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0169 Legislative Procedures and Constitutional Revisions

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Report to the Colorado General Assembly:

**LEGISLATIVE PROCEDURES
AND
CONSTITUTIONAL REVISIONS**



COLORADO LEGISLATIVE COUNCIL

RESEARCH PUBLICATION NO. 169

November, 1971

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OF THE
COLORADO GENERAL ASSEMBLY

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Ralph Cole
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Clarence Quinlan
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Senators

Fay DeBerard, Vice
Chairman
Fred Anderson
Joe Calabrese
George Jackson
Vincent Massari
Ruth Stockton
William Armstrong,
Senator Majority
Leader

* * * * *

The Legislative Council, which is composed of six Senators, six Representatives, plus the Speaker of the House and the Majority Leader of the Senate, 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 AND
CONSTITUTIONAL REVISIONS**

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

**Research Publication No. 169
November, 1971**

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WALLACE PULLIAM
Research Associate



LEGISLATIVE COUNCIL

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

November 12, 1971

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SEN. JOSEPH V. CALABRESE
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SEN. VINCENT MASSARI
SEN. RUTH S. STOCKTON
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REP. HAROLD L. McCORMICK
REP. HIRAM A. McNEIL
REP. PHILLIP MASSARI
REP. CLARENCE QUINLAN

To Members of the Forty-eighth Colorado General Assembly:

In accordance with House Joint Resolution No. 1033, passed by the First Regular Session of the Forty-eighth General Assembly, the Legislative Council submits for your consideration the accompanying report pertaining to Legislative Procedures and Constitutional Revisions.

The Committee appointed by the Legislative Council to conduct the study reported its findings and recommendations to the Legislative Council on November 8, 1971, and the Council accepted the report at that time for transmission to members of the Forty-eighth General Assembly.

Respectfully submitted,

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

CPL/mp

COLORADO GENERAL ASSEMBLY

OFFICERS

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Chairman

SEN. FAY DeBERARD

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ROOM 46 STATE CAPITOL
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November 5, 1971

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REP. PHILLIP MASSARI
REP. CLARENCE QUINLAN

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

Dear Mr. Chairman:

Your Committee appointed to study Legislative Procedures and Constitutional Revisions submits the accompanying report and recommendations.

The Committee's report indicates that there is a need for action by the General Assembly in some areas; it is hoped that such action will occur as soon as possible.

Respectfully submitted,

/s/ Representative Harold McCormick
Chairman, Committee on Legislative Procedures

HMcC/mp

FOREWORD

House Joint Resolution No. 1033, 1971 regular session, directed the Legislative Council to continue during 1971, the study begun in 1966 concerning legislative processes and procedures in Colorado. The membership of the Committee appointed to carry out the assignment consisted of:

Rep. Harold McCormick
Chairman
Sen. Ted Strickland
Vice Chairman
Sen. Joe Calabrese
Sen. Allen Dines
Sen. George Jackson

Sen. Sam Taylor
Rep. Tilman Bishop
Rep. Harrie Hart
Rep. Robert Jackson
Rep. Tony Mullen
Rep. Ralph Porter

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. Jim Wilson, Mrs. Becky Lennahan, and Mr. Larry Bohning of the Legislative Drafting Office. Mr. Rich Levensgood, Senior Analyst for the Legislative Council, had primary responsibility for the staff work and the preparation of this report and was ably assisted by Mr. Dennis Jakubowski, Research Assistant.

November 5, 1971

Lyle C. Kyle
Director

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SUMMARY OF COMMITTEE FINDINGS AND RECOMMENDATIONS

In accordance with House Joint Resolution No. 1033, passed by the First Regular Session of the 48th General Assembly, the Committee on Legislative Procedures appointed pursuant thereto submits the recommendations contained in this report for implementation by the 1972 Session of the General Assembly.

One Concurrent Resolution and several changes in the rules of the House and Senate taking the form of simple or joint resolutions are contained in the report, thus eliminating the necessity of requesting the Governor to place these items on his agenda for the 1972 General Assembly.

The attached report contains the following four main sections, each of which contains several recommendations:

- I. Revision of Articles IV, V, X, and XII of the Constitution Regarding the Legislative Department (page 1).
- II. The Committee Structure of the House and Senate (page 48).
- III. Procedural Rule Changes (page 53).
- IV. Citizens Conference on State Legislatures Report on Colorado General Assembly (page 62).

An outline of the Committee's recommendations under each category follows. Because of the extent of the Constitutional proposal only an overview is provided plus some specific examples of recommended amendments. Detailed comments are included in the body of the Report.

I. Revision of Constitutional Articles Affecting Legislation

Commencing in 1968, the Committee on Legislative Procedures undertook a review of the legislative articles (Article V) of the Constitution to modernize, streamline and make some substantive changes. The Committee in 1971 resumed these efforts and submits herewith a revision of 38 of the 50 sections in Article V. Several sections in Articles IV, X, and XII related to the legislative department also contain recommended revisions.

Several amended provisions deal directly with the legislative process and procedure, including:

(1) Empowers the General Assembly to initiate special sessions with a two-thirds vote of the members of both houses, or with petition of presiding officers and a majority of the members. (Section 1, Article V.)

(2) The removal of arbitrary restrictions on special sessions as provided by law. (Section 2, Article V.)

(3) The removal of the Lieutenant Governor as presiding officer of the Senate when provided by law. (Sections 14 and 15, Article IV.)

(4) Eliminates the requirement that bills must be signed by presiding officers in the presence of the house over which they preside. (Section 25, Article V.)

(5) Makes restrictions on incumbent members' salaries, expense allowances, and rate of reimbursement per mile applicable to the General Assembly that passed them. This amendment would allow holdover legislators to receive such increases at the commencement of the next General Assembly or at the same time as all other legislators. (Sections 5, 9, and 30 of Article V.)

II. Committee Structure of the House and Senate

It is recommended that the House and Senate Committee structure be changed to 11 parallel Committees. House Committees should be no larger than 15 members and Senate Committees no larger than 9 members. House and Senate members should serve on no more than three committees each. The Committee also believes that the leadership and the Joint House-Senate Committees members of both house and the members of the Joint Committees should serve on even fewer committees.

Among the advantages the Committee recommendations would have included the following:

(1) The number of committee assignments restricted so that no individual member would be particularly overburdened. Legislators who now serve on four committees would have a free period one afternoon each week to devote to legislative business.

(2) The increasing House and Senate legislative productivity would be served by joint inter-committee activities.

(3) The parallel structure and reduction in assignments would allow individual members to develop more expertise in subject-matter areas. Review of problems in the executive departments during the interim by joint committees would be facilitated. A representative group of legislators could also speak for Colorado in response to actions and proposals taken on the federal level affecting Colorado.

III. Procedural Rule Changes

The following is a list of procedural rule changes recommended by the Committee:

(1) Simplify Revisor's Notes and Corrections. Joint Rule No. 16 is amended to establish a "corrective schedule" that would preclude taking valuable time on the floor or in committee to amend bills to correct minor typographical and punctuation errors. The rule was also amended so that the Revisor would send the prime sponsor a preliminary comment on substantive errors at any time in the legislative process. Taken together, the volume of paper a legislator receives from the Revisor should be reduced when only substantive errors are noted. There would also be eliminated the necessity for printing technical corrections in the Journal as well as the necessity for the enrolling agents to make such corrections under the supervision of the Services Committee.

(2) Procedure to Correct Errors in Bills Passing Both Houses. A proposed Joint Rule No. 25 is recommended that would establish a procedure by which the Revisor could call substantive errors in bills to the attention of both houses for correction after such bills have passed both houses. The procedure recommended would permit the correction of substantive errors only and not open up the bill for further amendments. Presently, there is no such procedure. The only motion that would be in order in the second house would be "to amend the bill and correct the bill" -- no motion to reconsider, to recall or refer to conference would be in order.

(3) Deliver Bills to Governor within 24 Hours After Passage. Joint Rule No. 20 is recommended to be amended to provide that bills will be delivered to the Governor within 24 hours after all legislative signatures have been affixed thereto. Presently, signed bills are delivered to the Attorney General before they are submitted to the Governor. Consequently, since the Governor does not receive them directly after passage, some bills, in effect, are signed after the time period allowed him by the Constitution (10 days while in Session and 30 days after adjournment sine die).

The Committee also recognizes that while this procedure will undoubtedly put additional pressure on the Governor, his staff, and the Attorney General's staff, the legislature has a concurrent responsibility to arrange its business in such a manner that hundreds of bills are not sent to the Governor all at once as is now the case at the end of each meeting session. It would be unreasonable to expect the Governor to act intelligently on all bills within the reduced time limit he would have under the rule.

(4) Simplify House Floor Procedure on Disposition of Bills. The Committee recommends that House Rule No. 27(b) and No. 28 be amended to accord with the concept of Senate Rule No. 21 -- the Senate, under this rule, "presumes" that unanimous consent is given unless a member requests otherwise. In the House unanimous consent must be given by those present. The change should speed up the legislative process in the House through elimination of an unnecessary formality.

(5) House Adopt Senate Rule on Announcements and Publishing Committee Actions in Advance -- 24 Hour Notice. In 1961, the Citizens Conference on State Legislatures' 23 recommendations on the Colorado General Assembly (discussed in full in Section IV of this Report), the Committee recommended that the House adopt a rule similar to Senate Rule No. 23(d). The Senate Rule provides that no final action on a bill may be taken unless the chairman announces it in advance of the meeting. The number, sponsor, title, and committee is printed in the Daily Calendar of the day on which the bill is to be taken up. The Committee further recommends that such announcements be made at least two days (instead of one day) in advance and the published notice be in the Daily Calendar the day before meeting.

No specific language is recommended to effect these recommendations.

IV. Citizens Conference on State Legislatures Report on Colorado General Assembly

Earlier this year the Citizens Conference on State Legislatures (CCSL) published a report which ranked Colorado No. 28 among the 50 state legislatures in its ability to do its job of conducting the legislative business of the State of Colorado.

The Citizens Conference made 23 specific recommendations for improving the Colorado General Assembly. The Committee discussed each recommendation in some detail, and its

response or recommendation is contained in Section IV of this report.

In general, the Committee found that many of the CCSI recommendations should be studied by the Committee in more detail during the 1972 interim. Other items are already implemented or are being recommended elsewhere in this report. The following attempts to capsule the recommendations and the Committee's response:

<u>CCSI Recommendation</u>	<u>Committee Response</u>
1. More space needed -- possibly new legislative or other state agency office building	First five CCSI recommendations are part of long-range solution to capital construction problem but the Committee recommends:
2. Individual office space for legislators	a) Floor-by-floor space analysis of capital for use by legislature;
3. More committee rooms	b) Recommend that chambers, Committee rooms, and offices be air conditioned; and
4. More space for service agencies	c) Senate Services consider projector and screen for showing floor amendments.
5. Better press facilities	
6. Staff for leadership	Recommend leadership hire staff at state expense during session, subject to available space.
7. Reduce Committee assignments	Recommended in Section II of report.
8. Describe committee jurisdiction in rules	Needs further study in 1972 though not favorably disposed at this point.
9. Eliminate rules committee	Needs further study in 1972.
10. Require written committee reports	Needs further study in 1972. Recommend that House announce and publish committee agenda in advance as in the Senate.

CSI Recommendations

Committee Response

- | | |
|--|--|
| 11. Committee become interim committee | Recommended in Section II of the report. |
| 12. Install electric rail-car | Did not follow prior committee recommendation on this matter. |
| 13. Increase legislative pay to \$15,000 to \$15,000 | Recommended that no action be taken at this time. |
| 14. Reprint substantially amended bills | Needs further study in 1972. |
| 15. Washington, D.C. legislative office | Needs further study in 1972. |
| 16. Schedule committee calendar of bills reported out of committee | Senate has such a calendar, House could consider. |
| 17. Minority party committee members appointed by minority leader through caucus | Needs further study in 1972, though House minority leader now consulted and Senate minority leaders do choose. |
| 18. Pre-session organizing session by constitution | Strengthen existing pre-session orientation conference. |
| 19. More regulation of lobbyists | A priority item of 1972 interim study. |
| 20. Amend constitution to allow legislative initiated special sessions | Recommended in Section IV of this report. |
| 21. Expand Governor's special session agenda | Recommended, instead, that subject-matter restrictions on even-year sessions be removed by law. |
| 22. Remove Lieutenant Governor from Senate | Recommended that he be removed when provided by law. |
| 23. Establish Citizens Commission on the Legislature | Recommended that legislative procedure concept be continued instead. |

I. Revision of Articles IV, V, X, and
XII of the Constitution

Modernization of the Legislative Department

Background of Committee Revision

In the 1965, 1966, 1967, and 1968 regular sessions of the General Assembly, 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 of Article V 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 the Constitution which relate to the legislative process. For instance, the Committee, in 1966 and 1967, recommended that the Lieutenant Governor be removed as presiding officer of the Senate and that subject-matter restrictions on even-year sessions be removed. This would have required an amendment to Article IV, Section 14.

In view of these previous efforts, the 1968 Committee on Legislative Procedures undertook a complete review of Article V and those sections of Article IV pertaining to legislative procedures. 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. The 1968 Committee's effort 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.

S.C.R. No. 9, which contained the Committee's 1969 revision, was introduced in 1970. It failed to obtain the necessary two-thirds majority in the House after having passed the Senate.

The Committee on Legislative Procedures again took the matter up in the 1971 interim, and after having received sug-

gestions from other members of the legislature, the State Treasurer, and others, the scope of the revision found in the following pages was broadened somewhat to include amendments to sections of Article IV, V, X, and XII in order to both modernize and strengthen the legislative department.

Summary of Recommendations

General Scope. In the revision, amendments or repeals are recommended for three sections of Article IV (Executive Department); 38 out of the 50 sections in Article V (Legislative Department); one section in Article X (Revenue); and two sections in Article XII (Officers). Article V received a section-by-section analysis and amendments were made to the other three articles only to the extent that particular sections in each affected the legislative department.

The general approach was to streamline or modernize various provisions in the above articles relating to the legislature. Other provisions, considered to be outdated or unnecessary in view of contemporary law or practices, were recommended for repeal. Still other sections were thought to need some substantive revision, particularly those pertaining to the practices, processes, and operations of the General Assembly. Examples of modernizing amendments, repealing outdated provisions, and substantiative amendments on the legislative process follow.

(1) Modernizing Amendments. Sections 4 and 5 of Article V ~~currently refer to multi-member representative and senatorial districts~~ with such districts being confined to only one county. Since there are no longer multi-member district in Colorado and district boundaries follow precinct lines, but not county boundaries, these sections were amended to accord with the 1966 amendments to Sections 45 and 46 on reapportionment which made these changes.

Another example of a modernizing change is found in Section 16 of Article IV. The revised section consolidates amendments to sections found in three different articles of the Constitution in order to update the required financial reporting practices followed by the State of Colorado. It would, among other things, change the content of the report of the State Treasurer to the Governor, by replacing the requirement to list the number and amount of each and every warrant paid with the requirement to report only the aggregate amount of all warrants paid. Approximately 1.5 million warrants are paid out annually. Also, the amendment would permit the use of checks as well as warrants to pay state obligations.

(2) Repealing Outdated Provisions. Section 37 provides that the power of courts to change venue in civil and criminal courts shall be exercised in the manner prescribed by law. But the Supreme Court was given authority to change venue under the provision of Article VI, Section 21, as amended in 1965. Thus, the section is outdated and no longer necessary.

Section 25a provides for the eight hour day in mines, blast furnaces, smelters or other industries considered by the legislature to be "injurious or dangerous to health, life, or limb." Federal and state law is already more inclusive in this area and the Committee recommends its repeal.

(3) Substantive Amendment Affecting the Legislative Process. Examples of amendments in this provision follows:

(1) Provision for the General Assembly to initiate special sessions upon a two-third vote of the members of both houses, or upon petition of presiding officers and a majority of the members. (Section 7, Article V.)

(2) The removal of subject-matter restrictions on even-year sessions as provided by law. (Section 7, Article V.)

(3) The removal of the Lieutenant Governor as presiding officer of the Senate when provided by law. (Sections 14 and 15, Article IV,)

(4) Eliminate the requirement that bills must be signed by presiding officers in the presence of the house over which they preside. (Section 26, Article V.)

(5) Make restrictions on increasing members' salaries, expense allowances, and rate of reimbursement per mile apply only to the General Assembly that passed them. This amendment would allow holdover Senators to receive such increases at the commencement of the next General Assembly or at the same time as all other legislators. (Sections 6, 9, and 30 of Article V.)

HOUSE CONCURRENT RESOLUTION NO.

SUBMITTING TO THE QUALIFIED ELECTORS OF THE STATE OF COLORADO AN AMENDMENT CONCERNING THE MODERNIZATION OF THE LEGISLATIVE DEPARTMENT, AND AMENDING RELATED PROVISIONS IN ARTICLES IV, V, X, AND XII OF THE CONSTITUTION OF THE STATE OF COLORADO.

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

SECTION 1. At the next general election for members of the general assembly, there shall be submitted to the qualified electors of the state of Colorado, for their approval or rejection, the following amendment to the constitution of the state of Colorado, to wit:

ARTICLE IV

1 Section 14 of article IV of the constitution of the
2 state of Colorado is amended to read:

3 Section 14. Lieutenant-governor president of senate.
4 UNLESS OTHERWISE PROVIDED BY LAW, the lieutenant-governor
5 shall be president of the senate, and he shall vote only
6 when the senate is equally divided. ~~In case of the absence;~~
7 ~~impeachment--or--disqualification--from--any--cause--of--the~~
8 ~~lieutenant-governor;--or--when--he--shall--hold--the--office--of~~
9 ~~governor;--then--the--president--pro--tempore--of--the--senate--shall~~
10 ~~perform--the--duties--of--the--lieutenant-governor;--until--the~~
11 ~~vacancy--is--filled--or--the--disability--removed;~~

Comment: Section 14 would allow the Lieutenant Governor to remain as presiding officer of the Senate until otherwise provided by law.

Some Committee members believe, that 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 Lieutenant Governor should no longer preside over the Senate. The Senate could more fully assert its power as a legislative body if this member of the executive branch was removed as its presiding officer.

The Senate itself should choose its own presiding officer as does the House, it is believed. Further, the Senate majority party could more effectively handle the matters of that body. Presently, for example, the Lieutenant Governor is denied entrance to caucus meetings, and, thus, he is unable to enter the decision making process; yet, he is able to assign bills to committees. The change would be more responsive to the will of the majority.

Article IV, Section 15, and Article V, Section 10, page 22, also concern the presiding officer of the Senate.

1 Section 15 of article IV of the constitution of the
2 state of Colorado is amended to read:
3 Section 15. No lieutenant-governor - who to act as
4 governor. In case of the failure to qualify ~~in-his~~ FOR
5 office, OR THE death, resignation, absence from the state,
6 impeachment, conviction of felony, ~~or-infamous-misdemeanor,~~
7 or disqualification from any cause, of both the governor and
8 lieutenant-governor, the duties of the governor shall
9 devolve on the president of the senate, ~~pro-tempore;~~ IF
10 ELECTED BY THE MEMBERS THEREOF, until such disqualification
11 of either the governor or lieutenant-governor be removed, or
12 the vacancy be filled. ~~and-if-the~~ IF THERE IS NO president
13 of the senate ELECTED BY THE MEMBERS THEREOF, OR IF ~~for-any~~
14 ~~of-the-above-named-causes;~~ shall-become THE PRESIDENT OF THE
15 SENATE IS incapable of performing the duties of THE governor
16 FOR ANY OF THE ABOVE NAMED CAUSES, the same DUTIES OF THE
17 GOVERNOR shall devolve upon the speaker of the house.

Comment: The substantive amendments to this section should be viewed in light of the changes made to Section 14 of Article IV, i.e., if the Senate elected its own presiding officer (President of the Senate) as provided by Section 14, the order of succession to the governorship would be: 1) Lieutenant Governor; 2) President of the Senate; and 3)

Speaker of the House. However, if the Senate does not elect its own presiding officer, the order of succession would be Lieutenant Governor and Speaker and no Senator would be in the line of gubernatorial succession; thus, the Senator holding the Office of President Pro Tempore would be removed from the line of gubernatorial succession. Indeed, as provided by Section 10 of Article V, the Office of President Pro Tempore would be abolished if the Senate elected its own President.

1 Section 16 of article IV of the constitution of the
2 state of Colorado is REPEALED AND REENACTED, WITH
3 AMENDMENTS, to read:

4 Section 16. Report of treasurer - disbursements. The
5 treasurer shall keep accurate account of all moneys coming
6 into his custody, and at the end of each quarter of the
7 fiscal year shall report to the governor, in writing and
8 under oath, the aggregate amount of moneys in his custody,
9 where such moneys are kept or deposited, and the amount to
10 the credit of each fund or account. Swearing falsely to any
11 such report shall be deemed perjury.

12 The general assembly may provide by law for the
13 safekeeping, management, and investment of moneys in the
14 custody of the treasurer, but, notwithstanding any such
15 provisions, the treasurer and his sureties shall in all
16 cases be held responsible therefor.

17 No moneys shall be disbursed by the treasurer unless
18 authorized by law, and any amount disbursed shall be
19 substantiated by vouchers signed and approved in the manner
20 prescribed by law.

21 ~~Section--16:--Account-and-report-of-moneys.--An-account~~
22 ~~shall-be-kept-by-the-officers-of--the--executive--department~~
23 ~~and--of--all-public-institutions-of-the-state;--of-all-moneys~~
24 ~~received-by-them-severally-from-all-sources;--and--for--every~~
25 ~~service--performed;--and--of--all--moneys--disbursed-by-them~~

26 severally; -and-a-semi-annual-report-thereof-shall-be-made-to
27 the-governor;-under-oath;

Comment: The purpose of the amendments to Article IV, Section 16 is to update required financial reporting practices followed by the State of Colorado. The most notable change involves the content of the report of the State Treasurer to the Governor, eliminating the requirement to list the number and amount of every warrant paid, now numbering about 1,500,000 warrants each year. The amendment would permit use of checks in payment of state obligations, as well as warrants.

Organizationally, the amendments to Section 16 are as follows: 1) The present language of Article IV, Section 16 was struck since it is now obsolete; 2) Article X, Section 12, with amendments, was moved to Section 16; and 3) Article V, Section 33, with some modernizing changes, is also included in Section 16.

It was believed that both Section 12 and Section 33 more properly belong in the Executive Article rather than the Revenue and Legislative Articles, respectively.

Present Language -- Article IV, Section 16. The present language of Article IV, Section 16, (beginning line 21) which would be struck, calls for all officers of the executive department to make a report of all the fees received by them for services performed. Also, they have to report how the money was disbursed by them. This provision was necessary at the time the Constitution of Colorado was originally adopted, since many offices of state government collected fees and a reporting procedure for such collections was desirable. Fees are no longer collected by state officers and reference to them should be deleted.

Article X, Section 12. The present language of Article X, Section 12 requires the State Treasurer to report to the Governor at the end of each quarter the amount of money in his hands as credited to every fund and the place where such funds are kept. The report is to include the number and amount of every warrant received and paid during that quarter. Section 12 requires this report to be published by the Governor in at least one newspaper at the seat of government.

A detailed list was last published in 1958 and it covered 84 pages of print.

It is believed that this reporting process is unnecessary and is certainly costly and administratively cumbersome. For

example, during the past year, the State Treasurer paid approximately 1,500,000 warrants. This number is considerably larger than the writers of the Constitution could have envisioned in 1876. Further, it is costly for the state to expend a great amount of money to publish such a detailed list as presently required.

In order to correct this situation, a modern version of Section 12, as incorporated into Article IV, Section 16 was drafted which would require the Treasurer to report to the Governor at the end of each quarter the aggregate amount of all moneys coming into his custody (lines 4-11). Thus, this new wording only eliminates the present detailed reporting system, not the report itself. The requirement that the Governor publish this report has been eliminated. But the General Assembly may provide by law "...for the safekeeping, management, and investment of moneys in the custody of the treasurer..." (lines 12-14), as presently provided in Article X, Section 12.

The word "warrant" has been eliminated from the Constitution with this amendment. The actual issuance of warrants is also a costly and an administratively time-consuming procedure. By eliminating the word warrant from Article 10, Section 12, as incorporated in Section 16, the General Assembly may provide by law for a less complicated procedure, i.e., issuance of checks.

Other modernizing changes in Section 12, includes the use of the words "all moneys coming into his custody" (lines 5-6) rather than "amount of all moneys in his "hands"; and the General Assembly may provide by law for the investment of state moneys in the custody of the treasurer. (lines 12-14.)

Article V, Section 33. The language of Article V, Section 33, as incorporated in Section 16 is included in lines 17-20. In addition to the elimination of the word warrant from the present language of Section 33, the word "disbursed" has been substituted for the word "appropriations"; all moneys are dispersed though some are not appropriated in the usual sense, e.g., Old Age Pension Fund is a continuing appropriation pursuant to Article XXIV of the Constitution.

ARTICLE V

Article V, Section 1 was divided into nine subsections.

1 Section 1 of article V of the constitution of the state
2 of Colorado is amended to read:

3 Section 1. Legislative power - initiative and
4 referendum. (1) The legislative power of the state shall be
5 vested in the general assembly consisting of a senate and
6 house of representatives, both to be elected by the people,
7 but the people reserve to themselves the power to propose
8 laws and amendments to the constitution and to enact or
9 reject the same at the polls independent of the general
10 assembly, and also reserve power at their own option to
11 approve or reject at the polls any act, OR ANY item, section
12 or part of any act of the general assembly.

Comment: The words "or any" (line 11) were inserted to clarify the fact that, "any item of any act" is subject to the initiative and referendum.

1 (2) The first power hereby reserved by the people is
2 the initiative, and at least eight per cent of the legal
3 voters REGISTERED QUALIFIED ELECTORS shall be required to
4 propose any measure by petition, and every such petition
5 shall include the full text of the measure so proposed.
6 Initiative petitions for state legislation and amendments to
7 the constitution, IN SUCH FORM AS MAY BE PRESCRIBED PURSUANT
8 TO LAW, shall be addressed to and filed with the secretary
9 of state at least four months before the GENERAL election at
10 which they are to be voted upon.

Comment: The words "registered qualified electors" in line 3 (also in subsections (3) and (5) of this section) were substituted for the words "legal voters". The 1969 Committee on Legislative Procedures recommended the words "qualified electors" be substituted for "legal voters" in order to conform with similar wording in other provisions in the Con-

stitution, e.g. Article VII, Sections 2, 6, and 10, and Article XIV, Section (1) (b). S.C.R. No. 7, drafted in 1970, used the term "registered qualified electors".

The form of the initiated petition may be prescribed pursuant to law (lines 7-8 -- also in subsection (3) to remove the necessity of having such details as found in subsection (6) of this section. As explained in more detail under subsection (9), the word "may" was used rather than "shall" in order to guarantee the right of the electorate to the initiative and referendum in the event the General Assembly prescribed no form the petition should take.

The type of election at which initiated petitions would be voted upon was clarified by the determination that it would be a "general election". Under the present Constitution, it appears, an initiated petition could be considered at any "election".

Elections for an initiated referendum is to be held at "biennial regular general elections" (lines 23-24, subsection (3) of this section).

1 (3) The second power hereby reserved is the
2 referendum, and it may be ordered, except as to laws
3 necessary for the immediate preservation of the public
4 peace, health or safety, and appropriations for the support
5 and maintenance of the ~~department--of--state--and--state~~
6 ~~institutions~~ DEPARTMENTS OF STATE GOVERNMENT, against any
7 act, OR ANY section or part of any act of the general
8 assembly, either by a petition signed by five per cent of
9 the ~~legal--voters~~ REGISTERED QUALIFIED ELECTORS or by the
10 general assembly. Referendum petitions, IN SUCH FORM AS MAY
11 BE PRESCRIBED PURSUANT TO LAW, shall be addressed to and
12 filed with the secretary of state not more than ninety days
13 after the ~~final adjournment of the session--of--the--general~~
14 ~~assembly,--that--passed--the--bill~~ PASSAGE OF THE ACT on which
15 the referendum is demanded. The filing of a referendum
16 petition SHALL SUSPEND OR STAY THE EFFECTIVENESS OF THE ACT
17 OR THE SECTION OR PART THEREOF UNTIL APPROVED, BUT THE
18 FILING OF A REFERENDUM PETITION against any item, section or

19 part of any act shall not delay the remainder of the act
20 from becoming operative. The veto power of the governor
21 shall not extend to measures initiated by, or referred to
22 the people. All elections on measures referred to the
23 people of the state shall be held at the biennial regular
24 general election, and all such measures shall become the law
25 or a part of the constitution, when approved by a majority
26 of the votes cast thereon, and not otherwise, and shall take
27 effect from and after the date of the official declaration
28 of the vote thereon by proclamation of the governor, but not
29 later than thirty days after the vote has been canvassed.

Comment: The language in line 6 coincides with the "Administrative Organization Act of 1968".

The amendments in line 14 would mean that the referred petitions must be filed with the secretary of state within ninety days after the passage of the act rather than ninety days after the final adjournment of the session of the General Assembly that passed the act.

Under the present Constitution, the operation of any section or part of any act shall not be delayed even though some other section or part of that act is the subject of a referred petition. The amendment to this subsection clarifies this area by adding that the effectiveness of any act or section of any act affected by a referred petition is suspended until the question has been settled by the electorate. (lines 16-18.)

1 (4) This section shall not be construed to deprive the
2 general assembly of the ~~right~~ POWER to enact, REPEAL, OR
3 AMEND any measure.

Comment: This wording is only in the referendum paragraph of the present Constitution, and to make it clear that it applies to both initiative and referendum, it was made an individual subsection. Also, it states that the General Assembly has the "power," rather than the "right," to "repeal or amend" any measure in addition to "enacting" any measure.

1 (5) The whole number of votes cast for ~~secretary-of~~
2 ~~state~~ GOVERNOR AND LIEUTENANT GOVERNOR at the regular
3 general GUBERNATORIAL election last preceding the filing of
4 any petition for the initiative or referendum shall be the
5 basis on which the number of ~~legal--voters~~ REGISTERED
6 QUALIFIED ELECTORS necessary to sign such petition shall be
7 counted.

Comment: "Governor and Lieutenant Governor" in this subsection was substituted for "Secretary of State" because the gubernatorial election 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. For instance, in the November, 1970 election, a total of 668,496 votes were cast for the Governor and Lieutenant Governor, while 630,021 votes were cast for Secretary of State.

1 (6) The secretary of state shall submit all measures
2 initiated by or referred to the people for adoption or
3 rejection at the polls, in compliance herewith. The
4 ~~petition shall consist of sheets having such general form~~
5 ~~printed or written at the top thereof as shall be designated~~
6 ~~or prescribed by the secretary of state; such petition shall~~
7 ~~be signed by qualified electors in their own proper persons~~
8 ~~only; to which shall be attached the residence address of~~
9 ~~such person and the date of signing the same; To each of~~
10 ~~such petitions, which may consist of one or more sheets,~~
11 ~~shall be attached an affidavit of some qualified elector,~~
12 ~~that each signature thereon is the signature of the person~~
13 ~~whose name it purports to be, and that to the best of the~~
14 ~~knowledge and belief of the affiant; each of the persons~~
15 ~~signing said petition was at the time of signing, a~~
16 ~~qualified elector. Such petition so verified shall be prima~~
17 ~~facie evidence that the signatures thereon are genuine and~~

18 true--and--that--the--persons--signing--the--same--are--qualified
19 electors. The text of all measures to be submitted shall be
20 published as constitutional amendments are published, and in
21 submitting the same and in all matters pertaining to the
22 form of all petitions the secretary of state and all other
23 officers shall be guided by the general laws. and--the--act
24 submitting---this--amendment;--until--legislation--shall--be
25 especially-provided-therefor.

Comment: Since amendatory language in subsections (2) and (3) permit the form of the initiative and referred petitions to be prescribed pursuant to law, the language outlining the detail of those petitions in the Constitution was struck.

1 (7) The style of all laws adopted by the people
2 through the initiative shall be, "Be it enacted by the
3 People of the State of Colorado."

Comment: In line 2 the word "enacted" was substituted for the word "Enacted" in order to conform with the style of the clause for laws enacted by the General Assembly in Article V, Section 18.

1 (8) The initiative and referendum powers reserved to
2 the people by this section are hereby further reserved to
3 the legal-voters REGISTERED QUALIFIED ELECTORS of every
4 city;--town-and municipality as to all local AND special and
5 municipal legislation. of-every-character-in--or--for--their
6 respective--municipalities. The manner of exercising said
7 powers shall MAY be prescribed by general laws except--that
8 cities;--towns-and-municipalities-may-provide-for-the-manner
9 of-exercising-the-initiative-and--referendum--powers--as--to
10 their--municipal--legislation. OR BY MUNICIPAL LAWS IF SUCH
11 MUNICIPAL LAWS ARE NOT INCONSISTENT WITH THE GENERAL LAW.
12 Not more than ten per cent of the legal-voters REGISTERED
13 QUALIFIED ELECTORS may be required to order the referendum,

14 nor more than fifteen per cent to propose any measure by the
15 initiative in any ~~city, town or~~ municipality.

Comment: The purpose of striking the language in lines 4, 5, and 6 is to delete excess verbiage.

The effect of the amendments in lines 6-11 is that the General Assembly may prescribe by general law the manner in which the initiative and referendum powers are to be exercised by the people concerning local and special legislation. However, municipal law may be used if such municipal law is not inconsistent with the general law or if the General Assembly does not prescribe any general law.

1 (9) This section of the constitution shall be in all
2 respects self-executing; EXCEPT THAT THE FORM OF THE
3 INITIATIVE OR REFERENDUM PETITION MAY BE PRESCRIBED PURSUANT
4 TO LAW.

Comment: The present language shown in this subsection is intended to guarantee that the initiative and referendum powers of the people may be exercised independent of any prior legislative action, i.e., the people have an inherent right to rule themselves either by initiating directly their own law or by initiating a referendum by which laws passed by the General Assembly may be voided.

The amendatory language would allow the General Assembly to prescribe the form of the petition to be consistent with other amendments made to the section. But if the General Assembly failed to prescribe such form, the people would not be precluded from exercising their powers by legislative inaction.

Recent examples of amendments to other sections of the Constitution which have "self-execution" clauses are Article XII, Section 15 (Veterans' Preference) and Article XX, Section 9 (Home Rule Cities and Towns), both adopted in November, 1970.

Article V, Section 2 was divided into three subsections.

1 Section 2 of article V of the constitution of the state
2 of Colorado is amended to read:
3 Section 2. Election of members - oath vacancies.
4 (1) A general election for members of the general assembly

5 shall be held on the first Tuesday after the first Monday in
6 November in each even numbered year, at such places in each
7 county as now are or hereafter may be provided by law.

Comment: There is no change in this subsection from the present Constitution.

1 (2) EACH MEMBER OF THE GENERAL ASSEMBLY SHALL BEFORE
2 HE ENTERS UPON HIS OFFICIAL DUTIES TAKE AN OATH OR
3 AFFIRMATION TO SUPPORT THE CONSTITUTION OF THE UNITED STATES
4 AND OF THE STATE OF COLORADO, AND TO FAITHFULLY PERFORM THE
5 DUTIES OF HIS OFFICE ACCORDING TO THE BEST OF HIS ABILITY.
6 THIS OATH OR AFFIRMATION SHALL BE ADMINISTERED IN THE HALL
7 OF THE HOUSE TO WHICH THE MEMBER SHALL HAVE BEEN ELECTED.

Comment: Subsection (2) is the present wording of Article XII, Section 7 of the Constitution. It was felt that the subject-matter more properly belongs in the Legislative Article rather than remaining in Article XII which pertains to public officers in general.

1 (3) Any vacancy occurring in either house by death,
2 resignation, or otherwise, shall be filled in the manner
3 prescribed by law. The person appointed to fill the vacancy
4 shall be a member of the same political party, if any, as
5 the person whose termination of membership in the general
6 assembly created the vacancy, AND SUCH PERSON SHALL FOR ALL
7 PURPOSES OF THIS ARTICLE BE DEEMED TO BE AN ELECTED MEMBER.

Comment: The additional wording in lines 6 and 7 would remove all uncertainty as to the exact status of an appointee. There has been some uncertainty in the past, for example, as to whether an appointee who fills a vacancy is eligible to receive the salary and expense allowances as if he were a new member or whether he must receive such compensation at the rate received by the legislator he replaced. By deeming him "an elected member", this problem would be eliminated since he would be considered elected in his own right and not considered a stand-in for another member.

1 Section 3 of article V of the constitution of the state
2 of Colorado is amended to read:

3 Section 3. Terms of senators and representatives.
4 Senators shall be elected for the term of four years, except
5 ~~as hereinafter provided,~~ and representatives for the term of
6 two years.

Comment: The purpose of the amendment is to delete obsolete references and to accord with the modernizing amendments to Article V, Section 5.

1 Section 4 of article V of the constitution of the state
2 of Colorado is amended to read:

3 Section 4. Qualifications of members. No person shall
4 be a representative or senator who shall not have attained
5 the age of twenty-five years, who shall not be a citizen of
6 the United States, AND who shall not for at least twelve
7 months next preceding his election, have resided within the
8 territory included in the limits of the ~~county--or~~ district
9 in which he shall be chosen. ~~provided,--that--any--person--who~~
10 ~~at--the--time--of--the--adoption--of--this--constitution;--was--a~~
11 ~~qualified--elector--under--the--territorial--laws;--shall--be~~
12 ~~eligible--to--the--first--general--assembly;~~

Comment: The words "county or" were struck now that Sections 45 and 46 of Article V require single member districts. Obsolete language in lines 9 through 12 was struck.

1 Section 5 of article V of the constitution of the state
2 of Colorado is amended to read:

3 Section 5. Classification of senators. ~~The--senators;~~
4 ~~at--their--first--session--shall--be--divided--into--two--classes;~~
5 ~~Those--elected--in--districts--designated--by--even--numbers--shall~~
6 ~~constitute--one--class;--these--elected--in--districts--designated~~
7 ~~by--odd--numbers--shall--constitute--the--other--class;--except--that~~

8 senators-elected-in-each-of-the-districts-having--more--than
9 one--senator--shall--be--equally--divided--between--the--two
10 classes;--The-senators-of--one--class--shall--hold--for--two
11 years;--these--of--the--other--class--shall--hold--for--four--years;
12 to-be-decided-by--lot--between--the--two--classes;--so--that
13 one-half--of--the--senators;--as-near-as-practicable;--may-be
14 biennially-chosen-forever-thereafter; THE SENATE SHALL BE
15 DIVIDED INTO TWO CLASSES SO THAT ONE-HALF OF THE SENATORS,
16 AS NEAR AS PRACTICABLE, MAY BE CHOSEN BIENNIALY.

Comment: This section was rewritten to remove outdated language and references to multi-member districts now that Article V, Sections 45 and 46 require single-member districts.

1 Section 6 of article V of the constitution of the state
2 of Colorado is REPEALED AND REENACTED, WITH AMENDMENTS, to
3 read:

4 Section 6. Salary and expenses of members. The
5 members of the general assembly shall receive such salary
6 and expense allowances as may be prescribed by law, together
7 with reimbursements of actual and necessary expenses to be
8 paid after the same have been incurred and audited. Such
9 expenses shall include travel for attendance at committee
10 meetings or other official business as authorized pursuant
11 to law. No general assembly shall fix its own salary or
12 expense allowances.

13 ~~Section 6. Compensation of members. Each member of~~
14 ~~the general assembly, until otherwise provided by law, shall~~
15 ~~receive as compensation for his services the sum of one~~
16 ~~thousand (\$1000) dollars for each biennial period, payable~~
17 ~~at the rate of \$7.00 per day during both the regular and~~
18 ~~special sessions; the remainder, if any, payable on the~~
19 ~~first day of the last month of each biennial period;~~
20 ~~together with all actual and necessary traveling expenses to~~

21 be-paid-after-the-same-have-been-incurred-and--audited,--and
22 the--said--members--of-the-general-assembly-shall-receive-no
23 other-compensation;-perquisite-or--allowance--whatever,---No
24 general-assembly-shall-fix-its-own-compensation;

Comment: The revision removes unnecessary and obsolete language, and attempts to clarify the meaning of the proscriptions on increasing legislative compensation.

The Committee felt that 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. Thus, amendments were made to existing Section 30 placed in Article XII, Section 11/ 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. Article V, Sections 9 and 43 are also related to the question of increasing legislative compensation, and further comments are included thereunder.

1 Section 7 of article V of the constitution of the state
2 of Colorado is amended to read:
3 Section 7. General assembly - shall meet when - term
4 of members - committees. The general assembly shall meet in
5 regular session at 10 o'clock a.m. on the first Wednesday
6 after the first Tuesday of January of each year, but at such
7 regular sessions convening in even numbered years, UNLESS
8 OTHERWISE PROVIDED BY LAW, the general assembly shall not
9 enact any bills except those raising revenue, those making
10 appropriations, and those pertaining to subjects designated
11 in writing by the governor during the first 10 days of the
12 session. The general assembly shall meet at other times
13 when convened in special session by the governor, OR BY
14 WRITTEN REQUEST BY TWO-THIRDS OF THE MEMBERS OF EACH HOUSE
15 OR BY THE PRESIDING OFFICER OF EACH HOUSE AND A MAJORITY OF
16 THE MEMBERS THEREOF TO CONSIDER ONLY THOSE SUBJECTS
17 SPECIFIED IN SUCH REQUEST. The term of service of the

18 members of the general assembly shall begin on the convening
19 of the first regular session of the general assembly next
20 after their election. The committees of the general
21 assembly, unless otherwise provided by the general assembly,
22 shall expire on the convening of the first regular session
23 after a general election.

Comment: There are two substantive changes in Section 7: 1) unlimited annual sessions could be provided by law; and 2) the General Assembly could call itself into special session by petition either with or without the concurrence of the House and Senate presiding officers.

(1) Removing subject-matter restriction for even-year sessions. The General Assembly could, by statute, remove the subject-matter restriction in even-year sessions. Hence, the language added in line 8 of this section would permit unlimited annual sessions at such time as the General Assembly may deem proper and provide by law.

(2) Initiating special session. As a means of making the General Assembly a co-equal branch of government with the executive department, the committee also recommends the adoption of the language in this section that permits the General Assembly to call itself into special session.

A special session could be initiated in either of two ways -- upon petition of two-thirds of the members of both houses or upon written request of the presiding officers of each house and a majority of the members of each house. The section further provides that, regardless of the alternative by which a special session was initiated, the written request would specify the subject matter to be considered during the session.

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.

1 Section 8 of article V of the constitution of the state
2 of Colorado is amended to read:
3 Section 8. Members precluded from holding office. No
4 senator or representative shall, ~~during-the-time--for--which~~
5 ~~he--shall--have--been--elected;~~ WHILE SERVING AS SUCH, be

6 appointed to any civil office under this state; and no
7 member of congress, or other person holding any office
8 (except of attorney-at-law, notary public, or in the
9 militia) under the United States or this state, shall be a
10 member of either house during his continuance in office.

Comments: The amendments to Section 8 are substantive revisions. The existing provision prohibits 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 constitutional or statutory duties. (Hudson v. Annear, 101 Colo. 550, 75 P. 2d 587.) Thus, only after his term has expired can a member of the General Assembly accept such an appointment.

In the Annear Case, the Supreme Court did not define the term "civil office" in a clear-cut manner; the court, instead, defined the term "civil office" only to the extent that "Although an office is 'an employment,' it does not follow that every employment is an office." It appears, therefore, that the court attempted to make some distinction between an "employment" and an "office", and, in effect, left each circumstance to be judged upon its own merits.

For example, in Attorney General Opinion 2483-53, dated April 16, 1953, it was held that an appointment of a legislator as a Game and Fish Commissioner would be in violation of Article V, Section 8 prohibiting an appointment, but not an election, to another civil office during the term as a legislator. Another Attorney General Opinion (68-4230) dated July 17, 1968, ruled that superintendents, principals, and teachers are employees and not officers; thus, they could serve as members of the General Assembly.

The effect of the amendment to Section 8 changes the existing situation to the extent that a member of the General Assembly can resign his seat and accept an appointment to another civil office rather than having to wait until his term has ended before acceptance as Section 8 now reads.

1 Section 9 of article V of the constitution of the state
2 of Colorado is repealed.
3 ~~Section 9:--increase-of-salary---when--forbidden;---No~~
4 ~~member--of--either-house-shall,-during-the-term-for-which-he~~

5 may-have-been-elected;-receive-any--increase--of--salary--or
6 mileage;-under-any-law-passed-during-such-term;

Comments: In conjunction with amendments made to Sections 6, 30, 43, 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.

1 Section 10 of article V of the constitution of the
2 state of Colorado is amended to read:

3 Section 10. Each house to choose its officers. At the
4 beginning of the first regular session after a general
5 election, and at such other times as may be necessary, the
6 ~~senate shall elect one of its members president pro tempore;~~
7 and the house of representatives shall elect one of its
8 members as speaker, ~~The president pro tempore and speaker~~
9 AND THE SENATE SHALL ELECT ONE OF ITS MEMBERS PRESIDENT PRO
10 TEMPORE OR, IF PROVIDED BY LAW THAT THE LIEUTENANT GOVERNOR
11 SHALL NOT BE PRESIDENT OF THE SENATE, THE SENATE SHALL ELECT
12 ONE OF ITS MEMBERS AS PRESIDENT OF THE SENATE, AND SAID
13 OFFICERS shall serve as such until the election and
14 installation of their respective successors. Each house
15 shall choose its other officers and shall judge OR PROVIDE
16 FOR JUDGMENT OF the election and qualification of its
17 members.

Comments: One effect of the amendatory language is to have Section 10 conform with Article IV, Section 14, wherein the Lieutenant Governor may be removed from the Senate by law.

In addition, the Office of President Pro Tempore would be abolished if the Lieutenant Governor were removed as the Senate's presiding officer. In any event, he would no longer be in the line of succession (Compare the amendatory versions of Sections 14 and 15 of Article IV above).

The insertion of language on lines 15-16 would allow each house of the General Assembly to provide some means, if

it so chooses, to judge the election and qualification of its members, i.e., court, independent panel, committee of legislators, etc.

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

Comment: There is no change in this section from the present Constitution.

1 Section 12 of article V of the constitution of the
2 state of Colorado is amended to read:

3 Section 12. Each house makes and enforces rules. Each
4 house shall have power to determine the rules of its OWN
5 proceedings and ~~punish~~ ADOPT RULES PROVIDING PUNISHMENT OF
6 its members ~~or other--persons~~ for contempt or disorderly
7 behavior in its presence; to enforce obedience to its
8 process; to protect its members against violence, or offers
9 of bribes or private solicitation, and, with the concurrence
10 of two-thirds, to expel a member, but not a second time for
11 the same cause, and shall have all other powers necessary
12 for the legislature of a free state. A member, expelled for
13 corruption, shall not thereafter be eligible to either house
14 of the same general assembly, and punishment for contempt or
15 disorderly behavior shall not bar ~~an--indictment~~ A
16 PROSECUTION for the same offense.

Comment: The amendment to this section provides that each house shall have the power to "adopt rules" providing for the punishment of its members (line 5). By striking the words "or other persons" (line 6), punishment for non-members would have to be provided by statute. In lines 15-16, the Committee recommended to substitute "prosecution" for "indictment."

1 Section 13 of article V of the constitution of the
2 state of Colorado is amended to read:

3 Section 13. Journal - ayes and noes to be entered -
4 when. Each house shall keep a journal of its proceedings
5 and ~~may;--in-its-discretion;--from-time-to-time;~~ publish the
6 same, except such parts as require secrecy, and the ayes and
7 noes on any question shall, at the desire of any two
8 members, be entered on the journal.

Comment: This language was struck in this section in order to make the publication of House and Senate Journals mandatory.

1 Section 14. Open sessions. The sessions of each
2 house, and of the committees of the whole, shall be open,
3 unless when the business is such as ought to be kept secret.

Comment: There is no change in this section from the present Constitution.

1 Section 15. Adjournment for more than three days.
2 Neither house shall, without the consent of the other,
3 adjourn for more than three days, nor to any other place
4 than that in which the two houses shall be sitting.

Comment: There is no change in this section from the present Constitution.

1 Section 16 of article V of the constitution of the
2 state of Colorado is amended to read:

3 Section 16. Privileges of members. The members of the
4 general assembly shall, in all cases except treason OR
5 felony, ~~violation-of-their-oath-of--office;--and--breach--or~~
6 ~~surety--of-the-peace;~~ be privileged from arrest during their
7 attendance at the sessions of their respective houses, OR
8 ANY COMMITTEES THEREOF, and in going to and returning from
9 the same; and for any speech or debate in either house, OR

10 ANY COMMITTEES THEREOF, they shall not be questioned in any
11 other place.

Comment: One amendment to this section extends the "privilege from arrest" to committee meetings (lines 8-10), in addition to the sessions of the respective houses. Secondly, "privilege from arrest" would apply to all circumstances, except treason or felony; the other exceptions were deleted since it was believed they were either obsolete (as the case of "breach of surety"); vague ("breach of peace"); or without real meaning ("violation of their oath of office").

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

Comment: There is no change in this section from the present Constitution.

1 Section 18. Enacting clause. The style of the laws of
2 this state shall be: "Be it enacted by the General Assembly
3 of the State of Colorado."

Comment: There is no change in this section from the present Constitution.

1 Section 19 of article V of the constitution of the
2 state of Colorado is amended to read:
3 Section 19. When laws take effect - introduction of
4 bills. An act of the general assembly shall take effect on
5 the date PRESCRIBED BY GENERAL LAW, UNLESS OTHERWISE stated
6 in the act. ~~or, if no date is stated in the act, then on its~~
7 ~~passage.~~ A bill may be introduced at any time during the
8 session unless limited by ~~action~~ JOINT RESOLUTION of the
9 general assembly. No bill shall be introduced by title
10 only.

Comment: 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.

Also, a technical amendment was made in line 8 to delineate the procedure followed.

1 Section 20 of article V of the constitution of the
2 state of Colorado is amended to read:

3 Section 20. Bills referred to committee - printed. NO
4 BILL SHALL BE CONSIDERED UNLESS PRINTED FOR USE OF THE
5 MEMBERS. No bill shall be considered or become a law unless
6 referred to a committee AND returned therefrom. ~~and--printed~~
7 ~~for-the-use-of-the-members:~~

Comment: The last phrase of this section was made the first sentence to make it clear that bill printing, procedurally speaking, does not necessarily follow introduction and committee assignment.

1 Section 21. Bill to contain but one subject -
2 expressed in title. No bill, except general appropriation
3 bills, shall be passed containing more than one subject,
4 which shall be clearly expressed in its title; but if any
5 subject shall be embraced in any act which shall not be
6 expressed in the title, such act shall be void only as to so
7 much thereof as shall not be so expressed.

Comment: There is no change in this section from the present Constitution.

1 Section 22 of article V of the constitution of the
2 state of Colorado is amended to read:

3 Section 22. Reading and passage of bills. Every bill
4 shall be read by title when introduced, and at length on two
5 different days in each house; ~~provided;--however;~~ BUT any
6 reading at length may be dispensed with upon unanimous
7 consent of the members present. All substantial amendments
8 made thereto shall be printed for the use of the members

9 before the final vote is taken on the bill. ~~and no~~ NO bill
10 shall become a law except by a vote of the majority of all
11 members elected to each house taken on two separate days in
12 each house, nor unless upon its final passage the vote be
13 taken by ayes and noes. ~~and the names--of--these--voting--be~~
14 ~~entered--on--the--journal.~~ THE JOURNAL SHALL CONTAIN SUCH
15 INFORMATION AS IS ADEQUATE TO SHOW THE VOTE OF EACH MEMBER.

Comment: As a practical matter of expediting procedure in most cases, a previous roll call vote is used for subsequent roll call votes on bills; it thus appears unnecessary to continually print the roll call after each vote in the Journal. In order to eliminate this process, the Committee recommends the amendment in lines 13 through 15 which would permit the General Assembly to provide by rule an equally effective method of showing votes of members.

1 Section 23 of article V of the constitution of the
2 state of Colorado is amended to read:
3 Section 23. Vote on amendments and report of
4 committee. No amendment to any bill by one house shall be
5 concurred in by the other nor shall the report of any
6 committee of conference be adopted in either house except by
7 a vote of a majority of the members elected thereto, taken
8 by ayes and noes. ~~and the names--of--these--voting--recorded~~
9 ~~upon--the--journal--thereof.~~ THE JOURNAL SHALL CONTAIN SUCH
10 INFORMATION AS IS ADEQUATE TO SHOW THE VOTE OF EACH MEMBER.

Comment: As in the case of Section 22, the Committee recommended the changes in lines 8 through 10 in order to simplify the process of recording votes in amendments to bills by the other house and conference committee reports.

1 Section 24. Revival, amendment or extension of laws.
2 No law shall be revived, or amended, or the provisions
3 thereof extended or conferred by reference to its title

4 only, but so much thereof as is revived, amended, extended
5 or conferred, shall be re-enacted and published at length.

Comment: There is no change in this section from the present Constitution.

1 Section 25 of article V of the constitution of the
2 state of Colorado is amended to read:

3 Section 25. Special legislation prohibited. The
4 general assembly shall not pass ANY local or special laws in
5 any--of--the--following--enumerated--cases;--that--is--to--say;--for
6 granting--divorces;--laying--out;--opening;--altering--or--working
7 roads--or--highways;--vacating--roads;--town--plats;--streets;
8 alleys--and--public--grounds;--locating--or--changing--county
9 seats;--regulating--county--or--township--affairs;--regulating--the
10 practice--in--courts--of--justice;--regulating--the--jurisdiction
11 and--duties--of--justices--of--the--peace;--police--magistrates--and
12 constables;--changing--the--rules--of--evidence--in--any--trial--or
13 inquiry;--providing--for--changes--of--venue--in--civil--or--criminal
14 cases;--declaring--any--person--of--age;--for--limitation--of--civil
15 actions--or--giving--effect--to--informal--or--invalid--deeds;
16 summoning--or--impaneling--grand--or--petit--juries;--providing--for
17 the--management--of--common--schools;--regulating--the--rate--of
18 interest--on--money;--the--opening--or--conducting--of--any
19 election;--or--designating--the--place--of--voting;--the--sale--or
20 mortgage--of--real--estate--belonging--to--minors--or--others--under
21 disability;--the--protection--of--game--or--fish;--chartering--or
22 licensing--ferries--or--toll--bridges;--remitting--fines;
23 penalties--or--forfeitures;--creating;--increasing--or--decreasing
24 fees;--percentage--or--allowances--of--public--officers;--changing
25 the--law--of--descent;--granting--to--any--corporation;--association
26 or--individual--the--right--to--lay--down--railroad--tracks;

27 granting-to-any-corporation;-association-or--individual--any
28 special--or--exclusive--privilege;--immunity--or--franchise
29 whatever;--in-all-other-cases;-where-a-general--law--can--be
30 made-applicable-no-special-law-shall-be-enacted; ACT IN ANY
31 CASE WHERE A GENERAL ACT CAN BE MADE APPLICABLE.

Comment: This section was redrafted in shortened form, and would, the Committee believes, accomplish the same objectives as under the existing provision.

However, the Colorado Municipal League raised some questions as to whether the removal of the specific prohibitions mentioned in the current provision would allow the General Assembly to enact legislation in the areas specifically excluded and that municipalities may, as a result, have to rely on whatever protection may be afforded them by general law. Thus, the Municipal League requested, and the Committee concurs, that the following addendum be made in the Committee's report:

"The question has arisen whether Section 25 of Article V, as amended, prohibiting special legislation, is intended or might be construed as a substantive change or modification of the prohibition on special legislation now appearing in Section 25, even though the purpose of amendments are to modernize the language and to eliminate unnecessary verbiage.

"Consequently, the Committee on Legislative Procedures recommends that Section 25 be amended as shown in this report, but with the added comment that the amendatory version does not, and is not intended, to substantively narrow or restrict the prohibition imposed by the original draft of Section 25 of Article V."

1 Section 25a of article V of the constitution of the
2 state of Colorado is repealed.
3 ~~Section--25a;--Eight--hour--employment;--The--general~~
4 ~~assembly--shall-provide-by-law;-and-shall-prescribe-suitable~~
5 ~~penalties--for--the--violation--thereof;--for--a--period--of~~
6 ~~employment--not--to--exceed--eight--(8)--hours--within--any~~
7 ~~twenty-four--(24)--hours--(except-in-cases-of--emergency--where~~
8 ~~life--or--property--is--in--imminent--danger);--for--persons~~
9 ~~employed-in-underground-mines-or-other-underground-workings;~~
10 ~~blast-furnaces;-smelters;-and-any--ore--reduction--works--or~~

11 other--branch-of-industry-or-labor-that-the-general-assembly
12 may-consider-injurious-or-dangerous-to-health,-life-or-limb,

Comment: 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.

1 Section 26 of article V of the constitution of the
2 state of Colorado is amended to read:
3 Section 26. Signing of bills. The presiding officer
4 of each house shall ~~in-the-presence-of-the-house-over-which~~
5 ~~he--presides~~; sign all bills and joint resolutions passed by
6 the general assembly, ~~after-their--titles--shall--have--been~~
7 ~~publicly--read;--immediately-before-signing~~; and the fact of
8 signing shall be entered on OR APPENDED TO the journal.

Comment: 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.

1 Section 27 of article V of the constitution of the
2 state of Colorado is amended to read:
3 Section 27. Officers and employees - compensation.
4 The general assembly shall prescribe by law OR BY JOINT
5 RESOLUTION the number, duties and compensation of the
6 APPOINTED officers and employees of each house and of the
7 two houses, and no payment shall be made from the state
8 treasury, or be in any way authorized to any person except

9 to an acting officer or employee elected-or appointed in
10 ~~pursuance-of~~ AND ACTING PURSUANT TO law OR JOINT RESOLUTION.

Comment: 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.

1 Section 28 of article V of the constitution of the
2 state of Colorado is amended to read:

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

Comment: In order to modernize this section, the obsolete word "servant" (line 5) was struck.

1 Section 29 of article V of the constitution of the
2 state of Colorado is amended to read:

3 Section 29. Contracts for facilities and supplies.
4 ~~All-stationery,-printing,-paper-and-fuel-used-in-the~~
5 ~~legislative-and-other-departments-of-government-shall-be~~
6 ~~furnished,-and-the-printing-and-binding-and-distributing-of~~
7 ~~the-laws,-journals,-department-reports,-and-other-printing~~
8 ~~and-binding,-and-the-repairing-and-furnishing-the-halls-and~~
9 ~~rooms-used-for-the-meeting-of-the-general-assembly-and-its~~
10 ~~committees,-shall-be-performed-under-contract,-to-be-given~~
11 ~~to-the-lowest-responsible-bidder,-below-such-maximum-price~~

12 ~~and under such regulations as may be prescribed by law.~~ THE
13 GENERAL ASSEMBLY SHALL PROVIDE BY LAW FOR THE ACQUISITION OF
14 FACILITIES AND SUPPLIES, PURSUANT TO CONTRACT, FOR THE
15 LEGISLATIVE, EXECUTIVE, AND JUDICIAL DEPARTMENTS OF STATE
16 GOVERNMENT, AND EACH SUCH CONTRACT SHALL BE AWARDED TO THE
17 LOWEST RESPONSIBLE BIDDER. No member or officer of any SUCH
18 department ~~of the government~~ shall be in any way interested
19 in any such contract; ~~and all such contracts shall be~~
20 ~~subject to the approval of the governor and state treasurer.~~

Comment: The revision of this section reflects general provisions of existing law which empower the Division of Purchasing in the Department of Administration to negotiate and enter into contracts for printing, services, and supplies for all departments of state government.

Commencing with the language after the semicolon in line 6 and extending through the period in line 12, section 29 currently lists the specific legislative items that must be performed under contract awarded to the lowest responsible bidder.

But the overall effect of the amendatory language is to require the General Assembly to provide by law for the acquisition of all facilities and supplies for state government, pursuant to contract. Each such contract shall be awarded to the lowest responsible bidder.

The language deleted (line 4 through line 6 before the semicolon) was considered archaic and was struck.

The provision in lines 19 and 20 providing that each contract is subject to approval of the Governor and State Treasurer was deleted. Under existing law, the Governor plus the Controller, head of the contracting department, State Purchasing Agent, and Attorney General must sign all contracts. The Committee could see no good reason for continuing to require the Treasurer to approve contracts.

1 Section 30 of article V of the constitution of the
2 state of Colorado is REPEALED AND REENACTED, WITH
3 AMENDMENTS, to read:

4 Section 30. Salary and term of office of elective
5 public officers. No law shall extend the term of any

6 elected public officer after his election or appointment,
7 nor shall the salary of any elected public officer be
8 increased or decreased during the term of office for which
9 he was elected, except that senators serving in two
10 successive general assemblies shall receive the salary and
11 expense allowances provided by law for members of each such
12 general assembly.

13 ~~Section--30.--Salary-of-governor-and-judges-to-be-fixed~~
14 ~~by-legislature-----term-not-to-be-extended-or-salaries~~
15 ~~increased-or-decreased,--The-salaries-of-the-governor,-the~~
16 ~~governor's-secretary,-and-the-judges-of-the-supreme-and~~
17 ~~district-courts-of-the-state-shall-be-fixed-by-legislative~~
18 ~~enactment;-provided,-that-the-salaries-of-said-officers~~
19 ~~heretofore-fixed-by-the-constitution-shall-continue-in-force~~
20 ~~until-otherwise-provided-for-by-legislative-enactment,--~~
21 ~~No-law-shall-extend-the-term-of-any-public-officer,-or~~
22 ~~increase-or-decrease-his-salary,-after-his-election-or~~
23 ~~appointment,-as-fixed-by-legislative-enactment,~~

Comment: When introduced in bill form, Section 30 of Article V will be repealed. However, a redrafted and shortened version (lines 4 through 12) will be added to Article XII, Section 11. Since both the new and old version deals with the salary and terms of office of all elected public officers, relocating this section in Article XII, which pertains to public officers in general, was believed desirable.

The following is a list of the substantive changes to Section 30:

(1) Holdover Senators would be allowed to have increases in their salaries at the same time as all other members of the General Assembly, instead of having to wait until the start of a new term of office -- lines 9-12 -- (See also Sections 6, 9, and 43).

(2) The proposed rewording deletes references to the salary of the Governor's Secretary and other outdated references (line 16).

(3) To clarify the meaning of "public officer" and make this section consistent with Article VI, Section 18 (the

Judicial Article), as amended in 1966, public officer was changed to mean "elected public officer" (lines 6-7).

For instance, questions were 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.

Article VI, Section 16 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.

1 Section 31. Revenue bills. All bills for raising
2 revenue shall originate in the house of representatives; but
3 the senate may propose amendments, as in case of other
4 bills.

Comment: The Committee recommended that the members of the General Assembly should determine whether Section 31 should be repealed. This section, therefore, will be introduced in its present form.

1 Section 32 of article V of the constitution of the
2 state of Colorado is amended to read:
3 Section 32. Appropriation bills. ~~The-general~~ GENERAL
4 appropriation ~~bill~~ BILLS shall embrace nothing but
5 appropriations for the ~~expense---of---the~~ executive,
6 legislative, and judicial departments of the state, state
7 institutions, interest on the public debt, and ~~for~~ public
8 schools. All other appropriations shall be made by separate
9 bills, each embracing but one subject.

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

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

1 Section 33 of article V of the constitution of the
2 state of Colorado is repealed.
3 ~~Section 33. Disbursement of public money. No money~~
4 ~~shall be paid out of the treasury except upon appropriations~~
5 ~~made by law, and on warrant drawn by the proper officer in~~
6 ~~pursuance thereof.~~

Comment: Article V, Section 33 is repealed, and its wording, with some modernizing changes, is included in the amended version of Article IV, Section 16, since it was believed that the directive is intended for the executive branch and properly belongs in the Article pertaining to the Executive Department. (See page 7, lines 17-20).

1 Section 34. Appropriations to private institutions
2 forbidden. No appropriation shall be made for charitable,
3 industrial, educational or benevolent purposes to any
4 person, corporation or community not under the absolute
5 control of the state, nor to any denominational or sectarian
6 institution or association.

Comment: There is no change in this section from the present Constitution.

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

Comment: There is no change in this section from the present Constitution.

1 Section 36 of article V of the constitution of the
2 state of Colorado is repealed.

3 ~~Section 36:--laws on investment of--trust--funds,---The~~
4 ~~general--assembly--shall;--from--time--to--time;--enact laws~~
5 ~~prescribing--types--or--classes--of--investments---for---the~~
6 ~~investment--of--funds--held--by--executors;--administrators;~~
7 ~~guardians;--conservators--and--other--trustees;--whose--power--of~~
8 ~~investment--is--not--set--out--in--the--instrument--creating--the~~
9 ~~trust;~~

Comment: The Committee recommends the repeal of this section because the protection of such funds as firemen's retirement funds are so thoroughly ingrained in Colorado law that this section is considered superfluous.

1 Section 37 of article V of the constitution of the
2 state of Colorado is repealed.

3 ~~Section--37;--Change of venue;--The power to change the~~
4 ~~venue in civil and criminal cases shall be vested in the~~
5 ~~courts;--to be exercised in such a manner as shall be~~
6 ~~provided by law;~~

Comment: The Supreme Court has the power to change venue under Article VI, Section 21, as amended, and the Court has no objections to its repeal; thus, the Committee recommends its repeal.

1 Section 38 of article V of the constitution of the
2 state of Colorado is amended to read:

3 Section 38. No liability exchanged or released. No
4 obligation or liability of any person, association or
5 corporation, held or owned by the state, or any municipal
6 corporation therein, shall ever be exchanged, transferred,
7 remitted, released or postponed, or in any way diminished by
8 the general assembly, nor shall such liability or obligation
9 be extinguished except by payment thereof into the proper
10 treasury. THIS SECTION SHALL NOT PROHIBIT THE WRITE-OFF OR

11 RELEASE OF UNCOLLECTABLE ACCOUNTS AS PROVIDED BY GENERAL
12 LAW.

Comment: The Committee recommends the repeal of this section on the recommendation of the Legislative Audit Committee which reported that as long as it is retained, it is not possible to write-off old, uncollectable accounts presently on the books.

The last sentence, however, was added and would implement the Audit Committee's recommendations.

1 Section 39 of article V of the constitution of the
2 state of Colorado is repealed.

3 ~~Section 39. Orders and resolutions presented to~~
4 ~~governor. Every order, resolution or vote to which the~~
5 ~~concurrence of both houses may be necessary, except on the~~
6 ~~question of adjournment, or relating solely to the~~
7 ~~transaction of business of the two houses, shall be~~
8 ~~presented to the governor, and before it shall take effect,~~
9 ~~be approved by him, or being disapproved, shall be re-passed~~
10 ~~by two-thirds of both houses, according to the rules and~~
11 ~~limitations prescribed in case of a bill.~~

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

1 Section 40 of article V of the constitution of the
2 state of Colorado is amended to read:

3 Section 40. Bribery in general assembly. ~~If any~~
4 ~~person elected to either house of the general assembly shall~~
5 ~~offer or promise to give his vote or influence in favor of~~
6 ~~or against any measure or proposition pending or proposed to~~
7 ~~be introduced in the general assembly in consideration or~~
8 ~~upon condition that any other person elected to the same~~
9 ~~general assembly will give or will promise or assent to give~~

10 his--vote--or--influence--in--favor--of--or--against--any--other
11 measure--or--proposition--pending--or--proposed--to--be--introduced
12 in--such--general--assembly;--the--person--making--such--offer--or
13 promise;--shall--be--deemed--guilty--of--solicitation--of--bribery;
14 If--any--member--of--the--general--assembly--shall--give--his--vote--or
15 influence--for--or--against--any--measure--or--proposition--pending
16 in--such--general--assembly;--or--offer;--promise--or--assent--so--to
17 do;--upon--condition--that--any--other--member--will--give--or--will
18 promise--or--assent--to--give--his--vote--or--influence--in--favor--of
19 or--against--any--other--measure--or--proposition--pending--or
20 proposed--to--be--introduced--in--such--general--assembly;--or--in
21 consideration--that--any--other--member--hath--given--his--vote--or
22 influence--for--or--against--any--other--measure--or--proposition--in
23 such--general--assembly;--he--shall--be--deemed--guilty--of--bribery;
24 and--any--member--of--the--general--assembly;--or--person--elected
25 thereto;--who--shall--be--guilty--of--either--of--such--offenses
26 shall--be--expelled;--and--shall--not--be--thereafter--eligible--to
27 the--same--general--assembly;--and;--on--conviction--thereof--in--the
28 civil--courts;--shall--be--liable--to--such--further--penalty--as--may
29 be--prescribed--by--law. ANY MEMBER OF THE GENERAL ASSEMBLY
30 WHO, AT ANY TIME, OFFERS, PROMISES, OR GIVES HIS VOTE OR
31 INFLUENCE FOR OR AGAINST ANY MEASURE PENDING OR PROPOSED TO
32 BE INTRODUCED IN THE GENERAL ASSEMBLY, IN CONSIDERATION FOR
33 THE PROMISE OR GIVING OF A VOTE OF ANOTHER MEMBER OF THE
34 GENERAL ASSEMBLY FOR OR AGAINST THE SAME OR ANY OTHER SUCH
35 MEASURE OR IN CONSIDERATION OF ANY THING OF VALUE OR THE
36 PROMISE THEREOF, IS GUILTY OF BRIBERY AND SUBJECT TO SUCH
37 PUNISHMENT THEREFOR AS IS PRESCRIBED BY LAW. ANY SUCH
38 MEMBER OF THE GENERAL ASSIMBLY, UPON CONVICTION OF BRIBERY,
39 SHALL BE INELIGIBLE TO SERVE THEREAFTER AS A MEMBER OF THE
40 GENERAL ASSIMBLY.

Comment: This section was redrafted in a shortened and streamlined form and would, the Committee believes, accomplish the same purposes as prescribed in the existing section.

1 Section 41 of article V of the constitution of the
2 state of Colorado is amended to read:

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

Comment: For the purposes of this final report, Article V, Section 41 is amended; however, when considered as a concurrent resolution, Section 41 will be repealed and the version shown here will be placed in Article XII, Section 7 (1). Existing Article XII, Section 7 will be repealed and reenacted and the wording will become part of Article V, Section 2 (2). (See page 16.)

In addition to clarifying language, the words "personal advantage" was struck in line 6 because the Committee believed the language is too broad. Should it be considered bribery, for example, if a labor group promises a member of the General Assembly its support in the next election if he would support labor legislation?

1 Section 42 of article V of the constitution of the
2 state of Colorado is amended to read:

3 Section 42. Corrupt solicitation of members and
4 officers. The offense of corrupt solicitation of members of
5 the general assembly or of public officers of the state or
6 of any ~~municipal-division~~ POLITICAL SUBDIVISION thereof, and

7 any occupation or practice of solicitation of such members
8 or officers to influence their official action, shall be
9 defined by law, and shall be punished by fine, and
10 imprisonment, OR BOTH.

Comment: For the purposes of this final report, Article V, Section 42 is amended; however, when introduced, Section 42 will be repealed and the amended version shown above will become Article XII, Section 7 (2), since it pertains to officers in general. Existing Article XII, Section 7, on oath of office for legislators, will become part of Article V, Section 2 (2). (See page 16.)

The amendment in line 6, in which "political subdivision" is substituted for "municipal division", broadens the scope of coverage of this section. In lines 9 and 10, the amendment changes the punishment for corrupt solicitation to fine, imprisonment, or both, rather than just fine and imprisonment.

1 Section 43 of article V of the constitution of the
2 state of Colorado is amended to read:

3 Section 43. Member interested shall not vote. A
4 member who has a personal or private interest in any measure
5 or bill proposed or pending before the general assembly,
6 shall disclose the fact to the house of which he is a
7 member, and ~~shall not vote thereon.~~ MAY BE EXCUSED FROM
8 VOTING THEREON. THIS PROVISION SHALL NOT EXCUSE A SENATOR
9 FROM VOTING TO FIX THE SALARY OR EXPENSE ALLOWANCES OF
10 MEMBERS OF A SUBSEQUENT GENERAL ASSEMBLY.

Comment: The amendments to Section 43 address themselves to the two problems discussed below pertaining to conflict of interest.

(1) Conflict of Interest in General. There is need to modify the present absolute prohibition on voting when a member has a "personal or private" interest in a bill.

For example, 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 these

prohibitions may 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 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? Obviously, forbidding a legislator to vote on this basis would be extreme. But similar questions have been raised due to the existence of this section.

The amendatory language -- "MAY BE EXCUSED FROM VOTING THEREON." (lines 7-8) -- 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. Legislative rule could spell out areas of conflict or provide procedures for determining when conflicts exist.

(2) Conflict When Holdover Senators Vote Own Salary Increases. The intent of the amendments to Sections 6 and 30 and the repeal of Section 9 is to permit all legislators to realize salary and expense allowance increases at the commencement of each new General Assembly, and not tie such increases to their terms of office as at present.

The problem of conflict of interests arise if holdover Senators are allowed to vote their own increases in compensation, effective at the commencement of a new General Assembly. However, under the recommended amendatory language by the Committee (the last sentence), holdover Senators would be required to vote such increases, which would expressly provide that holdover Senators not only can vote on bills for such increases, but cannot be excused from voting. The Committee's action is further substantiated by an opinion from Mr. Duke Dunbar, the Colorado Attorney General.

In a written opinion submitted to the Committee on the question of whether a conflict of interest would exist if holdover Senators voted their own increases in compensation, Mr. Dunbar ruled that such situations would not represent conflicts of interest if the electorate removed such restric-

tions by adopting Section 30, as amended. However, Mr. Dunbar said that specific language authorizing holdover Senators to vote on such questions would be advisable for two reasons:

(1) It would eliminate any doubt as to whether withdrawal of the negative prohibition carried with it the concomittant affirmative power to so act;

(2) It would overcome the fear that the legislators were "trying to pull a fast one." (Attorney General's Opinion 71-4625).

1 Section 44 of article V of the constitution of the
2 state of Colorado is amended to read:

3 Section 44. Representatives in congress. One
4 ~~representative-in-the-congress-of-the-United-States-shall-be~~
5 ~~electd--from-the-state-at-large-at-the-first-election-under~~
6 ~~this-constitution,-and-thereafter-at-such-times--and--places~~
7 ~~and--in-such-manner-as-may-be-prescribed-by-law,~~ THE GENERAL
8 ASSEMBLY SHALL DIVIDE THE STATE INTO AS MANY CONGRESSIONAL
9 DISTICTS AS THERE ARE REPRESENTATIVES IN CONGRESS
10 APPORTIONED TO THIS STATE BY THE CONGRESS OF THE UNITED
11 STATES FOR THE ELECTION OF ONE REPRESENTATIVE TO CONGRESS
12 FROM EACH DISTRICT. When a new apportionment shall be made
13 by congress the general assembly shall divide the state into
14 congressional districts accordingly.

Comment: Obsolete language was struck and the section modernized.

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

Comment: There is no change in this section from the present Constitution.

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

Comment: There is no change in this section from the present Constitution.

1 Section 47. Composition of districts. Each district
2 shall be as compact in area as possible and shall consist of
3 contiguous whole general election precincts. Districts of
4 the same house shall not overlap. Except when declared by
5 the general assembly to be necessary to meet the equal
6 population requirements of section 46, no part of one county
7 shall be added to all or part of another county in forming
8 districts. When county boundaries are changed, adjustments,
9 if any, in legislative districts, shall be as prescribed by
10 law.

Comment: There is no change in this section from the present Constitution.

1 Section 48 of article V of the constitution of the
2 state of Colorado is amended to read:

3 Section 48. Revision and alteration of districts. (1)
4 ~~In the regular session of the general assembly in 1967, and~~
5 ~~at each such session next~~ NO LATER THAN THE REGULAR SESSION
6 IMMEDIATELY following official publication of each federal
7 enumeration of the population of the state, INCLUDING
8 OFFICIAL ENUMERATION DISTRICT AND BLOCK STATISTICS, the
9 general assembly shall establish or revise and alter the
10 boundaries of senatorial and representative districts
11 according to the provisions of sections 46 and 47, BUT THE

12 GENERAL ASSEMBLY SHALL DO SO ONLY ONCE FOLLOWING EACH
13 FEDERAL DECENNIAL ENUMERATION OF THE POPULATION OF THE
14 STATE. After forty-five days from the beginning of each such
15 regular session, no member of the general assembly shall be
16 entitled to or earn any compensation for his services or
17 receive any payment for salary or expenses, nor shall any
18 member be eligible to succeed himself in office, unless and
19 until such revision and alteration shall have been made.

Comment: In order to eliminate some of the recent confusion as to when redistricting must be completed and the type of data needed, the Committee recommends the clarifying language found in lines 5-8.

Additionally, the new wording in lines 11-14 provides that the General Assembly shall redistrict only once following the federal decennial enumeration; however, it would not prevent a court from so doing.

1 (2) Each paragraph, sentence and clause of sections 45,
2 46, 47 and 48 shall be deemed to be severable from all other
3 parts thereof and shall be interpreted to preserve, as the
4 primary purpose thereof, the creation of single member
5 districts. Nothing in said sections ~~contained,--nor--any~~
6 ~~judgment--or--judicial--declaration--pertaining--to--sections~~
7 ~~hereby-repealed,--nor--the--failure--of--the--State--of--Colorado--to~~
8 ~~conduct--a--census--in--1885--and--subsequent--years,~~ shall affect
9 the validity of laws at any time enacted by the general
10 assembly or by the people on any subject not directly
11 pertaining to legislative districting or apportionment.

Comment: The deleted language on lines 5-8 eliminates obsolete language.

Article V, Section 49 was divided into three subsections.

1 Section 49 of article V of the constitution of the
2 state of Colorado is amended to read:

3 Section 49. Appointment of state auditor - term -
4 qualifications - duties. (1) The general assembly, by a
5 majority vote of the members elected to and serving in each
6 house, shall appoint, without regard to political
7 affiliation, a state auditor, who shall be a certified
8 public accountant licensed to practice in this state, to
9 serve for a term of five years and until his successor is
10 appointed and qualified. He shall be ineligible for
11 ~~appointment-as-state-auditor-for-more-than--two--consecutive~~
12 ~~terms,--or--for--appointment--or~~ election to any other public
13 office in this state from which compensation is derived
14 while serving as state auditor. ~~and-for-two-years-following~~
15 ~~the-termination-of-his-services-as-such-state--auditor.~~ He
16 may be removed for cause at any time by a two-thirds vote of
17 the members elected to and serving in each house.

Comment: The effect of the amendments to Section 49 (1) are to remove the two term limitation for the State Auditor (lines 11, 12, 14, and 15) and to permit the State Auditor to be hired by the state upon leaving office.

The Committee believes the current restrictions should no longer apply.

1 (2) It shall be his THE duty OF THE STATE AUDITOR to
2 conduct post audits of all financial transactions and
3 accounts kept by or for all departments, offices, agencies,
4 and institutions of the state government, including
5 educational institutions notwithstanding the provisions of
6 section 14 of article IX of this constitution, and to
7 perform similar or related duties with respect to such
8 political subdivisions of the state as shall from time to
9 time be required of him by law.

Comment: The new wording on line 1 is clarifying language.

1 (3) Not more than three members of the staff of the
2 state auditor shall be exempt from the ~~classified-civil~~
3 ~~service~~ PERSONNEL SYSTEM OF THE STATE.

Comment: The words "personnel system of the state" was substituted for "civil service" to accord with the constitutional provision adopted in November, 1970.

ARTICLE X

1 Section 12 of article X of the constitution of the
2 state of Colorado is repealed.

3 ~~Section 12,--Report of state treasurer,--The--treasurer~~
4 ~~shall keep a separate account of each fund in his hands; and~~
5 ~~shall, at the end of each quarter of the fiscal year, report~~
6 ~~to the governor in writing, under oath, the amount of all~~
7 ~~moneys in his hands to the credit of every such fund, and~~
8 ~~the place where the same are kept or deposited, and the~~
9 ~~number and amount of every warrant received, and the number~~
10 ~~and amount of every warrant paid therefrom during the~~
11 ~~quarter,--Swearing falsely to any such report shall be~~
12 ~~deemed perjury,--The governor shall cause every such report~~
13 ~~to be immediately published in at least one newspaper~~
14 ~~printed at the seat of government, and otherwise as the~~
15 ~~general assembly may require,--The general assembly may~~
16 ~~provide by law further regulations for the safekeeping and~~
17 ~~management of the public funds in the hands of the~~
18 ~~treasurer, but, notwithstanding any such regulation, the~~
19 ~~treasurer and his sureties shall in all cases be held~~
20 ~~responsible therefor.~~

Comment: Article X, Section 12 is repealed, and that wording, with some modernizing changes, is included in Article IV, Section 16 (See page 7, lines 4-16).

ARTICLE XII

1 Section 7 of article XII of the constitution of the
2 state of Colorado is REPEALED AND REENACTED, WITH
3 AMENDMENTS, to read:

4 Section 7. Bribery - corrupt solicitation. (1) Any
5 person who shall directly or indirectly offer, give, or
6 promise any money or thing of value, or privilege, to any
7 member of the general assembly or to any other public
8 officer in the executive or judicial department of the state
9 government, to influence him in the performance of any of
10 his public or official powers or duties, is guilty of
11 bribery and subject to such punishment therefor as is
12 prescribed by law.

1 (2) The offense of corrupt solicitation of members of
2 the general assembly or of public officers of the state or
3 of any political subdivision thereof, and any occupation or
4 practice of solicitation of such members or officers to
5 influence their official action, shall be defined by law,
6 and shall be punished by fine, imprisonment, or both.

1 ~~Section 7. Oath of members of general assembly. Every~~
2 ~~member of the general assembly shall before he enters upon~~
3 ~~his official duties take an oath or affirmation to support~~
4 ~~the constitution of the United States and of the state of~~
5 ~~Colorado, and to faithfully perform the duties of his office~~
6 ~~according to the best of his ability. This oath or~~
7 ~~affirmation shall be administered in the hall of the house~~
8 ~~to which the member shall have been elected.~~

Comment: The present wording of this section was deleted and moved to Article V, Section 2 (2) (page 16) because it was felt that the subject-matter more properly belongs in the Legislative Article rather than remaining in Article XII which pertains to public officers in general.

The amendatory language in this section is the existing wording of Article V, Section 41 (see page 39) which is now Section 7 (1) and Article V, Section 42 (see page 39) which is now Section 7 (2). These sections, as is the case of the existing Section 7, were moved to Article XII because it was felt that the subject-matter of these provisions applied to public officials in general, and should not remain in the Legislative Article.

ARTICLE XII

1 Section 11 of article XII of the constitution of the
2 state of Colorado is amended to read:
3 Section 11. Elected public officers - term - salary -
4 vacancy. NO LAW SHALL EXTEND THE TERM OF ANY ELECTED PUBLIC
5 OFFICER AFTER HIS ELECTION OR APPOINTMENT, NOR SHALL THE
6 SALARY OF ANY ELECTED PUBLIC OFFICER BE INCREASED OR
7 DECREASED DURING THE TERM OF OFFICE FOR WHICH HE WAS
8 ELECTED, EXCEPT THAT SENATORS SERVING SERVING IN TWO
9 SUCCESSIVE GENERAL ASSEMBLIES SHALL RECEIVE THE SALARY AND
10 EXPENSE ALLOWANCES PROVIDED BY LAW FOR MEMBERS OF EACH SUCH
11 GENERAL ASSEMBLY. The term of office of any officer elected
12 to fill a vacancy shall terminate at the expiration of the
13 term during which the vacancy occurred.

Comment: The amendatory language to Article XII, Section 11 is basically the language of Article V, Section 30, as amended. For comment on the substantive changes to Section 30, see page 32.

II. Committee Structure

Considerable attention has been directed at the committee structure of the General Assembly since the Committee on Legislative Procedures began work in the 1966 interim. The Procedures Committee's prior recommendations in this area have been aimed at strengthening the committee system, which is perhaps the key and most important factor in any legislative body. Virtually every piece of legislation must at one time or another come under the scrutiny of a Committee of Reference of the General Assembly. Thus, in order to help committees accomplish their work, a number of recommendations have been implemented, including:

- (1) A reduction in the number of committees in the House and Senate;
- (2) Providing a suite of House Committee Rooms, including two more hearing rooms;
- (3) Establishing a regular schedule of committee meetings so that both members and the public know when and where a particular committee will meet;
- (4) Professional staff assistance has been provided for each committee by the Legislative Council;
- (5) Committee rules of procedure have been adopted; and
- (6) Conflicts for members serving on more than one committee have been eliminated by "categorizing committees". Under this system, each committee of each house has been placed in one of four categories and all committees in an individual category meet at the same time. Members are assigned to no more than one committee in each category.

Committee Recommendations. The above changes have resulted in many efficiencies in legislative operations and have, in general, strengthened the Colorado committee structure. However, some of these improvements have, perhaps, brought to light some additional problems that the Committee on Legislative Procedures believes need attention. Some of these problems are enumerated below and are, the Committee believes, closely interrelated:

(1) Regularly scheduled committee meetings have resulted in Senate members having no free time during the Monday through Thursday period for "doing homework". In turn, this result has contributed to relatively poor attendance at committee meetings, on occasion, since members simply must get that "homework" done.

(2) There is a need for members of Committees of Reference to develop more expertise in subject-matter areas with which committees normally deal. That is, there is a need for periodic review of problems in the executive departments by committees and there is an increasing necessity for a representative group of Colorado legislators to respond to actions proposed and taken at the federal level.

(3) There is also an increasing desirability of having the Legislative Council designate members from the Committees of Reference as joint interim study groups.

In order to help eliminate these problems, the following recommendations are made for adoption at the commencement of the 1972 session and for implementation at the close of the Session:

(1) Eleven Parallel Committees in Each House and Reduce Number of Members. It is recommended that there be created 11 subject-matter Committees of Reference in each house, consisting of 15 members in the House of Representatives and 9 members in the Senate. (Table I shows the committees, the consolidations that would be effected, and the number of bills each committee was assigned in the 1971 session.) The House and Senate Services Committees, the House Rules Committee, and the Senate Calendar Committee would be in addition to the Committees of References shown in Table I.

In the current General Assembly, there are now 13 committees in the House and 12 in the Senate. There are 15 members per House Committee; and in the Senate, there are three committees with 9 members, one with 11 members, and 8 with 12 members.

In order to implement the recommended 11 committee parallel structure shown in the Table, House Natural Resources would be consolidated with Agriculture and Livestock, and House Labor and Employment Relations would be consolidated with Business Affairs. In the Senate, Institutions and Social Services would be consolidated with Health and Environment.

In recommending these consolidations, the Committee, among other factors, considered the close subject-matter relationship between committees.

Table I

HOUSE AND SENATE BILLS
REFERRED TO COMMITTEES
1971 SESSION

	<u>House Committees</u>	<u>No. of Bills Referred</u>	<u>Senate Committees</u>	<u>No. of Bills Referred</u>
1.	Agriculture- and , Livestock AND Natural Resources	30 <u>22</u> 52	Agriculture, Livestock and Natural Resources	48
2.	Appropriations	85	Appropriations	99
3.	Business Affairs AND Labor & Empl.-Relations	92 <u>49</u> 141	Business Affairs and Labor	114
4.	Education	55	Education	39
5.	Finance	78	Finance	41
6.	Game, Fish, and Parks	26	Game, Fish, and Parks	20
7.	Health, ENVIRONMENT, Wel- fare, and Institutions	80	Health- and , Environment, WELFARE, AND Institu- tions and- Social-Services	40 <u>22</u> 62
8.	Judiciary	117	Judiciary	80
9.	Local Government	66	Local Government	70
10.	State Affairs	144	State Affairs	111
11.	Transportation & Highways	<u>76</u>	Transportation	<u>70</u>
		920		754

SOURCE: Final Legislative Status Sheet. Totals include bills, resolutions, and memorials, but not measures considered or referred to more than one committee.

For example, Senate Institutions and Social Services is closely related to Health and Environment in subject-matter orientation and to the executing departments with which each deals. In the House, Business Affairs quite frequently deals with legislation that affects labor as well as the business sector, and the reverse is true with respect to labor legislation handled by the Labor and Employment Relations Committee. In 1967, the Senate Business Affairs Committee and the Senate Labor Committee were consolidated, and few, if any, problems have resulted since.

(2) Three Committee Assignments Per Member. Each member of the House and Senate, with certain exceptions, would be assigned membership on three Committees of Reference. House members now serve on either three or four committees. Senate members, including members of the Joint Budget Committee, serve on four. The only exceptions are Senate majority and minority leaders who serve on one and two committees, respectively.

However, the leadership, members of the Joint Budget Committee, and members of the Rules Committee should not, the Committee believes, serve on even three Committees of Reference, due primarily to the fact that these legislators should be relieved of as much extra workload as possible. But from the standpoint of mathematics, some of these individuals would have to be given some committee assignments if there are to be eleven 15-member House committees and 11-member Senate Committees. The preferred assignments and the number of Committees of Reference each serves on at the present time are shown below:

<u>Officers</u>	<u>Preferred Committee Assignments</u>	<u>Present Committee Assignments</u>
Speaker	None	None
House Majority Leader	One	Three
Five Other Members of Rules	Two	Four
House Minority Leader	One	Two
Three House Members of Joint Budget Committee	One (Appropriations)	Two
Senate Majority Leader	None	One
Three Senate Members of Joint Budget Committee	Two (Appropriations) (and one other)	Four

The Committee recognizes that adjustments in either the size of committees or the number of assignments given to the individual legislators would be necessary if the party split in either house is close. For instance, if the above proposal for the leadership, etc., were to be rigidly adhered to, a situation could arise wherein the total number of committee assignments given to the majority party is smaller than the number given to the minority party. This would be occasioned by the fact that more members of the majority party are affected by the above suggested reduction in committee assignments than the minority party, as illustrated in the following example:

- A. If the Senate party split were 18 Republicans - 17 Democrats, the total committee assignments would be --

3 Committee Assignments x 18 Republicans	=	54
3 Committee Assignments x 17 Democrats	=	<u>51</u>
		⁶
Total Assignments		105

- B. A total of five committee assignments would be lost by the Republicans since the Majority Leader would have no assignments and the Republican Joint Budget Committee members would have only two assignments. Thus, total Republican assignments are reduced to 49.

Conversely, the Democrats would lose a total of only one assignment, the one for the party's Joint Budget Committee member; the total assignments would thus be reduced to 50.

Thus, in order for the Senate Republicans to maintain a one vote majority on each of the 11 committees, if there were a 17-18 party split, it would be necessary to add a total of 12 assignments, one to equal the Democrats total of 50 plus 11 more to assure control.

The above named Senate members could be given some of the necessary extra committee assignment, which, in effect, would increase committee membership from nine to ten.

An alternative would be to reduce the size of the membership per individual committee.

III. Procedural Rule Changes

The Committee on Legislative Procedures recommended some changes in the Joint Rules of the House and Senate, the Rules of the House, and the Rules of the Senate during the 1971 interim. The following is a list of the rule changes recommended:

- (1) Joint Rule No. 16 -- Re: Correction Schedule to correct non-substantive errors in bills and revisors comments in substantive errors.
- (2) Joint Rule No. 26 -- Re: Correction of substantive errors which cannot be corrected pursuant to Joint Rule No. 16.
- (3) Joint Rule No. 20 -- Re: Delivery of enrolled bills to the Governor within twenty-four hours after Senate and House presiding officers signatures.
- (4) House Rule No. 27 (b) and House Rule No. 31 -- Unanimous consent to dispense with the reading of a bill at length shall be presumed; the change accords with Senate Rule No. 11 providing the same.
- (5) In considering the Citizens Conference on State Legislatures 23 recommendations on the Colorado General Assembly (discussed in full in Chapter IV of this Report), the Committee also recommends that the House adopt a rule similar to Senate Rule No. 22 (d). The Senate Rule provides that no final action on a bill may be taken unless the chairman announces it in advance of the meeting. The number, sponsor, title, and committee is printed in the Daily Calendar of the day on which the bill is to be taken up. The Committee further recommends that such announcements be made at least two days (instead of one day) in advance and the published notice be in the Daily Calendar the day before meeting.

No specific language was recommended.

Joint Rule No. 16 -- Revisor's Correction Schedule

The intent of the revision of Joint Rule 16 is as follows:

(a) To establish an improved procedure for making non-substantive corrections in bills outside Committee of Reference or outside floor action;

(b) To provide a method by which the Revisor's Office can make preliminary revisor's comments on the substance of bills prior to second or third reading; and

(c) To provide, as at present, the method for attaching to bills substantive comments before introduction into the second house.

The following is the recommended revision of Joint Rule No. 16:

(a) Errors in spelling, punctuation, grammar, and matters of form, where no change of meaning will occur, may be corrected by the Revisor of Statutes, Secretary of the Senate, or the Chief Clerk of the House of Representatives prior to the engrossing or enrolling of any bill, resolution, or memorial, and such corrections shall be noted on a standard Correction Schedule attached to the measure itself.

(b) Recommended substantive changes or corrections of a bill or concurrent resolution, notice of conflicting provisions in another measure, and other similar matters shall be contained in a Revisor's preliminary comment and shall be delivered to the prime sponsors of the measures and the chairman of the committee of reference to which the measure was assigned, at any time prior to second or third reading.

(c) Substantive changes or corrections of a bill or concurrent resolution, which will change the meaning thereof, shall be recommended by comment of the Revisor of Statutes attached to the measure after its passage by one house and prior to its introduction in the second house. Such comment made at any other time shall be attached to the measure by the house having custody thereof, and its receipt shall be noted in the journal. No such changes or corrections shall be effective until adopted by the second house.

(1) Non-substantive Corrections. Presently, there are two methods by which non-substantive errors in bills can be corrected -- through the procedures set up by Joint Rule No. 16 and through amendment.

The present Joint Rule No. 16 provides that the chief enrolling clerks of the two houses, under the supervision of their respective services committees, may correct typographical errors and errors in punctuation, and list such corrections in the Journals of the respective houses.

Secondly, according to Joint Rule No. 3, after a bill has passed one house, it is transmitted to the Revisor of Statutes office for suggestions or revisions before being sent to the second house. At this time, if the Revisor discovers a non-substantive error, the Revisor attaches that information to the bill. In addition, the Revisor has a practice of sending a letter to the sponsor of a bill notifying him on any error -- non-substantive or substantive -- whether the bill is in the house of origin or in the second house.

At present, non-substantive errors found by the Revisor must be corrected by amendment to that measure.

Both methods of correcting non-substantive errors outlined above pose some problems.

The procedure established through Joint Rule No. 16 has resulted in increased costs of Journal printing and has resulted in considerable "paper work" for the enrolling rooms.

Correcting non-substantive errors through amendment results in wasting committee time and floor time, and in turn, those amendments must be printed in the Journal, resulting in added costs. Another problem is that to notify a sponsor that an amendment must be made, a Revisor's comment must be delivered. However, the confidence in the Revisor's letter or comment as a whole is lessened because some legislators may look at them as adding to the volume of paper received every day during the session. Viewing non-substantive letters or comments in such fashion trends to "play-down" the importance of Revisor's notes which must also notify a sponsor of a substantive error in a bill.

In order to alleviate the problems discussed above, the Committee recommended the wording found in paragraph (a) of Joint Rule No. 16. Under this provision, the Revisor of Statutes, the Chief Clerk of the House, or the Secretary of the Senate would be permitted to make non-substantive corrections to bills at any time. These corrections are to be noted on a standardized correction schedule attached to the bill.

There would be no requirement to print these non-substantive corrections in the Journals of the respective houses.

The use of a correction schedule would replace the need for the language found in the present Joint Rule No. 16 and would eliminate the need for a Revisor's comment in those instances. The correction schedule would, in effect, eliminate the use of committee and floor time to make non-substantive amendments, reduce the volume of paper work to individual legislators from the Revisor, reduce the paper work in the enrolling room, and save costs of printing changes in the Journal whether through amendment or by the Service Committees.

(2) Substantive Corrections. Paragraphs (b) and (c) of Joint Rule No. 16 above concern substantive corrections to bills.

Pursuant to Joint Rule No. 3, after a bill has passed one house, it is transmitted to the Revisor of Statutes of-
fice for suggestions or revisions before being sent to the second house. The Revisor must attach to the bill a notification of a substantive error or conflict with another bill before such bill goes to the second house. The sponsor of the measure is also notified through the Revisor's practice of delivering a comment while the bill is in the house of origin or in the second house. These errors or conflicts must be corrected through amendment.

Preliminary Revisor's Comment -- Paragraph (b). The present practice of the Revisor informing the sponsor of a measure of an error or conflict with another measure through a letter as soon as such error or conflict is discovered adds to the volume of paper that a legislator receives.

Therefore, in order to help alleviate this problem, the Committee recommends the language of paragraph (b) of the revised Joint Rule No. 16. According to this provision, the Revisor would notify the prime sponsors and the chairman of the appropriate committee of reference with a "preliminary Revisor's comment" at any time prior to second or third reading. The rule would require letters to be sent on bills which are starting to proceed through the General Assembly, but preclude notes on every bill as at present practice. Such substantive changes would, however, require an amendment to the bill.

Revisor's Comment -- Paragraph (c). Paragraph (c) of the revised Joint Rule No. 16 contains some of the present requirements of Joint Rule No. 3. According to paragraph (c), the Revisor of Statutes shall attach any comment concerning

substantive changes to a bill when the measure in question goes from the house of origin to the second house.

Correction of Errors After Bill Passage -- Joint Rule No. 26

Joint Rule No. 26 is a new rule which would provide a procedure for making substantive corrections to bills which have passed both houses. The recommended rule provides:

If after amendment and passage of a bill by the second House, the Officer of Revisor of Statutes finds an error, conflict, or inconsistency created by said amendment which cannot be corrected pursuant to Joint Rule No. 16, said office shall clearly indicate such fact upon said bill and return it and the necessary correction to the second House for consideration of the correction as soon as practicable and without the necessity of a motion for reconsideration or the matter being placed on the calendar. On receipt of such bill and the necessary correction, the second House shall consider only the motion: "To amend the bill by the adoption of the correction and the repassage of the bill as so amended". If the motion passes, the bill shall be considered as repassed on Third Reading as so amended and shall be returned to the House of introduction. If the motion fails, the bill shall be returned to the House of introduction. No other action may be taken by the second House. This Joint Rule shall be an alternative procedure to the rules of each House and these Joint Rules concerning reconsideration and recall of bills and the consideration of bills by conference committees.

Presently, there is no procedure to make substantive corrections to bills after the measure is passed by both houses without "opening up" the bill for further amendments. For example, during the 1971 session, the UCCC, as passed, had a substantive inconsistency because of two effective dates -- July 1, 1971 for supervised loans and administration and October 1, 1971 for all other sections of the act -- and there was no method to correct that inconsistency. Under the procedure provided by the new Joint Rule No. 26, such error could be corrected without "opening up" the bill to additional amendments.

For instance, if the Revisor's Office finds an internal inconsistency of a substantive nature when a bill has

been amended and has been passed by the second house, the Revisor shall clearly indicate that fact upon that bill and return it with the necessary correction which is to be considered to the second house. It is or "would not be" necessary to have a motion for reconsideration or be placed on the calendar of that second house. In the second house, only the motion to correct the substantive inconsistency shall be considered, and, if such motion is adopted, the bill is considered repassed on third reading and would be returned to the house of origin. However, if that motion fails, the bill would be returned to the house of origin as originally passed by the second house. When considering these corrections, the second house shall not consider any other action on the bill.

Joint Rule No. 20 -- Present Bills to Governor Within 24 Hours after Signature

The Committee recommends the adoption of the amended version of Joint Rules Nos. 18 and 20 as shown below:

Joint Rule No. 18

When any bill shall have been passed by both houses, the ~~enrollment~~ ENROLLING clerk of the originating house shall furnish the Legislative Drafting Office the bill as passed in final form and shall order such bill to be printed or typed in the form which shall appear in the session laws of Colorado for the current year. Bills so printed or typed shall further be prepared in the form necessary for signature by the President and secretary of the Senate, the Speaker and chief clerk of the House of Representatives, and for the approval and signature of the Governor. At the time the correctly enrolled bill is printed OR TYPED by the Legislative Drafting Office, it shall deliver THE ENROLLED BILL AND sufficient additional copies to the ~~enrollment~~ ENROLLING clerk OF THE ORIGINATING HOUSE. PRIOR TO THE TIME THE FINAL ENROLLED BILL IS PRESENTED TO THE PRESIDENT OF THE SENATE OR THE SPEAKER OF THE HOUSE FOR SIGNATURE, A COPY OF THE FINAL ENROLLED BILL SHALL BE DELIVERED TO THE ORIGINAL SPONSOR.

Joint Rule No. 20

After an enrolled bill has been signed by the President and Secretary of the Senate and

the Speaker and chief clerk of the House of Representatives, the enrolled bill shall be immediately returned to the house in which it was originally introduced. The enrolled bill shall then be delivered and presented to the Governor within twenty-four hours.

The amendatory language in Joint Rule No. 18 was taken from the existing wording in Joint Rule No. 20.

Joint Rule No. 20 contains a new provision which the Committee believes will require the Governor to act faster on legislation than is now the case. The rule would require delivery of bills directly to the Governor within 24 hours after the last legislative signature has been affixed thereto. This would mean that the time allotted to the Governor by Article IV, Section 11 in which to sign bills (i.e., ten days after delivery while the General Assembly is in session and 30 days after adjournment sine die) would begin to elapse sooner than is at present. Under current procedure, bills as a matter of courtesy are delivered first to the Attorney General for his opinion before they are delivered to the Governor. Consequently, the time in which the Governor must act does not commence to elapse until he has actual possession of the bill, which has meant, that some bills are not finally acted upon by the Governor for weeks after a bill has been passed by the General Assembly.

In recent years, at least, such delays have occurred only while the General Assembly is in session since the Governor has only 10 days to act at that time.

Under the Committee's recommendation, the Attorney General would still receive copies of bills as a courtesy at the same time as the Governor. Thus, as a practical matter, more pressure will be put on the Governor's Office and Attorney General's Office to screen legislation sooner than is now the case.

But the Committee also recognizes that the General Assembly itself has the concurrent responsibility of arranging its work load in such a manner that hundreds of bills are not sent to the Governor all at once as is now the case at the end of each working session.

For example, an analysis of the 1965, 1967, 1969, and 1971 sessions of the General Assembly prepared by the staff for the Committee revealed that nearly three-fourths of each of these four sessions elapsed before even as many as 80 per cent of the bills which eventually passed second reading in the first house had been acted upon by that house by that

time. As revealed by the following table, usually the percentage of bills passed which eventually passed second reading in the first house is closer to 55 or 60 percent at the time when the session is three-fourths completed:

Percentage of Bills Having Second
Reading -- Three-fourths of
Session Completed

	<u>1971</u>	<u>1969</u>	<u>1967</u>	<u>1965</u>
House	64.9%	53.0%	68.8%	50.2%
Senate	57.8%	54.8%	80.1%	65.9%

If action is not taken in a timely fashion in the first house, a log-jam must necessarily result in the second house.

Since the General Assembly traditionally recesses for a short period of time after its work is completed in order to allow the staff to catch up on the paper work, including enrolling bills, technically the legislature is still in session which means that the Governor has 10 days in which to act on bills. If 100 or 200 bills are "dropped" on him at the same time (which could conceivably happen due to the computerized system of bill drafting now being perfected), it would be unreasonable to expect the Governor to act intelligently on each and every bill in 10 days.

Dispensing with Reading Bills at Length -- House Rule 27(b) and House Rule No. 31

The Committee recommended that House Rules 27(b) and 31 be amended to conform with Senate Rule 11 which provides that "the unanimous consent of the members present to dispense with the reading...shall be presumed." The following are the amended versions of House Rules 27(b) and 31:

House Rule No. 27

(b) Every bill shall be read by title when introduced, which shall constitute first reading, and at length on two different days prior to its being finally passed. ~~provided, however, that reading at length of any bill may be dispensed with by unanimous consent of the members present,~~

~~Unless a member of the House shall request the reading of a bill in full when the bill is being considered on third reading, it shall be read by title only and such unanimous consent shall be deemed given.~~ Reading before the House sitting as committee of the whole shall constitute second reading. UNLESS A MEMBER SHALL REQUEST THE READING OF A BILL IN FULL WHEN IT IS BEING CONSIDERED ON SECOND OR ON THIRD READING, IT SHALL BE READ BY TITLE ONLY, AND THE UNANIMOUS CONSENT OF THE MEMBERS PRESENT TO DISPENSE WITH THE READING OF THE BILL AT LENGTH SHALL BE PRESUMED.

House Rule No. 31

Every bill on general or special orders shall be considered by the House sitting as committee of the whole. The title of every bill shall be read in any event, but reading at length may be dispensed with ~~by unanimous consent of the members present~~ IN ACCORDANCE WITH THE PROVISIONS OF RULE 27 (b) OF THESE RULES, or in the event the committee votes to recommend that the enacting clause be stricken.

Article V, Section 22 of the Colorado Constitution requires that all bills be read at length on two different days in each house, and that the reading can be dispensed if there is unanimous consent of all the members present.

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 members present....

Presently, based upon the above constitutional provision, the Senate presumes the unanimous consent is given, while in the house, this unanimous consent must be given by the members present.

In order to speed up the legislative process through the elimination of an unnecessary formality, the Committee recommended the change in the house rule. It was noted by Committee members that a member should have the right to insist that a bill be read at length, but that there is enough pressure on an individual legislator not to irresponsibly demand bills to be read at length.

IV. Citizens Conference on State Legislatures Report on Colorado General Assembly

In 1969, the Citizens Conference on State Legislatures (CCSL), headquartered in Kansas City, Missouri, undertook a detailed study of all 50 state legislatures in order to determine whether legislatures were effective institutions and whether they were responsive to the citizenry they represent.

The Citizens Conference released its findings in February, 1971, in a publication entitled "Citizens Conference on State Legislatures Report on an Evaluation of the 50 State Legislatures." A pocket book, based on the CCSL study, entitled "The Sometime Governments", was released this past summer.

The "F.A.I.I.R." System of Ranking States

In the study, each state legislature was ranked relative to all other state legislatures on its ability to do its job. Colorado was ranked No. 28. Table II contains the overall ranking of each state plus the ranking each received in the five principal criteria CCSL used in judging whether a legislature possessed the minimum tools to accomplish its constitutional charges.

How did CCSL rank Colorado No. 28? At the outset of its study, CCSL posed the following question: "Given the prevalent understanding of the American system, what major characteristics can the citizenry reasonably expect their legislatures to display?"

As necessary conditions of fulfilling their responsibilities, the CCSL concluded that legislatures must be: 1) Functional; 2) Accountable; 3) Informed; 4) Independent; and 5) Representative. A questionnaire consisting of some 156 questions, some with several parts, was submitted to legislators, legislative leaders, and senior staff members in all 50 states. CCSL staff also interviewed many of these individuals. State constitutions and the rules of the legislature were also utilized.

The 156 questions were grouped into the five major characteristics listed above, the first letters of which form the acronym "F.A.I.I.R.". The F.A.I.I.R. system was further broken down into criteria and subcriteria. Table III shows the five major characteristics of the F.A.I.I.R. system and the criteria and subcriteria breakdown.

Colorado's F.A.I.I.R. Ranking. Legislatures were

scored on each of the major F.A.I.I.R. objectives. Thus, the final step in evaluating a legislature was to decide how important each question was in scoring that legislature on the five characteristics of F.A.I.I.R. In order to place an importance on questions, a system of "preferred" answers was established for each of the 156 questions. In the technical portion of the CCSL report, opposite each question is the "preferred answer" and the "state answer". An example of the preferred answer versus Colorado's answer pertains to "Functionality, Time and its Utilization":

<u>CCSL Question</u>	<u>CCSL Preferred Answer</u>	<u>Colorado Answer</u>
Which of the following deadlines are used to regulate the formal flow of work through the legislature:		
Bill Filing	Yes	Yes
Introduction of Bills	Yes	Yes
Committee Referral	Yes	Yes
Committee Reports	Yes	No
Floor Action	Yes	No
Report out of 2nd House	Yes	No
Report out of Committee in 2nd House...	Yes	No

The figures in parentheses in Table III, show Colorado's overall ranking plus its ranking for each of the five major criteria. Asterisks denote those particular areas in which Colorado was judged to be lacking.

The Citizens Conference 23 Specific Recommendations for Colorado

CCSL made 23 specific recommendations for improving the Colorado General Assembly. The Committee on Legislative Procedures reviewed each of these items. In general, the Committee found that many of the recommendations should be studied in more detail during the 1972 interim. Other items, the

Table II

RANK ORDER OF STATES BY OVERALL RANK AND F.A.I.I.R. CRITERIA

Overall Rank	State	Functional	Accountable	Informed	Independent	Representative
1	California	1	3	2	3	2
2	New York	4	13	1	8	1
3	Illinois	17	4	6	2	13
4	Florida	5	8	4	1	30
5	Wisconsin	7	21	3	4	10
6	Iowa	6	6	5	11	25
7	Hawaii	2	11	20	7	16
8	Michigan	15	22	9	12	3
9	Nebraska	35	1	16	30	18
10	Minnesota	27	7	13	23	12
11	New Mexico	3	16	28	39	4
12	Alaska	8	29	12	6	40
13	Nevada	13	10	19	14	32
14	Oklahoma	9	27	24	22	8
15	Utah	38	5	8	29	24
16	Ohio	18	24	7	40	9
17	South Dakota	23	12	15	16	37
18	Idaho	20	9	29	27	21
19	Washington	12	17	25	19	39
20	Maryland	16	31	10	15	45
21	Pennsylvania	37	23	23	5	36
22	North Dakota	22	18	17	37	31
23	Kansas	31	15	14	32	34
24	Connecticut	39	26	26	25	6
25	West Virginia	10	32	37	24	15
26	Tennessee	30	44	11	9	26
27	Oregon	28	14	35	35	19
28	Colorado	21	25	21	28	27
29	Massachusetts	32	35	22	21	23
30	Maine	29	34	32	18	22
31	Kentucky	49	2	48	44	7
32	New Jersey	14	42	18	31	35
33	Louisiana	47	39	33	13	14
34	Virginia	25	19	27	26	48
35	Missouri	36	30	40	49	5
36	Rhode Island	33	46	30	41	11
37	Vermont	19	20	34	42	47
38	Texas	45	36	43	45	17
39	New Hampshire	34	33	42	36	43
40	Indiana	44	38	41	43	20
41	Montana	26	28	31	46	49
42	Mississippi	46	43	45	20	28
43	Arizona	11	47	38	17	50
44	South Carolina	50	45	39	10	46
45	Georgia	40	49	36	33	38
46	Arkansas	41	40	46	34	33
47	North Carolina	24	37	44	47	44
48	Delaware	43	48	47	38	29
49	Wyoming	42	41	50	48	42
50	Alabama	48	50	49	50	41

Table III

CITIZENS CONFERENCE ON STATE LEGISLATURE'S
F.A.I.I.R. SYSTEM
(Colorado Overall Rank 28)

FUNCTIONALITY (21)	ACCOUNTABILITY (25)	INFORMATION HANDLING CAPABILITY (21)	INDEPENDENCE (28)	REPRESENTATIVENESS (27)
<p>Criteria</p> <p>Subcriteria</p> <p>A. Time and its Utilization</p> <p>1. Restrictions on the Frequency, Length and Agendas of Sessions, and Interim Periods</p> <p>*2. Techniques for the Management of Time Resources</p> <p>*3. Uses of pre-session Time</p> <p>B. General Purpose Staff</p> <p>*4. Personal Aides and Assistants to Leaders and Members</p> <p>C. Facilities</p> <p>5. Chambers</p> <p>6. Leader's Offices</p> <p>*7. Committee Facilities</p> <p>*8. Facilities for Service Agencies</p> <p>*9. Member's Offices</p> <p>D. Structural Characteristics Related to Manageability</p> <p>10. Size of Houses</p> <p>*11. Standing Committee Structure</p> <p>E. Organization and Procedures to Expedite Flow of Work</p> <p>12. Origination and Sponsorship of Bills</p> <p>13. Joint Committee Usage</p> <p>*14. Treatment of Committee Reports</p> <p>*15. Anti-Limbo Provisions</p> <p>16. Emergency Procedures</p> <p>17. Bill Carry-over</p> <p>F. Provisions for Management and Coordination</p> <p>18. Continuity and Powers of Leadership</p> <p>19. Inter-House Coordination</p> <p>G. Order and Dignity of Office</p> <p>*20. Order and Decorum</p>	<p>Criteria</p> <p>Subcriteria</p> <p>A. Comprehensibility in Principle</p> <p>1. Districting</p> <p>2. Selection of Leaders</p> <p>3. General Complexity</p> <p>*4. Explicit Rules and Procedures</p> <p>*5. Anti-Limbo Provisions</p> <p>6. Planning, Scheduling, Coordination and Budgeting</p> <p>B. Adequacy of Information and Public Access to it (Comprehensibility in Practice)</p> <p>7. Public Access to Legislative Activities</p> <p>8. Records of Voting and Deliberation</p> <p>9. Character and Quality of Bill Documents</p> <p>10. Conditions of Access by Press and Media</p> <p>11. Information on Legislators' Interests</p> <p>12. Information on Lobbyists</p> <p>C. Internal Accountability</p> <p>13. Diffusion and Constraints on Leadership</p> <p>14. Treatment of Minority</p>	<p>Criteria</p> <p>Subcriteria</p> <p>A. Enough Time</p> <p>1. Session Time</p> <p>2. Pre-session Activities</p> <p>B. Standing Committees (as Information Processing and Applying Units)</p> <p>3. Number of Committees</p> <p>*4. Testimony</p> <p>5. Facilities</p> <p>C. Interim Activities</p> <p>*6. Interim Activities</p> <p>*7. Structure and Staffing</p> <p>8. Reporting and Records</p> <p>D. Form and Character of Bills</p> <p>9. Bill Status and History</p> <p>10. Bill Content and Summaries</p> <p>11. Quantity and Distribution</p> <p>*12. Timeliness and Quality</p> <p>*E. Professional Staff Resources</p> <p>13. General Research Coverage</p> <p>14. Legal</p> <p>F. Fiscal Review Capabilities</p> <p>15. Fiscal Responsibility</p> <p>16. Staff Support for Fiscal Analysis and Review</p> <p>17. Fiscal Notes</p>	<p>Criteria</p> <p>Subcriteria</p> <p>A. Legislative Autonomy Regarding Legislative Procedures</p> <p>*1. Frequency and Duration of Sessions</p> <p>2. Expenditure Control and Compensation-Reimbursement Powers</p> <p>3. Reapportionment</p> <p>B. Legislative Independence of Executive Branch</p> <p>4. Access to Information and Analysis</p> <p>5. Veto Relationships</p> <p>*6. Lieutenant Governor Problem</p> <p>7. Budget Powers</p> <p>8. Miscellaneous</p> <p>C. Capability for Effective Oversight of Executive Operations</p> <p>9. Oversight Capabilities</p> <p>10. Audit Capability</p> <p>D. Interest Groups</p> <p>*11. Lobbyists</p> <p>E. Conflicts and Dilution of Interest</p> <p>12. Dilution of Interest</p>	<p>Criteria</p> <p>Subcriteria</p> <p>A. Identification of Members and Constituents</p> <p>1. Identification</p> <p>B. Diversity</p> <p>2. Qualifications</p> <p>3. Compensation</p> <p>4. Voting Requirements</p> <p>C. Member Effectiveness</p> <p>5. Size and Complexity of Legislative Body</p> <p>6. Diffusion and Constraints on Leadership</p> <p>7. Access to Resources</p> <p>*8. Treatment of Minority</p> <p>9. Known Rules</p> <p>10. Bill Reading</p>
<p>The accompanying table shows the criteria and sub-criteria used in evaluating state legislatures' potential for meeting their responsibilities under the American system of government. The lettered headings (A, B, C, D, etc.) are the criteria, and the numbered headings are the sub-criteria. The 10 sub-criteria under Representativeness, for example, make up the three criteria of "Identification," "Diversity," and "Member Effectiveness." Information supplied by state legislators and staff members on the basis of a questionnaire was used in determining the content of the numbered sub-criteria. The sub-criteria, in turn, were used to determine a score for a state on each of the criteria. Combined and weighted scores on the criteria then yielded a state's score on a major characteristic. A final, overall ranking for a state relative to the other 49 was derived from its combined scores on all five major characteristics. The result is a clear indication of how well each legislature is equipped to be functional, accountable, informed independent and representative.</p>				

*Areas in which there were specific recommendations for Colorado.

Committee believes, are already implemented to its satisfaction or they are being recommended elsewhere in this report. At any rate, the Committee believes it ought to make some interim response at this time to the CCSL recommendations.

CCSL's specific recommendations are quoted below, followed by a comment on what has been done or what the Committee believes should be done.

The first five CCSL recommendations pertain to the physical facilities available to the legislature, its staff, and the press.

CCSL Recommendations on Physical Facilities:

1. Improve and expand physical facilities.

During the past few years, some improvements have been made in upgrading the physical facilities of the legislature and in providing offices for legislative leaders, creating committee meeting and hearing rooms, installing electronic media coverage facilities and expanding the space available to staff agencies. These improvements have been accomplished by occupying and renovating space in the Capitol. Nevertheless, space remains one of the pressing problems which interferes with the legislature's ability to make other improvements. Consideration has been given recently to the construction of a new legislative office building or a state office building into which to move administrative agencies now housed in the Capitol. One or another of these alternatives should be selected and implemented. The feasibility of a number of the following recommendations depend upon that action.

2. Individual offices. Provide private, individual offices for every member of the legislature, with nearby space for their assistants. The quality and amount of office space should not differ substantially between majority and minority party members. At a minimum, leaders, minority and majority, should have private offices for themselves, with separate, nearby offices for their assistants. A beginning can be made toward providing offices for members by making space available for shared offices among small numbers of members at first, then gradually reducing the number who share space until a private office is provided for each member.

3. Facilities for committees. Legislative effectiveness requires that committees have adequate physical facilities in which to do their work. This includes an adequate number of committee rooms and an adequate number of hearing rooms that will permit the seating of larger audiences. The number of adequate hearing rooms should be increased.

4. Service agency facilities. Space for service agencies should provide adequate working space for professional and clerical staff as well as library, files and other storage requirements. Space for service agencies is inadequate and should be expanded.

5. Improve press facilities. Improved press facilities aid in the coverage of the work of the legislature. Committee rooms, and both chambers or galleries, should provide adequate space for the news media as well as lighting and electrical power connections for their equipment. Conference or interview rooms and office space should also be provided for the news media.

Committee Response: The Committee believes that the problems posed in the five recommendations quoted above are part of the broader space problem faced by the State of Colorado in the Capitol Hill area. A start toward finding a solution to the space problem faced by the Legislative, Judicial, and Executive Branches was made in the 1971 Session with the passage of S.J.R. No. 14, which delineated a perimeter in the Capitol area for planning future development and expansion of state office buildings.

The two interrelated general themes that run throughout the CCSL recommendations are the need for individual office space and the need for legislators to have more individual staff assistance. But as CCSL recognizes in Recommendation No. 1 above, there is need either to construct a new building for legislators or to construct an office building to move other agencies out of the Capitol. It is estimated that an adequately sized legislative office building would cost at least \$3 million (excluding land costs). But solutions to the problem of finding ways to fund capital construction in general do not appear evident at this point and construction of a new office building is certainly part of that problem.

Committee Recommendations. In view of the above circumstances, the Committee makes the following recommendations

in response to CCSL's five recommendations on improving physical facilities:

(a) As part of the Committee's 1972 interim work, a detailed study of future legislative space needs be conducted, including a floor-by-floor analysis of how the Capitol Building could be utilized. Such a study would include how the available space could be used for office space for legislators and staff assistants and how such utilization may affect the non-legislative agencies occupying the building.

(b) Apart from the CCSL report, solutions to the legislative parking problem should also be part of the study. At present there are only 24 spaces for legislative parking that can be used during the interim and the Committee thinks this is inadequate.

(c) The Committee recommends that the House and Senate Chambers and committee rooms should be air-conditioned. The Committee notes that virtually every other office and chamber in the building now has air-conditioning.

(d) The Committee directs the attention of the Senate Services Committee to the advantages of installing a projector and screen in the Senate so that floor amendments could be readily shown to all members in the chamber as is the case with the House.

(e) In response to CCSL's Recommendation No. 5 on press facilities, the Committee also recommends that a survey be conducted of the wiring system in the House and Senate chambers and committee rooms to determine whether it is adequate for television. It is also noted after CCSL initial survey that press coverage was improved substantially with the remodelling of Room 320D in the Capitol to provide facilities for radio and television interviews.

6. Strengthen Staff Support (Leaders). The Citizens Conference indicated that "staff assistance should be provided to all leaders of both the majority and minority parties. Such assistance should include a secretary and an administrative assistant at the professional level, with space to work reasonably adjacent to the offices of members and leaders."

Committee Response: The Committee believes that in the final analysis, implementation of this recommendation would be dependent on a solution to the space question discussed above.

Thus, the Committee recommends that the leadership be authorized to hire staff at state expense during the session,

subject to the availability of space. In the 1971 Session, it was reported, the majority leaders of both houses hired an administrative assistant at their own expense and housed them in their own offices.

CCSL's Recommendation on Colorado Committee System.

CCSL made several recommendations (numbers 7 through 11 below) on the Committee System:

7. Reduce the number of committee assignments. In order to make it possible for members to concentrate their attention and contribute effectively, there should be no more than three committee assignments for each member of the lower house or four committee assignments for each member of the Senate. The multiplicity of assignments introduces problems of scheduling, strains the focus of attention on the part of members and creates an inordinately heavy workload for members if committees are as active as they should be...

Committee Response: In another section of this report, the Committee has recommended several substantial changes in the Committee structure.

8. Committee jurisdiction. A description of the jurisdiction of committees should be contained in the rules of both houses and assignment of bills should be made to accord with the jurisdiction of committees as described in the rules.

Committee Response: Pending further study on this item, it is the general consensus of the Committee that defining the subject-matter jurisdiction of Committees of Reference would have some of the disadvantages that are present in the Congressional system where this is followed.

9. Balanced committees. Committees, in their composition, should reflect as accurately as possible the makeup of the entire house of which they are a part. There should be no "killer", "graveyard", or "cinch" committees.

Committee Response: A more detailed examination of this question should be undertaken, but, as an interim comment on the last sentence, the Committee does not believe

any so-called "killer" committees exist or have been created for that specific purpose.

10. Committee bill reports. Require committees to issue reports describing and explaining the committees action on bills recommended for passage at the time the bill moves from the committee to the floor.

Committee Response: While in basic agreement with the concept, the Committee believes this area ought to be examined in more detail in the 1972 interim since sufficient time does not now exist to determine how this would be accomplished.

However, the Committee does make one interim recommendation pertaining to announcing house committees agendas. Under Senate Rule 22 (d), no final action on any measure can be taken in committee unless the chairman announces it on the floor at least one day in advance of the meeting. The measure's number, sponsor, title, and committee to which referred are printed in the Daily Calendar of the day on which the bill is to be taken up.

The Committee recommends that the House adopt a rule similar to Senate Rule 22 (d) and that the number, sponsor, title, and committee be published in the House Calendar.

The Committee also recommends that the notice be given at least two days in advance and that the committee agenda appear in the Daily Calendar of the applicable house on the day immediately preceding the day on which the public hearing or action is to be taken. This would also require an amendment to Senate Rule 22(d).

The Committee believes that more public notice should be given than at present to facilitate publishing of committee agendas in the press. More advance notice would be particularly advantageous to people living outside the Denver metropolitan area.

11. Interim committees. When the legislature is not in session, the standing committees should become the interim committees for the purpose of conducting long-range studies of state policy issues. The Legislative Council or some similarly constituted, bi-partisan committee should serve as the supervising agency for interim committees and their studies, budgets and personnel. The major committees should be staffed on a year-round basis.

Committee Response: Recommendations are contained in other portions of this report pertaining to the establishment of a parallel committee system so that House and Senate Committees meeting jointly can serve as study committees during the interim.

Pertaining to staffing, in general, the Committee does not believe that separate committee staff for each committee of each house should be retained independent of the Legislative Council staff and that the latter should act as the staff assistance for joint interim committees.

12. Install electric roll-call recorder. CCSL recommended that there "should be an electric roll-call recorder in each house. This is recommended not simply because it would speed up the proceedings (worthwhile as this may be), but because it is an efficient method of producing an error free record of roll-call votes."

Committee Response. Installing an electric roll-call system for the 65-member House (but not for the Senate) was a previous recommendation of a prior Legislative Procedures Committee. Two companies -- International Roll-Call Corp. and CEECO -- demonstrated their respective systems for the Committee in 1969, and the purchase price for each was \$100,000 and \$63,000 respectively, for a system for the House.

The Committee is not renewing that prior recommendation at this time, due primarily to the cost factor involved and to the fact that it believes there are at this time more important ways to spend this amount of money.

13. Increase legislative compensation. CCSL made the following recommendation and comments:

Legislative salaries should be set by statute and paid in equal monthly installments throughout the biennium and all unvouchered expense allowances should be incorporated into an annual salary. Actual and necessary expenses incurred in the process of carrying out legislative duties should be reimbursed upon submission and approval of properly vouchered evidence of expenditures. No legislative salaries in the United States should be below the \$10,000 a year level. Compensation of legislators in the larger states should be in the \$20,000 to \$30,000 range. Colorado's legislative salaries (currently \$7,600 a year) should be increased to the \$10,000 to \$15,000 level on an annual basis.

Consideration might be given to the establishment of a public commission to make appropriate recommendations on all governmental salaries.

Committee Response: The Committee believes that no action on increasing legislative compensation should be taken at this time; however, the Committee recognizes that an increasing amount of time must be devoted by each legislator to complete the legislative business of the state.

Note should be made that the first sentence above is in partial error -- salaries are set by statute. Each legislator is given \$1,000 per month for the first four months of each year and \$450 per month for the remainder of the year, totally \$7,600 annually. "Actual and necessary" expenses already are paid after they have been incurred and audited.

14. Reprint amended bills. According to the CCSL recommendation,

when a bill is amended substantially it should be reprinted and returned to the legislature with no more than an overnight delay. The reprint should show clearly the original text of the bill as well as the change created by the amendment.

Committee Response: This recommendation will be put on the list of items the Committee will consider in the 1972 interim.

15. Washington, D. C. office for the legislature. CCSL recommended the following:

With the large and growing volume of activity generated by state-federal relationships, the legislature, beyond merely reacting to federal legislation, should be in a position to influence the development of new programs in accordance with the interests of the state. To do so the legislature should have an office in the nation's capital to represent it and to be its most direct liaison with the Congress.

For small states, consideration might be given to joining with a number of sister states (either on a geographical or population basis) for the purpose of sharing the services of a Washington office. But in large states, the volume of intergovernmental traffic has reached a stage at which it would benefit the legisla-

ture greatly to have a full-time Washington office.

Committee Response: The Committee believes that more discussion must be devoted to this concept and, thus, makes no definite response at this time.

16. Establish an automatic calendar of bills. The CCSL's recommendation in this matter is as follows:

When a bill is favorably reported out of committee to the floor, it should go automatically onto the calendar in the order in which it was reported out. It should require a vote of an extraordinary majority to move a bill from its position on calendar or to bypass it. The rules committee should have no part in the scheduling of bills. No session should adjourn until all bills on calendar have been voted up or down or, by the vote of an extraordinary majority, have been removed from the calendar.

Committee Response: This is a problem for the House more than the Senate since the latter already has an automatic calendar -- Senate Rule 24 (a) provides that bills are automatically placed on the Senate calendar for the second day of actual session following the day on which they are reported out of committee. The Senate rules do provide for the creation of a "Calendar Committee" to schedule the flow of bills to the floor. Toward the end of some sessions, a Calendar Committee has been appointed as necessitated by the heavy flow of bills being reported out of committees all at once for final action by the Committee of the Whole. No Calendar Committee was appointed in the 1971 Session.

17. Minority party members on committee. According to the Citizens Conference, "minority party members should be assigned to committees by the Minority Leader in consultation with the Minority Caucus."

Committee Response: The Committee makes no recommendations at this time on this facet of the legislative process, though, perhaps, more discussion should be devoted to this subject.

While in the House the Speaker (not the Minority Leader) makes the final determination on committee assignments, it has been traditional that the Minority Leader be consulted before assignments are made. Members are asked to indicate their preferences.

Prior to each new General Assembly in the Senate, it has been traditional for an Ad Hoc Committee on Committees to meet and make the committee assignments, based on personal preferences of members which are indicated in returned questionnaires. The Committee on Committees is composed of members of the majority and minority leaders.

18. Pre-session activities. The Citizens Conference believes Colorado ought to amend its constitution to provide:

...a pre-session organizing session following a general election. Some states made advantageous use of such a session during November or December of a general election year for the purpose of electing leaders, appointing committee chairmen, assigning members to committees, referring pre-filed bills to committee, holding committee organizational meetings and conducting orientation conferences for new, as well as returning members of the legislature. Through such pre-session meetings, the committees can begin their work before the regular session convenes. This makes it possible to delay the start of the regular session until legislation is ready for floor action. Existing plans to widen scope of pre-session activities should include the items suggested in this general recommendation.

Committee Response: The Committee did not make any similar recommendation in its revision of the legislative article found in another section of this report.

It is the general concensus of the Committee that the existing pre-session orientation conference held before each new General Assembly for legislators needs further refinement and that discussion next year should be devoted to the end of strengthening the conference.

19. Regulation of lobbyists. The Citizens Conference made the following recommendation:

The independence of the legislature and public confidence in its processes require the regulation of special interest advocates. Lobbyists should be required to register with an agency of the legislature, and should be required to disclose who employs them, on behalf of what objectives, how much they are paid and how much they spend and on whom. This information should be available to the press and the public. There should be specific and automatic penalties for

failure to comply with these requirements. Lobbyists in Colorado are required only to register with an agency of the legislature.

Committee Response: The Committee recommends that the area of regulation of lobbyists be made a priority item for the 1972 interim work of the Committee.

CCSL Recommendations Requiring Constitutional Amendments. In addition to the item discussed above on pre-session organizing sessions, the Citizens Conference made three recommendations that would require amendments to articles IV and V of the Colorado Constitution. As noted under each recommendation, the revision of the Constitution by the Committee contains sections which would effect two of the CCSL recommendations. The first CCSL recommendation requiring constitutional changes follows:

20. Legislative power to call special sessions. Amend the constitution to permit the legislature to convene special sessions either by petition of a majority of the members of both houses or the call of the presiding officer of each house.

Committee Response: Article V, Section 7, as recommended by the Committee, contains alternate methods by which the General Assembly can initiate special sessions -- upon written request of the presiding officers of each house and a majority of the members of each house or upon the petition of two-thirds of the members of both houses.

The second CCSL recommendation requiring constitutional changes follows:

21. Power to expand special session agenda. Amend the constitution to permit the legislature to broaden the subject matter of a governor's call of a special session by a majority vote in each house, or prohibit the restriction of the agenda by the governor.

Committee Response: No specific recommendation was made pertaining to this recommendation, though Section 7 of Article V contains amendatory language which would permit the General Assembly to remove by law the subject-matter restrictions during even-year sessions.

In general, the Committee believes that removing subject-matter restrictions on regular sessions is more important at this point in time than making specific provisions for broadening the scope of a special session called by the

Governor. Further, if deemed necessary a legislative initiated session, as discussed above could be convened.

For the third constitutional recommendation, CCSL made the following observations and recommendations:

22. Remove Legislative Powers from Lieutenant Governor. The exercise of legislative powers including such pro forma powers as presiding, casting tie-breaking votes, signing enacted legislation by the Lieutenant Governor, whether the powers derive from the constitution or rule book, would seem to be a particularly serious breach of the separation of powers and the independence of the legislature. The constitution and/or rule book should be amended to permit these legislative powers presently exercised by the Lieutenant Governor to be set as the responsibility of the office of the President Pro Tem of the Senate. Although the present Lieutenant Governor has considerable legislative experience, having served as both a member and as Speaker of the House, were the people of Colorado to elect a Lieutenant Governor with no legislative experience, the exercise of legislative powers by the Lieutenant Governor would be particularly awkward. In any case, this prevents the Senate from developing leadership of its own choosing from among its own members.

Committee Response: Section 14 of Article IV was amended by the Committee to allow the Lieutenant Governor to remain as presiding officer of the Senate until otherwise provided by law.

23. Establish a Citizen Commission on Legislature. The Citizens Conference recommended the following:

As a means of cultivating generalized support for the legislature as an institution, a citizens commission should be created by joint resolution of the legislature, to study its operations, facilities and needs and to recommend improvements. The appointive power should be consigned to the Speaker and the President Pro Tem on an equal basis and should include consultation with the minority leader of each house. The citizens commission should conduct its review over a two year period, resulting in recommendations to the legislature and the public

concerning the role the legislature is expected to perform in development of a truly effective and responsive state government, and the measures required to reach that objective. A key function of the commission is to educate the citizenry to problems, opportunities and needs of the legislature. This purpose is best served by doing much of its work through public hearings conducted in the population centers of the state. A commission composed of from 25 to 35 leading citizens, representing various fields of activity, interest groups and areas of the state can contribute much to the development of public support for a more dynamic legislature.

Committee Response: In 1965, a committee of business leaders appointed by the Governor reviewed the problem of legislators' compensation. In recommending a salary increase, the committee simultaneously recommended that the General Assembly initiate a study of its rules, processes, and procedures

...with view towards placing in effect modern, efficient, time-saving, and schedule controlling procedures that will permit the orderly conduct of legislative business.

The Committee on Legislative Compensation continued its comments as follows:

By introspection and self-disciplined internal reform the General Assembly should improve its public image by increasing substantially its productivity...and by engaging in a serious review of legislative procedures with a view towards achieving better utilization of time during sessions. (emphasis added)

In response to these criticisms from non-legislators, the interim Committee on Legislative Procedures was created by the General Assembly in 1966. Successor Committees have been appointed to serve during the three bienniums since 1966 to provide a vehicle whereby the "introspection and self-discipline" recommended by the Legislative Compensation Committee could be facilitated.

As the initial Committee on Legislative Procedures was appointed to provide a vehicle for self-examination, the present Committee believes that the system of self-criticism made possible by the continuing efforts of the Legislative Procedures Committee is preferable to a citizens commission.

The Committee believes that more lasting and, perhaps, more meaningful benefits have been and will continue to be derived if legislators, rather than the public at large, have the responsibility of both identifying the problems facing the Colorado legislature as a key institution of state government and finding solutions to these problems.

Conversely, the Committee is aware that certain changes require broad support of the citizenry of Colorado. The revision of Articles IV, V, X, and XII found in Section I of this report is an example where such support must be sought and enlisted if the revisions aimed at strengthening the General Assembly are going to be endorsed by the electorate.