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# ADMINISTRATIVE CODE OF 1941

AN ACT  
RELATING TO THE REORGANIZATION OF  
STATE GOVERNMENT AS ENACTED BY  
THE THIRTY-THIRD GENERAL  
ASSEMBLY OF THE STATE  
OF COLORADO.

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APPROVED BY THE GOVERNOR, MARCH 14, 1941.

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AND  
PRESENTED  
TO THE  
CITIZENS OF COLORADO  
BY  
THE MEMBERS  
OF THE  
SENATE OF  
THE THIRTY-THIRD GENERAL ASSEMBLY  
OF THE  
STATE OF COLORADO

5-252.4

S. 461-941

(Senate Bill No. 383. By Senators Rockwell, Aspinall, Bosworth, Briscoe, Johnson (25th), Smith (7th), Bain, Constantine, Crowley, Cummings, Davies, Decker, Elder, Gardner, Hart, Higby, Hirschfeld, Johnson (2nd), Keating, Lashley, MacDonald (3rd), McDonald (2nd), McKinney, Murphy, Preston, Ragan, Ryan, Shawcroft, Smith (1st), Swisher, Taylor, Veltri, Watts, Whitaker, Williams; and Representatives Fehling, Coleman, Parsons, Grimes, Coloroso and Douglas.)

## AN ACT

RELATING TO THE REORGANIZATION OF THE STATE GOVERNMENT AND REPEALING ALL ACTS AND PARTS OF ACTS IN CONFLICT HEREWITH.

*Be It Enacted by the General Assembly of the State of Colorado:*

### ARTICLE 1. ORGANIZATION OF ADMINISTRATIVE DEPARTMENTS.

SECTION 1. There are hereby created and established the following administrative departments of the State Government:

- I. Executive Department.
- II. Department of the Treasury.
- III. Department of Taxation and Revenue.
- IV. Department of Auditing.
- V. Department of Law.
- VI. Department of Education.
- VII. Department of State.

SECTION 2. (a) These departments are hereby vested, respectively, with such powers and required to perform such duties as are set forth in this Act, and are charged with the administration and execution of such laws as have been or may be enacted relative to the respective departments and the functions thereof as herein set forth, except as herein expressly modified.

(b) The provisions of this Act shall not be construed to apply to the judiciary, nor the legislature, except when expressly specified.

SECTION 3. (a) The chief executive officers of administrative departments of the State Government created by this Act shall have charge and general supervision of

their respective departments subject to the provisions of this Act, and shall exercise such powers and perform such duties as are vested by this Act in the respective departments, except where detailed matters of policy are expressly conferred by law to any subordinate officer in the respective administrative departments.

(b) The officers, assistants and employees of the departments created by this Act shall be under the immediate supervision, direction and control of the heads of the respective departments, and shall perform such duties as shall be prescribed.

SECTION 4. (a) There is hereby created a Council to be known as the Governor's Council, which shall consist of the Secretary of State, State Treasurer, Director of Revenue, Superintendent of Public Instruction, the Attorney General, the State Budget and Efficiency Commissioner, the State Purchasing Agent and such other heads of administrative departments as the Governor may designate. The Council shall meet once each month at such time and place as may be designated by the Governor and shall meet at such other times and from time to time upon call of the Governor. The Governor's Council shall be an advisory body only, and at meetings thereof may consider such matters involving general state problems, administrative policies and procedures, interdepartmental relations and cooperation as the Governor or any member may place before it, and shall advise and consult with the Governor at his request upon any matters affecting the welfare of the State. It shall be the duty of each member of the Council who is the head of any administrative department of the State Government to report to the Governor upon his request concerning the functions, administration and problems of his or her respective department. The Governor shall preside at all meetings of the Council.

(b) The Lieutenant Governor shall be ex-officio a member of the Governor's Council and in the absence of the Governor or at the request of the Governor shall preside at meetings of the said Council.

SECTION 5. (a) Except as otherwise provided by law and as otherwise provided herein, such officers, assistants and employees as may be necessary in each department shall be appointed by the chief executive officer of such department in conformity with Article XII, Section 13 of the Constitution of the State of Colorado, and the laws enacted in accordance therewith; provided, however, that before any such appointment shall be and become effective, the chief executive officer making the appointment shall make and sign a certificate stating the position or positions to be thus

filled by appointment and the necessity for each such appointment which certificate shall be delivered to the Governor, who within ten (10) days thereafter shall in writing approve or disapprove the same. It shall not be necessary for any chief executive officer of any such department to reveal the name or party affiliation in such certificate of any appointee, the approval or disapproval of the Governor being limited expressly to the necessity for such appointment or appointments in the public service. In the event such appointment be disapproved by the Governor in writing within said ten (10) day period, such disapproval shall be final. The failure of the Governor to approve or disapprove any such appointment within said period shall be deemed a disapproval thereof and shall be in all respects as final as if disapproved in writing as aforesaid.

(b) Thirty (30) days prior to the commencement of each fiscal year (or December first of each year if the calendar year is the fiscal year) the head of each department, board, bureau or agency of the State Government shall certify to the Governor the number of employees needed or required for the operation of his or her department, board, bureau or agency for the ensuing twelve (12) months' period. The Governor shall within said thirty (30) day period in his discretion approve or disapprove said certified list, and if he shall disapprove the same shall certify in writing the number of employees deemed by him to be necessary or advisable for the efficient operation of the said department, board, bureau or agency, and no employees in excess of the number so certified by the Governor shall be appointed or so employed.

(c) If, after appointments have been made to any department or position the Governor shall be of the opinion that the appointed personnel of any such department, board, bureau or agency of the State Government is in excess of its needs, the Governor may require the dismissal of any of said appointees, provided, however, that ten (10) days' prior notice of the proposed action be given by the Governor to the head of any such department, board, bureau or agency affected and opportunity given to such head within said ten (10) day period to be heard as to the necessity for the retention of all or any of said appointees proposed to be dismissed; and provided, further, that any appointees so dismissed shall be dismissed in the reverse order of their respective appointments. The decision of the Governor after such hearing shall be final and conclusive.

(d) Any person dismissed pursuant to the authority granted in subsections (b), (c) above, shall be returned to the head of the civil service classified list for such position or similar position in the order of their respective standings

on any such classified list at the time of his or her appointment. If the person so dismissed shall be a provisional appointee, such person shall be given an opportunity for an examination for qualification for the position or class of position from which such person has been dismissed, and shall be placed upon the classified list after such examination in accordance with the grade attained and not otherwise.

(e) If, during any biennial period, there should not be sufficient revenues available for expenditure during such period to carry on the functions of the State Government and to support its agencies and institutions, and such fact be made to appear to the Governor, he may in the exercise of his discretion, by executive order, suspend or discontinue, in whole or in part, the functions or services of any department, board, bureau or agency of the State Government. Such discontinuance or suspension shall become effective upon the first day of the calendar month following the entry of such executive order, and shall continue for such period of time, not to exceed three (3) months, as shall be determined by such executive order. And if, during any such period of time, it shall again be made to appear to the Governor that such deficiency of revenues still persists, he may, from time to time, extend the operation of such executive order for a like period of time not to exceed three (3) months; provided, however, that the State shall not be liable for the payment of any claim for salaries or expenses purporting to have accrued against any such department, board, bureau or agency during any such period of suspension, and the State Treasurer shall not issue or honor any warrant therefor. Elective officers shall not be subject to the provisions of this Act, and all acts or parts of acts in conflict herewith, are hereby repealed.

SECTION 6. The chief executive officers of the respective departments shall receive such salaries as may be fixed by legislative enactment. The division heads, the subordinate officers and the assistants and employees of the respective departments shall receive such compensation as may be fixed by legislative enactment, or in the absence of such enactment, such as shall be fixed by the chief executive officer of the department under which such officers, assistants and employees may be employed with the approval in writing of the Governor and then only if such compensation is within the limits of appropriations from the general revenue fund or other revenues; provided, however, that in the absence of legislative enactment, or unless otherwise expressly provided in this Act, no compensation in excess of five thousand dollars (\$5,000.00) per year shall be fixed under the provisions of this Act. In any case where compensation is specified for an officer, assistant or employee of any department, in-

stitution or agency of the State, such officer, assistant or employee shall receive no compensation or fees in addition thereto, nor shall any such officer, assistant or employee receive compensation or fees from more than one (1) department, institution or agency or in more than one (1) capacity.

SECTION 7. Each chief executive officer or any subordinate officer under the same who may be required to handle state funds, shall give bond executed by a responsible surety company, authorized to do business within the State, in such sum as has been or may be fixed by law, or in the absence of any such law, such as shall be fixed by the Governor, and as shall be deemed by him to be adequate to safeguard the State funds. All such bonds shall be conditioned upon the faithful performance by such officer of his duties and when approved by the Governor shall be filed in the office of the Secretary of State. The premiums on all such bonds shall be paid as an ordinary expense of the department or agency to which such officer or officers are appointed and due appropriation therefor shall be made by the legislature.

SECTION 8. The chief executive officer of each department is hereby empowered, subject to the written approval of the Governor, to prescribe rules and regulations, not inconsistent with law, for the government of his department, the conduct of its employees, the distribution and performance of its business, and the custody, use and preservation of the records, papers, books, documents and property pertaining thereto.

## ARTICLE 2. EXECUTIVE DEPARTMENT.

SECTION 9. The Governor shall be the chief executive officer of the Executive Department and as such shall have and exercise the supreme executive power of the State. The Executive Department shall be organized into the following offices and divisions:

(1) The office of the Governor which, except as otherwise expressly provided, shall continue as now organized and existing.

(2) The Division of Budgets, of which the State Budget and Efficiency Commissioner shall be the head. He shall be appointed by the Governor and shall hold office subject to the provisions of Article XII, Section 13 of the Constitution of the State of Colorado, relating to civil service. He shall be qualified by education and experience to conduct the Division of Budgets created in this Act. The salary for said office shall be thirty-six hundred dollars (\$3,600.00) per annum. He shall have such powers as are hereinafter set forth.

(3) The Division of Purchasing, of which the State Purchasing Agent shall be the head. He shall be one of the three confidential employees of the Governor's office as provided by Article XII, Section 13 of the Constitution of the State of Colorado, and shall be appointed by the Governor, and his term of office shall be coterminous with the tenure of office of the Governor making said appointment, but he may be removed at the pleasure of the Governor. He shall be qualified by education and experience to conduct the Division of Purchasing created in this Act. The salary for said office shall be thirty-six hundred dollars (\$3,600.00) per annum. He shall have such powers and duties as are hereinafter specified.

(4) The Division of Public Buildings, of which the Superintendent of Public Buildings shall be the head. Subject to the approval of the Governor, he shall have and exercise all the rights and powers and perform all the duties heretofore vested and imposed by law in and upon the Board of Capitol Managers, its officers, assistants and employees, except as expressly otherwise provided in this Act.

(5) The Division of the National Guard. The Colorado National Guard is hereby placed in the aforesaid division and, except as otherwise expressly provided in this Act, shall continue as now organized and existing. The Adjutant General shall exercise all the rights and powers and perform all the duties heretofore vested and imposed by law upon the Colorado Commission of Aeronautics, its officers and employees.

(6) The Division of Highways, of which the Governor shall be the head. The State Highway Department, the State Highway Engineer, the Highway Advisory Board, except as otherwise expressly provided in this Act, shall continue as now organized and existing.

(7) The Division of Conservation, the head of which shall be the Governor. This Division shall consist of the following administrative departments, agencies, and officers, which, except as otherwise expressly provided in this Act shall continue as now organized and existing.

(a) State Planning Commission;

(b) State Board of Land Commissioners, subject to the provisions of Article IX, sections 9 and 10 of the Constitution of the State of Colorado, and shall exercise all the rights and powers and perform all the duties heretofore vested and imposed by law in and upon the State Forester and the State Board of Forestry;

(c) Gas Conservation Commission;

(d) Department of Game and Fish;

(e) Colorado Water Conservation Board.

(8) Division of Natural Resources, the head of which shall be the Governor. This division shall consist of the following departments and agencies:

(a) The Commissioner of Mines and the Bureau of Mines of the State of Colorado, subject to the provisions of Article XVI, section 1 of the Constitution of the State of Colorado;

(b) The Board of Directors, Metal Mining Fund;

(c) State Mineral Resources Board;

(d) The Colorado Geological Survey and the Geological Survey Board;

(9) The State Board of Stock Inspection Commissioners. There is hereby created a State Board of Stock Inspection Commissioners, composed of five (5) commissioners who shall be appointed by the Governor, four (4) of whom shall be engaged in the running and raising of cattle or cattle and sheep, and the fifth of whom shall be a graduate licensed veterinarian of this State, who shall be known as the Live-stock Sanitary Commissioner. He shall have general supervision of the sanitary livestock inspection and shall perform all the duties of the State Veterinary Surgeon but under the supervision of the Board. The salary of the said veterinarian shall be paid on the per diem basis, and shall be fixed by a majority of the Board excluding said veterinarian, but such salary or per diem allowance shall not exceed fifteen hundred dollars (\$1,500.00) per annum. He shall be allowed not to exceed seven hundred fifty dollars (\$750.00) per year for the payment of his actual and necessary expenses incurred in the performance of his official duties, and the same shall be evidenced by vouchers drawn by the State Board of Stock Inspection Commissioners and paid monthly by the State Treasurer upon warrants drawn in accordance with law. He shall reside in the City of Denver during his term of office.

The remaining four (4) members of the Board shall be appointed in such manner as will at all times represent as nearly as possible all sections of the State wherein livestock is a major activity; provided, however, that at no time shall any two members be residents of the same particular section. When appointed, the five (5) members of said Board shall draw lots so that they shall serve for the following terms: One (1) for one (1) year; one (1) for two (2) years; one (1) for three (3) years; one (1) for four (4) years; and one (1) for five (5) years. Thereafter the Governor shall appoint commissioners for the term of five (5) years to take the place of the member whose term shall have expired. The members of said Board may be removed for cause by the Governor. They shall serve without compensation except for actual and necessary travelling expenses. The Board shall meet quar-

terly unless, in case of emergency declared in writing by the Governor, a special meeting or meetings is or are deemed advisable.

Forthwith upon appointment of the full board hereby created, said Board shall meet and elect a president and a secretary-treasurer from among its number. Said officers shall likewise serve without compensation except for their ordinary and necessary travelling expenses as above provided.

The Board shall appoint a Brand Commissioner who shall, in the absence of the Board, be under its supervision and carry out the policies as outlined by the State Board of Stock Inspection Commissioners. The Brand Commissioner shall receive as compensation not to exceed three thousand dollars (\$3,000.00) per year, to be paid in monthly installments out of the Brand Inspection Fund by the State Treasurer upon warrants drawn in accordance with law.

The State Board of Stock Inspection Commissioners hereby created shall have and exercise all the rights and powers and perform all of the duties vested and imposed by law in and upon the State Board of Stock Inspection Commissioners and the State Veterinary Surgeon of the State Board of Agriculture, their officers, assistants and employees with respect to the prevention and eradication of animal diseases, brand inspection, livestock inspection, predatory animal eradication, rodent pest control, the licensing of stallions, jacks and bulls, and any and all other rights, powers and duties of the State Board of Stock Inspection Commissioners heretofore authorized by law. In the event of an outbreak of disease among livestock in connection with which, in his opinion, it is necessary to put into effect quarantine regulations, the Livestock Sanitary Commissioner shall have the right to institute such quarantine and to notify and use the services of any local licensed veterinary surgeon in the district where such quarantine regulations shall have been put into effect, and it shall be the duty of such local veterinary surgeons to work under the control and supervision of the Livestock Sanitary Commissioner in the enforcement of such regulations. It shall be the duty of all licensed veterinary surgeons to register with the Livestock Sanitary Commissioner in order that they may be called upon for assistance in such emergencies.

(10) The Division of Agriculture, the head of which shall be the Director of Agriculture, which office is hereby created and established. This division shall consist of the following administrative departments, agencies and officers, which, except as otherwise expressly provided in this Act, shall continue as now organized and existing:

(a) The Colorado Director of Markets;

(b) The State Hail Insurance Department;

(c) The Bureau of Plant and Insect Control, the head of which shall be the State Entomologist. The Bureau shall exercise all the rights and powers and perform all the duties vested and imposed by law in and upon the present State Entomologist and the State Board of Agriculture, their officers, assistants and employees, with respect to apiary education and investigation and of inspection of bee diseases, seed inspection, pest inspection, and any and all other rights, powers and duties of the present office of State Entomologist.

(d) The State Horticulturist shall exercise all the rights and powers and perform all the duties vested and imposed by law in and upon the present State Horticulturist, his officers, assistants and employees.

(e) The State Dairy Commissioner, which office shall continue as now organized and existing, except that it shall not be related to the State College of Agriculture and Mechanical Arts in any manner unless the Director of Agriculture shall otherwise determine.

(f) The Colorado State Fair Commission, which shall also exercise all the rights and powers and perform all the duties heretofore vested and imposed by law in and upon the State Racing Commission, its officers, assistants and employees.

(11) The Division of Public Welfare, the head of which shall be the Governor.

(a) This Division shall have and exercise:

1. All the power and authority to receive and make inquiry into complaints regarding conduct and management of private eleemosynary associations, societies and corporations operating and existing within the State of Colorado, to require reports from and issue licenses to said institutions, to revoke such licenses for due cause, and the Division of Public Welfare shall also have power and authority upon the sole request of the Governor or of the General Assembly, or upon the sworn complaint of two or more citizens of the State, or upon its own motion to make an investigation of the condition and management of any private eleemosynary association, society or corporation, and in the process of such investigation to administer oaths and affirmations requiring the attendance of witnesses and production of pertinent documents; provided, however, that notice of any such investigation, stating the reasons therefor, shall be served upon such institution in the same manner as now provided by law for the service

of summons at least thirty (30) days prior to the time fixed in said notice for the commencement of any such investigation, and if such investigation be upon complaint as aforesaid, a copy of such complaint shall accompany the said notice. Nothing herein contained shall be construed to require the Division of Public Welfare to institute an investigation upon complaint, but it may set down any such complaint for hearing at some convenient place to be fixed by the Division, at which hearing all parties may produce such evidence as may be determined by them if, in the opinion of the Division or the officer conducting the hearing, such evidence is deemed pertinent;

2. All the right and power to transfer inmates from the Colorado State Reformatory at Buena Vista, Colorado to the Colorado State Penitentiary at Canon City, Colorado whenever such inmate fraudulently represented or gave false evidence concerning his age, but for which the court under the law would have been required to sentence said inmate to the Colorado State Penitentiary; or who, at the time of his sentence or prior thereto, falsely represented that he had not been convicted of a felony; or who is deemed an incorrigible prisoner whose presence at the Colorado State Reformatory appears to be seriously detrimental to the morale, administration, policy or well-being of said Colorado State Reformatory. In case any prisoner at the Colorado State Reformatory shall be or become insane the Governor may transfer said prisoner temporarily to the Colorado State Psychopathic Hospital at Denver, Colorado or to the Colorado State Hospital at Pueblo, Colorado. The Governor shall likewise have the authority, with the approval of the warden of the Colorado State Penitentiary to transfer from the Colorado State Penitentiary at Canon City, Colorado to the Colorado State Reformatory at Buena Vista, Colorado a prisoner or prisoners of good conduct and recognized behavior for the purpose of aiding in instructional work at the Colorado State Reformatory;

3. All the rights and powers and perform all the duties vested and imposed by law in and upon the Board of Commissioners of the State Home and Training School for Mental Defectives (both at Ridge and Grand Junction), its officers, assistants and employees;

4. All the rights and powers and perform all the duties vested and imposed by law in and upon the Board of Control of the State Industrial School for Boys, its officers, assistants and employees.

(b) The Division of Public Welfare shall have supervisory control of the following institutions, agencies and officers

which, except as otherwise expressly provided in this Act, shall continue as now organized and existing:

1. The Soldiers' and Sailors' Home;
2. State Commission for the Blind;
3. The Bureau of Child and Animal Protection;
4. The Board of Control of the State Home for Dependent and Neglected Children, its officers, assistants and employees;
5. The Board of Control of the State Industrial School for Girls, its officers, assistants and employees.

(c) The Department of Public Welfare, of which the State Director of Public Welfare shall be the head, shall constitute and be a subdivision of the Division of Public Welfare. The State Board of Public Welfare shall continue as now organized and existing, and shall have all the rights, powers and duties now or hereafter imposed by law.

(12) The Division of Industrial Relations, under the supervision and direction of the Industrial Commission of Colorado, which shall continue as now organized and existing, save and except that it shall have no revenue or license collecting functions, all of which functions are hereby transferred to the Department of Revenue. Nothing herein contained shall be construed to repeal, alter or impair the right and duty of said Division, the Industrial Commission of Colorado, or of any officer or department of said Division to fix and determine the amount of any tax or license fee in conformity with law, but when any such tax or license fee is determined, the same shall be certified by the appropriate office or officer to the Department of Revenue for collection. In addition to such powers as are now vested in and exercised by the said Industrial Commission of Colorado, the Division of Industrial Relations shall:

(a) Exercise all the rights and powers and perform all the duties heretofore vested and imposed by law in and upon the Commissioner of the Bureau of Labor Statistics, who was the Secretary of State, ex-officio; the Deputy Labor Commissioner appointed by the Secretary of State; the Statistician; and in and upon the inspectors and employees engaged in the compilation of labor statistics, the inspection of factories, the regulation of private employment agencies, and the adjustment of wage claims;

(b) Exercise all the rights and powers and perform all the duties heretofore vested and imposed by law in and upon the Chief Inspector of Steam Boilers, his deputies and employees;

(c) Exercise all the rights and powers and perform all the duties heretofore vested and imposed by law in and upon the Minimum Wage Commission.

(13) The Division of Public Health. The Governor shall be the head of the Division of Public Health and, subject to his supervision, the State Board of Health as now organized and existing shall be in immediate control of said division. The Secretary of the said Board shall be the chief executive officer of this subdivision and shall be a physician licensed to practice medicine in the State of Colorado who is experienced in public health work. Except as herein expressly amended or as necessarily modified, the public health laws of the State as now and heretofore existing shall remain in full force and effect; provided, that the Secretary of the said Board shall not, without the approval of said Board, order a quarantine covering or embracing a district larger than a city or town as to any epidemic disease.

The Division of Public Health shall:

1. Exercise all the rights and powers and perform all the duties now and heretofore vested in or imposed by law upon the State Board of Health, its officers, assistants and employees;

2. Exercise all the rights and powers and perform all the duties heretofore vested in or imposed by law upon the Meat and Slaughter Plant Inspector, his deputies and employees;

3. Exercise all the rights and powers and perform all the duties heretofore vested or imposed by law upon the State Chemist and his employees;

4. Have and exercise all the rights and powers and perform all the duties now and heretofore vested in or imposed by law upon the State Board of Barber Examiners, insofar as rules of sanitation, public health and sanitary conditions of barber shops and implements are concerned;

5. Have and exercise all the rights and powers and perform all the duties now and heretofore vested in or imposed by law upon the State Board of Cosmetologists, insofar as rules of sanitation, public health and sanitary condition of beauty shops and other working places are concerned;

6. Have and exercise all the rights and powers and perform all the duties now and heretofore vested in or imposed by law upon the State Board of Embalming Examiners relative to sanitation and the disinfection of bodies of deceased persons and of the bedding, clothing and dwelling places in case of death by infectious or contagious disease.

Specifically and by way of extension and not of limitation, the Division of Public Health shall have power:

1. To supervise and protect the health of the people of the State and in connection therewith, by way of extension and not of limitation, to make or approve standard serological tests, prepare and distribute forms of certificates relative thereto, upon request make said tests, and do all other things relative to the control of venereal disease now required or permitted by law;

2. To act in an advisory capacity relative to public water supply, water purification works, sewerage systems, sewerage treatment works, and to exercise supervision over nuisances growing out of the operation of such water and sewerage works, and to make, promulgate and enforce rules and regulations relating to such nuisances;

3. To make such sanitary investigations as may from time to time be deemed necessary for the preservation and improvement of public health;

4. To make investigations and inquiries with respect to the causes of disease, especially epidemics; to investigate the causes of mortality, and the effect of localities and other conditions on public health; and to make such other sanitary investigations as may be deemed necessary for the preservation and improvement of the public health;

5. To keep informed of the work of the local health officers and agencies throughout the State;

6. To promote the information of the general public in all matters pertaining to public health;

7. To make sanitary, sewerage, health, and other inspections and examinations for the charitable and penal institutions and other state institutions;

8. To inspect from time to time all hospitals and sanitarium and other institutions conducted by county, city or town authorities, and to report as to the sanitary conditions and interests of such hospitals, sanitarium, and institutions to the official authority having jurisdiction over them;

9. To license and inspect restaurants and establish sanitary conditions therein, as required by law.

(b) The Division of Public Health shall have power and authority, within the limits of appropriations made by the General Assembly or other revenues belonging to such divisions, to print, publish and distribute documents, reports, bulletins, certificates and other material relating to the pre-

vention of disease and the health and sanitary conditions of the State.

(c) The Division of Public Health shall have no revenue or license collecting functions, and all such functions of any board, bureau or agency the powers and duties of which are transferred by this Act to the Division of Public Health, are hereby transferred to and vested in the Department of Revenue. Nothing herein contained shall be construed to repeal, alter or impair the right and duty of the Division of Public Health under the provisions of this Act or existing law, to fix and determine the amount of any tax or license fee in conformity with law, but when any such tax or license fee is thus fixed and determined, the same shall be certified by the appropriate office or officer to the Department of Revenue for Collection.

(14) The Division of Water Resources, the head of which shall be the State Engineer. This Division shall consist of the following administrative departments, agencies and offices, which, except as otherwise expressly provided in this Act, shall continue as now organized and existing:

- (a) The State Engineer;
- (b) The Division of Irrigation Engineers;
- (c) The Water Commissioners;
- (d) The Irrigation District Commission.

(15) The Division of Commerce, the head of which shall be the Governor. This Division shall consist of the following administrative departments, agencies and offices which, except as otherwise expressly provided in this Act, shall continue as now organized and existing, having the powers and authority and subject to the obligations now imposed by law:

- (a) The Public Utilities Commission;
- (b) The State Bank Commissioner;
- (c) The Insurance Department and the Commissioner of Insurance;
- (d) The Building and Loan Department and the State Commissioner of Building and Loan Associations; provided, however, that the said Division of Commerce and the various subdivisions thereof shall not have and exercise any tax, license or revenue collecting functions whatsoever, all of which functions are hereby transferred to the Department of Revenue. Nothing herein contained shall be construed to repeal, alter or impair the right and duty of said Division of Commerce or of any officer or subdivision thereof

to fix and determine the amount of any tax or license fee or the amount of any revenue due the State of Colorado in conformity with law, but when such tax or license fee is determined the same shall be certified by the appropriate officer or officers to the Department of Revenue for collection; and provided, however, the collection of any or all such taxes and licenses may be delegated by the Department of Revenue as hereafter specified.

(16) The Civil Service Commission, as now or hereafter may be established by law.

(17) State Inspector of Oils, who shall have and exercise all the powers, rights, duties and obligations now imposed by law, save and except that the State Inspector of Oils shall not have any revenue, tax or license collecting functions, all of which functions are hereby transferred to the Department of Revenue. Nothing herein contained shall be construed to repeal, alter or impair the rights and duties of said Inspector to fix and determine the amount of any revenue, tax or license fee due the State in conformity with law, but when the amount of any such revenue, tax or license fee has been determined by him, the same shall be certified by the appropriate office or officer to the Department of Revenue for collection.

(18) Chief Inspector of Coal Mines and the Board of Examiners. The Chief Inspector of Coal Mines shall have and exercise all the powers, rights, duties and obligations now imposed by law, save and except that he shall not have any revenue, tax or license collecting functions, all of which functions are hereby transferred to the Department of Revenue. Nothing herein contained shall be construed to repeal, alter or impair the rights and duties of said Inspector to fix and determine the amount of any revenue, tax or license fee due the State in conformity with law, but when the amount of any such revenue, tax or license fee has been determined by him, the same shall be certified by the appropriate office or officer to the Department of Revenue for collection.

SECTION 10. It shall be the duty of the Governor, as chief officer of the Executive Department, to restrict the number of employees in the various divisions of said department to the lowest number required for efficient operation thereof, and in making any appointment or in approving the appointments of any subordinate head of any such division the Governor shall certify in writing that he deems such appointments necessary and for the best interests of the public service.

SECTION 11. For the purpose of providing necessary flexibility to meet working conditions and seasonal demands,

the Governor shall have power, when he shall be of the opinion and shall so certify in writing that it is necessary or desirable so to do, to transfer any employee of any board, commission or bureau of the State Government to any office, department, board, commission or bureau of the State Government for such time as in the opinion of the Governor shall be necessary. The Governor shall also have power and authority, if and when he shall deem it necessary and shall so certify in writing, giving his reasons therefor, to transfer from the contingent and incidental fund of any department, board or bureau having a surplus therein to any department, board or bureau having a deficit in its contingent and incidental fund such sums as he may deem necessary.

SECTION 12. The powers and duties of the Division of Budgets shall be:

(1) To keep in continuous touch with the operations, plans and needs of the several departments and other agencies of the state, and with the sources and amounts of revenue and other receipts of the State;

(2) To appraise the quantity and quality of services rendered by each department and agency, and the needs for such services and for any new services;

(3) To develop plans for improvements and economies in organization and operation of the departments, and install such plans as are approved by the respective heads of departments, or as are directed to be installed by the Governor or the General Assembly;

(4) To develop, in cooperation with the several departments, comprehensive, long-range plans for capital improvements and the means for financing them;

(5) To devise and prescribe the forms of operation reports to be required periodically from the several departments and agencies, and require the several departments and agencies to make such reports;

(6) To edit, verify and reduce to concise and readable form, every annual, biennial and other report or publication of any kind proposed by any department or officer, to be printed out of public funds;

(7) To prepare the biennial budget report for the Governor's approval and submission to the General Assembly, which budget shall be in lieu of the requirements of Sections 305, 306 and 307, Compiled Laws of Colorado, 1921;

(8) To prepare a State budget for each fiscal year of the ensuing biennium, which budget shall present a complete financial plan for each fiscal year of the ensuing biennium, which shall set forth all proposed expenditures for the administration, operation and maintenance of the departments,

institutions and agencies of the State Government; all interest and debt redemption charges during each fiscal year; all expenditures for capital projects to be undertaken and executed during each fiscal year of the biennium. In addition thereto, the budget shall set forth the anticipated revenue of the State Government and any other additional means of financing the expenditures proposed for each fiscal year.

The State budget for each such fiscal year shall be set up in three parts, namely:

Part one (1) shall consist of a budget message by the Governor which shall outline the financial policy of the State Government for the ensuing biennium, describing in connection therewith the important features of the financial plan; it shall also embrace a general budget summary setting forth the aggregate figures of the budget in such manner as to show the balanced relations between the total proposed expenditures and the total anticipated revenues together with the other means of financing the budget for each fiscal year of the ensuing biennium contrasted with the corresponding figures for the last completed fiscal year and fiscal year in progress. The general budget summary shall be supported by explanatory schedules or statements, classifying the expenditures contained therein by organization units, objects and funds, and the income by organization units, sources and funds.

Part two (2) shall embrace the detailed budget estimates both of expenditures and revenues as provided in the next succeeding section of this Act; it shall also include statements of the bonded indebtedness of the State Government; showing the debt redemption requirements, the debt authorized and unissued, and the condition of the sinking funds; in addition thereto, it shall contain any statements relative to the financial plan which the Governor may deem desirable, or which may be required by the General Assembly.

Part three (3) shall include the general appropriation bill authorizing by departments, institutions and agencies and by funds all expenditures of the State Government for each fiscal year of the ensuing biennium, and may include complete drafts of such other bills as may be required to provide the income necessary to finance the budget and to give legal sanction to the financial plan if and when adopted by the General Assembly.

(9) To recommend transfers between appropriations under the provisions of law, to become effective upon approval by the Governor;

(10) To examine and approve work programs and quarterly allotments to the several departments, and changes therein;

(11) To examine and approve all statements and reports on the financial condition and estimated future financial condition, and the operations of the State Government and the several budget units, before any such reports are released to the Governor, to the General Assembly, or for publication; receive and deal with all requests for information as to financial condition and operations of the State; prepare such statements of unit costs and other cost statistics as may be required from time to time, or requested by the Governor or the General Assembly;

(12) To do and perform such other and further duties relative to the development and submission of an adequate budget for the State of Colorado as the Governor may require.

SECTION 13. On or before October first of the even-numbered years, all departments, institutions and other agencies of the State Government, and all agencies receiving state funds or fees or other moneys under the authority of the State, shall prepare, on blanks furnished them by the State Budget and Efficiency Commissioner, and submit to said Commissioner estimates of their expenditure requirements, together with all anticipated income from fees and all other sources, for each fiscal year of the biennium compared with the corresponding figures of the last completed fiscal year and the estimated figures for the current fiscal year. The expenditure estimates shall be classified to set forth the data of funds, organization units, character and objects of expenditures; the organization units may be subclassified by functions and activities, or in any other manner at the discretion of the State Budget and Efficiency Commissioner. In the event any department, institution or other agency of the State Government, whether their funds be derived from State funds or from other moneys collected under the authority of the State, shall fail or neglect to submit estimates of their expenditure requirements as herein provided, the State Budget and Efficiency Commissioner shall have power and authority, from any data at hand in his said office or which, in his discretion, he may examine or obtain elsewhere, to make and enter an arbitrary budget for such department, institution or agency in accordance with such data as he may have at hand or obtain as aforesaid, and may charge the cost thereof to the department, institution or agency affected, including the cost of making any investigation upon which such arbitrary assessment is or may be based.

SECTION 14. The fiscal year of the State Government shall hereafter commence on the first day of July and end on the thirtieth day of June of each year. This fiscal year shall be followed in making appropriations and in financial

reporting, and shall be uniformly adopted by all departments, institutions and agencies in the State Government, save and except the State Highway Department, which shall prepare and submit its budget as required by law.

SECTION 15. Every department, institution and agency of the State, whether located at the Capitol or not, collecting or receiving public money or money of any sort from any source whatsoever belonging to or for the use of the State or to or for the use of any department, division, institution or agency of the State, shall pay the same immediately into the Department of Revenue without any deductions on account of salaries, fees, costs, charges, expenses, refunds, claims or demands of any description whatsoever.

SECTION 16. The State Budget and Efficiency Commissioner shall devote his entire time to the duties of his office and shall follow no other gainful employment. During the consideration of the budget and appropriation bills by the General Assembly, it shall be his duty, upon demand by either house of the General Assembly or any committee thereof, to appear before the same and render any testimony, explanation or assistance required of him. He shall have such technical and clerical assistance as, in the opinion of the Governor, the execution of his duties requires. He shall be furnished with suitable office space for the performance of the duties of this division.

SECTION 17. Not later than June first of each year the Governor shall require the head of each department, institution and agency of the State Government to submit to him through the State Budget and Efficiency Commissioner a work program for the ensuing fiscal year; such program shall include all appropriations or other funds from any source whatsoever made available to said department, institution or agency for its operation and maintenance and for the acquisition of property, and it shall show the requested allotments of said appropriations or other funds by quarters for the entire fiscal year. The Governor, with the assistance of the State Budget and Efficiency Commissioner shall review the requested allotments with respect to the work program of each department, institution or agency and the Governor shall if he deems it necessary, revise, alter or change such allotments before approving the same. The aggregate of such allotments shall not exceed the total appropriations or other funds from any source whatsoever made available to said department, institution or agency for the fiscal year in question. The State Budget and Efficiency Commissioner shall transmit a copy of the allotments as approved by the Governor to the head of the department, institution or agency concerned, the State Treasurer, and to the Auditor of State. All expenditures to be made from the appropriations or other

funds from any source whatsoever shall be made on the basis of such allotments and not otherwise, and shall be broken down into such classifications as the State Budget and Efficiency Commissioner may require.

The head of any department, institution or agency of the State Government, whenever he shall deem it necessary, by reason of changed conditions, may revise the work program of his department, institution or agency at the beginning of any quarter during the fiscal year, and submit such revised program to the Governor through the State Budget and Efficiency Commissioner with a request for revision of the allotments of the remaining quarters of that fiscal year; provided, however, that every such request for revision shall be submitted to the State Budget and Efficiency Commissioner at least fifteen (15) days prior to the commencement of the quarter when such revision, if approved, is to become effective, and within ten (10) days after such submission shall be transmitted by him with his recommendations in writing to the Governor who within five (5) days thereafter shall in writing approve or disapprove such request. The Governor shall promptly transmit a copy of such approval or disapproval to the State Budget and Efficiency Commissioner, the State Treasurer, the Auditor of State and to the head of the department, institution or agency making the request.

In order to provide some degree of flexibility to meet emergencies arising during each fiscal year in the expenditures for operation and maintenance of the various departments, institutions and agencies of the State Government, the State Budget and Efficiency Commissioner, with the approval in writing of the Governor, may require the head of each department, institution or agency, in making the original allotments, to set aside a reserve in such amount as the said Commissioner may determine, out of the total amount appropriated or out of other funds available from any source whatsoever to the department, institution or agency. At any time during the fiscal year this reserve or any portion of it may be returned to the appropriation or other fund to which it belongs and may be added to any one or more of the allotments, provided the Governor shall deem such action necessary and shall so certify in writing, delivering a copy of said certificate to the State Budget and Efficiency Commissioner, the State Treasurer and the Auditor of State. Any unexpended and unencumbered balances of allotments at the end of each quarter shall be credited to the reserve set up for the fiscal year.

SECTION 18. The State Budget and Efficiency Commissioner shall have authority to investigate duplication of work of departments, institutions and agencies of the State Government; to study the organization and administration

of such departments, institutions and agencies; to formulate plans for better and more effective management and to prepare and report to the Governor or the General Assembly when requested any financial data or statistics which he or it may require, such as monthly or quarterly estimates of the State's income, and cost figures on the current operation of departments, institutions or agencies.

SECTION 19. The State Budget and Efficiency Commissioner shall review the estimates, altering, revising, increasing or decreasing the items of said estimates as he may deem necessary in view of the needs of the various departments, institutions and agencies and the total anticipated income of the State Government of the various departments, institutions and agencies thereof during the ensuing biennium. The State Budget and Efficiency Commissioner shall then prepare a budget, in accordance with this Act, and shall deliver the same to the Governor prior to the fifth (5th) day of the regular legislative session. The Governor shall transmit such budget to the General Assembly not later than the tenth (10th) day of the regular legislative session. During the consideration of the general appropriation bill or the special appropriation bills submitted by the Governor with the budget, the Governor, or his representative, shall have the right to appear before and be heard by the appropriation committees of the General Assembly in connection with said appropriation bill or bills.

SECTION 20. The Division of Purchasing and the State Purchasing Agent as the chief executive thereof shall exercise and perform all the rights, powers and duties vested and imposed by law upon the following administrative departments, offices or agencies and their officers, assistants and employees: The Commissioner of Public Printing and all other officers, boards or commissions relative to state printing and advertising, subject to the provisions of Article V, section 29 of the Constitution of the State of Colorado; the Secretary of State, the State Treasurer, the Departments of Revenue, Auditing, Law and Education, and of all other boards, bureaus, institutions and agencies of the State relative to the purchase of office supplies, except as may be expressly otherwise provided or permitted by this Act; the Superintendent of Public Buildings relative to the purchase of supplies, materials and equipment and furnishing of services not including employment of persons. Specifically and without limitation, in accordance with law, the Division of Purchasing shall:

(1) Have authority to lease all grounds, buildings, office or other space required by the State departments, institutions or agencies; and to list all real estate belonging to or under lease to the State Government, showing the agency controlling,

location, legal description, cost and when acquired. The provisions of this paragraph shall not apply to lands under the jurisdiction of the State Land Board;

(2) Purchase or control the purchasing of, for the combined requirements of all spending agencies, all supplies, materials and equipment, printing, advertising, insurance, electric light and power, telephone and telegraph service, and other contractual services. If the Governor be of the opinion and shall so certify in writing that the needs of the penal and charitable institutions, educational institutions or the Highway Department are of such specialized nature and of sufficient volume to warrant a central purchasing agency for any such group, he may authorize the establishment of the same; but all such central purchasing agencies shall operate under procedures and standards prescribed by the State Purchasing Agent and subject to his supervision and control;

(3) Control all supply stocks and property and equipment in use, and enforce the keeping of inventory accounts as prescribed by the State Purchasing Agent;

(4) Maintain direction and control of the keeping of perpetual inventories of plant and equipment by the several agencies;

(5) Transfer between departments, salvage, exchange and condemn surplus supplies and equipment;

(6) Sell personal property of the State, determined with the approval of the Governor not to be needed for public use or to have become unsuitable for such use;

(7) Fix standards of quality and quantity, and develop standard specifications in consultation with the heads of budget units;

(8) Establish and conduct a central mailing room for the State departments and agencies located at the seat of government;

(9) Make rules and regulations for the use of State motor vehicles by State officers and employees;

(10) Maintain records as to sources of supply for all classes of purchases, unit costs under contracts, trends of prices and costs, and other matters pertinent, and endeavor in every practicable way to insure the State's supplying its real needs at the lowest practicable costs;

(11) Have power, with the approval of the Governor in writing, to authorize in writing an officer of the State or any department, institution or agency thereof to purchase in open market and without requisition or estimate, specific

supplies, materials and equipment for immediate delivery to meet exigencies arising from unforeseen causes, including delays by contractors, delays in transportation, and unanticipated volume of work. In addition, the State Purchasing Agent may authorize with or without emergency, the purchasing officer or department of any State educational institution to purchase technical books, laboratory supplies or other items not generally used by other institutions, and in the purchase of which competitive bidding is deemed by him to be unnecessary or inadvisable.

SECTION 21. The State Purchasing Agent, with the approval of the heads of the departments affected or upon approval by the Governor, may establish one or more advisory committees on standardization. Whenever supplies, materials and equipment are so lacking in uniformity and general demand as to render public competitive bidding unessential, he may give blanket authorization for the local purchase of such supplies. Members of every such advisory committee shall serve without compensation. In the formulation, adoption and modification of any standard specification, the State Purchasing Agent shall seek the advice, assistance, and cooperation of the State departments, institutions or agencies concerned to ascertain their precise requirements. Each specification adopted for any commodity shall, insofar as possible, satisfy the requirements of the majority of the State agencies which use the same. After its adoption by the State Purchasing Agent, with the approval of the Governor in writing each standard specification shall, until revised or rescinded, apply alike in terms and effect to every future purchase of a commodity described in such specifications.

Nothing in this section contained shall be construed to apply to the Supreme Court of the State of Colorado or to any District or County Court as to the preparation, printing or publication of the reports and records thereof, or to the creation of standard forms for any of said courts, or to the purchase of any books or similar special items for any library of the State.

SECTION 22. All orders awarded or contracts made by the State Purchasing Agent shall be awarded to the lowest responsible bidder, taking into consideration the location of the institution or agency, the qualities of the articles to be supplied, their conformity with the specifications, the purposes for which they are required and the date of delivery, but preference shall always be given to Colorado materials, supplies and provisions by allowing a differential of not to exceed five per cent (5%) in cost on such Colorado materials, supplies and equipment of equal quality. Bids shall be received only in accordance with such standard specifications

as may be adopted by the State Purchasing Agent in the manner provided in this Act. Any or all bids may be rejected.

Each bid, with the name of the bidder, shall be entered on a record, and each record with the successful bid indicated shall, after the award or letting of the contract, be opened to public inspection. A bond furnished by a surety company authorized to do business in this State, for the proper performance of each contract may be required in the discretion of the State Purchasing Agent.

SECTION 23. Except as provided in this Act and in the rules and regulations adopted hereunder, supplies, materials, and equipment shall be purchased by or furnished to the State Government or to any department, institution or agency thereof only upon requisition to the State Purchasing Agent. The Agent shall examine each requisition submitted to him by any department, institution or agency and may revise it as to quantity, quality or estimated cost. The State Purchasing Agent shall approve or disapprove every such requisition as submitted or revised and, if approved, shall determine the price as above provided. The approved requisition or the purchase order based thereon shall then be sent to the Division of Accounts and Control to determine whether or not the amount thereof exceeds the unexpended and unencumbered balance of the quarterly allotment of the appropriation for such purpose of such department, institution or agency and if not, such unexpended and unencumbered balance shall forthwith be encumbered to the amount of such requisition or purchase order, which shall thereupon be stamped "Approved and balance encumbered" by the Division of Accounts and Control. So stamped, the requisition or purchase order, as the case may be, shall be returned to the State Purchasing Agent for final award and delivery to the person, firm or corporation to whom the contract has been awarded or from whom the purchase is to be made. Unless otherwise designated thereon by the State Purchasing Agent, if received by the said division at or prior to twelve o'clock noon of any day, such requisitions or purchase orders shall be examined, stamped and returned the same day to the State Purchasing Agent, and any requisition or purchase order received by the said division after twelve o'clock noon on any day shall be examined, noted and returned to the State Purchasing Agent before twelve o'clock noon of the day following. Emergency requisitions shall be so marked by the State Purchasing Agent before submission to the Division of Accounts and Control, and when so marked shall be given precedence by the Division of Accounts and Control, promptly examined and returned to the State Purchasing Agent forthwith.

SECTION 24. Supplies, materials, and equipment purchased or contracted for by the State Purchasing Agent shall be delivered only by him or upon his order to the department, institution or agency by which or for whom the same are to be used from time to time, as required. It shall be the duty of the State Purchasing Agent before accepting or permitting delivery to determine that the supplies, materials or equipment conform in all respects with the specifications of the accepted bid.

SECTION 25. Whenever any department, institution or agency of the State Government required by this Act and the rules and regulations adopted pursuant thereto applying to the purchase of supplies, materials or equipment through the State Purchasing Agent, shall contract for the purchase of such supplies, materials, or equipment contrary to the provisions of this Act or the rules and regulations made hereunder, such contract shall be void and of no effect. If any such department, institution or agency purchases any supplies, materials or equipment contrary to the provisions of this Act or the rules and regulations made hereunder, the head of such department, institution or agency and the employee actually making such purchase shall be personally liable for the costs thereof, and if such supplies, materials or equipment are so unlawfully purchased and paid for out of State moneys, the amount thereof may be recovered in the name of the State in an appropriate action instituted therefor.

No member, officer or employee of any department, institution or agency of the State Government shall be in any way interested in any contract made with the State for the purchase or sale of any supplies, materials or equipment, or be in the employ of any person having any such contract. Any contract for the purchase or sale of supplies, materials or equipment contrary to the provisions of this paragraph shall be void and of no effect.

### ARTICLE 3. DEPARTMENT OF THE TREASURY.

SECTION 26. The Department of the Treasury, the chief executive of which shall be the State Treasurer, shall be the custodian of all moneys and securities of the State unless otherwise expressly provided by law, but shall have no tax collection or enforcement functions whatsoever. All employees of said department, save and except one (1) deputy as permitted by law, shall be appointed in conformity with Section 5 of this Act and not otherwise. The State Treasurer shall have and exercise all the rights, powers, duties and obligations conferred upon him by the Constitution of the State of Colorado, and by way of extension and not of limitation shall:

(1) Receive and keep all moneys of the State not expressly required by law to be received and kept by some other person;

(2) Issue receipts for all sums of money which shall be paid into the Treasury, and every such receipt shall be in triplicate, one copy of which is to be delivered to the person making such payment, one copy to the Auditor of State, and one copy to remain in the files of the State Treasurer;

(3) Disburse the public moneys upon warrants drawn upon the Treasury and duly countersigned as hereinafter provided;

(4) Keep a full, true and comprehensive account of all moneys received and disbursed and shall keep an accurate account and registry of all warrants drawn against the Treasury of the State, including the distribution thereof against the various funds;

(5) Accept gifts, legacies and devises of property to the State in the name and on behalf of the State, subject to the disposition thereof by the General Assembly in accordance with the directions of the donor or devisor;

(6) Render his accounts to the Auditor for settlement quarterly, or oftener if required by the Governor;

(7) Report to the Governor at least twenty (20) days preceding each regular session of the General Assembly a detailed statement of the condition of the Treasury and its operations for the two preceding fiscal years;

(8) Give information in writing to either house of the General Assembly whenever required upon any subject connected with the Treasury or touching any duty of his office;

(9) Perform all such other duties as may be required by law.

SECTION 27. The State Treasurer shall take oath and give bond at the time, in the amount, upon the conditions and for the purposes now or hereafter provided by law.

SECTION 28. Every fund in the hands of the State Treasurer for disbursement shall be paid out in the order in which the warrants drawn thereon and payable out of the same are presented for payment; provided, however, that whenever a warrant shall be presented, if there be funds in the Treasury to pay the same and all other warrants which have been presented prior thereto and still remaining unpaid, it shall be the duty of the Treasurer to pay the same. The State Treasurer shall keep a register and record of warrants in his office as required by law, publish monthly as

required by law notice of warrants to be paid, when and so often as there are warrants outstanding and unpaid and there are sufficient funds with which to redeem the warrants specified in such published notice, and to pay interest thereon if and when required by law.

SECTION 29. Warrants shall be drawn by the State Treasurer against the Treasury of the State and shall be countersigned by the State Budget and Efficiency Commissioner, and no warrant which is not so countersigned shall be valid or in any way binding upon the State. The State Budget and Efficiency Commissioner shall have access to any and all books of account in the office of the State Treasurer, the Division of Accounts and Control and the office of the Auditor of State deemed by him necessary or requisite for the purpose of verifying the items and amounts for which any such warrant is issued prior to his countersignature thereof or, subject to the approval of the Governor, to maintain and keep current in his office books of account from which such verification can be made.

SECTION 30. There is hereby created within the Department of the Treasury the Division of Accounts and Control, of which the State Treasurer shall be the head. Any and all employees of said division shall be appointed in accordance with Section 5 of this Act and not otherwise.

The said Division of Accounts and Control shall have authority:

(1) To examine and approve all contracts, orders and other documents the purpose of which is to incur financial obligations against the State Government, to ascertain that moneys have been duly appropriated and allotted to meet such obligations and will be available when such obligations will become due and payable;

(2) To pre-audit and approve all bills, invoices, accounts, payrolls and all other evidences of claims, demands or charges against the State Government or any of its departments, institutions or agencies, and to determine the regularity and correctness of such claims, demands or charges;

(3) To control and have direction over all appropriations made by the General Assembly for the several executive and judicial departments and State institutions, boards and bureaus, or other agencies of the State Government;

(4) To report in writing to the Governor all facts showing illegality in the expenditure of public moneys or the misappropriation of public properties.

The Attorney General shall be the legal adviser of the Division of Accounts and Control, and to him shall be re-

ferred all questions, if any, concerning the legality of any claim, demand or charge against the State, or the legality of any contract, order or document involving financial obligation of the State arising under sub-paragraphs (1) and (2) of this section. It is hereby declared to be the policy of the General Assembly that under the powers herein granted the Division of Accounts and Control shall be the pre-auditing unit of the State Government, primarily charged with the duty of determining as hereinabove provided that disbursements of the various departments, institutions and agencies of the State are within the appropriations made by the General Assembly or other revenues which may from time to time belong to or be transferred to any such department, institution or agency in accordance with law, and to encumber the funds of every such department, institution or agency to the end that all such obligations shall be promptly paid as and when the same become due and payable.

#### ARTICLE 4. DEPARTMENT OF TAXATION AND REVENUE.

SECTION 31. The Department of Taxation and Revenue shall be divided into two main departments, namely, the Department of Taxation and the Department of Revenue.

SECTION 32. (a) The Department of Taxation, of which the Colorado Tax Commission shall be the head, shall have charge of the administration of the taxing laws of the State and the determination or final determination of the amount of taxes due thereunder to the extent now permitted by law, but it shall have no revenue or tax collecting functions whatsoever, all of which latter functions are hereby transferred to and vested in the Department of Revenue. The Department of Taxation shall have all the statutory powers, duties and privileges heretofore exercised by the Colorado Tax Commission, including specifically all powers of original assessment of all public utility corporations as now defined by the revenue laws of the State. The present Colorado Tax Commission shall be continued as the Colorado Tax Commission within the meaning of this Act, the members thereof shall continue to serve for such terms as they have severally been appointed, and their successors shall be appointed in the manner, at the time, and having the qualifications now provided by law. It is hereby declared to be the policy of the General Assembly that the Department of Taxation shall be the tax administration and tax determination unit of the State Government and shall be charged expressly with the duty of seeing that all taxable property within the State of Colorado is assessed uniformly, to the end that the burden of taxation may be fairly and equally distributed.

(b) There is hereby created a Department of Revenue, and there are hereby transferred to and vested in the Department of Revenue all functions of the State and of any department, institution or agency thereof and the employees thereof, subject to the provisions of this Act, in relation to the collection and enforcement of taxes, imposts, fees and licenses under all taxing and licensing laws of the State of Colorado, to the end that so far as feasible there shall be a single, unified tax collection and enforcement agency of the State, operating efficiently without unnecessary duplication of personnel. The functions thus transferred and vested in the Department of Revenue shall include, by way of extension and not of limitation, the functions of:

(1) The State Treasurer, the Department of Finance and Taxation, the Excise Tax Commissioner, State Highway Courtesy Patrol Board, the Secretary of State, and the Department of State, with respect to the administration, collection and enforcement of: the income tax, the sales tax, the service tax, the use tax, the motor fuel tax, the motor vehicle licensing, operators' and chauffeurs' licensing, auto camps' licensing and auto title departments, store licensing, alcoholic liquor and fermented malt beverage license fees and excise taxes connected therewith, and industrial alcohol licensing or any of them, and all functions of the State Treasurer and the Department of Finance and Taxation with regard to the collection of sums due the State on account of mill levies collected locally and the enforcement of delinquencies;

(2) The Attorney General, the Department of Law, and the Inheritance Tax Commissioner with respect to the collection of the inheritance tax and the gift tax;

(3) The Auditor of State with respect to the approval of bonds of county assessors, and to the prosecution of all delinquencies in relation to assessment, collection and payment of State taxes;

(4) The Secretary of State with respect to the collection of corporate franchise tax, annual corporate license fee or tax, or other corporate fees or revenues;

(5) The Attorney General and the Department of Law in relation to the collection by the Division of Securities of fees, penalties and charges pursuant to the Securities Act and the Fraudulent Practice Act;

(6) The Attorney General and the Department of Law in relation to any revenue functions of the Division of Commerce;

(7) The functions of any and every other board, bureau, commission, department, institution or agency of the State

not hereinabove specified or hereinafter expressly excepted, as to the collection of any tax, fee, license or revenue belonging to the State or collected under the authority of the State.

The functions of the Department of Revenue shall not include the collection of the following:

(a) Tuition, fees or other revenue derived by the educational institutions of the State from the exercise of their educational functions;

(b) Any revenues derived by the charitable and eleemosynary institutions or agencies of the State, either from the sale of products thereof or received from third parties for the payment or part payment of the cost of care of inmates;

(c) Revenues derived by the penal or correctional institutions of the State from the sale of products manufactured or produced by inmates thereof;

(d) Revenues derived by the State Game and Fish Commission from the sale of hunting and fishing licenses, the sale of pelts, or any other revenue received by said Commission pursuant to law or its rules and regulations adopted in conformity therewith;

(e) Revenues derived by the State Board of Stock Inspection Commissioners;

(f) Revenues derived by the Board of Directors, Metal Mining Fund, and the State Mineral Resources Board;

(g) Fees and other revenues levied pursuant to law by the Judicial Department of the State, or of any District or County Court thereof;

(h) Monies received by the State Board of Land Commissioners or the State Board of Forestry as fees in connection with and proceeds of the rental, sale, management and operation of State lands and investment of permanent funds, or any other moneys received pursuant to law or their rules and regulations adopted in conformity therewith;

(i) General or special taxes now or hereafter designated by law to be collected by the County Treasurer, provided, however, that to the extent of the interest or share of the State in any such tax or taxes, the Director of Revenue shall have power to advise with said County Treasurer as to the enforcement thereof.

Provided, however, that each and all of said departments, institutions and agencies, save and except the Judicial De-

partment as defined in subdivision (g) and County Treasurers as defined in subsection (i) above, shall deposit the amount of all such collections monthly or more often, if required by the Director of Revenue, with the State Treasurer. The State Treasurer shall receipt for all such deposits in quadruplicate, one copy of such receipt to be deposited with the Director of Revenue, one copy thereof with the Auditor of State, one copy thereof with the department, institution or agency making the deposit, and one copy to be retained in the files of the State Treasurer.

SECTION 33. There is hereby created the position of Director of Revenue, who shall be the head of the Department of Revenue. The Director of Revenue shall be one of the three (3) confidential employees of the Governor's office as provided by Article XII, section 13 of the Constitution of the State of Colorado, and shall be appointed by the Governor by and with the approval of the Senate by a two-thirds vote of the members thereof. His tenure of office shall be for the term of the Governor appointing him, and until his successor be duly appointed as herein provided; but the Director of Revenue may be removed at the pleasure of the Governor. In the event of a vacancy occurring in said office, however occasioned, between regular sessions of the General Assembly, such vacancy may be filled by appointment of the Governor without ratification or consent of the Senate, and his tenure of office shall be for the unexpired term of his predecessor; provided, however, that the tenure of office of any vacancy appointee may be terminated at the pleasure of the Governor the same as in the case of an original appointment, and the vacancy filled as above provided. The Director of Revenue shall receive a salary of six thousand dollars (\$6,000.00) per year. He shall be the chief authority of the State and the adviser of the Governor and the General Assembly in matters of collection of taxes and the enforcement of the taxing and licensing laws, and shall have such powers and duties as are necessary and proper to the carrying out of the functions vested by this Act in the Department of Revenue.

SECTION 34. The Director of Revenue, subject to the approval of the Governor, may create such divisions or departments within the Department of Revenue as he deems necessary for the proper and efficient functioning of said department, and, when established, may appoint, subject to the approval of the Governor, all heads of divisions and subordinate departments. All such appointments shall be from a qualified list prepared by the Civil Service Commission, and wherever possible shall be taken in the order of their seniority from the departments named in Section 32 of this Act, the functions of which have been transferred to the Department

of Revenue. If there be no eligible list for the position or positions to be filled, the Civil Service Commission shall forthwith issue to the appointee named by the Director as aforesaid a provisional appointment, which shall remain in effect until examination is had and such eligible list established, and in no event for a longer period than six (6) months.

The Director of Revenue, with the written approval of the Governor, may combine existing divisions or reduce the personnel in any division or department or combined divisions or departments or in the Department of Revenue as a whole, in which case all employees so losing their positions for such reason shall, in the order of their seniority, be placed at the head of the eligible list of like qualifications and duties by the State Civil Service Commission; provided, however, that if such employee be a provisional employee he shall not be placed at the head of any such list unless and until he shall have passed the regular examination of the classified service for such position and then only if his or her grade in such examination entitles such person to such position on said eligible list.

For the purpose of flexibility and in order not to disturb unduly systems of collection of revenues, the Director of Revenue, with the approval of the Governor in writing, if the opinion of said Director and of the Governor it shall be more efficient or for any reason more expedient to permit any divisions, subdivisions, board, bureau, commission or agency, of the State Government to collect any tax, license fee or revenue determined by such division, subdivision, board, bureau, commission or agency lawfully to be due, the Director of Revenue may depute any such division, subdivision or agency to collect any tax, fee or license in the name and on behalf of the Department of Revenue under such rules and regulations as the Director of Revenue may prescribe. The Director of Revenue may require a surety bond from any or all persons so deputized in such amount and upon such conditions as he may deem reasonably sufficient to protect the public interest. No employee so deputized shall receive additional compensation for so acting.

SECTION 35. The Director of Revenue shall, on or before entering upon the duties of his office, give bond to the State of Colorado in the sum of two hundred thousand dollars (\$200,000.00), conditioned upon the faithful discharge of the duties of his office. Said bond shall be signed by one or more surety companies authorized to transact business in the State of Colorado, and the entire premium therefor shall be paid in one lump sum from State funds, and the General Assembly shall make the necessary appropriation therefor.

SECTION 36. The Department of Revenue shall be provided with suitable quarters, equipment, services, supplies, materials and other facilities and services as may be necessary to carry out its functions, and hereby is authorized to incur necessary expenditures for such facilities and services, subject to the limitation of appropriations and dedicated revenues provided therefor.

SECTION 37. The Director of Revenue shall daily and before the close of each business day deposit with the State Treasurer all sums of money collected by the Department of Revenue; provided, however, that the Director of Revenue may retain for the use of the Department of Revenue a working capital account in such reasonable amount as may be determined by the Director of Revenue and the State Treasurer. In the event of disagreement or dispute between them as to the amount of working capital, the question of the reasonable amount of working capital shall be submitted for determination to the Governor, whose decision shall be final. The Director of Revenue shall account to the State Treasurer on or before the first day of each and every month for the working capital of the Department of Revenue thus retained, and one copy of such accounting shall be delivered to the Governor, one copy to the State Treasurer, and one copy to the Auditor of State. The State Treasurer, upon receipt of any moneys from the Director of Revenue, shall give his receipt therefor, executing the same in triplicate, and delivering one copy of such receipt to the Director of Revenue, one copy to the Auditor of State, and shall retain the third copy thereof in the files of the State Treasurer.

SECTION 38. The Director of Revenue shall create within the Department of Revenue a Division of Enforcement. No member of the staff of this division shall receive any payment of State taxes.

The head of the Division of Enforcement shall be the Director of Revenue, and he shall appoint a Deputy Director of Revenue with the approval of the Governor in the manner above provided in Section 34 of this Act; save and except that the qualifications for such appointment shall include graduation from a law school and admission to practice as an attorney under the laws of this State, and three (3) years' experience in tax law or tax administration. He shall receive a salary in such amount as may be fixed by the Director of Revenue with the approval of the Governor, within the limits of revenue appropriated to the Department of Revenue by the General Assembly.

SECTION 39. The functions of the Division of Enforcement and the duties of the Deputy Director of Revenue, under

the Director of Revenue, as the executive head of said division shall be:

(a) The collection of delinquencies in taxes, assessments, and licenses under the jurisdiction of the Department of Revenue;

(b) To assist the Attorney General in the prosecution of any and all legal actions commenced for the collection of any delinquent tax, assessment or license within the jurisdiction of the Department of Revenue.

(c) To audit reports and returns of taxpayers in connection with all taxes, assessments and licenses within the jurisdiction of the Department of Revenue, and in the performance of this function and duty the work of the division shall be so planned and organized that when a field auditor of the division shall investigate the tax liability of a taxpayer, he shall to the extent practical examine the tax liability of such taxpayer with respect to all State taxes as to which the return or report of the taxpayer is in question, to the end that separate audits by different auditors shall be reduced to a minimum.

(d) To assist local tax collectors insofar as the collection of State taxes are concerned.

(e) To promulgate and establish, by and with the approval of the Director of Revenue and the Governor, rules and regulations governing not only the internal administration of the Department of Revenue and the Division of Enforcement, but also to govern the collection of taxes, assessments and licenses and delinquencies in any thereof.

(f) To make arbitrary deficiency and jeopardy assessments as provided by law and by the rules of the Department.

(g) Such other duties as may be delegated from time to time to the Division of Enforcement by the Director of Revenue or by law concerning the enforcement and collection of State taxes, assessments and licenses.

SECTION 40. The Department of Revenue shall have all and every power now or hereafter provided by law to enforce the collection of taxes and license fees due the State by foreclosure of liens against real estate and by execution and sale as for a debt due the State or any taxing division or agency thereof. Specifically, by way of extension and not of limitation, if any person, firm or corporation liable to pay any tax for personal property or license fee, all or any portion of which is then due the State, neglects or refuses to pay the same within thirty (30) days after notice and demand

therefor to the taxpayer is made in writing by the Director of Revenue or his deputy, it shall be lawful for the Director of Revenue or his deputy, through the Division of Enforcement, to collect the whole of said tax or license fee together with such interest and other amounts as are required by law by distraint and sale of the goods, chattels or effects, including stocks, securities, bank accounts and evidences of debt of the delinquent taxpayer. Only such property as is now exempt from attachment and execution under the laws of this State shall be exempt from distraint and sale under the provisions of this Act. When distraint is made under the power herein granted, the officer making such distraint shall make or cause to be made an account of the goods, chattels and effects distrained, and shall sign the same in the name of the State of Colorado, by authority of the Director of Revenue. A copy of said notice shall be served upon the owner and upon the possessor of any of the distrained property in the same manner as now provided by law for the service of summons in judicial actions in the District Courts of the State. Said notice shall also specify the total amount of tax, interest and penalties due, the time and place when the sale thereof shall occur, and the upset or minimum price, if any, at which the distrained property will be sold. A copy of said notice shall likewise be published once in some legal newspaper within the county wherein said distraint is made not more than thirty (30) nor less than ten (10) days prior to the date of such sale, and shall be posted in a conspicuous place in the County Courthouse of said county. If there be no legal newspaper published in such county, then the publication of said notice shall not be required. Every such sale shall be at public auction and shall be held not less than thirty (30) nor more than sixty (60) days after service of the notice of distraint as aforesaid, but any and every such sale may be adjourned from time to time by the officer making the same if the upset or minimum price be not bid, or if for any other reason he deems such adjournment advisable; provided, however, no such sale shall be adjourned for a longer period than ninety (90) days in all. In all cases of sale under distraint as aforesaid, the certificate of such sale shall be prima facie evidence of the regularity of his proceedings in making the sale, and said certificate shall transfer to the purchaser all right, title and interest of the delinquent taxpayer in and to the property sold, and if any of the property sold consists of stocks, registered bonds or other certificates of indebtedness shall be authority to the corporation, firm or association issuing such stock or having outstanding any such registered bonds or certificates of indebtedness and to any and all transfer agents thereof to record and transfer the same on their books, accounts and records the same in all respects

as if the certificates of stock or registered bonds or certificates of indebtedness had been duly endorsed for transfer by the delinquent taxpayer as owner thereof. No such distraint and sale shall occur or be valid unless commenced within three (3) years from and after the date when such tax or license fee became due and payable as aforesaid. Every owner of property thus distrained and sold may redeem the same from such sale as provided by law after the date when the sale occurred by payment of the amount of such tax together with interest, penalties and costs of sale. The Director of Revenue shall collect all taxes due the State on real property in the manner provided by law.

If, at any such sale or any adjournment thereof, the price bid is less than the cost of sale, the officer making the sale shall bid in the property in the name of the State of Colorado; provided, the proportionate share of any political subdivision derived from any such sale shall be remitted to the political subdivision entitled thereto. If the amount bid at any such sale or at any adjournment thereof shall be less than the amount of the delinquency plus interest, penalties and costs, if any, the officer making the sale may bid in the property in the name of the State of Colorado; provided, however, the Colorado Tax Commission shall direct him in writing so to do, certifying in such direction that in the opinion of the Colorado Tax Commission the price offered is less than the forced sale value of the distrained property offered for sale.

SECTION 41. The Attorney General shall be the legal adviser for the Department, and shall have control of all matters relating to the interpretation of law, commencement of legal proceedings, and the conduct of legal actions for the enforcement and collection of delinquent taxes, assessments and licenses referred to him for collection. No member of the Attorney General's staff shall receive any payments of State taxes, assessments or licenses.

SECTION 42. It shall be the duty of the Director of Revenue in the administration of his department to so organize the same that all employees of the department shall so far as possible be interchangeable in work assignment, to the end that they may be shifted within the Department of Revenue so as to meet seasonal and emergency demands upon any division or branch of the department, and the number of such help kept to the minimum possible for efficient operation. It shall likewise be the duty of the Director of Revenue, so far as may be practicable, to centralize all record keeping, filing, payroll and other services required by the Department and divisions thereof.

## ARTICLE 5. DEPARTMENT OF AUDITING.

SECTION 43. (a) It is hereby declared to be the policy of the General Assembly to provide for the independent post-auditing of the accounts and financial transactions of all spending agencies of the State through the Department of Auditing, of which the Auditor of State shall be the chief executive officer. Such department shall be entirely dissociated from the administrative and executive departments and agencies, the affairs of which it is called upon to audit and shall have no part in the administration of such affairs, or functions in relation thereto, other than that of auditing as herein provided, nor be subject to any form or measure of supervision or control by any agency or employee thereof, except as to the application of such measures of central financial, budgetary, and personnel control in relation to its expenditures and staff as are prescribed without discrimination for all agencies. The primary purpose of audits by the Department of Auditing is declared to be to determine whether the spending agencies are providing such measures of financial control as are necessary to insure that income and expenditures conform to the authorizations made, and the requirements laid down, by the General Assembly, that the public money is spent in strict accordance with the appropriations made by the General Assembly, and that the General Assembly is provided with information in relation to such matters.

(b) The functions of the Department of Auditing shall include, except as otherwise expressly provided by this Act and by the State Constitution, by way of extension and not of limitation:

(1) Auditing the accounts of all agencies and the general accounts of the State Government.

(2) Investigating the means provided for accounting for, controlling, and insuring the safe custody of all money and other property of the State Government and verifying the existence and condition of such property charged to, or held in the custody of, any agency of the State Government.

(3) Auditing the statements of financial condition and operations of the government of the State, examining the estimates of resources available for appropriation and the estimates of receipts prepared for inclusion in each biennial budget report, and certifying in writing the results of such audit and examination with such comments as it may deem necessary for the information and guidance of the General Assembly. The certificate and comments of the Auditor of State shall be included with such statements and estimates as presented in the budget reports.

(4) Laying the facts in writing, without delay, before the Governor, the State Treasurer, and the Director of Revenue if, at any time, the Department of Auditing should discover any unauthorized, illegal, or otherwise irregular or unsafe handling of expenditure of State funds, or other improper practice of financial administration, or evidence that any such handling, expenditure, or practice is contemplated; or if, during the conduct of any audit or investigation of any agency of State Government it is obstructed in the performance of its duties. Such reports of the Auditor shall be transmitted by the Governor to the General Assembly at the next session thereof, or at any extraordinary session called for the purpose of considering the same.

(c) All functions heretofore vested in the Auditor of State, the Public Examiner and every State examiner in relation to the post-auditing of the accounts and operations of agencies, including specifically but not by way of limitation all such functions, powers and duties contained in Sections 50 to 59, both inclusive, of Chapter 153, 1935 Colorado Statutes Annotated, are hereby transferred to and vested in the Department of Auditing.

(d) The Department of Auditing shall not keep any accounts of the State, or collect any moneys due the State or any agency thereof, or be charged with the handling or custody of any State funds or other property otherwise than in the process of counting and verifying the amounts of such funds or other property in the course of the audits herein provided for.

SECTION 44. The Auditor of State shall have power and authority to appoint a deputy and only such subordinate officers and employees as are named or otherwise indicated in the long appropriation bill of the General Assembly. All such appointments shall be made in conformity with Section 13, Article XII of the Constitution of Colorado relating to Civil Service, and with Section 5 of this Act, and may be for a term certain or required so to be by the Governor. The Department of Auditing shall be provided with suitable quarters, equipment, services, supplies, materials and other facilities as may be necessary to carry out its functions, subject to the limitations of appropriations provided, through the same means and subject to the same measures of control as are applicable to such matters in the case of any other agency of the State Government.

SECTION 45. Immediately upon completion of each audit and investigation made by it, the Department of Auditing shall prepare a report of its findings and shall include in such report any recommendations based upon such investigation and audit as the Department may deem proper in the public interest, and shall furnish one copy of said report

to the head of the agency or department to which the report pertains, one copy to the Governor, one copy to the Director of Revenue, and one copy to the State Treasurer. The Governor may furnish the members of the General Assembly at the next session thereof a copy of each and every such audit and investigation made by the Department of Auditing, or shall summarize such reports in his report to the General Assembly concerning the finances of the State.

SECTION 46. The Department of Auditing shall have access to and authority to examine any and all books, accounts, reports, vouchers, correspondence files and other records, and the money or other property of any and every agency or department of the Government of the State, and it shall be the duty of any officer or other employee of any such agency or department having such records or property in his possession or under his control to permit the Department of Auditing and any representative thereof to have access thereto, and to examine the same; and any officer or other employee who shall fail or refuse to permit such access and examination or who shall in any way interfere with such examination shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than one hundred dollars (\$100.00) or be imprisoned in the county jail for not less than one (1) month and not more than twelve (12) months, or be punished by both such fine and imprisonment.

SECTION 47. The Auditor of State as the head of the Department of Auditing, by and with the approval of the Governor, shall have power and authority to prescribe what accounts shall be kept by all departments, institutions or agencies of the State Government in order that accounts may be kept in a uniform method for the purpose of a proper post-audit, and to insure that there shall be unnecessary duplication. He shall examine and audit as often as practicable all accounts, conduct and acts of the State Purchasing Agent, and make quarterly reports of his findings to the Governor.

SECTION 48. The office of Public Examiner is hereby abolished, and all duties of said office, including specifically those mentioned in Sections 49, 50, 78, 79 and 82 of Chapter 153, 1935 Colorado Statutes Annotated, are hereby transferred to the Auditor of State and the Department of Auditing; provided, however, that subject to right of removal and approval of appointments as provided in this Act, all employees in the offices of the Public Examiner are hereby transferred to the office of the Auditor of State to carry on the post-auditing functions as provided in this Act.

## ARTICLE 6. DEPARTMENT OF LAW.

SECTION 49. (a) The Attorney General of the State shall be the legal counsel and adviser of each and every de-

partment, division, board, bureau and agency of the State Government. He shall attend in person at the seat of government during the session of the General Assembly and the Supreme Court and shall appear for the State, prosecute and defend all actions and proceedings, civil and criminal, in which the State shall be a party or interested when required to do so by the Governor or General Assembly, and shall prosecute and defend for the State all causes in the Supreme Court in which the State is a party or interested. It shall be the duty of the Attorney General, at the request of the Governor, the Secretary of State, the Treasurer, the Director of Revenue, the Auditor or the Superintendent of Public Instruction to prosecute and defend all suits relating to matters connected with their departments. When requested so to do, he shall give his opinion in writing upon all questions of law submitted to him by the General Assembly or either house thereof, or by the Governor, Lieutenant Governor, Secretary of State, Treasurer, Auditor, or Superintendent of Public Instruction. He shall, when required, prepare drafts for contracts, forms and other writings which may be required for the use of the State, and shall report to the General Assembly or to the Governor, when requested, upon any business pertaining to his office. He shall keep in proper books a record of all official opinions and a register of all actions prosecuted or defended by him and of all proceedings had in relation thereto and the status of pending matters in his office, which book, books or registers shall be delivered to his successor. Any moneys received by him belonging to the State or received in his official capacity shall be paid forthwith to the Department of Revenue and, generally, he shall have such legal duties in regard to the activities of the State and its various departments, boards, bureaus and agencies as are now imposed by law.

(b) The Attorney General may appoint such deputies and assistants as are necessary for the efficient operation of his office within the limitations of appropriations made therefor by the General Assembly.

(c) The Department of Law, the chief executive officer of which shall be the Attorney General, shall consist of the following offices and divisions:

(1) Division of Legal Affairs, which division shall include the office of the Attorney General and which shall have and exercise the powers and duties hereinabove specified and provided.

(2) Division of Securities, the head of which shall be the Commissioner of Securities, appointed by the Attorney General as provided by law. This division shall exercise all

the rights and powers and perform all of the duties vested and imposed by law in and upon the Secretary of State, his officers, assistants and employees with respect to the administration of the Securities Act and Fraudulent Practice Act, save and except that said Division of Securities shall have and exercise no tax, license or revenue collecting functions whatsoever, all of which functions are transferred by this Act to the Department of Revenue. Nothing herein contained, however, shall be construed to repeal, alter or impair the right and duty of said Division of Securities or the Commissioner of Securities as the head thereof to fix and determine the amount of any tax or license fee or revenue due to the State under said Acts, or arising in connection with matters under the jurisdiction and control of said division; but when such tax, license fee or revenue is so determined, the same shall be certified by the said Commissioner to the Department of Revenue for collection.

(3) The Legislative Reference Office, which shall continue as now existing.

(4) The Division of the Inheritance Tax, the head of which shall be the Inheritance Tax Commissioner appointed by the Attorney General from among his staff. The Division of the Inheritance Tax and the head thereof shall have all the powers and authority now vested by law in the Inheritance Tax Commissioner, save and except that the said Division and the Inheritance Tax Commissioner as the head thereof shall have and exercise no tax or revenue collecting function whatsoever, all such functions being hereby transferred to the Department of Revenue. Nothing herein contained shall be construed to repeal, alter or impair the right and duty of said Division of the Inheritance Tax and the Inheritance Tax Commissioner to fix and determine the amount of any tax or revenue due the State in conformity with law arising out of matters within the jurisdiction of said division; but when any such tax or revenue is determined, the same shall be certified by the said Commissioner or by the appropriate officer of said division to the Department of Revenue for collection.

SECTION 50. The Attorney General and the heads of the various divisions specified in the preceding subdivision (c) of Section 49 of this Act may appoint the subordinate officers and employees of their respective divisions, but only in conformity with Sections 5 and 6 of this Act.

#### ARTICLE 7. DEPARTMENT OF EDUCATION.

SECTION 51. The Department of Education, the chief executive officer of which shall be the Superintendent of Public Instruction, shall consist of the following offices, boards, divisions and agencies:

(1) Division of Administration. This division shall include the office of the Superintendent of Public Instruction, which, except as otherwise expressly provided in this Act, shall continue as now organized and existing;

(2) The State Board of Examiners (teachers);

(3) The State Historical Society of Colorado. This society shall continue as now organized and existing.

(4) The State Library, which shall exercise all the rights and powers and perform all the duties heretofore vested and imposed by law in and upon the Colorado Library Commission;

(5) Bureau of Home and School Service;

(6) State Board for Vocational Education, which shall continue as now constituted, organized and existing. The said board shall have and exercise all the powers and authority and have all the duties and obligations now or hereafter provided by law.

SECTION 52. The Superintendent of Public Instruction, in conformity with Sections 5 and 6 of this Act, may appoint the subordinate officers and employees for the Division of Administration and such officers and employees of the remaining divisions of said department, provision for the appointment of which is not otherwise provided by law. Nothing in this section contained shall refer to the State Board for Vocational Education.

## ARTICLE 8. DEPARTMENT OF STATE.

SECTION 53. Except as herein expressly otherwise provided, the Department of State shall continue as now organized and existing and shall have and exercise all of the powers and authority and be subject to the same duties and obligations as are now provided by law; save and except that the Department of State shall have no revenue or license collecting function.

SECTION 54. The Department of State, of which the Secretary of State shall be the head, shall consist of the following offices and divisions:

(1) Division of Administration. This Division shall include the office of the Secretary of State, which, except as otherwise expressly provided in this Act, shall continue as now organized and existing; save and except that all subordinate officers or employees over and above those provided in Sections 17 and 18, Chapter 156, 1935 Colorado Statutes Annotated, shall be appointed as provided in Section 5 of this Act, and then only if the salary or salaries to be paid

such additional subordinate officers and employees are within the limits of appropriations made from the general revenue fund or other revenues.

(2) The Division of Registrations, which shall have supervision and control of the following examining boards and agencies and the registration of licensees thereof:

- (a) Abstracters board of examiners;
- (b) State board of accountancy;
- (c) State board of examiners of architects;
- (d) Board of examiners of barbers;
- (e) State board of cosmetology;
- (f) State board of dental examiners;
- (g) State board of embalming examiners;
- (h) State board of examiners for engineers and land surveyors;
- (i) State board of medical examiners.
- (j) State board of nurse examiners;
- (k) State board of optometric examiners;
- (l) State board of pharmacy;
- (m) State board of shorthand reporters;
- (n) State board of veterinary examiners;
- (o) Real estate brokers board;
- (p) State Boxing Commission;
- (q) Board of Examiners in the Basic Sciences;
- (r) Board of Chiropractic Examiners;
- (s) Collection Agency Board;
- (t) The State Administrative Board (Cleaning and Dyeing Trade).

The supervision and control of said boards by the Department of State and the Division of Registrations thereof shall be limited to the approval or disapproval of such rules and regulations of said boards and each thereof as relate to examination of applicants and registration of licensees, to the end that such examinations and registrations shall be fair and impartial. No licensee of any of said boards shall be registered by the Division of Registrations unless and until all fees for examination or license or both have been paid

by the licensee to the Director of Revenue and receipt therefor delivered to the Division of Registrations, or paid to the Division of Registrations under rules and regulations of the Director of Revenue.

Each examining board may employ and pay out of funds received by the State from the examination and license fees provided by law only such employees and subordinate officers as are certified by the respective board to be necessary and the necessity for the employment of whom has been approved in writing by the Governor. All salaries to be paid any such employees and subordinate officers shall be within the appropriation made therefor by the General Assembly. No examining board shall meet more often than once each month unless on five (5) days' prior notice to the Secretary of State stating the necessity therefor, such additional meeting be approved in writing by him.

All examining boards shall be furnished with suitable quarters in the State Capitol Building, the Museum building, the State Office building or the State Capitol Annex, if space be available in any such building, and if not, then in some suitable office building in the City and County of Denver selected by the State Purchasing Agent. It shall be lawful and proper for two or more such boards to be assigned space in the same office room or suite, if such grouping or joint occupancy, in the opinion of the Secretary of State, will not unreasonably interfere with the efficient operation of any of the boards so grouped or joined.

Each examining board to which space is furnished as aforesaid shall pay into the general revenue fund of the State out of the fees or other revenues received by them or for their account such monthly or annual charges for rental, heat, light, telephone, collection, legal and other State services available to such board as may be fixed by the State Purchasing Agent with the approval of the Director of Revenue, not however less than 10% nor more than 25% of such revenues.

## ARTICLE 9. GENERAL PROVISIONS AND REPEALS.

SECTION 55. All acts and parts of acts in conflict with this Act are hereby repealed and, by way of extension and not of limitation, the following are expressly repealed:

(a) Chapter 3, 1935 Colorado Statutes Annotated, and all acts amendatory thereof; (b) Chapter 13, 1935 Colorado Statutes Annotated, and all acts amendatory thereof;

(c) Sections 1 to 15, both inclusive, and 17 to 25, both inclusive, of Chapter 31, 1935 Colorado Statutes Annotated, and all acts amendatory thereof;

(d) Section 49, Chapter 105, 1935 Colorado Statutes Annotated.

(e) Section 3, Chapter 131, 1935 Colorado Statutes Annotated;

(f) Articles 1 and 2, being Sections 1 to 15, both inclusive, of Chapter 153, 1935 Colorado Statutes Annotated, and all acts amendatory thereof;

(g) Sections 25, 26, 28, 29, 33, 34, 35, 36, 37, 48, 49, 56, 57 and 58 of Chapter 156, 1935 Colorado Statutes Annotated, and all acts amendatory thereof;

Provided, however, that nothing in this Act shall be construed to revive or reestablish the offices, departments, bureaus, divisions, boards, commissions and agencies of the State Government abolished by Section 38 of said Chapter 3, 1935 Colorado Statutes Annotated, the abolition of each and all thereof being hereby ratified and confirmed, but the functions of each of such offices, departments, bureaus, divisions, boards, commissions and agencies to the extent expressly provided in this Act are hereby continued in and transferred to the respective offices, departments, bureaus, divisions, boards, commissions and agencies as specified in this Act.

SECTION 56. In all cases where under the terms of this Act the rights, powers, duties, functions and obligations of any office, board, commission, institution, bureau, division or department have been transferred to or divided between any two or more offices, boards, divisions or departments, each thereof shall receive such books, documents, and records as pertain to the duties, functions and obligations transferred, respectively. All books, documents and records of the Executive Council shall be delivered to the Governor to be kept by him for information of the Governor's Council, or for such disposition as the Governor shall deem to be appropriate. All questions of doubt as to the proper disposition of books, documents and records arising under this section and caused by the transfer, abolition or splitting of any office, division, department, bureau or commission or the function or functions thereof pursuant to the terms of this Act, shall be determined by the Governor, whose decision shall be final.

SECTION 57. In the event that the operation of this Act results in the discontinuance of employment of any non-provisional certified employee, such employee shall be placed at the head of the Civil Service eligible list for such type or kind of employment. If there be two or more such employees, they shall be placed at the head of such eligible list in the order of their seniority. Where the rights, powers,

duties, functions and obligations of any office, board, bureau, division or department are transferred to and divided between two or more offices, boards, bureaus, divisions or departments, the employees of such transferred or divided office, board, bureau, division or department shall, so far as reasonably possible with the intent and purpose of this Act, be given employment in the department or departments, boards, bureaus and divisions to which such rights, duties, functions and obligations have been transferred or between which they have been divided to the exclusion of provisional employees all subject, however, to the terms of Section 6 of this Act.

SECTION 58. Persons who, at the time this Act takes effect, are appointed to or employed by any office, board, commission, institution, bureau, division or department abolished by this Act and are appointed to positions in any other administrative department, board or commission, or who are returned to the eligible list of the Civil Service Commission of the State of Colorado for their respective class or type of employment, and shall pay to the State while on such eligible list their respective monthly assessments for and on account of the State Employees Retirement Association Act or Acts amendatory thereof, shall retain all rights to retirement and benefits under the provisions of said Act or Acts that shall have accrued or would thereafter accrue to them, and their services shall be deemed to have been continuous as if this Act had not been passed. Any employee whose position or employment is abolished as aforesaid under the terms of this Act, and who does not elect while on the eligible list to pay his monthly assessment as aforesaid, the rights of such employee under the said State Employees Retirement Association Act shall be deemed suspended during such period of unemployment, and upon reemployment and payment of such assessments his services shall be deemed to have been continuous for a period measured by his total years of employment less the period of suspension.

SECTION 59. Any agency in which functions transferred from any other agency are vested by the provisions of this Act shall be the successor in every way, with respect to such functions, to the agency in which such functions heretofore have been vested, except as otherwise provided by this Act, and every act done in the exercise of such functions by or under the authority of the agency to which such functions are hereby transferred shall be deemed to have the same force and effect as if done by the agency in which such functions heretofore have been vested. Whenever any such agency is referred to or designated by any law, contract, or other document, such reference or designation shall be deemed to apply to the agency in which the

functions of such agency so referred to or designated are vested by the terms of this Act.

SECTION 60. This shall be known and may be cited as the Administrative Code of 1941.

SECTION 61. Should the courts of this State or of the United States declare any section, provision, paragraph, clause, sentence, phrase, or part thereof, of this Act invalid or unconstitutional, or in conflict with any other section, provision, paragraph, clause, sentence, phrase, or part thereof, of this Act, then such decision shall effect only the section, provision, paragraph, clause, sentence, phrase, or part thereof, declared to be unconstitutional or unauthorized, and shall not affect any other part whatsoever of this Act. The General Assembly of the State of Colorado hereby declares that it would have passed this Act and each section, provision, paragraph, clause, sentence or phrase hereof irrespective of the fact that any one or more of the other sections, provisions, paragraphs, clauses, sentences, or phrases, or parts thereof, be declared invalid or unconstitutional.

SECTION 62. The transfer of functions as provided in this Act shall occur and be in force on and after July 1, 1941.

SECTION 63. The General Assembly hereby finds, determines and declares that this Act is necessary for the immediate preservation of the public peace, health and safety.

SECTION 64. In the opinion of the General Assembly, an emergency exists; therefore, this Act shall take effect and be in force from and after its passage.

JNO. C. VIVIAN  
President of the Senate.

HOMER L. PEARSON  
Speaker of the House of Representatives.

Approved March 14, 1941 at 12 o'clock noon.

RALPH L. CARR  
Governor of the State of Colorado.





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