

Legislative Process Overview

Structure of the Colorado General Assembly

Colorado's state legislature is called the General Assembly. The state constitution grants the law-making power and, thus, the public policy-making power of the state to the General Assembly. There are 100 elected members serving as the legislature – 35 senators and 65 representatives. As one of the three branches of state government, the legislature includes the elected officials of the Senate and House of Representative and support staff.

A candidate for the General Assembly must be at least 25 years old, a citizen of the United States, and a resident of the district he/she is seeking to represent for at least 12 months prior to the election. An amendment to the state's constitution approved by the voters at the 1990 general election limits the term of office of state senators to two consecutive four-year terms, and state representatives to four consecutive two-year terms, effective for terms beginning on or after January 1, 1991.

Apportionment of the General Assembly

The state constitution provides that Colorado be divided into senatorial and representative districts. By constitutional mandate, senate and house districts are redrawn every 10 years, after the federal census. This process is called reapportionment. Historically, apportionment of state senatorial and state representative districts had been accomplished by the passage of a bill through the legislature. A 1974 amendment to the Colorado constitution removed this authority from the General Assembly and placed primary responsibility with an 11-member Colorado Reapportionment Commission. As a result of the 1990 federal census, senatorial districts were drawn to represent approximately 94,125 people, while each member of the House of Representatives represents approximately 50,680 people.

Legislative Sessions

At the 1988 general election, approval was given to a referred constitutional amendment to limit each of Colorado's annual sessions to 120 legislative days. The language of the constitution states that annual convening will occur no later than the second Wednesday in January. Two annual or "regular" sessions make up a General Assembly. Thus, the 62nd General Assembly includes the 1999 and 2000 sessions.

A "special" session of the General Assembly is one called at a time other than during a regularly scheduled session. The Governor usually convenes such a session. No business can be transacted other than that specially named in the proclamation issued by the Governor to convene the session. The Colorado General Assembly may call itself into session by submitting a written request of two-thirds of the members of each house to the presiding officer in each house. Special sessions are called to consider only matters of an emergency nature. During 1991, the General Assembly met for 29 days in special session. In 1993, there were five days of special session, and in 1996, there were four days of special session.

The Lawmaking Environment

While only members of the General Assembly may introduce legislation, and the formal procedure of passing laws can only occur on the floors of the House of Representatives and the Senate, there are many participants in the legislative process. Constituents, lobbyists from the private sector, officers of the executive branch, representatives of other governmental entities, the press, and professional, nonpartisan legislative staff members are involved in the legislative process.

Upon election, each Senator and Representative must take an oath "to support the Constitution of the United States, and the State of Colorado and to faithfully perform the duties of his office according to the

best of his ability.” These duties include the funding of programs and adoption of laws that affect a wide range of interests including agriculture, conservation, crime prevention, elementary, secondary and post-secondary education, economic development, consumer protection, elections, environment, finance, forest, health, highways, human rights, insurance, labor relations, natural resources, property, pollution control, recreation, safety, transportation, utilities, unemployment compensation, workers’ compensation and other matters that may necessitate state action. To finance state activities and programs of assistance to local governments, the General Assembly seeks to maintain a system of taxation that is fair and equitable.

In addition to determining the budget for the various services performed by the executive branch of state government, the General Assembly establishes policy and oversees the operations of the executive branch. The Senate, for example, confirms those gubernatorial appointments specified by law. Of greatest importance, however, is the legislative authority to write the laws that are executed by the officials and agencies within the various executive departments.

Legislators spend a significant amount of time responding to request from constituents. Legislative staff members assist in answering more complex issues, but many constituent questions can be handled by referring the citizen to administrators within the executive branch.

Non-Lawmaking Powers

In addition to enacting laws and referring proposed changes to the constitution to the voters, the General Assembly performs a number of other important functions:

- As provided in the constitution, most of the significant appointments by the Governor to certain boards and commissions are subject to confirmation by the Senate. This is an exercise of the so-called “consent” power. If appointees are not confirmed, they may not hold office, and the Governor must submit the name of another appointee. In the constitution, the General Assembly is also charged with the duty of naming a state auditor who is an employee of the legislature.
- Through the appropriations process, the legislature has power to influence the level, scope, and operation of executive departments.
- Many executive agencies are directed by statute to submit periodic reports to the General Assembly detailing their agency activities, and in some case, making recommendations for legislation.
- By joint rule, committees of reference of the General Assembly are directed to remain advised of the activities, functions, problems, new developments, and budgets of the principal departments within the subject-matter jurisdictions of each committee. The chairmen of the respective committees invite managers of the departments to advise legislators on departmental activities.
- By joint rule of the General Assembly, a joint sunrise and sunset review committee has been established to provide continuing legislative review of boards and agencies subject to termination under the state’s sunset law. A review process has also been established to evaluate those groups seeking state recognition under the sunrise statute.

An agency of the General Assembly has responsibility for implementing a review of administrative rules and regulations. Every rule adopted or amended by an executive agency is examined to see if the rule is within the power delegated to the agency and consistent with the law. If there is a possible problem, a legislative committee addresses the issue at a public hearing. Rules that are identified as inconsistent with law are allowed to expire.

The legislature has power to expel one of its own members for contempt or disorderly behavior. The House of Representatives may bring impeachment charges.

Limitations on Bills Introduced

The General Assembly adopted a rule in 1977 limiting the number of bills members may introduce during a legislative session. Modified several times, the rule provides that members may introduce not more than five bills, excluding measures that make appropriations, and two bills that are recommended by committees that meet between legislative sessions. With regard to the bills subject to the five-bill limit, if a legislator waits until after December 1 to ask that bills be drafted, (December 15 for newly-elected legislators) the legislator may request only two bills.

Legislative Leadership

Shortly after the November general election in even-numbered years, organizational caucuses are held to select majority and minority party leaders. Representatives and Senators meet separately, with the House majority party members selecting in caucus the Speaker, Majority Leader, Assistant Majority Leader, Whip, and Caucus Chairman. The Senate members select the President, and President pro tem. The majority party in caucus selects Majority Leader, Assistant Majority Leader, Caucus Chairman, and members of the Joint Budget Committee.

The minority party holds an organizational meeting in much the same fashion as the majority party; leaders selected include a Minority Leader, Assistant Minority Leader, and a Caucus Chairman for each house.

The Majority and Minority Leaders in both houses occupy the two front row seats on the aisle across from one another in their respective chambers. No established order is followed for assignment of other seats; however, in the Senate, seniority governs choice of seats, and in both chambers, the members of the two parties sit on opposite sides of the center aisle.

The President of the Senate and the Speaker of the House of Representatives preside over their respective bodies. A President pro tem serves as the presiding officer in the absence of the President. The Speaker designates a member to serve in his absence. The duties of the President of the Senate and the Speaker of the House of Representatives include maintaining order during sessions of the two houses, deciding questions of procedure, making appointments to committees, referring bills to committees, and signing bills, resolutions, memorials, and tributes.

The Order of Legislative Business

An observer unfamiliar with the procedures of the General Assembly might be confused by the daily order of business and the parliamentary maneuvers exercised by members of the legislature. Actually, the parliamentary rules governing legislative procedures enable each house to operate in an orderly manner. Both houses have rules governing the order of business.

Daily Order of Business

The regular hour of meeting of both the Senate and the House of Representatives is 9:00 a.m., unless otherwise ordered by the President of the Senate and the Speaker of the House. The two houses do not have to convene or adjourn at the same hour. The Senate is called to order by the President of the Senate and the House by the Speaker of the House of Representatives.

The usual order of business for the House of Representatives can be summarized as follows:

- Call to order by the Speaker of the House.
- Call of the roll of the members. Each member must answer to roll call unless the member has been excused. The names of those present and absent are recorded in a daily record of proceedings called the journal. The Speaker declares the present or absence of a quorum. It is necessary to

have a quorum present in order to transact business. A quorum consists of a majority of all members elected – 18 members in the Senate and 33 members in the House.

If a quorum is present, the journal of the preceding day is corrected and approved, and the House is then ready to take up the day's business, which is usually conducted in the following manner:

- **Reports of committees of reference** – These reports detail the action that committees have taken on bills assigned to them by the Speaker.
- **Messages from the Senate, the Governor, or the Reviser of Statutes** – These include notification of the Senate action on House bills, and actions of the Governor regarding bills initiated in the House and sent to the Governor for his approval.
- **Introduction of bills** – Bills are read by title only, then assigned a number and referred by the Speaker to a committee.
- **Introduction of resolutions and memorials** – These matters can be discussed and acted upon the same day they are introduced, laid over one day, or assigned to a committee.
- **Third reading of bills** – This is the final vote taken on a bill. Less time is given to debate on the third reading; amendments are generally not made at this time. This is, however, the time that a recorded vote is taken on a bill and made part of the permanent record.
- **General Orders** – The entire membership of the House of Representatives becomes a committee (the so-called Committee of the Whole) for the purpose of debating bills on its calendar for second reading. Before second reading of a bill, the Speaker steps down as presiding officer, and another member of the body assumes the duties of chairman of the committee. This is the time that the entire house considers action taken by a committee of reference on a bill. Amendments to bills are generally offered during committee meetings, or when the bill is debated on second reading. The report of the committee of reference can be accepted, amended or rejected. If additional amendments are to be made to a bill, they are made at this time. Occasionally, a bill is sent back to the committee to which it was originally referred or to a different committee. After the Committee of the Whole has completed its calendar of second reading bills, it reports to the Speaker of the House. The report is an itemization of the bills considered and action taken on each measure, i.e. whether the bill was passed, amended, defeated, laid over until another day, or referred back to committee. The membership of the House votes on acceptance of the report. Often members attempt to reverse action taken during second reading by offering amendments to the report of the Committee of the Whole. Roll call votes are recorded on amendments to the report.
- **Conference committee reports** – When there are differences over a bill passed by both houses, a conference committee is appointed consisting of three members from each body. A conference committee report discloses whether the committee was able to resolve differences between the two houses.
- **Consideration of resolutions and memorials** – These matters are debated only once, and that debate takes place on the floor of the houses. Concurrent resolutions, on the other hand, require a second and third reading in both houses.
- **Adjournment for the day.**

Joint Sessions

Annually, both houses of the Legislature meet for a joint session in order to hear the Governor's message on the condition of the state's economy and a summary of his budget request for the operation of the executive branch of state government. In addition, the General Assembly meeting in joint session receives a report from the Chief Justice of the Colorado Supreme Court on the state of the courts.

How a Bill Becomes Law

Proposals discussed by the Colorado General Assembly during the legislative session are presented in the form of a written document called a bill. A bill does one of the following things; creates new law; amends existing law; or repeals existing law. Another kind of bill, an appropriations bill, is less permanent in nature – generally effective for one year only. Most appropriations for the funding of state agencies and institutions are included in the general or “long” appropriations bill, although there is many supplemental appropriations that are made in separate bills and are regarded as amendments to the long bill.

In accordance with the rules of both houses, all bills must be submitted before introduction to the Office of Legislative Legal Services. This office of attorneys makes sure that bills conform to the legal style of the Colorado statutes.

At the time of introductions, each bill is given a number designating that proposed piece of legislation for the remainder of the legislative session. Bills are numbered in the order they are introduced. Senate bills start with #1. House bills are numbered from 1001. Beginning with the 1990 session, a prefix was used to identify the year a bill was introduced, for example, SB 90-1. If a bill that fails to pass during one session is to be reconsidered the next year, it must be reintroduced at that succeeding session.

The usual arrangement of the provisions of a bill are as follows; title, bill summary, enacting clause, new provisions of law, amendments to existing law, repeals of existing law, an appropriation, effective date, and safety clause. New provisions of law, amendments to existing law, and repeals to existing law are the major portions of a bill and are identified by an amending clause. The amending clause cites the statute to be added, amended, or repealed and describes the action to be taken in the following portion of the bill.

Bills that amend existing provisions of law must be written to show what specific changes in existing law are proposed. This is accomplished through the use of capitalization to show new language and dashes through words to indicate deletions from the existing law. When amendments are extensive, existing law is repealed and reenacted, or entire new sections are added, and the capitalization canceled letter type is not used.

The prime sponsor and co-sponsors of the measure are listed on the first page of a bill. A bill must have a sponsor in both houses. They assume the major responsibility for explaining the bill to their colleagues. In addition to the sponsors whose names appear on the bill when introduced, other legislators may add their names as co-sponsors after passage on third reading in either house. Occasionally, a member will remove his name from a bill. This happens when amendments have changed the bill so extensively that he/she no longer wishes to be listed as sponsor or co-sponsor.

Other Matters Considered by the General Assembly

Most measures considered by the General Assembly appear in the form of bills. However, the sentiment of the legislature is also expressed through resolutions, memorials, and tributes. The rules of both chambers are very similar regarding resolutions, memorials, and tributes. The three can be divided into the following classes.

- ***Concurrent Resolutions*** – propose amendments to the state constitution or ratify proposed amendments to the federal constitution. Concurrent resolutions are not subject to the legislative deadline schedule. While bills and other matters before the body requires only a simple majority of those elected to approve a measure on second and third reading, a concurrent resolution requires a two-thirds vote on third reading. The House of Representatives requires a two-thirds vote for ratification of an amendment to the federal constitution, while the Senate requires only a majority vote.

- **Joint Resolution** – pertain to the transaction of the business of both houses, establish investigating committees composed of members of both houses, or express the will or sentiment of both houses on any matter. Most joint resolutions fall into the last category.
- **Resolutions** – do not require the concurrence of the other house, relate solely to the business of one house, or are an expression of will or sentiment of the body.
- **Joint Memorials or Memorials** – petition the Congress of the United States on any matter, or express sentiment on the death of any person who served as a member of the General Assembly or other position in government.
- **Tributes** – offer congratulations for significant public achievements, or express appreciation for service to the state or the General Assembly, extend greeting to prominent visitors to the state, or express sentiment on the death of a person who has not served as a member of the General Assembly.

The Committee Process

Committees of reference are often regarded as the “workshops” of the General Assembly. All bills are sent to these committees immediately following the first reading by title. The details of bills and resolutions are carefully analyzed at committee meetings. It is at these meetings, which are open to the public, that interested citizen’s express their views. After study, hearings, research, and discussion, a bill may be amended, recommended for passage, referred to another committee, postponed indefinitely, or tabled for consideration later in the legislative session. Because of the careful scrutiny given to a bill by committees of reference, the debate on the floor of the respective houses is often brief.

In addition to their deliberations on bills and resolutions introduced during the legislative session, the committees of reference keep advised of the activities, functions, needs, and budgets of the principal department of the executive branch of state government.

Conference Committees

In case the Senate and House of Representatives cannot agree on an amendment to a bill, the question may be referred to conference for further consideration. A three-member committee is appointed in each house. These six legislators form “the conference committee” on the bill. The Senate committee is appointed by the President, the House committee by the Speaker. The vote on acceptance of the conference committee report is taken in each house following presentation of the conference committee report.