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

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

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VOLUME II

COLORADO LEGISLATIVE COUNCIL

RESEARCH PUBLICATION NO. 207

DECEMBER 1974

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OF THE
COLORADO GENERAL ASSEMBLY

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Vincent Massari
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Ruth S. Stockton
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Carl H. Gustafson
Hiram A. McNeil
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Hubert M. Safran
Ronald H. Strahle
John Fuhr, Speaker
of the House

* * * * *

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.

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COLORADO LEGISLATIVE COUNCIL.
" RECOMMENDATIONS FOR 1975

(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 Buschner
Rep. Charles DeHoulin
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 1974 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 re-modelling 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

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

HOUSE
COMMITTEE MEETING SCHEDULE

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

Category I: Business Affairs and Labor
State Affairs
Judiciary

Category II: H.E.W.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 1½ 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 remodelling 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 ASSEMBLY.

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-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.

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:

10		HOUSE AND Senate	House
11	<u>Department</u>	<u>Committee</u> COMMITTEES	<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 Dyer
Sen. Clarence Quinlan, Vice-Chairman	Rep. Arthur W. Cramer
Sen. Joseph Calabrese	Rep. M. P. DeLoach
Sen. Harry Locke (Deceased)	Rep. Harold E. Starnes
Sen. Vincent Massari	Rep. Phillip Mangano
Sen. Harold McCormick	Rep. Brian McNeill
Sen. John Shawcroft*	Rep. Anthony Mallon
	Rep. Frank Southworth
	Rep. Roy Harris
	Rep. Walter Youngland

Council Staff

David Hite
Principal Analyst

Larry Thompson
Senior Research
Assistant

*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 ^{1/}

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

^{1/} 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

	<u>National Forest Revenues Act</u>	<u>Flood Control Lands Act</u>	<u>Federal Lands and Mater- ials Act</u>	<u>United States Mineral Leasing Act</u>	<u>Taylor Grazing Act</u>	<u>Migratory Bird Act</u>	<u>Bankhead Jones Act 1/</u>	<u>Total</u>
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			341,286.00	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	638.75	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			155,558.03
Mineral	40,110.16							40,110.16

	National Forest Revenues Act	Flood Control Lands Act	Federal Lands and Mater- ials 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	<u>\$1,591,178.04</u>				
			Total	<u>\$4,152,861.84</u> 3/				\$5,231,367.30

- 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	184,504	-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	69	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	5.0791	.0485	.8324
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	.0663
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	.0255
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:
- 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 lands, as well as BLM holdings. As a result, it is misleading to attribute these revenues solely to the BLM.
 - 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.