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## 0335 Legislator's Handbook

**COLORADO  
LEGISLATOR'S HANDBOOK**

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LEGISLATIVE COUNCIL RESEARCH PUBLICATION NO. 335  
JUNE, 1989

**COLORADO LEGISLATOR'S  
HANDBOOK**

These rules are current  
as of July, 1989

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## **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.

Members of the General Assembly are provided with a loose-leaf binder containing dividers to separate each section of the handbook. The paperbacked edition, prepared for general distribution, does not contain dividers.

Charles S. Brown  
Director, Colorado Legislative  
Council

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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.

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- (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.

## Rules of the House of Representatives

- (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.

## Rules of the House of Representatives

- (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) Repealed 1989 Session.
- (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

## Rules of the House of Representatives

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

## Rules of the House of Representatives

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.



## Rules of the House of Representatives

- (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,

## Rules of the House of Representatives

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.

## Rules of the House of Representatives

- (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.

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- (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.

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- (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

## Rules of the House of Representatives

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.

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- (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.



## Rules of the House of Representatives

- (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.
- (b.5) A member shall not be compelled by a majority of a political caucus to cast his vote for or against any legislative measure.
- (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

## Rules of the House of Representatives

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.
- (e) A member shall not be compelled by a majority of a political caucus to cast his vote for or against any legislative measure.

**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) Health, Environment, Welfare, and Institutions.
  - (7) Judiciary.
  - (8) Local Government.
  - (9) State Affairs.
  - (10) 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:

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- (1) Repealed 1989 Session.
- (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) (1) Repealed 1989 Session.  
(2) Repealed 1989 Session.
- (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.

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- (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 a Schedule of Committee Meetings and distributed to the members of 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.

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- (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.

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- (E) *Committee consideration and action required.* Each measure assigned or referred to a committee shall be set for committee consideration at a scheduled meeting, considered by the committee upon its merits, and acted upon by the committee.
- (E.1) *Bills must be considered within legislative deadlines.* Each bill assigned or referred to a committee of reference shall be considered and acted upon by the committee within any deadlines applicable to the bill which are imposed on committees of reference to report bills by the Joint Rules of the Senate and House of Representatives.
- (E.2) *Discretion of chairman to limit testimony and discussion.* The chairman of each committee of reference may limit testimony and discussion on a measure to that which is adequate, in the chairman's discretion, to enable the committee to consider the measure on its merits. In particular, the chairman may limit the length of testimony and discussion and may exclude testimony or discussion which he determines to be repetitious or irrelevant.
- (E.3) *Scope of consideration by appropriations committee following consideration by another committee.* In the case of a measure assigned or referred to the appropriations committee which has previously been considered on its merits by another committee of reference of the



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House, consideration on the merits shall be consideration of the measure's fiscal impact; but the chairman may, in his discretion, permit consideration of other relevant matters. "Fiscal impact" includes but is not necessarily limited to the necessity of appropriations to implement the measure and the amount and source of such appropriations.

- (E.4) *Applicability of (E) to (E.3)*. The provisions of subparagraphs (E) through (E.3) of this paragraph (1) apply to measures originating in the Senate when they are considered in the House, as well as to measures originating in the House. When a measure is assigned or referred to more than one committee of reference, the provisions of subparagraphs (E) through (E.3) of this paragraph (1) apply to each committee of reference.
- (F) *Motions*. Only a member of a committee may offer a motion. No motion shall be subject to debate by a committee until it has been seconded and put by the chair.
- (G) *Consideration of measure required when motion is made out of order to report measure favorably - measure treated as postponed indefinitely if motion fails to pass*. If a motion is made that a committee report a measure favorably to the committee of the whole, with or without amendments, when such measure is not in the order of business determined by the chair-

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man pursuant to subparagraph (D) of this paragraph (1), then such measure shall be considered by the committee upon its merits. If such motion fails to pass, the failure of such motion to pass shall have the same effect in all respects as the adoption of a motion that consideration of the measure be indefinitely postponed. In such case, the chairman of the committee shall deliver a report in accordance with paragraph (3) of this subsection (j) that the committee recommends that consideration of the measure be postponed indefinitely.

- (2) Proxies, either written or oral, shall not be permitted for any purpose.
- (2.5) No bill containing an appropriation shall be passed from a committee of reference unless the amount and the source of the appropriation are specified in the bill.
- (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, and the chairman shall not delay or withhold making or signing such a report. 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

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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.

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- (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:

<b>Category</b>	<b>Committee</b>
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.

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

**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.

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- (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.
- (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;

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- (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, and a Senator has obtained the permission of the President of the Senate.
- (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,

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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.

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- (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 paragraphs (2) and (3) of subsection (f) of this rule, or consideration thereof be indefinitely postponed as provided for in paragraph (4) of subsection (f) of this rule, or recommended for reference to another committee of reference as provided in paragraph (5) of subsection (f) of this rule, a report to that effect, together with the bill, shall be delivered by the chairman to the chief clerk in accordance with Rule 25 (j) (3) of these rules.
- (2) No further action may be taken on any bill indefinitely postponed and delivered to the chief clerk.
  - (3) All other bills shall be placed on the calendar for consideration by the House sitting as committee of the whole.
  - (4) Repealed 1989 Session.
- (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) Repealed 1989 Session.

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- (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) Repealed 1989 Session.
  - (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, 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) Repealed 1989 Session.

**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 but any member shall have the right

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to demand a standing division of the ayes and noes upon any question before the decision is announced by the chair, 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.

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- (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.

### **32A. FISCAL NOTES**

- (a) No House bill or House concurrent resolution shall be passed from a House committee of reference unless accompanied by a fiscal note on the printed measure or a statement that the printed measure has no fiscal impact in accordance with Rule No. 22 of the Joint Rules of the Senate and the House of Representatives; except that a fiscal note shall not be required for a bill not reviewed for its fiscal impact pursuant to Rule No. 22 (b) of said Joint Rules. The requirement of this subsection (a) may be waived by the Speaker, and such waiver shall be noted in the journal.
- (b) When a measure for which a fiscal note has been prepared is amended by a committee of reference and referred for further action, the Legislative Council staff shall, if practicable, review the measure as

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amended for its fiscal impact and prepare an updated fiscal note or a statement that the measure has no fiscal impact.

- (c) The Legislative Council staff shall update or prepare a fiscal note on a bill prior to consideration of the bill on second reading, if so requested by at least ten members of the House.
- (d) The Legislative Council staff shall update or prepare fiscal notes, when appropriate, after second and third readings and after a report has been submitted by a conference committee.
- (e) Copies of any updated fiscal note or statement that a measure has no fiscal impact shall be reproduced for use by all members of both houses.

### **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.

**33A. GENERAL APPROPRIATION BILL**

- (a) No amendment to the annual general appropriation bill shall be in order on second reading unless:
- (1) A request that the amendment be drafted was submitted by a member to the staff of the joint budget committee at least forty-eight hours prior to consideration of the bill on second reading; and
  - (2) The completed amendment was delivered to the member requesting the amendment, and delivered by such member to the chief clerk, at least twenty-four hours prior to consideration of the bill on second reading. The chief clerk shall provide a copy of each amendment to the House prime sponsor of the bill and to the majority and minority leaders of the House on or before the day preceding second reading.
- (b) An amendment not meeting the requirements of subsection (a) of this Rule may be considered on second reading with the consent of a majority of all members elected. The question of such consent shall be decided without debate.
- (c) The general appropriation bill shall not be passed by the House following adoption of a conference committee report on the bill if the total of all general fund appropriations made in the bill, as amended by the conference committee report, together with all other general fund appropriations passed by the general assembly to date for the same fiscal year, exceeds the general fund revenue estimate certified by the general assembly acting by joint resolution



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pursuant to section 24-75-201.3, Colorado Revised Statutes.

### **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

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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

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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 title of the bill.
- (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.

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- (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) For the purposes of this rule and rules 40 and 41 of the House, a lobbyist is any person defined as such

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in the joint rules of the Senate and House of Representatives.

- (b) No lobbyist or member of the Governor's staff 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.
- (c) A legislator shall not request a lobbyist or an employee of the General Assembly to make donations to any type of charitable organization.
- (d) A legislator shall not request an employee of the General Assembly to make a donation to the legislator's campaign.

### 40. REGISTRATION OF LOBBYISTS

- (a) Any lobbyist, except a volunteer lobbyist, desiring to observe the session of the House or to appear before any committee of the House shall first register as a lobbyist with the Secretary of State as required in Section 24-6-303 or 24-6-303.5, Colorado Revised Statutes. A volunteer lobbyist shall first register with the chief clerk.
- (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

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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.

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- (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 House resolutions, House joint resolutions and House memorials and House joint 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

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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) Repealed 1989 Session.
- (f) He shall prepare a list of all bills and concurrent resolutions arranged 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.



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- (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.
- (l) 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

## Rules of the House of Representatives

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, preceding 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.

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### **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

### **49. COMMITTEE ON ETHICS**

- (a) The Speaker shall receive written, signed complaints from any person concerning misconduct involving legislative duties by a member of the House, including but not limited to the alleged violation of the Rules of the House of Representatives or of section 40 of article V of the state constitution. Whenever such a complaint is received, the Speaker shall appoint a committee on ethics, which shall consist of not less than five nor more than seven members. The party representation on the committee shall be in proportion generally to the relative number of members of the two major political parties in the House. The majority party members of the committee shall be selected from among the chairmen of committees of reference of the House. The minority party members of the committee shall be selected, after considering recommendations made by the minority leader, from among the members of the House who are senior in service and experience. The Speaker shall designate the chairman and vice-chairman of the committee from among its members.

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- (b) The committee shall notify the person against whom the complaint was brought and shall provide such person with a copy of the complaint. The person complained against may submit a written answer to the committee. The committee shall make a preliminary investigation of the complaint. If, after investigation, it determines no violation has occurred, the complaint shall be dismissed. If, after investigation, it determines probable cause exists that a violation may have occurred, it shall so notify the person complained against. Such person may request a hearing before the committee, at which he shall be entitled to appear, present evidence, cross-examine witnesses, and be represented by counsel. The committee shall have the power to take testimony under oath and to issue subpoenas and subpoenas duces tecum in the manner provided by Joint Rule No. 33 (b), (c), and (d) of the Joint Rules of the Senate and House of Representatives.
- (c) All proceedings of the committee shall be governed by the provisions of part 4 of article 6 and part 2 of article 72 of title 24, Colorado Revised Statutes.
- (d) The committee may make appropriate recommendations to the House of Representatives based upon the investigations conducted and hearings held pursuant to this rule. In the case of a member of the House, the committee may recommend dismissal of the charges, reprimand, censure, or expulsion. Expulsion of a House member shall require the affirmative vote of two-thirds of the members elected to the House. Reprimand or censure of a member shall require the affirmative vote of a majority of the members elected to the House.

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Action of the House pursuant to this rule is final and not subject to court review.

- (e) The committee may retain such counsel and may hire such investigators as it deems necessary for the performance of its duties under this rule. All expenditures incurred pursuant to this subsection (e) shall be approved by the Speaker and paid by vouchers and warrants drawn as provided by law from appropriations made to the General Assembly.
- (f) The committee may adopt rules of procedure for the orderly conduct of its meetings, investigations, and hearings, which rules shall be consistent with this rule and other applicable rules and statutes.
- (g) If the written signed complaint concerns misconduct of the Speaker, then the duties of the "Speaker" in this rule shall be the duties of the majority floor leader.

*Editor's Note:* Traditionally, pursuant to a resolution adopted at the beginning of each biennium, the rules of the previous biennium of the House of Representatives are the temporary rules of the House and such rules may be amended upon the affirmative vote of a majority of all members elected to the House.

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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.

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### 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

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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.

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(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.



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### 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

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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

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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

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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

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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,

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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."

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- (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

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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



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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.

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- (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.
- (c.5) A Senator is not now compelled nor shall a Senator be compelled by a majority of a political caucus to cast a vote for or against any legislative measure or to sustain a Governor's veto.
- (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.

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- (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.

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- (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

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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

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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.

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- (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



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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.

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- (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 (l) (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.

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- (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 refer-

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ence 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.

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(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:

Category	Committee
1	Business Affairs and Labor. Judiciary. State Affairs.
2	Education. Health, Environment, Welfare, and Institutions. Local Government.
3	Agriculture, Natural Resources, and Energy. Finance. Transportation.
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

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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 commit-

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tee 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



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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) 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 prepared or updated, shall be passed on second reading until an appropriate fiscal note is prepared or updated if so requested by at least five members of the Senate.
- (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.

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- (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.

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- (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

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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 exer-

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cise 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.

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### 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:

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- (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

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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



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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

## Rules of the Senate

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.

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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.

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- (e) Any person known as a lobbyist, except a volunteer lobbyist, as such term is defined in the joint rules of the Senate and House of Representatives, desiring to appear before any committee of the Senate shall first be registered with the Secretary of State as required in section 24-6-303 or 24-6-303.5, Colorado Revised Statutes. A volunteer lobbyist shall be registered with the chief clerk of the House of Representatives.
- (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:

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- (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

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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.

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- (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 defined as such in the joint rules of the Senate and House of Representatives.

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- (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.

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- (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

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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.

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- (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 18-8-306, C.R.S. 1973.
- (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

## Rules of the Senate

or other measure on which a vote was cast by any member of the Senate in violation of this rule.

- (f) *Legislators not to request donations to charitable organizations.* A legislator shall not request a lobbyist or an employee of the General Assembly to make donations to any type of charitable organization.

### **42. REVIEW OF CERTAIN BILLS BY THE CAPITAL DEVELOPMENT COMMITTEE**

- (a) A copy of any bill introduced in the Senate and determined under the rules of the Senate to be dealing with capital construction requests, controlled maintenance requests, or proposals for the acquisition of capital assets shall be directed to the Capital Development Committee, appointed pursuant to part 13 of article 3 of title 2, Colorado Revised Statutes. The Capital Development Committee shall review any bill directed to it under the provisions of this rule and may make advisory recommendations thereon to any committee of reference considering any such bill or to the Senate. Under the provisions of this rule, the Capital Development Committee shall not be considered a committee of reference of the General Assembly.

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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

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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 report on matters beyond the scope of the differences between the two houses; otherwise the committee shall report only on matters directly at issue between the two houses.

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- (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.
- (h) If all the members who signed the first report of a conference committee agreed that the report contains an error, conflict, or inconsistency which cannot be corrected pursuant to Joint Rule No. 16(a), and a technical change is necessary in order to reflect the true intent of the General Assembly, the conference committee may present a second report for the sole purpose of correcting such error, conflict, or inconsistency after meeting and unanimous agreement of all members who signed the first report. Such a second report shall be clearly labeled as a corrected report. A corrected report may be presented at any time, but it may not be presented if the first report has been rejected by either house. A corrected report shall be first considered by the house assenting to the conference, without the necessity of a motion for reconsideration or the matter being placed on the

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calendar, and the motions shall be "To adopt the corrected report of the conference committee in lieu of the first report of said committee", and "To repass the measure as amended". If the motions pass, the measure shall be considered as having been repassed with the corrections contained in the corrected report and shall be transmitted to the house requesting the conference for similar action. No action taken on a corrected report pursuant to this subsection (h) shall be deemed to be the rejection of the first report of the conference committee (which has already been approved) within the meaning of Joint Rule No. 6. If the corrected report is rejected, and the first report has not yet been approved or rejected in the same house, rejection of the second report shall constitute rejection of the first report.

- (i) When a conference committee has met, reached a decision, and instructed the Legislative Drafting Office staff to prepare a report, the signing of the report by the committee members shall constitute approval of the report and ratification of the decision made by the conference committee. No report which includes matters beyond the scope of the differences between the two houses shall be signed until consent to report on such matters has been given in accordance with subsection (d) of this Joint Rule.

**5. RECEDING OR ADHERING  
BY REQUESTING HOUSE**

It shall be in order for the house requesting a conference committee to recede from its position on the bill or to adhere to its position on the bill at any time prior to a vote by the assenting house pursuant to Joint Rule No. 6 (b), whether or not the papers on which such differences arose

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are before the requesting house, 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. ACTION ON CONFERENCE  
COMMITTEE REPORTS**

- (a) When a conference committee has been requested and has been assented to, and prior to the delivery of the conference committee report to the secretary of the senate or the chief clerk of the house, as the case may be, it shall be in order for the assenting house to take either of the following actions:
  - (1) Adhere to its position on the bill;
  - (2) Recede from its position on the bill.
  
- (b) When a conference committee has been requested and has been assented to, and after the delivery of the conference committee report to the secretary of the senate or the chief clerk of the house, as the case may be, it shall be in order for the assenting house to take any of the following actions:
  - (1) Adhere to its position on the bill;
  - (2) Recede from its position on the bill;
  - (3) Adopt the conference committee report;
  - (4) Reject the conference committee report and request that the conference committee be discharged and a new conference committee be appointed. When a conference committee report has been rejected pursuant to this paragraph



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(4), and the house requesting the original conference votes not to assent to the appointment of a new conference committee, no other action may be taken; except that the house assenting to the original conference may take any of the actions set forth in paragraphs (1), (2), or (3) of this subsection (b).

- (c) When a conference committee report has been adopted by the house assenting to the conference, it shall be in order for the house requesting the conference to take any of the following actions:
- (1) Adhere to its position on the bill;
  - (2) Recede from its position on the bill, in which case the bill shall be returned to the house assenting to the conference for reconsideration of its vote to adopt the conference committee report;
  - (3) Adopt the conference committee report;
  - (4) Reject the conference committee report and request that the conference committee be discharged and a new conference committee be appointed. Such house may appoint members to the new conference committee, but the new conference committee shall not meet unless the house assenting to the conference votes, not later than the next day of actual session after the conference committee report is rejected, to reconsider their adoption of the conference committee report and to assent to the appointment of a new conference committee. If the house assenting to the original conference committee does not assent to the new conference committee, no other action may be taken; except that

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the house requesting the original conference committee may take any of the actions set forth in paragraph (1), (2), or (3) of this subsection (c).

- (d) On any vote to recede or to adhere under this Joint Rule, 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.
- (e) Third conference committees shall not be permitted.

**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.

### **11A. NUMBERING OF BILLS**

Beginning with the regular session of the General Assembly convening in 1990, all bills introduced in the regular session shall receive numbers with a prefix consisting of a two-digit number representing the last two digits of the year in which such regular session convenes. All bills introduced in any special session shall receive numbers with a prefix consisting of a two-digit number representing the last two digits of the year in which the special session convenes, plus the letter "S". If more than one special session is convened in any year, the prefix shall consist of a two-digit number representing the last two digits of the year in which the special session con-

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venes, the letter "S", and the number of the special session, as in "90S2" for the second special session convened in 1990.

**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.

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**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

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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."

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**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.

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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.



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- (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 Office of Legislative Legal Services shall furnish preliminary copies of each bill and concurrent resolution to the Legislative Council staff in order that it may commence its review of the fiscal impact of such measures in accordance with this rule, but the Legislative Council staff shall not reveal the contents or nature of such measures to any other person without the consent of the sponsor of the measure.

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- (b) The Legislative Council staff shall review each printed bill and concurrent resolution, except bills limited to appropriations measures carrying specific dollar amounts, for its fiscal impact. The Legislative Council staff 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 fiscal note, according to the form or forms approved by the President of the Senate and the Speaker of the House, or a statement that the measure has no fiscal impact. A fiscal note shall indicate whether the measure will have a fiscal impact on state government, local government, or the state's economy. The committee chairman shall provide copies of the fiscal note or the statement of no fiscal impact for all members of the committee of reference.
- (c) Fiscal notes shall be updated to conform to changes made in the measure in accordance with the rules of the Senate and rules of the House of Representatives.
- (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 or statement of no fiscal impact prepared by the Legislative Council staff 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

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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.

- (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 fiscal note or a statement of no fiscal impact from the Legislative Council staff prior to its introduction, or if such resolution, upon introduction, be referred to a committee of reference, such committee may request a fiscal note or statement of no fiscal impact, identifying the resolution by reference to the pages of the journal wherein it appears.

**23. DEADLINE SCHEDULE**

- (a) (1) *Deadline schedule.* For the purposes of organizing the legislative session, the schedule for the enactment of legislation shall be as follows:

**First House Deadlines:**

- |          |  |
|----------|--|
| 3rd day  | Initial deadline for introduction of bills. Bills subject to the initial deadline for introduction are those specified in paragraph (2) of this subsection (a).            |
| 6th day  | Deadline for bill draft requests to the Office of Legislative Legal Services.  |
| 17th day | Final deadline for introduction of Senate bills, except the long appropriation bill. No Senate bill delivered by the Office of Legislative Legal Services on or before the |

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twelfth legislative day shall be introduced more than five legislative days after such delivery. Any Senate bill delivered by the Office of Legislative Legal Services on or after the thirteenth legislative day shall be introduced not later than the seventeenth legislative day.

- 22nd day      Final deadline for introduction of House bills, except the long appropriation bill. No House bill delivered by the Office of Legislative Legal Services on or before the seventeenth legislative day shall be introduced more than five legislative days after such delivery. Any House bill delivered by the Office of Legislative Legal Services on or after the eighteenth legislative day shall be introduced not later than the twenty-second legislative day.
- 31st day      Deadline for Senate committees of reference to report Senate bills.\*
- 38th day      Deadline for House committees of reference to report House bills.\*
- 41st day      Deadline for final passage of Senate bills in the Senate.\*
- 48th day      Deadline for final passage of House bills in the House of Representatives.\*

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**Second House Deadlines:**

- 63rd day      Deadline for committees of reference to report bills originating in the other house.\*
- 73rd day      Deadline for final passage of all bills originating in the other house.\*
- 76th day      Deadline for introduction of the long appropriation bill.
- 117th day     Deadline for the Appropriations committees in both houses; except that any bill assigned to an Appropriations committee on or after the 117th day is not subject to this deadline.
- 118th day     If there has been adjournment to a day certain, reconvene for adjournment sine die unless the joint resolution for adjournment to a day certain specifies another day for recovering.
- (2)           All bills which a member requested on or before December 1 or December 15, whichever is applicable, shall be introduced no later than the initial deadline for introduction of bills, subject to the following conditions:
- (A) A member is not required to introduce more than three bills by said initial deadline in odd-numbered years, or more than two bills

\* All bills in the Appropriations Committee in either house are excluded from these deadlines.

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by said initial deadline in even-numbered years; and

(B) A member may choose to introduce any bill requested after said December 1 or December 15 instead of any bill requested on or before said December 1 or December 15.

- (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.
- (d) The maximum of one hundred twenty calendar days prescribed by section 7 of article V of the state con-

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stitution for regular sessions of the General Assembly shall be deemed to be one hundred twenty consecutive calendar days.

**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) A member of the General Assembly may not introduce more than six bills in a regular session of the General Assembly, convening in an odd-numbered year, excluding bills for appropriations and excluding the bills specified in subparagraph (D) of this paragraph (1). Permission to exceed the limits established by this rule may be given by the Senate Committee on Delayed Bills for mem-

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bers of the Senate and the House Committee on Delayed Bills for members of the House of Representatives. Of the bills which are subject to the six-bill limit under this subparagraph (A), not more than three bills may be requested after the December 1 which precedes the convening of the regular session in an odd-numbered year; except that any member who will serve in the odd-year session but who is not a member of the current General Assembly may not introduce more than three bills requested after the December 15 which precedes the convening of said odd-year session. Bills requested on or before said December 1 or December 15, as the case may be, shall be treated as if requested to be prefiled bills, unless the member making the request specifies otherwise.

- (B) A member of the General Assembly may not introduce more than four bills in a regular session of the General Assembly convening in an even-numbered year, excluding bills for appropriations and excluding the bills specified in subparagraph (D) of this paragraph (1). Permission to exceed the limits established by this rule may be given 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 the bills which are subject to the four-bill limit under this subparagraph (B), not more than two bills may be requested after the December 1 which precedes the convening of the regular session in an even-numbered



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year. Bills requested on or before said December 1 shall be treated as if requested to be prefiled bills, unless the member making the request specifies otherwise.

- (C) 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.
- (D) In addition to the bills which may be introduced in accordance with subparagraph (A) or (B) of this paragraph (1), a member may introduce the bills permitted under this subparagraph (D). Such bills shall be from among those recommended by interim Legislative Council committees or other committees created by statute or resolution which operate during the interim; except that no interim Legislative Council committee may recommend more than four bills. No committee created by statute may recommend more than two bills per member of the Senate or House serving on such committee, and no committee created by resolution may recommend more than one bill per member of the Senate or House serving on such committee. A member may not introduce more than two such bills recommended by committees pursuant to this subparagraph (D). In order for a committee bill to be designated as one of the additional bills which may be introduced by a member under this subparagraph (D), including a bill recommended by a committee created by statute or resolution, it shall be approved by

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the legislative council no later than October 15 in even-numbered years and no later than November 15 in odd-numbered years. Bills or other measures recommended by an interim legislative council committee or by a committee created by statute or resolution need not be sponsored by a member of the committee making the recommendation.

- (E) Bills or other measures recommended by an interim legislative council committee or by a committee created by statute or resolution which operates during the interim and which reports to the legislative council need not have a sponsor for purposes of such report; however, no such bill or other measure shall be approved by the legislative council until it has a prime sponsor for introduction.

(2) Repealed in 1984.

- (c) Any member of the General Assembly who submits a bill draft request to the Office of Legislative Legal Services 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 working days after making the request or within five working days after December 1, whichever is later. 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, and the number of bills which the member may introduce under subsection (b) (1) (A) or (b) (1) (B) shall be reduced by one. On and after December 1 or December 15, whichever is applicable, preceding a regular session in an odd-numbered year, a member shall not have more than six draft requests for bills that are not subject to

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approval under subsection (b) (1) (D) of this rule on file with the Office of Legislative Legal Services at any time. On and after December 1 preceding a regular session in an even-numbered year, a member shall not have more than four draft requests for bills that are not subject to approval under subsection (b) (1) (D) of this rule on file with the Office of Legislative Legal Services at any time. A member may seek resolution of any question involving the application of this subsection (c) from the committee on delayed bills for the house of which he is a member.

**25. OVERSIGHT RESPONSIBILITIES OF  
COMMITTEES OF REFERENCE**

- (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 departments or agencies of the executive department or the judicial 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 departments or agencies 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:

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

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<b>Department</b>	<b>Senate Committee</b>	<b>House Committee</b>
Agriculture	Agriculture, Natural Resources, and Energy	Agriculture, Livestock, and Natural Resources
Law	Judiciary	Judiciary
Public Safety	Judiciary	Judiciary
Corrections	Judiciary	Judiciary
Judicial	Judiciary	Judiciary
Local Affairs	Local Government	Local Government
Natural Resources	Agriculture, Natural Resources, and Energy	Agriculture, Livestock, and Natural Resources
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

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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.

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**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.

### **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



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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 affirm-

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ative 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. SUBPOENAS**

- (a) (1) The General Assembly or either house thereof may vest in any committee of the General Assembly or of either house thereof, a subcommittee, an interim committee, or a committee created by statute or by resolution, if all of the members are members of the General Assembly, the power to subpoena witnesses, to take testimony under oath, and to assemble records, documents, and other evidence by subpoena duces tecum or otherwise.
- (2) When the General Assembly is not in session, the Legislative Council may vest in any committee as described in (a) (1) above, the power to subpoena witnesses, to take testimony under oath, and to assemble records, documents, and other evidence by subpoena duces tecum or otherwise. The power to subpoena vested under this paragraph (2) shall continue until revoked

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by the General Assembly or the legislative council.

- (b) (1) Whenever a subpoena is issued by the General Assembly, either house thereof, or any committee thereof, such subpoena shall: State the name of the issuing body, the authority under which the subpoena is issued, and the subject of the inquiry and command each person to whom it is issued to attend and give testimony at a time and place specified in such subpoena. A subpoena may also command the person to whom it is directed to produce such books, records, documents, or other tangible evidence as the issuing body may require.
- (2) Service of a subpoena may be made by a sheriff, his deputy, or any other person who is at least eighteen years of age and not interested in the proceeding. Service shall be made by delivering a copy of the subpoena to the person named not later than forty-eight hours before the time specified for appearance in such subpoena unless, for good cause shown, a majority of the issuing body authorizes service within such forty-eight-hour period. The amount of fees for attendance and mileage shall be the same as that allowed by law for witnesses in civil cases and shall be paid after the witness is discharged from further attendance.
- (3) If any person issued a subpoena pursuant to this joint rule believes the material or testimony subpoenaed to be trade secrets, as defined in section 18-4-408 (2) (c), C.R.S., irrelevant, or privileged or that its disclosure would be illegal,

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or unduly oppressive or burdensome, relief therefrom shall be requested in writing from the issuing body, and accompanied by a statement of the reasons for such belief.

- (c) Any witness subpoenaed to give testimony or produce evidence may have legal counsel present to advise him.
- (d) A subpoena shall be signed by the President of the Senate or Speaker of the House of Representatives, or both, or the chairman of a committee, but a subpoena shall be issued only upon the vote of a majority of the membership of the General Assembly, either house, or a committee, as the case may be.
- (e) The primary purpose of this joint rule is to assist the General Assembly, the houses thereof, and the committees thereof in the performance of their duties through the use of the subpoena power.

**34. WILDLIFE CASH FUND**

Effective July 1, 1980, any appropriation from the wildlife cash fund pursuant to section 33-1-116, C.R.S., 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 Agriculture, Livestock, and Natural Resources and Appropriations in the House of Representatives.

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**35. SUNRISE AND SUNSET REVIEW COMMITTEE**

- (a) There is hereby established a joint legislative sunrise and sunset review committee composed of three senators appointed by the President of the Senate, two from one major political party and one from the other major political party, and three representatives appointed by the Speaker of the House of Representatives, two from one major political party and one from the other major political party. Members of the committee shall be chosen in each house according to the method prescribed by the rules of that house. The committee shall provide continuing legislative review of boards and agencies subject to termination under sunset provisions and boards and agencies which are seeking regulation under sunrise provisions pursuant to statute.
- (b) Members of the committee shall be appointed for terms of two years, and appointments shall be made no later than seven days after the convening of the first regular session of each General Assembly; except that the members of the first committee shall be appointed no later than seven days after the conclusion of the regular session of the General Assembly in 1985. The Speaker of the House of Representatives shall appoint a chairman for the 1985 and 1986 terms of the first committee appointed. The President of the Senate shall appoint a chairman for a term of two years for the committee appointed after the convening of the first regular session in 1987. On the expiration date of said term, the Speaker of the House of Representatives shall appoint a chairman for a term of two years. Thereafter, the procedure of appointments shall be repeated every two years. Any committee member who ceases to be a member of

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the General Assembly or who fails to attend seventy-five percent of the meetings of the committee in any six-month period shall be deemed to have resigned from the committee. Vacancies shall be filled for the remainder of the unexpired term in the same manner as for original appointments.

- (c) 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.

**36. LOBBYING PRACTICES**

- (a) *Definitions.* As used in this Joint Rule, unless the context otherwise requires:
  - (1) "Lobbying" shall have the meaning set forth in section 24-6-301 (3.5), Colorado Revised Statutes.
  - (2) "Lobbyist" means a professional lobbyist or a volunteer lobbyist as defined in section 24-6-301 (6) and (7), Colorado Revised Statutes or any state official or employee, engaged in lobbying pursuant to section 24-6-303.5, Colorado Revised Statutes.

However, such terms and the provisions of this Joint Rule shall only apply to lobbying which relates to the legislative process.

- (b) *Prohibited practices.* No person engaging in lobbying shall:

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- (1) Attempt to influence any legislator or elected or appointed state official or state employee or legislative employee by means of deceit or by threat of violence or economic or political reprisal against any person or property, with intent thereby to alter or affect said legislator's, elected or appointed state official's, state employee's, or legislative employee's decision, vote, opinion, or action concerning any matter which is to be considered or performed by him or the agency or body of which he is a member;
- (2) Knowingly provide false information to any legislator or elected or appointed state official or state employee or legislative employee as to any material fact pertaining to any legislation;
- (3) Knowingly omit, conceal, or falsify in any manner information required by the registration and lobbyist disclosure reports;
- (4) Become an active participant in the internal organization or leadership races of the general assembly;
- (5) Cause or influence the introduction of any bill or amendment for the purpose of afterwards being employed to secure its passage or defeat;
- (6) Misappropriate or misuse state office supplies;
- (7) Use state reproduction machines without paying for such use;
- (8) Enter or use a legislator's or elected or appointed state official's or state employee's or legislative employee's office, phone, or parking space without explicit permission;

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(9) Attempt to remove or remove any document from any legislative office, desk, file cabinet, reproduction machine, or any other place without explicit permission.

(c) *Registration - filing of disclosure statements - disclosure of relationship with client.*

(1) Any lobbyist, except a volunteer lobbyist, shall register with the Secretary of State in accordance with section 24-6-303 or 24-6-303.5, Colorado Revised Statutes. The Secretary of State should provide from the registration statements filed by lobbyists such information as the chief clerk of the House of Representatives and the secretary of the Senate request for purposes of conducting the business of the chief clerk and secretary and to provide legislators with information pertinent to the performance of their legislative duties. Such information should be updated at least monthly during the legislative session. This procedure shall be in lieu of any additional registration requirement of the House of Representatives or the Senate.

(2) A volunteer lobbyist, as defined in section 24-6-301 (7), Colorado Revised Statutes, shall register with the chief clerk of the House of Representatives.



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(d) *Violations - complaint.*

- (1) Any person who has knowledge of a violation of any provisions of this Joint Rule may file a written complaint, signed by the complainant and describing the alleged violation, with the President of the Senate and the Speaker of the House of Representatives. The President and the Speaker shall inform the person accused of a violation of the fact that a complaint has been filed and of the nature of the complaint. However, the name or names of the person or persons filing the complaint shall remain confidential. The President and the Speaker may dismiss the complaint.
- (2) If the complaint is not dismissed, the president and the speaker may appoint a committee of legislators to interview the parties involved, as well as any other persons who may be able to provide relevant information, and to present to the President and the Speaker such facts and information obtained. Once a committee is appointed, the President and the Speaker shall provide the person who is the subject of the written complaint with a copy of the written complaint, including the name of the complainant.
- (3) The committee shall consist of one legislator appointed by the Speaker of the House of Representatives, one legislator appointed by the President of the Senate, and one legislator designated by the two appointees. No more than two members of the committee shall be from the same political party. The legislators appointed to the committee shall have no personal interest in

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the alleged violation and shall have no business interest in or affiliation with the complainant or the alleged violator.

- (4) All proceedings of the committee shall be secret, and the committee shall require an oath of secrecy from all witnesses appearing before them, except on the request of the accused for an open hearing. The accused shall be entitled to be present during the proceedings. The committee members shall not release any information about the conduct of their proceedings or the testimony received until they report to the President and the Speaker and then only if they recommend that remedial measures be prescribed.
- (5) After receiving the facts and information from the committee and after such facts and information have been provided to the person who is the subject of the written complaint, and after such person has received a reasonable opportunity to be heard by the President and the Speaker, the President and Speaker may dismiss the complaint or may prescribe such remedial measures as they deem appropriate, including, but not limited to, the issuance of a letter of admonition or recommendation of a resolution of censure to be acted upon by the General Assembly. However, such measures may not include suspension of lobbying privileges. Alternatively, the President and the Speaker may refer a complaint, together with the facts and information provided by the committee of legislators, to the executive committee of the Legislative Council. The executive committee shall act on said com-

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plaint at its next meeting or at a special meeting called for that purpose; however, the person who is the subject of the written complaint shall receive a reasonable opportunity to be heard by the executive committee and has the right to be present during its deliberations. The executive committee may dismiss the complaint or, if it determines that said violation occurred, it may prescribe such remedial measures as it deems appropriate, including, but not limited to, suspension of lobbying privileges before the General Assembly or any of its committees, or it may issue a letter of admonition or recommend a resolution of censure to be acted upon by the General Assembly. If the executive committee of the Legislative Council finds that the issuance of subpoenas is necessary in any such investigation, it may request such power, in accordance with Joint Rule No. 33, from the General Assembly or when the General Assembly is not in session from the entire Legislative Council.

## **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

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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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**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

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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

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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".

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(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 percent 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 vacan-

cy 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. no later than the second Wednesday of January of each year. 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

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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. Regular sessions of the general assembly shall not exceed one hundred twenty calendar days.

### **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

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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 bills shall be considered or become law unless referred to a committee, returned therefrom, and printed for the use of the members. Every measure referred to a committee of reference of either house shall be considered by the committee upon its merits, and no rule of either house shall deny the opportunity for consideration and vote by a committee of reference upon such a measure within appropriate deadlines. A motion that the committee report the measure favorably to the committee of the whole, with or without amendments, shall always be in order within appropriate deadlines. Each measure reported to the committee of the whole shall appear on the appropriate house calendar in the order in which it was reported out of the committee of reference and within appropriate deadlines.



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**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 22a. Caucus positions prohibited -penalties.** (1) No member or members of the general assembly shall require or commit themselves or any other member or members, through a vote in a party caucus or any other similar procedure, to vote in favor of or against any bill, appointment, veto, or other measure or issue pending or proposed to be introduced in the general assembly.

(2) Notwithstanding the provisions of subsection (1) of this section, a member or members of the general assembly may vote in party caucus on matters directly relating to the selection of officers of a party caucus and the selection of the leadership of the general assembly.

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**Section 22b. Effect of sections 20 and 22a.** Any action taken in violation of section 20 or 22a of this constitution shall be null and void.

**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

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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.** (1) 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.

(2) The provisions of subsection (1) of this section to the contrary notwithstanding, the general assembly may establish whatever exceptions it deems appropriate to the eight-hour workday.

**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

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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

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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, guar-

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dians, 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

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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.

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



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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

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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 presen-

tation 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.

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(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.

**Section 50. Public funding of abortion forbidden.** No public funds shall be used by the State of Colorado, its agencies or political subdivisions to pay or otherwise reimburse, either directly or indirectly, any person, agency or facility for the performance of any induced abortion, PROVIDED HOWEVER, that the General Assembly, by specific bill, may authorize and appropriate funds to be used for those medical services necessary to prevent the death of either a pregnant woman or her unborn child under circumstances where every reasonable effort is made to preserve the life of each.

### **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

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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.

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## LEGISLATIVE SERVICES

### THE LEGISLATIVE COUNCIL

The Legislative Council is a fourteen member body comprised of six members of the Senate appointed by the President and six members of the House appointed by the Speaker subject to the approval of their respective houses. The majority leader of the Senate and the Speaker of the House serve ex officio. The Legislative Council was created in 1953 to collect data, to examine constitutional and statutory provisions and possible amendments, to consider important issues of public policy and to prepare reports, bills, and other documents for presentation to the General Assembly.

The information-gathering function of the Legislative Council created a need for a continuing and permanent research staff to work for the General Assembly. To fulfill this function, the Legislative Commission appoints a Director of Research who appoints such additional professional, technical, clerical, and other employees as are necessary to perform the functions assigned. The responsibilities and functions of the staff may be grouped under six broad activities:

- staffing interim and statutory committees;
- staffing committees of reference;
- responding to requests for research;
- preparing fiscal notes;
- providing revenue projections; and
- performing other centralized support services.

The office of the Legislative Council is located in Room 029 of the State Capitol Building.

### Staff Services

1) **Individual Legislative Requests:** The staff of the Legislative Council responds to approximately 1,900 research inquiries a year. Often research findings become the subject of bills considered during the legislative session. On other occasions research is conducted to address citizen concerns on relatively narrow question. While the vast majority of requests come from members of the General Assembly a



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significant number are from citizens, research bureaus from other states, and private organizations. Many of the requests require extensive research. A few requests are beyond the capabilities of the staff because of the size of the staff and the demands on their time. Some requests could not be completed because they involved political partisanship.

**2) Staffing Committees of Reference:** The Legislative Council instituted a program of staffing committees of reference during the 1967 session. The council's duties during legislative sessions include:

- continuous contact with the committee chairperson regarding management of the committee's agenda to meet the deadline schedule for the disposition of bills;
- analysis of bills when requested by the chairperson;
- liaison with the public and with governmental offices regarding the operations of the committee;
- handling of research requests pertaining to matters before the committee;
- assimilation of materials related to bills under consideration, such as fiscal notes, audit reports, or other publications;
- the writing of a summary of committee activities as a key to the tape recording of a committee meeting;
- the writing of the committee report which in many instances takes the form of an amendment to a bill adopted by the committee;
- submitting calendar announcements and notices to sponsors;
- scheduling confirmation hearings; and
- scheduling and attending conference committees.

**3) Staffing Interim Committees:** The General Assembly approves specific studies to be conducted during the interim and directs the Legislative Council to appoint committees. The committee work on specific legislative study assignments is accomplished through a series of meetings or hearings held during the interim and culminates in published reports which provide pertinent data in the form of facts, figures, arguments and alternatives, and usually include recommen-

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datons for action. The staff members coordinate and arrange meetings, compile minutes, and prepare memoranda and reports.

4) **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.

### 5) Other Services:

(a) *Special publications.* During any given year the Legislative Council staff publishes memoranda or formal reports on topics that are perceived to be of importance to the General Assembly or the public but have not been requested by a legislator or resulted from the efforts of an interim study.

(b) *Public Appearances:* Staff members are available to discuss the legislative aspects of state governmental topics which have been assigned to the council for study.

(c) *Correspondence:* The Legislative Council, as a member of the Council of State Governments, the National Conference of State Legislatures and the Southwest Regional Energy Council, furnishes information on matters of immediate interest to other governmental jurisdictions. On a reciprocal basis, the council exchanges information with similar agencies in other states.

Other correspondence processed by the council include requests for information from business, industries and individuals.

(d) 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.

(e) In conformance with provisions of Section 2-3-303, C.R.S., the Legislative Council, among other duties, examines "the effects of constitutional provisions and statutes...". The council, prior to each

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general election, distributes several thousand pamphlets which contain a summary of the provisions, comments, arguments for and arguments against each of the proposals appearing on the ballot.

(f) The Legislative Council maintains its own print room and duplicating equipment. Memoranda and reports are reproduced for legislators and legislative committees by the legislative printing service. The legislative printshop is located in the basement of the Legislative Services Building.

(g) 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.

(h) Starting in September, 1987, the Legislative Council staff assumed the responsibility of providing tour services for visitors to the Capitol Building as well as educational programs about state government to elementary and secondary school age children.

Two educational videos have been produced during the last year for use in classrooms across the state. These two videos complement two other videos made earlier for sale to the schools. Teacher's guides have also been written for each of the videos.

(i) Other services provided during the last fiscal year included the oversight of projects to upgrade facilities within the Capitol Building; monitoring the tape recording and sound system; making travel arrangements for legislators attending legislative conference; organizing special legislative workshops; and coordinating the visits of foreign dignitaries. For the most part these are ongoing functions.

### Joint Budget Committee

The six-member Joint Budget Committee is the fiscal and budget review agency of the Colorado General Assembly. The committee work year-round and has a full-time staff.

The committee studies the programs, management, operations and fiscal needs of all state agencies. It reviews budget requests and holds hearings with agency managers. The committee also reviews capital construction and controlled maintenance recommendations made by the Capital Development Committee.

Each year, the committee introduced supplemental appropriations bills and the general appropriations bill, the Long Bill. The Long

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Bill Narrative explains the recommendations that the committee included in the bill.

After each session, the committee writes the Appropriations Report. This report explains legislative intent and gives program guidance to state agencies related to the budget.

The committee members are the chairmen of the House and Senate Appropriations Committees plus one majority and one minority member from each of these committees. The committee elects a chairman and a vice-chairman, one from the Senate and one from the House. The elected chairman serves as chairman during the first regular session of the General Assembly and as vice-chairman during the second session. The elected vice-chairman serves as chairman during the second session.

The committee's offices and hearing room are located on the third floor of the Legislative Services Building. Members of the General Assembly and the public are invited to attend committee meetings and hearings.

### **The Office of Legislative Legal Services**

In 1988, pursuant to House Bill 1329, the Legislative Drafting Office and the Office of Revisor of Statutes were formally consolidated to create the Office of Legislative Legal Services. Prior to 1988, the two offices had already been informally consolidated (and one person was the head of both offices) because much of the work of the two offices involves a continuous, interrelated process, from bill-drafting through statute publication.

The Office of Legislative Legal Services is under the direction of the Committee on Legal Services, which consists of ten members of the General Assembly. The ten legislative members are the respective chairmen of the House and Senate committees on judiciary or their designees; four members from the House of Representatives, two from each major political party (one member from each party is to be an attorney-at-law if an attorney is available); and four members from the Senate, two from each major political party (one member from each party is to be an attorney-at-law if an attorney is available). The members of the committee are appointed by the President of the Senate and the Speaker of the House, respectively, with the approval of the majority of the members of the body.

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The Committee on Legal Services appoints a director of the Office of Legislative Legal Services who is an attorney-at-law. The director appoints a professional staff which includes attorneys-at-law and technical and clerical personnel to assist in the operation of the office.

The director of the Office of Legislative Legal Services serves ex officio as the Revisor of Statutes for purposes of statutory publications, or the director may appoint another employee of the office to serve as Revisor of Statutes. In addition, the director of the Office of Legislative Legal Services or his designee serves ex officio as secretary to the Colorado Commission on Uniform State Laws.

The main office of the Office of Legislative Legal Services is located in Room 091 (lower level at the south end) of the State Capitol Building. Services relating to statutory publications are located in Room 079 (formerly the Revisor's Office).

**Drafting Services:** The Office of Legislative Legal Services prepares the bills, resolutions, and memorials introduced in the General Assembly. Under joint rule, no bill may be introduced in either house unless first approved as to form by the Office of Legislative Legal Services. In addition, many amendments and all conference committee reports are prepared by the office.

Under the law establishing the office, a bill draft request may be made only by 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 of legislative staff without the prior permission or instruction of the member making the request.

Each bill requested is drafted by a staff attorney. Before introduction each bill draft is reviewed by a legal editor and another staff attorney for format, grammar, and legality.

**Review of Bills:** Pursuant to Joint Rule 3, the Office of Legislative Legal Services is responsible for a review of all bills and amendments after they are passed by either house.

**Review of Administrative Rules and Regulations:** The Office of Legislative Legal Services has responsibility for implementing the statutory provisions for legislative review of administrative rules and regulations. Every rule adopted or amended by an executive agency is first reviewed by an office attorney to determine if the rule is within the power delegated to the agency and consistent with law. If there is

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a possible problem with the rule, it is then reviewed by the Committee on Legal Services at a public hearing. By statute, all rules adopted or amended on or after July 1, 1979, expire on June 1 of the year following their adoption unless the General Assembly adopts a bill which postpones their expiration. Each year members of the Committee on Legal Services sponsor a bill to postpone the expiration of the rules scheduled to expire June 1 of that year; but those rules which the legislature finds to exceed the rule-making authority of the agency or to be inconsistent with law are designated to expire as scheduled on June 1. After each session of the General Assembly, the office reviews existing rules to determine if they are in conflict with laws enacted during that session.

**Legislative Records:** The office maintains complete legislative records on bills, resolutions, and memorials drafted by the office and considered and enacted by the General Assembly. During each session of the General Assembly, a comprehensive computerized record is kept on the consideration and passage of all bills through the General Assembly.

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, 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.

**Other Services:** In addition to the above services, the Office of Legislative Legal Services gives assistance to Legislative Council committees and other legislative committees not working directly under the Council. It performs legal research for members of the General Assembly and may provide legal assistance in connection with contracts or other business done by the General Assembly. The office also administers a computer system used by several agencies in the legislative branch to provide bill-drafting services, word processing, statutory and other data base searches, bill status, and other functions.

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**Publications - Revisor of Statutes:** Under the supervision of the Committee on Legal Services, the Revisor of Statutes is responsible for various duties relating to statutory publications.

1) **Revising of Statutes.** The revisor is responsible for compiling, editing, arranging, and preparing for publication all the laws of the state of Colorado. The editorial staff and the staff attorneys perform these functions, and since 1985 the staff attorneys have also prepared the annotations for Colorado Revised Statutes and the statutory index.

2) **Editing of Statutes.** The revisor is required to adopt a uniform system of punctuation, capitalization, numbering, 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 on Legal Services deems proper.

3) **Preparing Supplements to Statutes and Replacement Volumes.** The revisor prepares annual 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. 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.

4) **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.

### **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 audits and performance reviews of state agencies selected by the Legislative

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Audit Committee or the General Assembly; conduct special audits of any department, institution or agency upon the request of the Governor or the General Assembly; and perform preliminary investigations, special audits or management studies directed by the Legislative Audit Committee. The Legislative Audit Committee consists of four members from the Senate, two from each major political party, and four members from the House, 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 after consultation with the Legislative Commission 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. Audits cannot be released or discussed by the auditor or his staff prior to their release by the committee.