

1 (b) Arkansas river basin authority. The boundaries of water  
2 division number 2, as established by section 148-21-8 (3), shall  
3 constitute the boundaries of the Arkansas river basin authority.

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

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

13 148-22-104. Petition. Before a river basin authority is  
14 formed in any of the areas specified in section 148-22-103, a  
15 petition shall be filed in the office of the water clerk of the  
16 water division in which most of the territory of the authority  
17 lies, signed by not fewer than four hundred qualified electors  
18 resident within the limits of the proposed authority. The  
19 petition shall set forth the name of the proposed authority and a  
20 general description of the boundaries of the authority as  
21 specified by this article and shall pray for an election on the  
22 question of organization of the authority. No petition with the  
23 requisite signatures shall be declared void on account of alleged  
24 defects, but the court may permit the petition to be amended at  
25 any time to conform to the facts by correcting any error.  
26 Similar petitions, except for signatures, may be filed and  
27 together shall be regarded as one petition. All such petitions

1 filed prior to the hearing on the first petition filed shall be  
2 considered by the court the same as if filed with the first  
3 petition placed on file.

4 148-22-105. Notice and hearing on petition. (1)  
5 Immediately after the filing of such petition, the court shall  
6 fix a time not less than forty-five days nor more than ninety  
7 days after the petition is filed for hearing thereon, and the  
8 clerk of said court shall cause notice by publication to be made  
9 of the pendency of the petition and of the time and place of  
10 hearing thereon. Such notice shall be published once each week  
11 for three successive weeks in a newspaper or newspapers of  
12 general circulation within the boundaries of the proposed  
13 authority. The clerk shall also notify the county commissioners  
14 of each county having territory within the proposed authority of  
15 the pendency of the petition and the time and place of hearing  
16 thereon.

17 (2) Upon the day set for the hearing upon the original  
18 petition, if it appears to the court, from such evidence as may  
19 be adduced by any party in interest, that the petition is signed  
20 by the requisite number of qualified electors, the court shall  
21 set a day certain for the holding of a meeting by the boards of  
22 county commissioners of the counties, part or all of whose lands  
23 lie within the boundaries of the proposed authority, and shall  
24 set the time and place of meeting.

25 148-22-106. Election resolution. On such day certain or as  
26 soon thereafter as is reasonably possible, the board of county  
27 commissioners of the counties, part or all of whose lands lie

1 within the boundaries of the proposed authority, shall meet at  
2 the time and place specified by such court or at such other place  
3 as the county commissioners of said counties shall designate.  
4 The county commissioners of said counties shall call an election  
5 by resolution adopted at least thirty days prior to the date set  
6 for such election. Such resolution shall recite that the object  
7 and purpose of the election is to determine whether or not the  
8 authority is to be formed. The county commissioners shall  
9 provide in the election resolution, or by supplemental  
10 resolution, for the appointment of sufficient judges of the  
11 election who shall be qualified electors residing within the  
12 proposed authority and shall set their compensation. The  
13 election resolution shall also then designate the precincts and  
14 polling places. The description of precincts may be made by  
15 reference to any order of the governing body of any county,  
16 municipality, or other public body in which the proposed  
17 authority or any part thereof is situated, or by reference to any  
18 previous order or by other instrument of such governing body, or  
19 by detailed description of such precincts or by other sufficient  
20 description. Precincts established by any such governing body  
21 may be consolidated in the election resolution by the county  
22 commissioners for the election.

23 148-22-107. Conduct of election. (1) Except as provided in  
24 this article, an election held pursuant hereto shall be opened  
25 and conducted in the manner provided by the laws of the state of  
26 Colorado for the conduct of general elections, and to be eligible  
27 to vote in such election a person must be a qualified elector

1 residing in the territory of the proposed authority and properly  
2 registered to vote therein.

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

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

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

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

19 148-22-108. Election returns. The election officials shall  
20 make their returns directly to the county commissioners of said  
21 counties. The county commissioners of said counties shall act as  
22 the canvassing body. The returns of said election shall be made  
23 and canvassed at any time and in the manner provided by law for  
24 the canvass of the returns of any general election. It shall be  
25 the duty of such canvassing body to certify promptly and to  
26 transmit to the court a statement of the results of the vote upon  
27 the proposition submitted. If a majority of the voters voting in

1 said election vote in favor of the formation of the authority,  
2 the court shall declare the same to be formed. If a majority of  
3 the voters voting in said election do not vote in favor of  
4 formation of said authority, the court shall declare that the  
5 authority is not formed. If the court declares said authority to  
6 be formed, it shall be formed as of the time and date specified  
7 in the declaration of its formation.

8 148-22-109. Board of directors. (1) An authority formed  
9 upon petition and election shall be managed and controlled by a  
10 board of directors. The original appointments made upon the  
11 formation of a district shall be made within the various counties  
12 for terms of one, two, and three years so as to result in  
13 approximately one-third of the terms expiring each year.  
14 Thereafter, the members of said board shall hold their offices  
15 for a term of three years and until their successors are  
16 appointed and qualified. Two members of such board shall be  
17 appointed from each of the counties having territory in the  
18 authority. At the time of his appointment each director shall be  
19 a resident and freeholder of the county from which he is  
20 appointed or, if only a part of the county is included within the  
21 boundaries of said authority, a resident and freeholder of such  
22 included part. Each director shall be appointed by the board of  
23 county commissioners of the county in which such director  
24 resides. He may be a member of the board of county commissioners  
25 of such county. Within thirty days after the formation of an  
26 authority by petition and election, followed by court declaration  
27 of formation, the board of county commissioners of each of said

1 counties shall designate the members to be appointed by it and  
2 certify the same to the court, and, within fifteen days after  
3 receipt of all such certifications, the court shall call a  
4 meeting of said board at a time and at a place within said  
5 authority to be fixed by the court. The members of said board  
6 shall convene at the time and place so designated and select one  
7 of their number to act as president and one of their number to  
8 act as vice-president, each to hold office for one year or until  
9 his successor is duly selected by the board.

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

21 148-22-110. Principal office - meetings. The board of  
22 directors of the authority shall designate a place within the  
23 authority where the principal office is to be maintained and may  
24 change such place from time to time. Regular quarterly meetings  
25 of said board shall be held within the authority during the  
26 months of January, April, July, and October, the date and place  
27 of which shall be fixed by the board at its next preceding

1 quarterly meeting, and which shall be advertised at least ten  
2 days before such meeting by notice published once in a newspaper  
3 or newspapers which collectively provide general circulation  
4 throughout the authority. The board shall also be empowered to  
5 hold such special meetings as may be required for the proper  
6 transaction or business. Special meetings may be called by the  
7 president of the board or by any three directors. Meetings of  
8 the board shall be public, and proper minutes of the proceedings  
9 of said board shall be preserved and shall be open to the  
10 inspection of any elector of the authority during business hours.

11 148-22-111. Powers of river basin authority - construction  
12 - financing. (1) Each river basin authority acting through its  
13 directors has the following powers:

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

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

23 (c) To levy up to ten cents per acre-foot of water delivered  
24 within the river basin authority to water right owners for  
25 purposes of paying for the planning, construction, operation, and  
26 maintenance of projects authorized under paragraph (a) of this  
27 subsection (1). Such assessments shall be levied according to

1 the benefits received by the water users from projects of the  
2 authority, and in determining benefits from projects to water  
3 users and in imposing levies, the authority shall take into  
4 account historic diversions, priority dates, return flow, and  
5 other relevant data.

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

9 148-22-112. Additional powers - management of water. (1)  
10 The authority has the following powers relating to the  
11 authority's purpose of planned management of water:

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

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

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

27 148-22-113. Powers relating to contracts with other



1 entities. (1) The authority also has the following powers:

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

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

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

24 148-22-114. Powers relating to financing. (1) An  
25 authority, with respect to finances, has the power:

26 (a) To accept loans or grants or both from the state of  
27 Colorado and from the United States ~~of America~~ under any state or

1 federal law now or hereafter in force to aid in financing the  
2 cost of engineering, architectural, or economic investigations,  
3 studies, surveys, designs, plans, working drawings,  
4 specifications, or procedures or other action preliminary to the  
5 construction of water facilities;

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

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

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

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

27 (f) To make all contracts, execute all instruments, and do

1 all things necessary or convenient in the exercise of the powers  
2 granted in this section or in the performance of its covenants or  
3 duties or in order to secure the payment of its bonds if no  
4 encumbrance, mortgage, or other pledge of property, excluding any  
5 pledged revenues, of the authority is created thereby, and if no  
6 property, other than money, of the authority is liable to be  
7 forfeited or taken in payment of said bonds, and if no debt on  
8 the credit of the authority is thereby incurred in any manner for  
9 any purpose; and

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

21 148-22-115. Authorization of facilities and bonds. (1) The  
22 acquisition, construction, reconstruction, lease, improvement,  
23 betterment, or extension of any water facilities and the issuance  
24 in anticipation of the collection of revenues of such facilities  
25 or bonds to provide funds to pay the cost thereof may be  
26 authorized under this article by action of the governing board of  
27 the authority taken at a regular or special meeting by a vote of

1 a majority of the members of the board.

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

25 148-22-116. Bond provisions. (1) Revenue bonds issued  
26 under this article shall bear interest at such rate or rates that  
27 the net effective interest rate of the issue of bonds does not

1 exceed the maximum net effective interest rate authorized,  
2 payable semiannually or annually, and evidenced by one or two  
3 sets of coupons, if any, executed with the facsimile or manually  
4 executed signature of any official or officials of the authority;  
5 except that the first coupon or coupons appertaining to any bond  
6 may evidence interest not in excess of one year. The resolution  
7 authorizing the issuance of such bonds shall specify the maximum  
8 net effective interest rate. Such bonds may be issued in one or  
9 more series, may bear such date or dates, may mature at such time  
10 or times not exceeding the estimated life of the water facilities  
11 to be acquired with the bond proceeds as determined by the board,  
12 but in no event beyond forty years from their respective dates,  
13 may be in such denomination or denominations, may be payable in  
14 such medium of payment, at such place or places within or without  
15 the state, including but not limited to the office of any county  
16 treasurer in which the authority is located wholly or in part,  
17 may carry such registration privileges, may be subject to such  
18 terms of prior redemption in advance of maturity in such order or  
19 by lot or otherwise at such time or times with or without a  
20 premium, may be executed in such manner, may bear such privileges  
21 for reissuance in the same or other denomination, may be so  
22 reissued, without modification of maturities and interest rates,  
23 and may be in such form, either coupon or registered, as may be  
24 provided by the board.

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

1 over any bonds that may be issued thereafter.

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

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

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

18 (4) Subject to the payment provisions in this article  
19 specifically provided, said bonds, any interest coupons thereto  
20 attached, and any temporary bonds shall be fully negotiable  
21 within the meaning of and for all the purposes of the negotiable  
22 instruments law, except as the board may otherwise provide; and  
23 each holder of each such security, by accepting such security,  
24 shall be conclusively deemed to have agreed that such security,  
25 except as otherwise provided, is and shall be fully negotiable  
26 within the meaning and for all purposes of the negotiable  
27 instruments law.

1 (5) Notwithstanding any other provision of law, the board in  
2 any proceedings authorizing bonds under this article:

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

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

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

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

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

27 (7) Any officer authorized to execute any bond, after filing

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

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

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

17 148-22-117. No liability of authority on bonds. Revenue  
18 bonds issued under this article shall not constitute an  
19 indebtedness of the authority within the meaning of any  
20 constitutional or statutory limitations. Each bond issued under  
21 this article shall recite in substance that said bond, including  
22 interest thereon, is payable solely from the revenues pledged to  
23 the payment thereof, and that said bond does not constitute a  
24 debt of the authority within the meaning of any constitutional or  
25 statutory limitations.

26 148-22-118. Incontestable recital in bonds. Any resolution  
27 authorizing, or any trust indenture or other instrument



1 appertaining to, any bonds under this article may provide that  
2 each bond therein authorized shall recite that it is issued under  
3 authority of this article. Such recital shall conclusively  
4 impart full compliance with all of the provisions of this  
5 article, and all bonds issued containing such recital shall be  
6 incontestable for any cause whatsoever after their delivery for  
7 value.

8 SECTION 2. Effective date. This act shall take effect July  
9 1, 1974.

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

COMMITTEE ON WATER

BILL 35

A BILL FOR AN ACT

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

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

5 SECTION 1. 149-1-22 (1) (b), Colorado Revised Statutes 1963  
6 (1971 Supp.), is amended to read:

7 149-1-22. General assembly approval. (1) (b) The board  
8 shall submit ANNUALLY to the ~~appropriate-standing-committees-of~~  
9 ~~each~~ general assembly a report containing ~~all--applications--for~~  
10 PROPOSED contracts as specified in section 149-1-11 (13),  
11 together with an analysis of said ~~application~~ CONTRACTS PROPOSED  
12 by the board. Said report shall also include a list of said  
13 ~~applications~~ PROPOSED CONTRACTS in order of priority suggested by  
14 the board, the proposed contract terms between the state and the  
15 federal government, any political subdivision of the state,  
16 person, or corporation, and shall include a comment by the board  
17 as to how the proposed project will carry out the state water  
18 ~~plan:~~ POLICY.

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

COMMITTEE ON WATER

BILL 36

A BILL FOR AN ACT

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

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

5 SECTION 1. 149-1-22 (1), Colorado Revised Statutes 1963  
6 (1971 Supp.), is amended BY THE ADDITION OF A NEW PARAGRAPH to  
7 read:

8 149-1-22. General assembly approval. (1) (d) In order to  
9 determine the economic and engineering feasibility of any project  
10 proposed to be constructed from funds provided in whole or in  
11 part from the Colorado water conservation board construction  
12 fund, the board shall cause a feasibility report to be prepared  
13 on such proposed project if, in the discretion of the board, it  
14 appears to qualify for consideration under section 149-1-19. For  
15 all such feasibility investigations the board is authorized to  
16 commit or expend on a continuing basis a sum not to exceed five  
17 percent of the total construction fund authorized by section  
18 149-1-21 prior to the execution and approval of any contract  
19 contemplated by paragraph (b) of this subsection (1); except that  
20 the cost of any feasibility investigation shall be considered a  
21 part of the total project cost if such project is subsequently

1 constructed.

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

COMMITTEE ON WATER

BILL 37

A BILL FOR AN ACT

1 CONCERNING THE POWERS OF COUNTIES TO CONTROL FLOODS.

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

3 SECTION 1. Chapter 36, Colorado Revised Statutes 1963, as  
4 amended, is amended BY THE ADDITION OF A NEW ARTICLE to read:

5 ARTICLE 31

6 Control of Floods

7 36-31-1. Legislative declaration. For the purpose of  
8 protecting life and property, the board of county commissioners  
9 of each county of this state shall have the powers granted by  
10 this article for the control of floods and the abatement of  
11 stream channel erosion.

12 36-31-2. Authority to construct works. (1) To carry out  
13 the purposes of this article, and subject to the review and  
14 approval by the water conservation board of plans involving  
15 construction of works, the board of county commissioners of each  
16 county shall have the authority within its respective county to:

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

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

21 (c) Remove or cause to be removed any obstruction in the

1 channel of any natural stream which creates a flood hazard.

2 36-31-3. Adoption of plan - acquisition of lands or  
3 rights-of-way. (1) A board of county commissioners by  
4 resolution may adopt a plan or plans to carry out the purposes of  
5 this article, which plans, with respect to the construction of  
6 works, shall be subject to approval by the Colorado water  
7 conservation board.

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

11 36-31-4. Contracts and agreements. The board of county  
12 commissioners of a county may enter into contracts and agreements  
13 with adjoining counties, the state of Colorado or any agency or  
14 political subdivision thereof, or the United States or any agency  
15 or political subdivision thereof for the purposes of implementing  
16 or carrying out any flood control plan adopted in conformity with  
17 this article.

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

COMMITTEE ON WATER

BILL 38

A BILL FOR AN ACT

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

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

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

6 148-21-23. Special procedures with respect to plans for  
7 augmentation. (1) Plans for augmentation as defined in this  
8 article may be utilized in connection with the matter of  
9 integrating ground and surface waters and the matter of  
10 maximizing the beneficial use of all waters of the state, and  
11 plans of augmentation which may be proposed may affect one  
12 another. Applications for approval of plans for augmentation  
13 (including without limitation applications involving the use of  
14 wells as alternate or supplemental points of diversion for  
15 surface water rights) shall be handled in the manner specified in  
16 this article except as otherwise provided in this section.

17 (2) Any person desiring approval of a plan for augmentation  
18 may, at the applicant's option, submit such a proposed plan for  
19 augmentation to the state engineer. The state engineer (who may  
20 act through his delegate) shall approve such plan if he can  
21 determine with reasonable assurance that it will not injuriously

1 affect the owner of or persons entitled to use water under a  
2 vested water right or a decreed conditional water right. If he  
3 determines that the proposed plan would cause such injurious  
4 effect, he shall afford the applicant or applicants an  
5 opportunity to propose protective terms or conditions. The state  
6 engineer may impose other protective terms and conditions  
7 including those specified in section 148-21-21 (4). Wherever  
8 possible, the state engineer shall approve a plan for  
9 augmentation upon specifying protective terms and conditions  
10 which would permit the plan to be implemented without such  
11 injurious effect.

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

23 (4) Once the applicant has filed an application for  
24 approval of the plan for augmentation, as approved or approved as  
25 modified by the state engineer, with the appropriate water clerk  
26 and notice thereof has been given pursuant to section 148-21-18  
27 (3), the applicant may implement the plan for augmentation in



1 accordance with the terms and conditions approved by the state  
2 engineer, subject to possible reversal or modification by the  
3 water judge.

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

23 (6) Where the state engineer has rejected a proposed plan  
24 for augmentation or approved it upon terms and conditions with  
25 which the applicant is dissatisfied, the applicant may file with  
26 the water clerk an application for approval of a plan for  
27 augmentation containing such protective terms and conditions as

1 may be proposed by the applicant. The findings made by the state  
2 engineer with respect to the plan for augmentation submitted to  
3 him shall be prima facie evidence of the facts upon which his  
4 determination was based.

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

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

25 SECTION 2. 148-21-17 (2), Colorado Revised Statutes 1963  
26 (1969 Supp.), is amended to read:

27 148-21-17. Administration and distribution of waters. (2)

1 In accordance with procedures specified in this article, the  
2 referee in each division shall in the first instance have the  
3 authority and duty to rule upon determinations of water rights  
4 and conditional water rights and the amount and priority thereof,  
5 determinations with respect to changes of water rights, ~~plans-for~~  
6 ~~augmentation~~; approvals of reasonable diligence in the  
7 development of appropriations under conditional water rights, and  
8 determinations of abandonment of water rights or conditional  
9 water rights; and he may include in any ruling for a  
10 determination of water right or conditional water right any use  
11 or combination of uses, any diversion or combination of points or  
12 methods of diversion, and any place or alternate places of  
13 storage, and may approve any change of water right as defined in  
14 this article. PLANS FOR AUGMENTATION SHALL BE SUBJECT TO THE  
15 SPECIAL PROVISIONS OF SECTION 148-21-23.

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

COMMITTEE ON WATER

RESOLUTION 2

SENATE JOINT MEMORIAL NO.

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

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

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

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

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

16 WHEREAS, Studies have been made on the importation of water  
17 from Canada and the diversion of water from the Columbia River  
18 via a "Pacific Aqueduct System" which would provide those states  
19 now receiving Colorado's water with an alternative water supply  
20 and thereby reduce the need for water from Colorado; now,  
21 therefore,

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

4           That the Congress of the United States is hereby  
5       memorialized to consider the possibility of importing water from  
6       Canada and to consider the feasibility of proposals for water  
7       diversion such as the "Pacific Aqueduct System" so that Colorado  
8       and other states may be able to develop their natural resources  
9       in order to meet the nation's energy needs.

COMMITTEE ON WATER

RESOLUTION 3

SENATE JOINT MEMORIAL NO.

1 MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO REVIEW FEDERAL  
2 COAL MINE REGULATIONS.

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

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

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

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

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

18 WHEREAS, The coal mine safety regulations issued in recent  
19 years by the federal government are particularly directed at  
20 gaseous mine conditions which generally do not exist in Colorado;  
21 and

1           WHEREAS, While these regulations have been necessary in many  
2 cases, they have, in other cases, been overly restrictive or  
3 required equipment not yet manufactured or available for purchase  
4 and have resulted in the closing of some mines; now, therefore,

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

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

13           Be It Further Resolved, That copies of this memorial be  
14 transmitted to the Department of the Interior, each member of  
15 Congress from the State of Colorado, and to the Governor of this  
16 state to assist him in his campaign to promote utilization of  
17 other sources of energy.

COMMITTEE ON WATER

RESOLUTION 4

SENATE JOINT RESOLUTION NO.

1           WHEREAS, the Colorado River and its tributaries are a  
2 natural resource of vital importance to the State of Colorado;  
3 and

4           WHEREAS, High salinity is a significant water quality  
5 problem causing adverse physical and economic impact on water  
6 users; and

7           WHEREAS, Salinity concentrations in the Colorado River  
8 system are affected by the addition of mineral salts from various  
9 natural and man-made sources and by the loss of water from the  
10 system through evaporation, transpiration, and out-of-basin  
11 transfers; and

12           WHEREAS, Colorado, as well as the other Colorado River basin  
13 states, is required under federal law to develop reasonable  
14 salinity standards which may affect existing water use as well as  
15 require expensive desalting programs; and

16           WHEREAS, Salinity control throughout the Colorado River  
17 system requires close cooperation and support between the basin  
18 states and the federal government; and

19           WHEREAS, The use of water in the Colorado River system is  
20 governed not only by state laws but also by the Colorado River  
21 Compact, the Mexican Water Treaty, the Upper Colorado River Basin



1 Compact, and the United States Supreme Court Decree of 1964 in  
2 Arizona v. California; and

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

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

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

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

COMMITTEE ON WATER

RESOLUTION 5

SENATE JOINT MEMORIAL NO.

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

3 WHEREAS, The United States is presently in the midst of a  
4 severe energy crisis; and

5 WHEREAS, Passenger trains are a more efficient use of energy  
6 than the automobile; and

7 WHEREAS, There is an increasing need for passenger train  
8 service in the United States, particularly in the rural areas of  
9 the nation; now, therefore,

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

13 That the Congress of the United States is hereby  
14 memorialized to encourage the reestablishment and use of  
15 passenger train service in the United States.

LEGISLATIVE COUNCIL COMMITTEE  
ON ORGANIZATION OF STATE  
GOVERNMENT

Members of the Committee

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

Rep. Tom Farley  
Rep. John Fuhr  
Rep. Ruben Valdez

Council Staff

David Hite  
Principal Analyst

John Silver  
Senior Research  
Assistant

## INTERIM RECOMMENDATIONS

### COMMITTEE ON ORGANIZATION OF STATE GOVERNMENT

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

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

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

#### The Petrone Reorganization Proposal

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

prehensive response by an executive agency in the last five years to the continued request by legislative organization committees for assistance regarding functional reorganization of the executive branch.

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

- (1) Creation of a new department containing a long-range governmental planning agency and an agency which would perform the functions now assigned to the Executive Budget Office;
- (2) Abolishment of the Department of Institutions and transfer of its functions to a new Department of Corrections, to a new Department of Rehabilitation of the Disabled, and to the existing Department of Health; and
- (3) Transfer of two agencies out of the Office of the Governor.

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

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

- (1) A bill establishing an Office of Budgeting and Governmental Planning;
- (2) A bill creating a Department of Corrections and a Department of Rehabilitation of the Disabled, transferring the state's mental health programs and institutions to the Department of Health, and abolishing the Department of Institutions;
- (3) A bill transferring the Office of the Coordinator of Highway Safety from the Office of the Governor to the Department of Highways;

- (4) A bill transferring the Colorado Centennial-Bicentennial Commission from the Office of the Governor to the Department of Local Affairs;
- (5) A bill transferring the Board of Registration for Professional Sanitarians from the Department of Health to the Department of Regulatory Agencies;
- (6) A bill abolishing the Mining Industrial Development Board within the Division of Mines of the Department of Natural Resources; and
- (7) A bill abolishing the Practical Nursing Advisory Board of the Board of Practical Nursing within the Department of Regulatory agencies.

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

#### Office of Budgeting and Governmental Planning - Bill 39

The need for adequate long-range governmental planning can be viewed as the single most unfulfilled need of state government. Such planning is not presently performed on a continuous or government-wide basis by any state agency or group of state officials. In fact, the state budget document must serve in most cases as the state planning document.

While most observers of state government and most state governmental officials are in accord concerning the importance of and need for long-range governmental planning, there exist disagreement and a substantial amount of indistinct thinking about the detailed implementation of the planning concept. The General Assembly is familiar with planning reports - consultant reports to state agencies and state agency reports to the Governor and to the General Assembly regarding long-range program plans abound. What is lacking is a structure for more carefully evaluating and implementing long-range governmental plans from a broader perspective than that of the single de-

partment, institution, or agency. The committee suggests that such a perspective could be attained by creating an executive department which combines the executive budget agency with a long-range planning unit.

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

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

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

Specific provisions of the recommended legislation are outlined below.

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

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

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

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

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

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

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

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

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

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

Division of Executive Budgeting. With the exception of those functions listed above which are transferred to the Office of Budgeting and Governmental Planning, the functions of the existing Executive Budget Office are transferred intact to the new Division of Executive Budgeting. In general, these duties relate to the preparation and administration of the executive budget. Under the bill, the Division of Executive Budgeting would be responsible for annual analysis of the



short-range plans, policies, and programs of executive agencies and for annual analysis and approval, modification, or rejection of the budget requests of such agencies.

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

Specifically, the new planning unit would:

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

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

Division of Local Planning Assistance. The bill renames the existing Division of Planning within the Department of Local Affairs as the Division of Local Planning Assistance, and deletes language relating to statewide or state governmental planning functions from the statute which creates and sets forth the duties of this renamed division (C.R.S. 106-3-1 et seq.). The bill also requires the division to furnish information concerning local planning efforts to the Division of Long-Range Governmental Planning.

Appropriation. The bill includes an appropriation of \$392,743 for the purposes of the office of the executive director of the Office of Budgeting and Governmental Planning and for the purposes of the Division of Long-Range Governmental Planning. This appropriation would fund 15 or 16 positions within the new office and its planning unit.

### Abolishment of the Department of Institutions

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

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

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

The committee suggests that the concepts of the Petrone proposal relating to the state's institutional programs be

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

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

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

Creation of a Department of Rehabilitation of the Disabled. The Department of Rehabilitation of the Disabled would be composed of agencies and functions presently within the Department of Institutions, the Department of Social Services, and the Department of Education. This proposal would transfer functions relating to vocational rehabilitation (presently performed by the Division of Rehabilitation of the Department of Social Services) into a new Division of Rehabilitation within the new Department of Rehabilitation of the Disabled. It would consolidate state programs for the blind and the deaf (which include the School for the Deaf and Blind, library services for the blind and physically handicapped now performed by the State Library, and workshops for the blind) into a new Division of Services for the Deaf and the Blind. Finally, it would create a Division of Developmental Disabilities from the existing Division of Mental Retardation in the Department of Institutions. The Division of Developmental

Disabilities would supervise and control the State Homes and Training Schools at Ridge, Grand Junction, and Pueblo, as well as community-centered programs for the mentally retarded.

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

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

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

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

(Because of its length, the bill abolishing the Department of Institutions and transferring its functions to other departments is not included in this report.)

Transfer of Functions out of the Governor's Office - Bills  
40 and 41

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

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

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

The Committee on Organization of State Government concludes that the transfers of the coordinator and the commission will accomplish the following: 1) closer alignment of governmental activities according to functional programs; 2) reenforcement of the principal of the 1968 reorganization act regarding effective span of control; and 3) conformance to the intent of the 1966 constitutional amendment on reorganiza-

tion which specifies that all executive agencies be allocated among not more than 20 departments.

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

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

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

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

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

More than 250 individuals are registered by the state's Board of Registration for Professional Sanitarians. Nearly

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

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

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

#### Abolishment of the Mining Industrial Development Board - Bill 43

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

\*Section 92-34-6, C.R.S. 1963 (1969 Supp.), provide that the mining industrial development board fund shall be abolished no later than July 1, 1974. The committee is advised that the remaining balance in the fund at the close of fiscal year 1973 (\$18,261.06) was transferred to the general fund at that time.

The board is composed of 13 members. The executive director of the Department of Natural Resources serves as an ex officio member of the board. The remaining 12 members of the board are appointed by the Governor. Each of these members must be engaged in either the mining industry or in the business of providing professional services to the industry.

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

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

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

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

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



COMMITTEE ON ORGANIZATION  
OF STATE GOVERNMENT

BILL 39

A BILL FOR AN ACT

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

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

5 SECTION 1. 3-28-5 (1) and (2), Colorado Revised Statutes  
6 1963, as amended, are amended to read:

7 3-28-5. Types of transfers. (1) Under this article, a  
8 type 1 transfer means the transferring intact of an existing  
9 department, institution, or other agency, or part thereof, to a  
10 principal department established by this article. When any  
11 department, institution, or other agency, or part thereof, is  
12 transferred to a principal department under a type 1 transfer,  
13 that department, institution, or other agency, or part thereof,  
14 shall be administered under the direction and supervision of that  
15 principal department, but shall exercise its prescribed statutory  
16 powers, duties, and functions, including rule-making, regulation,  
17 licensing, and registration, and the promulgation of rules,  
18 rates, regulations, and standards, and the rendering of findings,  
19 orders, and adjudications independently of the head of the  
20 principal department. Under a type 1 transfer, any powers,  
21 duties, and functions not specifically vested by statute in the

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

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

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

18 3-28-10. Principal departments. (1) (t) Office of  
19 budgeting and governmental planning.

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

23 3-28-36. Office of budgeting and governmental planning -  
24 creation. (1) There is hereby created as one of the principal  
25 departments of state government an office of budgeting and  
26 governmental planning, the head of which shall be the executive  
27 director of the office of budgeting and governmental planning,

1 who shall be appointed by the governor, with the consent of the  
2 senate, and who shall serve at the pleasure of the governor.

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

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

11 (c) The division of long-range governmental planning, the  
12 head of which shall be the director of the division of long-range  
13 governmental planning. The division of long-range governmental  
14 planning and the office of director thereof, created by article  
15 39 of this chapter, and their powers, duties, and functions, are  
16 transferred by a type 2 transfer to the office of budgeting and  
17 governmental planning as a division thereof.

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

21 ARTICLE 31

22 Division of Executive Budgeting

23 3-31-101. Division of executive budgeting - creation.

24 There is hereby created, as a division within the office of  
25 budgeting and governmental planning, the division of executive  
26 budgeting, to prepare and administer the executive budget. The  
27 head of the division of executive budgeting shall be known as the  
28 budget director. The executive director of the office of

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

6 3-31-102. Responsibilities of the division. (1) The  
7 division of executive budgeting shall annually evaluate the  
8 short-range plans, policies, and programs, and the budget  
9 requests of all departments, institutions, and agencies of the  
10 executive branch of state government. It shall develop a  
11 financial plan encompassing all sources of revenue and  
12 expenditure. It shall propose this plan for the budget,  
13 consisting of operating expenditures, capital construction  
14 expenditures, estimated revenues, and special surveys. Proposed  
15 expenditures in the budget shall not exceed estimated moneys  
16 available. After legislative review and modification, if any, of  
17 the budget and appropriation of the moneys therefor, the division  
18 of executive budgeting shall administer the budget.

19 (2) The division of executive budgeting shall utilize the  
20 recommendations of the state governmental needs documents  
21 prepared by the division of long-range governmental planning, as  
22 provided in section 3-39-107, in its analysis of the short-range  
23 plans, policies, and programs and of the budget requests of  
24 departments, institutions, or agencies of the executive branch of  
25 state government and in its approval, modification, or rejection  
26 of the budget requests of such departments, institutions, or  
27 agencies.

1 (3) The division of executive budgeting shall participate  
2 in the planning activities of the division of long-range  
3 governmental planning as directed by the executive director of  
4 the office of budgeting and governmental planning.

5 3-31-103. Responsibilities of the budget director. (1)  
6 The budget director shall assist the executive director of the  
7 office of budgeting and governmental planning and the governor in  
8 their responsibilities pertaining to the executive budget.  
9 Specifically, he shall:

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

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

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

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

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

27 (f) Prepare for the governor the annual executive budget

1 proposals to the general assembly, together with the proposed  
2 legislative bills embodying such proposals;

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

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

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

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

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

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

27 (m) Act as a member of the Colorado claims commission, with

1 duties as prescribed in article 10 of chapter 130, C.R.S. 1963;

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

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

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

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

19 3-31-104. Transfer of employees and property. (1) The  
20 officers and employees of the executive budget office under the  
21 department of administration shall be transferred with such  
22 office and shall retain all rights to the state personnel system  
23 and retirement benefits under the laws of the state, and their  
24 services shall be deemed to have been continuous. All transfers  
25 of personnel in the state personnel system shall be made and  
26 processed in accordance with the state personnel system laws and  
27 rules and regulations.

1 (2) All property, including office furniture and fixtures,  
2 books, documents, and records, which were principally used in the  
3 executive budget office under the department of administration in  
4 the performance of budgeting functions and duties shall become  
5 the property of the division of executive budgeting within the  
6 office of budgeting and governmental planning.

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

9 ARTICLE 38

10 Office of Budgeting and Governmental Planning

11 3-38-101. Legislative declaration. The purpose of this  
12 article and the intent of the general assembly in enacting it are  
13 to provide for the integration of the planning, programming, and  
14 budgeting functions of the executive department into a cohesive,  
15 unified system and to make the system responsive to the  
16 policy-making requirements of the governor and the general  
17 assembly. The general assembly declares that these objectives  
18 can best be accomplished by the creation of an office of  
19 budgeting and governmental planning and its divisions, the  
20 division of executive budgeting and the division of long-range  
21 governmental planning.

22 3-38-102. Office of budgeting and governmental planning -  
23 creation. (1) There is hereby created an office of budgeting  
24 and governmental planning, the head of which shall be the  
25 executive director of the office of budgeting and governmental  
26 planning who shall be appointed by the governor, with the consent  
27 of the senate, and who shall serve at the pleasure of the



1 governor.

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

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

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

17 3-38-103. Executive director - duties. (1) There is  
18 hereby created the office of the executive director of the office  
19 of budgeting and governmental planning. The executive director  
20 shall:

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

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

27 (c) Develop long-range fiscal plans for both operating and

1 capital construction budgets and for the state revenue structure;

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

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

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

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

17 3-38-104. Governor has final authority. The final  
18 authority and decision in all matters relating the the planning,  
19 programming, and budgeting activities of the office is hereby  
20 vested in the governor.

21 SECTION 6. Chapter 3, Colorado Revised Statutes 1963, as  
22 amended, is amended BY THE ADDITION OF A NEW ARTICLE to read:

23 ARTICLE 39

24 Division of Long-Range Governmental Planning

25 3-39-101. Division of long-range governmental planning -  
26 creation. There is hereby created, as a division within the  
27 office of budgeting and governmental planning, the division of

1 long-range governmental planning. The executive director of the  
2 office of budgeting and governmental planning shall appoint the  
3 director of the division, and the director shall appoint the  
4 necessary staff of the division, in accordance with the  
5 provisions of section 13 of article XII of the state  
6 constitution.

7 3-39-102. Definitions. As used in this article, unless the  
8 context otherwise requires:

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

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

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

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

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

21 3-39-103. Duties of the division. (1) The division shall:

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

24 (b) Make projections from data as provided in section  
25 3-39-105;

26 (c) Catalog state governmental programs as provided in  
27 section 3-39-106;

1 (d) Make projections of state governmental needs and  
2 prepare state governmental needs documents as provided in section  
3 3-39-107;

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

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

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

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

17 3-39-104. Development and maintenance of data. (1) The  
18 division shall locate or develop and shall maintain or maintain  
19 access to data relating to such subjects as are determined by the  
20 director to be necessary for the planning functions of the  
21 division. The division shall also prepare an index or indexes to  
22 such data.

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

27 (3) (a) Upon request of the director, executive agencies

1 shall provide data developed and maintained by such agencies to  
2 the division.

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

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

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

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

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

27 (6) The division shall analyze the interrelationships

1 between the various categories of data which are maintained by  
2 the division or to which the division maintains access.

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

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

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

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

21 3-39-106. Catalog of state governmental programs. (1) The  
22 division shall maintain a "catalog of state governmental  
23 programs", based on program information provided by the division  
24 of executive budgeting as provided in section 3-31-103 (1) (o),  
25 which shall list and describe, in a comprehensive manner, the  
26 programs of state agencies or groups of state agencies, including  
27 both statutorily-mandated and administratively-initiated

1 programs.

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

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

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

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

17 3-39-107. Projections of state governmental needs - state  
18 governmental needs documents. (1) On the basis of the  
19 projections from data developed or accepted by the division as  
20 provided in section 3-39-105, the division shall make projections  
21 of state governmental needs. Such projections shall be made for  
22 such time periods as are determined to be appropriate by the  
23 director and by the executive director of the office of budgeting  
24 and governmental planning.

25 (2) The division shall analyze the interrelationships  
26 between the various projections of state governmental needs  
27 developed as provided in subsection (1) of this section.

1           (3) On the basis of the projections of state governmental  
2 needs developed by the division as provided in subsection (1) of  
3 this section, the division shall, from time to time as determined  
4 to be appropriate by the director and by the executive director  
5 of the office of budgeting and governmental planning, prepare  
6 state governmental needs documents. These documents shall  
7 contain recommendations for the creation, modification, or  
8 abolishment of state governmental programs.

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

24           (5) After the return of the document, the executive director  
25 of the office of budgeting and governmental planning may make  
26 such modifications to the document as he deems appropriate in  
27 light of the comments made by the heads of affected departments,



1 institutions, and agencies. He shall then return the document to  
2 the division, which shall publish the document in accordance with  
3 fiscal rules promulgated by the controller pursuant to the  
4 provisions of section 3-3-17.

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

14 3-39-108. Updating of data and projections. The division  
15 shall update or ensure the updating, on a continuing basis, of  
16 the data it maintains or to which it maintains access, of the  
17 projections it makes from data, of the catalog of state  
18 governmental programs, and of projections of state governmental  
19 needs.

20 3-39-109. Availability of data, projections, and documents.  
21 The data which the division maintains or to which it maintains  
22 access, the projections from data made by the division, the  
23 catalog of state governmental programs, projections of state  
24 governmental needs, and state governmental needs documents shall  
25 at all stages of development be available to members of the  
26 public, to members of the general assembly, and to state and  
27 nonstate agencies.

1 SECTION 7. 3-28-25 (2) (h), Colorado Revised Statutes 1963  
2 (1971 Supp.), is amended to read:

3 3-28-25. Department of local affairs - creation. (2) (h)  
4 Division of LOCAL planning ASSISTANCE, the head of which shall be  
5 the director of the division of LOCAL planning ASSISTANCE. The  
6 division of LOCAL planning ASSISTANCE and the office of THE  
7 director thereof, created by article 3 of chapter 106, C.R.S.  
8 1963, and their powers, duties, and functions, are transferred by  
9 a type 2 transfer to the department of local affairs as a  
10 division thereof.

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

13 106-3-1. Purpose of article. The purpose of this article  
14 and the intent of the general assembly in enacting this article  
15 is ARE to provide for ~~planning-which-is-essential-to-the-orderly~~  
16 ~~growth-and-development-of--the--state;--to--promote--the--general~~  
17 ~~welfare--of-the-citizens-and-to-effectuate-a-balanced-program-for~~  
18 ~~the-employment-of-natural-and-other-resources-of--the--state;--to~~  
19 ~~prepare--planning--for-meeting-problems-in-the-areas-of-highways;~~  
20 ~~air--and--water--pollution;--water--supplies;--sewage--disposal;~~  
21 ~~recreation;--urban-and-nonurban-growth;--transportation;--education;~~  
22 ~~industrial--and--commercial-development;--and-related-matters;--and~~  
23 ~~to--secure;--through--planning;--the--economical--and--efficient~~  
24 ~~expenditures--of--the--state's--revenue.~~ ASSISTANCE TO REGIONAL,  
25 COUNTY, AND LOCAL PLANNING AGENCIES. The general assembly  
26 further declares that such planning PURPOSE can best be  
27 accomplished by the creation of a division of LOCAL planning

1 ASSISTANCE as provided in this article.

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

4 106-3-2. Division of local planning assistance - creation.

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

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

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

26 (b) Exchange reports and data which relate to **state** LOCAL  
27 planning with other departments, institutions, and agencies of

1 the state and, on a mutually agreed basis, with towns, cities,  
2 cities and counties, and counties and WITH other local agencies  
3 and instrumentalities;

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

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

13 (e) Exercise all other powers necessary and proper for the  
14 discharge of his duties and to carry out the intent of this  
15 article, including the coordination of the provisions of article  
16 2 of this chapter.

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

21 106-3-3. Duties of the division of local planning  
22 assistance. (1) (a) The division of LOCAL planning ASSISTANCE  
23 shall:

24 (c) Stimulate and assist the planning activities of ~~other~~  
25 ~~departments,-institutions,-and-agencies,-and-of~~ regional, county,  
26 and municipal planning authorities and harmonize its planning  
27 activities with theirs;

1 (g) Provide information to and cooperate with the general  
2 assembly or its committees concerned with studies relevant to  
3 state LOCAL planning;

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

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

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

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

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

24 106-3-4. Population statistics, estimates, and projections.

25 (1) The division of LOCAL planning ASSISTANCE is hereby  
26 designated as the primary state agency of demographic  
27 information. Said office shall prepare, maintain, and interpret

1 such population statistics, estimates, and projections as the  
2 director of the division of LOCAL planning ASSISTANCE shall  
3 direct, including distributions of the state's population by  
4 significant groupings, such as school and college age  
5 populations, political subdivision populations, and racial and  
6 ethnic populations.

7 (2) Other agencies of the state government may prepare and  
8 maintain any such information but only as authorized by the  
9 director of the division of LOCAL planning ASSISTANCE AND EXCEPT  
10 AS PROVIDED IN SECTIONS 3-39-104 (5) (c) AND 3-39-105, C.R.S.  
11 1963.

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

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

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

25 106-3-5. Assistance to local planning agencies. The  
26 division of LOCAL planning ASSISTANCE may upon request render  
27 financial or other planning assistance to county, municipal, or

1 regional planning agencies or commissions in accordance with  
2 federal programs or state statutes as may from time to time be in  
3 effect.

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

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

10 SECTION 14. 106-3-7 (3), Colorado Revised Statutes 1963  
11 (1971 Supp.), is amended to read:

12 106-3-7. Transfer of employees and property - reference in  
13 contracts, documents. (3) Whenever the state planning office  
14 is referred to or designated by any contract or other document in  
15 connection with the duties and functions hereby transferred, such  
16 reference or designation shall be deemed to apply to the division  
17 of LOCAL planning ASSISTANCE. All contracts entered into by the  
18 state planning office prior to July 1, 1971, in connection with  
19 the duties and functions transferred to the division of LOCAL  
20 planning ASSISTANCE by this article are hereby validated, with  
21 the division of LOCAL planning ASSISTANCE succeeding to all the  
22 rights and obligations of such contracts. Any appropriation of  
23 funds from prior fiscal years open to satisfy obligations  
24 incurred under such contracts are hereby transferred and  
25 appropriated to the division of LOCAL planning ASSISTANCE for the  
26 payment of such obligations.

27 SECTION 15. Repeal. 3-28-16 (2) (h), 106-3-3 (1) (d) and

1 (f), 106-3-7 (1) and (2), and 106-3-8, Colorado Revised Statutes  
2 1963 (1971 Supp.), are repealed.

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

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

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



COMMITTEE ON ORGANIZATION  
OF STATE GOVERNMENT

BILL 40

A BILL FOR AN ACT

1 CONCERNING THE CREATION OF A DIVISION OF HIGHWAY SAFETY.

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

3 SECTION 1. 3-28-26 (3), Colorado Revised Statutes 1963, as  
4 amended, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

5 3-28-26. State department of highways - creation. (3) (d)  
6 The division of highway safety, the head of which shall be the  
7 director of the division of highway safety. The division of  
8 highway safety and the office of director thereof, created by  
9 article 38 of this chapter, and their powers, duties, and  
10 functions, are transferred by a type 2 transfer to the state  
11 department of highways as a division thereof.

12 SECTION 2. Chapter 3, Colorado Revised Statutes 1963, as  
13 amended, is amended BY THE ADDITION OF A NEW ARTICLE to read:

14 ARTICLE 38

15 Division of Highway Safety

16 3-38-1. Division created - director. (1) There is hereby  
17 created within the state department of highways a division of  
18 highway safety, the head of which shall be the director of the  
19 division of highway safety, which office is hereby created. The  
20 director shall be appointed by the executive director of the  
21 state department of highways in accordance with the provisions of

1 section 13 of article XII of the state constitution. The  
2 director of the division of highway safety shall appoint the  
3 necessary staff of his division in accordance with the provisions  
4 of section 13 of article XII of the state constitution.

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

12 3-38-2. Advisory committee. There is hereby created within  
13 the division of highway safety an advisory committee to advise  
14 and consult with the director of the division of highway safety.  
15 The advisory committee shall be composed of twelve citizens of  
16 the state appointed as follows: In each second year, the  
17 executive director of the state department of highways shall  
18 appoint four members for terms beginning January 31 of said year  
19 and expiring on January 30 of the sixth year thereafter. Any  
20 vacancy on the advisory committee shall be filled by the  
21 executive director of the state department of highways by the  
22 appointment of a qualified person for the unexpired term. Each  
23 committee shall elect its own officers, fix its times and places  
24 of meetings, and determine its own procedure. The advisory  
25 committee shall be composed of persons who are known to have an  
26 interest in highway safety, and shall be representative of all  
27 groups interested and active in the promotion of highway safety.

1 The members of the advisory committee, created by section  
2 132-1-8, C.R.S. 1963, and existing on July 1, 1974, shall  
3 constitute the first advisory committee and shall serve the  
4 remainder of the terms for which originally appointed.

5 3-38-3. Transfer. Effective July 1, 1974, such officers  
6 and employees who were engaged prior to said date in the  
7 performance of the powers, duties, and functions of the  
8 coordinator of highway safety and the advisory council and who,  
9 in the opinion of the executive director shall be necessary to  
10 perform the powers, duties, and functions of the division of  
11 highway safety, shall become officers and employees of the  
12 division of highway safety and shall retain all their rights to  
13 civil service and retirement benefits under the laws of the  
14 state, and their service shall be deemed to have been continuous.  
15 The division of highway safety shall succeed to all property and  
16 records which were used for, or pertain to, the performance of  
17 the powers, duties, and functions of the coordinator of highway  
18 safety. All appropriations made to the office of the coordinator  
19 of highway safety for the fiscal year beginning July 1, 1974, or  
20 remaining to the credit thereof and not revertible by law to the  
21 general fund on July 1, 1974, shall be transferred to the  
22 division of highway safety.

23 SECTION 3. Repeal. 132-1-8, Colorado Revised Statutes 1963  
24 (1969 Supp.), is repealed.

25 SECTION 4. Effective date. This act shall take effect July  
26 1, 1974.

27 SECTION 5. Safety clause. The general assembly hereby

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

COMMITTEE ON ORGANIZATION  
OF STATE GOVERNMENT

BILL 41

A BILL FOR AN ACT

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

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

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

7 3-28-25. Department of local affairs - creation. (4) The  
8 Colorado 1976 centennial-bicentennial commission, created by  
9 article 13 of chapter 131, C.R.S. 1963, shall constitute a part  
10 of the department of local affairs, and said commission is  
11 transferred by a type 2 transfer to the department of local  
12 affairs.

13 SECTION 2. 131-13-2 (1), Colorado Revised Statutes 1963  
14 (1971 Supp.), is amended, and the said 131-13-2 is further  
15 amended BY THE ADDITION OF A NEW SUBSECTION, to read:

16 131-13-2. Commission created. (1) A state commission to  
17 be known as the Colorado 1976 centennial-bicentennial commission  
18 is hereby created AS A PART OF THE DEPARTMENT OF LOCAL AFFAIRS in  
19 order to provide for appropriate observances, ceremonies, and  
20 other activities to commemorate the one-hundredth anniversary of  
21 Colorado statehood and the two-hundredth anniversary of American

1 independence.

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

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.

COMMITTEE ON ORGANIZATION  
OF STATE GOVERNMENT

BILL 42

A BILL FOR AN ACT

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

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

5 SECTION 1. 3-28-22, Colorado Revised Statutes 1963, as  
6 amended, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

7 3-28-22. Department of regulatory agencies - creation. (4)  
8 The board of registration for professional sanitarians, created  
9 by article 14 of chapter 66, C.R.S. 1963, and its powers, duties,  
10 and functions, are transferred by a type 2 transfer to the  
11 department of regulatory agencies and allocated to the division  
12 of registrations.

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

15 66-14-1. Board created. There is hereby created in the  
16 division of ~~administration~~ REGISTRATIONS of the state department  
17 of ~~public--health~~ REGULATORY AGENCIES a board to register  
18 professional sanitarians whose duties in public health and  
19 environmental sanitation require knowledge of physical,  
20 biological, and sanitary sciences and whose vocational pursuits  
21 are necessary to safeguard life, health, and property.

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

3 66-14-7. Administration. Sections 66-14-1 to 66-14-14  
4 shall be administered by the division of ~~administration~~  
5 REGISTRATIONS of the state department of ~~public-health~~ REGULATORY  
6 AGENCIES within the policies established by THE BOARD AND BY  
7 general law. ~~by-the-state-board--of--health;~~ The division of  
8 ~~administration--and-the-state-board-of-health~~ REGISTRATIONS shall  
9 take all necessary action to implement the provisions of sections  
10 66-14-1 to 66-14-14 and the creation of the board. The division  
11 of ~~administration~~ REGISTRATIONS shall, upon recommendation of the  
12 board, employ or assign such personnel as may be necessary for  
13 the board to carry out the provisions of sections 66-14-1 to  
14 66-14-14. ~~Application--fees--and-costs-received-from-applicants~~  
15 ~~for-registration-shall-be-utilized--to--defray--the--expenses--of~~  
16 ~~administering--sections--66-14-1--to--66-14-14--insofar-as-the-same~~  
17 ~~are-sufficient-for-such-purposes,-as-provided-by-law;~~

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

20 66-14-8. Board organization. (2) The board shall adopt a  
21 seal to authenticate all certificates of registration issued  
22 ~~hereunder~~ UNDER THIS ARTICLE and other instruments requiring a  
23 seal and THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REGULATORY  
24 AGENCIES, UPON RECOMMENDATION OF THE BOARD, SHALL adopt rules and  
25 regulations relating to its procedures not inconsistent with the  
26 provisions of sections 66-14-1 to 66-14-14.

27 (3) The office of the board shall be furnished by the division



1 of administration REGISTRATIONS of the state department of public  
2 health, REGULATORY AGENCIES.

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

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

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

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

20 66-14-15. Transfer of employees and property. (1) The  
21 employees of the division of administration in the department of  
22 health whose duties are primarily concerned with the operations  
23 of the board of registration for professional sanitarians shall  
24 be transferred, effective July 1, 1974, to the division of  
25 registrations in the department of regulatory agencies, and they  
26 shall retain all rights to the state personnel system and  
27 retirement benefits under the laws of the state. Their services

1 shall be deemed to have been continuous. All transfers of  
2 personnel in the state personnel system shall be made and  
3 processed in accordance with the state personnel system laws and  
4 rules and regulations.

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

12 SECTION 7. Repeal. 3-28-19 (6) (d), Colorado Revised  
13 Statutes 1963 (1969 Supp.), is repealed.

14 SECTION 8. Effective date. This act shall take effect July  
15 1, 1974.

16 SECTION 9. Safety clause. The general assembly hereby  
17 finds, determines, and declares that this act is necessary for  
18 the immediate preservation of the public peace, health, and  
19 safety.

COMMITTEE ON ORGANIZATION  
OF STATE GOVERNMENT

BILL 43

A BILL FOR AN ACT

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

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

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

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

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

COMMITTEE ON ORGANIZATION  
OF STATE GOVERNMENT

BILL 44

A BILL FOR AN ACT

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

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

4 SECTION 1. Repeal. 97-4-10, Colorado Revised Statutes 1963  
5 (1967 Supp.), is repealed.

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

**LEGISLATIVE COUNCIL COMMITTEE  
ON LEGISLATIVE PROCEDURES**

**Members of the Committee**

Rep. John Fuhr, Chairman  
Sen. Ted Strickland, Vice-  
Chairman  
Sen. Fred Anderson  
Sen. George Jackson  
Sen. Ray Logcssek  
Sen. Don ManManus  
Sen. Joe Schieffelin

Rep. John DeWitt  
Rep. Charles Delouin  
Rep. Carl Gustafson  
Rep. Charles Rowe  
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**Council Staff**

Dennis Jakubowski  
Research Associate

Linda Backstein  
Research Assistant

INTERIM RECOMMENDATIONS  
COMMITTEE ON LEGISLATIVE PROCEDURES

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

- (I) Improved efficiency and better use of legislative time;
- (II) Revision of constitutional provisions pertaining to the legislative branch;
- (III) Establishment of a citizens' commission to study the General Assembly; and
- (IV) Other items to improve the overall procedures and operation of the General Assembly.

(I) Improved Efficiency and Better  
Use of Legislative Time

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

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

Series of Deadlines Throughout the Legislative Session --  
Resolutions 6 and 7

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

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

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

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

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

\*Appropriation bills are excluded from these deadlines.

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

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

Scheduled committee action for all measures. The committee recommends that within 10 days after assignment to committee, the chairman must schedule the measure for committee action on a date before the committee report deadline; however, there should be no more than 10 measures scheduled for any one meeting without the consent of the prime sponsor. This proposal is submitted as a separate joint resolution, Resolution 7.



Effective date. The committee recommends that the joint rule concerning the series of deadlines be effective beginning with the Fiftieth General Assembly convening in 1975, since it has not been traditional to change the rules in the middle of a biennium.

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

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

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

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

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

TABLE I

SENATE

COMMITTEE MEETING SCHEDULE

<u>MONDAY</u>		<u>TUESDAY</u>		<u>WEDNESDAY</u>		<u>THURSDAY</u>		<u>FRIDAY</u>	
8:30-10:00	1:30 - 5:00	8:30-10:00	1:30-3:30	8:30-10:00	1:30 - 5:00	8:30-10:00	1:30-3:30	8:30-10:00	1:30 - 5:00
	I	Caucus	II	IV App.	I	Meeting with committee chairmen	II	IV App.	Open
	I		II		I		II	IV Game, Fish, Parks	Open
	I		II		I		II		Open
			III				III		
			III				III		
			III				III		

HOUSE

COMMITTEE MEETING SCHEDULE

<u>MONDAY</u>		<u>TUESDAY</u>		<u>WEDNESDAY</u>		<u>THURSDAY</u>		<u>FRIDAY</u>	
8:30-10:00	1:30-3:30	8:30-10:00	1:30 - 5:00	8:30-10:00	1:30-3:30	8:30-10:00	1:30 - 5:00	8:30-10:00	1:30 - 5:00
	II	Caucus	I	IV App.	II	Meeting with Committee Chairmen	I	IV App.	Open
	III		I		III		I	IV Game, Fish, Parks	Open
	III		I		III		I		Open
	III		I		III		I		Open

Category I: Business Affairs and Labor  
State Affairs  
Judiciary

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

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

Category IV: Game, Fish, and Parks  
Appropriations

Category I is allotted 7 hours per week; Category II, 4 hours; Category III, 3 hours; Category IV, 3 or 1½ hours.

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

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

### Bill Summaries

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

### Increase Staff for the Legislative Drafting Office

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

### (II) Revision of Constitutional Provisions Pertaining to the Legislative Branch

The committee recommends the revision of 33 of the 50 sections in Article V and several sections in Articles IV, X, and XII which relate to the Legislative Department. The changes are included in three resolutions which concern:

- (1) The office of the Lieutenant Governor;

- (2) Reducing the minimum age qualification for membership in the General Assembly from twenty-five to eighteen; and
- (3) Other amendments affecting the legislative process and technical or modernizing amendments.

Office of Lieutenant Governor -- Constitutional Amendment 2

The committee recommends a number of changes to Article IV, Sections 6, 14, and 15 and Article V, Section 10 which would provide that:

- (1) The Lieutenant Governor be removed as President of the Senate;
- (2) The Senate elect one of its own members as President of the Senate;
- (3) The office of President pro tempore of the Senate be abolished;
- (4) The line of gubernatorial succession be Lieutenant Governor, President of the Senate, and Speaker of the House of Representative;
- (5) A vacancy in the Office of the Lieutenant Governor be filled by gubernatorial appointment subject to the approval of the Senate; and
- (6) Before such approval is given, the appointee would be the acting Lieutenant Governor.

Removal as President of Senate. Members of the committee believe that the Senate could more fully assert its power as a legislative body if this member of the executive branch were removed as its presiding officer. The Senate itself should choose its own presiding officer as does the House.

Executive department duties. It was the view of some committee members that the Lieutenant Governor serves an important role in the executive branch by providing continuity in gubernatorial succession. It was contended that such continuity is best achieved by permitting the Governor to freely assign duties to the Lieutenant Governor as he might choose

rather than assigning executive responsibilities by the constitution or statute. Therefore, the committee recommends the removal of all statutory administrative duties; however, such deletions could be deferred until the 1975 session, pending approval of the recommended constitutional amendment to be voted upon at the November 1974 General Election.

Filling vacancies in the Office of Lieutenant Governor.  
The committee recommends that a vacancy in the Office of Lieutenant Governor should be filled by a gubernatorial appointee, subject to the approval of the Senate, in order to assure continuity of administration and policy. Before such approval, the appointee would be the acting Lieutenant Governor.

Reducing Age Qualification to Serve in the General Assembly  
-- Constitutional Amendment 3

The committee recommends that the age qualification to serve in the General Assembly be the same as the voting qualification for those offices (Article V, Section 4). In effect, the committee recommends the lowering of the age qualification from twenty-five to eighteen years of age.

Other Amendments -- Substantive and Modernizing -- Constitutional Amendment 4

The remaining amendment which the committee recommends is divided, for purposes of analysis, into two categories -- 1) those affecting the legislative process, numbers one through seven; and 2) technical or modernizing amendments, numbers eight through eleven. The major aspects of the amendment are summarized below.

(1) Special sessions called by legislature. Special sessions could be initiated upon the written request of two-thirds of the members of each house to the presiding officer of each house to consider only those subjects specified in such request (Article V, Section 7).

(2) Even-year session restrictions removed. The General Assembly could, by statute, remove the subject-matter restrictions in even-year sessions (Article V, Section 7).

(3) Bill signing. Members would no longer be required to be present to witness bill signing (Article V, Section 26).

(4) Holdover Senators' salaries. All Senators would receive salary increases at the same time as House members,

i.e., at the start of a new General Assembly (Article V, Sections 6, 9, and 30).

(5) Conflict of interest. Language was inserted in Article V, Section 43, which would permit (and require) a holdover Senator to vote on a bill raising his salary for the next General Assembly.

(6) Appropriation bills. The introduction of more than one appropriation bill would be sanctioned (Article V, Section 32).

(7) Legislative redistricting. Section 48 of Article V would be amended to provide that reapportionment shall be completed no later than the regular session immediately following the official census, including the publication of enumeration district and block statistics.

(8) Eight-hour day. Section 25a of Article V directs the General Assembly to prescribe by law an eight-hour day for persons working underground, in smelters or in blast furnaces, and those working in ore reduction works. The committee recommends that this section be repealed since both state and federal statutes and regulations are now more inclusive.

(9) Power to change venue. Section 37 of Article V provides that the power to change venue in civil and criminal cases shall rest with the courts. The committee recommends the repeal since the Supreme Court has this power under Article VI, Section 21, as amended in 1966.

(10) Writing off uncollectable debts. Section 38 of Article V prohibits the General Assembly from exchanging or releasing financial obligations or liabilities. The committee recommends that it be amended to allow writing off old, uncollectable debts. The Legislative Audit Committee also recommended that this section be amended.

(11) Financial reporting practices. Updating language is proposed for Article IV, Section 16, pertaining to financial reporting practices followed by the State of Colorado, particularly the report of the State Treasurer. The amendment would eliminate the current requirement to list the number and amount of every warrant paid. The amendment would also authorize the use of checks to pay state obligations. Currently, warrants must be issued to disburse state monies, which is administratively cumbersome and costly.

(III) Establishment of a Citizens' Commission  
to Study the Colorado Legislature --  
Resolution 11 and Bill 45

The committee recommends the creation of a citizens' commission to study the total operation of the General Assembly and submit recommendations seeking to improve its operation and making it a fully co-equal branch of government (Resolution 11). It is recommended that \$30,000 in "seed money" be appropriated (Bill 45) at the beginning of the 1974 session to permit the commission to organize at the earliest possible date. Thus, the commission would have sufficient time during the remainder of the session to submit a budget request for its entire two and one-half year study (January 15, 1974 to June 30, 1976).

Membership. The resolution would create a twenty-five member commission which would be as broad-based as possible. The Speaker and the minority leader of the House and the majority and minority leaders of the Senate would appoint a steering committee composed of the following:

- (1) Two former members of the House;
- (2) Two former members of the Senate;
- (3) One former member of the executive branch;
- (4) One former judge; and
- (5) Seven citizens-at-large.

This 13-member steering committee would then name 12 additional members, including at least one from each congressional district.

Appropriation. Estimates of the total funding for the commission for two and one-half years range from \$120,000 to \$170,000. The committee members believe that a lump sum appropriation in 1974 would allow the commission to operate without fear of possible budgetary cutbacks. The committee struck a proposed section in the resolution that would have authorized the commission to accept gifts and grants. Some members of the committee believe that the organizations or foundations making such grants or gifts may be in a position to influence the recommendations of the commission.

#### (IV) Other Items to Improve the Overall Procedures and Operation of the Legislature

The committee considered several items involving the overall procedures and operation of the legislature.

##### Legislative Use of the Capitol Building

The committee recommends that an architect be retained to design a plan for the possible legislative use of the Capitol Building when the Judicial Department, Attorney General, Secretary of State, and State Treasurer vacate their offices. Even though the Capitol Building may not be ready for legislative use for several years, committee members believe that plans need to be completed as early as possible to facilitate transition of the building to legislative use.

##### Legislative Information Center

The committee requested that the Services Committees of both houses conduct a thorough study of the Public Information Center.

##### Conference Committee Reports

The committee requested that the Executive Director of the Legislative Drafting Office undertake a revision of the joint rules concerning conference committee reports. It was requested that the revision be completed for committee review during the 1974 interim.

##### Preparation of Journals

The committee requested that the Secretary of the Senate, the Chief Clerk of the House of Representatives, the Executive Director of the Legislative Council, and the Executive Director of the Legislative Drafting Office study any possible changes in the preparation and printing of the Journals. Any suggested changes would be reviewed during the 1974 interim.

##### Increase in Legislative Compensation -- Bill 46

The committee recommends an increase in legislative compensation from \$7,600 per annum to \$12,000 per annum.



Under the new compensation schedule, members would be paid at the rate of \$2,000 for the months of January, February, March, and April and at the rate of \$500 per month for the remaining months of each year. Presently, the \$7,600 per annum is paid at the rate of \$1,000 for each of the first four months and \$450 for each remaining month.

The committee further recommends an increase in the per diem from \$35 to \$50 for attendance at meetings of the Legislative Council (or its committees) and attendance at Joint Budget Committee meetings by its members when the General Assembly is not in session.

COMMITTEE ON LEGISLATIVE PROCEDURES

BILL 45

A BILL FOR AN ACT

1 MAKING AN APPROPRIATION TO THE COMMISSION ON THE COLORADO GENERAL  
2 ASSEMBLY.

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

4 SECTION 1. Appropriation. There is hereby appropriated out  
5 of any moneys in the state treasury not otherwise appropriated,  
6 for the current fiscal year, to the commission on the Colorado  
7 general assembly, created by H.J.R. No. \_\_, adopted by the Second  
8 Regular Session of the Forty-ninth General Assembly, the sum of  
9 thirty thousand dollars (\$30,000), or so much thereof as may be  
10 necessary, for payment of the expenses of the said commission.

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

COMMITTEE ON LEGISLATIVE PROCEDURES

BILL 46

A BILL FOR AN ACT

1 CONCERNING THE COMPENSATION OF MEMBERS OF THE GENERAL ASSEMBLY.

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

3 SECTION 1. 63-2-7 (1) and (2) (a), (b), and (c), Colorado  
4 Revised Statutes 1963, as amended, are REPEALED AND REENACTED,  
5 WITH AMENDMENTS, to read:

6 63-2-7. Compensation of members. (1) (a) (i) Each member  
7 of the general assembly shall receive as compensation for his  
8 services:

9 (ii) The sum of twelve thousand dollars per annum for each  
10 year of the term for which elected, payable as follows: In the  
11 months of January, February, March, and April of each year, a  
12 member shall be compensated at the rate of two thousand dollars  
13 per month; during the remaining eight months of each year, a  
14 member shall be compensated at the rate of five hundred dollars  
15 per month. Of such annual compensation for a member of the  
16 general assembly who is away from his principal place of business  
17 and his home while serving during a legislative session, twenty  
18 dollars per day for each legislative day during each regular and  
19 special session of the general assembly in each year shall be  
20 considered as a per diem expense allowance and shall be in  
21 addition to the lodging and travel allowance provided for in

1 section 63-2-29.

2 (iii) All actual and necessary expenses incurred in  
3 traveling to the state capitol for one round trip for each  
4 regular or special session of the general assembly, such expenses  
5 to be paid after the same have been incurred. The mileage  
6 allowance shall not exceed the rates authorized for the executive  
7 department.

8 (b) The general assembly may provide by joint resolution  
9 for the suspension of its compensation, or any portion thereof,  
10 during a period of adjournment to a day certain.

11 (c) The compensation of the general assembly as fixed in  
12 paragraph (a) of this subsection (1) shall apply to all members  
13 of the senate and all members of the house of representatives  
14 elected at the 1974 general election and thereafter, to members  
15 appointed to fill vacancies for the unexpired terms of any such  
16 members, and to members appointed on or after January 8, 1975, to  
17 fill vacancies of senators elected at the 1972 general election.  
18 Members of the senate elected at the 1972 general election shall  
19 continue to receive the compensation for the remainder of the  
20 terms for which elected under laws in effect at the time of their  
21 election.

22 (2) (a) In addition to the compensation specified in  
23 subsection (1) of this section, the members of the general  
24 assembly shall be entitled to:

25 (b) The further sum of fifty dollars per day, not to exceed  
26 one thousand five hundred dollars in any calendar year, for  
27 necessary attendance while the general assembly is not in session