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0140 Legislative Procedures in Colorado – Part III

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no 140

Report to the Colorado General Assembly:

LEGISLATIVE PROCEDURES

IN COLORADO

PART III



COLORADO LEGISLATIVE COUNCIL

RESEARCH PUBLICATION NO. 140

DECEMBER 1968

LEGISLATIVE COUNCIL
OF THE
COLORADO GENERAL ASSEMBLY

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C. P. (Doc) Lamb,
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Ray Black
Joseph V. Calabrese
Carl H. Gustafson
Ben Klein
John Vanderhoof, Speaker
Raymond E. Wilder

Senators

Floyd Oliver,
Vice Chairman
Fay DeBerard
Frank Kemp, Jr.
Vincent Massari
Ruth S. Stockton
Mark Hogan,
Lt. Governor

* * * * *

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

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

LEGISLATIVE PROCEDURES IN COLORADO
PART III

Legislative Council
Report To The
Colorado General Assembly

Research Publication No. 140
December, 1968

COLORADO GENERAL ASSEMBLY



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LEGISLATIVE COUNCIL

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

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REP. BEN KLEIN
REP. RAY BLACK
REP. JOSEPH CALABRESE
REP. CARL GUSTAFSON
REP. RAYMOND WILDER

December 9, 1968

To Members of the Forty-seventh Colorado General Assembly:

In accordance with the provisions of Senate Joint Resolution No. 42, 1967 session, and Senate Joint Resolution No. 3, 1968 session, the Legislative Council submits for your consideration the accompanying report on legislative procedures and a long-range space and building program for state agencies in the Capitol Complex.

The committee appointed by the Legislative Council to conduct these studies reported its findings and recommendations to the Council on December 9, 1968, and the Council adopted the report at that time for transmission with favorable recommendation to members of the Forty-seventh General Assembly.

Respectfully submitted,

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

CPL/pw

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REP. CARL GUSTAFSON
REP. RAYMOND WILDER

December 9, 1968

Representative C. P. (Doc) Lamb
Chairman
Colorado Legislative Council
Room 46, State Capitol
Denver, Colorado 80203

Dear Mr. Chairman:

Your committee appointed to continue the study of legislative processes and procedures in Colorado and to continue its review of long-range plans for the development of the Capitol Complex area has completed its work for 1968 and submits the accompanying report and recommendations.

In both 1967 and 1968, the General Assembly responded well to recommendations made by the Committee on Legislative Procedures for improving the legislative process in Colorado. In continuing its work during the 1968 interim, the committee has concentrated its efforts on additional areas needing improvement and directed its attention to resolving other questions that have arisen during the committee's deliberations during 1966 and 1967. These areas include: ways to assist a Governor-elect to assume his new duties and prepare his first budget message and legislative program; holding a pre-session orientation conference for newly-elected members of the General Assembly; improvements in the facilities available to the General Assembly and its members and ways to expedite the administration of publishing session laws; procedures enabling committees of reference to exercise general oversight of state departments and to keep abreast of federal and other activities affecting state government; recommendations for amending, modernizing, and streamlining Article V of the Colorado Constitution; methods to determine a Governor's disability; and recommendations on a long-range space and building program for the Capitol Complex.

The full committee met five times between March 26 and November 22. The Subcommittee on Space Problems, appointed by the committee in 1967, met twice.

It is the committee's hope that the recommendations in this report will be adopted by the 1969 General Assembly.

Respectfully submitted,

/s/ Senator Floyd Oliver, Chairman
Committee on Legislative
Procedures

FO/pw

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. Senate Joint Resolution No. 3, 1968 regular session, provided that the Legislative Council direct the committee appointed pursuant to Senate Joint Resolution No. 42 "...to continue its review of long-range plans for development of the capitol complex areas and report its findings thereon to the General Assembly for its consideration." The membership of the committee appointed to carry out these assignments consisted of:

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

Rep. Ray H. Black
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. M. Keith Singer
Rep. John D. Vanderhoof

Valuable assistance was given the committee by Mrs. Comfort Shaw, Secretary of the Senate; and Mr. Henry Kimbrough, Chief Clerk of the House of Representatives. Mr. James Wilson, Director of the Legislative Drafting Office, provided bill drafting and other legal services, and Richard Levengood, research associate for the Legislative Council, had primary responsibility for the staff work and the preparation of this report.

December 9, 1968

Lyle C. Kyle
Director

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FACILITIES AND EXPENSE FUNDS FOR GOVERNORS-
ELECT IN THE UNITED STATES AND COLORADO

In considering ways of improving and expediting the legislative process in Colorado, the Committee on Legislative Procedures found that the delay in receiving executive budget recommendations and other gubernatorial program recommendations often contribute to prolonging a legislative session. This is particularly true when a new governor takes office.

A new governor takes office on the second Tuesday of January and he is required by law to submit his budget recommendations within 10 days after the General Assembly convenes, and the General Assembly convenes on the first Wednesday after the first Tuesday in January. In 1963, when Governor John Love assumed office for the first time he was sworn in on January 8th and was required to submit his budget recommendations by January 12th. This situation led the committee to explore means of giving a newly elected Governor the tools necessary to be prepared to meet the constitutional and statutory requirements.

In 1967, the Council of State Governments conducted a survey of state Governors to determine what devices were available to Governors-elect to aid them in assuming their new duties. Based on answers to questionnaires received from 35 Governors as well as information derived from other sources, data was prepared showing how a Governor-elect in each of the responding states is assisted during the period between election and inauguration.^{1/}

A number of devices were found to help in this period, including: (1) funds to hire staff and rent office space; (2) provisions for use of space in the state capitol complex; (3) use of state personnel; (4) transfer of the outgoing Governor's records and files; and (5) briefing of the incoming staff on routine office procedures. Quite often the procedures followed and the staff available to a Governor-elect are on an informal basis or have been established through tradition, though a number of states have passed legislation to facilitate the transition from one administration to the next and to help the new Governor prepare his first budget.

Given below is a general description of the practices in other states, as reported to the Council of State Governments, as well as some examples of legislation in this area. Since the specific areas surveyed in the report appear to be the most important categories for which provisions should be made, comments

^{1/} Gubernatorial Transition in the States, R-M 408, The Council of State Governments, March, 1968.

are added under each to indicate how the McNichols-Love transition in 1962-1963 compared with the procedures followed in other states.

Information on the last transition and some specific recommendations to overcome some of the problems experienced were obtained from Mr. Lyle Lindesmith, Special Assistant to Governor Love.

Methods to Help Governors-Elect in Other States -- The Love-McNichols Transition

1) State Finances. Eleven states reported making specific appropriations available to the Governor-elect. For instance, in North Carolina he receives \$3,500 (the Lieutenant Governor receives \$1,500); \$10,000 in Indiana, Iowa, and Oregon; \$15,000 in Minnesota; \$2,500 in North Dakota; \$2,000 in South Dakota; and in Connecticut the Governor-elect may, upon request to the State Controller, receive \$10,000 from unappropriated moneys of the General Fund for purposes of preparing a budget for the next fiscal year. In the 1966 transition, the Governor-elect in Maine received \$1,500. Pennsylvania and Wisconsin also make appropriations, though the amount was not reported.

Twenty-three states reported that no state appropriation was made. However, some Governors did report that funds could be obtained indirectly from state sources. Approximately \$20,000 is appropriated in Massachusetts from the Extraordinary Fund Account; and in Virginia, General Assembly Contingency Funds are available. Nevada provided some funds for desks, chairs, and telephone expenses. Through goodwill of outgoing Governors, \$2,250 was obtained for office expenses in Maryland and an unspecified amount in Tennessee.

COLORADO: Personal or left-over campaign funds were used to defray expenses and pay secretarial staff during the last transition.

2) Staff. In states where direct or indirect appropriations are made available to the Governor-elect, staffs could be hired.

In New York, the Budget Director-designate and other staff members were employed by the state as consultants. Governors of Hawaii, Mississippi, and New Hampshire reported that Governors-elect do not hire staff to assist them during the transition period. Eight others reported that staffs were unpaid or were paid from left-over campaign funds or from personal accounts: Alabama, Alaska, Arizona, Oklahoma, Texas, Washington, West Virginia, and Wyoming.

COLORADO: According to Mr. Lindesmith, by Thanksgiving in 1962 Governor-elect Love had four staff members on the executive assistant level, three of whom worked part-time. All served without pay. Three part-time secretaries were employed and paid out of left-over campaign funds.

3) Office Space and Facilities. The following fifteen states reported that state office space was made available to a Governor-elect: Alaska; Connecticut (for budget hearings); Indiana; Maryland; Massachusetts; Nevada; New Hampshire; New York; North Carolina; North Dakota; Oklahoma; Oregon; South Carolina; Tennessee; and Washington.

As to the adequacy of the space provided, it was described in North Carolina as "suitable"; in Maryland, one large room and five cubicles, spread over three floors, were provided; three rooms in Massachusetts; one large room in both North Dakota and Oregon; and a small room in both Nevada and New Hampshire. In Washington, Department of Commerce offices located in Seattle were unofficially used in the 1964 transition. In the last transition in Oklahoma, part of the incumbent's office was used by the Governor-elect and his staff.

COLORADO: One committee room on the third floor (320A) was furnished to Governor-elect Love, but not until just before his inauguration. Prior to acquiring space in the Capitol, Governor-elect Love and his staff worked in either their individual offices or in Mr. Love's law office in Colorado Springs. Correspondence was conducted through the mails, with postage paid out of personal or campaign funds. Office supplies and telephones were paid similarly. Clerical staff members used their own typewriters, but once space was acquired in the Capitol, sample office equipment was made available by an office supply company.

Mr. Lindesmith recommended that at least one more room should be made available so that a Governor-elect could, in privacy, interview potential appointees to serve in the new administration. Office supplies and equipment should be provided by the state.

4) Use of State Personnel. Eighteen states reported that during the most recent transition state personnel were available to assist the Governor-elect, with only four -- Connecticut, Kentucky, Oregon, and Wisconsin -- reporting that the procedure is formalized by law or custom. Fourteen other states reported that, for the most part, assistance is rendered on an informal basis and depends on the personal cooperation of the outgoing and incoming Governors and their staffs. Five states reported that no such help was available. Frequently, the assistance comes from personnel in the state budget agency.

COLORADO: Prior to his inauguration, Governor Love met with various department heads and the State Budget Director.

However, Mr. Lindesmith said that briefings by department heads and access to departmental records were on an informal and voluntary basis. Consequently, the Governor-elect and his staff were reluctant merely to appear at a department and ask for briefings and access to records. If the procedure had been on a more formal basis, departmental briefings, particularly on the budgetary process, could have been more thorough and the incoming administration could have become involved earlier in this process.

5) Transfer of Records. According to the Council of State Government's report, one element affecting a smooth transition and the continuity of government is the transfer of the outgoing Governor's records to the next administration. Official records may be required by various state laws to remain in state custody. While the survey did not attempt to ascertain the legal requirements on transferring records and no distinction was made between official and non-official records, practices vary in the states from transferring virtually all files and records to transferring none at all.

COLORADO: Pursuant to Article IV, Section 1, Colorado Constitution, and section 131-3-4, C.R.S. 1963, it has uniformly been the practice of Colorado Governors to transfer the non-current records of each administration to the custody of the State Archivist where they are available for use of successive Governors.

Records of the Office of the Governor that are needed for current administrative purposes normally remain in the office, but are later transferred on a scheduled basis to the Division of Archives and Public Records when no longer essential to current administrative operations. This is in accordance with policies, procedures, and schedules established by the State Archivist for the administration and preservation of the records of Colorado's chief executives.

Mr. Lindesmith indicated that no particular problem existed with respect to having accessibility to Governor McNichols' official records since these could be obtained from the State Archives upon request. However, on a point relating directly to having available the assistance of state personnel during the transition, Mr. Lindesmith believes that it would also facilitate the transition if an incoming administration were given formal authority to have access to all records of the executive department prior to assuming office, including access to the incumbent Governor's official records.

6) Office Procedure. With regard to acquainting a Governor-elect's staff with office procedures, states reported that either no provisions existed or that briefings were casual and haphazard. In some states, orientation was informal through meetings or on a "cooperative" basis. It is "traditional" in Wisconsin to have meetings of the outgoing and incoming staffs.

In Mississippi, sometimes a Governor-elect places assistants in the incumbent's office for a brief period of time, and during the last transition in Oregon, a "side-by-side operation" was established by the outgoing Executive Assistant for the incoming one. While no provisions in this regard have been made in the past, Iowa's present Governor plans to leave an office procedure manual and he and his staff will hold informal briefings with their successors.

In Maryland and North Carolina retention of certain staff members by the incoming administration aids continuity of administrations. North Dakota sometimes follows this practice, particularly if the incoming and outgoing administrations are of the same political party.

COLORADO: Continuity was provided on the secretarial level during the last transition by the retention of three civil service employees. On the administrative staff level, there was cooperation between Governor McNichols' staff and the incoming staff, but on an informal basis.

Statutory Provisions

States with legislation which cover some or all of the areas surveyed include: Connecticut^{2/}; Illinois^{3/}; Indiana^{4/}; Kentucky^{5/}; Minnesota^{6/}; New Mexico^{7/}; North Carolina^{8/}; Ohio^{9/}; Oregon^{10/}; Pennsylvania^{11/}; Vermont^{12/}; Washington^{13/}; and Wisconsin^{14/}. While it was reported that practices vary in these states with respect to the extent to which a Governor-elect participates in preparing the state budget for the next fiscal year,

- 2/ Section 4-80, General Statutes of Connecticut (1965 Supp.).
- 3/ Chapter 127, Section 63b121, Illinois Revised Statutes.
- 4/ Sections 49-1518 through 1520, Annotated Indiana Statutes.
- 5/ Section 45.090, Kentucky Revised Statutes.
- 6/ Section 16.14, Minnesota Statutes, 1967.
- 7/ Sections 4-28-1 through 4-28-3, New Mexico Statutes Annotated, 1965 (1967 Supp.).
- 8/ Section 147-31.1, General Statutes of North Carolina (1967 Supp.).
- 9/ Sections 123.022, 125,041 and 125,042, Ohio Revised Statutes Annotated (1967 Supp.).
- 10/ Sections 176.110 and 291.222, Oregon Revised Statutes.
- 11/ Title 71, Section 783, Pennsylvania Statutes Annotated, (1967 Supp.).
- 12/ Title 32, Section 305, Vermont Statutes Annotated, and Section 304 (1967 Supp.).
- 13/ Section 43.88.090, Revised Code of Washington.
- 14/ Section 14.72 (7), Wisconsin Statutes, 1965.

emphasis is placed on enabling him to participate in or become acquainted with the budgetary process by making budgetary briefings, personnel, records, and facilities available. If made, appropriations are either made separately or are embodied in the specific legislation on transition.

Indiana's statute provides a good example of a comprehensive approach in this area, with a separate appropriation of \$10,000 available to pay for necessary staff hired by the Governor-elect:

49-1518. Office space for governor-elect. The governor shall direct the property management division of the department of administration to provide a governor-elect with office space, office equipment, and telephone service, for the period between the election and the inauguration.

49-1519. Information made available to governor-elect by budget agency. The budget agency shall make available to a governor-elect and his designated representatives information on the following: (1) All information and reports used in the preparation of the state budget; (2) All information on projected income and revenue estimates for the state.

49-1520. Department heads to supply information to successors. The designated department, agency, commission, and/or division heads will supply their successors with all necessary documents and information vital to the continued operation of the department.

The Illinois legislation provides:

Section 63b121. Orderly transition in office. When at any general election for the office of Governor the incumbent Governor is not elected, the Governor, within two weeks after such election, shall provide space for not more than five persons designated by the Governor-elect to enable the Governor-elect to begin a review and analysis of budgeted expenditures during the then current biennium and budget requests for the ensuing biennium and to acquire a working knowledge of the various offices, departments, commissions, boards and other agencies of the executive branch of State govern-

ment. The Governor shall cooperate with the Governor-elect and the staff so designated by him and provide any assistance that may be reasonably requested.

Oregon's statute grants the Governor-elect broad authority for purposes of preparing for his new duties, though it was reported that space in the last transition was limited, assistance from most state personnel is given on an informal basis, and no files are transferred from one administration to the next.

176.110. Actions of Governor-elect; expenses. The person elected to the office of Governor may take any action prior to the date of his official term of office commences that is necessary to enable him to exercise on such date the powers and duties of the office of Governor. All necessary expenses of the governor-elect incurred in carrying out the provisions of this section shall be audited by the Secretary of State and paid from any funds appropriated for this purpose /\$10,000/ in the same manner as other claims against the state are paid.

Under the authority of the following statute, a completely new budget was prepared by the Governor-elect in the last transition in Oregon:

291.222. Furnishing information and assistance to Governor-elect; revision of budget report. If the Governor under whose supervision the budget report has been prepared will be succeeded in office in January next following:

(1) The department /Public Finance and Administration/ shall /make available to the Governor-elect so much as he requests of the information upon which the budget report is based, and upon completion of the budget report shall supply him with a copy thereof. The department shall also make available to him all facilities of the department reasonably necessary to permit him to review and familiarize himself with the budget report.

(2) After a review of the proposed budget the Governor-elect may prepare revisions and additions thereto. The de-

partment shall assist, upon request, in the preparation of such revisions or additions.

(3) The department shall have as many copies of the revised report printed as the Governor-elect requests.

(4) Not later than the convening of the next Legislative Assembly the department shall transmit a copy of the summary of the revised budget report containing the revenue and expenditure recommendations of the Governor-elect and not later than February 1 shall transmit a copy of the revised budget report to each member of the Legislative Assembly.

(5) Upon request, the department shall distribute copies of the revised budget report free of charge, under such regulations as it may establish, to public libraries, schools and state officials. It shall make copies for the general public at a reasonable charge for each copy.

Summary and Conclusions

In his first message to the General Assembly on January 11, 1963, Governor Love stated that his experience during the transition indicated "that in order to prepare its program, a new administration needs office space, clerical help, and telephone facilities during the very important period between election and inauguration." It was recommended "that legislation be enacted to authorize modest assistance by the state..."^{15/} Buttressing this reasoning is a statement by former Governor Terry Sanford of North Carolina:

The governor's need for a staff begins on election day. Too many governors-elect have to use whatever leftover campaign money they can find to run their offices between election and inauguration. Congratulations inundate the newly elected governor; the budget needs his decisions; he must decide on program directions; and

15/ House Journal, 1963 Session, pp. 79-80.

he must assemble his administration. Every state should provide him the necessary funds, offices, secretarial help, and staff for this "inbetween" time before he takes office. In addition, immediately after the election, he should be given access to primary information and plans relating to the budget, the personnel system, and individual departments and agencies. In short, we must realize that the governor-elect must get ready to be governor in many ways before his inauguration. The handicaps in this role during the transition between administrations must be removed.16/

In order to overcome some of the problems encountered by an incoming administration, to facilitate the transition from one administration to the next, and to help the Governor-elect prepare his first budget message and legislative recommendations for submission to the General Assembly, the committee recommends the adoption of the bill contained in Appendix C of this report.

16/ Gubernatorial Transition..., op. cit., pp. 5-6.

PRE-SESSION ORIENTATION CONFERENCE

In both 1966 and 1967, the Committee on Legislative Procedures recommended the holding of a pre-session orientation conference for newly elected members of the General Assembly. It was believed that by acquainting new members, prior to sessions, with the processes and procedures of the legislature, key personnel, and giving them an explanation of the functions of the legislative service agencies, some of the delays at the beginning of an odd-year legislative session could be averted. Proposed legislation was recommended to formalize such a conference under the sponsorship of the Legislative Council. The proposed legislation also provided for reimbursing members and members-elect for actual and necessary expenses incurred in attending. However, the legislation was not adopted.

The 1968 Committee on Legislative Procedures recommended that the Legislative Council sponsor an orientation conference to be held following the general election, although those attending would receive no reimbursement for expenses.

As recommended, the conference was held from 1:00 p.m. to 5:00 p.m., November 15, 1968. Although no official roll call was taken, over 50 legislators attended, including most of the 25 legislators-elect who have not previously served in the General Assembly -- six in the Senate and 19 in the House.

With members meeting in joint session, the agenda included: the showing of the movie on the Colorado General Assembly, filmed during the 1967 session; orientation by Speaker John Vanderhoof and Assistant House Minority Leader, Hubert Safran, on the role and function of the legislature; an explanation of the joint rules of the House and Senate by Senator William Armstrong; an explanation of the functions of the Legislative Drafting Office by Senator Frank L. Gill, Chairman of the Legislative Drafting Committee, and Mr. James Wilson, Staff Director; the functions of the Joint Budget Committee by Representative Harrie Hart, Chairman, and Mr. Joe Kyle, Staff Director; and the functions of the Legislative Council by Mr. Lyle Kyle, Staff Director.

In separate sessions, members of the House and Senate were briefed on the operations of the legislature and given an explanation of the assistance available to members during sessions by Mrs. Comfort Shaw, Secretary of the Senate, and Mr. Hank Kimbrough, Chief Clerk of the House.

In order to learn whether the conference was considered a success and should be continued, whether it should be longer, and whether changes in the agenda should be made, those attending, particularly those having never served in the legislature, were asked to submit their suggestions to the Legislative Council Office by the end of the 1969 session.

OTHER RECOMMENDATIONS

The committee recommends additional improvements affecting both the facilities available to members of the General Assembly and to facilitate the legislative process, some of which have already been implemented.

New Telephone System. Under the old telephone system both incoming and outgoing calls were made through the switchboard located in the hall between the House and Senate chambers. To make a call, a legislator had to go to one of the phone booths located nearby and give the desired number to one of the operators at the switchboard.

If a member wished to make a long-distance call, he first filled out a card at the switchboard, giving the number he wanted to reach, before placing the call; a member filled out a card for each long-distance call made. At the end of the month, all cards were returned to the House and Senate, together with a total bill.

Incoming calls were taken at the switchboard and messengers were dispatched to the legislator the caller desired to reach. The member took the call in one of the booths if he could be readily reached, or was left a message to return the call if he was not available.

The committee found the old system to be inadequate for both incoming and outgoing calls due to an insufficient number of trunklines and telephone booths and its inconvenience. To expand the system would require another switchboard, in addition to the installation of more trunklines and booths.

In view of the inadequacy of the old system, the committee recommended that a new dial system be installed by the 1969 session. Two dial phones in acoustical booths will be installed on either side of each house. Dial phones will also be installed in those booths which will not be removed. Three dial phones in acoustical booths will also be placed on both the third and ground floors near the committee rooms.

Incoming calls will be received by an operator at a telephone console. As under the present system, messengers will deliver messages to legislators at their desks, as well as call legislators to the telephones when such action does not interfere with the order of business. Legislators may make outgoing calls or return incoming calls by using any of the dial phones; it is not necessary to go first through the operator at the console. A credit card, valid until adjournment sine die, will be issued to each member for long-distance calls. Bills for such calls periodically will be sent to the General Assembly. An individual record of the long-distance calls made by each legislator will be submitted by the company, as well as a total bill.

With the exception of charges for long-distance calls, Mountain States Telephone Company has furnished the telephone service, equipment, and the operators free of charge. The committee believes that the legislature should pay for the services rendered.

The equipment cost will be approximately \$500 per month for the new system during sessions plus the salary of one operator. There is no installation charge.

Committee Bill Status Sheets. The committee recommended that weekly committee bill status sheets be prepared through use of the automated data processing equipment available in the Capitol Building. Each week, a status sheet will be issued showing all bills that are in committees by number, title, and sponsor. The status sheet would be distributed to all committee chairmen, the leadership, Chief Clerk of the House, Senate Secretary, and to legislative service agencies. The device can be used by committee chairmen for planning the committee workload and agendas. It will serve as an aid to the leadership in assigning bills to committees as well as help determine in what committee a particular bill is located.

Xerox Copier for Use by House and Senate. Due to the move of the multigraph section out of the Capitol Building and the need for quick copy service during sessions for the reproduction of amendments and other material, the committee recommended renting a Xerox 2400 copier for use by the House and Senate during sessions. Originally, it was recommended that the copier be placed on the second floor near the chambers. But lack of space necessitates that it be located in the Legislative Council print shop on the ground floor.

Printing Contract Specifications. The committee reviewed and discussed the specifications of the printing contract to be let for the Forty-seventh General Assembly. Mr. Kimbrough, Chief Clerk of the House, was given authorization to include in the contract specifications stringent enough to assure that the printer getting the contract will be able to perform.

Publication of Session Laws. The committee is making two recommendations with respect to the publication of session laws.

First, due to the difficulty of locating specific bills passed during sessions, the committee recommends that commencing with the laws published subsequent to the 1969 session, laws be arranged and published in alphabetical order rather than in the order passed. Under the recommended system, the session laws would conform to the arrangement of the statutes found in the parent volumes of the Colorado Revised Statutes.

Second, the committee recommends that the responsibility for publishing the session laws be transferred from the Chief Clerk and the Secretary of the Senate, as provided in section 109-2-23, C.R.S. 1963, to the Revisor of Statutes. The committee felt that in the interest of continuity, it would be better to transfer this responsibility. At present, employees of the House and Senate are charged with the responsibility of arranging the laws, putting on chapter headings, indexing, and otherwise preparing them for publication. The committee believes that these important functions should be performed by the full-time professional staff in the agency most concerned with the Colorado statutes.

In considering recommendations made by the Revisor of Statutes, the committee also recommends the amending of several other sections in Chapter 109, Article 2, C.R.S. 1963, pertaining to the specifications, disposition, and distribution of session laws.

All these recommendations are incorporated in the bill contained in Appendix D of this report.

Proposed Joint Rule 25 -- Oversight Functions of House and Senate Committees of Reference. The committee believes that committees of reference should exercise general oversight of the seventeen principal departments of the Executive Branch by becoming generally familiar with the activities, functions, problems, budgets, and top personnel of each department. That is, each committee of reference in the House and Senate should be given the responsibility of overseeing one or more of those departments which fall within the general subject-matter scope of the committee. This should be accomplished, the committee believes, by periodic briefings, hearings, and consultations with departmental personnel and by the submission to committees of requested information.

The committee also recommends that committees of reference should be kept advised by staff members assigned to each committee and by personnel of the executive departments of new or proposed federal legislation, proposed uniform or model acts, suggested state legislation and compacts, and efforts in interstate cooperation, which may affect the general subject-matter areas with which committees are concerned.

To accomplish these two oversight functions, the committee recommends the adoption of Joint Rule 25 by the 1969 General Assembly to read as follows:

JOINT RULE NO. 25

(a) It shall be the duty of committees of reference of the House and Senate to keep themselves advised of the activities, functions, problems, new developments, and budgets of the principal department or departments of the executive department of state government which are within the subject-matter jurisdiction of each committee, as provided in paragraph (b) of this rule. The chairman of a committee shall, from time to time, invite the principal personnel of the respective department or departments under the committee's jurisdiction to appear before the committee to keep members so advised. Such personnel shall also furnish the committee with additional information as may be requested.

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

<u>Department</u>	<u>Senate Committee</u>	<u>House Committee</u>
Administration	Appropriations	Appropriations
Revenue	Finance	Finance
Treasury	Finance	Finance
Education	Education	Education
Higher Education	Education	Education
Health	Health and Welfare	Health, Welfare and Institutions
Social Services	Health and Welfare	Health, Welfare and Institutions
Institutions	Institutions	Health, Welfare and Institutions
Highways	Transportation	Transportation and Highways
State	State Affairs	State Affairs
Military Affairs	State Affairs	State Affairs
Labor and Employment	Business and Labor	Labor
Regulatory Agencies	Business and Labor	Business Affairs

<u>Department</u>	<u>Senate Committee</u>	<u>House Committee</u>
Agriculture	Agriculture	Agriculture
Law [and Courts]	Judiciary	Judiciary
Local Affairs	Local Government; Urban Affairs	Local Government
Natural Resources	Natural Resources; Water; Game, Fish and Parks	Natural Resources; Game, Fish and Parks

(c) Committees of reference shall also be kept advised by staff members assigned thereto and by personnel of departments under their jurisdiction of new or proposed federal legislation, proposed uniform or model acts, suggested state legislation and compacts, and efforts in the area of interstate cooperation, which may affect their areas of responsibility, as provided in paragraph (b) of this rule.

GUBERNATORIAL DISABILITY

The committee considered solutions to the problem of establishing procedures for determining whether a Governor is physically or mentally incapable of exercising the powers and duties of his office in order to provide for an orderly transfer of powers to the Lieutenant Governor during such times. In its deliberations, various proposals for solving this problem were considered, including a draft-bill establishing a commission to determine disability. Extensive research was made into this area of concern and is on file in the Legislative Council Office. The committee believes that definitive action should be taken, but no decision was reached on how this matter should be properly resolved. It is the committee's recommendation, therefore, that further study be devoted to this subject.

REDRAFT OF ARTICLE V OF THE CONSTITUTION

In the last four regular session of the General Assembly, 1965-1968, some 22 amendments to various sections of the Legislative article of the Constitution have been introduced and considered. Though none of these proposals has been adopted, amendments to several individual sections in Article V have been proposed as many as three times during this period. (These efforts, of course, do not include the initiated amendments to sections 45, 46, 47, and 48, relating to legislative reapportionment and subdistricting.)

In addition to these 22 proposed amendments, in 1966 and 1967 the Committee on Legislative Procedures discussed the adoption of several changes in Article V pertaining to legislative procedures. Further, the 1965 Governor's Committee on Legislators' Compensation proposed amendments to clarify and update sections 6, 9, and 30.

In view of these efforts in the past, the committee decided at the outset of its 1968 interim work that it would be more logical to review the entire article rather than approach the matter in a piece-meal fashion that has been the case heretofore. Accordingly, the committee spent a considerable amount of time this interim reviewing the Article for purposes of streamlining or modernizing various sections, repealing outdated or unnecessary sections, making technical changes, and offering some substantive changes.

Appendix A of this committee report contains the redraft of the Legislative Article that the committee offers for introduction and recommends for review by all members of the General

Assembly in the 1969 session. The redraft includes an explanation of the changes opposite the affected section or part thereof.

CONTINUATION OF COMMITTEE

It is the committee's belief that the work conducted by the Committee on Legislative Procedures during the last three interims is important from the standpoint of improving legislative processes and procedures as well as fostering improvements and conducting studies in other areas of concern to the legislature. The committee, therefore, recommends that the study of legislative procedures be extended for another biennium.

LONG-RANGE SPACE AND BUILDING PROGRAM FOR THE CAPITOL COMPLEX

S.U.A., Inc., of Beverly Hills, California, was retained by the Division of Public Works in 1967 (with the approval of the Governor and the Committee on Legislative Procedures) to determine the long-range space requirements for agencies housed in the Capitol Complex area and to develop a long-range building program to meet the projected space needs. During the 1967 interim, the committee conferred with representatives of S.U.A., Inc. Subsequent to the conference, a four volume report was issued by the consultant containing conclusions and recommendations. Pursuant to S.J.R. No. 3 the committee reviewed the S.U.A., Inc., Report and herein submits its findings and recommendations.

Scope of the Study and S.U.A., Inc.'s, Conclusions

To determine the anticipated space needs for the state between 1967 and 1995, S.U.A., Inc., projected the growth of population and the expected growth in the economy of Colorado during this period. Subsequently, projections of the gross number of state employees that would be required was undertaken, taking into consideration the type of personnel that would be required to meet the expanding needs of the state. Based on these analyses, the following four conclusions were reached:

1. The population of the State will increase from its 1965 level of 1,949,000 to a 1995 population of 3,586,000.
2. The per capita income of State residents has been conservatively projected from the 1965 level of \$2,710 to a 1995 level of \$4,940. The increase in population and its income can produce the State income required to finance employee growth and the projected building program without tax increases that place undue hardships on any sector of the State.
3. The number of State employees occupying space within the Capitol Complex will increase from the 1967 level of 3,226 to a 1995 level of 6,467. This growth has been projected on the assumption of the resurging importance of State governments in our federal system and the needs to provide services to an expanding population.

4. Applying the space standards developed by S.U.A. Incorporated, which have proved to conserve space with flexible, modular planning, the space requirements for those State activities that should be contained within the Capitol Complex increases from the present level of 554,354 square feet to a 1995 level of 1,309,872 square feet.^{17/}

Agencies Excluded from the Capitol Complex. As item 4 indicates, not all state agencies are to be located in the Capitol Complex area. In determining which agencies should be centrally located, the consultant weighed such factors as: 1) The flow of work between agencies or their functional interrelationships; 2) Must visitors, doing business with one state agency, consult with one or more additional agencies before their business is complete?; 3) The actual organization of state government;^{18/} and 4) The nature of an agency's operations and facilities.^{19/} With respect to item 3, the consultant in 1967 was naturally working under some preconceived assumptions until reorganization of the executive department could be completed.

Based on the preceding factors, it was anticipated that the Departments of Highways; and Game, Fish, and Parks should not be located within the Capitol Complex; these two agencies were, therefore, specifically excluded from the study. Moreover, additional agencies were recommended for exclusion or continued exclusion from the Capitol Complex even though S.U.A., Inc., conducted an analysis of their existing and future space requirements. These additional agencies were: Division of Motor Vehicles; Department of Health; State Inspector of Oils; Youth Opportunity Center; and Laboratory and Inspection facilities, Department of Agriculture.

S.U.A., Inc.'s Building and Site Development Programs

- 1) Land Acquisition and Construction Programs. To increase space in the Capitol Complex from 550,000 square feet available in 1967 to the projected requirements of 1,300,000 in 1995, S.U.A., Inc., recommended that a five-phase construction program and the two-phase land acquisition program be undertaken by the state, as described below:

^{17/} Analysis of Space Use: Report to the State of Colorado,
S.U.A., Incorporated, Vol. I, p. 1-6.

^{18/} Minutes of the Subcommittee on Space Problems, September 14,
1967, p. 6.

^{19/} S.U.A. Incorporated, op. cit., p. I-3.

Land Acquisition - Phase I. S.U.A., Inc., recommended acquiring 8 1/2 blocks by 1970 of which 4 blocks would be used for surface parking, 2 blocks for the Supreme Court Building, and the remaining 2 1/2 blocks for Office Buildings A, B, and C, plus an addition to the Museum Building.

Land Acquisition - Phase II. By 1985, S.U.A., Inc., recommended acquiring still another 2 3/4 blocks on which would be built another extension to the Museum Building, Office Buildings D and E, and 2 blocks would be used for parking structures.

Construction - Phase I. S.U.A., Inc., recommended construction by 1970 of Office Buildings A, B, and C, a Supreme Court Building, and an extension of the Museum Building. Also, it was anticipated the existing Juvenile Parole Building at 112 West 14th, the Employment Annex at 14 East 14th, and the State Library Building at 1362 Lincoln would be demolished during Phase I.

Office Building A was recommended for use by the Archives (many of its activities would be underground) and by the State Library.

Office Building B was recommended for the Department of Revenue and Office Building C for the Division of Employment.

Construction - Phase II. By 1975, the Capitol Building would be remodelled and the Archives Building at 1530 Sherman Street would be demolished.

Construction - Phase III. S.U.A., Inc., recommended that by 1980 Office Building D be constructed to house various agencies in the Departments of Administration, Natural Resources, Regulatory Agencies, Institutions, and Local Affairs.

Construction - Phase IV. By 1985, S.U.A., Inc., envisioned the demolition of the State Office Building and the construction of Office Building E. Those agencies in Office Building E would include the Division of Welfare, and the Departments of Treasury, State, and Agriculture.

Construction - Phase V. S.U.A., Inc., recommended that an addition be made to the State Museum by 1995.

2) Master Site Plans A and B. The consultant proposed two alternative master site plans for the complex. The principal differences in the two plans are the location of the proposed Supreme Court Building and the amount of land to be acquired.

In Site Plan A, the Court Building would be located in the two block area bounded by Pearl and Logan Streets on the east and west and by Colfax and 14th Avenues on the north and south. The block directly east of the Capitol Building would serve as an

open mall between the Court Building and Capitol. Approximately eleven and one-half blocks would be acquired for building sites and development in the blocks bounded by Pearl Street on the east, 12th Avenue on the south, and Broadway on the west.

In Site Plan B, the proposed Court Building would be located in the block that now contains the Scottish Rite Consistory, instead of east of the Capitol Building. Approximately nine and one-half blocks would be newly acquired land, with the same approximate boundaries as in Site Plan A. A mall would extend from the Capitol Building to Pearl Street, three blocks east.

3) Estimated Cost. The estimated total construction and demolition costs for both Site Plans A and B would be \$44,156,172. But the two phased land acquisition program of the two plans would vary somewhat. The estimated land costs for Site Plan A would be \$17,200,000, thus bringing the total cost of that Plan to an estimated \$61,356,172. Land acquisition costs for Site Plan B was estimated at \$14,100,000, bringing the total cost to \$58,256,172.

Examination of Basic Assumptions and Committee Recommendations

While it appears to the committee that the projections of state agency growth made by S.U.A., Inc., are sound, several assumptions were made by the consultant that were examined by the committee. It is from this examination that the committee bases its recommendations.

1) Centralization v. Decentralization. With the exception of those agencies currently outside the Complex (Game, Fish, and Parks; Highways; and Health) and those agencies recommended for continued exclusion (Motor Vehicles, Inspector of Oils, Youth Opportunity Center, and Agriculture's laboratory and inspection facilities), the consultant assumed that all other executive agencies would be located in the Capitol Complex as well as the Legislative and Judicial Departments.

The committee considered various alternatives to the proposed centralized plan to house executive agencies, including whether it would be better to have them dispersed throughout the state or whether they should be located throughout the metropolitan area on property already owned by the state. It was the belief of some committee members that a decentralized plan would be more feasible from the standpoint of land acquisition costs, the alleviation of further traffic congestion around the Capitol, and to avoid extensive damage to state-owned buildings in the event of natural or man-made disasters. It was also felt that certain agencies, such as the Department of Natural Resources, could be located in the area of the state where most of their activities are carried out.

While the committee believes there is some merit to these arguments and to having some of the components of departments regionally located to serve local needs, it is the committee's recommendation that wherever feasible and practical the principal administrative headquarters of the principal departments should be housed in the Capitol Complex.

This recommendation is based on several premises:

First, and perhaps foremost, is the ability of the Governor to exercise control over the principal departments and, in turn, the heads of the principal departments to exercise control over the component parts of their departments.

Amendment No. 1, adopted by the people in 1966, and S.B. No. 1 of the 1968 session, reorganized the executive branch into 17 principal departments in order to give the Governor a more effective means of initiating and executing his programs. According to some committee members, the experience of other states that have, first, attempted a decentralized plan and then, upon reconsideration, have gone back to a centralized plan would indicate that effective control by the Governor is hampered by a decentralized plan.

Secondly, the cost of construction for state buildings would be approximately the same regardless of site; thus the primary dollar savings resulting from decentralization would be in land acquisition and demolition of existing structures. Another related factor pertains to the added costs of heating plants, maintenance, telephone service, and janitorial services when buildings are located away from the central building complex. For instance, the existing heating plant on Sherman Street could be used to serve new state-owned buildings constructed in the area.

Third, also considered was the convenience of the clientele which make use of the services of a particular department, the convenience of the Governor, of other state departments making contacts, and the convenience of legislators, particularly from outside Denver, in making contacts with several departments on behalf of their constituents.

Fourth, state buildings are generally constructed to last from 50 to 100 years. Are the immediate savings that might be realized from using existing state-owned land or acquiring cheaper land away from the Capitol Complex as important, when considered over a 50 or 100 year period? This question can be seen in light of the permanent aesthetic value to the people of Colorado that would be enhanced by a centrally located and well planned state building complex. The immediate savings by the adoption of a decentralized plan should also be seen in light of the possibility of preventing the growth of urban blight in the Capitol Hill

area which could result from the Skyline Urban Renewal Project in lower downtown Denver.

2) Land Acquisition. Site Plan A recommends the acquisition of a total of eleven and one-half blocks in the Capitol Complex area. Five blocks of this would be used eventually (by 1995) for building sites and the remaining six blocks would be used for employee and visitor parking. By implementing the land acquisition program recommended immediately and renting parking space to state employees and others, it might be possible to partially pay for the land and thus have that part needed for building sites later when the construction timetable calls for a new building.

In considering the land acquisition proposal, questions were raised as to whether the state has the obligation to provide employee parking even when fees are charged since many other employers feel no such obligation. Further, some committee members believed that the state should not embark upon a parking program which would compete with private parking facilities. The latter, it is contended, will probably be supplied as the need arises. Also, additional parking lots in the area might further contribute to traffic congestion before and after working hours.

However, while there is merit to these arguments, the committee believes that there is a need for more off-street parking whether it is furnished by the state on a fee basis or by private enterprise.

The committee's recommendation on this question is tied directly to its recommendation for land acquisition. It is recommended that the state start acquiring land for building sites. If some of this land can be used for parking, it should be rented to state employees and others until such time that this land is needed for the construction of new buildings.

Priorities in Land Acquisition - Judicial Building. While the committee recommends no general, long-range policy on the acquisition of land nor which particular sites should be purchased, the committee does recommend that the highest priority be given to the immediate purchase of land for the construction of a building to house the Judicial Department.

This recommendation is in accord with the recommendation of the Legislative Council Committee on Appellate Courts for the creation of a two division Intermediate Court of Appeals to be housed in the Capitol Complex. It is anticipated that a three-office suite would be necessary for each of six judges, plus a court room and conference room.

Further, it appears that considerable sentiment exists for taking over the financing of the entire court system at the state level. If this occurs, it is anticipated the Judicial Adminis-

trator's staff will be expanded, thus creating still additional space needs for the judiciary.

Need for Long-Range Plan. The committee does not, however, believe that the preceding recommendations on the acquisition of land and the construction of a Judicial Building should be undertaken in a piecemeal fashion and considered isolated from the need for the state to follow a long-range building program for the Capitol Complex. Therefore, the committee recommends that any land acquisition program that is followed should be in accord with a long-range master plan that should be adopted by the Executive Branch. It is recognized by committee members, however, that financing will probably have to be pursued in a piecemeal fashion.

3) Elimination of Rented Space. Another assumption made by S.U.A., Inc., was that all rented facilities now occupied by state agencies, which should be housed in the Capitol Complex, should be eliminated.

In view of this assumption, questions were raised as to whether it is feasible, as envisaged in Phase I of the construction program to be completed by 1970, to demolish three state-owned buildings with a total of 57,218 square feet and construct four new ones.

Committee members questioned whether it would be less expensive in the long-run for the state to rent space or to enter into a lease-back arrangement, whereby a building is constructed by private enterprise according to state specifications and leased back to the state for agency use. Moreover, the private property owner leasing to the state must pay taxes; thus, state-owned buildings have the effect of depleting the local tax base, which may have the result of bringing additional pressure on the state to help finance local needs, such as schools.

But the private owner must also realize a return on his investment and the state does not. Thus, when the problem is viewed from the aspect of the cost of housing state agencies, it may be less costly for the state to build, maintain, and operate a building in the long-run than it would be to lease similar space. This argument does not apply to older buildings, such as the Museum, Capitol, and State Office buildings, due to the high ratio of unusable space to usable space. But for purposes of achieving an accurate comparison, the Division of Public Works was asked to compare the yearly leasing costs in the Capitol Life Building and the Columbine Building with yearly costs for building, maintaining, and operating the State Services Building, since the latter is probably the most efficient building the state has constructed. The present total annual cost of the latter building is calculated as being \$233,940 or \$2.07 per square foot, including administrative costs, contractual services, utilities, janitorial services, depreciation (constant at 50

years), maintenance, and insurance. In contrast, the state leases space in the Columbine Building for \$3.50 per square foot and space in the Capitol Life Building for \$5.25 per square foot.

The state is now leasing approximately 181,000 square feet of office space in the metropolitan area at an annual cost of close to \$560,000. In view of the projected growth of state agencies, this can be expected to increase. As one example, since S.U.A., Inc., completed its survey in 1967, the general reshuffling of agencies that took place as a result of the legislative remodelling program in the Capitol Building has resulted in an additional 45,000 square feet being leased at \$3.50 per square foot.

However, as part of the long-range program for the Capitol Complex, the committee believes that the leasing of space should be gradually eliminated or kept to a minimum by including more agencies in state-owned buildings.

In this regard, the committee takes note of the efforts by the Executive Branch to group agencies of the 17 principal departments under the same roof whenever possible, though some of this space is rented.

For instance, due to the legislative remodelling project, 45,000 square feet, at an annual cost of approximately \$158,000, was leased in the Columbine Building for the Public Utilities Commission and the Department of Natural Resources, which were moved out of the State Services Building to make room for the Department of Administration's agencies displaced from the Capitol as a result of the remodelling project. The latter department is now consolidated in the same building, with the exception of the Automated Data Processing Section, which is still in the Capitol Building.

The additional costs resulting from this move are partially off-set by the advantages of having these agencies in the same building.

The committee also takes note that efforts are being made to consolidate agencies now occupying rented space into state-owned facilities.

For example, it is the committee's understanding that efforts are now being made to consolidate many of the 26 occupational and professional licensing boards into state-owned buildings in the Capitol Complex. Seventeen of these boards are now dispersed throughout the metropolitan area in leased facilities, resulting in an approximate annual cost of \$14,000 which would be eliminated by consolidating these boards in a central location.

While the committee urges that such efforts at consolidating agencies into state-owned facilities be continued, the com-

mittee also recognizes that it may be neither practical nor possible in terms of available and projected resources to eliminate all leased space at once. It is also recognized that additional leasing may be inevitable to take care of the projected space requirements of state agencies as these needs arise. Therefore, the committee recommends that, as a state policy, every effort should be made to prevent the additional leasing of any more space than is absolutely necessary. It further recommends that when enough leased space gradually accumulates to justify the construction of a state-owned building, such a building should be constructed in accordance with the long-range master plan recommended to be adopted by the Executive Branch.

APPENDIX A

TEXT

COMMENTS

ARTICLE V

Legislative Department

SECTION 1. General assembly - initiative and referendum.

-- The legislative power of the state shall be vested in the general assembly consisting of a senate and house of representatives, both to be elected by the people, but the people reserve to themselves the power to propose laws and amendments to the constitution and to enact or reject the same at the polls independent of the general assembly, and also reserve power at their own option to approve or reject at the polls any act, item, section or part of any act of the general assembly.

The first power hereby reserved by the people is the initiative, and at least eight per cent of the ~~legal-voters~~ QUALIFIED ELECTORS shall be required to propose any measure by petition, and every such petition shall include the full text of the measure so proposed. Initiative petitions for state legislation and amendments to the constitution, shall be addressed to and filed with the secretary of state at least four

Whenever the words "legal voters" appears in this section, "qualified electors" was substituted in order to conform with similar wording in other provisions in the Constitution.

TEXT

months before the GENERAL election at which they are to be voted upon.

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 ~~depart-~~ DEPARTMENTS of state and state institutions, against any act, OR ANY section or part of any act of the general assembly, either by a petition signed by five per cent of the ~~legal~~ voters QUALIFIED ELECTORS 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~~ ACT on which the referendum is demanded. The filing of a referendum petition against any item, section or part of any act, shall not delay the remainder of the act from becoming operative. The veto power of the governor shall not extend to measures initiated by, or referred to the people. All elections on measures referred to the people of the state

COMMENTS

With the exception of one substantive change made in the last sentence of this paragraph, changes made are technical in nature.

TEXT

shall be held at the biennial regular general election, and all such measures shall become the law or a part of the constitution, when approved by a majority of the votes cast thereon, and not otherwise, and shall take effect from and after the date of the official declaration of the vote thereon by proclamation of the governor, but not later than thirty days after the vote has been canvassed. This section shall not be construed to deprive the general assembly of the right to enact any measure. The whole number of votes cast for ~~secretary-of state~~ GOVERNOR at the regular general election last preceding the filing of any petition for the initiative or referendum shall be the basis on which the number of ~~legal-voters~~ QUALIFIED ELECTORS necessary to sign such petition shall be counted.

The secretary of state shall submit all measures initiated by or referred to the people for adoption or rejection at the polls, in compliance herewith. The petition shall consist of sheets having such general form printed or written at the top thereof as shall be designated or prescribed by the secretary of state; such petition shall be signed by qualified

COMMENTS

"governor" in this paragraph was substituted for "secretary of state" because the committee believes it would more accurately reflect a true percentage of the total votes cast in the last general election, i.e., most voters are apt to cast ballots for the Governor, while the same is usually not the case with the Secretary of State.

TEXT

COMMENTS

electors in their own proper persons only, to which shall be attached the residence address of such person and the date of signing the same. To each of such petitions, which may consist of one or more sheets, shall be attached an affidavit of some qualified elector, that each signature thereon is the signature of the person whose name it purports to be, and that to the best of the knowledge and belief of the affiant, each of the persons signing said petition was at the time of signing, a qualified elector. Such petition so verified shall be prima facie evidence that the signatures thereon are genuine and true and that the persons signing the same are qualified electors. The text of all measures to be submitted shall be published as constitutional amendments are published, and in submitting the same and in all matters pertaining to the form of all petitions the secretary of state and all other officers shall be guided by the general laws. ~~and the act submitting this amendment, until legislation shall be especially provided therefor.~~

The style of all laws adopted by the people through the initiative shall be, "Be it enacted by the People of the State of Colorado."

This change would remove obsolete language.

"enacted" was substituted for "Enacted" to be consistent with Section 18 of Article V.

TEXT

COMMENTS

The initiative and referendum powers reserved to the people by this section are hereby further reserved to the legal voters QUALIFIED ELECTORS of every city, town and municipality as to all local, special and municipal legislation of every character in or for their respective municipalities. The manner of exercising said powers shall be prescribed by general laws, except that cities, towns and municipalities may provide for the manner of exercising the initiative and referendum powers as to their municipal legislation. Not more than ten per cent of the legal-voters QUALIFIED ELECTORS may be required to order the referendum, nor more than fifteen per cent to propose any measure by the initiative in any city, town or municipality.

This section of the constitution shall be in all respects self-executing.

SECTION 2. Election of members - vacancies. -- A general election for members of the general assembly shall be held on the first Tuesday after the first Monday in November in each even numbered year, at such places in each county as now are

TEXT

COMMENTS

or hereafter may be provided by law. Any vacancy occurring in either house by death, resignation, or otherwise, shall be filled in the manner prescribed by law. The person appointed to fill the vacancy shall be a member of the same political party, if any, as the person whose termination of membership in the general assembly created the vacancy.

SECTION 3. Terms of senators and representatives. --

Senators shall be elected for the term of four years, except as hereinafter provided, and representatives for the term of two years.

SECTION 4. Qualifications of members. -- No person shall

be a representative or senator who shall not have attained the age of twenty-five years, who shall not be a citizen of the United States, who shall not for at least twelve months next preceding his election, have resided within the territory included in the limits of the county-or district in which he shall be chosen. ~~provided, -that-any-person-who-at-the-time-of the-adoption-of-this-constitution, -was-a-qualified-electer under-the-territorial-laws, -shall-be-eligible-to-the-first general-assembly-~~

The words "county or" was struck now that sections 45 and 46 require single member districts. The proviso is obsolete and was struck.

TEXT

COMMENTS

SECTION 5. Classification of senators. -- The senate shall be divided into two classes so that one-half of the senators, as near as practicable, may be biennially chosen thereafter.

This section was rewritten to remove outdated language and references to multi-member districts now that sections 45 and 46 require single-member districts.

SECTION 6. Compensation and expenses of members. -- The members of the general assembly shall receive such salary, expense allowances and reimbursements as may be prescribed by law, together with actual and necessary traveling expenses to be paid after the same have been incurred and audited. Such traveling expenses shall include travel for attendance at committee meetings or other official business as authorized pursuant to law. No general assembly shall fix its own expense allowances.

This section was rewritten in order to remove both obsolete language and prohibitions on increasing travel allowances of members during the life of any one General Assembly. (Compare sections 9 and 30 as repealed and amended, respectively.)

SECTION 7. General assembly - shall meet when - term of members - committees. -- The general assembly shall meet in regular session at 10 o'clock a.m. on the first Wednesday after the first Tuesday of January of each year. ~~but-at-such regular-sessions-convening-in-even-numbered-years,-the-general assembly-shall-not-enact-any-bills-except-those-raising-reve-~~

One substantive amendment is recommended to this section: There should be no constitutional restrictions on the subject-matter that can be considered during even-year sessions; however, committee members believe that a statutory limit on the number of days a member may be paid should continue to remain in effect.

TEXT

~~due, - these making appropriations, - and these pertaining to sub-~~
~~jects designated in writing by the governor during the first~~
~~10 days of the session.~~ The general assembly shall meet at
other times when convened in special session by the governor.
The term of service of the members of the general assembly
shall begin on the convening of the first regular session of
the general assembly next after their election. The commit-
tees of the general assembly, unless otherwise provided by the
general assembly, shall expire on the convening of the first
regular session after a general election.

SECTION 8. Members precluded from holding office. -- No
senator or representative shall, during the time for which he
shall have been elected, be appointed to any civil office
under this state; and no member of congress, or other person
holding any office (except of attorney-at-law, notary public,
or in the militia) under the United States or this state, shall
be a member of either house during his continuance in office.

SECTION 9. Increase of salary - when forbidden. -- No
member of either house shall, during the term for which he may

COMMENTS

As another means of making
the General Assembly a co-
equal branch of government
with the executive depart-
ment, the committee also
recommended that an addi-
tional amendment be made
to this section, providing
that the legislature may be
convened into special ses-
sion by the majority lead-
ers of the House and Senate
upon receiving requests of
the elected members to each
house. Such authority
could also be used, commit-
tee members believe, for
reconsidering bills vetoed
by the Governor after ad-
journment sine die.

In view of the proposed
rewording of sections 6
and 30, the committee

TEXT

have been elected, receive any increase of salary or mileage under any law passed during such term.

SECTION 10. Each house to choose its officers. -- At the beginning of the first regular session after a general election, and at such other times as may be necessary, the senate shall elect one of its members president pro-tempore, and the house of representatives shall elect one of its members as speaker. The president pro-tempore and speaker shall serve as such until the election and installation of their respective successors. Each house shall choose its other officers and shall judge the election and qualification of its members.

SECTION 11. Quorum. -- A majority of each house shall constitute a quorum, but a smaller number may adjourn from day to day, and compel the attendance of absent members.

SECTION 12. Each house makes and enforces rules. -- Each house shall have power to determine the rules of its proceedings and punish its members or other persons for contempt or disorderly behavior in its presence; to enforce obedience to

COMMENTS

recommends that this section be repealed.

In view of the adoption of Amendment No. 1 by the electorate in 1968, providing for the joint election of the Governor and Lieutenant Governor, the committee believes that the Lieutenant Governor should no longer preside over the Senate. This is consistent with prior committee recommendations that more effective use can and will probably be made of the Lieutenant Governor in the executive department. It is also believed that, as in the House, the majority party should be allowed to elect its leadership and organize as it sees fit.

TEXT

COMMENTS

its process; to protect its members against violence, or offers of bribes or private solicitation, and, with the concurrence of two-thirds, to expel a member, but not a second time for the same cause, and shall have all other powers necessary for the legislature of a free state. A member, expelled for corruption, shall not thereafter be eligible to either house of the same general assembly, and punishment for contempt or disorderly behavior shall not bar an indictment for the same offense.

SECTION 13. Journal - Ayes and nays to be entered, when.

-- Each house shall keep a journal of its proceedings and ~~may-in-its-discretion,-from-time-to-time,~~ publish the same, except such parts as require secrecy, and the ayes and noes on any question shall, at the desire of any two members, be entered on the journal.

Language was struck in this section in order to make the publication of House and Senate Journals mandatory.

SECTION 14. Open sessions. -- The sessions of each house,

and of the committees of the whole, shall be open, unless when the business is such as ought to be kept secret.

SECTION 15. Adjournment for more than three days. --

Neither house shall, without the consent of the other, adjourn

TEXT

COMMENTS

for more than three days, nor to any other place than that in which the two houses shall be sitting.

SECTION 16. Privileges of members. -- The members of the general assembly shall, in all cases except treason, felony, violation of their oath of office, and breach ~~or~~-surety of the peace, be privileged from arrest during their attendance at the sessions of their respective houses, and in going to and returning from the same; and for any speech or debate in either house they shall not be questioned in any other place.

The words "or surety" were struck, since the practice of putting up peace bonds by legislators is rarely, if ever, followed in Colorado.

SECTION 17. No law passed but by bill - amendments. -- No law shall be passed except by bill, and no bill shall be so altered or amended on its passage through either house as to change its original purpose.

SECTION 18. Enacting clause. -- The style of the laws of this state shall be: "Be it enacted by the General Assembly of the State of Colorado."

SECTION 19. When laws take effect - introduction of bills. -- An act of the general assembly shall take effect on the date PRESCRIBED BY GENERAL LAW, UNLESS OTHERWISE stated

This section was amended so that an effective date would not necessarily have to be placed in each bill passed. It would allow the General Assembly, where

TEXT

in the act. ~~or, if no date is stated in the act, then on its~~
passage. A bill may be introduced at any time during the ses-
sion unless limited by ~~action~~ JOINT RESOLUTION of the general
assembly. No bill shall be introduced by title only.

SECTION 20. Bills referred to committee - printed. --

No bill shall be considered or become a law unless referred
to a committee, returned therefrom, and printed for the use
of the members.

SECTION 21. Bill to contain but one subject - expressed

in title. -- No bill, except general appropriation bills, shall
be passed containing more than one subject, which shall be
clearly expressed in its title; but if any subject shall be em-
braced in any act which shall not be expressed in the title,
such act shall be void only as to so much thereof as shall not
be so expressed.

SECTION 22. Reading and passage of bills. -- Every bill

shall be read by title when introduced, and at length on two
different days in each house; provided, however, any reading

COMMENTS

feasible, to fix a uniform
date on which bills would
take effect. The committee
believes the latter would
be helpful to the general
public and to those affected
by statutes.

Also, a technical amendment
was made to clarify the
last sentence.

TEXT

COMMENTS

at length may be dispensed with upon unanimous consent of the members present. All substantial amendments made thereto shall be printed for the use of the members before the final vote is taken on the bill, and no bill shall become a law except by a vote of the majority of all members elected to each house taken on two separate days in each house, nor unless upon its final passage the vote be taken by ayes and noes and the names of those voting be entered on the journal.

SECTION 23. Vote on amendments and report of committee.

-- No amendment to any bill by one house shall be concurred in by the other nor shall the report of any committee of conference be adopted in either house except by a vote of a majority of the members elected thereto, taken by ayes and noes, and the names of those voting recorded upon the journal thereof.

SECTION 24. Revival, amendment or extension of laws. --

No law shall be revived, or amended, or the provisions thereof extended or conferred by reference to its title only, but so much thereof as is revived, amended, extended or conferred,

TEXT

COMMENTS

shall be re-enacted and published at length.

SECTION 25. Special legislation prohibited. --

The general assembly shall not pass ANY local or special laws in-any-of-the-following-enumerated-cases;-that-is-to-say;-for granting-divorces;-laying-out;-opening;-altering-or-working roads-or-highways;-vacating-roads;-town-plats;-streets;-alleys and-public-grounds;-locating-or-changing-county-seats;-regulating-county-or-township-affairs;-regulating-the-practice-in courts-of-justice;-regulating-the-jurisdiction-and-duties-of justices-of-the-peace;-police-magistrates-and-constables; changing-the-rules-of-evidence-in-any-trial-or-inquiry;-providing-for-changes-of-venue-in-civil-or-criminal-cases;-declaring any-person-of-age;-for-limitation-of-civil-actions-or-giving effect-to-informal-or-invalid-deeds;-summoning-or-impaneling grand-or-petit-juries;-providing-for-the-management-of-common schools;-regulating-the-rate-of-interest-on-money;-the-opening or-conducting-of-any-election;-or-designating-the-place-of voting;-the-sale-or-mortgage-of-real-estate-belonging-to-minors or-others-under-disability;-the-protection-of-game-or-fish;

This section was redrafted in shortened form and would accomplish the same objectives as under the existing provision.

TEXT

COMMENTS

~~chartering-or-licensing-ferries-or-toll-bridges;-remitting
fines;-penalties-or-forfeitures;-creating;-increasing-or-de-
creasing-fees;-percentage-or-allowances-of-public-officers;
changing-the-law-of-descent;-granting-to-any-corporation;-as-
sociation-or-individual-the-right-to-lay-down-railroad-tracks;
granting-to-any-corporation;-association-or-individual-any
special-or-exclusive-privilege;-immunity-or-franchise-whatever.
In-all-other-cases;-where-a-general-law-can-be-made-applicable;
no-special-law-shall-be-enacted. ACT IN ANY CASE WHERE A GEN-
ERAL ACT CAN BE MADE APPLICABLE.~~

SECTION 25a. Eight hour employment. -- The general assem-
bly shall provide by law, and shall prescribe suitable penal-
ties for the violation thereof, for a period of employment not
to exceed eight (8) hours within any twenty-four (24) hours
(except in cases of emergency where life or property is in
imminent danger), for persons employed in underground mines or
other underground workings, blast furnaces, smelters; and any
ore reduction works or other branch of industry or labor that
the general assembly may consider injurious or dangerous to
health, life or limb.

It is recommended that
this section be repealed;
its provisions are already
covered more inclusively
by federal and state stat-
utes and regulations and is
no longer required to be
prescribed in the Consti-
tution.

TEXT

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 OR APPENDED TO the journal.

SECTION 27. Officers and employees - compensation. --

The general assembly shall prescribe by law OR BY JOINT RESOLUTION the number, duties and compensation of the officers and employees of each house and of the two houses, and no payment

COMMENTS

The amendments to this section, as a whole, would eliminate the necessity for members to return to Denver to witness bill signing after the traditional recess at the end of sessions. This would enable the General Assembly to adjourn sine die at the completion of business, instead of waiting until all work on bills is completed preparatory to their submission to the Governor, including the witnessing of bill signing. The fact of signing those bills remaining to be signed after final adjournment would be appended to the Journals. Pursuant to this latter provision, procedures could be set up as safeguards against the possibility of a presiding officer refusing to sign a particular bill after adjournment

The words "or by joint resolution" were added to this section so that the General Assembly is permitted to provide for the hiring of its officers and employees and the fix-

TEXT

shall be made from the state treasury, or be in any way authorized to any person except to an acting officer or employee elected or appointed ~~in-pursuance-of~~ PURSUANT TO law OR JOINT RESOLUTION.

SECTION 28. Extra compensation to officers, employees or contractors forbidden. -- No bill shall be passed giving any extra compensation to any public officer, servant or employee, agent or contractor, after services shall have been rendered or contract made, nor providing for the payment of any claim made against the state without previous authority of law.

SECTION 29. Contracts for quarters, furnishings and supplies. -- ~~All-stationery,-printing,-paper-and-fuel-used-in-the legislative-and-other-departments-of-government-shall-be-furnished,-and-the-printing-and-binding-and-distributing-of-the laws,-journals,-department-reports,-and-other-printing-and~~

COMMENTS

ing of their compensation in any manner it desires, since these are matters properly falling within the jurisdiction of a legislative assembly. These changes would thus accord with the existing situation, wherein the number and compensation of House and Senate employees are now fixed by Joint Resolution at the start of each General Assembly.

This section was redrafted so that the provisions herein would be provided by law, instead of retaining them in the Constitution.

The committee does, however, recommend the re-

TEXT

~~binding; and the repairing and furnishing the halls and rooms used for the meeting of the general assembly and its committees; shall be performed under contract; to be given to the lowest responsible bidder; below such maximum price and under such regulations as may be prescribed by law.~~ THE GENERAL ASSEMBLY SHALL PROVIDE BY LAW FOR THE ACQUISITION PURSUANT TO CONTRACT OF QUARTERS, FURNISHINGS, AND SUPPLIES FOR THE LEGISLATIVE, EXECUTIVE, AND JUDICIAL DEPARTMENTS OF STATE GOVERNMENT, AND EACH SUCH CONTRACT SHALL BE AWARDED TO THE LOWEST RESPONSIBLE BIDDER. No member or officer of any SUCH department ~~of the government~~ shall be in any way interested in any such contract; and all such contracts shall be subject to the approval of the governor and THE state ~~treasurer~~ CONTROLLER.

SECTION 30. Compensation and term of office of elective public officers. -- No law shall extend or diminish the term of any elected public officer after his election or appointment, nor shall the salary of any elected public officer be increased or decreased during the term of office for which he was elected.

COMMENTS

tention of the last two clauses. "controller" was substituted for "treasurer" in the last clause to conform with existing and anticipated practice.

This section was redrafted in shortened form and, as such, contains both clarifying and substantive changes:

(1) In view of the proposed redraft of Section 6 and the repeal of Section 9, only the restriction on salary is specifically mentioned, which,

TEXT

COMMENTS

as in the case of legislators, would apply only to the monthly salary and per diem salary allowance received, but would not restrict increases in travel allowances.

(2) The proposed rewording deletes references to the salary of the Governor's Secretary and other outdated references.

(3) To clarify the meaning of "public officer" and make this section consistent with Article VI, Section 18, as amended in 1966, public officer was changed to mean "elected public officer".

For instance, a question was raised as to whether the existing prohibition against extending the term or increasing or decreasing a "public officer's" salary also applied to appointive civil service or non-civil service heads of departments, divisions, boards, and commissions, such as the P.U.C.

The Judicial Article provides that salaries "may

TEXT

COMMENTS

SECTION 31. Revenue bills. -- All bills for raising revenue shall originate in the house of representatives; but the senate may propose amendments, as in case of other bills.

SECTION 32. Appropriation bills. -- The General appropriation ~~bill~~ BILLS shall embrace nothing but appropriations for the ~~expense-of-the~~ executive, legislative, and judicial departments of the state, state institutions, interest on the public debt, and ~~for~~ public schools. All other appropriations shall be made by separate bills, each embracing but one subject.

be increased but may not be decreased" during the term of office of a judge or justice. Further, a judge or justice is no longer considered an elective officer under the Judicial Article, as amended. Thus, the rewritten section is consistent with existing circumstances and provisions.

The committee recommends that this section be repealed, since it can see no good reason other than tradition to prohibit the origination of revenue bills in the Senate.

The word "bills" was substituted for "bill" to sanction the introduction of more than one appropriation bill. Also, the change would accord with the reference to appropriation bills in Section 21.

The words "expense of the" was struck, since it does not now include capital outlay and capital construction in accounting terminology.

TEXT

COMMENTS

SECTION 33. Disbursement of public money. -- No money shall be paid out of the treasury except upon appropriations made by law, and on warrant drawn by the proper officer in pursuance thereof.

SECTION 34. Appropriations to private institutions forbidden. -- No appropriation shall be made for charitable, industrial, educational or benevolent purposes to any person, corporate or community not under the absolute control of the state, nor to any denominational or sectarian institution or association.

SECTION 35. Delegation of power. -- The general assembly shall not delegate to any special commission, private corporation or association, any power to make, supervise or interfere with any municipal improvement, money, property or effects, whether held in trust or otherwise, or to levy taxes or perform any municipal function whatever.

SECTION 36. Laws on investment of trust funds. -- The general assembly shall, from time to time, enact laws prescribing types or classes of investments for the investment of funds

The committee deferred action on this section until it could be determined what, if any, changes the Committee on the Public Utilities Commission would recommend. The latter committee deferred action on this section and recommended that no action be taken at this time.

The committee recommends the repeal of this section because the protection of such funds as firemen's retirement funds

TEXT

held by executors, administrators, guardians, conservators and other trustees, whose power of investment is not set out in the instrument creating the trust.

SECTION 37. Change of venue. -- The power to change the venue in civil and criminal cases shall be vested in the courts, to be exercised in such a manner as shall be provided by law.

SECTION 38. No liability exchanged or released. -- No obligation or liability of any person, association or corporation, held or owned by the state, or any municipal corporation therein, shall ever be exchanged, transferred, remitted, released or postponed, or in any way diminished by the general assembly, nor shall such liability or obligation be extinguished except by payment thereof into the proper treasury.

SECTION 39. Orders and resolutions presented to governor. -- Every order, resolution or vote to which the concurrence of both houses may be necessary, except on the question of adjournment, or relating solely to the transaction of business

COMMENTS

are so thoroughly ingrained in Colorado law that this section is considered superfluous.

The Supreme Court has no objections to the repeal of this section, as agreed upon by the committee. The Court has power to change venue under Article VI, Section 21, as amended.

The committee recommends the repeal of this section. As long as it is retained, it is not possible to write-off old, uncollectable accounts presently on the books. The Legislative Audit Committee has also recommended repeal of this section.

This section is recommended for repeal, since the practice of presenting all Joint Resolutions to the Governor has not been followed consistently and would be impractical if it were.

TEXT

COMMENTS

of the two houses, shall be presented to the governor, and before it shall take effect, be approved by him, or being disapproved, shall be re-passed by two-thirds of both houses, according to the rules and limitations prescribed in case of a bill.

SECTION 40. Bribery in general assembly. -- ~~If any person elected to either house of the general assembly shall offer or promise to give his vote or influence in favor of or against any measure or proposition pending or proposed to be introduced in the general assembly in consideration or upon condition that any other person elected to the same general assembly will give or will promise or assent to give his vote or influence in favor of or against any other measure or proposition pending or proposed to be introduced in such general assembly, the person making such offer or promise, shall be deemed guilty of solicitation of bribery. -- If any member of the general assembly shall give his vote or influence for or against any measure or proposition pending in such general assembly, or offer, promise or assent so to do, upon condition~~

This section was redrafted in a shortened and streamlined form and would accomplish the same purposes as prescribed in the existing section.

TEXT

COMMENTS

that-any-other-member-will-give-or-will-promise-or-assent-to
give-his-vote-or-influence-in-favor-of-or-against-any-other
measure-or-proposition-pending-or-proposed-to-be-introduced-in
such-general-assembly,-or-in-consideration-that-any-other-mem-
ber-hath-given-his-vote-or-influence-for-or-against-any-other
measure-or-proposition-in-such-general-assembly,-he-shall-be
deemed-guilty-of-bribery;-and-any-member-of-the-general-assem-
bly,-or-person-elected-thereto,-who-shall-be-guilty-of-either
of-such-offenses-shall-be-expelled,-and-shall-not-be-there-
after-eligible-to-the-same-general-assembly;-and,-on-convic-
tion-thereof-in-the-civil-courts,-shall-be-liable-to-such
further-penalty-as-may-be-prescribed-by-law. ANY PERSON ELECT-
ED OR APPOINTED TO THE GENERAL ASSEMBLY WHO, AT ANY TIME, OF-
FERS, PROMISES, OR GIVES HIS VOTE OR INFLUENCE FOR OR AGAINST
ANY MEASURE PENDING OR PROPOSED TO BE INTRODUCED IN THE GEN-
ERAL ASSEMBLY, IN CONSIDERATION FOR THE PROMISE OR GIVING OF
A VOTE OF ANOTHER PERSON ELECTED OR APPOINTED TO THE GENERAL
ASSEMBLY FOR OR AGAINST THE SAME OR ANY OTHER SUCH MEASURE OR
IN CONSIDERATION OF ANY THING OF VALUE OR THE PROMISE THEREOF,

TEXT

COMMENTS

IS GUILTY OF BRIBERY AND SUBJECT TO SUCH PUNISHMENT THEREFOR AS IS PRESCRIBED BY LAW. IN ADDITION, ANY SUCH MEMBER OF THE GENERAL ASSEMBLY OR PERSON ELECTED OR APPOINTED THERETO; UPON CONVICTION OF BRIBERY, SHALL BE INELIGIBLE TO SERVE THEREAFTER AS A MEMBER OF THE GENERAL ASSEMBLY.

SECTION 41. Bribery of public officer. -- Any person who shall directly or indirectly offer, give, or promise any money or thing of value, testimonial, privilege, or personal advantage to any MEMBER OF THE GENERAL ASSEMBLY OR TO ANY OTHER PUBLIC OFFICER IN THE executive or judicial ~~officer-or-member-of the-general-assembly~~ DEPARTMENT OF STATE GOVERNMENT, to influence him in the performance of any of his public or official POWERS OR duties, ~~shall-be-deemed~~ IS guilty of bribery and ~~shall-be-punished-in-such-manner-as-shall-be~~ SUBJECT TO SUCH PUNISHMENT THEREFOR AS IS provided by law.

SECTION 42. Corrupt solicitation of members and officers. -- The offense of corrupt solicitation of members of the general assembly or of public officers of the state or of any municipal division thereof, and any occupation or practice of

In order to shorten, simplify, and clarify this section, it was redrafted.

The committee recommended that a bill be submitted to the General Assembly to define by law what constitutes "corrupt solicitation". The bill is contained in Appendix B.

TEXT

COMMENTS

solicitation of such members or officers to influence their official action, shall be defined by law, and shall be punished by fine and imprisonment.

SECTION 43. Member interested shall not vote. -- A member who has a personal or private interest in any measure or bill proposed or pending before the general assembly, shall disclose the fact to the house of which he is a member, and shall not vote thereon.

CONGRESSIONAL AND LEGISLATIVE APPORTIONMENTS

SECTION 44. Representatives in congress. -- ~~One represent~~
~~ative-in-the-congress-of-the-United-States-shall-be-elected~~
~~from-the-state-at-large-at-the-first-election-under-this-con-~~
~~stitution,-and-thereafter-at-such-times-and-places-and-in-such~~
~~manner-as-may-be-prescribed-by-law:~~ THE GENERAL ASSEMBLY SHALL
DIVIDE THE STATE INTO AS MANY CONGRESSIONAL DISTRICTS AS THERE
ARE REPRESENTATIVES IN CONGRESS APPORTIONED TO THIS STATE BY
THE CONGRESS OF THE UNITED STATES. When a new apportionment
shall be made by congress the general assembly shall divide
the state into congressional districts accordingly.

Obsolete language was struck and the section modernized.

TEXT

COMMENTS

SECTION 45. General assembly. -- The general assembly shall consist of not more than thirty-five members of the senate and of not more than sixty-five members of the house of representatives, one to be elected from each senatorial and each representative district, respectively.

SECTION 46. Senatorial and representative districts. -- The state shall be divided into as many senatorial and representative districts as there are members of the senate and house of representatives respectively, each district in each house having a population as nearly equal as may be, as required by the constitution of the United States.

SECTION 47. Composition of districts. -- Each district shall be as compact in area as possible and shall consist of contiguous whole general election precincts. Districts of the same house shall not overlap. Except when declared by the general assembly to be necessary to meet the equal population requirements of section 46, no part of one county shall be added to all or part of another county in forming districts. When county boundaries are changed, adjustments, if any, in

TEXT

COMMENTS

legislative districts, shall be as prescribed by law.

SECTION 48. Revision and alteration of districts. -- (1)

In the regular session of the general assembly in 1967, and at each such session next following official publication of each federal enumeration of the population of the state, the general assembly shall establish or revise and alter the boundaries of senatorial and representative districts according to the provisions of sections 46 and 47. After forty-five days from the beginning of each such regular session, no member of the general assembly shall be entitled to or earn any compensation for his services or receive any payment for salary or expenses, nor shall any member be eligible to succeed himself in office, unless and until such revision and alteration shall have been made.

(2) Each paragraph, sentence and clause of sections 45, 46, 47 and 48 shall be deemed to be severable from all other parts thereof and shall be interpreted to preserve, as the primary purpose thereof, the creation of single member districts. Nothing in said sections contained, nor any judgment

TEXT

COMMENTS

or judicial declaration pertaining to sections hereby repealed, nor the failure of the State of Colorado to conduct a census in 1885 and subsequent years, shall affect the validity of laws at any time enacted by the general assembly or by the people on any subject not directly pertaining to legislative districting or apportionment.

SECTION 49. Appointment of state auditor - term - qualifications - duties. -- The general assembly, by a majority vote of the members elected to and serving in each house, shall appoint, without regard to political affiliation, a state auditor, who shall be a certified public accountant licensed to practice in this state, to serve for a term of five years and until his successor is appointed and qualified. He shall be ineligible for appointment as state auditor for more than two consecutive terms, or for appointment or election to any other public office in this state from which compensation is derived while serving as state auditor and for two years following the termination of his services as such state auditor. He may be removed for cause at any time by a two-thirds vote of the mem-

TEXT

COMMENTS

bers elected to and serving in each house. It shall be his duty to conduct post audits of all financial transactions and accounts kept by or for all departments, offices, agencies, and institutions of the state government, including educational institutions notwithstanding the provisions of section 14 of article IX of this constitution, and to perform similar or related duties with respect to such political subdivisions of the state as shall from time to time be required of him by law.

Not more than three members of the staff of the state auditor shall be exempt from the classified civil service.

APPENDIX B

(A BILL DEFINING CORRUPT SOLICITATION
AS PROVIDED IN SECTION 42, ARTICLE V)

A BILL FOR AN ACT

1 CONCERNING THE ATTEMPT TO CORRUPTLY INFLUENCE CERTAIN ELECTED OFFI-
2 CERS BY CERTAIN MEANS, AND PROVIDING THE PENALTY THEREFOR.

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

4 SECTION 1. Attempting to corruptly influence certain elected
5 officers prohibited. It shall be unlawful for any person to at-
6 tempt to corruptly influence any member of the general assembly,
7 any judge or justice of any court in this state, or any public
8 officer of the state or of any political subdivision thereof, by
9 means of menace, deceit, suppression of truth, or threat of
10 economic reprisal with the intent thereby to alter or affect the
11 vote or opinion of such member in any action in any matter or
12 subject pending before, or which is afterwards to be considered
13 by, the body to which such member belongs.

14 SECTION 2. Penalty. Any person who violates any provision
15 of section 1 of this act shall be guilty of a felony, and upon
16 conviction thereof shall be punished by a fine of not less than
17 one hundred dollars nor more than one thousand dollars, or by
18 imprisonment in the state penitentiary for not less than one year
19 nor more than five years, or by both such fine and imprisonment.

20 SECTION 3. Safety clause. The general assembly hereby
21 finds, determines, and declares that this act is necessary for the

1 immediate preservation of the public peace, health, and safety.

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APPENDIX C

A BILL FOR AN ACT

1 CONCERNING THE GOVERNOR-ELECT, AND PROVIDING A SYSTEM TO FACIL-
2 ITATE THE TRANSITION OF STATE GOVERNMENT TO A NEW
3 ADMINISTRATION.

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

5 SECTION 1. Legislative declaration. The general assembly
6 declares it to be in the public interest that the transition
7 from the administration of one governor to that of another be
8 efficient and carefully planned. It is the purpose of this act
9 to provide the governor-elect with sufficient resources to effect
10 such a transition, including temporary office space, staff serv-
11 ices, access to budgetary and other necessary and desirable in-
12 formation, and cooperation of officials and employees of the
13 executive branch of state government.

14 SECTION 2. Office space, supplies, and equipment. The
15 department of administration shall provide the governor-elect
16 and his staff with suitable office space in the capitol building,
17 together with sufficient furnishings, supplies, equipment, and
18 telephone service for the period between the general election
19 and the inauguration.

20 SECTION 3. Access to information. (1) (a) The governor
21 and executive director of the department of administration shall

1 cooperate with the governor-elect and his staff to enable the
2 governor-elect to adequately prepare his policy priorities,
3 budget recommendations, legislative program, and messages to the
4 general assembly. To implement the provisions of this section,
5 the governor-elect and his authorized staff shall have full
6 access to:

7 (b) All reports, estimates, minutes of hearings, and other
8 information in the executive department of state government per-
9 taining to estimated revenues and the proposed executive budget
10 for the next fiscal year or years;

11 (c) All information relating to the problems, policies,
12 and plans of any department of the executive branch of state
13 government;

14 (d) The official records of the governor's office.

15 SECTION 4. Staff personnel - state employees. The governor-
16 elect shall be entitled to contract for the assistance and serv-
17 ices of persons of his own choosing, between the general election
18 and the inauguration, and they shall receive reasonable compen-
19 sation for their services within the limits of appropriations
20 made under section 5 of this act. Such persons shall not other-
21 wise be classified as state employees nor shall they be subject
22 to the civil service laws of this state during such period. In
23 addition, upon request of the governor-elect, the executive
24 director of any department shall assign an employee of his depart-
25 ment to assist the governor-elect and his staff for such time as
26 may be necessary between the general election and the
27 inauguration.

28 SECTION 5. General assembly to make appropriation. At the
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1 regular session in each year in which there is a general election
2 to elect a new governor, the general assembly shall appropriate
3 to the department of administration a sum of not less than ten
4 thousand dollars to pay the necessary expenses of the governor-
5 elect incurred between the general election and the inauguration,
6 including, but not limited to, office supplies, postage, actual
7 and necessary travel expenses, and compensation of administrative,
8 secretarial, and clerical personnel. Any unexpended balance of
9 such appropriation remaining after the payment of such expenses
10 shall revert to the general fund.

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

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APPENDIX D

A BILL FOR AN ACT

1 CONCERNING PUBLIC PRINTING FOR THE LEGISLATIVE DEPARTMENT, AND
2 PROVIDING FOR THE PUBLICATION AND DISTRIBUTION OF THE
3 SESSION LAWS OF THE STATE OF COLORADO.

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

5 SECTION 1. 109-2-4 (4) (g), Colorado Revised Statutes 1963,
6 is amended to read:

7 109-2-4. Specifications. (4) (g) Corrections can be made
8 to an enrolled bill before being printed in the session laws,
9 under the direction of the ~~secretary-of-state~~ CHIEF CLERK OF THE
10 HOUSE OF REPRESENTATIVES, IN THE CASE OF A HOUSE BILL, OR THE
11 SECRETARY OF THE SENATE, IN THE CASE OF A SENATE BILL, if such
12 corrections involve only PUNCTUATION, capitalization, and crossed-
13 out material and do not change the meaning of the act.

14 SECTION 2. 109-2-5 (1), Colorado Revised Statutes 1963,
15 is amended to read:

16 109-2-5. Contracts for public printing. (1) All public
17 printing for the state of Colorado shall be performed under con-
18 tract, to be given to the lowest responsible bidder, under the
19 regulations set forth in this article and under a specific pro-
20 vision that all persons employed by the contractor in the manu-
21 facture or furnishing of materials, supplies, or articles in the

1 performance of the contract shall observe the prevailing stand-
2 ards of working hours and conditions fixed and prescribed by
3 the industrial commission of Colorado as a condition precedent
4 to the submission of such bid and while performing such contract.
5 Such contracts shall be made by the state purchasing agent after
6 bids have been submitted to the state purchasing agent; provided,
7 that BUT printing to be done for state agencies outside the Den-
8 ver area may be purchased under the direction of the respective
9 heads of such agencies, in accordance with the rules and regula-
10 tions established by the state purchasing agent. The provisions
11 of this subsection shall not apply to fourth class printing re-
12 quired by the general-assembly; -the-legislative-council; -the
13 legislative-reference-office; -or-the-joint-budget-committee LEGIS-
14 LATIVE DEPARTMENT OF THE STATE in the regular course of their ITS
15 activities.

16 SECTION 3. 109-2-6, Colorado Revised Statutes 1963 (1965
17 Supp.), is amended to read:

18 109-2-6. Bids - specifications. The purchasing agent shall
19 have the responsibility for setting detailed standards and speci-
20 fications for the submission of all bids. Bids which do not com-
21 ply with such standards and specifications may be rejected by
22 the purchasing agent. The purchasing agent shall consult with
23 the president of the senate and the speaker of the house of repre-
24 sentatives, ~~the-secretary-of-state~~; and the chief justice of the
25 Colorado supreme court, as applicable, concerning the content,
26 format, and specifications for printing in classes one, two, and
27 three. Publications of the executive branch in class four of
28 public printing shall be approved by the controller before being
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1 submitted for bid.

2 SECTION 4. 109-2-13, Colorado Revised Statutes 1963, is
3 amended to read:

4 109-2-13. Purchasing agent to measure printing and keep
5 records. The state purchasing agent shall carefully scrutinize
6 and measure all work and material furnished under any and all
7 contracts within the purview of all laws affecting printing for
8 the state, EXCEPT PUBLIC PRINTING OF CLASSES ONE AND TWO, AS
9 DEFINED IN SECTION 109-2-3, and shall also keep a permanent rec-
10 ord of the same in his office, plainly showing the amount of
11 composition, the kind of type used in such work, the number of
12 ems of each kind of type used and the character and quality of
13 the material used for printing and binding, and he shall file
14 and preserve in his office one copy of each and every document
15 or other matter printed for the state. The purchasing agent
16 shall give a form number to each job and keep a permanent and
17 complete record, specifications, quantity, price, and name of
18 printer of each job, which shall be turned over to his successor
19 and signed for. Requisitions shall be preserved also for a per-
20 iod of five years, together with two samples of each job, and
21 the receipt of someone in the purchasing agent's office and some-
22 one in the department involved, who checked the quantity of each
23 job delivered.

24 SECTION 5. 109-2-23, Colorado Revised Statutes 1963, is
25 amended to read:

26 109-2-23. Publication of session laws. ~~Effective-with-the~~
27 ~~forty-fourth-general-assembly~~ It shall be the duty of the chief
28 ~~clerk-of-the-house-of-representatives-and-the-secretary-of-the~~
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1 senate REVISOR OF STATUTES, upon approval of BY the speaker of
2 the house and the president of the senate, to arrange and pre-
3 pare for publication, immediately after the adjournment of each
4 session of the general assembly, a copy of all the laws resolu-
5 tions;~~and memorials~~ passed at such session, together with SUCH
6 RESOLUTIONS AND MEMORIALS PASSED AT SUCH SESSION AND FURNISHED
7 TO THE REVISOR OF STATUTES FOR PUBLICATION BY THE CHIEF CLERK
8 OF THE HOUSE AND THE SECRETARY OF THE SENATE, AND all initiated
9 and referred laws which have been passed by the vote of the
10 people. ~~with a full index and section headings to the Colorado~~
11 ~~Revised Statutes; and they~~ THE SESSION LAWS SHALL CONTAIN A FULL
12 INDEX, A TABULATION BY COLORADO REVISED STATUTES SECTION NUMBERS
13 OF ALL CHANGES MADE TO SUCH STATUTES BY AMENDMENT, REPEAL, OR
14 ADDITION OF NEW SUBJECT MATTER, AND A DISPOSITION TABLE BY HOUSE
15 AND SENATE BILL NUMBER TO THE SESSION LAWS AND TO COLORADO RE-
16 VISED STATUTES. THE REVISOR OF STATUTES shall see that the print-
17 ing and binding of the laws are well executed. The contract and
18 sales pertaining to such publication shall be handled in accord-
19 ance with this chapter. The signature of the president of the
20 senate, speaker of the house, and governor shall not be printed
21 at the end of each law, but only ~~at the end of the volume; and~~
22 the date of the approval by the governor shall be shown. THE
23 CERTIFICATE OF THE CONTENTS OF THE SESSION LAWS VOLUMES SHALL BE
24 SIGNED BY THE SPEAKER OF THE HOUSE AND THE PRESIDENT OF THE
25 SENATE.

26 SECTION 6. 109-2-24, Colorado Revised Statutes 1963 (1965
27 Supp.), is REPEALED AND RE-ENACTED, WITH AMENDMENTS, to read:

28 109-2-24. Official list - designation and disposition of
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1 session laws. (1) The revisor of statutes shall prepare and
2 submit to the secretary of state an official list of the state,
3 district, county, and municipal officials and agencies who shall
4 receive for official use volumes of the session laws, including
5 a sufficient number of volumes for exchange with other states
6 and territories on a reciprocal basis; and the secretary of state
7 shall thereupon deliver such volumes to such officials and agen-
8 cies, taking a receipt for each volume so delivered.

9 (2) All volumes provided for official use shall remain the
10 property of the state of Colorado for the use of such named offi-
11 cials and their successors, and shall bear such designation.

12 SECTION 7. Repeals. 109-2-4 (3), 109-2-25, and 109-2-26,
13 Colorado Revised Statutes 1963, are repealed.

14 SECTION 8. Applicability of act. The provisions of this
15 act shall apply to the forty-seventh and subsequent general
16 assemblies.

17 SECTION 9. Safety clause. The general assembly hereby finds,
18 determines, and declares that this act is necessary for the imme-
19 diate preservation of the public peace, health, and safety.

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