

# COLORADO LEGISLATOR'S HANDBOOK



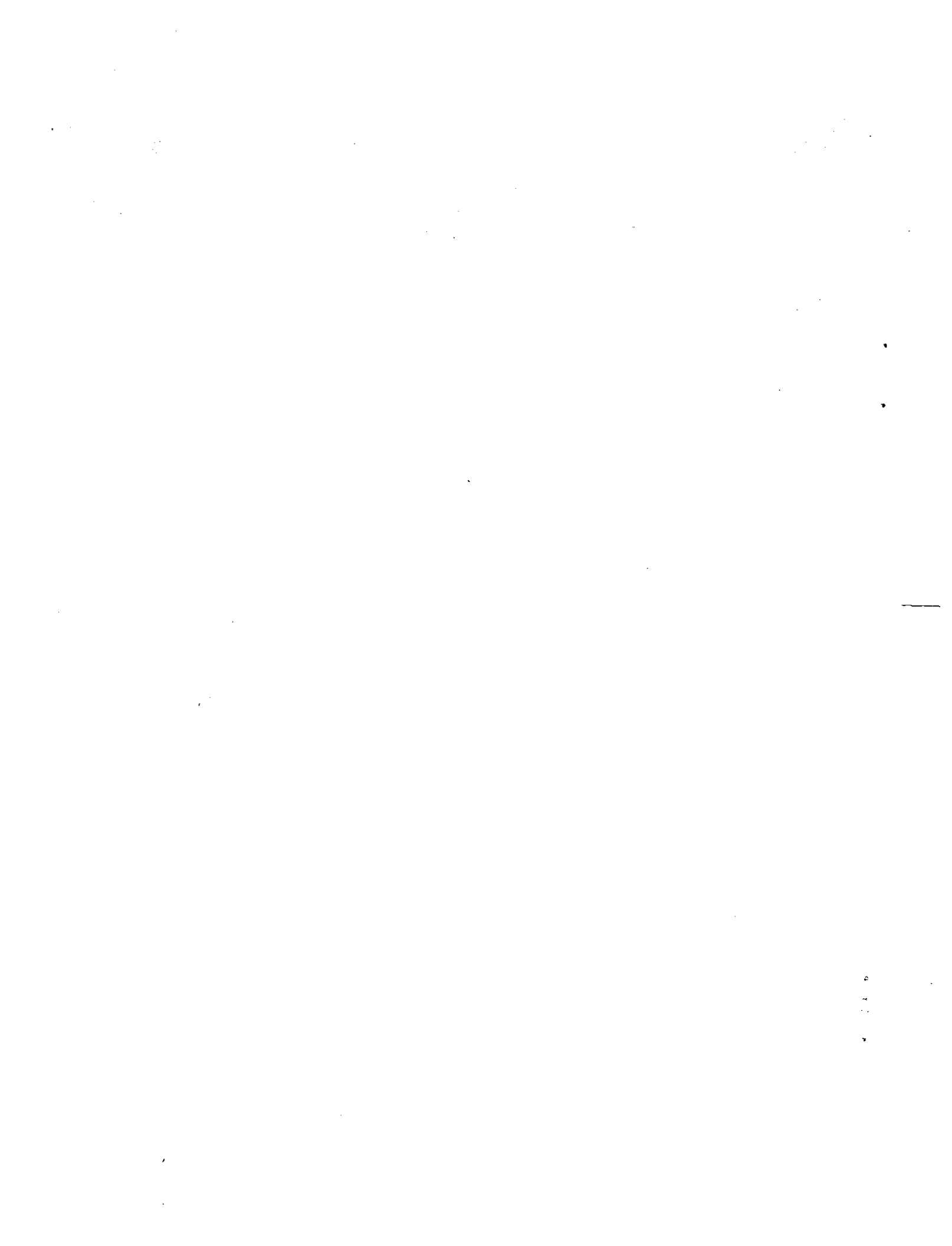
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## **PREFACE**

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. This resolution required the Legislative Council to prepare a handbook of information as a convenient reference guide to procedures and practices of the Colorado General Assembly, as well as the statutory and constitutional provisions relating thereto. Information that will assist individuals function as members of the General Assembly may also be included in the handbook.

The House, Senate, and Joint Rules in this handbook are current through January 22, 2010. The handbook is updated as necessary to incorporate changes from each legislative session. We welcome your suggestions for improving this publication.

**Mike Mauer**  
Director of Research  
Legislative Council Staff



**ORGANIZATION AND CONTENTS  
OF HANDBOOK**

The handbook is divided into four sections, "a" through "d." Each section is numbered individually. To find a particular section, note the small letter that is part of the page number at the bottom of each page. Section "d" — the Colorado Constitution — includes only selected portions of the constitution.

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**RULES OF THE HOUSE OF REPRESENTATIVES  
OF THE COLORADO GENERAL ASSEMBLY**

**1. Convening**

- (a) At 10 o'clock a.m. no later than the second Wednesday 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 the Speaker's 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. If more than one member has served for the same period of time, the chief clerk shall select the member to preside by random lot from among the names of the members having served for the same period. The House shall then proceed to organize as hereinafter provided for in Rule 2.
- (b) At 10 o'clock a.m. no later than the second Wednesday of January of each even-numbered year, and at such time as the General Assembly is convened in special session by the Governor, the House of Representatives shall be called to order by the Speaker, as provided for in Rule 4 hereof.

**2. Organization**

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

- (a) Election of a clerk for the time being.
- (b) Reading of the official announcement and designation of all members elected to the House of Representatives as certified by the Secretary of State.
- (c) Calling of the roll.
- (d) Consideration of and action upon the credentials of the persons entitled to membership in the House of Representatives.
- (e) Administration of the oath of office.
- (f) Election of a presiding officer, who shall be called the Speaker and who shall hold office until a 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 the Speaker's 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 the Speaker's place, to assign the reason for such decision.
  - (4) Rise to put a question, but may state it while sitting. The Speaker 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 the committee of the whole, name a chairman to preside thereover, and shall call such member 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) Except as otherwise provided in House Rule No. 25B, 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, and the Speaker shall appoint any member of the House who is not affiliated with either of the major political parties in the House to committees of reference.
  - (9) Refer each bill, and may refer any joint resolution, joint memorial, resolution, or memorial upon introduction, to the appropriate committee of reference of the House.
  - (10) Sign all bills, resolutions, and memorials passed by the General Assembly, which fact shall be entered in or appended to the journal.
  - (11) Sign all writs, warrants, and subpoenas issued by order of the House or by any committee thereof, and the same shall be attested by the chief clerk.
  - (12) Administer all oaths required in the discharge of the business of the House.

- (13) Receive all messages and communications from other departments of the government and announce them to the House.
  - (14) Represent the House, declare its will, and in all things obey its commands.
  - (15) Vote upon all questions except upon appeals from decisions made by the Speaker.
  - (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 the chair for that purpose.
  - (2) Speak as other members on general questions when some other member is called 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 or her place at the hour to which the House was last adjourned, unless the member shall have been excused by the House, or unless the member is sick and unable to attend.
- (c) The Speaker shall take the chair each day promptly at the hour to which the House stands adjourned. The Speaker 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 Speaker, or a member or student designated by the Speaker, shall lead the members in a recitation of the pledge of allegiance to the flag of the United States of America, the roll of the members shall be called, the names of those absent shall be recorded in the journal, and the Speaker shall declare the presence or absence of a quorum. The foregoing procedure shall in no event be postponed or omitted.
- (c) If a quorum be present, the journal of the preceding day or the second preceding day shall be corrected and approved, and the House shall then take up business in the following order:
  - (1) Special orders, if any, unfinished on previous legislative day.
  - (2) Reports of committees of reference.
  - (3) Reports of special committees.
  - (4) Messages from the Senate, messages from the Governor, messages from the revisor, and communications from state officers.
  - (5) Introduction of bills, first reading, by title.
  - (6) Introduction of resolutions and memorials.
  - (7) Third reading of bills.
  - (8) General orders.
  - (9) Conference committee reports – majority and minority reports.
  - (10) Consideration of resolutions and memorials.

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

- (d) When the House shall have proceeded to consideration of general orders, no other business, unless it be a special order, shall be in order until general orders shall have been disposed of, except upon the affirmative vote of a majority of all members elected.
- (e) After a bill has been returned to the House by a committee of reference for consideration by the House sitting as a committee of the whole, such bill may be made a special order for a particular day or hour. Whenever any bill shall be so made a special order for a particular day or hour and consideration thereof shall

not be completed at that sitting, such bill shall retain its place as a special order and shall be considered again as a special order immediately following approval of the journal on the next day of actual session. Whenever a special order shall be under consideration, it shall take precedence over any special order for a subsequent hour of the same day, but such subsequent special order may be taken up immediately after the previous special order shall have been disposed of.

- (f) Except as provided in subsection (b) of this rule, the House may, upon the affirmative vote of a majority of all members present, proceed out of order to any order of business or return to an order already passed, but should any business be set for consideration on a certain day and hour, it shall in no event be considered at an earlier day or hour.
- (g) Notice of recall of a bill by the Senate shall be read immediately upon receipt if such bill shall then be under consideration by the House, otherwise upon conclusion of the business then before the House, and thereafter the House shall take no action on such bill except to return it to the Senate.

## 7. Motions

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

- (9) To refer to committee.
- (10) To amend.
- (d) Subject to Rules 8, 14, and 16, such motions shall take precedence in the order named and, except for differing amendments, only one each of such motions may be entertained in the course of the disposition of the main question, unless a vote on some other motion has intervened.
- (e) No motion on a subject different from that under consideration shall be admitted under color of amendment.

### **8. Motions to Adjourn or Recess**

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

### **9. Motion to Refer**

Motions to refer shall take precedence in the following order:

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

### **10. Questions of Order**

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

### **11. Appeal**

- (a) An appeal may be taken from any decision of the Speaker, in which event the member appealing shall state the 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 Speaker 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 before addressing and being recognized by the chair, whereupon the member may proceed to address the House from the central microphone, or from his or her desk, confining his or her remarks to the purpose for which the member rose.
- (b) When two or more members shall rise at once, the Speaker shall name the one who shall speak first.
- (c) No one shall pass in front of a member who is speaking nor otherwise interfere with a member's remarks or with the ability of others to hear such remarks.
- (d) No member shall speak more than twice upon the same question without consent of the House, except the chairman of the committee of reference or the mover of the question, who may close the debate; and no member shall speak longer than ten minutes without consent of the House.

## 14. Limiting Debate

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

## 15. Questions Decided Without Debate

The following questions shall be decided without debate:

- (a) Adjournment to a day certain.
- (b) Taking a recess.
- (c) Questions relating to the priority of business.
- (d) Suspension of the rules.

- (e) Previous questions, and motions to limit or to extend the limits of, or to close debate.
- (f) Amending or reconsidering an undebatable question.
- (g) Considering the orders of the day.
- (h) Resolving into committee of the whole.
- (i) Calling the House.

### **16. Previous Question**

- (a) The previous question may be moved upon all recognized motions or amendments which are debatable; it may be moved upon a single motion or amendment pending, or upon a series of motions and amendments pending, or upon part of them.
- (b) The previous question shall be stated in this manner: "Shall the main question be now put?" and, until it be decided, it shall preclude all amendments or debate; if decided in the negative, the main question shall be considered as still remaining under debate, but if decided in the affirmative by a majority vote of all members elected, it shall put an end to all debate and bring the House to a direct vote upon all motions and amendments involved, in the inverse order in which they were offered.
- (c) When a motion for the previous question has prevailed, it shall not be in order to move for a call of the House until the main question has been decided. However, if the main question is not decided because the vote thereon indicates that a quorum is no longer present, it shall be in order to move for a call of the House.

### **17. Secret Session**

- (a) When in the opinion of any member, the business before the House requires that the discussion thereof be carried on in secret, such member may move that the House proceed in executive session, and when such motion shall have been adopted by the affirmative vote of a majority of all members elected, the Speaker shall direct all persons in the House chamber, except members, the chief clerk, and the sergeant-at-arms, to withdraw and the doors of the House chamber to be closed and to remain closed until such executive session shall have been completed; and every member and officer shall keep secret all such proceedings, matters, and things whereof secrecy shall be enjoined by order of the House, and for divulging the same before the order of secrecy shall be revoked by the House, they shall be subject to expulsion or dismissal, as the case may be.

## 18. Absence

- (a) No member shall be absent from a session of the House unless the member is sick and unable to attend, or unless the member has 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 to take the member into custody and bring the member 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 the member.
- (b) When roll is called at the beginning of a legislative day, the chief clerk shall make a note in the journal when a member has been excused for the day to attend to other legislative duties. In addition, the chief clerk shall make a similar note in the journal when a member is present for the beginning roll call but is subsequently excused to attend to other legislative duties and a recorded vote is taken.

## 19. Call of the House

- (a) Ten members may require a call of the House and cause absent members to be sent for, but a call of the House shall not be moved after voting shall have commenced.
- (b) Whenever a call of the House is properly sustained, the Speaker shall order the doors of the House chamber to be closed, and no member shall be permitted to leave the House chamber until the call shall be lifted.
- (c) The Speaker shall direct the chief clerk to call the roll and note the names of those absent; the names of the absentees shall again be called, and those members who shall not have been excused, or whose excuse is insufficient, shall be sent for and taken into custody by the sergeant-at-arms, or the sergeant-at-arms' assistants, and brought before the chair, where they shall be reprimanded by the Speaker for neglect of duty, and fined, respectively, at least the amount of the expenses incurred in their apprehension and return.
- (d) Notwithstanding a call of the House, a motion to adjourn or to take a recess may be made at any time pursuant to Rule 8.

## 20. Voting

- (a) Voting shall be by ayes and noes, and the names of those voting for and against entered in the journal, in the following instances:
  - (1) Upon all bills and concurrent resolutions upon third reading and final passage.



- (2) Upon concurrence by the House in amendments made by the Senate to House bills.
- (3) Upon the adoption of conference committee reports.
- (4) Upon adoption or amendment to a report of the committee of the whole.
- (b) All other votes shall be taken viva voce, but any member shall have the right to demand the ayes and noes upon any question before the decision shall be announced by the chair.
- (b.5) A member shall not be compelled by a majority of a political caucus to cast a vote for or against any legislative measure.
- (c) No member or other person or persons shall visit with the chief clerk or remain by the chief clerk's 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 close 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 or her vote until the machine has been ordered closed by the presiding officer. It shall be the responsibility of each member to determine the accuracy of his or her vote as registered opposite his or her name on the electric roll call board. Except as otherwise provided in House Rule 18 (b), votes of absent or excused members shall be recorded only as absent or excused.
- (f) No member shall cast the vote of any other member, nor shall any other person cast the vote of a member. In addition to such penalties as may be prescribed by law, any member casting or attempting to cast the vote of a member may be punished in such manner as the House may determine.

## **21. When Members Shall Vote – Personal Interest – Changing Vote**

- (a) Every member who shall be within the House chamber when a question shall be stated from the chair shall vote thereon, unless the member is directly interested in the question or shall have been excused from voting by the House; but, when a vote is taken without the use of the electric roll call system, no member shall be obliged to vote upon any question unless the member is within the House chamber when his or her name is 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 the reasons therefor, 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) When a vote is taken without the use of the electric roll call system, a member shall be allowed to change his or her 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 a 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) Upon the objection of a member, or upon the Speaker's own initiative, a member who has transgressed the rules of the House, in speaking or otherwise, may be called to order by the Speaker; whereupon the member, subject to the right to appeal a decision of the chair, shall immediately sit quietly in his or her place.
- (d) When speaking or debating before the House, a member shall confine his or her remarks to the question under discussion or debate, avoiding personalities.
- (e) When the General Assembly is in session, members and such employees as authorized by the chief clerk shall be the only persons to use the center aisle of the House chambers, the aisles between the member's desks, and the well of the House chambers immediately in front of the House front desk. The center aisle

of the House chambers may also be used during joint sessions by Senators and by such guests as may be authorized by the Speaker.

- (f) Members shall be the only persons to use the chairs provided for use of the members in the House chambers. However, a member may authorize a Senator to use his or her chair during joint sessions or an immediate family member to use his or her chair during special ceremonies.
- (g) Whenever the House is conducting business in the House chambers, gentlemen members shall be required to wear a suit coat or sport coat. The requirement to wear a suit coat or sport coat may be suspended by the Chair when the House is sitting as a committee of the whole or by the Speaker when the Speaker deems suspension appropriate. The majority party leader shall develop guidelines for proper dress for members and staff attending to legislative business in the House chambers and assure that such guidelines are communicated to the members and staff.
- (h)
  - (1) Introduction of visitors or guests in the House gallery shall be limited to school classes and school groups.
  - (2) Introduction of guests on the floor of the House shall be limited to the immediate families of members, former members of the House, present or former elected state officials, city and county officials, members of Congress, elected officials of other states or the United States, and foreign dignitaries. In addition, a member of the House may introduce and recognize:
    - (A) Any individual who is serving or who has previously served in the military;
    - (B) The family members of an individual who died in combat while serving in the military or who died while serving in a law enforcement or firefighting capacity and who is the subject of a House tribute or a House or Senate joint memorial tribute;
    - (C) Any individual who has been recognized statewide for a significant accomplishment or achievement; or
    - (D) The members of an academic or athletic group or organization who have achieved a significant goal such as winning a league, state, or national title, competition, or championship.
  - (3) No introductions shall be made during deliberations by the committee of the whole or when the House is engaged in third reading of bills.

## 24. Protest

- (a) Any member shall have the right to protest any action of the House, stating the reasons therefor, and having obtained consent of the House and reduced the reasons to writing, the member 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 and Human Services.
  - (7) Repealed, House Resolution 05-1002, January 12, 2005.
  - (8) Judiciary.
  - (9) Local Government.
  - (10) State, Veterans, and Military Affairs.
  - (11) Transportation and Energy.
- (a.1) The Committee on Legal Services shall be considered a committee of reference for any bill introduced pursuant to section 24-4-103 (8) (d), Colorado Revised Statutes.
- (a.3) On and after January 8, 2003, any reference in these Rules, the Joint Rules of the Senate and House of Representatives, or in the Colorado Revised Statutes, to the Civil Justice and Judiciary Committee or to the Criminal Justice Committee shall be deemed to refer to the Judiciary Committee.
- (b) Other permanent committees of the House shall be:
  - (1) Repealed 1989 Session.
  - (2) House Services.
- (c) The members of 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 such committees shall remain constituted until the first regular session of the General Assembly convening after

the next ensuing general election. Every member of the House of Representatives, except the Speaker, the majority leader, and the minority leader of the House of Representatives, shall be appointed to at least one of such committees.

- (d) From the members appointed to each committee specified in (a) and (b) above, the Speaker shall designate the chairman and 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.
- (g) All other committees shall consist of not less than nine 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 Speaker 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.

- (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 canceled, the chairman shall announce such cancellation while the House is in actual session prior to the time the meeting is scheduled to take place.
- (D) The chairman of each committee of reference shall determine the order of business for each committee meeting, including the measures that will be considered at each meeting, and shall announce on the floor of the House the measures that are to be considered. However, at least seven days after a measure has been delivered to the chairman, two-thirds of all members appointed to the committee may petition the chairman in writing that a specific measure be considered, such petition to be submitted at a regularly scheduled committee meeting. Upon receipt of the petition, the chairman shall announce such fact to the committee and shall have the petitioned measure listed on the subsequent daily calendar for consideration by the committee, such consideration to be no later than seven days after receipt of the petition.
- (E) **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 the chairman 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 House, consideration on the merits shall be consideration of the measure's fiscal impact; but the chairman may, in his or her 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.** 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 chairman 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 measure shall be deemed to be still pending before the committee for action.
- (H) **Protection of committee deliberations - disruptions.** In accordance with section 2-2-404, Colorado Revised Statutes, when conducting a legislative hearing or meeting, the chairman of a committee of reference may request that a sergeant-at-arms remove any person who is violating the provisions of section 18-9-110, Colorado Revised Statutes, or who otherwise impedes, disrupts, or hinders the proceeding or endangers any member, officer, or employee of the General Assembly or any member of the public.
- (1.5) The chairman of a committee of reference may delegate any duty or responsibility provided for in this subsection (j) to the vice-chairman of the committee.
- (2) Proxies, either written or oral, shall not be permitted for any purpose.
- (2.5) Repealed, January 15, 2001, HR 01-1006.

- (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. For committees that meet on Wednesday or Thursday, the chairman shall have two legislative days in which the general assembly is in actual session to make such a report rather than three legislative days. However, during the last three days of a legislative session, the chairman of the committee shall make any committee of reference report as soon as possible. Final action shall consist of reporting a measure out of committee, with or without amendments, for consideration by the committee of the whole, a recommendation for reference to another committee of reference, or postponing the measure indefinitely. A motion to postpone consideration of a measure for more than 30 days or until a date beyond the date for adjournment sine die of the legislative session shall be considered a motion to postpone indefinitely. In addition, a measure shall be considered postponed indefinitely when there has been a tie vote on a motion that would constitute final action and the applicable deadline for House committees of reference to report bills has passed without action by the House Committee on Delayed Bills to extend the deadline for the measure. The chairman shall make a report to the chief clerk of the House indicating that any such measure is deemed postponed indefinitely. Following the date of the applicable committee deadline, the chairman shall have three legislative days in which the general assembly is in actual session to submit such report.
- (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, the chairman shall be responsible for the safekeeping of the measure, but the chairman 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 or she has an immediate personal or financial interest in the proposed measure, but he or she shall not vote twice, as in the case to make a tie and then to cast the deciding vote. Every other member shall vote on each measure coming before the committee except proposals in which the member has an immediate personal or financial interest.
- (7) If a member of a committee of reference is absent from three consecutive scheduled committee meetings without being excused, the committee chairman shall report such fact to the floor leader of the party to which the member belongs.



- (8) A recommendation of any committee of reference to amend a measure shall not become an integral part of the measure in question until adopted by the committee of the whole.
- (9) Roll call votes shall be taken and recorded in each committee on final action and on proposed amendments to which one or more committee members have voiced objection. 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. Education. Health and Human Services.
2	Agriculture, Livestock, and Natural Resources. Finance. Judiciary.
3	Local Government. State, Veterans, and Military Affairs. 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) Reconsideration in a committee of reference shall be governed by the provisions of Rule 35 (e) and (f).

**25A. Electronic Participation in Committees of Reference**

Members of the House of Representatives shall not be permitted to participate in any meeting of a committee of reference through telephone or other electronic connection.

## 25B. House Select Committees

- (a) The Speaker may create a House Select Committee to review a single specified subject matter area or issue during a regular session. The Speaker shall determine the scope and duration of a House Select Committee. However, no more than two House Select Committees shall be created during any given regular session; no House Select Committee shall continue to operate after the end of the regular session during which the House Select Committee was created; and no House Select Committee shall act as a committee of reference.
- (b) A House Select Committee shall consist of three or five members in the sole discretion of the Speaker. If a House Select Committee consists of three members, the Speaker shall appoint two members and the minority leader shall appoint one member. If a House Select Committee consists of five members, the Speaker shall appoint three members and the minority leader shall appoint two members. Of the members so appointed, the Speaker shall designate a chair and vice-chair.
- (c) Any member of a House Select Committee may sponsor legislation recommended for introduction during the regular session by the House Select Committee. A member of a House Select Committee may seek authorization from the House Committee on Delayed Bills for such legislation.
- (d) The legislative service agencies shall assist any House Select Committee in carrying out its duties.

## 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:
    - (A) The transaction of the business of both the House and the Senate; or
    - (B) The establishment of committees comprised of members of both houses; or
    - (C) The recognition of any individual member of the armed forces of this country who has died while serving in the armed forces or any individual member of any police, sheriff, or fire department who has died while performing duties for the department; or

- (D) Those matters which shall express the will of both houses on any matter not mentioned in Rule 26A.
- (3) House resolutions, which shall relate to matters specified in subparagraph (C) of paragraph (2) of this subsection (a) and which shall relate solely to matters not mentioned in Rule 26A concerning the House.
- (4) House memorials or House joint memorials, which shall express sentiment on the death of any person or persons who served as members of the General Assembly.
- (b) House concurrent resolutions as well as Senate concurrent resolutions shall be treated in all respects as bills, and all provisions of these rules applying to bills shall apply to concurrent resolutions, except that the affirmative vote of two-thirds of all members elected shall be required for adoption of House and Senate concurrent resolutions upon third reading and final passage.
- (c) House resolutions, House joint resolutions, House memorials, and House joint memorials, upon introduction shall be read by title only 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 by title only. 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.
- (f) At the discretion of the Speaker, any former member of the House may be admitted to the floor of the House chamber in order to address the members of the House regarding a house memorial, house joint memorial, or senate joint memorial expressing sentiment on the death of any person who served as a member of the House. Prior to the commencement of an address by a former member concerning a house memorial, house joint memorial, or senate joint memorial, the House shall recess for the purpose of hearing the address.
- (g) A member of the House may not introduce more than two House concurrent resolutions and a combination of two House joint resolutions and House resolutions during any regular or special session unless permission to introduce the resolution is given by the House Committee on Delayed Bills. A joint

resolution or resolution must be introduced prior to the last twenty legislative days as required in Joint Rule No. 23 (g). This provision shall not apply to a House joint resolution or House resolution pertaining to the close of the session or to the conduct of legislative business.

## 26A. Tributes

- (a) Tributes are nonlegislative actions that do not require introduction, calendaring, or floor action. While the House is in session, no member shall present on the floor of the House any House tribute or any House or Senate joint memorial tribute; except that a member may present on the floor of the House a House tribute or a House or Senate joint memorial tribute regarding an individual who died in combat while serving in the military or who died while serving in a law enforcement or firefighting capacity.
- (b) Tributes issued by the chief clerk of the House shall be of the following classes:
  - (1) House joint tributes or House tributes, which shall:
    - (A) Offer congratulations for significant public achievement;
    - (B) Recognize meritorious individual achievement;
    - (C) Express appreciation for service to the state or the General Assembly;
    - (C.5) Except as otherwise provided in House Rule 26 (a) (2) (C), recognize an individual's service in the military;
    - (D) Extend greetings to prominent visitors to the state;
    - (E) Recognize or commemorate any individual, organization, or group for a significant event or accomplishment;
    - (F) Congratulate the members of any academic or athletic organization for achieving a specific historical, scientific, educational, or athletic goal, such as winning a league, state, or national title, competition, or championship;
    - (G) Designate a specified day for observing any of the achievements, events, service, or accomplishments set forth in this rule.
  - (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, 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. At the time of introduction of a bill, resolution, or memorial, the chief clerk of the House shall be furnished with the original thereof.
- (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.

### **27A. Sponsorship of Bills**

- (a) A bill may be introduced in the House by a prime sponsor who is a member of the House. The prime sponsor in the House shall designate a prime sponsor in the Senate by making such a designation prior to the introduction of a bill or, in accordance with Joint Rule 24 (a.5), prior to the third reading of a bill in the House.
- (b) A prime sponsor in the House may also elect to designate one other member of the House to act as a joint prime sponsor in the House and one other member of the Senate to act as a joint prime sponsor in the Senate. Designation of a joint prime sponsor shall be in accordance with the following:

- (1) The prime sponsor shall designate the joint prime House sponsor prior to the introduction of a bill. The prime sponsor may also designate the joint prime Senate sponsor prior to the introduction of a bill.
  - (2) On the first page of a bill, the name of any member who is designated to be the joint prime sponsor shall follow the name of the prime sponsor joined by the word "and". The names of any co-sponsors shall immediately follow the names of the prime sponsor and the joint prime sponsor, if any.
  - (3) For purposes of any limitations on the number of bills that a member may request or introduce, bills with joint prime sponsors shall be counted as being requested and sponsored by both the prime sponsor and the joint prime sponsor. If either the prime sponsor or the joint prime sponsor has already requested or introduced the total number of bills authorized within any bill limitation, such sponsor shall obtain permission from the delayed bill committee to exceed such limits prior to requesting or introducing such a bill.
  - (4) Both a prime sponsor and a joint prime sponsor are responsible for the handling or processing of a bill in the legislative process. Either such sponsor may present a bill in committee or on the floor and may request and offer, when appropriate, amendments to the bill. If any rule or procedure requires notice, filing, or other communication with a sponsor of a bill, such rule or procedure shall be deemed to be complied with by providing the notice, filing, or communication to either the prime sponsor or the joint prime sponsor. For purposes of tracking a bill in the legislative process, the name of the prime sponsor may be used without the name of the joint prime sponsor.
- (c) Additional sponsors may be added to a bill prior to introduction of the bill in the House. Co-sponsors may be added to a House bill or a Senate bill immediately following adoption of the bill on third reading or on final passage.
- (d) Prior to the introduction of a bill in the House:
- (1) The designation by a House prime sponsor of a prime sponsor in the Senate or of a joint prime sponsor in the House or in the Senate shall be subject to the approval of the member being designated; and
  - (2) The designation of any additional sponsors shall be subject to the approval of the House prime sponsor of the bill and the approval of any additional sponsor who is being added.
- (e) When a prime sponsor of a bill that is pending in the House is unable to continue to sponsor the bill because of resignation, serious illness or other incapacity, or death, and there is no joint prime sponsor, the Speaker may designate a substitute prime sponsor. Similarly, in the case of a bill with a prime sponsor and a joint prime sponsor, when both sponsors are unable to continue to sponsor a bill because of resignation, serious illness or other incapacity, or death, the

Speaker may designate a substitute prime sponsor and, in the Speaker's discretion, a substitute joint prime sponsor. Prior to making any such substitution, the Speaker shall consult with any member listed on the bill as a prime sponsor in the Senate. The Speaker shall announce the substitution of any such sponsors to the members of the House during regular business.

- (f) In a case where an introduced House bill identifies a Senate prime sponsor and that sponsor becomes unable to continue to act as a sponsor because of resignation, serious illness or other incapacity, or death, or in the case of a bill with a Senate prime sponsor and a Senate joint prime sponsor, when both such sponsors are unable to continue to sponsor a bill because of resignation, serious illness or other incapacity, or death, the prime sponsor in the House may add the name of a substitute Senate prime sponsor or the names of a substitute Senate prime sponsor and a substitute Senate joint prime sponsor prior to third reading of the bill in the House. The House prime sponsor shall notify the chief clerk of the House in writing of any such change of sponsorship in the Senate and the chief clerk shall order that the change of the Senate sponsorship appear in the reengrossed bill.

## **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, 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 actual session on the third calendar day following deposit of the bill with the chief clerk. The Speaker may refer the bill to two separate committees of reference in succession if in the Speaker's 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 the receipt therefor.
- (f) Consideration of the bill upon its merits by the committee, and the committee after such consideration shall recommend either that:
  - (1) The bill lay on the table.
  - (2) The bill be favorably recommended for consideration by the House sitting as a committee of the whole.
  - (3) The bill be amended and, as amended, be favorably recommended for consideration by the House sitting as a committee of the whole.
  - (4) Consideration of the bill be indefinitely postponed.
  - (5) The bill be referred to another committee of reference.
- (g)
  - (1) If the bill be favorably recommended as provided for in 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.
  - (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 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.
- (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 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.

- (e) During the third reading of bills, members shall not use any electronic devices for the purpose of transmitting or receiving voice or data communications, including but not limited to electronic mail and text messaging.

### 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 seventeen 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, prior to consideration of the bill on second reading or was delivered as part of a packet of all amendments prepared by the staff of the Joint Budget Committee 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 of second reading or shall deliver a copy of the packet of amendments to all members prior to consideration of the bill on 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.
- (b.5) An amendment offered on second or third reading or on consideration of the report of the committee of the whole to the annual general appropriation bill for the upcoming fiscal year or to the annual general appropriation act for the current fiscal year that increases the amount of any appropriation from a general fund, general fund exempt, cash funds, cash funds exempt, capital construction fund, or capital construction fund exempt column shall not be in order unless the amount identifies the source or sources of the entire amount of the increase. The part of an amendment that increases the amount of any appropriation shall not be severable from the part that identifies the source or sources of the entire amount of the increase. Such sources may be specified reserves, specified reductions in the amount of other appropriations in the same column, or a specified combination of such reserves and reductions.
- (b.7) An amendment offered on second or third reading to the annual general appropriation bill for the upcoming fiscal year or to the annual general appropriation act for the current fiscal year shall not be in order if the effect of the amendment would be to cause or allow a violation of:
  - (1) Any limit on state fiscal year spending contained in section 20 of article X of the state constitution; or

(2) Any limitation on state general fund appropriations contained in section 24-75-201.1, Colorado Revised Statutes.

(c) Repealed 1993 Session.

### **34. Action Final**

(a) When any bill, resolution, memorial, amendment, report, order, or other matter shall have been finally acted upon by the House or by the committee of the whole, either by having been adopted or rejected, no further action may be had thereon in the same body that will have the effect of defeating or resurrecting the same, except as provided for hereinafter in Rule 35. For the purpose of this rule, each committee of the whole shall be considered a separate body. Nothing herein shall prevent the introduction of a new bill on the same subject.

### **35. Reconsideration**

(a) After a question has been decided by the House, any member recorded as having voted on the prevailing side may, at any time before adjournment of the current legislative day, move to reconsider or may give notice of intention to move to reconsider. Notice having been given, such member may move to reconsider on the same day or before 12 o'clock noon of the next day of actual session, but after the adoption of a resolution fixing the time for adjournment sine die, any member may so move.

(b) A motion to reconsider shall require the affirmative vote of two-thirds of the members elected to be adopted, and if such motion be defeated, no further motion to reconsider shall be in order; but during the last two days of a session, such a motion shall require only a majority vote of those elected to the House, and reconsideration may be had concerning any bill acted on during the previous two days.

(c) Notice of intention to move to reconsider any bill, resolution, or memorial having been given, the chief clerk shall retain such bill, resolution, or memorial in the possession of the House until such time as a motion to reconsider shall have been made and acted upon, or until the time for making such motion shall have expired; and should such bill, resolution, or memorial have been transmitted to the Senate or to the Governor, such notice shall constitute a mandate upon the chief clerk to request its return to the House, unless said bill, resolution, or memorial has already been introduced in the Senate.

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

(e) After a question has been decided by a committee of reference, any member having voted on the prevailing side may move to reconsider. A motion to

reconsider shall require the affirmative vote of two-thirds of the members of the committee and no further motion to reconsider in the committee shall be in order; but during the last two days of a session, such a motion shall require only a majority of the members of the committee. Such a motion may be made at the meeting at which the decision was made by the committee or at the next meeting of the committee. However, such a motion may not be made if a committee report regarding the decision of the committee has already been signed by the chairman of the committee and delivered to the chief clerk. Notice of intention to move to reconsider a question decided by a committee shall not apply.

- (f) When there has been a tie vote on a question decided by the House for purposes of the making of a motion to reconsider, a member who voted "no" shall be deemed to have voted on the prevailing side. In a committee of reference, a tie vote on a motion that would constitute final action on a bill does not decide the question. Such a bill remains in the committee and subject to any further motions.

### 36. Disagreement

- (a) No amendment made by the Senate to a House bill shall be concurred in by the House except by a vote of a majority of members elected, taken by ayes and noes and the names of those voting for and against entered in the journal.
- (b) In case of a disagreement between the House and the Senate, the House may either adhere to its position, recede from its position and concur with the position of the Senate, or request a conference on the matter at issue.
- (c) The House may recede from any matter of difference existing between it and the Senate at any time prior to consideration of a conference committee report by either the House or the Senate, or after rejection of the conference committee report by the Senate, not later than the next day of actual session following the rejection of the report.
- (d) In the event the House shall vote to request a conference, the Speaker shall appoint a committee of three members to represent the House. No vote on concurring in any amendment made by the Senate to a House bill or on the adoption of a report of a conference committee shall be taken until such amendment or report shall have been placed on the desk of each member, and particularly referred to in the calendar, but this rule may be suspended during the last three days of session. In addition:
  - (1) No vote on concurring in any amendment made by the Senate to a House bill shall be taken unless notice of such action shall have been referred to in a calendar that has been printed and distributed at least twenty-four hours before such vote.

- (2) The provisions of paragraph (1) of this subsection (d) shall be suspended during the last three days of any regular session and during any special session.
- (3) The provisions of paragraph (1) of this subsection (d) shall be suspended upon the nondebatable announcement of the majority leader that the vote on concurring in any amendment made to a House bill by the Senate should occur in less than twenty-four hours because of an emergency, an impending deadline, or the need to comply with any state or federal requirement, or in order to address a stated public policy issue.

### **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.
- (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 news media.
- (d) Former members of the House or Senate or former members of the House who are to address the members of the House pursuant to Rule 26 (f) regarding a house memorial, house joint memorial, or senate joint memorial expressing sentiment on the death of any person who served as a member of the House.
- (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 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.
  - (3) Unless the lobbyist or member of the Governor's staff is a former member of the House who has been admitted pursuant to Rule 38 (d).
- (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 or her name, address, and the interest or interests he or she represents, and also the bill or bills upon which he or she desires to be heard. The chief clerk shall thereupon issue a card to said person, which card shall permit said person to appear before the committee or committees to which said bill or bills have been referred.
- (c) At any meeting of any committee of the House, the chairman thereof, or a majority of the committee, may permit any interested person to address the committee upon said person's stating to the chairman his or her name and address and the subject upon which said person 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 or her discretion may prohibit distribution of any material whatsoever.

#### **42. Messages**

- (a) Messages from the House shall be sent by the chief clerk or the chief clerk's 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.
- (a.5) The chief clerk of the House shall be selected without reference to party affiliation and solely on the basis of ability to perform the duties of the position.
- (b) The chief clerk 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, resolutions, joint resolutions, memorials, and 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 the chief clerk shall attest to the fact that bills returned from the printer have been correctly printed.
  - (10) Such other matters as the House may direct.
- (c) The chief clerk 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) The chief clerk shall cause any Senate bill 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) The chief clerk shall prepare a list of all bills and concurrent resolutions arranged as general or special orders.
  - (g) The chief clerk 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) The chief clerk shall cause the lists hereinabove specified, together with such other matters as the House may direct, to be posted on a bulletin board, and also printed and laid upon the desks of the members, and such shall constitute the calendar.
  - (i) The chief clerk 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) The chief clerk shall guard all documents and records of the House and shall permit no bill or record of any nature to be taken from the chief clerk's desk or out of the chief clerk's custody, except in the regular course of business of the House, and the chief clerk 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) The chief clerk shall take a receipt for every document which may pass from the chief clerk's custody in the regular course of the business of the House, and between the House and Senate, and shall keep record thereof; and if any bill or other record in the chief clerk's custody is missing, the chief clerk 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 the chief clerk's direction, and shall perform such duties as the chief clerk may from time to time assign to them.
- (m) All officers and employees of the House under the chief clerk's direction shall be selected without reference to party affiliation and solely on the basis of ability to perform the duties of their positions.
- (n) In the event of the death, resignation, disability, or absence from the state of the chief clerk, the assistant chief clerk, as acting chief clerk, shall exercise all the powers and duties of the chief clerk until a new chief clerk is selected or until the disability or absence from the state of the chief clerk is removed, whichever shall occur first. If the assistant chief clerk is unable to serve as an acting chief clerk, the speaker of the House shall appoint a new acting chief clerk, who shall exercise all the powers and duties of the chief clerk until a new chief clerk is selected or until the disability or absence from the state of the chief clerk is removed, whichever shall occur first. Appointments to such position shall be made without reference to party affiliation and solely on the basis of ability to perform the duties of the position.

#### **44. Other Officers and Employees**

- (a) The sergeant-at-arms shall attend the House during its sittings, shall maintain order in the House chamber and the approaches thereto at all times, under the direction of the clerk pending the election of the Speaker, and under direction of the Speaker thereafter, and shall at all times execute the commands of the House and all processes issued by its authority, as directed to the sergeant-at-arms by the Speaker.
- (b) The sergeant-at-arms shall supervise the assistant sergeants-at-arms in the performance of their duties.

- (b.5) The sergeant-at-arms and the assistant sergeants-at-arms shall be selected without reference to party affiliation and solely on the basis of ability to perform the duties of their positions.
- (c) The chaplain shall be present each day at the hour to which the House stands adjourned and, preceding the call to order, the chaplain 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 or her 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 or her 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 prefile 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 prefiled for introduction in order to facilitate the business of the pending session of the General Assembly.

#### **45A. Acting Speaker – Succession**

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

#### **46. Matters Not Covered by Rules**

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

#### **47. Amendment of Rules**

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

#### **48. Code of Ethics**

Repealed 1977 Session

#### **49. Committee on Ethics**

- (a) Any person who has knowledge 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, may file a written, signed complaint with the Speaker setting forth the facts that constitute the alleged misconduct and specifying the statutes, rules, constitutional provisions, or other ethical principles alleged to have been violated. The Speaker shall provide the member complained against with a copy of the complaint. The Speaker shall consult with the majority leader and the minority leader about the complaint. If at least two of the three leaders conclude that the complaint does not state an ethical violation, the complaint shall be dismissed, and the complainant and the member complained against shall be so notified.
- (b) If the complaint is not dismissed pursuant to subsection (a) of this rule, 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 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.
- (c) The person complained against may submit a written answer to the committee within ten days after appointment of the committee. The committee shall make

a preliminary investigation of the complaint. The preliminary investigation shall consist of an examination of the complaint, the answer, if any, and any other evidence compiled pursuant to the request of the committee, but the committee shall not receive testimony or other evidence from other sources. The preliminary investigation shall be completed within thirty days after appointment of the committee. If, after the preliminary investigation, the committee determines no violation has occurred, the complaint shall be dismissed.

- (d) If, after the preliminary investigation, the committee determines probable cause exists to find that a violation may have occurred, it shall so notify the person complained against. Within seven days after such notification, such person may request a hearing before the committee, at which he or she 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. The hearing shall commence within fourteen days after receipt of the request for a hearing.
- (e) 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.
- (f) After a hearing held pursuant to subsection (d) of this rule, the committee may dismiss the complaint, or, if it finds that action should be taken against the member complained against, it shall make appropriate recommendations to the House of Representatives, including 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.
- (g) Action of the leadership, the ethics committee, or the House pursuant to this rule is final and not subject to court review. Nothing in this rule shall prohibit the House of Representatives from taking any action based upon its authority to judge the qualifications of its members pursuant to Section 10 of Article V of the state Constitution.
- (h) 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 (h) shall be approved by the Speaker and paid by vouchers and warrants drawn as provided by law from appropriations made to the General Assembly.
- (i) 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.
- (j) If the complaint concerns misconduct of the Speaker, then the duties of the Speaker in this rule shall be the duties of the majority floor leader and the duties of the majority floor leader shall be the duties of the assistant majority leader. If

the complaint concerns misconduct of the majority floor leader or the minority leader, then the duties of such leader in this rule shall be the duties of the assistant majority leader or the assistant minority leader, as the case may be.

#### **50. Review of Certain Bills by the Capital Development Committee**

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

#### **51. Control of Smoking**

- (a) Smoking is prohibited in the House chambers, rooms adjoining the House chambers, House lounge, House rest rooms, House gallery, House committee rooms, lobbies adjacent to such committee rooms, and all areas that provide immediate access to such chambers, adjoining rooms, lounge, rest rooms, gallery, porch area, committee rooms, and lobbies. When the House is not in session or in a recess, smoking is permitted in the porch area.
- (b) As used in this rule, "smoking" includes the carrying of a lighted pipe, lighted cigar, or lighted cigarette of any kind and includes the lighting of a pipe, cigar, or cigarette of any kind.

**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) Unless otherwise ordered, the regular hour of meeting of the Senate shall be 10 o'clock a.m. on Mondays, and 9 o'clock a.m. on other days. The hour of adjournment shall be as ordered.
- (b) The President of the Senate, or in the President's 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, shall lead or designate another Senator to lead the members in a recitation of the pledge of allegiance to the flag of the United States of America, 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 shall continue to preside, with all the powers, privileges, and duties of the President, until the President or President pro tempore shall appear.

**2. Quorum**

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

**3. Order of Business**

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



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

#### **4. Special Orders**

- (a) No bill or bills, or any other measure which takes the same course as a bill, may be made a special order unless approved by the affirmative vote of two-thirds of all members elected. In discussion of a motion to make a special order, no Senator shall speak more than once, nor longer than ten minutes, and a vote shall thereafter immediately be taken. Whenever any bill or other measure is made a special order for a particular day and hour, and the consideration thereof shall not be completed at that sitting, it shall retain its place as a special order and be considered immediately following the reading and approval of the journal on the next succeeding day of actual session. When a special order is under consideration, it shall take precedence over any special order for a subsequent hour of the same day, but such subsequent special order may be taken up immediately after the previous special order has been disposed of.

#### **5. Motions and Amendments**

- (a) No second shall be required of any motion presented to the Senate. When a motion is made it shall be stated by the President, or, being in writing, shall be handed to the secretary and read aloud before debate. A motion shall be reduced to writing if the President or any Senator so requests.
- (b) Any motion or resolution except a concurrent resolution may be withdrawn or modified by the mover at any time before a decision, amendment, or ordering

of the ayes and noes, except a motion to reconsider, which shall not be withdrawn except by a majority vote of all members elected.

- (c) When a question is under debate, the President shall receive no motion except:
- (1) To adjourn.
  - (2) To take a recess.
  - (3) To question the presence of a quorum or request a call of the Senate.
  - (4) To strike the enacting or resolving clause.
  - (5) To lay on the table.
  - (6) For the previous question.
  - (7) To close debate at a specified time.
  - (8) To postpone to a day certain.
  - (9) To commit.
  - (10) To amend.
  - (11) To postpone indefinitely.

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

- (d) No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.
- (e) A motion to postpone to a day certain, or indefinitely, being decided, shall not again be allowed at the same stage of the bill or proposition; and if a bill or proposition be set for consideration on a certain day, it shall not be considered at an earlier day.
- (f) No person other than a Senator shall present any petition, memorial, or address while the Senate is in session.
- (g) All so-called substitute motions and resolutions shall be considered as amendments only, and shall be subject to the rules relating thereto, except such matters as may be reported by committee.
- (h) All amendments to bills, resolutions, and memorials, to reports of the committee of the whole, or to reports of committees of reference, must be typed on appropriate amendment forms and presented to the secretary, who shall number such amendments as received, and when presented in this manner

each such amendment shall be deemed to be pending and shall be considered in the order received. Each amendment should be checked for technical errors by the sponsor of the amendment before it is presented to the secretary.

### **6. Questions of Order – Appeal**

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

### **7. Motion to Adjourn or Recess**

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

### **8. Division of Question**

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

### **9. Debate**

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

- (5) Suspension of the rules.
  - (6) Objection to the consideration of a question.
  - (7) Previous question, and motions to close, limit, or extend the limits of debate.
  - (8) Amend or reconsider an undebatable motion.
  - (9) Dispense with reading of the journal.
- (b) The previous question shall be stated in this form: "Shall the main question be now put?" and, until it is decided, shall preclude all amendments or debate. When it is decided that the main question shall not be put, the main question shall be considered as still remaining under debate. When, by the affirmative vote of a majority of all members elected, it is decided that the main question shall be put, it shall put an end to all debate and bring the Senate to a direct vote; first, upon all amendments reported or pending, in the inverse order in which they are offered. After the motion for the previous question has prevailed, it shall be in order to move for a call of the Senate, but it shall not be in order to move to adjourn, prior to a decision on the main question.
- (c) Upon a majority vote of the members elected, debate may be closed at any time not less than one hour after the adoption of a motion to that effect, and an hour may be fixed for a vote upon the pending measure. No other motion shall be entertained until the motion to close debate, or to fix an hour for the vote on the pending question, shall have been determined.
- (d) When considering a bill or a concurrent resolution on third reading, members shall be limited to speaking no more than twice on the same subject except for the sponsor of the bill or concurrent resolution or the mover of the question and except as otherwise provided for in Senate Rule No. 28 (b), and no member shall speak longer than ten minutes each time the member speaks.

**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 Senate Rule No. 19, Senate Rule No. 21 (a) and (b), and Senate Rule No. 22C unless otherwise ordered by the majority vote of all members elected.
  - (3) Cast a vote as any other member of the Senate.
  - (4) Administer all oaths required in the discharge of the President's duties; and issue, under the President's 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 the President desires to leave the chair for a brief period and the President pro tempore is absent, a Senator to act as temporary presiding officer, who shall be invested during such time only with the duty of presiding over the Senate and preserving order, and such appointment shall not extend beyond the return of the President pro tempore or beyond an adjournment.
- (b) At the beginning of each regular session convening after a general election and at such other times as may be necessary, the Senate shall, by a majority vote of all members elected, elect one of its members as President, and another member as President pro tempore, who shall, during the absence or inability of the President to serve, preside over the Senate and exercise and perform all the powers, privileges, and duties of the President. In addition, in the event of the death, resignation, disability, or absence from the state of the President, the President pro tempore, as acting President, shall exercise all the powers and duties of the President when the General Assembly is not in session, but the exercise of such powers and duties by the President pro tempore shall continue only until the General Assembly shall meet or until the disability or absence from the state of the President is removed, whichever shall first occur. In the event of the death, resignation, disability, or absence from the state of the President pro tempore, then the majority floor leader shall succeed to the office of acting President pro tempore.

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

### 13. Secretary and Assistant 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 office at the pleasure of the Senate. The secretary of the Senate shall be elected without reference to party affiliation and solely on the basis of ability to perform the duties of the position. In addition to other duties imposed by these rules, the secretary shall:
- (1) Have custody and care of every bill, resolution, and memorial, and other papers coming into the secretary's possession, and of all records of the Senate, none of which shall be examined or taken from the secretary's 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 the secretary's 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 the secretary's charge shall be missing, which report shall be publicly announced to the Senate.
  - (4) Keep a docket book of all bills, resolutions, and memorials introduced in the Senate or received from the House, in which shall be entered the number, title, and introducers of all such bills, resolutions, and memorials, and every action taken thereon and the date thereof, until final disposition of the same shall be made.
  - (5) Unless otherwise directed by the President, 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.

- (b) An assistant secretary of the Senate shall be appointed. Appointments to such position shall be made without reference to party affiliation and solely on the basis of ability to perform the duties of the position.
- (c) In the event of the death, resignation, disability, or absence from the state of the secretary of the Senate, the assistant secretary, as acting secretary of the Senate, shall exercise all the powers and duties of the secretary of the Senate until a new secretary of the Senate is selected or until the disability or absence from the state of the secretary of the Senate is removed, whichever shall occur first. If the assistant secretary is unable to serve as an acting secretary of the Senate, the president of the Senate shall appoint a new acting secretary of the Senate, who shall exercise all the powers and duties of the secretary of the Senate until a new secretary of the Senate is selected or until the disability or absence from the state of the secretary of the Senate is removed, whichever shall occur first. Appointments to such position shall be made without reference to party affiliation and solely on the basis of ability to perform the duties of the position.

#### **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. 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, one copy as corrected and approved, to be retained for the use of the Senate.

#### **15. Calendar**

- (a) The secretary shall prepare a calendar for each day's order of business, and unless the Senate shall otherwise direct, have the same printed and distributed to the members before the convening of the day's session. Such calendar shall include:
  - (1) All bills and concurrent resolutions which are committed to a committee of the whole Senate and which are not made the order of the day for any particular day or hour, shall be listed under the title of "general orders," in the order in which they were reported from committees.

- (2) All bills, resolutions, reports of committees, and other business of the Senate, which have, by order of the Senate, been set down for consideration at some particular day and hour, shall be listed under the title of "special orders."
  - (3) All bills and concurrent resolutions which may be upon their third reading, shall be listed under the title of "third reading of bills," in the order in which they were ordered upon third reading unless the Senate shall, by a majority vote of members elected, otherwise direct.
  - (4) Miscellaneous orders which require action of the Senate, including "consideration of resolutions and memorials," "House amendments to Senate bills," "reports of conference committees," shall each be listed under their respective titles.
- (b) The secretary shall include on the calendar any references or explanatory notes which 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, except as otherwise provided in Senate Rules No. 25A, 30 (g), and 36 (d), be placed on the calendar the second actual day of session following the day on which the committee report is read in open session to the members of 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 of the President.
- (b) Any Senator rising to speak in debate or to present any matter, shall, before proceeding, first address the President and be recognized. 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. A Senator shall confine any remarks made 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 the Senator to order, in which case the Senator shall immediately sit down, and shall not speak, except in explanation, until the question of order shall have been decided.
  - (2) If any Senator is called to order for words spoken in debate, the person calling such member to order shall repeat the words excepted to, and they shall be reduced to writing by the secretary; but no Senator shall be held to answer or be subject to censure of the Senate therefor if further debate or other business has intervened after the words spoken and before exception to them shall have been made.
- (e) Any Senator shall have the right to protest or remonstrate against any action of the Senate, and such protest or remonstrance, with the reasons therefor, if reduced to writing, shall without alteration or delay be, with the consent of the Senate, entered in the journal if the protest or remonstrance is not personal in its nature.

## 17. Voting

- (a) All votes shall be taken viva voce, except as otherwise provided in these rules. If the President is in doubt as to the result of any vote, or if a division is called for by any Senator, the Senators shall divide and those in the affirmative shall first rise and be counted, then those in the negative; and if still in doubt, the President 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.
  - (6) Upon the final passage of a resolution, memorial, joint resolution, or joint memorial.
  - (7) Upon consideration of amendments to Senate joint resolutions or Senate joint memorials made by the House of Representatives.

- (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 excused by the Senate, for special reasons, or because of a personal or private interest in the matter. A request to be excused from voting shall be determined without debate by the President. 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 reading clerk to call the names of Senators in their alphabetical order, and before the result is declared, the reading clerk 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 a vote at the time it is recorded. No Senator shall be permitted to vote, under any circumstances, after the decision on the voting has been announced by the chair.
- (f) Any matter may be passed by a majority vote of a quorum except:
  - (1) Any bill on second or on third reading shall require 18 votes for passage, except as provided in (8).
  - (2) Any simple or joint resolution or memorial shall require 18 votes.
  - (3) Concurrent resolutions on second reading, which propose amendments to the state constitution or recommend the calling of a constitutional convention, shall require 18 votes for passage. However, on third reading such concurrent resolutions shall require 24 votes for passage.
  - (4) Concurrent resolutions that ratify proposed amendments to the United States Constitution shall require 18 votes for passage on both second and third readings.
  - (5) A motion to adjourn sine die shall require 18 votes.
  - (6) To suspend the rules shall require 24 votes, except upon three days' notice, in which event 18 votes shall be required.
  - (7) The confirmation of Governor's appointments shall require 18 votes for confirmation.

- (8) Bills to increase or diminish the number of district judges or increase or diminish the number of judicial districts shall require 18 votes for passage on second reading and 24 votes for passage upon third reading.
- (9) To reconsider any action of the Senate shall require 18 votes for passage. To recall from the House anything acted upon by the Senate shall require 18 votes for passage.
- (10) Passage on third or final reading of any measure, following concurrence in House amendments, shall require the same number of votes as is required on third reading for the original instrument for passage.
- (11) Overriding Governor's veto shall require 24 votes for passage.
- (12) Adoption by the Senate of the report of a committee of the whole and the adoption of any 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.
- (16) To amend any bill on third reading shall require 18 votes.

### **18. Reconsideration**

- (a) When a question has been decided by the Senate, any Senator voting on the prevailing side may, on the same day, or on either of the next two days of actual session thereafter, move a reconsideration; and if the Senate shall refuse to reconsider, or upon reconsideration shall affirm its first decision, no further motion to reconsider shall be in order unless by unanimous consent. Every motion to reconsider shall be decided by a majority vote of those elected, without debate, and may be laid on the table without affecting the question in reference to which the same is made, which shall be a final disposition of the motion.
- (b) When a bill, resolution, memorial, report, amendment, order, or message upon which a vote has been taken, shall have gone out of the possession of the Senate, and been communicated to the House, the motion to reconsider shall be accompanied by a motion to request the House to return the same; which last motion shall be acted upon immediately, and without debate, and if

- determined in the negative shall be a final disposition of the motion to reconsider.
- (c) This rule has been repealed.
  - (d) Upon notice being given by any Senator of 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 three days of the session.
  - (e) After a question has been decided by a committee of reference, any member voting on the prevailing side may move to reconsider. If the committee shall refuse to reconsider, or upon reconsideration shall affirm its first decision, no further motion to reconsider shall be in order unless by unanimous consent. Notwithstanding Senate Rule 22 (b) and 22 (n), a motion to reconsider shall require the affirmative vote of a majority of the members of the committee. Such a motion may be made at the meeting at which the decision was made by the committee or at the next meeting of the committee. However, such a motion may not be made if a committee report regarding the decision of the committee has already been signed by the chairman of the committee and delivered to the Secretary of the Senate.
  - (f) After a question has been decided by a committee of reference, a member of the committee who has voted on the prevailing side may give notice of intention to reconsider. If such notice is given, a measure affected by the notice shall be held in the committee of reference until the next regularly scheduled committee meeting. At the next regularly scheduled meeting, the senator who gave the notice may make a motion to reconsider. If that senator does not make a motion to reconsider, the notice shall be deemed withdrawn. However, unless the Committee on Delayed Bills has extended the deadline, notice of intention to move to reconsider shall be out of order if the next regularly scheduled meeting of the committee of reference will not be held until after the passage of an applicable legislative deadline for reporting the measure out of the committee of reference.
  - (g) When there has been a tie vote on a question decided by the Senate or by a committee of reference, for purposes of the making of a motion to reconsider, a member who voted "no" shall be deemed to have voted on the prevailing side.

### **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.

- (b) In the event the Senate shall vote to request a conference, the President shall appoint two majority members to the conference committee and the minority leader shall appoint one minority member to the conference committee to represent the Senate.

## **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 reading clerk to call the roll and note the absentees; after which the names of the absentees shall be again called, and those absent shall be sent for and taken into custody by the sergeants-at-arms, and brought before the bar of the Senate, where, unless excused by a majority of the Senate present, those for whose absence no excuse or an insufficient excuse is made 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 and return. 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 vote of those members present in the chambers.

## **21. Committees**

- (a) The following committees of reference of the Senate shall be appointed by resolution at the beginning of each regular session of the General Assembly convening after a general election, and shall remain constituted as such committees until the first regular session convening after the next ensuing general election:
  - (1) Agriculture and Natural Resources.
  - (2) Appropriations.
  - (3) Business, Labor, and Technology.
  - (4) Education.
  - (5) Finance.
  - (6) Health and Human Services.

- (7) Judiciary.
- (8) Local Government and Energy.
- (9) State, Veterans, and Military 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.
- (a.3) For purposes of the period between January 1, 2001, and January 8, 2003, any reference in these Rules, the Joint Rules of the Senate and House of Representatives, or in the Colorado Revised Statutes, to the following committees as they existed prior to January 1, 2001, shall be deemed to have referred to the following committees:

<b>Committees Prior to 1/1/01</b>	<b>Committees between 1/1/01 and 1/8/03</b>
1 Agriculture, Natural Resources, and Energy.	Agriculture and Natural Resources.
2 Business Affairs and Labor.	Business, Labor and Finance.
3 Finance.	Business, Labor and Finance.
4 Health, Environment, Welfare, and Institutions.	Health, Environment, Children and Families.
5 Local Government.	Government, Veterans and Military Relations, and Transportation.
6 State, Veterans, and Military Affairs.	Government, Veterans and Military Relations, and Transportation.
7 Transportation.	Government, Veterans and Military Relations, and Transportation.

- (a.4) For purposes of the period between January 8, 2003, and January 12, 2005, any reference in these Rules, the Joint Rules of the Senate and House of Representatives, or in the Colorado Revised Statutes, to the following committees as they existed between January 1, 2001, and January 8, 2003, shall be deemed to have referred to the following committees:

<b>Committees - 1/1/01 to 1/8/03</b>	<b>Committees between 1/8/03 and 1/12/05</b>
1 Agriculture and Natural Resources.	Agriculture, Natural Resources, and Energy.
2 Business, Labor and Finance.	Business Affairs and Labor.
3 Health, Environment, Children and Families.	Health, Environment, Welfare, and Institutions.
4 Government, Veterans and Military Relations, and Transportation.	Depending on the context, to either: State, Veterans, and Military Affairs; or Transportation.

(a.5) For purposes of the organization of committees of reference on and after January 12, 2005, any reference in these Rules, the Joint Rules of the Senate and House of Representatives, or in the Colorado Revised Statutes, to the following committees as they existed between January 8, 2003, and January 12, 2005, shall be deemed to refer to the following committees:

<b>Committees - 1/8/03 to 1/12/05</b>	<b>Committees - after 1/12/05</b>
1 Business Affairs and Labor.	Business, Labor, and Technology.
2 Health, Environment, Welfare, and Institutions.	Health and Human Services.

(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.

(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 Senate services committee shall see to the proper revision, engrossment, and enrollment of bills. The committee may examine 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; they may also compare such amendments as shall be made in the House to Senate bills, that

are concurred in by the Senate, for the purpose of seeing if they are correct for enrollment in the bill. No bill shall have its third reading unless it shall have been printed, nor until it has been correctly engrossed. The said committee may examine all bills before third reading and final passage, for the purpose of avoiding repetitions, unconstitutional provisions, securing proper title and of ensuring 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. If the committee examines any bills, it may report the nature of errors, with a concise suggestion as to the change necessary to correct the same. The committee may examine all bills originating in the Senate to see that they are correctly enrolled, signed by the President and the Speaker of the House, and presented to the Governor for signature. The committee may also authorize, review, and audit all expenditures for equipment, supplies, and services necessary for the efficient conduct of the business of the Senate and may employ such officers and employees of the Senate as authorized and assign them to their duties. The committee shall have leave to report at any time on its activities and may delegate any of its responsibilities to the secretary, as appropriate.

## 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. Except as otherwise provided in subsection (a) (2) of this rule, a committee of reference that is directed to meet upon adjournment in the Schedule of Committee Meetings shall convene fifteen minutes following adjournment or recess, as applicable, of the Senate.
- (2) Except as otherwise provided in this subsection (a) (2), a committee of reference may hold a committee meeting at a time and place, but not on a day of the week, other than is provided in the Schedule of Committee Meetings, provided the chairman determines that to do so serves the public interest, provided the chairman publicly announces the meeting to the Senate at least twenty-four hours in advance of the actual meeting, and provided the announcement is made while the Senate is in actual session. If within the last two weeks of a regular session or at any other time during a regular session when the chairman has received prior approval from the President, a committee of reference may hold a committee meeting at a time and place and, if necessary, on a day of the week, other than is provided in the Schedule of Committee Meetings, provided that the chairman publicly announces the meeting to the Senate as much in advance as possible of the actual meeting and provided the announcement is made while the Senate is in actual session.



- (3) If a regularly scheduled committee meeting is cancelled, the chairman shall announce such cancellation while the Senate is in actual session prior to the time the meeting is scheduled to take place.
- (b) A majority of the members of each committee of reference shall constitute a quorum.
- (c) Proxies, either written or oral, shall not be permitted for any purpose.
- (d) No final committee action shall be taken upon a measure unless notice of the measures that are to be considered is posted at least one calendar day prior to the scheduled meetings at which the measures are to be considered. The numbers, prime sponsor, and abbreviated title shall be included in the posted announcement and shall be printed in the appropriate daily calendar of the Senate. Failure of the chairman to post such notice shall not preclude the committee of reference from taking any action on a measure if such action shall receive a favorable vote of a majority of the members of the committee.
- (e) (1) 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.
- (2) Repealed, Senate Resolution 03-10
- (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. However, during the last three days of a legislative session, the chairman of the committee shall make any committee of reference report as soon as possible. Final action shall consist of reporting a measure out of committee, with or without amendments, for consideration by the committee of the whole, reporting a measure out of committee, with or without amendments, for consideration by the committee of the whole with a recommendation that the bill be placed on the consent calendar, a recommendation for reference to another committee of reference, or postponing the measure indefinitely. A motion to postpone consideration of a measure for more than 30 days or until a date beyond the date for adjournment sine die of the legislative session shall be considered a motion to postpone indefinitely. In addition, a measure shall be deemed postponed indefinitely when there has been a tie vote on a motion that would constitute final action and subsequently the applicable deadline for Senate committees of reference to report bills passes without action by the Senate Committee on Delayed Bills to extend the deadline for the measure. The chairman shall make

a report to the Secretary of the Senate indicating that any such measure is deemed postponed indefinitely. Following the date of the applicable committee deadline, the chairman shall have five legislative days in which the General Assembly is in actual session to make such report. 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, the chairman shall be responsible for the safekeeping of the measure, but 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 the chairman has an immediate personal or financial interest. The chairman shall not vote twice, as in the case to make a tie and then to cast the deciding vote. All other members shall vote on all measures before the committee except proposals in which the member has an immediate personal or financial interest.
- (j) If a member of a committee of reference is absent from three consecutive scheduled committee meetings without being excused, the committee chairman shall report such fact to the floor leader of the party to which the member belongs.
- (k) A recommendation of any committee of reference to amend a measure shall not become an integral part of the measure in question until adopted by the committee of the whole.
- (l) (1) The committees of reference as listed in Rule 21 (a) shall be placed in the following categories:

<b>Category</b>	<b>Committee</b>
1	Business, Labor, and Technology. Judiciary. State, Veterans, and Military Affairs.
2	Agriculture and Natural Resources. Education. Health and Human Services.

<b>Category</b>	<b>Committee</b>
3	Finance. Local Government and Energy. 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 on proposed amendments to which one or more committee members have voiced objection. The record shall include the names of those voting on motions to amend and on final action, and how they voted. Said record shall be available for public inspection.
- (n) In order to take any action on a measure by a committee of reference, the affirmative vote of a majority of a quorum or a majority of those present and voting, whichever is greater, shall be necessary.
- (o) Reconsideration in a committee of reference shall be governed by the provisions of Rule 18 (e) and (f).

#### **22A. Protection of Deliberations**

- (a) This rule is adopted pursuant to the constitutional, statutory, and inherent powers of the Senate and is intended to protect the deliberations of the Senate, Senate committees, Senate party caucuses, and other official meetings from undue disruption and interruption.
- (b) (1) Except as otherwise provided in subsection (b) (2) of this rule, all wireless electronic devices including, but not limited to telephone and such other communication devices used for transmitting and receiving voice or data communications, including but not limited to electronic mail and text messaging, shall be rendered inoperable in the Senate chambers, in the hearings of Senate committees, in Senate party caucuses, or in any other official meetings of Senate members held in the Capitol or the Legislative Services Building.
- (2) Laptop or notebook personal computers may be used in the Senate chambers, in the hearings of Senate committees, in Senate party caucuses, or in any other official meetings of Senate members held in the Capitol or the Legislative Services Building; however, during the third reading of bills in the Senate chambers, laptop or notebook personal computers shall be rendered inoperable for the purpose of transmitting and receiving voice or data communications, including but not limited to electronic mail and text messaging.

- (3) Wireless telephones and audible pagers or similar electronic devices shall not be used in the Senate chambers or in the gallery of the Senate chambers.
- (c) Violations of this rule shall be punishable as prescribed by the President of the Senate, and punishments may include, but need not be limited to, temporary or permanent confiscation of said electronic devices.

## **22B. Electronic Participation in Committee of Reference**

Members of the Senate shall not be permitted to participate in any meeting of a committee of reference through telephone or other electronic connection.

## **22C. Senate Select Committees**

- (a) The President may create a Senate Select Committee to review a single specified subject matter area or issue during a regular session. The President shall determine the scope and duration of a Senate Select Committee. However, no more than two Senate Select Committees shall be created during any given regular session; no Senate Select Committee shall continue to operate after the end of the regular session during which the Senate Select Committee was created; and no Senate Select Committee shall act as a committee of reference.
- (b) A Senate Select Committee shall consist of three or five members in the sole discretion of the President. If a Senate Select Committee consists of three members, the President shall appoint two members and the minority leader shall appoint one member. If a Senate Select Committee consists of five members, the President shall appoint three members and the minority leader shall appoint two members. Of the members so appointed, the President shall designate a chair and vice-chair.
- (c) Any member of a Senate Select Committee may sponsor legislation recommended for introduction during the regular session by the Senate Select Committee. A member of a Senate Select Committee may seek authorization from the Senate Committee on Delayed Bills for such legislation.
- (d) The legislative service agencies shall assist any Senate Select Committee in carrying out its duties.

## **Rule 23**

Rule 23 has been repealed.

## **24. Reports**

- (a) Reports of conference committees shall be placed on the calendar for the day next succeeding that on which such report is read in open session to the members of the Senate. Reports of committees of reference that refer a bill, concurrent resolution, joint resolution, Senate resolution, or confirmation to the committee of the whole or to the Senate shall, unless otherwise ordered or as otherwise provided in Senate Rules No. 25A, 30 (g), and 36 (d), be placed upon the calendar for the second actual day of session following that on which such report is read in open session to the members of the Senate, as required by Senate Rule 15 (c). All reports of committees of reference shall be included in the journal.
- (b) Repealed, SR 02-004, January 16, 2002.
- (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.

## **24A. Sponsorship of Bills**

- (a) A bill may be introduced in the Senate by a prime sponsor who is a member of the Senate. The prime sponsor in the Senate shall designate a prime sponsor in the House by making such a designation prior to the introduction of a bill or, in accordance with Joint Rule 24 (a.5), prior to the third reading of a bill in the Senate.
- (b) A prime sponsor in the Senate may also elect to designate one other member of the Senate to act as a joint prime sponsor in the Senate and one other member of the House to act as a joint prime sponsor in the House. Designation of a joint prime sponsor shall be in accordance with the following:
  - (1) The prime sponsor shall designate the joint prime Senate sponsor prior to the introduction of a bill. The prime sponsor may also designate the joint prime House sponsor prior to the introduction of a bill.
  - (2) On the first page of a bill, the name of any member who is designated to be the joint prime sponsor shall follow the name of the prime sponsor joined by the word "and". The names of any co-sponsors shall immediately follow the names of the prime sponsor and the joint prime sponsor, if any.
  - (3) For purposes of any limitations on the number of bills that a member may request or introduce, bills with joint prime sponsors shall be counted as being requested and sponsored by both the prime sponsor and the joint prime sponsor. If either the prime sponsor or the joint prime sponsor has already requested or introduced the total number of

bills authorized within any bill limitation, such sponsor shall obtain permission from the delayed bill committee to exceed such limits prior to requesting or introducing such a bill.

- (4) Both a prime sponsor and a joint prime sponsor are responsible for the handling or processing of a bill in the legislative process. Either such sponsor may present a bill in committee or on the floor and may request and offer, when appropriate, amendments to the bill. If any rule or procedure requires notice, filing, or other communication with a sponsor of a bill, such rule or procedure shall be deemed to be complied with by providing the notice, filing, or communication to either the prime sponsor or the joint prime sponsor. For purposes of tracking a bill in the legislative process, the name of the prime sponsor may be used without the name of the joint prime sponsor.
- (c) Co-sponsors may be added to a bill prior to introduction of the bill in the Senate. Co-sponsors may also be added to a Senate bill or a House bill immediately following adoption of the bill on third reading or on final passage.
- (d) Prior to the introduction of a bill in the Senate:
- (1) The designation by a Senate prime sponsor of a prime sponsor in the House or of a joint prime sponsor in the Senate or in the House shall be subject to the approval of the member being designated; and
  - (2) The addition of any co-sponsors shall be subject to the approval of the Senate prime sponsor of the bill and the approval of any co-sponsor who is being added.
- (e) When a prime sponsor of a bill that is pending in the Senate is unable to continue to sponsor the bill because of resignation, serious illness or other incapacity, or death, and there is no joint prime sponsor, the President may designate a substitute prime sponsor. Similarly, in the case of a bill with a prime sponsor and a joint prime sponsor, when both sponsors are unable to continue to sponsor a bill because of resignation, serious illness or other incapacity, or death, the President may designate a substitute prime sponsor and, in the President's discretion, a substitute joint prime sponsor. Prior to making any such substitution, the President shall consult with any member listed on the bill as a prime sponsor in the House. The President shall announce the substitution of any such sponsors to the members of the Senate during regular business.
- (f) In a case where an introduced Senate bill identifies a House prime sponsor and that sponsor becomes unable to continue to act as a sponsor because of resignation, serious illness or other incapacity, or death, or in the case of a bill with a House prime sponsor and a House joint prime sponsor, when both such sponsors are unable to continue to sponsor a bill because of resignation, serious illness or other incapacity, or death, the prime sponsor in the Senate may add the name of a substitute House prime sponsor or the names of a

substitute House sponsor and a substitute House joint prime sponsor prior to third reading of the bill in the Senate. The Senate prime sponsor shall notify the secretary of the Senate in writing of any such change of sponsorship in the House, and the secretary shall order that the change of the House sponsorship appear in the reengrossed bill.

## 25. Bills

- (a) At the time of introduction of a bill, resolution, or memorial, the secretary shall be furnished with the original 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 or committees 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. If there be no objection, the report of a committee of reference referring a bill or resolution to the committee of the whole, shall be deemed automatically adopted, except in case of:
  - (1) An adverse report.
  - (2) Recommendation for tabling or indefinite postponement.
  - (3) Majority and minority reports on the same bill, in which case a vote shall be taken for adoption or rejection, and for such purposes a minority report shall be deemed a proposed amendment to the majority report.

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

- (d) (1) Notwithstanding any other provisions of these rules, each bill which provides directly for the increase of any salary or which causes an appropriation from the state treasury, shall be referred to the appropriations committee prior to its consideration either by the Senate or by the committee of the whole, and no such bill shall be considered by the committee of the whole or by the Senate until it has been so

referred; but this paragraph shall not be construed to compel such reference of any bill merely by reason of the fact that it provides for the re-enactment without change of any continuing appropriation or salary.

- (2) Notwithstanding any other provisions of these rules, each bill which provides directly that any money or revenue under the control of the state shall be devoted to any purpose other than that to which it is devoted under existing law shall be referred to the Finance Committee prior to its consideration either by the Senate or by the committee of the whole, and no such bill shall be considered by the committee of the whole or by the Senate until it has been so referred.
- (e) 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 the committee of the whole report, amendments submitted thereto, whether considered by the committee of the whole or not, shall first be considered.
- (g) No amendments to bills, concurrent resolutions, joint resolutions, or joint memorials by the House shall be concurred in by the Senate except by the vote of a majority of the members elected thereto, taken by ayes and noes, and the names of those voting for and against recorded in the journal.
- (h) A motion to strike out the enacting clause of a bill shall have precedence over a motion to amend, and if carried shall be equivalent to its rejection.
- (i) This rule has been repealed.
- (j) The word "bill" as used in these rules shall be deemed to include concurrent resolutions.
- (k) In the event a substantial amendment is presented to any bill on third reading, said amendment shall be 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. All third reading amendments



and the votes thereon shall be recorded in the journal whether they are adopted or not.

- (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). The secretary 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. The secretary shall further certify on the bill, along with the President of the Senate, that it is a true and correct copy of the original lost or misplaced bill. Should the bill be a House bill, or if a Senate bill and the House has taken action thereon, the Speaker and chief clerk of the House shall also certify as to its being an exact copy. The Senate services committee shall then report by committee of reference report to the effect that such duplicated bill shall hereafter be considered in place of the original bill.
- (m) After the introduction of a bill, a member's name may be added or removed as a co-sponsor thereof only if such member, immediately following the adoption thereof on third reading, rises and requests that the member's name be added or removed as co-sponsor.

#### **25A. Consent Calendar**

- (a)
  - (1) A committee of reference may recommend that a bill be placed on the consent calendar for consideration by the committee of the whole. If the majority leader determines that a bill is noncontroversial in nature, the bill may be placed on the consent calendar in the sole discretion of the majority leader, after consultation with the minority leader.
  - (2) A bill shall be placed on the consent calendar for the second actual day of session following the day on which the committee report is read in open session to the members of the Senate or the decision is made by the majority leader to place the bill on the consent calendar. If the placement of a bill on the consent calendar would occur at a time that would prevent a bill from being considered within an appropriate legislative deadline or prior to adjournment sine die, the majority leader shall direct that the bill be placed on the next available consent calendar or the next available second reading calendar. If any member objects orally at the microphone to inclusion of a bill on the consent calendar after its placement thereon, the bill shall be removed from the consent calendar and, unless otherwise indicated, shall be placed at the end of the general orders calendar for that day. The consent calendar shall appear on the daily calendar under the title of "general orders", and it shall be clearly designated by the words "consent calendar".
- (b) All bills on the consent calendar shall be considered on second reading by the committee of the whole in the same manner as other bills, except that:

- (1) No substantial debate or substantive floor amendments, other than simple or technical committee of reference reports, simple comments or questions, or simple or technical floor amendments, shall be permitted for bills on the consent calendar; and
  - (2) The committee of the whole shall take a single vote covering all such bills. The vote shall have the effect of adopting all such bills on second reading.
- (c)
- (1) A bill shall be removed from the consent calendar upon the objection of any member made at any time after the Senate begins to consider the bill on second reading or third reading.
  - (2) If the objection is made prior to the adoption of the committee of the whole report, the bill shall be deemed as not having been considered on second reading and, unless otherwise indicated, shall be placed at the end of the general orders calendar for that day.
  - (3) If the objection is made after the adoption of the committee of the whole report but prior to the passage of the bill on third reading, unless otherwise indicated, the bill shall be placed on the third reading calendar for the next day of actual session following the day on which it was removed from the consent calendar.
- (d) All bills on the consent calendar that have been passed on second reading shall be included on the calendar under the title "third reading of bills" and shall be clearly designated by the words "consent calendar". No substantial debate or substantive third reading amendments shall be permitted for bills on the consent calendar. There shall be a single vote covering all bills appearing on the consent calendar; except that any member may register a "no" vote on any individual bill appearing on the third reading consent calendar. The vote shall be by ayes and noes and entered in the journal separately for each bill.
- (e) The word "bill" as used in this rule shall not include concurrent resolutions.

## **26. Conference Committees and Votes on Concurring**

- (a) The vote on concurring in bills amended in the House shall not be taken until said bills 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.
- (b) The vote on adopting reports of committees of conference shall not be taken until said reports have been either reproduced for use of the Senators or printed in the journal, 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, the staff member from the Office of Legislative Legal Services, who shall attend the meetings of the committee, shall draft a conference committee report reflecting the agreements of the committee.

## **27. Secret and Executive Sessions**

- (a) On a motion being made and seconded to close the doors of the Senate on the discussion of any business which may, in the opinion of any Senator require secrecy, or on motion being made and carried that the Senate go into executive session, the President shall direct all except the Senators and secretary and sergeant-at-arms to withdraw, and during the executive session and the discussion of said motion the doors shall remain shut, and every member and officer shall keep secret all matters, words, and proceedings that have transpired during the course of said executive session.
- (b) Whenever the Senate shall go into the consideration of executive business the proceedings of the Senate in such business shall be kept in a separate journal, which shall not be inspected by any others than the members of the Senate unless otherwise ordered by the Senate. The Governor shall, from day to day, be notified by the secretary of the action of the Senate, upon executive nominations, but no further extract from the executive journal shall be furnished, published, or otherwise communicated, except by special order of the Senate.
- (c) This rule has been repealed.
- (d) Any Senator, and officer of the Senate convicted of disclosing any words, statements, matters, or proceedings occurring during an executive session shall be liable, if a Senator, to expulsion, and if an officer, to dismissal from the service of the Senate. All matters, words, discussions, and proceedings, save for exception set forth in subsection (b) of this rule shall be deemed to be secret and in confidence, unless the Senate shall by a majority vote during an executive session direct otherwise.

## **28. Committee of the Whole**

- (a) Upon the adoption of a motion to go into the committee of the whole Senate, the President, unless otherwise ordered by the Senate, shall appoint the chairman thereof from either the majority or the minority party, who shall for the time being exercise all the powers of the President necessary to the conduct of the business of the committee.
- (b) The rules of the Senate shall govern, as far as practicable, the proceedings of the committee, except that a member may speak more than twice on the same subject, that a call for the ayes and noes cannot be made, nor can an appeal from the decision of the chair be taken.

- (c) The committee may rise, report progress, and beg leave to sit again on the same day or on the following day.
- (d) A motion that the committee rise shall always be in order, and shall be decided without debate.
- (e) All bills shall be considered in committee of the whole; all amendments made therein shall be reported by the chairman to the Senate, who shall move that they be entered in the journal. Every bill shall be read at length in committee of the whole if any Senator shall request such reading.
- (f) In committee of the whole, amendments recommended by committees of reference shall be considered as adopted if there is no objection.
- (g) Any amendments to the report of the committee of the whole adopted shall be entered in the journal, together with the vote thereon. Any amendments which are defeated may, if requested by five members of the Senate, be either printed in the journal or reproduced and placed on the members' desks and specifically referred to in the journal. The vote on such amendment shall also be recorded in the journal.

### 29. Messages

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

### 30. Resolutions and Memorials

Resolutions and memorials shall be of the following classes:

- (a) (1) Senate concurrent resolutions, which shall:
  - (A) Propose amendments to the state constitution or recommend the holding of a constitutional convention. Following approval by a two-thirds vote of all of the members of the Senate, such resolutions shall be entered in full in the journal together with the ayes and noes thereon as required by subsection (1) of section 2 of Article XIX of the Constitution.
  - (B) Ratify proposed amendments to the federal constitution. Following approval by a majority vote of all of the members of the Senate as required by Senate Rule 17 (f) (4), such

resolutions shall be entered in full in the journal together with the ayes and noes thereon.

- (2) Senate concurrent 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. However, such resolutions may not be introduced within the last twenty legislative days of any regular or special session as provided for in Joint Rule 23 (g). All other provisions of these rules or the joint rules applying to bills shall also apply to concurrent resolutions.
- (3) Concurrent resolutions of either house shall be referred to an appropriate committee of reference.

(b) Senate joint resolutions, which pertain to:

- (1) The transaction of the business of both houses.
- (2) The establishment of investigating committees composed of members of both houses.
- (3) An expression of the will of both houses on any matter that is not the subject of a tribute as provided for in Senate Rule No. 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. Except as otherwise provided in subsection (g) of this rule, at the discretion of the President, it shall then either be acted upon immediately, 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.
- (d) Senate joint memorials or Senate memorials, which shall pertain to resolutions memorializing the Congress of the United States on any matter, or to an expression of sentiment on the death of any person or persons who served as members of the General Assembly, present or former elected State officials, present or former justices of the Colorado Supreme Court, members of Congress, elected officials of other states or of the United States, or foreign dignitaries. Senate joint memorials to Congress shall be treated in all respects as joint resolutions, and all other Senate joint memorials and all Senate memorials shall be treated in all respects as Senate resolutions; except that Senate memorials shall not require the concurrence of the House. Former members of the Senate may address the members of the Senate pursuant to Rule 31 (g) regarding a Senate joint memorial or Senate memorial expressing sentiment on the death of any person who served as a member of the Senate.

- (e) House joint resolutions and House joint memorials, upon introduction, shall be read by title. Except as otherwise provided in subsection (g) of this rule, at the discretion of the President, they shall then either be acted upon immediately, 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. Former members of the Senate may address the members of the Senate pursuant to Rule 31 (g) regarding a House joint memorial expressing sentiment on the death of any person who served as a member of the Senate.
- (f) (1) (A) A member of the Senate may not introduce more than three Senate joint resolutions or Senate resolutions during any regular or special session unless permission to introduce the resolution is given by the Senate Committee on Delayed Bills. A joint resolution or resolution must be introduced prior to the last twenty legislative days as required in Joint Rule No. 23 (g). This provision shall not apply to a Senate joint resolution or Senate resolution pertaining to the close of the session or to the conduct of legislative business.
- (B) This paragraph (1) is effective January 1, 1994.
- (g) (1) (A) Except as otherwise provided in this rule, any Senate joint resolution, Senate resolution, Senate joint memorial, Senate memorial, House joint resolution, or House joint memorial that the majority leader determines to be noncontroversial in nature may be placed on the consent calendar in the sole discretion of the majority leader, after consultation with the minority leader.
- (B) Unless otherwise indicated, a resolution or memorial shall be placed on the consent calendar for the second actual day of session following the day on which the decision is made to place the resolution or memorial on the consent calendar. If any member when recognized for such purpose, objects orally at the microphone to inclusion of a resolution or memorial on the consent calendar, the resolution or memorial shall be removed from the consent calendar and, unless otherwise indicated, shall be placed at the end of the calendar for that day. The consent calendar shall appear on the calendar under the title of "consideration of resolutions" or "consideration of memorials", as applicable, and it shall be clearly designated by the words "consent calendar".
- (2) All resolutions and memorials on the consent calendar shall be considered on final passage by the Senate in the same manner as other resolutions and memorials; except that:
- (A) No substantial debate or substantive floor amendments, other than simple or technical committee of reference reports, simple

comments or questions, or simple or technical floor amendments, shall be permitted for resolutions and memorials on the consent calendar; and

- (B) The Senate shall take a single vote covering all resolutions appearing on the consent calendar and a single vote covering all memorials appearing on the consent calendar; except that any member may register a "no" vote on any individual resolution or memorial appearing on the consent calendar. The vote shall have the effect of adopting all such resolutions and memorials on final passage. The vote shall be by ayes and noes and entered in the journal separately for each resolution or memorial, as applicable.
- (3) A resolution or memorial shall be removed from the consent calendar upon the objection of any member made at any time after the Senate begins to consider the resolution or memorial. If the objection is made prior to the vote on the resolutions and memorials on the consent calendar, the resolution or memorial shall be deemed as not having been considered and, unless otherwise indicated, shall be placed at the end of the calendar for that day.

### **30A. Tributes**

- (a) Tributes are non-legislative actions that 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;
    - (C.5) Recognize individuals' service in the military;
    - (D) Extend greetings to prominent visitors to the state.
  - (2) Senate joint memorial tributes or Senate memorial tributes, which shall express sentiment on the death of a person who has not served as a member of the General Assembly.
- (c) The secretary of the Senate shall not issue:

- (1) A Senate tribute or memorial tribute unless the Senator requesting the issuance of such tribute has obtained the permission of the President;
  - (2) A Senate joint tribute or joint memorial tribute unless the Senator requesting the issuance of such tribute has obtained the permission of the President and a Representative has obtained the permission of the Speaker of the House.
  - (3) A Senate joint tribute or Senate tribute if, prior to the issuance of the tribute, at least five members of the Senate request that the tribute not be issued.
- (d) A list of all tributes requested in the Senate shall be made available for inspection in the office of the Secretary of the Senate.
- (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 or antechambers, and any such persons shall only be entitled to the quiet and orderly occupancy of the seats provided for visitors or for representatives of the press, and in no event to the privileges of the floor; except that former members of the Senate may address the members of the Senate regarding a Senate memorial, Senate joint memorial, or House joint memorial expressing sentiment on the death of any person who served as a member of the Senate pursuant to subsection (g) of this rule. Persons invited by members of the Senate shall occupy the seats in the rear of the floor of the Senate and on the sides, 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 to the lobby 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. Persons visiting the Senate chambers are not permitted to place material upon the desks of Senators. Any material that 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 to be distributed to the members of the Senate, the sergeant-at-arms shall consult the President of the Senate, or the presiding officer, or in the absence of both, the majority and minority floor leaders.

Lobbyists shall not be permitted on the floor of the Senate unless the lobbyist is a former member who is otherwise authorized pursuant to this subsection (a) to address the members of the Senate regarding a Senate memorial, Senate joint memorial, or House joint memorial expressing sentiment on the death of any person who served as a member of the Senate.

- (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 influence 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 influence any bill or matter before the Senate shall forfeit the privileges of the floor of the Senate. 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. In addition, nothing in this subsection (d) shall prohibit an officer or employee of the Senate from appearing as a witness before a committee of reference or other committee of the General Assembly to provide analysis, data, research, or statistics or any other similar factual information upon the request of any member of the committee or upon the request of the sponsor of a bill or other measure so long as the officer or employee does not urge the committee to vote for or against any bill or measure.
- (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. In addition, a senator may introduce and recognize any individual who is serving in the military, the family members of an individual who died in combat while serving in the military, or individuals who have been recognized statewide for a significant accomplishment or achievement or the members of an academic or athletic group or organization who have achieved a significant goal such as winning a league, state, or national title, competition, or championship. No introductions shall be made during deliberations by the committee of the whole or when the Senate is engaged in third reading of bills.
- (g) At the discretion of the president, any former member of the Senate may be admitted to the floor of the Senate chamber in order to address the members of the Senate regarding a Senate memorial, Senate joint memorial, or House joint memorial expressing sentiment on the death of any person who served as a member of the Senate. Prior to the commencement of an address by a former member concerning a Senate memorial, senate joint memorial, or House joint memorial, the Senate shall recess for the purpose of hearing the address.

### **32. Presenting Petitions, Memorials, Etc.**

Repealed, Senate Resolution 07-6, January 30, 2007

### **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, Veterans, and Military Affairs, which shall proceed to hear and determine said matters, and each of them, in such manner, at such times, in such places, and under such rules, as said committee may adopt, for the purpose of facilitating such hearing.

### **34. Amendment or Repeal of the Rules**

- (a) To amend or repeal one or more rules shall require a majority vote of all members elected provided three days' notice thereof shall have been given. To amend or repeal one or more rules without such prior notice shall require two-thirds vote of all members elected.

- (b) Two certified copies of the revised rules, as amended from time to time, shall be kept at the desk of the secretary of the Senate, which shall be the official rules of the Senate. The certification above provided for shall be by the President and secretary of the Senate.

### **35. On Vetoed Bills**

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

### **36. Confirmations**

- (a) Appointments by the Governor which require confirmation by the Senate shall be received and read in open session of the Senate and shall then be referred to one or more committees of reference. Consideration of any such appointment by a committee of reference shall be listed on the Senate calendar prior to such consideration so as to permit public comment and information concerning such appointment to be submitted to the committee, its chairman, or the staff thereof.
- (b) On the date stated on the Senate calendar, the committee shall consider the appointment in open session and without conducting a public hearing thereon, unless the committee, in open session and upon the vote of a majority of the members present, determines otherwise.
- (c) The report of the committee on any such appointment may recommend that the Senate conduct an executive session to consider the appointment, otherwise the consideration thereof shall be in open session of the Senate. Except as

otherwise provided in subsection (d) of this rule, 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.

- (d) (1) (A) Except as otherwise provided in this rule, any confirmation reported out by the committee that the majority leader determines to be noncontroversial in nature may be placed on the consent calendar in the sole discretion of the majority leader, after consultation with the minority leader.
- (B) Unless otherwise indicated, a confirmation shall be placed on the consent calendar for the second day of actual session following the day on which the decision is made to place the confirmation on the consent calendar. If any member, when recognized for such purpose, objects orally at the microphone to inclusion of a confirmation on the consent calendar, the confirmation shall be removed from the consent calendar and, unless otherwise indicated, shall be placed at the end of the calendar for that day. The consent calendar shall appear on the calendar under the title of "consideration of Governor's appointments", and it shall be clearly designated by the words "consent calendar".
- (2) All confirmations on the consent calendar shall be considered by the Senate in the same manner as other confirmations; except that:
  - (A) No substantial debate, other than simple comments or questions, shall be permitted for confirmations on the consent calendar; and
  - (B) There shall be a single vote covering all confirmations appearing on the consent calendar. The vote shall have the effect of confirming all such appointments; except that any member may register a "no" vote on any individual confirmation appearing on the consent calendar. The vote shall be by ayes and noes and entered in the journal separately for each confirmation.
- (3) A confirmation shall be removed from the consent calendar upon the objection of any member made at any time after the Senate begins to consider the confirmation. If the objection is made prior to the vote on the confirmations on the consent calendar, the confirmation shall be deemed as not having been considered and, unless otherwise indicated, shall be placed at the end of the calendar for that day.

### 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 Senate Rule No.31 (f) shall govern the introduction of guests. Any Senator who speaks on privilege shall be the sole judge as to whether any remarks are privileged and shall be limited to ten minutes, unless extended by consent of the Senate.

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

### **38. Printing of Bills Prior to Session**

- (a) Any time after December 1st but preceding the convening of the General Assembly at its next regular session, a member or member-elect of the Senate may prefile 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 prefiled for introduction in order to facilitate the business of the pending session of the General Assembly.

### **39. Demand**

Repealed, Senate Resolution 05-3, January 12, 2005.

### **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 the House of Representatives.
- (b) The secretary shall act as parliamentarian of the Senate and shall advise the officers of the Senate on parliamentary procedure and these rules when requested to do so.
- (c) Any matter not covered by the Senate rules or by Mason's Manual of Legislative Procedure shall be governed by the decision of the President, subject to the right of appeal by any member as provided for in these rules.

## 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 the Senator's significant unsecured creditor or of which the Senator is a significant creditor; or a trust of which the Senator is a beneficiary. It does not mean a bank or savings and loan association in which the Senator's 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 the Senator 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 or spouse's family: 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.
- (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.

(a.5) **Legislative ethics and official conduct.** Legislative office is a trust to be performed with integrity in the public interest. A member is to be respectful of the confidence placed in that member by the other members of the Senate and by the people of the state of Colorado. A member shall respect and comply with the law and shall perform his or her legislative duties at all times in a manner that promotes public confidence in the integrity and independence of the Senate and of the General Assembly. By personal example and by admonition to colleagues whose behavior may threaten the honor and integrity of the lawmaking body, the member shall watchfully guard the responsibilities of the public office and the responsibilities and duties placed on the member by the Senate. To this end, each member shall be accountable to the Senate for violations of the Rules of the Senate, the Joint Rules of the Senate and the House of Representatives, the Constitution of the state of Colorado, or any

provision of the code of ethics set forth in article 18 of title 24, Colorado Revised Statutes.

- (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, is presumed to act in good faith and in the public interest. When a personal interest conflicts with the public interest and tends to affect the Senator's independence of judgment, legislative activities are subject to limitations. Where any such conflict exists, it disqualifies the Senator 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 the Senator's personal situation, distinct from that held generally by members of the same occupation, profession, or business, in a measure proposed or pending before the General Assembly; or has a close relative or close economic associate with such an interest.
  - (B) Has or acquires a financial interest in an enterprise, direct or indirect, which enterprise or interest would be affected by proposed legislation differently from like enterprises.
  - (C) Has or acquires a close economic association with, or is a close relative of, a person who has a financial interest in an enterprise, direct or indirect, which enterprise or interest would be affected by proposed legislation differently from like enterprises.
  - (D) Has or acquires a close economic association with, or is a close relative of, a person who is a lobbyist or who employs or has employed a lobbyist to propose legislation or to influence proposed legislation on which the Senator has or may be expected to vote.
  - (E) Accepts a gift, loan, service, or economic opportunity of significant value from a person who would be affected by or who has an interest in an enterprise which would be affected by proposed legislation. This provision shall likewise apply where such gift, loan, service, or opportunity is accepted by a close relative of the Senator. It shall not normally apply in the following cases: A commercially reasonable loan made in the ordinary course of business by an institution authorized by the laws of this state to engage in the business of making loans; an occasional nonpecuniary gift, insignificant in value; a nonpecuniary award publicly presented by a nonprofit organization in recognition of

public service; or payment of or reimbursement for actual and necessary expenditures for travel and subsistence for personal attendance at a convention or other meeting at which the Senator 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 or her 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 or her public position, intentionally or otherwise, to obtain or attempt to obtain any confidential information or special advantage or a decision from a public body on a matter unrelated to his or her senatorial duties in which he or she has a financial interest for himself or herself, 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 the Senator in any way be interested in any contract to furnish supplies, printing, repairs, or furnishings to the General Assembly or any other state agency, contrary to section 29 of article V of the state constitution.
  - (C) A Senator shall not solicit, receive, offer, or give any bribe, contrary to the state constitution and the provisions of sections 18-8-302 to 18-8-308, 18-8-401, 18-8-402, 18-8-404, 18-8-405, and 18-8-407, C.R.S.; nor shall the member accept or give any compensation, gratuity, or reimbursement for voting upon any question or for attempting to influence legislation.
  - (D) A Senator shall not vote or offer to 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 the Senator's personal or private interest or from voting against a bill or other measure whose defeat would adversely affect the Senator's 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 that personal or private interest exists.

- (e) **Applicability of rule.** The provisions of this rule shall not apply as the basis for the recall of any measure by either house nor otherwise constitute the basis to contest the validity of any legislative action on any bill or other measure on which a vote was cast by any member of the Senate in violation of this rule.
- (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.
- (g) **Advisory opinions.**
  - (1) A Senator contemplating a possible ethics dilemma that relates to the Senator's past, current, or anticipated conduct and the provisions of article 18 of title 24, Colorado Revised Statutes, is encouraged to seek, at his or her discretion, an advisory opinion from the board of ethics created pursuant to section 24-18-113, Colorado Revised Statutes, with respect to the standards of conduct of the Senate on the general propriety of past, current, or anticipated conduct of that Senator.
  - (2) With appropriate redactions to ensure the privacy of the members and other individuals concerned, the Senate shall annually publish and continuously maintain a cumulative compilation of the advisory opinions rendered by the board of ethics, making such publication available for the guidance of Senators, to the extent that such opinions are made known and made available.
- (h) **Ethics training.** Commencing January 1, 2007, each Senator is encouraged to, at least once every two years during the course of his or her term in the Senate:
  - (1) Attend a legislative ethics training program offered by the Office of Legislative Legal Services as part of new member orientation or attend such other legislative ethics training program as may from time to time be offered by said Office;
  - (2) Participate in a legislative ethics training program or workshop sponsored by a nationally recognized legislative organization with knowledge, expertise, and experience in legislative ethics issues; or
  - (3) Successfully complete an on-line legislative ethics training course or tutorial.

#### 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.

#### 43. Committee on Ethics

- (a) Any person who has knowledge concerning misconduct involving legislative duties by a member of the Senate, including but not limited to the alleged violation of the Rules of the Senate or of Section 40 of Article V of the state Constitution, may file a written, signed complaint with the President setting forth the facts that constitute the alleged misconduct and specifying the statutes, rules, constitutional provisions, or other ethical principles alleged to have been violated. The President shall provide the member complained against with a copy of the complaint. The President shall consult with the majority leader and the minority leader about the complaint. The fact that a complaint has been filed and any documents relating thereto shall be kept confidential by the President, the majority leader, and the minority leader. If at least two of the three leaders conclude that the complaint is not meritorious or does not substantiate an ethical violation, the complaint shall be dismissed, and the complainant and the member complained against shall be so notified. If the complaint is dismissed, it shall remain confidential.
- (b) If the complaint is not dismissed pursuant to subsection (a) of this rule, a committee on ethics shall be appointed, 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 Senate. The majority party members of the committee shall be appointed by the President from among the chairmen of committees of reference of the Senate. The minority party members of the committee shall be appointed by the minority leader from among the members of the Senate who are senior in service and experience. The President shall designate the chairman and vice-chairman of the committee from among its members.
- (c) The person complained against may submit a written answer to the committee within ten days after appointment of the committee. The committee shall make a preliminary investigation of the complaint. The preliminary investigation shall

consist of an examination of the complaint, the answer, if any, and any other evidence compiled pursuant to the request of the committee, but the committee shall not receive testimony or other evidence from other sources. The preliminary investigation shall be completed within thirty days after appointment of the committee. If, after the preliminary investigation, the committee determines no violation has occurred, the complaint shall be dismissed.

- (d) If, after the preliminary investigation, the committee determines probable cause exists to find that a violation may have occurred, it shall so notify the person complained against. Within seven days after such notification, such person may request a hearing before the committee, at which he or she 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. The hearing shall commence within fourteen days after receipt of the request for a hearing.
- (e) 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.
- (f) After a hearing held pursuant to subsection (d) of this rule, the committee may dismiss the complaint, or, if it finds that action should be taken against the member complained against, it shall make appropriate recommendations to the Senate, including reprimand, censure, or expulsion. Pursuant to the authority vested in the Senate by Section 12 of Article V of the state Constitution, the Senate may expel the member in question by an affirmative vote of no fewer than two-thirds of the members elected to the Senate, or the Senate may reprimand, censure, or otherwise punish the member by an affirmative vote of a majority of the members elected to the Senate.
- (g) Action of the leadership, the ethics committee, or the Senate pursuant to this rule is final and not subject to court review. Nothing in this rule shall prohibit the Senate from taking any action based upon its authority to judge the qualifications of its members pursuant to Section 10 of Article V of the state Constitution.
- (h) 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 (h) shall be approved by the President and paid by vouchers and warrants drawn as provided by law from appropriations made to the General Assembly.
- (i) 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.
- (j) If the complaint concerns misconduct of the President, then the duties of the President in this rule shall be the duties of the majority floor leader and the

duties of the majority floor leader shall be the duties of the assistant majority leader. If the complaint concerns misconduct of the majority floor leader or the minority leader, then the duties of such leader in this rule shall be the duties of the assistant majority leader or the assistant minority leader, as the case may be.

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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 Legislative Legal Services for suggestions or revisions from the Revisor of Statutes before being sent to the other house; and such bill or concurrent resolution shall also be submitted to the Office of Legislative Legal Services if it is amended and passed in the second house, for suggestions or revisions from the Revisor of Statutes, before transmission back to the house of origin.

JOINT RULES

## 4. Conference Committees

- (a) In any case of difference between the two houses upon any measure, and prior to adoption of a motion to adhere by a majority of those elected to either house, either house may request a conference and appoint a committee for that purpose and the other house shall also appoint a similar committee.
- (b) Each such committee shall consist of three members of the house appointing the same, with a chairman designated, and the two committees jointly shall constitute a conference committee. Notwithstanding any rule of the House of Representatives or any rule of the Senate to the contrary, one of the three members of such committee appointed by each house shall be a member of the minority party of that house and shall be appointed by the minority leader of that house. 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 Office of Legislative Legal Services 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 conference committee shall be attended by and staffed by a staff member of the Office of Legislative Legal Services and by a staff member of the Legislative Council. 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.
- (e) When a conference committee has reached a decision, the staff member from the Office of Legislative Legal Services shall draft a conference committee report reflecting the agreements of the committee. Every conference committee report shall be in writing.
- (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 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 Office of Legislative Legal Services' 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 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 (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 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. Printing of Bills**

The Secretary of the Senate or the Chief Clerk of the House shall determine how many copies of bills may be initially ordered printed 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 convenes, 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.

## **15. Proofreading of Bills**

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

## **16. Correction of Errors**

- (a) Errors in spelling, punctuation, grammar, and matters of form, where no change of meaning will occur, may be corrected by the Revisor of Statutes, secretary of the Senate, or the chief clerk of the House of Representatives prior to the engrossing or enrolling of any bill, resolution, or memorial, and such corrections shall be noted on a standard Correction Schedule attached to the measure itself.
- (b) Recommended substantive changes or corrections of a bill or concurrent resolution, notice of conflicting provisions in another measure, and other similar matters shall be contained in a Revisor's preliminary comment and shall be delivered to the prime sponsors of the measures and the chairman of the committee of reference to which the measure was assigned, at any time prior to second or third reading.



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

### **17. Capitalization in Bills**

Generally, capitals should be used only for:

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

Generally capitals should not be used for:

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

### **18. Enrolled Bill**

When any bill shall have been passed by both houses, the enrolling clerk of the originating house and the Office of Legislative Legal Services shall coordinate and work together jointly to prepare the bill as passed in final form. The Office of Legislative Legal Services shall prepare the bill in the form in which it shall appear in the session laws of Colorado for the current year. The Office of Legislative Legal Services shall also prepare the bill 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. The Office of

Legislative Legal Services shall deliver the correctly enrolled bill and sufficient additional copies to the enrolling clerk of the originating house.

### **19. Engrossed Bill**

When any bill shall pass without amendment, the original bill shall be accepted as the engrossed bill by stamping on the outside cover thereof the words "ORIGINAL BILL NOT AMENDED, ACCEPTED AS (ENGROSSED) (REENGROSSED) (REVISED) (REREVISED) BILL." When any bill has been amended in the originating house, the official bill shall be prepared after passage on third reading with any second or third reading amendments incorporated. Copies shall be reproduced for the members of both houses, except that the secretary or the chief clerk may choose to reproduce only the amended pages for the members. "REENGROSSED" shall be stamped on bills passed on third reading in the originating house.

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

### **20. Dissemination of Enrolled Bill**

After an enrolled bill has been signed by the President and secretary of the Senate, and the Speaker and chief clerk of the House of Representatives, the enrolled bill shall be immediately returned to the house in which it was originally introduced. The enrolled bill shall then be delivered and presented to the Governor within twenty-four hours.

### **21. Bills Which Amend Existing Law**

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

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

- (b) If the Committee on Legal Services determines that a format other than those specified in subsection (a) of this rule would improve the utility or readability of bills while not impairing the understanding of the content of bills and the relationship of bills to existing law, it may direct the Office of Legislative Legal Services to implement such a format by motion duly offered and adopted. Such formats could include, without limitation, showing long segments of new material in italics or with underscoring and in lower case rather than in capital letters.
- (c) The Office of Legislative Legal Services under the supervision of the Committee on Legal Services shall adopt and implement drafting practices to improve the format of bills introduced in the General Assembly in order that members of the General Assembly and the public will have a better understanding of the content of bills and the relationship of bills to existing law. Such practices may include the formatting and updating of bill summaries.
- (d) All bills before being introduced shall be submitted to the Office of Legislative Legal Services for approval as to form pursuant to the provisions of this rule.
- (e) 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.
- (f) Bills approved by both houses of the General Assembly shall be enrolled in final form by the respective houses, in accordance with this rule and section 24-70-204, Colorado Revised Statutes.

## 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.
- (b) (1) 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. Except as otherwise provided in paragraph (2) of this subsection (b), 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.

- (2) In the case of a printed bill that has not yet been considered by the first committee of reference to which the bill has been assigned, the prime sponsor of the printed bill may request the Legislative Council staff to prepare a fiscal note for a proposed amendment to the bill that strikes everything below the enacting clause or a statement that the proposed amendment has no fiscal impact. Such fiscal note or statement of no fiscal impact shall be prepared in lieu of the fiscal note on the printed bill that is otherwise required in accordance with paragraph (1) of this subsection (b). In order to make such a request, the prime sponsor shall:
  - (A) Provide to the Legislative Council staff a copy of the proposed amendment to the bill that strikes everything below the enacting clause and, if the printed bill was introduced in the Senate, written permission for the request granted by two of the following three individuals: The President of the Senate, the majority leader of the Senate, and the minority leader of the Senate or, if the printed bill was introduced in the House of Representatives, written permission for the request granted by two of the following three individuals: The Speaker of the House of Representatives, the majority leader of the House of Representatives, and the minority leader of the House of Representatives; and
  - (B) Authorize the Legislative Council staff to publicly release the proposed amendment to the bill that strikes everything below the enacting clause immediately after the prime sponsor has provided to the Legislative Council staff the documents required pursuant to subparagraph (A) of this paragraph (2).
- (3) Any fiscal note or statement of no fiscal impact prepared in accordance with paragraph (2) of this subsection (b) shall be distributed in the same manner as provided in paragraph (1) of this subsection (b).
- (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 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:

5 days prior to 1 <sup>st</sup> day	Deadline for filing one of each member's three bills requested prior to December 1 or December 15 pursuant to paragraph (2) of this subsection (a) and Joint Rule 24 (b) (1) (A) with the house of introduction for printing, distribution to Legislative Council staff for preparation of fiscal notes, and introduction on the 1st day.
1 <sup>st</sup> day	Deadline for the introduction of the bills required to be filed 5 days prior to the 1st day.  Deadline for introduction of any bills to increase the number of judges.
3 <sup>rd</sup> day	Deadline for introduction of the two remaining Senate bills requested prior to December 1 or December 15 pursuant to paragraph (2) of this subsection (a) and Joint Rule 24 (b)(1)(A).
6 <sup>th</sup> day	Deadline for introduction of the two remaining House bills requested prior to December 1 or December 15 pursuant to paragraph (2) of this subsection (a) and Joint Rule 24 (b)(1)(A).  Deadline for all remaining bill draft requests to the Office of Legislative Legal Services.
17 <sup>th</sup> day	Final deadline for introduction of Senate bills, except the long appropriation bill.
22 <sup>nd</sup> day	Final deadline for introduction of House bills, except the long appropriation bill.
30 <sup>th</sup> day	Deadline for House committees of reference, other than the House Appropriations Committee, to report House bills introduced on or before the 6th legislative day.
37 <sup>th</sup> day	Deadline for Senate committees of reference, other than the Senate Appropriations Committee, to report Senate bills.
44 <sup>th</sup> day	Deadline for House committees of reference, other than the House Appropriations Committee, to report remaining House bills.

- 50<sup>th</sup> day      Deadline for final passage of Senate bills in the Senate.\*  
                   Deadline for final passage of House bills in the House.\*
- 59<sup>th</sup> day      Deadline for final passage of any bill that increases the number of judges.
- 66<sup>th</sup> day      Deadline for final passage, including any conference committee report, for any bill prescribing all or a substantial portion of the total funding for public schools pursuant to the "Public School Finance Act of 1994", Article 54 of Title 22, Colorado Revised Statutes.
- 73<sup>rd</sup> day      Deadline for committees of reference, other than the Appropriations Committees, to report bills originating in the other house.
- 76<sup>th</sup> day      Deadline for introduction of the long appropriation bill in the house of origin which shall be the House of Representatives in even-numbered years and the Senate in odd-numbered years.
- 80<sup>th</sup> day      Deadline for final passage of the long appropriation bill in the house of origin.
- 83<sup>rd</sup> day      Deadline in even-numbered years for final passage in the Senate of all bills originating in the House of Representatives.\*  
                   Deadline in odd-numbered years for final passage in the House of Representatives of all bills originating in the Senate.\*
- 87<sup>th</sup> day      Deadline for final passage of the long appropriation bill in the second house.
- 90<sup>th</sup> day      Deadline in odd-numbered years for final passage in the Senate of all bills originating in the House of Representatives.\*  
                   Deadline in even-numbered years for final passage in the House of Representatives of all bills originating in the Senate.\*
- 94<sup>th</sup> day      Deadline for adoption of the conference committee report on the long appropriation bill.  
                   Deadline for Appropriations Committee in house of introduction to report bills referred to Appropriations Committee.
- 97<sup>th</sup> day      Deadline to request resolutions that are subject to the introduction deadline on the 100<sup>th</sup> day.
- 100<sup>th</sup> day      Deadline to introduce resolutions unless otherwise authorized in accordance with subsection (g) of this rule and deadline to introduce bills unless otherwise authorized in accordance with subsection (h) of this rule.
- 101<sup>st</sup> day      Deadline for final passage in house of introduction of all bills referred to Appropriations Committee in that house.
- 107<sup>th</sup> day      Deadline for committees of reference in second house to report bills referred to the Appropriations Committee in that house.
- 111<sup>th</sup> day      Deadline for Appropriations Committee in second house to report bills referred to Appropriations Committee.
- 114<sup>th</sup> day      Deadline for final passage in second house of all bills referred to Appropriations Committee in that house.

118<sup>th</sup> 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 reconvening.

*\* All bills in the Appropriations Committee in either house on the day of the asterisked final passage deadline are excluded from the final passage deadline and from other deadlines specified in this Joint Rule until the deadlines for passing bills in the Appropriations Committee. The majority leader in each house shall direct that a memo be prepared on the date of the asterisked final passage deadline that lists all of the bills to which this exclusion applies. A copy of the memo shall be attached to each bill listed in the memo and a copy shall be sent to each of the bill's sponsors. At the discretion of the respective majority leaders, the list may include any bills that have been referred out of the Appropriations Committee during the seven legislative days preceding the asterisked final passage deadline. In addition, bills in the Appropriations Committee in either house on the day of a separate final passage deadline as specified by the Committee on Delayed Bills for that house are also excluded from the specified final passage deadline unless otherwise indicated in the delayed bill form.*

- (1.5) The introduction deadlines provided for in paragraph (1) of this subsection (a) shall be deemed to be complied with if the bill has been deposited with the Chief Clerk of the House or the Secretary of the Senate before 4:30 p.m. on the specified deadline. The numbering of such bills, their assignment to committees of reference, and their formal reading and introduction need not be conducted on the day of the specified deadline. However, the numbering, assignment, and formal reading and introduction shall be accomplished prior to adjournment of the respective house on the third actual working day following the specified deadline.
- (1.6) A member of the General Assembly shall introduce a bill for an increase in the number of district judges in a judicial district, or for an increase in the number of county judges in a county, no later than 1<sup>st</sup> day of a regular legislative session. The deadline for final passage of any such bills, including any conference committee report, shall be the 59<sup>th</sup> legislative day.
- (2) All bills which a member requested pursuant to Joint Rule 24 (b) (1) (A) 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;
  - (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; and
  - (C) One of the three bills that a member may request prior to said December 1 or December 15 shall be filed with the house of introduction 5 days prior to the first day of the session for printing, distribution to Legislative Council staff for preparation of a fiscal note, and introduction on the 1<sup>st</sup> day.

- (3) A bill, including an appropriation bill, shall be deemed to be postponed indefinitely or lost, as the case may be, if it has been considered on its merits and voted upon by each committee to which it has been assigned, in accordance with the rules of the Senate or the House of Representatives, whichever are applicable, and:
- (A) As of the end of a day which is a deadline applicable to committees under paragraph (1) of subsection (a) of this Joint Rule, including the Appropriations Committees, final action on the bill has not been taken by the committee in which the bill resides; or
  - (B) As of the end of a day which is a deadline for final passage under paragraph (1) of subsection (a) of this Joint Rule, the bill has not been passed.
- (b) **Exceptions.** Subject to the limitation provided for in subsection (h) of this Joint Rule, 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 waive the deadline or 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 constitution for regular sessions of the General Assembly shall be deemed to be one hundred twenty consecutive calendar days.
- (e) In order to facilitate the work of the upcoming session, bills which are prefiled prior to the session under the rules of the House of Representatives or the Senate may be made available after December 1 to the members of the House of Representatives and the Senate in accordance with this subsection (e). The Speaker of the House or the President of the Senate, as the case may be, may release any bill after it has been printed and after December 1 at such time and under such circumstances as will best accomplish the purposes of this subsection (e), unless the prime sponsor of the bill notifies the presiding officer



of the house in which the bill is introduced that he or she does not consent to the bill becoming available in accordance with this subsection (e). Any member who has not notified the presiding officer of his or her objection to the release of a bill pursuant to this subsection (e) shall be deemed to have waived any right to confidentiality of such bill under the provisions of section 2-3-505, Colorado Revised Statutes. Once a bill has been released pursuant to the provisions of this subsection (e), it shall be available to the public.

- (f) Repealed January 10, 1997, House Joint Resolution 97-1007.
- (g) A member of the General Assembly may not introduce a concurrent resolution, joint resolution, joint memorial, resolution, or memorial during the last twenty legislative days of any regular or special session unless permission to introduce the resolution or memorial is given by the committee on delayed bills of the house in which the resolution or memorial is to be introduced. This provision shall not apply to a joint resolution or resolution pertaining to the close of the session or to the conduct of legislative business. In the case of a special session, the last twenty legislative days shall be determined by the deadline for adjournment established by the executive committee of legislative council or by joint rule of the Senate and the House of Representatives, if any such deadline is established.
- (h) If an introduction deadline is not extended to a day certain by a committee on delayed bills, a delayed bill shall be introduced no later than the 30th legislative day or the 30th day following the date of the delayed bill committee's approval to introduce the bill, whichever occurs later. However, a member of the General Assembly may not introduce any bill during the last twenty legislative days of any regular session unless additional, specific permission to introduce the bill is given by the committee on delayed bills for the house of origin of the bill.

### **23A. Consideration of Bills by Committees**

- (a) If a bill is referred to more than one committee of reference by the President of the Senate or the Speaker of the House of Representatives, each committee of reference that hears the bill shall refer the bill to the next committee in the sequence of assignment. Except as provided for in subsection (b) of this rule, a committee of reference may refer a bill to another committee of reference that is not included in the original referrals made by the President or the Speaker; however, the committee to which the bill is referred must subsequently refer the bill to the next committee of reference in the original referral sequence. This subsection (a) shall not apply if a committee postpones a bill indefinitely or if a committee refers a bill to the committee of the whole in accordance with section 20 of article V of the state constitution.
- (b) If original referrals do not include the appropriations committee, a bill must be referred to all committees of reference in the original sequence before a committee may refer it to the appropriations committee.

- (c) It shall be out of order for a member of a committee of reference to offer a motion to refer a bill to another committee of reference in violation of the provisions of this Joint Rule.
- (d) Repealed and relocated, House Joint Resolution 00-1002, February 25, 2000.

### **23B. Changes Required by Sunrise/Sunset Review**

Repealed May 5, 2004, House Joint Resolution 04-1038.

### **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 or she 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 five bills in a regular session of the General Assembly, 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 Representatives. Of the bills which are subject to the five-bill limit under this subparagraph (A), not more than two bills may be requested after the December 1 which precedes the convening of the regular session; except that any member who will serve in the regular session in an odd-numbered year but who is not a member of the current General Assembly may not introduce more than two 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) Repealed in 1990.

- (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) 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 committees or other committees created by statute or resolution which operate during the interim. No interim committee or committee created by statute or resolution that operates during the interim may recommend to the Legislative Council for consideration as an approved interim committee bill more than eight bills. 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 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 committee or by a committee created by statute or resolution need not be sponsored by a member of the committee making the recommendation. Upon written request of a committee, the Executive Committee of Legislative Council may waive the limit imposed by this subparagraph (D) on the number of bills that a committee may recommend. Such a request shall be made to the Executive Committee no later than thirty days before the applicable October 15 or November 15 approval date. In addition to any bills recommended for approval as interim committee bills, the legislative committees created in article 3 of title 2, Colorado Revised Statutes, and the committees of reference performing the duties required in section 24-1-136 and 24-34-104, Colorado Revised Statutes, may, in accordance with their statutory authority, recommend any additional bills for introduction during a legislative session. Such additional bills shall be exempt from the five-bill limitation set out in subparagraph (A) of this paragraph (1).
  
  - (E) Bills or other measures recommended by an interim 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) shall be reduced by one. On and after December 1 or December 15, whichever is applicable, a member shall not have more than five 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 or she is a member.

#### **24A. Interim Committee Requirements – Voting Requirements – Electronic Participation**

- (a) For purposes of this rule, "interim study committee" includes any committee, subcommittee, ad hoc committee, advisory committee, commission, or task force that is authorized to conduct an interim study or is charged with interim study responsibility.
- (b) Any bill or joint resolution that creates or authorizes any studies to be conducted during the interim that require funding from the legislative budget or the use of legislative staff resources or any bill or joint resolution that allocates any additional legislative staff resources during the interim shall be reviewed and prioritized by the Legislative Council in accordance with section 2-3-303.3, Colorado Revised Statutes. For purposes of such review, the committees of reference shall send a copy of any such bill or resolution to the Legislative Council. When the review and prioritization is completed by the Legislative Council, the staff of Legislative Council shall inform the committees of reference of the action taken by the Legislative Council regarding approval and prioritization. If a bill or joint resolution receives approval and prioritization by the Legislative Council, it may then be approved by the committee of reference and sent directly to the committee of the whole unless referral to another committee is appropriate.
- (c) Any such bill or resolution, at a minimum, shall specify the membership of the interim study committee; the appointing authority for the members, including the appointing authority for any member who is required to meet specific professional, geographic, or other conditions; the specific issues to be studied; and any agencies that are required to provide staff support.
- (d) Unless otherwise specified in statute or rule or in a bill or resolution creating an interim study committee, the following shall apply to interim study committees:
  - (1) The chairman shall be appointed by the Speaker of the House of Representatives when the bill or resolution creating the committee originates in the House and the President of the Senate when the bill or resolution creating the committee originates in the Senate. The vice-chairman shall be appointed by the Speaker of the House of Representatives when the bill or resolution creating the committee

originates in the Senate and by the President of the Senate when the bill or resolution creating the committee originates in the House of Representatives;

- (2) The number of committee meetings shall not exceed six unless the committee chairman obtains prior approval of the Executive Committee;
  - (3) Expenses for travel shall be approved by the Executive Committee prior to any travel;
  - (4) Expenses and a per diem shall not be paid to non-legislative members;
  - (5) Majority and minority party membership from each house shall be proportional to the majority and minority party membership of the respective body, which proportion shall be determined by the Speaker of the House of Representatives for House members and the President of the Senate for Senate members; and, notwithstanding any rule of the House of Representatives or any rule of the Senate to the contrary, the minority leader of each house shall appoint the minority party members of that house;
  - (6) The committee shall report its findings and recommendations to the Legislative Council by the date specified in Joint Rule 24 (b) (1) (D) and shall be subject to the limitations on bills contained in such joint rule; except that a committee shall only be required to report to the Legislative Council when it recommends the adoption of any legislative measure.
- (e) During the interim, the Executive Committee shall approve the use of any additional staff resources required as the result of action taken by any existing committee to authorize a new interim activity or to create a committee, subcommittee, ad hoc committee, advisory committee, commission, or task force that will operate during the interim.
  - (f) If any interim study committee or committee created by statute or resolution includes non-legislative members, a majority vote of the legislative members shall be required to recommend any legislation unless otherwise specified in the statute or resolution.
  - (g) Legislators shall not be permitted to participate in any meeting of an interim study committee through telephone or other electronic connection.

## **25. Oversight Responsibilities of Committees of Reference and Statutory Committees**

- (a) It shall be the duty of the committees of reference and the Capital Development Committee of the House and Senate to keep themselves advised of the activities, functions, problems, new developments, and budgets of the principal departments, divisions, sections, offices, agencies and specified operations and

programs of the executive department and the judicial department of state government, and of instrumentalities of state government, which are within the subject-matter jurisdiction of each committee. The chair of a committee shall, from time to time, invite the principal personnel of the respective departments, divisions, sections, offices, agencies, operations, programs, and instrumentalities 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 of the principal departments among House and Senate committees of reference shall be as follows; except that, the listing of a department in this subsection (b) shall not prevent House and Senate committees of reference or the Capital Development Committee from requesting or receiving information concerning a division, section, office, agency or specific operation or program within the subject-matter jurisdiction of the committee:

**Senate Committee**

*Agriculture and Natural Resources*

- Agriculture
  - Natural Resources
- 

*Business, Labor, and Technology*

- Labor and Employment
  - Personnel/General Support Services
  - Regulatory Agencies
  - Economic Development
  - Office of Information Technology
- 

*Finance*

- Public Employees' Retirement Association
  - Revenue
  - Treasury
  - State Planning and Budgeting
- 

*Education*

- Education
  - Higher Education
- 

*Local Government and Energy*

- Local Affairs
  - Governor's Energy Office
- 

**House Committee**

*Agriculture, Livestock, and Natural Resources*

- Agriculture
  - Natural Resources
- 

*Business Affairs and Labor*

- Labor and Employment
  - Personnel/General Support Services
  - Regulatory Agencies
  - Economic Development
  - Office of Information Technology
- 

*Finance*

- Public Employees' Retirement Association
  - Revenue
  - Treasury
  - State Planning and Budgeting
- 

*Education*

- Education
  - Higher Education
- 

*Local Government*

- Local Affairs
-

**Senate Committee**

*State, Veterans, and Military Affairs*

- Military Affairs
  - State
- 

*Transportation*

- Transportation
  - Public Utilities Commission
- 

*Health and Human Services*

- Health Care Policy and Financing
  - Human Services
  - Public Health and Environment
- 

*Judiciary*

- Corrections
  - Judicial
  - Law
  - Public Safety
  - Homeland Security
- 

**House Committee**

*State, Veterans, and Military Affairs*

- Military Affairs
  - State
- 

*Transportation and Energy*

- Transportation
  - Governor's Energy Office
  - Public Utilities Commission
- 

*Health and Human Services*

- Health Care Policy and Financing
  - Human Services
  - Public Health and Environment
- 

*Judiciary*

- Corrections
  - Judicial
  - Law
  - Public Safety
  - Homeland Security
- 

- (c) Committees of reference and the Capital Development Committee shall also be kept advised by staff members assigned thereto and by personnel of departments, divisions, sections, offices, agencies, operations, and programs and instrumentalities 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.
- (d) Committees of reference shall also review, each year, the budget of all the departments of state government that are within the subject-matter jurisdiction of each committee, as provided in subsection (b) of this rule. To facilitate this review, the committees of reference of each house shall conduct short hearings during the first weeks of the legislative session. Any such hearing may be held jointly by House and Senate committees of reference. The deadline for completing the hearings is the thirtieth legislative day. At such hearings, personnel of the departments shall provide to the appropriate committee that has subject matter jurisdiction a brief, summarized, overview of the same materials and testimony previously provided to the Joint Budget Committee during the department's budget hearing. In addition to such hearings, prior to the thirtieth legislative day, the Joint Budget Committee members shall also be available to provide the respective committees with assistance and to explain any Joint Budget Committee responses or recommendations regarding the department's hearing before the Joint Budget Committee. After completion of the hearings, and receiving any assistance and explanation from the Joint Budget Committee

members, the chairmen of the committees shall communicate any concerns or comments regarding preparation of the long appropriation bill to the Joint Budget Committee members of that house.

## **26. Correction of Bills by Amendment**

If after amendment and passage of a bill by the second house, the Revisor of Statutes in the Office of Legislative Legal Services 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 or her official duties during his or her term of office.

## **28. Recording and Storage of Legislative Activity**

- (a) Any meeting held in the Capitol building or Legislative Services Building by the General Assembly, or either house thereof, and authorized by statute, by resolution, or by rule of either house, or by joint resolution or joint rule of the General Assembly, shall be recorded and such recordings shall be stored in accordance with the following policies and procedures:
  - (1) Two identical recordings shall be made.
  - (2) One recording shall be made by the Legislative Council. At the same time, State Archives shall also make an identical second recording.
  - (3) The Legislative Council shall store and maintain the first recording, which shall be available to the public during regular business hours at a location designated by the Director of Research of the Legislative Council.
  - (4) The State Archivist shall store and maintain the second recording, which shall be the permanent record of the proceedings.



- (5) All recordings maintained by the State Archivist shall be available for use by the public during the regular business hours of the State Archives.
- (6) The State Archivist shall be, and is herein designated as, the official custodian of the recordings that are designated as the permanent record of the proceedings.

### **29. Bill Summaries**

- (a) Every bill and concurrent resolution which is introduced shall include a brief summary thereof to be written by the Office of Legislative Legal Services. Bill summaries shall be formatted and may be updated as directed by the Committee on Legal Services in accordance with Joint Rule 21.
- (b) The summary shall not appear on the enrolled copy of the measure.
- (c) This summary shall not be treated as a statement of legislative intent.
- (d) Repealed, Senate Joint Resolution 10-001. *(Rule 29 (c) was repealed and Rule 29 (d) was re-lettered.)*

### **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. Any executive session shall be held in accordance with part 4 of article 6 of title 24, Colorado Revised Statutes.

### **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 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, the sheriff's 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, 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 or her.
  - (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

Repealed effective May 6, 1992. (Senate Joint Resolution 92-20)

### 35. Sunrise and Sunset Review Committee

Repealed May 5, 2004, House Joint Resolution 04-1038.

### 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:

- (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 her or the agency or body of which he or she 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;

- (5.5) File against another lobbyist a complaint subsequently found by the Executive Committee to be frivolous.
- (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;
- (9) Attempt to remove or remove any document from any legislative office, desk, file cabinet, reproduction machine, or any other place without explicit permission.
- (10) Engage in sexually harassing behavior towards members, legislative employees of the General Assembly, or third parties or behavior violative of the sexual harassment policy under Joint Rule No. 38.

(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.
- (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.

(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 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, the nature of the complaint, and the name or names of the person or persons filing the complaint. 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. 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 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 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.
- (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 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 public. The accused shall be entitled to be present during the proceedings. The committee members shall submit a report to the 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, 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.

- (6) The President of the Senate or the Speaker of the House of Representatives shall designate a person of the opposite gender from the President or Speaker with whom a written complaint alleging a violation of paragraph (10) of subsection (b) of this Joint Rule may be filed.

### **37. Remote Computer Access by Members to Legislative Data**

Repealed May 5, 2004, House Joint Resolution 04-1038.

### **38. Sexual Harassment Policy**

- (a) ***Sexual harassment policy of the General Assembly.*** It is the General Assembly's policy to create and maintain a work environment in which all members, legislative employees, and third parties are treated with dignity and respect. Members, legislative employees, and third parties have the right to a workplace that is free from sexual harassment, both subtle and overt. It is further the policy of the General Assembly to eliminate and prevent the recurrence of sexually harassing behavior which member, legislative employees, and third parties may encounter in the course of their work.
- (b) ***Sexual harassment – definition.***
  - (1) For purposes of this Joint Rule, unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:
    - (A) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
    - (B) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
    - (C) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.
  - (2) In the course of implementation of the General Assembly's sexual harassment policy, the definition of sexual harassment contained in paragraph (1) of this subsection (b) shall be subject to revision as

necessary to conform with the most recent state or federal statutes or case law defining sexual harassment.

(c) ***Statement implementing the sexual harassment policy of the General Assembly.***

- (1) The staff directors of the Legislative Council, the Office of Legislative Legal Services, and the Joint Budget Committee, the State Auditor, the secretary of the Senate, and the chief clerk of the House of Representatives jointly shall prepare a written statement implementing the sexual harassment policy of the General Assembly set forth in subsection (a) and containing the definition of sexual harassment in subsection (b) of this Joint Rule. Such statement shall be in the form of an employment or personnel policy. Such statement shall be applicable to all legislative employees of the agencies or house not subject to the state personnel system, each member of the General Assembly, and third parties. Such statement shall be submitted for approval to the Executive Committee of the Legislative Council and, following such approval, shall also be included in each agency's personnel manual or equivalent document.
- (2) Such statement shall contain examples of written, verbal, visual, and physical conduct which may constitute sexual harassment, including but not limited to, examples of the kind of behavior that creates a hostile environment.
- (3) Such statement shall provide that no person will be subject to retaliation for having complained of sexual harassment or for having assisted or participated in an investigation of alleged sexual harassment.

(d) ***Implementation of policy – complaint procedure.***

- (1) The statement implementing the sexual harassment policy of the General Assembly shall provide for resolution of sexual harassment complaints as follows:
  - (A) A legislative employee, member, or third party with a sexual harassment complaint may notify that person's contact person. The contact person will investigate the complaint by interviewing the complainant, the person or persons accused, and any witnesses and by considering all of the circumstances surrounding the alleged incident or incidents which form the basis of the complaint. After this investigation and after appropriate consultation, if necessary, the contact person may resolve the complaint. Resolution may include disciplinary action when appropriate.
  - (B) Notwithstanding subparagraph (A) of this paragraph (1), a legislative employee with a sexual harassment complaint may file a charge of discrimination with the United States Equal Employment Opportunity Commission or the Colorado Civil Rights Division as provided by law.

- (e) **Record-keeping.** The statement implementing the sexual harassment policy of the General Assembly shall establish appropriate record-keeping requirements, including, but not limited to, a provision that complaints of sexual harassment will be investigated and handled as discreetly as possible with information being shared with those having a need to know and in accordance with law.
- (f) **Training.** Persons responsible for implementing the sexual harassment policy of the General Assembly shall receive sufficient training to discharge their duties. The General Assembly shall provide training opportunities for members. In addition, such training shall be provided in the course of orientation of newly elected members.
- (g) **Definitions.** As used in this Joint Rule:
- (1) "Legislative employee" means an employee of the Legislative Council, the Office of Legislative Legal Services, the Joint Budget Committee, the State Auditor, the Senate, or the House of Representatives, or any legislative aide to a member.
  - (2) "Contact person" means:
    - (A) The director of Legislative Council, or the person of the opposite gender whom the director shall designate, for legislative employees of that office;
    - (B) The director of the Office of Legislative Legal Services, or a person of the opposite gender whom the director shall designate, for legislative employees of that office;
    - (C) The staff director of the Joint Budget Committee, or a person of the opposite gender whom the staff director shall designate, for legislative employees of that office;
    - (D) The State Auditor, or a person of the opposite gender whom the State Auditor shall designate, for legislative employees of that office that are not in the state personnel system;
    - (E) The secretary of the Senate, or a person of the opposite gender whom the secretary shall designate, for legislative employees of that office;
    - (F) The chief clerk of the House of Representatives, or a person of the opposite gender whom the chief clerk shall designate, for legislative employees of that office; or
    - (G) Either the President of the Senate, or a person of the opposite gender whom the President shall designate, or the Speaker of the House of Representatives, or a person of the opposite gender whom the



Speaker shall designate, for members, third parties, and any other person with a complaint.

- (3) "Third parties" means newsmen, lobbyists, interns, and members of the general public who have business at the state capitol or who are doing business with legislative service agencies, the Senate, or the House of Representatives.

### 39. Legislative Aides

- (a) This Joint Rule is adopted pursuant to the General Assembly's authority under Article V, Section 12 of the state constitution in order to provide staff services during regular sessions to the individual members of the General Assembly to assist them in the performance of their legislative duties and functions.
- (b) Each member of the Senate and the House of Representatives may employ two legislative aides during each regular session; however, the employment of two legislative aides shall be subject to the limitation on the total number of hours set per member pursuant to the policies of the Executive Committee of the Legislative Council established in accordance with subsections (c) and (d) of this Joint Rule. Legislative aides shall be hired by each member through the office of the secretary of the Senate or the office of the chief clerk of the House of Representatives, as appropriate. Multiple members of the General Assembly may agree to share the services of the same legislative aide or aides. Subject to policies established by the Executive Committee of the Legislative Council pursuant to subsection (c) of this Joint Rule and the duration of such positions set pursuant to subsection (d) of this Joint Rule, legislative aides serve at the pleasure of the hiring member or members and are appointed without regard to the state personnel system.
- (c) The Executive Committee of the Legislative Council shall establish policies governing the employment of legislative aides. Such policies shall be consistent with the provision of this Joint rule and any other applicable provisions of law. The secretary of the Senate shall have primary administrative responsibility for the implementation of these policies with respect to legislative aides hired by members of the Senate, and the chief clerk of the House of Representatives shall have primary administrative responsibility for the implementation of these policies with respect to legislative aides hired by members of the House of Representatives.
- (d) Legislative Aides shall be compensated at a rate set by the Executive Committee of the Legislative Council. The Executive Committee of the Legislative Council shall set the dates when legislative aide positions commence and end.

#### **40. Oral History of the General Assembly**

- (a) The chief clerk of the House of Representatives and the secretary of the Senate shall have joint responsibility for overseeing and coordinating the ongoing development and maintenance of the oral history library of the General Assembly.
- (b) The chief clerk of the House of Representatives and the secretary of the Senate shall defray the costs of overseeing and coordinating the ongoing development and maintenance of the oral history library of the General Assembly by using any gifts, donations, and grants that may be received for such purpose and, if necessary, by using existing resources.
- (c) The chief clerk of the House of Representatives and the secretary of the Senate shall report to the Capital Development Committee regarding the ongoing development and maintenance of the oral history library of the General Assembly as required by the Capital Development Committee.

#### **41. Joint Select Committees**

- (a) The Speaker of the House of Representatives and the President of the Senate may jointly create a Joint Select Committee to review a single specified subject matter area or issue during a regular session. The Speaker and the President shall jointly determine the scope and duration of a Joint Select Committee. However, no more than two Joint Select Committees shall be created during any given regular session; no Joint Select Committee shall continue to operate after the end of the regular session during which the Joint Select Committee was created; and no Joint Select Committee shall act as a committee of reference.
- (b) A Joint Select Committee shall consist of six or ten members in the sole discretion of the Speaker and the President. If a Joint Select Committee consists of six members, the Speaker shall appoint two members of the House of Representatives, the President shall appoint two members of the Senate, the minority leader of the House of Representatives shall appoint one member of the House of Representatives, and the minority leader of the Senate shall appoint one member of the Senate. If a Joint Select Committee consists of ten members, the Speaker shall appoint three members of the House of Representatives, the President shall appoint three members of the Senate, the minority leader of the House of Representatives shall appoint two members of the House of Representatives, and the minority leader of the Senate shall appoint two members of the Senate. Of the members so appointed, the Speaker and the President shall jointly designate a chair and vice-chair.
- (c) Any member of a Joint Select Committee may sponsor legislation recommended for introduction during the regular session by the Joint Select Committee. A member of a Joint Select Committee may seek authorization for such legislation from the Committee on Delayed Bills of that member's house.

- (d) The legislative service agencies shall assist any Joint Select Committee in carrying out its duties.

#### **42. Member Interest in Bills - Voting**

- (a) For purposes of section 43 of article V of the state constitution, House Rule No. 21 (c), and Senate Rule No. 17 (c):
  - (1) A member of the General Assembly shall be considered to have a personal, private, or financial interest in a pending bill, measure, or question if the passage or failure of such bill, measure, or question will result in the member deriving a direct financial or pecuniary benefit that is greater than any such benefit derived by or shared by other persons in the member's profession, occupation, industry, or region.
  - (2) A member shall not be deemed to have a personal, private, or financial interest in a pending bill, measure, or question where such interest arises from a bill, measure, or question that affects the entire membership of a class to which the member belongs; except that, where such an interest arises, nothing in this paragraph (2) shall be construed as prohibiting a member from disclosing such interest and not voting on the bill, measure, or question.

#### **43. Equal Access to Legislative Proceedings**

- (a) All meetings, hearings, and other proceedings of the general assembly, or either house thereof or any committee thereof, shall be conducted in a manner to ensure, at a minimum:
  - (1) Equal access for persons with disabilities to attend such meetings, hearings, or other proceedings;
  - (2) That persons with disabilities are not limited in their ability to testify or otherwise participate in such meetings, hearings, or other proceedings on the basis of their disabilities; and
  - (3) That requests by persons with disabilities for reasonable accommodations and for auxiliary aids and services made in connection with such meetings, hearings, or other proceedings are satisfied to the greatest extent possible consistent with the legislative branch policy on services for the disabled to provide access to programs, services, and activities of the general assembly adopted by the executive committee of the legislative council.

#### **44. Rules of Procedure During a Declared Disaster Emergency**

- (a) This rule shall apply if the Governor, pursuant to the relevant portions of the "Colorado Disaster Emergency Act of 1992", part 21 of article 32 of title 24, Colorado Revised Statutes, has issued an executive order that declares that the state of Colorado is in a state of disaster emergency caused by a public health emergency infecting or exposing a great number of people to disease, agents, toxins, or other such threats and has activated the Colorado emergency operations plan.
- (b) If the conditions described in subsection (a) of this rule are met and the General Assembly meets either in regular session or in a special session, however convened, the procedures set forth in this rule shall be followed in addition to any applicable rules of the Senate or the House of Representatives or the Joint Rules.
- (c) After receiving notification from the Governor that the state of Colorado is in a declared disaster emergency, the Executive Committee of the Legislative Council, referred to in this rule as the "executive committee", shall meet and set forth the following in writing:
  - (1) If the General Assembly is in regular session, the list of items or topics on which members of the General Assembly may submit requests for bills to address the particular disaster emergency and the prioritization of any pending legislation relating to the state budget or to state policies that the executive committee deems necessary to enact prior to adjournment or recess of the regular session. In exercising its authority under this subsection (c), the executive committee shall determine what budgetary issues still need to be addressed for the current or upcoming fiscal year and identify the critical responsibilities of the General Assembly in light of the declared disaster emergency. The goal of the executive committee shall be to reprioritize the remaining work of the regular session and to only address those mission-critical responsibilities prior to adjournment or recess of the regular session. For purposes of determining mission-critical responsibilities, the executive committee shall consider the status of the following:
    - (A) The revenue estimate resolution specified in section 24-75-201.3, Colorado Revised Statutes;
    - (B) The state education fund resolution specified in section 22-55-104, Colorado Revised Statutes;
    - (C) The annual general appropriation act;
    - (D) The legislative appropriation bill;
    - (E) Any supplemental appropriation bills;

- (F) The school finance bill; and
  - (G) Any other issues that, in the estimation of the executive committee, are critical to address prior to a recess or adjournment of the regular session.
- (2) A limit on the number of bill requests that a member of the House of Representatives and of the Senate may request and a limit on the number of bills that a member of the House of Representatives and of the Senate may introduce;
  - (3) A deadline schedule including the dates when the General Assembly shall convene or resume meeting;
  - (4) If necessary, the President and the Speaker or their designees shall activate the critical information call tree of the General Assembly;
  - (5) If the executive committee, in consultation with the Governor and the representatives of the department of public health and environment, determine that there is an increased health risk to the members of the General Assembly or to the public of meeting in the state capitol building during the declared disaster emergency, the executive committee may make other arrangements to have the General Assembly meet on a temporary basis in another location in the city and county of Denver or, if an alternate location cannot be found within the city and county of Denver, in another location within the state.
- (d) Upon convening as a General Assembly and ascertaining that there is a quorum to meet, the House of Representatives and the Senate shall each adopt by a simple majority vote the rules of the House of Representatives and the Senate and the Joint Rules as the temporary rules.
- (e) (1) Notwithstanding any committees of reference that have been constituted for a regular session of the General Assembly pursuant to Senate Rule 21, new committees of reference shall be appointed by resolution to serve during the period of the disaster emergency. The party representation of such newly constituted 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 minimum number of members for each committee of reference meeting during the disaster emergency, 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. The majority leader and the minority leader may appoint any substitute members as necessary in order to ensure that each committee has adequate representation.
- (2) Notwithstanding any committees of reference that have been constituted for a regular session of the General Assembly pursuant to House Rule 25,

new committees of reference shall be appointed by resolution to serve during the period of the disaster emergency. The party representation of such newly constituted committees shall be in proportion, as nearly as practicable, as determined by the Speaker, to the relative number of members of the two major political parties in the House of Representatives. The Speaker shall determine the minimum number of members for each committee of reference meeting during the disaster emergency, 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. The Speaker and the minority leader may appoint any substitute members as necessary in order to ensure that each committee has adequate representation.

- (3) The committees appointed pursuant to paragraphs (1) and (2) of this subsection (e) shall only be in existence during the declared disaster emergency. Once the state of disaster emergency has passed or has been dealt with to the extent that emergency conditions no longer exist pursuant to section 24-32-2104 (4), Colorado Revised Statutes, the committees of reference in existence prior to the disaster emergency shall be restored.
- (f) Nothing in this rule shall be interpreted as changing the constitutional requirements for the number of legislators required to pass a bill by majority vote in either the House of Representatives or the Senate.
- (g) Notwithstanding the provisions of Joint Rule 23 (d) of the Joint Rules of the Senate and the House of Representatives regarding counting legislative days of a regular session as consecutive days, the maximum of one hundred twenty calendar days prescribed by section 7 of article V of the state constitution shall be counted as one hundred twenty separate working calendar days if the Governor has declared a state of disaster emergency due to a public health emergency pursuant to section 24-32-2104, Colorado Revised Statutes. Once the disaster emergency is over, the House of Representatives and the Senate shall resume following Joint Rule 23 (d) during regular sessions.
- (h)
  - (1) In addition to all of the powers, duties, and responsibilities set forth in Senate Rule 13 and in any other Senate rule, the secretary of the Senate shall have additional powers and authority, as the secretary deems necessary, in a declared disaster emergency to implement new or streamlined methods of operations and may suspend requirements set forth in the Rules of the Senate and the Joint Rules in order to preserve the resources of the Senate and function effectively during the disaster emergency.
  - (2) In addition to all of the powers, duties, and responsibilities set forth in House Rule 43 and in any other House rule, the chief clerk of the House of Representatives shall have additional powers and authority, as the chief clerk deems necessary, in a declared disaster emergency to implement new or streamlined methods of operations and may suspend requirements set forth in the Rules of the House of Representatives and the Joint Rules

in order to preserve the resources of the House of Representatives and function effectively during the disaster emergency.





# 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. The Speaker of the House of Representatives shall introduce the President of the Senate. The President shall preside over the joint session.

## 2. Secretaries of the Joint Session – Proceedings in Journals

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

## 3. House Rules Govern

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

## 4. Presiding Officer

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

## 5. Attendance

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

## 6. Adjournment from Time to Time

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



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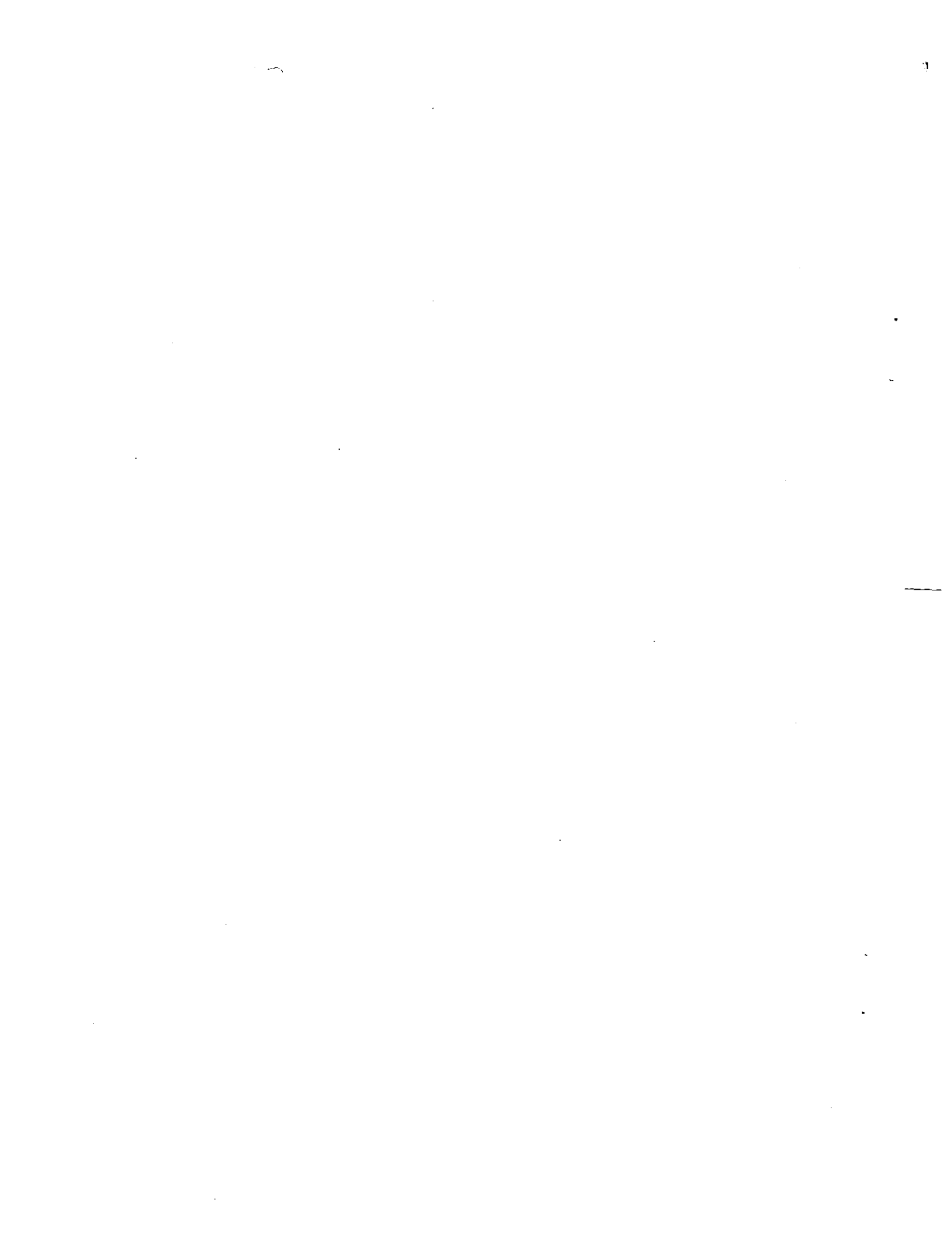
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**CONSTITUTION**





**ARTICLE IV**  
**Executive Department**

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

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

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

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

**ARTICLE V**  
**Legislative Department**

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

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

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

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

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

(5.5) No measure shall be proposed by petition containing more than one subject, which shall be clearly expressed in its title; but if any subject shall be embraced in any measure which shall not be expressed in the title, such measure shall be void only as to so much thereof as shall not be so expressed. If a measure contains more than one subject, such that a ballot title cannot be fixed that clearly expresses a single subject, no title shall be set and the measure shall not be submitted to the people for adoption or rejection at the polls. In such circumstance, however, the measure may be revised and resubmitted for the fixing of a proper title without the necessity of review and comment on the revised measure in accordance with subsection (5) of this section, unless the revisions involve more than the elimination of provisions to achieve a single subject, or unless the official or officials responsible for the fixing of a title determine that the revisions are so substantial that such review and comment is in the public interest. The revision and

resubmission of a measure in accordance with this subsection (5.5) shall not operate to alter or extend any filing deadline applicable to the 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. 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.

(7.3) Before any election at which the voters of the entire state will vote on any initiated or referred constitutional amendment or legislation, the nonpartisan research staff of the general assembly shall cause to be published the text and title of every such measure. Such publication shall be made at least one time in at least one legal publication of general circulation in each county of the state and shall be made at least fifteen days prior to the final date of voter registration for the election. The form and manner of publication shall be as prescribed by law and shall ensure a reasonable opportunity for the voters statewide to become informed about the text and title of each measure.

(7.5) (a) Before any election at which the voters of the entire state will vote on any initiated or referred constitutional amendment or legislation, the nonpartisan research staff of the general assembly shall prepare and make available to the public the following information in the form of a ballot information booklet:

(I) The text and title of each measure to be voted on;  
(II) A fair and impartial analysis of each measure, which shall include a summary and the major arguments both for and against the measure, and which may include any other information that would assist understanding the purpose and effect of the measure. Any person may file written comments for consideration by the research staff during the preparation of such analysis.

(b) At least thirty days before the election, the research staff shall cause the ballot information booklet to be distributed to active registered voters statewide.

(c) If any measure to be voted on by the voters of the entire state includes matters arising under section 20 of article X of this constitution, the ballot information booklet shall include the information and the titled notice required by section 20 (3) (b) of article X, and the mailing of such information pursuant to section 20 (3) (b) of article X is not required.

(d) The general assembly shall provide sufficient appropriations for the preparation and distribution of the ballot information booklet pursuant to this subsection (7.5) at no charge to recipients.

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

(9) The initiative and referendum powers reserved to the people by this section are hereby further reserved to the registered electors of every city, town, and municipality as to all local, special, and municipal legislation of every character in or for their respective municipalities. The manner of exercising said powers shall be prescribed by general laws; except that cities, towns, and municipalities may provide for the manner of exercising the

initiative and referendum powers as to their municipal legislation. Not more than ten percent of the registered electors may be required to order the referendum, nor more than fifteen per cent to propose any measure by the initiative in any city, town, or municipality.

(10) This section of the constitution shall be in all respects self-executing; except that the form of the initiative or referendum petition may be prescribed pursuant to law.

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

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

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

**Section 3. Terms of senators and representatives.** (1) Senators shall be elected for the term of four years and representatives for the term of two years.

(2) In order to broaden the opportunities for public service and to assure that the general assembly is representative of Colorado citizens, no senator shall serve more than two consecutive terms in the senate, and no representative shall serve more than four consecutive terms in the house of representatives. This limitation on the number of terms shall apply to terms of office beginning on or after January 1, 1991. Any person appointed or elected to fill a vacancy in the general assembly and who serves at least one-half of a term of office shall be considered to have served a term in that office for purposes of this subsection (2). Terms are considered consecutive unless they are at least four years apart.

**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, and who shall not for at least twelve months next preceding his election, have resided within the territory included in the limits of the district in which he shall be chosen.

**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 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 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.

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

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

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

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

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

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

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

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

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

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

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

**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.

**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 police magistrates; changing the rules of evidence in any trial or inquiry; providing for changes of venue in civil or criminal cases; declaring any person of age; for limitation of civil actions or giving effect to informal or invalid deeds; summoning or impaneling grand or petit juries; providing for the management of common schools; regulating the rate of interest on money; the opening or conducting of any election, or designating the place of voting; the sale or mortgage of real estate belonging to minors or others under disability; the protection of game or fish; chartering or licensing ferries or toll bridges; remitting fines, penalties or forfeitures; creating, increasing or decreasing fees, percentage or allowances of public officers; changing the law of descent; granting to any corporation, association or individual the right to lay down railroad tracks; granting to any corporation, association or individual any special or exclusive privilege, immunity or franchise whatever. In all other cases, where a general law can be made applicable no special law shall be enacted.

**Section 25a. Eight-hour employment.** (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 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.

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

**Section 32. Appropriation bills.** The general appropriation bill shall embrace nothing but appropriations for the expense of the executive, legislative and judicial departments of the state, state institutions, interest on the public debt and for public schools. All other appropriations shall be made by separate bills, each embracing but one subject.

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

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

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

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

**Section 37. Change of venue.** Repealed November 5, 1974 - Effective upon proclamation of the Governor, December 20, 1974.

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

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

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

**Section 41. Offering, giving, promising money or other consideration.** Repealed November 5, 1974 - Effective upon proclamation of the Governor, December 20, 1974.

**Section 42. Corrupt solicitation of members and officers.** Repealed November 5, 1974 - Effective upon proclamation of the Governor, December 20, 1974.

**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.

## **Congressional and Legislative Apportionments**

**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 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 or her stead, which acceptance of service or designation shall be made no later than April 15 of the year following that in which the federal census is taken. The three executive members shall be appointed by the governor between April 15 and April 25 of such year, and the four

judicial members shall be appointed by the chief justice of the Colorado supreme court between April 25 and May 5 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 May 15 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 one hundred thirteen 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. No later than one hundred twenty-three days prior to the date established in statute for precinct caucuses in the second year following the year in which the census was taken or, if the election laws do not provide for precinct caucuses, no later than one hundred twenty-three days prior to the date established in statute for the event commencing the candidate selection process in such year, the commission shall finalize its plan and submit the same to the Colorado supreme court for review and determination as to compliance with sections 46 and 47 of this article. Such review and determination shall take precedence over other matters before the court. The supreme court shall adopt rules for such proceedings and for the production and presentation of supportive evidence for such plan. Any legal arguments or evidence concerning such plan shall be submitted to the supreme court pursuant to the schedule established by the court; except that the final submission must be made no later than ninety days prior to the date established in statute for precinct caucuses in the second year following the year in which the census was taken or, if the election laws do not provide for precinct caucuses, no later than ninety days prior to the date established in statute for the event commencing the candidate selection process in such year. 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 the time period specified by the court. The supreme court shall approve a plan for the redrawing of the districts of the members of the general assembly by a date that will allow sufficient time for such plan to be filed with the secretary of state no later than fifty-five days prior to the date established in statute for precinct caucuses in the second year following the year in which the census was taken or, if the election laws do not provide for precinct caucuses, no later than fifty-five days prior to the date established in statute for the event commencing the candidate selection process in such year. The court shall order that such plan be filed with the secretary of state no later than such date. The commission shall keep a public record of all the proceedings of the commission and shall be responsible for the publication and distribution of copies of each plan.

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

**Section 49. Appointment of state auditor - term - qualifications - duties.** (1) The general assembly, by a majority vote of the members elected to and serving in each house, shall appoint, without regard to political affiliation, a state auditor, who shall be a certified public accountant licensed to practice in this state, to serve for a term of five years and until his successor is appointed and qualified. Except as provided by law, he shall be ineligible for appointment to any other public office in this state from which compensation is derived while serving as state auditor. He may be removed for cause at any time by a two-thirds vote of the members elected to and serving in each house.

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

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

**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 XIX Amendments

**Section 1. Constitutional convention - how called.** The general assembly may at any time by a vote of two-thirds of the members elected to each house, recommend to the electors of the state, to vote at the next general election for or against a convention to revise, alter and amend this constitution; and if a majority of those voting on the question shall declare in favor of such convention, the general assembly shall, at its next session, provide for the calling thereof. The number of members of the convention shall be twice that of the senate and they shall be elected in the same manner, at the same places, and in the same districts. The general assembly shall, in the act calling the convention, designate the day, hour and place of its meeting; fix the pay of its members and officers, and provide for the payment of the same, together with the necessary expenses of the convention. Before proceeding, the members shall take an oath to support the constitution of the United States, and of the state of Colorado, and to faithfully discharge their duties as members of the convention. The qualifications of members shall be the same as of members of the senate; and vacancies occurring shall be filled in the manner provided for filling vacancies in the general assembly. Said convention shall meet within three months after such election and prepare such revisions, alterations or amendments to the constitution as may be deemed necessary; which shall be submitted to the electors for their ratification or rejection at an election appointed by the convention for that purpose, not less than two nor more than six months after adjournment thereof; and unless so submitted and approved by a majority of the electors voting at the election, no such revision, alteration or amendment shall take effect.

**Section 2. Amendments to constitution - how adopted.** (1) Any amendment or amendments to this constitution may be proposed in either house of the general assembly, and, if the same shall be voted for by two-thirds of all the members elected to each house, such proposed amendment or amendments, together with the ayes and noes of each house thereon, shall be entered in full on their respective journals. The proposed amendment or amendments shall be published with the laws of that session of the general assembly. At the next general election for members of the general assembly, the said amendment or amendments shall be submitted to the registered electors of the state for their approval or rejection, and such as are approved by a majority of those voting thereon shall become part of this constitution.

(2) If more than one amendment be submitted at any general election, each of said amendments shall be voted upon separately and votes thereon cast shall be separately counted the same as though but one amendment was submitted; but each general assembly shall have no power to propose amendments to more than six articles of this constitution.

(3) No measure proposing an amendment or amendments to this constitution shall be submitted by the general assembly to the registered electors of the state containing more than one subject, which shall be clearly expressed in its title; but if any subject shall be embraced in any measure which shall not be expressed in the title, such measure shall be void only as to so much thereof as shall not be so expressed.

## ARTICLE XXVIII Campaign and Political Finance

**Section 1. Purpose and findings.** The people of the state of Colorado hereby find and declare that large campaign contributions to political candidates create the potential for corruption and the appearance of corruption; that large campaign contributions made to influence election outcomes allow wealthy individuals, corporations, and special interest groups to exercise a disproportionate level of influence over the political process; that the rising costs of campaigning for political office prevent qualified citizens from running for political office; that because of the use of early voting in Colorado timely notice of independent expenditures is essential for informing the electorate; that in recent years the advent of significant spending on electioneering communications, as defined herein, has frustrated the purpose of existing campaign finance requirements; that independent research has demonstrated that the vast majority of televised electioneering communications goes beyond issue discussion to express electoral advocacy; that political contributions from corporate treasuries are not an indication of popular support for the corporation's political ideas and can unfairly influence the outcome of Colorado elections; and that the interests of the public are best served by limiting campaign contributions, encouraging voluntary campaign spending limits, providing for full and timely disclosure of campaign contributions, independent expenditures, and funding of electioneering communications, and strong enforcement of campaign finance requirements.

**Section 2. Definitions.** For the purpose of this article and any statutory provisions pertaining to campaign finance, including provisions pertaining to disclosure:

(1) "Appropriate officer" means the individual with whom a candidate, candidate committee, political committee, small donor committee, or issue committee must file pursuant to section 1-45-109 (1), C.R.S., or any successor section.

(2) "Candidate" means any person who seeks nomination or election to any state or local public office that is to be voted on in this state at any primary election, general

election, school district election, special district election, or municipal election. "Candidate" also includes a judge or justice of any court of record who seeks to be retained in office pursuant to the provisions of section 25 of article VI. A person is a candidate for election if the person has publicly announced an intention to seek election to public office or retention of a judicial office and thereafter has received a contribution or made an expenditure in support of the candidacy. A person remains a candidate for purposes of this article so long as the candidate maintains a registered candidate committee. A person who maintains a candidate committee after an election cycle, but who has not publicly announced an intention to seek election to public office in the next or any subsequent election cycle, is a candidate for purposes of this article.

(3) "Candidate committee" means a person, including the candidate, or persons with the common purpose of receiving contributions or making expenditures under the authority of a candidate. A contribution to a candidate shall be deemed a contribution to the candidate's candidate committee. A candidate shall have only one candidate committee. A candidate committee shall be considered open and active until affirmatively closed by the candidate or by action of the secretary of state.

(4) "Conduit" means a person who transmits contributions from more than one person, directly to a candidate committee. "Conduit" does not include the contributor's immediate family members, the candidate or campaign treasurer of the candidate committee receiving the contribution, a volunteer fund raiser hosting an event for a candidate committee, or a professional fund raiser if the fund raiser is compensated at the usual and customary rate.

(4.5) "Contract holder" means any non-governmental party to a sole source government contract, including persons that control ten percent or more shares or interest in that party; or that party's officers, directors or trustees; or, in the case of collective bargaining agreements, the labor organization and any political committees created or controlled by the labor organization;

(5) (a) "Contribution" means:

(I) The payment, loan, pledge, gift, or advance of money, or guarantee of a loan, made to any candidate committee, issue committee, political committee, small donor committee, or political party;

(II) Any payment made to a third party for the benefit of any candidate committee, issue committee, political committee, small donor committee, or political party;

(III) The fair market value of any gift or loan of property made to any candidate committee, issue committee, political committee, small donor committee or political party;

(IV) Anything of value given, directly or indirectly, to a candidate for the purpose of promoting the candidate's nomination, retention, recall, or election.

(b) "Contribution" does not include services provided without compensation by individuals volunteering their time on behalf of a candidate, candidate committee, political committee, small donor committee, issue committee, or political party; a transfer by a membership organization of a portion of a member's dues to a small donor committee or political committee sponsored by such membership organization; or payments by a corporation or labor organization for the costs of establishing, administering, and soliciting funds from its own employees or members for a political committee or small donor committee.

(6) "Election cycle" means either:

(a) The period of time beginning thirty-one days following a general election for the particular office and ending thirty days following the next general election for that office;

(b) The period of time beginning thirty-one days following a general election for the particular office and ending thirty days following the special legislative election for that office; or

(c) The period of time beginning thirty-one days following the special legislative election for the particular office and ending thirty days following the next general election for that office.

(7) (a) "Electioneering communication" means any communication broadcasted by television or radio, printed in a newspaper or on a billboard, directly mailed or delivered by hand to personal residences or otherwise distributed that:

(I) Unambiguously refers to any candidate; and

(II) Is broadcasted, printed, mailed, delivered, or distributed within thirty days before a primary election or sixty days before a general election; and

(III) Is broadcasted to, printed in a newspaper distributed to, mailed to, delivered by hand to, or otherwise distributed to an audience that includes members of the electorate for such public office.

(b) "Electioneering communication" does not include:

(I) Any news articles, editorial endorsements, opinion or commentary writings, or letters to the editor printed in a newspaper, magazine or other periodical not owned or controlled by a candidate or political party;

(II) Any editorial endorsements or opinions aired by a broadcast facility not owned or controlled by a candidate or political party;

(III) Any communication by persons made in the regular course and scope of their business or any communication made by a membership organization solely to members of such organization and their families;

(IV) Any communication that refers to any candidate only as part of the popular name of a bill or statute.

(8) (a) "Expenditure" means any purchase, payment, distribution, loan, advance, deposit, or gift of money by any person for the purpose of expressly advocating the election or defeat of a candidate or supporting or opposing a ballot issue or ballot question. An expenditure is made when the actual spending occurs or when there is a contractual agreement requiring such spending and the amount is determined.

(b) "Expenditure" does not include:

(I) Any news articles, editorial endorsements, opinion or commentary writings, or letters to the editor printed in a newspaper, magazine or other periodical not owned or controlled by a candidate or political party;

(II) Any editorial endorsements or opinions aired by a broadcast facility not owned or controlled by a candidate or political party;

(III) Spending by persons, other than political parties, political committees and small donor committees, in the regular course and scope of their business or payments by a membership organization for any communication solely to members and their families;

(IV) Any transfer by a membership organization of a portion of a member's dues to a small donor committee or political committee sponsored by such membership organization; or payments made by a corporation or labor organization for the costs of establishing, administering, or soliciting funds from its own employees or members for a political committee or small donor committee.

(8.5) "Immediate family member" means any spouse, child, spouse's child, son-in-law, daughter-in-law, parent, sibling, grandparent, grandchild, stepbrother, stepsister, stepparent, parent-in-law, brother-in-law, sister-in-law, aunt, niece, nephew, guardian, or domestic partner;

(9) "Independent expenditure" means an expenditure that is not controlled by or coordinated with any candidate or agent of such candidate. Expenditures that are controlled by or coordinated with a candidate or candidate's agent are deemed to be both contributions by the maker of the expenditures, and expenditures by the candidate committee.



(10) (a) "Issue committee" means any person, other than a natural person, or any group of two or more persons, including natural persons:

(I) That has a major purpose of supporting or opposing any ballot issue or ballot question; or

(II) That has accepted or made contributions or expenditures in excess of two hundred dollars to support or oppose any ballot issue or ballot question.

(b) "Issue committee" does not include political parties, political committees, small donor committees, or candidate committees as otherwise defined in this section.

(c) An issue committee shall be considered open and active until affirmatively closed by such committee or by action of the appropriate authority.

(11) "Person" means any natural person, partnership, committee, association, corporation, labor organization, political party, or other organization or group of persons.

(12) (a) "Political committee" means any person, other than a natural person, or any group of two or more persons, including natural persons that have accepted or made contributions or expenditures in excess of \$200 to support or oppose the nomination or election of one or more candidates.

(b) "Political committee" does not include political parties, issue committees, or candidate committees as otherwise defined in this section.

(c) For the purposes of this article, the following are treated as a single political committee:

(I) All political committees established, financed, maintained, or controlled by a single corporation or its subsidiaries;

(II) All political committees established, financed, maintained, or controlled by a single labor organization; except that, any political committee established, financed, maintained, or controlled by a local unit of the labor organization which has the authority to make a decision independently of the state and national units as to which candidates to support or oppose shall be deemed separate from the political committee of the state and national unit;

(III) All political committees established, financed, maintained, or controlled by the same political party;

(IV) All political committees established, financed, maintained, or controlled by substantially the same group of persons.

(13) "Political party" means any group of registered electors who, by petition or assembly, nominate candidates for the official general election ballot. "Political party" includes affiliated party organizations at the state, county, and election district levels, and all such affiliates are considered to be a single entity for the purposes of this article, except as otherwise provided in section 7.

(14) (a) "Small donor committee" means any political committee that has accepted contributions only from natural persons who each contributed no more than fifty dollars in the aggregate per year. For purposes of this section, dues transferred by a membership organization to a small donor committee sponsored by such organization shall be treated as pro-rata contributions from individual members.

(b) "Small donor committee" does not include political parties, political committees, issue committees, or candidate committees as otherwise defined in this section.

(c) For the purposes of this article, the following are treated as a single small donor committee:

(I) All small donor committees established, financed, maintained, or controlled by a single corporation or its subsidiaries;

(II) All small donor committees established, financed, maintained, or controlled by a single labor organization; except that, any small donor committee established, financed, maintained, or controlled by a local unit of the labor organization which has the authority to make a decision independently of the state and national units as to which candidates to

support or oppose shall be deemed separate from the small donor committee of the state and national unit;

(III) All small donor committees established, financed, maintained, or controlled by the same political party;

(IV) All small donor committees established, financed, maintained, or controlled by substantially the same group of persons.

(14.4) "Sole source government contract" means any government contract that does not use a public and competitive bidding process soliciting at least three bids prior to awarding the contract. This provision applies only to government contracts awarded by the state or any of its political subdivisions for amounts greater than one hundred thousand dollars indexed for inflation per the United States bureau of labor statistics consumer price index for Denver-Boulder-Greeley after the year 2012, adjusted every four years, beginning January 1, 2012, to the nearest lowest twenty five dollars. This amount is cumulative and includes all sole source government contracts with any and all governmental entities involving the contract holder during a calendar year. A sole source government contract includes collective bargaining agreements with a labor organization representing employees, but not employment contracts with individual employees. Collective bargaining agreements qualify as sole source government contracts if the contract confers an exclusive representative status to bind all employees to accept the terms and conditions of the contract;

(14.6) "State or any of its political subdivisions" means the state of Colorado and its agencies or departments, as well as the political subdivisions within this state including counties, municipalities, school districts, special districts, and any public or quasi-public body that receives a majority of its funding from the taxpayers of the state of Colorado.

(15) "Unexpended campaign contributions" means the balance of funds on hand in any candidate committee at the end of an election cycle, less the amount of all unpaid monetary obligations incurred prior to the election in furtherance of such candidacy.

**Section 3. Contribution limits.** (1) Except as described in subsections (2), (3), and (4) of this section, no person, including a political committee, shall make to a candidate committee, and no candidate committee shall accept from any one person, aggregate contributions for a primary or a general election in excess of the following amounts:

(a) Five hundred dollars to any one:

(I) Governor candidate committee for the primary election, and governor and lieutenant governor candidate committee, as joint candidates under 1-1-104, C.R.S., or any successor section, for the general election;

(II) Secretary of state, state treasurer, or attorney general candidate committee; and

(b) Two hundred dollars to any one state senate, state house of representatives, state board of education, regent of the university of Colorado, or district attorney candidate committee.

(2) No small donor committee shall make to a candidate committee, and no candidate committee shall accept from any one small donor committee, aggregate contributions for a primary or a general election in excess of the following amounts:

(a) Five thousand dollars to any one:

(I) Governor candidate committee for the primary election, and governor and lieutenant governor candidate committee, as joint candidates under 1-1-104, C.R.S., or any successor section, for the general election;

(II) Secretary of state, state treasurer, or attorney general candidate committee; and

(b) Two thousand dollars to any one state senate, state house of representatives, state board of education, regent of the university of Colorado, or district attorney candidate committee.

(3) (a) No political party shall accept aggregate contributions from any person, other than a small donor committee as described in paragraph (b) of this subsection (3), that exceed three thousand dollars per year at the state, county, district, and local level combined, and of such amount no more than twenty-five hundred dollars per year at the state level;

(b) No political party shall accept aggregate contributions from any small donor committee that exceed fifteen thousand dollars per year at the state, county, district, and local level combined, and of such amount no more than twelve thousand, five hundred dollars at the state level;

(c) No political party shall accept contributions that are intended, or in any way designated, to be passed through the party to a specific candidate's candidate committee;

(d) In the applicable election cycle, no political party shall contribute to any candidate committee more than twenty percent of the applicable spending limit set forth in section 4 of this article.

(e) Any unexpended campaign contributions retained by a candidate committee for use in a subsequent election cycle shall be counted and reported as contributions from a political party in any subsequent election for purposes of paragraph (d) of this subsection (3);

(4) (a) It shall be unlawful for a corporation or labor organization to make contributions to a candidate committee or a political party, and to make expenditures expressly advocating the election or defeat of a candidate; except that a corporation or labor organization may establish a political committee or small donor committee which may accept contributions or dues from employees, officeholders, shareholders, or members.

(b) The prohibition contained in paragraph (a) of this subsection (4) shall not apply to a corporation that:

(I) Is formed for the purpose of promoting political ideas and cannot engage in business activities; and

(II) Has no shareholders or other persons with a claim on its assets or income; and

(III) Was not established by and does not accept contributions from business corporations or labor organizations.

(5) No political committee shall accept aggregate contributions or pro-rata dues from any person in excess of five hundred dollars per house of representatives election cycle.

(6) No candidate's candidate committee shall accept contributions from, or make contributions to, another candidate committee, including any candidate committee, or equivalent entity, established under federal law.

(7) No person shall act as a conduit for a contribution to a candidate committee.

(8) Notwithstanding any other section of this article to the contrary, a candidate's candidate committee may receive a loan from a financial institution organized under state or federal law if the loan bears the usual and customary interest rate, is made on a basis that assures repayment, is evidenced by a written instrument, and is subject to a due date or amortization schedule. The contribution limits described in this section shall not apply to a loan as described in this subsection (8).

(9) All contributions received by a candidate committee, issue committee, political committee, small donor committee, or political party shall be deposited in a financial institution in a separate account whose title shall include the name of the committee or political party. All records pertaining to such accounts shall be maintained by the committee or political party for one-hundred eighty days following any general election in which the committee or party received contributions unless a complaint is filed, in which case they shall be maintained until final disposition of the complaint and any consequent litigation. Such records shall be subject to inspection at any hearing held pursuant to this article.

(10) No candidate committee, political committee, small donor committee, issue committee, or political party shall accept a contribution, or make an expenditure, in currency or coin exceeding one hundred dollars.

(11) No person shall make a contribution to a candidate committee, issue committee, political committee, small donor committee, or political party with the expectation that some or all of the amounts of such contribution will be reimbursed by another person. No person shall be reimbursed for a contribution made to any candidate committee, issue committee, political committee, small donor committee, or political party, nor shall any person make such reimbursement except as provided in subsection (8) of this section.

(12) No candidate committee, political committee, small donor committee, or political party shall knowingly accept contributions from:

(a) Any natural person who is not a citizen of the United States;

(b) A foreign government; or

(c) Any foreign corporation that does not have the authority to transact business in this state pursuant to article 115 of title 7, C.R.S., or any successor section.

(13) Each limit on contributions described in subsections (1), (2), (3) (a), (3) (b) and (5) of this section, and subsection (14) of section 2, shall be adjusted by an amount based upon the percentage change over a four year period in the United States bureau of labor statistics consumer price index for Denver- Boulder-Greeley, all items, all consumers, or its successor index, rounded to the nearest lowest twenty-five dollars. The first adjustment shall be done in the first quarter of 2007 and then every four years thereafter. The secretary of state shall calculate such an adjustment in each limit and specify the limits in rules promulgated in accordance with article 4 of title 24, C.R.S., or any successor section.

**Section 4. Voluntary campaign spending limits.** (1) Candidates may certify to the secretary of state that the candidate's candidate committee shall not exceed the following spending limits for the applicable election cycle:

(a) Two and one-half million dollars combined for a candidate for governor and governor and lieutenant governor as joint candidates under 1-1-104, C.R.S., or any successor section;

(b) Five hundred thousand dollars for a candidate for secretary of state, attorney general, or treasurer;

(c) Ninety thousand dollars for a candidate for the state senate;

(d) Sixty-five thousand dollars for a candidate for the state house of representatives, state board of education, regent of the university of Colorado, or district attorney.

(2) Candidates accepting the campaign spending limits set forth above shall also agree that their personal contributions to their own campaign shall be counted as political party contributions and subject to the aggregate limit on such contributions set forth in section 3 of this article.

(3) Each candidate who chooses to accept the applicable voluntary spending limit shall file a statement to that effect with the secretary of state at the time that the candidate files a candidate affidavit as currently set forth in section 1-45-110(1), C.R.S., or any successor section. Acceptance of the applicable voluntary spending limit shall be irrevocable except as set forth in subsection (4) of this section and shall subject the candidate to the penalties set forth in section 10 of this article for exceeding the limit.

(4) If a candidate accepts the applicable spending limit and another candidate for the same office refuses to accept the spending limit, the accepting candidate shall have ten days in which to withdraw acceptance. The accepting candidate shall have this option of withdrawing acceptance after each additional non-accepting candidate for the same office enters the race.

(5) The applicable contribution limits set forth in section 3 of this article shall double for any candidate who has accepted the applicable voluntary spending limit if:

(a) Another candidate in the race for the same office has not accepted the voluntary spending limit; and

(b) The non-accepting candidate has raised more than ten percent of the applicable voluntary spending limit.

(6) Only those candidates who have agreed to abide by the applicable voluntary spending limit may advertise their compliance. All other candidates are prohibited from advertising, or in any way implying, their acceptance of voluntary spending limits.

(7) Each spending limit described in subsection (1) of this section shall be adjusted by an amount based upon the percentage change over a four year period in the united states bureau of labor statistics consumer price index for Denver-Boulder-Greeley, all items, all consumers, or its successor index, rounded to the nearest lowest twenty-five dollars. The first adjustment shall be done in the first quarter of 2007 and then every four years thereafter. The secretary of state shall calculate such an adjustment in each limit and specify the limits in rules promulgated in accordance with article 4 of title 24, C.R.S., or any successor section.

**Section 5. Independent expenditures.** (1) Any person making an independent expenditure in excess of one thousand dollars per calendar year shall deliver notice in writing to the secretary of state of such independent expenditure, as well as the amount of such expenditure, and a detailed description of the use of such independent expenditure. The notice shall specifically state the name of the candidate whom the independent expenditure is intended to support or oppose. Each independent expenditure in excess of one-thousand dollars shall require the delivery of a new notice. Any person making an independent expenditure within thirty days of a primary or general election shall deliver such notice within forty-eight hours after obligating funds for such expenditure.

(2) Any person making an independent expenditure in excess of one thousand dollars shall disclose, in the communication produced by the expenditure, the name of the person making the expenditure and the specific statement that the advertisement of material is not authorized by any candidate. Such disclosure shall be prominently featured in the communication.

(3) Expenditures by any person on behalf of a candidate for public office that are coordinated with or controlled by the candidate or the candidate's agent, or political party shall be considered a contribution to the candidate's candidate committee, or the political party, respectively.

(4) This section 5 applies only to independent expenditures made for the purpose of expressly advocating the defeat or election of any candidate.

**Section 6. Electioneering communications.** (1) Any person who expends one thousand dollars or more per calendar year on electioneering communications shall submit reports to the secretary of state in accordance with the schedule currently set forth in 1-45-108 (2), C.R.S., or any successor section. Such reports shall include spending on such electioneering communications, and the name, and address, of any person that contributes more than two hundred and fifty dollars per year to such person described in this section for an electioneering communication. In the case where the person is a natural person, such reports shall also include the occupation and employer of such natural person. The last such report shall be filed thirty days after the applicable election.

(2) Notwithstanding any section to the contrary, it shall be unlawful for a corporation or labor organization to provide funding for an electioneering communication; except that

any political committee or small donor committee established by such corporation or labor organization may provide funding for an electioneering communication.

**Section 7. Disclosure.** The disclosure requirements relevant to candidate committees, political committees, issue committees, and political parties, that are currently set forth in section 1-45-108, C.R.S., or any successor section, shall be extended to include small donor committees. The disclosure requirements of section 1-45-108, C.R.S., or any successor section, shall be extended to require disclosure of the occupation and employer of each person who has made a contribution of one hundred dollars or more to a candidate committee, political committee, issue committee, or political party. For purposes of this section and 1-45-108, C.R.S., or any successor section, a political party shall be treated as separate entities at the state, county, district, and local levels.

**Section 8. Filing - where to file - timeliness.** The secretary of state shall promulgate rules relating to filing in accordance with article 4 of title 24, C.R.S., or any successor section. The rules promulgated pursuant to this section shall extend section 1-45-109, C.R.S., or any successor section to apply to small donor committees.

**Section 9. Duties of the secretary of state - enforcement.** (1) The secretary of state shall:

(a) Prepare forms and instructions to assist candidates and the public in complying with the reporting requirements of this article and make such forms and instructions available to the public, municipal clerks, and county clerk and recorders free of charge;

(b) Promulgate such rules, in accordance with article 4 of title 24, C.R.S., or any successor section, as may be necessary to administer and enforce any provision of this article;

(c) Prepare forms for candidates to declare their voluntary acceptance of the campaign spending limits set forth in section 4 of this article. Such forms shall include an acknowledgment that the candidate voluntarily accepts the applicable spending limit and that the candidate swears to abide by those spending limits. These forms shall be signed by the candidate under oath, notarized, filed with the secretary of state, and available to the public upon request;

(c) Maintain a filing and indexing system consistent with the purposes of this article;

(e) Make the reports and statements filed with the secretary of state's office available immediately for public inspection and copying. The secretary of state may charge a reasonable fee for providing copies of reports. No information copied from such reports shall be sold or used by any person for the purpose of soliciting contributions or for any commercial purpose;

(f) Refer any complaints filed against any candidate for the office of secretary of state to the attorney general. Any administrative law judge employed pursuant to this section shall be appointed pursuant to part 10 of article 30 of title 24, C.R.S., or any successor section. Any hearing conducted by an administrative law judge employed pursuant to subsection (2) of this section shall be conducted in accordance with the provisions of section 24-4-105, C.R.S., or any successor section.

(2) (a) Any person who believes that a violation of section 3, section 4, section 5, section 6, section 7, or section 9 (1) (e), of this article, or of sections 1-45-108, 1-45-114, 1-45-115, or 1-45-117 C.R.S., or any successor sections, has occurred may file a written complaint with the secretary of state no later than one hundred eighty days after the date of the alleged violation. The secretary of state shall refer the complaint to an administrative law judge within three days of the filing of the complaint. The administrative law judge shall hold a hearing within fifteen days of the referral of the complaint, and shall render a decision within fifteen days of the hearing. The defendant shall be granted an extension

of up to thirty days upon defendant's motion, or longer upon a showing of good cause. If the administrative law judge determines that such violation has occurred, such decision shall include any appropriate order, sanction, or relief authorized by this article. The decision of the administrative law judge shall be final and subject to review by the court of appeals, pursuant to section 24-4-106 (11), C.R.S., or any successor section. The secretary of state and the administrative law judge are not necessary parties to the review. The decision may be enforced by the secretary of state, or, if the secretary of state does not file an enforcement action within thirty days of the decision, in a private cause of action by the person filing the complaint. Any private action brought under this section shall be brought within one year of the date of the violation in state district court. The prevailing party in a private enforcement action shall be entitled to reasonable attorneys fees and costs.

(b) The attorney general shall investigate complaints made against any candidate for the office of secretary of state using the same procedures set forth in paragraph (a) of this subsection (2). Complainant shall have the same private right of action as under paragraph (a) of this subsection (2).

(c) A subpoena issued by an administrative law judge requiring the production of documents by an issue committee shall be limited to documents pertaining to contributions to, or expenditures from, the committee's separate account established pursuant to section 3(9) of this article to support or oppose a ballot issue or ballot question. A subpoena shall not be limited in this manner where such issue committee fails to form a separate account through which a ballot issue or ballot question is supported or opposed.

**Section 10. Sanctions.** (1) Any person who violates any provision of this article relating to contribution or voluntary spending limits shall be subject to a civil penalty of at least double and up to five times the amount contributed, received, or spent in violation of the applicable provision of this article. Candidates shall be personally liable for penalties imposed upon the candidate's committee.

(2) (a) The appropriate officer shall impose a penalty of fifty dollars per day for each day that a statement or other information required to be filed pursuant to section 5, section 6, or section 7 of this article, or sections 1-45-108, 1-45-109 or 1-45-110, C.R.S., or any successor sections, is not filed by the close of business on the day due. Upon imposition of a penalty pursuant to this subsection (2), the appropriate officer shall send the person upon whom the penalty is being imposed proper notification by certified mail of the imposition of the penalty. If an electronic mail address is on file with the secretary of state, the secretary of state shall also provide such notification by electronic mail. Revenues collected from fees and penalties assessed by the secretary of state or revenues collected in the form of payment of the secretary of state's attorney fees and costs pursuant to this article shall be deposited in the department of state cash fund created in section 24-21-104 (3), C.R.S., or any successor section.

(b) (l) Any person required to file a report with the secretary of state and upon whom a penalty has been imposed pursuant to this subsection (2) may appeal such penalty by filing a written appeal with the secretary of state no later than thirty days after the date on which notification of the imposition of the penalty was mailed to such person's last known address in accordance with paragraph (a) of this subsection (2). Except as provided in paragraph (c) of this subsection (2), the secretary shall refer the appeal to an administrative law judge. Any hearing conducted by an administrative law judge pursuant to this subsection (2) shall be conducted in accordance with the provisions of section 24-4-105, C.R.S., or any successor section. The administrative law judge shall set aside or reduce the penalty upon a showing of good cause, and the person filing the appeal shall bear the burden of proof. The decision of the administrative law judge shall be final and

subject to review by the court of appeals pursuant to section 24-4-106 (11), C.R.S., or any successor section.

(II) If the administrative law judge finds that the filing of an appeal brought pursuant to subparagraph (I) of this paragraph (b) was frivolous, groundless, or vexatious, the administrative law judge shall order the person filing the appeal to pay reasonable attorney fees and costs of the secretary of state in connection with such proceeding.

(c) Upon receipt by the secretary of state of an appeal pursuant to paragraph (b) of this subsection (2), the secretary shall set aside or reduce the penalty upon a showing of good cause.

(d) Any unpaid debt owing to the state resulting from a penalty imposed pursuant to this subsection (2) shall be collected by the state in accordance with the requirements of section 24-30-202.4, C.R.S., or any successor section.

(3) Failure to comply with the provisions of this article shall have no effect on the validity of any election.

**Section 11. Conflicting provisions declared inapplicable.** Any provisions in the statutes of this state in conflict or inconsistent with this article are hereby declared to be inapplicable to the matters covered and provided for in this article.

**Section 12. Repeal of conflicting statutory provisions.** Sections 1-45-103, 1-45-105.3, 1-45-107, 1-45-111, and 1-45-113 are repealed.

**Section 13. Applicability and effective date.** The provisions of this article shall take effect on December 6, 2002, and be applicable for all elections thereafter, except that the provisions of this article concerning sole source government contracts shall take effect on December 31, 2008. Legislation may be enacted to facilitate its operation, but in no way limiting or restricting the provisions of this article or the powers herein granted.

**Section 14. Severability.** If any provision of this article or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the article which can be given effect without the invalid provision or application, and to this end the provisions of this article are declared to be severable.

**Section 15.** Because of a presumption of impropriety between contributions to any campaign and sole source government contracts, contract holders shall contractually agree, for the duration of the contract and for two years thereafter, to cease making, causing to be made, or inducing by any means, a contribution, directly or indirectly, on behalf of the contract holder or on behalf of his or her immediate family member and for the benefit of any political party or for the benefit of any candidate for any elected office of the state or any of its political subdivisions.

**Section 16.** To aid in enforcement of this measure concerning sole source contracts, the executive director of the department of personnel shall promptly publish and maintain a summary of each sole source government contract issued. Any contract holder of a sole source government contract shall promptly prepare and deliver to the executive director of the department of personnel a true and correct "Government Contract Summary," in digital format as prescribed by that office, which shall identify the names and addresses of the contract holders and all other parties to the government contract, briefly describe the nature of the contract and goods or services performed, disclose the start and end date of the contract, disclose the contract's estimated amount or rate of payment,



disclose the sources of payment, and disclose other information as determined by the executive director of the department of personnel which is not in violation of federal law, trade secrets or intellectual property rights. The executive director of the department of personnel is hereby given authority to promulgate rules to facilitate this section.

**Section 17.** (1) Every sole source government contract by the state or any of its political subdivisions shall incorporate article XXVIII, section 15, into the contract. Any person who intentionally accepts contributions on behalf of a candidate committee, political committee, small donor committee, political party, or other entity, in violation of section 15 has engaged in corrupt misconduct and shall pay restitution to the general treasury of the contracting governmental entity to compensate the governmental entity for all costs and expenses associated with the breach, including costs and losses involved in securing a new contract if that becomes necessary. If a person responsible for the bookkeeping of an entity that has a sole source contract with a governmental entity, or if a person acting on behalf of the governmental entity, obtains knowledge of a contribution made or accepted in violation of section 15, and that person intentionally fails to notify the secretary of state or appropriate government officer about the violation in writing within ten business days of learning of such contribution, then that person may be contractually liable in an amount up to the above restitution.

(2) Any person who makes or causes to be made any contribution intended to promote or influence the result of an election on a ballot issue shall not be qualified to enter into a sole source government contract relating to that particular ballot issue.

(3) The parties shall agree that if a contract holder intentionally violates section 15 or section 17 (2), as contractual damages that contract holder shall be ineligible to hold any sole source government contract, or public employment with the state or any of its political subdivisions, for three years. The governor may temporarily suspend any remedy under this section during a declared state of emergency.

(4) Knowing violation of section 15 or section 17 (2) by an elected or appointed official is grounds for removal from office and disqualification to hold any office of honor, trust or profit in the state, and shall constitute misconduct or malfeasance.

(5) A registered voter of the state may enforce section 15 or section 17 (2) by filing a complaint for injunctive or declaratory relief or for civil damages and remedies, if appropriate, in the district court.

## **ARTICLE XXIX**

### **Ethics in Government**

**Section 1. Purposes and findings.** (1) The people of the state of Colorado hereby find and declare that:

(a) The conduct of public officers, members of the general assembly, local government officials, and government employees must hold the respect and confidence of the people;

(b) They shall carry out their duties for the benefit of the people of the state;

(c) They shall, therefore, avoid conduct that is in violation of their public trust or that creates a justifiable impression among members of the public that such trust is being violated;

(d) Any effort to realize personal financial gain through public office other than compensation provided by law is a violation of that trust; and

(e) To ensure propriety and to preserve public confidence, they must have the benefit of specific standards to guide their conduct, and of a penalty mechanism to enforce those standards.

(2) The people of the state of Colorado also find and declare that there are certain costs associated with holding public office and that to ensure the integrity of the office, such costs of a reasonable and necessary nature should be born by the state or local government.

**Section 2. Definitions.** As used in this article, unless the context otherwise requires:

(1) "Government employee" means any employee, including independent contractors, of the state executive branch, the state legislative branch, a state agency, a public institution of higher education, or any local government, except a member of the general assembly or a public officer.

(2) "Local government" means county or municipality.

(3) "Local government official" means an elected or appointed official of a local government but does not include an employee of a local government.

(4) "Person" means any individual, corporation, business trust, estate, trust, limited liability company, partnership, labor organization, association, political party, committee, or other legal entity.

(5) "Professional lobbyist" means any individual who engages himself or herself or is engaged by any other person for pay or for any consideration for lobbying. "Professional lobbyist" does not include any volunteer lobbyist, any state official or employee acting in his or her official capacity, except those designated as lobbyists as provided by law, any elected public official acting in his or her official capacity, or any individual who appears as counsel or advisor in an adjudicatory proceeding.

(6) "Public officer" means any elected officer, including all statewide elected officeholders, the head of any department of the executive branch, and elected and appointed members of state boards and commissions. "Public officer" does not include a member of the general assembly, a member of the judiciary, any local government official, or any member of a board, commission, council or committee who receives no compensation other than a per diem allowance or necessary and reasonable expenses.

**Section 3. Gift ban.** (1) No public officer, member of the general assembly, local government official, or government employee shall accept or receive any money, forbearance, or forgiveness of indebtedness from any person, without such person receiving lawful consideration of equal or greater value in return from the public officer, member of the general assembly, local government official, or government employee who accepted or received the money, forbearance or forgiveness of indebtedness.

(2) No public officer, member of the general assembly, local government official, or government employee, either directly or indirectly as the beneficiary of a gift or thing of value given to such person's spouse or dependent child, shall solicit, accept or receive any gift or other thing of value having either a fair market value or aggregate actual cost greater than fifty dollars (\$50) in any calendar year, including but not limited to, gifts, loans, rewards, promises or negotiations of future employment, favors or services, honoraria, travel, entertainment, or special discounts, from a person, without the person receiving lawful consideration of equal or greater value in return from the public officer, member of the general assembly, local government official, or government employee who solicited, accepted or received the gift or other thing of value.

(3) The prohibitions in subsections (1) and (2) of this section do not apply if the gift or thing of value is:

(a) A campaign contribution as defined by law;

(b) An unsolicited item of trivial value less than fifty dollars (\$50), such as a pen, calendar, plant, book, note pad or other similar item;

(c) An unsolicited token or award of appreciation in the form of a plaque, trophy, desk item, wall memento, or similar item;

(d) Unsolicited informational material, publications, or subscriptions related to the recipient's performance of official duties;

(e) Admission to, and the cost of food or beverages consumed at, a reception, meal or meeting by an organization before whom the recipient appears to speak or to answer questions as part of a scheduled program;

(f) Reasonable expenses paid by a nonprofit organization or other state or local government for attendance at a convention, fact-finding mission or trip, or other meeting if the person is scheduled to deliver a speech, make a presentation, participate on a panel, or represent the state or local government, provided that the non-profit organization receives less than five percent (5%) of its funding from for-profit organizations or entities;

(g) Given by an individual who is a relative or personal friend of the recipient on a special occasion.

(h) A component of the compensation paid or other incentive given to the recipient in the normal course of employment.

(4) Notwithstanding any provisions of this section to the contrary, and excepting campaign contributions as defined by law, no professional lobbyist, personally or on behalf of any other person or entity, shall knowingly offer, give, or arrange to give, to any public officer, member of the general assembly, local government official, or government employee, or to a member of such person's immediate family, any gift or thing of value, of any kind or nature, nor knowingly pay for any meal, beverage, or other item to be consumed by such public officer, member of the general assembly, local government official or government employee, whether or not such gift or meal, beverage or other item to be consumed is offered, given or paid for in the course of such lobbyist's business or in connection with a personal or social event; provided, however, that a professional lobbyist shall not be prohibited from offering or giving to a public officer, member of the general assembly, local government official or government employee who is a member of his or her immediate family any such gift, thing of value, meal, beverage or other item.

(5) The general assembly shall make any conforming amendments to the reporting and disclosure requirements for public officers, members of the general assembly and professional lobbyists, as provided by law, to comply with the requirements set forth in this section.

(6) The fifty-dollar (\$50) limit set forth in subsection (2) of this section shall be adjusted by an amount based upon the percentage change over a four-year period in the United States bureau of labor statistics consumer price index for Denver- Boulder-Greeley, all items, all consumers, or its successor index, rounded to the nearest lowest dollar. The first adjustment shall be done in the first quarter of 2011 and then every four years thereafter.

**Section 4. Restrictions on representation after leaving office.** No statewide elected officeholder or member of the general assembly shall personally represent another person or entity for compensation before any other statewide elected officeholder or member of the general assembly, for a period of two years following vacation of office. Further restrictions on public officers or members of the general assembly and similar restrictions on other public officers, local government officials or government employees may be established by law.

**Section 5. Independent ethics commission.** (1) There is hereby created an independent ethics commission to be composed of five members. The purpose of the independent ethics commission shall be to hear complaints, issue findings, and assess penalties, and also to issue advisory opinions, on ethics issues arising under this article and under any other standards of conduct and reporting requirements as provided by law. The independent ethics commission shall have authority to adopt such reasonable rules as may be necessary for the purpose of administering and enforcing the provisions of this article and any other standards of conduct and reporting requirements as provided by law. The general assembly shall appropriate reasonable and necessary funds to cover staff and administrative expenses to allow the independent ethics commission to carry out its duties pursuant to this article. Members of the commission shall receive no compensation for their services on the commission.

(2) (a) Members of the independent ethics commission shall be appointed in the following manner and order:

- (I) One member shall be appointed by the Colorado senate;
- (II) One member shall be appointed by the Colorado house of representatives;
- (III) One member shall be appointed by the governor of the state of Colorado;
- (IV) One member shall be appointed by the chief justice of the Colorado supreme court; and

(V) One member shall be either a local government official or a local government employee appointed by the affirmative vote of at least three of the four members appointed pursuant to subparagraphs (I) to (IV) of this paragraph (a).

(b) No more than two members shall be affiliated with the same political party.

(c) Each of the five members shall be registered Colorado voters and shall have been continuously registered with the same political party, or continuously unaffiliated with any political party, for at least two years prior to appointment to the commission.

(d) Members of the independent ethics commission shall be appointed to terms of four years; except that, the first member appointed by the Colorado senate and the first member appointed by the governor of the state of Colorado shall initially serve two year terms to achieve staggered ending dates.

(e) If a member is appointed to fill an unexpired term, that member's term shall end at the same time as the term of the person being replaced.

(f) Each member shall continue to serve until a successor has been appointed, except that if a member is unable or unwilling to continue to serve until a successor has been appointed, the original appointing authority as described in this subsection shall fill the vacancy promptly.

(3) (a) Any person may file a written complaint with the independent ethics commission asking whether a public officer, member of the general assembly, local government official, or government employee has failed to comply with this article or any other standards of conduct or reporting requirements as provided by law within the preceding twelve months.

(b) The commission may dismiss frivolous complaints without conducting a public hearing. Complaints dismissed as frivolous shall be maintained confidential by the commission.

(c) The commission shall conduct an investigation, hold a public hearing, and render findings on each non-frivolous complaint pursuant to written rules adopted by the commission.

(d) The commission may assess penalties for violations as prescribed by this article and provided by law.

(e) There is hereby established a presumption that the findings shall be based on a preponderance of evidence unless the commission determines that the circumstances warrant a heightened standard.

(4) Members of the independent ethics commission shall have the power to subpoena documents and to subpoena witnesses to make statements and produce documents.

(5) Any public officer, member of the general assembly, local government official, or government employee may submit a written request to the independent ethics commission for an advisory opinion on whether any conduct by that person would constitute a violation of this article, or any other standards of conduct or reporting requirements as provided by law. The commission shall render an advisory opinion pursuant to written rules adopted by the commission.

**Section 6. Penalty.** Any public officer, member of the general assembly, local government official or government employee who breaches the public trust for private gain and any person or entity inducing such breach shall be liable to the state or local jurisdiction for double the amount of the financial equivalent of any benefits obtained by such actions. The manner of recovery and additional penalties may be provided by law.

**Section 7. Counties and municipalities.** Any county or municipality may adopt ordinances or charter provisions with respect to ethics matters that are more stringent than any of the provisions contained in this article. The requirements of this article shall not apply to home rule counties or home rule municipalities that have adopted charters, ordinances, or resolutions that address the matters covered by this article.

**Section 8. Conflicting provisions declared inapplicable.** Any provisions in the statutes of this state in conflict or inconsistent with this article are hereby declared to be preempted by this article and inapplicable to the matters covered by and provided for in this article.

**Section 9. Legislation to facilitate article.** Legislation may be enacted to facilitate the operation of this article, but in no way shall such legislation limit or restrict the provisions of this article or the powers herein granted.