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



COLORADO

LEGISLATIVE COUNCIL

Legislative Council
Research Publication No. 351

Subcommittees on:
Economic Development
**Long-Range Planning
for State Government**
**Structure of State and
Local Government**

November 1990

COLORADO LEGISLATIVE COUNCIL

RECOMMENDATIONS FOR 1991

SUBCOMMITTEES ON:

ECONOMIC DEVELOPMENT

**LONG-RANGE PLANNING FOR STATE
GOVERNMENT**

**STRUCTURE OF STATE AND LOCAL
GOVERNMENT**

**Legislative Council
Report to the
Colorado General Assembly**

November 1990

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.

SUBCOMMITTEE ON
ECONOMIC DEVELOPMENT

COLORADO GENERAL ASSEMBLY

OFFICERS

Rep. Chris Paulson
Chairman
Sen. Ted L. Strickland
Vice Chairman

STAFF

Charles S. Brown
Director
David Hite
Deputy Director
Stan Eloffson
Assistant Director



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ROOM 029 STATE CAPITOL
DENVER, COLORADO 80203-1784
(303) 866-3521

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Rep. Chuck Berry
Rep. Carl "Bev" Bledsoe
Rep. Matt Jones
Rep. Paul Schauer
Rep. Carol Taylor-Little
Rep. Ruth Wright

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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LEGISLATIVE COUNCIL

SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

Members of the Subcommittee

Representative Betty Neale,
Chairman
Senator Jim Rizzuto,
Vice Chairman

Senator Bob Schaffer
Senator Claire Traylor
Representative Dan Prinster
Representative Jeff Shoemaker

Advisory Members

Mr. Bill Artist
Mr. Bill Barrow
Ms. Carol Beam
Ms. Angela Corbitt
Mr. Larry Green

Mr. Clyde Hodge
Mr. Walt Imhoff
Mr. Rick Leech
Ms. Sharon Proehl
Mr. Jim Smith

Legislative Council Staff

Bill Goosmann
Research Associate II

Ed Bowditch
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 Kadlecek, 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

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Rep. Matt Jones
Rep. Paul Schauer
Rep. Carol Taylor-Little
Rep. Ruth Wright

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**

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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
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Don Rieger, Business Systems
 Consulting
Steve Schuck, The Schuck Corp.
Bob Scott, Public Employees'
 Retirement Association
George Wallace, Denver Technological
 Center
Richard Weingardt, Weingardt
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Kent Singer
 Senior Attorney

SUBCOMMITTEE ON LONG-RANGE PLANNING FOR STATE GOVERNMENT

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 uncertainty 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 or 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?

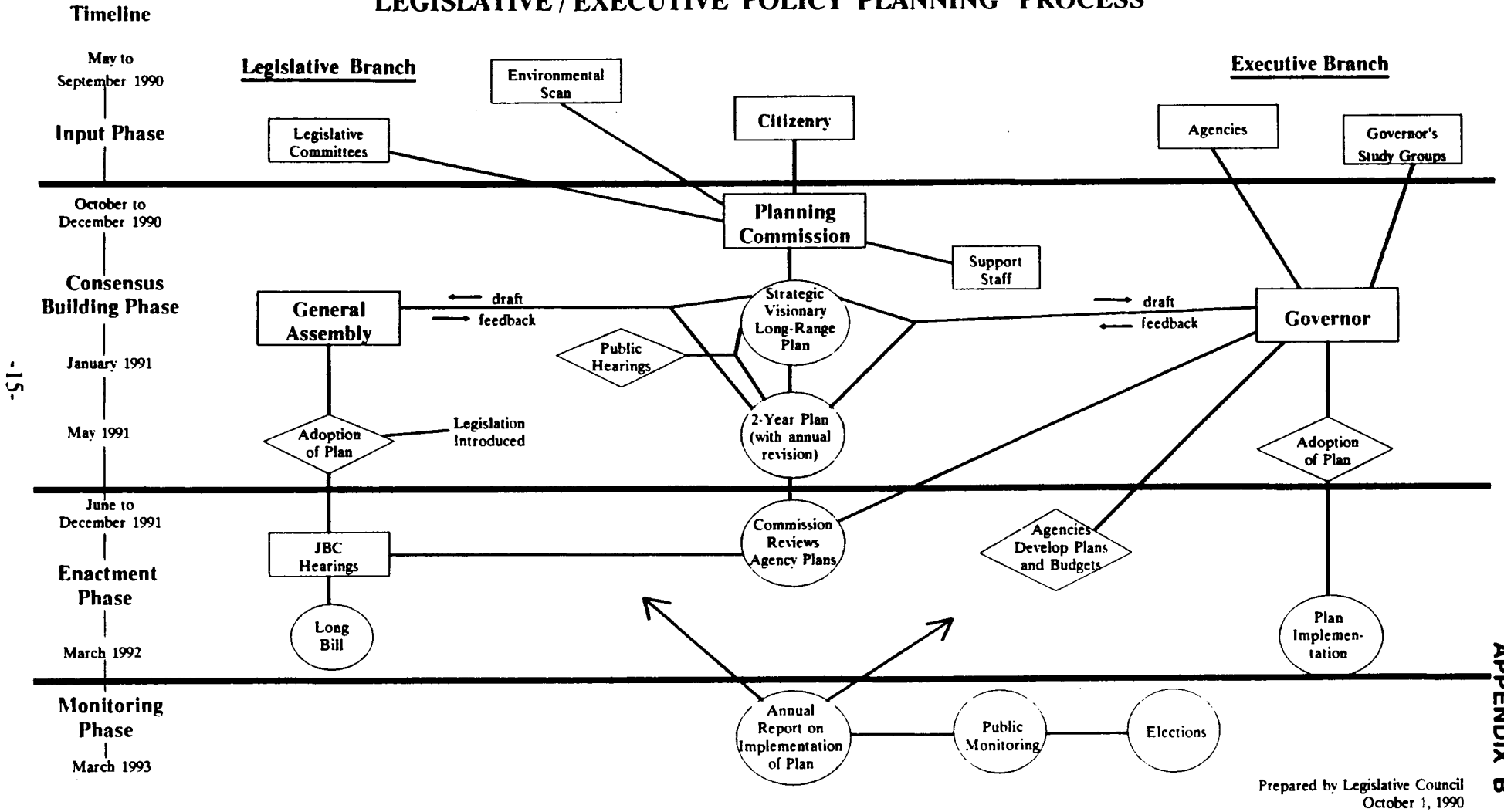
¹ "Initiating a State Futures Project: Practical Models and Methods," Keon Chi, World Futures Society Bulletin, April 1984.

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 ever 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.

LEGISLATIVE / EXECUTIVE POLICY PLANNING PROCESS



-15-

APPENDIX B

Prepared by Legislative Council
October 1, 1990

BILL 1

Long-Range Planning Subcommittee

A BILL FOR AN ACT

1 CONCERNING THE CREATION OF A STATE LONG-RANGE PLANNING
2 COMMISSION, AND, IN CONNECTION THEREWITH, REQUIRING THE
3 COMMISSION TO DEVELOP A LONG-RANGE PLAN AND TWO-YEAR
4 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

implementation of the long-range plan and the two-year plan.

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

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

5 ARTICLE 49.7

6 Long-range Planning

7 24-49.7-101. Legislative declaration. The general
8 assembly hereby declares that long-range planning is necessary
9 for Colorado to meet the challenges of the future. The
10 development of a continuous long-range planning process and
11 the creation of a long-range plan for state government, which
12 plan is implemented through specific two-year plans and annual
13 budgets, will enable the state to improve the delivery of
14 governmental services. Such long-range planning conducted
15 pursuant to this article shall serve to provide direction to
16 the state in areas including, but not limited to, education,
17 infrastructure, economic development, the environment and
18 human services.

19 24-49.7-102. Long-range planning - commission.

20 (1) There is hereby created in the office of the governor the
21 long-range planning commission, referred to in this article as
22 the "commission", which shall be comprised of fourteen members
23 as follows: The governor, who shall serve as the chairman of
24 the commission, the speaker or the majority leader of the

1 house of representatives, the minority leader of the house of
2 representatives, the president or the majority leader of the
3 senate, the minority leader of the senate, and nine members
4 appointed by the governor and confirmed by the senate. Of the
5 members appointed by the governor, one shall be appointed from
6 each congressional district in the state, and the remaining
7 three members shall be appointed on an at-large basis. A
8 vacancy on the board occurs whenever any member moves out of
9 the congressional district from which he was appointed. A
10 member who moves out of such congressional district shall
11 promptly notify the governor of the date of such move, but
12 such notice is not a condition precedent to the occurrence of
13 the vacancy. Should a vacancy occur in any commission
14 membership before the expiration of the term thereof, the
15 governor shall fill such vacancy by appointment for the
16 remainder of such term in the same manner as in the case of
17 original appointments. The governor shall appoint at least
18 four members from each major political party. Of the members
19 appointed by the governor, four shall serve for a two-year
20 term, and five shall serve for a four-year term. Thereafter,
21 the members of the commission appointed by the governor shall
22 serve four-year terms. Any member of the commission appointed
23 by the governor may be removed by the governor.

24 (2) The commission may establish such advisory
25 committees as it deems necessary in order to assist it in
26 completing the strategic plans required by sections

1 24-49.7-103 and 24-49.7-104. The staff of the office of state
2 planning and budgeting and of the legislative council shall
3 also assist the commission in performing its duties, and the
4 commission may seek further assistance from the private sector
5 by using loaned executives, graduate students, or other
6 volunteers.

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

12 24-49.7-103. Long-range plan. (1) The commission shall
13 develop a long-range plan for Colorado which:

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

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

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

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

26 (2) A preliminary draft of the long-range plan developed

1 by the commission pursuant to subsection (1) of this section
2 shall be made available to the governor and to the general
3 assembly no later than January 15, 1992, for review and
4 comment. The commission shall hold public hearings regarding
5 the preliminary long-range plan to receive input and comment
6 from the public. Once such public hearings have been
7 completed and the governor, the general assembly, and the
8 legislative council subcommittee on long-range planning for
9 state government have had an opportunity to review and comment
10 on the preliminary long-range plan, the commission shall
11 revise the plan and propose a final long-range plan to the
12 general assembly in a joint resolution no later than April 15,
13 1992.

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

22 24-49.7-104. Two-year plans - revision. (1) In addition
23 to the long-range plan developed by the commission pursuant to
24 section 24-49.7-103, the commission shall also develop
25 two-year plans for the implementation of the long-range plan,
26 beginning with a two-year plan for the fiscal years 1993-94

1 and 1994-95. Each two-year plan shall define specific
2 objectives for the two-year period which are consistent with
3 the goals listed in the long-range plan. Recommendations for
4 specific initiatives and projects shall be included in the
5 two-year plan as well as the allocation of resources for such
6 initiatives and projects. The two-year plan shall provide
7 direction to state agencies for planning and budgeting
8 purposes.

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

21 24-49.7-105. State agencies - use of long-range and
22 two-year plans - budgeting - report. (1) Each state agency
23 shall use the long-range and two-year plans developed pursuant
24 to sections 24-49.7-103 and 24-49.7-104 as a guideline in
25 preparing its budget and program plans. Each state agency
26 shall submit a copy of its budget and program plan to the

1 commission at the same time such agency submits such
2 information to the joint budget committee. The commission
3 shall review the budget and program plans of each agency to
4 determine whether the agency is in compliance with the
5 long-range and two-year plans.

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

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

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

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**STRUCTURE OF STATE AND
LOCAL GOVERNMENT**

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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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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.

BILL 1

Interim Committee on Structure of State and Local Government

A BILL FOR AN ACT

1 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.

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

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

5 32-1-114. County commissioners - immunity. When acting
6 in their official capacity, county commissioners shall be
7 immune from any liability, civil or criminal, which otherwise
8 might result from any action they may take which relates to
9 special districts, so long as the acts of such county
10 commissioners are in good faith and are not reckless or
11 wanton.

12 SECTION 2. 32-1-202 (1), (2) (b), and (3), Colorado

1 Revised Statutes, as amended, are amended to read:

2 32-1-202. Filing of service plan required - report of
3 filing - contents - fee. (1) Persons proposing the
4 organization of a special district, except for a special
5 district which is contained entirely within the boundaries of
6 a municipality and subject to the provisions of section
7 32-1-204.5, shall submit a service plan to the board of county
8 commissioners of each county which has territory included
9 within the boundaries of the proposed special district prior
10 to filing a petition for the organization of the proposed
11 special district in any district court. Such service plan
12 shall be filed with the county clerk and recorder for the
13 board of county commissioners at least ten days prior to a
14 regular meeting of the board of county commissioners. Within
15 five days after the filing of any such service plan, the
16 county clerk and recorder, on behalf of the board of county
17 commissioners, shall report to the division of local
18 government in the department of local affairs on forms
19 furnished by said division the name and type of the proposed
20 special district for which the service plan has been filed.
21 At the next regular meeting of the board of county
22 commissioners ~~immediately following the filing of a service~~
23 ~~plan with the county clerk and recorder~~ WHICH IS HELD AT LEAST
24 TEN DAYS AFTER THE FINAL PLANNING COMMISSION ACTION ON THE
25 SERVICE PLAN, the board of county commissioners shall set a
26 date within thirty days of such meeting for a public hearing

Structure of State
and Local Gov't

1 on the service plan of the proposed special district. The
2 board of county commissioners shall provide written notice of
3 the date, time, and location of such hearing to the division
4 of local government. THE BOARD MAY CONTINUE THE HEARING FOR A
5 PERIOD NOT TO EXCEED THIRTY DAYS UNLESS THE PROPONENTS OF THE
6 SPECIAL DISTRICT AND THE BOARD AGREE TO CONTINUE THE HEARING
7 FOR A LONGER PERIOD.

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

20 (3) (a) Each service plan filed shall be accompanied by
21 a processing fee set by the board of county commissioners not
22 to exceed five hundred dollars, which shall be deposited into
23 the county general fund; except that the board of county
24 commissioners may waive such fee. Such processing fee shall
25 be ~~sufficient~~ UTILIZED to reimburse the county for reasonable
26 direct costs related to processing such service plan and the

1 hearing prescribed by section 32-1-204, including the costs of
2 notice, publication, and recording of testimony. IF THE BOARD
3 OF COUNTY COMMISSIONERS DETERMINES THAT SPECIAL REVIEW OF THE
4 SERVICE PLAN IS REQUIRED, THE BOARD MAY IMPOSE AN ADDITIONAL
5 FEE TO REIMBURSE THE COUNTY FOR REASONABLE DIRECT COSTS
6 RELATED TO SUCH SPECIAL REVIEW. IF THE BOARD IMPOSES SUCH AN
7 ADDITIONAL FEE, IT SHALL NOT BE LESS THAN FIVE HUNDRED DOLLARS
8 AND IT SHALL NOT EXCEED ONE ONE-HUNDREDTH OF ONE PERCENT OF
9 THE TOTAL AMOUNT OF THE DEBT TO BE ISSUED BY THE DISTRICT AS
10 INDICATED IN THE SERVICE PLAN OR THE AMENDED SERVICE PLAN OR
11 TEN THOUSAND DOLLARS, WHICHEVER IS LESS. THE BOARD MAY WAIVE
12 ALL OR ANY PORTION OF THE ADDITIONAL FEE.

13 (b) IN THE EVENT THAT MODIFICATIONS OF SERVICE PLANS ARE
14 REQUIRED FOR THE PURPOSE OF CONSOLIDATING SPECIAL DISTRICTS,
15 THE PROCESSING FEE AND ANY ADDITIONAL FEES SHALL NOT EXCEED
16 FIVE HUNDRED DOLLARS.

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

19 32-1-204. Public hearing on service plan - procedures -
20 decision. (1) The board of county commissioners shall provide
21 written notice of the date, time, and location of the hearing
22 to the petitioners and the governing body of any existing
23 municipality or special district which has levied an ad
24 valorem tax within the next preceding tax year and which has
25 boundaries within a radius of three miles of the proposed
26 special district boundaries, which governmental units shall be

1 interested parties for the purposes of this part 2. The board
2 of county commissioners shall make publication of the date,
3 time, location, and purpose of such hearing, the first of
4 which shall be at least twenty days prior to the hearing date.
5 The board of county commissioners shall include in such notice
6 a general description of the land contained within the
7 boundaries of the proposed special district and information
8 outlining methods and procedures pursuant to section ~~32-1-305~~
9 {3} 32-1-203 (3.5) concerning the filing of a petition for
10 exclusion of territory. Such publications shall constitute
11 constructive notice to the residents and property owners
12 within the proposed special district who shall also be
13 interested parties at the hearing.

14 (1.5) Not more than thirty days nor less than twenty
15 days prior to the hearing held pursuant to this section, the
16 petitioners for the organization of the special district shall
17 send postcard notification of said hearing to the property
18 owners within the proposed special district as listed on the
19 records of the county assessor on the date requested unless
20 the petitioners represent one hundred percent of the property
21 owners. The postcard notification shall indicate ~~on the front~~
22 that it is a notice of a hearing for the organization of a
23 special district and ~~on the back~~ shall indicate the date,
24 time, location, and purpose of such hearing, a reference to
25 the type of special district, and the maximum mill levy, if
26 any, or stating that there is no maximum which may be imposed

1 by the proposed special district. Except when no mailing is
2 required, the mailing of the postcard notification to all
3 addresses, except post office box addresses, within the
4 proposed special district shall constitute a good-faith effort
5 to comply with this subsection (1.5), and failure to notify
6 all electors thereby shall not provide grounds for a challenge
7 to the hearing being held.

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

10 32-1-206. Judicial review. (1) If the petitioners for
11 the organization of a proposed special district fail to secure
12 such resolution of approval from any board of county
13 commissioners OR, WHERE REQUIRED PURSUANT TO SECTION
14 32-1-204.5, FROM THE GOVERNING BODY OF ANY MUNICIPALITY, the
15 petitioners may request the court to review such action. If
16 the court determines such action to be arbitrary, capricious,
17 or unreasonable, the court ~~may approve the organization of~~
18 ~~such special district without such resolution of approval if~~
19 ~~the petitioners file with the court an acceptable service plan~~
20 ~~in accordance with the provisions of this part 2, which shall~~
21 ~~be approved by the court and incorporated by reference in and~~
22 ~~appended to the order establishing the special district after~~
23 ~~all other legal procedures for the organization of the~~
24 ~~proposed special district have been complied with~~ SHALL REMAND
25 THE MATTER BACK TO THE BOARD OF COUNTY COMMISSIONERS OR TO THE
26 GOVERNING BOARD OF THE MUNICIPALITY FOR ANOTHER PUBLIC HEARING

1 WHICH SHALL BE HELD IN ACCORDANCE WITH THE PROVISIONS OF
2 SECTION 32-1-204.

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

5 32-1-207. Compliance - modification - enforcement.

6 (2) After the organization of a special district pursuant to
7 the provisions of this part 2 and part 3 of this article,
8 material modifications of the service plan as originally
9 approved may be made by the governing body of such special
10 district only by petition to and approval by the board of
11 county commissioners in substantially the same manner as is
12 provided for the approval of an original service plan; but the
13 processing fee for such modification procedure shall not
14 exceed two hundred fifty dollars. Such approval of
15 modifications shall be required only with regard to changes of
16 a basic or essential nature, including BUT NOT LIMITED TO THE
17 FOLLOWING: Any addition to the types of services provided by
18 the special district; and A DECREASE IN THE LEVEL OF SERVICES;
19 A DECREASE IN THE FINANCIAL ABILITY OF THE DISTRICT TO
20 DISCHARGE THE EXISTING OR PROPOSED INDEBTEDNESS; OR A DECREASE
21 IN THE EXISTING OR PROJECTED NEED FOR ORGANIZED SERVICE IN THE
22 AREA. APPROVAL FOR MODIFICATION shall not be required for
23 changes of a mechanical type necessary only for the execution
24 of the original service plan or for changes in the boundary of
25 the special district; EXCEPT THAT THE INCLUSION OF PROPERTY
26 WHICH IS LOCATED IN A COUNTY OR MUNICIPALITY WITH NO OTHER

1 TERRITORY WITHIN THE SPECIAL DISTRICT MAY CONSTITUTE A
2 MATERIAL MODIFICATION OF THE SERVICE PLAN OR THE STATEMENT OF
3 PURPOSES OF THE SPECIAL DISTRICT AS SET FORTH IN SECTION
4 32-1-208. IN THE EVENT THAT A SPECIAL DISTRICT CHANGES ITS
5 BOUNDARIES TO INCLUDE TERRITORY LOCATED IN A COUNTY OR
6 MUNICIPALITY WITH NO OTHER TERRITORY WITHIN THE SPECIAL
7 DISTRICT, THE SPECIAL DISTRICT SHALL NOTIFY THE BOARD OF
8 COUNTY COMMISSIONERS OF SUCH COUNTY OR THE GOVERNING BODY OF
9 THE MUNICIPALITY OF SUCH INCLUSION. THE BOARD OF COUNTY
10 COMMISSIONERS OR THE GOVERNING BODY OF THE MUNICIPALITY MAY
11 REVIEW SUCH INCLUSION AND, IF IT DETERMINES THAT THE INCLUSION
12 CONSTITUTES A MATERIAL MODIFICATION, MAY REQUIRE THE GOVERNING
13 BODY OF SUCH SPECIAL DISTRICT TO FILE A MODIFICATION OF ITS
14 SERVICE PLAN IN ACCORDANCE WITH THE PROVISIONS OF THIS
15 SUBSECTION (2).

16 (3) (c) A board of county commissioners may request any
17 special district located wholly or partially within the
18 county's unincorporated area, and the governing body of any
19 municipality may request any special district located wholly
20 or partially within the municipality's boundaries, to file,
21 not more than once a year, a special district annual report.
22 The report shall be available for public inspection, and a
23 copy of the report shall be made available by the special
24 district to any interested party pursuant to section 32-1-204
25 (1) and to the division. IF A SPECIAL DISTRICT FILES AN ANNUAL
26 REPORT PURSUANT TO THIS PARAGRAPH (c), SUCH REPORT SHALL

1 INCLUDE BUT SHALL NOT BE LIMITED TO INFORMATION ON THE
2 PROGRESS OF THE SPECIAL DISTRICT IN THE IMPLEMENTATION OF THE
3 SERVICE PLAN. THE BOARD OF COUNTY COMMISSIONERS OR THE
4 GOVERNING BODY OF THE MUNICIPALITY MAY REVIEW THE ANNUAL
5 REPORTS IN A REGULARLY SCHEDULED PUBLIC MEETING, AND SUCH
6 REVIEW SHALL BE INCLUDED AS AN AGENDA ITEM IN THE PUBLIC
7 NOTICE FOR SUCH MEETING.

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

11 32-1-209. Submission of information. If a special
12 district fails either to file a special district annual report
13 pursuant to section 32-1-207 (3) (c) or to provide any
14 information required to be submitted pursuant to section
15 32-1-104 (2) within nine months of the date of the request for
16 such information, the board of county commissioners of any
17 county or the governing body of any municipality in which the
18 special district is located, after notice to the affected
19 special district, may notify any county treasurer holding
20 moneys of the special district and authorize the county
21 treasurer to prohibit release of any such moneys until the
22 special district complies with such requirements.

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

25 32-1-304. Notice of court hearing. Immediately after the
26 filing of a petition, the court wherein such petition is

1 filed, by order, shall fix a place and time, not less than
2 twenty days nor more than forty days after the petition is
3 filed, for hearing thereon. Thereupon the clerk of said court
4 shall cause notice by publication to be made of the pendency
5 of the petition, the purposes and boundaries of the special
6 district, and the time and place of hearing thereon. The
7 clerk of said court shall also forthwith cause a copy of said
8 notice to be mailed by United States registered mail to the
9 board of county commissioners of each of the several counties
10 and to each party entitled to notice pursuant to section
11 32-1-206 (2). Said notice shall include a general description
12 of the land contained within the boundaries of the proposed
13 special district and information explaining methods and
14 procedures for the filing of a petition for exclusion of
15 territory PURSUANT TO SECTION 32-1-305 (3).

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

18 32-1-401. Inclusion of territory - procedure. (3) Not
19 more than thirty days nor less than twenty days prior to a
20 meeting of the board held pursuant to paragraph (b) of
21 subsection (1) of this section or paragraph (b) of subsection
22 (2) of this section, the secretary of the special district
23 shall send postcard notification of said meeting to the
24 property owners within the area proposed to be included within
25 the special district as listed on the records of the county
26 assessor on the date requested unless the petitioners

1 represent one hundred percent of the property owners. The
2 postcard notification shall indicate ~~on-the-front~~ that it is a
3 notice of a meeting for consideration of the inclusion of real
4 property within a special district and ~~on-the-back~~ shall
5 indicate the date, time, location, and purpose of the meeting,
6 a reference to the type of special district proposed for
7 inclusion, and the maximum mill levy, if any, or stating that
8 there is no maximum which may be imposed if the proposed area
9 is included within the special district. Except as provided in
10 this subsection (3), the mailing of the postcard notification
11 to all addresses, except post office box addresses, within the
12 area proposed to be included within the special district shall
13 constitute a good-faith effort to comply with this section,
14 and failure to notify all electors thereby shall not provide
15 grounds for a challenge to the meeting being held.

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

19 32-1-602.5. Consolidation by administrative action.

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

26 (2) The division may require that special districts

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

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

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

19 32-1-701. Initiation - petition - procedure. (2) The
20 board, promptly and in good faith, shall also take the
21 necessary steps to dissolve the special district whenever five
22 percent of the electors or two hundred fifty electors,
23 whichever is the lesser number, or, in case of special
24 districts larger than twenty-five thousand persons, three
25 percent of the electors of such district, OR THE DIVISION,
26 file an application with the board to dissolve the special

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1 district pursuant to the provisions of this part 7. In such
2 case the board shall file a petition for dissolution with the
3 court within sixty days after the date of filing of such
4 application by the electors. The petition for dissolution
5 shall request an election and shall include a report on the
6 steps which have been taken to comply with the requirements of
7 section 32-1-702. The board, at the time it files a petition
8 for dissolution pursuant to this subsection (2), may request
9 that the proceedings under sections 32-1-703 and 32-1-704 be
10 continued until further progress has been made in complying
11 with the requirements of section 32-1-702.

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

14 32-1-1001. Common powers. (1) (f) To acquire, dispose
15 of, and encumber real and personal property including, without
16 limitation, rights and interests in property, leases, and
17 easements necessary to the functions or the operation of the
18 special district; EXCEPT THAT THE BOARD SHALL NOT PAY MORE
19 THAN FAIR MARKET VALUE AND REASONABLE SETTLEMENT COSTS FOR ANY
20 INTEREST IN REAL PROPERTY AND SHALL NOT PAY FOR ANY INTEREST
21 IN REAL PROPERTY WHICH MUST OTHERWISE BE DEDICATED FOR PUBLIC
22 USE OR THE SPECIAL DISTRICT'S USE IN ACCORDANCE WITH ANY
23 GOVERNMENTAL ORDINANCE, REGULATION, OR LAW;

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

26 32-1-1101. Common financial powers. (2) Whenever the

1 board determines, by resolution, that the interest of the
2 special district and the public interest or necessity demand
3 the acquisition, construction, installation, or completion of
4 any works or other improvements or facilities or the making of
5 any contract with the United States or other persons or
6 corporations to carry out the objects or purposes of such
7 district, requiring the creation of a general obligation
8 indebtedness exceeding one and one-half percent of the
9 valuation for assessment of the taxable property in the
10 special district, said board shall order the submission of the
11 proposition of issuing such general obligation bonds or
12 creating other general obligation indebtedness, except the
13 issuing of revenue bonds, at an election held for that
14 purpose. The resolution shall also fix the date upon which
15 such election will be held. Such election shall be held and
16 conducted, and the results thereof determined, in the manner
17 provided in part 8 of this article. Any such election may be
18 held separately or may be consolidated or held concurrently
19 with any other election authorized by this article. IF THE
20 ISSUANCE OF GENERAL OBLIGATION BONDS IS APPROVED AT AN
21 ELECTION HELD PURSUANT TO THIS SUBSECTION (2), THE BOARD SHALL
22 BE AUTHORIZED TO ISSUE SUCH BONDS FOR A PERIOD NOT TO EXCEED
23 FIVE YEARS FOLLOWING THE DATE OF THE ELECTION OR FOR A PERIOD
24 NOT TO EXCEED TWENTY YEARS FOLLOWING THE DATE OF THE ELECTION
25 IF THE ISSUANCE OF SUCH BONDS IS IN MATERIAL COMPLIANCE WITH
26 THE FINANCIAL PLAN SET FORTH IN THE SERVICE PLAN, AS SUCH PLAN

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1 IS AMENDED FROM TIME TO TIME, OR THE STATEMENT OF PURPOSES OF
2 THE SPECIAL DISTRICT. AFTER SUCH PERIOD HAS EXPIRED, THE
3 BOARD SHALL NOT BE AUTHORIZED TO ISSUE BONDS WHICH WERE
4 AUTHORIZED BUT NOT ISSUED AFTER THE INITIAL ELECTION UNLESS
5 SUCH ISSUANCE IS APPROVED AT A SUBSEQUENT ELECTION.

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

9 32-1-1101.5. Special district debt - quadrennial
10 findings of reasonable diligence. (1) In every fourth
11 calendar year after the calendar year in which a special
12 district's proposition to issue general obligation
13 indebtedness was approved, the board of such special district
14 shall file with the board of county commissioners an
15 application for a quadrennial finding of reasonable diligence.
16 Subsequent applications shall be filed during the same month
17 every four years thereafter until all of the general
18 obligation debt which was authorized by the election has been
19 issued or abandoned.

20 (2) (a) In reviewing the application, the board of
21 county commissioners shall determine whether the service plan
22 and financial plan of the district are adequate to meet the
23 debt financing requirements of the authorized and unissued
24 general obligation debt based upon present conditions within
25 the district. After its review of the application, the board
26 is authorized to:

1 (I) Determine that the implementation of the service and
2 financial plan will result in the timely and reasonable
3 discharge of the special district's general obligation debt.
4 If the board makes such a finding, it shall reaffirm the
5 service plan and grant a continuation of the authority for the
6 board of the special district to issue any remaining
7 authorized general obligation debt.

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

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

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

26 (3) Upon request by the board of the special district,

1 the board of county commissioners may, if it determines that
2 the public interest would be served, consolidate the
3 quadrennial applications for determination of reasonable
4 diligence for the requesting special district in order to
5 provide a thorough analysis of the financial and economic
6 conditions of the district.

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

21 SECTION 14. 39-10-115 (1), Colorado Revised Statutes,
22 1982 Repl. Vol., is amended to read:

23 39-10-115. Certificate of taxes due. (1) Upon request,
24 the treasurer shall certify in writing the full amount of
25 taxes due upon any parcel of real property or mobile home in
26 his county, and all outstanding sales for unpaid taxes as

1 shown by the records of his office or the records of the motor
2 vehicle division of the department of revenue, with the amount
3 required for redemption of such sales, if the same still are
4 redeemable. UPON THE REQUEST OF ANY TAXPAYER, THE TREASURER
5 SHALL INCLUDE ON SUCH CERTIFICATE OF TAXES DUE AN ITEMIZED
6 LIST OF THE TAXES IMPOSED ACCORDING TO TAXING JURISDICTION. A
7 fee shall be collected for each such certificate issued by
8 him, as provided in section 30-1-102, C.R.S. ~~1973.~~

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

BILL 2

Interim Committee on Structure of State and Local Government

A BILL FOR AN ACT

- 1 CONCERNING THE OPTIONAL UNIFICATION OF LOCAL GOVERNMENTS
2 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.

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

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

5 ARTICLE 30

6 Creation of Unified Governments

7 29-30-101. Legislative declaration. In enacting this
8 article, it is the intent of the general assembly to provide
9 for the implementation of amendments made to article XIV of
10 the state constitution adopted at the 1970 general election
11 concerning local government (Session Laws of Colorado 1969,
12 pages 1247-1250); to respond to recommendations put forward by
13 the Vision Colorado project; to streamline local government in
14 Colorado so that it is more responsive to the needs of its
15 people and more efficient in its use of resources; and to give
16 the citizens of the state greater opportunity to shape the
17 structure of the government which serves them.

1 29-30-102. Definitions. As used in this article, unless
2 the context otherwise requires:

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

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

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

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

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

20 (6) "Publish" means one publication in the newspaper
21 having the largest paid circulation in the county and which is
22 published within or nearest to the county, or, if there is no
23 such newspaper, "publish" means a posting in at least three
24 public places within each municipality and in at least three
25 public places in the unincorporated territory of the county
26 which will be within the boundaries of the county.

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1 (7) "Registered elector" means a person who has
2 registered to vote in the manner required by law and who has
3 been a resident of the area to be included in the proposed
4 unified government for not less than thirty-two days.

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

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

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

17 29-30-103. Initiation of unification. (1) Unification
18 may be initiated by either of the following methods:

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

21 (I) The petition process shall be commenced by filing
22 with the county clerk and recorder a statement of intent to
23 circulate a petition. A statement of intent to circulate a
24 petition shall be signed by at least five registered electors
25 of the county. The petition shall be circulated for a period
26 not to exceed ninety days from the date of filing of the

1 statement of intent and shall be filed with the county clerk
2 and recorder before the close of business on the ninetieth day
3 from the said date of filing or on the next business day when
4 said ninetieth day is a Saturday, Sunday, or legal holiday.

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

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

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

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

21 (2) If a unification has been properly initiated
22 pursuant to subsection (1) of this section, the county clerk
23 and recorder shall call a formation election on the question
24 of forming a charter commission and for the purpose of
25 electing the members of the charter commission. Such formation
26 election shall be held not less than ninety nor more than one

1 hundred twenty days after the date of filing of a petition or
2 resolution with the county clerk and recorder. If a general
3 election is to be held during such period, then such formation
4 election shall be held at the general election. If no general
5 election is to be held during such period, then the county
6 clerk and recorder shall call a special election.

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

10 (I) The total number of charter commission members;

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

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

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

20 (V) The maximum amount of expenses to be incurred by the
21 charter commission which the local governments within the
22 county may be required to pay pursuant to the provisions of
23 section 29-30-107 (6). Such maximum amount shall only limit
24 the liability of local governments for the expenses incurred
25 by the charter commission through the date of the first
26 charter election and shall not apply to payments required for

1 any expenses which are incurred in the preparation of a
2 revised charter pursuant to section 29-30-111 (4).

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

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

- 14 (I) The unincorporated areas of the county;
- 15 (II) The municipalities within the county; and
- 16 (III) The special districts within the county.

17 29-30-104. Notice of formation election. The county
18 clerk and recorder shall publish notice of a formation
19 election no more than seventy nor less than sixty days prior
20 to the date of the election. A second notice shall be
21 published no more than fifteen nor less than ten days before
22 the date of the election, which notice shall include a
23 complete listing of the candidates for the charter commission.

24 29-30-105. Candidates for charter commission.

25 (1) Except as otherwise provided in subsection (2) of this
26 section, candidates for charter commission membership shall be

1 registered electors who have been residents of the county for
2 more than one hundred eighty days as of the date of the
3 election. Any such registered elector who files with the
4 county clerk and recorder a nomination petition containing the
5 signatures of at least twenty-five registered electors and a
6 statement of willingness to serve on the charter commission if
7 elected shall be deemed a candidate. Such petition and
8 statement shall state whether the candidate is running for the
9 charter commission as an at-large representative, as a
10 representative of a geographic district, or as a
11 representative of one of the forms of local government. Such
12 petition and statement shall be filed no later than thirty
13 days prior to the date of the election.

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

21 (3) Charter commission candidates who wish to represent
22 one of the forms of local government shall have been residents
23 of the form of local government they wish to represent for at
24 least one hundred eighty days prior to the date of the
25 election.

26 29-30-106. Formation election - charter commission

1 formation and membership. (1) The formation election to
2 determine whether a charter commission shall be formed and to
3 choose charter commission members shall be conducted pursuant
4 to the laws governing general elections except as otherwise
5 expressly provided in this article.

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

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

21 29-30-107. Charter commission - powers and duties.

22 (1) The number of charter commission members shall be
23 indicated in the charter petition and shall be an odd number
24 no less than fifteen and no more than twenty-one. If a
25 vacancy in membership occurs after the formation election
26 provided for in section 29-30-106 has been held, such vacancy

1 shall be filled by the candidate for membership with the next
2 highest number of votes, or, if there is no such person or if
3 such person is not able to serve on the commission, such
4 vacancy shall be filled by appointment of a qualified person
5 by a majority of the remaining commission members.

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

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

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

1 practicable.

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

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

13 (6) The commission may accept funds, grants, gifts, and
14 services from the government of the United States, the state
15 of Colorado, or any agencies or departments thereof or from
16 any other public or private source. Any reasonable expenses
17 of the commission not paid for by other sources of income
18 shall be paid by the local governments which are to be
19 included in the proposed unified government in shares
20 proportionate to each local government's share of the property
21 taxes collected or to be collected by the county in the year
22 during which the formation election was held. Only the
23 proportionate shares of property taxes of the local
24 governments which are to be included in the proposed unified
25 government shall be used in the calculation of the shares of
26 expenses to be paid by such local governments. The local

1 governments shall not be obligated to make any payments above
2 the maximum amount provided in the petition or resolution
3 pursuant to the requirements of section 29-30-103 (3) (a) (V).
4 No moneys received by the commission from government sources
5 shall be used to advocate the adoption or rejection of a
6 proposed charter. Upon its dissolution, all property of the
7 commission shall become property of the unified government if
8 such a government is formed or shall be distributed among the
9 local governments in proportion to the share of the expenses
10 borne by each such local government pursuant to this
11 subsection (6) if a unified government is not formed.

12 (7) The commission shall file a report of all funds,
13 grants, gifts, and services received by the commission from
14 any source. Such report shall be filed with the county clerk
15 and recorder within thirty days after the charter election.
16 If a second charter election is held pursuant to section
17 29-30-111 (4), then a second report shall be filed with the
18 county clerk and recorder within thirty days after such second
19 charter election.

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

24 (9) The commission shall submit a proposed charter to
25 the county clerk and recorder no later than one hundred eighty
26 days after the formation election at which the commission was

1 formed or after a charter election at which an initial
2 proposed charter was rejected.

3 29-30-108. Contents of charter. (1) At a minimum, the
4 charter of a unified government shall provide for:

5 (a) The effective date of the charter;

6 (b) The name of the unified government;

7 (c) Procedures for amending or repealing the charter or
8 any portion thereof;

9 (d) The establishment of a seat of government;

10 (e) Procedures for the election or appointment of the
11 officers of the unified government and for the duties, terms
12 of office, and qualifications of such officers. The charter
13 shall indicate whether elections of the officers of the
14 unified government shall be partisan or nonpartisan.

15 (f) The performance of any duties and responsibilities
16 of county commissioners required by statute or by the state
17 constitution, and for designation of the officers who shall
18 perform the acts and duties required of county officers by
19 statute;

20 (g) Which of the powers allowed by section 29-30-109 (2)
21 the unified government is authorized to exercise;

22 (h) Revenue for the unified government;

23 (i) A transition period to allow the timely and
24 efficient transfer of authority from the existing local
25 governments to the new unified government. Such provisions
26 shall include, but need not be limited to, a plan for putting

1 the governing body of the new unified government in control of
2 the operations of the unified government no later than six
3 months after the date of the charter election.

4 (j) The transfer of the pensions of current and former
5 employees of the local governments which shall be merged into
6 the unified government upon the effective date of the unified
7 government charter. All such current and former employees
8 shall have the same rights and obligations they had prior to
9 the formation of the unified government. Any provisions
10 contained in the unified government charter which concern
11 employee pensions shall comply with all provisions of state
12 and federal law concerning the pensions of public employees,
13 including, but not limited to, the provisions of section
14 31-30-1003 (5), C.R.S., for police and fire pensions and the
15 provisions of section 31-30-415 (9), C.R.S., for the pensions
16 of volunteer firemen.

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

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

24 29-30-109. Powers and duties of unified governments.

25 (1) A unified government shall provide all mandatory county
26 functions, services, and facilities and shall exercise all

1 mandatory powers as are required by law for counties.

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

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

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

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

13 29-30-110. Notice of charter election. The county clerk
14 and recorder shall publish notice of a charter election to be
15 held pursuant to the provisions of section 29-30-111 not more
16 than forty-five days nor less than thirty days prior to the
17 date of the election and again not more than ten days nor less
18 than seven days prior to said election. Such notices shall
19 include the complete text of the proposed charter.

20 29-30-111. Charter election - repeal of home rule
21 charters - dissolution of charter commission. (1) The county
22 clerk and recorder shall call a charter election, to be held
23 not less than sixty days nor more than one hundred twenty days
24 after the submission pursuant to section 29-30-108 of a
25 proposed charter, at which the registered electors shall cast
26 their ballots "yes" or "no" on the question of whether the

1 proposed charter for the proposed unified government shall be
2 adopted. If a general election is to be held during such
3 period, then such charter election shall be held at the
4 general election. If no general election is to be held during
5 such period, then the county clerk and recorder shall call a
6 special election. If the county which is to be merged into
7 the unified government has adopted a home rule charter, then
8 the ballot question shall include the question whether the
9 home rule charter of the county shall be repealed in order to
10 allow for the adoption of the unified government charter. Also
11 at such election, the registered electors of each home rule
12 city or town which is wholly contained within the county shall
13 determine whether to repeal the home rule charter of such city
14 or town pursuant to the provisions of subsection (5) of this
15 section. Such election shall be conducted in conformance with
16 the general election laws of Colorado. If a majority of the
17 ballots cast throughout the county are in the favor of the
18 adoption of the charter and if a majority of the ballots cast
19 in each home rule city or town wholly contained within the
20 county are in favor of the repeal of their home rule charters,
21 the charter shall be deemed adopted.

22 (2) The adoption of a charter pursuant to the provisions
23 of subsection (1) of this section shall be final, and no other
24 remedy shall lie therefrom. The adoption of the charter shall
25 finally and conclusively establish the unified government
26 consolidated against all persons except the state of Colorado

1 in an action in the nature of quo warranto commenced by the
2 attorney general no more than thirty days after the adoption
3 of the charter. The adoption of the charter shall not be
4 directly or collaterally questioned in any suit, action, or
5 proceeding except as expressly authorized in this section.

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

8 (4) If the proposed charter is rejected at the charter
9 election, the commission shall take a vote among its members
10 on the question of whether to dissolve the commission. If a
11 majority of the members of the commission voting on the
12 measure vote in favor of dissolution, then the commission
13 shall be dissolved. If dissolution of the commission is
14 rejected, then the commission shall proceed to prepare a
15 revised charter proposal in the manner established in section
16 29-30-107, and a second election shall be held as provided in
17 this section. If the majority of the ballots cast at such
18 second election reject the adoption of the revised proposed
19 charter, the commission shall be dissolved.

20 (5) (a) If a county which is sought to be unified under
21 the provisions of this article wholly contains any
22 municipality which has adopted a home rule charter, then at
23 the charter election the registered electors of each such home
24 rule city or town shall cast their ballots "yes" or "no" on
25 the question whether the home rule charter of the city or town
26 shall be repealed for the purpose of allowing the unification

1 of local governments in the county. The ballot question
2 concerning the repeal of the home rule charter of a
3 municipality shall state that the repeal shall be effective
4 only if the charter which is being considered at the charter
5 election is approved by a majority of the electors casting
6 their ballots in such election.

7 (b) If a majority of the registered electors of a
8 municipality voting in a charter election approve repeal of
9 the home rule charter and a majority of the voters in the
10 county approve the charter in such election, the repeal of the
11 home rule charter shall be deemed approved. If a charter
12 fails to gain a majority of the votes cast at a charter
13 election, but the repeal of a home rule charter for a
14 municipality does receive a majority of the votes cast in such
15 municipality at such election, then the repeal of the home
16 rule charter shall not be deemed approved and shall not be
17 effective.

18 29-30-112. Filings. (1) A certified copy of a charter
19 or charter amendment or the repeal of a charter shall be filed
20 with the county clerk and recorder and the division of local
21 government in the department of local affairs no later than
22 twenty days after approval of such charter, amendment, or
23 repeal. Courts shall take judicial notice of a charter,
24 amendment, or repeal which has been so filed.

25 (2) If the home rule charter of any municipality is
26 repealed as a part of the approval a charter, certified copies

1 of such repeal shall be filed pursuant to the provisions of
2 section 31-2-208, C.R.S.

3 29-30-113. Transfer of government - succession - vested
4 rights preserved. (1) Immediately upon the effective date of
5 the charter:

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

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

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

24 (b) The unified government shall succeed to all rights
25 and liabilities, acquire all benefits, and assume and pay all
26 bonds, obligations, and indebtedness of the county, the

1 municipalities, and the special districts which merged into
2 the unified government; except that the charter may specify
3 that all outstanding bonded indebtedness of any special
4 district or municipality which becomes part of the unified
5 government shall be paid and discharged by the taxpayers
6 residing within or having taxable property within the
7 boundaries of such special district or municipality. If the
8 charter contains such a provision, the governing body of the
9 unified government shall levy a general property tax annually
10 upon the properties lying within the boundaries of the special
11 district or municipality which incurred such bonded
12 indebtedness as said boundaries existed when such special
13 district or municipality became a part of the unified
14 government or shall levy such other tax or fee within such
15 boundaries as is appropriate for the payment of such bonded
16 indebtedness. Such tax or fee shall be levied for so long as
17 may be necessary to pay such bonded indebtedness according to
18 the terms of the indebtedness.

19 (3) The adoption of any charter or charter amendment or
20 any repeal thereof shall not be construed to destroy any
21 property right, contract right, or right of action of any
22 nature or kind, civil or criminal, vested in or against the
23 county, the municipalities, or the special districts which
24 merged into the unified government. All such rights shall
25 vest in and inure to the unified government or to any persons
26 asserting such claims as fully and completely as though the

1 charter, amendment, or repeal had not been adopted. Such
2 adoption shall not be construed to affect any such right
3 existing between any of the unified government's previously
4 existing constituent entities.

5 29-30-114. Unified government courts - transfer of
6 cases. (1) Each unified government shall create a unified
7 government court pursuant to the provisions of article 9.5 of
8 title 13, C.R.S., to hear and try all alleged violations of
9 ordinance provisions of such unified government. The unified
10 government court and the county court of the unified
11 government shall have concurrent jurisdiction in prosecutions
12 for violations of unified government ordinances. Any
13 prosecutions for violations of unified government ordinances
14 which are begun prior to the commencement of operations of the
15 unified government court shall be filed with the county court.
16 Any prosecutions for violations of unified government
17 ordinances which are begun on or after the commencement of
18 operations of the unified government court shall be filed with
19 the unified government courts.

20 (2) The unified government court shall have concurrent
21 jurisdiction with the county court of the unified government
22 in prosecutions for violations of the county ordinances of the
23 county merged into the unified government. Any prosecutions
24 for violations of county ordinances which are begun prior to
25 the commencement of operations of the unified government court
26 shall be filed with the county court. Any prosecutions for

1 violations of county ordinances which are begun on or after
2 the commencement of operations of the unified government court
3 shall be filed with the unified government courts.

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

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

17 29-30-115. Intergovernmental agreements with special
18 districts. If a unified government contains any portion of a
19 special district which also has a portion of its territory or
20 service area in another county, then the governing body of the
21 unified government shall seek to maximize the efficiency of
22 governmental services through the use of intergovernmental
23 agreements with any such special districts. The governing body
24 of a unified government is authorized and encouraged to enter
25 into intergovernmental agreements with such special districts
26 to take over the services that such special districts provide

1 within the boundaries of the unified government.

2 29-30-116. Limitation on subsequent proposals. No
3 proposal for the formation of a charter commission or for the
4 amendment or repeal of a unified government charter shall be
5 initiated within two years after the rejection of a
6 substantially similar proposal. The provisions of this
7 section shall not apply to any revised charter proposal which
8 is prepared pursuant to the provisions of section 29-30-111
9 (4).

10 29-30-117. Exclusion. The provisions of this article
11 shall not apply to any county which contains any portion of a
12 municipality which is not wholly contained within the county
13 and shall not apply to a city and county.

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

17 ARTICLE 9.5

18 Unified Government Courts

19 13-9.5-101. Definitions. As used in this article, unless
20 the context otherwise requires:

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

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

25 13-9.5-102. Applicability. This article shall apply to
26 and govern the operation of unified government courts in any

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

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

16 13-9.5-104. Unified government court created -
17 jurisdiction. The governing body of each unified government
18 shall create a unified government court to hear and try all
19 alleged violations of ordinance provisions of such unified
20 government.

21 13-9.5-105. Unified government judge - appointment -
22 removal. (1) (a) Unless otherwise provided in the charter of a
23 unified government, the unified government court shall be
24 presided over by a unified government judge who shall be
25 appointed by the unified government governing body for a
26 specified term of not less than two years and who may be

1 reappointed for a subsequent term; except that the initial
2 appointment under this section may be for a term of office
3 which expires on the date of the next election of the unified
4 government governing body. Any vacancy in the office of
5 unified government judge shall be filled by appointment of the
6 unified government governing body for the remainder of the
7 unexpired term.

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

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

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

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

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

26 (c) The judge has willfully or persistently failed to

1 perform the judge's duties;

2 (d) The judge is habitually intemperate; or

3 (e) The unified government required the judge, at the
4 time of appointment, to be a resident of the unified
5 government and the judge subsequently becomes a nonresident of
6 the unified government during the judge's term of office.

7 13-9.5-106. Qualifications of unified government judges.

8 (1) A unified government judge shall have the same
9 qualifications as a county judge in a Class D county, as set
10 forth in section 13-6-203 (3).

11 (2) Preference shall be given by the unified government
12 governing body, when possible, to the appointment of a unified
13 government judge who is licensed to practice law in Colorado
14 or who is trained in the law.

15 (3) The unified government governing body may appoint a
16 county judge in a Class C or D county, as defined in section
17 13-6-203, to serve as a unified government judge.

18 (4) The unified government governing body may require
19 that the unified government judge be a qualified elector of
20 the unified government.

21 13-9.5-107. Compensation of unified government judges.

22 (1) The unified government governing body shall provide by
23 ordinance for the salary of the unified government judge.
24 Such salary shall be a fixed annual compensation and payable
25 on a monthly or other periodic basis.

26 (2) Payment of any fees or other compensation based

1 directly on the number of individual cases handled or heard by
2 the unified government judge is prohibited.

3 13-9.5-108. Clerk of the unified government court.

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

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

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

18 13-9.5-109. Bond. (1) The clerk of the unified
19 government court shall give a performance bond in the sum of
20 two thousand dollars, or in such amount as may be set by
21 ordinance, to the unified government for which the judge is
22 appointed.

23 (2) The performance bond shall be approved by the
24 unified government governing body and be conditioned upon the
25 faithful performance of the clerk's duties and for the
26 faithful accounting for, and payment of, all funds deposited

1 with or received by the court.

2 (3) When the unified government judge serves as clerk of
3 the unified government court, as provided in section
4 13-9.5-108 (3), such judge shall execute the performance bond
5 required by this section.

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

8 13-9.5-110. Court facilities and supplies. The unified
9 government governing body shall furnish the unified government
10 court with suitable courtroom facilities and sufficient funds
11 for the acquisition of all necessary books, supplies, and
12 furniture for the proper conduct of the business of the court.

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

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

25 (3) Any authorized law enforcement officer may execute
26 within the officer's jurisdiction any summons, process, writ,

1 or warrant issued by a unified government court from another
2 jurisdiction arising under the ordinances of such unified
3 government for an offense which is criminal or quasi-criminal.
4 For the purposes of this subsection (3), traffic offenses
5 shall not be considered criminal or quasi-criminal offenses
6 unless penalty points may be assessed under section 42-2-123
7 (5) (a) to (5) (ff), C.R.S. The issuing unified government
8 shall be liable for and pay all costs, including costs of
9 service or incarceration incurred in connection with such
10 service or execution.

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

20 (5) Upon the request of the unified government court,
21 the prosecuting unified government, or the defendant, the
22 clerk of the unified government court shall issue a subpoena
23 for the appearance, at any and all stages of the court's
24 proceedings, of the parent, guardian, or lawful custodian of
25 any child under eighteen years of age who is charged with a
26 unified government offense.

1 13-9.5-112. Powers and procedures. The unified
2 government judge of any unified government court has all
3 judicial powers relating to the operation of the judge's
4 court, subject to any rules of procedure governing the
5 operation and conduct of unified government courts promulgated
6 by the Colorado supreme court. The presiding unified
7 government judge of any unified government court has authority
8 to issue local rules of procedure consistent with any rules of
9 procedure adopted by the Colorado supreme court.

10 13-9.5-113. Fines and penalties. (1) Any person
11 convicted of violating a unified government ordinance may be
12 incarcerated for a period not to exceed ninety days or fined
13 an amount not to exceed three hundred dollars, or both.

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

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

26 (4) Notwithstanding any provision of law to the

1 contrary, a unified government court has the authority to
2 order a child under eighteen years of age confined in a
3 juvenile detention facility operated or contracted by the
4 department of institutions or a temporary holding facility
5 operated by or under contract with a unified government for
6 failure to comply with a lawful order of the court, including
7 an order to pay a fine. Any confinement of a child for
8 contempt of unified government court shall not exceed
9 forty-eight hours.

10 (5) Notwithstanding any other provision of law, a child,
11 as defined in section 19-1-103 (4), C.R.S., arrested for an
12 alleged violation of a unified government ordinance, convicted
13 of violating a unified government ordinance or probation
14 conditions imposed by a unified government court, or found in
15 contempt of court in connection with a violation or alleged
16 violation of a unified government ordinance shall not be
17 confined in a jail, lockup, or other place used for the
18 confinement of adult offenders but may be held in a juvenile
19 detention facility operated by or under contract with the
20 department of institutions or a temporary holding facility
21 operated by or under contract with a unified government which
22 shall receive and provide care for such child. A unified
23 government court imposing penalties for violation of probation
24 conditions imposed by such court or for contempt of court in
25 connection with a violation or alleged violation of a unified
26 government ordinance may confine a child pursuant to section

1 19-2-204, C.R.S., for up to forty-eight hours in a juvenile
2 detention facility operated by or under contract with the
3 department of institutions.

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

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

24 13-9.5-114. Trial by jury. (1) In any action before
25 unified government court in which the defendant is entitled
26 to a jury trial by the constitution or the general laws of the

1 state, such party shall have a jury upon request. The jury
2 shall consist of three jurors unless, in the case of a trial
3 for a petty offense, a greater number, not to exceed six, is
4 requested by the defendant.

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

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

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

24 (5) At the time of arraignment for any petty offense in
25 this state, the judge shall advise any defendant not
26 represented by counsel of the defendant's right to trial by

1 jury; of the requirement that the defendant, if he desires to
2 invoke his right to trial by jury, demand such trial by jury
3 in writing within ten days after arraignment or entry of a
4 plea; of the number of jurors allowed by law; and of the
5 requirement that the defendant, if he desires to invoke his
6 right to trial by jury, tender to the court within ten days
7 after arraignment or entry of a plea a jury fee of twenty-five
8 dollars unless the fee is waived by the judge because of the
9 indigence of the defendant.

10 13-9.5-115. Fines and costs. All fines and costs
11 collected or received by the unified government court shall be
12 reported and paid monthly, or at such other intervals as may
13 be provided by an ordinance of the unified government, to the
14 treasurer of the unified government and deposited in the
15 general fund of the unified government.

16 13-9.5-116. Appeals. (1) Appeals taken from judgments
17 of a unified government court shall be made to the district
18 court of the unified government. The practice and procedure
19 in such case shall be the same as provided by section 13-6-310
20 and applicable rules of procedure for the appeal of
21 misdemeanor convictions from the county court to the district
22 court.

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

1 upon application therefor on appeal.

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

11 13-9.5-117. Time - docket fee - bond. Appeals may be
12 taken within ten days after entry of any judgment of a unified
13 government court. No appeal shall be allowed until the
14 appellant has paid to the clerk of the unified government
15 court one dollar and fifty cents as a fee for preparing the
16 transcript of record on appeal. The clerk of the unified
17 government court is also entitled to the same additional fees
18 for preparing the record, or portions thereof designated, as
19 is the clerk of the county court on the appeal of
20 misdemeanors, but said fees shall be refunded to the defendant
21 if the judgment is set aside on appeal. No stay of execution
22 shall be granted until the appellant has executed an approved
23 bond as provided in sections 13-9.5-120 and 13-9.5-121.

24 13-9.5-118. Notice - scope. (1) Appeals may be taken by
25 filing with the clerk of the unified government court a notice
26 of appeal, in duplicate. The notice of appeal shall set forth

1 the title of the case; the name and address of the appellant
2 and appellant's attorney, if any; identification of the
3 offense or violation of which the appellant was convicted; a
4 statement of the judgment, including its date and any fines or
5 sentences imposed; and a statement that the appellant appeals
6 from the judgment. The notice of appeal shall be signed by
7 the appellant or the appellant's attorney.

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

12 13-9.5-119. Certification to appellate court. Upon
13 payment of the fee provided in section 13-9.5-117 and filing
14 of notice as provided in section 13-9.5-118, the original
15 papers in the unified government court file, together with a
16 transcript of the record of the unified government court, and
17 a duplicate notice of appeal shall be certified to the
18 appropriate appellate court pursuant to section 13-9.5-116 by
19 the unified government court.

20 13-9.5-120. Bond - approval of sureties - forfeitures.
21 (1) When an appellant desires to stay the judgment of the
22 unified government court, the appellant shall execute a bond
23 to the unified government, in such penal sum as may be fixed
24 by the unified government court, and in such form and with
25 sureties qualified as the unified government may, by
26 ordinance, designate.

1 (2) Sureties shall be approved by a judge of the unified
2 government court from which the appeal is taken.

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

8 13-9.5-121. Conditions of bond - forfeiture - release.

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

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

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

1 against any property of the sureties.

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

9 13-9.5-122. Docket fee - dismissal. The appellant shall
10 pay a docket fee as provided by law to the clerk of the
11 appellate court, within ten days from the date the appellant
12 ordered the transcript of record. If the appellant does not
13 do so, the appellant's appeal may be dismissed on motion of
14 the unified government.

15 13-9.5-123. Procedendo on dismissal. Upon dismissal of
16 an appeal, the clerk of the appellate court shall at once
17 issue a procedendo to the unified government court from the
18 judgment on which appeal was taken, to the amount of the
19 judgment and all costs incurred before the unified government
20 court.

21 13-9.5-124. Action on bond in name of unified
22 government. Action may be instituted upon any bond under this
23 article in the name of the unified government in whose favor
24 it is executed.

25 13-9.5-125. Judgment. Upon trial de novo of the case on
26 appeal to the appellate court, if a jury has been demanded,

1 the duties of the jurors shall be to determine only whether
2 the appellant has violated the ordinance charged. Upon a
3 verdict of guilty, the judge shall then hear and consider any
4 material facts in mitigation or aggravation of the offense and
5 shall impose a penalty as provided by ordinance.

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

9 13-10-105. Municipal judge - appointment - removal.
10 (2) A municipal judge may be removed during his term of
11 office only for cause OR BECAUSE THE MUNICIPALITY HAS CEASED
12 TO EXIST DUE TO A UNIFICATION OF GOVERNMENTS UNDER THE
13 PROVISIONS OF ARTICLE 30 OF TITLE 29, C.R.S. A judge may be
14 removed for cause if:

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

17 24-35-210. Lottery fund. (4) (d) (II) The net lottery
18 proceeds may also be used to reimburse counties AND UNIFIED
19 GOVERNMENTS for their actual expenses incurred in housing
20 inmates in the county OR UNIFIED GOVERNMENT facilities for the
21 department of corrections. The director of the department of
22 corrections is hereby authorized to contract with county
23 commissioners OR UNIFIED GOVERNMENT OFFICIALS for placement of
24 corrections department inmates in county OR UNIFIED GOVERNMENT
25 facilities when the director determines that such a contract
26 would be in the best interests of the state.

1 SECTION 5. The introductory portion to 29-21-101 (2) (a)
2 (II) and 29-21-101 (2) (a) (II) (B), (2) (b) (I), (2) (b)
3 (III), and (2) (b) (IV), Colorado Revised Statutes, 1986 Repl.
4 Vol., are amended, and the said 29-21-101 (2) (a) (II) is
5 further amended BY THE ADDITION OF A NEW SUB-SUBPARAGRAPH, to
6 read:

7 29-21-101. Conservation trust funds. (2) (a) (II) Each
8 county OR UNIFIED GOVERNMENT share shall be apportioned
9 according to that percentage which the population of each
10 county OR UNIFIED GOVERNMENT is to the total population of all
11 counties AND UNIFIED GOVERNMENTS, and, within each county,
12 each municipality's share shall be apportioned according to
13 the percentage which the population within each municipality
14 is to the total population of the county in which such
15 municipality is located. Each special district's share shall
16 be determined as follows:

17 (B) The special district's share relating to the
18 incorporated area of the county in which all or part of such
19 special district is located shall be one-half of the
20 percentage which the population of the special district's
21 incorporated area is to the total population of the
22 municipality in which the special district's incorporated area
23 is located. The population of any area which is located within
24 a municipality or a city and county and has been excluded from
25 a special district shall not be counted as part of the special
26 district's population, even if the excluded area remains

1 within the district for the purpose of paying outstanding
2 debt; and

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

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

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

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

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

24 34-63-102. Creation of mineral leasing fund -
25 distribution. (3) (a) Fifty percent of all moneys described
26 in paragraph (a) of subsection (1) of this section shall be

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1 distributed ten working days after receipt of the last monthly
2 payment in each quarter among those respective counties AND
3 UNIFIED GOVERNMENTS of this state from which the federal
4 leasing money is derived in proportion to the amount of said
5 federal leasing money derived from each of the respective
6 counties AND UNIFIED GOVERNMENTS for use by said counties AND
7 UNIFIED GOVERNMENTS for the purposes described in subsection
8 (1) of this section and for use by municipalities and school
9 districts within said counties AND UNIFIED GOVERNMENTS as
10 provided in paragraph (c) of this subsection (3); except that
11 no distribution under this paragraph (a) to any single county
12 OR UNIFIED GOVERNMENT, including the amounts distributed under
13 paragraph (c) of this subsection (3) to municipalities and
14 school districts located therein, shall exceed eight hundred
15 thousand dollars in any calendar year. Unless the balance
16 paid to the state public school fund pursuant to subparagraph
17 (I) of paragraph (b) of this subsection (3) exceeds ten
18 million one hundred thousand dollars in a calendar year,
19 distribution above two hundred thousand dollars to any single
20 county OR UNIFIED GOVERNMENT pursuant to this paragraph (a)
21 shall not take effect during that calendar year.

22 (b) (I) Any balance of said fifty percent remaining
23 after payment to the several counties AND UNIFIED GOVERNMENTS
24 as provided in paragraph (a) of this subsection (3) shall be
25 paid by the state treasurer, on or before the last day of
26 December of each year, into the state public school fund and

1 used for the support of the public schools.

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

15 (c) In each calendar year, each county OR UNIFIED
16 GOVERNMENT shall notify the state treasurer to have at least
17 twenty-five percent of the moneys described in paragraph (a)
18 of this subsection (3) distributed to any school district
19 within the county OR UNIFIED GOVERNMENT specified by the board
20 of county commissioners OR UNIFIED GOVERNMENT GOVERNING BODY
21 for use in accordance with the purposes described in
22 subsection (1) of this section. In each calendar year, each
23 county shall also notify the state treasurer to have at least
24 thirty-seven and one-half percent of that part of the moneys
25 which are described in paragraph (a) of this subsection (3)

26 which exceeds two hundred fifty thousand dollars distributed

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1 among the municipalities within the county according to that
2 percentage which the population within each municipality bears
3 to the total population of all municipalities located within
4 the county. The state treasurer shall not disburse funds to a
5 county OR UNIFIED GOVERNMENT under this subsection (3) until
6 such notification is received. For the purposes of this
7 paragraph (c), "population" means the most recent population
8 estimate at the time of the distribution of the mineral
9 leasing fund as prepared by the demographic section of the
10 division of local government.

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

13 34-63-103. Method of payment. Warrants in payment of the
14 amounts due the several counties AND UNIFIED GOVERNMENTS of
15 the state shall be issued and paid pursuant to the provisions
16 of law.

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

19 39-22-623. Disposition of collections.
20 (1) (a) (II) Effective July 1, 1987, an amount equal to
21 twenty-seven percent of the gross state cigarette tax shall be
22 apportioned to incorporated cities and incorporated towns
23 which levy taxes and adopt formal budgets and to counties AND
24 UNIFIED GOVERNMENTS. For the purposes of this section, a city
25 and county shall be considered as a city. The city or town
26 share shall be apportioned according to the percentage of

1 state sales tax revenues collected by the department of
2 revenue in an incorporated city or town as compared to the
3 total state sales tax collections that may be allocated to all
4 political subdivisions in the state; the county share shall be
5 the same as that which the percentage of state sales tax
6 revenues collected in the unincorporated area of the county
7 bears to total state sales tax revenues which may be allocated
8 to all political subdivisions in the state; AND THE UNIFIED
9 GOVERNMENT SHARE SHALL BE THE SAME AS THAT WHICH THE
10 PERCENTAGE OF STATE SALES TAX REVENUES COLLECTED IN THE
11 UNIFIED GOVERNMENT BEARS TO TOTAL STATE SALES TAX REVENUES
12 WHICH MAY BE ALLOCATED TO ALL POLITICAL SUBDIVISIONS IN THE
13 STATE. The department of revenue shall certify to the state
14 treasurer, at least annually, the percentage for allocation to
15 each city, town, and county, AND UNIFIED GOVERNMENT, and such
16 percentage for allocation so certified shall be applied by
17 said department in all distributions to cities, towns, and
18 counties, AND UNIFIED GOVERNMENTS until changed by
19 certification to the state treasurer. In order to qualify for
20 distributions of state income tax moneys, units of local
21 government are prohibited from imposing fees, licenses, or
22 taxes on any person as a condition for engaging in the
23 business of selling cigarettes or from attempting in any
24 manner to impose a tax on cigarettes. For purposes of this
25 paragraph (a), the "gross state cigarette tax" means the total
26 tax before the discount provided for in section 39-28-104 (1).

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1 SECTION 9. 39-29-110 (1) (c), (1) (d) (I), and (1) (e),
2 Colorado Revised Statutes, 1982 Repl. Vol., are amended to
3 read:

4 39-29-110. Local government severance tax fund -
5 creation - administration - energy impact assistance advisory
6 committee created - sunset review. (1) (c) An amount equal to
7 fifteen percent of said gross receipts credited to the fund
8 shall be distributed to counties, UNIFIED GOVERNMENTS, or
9 municipalities on the basis of the proportion of employees of
10 the mine or related facility or crude oil, natural gas, or oil
11 and gas operation who reside in any such county's
12 unincorporated area or in any such UNIFIED GOVERNMENT OR
13 municipality to the total number of employees of the mine or
14 related facility or crude oil, natural gas, or oil and gas
15 operation. Such distribution shall be made on the basis of
16 the report required in paragraph (d) of this subsection (1).

17 (d) (I) Ninety days prior to the end of each fiscal
18 year, the executive director of the department of revenue
19 shall send every producer who is subject to the severance tax
20 and whose payment is subject to the distribution formula
21 provided in this subsection (1) a form on which such producer
22 shall submit a report to the department of revenue indicating
23 the following: The name and address of the producer, the name
24 of the mine, related facility, or operation, the names of the
25 municipalities, ~~or~~ counties, OR UNIFIED GOVERNMENTS in which
26 its employees maintain their actual residences as given by the

1 employees, giving the number of employees for each such
2 municipality OR UNIFIED GOVERNMENT or unincorporated area of
3 each such county, and the total number of employees of the
4 mine or related facility or crude oil, natural gas, or oil and
5 gas operation. Said producer may use and submit any other
6 report form in lieu of the state form sent by the executive
7 director of the department of revenue which contains the same
8 information as prescribed in said state form. The report
9 shall be due April 30 of each year. The executive director of
10 the department of revenue shall submit a copy of the report
11 required by this paragraph (d) to the executive director of
12 the department of local affairs. In the case of failure of any
13 producer to submit the report on or before the date required
14 by this paragraph (d) to the department of revenue, a written
15 notice shall be sent to the producer by the department of
16 revenue by certified mail stating that the producer has failed
17 to submit a copy of the report required by this paragraph (d)
18 and informing the producer of the penalty provision contained
19 in this paragraph (d). If the producer fails within
20 forty-five days after receipt of said certified letter to
21 submit the required report, there shall be levied and
22 collected a penalty for such failure in the amount of fifty
23 dollars for each day, or portion thereof, during which such
24 failure continues. Any moneys and interest collected under
25 this paragraph (d) shall be added to the fifteen percent of
26 gross receipts from the local government severance tax fund

1 and distributed to counties, or municipalities, OR UNIFIED
2 GOVERNMENTS in the manner prescribed by paragraph (c) of this
3 subsection (1). Moneys distributed from the local government
4 severance tax fund pursuant to paragraph (c) of this
5 subsection (1) shall be distributed no later than August 31 of
6 each year. Any producer not liable for severance tax under
7 this section shall not be required to submit a report under
8 this subsection (1).

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

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

16 43-4-217. Unified government allocation. The allocation
17 of moneys in the highway users tax fund to any unified
18 government formed under the provisions of article 30 of title
19 29, C.R.S., shall be equal to the allocations that the county
20 and municipalities merged into the unified government would
21 have received had the unification not taken place and had the
22 boundaries of such municipalities remained unaltered from the
23 date of the approval of the unified government charter. Such
24 allocations to unified governments shall be expended as
25 provided in section 43-4-207.

26 SECTION 11. Safety clause. The general assembly hereby

1 finds, determines, and declares that this act is necessary
2 for the immediate preservation of the public peace, health,
3 and safety.

BILL 3

Interim Committee on the Structure of State and Local Government

A BILL FOR AN ACT

1 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.

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

3 SECTION 1. 24-30-802 (1), Colorado Revised Statutes,
4 1988 Repl. Vol., as amended, is amended to read:

5 24-30-802. Board - members - meetings. (1) The board
6 shall be composed of ~~three~~ FIVE members appointed by the
7 governor, one member appointed by the president of the senate,

1 one member appointed by the speaker of the house of
2 representatives, and the chairman of the joint budget
3 committee of the general assembly or his designee. OF THE
4 MEMBERS APPOINTED BY THE GOVERNOR, ONE SHALL BE A CLASSIFIED
5 STATE EMPLOYEE WHO DOES NOT HAVE MANAGEMENT RESPONSIBILITIES,
6 TWO SHALL BE EXECUTIVE DIRECTORS OF PRINCIPAL DEPARTMENTS OF
7 STATE GOVERNMENT OR THEIR DESIGNEES, AND TWO SHALL BE FROM THE
8 PRIVATE SECTOR AND SHALL BE EMPLOYED IN POSITIONS WHICH
9 REQUIRE EXPERTISE IN PERSONNEL MATTERS AND INCENTIVE PROGRAMS.
10 The chairman of the joint budget committee or his designee
11 shall be the chairman of the board. The head of the principal
12 department ~~in which the employee making the suggestion is~~
13 ~~employed~~ WHICH WILL BE AFFECTED BY THE COST-SAVING SUGGESTION
14 shall sit as a member of the board for consideration of such
15 employee's suggestion.

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