0203-2 Committees on: Transportation, Courts, Educational Television, Campaign

Colorado Legislative Council

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Report to the Colorado General Assembly:

RECOMMENDATIONS FOR 1974,
COMMITTEES ON:

Transportation
Courts
Educational Television
Campaign Funds
Water
Organization of State Government
Legislative Procedures

VOLUME II

COLORADO LEGISLATIVE COUNCIL

RESEARCH PUBLICATION NO. 203
DECEMBER 1973
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OF THE
COLORADO GENERAL ASSEMBLY

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* * * * * * * * *

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

During the sessions, the emphasis is on supplying legislators, on individual request, with personal memoranda, providing them with information needed to handle their own legislative problems. Reports and memoranda both give pertinent data in the form of facts, figures, arguments, and alternatives.
COLORADO LEGISLATIVE COUNCIL
RECOMMENDATIONS FOR 1974

Committees on:
Transportation
Courts
Educational Television
Campaign Funds
Water
Organization of State
Government
Legislative Procedures

Legislative Council
Report To The
Colorado General Assembly

Research Publication No. 203
December, 1973
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LEGISLATIVE COUNCIL COMMITTEE
ON TRANSPORTATION

Members of the Committee

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INTERIM RECOMMENDATIONS
COMMITTEE ON TRANSPORTATION

During the 1973 interim, the Committee on Transportation focused its attention on the following three areas:

(1) Should the existing Highway Users Tax Fund (HUTF) formula for allocating funds to the state, counties, and municipalities be readjusted, and if so, how?

(2) Are the state's costs of collecting, and distributing and administering highway user tax revenues reasonable, or could they be adjusted to provide additional funds for direct highway purposes?

(3) Are the state's highway revenue sources adequate?

Allocation of Highway User Funds - Bill 26

The committee based its examination of the Highway Users Tax Fund distribution formula on testimony and reports by officials of the Colorado Municipal League and the County Commissioners Association, on data presented by the Legislative Council staff, and on recommendations contained in the 1972 Highway Classification, Needs, and Fiscal Study -- the so-called "Wilbur Smith Report". These data indicate that the existing HUTF formula, which distributes the state's highway user revenues, after deductions, 65 percent to the state, 26 percent to the counties, and nine percent to the cities, may need readjustment. Since 1959 when the formula was last revised, recognition of the transportation problems and needs of municipalities has grown. Several indicators of municipal need come to the fore, including increases in municipal population, motor vehicle registration, road and lane mileage, and the attendant highway problems of congestion and pollution which accompany large concentrations of people in the urban areas.

Municipal Proposals. The committee considered two major proposals to provide additional local revenues. Both proposals were suggested by representatives of the Colorado Municipal League. The proposal receiving the major endorsement of the League would have increased the tax on gasoline by one cent (to a total of eight cents), with the proceeds of the one cent tax distributed directly to cities and counties on the basis of population or automobile registrations. The
alternate proposal put forth by the Municipal League was to alter the Highway User Tax Fund distribution to provide 65 percent to the state, 20 percent to counties, and 15 percent to municipalities, with the formula adjustment to be made over a three or four-year phase-in period.

The committee did not accept either of these proposals. First of all, it was not convinced that a gasoline tax increase, for local use only, could be justified at this time. Second, while the committee agreed that the proportions of the Highway Users Tax Fund going to cities and counties should be adjusted, it did not concur that the counties' percentage should be reduced, or the cities' percentage increased, to the levels proposed by the Municipal League.

**Committee recommendation.** The committee recommends that the General Assembly consider the enactment of Bill 26. This bill would provide a readjustment of the percentages of the HUTF distribution formula from 65 (state) - 26 (county) - 9 (city) to a 65-23-12 formula. The shift would be accomplished by reducing the counties' share one percent annually (and increasing the percentage provided municipalities by the same amount) over a three-year period beginning in 1975.

In making this recommendation, the committee was aware that a revision of the formula has been repeatedly suggested by various groups and various studies over the years. The most recent study (the *1972 Highway Classification, Needs and Fiscal Study*) recommended a 65-17-18 formula. Therefore, it is the contention of the committee that a readjustment of the HUTF distribution formula is now due and should be considered by the 1974 session of the General Assembly.

**State Highway Administration - Costs - Responsibilities**

The Committee on Transportation continued the review of the administrative activities and programs financed from the HUTF begun by the 1972 Highway Finance Study Committee. The committee generally weighed two factors in their evaluation: 1) economy and efficiency and 2) equitability. One apparent objective was to ensure that HUTF financed programs and activities are administered in the least-cost fashion and, where possible, to identify areas in which administrative "off the top" costs could be reduced. The second primary objective was to ensure that services financed by the HUTF and the assessments which contributed to the HUTF are provided and administered with fairness.
Initially, a summary report on all administrative activities financed by deductions from the HUTF was presented by the Department of Revenue and several potential areas in which improvement might be made were identified. Based on the above objectives, the following areas were considered: 1) ton-mile tax, 2) special permit fees on overweight, width, and height vehicles, 3) state patrol, 4) driver's license program, and 5) state highway lighting and traffic control services.

(1) **Ton-mile Tax**

The committee did not take action on either of the first two above items. The possibility of replacing the ton-mile tax with a registration fee system was examined as a possible means for reducing administrative overhead and thus, cost. However, as did the 1972 committee, this committee generally concluded that the equitability of the ton-mile tax outweighs its somewhat higher collection costs. Thus, the committee generally supported the continuance of the ton-mile tax. Further study on expanding the use of fees based on a negotiated factor was suggested, however.

(2) **Overweight Truck Fees**

The possibility of increasing the special permit fee on overweight, overheight, and overwidth vehicles to generate additional revenues for highway maintenance was considered. This option was rejected because, according to testimony by Mr. Charles E. Shumate, Executive Director of the Department of Highways, the fee's revenues now cover the program's administrative costs. Furthermore, he suggested that an increase in these fees would probably generate an insubstantial amount of revenue, unless the fee were to be greatly increased and this might be difficult to justify.

(3) **Financing of the State Patrol - Bill 27**

With regard to the third area, the committee supported a proposal to partially finance State Patrol expenditures from the state's General Fund. The committee noted that the Patrol now provides services which are not purely highway related functions. These non-highway State Patrol activities, whether unrelated or only indirectly related to highway purposes, should, in the opinion of the committee, be funded from general state revenues.

**Committee recommendation.** The committee recommends Bill 27 which provides that one-half of the cost for the State
Patrol be financed by appropriations from the General Fund and that the HUTF continue to be the funding source for the remaining one-half of the Patrol.

(4) Operator's License Fees and Costs of Administration - Bill 28

The committee explored possible ways of making the motor vehicle operator license program more self-supporting. However, the total cost, including direct, indirect, and control and enforcement costs brings the total to around $7.50 per license. The majority of the committee members objected to raising the operator's fee to this full amount in light of the unpopularity of such an action and the existence of a state budget surplus. Rather, the committee favored raising the fee from $2.25 to $5.00 to cover at least most of the administrative costs of the operator's license program.

Committee recommendation. Based on the above, the committee recommends that the motor vehicle operating license be raised from $2.25 to $5.00 per license as provided in Bill 28. The committee noted that a somewhat similar recommendation had been made by the 1972 Highway Finance Study Committee. That recommendation was not, however, enacted in the 1973 session.

(5) State Highway Lighting and Traffic Control Services - Bill 29

Based on the testimony by city and county officials, the committee examined the equity of the existing statutory responsibility of the Department of Highways to construct, operate, and maintain traffic control devices and street lights on state highways within cities and counties. Currently, the Highway Department either provides or subsidizes these functions for counties and for municipalities under 5,000 population, but not for those municipalities in excess of 5,000.

Committee recommendation. The committee recommends that traffic control devices and street illumination facilities be uniformly provided by the state in all cities and counties, as provided in Bill 29.

Other Recommendations

Federal Highway Safety Requirements - State Implementation

The 1966 Highway Safety Act empowers the United States Department of Transportation (DOT) to withhold a state's fed-
erally allocated highway safety funds and ten percent of its federal highway construction funds, if a state's highway safety plan is not approved and implemented by fiscal 1977.

According to information supplied to the Transportation Committee, Colorado's plan is deficient in three areas, all of which may require some legislative action. Specifically Colorado should: expand its highway safety plan to include alcohol related countermeasure programs prior to June 30, 1974; implement an emergency services plan including the training and certification of ambulance attendants by June 30, 1975; and provide for a school bus safety administrator and school bus driver training by January 1, 1974.

These items were brought to the committee's attention at its final meeting, too late for the committee to develop specific proposals on them. The committee therefore recommends that these items be included on the Governor's agenda for consideration by the General Assembly during the 1974 session.

**Adequacy of Existing Highway Revenue Sources**

The largest single revenue source for highway purposes is the state's tax on motor fuel. The committee became aware that, due to the summer gasoline shortage, pending federal air pollution regulations, and the "energy crisis", the amount of revenue available for Colorado's road network cannot currently be projected with any accuracy. While the committee has no specific recommendations at this time, it offers the following summary of its discussions and emphasizes that continued examination of these issues and further action may be necessary in the coming months.

**1973 summer gasoline shortage.** While data indicate that both gasoline consumption and, thus, gasoline tax collections have been adversely affected by the shortage during the months of May through July, it is difficult to project the impact of the shortage on the total 1973 gasoline tax collection. That is, the negative fluctuations in revenue which occurred during these months may be counterbalanced in future months by other growth factors. If gasoline supplies and consumption return to normal, the Department of Revenue estimates that there could be an overall increase of seven to eight percent in total gasoline consumption during 1973.

**EPA proposal to curtail automobile use.** The Environmental Protection Agency's (EPA) proposal to implement federal clean air standards is still pending at this time. However,
their proposal entails reduction in motor vehicle miles traveled in the Denver metro area by 31 percent through a limitation of gasoline sales at fiscal year 1973 levels. The program was to be implemented by July 1, 1974. Because nearly 50 percent of the motor fuel sold in the state is sold in the Denver area, the Department of Revenue estimates there would have been a loss of approximately $14 million in the HUTF revenues, had the 31 percent reduction been in effect for fiscal 1973. Therefore, if the EPA proposal is to be implemented, it appears that the HUTF may need additional revenue sources or increases in the existing revenue sources if it is to be maintained at its existing level. However, officials from the Colorado Air Pollution Control Division are proposing to implement a combination of alternative pollution reduction strategies which, if implemented, may make the stringent reduction in gasoline sales for this purpose unnecessary.

Motor fuels -- possible highway revenue and policy considerations -- A problem which potentially will bear examination is the impact of the "energy crisis" on highway revenues. Projections vary, and it is too soon to obtain reliable impact estimates, particularly in light of the fact that federal policy for managing the energy crisis is, at the time of this writing, undetermined. Recently, however, a 20-30 cent per gallon increase in the gasoline excise tax, or a gasoline rationing system, has been suggested as possible alternatives at the federal level. Such measures would result in a considerable loss in highway revenues.

The committee considered a one-cent gasoline tax increase not only as a possible means of providing additional local revenues but in a broader context as well -- that of assuring that the state's HUTF funds would not be reduced by a decrease in the availability of motor fuel. However, the one-cent increase was rejected by a divided committee.

The committee does recognize that unforeseen circumstances resulting from the fuel situation may later create a need for the Governor and the General Assembly to examine the possibility of a gasoline tax increase. The increase could assure a continuation of adequate highway revenues and could also be a part of a state program, to regulate the use of the short supply of fuel.

Reduction of speed limits. At the final meeting, a proposal was placed before the committee, at the request of the Governor, which would allow the Governor to reduce speeds on Colorado's highways to not lower than fifty miles per hour by executive proclamation. The committee did not adopt, nor does it recommend this proposal for the following reasons: 1) Some doubt exists as to whether or not
the 50 m.p.h. limit is enforceable; 2) some argue that the 50 m.p.h. is an inefficient speed for diesel fueled trucks (a speed limit of 55 m.p.h. was proposed during testimony); and 3) such a reduction in speed would require the trucking industry to place more vehicles on the highways to meet their time schedules and load demands. The trucker's problem might be resolved by allowing heavy load carriers to haul the same weight load on interstate highways, as are presently carried on intrastate roads.

The single most important reason for the committee's refusal to endorse the above proposal was the belief that such measure may need to be considered along with several other related measures such as a fuel tax increase, truck load regulations, and federal fuel policies, as the impact of the fuel situation becomes more thoroughly evaluated.
A BILL FOR AN ACT

CONCERNING THE HIGHWAY USERS TAX FUND.

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

SECTION 1. 120-12-7 (1), Colorado Revised Statutes 1963 (1965 Supp.), is amended to read:

120-12-7. County allocation. (1) After January 1, 1965, for the year 1975, after the payments required by law have been made to the highway crossing protection fund and after paying the costs of the state patrol as appropriated by the general assembly, twenty-six twenty-five percent of the balance of the highway users tax fund shall be paid to the county treasurers of the respective counties and shall be allocated and expended as provided in this section. For the year 1976, the county allocation shall be twenty-four percent, and for the year 1977 and thereafter, the county allocation shall be twenty-three percent. The moneys thus received shall be allocated to the counties as provided by law and shall be expended by said counties only on the construction, engineering, reconstruction, maintenance, repair, equipment, improvement, and administration of the county highway systems together with acquisition of rights-of-way and access rights for the same, and for no other purpose. The amount to be expended for administrative purposes
shall not exceed five percent of each county's share of the funds available.

SECTION 2. 120-12-8 (1), Colorado Revised Statutes 1963 (1965 Supp.), is amended to read:

120-12-8. Municipal allocation. (1) After January 1, 1965, FOR THE YEAR 1975, after the payments required by law have been made to the highway crossing protection fund, and after paying the costs of the state patrol as appropriated by the general assembly and making allocation as provided by sections 120-12-6 and 120-12-7, nine TEN percent of the balance of the highway users tax fund shall be paid to the cities and incorporated towns within the limits of the respective counties and shall be allocated and expended as provided in this section.

FOR THE YEAR 1976, THE MUNICIPAL ALLOCATION SHALL BE ELEVEN PERCENT, AND FOR THE YEAR 1977 AND THEREAFTER, THE MUNICIPAL ALLOCATION SHALL BE TWELVE PERCENT. Each city treasurer shall account for the moneys thus received as provided in this article. Such moneys so allocated shall be expended by said cities and incorporated towns for the construction, engineering, reconstruction, maintenance, repair, equipment, improvement, and administration of the system of streets of such city or incorporated town together with the acquisition of rights-of-way and access rights for THE same, and for no other purpose. The amount to be expended for administrative purposes shall not exceed five percent of each city's share of the funds available.

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

BILL 27

A BILL FOR AN ACT

CONCERNING APPROPRIATIONS TO THE COLORADO STATE PATROL.

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

SECTION 1. 120-10-23, Colorado Revised Statutes 1963, is
REPEALED AND REENACTED, WITH AMENDMENTS, to read:

120-10-23. Costs of administration. One-half of the costs
of administration of this article, including the salaries of the
chief, deputy chief, commissioned and noncommissioned officers,
patrolmen, radio technicians, and other field and office
personnel, the state's contribution to their retirement benefits,
office supplies, postage, uniforms, badges, and other supplies
and equipment, and necessary travel and subsistence allowances,
shall be annually appropriated by the general assembly from the
highway users tax fund, said portion being hereby declared to be
for the supervision of the public highways of this state, and the
remaining one-half of such costs shall be annually appropriated
by the general assembly from the general fund, said remaining
portion being hereby declared to be for the administration of the
laws of this state governing the use of the public highways. All
such costs, salaries, and expenses shall be paid by the state
treasurer upon warrants issued pursuant to law by the state
controller and charged against such appropriations.
SECTION 2. Effective date. This act shall take effect January 1, 1975.

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

BILL 28

A BILL FOR AN ACT

CONCERNING DRIVERS' LICENSES FOR THE OPERATION OF MOTOR VEHICLES.

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

SECTION 1. 13-4-12 (2) and (3), Colorado Revised Statutes 1963, as amended by section 2 of chapter 76, Session Laws of Colorado 1973, are amended to read:

13-4-12. License issued - fees. (2) The fee for the issuance of a driver's and provisional driver's license shall be two FIVE dollars, and twenty-five cents; which license shall expire on the birthday of the applicant in the third year after issuance thereof or when the applicant reaches age twenty-one, whichever occurs first. except--that--in--case--of WHEN a provisional driver's or driver's license IS issued by the county clerk's office, in---each-county the county clerk's office shall retain the sum of one dollar and fifty cents, and--seventy-five cents THE BALANCE shall be forwarded to the department of revenue for deposit in the state treasury to the credit of the highway users tax fund, and the general assembly shall make appropriations therefrom for the expenses of the administration of this article.

(3) The fee for the issuance of a minor driver's license shall be two FIVE dollars, and twenty-five cents; which license
shall expire twenty days after the eighteenth birthday of the licensee. In case of issuance of such minor driver's license by the county clerk's office, the fee therefor shall be apportioned in the same manner as for issuance of an operator's license.

SECTION 2. Effective date. This act shall take effect July 1, 1974.

SECTION 3. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.
BIL 29

A BILL FOR AN ACT

PROVIDING FOR THE OPERATION, MAINTENANCE, AND CONTROL OF CERTAIN
FACILITIES AND DEVICES ON STATE HIGHWAYS.

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

SECTION 1. 120-13-35 (6) and (10), Colorado Revised
Statutes 1963, are amended to read:

120-13-35. Division of authority over streets. (6) The
city, city and county, or incorporated town at its own expense
shall provide street illumination and shall clean all such
streets, including storm sewer inlets and catch basins.

(10) The department of highways shall install, operate,
maintain, and control at state expense all traffic control
signals, signs, and traffic control devices, AND STREET
ILLUMINATION FACILITIES on state highways connecting links in
cities, CITIES AND COUNTIES, and incorporated towns, AND COUNTIES.

having-a-population-of-five-thousand-or-less-as-determined-by-the
latest--federal--census;--and--cities;--cities--and-counties;--and
incorporated-towns-having-a-population-in-excess-of-five-thousand
according-to-the-latest-federal-census--shall--maintain;--operate
and-control-such-signals;--signs-and-devices-at-their-own-expense.

No local authority shall erect or maintain any stop sign or
traffic control signal at any location so as to require the
traffic on any state highway to stop before entering or crossing any intersecting highway unless approval in writing has first been obtained from the department of highways. For the purpose of this subsection (10), striping, lane marking, and channelization are considered traffic control devices.

SECTION 2. Effective date. This act shall take effect July 1, 1974.

SECTION 3. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.
LEGISLATIVE COUNCIL COMMITTEE
ON COURTS

Members of the Committee

Rep. Ronald Strahle, Chairman
Sen. Fay DeBerard, Vice-Chairman
Sen. Fred Anderson
Sen. Ralph Cole
Sen. Lorana Darby
Sen. Harold McCormick
Sen. Maurice Parker

Rep. Ernest Burns
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Stan Elseaon
Principal Analyst

Joyce Anderson
Assistant Research
Assistant
Recommendations from the committee on courts include a proposed constitutional amendment to Article VI, the Judicial Article, and two bills, one to provide for the reorganization of judicial districts and the second to provide a fee schedule for the new probate code.

Amendment of the Judicial Article -- Constitutional Amendment 1

The constitutional amendment relates to three major areas of change: 1) establishment of full-time, legally trained judges in the county court; 2) elimination of the special constitutional juvenile and probate courts in Denver; and 3) easing requirements for legislative changes in the judicial districts.

(1) Under the draft amendment, the present provision that each county must have its own county court would be changed to provide that each judicial district shall be served by judges of the county court. These judges would serve on a full-time basis, would be licensed to practice law in Colorado, and would be elected by voters of the judicial district rather than by the electors in each county. This amendment would have the effect of providing circuit county judges within judicial districts.

There are several reasons for this recommendation. The state is paying a high cost for the luxury of a part-time court in each county. Even with these costs, the judges in these courts are part-time, non-lawyer judges.

Part-time county court judges who are attorneys represent other issues which are of concern. Conflicts of interest arise for a person who is in the role as an advocate one day in district court but serving as a judge the next day, with the lawyer he opposed appearing on behalf of a client in his court.

(2) A second accomplishment of the constitutional amendment would be to remove the special constitutional status of the probate and juvenile courts in Denver. These courts would be merged with the Denver district court, although separate divisions of the district would provide the necessary specialization for these judicial matters.
Placement of these courts as an integral part of the district court system would have several advantages. More flexible court management could result for critical areas such as the juvenile court. Other district judges would be able to be assigned to work in this area during periods of peak caseloads and the juvenile judges could be assigned to other types of cases, if needed. In addition, there are advantages in having the judges of the district court aware of problems in other areas of the court system. Various segments of a judicial system need to have an understanding of problems which confront other courts. A collegial attitude among judges is more difficult to foster with separate courts.

Greater public understanding is fostered for a court system which has general jurisdiction rather than specialized courts which can be easily cited for criticism in the political arena. For example, the Denver juvenile court has had its share of detractors which is due, at least in part, to the specialized nature of that court. Such a situation does not serve to build public confidence in the court system and this problem might be remedied by placing this court with the remainder of the district court system.

(3) Elimination of the two-thirds vote requirement in order for the General Assembly to change judicial districts is recommended to enable the legislative branch to more readily adjust judicial boundaries with shifts in caseloads of district courts. From the time of statehood to 1962, judicial districts could be changed by a majority vote of the General Assembly. The committee saw no reason to continue the present two-thirds vote requirement in this area of the law.

Judicial Districts -- Bill 30

The proposed changes in the state judicial districts are submitted in order to meet several objectives. In general, the changes would eliminate all one-judge judicial districts so there would be at least two district judges in each district and provide for geographic considerations in terms of judicial travel. The changes submitted should also delay the addition of new judges in some of the state's most active district courts by providing more efficient use of judicial manpower. The number of judicial districts would be reduced from 22 to 20.

Specific reasons for the changes in judicial districts are noted below:

3rd District - Spliting Huerfano and Las Animas to the 10th and 16th districts, respectively, would bring the case-
load of these two districts closer to the optimum level. The 3rd district caseload is now below standard.

5th District - Lake would be moved to the 11th and Clear Creek and Gilpin combined with Eagle and Summit to form a two-judge 5th district. This change also would delay the addition of another district judge in the 1st (Jefferson).

6th District - Consolidation of the single-judge 22nd district (Dolores and Montezuma) with existing 6th (Archuleta, La Plata, and San Juan) would provide a three-judge district.

8th District - Separation of Jackson from Larimer would eliminate a transportation problem for the judges located in Ft. Collins who now drive into Wyoming to serve Jackson County. This change would also provide additional caseload for a new second judge in the 14th.

15th District - Moving Lincoln from the 18th to the existing 15th will save considerable travel time of judges whose chambers are in Littleton. The change should stall for a few years the addition of a new judge for the 18th district.

16th District - The addition of Las Animas should increase the caseload for the 16th district to a more suitable figure. (One of the three judges is the water judge for the division and spends some time on water matters aside from district court.)

The "Speedy Justice" Proposal

At the committee's final meeting, a proposal was submitted by Mr. Dale Tooley, Denver District Attorney, which would include in the proposed constitutional amendment language to the effect that, except as provided by statute, criminal cases on appeal would be required to be decided within six months following the filing of notice of appeal.

The proposed language of the amendment, which was presented as a possible addition to the committee's constitutional amendment, was reviewed at some length. A number of specific, practical problems in the proposal were noted in the committee discussion, and further revision of the amendment will be considered by the proponents before the 1974 session.

Formal action of the committee was taken "to endorse the concept of adding a requirement to the constitutional amendment submitted by the committee to provide speedy determination of criminal prosecutions". The concept incor-
porated in this motion would include provision for a six-month time limitation from the original proceeding along with a six-month provision for decisions on appeal. The revised version of the speedy justice amendment will probably be submitted by the proponents for consideration in the 1974 session.

Court Fees Under the Probate Code -- Bill 31

With enactment of the Colorado probate code in the 1973 session, the fees charged for court probate proceedings were not amended. Section 56-5-2, C.R.S. 1963, as amended, contains the present fee schedule but it was concluded that it would be appropriate to revise this schedule when the new code becomes effective on July 1, 1974.

Bill 31 sets forth a new schedule containing five principal elements:

(i) Docket fees for small estates without real estate (section 153-5-107) and for summary administrative procedures (section 153-3-1203) would be set at $3.00. (No change from existing small estate statute.)

(ii) Docket fees for unsupervised estates under the probate code would be $25.00.

(iii) Additional fee in filing for supervised administration under the probate code (section 153-3-501 and section 153-3-502) would be $50.00.

(iv) Docket fee for registration of trust (Article 7 of Chapter 152) would be $25.00.

(v) Administrative fees of preparing and certifying copies of various documents would be the same as under the present statutes.

The proposed bill reflects several changes in the philosophy of the present court fees. The present fees are based, in large measure, on the value of the estate with the result that the present fees are similar to an inheritance tax. As examples, court fees for estates between $2,500 and $5,000 are $35.00 and estates between $30,000 and $50,000 are charged court fees of $115.00.
The problem which arises is that the court fees now assessed have no correlation with the amount of work of the court. Experience does not bear out the premise that large estates will take more court time in probate than an estate of smaller proportions. There are many variables which determine the amount of court work in probate but the gross value of the estate is not one of these factors.

Probably the most significant change in philosophy is a change from the concept that larger court fees should be charged to some estates than others, based on the amount of wealth in an estate. The committee believes that the court system should be a service available to all persons without consideration of the amount of financial resources available to that person or in an estate.

Enactment of the proposed bill will probably result in some loss of revenue to the court system. The recommendation, however, would provide a simpler fee structure which could be more easily understood by the persons handling the estates. In providing its services to the citizens of the state, the state needs to be certain that the court system functions within a financial structure that provides some reimbursement to the courts for their use but, more importantly, is equitable to the users of the system.
COMMITTEE ON COURTS

BILL 30

A BILL FOR AN ACT

CONCERNING THE JUDICIAL DISTRICTS OF THE STATE.

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

SECTION 1. 37-12-1, Colorado Revised Statutes 1963 (1965 Supp.), is amended to read:

37-12-1. Judicial districts and terms. The state is hereby divided into twenty-two twenty judicial districts as prescribed by this article. Terms of court shall be fixed by rules adopted by the district court in each district; provided, that but at least one term of court shall be held each calendar year in each county within the district at the county seat of such county.

SECTION 2. 37-12-2 (1), Colorado Revised Statutes 1963 (1965 Supp.), is amended to read:

37-12-2. First district. (1) The first judicial district shall be composed of the counties of Clear--Gilpin;--and COUNTY OF Jefferson.

SECTION 3. 37-12-6, Colorado Revised Statutes 1963 (1965 Supp.), is amended to read:

37-12-6. Fifth district. (1) The fifth judicial district shall be composed of the counties of Eagle, Lake;--and Summit, GILPIN, AND CLEAR CREEK.
(2) The number of judges for the fifth judicial district shall be two.

SECTION 4. 37-12-7, Colorado Revised Statutes 1963 (1965 Supp.), is amended to read:

37-12-7. Sixth district. (1) The sixth judicial district shall be composed of the counties of DOLORES, MONTEZUMA, Archuleta, La Plata, and San Juan.

(2) The number of judges for the sixth judicial district shall be three.

SECTION 5. 37-12-9 (1), Colorado Revised Statutes 1963 (1965 Supp.), is amended to read:

37-12-9. Eighth district. (1) The eighth judicial district shall be composed of the counties of Larimer and Jackson.

SECTION 6. 37-12-11 (1) and (2), Colorado Revised Statutes 1963, as amended, are amended to read:

37-12-11. Tenth district. (1) The tenth judicial district shall be composed of the counties of Pueblo and Huerfano.

(2) The number of judges for the tenth judicial district shall be five.

SECTION 7. 37-12-12 (1), Colorado Revised Statutes 1963 (1965 Supp.), is amended to read:

37-12-12. Eleventh district. (1) The eleventh judicial district shall be composed of the counties of LAKE, Chaffee, Custer, Fremont, and Park.

SECTION 8. 37-12-15, Colorado Revised Statutes 1963 (1965 Supp.), is amended to read:

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37-12-15. Fourteenth district. (1) The fourteenth judicial district shall be composed of the counties of Jackson, Grand, Moffat, and Routt.

(2) The number of judges for the fourteenth judicial district shall be one two.

SECTION 9. 37-12-16 (1), Colorado Revised Statutes 1963 (1965 Supp.), is amended to read:

37-12-16. Fifteenth district. (1) The fifteenth judicial district shall be composed of the counties of Lincoln, Baca, Cheyenne, Kiowa, and Prowers.

SECTION 10. 37-12-17, Colorado Revised Statutes 1963 (1965 Supp.), is amended to read:

37-12-17. Sixteenth district. (1) The sixteenth judicial district shall be composed of the counties of Bent, Crowley, and Otero, and Las Animas.

(2) The number of judges for the sixteenth judicial district shall be three.

SECTION 11. 37-12-19 (1), Colorado Revised Statutes 1963 (1969 Supp.), is amended to read:

37-12-19. Eighteenth district. (1) The eighteenth judicial district shall be composed of the counties of Arapahoe, Douglas, and Elbert.


SECTION 13. Effective date. For the transaction of
judicial matters, sections 2, 3, 5, 7, 8, 9, and 11 of this act shall be effective July 1, 1974, and all other provisions of this act shall take effect as of the second Tuesday in January, 1977.

SECTION 14. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.
COMMITTEE ON COURTS
BILL 31
A BILL FOR AN ACT
CONCERNING COURT FEES IN PROBATE PROCEEDINGS.

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

SECTION 1. 56-5-2, Colorado Revised Statutes 1963, as amended, is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

56-5-2. Fees in probate proceedings. (1) (a) For services rendered by judges and clerks of district or probate courts in all counties of the state of Colorado in proceedings had pursuant to chapter 153, C.R.S. 1963, the following fees, and no others, shall be charged:

(b) Docket fee at the time of filing first papers in any decedent's estate eligible for summary administrative procedures under section 153-3-1203, or in any small estate of a person under disability qualifying under section 153-5-107, which estates involve no real property.........................$ 3.00

(c) Docket fee at time of filing first papers in any estate not coming within the provisions of paragraph (b) of this subsection (1)......................................................... 25.00

(d) Additional fee payable by petitioner at time of filing petition for supervised administration of a decedent's estate pursuant to sections 153-3-501 and 153-3-502, C.R.S. 1963. 50.00

(e) Docket fee for registration of trust pursuant to article
(2) (a) The following fees shall also be chargeable:

(b) For preparing copy of record on appeal or writ of error, or copy of any record, proceeding, or paper on file, per folio of one hundred words, for typed copies, per folio.............. $ .30

c) For certifying a copy of any record, proceeding, or paper on file................................. .75

d) Per page for photographic copies................. .75

e) For certificate of exemplification of any record, proceeding, or paper on file................................. 1.50

SECTION 2. Effective date. This act shall take effect July 1, 1974, and shall be applicable to all proceedings commenced on or after such date.

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

CONSTITUTIONAL AMENDMENT 1

CONCURRENT RESOLUTION NO.


SECTION 1. At the next general election for members of the general assembly, there shall be submitted to the qualified electors of the state of Colorado, for their approval or rejection, the following amendment to the constitution of the state of Colorado, to wit:

Section 1 of article VI of the constitution of the state of Colorado is amended to read:

SECTION 1. Vestment of judicial power. The judicial power of the state shall be vested in a supreme court, district courts, a--probate--court--in--the--city-and-county-of-Denver; a--juvenile
court-in-the-city-and-county-of-Denver; county courts, and such
other courts or judicial officers with jurisdiction inferior to
the supreme court, as the general assembly may from time to
time establish; provided, however, that nothing herein contained shall
be construed to restrict or diminish the powers of home rule
cities and towns granted under article XX, section 6 of the
constitution to create municipal and police courts.

Comment: This amendment would remove constitution al reference to the Denver probate and
juvenile courts from the judicial power section. Courts established by statute are the court of
appeals and the superior court in Denver.

Subsection (2) of section 2 of article VI of the
constitution of the state of Colorado is amended to read:

SECTION 2. Appellate jurisdiction. (2) Appellate review
by the supreme court of every final judgment of the district
courts, the probate court of the city and county of Denver, and
the juvenile court of the city and county of Denver, WHILE SAID
PROBATE AND JUVENILE COURTS REMAIN IN EXISTENCE, shall be
allowed, and the supreme court shall have such other appellate
review as may be provided by law. There shall be no appellate
review by the district court of any final judgment of the probate
court of the city and county of Denver or of the juvenile court
of the city and county of Denver.

Comment: Language added to this section
would provide for the transition period between
the time of the election in which this question is on the ballot and the effective date of the
amendment (see section 9). If the amendment is approved in the November, 1974, election, the effective date would be the second Tuesday of January, 1977.
Subsection (3) of section 5 of article VI of the constitution of the state of Colorado is amended to read:

SECTION 5. Personnel of court - departments - chief justice. (3) The supreme court shall appoint a court administrator and such other personnel as the court may deem necessary to aid the administration of the courts. Whenever the chief justice deems assignment of a judge necessary to the prompt disposition of judicial business, he may assign any county judge, or ANY retired JUSTICE OR county judge who consents, temporarily to perform judicial duties in any county court if otherwise qualified under section 18 of this article. or assign as hereafter may be authorized by law, said judge to any other court; or (b) assign any district, probate, or juvenile judge; or retired justice or district, probate, or juvenile judge who consents, temporarily to perform judicial duties in any court.

For each day of such temporary service a retired justice or judge shall receive compensation in an amount equal to 1/20 of the monthly salary then currently applicable to the judicial position in which the temporary service is rendered as provided by law.

Comment: Amendment to section 5 would remove specific references to county judges in the temporary assignment provision. Any qualified judge or retired judge could temporarily perform judicial duties in other courts. Other language is simplified in this section.

Subsections (1) and (3) of section 9 of article VI of the constitution of the state of Colorado are amended, and the said section 9 is further amended by the addition of the following new subsections to read:

-37- Const. Amend. 1
SECTION 9. District courts - jurisdiction. (1) The district courts shall be trial courts of record with general jurisdiction and shall have original jurisdiction in all civil, probate, and criminal cases except as otherwise provided herein AND EXCEPT THAT THE GENERAL ASSEMBLY MAY PLACE MINIMUM LIMITS ON DISTRICT COURT JURISDICTION. and THE DISTRICT COURT shall have such appellate jurisdiction as may be prescribed by law.

Comment: This amendment would permit the General Assembly to place limits on district court jurisdiction to avoid duplication of jurisdiction with county courts. The intent is to prevent court shopping.

(3) In the city and county of Denver, exclusive original jurisdiction in all matters of probate, settlements of estates of deceased persons, appointment of guardians, conservators, and administrators, and settlement of their accounts, the adjudication of the mentally ill, and such other jurisdiction as may be provided by law shall be vested in a probate court created by-section-1-of-this-article,-and-to-which-court UNTIL THE SECOND TUESDAY OF JANUARY, 1977, AT WHICH TIME all of such jurisdiction of the county PROBATE court of the city and county of Denver shall be transferred, including all pending cases and matters, effective on the second Tuesday of January, 1965, 1977, TO THE DISTRICT COURT OF THE CITY AND COUNTY OF DENVER.

(4) IN THE CITY AND COUNTY OF DENVER ORIGINAL JURISDICTION OF CIVIL AND CRIMINAL MATTERS INVOLVING CHILDREN AND JUVENILES SHALL BE VESTED IN A JUVENILE COURT TO THE EXTENT PROVIDED BY LAW, EXCEPT THAT SUCH CONCURRENT JURISDICTION SHALL EXPIRE ON THE SECOND TUESDAY OF JANUARY, 1977, AT WHICH TIME JURISDICTION OF
SUCH MATTERS SHALL BE EXCLUSIVELY IN THE DISTRICT COURT AND ALL
CASES AND MATTERS PENDING IN SAID JUVENILE COURT SHALL BE
TRANSFERRED TO THE DISTRICT COURT OF THE CITY AND COUNTY OF
DENVER AND BE PENDING THEREIN, AND NO BOND OR OBLIGATION GIVEN IN
ANY OF SAID CAUSES SHALL BE AFFECTED BY SUCH TRANSFER OF
JURISDICTION.

Comment: Subsections (3) and (4) provide for transfer of Denver probate court and juvenile court to the district court.

(5) JUDGES SERVING ON THE PROBATE COURT AND THE JUVENILE
COURT OF THE CITY AND COUNTY OF DENVER AS OF THE SECOND TUESDAY
IN JANUARY, 1977, SHALL BE TRANSFERRED TO THE DISTRICT COURT OF
THE CITY AND COUNTY OF DENVER AND SHALL BE ELIGIBLE FOR ELECTION
ON RETENTION IN OFFICE AS PROVIDED IN SECTION 25 OF THIS ARTICLE.

Comment: Transfer of Denver probate and juvenile judges to district court would be January, 1977. The effective date of this article is provided in (5). This date is the earliest possible effective date since judges must be allowed to complete the terms for which elected.

Subsections (1) and (3) of Section 10 of article VI of the constitution of the state of Colorado are amended to read:

SECTION 10. Judicial districts - district judges. (1) The state shall be divided into judicial districts. Such districts shall be formed of compact territory and be bounded by county lines. The judicial districts as provided by law on the effective date of this amendment shall constitute the judicial districts of the state until changed. The general assembly may by law whenever-two-thirds-of-the-members-of--each--house--concur therein; change the boundaries of any district or increase or diminish the number of judicial districts.
Comment: Struck language removes two-thirds vote requirement for change of judicial district boundaries by the General Assembly.

(3) The number of district judges provided by law for each district on the effective date of this amendment shall constitute the number of judges for the district until changed. The general assembly may by law whenever-two-thirds-of-the-members-of-each house-concur-therein; increase or diminish the number of district judges, except that the office of a district judge may not be abolished until completion of the term for which he was elected or appointed, but he may be required to serve in a judicial district other than the one for which elected OR APPOINTED as such district encompasses his county of residence.

Sections 16 and 17 of article VI of the constitution of the state of Colorado are amended to read:

SECTION 16. County judges - terms - qualifications. In each-county-there EACH JUDICIAL DISTRICT shall be SERVED BY one or more judges of the county court as may be provided by law, whose full term of office shall be four years. and--whose qualifications-shall-be-prescribed-by-law. County judges shall be qualified electors of THE JUDICIAL DISTRICT their-counties at the time of their election or appointment, SHALL BE RESIDENTS OF THE DISTRICT DURING THEIR TERM OF OFFICE, AND SHALL BE LICENSED TO PRACTICE LAW IN THIS STATE.

Comment: County judges would be full time judges, with small counties served on a circuit-riding basis. Judges would be required to be licensed to practice law.
SECTION 17. County courts - jurisdiction - appeals. County
courts shall have such civil, criminal, and appellate jurisdiction as may be provided by law. provided--such--courts
shall--not--have-jurisdiction-of-feignies-or-in-civil-cases-where
the-boundaries-or-title-to-real-property-shall--be--in--question.
Appellate review by the supreme court or the district courts of every final judgment of the county courts shall be as provided by law.

Comment: Jurisdiction of county courts would be determined by law, without constitutional limitation.

Sections 18, 19, and 21 of article VI of the constitution of the state of Colorado are amended to read:

SECTION 18. Compensation and services. Justices and judges of courts of record shall receive such compensation as may be provided by law, which may be increased but may not be decreased during their term of office, and shall receive such pension or retirement benefits as may be provided by law. No justice or judge of a court of record shall accept designation or nomination for any public office other than judicial without first resigning from his judicial office, nor shall he hold at any other time any other public office during his term of office, nor hold office in any political party organization, nor contribute to or campaign for any political party or candidate for political office. No supreme court justice, judge of any intermediate appellate court, OR district OR COUNTY court judge probate--judge;--or--juvenile judge shall engage in the practice of law. justices;--district judges;--probate-judges;--and--juvenile-judges-when-called--upon--to
Comment: Language would prohibit practice of law by county judges as well as other judges and justices.

Last two sentences are repetitious with provisions of Section 5 (3).

SECTION 19. Laws relating to courts - uniform. All laws relating to state courts shall be general and of uniform operation throughout the state, and except as hereinafter in this section specified, the organization, jurisdiction, powers, proceedings, and practice of all courts of the same class and the force and effect of the proceedings, judgments, and decrees of such courts severally shall be uniform. County-courts-may-be classified-or-graded-as-may-be-provided-by-law-and-the organization; jurisdiction; powers; proceedings; and practice of county-courts-within-the-same-class-or-grade; and-the-force-and effect-of-the-proceedings; judgments-and-decrees-of-county-courts in-the-same-class-or-grade-shall-be-uniform; provided; however; that The organization and administration of the county court of the city and county of Denver shall be as provided in the charter and ordinances of the city and county of Denver.
Comment: Struck language would be obsolete under proposal to place county courts on a full-time basis.

The Denver county court would not be changed under this amendment.

SECTION 21. Rule making power. The supreme court shall make and promulgate rules governing the administration of all courts and shall make and promulgate rules governing practice and procedure in civil and criminal cases, except that the general assembly shall have the power to provide simplified procedures in county courts. for-claims-not-exceeding-five-hundred-dollars-and for-the-trial-of-misdemeaners.

Comment: Removal of the limitation on simplified procedures in county courts would provide more flexibility for the General Assembly in determining the areas in which simplified procedures shall be established.

Section 25 of article VI of the constitution of the state of Colorado is amended to read:

SECTION 25. Election of justices and judges. A justice of the supreme court or a judge of any other court of record, who shall desire to retain his judicial office for another term after the expiration of his then term of office shall file with the secretary of state, not more than six months nor less than three months prior to the general election next prior to the expiration of his then term of office, a declaration of his intent to run for another term. Failure to file such a declaration within the time specified shall create a vacancy in that office at the end of his then term of office. Upon the filing of such a declaration, a question shall be placed on the appropriate ballot at such general election, as follows:
"Shall Justice (Judge) _______ of the Supreme (or other)
Court be retained in office? YES/__/NO/__/." If a majority of
those voting on the question vote "Yes", the justice or judge is
thereupon elected to a succeeding full term. If a majority of
those voting on the question vote "No", this will cause a vacancy
to exist in that office at the end of his then present term of
office.

In the case of a justice of the supreme court or any
intermediate appellate court, the electors of the state at large
AND, in the case of a judge of a district OR COUNTY court, the
electors of that judicial district and-in-the-case-of-a-judge-of
the-county-court-or-other-court-of-record;--the-electors--of--that
county; shall vote on the question of retention in office of the
justice or judge.

Sections 14 and 15 of article VI of the constitution of the
state of Colorado are repealed.

Comment: The sections to be repealed re-
late to the jurisdiction, election, terms, and
qualifications of the Denver probate and juvenile courts of Denver.

Section 2. Each elector voting at said election and
desirous of voting for or against said amendment shall cast his
vote as provided by law either "Yes" or "No" on the proposition:
An amendment to article VI of the constitution of the state of
Colorado concerning the state court system, providing for the
abolition of the probate and juvenile courts of the city and
county of Denver and the transfer of their jurisdiction to the
district court, changing the requirements for the office of
county judge, concerning limitations on the jurisdiction of

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county and district courts, and amending requirements for changes in judicial district boundaries and provisions concerning the temporary assignment of judges and justices.

Section 3. The votes cast for the adoption or rejection of said amendment shall be canvassed and the result determined in the manner provided by law for the canvassing of votes for representatives in Congress, and if a majority of the electors voting on the question shall have voted "Yes", the said amendment shall become a part of the state constitution.
LEGISLATIVE COUNCIL COMMITTEE
ON EDUCATIONAL TELEVISION

Members of the Committee

Rep. Charles Edmonds, Chairman
Sen. J. Robert Allshouse, Vice-Chairman
Sen. Joseph Calabrese
Sen. Lorena Darby
Sen. Harry Locke
Sen. Vincent Massari
Sen. Kingston Minister

Rep. David Gaon
Rep. Harold Koster
Rep. Nick Spano
Rep. Pete Taylor
Rep. Wellington Webb

Council Staff

Stan Elofson Joyce Emerson
Principal Analyst Senior Research Assistant
The Legislative Council created the Committee on Educational Television to study the "relationships of the production, transmission, and utilization of educational television programs". In following this directive, the committee held six meetings for the purpose of examining the extent to which educational television is now in use and might be further developed in Colorado. The committee's emphasis was placed, first, on a review of existing telecommunications resources and, second, on the potential for expansion of the facilities and programs which the state already owns and operates.

The committee submits recommendations in the following areas, each of which is described in this report:

(1) Video-taped instruction;
(2) Closed-circuit live television between college campuses;
(3) Public broadcasting; and
(4) The Colorado Commission on Educational Telecommunications.

(1) **Video-taped Instruction**

Several Colorado institutions of higher education have developed, with considerable sophistication, the use of media both on campus and by extension. The committee visited the educational television facilities on the campuses of the Colorado State University and University of Colorado.

**Colorado State University.** Colorado State University has extensive facilities for the production, duplication, and distribution of video tape classes. The programs operated by CSU include SURGE, CO-TIE, Bio-CO-TIE, HI-TIE, and an on-campus closed-circuit television system.

(A) **SURGE.** The principal aim of SURGE (CSU Resources in Graduate Education) is to provide graduate-level off-campus course work to persons at their place of employment. Complete Master of Science degree programs are provided in civil, electrical, mechanical, and industrial engineering. Numerous other courses are also offered in areas such as mathematics, psychology, and business. Students are enrolled as graduate students and are charged tuition at the resident, part-time rate.
Course work is delivered to industries in the form of video-tapes class sessions with supportive written material. Telephone conversation with SURGE professors are encouraged and professors generally visit each in-plant class at least once each quarter. Currently there are 35 participating industrial organizations.

(B) CO-TIE. Project CO-TIE is a program directed toward enhancing the professional course offerings at fifteen two-year Colorado colleges. It is a cooperative program between CSU and participating colleges with regard to transfer of credit, curricula, and laboratory development. Students are offered courses at their particular college via video-tape in addition to having a statewide audio network available to provide for continuing dialogue between the faculty at CSU and participating students.

The courses offered are identical to those taught at CSU which facilitates the transfer of students between the colleges and the university. In addition, remote computer terminals are located at most participating colleges which allow students access to CSU's high-speed digital computer. All participating colleges are tied together by telephone lines of Mountain Bell and the state-owned microwave system to CSU.

(C) Bio-CO-TIE. Bio-CO-TIE is a statewide cooperative program among the two-year colleges and CSU to assist the two-year colleges, via color-video tape, to offer basic undergraduate courses in biology. The faculty from all the participating colleges determine the content of the tapes.

(D) HI-TIE. The HI-TIE program offers courses for university credit to students in Colorado's secondary schools. Courses are offered via video tape and to date are limited to computer programming and applications of programming. Only eleven high schools have participated, primarily because of lack of facilities and equipment in the high schools. Tuition is $30.00 for one three-credit course.

Over 100 courses per year are video taped in these programs and more than 490 tapes per week are sent from the Colorado State University campus to selected audiences.

(E) On-Campus television. CSU also has an extensive on-campus closed-circuit television system which distributes programs to eighty-three classrooms on campus.

As extensive and successful as these programs are, some problems may develop which will require greater state participation in future years. The federal government, primarily through the National Science Foundation, has funded the devel-
opmental stage of these programs and further state support will become necessary at the conclusion of this phase. In addition, the expansion of these programs may be a state responsibility to a large extent.

Committee recommendation. Based upon an assessment of these programs, the committee commends Colorado State University for the development of these innovative educational efforts and encourages the continuation of these programs.

University of Colorado. The University of Colorado operates a two-way microwave system for transmission of video and data signals from the Boulder campus to the CU Medical School for simultaneous participation in medical seminars and exchange of data. In addition, the University maintains the National Center for Audio Tapes which has an inventory of over 1,600 titles.

The University also operates the ACE (Adult Continuing Education) program which provides regular classroom courses, via video tape, to individuals at their place of employment. This program is similar to the SURGE program at CSU but it is not produced in color.

(2) Closed-circuit Live Broadcasting Between College Campuses

The University of Colorado is primarily interested in expanding its two-way telecommunication system to connect all four campuses of the University, i.e., Boulder, CU Denver Center, CU Medical Center, and CU Colorado Springs Center. The immediate use for such a system would be to expand course offerings among the four campuses in the areas of nursing, engineering, para-medical training, education, and the arts and sciences. In addition, the administration of the University anticipates that considerable use would be made of the system for seminars, faculty meetings, and conferences with administrative personnel of the four campuses.

The committee determined that the CU system should be expanded to interconnect all four campuses of the University of Colorado with the campuses of Colorado State University, University of Northern Colorado, and Southern Colorado State College. Under the system which the committee recommends, each institution could originate as well as receive programs, with the limitation that only one program could be originated or received at one time. The configuration, sometimes called a "round-robin" system, would be structured as pictured on the following page.

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Committee recommendation. The committee specifically recommends that the educational television links should not include a statewide multi-channel voice system in competition with private enterprise for state use and that any expansion of the state system should be strictly limited to educational uses. Further, it is recommended that the state of Colorado contract over the next five years for a closed-circuit system connecting CSU, UNC, the four campuses of CU, and SCSC at a cost not to exceed $253,000 annually. This amount would be adequate to provide the cost of transmission of one audio channel with color telecasting capabilities, and would not include any costs for additional studios, production, or switching equipment.

(3) Public Broadcasting

KRMA - Channel 6, and KTSC - Channel 8. Testimony to the committee indicated that KRMA (Channel 6), operated by the Denver Public Schools, and KTSC (Channel 8), operated by Southern Colorado State College, can reach approximately 95 percent of the state's population when operated in conjunction with existing cable systems.
In connection with a discussion of possible uses of broadcast television, the committee asked the state Department of Education and the Colorado Commission on Higher Education to respond to a question of what courses could be offered by the two departments if twenty hours of broadcast time per week for a one-year period were provided by the two educational television channels. Both departments responded that, jointly, they could use about ten hours of public broadcasting time per week. Courses that could be offered ranged from in-service training courses in reading to nutrition and captioned films for the deaf.

Both CDE and CCHE could utilize the video tapes available from central libraries and from the Public Broadcast Corporation, National Instructional Television Center, and the Great Plains Regional Instructional Television Center. The state Department of Education has no production facilities and would need to rely on prepared programs from these libraries to a significant extent. Both KRMA and KTSC submitted figures on their current operating costs. KRMA estimated $60.00 per half hour and KTSC quoted $33.50 per half hour, assuming no production costs.

Committee recommendation. The committee recommends appropriation of state funds to the Colorado Commission on Higher Education and the Colorado Department of Education to provide ten hours of programming per week on Channel 6, Denver, and ten hours on Channel 8, Pueblo. The footnote which has been contained in the Long Bill in recent years prohibits the use of state funds for public broadcasting for educational television. Under this proposal, the footnote would not be retained.

Committee recommendation. The committee also recommends that KTSC, Channel 8, Pueblo, obtain color broadcasting equipment. The station can presently transmit color, but it cannot originate color. Federal monies are available for capital equipment up to 75 percent of the total cost of the equipment. The current estimate for the total cost of color broadcast equipment for KTSC is $300,000.

(4) Colorado Commission on Educational Telecommunications

In 1966, the Colorado Commission on Educational Television was established by executive order of the Governor. Since the Commission's inception, its work has expanded to include all aspects of educational telecommunications; however, the Commission is presently inactive.

Committee recommendation. The committee recommends that the Legislative Council request the Governor to take appropri-
ate executive action to reactivate the Colorado Commission on Educational Telecommunications. This Commission would provide a degree of coordination for educational telecommunications resources in Colorado and could serve as a liaison between the state and federal agencies responsible for ETV.

Future Committee Activity

The recommendations submitted in this report represent only a part of the total potential of educational telecommunications in Colorado. In the next interim period, the committee will need to study, in more detail, issues involving state administration, uses of ETV in elementary and secondary education, and the development of this medium for selected institutions such as the state reformatory, penitentiary, and the state hospitals. Consideration may also be given to the use of transmitters (Instructional Television Fixed Service) ITFS to expand the telecast capabilities of closed-circuit ETV programming.
LEGISLATIVE COUNCIL COMMITTEE
ON CAMPAIGN FUNDS

Members of the Committee

Sen. Ted Strickland, Chairman
Rep. Charles DeMoulin, Vice-Chairman
Sen. Allen Dines
Sen. Christian Wunsch
Rep. John Buschner
Rep. John Samlin
Rep. James Lloyd
Rep. Clarence Quinlan

Council Staff

Richard Levengood
Principal Analyst
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Senior Research Assistant
INTERIM RECOMMENDATIONS
COMMITTEE ON CAMPAIGN FUNDS

The Committee on Campaign Funds was directed by the Legislative Council to conduct a one-year study of the "adequacy of Colorado's statutes concerning the financing of political campaigns, the reporting of political campaign contributions and expenses, the advisability of enacting a state fair campaign practices act, and the development of new methods for financing political campaigns."

Committee study was devoted to a review of Colorado, federal, and other state statutes on campaign finance. It was the consensus of the committee that the areas enumerated below should be reviewed and corrective legislation formulated for consideration by the 1974 session of the General Assembly:

(1) Full disclosure and reporting of campaign contributions and expenditures;
(2) Limitations on contributions;
(3) Enforcement and administration;
(4) Unfair campaign practices; and
(5) Tax incentives to encourage broader public participation in campaign funding.

The committee submits two recommendations: Bill 32, "The Campaign Reform Act of 1974", encompasses items one through four, and Bill 33 provides for a tax incentive.

Placing dollar limitations on expenditures was also considered, but it is believed that disclosure and limitations on contributions may indirectly limit expenditures. Therefore, no recommendations on expenditure limitations were made by the committee.

"The Campaign Reform Act of 1974"
- Bill 32

(1) Disclosure and Reporting Requirements

The major emphasis of committee discussion during the 1973 interim was on "tightening-up" Colorado's disclosure and reporting statutes. Colorado's current statutes on campaign
finance, as found in sections 49-21-51, 49-23-7, and 49-25-149, C.R.S. 1963, require complete reporting of contributions and expenditures by candidates and central committees. Reports are now required to be filed with the appropriate official 30 days after every general or special election and 10 days after every primary. However, the statute does not require reports from either special committees or other individuals working on behalf of a candidate. Furthermore, disclosure from persons or groups contributing money towards the passage or defeat of a ballot issue (constitutional amendments and bond elections, for example) is not required under present statutes. To cover these shortcomings, Bill 32 would require disclosure of receipts and expenditures by all persons and organizations working on behalf of a candidate or issue.

Committee review of Colorado's disclosure law also indicated that there was a great variance in reporting detail by the various candidates. The committee determined that there should be more uniformity in future committee and candidate disclosure statements.

The provisions in Bill 32 on disclosure reflect the committee's concern that the public should have access to information as to who made contributions and to whom and for what purpose expenditures were made on behalf of candidates and political committees. The committee believes full reporting on expenditures can be an effective deterrent to spending excesses and potential abuses. Furthermore, if the amount and source of all campaign contributions is known, the danger of the appearance of undue influence by a few contributors can be diminished. Bill 32 provides for complete disclosure of candidate and committee contributions, expenditures, loans, money transfers, debts, and obligations. Reports on contributions would include statements on all in-kind contributions received.

Campaign treasurer. With the additional requirement that committees as well as candidates must file complete disclosure statements, the committee believes it is essential that one individual be fixed with the responsibility of maintaining as well as filing candidate and committee disclosure statements. Thus, the bill requires that a campaign treasurer for each committee be appointed and assigned specific record keeping and reporting responsibilities.

Reporting dates. The bill provides that there be complete candidate and committee disclosure statements filed within thirty days after every election, with such reports cumulative for all elections. Disclosure statements would be open and available for public inspection. Most committee
members believe that disclosure prior to an election could divert the emphasis of a campaign away from the issues to an emphasis on attacking one's opponent on the sources and amounts of his contributions.

(2) Limitation on Contributions

"The Campaign Reform Act of 1974" provides a $1,000 limitation on individual contributions to a candidate or committee involved in a statewide contest and a $500 limit for local elections. The limitation on contributions would apply similarly to individuals, political committees, corporations, and labor unions. For contributions to party central committees only, the limit on contributions would be $5,000 for statewide contests and $2,500 for local elections. Labor unions and corporations would be prohibited from making contributions out of any funds except those designated specifically for political purposes.

The specified limitations would be in effect separately for each election and each candidate or issue. However, contribution limits would apply collectively to a candidate and any political committee working directly or indirectly on his behalf.

The committee believes it is important to curb candidate and committee spending excesses by imposing limits on contributions. Furthermore, such limitations could broaden the base of financial support of a candidate and lessen the possibility of undue influence by any one group or individual.

Different levels of contribution limitations were imposed for statewide, as opposed to local contests, to reflect the differences in campaign costs, particularly media expenses, which can be incurred by persons running for statewide office or advocating the passage or defeat of a statewide issue.

The committee discussed a proposal which would prohibit contributions by government contractors to candidates or committees when contracts are with the state of Colorado or any of its political subdivisions. No recommendations were made on this matter; however, the committee believes this may be an area in which the General Assembly may wish to devote some attention.

Limitation on expenditures. No limitations are provided in Bill 32 as to the overall amounts of money which a candidate or committee may receive. Furthermore, no restrictions
are placed on overall candidate or committee expenditures for election purposes. The committee believes that disclosure of candidate and committee expenditures could be an effective deterrent to excessive expenditures. It was pointed out during committee discussions that limitations on candidate spending could be detrimental to the campaign of a challenger, since incumbents frequently have an advantage over challengers in name recognition and media coverage.

Bill 32 also provides that candidates be allowed to loan their own funds to their campaign and spend whatever amount of personal funds may be necessary. Committee members concluded that some candidates, especially those running for locally elected offices, have a very limited base of outside support and must rely heavily or exclusively on personal funds in financing their campaigns.

(3) **Administration and Enforcement**

Administration. The Secretary of State would continue to be designated as the prime official charged with administering disclosure statements and enforcing the campaign finance statutes. Bill 32 provides that disclosure statements for all committees and candidates involved in statewide contests be filed with the Secretary of State within 30 days after every election. Other committees and candidates would file at similar times with either their county or municipal clerks.

The Secretary of State, county, and municipal clerks were assigned a number of duties to clarify their responsibilities in administering and maintaining candidate and committee disclosure statements.

The committee believes that a uniform system of reporting is essential for all disclosures. Thus, Bill 32 provides that the Secretary of State prescribe the forms for all disclosures as well as prepare a manual for candidates and committees on methods of bookkeeping and reporting.

Enforcement. Section 49-27-110 (3) (a) (b) provides specific jurisdictional powers to the Secretary of State in initiating proceedings for violations of "The Campaign Reform Act of 1974". Thus, contrary to provisions in Colorado's present disclosure statutes, the enforcement powers of the Secretary of State are clearly enumerated. The district attorney may also initiate action for violations. Private citizens may file complaints with the Secretary of State.
The duties and jurisdiction assigned municipal and county clerks would not be as broad as those given the Secretary of State. Municipal and county clerks would primarily assume the role of the administrator in handling disclosure statements of local candidates.

Convicted violators of "The Campaign Reform Act of 1974" would be subject to a fine of not less than $1,000 nor more than $5,000. The penalty provisions are the same as those contained in the financial disclosure provisions of "The Sunshine Act of 1972".

(4) Unfair Campaign Practices

The committee agreed that the following prohibitions should be written into the Colorado statutes:

(1) Prohibiting higher media advertising rates for candidates than are charged for other advertisers;

(2) Prohibiting transportation of voters to the polls when a motor vehicle or other conveyance indicates a preference for either a political party or a candidate;

(3) Prohibiting persons or organizations from soliciting a candidate for contributions;

(4) Prohibiting political party contributions to a committee or candidate until after primary elections;

(5) Prohibiting the encouragement of a candidate to withdraw from an election campaign;

(6) Prohibiting lobbyist contributions to any committee or candidate.

Federal Campaigns

"The Campaign Reform Act of 1974" is aimed at state and local elections only. The committee is of the belief that existing federal legislation adequately covers campaigns for elections to federal offices. Furthermore, a number of proposals are pending in Congress to modify federal provisions on such matters as campaign financing, disclosure, and reporting and, to avoid potential conflicts with Bill 32, it is believed that federal campaigns ought to be exempt at this time.
Tax Credit for Political Contributions
- Bill 33

Bill 33 is recommended by the committee to provide a five dollar income tax credit on a single return and a ten dollar credit on a joint return for political contributions to state and local candidates, political parties, party designating assemblies, and party conventions. The credit would not apply to campaigns for federal offices or ballot issues.

The scope of Bill 33, therefore, parallels "The Campaign Reform Act of 1974" in that it would not allow a tax credit for a contribution below the assembly level, i.e., precinct caucus or committeeman, or to campaigns for federal office.

There are two reasons for the committee recommendation of the tax credit approach. First, Bill 33 purposely places limitations on the amount contributed by any individual to a single political campaign -- $1,000 for statewide office or issue campaign and $500 for local office or issue campaign. Some committee members maintained that the limitations on contributions may have the effect of reducing the total amount of money that will be contributed to a campaign. Secondly, the fact that Bill 33 requires disclosure of the amount and source of political contributions over $20 in any calendar year may also have an adverse effect on the willingness of people to contribute to campaigns. Therefore, it is believed an incentive is needed to attract more contributors or broaden the base of financial support to offset the potential loss of total contributions. It is also held by some committee members that broader public participation in the funding process of political campaigns should be encouraged.

As the means of accomplishing these objectives, the committee recommends that the General Assembly consider the five dollar tax credit provided in Bill 33. This represents a form of indirect public subsidy of the political process that many committee members believe necessary if broader public participation is to be fostered.

It should be noted that the tax credit is drafted in such a manner that it would not increase any refund owed by the state to the individual taxpayer claimant, it could only be used to reduce an amount owed the state by an individual.

The income tax credit would represent an additional indirect public subsidy already allowed by both federal and state law in the form of a tax deduction. Congress in 1971
amended the Internal Revenue Code (FCA 26 § 218) to allow individuals a $50 itemized deduction ($100 for joint returns) for political contributions for national, state, and local political activities. By virtue of the Colorado Tax Code (Section 138-1-13), Colorado taxpayers itemizing their deductions may also claim such deductions on their Colorado returns.
I, Representative Charles J. DeMoulin, a member of the interim Committee on Campaign Funds, submit the following minority report regarding the committee bill draft entitled "The Campaign Reform Act of 1974". I wish to emphasize my support for the draft legislation in principle but believe that the periodic reporting dates provided in section 49-27-106 of Bill 32 should be revised prior to the adoption of the final legislation.

Section 49-27-106 of Bill 32 provides that there be committee and candidate disclosure statements filed within thirty days after any party convention, designating assembly, and any general, primary, municipal, school or special district election. I believe that candidate and committee disclosure of receipts and expenditures should also be filed with the appropriate official before each of the above mentioned elections as was provided in the original draft of Bill 32. Bill 32, prior to its revision at the November 6 committee meeting, required that disclosure statements be filed on the tenth day before each election and also by the thirtieth day after such elections.

I disagree with the rationale presented in the majority report that a major emphasis of political campaigns would be on attacking one's opponent as to the sources and amounts of his contributions. Furthermore, the public has a right to be informed prior to an election who has contributed to a candidate or issue and the amount of such contribution. It is my opinion that if the amount of campaign contributions can be made known prior to an election, the possibility of spending excesses and undue influence on a candidate or committee by a few individuals could be diminished to a greater extent than reporting only after an election.

Respectfully submitted,

Representative Charles J. DeMoulin

*Committee Report and Minority Report were favorably recommended by the Legislative Council.
COMMITTEE ON CAMPAIGN FUNDS

BILL 32

A BILL FOR AN ACT

ENACTING THE "CAMPAIGN REFORM ACT OF 1974", AND MAKING AN
APPROPRIATION THEREFOR.

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

SECTION 1. Chapter 49, Colorado Revised Statutes 1963, as
amended, is amended by the addition of a NEW ARTICLE to read:

ARTICLE 27

Campaign Reform Act

49-27-101. Legislative declaration. The general assembly
hereby finds and declares that the interests of the people of
this state can be better served through a more informed public;
that the trust of the people is essential to representative
government; and that public disclosure and regulation of certain
campaign practices can only serve to increase the people's
confidence in their elected officials. Therefore, it is the
purpose of this article to promote public confidence in
government through a more informed electorate.

49-27-102. Short title. This article shall be known and
may be cited as the "Campaign Reform Act of 1974".

49-27-103. Definitions. As used in this article, unless
the context otherwise requires:

(1) "Campaign treasurer" means the treasurer of: Any
candidate for nomination, retention, or election; any party; or
any political committee. A candidate may appoint himself
campaign treasurer.

(2) "Candidate for election" means a candidate for election
to any public office to be voted for in this state, including a
judge or justice of any court of record who is seeking to be
retained in office pursuant to the provisions of section 25 of
article VI of the state constitution, but does not include a
precinct committeeman. "Candidate for election" is not limited
to a person who has been nominated at a primary and whose name is
printed on the ballots to be used at such election, but includes
any person whose name is written or placed on the ballot by
electors.

(3) "Candidate for nomination" means a candidate at any
primary for nomination to any public office to be voted for in
this state, except precinct committeeman, and is not limited to a
person by or on behalf of whom a nomination petition has been
filed pursuant to law, and whose name is printed on the ballot to
be used at such primary but includes any person whose name is
written or placed on the ballot either by electors or by members
of the designating assembly.

(4) "Contribution" means a gift, loan, guarantee, or advance
of money or anything of value for the purpose of influencing an
issue, the nomination, retention, or election of any person to
any public office to be voted for in this state; a transfer of
money or anything of value between or among political committees;
or the payment or providing of money or anything of value by any
person other than a candidate or political committee to compensate any person for services rendered to a candidate or political committee. "Contribution" includes a candidate's expenditure of his own funds to influence votes, but does not include services provided without compensation by individuals volunteering their time on behalf of a candidate or political committee.

Comment: For purposes of the bill, "Contributions" would include advances or loans of money as well as in-kind contributions. The definition of "contributions" excludes loans as applied to section 49-27-108, which relates to limitations on campaign contributions. Thus, no limits would be provided as to the number or amounts of loans which a candidate or political committee may make or receive.

(5) "Designating assembly" means a meeting of delegates of a political party, organized in accordance with the rules and regulations of such political party, held for the purpose of designating candidates for nomination at a primary election. The county assembly shall designate candidates for nominations for county offices and shall select delegates to district and state assemblies. District and state assemblies shall designate candidates for nomination for district and state offices, respectively.

(6) "Election" means any general, primary, municipal, or special district election.

Comment: The bill's provisions on campaign disclosure and contribution limitations would apply to every type of local and statewide election, except elections for candidates for federal office.
committee for the purpose of influencing the passage or defeat of
an issue, the nomination, retention, or election of any person to
any public office to be voted for in this state, or to defeat the
candidacy of any candidate for nomination, retention, or election
to any public office; or the payment or providing of money or
anything of value by any person other than a candidate or
political committee to compensate any person for services
rendered to a candidate or political committee; or the providing
of a service or anything of value for the purpose of influencing
the nomination, retention, or election of any person to any
public office to be voted for in this state. "Expenditure" does
not include services provided without compensation by individuals
volunteering their time on behalf of a candidate or political
committee.

Comment: The definition of "expenditures" would include not only the payments or loans of money to persons or organizations, but also the giving of gifts or anything of worth to which a monetary value could be attached. It does not include services which are provided without compensation by individuals volunteering their time on behalf of a candidate or political committee.

(8) "Issue" means any proposition which is required to be
submitted to the electors for their approval or rejection at an
election.

Comment: The Committee concluded that campaigns involving issues, such as constitutional amendments and bond elections should be treated in a manner similar to campaigns in-
volving candidates in the areas of disclosure and contribution limitations. At committee meetings, it has been pointed out that the amounts of money spent on an issue campaign and by whom such money was contributed are relevant information which should be filed with the appropriate officers and made available for public inspection.

(9) "Party convention" means a meeting of delegates of a political party, organized in accordance with the rules and regulations of such political party, held for the purpose of selecting delegates to other political conventions, including national conventions, making nominations for presidential electors, nominating candidates to fill vacancies to unexpired terms of representatives in congress, or for other political functions not otherwise covered in articles 1 to 21 of this chapter. A committee appointed by any such convention may perform any of the functions mentioned in this subsection (9) when authorized to do so by the convention.

(10) "Person" means any individual, partnership, committee, association, corporation, labor organization, or any other organization or group of persons.

Comment: It is the committee's intention to require that all political committees, labor unions, corporations, organizations, and individuals be similarly covered by reporting and contribution limitation requirements. Labor unions and corporations are prohibited from making contributions out of union dues or corporate funds (see section 49-27-108).

(11) "Political committee" means any two or more persons who are elected, appointed, or chosen, or who have associated themselves or cooperated for the purpose of accepting
contributions or making expenditures, and who support a candidate for nomination, retention, or election to public office or in furtherance of the acceptance or rejection by the electors of any issue. A political committee shall include a political party or political organization.

(12) "Public office" means any office voted for in this state as required by law, but does not include the office of president or vice-president of the United States or senator or representative in the congress of the United States.

Comment: The "Campaign Reform Act of 1974" does not in any way cover disclosure, expenditures, or contributions for candidates or committees working on behalf of candidates for congressional office, the Presidency, or the Vice-Presidency. The Committee concluded that the "Federal Election Campaign Act of 1971", or congressional modifications of that Act, should be adequate in its disclosure and contribution limitation requirements for candidates for federal office.

(13) "Statewide election" means an election for a statewide issue or for the office of governor, lieutenant governor, secretary of state, attorney general, state treasurer, state board of education, regents of the university of Colorado, the Colorado court of appeals, or the supreme court of Colorado.

Comment: "Statewide election" is defined to clearly enumerate to which offices disclosure applies. As provided in the subsequent section, committees for candidates and candidates for the offices enumerated would file with the Secretary of State. All other candidates and committees would file with their county or municipal clerks.
49-27-104. Organization of political committees - duties of treasurer. (1) Every political committee shall have a chairman and a campaign treasurer who are qualified electors in this state. Such officers shall keep detailed accounts of all contributions received, expenditures made, and debts owed by or to the committee as provided in section 49-27-106 over twenty dollars. Nothing in this subsection (1) shall prohibit a candidate from acting as his own campaign treasurer.

Comment: The bill provides that every political committee have a campaign chairman and treasurer, who would have the responsibility of maintaining complete records of all contributions received and expenditures made. In accordance with provisions in section 49-27-106 of the bill, the treasurer is to file statements with the appropriate officer of his committee's receipts and dispersals.

(2) No campaign treasurer or chairman of a political committee shall receive any contribution or disburse any expenditure for a candidate or party until such time that the political committee is authorized in writing by the candidate to receive or disburse such contributions or expenditures for that candidate's nomination or election. Such authorization shall be filed with the secretary of state, the county clerk, or the municipal clerk, as the case may be, as provided in section 49-27-105.

Comment: Political committees working on behalf of a candidate are prohibited from receiving contributions or making expenditures unless such activities are endorsed in writing by the candidate and such endorsement is filed with the appropriate official.
(3) The campaign treasurer of the political committee shall keep an exact and detailed account of all committee expenditures made and contributions received, including the full name, address, nature of business, if known, the date thereof and the amount of all expenditures made on behalf of or for the committee and the full name, address, nature of business, if known, the date thereof, and the amount of contribution of the person or persons making any contribution to a political committee.

(4) All vouchers and receipts shall be kept by the political committee for a period of one year after the election to which they refer.

(5) The books of account of every campaign treasurer of any political committee, during an election campaign, shall be open at all reasonable office hours for the inspection of any interested individual.

(6) The campaign treasurer shall open a single checking account into which all contributions shall be deposited and through which all moneys shall be disbursed. This subsection (6) shall not apply to campaigns for nomination or election to statewide offices.

49-27-105. Registration of committees. (1) (a) In the case of any statewide political committee or for any political committee for any candidate for the general assembly, district attorney, or justice or judge of any court of record or for any candidate for any public office which encompasses territory larger than a county, prior written authorization by the candidate shall be filed with the secretary of state before such
political committee shall receive any contribution or disburse any expenditure.

(b) In the case of other committees, prior written authorization by the candidate shall be filed with the municipal clerk or the county clerk and recorder, as the case may be, before such political committee shall receive any contribution or disburse any expenditure.

(2) Any committee under paragraph (a) of subsection (1) of this section which receives any contribution or makes any expenditure in excess of two hundred fifty dollars shall file a statement of organization with the secretary of state within five days after any sum of money has been received or disbursed for a candidate's nomination or election to a statewide office.

(3) Any committee under paragraph (b) of subsection (1) of this section which receives any contribution or makes any expenditure in excess of one hundred fifty dollars shall file a statement of organization with the municipal clerk or the county clerk and recorder, as the case may be, within five days after any sum of money has been received or disbursed for a candidate's nomination or election to public office.

(4) The statement of organization shall include:

(a) The name and address of the committee;

(b) The names and addresses and relationships of affiliated or connected organizations;

(c) The names and addresses of the chairman, treasurer, and other principal officers;

(d) The name, address, office sought, and party affiliation
of each candidate whom the committee is supporting for nomination 
or election to any public office, and each candidate whom the 
committee opposes for nomination or election to any public 
office;

(e) A statement that the committee is a permanent one, or, 
if not, a statement of the committee's term;

(f) A listing of banks or any other depositories for funds 
used by the committee.

(5) Any changes in information previously submitted by a 
committee in a statement of organization shall be reported to the 
appropriate official within ten days.

Comment: Section 49-27-105 outlines for 
committees and candidates where they would file 
their statements of organization. Disclosure 
statements following each election would be filed 
with the office where the original statement of 
organization was deposited.

49-27-106. Reports by political committees and candidates. 
(1) Each campaign treasurer of a political committee and each 
candidate for nomination, retention, or election to public office 
shall, if any contributions were received or expenditures made, 
file with the appropriate officer as designated in section 
49-27-105, reports of all contributions and expenditures on forms 
prescribed by the secretary of state. Such reports shall be 
filed not less than thirty days after any party convention, 
designating assembly, or general, primary, municipal, school, or 
special district election. Such reports shall contain the 
information required by subsection (2) of this section and shall 
be complete as of five days prior to the filing deadline.
Delivery to the appropriate officer or a registered mail receipt which indicates mailing not more than thirty days after any election shall constitute compliance with the times specified for filing such reports.

Comment: Section 49-27-106 enumerates reporting requirements for political committees and candidates.

Complete reports of candidate and committee receipts and dispersals must be filed within thirty days after an election. A separate report must be filed after each election, but each such report would be cumulative for all elections previously held during the calendar year.

It was a committee consensus that disclosures be filed after elections. During committee discussion on periodic reporting dates, it was pointed out that public disclosure prior to an election could result in an overemphasis on discussion of an opponent's sources and amounts of contributions, at the expense of debate on the policy issues of the campaign.

(2) Each report required to be filed under this section shall disclose:

(a) The amount of cash on hand at the beginning of the reporting period;

(b) The full name and address of each person who has made one or more contributions to or for such committee or candidate and the amount and date of each such contribution (including the purchase of tickets for events such as dinners, luncheons, rallies, and similar fund-raising events) when the aggregate amount in a calendar year is known to exceed twenty dollars. When the aggregate amount in a calendar year is known to exceed one hundred dollars, the nature of the business, if known, of the donor shall also be stated;
(c) The total sum of individual contributions made to or for such committee or candidate during the reporting period and not reported under paragraph (b) of this subsection (2);

(d) The name and address of each political committee or candidate from which the reporting committee or the candidate received, or to which that committee or candidate made, any transfer of funds, together with the amounts and dates of all transfers;

(e) Each loan to or from any person within the calendar year in an aggregate amount or value in excess of fifty dollars together with the full names and mailing addresses, nature of businesses, if known, of the lender and endorsers, if any, and the date and amount of such loans;

(f) The total amount of proceeds from the sale of tickets to each dinner, luncheon, rally, and other fund-raising event; mass collections made at such events; and sales of items such as political campaign pins, buttons, badges, flags, emblems, hats, banners, literature, and similar materials;

(g) The total sum of all receipts by or for such committee or candidate during the reporting period;

(h) Subject to the provisions of paragraph (b) of this subsection (2), the full name and address and nature of business, if known, of each person not a resident of this state who has made one or more contributions to or for such committee or candidate;

(i) The full name and address and nature of business, if known, of each person to whom expenditures have been made by such
committee or candidate or on behalf of such committee or
candidate within the calendar year in an aggregate amount or
value in excess of fifty dollars; the amount, date, and purpose
of each such expenditure; and the name and address of, and office
sought by, each candidate on whose behalf such expenditure was
made;

(j) The full name and address and nature of business, if
known, of each person to whom an expenditure for personal
services, salaries, and reimbursed expenses in excess of fifty
dollars has been made and which is not otherwise reported,
including the amount, date, and purpose of such expenditure;

(k) The total sum of expenditures made by such committee or
candidate during the calendar year;

(l) The amount and nature of debts and obligations owed by
or to the committee, including all accounts payable and accounts
receivable, in such form as the secretary of state may prescribe
and a continuous reporting of their debts and obligations after
election at such periods as the secretary of state may require
until such debts and obligations are extinguished; and

(m) Such other information as may be required by the
secretary of state.

(3) The reports required to be filed by this section need
only disclose the aggregate amount of all individual
contributions of less than twenty dollars.

(4) The reports required to be filed by this section shall
be cumulative during the calendar year to which they relate, but
where there has been no change in an item reported in a previous
report during such year, only the amount need be carried forward. If no contribution or expenditure has been accepted or expended during a calendar year, the treasurer of the political committee or candidate, as the case may be, shall file a statement to that effect.

Comment: Requirements on the detail of candidate and committee disclosures are provided in subsection (2) of this section. Detailed information on names and addresses of contributors would not have to be filed with the Secretary of State, county, or municipal clerks for individual contributions in amounts of less than $20. The names, addresses, and amounts of contributions would be required for all contributions in excess of $20. In addition, for those contributions in excess of $100, the donor's nature of business, if known, would be disclosed.

Detailed disclosure on committee and candidate expenditures would also be required to be filed with the appropriate official within thirty days after an election.

In addition to candidate and committee statements on expenditures and contributions, full disclosure would be required on transfers of funds, loans, and all debts and obligations, including all accounts payable and receivable.

49-27-107. Reports by persons other than political committees or candidates. Any person who makes any contribution or expenditure in an aggregate amount exceeding fifty dollars during a calendar year for the furtherance or defeat of any other person's candidacy for nomination, retention, or election and not made directly to such person, himself, or to any political committee shall file with the appropriate officer a statement as provided by section 49-25-105. Such statement need not be cumulative but shall contain the information required by section
49-27-107 and shall be filed by the dates that other statements are filed. The provisions of this section shall also apply to any contribution or expenditure to influence the passage or defeat of any issue appearing on the ballot.

Comment: Section 49-27-107 requires reporting by persons who may choose to make a direct monetary payment to the media, for example, for the furtherance or defeat of a person's candidacy, rather than contribute the equivalent monetary amount to the candidate or a political committee to be spent as they may determine. The reporting threshold for such contributions or expenditures is fifty dollars; such reports apply to issue campaigns as well as election campaigns.

49-27-108. Contributions by persons limited - central committees. (1) (a) Except as provided in subsection (2) of this section, no person shall pay, give, or authorize to be paid, or given, either directly or through any other person, or in reimbursement of any such payment or gift by any other person, any contribution exceeding one thousand dollars in value belonging to such person or in his custody or control, to any person representing any issue or to any candidate or political committee for the payment of any election expenses for any statewide office or issue. For the purposes of this paragraph (a), a statewide office shall include expenses incurred by a judge or justice seeking to be retained in office, pursuant to the provisions of section 25 of article VI of the state constitution.

(b) If such contribution is for other than a statewide office or issue, the person may contribute not more than five hundred dollars.
(c) The limitations on contributions provided in this subsection (1) shall apply to each election separately and shall apply to each individual candidate to be voted upon at such election; except that such limitation for any single election shall be the maximum amount that any person may contribute to the candidate, himself, and any political committee working on his behalf. The provisions of this paragraph (c) shall also apply to contributions to influence the passage or defeat of any issue appearing on the ballot.

(d) The limitations on contributions provided in paragraphs (a) and (b) of this subsection (1) shall not apply to contributions to defray ongoing expenses which are not directed to benefit any candidate or issue.

Comment: Section 49-27-108 limits the dollar amounts of individual contributions to political committees, candidates, or persons representing an issue which appear on the election ballot. As provided in subsection (6), a "contribution" does not include loans. Thus, no restrictions are placed on candidates or committees in making or receiving loans to or from any source.

One thousand dollars is the limit for an individual's contribution to a statewide office or statewide issue; a $500 limitation would apply to issues and elections on the local levels. The difference in the limitation on contributions is necessary, the committee concluded, due to the higher expenses incurred by candidates for statewide offices.

The limitations would apply to each election separately and to each individual candidate or issue. The maximum contribution, however, applies to all facets of a particular campaign. For instance, a person could only contribute a total of $1,000 to a single candidate and all committees working on his behalf, not $1,000 to the candidate and $1,000 to each committee.
It should be pointed out that the limitations specified in this section apply to out-of-state contributors, violations of which subject them to the same penalties as residents as provided in Section 2 of the bill.

(2) No person shall pay, give, or authorize to be paid or given, either directly or through any other person, or in reimbursement of any such payment or gift by any other person, any contribution exceeding five thousand dollars in value belonging to such person, or in his custody or control, to any party central committee for election expenses for any statewide office or issue. If the contribution is for other than a statewide office or issue, the person may contribute not more than two thousand five hundred dollars.

Comment: As provided above in section 49-27-108 (1) (d) contributions for on-going expenses of central committees have no limitations.

The limitation on individual contributions to party central committees would be $5,000 for election expenses for any statewide office or issue and $2,500 for other than a statewide office or issue. The committee, in increasing the contribution limitation for party central committees, concluded that a higher level of individual contributions would be necessary to cover staff and administrative expenses of the party central committee during the campaign period. Also considered was the fact that the party central committees, unlike a political committee, would most likely be channeling their money to a number of candidates or issues.

(3) No corporation or labor union, nor any employee, officer, or director acting for such corporation or labor union, shall pay, give, or authorize to be paid or given any contribution or expenditure to any candidate or political
committee out of any corporate or union funds except those designated specifically for political purposes.

Comment: The Committee agreed that contributions and expenditures out of corporate funds and union treasuries should be prohibited.

(4) No person shall pay, give, or authorize to be paid or given any contribution in cash exceeding twenty dollars to any person representing an issue or to any candidate or political committee for the payment of election expenses.

Comment: Section 49-27-108 (4) provides that no cash contribution over $20 can be given any candidate or committee. This provision is necessary, the Committee believes, to preclude the possibility of campaign funds being converted into personal use. It also serves to expedite record keeping of receipts and dispersals.

(5) No contribution shall be made and no expenditure shall be incurred, directly or indirectly, in a fictitious name, anonymously, or by a person through an agent, relative, or other persons in such manner as to conceal the identity of the source of the contribution. Any anonymous contribution received by any candidate or political committee shall be returned to the donor if possible. If the donor cannot be identified, the contribution shall escheat to the state.

(6) For the purposes of subsections (1) and (2) of this section, a contribution shall not include loans.

49-27-109. Campaign funds - use restricted. No candidate nor campaign treasurer shall pay, give, lend, or agree to pay, give, or lend any money or anything of value to any person from the contributions received for the election campaign for any
reason not reasonably related to the election campaign or for any
private purpose.

Comment: Section 49-27-109 would reduce
the possibility that contributions to a candi-
date or committee, which may become surplus,
are used for private gain.

49-27-110. Duties of the secretary of state. (1) The
secretary of state shall:
(a) Develop and furnish the prescribed forms for the
statements required to be filed under this article;
(b) Prepare, publish, and furnish to the person required to
file such reports and statements a manual setting forth
recommended uniform methods of bookkeeping and reporting;
(c) Develop a filing, coding, and cross-indexing system
consistent with the purposes of this article;
(d) Make the reports and statements filed with him
available for public inspection and copying, commencing as soon
as practicable, but not later than the end of the second day
following the day during which it was received, and he shall
permit copying of any such report or statement by hand or by
duplicating machine, as requested by any person, at the expense
of such person. No information copied from such reports and
statements shall be sold or utilized by any person for the
purpose of soliciting contributions or for any commercial
purpose.
(e) Preserve such reports and statements for a period of
four years from date of receipt and no less than twice as long as
the normal length of term for the particular office covered by
such reports and statements;
(f) Compile and maintain a current list of all statements or parts of statements pertaining to each candidate and committee;

(g) Make, from time to time, audits and field investigations with respect to reports and statements filed under the provisions of this article, and with respect to alleged failures to file any report or statement required under the provisions of this article;

(h) Report apparent violations of law to the appropriate law enforcement authorities;

(i) Prescribe suitable rules and regulations to carry out the provisions of this article.

Comment: The duties of the Secretary of State in the administration and maintenance of campaign disclosures are enumerated in section 49-27-110. One of the responsibilities assigned the Secretary of State is to prescribe the forms to be utilized in completing the required disclosure statements in an effort to insure that there be a uniform system of reporting and that complete information is filed by all political committees and candidates. Reports are to be preserved for a minimum of four years and be available for public inspection and copying.

(2) The secretary of state shall encourage and cooperate with the election officials within the state to develop procedures which will eliminate multiple filings while conforming with the other sections of this article.

(3) (a) Any person who believes a violation of this article has occurred may file a written complaint with the secretary of state, or the secretary of state or any district attorney may proceed upon his own motion. If the secretary of state
determines there is substantial reason to believe such a violation has occurred, he shall make an investigation which shall also include an investigation of reports and statements filed by the complainant. Whenever, in the judgment of the secretary of state, after affording due notice and an opportunity for a hearing, any person has engaged or is about to engage in any acts or practices which constitute or will constitute a violation of any provision of this article or any regulations or order issued thereunder, he shall so notify the attorney general who shall institute a civil action for relief, including a permanent or temporary injunction, restraining order, or any other appropriate order in the district court. Upon a proper showing that such person has engaged or is about to engage in such acts or practices, a permanent or temporary injunction, restraining order, or other order shall be granted without bond by such court.

Comment: The Secretary of State and District Attorneys are given the authority to initiate proceedings for violations of this article. Individuals may file a complaint with the Secretary of State.

(b) The secretary of state or his designee shall also have the power to employ a hearing officer or officers to conduct hearings on any matter within his jurisdiction, as provided in paragraph (a) of this subsection (3), subject to appropriations made to the secretary of state. Hearing officers employed pursuant to this paragraph (b) shall be admitted to the bar of the state of Colorado and shall have at least five years' experience as a licensed attorney. Any hearing conducted by a
hearing officer employed pursuant to this paragraph (b) shall be conducted in accordance with the provisions of section 3-16-4, C.R.S. 1963, and the hearing officer shall be the authority specified in this section.

Comment: Section 49-27-110 (3) (b) allows the Secretary of State to employ hearing officers to conduct hearings on possible violations of the "Campaign Reform Act of 1974". Minimum qualifications for such officers are prescribed in this subsection.

(c) Any party aggrieved by an order granted under paragraph (a) of this subsection (3) may appeal to the Colorado court of appeals.

(d) The judgment of the court of appeals affirming or setting aside, in whole or in part, any such order of the district court shall be final, subject to review by the supreme court upon certiorari.

(e) Any action brought under this subsection (3) shall take precedence on the docket of the district court.

49-27-111. Duties of municipal clerk - county clerk. (1) The municipal clerk or county clerk and recorder shall:

(a) Make the reports and statements filed with them available for public inspection and copying, commencing as soon as practicable but not later than the end of the second day following the day during which it was received, and he shall permit copying of any such report or statement by hand or by duplicating machine, as requested by any person, at the expense of such person. No information copied from such reports and
statements shall be sold or utilized by any person for the purpose of soliciting contributions or for any commercial purpose.

(b) Preserve such reports and statements for a period of four years from date of receipt and no less than twice as long as the normal length of term for the particular office covered by such reports and statements;

(c) Compile and maintain a current list of all statements or parts of statements pertaining to each candidate and committee;

(d) Report apparent violations of law to the appropriate law enforcement authorities.

Comment: Municipal and county clerks are assigned responsibilities similar to, but not as broad as, those given the Secretary of State in maintenance and administration of campaign disclosure statements.


49-27-112. Political advertising. No radio or television station, newspaper, periodical, or other supplier of materials or services shall require a candidate for nomination, retention, or election or a political committee to pay a higher charge than the normal charge it requires other customers to pay for comparable materials and services.

49-27-113. Transportation of voters to polls. No candidate for nomination, retention, or election and no political committee shall transport any person, other than one who is sick or disabled, to any polling place in a motor vehicle or other
conveyance which is painted or decorated in a way which indicates
a preference for either a political party or a candidate.

49-27-114. Solicitations of contributions prohibited. No
person shall demand, solicit, ask for, or invite any payment or
contribution to any religious, charitable, or other cause or
organization from one who represents an issue or from a candidate
for nomination, retention, or election, nor shall he subscribe
for the support of any club or organization or buy tickets to any
entertainment or ball or pay for space in any book, program,
periodical, or publication. This section shall not apply to the
solicitation of any business advertisement in periodicals in
which the candidate was a regular contributor prior to his
candidacy. This section shall not apply to ordinary business
advertisements, regular payments to any organization, religious,
charitable, or otherwise, of which he was a member or to which he
was a contributor for more than six months prior to his
candidacy, nor to any ordinary contributions at religious
services.

49-27-115. Contributions from political parties prohibited
when. No political party shall make any contribution to or on
behavior of any political committee or candidate for nomination or
election unless and until the candidate has been designated or
nominated for public office by his political party.

Comment: Political parties would be pro-
hibited from making any contributions to candi-
dates or committees until after the primary
elections have been held. This section would
have the effect of concentrating all political
party contributions to the eight weeks pre-
ceding the November general elections.
49-27-116. Encouraging withdrawal from campaign prohibited. No person shall pay, cause to be paid, or attempt to pay to any candidate for nomination, retention, or election or to any political committee any money or any other thing of value for the purpose of encouraging a candidate to withdraw his candidacy, nor shall any candidate offer to withdraw his candidacy in return for money or any other thing of value.

49-27-117. Contributions from lobbyists prohibited. No person who is required to register as a lobbyist pursuant to the provisions of section 3-37-304, C.R.S. 1963, shall make any contribution to any political committee or any candidate for nomination or election, nor shall he make any contribution on behalf of the person by whom he is employed.

Comment: Section 49-27-117 could provide contributions to political parties or candidates by lobbyists required to be registered under the "Sunshine Act of 1972". The committee believed that this provision would help reduce the possibility that a winning candidate during his term of office would be accused of being unduly influenced by lobbyist activities.

49-27-118. Penalty. Any person who violates any provision of this article is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than one thousand dollars nor more than five thousand dollars.

Comment: Penalties provided in 49-27-118 are identical to those specified for violations of the "Public Official Disclosure Law" as adopted on November 7, 1972.

SECTION 2. 37-1-26 (1), Colorado Revised Statutes 1963 (1965 Supp.), is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

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Comment: Out-of-state contributors would be subject to the penalties provided in this bill, should their contributions exceed those limits prescribed by section 49-27-108.


Comment: "The Campaign Reform Act of 1974" would completely replace Colorado's current statutes on campaign disclosures for all levels of elections. Congressional and presidential elections would no longer be subject to Colorado statutes concerning disclosure with the repeal of these sections. As noted earlier, reliance would be placed on federal legislation for disclosure of candidates running for national offices.

SECTION 4. Appropriation. There is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to the secretary of state, for the fiscal year commencing July 1, 1974, the sum of _______ dollars ($___), or so much thereof as may be necessary, for the implementation of this act.

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

BILL 33

A BILL FOR AN ACT

CONCERNING POLITICAL CONTRIBUTIONS, AND PROVIDING A TAX CREDIT THEREFOR.

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

SECTION 1. Article 1 of chapter 138, Colorado Revised Statutes 1963, as amended, is amended by the addition of a new section to read:

138-1-98. Tax credit for political contributions. (1) Subject to the limitations and conditions in subsections (2) and (3) of this section, for the taxable year 1974 and each taxable year thereafter, any resident individual shall be entitled to a tax credit against the tax imposed by this article for political contributions.

(2) (a) Such tax credit shall be allowed to a resident individual who contributes money to any candidate for nomination, retention, or election to any public office in this state or to any political committee, as defined in section 49-27-103, C.R.S. 1963. For purposes of this section only, "candidate" also means any individual who:

(b) has publicly announced that he is a candidate for nomination or election to public office; or

(c) is a candidate for nomination or election to any office
in a political party designating assembly or convention, as defined in section 49-1-4 (16) and (17), C.R.S. 1963, and who meets the qualifications therefor, as prescribed by law or the rules or bylaws of said political assembly or convention.

(3) (a) The tax credit allowed by this section shall be limited to five dollars for a single return and ten dollars for a joint return.

(b) The tax credit allowed by paragraph (a) of this subsection (3) shall not exceed the amount of tax imposed by this article for the taxable year as may be reduced by all other credits allowed under sections 138-1-8, 138-1-18, 138-1-20, 138-1-60, and 138-1-68 to 138-1-70.

(c) The tax credit allowed by this section may be claimed on such form as shall be prescribed by the executive director of the department of revenue and shall be attached to the Colorado state income tax return. A cancelled check or a copy thereof shall serve as evidence of the political contribution and shall be attached to the form prescribed by the executive director.

(4) Upon request of the executive director of the department of revenue, the secretary of state shall furnish a bona fide list of candidates for nomination, candidates for election, political party assemblies, and political party conventions to assist in the administration of this section.

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

Members of the Committee

Chairman
Rep. W. Alonzo
Rep. Steve Locke
Rep. Robert Younglund, Vice-Chairman
Rep. Keota Holley
Rep. Edward Bryan
Sen. Kenneth Kinnie
Rep. Forrest Bryan
Sen. Harry Locke
Rep. Charles Hammond
Sen. Harold McCormick
Rep. Marvin Green
Sen. Dan Noble
Rep. Max Kinman
Sen. Maurice Parker
Rep. Leo Lohoro
Sen. Christian Wunsch
Rep. Mike McNeil
Rep. Clarence Quinian
Rep. James Moses
Rep. Virginia Senior
Rep. Warren Smith
Rep. J. Kirby Swammende
Rep. Mike Speno

Council Staff

Larry Arnold
Research Associate

Bob Potter
Research Assistant
The Committee on Water was directed by the Legislative Council to undertake and complete a study of the following subjects: 1) The establishment of river basin management; 2) The relationship between the administrative functions of the State Engineer's office and land use legislation; 3) The Colorado Water Conservation Board construction fund; and 4) Aquifers as defined in Senate Bill No. 213 (1973 session).

During the interim, two other study areas were added at the request of the committee: 1) Investigation of state participation in hail suppression programs; and 2) Review of problems related to the energy shortage, with particular, but not exclusive, emphasis on water supplies necessary for the development of Colorado energy resources.

This last study area was added as concern grew in the nation and the state over critical shortages of available energy sources. Since this committee represents most of the membership on the House and Senate Natural Resources Committees, it was designated as the appropriate interim forum in which to begin an immediate legislative review of the energy situation.

The committee held eight meetings in the 1973 interim to develop information related to the study topics. On the basis of this work, the committee recommends five bills and four resolutions.

River Basin Authorities -- Bill 34

The committee recognized the immediate need throughout the State of Colorado for management of Colorado's valuable water resources and determined that the proper management of Colorado's water resources would result in the achievement of a more efficient use of water, full development of water resources, and would insure an adequate and stable water supply which would be available when needed. The committee studied the existing legislation which authorizes the creation of river basin authorities (section 148-22-1 to 148-22-8, C.R.S. 1963 (1969 Supp.)), with the intention of suggesting improvements. Although the original statute authorizing the creation of basin authorities was enacted in 1969, no such authority has been formed. The committee, after discussing amendments which might encourage their formation, recommended a complete revision of this article (Bill 34). Using the
existing river basin authorities statute as the framework, the bill was developed to incorporate the various ideas and suggestions presented by committee members and by individuals who testified before the committee.

Bill 34 provides for:

(1) The creation of seven river basin authorities. The powers and duties of three of the river basin authorities would be assumed by the three existing water conservation districts: the Colorado River Water Conservation District; the Rio Grande Conservation District; and the Southwestern Conservation District. The other four river basin authorities would be the Arkansas, the Republican, the South Platte, and the North Platte-Laramie.

(2) The four river basin authorities outside conservation district boundaries would be created by a petition to form such authority and a subsequent election on that petition.

(3) The board of directors of each of the three existing conservation districts would serve as the board of directors for each of the three basin authorities with coterminous boundaries. The boards of directors for the other four basin authorities would be appointed by the county commissioners of the counties within each basin authority. Each county would select two members for the board and the members would serve staggered terms of three years.

(4) The river basin authorities could finance their administrative and operational costs through a levy of up to three cents per acre foot of water diverted and used within the basin by a water right owner. A levy of up to 10 cents per acre foot could be used for planning, construction, operation, and maintenance of projects of the authority. The levy would be assessed on the basis of benefits received from projects of the authority. In addition, the authority could issue revenue bonds to finance water projects.

(5) The basin authorities could construct and operate water facilities; satisfy vested rights within or without the river basin authority; establish standards for the proper utilization of water; enter into contracts with other entities; recommend conditions to be imposed on granting of requests for a change in point of diversion; appropriate unappropriated waters; and condemn lands for project construction.
The Colorado Water Conservation Board Construction Fund: An Amendment to the General Assembly Project Approval Procedure -- Bill 35

Bill 35 would amend section 149-1-22 (1)(b), C.R.S. 1963 (1971 Supp.), which requires the Colorado Water Conservation Board to submit to the appropriate standing committees of each General Assembly a report on all applications for contracts along with an analysis of each application. The committee determined that the proposed amendment would add some efficiency in the approval process by eliminating the requirement that the board report on all contract applications. Under this amendment the board would be required to submit to the General Assembly, for its approval, only those proposed contracts which the board recommends.

In addition, the amendment provides for annual reports to the General Assembly on contract applications. The current law requires submission of these reports "to each General Assembly," which indicates a requirement for biennial, not annual reports.


Bill 36 would amend section 149-1-22 (1), C.R.S. 1963 (1971 Supp.), by the addition of a new paragraph (d). This amendment would give the board specific statutory authority to conduct feasibility studies of proposed conservation projects. The amendment would also permit the board to expend five percent of the total construction fund for such projects. Section 149-1-21, C.R.S. 1963 (1971 Supp.), authorizes a maximum construction fund of ten million dollars. The proposed amendment would permit the board to use $500,000 of the fund to conduct feasibility studies. The cost of a feasibility study would be considered part of the total project cost if the project were subsequently constructed.

Grant of Authority to Counties for Flood Control -- Bill 37

Bill 37 would amend Chapter 36, C.R.S. 1963, by the addition of a new article, granting the board of county commissioners of each county the power to: 1) construct works necessary for the control of floods; 2) construct works necessary for the abatement of stream channel erosion; and 3) remove or cause to be removed any obstruction in the channel of a stream. The exercise of these powers by the counties would be subject to the review and approval of the Colorado
Water Conservation Board. Currently, counties do not have flood control powers enumerated above and, therefore, have been restricted in undertaking flood prevention activities.

Approval by the State Engineer of Plans for Augmentation of Water -- Bill 38

The committee received testimony that, under existing statutes, it is not clear whether the state engineer has the authority to give temporary approval for augmentation plans. Such plans have, in the past, been approved under the state engineer's power to issue rules and regulations. The proposed bill gives the state engineer a clear grant of authority in this area.

Testimony before the committee also indicated that augmentation plan applicants are currently faced with long court delays due to the large backlog of well adjudication cases. By following the procedure outlined below, an applicant could reduce the time between development of a plan and its implementation.

The committee recommends Bill 38 which would repeal and reenact section 148-21-23, C.R.S. 1963, as amended, to give the state engineer's office the authority to approve plans for augmentation of water. Under the current statutes, applicants must submit augmentation plans to the appropriate water judge for his approval. The proposed bill does not change this requirement, but it does allow an applicant, at his option, to first submit the plan to the state engineer's office. If the state engineer approves the plan, the applicant, after filing the plan with the water clerk, could proceed with its implementation. However, a subsequent ruling by the water judge could reverse the state engineer's approval.

The Colorado Water Conservation Board Staff

The committee recommends that the present technical staff of the Colorado Water Conservation Board be increased from 12 to 20 full-time employees. It was estimated that this increase in technical staff would mean an additional cost for Fiscal Year 1974-1975 of $133,964 (personnel services, $130,364; travel, $2,000; and operating, $1,600). The committee determined that this addition to the technical staff is necessary because of the increased workload and demands upon the staff in recent years.
The Colorado Water Conservation Board and the Division of Water Resources

The committee recommends, in contrast to the reorganization proposal presented to the Committee on Organization of State Government, that the Colorado Water Conservation Board and the Division of Water Resources should remain as separate and distinct agencies. The committee believes that the water resource planning and development functions of the Colorado Water Conservation Board should not be combined with the water administration and regulation functions of the Division of Water Resources.

The Development of Colorado's Energy Resources and the Related Need for Water -- Resolution 2

The committee recommends a resolution concerning the impending need to develop the state's natural resources (such as oil shale) to help meet the nation's energy shortages and the related need to develop water supplies to be used in producing these energy resources. The resolution, addressed to the congressional delegation and to others, recommends that consideration be given to plans for the importation of water from the Columbia River and other sources into the Western states.

The committee recommends that consideration should be given to proposals for a Pacific Aqueduct System which would supply water to the Colorado river lower basin states and thereby enable the upper basin states to retain more river water.

The Impact of Overly Restrictive Coal Mine Regulations -- Resolution 3

The committee recommended a resolution addressed to the United States Congress and to the appropriate federal agencies illustrating the detrimental impact that overly restrictive coal mine regulations have had on the coal industry in Colorado. The committee recommends in the resolution that consideration be given to regulations which would insure adequate safety and environmental protection and, at the same time, permit the development of the needed coal resources existing within the state.
Federally Established Salinity Standards for the Colorado River -- Resolution 4

The committee recommends a resolution supporting the Colorado Water Pollution Control Commission and the Colorado Water Conservation Board in any discussion or negotiations relating to Colorado River salinity standards to be established under the requirements of federal law. The committee adopted this recommendation in response to testimony which indicated that Environmental Protection Agency standards now under consideration would require either a very expensive desalinization program or a cessation in the development of Colorado's compact-apportioned waters.

Energy Conservation Through the Increased Use of Passenger Trains -- Resolution 5

The committee recommends a resolution seeking a review of programs for the increased use and development of passenger trains. The committee recommends that consideration be given to the fact that passenger train service is a mode of transportation with a high level of energy efficiency.

Topics for Further Consideration

The committee is continuing its study of both the assigned subjects and other related problems which came to light during the committee meetings of this interim. The committee's activity in these areas is summarized below:

The State Engineer's Office and Land Use Legislation

Mr. Clarence Kuiper, state engineer, noted that Senate Bill 35 (enacted during the 1972 session) does not require the county commissioners to submit subdivision water supply plans to his office.

Mr. Kuiper advised the committee that his office is now receiving for review about 95 percent of all the subdivision water supply plans submitted to the county commissioners. During the initial period after enactment of Senate Bill 35, the state engineer's office was receiving very few of the water supply plans.

The committee also discussed the problems which develop when the state engineer's office renders an adverse opinion on a water supply plan and the county commissioners decide to
go ahead with approval of the subdivision. In this connection, the committee considered the state engineer's policy of processing certain exempt well applications (H.B. 1042 from the 1972 session) on the basis of Senate Bill 35 water supply plan review findings.

Colorado's Groundwater

During the discussion on the study topic of confined aquifers, the committee reviewed a great deal of information on groundwater conditions. The committee heard testimony on the tributary and nontributary nature of ground water, the geologic characteristics of water bearing strata, the adequacy or inadequacy of certain groundwater sources as a long term water supply, and concepts of groundwater management, conjunctive use, and recharge. With limited data on groundwater conditions, reconciliation of the need for full water development and the requirement for protection of prior vested water rights is an extremely complex problem. The committee is continuing its discussion of this critical situation.

Other Subjects Discussed By the Committee

The committee heard testimony on the statutory requirement (section 148-5-7, C.R.S. 1963) for an annual inspection of jurisdictional dams and the state engineer's current inability to fulfill this requirement due to an insufficient number of staff.

The committee discussed the need for and the funding arrangements of nine surface water gaging stations located in western Colorado. The committee requested the state engineer's office to continue an investigation of this topic.

The committee received several briefings on current and projected energy supplies and demand. These briefings highlighted the degree to which demand is outrunning supply and emphasized the loss of energy resources due to inefficient uses. The committee also reviewed progress in the development of "alternate" energy sources and adopted a motion endorsing the Colorado Geological Survey's geothermal energy research program.
COMMITTEE ON WATER

BILL 34

A BILL FOR AN ACT

CONCERNING RIVER BASIN AUTHORITIES FOR THE MANAGEMENT OF WATER.

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

SECTION 1. Article 22 of chapter 148, Colorado Revised Statutes 1963, as amended, is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

ARTICLE 22

River Basin Authorities

148-22-101. Legislative declaration. It is the purpose of this article to promote stability of ground and surface water supplies and to encourage maximum utilization of and benefit from all water supplies within the state of Colorado by planned management.

148-22-102. River basin authorities established - territory. (1) The river basin authorities hereby established are comprised of all the territory within the areas described in this section, except for any such territory which has been or is subsequently placed within a designated ground water basin under article 18 of this chapter. In the river basin authorities established by this section, the board of directors of the conservation district within which the particular river basin authority is formed shall be the board of directors of the river...
basin authority.

(a) Colorado river basin authority. The boundaries of the Colorado river water conservation district, organized pursuant to article 7 of chapter 150, shall constitute the boundaries of the Colorado river basin authority.

(b) San Juan river basin authority. The boundaries of the southwestern water conservation district, organized pursuant to article 8 of chapter 150, shall constitute the boundaries of the San Juan river basin authority.

(c) Rio Grande river basin authority. The boundaries of the Rio Grande water conservation district, organized pursuant to article 10 of chapter 150, shall constitute the boundaries of the Rio Grande river basin authority; except that, for the purposes of this article, the Rio Grande river basin authority shall include Costilla county.

148-22-103. River basin authorities authorized. (1) Within the territory included in any of the areas described in this section, except that portion of any such territory which has been or is subsequently placed within a designated ground water basin under article 18 of this chapter, a river basin may be established by petition and election as provided in sections 148-22-104 to 148-22-109.

(a) North Platte - Laramie river basin authority. The boundaries of the North Platte - Laramie river basin authority shall consist of the drainage basins of the North Platte and Laramie rivers and streams tributary to said rivers, and including the whole of Jackson county.
(b) **Arkansas river basin authority.** The boundaries of water
division number 2, as established by section 148-21-8 (3), shall
constitute the boundaries of the Arkansas river basin authority.

(c) **Republican river basin authority.** The drainage basin of
the north and south forks of the Republican river and streams
tributary thereto shall constitute the boundaries of the
Republican river basin authority.

(d) **South Platte river basin authority.** The boundaries of
the South Platte river basin authority shall be the areas within
water division number 1, as established by section 148-21-8 (2),
which are not contained in the areas of the Republican and the
North Platte - Laramie river basin authorities.

148-22-104. **Petition.** Before a river basin authority is
formed in any of the areas specified in section 148-22-103, a
petition shall be filed in the office of the water clerk of the
water division in which most of the territory of the authority
lies, signed by not fewer than four hundred qualified electors
resident within the limits of the proposed authority. The
petition shall set forth the name of the proposed authority and a
general description of the boundaries of the authority as
specified by this article and shall pray for an election on the
question of organization of the authority. No petition with the
requisite signatures shall be declared void on account of alleged
defects, but the court may permit the petition to be amended at
any time to conform to the facts by correcting any error.
Similar petitions, except for signatures, may be filed and
together shall be regarded as one petition. All such petitions
1 filed prior to the hearing on the first petition filed shall be
2 considered by the court the same as if filed with the first
3 petition placed on file.
4
5 148-22-105. Notice and hearing on petition. (1)
6 Immediately after the filing of such petition, the court shall
7 fix a time not less than forty-five days nor more than ninety
8 days after the petition is filed for hearing thereon, and the
9 clerk of said court shall cause notice by publication to be made
10 of the pendency of the petition and of the time and place of
11 hearing thereon. Such notice shall be published once each week
12 for three successive weeks in a newspaper or newspapers of
13 general circulation within the boundaries of the proposed
14 authority. The clerk shall also notify the county commissioners
15 of each county having territory within the proposed authority of
16 the pendency of the petition and the time and place of hearing
17 thereon.
18
19 (2) Upon the day set for the hearing upon the original
20 petition, if it appears to the court, from such evidence as may
21 be adduced by any party in interest, that the petition is signed
22 by the requisite number of qualified electors, the court shall
23 set a day certain for the holding of a meeting by the boards of
24 county commissioners of the counties, part or all of whose lands
25 lie within the boundaries of the proposed authority, and shall
26 set the time and place of meeting.
27
28 148-22-106. Election resolution. On such day certain or as
29 soon thereafter as is reasonably possible, the board of county
30 commissioners of the counties, part or all of whose lands lie
within the boundaries of the proposed authority, shall meet at
the time and place specified by such court or at such other place
as the county commissioners of said counties shall designate.
The county commissioners of said counties shall call an election
by resolution adopted at least thirty days prior to the date set
for such election. Such resolution shall recite that the object
and purpose of the election is to determine whether or not the
authority is to be formed. The county commissioners shall
provide in the election resolution, or by supplemental
resolution, for the appointment of sufficient judges of the
election who shall be qualified electors residing within the
proposed authority and shall set their compensation. The
election resolution shall also then designate the precincts and
polling places. The description of precincts may be made by
reference to any order of the governing body of any county,
municipality, or other public body in which the proposed
authority or any part thereof is situated, or by reference to any
previous order or by other instrument of such governing body, or
by detailed description of such precincts or by other sufficient
description. Precincts established by any such governing body
may be consolidated in the election resolution by the county
commissioners for the election.

148-22-107. Conduct of election. (1) Except as provided in
this article, an election held pursuant hereto shall be opened
and conducted in the manner provided by the laws of the state of
Colorado for the conduct of general elections, and to be eligible
to vote in such election a person must be a qualified elector
residing in the territory of the proposed authority and properly
registered to vote therein.

(2) Any qualified elector may vote in any such election by
absent voter's ballot under the terms and conditions and in
substantially the same manner insofar as is practicable as
prescribed in the Colorado election code for general elections.

(3) Notice of such election shall be given by publication
in the manner required by section 148-22-105 (1).

(4) All polling places designated by the election
resolution shall be within the area included within the proposed
authority.

(5) The county commissioners of each county shall provide
at each polling place ballots or ballot labels, or both, ballot
boxes or voting machines, or both, instructions, elector's
affidavits, and other materials and supplies required by law for
a general election. The county commissioners, acting as a group,
shall procure all of the necessary supplies and shall agree among
themselves as to a division of the costs therefor.

148-22-108. Election returns. The election officials shall
make their returns directly to the county commissioners of said
counties. The county commissioners of said counties shall act as
the canvassing body. The returns of said election shall be made
and canvassed at any time and in the manner provided by law for
the canvass of the returns of any general election. It shall be
the duty of such canvassing body to certify promptly and to
transmit to the court a statement of the results of the vote upon
the proposition submitted. If a majority of the voters voting in
said election vote in favor of the formation of the authority, the court shall declare the same to be formed. If a majority of the voters voting in said election do not vote in favor of formation of said authority, the court shall declare that the authority is not formed. If the court declares said authority to be formed, it shall be formed as of the time and date specified in the declaration of its formation.

148-22-109. Board of directors. (1) An authority formed upon petition and election shall be managed and controlled by a board of directors. The original appointments made upon the formation of a district shall be made within the various counties for terms of one, two, and three years so as to result in approximately one-third of the terms expiring each year. Thereafter, the members of said board shall hold their offices for a term of three years and until their successors are appointed and qualified. Two members of such board shall be appointed from each of the counties having territory in the authority. At the time of his appointment each director shall be a resident and freeholder of the county from which he is appointed or, if only a part of the county is included within the boundaries of said authority, a resident and freeholder of such included part. Each director shall be appointed by the board of county commissioners of the county in which such director resides. He may be a member of the board of county commissioners of such county. Within thirty days after the formation of an authority by petition and election, followed by court declaration of formation, the board of county commissioners of each of said
counties shall designate the members to be appointed by it and
certify the same to the court, and, within fifteen days after
receipt of all such certifications, the court shall call a
meeting of said board at a time and at a place within said
authority to be fixed by the court. The members of said board
shall convene at the time and place so designated and select one
of their number to act as president and one of their number to
act as vice-president, each to hold office for one year or until
his successor is duly selected by the board.

(2) The office of a director shall become vacant when any
director ceases to reside in the county from which he was
appointed. In the event a vacancy occurs in said office by
reason of death, resignation, removal, or otherwise, it shall be
filled for the remainder of the unexpired term by the board of
county commissioners of the county from which said director
originally came. Before entering upon the discharge of his
duties, each director shall take an oath to support and defend
the constitutions of the United States and of the state of
Colorado and to impartially, without fear or favor, discharge the
duties of a director of said authority.

148-22-110. Principal office - meetings. The board of
directors of the authority shall designate a place within the
authority where the principal office is to be maintained and may
change such place from time to time. Regular quarterly meetings
of said board shall be held within the authority during the
months of January, April, July, and October, the date and place
of which shall be fixed by the board at its next preceding
quarterly meeting, and which shall be advertised at least ten
days before such meeting by notice published once in a newspaper
or newspapers which collectively provide general circulation
throughout the authority. The board shall also be empowered to
hold such special meetings as may be required for the proper
transaction or business. Special meetings may be called by the
president of the board or by any three directors. Meetings of
the board shall be public, and proper minutes of the proceedings
of said board shall be preserved and shall be open to the
inspection of any elector of the authority during business hours.

148-22-111. Powers of river basin authority - construction
- financing. (1) Each river basin authority acting through its
directors has the following powers:

(a) To construct and operate wells, dams, reservoirs,
ditches, and other water conveyances and storage, irrigation, or
other structures, and the authority may condemn lands for the
physical construction of such structures or for rights-of-way or
easements in the manner provided by law for the condemnation of
real property or rights-of-way;

(b) To levy up to three cents per acre-foot of water
diverted and put to beneficial use within the river basin
authority by the owner of a water right;

(c) To levy up to ten cents per acre-foot of water delivered
within the river basin authority to water right owners for
purposes of paying for the planning, construction, operation, and
maintenance of projects authorized under paragraph (a) of this
subsection (1). Such assessments shall be levied according to
the benefits received by the water users from projects of the
authority, and in determining benefits from projects to water
users and in imposing levies, the authority shall take into
account historic diversions, priority dates, return flow, and
other relevant data.

(2) The levies authorized by this section shall be taken and
considered to be in all respects revenue derived from the
facilities of the authority making such levies.

148-22-112. Additional powers - management of water. (1)
The authority has the following powers relating to the
authority's purpose of planned management of water:

(a) To satisfy vested rights within or without the river
basin authority with water from sources other than natural river
flow and to appropriate unappropriated waters, all in accordance
with general law;

(b) (I) To establish standards for the proper utilization of
water used within the territorial limits of the authority, the
violation of which standards will be prima facie evidence of
waste.

(II) Such standards established under this paragraph (b)
shall not be inconsistent with any standards, rules, or
regulations established under legislative authority by a division
engineer or the state engineer, and shall in no case be such as
to allow a wasteful use of water; and nothing in this paragraph
(b) shall be construed to prevent enforcement of other statutes
by the state engineer or his deputies or otherwise.

148-22-113. Powers relating to contracts with other
entities. (1) The authority also has the following powers:

(a) To enter into and perform contracts and agreements with the Colorado water conservation board, other authorities, counties, conservation districts, conservancy districts, municipalities, or quasi-municipalities for or concerning the planning, construction, lease, or other acquisition and the financing of water facilities and the maintenance and operation thereof. Any such entities so contracting may also provide in any contract or agreement for a board, commission, or such other body as their governing bodies may deem proper for the supervision and general management of the water facilities, and for the operation thereof, and may prescribe their powers and duties and fix the compensation of their members.

(b) To recommend to a division engineer or the state engineer the conditions, if any, needed to be imposed upon the granting of a request for a change in point of diversion insofar as those officers may have the power to grant or to review the request;

(c) To exercise powers generally held by quasi-municipal corporations, including the right to contract; to hire managers, consultants, attorneys, and auditors; to maintain one or more offices; and to have all the powers necessary or incident to the exercise of the powers granted in this article.

148-22-114. Powers relating to financing. (1) An authority, with respect to finances, has the power:

(a) To accept loans or grants or both from the state of Colorado and from the United States ef-Americe under any state or
federal law now or hereafter in force to aid in financing the cost of engineering, architectural, or economic investigations, studies, surveys, designs, plans, working drawings, specifications, or procedures or other action preliminary to the construction of water facilities;

(b) To accept loans or grants or both from the state of Colorado and from the United States of America under any state or federal law now or hereafter in force for the construction of necessary water facilities;

(c) To enter into joint operating agreements, contracts, or arrangements with water users concerning water facilities, whether acquired or constructed by the authority or the water users, and to accept grants and contributions from water users for the construction of water facilities;

(d) In anticipation of the collection of the revenues of such water facilities, to issue revenue bonds to finance in whole or in part the cost of acquisition, construction, reconstruction, improvement, betterment, or extension of the water facilities and to issue temporary bonds until permanent bonds and any coupons appertaining thereto have been printed and exchanged for the temporary bonds;

(e) To pledge to the punctual payment of said bonds and interest thereon all or any part of the revenues of the water facilities, including the revenues of improvements, betterments, or extensions thereto, thereafter constructed or acquired, as well as the revenues of existing water facilities;

(f) To make all contracts, execute all instruments, and do
all things necessary or convenient in the exercise of the powers granted in this section or in the performance of its covenants or duties or in order to secure the payment of its bonds if no encumbrance, mortgage, or other pledge of property, excluding any pledged revenues, of the authority is created thereby, and if no property, other than money, of the authority is liable to be forfeited or taken in payment of said bonds, and if no debt on the credit of the authority is thereby incurred in any manner for any purpose; and

(g) To issue water refunding revenue bonds to refund, pay, or discharge all or any part of its outstanding water, revenue bonds, heretofore or hereafter issued under this article or under any other law, including any interest thereon in arrears or about to become due, or for the purpose of reducing interest costs or effecting other economies or of modifying or eliminating restrictive contractual limitations appertaining to the issuance of additional bonds or to any water facilities. Refunding revenue bonds shall be issued in accordance with the provisions of the Refunding Revenue Securities Law as set forth in article 8 of chapter 125.

148-22-115. Authorization of facilities and bonds. (1) The acquisition, construction, reconstruction, lease, improvement, betterment, or extension of any water facilities and the issuance in anticipation of the collection of revenues of such facilities or bonds to provide funds to pay the cost thereof may be authorized under this article by action of the governing board of the authority taken at a regular or special meeting by a vote of
a majority of the members of the board.

(2) The board, in determining such cost, may include all costs and estimated costs of the issuance of said bonds, all engineering, inspection, fiscal, and legal expenses, interest which it is estimated will accrue during the construction or other acquisition period and for a period of not exceeding one year thereafter on money borrowed or which it is estimated will be borrowed pursuant to this article, any discount on the sale of the bonds, costs of financial, professional, and other estimates and advice, contingencies, any administrative, operating, and other expenses of the authority prior to and during such acquisition period and for a period of not exceeding one year thereafter as may be determined by the board, and all such other expenses as may be necessary or incident to the financing, acquisition, improvement, equipment, and completion of any water facilities or part thereof and the placing of the same in operation, and also such provision or reserves for working capital, operation, maintenance, or replacement expenses or for payment or security of principal or of interest on any bonds during or after such acquisition or improvement and equipment as the board may determine, and also reimbursements to the federal government or any agency, instrumentality, or corporation thereof of any moneys theretofore expended for or in connection with any such water facilities.

148-22-116. Bond provisions. (1) Revenue bonds issued under this article shall bear interest at such rate or rates that the net effective interest rate of the issue of bonds does not
exceed the maximum not effective interest rate authorized, payable semiannually or annually, and evidenced by one or two sets of coupons, if any, executed with the facsimile or manually executed signature of any official or officials of the authority; except that the first coupon or coupons appertaining to any bond may evidence interest not in excess of one year. The resolution authorizing the issuance of such bonds shall specify the maximum net effective interest rate. Such bonds may be issued in one or more series, may bear such date or dates, may mature at such time or times not exceeding the estimated life of the water facilities to be acquired with the bond proceeds as determined by the board, but in no event beyond forty years from their respective dates, may be in such denomination or denominations, may be payable in such medium of payment, at such place or places within or without the state, including but not limited to the office of any county treasurer in which the authority is located wholly or in part, may carry such registration privileges, may be subject to such terms of prior redemption in advance of maturity in such order or by lot or otherwise at such time or times with or without a premium, may be executed in such manner, may bear such privileges for reissuance in the same or other denomination, may be so reissued, without modification of maturities and interest rates, and may be in such form, either coupon or registered, as may be provided by the board.

(2) (a) The board may provide for preferential security for any bonds, both principal and interest, to be issued under this article to the extent deemed feasible and desirable by the board.
over any bonds that may be issued thereafter.

(b) Said bonds may be sold at, above, or below the principal amounts thereof, but they may not be sold at a price or prices such that the net effective interest rate of the issue of bonds exceeds the maximum net effective interest rate authorized.

(c) Said bonds may be sold at public or private sale in the manner deemed most appropriate by the board of directors of the authority.

(3) Bonds may be issued with privileges for conversion or registration, or both, for payment as to principal or interest, or both; and, where interest accruing on the bonds is not represented by interest coupons, the bonds may provide for the endorsing of payments of interest thereon; and the bonds generally shall be issued in such manner, in such form, either coupon or registered, with such recitals, terms, covenants, and conditions and with such other details as may be provided by the board, except as otherwise provided in this article.

(4) Subject to the payment provisions in this article specifically provided, said bonds, any interest coupons thereto attached, and any temporary bonds shall be fully negotiable within the meaning of and for all the purposes of the negotiable instruments law, except as the board may otherwise provide; and each holder of each such security, by accepting such security, shall be conclusively deemed to have agreed that such security, except as otherwise provided, is and shall be fully negotiable within the meaning and for all purposes of the negotiable instruments law.
(5) Notwithstanding any other provision of law, the board in any proceedings authorizing bonds under this article:

(a) May provide for the initial issuance of one or more bonds, referred to in this subsection (5) as "bond", aggregating the amount of the entire issue;

(b) May make such provision for installment payments of the principal amount of any such bond as it may consider desirable;

(c) May provide for the making of any such bond payable to bearer or otherwise, registrable as to principal or as to both principal and interest, and where interest accruing thereon is not represented by interest coupons, for the endorsing of payments of interest on such bonds; and

(d) May further make provision in any such proceedings for the manner and circumstances in and under which any such bond may in the future, at the request of the holder thereof, be converted into bonds of smaller denominations, which bonds of smaller denominations may in turn be either coupon bonds or bonds registrable as to principal, or principal and interest, or both.

(6) If lost or completely destroyed, any security authorized in this article may be reissued in the form and tenor of the lost or destroyed security upon the owner furnishing, to the satisfaction of the governing body: Proof of ownership; proof of loss or destruction; a surety bond in twice the face amount of the security, including any unmatured coupons appertaining thereto; and payment of the cost of preparing and issuing the new security.

(7) Any officer authorized to execute any bond, after filing
with the secretary of state his manual signature certified by him under oath, may execute or cause to be executed with a facsimile signature in lieu of his manual signature any bond authorized in this article, if such a filing is not a condition of execution with a facsimile signature of any interest coupon and if at least one signature required or permitted to be placed on each such bond, excluding any interest coupon, is manually subscribed. An officer's facsimile signature has the same legal effect as his manual signature.

(8) The clerk or secretary of the authority may cause the seal of the authority to be printed, engraved, stamped, or otherwise placed in facsimile on any bond. The facsimile seal has the same legal effect as the impression of the seal.

(9) The resolution authorizing any bonds or other instrument appertaining thereto may contain any agreement or provision customarily contained in instruments securing revenue bonds.

148-22-117. No liability of authority on bonds. Revenue bonds issued under this article shall not constitute an indebtedness of the authority within the meaning of any constitutional or statutory limitations. Each bond issued under this article shall recite in substance that said bond, including interest thereon, is payable solely from the revenues pledged to the payment thereof, and that said bond does not constitute a debt of the authority within the meaning of any constitutional or statutory limitations.

148-22-118. Incontestable recital in bonds. Any resolution authorizing, or any trust indenture or other instrument
appertaining to, any bonds under this article may provide that each bond therein authorized shall recite that it is issued under authority of this article. Such recital shall conclusively impart full compliance with all of the provisions of this article, and all bonds issued containing such recital shall be incontestable for any cause whatsoever after their delivery for value.

SECTION 2. Effective date. This act shall take effect July 1, 1974.

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

BILL 35

A BILL FOR AN ACT

CONCERNING THE ANNUAL REPORT ON PROPOSED CONTRACTS SUBMITTED BY
THE COLORADO WATER CONSERVATION BOARD TO THE GENERAL
ASSEMBLY.

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

SECTION 1. 149-1-22 (1) (b), Colorado Revised Statutes 1963
(1971 Supp.), is amended to read:

149-1-22. General assembly approval. (1) (b) The board
shall submit ANNUALLY to the appropriate-standing-committees-of
each general assembly a report containing all--applications--for
PROPOSED contracts as specified in section 149-1-11 (13),
together with an analysis of said application CONTRACTS PROPOSED
by the board. Said report shall also include a list of said
applications PROPOSED CONTRACTS in order of priority suggested by
the board, the proposed contract terms between the state and the
federal government, any political subdivision of the state,
person, or corporation, and shall include a comment by the board
as to how the proposed project will carry out the state water
plan: POLICY.

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

AUTHORIZING EXPENDITURES FROM THE COLORADO WATER CONSERVATION BOARD CONSTRUCTION FUND FOR PROJECT FEASIBILITY INVESTIGATIONS.

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

SECTION 1. 149-1-22 (1), Colorado Revised Statutes 1963 (1971 Supp.), is amended by the addition of a new paragraph to read:

149-1-22. General assembly approval. (1) (d) In order to determine the economic and engineering feasibility of any project proposed to be constructed from funds provided in whole or in part from the Colorado water conservation board construction fund, the board shall cause a feasibility report to be prepared on such proposed project if, in the discretion of the board, it appears to qualify for consideration under section 149-1-19. For all such feasibility investigations the board is authorized to commit or expend on a continuing basis a sum not to exceed five percent of the total construction fund authorized by section 149-1-21 prior to the execution and approval of any contract contemplated by paragraph (b) of this subsection (1); except that the cost of any feasibility investigation shall be considered a part of the total project cost if such project is subsequently
SECTION 2. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.
A BILL FOR AN ACT

CONCERNING THE POWERS OF COUNTIES TO CONTROL FLOODS.

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

SECTION 1. Chapter 36, Colorado Revised Statutes 1963, as amended, is amended by the addition of a new article to read:

ARTICLE 31

Control of Floods

36-31-1. Legislative declaration. For the purpose of protecting life and property, the board of county commissioners of each county of this state shall have the powers granted by this article for the control of floods and the abatement of stream channel erosion.

36-31-2. Authority to construct works. (1) To carry out the purposes of this article, and subject to the review and approval by the water conservation board of plans involving construction of works, the board of county commissioners of each county shall have the authority within its respective county to:

(a) Construct any works necessary for the control of floods;

(b) Construct any works necessary for the abatement of stream channel erosion;

(c) Remove or cause to be removed any obstruction in the
channel of any natural stream which creates a flood hazard.

36-31-3. Adoption of plan - acquisition of lands or rights-of-way. (1) A board of county commissioners by resolution may adopt a plan or plans to carry out the purposes of this article, which plans, with respect to the construction of works, shall be subject to approval by the Colorado water conservation board.

(2) Said board shall have the power to acquire by gift, purchase, or condemnation all lands or rights-of-way necessary to accomplish the adopted plan.

36-31-4. Contracts and agreements. The board of county commissioners of a county may enter into contracts and agreements with adjoining counties, the state of Colorado or any agency or political subdivision thereof, or the United States or any agency or political subdivision thereof for the purposes of implementing or carrying out any flood control plan adopted in conformity with this article.

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

BILL 38

A BILL FOR AN ACT

CONCERNING PLANS FOR AUGMENTATION OF WATER UNDER THE "WATER RIGHT DETERMINATION AND ADMINISTRATION ACT OF 1969".

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

SECTION 1. 148-21-23, Colorado Revised Statutes 1963, as amended, is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

148-21-23. Special procedures with respect to plans for augmentation. (1) Plans for augmentation as defined in this article may be utilized in connection with the matter of integrating ground and surface waters and the matter of maximizing the beneficial use of all waters of the state, and plans of augmentation which may be proposed may affect one another. Applications for approval of plans for augmentation (including without limitation applications involving the use of wells as alternate or supplemental points of diversion for surface water rights) shall be handled in the manner specified in this article except as otherwise provided in this section.

(2) Any person desiring approval of a plan for augmentation may, at the applicant's option, submit such a proposed plan for augmentation to the state engineer. The state engineer (who may act through his delegate) shall approve such plan if he can determine with reasonable assurance that it will not injuriously
affect the owner of or persons entitled to use water under a vested water right or a decreed conditional water right. If he determines that the proposed plan would cause such injurious effect, he shall afford the applicant or applicants an opportunity to propose protective terms or conditions. The state engineer may impose other protective terms and conditions including those specified in section 148-21-21 (4). Wherever possible, the state engineer shall approve a plan for augmentation upon specifying protective terms and conditions which would permit the plan to be implemented without such injurious effect.

(3) In reviewing a proposed plan for augmentation and in considering terms and conditions which may be necessary to avoid injury, the state engineer shall consider the depletions to the stream system from an applicant's use or proposed use of water, in quantity and in time, the amount and timing of augmentation water which would be provided by the applicant and the existence, if any, of injury to any owner of or persons entitled to use water under a vested water right or a decreed conditional water right. The state engineer shall make written findings thereon in support of his determination with respect to the plan for augmentation.

(4) Once the applicant has filed an application for approval of the plan for augmentation, as approved or approved as modified by the state engineer, with the appropriate water clerk and notice thereof has been given pursuant to section 148-21-18 (3), the applicant may implement the plan for augmentation in
accordance with the terms and conditions approved by the state
engineer, subject to possible reversal or modification by the
water judge.

(5) An application for approval of a plan for augmentation
filed with the water clerk, whether previously submitted to the
state engineer or not, and statements of opposition with respect
thereto shall not be referred by the water judge to the referee.
The water judge of each division shall undertake hearings
promptly after the conclusion of the period for filing statements
of opposition under section 148-21-18 (1), with respect to such
plan and the relationship of such plan to any other plan or plans
concurrently or previously filed with the water clerk. Where the
state engineer has reviewed a plan for augmentation and has
approved such plan or approved it as modified by protective terms
and conditions, the findings of the state engineer in support of
such determination shall be prima facie evidence that the
augmentation water to be contributed to the stream system is
sufficient in quantity and time to compensate depletions thereto
from the applicant's use or proposed use of water and that the
protective terms and conditions will prevent injury to the owner
of or persons entitled to use water under a vested water right or
a decreed conditional water right.

(6) Where the state engineer has rejected a proposed plan
for augmentation or approved it upon terms and conditions with
which the applicant is dissatisfied, the applicant may file with
the water clerk an application for approval of a plan for
augmentation containing such protective terms and conditions as
may be proposed by the applicant. The findings made by the state engineer with respect to the plan for augmentation submitted to him shall be prima facie evidence of the facts upon which his determination was based.

(7) Consistent with the decisions of the water judges, establishing the basis for approval for plans of augmentation and for the administration of groundwater, the state engineer and division engineers shall exercise the broadest latitude possible in the administration of waters under their jurisdiction to encourage the development of augmentation plans and voluntary exchanges of water and to make such rules and regulations and to take such other reasonable action as may be necessary in order to allow continuance of existing uses and to assure maximum beneficial utilization of the waters of this state.

(8) In order to provide guidelines for persons who may wish to apply for approval of a plan for augmentation under this section, the state engineer shall adopt rules and regulations in the manner provided in section 148-21-34, describing the standards which he will apply, consistent with the standards in this section, in reviewing proposed plans of augmentation for approval. The adoption of such rules and regulations shall not be a prerequisite to the exercise by the state engineer of his authority to review and approve plans for augmentation under this section.

SECTION 2. 148-21-17 (2), Colorado Revised Statutes 1963 (1969 Supp.), is amended to read:

148-21-17. Administration and distribution of waters. (2)
In accordance with procedures specified in this article, the referee in each division shall in the first instance have the authority and duty to rule upon determinations of water rights and conditional water rights and the amount and priority thereof, determinations with respect to changes of water rights, plans-fer augmentation; approvals of reasonable diligence in the development of appropriations under conditional water rights, and determinations of abandonment of water rights or conditional water rights; and he may include in any ruling for a determination of water right or conditional water right any use or combination of uses, any diversion or combination of points or methods of diversion, and any place or alternate places of storage, and may approve any change of water right as defined in this article. PLANS FOR AUGMENTATION SHALL BE SUBJECT TO THE SPECIAL PROVISIONS OF SECTION 148-21-23.

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

RESOLUTION 2

SENATE JOINT MEMORIAL NO.

MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO CONSIDER THE
POSSIBILITY OF WATER IMPORTATION AND OTHER WATER DIVERSION
METHODS TO AUGMENT WATER SUPPLIES NECESSARY IN DEVELOPING
ENERGY SOURCES.

WHEREAS, The United States is presently confronted with an
energy crisis; and

WHEREAS, Colorado has an abundance of natural resources
which may be developed to aid in meeting the nation's energy
requirements; and

WHEREAS, Water will be essential in the development of these
resources, particularly in regard to the development of oil shale
and the gasification of coal; and

WHEREAS, Colorado must release much of its water to other
states to fulfill interstate compacts and international treaties; and

WHEREAS, Studies have been made on the importation of water
from Canada and the diversion of water from the Columbia River
via a "Pacific Aqueduct System" which would provide those states
now receiving Colorado's water with an alternative water supply
and thereby reduce the need for water from Colorado; now,
therefore,
Be It Resolved by the Senate of the Forty-ninth General
Assembly of the State of Colorado, the House of Representatives
concurring herein:

That the Congress of the United States is hereby
memorialized to consider the possibility of importing water from
Canada and to consider the feasibility of proposals for water
diversion such as the "Pacific Aqueduct System" so that Colorado
and other states may be able to develop their natural resources
in order to meet the nation's energy needs.
MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO REVIEW FEDERAL
COAL MINE REGULATIONS.

WHEREAS, The United States is presently experiencing an
energy crisis of major proportions; and

WHEREAS, The use of coal in every new application possible
and the return to the use of coal where possible will help reduce
demands upon other sources of energy; and

WHEREAS, Colorado's coal resources are large and widely
distributed throughout the state; and

WHEREAS, The grade of coal found in Colorado is of high
quality and low in sulfur content and can be used as a source of
energy for generating electric power, for heating homes and
industries, and for making coke to be used in industry; and

WHEREAS, Many of the people with coal mining skills still
reside in those areas of the state where coal mines have been
recently closed and are available to reopen mines or open new
mines, thus bolstering the economies of those areas; and

WHEREAS, The coal mine safety regulations issued in recent
years by the federal government are particularly directed at
gaseous mine conditions which generally do not exist in Colorado; and
WHEREAS, While these regulations have been necessary in many cases, they have, in other cases, been overly restrictive or required equipment not yet manufactured or available for purchase and have resulted in the closing of some mines; now, therefore,

Be It Resolved by the Senate of the Forty-ninth General Assembly of the State of Colorado, the House of Representatives concurring herein:

That the Congress of the United States is hereby memorialized to have the federal coal mine regulations reviewed with the end in mind to encourage the development of coal resources and at the same time achieve reasonable safety standards for those mines.

Be It Further Resolved, That copies of this memorial be transmitted to the Department of the Interior, each member of Congress from the State of Colorado, and to the Governor of this state to assist him in his campaign to promote utilization of other sources of energy.
WHEREAS, the Colorado River and its tributaries are a
natural resource of vital importance to the State of Colorado;
and
WHEREAS, High salinity is a significant water quality
problem causing adverse physical and economic impact on water
users; and
WHEREAS, Salinity concentrations in the Colorado River
system are affected by the addition of mineral salts from various
natural and man-made sources and by the loss of water from the
system through evaporation, transpiration, and out-of-basin
transfers; and
WHEREAS, Colorado, as well as the other Colorado River basin
states, is required under federal law to develop reasonable
salinity standards which may affect existing water use as well as
require expensive desalting programs; and
WHEREAS, Salinity control throughout the Colorado River
system requires close cooperation and support between the basin
states and the federal government; and
WHEREAS, The use of water in the Colorado River system is
governed not only by state laws but also by the Colorado River
Compact, the Mexican Water Treaty, the Upper Colorado River Basin
Campact, and the United States Supreme Court Decree of 1964 in Arizona v. California; and

WHEREAS, The establishment of unreasonable salinity standards will prohibit Colorado's use of river water which has been apportioned to the state under such compacts and agreements and thereby have a detrimental effect on Colorado's economic growth and development; now, therefore,

Be It Resolved by the Senate of the Forty-ninth General Assembly of the State of Colorado, the House of Representatives concurring herein:

That the General Assembly of the State of Colorado supports the Water Pollution Control Commission of the State of Colorado and the Colorado Water Conservation Board in their negotiations with the agencies of other basin states and the federal government on establishing reasonable salinity standards.

Be It Further Resolved, That the General Assembly of the State of Colorado supports the enactment of the "Colorado River Basin Salinity Control Act of 1972" which authorizes an immediate action program for controlling salinity in the Colorado River system and a continuing program that would expedite the investigation, planning, and construction of salinity control works.
COMMITTEE ON WATER

RESOLUTION 5

SENATE JOINT MEMORIAL NO.

1 MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ENCOURAGE THE
2 REESTABLISHMENT AND USE OF PASSENGER TRAIN SERVICE.

3 WHEREAS, The United States is presently in the midst of a
4 severe energy crisis; and
5 WHEREAS, Passenger trains are a more efficient use of energy
6 than the automobile; and
7 WHEREAS, There is an increasing need for passenger train
8 service in the United States, particularly in the rural areas of
9 the nation; now, therefore,
10 Be It Resolved by the Senate of the Forty-ninth General
11 Assembly of the State of Colorado, the House of Representatives
12 concurring herein:
13 That the Congress of the United States is hereby
14 memorialized to encourage the reestablishment and use of
15 passenger train service in the United States.
LEGISLATIVE COUNCIL COMMITTEE
ON ORGANIZATION OF STATE GOVERNMENT

Members of the Committee

Rep. Carl Gustafson, Chairman
Sen. Joseph Schieffelin, Vice-Chairman
Sen. Allen Dines
Sen. Roger Cisneros
Sen. Ted Strickland

Rep. Tom Parley
Rep. John Fahl
Rep. Ruben Valdez

Council Staff

David Hite
Principal Analyst

John Hille
Research Assistant
INTERIM RECOMMENDATIONS
COMMITTEE ON ORGANIZATION OF
STATE GOVERNMENT

The interim Committee on Organization of State Gov-ern-ment was directed by the Legislative Council to continue the efforts of predecessor committees in the study of methods to more effectively align functions within the executive branch of state government. This report summarizes the committee's recommendations at the midpoint of a two-year study.

Continually since the 1968 structural realignment of agencies within the Colorado executive, interim committees on organization of state government have been examining the need for functional executive reorganization on a department-by-department basis. Prior to the 1973 interim, however, progress in this examination was slow. During the 1970 interim, for example, the executive directors of principal departments were requested to submit recommendations to the committee for changes in the structure of the executive branch of Colorado's state government. Few substantive recommenda-tions were received by the committee.

At the committee's first meeting of the 1973 interim, Governor Vanderhoof reported that he would, in coordination with the committee's chairman, request all department heads to make suggestions for realignment of the executive branch along functional lines. Responses were received from most executive directors. In addition, during the course of the committee's deliberations, most department heads appeared before the committee.

The Petrone Reorganization Proposal

The most extensive response made to the committee's inquiry came from the executive director of the Department of Administration, Mr. Eugene Petrone. Mr. Petrone presented the committee with a plan for the reorganization of the entire executive branch. The plan consists of two phases. The first phase would realign the present organizational structure of the executive branch into 20 principal departments. This phase was endorsed by Governor Vanderhoof. The second phase would consolidate these 20 departments into nine functional areas or departments (which, at a later date, would be further consolidated into four functional areas, each headed by a secretari-at). The plan is significant not only because of the scope of its recommendations and because of the effort involved in its preparation, but also because it represents the only com-
prehensive response by an executive agency in the last five years to the continued request by legislative organization committees for assistance regarding functional reorganization of the executive branch.

The Petrone proposal greatly accelerated the committee's deliberations and progress toward final legislative recommendations. Upon further examination of the plan, the Governor endorsed specific parts of or modifications to its first phase for consideration by the committee during the 1973 interim and introduction into the General Assembly during the 1974 session. Using the Governor's recommendations as a guideline, the committee focused its efforts for the remainder of the interim on three major issues:

1. Creation of a new department containing a long-range governmental planning agency and an agency which would perform the functions now assigned to the Executive Budget Office;

2. Abolishment of the Department of Institutions and transfer of its functions to a new Department of Corrections, to a new Department of Rehabilitation of the Disabled, and to the existing Department of Health; and

3. Transfer of two agencies out of the Office of the Governor.

In addition, the committee considered several unrelated recommendations made by heads of principal departments in their appearances before the committee.

In total, seven measures are recommended for placement on the Governor's call and consideration by the 1974 session of the General Assembly. These measures are:

1. A bill establishing an Office of Budgeting and Governmental Planning;

2. A bill creating a Department of Corrections and a Department of Rehabilitation of the Disabled, transferring the state's mental health programs and institutions to the Department of Health, and abolishing the Department of Institutions;

3. A bill transferring the Office of the Coordinator of Highway Safety from the Office of the Governor to the Department of Highways;
(4) A bill transferring the Colorado Centennial-Bicentennial Commission from the Office of the Governor to the Department of Local Affairs;

(5) A bill transferring the Board of Registration for Professional Sanitarians from the Department of Health to the Department of Regulatory Agencies;

(6) A bill abolishing the Mining Industrial Development Board within the Division of Mines of the Department of Natural Resources; and

(7) A bill abolishing the Practical Nursing Advisory Board of the Board of Practical Nursing within the Department of Regulatory agencies.

During the 1974 interim, the committee intends to further consider the reorganization proposal as originally presented by Mr. Petrone. In addition, the committee intends to continue its study of: 1) the role of boards and commissions in state government; 2) the justification for the organizational transfer; and 3) recommendations offered by executive directors of principal departments for the realignment of functions within their respective departments.

Office of Budgeting and Governmental Planning - Bill 39

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 budget document must serve in most cases as the state planning document.

While most observers of state government and most state governmental officials are in accord concerning the importance of and need for long-range governmental planning, there exist disagreement and a substantial amount of indistinct thinking about the detailed implementation of the planning concept. The General Assembly is familiar with planning reports - consultant reports to state agencies and state agency reports to the Governor and to the General Assembly regarding long-range program plans abound. What is lacking is a structure for more carefully evaluating and implementing long-range governmental plans from a broader perspective than that of the single de-
partment, institution, or agency. The committee suggests that such a perspective could be attained by creating an executive department which combines the executive budget agency with a long-range planning unit.

Accordingly, the committee recommends a bill which would create an Office of Budgeting and Governmental Planning within the executive branch of Colorado's state government. This "office" would have the status of one of the principal departments of state government. The Office of Budgeting and Governmental Planning would consist of two divisions, the Division of Executive Budgeting and the Division of Long-Range Governmental Planning.

The original Petrone reorganization proposal contained a recommendation that the Executive Budget Office be transferred to the Office of the Governor and that a new long-range state planning capability be created within that office. The proposal was subsequently modified to conform to the committee's determination that the executive planning and budgeting functions should be housed in a principal department rather than in the Office of the Governor.

The recommendation of the committee is for a department in which one division (the Division of Executive Budgeting) performs or coordinates the performance of executive planning, programming, and budgeting on a short-range basis and in which one division (the Division of Long-Range Governmental Planning) performs or coordinates the performance of executive planning on a long-range basis. The executive director of the proposed department would be responsible for coordinating the short-range activities of the Division of Executive Budgeting with the long-range activities of the Division of Long-Range Governmental Planning. He would also ensure that the recommendations of the planning unit are utilized in the activities of the budgeting unit.

Specific provisions of the recommended legislation are outlined below.

Organizational Transfers. The bill amends the statutory definitions of type 1 and type 2 organizational transfers. Pursuant to the amended definitions, planning duties would be among those vested in the principal department to which an agency is transferred, unless these duties are specifically assigned to an agency through a type 1 transfer.

Office of Budgeting and Governmental Planning. The legislative declaration for the creation of the new Office of Budgeting and Governmental Planning (and its two divisions)

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states that the purpose of the new office is to "provide for the integration of the planning, programming, and budgeting functions of the executive department into a cohesive, unified system" and to "make the system responsive to the policy-making requirements of the governor and the general assembly". The language of this declaration is taken in large part from the legislative declaration for the existing Executive Budget Office (EBO) within the Department of Administration.

The bill assigns the following duties to the executive director of the new office:

(1) Development of an annual executive planning, programming, and budgeting cycle to be followed both by the office's planning unit and by its budgeting unit (the budget director of the EBO is presently charged with this responsibility);

(2) Development of long-range fiscal plans for operating and capital construction budgeting and for the state's revenue structure (also presently a duty of the EBO's budget director);

(3) Development of a series of broad program categories for use by the divisions of the office in their planning and budgeting activities (these categories would presumably be similar to those of the Governor's program budget for fiscal year 1974);

(4) Designation of the extent to which the internal organization of the divisions of the office will conform to these broad program categories (the executive director might specify that task forces be formed within each division to correspond to the program categories or subcategories); and

(5) Designation of the extent to which each of the department's divisions will participate in the activities of the other.

The bill also specifies that final authority in the office's executive planning, programming, and budgeting activities is vested in the Governor.

Division of Executive Budgeting. With the exception of those functions listed above which are transferred to the Office of Budgeting and Governmental Planning, the functions of the existing Executive Budget Office are transferred intact to the new Division of Executive Budgeting. In general, these duties relate to the preparation and administration of the executive budget. Under the bill, the Division of Executive Budgeting would be responsible for annual analysis of the
short-range plans, policies, and programs of executive agencies and for annual analysis and approval, modification, or rejection of the budget requests of such agencies.

**Division of Long-Range Governmental Planning.** The Division of Long-Range Governmental Planning would be created by the bill as an equivalent to the long-range state planning capability requested in the original Petrone proposal. In general, the committee intends that this division would operate as a "think tank" within the Colorado executive. It would examine particular governmental problems which exist or which are likely to arise in the future and would make recommendations for governmental program changes designed to solve or circumvent these problems.

Specifically, the new planning unit would:

1. Develop or locate, and maintain or maintain access to, data required for its long-range planning activities;
2. Make projections into the future from this planning data;
3. Catalog existing state governmental programs;
4. Make projections of state governmental needs;
5. Make comparisons between existing programs and projected needs, and prepare and distribute "state governmental needs documents" as results of these comparisons;
6. Assist and coordinate the planning activities of state agencies; and
7. Coordinate the exchange of data, reports, and projections among such agencies.

The Division of Executive Budgeting would be required by the bill to utilize the recommendations of the "state governmental needs documents" in its analysis of short-range agency plans, policies, programs, and budget requests.

**Division of Local Planning Assistance.** The bill re-names the existing Division of Planning within the Department of Local Affairs as the Division of Local Planning Assistance, and deletes language relating to statewide or state governmental planning functions from the statute which creates and sets forth the duties of this renamed division (C.R.S. 106-3-1 et seq.). The bill also requires the division to furnish information concerning local planning efforts to the Division of Long-Range Governmental Planning.
Appropriation. The bill includes an appropriation of $392,743 for the purposes of the office of the executive director of the Office of Budgeting and Governmental Planning and for the purposes of the Division of Long-Range Governmental Planning. This appropriation would fund 15 or 16 positions within the new office and its planning unit.

Abolishment of the Department of Institutions

Within the last year, the programs and policies of the Department of Institutions have come under intense scrutiny. This examination can be attributed to several factors: 1) the department is large in terms of constituents served, functions performed, and personnel employed; 2) the department's approaches to the provision of services are in a state of flux because of shifting societal attitudes and because of changing program emphasis on the part of the federal government; and 3) there is greater public awareness of the need to initiate new programs and strengthen budgetary and administrative controls, particularly in the state's correctional programs.

The most controversial provisions of the Petrone reorganization proposal concern the Department of Institutions. The proposal calls for the abolition of the existing department, the distribution of its functions among two new departments and one existing department, the extraction of functions from two other currently established departments, and the establishment of these functions in one of the new departments.

In presenting his plan to the committee, Mr. Petrone emphasized the following: 1) by realigning the divisions of the Department of Institutions, desirable programmatic goals may be achieved for budgetary purposes; 2) realignment of the divisions of the department may place a desirable focus on the institutional programs and most of the human service programs of the state; 3) interdivisional difficulties may be minimized with reorganization, since like functions would be placed in a single department; 4) realignment may, in many instances, result in reduced duplication of services and may provide for effective and economical provision of services; 5) reorganization may allow the Governor and the General Assembly to more effectively measure the product of governmental services (as opposed to the current practice of measuring the process through which services are provided); and 6) realignment would result in an organizational pattern that more closely resembles a national trend in executive branch structure.

The committee suggests that the concepts of the Petrone proposal relating to the state's institutional programs be
fully discussed by the General Assembly during its 1974 session. The committee therefore recommends the institutional proposal in two forms - a single omnibus measure containing all of the proposed transfers of functions within the five affected principal departments, and three separate bills, each of which addresses a separate element of the overall proposal. By separating the larger measure into three smaller bills, the committee hopes to involve as many members of the General Assembly as possible in discussion of the proposal.

The committee's recommendation is outlined below. With few exceptions, the committee's recommendations reflect only transfers of existing agencies and programs among principal departments, and do not make substantive changes in existing institutional and human service programs.

Creation of a Department of Corrections. This department would consist of two divisions, the Division of Youth Services and the Division of Adult Services. Both divisions presently exist on a non-statutory basis within the Department of Institutions. All of the state's correctional facilities and programs are now within these two divisions, including the Lookout Mountain School for Boys, the Mount View School for Girls, Lathrop Park Youth Camp, Golden Gate Youth Camp, various juvenile detention centers, and juvenile parole programs (within the Division of Youth Services), and the Colorado State Penitentiary, the Colorado State Reformatory, honor camps, work release programs, reception and diagnostic programs, and adult parole programs (within the Division of Adult Services). In addition, the Department of Institutions' Juvenile Parole Board and Adult Parole Board would be transferred to the new Department of Corrections.

Creation of a Department of Rehabilitation of the Disabled. The Department of Rehabilitation of the Disabled would be composed of agencies and functions presently within the Department of Institutions, the Department of Social Services, and the Department of Education. This proposal would transfer functions relating to vocational rehabilitation (presently performed by the Division of Rehabilitation of the Department of Social Services) into a new Division of Rehabilitation within the new Department of Rehabilitation of the Disabled. It would consolidate state programs for the blind and the deaf (which include the School for the Deaf and Blind, library services for the blind and physically handicapped now performed by the State Library, and workshops for the blind) into a new Division of Services for the Deaf and the Blind. Finally, it would create a Division of Developmental Disabilities from the existing Division of Mental Retardation in the Department of Institutions. The Division of Developmental
Disabilities would supervise and control the State Homes and Training Schools at Ridge, Grand Junction, and Pueblo, as well as community-centered programs for the mentally retarded.

**Expansion and Realignment of the Functions of the Department of Health.** The committee's proposal would create three statutory divisions within the existing Department of Health - a Division of Physical Health, a Division of Mental Health, and a Division of Environmental Health. The proposal also removes statutory qualifications for the position of executive director of the Department of Health from Colorado law.

The Division of Mental Health would be transferred from its present position in the Department of Institutions. The Colorado State Hospital at Pueblo, Fort Logan Mental Health Center at Denver, and community mental health centers and clinics would continue to operate under the supervision of the division. Statutory references to the Western Regional Mental Health Center at Grand Junction, a facility which has never been established, would be repealed by the committee proposal. The present Division of Alcohol and Drug Abuse of the Department of Health would be transferred to the Division of Mental Health and become a function of the new division.

The present Division of Administration within the Department of Health would be abolished by the committee's proposal, and the programs now assigned to this division would, with one exception, be divided between two new divisions: 1) a Division of Physical Health containing special health services, child health services, preventive medical services, hospital and nursing home services, regional and community health services, the office of the State Chemist, and the office of the state Registrar of Vital Statistics; and 2) a Division of Environmental Health containing the state's Water Quality Control Agency and its Air Pollution Control Agency, the Plant Operators' Certification Board, and programs in radiological health, occupational health, potable water control, and consumer protection.

The one agency presently within the Division of Administration which would not be assigned to either of the two newly-named divisions described above is the Board of Registration for Professional Sanitarians. The committee recommends its transfer to the Division of Registrations of the Department of Regulatory Agencies (see Bill 42 below).

(Because of its length, the bill abolishing the Department of Institutions and transferring its functions to other departments is not included in this report.)
Transfer of Functions out of the Governor's Office - Bills 40 and 41

Among the primary objectives of the 1968 reorganization of the executive branch was the establishment of a reasonable span of control for the Governor. To accomplish this goal, the functions of the executive branch performed by more than 130 agencies were grouped into 17 principal executive departments. The directors of these principal departments became directly accountable to the Governor for the administration of executive programs. In effect, the Governor's span of control was reduced from 130 to 17 agencies.

An examination of changes made in the organization of the executive branch since 1968 shows a renewed concentration of functions within the Office of the Governor. This problem was examined by the Committee on Organization of State Government during the 1970 interim and again during the 1973 interim. Pursuant to the recommendations of the 1970 interim committee, two substantive functions were transferred out of the Office of the Governor. The State Planning Office was transferred to the Department of Local Affairs, and the Executive Budget Office was transferred to the Department of Administration. Administration of the programs of the Colorado Law Enforcement Assistance Authority was also transferred out of the Office of the Governor and assigned to the Department of Local Affairs. A final committee recommendation of 1970, the removal of the Office of the Coordinator of Highway Safety from the Office of the Governor, was not implemented by the General Assembly.

During the 1973 interim, impetus for a renewed examination of this issue came from the Governor. Governor Vanderhoof proposed that the committee recommend the transfer of three agencies from his office: 1) the Office of the Coordinator of Highway Safety; 2) the Land Use Commission; and 3) the Colorado Centennial-Bicentennial Commission. The committee endorses the proposed transfers of the Office of the Coordinator of Highway Safety and the Centennial-Bicentennial Commission. In regard to the proposed transfer of the Land Use Commission, the committee defers to the Legislative Council interim Committee on Land Use, which is making recommendations concerning the future of the commission.

The Committee on Organization of State Government concludes that the transfers of the coordinator and the commission will accomplish the following: 1) closer alignment of governmental activities according to functional programs; 2) reinforcement of the principal of the 1968 reorganization act regarding effective span of control; and 3) conformance to the intent of the 1966 constitutional amendment on reorganiza-
tion which specifies that all executive agencies be allocated among not more than 20 departments.

Transfer of the Office of the Coordinator of Highway Safety to the Department of Highways (Bill 40). In order to receive federal highway safety funds under the "Highway Safety Act of 1966", a state is required to conduct a highway safety program approved by the Secretary of Transportation, conforming to the provisions of the act, and conforming to the departmental rules and regulations adopted pursuant to the act. Section 402 (b) (1) (A) of the act requires that the "...Governor of the state shall be responsible for the administration of the program through a state agency which shall have adequate powers, and be suitably equipped and organized to carry out, to the satisfaction of the Secretary (of Transportation), such program". In 1968, the General Assembly established an Office of the Coordinator of Highway Safety within the Office of the Governor. The 1968 law, however, does not detail duties of the office.

The 1973 interim Committee on Organization of State Government concurs with the recommendation of the Governor that the coordinator's office be established as a division within the Department of Highways, and recommends specific legislation to effect this recommendation.

Transfer of the Centennial-Bicentennial Commission to the Department of Local Affairs (Bill 41). This commission was created by the General Assembly in 1971 to coordinate observances, ceremonies, and other activities connected with the one-hundredth anniversary of Colorado statehood and the two-hundredth anniversary of American independence. It is a temporary agency with a termination date of June 30, 1977. The statute establishing the commission did not locate it within any one of the 18 principal departments of the executive branch of state government. Section 3-28-9, C.R.S. 1963 (1969 Supp.), provides that temporary commissions, unless otherwise located, shall be units within the Office of the Governor.

The Committee on Organization of State Government concurs with the Governor's recommendation that the commission be transferred to the Department of Local Affairs, and recommends specific legislation to effect this recommendation.

Transfer of the Board of Registration for Professional Sanitarians to the Department of Regulatory Agencies - Bill 42

More than 250 individuals are registered by the state's Board of Registration for Professional Sanitarians. Nearly
70 percent of Colorado's registered sanitarians are employees of state and local health agencies. The board of registration is established by statute as a part of the Division of Administration of the Department of Health. The board consists of five members, one of whom is appointed by the State Board of Health to serve as an ex officio member of the board. The remaining four members of the board are appointed by the Governor.

The board's activities include conducting semi-annual examinations for individuals interested in being registered in Colorado and entitled to the designation of "registered professional sanitary". The board is also authorized to suspend or revoke a certificate of registration. The annual budget for the board's operation is approximately $2,500.

The committee recommends that the Board of Registration for Professional Sanitarians be transferred from the Division of Administration within the Department of Health to the Division of Registrations within the Department of Regulatory Agencies. The transfer conforms to the Governor's desire to realign executive agency activities along functional lines, since the move would place the board in a division presently housing 30 other licensure boards. The transfer may also lead to a more efficient and economical administration of the examination and registration procedure for professional sanitarians.

Abolishment of the Mining Industrial Development Board - Bill 43

The Mining Industrial Development Board was established in 1969 to encourage the development of the mining industry in Colorado by giving advice and counsel to the Governor, to the executive director of the Department of Natural Resources, and to other state agencies concerned with the mining industry. The board is also authorized to investigate various aspects of the mining industry, to recommend to the executive director of the Department of Natural Resources the employment of personnel or agencies in the conduct of the board's activities, and to expend funds remaining in the mining industrial development board fund.*

*Section 92-34-6, C.R.S. 1963 (1969 Supp.), provide that the mining industrial development board fund shall be abolished no later than July 1, 1974. The committee is advised that the remaining balance in the fund at the close of fiscal year 1973 ($18,261.06) was transferred to the general fund at that time.
The board is composed of 13 members. The executive director of the Department of Natural Resources serves as an ex officio member of the board. The remaining 12 members of the board are appointed by the Governor. Each of these members must be engaged in either the mining industry or in the business of providing professional services to the industry.

The executive director of the Department of Natural Resources has recommended the abolishment of the Mining Industrial Development Board. The director reports that the present board has been inactive, holding only one or two meetings each year since 1969. The director suggests that groups can be formed on a temporary basis to accomplish the objectives presently detailed by statute for the board. The committee concurs with the executive director and recommends legislation abolishing the board.

Abolishment of the Advisory Council to the State Board of Practical Nursing - Bill 44

The advisory council to the State Board of Practical Nursing was established by statute in 1957. It was directed by law to advise the board on general policy, including rules and regulations for the accreditation of schools offering practical nursing educational programs, and requirements for licensure of practical nurses. Appointments to the council are made by the Governor from a list of recommendations submitted by the Practical Nurses' Association of Colorado. The council is composed of 11 members representing various health practices and health education professions.

The executive director of the Department of Regulatory Agencies recommended to the Committee on Organization of State Government and the Board of Practical Nursing that the advisory council be abolished. The nursing board concurred with such a recommendation, and noted that the advisory council has been relatively inactive for several years. Several vacancies on the council have not been filled by the Governor to date. The board suggests that, when necessary, ad hoc groups can serve the same purpose as the advisory council in offering assistance to the board on specific issues.

Based on the recommendations of the Board of Practical Nursing and of the executive director of the Department of Regulatory Agencies, and on the desire of the committee to abolish unnecessary boards and commissions, the committee recommends legislation repealing the present statute authorizing an advisory council for the Board of Practical Nursing.
COMMITTEE ON ORGANIZATION
OF STATE GOVERNMENT

BILL 39

A BILL FOR AN ACT

CONCERNING THE PROCESS OF PLANNING, PROGRAMMING, AND BUDGETING,
AND PROVIDING FOR THE CREATION OF AN OFFICE OF BUDGETING AND
GOVERNMENTAL PLANNING, AND MAKING AN APPROPRIATION THEREFOR.

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

SECTION 1. 3-28-5 (1) and (2), Colorado Revised Statutes
1963, as amended, are amended to read:

3-28-5. Types of transfers. (1) Under this article, a
type 1 transfer means the transferring intact of an existing
department, institution, or other agency, or part thereof, to a
principal department established by this article. When any
department, institution, or other agency, or part thereof, is
transferred to a principal department under a type 1 transfer,
that department, institution, or other agency, or part thereof,
shall be administered under the direction and supervision of that
principal department, but shall exercise its prescribed statutory
powers, duties, and functions, including rule-making, regulation,
licensing, and registration, and the promulgation of rules,
rates, regulations, and standards, and the rendering of findings,
orders, and adjudications independently of the head of the
principal department. Under a type 1 transfer, any powers,
duties, and functions not specifically vested by statute in the

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agency being transferred, including, but not limited to, all budgeting, purchasing, PLANNING, and related management functions of any transferred department, institution, or other agency, or part thereof, shall be performed under the direction and supervision of the head of the principal department.

(2) Under this article, a type 2 transfer means the transferring of all or part of an existing department, institution, or other agency to a principal department established by this article. When all or part of any department, institution, or other agency is transferred to a principal department under a type 2 transfer, its statutory authority, powers, duties, and functions, records, personnel, property, unexpended balances of appropriations, allocations, or other funds, including the functions of budgeting, and purchasing, AND PLANNING, are transferred to the principal department.

SECTION 2. 3-28-10 (1), Colorado Revised Statutes 1963, as amended, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:


SECTION 3. Article 28 of chapter 3, Colorado Revised Statutes 1963, as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

3-28-36. Office of budgeting and governmental planning - creation. (1) There is hereby created as one of the principal departments of state government an office of budgeting and governmental planning, the head of which shall be the executive director of the office of budgeting and governmental planning,
who shall be appointed by the governor, with the consent of the
senate, and who shall serve at the pleasure of the governor.

2 (2) (a) The office of budgeting and governmental planning
shall consist of the following divisions:

(b) The division of executive budgeting, the head of which
shall be the budget director. The executive budget office and
the office of budget director and their powers, duties, and
functions, are transferred by a type 2 transfer to the office of
budgeting and governmental planning as the division of executive
budgeting.

(c) The division of long-range governmental planning, the
head of which shall be the director of the division of long-range
governmental planning. The division of long-range governmental
planning and the office of director thereof, created by article
39 of this chapter, and their powers, duties, and functions, are
transferred by a type 2 transfer to the office of budgeting and
governmental planning as a division thereof.

SECTION 4. Article 31 of chapter 3, Colorado Revised
Statutes 1963, as amended, is REPEALED AND REENACTED, WITH
AMENDMENTS, to read:

ARTICLE 31

Division of Executive Budgeting

3-31-101. Division of executive budgeting - creation.
There is hereby created, as a division within the office of
budgeting and governmental planning, the division of executive
budgeting, to prepare and administer the executive budget. The
head of the division of executive budgeting shall be known as the
budget director. The executive director of the office of

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budgeting and governmental planning shall appoint the budget
director, and the budget director shall appoint the necessary
staff of the division of executive budgeting in accordance with
the provisions of section 13 of article XII of the state
constitution.

3-31-102. Responsibilities of the division. (1) The
division of executive budgeting shall annually evaluate the
short-range plans, policies, and programs, and the budget
requests of all departments, institutions, and agencies of the
executive branch of state government. It shall develop a
financial plan encompassing all sources of revenue and
expenditure. It shall propose this plan for the budget,
consisting of operating expenditures, capital construction
expenditures, estimated revenues, and special surveys. Proposed
expenditures in the budget shall not exceed estimated moneys
available. After legislative review and modification, if any, of
the budget and appropriation of the moneys therefor, the division
of executive budgeting shall administer the budget.

(2) The division of executive budgeting shall utilize the
recommendations of the state governmental needs documents
prepared by the division of long-range governmental planning, as
provided in section 3-39-107, in its analysis of the short-range
plans, policies, and programs and of the budget requests of
departments, institutions, or agencies of the executive branch of
state government and in its approval, modification, or rejection
of the budget requests of such departments, institutions, or
agencies.
3-31-103. Responsibilities of the budget director. (1) The budget director shall assist the executive director of the office of budgeting and governmental planning and the governor in their responsibilities pertaining to the executive budget. Specifically, he shall:

(a) Design and prepare, in coordination with the joint budget committee of the general assembly, the forms and instructions to be used in preparation of all budget requests except those pertaining to higher education;

(b) Review and approve the forms and instructions for higher education budget requests which are prescribed by the commission on higher education;

(c) Make recommendations to the governor on appointees to the governor's revenue estimating advisory group; preside over meetings of and provide the staff for that group; and, with the advice of the group, develop and prepare the annual general revenue fund estimate;

(d) Conduct annual executive budget hearings on the short-range plans, programs, and policies and on the budget requests of all state agencies in the executive department;

(e) Develop recommendations for the governor in his formulation of budget proposals to the general assembly;

(f) Prepare for the governor the annual executive budget
proposals to the general assembly, together with the proposed legislative bills embodying such proposals;

(g) Design, develop, and present briefings to the joint budget committee and the members of the general assembly, the general public, and other interested parties on the annual executive budget proposals;

(h) Make available to the governor-elect, if there is a governor-elect who is not the governor, complete details about the budget and the information upon which it is based;

(i) Fulfill the executive department responsibilities on legislative fiscal notes as required under any rule of the general assembly;

(j) Review and approve for the governor all transfers between appropriations and all work programs recommended by the controller;

(k) Act as a member of and provide the staff for the governor's capital construction committee and such other committees as the governor may designate;

(l) Develop procedures governing the submission of state agency requests to nonstate agencies for funds to be used for state purposes and problems; review all such requests requiring the commitment of expenditures of state funds; and advise the joint budget committee of the general assembly, prior to submission for approval, of any such requests committing the state to a program which has not theretofore had the approval of the general assembly;

(m) Act as a member of the Colorado claims commission, with
duties as prescribed in article 10 of chapter 130, C.R.S. 1963;

(n) Continually review, on a short-range basis, the
effectiveness and efficiency of the plans, policies, and programs
of state agencies; recommend, on a short-range basis, revisions
to these plans, policies, and programs; and propose, on a
short-range basis, alternative methods for accomplishing the
objectives of these plans, policies, and programs;

(o) Provide program information to the division of
long-range governmental planning, as provided in section 3-39-106
(1); and

(p) Carry out such other functions and duties as directed
by the executive director of the office of budgeting and
governmental planning.

(2) The budget director shall have such authority as is
necessary to discharge the responsibilities set forth in
subsection (1) of this section, including but not limited to the
publication of administrative regulations and the acceptance of
gifts and grants.

3-31-104. Transfer of employees and property. (1) The
officers and employees of the executive budget office under the
department of administration shall be transferred with such
office and shall retain all rights to the state personnel system
and retirement benefits under the laws of the state, and their
services shall be deemed to have been continuous. All transfers
of personnel in the state personnel system shall be made and
processed in accordance with the state personnel system laws and
rules and regulations.
(2) All property, including office furniture and fixtures, books, documents, and records, which were principally used in the executive budget office under the department of administration in the performance of budgeting functions and duties shall become the property of the division of executive budgeting within the office of budgeting and governmental planning.

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

ARTICLE 38
Office of Budgeting and Governmental Planning

3-38-101. Legislative declaration. The purpose of this article and the intent of the general assembly in enacting it are to provide for the integration of the planning, programming, and budgeting functions of the executive department into a cohesive, unified system and to make the system responsive to the policy-making requirements of the governor and the general assembly. The general assembly declares that these objectives can best be accomplished by the creation of an office of budgeting and governmental planning and its divisions, the division of executive budgeting and the division of long-range governmental planning.

3-38-102. Office of budgeting and governmental planning - creation. (1) There is hereby created an office of budgeting and governmental planning, the head of which shall be the executive director of the office of budgeting and governmental planning who shall be appointed by the governor, with the consent of the senate, and who shall serve at the pleasure of the
The office of budgeting and governmental planning shall consist of the following divisions:

(a) The division of executive budgeting, the head of which shall be the budget director. The executive budget office and the office of the budget director and their powers, duties, and functions are transferred by a type 2 transfer to the office of budgeting and governmental planning as the division of executive budgeting.

(b) The division of long-range governmental planning, the head of which shall be the director of the division of long-range planning. The division of long-range governmental planning and the office of director thereof, created by article 39 of this chapter, and their powers, duties, and functions are transferred by a type 2 transfer to the office of budgeting and governmental planning as a division thereof.

3-38-103. Executive director - duties. (1) There is hereby created the office of the executive director of the office of budgeting and governmental planning. The executive director shall:

(a) Develop the annual executive planning, programming, and budgeting cycle, consistent with the provisions of this article and articles 31 and 39 of this chapter;

(b) Develop, in coordination with the Colorado commission on higher education, for state-supported institutions of higher education, the annual executive budget timetable;

(c) Develop long-range fiscal plans for both operating and
capital construction budgets and for the state revenue structure;

(d) Develop a series of broad program categories for use by the divisions of the office in their planning, programming, and budgeting activities;

(e) Designate the extent to which the internal organization of the divisions of the office shall conform to the broad program categories developed as provided in paragraph (d) of this subsection (1);

(f) Designate the extent to which the division of executive budgeting shall participate in the planning activities of the division of long-range governmental planning, as provided in section 3-31-102 (3);

(g) Designate the extent to which the division of long-range governmental planning shall participate in the programming and budgeting activities of the division of executive budgeting, as provided in section 3-39-103 (1) (h).

3-38-104. Governor has final authority. The final authority and decision in all matters relating to the planning, programming, and budgeting activities of the office is hereby vested in the governor.

SECTION 6. Chapter 3, Colorado Revised Statutes 1963, as amended, is amended by the addition of a new article to read:

ARTICLE 39

Division of Long-Range Governmental Planning

3-39-101. Division of long-range governmental planning creation. There is hereby created, as a division within the office of budgeting and governmental planning, the division of
long-range governmental planning. The executive director of the office of budgeting and governmental planning shall appoint the director of the division, and the director shall appoint the necessary staff of the division, in accordance with the provisions of section 13 of article XII of the state constitution.

3-39-102. Definitions. As used in this article, unless the context otherwise requires:

(1) "Director" means the director of the division of long-range governmental planning.

(2) "Division" means the division of long-range governmental planning.

(3) "Executive agency" means any department, institution, or agency of the executive branch of state government.

(4) "Nonstate agency" means any department, institution, or agency of the federal government, of a local, county, regional, or special district government, or of a private or quasi-public entity.

(5) "State agency" means any department, institution, or agency of state government.

3-39-103. Duties of the division. (1) The division shall:

(a) Develop, or locate and maintain, or maintain access to data as provided in section 3-39-104;

(b) Make projections from data as provided in section 3-39-105;

(c) Catalog state governmental programs as provided in section 3-39-106;
(d) Make projections of state governmental needs and prepare state governmental needs documents as provided in section 3-39-107;

(e) Stimulate, encourage, and assist state agencies to engage in long- and short-range planning in their respective areas of responsibility;

(f) Review and coordinate the planning efforts of state agencies;

(g) Furnish state agencies with data, projections, and other technical assistance needed to discharge their planning responsibilities and coordinate the exchange of relevant reports, data, and projections among state agencies; and

(h) Participate in the programming and budgeting activities of the division of executive budgeting as directed by the executive director of the office of budgeting and governmental planning.

3-39-104. Development and maintenance of data. (1) The division shall locate or develop and shall maintain or maintain access to data relating to such subjects as are determined by the director to be necessary for the planning functions of the division. The division shall also prepare an index or indexes to such data.

(2) The division shall exercise care so as not to duplicate the development or maintenance of data by other state agencies and by nonstate agencies, and it shall utilize such data to the maximum extent possible.

(3) (a) Upon request of the director, executive agencies
shall provide data developed and maintained by such agencies to
the division.

(b) The division shall cooperate with nonstate agencies and
with state agencies outside the executive branch for the
provision of data developed and maintained by such agencies to
the division.

(4) Before the division accepts data developed or maintained
by another agency, it shall examine the validity of that data,
including the methodology used to develop the data.

(5) (a) If the division finds the validity of the data of
another agency to be adequate according to the standards of the
division, it shall accept the data.

(b) If the division finds the validity of the data of a
nonstate agency or of a state agency outside the executive branch
to be inadequate according to the standards of the division, it
shall develop and maintain the required data on an independent
basis.

(c) If the division finds the validity of the data of an
executive agency to be inadequate according to the standards of
the division, it shall develop and maintain the required data on
an independent basis and shall recommend to the executive
director of the office of budgeting and governmental planning
that a recommendation be made to the governor requiring the
executive agency involved to reorient, redesign, or otherwise
modify its data-developing methodology to meet the standards of
the division.

(6) The division shall analyze the interrelationships
between the various categories of data which are maintained by the division or to which the division maintains access.

3-39-105. Projections from data. (1) The division shall make projections into the future from the data which it maintains or to which it maintains access. Such projections shall be made for such time periods as are determined to be appropriate by the director and by the executive director of the office of budgeting and governmental planning.

(2) The division shall exercise care so as not to duplicate the projections from data of state agencies and nonstate agencies and shall utilize such projections to the maximum extent possible.

(3) The division shall examine, accept, or reject projections from data of other agencies in the manner set forth in sections 3-39-104 (2) to (5). It shall recommend the modification of projection methodologies in the manner set forth in section 3-39-104 (5) (c).

(4) The division shall analyze the interrelationships between the various projections from data developed or accepted by the division.

3-39-106. Catalog of state governmental programs. (1) The division shall maintain a "catalog of state governmental programs", based on program information provided by the division of executive budgeting as provided in section 3-31-103 (1) (o), which shall list and describe, in a comprehensive manner, the programs of state agencies or groups of state agencies, including both statutorily-mandated and administratively-initiated programs.
programs.

(2) The catalog of state governmental programs shall be organized according to the broad program categories developed by the executive director of the office of budgeting and governmental planning as provided in section 3-38-103 (1) (d).

(3) The catalog of state governmental programs shall be cross-referenced to allow the division to retrieve from it a listing of the programs of any individual state agency.

(4) Whenever a program of a nonstate agency has or may have a significant relationship to any of the programs included within the catalog of state governmental programs, the division shall include this program within the catalog.

(5) The division shall analyze the interrelationships between the various programs included within the catalog and shall advise the division of executive budgeting of the results of this analysis.

3-39-107. *Projections of state governmental needs - state governmental needs documents.* (1) On the basis of the projections from data developed or accepted by the division as provided in section 3-39-105, the division shall make projections of state governmental needs. Such projections shall be made for such time periods as are determined to be appropriate by the director and by the executive director of the office of budgeting and governmental planning.

(2) The division shall analyze the interrelationships between the various projections of state governmental needs developed as provided in subsection (1) of this section.
(3) On the basis of the projections of state governmental needs developed by the division as provided in subsection (1) of this section, the division shall, from time to time as determined to be appropriate by the director and by the executive director of the office of budgeting and governmental planning, prepare state governmental needs documents. These documents shall contain recommendations for the creation, modification, or abolition of state governmental programs.

(4) If a program of any department, institution, or agency of state government is affected by the recommendations of a state governmental needs document, the division shall forward that document to the affected department, institution, or agency. In any case, the division shall forward the document to the head of each principal department in which an affected institution or agency is located. The head of each department, institution, or agency to which a document is forwarded shall return the document to the executive director of the office of budgeting and governmental planning along with his written comments concerning the recommendations of the document. If the head of any such department, institution, or agency does not return the document to the executive director of the office of budgeting and governmental planning within thirty days, he shall be deemed to have given his approval to the document.

(5) After the return of the document, the executive director of the office of budgeting and governmental planning may make such modifications to the document as he deems appropriate in light of the comments made by the heads of affected departments,
institutions, and agencies. He shall then return the document to
the division, which shall publish the document in accordance with
fiscal rules promulgated by the controller pursuant to the
provisions of section 3-3-17.

(6) As provided in section 3-31-102 (2), the division of
executive budgeting shall utilize the recommendations of the
state governmental needs documents published by the division of
long-range governmental planning, as provided in subsection (5)
of this section, in its analysis of the short-range plans,
policies, and programs and of the budget requests of departments,
institutions, or agencies of the executive branch of state
government and in its approval, modification, or rejection of the
budget requests of such departments, institutions, or agencies.

3-39-108. Updating of data and projections. The division
shall update or ensure the updating, on a continuing basis, of
the data it maintains or to which it maintains access, of the
projections it makes from data, of the catalog of state
governmental programs, and of projections of state governmental
needs.

The data which the division maintains or to which it maintains
access, the projections from data made by the division, the
catalog of state governmental programs, projections of state
governmental needs, and state governmental needs documents shall
at all stages of development be available to members of the
public, to members of the general assembly, and to state and
nonstate agencies.
SECTION 7. 3-28-25 (2) (h), Colorado Revised Statutes 1963 (1971 Supp.), is amended to read:

3-28-25. Department of local affairs - creation. (2) (h) Division of LOCAL planning ASSISTANCE, the head of which shall be the director of the division of LOCAL planning ASSISTANCE. The division of LOCAL planning ASSISTANCE and the office of THE director thereof, created by article 3 of chapter 106, C.R.S. 1963, and their powers, duties, and functions, are transferred by a type 2 transfer to the department of local affairs as a division thereof.

SECTION 8. 106-3-1, Colorado Revised Statutes 1963 (1971 Supp.), is amended to read:

106-3-1. Purpose of article. The purpose of this article and the intent of the general assembly in enacting this article is ARE to provide for planning-which-is-essential-to-the-orderly growth-and-development-of-the-state-to-promote-the-general welfare-of-the-citizens-and-to-effectuate-a-balanced-program-for the-employment-of-natural-and-other-resources-of-the-state-to prepare-planning-for-meeting-problems-in-the-areas-of-highways, air-and-water-pollution,-water-supplies,-sewage,-disposal, recreation,-urban-and-nonurban-growth,-transportation,-education, industrial-and-commercial-development,-and-related-matters; and to-secure,-through-planning,-the-economical-and-efficient expenditures-of-the-state's-revenue, ASSISTANCE TO REGIONAL, COUNTY, AND LOCAL PLANNING AGENCIES. The general assembly further declares that such planning PURPOSE can best be accomplished by the creation of a division of LOCAL planning
ASSISTANCE as provided in this article.

SECTION 9. 106-3-2, Colorado Revised Statutes 1963 (1971 Supp.), is amended to read:

106-3-2. Division of local planning assistance - creation.

(1) There is hereby created within the department of local affairs a division of LOCAL planning ASSISTANCE, the head of which shall be the director of the division of LOCAL planning ASSISTANCE, which office is hereby created. The director shall be appointed by the executive director of the department of local affairs, referred to in this article as the "executive director", subject to the provisions of section 13 of article XII of the state constitution, and such director shall be qualified by training or experience in planning and capital programming. The director shall appoint the necessary staff of his division in accordance with the provisions of section 13 of article XII of the state constitution.

(2) The division of LOCAL planning ASSISTANCE and the office of the director thereof shall exercise their powers and perform their duties and functions specified by this article under the department of local affairs and the executive director thereof as if the same were transferred to the department by a type 2 transfer, as such transfer is defined in the "Administrative Organization Act of 1968", article 28 of chapter 3, C.R.S. 1963.

(3) (a) The director of the division of LOCAL planning ASSISTANCE shall:

(b) Exchange reports and data which relate to state LOCAL planning with other departments, institutions, and agencies of
the state and, on a mutually agreed basis, with towns, cities, cities and counties, and counties and WITH other local agencies and instrumentalities;

(c) Attend-and Participate in meetings of county, municipal, or regional planning bodies interstate-agencies, and other planning conferences;

(d) Advise the governor and the general assembly on all matters of statewide LOCAL planning; and consult with other offices of state government with respect to matters of LOCAL planning affecting the duties of their offices; AND recommend to the governor and the general assembly any proposals for legislation affecting local OR regional er-state planning; and

(e) Exercise all other powers necessary and proper for the discharge of his duties and to carry out the intent of this article, including the coordination of the provisions of article 2 of this chapter.

SECTION 10. 106-3-3 (1) (a), (c), (g), (h), (i), and (j), Colorado Revised Statutes 1963 (1971 Supp.), are amended, and the said 106-3-3 (1) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

106-3-3. Duties of the division of local planning assistance. (1) (a) The division of LOCAL planning ASSISTANCE shall:

(c) Stimulate and assist the planning activities of other departments, institutions, and agencies, and of regional, county, and municipal planning authorities and harmonize its planning activities with theirs;
(g) Provide information to and cooperate with the general assembly or its committees concerned with studies relevant to state LOCAL planning;

(h) Prepare and, from time to time, revise an inventory, in collaboration with the appropriate state and federal agencies, of the public and private natural resources, of major public and private works, and of other facilities and information which are deemed of importance in LOCAL planning; for-the-development-of the-state;

(i) Advise and supply available information to civic groups and other organizations that concern themselves with state-or local planning problems and community development;

(j) Provide information to the citizens of Colorado and to officials of state departments and local agencies to foster an awareness and an understanding of the functions of state, regional and local planning;

(m) Provide information concerning local planning efforts to the division of long-range governmental planning, created by article 39 of chapter 3, C.R.S. 1963, to the end that such local planning efforts shall be considered in the planning activities of that division.

SECTION 11. 106-3-4, Colorado Revised Statutes 1963 (1971 Supp.), is amended to read:


(1) The division of LOCAL planning ASSISTANCE is hereby designated as the primary state agency of demographic information. Said office shall prepare, maintain, and interpret
such population statistics, estimates, and projections as the
director of the division of LOCAL planning ASSISTANCE shall
direct, including distributions of the state's population by
significant groupings, such as school and college age
populations, political subdivision populations, and racial and
ethnic populations.

(2) Other agencies of the state government may prepare and
maintain any such information but only as authorized by the
director of the division of LOCAL planning ASSISTANCE AND EXCEPT
AS PROVIDED IN SECTIONS 3-39-104 (5) (c) AND 3-39-105, C.R.S.
1963.

(3) The division of LOCAL planning ASSISTANCE shall
cooperate with and give assistance to other agencies and
organizations, both public and private, in the preparation,
maintenance, and interpretation of demographic information.

(4) The director of the division of LOCAL planning
ASSISTANCE shall annually invite other agencies and
organizations, both public and private, that engage in
demographic studies to review the basic demographic assumptions
and premises of the division of LOCAL planning ASSISTANCE to the
end that its statistics, estimates, and projections will be as
accurate as possible.

SECTION 12. 106-3-5, Colorado Revised Statutes 1963 (1971
Supp.), is amended to read:

106-3-5. Assistance to local planning agencies. The
division of LOCAL planning ASSISTANCE may upon request render
financial or other planning assistance to county, municipal, or
regional planning agencies or commissions in accordance with federal programs or state statutes as may from time to time be in effect.

SECTION 13. 106-3-6, Colorado Revised Statutes 1963 (1971 Supp.), is amended to read:

106-3-6. Executive director - final authority. The final authority and decision in all matters of state LOCAL planning ASSISTANCE under this article are hereby vested in the executive director.

SECTION 14. 106-3-7 (3), Colorado Revised Statutes 1963 (1971 Supp.), is amended to read:

106-3-7. Transfer of employees and property - reference in contracts, documents. (3) Whenever the state planning office is referred to or designated by any contract or other document in connection with the duties and functions hereby transferred, such reference or designation shall be deemed to apply to the division of LOCAL planning ASSISTANCE. All contracts entered into by the state planning office prior to July 1, 1971, in connection with the duties and functions transferred to the division of LOCAL planning ASSISTANCE by this article are hereby validated, with the division of LOCAL planning ASSISTANCE succeeding to all the rights and obligations of such contracts. Any appropriation of funds from prior fiscal years open to satisfy obligations incurred under such contracts are hereby transferred and appropriated to the division of LOCAL planning ASSISTANCE for the payment of such obligations.

SECTION 15. Repeal. 3-28-16 (2) (h), 106-3-3 (1) (d) and
(f), 106-3-7 (1) and (2), and 106-3-8, Colorado Revised Statutes 1963 (1971 Supp.), are repealed.

SECTION 16. Appropriation. There is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to the office of budgeting and governmental planning, for the fiscal year beginning July 1, 1974, the sum of three hundred ninety-two thousand seven hundred forty-three dollars ($392,743), or so much thereof as may be necessary, for the implementation of the provisions of this act concerning the office of the executive director of the office of budgeting and governmental planning and the division of long-range governmental planning.

SECTION 17. Effective date. This act shall take effect July 1, 1974.

SECTION 18. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.
COMMITTEE ON ORGANIZATION
OF STATE GOVERNMENT

BILL 40

A BILL FOR AN ACT

CONCERNING THE CREATION OF A DIVISION OF HIGHWAY SAFETY.

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

SECTION 1. 3-28-26 (3), Colorado Revised Statutes 1963, as amended, is amended by the addition of a new paragraph to read:

3-28-26. State department of highways - creation. (3) (d) The division of highway safety, the head of which shall be the director of the division of highway safety. The division of highway safety and the office of director thereof, created by article 38 of this chapter, and their powers, duties, and functions, are transferred by a type 2 transfer to the state department of highways as a division thereof.

SECTION 2. Chapter 3, Colorado Revised Statutes 1963, as amended, is amended by the addition of a new article to read:

ARTICLE 38
Division of Highway Safety

3-38-1. Division created - director. (1) There is hereby created within the state department of highways a division of highway safety, the head of which shall be the director of the division of highway safety, which office is hereby created. The director shall be appointed by the executive director of the state department of highways in accordance with the provisions of
section 13 of article XII of the state constitution. The
director of the division of highway safety shall appoint the
necessary staff of his division in accordance with the provisions
of section 13 of article XII of the state constitution.

(2) The division of highway safety and the office of the
director thereof shall exercise their powers and perform their
duties and functions, specified by this article under the state
department of highways and the executive director thereof, as if
the same were transferred to the department by a type 2 transfer,
as such transfer is defined in the "Administrative Organization
Act of 1968", being article 28 of this chapter.

3-38-2. Advisory committee. There is hereby created within
the division of highway safety an advisory committee to advise
and consult with the director of the division of highway safety.
The advisory committee shall be composed of twelve citizens of
the state appointed as follows: In each second year, the
executive director of the state department of highways shall
appoint four members for terms beginning January 31 of said year
and expiring on January 30 of the sixth year thereafter. Any
vacancy on the advisory committee shall be filled by the
executive director of the state department of highways by the
appointment of a qualified person for the unexpired term. Each
committee shall elect its own officers, fix its times and places
of meetings, and determine its own procedure. The advisory
committee shall be composed of persons who are known to have an
interest in highway safety, and shall be representative of all
groups interested and active in the promotion of highway safety.
The members of the advisory committee, created by section 132-1-8, C.R.S. 1963, and existing on July 1, 1974, shall constitute the first advisory committee and shall serve the remainder of the terms for which originally appointed.

3-38-3. **Transfer.** Effective July 1, 1974, such officers and employees who were engaged prior to said date in the performance of the powers, duties, and functions of the coordinator of highway safety and the advisory council and who, in the opinion of the executive director shall be necessary to perform the powers, duties, and functions of the division of highway safety, shall become officers and employees of the division of highway safety and shall retain all their rights to civil service and retirement benefits under the laws of the state, and their service shall be deemed to have been continuous.

The division of highway safety shall succeed to all property and records which were used for, or pertain to, the performance of the powers, duties, and functions of the coordinator of highway safety. All appropriations made to the office of the coordinator of highway safety for the fiscal year beginning July 1, 1974, or remaining to the credit thereof and not revertible by law to the general fund on July 1, 1974, shall be transferred to the division of highway safety.


SECTION 4. **Effective date.** This act shall take effect July 1, 1974.

SECTION 5. **Safety clause.** The general assembly hereby
finds, determines, and declares that this act is necessary for
the immediate preservation of the public peace, health, and
safety.
COMMITTEE ON ORGANIZATION
OF STATE GOVERNMENT

BILL 41

A BILL FOR AN ACT

CONCERNING THE TRANSFER OF THE COLORADO 1976
CENTENNIAL-BICENTENNIAL COMMISSION TO THE DEPARTMENT OF
LOCAL AFFAIRS.

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

SECTION 1. 3-28-25, Colorado Revised Statutes 1963, as
amended, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

3-28-25. Department of local affairs - creation. (4) The
Colorado 1976 centennial-bicentennial commission, created by
article 13 of chapter 131, C.R.S. 1963, shall constitute a part
of the department of local affairs, and said commission is
transferred by a type 2 transfer to the department of local
affairs.

SECTION 2. 131-13-2 (1), Colorado Revised Statutes 1963
(1971 Supp.), is amended, and the said 131-13-2 is further
amended BY THE ADDITION OF A NEW SUBSECTION, to read:

131-13-2. Commission created. (1) A state commission to
be known as the Colorado 1976 centennial-bicentennial commission
is hereby created AS A PART OF THE DEPARTMENT OF LOCAL AFFAIRS in
order to provide for appropriate observances, ceremonies, and
other activities to commemorate the one-hundredth anniversary of
Colorado statehood and the two-hundredth anniversary of American
independence.

(4) The commission shall exercise its powers and perform its duties and functions specified by this article under the department of local affairs as if it were transferred to said department by a type 2 transfer, as such transfer is defined in the "Administrative Organization Act of 1968", being article 28 of chapter 3, C.R.S. 1963.

SECTION 3. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.
COMMITTEE ON ORGANIZATION
OF STATE GOVERNMENT

BILL 42

A BILL FOR AN ACT

CONCERNING THE TRANSFER OF THE BOARD OF REGISTRATION FOR
PROFESSIONAL SANITARIANS FROM THE DEPARTMENT OF HEALTH TO
THE DEPARTMENT OF REGULATORY AGENCIES.

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

SECTION 1. 3-28-22, Colorado Revised Statutes 1963, as
amended, is amended by the addition of a new subsection to read:

3-28-22. Department of regulatory agencies - creation. (4)
The board of registration for professional sanitarians, created
by article 14 of chapter 66, C.R.S. 1963, and its powers, duties,
and functions, are transferred by a type 2 transfer to the
department of regulatory agencies and allocated to the division
of registrations.

SECTION 2. 66-14-1, Colorado Revised Statutes 1963, is
amended to read:

66-14-1. Board created. There is hereby created in the
division of administration registrations of the state department
of public health regulatory agencies a board to register
professional sanitarians whose duties in public health and
environmental sanitation require knowledge of physical,
biological, and sanitary sciences and whose vocational pursuits
are necessary to safeguard life, health, and property.

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SECTION 3. 66-14-7, Colorado Revised Statutes 1963, is amended to read:

66-14-7. **Administration.** Sections 66-14-1 to 66-14-14 shall be administered by the division of **administration** REGISTRATIONS of the state department of **public health** REGULATORY AGENCIES within the policies established by THE BOARD AND BY general law. **by-the-state-board-of-health:** The division of administration--and-the-state-board-of-health REGISTRATIONS shall take all necessary action to implement the provisions of sections 66-14-1 to 66-14-14 and the creation of the board. The division of administration REGISTRATIONS shall, upon recommendation of the board, employ or assign such personnel as may be necessary for the board to carry out the provisions of sections 66-14-1 to 66-14-14. Application--fees--and-costs-received-from-applicants for-registration-shall-be-utilized--to--defray--the--expenses--of administering--sections--66-14-1--to-66-14-14-insofar-as-the-same are-sufficient-for-such-purposes;--as-provided-by-law;

SECTION 4. 66-14-8 (2), (3), and (4), Colorado Revised Statutes 1963, are amended to read:

66-14-8. **Board organization.** (2) The board shall adopt a seal to authenticate all certificates of registration issued hereunder UNDER THIS ARTICLE and other instruments requiring a seal and THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REGULATORY AGENCIES, UPON RECOMMENDATION OF THE BOARD, SHALL adopt rules and regulations relating to its procedures not inconsistent with the provisions of sections 66-14-1 to 66-14-14.

(3) The office of the board shall be furnished by the division
of administration REGISTRATIONS of the state department of public health, REGULATORY AGENCIES.

(4) The board shall carry out the provisions of sections 66-14-1 to 66-14-14 relating to and concerning the registration of applicants and the issuance of certificates of registration. The board shall make an annual report to the division of administration of the state department of public health in the calendar month designated by the division. All records of the board shall be public records.

SECTION 5. 66-14-12, Colorado Revised Statutes 1963, is amended to read:

66-14-12. Reciprocity. Agreements for reciprocity with those states having a registered sanitarian's act may be entered into by the board under such rules and regulations as the EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REGULATORY AGENCIES, UPON RECOMMENDATION OF the board, may prescribe.

SECTION 6. Article 14 of chapter 66, Colorado Revised Statutes 1963, as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

66-14-15. Transfer of employees and property. (1) The employees of the division of administration in the department of health whose duties are primarily concerned with the operations of the board of registration for professional sanitarians shall be transferred, effective July 1, 1974, to the division of registrations in the department of regulatory agencies, and they shall retain all rights to the state personnel system and retirement benefits under the laws of the state. Their services
shall be deemed to have been continuous. All transfers of personnel in the state personnel system shall be made and processed in accordance with the state personnel system laws and rules and regulations.

(2) Effective July 1, 1974, all property, including office furniture and fixtures, books, documents, and records, which were principally used in the operations of the board of registration for professional sanitarians in the division of administration in the department of health shall be transferred to and become the property of the division of registrations in the department of regulatory agencies.


SECTION 8. Effective date. This act shall take effect July 1, 1974.

SECTION 9. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.
COMMITTEE ON ORGANIZATION
OF STATE GOVERNMENT

BILL 43

A BILL FOR AN ACT

REPEALING 3-28-24 (3) (f) (iv) AND ARTICLE 34 OF CHAPTER 92,
COLORADO REVISED STATUTES 1963, AS AMENDED, RELATING TO THE
MINING INDUSTRIAL DEVELOPMENT BOARD.

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

SECTION 1. Repeal. 3-28-24 (3) (f) (iv) and article 34
of chapter 92, Colorado Revised Statutes 1963 (1969 Supp.), are
repealed.

SECTION 2. Effective date. This act shall take effect
July 1, 1974.

SECTION 3. Safety clause. The general assembly hereby
finds, determines, and declares that this act is necessary for
the immediate preservation of the public peace, health, and
safety.
COMMITTEE ON ORGANIZATION
OF STATE GOVERNMENT

BILL 44

A BILL FOR AN ACT

REPEALING 97-4-10, COLORADO REVISED STATUTES 1963, AS AMENDED,
RELATING TO THE PRACTICAL NURSING ADVISORY COUNCIL.

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

SECTION 1. Repeal. 97-4-10, Colorado Revised Statutes 1963
(1967 Supp.), is repealed.

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

Members of the Committee

Rep. John Fehr, Chairman
Sen. Ted Strickland, Vice-Chairman
Sen. Fred Anderson
Sen. George Jackson
Sen. Ray Logovsek
Sen. Don MacManus
Sen. Joe Schieffelin

Council Staff

Dennis Jakubowski
Research Associate

Lisa Sucharetza
Legislative Assistant
INTERIM RECOMMENDATIONS
COMMITTEE ON LEGISLATIVE PROCEDURES

The report and recommendations of the Committee on Legislative Procedures is submitted with the view of improving and strengthening the procedures of the General Assembly. In order to accomplish these objectives, recommendations are submitted concerning:

(I) Improved efficiency and better use of legislative time;

(II) Revision of constitutional provisions pertaining to the legislative branch;

(III) Establishment of a citizens' commission to study the General Assembly; and

(IV) Other items to improve the overall procedures and operation of the General Assembly.

(I) Improved Efficiency and Better Use of Legislative Time

Since the establishment of the Committee on Legislative Procedures in 1966, there has been a concern as to how the General Assembly could more efficiently use its time during a legislative session. The committee's principal concern has been directed at finding feasible solutions to the problem of the General Assembly working at undercapacity for the first two-thirds of the session and then overtaxing itself in the closing weeks.

During the 1973 interim, the Procedures Committee again addressed itself to the problem of insuring an orderly flow of work during the entire session. The committee recommends the imposition of a series of deadlines throughout the session plus some additional refinements to existing procedures. With respect to the latter, the committee recommends modifications in the committee system, preparation of bill summaries, and increases in the size of the staff of the Legislative Drafting Office.
Series of Deadlines Throughout the Legislative Session — Resolutions 6 and 7

Members of the committee believe that the imposition of a series of deadlines will result in a less lengthy session and a more even distribution of workload to diminish the end-of-the-session logjam. Improving the quality of legislative work is one of the principal aims of the deadlines. Therefore, the committee emphasizes that the purpose of the recommendation on deadlines is not merely to shorten sessions.

Listed in the table below is the recommended series of deadlines for the odd-year and the even-year sessions contained in Resolution 6.

Recommended Series of Deadlines
Odd-Year and Even-Year Legislative Sessions

<table>
<thead>
<tr>
<th>First House</th>
<th>Odd-Year</th>
<th>Even-Year</th>
<th>Deadline</th>
</tr>
</thead>
<tbody>
<tr>
<td>30th day</td>
<td>15th day</td>
<td>30th day</td>
<td>Deadline for bill draft requests to Legislative Drafting Office.*</td>
</tr>
<tr>
<td>60th day</td>
<td>30th day</td>
<td>60th day</td>
<td>Deadline for the introduction of bills. All bills shall be introduced within ten days after delivery.*</td>
</tr>
<tr>
<td>75th day</td>
<td>none</td>
<td>none</td>
<td>Deadline for the introduction of late delivered bills. All bills shall be introduced within five days after delivery.*</td>
</tr>
<tr>
<td>85th day</td>
<td>45th day</td>
<td>85th day</td>
<td>Deadline for committees of reference to report bills originating in their own house.*</td>
</tr>
<tr>
<td>85th day</td>
<td>55th day</td>
<td>85th day</td>
<td>Deadline for the introduction of all appropriation bills.</td>
</tr>
<tr>
<td>95th day</td>
<td>55th day</td>
<td>95th day</td>
<td>Deadline for final passage of bills in the house of introduction.*</td>
</tr>
</tbody>
</table>

-202-
<table>
<thead>
<tr>
<th>Second House</th>
<th>Odd-Year</th>
<th>Even-Year</th>
<th>Deadline</th>
</tr>
</thead>
<tbody>
<tr>
<td>110th day</td>
<td>70th day</td>
<td></td>
<td>Deadline for committees of reference to report bills originating in the other house.*</td>
</tr>
<tr>
<td>120th day</td>
<td>80th day</td>
<td></td>
<td>Deadline for final passage of all bills originating in the other house.</td>
</tr>
</tbody>
</table>

*Appropriation bills are excluded from these deadlines.

According to the proposed deadline schedule, all bills should be passed by both houses by the one hundred twentieth legislative day in the odd-year session, and by the eightieth legislative day in the even-year session. The committee does not recommend deadlines for concurrence in second house amendments, conference committee reports, signing of bills, consideration of gubernatorial vetoes, or sine die; however, adherence to the schedule through final passage in the second house should provide for a more orderly consideration of these matters than has existed in past sessions.

Adherence to deadlines. In recommending the deadline schedule, the committee was aware of the need for a "safety valve" if an issue arises and adherence to any particular deadline becomes a problem. As a safety valve for the introduction of bills received late from the Drafting Office, the committee included a deadline for the introduction of late delivered bills, and, for specific problems, a committee on Delayed Bills is proposed for both houses to grant exceptions for a bill to any deadline. The committee in the House would consist of the Speaker and majority and minority leaders, and the committee in the Senate would consist of the President pro tempore and the majority and minority leaders. The committee believes that the leadership of both parties is in the best position to know which issues are of an emergency nature and therefore should be responsible for adherence to the deadline system.

Scheduled committee action for all measures. The committee recommends that within 10 days after assignment to committee, the chairman must schedule the measure for committee action on a date before the committee report deadline; however, there should be no more than 10 measures scheduled for any one meeting without the consent of the prime sponsor. This proposal is submitted as a separate joint resolution, Resolution 7.
Effective date. The committee recommends that the joint rule concerning the series of deadlines be effective beginning with the Fiftieth General Assembly convening in 1975, since it has not been traditional to change the rules in the middle of a biennium.

Refinements of the Present Legislative Committee System in Colorado -- Resolutions 8, 9, and 10

In recommending the series of deadlines, the committee recognized that some companion changes need to be made in committee procedure. Specifically, committees need to use available time more effectively if they are to meet their scheduled deadlines. The committee, therefore, recommends a new committee schedule based upon committee workloads. These refinements also include a parallel committee structure in the House and Senate.

Parallel committees in the House and the Senate. Before drafting a revised meeting schedule, the workloads themselves must be distributed as efficiently as possible among the various committees of reference. To achieve this, the Legislative Procedures Committee recommends that the House Committee on Business Affairs be consolidated with the Committee on Labor and Employment Relations and the Committee on Agriculture and Livestock be consolidated with the Committee on Natural Resources. Thus, there would be 11 parallel committees in both houses.

Committee meeting schedule based upon workload. The committee recommends that a new committee meeting schedule be adopted which takes the relative workloads of each committee into account by giving committees with heavy workloads more meeting time. The proposed schedule is found on page 205.

Under the proposed schedule, Category I committees, which have consistently had the greatest percentage of the workload (some 40 percent of the bills in 1973) would be allotted seven hours of meeting time per week. Category II committees (approximately 20 percent of workload) would meet a total of four hours. Category III committees (approximately 17 percent of workload) would meet a total of three hours. Game, Fish, and Parks (Category IV) would meet on Friday mornings. Even though both committees on Appropriations have a heavy workload, they would be scheduled for Wednesday and Friday morning since they usually met at those hours in the past session.
TABLE I

SENATE
COMMITTEE MEETING SCHEDULE

<table>
<thead>
<tr>
<th>MONDAY</th>
<th>TUESDAY</th>
<th>WEDNESDAY</th>
<th>THURSDAY</th>
<th>FRIDAY</th>
</tr>
</thead>
<tbody>
<tr>
<td>8:30-10:00</td>
<td>8:30-10:00</td>
<td>8:30-10:00</td>
<td>8:30-10:00</td>
<td>8:30-10:00</td>
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<tr>
<td>1:30-5:00</td>
<td>1:30-3:30</td>
<td>1:30-5:00</td>
<td>1:30-3:30</td>
<td>1:30-5:00</td>
</tr>
<tr>
<td>I</td>
<td>II</td>
<td>IV App.</td>
<td>Meeting with</td>
<td>IV App.</td>
</tr>
<tr>
<td></td>
<td>I</td>
<td></td>
<td>Committee</td>
<td>Open</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>chairmen</td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td>II</td>
<td>IV Game, Fish,</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>III</td>
<td>Parks</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>I</td>
<td>Open</td>
</tr>
</tbody>
</table>

HOUSE
COMMITTEE MEETING SCHEDULE

<table>
<thead>
<tr>
<th>MONDAY</th>
<th>TUESDAY</th>
<th>WEDNESDAY</th>
<th>THURSDAY</th>
<th>FRIDAY</th>
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<tr>
<td>II</td>
<td>I</td>
<td>IV App.</td>
<td>Meeting with</td>
<td>IV App.</td>
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<tr>
<td>II</td>
<td>I</td>
<td></td>
<td>Committee</td>
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<tr>
<td>II</td>
<td>I</td>
<td></td>
<td>chairmen</td>
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<tr>
<td>II</td>
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<td>II</td>
<td>IV Game, Fish,</td>
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<tr>
<td>II</td>
<td>I</td>
<td></td>
<td>III</td>
<td>Parks</td>
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<tr>
<td>II</td>
<td>I</td>
<td></td>
<td>II</td>
<td>Open</td>
</tr>
</tbody>
</table>

Category I: Business Affairs and Labor
State Affairs
Judiciary

Category II: H.E.W.I.
Local Government
Transportation

Category III: Education
Agriculture, Livestock, and Natural Resources
Finance

Category IV: Game, Fish, and Parks
Appropriations

Category I is allotted 7 hours per week; Category II, 4 hours; Category III, 3 hours; Category IV, 3 or 1½ hours.
Because of the elimination of two House committees and the scheduling of House and Senate Game, Fish, and Parks and Senate Appropriations in the morning, the remaining committees of both houses have been allotted at least as much meeting time as in previous years. The only exceptions are the committees on Education and Finance which would meet one hour less per week. Since they are in a time slot with no meetings scheduled after them, should they need more time, a meeting may be extended without affecting other committees.

To make the changes in the committee system, the committee recommends Resolution 8 (House Rule amendment); Resolution 9 (Senate Rule amendment); and Resolution 10 which brings the legislative oversight Joint Rule in conformity with the committee changes.

Bill Summaries

The committee recommends that the Legislative Drafting Office prepare bill summaries which would be printed as part of each bill. It is recommended that inclusion of such summaries start with the 1975 session, since the Legislative Drafting Office does not have sufficient staff to undertake this responsibility for the next session.

Increase Staff for the Legislative Drafting Office

The committee has requested that the Committee on Legal Services include in its 1974-75 budget a request for an increase in staff for the Legislative Drafting Office due to the added demands on staff with bill summaries and the deadline schedule. It has been suggested to the Legal Services Committee that an additional four attorney positions and four clerical positions would be necessary to properly implement the above committee recommendations.

(II) Revision of Constitutional Provisions Pertaining to the Legislative Branch

The committee recommends the revision of 33 of the 50 sections in Article V and several sections in Articles IV, X, and XII which relate to the Legislative Department. The changes are included in three resolutions which concern:

(1) The office of the Lieutenant Governor;
Reducing the minimum age qualification for membership in the General Assembly from twenty-five to eighteen; and

Other amendments affecting the legislative process and technical or modernizing amendments.

Office of Lieutenant Governor -- Constitutional Amendment 2

The committee recommends a number of changes to Article IV, Sections 6, 14, and 15 and Article V, Section 10 which would provide that:

1. The Lieutenant Governor be removed as President of the Senate;
2. The Senate elect one of its own members as President of the Senate;
3. The office of President pro tempore of the Senate be abolished;
4. The line of gubernatorial succession be Lieutenant Governor, President of the Senate, and Speaker of the House of Representative;
5. A vacancy in the Office of the Lieutenant Governor be filled by gubernatorial appointment subject to the approval of the Senate; and
6. Before such approval is given, the appointee would be the acting Lieutenant Governor.

Removal as President of Senate. Members of the committee believe that the Senate could more fully assert its power as a legislative body if this member of the executive branch were removed as its presiding officer. The Senate itself should choose its own presiding officer as does the House.

Executive department duties. It was the view of some committee members that the Lieutenant Governor serves an important role in the executive branch by providing continuity in gubernatorial succession. It was contended that such continuity is best achieved by permitting the Governor to freely assign duties to the Lieutenant Governor as he might choose.
rather than assigning executive responsibilities by the constitution or statute. Therefore, the committee recommends the removal of all statutory administrative duties; however, such deletions could be deferred until the 1975 session, pending approval of the recommended constitutional amendment to be voted upon at the November 1974 General Election.

Filling vacancies in the Office of Lieutenant Governor. The committee recommends that a vacancy in the Office of Lieutenant Governor should be filled by a gubernatorial appointee, subject to the approval of the Senate, in order to assure continuity of administration and policy. Before such approval, the appointee would be the acting Lieutenant Governor.

Reducing Age Qualification to Serve in the General Assembly
-- Constitutional Amendment 3

The committee recommends that the age qualification to serve in the General Assembly be the same as the voting qualification for those offices (Article V, Section 4). In effect, the committee recommends the lowering of the age qualification from twenty-five to eighteen years of age.

Other Amendments -- Substantive and Modernizing -- Constitutional Amendment 4

The remaining amendment which the committee recommends is divided, for purposes of analysis, into two categories -- 1) those affecting the legislative process, numbers one through seven; and 2) technical or modernizing amendments, numbers eight through eleven. The major aspects of the amendment are summarized below.

(1) Special sessions called by legislature. Special sessions could be initiated upon the written request of two-thirds of the members of each house to the presiding officer of each house to consider only those subjects specified in such request (Article V, Section 7).

(2) Even-year session restrictions removed. The General Assembly could, by statute, remove the subject-matter restrictions in even-year sessions (Article V, Section 7).

(3) Bill signing. Members would no longer be required to be present to witness bill signing (Article V, Section 26).

(4) Holdover Senators' salaries. All Senators would receive salary increases at the same time as House members,
i.e., at the start of a new General Assembly (Article V, Sections 6, 9, and 30).

(5) **Conflict of interest.** Language was inserted in Article V, Section 43, which would permit (and require) a holdover Senator to vote on a bill raising his salary for the next General Assembly.

(6) **Appropriation bills.** The introduction of more than one appropriation bill would be sanctioned (Article V, Section 32).

(7) **Legislative redistricting.** Section 48 of Article V would be amended to provide that reapportionment shall be completed no later than the regular session immediately following the official census, including the publication of enumeration district and block statistics.

(8) **Eight-hour day.** Section 25a of Article V directs the General Assembly to prescribe by law an eight-hour day for persons working underground, in smelters or in blast furnaces, and those working in ore reduction works. The committee recommends that this section be repealed since both state and federal statutes and regulations are now more inclusive.

(9) **Power to change venue.** Section 37 of Article V provides that the power to change venue in civil and criminal cases shall rest with the courts. The committee recommends the repeal since the Supreme Court has this power under Article VI, Section 21, as amended in 1966.

(10) **Writing off uncollectable debts.** Section 38 of Article V prohibits the General Assembly from exchanging or releasing financial obligations or liabilities. The committee recommends that it be amended to allow writing off old, uncollectable debts. The Legislative Audit Committee also recommended that this section be amended.

(11) **Financial reporting practices.** Updating language is proposed for Article IV, Section 16, pertaining to financial reporting practices followed by the State of Colorado, particularly the report of the State Treasurer. The amendment would eliminate the current requirement to list the number and amount of every warrant paid. The amendment would also authorize the use of checks to pay state obligations. Currently, warrants must be issued to disburse state monies, which is administratively cumbersome and costly.
(III) Establishment of a Citizens' Commission to Study the Colorado Legislature -- Resolution 11 and Bill 45

The committee recommends the creation of a citizens' commission to study the total operation of the General Assembly and submit recommendations seeking to improve its operation and making it a fully co-equal branch of government (Resolution 11). It is recommended that $30,000 in "seed money" be appropriated (Bill 45) at the beginning of the 1974 session to permit the commission to organize at the earliest possible date. Thus, the commission would have sufficient time during the remainder of the session to submit a budget request for its entire two and one-half year study (January 15, 1974 to June 30, 1976).

Membership. The resolution would create a twenty-five member commission which would be as broad-based as possible. The Speaker and the minority leader of the House and the majority and minority leaders of the Senate would appoint a steering committee composed of the following:

(1) Two former members of the House;
(2) Two former members of the Senate;
(3) One former member of the executive branch;
(4) One former judge; and
(5) Seven citizens-at-large.

This 13-member steering committee would then name 12 additional members, including at least one from each congressional district.

Appropriation. Estimates of the total funding for the commission for two and one-half years range from $120,000 to $170,000. The committee members believe that a lump sum appropriation in 1974 would allow the commission to operate without fear of possible budgetary cutbacks. The committee struck a proposed section in the resolution that would have authorized the commission to accept gifts and grants. Some members of the committee believe that the organizations or foundations making such grants or gifts may be in a position to influence the recommendations of the commission.
(IV) Other Items to Improve the Overall Procedures and Operation of the Legislature

The committee considered several items involving the overall procedures and operation of the legislature.

Legislative Use of the Capitol Building

The committee recommends that an architect be retained to design a plan for the possible legislative use of the Capitol Building when the Judicial Department, Attorney General, Secretary of State, and State Treasurer vacate their offices. Even though the Capitol Building may not be ready for legislative use for several years, committee members believe that plans need to be completed as early as possible to facilitate transition of the building to legislative use.

Legislative Information Center

The committee requested that the Services Committees of both houses conduct a thorough study of the Public Information Center.

Conference Committee Reports

The committee requested that the Executive Director of the Legislative Drafting Office undertake a revision of the joint rules concerning conference committee reports. It was requested that the revision be completed for committee review during the 1974 interim.

Preparation of Journals

The committee requested that the Secretary of the Senate, the Chief Clerk of the House of Representatives, the Executive Director of the Legislative Council, and the Executive Director of the Legislative Drafting Office study any possible changes in the preparation and printing of the Journals. Any suggested changes would be reviewed during the 1974 interim.

Increase in Legislative Compensation -- Bill 46

The committee recommends an increase in legislative compensation from $7,600 per annum to $12,000 per annum.
Under the new compensation schedule, members would be paid at the rate of $2,000 for the months of January, February, March, and April and at the rate of $500 per month for the remaining months of each year. Presently, the $7,600 per annum is paid at the rate of $1,000 for each of the first four months and $450 for each remaining month.

The committee further recommends an increase in the per diem from $35 to $50 for attendance at meetings of the Legislative Council (or its committees) and attendance at Joint Budget Committee meetings by its members when the General Assembly is not in session.
COMMITTEE ON LEGISLATIVE PROCEDURES

BILL 45

A BILL FOR AN ACT

MAKING AN APPROPRIATION TO THE COMMISSION ON THE COLORADO GENERAL ASSEMBLY.

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

SECTION 1. Appropriation. There is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, for the current fiscal year, to the commission on the Colorado general assembly, created by H.J.R. No. __, adopted by the Second Regular Session of the Forty-ninth General Assembly, the sum of thirty thousand dollars ($30,000), or so much thereof as may be necessary, for payment of the expenses of the said commission.

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

CONCERNING THE COMPENSATION OF MEMBERS OF THE GENERAL ASSEMBLY.

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

SECTION 1. 63-2-7 (1) and (2) (a), (b), and (c), Colorado Revised Statutes 1963, as amended, are REPEALED AND REENACTED, WITH AMENDMENTS, to read:

63-2-7. Compensation of members. (1) (a) (i) Each member of the general assembly shall receive as compensation for his services:

   (ii) The sum of twelve thousand dollars per annum for each year of the term for which elected, payable as follows: In the months of January, February, March, and April of each year, a member shall be compensated at the rate of two thousand dollars per month; during the remaining eight months of each year, a member shall be compensated at the rate of five hundred dollars per month. Of such annual compensation for a member of the general assembly who is away from his principal place of business and his home while serving during a legislative session, twenty dollars per day for each legislative day during each regular and special session of the general assembly in each year shall be considered as a per diem expense allowance and shall be in addition to the lodging and travel allowance provided for in
section 63-2-29.

(iii) All actual and necessary expenses incurred in traveling to the state capitol for one round trip for each regular or special session of the general assembly, such expenses to be paid after the same have been incurred. The mileage allowance shall not exceed the rates authorized for the executive department.

(b) The general assembly may provide by joint resolution for the suspension of its compensation, or any portion thereof, during a period of adjournment to a day certain.

(c) The compensation of the general assembly as fixed in paragraph (a) of this subsection (1) shall apply to all members of the senate and all members of the house of representatives elected at the 1974 general election and thereafter, to members appointed to fill vacancies for the unexpired terms of any such members, and to members appointed on or after January 8, 1975, to fill vacancies of senators elected at the 1972 general election. Members of the senate elected at the 1972 general election shall continue to receive the compensation for the remainder of the terms for which elected under laws in effect at the time of their election.

(2) (a) In addition to the compensation specified in subsection (1) of this section, the members of the general assembly shall be entitled to:

(b) The further sum of fifty dollars per day, not to exceed one thousand five hundred dollars in any calendar year, for necessary attendance while the general assembly is not in session.
at meetings of the legislative council, or committees established
by the legislative council, or interim committees authorized by
law or by joint resolution of the two houses, except as provided
in paragraphs (c) and (d) of this subsection (2), together with
all actual and necessary traveling expenses to be paid after the
same have been incurred and audited. Mileage rates shall not
exceed those authorized for the executive department.

(c) The further sum of fifty dollars per day, not to exceed
five thousand dollars per calendar year, for members of the joint
budget committee for attendance at meetings of the joint budget
committee while the general assembly is not in session, together
with all actual and necessary traveling expenses to be paid after
the same have been incurred and audited. Mileage rates shall not
exceed those authorized for the executive department.

SECTION 2. Effective date. This act shall take effect
January 8, 1975.

SECTION 3. Safety clause. The general assembly hereby
finds, determines, and declares that this act is necessary for
the immediate preservation of the public peace, health, and
safety.
Be It Resolved by the Senate of the Forty-ninth General Assembly of the State of Colorado, the House of Representatives concurring herein:

SECTION 1. At the next general election for members of the general assembly, there shall be submitted to the qualified electors of the state of Colorado, for their approval or rejection, the following amendment to the constitution of the state of Colorado, to wit:

Section 6 of article IV of the constitution of the state of Colorado is amended to read:

Section 6. Appointment of officers - vacancy. (1) The governor shall nominate, and by and with the consent of the senate, appoint all officers whose offices are established by
this constitution, or which may be created by law, and whose
appointment or election is not otherwise provided for, and may
remove any such officer for incompetency, neglect of duty, or
malfeasance in office. If during the recess of the senate a
vacancy occurs in any such office, the governor shall appoint
some fit person to discharge the duties thereof until the next
meeting of the senate, when he shall nominate some fit person to
fill such office.

(2) If the office of state treasurer, secretary of state,
or attorney general shall be vacated by death, resignation, or
otherwise, it shall be the duty of the governor to fill the same
by appointment, and the appointee shall hold his office until his
successor shall be elected and qualified in such manner as may be
provided by law. IF THE OFFICE OF LIEUTENANT GOVERNOR SHALL BE
VACATED BY DEATH, RESIGNATION, SUCCESSION TO THE OFFICE OF
GOVERNOR, OR OTHERWISE, THE GOVERNOR SHALL NOMINATE OR APPOINT
SOME FIT PERSON TO FILL SUCH OFFICE, WITH THE CONSENT OF THE
SENATE, AS PROVIDED IN SUBSECTION (1) OF THIS SECTION.

(3) The senate in deliberating upon executive nominations
may sit with closed doors, but in acting upon nominations they
shall sit with open doors, and the vote shall be taken by ayes
and noes, which shall be entered upon IN the journal.

Section 14 of article IV of the constitution of the state of
Colorado is repealed.

Section 15 of article IV of the constitution of the state of
Colorado is amended to read:

Section 15. No lieutenant-governor - who to act as
In case of the failure to qualify in-his FOR office, OR THE death, resignation, absence from the state, impeachment, conviction of felony, or disqualification from any cause, of both the governor and lieutenant-governor, the duties of the governor shall devolve on the president of the senate, pre-temper, until such disqualification of either the governor or lieutenant-governor be removed, or the vacancy be filled. and-if IF the president of the senate fer-any-of-the-above-named-causes; shall become IS incapable of performing the duties of THE governor FOR ANY OF THE ABOVE NAMED CAUSES, the same DUTIES OF THE GOVERNOR shall devolve upon the speaker of the house OF REPRESENTATIVES.

Section 10 of article V of the constitution of the state of Colorado is amended to read:

Section 10. Each house to choose its officers. At the beginning of the first regular session after a general election, and at such other times as may be necessary, the senate shall elect one of its members president, pre-temper; and the house of representatives shall elect one of its members as speaker. The president pre-temper and speaker shall serve as such until the election and installation of their respective successors. Each house shall choose its other officers and shall judge the election and qualification of its members.

SECTION 2. Each elector voting at said election and desirous of voting for or against said amendment shall cast his vote as provided by law either "Yes" or "No" on the proposition: "An amendment to articles IV and V of the constitution of the
state of Colorado, concerning the lieutenant governor, and
providing for the filling of a vacancy in the office of
lieutenant governor by appointment by the governor, providing
that the lieutenant governor shall not act as president of the
senate, and providing for the senate to elect one of its members
as president of the senate."

SECTION 3. The votes cast for the adoption or rejection of
said amendment shall be canvassed and the result determined in
the manner provided by law for the canvassing of votes for
representatives in Congress, and if a majority of the electors
voting on the question shall have voted "Yes", the said amendment
shall become a part of the state constitution.
CONSTITUTIONAL AMENDMENT 3

SENATE CONCURRENT RESOLUTION NO. 57

SUBMITTING TO THE QUALIFIED ELECTORS OF THE STATE OF COLORADO AN AMENDMENT TO ARTICLE V OF THE CONSTITUTION OF THE STATE OF COLORADO, CONCERNING QUALIFICATIONS OF MEMBERS OF THE GENERAL ASSEMBLY.

Be It Resolved by the Senate of the Forty-ninth General Assembly of the State of Colorado, the House of Representatives concurring herein:

SECTION 1. At the next general election for members of the general assembly, there shall be submitted to the qualified electors of the state of Colorado, for their approval or rejection, the following amendment to the constitution of the state of Colorado, to wit:

Section 4 of article V of the constitution of the state of Colorado is amended to read:

Section 4. Qualifications of members. No person shall be a representative or senator who shall not have attained the age of twenty-five years, who shall not be a citizen of the United States, who shall not for at least twelve months next preceding his election have resided within the territory included in the limits of the county or district in which he shall be chosen, provided, that any
SECTION 2. Each elector voting at said election and desirous of voting for or against said amendment shall cast his vote as provided by law either "Yes" or "No" on the proposition: "An amendment to article V of the constitution of the state of Colorado, concerning qualifications of members of the general assembly."

SECTION 3. The votes cast for the adoption or rejection of said amendment shall be canvassed and the result determined in the manner provided by law for the canvassing of votes for representatives in Congress, and if a majority of the electors voting on the question shall have voted "Yes", the said amendment shall become a part of the state constitution.
CONSTITUTIONAL AMENDMENT 4

SENATE CONCURRENT RESOLUTION NO.


Be It Resolved by the Senate of the Forty-ninth General Assembly of the State of Colorado, the House of Representatives concurring herein:

SECTION 1. At the next general election for members of the general assembly, there shall be submitted to the qualified electors of the state of Colorado, for their approval or rejection, the following amendment to the constitution of the state of Colorado, to wit:

Section 14 of article IV of the constitution of the state of Colorado is repealed.

Section 16 of article IV of the constitution of the state of Colorado is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

Section 16. Report of treasurer - disbursements. The treasurer shall keep accurate account of all moneys coming into his custody, and at the end of each quarter of the fiscal year shall report to the governor, in writing and under oath, the
aggregate amount of moneys in his custody, where such moneys are
kept or deposited, and the amount to the credit of each fund or
account. Swearing falsely to any such report shall be deemed
perjury.

The general assembly may provide by law for the safekeeping,
management, and investment of moneys in the custody of the
treasurer, but, notwithstanding any such provisions, the
treasurer and his sureties shall in all cases be held responsible
therefor.

No moneys in the state treasury shall be disbursed therefrom
by the treasurer unless appropriated by the general assembly or
otherwise authorized by law, and any amount disbursed shall be
substantiated by vouchers signed and approved in the manner
prescribed by law.

Sections 17 and 21 of article IV of the constitution of the
state of Colorado are repealed.

Section 2 of article V of the constitution of the state of
Colorado is amended to read:

Section 2. Election of members - oath - vacancies. (1) A
general election for members of the general assembly shall be
held on the first Tuesday after the first Monday in November in
each even numbered year, at such places in each county as now are
or hereafter may be provided by law.

(2) EACH MEMBER OF THE GENERAL ASSEMBLY SHALL BEFORE HE
ENTERS UPON HIS OFFICIAL DUTIES TAKE AN OATH OR AFFIRMATION TO
SUPPORT THE CONSTITUTION OF THE UNITED STATES AND OF THE STATE OF
COLORADO, AND TO FAITHFULLY PERFORM THE DUTIES OF HIS OFFICE
ACCORDING TO THE BEST OF HIS ABILITY. THIS OATH OR AFFIRMATION
SHALL BE ADMINISTERED IN THE HALL OF THE HOUSE TO WHICH THE
MEMBER SHALL HAVE BEEN ELECTED.

(3) Any vacancy occurring in either house by death, resignation, or otherwise, shall be filled in the manner prescribed by law. The person appointed to fill the vacancy shall be a member of the same political party, if any, as the person whose termination of membership in the general assembly created the vacancy, AND SUCH PERSON SHALL FOR ALL PURPOSES OF THIS ARTICLE BE DEEMED TO BE AN ELECTED MEMBER.

Section 3 of article V of the constitution of the state of Colorado is amended to read:

Section 3. Terms of senators and representatives. Senators shall be elected for the term of four years except as hereinafter provided; and representatives for the term of two years.

Section 5 of article V of the constitution of the state of Colorado is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

Section 5. Classification of senators. The senate shall be divided into two classes so that one-half of the senators, as nearly as practicable, may be chosen biennially.

Section 6 of article V of the constitution of the state of Colorado is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

Section 6. Salary and expenses of members. The members of the general assembly shall receive such salary and expense allowances as may be prescribed by law, together with reimbursements of actual and necessary expenses to be paid after the same have been incurred and audited. Such expenses shall
include travel for attendance at committee meetings or other official business as authorized pursuant to law. No general assembly shall fix its own salary or expense allowances.

Section 7 of article V of the constitution of the state of Colorado is amended to read:

Section 7. General assembly - shall meet when - term of members - committees. The general assembly shall meet in regular session at 10 o'clock a.m. on the first Wednesday after the first Tuesday of January of each year, but at such regular sessions convening in even numbered years, UNLESS OTHERWISE PROVIDED BY LAW, the general assembly shall not enact any bills except those raising revenue, those making appropriations, and those pertaining to subjects designated in writing by the governor during the first TEN days of the session. The general assembly shall meet at other times when convened in special session by the governor, OR BY WRITTEN REQUEST BY TWO-THIRDS OF THE MEMBERS OF EACH HOUSE TO THE PRESIDING OFFICER OF EACH HOUSE TO CONSIDER ONLY THOSE SUBJECTS SPECIFIED IN SUCH REQUEST. The term of service of the members of the general assembly shall begin on the convening of the first regular session of the general assembly next after their election. The committees of the general assembly, unless otherwise provided by the general assembly, shall expire on the convening of the first regular session after a general election.

Section 9 of article V of the constitution of the state of Colorado is repealed.

Section 12 of article V of the constitution of the state of
Colorado is amended to read:

Section 12. Each house makes and enforces rules. Each house shall have power to determine the rules of its own proceedings and punish persons for contempt or disorderly behavior in its presence; to enforce obedience to its process; to protect its members against violence, or offers of bribes or private solicitation, and, with the concurrence of two-thirds, to expel a member, but not a second time for the same cause, and shall have all other powers necessary for the legislature of a free state. A member, expelled for corruption, shall not thereafter be eligible to either house of the same general assembly, and punishment for contempt or disorderly behavior shall not bar an indictment A PROSECUTION for the same offense.

Section 13 of article V of the constitution of the state of Colorado is amended to read:

Section 13. Journal - ayes and noes to be entered - when. Each house shall keep a journal of its proceedings and may, in its discretion, publish the same, except such parts as require secrecy, and the ayes and noes on any question shall, at the desire of any two members, be entered on the journal.

Section 16 of article V of the constitution of the state of Colorado is amended to read:

Section 16. Privileges of members. The members of the general assembly shall, in all cases except treason OR felony, violation of their oath of office, and breach of their oath of the
be privileged from arrest during their attendance at the
sessions of their respective houses, OR ANY COMMITTEES THEREOF,
and in going to and returning from the same; and for any speech
or debate in either house, OR ANY COMMITTEES THEREOF, they shall
not be questioned in any other place.

Section 19 of article V of the constitution of the state of
Colorado is amended to read:

Section 19. When laws take effect - introduction of bills.
An act of the general assembly shall take effect on the date
PRESCRIBED BY GENERAL LAW, UNLESS OTHERWISE stated in the act.
or, if no date is stated in the act, then on its passage. A bill
may be introduced at any time during the session unless limited
by action JOINT RESOLUTION of the general assembly. No bill
shall be introduced by title only.

Section 20 of article V of the constitution of the state of
Colorado is amended to read:

Section 20. Bills referred to committee - printed. No bill
shall be approved, disapproved, or amended by either house or any
committee thereof unless printed as introduced for use of the
members. No bill shall become a law unless
referred to a committee of each house and returned therefrom. and
printed for the use of the members.

Section 25 of article V of the constitution of the state of
Colorado is amended to read:

Section 25. Special legislation prohibited. The general
assembly shall not pass any local or special laws-in-any-of-the
following--enumerated--cases,—that—is—to—say:—for—granting
divorces; laying-out; opening; altering; or; working; roads; or
highways; vacating; roads; town-plats; streets; alleys; and; public
grounds; locating; or; changing; county; seats; regulating; county; or
township; affairs; regulating; the; practice; in; courts; of; justice;
regulating; the; jurisdiction; and; duties; of; justices; of; the; peace;
police; magistrates; and; constables; changing; the; rules; of; evidence
in; any; trial; or; inquiry; providing; for; changes; of; venue; in; civil
or; criminal; cases; declaring; any; person; of; age; for; limitation; of
civil; actions; or; giving; effect; to; informal; or; invalid; deeds;
summoning; or; impaneling; grand; or; petit; juries; providing; for; the
management; of; common; schools; regulating; the; rate; of; interest; on
money; the; opening; or; conducting; of; any; election; or; designating
the; place; of; voting; the; sale; or; mortgage; of; real; estate
belonging; to; minors; or; others; under; disability; the; protection; of
game; or; fish; chartering; or; licensing; ferries; or; toll; bridges;
remitting; fines; penalties; or; forfeitures; creating; increasing
or; decreasing; fees; percentage; or; allowances; of; public; officers;
changing; the; law; of; descent; granting; to; any; corporation;
association; or; individual; the; right; to; lay; down; railroad; tracks;
granting; to; any; corporation; association; or; individual; any
special; or; exclusive; privilege; immunity; or; franchise; whatever;
in; all; other; cases; where a general law can be made applicable no
special; law; shall; be; enacted. ACT IN ANY CASE WHERE A GENERAL
ACT CAN BE MADE APPLICABLE.

Section 25a of article V of the constitution of the state of
Colorado is repealed.

Section 26 of article V of the constitution of the state of
Colorado is amended to read:

Section 26. Signing of bills. The presiding officer of each house shall in-the-presence-of-the-house-ever-which-he presides, sign all bills and joint resolutions passed by the general assembly, after-their-titles-shall-have-been-publicly read, immediately before signing, and the fact of signing shall be entered on OR APPENDED TO the journal.

Section 27 of article V of the constitution of the state of Colorado is amended to read:

Section 27. Officers and employees - compensation. The general assembly shall prescribe by law OR BY JOINT RESOLUTION the number, duties, and compensation of the APPOINTED officers and employees of each house and of the two houses, and no payment shall be made from the state treasury, or be in any way authorized to any person except to an acting officer or employee elected-or appointed in-pursuance-of AND ACTING PURSUANT TO law OR JOINT RESOLUTION.

Section 28 of article V of the constitution of the state of Colorado is amended to read:

Section 28. Extra compensation to officers, employees, or contractors forbidden. No bill shall be passed giving any extra compensation to any public officer servant or employee, agent, or contractor, after services shall have been rendered or contract made, nor providing for the payment of any claim made against the state without previous authority of law.

Section 29 of article V of the constitution of the state of Colorado is amended to read:
Section 29. Contracts for facilities and supplies. All stationery, printing, paper-and-fuel-used-in-the-legislative--and ether--departments--of--government--shall--be--furnished;--and-the printing-and-binding-and--distributing--of--the--laws;--journals; department--reports;--and--ether--printing-and--binding;--and-the repairing-and-furnishing-the-halls-and-rooms-used-for-the-meeting of-the-general-assembly-and-its-committees;--shall--be--performed under--contract;--to--be--given-to-the-lowest-responsible-bidder; below-such-maximum-price-and-under-such-regulations--as--may--be prescribed-by-law. THE GENERAL ASSEMBLY SHALL PROVIDE BY LAW FOR THE ACQUISITION OF FACILITIES AND SUPPLIES, PURSUANT TO CONTRACT, FOR THE LEGISLATIVE, EXECUTIVE, AND JUDICIAL DEPARTMENTS OF STATE GOVERNMENT, AND EACH SUCH CONTRACT SHALL BE AWARDED TO THE LOWEST RESPONSIBLE BIDDER. No member or officer of any SUCH department of-the-government shall be in any way interested in any such contract. and--all--such--contracts--shall--be--subject--to-the approval-of-the-governor-and-state-treasurer;

Section 30 of article V of the constitution of the state of Colorado is repealed.

Section 31 of article V of the constitution of the state of Colorado is repealed.

Section 32 of article V of the constitution of the state of Colorado is amended to read:

Section 32. Appropriation bills. The--general GENERAL appropriation bill BILLS shall embrace nothing but appropriations for the expense--of--the executive, legislative, and judicial departments of the state, state institutions, interest on the
public debt, and for public schools. All other appropriations
shall be made by separate bills, each embracing but one subject.

Sections 33, 36, and 37 of article V of the constitution of
the state of Colorado are repealed.

Section 38 of article V of the constitution of the state of
Colorado is amended to read:

Section 38. No liability exchanged or released. No
obligation or liability of any person, association, or
corporation, held or owned by the state, or any municipal
corporation therein, shall ever be exchanged, transferred,
remitted, released, or postponed, or in any way diminished by the
general assembly, nor shall such liability or obligation be
extinguished except by payment thereof into the proper treasury.
This section shall not prohibit the write-off or release of
uncollectible accounts as provided by general law.

Section 39 of article V of the constitution of the state of
Colorado is repealed.

Section 40 of article V of the constitution of the state of
Colorado is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

Section 40. Bribery in general assembly. Any member of the
general assembly who, at any time, offers, promises, or gives his
vote or influence for or against any measure pending or proposed
to be introduced in the general assembly, in consideration for
the promise or giving of a vote of another member of the general
assembly for or against the same or any other such measure or in
consideration of anything of value or the promise thereof, is
guilty of bribery and subject to such punishment therefor as is
prescribed by law. Any such member of the general assembly, upon
conviction of bribery, shall be ineligible to serve thereafter as
a member of the general assembly.

Sections 41 and 42 of article V of the constitution of the
state of Colorado are repealed.

Section 43 of article V of the constitution of the state of
Colorado is amended to read:

Section 43. Member interested shall not vote. A member who
has a personal or private interest in any measure or bill
proposed or pending before the general assembly shall disclose
the fact to the house of which he is a member and shall not vote
thereon, may be excused from voting thereon. This provision
shall not excuse a senator from voting to fix the salary or
expense allowances of members of a subsequent general assembly.

Section 44 of article V of the constitution of the state of
Colorado is amended to read:

Section 44. Representatives in congress. One
representative-in-the-congress-of--the--United--States--shall--be
elected-from-the-state-at-large-at-the-first-election-under-this
constitution, and thereafter at such times and places and in such
manner as may be prescribed by law. The general assembly shall
divide the state into as many congressional districts as there
are representatives in congress apportioned to this state by the
congress of the United States for the election of one
representative to congress from each district. When a new
apportionment shall be made by congress the general assembly
shall divide the state into congressional districts accordingly.
Section 48 of article V of the constitution of the state of Colorado is amended to read:

Section 48. Revision and alteration of districts. (1) In the regular session of the general assembly in 1967; and at each such session next no later than the regular session immediately following official publication of each federal enumeration of the population of the state, including official enumeration district and block statistics, the general assembly shall establish or revise and alter the boundaries of senatorial and representative districts according to the provisions of sections 46 and 47, but the general assembly shall do so only once following each federal decennial enumeration of the population of the state. After forty-five days from the beginning of each such regular session, no member of the general assembly shall be entitled to or earn any compensation for his services or receive any payment for salary or expenses, nor shall any member be eligible to succeed himself in office, unless and until such revision and alteration shall have been made.

(2) Each paragraph, sentence, and clause of sections 45, 46, 47, and 48 shall be deemed to be severable from all other parts thereof and shall be interpreted to preserve, as the primary purpose thereof, the creation of single member districts. Nothing in said sections contained; nor any judgment or judicial declaration pertaining to sections hereby repealed; nor the failure of the State of Colorado to conduct a census in 1885 and subsequent years; shall affect the validity of laws at any time enacted by the general assembly or by the people on any subject
not directly pertaining to legislative districting or apportionment.

Section 12 of article X of the constitution of the state of Colorado is repealed.

Section 7 of article XII of the constitution of the state of Colorado is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

Section 7. Bribery - corrupt solicitation. (1) Any person who shall directly or indirectly offer, give, or promise any money or thing of value, or privilege, to any member of the general assembly or to any other public officer in the executive or judicial department of the state government, to influence him in the performance of any of his public or official powers or duties, is guilty of bribery and subject to such punishment therefor as is prescribed by law.

(2) The offense of corrupt solicitation of members of the general assembly or of public officers of the state or of any political subdivision thereof, and any occupation or practice of solicitation of such members or officers to influence their official action, shall be defined by law, and shall be punished by fine, imprisonment, or both.

Section 11 of article XII of the constitution of the state of Colorado is amended to read:

Section 11. Elected public officers - term - salary - vacancy. NO LAW SHALL EXTEND THE TERM OF ANY ELECTED PUBLIC OFFICER AFTER HIS ELECTION OR APPOINTMENT, NOR SHALL THE SALARY OF ANY ELECTED PUBLIC OFFICER BE INCREASED OR DECREASED DURING THE TERM OF OFFICE FOR WHICH HE WAS ELECTED, EXCEPT THAT SENATORS
SERVING IN TWO SUCCESSIVE GENERAL ASSEMBLIES SHALL RECEIVE THE
SALARY AND EXPENSE ALLOWANCES PROVIDED BY LAW FOR MEMBERS OF EACH
SUCH GENERAL ASSEMBLY. The term of office of any officer elected
to fill a vacancy shall terminate at the expiration of the term
during which the vacancy occurred.

This amendment shall take effect January 1, 1975; except
that the amendments to section 16 of article IV and sections 19
and 29 of article V, and the repeal of section 33 of article V
and section 12 of article X, shall take effect July 1, 1975.

SECTION 2. Each elector voting at said election and
desirous of voting for or against said amendment shall cast his
vote as provided by law either "Yes" or "No" on the proposition:
"An amendment concerning the modernization of the legislative
department, and amending related provisions in articles IV, V, X,
and XII of the constitution of the state of Colorado."

SECTION 3. The votes cast for the adoption or rejection of
said amendment shall be canvassed and the result determined in
the manner provided by law for the canvassing of votes for
representatives in Congress, and if a majority of the electors
voting on the question shall have voted "Yes", the said amendment
shall become a part of the state constitution.
COMMITTEE ON LEGISLATIVE PROCEDURES

RESOLUTION 6

HOUSE RESOLUTION NO.

Be It Resolved by the House of Representatives of the Forty-
ninth General Assembly of the State of Colorado, the Senate
concurring herein:

That Joint Rule No. 23 of the Senate and House of
Representatives is REPEALED AND REENACTED, WITH AMENDMENTS, to
read:

JOINT RULE NO. 23

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

Odd-year Session

First House

Deadlines:

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

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

75th day Deadline for the introduction of late delivered bills.
No bill delivered after the close of business on the
fifty-fifth legislative day by the Legislative
Drafting Office shall be introduced more than five
days after such delivery; except that no bill shall be
introduced after the seventy-fifth legislative day.*

85th day Deadline for committees of reference to report bills
originating in their own house.*

85th day Deadline for introduction of all appropriation bills.

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

Second House

Deadlines:
110th day Deadline for committees of reference to report bills
originating in the other house.*

120th day Deadline for final passage of all bills originating in
the other house.

*Appropriation bills are excluded from these deadlines.

Even-year Session

First House

Deadlines:
15th day Deadline for bill draft requests to the Legislative
Drafting Office.*

30th day Deadline for the introduction of bills. No bill
delivered by the Legislative Drafting Office on or before the twentieth legislative day shall be introduced more than ten legislative days after such delivery. Any bill delivered by the Legislative Drafting Office on or after the twenty-first legislative day shall be introduced not later than the thirtieth legislative day.*

45th day Deadline for committees of reference to report bills originating in their own house.*

55th day Deadline for introduction of all appropriation bills.

55th day Deadline for final passage of bills in the house of introduction.*

Second House

70th day Deadline for committees of reference to report bills originating in the other house.*

80th day Deadline for final passage of all bills originating in the other house.

*Appropriation bills are excluded from these deadlines.

(b) Exceptions. The deadlines established in subsection (a) of this joint rule shall not apply if the prime sponsor in the house of introduction or any member sponsoring or carrying the bill in the other house obtains consent to extend the deadline to a day certain from:

(1) The House Committee on Delayed Bills if the bill is to be introduced in the House or is presently being acted upon by the House. The House Committee on Delayed
Bills shall consist of the Speaker, the majority leader, and the minority leader.

(2) The Senate Committee on Delayed Bills if the bill is to be introduced in the Senate or is presently being acted upon by the Senate. The Senate Committee on Delayed Bills shall consist of the President pro tempore, the majority leader, and the minority leader.

(c) This joint rule shall apply to the fiftieth and subsequent general assemblies.
Be It Resolved by the House of Representatives of the Forty-ninth General Assembly, the Senate concurring herein:

That Joint Rule No. 23 of the Senate and House of Representatives as amended by House Joint Resolution No. __, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

JOINT RULE NO. 23

(d) Within ten days after a measure has been assigned to a committee of reference, each House measure and each Senate measure shall be set for committee action at a scheduled meeting of the committee on a day certain on or before the appropriate committee report deadline, as established in subsection (a) of this joint rule. There shall be no more than ten measures scheduled for any one meeting of a committee of reference; except that additional measures may be scheduled upon the consent of the prime sponsor of any such additional measure.
COMMITTEE ON LEGISLATIVE PROCEDURES

RESOLUTION 8

HOUSE RESOLUTION NO.

Be ItResolved by the House of Representatives of the Forty-ninth General Assembly of the State of Colorado:

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

25. COMMITTEES

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

(1) Agriculture, and Livestock, AND NATURAL RESOURCES

(2) Appropriations

(3) Business Affairs AND LABOR

(4) Education

(5) Finance

(6) Game, Fish, and Parks

(7) Health, ENVIRONMENT, Welfare, and Institutions

(8) Judiciary

(9) Labor-and-Employment-Relations

(10) Local Government

(11) Natural-Resources

(12) State Affairs

(13) Transportation and Highways

(j) (1) (A) The committees of reference of the House shall
meet at the times and places specified in the Schedule of Committee Meetings adopted by the House at the beginning of each regular session of the General Assembly; THE COMMITTEES SHALL BE SCHEDULED TO MEET ACCORDING TO THE CATEGORIES IN SUBSECTION (k) OF THIS RULE.

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

<table>
<thead>
<tr>
<th>Category</th>
<th>Committee</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Business Affairs and Labor</td>
</tr>
<tr>
<td></td>
<td>Judiciary</td>
</tr>
<tr>
<td></td>
<td>State Affairs</td>
</tr>
<tr>
<td>2</td>
<td>Health, Environment, Welfare, and Institutions</td>
</tr>
<tr>
<td></td>
<td>Local Government</td>
</tr>
<tr>
<td></td>
<td>Transportation</td>
</tr>
<tr>
<td>3</td>
<td>Agriculture, Livestock, and Natural Resources</td>
</tr>
<tr>
<td></td>
<td>Education</td>
</tr>
<tr>
<td></td>
<td>Finance</td>
</tr>
<tr>
<td>4</td>
<td>Appropriations</td>
</tr>
<tr>
<td></td>
<td>Game, Fish, and Parks</td>
</tr>
</tbody>
</table>

(2) A member of the House shall serve on no more than one committee of reference within a category.
SENATE RESOLUTION NO.

Be It Resolved by the Senate of the Forty-ninth General Assembly of the State of Colorado:

That Rule No. 22 (a) (1) of the Rules of the Senate is amended, and the said Rule No. 22 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

22. COMMITTEE RULES

(a) (1) The committees of reference of the Senate shall meet at the times and places specified in the Schedule of Committee Meetings adopted by the Senate at the beginning of each regular session of the General Assembly; THE COMMITTEES SHALL BE SCHEDULED TO MEET ACCORDING TO THE CATEGORIES IN SUBSECTION (1) (1) OF THIS RULE.

(1) (1) The committees of reference as listed in Rule 21 (a) shall be placed in the following categories:

<table>
<thead>
<tr>
<th>Category</th>
<th>Committee</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Business Affairs and Labor</td>
</tr>
<tr>
<td></td>
<td>Judiciary</td>
</tr>
<tr>
<td></td>
<td>State Affairs</td>
</tr>
<tr>
<td>2</td>
<td>Health, Environment, Welfare, and Institutions</td>
</tr>
<tr>
<td></td>
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<td>--------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>1</td>
<td>Local Government</td>
</tr>
<tr>
<td>2</td>
<td>Transportation</td>
</tr>
<tr>
<td>3</td>
<td>3  Agriculture, Livestock, and Natural Resources</td>
</tr>
<tr>
<td>4</td>
<td>Education</td>
</tr>
<tr>
<td>5</td>
<td>Finance</td>
</tr>
<tr>
<td>7</td>
<td>4  Appropriations</td>
</tr>
<tr>
<td>8</td>
<td>Game, Fish, and Parks</td>
</tr>
</tbody>
</table>

(2) A member of the Senate shall serve on no more than one committee of reference within a category.
Be It Resolved by the House of Representatives of the Forty-ninth General Assembly of the State of Colorado, the Senate concurring herein:

That Joint Rule No. 25 (b) of the Joint Rules of the Senate and House of Representatives is amended to read:

JOINT RULE NO. 25

(b) For purposes of implementing paragraph SUBSECTION (a) of this rule, the division of responsibilities among House and Senate committees of reference shall be as follows:

<table>
<thead>
<tr>
<th>HOUSE AND Senate Department</th>
<th>Committee COMMITTEES</th>
<th>House Committee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administration</td>
<td>Appropriations</td>
<td>Appropriations</td>
</tr>
<tr>
<td>Revenue</td>
<td>Finance;</td>
<td>Finance</td>
</tr>
<tr>
<td></td>
<td>TRANSPORTATION</td>
<td></td>
</tr>
<tr>
<td>Treasury</td>
<td>Finance</td>
<td>Finance</td>
</tr>
<tr>
<td>Education</td>
<td>Education</td>
<td>Education</td>
</tr>
<tr>
<td>Higher Education</td>
<td>Education</td>
<td>Education</td>
</tr>
<tr>
<td>Health</td>
<td>Health, Environment,</td>
<td>Health; Welfare;</td>
</tr>
<tr>
<td></td>
<td>Welfare, and</td>
<td>and-institutions</td>
</tr>
<tr>
<td></td>
<td>Institutions</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Social Services</td>
<td>Health, Environment, Welfare, and Institutions</td>
</tr>
<tr>
<td>---</td>
<td>----------------</td>
<td>---------------------------------------------</td>
</tr>
<tr>
<td></td>
<td>Institutions</td>
<td>Health, Environment, Welfare, and Institutions</td>
</tr>
<tr>
<td></td>
<td>Highways</td>
<td>Transportation</td>
</tr>
<tr>
<td></td>
<td>State</td>
<td>State Affairs</td>
</tr>
<tr>
<td></td>
<td>Military Affairs</td>
<td>State Affairs</td>
</tr>
<tr>
<td></td>
<td>Labor and Employment</td>
<td>Business Affairs and Labor</td>
</tr>
<tr>
<td></td>
<td>Regulatory Agencies</td>
<td>Business Affairs and Labor</td>
</tr>
<tr>
<td></td>
<td>Agriculture</td>
<td>Agriculture, Livestock, and Natural Resources</td>
</tr>
<tr>
<td></td>
<td>Law</td>
<td>Judiciary</td>
</tr>
<tr>
<td></td>
<td>Local Affairs</td>
<td>Local Government</td>
</tr>
<tr>
<td></td>
<td>Natural Resources</td>
<td>Agriculture, Livestock, and Natural Resources; Game</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Game, Fish, and Parks</td>
</tr>
<tr>
<td></td>
<td>PERSONNEL</td>
<td>STATE AFFAIRS;</td>
</tr>
<tr>
<td></td>
<td></td>
<td>BUSINESS AFFAIRS AND LABOR</td>
</tr>
</tbody>
</table>
COMMITTEE ON LEGISLATIVE PROCEDURES

RESOLUTION 11

HOUSE JOINT RESOLUTION NO.

WHEREAS, The rate of societal change has become extremely rapid, and it is becoming increasingly difficult for human institutions to keep abreast of change; and

WHEREAS, The Constitution of the State of Colorado was adopted ninety-nine years ago, and the general structure of the Colorado General Assembly has remained relatively unchanged since that time; and

WHEREAS, The legislative branch of Colorado state government has made major needed changes in both the executive and judicial branches but has not had the time to make such changes in its own structure and procedures; and

WHEREAS, There is much public discussion on the question of whether the legislative bodies of the country are keeping pace, as coequal branches of government, with the changes in the executive and judicial branches; and

WHEREAS, There is recognition of the need for changes in the legislative process, but there may not be widespread understanding among the citizens of the reasons for these changes; and

WHEREAS, The advent of the centennial year of Colorado's history gives an unprecedented opportunity and challenge for
reexamination of and reeducation in the principles of our
government; now, therefore,

Be It Resolved by the House of Representatives of the Forty-
ninth General Assembly of the State of Colorado, the Senate
concurring herein:

(1) That there shall be constituted a Commission on the
Colorado General Assembly, referred to in this resolution as the
"Commission";

(2) That the Commission shall consist of twenty-five
broadly representative members, to be appointed as follows:

(a) The speaker and minority leader of the House of
Representatives and the majority and minority leader of the
Senate shall name thirteen members to the steering committee as
follows:

(i) Two former members of the House of Representatives
representing each of the two major political parties;

(ii) Two former members of the Senate representing each of
the two major political parties;

(iii) One former member of the executive branch;

(iv) One former judge;

(v) Seven members from the citizenship at large broadly
representing the state.

(b) The said members of the Commission shall act as a
steering committee and shall name their own temporary chairman,
and they shall name twelve additional members, with at least one
from each congressional district, who represent a broad base of
citizen interest. The steering committee shall outline the
criteria of the Commission to be adopted by the entire Commission. Any vacancy shall be filled by the steering committee.

(3) That the Commission shall study the constitutional and statutory structure, the operating rules and procedures, the interrelationships with the other branches and levels of government, and other related matters of the Colorado General Assembly in order to make recommendations regarding the effectiveness of the General Assembly as one of the three coequal branches of Colorado state government;

(4) That the Commission shall mobilize the professions, all branches and all levels of government, business and labor, education, and the general public, all over the state, and that the Commission is authorized and encouraged to conduct hearings and to hear testimony throughout the state, in an effort to have completed for the centennial celebration of the state the changes required to make the legislative branch of Colorado state government more effective;

(5) That the Commission shall exist from January 15, 1974, until June 30, 1976, the year of the celebration of the Colorado centennial, after which it shall terminate;

(6) That the steering committee shall appoint a temporary chairman for the Commission, who shall convene the Commission for its first meeting no later than January 31, 1974 and that, thereafter, the Commission shall elect its own Commission chairman, vice-chairman, and secretary;

(7) That the Commission is authorized to hire its own staff
and to contract for services and that the Legislative Council, the Legislative Drafting Office, and all the departments and agencies of state and local government shall assist the Commission and make available to the Commission all information and reports necessary to the performance of its duties, to the end that no unnecessary duplication of effort shall take place;

(8) That the Commission shall keep official records of its proceedings;

(9) That the Commission shall submit reports to the General Assembly and the public, as follows: Reports no later than July 1 and November 1 of 1974 and 1975, respectively, and a final report by June 30, 1976. Each of the 1974 and 1975 reports shall contain specific recommendations for measures which could be adopted before the end of 1976; the final report shall summarize legislative progress made in Colorado's first century and point up likely problems and desirable solutions for the General Assembly's second century.

(10) That the Commission members shall serve without compensation but shall be paid their actual and necessary expenses incurred in the performance of their duties;

(11) That the General Assembly appropriate to the Commission, for the remainder of the 1973-74 fiscal year, the sum of $30,000.
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Sen. William Garey, Vice-Chairman
Sen. Don HacManus
Sen. Vincent Mazzari
Sen. Dan Noble

Rep. Howard Benders
Rep. Carl Bledsoe
Rep. George Boyle
Rep. Robert Badalberry
Rep. Steven Evans
Rep. Harold Becher
Rep. Kenneth Loyal
Rep. Clarence Goin
Rep. Arte Taylor

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Jim Henderson
Research Associate

Bart Devine
Senior Research Assistant
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Sen. William Garnsey
Sen. Kenneth Kinnie
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Sen. Dan Noble
Sen. Christian Wunsch

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Rep. Theodore Eaker
Rep. Dennis Gallagher
Rep. Steven Gann
Rep. Bob Kirpatrick
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Rep. Virginia Sears
Rep. Frank Southworth
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Pete Nichols
Research Assistant