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0270 Colorado Legislator's Handbook

COLORADO LEGISLATOR'S HANDBOOK



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COLORADO LEGISLATOR'S
" "
HANDBOOK

These rules are current
as of December, 1982

PREFACE

This handbook was originally prepared under the provisions of Section 1, House Joint Resolution No. 22, which was passed by the Forty-first General Assembly in the 1957 session:

The Legislative Council is hereby directed to prepare for the use of legislators a handbook of information as a convenient reference guide to procedures and practices of Colorado's General Assembly, as well as the statutory and constitutional provisions relating thereto. In addition, there should be included such other information as will assist individuals in their day-to-day functioning as members of the General Assembly. This material is to be prepared in such form that it may be kept up-to-date from year to year.

Members of the General Assembly are provided with a loose-leaf binder containing dividers to separate each section of the handbook. The paper-backed edition, prepared for general distribution, does not contain dividers. Therefore, we have prepared a brief guide to the organization and contents of the handbook. We hope that the guide will add to the usefulness of this document.

Lyle C. Kyle, Director
Colorado Legislative
Council

ORGANIZATION AND CONTENTS OF HANDBOOK

The handbook is divided into nine sections, "a" through "i". Each section is numbered individually. To find the section you want, note the small letter which is part of the page number given at the bottom of each page.

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RULES OF THE HOUSE OF REPRESENTATIVES
OF THE COLORADO GENERAL ASSEMBLY

1. CONVENING

- (a) At 10 o'clock a.m. on the first Wednesday after the first Tuesday of January of each odd numbered year, the House of Representatives shall be called to order by the Speaker of the next preceding session of the House or, in his absence, by the person or one of them holding a certificate issued by the Secretary of State under the authority of the state canvassing board as a member and having served the longest continuous time in the House of Representatives, and the House shall proceed to organize as hereinafter provided for in Rule 2.
- (b) At 10 o'clock a.m. on the first Wednesday after the first Tuesday of January of each even numbered year, and at such time as the General Assembly is convened in special session by the Governor the House of Representatives shall be called to order by the Speaker, as provided for in Rule 4 hereof.

2. ORGANIZATION

Upon convening pursuant to Rule 1(a) hereof, the order of business or organization shall be:

- (a) Election of a clerk for the time being.
- (b) Reading of the official announcement and designation of all members elected to the

House of Representatives as certified by the Secretary of State.

- (c) Calling of the roll.
- (d) Consideration of and action upon the credentials of the persons entitled to membership in the House of Representatives.
- (e) Administration of the oath of office.
- (f) Election of a presiding officer, who shall be called the Speaker and who shall hold office until his successor shall be elected and qualified.

3. POWERS AND DUTIES OF THE SPEAKER

- (a) All officers of the House shall be subordinate to the Speaker in all that relates to the prompt, efficient, and correct discharge of their official duties under his supervision.
- (b) Possessing the powers and performing the duties herein described, the Speaker shall:
 - (1) Take the chair at the hour to which the House stands adjourned, call the members to order, and upon the appearance of a quorum, proceed to business.
 - (2) Preserve order and decorum and have general direction of the chamber of the House and the approaches thereto, and in the event of any disturbance or disorderly conduct therein, order the same to be cleared.

- (3) Decide all questions of order, subject to a member's right to appeal to the House. On appeal from such decisions, the Speaker shall have the right, in his place, to assign the reason for his decision.
- (4) Rise to put a question, but may state it while sitting. He shall announce the result promptly on the completion of every vote.
- (5) Have the right to name any member to perform the duties of the chair, but such substitution shall not extend beyond three days of actual session.
- (6) When the House shall resolve itself into committee of the whole, name a chairman to preside thereover, and shall call him to the chair.
- (7) Have the power to accredit the persons who shall act as representatives of the public, press, radio, and television, and assign them seats.
- (8) Determine the number of members and the number thereof from each political party of all committees, whether reference, joint, or special, and appoint the membership thereof; except that the minority leader of the House of Representatives shall appoint the minority membership of the committees of reference.
- (9) Refer each bill, and may refer any joint resolution, joint memorial, resolution, or memorial upon introduction, to the

appropriate committee of reference of the House.

- (10) Sign all bills, resolutions, and memorials passed by the General Assembly, which fact shall be entered in or appended to the journal.
 - (11) Sign all writs, warrants, and subpoenas issued by order of the House or by any committee thereof, and the same shall be attested by the chief clerk.
 - (12) Administer all oaths required in the discharge of the business of the House.
 - (13) Receive all messages and communications from other departments of the government and announce them to the House.
 - (14) Represent the House, declare its will, and in all things obey its commands.
 - (15) Vote upon all questions except upon appeals from his decisions.
 - (16) Be a member of the committee on rules.
- (c) The Speaker may, in addition to the exercise of the above powers and duties:
- (1) Speak to points of order in preference to other members, rising from his chair for that purpose.
 - (2) Speak as other members on general questions when he shall call some other member to the chair.

4. HOUR OF MEETING -- PRESIDING OFFICER -- ATTENDANCE OF MEMBERS

- (a) The regular hour of meeting of the House of Representatives shall be 10:00 a.m. daily, unless otherwise ordered.
- (b) Every member shall be present in his place at the hour to which the House was last adjourned, unless he shall have been excused by the House, or unless he shall be sick and unable to attend.
- (c) The Speaker shall take the chair each day promptly at the hour to which the House stands adjourned. He shall call the House to order and upon ascertainment of a quorum shall proceed to business.
- (d) If at the hour of meeting of the House the Speaker shall be absent, and if the Speaker shall not have designated a member to perform the duties of the Speaker, then the chief clerk shall call the House to order and the first order of business thereafter shall be the election by all members present of a member to act as presiding officer, and, when elected, such acting presiding officer shall continue to preside with all the powers and privileges of the Speaker until the Speaker shall appear.

5. QUORUM

- (a) A majority of all members elected to the House of Representatives shall constitute a quorum, but a smaller number may adjourn from day to day, or for less than a day, and may compel the attendance of absent members.

6. ORDER OF BUSINESS

- (a) The House shall be called to order at the hour to which it shall have adjourned.
- (b) Before proceeding to business, the roll of the members shall be called, the names of those absent recorded in the journal and the Speaker shall declare the presence or absence of a quorum. The foregoing procedure shall in no event be postponed or omitted.
- (c) If a quorum be present, the journal of the preceding day or the second preceding day shall be corrected and approved, and the House shall then take up business in the following order:
 - (1) Special orders, if any, unfinished on previous legislative day.
 - (2) Reports of committees of reference.
 - (3) Reports of special committees.
 - (4) Messages from the Senate, messages from the Governor, messages from the revisor, and communications from state officers.
 - (5) Introduction of bills, first reading, by title.
 - (6) Introduction of resolutions and memorials.
 - (7) Third reading of bills.
 - (8) General orders.
 - (9) Conference committee reports - majority

and minority reports.

(10) Consideration of resolutions and memorials.

After having considered business in the above order the House may as necessary return to take up reports, introduction of measures, messages, and consideration of resolutions and memorials.

- (d) When the House shall have proceeded to consideration of general orders, no other business, unless it be a special order, shall be in order until general orders shall have been disposed of, except upon the affirmative vote of a majority of all members elected.
- (e) After a bill has been returned to the House by a committee of reference for consideration by the House sitting as a committee of the whole, such bill may be made a special order for a particular day or hour. Whenever any bill shall be so made a special order for a particular day or hour and consideration thereof shall not be completed at that sitting, such bill shall retain its place as a special order and shall be considered again as a special order immediately following approval of the journal on the next day of actual session. Whenever a special order shall be under consideration, it shall take precedence over any special order for a subsequent hour of the same day, but such subsequent special order may be taken up immediately after the previous special order shall have been disposed of.
- (f) Except as provided in subsection (b) of this rule, the House may, upon the affirmative

vote of a majority of all members present, proceed out of order to any order of business or return to an order already passed, but should any business be set for consideration on a certain day and hour, it shall in no event be considered at an earlier day or hour.

- (g) Notice of recall of a bill by the Senate shall be read immediately upon receipt if such bill shall then be under consideration by the House, otherwise upon conclusion of the business then before the House, and thereafter the House shall take no action on such bill except to return it to the Senate.

7. MOTIONS

- (a) No motion shall be debated until it has been put by the chair; if requested by any member the speaker may require the motion to be reduced to writing, delivered to the chief clerk's desk, and read.
- (b) Any motion, other than a motion to reconsider, may be withdrawn or modified by the mover at any time before amendment, decision, or ordering of the ayes and noes; a motion to reconsider may not be withdrawn except upon a motion adopted by a majority of all members elected.
- (c) When a question shall be under debate, the Speaker shall entertain no motion except:
 - (1) To call the House.
 - (2) To adjourn.

- (3) To recess.
 - (4) To reconsider.
 - (5) To strike the enacting clause.
 - (6) To close debate at a specified time.
 - (7) For the previous question.
 - (8) To postpone to a day certain.
 - (9) To refer to committee.
 - (10) To amend.
- (d) Subject to Rules 8, 14, and 16, such motions shall take precedence in the order named and, except for differing amendments, only one each of such motions may be entertained in the course of the disposition of the main question, unless a vote on some other motion has intervened.
- (e) No motion on a subject different from that under consideration shall be admitted under color of amendment.

8. MOTIONS TO ADJOURN OR RECESS

- (a) A motion to adjourn, except when an appeal from a decision of the chair is pending, and a motion to recess shall always be in order; but, having been decided in the negative, such a motion shall not be entertained again unless some motion other than for a call of the House, to adjourn, or to recess, shall have intervened.

9. MOTION TO REFER

Motions to refer shall take precedence in the following order:

- (a) To a committee of reference of the House.
- (b) To a special committee of the House.
- (c) To a joint committee of reference or to a joint special committee.

10. QUESTIONS OF ORDER

- (a) Questions of order shall not be debatable except in the course of an appeal from the decision of the chair.

11. APPEAL

- (a) An appeal may be taken from any decision of the chair, in which event the member appealing shall state his reason therefor, taking not more than ten minutes for such purpose, to which the Speaker may respond. Such appeal shall be acted upon immediately, and no motion other than a motion to recess shall be entertained until the question "Shall the decision of the chair be overruled?" be directed by the vote of a majority of all members elected.

12. DIVISION OF QUESTION

- (a) A question containing two or more propositions capable of division shall be divided whenever requested by any member. A

motion to strike out and insert shall be divisible, but a motion to strike out having been decided in the negative, such action shall neither preclude amendment nor a motion to strike out and insert a different proposition.

13. RECOGNITION -- SPEAKING --
LIMITATION ON SPEAKING

- (a) No member rising to speak, debate, give a notice, make a motion, submit a report, or for any other purpose, shall proceed until he shall have addressed the chair and shall have been recognized, whereupon he may proceed to address the House from the central microphone, or from his desk, confining his remarks to the purpose for which he rose.
- (b) When two or more members shall rise at once, the Speaker shall name the one who shall speak first.
- (c) While a member is speaking, no one shall pass in front of him or otherwise interfere with his remarks or with the ability of others to hear them.
- (d) No member shall speak more than twice upon the same question without consent of the House, except the chairman of the committee of reference or the mover of the question, who may close the debate; and no member shall speak longer than ten minutes without consent of the House.

14. LIMITING DEBATE

- (a) Upon the affirmative vote of a majority of all members elected, debate may be closed at a time not less than one hour from the adoption of a motion to that effect, and such motion having been made, no other motion except to adjourn or to take recess shall be entertained until the motion to close debate and fix an hour for the vote upon the pending question shall have been decided.

15. QUESTIONS DECIDED WITHOUT DEBATE

The following questions shall be decided without debate:

- (a) Adjournment to a day certain.
- (b) Taking a recess.
- (c) Questions relating to the priority of business.
- (d) Suspension of the rules.
- (e) Previous questions, and motions to limit or to extend the limits of, or to close debate.
- (f) Amending or reconsidering an undebatable question.
- (g) Considering the orders of the day.
- (h) Resolving into committee of the whole.
- (i) Calling the House.

16. PREVIOUS QUESTION

- (a) The previous question may be moved upon all recognized motions or amendments which are debatable; it may be moved upon a single motion or amendment pending, or upon a series of motions and amendments pending, or upon part of them.
- (b) The previous question shall be stated in this manner: "Shall the main question be now put?" and, until it be decided, it shall preclude all amendments or debate; if decided in the negative, the main question shall be considered as still remaining under debate, but if decided in the affirmative by a majority vote of all members elected, it shall put an end to all debate and bring the House to a direct vote upon all motions and amendments involved, in the inverse order in which they were offered.
- (c) When a motion for the previous question has prevailed, and prior to a decision upon the main question upon which it was ordered, it shall not be in order to move for a call of the House, unless it shall appear by the ayes and noes on the main question that a quorum is not present.

17. SECRET SESSION

- (a) When in the opinion of any member, the business before the House requires that the discussion thereof be carried on in secret, such member may move that the House proceed in executive session, and when such motion shall have been adopted by the affirmative vote of a majority of all members elected,

the Speaker shall direct all persons in the House chamber, except members, the chief clerk, and the sergeant-at-arms, to withdraw and the doors of the House chamber to be closed and to remain closed until such executive session shall have been completed; and every member and officer shall keep secret all such proceedings, matters, and things whereof secrecy shall be enjoined by order of the House, and for divulging the same before the order of secrecy shall be revoked by the House, they shall be subject to expulsion or dismissal, as the case may be.

18. ABSENCE

- (a) No member shall absent himself from a session of the House unless he shall be sick and unable to attend, or unless he shall have secured consent of the House to be excused from the session. If absent without being sick or having been excused, the sergeant-at-arms may be sent for him and may take him into custody and bring him forthwith to the House chamber; and the expense thereof shall be assessed to such member, and a reprimand, fine, or other disciplinary measure may be imposed upon him.

19. CALL OF THE HOUSE

- (a) Ten members may require a call of the House and cause absent members to be sent for, but a call of the House shall not be moved after voting shall have commenced.
- (b) Whenever a call of the House is properly

sustained, the Speaker shall order the doors of the House chamber to be closed, and no member shall be permitted to leave the House chamber until the call shall be lifted.

- (c) The Speaker shall direct the chief clerk to call the roll and note the names of those absent; the names of the absentees shall again be called, and those members who shall not have been excused, or whose excuse is insufficient, shall be sent for and taken into custody by the sergeant-at-arms, or his assistants, and brought before the chair, where they shall be reprimanded by the Speaker for neglect of duty, and fined, respectively, at least the amount of the expenses incurred in their apprehension and return.
- (d) Notwithstanding a call of the House, a motion to adjourn or to take a recess may be made at any time pursuant to Rule 8.

20. VOTING

- (a) Voting shall be by ayes and noes, and the names of those voting for and against entered in the journal, in the following instances:
 - (1) Upon all bills and concurrent resolutions upon third reading and final passage.
 - (2) Upon concurrence by the House in amendments made by the Senate to House bills.
 - (3) Upon the adoption of conference committee reports.

- (4) Upon adoption or amendment to a report of the committee of the whole.
- (b) All other votes shall be taken viva voce, but any member shall have the right to demand the ayes and noes upon any question before the decision shall be announced by the chair.
- (c) No member or other person or persons shall visit with the chief clerk or remain by his desk while the ayes and noes are being taken.
- (d) When the electric roll call system is utilized for the taking of the ayes and noes, the presiding officer shall state the question and announce: "All those in favor shall vote aye; all those opposed shall vote no. The House members will proceed to vote."

When sufficient time has been allowed for each member to vote, the presiding officer shall ask: "Have all members present voted?" The presiding officer shall then direct the chief clerk to lock the machine and record the vote. When the vote has been completely recorded, the presiding officer shall announce the result to the House.

- (e) A member may change his vote until the machine has been ordered locked by the presiding officer. It shall be the responsibility of each member to determine the accuracy of his vote as registered opposite his name on the electric roll call board. Votes of absent or excused members shall be recorded only as absent or excused.
- (f) No member shall cast the vote of any other member, nor shall any other person cast the vote of a member. In addition to such

penalties as may be prescribed by law, any member casting or attempting to cast the vote of a member may be punished in such manner as the House may determine.

21. WHEN MEMBERS SHALL VOTE --
PERSONAL INTEREST -- CHANGING VOTE

- (a) Every member who shall be within the House chamber when a question shall be stated from the chair shall vote thereon, unless he shall be directly interested in the question or shall have been excused from voting by the House; but no member shall be obliged to vote upon any question unless he shall be within the House chamber when his name shall be called.
- (b) A request by a member to be excused from voting shall be made before the call for the ayes and noes has begun; any member desiring to be excused from voting on a question shall make a brief statement of his reasons, and the question shall be put without further debate.
- (c) A member who has an immediate personal or financial interest in any bill or measure proposed or pending before the General Assembly shall disclose the fact to the House, and shall not vote upon such bill or measure.
- (d) A member shall be allowed to change his vote before the result has been announced, but not thereafter.

22. PERSONAL PRIVILEGE

- (a) Any member may, as a matter of personal privilege, speak for a period not longer than five minutes upon such matters as may collectively affect the House, its rights, its dignity, and the integrity of its proceedings, or the rights, reputation, and conduct of its individual members in their respective capacities only.
- (b) In no event shall any member be permitted to utilize personal privilege to debate any motion, bill, resolution, memorial, or other business pending before the House.

23. DECORUM

- (a) No member shall walk across or out of the House chamber while the Speaker is putting the question.
- (b) No member shall engage in loud private discourse or commit any other act tending to distract the attention of the House from the business before it.
- (c) Should any member, in speaking or otherwise, transgress the rules of the House, the Speaker on his own initiative, or upon the objection of another member, may call him to order whereupon, subject to his right to appeal from a decision of the chair as in other cases, he shall immediately sit quietly in his place.
- (d) When speaking or debating before the House, a member shall confine his remarks to the question under discussion or debate, avoiding

personalities.

24. PROTEST

- (a) Any member shall have the right to protest any action of the House, stating his reasons therefor, and having obtained consent of the House and reduced his reasons to writing, he may have the same entered in the journal, provided such reasons do not impugn the motives or character of any member of the General Assembly.

25. COMMITTEES

- (a) Committees of reference of the House shall be:
- (1) Agriculture, Livestock, and Natural Resources.
 - (2) Appropriations.
 - (3) Business Affairs and Labor.
 - (4) Education.
 - (5) Finance.
 - (6) Game, Fish, and Parks.
 - (7) Health, Environment, Welfare, and Institutions.
 - (8) Judiciary.
 - (9) Local Government.

(10) State Affairs.

(11) Transportation and Energy.

(a.1) The committee on legal services shall be considered a committee of reference for any bill introduced pursuant to section 24-4-103 (8) (d), Colorado Revised Statutes 1973.

(b) Other permanent committees of the House shall be:

(1) Rules.

(2) House Services.

(c) All of the committees specified in (a) and (b) above shall be appointed at the commencement of the first regular session of the General Assembly convening after a general election and shall remain constituted as such committees until the first regular session of the General Assembly convening after the next ensuing general election.

(d) The first member appointed shall be the chairman and the second member appointed shall be the vice-chairman of each committee.

(e) The rules committee shall consist of ten members, including the Speaker, and, except as limited by Rule 30, shall arrange all general and special orders and prepare calendars. Whenever possible, calendars listing general orders shall be posted on the bulletin board at least 24 hours prior to consideration by the House.

(f) The house services committee shall consist of four members. It shall authorize and review

all expenditures for equipment, supplies, and services necessary for the efficient conduct of the business of the House, and shall employ such officers and employees of the House as may be authorized and assign them to their duties, filling any vacancies that may occur from time to time. It shall have full power to summarily remove any officer or employee of the House, but shall be excused from making reports thereon unless requested by some member. It shall attend to the revision, engrossment, and enrollment of all bills, as directed by the House and its committees, reporting thereon from time to time as occasion requires.

- (g) All other committees shall consist of not less than ten nor more than nineteen members, as determined by the Speaker.
- (h) The party representation on committees shall be in proportion generally to the relative number of members of the two major political parties in the House.
- (i) All committees specified in (a) and (b) above shall not:
 - (1) Take action upon any bill or other matter before it unless a quorum be present, a quorum being a majority of the entire membership of the committee.
 - (2) Sit or meet while the House is in session without first having obtained consent of the House upon a showing of special need.
 - (3) Occupy the House chamber at any time without prior consent of the Speaker.

(j) All committees of reference, as listed in (a) above, shall observe the following rules of procedure:

(1) (A) The committees of reference of the House shall meet at the times and places specified in the Schedule of Committee Meetings adopted by the House at the beginning of each regular session of the General Assembly; the committees shall be scheduled to meet according to the categories in subsection (k) of this rule.

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

(C) If a regularly scheduled committee meeting is cancelled, the chairman shall announce such cancellation while the House is in actual session prior to the time the meeting is scheduled to take place.

(D) The chairman of each committee of reference shall determine the order of business for each committee meeting, including the measures that will be considered at each meeting, and shall announce on the

floor of the House the measures that are to be considered. However, at least seven days after a measure has been delivered to the chairman, two-thirds of all members appointed to the committee may petition the chairman in writing that a specific measure be considered, such petition to be submitted at a regularly scheduled committee meeting. Upon receipt of the petition, the chairman shall announce such fact to the committee and shall have the petitioned measure listed on the subsequent daily calendar for consideration by the committee, such consideration to be no later than seven days after receipt of the petition.

- (E) Each measure assigned to a committee shall be set for committee consideration at a scheduled meeting.
 - (F) No motion shall be subject to debate by a committee until it has been seconded and put by the chair.
- (2) Proxies, either written or oral, shall not be permitted for any purpose.
 - (3) After a committee of reference has taken its final action on a measure, the chairman of the committee shall make a report of such action to the chief clerk of the House within three legislative days. Final action shall consist of reporting a measure out of committee, with or without amendments, for

consideration by the committee of the whole, a recommendation for reference to another committee of reference, or postponing the measure indefinitely. A motion to postpone consideration of a measure for more than 30 days shall be considered a motion to postpone indefinitely.

- (4) The staff assistant assigned to each committee of reference shall be responsible to the chairman of the committee for the proper preparation of all reports.
- (5) Upon receipt of a measure by the chairman of a committee of reference, he shall be responsible for the safekeeping of the measure, but he may give custody of the measure to a staff assistant.
- (6) The chairman of a committee of reference shall vote on every question coming before the committee unless he has an immediate personal or financial interest in the proposed measure, but he shall not vote twice, as in the case to make a tie and then to cast the deciding vote. Every other member shall vote on each measure coming before the committee except proposals in which the member has an immediate personal or financial interest.
- (7) If a member of a committee of reference is absent from three consecutive scheduled committee meetings without being excused, the committee chairman shall report such fact to the floor leader of the party to which the member

belongs.

- (8) A recommendation of any committee of reference to amend a measure shall not become an integral part of the measure in question until adopted by the committee of the whole.
- (9) Roll call votes shall be taken and recorded in each committee on final action and proposed amendments. The record shall include the names and numbers of those voting on motions to amend and on final action. Said record shall be available for public inspection.
- (10) In order to take any action on a measure by a committee of reference, a quorum must be present and the affirmative vote of a majority of a quorum or a majority of those present and voting, whichever is greater, shall be necessary.
- (k) (1) The committees of reference as listed in subsection (a) of this rule shall be placed in the following categories for the purpose of scheduling meetings:

<u>Category</u>	<u>Committee</u>
-----------------	------------------

- | | |
|---|---|
| 1 | Business Affairs and Labor.
Judiciary.
State Affairs. |
| 2 | Education.
Health, Environment, Welfare,
and Institutions.
Local Government. |

3 Agriculture, Livestock, and
Natural Resources.

Finance.

Transportation and Energy.

4 Appropriations.

Game, Fish, and Parks.

- (2) A member of the House shall serve on no more than one committee of reference within a category.

26. RESOLUTIONS AND MEMORIALS

(a) Resolutions and memorials originating in the House shall be of the following classes:

(1) House concurrent resolutions, which shall propose amendments to the constitution of the state of Colorado or recommend the holding of constitutional conventions, and ratify proposed amendments to the federal constitution.

(2) House joint resolutions, which shall pertain to the transaction of the business of both the House and the Senate or the establishment of committees comprised of members of both houses or which shall express the will of both houses on any matter not mentioned in Rule 26A.

(3) House resolutions, which shall relate solely to matters not mentioned in Rule 26A concerning the House.

(4) House memorials or House joint memorials, which shall express sentiment

on the death of any person or persons who served as members of the General Assembly.

- (b) House concurrent resolutions as well as Senate concurrent resolutions shall be treated in all respects as bills, and all provisions of these rules applying to bills shall apply to concurrent resolutions, except that the affirmative vote of two-thirds of all members elected shall be required for adoption of House and Senate concurrent resolutions upon third reading and final passage.
- (c) House resolutions, House joint resolutions, House memorials, and House joint memorials, upon introduction shall be read at length and ordered printed. At the discretion of the Speaker they shall then either:
 - (1) Lay over one day before being acted upon; or
 - (2) Be referred to a committee of reference, where they shall be considered as House bills are considered, with referral to the rules committee for placement on the calendar.
- (d) Senate joint resolutions and Senate joint memorials upon introduction shall be read at length. At the discretion of the Speaker they shall then either:
 - (1) Lay over one day before being acted upon; or
 - (2) Be referred to a committee of reference, where they shall be considered as bills

originating in the Senate are considered.

- (e) No measure governed by the provisions of this rule shall be considered by the House unless and until it shall have been printed.

26A. TRIBUTES

- (a) Tributes are nonlegislative actions which do not require introduction, calendaring, or floor action.
- (b) Tributes issued by the chief clerk of the House shall be of the following classes:
 - (1) House joint tributes or House tributes, which shall:
 - (A) Offer congratulations for significant public achievement;
 - (B) Recognize meritorious individual achievement;
 - (C) Express appreciation for service to the state or the General Assembly;
 - (D) Extend greetings to prominent visitors to the state.
 - (2) House joint memorial tributes or House memorial tributes, which shall express sentiment on the death of a person who has not served as a member of the General Assembly.
- (c) The chief clerk of the House shall not issue:

- (1) A House tribute or memorial tribute unless the Representative requesting the issuance of such tribute has obtained the permission of the Speaker;
 - (2) A House joint tribute or joint memorial tribute unless the Representative requesting the issuance of such tribute has obtained the permission of the Speaker, the majority leader, and the minority leader and a Senator has obtained the permission of the President of the Senate, the majority leader, and the minority leader.
- (d) A copy of each House tribute or memorial tribute and each House joint tribute or joint memorial tribute issued shall be retained by the chief clerk of the House for a period of at least two years.

27. INTRODUCTION OF BILLS, RESOLUTIONS, AND MEMORIALS

- (a) Any member may introduce a bill, resolution, or memorial at such times as the introduction of bills, resolutions, and memorials is the order of business, and such bill, resolution, or memorial shall be numbered in the order introduced. No bill shall be introduced by title only.
- (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. 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.

- (c) The House, by the affirmative vote of a majority of all members elected, may adopt a resolution fixing a date after which a bill may not be introduced except as provided in said resolution.

28. AMENDMENT

- (a) Any bill, resolution, or memorial shall be subject to amendment, but all amendments shall relate to the same subject as the original bill, resolution, or memorial.
- (b) All substantial amendments shall be printed, and all House and Senate bills which have been substantially amended shall be reprinted on order of the Speaker and laid upon the desks of the members before final vote is taken.

29. COURSE OF BILLS

The course of every bill in its introduction, reference, consideration, and passage through the House shall be as follows:

- (a) Introduction of the bill, in quadruplicate, and first reading, by title.
- (b) Reference of the bill by the Speaker, by number only, to the appropriate committee of

reference, not later than the close of the next day of actual session. The Speaker may refer the bill to two separate committees of reference in succession if in his judgment the subject matter of the bill so requires.

- (c) Docketing of the bill by the docket clerk.
- (d) Every House bill, if not printed under House Rule 45, shall be ordered printed, upon introduction, by the chief clerk.
- (e) Delivery of the bill by the docket clerk to the chairman of the committee of reference, taking his receipt therefor.
- (f) Consideration of the bill upon its merits by the committee, and the committee after such consideration shall recommend either that:
 - (1) The bill lay on the table.
 - (2) The bill be favorably recommended for consideration by the House sitting as a committee of the whole.
 - (3) The bill be amended and, as amended, be favorably recommended for consideration by the House sitting as a committee of the whole.
 - (4) Consideration of the bill be indefinitely postponed.
 - (5) The bill be referred to another committee of reference.
- (g) (1) If the bill be favorably recommended as provided for in Rule 29 (f) (2) and Rule 29 (f) (3) above, or consideration

thereof be indefinitely postponed as provided for in Rule 29 (f) (4), or recommended for reference to another committee of reference as provided in Rule 29 (f) (5), a report to that effect, together with the bill, shall be delivered by the chairman to the chief clerk.

- (2) No further action may be taken on any bill indefinitely postponed and delivered to the chief clerk.
 - (3) The chief clerk shall deliver all other bills to the rules committee for arrangement either as a general order or a special order, to be placed on the calendar for consideration by the House sitting as committee of the whole.
 - (4) The rules committee may refer a bill to a committee of reference, including the original committee of reference, for further study and consideration and shall report such action to the House.
- (h) Consideration of the bill, on second reading, by the House sitting as committee of the whole, during which the following motions shall be in order:
- (1) That the enacting clause of the bill be stricken.
 - (2) That the bill be recommitted to any committee of reference for further study and consideration.
 - (3) That the bill be returned to the rules committee.

- (4) That the bill be passed over and retain its place on the calendar.
 - (5) That the bill be amended.
 - (6) That the bill be adopted.
 - (7) That the committee rise, report progress, and ask leave to sit again.
 - (8) That the committee rise and report.
- (i) Action by the House, either by adopting, by amending, or by rejecting the report of the committee of the whole. Any bill adopted by such action of the house shall be engrossed or revised and placed on the calendar for third reading and final passage.
- (j) Printing of all substantial amendments made to the bill by committee of the whole, which amendment shall be laid upon the desk of each member.
- (k) Consideration of the bill by the House on third reading and final passage, during which the following motions shall be in order:
- (1) That the enacting clause of the bill be stricken.
 - (2) That the bill be adopted.
 - (3) That the bill be returned to the rules committee.
 - (4) That the bill be recommitted to any committee of reference.
 - (5) That the bill be laid over.

- (6) That the bill be amended, consent to consider such amendment having first been given by a majority of members elected to the House.

30. DEMAND

- (a) Three days after reference of any bill to a committee of reference other than the rules committee, and upon a 24-hour demand by any member for a report, the committee of reference may be required to report such bill back to the House upon a motion adopted by the affirmative vote of a majority of all members elected.
- (b) After having been returned to the House by the committee of reference for consideration by the House sitting as committee of the whole, any bill in possession of the rules committee may be made a special order, upon a 24-hour demand by any member for a report from the rules committee by a motion adopted by the affirmative vote of two-thirds of all members elected. Such motion shall include only one bill, for which no other bill shall be substituted, and in the discussion of such motion, debate shall be limited to thirty minutes for each side, and no member shall speak more than once, nor for more than ten minutes, except the mover, who shall be allowed an additional ten minutes for closing.

31. CONSIDERATION BY COMMITTEE OF THE WHOLE

- (a) 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 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.

32. COMMITTEE OF THE WHOLE

- (a) Committee of the whole shall be formed upon motion, and upon adoption of such motion the Speaker shall appoint a chairman, who shall, for the time being exercise all the powers of the Speaker necessary to conduct the business of the committee of the whole. Such chairman shall not be entitled to vote unless the committee be evenly divided on a question.
- (b) The rules of the House shall govern the proceedings of the committee of the whole insofar as practical, except that a member may speak more than twice upon the same subject, a call for the ayes and noes may not be made, a motion for the previous question shall not be in order, a motion for reconsideration shall not be in order, and there shall be no appeal from the decision of the chair.
- (c) A motion to strike out the enacting clause of a bill shall be in order and shall have precedence to any other motion relating to the bill; such motion shall open the question of passage of the bill to general debate and, if adopted, shall be equivalent to rejection of the bill.

- (d) The final question upon consideration of any bill or concurrent resolution shall be whether it shall be adopted, engrossed, and placed on the calendar for third reading and final passage.
- (e) Deliberations of the committee of the whole shall be terminated by a motion to rise and report, but if the work of the committee shall not have been completed and resumption of deliberations is desired, the motion shall be to rise and report progress, asking leave to sit again, and the adoption of such motion shall constitute consent by the House for the committee to sit again, when deliberations shall be resumed exactly where suspended. Such motions shall always be in order and shall be decided without debate.
- (f) A motion may be in order, during deliberations of the committee of the whole, that a bill be laid over and proposed amendments which have been offered to such a bill be printed and placed on the desks of the members.
- (g) When the work of the committee shall be completed, a report of the recommendations of the committee, containing all amendments to bills considered by the committee, shall be signed by the chairman and submitted to the House. The chairman of the committee shall move for adoption of such report.
- (h) Reports of the committee of the whole shall be adopted by a majority vote of the members elected, and the vote taken on the adoption of the report of the committee of the whole shall constitute passage on second reading of each bill considered and approved by the

committee of the whole.

- (i) Members shall refrain from interrupting the deliberations of the committee of the whole for the introduction of guests or visitors.

33. THIRD READING AND FINAL PASSAGE OF BILLS

- (a) Upon third reading, a motion to strike out the enacting clause of a bill shall be in order only after the title of the bill has been read.
- (b) No amendment to a bill on third reading shall be in order except with the consent of a majority of all members elected.
- (c) The final vote shall be taken by ayes and noes, and the names of those members voting for and against the bill shall be entered in the journal.
- (d) No bill shall be declared passed, or signed by the Speaker, unless a majority of all members elected shall be recorded as voting for the same.

34. ACTION FINAL

- (a) When any bill, resolution, memorial, amendment, report, order, or other matter shall have been finally acted upon by the House or by the committee of the whole, either by having been adopted or rejected, no further action may be had thereon in the same body that will have the effect of defeating or resurrecting the same, except as provided

for hereinafter in Rule 35. For the purpose of this rule, each committee of the whole shall be considered a separate body. Nothing herein shall prevent the introduction of a new bill on the same subject.

35. RECONSIDERATION

- (a) After a question has been decided by the House, any member recorded as having voted on the prevailing side may, at any time before adjournment of the current legislative day, move to reconsider or may give notice of intention to move to reconsider. Notice having been given, such member may move to reconsider on the same day or before 12 o'clock noon of the next day of actual session, but after the adoption of a resolution fixing the time for adjournment sine die, any member may so move.
- (b) A motion to reconsider shall require the affirmative vote of two-thirds of the members elected to be adopted, and if such motion be defeated, no further motion to reconsider shall be in order; but during the last two days of a session, such a motion shall require only a majority vote of those elected to the House, and reconsideration may be had concerning any bill acted on during the previous two days.
- (c) Notice of intention to move to reconsider any bill, resolution, or memorial having been given, the chief clerk shall retain such bill, resolution, or memorial in the possession of the House until such time as a motion to reconsider shall have been made and acted upon, or until the time for making such

motion shall have expired; and should such bill, resolution, or memorial have been transmitted to the Senate or to the Governor, such notice shall constitute a mandate upon the chief clerk to request its return to the House, unless said bill, resolution, or memorial has already been introduced in the Senate.

- (d) Adoption of the report of the committee of the whole or any amendment thereto and readoption of vetoed bills shall not be subject to reconsideration upon this rule.

36. DISAGREEMENT

- (a) No amendment made by the Senate to a House bill shall be concurred in by the House except by a vote of a majority of members elected, taken by ayes and noes and the names of those voting for and against entered in the journal.
- (b) In case of a disagreement between the House and the Senate, the House may either adhere to its position, recede from its position and concur with the position of the Senate, or request a conference on the matter at issue.
- (c) The House may recede from any matter of difference existing between it and the Senate at any time prior to consideration of a conference committee report by either the House or the Senate, or after rejection of the conference committee report by the Senate, not later than the next day of actual session following the rejection of the report.

- (d) In the event the House shall vote to request a conference, the Speaker shall appoint a committee of three members to represent the House. No vote on concurring in any amendment made by the Senate to a House bill or on the adoption of a report of a conference committee shall be taken until such amendment or report shall have been placed on the desk of each member, and particularly referred to in the calendar, but this rule may be suspended during the last three days of session.

37. VETOED BILLS

- (a) In the event of the veto of any bill passed by the General Assembly, the veto message of the Governor shall be read, together with the bill vetoed.
- (b) It shall then be in order to proceed to consideration of the bill, in which event the motions shall be:
- (1) That the bill do pass notwithstanding the veto, and the affirmative vote of two-thirds of all members elected shall be required for the adoption of such motion.
 - (2) That the bill be referred to committee.
 - (3) That the bill lay on the table.
 - (4) That consideration of the bill be postponed to a day certain.
- (c) The merits of the bill may be debated before the vote be taken, but the vote on a vetoed

bill shall not be reconsidered. In the case of a bill containing several items or sections, one or more of which has been vetoed, and approval given to the remaining items or sections, each item or section so vetoed shall be separately voted upon by the House.

- (d) Action by the House upon all vetoed bills shall be endorsed on the bill and certified by the Speaker.

38. ADMITTANCE TO THE FLOOR

In addition to members and officers and employees of the House, the following persons shall be entitled to admittance to the floor of the House chamber and to House committee rooms:

- (a) Members of the Senate and elective officers of the state.
- (b) Persons exercising official duties concerned directly with the business of the House.
- (c) Representatives of the press and radio.
- (d) Former members of the House or Senate not advocating any proposed or pending legislation.
- (e) The immediate families of members.
- (f) Such other persons as may be invited by members.

39. LOBBYISTS

- (a) A lobbyist is hereby defined to be any person other than a member of the General Assembly who, by his acts, seeks to influence in any manner the vote of any member or members of the House, or the action of any of its committees, upon any bill, resolution, or other measure pending before the House or any of its committees.
- (b) No lobbyist shall be admitted to the floor of the House:
 - (1) At any time the House is in session, including while it is sitting as a committee of the whole.
 - (2) Under any circumstances prior to 12 o'clock noon of any day the House is in session.

40. REGISTRATION OF LOBBYISTS

- (a) Any lobbyist desiring to observe the session of the House or to appear before any committee of the House shall apply to the sergeant-at-arms and express his desire to register as a lobbyist.
- (b) The sergeant-at-arms shall thereupon conduct said person to the desk of the chief clerk, where said person shall register in the record kept for that purpose, entering thereon his name, address, and the interest or interests he represents, and also the bill or bills upon which he desires to be heard. The chief clerk shall thereupon issue a card to said person, which card shall permit said

person to appear before the committee or committees to which said bill or bills have been referred.

- (c) At any meeting of any committee of the House, the chairman thereof, or a majority of the committee, may permit any interested person to address the committee upon said person's stating to the chairman his name and address and the subject upon which he desires to be heard.

41. MATERIAL DISTRIBUTED TO MEMBERS

- (a) No member, lobbyist, department, organization, or person shall distribute or cause to be distributed any material in the House chamber without having indicated on such material clearly the name, identification, and address of the person, department, or organization publishing or sponsoring such distribution; and in all cases the Speaker at his discretion may prohibit distribution of any material whatsoever.

42. MESSAGES

- (a) Messages from the House shall be sent by the chief clerk or his assistants.
- (b) Messages from the Senate, the Governor, or other branches of government may be received at any time.

43. CHIEF CLERK

- (a) The chief clerk of the House shall attend to the orderly conduct of the business of the House, under direction of the Speaker.
- (b) He shall keep a journal of each day's proceedings and business, in which shall be correctly entered:
 - (1) The result of the roll call taken each day at the hour of convening.
 - (2) The full titles of all bills and the full texts of all resolutions and memorials introduced.
 - (3) Reports of reference, permanent, special, or conference committees.
 - (4) Proposed amendments to bills, resolutions, and memorials.
 - (5) Each report of the committee of the whole.
 - (6) Messages from the Senate and the Governor and communications from other state officers and departments.
 - (7) The result of every vote taken, with the ayes and noes, if such were demanded or required.
 - (8) The ayes and noes and the names of those voting for and against every bill and concurrent resolution on third reading and final passage, the concurrence by the House in amendments made by the Senate to House bills, and the adoption

of all reports of conference committees.

(9) An enumeration of the bills introduced, sent to the printer, and returned from the printer each day, and he shall attest to the fact that bills returned from the printer have been correctly printed.

(10) Such other matters as the House may direct.

(c) He shall keep a record called the docket, in which shall be entered the number, title, and sponsor or sponsors of each and every House or Senate bill, and the number and sponsor or sponsors of each and every resolution or memorial with proper indexing and continuing notations relative to the status and progress of each of the same until final disposition thereof.

(d) He shall cause any Senate bill, resolution, or memorial not appearing in the records of the House in the form in which passed by the Senate to appear in correct form in the journal or otherwise, as the House may direct.

(e) He shall deliver all bills and concurrent resolutions returned to the House by committees of reference, with the recommendations thereon, to the rules committee.

(f) He shall prepare a list of all bills and concurrent resolutions arranged by the rules committee as general or special orders.

(g) He shall prepare a list of all bills and

concurrent resolutions, adopted by the House on second reading, entering same in the order in which adopted, which list shall be called "Third Reading -- Final Passage."

- (h) He shall cause the lists hereinabove specified, together with such other matters as the House may direct, to be posted on a bulletin board, and also printed and laid upon the desks of the members, and such shall constitute the calendar.
- (i) He shall also prepare and cause to be printed and laid upon the desks of the members at appropriate times a supplement to the calendar containing a list of conference committee reports, resolutions, memorials, and other matters, in the order named.
- (j) He shall guard all documents and records of the House and shall permit no bill or record of any nature to be taken from his desk or out of his custody, except in the regular course of business of the House, and he shall not, at any time or place, allow the same to be handled or examined by any persons other than the Speaker, members, officers and employees of the House, or the authorized printer in the necessary performance of their official duties.
- (k) He shall take a receipt for every document which may pass from his custody in the regular course of the business of the House, and between the House and Senate, and shall keep record thereof; should any bill or other record in his custody be missing, he shall report the fact to the Speaker, immediately upon discovery.

- (1) All officers and employees at the chief clerk's desk and in the enrolling room shall be under his direction, and shall perform such duties as he may from time to time assign to them.

44. OTHER OFFICERS AND EMPLOYEES

- (a) The sergeant-at-arms shall attend the House during its sittings, shall maintain order in the House chamber and the approaches thereto at all times, under the direction of the clerk pending the election of the Speaker, and under direction of the Speaker thereafter, and shall at all times execute the commands of the House and all processes issued by its authority, as directed to him by the Speaker.
- (b) The sergeant-at-arms shall supervise the assistant sergeants-at-arms in the performance of their duties.
- (c) The chaplain shall be present each day at the hour to which the House stands adjourned and, following the call to order, he shall offer prayer.
- (d) All officers and employees of the House shall be present each day as directed by the chief clerk.
- (e) No expense shall be incurred by any officer or employee of the House in its behalf except upon authority and written order of the chief clerk or the chairman of the House services committee.

- (f) Any officer or employee of the House who, while carrying out the duties of his position on the premises of the state capitol building, shall invite, solicit, or urge any member to vote for or against any bill or other measure or to use his influence for or against any bill or measure before the House or any of its committees shall be summarily dismissed from service or employment. Nothing in this subsection (f) shall prohibit an officer or employee of the House from exercising the same rights and privileges as other citizens of Colorado with regard to legislation of interest if such attempts are made away from the premises of the state capitol and not while fulfilling the responsibilities of whatever position the officer or employee has been hired to carry out.

45. PRINTING OF BILLS PRIOR TO SESSION

- (a) Any time after December 1st but preceding the convening of the General Assembly at its next regular session, a member or member-elect of the House of Representatives may pre-file a bill for introduction with the chief clerk or the chief clerk-designate. Prior to the convening of any legislative session, the Speaker shall order the printing of any bill pre-filed for introduction in order to facilitate the business of the pending session of the General Assembly.

45A. ACTING SPEAKER - SUCCESSION

- (a) In the event of the death, resignation,

disability, or absence from the state of the Speaker, the majority floor leader, as acting Speaker, shall exercise all the powers and duties of the Speaker when the General Assembly is not in session, but the exercise of such powers and duties by the acting Speaker shall continue only until the General Assembly shall meet or until the disability or absence from the state of the Speaker is removed, whichever shall first occur. In the event of the death, resignation, disability, or absence from the state of such majority floor leader, then the following persons shall succeed to the office of acting Speaker: The chairman of each of the committees of reference of the House in the order listed in Rule 25 (a) of these rules.

46. MATTERS NOT COVERED BY RULES

- (a) Any matter not covered by these rules shall be governed by the decision of the Speaker, subject to the right of appeal by any member as in these rules provided for.

47. AMENDMENT OF RULES

- (a) These rules or any part thereof may be suspended, amended, subtracted from, added to, or rescinded by the affirmative vote of two-thirds of all members elected.

48. CODE OF ETHICS

Repealed 1977 Session

RULES OF THE SENATE

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RULES OF THE SENATE OF THE
COLORADO GENERAL ASSEMBLY

1. HOUR OF MEETING -- PRESIDING OFFICER

- (a) The regular hour of meeting of the Senate, unless otherwise ordered, shall be 10 o'clock a.m. daily and the regular hour of adjournment shall be 6:00 p.m. In the event the Senate or the committee of the whole is in session at 6:00 p.m., such session shall continue until adoption of an adjournment motion, but in such event no action shall be taken on any motion having the effect of passing any bill or resolution on second or third reading, except if such motion shall have first been made prior to 6:00 p.m. and except for a motion to adopt the report of the committee of the whole, nor shall it be in order to offer or debate any motion on which action is precluded by this rule.
- (b) The President of the Senate, or in his absence the President pro tempore, shall take the chair every day promptly at the hour to which the Senate stands adjourned, shall call the Senate to order, and on the ascertainment of a quorum, shall proceed to business.
- (c) If at the hour for the convening of the Senate, the President and the President pro tempore shall be absent, the senior Senator present shall call the Senate to order and the first order of business thereafter shall be the election, by all members present, of a Senator to act as presiding officer, and such acting presiding officer, when elected, shall continue to preside, with all the powers and privileges of the President, until the

President or President pro tempore shall appear.

2. QUORUM

- (a) A majority of all Senators elected shall constitute a quorum, but a smaller number may adjourn from day to day, or for less than a day, and compel the attendance of absent members.

3. ORDER OF BUSINESS

- (a) The order of business of the Senate shall be as follows:
- (1) Reading, correction, and approval of the journal.
 - (2) Reports of committees of reference.
 - (3) Reports of special committees.
 - (4) Messages from the House of Representatives.
 - (5) Messages from the Revisor.
 - (6) Introduction of resolutions and memorials.
 - (7) Introduction of bills and first reading by title.
 - (8) Third reading of bills.
 - (9) General orders.
 - (10) Consideration of resolutions and

memorials.

(11) Messages from the Governor and other state officers.

(12) Other business.

- (b) When the Senate has proceeded to the general orders of the day, no other business, unless it be a special order, shall be in order until the general orders have been disposed of.
- (c) Except as otherwise provided in Rules 3 (b), 6,7,9 (b), 9 (c), and 25 (b), the Senate may at any time, by the affirmative vote of a majority of all members present, proceed out of order to any order of business or return to an order already passed.
- (d) Notice of recall of a bill by the House shall be read immediately upon receipt if such bill then be under consideration by the Senate, otherwise upon conclusion of the business then before the Senate, and thereafter the Senate shall take no action on such bill. Such bill shall automatically be returned to the House without the necessity of a motion or vote.

4. SPECIAL ORDERS

- (a) No bill or bills, or any other measure which takes the same course as a bill, may be made a special order unless approved by the affirmative vote of two-thirds of all members elected. In discussion of a motion to make a special order, no Senator shall speak more than once, nor longer than ten minutes, and a

vote shall thereafter immediately be taken. Whenever any bill or other measure is made a special order for a particular day and hour, and the consideration thereof shall not be completed at that sitting, it shall retain its place as a special order and be considered immediately following the reading and approval of the journal on the next succeeding day of actual session. When a special order is under consideration, it shall take precedence over any special order for a subsequent hour of the same day, but such subsequent special order may be taken up immediately after the previous special order has been disposed of.

5. MOTIONS AND AMENDMENTS

- (a) No second shall be required of any motion presented to the Senate. When a motion is made it shall be stated by the President, or, being in writing, shall be handed to the secretary and read aloud before debate. A motion shall be reduced to writing if the President or any Senator so requests.
- (b) Any motion or resolution except a concurrent resolution may be withdrawn or modified by the mover at any time before a decision, amendment, or ordering of the ayes and noes, except a motion to reconsider, which shall not be withdrawn except by a majority vote of all members elected.
- (c) When a question is under debate, the President shall receive no motion except:
 - (1) To adjourn.

- (2) To take a recess.
- (3) To question the presence of a quorum or request a call of the Senate.
- (4) To strike the enacting or resolving clause.
- (5) To lay on the table.
- (6) For the previous question.
- (7) To close debate at a specified time.
- (8) To postpone to a day certain.
- (9) To commit.
- (10) To amend.
- (11) To postpone indefinitely.

Such motions shall take precedence in the order named; but no one motion may be made more than once at any stage of any particular bill or proposition.

- (d) No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.
- (e) A motion to postpone to a day certain, or indefinitely, being decided, shall not again be allowed at the same stage of the bill or proposition; and if a bill or proposition be set for consideration on a certain day, it shall not be considered at an earlier day.
- (f) No person other than a Senator shall present any petition, memorial, or address while the

Senate is in session.

- (g) All so-called substitute motions and resolutions shall be considered as amendments only, and shall be subject to the rules relating thereto, except such matters as may be reported by committee.
- (h) All amendments to bills, resolutions, and memorials, to reports of the committee of the whole, or to reports of committees of reference, must be typed on appropriate amendment forms and presented to the secretary, who shall number such amendments as received, and when presented in this manner each such amendment shall be deemed to be pending and shall be considered in the order received. Each amendment should be checked for technical errors by the sponsor of the amendment before it is presented to the secretary.

6. QUESTIONS OF ORDER -- APPEAL

- (a) All questions of order shall be decided by the President without debate, but any decision of the chair shall be subject to an appeal to the Senate by any Senator. The Senator making such appeal shall state his reasons therefor, using not more than ten minutes for such purpose, to which the President may respond. Such appeal shall be acted upon immediately, and no motion or other business, except a motion to adjourn or to take a recess, shall be entertained, until the question be determined by a majority vote of the members present.

7. MOTION TO ADJOURN OR RECESS

- (a) A motion to adjourn, or a motion to take a recess shall always be in order, but being decided in the negative, shall not be again entertained unless some motion other than a call of the Senate, motion to adjourn, or motion for recess shall have taken place.

8. DIVISION OF QUESTION

- (a) If the question in debate contains two or more points, any Senator may have the same divided; but on motion to strike out and insert, it shall not be in order to move for a division of the question; but a rejection of a motion to strike out and insert one proposition shall not prevent a motion to strike out and insert a different proposition.
- (b) Amendments of the House to a Senate bill, resolution, or memorial, shall not be divisible.

9. DEBATE

- (a) The following questions shall be decided upon without debate; but any Senator making such a motion shall be given three minutes to explain his motion:
 - (1) Fix the time to which to adjourn, except the fixing of sine die adjournment.
 - (2) Adjourn.
 - (3) Take a recess.

- (4) Call for orders of the day and questions relating to priority of business.
 - (5) Suspension of the rules.
 - (6) Objection to the consideration of a question.
 - (7) Previous question, and motions to close, limit, or extend the limits of debate.
 - (8) Amend or reconsider an undebatable motion.
 - (9) Dispense with reading of the journal.
- (b) The previous question shall be stated in this form: "Shall the main question be now put?" and, until it is decided, shall preclude all amendments or debate. When it is decided that the main question shall not be put, the main question shall be considered as still remaining under debate. When, by the affirmative vote of a majority of all members elected, it is decided that the main question shall be put, it shall put an end to all debate and bring the Senate to a direct vote; first, upon all amendments reported or pending, in the inverse order in which they are offered. After the motion for the previous question has prevailed, it shall be in order to move for a call of the Senate, but it shall not be in order to move to adjourn, prior to a decision on the main question.
- (c) Upon a majority vote of the members elected, debate may be closed at any time not less than one hour after the adoption of a motion

to that effect, and an hour may be fixed for a vote upon the pending measure. No other motion shall be entertained until the motion to close debate, or to fix an hour for the vote on the pending question, shall have been determined.

10. LEGISLATIVE DAY

- (a) Each calendar day shall be considered a legislative day.

11. READING OF BILLS

- (a) Unless a member shall request the reading of a bill in full when the bill is being considered by the committee of the whole or on third and final reading, it shall be read by title only, and the unanimous consent of the members present to dispense with the reading of the bill in full shall be presumed.

12. PRESIDENT AND PRESIDING OFFICERS

- (a) The President shall:
 - (1) Preside over all sessions of the Senate, except as otherwise provided in these rules.
 - (2) Appoint all committees except those enumerated in Rule 21 (a), (b), and (j), unless otherwise ordered by the majority vote of all members elected.
 - (3) Cast his vote as any other member of the

Senate.

- (4) Administer all oaths required in the discharge of his duties; and issue, under his hand and attested by the secretary, all writs, warrants, and subpoenas ordered by the Senate or any committee thereof.
 - (5) Sign all bills and concurrent resolutions passed by the General Assembly; and sign all other resolutions, memorials, and orders.
 - (6) Have general direction of the Senate chamber and of approaches thereto, and preserve order and decorum, and in case of any disturbance or disorderly conduct in the lobby or galleries, have power to order the same to be cleared.
 - (7) Designate, when he desires to leave the chair for a brief period and the President pro tempore is absent, a Senator to act as temporary presiding officer, who shall be invested during such time only with the duty of presiding over the Senate and preserving order, and such appointment shall not extend beyond the return of the President pro tempore or beyond an adjournment.
- (b) At the beginning of each regular session convening after a general election and at such other times as may be necessary, the Senate shall, by a majority vote of all members elected, elect one of its members as President, and another member as President pro tempore, who shall, during the absence or

inability of the President to serve, preside over the Senate and exercise and perform all the powers and duties of the President.

- (c) Neither the President, President pro tempore, nor any acting or temporary presiding officer shall be excused from voting on any question because of so presiding, but he shall not vote on appeals from his decision.

13. SECRETARY

- (a) A secretary of the Senate shall be elected at the commencement of each session, and at such other times as may be necessary, to hold his office at the pleasure of the Senate. In addition to other duties imposed by these rules, he shall:

- (1) Have custody and care of every bill, resolution, and memorial, and other papers coming into his possession, and of all records of the Senate, none of which shall he permit to be examined or to be taken from his custody except by the President, Senators, and officers and employees of the Senate, and the printer of Senate papers, acting in the necessary performance of their official duties.
- (2) Take a receipt for every document which passes from his possession in the due course of business of the Senate, and keep a record book of all such receipts.
- (3) Report in writing to the President if any papers in his charge shall be missing, which report shall be publicly

announced to the Senate.

- (4) Keep a docket book of all bills, resolutions, and memorials introduced in the Senate or received from the House, in which shall be entered the number, title, and introducers of all such bills, resolutions, and memorials, and every action taken thereon and the date thereof, until final disposition of the same shall be made.
- (5) Have general supervision over all employees of the Senate and report to the Senate services committee any misconduct or neglect of duty on the part of any such employee.
- (6) Attend to the printing and distribution of all bills, journals, calendars, and documents or other papers printed by the Senate, and to the purchase of all Senate supplies, under the direction of the Senate services committee.
- (7) Enter in the journal on a daily basis an enumeration of the bills or other measures ordered printed each day, an enumeration of the bills or other measures returned from the printer each day, and attest to the fact that the bills or other measures have been correctly printed.

14. JOURNAL

- (a) The secretary shall keep a correct journal of each day's proceedings, which shall be printed after the close of each day's

session, and before the convening of the next day's session, one copy shall be placed on the desk of each Senator.

- (b) Before proceeding to any other order of business each day, the journal of the preceding day shall be corrected and approved, and on the last day of the session, immediately preceding the hour fixed for final adjournment, the journal of that day shall be read, corrected, and approved. On any day, the journal for the preceding day shall be read at the request of any Senator. No corrections of the original journal after it is approved shall be made without consent of the Senate.
- (c) After the journal for any particular day has been approved, the President shall sign, and the secretary shall attest, six copies as corrected and approved, one of which shall be filed in the office of the Governor and one in the office of the Secretary of State, the remaining four copies to be retained for the use of the Senate, or for such disposition as the Senate shall direct.

15. CALENDAR

- (a) The secretary shall prepare a calendar for each day's order of business, and unless the Senate shall otherwise direct, have the same printed and distributed to the members before the convening of the day's session. Such calendar shall include:
 - (1) All bills and concurrent resolutions which are committed to a committee of the whole Senate and which are not made

the order of the day for any particular day or hour, shall be listed under the title of "general orders," in the order in which they were reported from committees.

- (2) All bills, resolutions, reports of committees, and other business of the Senate, which have, by order of the Senate, been set down for consideration at some particular day and hour, shall be listed under the title of "special orders."
 - (3) All bills and concurrent resolutions which may be upon their third reading, shall be listed under the title of "third reading of bills," in the order in which they were ordered upon third reading unless the Senate shall, by a majority vote of members elected, otherwise direct.
 - (4) Miscellaneous orders which require action of the Senate, including "consideration of resolutions and memorials," "House amendments to Senate bills," "reports of conference committees," shall each be listed under their respective titles.
- (b) The secretary shall include on the calendar any references or explanatory notes which, in his judgment, will be of aid to the members, and when a bill or resolution coming from the House does not appear in print in the form in which it was passed in the House, the secretary may have the amendments to the bill or resolution printed on the calendar.

- (c) Bills, resolutions, and memorials referred to the committee of the whole or to the Senate by committees of reference shall be placed on the calendar the second actual day of session following the day on which the committee report is delivered to the Senate.
- (d) Any objection to the calendar shall be made and disposed of before the Senate proceeds to the consideration of the orders of the day.

16. SENATORS

- (a) Every Senator shall be present within the Senate chamber during sessions of the Senate unless duly excused, or necessarily prevented from attendance. No members shall be excused without the consent previously obtained of a majority of all members voting thereon.
- (b) Any Senator rising to speak in debate or to present any matter, shall, before proceeding, first address the President and be recognized by him. If two or more Senators rise at the same time, the President shall name the Senator who is to speak first. No Senator shall speak longer than one hour at any one time without the consent of the Senate, and he shall confine himself to the question under debate and avoid personalities.
- (c) Any Senator may call for a statement of the question. No Senator shall in any manner interrupt the business of the Senate while the President is putting the question or while journals, bills, or other papers are being read, nor when any Senator is speaking, except to raise a question of order, or, with the consent obtained through the chair of the

speaking Senator to make a personal explanation or propound an inquiry.

- (d) (1) If any Senator, in speaking or otherwise, transgresses the rules of the Senate, the President shall, or any member may, call him to order, in which case he shall immediately sit down, and shall not speak, except in explanation, until it shall have been determined whether or not he is in order.
- (2) If any Senator is called to order for words spoken in debate, the person calling him to order shall repeat the words excepted to, and they shall be reduced to writing by the secretary; but no Senator shall be held to answer or be subject to censure of the Senate therefor if further debate or other business has intervened after the words spoken and before exception to them shall have been made.
- (e) Any Senator shall have the right to protest or remonstrate against any action of the Senate, and such protest or remonstrance, with the reasons therefor, if reduced to writing, shall without alteration or delay be, with the consent of the Senate, entered in the journal if the protest or remonstrance is not personal in its nature.

17. VOTING

- (a) All votes shall be taken viva voce, except as otherwise provided in these rules. If the President is in doubt as to the result of any vote, or if a division is called for by any

Senator, the Senators shall divide and those in the affirmative shall first rise and be counted, then those in the negative; and if the President is still in doubt, he shall direct that the roll be called.

- (b) The vote shall be by ayes and noes and entered in the journal:
 - (1) Upon the final passage of a bill or of a concurrent resolution.
 - (2) Upon consideration of amendments to Senate bills or concurrent resolutions made by the House of Representatives.
 - (3) Upon consideration of reports of conference committees.
 - (4) On any question at the desire of any Senator.
 - (5) Upon consideration and confirmation of appointments made by the Governor.
- (c) Any Senator having a personal or private interest in any question or bill pending, shall disclose such fact to the Senate and shall not vote thereon, and if the vote be by ayes and noes, such fact shall be entered in the journal.
- (d) Every Senator present, when the question is put, shall vote, unless the Senate, for special reasons, excuses him, or unless he shall have a personal or private interest in the matter. A request to be excused from voting shall be determined without debate by a majority of members voting thereon. Any Senator present and not excused from voting

who refuses to vote on any question, if the vote be by ayes and noes, shall be noted in the journal as "present but refusing to vote."

- (e) Any Senator has the right to demand the ayes and noes upon any question and upon such demand, the President shall direct the secretary to call the names of Senators in their alphabetical order, and before the result is declared, the secretary shall read over the names of those voting in the affirmative, and those voting in the negative. After the alphabetical roll call of the ayes and noes has commenced, no debate on the measure before the Senate shall ensue, except that any Senator may be allowed one minute to explain his vote at the time his vote is recorded. No Senator shall be permitted to vote, under any circumstances, after the decision on the voting has been announced by the chair.
- (f) Any matter may be passed by a majority vote of a quorum except:
 - (1) Any bill on second or on third reading shall require 18 votes for passage, except as provided in (8).
 - (2) Any simple or joint resolution or memorial shall require 18 votes.
 - (3) Concurrent resolutions on second reading, which propose amendments to the state constitution or recommend the calling of a constitutional convention, shall require 18 votes for passage. However, on third reading such concurrent resolutions shall require 24

votes for passage.

- (4) Concurrent resolutions which ratify proposed amendments to the United States Constitution shall require 18 votes for passage on both second and third readings.
- (5) This rule has been repealed.
- (6) To suspend the rules shall require 24 votes, except upon three days' notice, in which event 18 votes shall be required.
- (7) The confirmation of Governor's appointments shall require 18 votes for confirmation.
- (8) Bills to increase or diminish the number of district judges or increase or diminish the number of judicial districts shall require 18 votes for passage on second reading and 24 votes for passage upon third reading.
- (9) To reconsider any action of the Senate shall require 18 votes for passage. To recall from the House anything acted upon by the Senate shall require 18 votes for passage.
- (10) Passage on third or final reading of any measure, following concurrence in House amendments, shall require the same number of votes as is required on third reading for the original instrument for passage.
- (11) Overriding Governor's veto shall require

24 votes for passage.

- (12) An amendment to the report of a committee of the whole which amendment in effect shows that a bill or concurrent resolution did pass shall require 18 votes showing passage of such bill or concurrent resolution.
- (13) To make a bill or other measure a special order shall require 24 votes.
- (14) To amend or repeal rules requires 18 votes if three days' prior notice is given; without such notice, 24 votes are required.
- (15) To amend any bill on third reading shall require the consent of a majority of all members elected.

18. RECONSIDERATION

- (a) When a question has been decided by the Senate, any Senator voting on the prevailing side may, on the same day, or on either of the next two days of actual session thereafter, move a reconsideration; and if the Senate shall refuse to reconsider, or upon reconsideration shall affirm its first decision, no further motion to reconsider shall be in order unless by unanimous consent. Every motion to reconsider shall be decided by a majority vote of those elected, without debate, and may be laid on the table without affecting the question in reference to which the same is made, which shall be a final disposition of the motion.

- (b) When a bill, resolution, memorial, report, amendment, order, or message upon which a vote has been taken, shall have gone out of the possession of the Senate, and been communicated to the House, the motion to reconsider shall be accompanied by a motion to request the House to return the same; which last motion shall be acted upon immediately, and without debate, and if determined in the negative shall be a final disposition of the motion to reconsider.
- (c) This rule has been repealed.
- (d) Upon notice being given by any Senator of his intention to move a reconsideration of any vote taken, the secretary shall enter the same in the journal, and shall retain the bill or other paper with reference to which the vote was taken (except petitions, enacted bills, and orders of inquiry), until the time for reconsideration has expired; but the operation of this rule shall be suspended during the last week of the session.

19. DISAGREEMENT BETWEEN SENATE AND HOUSE

- (a) In case of a disagreement between the Senate and House of Representatives, the Senate may adhere to its position, recede from its position and concur with the position of the House, or request a conference on the matter at issue.

20. CALL OF THE SENATE

- (a) Any five Senators may demand a call of the

Senate, and require absent Senators to be sent for; but a call of the Senate cannot be made after alphabetical roll call has commenced; and the call of the Senate being in order, the President shall order that the doors of the Senate be closed, and that no Senator be allowed to leave the Senate chamber until the pending motion is voted upon, and shall direct the secretary to call the roll and note the absentees; after which the names of the absentees shall be again called, and those for whose absence no excuse or an insufficient excuse is made, shall be sent for and taken into custody by the sergeant-at-arms, or his assistant, and brought before the bar of the Senate, where, unless excused by a majority of the Senate present, they shall be reprimanded by the President for neglect of duty, and fined, respectively, at least to the extent of the expenses incidental to their apprehension. The roll call shall be entered in the journal unless the call shall be raised before the President announces the result of the roll call.

- (b) No more than two calls of the Senate may be made at any particular stage of any proceeding, except by the unanimous consent of the members present.
- (c) A call of the Senate may be raised by a majority of those members present in the chamber.

21. COMMITTEES

- (a) The following committees of reference of the Senate shall be appointed by resolution at

the beginning of each regular session of the General Assembly convening after a general election, and shall remain constituted as such committees until the first regular session convening after the next ensuing general election:

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

The party representation of such committees shall be in proportion, as nearly as practicable, as determined by the majority leader, to the relative number of members of the two major political parties in the Senate. The majority leader of the Senate shall determine the number of members, shall designate the number from each political party, and shall appoint the majority members to the committees of reference. The minority leader shall appoint the minority members to

such committees.

- (a.1) For the purposes of section 24-4-103 (8) (d), Colorado Revised Statutes 1973, the committee on legal services shall be considered a committee of reference.
- (b) The following committees shall be appointed by resolution at the beginning of each regular session of the General Assembly convening after a general election, and shall remain constituted as such committees until the first regular session convening after the next ensuing general election:
 - (1) Senate Services.
 - (2) Joint Budget Committee. (Established by 2-3-201, C.R.S. 1973).
- (c) No committee shall sit during the sessions of the Senate nor at any time occupy the Senate chamber without leave granted by the Senate.
- (d) Committees shall report upon all matters referred to them without unnecessary delay, and in case of an adverse report, shall at all times state explicitly reasons therefor, in which case such adverse report shall not be acted upon until the following day. They shall return all petitions and other papers referred to them with the bill or resolution, if any, to which they relate.
- (e) If a committee of reference decides that a bill referred to it should be referred to another committee it shall do so by means of a committee of reference report.
- (f) The committee on Senate services shall

examine and engross all bills, joint resolutions, joint memorials, and amendments, or other papers which are required to be engrossed before they go out of the possession of the Senate, and make report when they find them correctly engrossed before they are read a third time; they shall also compare such amendments as shall be made in the House to Senate bills, that are concurred in by the Senate, for the purpose of seeing if they are correct for enrollment in the bill. No bill shall have its third reading unless it shall have been printed, nor until it has been engrossed and report made thereon by the committee that it has been correctly engrossed. The said committee shall examine all bills before third reading and final passage, for the purpose of avoiding repetitions, unconstitutional provisions, securing proper title and of insuring accuracy in the text and references and consistency with the language of existing statutes, and as to whether any amendments adopted by the Senate, if not already printed, are of that material character required by the constitution to be printed. The committee shall report the nature of errors, with a concise suggestion as to the change necessary to correct the same.

- (g) The committee on Senate services shall examine all bills originating in the Senate and which have passed both houses; see that they are correctly enrolled, signed by the President of the Senate and Speaker of the House, and shall make a report to the Senate that the bill has been presented to the Governor for signature.
- (h) This rule has been repealed.

- (i) The committee on Senate services shall examine and audit all requisitions and bills for supplies and expenditures of the Senate, of its members and committees, for stationery and other purposes, and shall certify to the correctness of the same; and no such requisition shall be made, nor bill be audited or paid, by any officer of the Senate or of the state, unless so certified by the chairman or other member of the committee. The committee on Senate services shall have leave to report at any time.
- (j) A calendar committee of at least five members may be nominated and elected by vote of the Senate at any time, which committee shall be authorized to arrange all general and special orders and prepare calendars for same, provided that special orders may be made at any time by vote of the Senate, in accordance with the provisions of Rule 4 (a).

22. COMMITTEE RULES

- (a) (1) The committees of reference of the Senate shall meet at the times and places specified in the Schedule of Committee Meetings adopted by the Senate at the beginning of each regular session of the General Assembly; the committees shall be scheduled to meet according to the categories in subsection (1) (1) of this rule.
- (2) A committee of reference may hold a special committee meeting at a time and place other than is provided in the Schedule of Committee Meetings, provided the chairman publicly

announces the special meeting to the Senate as much in advance of the actual meeting as possible and provided the announcement is made while the Senate is in actual session.

- (3) If a regularly scheduled committee meeting is cancelled, the chairman shall announce such cancellation while the Senate is in actual session prior to the time the meeting is scheduled to take place.
- (b) A majority of the members of each committee of reference shall constitute a quorum.
- (c) Proxies, either written or oral, shall not be permitted for any purpose.
- (d) No final committee action shall be taken upon a measure unless notice of the measures that are to be considered is posted at least one calendar day prior to the scheduled meetings at which the measures are to be considered. The numbers, prime sponsor, and abbreviated title shall be included in the posted announcement and shall be printed in the appropriate daily calendar of the Senate. Failure of the chairman to post such notice shall not preclude the committee of reference from taking any action on a measure if such action shall receive a favorable vote of a majority of the members of the committee.
- (e) The chairman of each committee of reference shall determine the order of business for each committee meeting, including the measures that will be considered at each meeting. However, at least seven days after a measure has been delivered to the chairman, upon the request of a majority of all members

of the committee of reference that a specific measure be considered, such request to be made at a regularly scheduled committee meeting, the chairman of the committee shall announce such fact, have it listed on the subsequent daily calendar of the Senate, and schedule such measure for consideration at the next regularly scheduled meeting of the committee.

(f) After a committee of reference has taken its final action on a measure, the chairman of the committee shall make a report of such action to the secretary of the Senate within five legislative days. Final action shall consist of reporting a measure out of committee, with or without amendments, for consideration by the committee of the whole, a recommendation for reference to another committee of reference, a report that the measure not pass, or postponing the measure indefinitely. A motion to postpone consideration of a measure for more than 30 days shall be considered a motion to postpone indefinitely. Every bill shall be reported out of committee for consideration by the committee of the whole or indefinitely postponed by a committee of reference prior to the adjournment sine die of the legislative session, and a report to that effect shall be delivered to the secretary. No further action may be taken on any bill that has been indefinitely postponed by a committee of reference and delivered to the secretary.

(g) The staff assistant assigned to each committee of reference shall be responsible to the chairman of the committee for the proper preparation of all reports.

- (h) Upon receipt of a measure by the chairman of a committee of reference, he shall be responsible for the safekeeping of the measure, but he may give custody of the measure to a staff assistant.
- (i) The chairman of a committee of reference shall vote on every question coming before the committee except those in which he has an immediate personal or financial interest, but he shall not vote twice, as in the case to make a tie and then to cast the deciding vote. All other members shall vote on all measures before the committee except proposals in which the member has an immediate personal or financial interest.
- (j) If a member of a committee of reference is absent from three consecutive scheduled committee meetings without being excused, the committee chairman shall report such fact to the floor leader of the party to which the member belongs.
- (k) A recommendation of any committee of reference to amend a measure shall not become an integral part of the measure in question until adopted by the committee of the whole.
- (l) (1) The committees of reference as listed in Rule 21 (a) shall be placed in the following categories:

<u>Category</u>	<u>Committee</u>
1	Business Affairs and Labor. Judiciary. State Affairs.
2	Health, Environment, Welfare, and Institutions.

Local Government.
Transportation.

3 Agriculture, Natural Resources,
and Energy.
Education.
Finance.

4 Appropriations.

- (2) A member of the Senate shall serve on no more than one committee of reference within a category.
- (m) Roll call votes shall be taken and recorded in each committee on final action and proposed amendments. The record shall include the names of those voting on motions to amend and on final action, and how they voted. Said record shall be available for public inspection.
- (n) In order to take any action on a measure by a committee of reference, the affirmative vote of a majority of a quorum or a majority of those present and voting, whichever is greater, shall be necessary.

RULE 23

Rule 23 has been repealed.

24. REPORTS

- (a) Reports of committees of reference, except such as do not propose final action, and reports of committees of conference, shall, unless otherwise ordered, be placed upon the

calendar for the day next succeeding that on which they are presented to the Senate; but a report of a committee referring a bill or concurrent resolution to the committee of the whole shall be placed on the calendar for the second actual day of session following that on which such report is presented to the Senate.

- (b) In reports and other communications addressed to the President of the Senate, the words "State of Colorado, Senate Chamber," shall not be included as a part of the address; and in the journal the date shall be printed upon the same line as the words "Mr. President," and the word "Chairman" shall be printed on the same line as the name of the chairman.
- (c) Reports of interim committees or other committees made pursuant to request or direction of the General Assembly or the Senate shall be referred to the appropriate standing committee for consideration at the discretion of the President.

25. BILLS

- (a) At the time of introduction of a bill, resolution, or memorial, the secretary shall be furnished with the original and four copies thereof, one of which copies shall be returned to the sponsor thereof.
- (b) Every bill shall be read by title when introduced, and by title or at length when the bill is being considered by the committee of the whole or on third and final reading, in accordance with the provisions of Rule 11 of these rules. All substantial amendments

thereto shall be printed and laid on the desks of Senators before third reading and final passage of the bill. The final vote shall be taken by ayes and noes, and the names of those voting for and against the same be entered in the journal. No bill shall be declared passed, or signed by the President, unless a majority of all the Senators elected to the Senate shall be recorded as voting for the same; nor shall any bill be signed by the President or secretary of the Senate until it has been properly enrolled and initialed to so indicate by the bill proof readers of both the Senate and the House.

- (c) Every Senate bill, upon introduction, shall be assigned to the appropriate committee of reference, and shall be printed, unless previously printed under Rule 38 or unless the Senate orders otherwise or unless the sponsor thereof requests otherwise. Following the printing of any bill, the original bill shall be delivered to the chairman of the committee of reference by the docket clerk, taking his receipt therefor.

If there be no objection, the report of a committee of reference referring a bill or resolution to the committee of the whole, shall be deemed automatically adopted, except in case of:

- (1) An adverse report.
- (2) Recommendation for tabling or indefinite postponement.
- (3) Majority and minority reports on the same bill, in which case a vote shall be

taken for adoption or rejection, and for such purposes a minority report shall be deemed a proposed amendment to the majority report.

The adoption of such report shall not preclude amendments to such report by the Senate.

- (d) (1) Notwithstanding any other provisions of these rules, each bill which provides directly for the increase of any salary or which causes an appropriation from the state treasury, shall be referred to the appropriations committee prior to its consideration either by the Senate or by the committee of the whole, and no such bill shall be considered by the committee of the whole or by the Senate until it has been so referred; but this paragraph shall not be construed to compel such reference of any bill merely by reason of the fact that it provides for the re-enactment without change of any continuing appropriation or salary.
- (2) Notwithstanding any other provisions of these rules, each bill which provides directly that any money or revenue under the control of the state shall be devoted to any purpose other than that to which it is devoted under existing law shall be referred to the finance committee prior to its consideration either by the Senate or by the committee of the whole, and no such bill shall be considered by the committee of the whole or by the Senate until it has been so referred.

- (e) This rule has been repealed.
- (f) The final question upon the second reading of every bill or concurrent resolution shall be whether it shall be engrossed or revised and considered on third and final reading. After the Senate shall adopt, by a majority of all members elected, any report of the committee of the whole, the President of the Senate shall publicly make a declaration that all bills included in the report which were adopted were adopted by the required constitutional majority, and such declaration shall be noted in the journal. Prior to the adoption of the committee of the whole report any member may request a roll call on any bill considered in the committee of the whole and such bill shall receive 18 votes before it is ordered passed. Prior to adoption of committee of the whole report amendments submitted thereto shall first be considered.
- (g) No amendments to bills, concurrent resolutions, joint resolutions, or joint memorials by the House shall be concurred in by the Senate except by the vote of a majority of the members elected thereto, taken by ayes and noes, and the names of those voting for and against recorded in the journal.
- (h) A motion to strike out the enacting clause of a bill shall have precedence over a motion to amend, and if carried shall be equivalent to its rejection.
- (i) This rule has been repealed.
- (j) The word "bill" as used in these rules shall be deemed to include concurrent resolutions.

- (k) In the event a substantial amendment is presented to any bill on third reading, said amendment shall be printed in the journal or reproduced and placed on the members' desks; action on the amendment and final consideration of said bill on third reading shall be laid over until the next legislative day.
- (l) The physical loss or misplacement of a bill shall not deem the bill lost. Should a bill or any other Senate document be lost or misplaced at any stage of action the secretary of the Senate shall report same to the President under Rule 13 (a) (3). He shall then under the direction of the Senate services committee have reproduced a true and correct copy of the bill, entering thereon from the docket book all action and date of such action taken up to the time of misplacement or loss of the bill. He shall further certify on the bill, along with the President of the Senate, that it is a true and correct copy of the original lost or misplaced bill. Should the bill be a House bill, or if a Senate bill and the House has taken action thereon, the Speaker and chief clerk of the House shall also certify as to its being an exact copy. The Senate services committee shall then report by committee of reference report to the effect that such duplicated bill shall hereafter be considered in place of the original bill.
- (m) After the introduction of a bill, a member's name may be added as a co-sponsor thereof only if such member, immediately following the adoption thereof on third reading, rises and indicates to the presiding officer that he wishes his name to be added as co-sponsor.

26. CONFERENCE COMMITTEES

- (a) Every report of a committee of conference shall be reproduced for use of the members, before action shall be had on such report.
- (b) The vote on concurring in bills amended in the House or on adopting reports of committees of conference, shall not be taken until said bills and reports have been placed in the files of Senators, and particularly referred to in their calendars; but this rule shall be suspended during the last three days of the session.
- (c) When a conference committee has reached a decision, at least three of its members shall go to the Legislative Drafting Office and explain the findings and agreements of the committee. No report of a conference committee shall be returned unless drafted by the Legislative Drafting Office.

27. SECRET AND EXECUTIVE SESSIONS

- (a) On a motion being made and seconded to close the doors of the Senate on the discussion of any business which may, in the opinion of any Senator require secrecy, or on motion being made and carried that the Senate go into executive session, the President shall direct all except the Senators and secretary and sergeant-at-arms to withdraw, and during the executive session and the discussion of said motion the doors shall remain shut, and every member and officer shall keep secret all matters, words, and proceedings that have transpired during the course of said executive session.

- (b) Whenever the Senate shall go into the consideration of executive business the proceedings of the Senate in such business shall be kept in a separate journal, which shall not be inspected by any others than the members of the Senate unless otherwise ordered by the Senate. The Governor shall, from day to day, be notified by the secretary of the action of the Senate, upon executive nominations, but no further extract from the executive journal shall be furnished, published, or otherwise communicated, except by special order of the Senate.
- (c) This rule has been repealed.
- (d) Any Senator, and officer of the Senate convicted of disclosing any words, statements, matters, or proceedings occurring during an executive session shall be liable, if a Senator, to expulsion, and if an officer, to dismissal from the service of the Senate. All matters, words, discussions, and proceedings, save for exception set forth in subsection (b) of this rule shall be deemed to be secret and in confidence, unless the Senate shall by a majority vote during an executive session direct otherwise.

28. COMMITTEE OF THE WHOLE

- (a) Upon the adoption of a motion to go into the committee of the whole Senate, the President, unless otherwise ordered by the Senate, shall appoint the chairman thereof, who shall for the time being exercise all the powers of the President necessary to the conduct of the business of the committee.

- (b) The rules of the Senate shall govern, as far as practicable, the proceedings of the committee, except that a member may speak more than twice on the same subject, that a call for the ayes and noes cannot be made, nor can an appeal from the decision of the chair be taken.
- (c) The committee may rise, report progress, and beg leave to sit again on the same day or on the following day.
- (d) A motion that the committee rise shall always be in order, and shall be decided without debate.
- (e) All bills shall be considered in committee of the whole; all amendments made therein shall be reported by the chairman to the Senate, and shall by him be moved to be entered in the journal. Every bill shall be read at length in committee of the whole if any Senator shall request such reading.
- (f) In committee of the whole, amendments recommended by committees of reference shall be considered as adopted if there is no objection.
- (g) Any amendments to the report of the committee of the whole adopted shall be entered in the journal, together with the vote thereon. Any amendments which are defeated may, if requested by five members of the Senate, be either printed in the journal or reproduced and placed on the members' desks and specifically referred to in the journal. The vote on such amendment shall also be recorded in the journal.

29. MESSAGES

- (a) Messages shall be sent to the House by the secretary or assistant secretary, the secretary having previously endorsed the final determination of the Senate thereon.
- (b) Messages from the Governor or House of Representatives may be received at any time.

30. RESOLUTIONS AND MEMORIALS

Resolutions and memorials shall be of the following classes:

- (a) Senate concurrent resolutions, which shall:
 - (1) Propose amendments to the state constitution or recommend the holding of a constitutional convention.
 - (2) Ratify proposed amendments to the federal constitution. Such resolutions, as well as house concurrent resolutions, shall be treated in all respects as bills, except that they shall not be limited as to the time of introduction and action thereon, and they shall be entered in full in the journal when a record vote thereon is taken. All other provisions of these rules or the joint rules applying to bills, shall also apply to concurrent resolutions.
 - (3) Concurrent resolutions of either house shall be referred to an appropriate committee of reference.
- (b) Senate joint resolutions, which pertain to:

- (1) The transaction of the business of both houses.
- (2) The establishment of investigating committees composed of members of both houses.
- (3) An expression of the will of both houses on any matter not mentioned in Rule 30A.

Any such resolution shall be printed as a bill and placed in the members' bill books, and only its title shall be printed in the journal. The number of printed copies shall be determined by the secretary. At the discretion of the President, it shall then either lay over one day before being acted upon or be referred to a committee of reference, where it shall be considered as Senate bills are considered.

- (c) Senate resolutions, which shall not require the concurrence of the House, and shall cover any purpose similar to a joint resolution, but relate solely to the Senate. Such resolutions shall be treated in all respects as joint resolutions; except that Senate resolutions shall be printed in the journal and shall not be printed as bills.
- (d) Senate joint memorials or Senate memorials, which shall pertain to resolutions memorializing the Congress of the United States on any matter, or to an expression of sentiment on the death of any person or persons who served as members of the General Assembly, present or former elected State officials, present or former justices of the Colorado Supreme Court, members of Congress, elected officials of other states or of the

United States, or foreign dignitaries. Senate joint memorials to Congress shall be treated in all respects as joint resolutions, and all other Senate joint memorials and all Senate memorials shall be treated in all respects as Senate resolutions; except that Senate memorials shall not require the concurrence of the House.

- (e) House joint resolutions and House joint memorials, upon introduction, shall be read by title. At the discretion of the President, they shall then either lay over one day before being acted upon or be referred to a committee of reference, where they shall be considered as bills originating in the House are considered.

30A. TRIBUTES

- (a) Tributes are non legislative actions which do not require introduction or floor action.
- (b) Tributes issued by the secretary of the Senate shall be of the following classes:
 - (1) Senate joint tributes or Senate tributes, which shall:
 - (A) Offer congratulations for significant public achievements;
 - (B) Recognize meritorious individual achievement;
 - (C) Express appreciation for service to the state or the General Assembly;
 - (D) Extend greetings to prominent

visitors to the state.

- (2) Senate joint memorial tributes or Senate memorial tributes, which shall express sentiment on the death of a person who has not served as a member of the General Assembly.
- (c) The secretary of the Senate shall not issue:
- (1) A Senate tribute or memorial tribute unless the Senator requesting the issuance of such tribute has obtained the permission of the President;
 - (2) A Senate joint tribute or joint memorial tribute unless the Senator requesting the issuance of such tribute has obtained the permission of the President and a Representative has obtained the permission of the Speaker of the House.
- (d) All tributes requested in the Senate shall be printed in the calendar by title on the day before and the day of the issuance.
- (e) All tributes issued by the Senate shall be printed in the journal by title on the day following the issuance.

31. USE OF SENATE CHAMBER AND PRIVILEGES

- (a) No person not a member of the General Assembly or an officer or employee required to be on the floor of the Senate in the course of legislative business, other than the judges of the district and supreme courts, the Governor and elected state

officers, members of the congressional delegation, ex-members of the Senate, duly accredited representatives of the state press, and such other persons as may be invited by the President or members of the Senate and families of members of the Senate, shall be admitted to the Senate chamber and adjoining cloak rooms, and any such persons shall only be entitled to the quiet and orderly occupancy of the seats provided for visitors or for representatives of the press, and in no event to the privileges of the floor. Persons invited by members of the Senate shall occupy the seats in the rear of the floor of the Senate and on the sides back of the first column, and any five Senators may demand that the Senate floor be cleared of persons invited by members of the Senate. Other persons shall be admitted to the galleries of the Senate or behind the railing located at the main entrance of the chamber. It shall be the duty of the sergeant-at-arms to enforce this rule.

The desks, materials, and papers of Senators are not to be touched by any person other than Senate employees under the direction of the sergeant-at-arms or the secretary of the Senate. Lobbyists and other persons, except in official state capacity, visiting Senate chambers are not permitted to place material upon the desks of Senators. Any material which any person desires to have distributed to the desks of one or more Senators, except through the mail, must be delivered to the sergeant-at-arms. Such material must bear the name of the organization or person who was responsible for its preparation and distribution. It should be constructively stated and courteously expressed. If facts

or statistics from other sources are used, such sources should be identified. Lobbyists and the public are encouraged to communicate with their Senators and to furnish to them factual data concerning the merits of legislative proposals. If the sergeant-at-arms has any question as to the propriety of the material which he is asked to distribute to the members of the Senate, he shall consult the President of the Senate, or in his absence the President pro tempore, or in the absence of both, the majority and minority floor leaders.

Guest cards heretofore and hereafter issued shall not permit lobbyists to the main room of the Senate chamber but are designed to facilitate and encourage the admission of guests interested as observers in the Senate chamber.

Lobbyists shall not be permitted on the floor of the Senate between 9:00 a.m. and adjournment except on the invitation of a Senator.

- (b) No committee of the Senate shall occupy the Senate chamber for public hearings on any matter, without permission having been granted by the consent of a majority of the members elected.
- (c) At no time, whether the Senate be in session or not, shall any employee of the Senate, or any persons whatsoever other than the President or a Senator or a Representative be permitted to occupy the chair or use the desk of the President or that of any Senator.
- (d) Any employee of the Senate or of its

committees, soliciting or inviting any Senator to vote or use his influence for any bill or matter before the Senate, shall be at once dismissed from service and employment; and any person entitled to the privileges of the floor of the Senate who shall, while on the floor during the session of the Senate, solicit or invite any Senator to vote or use his influence for any bill or matter before the Senate shall forfeit his privilege. Nothing in this subsection (d) shall prohibit an employee of the Senate or of its committees from exercising the same rights and privileges as other citizens of Colorado with regard to legislation of interest if such attempts are made away from the premises of the state capitol and not while fulfilling the responsibilities of whatever position the employee has been hired to perform.

(e) Any person commonly known as a lobbyist desiring to appear before any committee of the Senate shall signify such intention by registering as a lobbyist with the secretary of the Senate. Such person shall register in a book kept for that purpose, entering his name, address, and the interest he represents, together with the matters upon which he desires to be heard. The secretary shall issue a card to such person which will entitle said person to appear before the committee to which any bill or matter has been referred. This amendment to the rule shall supersede any Senate rule, regulation, or resolution to the contrary.

(f) There shall be no introduction of visitors or groups in the Senate gallery. Introduction of guests on the floor of the Senate shall be limited to the immediate families of members,

former members of the Senate, present or former elected state officials, members of Congress, elected officials of other states or the United States, and foreign dignitaries. No introductions shall be made during deliberations by the committee of the whole or when the Senate is engaged in third reading of bills.

32. PRESENTING PETITIONS, MEMORIALS, ETC.

- (a) In presenting a petition, memorial, remonstrance, or other communication addressed to the Senate, the Senator, from his place, shall make a brief verbal statement of the general purport of it, and, if it be not insulting, profane, or obscene, it shall be received.
- (b) Every petition, memorial, remonstrance, resolution, bill, and report of committee shall be endorsed with its appropriate title, and immediately thereunder the name of the Senator presenting the same shall be written.
- (c) Every petition, memorial, and other paper shall be referred, as of course, without putting the question, unless the reference be objected to when presented.

33. CONTESTED ELECTIONS

- (a) All contests of the election of a Senator, and all questions affecting or relating to the qualification or eligibility of a Senator, or the right of any Senator to a seat or membership in the Senate, shall be

referred to the committee on state affairs, which shall proceed to hear and determine said matters, and each of them, in such manner, at such times, in such places, and under such rules, as said committee may adopt, for the purpose of facilitating such hearing.

34. AMENDMENT OR REPEAL OF THE RULES

- (a) To amend or repeal one or more rules shall require a majority vote of all members elected provided three days' notice thereof shall have been given. To amend or repeal one or more rules without such prior notice shall require two-thirds vote of all members elected.
- (b) Two certified copies of the revised rules, as amended from time to time, shall be kept at the desk of the secretary of the Senate, which shall be the official rules of the Senate. The certification above provided for shall be by the President and secretary of the Senate.

35. ON VETOED BILLS

- (a) In the event of the veto of any bill passed by the General Assembly, the veto message of the Governor shall be read together with the bill vetoed.
- (b) It shall then be in order to proceed to consideration of the bill, in which event the motions shall be:

- (1) That the bill do pass notwithstanding the veto, and the affirmative vote of two-thirds of all members elected shall be required for the adoption of such motion.
- (2) That consideration of the bill be postponed to a day certain.
- (c) The merits of the bill may be debated before the vote be taken, but the vote on a vetoed bill shall not be reconsidered. In the case of a bill containing several items or sections, one or more of which has been vetoed, and approval given to the remaining items or sections, each item or section so vetoed shall be separately voted upon by the Senate.
- (d) Action by the Senate upon all vetoed bills shall be endorsed on the bill and certified by the President. The bill shall then be filed immediately with the Secretary of State by the secretary of the Senate.

36. CONFIRMATIONS

- (a) Appointments by the Governor which require confirmation by the Senate shall be received and read in open session of the Senate and shall then be referred to one or more committees of reference. Consideration of any such appointment by a committee of reference shall be listed on the Senate calendar prior to such consideration so as to permit public comment and information concerning such appointment to be submitted to the committee, its chairman, or the staff thereof.

- (b) On the date stated on the Senate calendar, the committee shall consider the appointment in open session and without conducting a public hearing thereon, unless the committee, in open session and upon the vote of a majority of the members present, determines otherwise.
- (c) The report of the committee on any such appointment may recommend that the Senate conduct an executive session to consider the appointment, otherwise the consideration thereof shall be in open session of the Senate. Consideration of any such appointment shall be placed on the Senate calendar for the second day of actual session next following receipt of the committee report thereon.

37. MISCELLANEOUS

- (a) When the reading of any paper is called for, and not as a part of the remarks of any Senator, and objection is made, it shall be determined by a vote of the Senate, without a debate.
- (b) Questions of privilege shall be first, those affecting the rights of the Senate, collectively, its safety, dignity, and integrity of its proceedings; second, the rights, reputation, and conduct of members individually in their senatorial capacity only; and third, public affairs.

Expressions of personal privilege shall be made after the conclusion of business as called for on the printed calendar, except by a majority vote of members present; provided,

that introduction of guests may be made at any time with the consent of the presiding officer except during deliberations of the committee of the whole. Any Senator who speaks on privilege shall be the sole judge as to whether his remarks are privileged and shall be limited to ten minutes to present his remarks, except that they may be extended by consent of the Senate.

- (c) It shall be improper on roll call for any Senator to state or attempt to state the vote or sentiments of any absent Senator, or for the clerks of the Senate to make any reference in the journal to such attempt.

38. PRINTING OF BILLS PRIOR TO SESSION

- (a) Any time after December 1st but preceding the convening of the General Assembly at its next regular session, a member or member-elect of the Senate may pre-file a bill for introduction with the secretary of the Senate or the secretary-designate. Prior to the convening of any legislative session, the President of the Senate shall order the printing of any bill pre-filed for introduction in order to facilitate the business of the pending session of the General Assembly.

39. DEMAND

- (a) Upon the affirmative vote of 24 members, a bill or other measure may be withdrawn from a committee of reference or the calendar committee, and, upon such withdrawal, the

chairman of the committee which holds the bill or other measure shall forthwith deliver the bill to the secretary of the Senate, and it shall be placed on the calendar as a general order on the second day of actual session following the vote.

40. PARLIAMENTARY AUTHORITY

- (a) The latest edition of Mason's Manual of Legislative Procedure shall govern the Senate in all cases in which it is not inconsistent with these rules and the joint rules of the Senate and House.

41. ETHICS

- (a) Definitions. As used in this rule, unless the context otherwise requires:
- (1) "Close economic associate" or "close economic association" means the Senator's employer, client, employee, or partner or associate in business or professional activities; enterprises of which a Senator is a director or officer; corporations in which a Senator owns more than ten percent of the outstanding capital stock; an enterprise which is his significant unsecured creditor or of which he is a significant creditor; or a trust of which he is a beneficiary. It does not mean a bank or savings and loan association in which his interest is in the form of an account; nor an officership, directorship, or employment in a political, religious, charitable, or

educational entity which returns compensation to him of less than one thousand dollars per year.

- (2) "Close relative" means the spouse of the Senator and the following natural, adoptive, and adopted members of the Senator's family and the family of his spouse: mother, father, children, brothers, and sisters.
- (3) "Enterprise" means corporation, partnership, proprietorship, association, or other legal entity (other than an estate or trust) engaged in business for profit.
- (4) "Lobbyist" means any person employed by or representing another person having a personal special interest, who seeks to influence the action of any member of the General Assembly, or any of its committees, concerning any measure proposed or pending before the General Assembly. The term does not include a member of the executive or judicial department or an officer of any political subdivision of the state furnishing information or expressing the official views of his agency or political subdivision, nor does it include a constituent seeking to influence his own Senator or Representative, nor an individual speaking or writing to an individual Senator or Representative, nor an expert witness appearing before a committee of the General Assembly, nor any officer of a political party speaking or writing to legislators from his party.

(5) "Person" and "another" means an individual, partnership, association, corporation, or other legal entity.

(6) "State agency" means every department, commission, board, division, office, council, or other agency created as part of the state government pursuant to law and supported by state moneys.

(b) Conflicts of interest - personal or private interests versus public interest - definition.

(1) Subject to article V, section 43, of the state constitution, a Senator has the right to vote upon all questions before the Senate and to participate in the business of the Senate and its committees, and, in so doing, he is presumed to act in good faith and in the public interest. When a Senator's personal interest conflicts with the public interest and tends to affect his independence of judgment, his legislative activities are subject to limitations. Where any such conflict exists, it disqualifies him from voting upon any question and from attempting to influence any legislation to which it relates.

(2) A question arises as to whether a personal or private interest tends to affect a Senator's independence of judgment if the Senator:

(A) Has or acquires a substantial economic interest by reason of his personal situation, distinct from that held generally by members of his occupation, profession, or business, in a measure proposed or

pending before the General Assembly;
or has a close relative or close
economic associate with such an
interest.

- (B) Has or acquires a financial interest in an enterprise, direct or indirect, which enterprise or interest would be affected by proposed legislation differently from like enterprises.
- (C) Has or acquires a close economic association with, or is a close relative of, a person who has a financial interest in an enterprise, direct or indirect, which enterprise or interest would be affected by proposed legislation differently from like enterprises.
- (D) Has or acquires a close economic association with, or is a close relative of, a person who is a lobbyist or who employs or has employed a lobbyist to propose legislation or to influence proposed legislation on which the Senator has or may be expected to vote.
- (E) Accepts a gift, loan, service, or economic opportunity of significant value from a person who would be affected by or who has an interest in an enterprise which would be affected by proposed legislation. This provision shall likewise apply where such gift, loan, service, or opportunity is accepted by a close relative of the Senator. It shall

not normally apply in the following cases: A commercially reasonable loan made in the ordinary course of business by an institution authorized by the laws of this state to engage in the business of making loans; an occasional nonpecuniary gift, insignificant in value; a nonpecuniary award publicly presented by a nonprofit organization in recognition of public service; or payment of or reimbursement for actual and necessary expenditures for travel and subsistence for a Senator's personal attendance at a convention or other meeting at which he is scheduled to participate and for which attendance no reimbursement is made by the state of Colorado.

- (c) Undue influence - definition. (1) A Senator, by reason of his office, is or may be in a position to bring undue influence on other legislators, public officials, or private persons. To use this potential for economic or private gain is an abuse of office and a matter of concern to the Senate, whether or not the act is also punishable under the criminal laws.
- (2) The following limitations shall apply to legislative conduct and violations are declared to constitute undue influence:
- (A) A Senator shall not use his public position, intentionally or otherwise, to obtain or attempt to obtain any confidential information or special advantage for himself, a

close relative, or a close economic associate.

- (B) A Senator shall not sell goods or services to a state agency in a transaction not governed by the laws relating to public purchasing by competitive bidding, or intercede for or represent another in so doing; nor shall he in any way be interested in any contract to furnish supplies, printing, repairs, or furnishings to the General Assembly or any other state agency, contrary to section 29 of article V of the state constitution.
- (C) A Senator shall not solicit, receive, offer, or give any bribe, contrary to the state constitution and the provisions of sections 18-8-302 to 18-8-308, 18-8-401, 18-8-402, 18-8-404, 18-8-405, and 18-8-407, C.R.S. 1973; nor shall he accept or give any compensation, gratuity, or reimbursement for voting upon any question or for attempting to influence legislation.
- (D) A Senator shall not give or offer to give his vote in consideration of the vote of another member, contrary to the provisions of section 40 of article V of the state constitution.
- (E) A Senator shall not attempt to influence any public official by deceit or threat, contrary to section 7 of article XII of the state constitution and section

- (d) When Senator permitted to vote. Nothing in this rule shall be construed as prohibiting a Senator from voting for a bill or other measure whose passage would adversely affect his personal or private interest or from voting against a bill or other measure whose defeat would adversely affect his personal or private interest; and nothing in this rule shall be construed to prevent a Senator from voting on the report of the committee of the whole, unless such vote is conducted solely on the bill or measure in which he has a personal or private interest.
- (e) Applicability of rule. The provisions of this rule shall not apply as the basis for the recall of any measure by either house nor otherwise constitute the basis to contest the validity of any legislative action on any bill or other measure on which a vote was cast by any member of the Senate in violation of this rule.

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JOINT RULES OF THE SENATE AND
HOUSE OF REPRESENTATIVES

1. TRANSMITTAL OF PAPERS

Each house shall transmit to the other all papers on which any bill or resolution shall be founded.

2. NOTICE OF REJECTION OF
BILL OR RESOLUTION

When a bill or resolution which shall have passed in one house shall be rejected in the other, notice thereof shall be given to the house in which the same may have passed.

3. MESSAGES -- EITHER HOUSE --
REVISOR OF STATUTES

Message from one house to the other shall be communicated by the secretary of the Senate and the chief clerk of the House, unless the house transmitting the message shall specifically direct otherwise, but after one house has passed a bill or a concurrent resolution, it shall be transmitted to the Office of the Revisor of Statutes for suggestions or revisions before being sent to the other house; and such bill or concurrent resolution shall also be submitted to the Office of the Revisor of Statutes if it is amended and passed in the second house, before transmission back to the house of origin.

4. CONFERENCE COMMITTEES

- (a) In any case of difference between the two houses upon any measure, and prior to adoption of a motion to adhere by a majority of those elected to either house, either house may request a conference and appoint a committee for that purpose and the other house shall also appoint a similar committee.
- (b) Each such committee shall consist of three members of the house appointing the same, with a chairman designated, and the two committees jointly shall constitute a conference committee. A majority of the members of each committee appointed by each house shall be necessary to approve a majority report of any conference committee submitted to the General Assembly.
- (b.5) A minority conference committee report shall be drafted by the Legislative Drafting Office upon the request of any member of a conference committee. No minority conference committee report shall be considered in either house unless it is approved by one member of the conference committee from each house.
- (c) The conference committee shall meet at such time and place as shall be designated by the chairman of the committee on the part of the house requesting such conference and said chairman shall preside over the meetings of the conference committee. The conferees shall confer fully on the reasons of their respective houses concerning the differences between the two houses on the measure before them.
- (d) With the consent of a majority of members

elected to each of the two houses, the conference committee may consider and report on matters beyond the scope of the differences between the two houses; otherwise the committee shall consider and report only on matters directly at issue between the two houses.

- (e) When a conference committee has reached a decision, at least one member from each house shall meet with the Legislative Drafting Office staff and submit the findings and agreements of the committee. Every conference committee report shall be in writing, and shall not be presented to either house unless drafted by the Legislative Drafting Office.
- (f) All documents shall be left with the conferees of the house assenting to such conference, and they shall present the report of the conference committee to their house. When such house shall have acted thereon, it shall transmit the same and the papers relating thereto to the other house, with a message certifying its action thereon.
- (g) Every report of a conference committee shall be read through in each house before a vote is taken on the same.

5. RECEDING BY EITHER HOUSE

It shall be in order for either house to recede from any subject matter of difference existing between the two houses or to adhere to its position on the bill at any time prior to the consideration of a conference committee report by either house, whether the papers on which such differences arose are before the house receding or

adhering, formally or informally, and on such vote to recede or to adhere, the same number shall be required to constitute a quorum to act thereon, and to assent to such a receding or to adhere, as was required on the original question out of which the difference arose.

6. REJECTION OF CONFERENCE COMMITTEE
REPORT -- RECEDING BY EITHER HOUSE

If a conference committee report is rejected by one house, it shall be in order for either house to recede from its position on the bill which is the subject of the conference and pass the bill; but such action to recede must be taken not later than the next legislative day after such conference committee report is rejected.

7. CONFERENCE COMMITTEE REPORT

Every conference committee which shall not have previously reported shall report during the last five days before the day fixed for final adjournment. After the expiration of one day of actual session after the day when a bill has been referred to a conference committee, it shall be in order for either house to demand, by a vote of a majority of all members elected, that a report be made by the conference committee not later than the second legislative day after such demand is made; but in the last five days of the session, such report must be made before the close of the legislative day during which the demand is made. If any conference committee shall fail to make such report within the time specified, such committee shall be deemed to be automatically discharged and a new conference committee may be appointed or either house may adhere to its position on the bill.

8. ADHERING TO DISAGREEMENT

After each house shall have adhered to their disagreement, the bill which is the subject of difference shall be deemed lost and shall not again be reviewed during the same session in either house.

9. COMPOSITION OF JOINT COMMITTEES

Unless otherwise specially ordered by joint resolution, all joint committees of the two houses, other than conference committees, shall consist of two Senators and three Representatives, and all conference committees shall consist of three Senators and three Representatives.

10. NUMBER OF BILLS PRINTED

There shall be printed 800 copies of all bills ordered printed by the secretary of the Senate or chief clerk of the House. More than 800 copies may be initially ordered with the approval of the President of the Senate or Speaker of the House, as the case may be.

11. PRINTING ORDERED BY BOTH HOUSES

When the same document shall, by separate orders, be directed to be printed by both houses, it shall be regarded as but one order unless otherwise expressly directed by either house.

12. JOINT BILL ROOM -- DELIVERY OF BILLS, JOURNALS, AND CALENDARS

There shall be a joint bill room to be staffed by

such employees as shall be required at the discretion of the chief clerk of the House and the secretary of the Senate; and there shall be delivered to the secretary of the Senate and the chief clerk of the House sufficient copies of each printed bill, journal, and calendar to supply each member of the General Assembly with a copy thereof, and to supply all officers, clerks, and other persons requiring the use of such printed matter within the chambers or by committees. The Speaker of the House and the President of the Senate may establish a system of charges and distribution for bills, resolutions, memorials, daily journals, and other documents distributed outside the legislative department.

13. RETURNING BILL TO OTHER HOUSE
UPON REQUEST

Whenever a motion to reconsider a measure and a motion to request the other house to return the same has been adopted, the other house shall return said bill to the house making the request.

14. ACTION PRECLUDED FOLLOWING
NOTICE OF RECALL

Communications of notice of recall of a bill by the other house shall preclude any subsequent valid action thereon except to return the bill in accordance with the notice of recall.

15. JOINT PROOFREADING ROOM

All bills shall be proofread by the Legislative Drafting Office. In addition, all engrossed and enrolled bills shall be proofread by employees of the house in which they were initially introduced.

16. CORRECTION OF ERRORS

- (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.

17. CAPITALIZATION IN BILLS

Generally, capitals should be used only for:

- (a) The first word of a sentence or following a colon.
- (b) The first word of each entry of an enumeration paragraphed after a colon.
- (c) The short title of a particular act.
- (d) Proper names, such as names of counties, rivers, Colorado Revised Statutes, etc.

Generally capitals should not be used for:

- (a) The titles of federal, state, county, municipal or other public officers, or substitutes for such titles, such as "the commissioner," "the director," etc.
- (b) The titles of federal, state, county, municipal or other public departments, agencies, institutions, boards or funds, or substitutes for such titles, such as "the department," "the university," etc.
- (c) Laws on a particular subject, such as "insurance statutes."
- (d) The words "federal" and "state."
- (e) The words "article," "act," "chapter," "section," and "subsection."

18. ENROLLED BILL

When any bill shall have been passed by both

houses, the 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 the 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 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.

19. ENGROSSED BILL

When any bill shall pass without amendment, the original bill shall be accepted as the engrossed bill by stamping on the outside cover thereof the words "ORIGINAL BILL NOT AMENDED, ACCEPTED AS (ENGROSSED) (REENGROSSED) (REVISED) (REREVISED) BILL."

When any bill has been amended in the originating house, the official bill shall be prepared after passage on third reading with any second or third reading amendments incorporated. Copies shall be reproduced for the members of both houses, except that the secretary or the chief clerk may choose to reproduce only the amended pages for the members. "REENGROSSED" shall be stamped on bills passed on third reading in the originating house.

When any bill has been amended in the second house, the official bill shall be prepared after passage on third reading to reflect such amendments and copies shall be reproduced for the members of both houses, except that the secretary or chief clerk may choose to reproduce only the amended pages for the members. Any amendment to the bill by the second house shall be indicated in a manner agreed upon by the secretary of the Senate and the chief clerk of the House. "REREVISED" shall be stamped on bills passed on third reading by the second house.

20. DISSEMINATION OF ENROLLED BILL

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.

21. BILLS WHICH AMEND EXISTING LAW

(a) Bills which would amend existing law shall show the specific changes to be made to existing law in the following manner:

- (1) All new material shall be capitalized except that where a new article, section, or subsection is added to existing law such new material need not be capitalized if the addition of said new article, section, or subsection is specifically stated in the text of the act to be new material.

- (2) All material which is to be omitted from existing law shall be shown in its proper place in cancelled letter type; such material, however, shall not be deemed a part of the bill.
- (3) The bill as printed shall show the following explanation at the bottom of the first page: 1) "Capital letters indicate new material to be added to existing statute;" 2) "Dashes through words indicate deletions from existing statute."

The foregoing shall not apply to those bills or sections of bills which repeal and reenact existing law with amendments, or where compliance is not feasible in the discretion of the Legislative Drafting Office.

- (b) All bills before being introduced shall be submitted to the Legislative Drafting Office for approval as to form pursuant to the provisions of this rule.
- (c) If through error or omission any change in existing law is not shown in compliance with this rule, such error or omission shall not affect the validity of any bill enacted into law.
- (d) Bills approved by both houses of the General Assembly shall be enrolled in final form by the respective houses, in accordance with section 24-70-204, Colorado Revised Statutes 1973.

22. FISCAL NOTES

- (a) The secretary of the Senate and the chief clerk of the House of Representatives shall furnish three copies of each printed bill and concurrent resolution introduced in either house to the Division of Budgeting for review of its fiscal implications.

- (b) The Division of Budgeting shall review each such printed bill and concurrent resolution, except bills limited to appropriations measures carrying specific dollar amounts, for its probable fiscal impact. Within four legislative days after receipt of the measure from the secretary of the senate or chief clerk of the house of representatives, the division of budgeting shall provide the chairman of the committee of reference to which the measure was assigned and the prime sponsor of the measure in each house a statement of probable fiscal impact. Such statement shall indicate whether the measure will have a fiscal impact on state government, local government, or the state's economy, or whether it will have no fiscal impact. The committee chairman shall provide copies of the statement of probable fiscal impact for all members of the committee of reference. Unless approved in writing by the President of the Senate in the case of a Senate bill or the Speaker of the House in the case of a House bill, no such measure shall be passed from a committee of reference until a statement of probable fiscal impact is delivered.

- (c) Upon receipt of a statement that a measure will have fiscal impact, the chairman of a committee of reference or sponsor shall

determine whether the measure requires a full fiscal note in accordance with subsection (e) of this section and, if so, shall make a request therefor of the division of budgeting. The chairman shall indicate to the division of budgeting the approximate date the measure is to be scheduled for hearing. At any time after submitting the request for a full fiscal note, the chairman of the committee of reference may serve notice on the division of budgeting that such fiscal note must be delivered within three days of actual session. Any measure for which the statement of probable fiscal impact indicates that the measure will have fiscal impact upon the revenue or expenditures of state or any local government shall be accompanied by an appropriate fiscal note when such measure is referred by a committee of reference for further action. Such fiscal note shall be updated to conform to the committee of reference report and said fiscal note and committee report shall be reproduced for use by all members of both houses. The division of budgeting shall also update or prepare fiscal notes, when appropriate, after second and third readings in each house and after a report has been submitted by a conference committee.

- (d) The Joint Budget Committee staff may be requested by the chairman of the committee of reference, with the approval of the committee on delayed bills of the house having possession of the measure, to review any fiscal note prepared by the Division of Budgeting and to prepare comments. Such comments shall be delivered to the chairman of the committee of reference of the house having possession of the measure and be

duplicated for use of all members of both houses.

- (e) A fiscal note shall cite the statutes affected, any estimated increases or decreases in revenue or expenditures of the state or of local governments, any impact on the state's economy, any costs which may be absorbed without additional funding, and to the extent possible, the long range fiscal implications of the measure. No comment or opinion relative to the merits of any measure shall be included in any fiscal note, but attention shall be called to omissions and technical or mechanical defects.
- (f) In the case of a resolution, other than a resolution relating to the legislative department, which has any fiscal implication, the sponsor thereof may request a statement of probable fiscal impact from the Division of Budgeting prior to its introduction, or if such resolution, upon introduction, be referred to a committee of reference, such committee may request a statement of probable fiscal impact, identifying the resolution by reference to the pages of the journal wherein it appears.
- (g) No measure having a significant effect on the revenues, expenditures, or fiscal liability of the state or any political subdivision thereof, for which a pertinent fiscal note has not been delivered, shall be passed on second reading until an appropriate fiscal note is delivered if so requested in the House by at least ten members, or in the Senate by at least five members. Any measure for which the statement of probable fiscal impact indicates that the measure would have

no fiscal impact shall not be subject to a request for a fiscal note under this subsection (g).

- (h) In case the Division of Budgeting fails to furnish a fiscal note on any measure for which a fiscal note has been requested under subsection (c) or (g) of this section, it shall submit a report stating when such fiscal note will be available, or that a fiscal note cannot be provided. In such event, or upon five days notice, the requirement for a fiscal note may be waived by a majority vote of members of the house then considering such measure, and such waiver shall be noted in the journal of such house at the time of second reading of a bill or adoption of a resolution. Any waiver of such requirement by one house shall not constitute a waiver by the other house.

23. DEADLINE SCHEDULE

- (a) Deadline schedule. For the purposes of organizing the legislative session, the schedule for the enactment of legislation shall be as follows:

Odd-year Session

First House Deadlines:

30th day Deadline for bill draft requests to the Legislative Drafting Office.*

60th day Deadline for the introduction of bills. No bill delivered by the Legislative Drafting Office on or before the

fiftieth legislative day shall be introduced more than ten legislative days after such delivery. Any bill delivered by the Legislative Drafting Office on or after the fifty-first legislative day shall be introduced not later than the sixtieth legislative day.*

80th day Deadline for committees of reference to report bills originating in their own house.*

95th day Deadline for final passage of bills in the house of introduction.*

Second House
Deadlines:

110th day Deadline for committees of reference to report bills originating in the other house.*

120th day Deadline for final passage of all bills originating in the other house.

130th day Deadline for recess.

175th day Reconvene for adjournment sine die unless earlier reconvened by joint notice by the President of the Senate and the Speaker of the House of Representatives.

*Appropriation bills are excluded from these deadlines.

Even-year Session

First House Deadlines:

- 15th day Deadline for bill draft requests to the Legislative Drafting Office.*
- 30th day Deadline for the introduction of bills. No bill delivered by the Legislative Drafting Office on or before the twentieth legislative day shall be introduced more than ten legislative days after such delivery. Any bill delivered by the Legislative Drafting Office on or after the twenty-first legislative day shall be introduced not later than the thirtieth legislative day.*
- 45th day Deadline for committees of reference to report bills originating in their own house.*
- 55th day Deadline for final passage of bills in the house of introduction.*

Second House Deadlines:

- 70th day Deadline for committees of reference to report bills originating in the other house.*
- 80th day Deadline for final passage of all bills originating in the other house.
- 105th day Deadline for recess.
- 150th day Reconvene for adjournment sine die

unless earlier reconvened by joint notice by the President of the Senate and the Speaker of the House of Representatives.

*Appropriation bills are excluded from these deadlines.

(b) Exceptions. The deadlines established in subsection (a) of this joint rule shall not apply if the prime sponsor in the house of introduction or any member sponsoring or carrying the bill in the other house obtains consent to extend the deadline to a day certain from:

(1) The House Committee on Delayed Bills, which is hereby established, if the bill is to be introduced in the House or is presently being acted upon by the House. The House Committee on Delayed Bills shall consist of the Speaker, the majority leader, and the minority leader.

(2) The Senate Committee on Delayed Bills, which is hereby established, if the bill is to be introduced in the Senate or is presently being acted upon by the Senate. The Senate Committee on Delayed Bills shall consist of the President, the majority leader, and the minority leader.

(c) The House Committee on Delayed Bills and the Senate Committee on Delayed Bills, acting jointly, may change the deadlines in subsection (a) of this Joint Rule to extend the same to a day certain one or more times during any session of the General Assembly.

The memorandum containing any such change shall be printed in the journal of each house.

24. SPONSORSHIP OF BILLS

- (a) A bill may be introduced in either house by one or more members of that house and the joint sponsorship of one or more members of the other house.
- (a.5) At least one member of the second house shall be designated as the prime sponsor of the bill in the second house prior to its passage on third reading in the originating house. If the name of such member does not appear on the printed bill, the prime sponsor in the originating house shall be responsible for securing a prime sponsor in the second house, and he may secure one or more other sponsors in the second house. The prime sponsor in the originating house shall notify in writing the presiding officer of the originating house of such sponsors at any time prior to the passage of the bill on third reading in the originating house. Thereupon the presiding officer shall order that the names of such sponsors be added to the bill, and such names shall appear on the reengrossed bill.
- (b) (1) A member of the General Assembly may not introduce more than six bills in a regular session of the General Assembly, excluding bills for appropriations and bills requested of the Legislative Drafting Office no later than December 1, which the member has specified to be prefiled, except when given permission

to exceed the limit established by this rule by the Senate Committee on Delayed Bills for members of the Senate and the House Committee on Delayed Bills for members of the House of Representatives; except that nothing in this subsection (b) shall limit the number of bills originating in the other house which a member may introduce in the second house.

- (2) If a bill which would be excluded from the limitation imposed by paragraph (1) of this subsection (b) as a prefiled bill is not introduced on the convening day of the legislative session, the bill shall be excluded from such limitation if the failure to introduce the bill is due to the workload of the Legislative Drafting Office and was not due to the delay of the member.
- (c) Any member of the General Assembly who submits a bill draft request to the Legislative Drafting Office by subject only shall be required to provide the necessary information to enable said office to proceed with the drafting of the bill within five days after making the request. Failure to submit such information within the prescribed time period shall be considered as a request by a member to withdraw the bill draft request.

25. RELATIONSHIP OF COMMITTEES OF REFERENCE TO EXECUTIVE DEPARTMENTS

- (a) It shall be the duty of committees of

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

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

<u>Department</u>	<u>Senate Committee</u>	<u>House Committee</u>
Administration	Appropriations	Appropriations
Revenue	Finance; Transportation	Finance; Transportation and Energy
Treasury	Finance	Finance
Education	Education	Education
Higher Education	Education	Education

<u>Department</u>	<u>Senate Committee</u>	<u>House Committee</u>
Health	Health, Environment, Welfare, and Institutions	Health, Environment, Welfare, and Institutions
Social Services	Health, Environment, Welfare, and Institutions	Health, Environment, Welfare, and Institutions
Institutions	Health, Environment, Welfare, and Institutions	Health, Environment, Welfare, and Institutions
Highways	Transportation	Transportation and Energy
State	State Affairs	State Affairs
Military Af- fairs	State Affairs	State Affairs
Labor and Employment	Business Affairs and Labor	Business Affairs and Labor
Regulatory Agencies	Business Affairs and Labor	Business Affairs and Labor
Agriculture	Agriculture, Livestock, and Water	Agriculture, Livestock, and Natural Resources
Law	Judiciary	Judiciary

<u>Department</u>	<u>Senate Committee</u>	<u>House Committee</u>
Local Affairs	Local Govern- ment	Local Government
Natural Resources	Agriculture, Livestock, and Water; Wildlife, Parks, Natural Resources, and Energy	Agriculture, Livestock, and Natural Resources; Game, Fish, and Parks
Personnel	State Affairs; Business Affairs and Labor	State Affairs; Business Affairs and Labor
State Planning and Budgeting	State Affairs	State Affairs

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

(d) Committees of reference shall also review, each year, the budget of all the departments of the executive department of state government which are within the subject-matter jurisdiction of each committee, as provided in subsection (b) of this rule.

26. CORRECTION OF BILLS BY AMENDMENT

If after amendment and passage of a bill by the second house, the Office 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 re-passage 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.

27. TELEPHONE CREDIT CARDS

Each member of the General Assembly shall be entitled to a telephone credit card for use in connection with his official duties during his term of office.

28. RECORDING AND STORING TAPES

(a) The magnetic tapes of any meeting held in the

capitol building of the General Assembly or either house thereof, whether created by statute, by resolution, or rule of either house, or by joint resolution or joint rule of the General Assembly, shall be recorded and stored in accordance with the following policies and procedures:

- (1) Two identical tapes are to be made initially.
- (2) One tape is to be transferred to the State Archivist as soon as practicable after it is removed from the recorder. A duplicate copy of the tape shall be transferred to the Legislative Information Center of the General Assembly.
- (3) The State Archivist shall store and maintain the tapes delivered to him.
- (4) The tapes delivered to the Legislative Information Center shall be kept therein until the beginning of the next regular session of the General Assembly.
- (5) All tapes shall be available for use by the public during the regular office hours of the Division of State Archives and Public Records and the Legislative Information Center.
- (6) The Director of Research of the Legislative Council shall be, and is herein designated as, the official custodian of all of the tapes.

29. BILL SUMMARIES

- (a) Every bill and concurrent resolution which is introduced shall include a brief summary thereof to be written by the Legislative Drafting Office.
- (b) Such summary shall appear on the first page of each printed, engrossed, and revised measure, but it shall not be updated. The summary shall not appear on the enrolled copy of the measure.
- (c) The following statement shall be included as part of each summary: "Note: This summary applies to this (bill) (concurrent resolution) as introduced and does not necessarily reflect any amendments which may be subsequently adopted."
- (d) This summary shall not be treated as a statement of legislative intent.

30. JOINT COMMITTEE ON LEGISLATIVE BUDGET INFORMATION SYSTEM

Repealed 1979

(See Legislative Services Section
on the CLEAR System)

31. EXECUTIVE SESSIONS

Any committee of reference of the General Assembly, or of either house thereof, howsoever created, may enter into executive session, closed to the public, upon the affirmative vote of two-thirds of the entire membership. The

committee may hold an executive session only at a regular or special meeting and for the sole purpose of considering any of the following matters:

- (a) To consider the purchase of property for public purposes, or the sale of property at competitive bidding, if premature disclosure of information would give an unfair competitive or bargaining advantage to a person whose personal, private interest is adverse to the general public interest. No member of the public body shall use this subsection (a) as a subterfuge for providing covert information to prospective buyers or sellers;
- (b) Conferences with an attorney for the public body concerning disputes involving the public body that are the subject of pending or imminent court action;
- (c) Matters required to be kept confidential by federal law or rules or state statutes;
- (d) Specialized details of security arrangements where disclosure of the matters discussed might reveal information that could be used for the purpose of committing, or avoiding prosecution for, a violation of the law;
- (e) To determine positions relative to matters that may be subject to negotiations with employees or employee organizations; to develop strategy for and receive reports on the progress of negotiations, and to instruct negotiators;
- (f) All meetings held by members of a public body subject to this part 4 to consider the

appointment or employment of a public official or employee or the dismissal, discipline, promotion, demotion, or compensation of, or the investigation of charges or complaints against, a public official or employee shall be open to the public unless said applicant, official, or employee requests an executive session. An executive session may be held only at a regular or special meeting of the public body and only upon the affirmative vote of two-thirds of the entire membership of the body;

- (g) Prior to the time the members of the public body convene in executive session, the chairman of the body shall announce the general topic of the executive session as enumerated in subsections (a) and (f) of this section.

The staff of such committee shall maintain topical minutes of any session held under the provisions of this joint rule.

32. RTD OVERSIGHT COMMITTEE

Repealed
Effective January 1, 1983

33. SUMMONING OF WITNESSES

- (a) The Senate or the House of Representatives may vest in any committee thereof or any committee created by statute or by joint resolution, and the legislative council may vest in any subcommittee appointed pursuant to authority contained in section 2-3-302

(1), C.R.S. 1973, the power to subpoena witnesses, to take testimony under oath, and to assemble records and documents, by subpoena duces tecum or otherwise, with the same power and authority as courts of record and may apply to courts of record for the enforcement of these powers. A subcommittee of the legislative council shall have the power to subpoena an individual witness only upon a vote of a majority of a quorum of the subcommittee, and under no circumstances shall a committee chairman be able to act alone in subpoenaing witnesses.

- (b) A witness may have legal counsel present during proceedings brought pursuant to this joint rule for the purpose of being fully advised. Witnesses subpoenaed to appear before any committee or subcommittee pursuant to this joint rule shall receive the same fees and expenses as witnesses in civil cases.
- (c) Any person who fails or refuses to testify without just cause is guilty of contempt of the General Assembly and shall be punished by a civil penalty of not more than five hundred dollars, or by imprisonment in the county jail for not more than ten days, or by both such civil penalty and imprisonment. The sheriff of any county shall serve any subpoena on written order of any such committee or subcommittee in the same manner as process is served in civil actions.

34. WILDLIFE CASH FUND

Effective July 1, 1980, any appropriation from the wildlife cash fund pursuant to section 33-1-116,

C.R.S. 1973, or change in the amount of any such appropriation for the acquisition of any land or water or both by the Division of Wildlife in the Department of Natural Resources shall be by separate bill and shall be authorized only after approval by the Committees on Agriculture, Natural Resources, and Energy and Appropriations in the Senate and the Committees on Game, Fish, and Parks and Appropriations in the House of Representatives.

JOINT SESSION RULES OF THE SENATE
AND HOUSE OF REPRESENTATIVES

1. HOUSE CHAMBER -- PRESIDENT PRESIDES

Joint sessions shall be held in the chamber of the House of Representatives, and the President of the Senate shall preside.

2. SECRETARIES OF THE JOINT SESSION --
PROCEEDINGS IN JOURNALS

The secretary of the Senate and the chief clerk of the House of Representatives shall be secretaries of the joint session, and the proceedings of the convention shall be published with the journals of the House, and the final result, as announced by the President on return of the Senate to their chamber, shall be entered in the journals of the Senate.

3. HOUSE RULES GOVERN

The rules of the House of Representatives, so far as the same may be applicable, shall govern the proceedings in joint session.

4. PRESIDING OFFICER

Whenever the President of the Senate cannot preside, the President pro tempore will preside.

5. ATTENDANCE

Joint sessions shall have the power to compel the

attendance of absent members in the mode and under the penalties prescribed by the rules of the house to which such members respectively belong, and for that purpose the sergeant-at-arms of each house shall attend.

6. ADJOURNMENT FROM TIME TO TIME

Joint session may adjourn from time to time, as may be found necessary; and it shall be the duty of the House of Representatives to prepare to receive the Senate, and of the Senate to proceed to the hall of the House of Representatives at the time fixed by law or resolution, or to which the joint session may have adjourned.

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Effective July 1, 1980, any appropriation from the wildlife cash fund pursuant to section 33-1-116, C.R.S. 1973, or change in the amount of any such appropriation for the acquisition of any land or water or both by the Division of Wildlife in the Department of Natural Resources shall be by separate bill and shall be authorized only after approval by the Committees on Agriculture, Natural Resources, and Energy and Appropriations in the Senate and the Committees on Game, Fish, and Parks and Appropriations in the House of Representatives.

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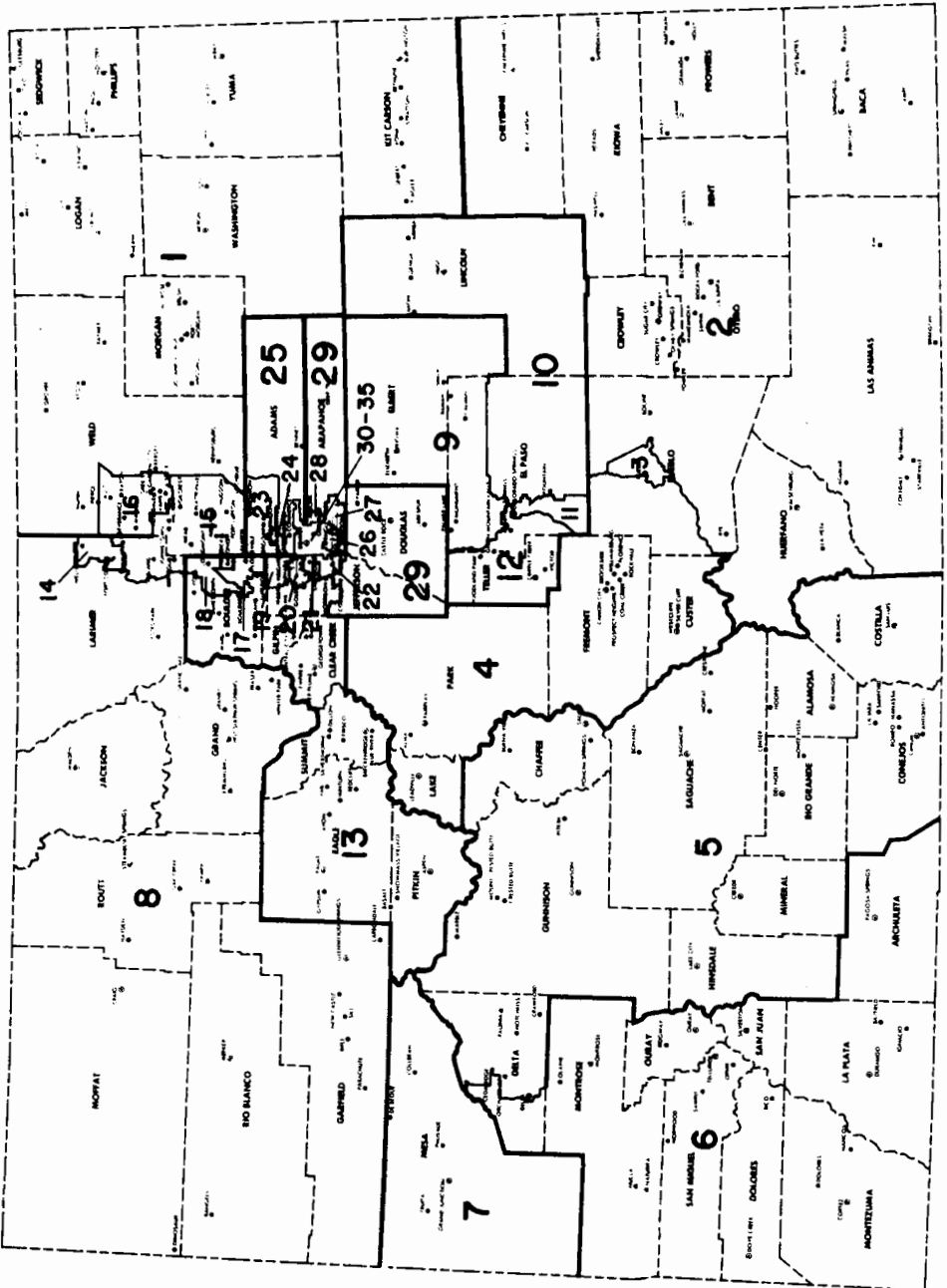
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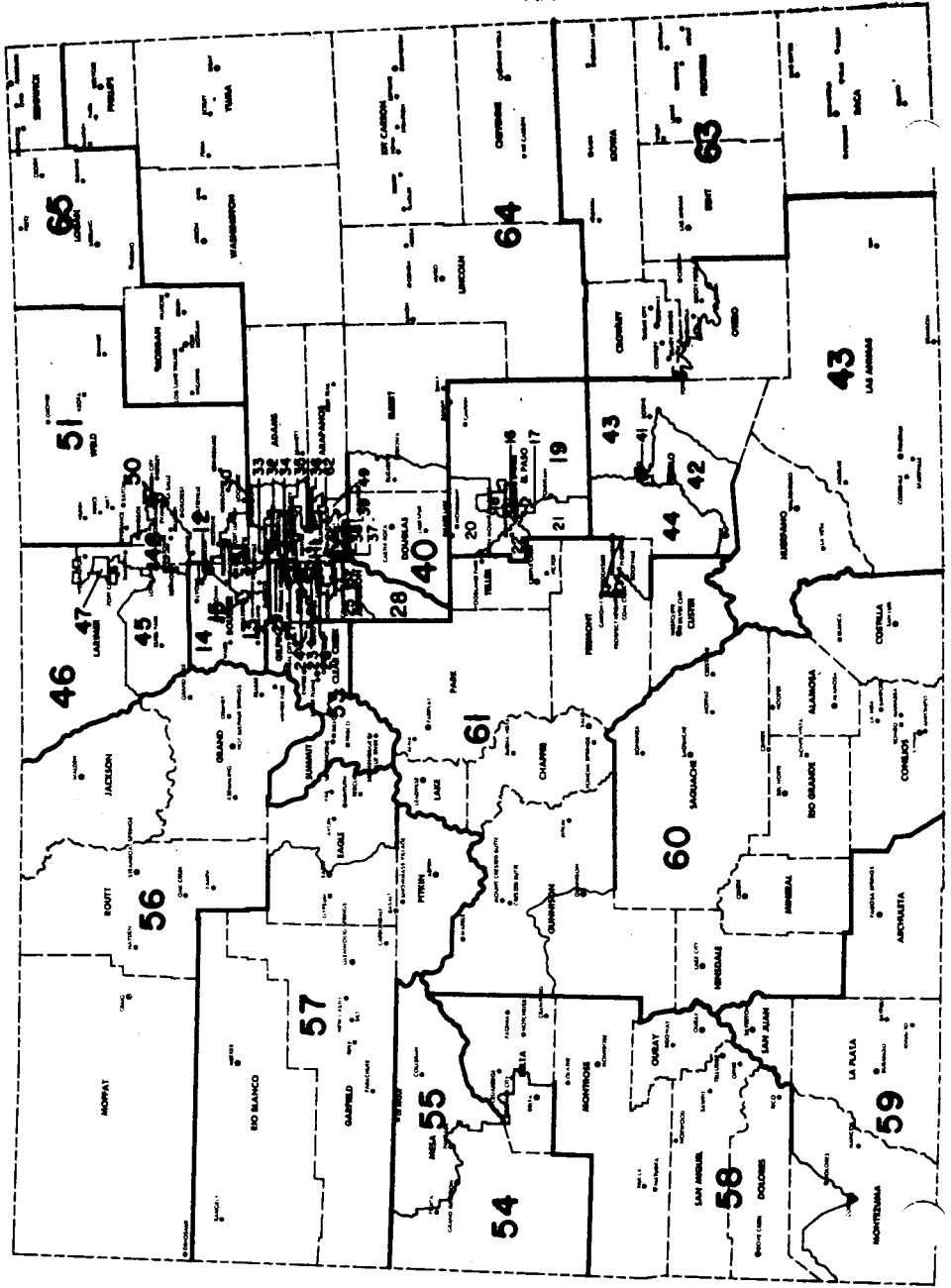
PRELIMINARY MAP

COLORADO SENATE DISTRICTS

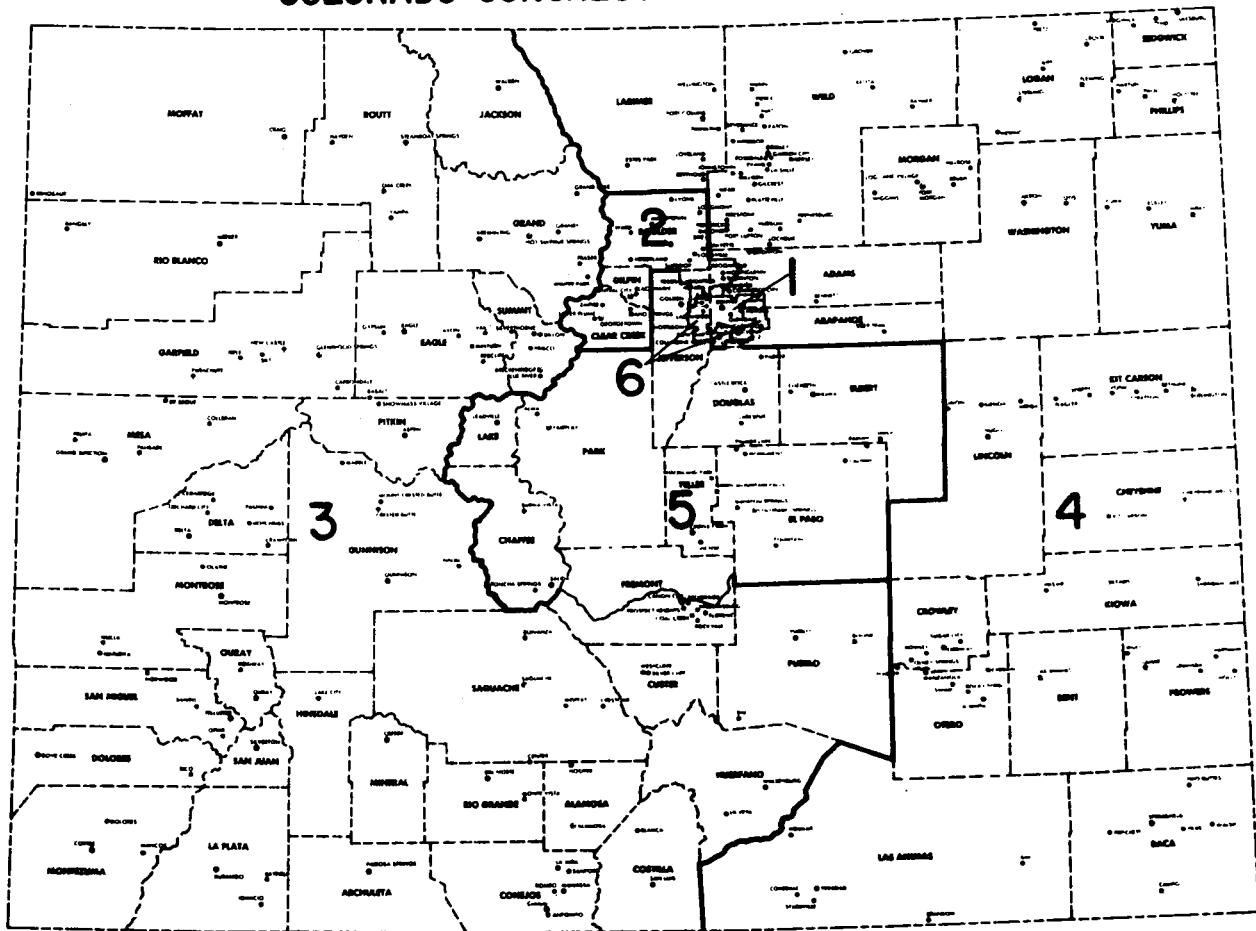


PRELIMINARY MAP

COLORADO HOUSE DISTRICTS

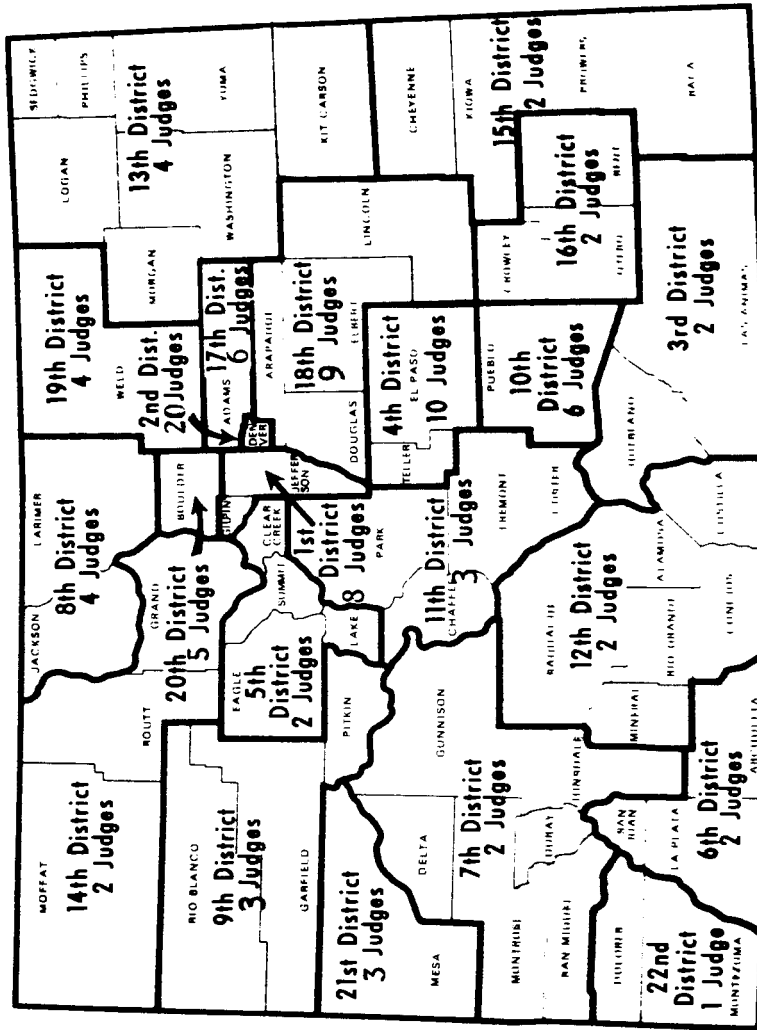


COLORADO CONGRESSIONAL DISTRICTS



PRELIMINARY MAP

JUDICIAL DISTRICTS OF COLORADO

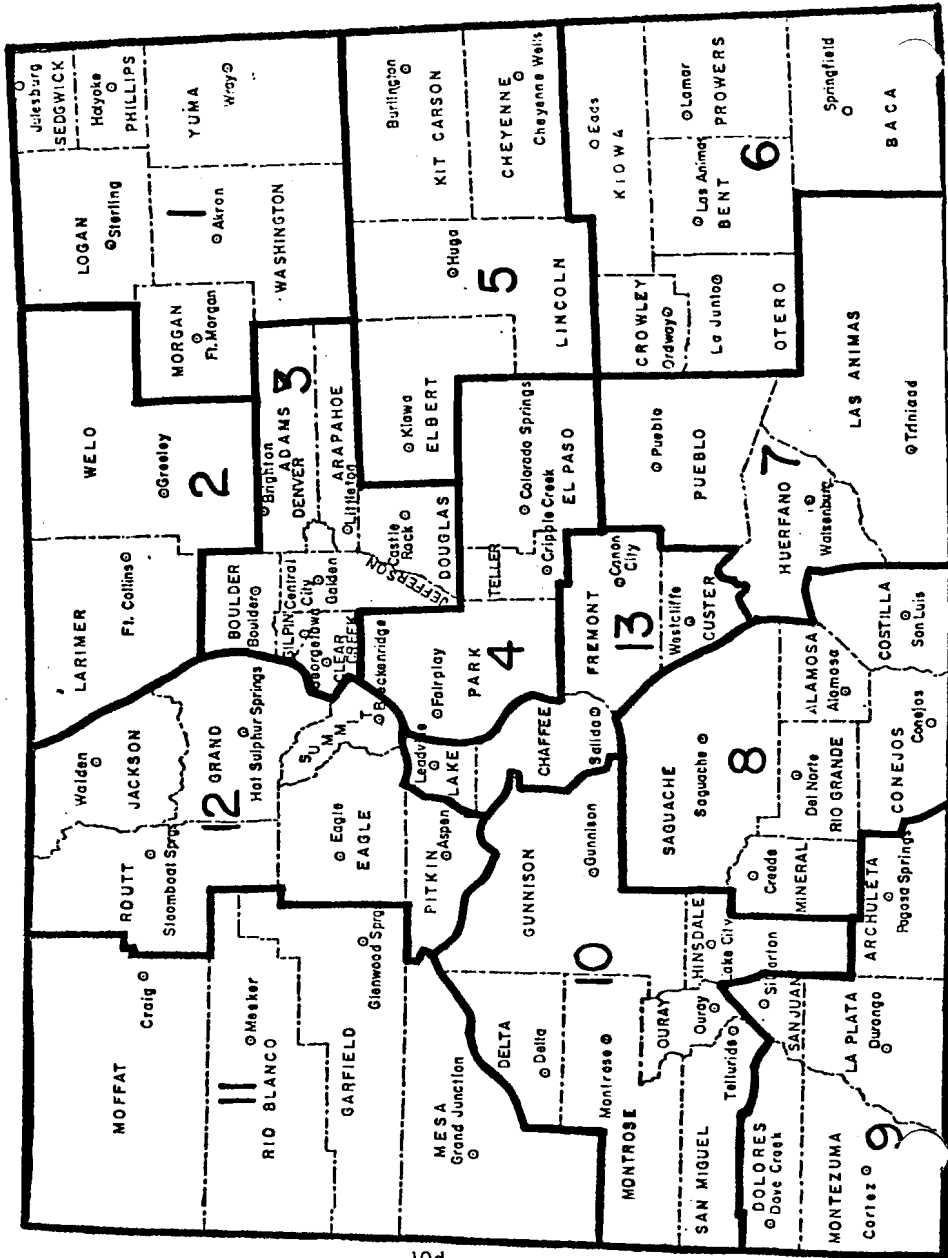


COLORADO POPULATION OF COUNTIES
IN 1960, 1970, AND 1980

<u>Counties</u>	<u>1980</u>	<u>1970</u>	<u>1960</u>
Adams	245,944	185,779	120,296
Alamosa	11,799	11,422	10,000
Arapahoe	293,621	162,053	113,426
Archuleta	3,664	2,733	2,629
Baca	5,419	5,674	6,310
Bent	5,945	6,493	7,419
Boulder	189,625	131,889	74,254
Chaffee	13,227	10,162	8,298
Cheyenne	2,153	2,396	2,789
Clear Creek	7,308	4,819	2,793
Conejos	7,794	7,846	8,428
Costilla	3,071	3,091	4,219
Crowley	2,988	3,086	3,978
Custer	1,528	1,120	1,305
Delta	21,225	15,286	15,602
Denver	492,365	514,793	493,887
Dolores	1,658	1,641	2,196
Douglas	25,153	8,407	4,816
Eagle	13,320	7,498	4,677
Elbert	6,850	3,903	3,708
El Paso	309,424	235,972	143,742
Fremont	28,676	21,942	20,196
Garfield	22,514	14,821	12,017
Gilpin	2,441	1,272	685
Grand	7,475	4,107	3,557
Gunnison	10,689	7,578	5,477
Hinsdale	408	202	208
Huerfano	6,440	6,590	7,867
Jackson	1,863	1,811	1,758
Jefferson	371,753	235,284	127,520

Kiowa	1,936	2,029	2,425
Kit Carson	7,599	7,530	6,957
Lake	8,830	8,282	7,101
La Plata	27,195	19,199	19,225
Larimer	149,184	89,900	53,343
Las Animas	14,897	15,744	19,983
Lincoln	4,663	4,836	5,310
Logan	19,800	18,852	20,302
Mesa	81,530	54,374	50,715
Mineral	804	786	424
Moffat	13,133	6,525	7,061
Montezuma	16,510	12,952	14,024
Montrose	24,352	18,366	18,286
Morgan	22,513	20,105	21,192
Otero	22,567	23,523	24,128
Ouray	1,925	1,546	1,601
Park	5,333	2,185	1,822
Phillips	4,542	4,131	4,440
Pitkin	10,338	6,185	2,381
Prowers	13,070	13,258	13,296
Pueblo	125,972	118,238	118,707
Rio Blanco	6,255	4,842	5,150
Rio Grande	10,511	10,494	11,160
Routt	13,404	6,592	5,900
Saguache	3,935	3,827	4,473
San Juan	833	831	849
San Miguel	3,192	1,949	2,944
Sedgwick	3,266	3,405	4,242
Summit	8,848	2,665	2,073
Teller	8,034	3,316	2,495
Washington	5,304	5,550	6,625
Weld	123,438	89,297	72,344
Yuma	9,682	8,544	8,912
Totals	2,889,735	2,209,528	1,753,947

PLANNING AND MANAGEMENT DISTRICTS



COLORADO STATE CONSTITUTION

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COLORADO STATE CONSTITUTION

ARTICLE V Legislative Department

Section 1. General assembly - initiative and referendum.

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

(2) The first power hereby reserved by the people is the initiative, and signatures by registered electors in an amount equal to at least five percent of the total number of votes cast for all candidates for the office of secretary of state at the previous general election shall be required to propose any measure by petition, and every such petition shall include the full text of the measure so proposed. Initiative petitions for state legislation and amendments to the constitution, in such form as may be prescribed pursuant to law, shall be addressed to and filed with the secretary of state at least three months before the general election at which they are to be voted upon.

(3) The second power hereby reserved is the referendum, and it may be ordered, except as to laws necessary for the immediate preservation of the public peace, health, or safety, and appropriations for the support and maintenance of the departments of state and state institutions, against any act or item, section, or part of any act of the general assembly, either by a petition signed by registered electors in an amount equal to at least five percent of the total number of votes cast for all candidates for the office of the secretary of state at the previous general election or by the general assembly. Referendum petitions, in such form as may be prescribed pursuant to law, shall be addressed to and filed with the secretary of state not more than ninety days after the final adjournment of the session of the general assembly that passed the bill on which the referendum is demanded. The filing of a referendum petition against any item, section or part of any act shall not delay the remainder of the act from becoming operative.

(4) The veto power of the governor shall not extend to measures initiated by, or referred to the people. All elections on measures initiated by or referred to the people of the state shall be held at the biennial regular general election, and all such measures shall become the law or a part of the constitution, when approved by a majority of the votes cast thereon, and not otherwise, and shall take effect from and after the date of the official declaration of the vote thereon by proclamation of the governor, but not later than thirty days after the vote has been canvassed. This section shall not be construed to deprive the general assembly of the power to enact any measure.

(5) The original draft of the text of proposed initiated constitutional amendments and initiated laws shall be submitted to the legislative research and drafting offices of the general assembly for review and comment. No later than two weeks after submission of the original draft, unless withdrawn by the proponents, the legislative research and drafting offices of the general assembly shall render their comments to the proponents of the proposed measure at a meeting open to the public, which shall be held only after full and timely notice to the public. Such meeting shall be held prior to the fixing of a ballot title. Neither the general assembly nor its committees or agencies shall have any power to require the amendment, modification, or other alteration of the text of any such proposed measure or to establish deadlines for the submission of the original draft of the text of any proposed measure.

(6) The petition shall consist of sheets having such general form printed or written at the top thereof as shall be designated or prescribed by the secretary of state; such petition shall be signed by registered electors in their own proper persons only, to which shall be attached the residence address of such person and the date of signing the same. To each of such petitions, which may consist of one or more sheets, shall be attached an affidavit of some registered elector, that each signature thereon is the signature of the person whose name it purports to be, and that, to the best of the knowledge and belief of the affiant, each of the persons signing said petition was at the time of signing, a registered elector. Such petition so verified shall be prima facie evidence that the signatures thereon are genuine and true and that the persons signing the same are registered electors.

(7) The secretary of state shall submit all measures initiated by or referred to the people for adoption or rejection at the polls, in compliance with this section. The text of all measures to be submitted shall be published as constitutional amendments are published, and, in submitting the same and in all matters pertaining to the form of all petitions, the secretary of state and all other officers shall be guided by the general laws.

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

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

(10) This section of the constitution shall be in all

respects self-executing; except that the form of the initiative or referendum petition may be prescribed pursuant to law.

Section 2. Election of members - oath - vacancies. (1) A general election for members of the general assembly shall be held on the first Tuesday after the first Monday in November in each even-numbered year, at such places in each county as now are or hereafter may be provided by law.

(2) Each member of the general assembly, before he enters upon his official duties, shall take an oath or affirmation to support the constitution of the United States and of the state of Colorado and to faithfully perform the duties of his office according to the best of his ability. This oath or affirmation shall be administered in the chamber of the house to which the member has been elected.

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

Section 3. Terms of senators and representatives. Senators shall be elected for the term of four years and representatives for the term of two years.

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

Section 5. Classification of senators. The senate shall be divided so that one-half of the senators, as nearly as practicable, may be chosen biennially.

Section 6. Salary and expenses of members. Each member of the general assembly shall receive such salary and expenses as are prescribed by law. No general assembly shall fix its own salary. Members of the general assembly shall receive the same mileage rate permitted for travel as other state employees.

Section 7. General assembly - shall meet when - term of members - committees. The general assembly shall meet in regular session at 10 o'clock a.m. on the first Wednesday after the first Tuesday of January of each year. At such regular sessions convening in even-numbered years, the general assembly shall not enact any bills except those raising revenue, those making appropriations, and those pertaining to subjects designated in

writing by the governor during the first ten days of the session. The general assembly shall meet at other times when convened in special session by the governor pursuant to section 9 of article IV of this constitution, or by written request by two-thirds of the members of each house to the presiding officer of each house to consider only those subjects specified in such request. The term of service of the members of the general assembly shall begin on the convening of the first regular session of the general assembly next after their election. The committees of the general assembly, unless otherwise provided by the general assembly, shall expire on the convening of the first regular session after a general election.

Section 8. Members precluded from holding office. No senator or representative shall, while serving as such, be appointed to any civil office under this state; and no member of congress, or other person holding any office (except of attorney-at-law, notary public, or in the militia) under the United States or this state, shall be a member of either house during his continuance in office.

Section 9. Increase of salary - when forbidden.

Repealed November 5, 1974 - Effective upon proclamation of the Governor, December 20, 1974. (See Laws 1974, p. 449.)

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

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

Section 12. Each house makes and enforces rules. Each house shall have power to determine the rules of its proceedings and adopt rules providing punishment of its members or other persons for contempt or disorderly behavior in its presence; to enforce obedience to its process; to protect its members against violence, or offers of bribes or private solicitation, and, with the concurrence of two-thirds, to expel a member, but not a second time for the same cause, and shall have all other powers necessary for the legislature of a free state. A member expelled for corruption shall not thereafter be eligible to either house of the same general assembly, and punishment for contempt or disorderly behavior shall not bar a prosecution for the same offense.

Section 13. Journal - ayes and noes to be entered - when. Each house shall keep a journal of its proceedings and publish the same, except such parts as require secrecy, and the ayes and noes on any question shall, at the desire of any two members, be entered on the journal.

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

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

Section 16. Privileges of members. The members of the general assembly shall, in all cases except treason or felony, be privileged from arrest during their attendance at the sessions of their respective houses, or any committees thereof, and in going to and returning from the same; and for any speech or debate in either house, or any committees thereof, they shall not be questioned in any other place.

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

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

Section 19. When laws take effect - introduction of bills. An act of the general assembly shall take effect on the date stated in the act, or, if no date is stated in the act, then on its passage. A bill may be introduced at any time during the session unless limited by action of the general assembly. No bill shall be introduced by title only.

Section 20. Bills referred to committee - printed. No bill shall be considered or become a law unless referred to a committee, returned therefrom, and printed for the use of the members.

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

Section 22. Reading and passage of bills. Every bill shall be read by title when introduced, and at length on two different

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

Section 23. Vote on amendments and report of committee. No amendment to any bill by one house shall be concurred in by the other nor shall the report of any committee of conference be adopted in either house except by a vote of a majority of the members elected thereto, taken by ayes and noes, and the names of those voting recorded upon the journal thereof.

Section 24. Revival, amendment or extension of laws. No law shall be revived, or amended, or the provisions thereof extended or conferred by reference to its title only, but so much thereof as is revived, amended, extended or conferred, shall be re-enacted and published at length.

Section 25. Special legislation prohibited. The general assembly shall not pass local or special laws in any of the following enumerated cases, that is to say; for granting divorces; laying out, opening, altering or working roads or highways; vacating roads, town plats, streets, alleys and public grounds; locating or changing county seats; regulating county or township affairs; regulating the practice in courts of justice; regulating the jurisdiction and duties of justices of the peace, police magistrates and constables; changing the rules of evidence in any trial or inquiry; providing for changes of venue in civil or criminal cases; declaring any person of age; for limitation of civil actions or giving effect to informal or invalid deeds; summoning or impaneling grand or petit juries; providing for the management of common schools; regulating the rate of interest on money; the opening or conducting of any election, or designating the place of voting; the sale or mortgage of real estate belonging to minors or others under disability; the protection of game or fish; chartering or licensing ferries or toll bridges; remitting fines, penalties or forfeitures; creating, increasing or decreasing fees, percentage or allowances of public officers; changing the law of descent; granting to any corporation, association or individual the right to lay down railroad tracks; granting to any corporation, association or individual any special or exclusive privilege, immunity or franchise whatever. In all other cases, where a general law can be made applicable no special law shall be enacted.

Section 25a. Eight-hour employment. The general assembly shall provide by law, and shall prescribe suitable penalties for the violation thereof, for a period of employment not to exceed

eight (8) hours within any twenty-four (24) hours (except in cases of emergency where life or property is in imminent danger) for persons employed in underground mines or other underground workings, blast furnaces, smelters; and any ore reduction works or other branch of industry or labor that the general assembly may consider injurious or dangerous to health, life or limb.

Section 26. Signing of bills. The presiding officer of each house shall sign all bills and joint resolutions passed by the general assembly, and the fact of signing shall be entered on or appended to the journal thereof.

Section 27. Officers and employees - compensation. The general assembly shall prescribe by law or by joint resolution the number, duties, and compensation of the appointed officers and employees of each house and of the two houses, and no payment shall be made from the state treasury, or be in any way authorized to any person except to an officer or employee appointed and acting pursuant to law or joint resolution.

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

Section 29. Contracts for facilities and supplies. All stationery, printing, paper, and fuel used in the legislative and other departments of government shall be furnished; and the printing and binding and distributing of the laws, journals, department reports, and other printing and binding; and the repairing and furnishing the halls and rooms used for the meeting of the general assembly and its committees, shall be performed under contract, to be given to the lowest responsible bidder, below such maximum price and under such regulations as may be prescribed by law. No member or officer of any department of the government shall be in any way interested in any such contract; and all such contracts shall be subject to the approval of the governor or his designee.

Section 30. Salary of governor and judges to be fixed by the legislature - term not to be extended or salaries increased or decreased.

Repealed November 5, 1974 - Effective upon proclamation of the Governor, December 20, 1974. (See Laws 1974, p. 450.)

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

Section 32. Appropriation bills. The general appropriation bill shall embrace nothing but appropriations for the expense of

the executive, legislative and judicial departments of the state, state institutions, interest on the public debt and for public schools. All other appropriations shall be made by separate bills, each embracing but one subject.

Section 33. Disbursement of public money. No moneys in the state treasury shall be disbursed therefrom by the treasurer except upon appropriations made by law, or otherwise authorized by law, and any amount disbursed shall be substantiated by vouchers signed and approved in the manner prescribed by law.

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

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

Section 36. Laws on investment of trust funds. The general assembly shall, from time to time, enact laws prescribing types or classes of investments for the investment of funds held by executors, administrators, guardians, conservators and other trustees, whose power of investment is not set out in the instrument creating the trust.

Section 37. Change of venue.

Repealed November 5, 1974 - Effective upon proclamation of the Governor, December 20, 1974. (See Laws 1974, p. 451.)

Section 38. No liability exchanged or released. No obligation or liability of any person, association, or corporation, held or owned by the state, or any municipal corporation therein, shall ever be exchanged, transferred, remitted, released, or postponed or in any way diminished by the general assembly, nor shall such liability or obligation be extinguished except by payment thereof into the proper treasury. This section shall not prohibit the write-off or release of uncollectible accounts as provided by general law.

Section 39. Orders and resolutions presented to governor. Every order, resolution or vote to which the concurrence of both houses may be necessary, except on the question of adjournment, or relating solely to the transaction of business of the two houses, shall be presented to the governor, and before it shall take effect, be approved by him, or being disapproved, shall be re-passed by two-thirds of both houses, according to the rules

and limitations prescribed in case of a bill.

Section 40. Bribery and influence in general assembly. If any person elected to either house of the general assembly shall offer or promise to give his vote or influence in favor of or against any measure or proposition pending or proposed to be introduced in the general assembly in consideration or upon condition that any other person elected to the same general assembly will give or will promise or assent to give his vote or influence in favor of or against any other measure or proposition pending or proposed to be introduced in such general assembly, the person making such offer or promise, shall be deemed guilty of solicitation of bribery. If any member of the general assembly shall give his vote or influence for or against any measure or proposition pending in such general assembly, or offer, promise or assent so to do, upon condition that any other member will give or will promise or assent to give his vote or influence in favor of or against any other measure or proposition pending or proposed to be introduced in such general assembly, or in consideration that any other member hath given his vote or influence for or against any other measure or proposition in such general assembly, he shall be deemed guilty of bribery; and any member of the general assembly, or person elected thereto, who shall be guilty of either of such offenses shall be expelled, and shall not be thereafter eligible to the same general assembly; and, on conviction thereof in the civil courts, shall be liable to such further penalty as may be prescribed by law.

Section 41. Offering, giving, promising money or other consideration.

Repealed November 5, 1974 - Effective upon proclamation of the Governor, December 20, 1974. (See Laws 1974, p. 451.)

Section 42. Corrupt solicitation of members and officers.

Repealed November 5, 1974 - Effective upon proclamation of the Governor, December 20, 1974. (See Laws 1974, p. 451.)

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

Section 44. Representatives in congress. The general assembly shall divide the state into as many congressional districts as there are representatives in congress apportioned to this state by the congress of the United States for the election of one representative to congress from each district. When a new apportionment shall be made by congress, the general assembly shall divide the state into congressional districts accordingly.

Section 45. General assembly. The general assembly shall consist of not more than thirty-five members of the senate and of

not more than sixty-five members of the house of representatives, one to be elected from each senatorial and each representative district, respectively.

Section 46. ~~Section 46. The state shall be divided into as many senatorial and representative districts as there are members of the senate and house of representatives respectively, each district in each house having a population as nearly equal as may be, as required by the constitution of the United States, but in no event shall there be more than five percent deviation between the most populous and the least populous district in each house.~~

Section 47. Composition of districts. (1) Each district shall be as compact in area as possible and the aggregate linear distance of all district boundaries shall be as short as possible. Each district shall consist of contiguous whole general election precincts. Districts of the same house shall not overlap.

(2) Except when necessary to meet the equal population requirements of section 46, no part of one county shall be added to all or part of another county in forming districts. Within counties whose territory is contained in more than one district of the same house, the number of cities and towns whose territory is contained in more than one district of the same house shall be as small as possible. When county, city, or town boundaries are changed, adjustments, if any, in legislative districts shall be as prescribed by law.

(3) Consistent with the provisions of this section and section 46 of this article, communities of interest, including ethnic, cultural, economic, trade area, geographic, and demographic factors, shall be preserved within a single district wherever possible.

Section 48. Revision and alteration of districts - reapportionment commission. (1) (a) After each federal census of the United States, the senatorial districts and representative districts shall be established, revised, or altered, and the members of the senate and the house of representatives apportioned among them, by a Colorado reapportionment commission consisting of eleven members, to be appointed and having the qualifications as prescribed in this section. Of such members, four shall be appointed by the legislative department, three by the executive department, and four by the judicial department of the state.

(b) The four legislative members shall be the speaker of the house of representatives, the minority leader of the house of representatives, and the majority and minority leaders of the senate, or the designee of any such officer to serve in his stead, which acceptance of service or designation shall be made no later than July 1 of the year following that in which the federal census is taken. The three executive members shall be appointed by the governor between July 1 and July 10 of such

year, and the four judicial members shall be appointed by the chief justice of the Colorado supreme court between July 10 and July 20 of such year.

(c) Commission members shall be qualified electors of the state of Colorado. No more than four commission members shall be members of the general assembly. No more than six commission members shall be affiliated with the same political party. No more than four commission members shall be residents of the same congressional district, and each congressional district shall have at least one resident as a commission member. At least one commission member shall reside west of the continental divide.

(d) Any vacancy created by the death or resignation of a member, or otherwise, shall be filled by the respective appointing authority. Members of the commission shall hold office until their reapportionment and redistricting plan is implemented. No later than August 1 of the year of their appointment, the governor shall convene the commission and appoint a temporary chairman who shall preside until the commission elects its own officers.

(e) Within ninety days after the commission has been convened or the necessary census data are available, whichever is later, the commission shall publish a preliminary plan for reapportionment of the members of the general assembly and shall hold public hearings thereon in several places throughout the state within forty-five days after the date of such publication. Within forty-five days after the completion of such hearings, the commission shall finalize its plan and submit the same to the Colorado supreme court for review and determination as to compliance with sections 46 and 47 of this article. Such review and determination shall take precedence over other matters before the court. The supreme court shall adopt rules for such proceedings and for the production and presentation of supportive evidence for such plan. The supreme court shall either approve the plan or return the plan and the court's reasons for disapproval to the commission. If the plan is returned, the commission shall revise and modify it to conform to the court's requirements and resubmit the plan to the court within twenty days. If the plan is approved by the court, it shall be filed with the secretary of state for implementation no later than March 15 of the second year following the year in which the census was taken. The commission shall keep a public record of all the proceedings of the commission and shall be responsible for the publication and distribution of copies of each plan.

(f) The general assembly shall appropriate sufficient funds for the compensation and payment of the expenses of the commission members and any staff employed by it. The commission shall have access to statistical information compiled by the state or its political subdivisions and necessary for its reapportionment duties.

Section 49. Appointment of state auditor - term - qualifications - duties. (1) The general assembly, by a majority vote of the members elected to and serving in each house, shall

appoint, without regard to political affiliation, a state auditor, who shall be a certified public accountant licensed to practice in this state, to serve for a term of five years and until his successor is appointed and qualified. Except as provided by law, he shall be ineligible for appointment to any other public office in this state from which compensation is derived while serving as state auditor. He may be removed for cause at any time by a two-thirds vote of the members elected to and serving in each house.

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

(3) Not more than three members of the staff of the state auditor shall be exempt from the personnel system of this state.

ARTICLE IV
Executive Department

Section 9. Governor may convene legislature or senate. The governor may, on extraordinary occasions convene the general assembly, by proclamation, stating therein the purpose for which it is to assemble; but at such special session no business shall be transacted other than that specially named in the proclamation. He may by proclamation, convene the senate in extraordinary session for the transaction of executive business.

Section 10. Governor may adjourn legislature. The governor, in case of a disagreement between the two houses as to the time of adjournment, may upon the same being certified to him by the house last moving adjournment, adjourn the general assembly to a day not later than the first day of the next regular session.

Section 11. Bills presented to governor - veto - return. Every bill passed by the general assembly shall, before it becomes a law, be presented to the governor. If he approve, he shall sign it, and thereupon it shall become a law; but if he do not approve, he shall return it, with his objections, to the house in which it originated, which house shall enter the objections at large upon its journal, and proceed to reconsider the bill. If then two-thirds of the members elected agree to pass the same, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of the members elected to that house, it shall become a law, notwithstanding the objections of the governor. In all such cases the vote of each house shall be determined by ayes and noes, to be entered upon the journal. If any bill shall not be returned by the governor within ten days after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the general assembly shall by their adjournment prevent its return, in which case it shall be filed with his objections in the office of the secretary of state, within thirty days after such adjournment, or else become a law.

Section 12. Governor may veto items in appropriation bills - reconsideration. The governor shall have power to disapprove of any item or items of any bill making appropriations of money, embracing distinct items, and the part or parts of the bill approved shall be law, and the item or items disapproved shall be void, unless enacted in manner following: If the general assembly be in session, he shall transmit to the house in which the bill originated a copy of the item or items thereof disapproved, together with his objections thereto, and the items objected to shall be separately reconsidered, and each item shall then take the same course as is prescribed for the passage of bills over the executive veto.

TITLE 1
ELECTIONS

ARTICLE 45
CAMPAIGN REFORM ACT

1-45-101. Short title. This article shall be known and may be cited as the "Campaign Reform Act of 1974".

1-45-102. Legislative declaration. The general assembly hereby finds and declares that the interests of the people of this state can be better served through a more informed public; that the trust of the people is essential to representative government; and that public disclosure and regulation of certain campaign practices will serve to increase the people's confidence in their elected officials. Therefore, it is the purpose of this article to promote public confidence in government through a more informed electorate.

1-45-103. Definitions. As used in this article, unless the context otherwise requires:

(1) "Appropriate officer" means the secretary of state or a county clerk and recorder.

(2) "Campaign treasurer" means the treasurer of any candidate for nomination, retention, or election or of any political committee. A candidate may appoint himself campaign treasurer.

(3) "Candidate" means any person who:

(a) Seeks election to any public office which is to be voted for in this state at any general election, special district election, or municipal election. "Candidate" also includes a judge or justice of any court of record who seeks to be retained in office pursuant to the provisions of section 25 of article VI of the state constitution. A person is a candidate for election if he has publicly announced his intention to seek election to public office, has filed nominating petitions for public office in a nonpartisan election, has been chosen as a candidate of a political party after having won a primary election, has filed with the appropriate officer a nominating petition as an independent candidate as provided in section 1-4-801, or has been chosen to fill any vacancy.

(b) Seeks nomination to public office at any primary election held in this state. A person is a candidate for nomination if he has publicly announced his intention to seek election to public office, has been chosen as a political party candidate through a political party designating assembly, has been issued a certificate of designation by said assembly, has filed with the appropriate officer a petition with the required number of signatures to appear on the primary ballot as provided by section 1-4-603, or has been chosen to fill a vacancy in party designation as provided by section 1-4-903.

(c) As an incumbent, still has an unexpended balance of contributions or a debt or deficit or who receives contributions

or contributions in kind.

(4) "Contribution" means a gift, loan, pledge, or advance of money or a guarantee of a loan made to or for any candidate or political committee for the purpose of influencing the passage or defeat of any issue or the nomination, retention, election, or defeat of any candidate. "Contribution" includes a transfer of any money between one political committee and another; a gift of money to or for any incumbent in public office from any other person, the purpose of which is to compensate him for his public service or to help defray his expenses incident thereto but which are not covered by official compensation; the payment of any money by any person, other than a political committee working on a candidate's behalf, for political services rendered to the candidate or political committee; any payment made to third parties at the request of or with the prior knowledge of a candidate, political committee, or agent of either; and any payment made after an election to meet any deficit or debt incurred during the course of the campaign. "Contribution" does not include services provided without compensation by individuals volunteering their time on behalf of a candidate or political committee. Any transfer of money between political committees is an expenditure by the political committee which dispenses the money and is a contribution to the political committee which receives the money.

(5) "Contribution in kind" means a gift or loan of any item of real or personal property, other than money, made to or for any candidate or political committee for the purpose of influencing the passage or defeat of any issue or the nomination, retention, election, or defeat of any candidate. "Contribution in kind" includes a gift or loan of any item of real or personal property, other than money, to or for any incumbent in public office from any other person, the purpose of which is to compensate him for his public service or to help him defray his expenses incident thereto but which are not covered by official compensation. Personal services are a contribution in kind by the person paying compensation therefor; volunteer services are not included. "Contribution in kind" does not include an endorsement of candidacy or issue by any person. In determining the value to be placed on contributions in kind a reasonable estimate of fair market value shall be used.

(6) "Election" means any general or primary election or any election at which an issue is submitted to the electorate as required or permitted by law. "Election" includes a recall election held pursuant to law but does not include a school district director election. "Election" also includes a municipal or a special district election at which the office to be voted for has had an annual compensation of more than twelve hundred dollars.

(7) "Expenditure" means the payment, distribution, loan, or advance of any money or contribution in kind by any candidate, political committee, or agent of either for the purpose of influencing the passage or defeat of any issue or the nomination, retention, election, or defeat of any candidate. "Expenditure"

does not include services provided without compensation by any candidate or political committee or expenditures from the candidate's own funds for his personal or family activities. An expenditure occurs when the actual payment is made or when there is a contractual agreement and the amount is determined.

(8) "Issue" means any proposition or initiated or referred measure which is to be submitted to the electors for their approval or rejection. An issue includes the recall of any officer as provided by law.

(9) "Person" means any individual, partnership, committee, association, corporation, labor organization, or other organization or group of persons.

(10) "Political committee" means any two or more persons who are elected, appointed, or chosen or who have associated themselves or cooperated for the purpose of accepting contributions or contributions in kind or making expenditures to support or oppose a candidate for public office at any election or seek to influence the passage or defeat of any issue. "Political committee" includes any political party or committee thereof at any level or a political organization as defined in section 1-1-104. "Political committee" also includes a separate political education or political action fund or committee which is associated with an organization or association formed principally for some other purpose and includes an organization or association formed principally for some other purpose insofar as it makes contributions or contributions in kind or expenditures.

(11) "Public office" means any office voted for in this state at any election. "Public office" does not include the office of president or vice-president of the United States; the office of senator or representative in the congress of the United States; any office in a political party chosen pursuant to sections 1-3-103, 1-4-403, and 1-4-701; any political party office in an assembly or convention, including delegates thereto; any office to be voted upon in a school election; or any elective office for which the annual compensation is less than twelve hundred dollars. "Public office" includes all of the statewide offices enumerated in subsection (12) of this section.

(12) "Statewide election" means a primary or general election at which nominees or candidates for the office of governor, lieutenant governor, secretary of state, attorney general, state treasurer, state board of education, regents of the university of Colorado, the Colorado court of appeals, or the supreme court of Colorado are to be voted upon by electors of the entire state.

(13) "Statewide issue" means any proposition or measure which is voted upon by the electors of the entire state.

1-45-104. Filing - where to file. (1) For the purpose of meeting the filing requirements of this article, candidates for statewide election, the general assembly, district attorney, district court judge, or any office representing more than one county and political committees in support of or in opposition to

such candidates or in support of or in opposition to statewide issues shall file with the secretary of state. All other candidates and political committees shall file with the county clerk and recorder of the county of their residence.

(2) Reports required to be filed by this article shall be deemed timely filed if mailed by first-class mail and postmarked or received by the appropriate officer not later than the designated day.

(3) Any political committee in support of or in opposition to any issue which receives during any calendar year contributions or contributions in kind not exceeding, in the aggregate, two hundred fifty dollars or which makes expenditures which do not exceed, in the aggregate, two hundred fifty dollars shall not be subject to the reporting provisions of this article. The provisions of this subsection (3) shall not exempt any political committee from the requirements of section 1-45-106.

1-45-105. Candidate affidavit - disclosure statement. (1) When any individual becomes a candidate, such individual shall certify by affidavit filed with the appropriate officer within ten days that he is familiar with the provisions of this article. Any contributions or expenditures received or made in behalf of the candidacy of such individual prior to the filing of such affidavit shall be reported in the first reporting period, and such report shall include the information required under section 1-45-108 (4). Nothing in this section shall prohibit an individual from filing such affidavit prior to the time he becomes a candidate.

(2) Not later than ten days after filing the affidavit required by subsection (1) of this section, each candidate for the general assembly, governor, lieutenant governor, secretary of state, attorney general, state treasurer, state board of education, regents of the university of Colorado, the Colorado court of appeals, the supreme court of Colorado, and district attorney shall file with the appropriate officer a statement disclosing the information required by section 24-6-202 (2), C.R.S. 1973, in such a form as prescribed by the secretary of state.

(3) Any disclosure statement as required by subsection (2) of this section shall be amended no more than thirty days after any termination or acquisition of interests as to which disclosure is required.

(4) If a candidate withdraws his candidacy or is defeated in his candidacy, such person shall not be required to comply with the provisions of subsections (2) and (3) of this section after such withdrawal or defeat.

1-45-106. Organization of political committees. (1) (a) Every political committee supporting or opposing a candidate, statewide issue, or issue shall file a statement of organization with the appropriate officer no later than fifteen days after opening a bank account as required by section 1-45-107.

(b) For purposes of paragraph (a) of this subsection (1), a

political committee in existence on the effective date of this article shall file a statement of organization with the secretary of state no later than thirty days after said date.

(2) The statement of organization shall include:

(a) The name, the address, the candidate or issue it supports or opposes, and any other purpose of the committee;

(b) The name and address of the campaign treasurer of the political committee.

(3) Any political committee whose purpose is the recall of any elected official shall file a statement of organization with the appropriate officer no later than fifteen days after opening a bank account. Reports of contributions and expenditures shall be filed with the appropriate officer within fifteen days after the filing of the statement of organization and every thirty days thereafter until the date of the recall election has been established, at which time the political committee shall follow the provisions of section 1-45-108.

1-45-107. Deposit of contributions. All contributions received by a candidate or political committee shall be deposited in a financial institution in a separate account whose title shall include the name of the candidate or political committee. All records pertaining to such accounts shall be maintained by the candidate or political committee for sixty days after submission of the final report unless a complaint is filed, in which case they shall be maintained until final disposition of the complaint and any consequent litigation. Such records shall be subject to inspection at any hearing held pursuant to this article.

1-45-108. Reports - certification and filing. (1) The campaign treasurer shall file reports of all contributions received and all expenditures made by or on behalf of such candidate or political committee. Reports shall be filed eleven days before and thirty days after any election. Filings shall be complete as of five days prior to the filing date.

(2) Any incumbent in, or elected candidate to, as defined in section 1-45-103 (3), public office who receives any contribution or contribution in kind from any other person, the purpose of which is to compensate him for his public services or to help him defray his expenses incident thereto but which are not covered by official compensation, shall file with the appropriate officer on or before January 15 of each year a supplemental report for the preceding calendar year. Such report shall be on forms prescribed by the secretary of state and shall contain substantially the same information as prescribed in subsection (4) of this section.

(3) All reports required by this section shall be filed with the appropriate officer and shall be open to inspection by the public during regular business hours. Any report which is deemed to be incomplete by the appropriate officer shall be accepted on a conditional basis, and the campaign treasurer shall be notified by registered mail with respect to any deficiencies

found. The campaign treasurer shall have seven days from receipt of such notice to file an addendum to the report providing all information deemed necessary to complete the report in compliance with this section.

(4) Each report required by this section shall contain the following information:

(a) The amount of funds on hand at the beginning of the reporting period;

(b) The name and address of each person who has made an aggregate contribution to or for such candidate or political committee within the reporting period in excess of twenty-five dollars or a contribution in kind in excess of one hundred dollars, together with the amount and date of such contribution, or a chronological listing of all contributions and contributions in kind including the name and address of each contributor;

(c) The total sum of all contributions and contributions in kind to or for such candidate or political committee during the reporting period;

(d) The name and address of each person to whom expenditures have been made by or on behalf of the candidate or political committee within the reporting period in excess of twenty-five dollars, together with the amount, date, and purpose of each such expenditure and the name of and the office sought by each candidate on whose behalf such expenditure was made;

(e) The total sum of all expenditures made by such candidate or political committee during the reporting period;

(f) The name and address of any bank or other depository for funds used by the candidate or political committee.

(5) The provisions of this section and section 1-45-105 shall not apply to any association, political party, political organization, corporation, labor organization, or any other group of persons which receives contributions or contributions in kind from any person through events such as dinners, luncheons, rallies, or other fund-raising events, if such contributions or contributions in kind are intended to be given to another organization or group of persons which in turn distributes or contributes such contributions or contributions in kind to one or more candidates or political committees; except the provisions of paragraph (b) of subsection (4) of this section shall apply to any such organization or group of persons for each individual contribution or contribution in kind which exceeds twenty-five dollars. The reporting provisions of this section shall apply to the organization or group of persons receiving such contributions or contributions in kind.

(5.5) The filing requirements of this section shall not apply to that part of the organizational structure of a political party, as defined in section 1-1-104 (18), which is responsible for only the day-to-day operations of such political party at the national level if copies of the reports required to be filed with the federal election commission pursuant to the "Federal Election Commission Act of 1971", as amended, are filed with the secretary of state and include the information required by this section.

(6) Notwithstanding any other reports required under this

section, the campaign treasurer shall file reports of any contribution or contribution in kind in excess of five hundred dollars received by the candidate or political committee at any time within sixteen days preceding the election. This report shall be filed or postmarked no later than forty-eight hours after receipt of said contribution.

1-45-109. Unexpended contributions and expenditure deficits. (1) Any report filed under section 1-45-108 shall be final unless it shows an unexpended balance of contributions or expenditure deficit, in which event a supplemental report shall be filed one year after the election to which it applied and annually thereafter until such report shows no such unexpended balance and no such deficit. In the event the status of the balance or deficit is unchanged, no report need be filed for the preceding calendar year. Each such report shall be complete through the end of the last preceding calendar year and shall state the disposition of any unexpended balance or deficit.

(2) The report required under subsection (1) of this section shall disclose the full amount of any loan reasonably related to the campaign, the method of the loan's disposition, the balance due on the loan, the interest, if any, and the name of the person making the loan. If the loan is not paid in full within thirty days after the election to which it applied, the candidate shall file, annually on the anniversary date of the election to which the loan applied, a report concerning the disposition of the loan until the loan is repaid. Each report concerning loans made to any candidate or political committee shall contain the information required by this section.

1-45-110. Reporting requirements - persons. (1) Not less than eleven days before an election and not more than thirty days after the date of an election, each person who makes any expenditure, directly or indirectly, in an aggregate amount exceeding one hundred dollars in support of or in opposition to any specific candidate or issue, other than by contribution or contribution in kind to a candidate or political committee directly, shall file an individual statement of the expenditure with the appropriate officer, which report shall contain the following information:

(a) The name and address of any person to whom an expenditure in excess of twenty-five dollars has been made by any such person in support of or in opposition to any such candidate or issue during the reporting period, together with the amount, date, and purpose of each such expenditure;

(b) The total sum of all expenditures made in support of or in opposition to any such candidate or issue.

1-45-111. Limitations - cash contributions. No person shall make any contribution in currency or coin exceeding one hundred dollars in support of or in opposition to any candidate, political committee, or issue.

1-45-112. Expenditures in cash - limited. No candidate or political committee shall make any expenditure in currency or coin exceeding one hundred dollars for any purpose related to such candidate's campaign or to the passage or defeat of an issue.

1-45-113. Duties of the secretary of state. (1) The secretary of state shall:

(a) Prescribe forms for statements and other information required to be filed by this article and furnish such forms and information to county clerks and recorders free of charge for use by candidates and other persons required to file such statements and information under this article;

(b) Prepare, publish, and furnish free of charge to county clerks and recorders, candidates, and campaign treasurers and to other persons, at cost, an instruction sheet setting forth a suggested system for accounts for use by persons required to file statements by this article;

(c) Develop a filing and indexing system for his office consistent with the purpose of this article;

(d) Make the reports and statements filed with him available for public inspection and copying under his supervision, commencing as soon as practicable but not later than the end of the second day following the day during which it was received. He shall permit copying of any such report or statement by hand or by duplicating machine, as requested by any person, at the expense of such person. No information copied from such reports and statement shall be sold or utilized by any person for the purpose of soliciting contributions or for any commercial purpose.

(e) Conduct hearings on any matter within his jurisdiction, as provided in subsection (2) of this section, subject to appropriations made to the secretary of state. Any hearing officer employed pursuant to this paragraph (e) shall be appointed pursuant to part 10 of article 30 of title 24, C.R.S. 1973. Any hearing conducted by a hearing officer employed pursuant to this paragraph (e) shall be conducted in accordance with the provisions of section 24-4-105, C.R.S. 1973.

(2) Any person who believes a violation of this article has occurred may file a written complaint no later than sixty days after the date of the final report of a candidate or political committee with the secretary of state. If the secretary of state determines, after a hearing, that such a violation has occurred, he shall so notify the attorney general who shall institute a civil action for relief, including a permanent or temporary injunction, restraining order, or any other appropriate order in the district court. Upon a proper showing that such person has engaged or is about to engage in such acts or practices, a permanent or temporary injunction, restraining order, or other order shall be granted without bond by such court.

1-45-114. Secretary of state - additional duties. (1) The secretary of state shall immediately notify the person required

to file a statement if:

(a) It appears that the person has failed to file a report as required by this article or that a statement filed by a person does not conform to law upon examination of the names on the election ballot or that a complaint has been filed against him; or

(b) A written complaint is filed with the secretary of state by any qualified elector, pursuant to section 1-45-113 (2), alleging that a statement filed with said officer does not conform to law or to the truth or that a person has failed to file a statement required by law.

(2) (a) The secretary of state shall preserve any statement or images of that statement required to be filed by this article for a period ending at the termination of the term of office of the candidate who is elected, and statements or images of those statements of all other candidates shall be preserved for a period of one year after the date of receipt. Thereafter, such statements shall be disposed of in accordance with article 80 of title 24, C.R.S. 1973.

(b) Notwithstanding the provisions of paragraph (a) of this subsection (2), any statement required to be filed under this article shall be preserved until any complaint initiated is resolved.

1-45-115. Duties of county clerk and recorder. (1) The county clerk and recorder shall:

(a) Develop a filing and indexing system for his office consistent with the purpose of this article;

(b) Preserve any statement or images of that statement required to be filed by this article for a period ending at the termination of the term of office of the candidate who is elected and statements or images of those statements of all other candidates or political committees for a period of one year after the date of receipt;

(c) Make the reports and statements filed with him available for public inspection and copying under his supervision, commencing as soon as practicable but not later than the end of the second day following the day during which it was received. He shall permit copying of any such report or statement by hand or by duplicating machine, as requested by any person at the expense of such person. No information copied from such reports and statements shall be sold or utilized by any person for the purpose of soliciting contributions or for any commercial purpose.

(d) Transmit to the secretary of state all records and statements required to be filed by this article which the secretary of state may deem necessary in the investigation of any complaint filed under this article;

(e) Notify the person required to file a statement or report that he has failed to file such statement or report or that a complaint has been filed with the secretary of state alleging a violation of this article;

(f) Report apparent violations of law to appropriate law

enforcement authorities.

(2) The general assembly shall appropriate moneys to reimburse the county clerk and recorder of each county at the rate of two dollars per candidate per election to help defray the cost of implementing this article.

1-45-116. State and political subdivisions - limitations on contributions.

(1) No agency, department, board, division, bureau, commission, or council of the state or any political subdivision thereof shall make any contribution or contribution in kind in campaigns involving the nomination, retention, or election of any person to any public office. They may, however, make contributions or contributions in kind in campaigns involving only issues in which they have an official concern. In such instances, unless specifically approved by the governing board or legislative body of the political subdivision involved:

(a) No public funds or supplies shall be expended or used;
(b) No employee or paid officer, other than the candidate, shall work on a campaign during working hours or use any public facility or equipment in a campaign during working hours;

(c) No transportation or advertising involving public property or funds shall be provided for the purpose of influencing, directly or indirectly, the passage or defeat of an issue;

(d) No employee or officer shall be granted leave from his job or office with the public agency, with pay, to work on a campaign.

1-45-117. Campaign funds - use restricted.

No candidate or campaign treasurer shall use any contribution or contribution in kind received from any person for private purposes not reasonably related to influencing the passage or defeat of any issue or the nomination, retention, election, or defeat of any candidate or to voter registration or political education. Contributions not expended on behalf of the candidate's campaign, upon approval of the candidate or political committee, may be contributed to the county or state central committee of that candidate's political party or any other political committee on file with the secretary of state pursuant to section 1-45-106.

1-45-118. Expenditures - political advertising - rates and charges.

No candidate shall pay to any radio or television station, newspaper, periodical, or other supplier of materials or services a higher charge than that normally required for local commercial customers for comparable use of space or materials and services. Any such rate shall not be rebated, directly or indirectly. Nothing in this section shall be construed to prevent an adjustment in rates related to frequency, volume, production costs, and agency fees if such adjustments are normal charges paid by other advertisers.

1-45-119. Encouraging withdrawal from campaign prohibited.

No person shall pay, cause to be paid, or attempt to pay to any

candidate or to any political committee any money or any other thing of value for the purpose of encouraging a candidate to withdraw his candidacy, nor shall any candidate offer to withdraw his candidacy in return for money or any other thing of value.

1-45-120. Applicability. (1) The provisions of this article shall apply to any elected office of any town, city, county, or city and county in this state in which the annual compensation thereof exceeds twelve hundred dollars; but any home rule municipality may adopt ordinances or charter provisions with respect to its local elections which are more stringent than any or all of the provisions contained in this article.

(2) Failure to comply with the provisions of this article in any respect shall have no effect on the validity of any election, issue, statewide issue, or bonds issued pursuant to law; except that the penalty provided in section 1-45-121 for a candidate shall still apply.

1-45-121. Penalty - affirmative defense. (1) Any person who knowingly violates any provision of this article or who gives or accepts any contribution or contribution in kind required to be reported under section 1-45-108 in such a way as to hinder or prevent identification of the true donor commits a class 3 misdemeanor and shall be punished as provided in section 18-1-106, C.R.S. 1973. Any such person who conspires with another to violate any provision of this article and who is also a candidate shall, in addition, forfeit his right to assume the nomination or to take the oath for the office to which he may have been elected, unless he has already taken said oath, in which case the office shall be vacated. In the event the office to which the candidate has been elected is vacated, the vacancy to said office shall be filled as provided by law.

(2) It shall be an affirmative defense to prosecution under this article that the offender did not have actual knowledge of his responsibility under this article and was an uncompensated volunteer.

(3) The appropriate officer, after proper notification by certified mail, shall impose an additional penalty of not more than ten dollars per day for each day that a statement or other information required to be filed by this article is not filed, and the date of filing shall be the date of the postmark if the report is mailed; except that the appropriate officer may excuse such penalty for bona fide personal exigencies.

(4) No person who has not fully complied with the provisions of this article shall be permitted to be a candidate for any public office in any subsequent election until the deficiencies have been corrected.

LAWS OF INTEREST TO THE
GENERAL ASSEMBLY

TITLE 2
LEGISLATIVE

ARTICLE 1
CONGRESSIONAL DISTRICTS

2-1-101. Congressional districts. (1) For the election of representatives to congress, the state of Colorado is divided into five congressional districts (For the description of the congressional districts, see Article 1 of Title 2, C.R.S. 1973.)

ARTICLE 2
GENERAL ASSEMBLY

PART 1
SENATORIAL DISTRICTS - APPORTIONMENT

2-2-101. Number of members of general assembly - election from districts. (1) The senate of the general assembly shall consist of thirty-five members and the house of representatives thereof shall consist of sixty-five members, with one member of the senate to be elected from each senatorial district and one member of the house of representatives to be elected from each representative district, as established in this part 1.

(2) The definition of areas to be included in each senatorial and representative district is by reference to counties and to official census tracts, census divisions, census block groups, census blocks, and enumeration districts created by the United States bureau of the census to which fixed population counts have been assigned as of the year 1970.

2-2-102. Senatorial districts - number - composition. (See Article 2 of Title 2, C.R.S. 1973).

2-2-103. Election of senators. (1) Senators from the following senatorial districts shall be elected at the general election held in November, 1972, and every four years thereafter: 3, 4, 5, 7, 10, 12, 14, 16, 17, 19, 20, 21, 22, 23, 24, 25, 29, and 31.

(2) Senators from the following senatorial districts shall be elected at the general election held in November, 1974, and every four years thereafter: 1, 2, 6, 8, 9, 11, 13, 15, 18, 26, 27, 28, 30, 32, 33, 34, and 35.

2-2-104. Holdover senators keep office - vacancies. Nothing in this part 1 shall be construed to cause the removal of any senator from his office for the term for which he was elected, but each such senator shall serve the term for which he was elected. In the event of a vacancy in the senate, such

vacancy shall be filled as provided by law.

2-2-105. Legislative declaration - findings of legislative fact. (1) The general assembly declares it to be necessary to meet the equal population requirements of section 46 of article V of the state constitution, and it has therefore been necessary, in some instances, to add part of one county to all or part of another county in forming senatorial districts under this part 1.

(2) The general assembly further declares that some senatorial districts are not comprised of areas whose boundaries are equidistant from the geographic center of the respective areas, but that variations therefrom were necessitated by population density and distribution, boundaries of enumeration districts and other identifiable census units of area, natural boundaries, and county lines in order to define senatorial districts having population as nearly equal as may be.

(3) Pursuant to the requirements of article V, section 47, of the Colorado constitution, the senatorial districts established by this part 1 are based upon the following factors: (1) Equal population; (2) a minimum split of counties; and (3) compactness based upon geographic areas whose boundaries are as nearly equidistant from a center as possible, limited by variances caused by the shape of county boundary lines, census enumeration lines, natural boundaries, population density, and the need to retain compactness of adjacent districts. (For a further description, see Article 2 of Title 2, C.R.S. 1973)

2-2-106. Attachments and detachments. (1) If any area of this state is omitted from the provisions of this part 1, inadvertently or by virtue of the complexities of the information supplied to the general assembly, the secretary of state, upon discovery of such omission, shall attach such area to the appropriate senatorial or representative district as follows:

(a) If the area is surrounded by a senatorial or representative district, the area shall be attached to such district;

(b) If the area is contiguous to two or more senatorial or representative districts, the area shall be attached to the district that has the least population according to the last preceding national census of the United States bureau of the census.

(2) If any area of this state is included in two or more senatorial or representative districts established by this part 1, inadvertently or by virtue of the complexities of the information supplied to the general assembly, the secretary of state, upon discovery of such inclusion, shall detach such area from the senatorial or representative district or districts having the largest population and shall designate such area as being included in the senatorial or representative district having the least population; except that if such area is wholly surrounded by a senatorial or representative district and by inadvertence is also included in another senatorial or representative district, the secretary of state shall designate

such area as included in the district wholly surrounding such area, regardless of population.

(3) If any annexation occurring on or after May 1, 1972, changes a county boundary which constitutes any portion of the boundary of a senatorial district defined by this part 1, and if the population of the area annexed is one hundred seventy persons or less according to the 1970 federal census, the secretary of state shall detach the area annexed from the senatorial district in which it is included pursuant to this part 1 and shall attach such area to the adjacent senatorial district in the county to which the area was annexed; except that if such attachment would result in any area in one senatorial district being wholly surrounded by area in another senatorial district, no adjustment in senatorial district boundaries shall be made. If the area annexed is adjacent to two or more senatorial districts in the county to which it is annexed, the area shall be attached to the senatorial district having the least population. The area so attached shall also be attached to any general election precinct adjacent to such area in the county to which the area was annexed.

(4) If any annexation occurring on or after May 1, 1972, changes a county boundary which constitutes any portion of the boundary of a senatorial district defined by this part 1, and if the population of the annexed area is more than one hundred seventy persons according to the 1970 federal census, no adjustment in the boundaries of senatorial districts shall be made, but the area annexed shall constitute a separate general election precinct.

(5) Any attachment or detachment made pursuant to the provisions of subsections (1) to (4) of this section shall be certified in writing by and kept on file with the secretary of state. No change may be made in any such attachment or detachment until the senatorial or representative districts are again reapportioned.

2-2-107. Maps of legislative districts. The legislative council shall prepare and file with the secretary of state copies of census maps showing thereon each senatorial and representative district and showing the population of each district according to the official census lines, maps, and statistics as described in this part 1. The legislative council shall retain on file in its office copies of official census maps and population statistics.

2-2-108. Applicability of part 1. This part 1 applies to the forty-ninth and subsequent general assemblies.

PART 2 REPRESENTATIVE DISTRICTS - APPORTIONMENT

2-2-201. Number of members of general assembly - election from districts. (1) The house of representatives of the general assembly shall consist of sixty-five members, with one member of the house of representatives to be elected from each

representative district, as established in this part 2.

(2) The definition of areas to be included in each representative district is by reference to counties and to official census tracts, census divisions, census block groups, census blocks, and enumeration districts created by the United States bureau of the census to which fixed population counts have been assigned as of the year 1970.

2-2-202. Representative districts - number - composition.
(See Article 2 of Title 2, C.R.S. 1973.)

2-2-203. Legislative declaration - findings of legislative fact. (1) The general assembly declares it to be necessary to meet the equal population requirements of section 46 of article V of the state constitution in some instances to add part of one county to all or part of another county in forming representative districts under this part 2.

(2) The general assembly further declares that some representative districts are not comprised of areas whose boundaries are equidistant from the geographic center of the respective areas, but that variations therefrom were necessitated by population density and distribution, boundaries of enumeration districts and other identifiable census units of area, natural boundaries, and county lines in order to define representative districts having population as nearly equal as may be.

(3) Pursuant to the requirements of article V, section 47, of the Colorado constitution, the representative districts established by this part 2 are based upon the following factors: (1) Equal population; (2) a minimum split of counties; and (3) compactness based upon geographic areas whose boundaries are as nearly equidistant from a center as possible, limited by variances caused by the shape of county boundary lines, census enumeration lines, natural boundaries, population density, and the need to retain compactness of adjacent districts. (For a further description, see Article 2 of Title 2, C.R.S. 1973)

2-2-204. Attachments and detachments. (1) If any area of this state is omitted from the provisions of this part 2, inadvertently or by virtue of the complexities of the information supplied to the general assembly, the secretary of state, upon discovery of such omission, shall attach such area to the appropriate representative district as follows:

(a) If the area is surrounded by a representative district, the area shall be attached to such district;

(b) If the area is contiguous to two or more representative districts, the area shall be attached to the district that has the least population according to the last preceding national census of the United States bureau of the census.

(2) If any area of this state is included in two or more representative districts established by this part 2, inadvertently or by virtue of the complexities of the information supplied to the general assembly, the secretary of state, upon discovery of such inclusion, shall detach such area from the

representative district or districts having the largest population and shall designate such area as being included in the representative district having the least population; except that, if such area is wholly surrounded by a representative district and by inadvertence is also included in another representative district, the secretary of state shall designate such area as included in the district wholly surrounding such area, regardless of population.

(3) If any annexation occurring on or after May 1, 1972, changes a county boundary which constitutes any portion of the boundary of a representative district defined by this part 2, and if the population of the area annexed is one hundred seventy persons or less according to the 1970 federal census, the secretary of state shall detach the area annexed from the representative district in which it is included pursuant to this part 2 and shall attach such area to the adjacent representative district in the county to which the area was annexed; except that if such attachment would result in any area in one representative district being wholly surrounded by area in another representative district, no adjustment in representative district boundaries shall be made. If the area annexed is adjacent to two or more representative districts in the county to which it is annexed, the area shall be attached to the representative district having the least population. The area so attached shall also be attached to any general election precinct adjacent to such area in the county to which the area was annexed.

(4) If any annexation occurring on or after May 1, 1972, changes a county boundary which constitutes any portion of the boundary of a representative district defined by this part 2, and if the population of the annexed area is more than one hundred seventy persons according to the 1970 federal census, no adjustment in the boundaries of representative districts shall be made, but the area annexed shall constitute a separate general election precinct.

(5) Any attachment or detachment made pursuant to the provisions of subsections (1) to (4) of this section shall be certified in writing by and kept on file with the secretary of state. No change may be made in any such attachment or detachment until the representative districts are again reapportioned.

2-2-205. Maps of legislative districts. The legislative council shall prepare and file with the secretary of state copies of census maps showing thereon each representative district and showing the population of each district according to the official census lines, maps, and statistics as described in this part 2. The legislative council shall retain on file in its office copies of official census maps and population statistics.

2-2-206. Severability. If one or more of the representative districts defined by this part 2 are found to violate any provision of the state or federal constitution, the remaining districts defined by this part 2 which do not violate

any such provision may stand as defined, and the general assembly shall redefine the boundaries of those districts held invalid in such a manner that said districts will comply with constitutional requirements.

2-2-207. Applicability of part 2. This part 2 applies to the forty-ninth and subsequent general assemblies.

PART 3
ORGANIZATION - OPERATION

2-2-301. Call of houses to order. At the time fixed by section 7 of article V of the state constitution for the meeting of the first regular session of the general assembly next after the general election, the holdover senators and senators-elect shall meet in the hall of the senate, and the members-elect of the house of representatives shall meet in the hall of the house of representatives. The president of the next preceding session of the senate, or in case of his absence the holdover senator or one of them having served the longest continuous time in the senate, shall call the senate to order. The speaker of the next preceding session of the house of representatives, or in his absence the person holding a certificate issued by the secretary of state as a member and having served the longest continuous time in the house of representatives, shall call the house of representatives to order.

2-2-302. Clerks to file certificates - roll - officers. The clerk of each house shall file the certificates presented by the members, each for his own house, and make a roll of the members who thus appear to be elected, and the persons thus appearing to be elected members shall proceed to elect such other officers as may be required for the time being.

2-2-303. Committee on credentials - permanent organization. When the houses are temporarily organized, the presiding officer in each house, with the consent of said house, shall appoint a committee of three members thereof to report upon the credentials of those claiming to be elected members of their respective houses. When the report is made, those reported as elected shall proceed to the permanent organization of their respective houses. Each house will be the sole judge of the election returns and qualifications of its own members.

2-2-304. Members not to be questioned. No members of the general assembly will be questioned in any other place for any speech or word spoken in debate in either house.

2-2-305. Legislative employees - compensation. The officers and employees of each house of the general assembly of the state of Colorado and their compensation shall be determined by joint resolution of both houses, and such officers and

employees shall be appointed without regard to the state personnel system.

2-2-306. Appointment - qualifications - duties. All such officers and employees, except as otherwise provided in this part 3, shall be selected by the house employing them, and they shall perform the duties usually performed by like officers and employees, and all other duties as may be required of them by the house employing them. All clerks provided for in this part 3 shall be assignable and all printing clerks shall be skilled and competent proofreaders.

2-2-307. Compensation of members. (1) and (2) Repealed, L. 76, p. 593, § 5, effective July 1, 1976.

(3) The controller, upon taking official notice of the existing membership of the general assembly, shall issue vouchers and draw warrants for the monthly and semimonthly per diem compensation and for reimbursement of traveling expenses due each member as specified in this section.

(4) Each member of the general assembly shall receive as compensation for his services:

(a) The sum of seven thousand six hundred dollars per annum for each year of the term for which elected, payable as follows: In the months of January, February, March, and April of each year, a member shall be compensated at the rate of one thousand dollars per month; during the remaining eight months of each year, a member shall be compensated at the rate of four hundred fifty dollars per month. Of such annual compensation for a member of the general assembly who is away from his principal place of business and his home while serving during a legislative session, twenty dollars per day for each legislative day during each regular and special session of the general assembly in each year shall be considered as a per diem expense allowance, and shall be in addition to the lodging and travel allowance provided for in section 2-2-317.

(b) All actual and necessary expenses incurred in traveling to the state capital for one round trip for each regular or special session of the general assembly, such expenses to be paid after the same are incurred. The mileage allowance shall not exceed the rates authorized for the executive department.

(c) The general assembly may provide by joint resolution to suspend its compensation, or any portion thereof.

(5) In addition to the compensation specified in subsection (4) of this section, the members of the general assembly shall be entitled to:

(a) The further sum of thirty-five dollars per day, not to exceed one thousand fifty dollars in any calendar year, for necessary attendance while the general assembly is not in session at meetings of the legislative council, or committees established by the legislative council, or interim committees authorized by law or by joint resolution of the two houses, except as provided in paragraphs (b) and (c) of this subsection (5), together with all actual and necessary travel and subsistence expenses to be

paid after the same are incurred. Mileage rates shall not exceed those authorized for the executive department.

(b) The further sum of thirty-five dollars per day, not to exceed three thousand five hundred dollars in any calendar year, for members of the joint budget committee and the legislative audit committee for attendance at meetings of the joint budget committee and the legislative audit committee while the general assembly is not in session, and, with the approval of the chairman, for necessary attendance at state functions and state institutions and agencies at which matters concerning the joint budget committee and the legislative audit committee are considered, together with all actual and necessary travel and subsistence expenses to be paid after the same are incurred. Mileage rates shall not exceed those authorized for the executive department.

(c) The further sum of thirty-five dollars per day for necessary attendance by the president of the senate, the speaker of the house of representatives and the senate and house majority and minority leaders, while the general assembly is not in session, to matters concerning the general assembly, together with all actual and necessary travel and subsistence expenses to be paid after the same are incurred. Mileage rates shall not exceed those authorized for the executive department.

(6) (a) The compensation of the general assembly as fixed in subsections (4) and (5) of this section shall apply to all members of the senate and the house of representatives elected at the 1970 general election and thereafter, to members appointed to fill vacancies for the unexpired terms of any such members, and to members appointed on or after January 6, 1971, to fill vacancies of senators elected at the 1968 general election.

(b) The compensation specified in subsections (4) and (5) of this section shall also apply to all members of the senate elected at the 1974 general election and to members appointed to fill vacancies for the unexpired terms of any such senators.

(c) Commencing January 5, 1977, the compensation of all members of the general assembly not subject to the provisions of paragraph (b) of this subsection (6) shall be as provided in subsections (8) and (9) of this section.

(d) The compensation of all members of the general assembly shall be subject to adjustment based on attendance at sessions in the manner provided in subsection (11) of this section.

(7) (a) Before incurring any expense for which reimbursement may be claimed, other than those incurred under subsection (4) (b) and subsection (5) (a), (b), and (c) of this section, a member of the house of representatives shall obtain the approval of the speaker of the house of representatives and a senator shall obtain the approval of the majority leader of the senate. Vouchers for the payment of such expenses of members of the house of representatives shall be approved by the speaker of the house of representatives, and vouchers for the payment of such expenses of senators shall be approved by the majority leader of the senate.

(b) The director of research of the legislative council

shall approve payroll vouchers and vouchers for per diem payments incurred in connection with attendance by members of both houses at meetings of the legislative council, the committee on legal services, the joint budget committee, the legislative audit committee, the commission on interstate cooperation, the commission on uniform state laws, a committee of any such agency, or any interim committee authorized by law, by joint resolution, or by resolution of either house.

(c) Prior approval of expenses incurred by members of any legislative committee created by law in connection with the activities of any national or regional organization in which Colorado officially participates shall be obtained from the chairman of the appropriate committee.

(d) The state controller shall draw warrants upon such vouchers for the payment of expenses as specified in this section.

(8) (a) Commencing January 5, 1977, all members of the general assembly who do not come within the provisions of paragraph (b) of subsection (6) of this section shall receive as base compensation for their services the sum of twelve thousand dollars per annum, payable as provided in paragraph (b) of this subsection (8).

(b) Compensation provided in paragraph (a) of this subsection (8) shall be payable as follows:

(I) In the months of January, February, March, and April, a member of the general assembly shall be compensated at the rate of one thousand five hundred dollars per month.

(II) In the remaining eight months of the year, the members of the general assembly shall be compensated at the rate of seven hundred fifty dollars per month.

(III) Of such compensation provided in this paragraph (b) for a member of the general assembly who is away from his principal place of business and his home while serving during a legislative session, twenty dollars per day for each legislative day during each regular and special session of the general assembly in each year shall be considered as a per diem expense allowance and shall be in addition to the lodging and travel allowance provided for in section 2-2-317.

(9) All members of the general assembly shall, in addition to the base compensation specified in this section, be entitled to:

(a) The further sum of fifty dollars per day, not to exceed two thousand five hundred dollars in any calendar year, for necessary attendance while the general assembly is in recess for more than three days or is not in session at meetings of the legislative council or committees established by the legislative council or interim committees authorized by law or by joint resolution of the two houses or the Committee on Legal Services, except as provided in paragraph (b) of this subsection (9), together with all actual and necessary travel and subsistence expenses to be paid after the same are incurred. Mileage rates shall not exceed those authorized for the executive department.

(b) The further sum of fifty dollars per day, not to exceed five thousand dollars in any calendar year, for members of the joint budget committee and the legislative audit committee for attendance at meetings of the joint budget committee and the legislative audit committee while the general assembly is in recess for more than three days or is not in session and, with the approval of the chairman, for necessary attendance at state functions and state institutions and agencies at which matters concerning the joint budget committee and the legislative audit committee are considered, together with all actual and necessary travel and subsistence expenses to be paid after the same are incurred. Mileage rates shall not exceed those authorized for the executive department.

(c) The further sum of fifty dollars per day, not to exceed five thousand dollars, for necessary attendance by the president of the senate, the speaker of the house of representatives, and the senate and house majority and minority leaders, while the general assembly is in recess for more than three days or is not in session, to matters concerning the general assembly, together with all actual and necessary travel and subsistence expenses to be paid after the same are incurred. Mileage rates shall not exceed those authorized for the executive department.

(10) The requirements of subsections (7) and (11) of this section are applicable to all claims for compensation and reimbursement under subsections (8) and (9) of this section.

(11) (a) The compensation for the services of the members of the general assembly shall be adjusted as provided in this subsection (11).

(b) If any member of the general assembly is absent for any purpose other than long-term illness approved by the president of the senate and the speaker of the house of representatives from two-thirds or more of the sessions of his respective house, he shall forfeit two-thirds of the compensation allowed him under this section.

(c) If any member of the general assembly is absent for any purpose other than long-term illness approved by the president of the senate and the speaker of the house of representatives from one-third or more of the sessions of his respective house, he shall forfeit one-third of the compensation allowed him under this section.

(d) For the purposes of this subsection (11), "session" means any regular meeting of either house of the general assembly in its respective chamber to consider the passage of legislation and any meeting of all committees of either house. No other meetings shall be considered sessions.

(e) The presiding officer of each house, within ten days after adjournment sine die, shall certify the number of days for which each member of his respective house shall be compensated and the amount due each member or owing from each member, and the controller, upon receipt of such certification, shall issue vouchers and draw warrants for the compensation due each member, adjusted as provided in subsection (7) of this section and this

subsection (11). If there has been an overpayment for compensation during the time of the session, the controller shall cause to be issued a statement of deficiency to recover the funds previously disbursed to the member, and such statement of deficiency shall be enforceable as a debt to the state of Colorado and may be enforced in the appropriate court by the attorney general.

(12) (a) Commencing January 7, 1981, all members of the general assembly elected at the 1980 general election and thereafter and members appointed to fill vacancies for unexpired terms of such members shall receive as base compensation for their services the sum of fourteen thousand dollars per annum, payable as follows:

(I) In the months of January, February, March, and April, a member shall be compensated at the rate of one thousand seven hundred fifty dollars per month;

(II) For the remaining eight months of the year, a member shall be compensated at the rate of eight hundred seventy-five dollars per month.

(b) The requirements of subsections (7) and (11) of this section are applicable to all claims for compensation and reimbursement under this subsection (12).

2-2-308. Officers and employees - pay ceases, when - exceptions. (1) The compensation of officers and employees of each house of the general assembly shall cease upon final adjournment of each session, but prior to final adjournment of a session, each house may designate by resolution such officers and employees as are necessary to complete the clerical work and records of the proceedings of such session and fix their terms of service. Also, prior to adjournment of a session to a day certain, the general assembly may terminate by joint resolution the compensation of its officers and employees during such period of adjournment, but each house may designate by resolution such officers and employees as are necessary to complete, to the extent possible during such period of adjournment, the clerical work and records of the proceedings of such session and fix their terms of service.

(2) The presiding officer of either house is hereby authorized to recall such officers or employees of his house as may be required to render clerical or other services to committees of his house or joint committees of both houses meeting between sessions of the general assembly.

2-2-309. Method of payment. The presiding officer of each house shall certify semimonthly during each session, and at such times as may be necessary thereafter, the number of days of service rendered by each officer and employee of his respective house and the amount payable for such service, and the state controller, upon receipt of such certification, shall issue vouchers and draw warrants for the compensation due each officer and employee, without certification from the state personnel director, and the state treasurer shall pay the same out of the

moneys appropriated for the purpose.

2-2-310. Senate and house journals published. The speaker of the house of representatives and the president of the senate shall have copies of each of the journals of their respective houses published as soon as practicable after the adjournment of each session of the general assembly. The journals covering regular sessions and special sessions may be combined in a single volume for this purpose. The chief clerk of the house of representatives and the secretary of the senate shall, as soon as possible after adjournment of any session of the general assembly, deliver to the secretary of state the original journals of their respective houses. They shall also deliver to the printer a complete and accurate copy of the same, indexed and ready for printing, and also a brief index of all bills, resolutions, and memorials introduced in each of their respective houses during the session. The speaker of the house of representatives and the president of the senate shall certify the correctness of the published copies of said journals, which certificates shall be included in and made a part of such publications. Said journals, when printed and certified, together with all former printed volumes of house and senate journals of preceding sessions of general assemblies of the state of Colorado, published by authority of the state of Colorado, shall be taken and held as prima facie evidence of the originals thereof.

2-2-311. Disposition of journals. The secretary of the senate and the chief clerk of the house of representatives shall deliver one copy of each of the published journals to the supreme court library and twenty-two copies to the Colorado state library for delivery to twenty designated Colorado state documents depositories; except that, if the state library supplies microfiche copies of the published journals to the state documents depositories, only four copies of the published journals shall be delivered.

(2) The secretary of the senate and the chief clerk of the house of representatives shall send a joint written notice to each county clerk and recorder in the state that the published journals are available. If the county clerk and recorder of any county wishes to receive one copy of each of the published journals, he shall so notify the secretary of the senate and the chief clerk of the house of representatives, and a copy of each shall be delivered to him. If any county law library in the state requests a copy of each of the published journals from the secretary of the senate and chief clerk of the house of representatives, said copies shall be delivered to such library.

(3) The secretary of the senate and the chief clerk of the house of representatives shall retain sufficient copies of the published journals for other official uses and for those legislators who request them.

(4) The notification and response required in subsections (2) and (3) of this section shall be in a timely manner such that

compliance with the legislative printing contract for senate and house journals can be met.

2-2-312. Cost of publication. The cost of the publication of said journals shall be paid out of any moneys available and appropriated for the payment of the incidental and contingent expenses of the general assembly.

2-2-313. Witnesses - attendance before assembly. The general assembly, or either house thereof, by resolution or otherwise, as it deems best, may prescribe the conditions under which and the manner in which a witness may be summoned to attend, with or without documents in his possession or under his control, before any committee of said general assembly or of either house thereof.

2-2-314. Violation - penalty. Any person who fails or refuses to obey any such summons so issued is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than five hundred dollars, or by imprisonment in the county jail for not more than one year, or by both such fine and imprisonment.

2-2-315. Member may administer oath. The chairman or any member of any committee appointed by either branch of the general assembly of this state, or any member of any joint committee appointed by the two houses of the general assembly, is authorized to administer oaths and affirmations to witnesses, touching any matter or thing which may be under the consideration or investigation of the committee.

2-2-316. Legislative declaration. Considering the greatly improved highways and airways of this state which permit greater mobility with less cost in money and time; considering the increasing length of legislative sessions, the increasing complexity and importance of the problems presented, and the benefits to be derived from frequent contact between legislator and constituents; and considering the desirability of preserving the concept of part-time citizen-legislators and, therefore, the need to allow them a reasonable opportunity to attend to their own personal, family, and business affairs even during sessions of the general assembly, it is hereby declared to be necessary, within the meaning of the state constitution and in the best interests of the general assembly and the state of Colorado, that members of the senate and house of representatives travel to their homes and back to the capitol during sessions of the general assembly when the house to which they belong is in adjournment for periods not exceeding seventy-two hours.

2-2-317. Expense, subsistence, and travel allowance. (1) Except as provided in subsection (2) of this section, each member of the general assembly shall be allowed up to twenty dollars per legislative day for expenses incurred during the sessions of the

general assembly and shall receive traveling expenses to his home and back to the capitol per legislative day of actual attendance.

(2) In lieu of the expenses allowed in subsection (1) of this section, if a member does not reside in the Denver metropolitan area, which area consists of the counties of Adams, Arapahoe, Boulder, Clear Creek, Denver, Douglas, Gilpin, and Jefferson, the member shall be allowed up to forty dollars per day of actual occupancy for lodging and his expenses in Denver during the sessions of the general assembly; and the member shall also be allowed traveling expenses to his home and back to Denver once a week, pursuant to section 2-2-316.

(3) The lodging and expense allowances of the general assembly as fixed by this section shall apply to the second regular session of the fifty-second general assembly and subsequent general assemblies.

(4) The general assembly may provide by joint resolution for the suspension on a temporary basis of the normal per diem expense allowance, or any portion thereof, during that period when the general assembly is in recess for more than three days.

2-2-318. Members to be reimbursed for expenses. Each member of the general assembly shall be reimbursed for expenses actually incurred pursuant to sections 2-2-316 and 2-2-317. In auditing any mileage claim of members of the general assembly, the controller is authorized to accept without further substantiating evidence the expense voucher duly signed by the member, if the mileage in such claim does not exceed the authorized rate at which employees of the executive branch are reimbursed. In addition, he may accept without such further evidence the member's certification as to the number of days of actual attendance under section 2-2-317 (1), or in lieu thereof, the member's certification as to the number of days of actual occupancy under section 2-2-317 (2).

2-2-319. Sections 2-2-316 to 2-2-319 provide no increase in compensation or mileage. The general assembly declares that the provisions of sections 2-2-316 to 2-2-319 relate not to compensation but to the necessity of certain traveling expenses and that the purpose is neither to increase compensation nor mileage.

2-2-320. Legislative department contracts - approval. (1) Any contract to which the house of representatives or the senate is a party shall be approved by the speaker of the house of representatives or the majority leader of the senate, as the case may be. Whenever the house of representatives and the senate are parties to the same contract, both the speaker of the house of representatives and the majority leader of the senate shall approve the contract. Any contract to which the legislative council, the legislative drafting office, the office of revisor of statutes, the joint budget committee, the office of the state auditor, the commission on interstate cooperation, or the commission on uniform state laws is a party shall be approved by

the chairman or vice-chairman of the governing committee of such agency, as the case may be.

(2) The attorney general shall approve all legislative department contracts as to form. The controller shall approve such contracts in accordance with section 24-30-202, C.R.S. 1973. Whenever any such contract concerns automated data processing operations or equipment, the contract shall be submitted to the executive director of the department of administration or his designee, who shall make recommendations as to whether the provisions thereof are compatible with existing or planned hardware and software systems. The state purchasing director shall maintain a registry and file of legislative department contracts in the same manner as such registry and file are maintained for contracts of the executive department.

2-2-321. Designation and assignment of space in capitol buildings group and on the grounds thereof. The general assembly, by joint resolution, shall designate and assign such space in the capitol building (except for space on the first floor, which shall be designated and assigned by the executive department for the use of elected officials) and on the grounds surrounding the capitol, which is necessary for the use of the legislative department, including, but not limited to, parking space on the grounds and streets surrounding the capitol building. In addition, the general assembly shall designate and assign such space in the state museum building at Fourteenth avenue and Sherman street and may provide for the furnishing and equipping thereof, as may be necessary for the use of the legislative department.

PART 4 INTERFERENCE WITH THE LEGISLATIVE PROCESS

2-2-401. Legislative declaration. The general assembly finds and declares that in addition to the protections against interference with the legislative process afforded by the provisions of sections 18-4-401, 18-4-501, 18-8-102, 18-8-306, and 18-9-110, C.R.S. 1973, there is a need for legislation under which appropriate action may be taken to prevent the commission of acts prohibited under said sections.

2-2-402. Chief security officers. (1) Each house of the general assembly may appoint a chief security officer to ensure the orderly operation of each house and committees thereof. Such chief security officers shall perform the duties of the house employing them and shall be under the direction of one or more members or officers of such house as may be designated in the rules of each house.

(2) Such chief security officers are hereby designated to be peace officers and shall have jurisdiction to act as such in the performance of their duties anywhere within the state.

(3) Each house may adopt rules regarding the organization, supervision, and operations of its security staff, prescribing

the qualifications, training, and duties of its security officers and all other matters relating to the performance of their responsibilities.

2-2-403. Indemnification of members, officers, and employees of the legislature. (1) The state shall save harmless and indemnify all members, officers, and employees of the general assembly, either house thereof, or committees of the general assembly or either house thereof from financial loss arising out of any claim, demand, suit, or judgment by reason of alleged negligence or other act by such member, officer, or employee, as long as such member, officer, or employee at the time damages were sustained was performing duties relating to the maintenance of order in connection with the operation of the general assembly, either house thereof, or any committee of the general assembly or either house thereof, or involving the security, health, or safety of any member, officer, or employee of the general assembly, either house or a committee thereof, or the general public, and as long as such damage did not result from the willful and wrongful act or gross negligence of such member, officer, or employee; except that such member, officer, or employee shall, within five days after the time he is served with any summons, complaint, process, notice, demand, or pleading, deliver the original or a copy thereof to the attorney general.

(2) Upon such delivery the attorney general may assume control of the representation of such member, officer, or employee. Such member, officer, or employee shall cooperate fully with the attorney general's defense.

(3) This section shall not in any way impair, limit, or modify the rights or obligations of any insurer under any policy of insurance.

(4) The benefits of this section shall inure only to such members, officers, and employees and shall not enlarge or diminish the rights of any other party.

2-2-404. Legislative rules and regulations. (1) The senate and the house of representatives shall each have the power to adopt rules or joint rules, or both, for the orderly conduct of its affairs and to preserve and protect the health, safety, and welfare of its members, officers, and employees in the performance of their official duties, as well as that of the general public in connection therewith, and to preserve and protect property and records under the jurisdiction of the general assembly or either house thereof, consistent with public convenience, the public's rights of freedom of expression and to peaceably assemble and petition government, and the established democratic concepts of the openness of the legislative process.

(2) In lieu of or in addition to the adoption of such rules, the senate and the house of representatives may each, by rule, authorize its presiding officer to promulgate regulations for any or all such purposes.

(3) Rules or regulations may be adopted with respect to the following matters, among others, without limitation by reason

of such specification:

(a) Regulating admission to the legislative chambers, galleries, lobbies, offices, and other areas of the buildings wherein they are located which provide access thereto;

(b) Limiting the size of groups of persons permitted within such areas, for reasons of health and safety and in case of fire or other emergency;

(c) Prohibiting or restricting the bringing of signs, banners, placards, or other display materials into any such areas, or possessing them therein, without proper authorization;

(d) Prohibiting or restricting the bringing of radio or television equipment, recording equipment, sound-making or amplifying equipment, and photographic equipment into any such areas, or possessing them therein, without proper authorization;

(e) Prohibiting or restricting the bringing of packages, bags, baggage, or briefcases into any such areas, or possessing them therein, without proper authorization;

(f) Establishing rules of conduct for visitors to the galleries;

(g) Authorizing the clearing of the public from the chambers, lobbies, and galleries or from any room in which a public legislative hearing or meeting is being conducted in the event of any disturbance therein which disrupts legislative proceedings or endangers any member, officer, or employee of the general assembly or the general public, or where reasonable grounds exist for believing that such a disturbance or danger may occur; except that duly accredited representatives of the news media not participating in any such disturbance shall be permitted to remain therein. The closing of such areas to the public shall continue only so long as necessary to avoid disruption of the legislative proceedings or to preserve and protect the safety of the members, officers, or employees of the general assembly or the general public;

(h) Authorizing the construction of safety barriers and other protective measures for the galleries and other areas under the jurisdiction of the general assembly and the acquisition of security equipment, all within the funds made available therefor;

(i) Protecting the records and property of the general assembly from unlawful damage or destruction;

(j) Any and all other matters which may be necessary or appropriate to the orderly conduct of the affairs of the general assembly and the protection of the health, safety, and welfare of the members, officers, and employees of the general assembly and the general public in connection therewith.

(4) In lieu of or in addition to the adoption of separate rules, the senate and the house of representatives may adopt joint rules applicable to both houses.

(5) In lieu of or in addition to the promulgation of separate regulations, the senate and the house of representatives may promulgate joint regulations applicable to both houses.

(6) All such rules of the senate and the house of representatives or either house and regulations of the senate and the house of representatives shall be filed in the offices of the

clerks thereof, and a copy of such rules and regulations shall be made available to any person upon request, without charge.

(7) Such rules and regulations shall have the force and effect of law. Any person who willfully violates any such rule or regulation is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than one hundred dollars, or by imprisonment in the county jail for not more than thirty days, or by both such fine and imprisonment.

2-2-405. Injunctions. If the presiding officer of either the senate or the house of representatives has reasonable grounds for believing that any person is then committing an unlawful act, or is about to do so, which is interfering with or will interfere with any proceedings or other business of the general assembly, either house thereof, or any committee of the general assembly or either house thereof, he may seek injunctive relief in accordance with the Colorado rules of civil procedure.

2-2-406. Contempt of either house. (1) The senate and the house of representatives may each punish by imprisonment not extending beyond the same session of the general assembly, as and for a contempt, disorderly conduct of its members, officers, employees, or others committed in the immediate view of the senate or the house of representatives and tending to interrupt its proceedings. Imprisonment for contempt shall be effected by a warrant in the name of the people of the state, signed by the presiding officer of the house in which the contempt occurred, directed to the chief security officer of such house or the state police and ordering the apprehension of the contemnor and the delivery of him to the sheriff of the county in which the alleged contempt occurred for detention by said sheriff in accordance with such warrant, subject to such bail as may be set by the district court of the county in which the alleged contempt occurred. A finding of contempt and imprisonment therefor shall not constitute a bar to any other proceeding, civil or criminal, for the same act.

(2) Notice of the proposed contempt citation shall be published in a resolution of the house in which the contempt occurred approved first by a majority of a committee and then of the house itself. If the contempt is committed before the house itself rather than a committee thereof, a resolution of the house itself shall be sufficient. Persons actually named in the resolution shall be either personally served or otherwise be given notice in the same manner as is provided by law and the Colorado rules of civil procedure for acquisition of jurisdiction over the person in civil actions. The notice shall include:

(a) A statement of the terms or substance of the offense which caused the citation to be issued;

(b) A statement of the time and place of the hearing before the committee which first passed the contempt resolution or before the house in which the contempt occurred, as the case may be. The person to be cited shall be required to show cause why he should not be found in contempt. The time and place for

hearing shall allow reasonable time to give the person to be cited notice of the charges against him and to prepare an appropriate defense concerning them.

(3) The contempt hearing shall give the person to be cited an opportunity for an oral presentation before the committee or before the house in which the contempt occurred, whichever is holding the hearing, for submission of written arguments, and for the right to counsel at the hearing.

(4) A person to be cited shall be found in contempt and shall be punished therefor only after a majority of the committee which initiated the contempt proceeding finds, after notice and a hearing which satisfies the provisions of subsections (2) and (3) of this section, that the person cited has been proven beyond a reasonable doubt to have committed a contempt as defined in this section. The committee shall state in a report to the full house the reasons for its finding. If the full house affirms by a majority vote the finding of the committee, the cited person shall be held in contempt.

(5) If the contempt citation is initiated by the house itself because of a contempt committed before the house, the person to be cited shall be punished for contempt if the house itself finds, by a majority vote, after notice and a hearing which satisfies the provisions of subsections (2) and (3) of this section, that the person cited has been proven beyond a reasonable doubt to have committed a contempt as defined in this section.

PART 5

LEGISLATIVE DISTRICTS - IMPLEMENTATION OF COMMISSION PLAN

2-2-501. Number of members of general assembly - election from districts. The senate of the general assembly shall consist of thirty-five members and the house of representatives thereof shall consist of sixty-five members, with one member of the senate to be elected from each senatorial district and one member of the house of representatives to be elected from each representative district, as established in this part 5.

2-2-502. Definition. As used in this part 5:

(1) "Commission" means the Colorado reapportionment commission, created pursuant to section 48 of article V of the state constitution and appointed in 1981.

(2) "Major political party" means one of the two political parties whose candidate for governor at the last preceding gubernatorial election received the first and second greatest number of votes.

2-2-503. Designation of senatorial districts to elect in 1982 and 1984. As a part of its preliminary and final reapportionment plans for state senatorial districts, the commission shall designate those senatorial districts in which

state senators shall be elected at the general election to be held in November, 1982, and every four years thereafter, and those senatorial districts in which state senators shall be elected at the general election to be held in November, 1984, and every four years thereafter. Such designation of senatorial districts shall be filed with the secretary of state as a part of the approved reapportionment plan required to be filed by section 48 (1) (e) of article V of the state constitution.

2-2-504. Holdover senators keep office - vacancies. Nothing in this part 5 or in any reapportionment plan shall be construed to cause the removal of any senator from his office for the term for which he was elected, and each such senator shall serve the term for which he was elected. In the event of a vacancy in the senate, such vacancy shall be filled as provided by law. If any senator elected at the 1980 general election shall vacate his seat prior to the expiration of his term of office in January, 1985, such vacancy shall be filled from the district from which he was elected.

2-2-505. Maps of legislative districts. (1) Following the development of a preliminary plan, as required by section 48 (1) (e) of article V of the state constitution, and prior to the holding of public hearings on any preliminary plan, the commission may file with each county clerk and recorder and each county chairman of the two major political parties a copy of the preliminary reapportionment plan showing the proposed state senatorial and representative districts in which such county is located, together with a state outline map of legislative districts. A complete state plan may be provided to the state chairmen of the two major political parties.

(2) At the time of submission of a final reapportionment plan to the Colorado supreme court for its review and determination in accordance with section 48 (1) (e) of article V of the state constitution, the commission shall provide the supreme court with a copy of all maps showing the division of the state into legislative districts and necessary supportive evidence, pursuant to the supreme court rules adopted for such proceedings.

(3) As soon as possible after approval of a final plan by the Colorado supreme court, the commission shall prepare and file with the secretary of state copies of census maps showing thereon each legislative district and a description of each district in terms of official census units. The commission shall also file with the county clerk and recorder in each county the necessary maps and descriptions of each legislative district which is located within the boundaries of such county.

2-2-506. Precinct boundaries. (1) Pursuant to the provisions of section 1-6-101, C.R.S. 1973, the board of county commissioners of each county shall redraw the general election precincts in such county to ensure that no general election precinct is contained within more than one state representative,

state senatorial, or congressional district. For purposes of elections to be held in 1982, the provisions of section 1-6-101 (2), C.R.S. 1973, concerning the date for completion of changes in precinct boundaries, and section 1-4-602 (4), C.R.S. 1973, concerning notice of precinct caucuses, shall not apply; except that changes in precinct boundaries shall be completed no later than April 1, 1982, and notices of precinct caucuses shall be posted not later than five days preceding the day of holding such caucuses. Not more than two weeks after such approval of precinct boundaries and in accordance with section 1-6-101, C.R.S. 1973, the board of county commissioners shall file with the secretary of state a copy of the county precinct boundary map showing thereon the revised and reestablished general election precinct boundaries and the boundaries of any legislative or congressional district, if said county is divided into two or more state representative, state senatorial, or congressional districts.

(2) The board of county commissioners shall notify the county chairman of each of the two major political parties of any general election precinct boundaries revised and reestablished in accordance with the provisions of this section within five days after the establishment of precinct boundaries in accordance with the provisions of this section.

2-2-507. Attachments and detachments. (1) If any area of the state is omitted from the reapportionment plan approved by the Colorado supreme court, inadvertently or by virtue of the complexities of the census materials used in the development of the plan, the secretary of state, upon discovery of such omission, shall determine to which senatorial or representative district the area should be assigned as follows:

(a) If the area is surrounded by a representative or senatorial district, the area shall be assigned to said district; and

(b) If the area is contiguous to two or more representative or senatorial districts, the area shall be assigned to the district that has the least population according to the latest national census.

(2) If any area of the state is included in two or more senatorial or representative districts in the reapportionment plan approved by the Colorado supreme court, inadvertently or by virtue of the complexities of the census materials used in the development of the plan, the secretary of state, upon discovery of such inclusion, shall detach said area from the senatorial or representative district or districts having the largest population and shall designate such area as being assigned to the district having the least population; except that, if such area is wholly surrounded by a senatorial or representative district and by inadvertence is also included in another district, the secretary of state shall assign such area to the district wholly surrounding such area, regardless of population.

(3) Following the assignment of any area pursuant to the

provisions of subsection (1) or (2) of this section, the secretary of state shall certify the population of such assigned area and any changes in populations of affected senatorial or representative districts, based on the latest national census, to the Colorado supreme court. If the supreme court determines that the assignments made by the secretary of state would not result in a violation of the population requirements of section 46 of article V of the state constitution, the supreme court shall approve said assignments. If the supreme court determines that the assignments would result in a violation of the population requirements of section 46 of article V of the state constitution, the supreme court shall certify a revised reapportionment plan to the secretary of state.

2-2-508. Changes in county and municipal boundaries. Whenever the boundaries of a senatorial or representative district coincide with the boundaries of a county or municipality, and said county or municipal boundaries are changed by annexation or detachment, the boundaries of the senatorial or representative district shall remain the same until such time as a new reapportionment is made following a national census as provided in section 48 of article V of the state constitution.

2-2-509. Published plan and records. (1) Upon submission of the reapportionment plan approved by the Colorado supreme court to the secretary of state, the commission shall provide all copies of the published plan and all commission records to the secretary of state.

(2) The secretary of state shall provide any candidate for legislative office or any Colorado citizen with a copy of a map showing the boundaries for any legislative district upon request. Individual district maps shall be provided to any resident of a legislative district without charge. A nominal charge may be made for copies of district maps for which an individual is not a resident.

2-2-510. Commission meetings - open to public. Meetings of the commission shall be open to the public and shall be subject to the provisions of part 4 of article 6 of title 24, C.R.S. 1973.

2-2-511. Applicability. This part 5 shall apply to the Colorado reapportionment commission appointed in 1981 and to state senatorial and state representative districts created by said commission.

ARTICLE 3
LEGISLATIVE SERVICES

PART 1
LEGISLATIVE AUDIT COMMITTEE - STATE AUDITOR

2-3-101. Legislative audit committee - membership - meetings - powers and duties. (1) There is hereby created a legislative audit committee, hereinafter referred to as the "committee". The membership of the committee shall consist of four senators, two from each major political party, to be appointed by the president of the senate with the approval of a majority of the members elected to the senate and four representatives, two from each major political party, to be appointed by the speaker of the house of representatives with the approval of a majority of the members elected to the house of representatives. Appointments to the committee shall be made no later than sixty days after the convening of the first regular session of the general assembly held in each odd-numbered year. Membership on the committee shall terminate with the appointment of a member's successor or upon the termination of a member's term of office in the general assembly, whichever occurs first, and any member may be appointed to succeed himself on the committee. Vacancies in the committee's membership shall be filled in the same manner as original appointments; except that the approval of the members elected to the general assembly is not necessary if any such appointment is made when the general assembly is not in session.

(2) The committee shall select its chairman and vice-chairman from among its membership, and it shall prescribe its own rules of procedure. The committee may appoint subcommittees from the membership of the general assembly and other persons to assist the committee in carrying out its functions. The committee may meet as often as may be necessary to perform its functions, but it shall meet at least once in each quarter of the calendar year.

(3) It is the function of the committee:

(a) To examine persons applying for the position of state auditor as to qualifications and ability but without regard to political affiliation and to place the names of the most qualified candidates in nomination before the general assembly for the position of state auditor;

(b) To review the activities and reports of the state auditor relating to postaudits of the financial transactions and accounts of all departments, institutions, and agencies of the state government and of other public agencies and to submit its recommendations thereon to the general assembly, the governor, and other interested officials at such other times as the committee considers necessary;

(c) To keep minutes of its meetings which shall be available to all members of the general assembly upon request and to allow any member of the general assembly to attend any of the meetings of the committee and to present his views on any subject

which the committee may be considering;

(d) To conduct such other activities as may be required by law or by joint resolution of the general assembly; and

(e) Upon receipt of the investigation report as provided in section 24-52-106, C.R.S. 1973, to direct the state auditor to conduct a preliminary investigation to determine the need for a fiscal audit, performance audit, or management study of the matter set forth in such report. Upon receipt of the preliminary report from the state auditor, the committee may direct an immediate special audit or management study of the matter or may provide that such study shall be done in accordance with the scheduled audit of the agency cited in such report. Upon completion of any special audit or management study pursuant to this paragraph (e), the committee shall submit its findings to the governor and the members of the general assembly.

(4) Members of the committee shall be reimbursed for necessary expenses in connection with the performance of their duties and shall be paid the same per diem as other members of interim committees in attendance at meetings.

2-3-102. State auditor - qualifications and appointment - term of office. The state auditor shall be a certified public accountant licensed to practice in this state. He shall be appointed without regard to political affiliation by a majority vote of the members elected to and serving in each house of the general assembly to serve for a term of five years and until his successor is appointed and qualified, with the first such term beginning on July 1, 1966. If a vacancy occurs in the position of state auditor, the committee may designate a temporary state auditor who shall exercise and perform all of the powers and duties that are by law to be exercised and performed by the state auditor until a replacement is appointed by the general assembly.

2-3-103. Duties of state auditor. (1) It is the duty of the state auditor to conduct or cause to be conducted postaudits of all financial transactions and accounts kept by or for all departments, institutions, and agencies of the state government, including educational institutions, and the judicial and legislative branches, to conduct performance postaudits thereof, and to perform similar or related duties with respect to such political subdivisions of the state as may be required by law.

(2) The state auditor shall prepare for the committee reports and recommendations on the postaudits conducted, and, under the direction of the committee, he shall prepare an annual report to contain, among other things, copies of or the substance of audit reports on the various departments, institutions, and agencies as well as a summary of recommendations made in regard thereto. All reports shall be open to public inspection after they have been filed with the committee, the governor, and the department, institution, or agency concerned; but that portion of any report containing recommendations, comments, and any narrative statements shall be released only upon the approval of a majority vote of the committee.

(3) The state auditor shall keep a complete and accurate set of records on the fiscal transactions of his office, and he shall also keep a complete file of copies of all audit reports, including work papers, and copies of examinations, investigations, and any other reports or materials issued by him, his staff, or by the committee. The work papers of the office of the state auditor shall be open to public inspection only upon approval of a majority of the members of the committee. Under no circumstances shall the work papers be open to public inspection prior to the completed report being filed with the committee.

(4) All expenses incurred by the office of the state auditor, including salaries and expenses of employees, shall be paid upon vouchers signed by the chairman of the committee and drawn on funds appropriated for legislative expenses and allocated to the office of the state auditor; except that any payroll voucher or any other voucher which does not exceed one thousand dollars may be signed by the state auditor or by his authorized designee.

(5) It is the duty of the state auditor to annually evaluate the investments of the public school fund and report to the committee any loss of principal of such fund which, in his judgment, exists.

2-3-103.5. Deputies. The state auditor, with the approval of the committee, may appoint one or more deputy state auditors, not to exceed three in number, pursuant to section 2-3-104. In the case of the temporary absence or incapacity of the state auditor, the committee may designate a deputy to exercise and perform all or any portion of the powers and duties of the state auditor which are by law exercised and performed by the state auditor, and, unless and until such designation is made by the committee, the state auditor may so designate such deputy.

2-3-103.7 Disclosure of reports before filing. (1) Any state employee who willfully and knowingly discloses the contents of any report prepared by or at the direction of the state auditor's office prior to filing with or to approval of the committee as provided in section 2-3-103 (2) is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than five hundred dollars.

(2) This section shall not apply to necessary communication of employees of the state auditor's office or employees of any person contracting to provide services for the state auditor's office with those persons necessary to complete the audit report or with other state agencies involved with comparable reports.

2-3-104. Salary and staff of state auditor. The state auditor shall be paid a salary to be determined by the committee. The state auditor, with the approval of the committee, may appoint such additional professional, technical, clerical, or other employees or contract for such services necessary to perform the functions assigned to the state auditor. No more than three members of the staff of the state auditor shall be

exempt from the state personnel system.

2-3-105. Transfer of employees. On the second Tuesday in January, 1967, all employees of the department of auditing who are under the state personnel system shall become employees of the state auditor appointed by the general assembly, and such employees so transferred shall retain all rights under the state personnel system and retirement benefits under the laws of the state, and their services are deemed to be continuous.

2-3-106. Bond. Within ten days following his appointment or within ten days after assuming the office of state auditor, whichever occurs later, the state auditor shall execute a bond in the sum of thirty thousand dollars, payable to the state of Colorado, conditioned for the faithful discharge of the duties of his office. Said bond shall be approved by the president of the senate and the speaker of the house of representatives and shall be filed in the office of the secretary of state. The premium on such bond shall be paid by the state.

2-3-107. Authority to subpoena witnesses - access to records. (1) For the purposes of this part 1 the committee has the power to subpoena witnesses, take testimony under oath, and to assemble records and documents, by subpoena duces tecum or otherwise, with the same power and authority as courts of record and may apply to courts of record for the enforcement of these powers. The sheriff of any county shall serve any subpoena on written order of the committee in the same manner as process is served in civil actions. Witnesses subpoenaed to appear before the committee shall receive the same fees and expenses as witnesses in civil cases.

(2) The state auditor or his designated representative shall have access at all times, except as provided by sections 39-1-116, 39-4-103, and 39-5-120, C.R.S. 1973, to all of the books, accounts, reports (confidential or otherwise), vouchers, or other records or information in any department, institution, or agency. Nothing in this subsection (2) shall be construed as authorizing or permitting the publication of information prohibited by law. Any officer or employee who fails or refuses to permit such access or examination for audit or who interferes in any way with such examination is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than one hundred dollars nor more than one thousand dollars, or by imprisonment in the county jail for not less than one month nor more than twelve months, or by both such fine and imprisonment.

(3) In verifying any of the audits made, the state auditor shall have the right to ascertain the amounts on deposit in any bank or other depository belonging to any department, institution, or agency required to be audited, and he shall have the right to audit said account on the books of any such bank or depository. No bank or other depository shall be liable for making available to the state auditor any of the information

required under the provisions of this subsection (3).

2-3-108. Special audits. Any member of the general assembly or the governor may request the committee to direct a special audit of any department, institution, or agency, and, upon the vote of the majority of the committee approving such request, the state auditor shall make or cause to be made such audit.

2-3-109. Emergency reports. (1) If the state auditor finds in the course of an audit evidence of improper practices of financial administration or inadequacy of fiscal records, he shall report the same immediately to the committee. With the approval of the committee, the state auditor shall also report the same to the governor and the head of any department, institution, or agency affected thereby.

(2) If the state auditor in the course of an audit finds evidence of apparently illegal transactions or misuse or embezzlement of public funds or property, he shall immediately report such transactions to the committee; moreover, with the approval of the committee, he may file a written copy of such report with the governor but shall give notice thereof to the district attorney of the district wherein such transactions are reported to have taken place.

2-3-110. Reimbursement of general fund for certain audits.

(1) When the state auditor is required by law or the Colorado constitution to audit or cause to be audited a state department, institution, or agency or other governmental or organizational entity for nonappropriated activities, including but not limited to associated students' accounts, auxiliary enterprise funds, nonprofit corporations, contracts with the federal government, federal grants-in-aid, or federal assistance programs, the state general fund shall be reimbursed by the entity for which the audit is in whole or in part performed.

(2) The reimbursement amount from such entity shall be a pro rata share of the total state auditor's cost, based upon a time-spent factor, if the total audit of the entity includes the audit of state-appropriated funds. If state-appropriated funds are not involved in such audits, the reimbursement shall be not less than the average hourly cost of the operations of the state auditor's office nor more than the average rate attainable from certified public accounting firms performing similar services for this state. Reimbursement charges may be negotiated with the state auditor's office within the above limitations.

PART 2
JOINT BUDGET COMMITTEE

2-3-201. Joint budget committee established. (1) There is hereby established a joint committee of the senate and house of representatives officially known as the joint budget committee, and to consist of the chairman of the house appropriations

director shall also be responsible for preparing for consideration by the committee analyses of all requests for funds. With the approval of the committee, he may appoint such additional professional, technical, clerical, or other employees necessary to perform the functions assigned to the committee. The staff director and such additional personnel shall be appointed without reference to party affiliation and solely on the basis of ability to perform the duties of the position. They shall be employees of the general assembly and shall not be subject to the state personnel system laws. The committee shall establish appropriate qualifications and compensation for all positions. With the consent of the committee, the chairman may contract for professional services by private consultants as needed.

2-3-205. Expenses - vouchers. All expenses incurred by the committee, including salaries and expenses of employees, shall be paid upon vouchers signed by the chairman, or, in his absence or unavailability, the vice-chairman, or by the staff director upon instruction by the chairman in each instance, and drawn on funds appropriated generally for legislative expenses and allocated to the committee.

2-3-206. Recommendations and findings. The committee may issue a written report setting forth its recommendations, findings, and comments as to each appropriation recommendation which it submits to the house and senate appropriations committees. Other reports may be issued from time to time by the committee as it deems appropriate or as requested by the general assembly.

2-3-207. Implementation of a zero-base budgeting program.

(1) It is the intent of the general assembly that the joint budget committee, in cooperation with the legislative audit committee, implement an ongoing review procedure of existing programs based on zero-base budgeting, as a part of its existing review of executive, judicial, and legislative budget requests, so as to provide a means by which the continuation of existing programs may be justified, by which state agencies and institutions may establish priorities for their activities in implementing such programs, and by which funding of existing programs at a current, increased, or lower level is justified by the benefits to be realized or by the need for increased or reduced services by a particular level of funding.

(2) Upon request of the joint budget committee, commencing with budget requests for the 1978-1979 fiscal year, state agencies and institutions shall present to the joint budget committee a zero-base budgeting analysis of existing and proposed programs in conformance with the provisions of subsection (3) of this section. Such an analysis shall be included as a part of the budget request of the state agency or institution.

(3) A zero-base budgeting analysis required by subsection (2) of this section shall include, but not be limited to, the

following:

(a) A statement listing any other state, federal, or local agencies which administer a similar or cooperating program and outlining the interaction among such agencies;

(b) A statement of the statutory authority for and the history and quantified objectives of the program;

(b.5) A quantification of the need for the program;

(c) A description of the activities which are intended to accomplish each objective;

(d) Indicators of quantified measures of effectiveness and efficiency of performance of these activities;

(e) A ranking of these activities by priority;

(f) The level of effort required to accomplish each activity in terms of funds and personnel; and

(g) A statement detailing what could be accomplished by the funding of the activity at any levels specified by the joint budget committee and ranking priorities in increments as determined by the joint budget committee.

(4) The joint budget committee shall hold meetings with representatives of state agencies and institutions and shall prepare forms and establish procedures to assist such agencies and institutions in complying with the provisions of this section.

(5) The executive director of the office of state planning and budgeting shall assist state agencies and institutions in complying with the provisions of this section. In addition, the executive director of the office of state planning and budgeting shall cooperate fully with and provide any information requested to the joint budget committee to assist it in administering the provisions of this section.

PART 3 LEGISLATIVE COUNCIL

2-3-301. Legislative council created. (1) There is hereby created a legislative council, which shall consist of six senators to be appointed by the president of the senate with the approval of a majority vote of the members elected to the senate, and six representatives to be appointed by the speaker of the house of representatives with the approval of a majority vote of the members elected to the house of representatives. The majority leader of the senate and the speaker of the house shall be ex officio members with all the powers, privileges, and duties of other members.

(2) Appointments or reappointments of all members of the council shall be made not less than twenty days prior to the close of the regular session of the general assembly held in odd-numbered years. Membership on the council shall terminate with the appointment of a member's successor or upon the termination of a member's term of office in the general assembly, whichever first occurs. A member may be appointed to succeed himself.

(3) The party representation on the council shall be in

proportion generally to the relative number of members of the two major political parties in each house of the general assembly, but in no event shall a minority party be represented by less than one council member from the senate and two council members from the house of representatives.

(4) Vacancies in the membership of the council shall be filled in the same manner as original appointments are made.

2-3-302. Organization - meetings. (1) The council shall select a chairman and vice-chairman from among its membership; and it shall prescribe its own rules of procedure, and may appoint subcommittees from the membership of the general assembly and other persons to assist in carrying out its functions.

(2) The council shall meet as often as may be necessary to perform its functions, but it shall not meet less frequently than once in each quarter of the calendar year.

(3) Seven members shall constitute a quorum, and a majority thereof, or of the number of members present if more than a quorum, shall have authority to act on any matter within the jurisdiction of the council.

2-3-303. Functions. It is the function of the council to collect information concerning the government and general welfare of the state, to examine the effects of constitutional provisions and statutes and recommend desirable alterations, to consider important issues of public policy and questions of statewide interest, and to prepare for presentation to the members and various sessions of the general assembly such reports, bills, or otherwise, as the welfare of the state may require, and to expend moneys or authorize the expenditure of moneys to accomplish the functions contained in this section out of moneys appropriated to the council by the general assembly.

2-3-304. Director of research - assistants. The council shall appoint a director of research who shall be responsible to the council for the collection and assembling of all data, and for the preparation of reports, recommendations, and bills. He shall, subject to the general policies of the council, have administrative direction over the activities of the council. He shall be paid a salary determined by the council. He shall be an employee of the general assembly and shall not be subject to the state personnel system laws. He shall be appointed without reference to party affiliation and solely on the basis of his ability to perform the duties of the position. The director of research, with approval of the council, may appoint such additional professional, technical, clerical, or other employees necessary to perform the functions assigned to the director of research by the council. Effective January 1, 1983, the director of research shall contract, pursuant to section 39-1-104 (16), C.R.S. 1973, for the property tax study to be conducted as required in said subsection (16).

2-3-305. Requests of the governor. The governor may

present, at any meeting of the council, in person or in writing, requests, recommendations, reports, and explanations of the policies of the administration, or any other matters pertaining to the government of the state or its policies.

2-3-306. Authority to subpoena witnesses. The council has the power to subpoena witnesses, to take testimony under oath, and to assemble records and documents, by subpoena duces tecum or otherwise, with the same power and authority as courts of record, and may apply to courts of record for the enforcement of these powers. The sheriff of any county shall serve any subpoena on written order of the council in the same manner as process is served in civil actions. Witnesses subpoenaed to appear before the council shall receive the same fees and expenses as witnesses in civil cases.

2-3-307. Minutes of council. The council shall keep minutes of its meetings which shall be available to all members of the general assembly upon request. Any member of the general assembly has the right to attend any of the meetings of the council and may present his views on any subject which the council may be considering.

2-3-308. Recommendations and findings. The recommendations and findings of the council shall be sent to each member of the general assembly, to the governor, and to the state library, at least thirty days prior to any regular session of the general assembly, or at such other times as the council deems necessary, or as requested by the general assembly.

2-3-309. Reimbursement of members for expenses. Members of the council shall be reimbursed for necessary expenses in connection with the performance of their duties.

2-3-310. Centralized legislative accounting service.
(1) The legislative council shall establish and maintain a centralized legislative accounting service under the supervision of the director of research of the council, which service shall maintain all accounting records, process all vouchers, and prepare all related documents for the legislative department of state government, including all offices and agencies thereof. The council may authorize any and all of such offices and agencies to maintain subsidiary accounting records and to prepare vouchers, but such records and vouchers shall conform to the system of accounting established by said accounting service, and each such office and agency shall make such reports to said service as may be necessary for it to maintain current and complete records for the legislative department.

(2) The provisions of this section shall not apply to the procurement and budgetary functions of offices and agencies in the legislative department.

2-3-311. Interstate cooperation. (1) The legislative

council shall:

(a) Carry forward the participation of this state as a member of the council of state governments;

(b) Encourage and assist state officials and employees to cooperate with officials and employees of other states, the federal government, and local governments.

(2) The council of state governments and the national conference of state legislatures are declared to be joint governmental agencies of this state and of other states which cooperate through them. The general assembly is authorized to subscribe to membership in such organizations and to pay membership fees therein from appropriations made to the legislative department of state government.

(3) The Colorado commission on interstate cooperation is abolished on July 1, 1977. All of the books, records, reports, equipment, property, accounts, liabilities, and funds of the Colorado commission on interstate cooperation are transferred to the legislative council on July 1, 1977.

PART 5

COMMITTEE ON LEGAL SERVICES - LEGISLATIVE DRAFTING OFFICE

2-3-501. Legal services in legislative department. In order to better provide for the legal services for the general assembly, including the drafting of legislation and the revision and publication of the laws of this state, and to provide for the best technical advice and information to be available to the general assembly, agencies of state government, and the people of this state, and to provide for the professional preparation, drafting, revision, and publication of laws, there is hereby created in the legislative department a committee on legal services, a legislative drafting office, and an office of revisor of statutes, referred to, respectively, in parts 5 and 7 of this article, as the "committee", the "office", and the "revisor".

2-3-502. Committee on legal services - membership - duties.

(1) The committee shall supervise and direct the operations of the legislative drafting office and the office of revisor of statutes.

(2) The committee may designate one or more subcommittees from among its membership to perform any duties of the committee with respect to the supervision and direction of the legislative drafting office, the office of revisor of statutes, or both.

(3) The membership of the committee shall consist of eight members of the general assembly. The eight legislative members of the committee shall be as follows: The majority and minority leaders of the house of representatives or their respective designees, and the majority and minority leaders of the senate or their respective designees; the respective chairmen of the house and senate committees on judiciary or their respective designees; one member from the minority party in the house of representatives who shall be an attorney-at-law, if there is an attorney-at-law in the minority party, and appointed by the

speaker of the house of representatives; and one member of the minority party in the senate who shall be an attorney-at-law, if there is an attorney-at-law in the minority party, and appointed by the president of the senate.

(4) The two appointive members of the committee shall be appointed no later than ten days after the convening of the first regular session of each general assembly. Membership on the committee of each such appointive member shall terminate upon the appointment of his successor or upon termination of office in the general assembly, whichever first occurs. The membership of any other member of the committee shall terminate upon the termination of his office in the respective designated position.

(5) The committee shall select from among its members a chairman and a vice-chairman. The committee may meet as often as necessary, but it shall meet at least twice in each calendar year.

(6) Members of the committee shall be reimbursed for necessary expenses incurred in the performance of their duties, and shall be paid the same per diem compensation as provided by law for members of interim legislative committees for each day of attendance.

(7) If any law or other document of this state refers to the legislative drafting committee or to the committee on statute revision, said law or other document shall be deemed to refer to the committee on legal services.

2-3-503. Function of committee. (1) It is the function of the committee:

(a) To appoint a director of the office who shall be an attorney at law, and who shall be responsible to the committee for the administration of the office. The director, with the approval of the committee, may appoint such attorneys at law, technical, and clerical personnel as may be necessary for the efficient operation of the office. The director and all employees of the office shall be appointed without regard to party affiliation, and solely on the basis of their ability to perform their duties. The committee shall fix the compensation of all personnel so employed;

(b) To continually review the operation and activities of the office; to coordinate the functions of the office with other legislative service agencies of the state; and to permit any member of the general assembly to attend any of the meetings of the committee and to present his views on any of the activities of the office.

2-3-504. Duties of office. (1) The office shall:

(a) Upon the request of any member of the general assembly or the governor, draft or aid in drafting legislative bills, resolutions, memorials, amendments thereto, conference reports, and such other legislative documents and papers as may be required in the legislative process;

(b) Prepare a digest of laws enacted by the general assembly, approved or vetoed by the governor, immediately upon

the adjournment of any regular or special session;

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

(d) Prepare, at the request of any legislative committee, summaries of existing laws affected by proposed legislation, compilations of laws in other states relating to the subject matter of such legislation, and statements on the operation and effect of such laws;

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

(f) Cooperate with legislative drafting offices or corresponding services of other states, and with other legislative drafting service agencies, either public or private.

2-3-505. Requests for drafting bills - confidential nature thereof - lobbying for bills. All requests made to the office for the drafting of bills shall be submitted, either in writing or orally, by the legislator, or the governor or his representative making the request, with a general statement respecting the policies and purposes which the person making the request desires the bill to accomplish. The office shall draft each bill to conform to the purposes so stated or to supplementary instructions of the person making the original request. Prior to the introduction of a bill in the general assembly, no employee of the office shall reveal to any person outside the office the contents or nature of such bill, except with the consent of the person making the request, nor shall any employee of the office lobby, personally or in any other manner, directly or indirectly, for or against any pending legislation before the general assembly.

2-3-506. Use of supreme court library. The librarian of the supreme court library shall facilitate the work of the office by permitting the liberal withdrawal of materials and data therefrom, subject to such reasonable rules as may be necessary for the proper operation of the library.

2-3-507. Office space in capitol - office hours - appropriations. (1) The office shall be provided with suitable office space in the state capitol, so situated as to be convenient for the members of the general assembly. Throughout the year, the office shall be kept open during the hours

prevailing in other offices in the state capitol, and at such other times in order to efficiently serve the general assembly.

(2) Adequate appropriations shall be made to carry out the purposes of this part 5, to be included in the appropriation to the legislative department. The state controller is authorized and directed to draw warrants monthly in payment of the salaries of personnel, and in payment of expenditures of the office, on vouchers signed by the chairman of the committee.

2-3-508. Substitution for legislative reference office. If any law of this state refers to the legislative reference office, said law shall be construed as referring to the legislative drafting office, it being the intent of the general assembly to substitute the legislative drafting office for the legislative reference office.

2-3-509. Transfer of employees. All employees of the legislative reference office, transferred to the legislative drafting office on July 1, 1968, shall retain all accrued rights to retirement and annual and sick leave benefits under the laws of the state, and their service shall be deemed continuous in such transfer.

PART 6
COLORADO COMMISSION ON UNIFORM STATE LAWS

2-3-601. Commission on uniform state laws - creation.

(1) There is hereby created the Colorado commission on uniform state laws, referred to in this part 6 as the "commission", which shall consist of six members appointed for terms of two years each and until their successors are appointed, and in addition thereto any citizen of this state who, because of long service in the cause of the uniformity of state legislation, is elected a life member of the national conference of commissioners on uniform state laws.

(2) The six members shall be appointed or reappointed by joint resolution of the general assembly no later than ten days after the convening of the first regular session of the general assembly held in each odd-numbered year. At least two commissioners shall be appointed from the general assembly and at least two commissioners from the public at large. Appointments to fill vacancies shall be made by the committee on legal services for the unexpired term of the vacant office.

(3) The six members of the commission shall be attorneys admitted to practice law in the state of Colorado.

(4) The terms of the two members of the commission appointed after the effective date of this subsection (4) shall be effective August 11, 1975; thereafter, the appointment of members to succeeding terms shall be in conformance with subsection (2) of this section.

2-3-602. Compensation - expenses. The members of the commission shall receive a per diem of twenty dollars for each

day actually spent in the transaction of official business of the commission in the state of Colorado. In addition thereto, each member shall be reimbursed for expenses incurred in the performance of official duties.

2-3-603. Meetings - organization. The commissioners shall meet at least once a year and shall organize by the election of a chairman who shall hold office for a term of one year and until his successor is elected. The director of the legislative drafting office shall be ex officio the secretary of the commission.

2-3-604. Duties of commissioners. Each commissioner shall attend the meeting of the national conference of commissioners on uniform state laws, and both in and out of such national conference shall do all in his power to promote uniformity in state laws where uniformity may be deemed desirable and practicable. The commission shall prepare and transmit a report and its recommendations to the general assembly on or before January 1 of each year concerning subjects of legislation upon which uniformity among the states may be deemed desirable, and concerning the proceedings and recommendations of the most recent meeting of the national conference of commissioners on uniform state laws.

PART 7

COMMITTEE ON LEGAL SERVICES - OFFICE OF REVISOR OF STATUTES

2-3-701. Function of committee - statute revision.

(1) With respect to statute revision, it is the function of the committee on legal services:

(a) To appoint a revisor of statutes who is an attorney at law and who shall be responsible to the committee for the administration of the office of revisor of statutes. The revisor, with the approval of the committee, may appoint such attorneys at law, technical, and clerical personnel as may be necessary for the efficient operation of said office. The revisor and all employees of said office shall be appointed without regard to party affiliation, and solely on the basis of their ability to perform their duties. The committee shall fix the compensation of all personnel so employed.

(b) To supervise and direct the activities of the revisor; and to exercise the powers and to perform the duties and functions prescribed in articles 4 and 5 of this title, concerning the preparation and publication of the statutes of this state and other materials, and as prescribed in part 2 of article 70 of title 24, C.R.S. 1973, concerning the preparation and publication of the session laws of this state.

2-3-702. Revisor of statutes - duties. The revisor shall compile, edit, arrange, and prepare for publication the declaration of independence, the constitutions of the United States and the state of Colorado, the act admitting Colorado into

the union, and all laws of the state of Colorado of a general and permanent nature, together with a complete index thereto and comparative tables of such statutes with prior compilations. The statutory laws shall be arranged into appropriate and convenient volumes, titles, chapters, articles, and sections, so collated and in such form as the committee directs. At the end of each section, reference shall be made to the statutory history of such section. Annotations of decisions of the supreme court of the United States, the supreme court of the state of Colorado, and such other state and federal courts as are appropriate, construing, applying, or interpreting each section, or relating to the subject matter thereof, and such other matter as the committee deems advisable or advantageous shall also be prepared for publication with such statutory laws.

2-3-703. Revision - editorial work. In the course of collating, compiling, editing, arranging, and preparing such statutes, the revisor, with the approval of the committee, shall adopt a uniform system of punctuation, capitalization, numbering, and wording; eliminate all obsolete and redundant words; correct obvious errors and inconsistencies; eliminate duplications and laws repealed directly or by implication; correct defective section structure in arrangement of the subject matter of existing statutes; clarify existing laws and such other similar matter as the committee directs. The foregoing duties shall be performed in such form and manner as to preserve the intent, effect, and meaning of any and every such statute revised.

2-3-704. Revisor to aid in bill drafting. The revisor of statutes, together with so many of his permanent staff as may be necessary, shall aid and assist the legislative drafting office in bill drafting services, and shall aid and assist in the enrolling and engrossing of bills and such other services as the general assembly may require.

2-3-705. Distribution of statutes. The distribution of the statutes of this state shall be in such numbers and to such offices and persons as the general assembly directs at the time of approval for publication of such statutes; but the committee shall be able to distribute such additional statutes of this state to such offices and persons as it may from time to time deem necessary.

2-3-706. Successor to committee on statute revision. The committee on legal services and the office of revisor of statutes, under the legislative department, shall be deemed the successors, respectively, in every way, of the committee on statute revision and the revisor of statutes, under the judicial department; and every contract, agreement, or other document entered into by the latter prior to May 7, 1969, is deemed to have been entered into by their successors. The revisor and the employees of his office shall retain all accrued rights to retirement and annual and sick leave benefits under the laws of

the state and their service shall be deemed continuous in such transfer.

PART 8
COLORADO STATE OFFICIALS' COMPENSATION COMMISSION

2-3-801. Short title. This part 8 shall be known and may be cited as the "Colorado State Officials' Compensation Commission Act".

2-3-802. Legislative declaration. The general assembly hereby declares that the purpose of this part 8 is to assist the general assembly by providing for public participation in making an impartial determination of equitable and proper compensation levels for members of the general assembly, justices and judges of the state judicial system, district attorneys, and elected and appointed officials of the executive branch not included in the state personnel system.

2-3-803. Commission established - composition. (1) The Colorado state officials' compensation commission, referred to in this part 8 as the "commission", is hereby established.

(2) The commission shall consist of nine members, who shall be appointed as follows:

(a) Two members shall be appointed by the president of the senate, only one of which may be a member of the general assembly.

(b) Two members shall be appointed by the speaker of the house of representatives, only one of which may be a member of the general assembly.

(c) Three members shall be appointed by the governor.

(d) Two members shall be appointed by the chief justice of the supreme court.

(3) The commission members appointed by the governor and the chief justice of the supreme court shall not be elected or appointed officials nor be employed by the state of Colorado and shall be selected with special reference to their knowledge of compensation practices and financial matters generally.

(4) (a) The commission members appointed by the president of the senate and the speaker of the house of representatives shall serve for terms of two years. Vacancies shall be filled by appointment for the unexpired term.

(b) Two commission members initially appointed by the governor shall serve for terms of two years, and one shall serve for a term of four years. Subsequent appointments shall be for terms of four years, except for vacancies which shall be filled by appointment for the unexpired term.

(c) One commission member initially appointed by the chief justice shall serve for a term of two years, and one shall serve for a term of four years. Subsequent appointments shall be for terms of four years, except for vacancies which shall be filled by appointment for the unexpired term.

2-3-804. Commission officers - meetings. (1) The governor shall call the first meeting of the commission for the purpose of organization. At this meeting, the commission shall select from its membership a chairman, a vice-chairman, and a secretary to serve for terms of two years.

(2) The commission shall meet at least two times a year upon call of the chairman.

(3) Commission members shall serve without compensation but they shall be entitled to reimbursement for actual and necessary expenses in carrying out their duties under this part 8.

2-3-805. Commission duties and responsibilities. (1) The commission shall make a continuing study of the salaries, retirement benefits, expense allowances, and other emoluments of the members of the general assembly, justices and judges of the state judicial system, district attorneys, and elected and appointed officials of the executive branch not included in the state personnel system.

(2) (a) No later than the tenth day of the second regular session of the fiftieth general assembly and of each subsequent legislative session in an odd-numbered year, the commission shall file its report with the president of the senate and the speaker of the house of representatives. Copies of the report shall also be filed with the governor and the chief justice of the supreme court.

(b) The report shall set forth the salaries, retirement benefits, expense allowances, and other emoluments to be paid members of the general assembly, justices and judges of the state judicial system, district attorneys, and elected and appointed officials of the executive branch not included in the state personnel system. The general assembly, in considering the enacting legislation concerning such matters, shall give consideration to the recommendations contained in the report; however, insofar as district attorneys are concerned, the county commissioners of the counties or city council of the city and county affected, in considering such matters, shall give consideration to the recommendations contained in the report.

2-3-806. Staff assistance. In carrying out its duties under this part 8, the commission may request staff assistance from the legislative council, the joint budget committee, the division of budgeting, the department of personnel, and the state court administrator. The legislative council shall provide necessary secretarial and clerical assistance.

PART 9 STATUTORY REVISION COMMITTEE

2-3-901. Statutory revision committee - creation. (1) There is hereby created in the legislative department the statutory revision committee, referred to in this part 9 as the "committee". The committee shall consist of nine members appointed as provided in subsections (2) and (3) of this section.

(2) (a) Legislative members of the committee shall be as follows: The respective chairmen of the house and senate committees on judiciary or their respective designees; one member from the minority party in the house of representatives; and one member of the minority party in the senate.

(b) The two appointive legislative members of the committee shall be appointed no later than ten days after the convening of the first regular session of each general assembly. Membership on the committee of each such appointive member shall terminate upon the appointment of his successor or upon termination of his office in the general assembly, whichever first occurs. Membership on the committee of the chairmen of the respective judiciary committees, or their designees, shall terminate upon the expiration of the chairmen's terms.

(3) Nonlegislative members of the committee shall be as follows: The revisor of statutes who shall be an ex officio member and four members who are to be appointed by the committee on legal services for four-year terms; except that the terms of members first appointed by the committee on legal services shall be such that the term of one member shall expire on January 31, 1978, one on January 31, 1979, one on January 31, 1980, and one on January 31, 1981. A vacancy in the office of a member so appointed, occurring otherwise than by expiration of term, shall be filled by the committee on legal services for the remainder of the term. At least two members appointed by the committee on legal services shall be attorneys-at-law.

(4) Any member of the committee may serve for succeeding terms on the committee.

(5) The committee shall select from among its members a chairman and a vice-chairman. The committee may meet as often as necessary, but it shall meet at least twice in each calendar year.

(6) Members of the committee shall be reimbursed for necessary expenses incurred in the performance of their duties, and the legislative members of the committee shall be paid the same per diem compensation as provided by law for members of interim legislative committees for each day of attendance.

2-3-902. Duties of committee. (1) The committee shall:

(a) Examine the common law and statutes of the state and current judicial decisions for the purpose of discovering defects and anachronisms in the law and recommending needed reforms;

(b) Repealed, L. 79, effective May 22, 1979.

(c) Receive and consider suggestions from justices, judges, legislators, and other public officials, lawyers, and the public generally as to defects and anachronisms in the law;

(d) Recommend, from time to time, such changes in the law as it deems necessary in order to modify or eliminate antiquated and inequitable rules of law and to bring the law of this state, civil and criminal, into harmony with modern conditions;

(e) Report its findings and recommendations from time to time to the committee on legal services and annually, on or before January 15 of each year, to the general assembly and, if

it deems advisable, accompany its report with proposed bills to carry out any of its recommendations.

PART 10
COMMITTEE ON LEGAL SERVICES - LEGAL
COUNSEL FOR LEGISLATIVE BRANCH

2-3-1001. Legal counsel retained. The committee on legal services may retain legal counsel to represent or otherwise render legal services for the general assembly, or either house thereof or any committee thereof, or any member or agency of the legislative branch of government, in all actions and proceedings in connection with the performance of the powers, duties, and functions thereof, and shall pay the compensation and expenses of such legal counsel and any necessary expense of such actions and proceedings from appropriations made by law to the committee.

ARTICLE 4
CONSTRUCTION OF STATUTES

PART 1
CONSTRUCTION OF WORDS AND PHRASES

2-4-101. Common and technical usage. Words and phrases shall be read in context and construed according to the rules of grammar and common usage. Words and phrases that have acquired a technical or particular meaning, whether by legislative definition or otherwise, shall be construed accordingly.

2-4-102. Singular and plural. The singular includes the plural, and the plural includes the singular.

2-4-103. Gender. Every word importing the masculine gender only may extend to and be applied to females and things as well as males; every word importing the feminine gender only may extend to and be applied to males and things as well as females; and every word importing the neuter gender only may extend to and be applied to natural persons as well as things.

2-4-104. Tense. Words in the present tense include the future tense.

2-4-105. Week. The word "week" means any seven consecutive days.

2-4-106. Month. The word "month" means a calendar month.

2-4-107. Year. The word "year" means a calendar year.

2-4-108. Computation of time. (1) In computing a period of days, the first day is excluded and the last day is included.

(2) If the last day of any period is a Saturday, Sunday, or legal holiday, the period is extended to include the next day which is not a Saturday, Sunday, or legal holiday.

(3) If a number of months is to be computed by counting the months from a particular day, the period ends on the same numerical day in the concluding month as the day of the month from which the computation is begun, unless there are not that many days in the concluding month, in which case the period ends on the last day of that month.

2-4-109. Standard time - daylight saving time. (1) The standard time within the state, except as provided in subsection (2) of this section, is that which is now known and designated by act of congress as "United States Mountain Standard Time".

(2) From two o'clock antemeridian on the last Sunday of April, until two o'clock antemeridian on the last Sunday of October, the standard time in this state so established shall be one hour in advance of the standard time now known as "United States Mountain Standard Time".

(3) In all laws, statutes, orders, decrees, rules, and regulations relating to the time of performance of any act by any officer or department of this state, or of any county, city and county, city, town, district, or other political subdivision thereof, or relating to the time in which any rights shall accrue or determine, or within which any act shall or shall not be performed by any person subject to the jurisdiction of the state, and in all the public schools and in all other institutions of this state, or of any county, city and county, city, town, or district thereof, and in all contracts or choses in action made or to be performed in this state, the time shall be as set forth in this section and it shall be so understood and intended.

2-4-110. Joint authority. A grant of authority to three or more persons as a public body confers the authority upon a majority of the number of members fixed by statute.

2-4-111. Quorum. A quorum of a public body is a majority of the number of members fixed by statute.

2-4-112. Conflict in the expression of numbers. If there is a conflict between figures and words in expressing a number, the words govern.

2-4-113. Use of "to" in reference to several sections. Wherever in the statute laws of this state a reference is made to several sections and the section numbers given in the reference are connected by the word "to", the reference includes both sections whose numbers are given and all intervening sections.

2-4-114. Introductory portion. The portion of any section, subsection, paragraph, or subparagraph which precedes a list of examples, requirements, conditions, or other items may be referred to and cited as the "introductory portion" to the section, subsection, paragraph, or subparagraph.

PART 2 CONSTRUCTION OF STATUTES

2-4-201. Intentions in the enactment of statutes. (1) In enacting a statute, it is presumed that:

- (a) Compliance with the constitutions of the state of Colorado and the United States is intended;
- (b) The entire statute is intended to be effective;
- (c) A just and reasonable result is intended;
- (d) A result feasible of execution is intended;
- (e) Public interest is favored over any private interest.

2-4-202. Statutes presumed prospective. A statute is presumed to be prospective in its operation.

2-4-203. Ambiguous statutes - aids in construction. (1) If a statute is ambiguous, the court, in determining the intention

of the general assembly, may consider among other matters:

- (a) The object sought to be attained;
- (b) The circumstances under which the statute was enacted;
- (c) The legislative history, if any;
- (d) The common law or former statutory provisions, including laws upon the same or similar subjects;
- (e) The consequences of a particular construction;
- (f) The administrative construction of the statute;
- (g) The legislative declaration or purpose.

2-4-204. Severability of statutory provisions. If any provision of a statute is found by a court of competent jurisdiction to be unconstitutional, the remaining provisions of the statute are valid, unless it appears to the court that the valid provisions of the statute are so essentially and inseparably connected with, and so dependent upon, the void provision that it cannot be presumed the legislature would have enacted the valid provisions without the void one; or unless the court determines that the valid provisions, standing alone, are incomplete and are incapable of being executed in accordance with the legislative intent.

2-4-205. Special or local provision prevails over general. If a general provision conflicts with a special or local provision, it shall be construed, if possible, so that effect is given to both. If the conflict between the provisions is irreconcilable, the special or local provision prevails as an exception to the general provision, unless the general provision is the later adoption and the manifest intent is that the general provision prevail.

2-4-206. Irreconcilable statutes passed at the same or different sessions. If statutes enacted at the same or different sessions of the general assembly are irreconcilable, the statute prevails which is latest in its effective date. If the irreconcilable statutes have the same effective date, the statute prevails which is latest in its date of passage.

2-4-207. Original controls over subsequent printing. If the language of the official copy of a statute conflicts with the language of any subsequent printing or reprinting of the statute, the language of the official copy prevails.

2-4-208. Continuation of prior law. A statute which is reenacted, revised, or amended is intended to be a continuation of the prior statute and not a new enactment, insofar as it is the same as the prior statute.

2-4-209. Statutory references. A reference to any portion of a statute applies to all reenactments, revisions, or amendments thereof.

2-4-210. References in a series. Wherever in the statute

laws of this state a reference is made to several sections and the section numbers given in the reference are connected by the word "to", the reference includes both sections whose numbers are given and all intervening sections.

2-4-211. Common law of England. The common law of England so far as the same is applicable and of a general nature, and all acts and statutes of the British parliament, made in aid of or to supply the defects of the common law prior to the fourth year of James the First, excepting the second section of the sixth chapter of forty-third Elizabeth, the eighth chapter of thirteenth Elizabeth, and the ninth chapter of thirty-seventh Henry the Eighth, and which are of a general nature, and not local to that kingdom, shall be the rule of decision, and shall be considered as of full force until repealed by legislative authority.

2-4-212. Liberal construction. All general provisions, terms, phrases, and expressions, used in any statute, shall be liberally construed, in order that the true intent and meaning of the general assembly may be fully carried out.

2-4-213. Form of enacting clause. All acts of the general assembly of the state of Colorado shall be designated, known, and acknowledged in each such act of said state as follows: "Be it Enacted by the General Assembly of the State of Colorado".

2-4-214. Use of relative and qualifying words and phrases. The general assembly hereby finds and declares that the rule of statutory construction expressed in the Colorado supreme court decision entitled People v. McPherson (docket no. 79SC275), Colo. ___, 619 P.2d 38 (1980), which holds that "... relative and qualifying words and phrases, where no contrary intention appears, are construed to refer solely to the last antecedent with which they are closely connected..." has not been adopted by the general assembly and does not create any presumption of statutory intent.

PART 3 AMENDATORY STATUTES

2-4-301. Multiple amendments to the same provision - one without reference to the other. If amendments to the same statute are enacted at the same or different sessions of the general assembly and one amendment is without reference to another, the amendments are to be harmonized, if possible, so that effect may be given to each. If the amendments are irreconcilable, the amendment prevails which is latest in its effective date. If the irreconcilable statutes have the same effective date, the statute prevails which is latest in its date of passage.

2-4-302. Repeal of a repealing statute. The repeal of a

repealing statute does not revive the statute originally repealed.

2-4-303. Penalties and liabilities not released by repeal. The repeal, revision, amendment, or consolidation of any statute or part of a statute or section or part of a section of any statute shall not have the effect to release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such statute, unless the repealing, revising, amending, or consolidating act so expressly provides, and such statute or part of a statute or section or part of a section of a statute so repealed, amended, or revised shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings, and prosecutions, criminal as well as civil, for the enforcement of such penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions imposing, inflicting, or declaring such penalty, forfeiture, or liability.

PART 4 DEFINITIONS

2-4-401. Definitions. The following definitions apply to every statute, unless the context otherwise requires:

- (1) "Child" includes child by adoption.
- (2) "Court" means a court of record.
- (2.5) "Electric powered motor vehicle" means a motor vehicle that depends principally on externally generated electricity for propulsion energy.
- (3) "Executor" includes administrator and "administrator" includes executor.
- (4) "Issue", as applied to the descent of estate, includes all the lawful, lineal descendants of the ancestor.
- (5) "Land", "lands", or "real estate" includes lands, tenements, and hereditaments, and all rights thereto and all interests therein.
- (6) "Minor" means any person who has not attained the age of twenty-one years. No construction of this subsection (6) shall supersede the express language of any statute.
- (7) "Oath" includes affirmation, and "swear" includes affirm.
- (8) "Person" means individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership, or association, or any other legal entity.
- (9) "Personal representative" includes executor, administrator, conservator, or guardian.
- (10) "Population" means that shown by the most recent regular or special federal census.
- (11) "Property" means both real and personal property.
- (12) "Registered mail" includes certified mail.

(13) "Rule" includes regulation.

(14) "State", when applied to a part of the United States, includes any state, district, commonwealth, territory, insular possession thereof, and any area subject to the legislative authority of the United States of America.

(15) "United States" includes all states, the District of Columbia, and the territories, commonwealths, and possessions of the United States.

(16) "Will" includes a codicil.

(17) "Written" or "in writing" includes any representation of words, letters, symbols, or figures; but this provision does not affect any law relating to signatures.

2-4-402. Colorado Revised Statutes 1973. Colorado Revised Statutes 1973 may be abbreviated and cited as "C.R.S. 1973".

TITLE 24
GOVERNMENT - STATE

ARTICLE 4
RULE-MAKING AND LICENSING PROCEDURES
BY STATE AGENCIES

24-4-103. Rule-making - procedure. (8) (d) All rules adopted or amended on or after July 1, 1976, including temporary or emergency rules, shall be submitted by the adopting agency to the legislative drafting office in the form and manner prescribed by the committee on legal services. Said rules and amendments to existing rules shall be filed by and in such office and shall be first reviewed by the staff of said committee to determine whether said rules and amendments are within the agency's rule-making authority, and for later review by the committee on legal services for its opinion as to whether the

rules conform with paragraph (a) of this subsection (8). The official certificate of the director of the legislative drafting office as to the fact of submission or the date of submission of a rule as shown by the records of his office, as well as to the fact of nonsubmission as shown by the nonexistence of such records, shall be received and held in all civil cases as competent evidence of the facts contained therein. Any such rule or amendment to an existing rule issued by any agency without being so submitted within twenty days after the date of the attorney general's opinion rendered thereon to the legislative drafting office for review by the committee on legal services shall be void. The staff's findings shall be presented to said committee at a public meeting held after timely notice to the public and affected agencies. The committee on legal services shall, on affirmative vote, submit such rules, comments, and proposed legislation at the next regular session of the general assembly. The committee on legal services shall be the committee of reference for any bill introduced pursuant to this paragraph (d). Any member of the general assembly may introduce a bill which rescinds or deletes portions of the rule. Rejection of such a bill does not constitute legislative approval of the rule. Only that portion of any rule specifically disapproved by bill shall no longer be effective, and that portion of the rule which remains after deletion of a portion thereof shall retain its character as an administrative rule. Each agency shall revise its rules to conform with the action taken by the general assembly. Such revision shall be transmitted to the secretary of state for publication pursuant to subsection (11) of this section. Passage of a bill repealing a rule does not result in revival of a predecessor rule. Where the rule or amendment to an existing rule will have a fiscal impact on the state or any of its political subdivisions, the agency shall include a fiscal statement thereof with the rule or amendment submitted to the legislative drafting office. Effective July 1, 1977, all rules submitted pursuant to this paragraph (d) that have a fiscal impact shall be accompanied by a fiscal statement. No rule that has a fiscal impact shall be deemed to be submitted unless it is accompanied by such a fiscal statement. The statement shall include an identification of the types of persons or groups who will bear the costs of the rule and the types of persons or groups who will benefit, directly or indirectly, from the rule. This paragraph (d) does not apply to rules of agency organization or general statements of policy which are not meant to be binding as rules. For the purpose of performing the functions assigned it by this paragraph (d), the committee on legal services, with the approval of the speaker of the house of representatives and the president of the senate, may appoint subcommittees from the membership of the general assembly.

INITIATED LAW OF 1972

TITLE 24
GOVERNMENT - STATE

ARTICLE 6
COLORADO SUNSHINE LAW

PART 1
GENERAL PROVISIONS

24-6-101. Short title. This article shall be known and may be cited as the "Colorado Sunshine Act of 1972".

24-6-102. Effective date. This article became effective January 1, 1973.

PART 2
PUBLIC OFFICIAL DISCLOSURE LAW

24-6-201. Declaration of policy. In order to continue the public confidence in the integrity of government officials and to promote trust of the people in the objectivity of their public servants, this open disclosure law is adopted.

24-6-202. Disclosure - contents - filing - false or incomplete filing - penalty. (1) Not more than thirty days after their election, reelection, appointment, or retention in office, written disclosure, in such form as the secretary of state shall prescribe, stating the interests named in subsection (2) of this section shall be made to and filed with the secretary of state of Colorado by:

- (a) Each member of the general assembly;
- (b) The governor, lieutenant governor, secretary of state, attorney general, and state treasurer;
- (c) Each justice or judge of a court of record.
- (d) Each district attorney;
- (e) Each member of the state board of education;
- (f) Each member of the board of regents of the university of Colorado;
- (g) Each member of the public utilities commission; and
- (h) Each member of the insurance board.

(1.5) The provisions of subsection (1) of this section apply to any person who is serving in any position noted in said subsection (1) on July 1, 1979.

(2) Disclosure shall include:

- (a) The names of any source or sources of any income, including capital gains, whether or not taxable, of the person making disclosure, his spouse, and minor children residing with him;
- (b) The name of each business, insurance policy, or trust in which he, his spouse, or minor children residing with him has a financial interest in excess of five thousand dollars;

(c) The legal description of any interest in real property, including an option to buy, in the state in which the person making disclosure, his spouse, or minor children residing with him have any interest, direct or indirect, the market value of which is in excess of five thousand dollars;

(d) The identity, by name, of all offices, directorships, and fiduciary relationships held by the person making disclosure, his spouse, and minor children residing with him;

(e) The identity, by name, of any person, firm, or organization for whom compensated lobbying is done by any person associated with the person making disclosure if the benefits of such compensation are or may be shared by the person making disclosure, directly or indirectly;

(f) The name of each creditor to whom the person making disclosure, his spouse, or minor children owe money in excess of one thousand dollars and the interest rate;

(g) A list of businesses with which the person making disclosure or his spouse are associated that do business with or are regulated by the state and the nature of such business or regulation;

(h) Such additional information as the person making disclosure might desire.

(3) Any disclosure statement shall be amended no more than thirty days after any termination or acquisition of interests as to which disclosure is required.

(4) Any person required by this section to file a disclosure statement shall, on or before January 10 of each calendar year, file an amended statement with the secretary of state or notify the secretary of state in writing that he has had no change of condition since the previous filing of a disclosure statement.

(5) Each disclosure statement, amended statement, or notification that no amendment is required shall be public information, available to any person upon request during normal working hours.

(6) Any person subject to the provisions of this section may elect to file with the secretary of state annually a copy of his federal income tax return and any separate federal income tax return filed by his spouse or minor children residing with him together with a certified statement of any investments held by him, his spouse, or minor children residing with him which are not reflected by the income tax returns in lieu of complying with the provisions of subsections (1) to (4) of this section, which tax return and any statement filed under the provisions of this subsection (6) shall be public information.

(7) Any person who willfully files a false or incomplete disclosure statement, amendment, or notice that no amendment is required, or who willfully files a false or incomplete copy of any federal income tax return or a false or incomplete certified statement of investments, or who willfully fails to make any filing required by this section, is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than one thousand dollars nor more than five thousand dollars.

PART 3
REGULATION OF LOBBYISTS

24-6-301. Definitions. As used in this part 3, unless the context otherwise requires:

(1) "Communication" includes but is not limited to a transmittal of information, data, ideas, opinions, or anything of a similar nature, either oral, written, or by any other means, to a covered official.

(1.5) "Contribution" means a gift, subscription, loan, advance, or deposit of money or anything of value and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution. "Contribution" also includes the compensation and reimbursement for expenses of a person required to file a statement under section 24-6-302.

(1.7) "Covered official" means:

(a) For the type of lobbying defined in subparagraphs (I), (II), and (III) of paragraph (a) of subsection (3.5) of this section, the governor, the lieutenant governor, or a member of the general assembly;

(b) For the type of lobbying defined in subparagraph (IV) of paragraph (a) of subsection (3.5) of this section, a member of a rule-making board or commission or a rule-making official of a state agency which has jurisdiction over the subject matter of a rule, standard, or rate.

(1.9) (a) "Disclosure statement" means a written statement given under oath which contains:

(I) The name and address of each person who has made a contribution totaling one hundred dollars or more to or for the disclosing person for lobbying during the calendar year, together with the amount thereof;

(II) The total sum of the contributions made to or for the disclosing person for lobbying since the last disclosure statement which are not stated under subparagraph (I) of this paragraph (a);

(III) The total sum of all contributions made to or for the disclosing person for lobbying since the last disclosure statement and during the calendar year;

(IV) The name of any covered official to or for whom expenditures of fifty dollars or more have been made by or on behalf of the disclosing person for gift or entertainment purposes in connection with lobbying during either the first six months or the second six months of a calendar year and the amount, date, and principal purpose of the gift or entertainment, if the covered official or a member of his family actually received such gift or entertainment, but expenditures of one dollar or less shall be reported under subparagraph (V) of this paragraph (a). All amounts spent by a professional lobbyist on a covered official for which the lobbyist is reimbursed, or the source of which is a contribution, shall be deemed to be for gift or entertainment purposes;

(V) The total sum of all expenditures made by or on behalf of the disclosing person to covered officials for gift or

entertainment purposes in connection with lobbying since the last disclosure statement which are not stated under subparagraph (IV) of this paragraph (a);

(VI) The name and address of each person to whom an expenditure of fifty dollars or more has been made by or on behalf of the disclosing person in connection with lobbying, other than gift or entertainment expenditures, during either the first six months or the second six months of a calendar year and the amount, date, and principal purpose of the expenditure;

(VII) The total sum of all expenditures made by or on behalf of the disclosing person in connection with lobbying, other than gift and entertainment expenditures, since the last disclosure statement which are not stated under subparagraph (VI) of this paragraph (a);

(VIII) The total sum of all expenditures made by or on behalf of the disclosing person in connection with lobbying since the last disclosure statement and during the calendar year;

(IX) A statement, which shall only be given by a professional lobbyist, which contains the names of, and the amounts of any expenditures or contributions made to, any papers, periodicals, magazines, radio or television stations, or other media of mass communication to whom expenditures or contributions were made in which the professional lobbyist or his employer or agent has caused to be published any advertisements, articles, or editorials relating to lobbying; except that this information is not required for regular or routine publications sent primarily to the members of the professional lobbyist's organization, which publications contain information relating to his lobbying;

(X) The nature of the legislation, standards, rules, or rates for which the disclosing person is receiving contributions or making expenditures for lobbying and, where known, the specific legislation, standards, rules, or rates.

(b) The secretary of state shall prescribe a form for disclosure statements, which shall contain:

(I) A statement, which the disclosing person may adopt, if true, that no change has occurred since the prior month's disclosure statement, in which case the information required by paragraph (a) of this subsection (1.9) may be omitted;

(II) A statement, which the disclosing person may adopt, if true, that no unreported contributions for lobbying are receivable and that no unreported expenditures for lobbying will be made during the remainder of the calendar year.

(c) Whenever a person required to file a disclosure statement under this part 3 solicits, collects, or receives contributions which are used for lobbying as well as for other purposes, or makes an expenditure which is attributable to lobbying as well as to other purposes, such contributions and expenditures shall be allocated between lobbying and other purposes, and the disclosure statement shall contain that portion allocated to lobbying.

(2) "Expenditure" means a payment, distribution, loan, advance, deposit, or gift of money or anything of value and includes a contract, promise, or agreement, whether or not

legally enforceable, to make an expenditure.

(3.5) (a) "Lobbying" means communicating directly, or soliciting others to communicate, with a covered official for the purpose of aiding in or influencing:

(I) The drafting, introduction, sponsorship, consideration, debate, amendment, passage, defeat, approval, or veto by any covered official on:

(A) Any bill, resolution, amendment, nomination, appointment, or report, whether or not in writing, pending or proposed for consideration by either house of the general assembly or committee thereof, whether or not the general assembly is in session;

(B) Any other matter pending or proposed in writing by any covered official for consideration by either house of the general assembly or a committee thereof, whether or not the general assembly is in session;

(II) The designation of any subject by the governor or the lieutenant governor for consideration during a regular session of the general assembly in an even-numbered year;

(III) The convening of a special session of the general assembly or the specification of business to be transacted at such special session;

(IV) The drafting, consideration, amendment, adoption, or defeat of any rule, standard, or rate of any state agency having rule-making authority.

(b) Subject to the exclusions and provisions of this paragraph (b), for the purpose of determining when contributions and expenditures become reportable in disclosure statements, "lobbying" includes activities undertaken by the person engaging in lobbying and persons acting at his request to prepare for lobbying which in fact ultimately occurs, provided:

(I) No such reports shall be required for activities occurring prior to the preceding calendar year;

(II) Expenditures shall not be reported when such expenditures are incurred by a person in the ordinary course of the business or affairs of such person and are not made for lobbying. Such nonreportable expenditures will include, but not be limited to, the keeping of books of account and the routine collection of statistics and other data.

(c) "Lobbying" does not include communications made by a person in response to a statute, rule, regulation, or order requiring such a communication.

(d) (I) "Lobbying" does not include communications by a person who appears before a committee of the general assembly or a rule-making board or commission solely as a result of an affirmative vote by the committee, board, or commission issuing a mandatory order or subpoena commanding that he appear and testify, or making such a person a respondent in such a proceeding whether or not he is reimbursed by the committee, board, or commission for his expenses incurred in making such appearance.

(II) Subject to the provisions of subparagraph (I) of this paragraph (d), lobbying does include such communications by any

person who makes more than three such appearances before any committee, board, or commission in a calendar year. "Appearance", for the purpose of this paragraph (d), is defined as the testimony given before a committee, board, or commission on a single issue, rule, rate, or bill, regardless of the actual number of physical appearances necessary to present the testimony.

(e) "Lobbying" does not include communications made by an attorney at law when such communications are made on behalf of a client whose name has been identified and when such communications constitute the practice of law subject to control by the judicial branch of the state of Colorado.

(f) "Lobbying" does not include duties performed by employees of the legislative department.

(4) "Person" means an individual, partnership, committee, association, corporation, or any other organization or group of persons.

(5) "Political committee" means any committee, association, or organization which accepts contributions or makes expenditures for the purpose of influencing or attempting to influence the election of candidates or presidential and vice-presidential electors or any duly authorized committee or subcommittee of a national, state, or local political party.

(6) "Professional lobbyist" means any individual who engages himself or is engaged by any other person for pay or for any consideration for lobbying. "Professional lobbyist" does not include any volunteer lobbyist, any state official or employee acting in his official capacity, any elected public official acting in his official capacity, or any individual who appears as counsel or advisor in an adjudicatory proceeding.

(7) "Volunteer lobbyist" means any individual who engages in lobbying and whose only receipt of money or other thing of value consists of nothing more than reimbursement for actual and reasonable expenses incurred for personal needs, such as meals, travel, lodging, and parking, while engaged in lobbying, or for actual expenses incurred informing the organization making the reimbursement or the members thereof of his lobbying.

24-6-302. Disclosure statements - required. (1) Any person who by himself or through any agent, employee, or other person in any manner, directly or indirectly, solicits, collects, or receives money or any other thing of value at any time during the calendar year to be used for lobbying by any person shall file disclosure statements with the secretary of state in accordance with this section.

(2) Any person who is not required to file disclosure statements pursuant to subsection (1) of this section, but who makes expenditures for gifts or entertainment purposes for the benefit of covered officials in the aggregate amount of two hundred dollars in a calendar year shall file disclosure statements with the secretary of state in accordance with this section. Such disclosure statements shall not include actual and reasonable expenses incurred for personal needs, such as meals,

travel, lodging, and parking.

(3) Disclosure statements shall be filed within fifteen days after the end of the first calendar month in which any contribution is received or receivable or any expenditure is made or incurred for lobbying and shall be filed within fifteen days after the end of each subsequent month during the calendar year. A cumulative disclosure statement for the entire calendar year shall be filed on or before January 15 of the next year.

(4) If a person adopts the statement set out in section 24-6-301 (1.9) (b) (II), he shall at the same time file a cumulative disclosure statement for the calendar year to date and thereafter shall not have to file monthly disclosure statements unless he subsequently becomes required to do so by virtue of subsection (3) of this section.

(5) This section shall not apply to any political committee, volunteer lobbyist, citizen who lobbies on his own behalf, state official or employee acting in his official capacity, or elected public official acting in his official capacity.

24-6-303. Registration as professional lobbyist - filing of disclosure statements - public inspection - certificate of registration. (1) Any professional lobbyist, before engaging in lobbying, shall register with the secretary of state and file a written registration statement which shall contain:

(a) His full legal name, business address, and business telephone number;

(b) The name, address, and telephone number of any person by whom he is employed;

(c) The name, address, and telephone number of any person for whom he will be lobbying; and

(d) The name, address, and telephone number of any person by whom he is paid or is to be paid for such lobbying.

(1.5) A professional lobbyist shall file an updated registration statement on or before January 15 of each year unless at that time he is no longer a professional lobbyist. Registration under this subsection (1.5) shall be effective until January 15 of the next year.

(2) A registered professional lobbyist shall file disclosure statements as required by section 24-6-302.

(3) All registration statements and disclosure statements of professional lobbyists shall be compiled by the secretary of state within thirty days after the end of the calendar month for which such information is filed and shall be organized alphabetically according to the names of the professional lobbyists.

(4) No individual shall act as a professional lobbyist unless he has received a certificate of registration as provided in section 24-6-305 (1).

(5) An individual shall not be considered a professional lobbyist solely because of his appearance as a witness in rule, standard, or rate-making proceedings.

(6) This section shall not apply to any political

committee, volunteer lobbyist, citizen who lobbies on his own behalf, state official or employee acting in his official capacity, or elected public official acting in his official capacity.

24-6-303.5. Lobbying by state officials and employees. (1) Any state official or employee, other than an employee of the legislative department, who engages in the type of lobbying defined in section 24-6-301 (3.5) (a) (I), (3.5) (a) (II), or (3.5) (a) (III) while acting in his official capacity shall file monthly disclosure statements with the secretary of state in accordance with this section. The secretary of state shall prescribe a form for such disclosure statements which shall include:

(a) The legislation on which the disclosing individual is lobbying;

(b) Any expenditures of public funds used for lobbying;

(c) An estimate of the time which the official or employee and any other employees of his agency have spent to prepare the lobbying presentation.

(2) The response of a state official or employee to an inquiry from a covered official shall not be considered lobbying within the meaning of this section.

24-6-304. Records - preservation - public inspection. (1) Each person required to file statements or reports under this part 3 shall maintain for a period of five years such records relating to such statements or reports as the secretary of state determines by regulation are necessary for the effective implementation of this part 3.

(2) Any statement required by this part 3 to be filed with the secretary of state shall be preserved by the secretary of state for a period of five years after the date of filing, shall constitute part of the public records of that office, and shall be open and readily accessible for public inspection.

24-6-304.5. Examination of books and records. (1) The secretary of state has the power to request to examine or cause to be examined the books and records of any individual who has received or is seeking to renew a certificate of registration as a lobbyist as such books and records may relate to lobbying.

(2) Failure of a registrant or an applicant for renewal of the certificate of registration to comply with a request from the secretary of state to furnish the information in subsection (1) of this section shall be grounds for the secretary of state to proceed to use his powers to revoke or suspend a certificate of registration or bar an individual from registration as provided in section 24-6-305.

24-6-305. Powers of the secretary of state - granting and revocation of certificates. (1) It is the duty and responsibility of the secretary of state:

(a) To grant a certificate of registration as a lobbyist to

any individual who registers under the provisions of this section and who supplies the information required in this part 3;

(b) To revoke the certificate of registration of any individual who has been convicted of violating any of the provisions of this part 3;

(2) In addition to any other powers conferred by this section, the secretary of state may:

(a) Revoke, or suspend for a maximum period of one year, or bar from registration for a maximum period of one year or the remainder of the legislative biennium, whichever is longer, the certificate of registration required by section 24-6-303 for failure to file the reports required by section 24-6-303 or to provide the information required by section 24-6-304.5; but no certificate may be revoked or suspended within ninety days after the failure to file such a report if, prior to the last day for filing such reports, the secretary of state has been informed in writing of extenuating circumstances justifying such failure. Any revocation or suspension of a certificate of registration or bar from registration shall be in accordance with the provisions of article 4 of this title.

(b) Adopt rules and regulations in accordance with the provisions of article 4 of this title to define, interpret, implement, and enforce the provisions of this part 3 and to prevent the evasion of the requirements of this part 3;

(c) On his own motion or on the verified complaint of any person, investigate the activities of any person who is or who has allegedly been engaged in lobbying and who may be in violation of the requirements of this part 3;

(d) Apply to the district court of the city and county of Denver for the issuance of an order requiring any individual, who is believed by the secretary of state to be engaging in lobbying as a professional lobbyist as defined in section 24-6-301 without having received a certificate of registration as required by the provisions of section 24-6-303, to produce documentary evidence which is relevant or material or to give testimony which is relevant or material to the matter in question.

(3) If the secretary of state has reasonable grounds to believe that any person is in violation of section 24-6-302 or section 24-6-303 (4), the secretary of state may, after notice has been given and a hearing held in accordance with the provisions of article 4 of this title, issue a cease and desist order. Such order shall set forth the provision of this article found to be violated and the facts found to be the violation. Any person subject to a cease and desist order shall be entitled, upon request, to judicial review in accordance with the provisions of article 4 of this title.

24-6-306. Employment of legislators, legislative employees, or state employees - filing of statement. If any person who engages in lobbying employs or causes his employer to employ any member of the general assembly, any member of a rule-making board or commission, any rule-making official of a state agency, any employee of the general assembly, or any full-time state employee

who remains in the partial employ of the state or any agency thereof, the new employer shall file a statement under oath with the secretary of state within fifteen days after such employment. The statement shall specify the nature of the employment, the name of the individual to be paid thereunder, and the amount of pay or consideration to be paid thereunder.

24-6-307. Employment of unregistered persons. It is unlawful for any person to employ for pay or any consideration, or pay or agree to pay any consideration to, an individual to engage in lobbying who is not registered except upon condition that such individual register forthwith.

24-6-308. Contingent agreement prohibited. No person may make any agreement under which any consideration is to be given, transferred, or paid to any person contingent upon the passage or defeat of any legislation; the making or defeat of any rule, standard, or rate by any state agency; or the approval or veto of any legislation by the governor of this state.

24-6-309. Offenses - penalties. (1) Any person who violates any of the provisions of this part 3, willfully files any document provided for in this part 3, that contains any materially false statement or material omission, or willfully fails to comply with any material requirement of this part 3, is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than five thousand dollars, or by imprisonment in the county jail for not more than twelve months, or by both such fine and imprisonment.

(2) Whenever it appears that any person has engaged or is about to engage in any act or practice constituting a violation of any provision of this part 3 or any rule or order under this part 3, the secretary of state may bring an action in district court to enjoin the acts or practices and to enforce compliance with this part 3 or any rule or order under this part 3.

PART 4 OPEN MEETINGS LAW

24-6-401. Declaration of policy. It is declared to be the policy of this state that the formation of public policy is public business and may not be conducted in secret.

24-6-402. Meetings - open to public. (1) All meetings of two or more members of any board, committee, commission, or other policy-making or rule-making body of any state agency or authority or of the general assembly at which any public business is discussed or at which any formal action may be taken by such board, committee, commission, or other policy-making or rule-making body are declared to be public meetings open to the public at all times, except as may be otherwise provided in the state constitution.

(2) Any meetings at which the adoption of any proposed policy, position, resolution, rule, regulation, or formal action occurs or at which a majority or quorum of the body is in attendance, or is expected to be in attendance, shall be held only after full and timely notice to the public.

(2.1) This part 4 does not apply to any chance meeting or social gathering at which discussion of public business is not the central purpose.

(2.3) The members of a public body subject to this part 4, upon the affirmative vote of two-thirds of the entire membership of the body, may hold an executive session only at a regular or special meeting and for the sole purpose of considering any of the matters enumerated in subsection (2.5) of this section or the following matters:

(a) The purchase of property for public purposes, or the sale of property at competitive bidding, if premature disclosure of information would give an unfair competitive or bargaining advantage to a person whose personal, private interest is adverse to the general public interest. No member of the public body shall use this paragraph (a) as a subterfuge for providing covert information to prospective buyers or sellers.

(b) Conferences with an attorney for the public body concerning disputes involving the public body that are the subject of pending or imminent court action;

(c) Matters required to be kept confidential by federal law or rules or state statutes;

(d) Specialized details of security arrangements where disclosure of the matters discussed might reveal information that could be used for the purpose of committing, or avoiding prosecution for, a violation of the law;

(e) Determining positions relative to matters that may be subject to negotiations with employees or employee organizations; developing strategy for and receiving reports on the progress of negotiations; and instructing negotiators.

(2.5) All meetings held by members of a public body subject to this part 4 to consider the appointment or employment of a public official or employee or the dismissal, discipline, promotion, demotion, or compensation of, or the investigation of charges or complaints against, a public official or employee shall be open to the public unless said applicant, official, or employee requests an executive session. An executive session may be held only at a regular or special meeting of the public body and only upon the affirmative vote of two-thirds of the entire membership of the body.

(2.7) Prior to the time the members of the public body convene in executive session, the chairman of the body shall announce the general topic of the executive session as enumerated in subsections (2.3) and (2.5) of this section.

(2.9) The limitations imposed by subsections (2.3), (2.5), and (2.7) of this section do not apply to matters which are covered by section 14 of article V of the state constitution.

(3) The secretary or clerk of each board, committee, commission, or other policy-making or rule-making body shall

maintain a list of persons who request notification of all meetings or of meetings when certain specified policies will be discussed and shall provide reasonable advance notification of such meetings.

(4) No resolution, rule, regulation, ordinance, or formal action of a board, committee, commission, or other policy-making or rule-making body shall be valid unless taken or made at a meeting that meets the requirements of subsections (1) and (2) of this section.

(5) The minutes of a meeting of any such board, committee, commission, or other policy-making or rule-making body shall be promptly recorded and such records shall be open to public inspection. The minutes of executive sessions authorized under subsections (2.3) and (2.5) of this section need only reflect the general subject matter of discussions.

ARTICLE 30
PART 2
INFORMATION COORDINATION ACT

24-30-208. Information coordination act - policy - functions of the division of accounts and control. (9) Whenever any report is required or allowed to be made to the general assembly, the filing of one copy of such report in each house of the general assembly, six copies in the joint legislative library, and four copies with the state librarian for the state publications depository and distribution center, plus copies to those legislators requesting such, shall be deemed to be sufficient compliance with the direction or authority to make such report.

ARTICLE 90
PART 2
STATE PUBLICATIONS DEPOSITORY
AND DISTRIBUTION CENTER

24-90-201. Establishment of a state publications depository and distribution center. There is hereby established a state publications depository and distribution center. Such center shall be a section of the state library. Its operation is declared to be an essential administrative function of the state government.

24-90-202. Definitions. As used in this part 2, unless the context otherwise requires:

(1) "Center" means the state publications depository and distribution center.

(2) "Depository library" means a library designated to collect, maintain, and make available to the general public state

agency publications.

(3) "State agency" means every state office, whether legislative, executive, or judicial, and all of its respective officers, departments, divisions, bureaus, boards, commissions, and committees, all state-supported colleges and universities which are defined as state institutions of higher education, and other agencies which expend state-appropriated funds.

(4) "State publication" means any printed or duplicated material, regardless of format or purpose, which is produced, purchased for distribution, or authorized by any state agency, including any document, compilation, journal, law, resolution, bluebook, statute, code, register, contract and grant report, pamphlet, list, microphotographic form, audiovisual material, book, proceedings, report, public memorandum, hearing, legislative bill, leaflet, order, rule, regulation, directory, periodical, magazine, or newsletter, with the exception of correspondence, interoffice memoranda, or those items detailed by section 24-72-204.

24-90-203. Purposes - direction - rules and regulations.

(1) The purposes of the center are to collect, distribute, and make available to the public state publications. Public access to such publications may be accomplished by use of depository library facilities throughout the state.

(2) The center shall be under the direction of the state librarian.

(3) Adoption of such rules and regulations as are necessary or appropriate to accomplish the provisions of this part 2 shall be the responsibility of the state board of education after such rules are submitted to and approved by the committee on legal services. No rule or regulation shall deny public access during normal working hours to the state publications enumerated in this part 2.

24-90-204. Deposits of state publications. Every state agency shall, upon publication, deposit at least four copies of each of its state publications (with the exception of audiovisual materials) with the center. One copy of each such audiovisual material shall be deposited with the center. The center may require additional copies of certain state publications to be deposited when designated by the state librarian as being required to fulfill the purposes of this part 2.

24-90-205. Publication lists to be furnished by state agencies. Upon request by the state librarian, each state agency shall furnish the center with a complete list of its current state publications.

24-90-206. Depository library agreements - requirements. The center may enter into depository agreements with any state agency or public library or with out-of-state research libraries and other state libraries. The number of depository libraries shall not exceed thirty. The requirements for eligibility to

become and continue as a depository shall be established by the state library. The standards shall include and take into consideration population, the type of library or agency, ability to preserve such publications and to make them available for public use, and such geographic locations as will make the publications conveniently accessible to residents in all areas of the state.

24-90-207. Index of state publications. The center shall quarterly publish an index to state publications and distribute it to depository libraries and certain other libraries and state agencies as designated by the state librarian.

24-90-208. State publications distribution. The center shall distribute state publications, in microfiche, paper copy, or other format where appropriate, to depository libraries. The state librarian may make additional distributions in accordance with agreements with appropriate state agencies.

ORGANIZATION OF THE GENERAL ASSEMBLY

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ORGANIZATION OF THE GENERAL ASSEMBLY

Convening of the Senate and House: The General Assembly meets in regular session at 10 o'clock a.m. on the first Wednesday after the first Tuesday in January of each year. The Senate is called to order by the President of the preceding session or the Senator having the longest continuous service in the Senate. The House is called to order by the Speaker of the preceding session, or in his absence, the member who has served the longest continuous time in the House. Following the call to order in each house, the respective chaplains lead the Senate and House in prayer.

Procedure of Business in the General Assembly on the Opening Day of the First Regular Session: With slight variations, a similar order of business is followed in both houses:

1. Reading of transmittal letter from the Secretary of State together with membership lists. In the Senate, this includes hold-overs and members-elect; in the House, members-elect.
2. Roll call.
3. Committee on Credentials: The presiding officer of each house appoints a three-member credentials committee. Both houses recess while these committees prepare reports upon the credentials of those claiming to be elected members of their respective houses. Upon reconvening the reports are read and adopted.
4. Administration of Oath to Members: The presiding officers of both houses appoint three-member committees to escort the Chief Justice (and/or associate justices) to each chamber, to administer the oath of office to the members-elect.
5. Election of Presiding Officers: Nominations are taken from the floor, and votes are cast by all members for the President and the President pro tem of the Senate and the Speaker of the House.
6. Election or Appointment of the Secretary of the Senate and Chief Clerk of the House.
7. Adoption of Temporary Rules (Rules of the previous session).
8. The President of the Senate appoints a committee of two to notify the House that the Senate is organized and ready for business; the Speaker of the House takes similar action to notify the Senate.

9. Introduction and Consideration of Resolutions:

- a. A Senate Joint Resolution is adopted by both houses to appoint a joint committee to notify the Governor that the _____ Regular Session of the _____ General Assembly is organized and ready for business, and to inquire of the Governor if he has any communication to present to the Assembly in Joint Session.
- b. A Senate Joint Resolution is adopted, providing for appointment of a joint committee to arrange for the inauguration of the Governor-elect and other elected state officials. (Inaugural years)
- c. A Senate Joint Resolution is adopted for a joint session, to canvass the votes cast for certain state officials elected at the last general election.
- d. A House Joint Resolution is adopted which establishes specific service and clerical positions in both houses. Separate resolutions are then adopted in each house, authorizing employment of individuals to fill these positions in the General Assembly for the duration of the session.

10. Joint Session for Governor's Message: Sometimes both houses are recessed for a joint session in order to hear the Governor's message in the House chamber. The call to order by the President of the Senate is followed by a roll call. The joint committee escorts the Governor to the rostrum from which he addresses the General Assembly. His address is ordered printed in the House Journal by the assembled legislators. The joint session dissolves, and both houses reconvene in their respective chambers for consideration of other business, introduction of additional resolutions, reading of further communications, etc.

11. Adjournment or Recess.

Daily Order of Business: The regular hour of meeting of both the Senate and the House is 10:00 a.m. daily, unless otherwise ordered. The President of the Senate and the Speaker of the House call their respective bodies to order.

Attendance: Each member must answer the roll call, unless he has been properly excused, and he is expected to remain until adjournment at the close of day. To be excused, a member must request permission of the President of the Senate or the Speaker of the House. If he is unable to do this in person, he may ask another member to request his excuse.

Quorum: It is necessary to have a quorum present in order to transact business. A quorum consists of a majority of all members elected -- eighteen members in the Senate and thirty-three members in the House. However, a smaller number may adjourn from day to day, or for less than a day, and compel the attendance of absent members.

Daily Calendar: A copy of the daily calendar, showing the business to come before the General Assembly, is placed on each member's desk early in the morning. The business on the daily calendar usually takes place in the mornings; afternoons are devoted to scheduled committee meetings. Each house proceeds with the order of business as follows:

1. Reading, correction, and approval of the Journal. (The Constitution requires that a correct Journal of each day's proceedings be kept. Each day's Journal is printed following adjournment for the day, and a copy of the previous day's proceedings is placed on each legislator's desk the next morning.)

<u>House</u>	<u>Senate</u>
2. Special orders, if any, unfinished on previous legislative day	2. Reports of committees of reference
3. Reports of committees of reference	3. Reports of special committees
4. Reports of special committees	4. Messages from the House of Representatives
5. Messages from the Senate, messages from the Governor, messages from the revisor, and communications from state officers	5. Messages from the Revisor
6. Introduction of bills, first reading, by title	6. Introduction of resolutions and memorials
7. Introduction of resolutions and memorials	7. Introduction of bills and first reading by title
8. Third reading of bills	8. Third reading of bills
9. General orders	9. General orders
10. Conference committee	10. Consideration of reso-

- | | |
|---|---|
| reports - majority
and minority reports | lutions and memorials |
| 11. Consideration of resolu-
tions and memorials | 11. Messages from the
Governor and other
state officers |
| | 12. Other business |

Committees of Reference: The members of each house are assigned to various committees of reference, to which all bills are referred immediately following the first reading by title. Majority members of House committees of reference are appointed by the Speaker and minority members are appointed by the minority leader; in the Senate, the members are appointed by resolution from a list submitted by the majority leader for the majority members and from a list submitted by the minority leader for the minority members. The majority leader of the Senate or the Speaker of the House determines the number of members on each committee and the number from each political party (in proportion to each party's membership). Committees of reference in both houses are appointed at the beginning of each regular session following a general election and the members serve until after the next general election. The Speaker is responsible for referring bills to committees in the House; similarly, in the Senate, bills are referred to committees by the President of the Senate. These committees, which deal with particular subject areas, are listed in the table below.

The committee system makes it possible for a smaller group to give more detailed study to a bill than would be practicable were the full body of each house to consider all bills. The committees of reference meet in open session.

COLORADO GENERAL ASSEMBLY
COMMITTEES OF REFERENCE

HOUSE:

Agriculture, Livestock, and Natural Resources
 Appropriations
 Business Affairs and Labor
 Education
 Finance
 Game, Fish, and Parks
 Health, Environment, Welfare, and Institutions
 Judiciary
 Local Government
 State Affairs
 Transportation and Energy

SENATE:

Agriculture, Natural Resources, and Energy
Appropriations
Business Affairs and Labor
Education
Finance
Health, Environment, Welfare, and Institutions
Judiciary
Local Government
State Affairs
Transportation

OTHER COMMITTEES

HOUSE:

House Services
Rules

SENATE:

Senate Services

Joint Committees

Legal Services
Audit
Legislative Council
Joint Budget
Joint Legislative
Oversight Committee
Statutory Revision

The House Rules Committee, consisting of ten members, including the Speaker, decides which bills reported out of the committees of reference will be presented to the Committee of the Whole for second reading. The Rules Committee prepares a calendar which is to be posted on the bulletin board at least twenty-four hours prior to consideration by the House, whenever possible. In the absence of a rules committee in the Senate, bills appear on the calendar in the order in which they were reported out of the committees of reference with one intervening day between the day of the report and the day the bill appears on the calendar.

In accordance with Senate Rule 21 (j), a Calendar Committee of at least five members may be nominated and elected by vote of the Senate at any time, which committee shall be authorized to arrange all general and special orders and prepare calendars for same, provided that special orders may be made at any time by vote of the Senate.

In accordance with House Rule 25 (a.1) and Senate Rule 21 (a.1), the Committee on Legal Services is considered a committee of reference for any bill introduced pursuant to section 24-4-103 (8) (d), C.R.S. 1973.

Committee of the Whole: In each house, every bill scheduled for general orders (second reading) or special orders (scheduled out of usual order) must be considered by such house sitting as a Committee of the Whole. The Committee of the Whole is the entire membership of either house sitting as a committee. The purpose of sitting as the Committee of the Whole is to allow a greater latitude in debate than is permitted under legislative rules. The committee is formed in each house upon adoption of a motion; the President of the Senate and the Speaker of the House appoint the respective chairmen who exercise the powers of the respective presiding officers during Committee of the Whole deliberations. When the Committee of the Whole "rises" to report, the formalities of the house are resumed and a record vote is taken on the adoption of the Committee of the Whole report.

Conference Committees: In case the Senate and House cannot agree on an amendment to a bill, the question is referred to a conference committee for further consideration. A separate conference committee is appointed to consider each bill on which there is disagreement. A conference committee is composed of two three-member committees from each house. The Senate committee is appointed by the President; the House committee by the Speaker. The vote on acceptance of the conference committee report is taken in each house following presentation of the conference committee report.

Other Committees: In addition to the committees already mentioned which assist in various ways with the conduct of legislative business, there are many other committees such as interim committees appointed to study or investigate certain problems or areas of interest; the special committees which notify the Governor that the General Assembly is in session and assist with inaugurals; funeral and flower committees, etc. In the Senate these special committees are appointed by the President unless otherwise ordered by majority vote of all members elected; the Speaker appoints all special committees in the House.

Summoning of Witnesses: Joint Rule No. 33 specifies that the Senate or House of Representatives may vest in any committee thereof or any committee created by statute or by joint resolution, and the Legislative Council may vest in any subcommittee it appoints, the power to subpoena witnesses, to take testimony under oath, and to assemble records and documents with the same power and authority as courts of record. However, a subcommittee of the Legislative Council may subpoena an individual witness only upon a vote of a majority of a quorum of the subcommittee. A witness may have legal counsel present during proceedings brought pursuant to Joint Rule 33. Any person who fails or refuses to testify without just cause is guilty of contempt of the General Assembly and is subject to a fine not to exceed \$500, imprisonment in a county jail for not more than ten days, or both. Witnesses subpoenaed to appear before any committee or subcommittee would receive the same fees and expenses as witnesses in civil cases.

Pursuant to section 2-3-306, C.R.S. 1973, the Legislative Council also has the power to subpoena witnesses, to take testimony under oath, and to assemble records and documents with the same power and authority as courts of record. Such witnesses receive the same fees and expenses as witnesses in civil cases.

Officers and Employees of the General Assembly

Presiding Officers: The presiding officers are elected at the beginning of the first regular session after a general election. The presiding officer of the Senate is the President of the Senate; in his absence the President pro tempore serves in this capacity. The Speaker presides over the House; he designates a member to serve in his absence.

The presiding officer of each house preserves order; decides all questions of order, subject to a member's right of appeal; refers legislative proposals to committees of reference; and signs all bills, resolutions, memorials, and orders.

The Speaker of the House makes all committee appointments in that body (with the exception of minority members of committees of reference), and the President appoints all committees in the Senate except committees of reference, senate services, and the Calendar Committee, unless otherwise ordered by majority vote of all members elected.

In both houses, the majority and minority parties each choose a floor leader whose function it is to lead his party and to expedite legislative business. The majority floor leaders assume the responsibility of maintaining the flow of legislative business.

Secretary of the Senate and Chief Clerk of the House: These are the chief administrative officers of their respective houses. They have general supervision over the legislative procedures, including:

1. Introduction of bills and resolutions.
2. Preparation of daily calendar and daily journal (where voting results are recorded).
3. Floor amendments.
4. Engrossing and enrolling procedures.
5. Messages to and from the Governor, the House of Representatives and the Senate; also communications from other state officers and departments.
6. Custody of all documents and records; permit same to be used and examined only by authorized personnel. Missing papers will be reported immediately to the presiding officer.

7. Maintenance of pay records for all personnel employed by the General Assembly.

Assistant Secretary of the Senate and Assistant Chief Clerk of the House:

Perform assigned duties and serve in the absence of the Secretary of the Senate or the Chief Clerk of the House, as applicable.

Amendment Clerk:

Responsible for the accurate preparation of proposed amendments to such measures as come before the houses. This is an extremely critical operation and the members are requested to have their proposed amendments prepared in advance of debate if at all possible.

Docket Clerk:

1. Keeps record, called "docket," in which he registers the numbers, titles, and sponsors of all legislative bills, resolutions, and memorials, with record of all action taken on these documents.
2. Distributes to the proper committees or officers all bills or other documents referred by the presiding officers.

Reporter:

Makes record of, collates, and transcribes in logical order information required for the official journal.

Reading Clerk:

1. Calls the roll.
2. Reads aloud, from the rostrum, all matters that come before the two houses -- journals, bills, committee reports, papers, etc., -- as designated by the Secretary of the Senate or Chief Clerk of the House.

Historian:

Hired by the House of Representatives for the preparation of the daily status sheet and the subject index of all measures introduced. This information is prepared for both houses.

Enrolling Clerk:

1. Engrosses all bills. After passage of a bill on second reading in the house of origin, it is given to the engrossing clerk. To "engross" means to prepare an exact copy of the bill, with amendments, as it stands after second reading in the house of origin. If no amendment is made on second reading, the original bill itself is accepted as the engrossed bill. The same procedure is followed after third reading when the bill is "reengrossed."
2. Revises all bills originating in the other house. When the bill passes on second reading in the second house, with amendments, it is revised. To "revise" means to prepare an exact copy of the reengrossed bill, as it stands after second reading in the second house. The same procedure is followed after third reading when the bill is "revised."
3. Prepares a true copy of each bill in its final form for enrollment after it has been approved by both houses. The original is transmitted to the Governor for his action. Copies are given to the sponsor and are sent to other points of distribution. It is most important that the sponsor review very carefully the enrolled bill.
4. Keeps record of all bills assigned to him while in the process of printing. The Enrolling Clerk is responsible for recording this information and sending the bill to the printer. Receives the printed copies and maintains record of quantities printed.

Bill Clerk:

1. Maintains stock of all printed legislative documents and arranges for distribution of bills, journals, calendars, etc., to authorized persons and agencies.
2. Prepares for mailing packets of bills and other documents to authorized persons and agencies.

Sergeant-at-Arms:

1. In charge of all police regulations.
2. Supervises lighting, ventilation, and other housekeeping services.
3. Serves subpoenas and warrants.
4. Distributes materials to legislators as requested.

5. Keeps order in the lobby and seats authorized visitors on the floor of either house.
6. Distributes the mail.

Visitors Aides:

Act as hostesses and information clerks in dealing with school groups and other visitors to the legislative galleries. They will notify members of the presence of visitors from their legislative districts.

Assignable Clerks:

1. Arrange in each legislator's desk file printed bills, resolutions, journals, etc., as they are printed.
2. Perform such other duties as assigned by the Secretary of the Senate or the Chief Clerk of the House.

Stenographers:

1. Stenographers are assigned in both houses to assist legislators in handling of correspondence, reports, and other clerical tasks.
2. Handle incoming and outgoing calls for the legislators in both houses.
3. Deliver messages to legislators.

Legislative Printing Room:

The Legislative Council operates a legislative printing room where legislators may have copies of official material reproduced for distribution or personal use, within reason. A copy machine and a multilith machine, which can turn out a sufficient number of copies of material necessary for legislative use, are in the print room. The photographic equipment available can be used to reproduce materials as is or enlarge or reduce such materials.

LEGISLATIVE SERVICES

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LEGISLATIVE SERVICES

The Legislative Council

Created in 1953, the Legislative Council serves as the fact-finding and information-collecting agency of the General Assembly. This 14-member body consists of the majority leader of the Senate and the Speaker of the House, who serve ex officio, and 12 appointed legislators -- six Senators and six Representatives.

The council concept in Colorado grew out of a need for a continuing and permanent research staff to work directly for the legislature -- a need for a "leg man" to get facts for individual legislators and committees of reference during the session and to coordinate the work of specific study committees between sessions.

The Council appoints a Director of Research who, with the approval of the Council, may appoint such additional professional, technical, clerical, and other employees as are necessary to perform the functions assigned. The Council also appoints committees which concentrate on specific legislative study assignments with the assistance of the professional members of the staff. The staff member, in addition to doing the research, also serves as committee coordinator, initiates necessary correspondence, arranges meetings, compiles minutes, and prepares memoranda and reports on findings. Progress on these committee projects is effected through a series of periodic meetings or hearings and culminates in published reports which give pertinent data in the form of facts, figures, arguments, and alternatives, and usually include recommendations for action. Staff services are often provided for interim committees not directly under the Legislative Council, as well as for Council committees.

The Legislative Council is responsible for encouraging cooperation of the State of Colorado with the federal government and for encouraging and assisting state officials to cooperate with officials and employees of other states. The cooperative effort is intended to include review of proposals for interstate compacts as well as uniform and reciprocal statutes through participation in regional and national meetings as a member of the Council of State Governments and the National Conference of State Legislatures.

The offices of the Legislative Council are located in Room 46 in the basement at the north end of the State Capitol. In addition to research and fact-finding services, the Council fulfills other needs and demands which, with passage of but a few years, have become numerous and varied.

Individual Legislative Requests: Individual legislators who are interested in obtaining specific facts or in developing certain information may request Council staff assistance, either in person or through correspondence. These requests are assigned to the professional staff, who, through the director, furnish the legislator with the desired information or material. The staff attempts to answer all individual research requests as quickly as possible. Only those involving extensive research are submitted to the Council for specific approval.

Library Service: The Council maintains a joint reference library for the use of the Colorado General Assembly. The library's collection is comprised of documents pertinent to governmental functions and legal reference materials. Reports which are required or allowed to be filed with the General Assembly are available in the library.

The Council staff, at the request of an individual legislator, will assemble or order reference material suitable to his needs. This material may be checked out for a reasonable length of time. Other state agencies and departments often utilize the Council library material and are encouraged to do so.

Information Service: When information is received which the director feels will be of value or interest to members of the General Assembly, it is reproduced and distributed to them. In addition, representatives of many clubs, organizations, and student groups, as well as interested citizens, visit the Council offices in search of information and material which they can utilize in pursuit of study projects concerning governmental affairs. Many telephone requests covering a multitude of legislative topics are handled from a wide range of sources.

Staffing Committees of Reference: The Legislative Council instituted a program of staffing committees of reference during the 1967 session. The Council's objectives during legislative sessions are:

- (1) To provide research assistance directly to all committees of reference;
- (2) To assist committee chairmen in administrative matters so as to expedite committee business; and
- (3) To make available individual staff members for the purposes of providing spot research and other duties so as to facilitate readily legislative informational services required by the committees under this arrangement.

General Assembly Documentary: In 1979, the General Assembly appropriated funds to the Legislative Council for the production

of a motion picture concerning the legislative process for public distribution. Thus, THE COLORADO STATE LEGISLATURE, a 28 1/2 minute, 16 mm., sound, color motion picture, was produced in 1980.

The Legislative Council has arranged for the distribution of the motion picture through the State Historical Society of Colorado, and inquiry on loan should be directed to:

STATE HISTORICAL SOCIETY OF COLORADO
1300 Broadway
Denver, Colorado 80203

The motion picture is available to members of the General Assembly at no charge other than return postage and insurance coverage for a value of \$250, which costs approximately \$3.45.

Since the motion picture has gained wide popularity, members of the General Assembly are advised to make arrangement for loan several weeks in advance of their plans for a showing. Loan period is for one week.

Public Appearances: Members of the staff make themselves available upon request for public appearance before various civic and professional groups in order to discuss the legislative aspects of state governmental topics which have been assigned to the Council for study and which are pertinent to the interest of the requesting group.

Correspondence: The Legislative Council, as a member of the Council of State Governments, is called upon to furnish information for compilation of material on matters of immediate interest to other governmental jurisdictions. Also, the Council, on a reciprocal basis, conducts an interchange of information and reports and completion of forms and questionnaires circulated by similar agencies in other states. Other correspondence processed by the Council includes requests from business and industrial firms relative to legislative provisions which affect individual situations, etc.

Reports: Each legislator receives a copy of every report published by the Council. A limited number of reports are distributed upon request, if available, to interested state officials, civic and professional organizations, and study groups. The Council has also arranged for exchange of reports with research agencies of other states, tax associations, etc.

Analysis of Ballot Proposals: In conformance with provisions of section 2-3-303, C.R.S. 1973, the Legislative Council, among other duties, examines "the effects of constitutional provisions and statutes...". The Council, prior to each general election, distributes several thousand pamphlets

which contain a summary of the provisions, comments, arguments for and arguments against each of the ballot proposals appearing on the ballot.

Pursuant to section 1-40-101, C.R.S. 1973, the directors of the Legislative Council and Legislative Drafting Office confer with proponents of proposed initiative measures for the purpose of commenting on problems and format of such measures.

Duplicating Service: The Legislative Council maintains its own print room and duplicating equipment. Memoranda and reports for legislators and legislative committees are reproduced by the Council's duplicating department. A pay copy machine is also available.

Centralized Legislative Accounting Service: Under the supervision of the director of the Council, a centralized accounting service is maintained for the legislative department of government, including all offices and agencies thereof.

Joint Budget Committee

The Joint Budget Committee is the permanent fiscal and budget review agency of the Colorado General Assembly, appointed by the presiding officers of both houses. The Joint Budget Committee consists of the chairman of the House Appropriations Committee plus one majority party member and one minority party member of the House Appropriations Committee, and the chairman of the Senate Appropriations Committee plus one majority member and one minority member of the committee.

The Committee elects a chairman and a vice-chairman, one from the Senate membership of the Committee and one from the House membership of the Committee. The chairman so elected serves as chairman for the first regular session of the General Assembly at which the Committee is to serve, and as vice-chairman for the second regular session; the vice-chairman so elected serves as chairman for the second regular session of said General Assembly.

Established by statute in 1959, the Committee succeeded the former Joint Subcommittee on Appropriations. The Subcommittee was established on a year-round operating basis, with permanent staff, in 1956.

The Committee analyzes the programs, management, operations and fiscal needs of all state agencies. It reviews agency and executive budget requests and conducts budget hearings. In addition, the Committee prepares the appropriation bills for

introduction in the legislature. The annual "Appropriation Report" by the Committee, following the legislative session, expresses legislative intent and program guidance for state agencies. Interim studies of the Committee focus on selected management and fiscal needs.

The Committee's offices are located in Room 341 of the State Capitol. Members of the General Assembly and the public are invited to attend Committee hearings.

The Legislative Drafting Office

The Legislative Drafting Office is under the direction of the Committee on Legal Services, and is the successor to the Legislative Reference Office, created in 1927, under the Department of Law.

The Committee on Legal Services consists of eight members of the General Assembly. The eight legislative members are the majority and minority leaders of the House of Representatives or their respective designees; the majority and minority leaders of the Senate or their respective designees; the respective chairmen of the House and Senate committees on judiciary or their respective designees; one member from the minority party in the House of Representatives who is also an attorney-at-law, if an attorney is available; and one member of the minority party in the Senate who is an attorney-at-law, if an attorney is available.

The Committee on Legal Services appoints a director of the Legislative Drafting Office who is an attorney-at-law. The director appoints a regular professional staff which includes attorneys-at-law and technical and clerical personnel to assist in the operation of the office. The Legislative Drafting Office is located in Room 30, State Capitol.

The Director of the Legislative Drafting Office serves ex officio as secretary to the Colorado Commission on Uniform State Laws and is presently designated as Revisor of Statutes.

Drafting Services: The Legislative Drafting Office drafts most and types all of the bills, resolutions, and memorials introduced in the General Assembly.* In addition, all conference committee reports must be prepared by the Legislative Drafting Office.

* Under joint rule, no bill may be introduced in either house unless first approved as to form by the Drafting Office.

Under the law establishing the Office, no bill can be drafted without the request of a member of the General Assembly or the Governor. Prior to introduction, all requests received by the Office are held in confidence and not discussed or released outside the Office without the prior permission or instruction of the member making the request.

Review of Administrative Rules and Regulations: The Office has responsibility for implementing the statutory requirement that rules promulgated by executive agencies be submitted to the Committee on Legal Services and reviewed to determine whether the rule or regulation is issued within the power delegated to the agency and as authorized by law. After discussion of a rule or regulation with the Committee, a bill may be introduced which rescinds entirely or deletes a portion of the rule or regulation. All rules adopted or amended on or after July 1, 1979, expire June 1 of the year following their adoption unless the General Assembly adopts a bill which would postpone the expiration of a specific rule. The Office is also in the process of systematically reviewing all of the rules of the principal departments. In 1981 the Office was asked to review annually rules and regulations which may conflict with statutes or statutory changes adopted subsequent to the review of the rules of the principal departments.

Legislative Records: The Office maintains complete legislative records on bills, resolutions, and memorials considered and enacted by the General Assembly, and on other legislative actions, such as appointment of interim committees, rule changes, reports submitted, etc. During a session of the General Assembly, a comprehensive progress report is kept daily following the consideration and passage of a bill through the General Assembly. Copies of enrolled bills are available for reference purposes soon after passage.

Copies of all bills drafted by the Office and all bills printed by the General Assembly are kept on file for reference purposes. Such copies go back several years. Following adjournment, the Office prepares a Digest of Bills summarizing the major provisions of each bill passed during the preceding session.

Coordination of Litigation: The Office, again acting under the direction of the Committee on Legal Services, coordinates litigation involving the General Assembly. The Office is the conduit through which legal counsel retained by the Committee may communicate with members of the Committee. Staff attorneys of the Office may assist such retained counsel in the preparation of briefs and in other legal research and writing. The Office also prepares memoranda on questions of laws for members of the General Assembly.

Other Services: In addition to the above services, the Legislative Drafting Office gives assistance to Legislative Council committees and interim committees not working directly under the Council. The Office also works closely with the Revisor of Statutes in checking enacted bills before insertion in the Session Laws and Supplement.

Office of Revisor of Statutes

The Committee on Legal Services and the Office of Revisor of Statutes in the legislative branch are the successors respectively to the Committee on Statute Revision and the Revisor of Statutes which existed prior to May, 1969, under the judicial branch.

The Committee on Legal Services appoints a Revisor of Statutes, who is an attorney, to administer the Office of Revisor of Statutes. The Revisor appoints attorneys and clerical help to assist in the operation of the office. The Office of the Revisor of Statutes is located in Room 32, State Capitol.

Revising of Statutes: The Revisor is responsible for compiling, editing, arranging, and preparing for publication all the laws of the State of Colorado. The Colorado Revised Statutes of 1953, 1963, and 1973 were prepared by this office. The 1973 revision involved major changes in arrangement and format. Specifically, chapters were reorganized into a reduced number of titles, a new numbering system was adopted, more extensive annotations were added, and a new index was included. In addition, annual updates will be printed as cumulative pocket supplements to each volume.

Editing of Statutes: The Revisor is required to adopt a uniform system of punctuating, capitalization, and wording; to eliminate duplication and laws repealed directly or by implication; to correct faulty section structure of existing statutes; and to clarify existing laws as the Committee deems proper.

Preparing Supplements to Statutes: The Revisor of Statutes prepares supplements to the statutes. Laws enacted by the Colorado General Assembly in each session are edited, collated and revised, with annotations, and are printed in an annual cumulative pocket supplement to each volume.

Replacement Volumes: When a particular supplement becomes so large that it is unwieldy or in danger of breaking the binding of the volume, the Committee may authorize the publication of a replacement volume.

Session Laws: The Revisor is responsible for arranging and

preparing for publication, immediately after the adjournment of each session of the General Assembly, bound volumes containing all the laws and concurrent resolutions passed at that session, together with those resolutions and memorials as are designated by the House and the Senate for publication, and an index therefor.

Review of Bills: The Revisor is responsible for the review of bills for format, grammar, and legality after they have been drafted by the Legislative Drafting Office and also for a review of all bills and amendments thereto after they are passed by either house pursuant to Joint Rule No. 3.

Statutory Revision Committee

The Statutory Revision Committee was established in 1977. The Committee consists of nine members as follows: The respective chairmen of the House and Senate Committees on Judiciary or their respective designees; one member from the minority party in the House of Representatives; one member of the minority party in the Senate; the Revisor of Statutes; and four members appointed by the Committee on Legal Services. At least two members appointed by the Committee on Legal Services must be attorneys-at-law.

The Statutory Revision Committee examines the common law and statutes of the state and current judicial decisions for the purpose of discovering defects and anachronisms in the law. Recommendations are received by the Committee from justices, judges, other public officials, lawyers, and the general public concerning antiquated and inequitable rules of law. The findings and recommendations of the Committee are submitted to the General Assembly by January 15th of each year.

State Auditor and Legislative Audit Committee

The State Auditor is appointed by a majority vote of the members of the General Assembly to serve for a term of five years. He must be a certified public accountant licensed in Colorado.

The duties of the State Auditor are to conduct postaudits of all financial transactions and accounts of all state departments, institutions, and agencies of the executive branch of state government, and the judicial and legislative branches; conduct performance postaudits and performance reviews of regulatory agencies; prepare an annual report which contains a summary of audit reports of the various departments, institutions, and agencies, as well as recommendations concerning each department; conduct special audits upon the request of the Governor or the

General Assembly of any department, institution, or agency; and perform preliminary investigations, special audits, or management studies directed by the Legislative Audit Committee.

The Legislative Audit Committee is made up of four Senators, two from each major political party, and four Representatives, two from each major political party.

The function of the Committee is to examine the qualifications of each person applying for the position of State Auditor and place the name of the most qualified person before the General Assembly; review the reports of the State Auditor relating to postaudits and submit its recommendations concerning the postaudit reports to the General Assembly; and order preliminary investigations, special audits, or management studies to be performed subsequent to the reprimanding of a state employee for disclosing information.

Clerk of the House and Secretary of the Senate

The Clerk of the House of Representatives and the Secretary of the Senate are year-round legislative employees. Their duties during the legislative session are described elsewhere in this handbook. Between sessions, they provide access to legislative records and handle administrative details for the General Assembly.

Commission on Uniform State Laws

The Colorado Commission on Uniform State Laws is a part of the legislative department of state government. Each of the six members of the commission must be an attorney admitted to practice law in the state of Colorado and two of the six members must be members of the General Assembly. The Colorado Commission represents the state of Colorado at the National Conference of Commissioners on Uniform State Laws. The Director of the Legislative Drafting Office is designated by law to serve as the secretary to the Colorado Commission.

The purpose of the National Conference is to promote uniformity of state laws on all subjects where uniformity is deemed desirable and practicable; to draft model acts on subjects suitable for interstate compacts or subjects in which uniformity will make more effective the exercise of state powers and promote interstate cooperation; and to encourage the uniformity of judicial decisions.

Generally, the National Conference drafts and recommends uniform and model acts for consideration by state legislatures. In order for such acts to receive support of the conference, they

must conform to the following requirements:

1. obvious need on a particular subject, including need for uniformity among the states;
2. reasonable probability of acceptance or, if not, will lessen diversity, at least indirectly;
3. lack of uniformity on the subject tends to mislead or adversely affect the citizens of a state dealing with other states;
4. non-controversial for political, trade, or professional reasons;
5. remove objectionable conflicts in existing laws; and
6. deal with law, not administrative procedure.

Tentative drafts of acts are referred from year to year to the National Conference, at which time the proposed legislation is reviewed section by section. When finally approved by the National Conference, the uniform acts are recommended for general adoption throughout the United States and submitted to the American Bar Association for its approval. File copies of current uniform acts promulgated by the National Conference are maintained in the Legislative Drafting Office for inspection by the public.

The Colorado Commissioners give an account of their transactions and recommendations to the Governor and the General Assembly prior to each regular session of the General Assembly.

State Officials' Compensation Commission

In 1975, the General Assembly created the "Colorado State Officials' Compensation Commission," the purpose of which is to assist the General Assembly by providing public participation in making impartial determinations of equitable and proper compensation levels for members of the General Assembly, justices and judges of the state judicial system, district attorneys, and elected and appointed officials of the executive branch not included in the state personnel system. The Commission is composed of nine members -- two are appointed by the President of the Senate, two by the Speaker of the House of Representatives, three by the Governor, and two by the Chief Justice of the Supreme Court. The Commission is required to make a continuing study of the salaries, retirement benefits, expense allowances, and other emoluments of the officials with which it is concerned. Biennial reports on the results of the study are required to be made to the General Assembly and to be filed with the Governor

and the Chief Justice. The General Assembly, and local officials with respect to district attorneys, are required to give consideration to the report's recommendations.

The Supreme Court Library

The Supreme Court Library, located in the basement of the Colorado State Judicial Building contains more than 100,000 volumes of law reports, text books, court reports, statutes of the fifty states, and other legal publications. The library is under the supervision of the Supreme Court, through a librarian appointed by the Court. The librarian and her assistants are paid from the general fund of the state but are not subject to civil service regulations. All fees collected by the clerk of the Supreme Court, including fees for the admission to the Bar, are deposited to the "Supreme Court Library Fund," to be used for the purchase of books, binding of documents, and purchase and maintenance of equipment and fixtures. While the Supreme Court Library does not furnish any reference service, the facilities are available to members of the General Assembly.

The State Publications Depository and Distribution Center

The depository center was established in 1980 (24-90-201 et seq.) and is a section of the state library. Copies of state publications may be obtained from the center.

The depository is located at 1362 Lincoln Street and is open Monday through Friday from 8 a.m. to 5 p.m. Legislators, in making a request, may visit the center, send a representative, or may telephone 866-5438.

CLEAR (Computerized Legislative Evaluation and Analysis Resource)

In 1976, the General Assembly established by joint rule a Joint Committee on the Legislative Budget Information System for the purpose of contracting with a consultant, on a yearly basis, for the development of a computerized budget information system. The committee's consultant has developed a system called CLEAR -- Computerized Legislative Evaluation and Analysis Resource -- which has been in operation since the 1977 Session. The CLEAR system provides a data bank of information regarding legislation and state programs and costs which may be used to support legislative decision making. In 1979, the CLEAR system came under the direction of the executive committee of the Legislative Council.

GENERAL INFORMATION

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GENERAL INFORMATION FOR LEGISLATORS

Many bits of information concerning the routine affairs of legislative activity, which are taken for granted by the seasoned legislator, may present somewhat of an enigma to the newly elected official who comes to the Capitol for his initial term of service with the General Assembly. It is felt that the following information will be valuable to new and experienced legislators alike.

Certification of Election: On the twenty-first day after any general election at which votes have been cast for candidates for the General Assembly, the Secretary of State proceeds to canvass the votes for state senators and state representatives.

Upon completion of the canvass, the Secretary of State certifies statements and determination of election made by him, and transmits to each person thereby declared elected to the General Assembly a certificate of election certified by him under his seal.

Post-Election Organizational Meeting:

Majority Party - Shortly after the November general election, the majority caucus chairman notifies all duly elected members of the General Assembly of an organizational meeting which is usually held in Denver prior to Thanksgiving. At this meeting, incoming members of the General Assembly join with party leaders to select, informally, the principal officers of each house. Representatives and Senators meet separately, with the former selecting the Speaker, Majority Floor Leader, and Caucus Chairman, and the latter selecting the President, President pro tempore, Majority Floor Leader, Assistant Majority Leader, Caucus Chairman, and members of the Joint Budget Committee.

While the House Speaker is selected informally in the manner related, he is elected formally by all members of the House on the first day of the session. Tentative designation of a speaker at the November meeting enables the person so selected to devote one month's time to appointments of chairmen and majority members of the House committees of reference. The Speaker also designates the number of members on each committee and the number from each political party. However, the minority leader appoints minority party members to each committee. Majority party House members who are interested in serving on certain committees may submit personally their preferences to the designated Speaker. The Speaker may or may not consult with older members or correspond with a prospective committeeman in order to evaluate his background and qualifications for particular committee assignments.

The Senate, by a majority vote of all members elected, selects a member as President of the Senate and another member as President pro tempore. In the Senate, the Committee on Committees (elected majority leadership) determines the number of members on each Senate committee of reference, the number from each political party, and appoints the majority party members. The minority leader appoints minority party members. A resolution at the beginning of each regular session lists these appointments which remain constituted as such until the first regular session convening after the ensuing general election.

Minority Party - The minority party usually holds its organizational meeting on the same day as does the majority party; leaders selected are the Minority Floor Leaders and Caucus Chairmen for each house.

Employment of Personnel: The majority party has charge of appointments of personnel to the various positions necessary to the operation of the General Assembly. These positions include the established offices in both houses, together with stenographers, typists, clerks and messengers in sufficient number to handle administrative and clerical detail. On the opening day of the session, these employees are assigned by resolutions to specified positions with designated compensation per calendar day, to serve for the duration of the session. Certain positions may be continued throughout the remainder of the year by resolution passed toward the close of the session.

Assignment of Seats: The majority and minority leaders of either house occupy the two front row center seats. No established order is followed for assignment of other seats; however, in the Senate, seniority usually governs choice of seats.

Materials Furnished to Legislators: The following materials and supplies are placed on each legislator's desk on the opening day of the session or within the first several days of convening:

1. Stationery: Letterheads and return address envelopes;
2. Identification Decal: To be placed on car window;
3. A file folder for each Senate and House bill, and looseleaf binders for Senate journals and calendars and House journals and calendars. These are kept current by legislative clerks.

State Constitution: A copy of the Constitution may be obtained from the Chief Clerk or the Secretary of the Senate upon request. The Secretary of State has charge of publishing copies of the Constitution, and a reasonable supply for distribution is maintained in his office.

Statutes: Each legislator receives one set of the Statutes during his legislative service. Statutes are available from the

Office of Revisor of Statutes. In addition, each legislator receives supplements published during his term of service. Any legislator desiring supplements subsequent to his leaving the General Assembly may purchase them from Bradford Publishing Company, Denver.

Session Laws: Each legislator is furnished, by the Revisor of Statutes, a copy of the Session Laws which are published following his service in each ordinary or special session of the General Assembly.

General Supplies: Requests for general supplies should be given to legislative clerks.

Stenographic Services: Both the Senate and the House maintain typing pools during legislative sessions where stenographers are available for dictation and typing.

Mailing and Postage: Outgoing mail baskets are at the Chief Clerk's desk in the House and at the Secretary's desk in the Senate. Incoming mail is distributed to the legislator's desks by the Sergeant-at-Arms.

Telephone Service: In addition to phones at each legislator's desk in offices outside the legislative chambers, there are phones installed on either side of each house and several booths with phones in the hall on the second floor of the Capitol. Also there are phones on both the third and ground floors near the committee rooms. Phone messages are delivered to legislators when they are not in their offices. Legislators may make outgoing calls or return incoming calls by using any of the phones. Pursuant to Joint Rule No. 27, a telephone credit card is issued to each member for long-distance calls for use in connection with his official duties during his term of office.

Parking: Each legislator receives a special legislative identification decal and a special license plate to attach to the rear license plate of his car. These are distributed from the Sergeant-at-Arms' desk at the beginning of the session. Space is reserved for legislators around the Capitol circle.

Visitors: Visitors who wish to contact a particular legislator should check with one of the Sergeants-at-Arms who are stationed at the rear of each chamber. Legislators may procure visitor's cards from the Secretary of the Senate to distribute to guests. The visitor's card serves to facilitate admittance to the floor of the Senate.

For rules concerning visitors and use of galleries and chamber floors, please see: House Rule 38; Senate Rule 31.

Press: Representatives of the press, radio, and television have

access to the floor of either chamber, where tables for their use are provided. Representatives of the various news media who desire admittance to the floor of either chamber must be approved and accredited by the respective presiding officers. The press room is No. 327 on the third floor of the State Capitol.

Regulation of Lobbyists: At the November, 1972 General Election, the electorate adopted "The Colorado Sunshine Act of 1972". The lobbyist portion of the law was revised during the 1977 legislative session.

Lobbying is defined as communicating directly, or soliciting others to communicate, with a "covered official" for the purposes of aiding in or influencing:

(1) The official action by a covered official on any type of matter pending or proposed by any person for consideration by either house of the General Assembly, or any of its committees, whether or not the legislature is in session;

(2) The designation of the subjects on the Governor's Call;

(3) The convening of a special session and the items which may be considered; and

(4) The official action by a covered official on action taken by a state agency having rule-making authority.

The definition of "covered official" under number (4) means a member of the rule-making board or agency, while in the first three instances, "covered official" means a member of the General Assembly, the Governor, or the Lieutenant Governor. The official action of a legislator or the Governor would include, in part, drafting, introducing, amending, passing, debating, or voting on bills, resolutions, nominations, as the case may be.

There are certain types of communications made with covered officials which are exempted in the law from the definition of lobbying. They include: a person responding to a statute, rule, regulation, or order; a person appearing not more than three times per year before a committee of the General Assembly or a rule-making board or commission under certain circumstances; and, an attorney-at-law appearing on behalf of a client which constitutes the practice of law.

For those persons or individuals engaging in lobbying, the law distinguishes those who must register as lobbyists and disclose contributions and expenditures, those who must only disclose, and those who neither register nor disclose.

Those falling into the latter category are political committees, volunteer lobbyists (individuals whose only receipt of money or thing of value is reimbursement of actual and necessary reasonable expenses incurred for personal needs), citizens who lobby on their own behalf, state officials or employees acting in their official capacity, or elected public officials acting in their official capacity. There is, however, a provision in the law relating to lobbying by state officials and employees.

Persons who do not solicit or receive money for lobbying but who spend more than \$200 in a calendar year for gift and entertainment purposes for the benefit of covered officials must file disclosure statements. Expenses for personal needs such as meals, travel, lodging, and parking are not included.

A professional lobbyist is any individual who is engaged for pay for lobbying. Professional lobbyists must register and disclose with the Secretary of State.

Disclosure statements must be filed with the Secretary of State by any person, except those in the previously mentioned exempt category, who by himself, or through an agent, in any manner directly or indirectly solicits, collects, or receives money or any other thing of value at any time during the calendar year to be used for lobbying, including reimbursed expenditures. Disclosure statements include a record of contributions received and expenditures made for lobbying. Disclosure statements must include the specific legislation, standards, rules, or rates for which the disclosing person is receiving contributions or making expenditures.

Disclosure of contribution reports shall contain the name and address of each person who has contributed \$100 or more during the calendar year, together with the amount contributed. The total of all other contributions received during the reporting month must be reported. The total of all contributions received during the reporting month and the cumulative total for the calendar year also must be reported.

Disclosure reports for expenditures must contain a total for all expenditures made during the reporting month and the cumulative amount spent during the calendar year.

Expenditures include all past time and expenses in the present and preceding calendar year spent in preparation, study, research and follow-up reports related to lobbying which in fact occurs. Expenditures which are incurred in the ordinary course of business and are not made for lobbying, shall not be reported.

Any state official or employee, other than an employee of the legislative department, who engages in lobbying while acting

in his official capacity shall file monthly disclosure statements with the Secretary of State.

Under the statute, if a lobbyist or his employer hires a legislator, a legislative or state employee, or a member of a state policy-making or rule-making board or commission, he shall so state under oath to the Secretary of State within 15 days, specifying the nature of employment, the name of the person hired, and the amount of compensation to be paid. It is unlawful for any person to employ or to pay or agree to pay an individual for lobbying who is not registered with the Secretary of State, except on the condition that such an individual register immediately.

The statute prohibits agreements under which compensation to a person is contingent upon the passage or defeat of measures before the Governor, the General Assembly, or a state board or commission.

The following table shows the number of lobbyists registered during the sessions from 1951 through 1978. Prior to 1973, professional lobbyists were only required to register if they appeared before a legislative committee during the session; however, after 1973, professional lobbyist registration is a continual process since such registration has been expanded to include those who attempt to influence any policy-making or rule-making board or commission.

Number of
Registered Lobbyists

<u>Year</u>	<u>House</u>	<u>Senate</u>
1951	63	Not available
1953	73	60
1955	150	122
1957	215	208
1959	298	266
1961	316	217
1963	226	208
1964	Not available	94
1965	206 (approx.)	208
1966	57	74
1967	186	225
1968	93	88
1969	255	203
1970	130	129
1971	230	225
1972	196	176
1973*		553
1974*		412
1975*		632
1976*		540
1977*		522
1978*		338
1979*		443
1980*		370
1981*		513
1982*		450

*Lobbyists no longer register separately for each house.

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GUIDE TO THE FISCAL NOTE PROCESS

Background: The Office of State Planning and Budgeting (OSPB) is authorized by 24-37-405 (j), C.R.S. 1973, as amended, and by Joint Rule 22 to prepare fiscal notes and related information. By executive order executive agencies are required to cooperate fully with OSPB to ensure the accurate and timely preparation of fiscal notes.

Purpose: The purpose of the fiscal note process is to provide the General Assembly with an assessment of the fiscal consequences of bills and concurrent resolutions.

Role of OSPB: OSPB has the overall responsibility of providing fiscal notes through the dissemination of the bills to the appropriate executive agencies, collection of information from the agencies, analysis of the data, and final document preparation and distribution to the General Assembly.

An OSPB budget analyst is assigned to each committee of reference. Any legislator seeking assistance concerning the fiscal note process may contact the OSPB analysts or fiscal note coordinator at 866-3317, or the Legislative Council staff.

Types of Fiscal Impact Forms

Statement of No Fiscal Impact (NFI): This document is affixed to a bill for which an assessment is made that no fiscal impact will occur if enacted. Unless the bill is changed by subsequent legislative action, this is the only fiscal impact document which will accompany the bill, therefore, a fiscal note will not be issued.

Statement of Probable Fiscal Impact (SPFI): This document defines a bill as one which, upon initial assessment, will likely have some fiscal impact. The magnitude of that impact is not necessarily specified. Since the type of impact is given, the SPFI will usually have yes typed in the appropriate space rather than a specific dollar amount.

Fiscal Note (FN): When the statement of probable fiscal impact (SPFI) is upgraded a fiscal note is prepared. This is the document that contains the most complete fiscal analysis of the bill.

Request for a Fiscal Note: This form is available when a committee chairman or the bill sponsor requires a fiscal note for committee of reference consideration. Forms are available from OSPB or the Legislative Council staff.

Preparation of Fiscal Impact Statements

Statements of Probable Fiscal Impact and No Fiscal Impact: For

each bill and concurrent resolution introduced in either house, OSPB prepares either a statement of no fiscal impact (NFI) or a statement of probable fiscal impact (SPFI). The only exceptions are appropriations bills with specific dollar amounts included. The NFI or SPFI is prepared and transmitted to the General Assembly within four legislative days of receiving a copy of an introduced bill.

The General Assembly has determined that no bill shall be passed by a committee of reference without a NFI or SPFI unless approved in writing by the President of the Senate or the Speaker of the House.

Fiscal Note: Upon receipt of a SPFI, the committee chairman or sponsor of the bill may request OSPB to develop a full fiscal note. OSPB will make every effort to prepare and distribute fiscal notes within a self-imposed deadline of six legislative days. A three legislative day deadline may be imposed by the committee chairman, if necessary, to meet hearing schedules. If OSPB is unable to prepare a fiscal note within the designated time limits, a memorandum is prepared stating when it will be delivered. The memorandum will be provided to the bill's sponsor and committee chairman.

If a bill has a fiscal impact and is reported from the committee of reference prior to the preparation of a fiscal note, a fiscal note will be prepared automatically. OSPB also must prepare or update fiscal notes if significant changes are made on second and third readings in each house or during a conference committee.

Explanation of Fiscal Impact Statements

Statement of No Fiscal Impact: This is used for an assessment of legislation that has no fiscal impact. The NFI is an official fiscal note.

1. General Information. The form identifies bill number, prime sponsor(s), title, committee of reference, and the affected statute. This section also explains that no further fiscal review will occur unless the bill is changed. The OSPB analyst will indicate if the NFI is an original or a revision, the cause for the revision and the date, and type of previous document being revised.
2. Basis for No Fiscal Impact Assessment. A brief explanation of why no fiscal impact is attributed to the legislation will be provided.
3. Departmental Concurrence. OSPB lists the departments that reviewed and concurred with OSPB's assessment of no fiscal impact. The OSPB analyst and reviewer will sign and date the form.

Office of State Planning and Budgeting

STATEMENT OF NO FISCAL IMPACT

1. Bill Number: _____ Prime Sponsor(s): _____

Title: _____

_____ Committee of Reference: _____

Current statutes affected by bill (if any): _____

The printed measure referenced above has no fiscal impact.
 No other fiscal assessment or document will be provided
 unless the fiscal impact is changed by subsequent legislative
 action.

Original ____ Revision ____ Date and type of previous document: _____

Explanation of revision:

2. Basis for No Fiscal Impact Assessment:

3. Departmental Concurrence:

_____	_____	_____	_____
Department	Name	Date	By Phone

OSP Analyst: _____ Date _____

OSP Reviewer: _____ Date _____

Statement of Probable Fiscal Impact: The statement of probable fiscal impact is an initial fiscal impact assessment. Initial fiscal impact quantification may be illustrated on the SPFI.

1. General Information. The first section identifies the bill number, title, prime sponsor(s), committee of reference, and the affected statutes.
2. Fiscal Impact Assessment. The increase, decrease, or indeterminate impact on state government expenditures and revenues, local government, and the state economy are normally indicated by "yes". If amounts are indicated they are viewed as initial assessments and subject to change. All dollar amounts are in thousands of dollars.

State government expenditures reflects a change in the level of spending of a state agency for the next state fiscal year following the current session of the General Assembly. The three subcategories are general fund; cash funds; and other funds such as federal funds.

State government revenues reflects a change in the level of collections from tax or other revenue sources. The three subcategories are general fund; cash funds -- revenues earmarked to funds outside the general fund; and other funds. Unless otherwise noted, the probable impact applies to revenues for the next state fiscal year.

Local government impact is indicated when state legislation affects such a government. The impacts include expenditures which imply a potential change in local spending; revenues which affect the level of revenue available to finance local government; and the tax base.

State economy affects economic variables such as the cost of doing business and relative prices. The state economic impact is used sparingly because of the complexity of the analyses and the limited resources available to staff.

3. Comments. OSPB indicates the general basis for the assessment of probable impact.
4. Departmental Concurrence. OSPB lists the departments that reviewed and concurred with OSPB's assessment of probable fiscal impact. The OSPB analyst and reviewer will sign and date the form.

Office of State Planning and Budgeting
STATEMENT OF PROBABLE FISCAL IMPACT

1. Bill Number: _____ Prime Sponsor(s): _____
 Title: _____
 _____ Committee of Reference: _____

 Statutes affected by bill (if any): _____

Probable Fiscal Impact

(If applicable Estimate \$ in Thousands)

	<u>Increase</u>	<u>Decrease</u>	<u>Indeterminate</u>
2. <u>State Government Expenditures</u>			
General Fund	_____	_____	_____
Cash Funds	_____	_____	_____
Other:	_____	_____	_____
<u>State Government Revenues</u>			
General Fund	_____	_____	_____
Cash Funds	_____	_____	_____
Other:	_____	_____	_____
<u>Local Government</u>			
Expenditures	_____	_____	_____
Revenues	_____	_____	_____
Tax Base	_____	_____	_____

State Economy Impact:

3. Comments:

4. Departmental Concurrence:

OSPB Analyst _____ Date _____
 OSPB Reviewer _____ Date _____

Fiscal Note: The fiscal note is used to provide the final fiscal information.

1. General Information. The first section identifies the bill number, title, prime sponsor(s), whether the fiscal note has been revised, current status of the bill, and the affected statutes.
2. Fiscal Impact Assessment. The impact is quantified for state and local governments. All amounts reported are expressed in thousands of dollars. The impacts on state and local governments are divided according to years beginning with the current fiscal year. The impact of the current law and the amount of increase or decrease caused by the proposed law is estimated for the two upcoming fiscal years. The current law estimate and the proposed law estimate may be added to determine the total estimated fiscal impact for the proposed law.

State government impact assesses revenues and expenditures. State revenues will affect either the general fund or other state revenue sources not attributable to the general fund. State expenditures will affect either the general fund or the cash funds. If a federal funding match is anticipated or required, such information will be illustrated.

Local government impact assesses the local tax base, revenues, and expenditures. A local government's fiscal year is a calendar year and all impacts are assessed on their fiscal years. The local tax base impact is illustrated even though the local revenues may not be affected. Revenue earnings are indicated when the revenue collected is changed. When additional local expenditures are mandated or a current mandate is removed such impact will be indicated.

3. Comments. In most cases, explanations of assumptions, calculations, and data sources will be attached. The OSPB analyst and reviewer will sign and date the form.

Office of State Planning and Budgeting
FISCAL NOTE

Original _____ Revision _____ Date and type of original _____

1. Bill Number: _____ Prime Sponsor(s): _____
 Amended as of: _____
 Title: _____ When this Fiscal Note was prepared, the
 bill was pending action before:

 Statutes affected by bill (if any): _____

STATE GOVERNMENT IMPACT
 (Estimate \$ in Thousands)

	1982-83		1983-84		1984-85	
	Current Law	Current Law	Proposed Law Inc/(Dec)	Current Law	Proposed Law Inc/(Dec)	
<u>2. State Revenues</u>						
General Fund	_____	_____	_____	_____	_____	_____
Other Funds	_____	_____	_____	_____	_____	_____
<u>State Expenditures</u>						
Total	_____	_____	_____	_____	_____	_____
GF	_____	_____	_____	_____	_____	_____
CF	_____	_____	_____	_____	_____	_____
FF	_____	_____	_____	_____	_____	_____

LOCAL GOVERNMENT IMPACT

	1982	1983	1984
<u>Local Tax Base</u>	_____	_____	_____
<u>Revenue Earnings</u>	_____	_____	_____
<u>Expenditures</u>	_____	_____	_____

3. Attachment: Yes _____ No _____

Background information used in developing the fiscal Note is available from the Office of State Planning and Budgeting.

OSPB Analyst _____ Date _____

OSBP Reviewer _____ Date _____

OFFICE OF STATE PLANNING AND BUDGETING

REQUEST FOR FISCAL NOTE

I. To be filled out by bill sponsor or committee chairman.

A Fiscal Note is Requested for:

Bill Number: _____

Bill Title: _____

Primary Sponsor _____

Bill is pending action before which committee _____

OSPB will prepare the Fiscal Note within six (6) days of receipt of this request. If necessary, the Fiscal Note can be prepared in as few as three (3) days. Please indicate due date if less than six (6) days

Committee Chairman or Sponsor _____ Date _____

II. To be filled out by OSPB:

OSPB Analyst _____ Date to GA _____

Draft due from departments _____

Departments to be notified: _____

Previous assessment: _____
(SPFI or NFI)