the charter commission as an at-large representative, as a representative of a geographic district, or as a representative of one of the forms of local government. Such petition and statement shall be filed no later than thirty days prior to the date of the election.

(2) If the petition or resolution initiating the unification process provides for membership on the charter commission to represent geographic districts of the county, then charter commission candidates who wish to represent one of such geographic districts shall have been residents of the district they wish to represent for at least one hundred eighty days prior to the date of the election.

(3) Charter commission candidates who wish to represent one of the forms of local government shall have been residents of the form of local government they wish to represent for at least one hundred eighty days prior to the date of the election.
The formation election to determine whether a charter commission shall be formed and to choose charter commission members shall be conducted pursuant to the laws governing general elections except as otherwise expressly provided in this article.

(2) At such election, electors shall cast their ballots "yes" or "no" on the question of whether there shall be formed a commission to prepare a proposed charter for the unified government in the name of such proposed unified government. If a majority of the votes cast are in the affirmative, a charter commission shall be deemed formed.

(3) At such election, electors shall also cast ballots for the election of charter commission members. Those candidates receiving the highest number of votes at large, for each geographic district, and for each form of local government shall be elected. If two or more candidates receive an equal number of votes and only one position on the commission or in the district remains vacant, the county clerk and recorder shall determine which candidate is elected by lot.


(1) The number of charter commission members shall be indicated in the charter petition and shall be an odd number no less than fifteen and no more than twenty-one. If a vacancy in membership occurs after the formation election provided for in section 29-30-106 has been held, such vacancy
shall be filled by the candidate for membership with the next highest number of votes, or, if there is no such person or if such person is not able to serve on the commission, such vacancy shall be filled by appointment of a qualified person by a majority of the remaining commission members.

(2) The initial meeting of the commission shall be called by the county clerk and recorder and shall be held within ten days after certification of the results of the formation election. Thereafter, meetings of the commission shall be called by the chairman of the commission or by a majority of the members of the commission. To the extent possible, notice of all meetings shall be published at least one week prior to the date of the meeting. All meetings of the commission shall be open to the public.

(3) At its initial meeting the commission shall elect from among its membership a chairman and a secretary and such other officers as it deems necessary and shall adopt rules of procedure for its operations and proceedings. The county clerk and recorder shall act as a nonvoting chairman pro tem at such initial meeting until the commission elects a chairman. A majority of the commission members shall constitute a quorum for purposes of transacting business.

(4) (a) The commission may conduct interviews and investigations in the preparation of a charter. County, municipal, and special district employees and officials shall cooperate with the commission to the fullest extent
practicable.

(b) The commission shall hold at least two public
hearings in the course of charter preparation. Notice of said
hearings shall be published not less than seven days nor more
than fifteen days before the date of a hearing.

(5) The commission may employ a staff, consult with and
retain experts, and purchase, lease, or otherwise provide for
such supplies, materials, and equipment as it deems necessary
for the preparation of the proposed charter. Commission
members shall receive no compensation but may be reimbursed
for actual and necessary expenses incurred in the performance
of their duties on the commission.

(6) The commission may accept funds, grants, gifts, and
services from the government of the United States, the state
of Colorado, or any agencies or departments thereof or from
any other public or private source. Any reasonable expenses
of the commission not paid for by other sources of income
shall be paid by the local governments which are to be
included in the proposed unified government in shares
proportionate to each local government's share of the property
taxes collected or to be collected by the county in the year
during which the formation election was held. Only the
proportionate shares of property taxes of the local
governments which are to be included in the proposed unified
government shall be used in the calculation of the shares of
expenses to be paid by such local governments. The local
governments shall not be obligated to make any payments above
the maximum amount provided in the petition or resolution
pursuant to the requirements of section 29-30-103 (3) (a) (V).
No moneys received by the commission from government sources
shall be used to advocate the adoption or rejection of a
proposed charter. Upon its dissolution, all property of the
commission shall become property of the unified government if
such a government is formed or shall be distributed among the
local governments in proportion to the share of the expenses
borne by each such local government pursuant to this
subsection (6) if a unified government is not formed.

(7) The commission shall file a report of all funds,
grants, gifts, and services received by the commission from
any source. Such report shall be filed with the county clerk
and recorder within thirty days after the charter election.
If a second charter election is held pursuant to section
29-30-111 (4), then a second report shall be filed with the
county clerk and recorder within thirty days after such second
charter election.

(8) Any records of the commission shall be deemed to be
"public records" as defined in section 24-72-202 (6), C.R.S.,
and such records shall be subject to the provisions of part 2
of article 72 of title 24, C.R.S.

(9) The commission shall submit a proposed charter to
the county clerk and recorder no later than one hundred eighty
days after the formation election at which the commission was
formed or after a charter election at which an initial
proposed charter was rejected.

29-30-108. Contents of charter. (1) At a minimum, the
charter of a unified government shall provide for:
(a) The effective date of the charter;
(b) The name of the unified government;
(c) Procedures for amending or repealing the charter or
any portion thereof;
(d) The establishment of a seat of government;
(e) Procedures for the election or appointment of the
officers of the unified government and for the duties, terms
of office, and qualifications of such officers. The charter
shall indicate whether elections of the officers of the
unified government shall be partisan or nonpartisan.
(f) The performance of any duties and responsibilities
of county commissioners required by statute or by the state
constitution, and for designation of the officers who shall
perform the acts and duties required of county officers by
statute;
(g) Which of the powers allowed by section 29-30-109 (2)
the unified government is authorized to exercise;
(h) Revenue for the unified government;
(i) A transition period to allow the timely and
efficient transfer of authority from the existing local
governments to the new unified government. Such provisions
shall include, but need not be limited to, a plan for putting
the governing body of the new unified government in control of
the operations of the unified government no later than six
months after the date of the charter election.

(j) The transfer of the pensions of current and former
employees of the local governments which shall be merged into
the unified government upon the effective date of the unified
government charter. All such current and former employees
shall have the same rights and obligations they had prior to
the formation of the unified government. Any provisions
contained in the unified government charter which concern
employee pensions shall comply with all provisions of state
and federal law concerning the pensions of public employees,
including, but not limited to, the provisions of section
31-30-1003 (5), C.R.S., for police and fire pensions and the
provisions of section 31-30-415 (9), C.R.S., for the pensions
of volunteer firemen.

(k) An explanation of the procedures for the transfer to
the new unified government of the assets, liabilities, and
obligations of the local governments which are merged into
such unified government; and

(l) The orderly transfer of jurisdiction from any
municipal court in the county to the unified government court
created pursuant to the requirements of section 29-30-114.


(1) A unified government shall provide all mandatory county
functions, services, and facilities and shall exercise all
mandatory powers as are required by law for counties.

(2) Except as otherwise provided in this article or in the state constitution, the charter of a unified government may provide for the exercise of any of the following powers and functions:

(a) All powers and functions of any county not adopting a home rule charter;

(b) All powers and functions granted to home rule cities and towns pursuant to article XX of the state constitution; and

(c) All permissive powers and functions granted to home rule counties pursuant to article 35 of title 30, C.R.S.

29-30-110. Notice of charter election. The county clerk and recorder shall publish notice of a charter election to be held pursuant to the provisions of section 29-30-111 not more than forty-five days nor less than thirty days prior to the date of the election and again not more than ten days nor less than seven days prior to said election. Such notices shall include the complete text of the proposed charter.

29-30-111. Charter election - repeal of home rule charters - dissolution of charter commission. (1) The county clerk and recorder shall call a charter election, to be held not less than sixty days nor more than one hundred twenty days after the submission pursuant to section 29-30-108 of a proposed charter, at which the registered electors shall cast their ballots "yes" or "no" on the question of whether the
proposed charter for the proposed unified government shall be adopted. If a general election is to be held during such period, then such charter election shall be held at the general election. If no general election is to be held during such period, then the county clerk and recorder shall call a special election. If the county which is to be merged into the unified government has adopted a home rule charter, then the ballot question shall include the question whether the home rule charter of the county shall be repealed in order to allow for the adoption of the unified government charter. Also at such election, the registered electors of each home rule city or town which is wholly contained within the county shall determine whether to repeal the home rule charter of such city or town pursuant to the provisions of subsection (5) of this section. Such election shall be conducted in conformance with the general election laws of Colorado. If a majority of the ballots cast throughout the county are in the favor of the adoption of the charter and if a majority of the ballots cast in each home rule city or town wholly contained within the county are in favor of the repeal of their home rule charters, the charter shall be deemed adopted.

(2) The adoption of a charter pursuant to the provisions of subsection (1) of this section shall be final, and no other remedy shall lie therefrom. The adoption of the charter shall finally and conclusively establish the unified government consolidated against all persons except the state of Colorado.
in an action in the nature of quo warranto commenced by the
attorney general no more than thirty days after the adoption
of the charter. The adoption of the charter shall not be
directly or collaterally questioned in any suit, action, or
proceeding except as expressly authorized in this section.

(3) Upon adoption of a charter, the charter commission
shall be dissolved.

(4) If the proposed charter is rejected at the charter
election, the commission shall take a vote among its members
on the question of whether to dissolve the commission. If a
majority of the members of the commission voting on the
measure vote in favor of dissolution, then the commission
shall be dissolved. If dissolution of the commission is
rejected, then the commission shall proceed to prepare a
revised charter proposal in the manner established in section
29-30-107, and a second election shall be held as provided in
this section. If the majority of the ballots cast at such
second election reject the adoption of the revised proposed
charter, the commission shall be dissolved.

(5) (a) If a county which is sought to be unified under
the provisions of this article wholly contains any
municipality which has adopted a home rule charter, then at
the charter election the registered electors of each such home
rule city or town shall cast their ballots "yes" or "no" on
the question whether the home rule charter of the city or town
shall be repealed for the purpose of allowing the unification
of local governments in the county. The ballot question concerning the repeal of the home rule charter of a municipality shall state that the repeal shall be effective only if the charter which is being considered at the charter election is approved by a majority of the electors casting their ballots in such election.

(b) If a majority of the registered electors of a municipality voting in a charter election approve repeal of the home rule charter and a majority of the voters in the county approve the charter in such election, the repeal of the home rule charter shall be deemed approved. If a charter fails to gain a majority of the votes cast at a charter election, but the repeal of a home rule charter for a municipality does receive a majority of the votes cast in such municipality at such election, then the repeal of the home rule charter shall not be deemed approved and shall not be effective.

29-30-112. Filings. (1) A certified copy of a charter or charter amendment or the repeal of a charter shall be filed with the county clerk and recorder and the division of local government in the department of local affairs no later than twenty days after approval of such charter, amendment, or repeal. Courts shall take judicial notice of a charter, amendment, or repeal which has been so filed.

(2) If the home rule charter of any municipality is repealed as a part of the approval a charter, certified copies
of such repeal shall be filed pursuant to the provisions of section 31-2-208, C.R.S.

29-30-113. Transfer of government - succession - vested rights preserved. (1) Immediately upon the effective date of the charter:

(a) The unified government shall be a body politic and corporate and a political subdivision of the state, and said unified government and its citizens shall have the powers granted in the charter of the unified government.

(b) The county, all wholly contained municipalities, and all wholly contained special districts shall merge into the unified government and shall cease to exist as independent entities; except that the governing bodies of such local governments and the municipal courts of any municipalities merged into the unified government shall continue to operate as specified in the charter during the transition period.

(2) (a) The unified government shall have perpetual existence and shall own, possess, and hold all property, both real and personal, previously owned, possessed, or held by the county, the municipalities, and the special districts which merged into the unified government and shall assume, manage, and dispose of all trusts in any way connected with such property.

(b) The unified government shall succeed to all rights and liabilities, acquire all benefits, and assume and pay all bonds, obligations, and indebtedness of the county, the
municipalities, and the special districts which merged into the unified government; except that the charter may specify that all outstanding bonded indebtedness of any special district or municipality which becomes part of the unified government shall be paid and discharged by the taxpayers residing within or having taxable property within the boundaries of such special district or municipality. If the charter contains such a provision, the governing body of the unified government shall levy a general property tax annually upon the properties lying within the boundaries of the special district or municipality which incurred such bonded indebtedness as said boundaries existed when such special district or municipality became a part of the unified government or shall levy such other tax or fee within such boundaries as is appropriate for the payment of such bonded indebtedness. Such tax or fee shall be levied for so long as may be necessary to pay such bonded indebtedness according to the terms of the indebtedness.

(3) The adoption of any charter or charter amendment or any repeal thereof shall not be construed to destroy any property right, contract right, or right of action of any nature or kind, civil or criminal, vested in or against the county, the municipalities, or the special districts which merged into the unified government. All such rights shall vest in and inure to the unified government or to any persons asserting such claims as fully and completely as though the
Such adoption shall not be construed to affect any such right existing between any of the unified government's previously existing constituent entities.

29-30-114. Unified government courts - transfer of cases. (1) Each unified government shall create a unified government court pursuant to the provisions of article 9.5 of title 13, C.R.S., to hear and try all alleged violations of ordinance provisions of such unified government. The unified government court and the county court of the unified government shall have concurrent jurisdiction in prosecutions for violations of unified government ordinances. Any prosecutions for violations of unified government ordinances which are begun prior to the commencement of operations of the unified government court shall be filed with the county court. Any prosecutions for violations of county ordinances which are begun on or after the commencement of operations of the unified government court shall be filed with the unified government courts.

(2) The unified government court shall have concurrent jurisdiction with the county court of the unified government in prosecutions for violations of the county ordinances of the county merged into the unified government. Any prosecutions for violations of county ordinances which are begun prior to the commencement of operations of the unified government court shall be filed with the county court. Any prosecutions for
violations of county ordinances which are begun on or after
the commencement of operations of the unified government court
shall be filed with the unified government courts.

(3) The unified government court shall have jurisdiction
in any pending municipal court matters which are transferred
to the unified government court pursuant to the provisions of
this subsection (3) and pursuant to the provisions of the
unified government charter. Upon the effective date of
unification of local governments under the provisions of this
article, any judicial matters which are pending in the
municipal courts of municipalities which are merged into the
unified government shall be transferred to the unified
government court according to the schedule and procedures
provided in the unified government charter.

(4) The unified government shall be responsible for the
costs of operation of the unified government court.

29-30-115. Intergovernmental agreements with special
districts. If a unified government contains any portion of a
special district which also has a portion of its territory or
service area in another county, then the governing body of the
unified government shall seek to maximize the efficiency of
governmental services through the use of intergovernmental
agreements with any such special districts. The governing body
of a unified government is authorized and encouraged to enter
into intergovernmental agreements with such special districts
to take over the services that such special districts provide
within the boundaries of the unified government.

29-30-116. Limitation on subsequent proposals. No proposal for the formation of a charter commission or for the amendment or repeal of a unified government charter shall be initiated within two years after the rejection of a substantially similar proposal. The provisions of this section shall not apply to any revised charter proposal which is prepared pursuant to the provisions of section 29-30-111 (4).

29-30-117. Exclusion. The provisions of this article shall not apply to any county which contains any portion of a municipality which is not wholly contained within the county and shall not apply to a city and county.

SECTION 2. Title 13, Colorado Revised Statutes, 1987 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW ARTICLE to read:

ARTICLE 9.5

Unified Government Courts

13-9.5-101. Definitions. As used in this article, unless the context otherwise requires:

(1) "Unified government court" means a court created pursuant to the provisions of section 29-30-114, C.R.S.

(2) "Unified government judge" means a judge of a unified government court.

13-9.5-102. Applicability. This article shall apply to and govern the operation of unified government courts in any
unified government. Except for the provisions contained in section 13-9.5-107 relating to the method of salary payment for unified government judges, the provisions contained in section 13-9.5-113 (4) and (5) relating to the incarceration of children provided for in sections 19-2-204 and 19-2-1115, C.R.S., and the provisions contained in section 13-9.5-114 relating to the right to a trial by jury for petty offenses provided for in section 16-10-109, C.R.S., this article may be superseded by charter or ordinance enacted by a unified government. The provisions of a unified government charter or ordinance shall not supercede rules of procedure or appellate procedure promulgated by the supreme court.

13-9.5-103. Court of record. Each unified government court shall be a court of record, with such powers as are inherent in constitutionally created courts.

13-9.5-104. Unified government court created - jurisdiction. The governing body of each unified government shall create a unified government court to hear and try all alleged violations of ordinance provisions of such unified government.

13-9.5-105. Unified government judge - appointment - removal. (1) (a) Unless otherwise provided in the charter of a unified government, the unified government court shall be presided over by a unified government judge who shall be appointed by the unified government governing body for a specified term of not less than two years and who may be
reappointed for a subsequent term; except that the initial appointment under this section may be for a term of office which expires on the date of the next election of the unified government governing body. Any vacancy in the office of unified government judge shall be filled by appointment of the unified government governing body for the remainder of the unexpired term.

(b) The unified government governing body may appoint such additional unified government judges or assistant judges as may be necessary to act in case of temporary absence, sickness, disqualification, or other inability of the presiding unified government judge to act.

(c) In the event that more than one unified government judge is appointed, the unified government governing body shall designate a presiding unified government judge, who shall serve in this capacity during the term for which he was appointed.

(2) A unified government judge may be removed during the judge's term of office only for cause. A judge may be removed for cause if:

(a) The judge is found guilty of a felony or any other crime involving moral turpitude;

(b) The judge has a disability which interferes with the performance of the judge's duties and which is or is likely to become of a permanent character;

(c) The judge has willfully or persistently failed to
perform the judge's duties;
(d) The judge is habitually intemperate; or
(e) The unified government required the judge, at the
time of appointment, to be a resident of the unified
government and the judge subsequently becomes a nonresident of
the unified government during the judge's term of office.
13-9.5-106. Qualifications of unified government judges.
(1) A unified government judge shall have the same
qualifications as a county judge in a Class D county, as set
forth in section 13-6-203 (3).
(2) Preference shall be given by the unified government
governing body, when possible, to the appointment of a unified
government judge who is licensed to practice law in Colorado
or who is trained in the law.
(3) The unified government governing body may appoint a
county judge in a Class C or D county, as defined in section
13-6-203, to serve as a unified government judge.
(4) The unified government governing body may require
that the unified government judge be a qualified elector of
the unified government.
(1) The unified government governing body shall provide by
ordinance for the salary of the unified government judge.
Such salary shall be a fixed annual compensation and payable
on a monthly or other periodic basis.
(2) Payment of any fees or other compensation based
directly on the number of individual cases handled or heard by
the unified government judge is prohibited.

13-9.5-108. Clerk of the unified government court.

(1) The unified government governing body shall establish the
position of clerk of the unified government court; except that
the unified government judge shall serve as ex officio clerk
if the business of the court is insufficient to warrant a
separate full-time or part-time clerk.

(2) The clerk of the unified government court shall be
appointed by the presiding unified government judge and shall
have such duties as are delegated to the judge by law, court
rule, or the presiding unified government judge.

(3) The unified government governing body shall provide
for the salary of the clerk of the unified government court in
the same manner as specified in section 13-9.5-107; except
that, if the unified government judge serves as ex officio
clerk, he shall not receive any additional compensation.

13-9.5-109. Bond. (1) The clerk of the unified
government court shall give a performance bond in the sum of
two thousand dollars, or in such amount as may be set by
ordinance, to the unified government for which the judge is
appointed.

(2) The performance bond shall be approved by the
unified government governing body and be conditioned upon the
faithful performance of the clerk's duties and for the
faithful accounting for, and payment of, all funds deposited
with or received by the court.

(3) When the unified government judge serves as clerk of the unified government court, as provided in section 13-9.5-108 (3), such judge shall execute the performance bond required by this section.

(4) The governing body of the unified government may waive the bond required by this section.

13-9.5-110. Court facilities and supplies. The unified government governing body shall furnish the unified government court with suitable courtroom facilities and sufficient funds for the acquisition of all necessary books, supplies, and furniture for the proper conduct of the business of the court.

13-9.5-111. Commencement of actions-process. (1) Any action or summons brought in any unified government court to recover any fine or enforce any penalty or forfeiture under any ordinance shall be filed in the corporate name of the unified government in which the court is located by and on behalf of the people of the state of Colorado.

(2) Any process issued from a unified government court runs in the corporate name of the unified government by and on behalf of the people of the state of Colorado. Processes from any unified government court shall be executed by any authorized law enforcement officer from the unified government in which the court is located.

(3) Any authorized law enforcement officer may execute within the officer's jurisdiction any summons, process, writ,
or warrant issued by a unified government court from another jurisdiction arising under the ordinances of such unified government for an offense which is criminal or quasi-criminal. For the purposes of this subsection (3), traffic offenses shall not be considered criminal or quasi-criminal offenses unless penalty points may be assessed under section 42-2-123 (5) (a) to (5) (ff), C.R.S. The issuing unified government shall be liable for and pay all costs, including costs of service or incarceration incurred in connection with such service or execution.

(4) The clerk of the unified government court shall issue a subpoena for the appearance of any witness in unified government court upon the request of either the prosecuting unified government or the defendant. The subpoena may be served upon any person within the jurisdiction of the court in the manner prescribed by the rules of procedure applicable to unified government courts. Any person subpoenaed to appear as a witness in unified government court shall be paid a witness fee in the amount of five dollars.

(5) Upon the request of the unified government court, the prosecuting unified government, or the defendant, the clerk of the unified government court shall issue a subpoena for the appearance, at any and all stages of the court's proceedings, of the parent, guardian, or lawful custodian of any child under eighteen years of age who is charged with a unified government offense.
13-9.5-112. **Powers and procedures.** The unified government judge of any unified government court has all judicial powers relating to the operation of the judge's court, subject to any rules of procedure governing the operation and conduct of unified government courts promulgated by the Colorado supreme court. The presiding unified government judge of any unified government court has authority to issue local rules of procedure consistent with any rules of procedure adopted by the Colorado supreme court.

13-9.5-113. **Fines and penalties.** (1) Any person convicted of violating a unified government ordinance may be incarcerated for a period not to exceed ninety days or fined an amount not to exceed three hundred dollars, or both.

(2) In sentencing or fining a violator, the unified government judge shall not exceed the sentence or fine limitations established by ordinance. Any other provision of the law to the contrary notwithstanding, the unified government judge may suspend the sentence or fine of any violator and place the violator on probation for a period not to exceed one year.

(3) The unified government judge is empowered in his discretion to assess costs against any defendant who, after trial, is found guilty of an ordinance violation. Such costs shall not exceed fifteen dollars for trial to the court and forty-five dollars for trial by jury.

(4) Notwithstanding any provision of law to the
contrary, a unified government court has the authority to order a child under eighteen years of age confined in a juvenile detention facility operated or contracted by the department of institutions or a temporary holding facility operated by or under contract with a unified government for failure to comply with a lawful order of the court, including an order to pay a fine. Any confinement of a child for contempt of unified government court shall not exceed forty-eight hours.

(5) Notwithstanding any other provision of law, a child, as defined in section 19-1-103 (4), C.R.S., arrested for an alleged violation of a unified government ordinance, convicted of violating a unified government ordinance or probation conditions imposed by a unified government court, or found in contempt of court in connection with a violation or alleged violation of a unified government ordinance shall not be confined in a jail, lockup, or other place used for the confinement of adult offenders but may be held in a juvenile detention facility operated by or under contract with the department of institutions or a temporary holding facility operated by or under contract with a unified government which shall receive and provide care for such child. A unified government court imposing penalties for violation of probation conditions imposed by such court or for contempt of court in connection with a violation or alleged violation of a unified government ordinance may confine a child pursuant to section
19-2-204, C.R.S., for up to forty-eight hours in a juvenile
detention facility operated by or under contract with the
department of institutions.

(6) Whenever the judge in a unified government court
imposes a fine for a nonviolent unified government ordinance
or code offense, if the person who committed the offense is
unable to pay the fine at the time of the court hearing or if
he fails to pay any fine imposed for the commission of such
offense, in order to guarantee the payment of such fine, the
unified government judge may compel collection of the fine in
the manner provided in section 18-1-110, C.R.S. For purposes
of this subsection (6), "nonviolent unified government
ordinance or code offense" means a unified government
ordinance or code offense which does not involve the use or
threat of physical force on or to a person in the commission
of the offense.

(7) Notwithstanding subsection (1) of this section, the
unified government judge of each unified government which
implements an industrial wastewater pretreatment program
pursuant to the federal act, as defined in section 25-8-103
(8), C.R.S., may provide such relief and impose such penalties
as are required by such federal act and its implementing
regulations for such programs.

13-9.5-114. Trial by jury. (1) In any action before
unified government court in which the defendant is entitled
to a jury trial by the constitution or the general laws of the
state, such party shall have a jury upon request. The jury shall consist of three jurors unless, in the case of a trial for a petty offense, a greater number, not to exceed six, is requested by the defendant.

(2) Jurors shall be selected for unified government courts pursuant to the provisions of article 71 of title 13.

(3) Jurors shall be paid the sum of six dollars per day for actual jury service and three dollars for each day of service on the jury panel alone; except that the governing body of a unified government may, by resolution or ordinance, set higher or lower fees for attending its unified government court.

(4) For the purposes of this section, a defendant waives his right to a jury trial under subsection (1) of this section unless, within ten days after arraignment or entry of a plea, the defendant files with the court a written jury demand and at the same time tenders to the court a jury fee of twenty-five dollars, unless the fee is waived by the judge because of the indigence of the defendant. If the action is dismissed or the defendant is acquitted of the charge, or if the defendant having paid the jury fee files with the court at least ten days before the scheduled trial date a written waiver of jury trial, the jury fee shall be refunded.

(5) At the time of arraignment for any petty offense in this state, the judge shall advise any defendant not represented by counsel of the defendant's right to trial by
jury; of the requirement that the defendant, if he desires to
invoke his right to trial by jury, demand such trial by jury
in writing within ten days after arraignment or entry of a
plea; of the number of jurors allowed by law; and of the
requirement that the defendant, if he desires to invoke his
right to trial by jury, tender to the court within ten days
after arraignment or entry of a plea a jury fee of twenty-five
dollars unless the fee is waived by the judge because of the
indigence of the defendant.

13-9.5-115. Fines and costs. All fines and costs
collected or received by the unified government court shall be
reported and paid monthly, or at such other intervals as may
be provided by an ordinance of the unified government, to the
treasurer of the unified government and deposited in the
general fund of the unified government.

13-9.5-116. Appeals. (1) Appeals taken from judgments
of a unified government court shall be made to the district
court of the unified government. The practice and procedure
in such case shall be the same as provided by section 13-6-310
and applicable rules of procedure for the appeal of
misdemeanor convictions from the county court to the district
court.

(2) If, in any unified government court, a defendant is
denied a jury trial to which such defendant is entitled under
section 13-9.5-114, such defendant is entitled to a trial by
jury under section 16-10-109, C.R.S., and to a trial de novo
upon application therefor on appeal.

(3) Notwithstanding any provision of law to the contrary, if confinement of a child is ordered pursuant to a contempt conviction as set forth in section 13-9.5-113 (4), appeal shall be to the juvenile court for the unified government in which the unified government court is located. Such appeals shall be advanced on the juvenile court's docket to the earliest possible date. Procedures applicable to such appeals shall be in the same manner as provided in subsection (1) of this section for appeals to the county court.

13-9.5-117. Time - docket fee - bond. Appeals may be taken within ten days after entry of any judgment of a unified government court. No appeal shall be allowed until the appellant has paid to the clerk of the unified government court one dollar and fifty cents as a fee for preparing the transcript of record on appeal. The clerk of the unified government court is also entitled to the same additional fees for preparing the record, or portions thereof designated, as is the clerk of the county court on the appeal of misdemeanors, but said fees shall be refunded to the defendant if the judgment is set aside on appeal. No stay of execution shall be granted until the appellant has executed an approved bond as provided in sections 13-9.5-120 and 13-9.5-121.

13-9.5-118. Notice - scope. (1) Appeals may be taken by filing with the clerk of the unified government court a notice of appeal, in duplicate. The notice of appeal shall set forth...
the title of the case; the name and address of the appellant and appellant's attorney, if any; identification of the offense or violation of which the appellant was convicted; a statement of the judgment, including its date and any fines or sentences imposed; and a statement that the appellant appeals from the judgment. The notice of appeal shall be signed by the appellant or the appellant's attorney.

(2) The taking of an appeal shall not permit the retrial of any matter of which the appellant has been acquitted or any conjoined charge from the conviction of which the appellant does not seek to appeal.

13-9.5-119. Certification to appellate court. Upon payment of the fee provided in section 13-9.5-117 and filing of notice as provided in section 13-9.5-118, the original papers in the unified government court file, together with a transcript of the record of the unified government court, and a duplicate notice of appeal shall be certified to the appropriate appellate court pursuant to section 13-9.5-116 by the unified government court.

13-9.5-120. Bond - approval of sureties - forfeitures. (1) When an appellant desires to stay the judgment of the unified government court, the appellant shall execute a bond to the unified government, in such penal sum as may be fixed by the unified government court, and in such form and with sureties qualified as the unified government may, by ordinance, designate.
Sureties shall be approved by a judge of the unified government court from which the appeal is taken.

The amount of bond shall not exceed double the amount of the judgment for fines and costs, plus an amount commensurate with any jail sentence, which latter amount shall be not less than fifty dollars nor more than a sum equal to two dollars for each day of jail sentence imposed.


(1) The bond shall be conditioned that the appellant will duly prosecute such appeal and satisfy any judgment that may be rendered upon trial of the case in the appropriate appellate court to which appeal is taken pursuant to section 13-9.5-116 and that the appellant will surrender himself in satisfaction of such judgment if that is required.

(2) If the bond is forfeited, the appellate court, upon motion of the unified government, shall enter judgment against the appellant and sureties on the bond for the amount of such bond. The appellate court, with the consent of the unified government, shall enter judgment against the appellant and sureties on the bond for the amount of such bond. The appellate court, with the consent of the unified government, may set aside or modify the judgment.

(3) Any unified government may provide by ordinance such other bond terms and conditions as are not inconsistent with the provisions of this article. The filing of such bond or any notice thereof of record shall not constitute any lien.
against any property of the sureties.

(4) When the condition of the bond has been satisfied or the forfeiture thereof set aside or remitted, the unified government court shall exonerate the obligors and release the bond. At any time before final judgment in the appellate court, a surety may be exonerated by a deposit of cash in the amount of the bond or by timely surrender of the appellant into custody.

13-9.5-122. Docket fee - dismissal. The appellant shall pay a docket fee as provided by law to the clerk of the appellate court, within ten days from the date the appellant ordered the transcript of record. If the appellant does not do so, the appellant's appeal may be dismissed on motion of the unified government.

13-9.5-123. Procedendo on dismissal. Upon dismissal of an appeal, the clerk of the appellate court shall at once issue a procedendo to the unified government court from the judgment on which appeal was taken, to the amount of the judgment and all costs incurred before the unified government court.

13-9.5-124. Action on bond in name of unified government. Action may be instituted upon any bond under this article in the name of the unified government in whose favor it is executed.

13-9.5-125. Judgment. Upon trial de novo of the case on appeal to the appellate court, if a jury has been demanded,
the duties of the jurors shall be to determine only whether
the appellant has violated the ordinance charged. Upon a
verdict of guilty, the judge shall then hear and consider any
material facts in mitigation or aggravation of the offense and
shall impose a penalty as provided by ordinance.

SECTION 3. The introductory portion to 13-10-105 (2),
Colorado Revised Statutes, 1987 Repl. Vol., is amended to
read:


(2) A municipal judge may be removed during his term of
office only for cause OR BECAUSE THE MUNICIPALITY HAS CEASED
TO EXIST DUE TO A UNIFICATION OF GOVERNMENTS UNDER THE
PROVISIONS OF ARTICLE 30 OF TITLE 29, C.R.S. A judge may be
removed for cause if:

SECTION 4. 24-35-210 (4) (d) (II), Colorado Revised
Statutes, 1988 Repl. Vol., as amended, is amended to read:

24-35-210. Lottery fund. (4) (d) (II) The net lottery
proceeds may also be used to reimburse counties AND UNIFIED
GOVERNMENTS for their actual expenses incurred in housing
inmates in the county OR UNIFIED GOVERNMENT facilities for the
department of corrections. The director of the department of
corrections is hereby authorized to contract with county
commissioners OR UNIFIED GOVERNMENT OFFICIALS for placement of
corrections department inmates in county OR UNIFIED GOVERNMENT
facilities when the director determines that such a contract
would be in the best interests of the state.
SECTION 5. The introductory portion to 29-21-101 (2) (a) (II) and 29-21-101 (2) (a) (II) (B), (2) (b) (I), (2) (b) (III), and (2) (b) (IV), Colorado Revised Statutes, 1986 Repl. Vol., are amended, and the said 29-21-101 (2) (a) (II) is further amended BY THE ADDITION OF A NEW SUB-SUBPARAGRAPH, to read:

29-21-101. Conservation trust funds. (2) (a) (II) Each county OR UNIFIED GOVERNMENT share shall be apportioned according to that percentage which the population of each county OR UNIFIED GOVERNMENT is to the total population of all counties AND UNIFIED GOVERNMENTS, and, within each county, each municipality's share shall be apportioned according to the percentage which the population within each municipality is to the total population of the county in which such municipality is located. Each special district's share shall be determined as follows:

(B) The special district's share relating to the incorporated area of the county in which all or part of such special district is located shall be one-half of the percentage which the population of the special district's incorporated area is to the total population of the municipality in which the special district's incorporated area is located. The population of any area which is located within a municipality or a city and county and has been excluded from a special district shall not be counted as part of the special district's population, even if the excluded area remains
within the district for the purpose of paying outstanding
debt; and

(B.5) The special district's share relating to the area
of the unified government in which all or part of such special
district is located shall be apportioned according to one-half
of the percentage which the population of the special
district's area is to the total population of the unified
government; and

(b) (I) To each eligible county OR UNIFIED GOVERNMENT,
its share, less the share of all eligible municipalities and
special districts located within the county OR UNIFIED
GOVERNMENT;

(III) To each eligible special district, its
proportionate share of the county and municipal share OR
UNIFIED GOVERNMENT SHARE;

(IV) To each eligible county, UNIFIED GOVERNMENT,
municipality, and special district, its proportionate share of
any ineligible county OR UNIFIED GOVERNMENT share, less the
shares of any eligible municipalities and special districts
within the ineligible county OR UNIFIED GOVERNMENT; and

SECTION 6. 34-63-102 (3) (a), (3) (b) (I), (3) (b)
(III), and (3) (c), Colorado Revised Statutes, 1984 Repl.
Vol., are amended to read:

34-63-102. Creation of mineral leasing fund -
distribution. (3) (a) Fifty percent of all moneys described
in paragraph (a) of subsection (1) of this section shall be
distributed ten working days after receipt of the last monthly
payment in each quarter among those respective counties AND
UNIFIED GOVERNMENTS of this state from which the federal
leasing money is derived in proportion to the amount of said
federal leasing money derived from each of the respective
counties AND UNIFIED GOVERNMENTS for use by said counties AND
UNIFIED GOVERNMENTS for the purposes described in subsection
(1) of this section and for use by municipalities and school
districts within said counties AND UNIFIED GOVERNMENTS as
provided in paragraph (c) of this subsection (3); except that
no distribution under this paragraph (a) to any single county
OR UNIFIED GOVERNMENT, including the amounts distributed under
paragraph (c) of this subsection (3) to municipalities and
school districts located therein, shall exceed eight hundred
thousand dollars in any calendar year. Unless the balance
paid to the state public school fund pursuant to subparagraph
(I) of paragraph (b) of this subsection (3) exceeds ten
million one hundred thousand dollars in a calendar year,
distribution above two hundred thousand dollars to any single
county OR UNIFIED GOVERNMENT pursuant to this paragraph (a)
shall not take effect during that calendar year.
(b) (I) Any balance of said fifty percent remaining
after payment to the several counties AND UNIFIED GOVERNMENTS
as provided in paragraph (a) of this subsection (3) shall be
paid by the state treasurer, on or before the last day of
December of each year, into the state public school fund and
used for the support of the public schools.

(III) An amount equal to twenty-five percent of the balance paid to the local government mineral impact fund pursuant to subparagraph (II) of this paragraph (b) shall be distributed annually to each county, in whose unincorporated area employees of a mine or related facility from which such money is derived reside, in the same proportion that the number of such employees bears to the total number of employees of such mines and related facilities who reside in the state, and to each municipality OR UNIFIED GOVERNMENT, in which employees of such facilities reside, in the same proportion that the number thereof bears to the total number of employees of such mines and related facilities who reside in the state.

(c) In each calendar year, each county OR UNIFIED GOVERNMENT shall notify the state treasurer to have at least twenty-five percent of the moneys described in paragraph (a) of this subsection (3) distributed to any school district within the county OR UNIFIED GOVERNMENT specified by the board of county commissioners OR UNIFIED GOVERNMENT GOVERNING BODY for use in accordance with the purposes described in subsection (1) of this section. In each calendar year, each county shall also notify the state treasurer to have at least thirty-seven and one-half percent of that part of the moneys which are described in paragraph (a) of this subsection (3) which exceeds two hundred fifty thousand dollars distributed.
among the municipalities within the county according to that percentage which the population within each municipality bears to the total population of all municipalities located within the county. The state treasurer shall not disburse funds to a county OR UNIFIED GOVERNMENT under this subsection (3) until such notification is received. For the purposes of this paragraph (c), "population" means the most recent population estimate at the time of the distribution of the mineral leasing fund as prepared by the demographic section of the division of local government.

SECTION 7. 34-63-103, Colorado Revised Statutes, 1984 Repl. Vol., is amended to read:

34-63-103. Method of payment. Warrants in payment of the amounts due the several counties AND UNIFIED GOVERNMENTS of the state shall be issued and paid pursuant to the provisions of law.

SECTION 8. 39-22-623 (1) (a) (II), Colorado Revised Statutes, 1982 Repl. Vol., as amended, is amended to read:

39-22-623. Disposition of collections. (1) (a) (II) Effective July 1, 1987, an amount equal to twenty-seven percent of the gross state cigarette tax shall be apportioned to incorporated cities and incorporated towns which levy taxes and adopt formal budgets and to counties AND UNIFIED GOVERNMENTS. For the purposes of this section, a city and county shall be considered as a city. The city or town share shall be apportioned according to the percentage of
state sales tax revenues collected by the department of
revenue in an incorporated city or town as compared to the
total state sales tax collections that may be allocated to all
political subdivisions in the state; the county share shall be
the same as that which the percentage of state sales tax
revenues collected in the unincorporated area of the county
bears to total state sales tax revenues which may be allocated
to all political subdivisions in the state; AND THE UNIFIED
GOVERNMENT SHARE SHALL BE THE SAME AS THAT WHICH THE
PERCENTAGE OF STATE SALES TAX REVENUES COLLECTED IN THE
UNIFIED GOVERNMENT BEARS TO TOTAL STATE SALES TAX REVENUES
WHICH MAY BE ALLOCATED TO ALL POLITICAL SUBDIVISIONS IN THE
STATE. The department of revenue shall certify to the state
treasurer, at least annually, the percentage for allocation to
each city, town, and county, AND UNIFIED GOVERNMENT, and such
percentage for allocation so certified shall be applied by
said department in all distributions to cities, towns, and
counties, AND UNIFIED GOVERNMENTS until changed by
certification to the state treasurer. In order to qualify for
distributions of state income tax moneys, units of local
government are prohibited from imposing fees, licenses, or
taxes on any person as a condition for engaging in the
business of selling cigarettes or from attempting in any
manner to impose a tax on cigarettes. For purposes of this
paragraph (a), the "gross state cigarette tax" means the total
tax before the discount provided for in section 39-28-104 (1).
SECTION 9. 39-29-110 (1) (c), (1) (d) (I), and (1) (e), Colorado Revised Statutes, 1982 Repl. Vol., are amended to read:

39-29-110. Local government severance tax fund - creation - administration - energy impact assistance advisory committee created - sunset review. (1) (c) An amount equal to fifteen percent of said gross receipts credited to the fund shall be distributed to counties, UNIFIED GOVERNMENTS, or municipalities on the basis of the proportion of employees of the mine or related facility or crude oil, natural gas, or oil and gas operation who reside in any such county's unincorporated area or in any such UNIFIED GOVERNMENT OR municipality to the total number of employees of the mine or related facility or crude oil, natural gas, or oil and gas operation. Such distribution shall be made on the basis of the report required in paragraph (d) of this subsection (1).

(d) (I) Ninety days prior to the end of each fiscal year, the executive director of the department of revenue shall send every producer who is subject to the severance tax and whose payment is subject to the distribution formula provided in this subsection (1) a form on which such producer shall submit a report to the department of revenue indicating the following: The name and address of the producer, the name of the mine, related facility, or operation, the names of the municipalities, or counties, OR UNIFIED GOVERNMENTS in which its employees maintain their actual residences as given by the
employees, giving the number of employees for each such
municipality or UNIFIED GOVERNMENT or unincorporated area of
each such county, and the total number of employees of the
mine or related facility or crude oil, natural gas, or oil and
gas operation. Said producer may use and submit any other
report form in lieu of the state form sent by the executive
director of the department of revenue which contains the same
information as prescribed in said state form. The report
shall be due April 30 of each year. The executive director of
the department of revenue shall submit a copy of the report
required by this paragraph (d) to the executive director of
the department of local affairs. In the case of failure of any
producer to submit the report on or before the date required
by this paragraph (d) to the department of revenue, a written
notice shall be sent to the producer by the department of
revenue by certified mail stating that the producer has failed
to submit a copy of the report required by this paragraph (d)
and informing the producer of the penalty provision contained
in this paragraph (d). If the producer fails within
forty-five days after receipt of said certified letter to
submit the required report, there shall be levied and
collected a penalty for such failure in the amount of fifty
dollars for each day, or portion thereof, during which such
failure continues. Any moneys and interest collected under
this paragraph (d) shall be added to the fifteen percent of
gross receipts from the local government severance tax fund
and distributed to counties, or municipalities, OR UNIFIED GOVERNMENTS in the manner prescribed by paragraph (c) of this subsection (1). Moneys distributed from the local government severance tax fund pursuant to paragraph (c) of this subsection (1) shall be distributed no later than August 31 of each year. Any producer not liable for severance tax under this section shall not be required to submit a report under this subsection (1).

(e) Counties, and municipalities, AND UNIFIED GOVERNMENTS shall utilize revenues received under this subsection (1) only for the purposes of capital expenses and general operating expenses.

SECTION 10. Part 2 of article 4 of title 43, Colorado Revised Statutes, 1984 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

43-4-217. Unified government allocation. The allocation of moneys in the highway users tax fund to any unified government formed under the provisions of article 30 of title 29, C.R.S., shall be equal to the allocations that the county and municipalities merged into the unified government would have received had the unification not taken place and had the boundaries of such municipalities remained unaltered from the date of the approval of the unified government charter. Such allocations to unified governments shall be expended as provided in section 43-4-207.

SECTION 11. Safety clause. The general assembly hereby
finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.
A BILL FOR AN ACT

CONCERNING THE INCENTIVE AWARD SUGGESTION SYSTEM.

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 number of persons appointed to the incentive award suggestion system board by the governor from three to five members, and specifies that such members shall be appointed as follows: One member shall be a classified state employee with no management responsibilities; two members shall be executive directors of principal departments or their designees; and two members shall be from the private sector and shall be employed in positions which require expertise in personnel matters and incentive programs.

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

SECTION 1. 24-30-802 (1), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

24-30-802. Board - members - meetings. (1) The board shall be composed of three FIVE members appointed by the governor, one member appointed by the president of the senate,
one member appointed by the speaker of the house of representatives, and the chairman of the joint budget committee of the general assembly or his designee. OF THE MEMBERS APPOINTED BY THE GOVERNOR, ONE SHALL BE A CLASSIFIED STATE EMPLOYEE WHO DOES NOT HAVE MANAGEMENT RESPONSIBILITIES, TWO SHALL BE EXECUTIVE DIRECTORS OF PRINCIPAL DEPARTMENTS OF STATE GOVERNMENT OR THEIR DESIGNEES, AND TWO SHALL BE FROM THE PRIVATE SECTOR AND SHALL BE EMPLOYED IN POSITIONS WHICH REQUIRE EXPERTISE IN PERSONNEL MATTERS AND INCENTIVE PROGRAMS. The chairman of the joint budget committee or his designee shall be the chairman of the board. The head of the principal department in which the employee making the suggestion is employed which will be affected by the cost-saving suggestion shall sit as a member of the board for consideration of such employee's suggestion.

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