

Second Regular Session  
Seventieth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. R16-1238.01 Sharon Eubanks x4336

HJR16-1022

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HOUSE JOINT RESOLUTION 16-1022

101 ESTABLISHING PROCEDURES FOR THE CONFIRMATION OF THE  
102 GOVERNOR'S APPOINTMENT TO FILL A VACANCY IN THE OFFICE  
103 OF THE LIEUTENANT GOVERNOR.

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1 WHEREAS, A vacancy has arisen in the Office of the Lieutenant  
2 Governor as a result of the resignation of Lieutenant Governor Joseph  
3 Garcia, effective at the end of the business day on April 29, 2016; and

4 WHEREAS, Section 13 (2) of article IV of the state constitution  
5 provides as follows:

6 (2) Whenever there is a vacancy in the  
7 office of the lieutenant governor, because of  
8 death, impeachment, conviction of a felony,  
9 or resignation, the governor shall nominate a

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

1 lieutenant governor who shall take office  
2 upon confirmation by a majority vote of both  
3 houses of the general assembly. If the person  
4 nominated is a member of the general  
5 assembly, he may take the oath of office of  
6 lieutenant governor, and the legislative seat  
7 to which he was elected shall be vacant and  
8 filled in the manner prescribed by law  
9 pursuant to section 2 of article V of this  
10 constitution.

11 WHEREAS, This is only the second time the General Assembly  
12 has acted under subsection (2) of section 13 since it was adopted in 1974,  
13 and the provision requiring confirmation by both the Senate and the  
14 House of Representatives is unique in the state constitution; and

15 WHEREAS, After taking into account the procedures utilized in  
16 1994 when, for the first time, both houses considered an appointment by  
17 a governor to fill a vacancy in the Office of the Lieutenant Governor due  
18 to resignation, and in recognition of the authority of each house of the  
19 General Assembly under section 12 of article V of the state constitution  
20 to determine the rules of its proceedings, it is appropriate for the Senate  
21 and the House to agree formally on the procedures to be followed in  
22 considering the Governor's appointment to fill the vacancy in the Office  
23 of the Lieutenant Governor; now, therefore,

24 *Be It Resolved by the House of Representatives of the Seventieth*  
25 *General Assembly of the State of Colorado, the Senate concurring herein:*

26 That the following procedures be followed by the Senate and the  
27 House of Representatives in considering confirmation of an appointment  
28 by the Governor to fill the vacancy in the Office of the Lieutenant  
29 Governor occasioned by the resignation of the current Lieutenant  
30 Governor:

31 (1) The Senate and the House of Representatives will follow the  
32 usual practices and procedures followed by the Senate in acting on the  
33 confirmation of a gubernatorial appointment subject to Senate  
34 confirmation, including reference of the appointment to the appropriate  
35 committee of reference.

36 (2) The House of Representatives will act first on the Governor's

1 appointment, and, if the appointment is confirmed by the House, then the  
2 House will so notify the Senate, which will then proceed to consider the  
3 Governor's appointment.