

- Home
- Ask OLLS
- Deadlines
- Feedback
- Privacy Policy

Search

Colorado LegiSource

An informational and educational resource for the Colorado General Assembly by the Office of Legislative Legal Services.



🏠 > 2012 > April > 5 >

Powers, Duties, and Functions of Executive Branch Agencies (Type 1, type 2, and type 3 transfers)

Powers, Duties, and Functions of Executive Branch Agencies (Type

1, type 2, and type 3 transfers)

• o l l s 📅 April 5, 2012

by Rebecca Hausmann

If you're anything like me, you might find **type 1**, **type 2**, and **type 3** transfers a little confusing. First of all, what are they for? What's the difference between the three types of transfers? And just why, exactly, are they called "transfers", even when a new agency is created?

What are the transfers for?

Type 1, **type 2**, and **type 3** transfers only apply to executive branch agencies and not to judicial or legislative branch agencies. **Type 1**, **type 2**, and **type 3** transfers are a way of generally describing the powers and duties of a state agency (which includes a division, section, board, institution, commission, etc.) and the agency's relationship with the department in which it is placed without having to list each of them separately for each agency. Section 24-1-105, C.R.S., sets out the three types of "transfers".

When an agency is transferred by bill from one department to another, the General Assembly can transfer it with all the same powers and duties that it has in its current department or it can increase or decrease its powers simply by stating what type of transfer it is making. Similarly, a newly created agency is created in its department "as if it were transferred by" a specified type of transfer. In this way, the powers of the agency can be described without having to go into great detail. Having the three types of transfers set out in statute also helps to

makes the powers of the different agencies uniform.

What is the difference between the three types of transfers?

In a **type 1** transfer, an agency or part of an agency is transferred intact to another principal department. The transfer creates a relationship in which the subordinate agency is administered under the direction and supervision of that principal department but exercises its powers, duties, and functions independently of the head of that department. The most important powers an agency retains with a **type 1** transfer – powers that may be exercised in whatever way the agency determines, even without the approval of the executive director – are the promulgation of rules and standards and the rendering of administrative findings, orders, and adjudications. **Type 1** transfer powers also include regulation, licensing, and registration. However, the executive director of the department has all “budgeting, purchasing, planning, and related management functions” and any powers, duties, and functions not specified by statute as belonging to the agency being transferred are performed under the direction and supervision of the head of the principal department.

In a **type 2** transfer, all or part of an existing department or agency is transferred to another principal department. Under a **type 2** transfer, all statutory authority, powers, duties, functions, records, personnel, property, and unexpended balances of appropriations, allocations, or other funds, including the functions of budgeting, purchasing, and planning, are transferred to the principal department and the agency being transferred does not retain any independent powers.

A **type 3** transfer abolishes an existing department or agency and transfers all or part of its powers, duties, functions, records, person-

nel, property, and unexpended balances of appropriations, allocations, or other funds to a principal department. Because departments and agencies are not often abolished, a **type 3** transfer is rarely used.

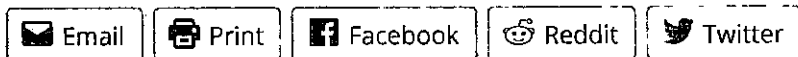
Why are they called “transfers” even when a new agency is created?

When the Administrative Organization Act of 1968, article 1 of title 24, C.R.S., was enacted, the General Assembly declared its intent to create an “orderly organizational structure of state government” that grouped state agencies into a limited number of principal departments primarily according to function to eliminate overlapping and duplication of effort. (See section 24-1-101, C.R.S.) Since there were already agencies in existence, in order to restructure state government, the General Assembly wanted to move those agencies into the departments created in the 1968 Act and needed a way “to provide for an orderly transfer of powers, duties, and functions of the various state agencies to such principal departments with a minimum of disruption of governmental services and functions and with a minimum of expense.” (See section 24-1-101, C.R.S.) **Type 1, type 2, and type 3** transfers enabled the General Assembly to transfer, add to, or eliminate the powers and duties of the existing state agencies when they were moved into the newly created departments or to eliminate entire agencies.

Since section 24-1-105, C.R.S., sets out the different types of “transfers” and describes the powers and duties assigned to an agency as a transfer, when new agencies are created, we now refer to them as being created “as if they were transferred” by a **type 1, type 2, or type 3** transfer in order to precisely describe the powers and duties of the new agency.

Sources: *Article 1 of title 24, C.R.S.*

The Legislative Drafting Manual



Posted in [State Government](#)

Previous Post: Do It Right – Researching Legislative History: What to Look For and Where to Find It

Next Post: Conference Committees: Navigating the Final Step to Passage of Your Bill



Colorado LegiSource

Follow

@LegiSource

LegiSource Post: [Statutory Revision Committee: Four Years In and Going Strong](#)

<https://t.co/Gg45APiP4s> #coleg

about 4 days ago

≡ SUBSCRIBE

Subscribe by Email

Subscribe by RSS

🔍 SEARCH

★ UPCOMING DEADLINES

- Legislative Council deadline for prioritizing interim study committees is on Friday, 19 April 2019
- Appropriations Committee deadline (for Second House bills) is on Wednesday, 24 April 2019
- Second House final passage deadline for bills referred to Appropriations Committee in that house is on Friday, 26 April 2019
- Adjournment sine die is on Friday, 03 May 2019


≡ REMINDERS

≡ LINKS

- General Assembly home page
- Legislative Legal Services home page
- Court Decisions – summaries of notable court decisions construing state law
- CO State Publications Library Blog – news and search tips on current issues in the state
- Legislative Ethics Tutorial
- Colorado Revised Statutes
- Colorado.gov

✍ RECENT POSTS

- Statutory Revision Committee: Four Years In and Going Strong
- Conference Committees: A Quick Review of the Options
- So How Do Those Amendments Get Into Your Bill?
- Requesting an Interim Committee? All You Need is a Letter
- What Happens When Multiple Bills Amend the Same Provision of Law?

Select Month 

📁 CATEGORIES

Ask OLLS **Bill Drafting** **Committees** **Constitutional Requirements** **Court Cases - Opinions** **Ethics** **Executive Agency Rules** **History**
Initiatives and Referendums **Legislative Process** **Legislative Rules**
Legislative Staff Agencies **Legislator Rights and Responsibilities** **LegiSource**
Miscellaneous **Open Records and Meetings** **Publications** **Session Wrap-up** **State Government** **Statutory Interpretation** **Substantive Law**