

The Legislative Process

The Colorado Constitution places the power to make laws with the state legislature, the Colorado General Assembly. The General Assembly cannot delegate this power, and no other branch of state government can usurp it. The power to make laws is exercised through the process of considering and adopting bills. The power of the people to make laws through the initiative and referendum processes is not discussed in this document.

Laws Begin as Bills

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 generally either 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 departments, agencies, and institutions are included in the general or "long" appropriations bill. In accordance with the rules of both houses, all bills must be submitted to the Office of Legislative Legal Services before being introduced. This office of attorneys makes sure that bills conform to the legal style of the Colorado statutes.

Each bill is assigned a number. At the time of introduction, each bill is given a number, which designates that proposed piece of legislation for the remainder of the legislative session. Bills are numbered in the order that they are introduced. Senate bills start with the number 1. House bills are numbered from 1001. Since 1990, a prefix has been used to identify the year a bill is introduced. For example, Senate Bill 08-1 refers to Senate Bill 1 introduced in the 2008 session. The same numbering system is used for resolutions and memorials. 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, and it is given a new number.

All bills have a sponsor. The prime sponsor and co-sponsors of a measure are listed on the first page of a bill. Each bill must have a House sponsor and a Senate sponsor. Some bills have joint prime sponsors in the House or Senate. These sponsors shoulder the major responsibility for explaining the bill to their colleagues and shepherding it through the legislative process. 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 or her name as sponsor of a bill. This happens when amendments change a bill in such a way that the member no longer wishes to be listed as sponsor or co-sponsor.

The form of all bills is similar. While the content of bills is very different, the form is similar. Bills are written so that changes to the law can be readily identified. This is accomplished through the use of capitalization and strike type (dashes through words). Capitalization shows new language; strike type indicates deletions from the existing law. When amendments are extensive, existing law is repealed and reenacted or entire new sections are added in capitalized letters.

The usual arrangement of the provisions of a bill are as follows: title, bill summary, enacting clause, the text of the law changes, an appropriation if required, effective date, and safety clause. The text of the law changes include new provisions of law, changes to existing law, and repeal of existing law. Each section of a bill contains an amending clause, which cites the statute to be added, amended, or repealed.

- ***Bill title.*** Each bill contains a brief but comprehensive title. The state constitution requires that a bill contain only one subject, which must be clearly expressed in its title. A bill title can be amended (or changed) as the bill progresses, as long as an amendment does not broaden the title.
- ***Bill summary.*** The title is followed by a brief summary of the bill as introduced. Although the bill may be amended as it travels through the legislative process, the bill summary is not changed to reflect these amendments. The summary has no legal effect.
- ***Enacting clause.*** Below the bill summary, there is an enacting clause. The state constitution provides that the style of the laws of this state shall be "Be it enacted by the General Assembly of the State of Colorado." This clause must be included in all bills; failure to do so invalidates the entire bill. Sometimes legislators will strike the enacting clause, thereby "killing" the bill.

- **Substantive provisions.** The sections that follow the enacting clause vary according to the purpose of the bill. The provisions of bills are so diverse that no definite rules are laid down for their order. For example, when a new government agency or program is established, the proposed law frequently contains a short title, a legislative declaration explaining the intent of the new law, definitions of terms used in the proposed law, sections covering the main purpose of the proposed law and how the agency or program is to be administered, and penalties for noncompliance with the law.
- **Severability clause.** A severability clause is found toward the end of some bills. This clause provides that if any part of an act is held unconstitutional, the remaining sections of the act are not affected. It is, in effect, a saving clause because it "saves" parts of a law if any other parts of the law are declared unconstitutional through court action.
- **Safety clause.** Another common clause found at the end of bills is a safety clause. This clause originates in the initiative and referendum provisions of the state constitution. The state constitution provides that a law may be referred by petition to the people for approval "except as to laws necessary for the immediate preservation of the public peace, health or safety." To preclude this procedure, the safety clause is included in a bill. Or, the General Assembly can elect not to include a safety clause, which allows the voters to petition the measure onto the ballot.
- **Effective date.** The constitution states that "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," meaning the date on which the governor either approves the bill or allows it to become law without his signature. Many bills contain an effective date that takes into consideration the 90 days allowed to collect signatures to place a measure on the ballot.

The "version" of a bill indicates where it is in the process. Bills have different names, or versions, depending on where they are in the legislative process. Each bill must be considered by both the House and Senate, and the version of a bill changes as it progresses through each official step: introduction, passage on second reading, and final passage in the first house, and introduction, second reading, and final passage in the second house. The different versions of a bill are as follows:

- (1) *Printed bill* - the bill as introduced before any amendments are added.
- (2) *Engrossed bill* - the bill as passed on second reading in the house of introduction. It includes any amendments adopted by that house on second reading.
- (3) *Reengrossed bill* - the bill as passed on third reading in the house of introduction. It includes all amendments adopted by that house. The reengrossed bill is the version sent to the second house for introduction and consideration by a committee of reference.
- (4) *Revised bill* - the bill passed on second reading in the second house. It includes any amendments made to the bill on second reading by the second house.
- (5) *Rerevised bill* - the bill as passed on third reading in the second house. The rerevised bill is then sent back to the house of origin for enrollment and transmittal to the governor for his or her action.
- (6) *Enrolled bill* - after passage of a bill by both houses, the bill is printed in the form in which it will appear in the session laws. This enrolled bill is the version signed by the President of the Senate, the Speaker of the House, and the Governor.

The number of bills a member may introduce is limited. The General Assembly limits, by rule, the number of bills a member may introduce during a legislative session. The rule provides that members may introduce no more than five bills, excluding appropriation bills. If a legislator waits until after December 1 to ask that bills be drafted, the legislator may request only two bills. Legislators elected at the general election who did not serve in the General Assembly during the past session have until December 15 to make requests under the five-bill limit. Exemptions from the bill limitations are granted during the legislative session but only by special committees on delayed bills in both houses.

Limitations have also been imposed on the number of bills that may be recommended as a result of interim committee deliberations. Interim committees are limited to eight bills. Most bills recommended by interim committees must be approved by the Legislative Council, comprised of 18 legislators, before they are introduced. Bills or other measures recommended by an interim committee need not be sponsored by a member of the committee making the recommendation.

Each Bill is Considered by a Committee

Committees are often regarded as the workshops of the General Assembly. All bills are sent to a committee -- referred to as a committee of reference -- immediately following introduction (first reading by title). The Speaker assigns bills to committee in the House; the Senate President makes the assignments in the Senate. 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 citizens express their views. After study, hearings, research and discussion, a bill may be amended, recommended for passage, referred to another committee, postponed indefinitely, or laid over 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, and budgets of the departments of the executive branch of state government.

The House of Representatives has [10 committee of reference](#), and the Senate has [10 committees of reference](#). Morning meetings are usually held from 9:30 to noon, and afternoon meetings are held from 1:30 until the committee's agenda is finished. The start of a committee meeting can be delayed when the House or Senate work on the floor.

Bills Referred Out of Committee Are Debated by the Entire Body

The entire membership of the House or the Senate 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 President or the Speaker steps down as presiding officer and another member of the body assumes the duties of chair of the committee. This is the time that the entire house considers a bill, the action taken by a committee of reference on a bill, and any other amendments to the bill. Occasionally a bill is sent back to the committee to which it was originally referred or to a different committee. Second reading is usually referred to as General Orders. It can also be referred to as Special Orders if it is scheduled at a different time than it would normally be scheduled. Voice votes are taken during second reading.

After the Committee of the Whole has completed its calendar of second reading bills it reports to the Speaker of the House or the President of the Senate. 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 body 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.

Final Action on a Bill Is Taken on Third Reading in Each House

Third reading is when a final vote is taken on a bill in each chamber. Commonly, less time is given to debate on third reading; amendments are generally not offered at this time. Members must receive approval of the body to offer an amendment on third reading. This is, however, the time that a recorded vote is taken on a bill.

The House and Senate May Disagree on a Bill

There are occasions when the version of a bill adopted by one house differs from that adopted by the other house. When this happens, three options are available:

- (1) the prime sponsor of the bill may request that his or her chamber recede from its position and adopt the bill version of the other house;
- (2) the prime sponsor of the bill may request that his or her chamber adhere to its position (effectively killing the bill unless the other house recedes from its version); or

(3) the prime sponsor of the bill may request that a conference committee be appointed to reconcile the differences between the two versions of the bill.

Each of these requests must be approved by the full chamber. If the prime sponsor requests a conference committee, three members are appointed from each house, two from the majority party and one from the minority party. The presiding officer of each chamber appoints the members of their respective committees from the majority party; the minority leaders appoint minority party members.

Legislative Leadership

Each body and each party within each body elects members to leadership positions to perform various functions related to the legislative process.

Election of Leadership

Shortly after the November general election, organizational caucuses are held to select majority and minority party leaders. Representatives and senators meet separately, with the House majority party members selecting the Speaker, Majority Leader, Caucus Chair and other party leaders it deems appropriate. The Speaker appoints a Speaker pro tem. The Senate majority party members select the President, the President pro tem, Majority Leader, Caucus Chair, its members of the Joint Budget Committee, and any other leadership positions it wishes to fill.

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

House procedures. While the Speaker of the House is selected informally by the majority caucus, he or she must be elected by a majority vote of the members of the House of Representatives on the first day of the session. Tentative designation of a Speaker at the November meeting enables the person selected to devote time to appointing the chairs and majority members of the House committees of reference. The Speaker also designates the number of members on each committee and the number from each political party. The Minority Leader appoints minority party members to committees of reference.

Senate procedures. The Senate, by a majority vote of all members elected, elects a member as President of the Senate and another member as President pro tempore. The Majority Leader is charged with determining the number of members on each committee of reference and the number from each political party, and appoints the majority party members. The Minority Leader appoints minority party members.

Duties of leadership. The President of the Senate and the Speaker of the House of Representatives preside over their respective bodies. The President pro tempore serves as the presiding officer in the absence of the President. The Speaker designates a Speaker pro tempore to serve in his or her absence. The duties of the President of the Senate and the Speaker of the House of Representatives include preserving order during sessions of the two houses, deciding questions of procedure, referring bills to committees, and signing bills, resolutions, memorials, and tributes. The majority leaders in each house determine the order of business for the body. The Majority and Minority Leader in both houses occupy the two front row seats on the aisle across from one another.

Role of the caucus. Legislative caucuses are held frequently during the session by the parties in each house to discuss positions on important issues before the General Assembly. Legislators are not permitted to commit to vote a particular way during a caucus.

The Order of Legislative Business

The parliamentary rules governing legislative procedures enable each house to operate in an orderly manner. The procedures for the two bodies are very similar, but differences do exist.

Daily order of business. The regular hour of meeting of both houses is 9:00 a.m., except on Monday, when the two houses convene at 10:00 a.m. 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 is as follows:

(1) *Call to order by the Speaker of the House and recitation of the Pledge of Allegiance to the Flag of the United States.*

(2) *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 presence or absence of a quorum. A quorum must be present to transact business. A quorum consists of a majority of all members elected: 18 members in the Senate and 33 members in the House.

(3) *Correction and approval of journal.* The journal of the preceding day is corrected and approved.

(4) *Reports of committees of reference.* These reports detail the action that committees have taken on bills assigned to them by the Speaker. These reports are simply "read across the desk," notifying members that action has been taken on a bill and allowing it to be scheduled for second reading.

(5) *Messages from the Senate, the Governor, or the Revisor of Statutes.* Messages include notification of Senate action on House bills, and actions of the Governor regarding bills initiated in the House and sent to the Governor for his approval.

(6) *Introduction of bills.* Bills are read by title only, then assigned a number and referred by the Speaker to a committee.

(7) *Introduction of resolutions and memorials.* These matters may be discussed and acted upon the day after they are introduced, or they may be assigned to a committee.

HOUSE	SENATE
Consideration of motions	
Seconding a motion required in committee.	No second is required on any motion.
A voting machine is used in the chambers.	A voting machine is not used in the chambers.
Presiding Officers	
The Speaker of the House appoints a member of the House to preside in his absence.	A President pro tem is elected and sits in the absence of the President of the Senate.
Size of Committees	
Speaker of the House determines committee sizes although the House rules prescribe not less than 9 nor more than 19 House members on a committee.	The size of committees and proportion of majority and minority party members on committees is determined by the Majority Leader.
Reporting Committee Action	
Committee reports must be delivered to the front desk within three days after committee action on a measure, except for committees that meet on Wednesdays and Thursdays, which have two days of actual legislative session.	Committee reports must be delivered to the front desk of the Senate within five days of committee action.
Committee Jurisdiction	
Assignment of bills to committees of reference is made by the Speaker. The Speaker also prescribes a routing procedure for bills with a fiscal impact.	Bills are assigned by the President. By Senate rule, bills that increase salaries or cause an appropriation must be considered by the Senate Appropriations Committee; bills that take money from one function to fund another function must be considered by the Finance Committee. The President further prescribes the committee routing of bills with a fiscal impact.

Handling Amendments on 2nd Reading	
The House adopts floor amendments to the committee report before adopting the committee report.	The Senate adopts the committee report first and then considers amendments that amend the committee report.
Consideration of Bills on 2nd and 3rd Reading - Consent Calendar	
No similar calendar	Bills that are not expected to generate substantial debate or substantive amendments may be placed on a consent calendar. One vote is taken for all bills on the consent calendar.
Committee of the Whole Report	
Amendments to bills can be offered only if the amendments were offered during second reading.	Amendments to the report of the Committee of the whole may be considered even though they were not offered during second reading debate.
A roll call vote is required on the adoption of the report.	The Committee of the Whole report is adopted on a voice vote unless a roll call is requested.

(8) *Third reading of bills.* A final, recorded vote is taken on each bill on the third reading schedule.

(9) *General orders.* During general orders, the entire House considers a bill, the action taken by a committee of reference on a bill, and any other amendments to the bill.

(10) *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.

(11) *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.

(12) *Adjournment for the day.*

Differences between House and Senate rules and procedures. As mentioned earlier, there are some differences between House and Senate procedures. The following chart highlights some of the more notable differences.

Differences Between House and Senate Rules and Procedures

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 and a summary of his budget request for the operation of the executive branch of state government. In addition, the General Assembly meets in joint session to receive a report from the Chief Justice of the Colorado Supreme Court on the state of the courts. Although the President of the Senate is the presiding officer, the rules of the House of Representatives govern the joint session. A joint session is recorded in the journal of the House of Representatives, and it meets in the House Chamber.

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. In addition, the General Assembly has other, non-lawmaking responsibilities.

Resolutions, Memorials, and Tributes

The use of resolutions, memorials, and tributes is specified by rules of the House and the Senate. The rules of both chambers are very similar regarding resolutions, memorials and tributes. The three matters can be divided into the following classes:

(a) **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 require only a simple majority of those elected to approve a measure on second and third reading, a concurrent resolution to amend the state constitution requires a majority on second reading but 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.

(b) **Joint Resolutions** pertain to the transaction of the business of both houses. They 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 latter category.

(c) **Resolutions** relate solely to the business of the chamber in which the resolution is introduced or express the will or sentiment of the body.

(d) **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 positions in government.

(e) **Tributes** offer congratulations for significant public achievements or express appreciation for service to the state or the General Assembly, extend greetings 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.

Non-lawmaking Powers

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

- As provided in the constitution, a number of appointments by the Governor to government positions, boards, or commissions are subject to confirmation by the Senate. This is an exercise of the so-called "consent" power. Committees either favorably or unfavorably refer Senate confirmations to the full Senate, which then votes on accepting or rejecting the Governor's appointees.
- Through the budget process, the legislature has the 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 and the Governor detailing their agency activities and, in some cases, 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 chairs of the respective committees invite managers of departments to update legislators on departmental activities.
- One or more committees of reference may be designated to provide legislative review of boards and agencies subject to termination under the state's sunset law. A review process has also been established to evaluate groups seeking state regulation under the sunrise statute.
- An agency of the General Assembly has responsibility for the 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 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. Impeachment charges may be brought by the House of Representatives.

Sources of Information

Journals, Calendars, and Status Sheets. The agenda and record of proceedings of the legislative session are detailed on a daily basis in the calendars and journals, respectively, of the two houses. Also published on a daily basis, the status sheet gives a one line history of each bill, resolution and memorial introduced during the legislative session. The status sheet lists the bill number, sponsor, date of introduction, committee assignment, date reported out of committee, date passed on second and third reading in both houses, and whether the bill was amended in each instance. In addition, a comprehensive subject index is available periodically.

Single copies of journals, calendars, and status sheets (as well as bills) are available in the bill room located in the basement of the Legislative Services Building at 200 East 14th Avenue. Adjacent to the bill room is the legislative information center, which is a one-stop location to find information on the status of bills and other measures before the General Assembly. The center, as well as the bill room, are staffed only during the legislative session. Information on bills can be obtained by calling 303-866-3055 or 1-888-473-8136. The best one-stop source of information on legislative activities is the General Assembly's web page at: <http://www.leg.state.co.us>