

1 carrier's cost proposal, shall include an explanation of the
2 method of claims administration proposed by the carrier and the
3 cost thereof, the amount of total premiums to be retained by the
4 carrier, the purpose for which these retained funds would be
5 allocated, and such other information as may be requested by the
6 board.

7 (2) (a) In order to permit each eligible employee, official,
8 and annuitant his individual selection of the HEALTH INSURANCE
9 plans being offered, the board may select either a qualified
10 statewide indemnity health insurance carrier to provide an
11 indemnity benefit plan under which the carrier agrees to pay
12 specified sums of money not in excess of the actual expenses
13 incurred for benefits of the type TYPES described in subsections
14 ~~{10}, {11}, and {12}~~ of section 72-22-3 (10), (11), AND (12), or
15 may select a qualified statewide hospital service plan and
16 medical service plan under which payment is made under contracts
17 with physicians, hospitals, or other providers of health services
18 or, under certain conditions to employees, officials, dependents
19 or annuitants for benefits of the types described in subsections
20 ~~{10}, {11}, and {12}~~ of section 72-22-3 (10), (11), AND (12) or
21 may select both, part of either, or a combination of such plans.
22 The board may also approve for selection by eligible employees,
23 officials, and annuitants such other hospital and medical service
24 plans, statewide or not statewide, as shall be ARE offered by
25 nonprofit corporations which the board shall find FINDS qualified
26 and which shall otherwise meet all of the requirements of this
27 article.

1 (b) The board shall enter into contract with the carrier or
2 carriers selected to underwrite ~~the--health~~ GROUP insurance
3 ~~program;--beginning--January--1,--1966.~~ PROGRAMS. Such contract
4 shall be for a period of either twelve or twenty-four months and
5 shall include all policy provisions, the premium rates to be
6 charged during the term of the contract, specifications on the
7 method of claims administration, a grievance procedure provision,
8 and such other matters as the board shall deem necessary. In the
9 board's discretion and based on the plan's experience, the
10 premium rates applying during the first contract term may be
11 adjusted during subsequent contract terms. Changes may also be
12 negotiated in the method of claims administration, the amount to
13 be retained by the carrier or carriers, and other matters in the
14 first contract.

15 (5) In the event that the board decides to change carriers
16 or to reopen bids on the underwriting of ~~the--health~~ GROUP
17 insurance ~~plan~~ PLANS, it shall follow the same procedures in the
18 selection of a subsequent carrier or carriers as it did in
19 awarding the initial contract or contracts.

20 SECTION 7. 72-22-7, Colorado Revised Statutes 1963, as
21 amended, is amended to read:

22 72-22-7. Employees - eligibility - election of coverage -
23 exceptions. (1) Any state employee eligible as determined by
24 the board for membership in ~~the--health~~ A GROUP insurance or
25 supplemental plan CONTRACTED FOR PURSUANT TO SECTION 72-22-5 (1)
26 (c) upon the effective date of such plan shall be presumed to be
27 enrolled in the plan unless he elects not to be so enrolled

1 within thirty days of such effective date. The board shall
2 establish the procedure by which eligible employees not wishing
3 to be enrolled in ~~the-health~~ A GROUP insurance or supplemental
4 plan shall so notify the board within the prescribed thirty-day
5 period. Eligible employees who elect not to be enrolled shall be
6 barred from membership in the ~~health~~ GROUP insurance or
7 supplemental plan until the next enrollment and shall be enrolled
8 at that time only under such conditions as the board may impose,
9 such as a physical examination or the exclusion of preexisting
10 conditions from coverage.

11 (2) Any eligible state employee who enters state service
12 after the effective date of ~~the--health~~ A GROUP insurance or
13 supplemental plan CONTRACTED FOR PURSUANT TO SECTION 72-22-5 (1)
14 (c) may become enrolled in an appropriate plan OR PLANS by UPON
15 acceptance of state employment.

16 (3) THE MANNER AND FORM OF ELECTION AND ACCEPTANCE BY STATE
17 EMPLOYEES AND OFFICIALS OF GROUP INSURANCE PLANS CONTRACTED FOR
18 PURSUANT TO SECTION 72-22-5 (1) (m) SHALL BE IN COMPLIANCE WITH
19 RULES ESTABLISHED FOR THAT PURPOSE BY THE BOARD.

20 SECTION 8. 72-22-8, Colorado Revised Statutes 1963, as
21 amended, is amended to read:

22 72-22-8. Annuitants - benefits - eligibility - election of
23 coverage. (1) Employees enrolled in ~~the-health~~ A GROUP insurance
24 or supplemental plan who retire while still in state service
25 after the effective date of the ~~health~~ GROUP insurance or
26 supplemental plan shall continue to be enrolled in the
27 appropriate plan, but the ~~basic-hospital-and-medical-benefits-and~~

1 ~~majer--medical~~ benefits provided for such annuitants may be
2 limited by the board.

3 (2) Annuitants, upon the effective date of ~~the--health~~ A
4 GROUP insurance or supplemental plan, shall be eligible to enroll
5 in an appropriate plan, but the ~~basie--hospital-and-medical~~
6 ~~benefits-and-majer-medical~~ benefits provided for such annuitants
7 may be limited by the board and shall be the same as those for
8 annuitants who retire after the effective date of the health
9 GROUP insurance or supplemental plan. The board shall establish
10 the procedures by which such annuitants may elect to enroll in
11 the health GROUP insurance or supplemental plan within the thirty
12 days following the effective date of the plan. Annuitants who do
13 not elect to enroll in the health GROUP insurance or supplemental
14 plan during the thirty-day period shall be barred from membership
15 until the next enrollment and shall be enrolled at that time only
16 under such conditions as the board may impose, such as a physical
17 examination or the exclusion of preexisting conditions from
18 coverage.

19 (3) The cost of providing a health GROUP insurance plan for
20 all annuitants shall be merged with the cost of providing such
21 benefits for officers and employees, and the cost of providing a
22 supplemental plan for all annuitants shall be merged with the
23 cost of providing such supplemental benefits for officers and
24 employees. The same premium rates shall be established for both
25 annuitants and ~~for~~ officers and employees under the same plan.

26 SECTION 9. 72-22-9, Colorado Revised Statutes 1963 (1969
27 Supp.), is amended to read:

1 72-22-9. State officials - eligibility - election of
2 coverage. State officials eligible for membership in ~~the--health~~
3 A GROUP insurance or supplemental plan at the time the plan
4 becomes effective shall have thirty days to elect to become
5 enrolled. Such election shall be made according to procedures
6 established by the board. Eligible state officials appointed or
7 elected after May 17, 1965, shall have thirty days after the date
8 they officially take office to elect to be enrolled in ~~the-health~~
9 A GROUP insurance or supplemental plan. Eligible state officials
10 who do not elect to enroll in ~~the-health~~ A GROUP insurance or
11 supplemental plan during the thirty-day period shall be barred
12 from membership until the next enrollment and shall be enrolled
13 at that time only under such conditions as the board may impose,
14 such as a physical examination or the exclusion of preexisting
15 conditions from coverage.

16 SECTION 10. 72-22-10 (1) and (2), Colorado Revised Statutes
17 1963, as amended, are amended to read:

18 72-22-10. Dependents - eligibility - election of coverage.
19 (1) Any eligible employee, official, or annuitant may elect to
20 have his dependent or dependents covered by the health insurance
21 or supplemental plan. Such election shall be made at the time
22 the employee, official, or annuitant becomes enrolled in the plan
23 under such procedures as the board shall establish. If dependent
24 coverage is not elected at the time that an employee, official,
25 or annuitant becomes enrolled in an appropriate plan, ~~dependent~~
26 ~~coverage-cannot-be-elected-until-the-next-enrollment,---Such~~ ANY
27 subsequent election of dependent coverage shall be made under

1 such conditions as the board may impose. ~~such--as--a--physical~~
2 ~~examination--or--the--exclusion--of--pre-existing-conditions--from~~
3 ~~coverage.~~

4 (2) Any employee, official, or annuitant WHO ELECTS
5 coverage, as provided in subsection (1) of this section, and who
6 has a change in the number of his dependents may, at the time of
7 such change, increase or decrease the number of dependents
8 covered by the health insurance or supplemental plan under
9 procedures established by and subject to the approval of the
10 board.

11 SECTION 11. 72-22-11 (1), Colorado Revised Statutes 1963,
12 as amended by section 1 of chapter 70, Session Laws of Colorado
13 1972, is amended to read:

14 72-22-11. Contributions - state - employees - officials -
15 annuitants - limitation. (1) The state of Colorado shall
16 contribute an amount ~~necessary--to--pay--ten--dollars--per--month~~
17 DETERMINED BY THE STATE PERSONNEL DIRECTOR AS A RESULT OF THE
18 ANNUAL FRINGE BENEFIT SURVEY TO BE THE AVERAGE EMPLOYER
19 CONTRIBUTION FOR GROUP HEALTH INSURANCE, ROUNDED TO THE CLOSEST
20 ONE DOLLAR PER MONTH. SUCH AMOUNT SHALL BE PAID for each
21 employee and official enrolled in a plan IF THE EMPLOYEE OR
22 OFFICIAL ONLY IS ENROLLED UNDER A PLAN OR IF THE EMPLOYEE OR
23 OFFICIAL AND HIS DEPENDENTS ARE ENROLLED UNDER A PLAN, AND IF THE
24 TOTAL PREMIUM FOR COVERAGE IN EITHER CASE EQUALS OR EXCEEDS THE
25 FULL AMOUNT OF THE STATE CONTRIBUTION. IF THE TOTAL PREMIUM FOR
26 COVERAGE IN EITHER CASE IS LESS THAN THE FULL AMOUNT OF THE STATE
27 CONTRIBUTION, THE STATE SHALL PAY AN AMOUNT WHICH CONSTITUTES THE

1 ACTUAL PREMIUM OF THE PLAN THE EMPLOYEE OR OFFICIAL SELECTS. The
2 state of Colorado shall make the same contribution as for
3 employees for each annuitant who is in state service twenty years
4 or more prior to retirement. For annuitants who are in state
5 service less than twenty years prior to retirement, the amount of
6 THE state contribution shall be five percent of the amount
7 contributed for employees and officials for each year of state
8 service prior to retirement. IN THE EVENT THE AMOUNT DETERMINED
9 BY THE STATE PERSONNEL DIRECTOR RESULTS IN A PERCENTAGE VALUE OF
10 TOTAL STATE EMPLOYEE FRINGE BENEFITS WHICH EXCEEDS THE PERCENTAGE
11 VALUE OF TOTAL FRINGE BENEFITS IN THE COMMUNITY AS DETERMINED BY
12 THE STATE SURVEY OF FRINGE BENEFITS, THE STATE PERSONNEL BOARD
13 SHALL CONSIDER THE REDUCTION OF THOSE EMPLOYEE BENEFITS
14 PRESCRIBED BY RULES OF THE STATE PERSONNEL BOARD.

15 SECTION 12. 72-22-11, Colorado Revised Statutes 1963, as
16 amended, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

17 72-22-11. Contributions - state - employees - officials -
18 annuitants - limitation. (3) The state of Colorado shall
19 contribute an amount determined by the state personnel director
20 as the result of the annual fringe benefit survey to be the
21 average employer contribution for group life insurance, rounded
22 to the closest one dollar per month. Such amount shall be paid
23 for each employee and official enrolled to provide coverage under
24 a group life insurance plan if the employee or official only is
25 enrolled under a plan or if the employee or official and his
26 dependents are enrolled under a plan, and if the total premium
27 for coverage in either case equals or exceeds the full amount of

1 the state contribution. If the total premium for coverage in
2 either case is less than the full amount of the state
3 contribution, the state shall pay an amount which constitutes the
4 actual premium of the plan the employee or official selects. The
5 state of Colorado shall make the same contribution as for
6 employees for each annuitant who is in state service twenty years
7 or more prior to retirement. For annuitants who are in state
8 service less than twenty years prior to retirement, the amount of
9 the state contribution shall be five percent of the amount
10 contributed for employees and officials for each year of state
11 service prior to retirement. In the event the amount determined
12 by the state personnel director results in a percentage value of
13 total state employee fringe benefits which exceeds the percentage
14 value of total fringe benefits in the community as determined by
15 the state survey of fringe benefits, the state personnel board
16 shall consider the reduction of those employee benefits
17 prescribed by rules of the state personnel board.

18 SECTION 13. 72-22-12, Colorado Revised Statutes 1963 (1967
19 Supp.), is amended to read:

20 72-22-12. Payroll deductions - employees - officials -
21 annuitants. (1) The amount of monthly ~~contribution~~
22 CONTRIBUTIONS, IF ANY, to be made by employees and officials
23 enrolled in ~~the-health~~ GROUP insurance or supplemental ~~plan~~ PLANS
24 shall be deducted from the monthly salaries of such employees and
25 officials and remitted to the board. The procedure for such
26 deductions and remittances shall be established by the board.

27 (2) The amount of monthly ~~contribution~~ CONTRIBUTIONS, IF

1 ANY, to be made by annuitants enrolled in the-health GROUP
2 insurance or supplemental plan PLANS who are receiving annuity
3 payments from the public employees' retirement association shall
4 be deducted from such monthly annuity payments by the
5 administrative officer of the public employees' retirement
6 association and remitted to the board. The procedures of such
7 deductions and remittances shall be established by the board in
8 cooperation with the public employees' retirement association
9 board.

10 SECTION 14. 72-22-13, Colorado Revised Statutes 1963, as
11 amended, is amended to read:

12 72-22-13. Employer payments. (1) Beginning July 1, 1972
13 1974, or, in the case of a supplemental plan beginning on the
14 first of the month specified by the board, the head of each state
15 agency, department, or institution having employees enrolled in
16 the--health A GROUP insurance or supplemental plan shall make a
17 monthly payment to the board for each employee or official so
18 enrolled of an amount as specified-by PROVIDED FOR IN section
19 72-22-11. The estimated amount required for such payments shall
20 be included in the annual budgets of such agencies, departments,
21 and institutions.

22 (2) State contributions for annuitants enrolled in the
23 health--insurance--plan,--beginning--January--1,--1966,--and--state
24 contributions--for--annuitants--enrolled--in--the--supplemental--plan
25 beginning--on--the--first--of--the--month--specified--by--the--board; GROUP
26 INSURANCE OR SUPPLEMENTAL PLANS shall be paid directly to the
27 board by the controller, to whom funds shall be appropriated for

1 this purpose.

2 SECTION 15. 72-22-14, Colorado Revised Statutes 1963 (1965
3 Supp.), is amended to read:

4 72-22-14. Administrative duties. It shall be IS the duty
5 of the DEPARTMENT OF PERSONNEL AND THE division of accounts and
6 control, upon request of the board, to provide such assistance
7 and to perform such duties as are necessary to carry out the
8 state's administrative, accounting, and clerical responsibilities
9 in connection with the operation of ~~the--health--insurance--plan.~~
10 GROUP INSURANCE OR SUPPLEMENTAL PLANS.

11 SECTION 16. 72-22-15, Colorado Revised Statutes 1963, as
12 amended, is amended to read:

13 72-22-15. Group insurance reserve fund. (1) There is
14 hereby established the ~~health~~ GROUP insurance reserve fund. The
15 state treasurer shall be ex officio treasurer of this fund, and
16 his general bond to the state shall cover all liabilities for his
17 acts as treasurer of the fund. The board shall remit to the
18 treasurer for deposit in the ~~health~~ GROUP insurance reserve fund
19 all payments received by the board for ~~health~~ GROUP insurance
20 premium costs from employees, officials, annuitants, and the
21 state as employer. The board shall also remit to the treasurer
22 for deposit in the ~~health~~ GROUP insurance reserve fund any
23 ~~dividend~~ payments received by the board from the carrier or
24 carriers underwriting the ~~health~~ GROUP insurance or supplemental
25 ~~plan~~ PLANS. SUCH PAYMENTS SHALL NOT BE INCLUDED IN THE GENERAL
26 REVENUES OF THE STATE OF COLORADO, AND AT THE END OF THE FISCAL
27 YEAR, ANY UNEXPENDED FUNDS SHALL NOT REVERT TO THE GENERAL FUND

1 BUT SHALL BE HELD BY THE STATE TREASURER IN HIS CUSTODIAL
2 CAPACITY TO BE USED SUBJECT TO DIRECTION FROM THE BOARD.

3 (2) (a) Expenditures shall be made from the health GROUP
4 insurance reserve fund, upon certification of the board, only for
5 the following purposes:

6 (b) The payment of premiums to the carrier or carriers
7 underwriting ~~the--health~~ A GROUP insurance or supplementary
8 SUPPLEMENTAL plan; and

9 (c) The state's cost of administering ~~the--health~~ GROUP
10 insurance and ~~supplementary--plan,--provided~~ SUPPLEMENTAL PLANS.
11 ~~that-annual-expenditures-for-this-purpose-shall-not-exceed--three~~
12 ~~dollars-for-each-employee,-official,-and-annuitant-enrolled,~~

13 (3) The board, from time to time, shall certify in writing
14 to the state treasurer for investment such portions of the health
15 GROUP insurance RESERVE fund as in its judgment may not be needed
16 for the payment of premiums to the carrier or carriers
17 underwriting the health GROUP insurance OR SUPPLEMENTAL plans.
18 Such investments shall be made as designated by the board and
19 shall be limited to those securities authorized for investment by
20 the public employees' retirement board pursuant to section
21 111-1-7, C.R.S. 1963.

22 SECTION 17. 72-22-16, Colorado Revised Statutes 1963 (1967
23 Supp.), is amended to read:

24 72-22-16. State payments - authority of controller.
25 Beginning ~~January-1,-1966~~, JULY 1, 1974, or, in the case of a
26 supplemental plan, beginning on the first of the month specified
27 by the board, the state contributions to ~~the--health~~ GROUP

1 insurance and supplemental plans shall be paid monthly to the
2 board by the state controller, who shall make a charge against
3 the accounts of the state departments, agencies, and institutions
4 for this purpose. Such charges shall be the amounts necessary to
5 cover the state contributions for the employees in each state
6 department, agency, and institution enrolled in the--health A
7 GROUP insurance or supplemental plan and shall be made against
8 both general revenue fund accounts and specific cash fund
9 accounts as required.

10 SECTION 18. Article 22 of chapter 72, Colorado Revised
11 Statutes 1963, as amended, is amended BY THE ADDITION OF A NEW
12 SECTION to read:

13 72-22-17. Estimate of costs - governor's report. No later
14 than February 15 preceding each ensuing fiscal year, the governor
15 shall transmit his estimate of costs for group insurance
16 contributions to the joint budget committee of the general
17 assembly for inclusion as a separate item in the general
18 appropriations bill.

19 SECTION 19. Article 28 of chapter 3, Colorado Revised
20 Statutes 1963, as amended, is amended BY THE ADDITION OF A NEW
21 SECTION to read:

22 3-28-36. Group insurance board - creation. (1) The state
23 employees' and officials' group insurance board of
24 administration, created by article 22 of chapter 72, C.R.S.
25 1963, and its powers, duties, and functions are transferred by a
26 type 2 transfer to the department of personnel.

27 (2) The state employees' and officials' group health

1 insurance board of administration and its powers, duties, and
2 functions are transferred by a type 3 transfer to the state
3 employees' and officials' group insurance board of
4 administration.

5 SECTION 20. Repeal. 3-28-16 (5) (e), Colorado Revised
6 Statutes 1963 (1969 Supp.), is repealed.

7 SECTION 21. Appropriation. In addition to any other
8 appropriation, there is hereby appropriated to the controller,
9 for the fiscal year beginning July 1, 1974, the sum of
10 _____ dollars (\$_____), for the state's
11 contribution to group insurance or supplemental plans. Of this
12 amount, _____ dollars (\$_____), or so much thereof
13 as is necessary, shall be appropriated out of moneys in the state
14 treasury not otherwise appropriated, and _____ dollars
15 (\$_____), or so much thereof as may be necessary, out of
16 cash funds not otherwise appropriated, of which _____
17 dollars (\$_____) shall be for employees and officials of the
18 university of Colorado and _____ dollars (\$_____)
19 for eligible employees and officials of the judicial department.

20 SECTION 22. Effective date. This act shall take effect
21 July 1, 1974.

22 SECTION 23. Safety clause. The general assembly hereby
23 finds, determines, and declares that this act is necessary for
24 the immediate preservation of the public peace, health, and
25 safety.

COMMITTEE ON PERSONNEL

BILL 14

A BILL FOR AN ACT

1 CONCERNING STATE CONTRIBUTIONS TO GROUP INSURANCE FOR STATE
2 EMPLOYEES AND OFFICIALS, AND MAKING AN APPROPRIATION
3 THEREFOR.

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

5 SECTION 1. 72-22-11 (1), Colorado Revised Statutes 1963, as
6 amended by section 1 of chapter 70, Session Laws of Colorado
7 1972, is amended to read:

8 72-22-11. Contributions - state - employees - officials -
9 annuitants - limitations. (1) The state of Colorado shall
10 contribute an amount, ~~necessary--to--pay--ten-dollars-per-month~~
11 DETERMINED BY THE STATE PERSONNEL DIRECTOR AS A RESULT OF THE
12 ANNUAL FRINGE BENEFIT SURVEY, TO BE THE AVERAGE EMPLOYER
13 CONTRIBUTION FOR GROUP HEALTH INSURANCE, ROUNDED TO THE CLOSEST
14 ONE DOLLAR PER MONTH. SUCH AMOUNT SHALL BE PAID for each
15 employee and official enrolled in a plan IF THE EMPLOYEE OR
16 OFFICIAL ONLY IS ENROLLED UNDER A PLAN OR IF THE EMPLOYEE OR
17 OFFICIAL AND HIS DEPENDENTS ARE ENROLLED UNDER A PLAN, AND IF THE
18 TOTAL PREMIUM FOR COVERAGE IN EITHER CASE EQUALS OR EXCEEDS THE
19 FULL AMOUNT OF THE STATE CONTRIBUTION. IF THE TOTAL PREMIUM FOR
20 COVERAGE IN EITHER CASE IS LESS THAN THE FULL AMOUNT OF THE STATE
21 CONTRIBUTION, THE STATE SHALL PAY AN AMOUNT WHICH CONSTITUTES THE

1 ACTUAL PREMIUM OF THE PLAN THE EMPLOYEE OR OFFICIAL SELECTS. The
2 state of Colorado shall make the same contribution as for
3 employees for each annuitant who is in the state service twenty
4 years or more prior to retirement. For annuitants who are in
5 state service less than twenty years prior to retirement, the
6 amount of state contribution shall be five percent of the amount
7 contributed for employees and officials for each year of state
8 service prior to retirement. IN THE EVENT THE AMOUNT DETERMINED
9 BY THE STATE PERSONNEL DIRECTOR RESULTS IN A PERCENTAGE VALUE OF
10 TOTAL STATE EMPLOYEE FRINGE BENEFITS WHICH EXCEEDS THE PERCENTAGE
11 VALUE OF TOTAL FRINGE BENEFITS IN THE COMMUNITY, THE STATE
12 PERSONNEL BOARD SHALL CONSIDER THE REDUCTION OF THOSE EMPLOYEE
13 BENEFITS PRESCRIBED BY RULES OF THE STATE PERSONNEL BOARD.

14 SECTION 2. Appropriation. In addition to any other
15 appropriation, there is hereby appropriated to the state
16 controller, for the fiscal year beginning July 1, 1974, the sum
17 of _____ (\$ _____), for the state's increased
18 contribution to health insurance or supplemental plans. Of this
19 amount, _____ (\$ _____), or so much thereof as is
20 necessary, shall be appropriated out of moneys in the state
21 treasury not otherwise appropriated, of which _____
22 (\$ _____) shall be for state employees and officials of the
23 university of Colorado and _____ (\$ _____) for
24 state employees and officials of the judicial department, and
25 _____ (\$ _____), or so much thereof as may be
26 necessary, out of cash funds not otherwise appropriated.

27 SECTION 3. Effective date. This act shall take effect

1 July 1, 1974.

2 SECTION 4. 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 PERSONNEL

BILL 15

A BILL FOR AN ACT

1 CONCERNING A RENT SUPPLEMENT FOR CERTAIN EMPLOYEES OF THE STATE
2 DEPARTMENT OF HIGHWAYS.

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

4 SECTION 1. Article 2 of chapter 120, Colorado Revised
5 Statutes 1963, as amended, is amended BY THE ADDITION OF A NEW
6 SECTION to read:

7 120-2-12. Rent supplement for employees living in high rent
8 areas. (1) Any employee of the state department of highways who
9 by reason of his employment lives in an area of this state in
10 which he is required to pay in excess of twenty-five percent of
11 his base pay for rental of suitable housing for himself or his
12 family, or both, shall receive a rent supplement. Such rent
13 supplement shall be equal to fifty percent of the excess over
14 twenty-five percent of the employee's base pay required for
15 rental of suitable housing.

16 (2) The commission shall, by rule and regulation,
17 promulgate guidelines concerning what constitutes suitable
18 housing for those employees of the department required to live in
19 high rent areas. The rules and regulations shall provide for
20 area surveys of rental costs and suitable housing before
21 authorization of a rent supplement. Surveys for the authorized

1 rent supplement areas shall be made annually.

2 SECTION 2. Effective date. This act shall take effect July
3 1, 1974.

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

LEGISLATIVE COUNCIL COMMITTEE
ON EDUCATION

Members of the Committee

Rep. Austin Moore, Chairman
Sen. Hugh Fowler, Vice-Chairman
Sen. Roger Cisneros
Sen. Fay DeBerard
Sen. William Garnsey
Sen. Kingston Minister
Sen. Albert Ruland

Rep. John Buechler
Rep. Forrest Burns
Rep. Dennis Gallagher
Rep. Leo Lucero
Rep. Laura Miller
Rep. Clarence Quinlan
Rep. Robert Garra
Rep. Virginia Sears
Rep. Frank Southworth
Rep. Wellington Webb

Council Staff

Stan Elofson
Principal Analyst

Joyce Emerson
Senior Research
Assistant

INTERIM RECOMMENDATIONS
COMMITTEE ON EDUCATION

As directed by the Legislative Council, the Committee on Education held hearings and considered issues concerning teacher selection, training, and certification; needs for school facilities; the status of school district reorganization; and the policies and structure of the Colorado High School Activities Association.

Two bills, one concerning school facilities and a second relating to the advisory committee of the Commission on Higher Education, are recommended for submission to the 1974 session of the General Assembly. Studies by the committee on issues of teacher selection, training, and certification are continuing through selected colleges and universities, the Commission on Higher Education, State Department of Education, and the Legislative Council staff. Further hearings and committee study are anticipated next year on the other topics noted above.

Bonded Indebtedness of Public School Districts - Bill 16

The title of Senate Bill 31, enacted in the 1973 session, concerned "the provision of school sites, buildings, and structures". This bill authorized additional specific powers to aid school districts in providing school facilities. The new options include installment purchase plans and long term lease or rental agreements to assist school districts to provide buildings and structures for school purposes.

Also included in Senate Bill 31, is a provision which increases the limit on bonded indebtedness of a school district from ten percent (with an additional five percent in emergencies) to twenty percent of the assessed valuation. Testimony before the committee indicated that bond attorneys have construed this provision to be beyond the scope of the title of the bill and, therefore, this provision is considered a nullity in the law. The result is that bond attorneys will not give an opinion that bonds offered for sale above the fifteen percent limit are valid. It is unlikely that the provision for sale of bonds to an amount of twenty percent of a district's assessed valuation can be used.

The committee recommends Bill 16, the text of which is the same as section 5 of Senate Bill 31, with a new title to correct the problem described by the bond attorneys. In

short, Bill 16 would resolve the question of title in Senate Bill 31 and would allow the sale of bonds by school districts up to twenty percent of their assessed valuation.

Concerning the Addition of a Member from the University of Northern Colorado to the Advisory Committee of the Colorado Commission on Higher Education - Bill 17

It was brought to the attention of the committee that the board of trustees of the University of Northern Colorado, created by House Bill 1537 of the 1973 session, is not represented on the advisory committee of the Colorado Commission on Higher Education. Bill 17 simply permits the board of trustees of UNC to elect one member to serve on the advisory committee.

Other Areas of Committee Consideration

Selection, Training, and Certification of Teachers.

The committee held three meetings exclusively for the purpose of obtaining ideas and suggestions relative to the selection, training and certification of teachers in Colorado. Approximately 60 teachers, school administrators, superintendents, school board members, and deans and faculty members of colleges of education testified before the committee at these meetings. The suggestions received have been summarized and will be used by the committee as it continues its deliberations on teacher selection, training, and certification. As noted earlier, research is underway through a number of institutions of higher education and state departments to provide further facts and ideas for legislation next year.

School Facilities. The committee is aware that many of the school districts with fast-growing enrollments are continuing to face serious problems in providing adequate facilities for school purposes. The committee plans to continue to study alternative means for providing assistance to school districts with regard to the financing of school construction.

Colorado High School Activities Association. The committee met with representatives of the Colorado High School Activities Association and other interested persons for the purpose of discussing the substantive policies and rules of the CHSAA, its organizational structure, and process of making appeals of rulings in the association.

Concern was expressed relative to the procedure for appearance by an individual in the case of a declaration of ineligibility by the association, the time restrictions on

participation in interscholastic activities during non-school hours, in summer clinics, and in off-seasons in the school year. Other issues of contention were an apparent lack of differentiation in the rules with regard to team sports as contrasted to individual sports (football vs. swimming) and for athletics as contrasted with non-athletics (football vs. forensics). Some committee members commented that CHSAA resists examining its policies in terms of needs of students in deference to simply maintaining the status quo.

The CHSAA responded to the questions and provided its reasoning behind the rules in question. The governance of the association from the local schools, to the leagues, and to the state was reviewed. The committee plans to review next year the issues raised at this meeting and to carefully follow any changes in policies of the association.

School district reorganization. Having held one meeting on this subject, the committee will examine again next year the need for further school district reorganization, recognizing the need for greater equalization of the educational benefits and resources throughout the state.

COMMITTEE ON EDUCATION

BILL 16

A BILL FOR AN ACT

1 AMENDING 123-11-5 AND 123-25-30, COLORADO REVISED STATUTES 1963,
2 AS AMENDED, CONCERNING LIMITATIONS ON BONDED INDEBTEDNESS OF
3 PUBLIC SCHOOL DISTRICTS.

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

5 SECTION 1. 123-11-5 (1), Colorado Revised Statutes 1963, as
6 amended by section 5 of chapter 358, Session Laws of Colorado
7 1973, is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

8 123-11-5. Limit of bonded indebtedness. (1) (a) Each
9 school district shall have a limit of bonded indebtedness of
10 twenty percent of the latest valuation for assessment of the
11 taxable property in such district as certified by the assessor to
12 the board of county commissioners. The indebtedness of the
13 former districts or parts of districts, constituting any new
14 district, shall not be considered in fixing the limit of such
15 twenty percent; but, if any school district shall assume the
16 bonded indebtedness of any district or districts, or a
17 proportionate share thereof, existing at the time of inclusion in
18 the assuming school district, pursuant to law, such bonded
19 indebtedness shall be included in the twenty percent limitation.

20 (b) The permission to incur additional bonded indebtedness,
21 granted by the property tax administrator in the department of

1 local affairs, and any school district bonds issued pursuant
2 thereto on or after May 10, 1972, are hereby validated.

3 SECTION 2. 123-25-30, Colorado Revised Statutes 1963 (1971
4 Supp.), is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

5 123-25-30. Limit of bonded indebtedness - new district.
6 Any new district organized under this article shall have a limit
7 of bonded indebtedness of twenty percent of the latest valuation
8 for assessment on the taxable property in such district. The
9 indebtedness of the old school districts or parts of districts,
10 constituting the new districts, shall not be considered in fixing
11 the limit of such twenty percent; but if any new district shall
12 assume the bonded indebtedness of any district or districts, or a
13 proportionate share thereof, existing at the time of inclusion in
14 the new district, pursuant to the provisions of section
15 123-25-38, such bonded indebtedness shall be included in the
16 twenty percent limitation.

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

COMMITTEE ON EDUCATION

BILL 17

A BILL FOR AN ACT

1 CONCERNING THE ADDITION OF A MEMBER FROM THE UNIVERSITY OF
2 NORTHERN COLORADO TO THE ADVISORY COMMITTEE OF THE COLORADO
3 COMMISSION ON HIGHER EDUCATION.

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

5 SECTION 1. 124-22-3 (1) (c), Colorado Revised Statutes 1963
6 (1971 Supp.), is amended to read:

7 124-22-3. Advisory committee. (1) (c) One member shall
8 be elected by the board of regents of the university of Colorado.
9 One member shall be elected by the state board of agriculture.
10 One member shall be elected by the board of trustees of the
11 Colorado school of mines. One member shall be elected by the
12 trustees of the state colleges in Colorado. One member shall be
13 elected by the state board for community colleges and
14 occupational education. ONE MEMBER SHALL BE ELECTED BY THE BOARD
15 OF TRUSTEES OF THE UNIVERSITY OF NORTHERN COLORADO. Said ~~five~~
16 SIX members shall serve on the advisory committee for a term
17 fixed by their respective boards. Successors shall be appointed
18 in the same manner as the original members.

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.

LEGISLATIVE COUNCIL COMMITTEE
ON HEALTH, ENVIRONMENT, WELFARE,
AND INSTITUTIONS

Members of the Committee

Sen. Ruth Stackton, Chairman
Rep. Carl Shewalter, Vice-
Chairman
Sen. Roseanna Ball
Sen. Joseph Calabrese
Sen. Ted Strickland

Rep. Betty Beasides
Rep. Charles Edwards
Rep. Dennis Gallagher
Rep. David Gaon
Rep. Larry Hobbs
Rep. Gerald Kopel
Rep. Floyd Sack
Rep. Morgan Smith
Rep. Mick Spaso
Rep. Aris Taylor
Rep. Carol Tempest
Rep. Walter Younglund

Council Staff

Earl Thaxton
Senior Analyst

Steve Jordan
Research Assistant

INTERIM RECOMMENDATIONS
COMMITTEE ON HEALTH, ENVIRONMENT,
WELFARE, AND INSTITUTIONS

Mental Retardation

Single Agency Responsibility for Programs for the Mentally Retarded -- Bill 18

The provision of services to the mentally retarded has become the responsibility of five of the principal departments of state government. While the need for each department's program continues, and even expands, the committee found there is no single agency that is ultimately responsible for providing a continuum of services for the mentally retarded individual. For example, the Department of Institutions maintains the three state homes for the mentally retarded and administers the state's community mental retardation center program; the Department of Social Services provides a program of welfare assistance and vocational rehabilitation; the Department of Health is responsible for licensure of nursing homes and hospitals; the Department of Education, through the local school districts, provides programs for the educable mentally retarded; and the Department of Higher Education is involved in the training of specialists in the field of mental retardation. The result is that services to the mentally retarded have become fragmented.

The committee concluded that one agency should have ultimate responsibility for the development of a program continuum for the mentally retarded. The question of which department should be the mental retardation authority for the state became one of resolving whether to use the agency regarded as possessing expertise in the field of mental retardation, the Department of Institutions, or the agency which administers federal funds through the Social Security Act, the Department of Social Services. Given the present administrative framework, the committee concluded that the Department of Institutions is best qualified to act as the single state agency for the provision of services to the mentally retarded.

Therefore, the committee recommends that the Department of Institutions be designated as the single state agency for the provisions of services and the funding of programs for the mentally retarded (Bill 18). The committee found no reason for any department to cease providing programs. Rather, the

committee recommends that the Department of Institutions act in a coordinating capacity, having final approval over every program provided by an agency of this state, and purchasing services from the various agencies on behalf of the mentally retarded.

The committee further recommends that the Department of Institutions be statutorily designated as the single state agency for the provision of services to the developmentally disabled. The department would then become the single agency for the provision of services to the cerebral palsied, the epileptic, and other developmental disabilities as may from time to time be named, as well as the single agency for the provision of services to the mentally retarded.

State Home and Training School - Staffing -- Bill 19

During the course of its studies, and particularly while touring the State Home and Training School at Ridge, the committee became aware of an acute staffing problem at the three state homes. In the past several years the population at Ridge has declined as a result of the state's expanded community centered program for the mentally retarded. Unfortunately, the General Assembly has equated a decline in client population with a necessary corresponding decline in staffing, failing to account for a decline in the average mental age of the client population.

The committee recommends that the General Assembly, and particularly the Joint Budget Committee, give careful consideration to increasing the staffing ratio at the State Home and Training School at Ridge as well as the homes at Pueblo and Grand Junction. An institution which cares for the more severely and profoundly retarded persons requires a higher staffing ratio if it is to accomplish the state's goal of adequate care and training of the retarded individual. The committee was astounded that in one hall there was only one technician to care for the needs of over thirty children who were essentially untrained in the self-help skills.

The committee also recommends that the Personnel Board reassess the salary schedule for trainees and technicians employed in the hall units of all the state homes for the retarded. One hall which the committee visited had an employee turnover of over twenty-five personnel in one year. The committee attributes this, in part, to the fact that some full-time employees have a take-home pay of less than \$300 per month. The committee questions whether the state can reasonably

expect the state homes to teach the retarded so that they may return to the community, when the retarded person may have as many as twenty-five teachers in one year.

During the course of its studies, the committee became concerned with the use of residents for the performance of labor involving the operation and maintenance of the state homes. While the committee does not believe that the rights of residents have been abused by the homes, it does recommend that the area of training tasks and labor be clarified by the General Assembly, in light of recent federal district court decisions, particularly Wyatt v. Stickney (344 Federal Supplement 387, 1972). Specifically, the committee recommends that no resident shall perform labor involving the operation and maintenance of a state home unless he is compensated in accordance with the minimum wage laws of the Fair Labor Standard Act (Bill 19). The bill would also require that any training task performed by a resident be evaluated every three months to ensure that each resident is advanced as soon as he is capable. Tasks of a personal housekeeping nature, such as the making of one's own bed, are excluded from the provisions of labor involving the operation and maintenance of the homes. The estimated cost of implementing the bill is \$166,992.

Regional Mental Health and Mental Retardation Boards -- Bill 20

The committee determined that several problems exist which are common to both the mental health and the mental retardation community centers. Among these problems are:

(1) The need for coordination of programs between and among the various community centers, thus insuring that all areas of the state are adequately served; and

(2) A mechanism for encouraging more local support which is needed in mental health and mental retardation programs in light of diminishing federal funds.

As a result, the committee recommends that regional mental health and regional mental retardation boards be created in each planning and management region in the state (Bill 20). Each board would be composed of fifteen consumer members and two ex-officio members. Consumer members would be selected by a committee consisting of one county commissioner from each county within the region; ex-officio members by the appropriate state agencies. The responsibilities of the boards would include:

(1) Preparation of a basic plan for the region, including long-range priorities;

(2) Review any changes in the existing community programs;

(3) Advise the Executive Director of the Department of Institutions concerning the allocation of state funds to the region; and

(4) Devise a yearly regional budget.

Under the proposed bill, the regional mental health or mental retardation board would submit an annual budget to the counties within the region, specifying each county's proportionate share if it wishes to participate in mental health or mental retardation programs. Funds for each county's share would be derived from the county's general fund. However, if the general fund is insufficient to meet the county's approved share, the county would be authorized to make a levy, not to exceed one mill, on the taxable valuation of property. The intent of this section is to encourage local governments to participate more fully in providing mental health and mental retardation programs.

Increasing State Share for Purchase of Mental Retardation Services -- Bill 21

The committee found that local community centers are having an extremely difficult time in raising sufficient money to match the federal and state share for support of mental retardation programs. Furthermore, the committee recognizes that supporting federal funds may be diminished in future years. For these reasons, the committee recommends that the existing mental retardation community center funding statute be amended to require the state to fund at a higher level (Bill 21). In this case, the committee recommends that the state fund community center programs at a 90 percent level while the local communities fund 10 percent of the program. The state's share would be reduced by any federal funds received for the support of such programs.

Mental Health

The committee is beginning its study of the mental health field. Issues which may be considered by the committee include:

- (1) Clarification of the roles of the state hospital and the community centers and clinics in the provision of services;
- (2) Third party payments for mental health services;
- (3) Taxation mechanism as a source of local funding;
- (4) Coordination of mental health programs between and among catchment areas; and
- (5) Balancing of state and local control of community programs.

COMMITTEE ON HEALTH, ENVIRONMENT,
WELFARE, AND INSTITUTIONS

BILL 18

A BILL FOR AN ACT

1 CONCERNING THE DEPARTMENT OF INSTITUTIONS, AND RELATING TO
2 SERVICES FOR THE DEVELOPMENTALLY DISABLED.

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

4 SECTION 1. Article 11 of chapter 3, Colorado Revised
5 Statutes 1963, as amended, is amended BY THE ADDITION OF A NEW
6 SECTION to read:

7 3-11-17. Designated agency - developmental disabilities.

8 (1) The department of institutions is hereby designated as the
9 state agency which is responsible for the planning, provision,
10 and coordination of services for persons with developmental
11 disabilities, and all programs for the developmentally disabled,
12 funded in whole or in part by the state, shall be approved by the
13 department. "Developmental disability" includes, but is not
14 limited to, any disabilities which are attributable to mental
15 retardation, cerebral palsy, or epilepsy or to some neurological
16 or other condition found to be closely related to mental
17 retardation, as determined by the department or which require
18 treatment similar to that required for mentally retarded
19 individuals and which may be expected to continue indefinitely
20 and constitute a substantial handicap to the individual.

21 (2) Any other provision of law to the contrary

1 notwithstanding, the department of institutions is hereby
2 designated as the sole state agency to receive federal funds for
3 the provision of services for persons with developmental
4 disabilities.

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

COMMITTEE ON HEALTH, ENVIRONMENT,
WELFARE, AND INSTITUTIONS

BILL 19

A BILL FOR AN ACT

1 CONCERNING THE LABOR OF MENTALLY DEFICIENT PERSONS, AND MAKING AN
2 APPROPRIATION THEREFOR.

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

4 SECTION 1. Article 4 of chapter 71, Colorado Revised
5 Statutes 1963, as amended, is amended BY THE ADDITION OF THE
6 FOLLOWING NEW SECTIONS to read:

7 71-4-30. Additional definitions. (1) As used in sections
8 71-4-31 to 71-4-34, unless the context otherwise requires:

9 (2) "Habilitation" means the process by which the staff of
10 a home assists the resident to acquire and maintain those life
11 skills which inable him to cope more effectively with the demands
12 of his own person and of his environment and to raise the level
13 of his physical, mental, and social efficiency. "Habilitation"
14 includes, but is not limited to, programs of formal, structured
15 education and treatment.

16 (3) "Qualified mental retardation professional" means a
17 psychologist with a doctoral or master's degree from an
18 accredited program and with specialized training or experience of
19 one year in treating the mentally retarded; a physician licensed
20 to practice in this state with specialized training or experience
21 of one year in treating the mentally retarded; an educator with a

1 master's degree from an accredited program; a social worker with
2 a master's degree from an accredited program and with specialized
3 training or experience of one year in working with the mentally
4 retarded; a physical, vocational, or occupational therapist who
5 is a graduate of an accredited program in physical, vocational,
6 or occupational therapy with specialized training or experience
7 of one year in treating the mentally retarded; or a registered
8 nurse with specialized training or one year of experience
9 treating the mentally retarded under the supervision of a
10 qualified mental retardation professional.

11 71-4-31. Maintenance of homes for mental defectives. (1)

12 No mental defective shall be required to perform labor which
13 involves the operation and maintenance of any of the three
14 designated state homes for mental defectives or for which any
15 home is under contract with an outside organization. Privileges
16 or release from the home shall not be conditioned upon the
17 performance of labor covered by this provision. Residents may
18 engage in such labor if the labor is compensated in accordance
19 with the minimum wage provisions of the federal "Fair Labor
20 Standards Act", as amended.

21 (2) (a) No mental defective shall be involved in the care
22 (feeding, clothing, or bathing), training, or supervision of
23 other residents unless he:

24 (b) Is willing to work;

25 (c) Has been specifically trained in the necessary skills;

26 (d) Has the humane judgment required for such activities;

27 (e) Is adequately supervised; and

1 (f) Is reimbursed in accordance with the minimum wage
2 provisions of the federal "Fair Labor Standards Act", as amended.

3 71-4-32. Training tasks and labor. (1) (a) Mental
4 defectives may be required to perform vocational training tasks
5 which do not involve the operation and maintenance of the home,
6 subject to a presumption that an assignment of longer than three
7 months to any task is not a training task, if the specific task
8 or any change in task assignment is:

9 (b) An integrated part of the mental defective's
10 habilitation plan and approved as a habilitation activity by a
11 qualified mental retardation professional responsible for
12 supervising the mental defective's habilitation;

13 (c) Supervised by a staff member to oversee the habilitation
14 aspects of the activity.

15 (2) (a) Mental defectives may engage in habilitative labor
16 during nonprogram hours for which the home would otherwise have
17 to pay an employee if the specific labor or any change in labor
18 is:

19 (b) An integrated part of the mental defective's
20 habilitation plan and approved as a habilitation activity by a
21 qualified mental retardation professional responsible for
22 supervising the mental defective's habilitation;

23 (c) Supervised by a staff member to oversee the habilitation
24 aspects of the activity;

25 (d) Compensated in accordance with the minimum wage
26 provisions of the federal "Fair Labor Standards Act", as amended.

27 71-4-33. Personal housekeeping. Mental defectives may be

1 required to perform tasks of a personal housekeeping nature, such
2 as the making of one's own bed.

3 71-4-34. Payments - costs. Payments made to mental
4 defectives pursuant to the provisions of sections 71-4-31 and
5 71-4-32 shall not be applied to the costs of
6 institutionalization.

7 SECTION 2. Appropriation. There is hereby appropriated,
8 out of any moneys in the state treasury not otherwise
9 appropriated, to the division of mental retardation, for the
10 fiscal year commencing July 1, 1974, the sum of one-hundred
11 sixty-six thousand nine hundred ninety-two dollars (\$166,992), or
12 so much thereof as may be necessary, for the implementation of
13 this act.

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

COMMITTEE ON HEALTH, ENVIRONMENT,
WELFARE, AND INSTITUTIONS

BILL 20

A BILL FOR AN ACT

1 PROVIDING FOR THE ESTABLISHMENT AND ADMINISTRATION OF MENTAL
2 HEALTH AND MENTAL RETARDATION REGIONS.

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

4 SECTION 1. Chapter 71, Colorado Revised Statutes 1963, as
5 amended, is amended BY THE ADDITION OF A NEW ARTICLE to read:

6 ARTICLE 10

7 Mental Health and Mental Retardation Regions

8 71-10-1. Legislative declaration. The general assembly
9 declares it to be the purpose of this article to provide a means
10 of planning, implementing, coordinating, extending, and
11 evaluating comprehensive community programs in the areas of
12 mental health and mental retardation on a regional basis so that
13 the unique and special needs of each region, community, and
14 citizen will be better served. It is further declared that the
15 intent of this article is to provide opportunities for the
16 development of programs and provision of facilities in mental
17 health and mental retardation which can only function effectively
18 through the coordinated efforts of all elements of the community
19 or region, both public and private.

20 71-10-2. Definitions. (1) As used in this article, unless
21 the context otherwise requires:

1 (2) "Board" means any regional mental health board or
2 regional mental retardation board established pursuant to section
3 71-10-5.

4 (3) "Executive director" means the executive director of
5 the department of institutions.

6 71-10-3. Establishment of regions. The state shall be
7 divided into mental health and mental retardation regions.
8 Initially the regions shall be the twelve planning and management
9 regions delineated by the governor in his executive order of
10 November 17, 1972; except that for the purposes of this article,
11 regions eleven and twelve shall be considered as one region.

12 71-10-4. Revision of regional boundaries. (1) Regional
13 boundaries may be altered or revised by the executive director
14 after consultation with the regional boards concerned.
15 Initiation of proposals for the revision of regional boundaries
16 may be commenced by the executive director, by boards on their
17 own motion, or upon request from interested state or local
18 agencies.

19 (2) (a) When altering or revising regional boundaries, the
20 executive director shall consider the following factors:

21 (b) The boundaries of service areas of agencies and
22 activities which are involved in mental health or closely related
23 problems, including the boundaries of public health service
24 areas, welfare service areas, and educational service areas;

25 (c) Geographic features which either favor or limit access
26 to existing or proposed locations of mental health or mental
27 retardation facilities, including the availability of adequate

1 all-weather roads and public transportation and the presence of
2 mountain barriers;

3 (d) The presence in each region of an adequate population
4 to support essential mental health or mental retardation
5 services. No region shall be established which includes a
6 population of less than fifty thousand according to the latest
7 available population estimate by the budget office of the
8 division of accounts and control unless the executive director
9 specifically finds that a region of smaller population is made
10 necessary by reason of geographic factors of distance and access;

11 (e) The location of regional boundaries along county
12 boundaries so that no county shall be divided between two or more
13 regions unless the executive director specifically finds that
14 geographic considerations make such a division essential.

15 71-10-5. Regional mental health and mental retardation
16 boards. In each region there shall be a regional mental health
17 board and a regional mental retardation board. The process of
18 selecting and organizing such boards in each region shall be
19 completed no later than January 1, 1975.

20 71-10-6. Membership of board. (1) Each board within the
21 region shall consist of fifteen members with voting rights to be
22 appointed by a selection committee consisting of one county
23 commissioner from each county within the region and the mayor of
24 the city and county of Denver, when appropriate.

25 (2) (a) Each regional mental health board shall have the
26 following two designated ex officio members without vote:

27 (b) One ex officio member who represents the geographic

1 unit in a state hospital which provides mental health service to
2 the region to be designated by the director of such hospital;

3 (c) One ex officio member who is a regional coordinator, to
4 be designated by the executive director;

5 (3) (a) Each regional mental retardation board shall have
6 the following two designated ex officio members without vote;

7 (b) One ex officio member who represents the state home and
8 training school located geographically closest to the region, to
9 be designated by the director of such home; and

10 (c) One ex officio member who is a regional coordinator, to
11 be designated by the executive director.

12 71-10-7. Qualifications of members. All appointed members
13 of the board shall be residents of the region which the board
14 serves. The fifteen members of each board shall be selected from
15 the general public, but there shall be at least one member of
16 each board resident in each county within the region at all
17 times. No person who is employed by or is a member of a
18 community center board established pursuant to article 8 of this
19 chapter or other agency receiving funds under this article shall
20 be eligible to serve as a board member.

21 71-10-8. Term of office. Each member of the board shall
22 serve a term of office of three years; except, of those members
23 first appointed to the board, five shall serve a term of one
24 year, five shall serve a term of two years, and five shall serve
25 a term of three years. All further regular appointments shall be
26 for a term of three years. Appointments to fill vacancies shall
27 be for the remainder of the term of the previous incumbent. Ex

1 officio members shall serve at the pleasure of the designating
2 authority.

3 71-10-9. Compensation. Each member of the board shall
4 serve without compensation, but each member shall be reimbursed
5 for actual and necessary expenses incurred during the discharge
6 of his official duties.

7 71-10-10. Organization and meetings. The board shall elect
8 its chairman from among its members; fix the place, date, and
9 time of its meetings; and adopt such other rules and regulations
10 as may be necessary for the conduct of its business. At least
11 one meeting shall be held in each three-month period, and the
12 board may meet more frequently if necessary.

13 71-10-11. Duties of board. (1) (a) Each regional mental
14 health or mental retardation board shall:

15 (b) Prepare a basic plan, after appropriate consultation
16 with existing mental health or mental retardation agencies and
17 professionals in the region and with the department of
18 institutions, for the provision of mental health or mental
19 retardation services to the region. The plan shall indicate
20 immediate and long-range priorities for the provision of
21 comprehensive community-based services in the areas of mental
22 illness or mental retardation including, where indicated,
23 preventive programs, treatment capabilities, and rehabilitative
24 activities. At least annually, the board shall systematically
25 review the basic plan and make revisions when appropriate. When
26 it is complete, copies of the plan and all revisions thereof
27 shall be forwarded to each board of county commissioners within

1 the region and to the executive director. When the executive
2 director has approved the plan, it shall become the official
3 program for regional activity. Revisions of the basic plan shall
4 become effective upon approval of the executive director. All
5 state funding of mental health or mental retardation programs and
6 services within the region shall be in accordance with the basic
7 plan or amendments thereto.

8 (c) Review and forward to the executive director any
9 proposals for change in existing mental health or mental
10 retardation programs or the addition of new programs when such
11 programs are or will be state funded in whole or in part. In
12 forwarding such proposals, to the executive director, the board
13 shall indicate its approval or disapproval and state the reasons
14 therefor.

15 (d) Conduct an annual evaluation of existing mental health
16 or mental retardation programs and services in its region and
17 prepare a report thereon. Copies of the evaluation report shall
18 be forwarded to the department of institutions and to each board
19 of county commissioners in the region.

20 (e) Advise the executive director concerning the allocation
21 of state assistance to mental health or mental retardation
22 services within its region, the formulation of standards, and the
23 allocation of financial aid for community services within its
24 region;

25 (f) Promote a cooperative approach to mental health or
26 mental retardation programs by local agencies in its region;

27 (g) Stimulate interest in and financial support for mental

1 health or mental retardation agencies and programs in its region.

2 71-10-12. Powers of board. (1) (a) Each regional mental
3 health or mental retardation board may:

4 (b) Receive and hold funds from both public and private
5 sources and disburse them for operating expenses of the regional
6 board;

7 (c) Hold title to both real and personal property
8 including, but not limited to, physical facilities constructed
9 for the purpose of housing mental health or mental retardation
10 services. A board may also lease physical facilities to which it
11 holds title to appropriate private nonprofit mental health or
12 mental retardation agencies or agencies operated by local
13 governmental units.

14 (d) Directly operate mental health or mental retardation
15 services, with the approval of the executive director.

16 (2) In the event that a regional mental health or mental
17 retardation board has been authorized to directly operate mental
18 health or mental retardation services as provided in subsection
19 (1) (d) of this section, the board may receive and hold funds
20 from both public and private sources and disburse them for the
21 support of mental health or mental retardation programs, and,
22 whether such programs are operated by private nonprofit agencies
23 or by local government units, the board may also purchase
24 services from private organizations, whether operated for profit
25 or not for profit, and from agencies operated by local
26 governmental units.

27 71-10-13. Financial support for mental health and mental

1 retardation regions - tax levy. Each board shall submit to the
2 board of county commissioners of each of the counties within the
3 region an annual budget, specifying each county's recommended
4 proportionate share, not later than October 15 each year. Funds
5 for each county's share for the operation of the region shall be
6 derived from the county's general fund. If the general fund is
7 insufficient to meet the approved budget, a levy not to exceed
8 one mill may be made on the taxable valuation in addition to all
9 other taxes allowed by law to be levied on such property.

10 71-10-14. Approval and review by the executive director.
11 Decisions of regional mental health or mental retardation boards
12 concerning the basic program for the region, revisions thereof,
13 special programs within the region, evaluations, and funding
14 shall be subject to review and approval by the executive
15 director. Local private mental health or mental retardation
16 agencies or local governmental units shall have the right to
17 present their views to the executive director in connection with
18 such approval or to secure a review thereof not later than thirty
19 days after approval. They shall be informed of the ultimate
20 disposition of the matter by the executive director.

21 SECTION 2. Effective date. This act shall take effect July
22 1, 1974.

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

COMMITTEE ON HEALTH, ENVIRONMENT,
WELFARE, AND INSTITUTIONS

BILL 21

A BILL FOR AN ACT

1 CONCERNING THE PURCHASE OF MENTAL RETARDATION SERVICES.

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

3 SECTION 1. 71-8-2 (1), Colorado Revised Statutes 1963 (1971
4 Supp.), is amended to read:

5 71-8-2. Appropriation - purchase of services. (1) EACH
6 YEAR THE GENERAL ASSEMBLY SHALL APPROPRIATE TO THE DEPARTMENT OF
7 INSTITUTIONS FUNDS FOR THE PURCHASE OF MENTAL RETARDATION
8 SERVICES FROM COMMUNITY CENTERS IN AN AMOUNT EQUAL TO NINETY
9 PERCENT OF THE COST OF PROVIDING SUCH SERVICES WITHIN THE REGION,
10 WHICH COSTS SHALL INCLUDE A REASONABLE CHARGE FOR CAPITAL OUTLAY;
11 EXCEPT THAT THE AMOUNT APPROPRIATED SHALL BE DECREASED
12 PROPORTIONATELY WITH THE ADDITION OF ANY FEDERAL GRANT-IN-AID.
13 The department of institutions is hereby authorized to purchase
14 services for the mentally retarded and for seriously handicapped
15 persons through community incorporated boards. The department of
16 institutions shall allocate to the community center boards,
17 corporations not for profit, for the purchase of services for
18 mentally retarded and for seriously handicapped persons, such
19 moneys as shall be appropriated therefor. The board shall
20 purchase services from public or private nonprofit sheltered
21 workshops, day-care training centers, and other private

1 facilities and from universities, colleges, public schools, and
2 preschool nurseries having approved facilities and offering an
3 approved program. In case such approved facilities and services
4 are not available in the community, the community incorporated
5 board may develop and operate such services directly. Payment
6 for such services by the department shall be on the basis of the
7 number of students in average daily enrollment and shall be
8 uniform for all centers. For the purposes of this distribution,
9 average daily enrollment shall be computed by taking the
10 aggregate days of enrollment of all approved program participants
11 counted from the date of enrollment, if this is within the school
12 month, to the date of termination or the end of the school year,
13 whichever occurs first, divided by the number of days that the
14 program was in session, except that any participant who shall be
15 absent ten consecutive days from a program in which he is
16 enrolled shall for purposes of this distribution be counted as
17 terminated until such time as he shall return to the program.

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.

**LEGISLATIVE COUNCIL COMMITTEE
ON LAND USE**

Members of the Committee

Rep. Betty Ann Dittmore,
Chairman
Sen. Kingston Minister
Vice-Chairman
Sen. J. Robert Allshouse
Sen. George Brown
Sen. Ralph Cole
Sen. Lorena Darby
Sen. William Garnsey
Sen. Robert Johnson
Sen. Kenneth Kinnie
Sen. Harry Locke
Sen. Dan Noble
Sen. Richard Plock
Sen. Christian Wunsch

Rep. John Buchner
Rep. Gerard Frank
Rep. David Gaon
Rep. John Hamlin
Rep. Arthur Herzberger
Rep. Bob Kiracht
Rep. Richard Lamm
Rep. James Lloyd
Rep. Laura Miller
Rep. Larry O'Brian
Rep. Floyd Pattie
Rep. Clarence Quinlan
Rep. Lowell Sonnenberg
Rep. Hubert Safran
Rep. Michael Strong

Council Staff

David P. Morrissey
Assistant Director

Wallace Pulliam
Senior Analyst

Cindi Goreham
Research Assistant

INTERIM RECOMMENDATIONS
COMMITTEE ON LAND USE

The ever increasing population of Colorado, coupled with rising living standards, is placing increased pressure on Colorado's finite land and water resources. Front Range residents are particularly affected by problems of pollution and congestion, while the so-called second home market is having a definite impact on the mountain environment. Furthermore, the rapid urbanization of the Front Range not only is of regional concern, but impacts upon the resources of other areas of the state. The demand for, and the resultant effect upon the availability of, high quality water is only one example of the impact of such urbanization.

Perhaps the sustained growth in Colorado's economy since World War II has contributed to the increased expectations of many Coloradoans, enhancing the desire for quality life styles, and, in turn, the growing public concern with respect to Colorado's environment. These desires for solving environmental problems are not unique to Coloradoans but appear to be of concern in other states, particularly those states which offer outstanding natural attractions. Finally, national emphasis is focusing on the need for improved planning and land use management as a tool not only to maximize the economics of land and water resources, but to ensure that developmental activities will also consider public health and safety, as well as social and environmental amenities.

In response to growing public concern, the Committee on Land Use attempted to define and clarify the responsibilities of local, regional, and state governments and to recommend legislation to strengthen these governments with respect to land use planning and management. The issues considered by the committee included:

(1) Expanding the powers of local government to deal with land use issues in a variety of ways, including the ability to consider programs which may be unique to an individual community;

(2) Mandating the establishment of regional planning functions throughout the state in order to ensure that local decision makers are given an opportunity to evaluate community planning activities in terms of regional needs and to allow the development of technical skills on a regional basis for service to those local governments which lack the financial resources for such programs;

(3) Establishing and strengthening an on-going program of land use planning at the state level, developing methods for the coordination of functional planning of the various departments of state government, and providing for analysis of long range problems confronting the state of Colorado;

(4) Recommending that the General Assembly define areas and activities of state interest for designation by a state board, subject to approval by the Governor, that such areas and activities be administered by local governments, and that there be recourse for state action in the event that state interests are not met.

(5) Authorizing a Front Range Council, appointed by the Governor, for the purpose of recommending legislation, procedures, techniques and land classifications for guiding growth in a manner that will maximize the quality of life and minimize the detrimental aspects of growth of the Front Range.

Powers of Local Government - Bill 22

To assist the Committee on Land Use with its deliberations, a 21-member advisory committee was appointed by the Legislative Council. (The membership of this committee is listed on page 167). The major recommendation of the advisory committee was to strengthen the authority of local governments to deal with land use problems. Specifically, there was concern on the part of some members of the advisory committee that the lack of explicit statutory direction or authority, for the implementation of certain types of land use controls, poses legal and practical roadblocks to cities and counties in developing innovative land use measures. For example, there was considerable reluctance on the part of local officials to approve planned unit developments (PUD) prior to the time that PUD legislation was enacted in 1972.

Rather than attempt to develop specific legislation for each possible approach to land use regulation that might be considered at the local level, the advisory committee attempted to formulate an over-all concept that would enable individual communities to develop unique programs with respect to land use. This approach was approved by the Committee on Land Use.

The accompanying "Local Government Land Use Control Enabling Act of 1974" (Bill 22) grants authority to counties, municipalities, and the City and County of Denver to implement land use controls (through planning, zoning, building and related restrictions) for the purpose of controlling:

population growth; establishment of public services and facilities; depletion of forests and other natural growth; protection of scenic areas, lands critical to wildlife, and agricultural lands. Furthermore, the bill authorizes local governments to develop measures to control density of populations and to encourage residential, commercial, and industrial development in undeveloped areas. Among the remaining provisions of the bill is a section which would allow local units to enter into agreements with respect to planning, administration, zoning, and funding of land use controls.

Regional Planning - Bill 23

In the debate over land use in the 1973 session, both the Senate and the House approved legislation on third reading which provided for the establishment and funding of regional planning services. Generally, there was agreement that regions could serve as a focal point for coordination of planning activities and provide technical assistance to local governments, particularly in less populated areas, where there is insufficient need or resources for full-time planning specialists. The Committee on Land Use supports this concept and proposes legislation to establish from ten to fifteen planning and management regions. Bill 23 basically establishes a regional structure, but does not contain all the language necessary to implement the regions. Detailed amendments are in the process of development by municipal, county, and regional planning representatives and will be considered by the General Assembly.

The bill calls for promulgation of regional plans, and since each region or commission would be governed by elected county and municipal officials, such plans hopefully would assist in resolving intercommunity conflicts. The regions also would be responsible for review and comment on state and federal agency programs. Grant applications by local agencies for project assistance are to be reviewed in terms of the regional plan and regional needs; review comments must be included on the application filed with the state or federal agency.

Strengthen State Planning Structure - Bill 24

To some degree, planning is an integral part of each department of state government, whether it is designing the location and expansion of state highways or the meeting of health and hospital needs. In addition to the planning of specific programs by the individual line agencies of state government, some over-all planning services and activities

are being conducted in the Governor's Office, through the Governor's Assistant for Environmental Affairs and State Planning, by the Colorado Land Use Commission, and by the Division of Planning, Department of Local Affairs.

Responsibilities for planning under the present structure are not clearly delineated. There is conflict in the language of the statutes establishing the Division of Planning and the Land Use Commission. The language contained in Article 3, Chapter 106, C.R.S. 1963, as amended, suggests that the Division of Planning is involved in a comprehensive state planning program. In practice, the division staffing pattern and program emphasis is to provide technical planning assistance and services to local governments, processing 701 comprehensive planning grants, A-95 review of local grant applications for the federal government, and demographic responsibilities. For fiscal year 1974-75, the division is requesting staffing and funding to carry out an inventory of the state's natural resources in cooperation with other state and federal agencies. Again, this is an area in which the Land Use Commission has been involved.

During the 1973 session of the General Assembly, local officials expressed concern with the lack of a unified state planning policy or a single state planning agency from which local governments could receive assistance. Early in the committee's deliberations, draft legislation was reviewed to bring together the basic state land planning services and to help coordinate the planning activities of individual state agencies. The committee proposes Bill 24 which provides the following:

(1) Continuation of functional planning by state agencies, but that the Governor's staff be provided with the capability to analyze long range problems and the plans of various state agencies in order to identify conflicts that may exist; and

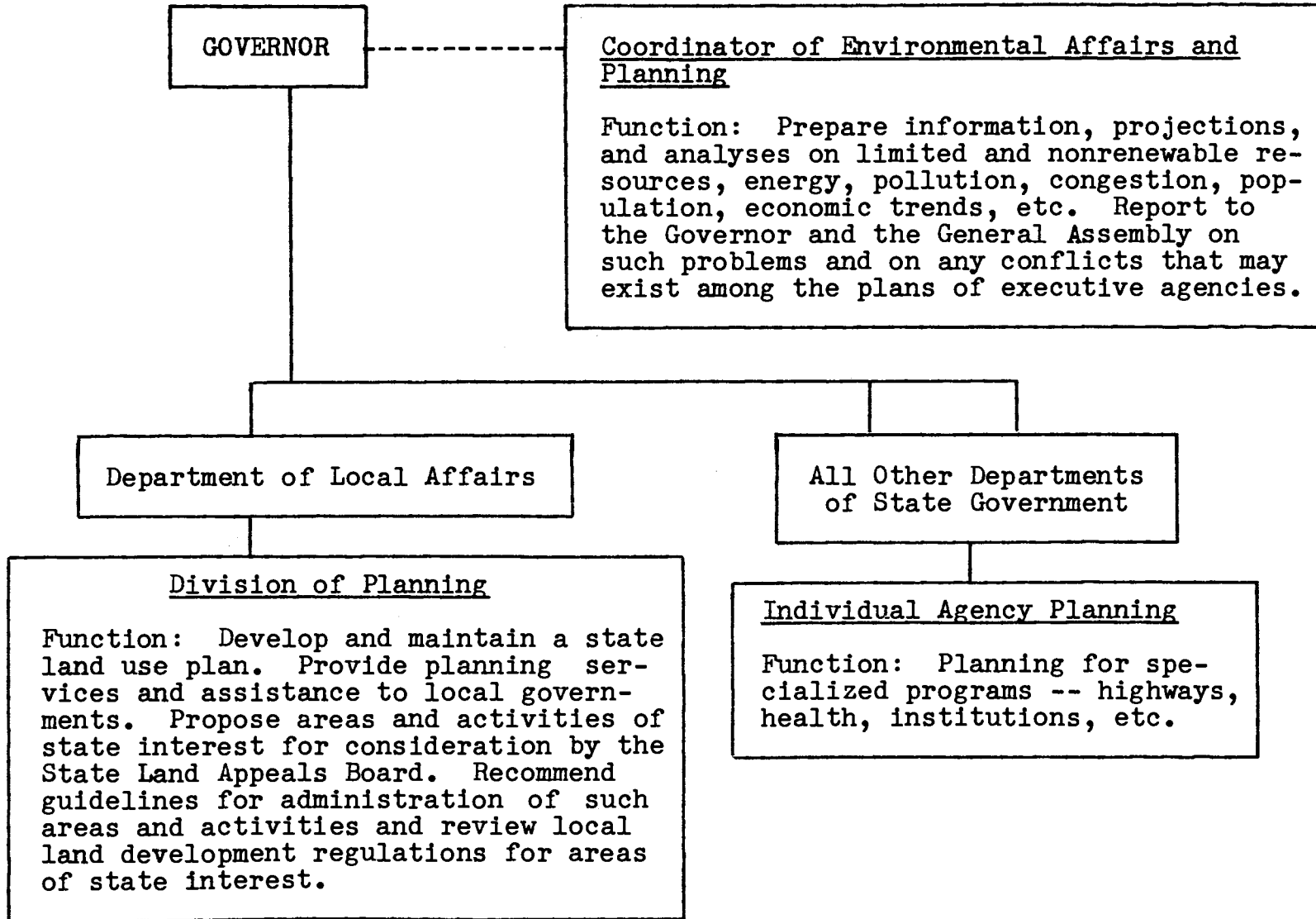
(2) Uniting the programs of the Land Use Commission and the Division of Planning under a single division in the Department of Local Affairs.

In essence, the latter would develop a state land planning program (see Chart I for organization and responsibilities). This enlarged planning unit would also serve as the technical staff for the State Land Appeals Board which is recommended in Bill 25.

More extensive reorganizational proposals (involving planning) may be submitted to the General Assembly for its consideration during the 1974 session. For example, the

CHART I

PROPOSED ORGANIZATION OF STATE PLANNING SERVICES



Colorado Land Use Commission, through its Land Use Program for Colorado report to be submitted December 1, 1973, is exploring recommendations relating to the evolution of an environmental department which would incorporate a system of land planning and management. At the time of this writing, the Governor, the Executive Director of the Department of Administration, and the Committee on Organization of State Government also are studying reorganizational proposals. In any event, there is uncertainty as to the approach that will ultimately be given the most consideration in the next session. Nevertheless, the committee is concerned that an effective program of state land use planning be established and that the Governor be given the tools for coordination of all state agency planning.

State Interest - Bill 25

The size and nature of certain changes in land use or certain developmental activities have an impact which extends beyond the boundaries of local governments involved. Both nationally and within the state of Colorado debate is taking place as to how land use decisions can best be made when a change in land use is of benefit to an individual community or region but imposes burdens or deprivations on adjacent areas, regions, or the state as a whole. Senate Bill 377, 1973 session, proposed resolving this issue by raising the decision-making process with respect to certain land use activities to a higher level, i.e., either the state level, as the bill was introduced, or the regional level as the bill passed the House.

The Committee on Land Use did not consider Senate Bill 377 and two basic alternatives were offered. First, the committee is recommending legislation based upon the "American Law Institute Model Planning Code" and the "Florida Environmental Land and Water Management Act". A second alternative proposal is described on page 163.

Committee proposal. The committee's bill (Bill 25) would enable the General Assembly to define certain areas and activities of state interest, and provide criteria as to how those areas and activities would be administered. Pursuant to the standards provided in the bill, a State Land Appeals Board would be authorized to delineate specific areas and activities of state interest and to establish guidelines for administration, subject to the approval by the Governor. Local government would retain initial decision-making authority for those areas and activities. For example, 100-year floodplains are one area of state interest suggested in the committee proposal. The General Assembly would set minimum criteria for protection of people and property within 100-year

floodplains. The board would identify the specific floodplains of state interest. Of course, the Governor could veto any designation. Local government would then determine how the land could be used, within the safeguards established in the act. For example, if flood protection devices were available or certain standards met, the land might be urbanized. If such devices were not available, the land might be retained in agriculture, used for recreation, or zoned for some other purpose meeting state criteria.

In the event that local government did not consider the state interests as set forth in this bill and guidelines of the board, an appeal could be made to the state board. (See Chart II for a more detailed summary.)

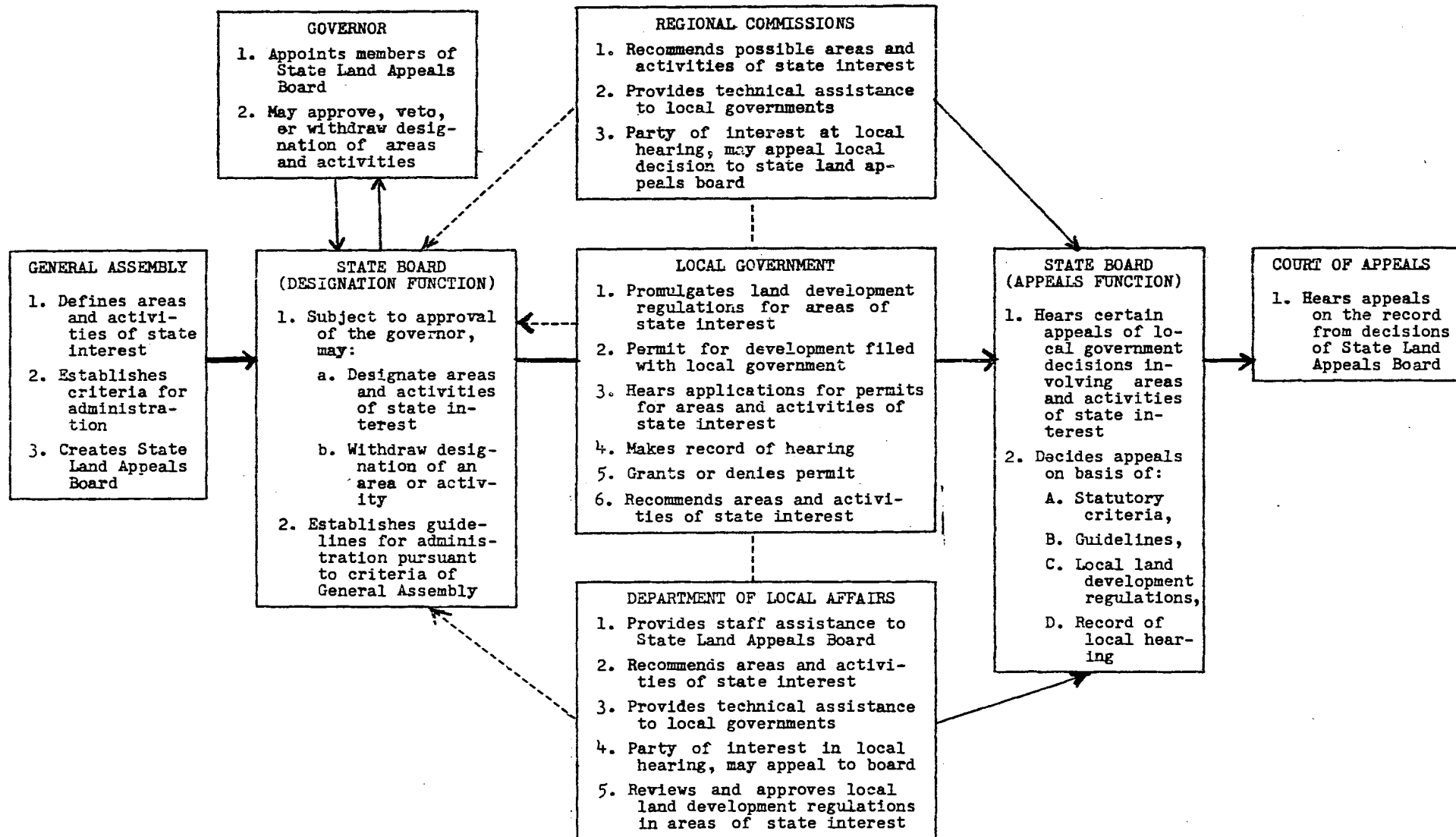
The proposed areas and activities of state interest, as set forth in Bill 25, include:

| <u>Areas</u> | <u>Activities</u> |
|---|--|
| a. significant mineral deposits | a. major new domestic water and sewer systems and extensions |
| b. 100-year floodplains | b. solid waste disposal |
| c. fire hazard areas | c. airports, for regularly scheduled airlines |
| d. avalanche areas | d. rapid transit facilities |
| e. historic, natural and archaeological sites | e. arterial and collector highways |
| | f. major public utilities |
| | g. new communities |
| | h. efficient development of water resources |
| | i. nuclear detonations |

Alternate proposal - appeal to regions. The second major alternative recommendation discussed by the committee would continue the designation of areas and activities by a state board, but the appeals procedure would be to a council of governments or regional planning commission, rather than

CHART II

RESPONSIBILITIES OF STATE, REGIONAL, AND LOCAL GOVERNMENTS --
STATE LAND APPEALS BOARD PROPOSAL



to a state board. In essence, the alternative suggests that in the event a land use activity is considered a matter of state interest, and the parties of interest are unable to resolve the question at the local level, appeal could be made to the regional planning body.

Proponents of the alternative maintain that, in all probability, a regional planning commission or council of governments would be more familiar with the problems posed by major changes in land use under their respective jurisdictions than a state board (which may or may not have any members appointed from the specific region in question).

Front Range Council - Resolution 1

Over 80 percent of the state's population is located in the thirteen Front Range counties. The rapid population growth and economic development, particularly in the northern Front Range, suggests that special attention must be given to this area. Unique programs are needed to maximize quality of life styles and minimize the detrimental aspects of growth that are likely to occur under present patterns of urbanization.

The committee recommends that the Governor establish a 13-man Front Range Development Council with specific charges to classify all Front Range lands, including recommendations for areas propitious for growth and development and areas that should be protected from urbanization (Resolution 1). The council also is requested to study unitization or pooling schemes involving developmental rights and to recommend how governmental agencies can develop policies to assist in achieving effective Front Range land use management.

Summary of Committee Recommendations

The committee recommends a five-point program for strengthening land use planning and management programs in Colorado:

(1) Unify and coordinate state planning and provide for development of a state land use plan, with priority given to the identification of areas and activities of state interest;

(2) Establish a State Land Appeals Board for the purpose of ensuring that local governments are implementing state policy with respect to those matters declared to be of state interest by the General Assembly, designated by a state Land Appeals Board, and approved by the Governor;

(3) Require the establishment of planning and management regions for the purpose of developing comprehensive regional plans and to provide technical assistance to local governments;

(4) Provide broad-based authority to counties, municipalities, and cities and counties for development of innovative measures with respect to land use controls; and

(5) Develop techniques for the management of the complex growth problems of the Colorado Front Range through the establishment of a 13-man study council.

LEGISLATIVE COUNCIL ADVISORY
COMMITTEE ON LAND USE

Frank A. Kemp, Chairman
Colorado Association of
Real Estate Boards

Ann Herbert, Vice-Chairman
League of Women Voters of
Colorado

J. D. Arehart, Director
Division of Local Government

Clark A. Buckler, Executive
Director
Colorado State Association
of County Commissioners

Kenneth G. Bueche, General
Counsel
Colorado Municipal League

Jackson Clark
Jackson-David Bottling Co.
Durango

John R. Crowley
Colorado Land Use Commission

Charles E. Furphy
Phurphy's Town House
Restaurant, Pueblo

Robert Graves
Graves Grade A Dairy
Fort Collins

Frank L. Hays
Rocky Mountain Land
Developers Association

Charles W. Henning
Savings League of Colorado

Robert Lindauer
Exxon Corporation

Dr. Frank S. Miles
Colorado Association of
School Boards

James E. Monaghan, Jr.
Colorado Open Space
Council

Richard J. Pfeil, Manager
Economic Development
United Banks of Colorado,
Inc.

Vernon J. Purdy
Home Builders Association
of Metro Denver

David G. Rice
Colorado Cattlemens Asso-
ciation

Herrick Roth
Colorado Labor Council
AFL-CIO

Olin L. Webb
Colorado Association of
Commerce and Industry

Robert F. Welborn
Welborn, Dufford, Cook,
Phillips and Brown
Attorneys

V. Crane Wright
Audubon Society

COMMITTEE ON LAND USE

BILL 22

A BILL FOR AN ACT

1 ENACTING "THE LOCAL GOVERNMENT LAND USE CONTROL ENABLING ACT OF
2 1974".

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

4 SECTION 1. Chapter 106, Colorado Revised Statutes 1963, as
5 amended, is amended BY THE ADDITION OF A NEW ARTICLE to read:

6 ARTICLE 7

7 Local Government Land Use Control

8 Enabling Act

9 106-7-101. Short title. This article shall be known and
10 may be cited as the "Local Government Land Use Control Enabling
11 Act of 1974".

12 106-7-102. Definitions. As used in this article, unless
13 the context otherwise requires:

14 (1) "Local government" means a county, municipality, or
15 city and county.

16 106-7-103. Purposes - powers, responsibilities, and duties.
17 For the purposes of promoting the public welfare, protecting and
18 improving the environment in which man lives, and protecting the
19 natural ecology and for the specific purposes set forth in
20 section 106-7-104, local governments shall have and are hereby
21 granted the power and responsibility to control the use of

1 private and public land, and it shall be the duty of local
2 governments to exercise such power and assume such responsibility
3 for the purposes enumerated in this section.

4 106-7-104. Planning and legislating powers relating to
5 certain purposes specified. (1) Without limiting the generality
6 of section 106-7-103, and without limiting any authority
7 previously granted to local governments, local governments are
8 hereby granted the authority and duty to plan and legislate for
9 the following purposes:

10 (a) Control of:

11 (I) Land use in areas that are hazardous;

12 (II) Development of mineral resources;

13 (III) Location and extent of highway development, excluding
14 state or federal highways; and

15 (IV) Residential, commercial, and industrial development
16 for the purpose of encouraging the same where desirable in
17 underdeveloped areas and discouraging the same in areas where the
18 density of population and the extent of land usage for
19 residential, commercial, and industrial purposes are in excess of
20 that consistent with the purposes of this article.

21 (b) Control and limitation of:

22 (I) Location and amount of population growth and of density
23 of population in particular areas; and

24 (II) Establishment of public services and facilities.

25 (c) Control and restriction of:

26 (I) Depletion of forests and other natural growth; and

27 (II) Lands critical to wildlife.

1 (d) Protection of scenic areas; and

2 (e) Protection of agriculture and preservation of
3 agricultural lands.

4 106-7-105. Power to legislate for and use certain
5 procedures. (1) For the implementation of land use control,
6 local governments shall have and are hereby granted the authority
7 and duty to legislate for and use the following procedures when
8 appropriate:

9 (a) Land use planning;

10 (b) Land use zoning; and

11 (c) Building and related restrictions.

12 106-7-106. Compliance with procedural requirements. Where
13 procedural requirements for exercise of any powers delegated by
14 this article are specified by law, such requirements shall
15 govern.

16 106-7-107. Land use control coordination among local
17 governments. Because that which one local government does or
18 does not do with respect to land use control for the purposes
19 specified in section 106-7-103 may effect land use control in
20 other jurisdictions, each local government shall have and is
21 hereby granted the authority and responsibility to plan and
22 implement land use control in relation to the conditions and
23 planning and implementation in other jurisdictions that may be
24 affected and each unit of local government shall have and is
25 hereby granted the authority to enter into legally binding
26 agreements with other units of local government with respect to
27 such planning and implementation, including joint planning, joint

1 zoning and building restrictions, and joint funding.

2 106-7-108. Authorization to receive funds. Local
3 governments are hereby authorized to receive funds from other
4 local governments or from regional, state, or federal authorities
5 to be used for the purposes specified, or for the performance or
6 any of the responsibilities or duties set forth, in this article.

7 SECTION 2. Effective date.

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 LAND USE

BILL 23

A BILL FOR AN ACT

1 CONCERNING REGIONAL PLANNING AND MANAGEMENT, AND PROVIDING FOR
2 PLANNING AND MANAGEMENT REGIONS AND COMMISSIONS AND MAKING
3 AN APPROPRIATION THEREFOR.

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

5 SECTION 1. Chapter 106, Colorado Revised Statutes 1963, as
6 amended, is amended BY THE ADDITION OF A NEW ARTICLE to read:

7 ARTICLE 7

8 Regional Planning and Management

9 106-7-101. Number and delineation of regions -
10 modifications. There shall be not fewer than ten nor more than
11 fifteen planning and management regions, comprising the entire
12 state. Initially, the regions shall be those designated by the
13 governor in his executive order of November 17, 1972. The
14 governor may modify the number and boundaries of the regions by
15 executive order after consultation with local, county, and
16 regional officials in the regions affected by such modification.

17 106-7-102. Composition of regional commissions. (1) Within
18 each planning and management region, there shall be a regional
19 commission, every member of which shall be a mayor, councilman,
20 alderman, trustee, or other elected member of the governing body
21 of a municipality or a county commissioner.

1 (2) Regional commissions shall maintain and from time to
2 time may amend articles of association consistent with the
3 provisions of this article.

4 (3) If a council of governments or regional planning
5 commission exists within a region, is composed of elected
6 officials as required by subsection (1) of this section, and
7 includes all counties of the region, such council or regional
8 planning commission shall be the regional commission for such
9 region.

10 (4) If no such council or regional planning commission
11 exists or is formed in a region by July 1, 1974, the governor
12 shall appoint the members of the regional commission for such
13 region and provide such commission its initial articles of
14 association by executive order.

15 106-7-103. Terms of office and compensation of members of
16 regional commissions. (1) The term of office of each member of
17 a regional commission shall be not more than the term of his
18 county or municipal office nor less than one year. Otherwise,
19 the terms of office of members of a regional commission and the
20 filling of vacancies shall be determined in the articles of
21 association of that regional commission.

22 (2) Each member of a regional commission shall receive a
23 per diem of fifty dollars for each day actually spent in the
24 discharge of official duties, not to exceed three thousand
25 dollars in any one year, and shall be reimbursed for necessary
26 and actual expenses incurred in the performance of his duties
27 under this article. The compensation provided in this subsection

1 (2) shall be in addition to any compensation received by a
2 regional commission member as a municipal or county official. No
3 member of any regional commission shall receive any compensation
4 as staff member, consultant, or other agent of the regional
5 commission.

6 106-7-104. Functions of regional commissions. (1) Duties
7 of each regional commission shall be as specified in the regional
8 commission's articles of association, and shall include, as a
9 minimum:

10 (a) Preparation and continued maintenance of a
11 comprehensive regional plan;

12 (b) Appointment of one or more advisory boards,
13 commissions, or councils to assist the regional commission with
14 respect to land use, law enforcement, comprehensive health
15 planning, and other matters of concern within the region;

16 (c) Provision for technical assistance to counties and
17 municipalities within the region;

18 (d) Review of applications of local governments for federal
19 and state financial assistance;

20 (e) Maintenance of a staff, including an executive
21 director, engineer, planner, and secretary, and provision of
22 appropriate retirement benefits therefor;

23 (f) Review and comment upon plans and programs of state and
24 federal agencies, commissions, and advisory boards pertaining to
25 the region, and provision for coordination thereof;

26 (g) Maintenance of a descriptive index of all projects,
27 plans, and applications for financial assistance and of any

1 action taken by the regional commission in regard to such
2 projects, plans, and applications for financial assistance.

3 106-7-105. Regional review of financial assistance
4 applications. (1) The regional commission shall review
5 applications by local governmental units in the region for
6 financial assistance from the federal government, under terms and
7 conditions contained in the office of management and budget
8 circular A-95, or such applicable documents as may supersede the
9 same, or from the state government, under such terms and
10 conditions as may apply. All such applications shall be
11 submitted to the regional commission before they are filed with
12 the state or federal government. At its discretion and when
13 appropriate, the regional commission shall make comments and
14 recommendations which shall be affixed to and become part of the
15 application.

16 (2) If the regional commission fails to make comments and
17 recommendations within thirty days after submission of the
18 application to the regional commission, the applying local
19 governmental unit may state, as part of the application, that the
20 appropriate regional commission did not review the application
21 although given adequate opportunity for review, and the applying
22 local governmental unit may forward the application to the state
23 or federal government.

24 (3) If the regional commission determines that the program
25 or project for which financial assistance is sought is
26 inconsistent with the comprehensive regional plan, is detrimental
27 to the orderly and economic development of the region, or will

1 cause inefficient or uneconomic delivery of services to the
2 region's inhabitants, the regional commission shall, within
3 thirty days after the application is submitted for review, mark
4 its comment on the application and return the application to the
5 applying local governmental unit along with a statement of the
6 reasons for comment. No application may be submitted to the
7 state or federal government by an applying local governmental
8 unit unless the fact of such comment is shown on the face
9 thereof.

10 106-7-106. General powers of regional commissions. (1) A
11 regional commission shall be a body corporate and a political
12 subdivision subject to the "Colorado Local Government Audit Law"
13 and the "Local Government Budget Law of Colorado", and the
14 regional commission shall have the following general powers:

15 (a) To have and use a corporate seal;

16 (b) To enter into contracts and agreements affecting the
17 affairs of the regional commission pursuant to the provisions of
18 article 2 of chapter 88, C.R.S. 1963;

19 (c) To contract with private persons, associations, or
20 corporations within or without its boundaries and to accept all
21 funds and obligations resulting therefrom;

22 (d) To manage, control, and supervise all the business
23 affairs and properties of the regional commission;

24 (e) To hire and retain agents, employees, attorneys, and
25 other consultants, and to provide for the powers, duties,
26 qualifications, and terms of tenure thereof.

27 106-7-107. Assumption, termination, or renegotiation of

1 contracts upon alteration of regional boundaries. When any
2 boundary is to be altered under section 106-7-101, and such
3 region has entered into a contract with local governmental units
4 for the provision of any service, the sharing of costs, the
5 imposition of taxes, or the incurring of debt, the regional
6 commission or commissions for the region or regions which are to
7 acquire a portion of the altered region shall enter into an
8 agreement or develop a plan whereby responsibility for all
9 contracts entered into by the altered region and payment for
10 financial obligations will be met. If contracts are to be
11 terminated or renegotiated as determined by the regional
12 commission or commissions, a plan for the sharing of any rights,
13 assets, and liabilities shall be entered into between such
14 regional commission or commissions and the contracting parties.

15 SECTION 2. Appropriation.

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 LAND USE

BILL 24

A BILL FOR AN ACT

1 CONCERNING STATE PLANNING, AND ADDING TO THE DUTIES OF THE
2 DIVISION OF PLANNING, ABOLISHING THE LAND USE COMMISSION AND
3 TRANSFERRING CERTAIN OF ITS PROPERTY, DUTIES, FUNCTIONS, AND
4 POWERS TO THE DIVISION OF PLANNING, AND ESTABLISHING A
5 COORDINATOR OF ENVIRONMENTAL AFFAIRS AND STATE PLANNING.

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

7 SECTION 1. 106-3-1, Colorado Revised Statutes 1963 (1971
8 Supp.), is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

9 106-3-1. Legislative declaration. (1) (a) The general
10 assembly hereby finds and declares that planning, generally, and
11 land use planning, in particular, are essential to:

12 (b) Orderly growth and development of the state;

13 (c) Promote the general welfare of the state's citizens;

14 (d) Effectuate a balanced program for employment of land
15 and other natural resources which encourages uses which are in
16 accordance with the character and adaptability of such land and
17 other natural resources;

18 (e) (i) Deal with problems of:

19 (ii) Air and water pollution;

20 (iii) Land, water, and forest conservation;

21 (iv) Agriculture;

- 1 (v) Recreation;
- 2 (vi) Highways and transportation; and
- 3 (vii) Residential, commercial, and industrial growth.
- 4 (f) Secure economic and efficient expenditure of the
- 5 state's revenues.

6 (2) The general assembly further finds and declares that

7 increasing mutuality of interest and responsibility between

8 various levels of government in the state calls for coordinate

9 and unified policies in planning for growth and development in

10 the interests of order and economy and that such coordination and

11 unification and the objectives described in subsection (1) of

12 this section are served by development, adoption, and maintenance

13 of a state land use plan and the provision of planning assistance

14 to municipal, county, city and county, and regional governments.

15 SECTION 2. 106-3-2 (3) (b) and (d), Colorado Revised

16 Statutes 1963 (1971 Supp.), are amended to read:

17 106-3-2. Division of planning - creation. (3) (b) Exchange

18 reports and data which relate to state LAND USE planning with

19 other departments, institutions, and agencies of the state and on

20 a mutually agreed basis with towns, cities, cities and counties,

21 ~~and~~ counties, and other local agencies and instrumentalities;

22 (d) Advise the governor and the general assembly on ~~all~~

23 matters of statewide LAND USE planning, and consult with other

24 offices of state government with respect to matters of LAND USE

25 planning affecting the duties of their offices AND recommend to

26 the governor and the general assembly any proposals for

27 legislation affecting local, regional, or state LAND USE

1 planning; and

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

4 106-3-3. Duties of the division of planning. (1) (a) The
5 division of planning shall:

6 (b) IN COOPERATION WITH TOWNS, CITIES, CITIES AND COUNTIES,
7 AND REGIONS, DEVELOP, ADOPT, AND MAINTAIN A STATE LAND USE PLAN;

8 (c) (i) IN RELATION TO AREAS AND ACTIVITIES OF STATE
9 INTEREST, AS DEFINED IN SECTIONS 106-7-103 AND 106-7-105:

10 (ii) PROPOSE SAID AREAS AND ACTIVITIES TO THE STATE LAND
11 APPEALS BOARD FOR DESIGNATION;

12 (iii) RECOMMEND GUIDELINES FOR ADMINISTRATION OF SAID AREAS
13 AND ACTIVITIES;

14 (iv) PROVIDE TECHNICAL ASSISTANCE TO TOWNS, CITIES, CITIES
15 AND COUNTIES, AND COUNTIES CONCERNING SAID AREAS AND ACTIVITIES;

16 (v) REVIEW LAND DEVELOPMENT REGULATIONS FOR SAID AREAS AND
17 FOR ACTIVITIES AROUND DESIGNATED KEY FACILITIES; AND

18 (vi) BE A PARTY IN INTEREST AT HEARINGS REGARDING SAID
19 AREAS AND ACTIVITIES AND HAVE THE RIGHT TO APPEAL CERTAIN ORDERS
20 TO THE STATE LAND APPEALS BOARD.

21 (d) DEVELOP MODEL SUBDIVISION REGULATIONS TO SERVE AS
22 GUIDELINES FOR COUNTY PLANNING COMMISSIONS AND BOARDS OF COUNTY
23 COMMISSIONERS IN DEVELOPING AND STANDARDIZING SUBDIVISION
24 REGULATIONS REQUIRED BY SECTION 106-2-34;

25 ~~(b)~~ (e) Function as an advisory and coordinating agency;

26 ~~(c)~~ (f) Stimulate and assist the planning activities of
27 ~~other--departments;--institutions;--and-agencies;--and-of~~ regional,

1 county, and municipal planning authorities and harmonize its LAND
2 USE planning activities with theirs;

3 {d} (g) Participate in comprehensive interstate LAND USE
4 planning and other activities related thereto;

5 {e} (h) Provide planning assistance upon request to any
6 town, city, city and county, county, regional area, or any group
7 of adjacent communities having common or related planning
8 problems; and, whenever such assistance includes the rendering of
9 technical services, such service may be rendered without charge
10 or upon advance agreement shall be rendered with reimbursement;

11 {f} (i) Make studies and inquiries relevant to state
12 planning of the resources of the state and of the problems of
13 agriculture, industry, AND commerce, as well as population and
14 urban growth, local government, and related matters affecting the
15 development of ~~the-state~~; A STATE LAND USE PLAN;

16 {g} (j) Provide information to and cooperate with the
17 general assembly or its committees concerned with studies
18 relevant to state LAND USE planning;

19 {h} (k) Prepare, and from time to time revise, an inventory,
20 in collaboration with the appropriate state and federal agencies,
21 of the public and private natural resources, of major public and
22 private works, and of other facilities and information which are
23 deemed of importance in ~~planning--for--the--development--of--the~~
24 ~~state~~; STATE LAND USE PLANNING;

25 {i} (l) Advise and supply available information to civic
26 groups and other organizations that concern themselves with state
27 ~~or~~ LAND USE PLANNING AND local planning problems and community

1 development;

2 {j} (m) Provide information to the citizens of Colorado and
3 to officials of state departments and local agencies to foster an
4 awareness and an understanding of the functions of state LAND USE
5 PLANNING AND regional and local planning;

6 {k} (n) Accept and receive grants and services from the
7 federal government, other state agencies, local governments, and
8 ~~from~~ private and civic sources;

9 {l} (o) Act as reviewing authority or otherwise provide
10 cooperative services under any federal-state planning programs;
11 AND

12 (p) BE A CLEARINGHOUSE FOR CARTOGRAPHIC MATERIALS AND
13 INFORMATION.

14 SECTION 4. 106-3-7, Colorado Revised Statutes 1963 (1971
15 Supp.), is amended to read:

16 106-3-7. Transfer of employees and property - reference in
17 contracts, documents. (1) On July 1, ~~1971~~; 1974, all employees
18 of the ~~state-planning-office~~ COLORADO LAND USE COMMISSION whose
19 principal duties are concerned with the LAND USE planning
20 functions provided in this article and whose employment in the
21 division of planning ~~shall--be~~ IS deemed necessary by the
22 executive director to carry out the purposes of this article,
23 shall be transferred to the division of planning and shall become
24 employees of the division of planning. In the event that the
25 operation of this article results, by reason of such transfer of
26 functions, in the discontinuance of employment of any employee
27 certified to a position in the ~~state-planning-office~~ COLORADO

1 LAND USE COMMISSION, such employee shall retain his state
2 personnel system rights in accordance with the rules and
3 regulations of the state personnel board.

4 (2) On July 1, ~~1971~~; 1974, all property, including office
5 furniture and fixtures and books, documents, and records which
6 were principally used for and pertain to the duties and functions
7 hereby transferred to the division of planning from the ~~state~~
8 ~~planning---office~~; COLORADO LAND USE COMMISSION, shall be
9 transferred to and become the property of the division of
10 planning.

11 (3) Whenever the ~~state--planning-office~~ COLORADO LAND USE
12 COMMISSION is referred to or designated by any contract or other
13 document in connection with the duties and functions hereby
14 transferred, such reference or designation shall be deemed to
15 apply to the division of planning. All contracts entered into by
16 the ~~state--planning-office~~ COLORADO LAND USE COMMISSION prior to
17 July 1, ~~1971~~; 1974, in connection with the duties and functions
18 transferred to the division of planning by this article are
19 hereby validated, with the division of planning succeeding to all
20 the rights and obligations of such contracts. Any appropriation
21 of funds from prior fiscal years open to satisfy obligations
22 incurred under such contracts are hereby transferred and
23 appropriated to the division of planning for the payment of such
24 obligations.

25 SECTION 5. 106-3-8, Colorado Revised Statutes 1963 (1971
26 Supp.), is amended to read:

27 106-3-8. Transfer and appropriation of funds. All moneys

1 appropriated for fiscal ~~1971-72~~ 1973-74 for the payment of
2 expenses of the ~~state--planning--office~~ COLORADO LAND USE
3 COMMISSION for those activities transferred by this article to
4 the division of planning, or so much thereof as may be necessary,
5 are hereby transferred and appropriated for the payment of the
6 operating costs of the division of planning for and during the
7 fiscal year beginning July 1, ~~1971~~ 1974.

8 SECTION 6. Article 3 of chapter 106, Colorado Revised
9 Statutes 1963 (1971 Supp.), is amended BY THE ADDITION OF A NEW
10 SECTION to read:

11 106-3-9. Temporary emergency power. (1) Whenever, in the
12 normal course of its duties as set forth in this article, the
13 division determines that there is in progress or proposed a land
14 development activity which constitutes a danger of irreparable
15 injury, loss, or damage of serious and major proportions to the
16 public health, welfare, or safety, the division shall immediately
17 give written notice to the board of county commissioners of each
18 county involved of the pertinent facts and dangers with respect
19 to such activity. If the said board of county commissioners does
20 not remedy the situation within a reasonable time, the division
21 may request the governor to review such facts and dangers with
22 respect to such activity. If the governor grants such request,
23 such review shall be conducted by the governor at a meeting with
24 the division and the boards of county commissioners of the
25 counties involved. If, after such review, the governor
26 determines that such activity constitutes such a danger, the
27 governor may direct the division to issue its written cease and

1 desist order to the person in control of such activity. Such
2 order shall require that such person immediately discontinue such
3 activity. If such activity, notwithstanding such order, is
4 continued, the division may apply to any district court of this
5 state in which such activity is located for a temporary
6 restraining order, preliminary injunction, or permanent
7 injunction, as provided for in the Colorado rules of civil
8 procedure. Any such action shall be given precedence over all
9 other matters pending in such district court. The institution of
10 such action shall confer upon said district court exclusive
11 jurisdiction to determine finally the subject matter thereof.

12 (2) In the event the division issues such cease and desist
13 order or a district court issues such a temporary restraining
14 order, preliminary injunction, or permanent injunction, the
15 division shall proceed immediately to establish the planning
16 criteria necessary to eliminate or avoid such danger. The
17 appropriate local governmental agency or agencies shall then take
18 immediate action to implement such planning criteria.

19 (3) Where such a land development activity is located
20 wholly within a city, city and county, or town, the city council
21 or board of trustees shall have such jurisdiction and be subject
22 to such requirements of subsection (1) of this section as are
23 otherwise applicable to the board of county commissioners.

24 SECTION 7. Article 4 of chapter 106, Colorado Revised
25 Statutes 1963, as amended, is REPEALED AND REENACTED, WITH
26 AMENDMENTS, to read:

27

1 ARTICLE 4

2 Coordinator of Environmental Affairs
3 and State Planning

4 106-4-1. Coordinator of environmental affairs and state
5 planning. In order to assist the governor in data assimilation
6 and in the development of policies to deal effectively with
7 long-term changes that are occurring or are likely to occur
8 within this state, there is hereby created in the office of the
9 governor a coordinator of environmental affairs and state
10 planning, referred to in this article as the "coordinator". The
11 coordinator shall have such staff assistance as may be assigned
12 to him by the governor.

13 106-4-2. Duties of the coordinator. (1) (a) The
14 coordinator shall:

15 (b) (i) Prepare and maintain or be able to locate current
16 information, projections, and analyses relating to:

17 (ii) The quantity, quality, use, and depletion of limited
18 and nonrenewable resources within the state, such as water,
19 mineral resources, and land, particularly the land suited for
20 agricultural, recreational, and wilderness purposes;

21 (iii) The consumption of energy by its users and the
22 sources of such energy;

23 (iv) The pollution of the air and waters of this state, as
24 well as visual, noise, and radiation pollution;

25 (v) The trends in population growth, migration,
26 distribution, and age structure;

27 (vi) The economic trends within the state, including trends

1 pertaining to industrial and commercial activity and per capita
2 income;

3 (vii) The trends in health care, housing, transportation
4 and modes of transportation, and distribution and availability of
5 goods and services;

6 (viii) The congestion and disruptions of service in certain
7 areas of the state;

8 (ix) The trends in various taxation bases, particularly
9 those relating to property, sales, and income taxes; and

10 (x) The impact of national trends, particularly the demands
11 for raw materials and energy and energy source materials to be
12 exported from this state.

13 (c) Prepare and maintain or be able to locate indices of
14 the available information, projections, and analyses relating to
15 the subjects listed in paragraph (b) of this subsection (1);

16 (d) Exercise great care so as not to duplicate files and
17 work done by other state, federal, local, or private agencies but
18 shall utilize such work to the maximum extent possible;

19 (e) From time to time, conduct public hearings to encourage
20 maximum public understanding and agreement as to factual data and
21 assumptions upon which projections and analyses are based and
22 also to receive suggestions as to types of projections and
23 analyses that are needed;

24 (f) Analyze the interrelationships and interactions of the
25 trends enumerated in paragraph (b) of this subsection (1) upon
26 one another and shall annually submit to the governor and the
27 general assembly a report which forecasts changes that are to be

1 expected, as well as problems that can be expected to arise as a
2 consequence of those trends and changes in trends and
3 recommendations and alternative projections as to how such
4 problems can be met;

5 (g) Analyze the various comprehensive plans that from time
6 to time are developed in the executive departments and submit to
7 the governor and the affected departments a written
8 identification of any conflicts among such plans, as well as
9 conflicts with projected trends in this state;

10 (h) Insofar as practicable, provide information and
11 recommendations to and cooperate with the general assembly and
12 the general public.

13 106-4-3. Relationship with other state agencies. (1) No
14 agency of the state shall undertake any long-range projection or
15 analysis without informing the coordinator. The coordinator
16 shall advise any agency undertaking any long-range projection or
17 analysis as to any relevant existing projections and analyses.

18 (2) The population advisory council and the division of
19 planning and their staffs shall provide such information and
20 assistance as may be requested by the coordinator. Agencies in
21 the various executive departments, as well as institutions of
22 higher education, shall provide such reasonable assistance and
23 information as may be appropriate.

24 (3) In accordance with the power of the governor, as
25 provided in section 3-28-4, C.R.S. 1963, for the supervision,
26 approval, and direction of departments, divisions, units, and
27 sections of the executive agencies of state government, the

1 coordinator is authorized to review with and require such
2 agencies to reorient, redesign, or otherwise modify their
3 respective data collection systems to meet the requirements of
4 the governor for comprehensive policy development. Any such
5 redesign of data collection systems shall be made within the
6 limits of available appropriations.

7 SECTION 8. Appropriation.

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

10 SECTION 10. 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 LAND USE

BILL 25

A BILL FOR AN ACT

1 CONCERNING LAND USE, AND PROVIDING FOR THE ESTABLISHMENT OF
2 A STATE LAND APPEALS BOARD AND THE DESIGNATION AND
3 ADMINISTRATION OF AREAS AND ACTIVITIES OF STATE
4 INTEREST.

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

6 SECTION 1. Chapter 106, Colorado Revised Statutes
7 1963, as amended, is amended BY THE ADDITION OF A NEW
8 ARTICLE to read:

9 ARTICLE 7

10 Areas and Activities of State Interest

11 PART 1

12 DECLARATION, DEFINITIONS, AND AREAS AND

13 ACTIVITIES OF STATE INTEREST

14 106-7-101. ~~Legislative declaration.~~ The general
15 assembly hereby finds and declares that the protection of
16 the utility, value, and future of all lands within the
17 state, including the public domain as well as privately
18 owned land, is a matter of the public interest, that the
19 state has an obligation to designate specific areas and
20 activities of state interest and establish minimum criteria
21 for the administration of such areas and activities, that

1 local governments and regional commissions have definite
2 duties and responsibilities for promulgation and
3 administration of land development regulations for those
4 areas and activities designated by the state, and that the
5 state should hear appeals of local government decisions
6 relating to such matters of state interest.

7 106-7-102. Definitions. As used in this article,
8 unless the context otherwise requires:

9 (1) "Arterial highway" means any limited access
10 highway which is part of the federal aid interstate system
11 or any limited access highway constructed under the
12 supervision of the state department of highways.

13 (2) "Board" means the state land appeals board created
14 by this article.

15 (3) "Collector highway" means a major thoroughfare
16 serving as a corridor or link between municipalities,
17 unincorporated population centers or recreation areas, or
18 industrial centers and constructed under guidelines and
19 standards established by, or under the supervision of, the
20 state department of highways. "Collector highway" does not
21 include a city street or local service road or a county road
22 designed for local service and constructed under the
23 supervision of local government.

24 (4) "Domestic water and sewage treatment system" means
25 a waste water treatment plant, water treatment plant, or
26 water supply system, as defined in section 66-38-2 (6), (7),
27 and (8), C.R.S. 1963, and any system of pipes, structures,

1 and facilities through which waste water is collected for
2 treatment.

3 (5) "Ecosystem" means a natural unit of land or water
4 and all the living organisms and nonliving materials found
5 therein.

6 (6) "Fire chimney" means a steep, narrow drainage or
7 ravine which generally confines smoke and heat along with
8 natural convection currents and thus causes rapid, upward
9 increases in fire spread and intensity.

10 (7) "Fire hazard area" means an area in which the
11 combination of fuels, topography, and weather may create
12 uncontrolled and unwanted burning of vegetation and
13 structures and includes, but is not limited to, a fire
14 chimney.

15 (8) "Historical or archaeological resources of
16 regional or statewide importance" means resources which have
17 been officially included in the national register of
18 historic places, designated by statute, or designated by the
19 board from an established list of places compiled by the
20 state historical society.

21 (9) "Key facilities" means:

22 (a) Airports designed for use by regularly scheduled
23 airlines;

24 (b) Major public utilities;

25 (c) Interchanges involving arterial highways;

26 (d) Rapid or mass transit facilities and systems.

27 (10) "Local government" means a municipality, county,

1 or city and county.

2 (11) "Mass transit" means a coordinated system of
3 transit modes providing transportation for use by the
4 general public.

5 (12) "Natural resources of regional or statewide
6 importance" means rare or valuable ecosystems, including,
7 but not limited to, significant wildlife habitats, unique
8 geological formations, and shorelands of major reservoirs,
9 rivers, lakes, and streams.

10 (13) "New communities" means the major revitalization
11 of existing municipalities or the establishment of urbanized
12 growth centers in unincorporated areas.

13 (14) "Person" means any individual, partnership,
14 corporation, association, company, or other public or
15 corporate body, including the federal government, and
16 includes any agency, instrumentality, or corporation of the
17 state.

18 (15) "Rapid transit" means the element of a mass
19 transit system involving a mechanical conveyance on an
20 exclusive lane or guideway.

21 (16) "Work area" means a combination of certain of the
22 regions designated by the governor in his executive order of
23 November 17, 1972, or a combination of such regions as such
24 regions may be changed by law or any subsequent order, and:

25 (a) "Work area 1" means regions 1, 2, and 3;

26 (b) "Work area 2" means regions 4, 5, 6, 7, and 8;

27 (c) "Work area 3" means regions 9, 10, 11, and 12.

1 106-7-103. ~~Areas of state interest.~~ (1) The board,
2 after following the procedures set forth in part 3 of this
3 article, may designate certain areas of state interest from
4 among the following:

5 (a) Areas containing geothermal resources, and areas
6 in which mineral resources are located, when the mineral is
7 of major significance or an area contains a significant
8 quantity of mineral resources; except that the area of an
9 oil and gas operation shall not be designated as an area of
10 state interest unless the state oil and gas conservation
11 commission recommends that such area be designated;

12 (b) One hundred year floodplains in areas in which,
13 due to past, current, or future development, a flood may
14 cause danger to life or economic loss of regional or
15 statewide impact;

16 (c) Fire hazard areas in which, due to past, current,
17 or future development, a fire may cause danger to life or
18 economic loss of regional or statewide impact;

19 (d) Potential avalanche areas, unstable land masses,
20 and areas of extensive shrink-swell soil conditions in
21 which, due to past, current, or future development, an
22 avalanche or land instability may cause danger to life or
23 economic loss;

24 (e) Areas containing, or having a significant impact
25 upon, historical, natural, or archaeological resources of
26 regional or statewide importance; and

27 (f) Areas around key facilities.

1 106-7-104. Criteria for administration of areas of
2 state interest. (1) Areas containing geothermal resources
3 and areas in which mineral resources are located shall be
4 protected and administered in a manner that could allow the
5 extraction of such resources. The extraction of minerals
6 from any such area shall be conducted in a manner that
7 provides the least practicable degradation to the ecology of
8 the area and of the economies of the region. Reclamation of
9 mined areas shall be considered part of the mine operation
10 costs and shall enable the surface land to be used in a
11 beneficial manner following the extraction of the minerals.

12 (2) One hundred year floodplains shall be administered
13 in a manner that, in times of one hundred year flood,
14 property damage and danger to health and safety will be
15 minimal. Open space activities such as agriculture,
16 recreation, and mineral extraction shall be encouraged in
17 the floodplains. Building and restoration of structures in
18 the floodway fringe shall be designed in terms of the
19 availability of flood protection devices, proposed intensity
20 of use, effects on the acceleration of floodwaters,
21 potential for loss of life and property damage, and other
22 impact of such development on downstream communities such as
23 the creation of obstructions during floods. Activities
24 shall be discouraged which, in time of flooding, would
25 create problems of public health and safety. Shallow wells,
26 sanitary landfills, and septic tanks and sewage disposal
27 systems shall be protected from inundation by floodwaters.

1 (3) Fire hazard areas shall be administered in a
2 manner which will discourage residential development of such
3 areas. For those areas in which residential activity is
4 taking place, roads shall be adequate for service by fire
5 trucks and other safety equipment. Firebreaks and other
6 means of reducing conditions conducive to fire shall be
7 required for areas in which an activity is authorized.

8 (4) In potential avalanche areas, unstable land
9 masses, and areas of extensive shrink-swell soil conditions,
10 all developments shall be engineered in a manner that will
11 minimize loss of life and destruction of property.

12 (5) Areas containing, or having a significant impact
13 upon, historical, natural, or archaeological resources of
14 regional or statewide importance shall be administered in a
15 manner that will retain the ecosystems of these areas and
16 allow man to function in harmony with, rather than be
17 destructive to, these resources. Attention is to be given
18 to the protection of those areas essential for wildlife
19 habitat. Development in areas of historic, educational,
20 cultural, scientific, archaeological, or natural value shall
21 be conducted in a manner which will minimize depletion of
22 those resources for future use.

23 (6) (a) Areas around key facilities shall be developed
24 in a manner that will discourage congestion, environmental
25 degradation, incompatible uses, and expansion of the demand
26 for government services beyond the capacity of the community
27 or region to provide such service within the limits of

1 available private and public capital investment. A
2 development that imposes burdens or deprivation on other
3 communities of a region cannot be justified on the basis of
4 local benefit alone.

5 (b) Commercial, industrial, and residential
6 development in proximity to airports designed for use by
7 regularly scheduled airlines shall be discouraged and
8 limited to development which is necessary to support the
9 operational function of said airports.

10 106-7-105. Activities of state interest. (1) The
11 board, after following the procedures set forth in part 3 of
12 this article, may designate certain activities of state
13 interest from among the following:

14 (a) Location and construction of major new domestic
15 water and sewage treatment systems and major extension of
16 existing domestic water and sewage treatment systems;

17 (b) Location and development of solid waste disposal
18 sites;

19 (c) Location of airports designed for use by regularly
20 scheduled airlines;

21 (d) Location of rapid or mass transit facilities and
22 systems;

23 (e) Location of arterial and collector highways;

24 (f) Location and construction of major public
25 utilities;

26 (g) Location and development of new communities;

27 (h) Efficient development of the state's water

1 resources; and

2 (i) Location and conduct of nuclear detonations.

3 106-7-106. Criteria for administration of activities
4 of state interest. (1) (a) New domestic water and sewage
5 treatment systems shall be constructed in areas which will
6 not result in the underutilization of existing treatment
7 plants or preempt the orderly development of domestic water
8 and sewage treatment systems of adjacent communities.

9 (b) Major extensions of domestic water and sewage
10 treatment systems shall be permitted in those areas in which
11 the anticipated growth and development that may occur as a
12 result of such extension can be accommodated within the
13 financial and environmental capacity of the region and the
14 state to sustain such growth and development. A
15 cost-benefit analysis shall be made of anticipated
16 governmental expenditures for education, water, sewer,
17 police, and fire services that may result from the extension
18 of such water and sewage systems, as well as an overall
19 analysis of other factors relating to public health, safety,
20 and welfare, including the economic condition of the region,
21 the carrying capacities and character of land, the
22 congestion of transportation systems of adjacent
23 communities, and the decline in environmental amenities such
24 as air quality. Procedures for such cost-benefit analysis
25 shall be set forth under the rules and regulations of the
26 board.

27 (2) Solid waste disposal sites shall be developed in

1 accordance with sound conservation practices and shall
2 emphasize, where feasible, the recycling of waste materials.
3 Consideration shall be given to subsequent use of waste
4 disposal sites, soil and wind conditions, the potential
5 problems of pollution inherent in the proposed site, and the
6 impact on adjacent property owners, compared with alternate
7 locations.

8 (3) Airports designed for use by regularly scheduled
9 airlines shall be located or expanded in a manner which will
10 minimize disruption to the environment of existing
11 communities, will minimize the impaction of existing
12 community services, and will complement the economic and
13 transportation needs of the state and the region.

14 (4) Mass and rapid transit facilities and systems,
15 arterial and collector highways, and major public utilities
16 shall be developed in a manner that will discourage
17 congestion, environmental degradation, incompatible uses,
18 and expansion of the demand for governmental services beyond
19 the capacity of the community or region to provide such
20 services within the limits of available private and public
21 capital investment. An activity or benefit that imposes
22 burdens or deprivations on other communities of a region
23 cannot be justified on the basis of local benefit alone.

24 (5) When applicable, or as may otherwise be provided
25 by law, a new community design shall, at a minimum, provide
26 for transportation, waste disposal, schools, and other
27 governmental services in a manner that will not overload the

1 facilities of existing communities of the region. Priority
2 shall be given to the development of total communities which
3 provide for commercial and industrial activity, as well as
4 residences, and for internal transportation and circulation
5 patterns.

6 (6) Municipal and industrial water projects shall
7 emphasize the most efficient use of water, including the
8 recycling and reuse of water. Urban development, population
9 densities, and site layout and design of storm water and
10 sanitation systems shall be accomplished in a manner that
11 will prevent the pollution of aquifer recharge areas.

12 (7) Nuclear detonations shall be prohibited whenever
13 there is a danger to public health and safety, including,
14 but not limited to, immediate or future ground water
15 pollution, or whenever such detonation is deemed to have an
16 adverse effect on the natural resources of a region or is a
17 wasteful method for extracting the state's mineral
18 resources.

19 106-7-107. Conformity with state and regional plans --
20 more stringent local regulations. In addition to the
21 criteria established in sections 106-7-104 and 106-7-106,
22 areas and activities of state interest shall be administered
23 in conformity with the duly adopted plans of the state, and
24 regional commissions. The approval of development in an
25 area of state interest or an activity of state interest
26 pursuant to such criteria and guidelines established by the
27 board shall not constitute a waiver of any other provision

1 of state law or the provisions of any duly adopted municipal
2 or county plan, ordinance, resolution, or regulation which
3 is more stringent than such criteria or guidelines.

4 PART 2

5 LEVELS OF GOVERNMENT INVOLVED AND THEIR FUNCTIONS

6 106-7-201. State land appeals board created. (1)

7 There is hereby created a state land appeals board,
8 consisting of:

9 (a) The following ex officio voting members:

10 (i) The executive director of the department of
11 agriculture;

12 (ii) The executive director of the department of
13 natural resources;

14 (iii) The executive director of the department of
15 health; and

16 (iv) The assistant to the governor for environmental
17 affairs and state planning.

18 (b) The following voting members, who shall be
19 appointed by the governor after consultation with residents
20 and officials of their respective work areas and shall serve
21 at the pleasure of the governor:

22 (i) Two members from work area 1;

23 (ii) Two members from work area 2; and

24 (iii) Two members from work area 3.

25 (c) One voting member shall be appointed at large by,
26 and shall serve at the pleasure of, the governor.

27 (2) Each of the executive directors of the departments

1 of agriculture, natural resources, and health may designate
2 one individual from his department to serve, in case of his
3 absence, in his place on the board and to exercise his
4 duties, rights, and powers as a member thereof.

5 (3) No appointed member of the board shall be a
6 salaried officer or employee of the state, a county, or a
7 municipal government.

8 (4) Appointed members of the board shall receive a per
9 diem of one hundred dollars per day for each day of meeting
10 of the board and shall be reimbursed for all actual and
11 necessary expenses incurred in the performance of their
12 duties.

13 (5) The members shall elect a chairman and
14 vice-chairman from among the members of the board.

15 (6) The board may, after appropriate public notice,
16 meet at such times as the membership deems appropriate.

17 (7) The board may take action only upon the
18 affirmative vote of six members of the board.

19 (8) The board may appoint an executive secretary, who
20 shall serve at the pleasure of the board.

21 (9) Each voting member of the board shall be subject
22 to the financial disclosure requirements of article 37 of
23 chapter 3, C.R.S. 1963.

24 106-7-202. Functions of the state land appeals board.

25 (1) The board shall:

26 (a) Designate, by rule, areas and activities of state
27 interest for final approval by the governor;

1 (b) Adopt guidelines pursuant to the criteria
2 established in sections 106-7-104 and 106-7-106 for use by
3 local governments and the board in the administration of
4 areas and activities of state interest;

5 (c) Review appeals of local government orders granting
6 or denying permits for development in areas of state
7 interest or for activities of state interest, including
8 local government orders relating to applications for permits
9 by state agencies;

10 (d) With the approval of the governor, determine
11 whether a particular activity is an activity of state
12 interest, as provided in section 106-7-404.

13 (2) One or more members of the board may recommend
14 areas and activities of possible state interest to the
15 board.

16 106-7-203. Functions of the department of local
17 affairs. (1) The department of local affairs shall:

18 (a) Propose areas and activities of state interest to
19 the board for its consideration for designation as areas and
20 activities of state interest;

21 (b) Recommend guidelines to the board concerning the
22 administration of areas and activities of state interest;

23 (c) Provide technical assistance to local governments
24 concerning areas and activities of state interest;

25 (d) Review local governments' land development
26 regulations for areas of state interest;

27 (e) Be a party in interest at local government

1 hearings relating to permits for development in areas of
2 state interest or for activities of state interest and may
3 appeal local governments' orders to the board when the
4 department, in its discretion, deems necessary.

5 106-7-204. Functions of local governments. (1) Local
6 governments shall:

7 (a) Receive, hold hearings upon, and grant or deny
8 applications for permits for development in areas of state
9 interest and for activities of state interest;

10 (b) Adopt appropriate existing land development
11 regulations or promulgate new land development regulations
12 for areas and activities of state interest consistent with
13 the guidelines adopted by the board for guiding development
14 in such areas;

15 (c) Recommend areas and activities to the board as
16 possible matters of state interest.

17 106-7-205. Functions of the governor. (1) The
18 governor shall:

19 (a) Approve or reject any designation by the board of
20 an area or activity as a matter of state interest;

21 (b) Appoint certain members to the state land appeals
22 board pursuant to section 106-7-201.

23 106-7-206. Functions of regional commissions. (1)
24 Regional commissions shall:

25 (a) After consultation with local government in its
26 region, recommend areas and activities to the board as
27 possible matters of state interest;

1 (b) Provide technical assistance to local governments
2 concerning areas and activities of state interest;

3 (c) Be a party in interest at local government
4 hearings relating to permits for development in areas of
5 state interest or for activities of state interest and may
6 appeal local governments' orders to the board when the
7 regional commission, in its discretion, deems necessary.

8 PART 3

9 DESIGNATION OF AREAS AND ACTIVITIES

10 OF STATE INTEREST

11 106-7-301. Recommendations for designation of areas
12 and activities of state interest. (1) Within the framework
13 of the criteria established in sections 106-7-104 and
14 106-7-106, recommendations of specific areas and activities
15 may be made to the board for designation as matters of state
16 interest. Recommendations shall:

17 (a) Specify the boundaries of the proposed areas;

18 (b) State reasons why the particular area or activity
19 proposed is of state interest, the dangers that would result
20 from uncontrolled or inadequate development of any such area
21 or uncontrolled conduct of such activity, and the advantages
22 of development of such areas and conduct of such activities
23 in a coordinated manner; and

24 (c) Include specific guidelines for administration of
25 such areas or activities of state interest.

26 106-7-302. Designation by the state land appeals
27 board. (1) Upon receipt of a recommendation concerning a

1 proposed area or activity of state interest, the board shall
2 give notice to each regional commission and local government
3 that such area or activity is located within its boundaries.

4 (2) Not later than forty-five days after receipt of a
5 recommendation concerning the designation of an area or
6 activity of state interest, the board, acting pursuant to
7 the applicable rule-making provisions of article 16 of
8 chapter 3, C.R.S. 1963, shall either reject the
9 recommendation or, with or without modification, shall, by
10 rule, designate the area or activity as a matter of state
11 interest and adopt guidelines for the administration of such
12 area or activity. The rule designating the area or activity
13 and guidelines shall be forwarded to the governor for his
14 review.

15 (3) The governor or the board, subject to the approval
16 of the governor, may withdraw the designation of any area or
17 activity as an area or activity of state interest.

18 106-7-303. Governor's review of designation of areas
19 and activities of state interest. (1) Not later than
20 thirty days following the designation of an area or activity
21 of state interest by the board, the governor shall review
22 and shall approve or reject the state land appeals board's
23 designation of any such area or activity as a matter of
24 state interest.

25 (2) If the governor does not approve or reject the
26 board's designation within such thirty-day period, the area
27 or activity shall be deemed to be approved. No

1 developmental activity shall be authorized in any area
2 designated by the board during the thirty-day period, as
3 provided in this section, or until the area or activity is
4 approved or rejected by the governor.

5 106-7-304. Promulgation of land development
6 regulations by local governments. (1) After the governor's
7 approval of the board's rule designating an area of state
8 interest and establishing guidelines for the administration
9 thereof, or the expiration of thirty days as provided in
10 section 106-7-303 (2), the local government having
11 jurisdiction shall:

12 (a) Submit to the department of local affairs its
13 existing land development regulations for the area, if any;
14 or

15 (b) With such assistance as the local government
16 requires from the department of local affairs or the
17 appropriate regional commission, adopt and submit new or
18 modified regulations which take into consideration the
19 guidelines set forth in the rule designating the area, as
20 well as other factors that the local government would
21 normally consider.

22 (2) Such land development regulations shall be
23 submitted to the department of local affairs for review not
24 later than sixty days after the governor's approval of the
25 rule designating the area as a matter of state interest.

26 106-7-305. Review of land development regulations by
27 the department of local affairs. (1) If the department of

1 local affairs finds that the land development regulations
2 submitted by a local government comply with the guidelines
3 for the administration of the area specified under the rule,
4 the department of local affairs shall approve the land
5 development regulations, and thereafter the regulations
6 shall become effective.

7 (2) If the department of local affairs believes that
8 the regulations promulgated by the local government do not
9 adequately meet the criteria set forth in sections 106-7-104
10 and 106-7-106 and the guidelines adopted by the board
11 pursuant to section 106-7-302, the department of local
12 affairs shall notify the local government of such
13 noncompliance and the modifications necessary to bring such
14 regulations into compliance with such criteria and
15 guidelines. Such local government land development
16 regulations shall not become effective until approved by the
17 department of local affairs.

18 PART 4

19 PERMITS FOR DEVELOPMENT IN AREAS OF STATE INTEREST

20 AND FOR ACTIVITIES OF STATE INTEREST

21 106-7-401. ~~Procedure for obtaining permits from local~~
22 ~~governments.~~ (1) (a) Any person desiring to engage in
23 development in an area of state interest or conduct an
24 activity of state interest shall file an application for a
25 permit with the local government or governments in which
26 such development or activity is to take place. Copies of
27 such application shall be forwarded by the local government

1 to the appropriate regional commission and the department of
2 local affairs. The application shall be filed on a form
3 prescribed by the department of local affairs.

4 (b) The requirement of paragraph (a) of this
5 subsection (1) that a public utility obtain a permit shall
6 not be deemed to waive the requirements of article 5 of
7 chapter 115, C.R.S. 1963, that a public utility obtain a
8 certificate of public convenience and necessity.

9 (2) The local government shall give notice and hold a
10 hearing on the application. The notice shall be published
11 not later than thirty days before the hearing and shall be
12 given to the department of local affairs and the appropriate
13 regional commission. Such other persons as may be
14 designated by the department of local affairs may also be
15 entitled to receive notice not later than fourteen days
16 before such hearing.

17 (3) The local government may approve an application
18 for a permit to engage in development in an area of state
19 interest if the proposed development complies with the land
20 development regulations governing such area. If the land
21 development regulations for such area have not been approved
22 by the department of local affairs, the development shall
23 comply with the guidelines for administration of such area
24 specified in the board's rule designating the area as a
25 matter of state interest. If the proposed development does
26 not comply with the applicable standards, the application
27 shall be denied.

1 (4) The local government may approve an
2 application for a permit for conduct of an activity of state
3 interest if the proposed activity complies with the
4 guidelines for administration of the activity specified in
5 the board's rule designating the activity as a matter of
6 state interest. If the activity does not comply with the
7 guidelines, the application shall be denied.

8 (5) The local government conducting a hearing pursuant
9 to this section shall:

10 (a) State, in writing, its reasons for decision, and
11 its findings and conclusions; and

12 (b) Preserve a record of such proceedings which is
13 sufficient to allow determination of the issues appealed on
14 such record by the appellate administrative or judicial
15 body, but this paragraph (b) shall not be deemed to require
16 recording by a reporter or by electronic recording device in
17 every case.

18 106-7-402. ~~Procedure when a matter of state interest~~
19 ~~directly affects more than two local governments.~~ (1) Any
20 person desiring to engage in development in an area of state
21 interest or conduct an activity of state interest which has
22 a direct effect on more than two local governments shall
23 apply to the state land appeals board to determine the
24 location, notice requirements, parties in interest, and
25 procedures to be employed for the conduct of one hearing to
26 determine whether a permit should be issued for the matter
27 of state interest.

1 (2) Such person shall send copies of his application,
2 which shall be filed on a form prescribed by the department
3 of local affairs, to each local government directly affected
4 by such matter of state interest.

5 (3) The board shall devise a procedure for equitably
6 determining the location, notice requirements, parties in
7 interest, and procedures for the conduct of such hearing.

8 (4) If the decisions of the directly affected local
9 governments conflict, the owner, developer, appropriate
10 regional commission, an affected local government, the
11 department of local affairs, or other materially affected
12 party may request a final decision from the state land
13 appeals board.

14 106-7-403. Appeal to the state land appeals
15 board. (1) (a) When a local government issues an order
16 granting or denying a permit for development in an area of
17 state interest or for an activity of state interest, a copy
18 of the order shall be sent to the department of local
19 affairs, the appropriate regional commission, and the owner
20 or developer of the property affected by such order. Not
21 later than fourteen days after the order is issued, if the
22 owner, developer, appropriate regional commission, affected
23 local government, department of local affairs, or other
24 materially affected party wishes to appeal the order, an
25 appeal shall be made to the board by filing a notice of
26 appeal with the board. The appellant shall furnish a copy
27 of the notice of appeal to parties in interest as provided

1 in this section and to the local government which issued the
2 order appealed.

3 (b) The filing of the notice shall stay the effect of
4 the local government's order and shall stay any judicial
5 proceedings in relation to the order until completion of the
6 appeal process.

7 (c) Upon motion and good cause shown, the board may
8 permit materially affected parties to intervene in the
9 appeal.

10 (2) (a) The board shall establish rules governing the
11 contents of appeals and all other matters relating to
12 procedures of appeal.

13 (b) The parties shall be entitled to make written
14 submissions on the record, the contents of which shall be
15 prescribed by rule of the board, and submit proposed
16 findings and conclusions. The board may grant oral argument
17 on any appeal.

18 (c) Not later than fifteen days after receipt of the
19 written submissions on the record, the record, and the
20 proposed findings and conclusions and after review thereof,
21 the board shall determine whether it wishes to accept the
22 appeal for final administrative decision. If so, the board
23 may indicate whether it wishes to:

24 (i) Hear oral argument; or

25 (ii) Conduct a hearing for the taking of further
26 evidence pursuant to section 3-16-4, C.R.S. 1963, if the
27 circumstances indicate that such evidence was not withheld

1 in bad faith; or

2 (iii) Hear oral argument and conduct a hearing.

3 (3) The board shall have the power to designate a
4 hearing officer to conduct a hearing who shall have the
5 power to issue notices of hearing and subpoenas requiring
6 the attendance of witnesses and the production of evidence,
7 to administer oaths, and to take testimony as may be
8 necessary. Such hearing officer shall certify and file with
9 the board recommendations, findings of fact, and a proposed
10 order.

11 (4) Within sixty days, the state land appeals board
12 shall issue an order granting or denying permission to
13 engage in development in an area of state interest or
14 conduct an activity of state interest pursuant to the
15 criteria listed in sections 106-7-104 and 106-7-106 and the
16 adopted guidelines for administration of the particular area
17 or activity of state interest and may attach conditions and
18 restrictions to its order. Orders of the board shall
19 contain a statement of the reasons therefor.

20 106-7-404. Prior determinations regarding particular
21 activities of state interest. (1) If any person is in
22 doubt whether his proposed activity constitutes an activity
23 of state interest, such person may request a determination
24 from the board on the question.

25 (2) Not later than sixty days after receipt of such
26 request, the board, with the approval of the governor, shall
27 issue a binding letter of interpretation with respect to the

1 proposed activity.

2 (3) Requests for determinations under this section
3 shall be made to the board in writing and in such form as
4 may be prescribed by the department of local affairs.

5 106-7-405. Cease and desist orders. (1) If the board
6 or a board of county commissioners, with respect to an area
7 or activity of state interest located within the
8 unincorporated area of a county, or the governing body of a
9 municipality, with respect to an area or activity of state
10 interest located within the municipality, determines that
11 there is in progress or proposed a land development activity
12 which constitutes a danger of injury, loss, or damage of
13 major proportions to the public health, welfare, or safety,
14 the board or such governing body of local government may
15 issue a written cease and desist order to the person in
16 control of such activity.

17 (2) If such activity is continued notwithstanding an
18 order issued pursuant to this section, the attorney general,
19 upon request of the board, or the county attorney, upon
20 request of a board of county commissioners, or the municipal
21 attorney, upon request of the municipal governing body,
22 shall apply to any district court of the judicial district
23 in which such area or activity is located for a temporary
24 restraining order, preliminary injunction, or permanent
25 injunction, as provided in the Colorado rules of civil
26 procedure, to enforce such cease and desist order. Any such
27 action shall be given precedence over all other matters

1 pending in such district court. The institution of such
2 action shall confer upon said district court exclusive
3 jurisdiction to determine finally the subject thereof.

4 106-7-406. Judicial Review. (1) (a) A party in
5 interest may seek judicial review of a final administrative
6 decision of the board only in the court of appeals. Such
7 review may be commenced by an action filed with the court of
8 appeals not later than thirty days after final
9 administrative decision by the board.

10 (b) If the board refuses to accept an appeal from the
11 local government order for final administrative decision
12 pursuant to of section 106-7-403 (2), a party in interest
13 may seek judicial review of the local government's order
14 granting or denying a permit only in the court of appeals.
15 Such review may be commenced by an action filed with the
16 court of appeals not later than thirty days after the
17 board's determination not to accept the appeal for final
18 administrative decision.

19 (2) In providing judicial review under this section,
20 the court of appeals shall:

21 (a) Be limited to consideration of:

22 (i) The record of the board's decision and the record
23 of the local government's decision, if review is pursuant to
24 paragraph (a) of subsection (1) of this section; or

25 (ii) The record of the local government's decision, if
26 review is pursuant to paragraph (b) of subsection (1) of
27 this section.

1 (b) Determine all questions of law and interpret the
2 statutory and constitutional provisions involved and apply
3 such interpretation to the facts duly found and established.

4 (3) If the court of appeals finds no error, it shall
5 affirm the decision of the board or local government, but,
6 if the court finds that the decision of the board or local
7 government is erroneous on any grounds set forth in section
8 3-16-5 (7), C.R.S. 1963, the court may take any of the
9 actions set forth in said section.

10 (4) Appeal of a decision of the court of appeals to
11 the supreme court shall be upon the record as set forth in
12 subparagraphs (i) and (ii) of paragraph (a) of subsection
13 (2) of this section.

14 SECTION 2. Appropriation.

15 SECTION 3. Effective date.

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

COMMITTEE ON LAND USE

RESOLUTION 1

HOUSE JOINT RESOLUTION NO.

1 WHEREAS, Rapid population growth and economic development
2 are occurring in certain parts of Larimer, Weld, Adams, Boulder,
3 Gilpin, Clear Creek, Jefferson, Denver, Arapahoe, Douglas,
4 Teller, El Paso, and Pueblo counties, said thirteen counties
5 being referred to hereinafter for convenience as the "Front
6 Range"; and

7 WHEREAS, Rapid population growth and economic development
8 are expected to continue in the Front Range for the foreseeable
9 future; and problems associated with said population growth and
10 economic development deserve special and prompt consideration
11 from the perspective of the Front Range as a whole if
12 environmental deterioration is to be minimized and a high quality
13 of life maintained; and

14 WHEREAS, Over eighty percent of Colorado's population lives
15 within the Front Range and it is a matter of state concern that
16 Front Range problems receive such special and prompt
17 consideration; now, therefore,

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

21 (1) That the General Assembly requests the Governor to

1 create a Front Range Development Council to be constituted as
2 follows:

3 (a) The Council shall be composed of thirteen individuals
4 appointed by the Governor and the Governor shall designate one
5 member as the Chairman of the Council.

6 (b) Appointees shall include persons with substantial
7 experience in the fields of government, planning, business,
8 labor, real estate, transportation, water, agriculture, the
9 environment, and civic affairs, and shall include persons from
10 all major counties within the Front Range.

11 (c) The Council shall report to the Governor and General
12 Assembly by January 1, 1975, and shall complete its work, wind up
13 its affairs, and disband by June 30, 1975.

14 (2) Procedures to be followed by the Front Range
15 Development Council shall be as follows:

16 (a) The Council shall appoint separate task forces for
17 various specific purposes as it deems appropriate, such as task
18 forces to assure correct analyses of technical problems or to
19 assure widespread public involvement in policy decisions.

20 (b) The Council shall endeavor to seek the widest possible
21 public participation, through public hearings and by other
22 appropriate means, in reaching its conclusions on the items to be
23 considered pursuant to paragraphs (3) and (4) of this resolution.

24 (c) The Council shall exercise great care so as not to
25 duplicate files and work done by other state, federal, local, or
26 private agencies, but shall utilize such work to the maximum
27 extent possible.

1 (3) (a) The Council shall recommend the pattern for Front
2 Range growth that will maximize quality of life and minimize
3 detrimental aspects of growth.

4 (b) The Council shall classify all land within the Front
5 Range (by legal description) into not more than five classes,
6 including areas propitious for development and areas that should
7 be protected from development.

8 (c) The Council shall designate the specific areas (by
9 legal description) into which growth should be guided and phased
10 and those which should be protected from growth.

11 (4) Techniques to guide growth shall be developed by the
12 Council and, in particular, the Council should answer the
13 following policy questions in detail:

14 (a) Should a second Valley Highway be built and if so
15 where, or should a third lane be added to the existing highway,
16 or should a fixed track system be built?

17 (b) Should other jet ports be developed in the Front Range
18 besides Stapleton International Airport and should Stapleton's
19 growth be tapered off?

20 (c) The Council shall recommend the specific legal
21 mechanisms as to who should make industrial site selection
22 decisions and how such decisions are to be enforced.

23 (d) The Council shall reach some policy decision as to
24 water development, the Denver Water Board, water improvement
25 districts within the Front Range, and the development of the
26 Denver aquifer.

27 (e) The Council shall propose means of controlling

1 subdivision development. What if anything is to be done for
2 subdivisions that do not lie in areas designated for development?
3 Are there any unitization or pooling schemes that would be
4 acceptable?

5 (f) The Council shall make recommendations as to how
6 various governmental agencies should exercise their authority,
7 viz., the Air Pollution Control Commission, the Public Utilities
8 Commission, the Banking Board, etc. The specific regulations to
9 be adopted by such boards and commissions in furtherance of the
10 Front Range policy shall be developed in detail and made as
11 specific proposals of the Council.

12 (5) For staff, the Council shall use both the staff of the
13 State Planning Office and also such additional staff as may need
14 to be hired under contract by the State Planning Office for the
15 purposes of completing the work required by this Resolution.

16 (6) Members of the Council and of the task forces shall be
17 compensated for necessary and customary expenses.

18 Be It Further Resolved, That the General Assembly make an
19 appropriation of _____ to the Office of the Governor for
20 the study directed by this Resolution.

21 Be It Further Resolved, That a copy of this Resolution be
22 transmitted to the Honorable John D. Vanderhoof, Governor of the
23 State of Colorado.