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0128 Legislative Procedures in Colorado, Part II

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LEGISLATIVE PROCEDURES IN COLORADO

PART II

**Legislative Council
Report To The
Colorado General Assembly**

**Research Publication No. 128
December, 1967**

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COLORADO GENERAL ASSEMBLY**LEGISLATIVE COUNCIL**

ROOM 341, STATE CAPITOL
DENVER, COLORADO 80203
222-9911 - EXTENSION 2285
AREA CODE 303

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SEN. FAY DEBERARD
SEN. FRANK KEMP
SEN. VINCENT MASSARI
SEN. RUTH STOCKTON
SPEAKER JOHN D.
VANDERHOOF
REP. BEN KLEIN
REP. RAY BLACK
REP. JOSEPH CALABRESE
REP. CARL GUSTAFSON
REP. RAYMOND WILDER

November 30, 1967

To Members of the Forty-sixth Colorado General Assembly:

In accordance with the provisions of Senate Joint Resolution No. 42, 1967 session, the Legislative Council submits for your consideration the accompanying report pertaining to legislative procedures in Colorado.

The committee appointed by the Legislative Council to conduct the study reported its findings and recommendations to the Council on November 27, 1967, and the Council adopted the report at that time for transmission to members of the Forty-sixth General Assembly.

It is hoped that the three bills suggested for passage in the 1968 session will be placed on the Governor's list of items to be considered by the General Assembly.

Respectfully submitted,

/s/ Representative C. P. (Doc) Lamb
Chairman

CPL/mp

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REP. RAYMOND WILDER

November 30, 1967

Representative C. P. (Doc) Lamb
Chairman
Colorado Legislative Council
341 State Capitol
Denver, Colorado 80203

Dear Mr. Chairman:

Your committee appointed to continue the study of legislative processes and procedures in Colorado has completed its work for 1967 and submits the accompanying report and recommendations.

The 1967 General Assembly responded well to the need for improving the Colorado legislative process by approving many of the recommendations of the 1966 Committee on Legislative Procedures. In continuing the review of ways to improve the legislative process, the committee appointed for 1967-1968, thus far, has concentrated its efforts on many of the same areas considered by the 1966 committee, including recommendations for further changes in the rules governing the General Assembly's procedures, suggestions for changes in Articles IV and V of the Colorado Constitution, specific proposals for overcoming some of the immediate space and facility problems confronting the legislature, and recommending for adoption in the 1968 session statutory changes concerning the establishment of pre-session legislative orientation conferences and the organization of the legislative department.

It is the hope of the committee that the three recommendations in the accompanying report, calling for statutory changes, will be placed on the Governor's list of subjects to be considered by the 1968 General Assembly.

The full committee met five times between May 25 and November 2nd. A Subcommittee on Space Problems was appointed at the outset of the committee's work and met on five different occasions to study and formulate solutions to the immediate space problems of the legislative and judicial departments. A Subcommittee on Parking Problems was also appointed to resolve the parking problems experienced by legislators during sessions.

It is the committee's hope that the recommendations requiring action by the 1968 General Assembly will be implemented as soon as possible.

Respectfully submitted,

/s/ Floyd Oliver, Chairman
Committee on Legislative
Procedures

FO/mp

FOREWORD

Senate Joint Resolution No. 42, 1967 regular session, directed the Legislative Council to continue during 1967 and 1968 the study began in 1966 concerning legislative processes and procedures in Colorado and to carry out the remodelling projects authorized by the Forty-sixth General Assembly. The membership of the committee appointed to carry out this assignment consisted of:

Sen. Floyd Oliver,
Chairman
Rep. Palmer L. Burch,
Vice Chairman
Sen. William L. Armstrong
Sen. Allen Dines
Sen. Frank L. (Ted) Gill
Sen. Frank A. Kemp, Jr.
Sen. Sam T. Taylor
Sen. Anthony F. Vollack

Rep. Forrest G. Burns
Rep. Joseph V. Calabrese
Rep. Mildred H. Cresswell
Rep. Richard G. Gebhardt
Rep. Harrie E. Hart
Rep. C. P. (Doc) Lamb
Rep. John G. Mackie
Rep. M. Keith Singer
Rep. John D. Vanderhoof

Valuable assistance was given the committee by Miss Clair Sippel and Mr. James Wilson of the Legislative Reference Office; Mrs. Comfort Shaw, Secretary of the Senate; and Mr. Henry Kimbrough, Chief Clerk of the House of Representatives. The Legislative Council staff member assigned to the committee was Richard Levengood, Senior Research Assistant.

November, 1967

Lyle C. Kyle
Director

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SUMMARY OF COMMITTEE FINDINGS AND RECOMMENDATIONS

For the convenience of the members of the Forty-sixth General Assembly, given below is a summary of the findings and recommendations contained in the accompanying report of the Committee on Legislative Procedures. The summary includes only those matters on which the committee made specific recommendations either for implementation by the 1968 General Assembly or for purposes of continued study. Thus, specifically excluded are items which the committee considered but for which no recommendations are believed necessary at this time.

The summary is organized according to the following principal categories affected by the recommendations, the first five of which are recommended for action by the 1968 General Assembly:

- I. Procedural Rule Changes
- II. Facility Questions
- III. Constitutional Changes
- IV. Statutory Changes
- V. Miscellaneous Recommendations
- VI. Items Needing Further Study

Included with each recommendation are the page numbers of the Report on which the recommendation is discussed.

I. Rule Changes

1. Amend House and Senate rules to require that all bills filed prior to the session be numbered and printed automatically. (page 2)

2. Amend House rules to conform with Senate rules to require that all bills be automatically printed upon introduction. (pages 2 and 3)

3. Amend House and Senate rules to require that one appropriate daily reference be made in the House and Senate Journals, as the case may be, to indicate which bills were introduced, reported printed, and assigned to committee during that particular day. (pages 3 and 4)

4. Amend the House and Senate rules to give the Chief Clerk and the Secretary of the Senate the responsibility of determining whether bills are correctly printed. (page 4)

5. Amend House and Senate rules to require that only a majority vote instead of a two-thirds vote on third reading is necessary to ratify proposed amendments to the Constitution of the United States. (page 5)

6. Amend Senate rules to permit referral of concurrent resolutions to any Senate committee of reference instead of only the Committee on Judiciary. (page 6)

7. House and Senate rules are recommended prohibiting the introduction of guests and visitors during debate of the Committee of the Whole. (page 6)

8. A Joint Rule is recommended to prohibit the practice of "fining" former members. (page 6)

9. Amend House and Senate rules to provide that a two-thirds vote, instead of a majority vote, is required to place bills on Special Orders. (pages 6 and 7)

10. Recommended for adoption are rules for committees of reference. (pages 7-10 and Appendix A, pages 45-50)

11. Amend House and Senate rules listing committees to designate which committees are subject to the recommended committee rules. (pages 7 and 8 note, and pages 14 and 15)

12. Consolidate the Senate committees on natural resources and water into the "Committee on Natural Resources and Water". (pages 11-16)

13. Recommended is the abolition of the Senate Committee on Senate Supplies, Expenditures, and Personnel, with its duties being assumed by the Committee on Senate Services. (page 14)

II. Facility Questions

1. Satisfying the immediate space needs of the legislative and judicial departments (pages 19-21).

(1) Recommended by the committee is that the space which will be vacated by the Division of Purchasing and the Office of Economic Opportunity this year be used for additional committee rooms starting with the 1968 session.

(2) Recommended for adoption by the 1968 General Assembly is the resolution contained in Appendix D, pages 55 and 56, pertaining to: (a) the reallocation of space to the legislative and judicial departments on the ground, first, and third floors of the Capitol Building, once the Division of Accounts and Control, the Office of Economic Opportunity, and the Division of Purchasing are moved to the

State Services Building; and (b) the necessary remodelling to accomplish these moves.

The resolution provides:

a) That the necessary remodelling of the legislative committee rooms in the east wing of the ground floor of the Capitol Building be completed by the 1969 session;

b) That the vacated rooms on the ground floor of the Capitol Building (except the area occupied by the Treasurer), the vacated area on the first floor, and the south wing of the second and third floors, be utilized exclusively by the General Assembly, its service agencies, or the judicial department, as designated in the resolution;

c) That the Division of Public Works in consultation with the Committee on Legislative Procedures prepare plans and budget requests to accomplish the above objectives; and

d) That the 1968 General Assembly early in the session make an appropriation to carry out these objectives.

2. Recommended for purchase by the 1969 session is the same type of tables and chairs for the new committee rooms that are now in the third floor suite of legislative committee rooms. (page 20)

3. Long-range solution to the space problems of the State of Colorado (pages 21-23).

Recommended for adoption by the 1968 legislature is a resolution in Appendix E, page 57, which provides for the postponement of implementing the long-range Capitol Complex Master Plan as recommended by S.U.A., Incorporated, until the Committee on Legislative Procedures can review S.U.A., Incorporated's proposal and submit a recommended long-range space policy for consideration by the 1969 General Assembly.

The committee will consider such factors as the relative merits of centralization and decentralization and leasing as opposed to embarking on a program of constructing state-owned buildings.

4. Recommended is that the 1968 General Assembly appropriate the necessary funds for central air conditioning in the Capitol Building. (page 23)

5. Recommended for implementation by the 1968 legislative session is a plan which would increase the number of available

parking spaces around the Capitol Building from 128 to 165. (pages 23 and 24)

III. Constitutional Changes

1. Amend Article IV, Section 11 to require the General Assembly to reconvene 45 days after adjournment sine die in order to reconsider executive vetoes. (pages 25 and 26)

2. Amend Article V, Section 26 to eliminate the requirement that presiding officers of the House and Senate must sign all bills in the presence of members. (page 27)

3. Amend Senate Concurrent Resolution No. 2 (1967 session), providing for the joint election of the Governor and Lieutenant Governor, to provide further that Article IV, Section 14 be also amended in order to remove the Lieutenant Governor from the General Assembly as presiding officer of the Senate. (pages 28 and 29)

IV. Statutory Changes

1. Recommended for passage by the 1968 General Assembly is a bill similar to Senate Bill 193, introduced in the 1967 session and included as Appendix B, page 51, which would establish on a regular basis pre-session orientation conferences for newly elected and holdover legislators prior to each odd-year session, beginning in 1968, and to provide further for payment of actual and necessary expenses for attendance. (pages 16 and 17)

2. Recommended for adoption by the 1968 General Assembly are the bills contained in Appendix F and G, pages 59-67, which transfers the Legislative Reference Office and the Commission on Uniform State Laws from the executive department to the legislative department. (page 36)

V. Miscellaneous Recommendations

1. Recommended for trial during the 1968 legislative session is that daily indexes of bills introduced be prepared by utilizing the automatic data processing equipment available in the Capitol Building. (page 17)

2. The committee recommended that the present Secretary of the Senate be employed full-time, commencing with November 1, 1967, to help resolve some of the Senate's administrative problems prior to the 1968 session. (pages 35 and 36)

3. The committee recommends the discontinuance of the internship program under the sponsorship of the Legislative Council Office. (page 33)

4. The committee recommends that no change at this time be made with respect to eliminating the safety clause (pages 37 and 38); to establishing July 1 as the uniform effective date of all bills passed by the legislature (pages 38 and 39); or to discontinuing the present policy of the Legislative Reference Office and legislators of inserting a saving clause in certain bills (pages 39 and 40)

VI. Items Needing Further Study

1. The committee in the 1968 interim will undertake a systematic analysis of the rules of both houses in order to determine which rules should be uniform, taking into account the rules which should not be uniform because of the particular procedural problems experienced by either house. (page 6)

2. The committee plans to invite the 1967-68 chairmen of committees of reference to appear before the committee to discuss the effectiveness of staffing committees and ways to improve the services of staff assistants. (page 11)

3. A subcommittee was appointed to confer on possible improvements in the administration of both the General Assembly and its service agencies, including: a) propose improvements within the present system and the possible centralization of some administrative functions under the Legislative Council, such as the legislative department's budgetary and accounting functions; and b) the need for hiring more employees in the House and Senate on a full-time basis, such as the Chief Enrolling Clerks and the Amendment Clerks. (pages 33-35 and 36)

4. Deferred for purposes of continued study is whether there should be a change in the legislature's policy or in the statutes with respect to the inclusion or exclusion of a severability clause in certain legislation (pages 40-44); whether a legislative intent clause should be added to all bills (page 44); and whether bill summaries, not to be construed as part of the bill, should be added to demonstrate legislative intent (page 44).

I. LEGISLATIVE PROCEDURES IN COLORADO

Identifying the Problems

During the 1966 study on legislative procedures, it was recognized that many of the problems relating to the practices and procedures of the Colorado General Assembly center on the relative inactivity of the legislature at the beginning of legislative sessions and the corresponding pile-up or log-jam of issues and decisions in the closing days. Considerable time was spent analyzing the process by which the legislature enacts a bill into law. This analysis helped the 1966 committee to identify the problem areas upon which to concentrate and make definitive recommendations to obtain more efficient and effective use of legislative time. These specific areas included:

- 1) introduction of bills;
- 2) printing of bills;
- 3) cut-off date on the introduction of bills;
- 4) committee consideration of bills;
- 5) floor consideration of bills;
- 6) signing of bills by the presiding officers; and
- 7) the orientation of newly-elected legislators.^{1/}

The 1966 committee made specific recommendations in each of these areas, some of which were adopted by the 1967 General Assembly.

The 1967 Committee on Legislative Procedures recognizes that the specific problem areas mentioned above are continuing problems and require review. Therefore, this committee is now recommending further refinements in the rules of both houses, some further changes in the committee structure, including the adoption of House and Senate rules for standing committees, and the holding of pre-session orientation conferences prior to odd-year sessions. The committee has also considered constitutional changes affecting the legislative department, additional facilities in the Capitol Building for the legislative and judicial branches as well as long-range solutions to the space problems of state government generally, and possible changes in or elimination of the special clauses contained in bills. All of the foregoing are detailed in this and subsequent chapters of this report.

^{1/} Legislative Procedures in Colorado, Research Publication No. 119, pp. 3-4.

Procedural Changes

Pre-session filing and printing of bills. The committee recommends that both Senate Rule 37 (b) and House Rule 45 be amended to facilitate further the filing and printing of bills prior to annual legislative sessions. Approximately 130 bills, principally Colorado Bar Association and Legislative Council bills, were filed and printed prior to the 1967 session of the General Assembly.

Briefly stated, pre-session filing and printing provides a method by which members of the General Assembly can have a bill prepared by the Legislative Reference Office and numbered and printed by the Secretary of the Senate or the Chief Clerk of the House so that such bills will be ready for introduction on the first day of the session. The committee discussed the advantages which accrued from pre-session filing and printing in the 1967 session and determined that this procedure enables legislators and legislative committees to begin consideration of more bills immediately at the start of the session without having to wait several days or weeks for a significant number of bills to be introduced and printed. Committees were able to report more bills out earlier for floor action than had been the case in prior sessions.

Among the specific committee recommendations for amending House Rule 45 and Senate Rule 37 (b) is the mandatory printing of pre-filed bills submitted to either the Chief Clerk or the President of the Senate. The existing rules leave it up to the discretion of the Speaker or President of the Senate to determine whether pre-filed bills should be printed. The committee decided that as the practice of pre-filing bills is increasingly utilized, with possibly hundreds of bills being pre-filed, difficulties might result if either the Speaker or the President of the Senate uses his discretionary authority to avoid pre-printing of bills which he does not favor. Moreover, such discretionary authority might tend to complicate the numbering of pre-filed bills. It was also noted by committee members that such discretionary authority would be incongruous with the committee's recommendation to print all bills upon introduction once the sessions starts, since a member who had failed to have a bill printed prior to the session would only have to introduce the bill during the session for the bill in question to be printed.

Automatic printing of all bills upon introduction. The committee recommends that House Rule 29 (a) be amended to conform with Senate Rule 37 (a) to provide for the automatic printing of all House bills upon introduction. Past practice in both houses required a bill first to be introduced, second to be assigned to committee, and third the committee to which the bill was assigned determined whether the bill should be printed. The latter practice, particularly in the early days of a session or just after the cut-off date for the introduction of bills, results in a flood of bills being sent to the printer all at once, which tends to delay the return of printed bills to the General Assembly. Furthermore, in past sessions up to three weeks have elapsed before 100 bills had been printed.

This has resulted in delays in both committee and floor consideration of bills in the early part of the session with a corresponding pile-up of legislation in the latter weeks of a session.

Tabulated below are the total number of bills introduced and the number of bills printed in the House and Senate during the last five annual sessions of the General Assembly:

<u>Session</u>	<u>Total Number of Bills Introduced</u>	<u>Total Number of Bills Printed</u>	<u>Percentage Printed</u>
1963	830	673	81.1%
1964	143	132	92.3
1965	863	783	90.7
1966	83	79	95.2
1967	<u>1,002</u>	<u>909</u>	<u>90.7</u>
Totals	2,921	2,576	88.2%

The data indicate that approximately 88 percent of all bills in the past five sessions have been printed. Consequently, the committee concluded that while the cost of printing would increase somewhat, the increased expense would be minimal compared to the committee time presently devoted to deciding whether to print bills. It can also be argued that committee reports on bills would be expedited; substantive deliberations on bills could start the first time they are brought up for committee consideration, since all committee members would have the printed bills before them. The result could be earlier consideration of bills on the floor of either house. If the overall result of automatic printing of all bills could be the saving of one additional legislative day, the cost of legislators' per diem expenses alone, amounting to \$2,500, would more than offset the additional cost of printing all bills. In the 1967 session, for example, there was a total of 93 House and Senate bills which were not printed, out of a total number of 1,002 bills introduced. The additional cost of printing 500 copies of each of these bills would have amounted to approximately \$1,700, or an 8.6 percent increase over the actual cost of bill printing amounting to approximately \$19,882.

Entries in the journals on bill printing. A corollary of the committee's recommendation to print all bills upon introduction is the streamlining of House and Senate rules pertaining to entries in the Journals on the printing of bills. House Rule 25 (e) and Senate Rule 21 (h) require that the House and Senate services committees make reports on which individual bills have been printed in order to comply with Article V, Section 20 of the Colorado Constitution, which states that "No bill shall be considered or become a law unless referred to a committee, returned therefrom, and printed for the use of the members."

The 1966 Committee on Legislative Procedures considered amending the applicable rules to eliminate such Journal entries. However, upon inquiring whether the practice of printing all bills upon introduction would be sufficient to comply with the requirements of the Constitution and thus obviate the necessity of making entries in the Journals relative to bill printing, the 1966 committee received an opinion from the Attorney General which stated, in effect, that it would be "desirable," if not mandatory, to continue to indicate in the Journals that bills had been printed.

The 1967 committee has considered this matter again and suggests that the constitutional question can be resolved by requiring the Chief Clerk of the House and Secretary of the Senate to make appropriate daily references in the Journals which would indicate the bills which were introduced, reported printed, and assigned to each committee during a particular day. The committee further suggests that the Chief Clerk and the Secretary be charged with the responsibility of ascertaining that bills have been correctly printed.

In addition to simplifying procedures, it might also be expected that the recommended changes with regard to Journal entries on bill printing would result in some savings to offset the added cost of printing all bills, since it would mean that only one reference to the printing of bills would have to be made in the Journals each day. It has been estimated, for example, that the present procedures, relative to Journal entries on bill printing, cost the General Assembly \$700 to \$800 during odd-year sessions.

Joint House-Senate sponsorship of bills. The committee discussed the effectiveness of Joint Rule 24 providing that "a bill may be introduced in either house by one or more members of that house and the joint sponsorship of one or more members of the other house." It was reported that joint sponsorship worked well during the 1967 session and that the practice should be continued in future sessions.

Fiftieth legislative day as the cut-off date for the introduction of bills. The committee recommends that no change be made at the present time in Joint Rule 23, adopted in the 1967 session, providing that the cut-off date on the introduction of bills be the fiftieth legislative day.

The committee considered a recommendation to establish, in addition to the cut-off date on bill introductions, the fortieth legislative day as the final date for legislators to submit bill drafting requests to the Legislative Reference Office. It was suggested that this change might enable the Legislative Reference Office to complete the task of bill drafting prior to the cut-off date for introduction, thereby making it possible for more bills to be introduced by the fiftieth day. It was also suggested that this procedural change might have the additional effect of getting bills to committees of reference at an earlier date, thus allowing committees more time to consider legislation.

However, the committee learned that in all likelihood it would have been impossible for the Legislative Reference Office to complete the bill drafting work by the fiftieth day with the limited number of staff which was available to the office during the 1967 session. It was reported that approximately 175 bill drafting requests were pending on the fiftieth day. It was also suggested that forty days might not be sufficient time for legislators to become familiar enough with the legislative process or confident enough to request the drafting of legislation. Committee members believe that, at present, legislators should be urged to introduce more legislation prior to the cut-off date and more stress should also be placed on pre-session filing and printing of bills to prevent a back-log of bill drafting requests at the cut-off date on introductions.

Majority vote to ratify proposed amendments to the United States Constitution. House Rule 26 (b) and Senate Rule 17 (f) (3) both require that proposed constitutional amendments to the Colorado Constitution, in the form of concurrent resolutions, must pass third reading by a two-thirds majority vote before they can be placed on the ballot of the next general election. The requirement for a two-thirds vote on third reading can be found in Article XIX, Section 2 of the Colorado Constitution.

However, the two-thirds voting rule has also been applied to concurrent resolutions ratifying proposed amendments to the United States Constitution. The Committee on Legislative Procedures recommends that the applicable House and Senate rules be amended to provide that only a majority vote of the elected members is necessary for passage on third reading concurrent resolutions ratifying proposed amendments to the Federal Constitution. The committee's recommendation is sustained by an opinion of the Colorado Attorney General issued in September, 1966, to the 1966 Committee on Legislative Procedures, which stated in part:

Article V of the United States Constitution is silent as to the vote in the state legislature. So long as the legislature voices the will of the people, which is normally done by a majority of those present, the requirements of the Federal Constitution for ratification would be met.

Article XIX, Sections 1 and 2 of the Colorado Constitution are limited in their application to amending the State Constitution or calling a state constitutional convention.

I am not unmindful of the rule presently in existence requiring a two-thirds majority in both houses, but if it is the desire of the Legislature so to do, this can be changed to a majority of each of the two houses.

Amend Senate rules to permit referral of concurrent resolutions to the appropriate committee of reference. Under Senate Rule 29 (a) (3) all concurrent resolutions are required to be referred to the Senate Committee on Judiciary. The Committee on Legislative Procedures recommends that the rule be changed to permit referral of concurrent resolutions to any subject-matter committee of reference which is deemed appropriate to consider proposed amendments. The committee believes this change to be helpful from the standpoints of decreasing the workload of the Senate Judiciary Committee and of assuring that amendments pertaining to particular subject-matter areas can be considered by the committees which are the most knowledgeable in those areas.

Elimination of differences between House and Senate rules. The committee discussed and recommends for the 1969 interim work of the committee a systematic analysis of the rules of the House and Senate in order to eliminate some of the differences in the rules of the two houses. It was noted that such an analysis has not taken place since the 1951-1953 interim period at which time a joint House-Senate committee was appointed to rewrite the rules of the two houses. The present basic rules, emanating from the 1951-1953 interim work, were adopted by the 1953 General Assembly.

The purpose of such an undertaking would be to identify some of the differences in the House and Senate rules and thus aid both houses in determining which rules should be in conformity in order to help legislators and the public alike in understanding the procedures of the Colorado bicameral system. It should be noted, however, that doubt was expressed by some committee members that the rules of the two houses should become completely uniform. Since some of the rules have been adopted with the particular problems and procedures of one house in mind, complete uniformity would not, in all likelihood, be feasible.

Improving Procedure During Floor Action

Introduction of guests - fining former members. The committee recommends the adoption of rules in both houses to prohibit the introduction of visitors and guests during debate of the Committee of the Whole. It is the belief of the committee that while such introductions may disrupt the proceedings of the House and Senate during third reading, it is the interruptions during debate of the Committee of the Whole which create the most serious problems and should be forbidden. The committee also recommends that a Joint Rule be adopted to require that both houses shall refrain from the practice of "fining" former members of the General Assembly who visit the chambers.

Two-thirds vote required to place bills on special orders. The Daily Calendar of business in each house for subsequent legislative days is usually prepared following each day's session. The Calendar lists those bills which will be up for consideration on

the floor. In the case of the Senate, the Calendar is prepared by the Secretary of the Senate until the closing days of a legislative session when it has been traditional for the Senate to appoint a Calendar Committee to prepare calendars. Existing Senate rules require that bills reported out of committee for consideration by the Senate on second reading shall be placed on the Calendar of the second actual day of the session following such committee report.

The Committee on Rules in the House prepares the Daily Calendar for the House of Representatives. The Rules Committee meets at the end of each day upon the adjournment of the House and makes up the Calendar for the following day.

"General Orders" is the term used to describe those bills that appear on the Calendars of each house for second reading. However, under existing House and Senate Rules, a majority vote of the elected members of each house may place bills on "Special Orders." This enables the Committee of the Whole of either house to consider bills under special circumstances. Frequently, toward the end of a session, bills are placed on Special Orders in order to get the pending work completed.

The Committee on Legislative Procedures recommends that the applicable House and Senate rules governing Special Orders be amended to require that a two-thirds vote of the elected members, rather than a majority vote, be necessary before bills can be placed on Special Orders. The committee believes that this change would give members a better opportunity to be prepared for the deliberative process followed in second reading. In most cases, there would be no difficulty in obtaining a two-thirds majority for placing on Special Orders the many non-controversial bills which have accumulated during the session for action at the end of a session. However, on the other hand, the rule change would make it more difficult for a simple majority to push controversial measures through on second reading at the expense of abrogating the parliamentary rights of a minority to present their arguments fairly and fully before yielding to the will of the majority.

Rules for Committees of Reference

In accordance with the recommendation of the 1966 Committee on Legislative Procedures, the 1967 committee has prepared and recommends the adoption of House and Senate rules for the use of committees of reference* in the conduct of their business. The

* The term "committees of reference" means those committees to which bills and resolutions are normally referred after introduction for substantive deliberation. Thus, the recommended rules

rules, which are included in Appendix A of this report, were adopted by the committee after having devoted portions of three committee meetings to the specific principles and language which the committee believed should be incorporated in rules governing committees of reference.

Broadly speaking, the committee concluded that committees of reference should be subject to some of the principles of parliamentary law which are embodied in the rules governing the procedure of the House and Senate. More specifically, however, the Committee on Legislative Procedures concluded that certain provisions should be included in rules governing committees.

It is the belief of the committee that while committee procedure should not be so finely delineated as to limit free discussion and thus handicap the committees' work, subjecting committees to some rules would make the committee system more responsive to the bodies which created them and would also help to alleviate some of the justifiable criticism of committee procedure which emanates from both the general public and legislators. The poor image which the committee system has projected in the past has been to a considerable degree a reflection on the integrity of the entire Colorado legislative process.

Included below is a brief analysis of what the recommended rules contain:

-- Provision is made for requiring committees to meet at the time and places specified in the Schedule of Committee Meetings, and in the event of either cancellation of a regularly scheduled meeting or the calling of a special or extraordinary meeting, provision is also made that such cancellation or special meetings shall be publicly announced.

-- A rule establishing uniform voting practices by committee chairmen provides specifically that a chairman has the right to vote on all matters before the committee. Committee members noted that some committee chairmen vote on all measures before a committee, while others vote only in case of tie-votes.

-- A rule is recommended forbidding proxies.

-- A rule is recommended requiring committee chairmen to announce on the floor of the parent body one day in advance what

* do not pertain to the Rules Committee, the Calendar Committee, the House and Senate services committees, or the Joint Budget Committee. Amendments to the House and Senate rules listing the names of committees were adopted by the Committee on Legislative Procedures to show clearly which committees are committees of reference and thus subject to the recommended rules. The amended rules are contained on pages 14 - 15 of this report.

bills and resolutions will be taken up for final action at the next day's committee meeting and requiring that committee chairmen shall cause to be entered in the Daily Calendar of the subsequent legislative day the numbers of the measures so announced. The rule also allows a committee to take action on a measure even if advance announcement and notice are not made, provided a majority of the members so approve.

Committee members noted that this rule, while maintaining flexibility with respect to considering those matters which have not been announced in advance, would give committee members an opportunity to study the bills which will be up for consideration; it would give the public some advance notice on bills which are pending for committee action; and it would give a legislator who is not a member of the committee an opportunity to appear before the committee to express his views and thus save time during floor action.

--A specific rule is provided which makes a committee chairman more responsive to the committee over which he presides, by making it mandatory for a chairman to place bills before the committee for consideration within seven days after having been referred to the committee if a majority of the members of the committee so votes.

The committee believes that making some provision by which a committee could require consideration of bills would prevent a chairman from "pocketing" the bill, independent of committee action. This should help to eliminate a great deal of criticism of the committee system from both legislators and the public at large.

--The committee recommends a rule which would require a committee chairman to send committee reports across the desk within three legislative days after final committee action is completed in order to help alleviate the problem encountered toward the end of a session when large numbers of bills are reported out of committees at the same time.

--As a corollary of the above recommendation, the committee recommends a rule defining final action to include reporting a bill favorably out of committee, with or without amendments, a recommendation for reference to another committee of reference, or postponing a measure indefinitely. The rule further stipulates that postponing consideration of a measure for more than 30 days shall be deemed a motion to postpone indefinitely. The committee believes that this provision would help eliminate the phenomenon at the end of sessions when many bills, on which action had been deferred earlier, are suddenly reported out of committee with adverse recommendations. Committee members felt that certain bills will be killed in any event and that the practice of postponing action on such bills to July 4, for example, and then reporting them out in the last days of a session should be halted.

-- One procedural facet of the committee process which has caused a great deal of confusion among legislators in the past is

the status of committee amendments to bills which are referred to two different committees, successively. That is, if the first committee amends a bill, does the second committee have to accept the first committee's amendments as an integral part of the bill? Or, must the second committee only regard the substance of the bill as originally introduced?

According to Mason's Manual of Legislative Procedure, "A committee cannot amend a bill, that power is vested in the body alone [the House or Senate], and a committee merely proposes amendments to the body." Therefore, the Committee on Legislative Procedures recommends that the status of proposed committee amendments should be clarified by stipulating in the committee rules that committee amendments are not considered an integral part of a bill until adopted by the Committee of the Whole.

-- Other rules recommended include giving the staff assistants assigned to committees the responsibility of preparing all committee reports and maintaining the custody of measures which chairmen may give to them for safekeeping.

-- Another rule gives committee chairmen authority to discipline members who are absent from three consecutive scheduled committee meetings without being excused by requiring that such absences be reported to the floor leader of the unexcused member. Committee members noted that this rule would help force attendance at committee meetings and would also give the minority and majority leadership the opportunity to appoint other legislators who would attend.

Strengthening the Committee System

The 1966 Report of the Committee on Legislative Procedures listed the following shortcomings of the committee system in the Colorado General Assembly: "1) inability of committees to count on a specific part of the legislative day for meetings; 2) too many subject matter committees, which results in extensive overlapping of committee membership and too many conflicting committee meetings; 3) failure to provide a regular schedule for committee meetings, resulting in insufficient time for committees to consider bills assigned to them; and 4) lack of staff assistance."^{2/}

All of the above-mentioned shortcomings were rectified to a considerable degree during the 1967 session: 1) the number of Senate committees of reference was reduced from 18 to 13 to correspond to the number of House committees of reference; 2) afternoons were devoted to committee meetings and a regular meeting schedule for committees was adopted; and 3) staff assistance was supplied to five House committees and two Senate committees. However, in continuing the process of strengthening and improving the General

^{2/} Ibid., p. 10.

Assembly's committee system, the committee considered some further proposals during its 1967 interim work.

Staff for committees of reference. It is contemplated by the committee that staff assistance will be furnished to all standing committees by the 1969 General Assembly. In accordance with this suggestion, the committee is planning to request chairmen of those committees staffed in 1967 and 1968 to appear before the committee during the 1968 interim to discuss the effectiveness of staffing standing committees in the 1967 and 1968 sessions and ways to improve the services performed by the staff assistants.

Further reduction in the number of committees of reference. In reviewing the adequacy of the changes made to strengthen the committee system, the Committee on Legislative Procedures also found that problems were still encountered by the existence of too many committees of reference. The problems which could be overcome by reducing the number of committees are grouped into the categories listed and explained below.

(1) A more equitable distribution of the workload would result. Charts I and II, on pages 12-13, show the percentage of bills assigned to each committee of reference during the 1967 session of the General Assembly. Chart I for the House indicates, for example, that the Committee on Natural Resources was assigned only 14, or 1.7 percent, of the 847 House and Senate bills referred to House committees on first referral, and the Committee on Game, Fish and Parks was assigned 25, or 2.9 percent, out of the 847 first referrals assigned to House committees. Chart II for the Senate shows that of the 732 first referral bills assigned to Senate committees, the Committee on Natural Resources handled only 3 bills or .4 percent and the Committee on Game, Fish and Parks had 17 bills or 2.3 percent of the total referred to it.

At the other end of the spectrum, Chart I also shows that the judiciary, state affairs, and business affairs committees in the House handled 392 or 46.3 percent of the 847 first referral bills. A similar situation existed in the Senate, with the committees on finance, judiciary, and business and labor affairs handling 405 or 55.3 percent of the 732 first referral bills.

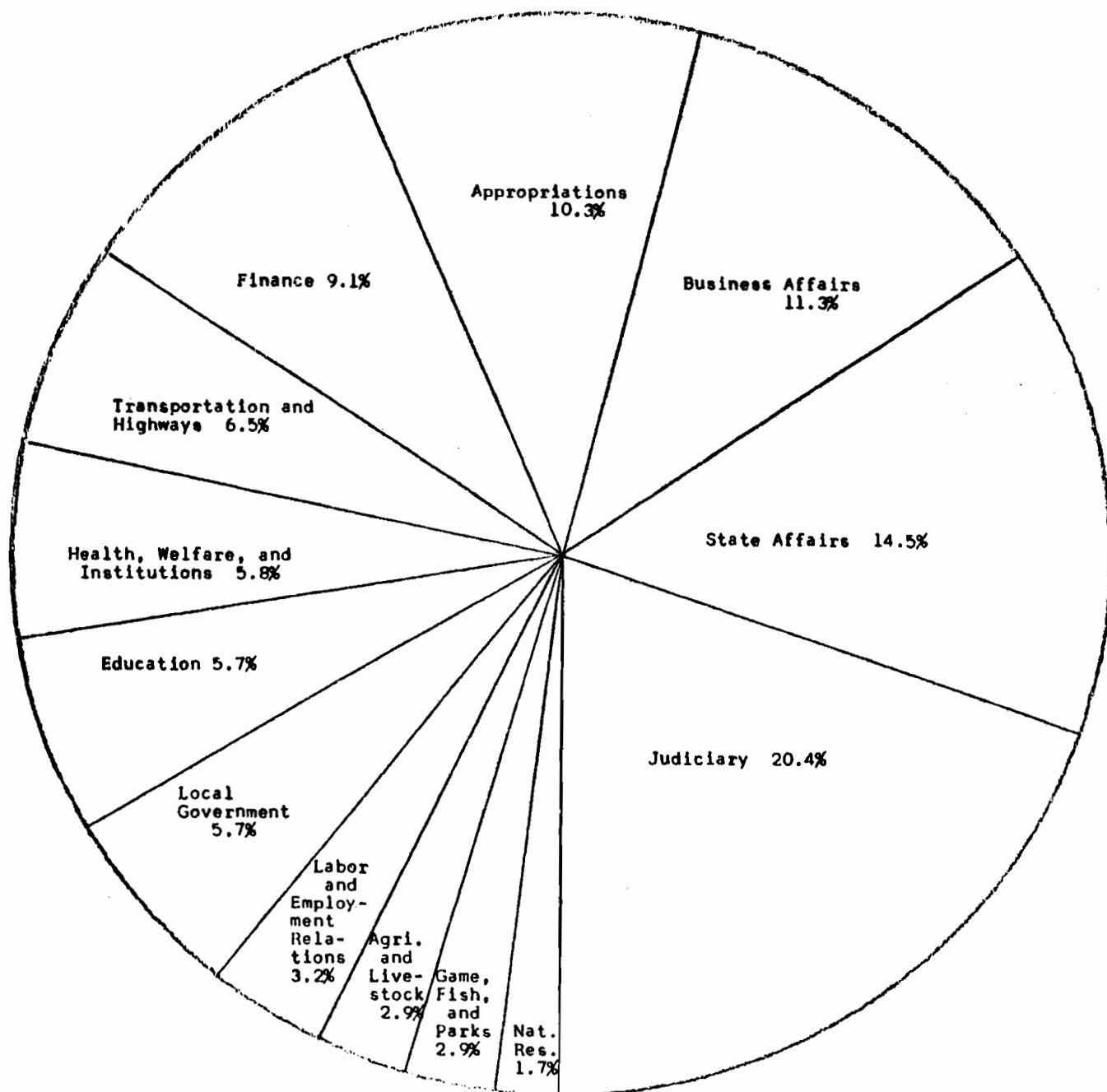
Upon considering the relatively minor workload of some committees as opposed to the heavy workload of others, the Committee on Legislative Procedures recommends that the number of Senate committees of reference be reduced to 12 by the consolidation of the Committee on Water with the Committee on Natural Resources. The committee considered which of the various Senate subject-matter committees of reference could be consolidated and reached the conclusion that in terms of similarity of workload these two committees could best be consolidated into one committee. It was pointed out by committee members that while some committees had a relatively minor workload and other committees appeared to have a large volume of work to do, it is not always possible to judge the degree

CHART I

HOUSE COMMITTEES - 1967

Distribution of House and Senate Bills to House Committees of Reference*

(Data Compiled From The Final Legislative Status Sheet)



Number of Bills Referred to Each Committee of Reference*

1. Judiciary	173	8. Education	48
2. State Affairs	123	9. Local Government	48
3. Business Affairs	96	10. Labor and Employment Relations	27
4. Appropriations	87	11. Agriculture and Livestock	25
5. Finance	77	12. Game, Fish, and Parks	25
6. Transportation and Highways	55	13. Natural Resources	14
7. Health, Welfare, and Institutions	49		
		Total	847

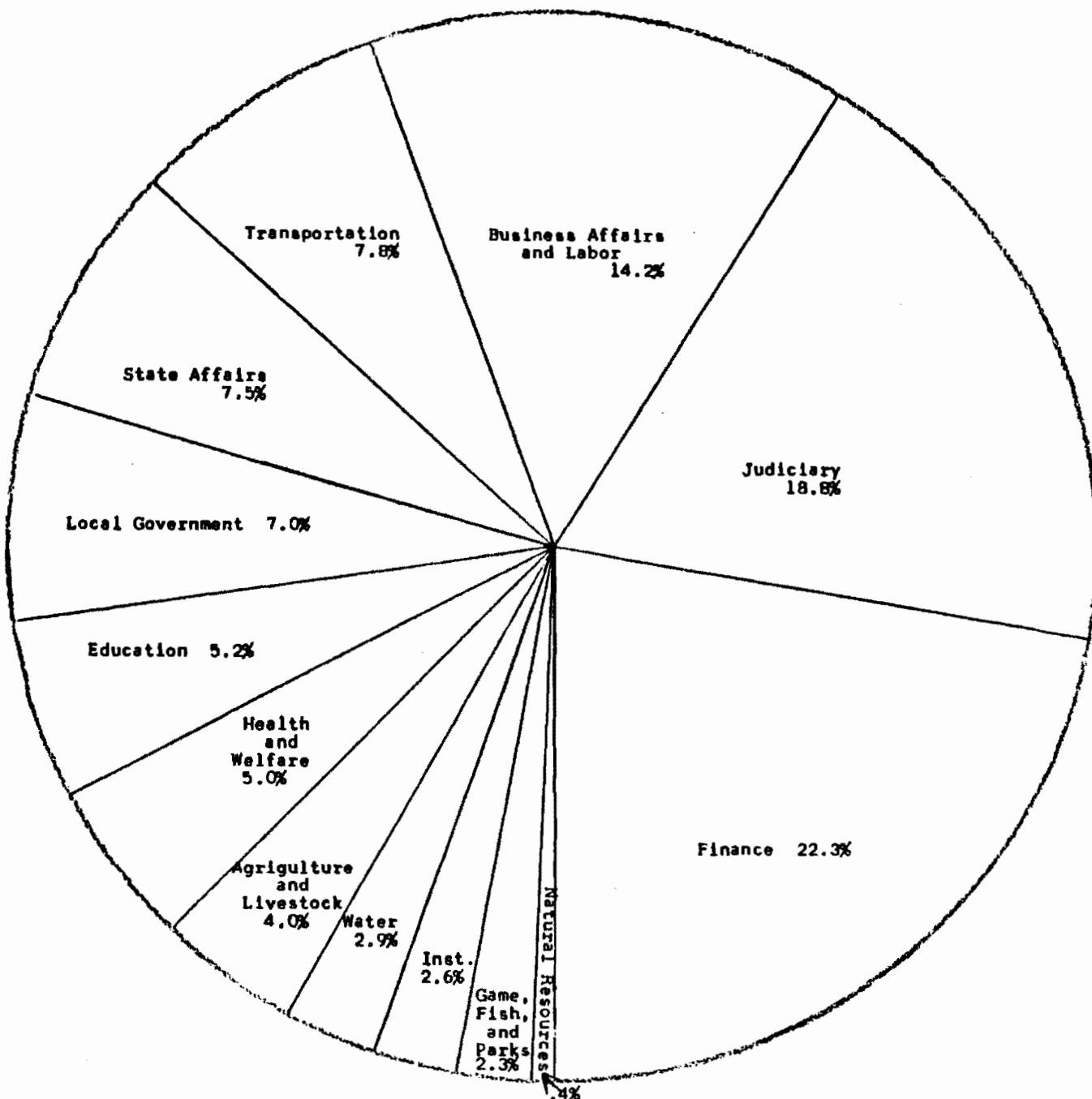
*Bills re-referred to committees are not included in the figures or the percentages shown.

CHART II

SENATE COMMITTEES - 1967

Distribution of House and Senate Bills to Senate Committees of Reference*

(Data Compiled From The Final Legislative Status Sheet)



Number of Bills Referred to Each Committee of Reference*

1. Finance	163	8. Health and Welfare	37
2. Judiciary	138	9. Agriculture and Livestock	29
3. Business Affairs and Labor	104	10. Water	21
4. Transportation	57	11. Institutions	19
5. State Affairs	55	12. Game, Fish, and Parks	17
6. Local Government	51	13. Natural Resources	3
7. Education	38		
			Total 732

*Bills re-referred to committees are not included in the figures or the percentages shown.

of work accomplished by committees in terms of numbers of bill referrals only. Some committees with few bills, for example, may actually be as busy during a legislative session as committees with a large number of bill referrals.

With regard to reducing the number of House committees to 12, the committee at first recommended that the Committee on Natural Resources be combined with the Committee on Game, Fish and Parks. However, this action was subsequently rescinded. House members on the committee pointed out that the actual work of the game, fish and parks committee varies considerably from other areas of natural resources. The existence of more members in the House than in the Senate was given as another reason for not reducing the number of committees at this time.

The committee also recommended that the Committee on Senate Supplies, Expenditures, and Personnel be abolished and its duties assumed by the Committee on Senate Services.

Based on the preceding discussion, the committee recommends that the rules listing House and Senate committees be amended as given below. The entire amended rules listing committees is given in order to distinguish clearly which committees are committees of reference and thus subject to the recommended committee rules discussed in the preceding section.

SENATE

21 (a). The following committees of reference shall be appointed by Resolution at the beginning of each regular session of the General Assembly convening after a general election, and shall remain constituted as such committees of reference until the first regular session convening after the next ensuing general election:

- (1) Agriculture and Livestock
- (2) Business Affairs and Labor
- (3) Education
- (4) Finance
- (5) Game, Fish and Parks
- (6) Health and Welfare
- (7) Institutions
- (8) Judiciary
- (9) Local Government

(10) Natural Resources and Water

(11) State Affairs

(12) Transportation

(b) There shall also be a Calendar Committee, a Committee on Senate Services, and a Joint Budget Committee.

* * * * *

HOUSE

25 (a). Committees of reference of the House shall be:

- (1) Agriculture and Livestock
- (2) Appropriations
- (3) Business Affairs
- (4) Education
- (5) Finance
- (6) Game, Fish and Parks
- (7) Health, Welfare and Institutions
- (8) Judiciary
- (9) Labor and Employment Relations
- (10) Local Government
- (11) Natural Resources
- (12) State Affairs
- (13) Transportation and Highways

(b) There shall also be a Rules Committee and a Committee on House Services.

(2) Fewer committees facilitate better scheduling of committee meetings. Despite the attempt to schedule committee meetings in the 1967 session so that no two committees, of which a single legislator is a member, would meet at the same time, frequently the committee which met first would still be in session when the second committee was scheduled to meet. This phenomenon, at times, caused delay in the start of business by the second committee which had

members serving on both committees. Moreover, it created some problems for staff members who served both committees. The latter problem could be expected to increase as more and perhaps all committees of reference are provided with staff assistance.

The 13 committees in both houses in the 1967 legislative session were each scheduled to meet twice per week, with one and one-half hour time periods allotted to each meeting. It was inevitable that some overlapping of meeting times would result since it was not always possible for a committee to finish its business within the allotted one and one-half hour time period. This was particularly true with respect to the committees which had a great number of bills to consider.

The committee recognizes that the recommended reduction in committees of reference would help to alleviate some of the problems connected with scheduling.

(3) Committee meeting rooms. Part of the problem experienced by committees in the 1967 General Assembly was the lack of enough committee meeting rooms. The five committee rooms on the third floor were always occupied in the afternoons during the session. This caused problems in maintaining the committee meeting schedule. The limited number of rooms available meant that the same room was assigned to two committees for two different times. If the first committee happened to be still meeting at the time the second committee was scheduled to meet, the second committee would have to search until an empty room could be found.

As discussed in more detail in Chapter II of this report, the legislature will have six additional committee rooms located in the basement beginning in the 1968 session. With these six rooms added to the six on the third floor (including the Legislative Lounge) there will be a total of 12 committee meeting rooms. It will therefore be possible for the Senate to use one suite of committee meeting rooms on one floor and the House to use a suite on another floor. Reducing the number of Senate committees to 12 will mean that each committee will be assured of the use of the room in which it is scheduled to meet.

Pre-Session Orientation Conference

As noted in the 1966 Report of the Committee on Legislative Procedures, "Some of the delay at the beginning of an odd-year legislative session can be attributed to the necessity for informing newly elected legislators of the legislative process."^{3/} In

^{3/} Ibid., p. 22.

order to rectify this situation, the 1966 committee recommended that a pre-session orientation conference, under the sponsorship of the Legislative Council, be established on a regularized basis prior to odd-year sessions at which both newly elected and holdover legislators could attend and for which attendance legislators could receive reimbursement for expenses incurred. Senate Bill 193, which would have formalized this procedure and would have authorized payment of actual and necessary expenses of legislators and legislators-elect, was introduced in the last session but was killed in committee.

The 1967 Committee on Legislative Procedures, in recognizing the value of such conferences, recommends that a bill similar to Senate Bill 193 (contained in Appendix B of this report) be placed on the Governor's call for the 1967 session so that the first pre-session orientation conference can take place prior to the 1969 General Assembly. The committee further recommends that such conferences be held immediately after the party caucuses, following each general election.

Subject-Matter Index of Bills Introduced

The committee recommends that cumulative daily bill indexes in the 1968 legislative session be prepared by the utilization of the automatic data processing equipment available in the Capitol Building. It was pointed out to committee members that the present manual system of subject-matter indexing with cross-references is time-consuming and often is not current, and, as a consequence, it is unsatisfactory for supplying legislators, staff, and other interested parties with a useful cumulative index of all the bills introduced. The recommended indexing system to be tried in the 1968 session would list each bill under all subjects affected. An example of this kind of index is shown herein as Appendix C.

II. FACILITIES FOR THE LEGISLATIVE, EXECUTIVE AND JUDICIAL BRANCHES OF GOVERNMENT

The Committee on Legislative Procedures recognizes that the State of Colorado is faced with a two-fold problem with respect to finding adequate space for the agencies of the state: 1) obtaining adequate space in the Capitol Building to satisfy the immediate space needs of the General Assembly and the Supreme Court; and 2) determining a long-range solution to satisfy the growing space needs of state agencies.

Additional Space Needs of Agencies Occupying the Capitol Building

It is anticipated that someday, perhaps within the next decade, it may be necessary to move all administrative agencies plus the Supreme Court out of the Capitol Building, with only the Governor and his staff, the Attorney General, and the General Assembly remaining. Until this day arrives, however, it is necessary to resolve the space problems which the General Assembly, the Legislative Reference Office, the Legislative Council, the Court Reporter, and the Judicial Administrator are facing now and which, in all probability, will increase in the immediate future.

Take, for example, the situation experienced by the Legislative Reference Office in its present location. There exists no room for expansion in staff nor do the crowded conditions afford the degree of privacy which is desirable for legislators to consult with attorneys on bill-drafting requests. The Legislative Council Office is overcrowded to the extent that the activities of the present staff are hampered. The Judicial Administrator's Office is currently overcrowded, and, should a merit system for the courts be established, additional staff members will be needed. Accommodations for additional staff members will also have to be found should the General Assembly decide that the state will finance the court system of the state. To a lesser degree, the Legislative Auditor's Office, the Court Reporter, and the Clerk of Court's Office are also in need of more space.

Of course, the crowded conditions of the General Assembly on the second floor of the Capitol Building are well known -- lacking is adequate space for the House and Senate administrative and clerical staffs, including room for the joint proof-readers, enrolling clerks, and the stenographic pools. As mentioned previously in this report, there are not enough committee meeting rooms to avoid the inevitable conflicts and confusion which occur daily during legislative sessions when committees are attempting to meet to deliberate on the legislative business of the state. As the legislative problems of the state grow increasingly complex, it is also readily apparent that at least some private office space for legislators will be necessary. At present, the individual legislator is put in the untenable position of either working at home on leg-

islative matters, relying on any personal office space and facilities he may have, or working at his desk in the legislative chambers.

Subcommittee on space problems. In order to find solutions to these immediate space problems, a Subcommittee on Space Problems was appointed by the Committee on Legislative Procedures. It was determined by the subcommittee that in order to resolve the space problem in the Capitol Building, some executive agencies presently occupying the Capitol Building should be moved to other locations. In negotiations involving the subcommittee, the Division of Public Works, and the Joint Budget Committee, agreement was reached that the agencies moved out of the Capitol Building should be housed in the State Services Building. Other agencies occupying the latter building would, of necessity, have to be moved to rented facilities.

To accomplish these objectives, the Division of Public Works has leased space in the Columbine Building, located at 1845 Sherman Street. Approximately 45,000 square feet of space has been leased at an annual charge rate of \$3.50 per square foot. This space will be used to house some state agencies presently located in the State Services Building. The vacated space in the latter building will be used to house the following executive agencies, now located in the basement and first floors of the Capitol Building: the Division of Purchasing, the Colorado Office of Economic Opportunity, and the Division of Accounts and Control.

It is anticipated that the Division of Purchasing and the Colorado Office of Economic Opportunity will be moved prior to January, 1968. Therefore, the first recommendation of the Committee on Legislative Procedures is that this vacated space be used for the needed additional legislative committee rooms starting with the 1968 legislative session. The committee also recommends that an appropriation be made early in the 1968 session to remodel and purchase the necessary furniture for the additional committee rooms. Recommended is the purchase of the same type of chair that is currently in the committee rooms on the third-floor of the Capitol Building. It is anticipated by the committee that 275 to 300 chairs will be needed by 1969 for the new committee rooms and a firm commitment has been received to provide the chairs at a price of \$81.08 per chair, which is the 1960 bid price plus subsequent price increases. It is also recommended that the State Penitentiary, which built the tables in the third floor committee rooms, construct the necessary tables for the new committee rooms so that the furniture in all committee rooms will be uniform.

Re-allocation of space in the Capitol Building. While most of the functions of the Division of Purchasing and the Office of Economic Opportunity will be moved this year, other agencies such as the Multigraph Department of the Division of Purchasing and the Automatic Data Processing Services Section cannot be moved until the necessary appropriations are made for essential remodelling to

accommodate these agencies in the State Services Building. Hence, the plan for re-allocation of the vacated space that was worked out by the subcommittee and approved by the full committee, as the most practical and feasible, will not be fully implemented until late in 1968. The plan approved by the committee is contained in the resolution shown as Appendix D of this report and it is herewith recommended for adoption by the General Assembly in the 1968 session.

This proposal would result in moving the Legislative Reference Office and the Legislative Council Office to the basement adjacent to the Revisor of Statutes. The Judicial Administrator would move into the space vacated by the Legislative Reference Office and the Court Reporter would move into the space vacated by the Judicial Administrator. The Legislative Auditor would be moved to the area on the first floor now occupied by the Division of Accounts and Control.

The space currently occupied by the Legislative Council would be reserved for use as senatorial offices.

The area in the north end of the Capitol basement would be reserved for offices of House members.

The committee has requested the Division of Public Works to prepare an estimate on the cost of necessary remodeling in both the State Services Building and the Capitol Building to accomplish the above objectives. The committee further recommends that the necessary appropriations be made early in the 1968 session to carry out the above plans in order that the facilities will be available prior to the 1969 session.

Long-Range Solution to the Space Problems of the State of Colorado

A major portion of one committee meeting was devoted to hearing a report from representatives of SUA, Incorporated of Beverly Hills, California, and its consultant, the architectural and planning firm of John Carl Warnecke and Associates. SUA, Incorporated and its consultant were retained by the state in 1966 to determine the existing and projected space requirements of state agencies and departments for the period extending from 1967 to 1995. As their other major function, the space and planning consultants were also retained to develop a Capitol Complex Master Site Plan which would house all state agencies the consultants expected would either occupy the Capitol Building or the immediate vicinity around it, taking into consideration the suitability of all sites and buildings in the Capitol Complex area presently owned and occupied by the state.

The consultants' report to the Committee on Legislative Procedures consisted of a review of how the actual study was conducted in arriving at the immediate and projected space requirements of

the state, the building requirements to meet these needs, two alternative Master Site Plans for the Capitol Complex, and a description of some of the possible methods of financing the estimated cost of the proposed building program. The final report, issued subsequent to the conference with the committee, consists of four volumes covering in detail each facet of the study. A copy of the final report is available in the Legislative Council Office.

The consultants were guided by certain basic assumptions in developing the recommended program. These assumptions included:

- Adequate, efficient space should be provided for all State activities that should be located within the Capitol Complex.
- Space in the State Capitol Building should first be provided for the General Assembly, the office of the Governor, the Lieutenant Governor and the Attorney General.
- Space should be provided for the Supreme Court in keeping with its role as one of the three branches of State Government.
- All rented facilities now occupied by state agencies which should be located in the Capitol Complex are to be eliminated.
- All suitable space within existing buildings in the Capitol Complex is to remain a part of the program.^{1/}

It is recommended by the Committee on Legislative Procedures that definitive action by the State of Colorado on the Capitol Complex Master Plan be postponed until the 1969 session so that the Legislative Procedures Committee may conduct a thorough review of SUA, Incorporated's report during the 1968 interim. This committee recommendation, contained in the resolution in Appendix E of this report, recognizes the divergences of opinion in the executive, judicial, and executive departments with respect to future space needs and priorities that should be given to each branch in meeting these needs. Doubt was expressed by committee members, for example, as to whether a new Supreme Court Building should be built immediately, as recommended by SUA, Incorporated, in view of the fact that the demands of capital construction funds for state institutions in the immediate future alone might preclude construc-

^{1/} SUA, Incorporated, Analysis of Space Use: Report to the State of Colorado; Volume I, p. VI-1.

tion of a Supreme Court Building for a number of years. Also questioned by committee members was whether it is necessary for the state to embark upon a program which would centralize most state agencies in the Capitol Complex area, as proposed by SUA, Incorporated. A specific question which needs to be resolved, the committee believes, is whether it may be more advantageous, in terms of costs and already existing available space, for the state to undertake a program of decentralization as opposed to the centralized plan envisaged by the space and planning consultants. Another major area which needs further consideration revolves around the question of whether, in terms of long-range costs, it would be more advantageous to lease the necessary space instead of constructing state-owned buildings. Of course, methods of financing any long-range program is another area the committee believes should be considered in detail.

Other Facility Improvements Recommended

The committee also recommended improvements to the Capitol Building in general and improving the facilities available to the General Assembly in particular.

Central air conditioning. The committee recommends that the General Assembly appropriate the necessary funds in the 1968 session to provide for the installation of a central air conditioning system in the Capitol Building.

Additional parking for legislators. The 1966 Committee on Legislative Procedures had recommended that plans and cost estimates for widening the outer circumference of the Capitol driveway be finalized in order to provide angle parking on both sides of the driveway so that adequate parking space would be available during sessions. It was determined that the cost for the project would amount to approximately \$35,000. The 1967 Committee on Legislative Procedures believes that the expenditure of this amount of money to widen the Capitol driveway might be inadvisable at the present time, since the possibility exists that such a project might conflict with long-range plans for providing adequate parking. Therefore, a Subcommittee on Parking Problems was appointed to confer with the Division of Public Works in order to come up with a plan which would resolve the problem by the 1968 session with a minimum of expense and still meet with safety requirements. The following plan was worked out so that several additional parking spaces can be obtained in the driveway area by the 1968 session: 1) On the east side, angle parking will be permitted on both sides of the driveway by extending on to the sidewalk the present angle parking lanes on the outside circumference. 2) The parking configuration on the west side of the Capitol will be reversed, with angle parking on the outside circumference and parallel parking on the inside. Speed limit signs will also be posted. Also recommended by the subcommittee is that each elected and appointed official of the executive, legislative, and judicial departments in the Capitol

Building be assigned a specific parking location. Between sessions, all parking spaces assigned to legislators for use during sessions will revert to metered parking, except for the spaces on the outer circumference of the circle on the west side of the Capitol. Ten additional spaces will be provided on the west side of Grant Street between Colfax and 14th Street. These modifications will increase the number of parking spaces around the Capitol area from 128 to 165.

The full Committee on Legislative Procedures endorses these plans.

III. CONSTITUTIONAL ISSUES

During the 1967 interim work of the Committee on Legislative Procedures, several items affecting the legislative branch were considered which would require amendments to the Colorado Constitution. Generally speaking, all of the constitutional items discussed by the 1967 committee were items which the 1966 Committee on Legislative Procedures also considered at one point or another in the 1966 interim study. As such, the recommendations contained herein represent a continuation of the review undertaken in 1966 of those constitutional changes which represent significant, but not drastic, changes in the structure of government. The specific recommendations are as follows:

1) A change in Article IV, Section 11 to require the General Assembly to reconvene forty-five days after adjournment sine die in order to have an opportunity to reconsider executive vetoes;

2) A change in Article V, Section 26 to eliminate the Constitutional requirement that the Speaker of the House and the President of the Senate must sign all bills in the presence of the members of their respective houses; and

3) Change Senate Concurrent Resolution No. 2 (passed 1967 session), which provided for the joint election of the Governor and Lieutenant Governor on the same party ticket, to provide further that Article IV, Section 14 be also amended in order to remove the Lieutenant Governor from the General Assembly as President of the Senate.

Other constitutional changes discussed in this report but not recommended by the committee include: 1) removing the restrictions on the subject-matter which the legislature may consider during even-year sessions; 2) holding over of legislation pending at the end of the first regular session for consideration at the second session; and 3) removing the specific provision stipulating that the powers, duties, and emoluments of the Governor devolve upon the Lieutenant Governor when the Governor is absent from the state.

Automatic Special Legislative Sessions to Consider Overriding a Governor's Veto After Adjournment Sine Die

Section 11 of Article IV of the Constitution provides that if the Governor does not approve of a bill, "he shall return it, with his objections, to the house in which it originated, which house shall enter the objections at large upon its journal, and proceed to reconsider the bill." Upon reconsideration, the bill becomes law if two-thirds of the elected members of both houses re-pass the measure.

However, while Section 11 also provides that during a session a bill will become law automatically if it is not returned by the Governor within ten days after it is presented to him, the provisions do not permit the General Assembly to override the Governor's veto after its final adjournment. For instance, Section 11 provides the following:

If any bill shall not be returned by the governor within ten days after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the general assembly shall by their adjournment prevent its return, in which case it shall be filed with his objections in the office of the secretary of state, within thirty days after such adjournment, or else become a law.
(emphasis added)

In other words, after the legislature adjourns sine die, the Governor within 30 days can exercise either one of two options on pending bills: 1) let the bill become law without his signature; or 2) exercise his veto power, in which case the General Assembly has no other recourse but to accept the Governor's action.

In considering this matter, the Committee on Legislative Procedures noted that after the formal business of the session is completed the legislature recesses to a certain date in the future, extending from two to four weeks, so that the process of enrolling bills that have been passed can be completed. After the recess, the General Assembly reconvenes to witness the signing of the enrolled bills and to adjourn the session formally. Since the legislature is considered to be officially in session throughout the recess, there exists no problem in overriding a Governor's veto which occurred during the recess. However, after adjournment sine die the legislature must rely solely on the Chief Executive in seeing that the legislative will, exercised in the foregoing session, is embodied in the laws of the state.

The Committee on Legislative Procedures believes that if the legislative branch is to exercise its full responsibilities with respect to the disposition of the laws it passes, and if it is to assume equality with the Chief Executive in matters of the laws applying to the State of Colorado, Section 11 should be amended to enable the legislature to reconsider bills which the Governor has vetoed after the legislature has adjourned.

The committee recommends that Section 11 of Article IV be amended to provide that in the event a Governor vetoes a bill during the thirty-day period after adjournment sine die of the legislature, the legislature must reconvene on the forty-fifth day following sine die adjournment for the sole purpose of reconsidering vetoed bills.

Removing Requirement that Presiding Officers Must Sign Bills in the Presence of Members

Section 26 of Article V provides the following:

Section 26. Signing of bills. The presiding officer of each house shall, in the presence of the house over which he presides, sign all bills and joint resolutions passed by the general assembly, after their titles shall have been publicly read, immediately before signing; and the fact of signing shall be entered on the journal.

In accordance with this provision, it is necessary for the General Assembly to reconvene after a recess of several weeks to witness the signing by the presiding officers of each house those bills which are enrolled during the recess. In the period of history when communications were limited, it was probably thought necessary by the framers of the Colorado Constitution that legislators should witness the signing of bills in order to prevent presiding officers from thwarting the will of the General Assembly. But with modern communication and transportation systems, the committee believes that such action on the part of presiding officers going unnoticed is extremely unlikely. The Committee on Legislative Procedures recommends that this vestige of the nineteenth century should not remain in the Constitution and accordingly recommends that Article V, Section 26 of the Constitution be amended to give presiding officers of both houses the authority to exercise the purely administrative function of signing bills and resolutions in the absence of members.

The recommended change would mean that members would not have to interrupt their normal pursuits in earning a living in order to return to Denver after the customary recess at the end of a session. The recommended change would also preclude the necessity for the recess itself, thereby saving some per diem legislative expenses and also allowing the General Assembly to adjourn sine die at the completion of legislative business.

However, in recommending this constitutional change, committee members also believe that the fact of signing bills and resolutions by the presiding officers should continue to be shown in the Journals of the House and Senate by providing that, upon passage of bills or resolutions by both houses, the fact of signing shall be noted in the Journals. This latter suggestion, it is stressed, would assure that bills and resolutions, passed by the General Assembly and enrolled in accordance with Colorado constitutional and statutory provisions, would be, in fact, signed; it would thus insure that the will of the legislature, enforceable in a court of law, could not be abrogated in the event presiding officers of either or both houses refused to sign a bill or resolution or sign a bill or resolution which was not actually passed.

The Office of Lieutenant Governor

As noted in the 1966 Report of the Committee on Legislative Procedures, the three constitutional responsibilities of the Lieutenant Governor in Colorado can be summarized as follows:

- (1) President of the Senate;
- (2) Votes in the Senate in the event of a tie vote; and
- (3) Acts or becomes Governor for the residue of the Governor's term in case of the Governor's death, impeachment, conviction of felony or infamous misdemeanor, failure to qualify, resignation, absence from the state, or other disability.^{1/}

Removal from the Senate as Presiding Officer. The 1966 Committee on Legislative Procedures advocated that the Office of Lieutenant Governor should become a more effective part of the executive branch and made specific recommendations which it believed would help accomplish this objective. First, it was recommended that the Lieutenant Governor be removed from the legislative branch or more specifically from being the presiding officer of the Senate. Second, it was recommended that the Lieutenant Governor be elected on the same ticket as the Governor "in order to assure that the chief executive officer and his immediate successor would be of the same political party."^{2/} It was assumed that the Lieutenant Governor would assume a more active role in the executive branch by minimizing political conflicts between the top two executive officials, even in the same political party, if the two men were to run on a combined ticket. Joint election of these two officers, it was believed, would mean that the Lieutenant Governor could assume more of a role as an "assistant governor," including attending to some of the time consuming ceremonial duties with which a Governor is concerned, acting as official spokesman for the executive branch on commissions and committees to which he is appointed, and representing the Governor at various other functions.^{3/}

The 1966 committee's recommendation that the Governor and Lieutenant Governor be elected jointly was adopted by the 1967 General Assembly in the form of S.C.R. No. 2 which will be submitted to the qualified electors of Colorado for approval or disapproval at the 1968 general election.

^{1/} Legislative Procedures in Colorado, Research Publication No. 119, November 1966, p. 35.

^{2/} Ibid., p. 36.

^{3/} Ibid., p. 37.

In reviewing the role of the Lieutenant Governor and the possible expansion of his role in the executive branch, the 1967 Committee on Legislative Procedures recommends that S.C.R. No. 2 be amended by the 1968 General Assembly to include an additional amendment to the Constitution, which would provide that the Lieutenant Governor be removed as the presiding officer of the Senate.

From the standpoint of the General Assembly, there appears no reason, other than a long tradition in the United States, why the Senate should not elect its presiding officer and exercise complete control over its proceedings similar to the authority exercised by the House of Representatives in electing the Speaker. Under the principal of majority rule, it can be argued, the majority party should be allowed to elect its own presiding officer for no other reason than to avoid conflicts which arise when the majority party and the Lieutenant Governor are of different political parties.

To say that the Lieutenant Governor can exercise a degree of political effectiveness in the Senate which is commensurate with the influence exercised by the Speaker in the House is a traditional notion associated with the belief that a statewide elected official is somehow placed above Senate politics and can represent an impartial check on the legislative branch. The limited constitutional role as a tie-breaker in the Senate and certain statutory duties, such as being a member of the Legislative Council, cannot provide the Lieutenant Governor with enough authority either to provide effective legislative leadership or to give the executive branch sufficient power to exercise a check and balance over the General Assembly.^{4/}

Lieutenant Governor acting Governor when latter absent from the state. The 1967 Committee on Legislative Procedures considered but rejected a suggestion for amending Article IV, Section 13 to provide that the Governor remains Governor while absent from the state. Under the present provision of Section 13, the powers, duties, and emoluments of the Office of Governor devolve upon the Lieutenant Governor, either temporarily or for the residue of the Governor's term, in the event of any of the following contingencies affecting the Governor: death, impeachment, conviction of a felony or an infamous misdemeanor, failure to qualify, resignation disability, or absence from the state. It was suggested that the underlined language be stricken in order to give the Governor continuous authority over his office whether in or outside of the state, similar to the continuous authority of the President of the United States when absent from the country. The suggestion was made in view of the fact that modern communication makes it possible for the Governor to remain in constant contact with developments

^{4/} Ibid., p. 36.

within the state and modern transportation enables him to return immediately to the state if the situation requires.

Removal of Restrictions on Subjects Considered at Even-Year Sessions

Article V, Section 7 of the Colorado Constitution provides that the General Assembly shall meet in annual sessions. During odd-year sessions, the type of subject-matter legislation which may be considered is unrestricted in scope. But the present provision adopted in 1950, limits the subject-matter scope of even-year sessions to bills raising revenue, appropriations, and to subjects designated in writing by the Governor during the first ten days of the session. The Committee on Legislative Procedures considered but rejected a recommendation for removing the restrictions on even-year legislative sessions. The arguments made by committee members for removing these restrictions included the following: 1) During even-year sessions there is a great deal of inactivity in the first month of the session while the General Assembly is waiting for the Governor to submit the budget. It was noted that substantive legislation could be considered during this time. 2) Frequently, matters which do not get on the Governor's "call" are held over until the next odd-year session, which has the effect of creating an extra burden during the odd-year legislative session. 3) At times, legislation which emanates from legislative interim-studies undertaken between the first session (odd-year) and second session (even-year) are not included in the list of subjects designated by the Governor.

However, the Committee on Legislative Procedures does not recommend removing these restrictions at the present time. Committee members expressed the belief that while the growing problems of Colorado will probably require legislators to work virtually on a year-round basis, this day has not yet arrived. It is the further belief of committee members that removing subject-matter restrictions on even-year sessions at this time would unnecessarily hasten the day when full-time legislators would be required.

Holding Over Bills from First to Second Session

As a corollary of the preceding suggestion, the committee considered but rejected the idea of holding bills over from the first to second legislative sessions. If Colorado were to have a holdover provision in the Constitution, it would mean that a bill introduced in the first session would remain "alive" until the end of the second session. Thus, bills which are now killed during the first session or are pending at the end of the session might be automatically carried over for consideration at the next session. One of the principal reasons advanced for the holdover provision is that legislators would have the interim period in which to study the pending bills and confer with constituents on them.

Another reason submitted in favor of a holdover provision is that legislation which did not pass the first session would not have to be re-drafted by the Legislative Reference Office and reprinted. Some savings in the costs of legislative printing and drafting would probably result.

In rejecting this proposal, it was pointed out by committee members that the legislature during the second session would probably be burdened with a great many bills which had already been rejected on their merits during the first session and it would, therefore, be a waste of valuable legislative time in considering such bills again since their defeat would be a foregone conclusion. Moreover, similar arguments advanced against unlimited sessions could be applied to the holdover provision. For instance, the length of the second session would undoubtedly increase, which would augment the need for full-time legislators.

IV. OTHER LEGISLATIVE ITEMS CONSIDERED

In addition to subjects pertaining to procedural problems, immediate and long-range space and facility questions, and constitutional items, the Committee on Legislative Procedures considered other matters affecting the General Assembly, for which either specific recommendations are made or for which further study in the 1968 interim period is intended.

Internship Program

In accordance with a recommendation of the 1966 Committee on Legislative Procedures to institute an internship program under the auspices of the Legislative Council Office, two University of Denver senior law students were assigned to the Legislative Council Office to work with the staff during the 1967 General Assembly in order to gain a first-hand knowledge of the legislative process. The 1967 Committee on Legislative Procedures recommends that the program be discontinued under the sponsorship of the Legislative Council Office. It is recognized by the committee in making this recommendation that the relative freedom given interns to come and go as they please, as necessitated by the program's concept, tends to create morale problems among permanent Council staff members and causes some disruptions in their work.

Committee members suggest that it would be more feasible for any future internship program to be under the direct sponsorship of the General Assembly.

Legislative Administrative Services

The Committee on Legislative Procedures considered various proposals for reorganizing and improving the administrative services of the legislative department, including appointing more House and Senate staff members on a full-time basis.

Administrative services of the legislative department. The committee discussed a proposal presented by the Chief Clerk of the House for placing the general legislative administrative functions under the supervision of the Legislative Council. The Chief Clerk proposed creating a non-partisan office of administrative services to handle most of the fiscal and administrative functions of the General Assembly in order to relieve House and Senate staffs from many of the mechanical functions of the legislative department so that more time can be spent by these staffs in dealing with legislative business.

Among other advantages of the proposal, the Chief Clerk maintained, such an office would provide continuity with regard to administrative functions of the legislature. It was also suggested

that an office of administrative services would have the effect of giving the various legislative service agencies more time to perform their assigned task, i.e., bill drafting, research, statute revision, and the handling of legislation during sessions.

In the table below a break-down is given of the specific functions the suggested administrative services office would perform. The table also indicates which section or sections of the legislative department assumes these tasks at present:

Function Suggested to be Included Under <u>Administrative Services</u>	Legislative Section Currently <u>Accomplishing</u>
(1) Preparation of "Pink Book" directories	House and Senate staffs during sessions
(2) Preparation of Visitors' Booklets	House and Senate staffs during sessions
(3) Joint purchasing and maintenance of small inventory of legislative supplies	House and Senate staffs during sessions
(4) Negotiation of printing contracts for journals and session laws	Chief Clerk
(5) Preparation of budgets of legislative offices	Individual staffs of legislative offices
(6) Maintaining records to show expenditures and current cash positions of the legislative offices	Chief Clerk, largely
(7) Legislative duplicating and reproduction	Legislative Council Office
(8) Assist in legislative space problems	Legislative Council Office
(9) Preparation of payrolls for all legislative officers and legislative service employees	Individual staffs of legislative offices
(10) Preparation of legislative vouchers	Individual staffs of Legislative offices

<u>Function Suggested to be Included Under Administrative Services</u>	<u>Legislative Section Currently Accomplishing</u>
(11) Standardization of House and Senate printed forms and maintenance of running inventory of such forms	Suggested new function
(12) Assist in training new House and Senate employees	Chief Clerk and Secretary of Senate

In general, the committee believes that these suggestions have merit and should be considered. With reference to items 5 and 6 in the Table, for example, it was recognized that it might be desirable to centralize the legislative department's budgetary and accounting functions under the Legislative Council Office in order to unify and simplify the varying bookkeeping systems and provide a central location in which the budgetary data of the legislative service agencies can be obtained. It was noted that the Legislative Audit Committee, in a letter addressed to the chairman of the Committee on Legislative Procedures, dated September 5, 1967, has recommended centralizing all accounting of the General Assembly and the legislative agencies under the Legislative Council Office.

Doubt was expressed by committee members that it is necessary at this time to create a separate legislative administrative office to centralize some of the functions outlined in the above Table, such as the preparation of legislative vouchers (Item No. 10) and preparation of the "Pink Book" Directory and Visitors' Booklets (Items 1 and 2, respectively). Some committee members expressed the belief that such functions could be continued to be handled by the House and Senate administrative staffs. Moreover, some committee members feel some of the functions should remain solely within the jurisdiction of each house and, at present, no attempt should be made to unify them under the auspices of one agency. It was pointed out, for example, that many of the problems which have arisen in the past could probably be resolved if more consideration were given to improving the present system.

Definitive committee action was deferred on finding solutions to the questions raised on the administrative problems of the legislature and its service agencies until a subcommittee composed of Representative Mildred Cresswell; Senator Frank Kemp; Mrs. Comfort Shaw, Secretary of the Senate; and Mr. Henry Kimbrough Chief Clerk of the House of Representatives, could confer and report to the full committee.

The committee recognized that some of the administrative problems with regard to the Senate which develop during the interim of legislative session and which are left to be resolved immediately before and during sessions could be eliminated if the Secre-

tary of the Senate were employed on a full-time basis. To help alleviate problems prior to the 1968 session, the committee, therefore, recommended that the present Secretary of the Senate be employed full-time, commencing with November 1, 1967.

Full-time amendment clerks and chief enrolling clerks. A suggestion related to the foregoing that was made pertained to hiring in both the House and Senate, on a permanent basis, four employees -- the Amendment Clerks and the Chief Enrolling Clerks. It was suggested that as more bills are filed and printed prior to sessions, with an accompanying faster pace by the legislature in commencing work on legislation, it would become increasingly difficult for these critical technical jobs to adapt to on-the-job training as at present. While the committee agrees that more consideration should be given to this suggestion, it was also recognized that adequate office space adjacent to the legislative chambers would have to be found before any additional full-time employees could be hired. The space problem is especially critical in the Senate.

Legislative Reference Office - Commission on Uniform State Laws

It was noted by the committee that the Committee on Reorganization of the Executive Department has recommended that the Legislative Reference Office and the Commission on Uniform State Laws, both of which are presently part of the executive department, should be placed under the supervision of the General Assembly. It is also recognized by the committee that the recommended transfers cannot be effected within the mandates of Amendment No. 1 since the provisions of that amendment apply only to reorganizing those agencies which are to remain in the executive department and no provision is made for matters affecting organization of the legislative department. Therefore, the Committee on Legislative Procedures recommends that the Legislative Reference Office and the Commission on Uniform State Laws be transferred to the legislative branch and that the Legislative Council request the Governor to include this recommendation in his list of subjects to be considered by the 1968 General Assembly. (See Appendix F and G for draft bills.)

Review of Special Clauses in Bills

The Committee on Legislative Procedures discussed the possibility of eliminating or changing the following four special clauses which are contained in bills introduced in the legislature: 1) the safety clause; 2) the effective date clause; 3) the saving clause; and 4) the severability clause. The legal and constitutional ramifications of each of these special clauses are fully discussed in the Legislative Drafting Manual, Colorado Legislative Reference Office, 1966, pages 42-51. Briefly stated, these clauses may or may not be included in bills when they are drafted by the

Legislative Reference Office, depending on the nature of each bill.^{1/} The specific question raised concerning each special clause and the committee's recommendations are contained in the following discussion. Also included is a brief discussion on the committee's determination with respect to inclusion of a legislative intent clause in all bills and the drafting of bill summaries.

Safety clause. It has been the policy of the Legislative Reference Office to include a safety clause at the end of each bill drafted by that office.^{2/} As noted in the Legislative Drafting Manual the necessity for the safety clause in bills has its origins in the initiative and referendum provisions in Article V, Section 1 of the Constitution of Colorado, which provides, in part:

The second power hereby reserved is the referendum, and it may be ordered, except as to laws necessary for the immediate preservation of the public peace, health or safety, and appropriations for the support and maintenance of the department of state and state institutions, against any act, section or part of any act of the general assembly, either by a petition signed by five per cent of the legal voters or by the general assembly. Referendum petitions shall be addressed to and filed with the secretary of state not more than ninety days after the final adjournment of the session of the general assembly, that passed the bill on which the referendum is demanded....
(Emphasis added.)

The specific question raised pertained to whether it is a constitutional necessity to include a safety clause at the end of each bill or whether it would be sufficient, instead, for the General Assembly to pass a special "Safety Clause Act" at the end of each session that would apply to all those bills which the legislature does not wish to be referred to the people at the next general election. Upon review of this proposal by the Legislative Reference Office, it was determined that the Colorado Supreme Court issued an opinion in 1913 concerning the initiative and referendum provisions in Article V, Section 1, adopted on November 8, 1910. The court ruled, in effect, that a safety clause must be included in any bill which the General Assembly does not wish to be referred to the people. A portion of the ruling follows:

^{1/} Legislative Drafting Manual, Colorado Legislative Reference Office, 1966, page 42.

^{2/} Ibid.

(R)eference must again be had to the constitutional provision under consideration. It provides that the power reserved designated the "referendum," "may be ordered, except as to laws necessary for the immediate preservation of the public peace, health, or safety." Whether a law is of this character, is for the general assembly to determine, and when it so determines, by a declaration to that effect in the body of a proposed act, we are of the opinion that such declaration is conclusive upon all departments of government, and all parties, in so far as it abridges the right to invoke the referendum. Such a declaration is a part of the act, and may be passed by the majority required to pass any act" (Emphasis added)3/

It was decided by the committee that a general Safety Clause Act would not be sufficient to prevent referendum proceedings from being started on any bill passed by the General Assembly without a safety clause. Only the appropriation bills pertaining to the maintenance of the state departments and institutions are specifically excluded from the referendum provision of Article V, Section 1. The committee, therefore, recommends that the practice of adding a safety clause to all bills by the Legislative Reference Office be continued, unless the member for whom a bill is drafted requests otherwise.

Effective date clause. The question had arisen as to whether it would be possible for the General Assembly to establish a policy whereby July 1 would be made the uniform effective date of all bills passed by the General Assembly, excepting those bills in which other dates are specifically provided. July 1, as a uniform effective date of bills, could be established by a Joint Rule adopted by both houses, similar to the policy established by Joint Rule No. 21 (b), which provides that all bills are to be submitted to the Legislative Reference Office prior to their introduction in order to insure that all bills are drafted uniformly in accordance with the other provisions of that rule.

In general, the committee learned, it has been the policy of the Legislative Reference Office to confer with the sponsor of a bill and point out when the effective date would be most feasible.

3/ In Re Senate Resolution No. 4, 54 Colo. 262 (1913) pp. 270-271. Cited from p. 1 of a Memorandum to the Legislative Council Committee on Legislative Procedures, as prepared by the Legislative Reference Office.

For instance, effective dates on bills which affect state or local government, and taxation bills, where fiscal or taxable years are involved, should be made to coincide with the start of these periods. Thus, for example, bills involving the appropriation or expenditure of state moneys for state agencies should go into effect on July 1, the start of the state's fiscal year. However, since school districts in Colorado operate on a January 1 - December 31 fiscal year, a July 1 effective date on school legislation would not, in all cases, be appropriate. In other cases, which require a sufficient length of time for preparation by the persons or agencies which administer, enforce, or are governed by the provisions in a particular bill, the effective date is delayed to allow time for proper preparation and to make any necessary adjustments required by the bill. For example, records are kept by gasoline distributors on a monthly basis and in a bill calling for the immediate increase in the gasoline tax, it would be more feasible to have the bill go into effect the first day of the month following passage.

In addition to the problems mentioned, establishing July 1 as the uniform effective date on bills by Joint Rule or by a separate act would also require an amendment to Section 19 of Article V of the Constitution, which, in part, provides that:

An act of the general assembly shall take effect
on the date stated in the act, or, if no date is
stated in the act, then on its passage..."
(Emphasis added)

The committee recommends that no action at this time be taken on establishing a uniform effective date for all bills.

Saving clause. Since the provisions of a bill take effect on the effective date stated in the bill or on its passage, as the case may be, there are occasions when a new statute would affect existing rights, obligations, and procedures and it is necessary to provide for their exclusion or to be "saved" from the provisions of the new statute in order to avoid possible ex post facto or retroactive results.

Saving clauses are of two types. Section 135-1-7, C.R.S. 1963, for example, provides a general saving clause with respect to "saving" existing penalties or liabilities which might be affected by a new statute:

135-1-7. Penalties and liabilities not released by repeal. The repeal, revision, amendment or consolidation of any statute or part of a statute or section or part of a section of any statute, shall not have the effect to release, extinguish, alter, modify or change in whole or in part any penalty, forfeiture or liability, either civil or criminal, which shall have been

incurred under such statute, unless the repealing, revising, amending or consolidating act shall so expressly provide; and such statute or part of a statute or section or part of a section of a statute so repealed, amended or revised, shall be treated, and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings and prosecutions, as well criminal as civil, for the enforcement of such penalty, forfeiture or liability, as well as for the purpose of sustaining any judgment, decree or order which can or may be rendered, entered or made in such actions, suits, proceedings or prosecutions imposing, inflicting or declaring such penalty, forfeiture or liability.

However, the general statutory saving clause is frequently not adequate in proposed legislation, in which case it is necessary to insert a specific saving clause worded to fit the requirements of a particular bill.

Specifically in question is whether it is necessary to include these specific saving clauses in bills. The committee, in general, believes that the inclusion of saving clauses in bills should continue to be a matter for either the Legislative Reference Office or the sponsor to decide. It was recognized that such clauses should continue to be included in bills in order to overcome constitutional and legal problems which might arise if only the general saving clause is relied upon, i.e., Section 135-1-7, C.R.S. 1963 (cited above).

Severability clause. Defined in general terms, a severability clause provides that if any particular part of a statute is declared unconstitutional, the remaining parts of the statute shall not be affected by the ruling. As in the case of the saving clause provisions, both general and specific severability provisions are used to make unconstitutional sections of acts severable from the valid provisions. A general severability provision, applying to possible unconstitutional sections in any bill passed by the legislature, is found in Section 135-1-5, C.R.S. 1963, which provides the following:

135-1-5. Severability of statutes. If any provision of a statute is found by a court of competent jurisdiction to be unconstitutional, the remaining provisions of the statute are valid, unless it appears to the court that the valid provisions of the statutes are so essentially and inseparably connected with, and so dependent upon, the void provision that it cannot be presumed the legislature would have enacted the valid provisions without the void one; or unless the court determines that the valid

provisions, standing alone, are incomplete and are incapable of being executed in accordance with the legislative intent. (Emphasis added)

The committee devoted considerable time to discussing whether the above general statutory provision may be sufficient in itself and whether specific severability clauses in bills by some legislators and draftsmen can be eliminated. Specific severability clauses are included in some acts because the Colorado Supreme Court, in ruling on the validity of certain acts or sections of acts, has considered whether a severability clause was included by the General Assembly.^{4/} In In Re Questions of the Governor, 55 Colo. 17, the Supreme Court, in upholding the validity of an entire act, took notice of the fact that the General Assembly had included in the legislation in question a severability clause which declared that every section or part thereof was considered independent of every other section or part thereof for purposes of severability. However, in Mountain States Telephone and Telegraph Co. v. Animas Mosquito Control District, 152 Colo. 73, the Supreme Court in 1963 held a provision in a statute to be invalid and severable from the rest of the statute because the specific exemption contained in the invalid section was in violation with Article V, Section 25 of the Constitution which prohibits special legislation. Since no severability clause was included in the bill, the Supreme Court cited a general principle in holding the invalid provision severable, namely, the rest of the statute was not wholly dependent upon the unconstitutional section and could, therefore, stand independently.

The problem raised by these cases is of a dual nature. First, as manifested by the 1963 Animas Mosquito Control District case, the Supreme Court made no reference to the general severability of statutes provision of Section 135-1-5, which was passed by the General Assembly in 1953, though the decision on severability did coincide with the provision of Section 135-1-5. It might be that the Supreme Court was not aware that the General Assembly intended Section 135-1-5 to apply to all acts of the legislature. Certainly, the possible confusion on what statutes this section includes is borne out in a letter addressed to the Committee on Legislative Procedures on the severability problem. In the letter, dated October 10, 1967, Mr. Thomas B. Faxon of the law offices of Dawson, Nagel, Sherman & Howard, wrote the following:

While such was probably the intent, the history of the provision Section 135-1-5 at least suggests it may have been meant to apply only to legislation of a general nature appearing in the 1953 and 1963 codes as amended. It was

^{4/} Legislative Drafting Manual, op. cit., p. 46.

apparently added by the compiler as a part of the general construction provisions of Colorado Revised Statutes 1953, and as such, initially adopted by reference in Chapter 63, Session Laws of Colorado 1953.

A second problem concerns the confusion which results with respect to the General Assembly's intent when severability clauses are inserted in some acts and not in others. Examples of when the inclusion of a severability clause in any bill is desired and when one is not considered necessary or is not desired were supplied by Mr. James G. Willson, Jr., of the law firm of Tallmadge, Tallmadge, Willson, & Lamm, in a letter dated August 28, 1967, addressed to the committee. Mr. Willson wrote:

It is very difficult to indicate a general attitude toward severability clauses in our field of municipal bond law. In many of the District laws, such as C.R.S. 1963, 89-3 (Metropolitan Districts) and 89-5 (Water and/or Sanitation Districts), creation of a governmental or quasi-governmental entity is authorized. These should definitely be severable. The results of non-severability would be to void such entities already operating and indebted.

On the other hand certain other types of legislative acts should stand or fall in their entirety. This would be particularly true in a situation where a power is granted subject only to certain limitations. If the limitations were declared invalid it would expand the power beyond the original intent.

While it might be unlikely for an entire act of the legislature to be declared by a court to be invalid if one independent portion thereof is held to be unconstitutional, it is possible that the inconsistent policy displayed by the General Assembly could create problems. For instance, a court might construe the presence of a severability clause in some bills as a clear legislative declaration that the act in question is severable, while, on the other hand, the absence of a severability clause in other acts might be interpreted as meaning that the legislature, in its silence, intended the entire act to be invalid if any particular portion is found unconstitutional. This problem was pointed out by both Mr. Faxon and Mr. Willson in their letters addressed to the committee. Mr. Willson wrote:

The real problem occurring in our drafting of legislation has been that many others have continued to use the severability clause in various Acts, even though the general severability Act would seem to make it unnecessary.

Therefore, when we omit the clause in drafting, we stand the very real chance of having a Court decide that since it was omitted it wasn't intended.

Mr. Wilson suggested that the problem could be overcome by stating that, "In our particular field it would probably be just as well to merely state the specific intent in each Act. This would allow the greater flexibility we might require."

Mr. Faxon wrote:

A total lack of any applicable severability clause can raise serious problems. Our concern is with such cases as Aurora v. Mitchell, 144 Colo. 526, 357 P. 2d 923 (1960), construing an ordinance, and with the rule of construction which as recently as 1964 has been stated by one of the text writers as follows:

"Absent a legislative declaration that invalidity of a portion of the statute shall not affect the remainder, the presumption is that the legislature intended the act to be effective as an entirety or not at all." 16 Am. Jr. 2d 420, § 188."

The rule as so stated is, of course, only a canon of construction and courts tend to find such presumptions readily rebuttable where they will give rise to disturbing results. There is also, even with the authority just quoted, general language which suggests the courts have a duty to sever independent provisions even in the absence of a severability clause. Certainly the Colorado Supreme Court was so disposed in the difficult case of the Mountain States Telephone and Telegraph Company v. Animas Mosquito Control District, 152 Colo. 73, 380 P. 2d 560 (1963), where it took no recognition of the above-quoted canon and avoided the earth-shaking result of invalidating the Colorado Water and Sanitation District Law.

Mr. Faxon suggested that he personally believes that "The language of Section 135-1-5 is entirely satisfactory. Nevertheless, I should like to have consideration given to its readoption as a provision clearly applicable to all acts passed by the General Assembly."

Various other proposals were suggested by committee members to overcome the problems of severability. It was suggested, for

example, that provisions concerning the use of a "reverse severability" clause could be enacted in addition to the present general severability clause. The use of a reverse severability clause in any Act would supply the courts with a general legislative declaration that if one part of that Act is declared unconstitutional, the entire Act should be deemed to be invalid. Under such a proposal, the legislature would not include a severability clause in any Act it intends to be severable and, if it does not so intend, it would include in the Act a reverse severability clause.

Another suggestion would be to bring the existence of the general severability provision contained in Section 135-1-5 to the courts' attention by a reaffirmation of the General Assembly's intent that Section 135-1-5 applies to all statutes passed by the legislature. Another solution to the problem would be to exclude henceforth a specific severability provision from all bills, thereby forcing the courts to consider Section 135-1-5.

In view of the problems posed by severability of statutes and the various alternative solutions suggested, the committee recommends that this problem be deferred for purposes of continued study.

Legislative intent clause - bill summaries. The question as to whether legislative intent clauses should be added to all bills to help clarify the specific and general intent of legislation was deferred by the committee for further study. It was suggested by committee members that intent clauses might be necessary in all bills so as to reveal the General Assembly's intent in all legislation, which, by itself, is not always sufficiently clear to the courts and those affected by the legislation.

Also deferred for further study was whether a summary of each bill, not to be construed as part of a bill, should also be included to demonstrate legislative intent.

APPENDIX A

SENATE RULES FOR COMMITTEES OF REFERENCE

- I. (a) The committees of reference of the Senate shall meet at the times and places specified in the Schedule of Committee Meetings adopted by the Senate at the beginning of each regular session of the General Assembly.

(b) A committee of reference may hold a special committee meeting at a time and place other than is provided in the Schedule of Committee Meetings, provided the chairman publicly announces the special meeting to the Senate as much in advance of the actual meeting as possible and provided the announcement is made while the Senate is in actual session.

(c) If a regularly scheduled committee meeting is cancelled, the chairman shall announce such cancellation while the Senate is in actual session prior to the time the meeting is scheduled to take place.
- II. A majority of the members of each committee of reference shall constitute a quorum.
- III. Proxies, either written or oral, shall not be permitted for any purpose.
- IV. No final committee action shall be taken upon a measure unless the chairman of the committee of reference shall announce on the floor of the Senate the measures that are to be considered at least one calendar day previous to the scheduled meeting at which the measures are to be considered.

The numbers of the measures so announced shall be printed in the subsequent daily calendar of the Senate. Failure of the chairman to make such announcement shall not preclude the committee of reference from taking any action on a measure if such action shall receive a favorable vote of a majority of the members of the committee.

- V. The chairman of each committee of reference shall determine the order of business for each committee meeting, including the measures that will be considered at each meeting. However, at least seven days after a measure has been delivered to the chairman, upon the request of a majority of all members of the committee of reference that a specific measure be considered, such request to be made at a regularly scheduled committee meeting, the chairman of the committee shall announce such fact, have it listed on the subsequent daily calendar of the Senate, and schedule such measure for consideration at the next regularly scheduled meeting of the committee.
- VI. After a committee of reference has taken its final action on a measure, the chairman of the committee shall make a report of such action to the Secretary of the Senate within three legislative days. Final action shall consist of reporting a measure out of committee, with or without amendments, for consideration by the committee of the whole, a recommendation for reference to another committee of reference, or postponing the measure indefinitely. A motion to postpone

consideration of a measure for more than 30 days shall be considered a motion to postpone indefinitely.

- VII. The staff assistant assigned to each committee of reference shall be responsible to the chairman of the committee for the proper preparation of all reports.
- VIII. Upon receipt of a measure by the chairman of a committee of reference, he shall be responsible for the safekeeping of the measure, but he may give custody of the measure to a staff assistant.
- IX. The chairman of a committee of reference shall have the right to vote on every question coming before the committee.
- X. If a member of a committee of reference is absent from three consecutive scheduled committee meetings without being excused, the committee chairman shall report such fact to the floor leader of the party to which the member belongs.
- XI. A recommendation of any committee of reference to amend a measure shall not become an integral part of the measure in question until adopted by the committee of the whole.

HOUSE RULES FOR COMMITTEES OF REFERENCE

- I. (a) The committees of reference of the House shall meet at the times and places specified in the Schedule of Committee Meetings adopted by the House at the beginning of each regular session of the General Assembly.

(b) A committee of reference may hold a special committee meeting at a time and place other than is provided in the Schedule of Committee Meetings, provided the chairman publicly announces the special meeting to the House as much in advance of the actual meeting as possible and provided the announcement is made while the House is in actual session.

(c) If a regularly scheduled committee meeting is cancelled, the chairman shall announce such cancellation while the House is in actual session prior to the time the meeting is scheduled to take place.
- II. A majority of the members of each committee of reference shall constitute a quorum.
- III. Proxies, either written or oral, shall not be permitted for any purpose.
- IV. No final committee action shall be taken upon a measure unless the chairman of the committee of reference shall announce on the floor of the House the measures that are to be considered at least one calendar day previous to the scheduled meeting at which the measures are to be considered.

The numbers of the measures so announced shall be printed in the subsequent daily calendar of the House. Failure of the chairman to make such announcement shall not preclude the committee of reference from taking any action on a measure if such action shall receive a favorable vote of a majority of the members of the committee.

V. The chairman of each committee of reference shall determine the order of business for each committee meeting, including the measures that will be considered at each meeting. However, at least seven days after a measure has been delivered to the chairman, upon the request of a majority of all members of the committee of reference that a specific measure be considered, such request to be made at a regularly scheduled committee meeting, the chairman of the committee shall announce such fact, have it listed on the subsequent daily calendar of the House, and schedule such measure for consideration at the next regularly scheduled meeting of the committee.

VI. After a committee of reference has taken its final action on a measure, the chairman of the committee shall make a report of such action to the Chief Clerk of the House within three legislative days. Final action shall consist of reporting a measure out of committee, with or without amendments, for consideration by the committee of the whole, a recommendation for reference to another committee of reference, or postponing the measure indefinitely. A motion to postpone

consideration of a measure for more than 30 days shall be considered a motion to postpone indefinitely.

- VII. The staff assistant assigned to each committee of reference shall be responsible to the chairman of the committee for the proper preparation of all reports.
- VIII. Upon receipt of a measure by the chairman of a committee of reference, he shall be responsible for the safekeeping of the measure, but he may give custody of the measure to a staff assistant.
- IX. The chairman of a committee of reference shall have the right to vote on every question coming before the committee.
- X. If a member of a committee of reference is absent from three consecutive scheduled committee meetings without being excused, the committee chairman shall report such fact to the floor leader of the party to which the member belongs.
- XI. A recommendation of any committee of reference to amend a measure shall not become an integral part of the measure in question until adopted by the committee of the whole.

APPENDIX B

BY SENATORS ARMSTRONG
AND OLIVER

SENATE BILL NO. 193

A BILL FOR AN ACT

1 PROVIDING FOR THE ESTABLISHMENT OF LEGISLATIVE PRE-SESSION
2 ORIENTATION CONFERENCES UNDER THE SPONSORSHIP OF THE
3 LEGISLATIVE COUNCIL.

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

5 SECTION 1. Article 4 of chapter 63, Colorado Revised
6 Statutes 1963, is amended BY THE ADDITION OF A NEW SECTION
7 63-4-10 to read:

8 63-4-10. Legislative council to conduct pre-session ori-
9 entation conference. After each general election the legisla-
10 tive council shall conduct a pre-session orientation conference
11 for members and members-elect of the general assembly. The
12 legislative council shall have the authority to reimburse mem-
13 bers and members-elect invited to such conference for their
14 actual and necessary expenses incurred while participating in
15 such conference.

16 SECTION 2. Safety clause. The general assembly hereby
17 finds, determines, and declares that this act is necessary for
18 the immediate preservation of the public peace, health, and
19 safety.

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APPENDIX C

SUBJECT INDEX OF BILLS INTRODUCED

FORTY-SIXTH GENERAL ASSEMBLY FIRST REGULAR SESSION

CUMULATIVE THROUGH JAN 10, 1967

TION	ABATEMENT AND CONTROL OF WATER POLLU	HB 1004 FENT
SOLICITATION AND	ACCEPTANCE OF FUNDS FROM PUBLIC	HB 1014 MONF
	ADOPTION OF ADULTS	HB 1002 KLEI
ADOPTION OF	ADULTS	HB 1002 KLEI
EDURES IN VALUATION AND	ASSESSMENT	HB 1019 BURC
ND ASSESSMENT	ASSESSOR - PROCEDURES IN VALUATION A	HB 1019 BURC
	ASSESSOR - TAX WARRANT AVAILABLE	HB 1003 MONF
SALARIES OF DISTRICT	ATTORNEYS AND DEPUTIES	HB 1020 KLEI
ATION AND REGULATION OF	BANKING	HB 1015 MONF
FERMENTED MALT	BEVERAGES - DECISION REVIEW	HB 1024 KLEI
ROHIBITING OPERATION OF	BOTTLE CLUBS	HB 1023 KLEI
	CHILDRENS CODE	HB 1001 KLEI
MAJOR DISASTER INCLUDES	CIVIL DISTURBANCE	HB 1010 MONF
ING OPERATION OF BOTTLE	CLUBS	HB 1023 KLEI
AND REGULATION OF MOTOR	CLUBS ETC	HB 1013 MONF
CHILDRENS	CODE	HB 1001 KLEI
AMENDING	COLD GROUND WATER MANAGEMENT ACT	HB 1007 BURC
ABATEMENT AND	COLD STATE PATROL - EMERGENCY POWERS	HB 1009 MONF
ITAL AND HEALTH SERVICE	CONTROL OF WATER POLLUTION	HB 1004 FENT
SALARIES OF JUDGES OF	CORPORATIONS	HB 1012 MONF
REGULATING	COURTS OF RECORD	HB 1021 KLEI
PENALTY FOR	CREDIT LIFE AND HEALTH INSURANCE	HB 1016 MONF
DISTRICT ATTORNEYS AND	CRIME OF JOYRIDING	HB 1022 KLEI
MAJOR	DEPUTIES	HB 1020 KLEI
GOVERNORS AUTHORITY IN	DISASTER INCLUDES CIVIL DISTURBANCE	HB 1010 MONF
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MOTOR VEHICLE	DISTRICT ATTORNEYS AND DEPUTIES	HB 1020 KLEI
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TAX	EMERGENCY POWERS	HB 1009 MONF
REVIEW	EXEMPT PROPERTY - EFFECTIVE DATE	HB 1017 MCNE
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ATION AND ACCEPTANCE OF	FREEPORT MERCHANDISE	HB 1018 BURC
EF	FUNDS FROM PUBLIC	HB 1014 MONF
AMENDING COLD	GOVERNORS AUTHORITY IN DISASTER RELI	HB 1008 MONF
ULATING CREDIT LIFE AND	GROUND WATER MANAGEMENT ACT	HB 1007 BURC
N - PROFIT HOSPITAL AND	HEALTH INSURANCE	HB 1016 MONF
IONS	HEALTH SERVICE CORPORATIONS	HB 1012 MONF
MOTOR VEHICLE	HOSPITAL AND HEALTH SERVICE CORPORAT	HB 1012 MONF
INSPECTION	INSURANCE	HB 1005 FRIE
CREDIT LIFE AND HEALTH	INSURANCE	HB 1016 MONF
URPLUS REQUIREMENTS	INSURANCE COMPANIES - UNENCUMBERED S	HB 1011 MONF
PENALTY FOR CRIME OF	JOYRIDING	HB 1022 KLEI
SALARIES OF	JUDGES OF COURTS OF RECORD	HB 1021 KLEI
MOTOR VEHICLE DRIVERS	LICENSES	HB 1006 NEAL
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UBS ETC	LICENSING AND REGULATION OF MOTOR CL	HB 1013 MONF
REGULATING CREDIT	LIFE AND HEALTH INSURANCE	HB 1016 MONF
BANCE	LIQUOR LICENSES - DECISION REVIEW	HB 1025 KLEI
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PROPERTY TAX - FREEPORT	MALT BEVERAGES - DECISION REVIEW	HB 1024 KLEI
NSING AND REGULATION OF	MERCHANDISE	HB 1018 BURC
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PROHIBITING	MOTOR VEHICLE INSPECTION	HB 1005 FRIE
NG	NON - PROFIT HOSPITAL AND HEALTH SER	HB 1012 MONF
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NI AND CONTROL OF WATER	PENALTY FOR CRIME OF JOYRIDING	HB 1022 KLEI
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ORGANIZATION AND	REGULATION OF BANKING	HB 1015 MONF
LICENSING AND	REGULATION OF MOTOR CLUBS ETC	HB 1013 MONF
UOR LICENSES - DECISION	REVIEW	LIQ HB 1025 KLEI
LT BEVERAGES - DECISION	REVIEW	FERMENTED MA HB 1024 KLEI
EPUTIES	SALARIES OF DISTRICT ATTORNEYS AND D	HB 1020 KLEI
RD	SALARIES OF JUDGES OF COURTS OF RECO	HB 1021 KLEI
FROM PUBLIC	SOLICITATION AND ACCEPTANCE OF FUNDS	HB 1014 MONF
PROPERTY	TAX - FREEPORT MERCHANDISE	HB 1018 BURC
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SSESSOR - PROCEDURES IN	UNENCUMBERED SURPLUS REQUIREMENTS	HB 1011 MONF
MOTOR	VALUATION AND ASSESSMENT	A HB 1019 BURC
MOTOR	VEHICLE DRIVERS LICENSES	HB 1006 NEAL
ASSESSOR - TAX	VEHICLE INSPECTION	HB 1005 FRIE
AMENDING COLO GROUND	WARRANT AVAILABLE	HB 1003 MONF
BATEMENT AND CONTROL OF	WATER MANAGEMENT ACT	HB 1007 BURN
	WATER POLLUTION	A HB 1004 FENT

APPENDIX D

WHEREAS, The Division of Purchasing and the Office of Economic Opportunity have been removed from the Capitol Building and the vacated space has been converted to legislative committee rooms; and

WHEREAS, Arrangements have been made to remove the Multigraph Department and the Division of Accounts and Control from the Capitol Building; and

WHEREAS, The judicial and legislative branches of the state government are in need of additional space in the Capitol Building; now, therefore,

Be It Resolved by the Senate of the Forty-sixth Colorado General Assembly, the House of Representatives concurring herein:

1) That the entire ground floor of the Capitol Building, exclusive of the area currently occupied by the Office of State Treasurer, the area on the first floor currently occupied by the Division of Accounts and Control, and the entire south wing of the second and third floors, exclusive of rooms 322 through 329, shall be reserved for use of the General Assembly;

2) That it is the intent of the General Assembly to locate the Revisor of Statutes in Rooms 32 and 33; the Legislative Council in Rooms 34, 35, 36, 38, 39, and 40; the Legislative Reference Office in Rooms 25, 29, and 30; the Legislative Council Print Office in Rooms 6 and 10; the State Auditor in Rooms 142, 143, 144, and 146; and that the East Wing of the ground floor plus Room 12 shall be used for legislative committee rooms; the Judicial Administrator

in Rooms 322, 323, 324, 325, and 329; the Court Reporter in Room 312; and that Rooms 1, 2, 3, 4, 5, 7, 43, 44, 45, 46, 47, 337, 338, 339, 340, and 341 be reserved for other legislative requirements;

3) That the Division of Public Works, in consultation with the Committee on Legislative Procedures of the Legislative Council, shall prepare plans, specifications, and the budget request necessary to accomplish the above objectives prior to the 1969 session of the General Assembly;

4) That an appropriation be made to the legislative department early in the 1968 session to carry out the objectives outlined above.

APPENDIX E

WHEREAS, S.U.A., Inc. has submitted a proposed long range plan for the development of the Capitol Complex area; and

WHEREAS, There is a considerable difference of opinion among the three branches of government as to the future space needs of the respective branches and to the priorities that should be given each branch; and

WHEREAS, There is a divergence of opinion concerning the location of state agencies in a centralized or decentralized plan, and concerning the advisability of leasing as opposed to constructing buildings for state use; and

WHEREAS, It is essential that a sound state policy be developed to properly house the numerous functions of state government; now, therefore,

Be It Resolved by the Senate of the Forty-sixth Colorado General Assembly, the House of Representatives concurring herein:

1) That the Legislative Council direct its Committee on Legislative Procedures to review the S.U.A., Inc. report concerning the development of the Capitol Complex area and other alternative solutions to the problems of housing state government and the committee shall submit a recommended long range policy for consideration by the General Assembly in its 1969 session, including means for financing such a long range plan;

2) That pending the development and adoption of such a long range plan no further action should be taken to implement the recommendations of S.U.A., Inc.

APPENDIX F
Second Regular Session

Forty-sixth General Assembly

STATE OF COLORADO

A BILL FOR AN ACT

1 CREATING THE LEGISLATIVE DRAFTING OFFICE UNDER THE LEGISLATIVE
2 DEPARTMENT OF THE STATE GOVERNMENT.

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

4 SECTION 1. Article 3 of chapter 63, Colorado Revised Stat-
5 utes 1963, is REPEALED AND RE-ENACTED, WITH AMENDMENTS, to read:

6 63-3-1. Legislative declaration - office created. In order
7 to provide a service which will improve the statement of laws
8 by assisting in the skillful drafting of laws; which will bring
9 about the more scientific preparation of laws by making the best
10 technical advice and information more readily available to legis-
11 lators, the governor, and others; which will reduce the number
12 of laws by promoting the careful consideration of bills before
13 their presentation to the general assembly; a legislative draft-
14 ing office, hereinafter referred to as "office", is hereby estab-
15 lished as a part of the legislative department of the state gov-
16 ernment.

17 63-3-2. Legislative drafting committee - creation. (1)
18 There is hereby created a legislative drafting committee, here-
19 inafter referred to as "committee", which shall supervise and
20 direct the operation of the office. The membership of the com-
21 mittee shall consist of four senators, two from each major

1 political party, to be appointed by the president of the senate
2 with the approval of a majority of the members elected to the
3 senate, and four representatives, two from each major political
4 party, to be appointed by the speaker of the house of representa-
5 tives with the approval of a majority of the members elected to
6 the house of representatives. Appointments to the committee
7 shall be made no later than sixty days after the convening of
8 the first regular session of the general assembly held in each
9 odd-numbered year. Membership on the committee shall terminate
10 with the appointment of a member's successor or upon the termina-
11 tion of a member's term of office in the general assembly, which-
12 ever occurs first, and any member may be appointed to succeed
13 himself on the committee. Vacancies in the committee's member-
14 ship shall be filled in the same manner as original appointments
15 except that the approval of the members elected to the general
16 assembly is not necessary if any such appointment is made when
17 the general assembly is not in session.

18 (2) The committee shall select a chairman and vice-chairman
19 from among its membership. The committee may meet as often as
20 may be necessary, but it shall meet at least twice in each cal-
21 endar year.

22 (3) Members of the committee shall be reimbursed for neces-
23 sary expenses in connection with the performance of their duties,
24 and shall be paid the same per diem as other members of interim
25 committees in attendance at meetings.

26 63-3-3. Function of committee. (1) (a) It shall be the
27 function of the committee:

28 (b) To appoint a director of the office who shall be an
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1 attorney at law, and who shall be responsible to the committee
2 for the administration of the office, and to approve the ap-
3 pointment, by such director, of such attorneys at law, technical,
4 and clerical personnel as may be necessary for the efficient
5 operation of the office. The director and all employees of the
6 office shall be appointed without regard to party affiliation, and
7 solely on the basis of their ability to perform their duties.
8 The committee shall fix the compensation of all personnel so em-
9 ployed.

10 (c) To continually review the operation and activities of the
11 office; to coordinate the functions of the office with other legis-
12 lative service agencies of the state; and to permit any member of
13 the general assembly to attend any of the meetings of the committee
14 and to present his views on any of the activities of the office.

15 63-3-4. Duties of office. (1) (a) The office shall:

16 (b) Upon the request of any member of the general assembly
17 or the governor, draft or aid in drafting legislative bills,
18 resolutions, memorials, amendments thereto, conference reports,
19 and such other legislative documents and papers as may be re-
20 quired in the legislative process;

21 (c) Prepare a digest of laws enacted by the general assem-
22 bly, and approved or vetoed by the governor, immediately upon
23 the adjournment of any regular or special session;

24 (d) In interims between sessions of the general assembly,
25 prepare drafts of proposed legislation for legislative interim
26 committees appointed by the legislative council or otherwise;

27 (e) Prepare, at the request of any legislative committee,
28 summaries of existing laws affected by proposed legislation,
29 compilations of laws in other states relating to the subject

1 matter of such legislation, and statements on the operation and
2 effect of such laws;

3 (f) Keep on file records concerning legislative bills and
4 the proceedings of the general assembly with respect to such
5 bills; subject indexes of bills introduced at each session of
6 the general assembly; files on each bill prepared for members
7 of the general assembly and the governor; and such documents,
8 pamphlets, or other literature relating to proposed or pending
9 legislation, without undue duplication of material contained in
10 the office of the legislative council or in the supreme court
11 library. All such records and documents shall be made available
12 in the office at reasonable times to the public for reference
13 purposes, unless such records shall be classed as confidential
14 under this article;

15 (g) Cooperate with legislative drafting offices or corres-
16 ponding services of other states, and with other legislative
17 drafting service agencies, either public or private.

18 63-3-5. Requests for drafting bills - confidential nature
19 thereof - lobbying for bills. All requests made to the office
20 for the drafting of bills shall be submitted, either in writing
21 or orally, by the legislator, or the governor or his representa-
22 tive, making the request, with a general statement respecting
23 the policies and purposes which the person making the request
24 desires the bill to accomplish. The office shall draft each bill
25 to conform to the purposes so stated or to supplementary instruc-
26 tions of the person making the original request. Prior to the
27 introduction of a bill in the general assembly, no employee of
28 the office shall reveal to any person outside the office the

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1 contents or nature of such bill except with the consent of the
2 person making the request, nor shall any employee of the office
3 lobby, personally or in any other manner, directly or indirectly,
4 for or against any pending legislation before the general assembly.

5 63-3-6. Use of supreme court library. The librarian of the
6 supreme court library shall facilitate the work of the office by
7 permitting the liberal withdrawal of materials and data there-
8 from, subject to such reasonable rules as may be necessary for
9 the proper operation of the library.

10 63-3-7. Office space in capitol - office hours. (1) The
11 office shall be provided with suitable office space in the state
12 capitol, so situated as to be convenient for the members of the
13 general assembly. Throughout the year, the office shall be kept
14 open during the hours prevailing in other offices in the state
15 capitol, and at such other times in order to efficiently serve
16 the general assembly.

17 (2) Adequate appropriations shall be made to carry out the
18 purposes of this article, to be included in the appropriation to
19 the legislative department. The state controller is authorized
20 and directed to draw warrants monthly in payment of the salaries
21 of personnel, and in payment of expenditures of the office, on
22 vouchers signed by the chairman of the committee.

23 SECTION 2. Repeal. 3-9-2 (1) (d), Colorado Revised Stat-
24 utes 1963, is repealed.

25 SECTION 3. Effective date. This act shall take effect
26 July 1, 1968.

27 SECTION 4. Transfer of employees and property of legisla-
28 tive reference office - name change. (1) On July 1, 1968, all

1 employees of the legislative reference office who were employed
2 in said office on an annual or permanent basis shall be trans-
3 ferred to the legislative drafting office, to perform such
4 duties and functions as shall be assigned to them by the com-
5 mittee. Such employees shall retain all accrued rights to retire-
6 ment and annual and sick leave benefits under the laws of the
7 state and their service shall be deemed to have been continuous
8 in such transfer.

9 (2) On July 1, 1968, all property, including office fur-
10 niture and fixtures, books, documents, and records of the legis-
11 lative reference office shall be transferred to the legislative
12 drafting office.

13 (3) On July 1, 1968, and thereafter any reference to the
14 legislative reference office in the statutes of this state is
15 intended to be and shall be a reference to the legislative draft-
16 ing office, it being the intent of the general assembly to sub-
17 stitute the legislative drafting office for the legislative
18 reference office.

19 SECTION 5. Safety clause. The general assembly hereby
20 finds, determines, and declares that this act is necessary for
21 the immediate preservation of the public peace, health, and
22 safety.

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APPENDIX G
Second Regular Session

Forty-sixth General Assembly

STATE OF COLORADO

A BILL FOR AN ACT

1 CONCERNING THE COMMISSIONERS ON UNIFORM STATE LAWS, AND PROVIDING
2 FOR THEIR APPOINTMENT, POWERS, AND DUTIES UNDER THE LEGIS-
3 LATIVE DEPARTMENT OF STATE GOVERNMENT.

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

5 SECTION 1. Chapter 63, Colorado Revised Statutes 1963, as
6 amended, is amended BY THE ADDITION OF A NEW ARTICLE 7 to read:

7 ARTICLE 7

8 COMMISSIONERS ON UNIFORM STATE LAWS

9 63-7-1. Commissioners appointed - duties. (1) (a) The
10 members of the legislative drafting committee, appointed pursuant
11 to section 63-3-2, C.R.S. 1963, as amended, who are also members
12 of the bar of the state of Colorado, shall, during their term of
13 office as members of said legislative drafting committee, be the
14 commissioners on uniform state laws from the state of Colorado.
15 In addition, the legislative drafting committee may appoint addi-
16 tional commissioners on uniform state laws from this state, who
17 shall be residents of this state and members of the bar of this
18 state. Such additional commissioners shall be appointed for
19 terms of six years each and may be appointed to succeed them-
20 selves. Vacancies in office of such additional commissioners
21 shall be filled by appointment by the said committee for the

1 unexpired terms.

2 (b) Life members of the national conference of commissioners
3 on uniform state laws, appointed pursuant to the constitution
4 thereof, shall be permitted to vote with the commissioners from
5 this state in any vote by states at such national conference.

6 (2) It shall be the duty of each commissioner to examine
7 the subjects of legislation upon which uniformity among the states
8 shall be deemed desirable and practicable and to ascertain the
9 best means to effect uniformity in laws among the states. Each
10 commissioner may represent the state of Colorado in the national
11 conference of commissioners on uniform state laws each year and
12 at other meetings of like commissioners of other states for the
13 consideration and recommendation of bills for uniform laws to be
14 submitted to the several state legislatures for their action, and
15 devise and recommend such other courses of action as he shall deem
16 best suited to accomplish the purpose of this article.

17 63-7-2. Compensation - expenses. No commissioner shall re-
18 ceive any compensation for his services as such; but, each com-
19 missioner shall be reimbursed for his actual traveling and sub-
20 sistence expenses incurred and paid by him in the discharge of his
21 duties as a commissioner. Such reimbursement shall be by warrants
22 drawn by the controller pursuant to law, upon funds appropriated
23 to the legislative department for such purposes.

24 63-7-3. Reports and recommendations. The commissioners
25 shall prepare and transmit a report and their recommendations to
26 the general assembly on or before January 1 of each year, concern-
27 ing subjects of legislation upon which uniformity among the states
28 may be deemed desirable, and concerning the proceedings and

1 recommendations of the most recent meeting of the said national
2 conference of commissioners on uniform state laws.

3 63-7-4. Terms of present commissioners terminated. The
4 term of office of each person serving as a commissioner on uni-
5 form state laws on the effective date of this article shall
6 terminate on such effective date, but nothing in this article
7 shall be construed to prevent the reappointment of any or all of
8 such commissioners by the legislative drafting committee pur-
9 suant to section 63-7-1.

10 SECTION 2. Repeal. Article 2 of chapter 135, Colorado
11 Revised Statutes 1963, as amended, is repealed.

12 SECTION 3. Effective date. This act shall take effect on
13 July 1, 1968.

14 SECTION 4. Safety clause. The general assembly hereby
15 finds, determines, and declares that this act is necessary for
16 the immediate preservation of the public peace, health, and
17 safety.

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