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0108 Legislator's Compensation and Retirement in Colorado

Colorado Legislative Council

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Report to the Colorado General Assembly:

LEGISLATORS' COMPENSATION AND RETIREMENT IN COLORADO

GOVERNOR'S COMMITTEE ON LEGISLATORS' COMPENSATION

RESEARCH PUBLICATION NO. 108

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GOVERNOR'S COMMITTEE ON
LEGISLATORS' COMPENSATION

Raymond A. Kimball
Chairman

Kenneth P. Todd

Dan E. Brophy

Mark R. Schmidt

James L. Cloman

REPORT OF GOVERNOR'S COMMITTEE ON LEGISLATORS' COMPENSATION TO THE COLORADO GENERAL ASSEMBLY

LEGISLATORS' COMPENSATION AND RETIREMENT IN COLORADO

Research Publication No. 108
Colorado Legislative Council
December, 1965

THE STATE OF COLORADO
EXECUTIVE CHAMBERS
DENVER

JOHN A. LOVE
GOVERNOR

December 9, 1965

To The Honorable Members
The Forty-fifth General Assembly
Second Regular Session
State Capitol
Denver, Colorado

Ladies and Gentlemen:

In accordance with the provisions of Senate Joint Resolution No. 25, 1965 Regular Session, I appointed a committee of five businessmen to conduct a study of compensation and expenses of the members of the General Assembly, and I am transmitting their report to you for your consideration.

I appointed Mr. Raymond A. Kimball, Mr. Kenneth P. Todd, Mr. Mark R. Schmidt, Mr. Dan E. Brophy and Mr. James L. Cloman to carry out the directives of Senate Joint Resolution No. 24. I want to express my thanks on behalf of the members of the General Assembly and the people of Colorado for their service.

Respectfully submitted,

John A Love

JAL:mu

John A. Love

December 10, 1965

The Honorable John A. Love
Governor
State of Colorado
State Capitol
Denver, Colorado

Dear Governor Love:

In accordance with the directives contained in Senate Joint Resolution No. 25, adopted at the First Regular Session of the 45th Colorado General Assembly, the Governor's Committee on Legislators' Compensation submits its report for your consideration. The committee respectfully recommends that you place the subject of legislators' compensation and retirement on the Agenda for the 1966 session of the General Assembly.

We are taking the liberty of using this transmittal letter as a means of expressing the thoughts and philosophy of the committee members supporting the recommendations submitted.

There is evidence of widespread misunderstanding among the citizens of Colorado concerning both the amount and method of Colorado's legislative pay. At present, legislators receive a basic salary of $100 per month, or $1,200 per year -- modest and inadequate by itself. In addition, legislators receive $25 per day while the General Assembly is in session, for a limited period of not to exceed 160 days during a biennium, for a total additional salary of $4,000 for two years, or an average of $2,000 per year. This added to the $1,200 annual salary makes a total of $3,200 per year, or $266.66 per month. <u>One</u>, and only one, round-trip travel allowance is paid for each session, under a strict court interpretation of a constitutional limitation of "actual and necessary" travel expenses.

Actually, the bulk of present legislators' salaries is received during the sessions of the General Assembly -- the $25 per diem is paid for "legislative days" based on a seven day week while the General Assembly is in session.

The glaring inequity of present legislative pay is the fact that, because of a constitutional limitation, out-state legislators <u>cannot</u> be compensated for their expenses while living away from home. This, in effect, results in out-state legislators receiving less net remuneration for their services than is received by their capital-city or capital-commuting colleagues.

Many citizens appear to be unaware of the time and expense required of legislators, particularly out-state, in attendance at different conventions, conferences, meetings, etc., where their presence is "expected" because of the office they hold.

Because there is a widespread belief, well founded or not, that salary paid as per diem has operated either to limit or extend the length of regular sessions, the Committee recommends moving completely away from this dual -- and often confusing -- method of payment. While admittedly legislators will be required to budget their personal incomes more carefully, there will be removed the adverse public -- and press -- reaction concerning the alleged relationship of money and time.

In democratic self-government the lawmaking function is an essential responsibility imposed upon the citizenry as a high trust and significant civic obligation. The legislative function must, of necessity, be widely shared by the electorate, and any lawmaking body must represent a cross-section of the people to whom the body is responsible for its actions. The exercise -- and the essence -- of citizenship implies both leadership and personal sacrifice. This is as it should be.

The committee was unanimous in its agreement that:

1) The legislative function of state government -- a basic franchise of liberty under democratic self-government -- should be exercised by part-time, citizen-lawmakers who discharge this essential service to their fellow men as a matter of civic responsibility accompanied by some degree of personal sacrifice in matters of convenience, time, and resources.

2) Legislators should be paid a salary that will reflect their part-time service. In addition, those out-state legislators who must maintain two domiciles, in order to attend legislative sessions, and who must travel between their districts and the capital during sessions, should be entitled to reimbursement for actual out-of-pocket expenses necessitated by their service as legislators.

3) The recommendations in this report are devised to achieve the purposes set forth above, under existing economic circumstances, but the salary level herein recommended is qualified by the following condition:

That the General Assembly, during the same session in which this recommended pay increase is approved, will initiate a comprehensive study of its rules, procedures and processes with a view towards placing in effect modern, efficient, time-saving, and schedule-controlling procedures that will permit the orderly conduct of legislative business in a business-like manner, requiring less, not more time of lawmakers. The committee would urge such a study committee to give serious consideration to the suggestions included on page xiii of the committee's accompanying report.

By introspection and self-disciplined internal reform the General Assembly should improve its public image by increasing substantially its productivity. An integral part of the philosophy of part-time lawmakers, including part-time pay, is that the public business of lawmaking can be done on less than a full-time basis. The best way for legislators to be paid more for the time they devote to lawmaking is first, and foremost, to exercise the individual discipline that is so essential in carrying out the democratic

process, and secondly, to engage in a serious review of legislative procedures with a view towards achieving better utilization of time during sessions. The committee is convinced, and many current and former legislators are equally convinced, that legislative business can be conducted in fewer days if the time of legislators is better utilized. This in essence is the spirit of this report.

Respectfully submitted,

Raymond A. Kimball, Chairman
Governor's Committee on
Legislators' Compensation

Kenneth P. Todd

Mark R. Schmidt

Dan E. Brophy

James L. Cloman

RAK/mp

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COMMITTEE FINDINGS AND RECOMMENDATIONS

1. Members of the Colorado General Assembly currently are paid a salary of $3,200 per year. This amount is paid in two ways: 1) $100 for each month; and 2) $25 per day during a regular or special session of the General Assembly with a proviso which limits to 160 the number of days in a two-year period for which the per diem may be paid. Thus, averaged out, each legislator is paid a salary of $3,200 per year, or $266.66 per month.

The subject of interim committee meetings and compensation was considered by the committee to be outside the scope of this study.

The Committee recommends that the salary be increased from $3,200 per year to $4,800 and that it be paid at a monthly rate of $400. The reasoning behind this recommendation is as follows:

A) There is a tendency on the part of legislators to emphasize that the only salary they receive is the $100 monthly payment. In many legislators' minds the $25 per diem payment is actually an expense allowance. There is no doubt in the minds of the members of this Committee that those legislators who must leave their homes and move into Denver during a legislative session are justified in feeling this way; nevertheless, those legislators who live in their own homes, while in session, also draw the $25 per diem. Thus it is the conclusion of this Committee that the $25 per diem is really a part of the salary.

B) There is a feeling on the part of the general public that legislators prolong a legislative session in order to draw the per diem amount for a larger number of days. The General Assembly gives credence to this thinking by tending to get more serious about winding up a session when the limit on per diem pay is reached.

C) The Committee is well aware that being a legislator takes a great deal more time than is represented by the total number of days in session. Serving constituents, making public appearances, and traveling about in the legislative district involve considerable time, as well as expense; partly because of this, the Committee feels that an increase in annual salary is justified.

2. No expense allowance is provided currently for those legislators who must live away from their homes during a legislative session. As mentioned above, most who do maintain a second domicile consider the $25 per diem payment as an expense allowance. The state constitution, by court interpretation, prohibits any living expense allowance and permits reimbursement for only one round trip between home and the State Capitol for each regular and special session.

The Committee recommends that the constitution be amended by repealing sections 6, 9, and 30 of Article V and replacing them with the following sections.

"Section 6. The members of the general assembly shall receive

such compensation as may be prescribed by law. Any increase or decrease in the amount of such compensation shall not apply to the general assembly which enacted the same."

"Section 9. The members of the general assembly who live more than twenty-five miles from the state capitol shall be entitled to a per diem allowance as may be prescribed by law, which shall be in addition to their compensation. Such members shall also be entitled to reimbursement for actual and necessary expenses incurred in traveling between their homes and the state capitol, after such expenses have been incurred and audited, for no more than one round trip each two weeks during each regular or special session as may be prescribed by law.

The members of the general assembly who serve on legislative committees authorized by statute or joint resolution of the two houses and which function between regular sessions of the general assembly shall be entitled to reimbursement of actual and necessary expenses incurred in attending meetings of such committees, after such expenses have been incurred and audited."

"Section 30. The salaries of the Governor, the Governor's Secretary, and the Judges of the Supreme and District Courts of the State shall be fixed by legislative enactment. No law shall extend the term of any public officer after his election or appointment."

3. No provision is made at the present time for a retirement program for members of the General Assembly. All state employees, including elected officials at their option, other than legislators, are covered under the Public Employees' Retirement Act.

The Committee recommends that members of the General Assembly, commencing on July 1, 1966, be covered by the state retirement program under the same provisions as state employees. Specific legislation to accomplish this is included in this report as Appendix A.

The Committee wishes to emphasize in making this recommendation that no special provisions for legislators should be enacted. The public employees' retirement program in Colorado embodies survivorship benefits, disability benefits, deferred annuities, and an excellent final retirement benefit. This program requires a six per cent of salary contribution on the part of each employee or official which is matched by the employer.

Prior service credit was granted state employees when the retirement program was enacted; consequently, the Committee recommends that prior service of current legislators be recognized as of the recommended date of adoption. The Committee was concerned about the funding of prior service credit for legislators but assurances have been given by the Public Employees' Retirement Association that the cost of prior service, in view of the substantial turnover in the General Assembly, can be absorbed without difficulty.

4. A questionnaire was mailed to each member of the current General Assembly and also to all members of the 41st, 42nd, 43rd, and 44th General Assemblies asking legislators what they thought should be done about compensation. Also, a question was included

concerning methods by which the General Assembly could change its procedures in order to better utilize its time.

Of the 75 current legislators who responded, 53 made specific suggestions for changes in the legislative process. Out of 61 former legislators responding, 46 made specific recommendations. The dominant theme expressed in most of these recommendations is a desire for better utilization of time during legislative sessions.

Since no member of the Committee has served in the General Assembly we would not be so bold as to suggest specific changes in the legislative process. However, we are equally unwilling to accept the premise that nothing can be done to make better use of time. With all the talent in, and available to, the General Assembly it is unreasonable to maintain that nothing can be done in this regard.

So long as continued increases in legislative salaries are forthcoming the pressure to better utilize time is minimized. If the citizen-legislator concept, as opposed to a full-time legislative body, is to be maintained, and this Committee believes it should be, then it is questionable whether continued increases in legislators' salaries are conducive to the maintenance of this concept.

The Committee recommends that the General Assembly undertake a study of its processes and procedures with a view towards making more effective use of time during legislative sessions. The committee would suggest that such a legislative study committee should include the following items to be considered, although by no means is it implied that the study be restricted to the items mentioned.

The Committee should explore the possibility of

1. Pre-session orientation conference to be held following the general election, particularly for freshman legislators. This is not a new innovation since approximately one-half of the states have scheduled, on a regular or periodic basis, such conferences, most of which are held prior to the convening of the first regular session.

2. The Committee should determine the feasibility of a system of pre-session filing and printing of bills which might alleviate the printing log jam encountered at the first regular session.

3. The Committee should explore the possibility of adopting a method by which each bill introduced would be accompanied by a written explanation of what is contained in the bill. The bill summary could be patterned after the Digest of Bills Passed published annually by the Legislative Reference Office.

4. The Committee should consider recommending an earlier hour for convening the General Assembly each day. It would seem desirable to the Committee for the General Assembly to conduct its business in hours more comparable to normal business or governmental office hours thus, perhaps, offering a better opportunity for accomplishing more in a day. This suggestion should be incorporated

with a study of the feasibility of reducing the luncheon recess from the present two hour period.

5. The Committee should give serious consideration to a more business-like scheduling of legislative activities, not only for the benefit of the members, but for the public. Among the items that have been suggested to review are:

a) Scheduled joint meetings of the leaders of both houses on a weekly basis to plan for the upcoming business of the week;

b) Standing Committee meetings on a scheduled basis where all concerned would know in advance what the regular schedule would be;

c) Longer advance notice of items on the Daily Calendar; and

d) Greater use of the joint committee hearing procedure during the session to save time and duplication of effort on the part of legislator and citizen alike.

6. The Committee should seriously consider the advantages of installing an electrical roll call system for the two houses.

7. The Committee should explore means of providing standing committees with professional staff help during the session.

8. The Committee should consider an earlier cut-off date for the introduction of bills.

In conclusion the Committee would like to quote a veteran member of the Colorado General Assembly:

> "Yes, efficiency could be improved, but legislators are not willing to impose the restrictions on themselves that would be necessary to accomplish it."

The Committee believes that self imposed discipline is the best way to make democracy function properly. The legislative process is one of our best illustrations of democracy at work. If state legislatures are to merit the respect of the citizens, the members must face up to their responsibilities and exercise the necessary discipline to carry out their functions in a manner deserving of citizen respect and praise. This is the recommendation -- and the challenge -- of this Committee.

LEGISLATORS' COMPENSATION

Senate Joint Resolution Number 25, adopted by the Forty-fifth General Assembly, resolved that a committee be appointed by the Governor to conduct: 1) a study of compensation and expenses of the members of the General Assembly; and 2) to explore the feasibility of including members of the General Assembly under the Public Employees' Retirement Act. In order to accomplish the tasks placed before it, the committee determined to examine legislators' compensation in Colorado with both long-range and short-range approaches to modifying the existing compensation structure.

Constitutional Changes

When the State of Colorado was admitted to the Union the state constitutional convention provided for the compensation of the members of the General Assembly in Article V, Section 6. Since that time the constitution has been amended twice with regard to compensation, but more necessarily with regard to the maximum number of session days permitted each General Assembly. The original constitutional provision for legislative compensation was:

> Each member of the first general assembly as a compensation for his services, shall receive four dollars for each day's attendance, and fifteen cents for each mile necessarily traveled in going to and returning from the seat of government; and shall receive no other compensation, perquisite or allowance whatsoever. No session of the general assembly, after the first, shall exceed forty days. After the first session, the compensation of the members of the general assembly shall be as provided by law; provided that no general assembly shall fix its own compensation.
> Adopted March 14, 1876

Apparently, since the original constitution prohibited any session of the General Assembly from exceeding forty days, it became necessary to amend the constitution in order to overcome this obstacle. It was also viewed necessary to set compensation of the members by constitutional provision. The limitation on length of session was raised to ninety days and the compensation was raised to seven dollars per day.

> Each member of the general assembly, until otherwise provided by law, shall receive as compensation for his services, seven (7.00) dollars for each day's attendance, and fifteen (15) cents for each mile necessarily traveled in going to and returning from the seat of government, and shall receive no other compensation, perquisite, or allowance whatsoever. No session of the general assembly shall exceed ninety days. No general

assembly shall fix its own compensation.
Adopted November 4, 1884

The ninety day limitation produced the same problem as the forty-day limitation; thus the second constitutional amendment on compensation provided:

> Each member of the General Assembly, until otherwise provided by law, shall receive as compensation for his services the sum of one thousand ($1000) dollars for each biennial period, payable at the rate of $7.00 per day during both the regular and special sessions, the remainder, if any, payable on the first day of the last month of each biennial period; together with all actual and necessary traveling expenses to be paid after the same have been incurred and audited, and the said members of the General Assembly shall receive no other compensation, perquisite, or allowance whatsoever. No General Assembly shall fix its own compensation.
> Adopted November 8, 1910

The first constitutional amendment remained in effect until after the turn of the century, when the constitution was again amended to delete the limitation concerning length of sessions but again establishing a constitutional provision for compensation for the members of the General Assembly. Although the original constitution provided for setting compensation by law, both subsequent amendments set new standards on compensation and continued the provision for future changes to be made by act of the General Assembly.

Statutory Changes

Not until the Extraordinary Session of 1948 were the statutes changed regarding compensation. At that session the members of the General Assembly were provided with a fifty dollars per month salary and $1,200 per biennium payable at ten dollars per day, tantamount to setting the maximum number of per diem pay days at 120. Actual and necessary expenses for a round trip to the capitol were also provided the members at the 1948 session.

In 1955 the General Assembly increased the $1,200 total per diem to $2,400, payable at twenty dollars per day, and retained the fifty dollars per month salary. In 1958 the per diem was left unchanged at $2,400, but the monthly compensation was raised from fifty to one hundred dollars per month.

The last increase, adopted in 1962, left the monthly compensation at one hundred dollars, but the per diem total for a biennium was raised from $2,400 to $4,000, payable at the rate of twenty-five dollars per day.

Allowance for Interim Work. Beginning in 1959 members of the General Assembly who serve on the Legislative Council, committees

created by the council, the Joint Budget Committee, or any committee created by the General Assembly to serve between sessions have received $20 per day salary, not to exceed $600 per year. Also actual and necessary travel expenses incurred in attending meetings of such groups are reimbursable.

Because of the time required on the part of Joint Budget Committee members in carrying out their duties the $600 annual maximum has been increased to $2,000 per year for the six members of that committee.

Colorado and the Sister States

Colorado and thirty-five other states compensate their legislators by a base salary plan. Fourteen states -- Alabama, Arkansas, Georgia, Iowa, Kansas, Kentucky, Louisiana, Nevada, New Mexico, North Carolina, North Dakota, Rhode Island, Tennessee, and Wyoming -- comprise a diminishing group which compensates members of legislatures on a per day basis. Colorado's method of payment has elements of a per day pay system in that part of the remuneration is parceled out during the legislative session and the remainder throughout the biennium.

Compensation

The following table, compiled from The Book of the States, ranks the states in order of salaries paid to legislators. The compensation was based on a typical length session for each state. Since thirty-six states provide remuneration on an annual basis, the length of session would have little or no effect on the compensation for each legislator; however, 21 states permit travel allowances for more than one trip to and from the capitol, ranging from four in Georgia to an unlimited number in New Jersey and Delaware. In addition, seven states provide the out-state legislator with a differential allowance.

BIENNIAL COMPENSATION, BASED ON TYPICAL SESSION LENGTH,
TRAVEL ALLOWANCE, AND OUT-STATE EXPENSE ALLOWANCES IN THE STATES

States Ranked by Biennial Compensation	Biennial Compensation	Travel Allowance	Out-State Expense Allowance
1. New York*	$ 25,000	Weekly A&N	
2. Pennsylvania*	18,000	Weekly .10	
3. Massachusetts*	16,800	Daily .08	X
4. Michigan*	16,500	Semimonthly .10	
5. California*	14,850		
6. Wisconsin	12,450		Xa
7. Illinois	12,000	Weekly .10	
8. Missouri	11,550	Semimonthly .10	
9. Texas	11,040		
10. Ohio	10,000	Weekly .10	
11. New Jersey*	10,000	Railroad Pass	
12. Louisiana*	9,750	12 Round Trips .10	
13. Alaska*	9,725		X
14. Oregon	8,400	None	
15. Hawaii*	8,050		X
16. Minnesota	6,960		X
17. COLORADO*	6,400		
18. Maryland*	6,000		
19. Delaware*	6,000	Unlimited .15	
20. Arizona*	5,112	None	X
21. Mississippi	5,000		
22. South Carolina*	4,800	Weekly .09	
23. Nebraska	4,800		
24. Georgia*	4,250	4 Round Trips .10	
25. Kansas*	4,000	9 Round Trips .07	
26. Florida	3,900		
27. Washington	3,900		
28. Oklahoma	3,900	Weekly .10	
29. Alabama	3,780		
30. Iowa	3,600		

States Ranked by Biennial Compensation		Biennial Compensation	Travel Allowance	Out-State Expense Allowance
31.	Arkansas	$ 3,600		
32.	Indiana	3,600	Weekly .07	
33.	North Carolina	3,240	Weekly .08	
34.	Kentucky	3,000		
35.	West Virginia*	3,000		
36.	South Dakota*	3,000		
37.	Nevada	3,000	Daily .10 or Xb	
38.	Vermont	2,550		
39.	Connecticut	2,500	Daily .10	
40.	Virginia	1,800		
41.	Maine	1,600	Weekly .05	
42.	Idaho	1,500		
43.	North Dakota	1,500		
44.	Utah	1,300	Weekly .10	
45.	Wyoming	1,280		
46.	New Mexico	1,200		
47.	Montana	1,200		
48.	Tennessee	1,125		
49.	Rhode Island*	600		
50.	New Hampshire	200	Daily**	

* States having annual sessions

Biennial compensation is calculated on typical session length in each respective state.

Travel allowances are as stated. States without a notation provide for one round trip each session. "A&N" for New York is actual and necessary expenses.

** New Hampshire allows $.25 1st 25 miles, $.20 next 20 miles, $.08 next 25 miles, $.06 net 25 miles, and $.05 over 95 miles.

"X" denotes additional expense allowances for legislators who do not live in the capital city. Wisconsin, "Xa," provides interim expense allowances based on number of counties in the district. Nevada, "Xb," provides mileage or $15 per day if living in the capital.

A total of 22 states provides travel allowance for more than one trip. Of these, seven allow daily or an unlimited number of trips, and ten allow weekly trips.

The previous table has been adjusted to reflect annual compensation of legislators. Since 31 state legislatures meet annually, the biennial compensation for legislators in these states was split in order to arrive at comparable annual figures. The following table ranks Colorado in 27th place among the states for annual compensation of legislators.

ANNUAL COMPENSATION, BASED ON TYPICAL LENGTH OF SESSION

Rank	State	Annual Compensation
1	New York	$ 12,500
2	Wisconsin	12,450
3	Illinois	12,000
4	Missouri	11,550
5	Texas	11,040
6	Ohio	10,000
7	Pennsylvania	9,000
8	Massachusetts	8,400
9	Oregon	8,400
10	Michigan	8,250
11	California	7,425
12	Minnesota	6,960
13	Mississippi	5,000
14	New Jersey	5,000
15	Louisiana	4,875
16	Alaska	4,862
17	Nebraska	4,800
18	Hawaii	4,025
19	Florida	3,900
20	Washington	3,900
21	Oklahoma	3,900
22	Alabama	3,780
23	Iowa	3,600
24	Arkansas	3,600
25	Indiana	3,600
26	North Carolina	3,240
27	COLORADO	3,200
28	Maryland	3,000
29	Delaware	3,000
30	Kentucky	3,000
31	Nevada	3,000
32	Arizona	2,556
33	Vermont	2,550
34	Connecticut	2,500
35	South Carolina	2,400

Rank	State	Annual Compensation
36	Georgia	$ 2,125
37	Kansas	2,000
38	Virginia	1,800
39	Maine	1,600
40	Idaho	1,500
41	West Virginia	1,500
42	South Dakota	1,500
43	North Dakota	1,500
44	Utah	1,300
45	Wyoming	1,280
46	New Mexico	1,200
47	Montana	1,200
48	Tennessee	1,125
49	Rhode Island	300
50	New Hampshire	200

Methods of paying salaries and compensation of legislators are nearly as varied as the states themselves. Pages 46 and 47 of The Book of The States 1964-65 are presented, illustrating the methods of compensating legislators in the fifty states. The variations for travel, living, and miscellaneous allowances account for the difficulty in making accurate compensation comparisons.

SALARIES AND COMPENSATION OF LEGISLATORS

State or other jurisdiction	SALARY AND DAILY PAY PLANS: Regular session: Daily pay plan: Amount per day	Regular session: Daily pay plan: Limit on no. of days of pay	Regular session: Salary plan: Amount of salary calculated for biennium	Special session: Amount of pay per day	Special session: Limit on no. of days of pay	Basic salary is fixed by	Date basic salary established	ADDITIONAL COMPENSATION FOR LEGISLATORS: Travel allowance: Amount per mile	Travel allowance: Number of trips during session	Additional expense allowances during session
Alabama	$10	36 L(a)	.....	$10	36 L	Const.	1946	10c	One round trip	$20 per day(a)
Alaska	..	....	$ 5,000(b)	..	....	Stat.	1961	15c	One round trip(c)	$35 per day; $300 postage-stationery allowance; presiding officers receive an extra annual allowance of $500
Arizona	..	....	3,600(b,d)	..	....	Const.	1958	10c	.....	$12 per day subsistence for legislators from outside city limits of capital(d)
Arkansas	20	60 C	2,400(e,f)	6	....	Const.	1958	5c	One round trip	.....
California	..	....	12,000(b)	..	....	Const.	1954	5c(g)	One round trip	$19 per day(f)
Colorado	..	....	6,400(h,h)	h	....	Stat.	1963	(i)	One round trip	None during session(g)
Connecticut	..	....	2,000	..	....	Stat.	1959	10c	Each day	$500 expense allowance
Delaware	..	....	6,000(b)	..	....	Const.	1959	15c	Unlimited mileage	$25 stationery and supplies
Florida	..	....	2,400	..	....	Const.	1954	10c	Round trip per week	$25 per day
Georgia	10	(b,j)	.....	10	70 C(k)	Const.	1945	10c	Four round trips	$40 per day
Hawaii	..	....	4,000(b,l)	(l)	....	Const. & Stat.	1959	20c	One round trip	$32.50 per day for members from Oahu; $45 for legislators from neighbor islands
Idaho	10	60 C	.....	10	20 C	Const.	1946	10c	One round trip	Additional $15 a day for committee members
Illinois	..	....	12,000	..	....	Stat.	1957	10c	Round trip per week	$50 for postage and stationery
Indiana	..	....	3,600	..	....	Stat.	1955	7c	Round trip per week	.....
Iowa	30	....	.....	30	....	Stat.	1957	7c	One round trip	.....
Kansas	10	120 C(b,m)	.....	10	30 C	Stat.	1963	7c	Six actual round trips during regular and three actual round trips during special or budget session	$15 per day; not to exceed $1,350 during regular session nor $450 during special or budget session; $50 per month between sessions
Kentucky	25	60 L(n)	.....	25	....	Stat.	1950	15c	One round trip	$25 a day; $50 in lieu of stationery
Louisiana	50	90 C(b,o)	.....	50	30 C	Stat.	1956	10c	Eight round trips and four round trips during budget session	$250 per month while legislature not in regular session
Maine	..	....	1,600	10	....	Stat.	1959	5c	Round trip per week	Small allowance for postage, telephone, etc.
Maryland	..	....	3,600(b)	..	....	Const.	1948	20c(p)	One round trip	$2,400 per biennium
Massachusetts	..	....	15,600(b)	(q)	....	Stat.	1963	8c(p)	Each day(r)	$1,200 per biennium; weekly expense allowance according to distance from capital(q)
Michigan	..	....	14,000(b)	..	....	Stat.	1962	10c	Two round trips per month	$2,500 per biennium; plus allowance for postage, telephone and telegraph
Minnesota	..	....	4,800	25	....	Stat.	1955	15c	One round trip	In 1963, $18 per day except that legislators who did not have to leave their homes to attend session received $12 per day
Mississippi	..	....	3,000	22.50	....	Stat.	1956	10c	One round trip(s)	$100 per month between sessions
Missouri	..	....	9,600	..	....	Stat.	1961	10c	Twice per month	$10 per day
Montana	20	60 C	.....	20	60 C	Stat.	1955	8c	One round trip	.....
Nebraska	..	....	4,800	..	....	Const. & Stat.	1961	8c	One round trip	$100 postage allowance
Nevada	25	60 C	.....	25	20 C	Stat.	1957	10c	Daily commuting(t)	$15 per day(t); $60 for postage, etc.
New Hampshire	..	....	200	3	15 L	Const.	1889	(u)	Daily round trip(u)	.....

SALARIES AND COMPENSATION OF LEGISLATORS

State or other jurisdiction	SALARY AND DAILY PAY PLANS: Regular session: Daily pay plan: Amount per day	Daily pay plan: Limit on no. of days of pay	Regular session: Salary plan: Amount of salary calculated for biennium	Special session: Amount of pay per day	Special session: Limit on no. of days of pay	Basic salary is fixed by	Date basic salary established	ADDITIONAL COMPENSATION FOR LEGISLATORS: Travel allowance: Amount per mile	Travel allowance: Number of trips during session	Additional expense allowances during session
New Jersey	..	....	10,000(b)	..	....	Const. & Stat.	1954	...	State railroad pass	.....
New Mexico	20	60 C	.....	20	30 C	Const. & Stat.	1953	10c	One round trip	Stationery, postage, telephone and telegraph allowance
New York	..	....	20,000(b)	..	....	Const. & Stat.	1961	(i)	Round trip per week	$2,500 expense allowance at 1963 annual sessions
North Carolina	15	120 C	.....	15	25 C	Const.	1956	8c	One round trip per week	$12 per day subsistence
North Dakota	5	60 L	.....	5	....	Const.	1889	10c	One round trip	$20 per day
Ohio	..	....	10,000	..	....	Stat.	1955	10c	Round trip per week	Postage and stationery
Oklahoma	15	75 L(v)	3,900(v)	15	75 L(v)	Const.	1948	10c	One round trip per week	Postage, stationery, telephone and telegraph allowance and shipping legislative supplies
Oregon	20(w)	120C	6,000	20	120C	Const.	1963	10c	.....	.....
Pennsylvania	..	....	12,000(b)	..	....	Stat.	1959	10c	Round trip per week	$6,000(b)
Rhode Island	5	60 L(b)	.....	..	....	Const.	1900	8c	.....	.....
South Carolina	..	....	3,600(b)	45	40 L	Stat. & Const.	1960	9c	Round trip per week	$15 per day for maximum of 40 days per annual session
South Dakota	..	....	3,000(b)	10	....	Stat.	1963	5c	One round trip	.....
Tennessee	10	75 C	.....	10	20 C	Stat.	1953	16c	One round trip	$5 per day
Texas	..	....	9,600(x)	..	....	Const.	1960	10c	One round trip	Per diem of $12 for first 120 days of regular session and for 30 days of each special session; postage, stationery, supplies, telephone and secretarial assistance
Utah	..	....	1,000	..	.....	Const. & Stat.	1951	10c	One round trip per week, if incurred	$5 per day
Vermont	(y)	....	.....	..	....	Stat.	1955	20c	One round trip	.....
Virginia	..	....	1,080	30	30 C	Stat.	1948	7c	One round trip	$720 for regular session; $360 for special sessions
Washington	..	....	2,400	25	....	Stat.	1949	10c	One round trip	$25 per day
West Virginia	..	....	3,000(b)	..	....	Const.	1954	10c	One round trip	.....
Wisconsin	15	110 L	10,800	15	20 L	Stat.	1963	(z)	Rate-distance ratio(z)	(aa)
Wyoming	12	40 C	.....	12	....	Stat. Act	1941	8c	One round trip	$20 per day
Puerto Rico	..	....	5,400(b)	..	....	Stat.	1960	15c	Round trip per week (ab)	$10 per day(ac); $200 for telephone; $100 for postage; $100 for stationery

Abbreviations: L—Legislative days; C—Calendar days.

(a) In practice the legislature meets for 18 weeks. Legislators receive $210 a week in combined daily salary and expense allowance, a total of $3,780 for each regular biennial session.

(b) Annual sessions.

(c) Plus excess baggage allowance.

(d) Plus $20 per day salary (limited to $1,800 in a year) for special sessions and interim committee meetings; $12 per day subsistence for days required to attend interim committee meetings, plus 10c a mile or first class public carrier.

(e) Payable at rate of $100 each month. Speaker of the House receives $2,700.

(f) Legislators receive $100 a month for each of the 24 months in the biennium, plus a per diem of $20 a day for each of the 60 calendar days of the biennial legislative session.

(z) 12½c a mile for interim committee meetings and $25 a day for maximum of 60 days for interim committee meetings.

(h) Legislators receive $100 a month during biennium plus $4,000, paid at rate of $25 a day during regular and special sessions up to a total of 160 days each biennium with remainder paid as a lump sum. Legislators also receive $20 per day, not to exceed $600 in any calendar year, while not in session, for attendance at legislative meetings, plus actual and necessary traveling expenses.

(i) Actual and necessary expenses.

(j) Not to exceed 40 days in even years; 45 days in odd years.

(k) 70-day limit on special sessions called by Governor except for impeachment proceedings; 30-day limit on sessions convened by legislature except for impeachment proceedings.

(l) $2,500 per general session; $1,500 per budget session; $750 for each special session.

(m) 120 C-days biennial total; 90 C-day regular session; 30 C-day budget session. Legislators are paid additional allowance of $50 per calendar month, except for January, February and March in odd years, and January during even years to defray expenses incurred between sessions.

(n) Legislators are paid for Sundays and holidays during session, consequently compensation period usually is 72 to 74 days.

(o) 90 days biennial total: 60-day regular session, 30-day budget session.

(p) In terms of fixed amounts for each legislator.

(q) Determined at each session in Massachusetts.

(r) Within 40-mile radius, 8c a mile daily to amount to not less than $7 a week; outside 40-mile radius, $60 per week living expenses plus 8c a mile for one round trip per week.

(s) Plus one extra round trip each 7 days at 6c a mile.

(t) 10c a mile for daily commuting or $15 per day if living in capital.

(u) 25c per mile for first 25 miles, 20c for next 20 miles, 8c for next 25 miles, 6c for the next 25 miles, 5c over 95 miles.

(v) Figure shown is approximate for biennium in which no special session is held. In 1961-62 biennium, combined per diem and salary totaled $3,908.32. Legislators receive $15 for first 75 legislative days, including intervening nonlegislative days, for regular or special session; otherwise $100 a month.

(w) Expenses plus salary.

(x) Members receive an annual salary of $4,800.

(y) Members receive $85 for each week or portion thereof during regular session.

(z) 10c a mile for one round trip; thereafter, 7c a mile for first 2,000 miles per month, 6c a mile for each additional mile once a week during the session.

(aa) Interim expense allowance paid for each full calendar month when legislature not in session, as follows: for district of one county or less—Assemblyman, $25 per month; Senator, $40 per month. For each additional county or part of county in district—Assemblyman, $15 per month; Senator, $20 per month.

(ab) Minimum $10.

(ac) $15 per day within 25-50 kilometers radius; $25 per day beyond.

* Exerpted from The Book of the States 1964-65

Size of Legislatures

The size of legislatures in the states of the nation range widely from New Hampshire with 424 members in two chambers to 43 in Nebraska's unicameral legislature. Colorado ranks 41st in size of the legislature. Most of the smaller legislatures are in states in the western and midwestern parts of the country. In recent years, and particularly since the reapportionment movement began, there has been some reduction in the size of legislatures. Colorado, since its admittance to the Union in 1876, has not exceeded a membership of 100 in the General Assembly.

STATES RANKED BY SIZE OF LEGISLATURE

	State	Number of Legislators		State	Number of Legislators
1.	New Hampshire	424	26.	Washington	148
2.	Connecticut	330	27.	Rhode Island	146
3.	Massachusetts	280	28.	Louisiana	144
4.	Vermont	276	29.	Alabama	141
5.	Pennsylvania	260	30.	West Virginia	140
6.	Georgia	259	31.	Virginia	140
7.	Illinois	235	32.	Kentucky	138
8.	New York	208	33.	Arkansas	135
9.	Minnesota	202	34.	Wisconsin	133
10.	Missouri	197	35.	Tennessee	132
11.	Maine	185	36.	Idaho	123
12.	Texas	181	37.	California	120
13.	Mississippi	174	38.	South Dakota	110
14.	Ohio	170	39.	New Mexico	109
15.	South Carolina	170	40.	Arizona	108
16.	North Carolina	170	41.	COLORADO	100
17.	Florida	169	42.	Utah	96
18.	Kansas	165	43.	Oregon	90
19.	North Dakota	160	44.	Wyoming	86
20.	Iowa	158	45.	New Jersey	81
21.	Maryland	152	46.	Hawaii	76
22.	Oklahoma	151	47.	Alaska	60
23.	Indiana	150	48.	Delaware	56
24.	Montana	150	49.	Nevada	54
25.	Michigan	148	50.	Nebraska	43

Compensation Costs of Legislatures

The following table illustrates the effect Colorado's relatively small legislature has on total compensation expenditures in the state. While Colorado ranked in the upper 40 per cent in salary per legislator, it ranked slightly above the lower 20 per cent in size of legislature. Colorado ranks at the midpoint among the states when the entire cost of compensating the legislature is compared. States grouped in Colorado's population range (1.6 to 2.6 million population) are indicated as are states which have comparable-sized legislatures.

STATES RANKED BY TOTAL COMPENSATION OF LEGISLATURE
(Number of Legislators Times Biennium
Compensation Per Legislator)

	State	Biennial Expenditures For State Legislature Compensation		
1.	New York	$ 5,200,000		
2.	Massachusetts	4,704,000		
3.	Pennsylvania	4,680,000		
4.	Michigan	2,376,000		
5.	Illinois	2,350,000		
6.	Missouri	2,275,350		
7.	Texas	1,998,240		
8.	California	1,781,000		
9.	Ohio	1,770,000		
10.	Wisconsin	1,655,850		
11.	Minnesota	1,405,920		
12.	Louisiana	1,404,000		
13.	Georgia	1,100,750		
14.	Maryland	1,026,000		
15.	Mississippi	870,000	LP	
16.	Connecticut	825,000	LP	
17.	South Carolina	816,000	LP	
18.	New Jersey	810,000		SL
19.	Oregon	756,000	SP	SL
20.	Vermont	708,900	SP	
21.	Kansas	660,000	LP	
22.	Florida	659,100		
23.	Oklahoma	643,500	LP	
24.	COLORADO	640,000		
25.	Hawaii	611,800		SL

	State	Biennial Expenditures For State Legislature Compensation		
26.	Alaska	$ 583,500		SL
27.	Washington	577,200		
28.	Iowa	568,800		
29.	Arizona	552,096	SP	LL
30.	North Carolina	550,800		
31.	Indiana	540,000		
32.	Alabama	532,980		
33.	Arkansas	486,000	SP	
34.	Kentucky	414,000		
35.	West Virginia	396,000	SP	
36.	South Dakota	330,000	*	LL
37.	Delaware	312,000	*	SL
38.	Maine	294,400	*	
39.	Virginia	252,000	*	
40.	North Dakota	243,000	*	
41.	Nebraska	206,400	*	SL
42.	Montana	192,000	*	
43.	Nevada	162,000	*	SL
44.	Idaho	160,500	*	
45.	Tennessee	148,500		
46.	New Mexico	117,600	*	LL
47.	Utah	115,700	*	SL
48.	Wyoming	106,240	*	SL
49.	Rhode Island	86,400	*	
50.	New Hampshire	84,800	*	

"LP" denotes states having populations which are larger than Colorado's but not over 2.6 million (1963 census estimate).

"SP" denotes states having populations which are smaller than Colorado's but no less than 1.6 million (1963 census estimate).

"*" denotes states having less than 1.6 million population.

"LL" denotes states with larger legislatures than Colorado but fewer than 110 members.

"SL" denotes states with smaller legislatures than Colorado.

Compensation for legislators among the states is rising. The annual salary method of compensation is being used to a greater extent than the per diem method. The increase in compensation for Colorado legislators since 1961 has not resulted in a net change in the position Colorado holds among the fifty states, but the state has kept abreast of the movement to give legislators more compensation for their services.

Session Length Trends

A review of the legislative sessions in Colorado, from the Thirty-fifth General Assembly, which was convened in 1945, through the first session of the Forty-fifth General Assembly in 1965, indicates that the number of days in session has increased steadily. In the two-year period 1945-46 the General Assembly met for ninety-four days. Not since that time has the General Assembly spent less than 100 days in session in a biennium.

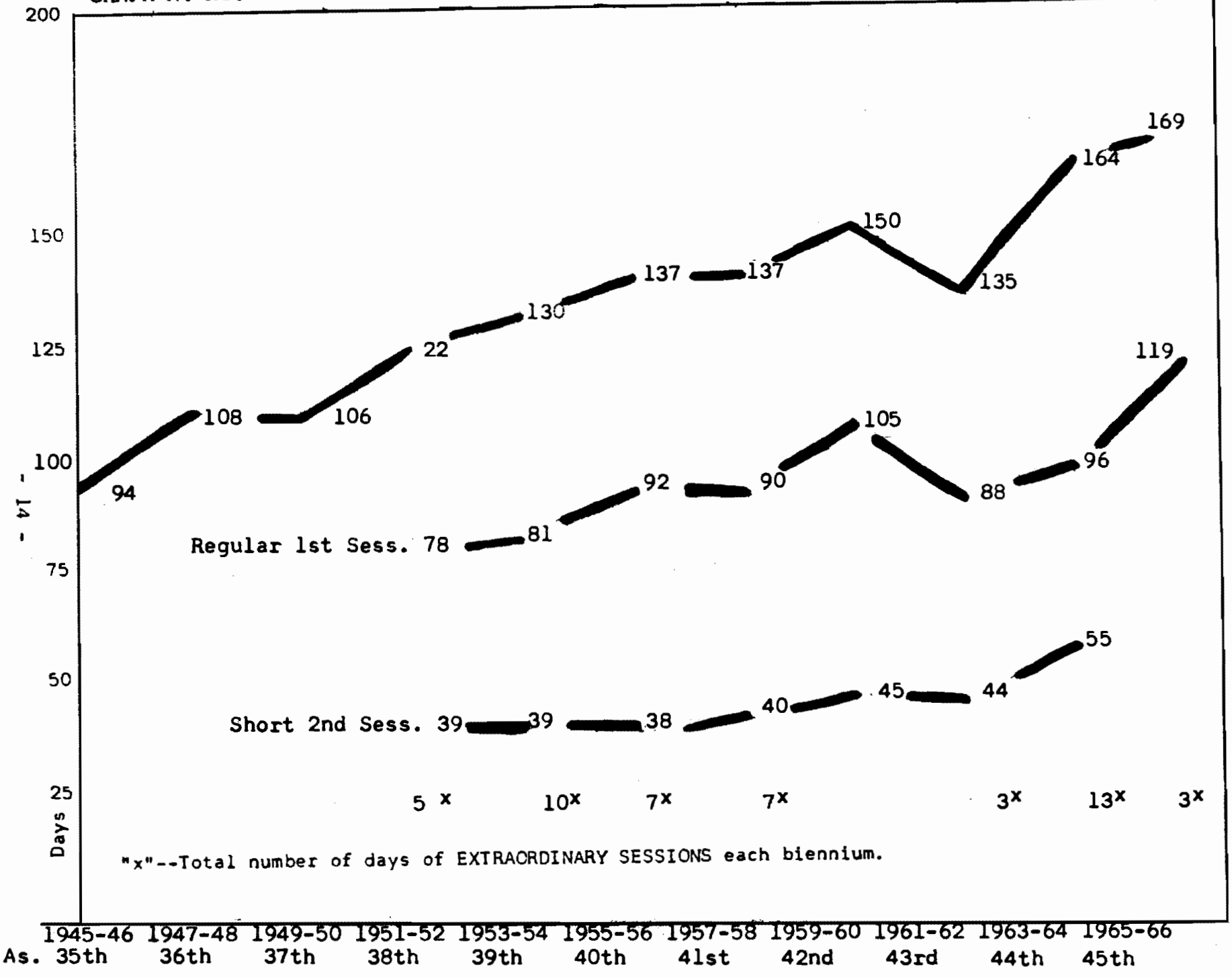
General assemblies in Colorado serve a biennium. The first session convenes in odd years following the general election. The second session meets in the even years and concerns itself with the state finances and matters designated by the Governor. The second session is referred to as "short" or "budget" session.

Graph A illustrates the increase in the length of sessions experienced by the Colorado General Assembly. Graph A also illustrates the change which has occurred in the off-year sessions, or so-called "short" sessions, which were instituted in 1952. Compared with the total for bienniums, there has not been so marked an increase in the number of session days in the "short" sessions. Nevertheless, the General Assembly has met for a longer period each "short" session. Based on the average period of "short" sessions, the estimated total days in session for the Forty-fifth General Assembly will approach 170 days, a 180 per cent increase over twenty years ago.

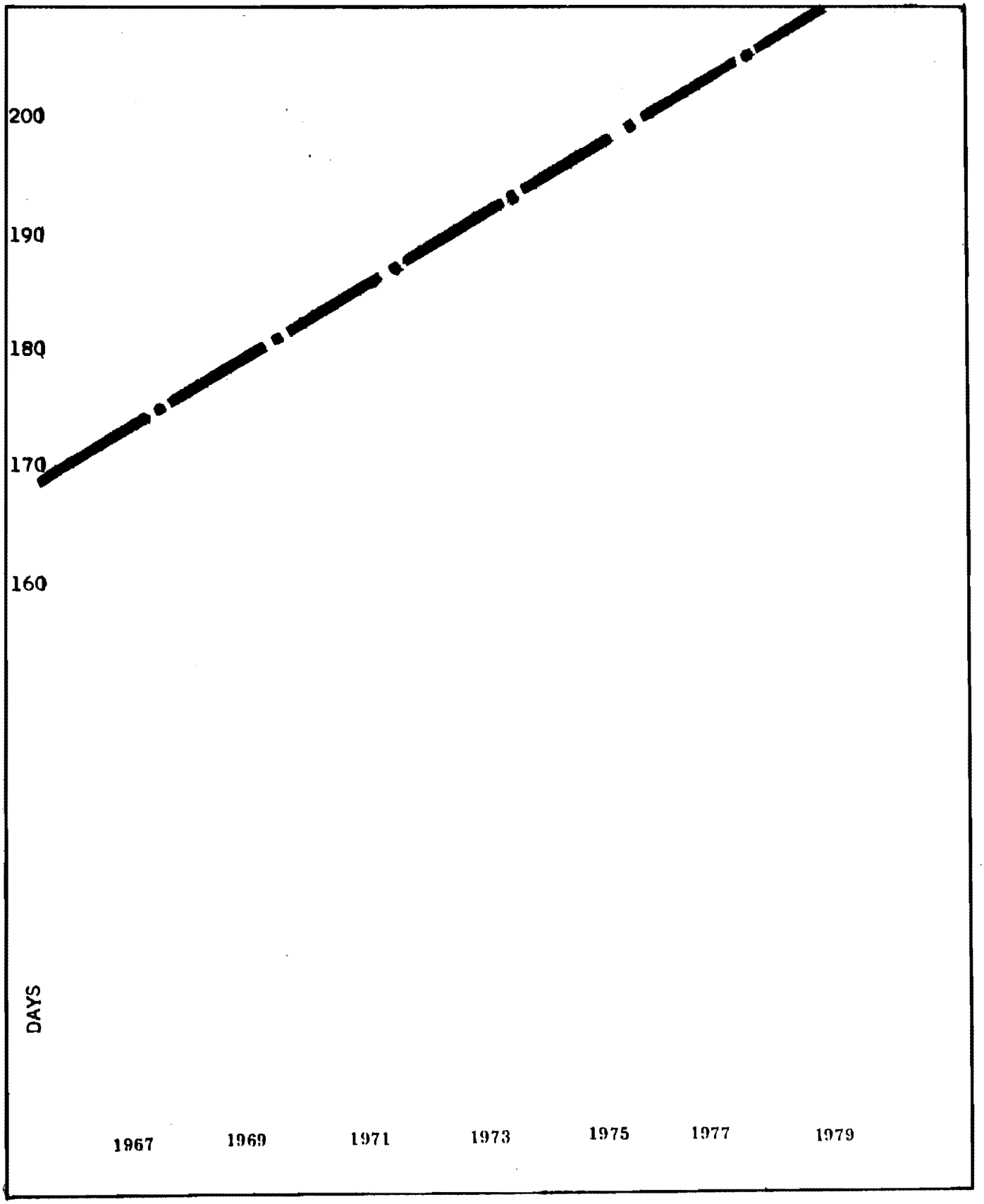
Viewing past experience, approximately six additional days each biennium are spent in session. If the trend continues, a straight-line projection indicates that by 1975 the Colorado General Assembly could be in session as many as 200 days each biennium. By the time the Fifty-second General Assembly has adjourned, that group of legislators might well have spent 210 days conducting the legislative business of the State of Colorado. Graph B illustrates the straight-line projections.

In addition to regular annual sessions, there has been at least one special session in all but one biennium since 1951, indicating that the General Assembly also deals with emergency problems arising in the interims between sessions.

GRAPH A. NO. DAYS IN LEGISLATIVE SESSION PER BIENNIUM 1945-1965 COLORADO GENERAL ASSEMBLIES



GRAPH B. STRAIGHT LINE PROJECTION--LEG. DAYS
1965-1979 BASED ON AVE. INCREASE OF 1945-1963
COLORADO GENERAL ASSEMBLIES



Survey of Legislators Concerning Compensation

The committee, in order to approach the question of legislators' compensation on a home-state as well as a multistate comparative basis, decided to poll the members of the General Assembly as well as former members of recent general assemblies. A questionnaire was devised so that the attitudes of legislators as a group could be assessed. Replies were received from 75 of the 100 current members and 61 out of 110 former members who were queried. The questions which were asked and the compiled results from those who responded are shown below.

1. Should the monthly salary of $100 be increased?

   "Yes" was the response of 58 per cent of present legislators and 62 per cent of former legislators. A salary of $200 per month was the most frequently mentioned amount.

2. Should the $25 per diem be increased?

   Present legislators (59 per cent) opposed an increase as did 76 per cent of former members.

3. Should the 160-day limitation per biennium for per diem pay be increased?

   Present members (69 per cent) favored increasing the limitation, but a majority of former members did not favor increasing the limitation.

4. Should legislators who live outside the metropolitan area be granted a differential expense allowance to offset living costs in the capital city during sessions?

   Expense allowances for members who live outside the metropolitan area were supported by 74 per cent of both present and former legislators.

5. Should legislators be reimbursed for expenses incurred while going to their home during sessions?

   "Yes" was the answer of 67 per cent of present members and 71 per cent of former legislators. Biweekly trips were favored by present legislators while former legislators favored monthly trips.

6. How many days do you estimate you spend at the Capitol or elsewhere between sessions conducting legislative business?

   Only present legislators were asked how many days they spend between sessions of the General Assembly conducting legislative business. Nearly half of those responding indicated that between 10 and 30 days were spent on legislative business between sessions.

7. Would you prefer to have no limit on the number of days the legislature can meet in a biennium and receive pay?

   Most present and former legislators prefer to have a limit on session days for pay.

8. Do you think the limitation on the number of days per diem you receive has any effect on the length of legislative sessions?

   Of each group, 70 per cent think the per diem pay limitation affects the length of legislative sessions.

9. In terms of what it cost you to serve as a legislator, did you make money, lose money, or break even?

   Legislators, past and present, lose money when they are members of the General Assembly. Of the present members 79 per cent lose money while 74 per cent of former members lost money.

10. In your opinion, how could the General Assembly improve the efficiency of its operation in order to handle the ever-increasing demands on the members' time without extending the length of sessions?

    (Please elaborate)

This open ended question was answered in many ways and at length by almost all of the present and former legislators. The most frequent comments made were: 1) Lengthen the session day by starting earlier, and cutting the length of the noon recess; 2) Have an earlier deadline for introducing bills; 3) Have bills and revisions printed quickly; 4) Schedule committee meetings and chamber sessions so that conflicts will not arise so easily and with as much advance notice for the schedule as possible; 5) Provide more staff services to the legislators; and 6) Install electronic voting equipment.

Retirement Plan For Legislators

Tenure of Colorado Legislators

The elections in Colorado from 1944 through 1964 were analyzed to determine the length of service of members of the General Assembly of the State of Colorado. The experience in the House and Senate are dealt with separately, and the aggregate for both is presented.

Senate. Colorado's 35 Senate seats have been held by 133 members since 1944. The number of senators elected for a first term in each election were:

1946 - 4	1950 - 13
1948 - 12	1952 - 9

1954 - 10	1960 - 6
1956 - 12	1962 - 8
1958 - 8	1964 - 16*

An average tenure of 5.8 years per senator has resulted, in that 133 senators in 22 years held the 35 seats. Omitting 1964, the average tenure of the Colorado Senate is 6 years per senator. (117 senators in 20 years held 35 seats.)

For all years studied, the number of senators elected for the first time averages 9.8 but when the unusual election year of 1964 is eliminated, the average number of freshman senators elected drops to nine. For all years, this represents a turnover in the Senate of 25.7 per cent each election.

Of the 133 persons elected to the Colorado Senate since 1944, 34 senators elected prior to 1964 served four years or less (one of these died in office). A breakdown of senatorial service follows.

Number of Senators	Per Cent	Years Served
13	9.7	4-8
24	18.0	8
46	34.6	10 or more
35	26.3	12 or more
14	10.5	16 or more

Nearly 40 per cent (52) of the members of the Senate are or had been former members of the House of Representatives.

House. The 65 seats in the House of Representatives of Colorado have been held by 349 persons since the election of 1944. In 22 years the 65 seats in the lower chamber have been held an average of 4.1 years by these 349 members. By eliminating 1964, in which 42 freshman representatives were elected, the average tenure for members of the House is 4.3 years.

The number of new members elected to the House from 1946 to 1964 is:

1946 - 29	1956 - 31
1948 - 39	1958 - 16
1950 - 37	1960 - 18
1952 - 28	1962 - 19
1954 - 25	1964 - 42**

When the 1964 reapportionment-year election is omitted from consideration, turnover in the House averages 26 members per election or 40

* The 1964 election followed reapportionment of senatorial districts in Colorado.

** The 1964 election followed reapportionment of the districts of the House of Representatives.

per cent each election. For all years turnover is 28 members or 43 per cent each election.

Since 1944, 118 persons elected to the House of Representatives served only one two-year term (two members died in their first term of office in the House). A breakdown of years of service in the House is:

Number of Representatives	Per Cent	Years Served
109	31.2	4-8
15	4.2	8
34	9.7	10 or more
17	4.9	12 or more
5	1.4	16 or more

Colorado General Assembly -- Aggregate. In 11 elections since 1944, 482 persons have been elected to the Colorado General Assembly. The length of service in the Colorado General Assembly for the period follows.

Number of Legislators	Per Cent	Years Served
152	31.5***	1 term or less
161	33.4***	2-8 years
119	24.6	8 years or more
80	16.6	10 years or more
52	10.7	12 years or more
19	3.9	16 years or more

In a legislature which has a relatively small membership, the number of persons serving is proportionately small. Nearly one-third of those serving in the Colorado General Assembly has not served over one term. Approximately one-third of the membership has served between two and eight years. One legislator in four has served eight years or more.

Other States' Retirement Systems

Studies of the Florida Legislative Council and the Maryland retirement system were reviewed to determine those states which provide for a retirement system for their legislators. The Colorado Public Employees' Retirement Association assisted the committee by

*** Freshmen legislators elected in 1964 were eliminated from the computation of this table.

submitting a questionnaire to those states with retirement systems. A total of 32 states provide for a retirement system for legislators, and four states, Alabama, Idaho, Oregon and South Carolina, have retirement systems under legislative study.

Those states having legislator retirement systems are: Arkansas, California, Florida, Hawaii, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, Texas, Utah, Washington, West Virginia, and Wisconsin. Of these, Nebraska legislators are under a private insurance company retirement plan; and the states of Arkansas, California, Illinois, Michigan, Texas, and Utah are under systems separate from public employees systems.

The Colorado Public Employees' Retirement Association survey was answered by seventeen of the thirty-two states which have legislator retirement systems -- Montana, Wisconsin, Ohio, Oklahoma, Hawaii, Minnesota, Maine, Nevada, New Mexico, Indiana, New York, Kentucky, Massachusetts, Washington, West Virginia, Mississippi, and Nebraska. Coverage of legislators is mandatory in only three of the states. Variation of benefits allowed general public employees is not permitted in five states; minor changes are permitted in eight plans; and entirely different benefits are provided in five states. (New York has two plans, one geared to the public system and one which is entirely different.) Continuous service is required in only two states and optional redeposit of contributions is permitted in ten states.

Ten states do not have a maximum allowable benefit, while seven states do not have a minimum benefit. Only three of the states responding do not have disability benefits; only one does not have survivor benefits. (Mississippi gives a refund of contributions.) Deferred benefits are not given in six states.

Opinions Of The Legislators

Questions concerning retirement for legislators were included in the survey of present and former legislators. The questions and the responses of those answering the questions are:

1. Should members of the Colorado General Assembly be eligible for the public employees' retirement program?

   The public employees' retirement program should be made available to legislators according to 55 per cent of present and 57 per cent of former legislators.

   A majority of both groups recommended eight years as the minimum number of years of service required for receiving retirement benefits.

2. Should legislators be required to match the state's contribution to the retirement program?

"Yes" was the response of 79 and 81 per cent of present and former legislators, respectively.

3. Should prior legislative service in Colorado be recognized for legislator's retirement purposes?

   An affirmative answer was given by 82 per cent of present and 78 per cent of former members of the General Assembly.

Recommended Retirement Program

The committee has recommended, earlier in this report, that members of the current and future general assemblies be placed under the public employees' retirement program. Current members would have the option of becoming covered but future members would be covered automatically.

The proposed bill to extend retirement coverage to members of the General Assembly, based on the recommended salary contained in this report, would mean that future members if they serve:

1) Five years would receive a minimum retirement allowance at age 65 of $50 per month;

2) Ten years would receive a minimum retirement allowance at age 65 of $100 per month;

3) Fifteen years would receive a minimum retirement allowance at age 65 of $150 per month; and

4) Twenty years would receive a minimum retirement allowance, at age 65, of $200 per month, or if the twenty years service were completed on their 60th birthday they could receive the $200 per month beginning at age 60.

All of these amounts would be contingent upon leaving the individual member's contributions in the fund and taking a deferred annuity.

For those current or future members who serve less than five years there would be no retirement allowance but each would be refunded his contributions upon leaving the General Assembly.

Those current members of the General Assembly who retire at the end of the 1965-66 legislative biennium, and who have a minimum of five years service, upon reaching age 65, would be eligible for a minimum retirement allowance of $33 per month; those with ten years service, $66 per month; those with fifteen years service, $99 per month; and those with twenty or more years service, $133 per month. All of these amounts would be contingent upon leaving the individual member's contributions in the fund and taking a deferred annuity if their legislative service were terminated before age 65.

Each member covered by P.E.R.A. would contribute six per cent of salary and the state would match that contribution. Prior service

would be recognized for current members who elected to take retirement coverage. The cost of granting prior service credit would be absorbed by the P.E.R.A. fund.

The table below shows the number of current members of the General Assembly by length of service.

Number of Current Members	Length of Service in Years*
1	32.5
1	21.5
5	15.5
3	13.5
1	12.5
6	11.5
9	9.5
4	7.5
10	5.5
12	3.5
45	1.5
2	1.0
1	.5

Constitutional Problem Concerning Expense Allowance

Since the beginning of statehood in 1876, Article V, Section 9 has remained without amendment. This section provides that:

> "No member of either house shall during the term for which he may have been elected, receive any increase of salary or mileage, under any law passed during such term."

The 1961 Governor's Committee on Compensation of Legislators inquired about the constitionality of providing a "...living expense allowance for non-Denver members of the General Assembly;" and authorizing "...expenses for more than one trip each session to and from home for non-Denver legislators". The 1961 committee reported that:

> "...no traveling expenses for additional trips during sessions of the legislature could be allowed members living away from the state capitol unless such trips were directly connected with the business of the legislature, or unless the constitution were amended; and no specific mileage or limitation on

* Length of service computed as of July 1, 1966, the recommended effective date of extending retirement coverage to legislators.

traveling expenses could be fixed without a constitutional amendment since the present constitution allows only for 'actual and necessary traveling expenses.'"

One other problem which section 9 creates is that of penalizing one half of the members of the Senate when compensation laws are enacted. Since the terms of office of senators are four years and they overlap, in effect one-half of the Senate must wait a period of two years before benefiting from any increase in compensation. It is for these reasons that the committee recommends a constitutional amendment which will permit the General Assembly, by law, to provide for an expense allowance for legislators who live more than 25 miles from the capitol building, and to permit carryover senators to receive the same increase accorded to other legislators while serving the last two years of the term to which they were elected.

Forty-fifth General Assembly

STATE OF COLORADO

A BILL FOR AN ACT

CONCERNING RETIREMENT COVERAGE FOR MEMBERS OF THE GENERAL ASSEMBLY.

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

SECTION 1. 111-1-1 (2), Colorado Revised Statutes 1963, is hereby amended to read:

111-1-1. Words and phrases defined. (2) "State employee", any person holding a state office, or regularly employed by the state in any capacity whatever whose salary is paid either by warrant of the state or from the fees or income of any department, board, bureau, or agency of the state, excepting ~~members of the general assembly;~~ county commissioners, judges of the supreme court, district judges, district attorneys; and the presidents, deans, professors and instructors in the state educational institutions which have an established retirement or annuity plan for such employees; but shall not include temporary employees or those employed continuously for a period of less than one year.

SECTION 2. Article 1 of chapter 111, Colorado Revised Statutes 1963, is hereby amended BY THE ADDITION OF A NEW SECTION to read:

111-1-28. Members of general assembly. (1) Effective July 1, 1966, in addition to the present membership of the public

Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

employees' retirement association, there shall be included therein all members of the general assembly, and such members shall have all the rights and privileges and be charged with all the duties and liabilities provided in this article. Notwithstanding any provisions in this article to the contrary, all service rendered as a member of the general assembly by any person serving on the effective date of this section, whether consecutive or nonconsecutive, shall be allowed for retirement purposes under section 111-1-11.

(2) Any person serving as a member of the general assembly on the effective date of this section shall be subject to the provisions hereof unless on or before June 1, 1966, such member notifies the public employees' retirement association in writing that he desires to exempt himself from the benefits hereof. Any member who has thus exempted himself from membership in the retirement system may, at his option at a later date, apply for membership therein, except that only the service of such member rendered as such after the date of such membership shall be allowed by the retirement board in computing retirement benefits. All persons who become members of the general assembly after the effective date of this section shall become members of the retirement association, and the salary deductions and payments provided in this article shall be made on account of such members of the general assembly.

(3) Service credit toward qualification of benefits under the retirement law shall be given for each year or portion thereof that a member of the general assembly serves, without regard to whether or not such service is consecutive or nonconsecutive; provided, that any period during which such member

is not a member of the general assembly shall not count as service credit nor shall any disability or survivor benefits be payable if disability or death occurs while such person is not a member of the general assembly.

(4) Service rendered the state and any of its departments, institutions, boards, bureaus, or agencies, shall be interchangeable with service as member of the general assembly for purposes of computing service credit for retirement; provided, that all of such service has been covered by the payment of such member's deductions to the retirement fund.

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