

State of Colorado Legislative Council: Responsibilities and Procedures



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Quick Facts About the Legislative Council

- The 18-member Legislative Council is comprised of nine Senators and nine Representatives, including the six members of the Executive Committee.
- The Legislative Council elects a chair and vice-chair annually.
- A quorum of the Legislative Council is nine members.
- The Legislative Council may be a committee of reference for bills and joint resolutions that allocate additional legislative staff resources, and bills that create statutory committees with legislative members.
- The Legislative Council must meet at least quarterly.
- The Legislative Council reviews the Legislative Council Staff budget annually.
- Duties of the Legislative Council include reviewing and prioritizing interim study committees each spring.
- State statutes direct the Legislative Council to review a ballot analysis prepared by the Legislative Council Staff at a public hearing.
- The Legislative Council reviews interim committee recommendations no later than October 15 in even-numbered years and no later than November 15 in odd-numbered years.
- The Legislative Council has its own rules.

COLORADO GENERAL ASSEMBLY

EXECUTIVE COMMITTEE
Rep. Dickey Lee Hullinghorst, Chairman
Sen. Bill Cadman, Vice Chairman
Sen. Lucia Guzman
Sen. Mark Scheffel
Rep. Brian DeGrosso
Rep. Crisanta Duran

STAFF
Mike Mauer, Director
Cathy Eslinger, Research Manager
Manish Jani, IT Manager



COMMITTEE
Sen. Rollie Heath
Sen. Matt Jones
Sen. Kevin Lundberg
Sen. Vicki Marble
Sen. Ellen Roberts
Rep. Jessie Ulibarri
Rep. Perry Buck
Rep. Lois Court
Rep. Lois Landgraf
Rep. Polly Lawrence
Rep. Jovan Melton
Rep. Angela Williams

LEGISLATIVE COUNCIL

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Dear Legislative Council Members:

As Director of the Legislative Council Staff, I take pride in the opportunity to offer this guide to the Legislative Council's duties and responsibilities. The leadership of the Legislative Council is established through the variety of responsibilities it undertakes during both the legislative session and the legislative interim.

This booklet is primarily organized into four sections. The first section describes the establishment and organization of the Legislative Council. The second section sets forth the Legislative Council's primary responsibilities during the legislative session, while the third part describes its duties during the interim. Finally, a fourth section lists miscellaneous functions and duties that fall outside of the scope of those already discussed. In addition, three appendices are provided: Appendix A containing the rules of the Legislative Council; Appendix B describing the responsibilities of the Legislative Council Staff; and Appendix C containing the rules for staff of the Legislative Council and Office of Legislative Legal Services for review and comment filings.

I hope that you find this booklet useful, and I look forward to working with you.

Sincerely,

Mike Mauer

TABLE OF CONTENTS

The Legislative Council	1
Establishment and Composition	1
The Executive Committee.....	1
Chairmanship and Organization of Legislative Council	1
Appointments and Vacancies	2
Legislative Council Responsibilities – Session.....	3
Review of the Legislative Council Staff Budget.....	3
Approval of Interim Studies and Other Committees	3
Review of State Implementation Plans (SIPs).....	4
Legislative Council Responsibilities – Interim.....	5
Review of the Ballot Information Booklet	5
Review of Interim Committee Recommendations	6
Other Functions and Duties	7
Powers and Functions	7
Director of Research.....	8
Receipt of Reports.....	8
Appendix A.....	11
Rules of the Legislative Council	11
Rule I. Meetings	11
Rule II. Election of Chair - Duties.....	11
Rule III. Meetings Open to Public - Rules of Order	11
Rule IV. Quorum.....	11
Rule V. Functions of Council and Executive Committee	11
Rule VI. Committees - Appointments.....	14
Rule VII. Roll Call - When Requested.....	14
Rule VIII. Action - How Taken.....	14
Rule IX. Hearings - Exercise of Power to Take Testimony.....	14
Rule X. Report of Council	15
Rule XI. Compensation of Personnel - Approval of Vouchers	15
Rule XII. Mileage and Expenses of Members	15
Rule XIII. Amendment of Rules	15
Rule XIV. Preparation, Approval and Distribution of Ballot Analysis Booklet.....	15
Appendix B.....	17
Legislative Council Staff: Duties and Responsibilities	17

Director of Research.....	17
Staffing and Support Duties.....	18
The Initiative Process	19
Forecasting and Fiscal Analysis	19
Program Review.....	20
Accounting and Compensation.....	20
Receipt of Reports.....	21
Appendix C.....	23

THE LEGISLATIVE COUNCIL

Establishment and Composition

Colorado statutes establish the Legislative Council as a body of 18 Senators and Representatives with specific functions and responsibilities (*Section 2-3-301, et. seq., C.R.S.*). The President of the Senate appoints six Senators, who must be approved by a majority of the Senate; the Speaker of the House appoints six Representatives, who must be approved by a majority of the House. The Senate President, Majority Leader, and Minority Leader, and the House Speaker, Majority Leader, and Minority Leader comprise the remaining six Council members.

The Executive Committee

The six members of leadership who serve on the Legislative Council are the members of the Executive Committee. The Executive Committee chairmanship alternates every year between the President of the Senate and the Speaker of the House. In years in which the President or Speaker does not serve as chair, he or she serves as vice-chair. The Executive Committee holds separate meetings and includes among its duties the oversight of the legislative service agencies and their directors, establishment of policies regarding legislative management and legislative procedures, and introduction of an annual legislative appropriation bill. In addition, the Executive Committee exercises legislative management functions when the General Assembly is not in session and may set the date for the convening of the next regular session of the General Assembly.

Chairmanship and Organization of Legislative Council

The chair and vice-chair of the Legislative Council are elected from among Council members. Typically, the chair and vice-chair serve concurrently as the chair and vice-chair of the Executive Committee of Legislative Council. The Legislative Council must meet at least once quarterly during the calendar year, but may meet as often as it deems necessary. The Council may prescribe its own rules of procedure. However, nine members are considered a quorum, and a majority of the quorum is required to act on any matter before the Council; except that a two-thirds affirmative vote of the entire Legislative Council (12 members) is required to make changes to the ballot analysis prepared by Legislative Council Staff (*Section 1-40-124.5 (1.7), C.R.S.*).

Legislative Council members are paid \$99 per day for attendance at a meeting of the Legislative Council when the General Assembly is not in session or is in recess for more than three days (*Section 2-2-307 (3), C.R.S.*). In addition, members are reimbursed for necessary expenses in connection with their Council duties.

Appointments and Vacancies

Appointments and reappointments to the Legislative Council must be made by the President and the Speaker within ten days of the convening of the first regular session of each General Assembly. Council membership terminates with the end of each member's term of office, or with the appointment of a member's successor, whichever occurs sooner. Membership vacancies are filled in the same manner as original appointments. Party representation on the Council must be in general proportion to the party membership in each house of the General Assembly. In all cases, the minority party must be represented on the Council by at least one Senator and at least two Representatives.

LEGISLATIVE COUNCIL RESPONSIBILITIES – SESSION

The Legislative Council meets on several occasions during the legislative session. Early in the session, the Legislative Council reviews the Legislative Council Staff budget, and mid-session, it meets as a committee of reference to consider bills and resolutions that create interim studies or allocate additional legislative staff resources during the interim. The potential also exists that the Legislative Council may need to meet to review modifications to state implementation plans relating to air quality.

Review of the Legislative Council Staff Budget

In its role as the oversight committee for the Legislative Council Staff, the Legislative Council reviews and approves the staff budget for the upcoming fiscal year. The Legislative Council's review typically takes place early in the legislative session so the legislative budget bill can be introduced in February or March. After review by the Legislative Council, the staff's budget is submitted to the Executive Committee, along with the budget requests of the House and Senate and other staff agencies, for its approval. The Executive Committee prepares and introduces the legislative appropriation bill each year (*Section 2-3-303 (2) (b) and (c), C.R.S.*).

Approval of Interim Studies and Other Committees

The Legislative Council approves written requests for interim study committees. The Legislative Council may be a committee of reference for all bills and joint resolutions that allocate additional legislative staff resources during the interim and also reviews bills that create statutory committees with legislative members.

Interim study committees. Interim study committees operate during the legislative interim and are funded within existing appropriations to the legislative agencies. The Legislative Council annually approves written requests for interim study committees. A member seeking an interim committee must make a request in writing to the Legislative Council by the 94th legislative day. No later than the 100th legislative day, the Director of Research must determine the number of interim committee meetings that may be held within the legislative budget and report that information to the Executive Committee. The Legislative Council must review, prioritize, and approve requests for interim study committees by the 108th legislative day. (*Section 2-3-303.3, C.R.S. and Joint Rule 24A (c.5)*).

Bills and resolutions that allocate additional legislative staff resources during the interim. Pursuant to state law, the Legislative Council may be a committee of reference for all bills and resolutions that allocate additional legislative staff resources during the interim. The Legislative Council must report all such bills by the 108th legislative day. (*Section 2-3-301 (5), C.R.S. and Joint Rule 23 (a) (1)*).

Bills that create statutory committees with legislative members. Committees of reference in the house of introduction must report bills that create statutory committees with legislative members by the 87th legislative day, and the bills must pass the house of introduction by the 94th legislative day. Committees of reference in the second house must report such bills to the Legislative Council by the 101st legislative day. The Legislative Council must review all bills referred to it by the 108th legislative day. (*Joint Rule 23 (a) and Joint Rule 24A (c.5) (3)*).

Executive committee approval of additional interim committees. The Executive Committee has the latitude to approve additional interim committees if new or changed circumstances arise after the General Assembly adjourns. In these cases, the Executive Committee can approve new interim studies by adopting a resolution. (*Section 2-3-303.3 (3) (c), C.R.S.*)

Review of State Implementation Plans (SIPs)

The Legislative Council is required to review modifications to State Implementation Plans (SIPs) if a member of the General Assembly submits a written request for such a review to the chair of the Council. A SIP is a plan to improve air quality in a geographic area that does not meet federal air quality requirements. By January 15 of each year, the Air Quality Control Commission's proposed modifications to SIPs must be submitted to the chair of the Legislative Council (and made available to all members of the General Assembly). In order for a SIP modification to be on the Legislative Council agenda, a member of the General Assembly must submit a request for Legislative Council review by February 15.

Once a request is submitted, the chair of the Legislative Council must schedule a hearing to conduct the review. The hearing must allow for public testimony. The purpose of the Council review is to determine whether the SIP modification accomplishes the results intended by law. Based on its review, the Council may elect to recommend legislation. If the Legislative Council does not recommend legislation, the member who requested the review has the option of introducing legislation. In these cases, the member must notify the chair of his or her intent to introduce a bill within three days of the Council's decision not to recommend legislation. SIP modifications that are not the subject of Legislative Council review can be submitted by the Air Quality Control Commission to the Environmental Protection Agency on February 15 (*Section 25-7-133, C.R.S.*)

LEGISLATIVE COUNCIL RESPONSIBILITIES – INTERIM

Legislative Council has two statutory responsibilities during the interim. The first responsibility involves review of the ballot information booklet at a late August or early September meeting. The second responsibility, undertaken in October or November, concerns a review of interim committee recommendations for legislation.

Review of the Ballot Information Booklet

Following preparation of an analysis of each statewide ballot issue by Legislative Council Staff each summer, the Legislative Council is directed to review the analyses at a public hearing (*Section 2-3-303 (1)(g), C.R.S.*). In addition to the statutory and constitutional provisions requiring the Legislative Council Staff to prepare and distribute the ballot information booklet to all registered voter households in the state, the Legislative Council has adopted its own rule regarding preparation, approval, and distribution of the booklet (*Legislative Council Rule XIV*). This rule establishes the following procedures:

- solicitation of involvement from proponents, opponents, and interested persons on measures for which analyses will be drafted;
- distribution by Legislative Council Staff of preliminary drafts of each ballot analysis and consideration of comments from interested parties;
- distribution of each ballot analysis final draft to proponents, opponents, and interested persons, with a requirement that proposed amendments be submitted in writing at least 15 days prior to the Legislative Council meeting;
- distribution of ballot analysis materials to Legislative Council members prior to its meeting;
- establishment by the Legislative Council chair of public testimony procedures; and
- consideration by the Legislative Council of each ballot analysis, proposed amendments, and public testimony at its meeting.

A two-thirds affirmative vote of the Legislative Council (12 members) is required to amend the Legislative Council Staff's draft of the ballot information booklet (*Section 1-40-124.5 (1.7), C.R.S.*). In order to facilitate its deliberations, Legislative Council members are provided notebooks documenting the public input and staff review that went into the booklet. The meeting is held in late August or early September to allow time for printing the ballot information booklet. The Colorado Constitution requires distribution of the booklet to all registered voter households in the state at least 30 days prior to the election (*Article V, Section 1 (7.5)*).

Review of Interim Committee Recommendations

The Legislative Council also has responsibility for approving the recommendations of the interim committees each fall. Specifically, the Legislative Council must approve bills being recommended by interim committees in order for the bills to be exempt from the sponsors' bill limit. Traditionally, the Council has considered whether legislative recommendations made by an interim committee fit under the committee's charge.

Joint Rule 24 (b) (1) (D) requires that the Legislative Council approve interim committee bills no later than October 15 in even-numbered years and no later than November 15 in odd-numbered years. Joint Rule 24 provides several other guidelines for approval of interim bills:

- unless determined otherwise, the number of bills that can be recommended by an interim committee is limited to five;
- interim committee bills must have a prime sponsor in order to be approved by the Legislative Council;
- an interim committee bill need not be sponsored by a legislator who served on the committee; and
- interim committee bills do not count toward a legislator's five-bill limit.

OTHER FUNCTIONS AND DUTIES

Powers and Functions

In addition to its legislative session and interim responsibilities, Colorado law assigns the following additional powers and functions to the Legislative Council:

- collection of information concerning the government and general welfare of the state (*Section 2-3-303 (1)(a), C.R.S.*);
- examination of the effects of state constitutional provisions and statutes and the authority to recommend modifications (*Section 2-3-303 (1)(b), C.R.S.*);
- consideration of important issues of public policy and questions of statewide interest (*Section 2-3-303 (1)(c), C.R.S.*);
- preparation for the presentation to the members and various sessions of the General Assembly such reports, bills, or otherwise, as the welfare of the state may require (*Section 2-3-303 (1)(d), C.R.S.*);
- expenditure of moneys or authorization of the expenditure of moneys to accomplish the functions of the Council as appropriated by the General Assembly (*Section 2-3-303 (1)(e), C.R.S.*);
- submission of an annual report to the Executive Committee evaluating the performance of the Director of the Legislative Council Staff (*Section 2-3-303 (3)(b), C.R.S.*);
- encouragement of interstate cooperation through joint governmental agencies such as the Council of State Governments and the National Conference of State Legislatures and through cooperation with federal, state, and local governments (*Section 2-3-311 (1) and (2), C.R.S.*);
- preparation and filing of census maps with the Secretary of State depicting congressional districts and legislative districts (*Sections 2-1-101 (7), 2-2-107, and 2-2-205, C.R.S.*);
- conducting hearings upon notice from the Colorado Department of Regulatory Agencies that an unregulated occupation or profession poses an imminent threat to public health, safety, or welfare (*Section 24-34-104.1 (3)(c), C.R.S.*); and
- apportionment every ten years of the Regional Transportation District (RTD) districts based on new census data if the RTD Board of Directors fails to apportion districts by March 15 of the second year following a census (*Section 32-9-111 (1), C.R.S.*).

Director of Research

The Director of Research reports to the Legislative Council. In the event of a vacancy, the Legislative Council conducts interviews for the Director of Research position and makes a recommendation to the Executive Committee (*Section 2-3-304 (1), C.R.S.*). The Executive Committee formally appoints the Director of Research, as it does all legislative service agency directors pursuant to Section 2-3-303 (3)(d), C.R.S. In addition to duties pertaining to the "administrative direction of the Council," the Director of Research hires and oversees the Legislative Council Staff (*Section 2-3-304 (1) and (2), C.R.S.*).

Receipt of Reports

State statutes set forth the following requirements for the receipt of specified reports by the Legislative Council:

- A monthly project status report and a monthly population and capacity report from the Department of Corrections (*Section 17-1-104.3 (5), C.R.S.*);
- An annual report concerning any new sole-source personal services contracts entered into in the previous year by a state department (*Section 24-102-205 (7)(c), C.R.S.*); and
- An annual report from the Division of Administration in the Department of Public Health and Environment on the adequacy of funding for source attribution and apportionment studies, when such studies are required. If funding is inadequate, the Council may recommend that the General Assembly appropriate funds from available sources (*Section 25-7-1006 (2)(e), C.R.S.*).

In addition, state statutes set forth the following requirements for the receipt of specified reports by the Executive Committee of the Legislative Council:

- Notification, by February 1 of each year, from the Commissioner of Agricultural of the need for and purposes of any increase in the fee charged for any class of pet animal facility licenses or for renewal of those licenses, and the number of monthly inspections performed before and after the increase (*Section 35-80-117 (4), C.R.S.*);
- Notification from the Executive Director of the Department of Revenue of the amount of excess state revenue, adjusted to reflect the rate of growth of personal income in Colorado, in fiscal years where excess revenue exceeds state spending limits (*Section 39-22-123 (4)(c)(II), C.R.S.*);
- Notification, by October 1 of each year, from the Executive Director of the Department of Revenue the amount by which state revenues would be decreased as the result of a reduction in the state income tax rate for any income tax year. The Executive Committee must review and approve or disapprove the estimate within 20 days of receiving it, unless it holds a hearing on the estimate, in which case the hearing must be held within 25 days of receiving the estimate (*Section 39-22-627 (5), C.R.S.*); and
- Notification, by October 1 of each year, from the Executive Director of the Department of Revenue of the amount of any identical individual sales tax refunds if calculated, and if necessary, income classifications and the amount of the refund for each income classification (*Section 39-22-2002 (6), C.R.S.*).

APPENDIX A

RULES OF THE LEGISLATIVE COUNCIL

Rule I. Meetings

(1) The Council shall meet not less frequently than once in each quarter of the calendar year. Pursuant to the Joint Rules of the Senate and the House of Representatives, the Council shall meet no later than October 15 in even-numbered years and no later than November 15 in odd-numbered years for the purpose of receiving recommendations by interim Legislative Council committees and all other committees created by statute or resolution which operate during the legislative interim. In addition, the Council shall meet at such other times as may be determined by the Council or chair.

(2) All meetings shall be held at the State Capitol in Denver, Colorado, unless otherwise determined by the Council or by the chair.

Rule II. Election of Chair - Duties

The Council shall elect a chair and a vice-chair from its membership at the first meeting held annually. The chair shall preside at all meetings of the Council and shall perform the duties hereinafter set forth. In the absence of the chair or in case of his or her inability to act, the vice-chair shall preside and perform the required duties.

Rule III. Meetings Open to Public - Rules of Order

All meetings of the Council shall be open to the public, except when meeting in executive session. All proceedings in matters covered by these rules shall be conducted in accordance herewith, otherwise in accordance with the latest edition of *Mason's Manual of Legislative Procedure*.

Rule IV. Quorum

Nine members shall constitute a quorum. Except to adjourn to the next day or to a later time on the same day, no action shall be taken by the Council except by the affirmative vote of five members, or if more than nine members be present, then by a majority of those members present.

Rule V. Functions of Council and Executive Committee

(1) In addition to any other powers and duties set forth in law, the Council shall have the following powers and duties:

- (a) To collect information concerning the government and general welfare of the state;

- (b) To examine the effects of constitutional provisions and statutes and recommend desirable alterations;
- (c) To consider important issues of public policy and questions of statewide interest;
- (d) To prepare for presentation to the members and various sessions of the General Assembly such reports, bills, or otherwise, as the welfare of the state may require;
- (e) To expend moneys or authorize the expenditure of moneys to accomplish the functions contained in this rule out of moneys appropriated to the Council by the General Assembly;
- (f) To approve bills recommended by interim committees or other committees created by statute or resolution which operate during the interim;
- (g) To review the ballot information booklet prepared by the Director of Research at a public hearing held in accordance with Section 1-40-124.5, C.R.S.;
- (h) To review, prioritize, and approve written requests for interim study committees and bills that create statutory committees with legislative members;
- (i) To serve as a committee of reference for bills or resolutions that allocate additional staff resources during the interim.

(2) In addition to any other powers and duties set forth in law, the Executive Committee shall have the following powers and duties:

- (a) To consider, recommend, and establish policies relating to legislative management and legislative procedures, including but not limited to deadlines for the legislative session, guidelines on the format of bills, allocation of space in the State Capitol for legislative purposes, and lobbying practices;
- (b) To consider and approve the budget requests from the legislative service agency directors for the legislative service agencies;
- (c) To prepare and introduce the legislative appropriation bill each year;
- (d) To establish policies about the retention of records by the legislative service agencies of the General Assembly, including the retention of records relating to legislative review of rules and regulations promulgated by executive branch agencies pursuant to Section 24-4-103, C.R.S.;
- (e) To coordinate the televising via cable television and webcast of proceedings of the House of Representatives and the Senate with the Colorado channel authority;
- (f) To consider, recommend, and establish policies allowing legislative committees to take remote testimony from one or more centralized remote sites located around the state.

(3) In addition to the powers and duties specified in (2) of this rule, the Executive Committee of the Council shall annually approve a salary pay range to be used in setting the salaries of the legislative service agency directors.

- (a) The Legislative Audit Committee, the Joint Budget Committee, the Legislative Council, and the Committee on Legal Services shall each submit an annual report to the Executive Committee evaluating the performance of the legislative service agency director under such committee's supervision.
- b) Upon review of the reports received pursuant to (3) (a) of this rule, the Executive Committee shall evaluate the performance of legislative service agency directors and determine the salaries to be paid thereto.
- (c) The Executive Committee shall appoint legislative service agency directors, other than the State Auditor, after receiving recommendations thereon from the respective committees.
- (d) The Executive Committee shall consult with the Legislative Audit Committee concerning the appointment of a State Auditor before the Legislative Audit Committee places the names of candidates before the General Assembly in accordance with Section 2-3-101 (3) (a).
- (e) The Executive Committee shall annually approve salary pay ranges to be used in determining the salaries of the staffs of legislative service agencies. Legislative service agency directors shall determine the salaries to be paid to their respective staffs in accordance with such pay ranges; except that employees of the office of the State Auditor who are within the state personnel system shall be paid in accordance with article 50 of title 24, C.R.S. Each legislative service agency director shall file a report annually with the Executive Committee setting forth the salaries paid to their respective staffs.
- (f) Any Senator or Representative or any legislative committee may provide the Executive Committee or any legislative service agency director with information or recommendations concerning pay ranges or performance evaluations for legislative service agency directors or the staffs of legislative service agencies.
- (g) As used in this subsection (3), unless the context otherwise requires:
 - (I) "Legislative service agencies" means the Office of the State Auditor, the Joint Budget Committee, the Legislative Council, and the Office of Legislative Legal Services.
 - (II) "Legislative service agency director" means the State Auditor, the staff Director of the Joint Budget Committee, the Director of Research of the Legislative Council, and the Director of the Office of Legislative Legal Services.

(4) The Executive Committee has the power and responsibility to perform legislative management functions when the General Assembly is not in session.

Rule VI. Committees - Appointments

- (1) There shall be an Executive Committee comprised of the President of the Senate, the majority leader of the Senate, the minority leader of the Senate, the Speaker of the House of Representatives, the majority leader of the House of Representatives, and the minority leader of the House of Representatives, all of whom shall be ex officio members of the Council. The Speaker of the House of Representatives and the President of the Senate shall alternately serve as the chair and vice-chair of the Executive Committee. All ex officio members of the Council shall have and exercise all the powers, privileges, and duties of other members. The Executive Committee shall meet upon call of the chair.
- (2) In accordance with Section 2-3-303.3, C.R.S., Section 2-3-301, C.R.S., Joint Rule 23, and Joint Rule 24A, the Council shall meet to review, prioritize, and approve written requests for interim study committees and bills that create statutory committees with legislative members. The Council may be a committee of reference for bills or resolutions that allocate additional legislative staff resources during the interim. The Legislative Council must report all bills and resolutions by the 108th legislative day.
- (3) Members shall be appointed to interim study committees as provided by the interim study request or by the Executive Committee resolution as appropriate. In addition, subcommittees established by the Council pursuant to Section 2-3-302 (1), C.R.S., shall be appointed by the chair and vice-chair of the Executive Committee from their respective houses.
- (4) The chair of the Council shall be an ex officio member, without authority to vote, of all committees appointed by the Council and as such shall be entitled to the payment of his or her expenses from the Council funds in accordance with Rule No. XII.

Rule VII. Roll Call - When Requested

Roll call shall be taken on any question upon demand of one member.

Rule VIII. Action - How Taken

The sentiment of the Council shall be expressed in the form of a resolution duly adopted; its will or recommendation with respect to any research study, report, or proposed legislation shall be expressed in the form of a proposal with its recommendations with respect thereto duly adopted.

Rule IX. Hearings - Exercise of Power to Take Testimony

(1) The Council and any committee thereof may conduct hearings at which witnesses may be required to testify under oath. The chair of the Council and the respective chairs of its committees shall have authority to administer the oath to witnesses. Evidence taken may be either oral or written. The Council may require statements to be filed in advance of hearings.

(2) The Council and its committees may require the attendance of witnesses at such hearings and the production of records and documents by subpoena duces tecum, or otherwise;

such subpoena *duces tecum* shall be issued under the hand of the chair of the Council or the chairs of its committees only after authorization by majority vote of the Council or of the committee, as the case may be. Witnesses subpoenaed to appear before the Council shall receive the same fees and expenses as witnesses in civil cases.

(3) In the course of examination of a witness, questions shall be limited only to the requirement of relevancy and materiality to the subject of inquiry. The chair of the Council or the respective chairs of its committees may designate the Director of Research, or professional counsel, to question the witness, but no member of the Council or its committees shall be denied the right to examine a witness, the chair, only, having the right to rule on the order of examination and the relevancy and materiality of the questions.

(4) The chair of the Council and the respective chairs of its committees shall have authority to apply to appropriate courts of record for the enforcement of these powers.

Rule X. Report of Council

The recommendations and findings of the Council shall be sent to each member of the General Assembly, to the Governor, and to the state library, at least 30 days prior to any regular session of the General Assembly, or at such other times as the Council deems necessary, or as requested by the General Assembly.

Rule XI. Compensation of Personnel - Approval of Vouchers

The Director of Research shall receive such compensation as shall be fixed by the Executive Committee. All vouchers shall be approved by the chair or vice chair of the Council or by the Director of Research upon instruction from the chair.

Rule XII. Mileage and Expenses of Members

Members of the Council and members of the committees created by the Council shall be paid the legislative per diem rate and shall be reimbursed for actual and necessary travel and subsistence expenses, as provided by Section 2-2-307, C.R.S., incurred in attendance at scheduled committee meetings.

Rule XIII. Amendment of Rules

These rules may be amended, added to, subtracted from, or suspended by a vote of the majority of Council members present.

Rule XIV. Preparation, Approval and Distribution of Ballot Analysis Booklet

(1) Each year the Legislative Council Staff shall adopt deadlines for the preparation, approval and distribution of the Ballot Analysis Booklet. The deadlines shall consist of dates established for completion of the steps delineated in this rule. Such deadlines shall be adopted by the Legislative Council Staff for each measure for which an analysis is to be drafted. Deadlines shall be strictly observed by all parties. Deadlines may be modified by the director of

research in extraordinary circumstances. Deadlines shall be established for the following steps (a-g).

- a) Solicitation of involvement from proponents, opponents and interested persons on measures for which analyses will be drafted.
- b) Production and distribution of preliminary drafts of each ballot analysis. Legislative Council Staff, at its discretion, may require comments from opponents, proponents and interested persons on preliminary drafts to be submitted in writing, and may furnish such comments to all parties of interest. Preliminary drafts of the ballot analyses and any written comments received shall be considered public records open for public inspection pursuant to Section 24-72-201 et seq., C.R.S.
- c) Furnishing final drafts to proponents, opponents and interested persons. Proponents, opponents and interested parties are encouraged to submit any comments on the final draft in writing but are required to submit any proposed amendments to the draft in writing at least 15 days prior to the Legislative Council hearing.
- d) Distribution of a packet of materials for members of the Legislative Council which shall include the final draft ballot analyses, any written comments and/or proposed amendments from proponents, opponents and interested persons received by the deadline, and any staff comments on the written submissions made by the proponents, opponents, and interested persons.
- e) Consideration by the Legislative Council of the final drafts, any proposed amendments, and testimony in a public hearing held pursuant to Section 1-40-124.5, C.R.S. In order to provide for an orderly and efficient hearing and expedite the workload of Legislative Council, the Chair may encourage persons interested in testifying to sign up at least 5 days prior to the hearing. The chair of the Legislative Council may establish such other procedures and rules for testimony as are appropriate to ensure fairness and facilitate the Legislative Council's deliberations.
- f) Final date for publication in newspapers of ballot titles and text (set by constitution).
- g) Distribution of the ballot analysis booklet to all registered voter households at least 30 days prior to the election. Distribution of the ballot analysis booklet shall be done in compliance with the Voting Rights Act and the Americans with Disabilities Act.

(2) All deadlines are effective as of 5:00 p.m. on the date specified.

(3) Legislative Council Staff shall consider all comments and/or proposed amendments submitted on or before the deadlines for preliminary drafts, but shall use its discretion when incorporating changes to the ballot analyses.

(4) It shall be the duty of the Legislative Council to conduct a fair and impartial review of each final draft ballot analysis. The Legislative Council may modify the draft of the booklet upon the two-thirds affirmative vote of the members of the Legislative Council. After the review, the Legislative Council Staff may amend the draft to correct factual or typographical errors.

APPENDIX B

LEGISLATIVE COUNCIL STAFF: DUTIES AND RESPONSIBILITIES

Director of Research

Upon the recommendation of the Legislative Council, the Executive Committee appoints a Director of Research, who provides administrative direction to the Legislative Council and serves as director of the Legislative Council Staff. Specific duties of the director outlined in statute include:

- receiving drafts of every initiative petition for a proposed law or amendment to the state constitution submitted by the proponents of the petition, and providing review and comment on the draft petition to the proponents in a public meeting (*Section 1-40-105, C.R.S.*);
- preparing and providing to the proponents and Secretary of State an initial fiscal impact statement for every initiated measure property submitted to the Title Board and posting the statement and any related fiscal estimates on the Legislative Council Staff website (*Section 1-40-105.5, C.R.S.*);
- preparing and distributing a ballot information booklet for any initiated or referred constitutional amendment or legislation, shall include an abstract of the fiscal impact statement prepared for each measure (*Section 1-40-124.5, C.R.S.*);
- in any notice to electors pursuant to law regarding the blue book, providing an explanation of the effect of a "yes" or "no" vote on a ballot issue (*Section 1-40-126, C.R.S.*);
- posting the amount of the current annual base compensation for members of the General Assembly on the General Assembly website beginning on the first day of the 2019 legislative session (*Section 2-2-307 (1)(b), C.R.S.*);
- preparing a report containing information pertaining to remote testimony (*Section 2-3-303 (2)(g)(V), C.R.S.*);
- determining the number of interim committee meetings that may be held within the legislative budget and providing that information to the Executive Committee of the Legislative Council (*Section 2-3-303.3 (2), C.R.S.*);
- if approved by the Executive Committee, the authorization to submit proposals for printing of the first class which includes the printing of legislative bills, memorials, resolutions, calendars, and journals of the General Assembly (*Section 2-3-304 (7), C.R.S.*);
- membership on the Legislative Emergency Preparedness, Response, and Recovery Committee (*Section 2-3-1503 (1)(b)(VI), C.R.S.*);

- posting the amount of the current annual salary of the Governor, Lieutenant Governor, Secretary of State, and State Treasurer on the General Assembly website (*Section 24-9-101 (5), C.R.S.*);
- upon direction from the President of the Senate and the Speaker of the House, authorization to contract for the actuarial assessment of the Public Employees' Retirement Association (*Section 24-51-1010 (2), C.R.S.*);
- beginning on July 1, 2019, adjusting and posting the maximum hourly fee for responding to Colorado Open Records Act requests in accordance with the Consumer Price Index or successor index (*Section 24-72-205 (6)(b), C.R.S.*); and
- authorization to request the Executive Director of the Department of Revenue to require certain taxpayers provide additional information related to the apportionment and allocation of income to support an income tax return in order to improve the accuracy of fiscal notes and reports to the legislature (*Section 39-22-303.5 (7)(e), C.R.S.*).

The Director of Research is also responsible to the Council for the “collection and assembling of all data and for the preparation of reports, recommendations, and bills” (*Section 2-3-304 (1), C.R.S.*). The statutory duties and responsibilities of the Legislative Council Staff comprise the discussion below:

Staffing and Support Duties

The Legislative Council Staff provides assistance and support to standing, conference, and interim committees of the General Assembly, as well as other committees and task forces as may be designated. Specific duties outlined in statute include staff support to the following committees:

- committees conducting sunset reviews (*Section 2-3-1202, C.R.S.*);
- the Capital Development Committee (*Section 2-3-1306, C.R.S.*);
- any joint legislative oversight committee conducting a review of a principal department (*Section 2-7-104 (1), C.R.S.*);
- the Colorado Health Insurance Exchange Oversight Committee (*Section 10-22-107 (1), C.R.S.*);
- the Joint Technology Committee (*Section 2-3-1704, C.R.S.*);
- the Legislative Oversight Committee and Task Force for the Continuing Examination of the Treatment of Persons with Mental Illness Who are Involved in the Criminal and Juvenile Justice Systems (*Sections 18-1.9-103 and 18-1.9-105, C.R.S.*);
- the State Capitol Building Advisory Committee (*Section 24-82-108 (4), C.R.S.*);
- the Police Officers' and Firefighters' Pension Reform Commission (*Section 31-31-1001 (1)(a), C.R.S.*)

- the School Safety and Youth in Crisis Committee (*Section 22-15-101, C.R.S.*);
- the Water Resources Review Committee (*Section 37-98-102 (1)(a), C.R.S.*); and
- the Transportation Legislation Review Committee (*Section 43-2-145 (5), C.R.S.*).

The Initiative Process

The Legislative Council Staff has constitutional and statutory duties in regard to ballot measures that are referred or initiated by citizen petition pursuant to Article V, Section 1 of the Colorado Constitution and Article 40 of Title 1, C.R.S. Specifically, Legislative Council Staff is directed to:

- review and comment on citizen initiative filings in conjunction with the Office of Legislative Legal Services (*Section 1-40-105, C.R.S.*);
- conduct a public meeting at which the director and other members of the legislative staff have the opportunity to ask questions that arise in response to the written comments received in preparation of a ballot analysis draft (*Section 1-40-124.5 (1.7), C.R.S.*);
- prepare and distribute a ballot information booklet to all registered voter households statewide (*Section 1-40-124.5, C.R.S.*); and
- publish the title and text of each initiated or referred measure and the text of each referred or initiated question on the statewide ballot in at least one legal publication of general circulation in each county in the state (*Section 1-40-124 (1), C.R.S.*).

Forecasting and Fiscal Analysis

Legislative Council Staff undertakes fiscal analysis and other forecasting duties as designated in the following statutes:

- preparation of fiscal notes (*Section 2-2-322, C.R.S.*);
- review of criminal sentencing legislation for the purpose of providing the General Assembly with fiscal impact information (*Section 2-2-701 (3), C.R.S.*);
- forecasting of the adult and juvenile offender populations within the criminal justice system in the state (*Section 2-3-304 (4), C.R.S.*);
- establishment of a pilot program for development of a dynamic model to analyze the economic impact of bills if sufficient funds become available pursuant to law (*Section 2-3-304.5, C.R.S.*);
- calculation of State Education Fund revenues, in consultation with the Office of State Planning and Budgeting (*Section 22-55-103 (2)(a), C.R.S.*);

- review of the model used to forecast revenues in and expenditures from the State Education Fund and the spending requirements under the School Finance Act (*Section 22-55-104 (3), C.R.S.*);
- for each fiscal year that the state retains and spends state revenues pursuant to Referendum C, preparation of an excess state revenues legislative report (*Section 24-77-103.6 (5)(a), C.R.S.*); and
- preparation of a quarterly forecast of severance tax revenues in consultation with the Office of State Planning and Budgeting (*Section 39-29-108 (5)(b), C.R.S.*).

Program Review

Several statutory provisions set forth program review responsibilities for Legislative Council Staff, as follows:

- review and evaluation of any tobacco settlement programs in conjunction with the Joint Budget Committee Staff, the Office of Legislative Legal Services, the Department of Public Health and Environment, and the Health Sciences Facility (Anschutz Medical Campus) (*Section 2-3-113 (4), C.R.S.*);
- certification of the cost-of-living factor for each school district in the state every two years (*Section 22-54-104 (5)(c)(III), C.R.S.*);
- contracting for a property tax assessment study during each property tax year (*Section 39-1-104 (16), C.R.S.*); and
- conducting a post-enactment review of the implementation of specific bills enacted during any regular or special legislative session in conjunction with the Office of Legislative Legal Services and the staff of the Joint Budget Committee. The bills reviewed must be bills that become law and that contain an accountability clause and a legislative declaration setting forth the desired results or benefits to be achieved by the bill, as intended by the General Assembly (*Section 2-2-1201, C.R.S.*).

Accounting and Compensation

The Legislative Council Staff oversees a centralized legislative accounting system pursuant to *Section 2-3-310, C.R.S.* In addition, the Director of Research approves payroll and per diem vouchers for member reimbursement (*Section 2-2-307 (4)(b), C.R.S.*).

Receipt of Reports

The Legislative Council Staff maintains a legislative library and receives the following reports and data pursuant to statute:

- reports establishing precincts and polling places for partisan elections (*Section 1-5-101 (5), C.R.S.*);
- criminal justice information and statistics compiled by the state court administrator (*Section 13-3-101 (5), C.R.S.*);
- population projections and research data from the Executive Director of the Department of Corrections (*Section 17-1-103 (1)(m), C.R.S.*);
- reporting and accountability of the Colorado Cooperative Extension Service (*Section 23-31-706 (1)(a), C.R.S.*);
- population projections and research data from the Division of Criminal Justice (*Section 24-33.5-503 (1)(m), C.R.S.*);
- information coordinated as part of the economic development central information system for general public use (*Section 24-46.1-101, C.R.S.*); and
- any exclusions to permit conditions for open burning from the Division of Administration in the Department of Public Health and Environment (*Section 25-7-123 (1)(c), C.R.S.*)

APPENDIX C

RULES FOR STAFF OF LEGISLATIVE COUNCIL AND OFFICE OF LEGISLATIVE LEGAL SERVICES: REVIEW AND COMMENT FILINGS

1. Legal Authority. These rules are issued pursuant to section 1(5) of article V of the Colorado Constitution and section 1-40-105, Colorado Revised Statutes.
2. Purpose of Rules. The purpose of these rules is to delineate the procedures to be followed by the staff of the Legislative Council and the Office of Legislative Legal Services in preparing comments and conducting review and comment meetings with proponents as specified by the Colorado Constitution and by Colorado Statutes. These rules are intended to balance the interests of proponents, including their interests in a reliable, predictable, and fair process; the public's right to receive full and timely notice of meetings and to participate in them; and the business requirements of the staffs of the two offices. These rules are further intended to advise proponents and interested persons of the procedures to be followed so that they may make more effective use of the review and comment process.
3. Applicability of Rules. These rules apply to the filing of all original petitions, corrected petitions, amended petitions, and resubmitted petitions.
4. Definitions. As used in this rule, the following definitions apply:
 - (a) "Original petition" means the first submission of the text of a proposed initiated constitutional amendment or initiated law filed by a proponent.
 - (b) "Corrected petition" means the submission of a proposed initiated constitutional amendment or initiated law that, because of an obvious and plain error, including a grammatical, punctuation, or spelling error or other error of a technical nature, is filed as a replacement for an original petition or amended petition.
 - (c) "Amended petition" means a revised version of an original petition that contains substantive changes and therefore does not meet the definition of a corrected petition.
 - (d) "Resubmitted petition" means any type of petition that is automatically submitted for review and comment in accordance with paragraph (a) of subsection (10) of these rules.
 - (e) "State holiday" means the legal holidays enumerated in or appointed pursuant to section 24-11-101, Colorado Revised Statutes.
5. Designees. The directors of the Legislative Council and the Office of Legislative Legal Services may designate persons on their respective staffs to act in their stead. In addition, the staff of Legislative Council is the designee of the Office of Legislative Legal Services for the purpose of receiving any filings made pursuant to section 1(5) of article V of the Colorado Constitution.
6. Filing Requirements. (a) A petition must be typewritten and legible, contain the text of the initiated measure, and provide the names and mailing addresses of the two designated representatives of the proponents.

(b) It is not necessary for the proponents of a petition to file a resubmitted petition with the staff of the Legislative Council.

7. Time of Filing. A petition shall be filed with the staff of Legislative Council during normal business hours. Normal business hours are considered to be from 8:00 AM through 5:00 PM, excluding weekends and state holidays. Any petition received by the staff of Legislative Council after 5:00 PM, on a weekend, or on a state holiday shall be deemed to be filed on the next regular business day.

8. Methods of Filing - Numbering. (a) Petitions shall be considered filed when a legible, typewritten, complete copy is received by delivery to the staff of Legislative Council in person, by mail, by electronic mail, or by telefax. It is the responsibility of proponents to verify that filings made by mail, electronic mail, and telefax are received by the staff of Legislative Council in legible and complete form.

(b) Petitions shall be numbered by the staff of Legislative Council for purposes of keeping track of each filing.

9. Scheduling of Review and Comment Meetings. (a) Except in cases set forth in paragraph (b) of this subsection (9), a review and comment meeting on an original petition or amended petition shall be scheduled with the designated representatives and the staff of the Legislative Council and the Office of Legislative Legal Services on a date two weeks after the petition is filed with the staff of Legislative Council.

(b) When the date specified in paragraph (a) of this subsection (9) falls on a day that is not a state holiday but that the office of the Legislative Council Staff or the Office of Legislative Legal Services is closed, the review and comment meeting may be held on a regular business day that is prior to a date two weeks after the petition is filed with the staff of the Legislative Council.

(c) A review and comment meeting on a resubmitted petition shall be scheduled with the designated representatives and the staff of the Legislative Council and the Office of Legislative Legal Services on a date no later than five business days after the resubmission.

10. Review and Comment Meetings. (a) Review and comment meetings will be conducted in the State Capitol Building or the Legislative Services Building. Both designated representatives must appear at all review and comment meetings. If either designated representative fails to attend a review and comment meeting, the petition is considered withdrawn by the proponents. If one of the designated representatives fails to attend a review and comment meeting, the petition is deemed to be automatically resubmitted to the directors of the Legislative Council and Office of Legislative Legal Services for review and comment, unless the designated representative who is present objects to the automatic resubmission.

(b) The review and comment memorandum prepared by the Office of Legislative Legal Services and the staff of the Legislative Council for the review and comment meeting shall be transmitted to the proponents as soon as possible but no later than 48 hours prior to the meeting date, except in the case of a resubmitted petition for which a meeting is scheduled within 48 hours of the resubmission.

11. Corrected Petitions and Amended Petitions Filed Prior to the Review and Comment Meeting. (a) A corrected petition filed with the staff of Legislative Council shall be treated for all purposes as a substitute for the petition that it corrects unless the proponents request that it be treated as an amended petition. A corrected petition shall be considered at the review and comment meeting originally scheduled for the petition it corrects.

(b) If the staff of Legislative Council determines that a document filed as a corrected petition actually constitutes an amended petition, they shall treat it as an amended petition. Staff should make the determination as soon as practicable but no later than 24 hours after the document is filed. The proponents shall be asked if they wish to proceed with both petitions or to specify the status of the prior petition. The filing date for the amended petition and the date for the review and comment meeting shall be determined in accordance with these rules.
12. Changes Made Subsequent to the Review and Comment Meeting. After the review and comment meeting, if proponents make substantial amendments or revisions to a petition that are not in response to comments made by the staff of Legislative Council or the Office of Legislative Legal Services, the proponents shall file an amended petition with the staff of Legislative Council for the purposes of scheduling and holding a review and comment meeting. The review and comment meeting shall be scheduled in accordance with Rule 9 on a date two weeks after the amended petition is filed. If the directors of Legislative Council and the Office of Legislative Legal Services have no additional comments on the amended petition, they shall so inform the proponents in writing as soon as practicable, but in no case later than 72 hours after the filing, and the review and comment meeting shall be canceled. Notice of the filing of such an amended petition and the conclusion of the directors that they have no additional comments and that a review and comment meeting has been canceled shall be posted in the office of the staff of Legislative Council and communicated to any party who has provided an address to the staff of Legislative Council for such purpose.
13. Changes Made Subsequent to a Title Board Meeting. (a) The staff shall accept a filing as an amended petition if the Title Setting Board has made a determination that it does not have jurisdiction to set a title for the petition because the proponents have made substantial amendments or revisions to the petition following the review and comment meeting and the amendments or revisions are not in response to comments made by the staff of Legislative Council or the Office of Legislative Legal Services.

(b) If the staff of Legislative Council is informed of or is aware that a petition contains changes that have been made to achieve a single subject following a determination by the Title Setting Board that the petition contains more than one subject, the staff shall inform the proponents that they should file the petition directly with the office of the Secretary of State unless the changes involve more than the elimination of provisions to achieve a single subject.

(c) In addition, the staff shall accept a filing as an amended petition if the Title Setting Board has previously determined that the petition contains more than one subject and the proponents have changed the petition and resubmitted it to the Title Setting Board and the Board has subsequently made a determination in accordance with section 1 (5.5) of article V of the Colorado Constitution that the changes involve more than the elimination of provisions to achieve a single subject or that the changes are so substantial that a review and comment meeting is in the public interest.

(d) If proponents decline to file a petition directly with the Secretary of State because they want it treated as an original petition or if they have determined that it contains changes that involve more than the elimination of provisions to achieve a single subject, the petition shall be accepted and treated as an amended petition.

(e) All amended petitions accepted for filing in accordance with this rule shall be scheduled for a review and comment meeting in accordance with Rule 9 on a date two weeks after the amended petition is filed. If the directors of Legislative Council and the Office of Legislative Legal Services have no comments on the amended petition, they shall so inform the proponents in writing as soon as practicable, but in no case later than 72 hours after the filing, and the review and comment meeting shall be canceled. Notice of the filing of such an amended petition and the conclusion of the directors that they have no additional comments and that a review and comment meeting has been canceled shall be posted in the office of the staff of Legislative Council and communicated to any party who has provided an address to the staff of Legislative Council for such purpose.

14. Computations of Time. For purposes of these rules, time shall be computed as provided in sections 2-4-105 and 2-4-108, Colorado Revised Statutes. "Two weeks" means 14 consecutive days. The counting of any time period included in these rules excludes the day a petition is filed with the staff of Legislative Council. When the final day in a counting period falls on a state holiday, the counting period is extended so that the final day falls on the next regular business day following a state holiday.