

**Report to the Colorado General Assembly:  
RECOMMENDATIONS FOR 1975,  
COMMITTEES ON:**

**Legislative Procedures  
Federal and State Lands  
Local Government  
Energy  
Criminal Justice**



**VOLUME II**

**COLORADO LEGISLATIVE COUNCIL**

**RESEARCH PUBLICATION NO. 207**

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LEGISLATIVE COUNCIL  
OF THE  
COLORADO GENERAL ASSEMBLY

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\* \* \* \* \*

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

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

COLORADO-LEGISLATIVE COUNCIL  
RECOMMENDATIONS FOR 1975, v 2

(Volume II)

Committees on:

Legislative Procedures  
Federal and State Lands  
Local Government  
Energy  
Criminal Justice -

Legislative Council  
Report To the  
Colorado General Assembly

Research Publication No. 207  
December, 1974

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LEGISLATIVE COUNCIL COMMITTEE  
ON LEGISLATIVE PROCEDURES

Members of the Committee

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

Rep. John Buechner  
Rep. Charles DeMoulin  
Rep. Carl Gustafson  
Rep. Charles Howe  
Rep. James Lloyd  
Rep. Ruben Valdez

Council Staff

Dennis Jakubowski  
Research Associate

Linda Backstein  
Senior Research  
Assistant

COMMITTEE ON LEGISLATIVE PROCEDURES

During the 1974 interim, the Committee on Legislative Procedures reviewed and discussed various aspects of the legislative process and the legislative branch of government. The committee is submitting this report with the view of improving the operation of the General Assembly and clarifying certain procedures which pertain to that body. The recommendations contained in this report have been divided into the following categories:

- I. Recommendations concerning the improved efficiency of the legislative process;
- II. A recommendation to establish a commission to suggest the allocation of space within the Capitol Building;
- III. Recommendations concerning two programs relating to the legislature which would be conducted by outside foundations; and
- IV. The re-submission of certain proposals contained in the 1973 report of the Procedures Committee.

I. Improved Efficiency of the  
Legislative Process

Extension of Legislative Deadlines -- Resolution 1

In 1973, the Committee on Legislative Procedures recommended that a series of deadlines be instituted to provide for a more even distribution of legislative workload and a more orderly consideration of legislative business. This recommendation was adopted during the 1974 session by the General Assembly in the form of a joint rule (Joint Rule 23). It provided for an odd-year session of 120 days and an even-year session of 90 days.

Based upon data from the 1974 session, it was questioned whether a 120-day session would be too restrictive. Although it was observed that the deadlines should not be extended to the point of defeating their purpose, some committee members believed that it would be more harmful to operate with an unrealistic set of deadlines and be forced to rely on the "escape valve" contained in the joint rule.

Therefore, the committee recommends that the odd-year session deadlines be extended from 120 days to 150 days to allow more time for consideration of bills in committee and on the floor of both houses.

#### Bill Summaries -- Resolutions 2 and 3

In 1973, the committee recommended that bill summaries be included as a part of each bill to aid legislators in meeting the deadlines and to improve their informational base. In order to help implement this procedure for the 1975 session, the committee recommends a joint rule to delineate the form for this summary. It is recommended that the summary be prepared by the Legislative Drafting Office, that it be included on the front page of the bill, that it not be updated, that it not appear on the enrolled bill, and that it include a clause to clarify that the summary does not reflect any amendments. It is also recommended that the House Rule on sponsor's notes be repealed since the summaries would accomplish the same purpose.

#### Conference Committee Rules -- Resolution 4

Last interim, the Director of the Legislative Drafting Office was requested by the committee to revise the joint rules concerning conference committee reports to clarify certain procedures. This revision was presented to the committee this year. After review and discussion, the committee recommends the following amendments to the rules:

- (1) That no action can be taken on a minority report unless a majority report is submitted;
- (2) That the meetings of conference committees be taped;
- (3) That a conference committee can only consider matters "within the scope of differences" between the two houses. (This amendment simply changes the language to conform with another section of the rule.);
- (4) That no conference committee report can be altered after the members have signed, unless the report is rewritten and signed again before filing;
- (5) That all copies of the report be presented by the conference committee to the Secretary of the Senate or the Chief Clerk of the House;

- (6) That a conference committee report cannot be amended, but may be laid over and a new amended report may be filed and acted upon as a substitute;
- (7) That if one house adheres to its position on a bill, and the other house requests a conference committee, the adhering house may reconsider its position by a majority vote and appoint a conference committee. (Presently a two-thirds vote is required in the House.); and
- (8) That if a house does not recede from its position by the next legislative day after the other house has rejected a report, the bill is considered killed. (This change would simply clarify present procedure.)

#### Printing of Journals

During the 1973 interim, the Secretary of the Senate, the Chief Clerk of the House, and the Director of the Legislative Drafting Office were requested by the committee to study any possible changes in the preparation and printing of the Journals. Pursuant to their report, the committee endorses the use of camera-ready copy to print the House and Senate Journals rather than the continuation of the present type-set method. This new method would reduce errors and proofreading time; would cost considerably less than the present method since the printer would not have to set type; would reduce time for preparation of bound Journals at the end of the session; and would be easier to read. The size of the paper would be 8½" by 11" rather than the smaller size now used.

#### Partisan Staffing

The committee recommends that the majority and minority leaders of the House and Senate each be allowed to hire one staff person as an administrative-research assistant. These positions would be staffed through appropriations from state funds and would be considered year-round, full-time positions. It was believed by some members of the committee that increased staff aid is necessary to develop a well-informed legislature.

However, several committee members were fearful that partisan staffing would lead to increased partisan activity and would result in overuse and abuse of legislative hearings by individual members of the General Assembly. It was believed that an inordinate burden could be placed on executive department personnel who may be asked to attend many such hearings. Therefore, the committee also recommends that this type of

legislative hearing be authorized by the Legislative Council or by resolution of the General Assembly if executive department personnel are requested to attend.

Joint Management Committee

The committee discussed the possibility of creating a joint management committee which would employ the House and Senate administrative personnel on a full-time professional basis, rather than continuing partisan hiring. However, due to the present change of party leadership and the possibility of locking-in one group of partisan employees, the committee recommends that this concept be considered by the General Assembly during the 1975 session, and be implemented in the future.

Committee Meeting Schedule

In the 1973 interim, the Committee on Legislative Procedures recommended establishing a new committee meeting schedule effective for the 1975 session. This schedule takes the relative workloads of each committee into account. During the 1973 session, the General Assembly adopted amendments to the rules which placed committees into categories to implement this schedule. Category I, for example, includes those committees with the heaviest workloads. This schedule is again included in this report for informational purposes (see page 7).

II. State Capitol Commission -- Bill 24

In the 1973 Long Appropriations Bill, \$10,000 was appropriated to the Governor for program planning for the remodeling of the Capitol Building for legislative and Governor's office space only. In February 1974, the State of Colorado retained Interplan, Inc., a private consulting firm, to develop a utilization program for the Colorado State Capitol Building. After reviewing the report of Interplan, the committee determined that a coordinating body is needed to review possible changes to the building.

It is recommended that a nine-member state capitol commission be created to be composed of the President of the Senate, the Speaker of the House, the minority leaders of the House and Senate, the chairmen of the House and Senate Services Committees, the directors of the Division of Public Works and the State Historical Society, and a representative of the Governor who would serve as chairman. The commission

SENATE  
COMMITTEE MEETING SCHEDULE

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

HOUSE  
COMMITTEE MEETING SCHEDULE

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

- Category I: Business Affairs and Labor; State Affairs; Judiciary
- Category II: H.S.U.I.; Local Government; Transportation (Senate); Education (House)
- Category III: Education (Senate); Transportation (House); Agriculture, Livestock, Natural Resources, and Energy; Finance
- Category IV: Game, Fish, and Parks; Appropriations

Category I is allotted 7 hours per week; Category II, 4 hours; Category III, 3 hours; Category IV, 3 or 1 1/2 hours.

would be responsible for recommending to the Department of Administration the assignment of space within the State Capitol Building. It would also be responsible for recommending any long-range remodeling plans for the building.

### III. Outside Programs Affecting the General Assembly

#### State Legislative Leaders Foundation

In October 1972, the State Legislative Leaders Foundation (SLLF) received a Ford Foundation grant to conduct a two-year, seven-state program to assess legislative processes, to analyze the workability of those processes, and to recommend methods for improvement. Colorado was one of the states which chose to participate in this program which is administered by Mr. Richard Bird, an in-house staff person from the SLLF.

The Ford Foundation has offered to extend the program for twelve months, through 1975. The grant would continue to cover most expenses with the cost to Colorado being \$3,000 for a percentage of Mr. Bird's salary. The committee recommends continuation of Colorado's participation in the program.

#### Eagleton Institute

The Eagleton Institute of Politics at Rutgers University has received a Ford Foundation grant of \$350,000 to collaborate with four states in the evaluation of education programs, the particular programs to be chosen by the individual states. Mr. Alan Rosenthal of the Institute appeared before the committee and explained that the objectives of the program were to:

- (1) Orient legislators and legislative staff to the general tasks of program review;
- (2) Develop techniques for reviewing various types of state education programs; and
- (3) Disseminate information to legislators and staff in other states in the nation.

After discussing the program, the committee recommends that it be reviewed by the Legislative Audit Committee to determine if there would be a duplication of effort between the program and the Audit Committee's operation.

### IV. Recommendation of 1973 Proposals

The following proposals were recommended by the committee in its 1973 interim report, but were not adopted during the 1974 session. The committee again recommends them to the General Assembly.

#### Amendments to the Rules -- Resolutions 5 through 13

Scheduled committee action for all measures. The committee recommends the adoption of a new joint rule requiring that a chairman, within ten days after assignment of a measure to committee, must schedule the measure for committee action on a date before the committee report deadline contained in Joint Rule 23. However, there should be no more than ten measures scheduled for one meeting without the consent of the prime sponsor of any additional measures.

Legislative oversight. The committee recommends an amendment to the joint rule on legislative oversight to bring it into conformity with changes in the committees of reference and the executive departments.

Rules Committee. The committee recommends that the Rules Committee in the House of Representatives be abolished. Instead, it is proposed that the House utilize an automatic calendar, a procedure now employed in the Senate. Under this system, when a bill is reported out of a committee of reference it would automatically be placed on the calendar on the second day after such report is presented to the respective house. Also, if needed, a calendar committee can be established.

Majority vote needed to take action on a measure. The committee recommends amendments to the House Rules and the Senate Rules to clarify that the affirmative vote of a majority of a quorum is necessary to take any action on a bill in committee.

Abstentions from voting in committee. The committee recommends an amendment to the House Rules that would require a member of a committee to vote on each measure, unless there exists a conflict of interest. The chairman would also be required to vote on all measures, but he would not be able to vote twice in order to create a tie and then break it. This proposal was adopted by the Senate in the 1974 session.

Tie vote. The committee recommends additions to the House and Senate Rules to require that in case of a tie vote in

committee on a motion to report a bill, that bill would be automatically re-scheduled for vote only at the next committee meeting. The vote would be taken before any other business is considered.

Minority leadership to appoint minority members to committees. The committee recommends a change in the House Rules that would require that the minority leadership appoint minority members to committees. In addition, the Speaker of the House would designate the total number of members on each committee and the number from each party, and would then appoint the majority membership to those committees. The Senate adopted a similar proposal in the 1974 session.

Reducing Age Qualification to Serve in the General Assembly -- Constitutional Amendment 1

The committee recommends that the age qualification to serve in the General Assembly be the same as the voting qualification for those offices. This recommendation would require a constitutional amendment to lower the age qualification in Article V, Section 4, of the State Constitution, from 25 to 18 years of age.

Increase in Legislative Compensation -- Bill 25

The committee recommends an increase in legislative compensation from \$7,600 per annum to \$12,000 per annum. Under this new compensation schedule, members would be paid at the rate of \$2,000 for the months of January, February, March, and April and at the rate of \$500 per month for the remaining months of each year. Presently, the \$7,600 per annum is paid at the rate of \$1,000 for each of the first four months and \$450 for each remaining month.

The committee further recommends an increase in the per diem from \$35 to \$50 for attendance at meetings of the Legislative Council and its committees, the Joint Budget Committee, the Legislative Audit Committee, and the Committee on Legal Services when the General Assembly is not in session.

Revision of Constitutional Provisions Pertaining to the Legislative Article -- Constitutional Amendment 2

The committee recommends a constitutional amendment which would modernize certain procedures contained in the legislative article (Article V) and one section of Article XII

relating to public officers. Following is a summary of the major provisions in the committee's proposal:

(1) Even-year session restrictions removed. The General Assembly would be able to statutorily remove the subject-matter restriction on even-year sessions (Article V, Section 7).

(2) Uniform effective date. The General Assembly would be able to statutorily fix a uniform date upon which acts would take effect, unless otherwise stated in the particular act (Article V, Section 19).

(3) Special legislation prohibited. This section was redrafted in shortened form thereby eliminating specific prohibitions regarding special legislation (Article V, Section 25).

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

(5) Origin of revenue bills. This section would be repealed to remove the requirement that all bills raising revenue shall originate in the House of Representatives (Article V, Section 31).

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

(7) Holdover Senators' salaries. An amendment to Article XII, Section 11, would allow all Senators to receive salary increases at the same time as House members, i.e., at the start of a new General Assembly. Holdover Senators would also be permitted (and required) to vote on a bill raising their salary for the next General Assembly (Article V, Section 43).

COMMITTEE ON LEGISLATIVE PROCEDURES

BILL 24

A BILL FOR AN ACT

1 CONCERNING A STATE CAPITOL COMMISSION.

---

Bill Summary

(NOTE: This summary applies to this bill as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

Creates a 9-member commission of representatives of the legislative and executive branches to advise the department of administration as to assignment of space in the state capitol.

---

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

3 SECTION 1. Title 24, Colorado Revised Statutes 1973, is  
4 amended BY THE ADDITION OF A NEW ARTICLE to read:

5 ARTICLE 44

6 State Capitol Commission

7 24-44-101. Commission created. (1) There is hereby  
8 established, within the office of the governor, a temporary state  
9 capitol commission, referred to in this article as the  
10 "commission". The commission shall consist of nine members. The  
11 commission shall assume its duties on July 1, 1975.

12 (2) The commission shall be composed of:

13 (a) The president of the senate;

14 (b) The minority leader of the senate;



- 1 (c) The chairman of the senate services committee;
- 2 (d) The speaker of the house of representatives;
- 3 (e) The minority leader of the house of representatives;
- 4 (f) The chairman of the house services committee;
- 5 (g) A representative of the governor;
- 6 (h) The director of the division of public works; and
- 7 (i) The director of the state historical society.

8 (3) The governor's representative shall serve as chairman  
9 of the commission.

10 24-44-102. Duties of the commission. (1) The commission  
11 shall be responsible for recommending to the department of  
12 administration the assignment of space within the state capitol  
13 building and the area surrounding the state capitol, bounded by  
14 Colfax avenue on the north, Grant street on the east, Fourteenth  
15 avenue on the south, and Lincoln street on the west, in the city  
16 and county of Denver. It shall also have the responsibility for  
17 recommending any long-range remodelling plans for the state  
18 capitol building.

19 SECTION 2. Effective date. This act shall take effect July  
20 1, 1975.

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

COMMITTEE ON LEGISLATIVE PROCEDURES

BILL 25

A BILL FOR AN ACT

1 CONCERNING THE COMPENSATION OF MEMBERS OF THE GENERAL ASSEMBLY.

---

Bill Summary

(NOTE: This summary applies to this bill as introduced and  
does not necessarily reflect any amendments which may be  
subsequently adopted.)

Provides \$12,000 annual salary for legislators elected in  
1976 and thereafter. Increases per diem for interim committee  
work from \$35 to \$50.

---

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

3 SECTION 1. 2-2-307 (1) and (2) (a), (b), and (c), Colorado  
4 Revised Statutes 1973, as amended, are REPEALED AND REENACTED,  
5 WITH AMENDMENTS, to read:

6 2-2-307. Compensation of members. (1) (a) Each member of  
7 the general assembly shall receive as compensation for his  
8 services:

9 (I) The sum of twelve thousand dollars per annum for each  
10 year of the term for which elected, payable as follows: In the  
11 months of January, February, March, and April of each year, a  
12 member shall be compensated at the rate of two thousand dollars  
13 per month; during the remaining eight months of each year, a  
14 member shall be compensated at the rate of five hundred dollars



1 per month. Of such annual compensation for a member of the  
2 general assembly who is away from his principal place of business  
3 and his home while serving during a legislative session, twenty  
4 dollars per day for each legislative day during each regular and  
5 special session of the general assembly in each year shall be  
6 considered as a per diem expense allowance and shall be in  
7 addition to the lodging and travel allowance provided for in  
8 section 2-2-317.

9 (II) All actual and necessary expenses incurred in  
10 traveling to the state capitol for one round trip for each  
11 regular or special session of the general assembly, such expenses  
12 to be paid after the same have been incurred. The mileage  
13 allowance shall not exceed the rates authorized for the executive  
14 department.

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

18 (c) The compensation of the general assembly as fixed in  
19 paragraph (a) of this subsection (1) shall apply to all members  
20 of the senate and all members of the house of representatives  
21 elected at the 1976 general election and thereafter, to members  
22 appointed to fill vacancies for the unexpired terms of any such  
23 members, and to members appointed on or after January 5, 1977, to  
24 fill vacancies of senators elected at the 1974 general election.  
25 Members of the senate elected at the 1974 general election shall  
26 continue to receive the compensation for the remainder of the  
27 terms for which elected under laws in effect at the time of their

1 election.

2 (2) In addition to the compensation specified in subsection  
3 (1) of this section, the members of the general assembly shall be  
4 entitled to:

5 (a) The further sum of fifty dollars per day, not to exceed  
6 one thousand five hundred dollars in any calendar year, for  
7 necessary attendance while the general assembly is not in session  
8 at meetings of the legislative council, or committees established  
9 by the legislative council, or interim committees authorized by  
10 law or by joint resolution of the two houses, except as provided  
11 in paragraph (b) and (c) of this subsection (2), together with  
12 all actual and necessary traveling expenses to be paid after the  
13 same have been incurred and audited. Mileage rates shall not  
14 exceed those authorized for the executive department.

15 (b) The further sum of fifty dollars per day, not to exceed  
16 five thousand dollars per calendar year, for members of the joint  
17 budget committee for attendance at meetings of the joint budget  
18 committee while the general assembly is not in session, together  
19 with all actual and necessary traveling expenses to be paid after  
20 the same have been incurred and audited. Mileage rates shall not  
21 exceed those authorized for the executive department.

22 SECTION 2. Effective date. This act shall take effect  
23 January 5, 1977.

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

COMMITTEE ON LEGISLATIVE PROCEDURES

CONSTITUTIONAL AMENDMENT 1

HOUSE CONCURRENT RESOLUTION NO.

1 SUBMITTING TO THE QUALIFIED ELECTORS OF THE STATE OF COLORADO AN  
2 AMENDMENT TO ARTICLE V OF THE CONSTITUTION OF THE STATE OF  
3 COLORADO, CONCERNING QUALIFICATIONS OF MEMBERS OF THE  
4 GENERAL ASSIMBLY.

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

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

13 Section 4 of article V of the constitution of the state of  
14 Colorado is amended to read:

15 Section 4. Qualifications of members. No person shall be a  
16 representative or senator who ~~shall not have attained the age of~~  
17 ~~twenty-five years~~ IS NOT A QUALIFIED ELECTOR OF THE STATE, who  
18 ~~shall not be~~ IS NOT a citizen of the United States, AND who shall  
19 HAS not for at least twelve months next preceding his election  
20 have resided within the territory included in the limits of the  
21 ~~county or~~ district in which he shall be chosen. ~~provided, that~~

1 any--person-who-at-the-time-of-the-adoption-of-this-constitution;  
2 was-a-qualified-electer-under--the--territorial--laws;--shall--be  
3 eligible-to-the-first-general-assembly.

4 SECTION 2. Each elector voting at said election and  
5 desirous of voting for or against said amendment shall cast his  
6 vote as provided by law either "Yes" or "No" on the proposition:  
7 "An amendment to article V of the constitution of the state of  
8 Colorado, concerning qualifications of members of the general  
9 assembly."

10 SECTION 3. The votes cast for the adoption or rejection of  
11 said amendment shall be canvassed and the result determined in  
12 the manner provided by law for the canvassing of votes for  
13 representatives in Congress, and if a majority of the electors  
14 voting on the question shall have voted "Yes", the said amendment  
15 shall become a part of the state constitution.

COMMITTEE ON LEGISLATIVE PROCEDURES

CONSTITUTIONAL AMENDMENT 2

HOUSE CONCURRENT RESOLUTION NO.

1 SUBMITTING TO THE QUALIFIED ELECTORS OF THE STATE OF COLORADO AN  
2 AMENDMENT CONCERNING THE MODERNIZATION OF THE LEGISLATIVE  
3 DEPARTMENT, AND AMENDING RELATED PROVISIONS IN ARTICLES V  
4 AND XII OF THE CONSTITUTION OF THE STATE OF COLORADO.  
5 Be It Resolved by the House of Representatives of the  
6 Fiftieth General Assembly of the State of Colorado, the Senate  
7 concurring herein:

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

13 Section 2 (3) of article V of the constitution of the state  
14 of Colorado is amended to read:

15 Section 2. Election of members - oath - vacancies. (3)  
16 Any vacancy occurring in either house by death, resignation, or  
17 otherwise shall be filled in the manner prescribed by law. The  
18 person appointed to fill the vacancy shall be a member of the  
19 same political party, if any, as the person whose termination of  
20 membership in the general assembly created the vacancy, AND SUCH  
21 PERSON SHALL, FOR ALL PURPOSES OF THIS ARTICLE, BE DEEMED TO BE

1 AN ELECTED MEMBER.

2 Section 7 of article V of the constitution of the state of  
3 Colorado is amended to read:

4 Section 7. General assembly - shall meet when - term of  
5 members - committees. The general assembly shall meet in regular  
6 session at 10 o'clock a.m. on the first Wednesday after the first  
7 Tuesday of January of each year, but at such regular sessions  
8 convening in even numbered years, UNLESS OTHERWISE PROVIDED BY  
9 LAW, the general assembly shall not enact any bills except those  
10 raising revenue, those making appropriations, and those  
11 pertaining to subjects designated in writing by the governor  
12 during the first 10 TEN days of the session. The general  
13 assembly shall meet at other times when convened in special  
14 session by the governor pursuant to section 9 of article IV of  
15 this constitution, or by written request by two-thirds of the  
16 members of each house to the presiding officer of each house to  
17 consider only those subjects specified in such request. The term  
18 of service of the members of the general assembly shall begin on  
19 the convening of the first regular session of the general  
20 assembly next after their election. The committees of the  
21 general assembly, unless otherwise provided by the general  
22 assembly, shall expire on the convening of the first regular  
23 session after a general election.

24 Section 19 of article V of the constitution of the state of  
25 Colorado is amended to read:

26 Section 19. When laws take effect - introduction of bills.  
27 An act of the general assembly shall take effect on the date

1 PRESCRIBED BY GENERAL LAW, UNLESS OTHERWISE stated in the act.  
2 ~~OR, -if-no-date-is-stated-in-the-act,-then-on-its-passage;~~ A bill  
3 may be introduced at any time during the session unless limited  
4 by ~~action~~ JOINT RESOLUTION of the general assembly. No bill  
5 shall be introduced by title only.

6 Section 20 of article V of the constitution of the state of  
7 Colorado is amended to read:

8 Section 20. Bills referred to committee - printed. NO BILL  
9 SHALL BE APPROVED, DISAPPROVED, OR AMENDED BY EITHER HOUSE OR ANY  
10 COMMITTEE THEREOF UNLESS PRINTED AS INTRODUCED FOR USE OF THE  
11 MEMBERS. No bill shall be ~~considered or~~ become a law unless  
12 referred to a committee OF EACH HOUSE AND returned therefrom, and  
13 ~~printed-for-the-use-of-the-members.~~

14 Section 25 of article V of the constitution of the state of  
15 Colorado is amended to read:

16 Section 25. Special legislation prohibited. The general  
17 assembly shall not pass ANY local or special laws ~~in any of the~~  
18 ~~following---enumerated---cases;--that--is--to--say;--for--granting~~  
19 ~~divorces;--laying-out;--opening;--altering--or--working--roads--or~~  
20 ~~highways;--vacating-roads;--town-plats;--streets;--alleys-and-public~~  
21 ~~grounds;--locating-or-changing-county-seats;--regulating-county--or~~  
22 ~~township--affairs;--regulating-the-practice-in-courts-of-justice;~~  
23 ~~regulating-the-jurisdiction-and-duties-of-justices-of-the-peace;~~  
24 ~~police-magistrates-and-constables;--changing-the-rules-of-evidence~~  
25 ~~in--any-trial-or-inquiry;--providing-for-changes-of-venue-in-civil~~  
26 ~~or-criminal-cases;--declaring-any-person-of-age;--for-limitation-of~~  
27 ~~civil-actions-or-giving-effect--to--informal--or--invalid--deeds;~~

1 summoning-or-impaneling-grand-or-petit-juries;-providing-for--the  
2 management--of-common-schools;-regulating-the-rate-of-interest-on  
3 money;-the-opening-or-conducting-of-any-election;-or--designating  
4 the--place--of--voting;-the--sale--or--mortgage--of--real-estate  
5 belonging-to-minors-or-others-under-disability;-the-protection-of  
6 game-or-fish;-chartering-or-licensing-ferries--or--toll--bridges;  
7 remitting--fines;-penalties-or-fee-forfeitures;-creating;-increasing  
8 or-decreasing-fees;-percentage-or-allowances-of-public--officers;  
9 changing--the--law--of--descent;-granting--to--any--corporation;  
10 association-or-individual-the-right-to-lay-down-railroad--tracks;  
11 granting--to--any--corporation;-association--or--individual--any  
12 special-or-exclusive-privilege;-immunity-or--franchise--whatever.  
13 In-all-other-cases;-where-a-general-law-can-be-made-applicable-no  
14 special--law--shall--be-enacted. ACT IN ANY CASE WHERE A GENERAL  
15 ACT CAN BE MADE APPLICABLE.

16 Sections 25a and 31 of article V of the constitution of the  
17 state of Colorado are repealed.

18 Section 32 of article V of the constitution of the state of  
19 Colorado is amended to read:

20 Section 32. Appropriation bills. The--general GENERAL  
21 appropriation bill BILLS shall embrace nothing but appropriations  
22 for the expense--of--the executive, legislative, and judicial  
23 departments of the state, state institutions, interest on the  
24 public debt, and for public schools. All other appropriations  
25 shall be made by separate bills, each embracing but one subject.

26 Sections 36 and 39 of article V of the constitution of the  
27 state of Colorado are repealed.

1 Section 40 of article V of the constitution of the state of  
2 Colorado is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

3 Section 40. Bribery in general assembly. Any member of the  
4 general assembly who, at any time, offers, promises, or gives his  
5 vote or influence for or against any measure pending or proposed  
6 to be introduced in the general assembly in consideration for the  
7 promise or giving of a vote of another member of the general  
8 assembly for or against the same or any other such measure or in  
9 consideration of anything of value or the promise thereof is  
10 guilty of bribery and subject to such punishment therefor as is  
11 prescribed by law. Any such member of the general assembly, upon  
12 conviction of bribery, shall be ineligible to serve thereafter as  
13 a member of the general assembly.

14 Section 43 of article V of the constitution of the state of  
15 Colorado is amended to read:

16 Section 43. Member interested shall not vote. A member who  
17 has a personal or private interest in any measure or bill  
18 proposed or pending before the general assembly shall disclose  
19 the fact to the house of which he is a member and shall not vote  
20 thereon. MAY BE EXCUSED FROM VOTING THEREON. THIS PROVISION  
21 SHALL NOT EXCUSE A SENATOR FROM VOTING TO FIX THE SALARY OR  
22 EXPENSE ALLOWANCES OF MEMBERS OF A SUBSEQUENT GENERAL ASSEMBLY.

23 Section 11 of article XII of the constitution of the state  
24 of Colorado is amended to read:

25 Section 11. Elected public officers - term - salary -  
26 vacancy. No law shall extend the term of any elected public  
27 officer after his election or appointment nor shall the salary of

1 any elected public officer be increased or decreased during the  
2 term of office for which he was elected, EXCEPT THAT SENATORS  
3 SERVING IN TWO SUCCESSIVE GENERAL ASSEMBLIES SHALL RECEIVE THE  
4 SALARY AND EXPENSE ALLOWANCES PROVIDED BY LAW FOR MEMBERS OF EACH  
5 SUCH GENERAL ASSEMBLY. The term of office of any officer elected  
6 to fill a vacancy shall terminate at the expiration of the term  
7 during which the vacancy occurred.

8 This amendment shall take effect January 1, 1977; except  
9 that the amendments to section 19 of article V shall take effect  
10 July 1, 1977.

11 SECTION 2. Each elector voting at said election and  
12 desirous of voting for or against said amendment shall cast his  
13 vote as provided by law either "Yes" or "No" on the proposition:  
14 "An amendment concerning the modernization of the legislative  
15 department, and amending related provisions in articles V and XII  
16 of the constitution of the state of Colorado."

17 SECTION 3. The votes cast for the adoption or rejection of  
18 said amendment shall be canvassed and the result determined in  
19 the manner provided by law for the canvassing of votes for  
20 representatives in Congress, and if a majority of the electors  
21 voting on the question shall have voted "Yes", the said amendment  
22 shall become a part of the state constitution.

COMMITTEE ON LEGISLATIVE PROCEDURES

RESOLUTION 1

HOUSE JOINT RESOLUTION NO.

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

4 That Joint Rule No. 23 (a) of the Joint Rules of the Senate  
5 and House of Representatives is amended to read:

6 JOINT RULE NO. 23

7 (a) Deadline schedule. For the purposes of organizing the  
8 legislative session, the schedule for the enactment of  
9 legislation shall be as follows:

10 (1) Odd-year Session

11 First House

12 Deadlines:

13 30th day Deadline for bill draft requests to the Legislative  
14 Drafting Office.\*

15 60th day Deadline for the introduction of bills. No bill  
16 delivered by the Legislative Drafting Office on or  
17 before the fiftieth legislative day shall be  
18 introduced more than ten legislative days after such  
19 delivery. Any bill delivered by the Legislative  
20 Drafting Office on or after the fifty-first  
21 legislative day and before the fifty-sixth legislative

1 day shall be introduced not later than the sixtieth  
2 legislative day.\*

3 75th day Deadline for the introduction of late delivered bills.  
4 No bill delivered after the close of business on the  
5 fifty-fifth legislative day by the Legislative  
6 Drafting Office shall be introduced more than five  
7 days after such delivery; except that no bill shall be  
8 introduced after the seventy-fifth legislative day.\*

9 85th 90TH day Deadline for committees of reference to report  
10 bills originating in their own house.\*

11 95th 105TH day Deadline for final passage of bills in the house  
12 of introduction.\*

13 Second House

14 Deadlines:

15 ~~110th~~ 130TH day Deadline for committees of reference to report  
16 bills originating in the other house.\*

17 ~~120th~~ 150TH day Deadline for final passage of all bills  
18 originating in the other house.

19 \*Appropriation bills are excluded from these deadlines.

20 (2) Even-year Session

21 First House

22 Deadlines:

23 15th day Deadline for bill draft requests to the Legislative  
24 Drafting Office.\*

25 30th day Deadline for the introduction of bills. No bill  
26 delivered by the Legislative Drafting Office on or  
27 before the twentieth legislative day shall be

1 introduced more than ten legislative days after such  
2 delivery. Any bill delivered by the Legislative  
3 Drafting Office on or after the twenty-first  
4 legislative day shall be introduced not later than the  
5 thirtieth legislative day.\*

6 45th day Deadline for committees of reference to report bills  
7 originating in their own house.\*

8 55th day Deadline for final passage of bills in the house of  
9 introduction.\*

10 Second House

11 Deadlines:

12 70th day Deadline for committees of reference to report bills  
13 originating in the other house.\*

14 80th day Deadline for final passage of all bills originating in  
15 the other house.

16 \*Appropriation bills are excluded from these deadlines.



COMMITTEE ON LEGISLATIVE PROCEDURES

RESOLUTION 2

HOUSE JOINT RESOLUTION NO.

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

4 That the Joint Rules of the Senate and House of  
5 Representatives are amended BY THE ADDITION OF A NEW RULE to  
6 read:

7 JOINT RULE NO. 29

8 (a) Every bill and concurrent resolution which is  
9 introduced shall include a brief summary thereof to be written by  
10 the Legislative Drafting Office.

11 (b) Such summary shall appear on the first page of each  
12 printed, engrossed, and revised measure, but it shall not be  
13 updated. The summary shall not appear on the enrolled copy of  
14 the measure.

15 (c) The following statement shall be included as part of  
16 each summary: "Note: This summary applies to this (bill)  
17 (concurrent resolution) as introduced and does not necessarily  
18 reflect any amendments which may be subsequently adopted."

COMMITTEE ON LEGISLATIVE PROCEDURES

RESOLUTION 3

HOUSE RESOLUTION NO.

1 Be It Resolved by the House of Representatives of the  
2 Fiftieth General Assembly of the State of Colorado:  
3 That Rule No. 49 of the Rules of the House of  
4 Representatives is repealed.

COMMITTEE ON LEGISLATIVE PROCEDURES

RESOLUTION 4

SENATE JOINT RESOLUTION NO.

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

4 That Joint Rule No. 4 of the Joint Rules of the Senate and  
5 the House of Representatives is amended to read:

6 JOINT RULE NO. 4

7 (a) In any case of difference between the two houses upon any  
8 measure, and prior to adoption of a motion to adhere by a  
9 majority of those elected to either house, either house may  
10 request a conference and appoint a committee for that  
11 purpose and the other house shall also appoint a similar  
12 committee.

13 (b) Each such committee shall consist of three members of the  
14 house appointing the same, with a chairman designated, and  
15 the two committees jointly shall constitute a conference  
16 committee. A majority of the members of each committee  
17 appointed by each house shall be necessary to approve a  
18 majority report of any conference committee submitted to the  
19 General Assembly; but any lesser number of such members may  
20 submit a minority report. NO ACTION SHALL BE TAKEN ON A  
21 MINORITY REPORT UNLESS A MAJORITY REPORT IS SUBMITTED BY THE

1 CONFERENCE COMMITTEE.

2 (c) The conference committee shall meet at such time and place  
3 as shall be designated by the chairman of the committee on  
4 the part of the house requesting such conference; BUT THE  
5 PLACE OF MEETING SHALL BE IN A COMMITTEE ROOM WHERE THE  
6 MEETING OF THE CONFERENCE COMMITTEE SHALL BE RECORDED ON  
7 MAGNETIC TAPE. The conferees shall confer fully on the  
8 reasons of their respective houses concerning the  
9 differences between the two houses on the measure before  
10 them.

11 (d) With the consent of a majority of members elected to each of  
12 the two houses, the conference committee may consider and  
13 report on matters beyond the scope of the differences  
14 between the two houses; otherwise the committee shall  
15 consider and report only on matters ~~directly-at-issue~~ WITHIN  
16 THE SCOPE OF DIFFERENCES between the two houses.

17 (e) When a conference committee has reached a decision, at least  
18 one member from each house shall meet with the Legislative  
19 Drafting Office staff and submit the findings and agreements  
20 of the CONFERENCE committee. Every conference committee  
21 report shall be in writing, and shall not be presented to  
22 either house unless drafted by the Legislative Drafting  
23 Office. NO CONFERENCE COMMITTEE REPORT SHALL BE ALTERED  
24 AFTER ANY MEMBER OF THE COMMITTEE HAS SIGNED THE REPORT. IF  
25 A REPORT IS TO BE ALTERED BEFORE FILING, THE REPORT MUST BE  
26 REWRITTEN AND SIGNED BY A MAJORITY OF THE MEMBERS OF THE  
27 COMMITTEE FROM EACH HOUSE IF A MAJORITY REPORT AND BY AT

1 LEAST ONE MEMBER OF THE CONFERENCE COMMITTEE IF A MINORITY  
2 REPORT.

3 (f) All documents shall be left with the conferees of the house  
4 assenting to such conference, and they shall present ALL  
5 COPIES OF the report of the conference committee to their  
6 house THE SECRETARY OF THE SENATE OR THE CHIEF CLERK OF THE  
7 HOUSE, AS THE CASE MAY BE.

8 (g) Every report of a conference committee shall be read through  
9 in each house before a vote is taken on the same. AFTER  
10 FILING, NO AMENDMENT OF A CONFERENCE COMMITTEE REPORT SHALL  
11 BE PERMITTED; HOWEVER A REPORT MAY BE LAID OVER AND AN  
12 AMENDED REPORT OF A CONFERENCE COMMITTEE MAY BE FILED AND  
13 ACTED UPON AS A SUBSTITUTE FOR THE ORIGINAL REPORT.

14 (h) IF EITHER HOUSE HAS ADHERED TO ITS POSITION ON A BILL AND  
15 THE OTHER HOUSE HAS REQUESTED A CONFERENCE COMMITTEE, THE  
16 ADHERING HOUSE MAY RECONSIDER ITS POSITION BY MAJORITY VOTE  
17 AND APPOINT MEMBERS TO A CONFERENCE COMMITTEE.

18 That Joint Rule No. 6 of the Joint Rules of the Senate and  
19 the House of Representatives is amended to read:

20 JOINT RULE NO. 6

21 If a conference committee report is rejected by one house, it  
22 shall be in order for either house to recede from its position on  
23 the bill which is the subject of the conference and pass the  
24 bill; but such action to recede must be taken not later than the  
25 next legislative day after such conference committee report is  
26 rejected, OTHERWISE THE BILL SHALL BE CONSIDERED KILLED.

COMMITTEE ON LEGISLATIVE PROCEDURES

RESOLUTION 5

HOUSE JOINT RESOLUTION NO.

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

4 That Joint Rule No. 23 of the Senate and House of  
5 Representatives is amended BY THE ADDITION OF A NEW SUBSECTION to  
6 read:

7 JOINT RULE NO. 23

8 (c) Within ten days after a measure has been assigned to a  
9 committee of reference, each House measure and each Senate  
10 measure shall be set for committee action at a scheduled  
11 meeting of the committee on a day certain on or before the  
12 appropriate committee report deadline, as established in  
13 subsection (a) of this joint rule. There shall be no more  
14 than ten measures scheduled for any one meeting of a  
15 committee of reference; except that additional measures may  
16 be scheduled upon the consent of the prime sponsor of any  
17 such additional measure.

COMMITTEE ON LEGISLATIVE PROCEDURES

RESOLUTION 6

HOUSE JOINT RESOLUTION NO.

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

4 That Joint Rule No. 25 (b) of the Joint Rules of the Senate  
5 and House of Representatives is amended to read:

6 JOINT RULE NO. 25

7 (b) For purposes of implementing paragraph SUBSECTION (a) of  
8 this rule, the division of responsibilities among House and  
9 Senate committees of reference shall be as follows:

	HOUSE AND Senate	House
<u>Department</u>	<u>Committee</u>	<u>Committee</u>
12 Administration	Appropriations	Appropriations
13 Revenue	Finance;	Finance
14	TRANSPORTATION	
15 Treasury	Finance	Finance
16 Education	Education	Education
17 Higher Education	Education	Education
18 Health	Health, Environment,	Health; -Welfare;
19	Welfare, and	and -Institutions
20	Institutions	
21 Social Services	Health, Environment,	Health; -Welfare;

1		Welfare, and	and-Institutions
2		Institutions	
3	Institutions	Health, Environment,	Health;-Welfare;
4		Welfare, and	and-Institutions
5		Institutions	
6	Highways	Transportation	Transportation-and
7			Highways
8	State	State Affairs	State-Affairs
9	Military Affairs	State Affairs	State-Affairs
10	Labor and Employment	Business Affairs and	Labor-and-Employment
11		Labor	Relations
12	Regulatory Agencies	Business Affairs and	Business-Affairs
13		Labor	
14	Agriculture	Agriculture,	Agriculture-and
15		Livestock,	Livestock
16		Natural Resources,	
17		and Energy	
18	Law	Judiciary	Judiciary
19	Local Affairs	Local Government	Local-Government
20	Natural Resources	Agriculture,	Natural-Resources;-Game;
21		Livestock,	Fish;-and-Parks
22		Natural Resources,	
23		and Energy;	
24		Game, Fish, and Parks	
25	PERSONNEL	STATE AFFAIRS;	
26		BUSINESS AFFAIRS AND LABOR	
27	STATE PLANNING	STATE AFFAIRS	
28	AND BUDGETING		

COMMITTEE ON LEGISLATIVE PROCEDURES

RESOLUTION 7

HOUSE RESOLUTION NO.

1 Be It Resolved by the House of Representatives of the  
2 Fiftieth General Assembly of the State of Colorado:

3 That Rules numbered 3 (b) (16), 25 (b) (1), 25 (e), 29 (g)  
4 (4), 29 (k) (3), 30 (a), and 30 (b) of the Rules of the House of  
5 Representatives are repealed.

6 That Rule 29 (g) (3) of the Rules of the House of  
7 Representatives is amended to read:

8 29. COURSE OF BILLS

9 (g) (3) The chief clerk shall deliver all other bills to the  
10 rules CALENDAR committee for arrangement either as a  
11 general order or a special order, to be placed on the  
12 calendar for consideration by the House sitting as  
13 committee of the whole.

14 That Rule No. 25 (j) (3) of the Rules of House of  
15 Representatives is amended, and the said Rule No. 25 is further  
16 amended BY THE ADDITION OF A NEW SUBSECTION, to read:

17 25. COMMITTEES

18 (j) (3) (A) After a committee of reference has taken its  
19 final action on a measure, the chairman of the  
20 committee shall make a report of such action to  
21 the chief clerk of the House within three

1 legislative days. Final action shall consist of  
2 reporting a measure out of committee, with or  
3 without amendments, for consideration by the  
4 committee of the whole, a recommendation for  
5 reference to another committee of reference, or  
6 postponing the measure indefinitely. A motion  
7 to postpone consideration of a measure for more  
8 than 30 days shall be considered a motion to  
9 postpone indefinitely.

10 (j) (3) (B) REPORTS OF COMMITTEES OF REFERENCE, EXCEPT SUCH  
11 AS DO NOT PROPOSE FINAL ACTION, AND REPORTS OF  
12 COMMITTEES OF CONFERENCE, SHALL, UNLESS  
13 OTHERWISE ORDERED, BE PLACED UPON THE CALENDAR  
14 FOR THE DAY NEXT SUCCEEDING THAT ON WHICH THEY  
15 ARE PRESENTED TO THE HOUSE OF REPRESENTATIVES;  
16 BUT A REPORT OF A COMMITTEE REFERRING A BILL OR  
17 CONCURRENT RESOLUTION TO THE COMMITTEE OF THE  
18 WHOLE SHALL BE PLACED ON THE CALENDAR FOR THE  
19 SECOND ACTUAL DAY OF SESSION FOLLOWING THAT ON  
20 WHICH SUCH REPORT IS PRESENTED TO THE HOUSE OF  
21 REPRESENTATIVES.

22 (k) A calendar committee of at least five members may be  
23 appointed by the Speaker at any time, which committee shall  
24 be authorized to arrange all general and special orders and  
25 prepare calendars for same, provided that special orders may  
26 be made at any time by vote of the House, in accordance with  
27 the provisions of Rule 6 (d) and (f).

COMMITTEE ON LEGISLATIVE PROCEDURES

RESOLUTION 8

HOUSE RESOLUTION NO.

1 Be It Resolved by the House of Representatives of the  
2 Fiftieth General Assembly of the State of Colorado:

3 That Rule No. 25 (j) of the Rules of the House of  
4 Representatives is amended BY THE ADDITION OF A NEW PARAGRAPH to  
5 read:

6 25. COMMITTEES

7 (j) (10) In order to take any action on a measure by a  
8 committee of reference, the affirmative vote of a  
9 majority of a quorum shall be necessary.

COMMITTEE ON LEGISLATIVE PROCEDURES

RESOLUTION 9

SENATE RESOLUTION NO.

1 Be It Resolved by the Senate of the Fiftieth General  
2 Assembly of the State of Colorado:

3 That Rule No. 22 of the Rules of the Senate is amended  
4 BY THE ADDITION OF A NEW SUBSECTION to read:

5 22. COMMITTEE RULES

6 (n) In order to take any action on a measure by a committee  
7 of reference, the affirmative vote of a majority of a  
8 quorum shall be necessary.

COMMITTEE ON LEGISLATIVE PROCEDURES

RESOLUTION 10

HOUSE RESOLUTION NO.

1 Be It Resolved by the House of Representatives of the  
2 Fiftieth General Assembly of the State of Colorado:

3 That Rule No. (j) (6) of the Rules of the House of  
4 Representatives be amended to read:

5 25. COMMITTEES

6 (j) (6) The chairman of a committee of reference shall have  
7 ~~the right to~~ vote on every question coming before the  
8 committee UNLESS HE HAS AN IMMEDIATE PERSONAL OR  
9 FINANCIAL INTEREST IN THE PROPOSED MEASURE, BUT HE  
10 SHALL NOT VOTE TWICE, AS IN THE CASE TO MAKE A TIE AND  
11 THEN TO CAST THE DECIDING VOTE. EVERY OTHER MEMBER  
12 SHALL VOTE ON EACH MEASURE COMING BEFORE THE COMMITTEE  
13 EXCEPT PROPOSALS IN WHICH THE MEMBER HAS AN IMMEDIATE  
14 PERSONAL OR FINANCIAL INTEREST.



COMMITTEE ON LEGISLATIVE PROCEDURES

RESOLUTION 11

HOUSE RESOLUTION NO.

1 Be It Resolved by the House of Representatives of the  
2 Fiftieth General Assembly of the State of Colorado:

3 That Rule No. 25 (j) of the Rules of the House of  
4 Representatives is amended BY THE ADDITION OF A NEW PARAGRAPH to  
5 read:

6 25. COMMITTEES

7 (j) (10) In the case of tie vote on a motion to report a  
8 measure out of a committee of reference, such measure  
9 shall automatically be scheduled for a vote only on  
10 that same motion at the next scheduled meeting, and  
11 shall be voted on at that meeting before any other  
12 business is considered.

COMMITTEE ON LEGISLATIVE PROCEDURES

RESOLUTION 12

SENATE RESOLUTION NO.

1 Be It Resolved by the Senate of the Fiftieth General  
2 Assembly of the State of Colorado:

3 That Rule No. 22 of the Rules of the Senate is amended BY  
4 THE ADDITION OF A NEW SUBSECTION to read:

5 22. COMMITTEE RULES

6 (n) In the case of a tie vote on a motion to report a measure  
7 out of a committee of reference, such measure shall  
8 automatically be scheduled for vote only on that same motion  
9 at the next scheduled meeting and shall be voted upon at  
10 that next meeting before any other business is considered.

COMMITTEE ON LEGISLATIVE PROCEDURES

RESOLUTION 13

HOUSE RESOLUTION NO.

1 Be It Resolved by the House of Representatives of the  
2 Fiftieth General Assembly of the State of Colorado:

3 That Rule No. 3 (b) (8) of the Rules of the House of  
4 Representatives is amended to read:

5 3. POWERS AND DUTIES OF THE SPEAKER

6 (b) (8) ~~Appoint~~ DETERMINE THE NUMBER OF MEMBERS AND THE NUMBER  
7 THEREOF FROM EACH POLITICAL PARTY OF all committees,  
8 whether reference, joint, or special, AND APPOINT THE  
9 MEMBERSHIP THEREOF; EXCEPT THAT THE MINORITY LEADER OF  
10 THE HOUSE OF REPRESENTATIVES SHALL APPOINT THE  
11 MINORITY MEMBERSHIP OF THE COMMITTEES OF REFERENCE.

LEGISLATIVE COUNCIL COMMITTEE  
ON FEDERAL AND STATE LANDS

Members of the Committee

Sen. Dan Noble, Chairman	Rep. T. John Baer
Sen. Clarence Quinlan, Vice-Chairman	Rep. Arthur Herzberger
Sen. Joseph Calabrese	Rep. W. P. Hinman
Sen. Harry Locke (Deceased)	Rep. Harold Koster
Sen. Vincent Massari	Rep. Phillip Massari
Sen. Harold McCormick	Rep. Hiram McNeil
Sen. John Shawcroft*	Rep. Anthony Mullen
	Rep. Frank Southworth
	Rep. Roy Wells
	Rep. Walter Younglund

Council Staff

David Hite Principal Analyst	Larry Thompson Senior Research Assistant
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\*Replaced Sen. Harry Locke

## COMMITTEE ON FEDERAL AND STATE LANDS

The Committee on Federal and State Lands was directed by the Legislative Council to conduct a two-year study of "lands owned by or otherwise under the control of state agencies and which are idle or not being used to achieve the respective objectives of individual agencies, and a study of federal ownership of land in Colorado...". In following this directive the committee, in 1973, gave primary attention to lands owned by the State of Colorado.

The federal lands portion of this study, given the greatest emphasis in 1974, was concerned with examining the amount of revenue lost from a county's property tax base because of the existence of federal land, and comparing that figure with the revenue derived from the federal government in lieu of ad valorem tax sources. In addition, the committee studied the extent that federal in-lieu-of-tax payments met the costs of those public services which are provided by local jurisdictions for those who utilize federal lands. Finally, the committee attempted to determine whether the federal replacement funds are equitable and whether constitutional and statutory changes are needed in state law.

In meeting the directives for the federal lands study, the committee held, in 1974, four hearings in Denver together with out-state hearings in Steamboat Springs, Kremmling, Granby, Montrose, Lake City, Hotchkiss, Grand Junction, Ouray, Silverton, Durango, Cortez, Norwood, and New Raymer. In conjunction with these hearings, the committee toured federal lands administered by the Forest Service, the Bureau of Land Management (BLM), the National Parks Service, and the Atomic Energy Commission. The hearings and tours gave the committee the opportunity to talk with local, state, and federal officials about local problems and a chance to view various categories of federal lands. Federal lands now comprise approximately 36 percent of the total land area of Colorado, 24.6 million acres of a total area of 68.6 million acres. In addition, hearing the observations on the impact of public lands on local economies by such persons as miners, school teachers, sheep and cattle ranchers, county commissioners, and representatives of municipalities was an invaluable experience for the committee. In expressing their appreciation for the committee's tours and hearings in out-state areas, local residents frequently stated that this was the first occasion at which a legislative committee had come to the people to solicit their views on a subject of legislative concern.

The concerns about federally owned land expressed by governmental officials and the general public is the basis for

the committee recommendation of six resolutions to the General Assembly. In addition, the committee recommends two pending Congressional bills, and continued study of the state's allocation formula for the U.S. Mineral Leasing Act.

I. Findings and Recommendations:  
Federally Owned Lands

Impact of Public Land-Related Acts on Colorado Counties

Seven federal land-related funds provide revenues directly to Colorado counties. The direct county receipts from the federal acts total \$2,255,902 for fiscal year 1974. The breakdown of payments is as follows:

<u>Federal Acts</u>	<u>Amount</u>
The National Forest Revenues Act of 1908	\$ 866,240
The Flood Control Lands Act of 1941	15,832
The Federal Lands and Materials Act of 1947	4,254
The Mineral Leasing Act of 1920	1,177,397
The Taylor Grazing Act of 1935	61,446
The Migratory Bird Conservation Act of 1935	52,423
The Bankhead-Jones Farm Tenant Act of 1937	78,310 <sup>1/</sup>

Over 90 percent of the total public land-related revenues resulted from the Mineral Leasing and National Forest Revenues acts. A comparison of funds received by Colorado in fiscal year 1974, with previous years indicates several trends. There was an increase of over \$600,000 in mineral leasing revenue received by the state in fiscal year 1974, over fiscal year 1973. With the recent leases of oil shale-bearing lands in Western Slope counties, Colorado should continue to realize

<sup>1/</sup> Data on the Bankhead-Jones Act is complete through October 31, 1974. Thus, there could be an increase in 1974 in revenues allocated to Colorado counties. Payments under the Bankhead-Jones Act are made annually on a calendar year basis.

substantial annual increases in revenue from the Mineral Leasing Act.

In addition, revenues from the second largest shared revenue program -- the Forest Revenues Act -- also showed increases for fiscal year 1974 as compared to earlier years. Between fiscal years 1972 and 1974, for example, there was an increase of about \$365,000 in receipts for Colorado.

There have been gradual increases in revenues to Colorado up through fiscal year 1974 under the Taylor Grazing, Bankhead-Jones, and Migratory Bird acts. None of these programs, however, has individually provided as much as \$80,000 per year for the state.

Table 1 (page 62) provides a detailed summary by county, of the revenues allocated to Colorado in fiscal year 1974 by federal land-related funds. Table 2 (page 64) indicates by county the revenues received per acre for land administered in Colorado by the BLM and the Forest Service. The revenues are a total of receipts from the U.S. Mineral Leasing and Taylor Grazing acts (administered by BLM), the Forest Revenues and Bankhead-Jones acts (administered by the Forest Service), and the Lands and Materials Act (administered by BLM or the Forest Service, depending upon which public lands such sales apply).

Two broad conclusions can be drawn concerning the public land-related revenue programs now in operation in Colorado:

(1) The revenue returned to the state and its political units is a result of economic activity on federal lands. The revenues produced from leases, permits, royalties, bonuses, etc., do not necessarily bear any relationship to the actual market value of the land from which such revenue is derived. The fact that oil shale bonuses amount to \$328 million on 10,000 acres may be cited as evidence to support this conclusion.

(2) The total revenue a particular unit of government may receive is not necessarily influenced by the total number of acres of federal land that may exist in a county. In fact, in several instances there is an inverse relationship between revenue obtained and total federal land. For example, significantly less land in La Plata County (423,724 acres) than in Eagle County (841,000 acres) produces more total revenue for La Plata -- \$66,145 versus \$46,993 for Eagle County.

Officials of the BLM and the Forest Service (which together administer 92 percent of the public lands in Colorado)

Table 1

FEDERAL LAND RELATED FUNDS PROVIDING SHARED REVENUE TO COLORADO COUNTIES -- FISCAL YEAR 1974

	National Forest Revenues Act	Flood Control Lands Act	Federal Lands and Materials Act	United States Mineral Leasing Act	Taylor Grazing Act	Migratory Bird Act	Bankhead Jones Act 1/	Total
Adams	\$ 1,322.50		\$ 1.04	\$ 135.00	\$ 131.48	\$ 12,454.61		\$ 135.00
Alamosa								13,909.63
Arapahoe		37.50		18,381.25				18,418.75
Archuleta	64,201.98		6.91	2,759.88	41.08			67,009.85
Baca				2,845.95			\$41,286.00	44,131.952/
Bent		15,662.49		6,336.95	63.40			22,062.84
Boulder	2,724.95		76.40	6.21	58.04			2,865.60
Chaffee	7,953.47		4.95	15.25	747.65			8,721.32
Cheyenne				184.80				184.80
Clear Creek	18,236.86		1,160.00		25.08			19,421.94
Conejos	14,553.29		.88		598.75			15,152.92
Costilla						211.09		211.09
Crowley				354.25	186.76			541.01
Custer	2,885.17		1.88		500.12			3,387.17
Delta	12,200.87		48.57	38,549.73	793.74			51,592.91
Denver								-0-
Dolores	55,681.84			64,703.37	213.63			120,598.84
Douglas	2,570.71	131.25		20.00				2,721.96
Eagle	36,730.98		72.32	8,811.50	1,377.85			46,992.65
Elbert				2,640.38	129.48			2,769.86
El Paso	1,822.97			733.19	34.74			2,590.90
Fremont	1,764.37		490.97	20.00	1,262.83			3,538.17
Garfield	32,254.73		122.69	101,671.60	3,312.50			137,361.52
Gilpin	2,052.32				59.58			2,111.90
Grand	62,096.36		212.10	26,822.42	2,395.97			91,526.85
Gunnison	56,937.39		256.33	44,404.56	1,431.35			103,029.63
Hinsdale	44,588.99		.20		4,440.42			49,029.61
Huerfano	2,462.10		1.80	6,024.25	1,910.28			10,398.43
Jackson	17,508.55		19.52	55,892.89	1,055.43	18,673.09		93,149.48
Jefferson	2,026.66	.75		80.00	1.32			2,108.73
Kiowa				3,758.15	103.48			3,861.63
Kit Carson				290.25				290.25
Lake	2,751.19				253.16			3,004.35
La Plata	62,207.15		1.35	3,823.54	113.39			66,145.43
Larimer	12,214.07		38.78	4,162.38	904.96			13,796.56
Las Animas	388.55			8,087.63	331.34			8,807.52
Lincoln				1,226.24	147.18			1,373.42
Logan				2,169.18	5.00			2,174.18
Mesa	32,477.91		150.74	119,415.47	3,513.91			155,528.03
Mineral	40,110.16							40,110.16

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	National Forest Revenues Act	Flood Control Lands Act	Federal Lands and Materials Act	United States Mineral Leasing Act	Taylor Grazing Act	Migratory Bird Act	Bankhead Jones Act 1/	Total
Moffat	\$ 2,197.14		\$ 459.19	\$ 200,000.00	\$13,544.36	\$ 5,599.25		\$ 221,799.94
Montezuma	38,379.06		30.70	45,390.21	731.29			84,531.26
Montrose	9,666.28		171.29	41,008.11	2,459.78			53,305.46
Morgan				3,786.97	31.22			3,818.19
Otero				4,162.38	101.64			4,264.02
Ouray	3,650.35		26.06	522.75	294.74			4,493.90
Park	12,442.96		3.20	5,368.37	1,661.59			19,476.12
Phillips				405.25				405.25
Pitkin	30,668.96		18.70	10,393.20	127.66			41,208.52
Prowers				2,414.50	6.94			2,421.44
Pueblo	579.31			50.75	600.10			1,230.16
Rio Blanco	21,417.27		237.12	200,000.00	9,638.00			231,292.39
Rio Grande	13,515.31		264.60	262.00	203.30	15,484.95		29,730.16
Routt	30,487.55		.20	72,564.83	6,863.74			109,916.32
Saguache	43,842.36		18.38	324.00	1,272.10			45,456.84
San Juan	23,971.82		.20		188.16			24,160.18
San Miguel	5,595.30		17.30	56,240.35	1,145.41			62,998.36
Sedgwick				384.61				384.61
Summit	34,815.52		340.00		287.98			35,443.50
Teller	2,284.36				1,154.42			3,438.78
Washington				4,602.65				4,602.65
Weld				6,795.57	29.12		37,024.00	43,848.69
Yuma				1,917.38				1,917.38
TOTALS	\$866,239.64	\$15,831.99	\$4,254.37	\$1,177,396.52	\$61,446.47	\$52,422.99	\$78,310.00	\$2,255,901.98
			Directly to State	\$1,384,287.28				
			Public School Fund Spillover	\$1,591,178.04				
			Total	\$4,152,861.84 3/				\$5,231,367.30

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1/ Under the Bankhead Jones Farm Tenancy Act, payments are made annually on a calendar year basis, which in this table is calendar year 1974. Data is complete through October 31, 1974. Thus, additional revenues may be received by Colorado Counties prior to December 31, 1974. The dollar allocations to Baca County are a total for the entire Comanche Grassland (which includes Baca, Las Animas, and Otero Counties) since county allocations cannot be segregated at this time.

2/ This figure includes revenues owed to Las Animas and Otero Counties from the Bankhead Jones Act.

3/ Article 8 of Chapter 100, C.R.S. 1963, directs how federal Mineral Leasing Act monies are to be disbursed. Two-thirds of all such monies shall be paid to the several counties of the state from which said money was derived, except no county shall be paid in excess of \$200,000 per fiscal year. One-third of all monies received is deposited upon receipt to the state public school fund, which also receives any spillover funds. Spillover funds are those monies which exceed the amount which can be allocated to any one county.

Table 2

BUREAU OF LAND MANAGEMENT AND FOREST SERVICE SURFACE ACRES MANAGED AND RECEIPTS RETURNED PER COLORADO COUNTY -- FY 1973

County	Total Acres Managed			Revenue Returned to County, by Program						County Revenues Derived Per Acre		
	BLM	Forest Service	Total	Mineral Leasing Act	Taylor Grazing Act	Lands & Minerals Act	Forest Revenues Act	Bankhead -Jones Act 2/	Total	BLM	Forest Service	Weighted Average
Adams	-0-	-0-	-0-	\$ 202	-0-	-0-	-0-	-0-	\$ 202	N.A.	N.A.	N.A.
Alamosa	43,957	28,091	72,048	-0-	\$ 109	\$ 1	\$ 3,396	-0-	3,506	\$ .0025	\$ .1209	.0487
Arapahoe	-0-	-0-	-0-	10,340	-0-	-0-	-0-	-0-	10,340	N.A.	N.A.	N.A.
Archuleta	10,457	423,016	433,473	9,176	41	-0-	43,573	-0-	52,790	.8814	.1030	.1218
Baca	520	205,131	205,651	5,188	-0-	-0-	-0-	\$ 12,678	17,866	9.9769	.0618	.0869
Bent	1,576	-0-	1,576	7,887	62	-0-	-0-	-0-	7,949	5.0438	N.A.	5.0438
Boulder	5,074	137,730	142,804	8	45	-0-	5,143	-0-	5,196	.0104	.0373	.0364
Chaffee	53,036	450,769	503,805	4	718	41	6,692	-0-	7,455	.0144	.0148	.0148
Cheyenne	300	-0-	300	340	-0-	-0-	-0-	-0-	340	1.1333	N.A.	1.1333
Clear Creek	22,864	167,384	190,248	225	67	-0-	11,273	-0-	11,565	.0128	.0673	.0608
Conejos	185,547	299,152	484,699	495	1	-0-	36,074	-0-	36,570	.0027	.1206	.0754
Costilla	-0-	-0-	-0-	-0-	-0-	-0-	-0-	-0-	-0-	-0-	-0-	-0-
Crowley	4,427	-0-	4,427	270	170	-0-	-0-	-0-	440	.0994	N.A.	.0994
Custer	20,985	163,579	184,564	-0-	464	-0-	2,428	-0-	2,892	.0221	.0148	.0157
Delta	205,668	191,650	397,318	64,736	807	620	6,013	-0-	72,176	.3217	.0314	.1817
Denver	-0-	-0-	-0-	-0-	-0-	-0-	-0-	-0-	-0-	N.A.	N.A.	N.A.
Dolores	55,244	353,011	408,255	44,055	217	-0-	36,002	-0-	80,343	.8026	.1020	.0994
Douglas	-0-	141,231	141,231	30	-0-	-0-	3,567	-0-	3,597	N.A.	.0252	.0255
Eagle	261,702	579,362	841,064	9,136	1,340	22	29,589	-0-	40,087	.0401	.0511	.0477
Elbert	-0-	-0-	-0-	3,457	38	-0-	-0-	-0-	3,495	N.A.	N.A.	N.A.
El Paso	4,719	100,151	104,870	980	29	-0-	2,529	-0-	3,538	.2138	.0253	.0337
Fremont	349,044	99,997	449,041	30	1,046	940	1,485	-0-	3,501	.0058	.0148	.0078
Garfield	632,322	514,646	1,146,968	162,763	2,976	122	26,199	-0-	192,060	.2623	.0509	.1674
Gilpin	5,894	39,452	45,346	35,725	105	-0-	1,915	-0-	37,745	.0791	.0485	.0824
Grand	143,858	552,235	696,093	38,162	1,581	730	33,469	-0-	73,942	.2813	.0606	.1062
Gunnison	371,856	1,265,157	1,637,013	73,378	1,453	213	33,511	-0-	108,555	.2018	.0265	.0563
Hinsdale	114,075	557,677	671,752	-0-	446	1	43,797	-0-	44,244	.0039	.0785	.0659
Huerfano	71,373	139,541	210,914	9,166	1,814	41	2,072	-0-	13,093	.1544	.0148	.0621
Jackson	194,134	333,593	527,727	116,468	1,346	433	16,909	-0-	135,156	.6091	.0507	.2561
Jefferson	3,419	100,134	103,553	120	1	-0-	2,625	-0-	2,746	.0354	.0262	.0265
Kiowa	8,201	-0-	8,201	5,022	89	-0-	-0-	-0-	5,111	.6232	N.A.	.6232
Kit Carson	-0-	-0-	-0-	472	-0-	-0-	-0-	-0-	472	N.A.	N.A.	N.A.
Lake	23,887	155,926	179,813	118	235	-0-	2,315	-0-	2,668	.0148	.0148	.0148
La Plata	29,344	394,380	423,724	3,560	115	-0-	40,243	-0-	43,918	.1252	.1020	.1036

County	Total Acres Managed			Revenue Returned to County, By Program						County Revenues Per County Acre		
	BLM	Forest Service	Total	Mineral Leasing Act 1/	Taylor Grazing Act	Lands & Minerals Act	Forest Revenues Act	Bankhead -Jones Act 2/	Total	BLM	Forest Service	Weighted Average
Larimer	28,149	617,348	645,497	\$ 47	\$ 807	\$ 343	\$ 23,061	-0-	\$ 24,258	\$ .0425	\$ .0374	.0376
Las Animas	14,601	74,649	89,250	15,465	320	-0-	327	\$ 3,253	19,365	1.0811	.0480	.2170
Lincoln	2,120	-0-	2,120	2,080	128	-0-	-0-	-0-	2,208	1.0415	N.A.	1.0415
Logan	1,117	-0-	1,117	2,939	5	-0-	-0-	-0-	2,944	2.6356	N.A.	2.6356
Mesa	978,084	541,139	1,519,223	198,366	3,192	175	25,238	-0-	226,971	.2063	.0466	.1494
Mineral	-0-	525,258	525,258	-0-	-0-	-0-	60,874	-0-	60,874	N.A.	.1159	.1159
Moffat	1,453,520	41,763	1,495,283	511,486	11,833	471	2,107	-0-	525,897	.3604	.0505	.3517
Montezuma	188,930	243,316	432,246	69,785	742	72	24,822	-0-	95,421	.3737	.1020	.2208
Montrose	636,307	304,989	941,296	66,001	2,483	128	16,260	-0-	84,872	.1078	.0533	.0902
Morgan	2,527	-0-	2,527	6,598	34	-0-	-0-	-0-	6,632	2.6245	N.A.	2.6245
Otero	2,284	161,334	163,618	6,086	74	-0-	-0-	9,971	16,131	2.6970	.0618	.0986
Ouray	38,758	126,705	165,463	784	313	405	6,634	-0-	8,136	.0388	.0524	.0492
Park	75,500	650,562	726,062	7,039	1,674	488	16,522	-0-	25,723	.1219	.0254	.0354
Phillips	-0-	-0-	-0-	608	-0-	-0-	-0-	-0-	608	N.A.	N.A.	N.A.
Pitkin	23,583	483,745	507,328	24,737	122	-0-	24,707	-0-	49,566	1.0541	.0511	.0977
Prowers	752	-0-	752	3,470	7	-0-	-0-	-0-	3,477	4.6237	N.A.	4.6237
Pueblo	16,845	32,833	49,678	-0-	572	-0-	487	-0-	1,059	.0340	.0148	.0213
Rio Blanco	1,169,934	358,574	1,528,508	1,789,329	7,565	7	18,243	-0-	1,815,144	1.5359	.0509	1.1875
Rio Grande	54,028	274,766	328,794	428	168	-0-	33,120	-0-	33,716	.0110	.1205	.1025
Routt	79,521	582,915	662,436	114,748	5,907	1,141	29,483	-0-	151,279	1.5316	.0506	.2284
Saguache	349,668	959,656	1,309,324	-0-	1,136	-0-	82,970	-0-	84,106	.0032	.0865	.0642
San Juan	48,720	170,412	219,132	-0-	191	-0-	17,732	-0-	17,923	.0005	.1041	.0818
San Miguel	298,733	175,576	474,309	80,118	1,175	29	9,400	-0-	90,722	.2722	.0535	.1913
Sedgwick	273	-0-	273	526	-0-	-0-	-0-	-0-	526	1.9158	N.A.	1.9158
Summit	18,187	296,925	315,112	-0-	253	1	21,136	-0-	21,390	.0140	.0712	.0679
Teller	33,308	125,499	158,807	-0-	95	-0-	3,168	-0-	3,265	.0028	.0252	.0206
Washington	879	-0-	879	6,480	-0-	-0-	-0-	-0-	6,480	7.3720	N.A.	7.3720
Weld	5,491	193,060	198,551	10,326	10	-0-	-0-	27,525	37,861	1.8824	.1426	.1907
Yuma	441	-0-	441	3,895	-0-	-0-	-0-	-0-	3,895	8.8322	N.A.	8.8322
TOTALS	8,345,743	14,333,959	22,679,702	\$3,522,854	\$54,121	\$ 6,493	\$807,110	\$53,427	\$4,444,005	.4293	.0600	.1959

Calculations by the Legislative Council Staff, October 25, 1974, from data provided by the Denver offices of the Forest Service and the Bureau of Land Management.

- 1/ Two factors limit the full accuracy of the figures reported as revenues returned from Mineral Leasing Act receipts:
  - a) U.S. Mineral Leasing Act receipts cannot be segregated by surface ownership. Therefore, monies received under this act may reflect revenues actually produced from Forest Service and private land, as well as BLM holdings. As a result, it is misleading to attribute these revenues solely to the BLM.
  - b) Because of the provisions of Colorado law (Chapter 100, Article 8), only two-thirds of the dollars shown for each county are given directly to the county. The remaining third is deposited to the state public school fund (this fund also receives spillover funds from the \$200,000 limit on the revenue that a single county may receive from the Mineral Leasing Act). A portion of the one-third of each county's share of Mineral Leasing Act receipts may be returned to the county pursuant to provisions of the "Public School Finance Act of 1973", but that amount cannot be accurately determined.

2/ Payments under the Bankhead-Jones Farm Tenancy Act are made on a calendar year basis. The figures shown here are for calendar year 1973.

N.A. as used in this table means "not applicable".



emphasize that there are significant impacts on local economies other than the direct payments from the public land-related acts. The public lands provide a resource base which supports local industries, such as mineral extraction and development, as well as timber production and grazing areas. The BLM and Forest Service have provided construction and maintenance of roads and trails, fire protection, and comprehensive long-range resource planning. In addition, the public lands in Colorado counties have generated substantial revenues through the recreation industry, although such revenues do not always equal county costs in providing needed services for tourists.

#### Payment In Lieu Of Taxes -- Resolution 14

The committee, at nearly every public hearing, heard broad-based support for a program of payment in lieu of taxes. Under such a program, a commonly agreed upon valuation would be made of all federally owned lands, local mill levies would be applied to the valuation, and the federal government would make a payment equivalent to that which local entities would receive if the property was in private ownership. Local residents stated that the current methods and rates of direct payments to counties from the federal government are outdated and totally inadequate. In addition, revenues received under the public land-related acts are substantially less than the taxes which would be due if the public lands were in private ownership and subject to local assessment.

The committee was informed of the burden placed on local governments to provide needed services due to the presence of public lands. In Montrose County, for example, testimony was given on the fiscal impact of roads and sewage treatment facilities which are required because of the impact of federally owned lands in that county. To meet additional federal requirements, these facilities have to be constructed and maintained at higher standards and serve greater capacities than local residents find necessary. This means additional costs to local taxpayers, and, in part, accounts for a City of Montrose official reporting that 17 percent of that entity's revenue is received from tourists (most of whom we can assume come to this area because of the attractions on federal lands), while 26 percent of the city's expenditures are attributable to the services necessary to host these tourists. It is also of interest to note that between 1973 and 1974, forest revenue payments for Montrose County decreased 40 percent while monies from the Mineral Leasing Act decreased seven percent.

Based on testimony at out-state hearings, the committee concludes that present programs of shared payments bear no

relationship to the direct or indirect burdens placed on local governments by the presence of federal lands. In addition, the committee concludes that monies derived from the public land-related programs are considerably less than the revenues state and local governments could collect if the lands were in private ownership and subject to ad valorem taxation.

While public land-related acts provided Colorado with approximately \$5.2 million in fiscal year 1974 (an increase of \$1.6 million over fiscal year 1972), estimates are made that the return would be ten times greater if the land was subject to property taxation. Local officials' assessments of federally owned land total \$700 million, which does not include any assessment of some 3.1 million acres of public lands in six Colorado counties. The \$700 million assessment figure has been questioned as being a conservative estimate of the total valuation of those public lands which have been assessed.

The committee believes that a payment-in-lieu-of-taxes system should be adopted by the Congress as a reimbursement to the states for the tax immunity of the public lands within their boundaries. Resolution 14 expresses the committee's support for the payment-in-lieu-of-taxes concept and the general approach taken by Congressman Blatnik of Minnesota in H.R. 12225 as introduced in the 93rd Congress. The resolution would provide that:

- (1) Counties would have the option of continuing to receive shared payments from the public land-related acts or they would receive payment in lieu of taxes;
- (2) An appraisal of all public lands would be conducted before a county would be required to decide whether to receive payment in lieu of taxes or public land-related funds;
- (3) Payments under an in-lieu-of-taxes concept could be used for needed public services in addition to roads and schools, and counties would receive the total amount of taxes due from the public lands located within the county; and
- (4) The in-lieu-of-taxes concept would be phased in by decreasing payments under their current payment programs while, at the same time, payments in lieu of taxes would be increased.

#### Multiple Use - Economic Activity on Public Lands -- Resolution 15

There was a consensus on the part of those participating in the committee's interim meetings that multiple use of public lands should not only be continued but reemphasized



in the management of federal land holdings. The definition of multiple use is not precise. As the term was used at committee hearings, it referred to federal government policies which support a variety of economic and recreational activities on public lands and encourage such lands to be used to their fullest potential.

The committee was reminded on several occasions of the importance of continued economic development on public lands. In Western Slope counties, almost 65 percent of the total land mass is federally owned. Thus, there is a wealth of mineral, timber, grazing, and recreational resources available on the public lands which are essential to the economic well-being of these counties, the State of Colorado, and its people.

In Ouray and Hinsdale counties, for example, there are invaluable mineral and agricultural resources present on the public lands. The economies of those two counties are heavily dependent on the mining and agricultural industries. Residents of both areas generally agreed that full use of the public lands is the "lifeblood" for their local economies. The committee concluded that a careful management policy which emphasizes regional economic growth is essential in those areas which desire to encourage such growth.

Resolution 15 reflects the broad-based advocacy for full economic development of the public lands. The resolution would urge Congress to give statutory enforcement to a unified approach for public land use which would serve as a guide for the BLM and the Forest Service. The committee recommends that public land use plans emphasize the use of the public domain for purposes which will strengthen local and regional economies. The resolution would also recommend that the multiple-use concept for public lands be continued and that any land withdrawals be reexamined on a continuing basis. Finally, the resolution would provide that federal agency purchases of privately owned land be matched by the return of an equal amount of federally owned land to the local tax rolls.

#### Policies for Use and Management of Public Lands -- Resolution 16

On several occasions during the Western Slope hearings, complaints were registered concerning the administrative and managerial procedures used by the BLM and the Forest Service. Local citizens observed that decision making by these agencies has been unduly delayed by antiquated public land laws and management plans. Such delays frequently cause frustrations for residents trying to understand governmental policies. For example, the committee was informed at a public hearing on

the Western Slope that in BLM districts there are presently "300 to 500" potential mutually beneficial land exchanges pending; however, the number of exchanges that can be completed in one year is only about three.

The committee concluded that there is a need for development of a clear set of goals for the management and use of public lands administered by the BLM. Thus, the committee recommends Resolution 16, for consideration by the General Assembly. This resolution would urge Congress to establish in one statute concise goals for public lands management. The committee recommends that such legislation emphasize the need for an inventory of all public lands, encourage local public participation in decision-making with regard to public lands, and coordinate public land use plans with state and local land use planning.

#### Grazing Fees -- Resolution 17

The committee was informed at a number of its interim meetings of the need to tie grazing fees to the market price of livestock. In simplified terms, at present, fees paid to the federal government for use of grazing lands are based on the value for animal-unit month of the forage. The committee concluded that the present grazing fee system cannot adequately respond to the great changes in the livestock market and the rising costs of producing livestock.

The Committee on Federal and State Lands, in Resolution 17, would urge Congress to adopt a new grazing fee policy which would be more dependent upon current market prices for cattle and the cost of producing livestock. The committee further recommends that grazing fees should vary for different geographic areas of the United States, although fees for lands administered by the Departments of Interior and Agriculture should be the same in any one geographic area.

#### Construction of Access Roads to Timber-Cutting Areas -- Resolution 18

At the committee's public hearing in Steamboat Springs, we were informed of the state of disrepair of access roads into timber-cutting areas within the Routt National Forest. Presently, timber purchasers are given the responsibility for building such access roads. This has become a costly, and often difficult, venture for purchasers since these roads must often be built to meet local county road standards.

The committee concludes that the federal government should assume the responsibility for building access roads. Federal funding would assure roads which would provide greater accessibility for fire, insect, and disease control, and transportation through publicly owned lands. Road building would thus become part of the total price of a timber sale and would return more revenue to local governments under provisions of the Forest Revenues Act, which provides a return of 25 percent of stumpage sale receipts to the counties in which the timber was cut. Resolution 18, would request that Congress support a program of federal funding through appropriations for improved access roads into timber-cutting areas.

#### Predator Control -- Resolution 19

Representatives of the cattle and sheep industries have informed the committee of substantial livestock losses from predation by coyotes. They report that since chemical toxicants have been banned as a method of reducing the coyote population, there have been tremendous financial losses suffered by sheepmen and cattlemen throughout Colorado. Statistics provided by the Colorado Department of Agriculture indicate that in 1972 there were over 50,000 sheep killed in this state by coyotes.

There is a need to again legalize the use of chemical toxicants in controlling coyote populations. Thus, the committee recommends Resolution 19, which would request that the President of the United States legalize the use of certain canine-specific toxicants for control of coyotes on both public and private lands. The committee emphasizes that application of such toxicants would be handled under a closely supervised program to ensure that no environmental threats are posed through secondary killing of other animals.

#### Other Committee Findings

Pawnee National Grassland. In October, the committee toured the 193,000-acre Pawnee National Grassland in Weld County. The grassland was established under the Bankhead-Jones Farm Tenancy Act passed by Congress in 1937. Through this act, the federal government acquired sub-marginal lands for conservation of the land through improvement and use. Permittees on the grassland are members of two grazing associations, the Crow Valley Livestock Cooperative and the Pawnee Cooperative Grazing Association. At a hearing in New Raymer, a number of permittees and non-permittees recommended that the Pawnee National Grassland be converted entirely into private ownership by sale at a public auction. Spokesmen from the Crow Valley and Pawnee Grazing associations, as well as other citizens,

urged that the grassland remain entirely federally owned. They suggested that the public lands are being put to their best use, and that conversion of the grassland to private ownership would only lead to large corporate ownership of farm land.

There was a consensus from the persons attending the hearing that shared revenue payments to Weld County under the Bankhead-Jones Act are woefully inadequate for the provision of needed services in the county. Data provided by the Forest Service indicates that Weld County received \$27,525 from the Bankhead-Jones Act in 1973.

The committee makes no recommendations concerning disposition of the Pawnee National Grassland. However, Resolution 14, would encourage a system which would give Weld County the option to receive federal monies under either the Bankhead-Jones Act and other public land-related programs, or under the payment-in-lieu-of-taxes proposal, whichever provides the greatest revenue.

Allocation of Mineral Leasing Act funds. The Mineral Leasing Act provides Colorado with the greatest amount of revenue of all the public land-related acts (\$4.2 million in fiscal year 1974). The state allocation formula for the Mineral Leasing Act is in Article 63 of Title 34, Colorado Revised Statutes 1973. Article 63 provides that two-thirds of the monies received be distributed to those counties from which the money was derived, except no county can receive an amount in excess of \$200,000 per fiscal year. Such monies are used for the benefit of schools and roads in those counties which receive the funds. Spillover monies (those funds in excess of \$200,000 for any one county), in addition to one-third of the total mineral leasing allocation, go to the State Public School Fund, which fund consists of monies received through the annual legislative appropriation (Long Bill), public school income (rentals of school lands), and the mineral leasing allocations. Such funds are distributed to school districts pursuant to the "Public School Finance Act of 1973".

Committee review of recent Mineral Leasing Act revenues indicates that the limitation on monies which any one county can receive under the Mineral Leasing Act has the effect of leveling off the allocations to counties as compared to the State Public School Fund. Thus, despite the fact that state law specifies that two-thirds of the funds go to counties directly, statistics for fiscal year 1974 show that counties received \$1,177,397 that year, while the State Public School Fund received \$1,384,287 in addition to \$1.6 million in spillover funds from the allocations for Moffat and Rio Blanco counties.

The committee recommends a careful study of the state's allocation formula for mineral leasing monies with an emphasis on the effect of raising or eliminating the \$200,000 limitation on monies received by a county. The committee does support the concept presented in H.R. 13362 introduced in the 93rd Congress by Congressman Johnson of Colorado. This measure would provide that monies due the states under the provisions of the 1920 Mineral Leasing Act may be used for purposes other than public roads and schools. The proposal directs that the funds be used for "planning, construction, and maintenance of public facilities, and provision of public services."

## II. Findings and Recommendations: Lands Owned by the State of Colorado

During the 1973 interim, the Federal and State Lands Committee studies focused on lands owned by the State of Colorado. The committee recommended a bill for consideration by the General Assembly in 1974 regarding policies for state real property management. The bill was not placed on the Governor's call for the 1974 session. This interim, the committee reviewed the bill again and recommends it, with slight modifications, for consideration by the General Assembly. In 1973, the committee also heard a proposal by representatives of Porter Memorial Hospital to convert the Children's Home property into a senior citizen retirement center. More detailed committee consideration was given to that proposal this interim.

### State Real Property Management -- Bill 26

The State of Colorado presently owns or otherwise controls over three million acres of land. Public school lands comprise the greatest portion of the state-owned lands (2.6 million acres). Pursuant to federal acts, the State Constitution, and state statute, the State Board of Land Commissioners administer the public school lands. The Division of Wildlife and the Division of Parks and Outdoor Recreation jointly administer approximately 345,000 acres.

Except for state school lands, no uniform procedures now exist in Colorado for the acquisition, management, or sale of state-owned lands. There are three general areas where there is a particular lack of uniformity:

- (1) Inventories of state lands;
- (2) Procedures involving agency land transactions; and

- (3) Land management procedures and overview by the General Assembly.

Legislation is needed in all these areas for better management of state-owned land. The committee's bill addresses itself to these issues.

In summary, Bill 26 would provide:

(1) Land inventory. The Division of Public Works would be required to maintain a real property inventory of all state-owned lands including water rights appurtenant to state-owned lands, stock in ditch companies, and minerals which may have commercial value.

(2) Advisory commission. Within the Division of Public Works there would be established an advisory commission on state lands. The commission would consist of the director of the division, the state engineer, the state geologist, a land board commissioner, the Attorney General, and the director of the Division of State Planning. The commission's responsibilities would include: (a) reviewing agency comprehensive plans for real property to determine if there is proper utilization of state-owned land; (b) recommending to the General Assembly the proper disposition of surplus property as it is declared by the state agencies; (c) recommending to the General Assembly the acquisition of real property; and (d) recommending to the General Assembly the retention or disposal of water and mineral rights in conjunction with the disposal of state lands.

All recommendations by the advisory commission to the General Assembly would have to be made by December 1 of each year.

(3) State real property plans. The bill would require that each state agency, department, and institution submit as a part of its long-range master plan to the Division of State Planning, a comprehensive plan for real property. The comprehensive plan would declare which lands are surplus to agency needs and what tracts of real property it wishes to acquire. Such comprehensive plans would be submitted to the advisory commission. The bill provides guidelines to be followed before property is declared surplus by an agency.

(4) Title opinions. The bill would provide that the Attorney General issue a title opinion prior to the time an agency closes the purchase of property. Such a provision would ensure marketable and unencumbered title.

(5) Title in State's name. Titles to all real property acquired in the future by the state would be vested in the name of the state to be held in trust for the use of the agency.

(6) Scope. All lands owned by any state agency, institution, or department, except public school lands and highway rights-of-way, would be covered by the provisions of Bill 26.

Porter Memorial Hospital -- Children's Home Proposal

At meetings in 1973 and 1974, representatives of Porter Memorial Hospital expressed interest in leasing the so-called Children's Home property in south Denver for purposes of developing a non-sectarian senior citizens retirement center. The Colorado Youth Center ceased to function three years ago, and the Department of Institutions is presently authorized to issue short-term leases for use of the property. Only state departments, agencies, political subdivisions, and school districts are now authorized by statute to lease the facilities. Two agencies, the Denver Parks and Recreation Department and the Denver Police Department, have rental agreements for use of the Children's Home property. The Division of Mental Retardation also houses from 15 to 20 employees who use one building on the Youth Center property as an office area. The state Division of Archives and Public Records uses one building as a depository for surplus material. Finally, the state has granted to the Denver Christian School right-of-entry to the property to allow construction and maintenance of an athletic field.

The retirement center proposed by Porter Memorial Hospital would provide various levels of care, depending on the needs of the applicants. Officials from Porter reported that a feasibility study, costing approximately \$10,000 would have to be completed before detailed plans could be made by the hospital.

The committee, after concluding that the Colorado Youth Center property is not being put to its best use, recommends that the General Assembly give careful consideration to some disposition of this property. The committee takes no position on the question of whether Porter Memorial Hospital should conduct a feasibility study for use of the land.

COMMITTEE ON FEDERAL AND STATE LANDS

RESOLUTION 14

SENATE JOINT RESOLUTION NO.

1 WHEREAS, Federal lands comprise thirty-six percent or some  
2 twenty-four million acres of Colorado's total land mass; and

3 WHEREAS, Federal lands comprise sixty-five percent of all  
4 western slope lands of the state of Colorado; and

5 WHEREAS, Public lands comprise as much as ninety-six  
6 percent of a single Colorado county's total acreage; and

7 WHEREAS, Federal lands are not part of a county's property  
8 tax base and therefore dramatically reduce the primary source of  
9 local governmental revenue; and

10 WHEREAS, The moneys derived from the seven public land  
11 programs are significantly less than the revenues state and local  
12 governments would collect if these lands were subject to property  
13 taxation; and

14 WHEREAS, The lack of growth or often sporadic growth in  
15 shared payments from timber sales, mineral leases, and grazing  
16 fees contrasts dramatically with the explosive growth in local  
17 government revenue needs; and

18 WHEREAS, The present programs of shared payments bear no  
19 relationship to the direct or indirect burdens placed on local  
20 governments by the presence of federal lands; and

21 WHEREAS, The local portion of federal shared revenues is

1 earmarked for specific uses and therefore often benefits counties  
2 only indirectly; and

3 WHEREAS, The increasing burden public lands place on a  
4 number of counties in Colorado may mean that these governments  
5 will be forced to turn to the state and federal levels for  
6 financial assistance; and

7 WHEREAS, Colorado wants to keep local government viable and  
8 as free as possible from financial dependence on other entities  
9 of government; and

10 WHEREAS, There is no indication that the number of land  
11 holdings of the federal government in Colorado will decrease; and

12 WHEREAS, The economic burden resulting from federal land  
13 ownership should not fall on Colorado state and local governments  
14 alone but instead should be borne by the entire nation; and

15 WHEREAS, Congress is considering legislation to provide  
16 payments to county governments as compensation for the tax  
17 immunity of federal lands within their boundaries; now,  
18 therefore,

19 Be It Resolved by the Senate of the Fiftieth General  
20 Assembly of the State of Colorado, the House of Representatives  
21 concurring herein:

22 That we, the members of this General Assembly, do hereby  
23 request that Congress adopt a new and comprehensive payment in  
24 lieu of taxes proposal, taking into consideration the following  
25 factors:

26 1. Those counties which do not wish to receive payments in  
27 lieu of taxes should be given the option of continuing to receive

1 shared payments under current provisions of law;

2 2. Before a county decides whether to receive in lieu of  
3 tax payments or shared revenue payments, a comprehensive  
4 appraisal of all public lands should be conducted;

5 3. A state board of appraisal appeal should be created to  
6 hear appeals regarding appraisal procedures;

7 4. Payments under an in lieu of tax concept should be made  
8 to the state and distributed to participating counties to be used  
9 for any public purpose; each participating county should receive  
10 an amount equal to the total amount of taxes due from the public  
11 lands located within the county; and

12 5. The in lieu of tax concept should be gradually phased in  
13 by decreasing the present shared revenue payments while, at the  
14 same time, increasing the in lieu of tax payments.

15 Be It Further Resolved, That copies of this Resolution be  
16 transmitted to Chairmen and members of the United States House  
17 and Senate Committees on Interior and Insular Affairs, the  
18 Secretary of the United States Department of Agriculture, the  
19 Secretary of the United States Department of Interior, and the  
20 members of the Congress of the United States from the State of  
21 Colorado.

COMMITTEE ON FEDERAL AND STATE LANDS

RESOLUTION 15

SENATE JOINT RESOLUTION NO.

1       WHEREAS, Our nation's standard of living is heavily  
2 dependent upon the mineral, timber, grazing, and recreational  
3 resources of publicly owned lands; and

4       WHEREAS, Lands owned by the Federal government in Colorado  
5 provide resources that are essential to a healthy economy for  
6 many Colorado communities; and

7       WHEREAS, In many Colorado counties, further economic  
8 development can only be realized on public lands; and

9       WHEREAS, Wholesale retention of land in Federal ownership  
10 for its own sake, or for historic reasons, is not sound policy;  
11 and

12       WHEREAS, Federal land management agencies are operating  
13 without a clear set of goals or statutory direction for the  
14 disposal of public lands; and

15       WHEREAS, The multiple use authority granted Federal  
16 management agencies for retained lands fails to specify standards  
17 for determining priorities for land use, resolving conflicts over  
18 land use, or specifying the relationship between the land's  
19 primary use and other possible uses; and

20       WHEREAS, Current Federal land management policies allow for  
21 the haphazard withdrawal of public lands from sale, entry upon,



1 or settlement; and

2 WHEREAS, Continued uncertainty within the executive and  
3 legislative branches of the Federal government over the best use  
4 of public land is becoming of grave concern to economic user  
5 groups and the focus of growing controversy in a number of  
6 Western Colorado counties; now, therefore,

7 Be It Resolved by the Senate of the Fiftieth General  
8 Assembly of the State of Colorado, the House of Representatives  
9 concurring herein:

10 1. That the Congress of the United States give statutory  
11 endorsement to a unified approach for public land use which will  
12 serve as a statement of goals and a consistent directive to the  
13 Bureau of Land Management within the Department of the Interior  
14 and the Forest Service within the Department of Agriculture in  
15 their zoning for use and management of Federal lands.

16 2. That such an approach specify the procedures and factors  
17 to be used by management agencies in making land use  
18 determinations and that the following should be primary among  
19 those factors and procedures:

20 a. The public lands should be managed for the broadest  
21 range of possible beneficial uses, with an emphasis upon uses  
22 that contribute most to local and regional desires for economic  
23 growth.

24 b. Public land use decisions which affect a geographic  
25 region should be coordinated, made at the local level, and based  
26 upon effective local public participation in the decision-making  
27 process.

1 c. A complete review of all land withdrawals should be  
2 undertaken for the purpose of modifying or rejustifying each  
3 withdrawal; in addition, all withdrawals should be reexamined  
4 periodically to determine if this classification is still  
5 applicable, and all large-scale withdrawals of a permanent or  
6 indefinite term should be accomplished only by act of Congress.

7 d. Agency purchases of privately owned land should be  
8 matched by the return of an equal amount of federally owned land  
9 to the local tax rolls.

10 e. Public lands which are isolated or otherwise difficult  
11 to manage as a part of the public domain, not suitable for  
12 management by another Federal agency, and which could serve a  
13 better use in private hands should be sold to the public with the  
14 highest consideration given to purchase by adjoining landowners.

15 f. Management of the public lands should be responsive to  
16 changing demands and should not arbitrarily exclude additional  
17 uses.

18 Be It Further Resolved, That copies of this Resolution be  
19 transmitted to the Secretary of Agriculture, the Secretary of the  
20 Interior, the Chairmen and members of the United States House and  
21 Senate Committees on Interior and Insular Affairs, and the  
22 members of the Congress of the United States from the State of  
23 Colorado.

COMMITTEE ON FEDERAL AND STATE LANDS

RESOLUTION 16

SENATE JOINT RESOLUTION NO.

1       WHEREAS, The Bureau of Land Management within the United  
2 States Department of the Interior controls eight and one-third  
3 million acres of land in Colorado; and

4       WHEREAS, The management of these lands directly affects the  
5 well-being of a substantial number of Colorado counties; and

6       WHEREAS, Effective management efforts by the Bureau of Land  
7 Management are impeded by the Bureau's dependence on outmoded  
8 public land laws initiated when a philosophy of disposal and  
9 uncontrolled development of the public domain prevailed; and

10       WHEREAS, Antiquated statutes and management policies cause  
11 unnecessary delay and confusion in governmental decision-making,  
12 a deep sense of frustration among citizens, and subversion of  
13 public understanding of and participation in decisions which  
14 affect their welfare; and

15       WHEREAS, There is need for development of a clear set of  
16 goals for the management and use of public lands administered by  
17 the Bureau of Land Management; and

18       WHEREAS, The Department of the Interior, the Public Land Law  
19 Review Commission, and Congressmen have vigorously sought  
20 legislation in support of such a modernization of agency laws and  
21 procedures; now, therefore,



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

4 That we, the members of this General Assembly, do hereby  
5 urge Congress to adopt a proposal which will provide, in a single  
6 statute, clearly defined policy goals and objectives for the  
7 management and use of public lands, emphasizing the following  
8 needs:

9 1. Management of public lands under well defined principles  
10 of multiple use and sustained yield;

11 2. Direction to the Secretary of the Interior to prepare  
12 and maintain, on a continuing basis, an inventory of public lands  
13 and their resources;

14 3. Maximization of opportunities for the local public to  
15 participate in decision-making concerning the public lands,  
16 including establishment of and consultation with local advisory  
17 boards and committees as deemed necessary;

18 4. Coordination of land use plans and land management  
19 decision-making with state and local land use plans;

20 5. Limitations on the acquisition by condemnation for the  
21 single purpose of providing access to national resource lands;

22 6. Granting authority to the Secretary of the Interior to  
23 contract with state and local officials for general law  
24 enforcement on public lands; and

25 7. Proper funding of the programs of the Bureau of Land  
26 Management to obtain maximum results with the land under the  
27 Bureau's control.

1 Be It Further Resolved, That copies of this Resolution be  
2 transmitted to the Chairmen and members of the United States  
3 House and Senate Committees on Interior and Insular Affairs, the  
4 Secretary of the United States Department of the Interior, and  
5 the members of the Congress of the United States from the State  
6 of Colorado.

COMMITTEE ON FEDERAL AND STATE LANDS

RESOLUTION 17

HOUSE JOINT RESOLUTION NO.

1       WHEREAS, The livestock industry is a primary source of food  
2 and fiber for the American public and is vital to the economy of  
3 Colorado and many other western states; and

4       WHEREAS, A significant number of individual Colorado  
5 stockmen are dependent upon public lands managed by the United  
6 States Departments of Agriculture and the Interior for the  
7 grazing of their cattle, sheep, and other livestock; and

8       WHEREAS, Fees paid to the federal government for use of  
9 grazing lands are presently based on the value for an animal unit  
10 month of the forage and are increased by annual increments until  
11 1979; and

12       WHEREAS, The present grazing fee system cannot adequately  
13 respond to fluctuations in the livestock market and the soaring  
14 cost of producing livestock; and

15       WHEREAS, The livestock industry, the Secretaries of  
16 Agriculture and the Interior, and several Congressmen are  
17 actively seeking a more equitable fee schedule; now, therefore,

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

21       That we, the members of this Fiftieth General Assembly, do

1 hereby urge that Congress adopt a new grazing fee proposal which  
2 includes dependence upon the price of livestock and the cost of  
3 producing livestock. The fee, in order to achieve the most  
4 equitable results for the user, should vary between geographic  
5 localities, although a common fee for lands in the same  
6 geographic locality administered by the Departments of  
7 Agriculture and the Interior is essential.

8 Be It Further Resolved, That copies of this Resolution be  
9 transmitted to the Secretary of the United States Department of  
10 Agriculture, the Secretary of the United States Department of the  
11 Interior, and the members of the Congress of the United States  
12 from the State of Colorado.

COMMITTEE ON FEDERAL AND STATE LANDS

RESOLUTION 18

SENATE JOINT RESOLUTION NO.

1 WHEREAS, The public lands in Colorado have timber reserves  
2 essential to the economic welfare of Colorado counties; and

3 WHEREAS, Timber purchasers are burdened with the  
4 responsibility for construction and maintenance of access roads  
5 into timber cutting areas which must be maintained at standards  
6 higher than is required for harvesting timber or meeting local  
7 county road standards; and

8 WHEREAS, Better access road networks would make possible the  
9 salvage and sale of abandoned and dying timber, together with  
10 access for fire protection, search and rescue operations, insect  
11 and disease control, and transportation through publicly owned  
12 lands; and

13 WHEREAS, Existing timber sales programs could be simplified  
14 by separating road construction from timber harvesting; and

15 WHEREAS, The Public Land Law Review Commission recommended  
16 the creation of improved and expanded access road networks  
17 through the use of federal funds; now, therefore,

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

21 That the Congress of the United States is hereby requested

1 to adopt the principles of the Public Land Law Review Commission  
2 Recommendation No. 33 requiring federal funding through  
3 appropriations for improved access roads to timber cutting areas.  
4 The Fiftieth General Assembly of the State of Colorado further  
5 recommends that federal agencies eliminate allowances for road  
6 construction costs from timber sales procedures and that  
7 distribution of proceeds from timber purchaser payments for road  
8 access be made part of the National Forest Revenues Act payments  
9 to the various states.

10 Be It Further Resolved, That copies of this resolution be  
11 sent to the chairmen and members of the United States House and  
12 Senate Committees on Interior and Insular Affairs, the Secretary  
13 of the United States Department of Agriculture, the Secretary of  
14 the United States Department of the Interior, and the members of  
15 the Congress of the United States from the State of Colorado.

COMMITTEE ON FEDERAL AND STATE LANDS

RESOLUTION 19

HOUSE JOINT RESOLUTION NO.

1 WHEREAS, The sheep and cattle industries are an essential  
2 source of food and fiber for the nation and are also an important  
3 part of the economy of many western states, including Colorado;  
4 and

5 WHEREAS, Predation by coyotes has been declared an emergency  
6 condition by the Colorado Department of Agriculture, with  
7 disastrous losses having already forced many sheepmen out of  
8 business; and

9 WHEREAS, Such predation is now threatening the cattle  
10 industry and the game and wildlife of the state; and

11 WHEREAS, Each lamb or calf lost to predators results in less  
12 food being delivered to the consumer who is already paying fifty  
13 percent more for food than he did three years ago; and

14 WHEREAS, By Federal executive and legislative action  
15 livestock producers have been deprived of chemical toxicants in  
16 predator control; and

17 WHEREAS, The use of chemical toxicants is the most  
18 effective, economical, and highly selective means of predator  
19 control; and

20 WHEREAS, No fully documented evidence has been submitted to  
21 indicate that use of chemical toxicants reduces coyote

1 populations to the point of making them endangered species or  
2 that the proper and careful use of certain chemical toxicants  
3 poses an environmental threat through the secondary killing of  
4 other species; and

5 WHEREAS, Nearly all of the present alternatives to predator  
6 control are ineffective, and uncontrolled predation until  
7 acceptable alternatives are developed only compounds an  
8 intolerable situation; and

9 WHEREAS, A recent request by the State of Colorado for  
10 exemption from the provisions of the Federal Environmental  
11 Pesticide Control Act of 1972 to deal with predators, especially  
12 coyotes, has been denied; now, therefore,

13 Be It Resolved by the House of Representatives of the  
14 Fiftieth General Assembly of the State of Colorado, the Senate  
15 concurring herein:

16 That we, the members of this General Assembly, do hereby  
17 request the President of the United States to relax the  
18 prohibition on the use of certain canine-specific toxicants to be  
19 used in a closely supervised predator control program in  
20 Colorado, including both publicly and privately owned land until  
21 such time as an effective alternative method of predator control  
22 is developed.

23 Be It Further Resolved, That copies of this Resolution be  
24 transmitted to the President of the United States, the  
25 Administrator of the United States Environmental Protection  
26 Agency, and each member of Congress from the State of Colorado.

COMMITTEE ON FEDERAL AND STATE LANDS

BILL 26

A BILL FOR AN ACT

1 CONCERNING STATE REAL PROPERTY, AND MAKING AN APPROPRIATION FOR  
2 THE ADMINISTRATION OF THE ADVISORY COMMISSION ON STATE  
3 LANDS.

Bill Summary

(NOTE: This summary applies to this bill as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

Provides that the division of public works shall inventory water rights appurtenant to state-owned property. Requires that all state real property having defects in title be corrected as expeditiously as possible. Creates an advisory commission on state lands. Requires a state real property plan of each agency, department, and institution as a part of the long-range master plan submitted to the division of state planning and gives the power of review of the plan to the advisory commission on state lands. Gives the power to the advisory commission on state lands to recommend action regarding state lands to the general assembly. Requires that all new transfers of real property to the state be reviewed by the attorney general and that the lands acquired be transferred to the ownership of the state of Colorado. Makes an appropriation to the department of administration for the administration of this act.

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

5 SECTION 1. 24-30-505 (1) (g), Colorado Revised Statutes  
6 1973, is amended, and the said 24-30-505 (1) is further amended  
7 BY THE ADDITION OF A NEW PARAGRAPH, to read:

8 24-30-505. Powers and duties of the division. (1) (g)

1 Obtain and maintain a correct and current inventory of all real  
2 property, with improvements thereon, TO INCLUDE SEPARATE ENTRIES  
3 OF WATER, MINERAL, AND OTHER RIGHTS APPURTENANT TO THE PROPERTY;  
4 STOCK IN DITCH COMPANIES; MINERALS OF ORGANIC OR INORGANIC NATURE  
5 THAT MAY HAVE COMMERCIAL VALUE; OR ANY OTHER RIGHT OR INTEREST IN  
6 REAL PROPERTY owned by or held in trust for the state of Colorado  
7 or any state department, agency, or institution ~~and---in~~  
8 ~~cooperation--with--the--attorney--general;--correct--any--defects--in~~  
9 ~~title--to--said--real--property--necessary--to--vest--marketable--title--in~~  
10 ~~the--state~~ THEREOF;

11 (1) (1) Correct as expeditiously as possible in cooperation  
12 with the attorney general any defects in title to real property  
13 owned by or held in trust for the state of Colorado or any state  
14 department, agency, or institution thereof, so as to vest  
15 marketable title in the state.

16 SECTION 2. Title 24, Colorado Revised Statutes 1973, as  
17 amended, is amended BY THE ADDITION OF A NEW ARTICLE to read:

18 ARTICLE 44

19 Advisory Commission on State Lands

20 24-44-101. Commission created. (1) There is hereby  
21 established, within the division of public works, the advisory  
22 commission on state lands, referred to in this article as the  
23 "commission". The commission shall consist of six members who  
24 shall be the director of public works, the state engineer, the  
25 state geologist, a land board commissioner, the attorney general,  
26 and the director of state planning or their designees.

27 (2) The commission shall exercise its powers and perform

1 its duties and functions specified in this article under the  
2 division of public works as if the same were transferred to the  
3 division by a type 1 transfer as such transfer is defined in the  
4 "Administrative Organization Act of 1968", being article 1 of  
5 title 24, C.R.S. 1973.

6 (3) The chairman of the commission shall be the director of  
7 public works. The members shall receive no compensation for  
8 their services on the commission but shall be reimbursed for  
9 their actual and necessary expenses incurred in the performance  
10 of their duties.

11 (4) The commission shall meet at least twice during each  
12 year or upon the call of the chairman.

13 (5) The staff of the division of public works shall provide  
14 the necessary services for the commission. The departments,  
15 agencies, and institutions of the state government shall make  
16 available to the commission such data and information as are  
17 necessary for it to perform its duties. The commission shall  
18 conduct and maintain a public record of its activities and  
19 recommendations.

20 24-44-102. Duties of the commission. (1) The commission  
21 has the following duties:

22 (a) To review agency and departmental comprehensive plans  
23 for real property as developed in section 24-37-401 and to  
24 determine if there is proper utilization of state-owned land;

25 (b) To recommend to the general assembly the disposal of  
26 surplus property as declared by a department, agency, or  
27 institution to either other governmental agencies or political

1 subdivisions of the state of Colorado or to private parties;

2 (c) To make recommendations to the general assembly  
3 concerning the acquisition of real property;

4 (d) To recommend to the general assembly the retention or  
5 disposal of water and mineral rights when state land is disposed  
6 of.

7 (e) All recommendations of the advisory commission on state  
8 lands shall be made to the general assembly no later than the  
9 first day of December of each year.

10 SECTION 3. 24-1-116 (2) (b), Colorado Revised Statutes  
11 1973, is amended to read:

12 24-1-116. Department of administration - creation. (2) (b)  
13 (I) Division of public works, the head of which shall be the  
14 director of public works. The division of public works and the  
15 office of director thereof, created by part 5 of article 30 of  
16 this title, and their powers, duties, and functions are  
17 transferred by a type 2 transfer to the department of  
18 administration as the division of public works.

19 (II) THE ADVISORY COMMISSION ON STATE LANDS, CREATED BY  
20 ARTICLE 44 OF TITLE 24, C.R.S. 1973, SHALL EXERCISE ITS POWERS  
21 AND PERFORM ITS DUTIES AND FUNCTIONS UNDER THE DIVISION OF PUBLIC  
22 WORKS OF THE DEPARTMENT OF ADMINISTRATION AS IF THE SAME WERE  
23 TRANSFERRED TO THE DIVISION BY A TYPE 1 TRANSFER.

24 SECTION 4. Article 37 of title 24, Colorado Revised  
25 Statutes 1973, as amended, is amended BY THE ADDITION OF A NEW  
26 PART to read:

1

PART 4

2

STATE REAL PROPERTY MASTER PLAN

3

24-37-401. Comprehensive plans for real property. (1)

4

Each state agency, department, and institution shall include as a  
5 part of its long-range master plan submitted to the division of  
6 state planning a comprehensive plan for real property. Such  
7 comprehensive plan for real property shall declare any lands  
8 which are surplus to the operations of an agency, department, or  
9 institution, and any proposed acquisitions of real property. The  
10 plan shall be submitted to the advisory commission on state lands  
11 created in section 24-44-102.

12

(2) Before declaring land surplus, each agency, department,  
13 and institution shall consider, but shall not be limited to, the  
14 following guidelines:

15

(a) Whether the present use of the land is compatible with  
16 other state, regional, or local plans and programs;

17

(b) Whether the surrounding neighborhood, zoning, and other  
18 environmental factors are sufficient for other than a  
19 governmental use;

20

(c) Whether operating and maintenance costs are excessive;

21

(d) Whether contemplated program changes will alter  
22 property requirements;

23

(e) Whether the entire plot of property is essential for  
24 present or projected program requirements;

25

(f) Whether the property may be consolidated with other  
26 state-owned lands or traded for such consolidation;

27

(g) Whether local zoning provides sufficient protection to



1 the public from any planned activity by providing buffer zones  
2 and whether such zones are kept at an absolute minimum;

3 (h) Whether net savings can be realized through relocation  
4 of planned activities considering property values or rentals,  
5 cost of moving, occupancy, and increased efficiency of  
6 operations;

7 (i) Whether developments on adjoining nonstate-owned land  
8 or public access or road rights-of-way granted across the  
9 state-owned land have rendered the property or any portion  
10 thereof unsuitable or unnecessary for program requirements;

11 (j) Whether the land can be disposed of and program  
12 requirements satisfied through reserving rights and interests to  
13 the state's property if it is released;

14 (k) Whether a portion of any property is being retained  
15 primarily because the present boundaries are marked by the  
16 existence of fences, hedges, roads, and utility systems;

17 (l) Whether any land is being retained merely because it is  
18 considered undesirable property due to topographical features or  
19 encumbrances for rights-of-way;

20 (m) Whether land is being retained merely because it is  
21 surrounded by other nonstate-owned lands;

22 (n) Whether there is land or space in state-owned buildings  
23 which may be made available for utilization by others within or  
24 outside of state government.

25 24-37-402. Use of state-owned land. Lands presently not in  
26 use by any state agency, department, or institution, as shown in  
27 its comprehensive master plan, shall be available for the use of

1 any other state agency, department, or institution, or for lease  
2 to a private party, in accordance with its comprehensive master  
3 plan, or for political subdivisions of the state.

4 24-37-403. Scope. All lands owned by any state agency,  
5 institution, or department, except public school lands and  
6 highway rights-of-way, shall come under the provisions of this  
7 article.

8 SECTION 5. Title 38, Colorado Revised Statutes 1973, as  
9 amended, is amended BY THE ADDITION OF A NEW ARTICLE to read:

10 ARTICLE 36.5

11 Transfer of State-owned Lands

12 38-36.5-101. Title opinions. (1) No state agency,  
13 department, or institution shall be permitted to purchase or  
14 otherwise acquire any real property until and unless an abstract  
15 of title, title insurance policy, or other acceptable evidence  
16 has been submitted to the attorney general. The attorney general  
17 shall give an opinion as to the marketability of the title to the  
18 land. If the title is not found by the attorney general to be  
19 marketable, the grantor shall enter into an agreement acceptable  
20 to the attorney general to assure that the land so acquired may  
21 be used for the purpose intended by the purchasing agency,  
22 institution, or department.

23 (2) All original agreements to purchase or otherwise  
24 acquire any real property or right or interest in real property  
25 by any state agency, department, or institution may be examined  
26 by the attorney general at his discretion or upon request of the  
27 acquiring party for any legal problem in relation to the

1 acquisition.

2 38-36.5-102. Title to vest in the name of the state. (1)

3 All lands acquired on and after July 1, 1975, by any state  
4 agency, department, or institution shall be transferred to the  
5 ownership of the state of Colorado. The land will be held in  
6 trust for the use and benefit of such agency, department, or  
7 institution by the department of administration which shall  
8 administer the trust according to the comprehensive master plan  
9 of each agency, institution, or department as set forth in part 4  
10 of article 37 of title 24, C.R.S. 1973, or by provision of law or  
11 donative intent of grantors of property to the state.

12 (2) Should any land be not capable of transfer under  
13 subsection (1) of this section because of reversionary interests  
14 or other restrictions, said land shall remain in its present  
15 status unless disposed of by law.

16 SECTION 6. Appropriation. In addition to any other  
17 appropriation, there is hereby appropriated out of any moneys in  
18 the state treasury not otherwise appropriated, for the fiscal  
19 year beginning July 1, 1975, to the department of administration  
20 the sum of twenty-one thousand five hundred dollars (\$21,500), or  
21 so much thereof as may be necessary, for the administration of  
22 this act.

23 SECTION 7. Effective date. This act shall take effect July  
24 1, 1975.

25 SECTION 8. Safety clause. The general assembly hereby  
26 finds, determines, and declares that this act is necessary for  
27 the immediate preservation of the public peace, health, and  
28 safety.

**CONTINUED**

**1 OF 3**

LEGISLATIVE COUNCIL COMMITTEE  
ON LOCAL GOVERNMENT

Members of the Committee

Rep. Betty Ann Dittmore,  
Chairman  
Sen. Kingston Minister, Vice-  
Chairman  
Sen. J. Robert Allshouse  
Sen. George Brown  
Sen. Joseph Calabrese  
Sen. Lorena Darby  
Sen. Ted Strickland

Rep. Gerard Frank  
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Wallace Pulliam  
Senior Analyst

Cindi Gorshow  
Senior Research  
Assistant

COMMITTEE ON LOCAL GOVERNMENT

As directed by the provisions of House Joint Resolution 1041 and House Joint Resolution 1050, 1974 session, the Committee on Local Government conducted studies of possible legislation relating to the development of new communities and reviewed a proposed recodification of Colorado's municipal laws.

The committee received testimony from various individuals who have had experience with large-scale developments, some of which are termed new communities, in Colorado. In addition, a three-member subcommittee made on-site visits to the new communities of Reston, Virginia, and Columbia, Maryland, and the entire committee visited the Ken Karyl Ranch site being developed by the Johns-Manville Corporation in Jefferson County.

I. New Communities

In recent years, Colorado has been experiencing a significant growth in population with the attendant needs for housing, industry, employment, and all forms of public services and facilities. Many argue that these growth-related problems indicate a need for additional policies which could help shape the growth patterns of the state. One suggested policy is for the General Assembly to recognize the creation of new communities and to establish standards for their development.

Legislative recognition of a need for a new community policy may have been prompted by the possibility that totally new towns might be developed to provide housing and municipal services to employees of oil shale industries. Some concern was expressed that adequate state guidelines for new communities had not been developed. Other persons have perceived a need for the state to provide some form of publicly generated assistance for such development.

In 1974 this recognition of the new community issue resulted in the Senate passage of Senate Bill 89, which would have provided for the establishment of new communities. However, the House of Representatives postponed the bill indefinitely and the topic of new communities was submitted to the Committee on Local Government for a more thorough review and constituted the major area of the committee's deliberations this interim.

### Policy Questions

The attention of the Committee on Local Government centered on several major questions:

(1) What should constitute a new community and what is the potential for new community development in Colorado?

(2) If there is a need for new communities, what should be the state's policy toward new community development? Should the state provide enabling legislation to encourage and assist in their development or should the state simply clarify the existing policies and establish regulatory mechanisms?

(3) If a regulatory policy is preferred, are there certain segments of new community development for which some form of public assistance or involvement may be desirable (e.g., the provision of low and moderate income housing)?

### Definitions of a New Community

A number of definitions of "new communities" and "new towns" were used in testimony before the committee and in publications on the topic. For example, one author has listed eight different definitional categories for new communities, while the U.S. Department of Housing and Urban Development regulations set forth five categories of new communities. Terms commonly used to describe new communities include: satellite; growth centers; free-standing; and new-town-in-town.

Several of the categories simply apply new terminology to existing types of developments. Is not the development of a new-town-in-town essentially the same as an urban renewal program since both redevelop existing areas in a central city? Additionally, depending on the size, could not a planned unit development be a satellite new community or a growth center?

Committee definition. The committee concluded that, for purposes of Colorado's policy, there is only one type of development which should be called a new community -- the so-called "free standing" new community, planned to be locationally separate from existing communities and designed to provide all the services and facilities normally associated with a city, including commercial, educational, health, cultural, and recreational facilities. These communities are planned to provide a balance between residential and non-residential development in order to ensure the economic self-sufficiency of the new community. A final characteristic is that they already have, or are projected to have, significant size in

terms of population. Columbia, Maryland, for example, has a population in excess of 30,000 and is planned to reach 110,000 by 1981.

### New Community Prototypes as Compared with Existing Colorado Developments

The types of developments commonly advertised or referred to as new communities in Colorado are actually large-scale developments. They are different from the above-described new communities in the degree to which they are spatially distinct from existing communities, economically self-sufficient, and able to provide their existing or future residents with normal city services and facilities.

While new large-scale developments in Colorado may be separate from existing communities to varying degrees, they appear to be designed as satellite communities rather than as free-standing entities. Further, although some large-scale developments in Colorado are planned to include some commercial and industrial facilities, they still depend on the existing employment base of the front range to stimulate demand for their development. The Ken Karyl Ranch, for example, is located approximately 18 miles from downtown Denver, and utilizes this proximity as one of its selling points to market its residential development. Another large-scale development, the Cheyenne Mountain Ranch, developed by Gates Land Company, was planned to be a part of the City of Colorado Springs and has been annexed by that city.

Large-scale developments in Colorado are also primarily dependent on existing communities for the provision of many services and facilities and diverse living opportunities. While these developments may provide various recreational facilities and light commercial facilities, they tend to be designed primarily for residential use.

One possible exception are the developments which occur as a result of specialized industries, such as the mountain recreation industry and, potentially, oil shale. Both of these industries may become the major employment sources for the permanent residents of the areas in which they are located. However, project operations for oil shale development have recently been curtailed and the feasibility of such development is uncertain at this time.

The primary reason for the differences between the new community prototypes and the large-scale development occurring in Colorado has been attributed by some individuals to the difference in population pressures in the two localities.

Columbia, Maryland, for example, is located in Howard County, a county which is projected to reach a population of one million people by 1981. Columbia is planned to accommodate roughly one-tenth of the growth.

## II. Committee Recommendations -- New Communities and Housing

### New Communities and Developments of Major Impact -- Bill 27

Bill 27 would amend the new community provisions now in House Bill 1041 -- the major land use act of 1974. H.B. 1041 contains three references to new communities -- a definition; a declaration that site selection and development of new communities may be designated by local government as an activity of state interest; and a paragraph setting brief criteria for administration of these activities. Both the definition and the criteria were challenged as being inadequate. This, the committee recommends two classifications of community-type development -- new communities and developments of major impact.

New communities. The definition of new communities in H.B. 1041 includes both free-standing communities as well as major additions to existing communities. The proposed definition would be more limited; it would refer only to self-sufficient, free-standing, locationally separate new towns.

Criteria is proposed for new community development which would help assure the financial and economic feasibility of a proposed total new community in terms of: (a) the developer's capability to implement the project; (b) project planning to provide a balanced economic base; and (c) service and facilities costs to be supported by future tax revenues. Assurance of both the financial capability of the developer and economic feasibility of a proposed new community were viewed as essential to protect the interests of future residents of the new community. A subsequent incorporation as a municipality would be encouraged, but not required.

Under the proposed bill, new communities would automatically become matters of state interest and therefore subject to state control, whether or not designated by local governments.

Developments of major impact. The committee recognizes that if the proposed definition of new communities were

adopted without other amendments, a significant number of large-scale developments near or adjoining existing municipalities might not be adequately regulated. Colorado continues to experience the construction of many large-scale developments advertised by the developers as "new communities". Such development probably would not meet the above-proposed definition of a new community. The committee has concluded that local governments should also be allowed to designate large-scale developments as activities of state interest guided by minimum statutory criteria for development.

The committee proposal would make state guidance and assistance available to foster the orderly growth of such major developments -- termed "developments of major impact" -- which would significantly affect the existing public services and facilities of local jurisdictions. Statutory criteria is recommended to assist local governments in guiding the development of such projects. The criteria would include: (a) conformance with local master plans; (b) assurance that projected tax or other community revenues would cover the cost of basic public services; and (c) assurance that proposed services and facilities would complement, not detract from, existing ones. Developments of major impact would become matters of state interest if designated by local governments, the same as are other matters of state interest under H.B. 1041.

Developments which revitalized existing communities, particularly in rural areas, were considered highly desirable by the committee. This policy is recommended because it would augment assistance to the declining economies in rural areas and also is viewed as being more feasible than developing new communities because a core of basic services and facilities have already been developed.

### State Assistance for Low and Moderate Income Housing -- Bill 28

The lack of low and moderate income housing was constantly cited as a major problem throughout the committee's review of new community prototypes and developments of major impact in Colorado. Developers of Columbia and Reston informed the subcommittee that, at best, they had been only partially successful in providing low and moderate income housing. Most, if not all, such housing in these areas resulted from federally assisted housing programs. Colorado developers also related similar experiences. In the Cheyenne Mountain Ranch project, for example, only about five percent of the units were moderately priced and this housing was also financed through federal subsidy.

Housing costs. It was reported that housing costs are generally increasing much more rapidly than are incomes, so that increasingly greater numbers of low and moderate income families are being priced out of the housing market. An early 1974 study was cited which suggested that the cost of new housing in the Denver area is rising at a rate of about 10.5 percent annually due to inflation, while incomes in Colorado are rising at about eight percent annually. High interest rates were another factor which strained the ability of many families to purchase housing.

Others who testified also noted the shortage of lower-priced housing for the workers of mountain recreational areas such as Aspen and Vail. It was therefore recognized that additional mechanisms appear to be needed to assist in the provision of lower-priced housing in community development and redevelopment.

Housing Finance Authority. Bill 28 proposes to amend the State Housing Finance Authority Act by:

(a) Extending the authority board's power to allow it to serve as a conduit for new community loan guarantees under Title VII of the 1970 Urban Growth and New Community Development Act or any other related federal programs;

(b) Allowing the use of funds raised by revenue bonds to assist developers in land purchase and in providing basic services, the so-called front end costs. The savings realized by lower front end finance charges would be required to be passed on through the project to provide lower-cost housing as a final product; and

(c) Allowing the board to enter into joint projects with local governments to develop housing in conjunction with local industrial and commercial facilities financed by the local governments under Colorado's County and Municipality Development Revenue Bond Act as a part of a total development or redevelopment program.

#### Clarifying Amendments to the Housing Finance Act -- Bill 29

When the committee completed its draft of Bill 29 above, it asked Mr. Robert Johnson, bond counsel with the firm of Dawson, Nagel, Sherman and Howard, to review the draft and offer comments thereon. In his review, Mr. Johnson noted several problems in the existing housing finance act which he believed needed resolution. Bill 29 results from these suggestions.

Some of the proposed amendments are substantive but for the most part they are of a technical nature or they clarify language in the law. Mr. Johnson believed, however, that these amendments may substantially improve the sale of bonds under the act, and may possibly reduce the chances of a challenge in court to the implementation of the act.

### III. Senate Bill 89, 1974 Session

As indicated previously, the study of new communities was prompted, in part, by legislative action on Senate Bill 89, 1974 session. The Committee on Local Government does not recommend S.B. 89, but the committee believes that some discussion of why it rejected this proposal may be of interest.

S.B. 89 generally paralleled the procedures for formation of special districts. The bill proposed the creation of a transitional governing body called a "new community authority" which would oversee the new community's development before it is phased into a home rule municipality. A new community authority would be a body corporate and a political subdivision governed, at the outset, by a board appointed jointly by the developer and the approving Board of County Commissioners. The new community authority would be granted powers to develop, finance, and regulate the development of the community.

The specific problems in S.B. 89 fall within three general categories: general policy concerns, constitutional objections, and implementation problems.

#### General Policy Concerns

A new community authority is defined as a governmental subdivision. However, in light of the sizeable number of developer-appointed members on the authority's governing board, several persons questioned whether the authority board could be legally formed under the state's constitution as a public governing body. The argument was raised that individuals representing the private interests of the developer would be delegated legislative power as members of the authority board.

Some persons were concerned that, given any direct or indirect financial interest in the outcome of the board's actions, the developer-appointed members could not be expected to exercise complete objectivity in their decision-making.



Since the qualifications for developer-appointed board members were not set forth in the bill, it was argued that officers or employees of the developer could be appointed to the authority's governing board. The bill, however, would have explicitly exempted developer-appointed officials from civil or criminal liability for conflict of interest in actions as board members. For example, it was pointed out that developer-appointed officials potentially could determine the amount of user fees and other charges assessed for the new community development program through exercise of a veto, because they would hold almost one-half of the seats on the board.

Potential conflicts of interest could occur under the bill in another way. The developer would be authorized to appear as an interested party before the board on which his officers or appointees would be serving as officials.

Finance charge. S.B. 89 would authorize the assessment of a community development charge as a covenant on any real property conveyed within a new community. The development charge would finance all or part of the community program conducted by the new community authority. The charge would be fixed by the developer and the new community authority on the basis of property value either as a fee established at the time such real estate is conveyed, or as a percent of gross business receipts if the property is used for business or commercial purposes, or as a combination of both.

The first problem noted with regard to this charge is the difficulty in legally classifying it. The finance charge probably is not a general ad valorem property tax because it need not be uniformly levied on all classes of property. It would not appear to qualify as a user fee since it is not levied in the basis of use. It is not purely a business tax since it could also be levied upon residential property. Minimally, it was argued that it is difficult to consider the charge to be a special assessment because there is no provision for hearing or notice required before determining the amount of assessment. Such hearing could be unnecessary because the charge is based on a contract between the developer and the purchaser of a developed tract.

A second significant problem was that, while the authority was responsible for setting the amount of the charge, for controlling its use, and for enforcing its collection, the charge is in fact levied as the result of a contract made between the developer and the purchaser. How could the authority function if it was not a party to the contract? In what position would the purchaser be placed? The purchaser

would in effect sign a contract to pay a charge with a party other than the one responsible for levying, collecting, and regulating it.

Districting. Wards would be determined by the developer at the time he petitions for the establishment of a new community authority. The wards are to be of roughly equal size in terms of projected population. Some committee members objected to the creation of wards based on projected, rather than actual, population on the grounds that it could violate the "one-man-one-vote" principle.

Incorporation procedures. The bill provided that the new community authority shall follow the procedures for incorporation upon obtaining the required population under existing incorporation law or after the passage of a specified period of time. Concern was expressed that residents of new communities would be deprived of the option to determine whether or not their community should be incorporated.

Similarity to metropolitan districts. S.B. 89 would appear to provide another mechanism for creating multi-purpose districts, in addition to the existing metropolitan district law. The new community authority, similar to a metropolitan district, would be vested with the power to perform a wide range of functions and services, but it would not be subject to the statutory and constitutional procedures and limitations placed upon cities and towns. For example, statutory limits are specified for municipal bonded indebtedness, but no such limitation exists for the new community authority.

#### Constitutional Objections

Several constitutional objections were raised in the course of committee hearings based upon the assumption that the new community authority would not be a political subdivision, but rather a semi-private corporation. First, Sections 1 and 2 of Article XI of the State Constitution preclude state and local governments from pledging credit and aid, either directly or indirectly, to corporations. The argument was raised that county governments could be in violation of this constitutional provision by lending its auspices to the authority through its power to appoint and remove members of the authority's governing board. The authority board would be authorized to issue bonds, and counties might be considered to be lending their credit to a private corporation.



A second constitutional objection was that the bill could be in conflict with portions of Section 35 of Article V which prohibits delegation by the General Assembly of municipal functions to any special commission or private corporation. Since members appointed by a private corporation would serve on the authority's governing board, these members would have been delegated power to legislate the conduct of municipal functions. Further, the same challenge might be made against the developer who would be a private corporation, granted authority to set forth zoning regulations in his original petition, as well as to establish wards.

Section 35 of Article V also prohibits the General Assembly from delegating the power to levy taxes to a private corporation. The finance charge on real property and gross business receipts, some argued, might be considered to be a form of taxation and such a grant of power could violate this constitutional provision.

#### Implementation Problems

Several objections to S.B. 89 were expressed by representatives of Colorado developers. The developers of the Reston, Virginia, and Columbia, Maryland, new communities offered essentially the same comments to the visiting subcommittee. Some developers indicated that they would not utilize S.B. 89 because they would not be able to retain control over the project through its completion. Second, a necessary commitment by the state to assure continuity and stability of government regulations toward new community development appeared to be lacking. Third, the mechanics of the authority and the procedures of the bill were too cumbersome, in the view of some developers. Finally, many believed that the bill is too closely tied with the federal new community act, Title VII of the 1970 Housing and Urban Development Act, which also involves complex requirements and procedures.

#### IV. Municipal Recodification

##### Committee Procedure

House Joint Resolution 1050 directed that the committee conduct a review of a proposed recodification of Colorado's municipal laws.

The Committee on Legal Services contracted with John A. Criswell of Criswell and Patterson, attorneys, to develop a revision of all of Chapter 139, C.R.S. 1963, now cited as

Title 31, C.R.S. 1973. Mr. Criswell's primary responsibility was to reorganize the provisions of Colorado's municipal law and to update and clarify language where such changes could be made without altering the substance of the law. Substantive changes included in the recodification were identified and reviewed by the Committee on Local Government.

##### Committee Recommendation

At the conclusion of its deliberations, the committee agreed to recommend an amended draft of the recodification. The committee believes that, except for the substantive and significant technical changes it reviewed and approved (which are too numerous to list herein) the draft is as free as possible from any non-intentional changes of a substantive nature. It is recognized that any extensive statutory recodification may include some unintentional changes in substance which simply have not been recognized as such and therefore were not identified. To prevent, so far as possible, such unintentional changes, the entire bill had been reviewed by members of the committee, a representative group of the Colorado Municipal League, legislative staff members, and other attorneys and individuals. The committee believes that a thorough review of the bill was accomplished and the bill is recommended for consideration during the 1975 session.

Because of its length, the recodification draft is not included as part of this report.

DISSENTING VIEW REGARDING THE COMMITTEE  
BILL ON NEW COMMUNITIES AND  
DEVELOPMENTS OF MAJOR IMPACT

We, the undersigned members of the Committee on Local Government, submit the following dissenting comments on the committee's proposed bill on new communities and developments of major impact. Our dissenting comments must be read with the understanding that we do support the bill in principle. We agree that by setting forth the role of the state in evaluating and administering new communities and developments of major impact, it offers recognition of and possible means of meeting the problems posed by such developments.

Our objections center on Section 26-65.1-10<sup>4</sup> (4.5) which defines developments of major impact, in part, as any development which will

...substantially increase one or more of the following in the affected municipality, county, or surrounding area: Population, school enrollment, water use, sewage effluent, valuation for assessment, and road and street lane mileage.

This is an inadequate standard. What is, and who is to determine what constitutes, a "substantial increase"?

We believe that a more responsible legislative alternative would be for the General Assembly to adopt the approach initially suggested, but subsequently removed, by the subcommittee which developed the bill. The initial subcommittee definition read as follows:

(III) The proposed development will increase population, school enrollment, water use, sewage effluent, assessed value, or road and street lane mileage of the affected municipality or county in the following percentages:

(a) Five percent in a county of one hundred thousand population or more;

(b) Ten percent in a county of twenty-five thousand population or more but less than one hundred thousand;

(c) Fifteen percent in a county of less than twenty-five thousand.

This approach would provide clear and meaningful statutory standards which can readily be interpreted and applied.

We are aware that the percentages used in the above-quoted definition represent no magic formula. We are also cognizant of the argument of the staff of the Land Use Commission that such specific language could limit their flexibility to deal with some future types of development not currently contemplated in the act. But, we must point out that standards such as we suggest can be changed by future legislative action if data show that there are other specific standards which have greater applicability or that these standards are not workable.

It is the responsibility of the General Assembly to set state policy and to specify the basic standards under which that policy will be administered. In this instance, specific identifiable standards had been proposed in committee and rejected. If these standards are rejected and the committee's language adopted by the General Assembly, the General Assembly will have, in our opinion, abdicated its responsibility. The determination of what constitutes a "substantial increase" will be left to the uncertainty of administrative decision-making and to the varied attitudes of 63 counties and more than 200 municipal governing bodies.

Local and state officials expect strong leadership from the General Assembly. Local officials and state agencies can do the jobs asked of them only if their responsibilities, and the standards under which such responsibilities are to be met, are clearly defined. If we continue to adopt such imprecise standards as proposed by the committee, they are not receiving the kinds of leadership they, as well as all of Colorado's citizens, have a right to expect.

In summary, the dissent presented herein is not directed as an attempt to change any long-standing public policy. Quite the opposite is true. It encourages the continuation of the traditional policy that says, in effect, that legislative delegations of responsibility must be accompanied by clear and concise standards for implementation. This is an important issue of public policy which we believe the General Assembly must address.

Representative Charles B. Howe  
Representative Gerard V. Frank  
Representative David M. Gaon

Representative James D. Lloyd  
Senator Lorena E. Darby  
Senator J. Robert Allshouse

COMMITTEE ON LOCAL GOVERNMENT

BILL 27

A BILL FOR AN ACT

1 CONCERNING LAND USE, AND PROVIDING FOR THE TREATMENT OF NEW  
2 COMMUNITIES AND DEVELOPMENTS OF MAJOR IMPACT AS ACTIVITIES  
3 OF STATE INTEREST.

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Bill Summary

(NOTE: This summary applies to this bill as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

Establishes site selection and development of developments of major impact as a new activity of state interest and recites criteria for the administration thereof; declares site selection and development of new communities an activity of state interest; adjusts procedures related to new communities accordingly.

---

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

5 SECTION 1. 24-65.1-101 (2) (a), Colorado Revised Statutes  
6 1973 (numbered as 106-7-101 (2) (a), C.R.S. 1963), as enacted by  
7 section 1 of chapter 80, Session Laws of Colorado 1974, is  
8 amended to read:

9 24-65.1-101. Legislative declaration. (2) (a) The general  
10 assembly shall describe areas MATTERS which ARE OR may be of  
11 state interest ~~and activities which may be of state interest~~ and  
12 establish criteria for the administration of such ~~areas--and~~  
13 ~~activities~~ MATTERS;

1 SECTION 2. 24-65.1-104 (13), Colorado Revised Statutes 1973  
2 (numbered as 106-7-104 (13), C.R.S. 1963), as enacted by section  
3 1 of chapter 80, Session Laws of Colorado 1974, is amended, and  
4 the said 24-65.1-104 is further amended BY THE ADDITION OF A NEW  
5 SUBSECTION to read:

6 24-65.1-104. Definitions pertaining to other areas and  
7 activities of state interest.

8 (13) "New ~~communities~~ COMMUNITY" means ~~the--major~~  
9 ~~revitalisation-of-existing-municipalities-or-the-establishment-of~~  
10 ~~urbanised-growth-centers--in--unincorporated--areas~~ A COMMUNITY  
11 WHICH IS TO BE LOCATED WHOLLY IN AN UNINCORPORATED AREA AND WHICH  
12 IS CHARACTERIZED BY THE FOLLOWING:

13 (a) PHYSICAL SEPARATION AND ECONOMIC INDEPENDENCE FROM AN  
14 EXISTING MUNICIPALITY; AND

15 (b) INDEPENDENT PROVISION OF:

16 (I) EMPLOYMENT, RECREATIONAL, AND RESIDENTIAL  
17 OPPORTUNITIES; AND

18 (II) ALL SERVICES, FACILITIES, AND ACTIVITIES NORMALLY  
19 ASSOCIATED WITH A MUNICIPALITY.

20 (4.5) "Development of major impact" means any development,  
21 whether in an incorporated or unincorporated area, regarding  
22 which one of the following impacts can be reasonably foreseen:

23 (a) Provision of adequate services to the development will  
24 require formation or extension of a special district; or

25 (b) The development will substantially increase one or more  
26 of the following in the affected municipality, county, or  
27 surrounding area: Population, school enrollment, water use,

1 sewage effluent, valuation for assessment, and road and street  
2 lane mileage.

3 SECTION 3. 24-65.1-203 (1), Colorado Revised Statutes 1973  
4 (numbered as 106-7-203 (1), C.R.S. 1963), as enacted by section 1  
5 of chapter 80, Session Laws of Colorado 1974, is amended BY THE  
6 ADDITION OF A NEW PARAGRAPH to read:

7 24-65.1-203. Activities of state interest which may be  
8 designated by local governments - new communities statutorily  
9 designated. (1) (g.1) Site selection and development of  
10 developments of major impact;

11 SECTION 4. 24-65.1-203, Colorado Revised Statutes 1973  
12 (numbered as 106-7-203, C.R.S. 1963), as enacted by section 1 of  
13 chapter 80, Session Laws of Colorado 1974, is amended BY THE  
14 ADDITION OF A NEW SUBSECTION to read:

15 24-65.1-203. Activities of state interest which may be  
16 designated by local governments - new communities statutorily  
17 designated. (2) Site selection and development of new  
18 communities throughout the state is a matter of state interest  
19 whether or not a local government has designated such activity  
20 within its jurisdiction.

21 SECTION 5. 24-65.1-204 (7), Colorado Revised Statutes 1973  
22 (numbered as 106-7-204 (7), C.R.S. 1963), as enacted by section 1  
23 of chapter 80, Session Laws of Colorado 1974, is REPEALED AND  
24 REENACTED, WITH AMENDMENTS, to read:

25 24-65.1-204. Criteria for administration of activities of  
26 state interest. (7) In addition to the applicable criteria  
27 listed in section 24-65.1-206, the criteria for developments of

1 major impact are as follows:

2 (a) Priority and encouragement shall be given to  
3 developments of major impact which strengthen the economic base  
4 of declining rural areas or are intended to revitalize existing  
5 municipalities.

6 (b) Incorporation of a development of major impact shall  
7 require a clear and convincing demonstration of need and the  
8 absence of other viable alternatives for services and facilities.

9 (c) A development of major impact shall be developed in  
10 conformance with any applicable master plan adopted pursuant to  
11 section 30-28-108 or 31-23-106, C.R.S. 1973, and shall be  
12 complementary to local and regional interests.

13 (d) A plan for a development of major impact shall project  
14 that the net public costs of providing public services,  
15 facilities, and improvements will not exceed, or would be  
16 provided from nonpublic sources if they would exceed, the  
17 revenues generated by the development.

18 (e) In a development of major impact, services and  
19 facilities shall be provided in a manner which complements and  
20 does not detrimentally affect similar existing facilities in the  
21 region.

22 SECTION 6. Part 2 of article 65.1 of title 24, Colorado  
23 Revised Statutes 1973 (numbered as part 2 of article 7 of chapter  
24 106, C.R.S. 1963), as enacted by section 1 of chapter 80, Session  
25 Laws of Colorado 1974, is amended BY THE ADDITION OF THE  
26 FOLLOWING NEW SECTIONS to read:

27 24-65.1-205. Criteria for administration of new

1 communities. (1) Incorporation of a new community as a  
2 municipality shall be encouraged and may be required as a  
3 condition of granting a permit for development.

4 (2) A new community shall be developed in conformance with  
5 any applicable master plan adopted pursuant to section 30-28-108,  
6 C.R.S. 1973, and the new community shall be complementary to  
7 local and regional interests.

8 (3) A new community master plan shall include a clear  
9 statement of goals and objectives indicating locational analysis,  
10 size, design, land use, and environmental quality studies,  
11 employment projections, population profile, housing mix to  
12 accommodate various income levels, economic base, plan for  
13 governance, projected schedule of completion, and development  
14 phasing.

15 (4) A new community master plan shall project that the long  
16 range net public costs of providing public services, facilities,  
17 and improvements will not exceed, or would be provided from  
18 nonpublic sources if they would exceed, the revenues generated by  
19 the new community.

20 (5) (a) A financial plan or program shall be presented  
21 showing:

22 (I) All anticipated costs of developing public and  
23 publically financed services and facilities;

24 (II) The manner by which and the sources from which  
25 development costs will be met, including anticipated revenues  
26 from the development, financial resources of the developer,  
27 borrowing, and special districts, if any;

1 (III) A procedure allowing for periodic updating of the  
2 financial plan or program to take into consideration changes in  
3 costs, revenues, market conditions, and other relevant changes  
4 affecting the development.

5 (b) In the case of a private developer, the financial plan  
6 or program shall provide assurances that the developer will have  
7 an adequate incentive, in terms of equity invested and expected  
8 return, for completing the approved development and is  
9 financially capable to insure completion of the community.

10 (6) In a new community, services and facilities shall be  
11 provided in a manner which complements and does not overload  
12 facilities of existing local governments in the region. The  
13 services and facilities to be provided shall include but not be  
14 limited to transportation, highways, roads, schools, water, solid  
15 and liquid waste disposal, storm drainage, electricity, gas,  
16 telephone, fire and police protection, and health, recreational,  
17 cultural, shopping, commercial, and industrial facilities.

18 (7) A new community shall be economically feasible in terms  
19 of employment and economic base and shall project the potential  
20 for commercial, industrial, and residential development so that a  
21 balanced new community can be completed at the proposed location  
22 within a reasonable time or within the time specified in the  
23 plan.

24 24-65.1-206. Criteria for administration of new communities  
25 and developments of major impact. (1) Formation of any special  
26 district to assist in the development of a new community or a  
27 development of major impact shall be discouraged.

1 (2) New communities and developments of major impact, the  
2 planned construction of which would result in the loss or  
3 significant change in use of water and the future productivity of  
4 food, fiber, and forests and which would have a significant  
5 negative impact upon any major portion of the area's economy,  
6 shall be discouraged. A finding shall be made by the local  
7 government that no satisfactory equivalent alternative location  
8 is available in the area. The location shall satisfy the plans  
9 and needs for such new community or development of major impact  
10 as evidenced by the local government's and the region's growth  
11 patterns and pressures.

12 24-65.1-207. Aid in identifying and evaluation of criteria  
13 for new communities and developments of major impact. (1) In  
14 cooperation with other state agencies and local governments, the  
15 Colorado land use commission shall:

16 (a) Develop procedures, guidelines, and methods for  
17 identifying new communities and developments of major impact;

18 (b) Conduct a continuous evaluation of the criteria  
19 applicable to new communities and developments of major impact;

20 (c) Develop and continue to update analytical methods and  
21 procedures to be employed by local governments in the application  
22 of criteria;

23 (d) Develop and publish model guidelines for administration  
24 for use by local governments, which guidelines are based upon  
25 such criteria.

26 SECTION 7. 24-65.1-402 (1) and (3), Colorado Revised  
27 Statutes 1973 (numbered as 106-7-402 (1) and (3), C.R.S. 1963),



1 as enacted by section 1 of chapter 80, Session Laws of Colorado  
2 1974, are amended to read:

3 24-65.1-402. Guidelines - regulations. (1) The local  
4 government shall develop guidelines for administration of the  
5 designated matters of state interest. The content of such  
6 guidelines shall be such as to facilitate administration of  
7 matters of state interest consistent with ~~sections 106-7-202--and~~  
8 ~~106-7-204~~ THE APPLICABLE PROVISIONS OF PART 2 OF THIS ARTICLE.

9 (3) No provision in this article shall be construed as  
10 prohibiting a local government from adopting guidelines or  
11 regulations containing requirements which are more stringent than  
12 the requirements of the criteria listed in ~~sections 106-7-202--and~~  
13 ~~106-7-204~~ THE APPLICABLE PROVISIONS OF PART 2 OF THIS ARTICLE.

14 SECTION 8. 24-65.1-501 (1), Colorado Revised Statutes 1973  
15 (numbered as 106-7-501 (1) (a), C.R.S. 1963), as enacted by  
16 section 1 of chapter 80, Session Laws of Colorado 1974, is  
17 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

18 24-65.1-501. Permit for development in area of state  
19 interest or for conduct of an activity of state interest. (1)

20 (a.5) (I) A developer or local government may request in writing  
21 that the Colorado land use commission conduct a preliminary  
22 review of the proposal for development and offer an advisory  
23 opinion as to whether the provisions of sections 24-65.1-104  
24 (4.5) and (13), 24-65.1-204 (7), 24-65.1-205, and 24-65.1-206 may  
25 be applicable to the proposed development and whether an  
26 application for a permit should be filed.

27 (II) The preliminary review shall be completed within

1 thirty days after the receipt of the request unless the developer  
2 and the Colorado land use commission or the local government and  
3 the Colorado land use commission, as the case may be, jointly  
4 agree to a different completion date.

5 (III) The issuance of such an advisory opinion shall not be  
6 considered as final and shall not be construed to supersede any  
7 of the provisions of this article or any other applicable  
8 statute.

9 SECTION 9. 24-65.1-501, Colorado Revised Statutes 1973  
10 (numbered as 106-7-501, C.R.S. 1963), as enacted by section 1 of  
11 chapter 80, Session Laws of Colorado 1974, is amended BY THE  
12 ADDITION OF A NEW SUBSECTION to read:

13 24-65.1-501. Permit for development in an area of state  
14 interest or for conduct of an activity of state interest. (2.5)

15 (a) Any person desiring to conduct a new community development  
16 shall mail a copy of the application to the Colorado land use  
17 commission for review pursuant to section 24-65.1-503. The  
18 application shall be sent by registered mail, return receipt  
19 requested, on the same day such person files his application with  
20 the local government.

21 (b) A local government shall receive a new community  
22 application, give notice, conduct a hearing, and approve or deny  
23 the permit for conduct of the activity according to the  
24 applicable provisions of this section.

25 SECTION 10. Part 5 of article 65.1 of title 24, Colorado  
26 Revised Statutes 1973 (numbered as part 5 of article 7 of chapter  
27 106, C.R.S. 1963), as enacted by section 1 of chapter 80, Session

1 Laws of Colorado 1974, is amended BY THE ADDITION OF A NEW  
2 SECTION to read:

3 24-65.1-503. New communities - concurrent review - cease  
4 and desist order. (1) The Colorado land use commission shall  
5 review all applications for a new community and determine whether  
6 the new community satisfies the applicable criteria. It may  
7 participate as a party in interest in the local government's  
8 hearing on the permit.

9 (2) If the Colorado land use commission determines that a  
10 new community does not comply with the applicable criteria but  
11 the local government grants the permit relating thereto, the  
12 Colorado land use commission, within fifteen days after the  
13 permit is granted, may request the governor's permission to issue  
14 a cease and desist order pursuant to section 24-65-104 (2),  
15 C.R.S. 1973. If the governor does not give said permission  
16 within fifteen days after it is requested, the permit shall be  
17 deemed approved.

18 SECTION 11. Safety clause. The general assembly hereby  
19 finds, determines, and declares that this act is necessary for  
20 the immediate preservation of the public peace, health, and  
21 safety.

COMMITTEE ON LOCAL GOVERNMENT

BILL 28

A BILL FOR AN ACT

1 CONCERNING THE STATE HOUSING FINANCE AUTHORITY, AND INCREASING  
2 THE POWERS OF ITS BOARD.

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Bill Summary

(NOTE: This summary applies to this bill as introduced and  
does not necessarily reflect any amendments which may be  
subsequently adopted.)

Increases the powers of the state housing finance authority  
to allow the board's participation in projects designed to  
redevelop or expand existing municipalities and projects designed  
as total communities; conditions the board's power to acquire  
land upon certain findings; and provides the terms for sale or  
lease of such projects.

---

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

4 SECTION 1. Part 7 of article 4 of title 29, Colorado  
5 Revised Statutes 1973, is amended BY THE ADDITION OF THE  
6 FOLLOWING NEW SECTIONS to read:

7 29-4-725. Additional legislative declaration. The general  
8 assembly finds and declares that there exists in all areas of  
9 this state a need to expand the capability for government to meet  
10 the state's growing needs for housing and for public,  
11 industrial, commercial, recreational, transportation, and  
12 ancillary facilities. Local governments and private enterprise

1 continue to encounter difficulty in providing, at reasonable  
2 costs, new large-scale industrial and commercial development or  
3 redevelopment coordinated with housing and related amenities for  
4 persons and families of low and moderate income. To help provide  
5 such facilities in a planned and orderly manner, the general  
6 assembly also finds and declares that the compelling need for  
7 such assistance can best be served by granting additional special  
8 powers to the board of directors of the Colorado housing finance  
9 authority created in this part 7.

10 29-4-726. Additional definitions. As used in sections  
11 29-4-725 to 29-4-729, unless the context otherwise requires:

12 (1) "Community development" or "community redevelopment"  
13 means a project for the development of low and moderate income  
14 housing together with such civic, industrial, commercial,  
15 transportation, and other facilities and improvements as may be  
16 necessary.

17 (2) "Improvements" means streets, sewer and water lines and  
18 other utilities, low and moderate income housing, recreational  
19 facilities and other community amenities.

20 (3) "Local government" means any county, city, city and  
21 county, or town or any department or agency thereof.

22 (4) "Project" means a project for community development or  
23 redevelopment including lands, buildings, improvements, or any  
24 interest therein, that are acquired, owned, constructed, or  
25 improved by the board or by a local government in accordance with  
26 and in furtherance of a detailed master plan, or a plan or  
27 program designed to develop or redevelop a given area or a

1 municipality.

2 29-4-727. Special powers authorized. (1) The board shall  
3 have the following additional and discretionary special powers:

4 (a) To participate in the planning, design, construction,  
5 and financing of projects designed to redevelop or expand  
6 existing municipalities;

7 (b) To participate in the planning, design, construction,  
8 and financing of the development of projects designed as total  
9 communities adjacent to or separate from existing municipalities;

10 (c) To acquire or contract to acquire from any person,  
11 firm, corporation, local government, or federal or state agency,  
12 by grant, gift, purchase, or otherwise, real, personal, or mixed  
13 property or any interest therein; and to own, hold, clear,  
14 improve, and rehabilitate and to sell, assign, exchange,  
15 transfer, convey, lease, mortgage, or otherwise dispose of or  
16 encumber the same;

17 (d) To carry out its responsibilities and perform its  
18 functions through one or more local governments;

19 (e) To acquire, construct, reconstruct, improve, alter, or  
20 repair or to provide for the construction, reconstruction,  
21 improvement, alteration, or repair of any project and related  
22 improvements;

23 (f) To arrange, or to contract with a local government, for  
24 the planning, replanning, opening, grading, or closing of  
25 streets, roads, roadways, alleys, or other places; the furnishing  
26 of facilities; the acquisition by a local government of property  
27 or property rights; or the furnishing of property or services in  
28 connection with a project;

1 (g) To sell, lease, assign, transfer, convey, exchange,  
2 mortgage, or otherwise dispose of or encumber any project, and,  
3 in the case of the sale of any project, to accept a purchase  
4 money mortgage in connection therewith; and to lease, repurchase,  
5 or otherwise acquire and hold any project which the board has  
6 theretofore sold, leased, or otherwise conveyed, transferred, or  
7 disposed of;

8 (h) To act as agent for or contract with local governments  
9 to construct, acquire, or finance facilities as part of a project  
10 under the "County and Municipality Development Revenue Bond Act",  
11 article 3 of this title;

12 (i) To act as agent for, contract for, and accept any  
13 moneys, gifts, grants, or loans of funds or property or financial  
14 or other aid in any form from the federal government or any  
15 agency or instrumentality thereof, or from the state or any  
16 agency or instrumentality thereof, or from any other source, so  
17 long as related to the purposes of sections 29-4-725 to 29-4-729;

18 (j) To do any and all other things, not in conflict with  
19 other provisions of this part 7, necessary or convenient to carry  
20 out the purposes and exercise the powers given and granted.

21 29-4-728. Findings for land acquisition. (1)  
22 Notwithstanding any other provision of this part 7, the board  
23 shall not be empowered to undertake the acquisition and  
24 improvement of a project unless:

25 (a) Primary consideration has been given to local needs and  
26 desires as expressed in local and regional plans as well as to  
27 statewide needs;

1 (b) Project plans have been filed with and approved by  
2 officials of the local governments involved;

3 (c) There exists, in the area in which the project is to be  
4 located, a need for safe and sanitary housing accommodations for  
5 persons or families of low income for which private financing is  
6 not readily available and which may best be provided under the  
7 provisions of this part 7;

8 (d) The acquisition and construction, proposed leasing,  
9 operation, and use of such project will aid in the development,  
10 growth, and prosperity of the state and the area in which such  
11 project is located;

12 (e) The plan or undertaking affords maximum opportunity for  
13 participation by private enterprise, consistent with public  
14 needs;

15 (f) There is a feasible method where redevelopment occurs,  
16 for the prompt relocation of families and individuals displaced  
17 from the project area into decent, safe, and sanitary dwellings,  
18 which are or will be provided in the project area or in other  
19 areas not generally less desirable at rents or prices within the  
20 financial means of such families or individuals and which are  
21 reasonably accessible to their places of employment. The board  
22 may render to business and commercial tenants displaced from the  
23 project area such assistance as it may deem necessary to enable  
24 them to relocate.

25 (g) The project, when completed, will provide housing for  
26 low and moderate income families in substantially the same  
27 proportion as provided in section 29-4-713; and

1 (h) The project meets the standards for financing and the  
2 standards for approval of organizations as set forth in this part  
3 7.

4 29-4-729. Sale or lease of land. The board may sell, or  
5 lease for a term not exceeding ninety-nine years, all or any  
6 portion of the real property constituting a project to any local  
7 government, person, firm, partnership, or corporation, either  
8 public or private, upon such terms and conditions as may be  
9 approved by the agency whenever the agency finds that such sale  
10 or lease is in conformity with a plan or undertaking for a  
11 project approved pursuant to this part 7.

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

COMMITTEE ON LOCAL GOVERNMENT

BILL 29

A BILL FOR AN ACT

1 CONCERNING HOUSING, AND EXPANDING THE POWERS OF THE BOARD OF THE  
2 COLORADO HOUSING FINANCE AUTHORITY.

---

Bill Summary

(NOTE: This summary applies to this bill as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

Clarifies the purposes for which, the conditions under which, and the persons to whom the Colorado housing finance authority board may loan moneys.

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

4 SECTION 1. The introductory portion of 29-4-707 (1) and  
5 29-4-707 (1) (s), Colorado Revised Statutes 1973, are amended to  
6 read:

7 29-4-707. General powers of the board. (1) In addition to  
8 any other powers granted to the authority in this part 7, the  
9 board, ON THE BEHALF AND IN THE NAME OF THE AUTHORITY, shall have  
10 the following powers:

11 (s) To provide a method for ~~nonprofit~~ HOUSING FACILITY  
12 sponsors to let contracts on a fair and competitive basis for the  
13 construction of housing facilities or the performance or  
14 furnishing of labor, materials, or supplies as required in this

1 part 7.

2 SECTION 2. 29-4-708 (1), Colorado Revised Statutes 1973, is  
3 amended to read:

4 29-4-708. Power of board - housing facility plans of  
5 developers. (1) The board shall approve or disapprove the  
6 financial feasibility of any plan OF ANY SPONSOR, DEVELOPER,  
7 BUILDER, OR LOCAL HOUSING AUTHORITY for the development of a  
8 housing facility which contemplates the issuance of authority  
9 bonds payable WHOLLY OR IN PART out of revenues to be derived  
10 from the proposed housing facility OR OTHER REVENUES OTHERWISE  
11 MADE AVAILABLE OR ADMINISTERED BY THE AUTHORITY, INCLUDING ANY  
12 FEDERALLY AIDED OR STATE-AIDED PLAN OR PROJECT.

13 SECTION 3. 29-4-709 (1), Colorado Revised Statutes 1973, is  
14 amended to read:

15 29-4-709. Powers of the board - financing - investments -  
16 refunding obligations. (1) Upon a determination by the board  
17 that a housing development plan is financially feasible and the  
18 approval by the board of the plan pursuant to section 29-4-708 OR  
19 SECTION 29-4-725, the board shall require the executive director  
20 to take the necessary steps to arrange financing for such  
21 project, under the provisions of this PART 7, INCLUDING, WITHOUT  
22 LIMITATION, THIS section and section 29-4-714.

23 SECTION 4. The introductory portion of 29-4-710 (1) (a) and  
24 29-4-710 (1) (b), (1) (c), and (1) (d), Colorado Revised Statutes  
25 1973, are amended to read:

26 29-4-710. Powers of the board - executive director -  
27 lending - assistance in housing facility development. (1) (a)

1 Lend money, CONDITIONALLY OR UNCONDITIONALLY AND SECURED OR  
2 UNSECURED, INCLUDING ADVANCES TO DEFRAY DEVELOPMENT COSTS OF ANY  
3 NATURE, to qualified individuals, organizations, or corporations  
4 subject to the provisions of this section and sections 29-4-708  
5 and 29-4-712; but such loans shall be made only upon the  
6 determination by the executive director that such loans are not  
7 otherwise available from private lenders upon reasonably  
8 equivalent terms and conditions, and, in connection with any such  
9 loan:

10 (b) Make or participate in the making of ADVANCES AND  
11 construction loans to sponsors, housing authorities, developers,  
12 and builders of housing facilities;

13 (c) Exercise the option to make or participate in the  
14 making of loans secured by second deeds of trust or mortgages to  
15 sponsors, housing authorities, developers, builders of housing  
16 facilities, and individuals if the total of the first and second  
17 mortgages does not exceed ninety-two percent of the total  
18 appraised value of any property which secures such second deed of  
19 trust or mortgage or to purchase or participate in the purchase  
20 of second deeds of trust or mortgages meeting this criterion if  
21 the total amount of such second deeds of trust or mortgages does  
22 not exceed fifteen percent of the total amount of loans secured  
23 by first deeds of trust or mortgages issued by the authority. In  
24 order to qualify for such loans secured by second deeds of trust  
25 or mortgages, the owner of a building must agree to make the  
26 dwelling units available to low and moderate income people  
27 PERSONS AND FAMILIES in such numbers and on such terms as the

1 board may require.

2 (d) MAKE SECURED OR UNSECURED LOANS TO LENDERS FOR, AND  
3 PURCHASE or contract to purchase from lenders, construction loans  
4 and mortgage loans TO BE MADE OR made to sponsors, developers,  
5 builders, and purchasers of housing facilities;

6 SECTION 5. 29-4-711, Colorado Revised Statutes 1973, are  
7 amended to read:

8 29-4-711. Mortgage - limitations on profits. (1) (a) A  
9 mortgagor OR OTHER SPONSOR OR DEVELOPER may not make  
10 distributions in any one year with respect to a project financed  
11 by OR THROUGH the authority in excess of six percent of the  
12 mortgagor's SUCH ENTITY'S equity in such project.

13 (b) The mortgagor's ENTITY'S equity in a project shall  
14 consist of the difference between the mortgage OR OTHER CAPITAL  
15 INVESTMENT and the total project cost.

16 (c) "Total project cost" includes construction costs  
17 (including job overhead and a builder's and sponsor's profit and  
18 risk fee), architectural, engineering, legal, and accounting  
19 costs, organizational expenses, land value, interest and  
20 financing charges paid PRIOR TO AND during construction, the cost  
21 of relocation of displaced residents, and the cost of landscaping  
22 and off-site improvements, whether or not such costs have been  
23 paid in cash or in a form other than cash.

24 (2) With respect to every project, the board shall  
25 establish the mortgagor's ENTITY'S equity at the time of the  
26 making of the final mortgage OR OTHER LOAN advance, and that  
27 figure shall remain constant during the life of the authority's

1 mortgage OR OTHER LOAN on such project.

2 SECTION 6. The introductory portion of 29-4-712 (1) (c) and  
3 29-4-712 (1) (c) (III), Colorado Revised Statutes 1973, are  
4 amended to read:

5 29-4-712. Standards for approval of organizations. (1) (c)  
6 Such facilities or services will be available for persons OR  
7 FAMILIES meeting the following requirements:

8 (III) Low- and moderate-income families who otherwise  
9 qualify under ~~section 29-4-702-(8)~~ SUBSECTIONS (5) AND (8) OF  
10 SECTION 29-4-702..

11 SECTION 7. 29-4-714 (4), Colorado Revised Statutes 1973, is  
12 amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to read:

13 29-4-714. Bonds and notes - procedures. (4) Any notes may  
14 be made payable from the proceeds of, and such payment may be  
15 secured by, a pledge as collateral security of bonds (other than  
16 notes) issued for the purpose of securing the payment of the  
17 notes and indirectly for purposes encompassing the purposes for  
18 which the notes are issued, in addition to the provisions for the  
19 payment of notes in subsection (2) of this section or any  
20 combination of such provisions for payment of notes and the  
21 security therefor; any such bonds pledged as collateral security  
22 shall not be issued in an aggregate principal amount exceeding  
23 the aggregate principal amount of the notes secured by a pledge  
24 of such bonds; said bonds shall not bear interest at any time  
25 when any interest accrues at the same time on the note so secured  
26 exceeding the maximum rate of interest fixed by the board.

27 (5) For the purpose of funding any note, any bond other



1 than a note pledged as collateral security to secure the payment  
2 of such note may be reissued, and any such bond not previously  
3 issued but authorized to be issued for a purpose the same as or  
4 encompassing the purpose for which the note was issued may be  
5 issued for such a funding. Bonds for funding, including but not  
6 limited to any such reissued bonds, and bonds for any other  
7 purpose authorized in this part 7, other than notes, may be  
8 issued separately or issued in combination in one series or more.  
9 Except as otherwise provided in this section, any such funding  
10 bonds shall be issued as is provided for refunding bonds in this  
11 part 7, including but not limited to section 29-4-719.

12 (6) Any bonds (including any notes) may be secured by a  
13 trust indenture by and between the authority and a corporate  
14 trustee, which trustee may be any trust company or commercial  
15 bank having and exercising powers of a trust company and located  
16 within or without this state.

17 (7) Any resolution of the authority authorizing any bonds,  
18 or any trust indenture pertaining thereto, may contain  
19 provisions:

20 (a) Vesting in a trustee such property, rights, powers, and  
21 duties in trust as the authority may determine, including but not  
22 limited to all of the rights, powers, and duties of any trustee  
23 appointed by holders of notes or bonds, or both, and limiting or  
24 abrogating the right of such holders to appoint a trustee under  
25 this part 7 or limiting the rights, powers, and duties of such  
26 trustee;

27 (b) Complying with or proceeding under sections 11-54-111

1 to 11-54-115, C.R.S. 1973, except as otherwise provided in this  
2 part 7;

3 (c) Stating any other matters of a like or different  
4 character which in any way affect the security or protection of  
5 the notes or bonds or both.

6 SECTION 8. Part 7 of article 4 of title 29, Colorado  
7 Revised Statutes 1973, is amended BY THE ADDITION OF THE  
8 FOLLOWING NEW SECTIONS to read:

9 29-4-725. Power of board - housing facility plans re  
10 lenders. (1) The board may cause the executive director to  
11 formulate and from time to time modify a plan for the development  
12 of housing facilities meeting the standards and other  
13 requirements of section 29-4-713 and paragraphs (c) to (e) of  
14 subsection (1) of section 29-4-712 by the authority making money  
15 available to lenders for loans for housing facilities, including  
16 but not limited to mortgage loans, other long-term loans,  
17 construction loans, and advances to defray development costs.

18 (2) The board shall approve or disapprove the financial  
19 feasibility of such a plan or any material modification thereof,  
20 which plan contemplates the use of the proceeds of authority  
21 bonds, revenues derived or to be derived from housing facilities  
22 or otherwise by the authority, directly or indirectly, or other  
23 revenues otherwise made available or administered by the  
24 authority, including any federally aided or state-aided plan or  
25 project.

26 (3) If the board determines that such plan is financially  
27 feasible, that private financing is not available, and that the

1 necessary means of financing such plan are available through  
2 participation of the authority, the board may signify its  
3 approval of such plan.

4 29-4-726. Powers of the board - executive director -  
5 lending - assistance in lender's housing facilities project. (1)

6 Upon the approval by the board of a lender's housing facilities  
7 plan pursuant to section 29-4-725 and upon the issuance of bonds  
8 or other financial arrangement to implement the plan, the board  
9 shall adopt rules and regulations concerning the lending program  
10 and shall authorize the executive director to:

11 (a) Lend money to qualified lenders;

12 (b) In connection with any loan relating to the lending  
13 program and made to the authority by a governmental entity, agree  
14 to limitations upon the exercise of any powers conferred upon the  
15 authority by this part 7;

16 (c) In addition to the powers otherwise to be exercised by  
17 the executive director under this article, including, without  
18 limitation, section 29-4-710 (1) (c) to (1) (p), make and execute  
19 contracts with lenders pertaining to the lending program;

20 (d) Make advance commitments under stated conditions and  
21 terms;

22 (e) Require lenders, in connection with loans thereto or  
23 the purchase of outstanding residential housing facilities loans  
24 therefrom by the authority, to enter into agreements with the  
25 authority pertaining, among other matters, to:

26 (I) Prices relating to loans by the lenders, rates of  
27 return on their loans, and the value of their services under such

1 agreements;

2 (II) Periods of time for the performance of services or  
3 other undertakings;

4 (III) Collateral security furnished to the authority by the  
5 lenders, the substitution of collateral security from time to  
6 time under stated conditions, and the character and amount of  
7 such collateral security;

8 (IV) Standards as to the number and other characteristics  
9 of housing facilities;

10 (V) Inspection and audit of the books and records of the  
11 lenders and periodic reports thereby;

12 (VI) Representations and warranties by the lenders;

13 (VII) Any other matters related to loans to the lenders and  
14 loans thereby for housing facilities, and commitments and other  
15 obligations relating thereto, as the board deems relevant.

16 (2) The board shall terminate, temporarily or otherwise,  
17 any such lending program if at any time the board determines that  
18 it is not economically feasible for the authority to continue the  
19 lending program, that lenders have an adequate supply of money  
20 for low- and moderate-income family housing facilities without  
21 such program, or that the lenders can not or are unwilling to  
22 agree to comply with the standards, rules and regulations, or  
23 other provisions of this part 7.

24 SECTION 9. Safety clause. The general assembly hereby  
25 finds, determines, and declares that this act is necessary for  
26 the immediate preservation of the public peace, health, and  
27 safety.

LEGISLATIVE COUNCIL COMMITTEE  
ON ENERGY

Members of the Committee

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Sen. Floyd Sack, Vice-Chairman	Rep. Bud Edmonds
Sen. Ralph Cole	Rep. Gerard Frank
Sen. Ray Kogovsek	Rep. David Gaon
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Council Staff

James Henderson Research Associate	Bart Bevins Senior Research Assistant
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COMMITTEE ON ENERGY

Primarily as a result of the recent severe shortages of natural gas and petroleum products, the lack of adequate energy supplies has been recognized as posing a threat to the well-being of the people and the economy of Colorado. Gasoline shortages have caused Colorado motorists long waits at service stations, while home builders have had to search for alternatives to natural gas for heating of new construction. Energy supply problems are created when existing supplies are depleted or when available supplies are less than adequate to meet demand. The problems can become matters of great urgency when the delivery of existing sources of energy is suddenly interrupted. Both long- and short-term problems concerning energy supplies may require governmental response in planning for and in meeting immediate problems caused by shortages.

In the 1974 session, the General Assembly attempted to establish mechanisms through which the State of Colorado could deal with the effects of critical shortages of energy. Both houses of the General Assembly passed different versions of legislation which would have given the Governor certain powers to act in an energy emergency (Senate Bill 43). Neither version of this bill was acceptable to both houses however, and the conference committee could not resolve the differences. The General Assembly then adopted Senate Joint Resolution 28 which directed that a committee be created to study the following aspects of energy and energy resources: exploration, conservation, availability, financial and environmental impact, and alternate fuel sources.

Soon after the committee was created by the Legislative Council, it was recognized that time limitations would not permit inquiry into all study areas included in S.J.R. 28. For this reason, the committee's work centered on three primary areas: (1) the state's role in energy shortages; (2) methods of achieving energy conservation; and (3) the environmental impact of strip mining. The topics of exploration for energy resources, the availability of these resources, and the development of alternate energy sources were initially viewed by the committee as dependent upon economic factors generally outside the legislature's influence and, because of time limitations, consideration of these study areas was deferred.

While emphasis was placed on the state's role in energy shortages, it was determined that the promotion of energy conservation was an area where legislation could play a significant role. Testimony received indicated that conservation through more efficient utilization could help ease the supply

problems Colorado and the nation face in the future. Slowing the rate of increase in the amount of energy used can provide a greater number of options in dealing with the continuing energy crisis. As a result, four of the recommended bills are intended to control the use of energy and thus to decrease the amount of energy used in Colorado.

It was also recognized that Colorado, like many other western states, has large deposits of coal. This resource is viewed by many as one of the mainstays of our nation's energy resources both in the present and in the future. Increased coal mining, particularly strip mining, appears inevitable in this state. In order to ensure that proper reclamation practices are followed in strip mining of coal, several amendments to Colorado's Open Mining Land Reclamation Act of 1973 have been recommended in this report.

### I. The State's Role in Energy Shortages

#### Energy or Energy-related Emergency - Governor's Powers - General Assembly's Function -- Bill 30

In the formulation of legislation concerning the state's role in coping with energy crisis situations, the committee determined that four elements would be essential for such a proposal:

- (1) A definition of an energy or energy-related emergency would need to be provided;
- (2) The powers delegated to the Governor would need to be specified;
- (3) The General Assembly should provide control over the Governor's action; and
- (4) The capability for data-gathering and contingency planning by a state agency would need to be provided to assist the Governor and the General Assembly.

An "emergency" is defined in Bill 30 as any crisis caused by, or related to, the use of energy or energy-related commodities, which crisis poses an imminent threat to the health, safety, and welfare of the citizens of this state.

The committee's proposal would give the Governor unconditional authority to proclaim a state of emergency. However, the Governor's power to issue executive orders, proclamations,

or regulations relating to such state of emergency would be conditioned on the approval of the General Assembly, either in a regular or special session. Areas would be designated in which the Governor could issue executive orders, proclamations, or regulations in connection with an emergency.

Control of the Governor's actions during a state of emergency was a serious concern to the committee. The proposed bill would place the control function with the General Assembly. By joint resolution, the General Assembly could revoke any gubernatorial proclamation of a state of emergency or any executive order, proclamation, or regulation relating to such state of emergency.

The conclusion was reached that there is a need to improve the capability of the Governor and General Assembly to deal with energy emergencies. To meet this need, the proposal would add energy data-gathering and contingency planning duties to the Advisory Council of the Colorado Energy Research Institute of the Colorado School of Mines.

#### The Colorado Energy Research Institute (CERI) -- Bill 31

The committee recommends this bill as an alternative to Bill 30. Under Bill 31, CERI would be given the same energy data-gathering and energy contingency planning functions as provided for in the energy emergency measure. This bill is not as comprehensive as Bill 30 in that it does not include the provisions concerning the emergency powers of the Governor.

The committee found that there is a lack of basic information regarding Colorado's supply and demand of energy and possible effects of shortages. Such information is essential for state officials who must respond to a crisis situation. Bill 31 would direct CERI to provide an inventory and projection of the energy demands and supplies for Colorado in an annual report to the Governor and General Assembly. Whenever an energy supply-demand imbalance was found to exist or was projected, CERI would provide recommendations on: (a) methods for energy conservation; (b) measures to reduce or control energy demand; or (c) measures to develop new or expanded supplies of energy. Further, CERI would identify any projected beneficial or adverse social, economic, or environmental impact of such energy recommendations.

## II. Energy Conservation

Testimony indicated that the conservation of energy resources, through its more efficient utilization, could help ease the supply problems Colorado faces in the future. Slowing the rate of increase in the amount of energy used can give the state and the nation a greater number of options in dealing with the continuing energy crisis. Four measures are recommended to control and reduce the use of energy in Colorado.

### Thermal Insulation Regulations - Residential Dwellings -- Bill 32

This proposal would require that the State Director of Housing appoint an eleven-member advisory committee to assist the State Housing Board in establishing thermal insulation regulations for residential dwellings. In order to promote energy conservation, the Housing Board would adopt minimum regulations for thermal insulation by July 1, 1976.

By September 1, 1976, the governing body of each county and municipality would be required to adopt regulations for residential dwellings which are no less stringent than regulations adopted by the State Housing Board. After September 1, 1976, a building permit could not be issued for the construction of such a dwelling unless the proposed construction were to conform with the established standards.

If the construction materials required to meet the thermal insulation regulations were not available, the Governor could suspend such regulations for as long as 90 days.

### Thermal Insulation Regulations - Commercial and Industrial Structures -- Bill 33

This bill, relating to commercial and industrial buildings, is similar in many respects to the previous bill concerning residential dwellings. The director of the Division of Labor would be required to appoint an eleven-member advisory committee to assist the state Industrial Commission in establishing thermal insulation regulations for industrial and commercial structures. The commission would be required to adopt minimum regulations for thermal insulation by July 1, 1977.

By September 1, 1977, the governing body of each county and municipality would be required to adopt regulations

for industrial and commercial structures within their jurisdictions. Such regulations could not be less stringent than the regulations adopted by the commission. After September 1, 1977, a building permit could be issued for the construction of industrial and commercial structures only if such proposed construction were to conform with established regulations.

Further, the bill would provide that the advisory committee which develops thermal insulation regulations could take into consideration the intended function of an industrial or commercial structure. For example, a greenhouse would not be required to meet the same regulations of thermal insulation as a supermarket.

### Real Property Tax Credit - Improved Thermal Performance -- Bill 34

The intent of this proposal is to encourage property owners of residential structures to improve the thermal insulating characteristics of existing houses by permitting a property tax credit based upon the cost of such improvements. This bill is based, in part, on the principles embodied in several measures introduced during the 1974 legislative session.

In order to receive the real property tax credit, a property owner would present bills of sale or other satisfactory proof to the county treasurer of the purchase or installation of thermal performance improvements. A specified percent, as yet undetermined, of the cost of these improvements would then be credited against the owners' taxes. The credit could be claimed for only one taxable year, and could not exceed a certain percent of the total property taxes due and payable by an owner. A penalty provision for the fraudulent filing for this credit is contained in the bill.

### Energy Conservation and Public Utilities Commission -- Bill 35

This bill would provide a statement of legislative intent which would specify that the Public Utilities Commission is to take energy conservation into account as conservation relates to the regulation of rates and charges of public utilities. The PUC could establish, if deemed necessary, new rates and charges to discourage wasteful use of energy resources.

### III. Environmental Impact

#### Colorado Open Mining Land Reclamation Act -- Bill 36

Given Colorado's considerable mineral wealth and the projected increase in national demand for our energy resources, mining activity in this state (both underground and surface) is expected to grow dramatically. To ensure that state government has the capability to secure adequate reclamation of land disturbed by surface mining, the Committee on Energy recommends several amendments to the Colorado Open Mining Land Reclamation Act of 1973, and also recommends increased funding of the reclamation program of the Division of Mines.

Amendments recommended which relate to surface mining would accomplish several objectives:

Minerals covered. The list of minerals covered under the statute would be extended to include essentially all materials which are commercially surface mineable. The present statutes list only coal, limestone used for construction purposes, sand, gravel, and quarry aggregates.

Areas prohibited. Surface mining would be prohibited in areas determined to possess unique characteristics relating to biological productivity, ecological fragility, ecological importance, or scenic, historic, cultural, or geological importance.

Reclamation fund. A reclamation fund would be established to provide monies to reclaim orphaned land and, through forfeiture of performance bonds, to implement approved reclamation plans.

Citizen suits. A provision is included which would permit a citizen who believes a public official is not performing his required duties under the reclamation statutes to file an affidavit with such official stating facts and charges of failure to enforce such statutes. If the official were to refuse to enforce such provisions, a citizen could bring an action of mandamus in court to require the performance of such duties.

Appeals. Administrative appeals would be provided for parties aggrieved by the issuance or modification of a mining permit. A complainant could request a hearing under procedures in the Colorado administrative code.

Land Reclamation Board. Membership on this board would be expanded to include two persons appointed by the Governor.

The intent of such expansion is to broaden the expertise and experience of the board.

Notice provisions. Public notice of an intent to file a request for a permit to surface mine would be required not later than the actual date of filing for such permit. This provision would allow interested parties to attend the Land Reclamation Board's hearing at which a particular application was to be considered. The present reclamation law permits an operator to have a hearing on his application for a permit to surface mine but the statute does not currently provide an opportunity for the public to become aware of the hearing relating to the granting of such a permit.

Enforcement. The state's enforcement powers relating to reclamation would be strengthened. Presently, if an operator of a mine is believed to be violating a reclamation requirement, the Division of Mines enters negotiations with the operator to remedy the situation. If attempts at negotiation fail, a hearing is held and, if necessary, orders are issued to effectuate the purposes of the act. The proposed bill would strike the reference to the use of persuasion and negotiations, and would empower the board to move directly to the issuance of a notice of violation. Further, the board would be explicitly empowered to seek restraining orders and temporary or permanent injunctions.

Substitution of lands. The proposal would strike the present provision which allows an operator to substitute an area of land which was mined prior to the effective date of the reclamation statute for an area of land which, while subject to the reclamation act, is considered by the Land Reclamation Board to be unplatable.

Colorado's first reclamation statutes were enacted in 1969, but funds to employ the necessary staff to assure implementation of such statutes were not provided by the General Assembly until April, 1973. Since that date, reclamation funding has increased. For fiscal year 1975-76, the Division of Mines is requesting five positions to implement existing reclamation statutes. The Committee on Energy strongly urges approval of the division's budget request as it pertains to reclamation.

In order to provide sufficient monies for the operation of Colorado's reclamation program, the committee reviewed a proposal to place a severance tax on coal production and on the other minerals proposed for incorporation into the reclamation statutes. The interim Committee on Coal, Oil Shale,



and Related Minerals is considering various severance tax proposals for mineral production so the Committee on Energy decided to defer advancing a specific funding recommendation. The committee recommends, however, that any severance tax proposal which might be advanced by the Committee on Coal, Oil Shale, and Related Minerals include some means by which a portion of such tax may be used to meet the cost of implementing Colorado's reclamation statutes.

COMMITTEE ON ENERGY

BILL 30

A BILL FOR AN ACT

1 CONCERNING EMERGENCIES CAUSED BY OR RELATED TO THE USE OF ENERGY  
2 OR ENERGY-RELATED COMMODITIES, AND PROVIDING FOR THE POWERS,  
3 DUTIES, AND FUNCTIONS OF THE GOVERNOR, THE GENERAL ASSEMBLY,  
4 AND STATE OFFICIALS AND AGENCIES WITH RESPECT THERETO.

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Bill Summary

Describes the powers and functions of the governor and the general assembly in the event of an energy or energy-related emergency; designates the advisory council to the Colorado energy research institute to serve as advisor to the governor and general assembly and assigns related duties to said council.

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

6 SECTION 1. Article 20 of title 24, Colorado Revised  
7 Statutes 1973, is amended BY THE ADDITION OF A NEW PART to read:

8 PART 3

9 AN EMERGENCY CAUSED BY OR RELATED

10 TO THE USE OF ENERGY

11 24-20-301. Definition. As used in this part 3, unless the  
12 context otherwise requires:

13 (1) "Emergency" means any crisis caused by or related to  
14 the use of energy or energy-related commodities which poses an  
15 imminent threat to the health, safety, and welfare of the



1 citizens of this state.

2 24-20-302. Energy or energy-related emergency - governor's  
3 powers - general assembly's function. (1) Upon reasonable  
4 apprehension that an energy or an energy-related emergency  
5 exists, the governor may proclaim a state of emergency.

6 (2) If the general assembly is not in session or if the  
7 general assembly is in regular session during an even-numbered  
8 year, the power to issue executive orders, proclamations, and  
9 regulations in connection with such emergency shall only arise if  
10 accompanied by a call of the general assembly into special  
11 session. If the general assembly is in regular session during an  
12 odd-numbered year, the power to issue executive orders,  
13 proclamations, and regulations in connection with such emergency  
14 may be exercised without calling a special session of the general  
15 assembly.

16 (3) In connection with such emergency, executive orders,  
17 proclamations, and regulations, issued as provided in this  
18 section, may include provisions for the following:

19 (a) Establishment and implementation of programs, controls,  
20 standards, priorities, and quotas for the allocation,  
21 conservation, and consumption of energy resources;

22 (b) Suspension and modification of existing standards and  
23 requirements affecting or affected by the use of energy  
24 resources, including those relating to air quality control, the  
25 type and composition of various energy resources, the production  
26 and distribution of energy resources, and the hours and days  
27 during which public buildings and commercial and industrial

1 establishments may be or are required to remain open; and

2 (c) Establishment and implementation of regional programs  
3 and agreements for the purposes of coordinating the energy  
4 resource programs and actions of the state with those of the  
5 federal government and of other states and localities.

6 (4) The general assembly may revoke by joint resolution any  
7 proclamation of a state of emergency or any executive order,  
8 proclamation, or regulation relating to such state of emergency  
9 issued by the governor.

10 SECTION 2. 23-41-115, Colorado Revised Statutes 1973  
11 (numbered as 124-9-20, C.R.S. 1963), as enacted by section 1 of  
12 chapter 95, Session Laws of Colorado 1974, is amended BY THE  
13 ADDITION OF A NEW SUBSECTION to read:

14 23-41-115. Advisory council on energy and energy-related  
15 mineral research. (5) (a) The advisory council is hereby  
16 designated as the advisory agency for the governor and the  
17 general assembly in matters relating to energy or energy-related  
18 emergencies.

19 (b) The advisory council shall:

20 (I) Prepare and submit an annual report, beginning no later  
21 than January 15, 1976, and such other reports as may be  
22 requested, to the governor and to the general assembly. The  
23 annual report shall contain an inventory of energy demands and  
24 supplies for the state of Colorado for the year of the report and  
25 a projection of energy demands and supplies for the state of  
26 Colorado for the second, third, fourth, fifth, tenth, and  
27 twentieth years after the year of the report. Such reports shall

1 include recommendations in the following areas:

2 (A) Contingency rationing or allocation plans for fuel oil,  
3 gasoline, natural gas, and other energy supplies;

4 (B) Methods for energy conservation;

5 (C) Measures to reduce or control energy demand; and

6 (D) Measures to develop new or expanded supplies of energy,  
7 including any recommendations concerning establishment of oil  
8 refineries, nuclear facilities, or similar major capital  
9 facilities.

10 (II) Develop contingency plans for energy and  
11 energy-related emergencies. Such contingency plans are to:

12 (A) Primarily emphasize the maintenance of essential public  
13 services;

14 (B) Be designed to minimize the disruption and cost of such  
15 emergency to citizens of the state by taking into consideration  
16 all segments of the economy.

17 (III) Identify any projected beneficial or adverse social,  
18 economic, or environmental impact of such energy recommendations.

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

COMMITTEE ON ENERGY

BILL 31

A BILL FOR AN ACT

1 CONCERNING THE DUTIES OF THE COLORADO ENERGY RESEARCH INSTITUTE.

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Bill Summary

Requires the Colorado energy research institute to prepare an annual report and projection of energy demands and supplies and to recommend measures to be taken in case of shortage.

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

3 SECTION 1. 23-41-114 (3), Colorado Revised Statutes 1973  
4 (numbered as 124-9-19, C.R.S. 1963), as enacted by section 1 of  
5 chapter 95, Session Laws of Colorado 1974, is amended BY THE  
6 ADDITION OF A NEW PARAGRAPH to read:

7 23-41-114. Colorado energy research institute - creation.  
8 (3) (g) (I) Report to the governor and to the general assembly  
9 no later than January 15, 1976, and annually thereafter.

10 (II) Such report shall contain an inventory of energy  
11 demands and supplies for the state of Colorado for the year of  
12 the report and a projection of energy demands and supplies for  
13 the state of Colorado for the second, third, fourth, fifth,  
14 tenth, and twentieth years after the year of the report.

15 (III) If projected energy demands exceed the projected  
16 energy supplies in any year or if the sufficiency or adequacy of

1 energy supplies is in doubt, the institute shall include in its  
2 report means by which the state can bring energy supply and  
3 demand into balance. Such recommendations shall include:

- 4 (A) Methods for energy conservation;
- 5 (B) Measures to reduce or control energy demand; and
- 6 (C) Measures to develop new or expanded supplies of energy,  
7 including any recommendations to authorize the establishment of  
8 oil refineries, nuclear power facilities, or other similar major  
9 capital facilities. The institute shall identify any projected  
10 beneficial or adverse social, economic, or environmental impact  
11 of such energy recommendations.

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

COMMITTEE ON ENERGY

BILL 32

A BILL FOR AN ACT

1 CONCERNING THE USE OF THERMAL INSULATION, AND PROVIDING FOR THE  
2 POWERS AND DUTIES OF THE STATE HOUSING BOARD, THE STATE  
3 DIRECTOR OF HOUSING, AND LOCAL GOVERNMENTS WITH RESPECT  
4 THERETO, AND MAKING AN APPROPRIATION THEREFOR.

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Bill Summary

Provides that the state housing board, aided by an advisory committee, adopt thermal insulation regulations for hotels, motels, and residential dwellings and that local governments adopt and enforce similar regulations.

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

6 SECTION 1. 24-32-707 (1), Colorado Revised Statutes 1973  
7 (numbered as 69-9-7 (1), C.R.S. 1963), as amended by section 2 of  
8 chapter 65, Session Laws of Colorado 1974, is amended BY THE  
9 ADDITION OF A NEW PARAGRAPH to read:

10 24-32-707. Powers of board. (1) (f) Not later than July  
11 1, 1976, to adopt regulations containing such minimum standards  
12 of thermal insulation for new hotels, motels, apartment houses,  
13 homes, and other residential dwellings as it determines are  
14 reasonably necessary to promote the conservation of energy.

15 SECTION 2. Article 32 of title 24, Colorado Revised

1 Statutes 1973, as amended, is amended BY THE ADDITION OF A NEW  
2 SECTION to read:

3 24-32-715. Thermal insulation - advisory committee. (1)  
4 The promulgation of thermal insulation regulations for hotels,  
5 motels, apartment houses, homes, and other residential dwellings  
6 is a matter of statewide concern.

7 (2) The state director of housing shall appoint an advisory  
8 committee to assist the board in the establishment of thermal  
9 insulation regulations. The eleven-member advisory committee  
10 shall consist of two architects in private practice, two persons  
11 having professional and technical experience in the field of  
12 thermal insulation or use, one general building contractor, two  
13 specialty contractors, three representatives, one each from a  
14 county, municipality, and city and county, and one designee of  
15 the executive director of the department of natural resources.  
16 Members of the advisory committee shall serve without  
17 compensation, but each member shall be reimbursed for his  
18 necessary traveling and other expenses incurred in the  
19 performance of his duties on the advisory committee.

20 (3) The state director of housing has authority to employ  
21 consultants to develop the thermal insulation regulations.

22 (4) Upon finding that the materials required to meet the  
23 thermal insulation regulations are not available either  
24 throughout the state or in a localized area or that such  
25 materials are available only at prices which reflect extreme  
26 temporary shortages, the governor acting through the board may  
27 suspend the provisions of this section for not more than ninety

1 days. This section shall not be construed as providing authority  
2 to suspend any local enactment.

3 SECTION 3. Part 1 of article 28 of title 30, Colorado  
4 Revised Statutes 1973, as amended, is amended BY THE ADDITION OF  
5 A NEW SECTION to read:

6 30-28-135.5. Thermal insulation regulations. Not later  
7 than September 1, 1976, the board of county commissioners of each  
8 county in the state shall adopt thermal insulation regulations  
9 for new hotels, motels, apartment houses, homes, and other  
10 residential dwellings to be constructed in the unincorporated  
11 areas of the county, which regulations shall be no less stringent  
12 than the regulations adopted by the state housing board pursuant  
13 to section 24-32-707 (1) (f), C.R.S. 1973. On and after such  
14 date, no building permit shall be issued for construction of any  
15 new hotel, motel, apartment house, home, or other residential  
16 dwelling in the unincorporated areas of such county unless such  
17 construction conforms to the regulations adopted pursuant to this  
18 section.

19 SECTION 4. Part 2 of article 23 of title 31, Colorado  
20 Revised Statutes 1973, is amended BY THE ADDITION OF A NEW  
21 SECTION to read:

22 31-23-212.5. Thermal insulation regulations. Not later  
23 than September 1, 1976, the governing body of each city, town, or  
24 city and county in the state shall adopt thermal insulation  
25 regulations for new hotels, motels, apartment houses, homes, and  
26 other residential dwellings within its jurisdiction, which  
27 regulations shall be no less stringent than the regulations

1 adopted by the state housing board pursuant to section 24-32-707  
2 (1) (f), C.R.S. 1973. On and after such date, no building permit  
3 shall be issued for the construction of any new hotel, motel,  
4 apartment house, home, or other residential dwelling in such  
5 city, town, or city and county unless such construction conforms  
6 to the regulations adopted pursuant to this section.

7 SECTION 5. Appropriation. There is hereby appropriated,  
8 out of any moneys in the state treasury not otherwise  
9 appropriated, to the division of housing of the department of  
10 local affairs, for the fiscal year commencing July 1, 1975, the  
11 sum of \_\_\_\_\_ dollars (\$ \_\_\_\_\_), or so much thereof as may be  
12 necessary, for the implementation of this act.

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

COMMITTEE ON ENERGY

BILL 33

A BILL FOR AN ACT

1 CONCERNING THERMAL INSULATION, AND PROVIDING FOR THE DUTIES OF  
2 THE INDUSTRIAL COMMISSION OF COLORADO AND LOCAL GOVERNMENTS  
3 WITH RESPECT THERETO, AND MAKING AN APPROPRIATION THEREFOR.

---

Bill Summary

Provides that the industrial commission of Colorado, aided by an advisory committee, adopt thermal insulation regulations for industrial and commercial structures and that local governments adopt and enforce similar regulations.

---

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

5 SECTION 1. 8-1-107, Colorado Revised Statutes 1973, is  
6 amended BY THE ADDITION OF A NEW SUBSECTION to read:

7 8-1-107. Powers and duties of commission - powers and  
8 duties of director. (3) (a) The commission, not later than July  
9 1, 1977, by general order, shall adopt such thermal insulation  
10 regulations for new industrial and commercial structures as it  
11 determines reasonably necessary to promote the conservation of  
12 energy. The regulations may be based on existing standards or  
13 recommendations developed by other private or government  
14 agencies. The commission may take into consideration the purpose  
15 for which an industrial or commercial structure has been designed

1 in order that such regulations are functionally related to such  
2 structure's purpose.

3 (b) The director shall employ consultants and appoint an  
4 advisory committee to assist the commission in the establishment  
5 of such thermal insulation regulations. The advisory committee  
6 shall consist of two architects in private practice, two persons  
7 having professional or technical experience in the field of  
8 thermal insulation, one general building contractor, one  
9 municipal building inspector, one bank officer specializing in  
10 commercial construction loans, one designee of the industrial  
11 commission, and one designee of the executive director of the  
12 department of natural resources. Members of the advisory  
13 committee shall serve without compensation, but each member shall  
14 be reimbursed for his necessary traveling and other expenses  
15 incurred in the performance of his duties on the advisory  
16 committee.

17 (c) The promulgation of thermal insulation regulations for  
18 industrial and commercial structures is a matter of statewide  
19 concern.

20 SECTION 2. Part 1 of article 28 of title 30, Colorado  
21 Revised Statutes 1973, as amended, is amended BY THE ADDITION OF  
22 A NEW SECTION to read:

23 30-28-135.5. Thermal insulation regulations. Not later  
24 than September 1, 1977, the board of county commissioners of each  
25 county in the state shall adopt thermal insulation regulations  
26 for new industrial or commercial structures to be constructed in  
27 the unincorporated areas of the county, which regulations shall

1 be no less stringent than the regulations adopted by the state  
2 industrial commission pursuant to section 8-1-107 (3), C.R.S.  
3 1973. On and after such date, no building permit shall be issued  
4 for construction of any new industrial or commercial structure in  
5 the unincorporated area of such county unless such construction  
6 conforms to the regulations adopted pursuant to this section.

7 SECTION 3. Part 2 of article 23 of title 31, Colorado  
8 Revised Statutes 1973, is amended BY THE ADDITION OF A NEW  
9 SECTION to read:

10 31-23-212.5. Thermal insulation regulations. Not later  
11 than September 1, 1977, the governing body of each city, town, or  
12 city and county in the state shall adopt thermal insulation  
13 regulations for new industrial or commercial structures within  
14 its jurisdiction, which regulations shall be no less stringent  
15 than the regulations adopted by the state industrial commission  
16 pursuant to section 8-1-107 (3), C.R.S. 1973. On and after such  
17 date, no building permit shall be issued for the construction of  
18 any new industrial or commercial structure in such city, town, or  
19 city and county unless such construction conforms to the  
20 standards adopted pursuant to this section.

21 SECTION 4. Appropriation. There is hereby appropriated out  
22 of any moneys in the state treasury not otherwise appropriated,  
23 to the industrial commission in the department of labor, for the  
24 fiscal year commencing July 1, 1975, the sum of \_\_\_\_ dollars  
25 (\$\_\_\_\_), or so much thereof as may be necessary, for the  
26 implementation of this act.

27 SECTION 5. Safety clause. The general assembly hereby

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

COMMITTEE ON ENERGY

BILL 34

A BILL FOR AN ACT

1 CONCERNING THE GENERAL PROPERTY TAX, AND PROVIDING A CREDIT FOR  
2 HOMEOWNERS WHO IMPROVE THE THERMAL PERFORMANCE OF  
3 RESIDENTIAL PROPERTY.

---

Bill Summary

Provides a credit against property tax for a percentage of the cost of improvements to a residence, which improvements reduce the amount of energy required to heat or cool such residence.

---

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

5 SECTION 1. Article 10 of title 39, Colorado Revised  
6 Statutes 1973, is amended BY THE ADDITION OF A NEW SECTION to  
7 read:

8 39-10-103.5. Real property tax credit - improved thermal  
9 performance. (1) (a) There shall be allowed to individuals  
10 having resided within this state for the entire taxable year who  
11 own and occupy residential property and who have improved the  
12 thermal performance characteristics of such property, a credit on  
13 the general property taxes due and payable of \_\_\_\_ percent of  
14 the cost of such thermal performance improvements. Such credit  
15 shall be not more than \_\_\_\_ percent of the general property



1 taxes actually due and payable on the residence during the year  
2 for which such improvement is made and such credit is claimed.  
3 Such thermal performance improvements shall be designed to reduce  
4 the amount of energy required to heat or cool such residence,  
5 including, but not limited to, increased thermal insulation, use  
6 of storm windows, thermal pane glass, and appropriate attic  
7 ventilation.

8 (b) Upon receipt of a statement showing the amount of taxes  
9 due and payable, a taxpayer may submit to the treasurer  
10 satisfactory proof of the construction or installation of such  
11 improvements by presentation of bills of sale for the materials  
12 purchased and, when the construction or installation has been  
13 carried out by a contractor, a receipt for labor performed.

14 (c) A person commits a class [ ] misdemeanor if, with  
15 intent to defraud, he makes a written instrument which purports  
16 to describe materials purchased or labor performed in the  
17 improvement of the thermal performance of a residential structure  
18 and which the person knows to be false in some material respect.

19 SECTION 2. Effective date. This act shall take effect on  
20 July 1, 1975. The first property taxes for which credit may be  
21 claimed according to this act shall be those levied in the year  
22 1975 and actually paid during the year 1976.

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

COMMITTEE ON ENERGY

BILL 35

A BILL FOR AN ACT

1 CONCERNING THE REGULATION OF RATES AND CHARGES OF PUBLIC  
2 UTILITIES.

---

Bill Summary

States that the public utilities commission has the authority to consider energy conservation in regulating rates and charges.

---

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

4 SECTION 1. Article 3 of title 40, Colorado Revised Statutes  
5 1973, is amended BY THE ADDITION OF A NEW SECTION to read:

6 40-3-101.5. Rates - energy conservation. The commission  
7 has the power, after a hearing upon its own motion or upon  
8 complaint, to take into account energy conservation as it relates  
9 to a single rate, fare, toll, rental, charge, classification,  
10 rule, regulation, contract, or practice or the entire schedule of  
11 rates, fares, tolls, rentals, charges, classifications, rules,  
12 regulations, contracts, and practices of any public utility and  
13 to establish new rates, fares, tolls, rentals, charges,  
14 classifications, rules, regulations, contracts, practices, or  
15 schedules in lieu thereof.

16 SECTION 2. Safety clause. The general assembly hereby

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

COMMITTEE ON ENERGY

BILL 36

A BILL FOR AN ACT

1 CONCERNING OPEN MINING, AND AMENDING THE "COLORADO OPEN  
2 MINING LAND RECLAMATION ACT OF 1973".

Bill Summary

Increases area around open mines subject to reclamation; forbids open mining in environmentally sensitive areas; extends regulation to open mining of more types of minerals, including oil shale; increases the size of the land reclamation board and specifies and increases the general duties and powers of said board; specifies grounds for denial of open mining permit; increases and clarifies operator's reclamation requirements; specifies standards for determining amount of operator's bond; empowers board to request attorney general to enjoin violations; provides for citizen suits to encourage enforcement, an inventory of mining operations, and a fund for reclamation and other conservation purposes.

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

4 SECTION 1. 34-32-103 (1), Colorado Revised Statutes  
5 1973, is amended to read:

6 34-32-103. Definitions. (1) "Affected land" OR "AREA  
7 OF LAND AFFECTED" means ~~the area of land from which~~  
8 ~~overburden has been removed, or upon which overburden has~~  
9 ~~been deposited, or both, on or after July 1, 1969~~ THE  
10 SURFACE AREA IN WHICH MINING OPERATIONS ARE BEING CONDUCTED

1 OR HAVE BEEN CONDUCTED SINCE JULY 1, 1969, INCLUDING BUT NOT  
2 LIMITED TO LAND EXCAVATIONS, WORKINGS, REFUSE BANKS,  
3 TAILINGS, SPOIL BANKS, AND AREAS IN WHICH STRUCTURES,  
4 FACILITIES, EQUIPMENT, MACHINES, TOOLS, OR OTHER MATERIALS  
5 OR PROPERTY RESULTING FROM OR USED IN MINING OPERATIONS ARE  
6 SITUATED.

7 SECTION 2. 34-32-103, Colorado Revised Statutes 1973,  
8 is amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS  
9 to read:

10 34-32-103. Definitions. (4.5) "Land having special,  
11 exceptional, critical, or unique characteristics" means land  
12 which possesses special, exceptional, critical, or unique:

13 (a) biological productivity, the loss of which would  
14 jeopardize species of wildlife which have been placed on the  
15 federal endangered species list;

16 (b) ecological fragility in the sense that the land,  
17 once adversely affected, could not return to its former  
18 ecological role in the reasonably foreseeable future;

19 (c) ecological importance in the sense that the  
20 particular land has such a strong influence on the total  
21 ecosystem of which it is a part that even temporary effects  
22 felt by it could precipitate a system-wide reaction of  
23 unpredictable scope or dimension; or

24 (d) historic, archaeological, topographic, geologic,  
25 ethnologic, scientific, cultural, or recreational  
26 significance; or scenic significance in the sense that an

1 important part of the economic potential of such land, or an  
2 important part of a person's ability to conduct or operate a  
3 business or industry thereon, is attributable to the land's  
4 physical characteristics.

5 (4.7) "method of operation" means the method or manner  
6 by which open mining is carried out, overburden is placed or  
7 handled, water is controlled, and other acts which affect  
8 the reclamation of the area or land affected are performed  
9 by the operator in the process of uncovering and removing  
10 the deposit.

11 SECTION 3. 34-32-103 (5) and (7), Colorado Revised  
12 Statutes 1973, are amended to read:

13 34-32-103. Definitions. (5) "Open mining" means the  
14 mining of ~~natural mineral deposits of limestone used for~~  
15 ~~construction purposes, coal, sand, gravel, and quarry~~  
16 ~~aggregate~~ ALL MINERALS AND ANY OTHER SIMILAR MATERIAL OR  
17 SUBSTANCE OF COMMERCIAL VALUE TO BE EXCAVATED FROM NATURAL  
18 DEPOSITS ON OR IN THE EARTH, INCLUDING BUT NOT LIMITED TO  
19 COAL, OIL SHALE, CLAY, STONE, SAND, GRAVEL, QUARRY  
20 AGGREGATES, PHOSPHATES, SALTS, BENTONITE, GYPSUM, FELDSPAR,  
21 METALLIFEROUS AND NON-METALLIFEROUS TYPES OF ORES, INCLUDING  
22 URANIUM ORE, by removing the overburden lying above such  
23 deposits and mining directly from the deposits thereby  
24 exposed. The term includes, but is not limited to, such  
25 practices as open cut mining, open pit mining, strip mining,  
26 quarrying, and dredging.

1 (7) "Overburden" means all of the earth and other  
2 materials which lie above ~~natural mineral deposits of~~  
3 ~~limestone used for construction purposes, coal, sand,~~  
4 ~~gravel, and quarry aggregate~~ ALL MINERALS AND ANY OTHER  
5 SIMILAR MATERIAL OR SUBSTANCE OF COMMERCIAL VALUE TO BE  
6 EXCAVATED FROM NATURAL DEPOSITS, INCLUDING BUT NOT LIMITED  
7 TO THE NATURAL DEPOSITS LISTED IN SUBSECTION (5) OF THIS  
8 SECTION, and also means such earth and other materials  
9 disturbed from their natural state in the process of open  
10 mining.

11 SECTION 4. 34-32-105 (2), Colorado Revised Statutes  
12 1973, is amended to read:

13 34-32-105. Land reclamation board - created. (2) The  
14 board shall consist of ~~five~~ SEVEN members: The executive  
15 director, who shall be chairman; the deputy commissioner of  
16 mines; the chief inspector of coal mines; the state  
17 geologist; and a member of the state soil conservation board  
18 designated by such board; AND TWO PERSONS TO BE APPOINTED BY  
19 THE GOVERNOR. The members of the board shall receive no  
20 additional compensation for their services on the board but  
21 shall be reimbursed for necessary expenses incurred in the  
22 performance of their duties on the board.

23 SECTION 5. 34-32-106, Colorado Revised Statutes 1973,  
24 is amended to read:

25 34-32-106. Duties of the board. (1) The board shall:

26 (a) Meet at least once each month;

1 (b) ISSUE OPEN MINING PERMITS AS PROVIDED IN THIS  
2 ARTICLE;

3 (c) SET THE AMOUNT OF PERFORMANCE BONDS AND MAINTAIN  
4 PROCEEDINGS FOR FORFEITURE OF SUCH BONDS;

5 (d) PROHIBIT ISSUANCE OF PERMITS FOR APPLICATIONS  
6 WHERE THE AREA OF LAND AFFECTED CANNOT BE RECLAIMED WITH  
7 EXISTING TECHNOLOGY;

8 ~~(e)~~ (e) Develop and promulgate standards for land  
9 reclamation plans and ~~substitution of affected lands as~~  
10 ~~provided in~~ REQUIRED UNDER section 34-32-111 (1) (a);

11 (f) REVIEW AND MODIFY RECLAMATION PLANS;

12 (g) PERMIT DEPARTURES FROM RECLAMATION PERFORMANCE  
13 STANDARDS ON AN EXPERIMENTAL BASIS;

14 (h) ISSUE WARNINGS, ENFORCE PENALTIES, AND INITIATE  
15 CIVIL ACTIONS;

16 (i) ORDER CESSATION OF MINING OPERATIONS FOUND IN  
17 VIOLATION OF REGULATIONS AND PERMIT STIPULATIONS;

18 (j) PREPARE PROGRAM IMPLEMENTATION PROGRESS REPORTS;

19 (k) PROVIDE TECHNICAL ASSISTANCE;

20 ~~(l)~~ (l) Administer the land reclamation fund and  
21 determine the order of priority of reclamation of previously  
22 open mined lands as funds are available; AND

23 ~~(m)~~ (m) Carry on a continuing review of the problems  
24 of open mining and land reclamation in the state of  
25 Colorado.

26 ~~(2) It is the duty of the department of agriculture,~~

~~the department of higher education, the state soil conservation board, the Colorado geological survey, the division of parks and outdoor recreation, the division of wildlife, the university of Colorado, Colorado state university, Colorado school of mines, and the state forester to furnish the board and its designees, as far as practicable, whatever data and technical assistance the board may request and deem necessary for the performance of total reclamation and enforcement duties.~~

SECTION 6. 34-32-107, Colorado Revised Statutes 1973, is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

34-32-107. Powers of board. (1) The board may initiate and encourage studies and programs through the department and in other agencies and institutions of state government relating to:

(a) The development of less destructive methods of open mining;

(b) Better methods of land reclamation;

(c) More effective reclaimed land use; and

(d) Coordination of the provisions of this article with the programs of other state agencies dealing with environmental, recreational, rehabilitation, and related concerns.

(2) The board may:

(a) Cooperate with other governmental agencies, educational institutions, foundations, industry, and private

groups;

(b) Compensate for services contracted;

(c) Receive federal, state, or other funds and allocate them for reclamation, education, or research projects; and

(d) Adopt and promulgate reasonable rules and regulations respecting administration of this article and in conformity therewith.

SECTION 7. Article 32 of title 34, Colorado Revised Statutes 1973, is amended BY THE ADDITION OF A NEW SECTION to read:

34-32-107.5. Right to hearing - administrative procedure act applicable. (1) Any person aggrieved by the board's approval or denial of a permit or modification of or failure to modify a reclamation plan is entitled to a hearing before the board.

(2) Any hearing provided for in subsection (1) of this section and all proceedings for promulgation of rules and regulations shall be conducted in compliance with the applicable provisions of the "State Administrative Procedure Act", article 4 of title 24, C.R.S. 1973.

SECTION 8. 34-32-108, Colorado Revised Statutes 1973, is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

34-32-108. Duties of other state agencies. It is the duty of the department of agriculture, the department of higher education, the state soil conservation board, the

1 Colorado geological survey, the division of parks and  
2 outdoor recreation, the division of wildlife, the university  
3 of Colorado, Colorado state university, Colorado school of  
4 mines, and the state forester to furnish the board and its  
5 designees, as far as practicable, whatever data and  
6 technical assistance the board may request and deem  
7 necessary for the performance of total reclamation and  
8 enforcement duties.

9 SECTION 9. 34-32-109 (1), Colorado Revised Statutes  
10 1973, is amended to read:

11 34-32-109. Necessity of permit - application to  
12 existing permits. (1) It shall be unlawful, after July 1,  
13 1973, for any operator to engage in new open mining without  
14 first obtaining from the ~~department~~ BOARD a permit so to do,  
15 in such form as provided in this article. Permits granted  
16 prior to July 1, 1973, shall be subject to the provisions of  
17 this article. No other governmental office of the state or  
18 any political subdivision of the state shall have the  
19 authority to grant the issuance of a permit. However, the  
20 ~~department~~ BOARD shall not grant a permit in violation of  
21 city, town, county, or city and county zoning or subdivision  
22 regulations.

23 SECTION 10. 34-32-110, Colorado Revised Statutes 1973,  
24 is amended to read:

25 34-32-110. Application for permit - bond - fee. (1)  
26 Any operator desiring to engage in new open mining shall

1 make written application to the board for a permit. The  
2 permit, if approved, shall authorize the operator to engage  
3 in open mining upon the area of land described in his  
4 application until ~~June-thirtieth~~ THE ANNIVERSARY DATE of the  
5 fifth year following approval of the permit.

6 (2) (a) AN OPERATOR DESIRING A PERMIT SHALL CAUSE TO  
7 BE PUBLISHED A NOTICE OF INTENT TO FILE AN APPLICATION NO  
8 LATER THAN THE ACTUAL DATE OF FILING SUCH APPLICATION. SUCH  
9 PUBLICATION SHALL BE IN A NEWSPAPER OR NEWSPAPERS AS IS  
10 NECESSARY TO OBTAIN GENERAL CIRCULATION ONCE IN EVERY COUNTY  
11 AFFECTED AS DETERMINED BY THE BOARD AND IN ONE NEWSPAPER OF  
12 GENERAL CIRCULATION THROUGHOUT THE STATE.

13 (b) ALL PUBLICATIONS PROVIDED IN PARAGRAPH (a) OF THIS  
14 SUBSECTION (2) MAY BE AUGMENTED, IN THE DISCRETION OF THE  
15 BOARD, BY NOTICES BROADCAST OVER ANY OR ALL STANDARD RADIO,  
16 FM RADIO, AND TELEVISION STATIONS AND CABLE TELEVISION.  
17 SUCH BROADCAST NOTICES SHALL MAKE REFERENCE TO LOCATIONS OR  
18 PUBLICATIONS WHEREIN DETAILS OF THE SUBJECT MATTER OF THE  
19 NOTICE ARE LOCATED.

20 ~~(2)~~ (3) An operator desiring a permit shall file an  
21 application which shall state:

22 (a) The legal description and area of land ~~to-be~~  
23 affected by the operation;

24 (b) The owner of the surface of the area of land ~~to-be~~  
25 affected;

26 (c) The owner of the substance to be mined;

1 (d) The source of the applicant's legal right to enter  
2 and open mine on the AREA OF land affected; ~~by the permit;~~

3 (e) The address of the general office and the local  
4 address ~~or addresses~~ of the applicant;

5 (f) Whether the applicant or any affiliated person  
6 holds or has held any other permits under this article and  
7 an identification of such permits;

8 (g) The detailed description of the method of  
9 operation to be employed;

10 (h) The size of the area to be worked at any one time;

11 and

12 (i) The timetable giving the periods of time which  
13 will be required for the various stages of the operation;

14 (j) THE RESULTS OF ANY TEST BORINGS OR CORE SAMPLINGS  
15 WHICH THE APPLICANT OR HIS AGENT HAS CONDUCTED ON THE AREA  
16 OF LAND AFFECTED, INCLUDING, BUT NOT LIMITED TO, THE NATURE  
17 AND THE DEPTH OF THE VARIOUS STRATA OR OVERBURDEN AND  
18 TOPSOIL, THE QUANTITIES AND LOCATION OF SUBSURFACE WATER AND  
19 ITS QUALITY, AND THE THICKNESS OF ANY MINERAL SEAM. EACH  
20 CROSS SECTION SHALL DEPICT THE THICKNESS AND GEOLOGIC  
21 CHARACTER OF ALL KNOWN STRATA BEGINNING WITH THE TOPSOIL;  
22 AND

23 (k) ANY OTHER INFORMATION DEEMED PERTINENT BY THE  
24 BOARD FOR ITS DECISION ON THE PERMIT.

25 ~~(3)~~ (4) The application or a permit shall be  
26 accompanied by two copies of an accurate map of the area OF

1 LAND affected. The map shall:

2 (a) Be made by a qualified person, registered land  
3 surveyor, or professional engineer;

4 (b) Identify the area which corresponds with the  
5 application;

6 (c) Show adjacent deep mining and adjacent surface  
7 owners;

8 (d) Be made to a scale of not less than one hundred  
9 feet to the inch and not to exceed six hundred sixty feet to  
10 the inch;

11 (e) Show the name and location of all creeks, roads,  
12 buildings, oil and gas wells and lines, and power and  
13 communication lines on the area of affected land AFFECTED  
14 and within two hundred feet of all boundaries of such area;

15 (f) Show the total area to be involved in the  
16 operation including the area to be mined and the area of  
17 land affected;

18 (g) Show the topography of the area with contour lines  
19 of sufficient detail to portray the direction and rate of  
20 slope of the land in question;

21 (h) Indicate the general type, thickness, and  
22 distribution of soil over the area in question;

23 (i) Show the type, character, and density of present  
24 vegetation covering the area in question;

25 (j) Show the depth and thickness of ~~the coal, sand,~~  
26 ~~gravel, quarry aggregate, or limestone used for construction~~



1 ~~purposes, to be mined~~ ALL MINERALS AND ANY OTHER SIMILAR  
2 MATERIAL OR SUBSTANCE OF COMMERCIAL VALUE TO BE EXCAVATED  
3 FROM NATURAL DEPOSITS ON OR IN THE EARTH, INCLUDING BUT NOT  
4 LIMITED TO THE NATURAL DEPOSITS LISTED IN SECTION 34-32-103  
5 (5), and the thickness and type of the overburden to be  
6 removed; and

7 (k) Show the expected physical appearance of the area  
8 to be mined and the area of land affected, correlated to the  
9 timetable required by paragraph (i) of subsection ~~(4)~~ (3) of  
10 this section.

11 ~~(4)~~ (5) A basic fee of fifty dollars plus fifteen  
12 dollars for each acre or fraction thereof of the area of  
13 land ~~to be~~ affected by the operation shall be paid before  
14 the issuance of the permit and shall accompany the  
15 application. The application shall also be accompanied by a  
16 bond meeting the requirements of section 34-32-112.

17 ~~(5) Upon receipt of such application, fee, and bond or~~  
18 ~~security as required by this article, the board shall review~~  
19 ~~the application and accompanying maps and issue a permit if:~~

20 ~~(a) The method of operation, physical appearance, and~~  
21 ~~timetable are reasonable in view of the public interest in~~  
22 ~~physically attractive surroundings and completion of the~~  
23 ~~operation as soon as practicable;~~

24 ~~(b) The operator makes a satisfactory showing to the~~  
25 ~~board that his operation will not adversely affect the~~  
26 ~~stability of any man-made structure on the area of the~~

1 ~~affected land and within two hundred feet of all boundaries~~  
2 ~~of such area;~~

3 ~~(c) In the case of an application for a permit to~~  
4 ~~extract sand, gravel, and quarry aggregate, the extractor~~  
5 ~~shall complete such extraction and begin reclamation within~~  
6 ~~five years after the initial permit is issued. All~~  
7 ~~reclamation is to be completed within three years after the~~  
8 ~~date the operator advises the board that reclamation has~~  
9 ~~commenced as provided in the introductory portion of section~~  
10 ~~34-32-111 (1) (m).~~

11 (6) An operator may, within the term of a permit,  
12 apply to the board for a permit renewal or for an amendment  
13 to the permit increasing or decreasing the acreage to be  
14 AREA OF LAND affected. There shall be filed with any  
15 application for amendment a map and form with the same  
16 content as required for an original application, and the  
17 application shall be accompanied by a basic fee of ten  
18 dollars plus a fee of fifteen dollars for each acre or  
19 fraction thereof by which the original area is to be  
20 increased and a supplemental bond for such additional  
21 acreage. If the area of the original application is  
22 reduced, the amount of the bond shall proportionately be  
23 reduced. Renewal applications shall contain the information  
24 required in the original application if different from that  
25 in the original application or renewal. The renewal permit  
26 shall show the area mined or disturbed and the area

1 reclaimed since the original permit or the last renewal.  
2 Applications for renewal or amendment of a permit shall be  
3 reviewed by the board in the same manner as ~~provided in~~  
4 ~~subsection (5) of this section with regard to~~ applications  
5 for new permits.

6 SECTION 11. Article 32 of title 34, Colorado Revised  
7 Statutes 1973, is amended BY THE ADDITION OF A NEW SECTION  
8 to read:

9 34-32-110.5. Denial of permit. (1) An application  
10 for an open mining permit shall not be approved by the board  
11 if it is found on the basis of the information set forth in  
12 the application, an on-site inspection, and an evaluation of  
13 the operation by the board that the requirements of this  
14 article cannot be observed or that the proposed method of  
15 operation, backfilling, grading, highwall reduction,  
16 topsoiling, revegetation, or reclamation of the area of land  
17 affected cannot be carried out consistent with the purpose  
18 of this article.

19 (2) The board shall not approve the application for an  
20 open mining permit where the area of land described in the  
21 application includes land having special, exceptional,  
22 critical, or unique characteristics or when mining on that  
23 area would adversely affect the use or fundamental character  
24 of neighboring land having special, exceptional, critical,  
25 or unique characteristics.

26 (3) If the board finds that the overburden on any part

1 of the area of land described in the application for open  
2 mining permit is such that experience in the state with a  
3 similar overburden shows that substantial deposition of  
4 sediment in streambeds, landslides, or water pollution  
5 cannot feasibly be prevented, the board shall delete that  
6 part of the land described in the application upon which the  
7 overburden exists.

8 (4) If the board finds that the operation will  
9 constitute a hazard to a dwelling house, public building,  
10 school, church, cemetery, commercial or institutional  
11 building, public road, stream, lake, or other public  
12 property which the operator refuses to restore or replace,  
13 the board shall delete those areas from the open mining  
14 permit application before it is approved.

15 SECTION 12. 34-32-111 (1) (a), (1) (b), (1) (e), (1)  
16 (g), (1) (j), (1) (k), and (1) (l) are amended to read:

17 34-32-111. Duties of operator. (1) (a) On or before  
18 ~~July 4 of~~ THE ANNIVERSARY DATE OF THE PERMIT each year, the  
19 operator shall submit a reclamation plan and map showing the  
20 AREA OF LAND affected ~~area~~ and other pertinent details, such  
21 as roads and access to the area, and reclamation  
22 accomplished. All maps shall show quarter-section, section,  
23 township, and county lines within the scope of the map,  
24 access to the area from the nearest public road, a meridian,  
25 a title containing the name of the operator and his address,  
26 the scale of the map, the name of the person or engineer who

1 prepared the map, the date, and the township, range, and  
2 county. The reclamation plan prepared by the operator shall  
3 be based upon provisions for or satisfactory explanation of  
4 all general requirements for the type of reclamation chosen.  
5 The details of the plan shall be appropriate to the type of  
6 reclamation designated by the operator and based upon the  
7 advice of technically trained personnel experienced in that  
8 type of reclamation on open mined lands and upon scientific  
9 knowledge from research in reclaiming and utilizing open  
10 mined lands.

11 (b) Grading shall be carried on by striking off ridges  
12 to ~~a width of not less than fifteen feet at the top and~~  
13 ~~peaks to a width of not less than fifteen feet at the top.~~  
14 ~~In all cases, an even or gently undulating skyline will be a~~  
15 ~~major objective.~~ CONFORM WITH EXISTING TOPOGRAPHY, AS  
16 APPROVED BY THE BOARD.

17 (e) (I) All refuse shall be disposed of in a manner  
18 that will control stream pollution, unsightliness, or  
19 deleterious effects from such refuse, and water from the  
20 mining operation shall be diverted in a manner designed to  
21 control siltation, erosion, or other damage to streams and  
22 natural watercourses.

23 (II) ALL AVAILABLE TOPSOIL SHALL BE REMOVED IN A  
24 SEPARATE LAYER, GUARDED FROM EROSION AND POLLUTION, KEPT IN  
25 SUCH CONDITION THAT IT CAN SUSTAIN VEGETATION OF AT LEAST  
26 THE QUALITY AND VARIETY OF THAT SUSTAINED PRIOR TO REMOVAL.

1 AND RETURNED AS THE TOP LAYER AFTER THE OPERATION HAS BEEN  
2 BACKFILLED AND GRADED. AT THE DISCRETION OF THE BOARD, AN  
3 OPERATOR MAY USE OTHER ACCEPTABLE MATERIAL FOR PLACEMENT ON  
4 AFFECTED LAND WHERE SUCH MATERIAL IS CAPABLE OF SUPPORTING  
5 SURFACE VEGETATION VIRTUALLY AS WELL AS THE PRESENT TOPSOIL,  
6 PROVIDED SUCH MATERIAL SHALL BE ACCORDED THE SAME TREATMENT  
7 AS TOPSOIL.

8 (q) If the operator's choice of reclamation is forest  
9 planting, he may SELECT, with the approval of the  
10 department, BOARD, ~~select~~ the type of trees to be planted.  
11 ~~Tree planting shall be carried out based on a spacing of~~  
12 ~~approximately ten feet by ten feet, and approximately four~~  
13 ~~hundred thirty five trees per acre.~~ REFORESTATION,  
14 planting methods, and care of stock shall be governed by  
15 good planting practices. If the operator is unable to  
16 acquire sufficient planting stock of desired tree species  
17 from the state or elsewhere at a reasonable cost, he may  
18 defer planting until planting stock is available to plant  
19 such land as originally planned, or he may select an  
20 alternate method of reclamation.

21 (j) If the operator's choice of reclamation is for  
22 range, he shall strike off all the peaks and ridges ~~to a~~  
23 ~~width of not less than fifteen feet,~~ in accordance with the  
24 other requirements of this article, prior to the time of  
25 seeding. To the greatest extent possible, the affected land  
26 shall be restored to slopes commensurate with the proposed

1 land use and shall not be too steep to be traversed by  
2 livestock, subject to the approval of the board. The lequme  
3 seed shall be properly inoculated in all cases. The area  
4 may be seeded either by hand, power, or the aerial method.  
5 The species of grasses and legumes and the rates of seeding  
6 to be used per acre shall be determined primarily by  
7 recommendations from the agricultural experiment stations  
8 established pursuant to article 33 of title 23, C.R.S. 1973,  
9 and experienced reclamation personnel of the operator, after  
10 considering other research or successful experience with  
11 range seeding. No grazing shall be permitted on reclaimed  
12 land until the planting is firmly established. The board, in  
13 consultation with the landowner and the local soil  
14 conservation district, if any, shall determine when grazing  
15 may start.

16 (k) If the operator's choice of reclamation is for  
17 agricultural or horticultural crops which normally require  
18 the use of farm equipment, the operator shall grade off  
19 peaks and ridges and fill valleys, except the highwall of  
20 the final cut, so that the area can be traversed with farm  
21 machinery. Preparation for seeding or planting,  
22 fertilization, and seeding or planting rates shall be  
23 governed by general agricultural and horticultural practices  
24 except where research or experience in such operations  
25 differs with these practices. NOTHING IN THIS PARAGRAPH (k)  
26 SHALL PRECLUDE THE BOARD'S REQUIREMENT OF HIGHWALL

1 REDUCTION.

2 (1) If the operator's choice of reclamation is for the  
3 development of the affected area LAND for homesite,  
4 recreational, industrial, or other uses, including food,  
5 shelter, and ground cover for wildlife, the basic minimum  
6 requirements necessary for such reclamation shall be agreed  
7 upon by the operator and the board.

8 SECTION 13. 34-32-111 (1) (m), Colorado Revised  
9 Statutes 1973, is REPEALED AND REENACTED, WITH AMENDMENTS, to  
10 read:

11 34-32-111. Duties of operator. (1) (m) All  
12 reclamation provided for in this section shall be carried to  
13 completion by the operator with all reasonable diligence and  
14 shall be completed prior to the expiration of three years  
15 after the date on which the operator advises the board that  
16 reclamation work has commenced; except that no planting of  
17 any kind shall be required to be made on any affected land  
18 being used or proposed to be used by the operator for the  
19 deposit or disposal of refuse until after the cessation of  
20 operations producing such refuse or proposed for future  
21 mining, or within depressed haulage roads or final cuts  
22 while such roads or final cuts are being used or made, or in  
23 any area where permanent pools or lakes have been formed.

24 SECTION 14. 34-32-112 (1), Colorado Revised Statutes  
25 1973, is amended to read:

26 34-32-112. Bond of operator - amount - sufficiency of

1 surety -- violations -- compliance. (1) Any bond required  
2 under this article to be filed by the operator shall be in  
3 such form as the board prescribes, payable to the state of  
4 Colorado, conditioned that the operator shall faithfully  
5 perform all requirements of this article and compl. with all  
6 rules and regulations made in accordance with the provisions  
7 of this article. Such bond shall be signed by the operator  
8 as principal and by a good and sufficient corporate surety  
9 authorized to do business in this state. ~~The penalty of~~  
10 ~~such bond shall be in such amount as the board deems~~  
11 ~~necessary to insure the performance of the duties of the~~  
12 ~~operator under this article with respect to the affected~~  
13 ~~land.~~ IN DETERMINING THE AMOUNT OF THE BOND, THE BOARD  
14 SHALL TAKE INTO CONSIDERATION THE COST OF RECLAMATION,  
15 INCLUDING BUT NOT LIMITED TO THE COST OF BACKFILLING,  
16 GRADING, HIGHWALL REDUCTION, TOPSOILING, OR RECLAMATION TO  
17 BE REQUIRED; BUT IN NO CASE SHALL THE BOND BE LESS THAN THE  
18 TOTAL ESTIMATED COST TO THE STATE OF COMPLETING THE WORK  
19 DESCRIBED IN THE RECLAMATION PLAN. If a county or  
20 municipality requires, in the opinion of the board, an  
21 adequate reclamation plan and a bond sufficient to carry out  
22 that plan, evidence of such plan and bond shall be  
23 acceptable to the board. In lieu of such bond, the operator  
24 may deposit cash and government securities with the board in  
25 an amount equal to that of the required bond on conditions  
26 as prescribed in this subsection (1). ~~In the discretion of~~

1 ~~the board, surety bond requirements may also be fulfilled by~~  
2 ~~using existing reclaimed areas if owned by the operator in~~  
3 ~~excess of cumulative permit or mined acres that have been~~  
4 ~~reclaimed under the provisions of this article and approved~~  
5 ~~by the board.~~ The penalty of the bond or amount of cash and  
6 securities shall be increased or reduced from time to time  
7 as provided in this article. Such bond or security shall  
8 remain in effect until the mined acreages have been  
9 reclaimed, approved, and released by the board.

10 SECTION 15. 34-32-114 (1) (c), Colorado Revised  
11 Statutes 1973, is amended to read:

12 34-32-114. Operators -- succession. (1) (c) The  
13 successor operator assumes, as part of his obligation under  
14 this article, all liability for the reclamation of the AREA  
15 OF land affected by the operation, and his obligation is  
16 covered by an appropriate bond as to such affected land.

17 SECTION 16. 34-32-117 (1), Colorado Revised Statutes  
18 1973, is amended to read:

19 34-32-117. Violations -- administrative procedures --  
20 ~~appeals from orders of the board.~~ (1) (a) Whenever the  
21 board determines that an operator has not complied with the  
22 provisions of this article, the board shall ~~by private~~  
23 ~~conference, conciliation, and persuasion, endeavor to remedy~~  
24 ~~such violation.~~ ~~In case of the failure of such conference,~~  
25 ~~conciliation, and persuasion to remedy any alleged~~  
26 ~~violation, the board may~~ cause to have issued and served

1 upon the operator alleged to be committing such violation a  
2 written notice which shall specify the provision of this  
3 article which such operator allegedly is violating, and  
4 SHALL CONTAIN a statement of the manner in and the extent to  
5 which said operator is alleged to be violating this article,  
6 and shall require the operator so complained against to  
7 answer the charges of such formal complaint at a hearing  
8 before the board at a time not less than thirty days after  
9 the date of the notice. The board shall issue subpoenas at  
10 the request of the charged operator, requiring the  
11 attendance of witnesses and the production of such papers  
12 and documents as are relevant to such hearing. At such  
13 hearing the charged operator may appear in person or by  
14 counsel, testimony shall be taken under oath and recorded  
15 stenographically, and the charged operator may cross-examine  
16 witnesses. A copy of the record of such hearing shall be  
17 furnished to the charged operator upon payment of the cost  
18 thereof. The board shall enter such order as it deems  
19 appropriate to effectuate the purposes of this article and  
20 shall forthwith mail a copy thereof to the charged operator  
21 or the operator's attorney of record. If such order of the  
22 board is not complied with in the required time, the board  
23 may then commence proceedings under section 34-32-113.

24 (b) THE ATTORNEY GENERAL, UPON THE REQUEST OF THE  
25 BOARD, SHALL BRING AN ACTION FOR A RESTRAINING ORDER OR A  
26 TEMPORARY OR PERMANENT INJUNCTION AGAINST AN OPERATOR OR

1 OTHER PERSON VIOLATING OR THREATENING TO VIOLATE AN ORDER  
2 ADOPTED UNDER THIS ARTICLE OR ANY RULE, REGULATION, OR ORDER  
3 MADE PURSUANT THERETO.

4 SECTION 17. 34-32-118, Colorado Revised Statutes 1973,  
5 is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

6 34-32-118. Citizens' remedies. (1) (a) Any citizen of  
7 the state having knowledge that any of the provisions of  
8 this article are willfully and deliberately not being  
9 enforced by any public officer or employee whose duty it is  
10 to enforce any of the provisions of this article shall  
11 bring such failure to enforce the law to the attention of  
12 such public officer or employee.

13 (b) To provide against unreasonable and irresponsible  
14 demands being made, all such demands to enforce the law must  
15 be in writing, under oath, with facts set forth specifically  
16 stating the nature of the failure to enforce the law.

17 (c) The stating of false facts and charges in such  
18 affidavit shall constitute perjury and shall subject the  
19 affiant to penalties prescribed under the law for perjury.

20 (2) If such public officer or employee neglects or  
21 refuses for an unreasonable time after demand to enforce  
22 such provision, any such citizen shall have the right to  
23 bring an action in the nature of mandamus in the district  
24 court for the judicial district in which the operation which  
25 relates to the alleged lack of enforcement is being  
26 conducted.

1 (3) The court, if satisfied that any provision of this  
2 article is not being enforced, may make an appropriate order  
3 compelling the public officer or employee whose duty it is  
4 to enforce such provision to perform his duties, and upon  
5 failure to do so such public officer or employee shall be  
6 held in contempt of court and shall be subject to the  
7 penalties provided by the laws of the state in such cases.

8 SECTION 18. Article 32 of title 34, Colorado Revised  
9 Statutes 1973, is amended BY THE ADDITION OF THE FOLLOWING  
10 NEW SECTIONS to read:

11 34-32-119. Inventory. The board in cooperation with  
12 other state, federal, and private organizations shall  
13 prepare and maintain a continuing inventory of mining  
14 operations within the state.

15 34-32-120. Reclamation fund. All funds received by  
16 the board from permit fees, and from forfeiture of bonds,  
17 cash deposits, and securities, shall be held by the state  
18 treasurer in a special fund, separate and apart from all  
19 other moneys in the state treasury, to be known as the "Open  
20 Mining Conservation and Reclamation Fund", and shall be used  
21 by the board for the purpose of reclaiming affected land  
22 according to the plan accepted for such land or for any  
23 other conservation purposes provided by this article, and  
24 for such purposes are hereby specifically appropriated to  
25 the board. Funds received from the forfeiture of bonds and  
26 collateral shall be expended, if physically possible,

1 by the board for reclaiming and planting the area  
2 of land affected by the operation upon which liability was  
3 charged on the bond. Any funds received from such  
4 forfeiture in excess of the amount which is required for  
5 reclaiming and planting the area of land affected by the  
6 operation and funds received from forfeitures relating to  
7 land where reclaiming and planting is determined by the  
8 board to be physically impossible may be used for the  
9 reclaiming of other affected lands or for any other  
10 conservation purposes provided by this article.

11 SECTION 19. Safety clause. The general assembly  
12 hereby finds, determines, and declares that this act is  
13 necessary for the immediate preservation of the public  
14 peace, health, and safety.



LEGISLATIVE COUNCIL COMMITTEE  
ON CRIMINAL JUSTICE

Members of the Committee

Sen. Ralph Cole, Chairman	Rep. Robert Eckelberry
Rep. Carol Tempest, Vice- Chairwoman	Rep. Larry Hobbs
Sen. Roger Cisneros	Rep. Charles Howe
Sen. Don MacManus	Rep. Kenneth Kramer
Sen. Harold McCormick	Rep. Hubert Safran
Sen. Ruth Stockton	Rep. Morgan Smith

Council Staff

Earl Thaxton	Steve Jordan
Senior Analyst	Senior Research Assistant

COMMITTEE ON CRIMINAL JUSTICE

The Committee on Criminal Justice continued in the 1974 interim with its review of statutes, existing programs, and consideration of new proposals relating to the system of criminal justice. Special emphasis was continued in the field of corrections, particularly as related to rehabilitation; the custody of persons convicted or accused of crimes, including the physical conditions, programs, and the legal framework of local jails; proposals for regional or community correctional facilities and programs; and the functions and authority of the Division of Corrections.

Three bills are recommended relating to criminal justice and are summarized in this report. A brief summary of committee activity is also included relating to the state correctional system study, directed by Senate Bill 55, 1974 session.

Another bill concerning the regulation of handguns is not recommended by the committee but is included in this report at the request of a minority of the committee and with the consent of the entire committee.

Amending the Colorado Sex Offenders Act -- Bill 37

Adoption of a bill to clarify the intent and make other amendments to the Colorado Sex Offenders Act of 1968 is recommended by the committee. A similar bill had been recommended to the 1974 General Assembly but was not included in the Governor's agenda for that session.

Amendments to this act submitted in this report would delete a misdemeanor from the list of crimes for which a person may be sentenced under the act; would change the receiving center for all persons committed under the act from the state penitentiary to the state hospital; and would reduce the period required for parole consideration from twelve to six months.

Use of Inmate Labor by Private Industry -- Bill 38

Bill 38 would authorize the training and employment of convicts by private organizations either at state institutions or at facilities outside of the institutions. Several business firms have been working toward establishing a program entitled "Operation Workwhile" which would allow private business firms

to become involved in inmate rehabilitation by providing inmates with viable work skills under realistic conditions to aid in their post-release adjustment.

The project initially would be on an experimental basis for a period of between six months and one year, using an appropriate business or manufacturer and about ten to fifteen inmates. Prisoners would be paid wages and fringe benefits comparable to those given for the same jobs in the open market. Wages earned by the inmate would be held in an account and distributed for the compensation of the victim of the crime committed by the inmate; to support of the inmate's dependents; for personal expenses of the inmate; for a trust account for the inmate upon his release; and to defray the costs incident to the inmate's confinement.

Bill 38 would authorize the Department of Institutions to contract with any corporation, association, labor organization, private nonprofit organization, or federal or state agency for the purpose of training or employing inmates at an established facility in the state penitentiary or the state reformatory or at a facility located outside of the existing institutions, such as a work-release facility.

Prohibiting the Transfer of Mentally Ill or Retarded Persons to the Colorado State Penitentiary -- Bill 39

It was brought to the attention of the committee that dangerous committed mental patients had been transferred from the state hospital to the state penitentiary for safekeeping when it was determined by the executive director of the Department of Institutions that the patient could not be safely confined in an institution for the mentally ill. This procedure has caused numerous problems for the administration at the penitentiary and has raised questions concerning the availability of necessary services for these persons in that institution.

Constitutional questions concerning the confinement of persons in a penitentiary without being convicted of a crime have also been raised. A three-judge U.S. District Court panel ruled on November 15, 1974, that mental patients cannot be transferred to the penitentiary unless hospital officials meet stringent requirements to prove they are too dangerous to be kept in the hospital and unless prison officials provide treatment for their mental illness (Romero, Lane, et. al. v. Shauer, Civil Action, C-5366).

It should be noted that completion of the maximum security forensic unit at the Colorado State Hospital should

**CONTINUED**

**2 OF 3**

prevent the necessity of this transfer procedure in the future. The committee is recommending a bill which would prohibit the transfer of such persons to the state penitentiary and would require that any persons from the state hospital who are being confined in the penitentiary be returned to the state hospital.

#### Continuing Study of Corrections Under Senate Bill 55

The Committee on Criminal Justice was designated by the Legislative Council as the committee responsible for conducting the study of the state correctional system directed under S.B. 55 (1974 session). A nine-member Correctional Advisory Commission has been appointed to assist the committee during the study.

The goals of this study project are to intensify the community approach to rehabilitation with respect to locating of the criminal offender within his community. Adjudicated offenders who do not need maximum security would be rehabilitated in and integrated into their communities under a community corrections approach. The maximum utilization of existing community programs and resources and the development of necessary programs and facilities at the community level are the primary interests of this study.

The project places the highest priority on diversion from the traditional custody-oriented correctional facilities to the development and utilization of existing community resources with emphasis on community involvement and responsibility. Individual program needs, and the relevant aspects of social service systems such as health, employment, education, mental health, public assistance, and vocational rehabilitation, are to be considered in the project. The overall goal of the committee's study is to design a plan for implementation of S.B. 55.

The first phase of the study, which is the collection and analysis of existing data on state and local facilities and programs, is now underway. It is anticipated that this phase will help provide information concerning the cost of the correctional system, the failure or success of the system, the condition of present facilities, programs, services which are essential and those which have no apparent benefit, and the type of client with which the system deals. The analysis of data should provide an overview of the present system, an identification of problems with the present correctional system, and possibly may suggest some solutions to these problems.

A preliminary report containing this data will be submitted to the General Assembly by January 1, 1975. A final report to include recommendations for legislative and executive action, and recommendations concerning the technical and financial feasibility of implementing the proposals, will be submitted to the General Assembly by January 1, 1976.

#### MINORITY REPORT

#### Regulating the Sale, Lease, Exchange, and Use of Firearms -- Bill 40

During its study in 1973, the committee became concerned about the increasing use of a certain type of handgun -- the so-called "Saturday night specials" -- in the commission of crimes. These are small handguns which can be purchased at low cost. In an effort to reduce the number of crimes committed by the use of such handguns, the committee had recommended a bill which would regulate the sale, lease, exchange, and use of these weapons. The proposed bill was not included in the Governor's call for the 1974 session and, for this reason, the bill has not been considered by the General Assembly.

The committee discussed submitting this bill again with favorable consideration, but the motion for this recommendation failed on a four-to-four tie vote. The four members who voted for the motion to recommend the bill requested that it be included in the committee report, even though the bill did not receive committee recommendation.

The bill would prohibit any person engaged in the business of wholesale or retail sale, rental, or exchange of handguns to sell or deliver any handgun, except an antique handgun, if the frame or receiver is a die casting of zinc alloy or any other material which has a melting temperature of less than 1,000 degrees Fahrenheit. The proposed legislation would require that a period of five days -- a "cooling-off" period -- lapse following receipt of the order for the purchase before any person engaged in the business can deliver such handgun. Persons engaged in the business of selling, renting, or exchanging handguns would be required to keep a record and to report such transactions promptly to the appropriate authorities.

Representative Charles B. Howe  
Representative Carol Tempest  
Representative Hubert M. Safran  
Representative Morgan Smith

COMMITTEE ON CRIMINAL JUSTICE

BILL 37

A BILL FOR AN ACT

1 AMENDING THE "COLORADO SEX OFFENDERS ACT OF 1968".

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Bill Summary

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

3 SECTION 1. 16-13-202 (5), Colorado Revised Statutes 1973,  
4 is amended to read:

5 16-13-202. Definitions. (5) "Sex offense" means rape, as  
6 defined in section 13-3-401, C.R.S. 1973; gross sexual  
7 imposition, as defined in section 18-3-402, C.R.S. 1973; deviate  
8 sexual intercourse by force, as defined in section 18-3-403,  
9 C.R.S. 1973; deviate sexual intercourse by imposition as defined  
10 in section 18-3-404, C.R.S. 1973; ~~sexual assault, as defined in~~  
11 ~~section 18-3-407, C.R.S. 1973;~~ sexual assault on a child, as  
12 defined in section 18-3-408, C.R.S. 1973; corruption of minors  
13 and seduction, as defined in section 18-3-410, C.R.S. 1973;  
14 aggravated incest, as defined in section 18-6-302, C.R.S. 1973;  
15 and an attempt to commit any of the offenses mentioned in this  
16 subsection (5).

17 SECTION 2. 16-15-215, Colorado Revised Statutes 1973, is

1 amended to read:

2 16-13-215. State hospital as receiving center. The  
3 Colorado state penitentiary HOSPITAL shall be the receiving  
4 center for all persons committed pursuant to section 16-13-203.

5 SECTION 3. 16-13-216 (1) (a), Colorado Revised Statutes  
6 1973, is amended to read:

7 16-13-216. Powers and duties of the board. (1) (a) Within  
8 six months after a person is committed pursuant to section  
9 16-13-203, and at least once during each ~~twelve~~ SIX months  
10 thereafter, the board shall review all reports, records, and  
11 information concerning said person, for the purpose of  
12 determining whether said person shall be paroled.

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

COMMITTEE ON CRIMINAL JUSTICE

BILL 38

A BILL FOR AN ACT

1 AUTHORIZING THE TRAINING OR EMPLOYING OF CONVICTS BY PRIVATE  
2 ORGANIZATIONS.

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

4 SECTION 1. 27-20-117, Colorado Revised Statutes 1973, is  
5 amended to read:

6 27-20-117. Labor of convicts - earnings. Every able-bodied  
7 convict shall be put to and kept at the work most suitable to his  
8 capacity and most advantageous to the people of the state of  
9 Colorado. ~~and--which--may--least--conflict--with--the--free--labor--of~~  
10 ~~the--said--state--during--his--confinement~~ UNLESS OTHERWISE PROVIDED  
11 BY SECTION 27-24-109, the earnings of such convict, after  
12 deducting a sufficient amount thereof to pay and satisfy the cost  
13 of maintenance and retention, shall be given to the family of  
14 such convict or dependents, if any, but if there are none, the  
15 same shall be accumulated and paid to such convict upon discharge  
16 from the state penitentiary.

17 SECTION 2. 27-24-101, Colorado Revised Statutes 1973, is  
18 amended to read:

19 27-24-101. Prisoners to work. All able-bodied prisoners at  
20 the state penitentiary shall be employed at such productive work  
21 as may be assigned to them by the warden of said institution.

1 All goods, wares, or merchandise manufactured, produced, or  
2 mined, wholly or in part, by such prisoners shall be sold, to the  
3 extent possible, to the state and its institutions in accordance  
4 with the provisions of sections 27-24-105 to 27-24-114. Any  
5 surplus of such goods, wares, or merchandise which is not sold to  
6 the state or its institutions in such manner may be sold on the  
7 open market in the state of Colorado at prevailing market prices.  
8 All moneys realized from the sale of any goods, wares, or  
9 merchandise manufactured, produced, or mined by such prisoners  
10 shall be used to defray the costs of operating the state  
11 penitentiary and to satisfy the costs of maintenance and  
12 retention of prisoners at the state penitentiary. THE PROVISIONS  
13 OF THIS SECTION SHALL NOT APPLY TO GOODS, WARES, OR MERCHANDISE  
14 MANUFACTURED, PRODUCED, OR MINED IN A PROGRAM ESTABLISHED  
15 PURSUANT TO SECTION 27-24-109.

16 SECTION 3. 27-24-103, COLORADO REVISED STATUTES 1973, IS  
17 AMENDED TO READ:

18 27-24-103. Employment of boys. All able-bodied boys at the  
19 Colorado state reformatory and the Lookout Mountain school for  
20 boys shall be employed at any productive work assigned to them by  
21 the warden and superintendent thereof, respectively. All goods,  
22 wares, or merchandise manufactured, produced, or mined, wholly or  
23 in part, by such boys shall be sold, to the extent possible, to  
24 the state and its institutions in accordance with the provisions  
25 of sections 27-24-105 to 27-24-114. Any surplus of such goods,  
26 wares, or merchandise which is not sold to the state or its  
27 institutions in such manner may be sold on the open market in the

1 state of Colorado at prevailing market prices. All moneys  
2 realized from the sale of any goods, wares, or merchandise  
3 manufactured, produced, or mined by such able-bodied boys shall  
4 be used to defray the costs of maintenance and retention of such  
5 able-bodied boys at the respective institutions mentioned in this  
6 section. THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO  
7 GOODS, WARES, OR MERCHANDISE MANUFACTURED, PRODUCED, OR MINED IN  
8 A PROGRAM ESTABLISHED PURSUANT TO SECTION 27-24-109.

9 SECTION 4. 27-24-109, Colorado Revised Statutes 1973, is  
10 amended to read:

11 27-24-109. Prisoners' compensation. (1) Every inmate of  
12 the state penitentiary or the Colorado state reformatory who is  
13 entitled to trustyship because of good conduct, at the discretion  
14 of the warden of the state penitentiary or the warden of the  
15 Colorado state reformatory, may receive compensation for the work  
16 he performs in the various activities of the institutions. The  
17 rate of compensation as applied to all classes of work and to the  
18 individual worker shall be determined by the department of  
19 institutions after consultation with the respective wardens. The  
20 department has the power to make rules and regulations relative  
21 to the payment of wages and their disbursements, and there shall  
22 always be kept copies of these rules and regulations and the  
23 amendments thereto, so that there may be no question at any time  
24 about this subject.

25 (2) THE DEPARTMENT OF INSTITUTIONS, AFTER CONSULTATION WITH  
26 THE RESPECTIVE WARDENS, IS AUTHORIZED TO CONTRACT WITH ANY  
27 CORPORATION, ASSOCIATION, LABOR ORGANIZATION, OR ANY PRIVATE



1 NONPROFIT ORGANIZATION OR WITH ANY FEDERAL OR STATE AGENCY FOR  
2 THE PURPOSE OF TRAINING OR EMPLOYING INMATES AT THE STATE  
3 PENITENTIARY OR THE COLORADO STATE REFORMATORY.

4 (3) PROCEEDS AND WAGES DUE AN INMATE FROM THE SALE OF  
5 PRODUCTS PRODUCED BY THE INMATE UNDER A PROGRAM AUTHORIZED BY  
6 SUBSECTION (2) OF THIS SECTION SHALL BE HELD IN AN ACCOUNT  
7 MAINTAINED BY THE DEPARTMENT AND DISTRIBUTED PERIODICALLY FOR:

8 (a) COMPENSATION OF THE VICTIM OF THE CRIME COMMITTED BY  
9 THE INMATE IN AN AMOUNT NOT TO EXCEED TWO THOUSAND DOLLARS FOR  
10 EXPENSES ACTUALLY AND REASONABLY INCURRED AS A RESULT OF THE  
11 INJURY TO THE PERSON OR PROPERTY, INCLUDING MEDICAL EXPENSES AND  
12 LOSS TO THE VICTIM OF EARNING POWER, AND ANY OTHER PECUNIARY LOSS  
13 DIRECTLY RESULTING FROM THE INJURY TO THE PERSON OR PROPERTY OR  
14 DEATH OF THE VICTIM, WHICH A COURT OF COMPETENT JURISDICTION  
15 DETERMINES TO BE REASONABLE AND PROPER;

16 (b) PAYMENT OF SUCH AMOUNTS FOR THE SUPPORT OF THE INMATE'S  
17 DEPENDENTS AS IS DEEMED APPROPRIATE BY THE DEPARTMENT AFTER  
18 CONSULTATION WITH THE RESPECTIVE WARDENS;

19 (c) ESTABLISHMENT OF FUNDS IN TRUST FOR THE INMATE UPON HIS  
20 RELEASE; EXCEPT THAT SOME AMOUNT SHALL BE ALLOCATED TO THE INMATE  
21 FOR PERSONAL EXPENSES WHILE SERVING HIS SENTENCE.

22 (4) A PORTION OF SAID WAGES AND PROCEEDS IN AN AMOUNT  
23 DETERMINED BY THE DEPARTMENT MAY BE USED TO DEFRAY THE COSTS  
24 INCIDENT TO THE INMATE'S CONFINEMENT.

25 (5) THE WAGES PAID TO AN INMATE SHALL NOT BE LESS THAN  
26 THOSE PAID FOR WORK OF A SIMILAR NATURE IN THE LOCALITY IN WHICH  
27 THE WORK IS PERFORMED.

1 SECTION 5. 27-24-115, Colorado Revised Statutes 1973, is  
2 amended to read:

3 27-24-115. Use of convict-made goods. It is unlawful for  
4 any person or corporation to use, consume, sell, or store in this  
5 state goods, wares, or merchandise manufactured, produced, or  
6 mined, wholly or in part, by convicts or prisoners in any penal  
7 or reformatory institution in this state, but the provisions of  
8 this section shall not apply to the use, consumption, sale, or  
9 storage of such goods, wares, or merchandise by the state or any  
10 political subdivision thereof or by any public institution or  
11 agency owned, controlled, or managed by the state or by any  
12 political subdivision thereof, under the provisions of any laws  
13 enacted, and the provisions of this section shall not apply to  
14 goods, wares, or merchandise manufactured, produced, or mined by  
15 convicts or prisoners on parole or probation. THE PROVISIONS OF  
16 THIS SECTION SHALL NOT APPLY TO GOODS, WARFS, OR MERCHANDISE  
17 MANUFACTURED, PRODUCED, OR MINED IN A PROGRAM ESTABLISHED  
18 PURSUANT TO SECTION 27-24-109.

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

COMMITTEE ON CRIMINAL JUSTICE

BILL 39

A BILL FOR AN ACT

1 PROVIDING FOR THE TRANSFER OF MENTALLY ILL OR RETARDED PERSONS TO  
2 THE COLORADO STATE HOSPITAL.

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Bill Summary

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

4 SECTION 1. 27-23-101 (3) and (4), Colorado Revised Statutes  
5 1973, are amended, and the said 27-23-101 is further amended BY  
6 THE ADDITION OF A NEW SUBSECTION to read:

7 27-23-101. Transfer of insane and convicts. (3) The  
8 executive director of the department of institutions is further  
9 empowered, when it is reported to him that any mentally ill or  
10 retarded person is so dangerous that he cannot be safely confined  
11 in any OTHER institution for the care and treatment of the  
12 mentally ill or retarded under his supervision, to order said  
13 mentally ill or retarded person transferred to the COLORADO state  
14 penitentiary HOSPITAL for safekeeping.

15 (4) When it is reported to the executive director of the  
16 department of institutions by the warden-and-certified-to-by-the  
17 prison-physician DIRECTOR OF ANY OTHER INSTITUTION FOR THE CARE

1 AND TREATMENT OF THE MENTALLY ILL OR RETARDED that any mentally  
2 ill or retarded person who, having been transferred from an  
3 ANOTHER institution for the care and treatment of mentally ill or  
4 retarded persons under the supervision of the said executive  
5 director to the COLORADO state penitentiary HOSPITAL for  
6 safekeeping, can be cared for better at an ANOTHER institution  
7 for the care and treatment of the mentally ill or retarded, said  
8 executive director may order such mentally ill or retarded person  
9 transferred to an ANOTHER institution for the care and treatment  
10 of mentally ill or retarded persons under his supervision. The  
11 expense of transferring said mentally ill or retarded person to  
12 and from, and maintaining him in, the COLORADO state penitentiary  
13 HOSPITAL shall be paid out of any money appropriated for the  
14 maintenance of the institution under the supervision of said  
15 executive director in which said mentally ill or retarded person  
16 was present most recently prior to his transfer to the COLORADO  
17 state penitentiary HOSPITAL.

18 (5) Any mentally ill or retarded person who has been  
19 previously transferred from an institution for the care and  
20 treatment of the mentally ill or retarded to the state  
21 penitentiary shall be transferred by the executive director of  
22 the department of institutions to the Colorado state hospital.  
23 The transfers required by this subsection (5) shall be complete  
24 no later than January 1, 1976.

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

MINORITY REPORT BILL  
Committee on Criminal Justice

BILL 40

A BILL FOR AN ACT

1 CONCERNING HANDGUNS, AND RELATING TO THE REGULATION THEREOF.

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Bill Summary

(NOTE: This summary applies to this bill as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

Imposes a five-day cooling off period on the sale of handguns. Requires records to be maintained relating to the sale of handguns. Prohibits the sale of "Saturday night specials".

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

3 SECTION 1. 18-12-101 (1), Colorado Revised Statutes 1973,  
4 is amended BY THE ADDITION OF THE FOLLOWING NEW PARAGRAPHS to  
5 read:

6 18-12-101. Definitions. (1) (a.1) "Antique firearm" means  
7 any firearm, including any handgun, with a matchlock, flintlock,  
8 percussion cap, or similar type of ignition system manufactured  
9 prior to 1899, and any replica of any such firearm if such  
10 replica is not designed or redesigned for using rimfire or  
11 conventional centerfire fixed ammunition or uses rimfire or  
12 conventional centerfire fixed ammunition which is no longer  
13 manufactured in the United States and which is not readily  
14 available in the ordinary channels of commercial trade.

1 (c.5) "Handgun" means a firearm which is designed to be  
2 held and fired by the use of a single hand and which is designed  
3 to or may be readily converted to expel a projectile by the  
4 action of an explosive.

5 SECTION 2. Article 12 of title 18, Colorado Revised  
6 Statutes 1973, as amended, is amended BY THE ADDITION OF A NEW  
7 SECTION to read:

8 18-12-110. Regulation of handguns. (1) It is unlawful for  
9 any person engaged in the business of the wholesale or retail  
10 sale, rental, or exchange of handguns to deliver any such weapon  
11 to any person until not less than five days have expired  
12 following receipt of the order for the purchase, rental, or  
13 exchange of the handgun.

14 (2) Every person engaged in the business of the selling,  
15 renting, or exchanging of handguns shall keep a record of each  
16 handgun ordered; each handgun sold, rented, or exchanged; and  
17 each purchaser, lessee, or other person with whom an exchange is  
18 made. The record shall be in such form as may be prescribed by  
19 the appropriate law enforcement agency which has jurisdiction in  
20 the area in which the business is located and shall at all times  
21 be open to inspection for official purposes by any peace officer  
22 of this state. The record shall be made at the time of each  
23 transaction and shall include the following:

24 (a) The name, address, age, and occupation of the person  
25 ordering the handgun, such information to be evidenced by  
26 personal identification;

27 (b) The serial number, make, finish, and caliber of the

1 handgun;

2 (c) The date of the order or contract for future delivery  
3 of the handgun;

4 (d) The date of actual delivery of the handgun;

5 (e) The name of the employee accepting the order and the  
6 name of the employee delivering the handgun;

7 (f) A description of each of the personal identifications  
8 furnished by the person seeking to acquire the handgun, including  
9 the serial number or other distinctive features noted in or upon  
10 each type of identification.

11 (3) The report required by subsection (2) of this section  
12 shall be made promptly to the appropriate law enforcement agency.

13 (4) It is unlawful for any person engaged in the business  
14 of the wholesale or retail sale, rental, or exchange of handguns  
15 to sell or deliver any handgun, except an antique handgun, if he  
16 knows or has reasonable cause to believe that the basic  
17 structural components thereof are made of any material having a  
18 melting point of less than one thousand degrees Fahrenheit, or of  
19 any material having an ultimate tensile strength of less than  
20 fifty-five thousand pounds per square inch, or of any powdered  
21 metal having a density of less than 7.5 grams per cubic  
22 centimeter.

23 (5) Any person who violates any provision of this section  
24 commits a class 2 misdemeanor.

25 SECTION 3. Effective date - applicability. This act shall  
26 take effect July 1, 1975, and shall apply only to unlawful acts  
27 alleged to have been committed on or after such date.

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

BILL 41 - BILL SUBMITTED TO  
FIFTIETH GENERAL ASSEMBLY BY THE  
COLORADO LEGISLATIVE COUNCIL

## COMMENT ON BILL 41

The statute which created the Legislative Council directed that the Council "...prepare for presentation to the members and various sessions of the general assembly such reports, bills, or otherwise, as the welfare of the state may require...".

In past years the Council has not prepared and submitted legislation separately from the committees which it created. This year, the Council is recommending a bill which was initiated and approved by the Council itself.

Bill 41 would specify the order the proposed measures would appear on the ballot at general elections. Constitutional amendments and proposed laws referred by the General Assembly would appear before the proposals initiated by the people. It was stated by some Council members that this change would assist voters in their understanding of the origin of proposed measures.

LEGISLATIVE COUNCIL

BILL 41

A BILL FOR AN ACT

1 CONCERNING THE ORDER THAT PROPOSED MEASURES SHALL APPEAR ON THE  
2 BALLOT.

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Bill Summary

(NOTE: This summary applies to this bill as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

Changes the order of appearance of proposed constitutional amendments and legislation to allow those constitutional amendments and proposed laws of the general assembly to be placed first on the ballot.

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

4 SECTION 1. 1-40-108 (1), Colorado Revised Statutes 1973, is  
5 amended, and the said 1-40-108 is further amended BY THE ADDITION  
6 OF A NEW SUBSECTION, to read:

7 1-40-108. Ballot - voting - publication. (1) Measures  
8 shall appear upon the official ballot by ballot title only, which  
9 shall be numbered ~~consecutively--in--the--order--in--which--the~~  
10 ~~completed--petitions--are--filed;~~ IN ACCORDANCE WITH SUBSECTION (3)  
11 OF THIS SECTION and shall be printed on the official ballot in  
12 that order, together with their respective numbers prefixed in  
13 boldface type. Each ballot title shall appear on the official



1 ballot but once and shall be separated from the other ballot  
2 titles next to it by heavy black lines and shall be followed by  
3 the words "yes" and "no" with blank spaces to the right and  
4 opposite the same as follows:

5 (HERE SHALL APPEAR THE  
6 BALLOT TITLE IN FULL)

7 YES

8 NO

9 (3) Measures which shall appear on the official ballot  
10 shall be numbered consecutively in the following order:

11 (a) Those constitutional amendments referred by the general  
12 assembly in the order in which the amendments are adopted by the  
13 general assembly;

14 (b) Those proposed laws referred by the general assembly in  
15 the order in which the proposed laws are adopted by the general  
16 assembly;

17 (c) Those laws referred by the people in the order in which  
18 completed petitions are filed with the secretary of state;

19 (d) Those constitutional amendments initiated by the people  
20 in the order in which completed petitions are filed with the  
21 secretary of state;

22 (e) Those proposed laws initiated by the people in the  
23 order in which completed petitions are filed with the secretary  
24 of state.

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

**END**