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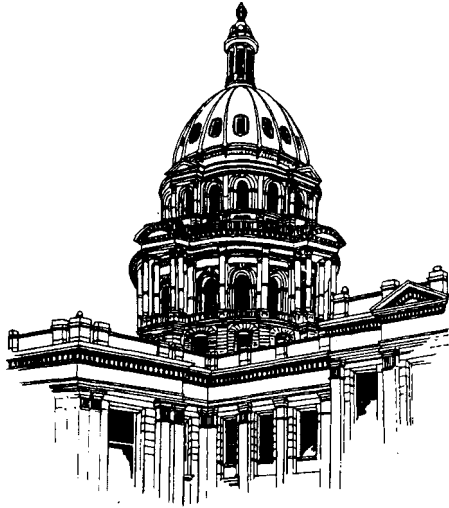
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0483 Reforms to the General Assembly



Study of

Reforms to the

General Assembly

Report to the

COLORADO

GENERAL ASSEMBLY

Colorado Legislative Council
Research Publication No. 483
December 2000

RECOMMENDATIONS FOR 2001

**STUDY OF
REFORMS TO THE GENERAL ASSEMBLY**

**Report to the
Colorado General Assembly**

**Research Publication No. 483
December 2000**

COLORADO GENERAL ASSEMBLY

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Sen. Ray Powers, Vice Chairman
Sen. Tom Blickensderfer
Sen. Michael Feeley
Rep. Lola Spradley
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LEGISLATIVE COUNCIL

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December 2000

To Members of the Sixty-second General Assembly:

Submitted herewith is the final report of the Study of Reforms to the General Assembly. The interim committee was created pursuant to Senate Joint Resolution 00-015 and was directed to study the General Assembly's legislative procedures, committee structure, and staff agencies in order to identify reforms and improvements.

At its meeting on October 16, 2000, the Legislative Council reviewed the report of this committee. A motion to forward this report and the bills therein for consideration in the 2001 session was approved.

Respectfully submitted,

/s/ Representative Doug Dean
Chairman
Legislative Council

DD/LT/mm

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STUDY OF REFORMS TO THE GENERAL ASSEMBLY

Members of the Committee

Senator Dave Owen,
Chairman

Senator Norma Anderson

Senator John Andrews

Senator Rob Hernandez

Senator Mark Hillman

Senator Pat Pascoe

Senator Bill Thiebaut

Representative Doug Dean,
Vice Chairman

Representative Fran Coleman

Representative Moe Keller

Representative Keith King

Representative Matt Smith

Representative Lola Spradley

Representative Penfield Tate

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Staff Attorney

EXECUTIVE SUMMARY

Committee Charge

Pursuant to Senate Joint Resolution 00-015, the Interim Committee on Reforms to the General Assembly was charged with studying the Colorado General Assembly in order to help the legislature meet the challenges posed by term limits and to continue to improve its legislative effectiveness. Specifically, the committee was directed to study the General Assembly's legislative procedures, committee structure, and staff agencies in order to identify reforms and improvements.

Committee Activities

The committee held three meetings, with discussion and testimony on a variety of issues relating to reforms, including legislative procedures, ethics, staff, training, and technology. Recommendations and items for consideration were provided by persons familiar with and interested in the legislative process in Colorado. The committee heard testimony from staff of the National Conference of State Legislatures, who provided information on the effects of term limits on state legislatures and highlighted some of the responses by legislatures in term-limited states. Former members of the General Assembly and a lobbyist discussed the changes that have taken place in Colorado and presented suggestions for consideration by the committee. Staff members representing the House and Senate staff and legislative service agencies gave testimony on staffing and procedural issues.

In order to address and study various aspects of the challenges posed by term limits, the committee also received briefings from staff on plans for new member orientation and for technology improvements. The Executive Director of the Department of Transportation and a representative of the media provided additional briefings on the effects of term limits from the perspectives of the executive branch and the media. The committee appointed a subcommittee on lobbying ethics to study relevant issues and rules and to report back to the full committee. The subcommittee provided points for discussion and made recommendations to the full committee regarding current rules and statutes.

Committee Recommendations

As a result of committee discussion and deliberation, the committee recommends two bills and one resolution for consideration in the 2001 legislative session.

Bill A — Exclusion of Legislative Aides from Participation in a Defined Contribution Plan Established for Specified Public Employees. Bill A excludes legislative aides employed by the General Assembly from being eligible to participate in the state's defined contribution plan. This exclusion will apply to all legislative aides hired after the effective date of the bill and will require them to participate in the Public Employees Retirement Association (PERA).

Bill B — Disclosure of Information Relating to the Regulation of Lobbyists. Bill B continues the requirement that lobbyists report the names of their clients and income to the Secretary of State, but clarifies how certain moneys are to be reported and modifies the deadline for reporting new clients. The bill requires the Secretary of State to establish an electronic filing system for lobbyist information and requires lobbyist information to be published free of charge on the Internet.

Resolution A — Changes to Joint Rule 36 of the Rules of the Senate and the House of Representatives. Resolution A modifies the process for considering ethics complaints against lobbyists, transferring much of the responsibility for dealing with complaints to the Executive Committee of the Legislative Council. The resolution makes the investigation of an ethics complaint against a lobbyist confidential until an ethics committee has been appointed. At that point, all proceedings would be open to the public.

AUTHORITY AND RESPONSIBILITIES

Pursuant to Senate Joint Resolution 00-015, the Interim Committee on Reforms to the General Assembly was charged with studying the Colorado General Assembly in order to help the legislature meet the challenges posed by term limits and to continue to improve its legislative effectiveness. Specifically, the fifteen-member committee was directed to study the General Assembly's legislative procedures, committee structure, and its staff agencies to identify reforms and improvements, including, but not limited to, enhanced member education.

COMMITTEE ACTIVITIES

Background on Term-Limited States

Legislative staff and staff from the National Conference of State Legislatures provided background on other term-limited states to the committee. Twenty-one states have approved term limits for legislative members. Citizen initiatives to limit the length of service for members of the legislature were first passed in 1990 in California, Colorado, and Oklahoma. Since then, 18 other states have approved term limits for members of their legislative bodies. In three states, Nebraska, Massachusetts, and Washington, term limit laws were thrown out by the state supreme courts as unconstitutional.

By November, 2000, term limits will have taken full or partial effect in twelve states. In the states where term limits have taken effect, there have been changes in legislative dynamics and in member responses to the traditions of the institution. The committee received information concerning several areas in which states have felt the impacts of term limits.

Leadership. Term-limited states face new questions about how to select legislative leadership. Positions that were once filled by senior members of the body are now subject to new dynamics, as the ranking members often only have four to six years of experience.

Education. Members of committees have needed to gain expertise more quickly on particular issues of interest to the legislature due to term limits. There are fewer “experts” on committees for the newer members to turn to for advice and institutional memory. Legislative staff, lobbyists, and agency officials are more frequently approached for information.

Committees. Several states have seen standing committees act on more bills, and yet act less decisively. Committees are getting more bills and “killing” fewer of them. Members of the term-limited legislatures are frequently introducing “repeater” bills: legislation that has been considered by previous legislatures. Committees have also become more prone to approve a bill so that the full legislature can determine its outcome. Committee chairmen have lost some of their authority as members of the committee more frequently speak against the committee’s action in floor debates.

Rules. Changes in legislative dynamics due to term limits have caused states to revisit their rules. Higher turnover in legislative bodies has required that new rules and procedures become more accessible and uniform. Old rules are being clarified for changing conditions within the legislative bodies.

Staffing. Additional staffing has been required in several states as newer members ask for briefings on important issues, for additional bill drafting, and for assistance with constituent questions.

Survey of Legislators

At its first meeting, the committee considered the opinions of legislators gathered through a survey. Sent by the sponsors of Senate Joint Resolution 00-015, the survey asked a variety of questions covering nearly all aspects of the legislative process, as well as training for members, the structure and functioning of committees and the performance of staff agencies. (See Appendix A for a copy of the survey.) A total of 34 legislators responded to the survey.

Results from the survey indicated that members were satisfied with the functioning of the legislature, including the training provided to new members through orientation and the work performed in committees and by support staff. However, the survey results provided several suggestions for improving the process. Suggestions related to policy issues and the desire of members to know more about specific programs or laws. For example, members expressed a desire to know more about the state's fiscal constraints and to be more involved in developing the state budget, so as to make the most of their term-limited tenure. Other suggestions related to procedural issues such as how to make committee meetings more productive and efficient. For example, members commented on the importance of committees as the primary means for public participation in the legislative process and the potential benefits of providing formalized training for new committee chairs. Members commented specifically on the challenges of keeping up with bills that are introduced late in the session. Finally, members expressed a desire to better understand the rules and traditions that govern the legislative process.

New Member Orientation and Continuing Member Education Activities

The committee heard testimony and discussed new member orientation and continuing education activities. Legislative Council staff provided the committee with an update on plans for the three phases of new member orientation in 2000. Phase I was held on November 9th and 10th. Phase II took place November 27th through November 29th, and included an orientation program for legislative spouses. Phase III is planned for December 11th and 12th. In addition, an orientation program for all legislators will be held on January 8th and 9th, 2001. The committee also heard about plans for continuing education offerings to be available to all members during the legislative session. These sessions might focus on specific policy areas of interest to new or returning legislators.

The committee discussed additional activities to be considered for new member orientation in 2000. Suggestions for new member orientation topics included: a review of the role of Executive Department legislative liaisons, the role of legislative staff and aides, relations with the media, and relations with the lobbying corps. The committee also followed up on suggestions for enhanced member education activities during the legislative session.

Staff from the National Conference of State Legislatures (NCSL) provided information on training opportunities available to members through NCSL. Seminars on

chairing committees, negotiating, and communicating effectively are examples of state programs that have been offered by NCSL. In addition, Legislative Council staff and Legislative Legal Services staff gave an overview of resource materials that are available for members through the service agencies.

Representatives of the Center for Ethics in Government and Advocacy and the University of Northern Colorado's Institute of Professional Ethics discussed plans for a seminar on "Ethics in the Making of Public Policy" that will be offered during the orientation program for all legislators in January, 2001. This seminar will focus on ethics and decision-making and ethical dilemmas in public policy-making.

The New Member Orientation Working Group for 2000 reported back to the committee based on discussion and recommendations made at the first meeting. The following six modifications and additions to 2000 new orientation programs were presented and approved by the committee:

- a session devoted to dealing with lobbyists;
- a session that will include discussion of the role of legislative liaisons and executive branch policies regarding legislative liaisons;
- enhanced member education activities throughout the 2001 legislative session;
- an introduction to the legislative aides and interns program;
- computer training, with emphasis on legislative website resources, e-mail, and the legislative intranet; and
- training on the use of legislative library resources.

Recommendation. The committee recommends to the Executive Committee of the Legislative Council that staff develop additional educational materials and learning opportunities for new and existing members.

Consent Calendar

The committee discussed the creation of a consent calendar for both bodies of the General Assembly. A consent calendar would allow bills and/or resolutions of a non-controversial nature to move more efficiently through the process. Once placed on the consent calendar, no debate or floor amendments could be allowed. A single vote by the members of either the House or Senate would cover all the bills on the consent calendar. However, the committee did not recommend a specific form that the calendar should take. Some of the issues to be discussed in creating a consent calendar include:

- Should the consent calendar be created by a House, Senate, or Joint Resolution?
- Should the consent calendar affect second or third reading or both?
- Should the consent calendar be limited to bills or resolutions or both?

- Would items be placed upon the consent calendar by an act of a committee or by a legislator?
- When would the consent calendar be made available: the day it is to be considered or several days in advance?
- How will items be removed from the calendar: by one legislator making a written or oral objection or by a majority vote?
- How will the body vote on the items contained in the calendar: either one at a time or all at once?

Recommendations. The committee recommends that each chamber develop a consent calendar in accordance with each chamber's rules and traditions.

Legislative Aides

The Chief Clerk of the House of Representatives and the Secretary of the Senate reported to the committee on the history of the legislative aide program and identified a number of issues and concerns. They testified that legislators have identified a desire for more hours of legislative aide time, while historical data shows that only a portion of the number of hours allocated are currently used. Members also have indicated a need to utilize legislative aides not only during the session, but both before and after the session. Members have requested permission to use legislative aides outside of the Capitol Building, raising questions about workers' compensation issues, adequate supervision, and other general liability issues. Members also have inquired about the possibility of legislative aides working in excess of 40 hours per week.

The committee was advised that the employment of legislative staff is not covered under the Fair Labor Standards Act and that any work over 40 hours per week would not be paid time and a half or be given any additional benefits. They also reported that legislative aides have been paid \$8 per hour since the inception of the legislative aide program which is not enough to attract and retain sufficient qualified applicants. Under current policy, up to three members may share an aide allowing aides to aggregate their hours for a combined total of 990 hours per session, a policy that creates problems in tracking the time of aides and allocating it correctly. The Chief Clerk of the House of Representatives and the Secretary of the Senate also testified that legislative aides, as legislative staff, are entitled to choose between alternative retirement/defined contribution plans within 90 days of employment, creating a significant administrative impact on their staff to complete the required paperwork.

Recommendations. The committee recommends Bill A that excludes legislative aides employed by the General Assembly from being eligible to choose to participate in the state's defined contribution plan.

The committee recommends to the Executive Committee of the Legislative Council that the maximum number of hours allowed for each legislative aide not be changed, but that members be allowed to utilize legislative aides one month before and one month after the

session; that legislative aides not be allowed to work outside of the Capitol building, but that they be allowed to work in excess of 40 hours per week, and that their hourly pay be increased from \$8 to \$10; and that the current policy allowing up to three members to share legislative aides be retained.

Subcommittee on Lobbyist Ethics

Testimony was provided about how term limits might affect the balance of power between legislators and lobbyists. The committee was briefed about the laws and rules that regulate lobbyist ethics and disclosure. In response to these comments, the committee established a subcommittee and directed the subcommittee to further examine the issues and recommend modifications. The subcommittee met once and reviewed suggestions offered by a group of interested lobbyists. The suggestions related to the filing of complaints of ethics violations against lobbyists and the resolution of such complaints, registration of lobbyists with either the Secretary of State or the Chief Clerk of the House of Representatives, the disclosure by lobbyists of client and billing information, and penalties for violations of the lobbyist disclosure requirements. The suggestions also included references to legislative leaders emphasizing the importance of ethics among the lobbying corps by strict enforcement of rules. The subcommittee offered two recommendations to the full committee addressing both the lobbying ethics rule and the lobbying disclosure law.

Recommendations. In response to the recommendations of the Subcommittee on Lobbyist Ethics, the committee recommends Bill B and Joint Resolution A. Bill B clarifies the reporting of lobbyist income and the deadlines for filing reports, imposes a registration fee for lobbyists, and authorizes the Secretary of State to impose a civil penalty of up to \$5,000 for violations of the lobbyist disclosure law. Resolution A modifies the process for considering ethics complaints against lobbyists.

SUMMARY OF RECOMMENDATIONS

As a result of the committee discussion and deliberation, the committee recommends two bills and one resolution for consideration in the 2001 legislative session. Additionally, the committee refers five recommendations to the Executive Committee of the Legislative Council and one recommendation to the Committee on Legal Services.

Bill A — Concerning Exclusion of Legislative Aides from Participation in a Defined Contribution Plan Established for Specified Public Employees

The committee heard testimony on problems resulting from legislative aides being included in the defined contribution plan. The defined contribution plan allows eligible employees 60 days to decide whether or not to enroll and be included in the plan. This provision creates significant management problems with respect to aides because of the short period of time legislative aides are commonly employed.

Bill A excludes legislative aides employed by the General Assembly from being eligible to choose to participate in the state's defined contribution plan. This exclusion will apply to all legislative aides hired after the effective date of the bill and will require them to participate in the Public Employees Retirement Association (PERA).

This bill is assessed as having no fiscal impact.

Bill B — Concerning Disclosure of Information Relating to the Regulation of Lobbyists

The committee heard public comments concerning the need for the General Assembly to look at current lobbying rules and practices, including the disclosure of certain lobbyist information. In response to these comments, the committee directed a subcommittee to further examine the issues and recommend modifications. The subcommittee's recommendations became the basis for Bill B and Resolution A.

Bill B continues the requirement that lobbyists report the names of their clients and income to the Secretary of State, but clarifies how certain moneys are to be reported and modifies the deadline for reporting new clients. Under the bill, moneys would be reported by each firm that receives payment and a lobbying firm that subcontracts would note the amount of gross income reported by subcontracting firms. During the session, lobbyists would be required to report any new lobbying contracts to the Secretary of State within 24 hours of signing a written agreement or receiving payment. During the interim, a lobbyist would have five days to report a new contract.

The bill requires the Secretary of State to establish an electronic filing system for lobbyist information and requires that lobbyist information be published free of charge on

the Internet. The reporting cycle for lobbyists would be changed from a calendar year to the state's fiscal year, in order to better match the legislative cycle.

Bill B authorizes the Secretary of State to impose a registration fee of up to \$50 on professional lobbyists, subject to certain restrictions. The Secretary of State would be required to notify the President of the Senate and the Speaker of the House of Representatives of substantial violations of the lobbyist disclosure requirements and would be authorized to impose a civil penalty of up to \$5,000 for violations.

To conform with changes proposed in Resolution A, the bill creates new exemptions to the state's open meetings and open records laws for certain matters related to lobbyist ethics complaints.

For FY 2001-02, the fiscal note implies that the Office of the Secretary of State should receive an appropriation of \$21,400 from the Secretary of State Cash Fund for computer programing costs. The state should receive additional revenues of \$21,450 generated by the increase in the annual registration fee.

Resolution A — Concerning Changes to Joint Rule 36 of the Rules of the Senate and the House of Representatives

Resolution A modifies the process for considering ethics complaints against lobbyists, transferring much of the responsibility for dealing with complaints to the Executive Committee of the Legislative Council. Currently, these issues are dealt with by the Speaker of the House of Representatives and the President of the Senate. Besides expanding the number of persons to whom an individual may go with a complaint, the committee discussed the resolution as a means to help counter the loss of institutional memory among newly-elected legislative leaders. The resolution makes the investigation of an ethics complaint against a lobbyist confidential until an ethics committee has been appointed. At that point, all proceedings would be open to the public. Currently, all proceedings of an ethics committee are confidential. The resolution also prohibits the filing of frivolous complaints.

Other Recommendations to the Executive Committee

The committee referred several recommendations to the Executive Committee of the Legislative Council for its consideration.

- ***Legislative Aide Program.*** The committee recommends that: the legislative aide program be extended so that aides be allowed to work one month before session begins and one month after it ends; legislative aides be allowed to work more than 40 hours per week; and legislative aides receive an increase in salary from \$8-\$10 per hour.

- ***Reduce the backlog in the Appropriations Committee.*** The committee recommends that the Executive Committee look at ways to address the backlog of bills that occurs in the Appropriations Committee near the end of session. Items for consideration may include modification of deadlines or referral guidelines.
- ***Consent calendar.*** Development of a consent calendar by each chamber and in accordance with each chamber's rules and traditions is recommended. A consent calendar may provide a tool for considering non-controversial legislation more efficiently by limiting debate and allowing members to vote on all bills on the consent calendar with one vote.
- ***Ongoing member education.*** It is recommended that staff be directed to develop additional educational materials and learning opportunities for new and existing members. In developing these programs, the needs of out-state legislators should be considered.
- ***Improved public access to real audio via the internet.*** The committee recommends that the use of real audio technology, which allows legislative staff audio access to legislative proceedings via the Internet, be made available to the public as soon as possible. It is also recommended that members be advised of the importance of being in committee and floor sessions and that the use of real audio is not a substitute for these responsibilities.

Recommendation to the Committee on Legal Services. The committee made the following suggestion to the Committee on Legal Services.

- ***New products and services from the Office of Legislative Legal Services.*** The committee recommends that the Office of Legislative Legal Services (OLLS) and the Committee on Legal Services consider ways to provide legislators with additional bill drafting information such as bill summary updates, prior year histories for each bill request, and/or other related information.

RESOURCE MATERIALS

The resource materials listed below were provided to the committee or developed by Legislative Council staff during the course of the meetings. The summaries of meetings and attachments are available at the Division of Archives, 1313 Sherman Street, Denver. For a limited time, the meeting summaries and materials developed by Legislative Council Staff are available on our web site at:

www.state.co.us/gov_dir/leg_dir/lcsstaff/2000/00interim.

Meeting Summaries	Topics Discussed
August 9, 2000	Impacts of term limits on the Colorado General Assembly; update on the 2000 new member orientation program; training currently provided to members of the General Assembly; overview of the questionnaire on legislative reforms.
August 30, 2000	Recommendations concerning legislative aide program and House and Senate floor procedures; technology update; review of recommendations by the lobbying ethics subcommittee; consideration of possible legislative recommendations.
September 19, 2000	Final committee action on draft legislation and the selection of bill sponsors.

Memoranda and Reports

Legislative Council Staff memoranda titles:

Approaches to Change by Term-Limited State Legislatures.

Results of the Survey of Legislators.

Term Limits for Colorado Senate and House Members.

Recommendations from August 9, 2000 Meeting.

Modifications to 2000 New Member Orientation Program.

Issues for Discussion at the September 19 Meeting.

Reports provided to the committee:

State Legislative Term Limits, Council of State Governments, February 1998.

Consent Calendar, Office of Legislative Legal Services, September 18, 2000.

Report and Recommendations, Lobbying Ethics Sub-Committee, August 22, 2000.

Legislative Aides, Secretary of the Senate and Chief Clerk of the House,
August 30, 2000.

Legislatures Live via the Web, State Legislatures, May 1998.

Legislatures of the Future: Implications of Change, National Conference of State
Legislatures, July 2000.

Bill A

SENATE SPONSORSHIP

Owen and Anderson

HOUSE SPONSORSHIP

Coleman, Dean, Tate, and Williams

A BILL FOR AN ACT

CONCERNING THE EXCLUSION OF LEGISLATIVE AIDES FROM PARTICIPATION IN
A DEFINED CONTRIBUTION PLAN ESTABLISHED FOR SPECIFIED PUBLIC
EMPLOYEES.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Study on Reforms to the General Assembly. Excludes legislative aides employed by the Colorado general assembly from being eligible to elect to participate in a state defined contribution plan established for public officials and employees, so that legislative aides are required to participate in the public employees retirement association (PERA).

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

SECTION 1. 24-54.7-102 (4), Colorado Revised Statutes, is amended to read:

24-54.7-102. Definitions. As used in this article, unless the context otherwise requires:

(4) "Eligible employee" means a member of the general assembly, the governor, the lieutenant governor, the attorney general, the chief deputy attorney general, the solicitor general, the secretary of state, the deputy secretary of state, the state treasurer, the deputy state treasurer, a member of the public utilities commission, an executive director of a department of state appointed by the governor, an employee of the senate or the house of representatives OTHER THAN A LEGISLATIVE AIDE, and a nonclassified employee of the office of the governor for whom a defined contribution plan has been established pursuant to the provisions of this article.

SECTION 2. Applicability. This act shall apply to any legislative aide hired on or after the effective date of this act unless such employee was a participant as of the effective date of this act in a defined contribution plan created pursuant to article 54.7 of title 24, Colorado Revised Statutes.

SECTION 3. Effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

DRAFT

Bill A

Colorado Legislative Council Staff
NO FISCAL IMPACT

Drafting Number: LLS 01-0145	Date: October 6, 2000
Prime Sponsor(s): Sen. Owen Rep. Coleman	Bill Status: Study on Reforms to the General Assembly
	Fiscal Analyst: Steve Tammus (303-866-2756)

TITLE: CONCERNING THE EXCLUSION OF LEGISLATIVE AIDES FROM PARTICIPATION IN A DEFINED CONTRIBUTION PLAN ESTABLISHED FOR PUBLIC OFFICIALS AND EMPLOYEES.

Summary of Assessment

This bill excludes legislative aides employed by the General Assembly from being eligible to elect to participate in a state defined contribution plan established for public officials and employees. This exclusion would require legislative aides to participate in the Public Employees' Retirement Association (PERA) plan. The provisions of the bill would not apply to legislative aides who are participating in the defined contribution plan as of the effective date of the bill. The bill will become effective 90 days after adjournment unless a referendum petition is filed.

This bill will not affect state or local government revenue or expenditures. The bill will not affect the amount of employee or employer contributions to legislative aide retirement benefit plans, but may increase the amount of those contributions to the PERA plan. The amount of that increase, if any, is anticipated to be minimal. Therefore, this bill is assessed as having no fiscal impact.

Departments Contacted

Legislative Council Staff Personnel PERA

Bill B

SENATE SPONSORSHIP

Anderson, Andrews, Hernandez, Owen, Pascoe, and Thiebaut

HOUSE SPONSORSHIP

Dean, Coleman, Keller, King, Smith, Tate, and Williams T.

A BILL FOR AN ACT

CONCERNING DISCLOSURE OF INFORMATION RELATING TO THE REGULATION OF
LOBBYISTS.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Study on Reforms to the General Assembly. Requires the secretary of state to establish, operate, and maintain a system that enables electronic filing by means of the internet of the lobbyist disclosure reports required to be filed under the "Colorado Sunshine Act of 1972". Allows any person to use the electronic filing system to meet the filing requirements contained in existing law.

Requires the secretary of state to establish, operate, and maintain a web site on the internet, or modify an existing site, so as to allow any computer user who wishes to review lobbyist disclosure information read-only access to such information free of charge. Specifies in what manner such information shall be available on the internet web site.

Requires the lobbyist disclosure statement to contain the name of and total gross income for lobbying received from each person for the previous state fiscal year, rather than the previous calendar year. Eliminates a requirement that the lobbyist obtain a verification statement from each person from whom the lobbyist receives income for lobbying.

Requires that, when the general assembly is in session, a lobbyist notify the secretary of state, either by electronic filing or by facsimile

transmission, of an oral or written agreement to engage in lobbying for any person not disclosed in the original registration statement. Specifies when such notice is to be provided. Eliminates requirements that a lobbyist provide an estimate of gross income that the lobbyist will receive for lobbying. Authorizes the secretary of state to impose a fee on professional lobbyists at the time the original registration statement is filed and at the time each updated registration statement is filed, not to exceed a specified amount, at a level that offsets the costs to the secretary of state of providing electronic access to lobbyist disclosure information and of processing and maintaining the required disclosure information. Requires the secretary of state to charge a reduced fee to a professional lobbyist that files his or her registration statement electronically. Authorizes the secretary of state to waive the fee for a registered professional lobbyist for a not-for-profit organization who derives his or her compensation solely from the organization. Exempts volunteer lobbyists from payment of the registration fee.

Requires the secretary of state to notify the president of the senate and the speaker of the house of representatives of substantial violations of the lobbyist disclosure requirements.

Authorizes the secretary of state to impose a civil penalty up to a specified amount for violations of the lobbying requirements in the Act.

Makes conforming amendments to provisions of the present Act requiring registration through written communication.

Adds to the list of matters that may be considered in executive session under the open meetings law meetings of the executive committee of the legislative council following the filing of a complaint against a lobbyist to decide whether to dismiss the complaint or to appoint a committee of legislators.

Expands the list of matters for which public access is denied under the open records law to include a complaint against a lobbyist when the complaint is dismissed by the executive committee of the legislative council prior to the appointment of a committee of legislators.

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

SECTION 1. 24-6-302 (3) (b), (6) (a), and (6) (b) (III), Colorado Revised Statutes, are amended to read:

24-6-302. Disclosure statements - required. (3) (b) A cumulative disclosure statement for the entire calendar STATE FISCAL year shall be filed on

24-6-302. Disclosure statements - required. (3) (b) A cumulative disclosure statement for the entire ~~calendar~~ STATE FISCAL year shall be filed on or before ~~January 15 of the next year~~ JULY 15 COVERING THE PERIOD FROM THE PREVIOUS JULY 1 THROUGH THE SUBSEQUENT JUNE 30 IMMEDIATELY PRECEDING THE DATE ON WHICH THE CUMULATIVE DISCLOSURE STATEMENT IS DUE. Such disclosure statement shall contain the name of and total gross income for lobbying received from each person for the previous ~~calendar~~ STATE FISCAL year. ~~The total gross income for lobbying received from a person named in the disclosure statement shall be verified in a statement signed by that person and shall contain or be accompanied by a written declaration that such verification is made under the penalties of perjury in the second degree, as defined in section 18-8-503, C.R.S.~~ IF A FIRM ORGANIZED FOR PROFESSIONAL LOBBYING PURPOSES SUBCONTRACTS LOBBYING BUSINESS TO ANOTHER SUCH FIRM OR LOBBYIST, OR IF A REGISTERED PROFESSIONAL LOBBYIST SUBCONTRACTS LOBBYING BUSINESS TO ANOTHER SUCH FIRM OR LOBBYIST, ONLY THE FIRM OR LOBBYIST THAT RECEIVES THE BUSINESS ON A SUBCONTRACT SHALL REPORT THE INFORMATION REQUIRED TO BE DISCLOSED PURSUANT TO THIS SUBSECTION (3). THE FIRM OR LOBBYIST THAT SUBCONTRACTED THE BUSINESS TO ANOTHER FIRM OR LOBBYIST SHALL DESCRIBE IN AN ADDENDUM OR SUPPLEMENT TO THE REPORT REQUIRED TO BE FILED PURSUANT TO THE PROVISIONS OF THIS SUBSECTION (3) THE TOTAL GROSS INCOME RECEIVED FROM LOBBYING THAT IS BEING CONTEMPORANEOUSLY REPORTED BY ANOTHER FIRM OR LOBBYIST.

(6) (a) DURING THE PERIOD THAT THE GENERAL ASSEMBLY IS NOT IN SESSION, a registered professional lobbyist shall notify the secretary of state

in writing within five working days ~~of~~ AFTER an oral or written agreement to engage in lobbying for any person not disclosed in the registration statement filed pursuant to section 24-6-303 (1). DURING THE PERIOD THAT THE GENERAL ASSEMBLY IS IN SESSION, A REGISTERED PROFESSIONAL LOBBYIST SHALL NOTIFY THE SECRETARY OF STATE AFTER AN AGREEMENT TO ENGAGE IN LOBBYING FOR ANY PERSON NOT DISCLOSED IN THE REGISTRATION STATEMENT FILED PURSUANT TO SECTION 24-6-303 (1), EITHER BY MEANS OF THE ELECTRONIC FILING SYSTEM CREATED IN SECTION 24-6-303 (6.3) OR BY FACSIMILE TRANSMISSION IN ACCORDANCE WITH THE FOLLOWING:

(I) IN THE CASE OF A WRITTEN AGREEMENT TO ENGAGE THE LOBBYIST, DISCLOSURE SHALL BE MADE WITHIN TWENTY-FOUR HOURS AFTER THE DATE OF THE AGREEMENT; AND

(II) IN THE CASE OF AN ORAL AGREEMENT TO ENGAGE THE LOBBYIST, THE DISCLOSURE SHALL BE MADE WITHIN TWENTY-FOUR HOURS AFTER EITHER THE DATE OF A SUBSEQUENT WRITTEN AGREEMENT BETWEEN THE PARTIES OR THE DATE THE LOBBYIST RECEIVES ANY PAYMENT ON THE AGREEMENT, WHICHEVER OCCURS FIRST.

(b) A registered professional lobbyist who provides the notification under paragraph (a) of this subsection (6) shall file, concurrently with the next disclosure statement due after such notification, a signed written statement that contains:

(III) ~~An estimate of the gross income for lobbying that will be received by the registered professional lobbyist from such person during the calendar year in which the written statement is filed.~~

SECTION 2. The introductory portion to 24-6-303 (1) and 24-6-303 (1) (d), (1.5), and (3), Colorado Revised Statutes, are amended, and the said 24-6-303 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

24-6-303. Registration as professional lobbyist - filing of disclosure statements - certificate of registration. (1) Any professional lobbyist, before engaging in lobbying, shall register with the secretary of state, pay a fee in accordance with the requirements of subsection (1.3) of this section, and file a written or electronic registration statement which shall contain:

(d) The name, address, and telephone number of any person by whom the professional lobbyist or firm organized for professional lobbying is paid or is to be paid for such lobbying, ~~and an estimate of the gross income for lobbying to be received from such person for the ensuing calendar year.~~

(1.3) (a) AT THE TIME A PROFESSIONAL LOBBYIST FILES A REGISTRATION STATEMENT IN ACCORDANCE WITH SUBSECTION (1) OF THIS SECTION PRIOR TO ENGAGING IN LOBBYING, AND EACH TIME SUCH LOBBYIST FILES AN UPDATED REGISTRATION STATEMENT IN ACCORDANCE WITH SUBSECTION (1.5) OF THIS SECTION, SUCH INDIVIDUAL SHALL PAY A REGISTRATION FEE NOT TO EXCEED FIFTY DOLLARS. THE ACTUAL FEE TO BE CHARGED SHALL BE SET BY THE SECRETARY OF STATE BY RULE PROMULGATED IN ACCORDANCE WITH ARTICLE 4 OF THIS TITLE AND SHALL BE SET AT A LEVEL THAT OFFSETS THE COSTS TO THE SECRETARY OF STATE OF PROVIDING ELECTRONIC ACCESS TO INFORMATION PURSUANT TO SECTION 24-6-304 (2) AND IN PROCESSING AND MAINTAINING THE DISCLOSURE INFORMATION

REQUIRED BY THIS PART 3. THE SECRETARY OF STATE SHALL CHARGE A REDUCED FEE TO A PROFESSIONAL LOBBYIST THAT FILES HIS OR HER REGISTRATION STATEMENT PURSUANT TO PARAGRAPH (b) OF SUBSECTION (6.3) OF THIS SECTION. THE SECRETARY OF STATE MAY WAIVE THE FEE OF A REGISTERED PROFESSIONAL LOBBYIST FOR A NOT-FOR-PROFIT ORGANIZATION WHO DERIVES HIS OR HER COMPENSATION SOLELY FROM THE ORGANIZATION. A VOLUNTEER LOBBYIST AS DEFINED IN SECTION 24-6-301 (7) SHALL BE EXEMPT FROM THE REQUIREMENT TO PAY THE REGISTRATION FEE MANDATED BY THIS PARAGRAPH (a).

(b) ALL FEES COLLECTED PURSUANT TO THE PROVISIONS OF THIS SUBSECTION (1.3) SHALL BE CREDITED TO THE DEPARTMENT OF STATE CASH FUND CREATED IN SECTION 24-21-104 (3) (b).

(1.5) A professional lobbyist shall file an updated registration statement on or before ~~January 15~~ JULY 15 of each year unless at that time he or she is no longer a professional lobbyist. Registration under this subsection (1.5) shall be effective until ~~January 15~~ JULY 1 of the next year.

(3) CONSISTENT WITH THE REQUIREMENTS OF SUBSECTION (6.3) OF THIS SECTION, A HARD COPY OF all registration statements and disclosure statements of professional lobbyists shall be compiled by the secretary of state within thirty days after the end of the calendar month for which such information is filed and shall be organized alphabetically according to the names of the professional lobbyists.

(6.3) (a) NO LATER THAN JANUARY 1, 2002, THE SECRETARY OF STATE SHALL ESTABLISH, OPERATE, AND MAINTAIN A SYSTEM THAT ENABLES ELECTRONIC FILING OF THE REPORTS REQUIRED BY THIS PART 3 BY UTILIZING

THE INTERNET. RULES CONCERNING THE MANNER IN WHICH REPORTS REQUIRED BY THIS PART 3 MAY BE FILED ELECTRONICALLY, INCLUDING BUT NOT LIMITED TO THE INFORMATION TO BE CONTAINED IN SUCH REPORTS, THE PROCEDURE FOR AMENDING SUCH REPORTS, AND PUBLIC ACCESS TO THE ELECTRONIC FILING SYSTEM, SHALL BE PROMULGATED BY THE SECRETARY OF STATE IN ACCORDANCE WITH ARTICLE 4 OF THIS TITLE.

(b) IN ADDITION TO ANY OTHER METHOD OF FILING, ANY PERSON MAY USE THE ELECTRONIC FILING SYSTEM DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (6.3) IN ORDER TO MEET THE FILING REQUIREMENTS OF THIS PART 3.

SECTION 3. 24-6-304 (2), Colorado Revised Statutes, is amended to read:

24-6-304. Records - preservation - public inspection - electronic access. (2) (a) Any statement required by this part 3 to be filed with the secretary of state shall be preserved by the secretary of state for a period of five years after the date of filing, shall constitute part of the public records of that office, and shall be open and readily accessible for public inspection. The secretary of state shall implement a computer information system that will allow computer users to cross-reference and review, using the name of a registered professional lobbyist or any other person, any disclosure statement or other written statement filed pursuant to section 24-6-302 and registration statement filed pursuant to section 24-6-303 on which the name of such lobbyist or other person appears.

(b) NO LATER THAN JANUARY 1, 2002, THE SECRETARY OF STATE SHALL ESTABLISH, OPERATE, AND MAINTAIN A WEB SITE ON THE INTERNET, OR

MODIFY AN EXISTING SITE, THAT WILL ALLOW COMPUTER USERS ELECTRONIC READ-ONLY ACCESS TO THE INFORMATION REQUIRED TO BE FILED BY THIS PART 3 FREE OF CHARGE. ALL INFORMATION REQUIRED TO BE FILED BY THIS PART 3 THAT IS FILED ELECTRONICALLY SHALL BE MADE AVAILABLE:

(I) ON THE WEB SITE WITHIN TWENTY-FOUR HOURS AFTER FILING;
AND

(II) IN A FORM THAT ALLOWS A COMPUTER USER TO CROSS-REFERENCE AND REVIEW, USING THE NAME OF A REGISTERED PROFESSIONAL LOBBYIST OR ANY OTHER PERSON, ANY DISCLOSURE STATEMENT OR OTHER WRITTEN STATEMENT FILED PURSUANT TO SECTION 24-6-302 AND REGISTRATION STATEMENT FILED PURSUANT TO SECTION 24-6-303 ON WHICH THE NAME OF SUCH LOBBYIST OR OTHER PERSON APPEARS.

SECTION 4. 24-6-305 (3), Colorado Revised Statutes, is amended, and the said 24-6-305 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

24-6-305. Powers of the secretary of state - granting and revoking of certificates - barring from registration - imposition of fine - notification of substantial violation. (3) If the secretary of state has reasonable grounds to believe that any person is in violation of section 24-6-302 or section 24-6-303, ~~(4)~~; the secretary of state may, after notice has been given and a hearing held in accordance with the provisions of article 4 of this title, issue a cease and desist order OR AN ORDER ASSESSING A FINE AGAINST THE PERSON IN AN AMOUNT NOT TO EXCEED FIVE THOUSAND DOLLARS. Such order shall set forth the provisions of this part 3 found to be violated and the facts found to be the violation. Any person subject to a cease and desist order OR AN ORDER ASSESSING A FINE shall

be entitled, upon request, to judicial review in accordance with the provisions of article 4 of this title.

(4) THE SECRETARY OF STATE SHALL TIMELY INFORM THE PRESIDENT OF THE STATE SENATE AND THE SPEAKER OF THE STATE HOUSE OF REPRESENTATIVES WHENEVER THE SECRETARY OF STATE HAS REASONABLE GROUNDS TO BELIEVE THAT A VIOLATION OF SECTION 24-6-302 OR 24-6-303 HAS OCCURRED THAT THE SECRETARY OF STATE DEEMS SUBSTANTIAL.

SECTION 5. 24-6-402 (3) (a) (III), Colorado Revised Statutes, is amended to read:

24-6-402. Meetings - open to public. (3) (a) The members of a state public body subject to this part 4, upon the announcement by the state public body to the public of the topic for discussion in the executive session and the affirmative vote of two-thirds of the entire membership of the body after such announcement, may hold an executive session only at a regular or special meeting and for the sole purpose of considering any of the matters enumerated in paragraph (b) of this subsection (3) or the following matters; except that no adoption of any proposed policy, position, resolution, rule, regulation, or formal action shall occur at any executive session that is not open to the public:

(III) Matters required to be kept confidential by federal law or rules, or state statutes, OR IN ACCORDANCE WITH THE REQUIREMENTS OF ANY JOINT RULE OF THE SENATE AND THE HOUSE OF REPRESENTATIVES PERTAINING TO LOBBYING PRACTICES;

SECTION 6. 24-72-204 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

24-72-204. Allowance or denial of inspection - grounds - procedure - appeal. (1) The custodian of any public records shall allow any person the right of inspection of such records or any portion thereof except on one or more of the following grounds or as provided in subsection (2) or (3) of this section:

(d) SUCH INSPECTION WOULD BE CONTRARY TO THE REQUIREMENTS OF ANY JOINT RULE OF THE SENATE AND THE HOUSE OF REPRESENTATIVES PERTAINING TO LOBBYING PRACTICES.

SECTION 7. Effective date. (1) That portion of section 2 of this act creating a new section 24-6-303 (6.3), Colorado Revised Statutes, and section 3 of this act shall take effect January 1, 2002.

(2) All other sections of this act shall take effect July 1, 2001; except that, with respect to that portion of sections 1 and 2 of this act amending the registration requirements contained in sections 24-6-302 and 24-6-303, Colorado Revised Statutes, the only statements required to be filed by July 15, 2001, shall be the updated registration statement in conformity with the provisions of section 24-6-303 (1.5), Colorado Revised Statutes, and a cumulative disclosure statement in conformity with the provisions of section 24-6-302 (3) (b), Colorado Revised Statutes, which, for the 2001 calendar year only, shall cover the period January 1, 2001, through June 30, 2001. Thereafter, cumulative disclosure statements shall be filed covering the entire state fiscal year in conformity with the provisions of section 24-6-302 (3) (b), Colorado Revised Statutes.

SECTION 8. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

DRAFT

Bill B

Colorado Legislative Council Staff

STATE FISCAL IMPACT

Drafting Number: LLS 01-0096 Date: November 16, 2000
Prime Sponsor(s): Sen. Anderson Bill Status: Study of Legislative Reforms
Rep. Dean Fiscal Analyst: Chris Ward (303-866-5834)

TITLE: CONCERNING DISCLOSURE OF INFORMATION RELATING TO THE REGULATION OF LOBBYISTS

Table with 3 columns: Fiscal Impact Summary, FY 2001/2002, FY 2002/2003. Rows include State Revenues, State Expenditures, FTE Position Change, TABOR Liability, Effective Date, Appropriation Summary, and Local Government Impact.

Summary of Legislation

The bill modifies the requirements for lobbyist disclosure by clarifying how certain moneys are to be reported, modifying the deadline for reporting new clients, and eliminating the requirement that lobbyists provide an estimate of the gross income to be received.

The bill authorizes the Secretary of State to impose a registration fee on professional lobbyists, subject to certain restrictions, and to impose a civil penalty of up to \$5,000 for violations of the lobbyist disclosure requirements.

The bill requires the Secretary of State to establish an electronic filing system for lobbyist information and requires that lobbyist information be published for free public viewing on the Internet. The bill also creates new exemptions to the state's open meetings and open records laws for certain matters related to lobbyist ethics complaints.

State Revenues

The bill authorizes the Secretary of State to impose an annual registration fee of up to \$50 on professional lobbyists, subject to the following requirements:

- the actual fee would be set to offset the costs of maintaining and providing electronic access to lobbyist disclosure information;
- a reduced fee would be charged to any professional lobbyist that files his or her registration statement electronically;
- the fee could be waived for a lobbyist that lobbies for a non-profit organization and derives his or her compensation solely from the non-profit organization; and
- volunteer lobbyists would be exempt from paying the registration fee.

Table 1 provides a summary of the estimated fee revenue, which would be credited to the Secretary of State Cash Fund.

Table 1. Fee Impact on Professional Lobbyists					
Type of Fee	Current Fee	Proposed Fee	Fee Change	# of Affected Individuals	Total Fee Impact
Registration/Update	\$0	\$33	\$33	650	\$21,450
TOTAL					\$21,450

The Secretary of State would be authorized to impose a civil penalty of up to \$5,000 for violations of the lobbyist disclosure requirements. A minimal amount of revenue from fines is anticipated. Any fine revenue would be credited to the General Fund.

State Expenditures

The Secretary of State will be required to modify its computer system to allow for electronic filing by lobbyists and to make lobbyist information available on the Internet. One-time computer programming costs are expected to be \$21,400 in FY 2001-02.

Other State Impacts

This bill will increase Secretary of State Cash Fund revenues beginning in FY 2001-02. The increased state revenues will mean an increase in the amount of future state funds required to be refunded to taxpayers under the terms of TABOR.

State Appropriations

The Secretary of State's office would require an appropriation from the Secretary of State Cash Fund of \$21,400 in FY 2001-02.

Departments Contacted

State

Joint Resolution A

HOUSE SPONSORSHIP

Dean, Coleman, King, Smith, Tate, and T. Williams

SENATE SPONSORSHIP

Anderson, Andrews, Owen, and Pascoe

COMMITTEE JOINT RESOLUTION

CONCERNING CHANGES TO JOINT RULE 36 OF THE RULES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES.

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

That Joint Rule No. 36 (b) of the Joint Rules of the Senate and the House of Representatives is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

36. LOBBYING PRACTICES

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

(5.5) FILE AGAINST ANOTHER LOBBYIST A COMPLAINT SUBSEQUENTLY FOUND BY THE EXECUTIVE COMMITTEE TO BE FRIVOLOUS.

That Joint Rule No. 36 (c) of the Joint Rules of the Senate and the House of Representatives is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

36. LOBBYING PRACTICES

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

(3) IF THE SECRETARY OF STATE LEARNS OF THE EXISTENCE OF A SUBSTANTIAL VIOLATION OF PART 3 OF ARTICLE 6 OF TITLE 24, C.R.S., BY A PERSON ENGAGED IN LOBBYING, THE SECRETARY OF STATE SHALL PROMPTLY NOTIFY BOTH THE PRESIDENT OF THE SENATE WHO SHALL NOTIFY ALL MEMBERS OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES WHO SHALL NOTIFY ALL MEMBERS OF THE HOUSE OF REPRESENTATIVES. IF SUCH A NOTICE IS RECEIVED AND IF A COMPLAINT PURSUANT TO SUBSECTION (d) OF THIS RULE IS FILED, UPON THE ADOPTION OF A RESOLUTION, EITHER HOUSE MAY RESTRICT THE ACCESS OF THE PERSON IDENTIFIED IN THE NOTICE TO MEMBERS, COMMITTEES, AND OTHER ACTIVITIES OF THAT HOUSE PENDING THE OUTCOME OF THE COMPLAINT.

That Joint Rule No. 36 (d) (1), 36 (d) (2), 36 (d) (4), and 36 (d) (5) of the Joint Rules of the Senate and the House of Representatives are amended to read:

36. LOBBYING PRACTICES

(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~~ ANY MEMBER OF THE EXECUTIVE COMMITTEE. 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~~ AND the name or names of the person or persons filing the complaint. ~~shall remain confidential~~ AS SOON AS POSSIBLE AFTER THE COMPLAINT HAS BEEN FILED AND NOTWITHSTANDING THE PROVISIONS OF PART 4 OF ARTICLE 6 OF TITLE 24, THE EXECUTIVE COMMITTEE SHALL MEET IN EXECUTIVE SESSION TO DISCUSS THE COMPLAINT. ~~The President and the Speaker~~ DURING THE EXECUTIVE SESSION, THE EXECUTIVE COMMITTEE may dismiss the complaint. IF THE COMPLAINT IS DISMISSED PRIOR TO THE APPOINTMENT OF A COMMITTEE OF LEGISLATORS, THE COMPLAINT SHALL REMAIN CONFIDENTIAL. IF THE EXECUTIVE COMMITTEE FINDS THAT A COMPLAINT FILED BY A LOBBYIST AGAINST ANOTHER LOBBYIST WAS FRIVOLOUS, THE EXECUTIVE COMMITTEE MAY DIRECT THAT THE PRESIDENT AND SPEAKER INFORM THE ACCUSING LOBBYIST OF THE FINDING AND APPOINT A COMMITTEE OF LEGISLATORS PURSUANT TO PARAGRAPH (2) OF THIS SUBSECTION (d).

- (2) If the complaint is not dismissed, THE EXECUTIVE COMMITTEE MAY DIRECT the President and the Speaker ~~may~~

TO 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~~ EXECUTIVE COMMITTEE 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~~

- (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~~ PUBLIC. 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~~ SUBMIT A report to the ~~President and the Speaker and then only if they recommend that remedial measures be prescribed~~ EXECUTIVE COMMITTEE.
- (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 complaint 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.

Questionnaire on Legislative Reforms

In which body do you serve? House _____ Senate _____

How many years have you served in this body? _____

Have you ever served in the opposite house? Yes _____ No _____

For how many years? _____

Member Education

All new members of the General Assembly are invited to a pre-session orientation conference prior to the beginning of their first legislative session. Recent orientation conferences have had four phases. Agendas for the 1998 conference are enclosed; in general, though, these conferences have covered the following topic areas: bill request procedures and deadlines, services provided from the House/Senate and the legislative service agencies, committee and floor procedures, computer training, pay and benefits, factors driving the state budget and the budget process, and revenue and other forecasts. In total, the conference consumed about 43 hours over eight days in November, December, and January.

1. In what year(s) did you attend the pre-session orientation conference? _____

2. How would you rate the length of the conference you attended?
 Too long _____ Too short _____ Just right _____

3. How would you rate the topics covered by the conference?
 Too much too soon _____ Too in-depth _____ Just right _____
 Not in-depth enough _____ Not enough topics covered _____

4. If you were designing the pre-session orientation program, how would you change it?
 What items would you add? Delete?

5. Would more educational seminars be beneficial? Yes _____ No _____

6. If so, when would be the best time to hold these seminars? Rank those that interest you by order of preference.
 During the pre-session orientation conference _____

On Friday afternoons during the session _____
 During the interim after members' first legislative session _____

7. Would you attend additional educational seminars? Yes _____ No _____

8. What do you consider to be the most pressing needs in terms of member education?
 Please rank in terms of importance.

The Long Bill _____	Spending limits/TABOR _____
State revenues/taxes _____	Parliamentary procedure _____
Criminal justice issues _____	Health care _____
Capital construction _____	Education/education finance _____
Understanding fiscal notes _____	
Other specific issue areas (please identify) _____	

Other _____	

9. Please rank, by order of importance, your sources of information on legislative policy issues?

Committee testimony _____	Lobbyists _____
Department personnel _____	Legislative staff _____
Other members _____	Fiscal notes _____
Other _____	

10. Are your sources of information satisfactory? Yes _____ No _____
 Would you prefer to have other primary sources of information? If so, what?

11. How would you rate your knowledge and understanding of the following documents:

	<i>Excellent</i>	<i>Fair</i>	<i>Novice</i>
Fiscal notes/JBC staff notes	_____	_____	_____
Various versions of bills (e.g., engrossed, rerevised)	_____	_____	_____
General Fund overviews/impact of tax law changes	_____	_____	_____
School finance printouts	_____	_____	_____
Structure of the Long Bill	_____	_____	_____

12. What types of informational materials would assist you in developing expertise on issues? Check any that apply.

Written directions on reading a General Fund overview _____
Booklets on specific topics _____ What topics would be helpful? TABOR _____
Gallagher Amendment _____ Other _____

Weekly updates on the development of the Long Bill _____
Summary of substantive changes in funding of departments in Long Bill _____

Legislative Procedures/Environment

13. How do you rate your knowledge of the following:

	<i>Very Knowledgeable</i>	<i>Fair</i>	<i>Novice</i>
Legislative rules	_____	_____	_____
Parliamentary procedures that fall outside the rules	_____	_____	_____
Constitutional provisions that set parameters for the General Assembly's operations	_____	_____	_____

14. What do you consider to be the best method of learning rules, parliamentary procedures or constitutional provisions or of increasing your knowledge? _____

15. What do you consider to be your areas of greatest weakness in terms of legislative procedures? Check all that apply.

Committee motions and procedures _____ Conference committees _____
Second reading motions and procedures _____ Third reading _____
Budget process _____ Deadlines _____

16. Should more formalized training be conducted on legislative procedures? What would you suggest? _____

17. Are there procedures/legislative processes you would suggest changing? _____

18. The legislative session is fairly predictable in terms of its time line. Bills are introduced, heard in committee and passed by the first house; the same procedure is then followed for bills from the opposite house; the budget bill is introduced and passed; bills from the Appropriations committees begin making their way through the process; and then conference committees meet and report. What problems does this time line produce? Do you have an alternative method for structuring the session?

19. Would you benefit from having the bill summary on the first page of each bill updated as the bill is amended and reprinted in its new version (e.g., reengrossed, rerevised)?

Yes _____ No _____

20. Would you benefit from creating a new version of a bill (e.g., committee bill) that reflects the actions of the committees to which a bill was assigned and would replace the current committee reports? Yes _____ No _____

21. Are there changes to the physical environment that would be beneficial. Please rank any that apply by order of importance.

One legislator per walled office, even if it is not in the State Capitol _____

Conference rooms that can be reserved for private meetings _____

A second telephone for use by aides and interns _____

A second computer for use by aides and interns _____

Other _____

Committee Structure

Each body has ten committees of reference, which are established by rule of the respective body. With the exception of the Appropriations Committees, each committee is assigned to a category and each category has designated meeting times. In the House, the Speaker determines the number of members on each committee between 10 and 19. The Senate rules do not place any limitations on the number of members. The Joint Rules contain the deadlines for reporting bills out of committee.

22. Are the subject matters of committees still relevant? Are there subject matters that should be broken off from existing committees? Are there subject matters that should be combined in a new committee? _____

23. How would you rate the time available for the committees on which you serve?

Committee	Not enough	Sufficient	Too much
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

24. What do you see as the primary committee issues that need to be addressed in the era of term limits? Please mark any that apply.

Training for committee chairmen _____

Increased training on committee procedures _____

Increased expertise in subject matter _____

Time in committee _____

Other _____

25. What recommendations do you have for improving the committee process?

Have more committees with fewer members _____

Reduce the number of committees and increase the number of members and the amount of time available to each committee _____

Require that bills be introduced earlier in the session _____

Assign committees meeting times between 7:30 to 9:00 a.m. _____

Extend the committee deadlines _____

Authorize committees to meet during the interim for non-bill-related matters _____

Other _____

26. The budget process and consideration of bills with a revenue or expenditure impact are important considerations in the committee process because they affect the deadline schedule and the number of bills considered by each body at the end of the session. Do you have suggestions for better integrating the budget process with the committee process? _____

27. Are there other processes that could be instituted that would help you be better prepared for committee meetings? _____

Staffing

The General Assembly has four non-partisan legislative service agencies: the Legislative Council Staff, the Office of Legislative Legal Services, the Joint Budget Committee Staff, and the Office of the State Auditor. In addition, the House and Senate staff provide services to members, each member is allotted 330 hours of assistance during the session from a legislative aide who is compensated, and the respective caucuses provide media relations assistance to their members. Some members also use the services of interns.

28. Recognizing that the four service agencies provide different types of services, overall what do you consider the major strengths and weaknesses of the non-partisan service agency structure? On a scale on 1 to 5, with 1 being a strength of the non-partisan service agency structure and 5 being a weakness, please rate the following elements.

	<i>Strength</i>					<i>Weakness</i>				
	1	2	3	4	5	1	2	3	4	5
Personal contact										
Subject area expertise										
Expertise in legislative procedures										
Timeliness										
Non-partisan nature of agencies										
Institutional memory										
Flexibility										
Responsiveness										
Knowing where to go for assistance										
Quality of product										
Other _____										

29. What do you consider to be the critical staffing needs for members of the General Assembly? What type of staffing would help you do your job better?
- Clerical support for each member _____
 - Increased hours of aide support during the session _____
 - Higher caliber of aide support during the session _____
 - Higher caliber of aide support and increased hours during the session _____
 - Year round professional staff support for each member _____
 - Assistance with constituent inquiries _____
 - A professional caucus staff with subject matter expertise _____
 - A professional staff for each committee that would provide technical, policy, and legal assistance for the committee and be hired by the committee _____

An enhanced media relations staff _____
More support staff on the House and Senate floors _____
More non-partisan staff _____ What type? _____
No change _____
Other _____

30. Given your response to the previous question, do you consider enhanced staffing to be in addition to or a substitute for the current staffing structure (or specific agencies within that structure)?

Please comment on any other aspects of the General Assembly's processes that you would like the interim committee to address.