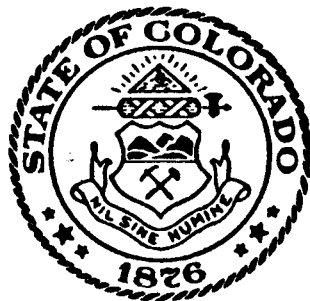


**Report to the Colorado General Assembly:
RECOMMENDATIONS FOR 1974,
COMMITTEES ON:**

- 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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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.

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RECOMMENDATIONS FOR 1974

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Legislative Council
Report To The
Colorado General Assembly

Research Publication No. 203
December, 1973

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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.

COMMITTEE ON TRANSPORTATION

BILL 26

A BILL FOR AN ACT

1 CONCERNING THE HIGHWAY USERS TAX FUND.

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

3 SECTION 1. 120-12-7 (1), Colorado Revised Statutes 1963
4 (1965 Supp.), is amended to read:

5 120-12-7. County allocation. (1) ~~After-January-1,-1965;~~
6 FOR THE YEAR 1975, after the payments required by law have been
7 made to the highway crossing protection fund and after paying the
8 costs of the state patrol as appropriated by the general
9 assembly, ~~twenty-six~~ TWENTY-FIVE percent of the balance of the
10 highway users tax fund shall be paid to the county treasurers of
11 the respective counties and shall be allocated and expended as
12 provided in this section. FOR THE YEAR 1976, THE COUNTY
13 ALLOCATION SHALL BE TWENTY-FOUR PERCENT, AND FOR THE YEAR 1977
14 AND THEREAFTER, THE COUNTY ALLOCATION SHALL BE TWENTY-THREE
15 PERCENT. The moneys thus received shall be allocated to the
16 counties as provided by law and shall be expended by said
17 counties only on the construction, engineering, reconstruction,
18 maintenance, repair, equipment, improvement, and administration
19 of the county highway systems together with acquisition of
20 rights-of-way and access rights for the same, and for no other
21 purpose. The amount to be expended for administrative purposes

1 shall not exceed five percent of each county's share of the funds
2 available.

3 SECTION 2. 120-12-8 (1), Colorado Revised Statutes 1963
4 (1965 Supp.), is amended to read:

5 120-12-8. Municipal allocation. (1) ~~After-January-1,~~
6 ~~1965,~~ FOR THE YEAR 1975, after the payments required by law have
7 been made to the highway crossing protection fund, and after
8 paying the costs of the state patrol as appropriated by the
9 general assembly and making allocation as provided by sections
10 120-12-6 and 120-12-7, ~~nine~~ TEN percent of the balance of the
11 highway users tax fund shall be paid to the cities and
12 incorporated towns within the limits of the respective counties
13 and shall be allocated and expended as provided in this section.
14 FOR THE YEAR 1976, THE MUNICIPAL ALLOCATION SHALL BE ELEVEN
15 PERCENT, AND FOR THE YEAR 1977 AND THEREAFTER, THE MUNICIPAL
16 ALLOCATION SHALL BE TWELVE PERCENT. Each city treasurer shall
17 account for the moneys thus received as provided in this article.
18 Such moneys so allocated shall be expended by said cities and
19 incorporated towns for the construction, engineering,
20 reconstruction, maintenance, repair, equipment, improvement, and
21 administration of the system of streets of such city or
22 incorporated town together with the acquisition of rights-of-way
23 and access rights for THE same, and for no other purpose. The
24 amount to be expended for administrative purposes shall not
25 exceed five percent of each city's share of the funds available.

26 SECTION 3. Safety clause. The general assembly hereby
27 finds, deternines, and declares that this act is necessary for

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

COMMITTEE ON TRANSPORTATION

BILL 27

A BILL FOR AN ACT

1 CONCERNING APPROPRIATIONS TO THE COLORADO STATE PATROL.

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

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

5 120-10-23. Costs of administration. One-half of the costs
6 of administration of this article, including the salaries of the
7 chief, deputy chief, commissioned and noncommissioned officers,
8 patrolmen, radio technicians, and other field and office
9 personnel, the state's contribution to their retirement benefits,
10 office supplies, postage, uniforms, badges, and other supplies
11 and equipment, and necessary travel and subsistence allowances,
12 shall be annually appropriated by the general assembly from the
13 highway users tax fund, said portion being hereby declared to be
14 for the supervision of the public highways of this state, and the
15 remaining one-half of such costs shall be annually appropriated
16 by the general assembly from the general fund, said remaining
17 portion being hereby declared to be for the administration of the
18 laws of this state governing the use of the public highways. All
19 such costs, salaries, and expenses shall be paid by the state
20 treasurer upon warrants issued pursuant to law by the state
21 controller and charged against such appropriations.

1 SECTION 2. Effective date. This act shall take effect
2 January 1, 1975.

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

COMMITTEE ON TRANSPORTATION

BILL 28

A BILL FOR AN ACT

1 CONCERNING DRIVERS' LICENSES FOR THE OPERATION OF MOTOR VEHICLES.

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

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

6 13-4-12. License issued - fees. (2) The fee for the
7 issuance of a driver's and provisional driver's license shall be
8 ~~two~~ FIVE dollars, ~~and--twenty-five--cents~~; which license shall
9 expire on the birthday of the applicant in the third year after
10 issuance thereof or when the applicant reaches age twenty-one,
11 whichever occurs first. ~~except--that--in--case--of~~ WHEN a
12 provisional driver's or driver's license IS issued by the county
13 clerk's office, ~~in--each--county~~ the county clerk's office shall
14 retain the sum of one dollar and fifty cents, ~~and--seventy-five~~
15 ~~cents~~ THE BALANCE shall be forwarded to the department of revenue
16 for deposit in the state treasury to the credit of the highway
17 users tax fund, and the general assembly shall make
18 appropriations therefrom for the expenses of the administration
19 of this article.

20 (3) The fee for the issuance of a minor driver's license
21 shall be ~~two~~ FIVE dollars, ~~and--twenty-five--cents~~; which license

1 shall expire twenty days after the eighteenth birthday of the
2 licensee. In case of issuance of such minor driver's license by
3 the county clerk's office, the fee therefor shall be apportioned
4 in the same manner as for issuance of an operator's license.

5 SECTION 2. Effective date. This act shall take effect July
6 1, 1974.

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

COMMITTEE ON TRANSPORTATION

BILL 29

A BILL FOR AN ACT

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

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

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

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

10 (10) The department of highways shall install, operate,
11 maintain, and control at state expense all traffic control
12 signals, signs, and traffic control devices, AND STREET
13 ILLUMINATION FACILITIES on state highways connecting links in
14 cities, CITIES AND COUNTIES, and incorporated towns, AND COUNTIES.
15 ~~having a population of five thousand or less as determined by the~~
16 ~~latest federal census; and cities, cities and counties, and~~
17 ~~incorporated towns having a population in excess of five thousand~~
18 ~~according to the latest federal census shall maintain, operate~~
19 ~~and control such signals, signs and devices at their own expense.~~
20 No local authority shall erect or maintain any stop sign or
21 traffic control signal at any location so as to require the

1 traffic on any state highway to stop before entering or crossing
2 any intersecting highway unless approval in writing has first
3 been obtained from the department of highways. For the purpose
4 of this subsection (10), striping, lane marking, and
5 channelization are considered traffic control devices.

6 SECTION 2. Effective date. This act shall take effect July
7 1, 1974.

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

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INTERIM RECOMMENDATIONS
COMMITTEE ON COURTS

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 caseload 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 would 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 - Splitting 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

1 CONCERNING THE JUDICIAL DISTRICTS OF THE STATE.

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

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

5 37-12-1. Judicial districts and terms. The state is
6 hereby divided into ~~twenty-two~~ TWENTY judicial districts as
7 prescribed by this article. Terms of court shall be fixed by
8 rules adopted by the district court in each district; ~~provided;~~
9 ~~that~~ BUT at least one term of court shall be held each calendar
10 year in each county within the district at the county seat of
11 such county.

12 SECTION 2. 37-12-2 (1), Colorado Revised Statutes 1963
13 (1965 Supp.), is amended to read:

14 37-12-2. First district. (1) The first judicial district
15 shall be composed of the ~~counties of--Clear--Creek,--Gilpin,--and~~
16 COUNTY OF Jefferson.

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

19 37-12-6. Fifth district. (1) The fifth judicial district
20 shall be composed of the counties of Eagle, Lake,--and Summit,
21 GILPIN, AND CLEAR CREEK.

1 (2) The number of judges for the fifth judicial district
2 shall be ~~one~~ TWO.

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

5 37-12-7. Sixth district. (1) The sixth judicial district
6 shall be composed of the counties of DOLORES, MONTEZUMA,
7 Archuleta, La Plata, and San Juan.

8 (2) The number of judges for the sixth judicial district
9 shall be ~~two~~ THREE.

10 SECTION 5. 37-12-9 (1), Colorado Revised Statutes 1963
11 (1965 Supp.), is amended to read:

12 37-12-9. Eighth district. (1) The eighth judicial
13 district shall be composed of the ~~counties~~ COUNTY of Larimer. and
14 ~~Jaekson.~~

15 SECTION 6. 37-12-11 (1) and (2), Colorado Revised Statutes
16 1963, as amended, are amended to read:

17 37-12-11. Tenth district. (1) The tenth judicial
18 district shall be composed of the ~~county~~ COUNTIES of Pueblo AND
19 HUERFANO.

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

22 SECTION 7. 37-12-12 (1), Colorado Revised Statutes 1963
23 (1965 Supp.), is amended to read:

24 37-12-12. Eleventh district. (1) The eleventh judicial
25 district shall be composed of the counties of LAKE, Chaffee,
26 Custer, Fremont, and Park.

27 SECTION 8. 37-12-15, Colorado Revised Statutes 1963 (1965

1 Supp.), is amended to read:

2 37-12-15. Fourteenth district. (1) The fourteenth
3 judicial district shall be composed of the counties of JACKSON,
4 Grand, Moffat, and Routt.

5 (2) The number of judges for the fourteenth judicial
6 district shall be ~~one~~ TWO.

7 SECTION 9. 37-12-16 (1), Colorado Revised Statutes 1963
8 (1965 Supp.), is amended to read:

9 37-12-16. Fifteenth district. (1) The fifteenth judicial
10 district shall be composed of the counties of LINCOLN, Baca,
11 Cheyenne, Kiowa, and Prowers.

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

14 37-12-17. Sixteenth district. (1) The sixteenth judicial
15 district shall be composed of the counties of Bent, Crowley, and
16 Otero, AND LAS ANIMAS.

17 (2) The number of judges for the sixteenth judicial district
18 shall be ~~two~~ THREE.

19 SECTION 11. 37-12-19 (1), Colorado Revised Statutes 1963
20 (1969 Supp.), is amended to read:

21 37-12-19. Eighteenth district. (1) The eighteenth
22 judicial district shall be composed of the counties of Arapahoe,
23 Douglas, AND Elbert. ~~and Lincoln.~~

24 SECTION 12. Repeal. 37-12-4, 37-12-12 (3), and 37-12-23,
25 Colorado Revised Statutes 1963 (1965 Supp.), and 37-12-5 (3),
26 Colorado Revised Statutes 1963 (1967 Supp.), are repealed.

27 SECTION 13. Effective date. For the transaction of

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

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

COMMITTEE ON COURTS

BILL 31

A BILL FOR AN ACT

1 CONCERNING COURT FEES IN PROBATE PROCEEDINGS.

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

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

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

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

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

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

21 (e) Docket fee for registration of trust pursuant to article

1 7 of chapter 153, C.R.S. 1963.....25.00

2 (2) (a) The following fees shall also be chargeable:

3 (b) For preparing copy of record on appeal or writ of error,

4 or copy of any record, proceeding, or paper on file, per folio of

5 one hundred words, for typed copies, per folio..... \$.30

6 (c) For certifying to copy of any record, proceeding, or

7 paper on file..... .75

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

9 (e) For certificate of exemplification of any record,

10 proceeding, or paper on file..... 1.50

11 SECTION 2. Effective date. This act shall take effect

12 July 1, 1974, and shall be applicable to all proceedings

13 commenced on or after such date.

14 SECTION 3. Safety clause. The general assembly hereby

15 finds, determines, and declares that this act is necessary for

16 the immediate preservation of the public peace, health, and

17 safety.

COMMITTEE ON COURTS

CONSTITUTIONAL AMENDMENT 1

CONCURRENT RESOLUTION NO.

1 SUBMITTING TO THE QUALIFIED ELECTORS OF THE STATE OF COLORADO AN
2 AMENDMENT TO ARTICLE VI OF THE CONSTITUTION OF THE STATE OF
3 COLORADO CONCERNING THE STATE COURT SYSTEM, PROVIDING FOR
4 THE ABOLITION OF THE PROBATE AND JUVENILE COURTS OF THE CITY
5 AND COUNTY OF DENVER AND THE TRANSFER OF THEIR JURISDICTION
6 TO THE DISTRICT COURT, CHANGING THE REQUIREMENTS FOR THE
7 OFFICE OF COUNTY JUDGE, CONCERNING LIMITATIONS ON THE
8 JURISDICTION OF COUNTY AND DISTRICT COURTS, AND AMENDING
9 REQUIREMENTS FOR CHANGES IN JUDICIAL DISTRICT BOUNDARIES AND
10 PROVISIONS CONCERNING THE TEMPORARY ASSIGNMENT OF JUDGES AND
11 JUSTICES.

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

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

19 SECTION 1. Vestment of judicial power. The judicial power
20 of the state shall be vested in a supreme court, district courts,
21 ~~a--probate--court--in--the--city--and--county--of--Denver--a--juvenile~~

1 ~~court-in-the-city-and-county-of-Denver~~; county courts, and such
2 other courts or judicial officers with jurisdiction inferior to
3 the supreme court, as the general assembly may from time to time
4 establish; provided, however, that nothing herein contained shall
5 be construed to restrict or diminish the powers of home rule
6 cities and towns granted under article XX, section 6 of the
7 constitution to create municipal and police courts.

Comment: This amendment would remove constitutional 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.

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

10 SECTION 2. Appellate jurisdiction. (2) Appellate review
11 by the supreme court of every final judgment of the district
12 courts, the probate court of the city and county of Denver, and
13 the juvenile court of the city and county of Denver, WHILE SAID
14 PROBATE AND JUVENILE COURTS REMAIN IN EXISTENCE, shall be
15 allowed, and the supreme court shall have such other appellate
16 review as may be provided by law. There shall be no appellate
17 review by the district court of any final judgment of the probate
18 court of the city and county of Denver or of the juvenile court
19 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.

1 Subsection (3) of section 5 of article VI of the
2 constitution of the state of Colorado is amended to read:

3 SECTION 5. Personnel of court - departments - chief
4 justice. (3) The supreme court shall appoint a court
5 administrator and such other personnel as the court may deem
6 necessary to aid the administration of the courts. Whenever the
7 chief justice deems assignment of a judge necessary to the prompt
8 disposition of judicial business, he may assign any county judge,
9 or ANY retired JUSTICE OR county judge who consents, temporarily
10 to perform judicial duties in any county court if otherwise
11 qualified under ~~section--18--of~~ this article. ~~or--assign;--as~~
12 ~~hereafter--may--be--authorized--by--law;--said--judge--to--any--other~~
13 ~~court;--or--(b)--assign--any--district;--probate;--or--juvenile--judge;--or~~
14 ~~retired--justice--or--district;--probate;--or--juvenile--judge--who~~
15 ~~consents;--temporarily--to--perform--judicial--duties--in--any--court.~~
16 For each day of such temporary service a retired justice or judge
17 shall receive compensation ~~in--an--amount--equal--to--1/20--of--the~~
18 ~~monthly--salary--then--currently--applicable--to--the--judicial--position~~
19 ~~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 qual-
ified judge or retired judge could temporar-
ily perform judicial duties in other courts.
Other language is simplified in this section.

20 Subsections (1) and (3) of section 9 of article VI of the
21 constitution of the state of Colorado are amended, and the said
22 section 9 is further amended BY THE ADDITION OF THE FOLLOWING NEW
23 SUBSECTIONS to read:

1 SECTION 9. District courts - jurisdiction. (1) The
2 district courts shall be trial courts of record with general
3 jurisdiction and shall have original jurisdiction in all civil,
4 probate, and criminal cases except as otherwise provided herein
5 AND EXCEPT THAT THE GENERAL ASSEMBLY MAY PLACE MINIMUM LIMITS ON
6 DISTRICT COURT JURISDICTION. and THE DISTRICT COURT shall have
7 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.

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

20 (4) IN THE CITY AND COUNTY OF DENVER ORIGINAL JURISDICTION
21 OF CIVIL AND CRIMINAL MATTERS INVOLVING CHILDREN AND JUVENILES
22 SHALL BE VESTED IN A JUVENILE COURT TO THE EXTENT PROVIDED BY
23 LAW, EXCEPT THAT SUCH CONCURRENT JURISDICTION SHALL EXPIRE ON THE
24 SECOND TUESDAY OF JANUARY, 1977, AT WHICH TIME JURISDICTION OF

1 SUCH MATTERS SHALL BE EXCLUSIVELY IN THE DISTRICT COURT AND ALL
2 CASES AND MATTERS PENDING IN SAID JUVENILE COURT SHALL BE
3 TRANSFERRED TO THE DISTRICT COURT OF THE CITY AND COUNTY OF
4 DENVER AND BE PENDING THEREIN, AND NO BOND OR OBLIGATION GIVEN IN
5 ANY OF SAID CAUSES SHALL BE AFFECTED BY SUCH TRANSFER OF
6 JURISDICTION.

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

7 (5) JUDGES SERVING ON THE PROBATE COURT AND THE JUVENILE
8 COURT OF THE CITY AND COUNTY OF DENVER AS OF THE SECOND TUESDAY
9 IN JANUARY, 1977, SHALL BE TRANSFERRED TO THE DISTRICT COURT OF
10 THE CITY AND COUNTY OF DENVER AND SHALL BE ELIGIBLE FOR ELECTION
11 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.

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

14 SECTION 10. Judicial districts - district judges. (1) The
15 state shall be divided into judicial districts. Such districts
16 shall be formed of compact territory and be bounded by county
17 lines. The judicial districts as provided by law on the
18 effective date of this amendment shall constitute the judicial
19 districts of the state until changed. The general assembly may
20 by law ~~whenever two-thirds of the members of each house concur~~
21 ~~therein~~; change the boundaries of any district or increase or
22 diminish the number of judicial districts.

Comment: Struck language removes two-thirds vote requirement for change of judicial district boundaries by the General Assembly.

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

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

13 SECTION 16. County judges - terms - qualifications. ~~In~~
14 ~~each-county-there~~ EACH JUDICIAL DISTRICT shall be SERVED BY one
15 or more judges of the county court as may be provided by law,
16 whose full term of office shall be four years. ~~and-whose~~
17 ~~qualifications-shall-be-prescribed-by-law.~~ County judges shall be
18 qualified electors of THE JUDICIAL DISTRICT ~~their-counties~~ at the
19 time of their election or appointment, SHALL BE RESIDENTS OF THE
20 DISTRICT DURING THEIR TERM OF OFFICE, AND SHALL BE LICENSED TO
21 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.

1 SECTION 17. County courts - jurisdiction - appeals. County
2 courts shall have such civil, criminal, and appellate
3 jurisdiction as may be provided by law. ~~provided--such--courts~~
4 ~~shall--not--have-jurisdiction-of-felonies-or-in-civil-cases-where~~
5 ~~the-boundaries-or-title-to-real-property-shall--be--in--question.~~
6 Appellate review by the supreme court or the district courts of
7 every final judgment of the county courts shall be as provided by
8 law.

Comment: Jurisdiction of county courts
would be determined by law, without constitu-
tional limitation.

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

11 SECTION 18. Compensation and services. Justices and judges
12 of courts of record shall receive such compensation as may be
13 provided by law, which may be increased but may not be decreased
14 during their term of office, and shall receive such pension or
15 retirement benefits as may be provided by law. No justice or
16 judge of a court of record shall accept designation or nomination
17 for any public office other than judicial without first resigning
18 from his judicial office, nor shall he hold at any other time any
19 other public office during his term of office, nor hold office in
20 any political party organization, nor contribute to or campaign
21 for any political party or candidate for political office. No
22 supreme court justice, judge of any intermediate appellate court,
23 OR district OR COUNTY court judge ~~probate--judge;--or--juvenile~~
24 ~~judge~~ shall engage in the practice of law. ~~Justices;--district~~
25 ~~judges;--probate-judges;--and--juvenile-judges--when--called--upon--to~~

1 do--so;--may--serve--in--any--state--court-with-full-authority-as
2 provided-by-law;--Any-county-judge-may-serve-in-any-other--county
3 court;--or-serve;--as-hereinafter-may-be-authorized-by-law;--in-any
4 other-court;--if-possessing-the-qualifications-prescribed-by-law
5 for--a--judge--of--such--county--court;--or--other-court;--or-as-a
6 municipal-judge-or-police-magistrate-as-provided-by-law;--or--in
7 the--case--of--home--rule--cities--as--provided--by--charter--and
8 ordinances;

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).

9 SECTION 19. Laws relating to courts - uniform. All laws
10 relating to state courts shall be general and of uniform
11 operation throughout the state, and except as hereinafter in this
12 section specified, the organization, jurisdiction, powers,
13 proceedings, and practice of all courts of the same class and the
14 force and effect of the proceedings, judgments, and decrees of
15 such courts severally shall be uniform. County--courts--may--be
16 classified--or--graded--as--may--be--provided--by--law;--and--the
17 organization;--jurisdiction;--powers;--proceedings;--and--practice--of
18 county--courts--within-the-same-class-or-grade;--and--the--force--and
19 effect--of--the--proceedings;--judgments--and--decrees--of--county--courts
20 in-the-same-class-or-grade--shall-be-uniform;--provided;--however;
21 that The organization and administration of the county court of
22 the city and county of Denver shall be as provided in the charter
23 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.

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

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.

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

10 SECTION 25. Election of justices and judges. A justice of
11 the supreme court or a judge of any other court of record, who
12 shall desire to retain his judicial office for another term after
13 the expiration of his then term of office shall file with the
14 secretary of state, not more than six months nor less than three
15 months prior to the general election next prior to the expiration
16 of his then term of office, a declaration of his intent to run
17 for another term. Failure to file such a declaration within the
18 time specified shall create a vacancy in that office at the end
19 of his then term of office. Upon the filing of such a
20 declaration, a question shall be placed on the appropriate ballot
21 at such general election, as follows:

1 "Shall Justice (Judge) _____ of the Supreme (or other)
2 Court be retained in office? YES/___/NO/___/." If a majority of
3 those voting on the question vote "Yes", the justice or judge is
4 thereupon elected to a succeeding full term. If a majority of
5 those voting on the question vote "No", this will cause a vacancy
6 to exist in that office at the end of his then present term of
7 office.

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

15 Sections 14 and 15 of article VI of the constitution of the
16 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 juve-
nile courts of Denver.

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

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

4 Section 3. The votes cast for the adoption or rejection of
5 said amendment shall be canvassed and the result determined in
6 the manner provided by law for the canvassing of votes for
7 representatives in Congress, and if a majority of the electors
8 voting on the question shall have voted "Yes", the said amendment
9 shall become a part of the state constitution.

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INTERIM RECOMMENDATIONS
COMMITTEE ON EDUCATIONAL TELEVISION

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.

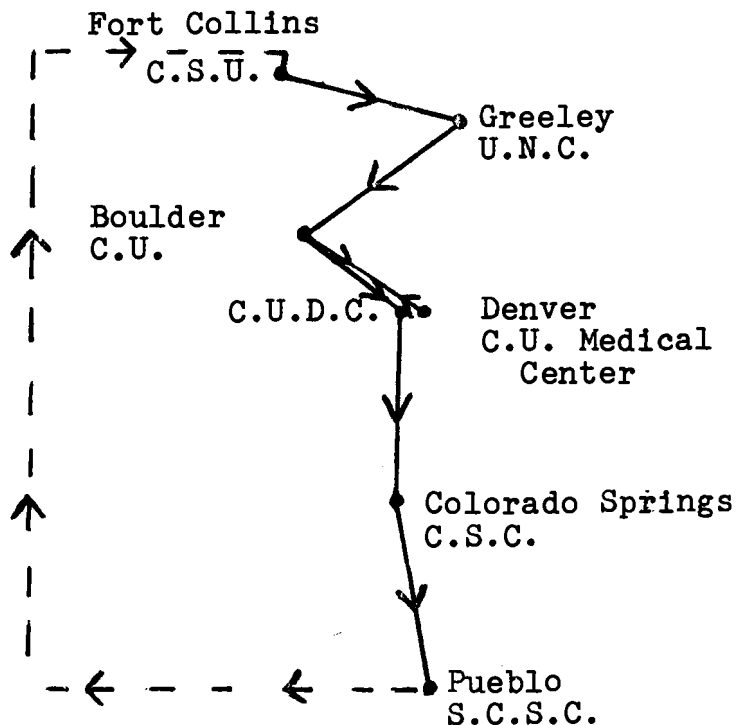
University of Colorado. The University of Colorado operates a two-way microwave system for transmission of video and data signals from the Boulder campus to the CU Medical School for simultaneous participation in medical seminars and exchange of data. In addition, the University maintains the National 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.



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 Buechner
Rep. John Hamlin
Rep. James Lloyd
Rep. Clarence Quinlan

Council Staff

Richard Levensgood
Principal Analyst

Larry Thompson
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 concensus 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.

COMMITTEE ON CAMPAIGN FUNDS
MINORITY REPORT*

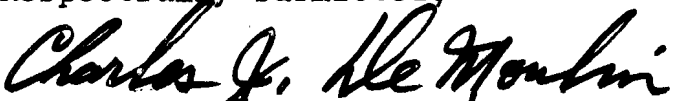
Representative DeMoulin

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

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

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

4 SECTION 1. Chapter 49, Colorado Revised Statutes 1963, as
5 amended, is amended BY THE ADDITION OF A NEW ARTICLE to read:

6 ARTICLE 27

7 Campaign Reform Act

8 49-27-101. Legislative declaration. The general assembly
9 hereby finds and declares that the interests of the people of
10 this state can be better served through a more informed public;
11 that the trust of the people is essential to representative
12 government; and that public disclosure and regulation of certain
13 campaign practices can only serve to increase the people's
14 confidence in their elected officials. Therefore, it is the
15 purpose of this article to promote public confidence in
16 government through a more informed electorate.

17 49-27-102. Short title. This article shall be known and
18 may be cited as the "Campaign Reform Act of 1974".

19 49-27-103. Definitions. As used in this article, unless
20 the context otherwise requires:

21 (1) "Campaign treasurer" means the treasurer of: Any

1 candidate for nomination, retention, or election; any party; or
2 any political committee. A candidate may appoint himself
3 campaign treasurer.

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

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

22 (4) "Contribution" means a gift, loan, guarantee, or advance
23 of money or anything of value for the purpose of influencing an
24 issue, the nomination, retention, or election of any person to
25 any public office to be voted for in this state; a transfer of
26 money or anything of value between or among political committees;
27 or the payment or providing of money or anything of value by any

1 person other than a candidate or political committee to
2 compensate any person for services rendered to a candidate or
3 political committee. "Contribution" includes a candidate's
4 expenditure of his own funds to influence votes, but does not
5 include services provided without compensation by individuals
6 volunteering their time on behalf of a candidate or political
7 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.

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

17 (6) "Election" means any general, primary, municipal, or
18 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.

3 committee for the purpose of influencing the passage or defeat of
4 an issue, the nomination, retention, or election of any person to
5 any public office to be voted for in this state, or to defeat the
6 candidacy of any candidate for nomination, retention, or election
7 to any public office; or the payment or providing of money or
8 anything of value by any person other than a candidate or
9 political committee to compensate any person for services
10 rendered to a candidate or political committee; or the providing
11 of a service or anything of value for the purpose of influencing
12 the nomination, retention, or election of any person to any
13 public office to be voted for in this state. "Expenditure" does
14 not include services provided without compensation by individuals
15 volunteering their time on behalf of a candidate or political
16 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.

17 (8) "Issue" means any proposition which is required to be
18 submitted to the electors for their approval or rejection at an
19 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.

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

12 (10) "Person" means any individual, partnership, committee,
13 association, corporation, labor organization, or any other
14 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).

15 (11) "Political committee" means any two or more persons who
16 are elected, appointed, or chosen, or who have associated
17 themselves or cooperated for the purpose of accepting

1 contributions or making expenditures, and who support a candidate
2 for nomination, retention, or election to public office or in
3 furtherance of the acceptance or rejection by the electors of any
4 issue. A political committee shall include a political party or
5 political organization.

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

Comment: The "Campaign Reform Act of 1974"
does not in any way cover disclosure, expendi-
tures, or contributions for candidates or com-
mittees 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 fed-
eral office.

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

Comment: "Statewide election" is defined
to clearly enumerate to which offices disclo-
sure applies. As provided in the subsequent
section, committees for candidates and candi-
dates for the offices enumerated would file
with the Secretary of State. All other candi-
dates and committees would file with their
county or municipal clerks.

1 49-27-104. Organization of political committees - duties of
2 treasurer. (1) Every political committee shall have a chairman
3 and a campaign treasurer who are qualified electors in this
4 state. Such officers shall keep detailed accounts of all
5 contributions received, expenditures made, and debts owed by or
6 to the committee as provided in section 49-27-106 over twenty
7 dollars. Nothing in this subsection (1) shall prohibit a
8 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.

9 (2) No campaign treasurer or chairman of a political
10 committee shall receive any contribution or disburse any
11 expenditure for a candidate or party until such time that the
12 political committee is authorized in writing by the candidate to
13 receive or disburse such contributions or expenditures for that
14 candidate's nomination or election. Such authorization shall be
15 filed with the secretary of state, the county clerk, or the
16 municipal clerk, as the case may be, as provided in section
17 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.

1 (3) The campaign treasurer of the political committee shall
2 keep an exact and detailed account of all committee expenditures
3 made and contributions received, including the full name,
4 address, nature of business, if known, the date thereof and the
5 amount of all expenditures made on behalf of or for the committee
6 and the full name, address, nature of business, if known, the date
7 thereof, and the amount of contribution of the person or persons
8 making any contribution to a political committee.

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

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

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

21 49-27-105. Registration of committees. (1) (a) In the case
22 of any statewide political committee or for any political
23 committee for any candidate for the general assembly, district
24 attorney, or justice or judge of any court of record or for any
25 candidate for any public office which encompasses territory
26 larger than a county, prior written authorization by the
27 candidate shall be filed with the secretary of state before such

1 political committee shall receive any contribution or disburse
2 any expenditure.

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

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

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

21 (4) The statement of organization shall include:

22 (a) The name and address of the committee;

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

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

27 (d) The name, address, office sought, and party affiliation

1 of each candidate whom the committee is supporting for nomination
2 or election to any public office, and each candidate whom the
3 committee opposes for nomination or election to any public
4 office;

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

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

9 (5) Any changes in information previously submitted by a
10 committee in a statement of organization shall be reported to the
11 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.

12 49-27-106. Reports by political committees and candidates.

13 (1) Each campaign treasurer of a political committee and each
14 candidate for nomination, retention, or election to public office
15 shall, if any contributions were received or expenditures made,
16 file with the appropriate officer as designated in section
17 49-27-105, reports of all contributions and expenditures on forms
18 prescribed by the secretary of state. Such reports shall be
19 filed not less than thirty days after any party convention,
20 designating assembly, or general, primary, municipal, school, or
21 special district election. Such reports shall contain the
22 information required by subsection (2) of this section and shall
23 be complete as of five days prior to the filing deadline.

1 Delivery to the appropriate officer or a registered mail receipt
2 which indicates mailing not more than thirty days after any
3 election shall constitute compliance with the times specified for
4 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 concensus 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.

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

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

9 (b) The full name and address of each person who has made
10 one or more contributions to or for such committee or candidate
11 and the amount and date of each such contribution (including the
12 purchase of tickets for events such as dinners, luncheons,
13 rallies, and similar fund-raising events) when the aggregate
14 amount in a calendar year is known to exceed twenty dollars.
15 When the aggregate amount in a calendar year is known to exceed
16 one hundred dollars, the nature of the business, if known, of the
17 donor shall also be stated;

1 (c) The total sum of individual contributions made to or for
2 such committee or candidate during the reporting period and not
3 reported under paragraph (b) of this subsection (2);

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

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

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

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

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

26 (i) The full name and address and nature of business, if
27 known, of each person to whom expenditures have been made by such

1 committee or candidate or on behalf of such committee or
2 candidate within the calendar year in an aggregate amount or
3 value in excess of fifty dollars; the amount, date, and purpose
4 of each such expenditure; and the name and address of, and office
5 sought by, each candidate on whose behalf such expenditure was
6 made;

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

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

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

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

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

25 (4) The reports required to be filed by this section shall
26 be cumulative during the calendar year to which they relate, but
27 where there has been no change in an item reported in a previous

1 report during such year, only the amount need be carried forward.
2 If no contribution or expenditure has been accepted or expended
3 during a calendar year, the treasurer of the political committee
4 or candidate, as the case may be, shall file a statement to that
5 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.

6 49-27-107. Reports by persons other than political
7 committees or candidates. Any person who makes any contribution
8 or expenditure in an aggregate amount exceeding fifty dollars
9 during a calendar year for the furtherance or defeat of any other
10 person's candidacy for nomination, retention, or election and not
11 made directly to such person, himself, or to any political
12 committee shall file with the appropriate officer a statement as
13 provided by section 49-25-105. Such statement need not be
14 cumulative but shall contain the information required by section

1 49-27-107 and shall be filed by the dates that other statements
2 are filed. The provisions of this section shall also apply to
3 any contribution or expenditure to influence the passage or
4 defeat of any issue appearing on the ballot.

Comment: Section 49-27-107 requires re-
porting by persons who may choose to make a
direct monetary payment to the media, for ex-
ample, 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.

5 49-27-108. Contributions by persons limited - central
6 committees. (1) (a) Except as provided in subsection (2) of
7 this section, no person shall pay, give, or authorize to be paid,
8 or given, either directly or through any other person, or in
9 reimbursement of any such payment or gift by any other person,
10 any contribution exceeding one thousand dollars in value
11 belonging to such person or in his custody or control, to any
12 person representing any issue or to any candidate or political
13 committee for the payment of any election expenses for any
14 statewide office or issue. For the purposes of this paragraph
15 (a), a statewide office shall include expenses incurred by a
16 judge or justice seeking to be retained in office, pursuant to
17 the provisions of section 25 of article VI of the state
18 constitution.
19 (b) If such contribution is for other than a statewide
20 office or issue, the person may contribute not more than five
21 hundred dollars.

1 (c) The limitations on contributions provided in this
2 subsection (1) shall apply to each election separately and shall
3 apply to each individual candidate to be voted upon at such
4 election; except that such limitation for any single election
5 shall be the maximum amount that any person may contribute to the
6 candidate, himself, and any political committee working on his
7 behalf. The provisions of this paragraph (c) shall also apply to
8 contributions to influence the passage or defeat of any issue
9 appearing on the ballot.

10 (d) The limitations on contributions provided in paragraphs
11 (a) and (b) of this subsection (1) shall not apply to
12 contributions to defray ongoing expenses which are not directed
13 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.

1 (2) No person shall pay, give, or authorize to be paid or
2 given, either directly or through any other person, or in
3 reimbursement of any such payment or gift by any other person,
4 any contribution exceeding five thousand dollars in value
5 belonging to such person, or in his custody or control, to any
6 party central committee for election expenses for any statewide
7 office or issue. If the contribution is for other than a
8 statewide office or issue, the person may contribute not more
9 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.

10 (3) No corporation or labor union, nor any employee,
11 officer, or director acting for such corporation or labor union,
12 shall pay, give, or authorize to be paid or given any
13 contribution or expenditure to any candidate or political

1 committee out of any corporate or union funds except those
2 designated specifically for political purposes.

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

3 (4) No person shall pay, give, or authorize to be paid or
4 given any contribution in cash exceeding twenty dollars to any
5 person representing an issue or to any candidate or political
6 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.

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

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

17 49-27-109. Campaign funds - use restricted. No candidate
18 nor campaign treasurer shall pay, give, lend, or agree to pay,
19 give, or lend any money or anything of value to any person from
20 the contributions received for the election campaign for any

1 reason not reasonably related to the election campaign or for any
2 private purpose.

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

3 49-27-110. Duties of the secretary of state. (1) The
4 secretary of state shall:

5 (a) Develop and furnish the prescribed forms for the
6 statements required to be filed under this article;

7 (b) Prepare, publish, and furnish to the person required to
8 file such reports and statements a manual setting forth
9 recommended uniform methods of bookkeeping and reporting;

10 (c) Develop a filing, coding, and cross-indexing system
11 consistent with the purposes of this article;

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

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

1 (f) Compile and maintain a current list of all statements
2 or parts of statements pertaining to each candidate and
3 committee;

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

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

11 (i) Prescribe suitable rules and regulations to carry out
12 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.

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

17 (3) (a) Any person who believes a violation of this article
18 has occurred may file a written complaint with the secretary of
19 state, or the secretary of state or any district attorney may
20 proceed upon his own motion. If the secretary of state

1 determines there is substantial reason to believe such a
2 violation has occurred, he shall make an investigation which
3 shall also include an investigation of reports and statements
4 filed by the complainant. Whenever, in the judgment of the
5 secretary of state, after affording due notice and an opportunity
6 for a hearing, any person has engaged or is about to engage in
7 any acts or practices which constitute or will constitute a
8 violation of any provision of this article or any regulations or
9 order issued thereunder, he shall so notify the attorney general
10 who shall institute a civil action for relief, including a
11 permanent or temporary injunction, restraining order, or any
12 other appropriate order in the district court. Upon a proper
13 showing that such person has engaged or is about to engage in
14 such acts or practices, a permanent or temporary injunction,
15 restraining order, or other order shall be granted without bond
16 by such court.

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

17 (b) The secretary of state or his designee shall also have
18 the power to employ a hearing officer or officers to conduct
19 hearings on any matter within his jurisdiction, as provided in
20 paragraph (a) of this subsection (3), subject to appropriations
21 made to the secretary of state. Hearing officers employed
22 pursuant to this paragraph (b) shall be admitted to the bar of
23 the state of Colorado and shall have at least five years'
24 experience as a licensed attorney. Any hearing conducted by a

1 hearing officer employed pursuant to this paragraph (b) shall be
2 conducted in accordance with the provisions of section 3-16-4,
3 C.R.S. 1963, and the hearing officer shall be the authority
4 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.

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

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

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

14 49-27-111. Duties of municipal clerk - county clerk. (1)
15 The municipal clerk or county clerk and recorder shall:

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

1 statements shall be sold or utilized by any person for the
2 purpose of soliciting contributions or for any commercial
3 purpose.

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

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

11 (d) Report apparent violations of law to the appropriate
12 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.

Sections 49-27-112, 113, 114, 115, 116, and 117, would prohibit certain acts as unfair campaign practices.

13 49-27-112. Political advertising. No radio or television
14 station, newspaper, periodical, or other supplier of materials or
15 services shall require a candidate for nomination, retention, or
16 election or a political committee to pay a higher charge than the
17 normal charge it requires other customers to pay for comparable
18 materials and services.

19 49-27-113. Transportation of voters to polls. No candidate
20 for nomination, retention, or election and no political committee
21 shall transport any person, other than one who is sick or
22 disabled, to any polling place in a motor vehicle or other

1 conveyance which is painted or decorated in a way which indicates
2 a preference for either a political party or a candidate.

3 49-27-114. Solicitations of contributions prohibited. No
4 person shall demand, solicit, ask for, or invite any payment or
5 contribution to any religious, charitable, or other cause or
6 organization from one who represents an issue or from a candidate
7 for nomination, retention, or election, nor shall he subscribe
8 for the support of any club or organization or buy tickets to any
9 entertainment or ball or pay for space in any book, program,
10 periodical, or publication. This section shall not apply to the
11 solicitation of any business advertisement in periodicals in
12 which the candidate was a regular contributor prior to his
13 candidacy. This section shall not apply to ordinary business
14 advertisements, regular payments to any organization, religious,
15 charitable, or otherwise, of which he was a member or to which he
16 was a contributor for more than six months prior to his
17 candidacy, nor to any ordinary contributions at religious
18 services.

19 49-27-115. Contributions from political parties prohibited
20 - when. No political party shall make any contribution to or on
21 behalf of any political committee or candidate for nomination or
22 election unless and until the candidate has been designated or
23 nominated for public office by his political party.

Comment: Political parties would be prohibited from making any contributions to candidates 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 preceding the November general elections.

1 49-27-116. Encouraging withdrawal from campaign prohibited.
2 No person shall pay, cause to be paid, or attempt to pay to any
3 candidate for nomination, retention, or election or to any
4 political committee any money or any other thing of value for the
5 purpose of encouraging a candidate to withdraw his candidacy, nor
6 shall any candidate offer to withdraw his candidacy in return for
7 money or any other thing of value.

8 49-27-117. Contributions from lobbyists prohibited. No
9 person who is required to register as a lobbyist pursuant to the
10 provisions of section 3-37-304, C.R.S. 1963, shall make any
11 contribution to any political committee or any candidate for
12 nomination or election, nor shall he make any contribution on
13 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.

14 49-27-118. Penalty. Any person who violates any provision
15 of this article is guilty of a misdemeanor and, upon conviction
16 thereof, shall be punished by a fine of not less than one
17 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.

18 SECTION 2. 37-1-26 (1), Colorado Revised Statutes 1963
19 (1965 Supp.), is amended BY THE ADDITION OF A NEW PARAGRAPH to
20 read:

1 37-1-26. Jurisdiction of courts. (1) (f) The contribution
2 to any candidate or political committee of an amount greater than
3 that specified in section 49-27-108, C.R.S. 1963.

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.

4 SECTION 3. Repeal. 49-21-51 and 49-23-7, Colorado Revised
5 Statutes 1963, and 49-25-149, Colorado Revised Statutes 1963
6 (1965 Supp.), are repealed.

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.

7 SECTION 4. Appropriation. There is hereby appropriated out
8 of any moneys in the state treasury not otherwise appropriated,
9 to the secretary of state, for the fiscal year commencing July 1,
10 1974, the sum of _____ dollars (\$), or so much thereof
11 as may be necessary, for the implementation of this act.

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

COMMITTEE ON CAMPAIGN FUNDS

BILL 33

A BILL FOR AN ACT

1 CONCERNING POLITICAL CONTRIBUTIONS, AND PROVIDING A TAX CREDIT
2 THEREFOR.

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

4 SECTION 1. Article 1 of chapter 138, Colorado Revised
5 Statutes 1963, as amended, is amended BY THE ADDITION OF A NEW
6 SECTION to read:

7 138-1-98. Tax credit for political contributions. (1)
8 Subject to the limitations and conditions in subsections (2) and
9 (3) of this section, for the taxable year 1974 and each taxable
10 year thereafter, any resident individual shall be entitled to a
11 tax credit against the tax imposed by this article for political
12 contributions.

13 (2) (a) Such tax credit shall be allowed to a resident
14 individual who contributes money to any candidate for nomination,
15 retention, or election to any public office in this state or to
16 any political committee, as defined in section 49-27-103, C.R.S.
17 1963. For purposes of this section only, "candidate" also means
18 any individual who:

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

21 (c) Is a candidate for nomination or election to any office

1 in a political party designating assembly or convention, as
2 defined in section 49-1-4 (16) and (17), C.R.S. 1963, and who
3 meets the qualifications therefor, as prescribed by law or the
4 rules or bylaws of said political assembly or convention.

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

8 (b) The tax credit allowed by paragraph (a) of this
9 subsection (3) shall not exceed the amount of tax imposed by this
10 article for the taxable year as may be reduced by all other
11 credits allowed under sections 138-1-8, 138-1-18, 138-1-20,
12 138-1-60, and 138-1-68 to 138-1-70.

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

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

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

LEGISLATIVE COUNCIL COMMITTEE
ON WATER

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INTERIM RECOMMENDATIONS
COMMITTEE ON WATER

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.

The Colorado Water Conservation Board Construction Fund: Feasibility Studies Authorization -- Bill 36

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

1 CONCERNING RIVER BASIN AUTHORITIES FOR THE MANAGEMENT OF WATER.

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

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

6 ARTICLE 22

7 River Basin Authorities

8 148-22-101. Legislative declaration. It is the purpose of
9 this article to promote stability of ground and surface water
10 supplies and to encourage maximum utilization of and benefit from
11 all water supplies within the state of Colorado by planned
12 management.

13 148-22-102. River basin authorities established -
14 territory. (1) The river basin authorities hereby established
15 are comprised of all the territory within the areas described in
16 this section, except for any such territory which has been or is
17 subsequently placed within a designated ground water basin under
18 article 18 of this chapter. In the river basin authorities
19 established by this section, the board of directors of the
20 conservation district within which the particular river basin
21 authority is formed shall be the board of directors of the river

1 basin authority.

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

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

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

16 148-22-103. River basin authorities authorized. (1) Within
17 the territory included in any of the areas described in this
18 section, except that portion of any such territory which has been
19 or is subsequently placed within a designated ground water basin
20 under article 18 of this chapter, a river basin may be
21 established by petition and election as provided in sections
22 148-22-104 to 148-22-109.

23 (a) North Platte - Laramie river basin authority. The
24 boundaries of the North Platte - Laramie river basin authority
25 shall consist of the drainage basins of the North Platte and
26 Laramie rivers and streams tributary to said rivers, and
27 including the whole of Jackson county.