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## 0146 Legislative Procedures in Colorado, Part IV

**Report to the Colorado General Assembly**

# **LEGISLATIVE PROCEDURES IN COLORADO**

## **PART IV**



**COLORADO LEGISLATIVE COUNCIL**

**RESEARCH PUBLICATION NO. 146**

**December 1969**

LEGISLATIVE COUNCIL  
OF THE  
COLORADO GENERAL ASSEMBLY

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Chairman  
Joe Calabrese  
John Fuhr  
Carl Gustafson  
Ben Klein  
Clarence Quinlan  
John Vanderhoof,  
Speaker

Senators

Fay DeBerard,  
Vice Chairman  
John Bermingham  
Frank Kemp  
Vincent Massari  
Ruth 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 IV

Legislative Council  
Report To The  
Colorado General Assembly

Research Publication No. 146  
December, 1969

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## LEGISLATIVE COUNCIL

ROOM 46 STATE CAPITOL  
DENVER, COLORADO 80203  
892-2285  
AREA CODE 303

November 26, 1969

To Members of the Forty-seventh Colorado General Assembly:

In accordance with the provisions of House Joint Resolution No. 1034, 1969 session, the Legislative Council submits for your consideration the accompanying report pertaining to legislative procedures in Colorado.

The Committee appointed by the Legislative Council to conduct the study reported its findings and recommendations to the Legislative Council on November 17, 1969, and the Council adopted the report at that time for transmission to members of the Forty-seventh General Assembly.

It is hoped that the subject of the organization and structure of the Joint Budget Committee will be placed on the Governor's list of items to be considered by the General Assembly in 1970.

Respectfully submitted,

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

CPL/mp

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## LEGISLATIVE COUNCIL

ROOM 46 STATE CAPITOL  
DENVER, COLORADO 80203  
892-2285  
AREA CODE 303

November 17, 1969

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 on legislative processes and procedures in Colorado has completed its work for 1969 and submits the accompanying report and recommendations.

From its inception in 1966, as a Legislative Council study committee, the Committee on Legislative Procedures has proceeded in its work on the assumption that legislative processes and procedures in Colorado could be improved if the Committee concentrated its attention on four major areas -- rule changes resulting in procedural alterations; improving legislative facilities; strengthening or altering the committee structure; and recommending amendments to the legislative article of the Colorado Constitution. A review of the Committee's recommendations that were implemented reveals that the General Assembly has responded well to these recommendations.

These four areas are again the areas in which the committee focused its attention during the 1969 interim. For instance, culminating work begun in the 1968 interim, the committee has again reviewed the entire legislative article (Article V) of the Constitution in an attempt to present to the 1970 General Assembly a document that is at the same time free of the verbosity that characterizes the Constitution as a whole, one that no longer contains many of the nineteenth century restrictions that can now be considered superfluous, and one that will help future legislatures meet contemporary problems.

Again, the Committee has directed its attention at improving facilities available to legislators, recommends rule changes which appear to help expedite or improve the legislative process, and recommends changes in the committee structure, including the composition and organization of the Joint Budget Committee.

In addition, the Committee has made recommendations that should help speed-up some of the mechanical aspects of the process. For example, the Committee recommends the utilization of an automated data processing (ADP) system on a limited scale during the 1970 Session in anticipation that, perhaps, by 1971, automated data processing can be utilized from the time a bill is drafted until the bill is finally enrolled for the Governor's signature. The Committee has also recommended that an electric roll-call system be installed in the House to help expedite the often time-consuming roll-call procedure.

The specific Committee recommendations on these items, together with supporting data, are discussed in subsequent sections of this report and it is the Committee's hope that the recommendations requiring action by the General Assembly in 1970 will be implemented as soon as possible.

Respectfully submitted,

/s/ Frank A. Kemp, Jr.  
Chairman Committee  
on Legislative Procedures

FAK/mp



## FOREWORD

House Joint Resolution No. 1034, 1969 regular session, directed the Legislative Council to continue during 1969 and 1970 the study begun in 1966 concerning legislative process and procedures in Colorado. The membership of the committee appointed to carry out the assignment consisted of:

Senator Frank Kemp Chairman	Representative Jean Bain
Senator Allen Dines Vice Chairman	Representative Ted Bryant
Senator Vincent Massari	Representative Palmer Burch
Senator Norman Ohlson	Representative Joe Calabrese
Senator Sam Taylor	Representative Harrie Hart
Senator Carl Williams	Representative C. P. Lamb
	Representative Harold McCormick
	Representative Anthony Mullen
	Representative Jerry Rose
	Representative Eric Schmidt
	Representative John Vanderhoof

Valuable assistance was given to the committee by Mrs. Comfort Shaw, Secretary of the Senate; Mrs. Lorraine Lombardi, Chief Clerk of the House of Representatives; and Mr. James C. Wilson, Director, Legislative Drafting Office. Richard Levensgood, Research Associate for the Legislative Council, had primary responsibility for the staff work and the preparation of this report.

November 26, 1969

Lyle C. Kyle  
Director

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## COMMITTEE FINDINGS AND RECOMMENDATIONS

By action of the first regular session of the Forty-seventh General Assembly, the Legislative Council was directed, under House Joint Resolution No. 1034, to appoint a committee to undertake "a continuation of the study on legislative procedures." The Committee appointed to carry out the directive met five times in 1969, the first year of the two-year study.

For the convenience of the members of the Forty-seventh General Assembly, given below is a summary of the findings and recommendations contained in the accompanying report of the Committee on Legislative Procedures to the second regular session of the General Assembly.

Included with each recommendation are the page number of the Report on which a recommendation is discussed and more data is supplied. If applicable, reference is also made to the appropriate appendix containing further information or recommended changes.

### I. Revision of Article V of the Constitution

Culminating work begun in the 1968 interim, the Committee completed its review of the legislative article of the Colorado Constitution (Article V) and recommends that a concurrent resolution embodying the Committee's revision be introduced in and considered by the 1970 General Assembly.

The Committee recommendations are discussed on pages 1-5, and the Committee's amendatory version of Article V and explanatory comments are contained in Appendix A of the Report, commencing on page 35.

### II. Improving the Colorado Legislative Process

#### The Problem of Log-Jams (Page 7)

Among the recurring problems faced by the Committee from its inception as a study committee in 1966 has been to find methods of quickening the pace of the General Assembly at the start of sessions so that the "traditional" log-jam of measures left to be considered at the end of sessions can be avoided or reduced considerably.

Cut-off Dates on Bill Drafting Requests and Introductions -- Joint Rule No. 23 (Page 10, Appendix B, Page 75). A major cause of the log-jam at the end of both the 1967 and 1969 Ses-

sions can be traced to the fact that the cut-off date on bill introductions (Joint Rule No. 23) has not worked as it was intended to. Under the rule, adopted by the 1967 Session as a result of a recommendation by the 1966 Committee on Legislative Procedures, the fiftieth day was established as the cut-off date on introduction of bills in the house of initial introduction. In order to introduce a bill after the fiftieth day, the rule requires that prior approval be obtained from a majority of the elected members.

But the rule did not establish a deadline for submitting bill drafting requests to the Legislative Drafting Office. In both the 1967 and 1969 Sessions, as long as a request was submitted to the Drafting Office by the fiftieth day, it could be introduced without prior approval of the house of initial introduction, which has caused tremendous backlogs in the Drafting Office that have taken weeks to clear up. For example, in the 1969 Session, approximately 400 bill drafting requests were received by the Drafting Office during the three days immediately preceding the cut-off date on introductions, approximately 200 of which were made on the fiftieth or final day. These figures compare with the total 1,128 bill drafting requests received by the Drafting Office and the 986 bills actually introduced during the 1969 Session.

Moreover, as long as a request is made prior to the cut-off date, there is no provision which requires the sponsor to introduce the bill by a certain date after the completed bill is delivered to him by the Drafting Office.

These two circumstances -- no cut-off dates on submission of bill drafting requests to the Drafting Office and no requirement for introducing bills after they are delivered -- resulted in bills still being introduced in both houses, without prior permission, a full six weeks after the cut-off date, or after nearly 75 percent of the session had elapsed.

In order to rectify this situation, the Committee recommends that Joint Rule No. 23 be amended to provide that:

(1) No bill drafting request shall be submitted to the Legislative Drafting Office after the fortieth legislative or calendar day without receiving prior permission of two-thirds of the members of the house of initial introduction;

(2) No bill shall be introduced in the originating house after the sixtieth legislative or calendar day without receiving prior permission of two-thirds of the members; and

(3) Any bill delivered by the Legislative Drafting Office after the close of business on the fifty-fifth calendar or legislative day of a regular session may be introduced at any time prior to the fifth calendar day thereafter.

Backlog at the End of Sessions -- Legislative Application of ADP Systems. (Page 12) The process of enrolling a bill -- putting the bill into final form, as passed by both houses and including all the amendments made thereto -- is one of the final mechanical steps that must be taken before a bill can become a law.

As discussed more fully in this Report, the backlog of bills left to be enrolled at the end of sessions is the one point in the legislative process that is most indicative of the problems created by the end-of-session log-jam, resulting from leaving too many decisions to be resolved until the closing days of the session. In 1969, for example, 192 or less than one-half of the 391 bills that finally passed both houses were enrolled, signed by the presiding officers, and transmitted to the Governor during the actual working session of the legislature, ending on May 9. To complete the enrolling process of the remaining 199 bills (nearly 51 percent of the total), the General Assembly reconvened on May 27 and again on June 17 to witness bill signing by the presiding officers (required by Article V, Section 26 of the Colorado Constitution 1/).

Seventy-five House and Senate bills were signed by the presiding officers and transmitted to the Governor on June 17, at which time the General Assembly adjourned sine die.

Analysis indicated that it was not until July 14 before the Governor completed action on all bills passed by the General Assembly, over two months after completion of business on May 9.

Of the 75 bills transmitted to the Governor on June 17, 40 were to become effective on July 1, only two weeks after they were transmitted to him for action. Article IV, Section 11 permits the Governor 30 days after the General Assembly adjourns sine die to either sign, veto, or allow a bill to become law without his signature. Twenty-one of the 40 bills to become effective on July 1 were either signed on or after July 1.

The uncertainties that occurred as a result of the preceding situation caused criticism to be directed at the General Assembly from both governmental agencies, charged with administering these enactments, and the public that is affected by them.

---

1/ One of the Committee's recommendations in revising Article V is to amend this provision so that it would no longer be necessary for the General Assembly to reconvene to witness bill signing. (See Appendix A.)



The problems that occurred after the 1969 Session, with regard to the enrolling process, may even become more serious after odd-year sessions in the future, since there appears to be increasing tendency for sessions to become longer as legislation becomes more complex and as the citizens of the state look more toward the General Assembly to deal with the state's growing problems.

The Committee believes that if July 1 is going to continue to be the accepted and the most logical effective date on most bills enacted into law, the process of enrolling bills must be expedited.

As the Committee has already recommended, Joint Rule No. 23, establishing cut-off dates on bill drafting requests and introduction of bills, should help the General Assembly conduct its business in a more orderly fashion and help prevent end-of-session log-jams.

However, the Committee recognizes that it would be unrealistic to assume that procedural changes represent, in themselves, the solution to ending the log-jam at the end of sessions and the enrolling problems that occur as a result.

Therefore, in order to meet the problems discussed as well as to prepare for the future evolution of the Colorado legislative process, the Committee recommends that an automated data processing system, developed for legislative use by Data Retrieval Corporation, be utilized during the 1970 Session on a "pilot program" basis. The estimated cost for the 1970 pilot program is approximately \$15,000 to \$20,000.

Use of the system, as described in more detail in the Report, will permit typed bills to be stored on tape for recall purposes in the state's computer system in the Capitol Building. When subsequent amendments are made to a bill, the amendments are incorporated in the original bill on tape and the bill, as amended, can be recalled in the form of a print-out; thus, the system can be used in the engrossing and revising processes as well as for enrolling bills.

The capability of the system will permit bills to be enrolled almost immediately after they have passed both houses, thus virtually eliminating the necessity for long recesses at the end of working sessions for purposes of completing the enrolling process.

However, since Data Retrieval Corporation's program (known as "Alter") will be used only on a pilot project basis during the 1970 Session, not all bills will be engrossed, revised, or enrolled by the application of the ADP. But utilization of the Alter program on a limited basis will allow time for the "bugs"

to be worked out of the system during the short session in anticipation that ADP can be used exclusively by the 1971 Session.

The Committee also recommended that the possibility of placing the Colorado Revised Statutes on tape by the 1971 Session to facilitate bill drafting be explored during the 1970 interim. Data Retrieval could also furnish this service at an estimated cost of \$50,000 to \$60,000. By having the statutes on tape, a great deal of time could be saved that is now spent on searching the statutes when drafting such bills as the 200-page H.B. No. 1279 (1969 Session), the reorganization of the Industrial Commission. It took nearly seven weeks for the Drafting Office to prepare the bill, including six weeks for searching the statutes and one week for typing and proofing. After passage by both houses, the time spent on the enrolling process, as previously described, would have been reduced considerably by the application of ADP.

#### Other Procedural Rule Changes

Fiscal Note Rule - Joint Rule No. 22 (Page 20; Appendix C, Page 77). The Committee recommends that the fiscal note rule be amended by the 1970 General Assembly in order to overcome some of the difficulties that occurred in the 1969 Session over the interpretation of the rule.

Perhaps, the most significant recommended change in the rule would be to require that a fiscal note be available at the time the committee of reference in the first house is considering a bill and that the note accompany the bill when it is reported to the Committee of the Whole. The present rule establishes no definite point in the process at which fiscal notes are required and completed notes are delivered to the Chief Administrative Officer of either house and distributed to members.

Dr. E. W. Sandberg, Executive Director of the Department of Administration, and Mr. Joseph Kyle, Staff Director of the Joint Budget Committee, assisted the Committee in amending the rule.

Conference Committee Rules (Page 22; Appendix D, Page 81). Some problems developed in the 1969 Session over the interpretation of House, Senate, and Joint Rules on conference committees.

Joint Rule No. 4 (a) provides that when either house requests a conference committee and appoints a committee to confer, the other house "shall" also appoint a conference committee. But the rule is silent on the effect of the adoption of a prior motion to adhere by the house that was requested to confer.

In order to achieve uniformity in the rules relating to conference committees, thereby preventing conflicts such as those reviewed, amendments are suggested to the applicable House, Senate, and Joint Rules, the effect of which would be to provide that one house is not required to appoint a conference committee if a motion to adhere had been previously adopted. Some technical amendments are also proposed and the rules, as amended, are recommended for adoption by the 1970 General Assembly.

### Electric Roll-Call System for the House (Page 23; and Appendix E, Page 85)

The Committee recommends that the House install an electric roll-call system to eliminate the considerable amount of time presently being spent on oral roll-calls. The Committee does not believe that the installation of an electric roll-call system in the Senate is feasible at this time due to its relative small size.

The Committee witnessed demonstrations of two systems by representatives of Communication Equipment and Engineering Company (CEECO) and International Roll-Call Corporation, which have systems in 11 state legislatures and 26 state legislatures respectively. However, the Committee did not recommend which system should be acquired or whether a roll-call system should be purchased or leased. These questions, the Committee believes, should be the responsibility of whatever body that may be charged with making the final decision, e.g., the House Services Committee or the Legislative Council.

## III. Committee Structure

### Structure and Size of Committees of Reference (Page 25)

As discussed more fully in the report, the Committee considered the problems that have arisen with respect to the size and nature of the Committee structure, even though considerable improvements have been made in recent sessions. Some of the problems can be summarized as follows:

(1) Afternoon committee meeting schedules have been adopted in both houses which has been beneficial to members of the General Assembly and to the public at large. At the same time, however, members now have less time during afternoons to attend to their individual legislative work;

(2) Conflicts of committee membership have been eliminated in the Senate, but such conflicts still exist in the House, since some members are appointed to serve on two committees scheduled to meet at the same time;

(3) There is a need for members of committees of reference to develop more expertise in those subject-matter areas with which committees normally deal; and

(4) There is an increasing desirability of having the Legislative Council designate particular House and Senate committee of reference to serve as joint interim study committees.

In order to correct some of these problems and to prepare for the time when committees of reference may be functioning virtually on a year-round basis, the Committee on Legislative Procedures recommends that commencing in the 1971 Session, there should be created, by joint rule, 11 parallel subject-matter committees of reference in each house. The recommended structure would be as follows:

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

There are now 13 House committees of reference and 15 Senate committees of reference; thus, some of the existing committees were consolidated. In recommending the consolidations the Committee considered the fact that some of the present committees are closely related as to the type of measures they consider and their workloads. Conversely, the Committee also believes that there is a necessity of conceptually keeping some committees distinct from others, which led to the recommendation that separate labor and business affairs committees be created in the Senate.

Several advantages could result from the recommended parallel committee structure that would help resolve the problems noted above.

(1) Restricting a Member to Three Committee Assignments. With certain exceptions, involving the leadership in both houses and the Joint Budget Committee, 11 committees in each house would make it possible to restrict each Senator and Representative to assignments on three committees. If this were the case, Senate committees would consist of nine members and House committees would consist of 15 members. In the Senate, members currently have no fewer than five committee assignments and some members have as many as six assignments. Fewer assignments for members might help foster better attendance at committee meetings, which are scheduled to meet twice weekly, by allowing members more time during afternoons for their individual legislative work. At present, this is not possible if a member is going to attend all the committee meetings he is supposed to attend.

The committee believes that the leadership of both houses, the members of the Joint Budget Committee, and the members of the Rules Committee should be relieved of excessive committee of reference assignments. However, if there are going to be 15-member House committees and nine-member Senate committees, some of these individuals would have to be given assignments to some committees. Moreover, their membership on committees is desirable from the standpoint of assuring that their expertise in particular areas will be utilized. Based on these factors, the extra assignments for the leadership, members of the Joint Budget Committee and members of the Rules Committee could be as follows:

Speaker -- none

House Majority Leader -- one

The three House members of the Joint Budget Committee -- one (Appropriations)

The House Minority Floor Leader -- one

The five members of the Rules Committee, other than Speaker and Majority Floor Leader -- two

Senate Majority Leader -- none

The three Senate members of Joint Budget Committee -- two each, one of which would be Appropriations

(2) Categorizing Committees of Reference. Even though House members in the 1969 Session were usually not assigned to more than three committees, there were a number of conflicts, which meant that some members were faced with the choice of attending one of the two committees that were scheduled to meet at the same time. Such conflicts could be eliminated entirely if the House were to adopt a system identical to the one followed by the Senate since the 1967 Session -- each of the committees of

reference could be placed in one of four categories. As in the Senate all committees in one category would be scheduled to meet at the same time, and an individual House member would not be allowed to be a member of more than one committee in any one category.

If the recommended parallel committee structure were adopted, a single committee categorization applicable to both houses would be possible. House and Senate parallel subject-matter committees could then meet in joint session, with lesser disruption to members and other committees than has been the case heretofore. Joint meetings of parallel committees is particularly advantageous when hearings are to be held, which was illustrated during the 1969 Session when the House and Senate water committees met in joint session to conduct joint hearings on the proposed water legislation before the General Assembly.

(3) Joint Interim Committees. The concept of parallel committees of reference could be extended to interim studies. At present, there are no formal guarantees that members serving on an interim study committee are going to be the same individuals who will consider, during the forthcoming session, the legislation that resulted from the study. However, this limitation could be overcome if the Legislative Council could designate the parallel committees that would serve during interims to carry out study assignments made by the General Assembly. Since joint interim committees would be composed of 24 members, perhaps executive committees could be created to meet more frequently than might be necessary for the full joint committees. The chairmanship could be alternated between the House and Senate.

Legislative Oversight Functions of Committees of Reference (Page 31 ; Appendix F, page 87)

As noted, there is a need for committee members to develop more expertise in the subject-matter areas with which their committees normally deal. There is also a need for periodic committee briefings by personnel in executive agencies and there is an increasing necessity for Colorado legislators to respond to action proposed and taken at the federal level

The concept of a parallel committee structure could help do much in the way of accomplishing these objectives. But the Committee believes that there is a need for establishing some formalized procedure for attaining these goals. Therefore, the Committee recommends the adoption of Joint Rule No. 25, contained in Appendix F, which would establish procedures whereby periodic briefings and discussions would be held by committees of reference with top personnel in the 17 principal departments in the Executive Branch. It would be a committee's responsibility of overseeing the operations of the department that falls within the

general subject-matter scope of the committee's activities. Each committee would be assigned one or more departments to oversee.

Staff members assigned to committees would also be responsible to keep committees informed of developments on the federal level that may be pertinent to the committee's subject-matter areas.

#### Joint Budget Committee Size and Structure (Page 32)

Joint interim committees might offer an opportunity for the 24-member joint interim appropriations committee to be divided into subcommittees for expediting budgetary review, with the Joint Budget Committee designated as the executive committee for the joint appropriations committee.

However, despite the long-range implications that can be anticipated by the parallel committee structure, the Committee on Legislative Procedures recommends that the 1970 General Assembly increase the size of the Joint Budget Committee to consist of not less than nine members but no more than 12 members. The Committee further recommends that the enlarged Joint Budget Committee be divided into three subcommittees.

#### IV. Other Recommendations

General Assembly Telephone System (Page 33). The Committee recommended that the legislative telephone system become part of the capitol complex telephone system. The change means that the legislature during sessions will be on the 892 exchange instead of the old 222 exchange, resulting in more telephone service being made available to legislators during sessions and during interims, including the use of the state's incoming and outgoing WATS lines and the direct lines to various cities around the state.

The Committee also reiterates the recommendation made by the Committee on Legislative Procedures in 1968 that the General Assembly be billed by Mountain States Telephone Company for the entire cost of its telephone service.

Senate Space Problems (Page 34). The Committee recommended that Senate Services Committee be authorized to undertake some minor remodelling in the Senate which would put a door in the corridor on the west side of the Senate Chambers and restore the doorway between the anteroom on the west side and the new Senate Office.

## I. REVISION OF ARTICLE V OF THE CONSTITUTION

### Background of Committee Revision

In the four regular sessions preceding the 1969 Session 1965-1968, some 22 amendments to various sections of the legislative article of the Constitution (Article V) were introduced and considered. None of the proposals were passed by the General Assembly, even though amendments to several sections were introduced as many as three times during this period. (These efforts do not include the initiated amendments to sections 45, 46, 47, and 48 on legislative reapportionment and subdistricting.)

During the first two interim study periods of the Committee on Legislative Procedures, 1966 and 1967, considerable discussion was devoted to making changes in those sections in Article V which relate to the legislative process. For instance, the Committee recommended that the Lieutenant Governor be removed as presiding officer of the Senate and that subject-matter restrictions on even-year sessions be removed.

In view of these previous efforts, the 1968 Committee on Legislative Procedures undertook a complete review of the entire article. The Committee believed that it would be logical to review the article in a more systematic and comprehensive manner than to continue to approach a revision of the article in the same piece-meal fashion that had been the case in prior interim studies. Accordingly, the Committee, during the 1968 interim, spent a considerable amount of time reviewing and proposing amendments to the article. Their efforts were embodied in S.C.R. No. 11 (1969 Session), which was ultimately postponed indefinitely by the Senate Judiciary Committee.

The 1969 Committee on Legislative Procedures decided at the outset of the 1969 interim study that a continuation of the review should be undertaken in 1969, with the view toward finalizing the 1968 Committee's revision and resolving recurring differences over some substantive issues.

Appendix A of this Committee report contains the redraft of the legislative article that the Committee offers for introduction and consideration by the 1970 General Assembly. The revision includes explanatory comments opposite the sections on which the Committee took action.

### Summary of Recommendations

The Committee recommends that 26 of the 50 sections in Article V be either amended or repealed. As in 1968, the Committee's general approach to Article V was confined to stream-



lining or modernizing various provisions, repealing what are considered to be outdated or unnecessary sections, making technical changes, and proposing some substantive amendments. For instance, each of the 26 sections amended or repealed may be placed in one of the following three categories and examples of each are discussed below:

I. Technical-Modernizing Amendments or Repeals

II. Amendments Affecting the Legislative Process

III. Amendments Affecting Compensation of Legislators

Category I - Technical - Modernizing Amendments or Repeals. Perhaps, the majority of the amendments or repeals can be placed in Category I. The Committee found that many sections were either unnecessary, outdated, or were so detailed that they amount to having statute law written in the Constitution.

Section 37 is an example of an obsolete provision. The section provides that the power of courts to change the venue in civil and criminal courts shall be exercised in a manner as prescribed by law. But, since the Supreme Court has the authority to change venue under the Article VI, Section 21, as amended in 1965, this section is no longer necessary. Therefore, the Committee recommended that section 37 be repealed.

Other examples of modernizing amendments include the deletion of references in sections 4 and 5 to multi-member representative and senatorial districts, with such districts confined to only one county, since neither is any longer the case in Colorado and such references conflict with the 1966 amendments to sections 45 and 46 on reapportionment.

Category II - Amendments Affecting Legislative Procedures. One amendment to section 7 would permit the removal of subject-matter restrictions on even-year sessions at such time as the General Assembly shall provide by law. The second amendment to section 7 would allow two-thirds of both houses to initiate special legislative sessions. Other amendments that can be placed in this category include: amending section 10 in order to remove the Lieutenant Governor as presiding officer of the Senate, and amending section 19 to permit the General Assembly to fix by law a uniform effective date for all bills.

Category III - Amendments Affecting Compensation of Legislators. Sections 6, 9, and 30 of Article V all contain restrictions as to when legislators may receive increases in salaries, expense allowances, and rates of reimbursements for mileage placed on their personal automobiles when used for legislative business, as authorized by law. While every other section in Article V that was either amended or repealed by the Committee

is independent from all others and can, therefore, be considered upon its individual merits, the same is not true with regard to the Committee's approach to sections 6, 9, and 30, which are all interrelated on the subject of legislative compensation. For example, if section 6 was amended to accomplish a particular objective, it was also necessary to determine whether the amendment would conflict with existing provisions in section 9 or 30. At this point, therefore, perhaps the Committee's recommendations on legislative compensation should be outlined.

The problems that result from the Constitutional restrictions on increasing legislative compensation are summarized below:

(1) Restrictions on Increasing Mileage Rates. Section 9 currently prohibits legislators from receiving any increases in the rates paid per mile during their terms of office while using their private automobiles for authorized legislative business.

The Committee believes that this restriction is unreasonable, which is clearly illustrated by the situation created by House Bill No. 1235 that was passed in the 1969 Session. The bill increased the reimbursement rate that state officers and employees are entitled to receive from eight to 10 cents per mile, effective July 1, 1969. However, because of the restriction in section 9, no incumbent House member is eligible to receive the increase until the commencement of his next term of office, January, 1971. Senators re-elected in November, 1970, will also be eligible to receive the increase in January, 1971. But since one-half of the Senate is elected every two years to serve four-year terms, the 18 Senators elected in 1968 cannot obtain a mileage increase until the start of their next terms, January, 1973, or three-and-one-half years after the increase became effective for members of the executive and judicial departments, and two years after all other legislators.

(2) Monthly Salary and Per Diem. Section 6 currently provides that "No general assembly shall fix its own compensation", i.e., monthly and per diem salaries and "actual and necessary travelling expenses". The latter has been construed to include overnight lodging while the General Assembly is in session.<sup>1/</sup>

<sup>1/</sup> In Re Interrogatories by the Governor (1967), Colo., 429 P2d 304, and In Re Interrogatories by the Colorado State Senate Concerning Senate Bill 121, Forty-sixth General Assembly (1969), No. 24095.

In addition, sections 9 and 30 prohibit legislators from receiving salary increases during their terms of office. Thus, when H.B. No. 1257 was passed by the 1969 General Assembly, which raised the maximum amount of per diem pay for legislators from \$4,800 to \$5,400 per biennium, payable at \$30 per day while in session, the same situation will occur with respect to these increases as it will with regard to the increases in mileage rates outlined above -- holdover Senators elected at the 1968 general election will continue to receive as their maximum per diem allowance the same rate that was in effect at the time of their election (\$4,800 per biennium) and they will not be entitled to the new rate until after January, 1973. Again, nearly four years will have elapsed from the passage of the increase until a Senator initially elected in 1968 will be entitled to receive the additional \$600 per biennium that all other legislators will receive in January, 1971.

The Committee believes that some of the restrictions outlined above represent obstacles that not only tend to discourage many qualified citizens from ever seeking to undertake the burdens of a part-time citizen-legislator, but tend to discourage incumbents from seeking re-election. In large measure, the potential legislator or the incumbent has to be mindful of existing constitutional barriers that prevent him from receiving compensation that is somewhat commensurate with the increasing expenses and the ever-increasing demands and burdens placed on a part-time legislator in Colorado.

At the same time, the Committee recognizes the fact that a General Assembly could be in a position to raise the compensation given its members with impunity if all restrictive constitutional provisions were abolished.

Hence, in order to eliminate the most objectionable inequities outlined above, and, at the same time, provide some guarantee that abuses will not occur as a result of constitutional change, the Committee makes the following overall recommendation with respect to sections 6, 9, and 30 on legislative compensation:

All restrictions on increasing the salaries, expense allowances, and mileage rates for members of the General Assembly should apply only to the General Assembly that passed them, but such increases ~~should~~ be allowed during a holdover Senator's term of office.

Even though 17 or 18 Senators may, in fact, be voting on increasing the compensation they will receive two years henceforth, the fact will remain that over 80 percent of the General Assembly would still have to stand for re-election before the increases take effect. This fact alone should act as a deterrent from any abuses that a minority of Senators may contemplate.

In order to implement the above recommendations, section 6 and 30 were amended, section 30 substantially, and section 9 was recommended for repeal.

The recommendations are embodied in the revision to Article V contained in Appendix A of this report.

## II. IMPROVING THE COLORADO LEGISLATIVE PROCESS

### The Problem of Log-Jams

One of the recurring problems that has confronted the Committee on Legislative Procedures since it initially embarked upon a study of legislative processes and procedures in 1966, has been finding methods of quickening the process at the beginning of sessions so that what has become known as the "traditional" log-jam of bills left to be considered in the last weeks of sessions is eliminated or substantially reduced. Particular attention has been placed on quickening the pace in the house of initial introduction during the first half of the session so that the remainder of the session can be devoted to considering bills that originated in the other house.

Perhaps, the problem can best be seen by Tables I and II included herein. The tables show the weekly total of bills introduced, the number reported out of committee, and the number passing on second reading in the originating house during the 1965, 1967, and 1969 Sessions. For illustrative and comparative purposes each session was broken into four week periods or divided roughly into quarters and cumulative totals and percentages are included for each of these periods.

Generally speaking, the data indicate that there was marked improvement in the speed with which bills proceeded through the first house in the 1967 session when compared to either the 1965 or 1969 Sessions. In 1967, for example, the peak for the total number of bills introduced in both houses was attained by the eighth week or by approximately the half-way point in the session, after which time introductions in the first house declined markedly. (The eighth week coincides with the cut-off date on introductions which is discussed more fully below.) But in the 1965 Session, the peak for introductions in the house of initial introduction was not reached until the eleventh week in both the House and Senate. In the 1969 Session, on the other hand, the peak for introductions in the House of Representatives was not reached until the twelfth week. Even though the peak for introductions in the Senate during the 1969 Session was reached by the eighth week or by the week of the cut-off date, introductions in subsequent weeks did not decline markedly in number. When the latter circumstance is taken into consideration, the week with the highest total number of initial introductions (House and Senate combined) was the twelfth week, or after nearly three-fourths of the session had elapsed.

Yet, even in the 1967 Session, as column (3) shows, only 46 percent of the Senate bills that ultimately passed second reading had passed the Senate by the end of the eighth week or by the mid-point in the session. Similarly, in the House only 38

Table I\*

## HOUSE BILLS IN HOUSE - COMPARISON OF FLOW OF 1965, 1967, AND 1969 SESSIONS

Week	(1) No. of Bills Introduced			(2) No. of Bills Reported by Committee			(3) No. of Bills Passed on Second Reading		
	1965	1967	1969	1965	1967	1969	1965	1967	1969
	1	20	42	59	--	--	--	--	--
2	52	70	19	1	3	2	--	--	2
3	38	41	24	14	34	8	6	20	4
4	32	25	18	8	22	4	8	32	2
Subtotals	142 (28.8%)	178 (30.5%)	120 (21.6%)	23 (6.9%)	59 (15.0%)	14 (5.8%)	14 (5.1%)	52 (16.4%)	8 (3.4%)
5	26	40	20	8	18	8	5	20	13
6	49	46	36	14	21	8	10	17	7
7	40	71	49	21	17	10	11	17	6
8	29	115	51	19	28	33	15	13	31
Cumulative Totals	286 (58.1%)	450 (77.1%)	276 (49.8%)	85 (25.4%)	143 (36.4%)	73 (30.2%)	55 (19.9%)	119 (37.6%)	65 (27.6%)
9	26	59	27	19	39	11	21	15	10
10	54	39	37	24	27	24	14	21	14
11	105	12	36	33	31	21	17	33	21
12	6	18	69	63	46	18	32	30	15
Cumulative Totals	477 (97.0%)	578 (99.0%)	445 (80.3%)	224 (66.9%)	286 (72.8%)	147 (60.8%)	139 (50.2%)	218 (68.8%)	125 (53.0%)
13	6	3	41	62	43	15	49	40	6
14	5	3	48	23	59	27	35	46	31
15	--	--	17	13	4	28	26	13	42
16	4	--	1	10	1	23	18	--	29
Cumulative Totals	492 (100.0%)	584 (100.0%)	552 (99.6%)	332 (99.1%)	393 (100.0%)	240 (99.2%)	267 (96.4%)	317 (100.0%)	233 (98.8%)
17	--	--	1	3	--	2	10	--	3
18	--	--	1	--	--	--	--	--	--
Cumulative Totals	492 (100.0%)	584 (100.0%)	554 (100.0%)	335 (100.0%)	393 (100.0%)	242 (100.0%)	277 (100.0%)	317 (100.0%)	236 (100.0%)

\*Data compiled from final legislative Status Sheet for 1965, 1967, and 1969 Sessions.

Table II\*

## SENATE BILLS IN SENATE - COMPARISON OF FLOW OF 1965, 1967, AND 1969 SESSIONS

Week	(1) No. of Bills Introduced			(2) No. of Bills Reported by Committee			(3) No. of Bills Passed on Second Reading		
	1965	1967	1969	1965	1967	1969	1965	1967	1969
1	30	93	34	1	--	--	1	--	--
2	48	13	18	10	22	6	3	5	6
3	22	27	22	18	12	9	11	17	5
4	<u>20</u>	<u>19</u>	<u>25</u>	<u>2</u>	<u>36</u>	<u>9</u>	<u>13</u>	<u>32</u>	<u>10</u>
Subtotals	120 (32.3%)	152 (36.3%)	99 (22.9%)	31 (12.6%)	70 (24.3%)	24 (8.6%)	28 (13.3%)	54 (20.3%)	21 (7.7%)
5	22	38	22	5	8	14	3	19	8
6	37	30	40	21	13	8	16	8	13
7	19	31	29	18	31	30	15	29	9
8	<u>27</u>	<u>84</u>	<u>55</u>	<u>13</u>	<u>15</u>	<u>16</u>	<u>11</u>	<u>13</u>	<u>20</u>
Cumulative Totals	225 (60.7%)	335 (80.1%)	245 (56.7%)	88 (35.8%)	137 (47.6%)	92 (33.0%)	73 (34.6%)	123 (46.2%)	71 (26.1%)
9	12	36	25	13	27	19	15	15	24
10	31	17	22	17	24	19	8	23	17
11	76	14	30	15	26	22	19	25	19
12	<u>12</u>	<u>6</u>	<u>38</u>	<u>25</u>	<u>29</u>	<u>22</u>	<u>24</u>	<u>27</u>	<u>18</u>
Cumulative Totals	356 (96.0%)	409 (97.6%)	360 (83.3%)	158 (64.2%)	243 (84.4%)	174 (62.4%)	139 (65.9%)	213 (80.1%)	149 (54.8%)
13	3	2	37	40	21	23	9	16	8
14	7	5	18	16	21	35	22	25	30
15	4	3	10	16	3	25	21	12	34
16	<u>--</u>	<u>--</u>	<u>6</u>	<u>12</u>	<u>--</u>	<u>20</u>	<u>14</u>	<u>--</u>	<u>37</u>
Cumulative Totals	370 (99.7%)	418 (100.0%)	431 (99.8%)	242 (98.4%)	288 (100.0%)	277 (99.3%)	205 (97.2%)	266 (100.0%)	258 (94.9%)
17	1	--	1	4	--	2	6	--	14
18	<u>--</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>--</u>
Cumulative Totals	371 (100.0%)	418 (100.0%)	432 (100.0%)	246 (100.0%)	288 (100.0%)	279 (100.0%)	211 (100.0%)	266 (100.0%)	272 (100.0%)

\*Data compiled from final legislative Status Sheet for 1965, 1967, and 1969 Sessions.

percent of the House bills that ultimately passed second reading had passed by the end of the eighth week.

In both the 1965 and 1969 Sessions, the cumulative totals in Column (3) indicate that only the 1965 Senate had passed, by the eighth week, as many as one-third of the total bills that ultimately were passed on second reading.

If the number of bills introduced is compared with the number of bills reported out of Committee for all three years, a good argument can be made for the fact that committee process itself is in large measure responsible for creating end-of-session log-jams by their failure to report bills out for consideration on second reading in a timely manner. For example, in the 1965 and 1969 Sessions, it was not until the end of the twelfth week or until nearly three-fourths of the session had elapsed before two-thirds of the bills referred to committee in the originating house were reported out for action by the Committee of the Whole. Some legislators have criticized committees for not acting on shorter and non-controversial bills sooner.

Based on the experience of the 1965 Session, both the 1966 and 1967 Committees on Legislative Procedures concentrated their attention on the introductory process. For instance, in order to assure that committees would have more work before them at the commencement of sessions, the Legislative Procedures Committee recommended that more bills be pre-filed and pre-printed before a session starts and rules were adopted by the General Assembly to implement this recommendation. The Committee on Legislative Procedures also recommended that a Joint Rule be adopted which would establish the fiftieth legislative or calendar day as the cut-off date on the introduction of bills in order to help speed up the process in the house of initial introduction.

While the adoption and implementation of these rules appeared to be particularly helpful in the 1967 Session, as Tables I and II illustrate, the experience of the 1969 Session indicates that a contrary conclusion can be reached. That is, pre-filing and pre-printing of bills and the cut-off date on introductions appeared to have a minimal effect on expediting the legislative process.

Establishing a Series of Cut-off Dates. In examining the problems experienced in 1969, the Committee discussed the possibility of recommending the establishment of a series of cut-off dates, in addition to the cut-off date on bill introductions. For instance, there would be a deadline for submitting bill drafting requests to the Drafting Office; a deadline by which a committee must report a bill out to the full house; a deadline in the originating house for final consideration of its bills; and deadlines in the second house for committee reports and final consideration of bills coming from the originating house.



### Cut-off Dates on Bill Drafting Requests and Introductions.

While the Committee believes that establishing a series of deadlines may have merit, in examining the experience of the 1969 Session with regard to the cut-off date on introductions, a number of problems became apparent that the Committee believes should be resolved first.

For instance, even though the fiftieth legislative day is the cut-off date on introductions, approximately 400 bill drafting requests were received by the Drafting Office during the three days immediately preceding the cut-off date, 200 of which were made on the fiftieth or final day. These numbers compare with the total of 1,128 requests made to the Legislative Drafting Office in the 1969 Session and the 986 bills actually introduced.

Since the adoption of the rule in 1967, the cut-off date on introductions has not, as a practical matter, ever been on the fiftieth day; instead a practice has been followed that allows a sponsor to introduce any bill, without prior permission, for which the drafting request has been submitted to the Drafting Office by the cut-off date. In order to catch-up on the backlog of pending requests occasioned by the 400 requests made in the last three days before the cut-off date in 1969, it was a number of weeks beyond the cut-off date before the Drafting Office could finish the backlog. Moreover, since there are no deadlines by which a member must introduce a bill after delivery by the Legislative Drafting Office, a member can "carry around a bill in his pocket" for some time without having to have permission to introduce it.

Based on information in the House and Senate Journals, the result of these two circumstances in the 1969 Session was that House bills were still being introduced without permission from House members on April 9 and in the Senate it was April 10 before permission was required to introduce Senate bills, or six weeks after the cut-off date on introductions and after 75 percent of the session had elapsed.

In order to improve the cut-off date and make it more effective, the Committee recommends the adoption of an amended version of Joint Rule No. 23, pertaining to the cut-off dates on introductions, as shown in Appendix B of this report. The proposed rule can be summarized as follows:

- (1) The deadline on submitting bill drafting requests would be the fortieth legislative or calendar day;
- (2) The deadline on bill introductions would be the sixtieth day;
- (3) Upon the approval of two-thirds of the house of which a legislator is a member, a bill drafting request may be made between the fortieth day and the sixtieth day;

(4) After the sixtieth day has elapsed, a sponsor must obtain the permission of two-thirds of the members of the house of initial introduction to request a bill to be drafted and to introduce the bill; and

(5) "Any bill delivered by the Legislative Drafting Office after the close of business on the fifty-fifth calendar day of a regular session may...be introduced at any time prior to the close of business of the fifth calendar day after...delivery."

The effect of the provision outlined in step (5) can be explained as follows: if a bill is delivered any time prior to the fifty-fifth day, the sponsor can introduce the bill by the sixtieth day without permission. However, if, for example, the bill is delivered on the fifty-sixth day, the sponsor can only introduce it without permission prior to the end of the sixty-first day or five days after delivery. The same is true with respect to a bill delivered on the seventieth day -- it must be introduced by the seventy-fifth day, or the fifth day after delivery.

#### Backlog at the End of Sessions - Legislative Application of ADP Systems

Enrolling Process. The enrolling process is one of the final mechanical steps that must be taken by the General Assembly before a bill can become law. An "enrolled bill" can be defined as a bill put into final form, as passed by both houses and with all the amendments made thereto.

Under current procedures, a bill that has been amended is enrolled by means of cutting, pasting, and stripping-in all the amendments made by both houses. A copy of the finished product is delivered to the General Assembly's printing contractor, who, by utilizing a "letter press" printing process, reproduces ten "proof" copies of the bill. (The plates are saved for the subsequent printing of Session Laws.)

The ten copies are to be returned within two days after the printer receives copy. Upon receiving a printed copy of the enrolled bill, the bill is reproofed by the Enrolling Room, and, if no errors are found, the bill is signed by the presiding officers in the presence of the respective house over which each presides (a constitutional requirement) and the signed bill is then transmitted to the Governor for his action. However, if mistakes are found in the printed copy of the enrolled bill, a corrected copy must be returned to the printer and the mechanical process outlined above must be repeated before the bill is submitted to the presiding officers for signature and transmitted to the Governor.

During most of the session, enrolling room employees in each house are faced with a relatively routine flow of bills to enroll, and the task of preparing bills for the printer can ordinarily be accomplished in the normal course of business.

However, the enrolling process at the end of sessions is the one point in the Colorado legislative process that is most indicative of the problems created by the end-of-session log-jam, resulting from leaving too many decisions to be resolved until the closing days of the session. For example, commencing with the 1965 Session, the General Assembly followed the practice of recessing for a period of three or four weeks after all bills were acted upon in order to allow the enrolling rooms time to complete the enrolling process for submission of bills to the printer. At the end of the recess, the General Assembly reconvenes to witness bill signing.

Experience in the 1969 Session. After the completion of formal legislative business by the 1969 General Assembly on May 9, it took nearly six weeks to complete the enrolling process before the legislature could adjourn sine die. In order to witness bill signing, the General Assembly reconvened on May 27 and then recessed again until June 17. Perhaps, the causal relationship between postponing decision making until late in the session and the enrolling problem can best be seen by Table III. As the table illustrates, during the actual working session, prior to May 9, less than 50 percent of the bills that finally passed the General Assembly were enrolled, signed by the presiding officers of the two houses, and transmitted to the Governor.

But during the 18-day recess between May 9 and May 27, a total of 124 bills, or 31.7 percent of the total passed, were enrolled and prepared for signature by the presiding officers and submission to the Governor on May 27. Moreover, during the three-week recess prior to adjournment sine die on June 17, the remaining 75 bills were enrolled, which amounted to nearly 20 percent of the total number of bills passed by the 1969 General Assembly.

A number of problems were created by the fact that the General Assembly was unable to adjourn sine die until June 17:

First, of the 124 bills submitted to the Governor on May 27, 60, or nearly 50 percent, became effective July 1. Most of the remaining 64 bills were to become effective upon signature.

Since the General Assembly had only recessed but had not formally adjourned on May 27, the provisions of Article IV, Section 11, Colorado Constitution, allowed the Governor 10 days or until June 6 in which to decide whether to sign these 124 bills, veto them, or allow them to become law without his signature.

Table III

BILLS TRANSMITTED TO THE GOVERNOR IN 1969\*

<u>Time of Transmittal of Enrolled Bills to the Governor</u>	<u>Number of Enrolled Bills Transmitted</u>	<u>Percent Enrolled Bills Transmitted</u>
I. During Session:		
House Bills	87	
Senate Bills	<u>105</u>	
	192	( 49.1%)
II. During First Recess (May 9-May 27):		
House Bills	--	
Senate Bills	<u>--</u>	
	--	--
III. During Second Recess (May 27-June 17):		
House Bills	48	
Senate Bills	<u>76</u>	
	124	(31.7%)
IV. After Adjournment Sine Die (June 17):		
House Bills	55	
Senate Bills	<u>20</u>	
	75	(19.2%)
TOTALS	391	(100.0%)

\*Data compiled from records in the Governor's Office.

July 1 was the effective date on 40 of the 75 bills transmitted to the Governor on June 17. But since the General Assembly adjourned sine die on June 17, the constitution allows the Governor 30 days in which to either sign, veto, or allow a bill to become law without his signature. Twenty-one of the 40 bills that were to become effective July 1 were signed either on July 1 or after -- 19 bills on July 1, two bills on July 9. Several other bills, which were to become effective on signature or on a specified later date, after July 1, were either signed on July 9 or July 14. <sup>2/</sup>

There are, perhaps, several conclusions that can be drawn from the preceding analysis.

First, the analysis shows that over two months had elapsed between the end of legislative business, on May 9, and the date all bills were finally acted upon, July 14.

Second, 100 of the 199 bills enrolled and transmitted to the Governor on May 27 and June 17 contained effective dates of July 1. As noted, 40 of the 75 bills that were transmitted to the Governor on June 17 had effective dates of July 1, and 21 of these 40 bills, or over half, were signed on or after July 1. In addition, 20 of the 75 bills were to become law upon the Governor's signature and 15 contained effective dates at some specified date later than July 1. Uncertainties as to whether particular bills were to become law resulted, and criticism, some of which is perhaps justifiable, was directed at the General Assembly from both governmental agencies charged with administering some of the acts and from the public that was affected by them.

There is, moreover, a trend that is becoming increasingly apparent in Colorado -- legislation is becoming more complex and sessions are, of necessity, becoming longer as the citizens of the state look more toward the General Assembly to deal with the state's growing problems. The trend toward increasingly longer sessions can be expected to continue, if the following tabulation

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<sup>2/</sup> It should be noted that four of the seven bills passed during the 1969 Session that were vetoed by the Governor were vetoed on July 14 or after adjournment sine die, thereby preventing the General Assembly from reconsidering these bills. An amendment to Section 7 of Article V is proposed by the Committee to permit the General Assembly to call itself into special session, which would help rectify this situation. (See Appendix A.)

of the length of the ten previous odd-year sessions, extending from 1951 to 1969, provides an indication:

<u>Year</u>	<u>Date Business Completed</u>	<u>Session Length (Calendar Days)</u>
1951	March 21*	78
1953	March 28*	81
1955	April 6*	92
1957	April 1*	90
1959	April 21*	105
1961	April 1*	88
1963	April 7*	96
1965	May 4**	119
1967	April 19**	106
1969	May 9**	122

The above tabulation suggests the conclusion that future odd-year sessions of the General Assembly will probably extend later into May and possibly into June. It appears obvious that if July 1 is going to continue to be the accepted and the most logical effective date on most of the bills enacted into law, then the process of enrolling bills must be expedited.

Use of Automated Data Processing Systems. As already discussed, the Committee's recommendation to amend Joint Rule No. 22 on cut-off dates on bill drafting requests and bill introductions should help the General Assembly conduct its business in a more orderly fashion and help prevent end-of-session log-jams.

However, the Committee recognizes that it would be unrealistic to assume that procedural changes represent, in themselves, the panacea for solving end-of-session log-jams and the enrolling problems that occur as a result.

In order to meet the problems discussed above as well as to prepare for the future evolution of the Colorado legislative process, the Committee recommends that automated data processing (ADP) systems should be more fully utilized by the General Assembly.<sup>3/</sup>

\*All work completed, thus adjourned sine die on date shown.

\*\*Date business ended, recessed to a date certain in order to complete enrolling process and adjourn sine die.

<sup>3/</sup> ADP has been used to prepare daily status sheets, weekly committee bill status sheets, and a weekly key-word subject index to bills introduced.

The Committee considered three alternative types of ADP systems that could be adopted by the General Assembly to facilitate the process of enrolling bills. The three programs range from minimal improvements in the bill drafting process, which was criticized in the 1969 Session, to a highly complex ADP system that could virtually affect the mechanical aspects of the legislative process from the time a bill is drafted to the time it becomes a part of the Session Laws or a part of the Colorado Revised Statutes.

For minimal change, one of several types of self-contained, automatic typewriters could be installed in the Legislative Drafting Office for typing bills and to facilitate making amendments to them. For instance, a bill can be typed on the 2340 Friden Flexowriter, and an original plus two tapes are produced. If amendments are made to the bill, these changes are typed on the machine and the new tape is merged with the tape of the original bill to automatically type an engrossed or enrolled bill at a speed of 145 words per minute.

A machine of this type, or any of the computerized systems discussed, would permit the legislative staff to update all bills as amendments are made to them and produce camera-ready copies of enrolled bills. Under the present process, as previously discussed, printed copies of the enrolled bills are proof-read as they are returned from the printer and before being sent to the presiding officers for signature. Since only additions made to bills would have to be proofed under a computerized system, production of camera-ready enrolled bills would considerably speed up the enrolling process by reducing or eliminating the time spent on proofreading. It would also mean that the cost of printing enrolled bills could be reduced since it would become more feasible to utilize a photo-offset printing process than at present.

In addition to the Flexowriter, which would rent for around \$150 per month, there are other similar machines available, including the MI/ST (IBM), the Mag Card Selectric (IBM) and a punched tape-driven machine made by Dura. The Mag Card Selectric typewriter would rent for approximately \$175 per month, the MI/ST for \$225, and the punched tape-driven machine for approximately \$130 to \$150 per month.

The second alternative is a program similar to IBM's Administrative Terminal System (ATS). Typewriter terminals, located in the Drafting Office, are connected to the state's computer system in which bills typed on the terminals are stored on tape for future recall. Amendments are typed on the terminals and incorporated into the original bill that was preserved on tape; it then becomes possible to have engrossed, revised, and enrolled bills printed back on the terminal at a speed of 180 words per minute. However, printouts may be made on a high-speed printer instead of on the terminal in which case printing can proceed at

a rate varying from 600 to 1100 lines per minute, depending on the type of printing that is desired.

Typewriter terminals for a system similar to IBM's ATS would rent for approximately \$200 per month. An additional expense for the process would be for renting computer time on the state's system.

The ATS is used by the North Carolina legislature and has been in use by the Colorado Department of Revenue for approximately four years.

If a system similar to the ATS, together with the high-speed printing process, which is available in the state's system, had been used during the 1969 Session, the enrolling process for the 199 bills remaining to be enrolled on May 9 could have been completed and ready for signature by the presiding officers in such a short time after completion of the legislature's business that it may have been possible to eliminate or reduce substantially the recess required to complete the enrolling process. This would have been possible since amendments made to each bill would have been incorporated into the system as they were adopted.

The third alternative system considered by the committee would combine the bill drafting and amending capability of the ATS with a statute search capability. The General Assembly could, for approximately \$35,000-60,000, contract with either Aspen Systems Corporation or Data Retrieval Corporation to have the entire Colorado Revised Statutes put on tape for recall purposes. Having the statutes on tape would have facilitated the drafting of the 200-page H.B. 1279, the reorganization of the Industrial Commission, passed during the 1969 Session, by virtually eliminating the great amount of time spent by the Drafting Office in conducting a search of the statutes for locating all the sections that were required to be amended. Approximately six weeks were required for search purposes and an additional week was spent on typing and proofreading.

The advantages of the latter system extend beyond bill drafting, search capabilities, and facilitating the enrolling process at the end of sessions. The "automatic type composition" capability of the system would make it possible to print Session Laws and the Colorado Revised Statutes much faster and at a lower cost since camera-ready copy would be printed out by the systems. The "type-composition feature" would make it possible to prepare an annual supplement to the Colorado Revised Statutes to meet an increasing demand.

Committee Recommendations. The Committee recommended at its October 10 meeting that a program similar to IBM's Administrative Terminal System (ATS) be utilized during the 1970 Session, the second alternative discussed above. It was recommended that



the Joint Budget Committee be requested to make available a supplemental appropriation for obtaining and installing the necessary equipment.

The Committee also recommended that the entire system (the third alternative discussed), in which the Colorado Revised Statutes would be placed on tape, should be investigated for implementation by the start of the 1971 General Assembly.

Subsequent to the meeting, however, it was learned that it would be very difficult, if not impossible, to implement the Committee's recommendation, since there was insufficient time between the adoption of the recommendation, October 10, and the start of the session for planning, obtaining the necessary equipment, and for adapting the program to the specific needs of the General Assembly. Therefore, the Committee, at its October 30 meeting, was presented with a proposal by Mr. James Wilson, Director, Legislative Drafting Office, for the General Assembly to lease a bill drafting program from either Aspen Systems Corporation (Qwik-Draft) or Data Retrieval Corporation (Alter), two firms currently engaged in adapting ADP systems specifically to legislative use. Both firms also have programs for placing the Colorado Revised Statutes on tape, which, as noted above, the Committee recommends should be investigated for implementation by the 1971 Session.

In reviewing the "soft-ware" programs offered by the corporations, the Committee determined that for the 1970 Session the bill drafting program offered by Data Retrieval Corporation had several advantages over the Aspen Systems Corporation's program in meeting the specific needs of the General Assembly. These advantages include the following: the equipment used in Data Retrieval Corporation's program is more adaptable to the needs of the legislature and the computer equipment that is now in the Capitol Building; the proposed "Qwik-Draft" program of Aspen Systems Corporation is still in the experimental stage, while Data Retrieval Corporation's "Alter" program is currently in use by the Wisconsin Legislative Reference Bureau under circumstances similar to those in the Colorado General Assembly; in comparing the costs of the full programs offered by each company, i.e., the bill drafting program and the statute search program, in the long-run Aspen Systems Corporation's package program would be more expensive and would require a much higher degree of coordination and more computer time in printing bills for introduction and for the engrossing and enrolling processes.

In order to provide more time for planning so that the chance of errors may be minimized and to allow sufficient time for delivery and installation of some necessary equipment, the Committee recommended that Data Retrieval Corporation's "Alter" bill drafting program be installed and utilized on a "pilot project" basis in the 1970 Session. The estimated cost of the limited program is between \$15,000 and \$20,000. Proceeding

on a pilot program basis would mean that the existing mechanical means of preparing bills for introduction, and the existing engrossing, revising, and enrolling processes would not be discontinued entirely, though many of the bills in the session could be engrossed, revised, or enrolled by computer and printed-out by utilizing the state's high-speed printer. Installation of the "Alter" program on a limited or pilot program basis will allow time for working out any "bugs" that may appear in the Colorado adaptation with less pressure and less chance of error than might have been the case had an attempt been made to fully implement the program for the 1970 Session.

As part of the Legislative Procedures Committee's 1970 interim work, the remaining portion of the total program could be installed for the 1971 Session, including placing the Colorado Revised Statutes on tape.

### Other Procedural Rule Changes

Fiscal Note Rule - Joint Rule No. 22. Briefly stated, the purpose of a fiscal note is to determine whether a bill will have any immediate or long-range fiscal impact on the financial resources of government.

In Joint Rule No. 22, the General Assembly established procedures for readily obtaining information on the fiscal impact of bills. This joint rule was amended by the General Assembly early in the 1969 Session and can be summarized as follows:

(1) The Bill Room furnishes a copy of each printed bill introduced to the Department of Administration which is requested to review it as to its impact on the expenditures, revenues, and fiscal liabilities of the state and its political subdivisions.

(2) If fiscal implications are determined, the department is requested to prepare a fiscal note. (Specifically excluded are appropriation measures carrying specific dollar amounts.)

(3) Any note prepared pursuant to the above is to be transmitted to the Chief Administrative Officer of the house having possession of the bill for duplication for use of the members of both houses.

(4) The Joint Budget Committee staff shall review each printed bill for its fiscal impact in addition to reviewing the fiscal notes of the Department of Administration and prepare comments, if appropriate. "Such comments shall be delivered to the Chief Administrative Officer of the house having possession of the bill and be duplicated for use of all members of both houses."

(5) The sponsor of a resolution or the committee to which it is referred may request the Department of Administration to prepare a fiscal note if fiscal implications exist. (Excluded are resolutions relating to the legislative department and concurrent resolutions.)

(6) No measure subject to the rule shall be approved on second reading nor passed on final reading until a fiscal note has been prepared and distributed to members of the house considering the measure if so requested by 10 members in the House or by five members in the Senate.

(7) However, the requirements for a fiscal note may be waived by a majority vote of members of the house considering the measure if the Department of Administration fails to furnish a fiscal note on any bill or resolution within five days after receipt of the bill, or receipt of the request as in the case of resolutions.

As discussed below, a number of problems occurred over the interpretation and implementation of the rule, which resulted in the Committee recommending several amendments to Joint Rule No. 22, the amendatory revision of which is included as Appendix C of this report.

(1) Prepared Automatically or on Request? Despite the rule's waiver provision, outlined in step 7 above, the construction of the rule suggests that one requirement in the legislative process is that all bills are to be reviewed automatically by the Department of Administration and, where applicable, fiscal notes prepared. Yet, this was not the case in the 1969 Session.

For example, according to records obtained from the Budget Office in the Department of Administration, only 71 formal notes were prepared out of the 986 bills introduced. The great majority of these 71 fiscal notes were prepared upon the basis of verbal or written requests from individual legislators, sponsors, committee chairmen, or legislative staff members.

As to whether bills should continue to be prepared on a request-only basis or whether they should be prepared automatically, the Committee agreed that, if possible, all bills should be screened as to their fiscal impact and fiscal notes prepared and attached to the bill, if appropriate. However, the rule does grant the Department of Administration considerable discretion by providing only that fiscal notes shall be prepared if there appears to be a "significant" fiscal impact.

(2) At What Point in the Legislative Process Should Fiscal Notes be Required? The present rule establishes no definite point in the legislative process at which a fiscal note is required. As a result, during the 1969 Session requests for fiscal

notes were made either prior to consideration by the committee of reference in the first house or at various other stages in the process and the chief administrative officers of the House and Senate were responsible for reproducing and distributing the returned fiscal notes to members.

The Committee believes the most logical point in the legislative process where a fiscal note should be available for consideration is at the time the committee of reference in the first house is considering the bill. Hence, the rule was amended to require the Department of Administration to notify the chairman of the committee to which a particular bill was assigned that the bill has a fiscal impact. Within five days thereafter, a fiscal note shall be prepared and distributed to all members of the committee. Once the bills referred for action by the whole house, copies of the fiscal note are to be reproduced for the members of both houses.

(3) Executive or Legislative Function -- Should Both be Involved? Since the rule requires the Department of Administration to conduct the analysis and prepare fiscal notes, a question was raised as to whether the executive department should be involved in what can be considered a matter that is strictly a legislative concern. A related question concerns whether the staff of the Joint Budget Committee should screen all fiscal notes prepared by the Department of Administration, as the Joint Rule provides.

Since a legislative service agency cannot avail itself of the same information that can be obtained by an agency that is in close contact with all executive departments, the Committee believes that preparation of fiscal notes should continue to be a task assigned to the Department of Administration. Fiscal notes or an independent review, as required, should continue to be a function of the Joint Budget Committee staff.

Conference Committee Rules. Some problems developed during the 1969 Session over the lack of uniformity of the House, Senate, and Joint Rules on conference committees and rules on motions relating thereto.

Specifically at issue were the problems that occurred when the House, operating under its rules, voted to adhere to its position, and the Senate, subsequently, appointed a conference committee and expected the House to do likewise under the provisions of Joint Rule 4 (a). Joint Rule 4 (a) stipulates that when either house requests a conference and appoints a committee to confer, the other house "shall" also appoint a conference committee. The rule is silent on the effect of the adoption of a prior motion to adhere.

In order to achieve uniformity in the rules relating to conference committees, thereby preventing conflicts in future sessions such as those reviewed, amendments are recommended for the applicable House, Senate, and Joint Rules, the effect of which would be to provide that one house is not required to appoint a conference committee if a motion to adhere had been previously adopted. Some technical amendments are also proposed and the rules, as amended and recommended for adoption by the 1970 General Assembly, are included as Appendix D of this report.

### Electric Roll-Call System for the House

The Committee recommends that an electric roll-call system be installed in the House. It is the Committee's belief that even though the House is relatively small when compared to other legislative bodies in the United States, a considerable amount of time could be saved if lengthy oral roll-calls were eliminated.

The Committee does not recommend the installation of a roll-call system in the Senate at this time. It is believed that the system should be tried in the House before going to the expense of installing a similar system in the 35-member Senate.

Among the advantages given by committee members for installing an electric roll-call system in the House are that it would improve decorum on the floor and make a permanent record in the form of a print out, if desired, after each record vote, thereby virtually eliminating mistakes.

The argument has been made that the practice of either substituting the morning roll-call or substituting the previous roll-call, as is used frequently on third reading in the House, renders the expense of an electric roll-call system unnecessary. However, some committee members expressed objections to the use of previous roll-calls because members who may not even be in the chambers can be recorded as either voting in favor of a bill or against it.

Listed below is the number of actions in the House that theoretically at least require roll-call votes because of constitutional requirements, or because of the rules of the House:

- (1) Morning roll-call;
- (2) Third reading on bills;
- (3) Third reading on concurrent resolutions;
- (4) Third reading amendments;
- (5) Reconsideration;

- (6) Adoption of Conference Committee Reports;
- (7) Adoption of motions to adhere and motions to recede and concur;
- (8) Report of the Committee of the Whole;
- (9) Adoption of Amendments to the Report of the Committee of the Whole;
- (10) Call of the House; and
- (11) Suspension of the House rules.

The Committee witnessed two demonstrations conducted by representatives of two roll-call companies that have systems installed in state legislatures -- Communication Equipment and Engineering Company (CEECO), and International Roll-Call Corporation.

According to the representatives and the literature of the two companies, International Roll-Call Corporation has installed systems in 34 legislative bodies in 26 states. CEECO has installed its system in 11 states, though the available literature does not state which house has a CEECO system.

The two companies both offer the options either to purchase a system outright or enter into a rental agreement. However, CEECO prefers to sell its system outright, while International Roll-Call has made provision for a "rental and maintenance" agreement in most of the states where it has installed systems. The terms of the proposals submitted to the Committee by the two companies are included in Appendix E. Literature on each company and information on their roll-call systems are on file in the Legislative Council Office.

As explained in the footnotes to Appendix E, the costs and terms of CEECO's rental and sales agreement are based on a written proposal submitted to the Legislative Council Office. International Roll-Call Corporation's cost estimates for its rental and sales agreement are based on figures given to the Committee at the October 10 meeting, as recorded in the minutes of that meeting, and in a subsequent letter to the Legislative Council Office. The terms of International Roll-Call Corporation's rental and maintenance contract were included in the company's literature given to the staff.

The Committee reached no decision as to which system should be acquired or whether a roll-call system should be purchased or leased; instead, these questions, the Committee believes, should be the responsibility of whatever body is charged with making the final decisions, e.g., the House Services Committee or the Legislative Council.

### III. COMMITTEE STRUCTURE

Considerable attention has been devoted to the Committee structure of the General Assembly since the Committee began work in the 1966 interim. This facet of the legislative process was again taken up by the 1969 Committee on Legislative Procedures and several substantive changes are recommended as discussed below. The Committee believes that the implementation of the recommendations will not only strengthen the General Assembly's committee structure, but may also have long-range implications on the operation of the General Assembly both during sessions and during interims.

Review of Functional and Structural Problems of the Committee System. The changes implemented by the Colorado General Assembly in recent years have resulted in many efficiencies in legislative operations; however, these improvements have brought to light additional problems that the Committee believes need further attention. Some of the problems include:

(1) Regularly scheduled committee meetings have resulted in members having no free time during the Monday through Thursday period for "doing homework". With little or no free time available, on occasion, there is relatively poor attendance at committee meetings, since members must complete their individual legislative work;

(2) Conflicts of membership on committees in the House have been minimized to a considerable extent, but such conflicts have been eliminated entirely in the Senate by categorizing committees, i.e., scheduling the committees in one category to meet all at the same time, and allowing a member to serve on only one committee in that category. It would be desirable to eliminate conflicts of membership in the House by adopting arrangements identical to the Senate;

(3) There is a need for members of committees of reference to develop more expertise in subject-matter areas with which committees normally deal. For example, periodic review of problems in the executive departments by committees should be undertaken. There is also an increasing necessity for a representative group of Colorado legislators to respond to actions proposed and taken at the federal level; and

(4) There is an increasing desirability of having the Legislative Council designate particular House and Senate committees of reference as joint interim study groups.

Creation of Parallel Subject-Matter Committees. In order to correct some of these problems and to prepare for the time when committees of reference may be functioning during interims

as well as during sessions, the Committee on Legislative Procedures recommends that commencing in the 1971 Session, there should be created, by joint rule, 11 parallel subject-matter committees of reference in each house. The so-called administrative committees (House and Senate services committees, the House Rules Committee, and the Senate Calendar Committee) would be in addition to the 11 parallel committees of reference.

Since there are currently 15 Senate committees and 13 House committees, the Committee recommends that some of the existing committees be consolidated with others. In recommending these consolidations, the Committee considered the fact that some of the present subject-matter committees are closely related as to the type of measures and issues they consider. Conversely, the Committee's belief that there is a necessity for conceptually keeping some committees distinct from others led to the recommendation that separate labor and business affairs committees in the Senate should be created. The Committee also took into account the volume of bills that was referred to each Committee during the 1969 Session in proposing that some existing committees be consolidated.

Based on the preceding factors, the Committee recommends the creation of the parallel committee structure contained in Table IV. Capital letters and dashes through words indicate the names of the recommended 11 parallel committees. Under each new committee are the existing committees that would be consolidated to make it up. The number of bills referred to committees during the 1969 Session is also included.

Advantages of Recommended Parallel Committee Structure.  
Several advantages could result from the recommended parallel committee structure that would help resolve the problems noted previously.

(1) Restricting a Member to Three Committee Assignments.  
If the number of committees of reference in each house were reduced to 11, it would make it possible for each member of the House and Senate, with certain exceptions, to be restricted to a total of three committee assignments. With a member restricted to membership on three committees, Senate committees would consist of nine members and House committees would consist of 15 members.

In the Senate, where most members have been assigned to no fewer than five committees of reference and some to as many as six during the current General Assembly, restricting a member to only three committee assignments might help foster better attendance at committee meetings, which are scheduled to meet twice weekly, by allowing members more time during afternoons for their individual work. As noted, this is not possible now, if a member is going to attend all the committee meetings he is supposed to attend.



Table IV

## RECOMMENDED PARALLEL COMMITTEES OF REFERENCE FOR 1971 SESSION

<u>House Committees</u>	<u>Total No. of Bills Re- ferred 1969*</u>	<u>Senate Committees</u>	<u>Total No. of Bills Re- ferred 1969*</u>
1. AGRICULTURE AND NATURAL RESOURCES	60	AGRICULTURE AND NATURAL RESOURCES	50
Agriculture and Livestock	23	Agriculture and Livestock	13
Game, Fish, and Parks	9	Game, Fish, and Parks	9
Natural Resources	28	Natural Resources	10
		Water	18
2. Appropriations	54	Appropriations	70
3. Business Affairs	109	Business Affairs and Labor	98**
4. Education	60	Education	57
5. Finance	72	Finance	34
6. Health, Welfare and Institutions	59	HEALTH, WELFARE, AND INSTITUTIONS	53
		Health and Welfare Institutions	45 8
7. Judiciary	135	Judiciary	134
8. Labor and Employment Relations	33	LABOR AND EMPLOYMENT RELATIONS	**
9. Local Government	53	LOCAL GOVERNMENT	51
		Local Government Urban Affairs	42 9

Table IV (Continued)

	<u>Total No. of Bills Re- ferred 1969*</u>		<u>Total of of Bills Re- ferred 1969*</u>
<u>House Committees</u>		<u>Senate Committees</u>	
10. State Affairs	136	State Affairs	67
11. Transportation and-highway	<u>51</u>	Transportation	<u>51</u>
Total Bills Re- ferred	822		665

\*SOURCE: Final Legislative Status Sheet. Since the Status Sheet shows only the last committee to which a bill is referred, the figures do not reflect those instances when bills are initially considered by one committee and then re-referred to another committee - only the later referral would be counted. Also not included are resolutions and memorials.

\*\*The total for the existing Senate Business Affairs and Labor Committee should be split between the two new committees in estimating the 1969 workload of each.

Certain legislators, such as the leadership, members of Joint Budget Committee, and the members of the Rules Committee, should be relieved of excessive committee of reference assignments and, therefore, should not be assigned to even three committees. But, if there are going to be 15-member House committees and nine-member Senate committees, some of these individuals would have to be given assignments to some committees of reference. In addition, their membership on some committees is desirable from the standpoint of assuring that their expertise in particular areas will be utilized by a subject-matter committee. Based on these factors, the extra assignments for the leadership and members of the Joint Budget Committee and Rules Committee could be as follows:

Speaker - none

House Majority Leader - one

The three House members of Joint Budget Committee - one (Appropriations)

The Minority Floor Leader - one

The five members of the Rules Committee, other than Speaker and Majority Floor Leader - two

Senate Majority Leader - none

Three Senate members of Joint Budget Committee - two each, one of which would be Appropriations

(2) Categorizing Committees. In the House during the 1969 Session, members were usually not assigned to more than three committees. Yet, there were a number of conflicts, which meant that some members were faced with the choice of attending one of the two committees that were scheduled to meet at the same time. Such conflicts could be eliminated entirely if the House were to adopt a system identical to the one followed by the Senate since the 1967 Session -- each committee of reference could be placed in one of four categories. As in the Senate, all committees in any one category would be scheduled to meet at the same time, and an individual House member would not be allowed to be a member of more than one committee in any one category. Furthermore, if the House and the Senate were to adopt the 11 parallel committee structure recommended by the Committee, it would be possible to adopt a single categorization applicable to both houses. The "joint" categories could be as follows:

CATEGORIZATION OF HOUSE  
AND SENATE COMMITTEES

Category I

Education  
State Affairs  
Transportation

Category II

Agriculture and Natural Resources  
Business Affairs  
Local Government

Category III

Judiciary  
Finance  
Labor and Employment Relations

Category IV

Appropriations  
Health, Welfare, and Institutions

With committees in each category scheduled to meet at the same time, it would be easier for House and Senate parallel subject-matter committees to meet in joint session and with less disruption to members and other committees than has been the case heretofore. Joint sessions would be particularly advantageous when hearings are to be held. For instance, uniform scheduling made it possible for the House and Senate water committees to meet in joint session during the first several weeks of the 1969 Session for conducting joint hearings on the proposed water legislation before the General Assembly. Joint hearings enabled members of both committees to obtain information on this legislation at the same time and a duplication of the hearing process was avoided.

(3) Joint Interim Committees. The concept of parallel committees of reference could be extended to interim studies. At the present time, no formal mechanism has been established which guarantees that the members serving on an interim study committee are going to be the same individuals who will consider during the forthcoming session the legislation that resulted from the study. However, this problem could be overcome if the Legislative Council

could designate the two parallel committees of reference that would serve during interims as joint study committees. Study assignments made by the General Assembly could be assigned by the Council to the appropriate joint committees, and study results could then be considered during sessions by the two subject-matter committees that considered the problems during the interim. But, in order to maintain flexibility, the power of the Legislative Council to create special interim study committees should be retained.

Since joint interim committees would be composed of 24 members, perhaps smaller executive committees of each of the joint interim committees could be created to meet more frequently than might be necessary for the full committees. The chairmanship of each committee could be alternated annually or biennially between the House and Senate.

#### Legislative Oversight Functions of Committees of Reference.

As noted at the outset of this section, committee members should develop more expertise in the subject-matter areas with which their committees normally deal. There is need for periodic committee briefings by personnel in executive agencies. There is also an increasing necessity for Colorado legislators to respond to action proposed and taken at the federal level.

Perhaps, the recommended parallel committee structure and the concept of joint interim committees could do much to accomplish these objectives. But the Committee believes there is a need for establishing some formalized procedure for attaining these goals.

Therefore, it is recommended that the 1970 General Assembly adopt Joint Rule No. 25, which was introduced in the 1968 Session, but was subsequently postponed indefinitely. (See Appendix F.)

Generally speaking, the rule provides that committees of reference should exercise a general oversight over the seventeen principal departments of the Executive Branch by becoming generally familiar with the activities, functions, problems, budgets, and top personnel of each department. Each committee in the House and Senate would be given the responsibility of overseeing the activities of one or more of those departments which fall within the general subject-matter scope of the committee. Oversight would be accomplished by holding periodic briefings, hearings, and consultations with departmental personnel and by submission to committees such information as might be required.

The rule also provides that committee staff members and personnel of executive departments would keep a committee informed 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 Committee's subject-matter area.

## Joint Budget Committee

Joint interim committees might offer an opportunity for the 24-member joint interim appropriation committee to be divided into subcommittees for expediting budgetary review, with the Joint Budget Committee designated as the executive committee for the Joint Appropriation Committee.

However, regardless of what long-term implications that can be anticipated by the recommended parallel House and Senate committee structure, the Committee on Legislative Procedures recommends that the 1970 General Assembly enlarge the Joint Budget Committee to consist of not less than nine members but no more than 12 members. The Committee further recommends that the enlarged Joint Budget Committee be divided into three subcommittees.

Committee members expressed the belief that a larger Joint Budget Committee would enable more members of the General Assembly to participate in the legislative budgetary review process; there would be less work-load on members; and with the Committee divided into subcommittees it would be possible for each subcommittee to concentrate on one broad budgetary area, such as institutions and social services as the responsibility of one subcommittee; elementary, secondary, and higher education as the responsibility for another subcommittee; and general government as the third subcommittee's responsibility.

#### IV. OTHER RECOMMENDATIONS

Legislative Telephone System. The Legislative Procedures Committee in 1968 recommended that the telephone system used during sessions be changed from a manual system of operation (i. e., use of switchboard and operators) to the dial system that was used in the 1969 Session. The old system was found to be inadequate to handle the increasing volume of incoming and outgoing calls due to the insufficient number of trunklines and telephone booths. As a result of the installation of a new system for the 1969 Session with a greater load capacity, it was possible to expand the service by placing telephones adjacent to the House and Senate committee rooms. It has also become possible for members to make outgoing calls or return incoming calls by using any of the dial phones; it was no longer necessary for such calls to go through the legislative switchboard located on the second floor. Credit cards were also issued to each member of the General Assembly for making long-distance calls.

However, even with the installation of the new system, the General Assembly's system was not incorporated into the Capitol's telephone system, used by nearly all state agencies in the Capitol Complex area, including the legislative service agencies and the House and Senate leadership offices. That is, the General Assembly telephone system continued to operate on the 222 exchange, and was not placed on the 892 central exchange. The latter has led to a situation in which the state's Wide Area Telephone Service (WATS) cannot be utilized by members of the General Assembly, which in turn has limited the amount of telephone service available to legislators.

In order to correct this situation, the 1969 Committee on Legislative Procedures, in consultation with representatives of the Division of Public Works and Mountain States Telephone Company, recommended that prior to the 1970 Session the legislative telephone system be incorporated in the 892 central exchange.

Legislators will be able to use the state's new incoming Wide Area Telephone Service that was made operational August, 1969. For outgoing calls, the state's six outgoing WATS lines can be used for in-state long-distance telephone calls plus the nine direct lines to the following cities: Grand Junction (1), Fort Collins (2), Greeley (2), Colorado Springs (2), and Pueblo (2), bringing the total number of outgoing long-distance lines that can be used free-of-charge to 15. Use of the WATS lines will supplement the long-distance service already available to legislators resulting from the issuance of credit cards to members. Further, since the legislature's telephone system will be fully incorporated into the state's system, i.e., it will operate through the state's switchboard and not through an independent switchboard as in prior years, the number of incoming and outgo-

ing trunk lines available for legislative use will be greatly expanded.

The Committee also learned that contrary to the recommendation of the 1968 Committee on Legislative Procedures, some long-distance telephone service, amounting to approximately \$200 per month during sessions, was still being furnished by Mountain States Telephone Company without charge. The 1969 Committee on Legislative Procedures reiterates the 1968 recommendation that the General Assembly should be billed for the entire cost of the telephone service it receives.

Senate Space Problems. In consultation with the chairmen of the House and Senate Services Committees, the Committee reviewed a minor remodelling proposal that would close-off the corridor on the west side of the Senate Chambers and restore the doorway between the newly acquired Senate Office (formerly the Senate Minority Leader's office) and the anteroom adjacent to the Senate Chambers on the west side.

By closing off the corridor from public access, more usable space will be made available for use by the Senate during sessions. Restoring the doorway will provide better access between the Senate Office and the Senate Chambers. In addition, employees using the office will no longer have to enter through the reception areas of the Senate leadership.

The Committee recommended that the Senate Services Committee be authorized to make the necessary modifications.



TEXT

COMMENT

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, OR ANY 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, IN SUCH FORM AS SHALL BE PRESCRIBED BY LAW, shall be addressed to and filed

As explained below, technical, updating, and some substantive amendments were made to section 1, pertaining to the initiative and referendum powers.

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.

By empowering the General Assembly to prescribe by general law

TEXT

with the secretary of state at least four 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 department DEPARTMENTS of state ~~and state institutions~~, GOVERNMENT 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, IN SUCH FORM AS SHALL BE PRESCRIBED BY LAW, 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.

COMMENT

the form initiative and referendum petitions shall take, there would no longer be any necessity for retaining in paragraph (4) of this section such details.

The language coincides with the "Administrative Organization Act of 1968".

See comment opposite paragraph (2) of this section.

TEXT

All elections on measures referred to the people of the state 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 initi-

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

ated 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 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

COMMENTS

As explained in the comment opposite paragraph (2) of this section, there would be no necessity for retaining the language struck in this paragraph.

TEXT

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."

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 AND 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.

COMMENTS

This change would remove obsolete language.

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

This paragraph was amended to a shortened form.

Some questions have been raised by the Municipal League as to whether the wording struck in the second sentence would, in effect, empower the General Assembly to prescribe the manner of exercising the initiative and referendum powers on the local level of government.

TEXT

COMMENTS

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 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

TEXT

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 elector under the territorial laws, shall be eligible to the first general assembly.~~

SECTION 5, -- Classification of senators, --- The senators, at their first session shall be divided into two classes, Those elected in districts designated by even numbers shall constitute one class; those elected in districts designated by odd numbers shall constitute the other class, except that senators elected in each of the districts having more than one senator shall be equally divided between the two classes. The senators of one class shall hold for two years; those of the other class shall hold for four years, to be decided by lot between the two classes, so that one half of the senators, as near as practicable, may be biennially chosen forever thereafter.

COMMENTS

The words "county or" were 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 of members. ---- Each member of the general assembly, until otherwise provided by law, shall receive as compensation for his services the sum of one thousand (\$1000) dollars for each biennial period, payable at the rate of \$7.00 per day during both the regular and special sessions, the remainder, if any, payable on the first day of the last month of each biennial period, together with all actual and necessary traveling expenses to be paid after the same have been incurred and audited, and the said members of the general assembly shall receive no other compensation, perquisite or allowance whatever. -- No general assembly shall fix its own compensation.~~

SECTION 6. Salary and expenses of members. -- The members of the general assembly shall receive such salary and expense allowances as may be prescribed by law, together with

This section was rewritten in its entirety in order to remove unnecessary and obsolete language, and to attempt to



TEXT

reimbursements of actual and necessary expenses to be paid after the same have been incurred and audited. Such 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 salary or expense allowances.

COMMENTS

clarify the meaning of the proscriptions on increasing legislative compensation.

As explained in the text of this report, amendments were made to Sections 6, 9, and 30 so that all restrictions on increasing members' salaries, expense allowances, and rate of reimbursement per mile would apply only to the General Assembly that passed them. But such increases should be allowed during a holdover Senator's term of office, thereby entitling him to receive such increases at the commencement of the next General Assembly or at the same time as all other legislators.

Therefore, even though Section 6 was redrafted entirely, the existing proscriptions against raising salaries and expense allowances during the life of a General Assembly were retained. This restriction is

TEXT

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, UNTIL OTHERWISE PROVIDED BY LAW, at such regular sessions convening in even numbered years, the general assembly shall not enact any bills except those raising revenue, those making appropriations, and those pertaining to subjects 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, OR BY WRITTEN REQUEST BY TWO-THIRDS OF THE MEMBERS OF EACH HOUSE AS PRESCRIBED BY LAW. The term of service of the members of the general assembly shall begin on the convening of the first

COMMENTS

consistent with the Committee's belief that the Constitution should continue to contain responsible and practical restraints against possible legislative abuses in the area of increasing its compensation.

There are two substantive amendments to Section 7: 1) The General Assembly could, by statute, remove the subject-matter restrictions on even-year sessions. In the 1968 revision of this section all reference to subject-matter restrictions were struck. However, some committee members believe that Colorado has not yet reached a state of development that requires unlimited annual sessions. Hence, the language added to the first sentence of this section would permit unlimited annual sessions at such time as the General Assembly may deem proper and provide by law.

TEXT

regular session of the general assembly next after their election. The committees 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~~; WHILE SERVING AS SUCH, 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 dur-

COMMENTS

2) As a means of making the General Assembly a co-equal branch of government with the executive department, the committee also recommends that adoption of the language in this section that permits the General Assembly to call itself into special session upon the request of two-thirds of the members of each house. Such authority could be used both for reconsidering bills vetoed by the Governor after adjournment sine die and for initiating special sessions if and when conditions merit such sessions.

The present provisions of this section prohibit a legislator from resigning in order to accept an appointment to a "civil office", i.e., an office, such as the head of an executive department, in which the individual holding it can act upon his own initiative in the exercise of consti-

TEXT

ing his continuance in office.

COMMENTS

tutional or statutory duties.<sup>1/</sup> Only after his term has expired can a member of the General Assembly accept such an appointment.

It is the belief of the committee that this section is too stringent and may have the effect of depriving the State of Colorado of the services of legislators who possess exceptional administrative capabilities. Committee members also note that no similar restriction exists on the federal level.

The committee recommends that its restrictions be modified by substituting amendatory language that would allow a legislator to resign to accept an appointment to a civil office. The amendment would also require him to resign before accepting the appointment.

<sup>1/</sup> Hudson v. Annear,  
101 Colo. 550, 75 P.  
2d 587.

TEXT

SECTION 9:--Increase of salary--when forbidden:---No member of either house shall, during the term for which he may have been elected, receive any increase of salary or mileage under any law passed during such term.

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.

COMMENTS

In conjunction with amendments made to sections 6 and 30, section 9 is recommended for repeal so that holdover Senators will be allowed to receive increases in salaries and mileage rates at the same time as all other legislators -- at the commencement of a new General Assembly.

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 committee recommendations made in prior years 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 major-

TEXT

COMMENTS

ity party should be allowed to elect its leadership and organize as it sees fit.

To implement this recommendation, it is also necessary to repeal Section 14 and amend Section 15 of Article IV, pages 73 and 74.

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 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

TEXT

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.

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 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 ~~er-surety~~ of the

COMMENTS

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

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

TEXT

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.

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 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 session unless limited by ~~action~~ JOINT RESOLUTION of the general assembly. No bill shall be introduced by title only.

COMMENTS

ever, followed in Colorado.

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 feasible, to fix a uniform date upon which bills would take effect. The committee believes the later would be helpful to the general public and to



TEXT

COMMENTS

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 embraced 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 at length may be dispensed with upon unanimous consent of the

those affected by statutes.

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

TEXT

COMMENTS

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, shall be re-enacted and published at length.

TEXT

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; chartering or licensing ferries or toll bridges; remitting

COMMENTS

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

The Colorado Municipal League has raised some questions as to whether the removal of the specific language would allow the General Assembly to enact legislation in the areas heretofore excluded by this section and that municipalities may, as a result, have to rely on whatever protection that may be afforded by general laws.

TEXT

~~finer, -penalties-or-forfeitures; -creating; -increasing-or-decreasing-fees; -percentage-or-allowances-of-public-officers; changing-the-law-of-descent; -granting-to-any-corporation; -association-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 GENERAL ACT CAN BE MADE APPLICABLE.~~

~~SECTION 25a. - Eight hour employment. - The general assembly shall provide by law; and shall prescribe suitable penalties 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.~~

COMMENTS

It is recommended that this section be repealed; its provisions are already covered more inclusively by federal and state statutes and regulations and it is, therefore, no longer required to retain this provision in the Constitution.

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.

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.

TEXT

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 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

COMMENTS

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 fixing 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 present situation, wherein the number and compensation of House and Senate employees are now fixed by Joint Resolution at the start of each General Assembly.

TEXT

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 facilities 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-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 FACILITIES AND SUPPLIES PURSUANT TO CONTRACT 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 contracts; and all such contracts

COMMENTS

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

The committee does, however, recommend the retention of the last two clauses. "controller" was substituted for "treasurer" in the last clause to conform with existing and anticipated practice.

TEXT

COMMENTS

shall be subject to the approval of the governor and THE state treasurer CONTROLLER.

~~SECTION 30. -- Salary of governor and judges to be fixed by legislature --- term not to be extended or salaries increased or decreased, ---- The salaries of the governor, the governor's secretary, and the judges of the supreme and district courts of the state shall be fixed by legislative enactment; provided, that the salaries of said officers heretofore fixed by the constitution shall continue in force until otherwise provided for by legislative enactment.~~

~~No law shall extend the term of any public officer, or increase or decrease his salary, after his election or appointment, as fixed by legislative enactment.~~

SECTION 30. Salary and term of office of elective public officers. -- No law shall extend 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, except that senators serving in two successive general assemblies

Section 30 was redrafted in shortened form and contains updating, clarifying, and substantive amendments:

(1) Holdover Senators would be allowed to have increases in their salaries at the same time as all other mem-



TEXT

shall receive the salary provided by law for members of each such general assembly.

COMMENTS

bers of the General Assembly, instead of having to wait until the start of a new term of office. (CF. Secs. 6-9.)

(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.

TEXT

COMMENTS

The Judicial Article provides that salaries "may 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 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 cap-

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.

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, corporation 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-

tal construction in accounting terminology.

The committee recommends the repeal of this sec-

TEXT

general assembly shall, from time to time, enact laws prescribing types or classes of investments for the investment of funds 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 concur-

COMMENTS

tion because the protection of such funds as firemen's retirement funds are so thoroughly ingrained in Colorado laws 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 also recommended repeal of this section.

This section is recommended for repeal, since the practice of presenting all Joint Resolutions

TEXT

rence of both houses may be necessary, except on the question of adjournment; or relating solely to the transaction of business 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

COMMENTS

to the Governor has not been followed consistently and would be impractical if it were.

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

TEXT

COMMENTS

against-any-measure-or-proposition-pending-in-such-general-as-  
sembly,-or-offer,-promise-or-assent-so-to-do,-upon-condition  
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 MEMBER OF  
THE GENERAL ASSEMBLY WHO, AT ANY TIME, OFFERS, PROMISES, OR  
GIVES HIS VOTE OR INFLUENCE FOR OR AGAINST ANY MEASURE PEND-  
ING OR PROPOSED TO BE INTRODUCED IN THE GENERAL ASSEMBLY, IN  
CONSIDERATION FOR THE PROMISE OR GIVING OF A VOTE OF ANOTHER  
MEMBER OF THE GENERAL ASSEMBLY FOR OR AGAINST THE SAME OR ANY

TEXT

OTHER SUCH MEASURE OR IN CONSIDERATION OF ANY THING OF VALUE OR THE PROMISE THEREOF, IS GUILTY OF BRIBERY AND SUBJECT TO SUCH PUNISHMENT THEREFOR AS IS PRESCRIBED BY LAW. ANY SUCH MEMBER OF THE GENERAL ASSEMBLY, 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 ~~offieer-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

COMMENTS

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

TEXT

municipal division thereof, and any occupation or practice of 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.~~ MAY BE EXCUSED FROM VOTING THEREON.

COMMENTS

The existing language of Section 43 requires all members to disclose "personal or private interests" in measures before the General Assembly and to refrain from voting on such measures. However, the committee believes the latter prohibitions to be too inflexible and unrealistic. For instance, the provision could be carried to the extreme of forbidding all legislators from voting on a tax-bill because they happen to be taxpayers and, thus, have personal interests in the outcome.

More realistically, however, the inflexibility of the provision does not allow a member to differentiate between obvious conflicts of



TEXT

COMMENTS

interest, i.e., voting for or against a bill because personal monetary gain or loss is at stake, and the more nebulous areas which constantly confront part-time legislators. An example of the latter is the legislator who also happens to be a school teacher. Does this circumstance mean that he must refrain from voting on a bill which may grant school teachers the right to enter into collective bargaining agreements with local school boards?

The amendatory language would not necessarily prohibit individual legislators from voting in such instances; instead, a realistic determination could be made based on individual circumstances rather than an inflexible constitutional provision.

TEXT

CONGRESSIONAL AND LEGISLATIVE APPORTIONMENTS

SECTION 44. Representatives in congress. -- ~~One-repre-~~  
~~sentative-in-the-congress-of-the-United-States-shall-be-elect-~~  
~~ed-from-the-state-at-large-at-the-first-election-under-this~~  
~~constitution, 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.

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 repre-  
sentative districts as there are members of the senate and

COMMENTS

Obsolete language was struck and the section modernized.

TEXT

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 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

COMMENTS

TEXT

COMMENTS

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 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

TEXT

COMMENTS

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 members 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.

TEXT

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

ARTICLE IV

EXECUTIVE DEPARTMENT

~~SECTION 14. -- Lieutenant-governor-president-of-senate--  
president-pro-tem, ---The-lieutenant-governor-shall-be-presi-  
dent-of-the-senate,-and-shall-vote-only-when-the-senate-is  
equally-divided.--In-case-of-the-absence,-impeachment-or-dis-  
qualification-from-any-cause-of-the-lieutenant-governor,-or  
when-he-shall-hold-the-office-of-governor,-then-the-president  
pro-tempore-of-the-senate-shall-perform-the-duties-of-the  
lieutenant-governor,-until-the-vacancy-is-filled-or-the-dis-  
ability-removed.~~

SECTION 15. When no lieutenant governor - who to act as  
governor. -- In case of the failure to qualify in his office,  
death, resignation, absence from the state, impeachment, con-  
viction of felony or infamous misdemeanor, or disqualifica-  
tion from any cause, of both the governor and lieutenant gov-  
ernor, the duties of the governor shall devolve on the presi-

COMMENTS

In addition to amending Article V, Section 10, it is also necessary to repeal Section 14 of Article IV and amend Section 15 of Article IV to implement the Committee's recommenda-  
tion that the Lieuten-  
ant Governor be removed  
from the Senate as pre-  
siding officer.

TEXT

dent of the senate, ~~pre-tempore~~, until such disqualification of either the governor or lieutenant governor be removed, or the vacancy be filled, and if the president of the senate, for any of the above named causes, shall become incapable of performing the duties of governor, the same shall devolve upon the speaker of the house.

COMMENTS

Appendix B

DEADLINES ON BILL DRAFTING REQUESTS AND INSTRUCTIONS

JOINT RULE NO. 23

- 1
- 2
- 3
- 4 (a) Except for appropriation bills or as otherwise provided in
- 5 paragraphs (c) and (d) of this Joint Rule, no bill request
- 6 shall be submitted to the Legislative Drafting Office after
- 7 the close of business on the fortieth calendar day of any
- 8 regular session.
- 9
- 10 (b) Except for appropriation bills or as otherwise provided in
- 11 paragraphs (d) and (e) of this Joint Rule, no bill shall be
- 12 initially introduced in either house of the General Assembly
- 13 after the close of business on the sixtieth calendar day of
- 14 any regular session.
- 15
- 16 (c) The provisions of paragraph (a) of this Joint Rule shall not
- 17 apply from the close of business on the fortieth calendar day
- 18 of a regular session until that on the sixtieth calendar day
- 19 thereof if the sponsor first obtains consent to request a
- 20 bill upon the affirmative vote of two-thirds of the members
- 21 elected to the house of initial introduction.
- 22 (d) The provisions of paragraphs (a) and (b) of this Joint Rule
- 23 shall not apply after the close of business on the sixtieth
- 24 calendar day of a regular session if the sponsor first ob-
- 25 tains consent to request a bill and to introduce the same
- 26 upon the affirmative vote of two thirds of the members elect-
- 27 ted to the house of initial introduction.
- 28 (e) Any bill delivered by the Legislative Drafting Office after
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1 the close of business on the fifty-fifth calendar day of a  
2 regular session may nevertheless be introduced at any time  
3 prior to the close of business on the fifth calendar day  
4 after such delivery.

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FISCAL NOTES - JOINT RULE NO. 22

1

2 (a) The joint bill room of the Senate and the House of Repre-  
3 sentatives shall furnish one copy of each printed bill introduced  
4 in either house to the department of administration for use-in-the  
5 ~~preparation-of-fiscal-notes-pursuant-to-this-rule.~~ REVIEW OF ITS  
6 FISCAL IMPLICATIONS.

7 (b) The department of administration is requested to review  
8 each such printed bill, except appropriations measures carrying  
9 ~~specific dollar amounts, and-if-it-appears-that-any-bill-will-af-~~  
10 ~~fect-the-revenues;-expenditures;-or-fiscal-liability-of-the-state~~  
11 ~~or-any-political-subdivision-thereof;-to-prepare-a-fiscal-note-in-~~  
12 ~~corporating-an-estimate-of-such-effect.~~ IF SUCH REVIEW INDICATES  
13 THAT ANY BILL WOULD HAVE A SIGNIFICANT EFFECT ON THE REVENUES, EX-  
14 PENDITURES, OR FISCAL LIABILITY OF THE STATE OR ANY OF ITS POLITI-  
15 CAL SUBDIVISIONS, THE DEPARTMENT OF ADMINISTRATION SHALL ADVISE THE  
16 CHAIRMAN OF THE COMMITTEE OF REFERENCE TO WHICH THE BILL WAS AS-  
17 SIGNED OF SUCH FACT, AND SHALL, WITHIN FIVE DAYS, PREPARE A FISCAL  
18 NOTE GIVING ITS ESTIMATE OF SUCH EFFECT. THE COMMITTEE CHAIRMAN  
19 SHALL PROVIDE COPIES OF THE FISCAL NOTE FOR ALL MEMBERS OF THE COM-  
20 MITTEE OF REFERENCE.

21 (c) ~~A-fiscal-note-prepared-pursuant-to-this-rule-shall-be-de-~~  
22 ~~livered-to-the-chief-administrative-officer-of-the-house-having~~  
23 ~~possession-of-the-bill-to-which-the-fiscal-note-pertains-and-the~~  
24 ~~fiscal-note-shall-then-be-immediately-duplicated-for-the-use-of-all~~  
25 ~~members-of-both-houses.~~ IF A BILL BE REFERRED BY THE COMMITTEE OF  
26 REFERENCE FOR ACTION BY THE WHOLE HOUSE, IT SHALL BE ACCOMPANIED BY  
27 AN APPROPRIATE FISCAL NOTE, WHICH SHALL BE REPRODUCED FOR USE OF ALL  
28 MEMBERS OF BOTH HOUSES, TOGETHER WITH THE COMMITTEE REPORT.

29

1 (d) The joint budget committee staff shall also review each  
2 printed bill and the fiscal note, if any, and prepare comments, if  
3 appropriate. Such comments shall be delivered to the ~~chief-adminis-~~  
4 ~~trative-officer-of-the-house-having-possession-of-the-bill~~ CHAIRMAN  
5 OF THE COMMITTEE OF REFERENCE OF THE HOUSE HAVING POSSESSION OF THE  
6 BILL and be duplicated for use of all members of both houses.

7 (e) A fiscal note shall cite the statutes affected, any esti-  
8 mated increases or decreases in revenue or expenditures, any costs  
9 which may be absorbed without additional funding, and, to the extent  
10 possible, the long range fiscal implications of the bill. No com-  
11 ment or opinion relative to the merits of any bill shall be included  
12 in any fiscal note, but attention shall be called to omissions and  
13 technical or mechanical defects.

14 (f) In the case of a resolution, other than a concurrent reso-  
15 lution or a resolution relating to the legislative department, which  
16 has any fiscal implication, the sponsor thereof may request a fiscal  
17 note from the department of administration prior to its introduction,  
18 or if such resolution, upon introduction, be referred to a commit-  
19 tee of reference, such committee may request a fiscal note, identify-  
20 ing the resolution by reference to the pages of the journal wherein  
21 it appears.

22 (g) ~~No-measure-subject-to-this-rule-shall-be-approved-on-second~~  
23 ~~reading-nor-passed-on-final-reading-until-a-fiscal-note-applicable~~  
24 ~~thereto-has-been-prepared-and-distributed-for-the-use-of-all-the~~  
25 ~~members-of-that-house,-if-so-requested-in-the-House-by-at-least-ten~~  
26 ~~members,-or-in-the-Senate-by-at-least-five-members:~~ NO MEASURE HAV-  
27 ING A SIGNIFICANT EFFECT ON THE REVENUES, EXPENDITURES, OR FISCAL  
28 LIABILITY OF THE STATE OR ANY POLITICAL SUBDIVISION THEREOF, FOR  
29

1 WHICH A PERTINENT FISCAL NOTE HAS NOT BEEN DELIVERED UNDER (b) AND  
2 (c), SHALL BE PASSED ON SECOND READING UNTIL AN APPROPRIATE FISCAL  
3 NOTE IS DELIVERED IF SO REQUESTED IN THE HOUSE BY AT LEAST TEN  
4 MEMBERS, OR IN THE SENATE BY AT LEAST FIVE MEMBERS.

5 (h) In case the department of administration fails to  
6 furnish a fiscal note on any bill or resolution, ~~within-five-days~~  
7 ~~from-the-receipt-of-such-bill,-or-request-in-the-case-of-a-resolu-~~  
8 ~~tion,~~ IT SHALL SUBMIT A REPORT STATING WHEN SUCH FISCAL NOTE WILL  
9 BE AVAILABLE, OR THAT A FISCAL NOTE CANNOT BE PROVIDED. The re-  
10 quirement for a fiscal note may be waived by a majority vote of mem-  
11 bers of the house then considering such measure, and such waiver  
12 shall be noted in the journal of such house at the time of second  
13 reading of a bill or adoption of a resolution. Any waiver of such  
14 requirement by one house shall not constitute a waiver by the other  
15 house.

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Appendix D

RULES ON DISAGREEMENTS BETWEEN  
HOUSES -- CONFERENCE COMMITTEES

JOINT RULE NO. 4

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4 (a) In any case of difference between the two houses upon any  
5 ~~subject-of-legislation~~, MEASURE, AND PRIOR TO ADOPTION OF A MOTION  
6 TO ADHERE BY A MAJORITY OF THOSE ELECTED TO EITHER HOUSE, either  
7 house may request a conference and appoint a committee for that  
8 purpose and the other house shall also appoint a SIMILAR committee.  
9 ~~to-confer.~~

10 (b) Each such committee shall consist of three members of the  
11 house appointing the same, with a chairman designated, and the two  
12 committees jointly shall constitute a conference committee. A  
13 majority of the members of each committee appointed by each house  
14 shall be necessary to approve a majority report of any conference  
15 committee submitted to the General Assembly; ~~provided~~, BUT any les-  
16 ser number of such members may submit a minority report.

17 (c) The conference committee shall meet at such house and  
18 place as shall be designated by the chairman of the committee on the  
19 part of the house requesting such conference. The conferees shall  
20 confer fully on the reasons of their respective houses concerning  
21 the differences between the two houses on the ~~legislation~~ MEASURE  
22 before them.

23 ~~The-conference-committee-shall-report-in-writing,-and~~  
24 ~~with~~ WITH the consent of a majority of members elected to each of  
25 the two houses, THE CONFERENCE COMMITTEE may consider and report on  
26 ~~matters other-than-these-which-are-at-issue-between~~ BEYOND THE  
27 SCOPE OF THE DIFFERENCES BETWEEN the two houses; otherwise ~~no~~ THE  
28 committee shall consider and report ONLY on any matters ~~except-these~~  
29

1 directly at issue between the two houses.

2 (e) WHEN A CONFERENCE COMMITTEE HAS REACHED A DECISION, AT  
3 LEAST ONE MEMBER FROM EACH HOUSE SHALL MEET WITH THE LEGISLATIVE  
4 DRAFTING OFFICE STAFF AND SUBMIT THE FINDINGS AND AGREEMENTS OF THE  
5 COMMITTEE. EVERY CONFERENCE COMMITTEE REPORT SHALL BE IN WRITING,  
6 AND SHALL NOT BE PRESENTED TO EITHER HOUSE UNLESS DRAFTED BY THE  
7 LEGISLATIVE DRAFTING OFFICE.

8 (f) ~~The papers~~ ALL DOCUMENTS shall be left with the conferees  
9 of the house assenting to such conference, and they SHALL present  
10 the report of the conference committee to their house. When such  
11 house shall have acted thereon, they IT shall transmit the same  
12 and the papers relating thereto to the other house, with a message  
13 certifying its action thereon.

14 (g) Every report of a conference committee shall be read  
15 through in each house before a vote is taken on the same.

16 HOUSE RULE NO. 36. Disagreement

17 (a) No amendment made by the Senate to a House bill shall be  
18 concurred in by the House except by a vote of a majority of members  
19 elected, taken by ayes and noes and the names of those voting for  
20 and against entered in the journal.

21 (b) In case of a disagreement between the House and the Sen-  
22 ate, the House may either adhere to its position, recede from its  
23 position and concur with the position of the Senate, or request a  
24 conference on the matter at issue. ~~A-substitute-motion-to-request-a~~  
25 ~~conference-shall-always-be-in-order-with-respect-to-a-motion-to-ad-~~  
26 ~~here-or-a-motion-to-recede-and-concur,-but-no-other-substitute-me-~~  
27 ~~tion-shall-be-in-order.~~

28 (c) The House may recede from any matter of difference exist-  
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1 ing between it and the Senate at any time prior to consideration of  
2 the A conference committee report by either the House or the Senate,  
3 not later than the next day of actual session following the rejec-  
4 tion of the report.

5 (d) In the event the House shall vote to request a conference,  
6 the Speaker shall appoint a committee of three members to represent  
7 the House. No vote on concurring in any amendment made by the Sen-  
8 ate to a House bill or on the adoption of the A report of the A  
9 conference committee shall be taken until such amendment or report  
10 shall have been placed on the desk of each member, and particularly  
11 referred to in the calendar, provided, however, that this rule may  
12 be suspended during the last three days of session.

13 SENATE RULE NO. 19. DISAGREEMENT

14 BETWEEN SENATE AND HOUSE

15 In case of a disagreement between the Senate and House of Rep-  
16 resentatives, the Senate may ~~(1)-recede;-(2)-ask-for-a-conference;~~  
17 ~~or-(3)-adhere;-and-motions-for-such-purpose-shall-take-precedence~~  
18 ~~in-that-order:~~ ADHERE TO ITS POSITION, RECEDE FROM ITS POSITION  
19 AND CONCUR WITH THE POSITION OF THE HOUSE, OR REQUEST A CONFERENCE  
20 ON THE MATTER AT ISSUE.

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Appendix D

SUMMARY OF COSTS AND TERMS OF CEECO'S AND INTERNATIONAL ROLL-CALL CORPORATION'S ROLL-CALL SYSTEMS FOR COLORADO GENERAL ASSEMBLY

CEECO 1/

INTERNATIONAL ROLL-CALL CORP.

SALE:

Delivered to job site, not installed, without taxes, licenses, fees or special decor, payable 1/3 on delivery, 1/3 on completion of installation, and 1/3 on turnover and acceptance:

House	\$ 62,605.76
Senate	\$ 51,143.23
Total	\$113,748.99

SALE: 2/

Not installed, no other information available on terms of purchase agreement, though separate maintenance contract can be obtained:

Both Houses \$175,000-200,000

RENTAL:

Includes maintenance, continuous forms, and delivery to job-site, but without installation:

	<u>First Year</u>	<u>Each Following Year</u>
House	\$24,346.01	\$ 5,859.17
Senate	\$19,888.48	\$ 4,948.52
Total	\$44,234.49	\$10,807.69

RENTAL AND MAINTENANCE: 3/

First year price includes installation. Other terms include: Prior to session -- furnish and install Roll-Call sheets and names for indicator boards, setup switchboard; clean and check system, and instruct new clerks on operation; During session -- maintenance, continuous supply of forms; Between sessions -- recording and counting units returned to factory, checked and cleaned, and all improvements to system added; Special session -- special Roll-Call sheets furnished and necessary changes made, system checked:

	<u>First Year</u>	<u>Each Following Year</u>
House	\$24,250	\$ 7,500
Senate	\$21,750	\$ 3,750
Total	\$46,000 4/	\$11,250 5/

Discount if state installs conduit system	\$ 8,000	
Total	\$38,000 6/	\$11,250

NOTE: See footnotes on next page.



#### FOOTNOTES

- 1/ CEECO prices and terms are compiled from written proposals sent to the Legislative Council Office, September 26, 1969.
- 2/ Based on information given to the Legislative Procedures Committee at the October 10, 1969, committee meeting, as recorded in the minutes of that meeting.
- 3/ Services available under "rental and maintenance" contract based on literature received by the Legislative Council Office.
- 4/ Price for first year quoted in letter received by Legislative Council Office, dated November 28, 1969; and price includes installation, according to information given to the Legislative Procedures Committee at the October 10, 1969, Committee meeting, as recorded in the minutes of that meeting. Estimate for installation prepared by Belmont Electric Service, Inc., Denver.
- 5/ Based on November 28, 1969 letter. Total rental price is \$15,000 for both houses; but a 25 percent discount, or \$3,750, is given for installation of second system, bringing the total rental to \$11,250 for both houses.
- 6/ Discount based on information given staff on October 10, 1969.

Appendix F

BY SENATORS KEMP, DINES, TAYLOR  
AND VOLLACK, and REPRESENTATIVES  
BLACK, BURNS, CALABRESE, LAMB,  
SINGER, AND VANDERHOOF

SENATE JOINT RESOLUTION NO. 11 (1969 SESSION)

1 Be It Resolved by the Senate of the Forty-seventh General  
2 Assembly of the State of Colorado, the House of Representatives  
3 concurring herein:

4 That the Joint Rules of the Senate and House of Representa-  
5 tives be amended BY THE ADDITION OF A NEW JOINT RULE to read:

6 JOINT RULE NO. 25

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

18 (b) For purposes of implementing paragraph (a) of this  
19 rule, the division of responsibilities among House and Senate com-  
20 mittees of reference shall be as follows:

21

<u>1</u>	<u>Department</u>	<u>Senate Committee</u>	<u>House Committee</u>
2	Administration	Appropriations	Appropriations
3	Revenue	Finance	Finance
4	Treasury	Finance	Finance
5	Education	Education	Education
6	Higher Education	Education	Education
7	Health	Health and Welfare	Health, Welfare,
8			and Institutions
9	Social Services	Health and Welfare	Health, Welfare,
10			and Institutions
11	Institutions	Institutions	Health, Welfare,
12			and Institutions
13	Highways	Transportation	Transportation and
14			Highways
15	State	State Affairs	State Affairs
16	Military Affairs	State Affairs	State Affairs
17	Labor and	Business and	
18	Employment	Labor	Labor
19	Regulatory	Business and	
20	Agencies	Labor	Business Affairs
21	Agriculture	Agriculture	Agriculture
22	Law and Courts	Judiciary	Judiciary
23	Local Affairs	Local Government;	
24		Urban Affairs	Local Government
25	Natural Resources	Natural Resources;	Natural Resources;
26		Water; Game,	Game, Fish and
27		Fish and Parks	Parks

28 (c) Committees of reference shall also be kept advised by

29

1 staff members assigned thereto and by personnel of departments  
2 under their jurisdiction of new or proposed federal legislation,  
3 proposed uniform or model acts, suggested state legislation and  
4 compacts, and efforts in the area of interstate cooperation,  
5 which may affect their areas of responsibility, as provided in  
6 paragraph (b) of this rule.

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