

General Assembly

Legislative Oversight

SB 14-115 *(Enacted)*

State Water Plan Public Review and General Assembly Approval

SB 14-169 *(Enacted)*

Office of Information Technology Reports to General Assembly

HB 14-1200 *(Postponed Indefinitely)*

Create Small Business Regulatory Review

HB 14-1338 *(Enacted)*

Regional Centers Task Force and Utilization Study

HB 14-1387 *(Enacted)*

Revision of All Capital Related Statutes

HB 14-1395 *(Enacted)*

Information Technology Budget Requests

Legislative Process and Administration

SB 14-153 *(Enacted)*

Legislative Members Compensation Boards & Commissions

HB 14-1055 *(Postponed Indefinitely)*

Legislative License Plates

HB 14-1090 *(Postponed Indefinitely)*

Supermajority for a New or Increased Fee

HB 14-1194 *(Enacted)*

Recreate Legislative Digital Policy Advisory Committee

HB 14-1284 *(Enacted)*

Legislative License Plate Registration Number

HB 14-1303 *(Enacted)*

Legislature Take Public Testimony Remote

HJR 14-1004 *(Adopted)*

Change Joint Rules Interim Committees and Capitalization

HR 14-1001 *(Adopted)*

House Rule Changes Third Reading Amendments

HR 14-1004 *(Adopted)*

Change to House Rule 25 (a.2) Regarding Committees

SR 14-002 *(Adopted)*

Changes to Senate Rules Regarding Committees and Confirmations

Regulation of Lobbyists

SB 14-119 *(Enacted)*

Decriminalize Prohibited Practices for Lobbyists

SB 14-217 *(Enacted)*

Increased Transparency Lobbyist Disclosure

The General Assembly discussed a number of topics relating to the operations of the state's legislative branch during the 2014 legislative session. These topics included: legislative oversight of the executive branch, the procedures and administration of the legislative branch, and lobbyist regulation.

Legislative Oversight

Bills in this category aim to improve the General Assembly's oversight over executive branch policies and processes.

Senate Bill 14-115 addresses public involvement in the formation of a state water plan. The plan is to be adopted and updated by the Colorado Water Conservation Board (CWCB). By August 1, 2014, the CWCB is required to submit to the legislature's Water Resources Review Committee (WRRRC) the scope, fundamental approach, and basic elements of a draft state water plan, after which the WRRRC will hold at least one public hearing in each geographic region associated with basin roundtables (basin) to collect feedback from the public. The WRRRC will provide a summary of the public's feedback as well as its own feedback to the CWCB by November 1, 2014.

By July 1, 2015, the CWCB is required to submit a draft state water plan to the WRRC, after which the WRRC will hold at least one public hearing in each basin to collect feedback from the public. The WRRC will provide a summary of the public's feedback as well as its own feedback to the CWCB by November 1, 2015. The WRRC may repeat this process whenever the CWCB submits a significant amendment to the state water plan. By November 1 of each year following the submission to the WRRC of a state water plan or plan amendment, any member of the General Assembly may request that the WRRC hold one or more hearings to review the plan or plan amendment. After holding a public hearing, the WRRC may recommend the introduction of a bill or bills based on the results of the review. Any bill recommended by the WRRC or hearing held regarding the state water plan does not count against the WRRC's bill or meeting count.

House Bill 14-1338 establishes the 15-member Regional Centers Task Force to study, make recommendations, and report its findings to the General Assembly concerning the state-operated intermediate care facilities (regional centers) for individuals with intellectual disabilities (ICF/IID). Among its duties, the task force is required to:

- conduct a needs assessment concerning the number of beds required for ICF/IID, make recommendations on whether one or more regional centers should be closed, and, if it determines one or more centers should close, develop a plan on how to transition clients;
- assess whether the state should operate beds licensed under the Home- and Community-Based Services for Persons with Developmental Disabilities waiver program; and
- develop a strategic plan for the future use of regional centers, including identification of the most efficient use of building space and staffing.

The task force consists of four legislators; representatives of the Departments of Health Care Policy and Financing, Human Services, and Public Health and Environment; a representative of a behavioral health organization; and family members and representatives from the ICF/IID community. The Department of Human Services (DHS) is to retain a facilitator for the work of the task force, who will be required to prepare quarterly reports to the General Assembly's committees of reference and the Joint Budget Committee. The task force must begin its work by July 15, 2014.

Legislation recommended by the task force must be treated as legislation recommended by an interim committee for the purposes of introduction deadlines and bill limits. The bill clarifies that the DHS may not sell or close any state-operated regional center beds prior to December 31, 2015, when the task force is set to repeal. The DHS is also directed to, as soon as possible, contract for a utilization study for the state's regional centers. The utilization study findings are to be completed by December 1, 2014, and presented to the task force and to the General Assembly.

Two bills address the process of requesting information technology (IT) projects in the state budget. **House Bill 14-1395** shifts the responsibility for reviewing IT budget requests for all state agencies and state-funded requests from state institutions of higher education from the Capital Development Committee (CDC) to the Joint Technology Committee (JTC). It requires the JTC to produce written reports setting forth recommendations, prioritization, findings, and other comments with respect to each IT budget request. The reports must be submitted to the Joint Budget Committee (JBC) by February 15 of each year. The bill also directs the JTC to forecast the state's future IT budget needs, and it creates and funds a staff position within Legislative Council Staff to assist and advise the JTC in its work.

HB 14-1395 defines IT budget requests and clarifies that an IT budget request does not include requests that are primarily operational in nature or where the majority of funding will be used to support or modify state staffing levels. It clarifies the definition of IT to include systems where a majority of components have a useful life of at least five years and a total project cost of at least \$500,000. It also sets deadlines for state agencies to submit IT budget requests to the JTC for analysis. The JBC is required to consider the prioritized list of IT budget requests made by the JTC and, if the JBC alters the determinations of priority established by the JTC, the JBC is required to notify the JTC of the changes and allow for a joint meeting of the two committees to discuss the differences.

Senate Bill 14-169 sets requirements for the Governor's Office of Information Technology (OIT) in the IT budget process. Under the bill, OIT must submit information on the state's IT asset inventory and the office's refresh cycle schedule, including cost projections, by November 1 each year. The bill phases in the types of information required to be included in each year's report. Additionally, the OIT is required to develop a working group with the Office of State Planning and Budgeting to annually evaluate and prioritize all potential IT-related budget requests from executive branch agencies beginning in FY 2015-16. On or before November 1, 2014, and each November 1 thereafter, OIT is required to submit a report to the JBC and JTC that prioritizes the IT requests for the upcoming fiscal year.

The process of reviewing capital projects generally was also revised in 2014. **House Bill 14-1387** revises definitions, removes obsolete provisions, and codifies existing practices related to capital construction budgeting. Among the bill's provisions, it modifies capital budget submission deadlines to the CDC from the Governor's Office of State Planning and Budgeting, and it changes the period of time that the CDC is required to forecast the amount of available revenue for capital projects to conform with the forecast period used in the economic forecasts published by Legislative Council Staff. The bill also includes provisions unrelated to CDC budget review, such as amendments to the Building Excellent Schools Today (BEST) Act, modifications to procurement notice requirements, and the establishment of IT inventory requirements.

House Bill 14-1200, which was postponed indefinitely, would have added a category of review to the General Assembly's rule review process. The bill would have created a Small Business Regulatory Review Commission in the Department of Regulatory Agencies, which was tasked with reviewing rules adopted by state agencies and identifying those found to be unduly burdensome. The commission would then have submitted an annual report to the Committee on Legal Services outlining these rules.

Legislative Process and Administration

A variety of bills and resolutions made changes to the administration of the legislative branch and the legislative process.

By resolution, the Senate and House made the following rule changes:

- Bills that allocate additional legislative staff resources may be referred to the Legislative Council as a committee of reference (**SR 14-002** and **HR 14-1004**);
- Senate committees of reference may recommend that the confirmation of a Governor's appointment be placed on the consent calendar (**SR 14-002**);

- In the House, third reading amendments may not be substantial, and substitute amendments to third reading amendments are never in order. Upon consent of a majority of members, a bill may be referred back to second reading from third reading for consideration of substantial amendments (**HR 14-1001**); and
- Joint rules regarding interim committees, including the session deadline schedule, are revised to conform with House Bill 13-1299, which modified the interim committee request process beginning with the 2014 session (**HJR 14-1004**).

Senate Bill 14-153 establishes uniform payments of per diem and travel expenses for members of the General Assembly who are statutorily appointed to serve on state entities (boards, commissions, committees, and so forth). Under the bill, during or within three days of a legislative or special legislative session, members are eligible to receive per diem lodging and expense allowances and travel expenses. At other times, members may receive the per diem and reimbursement for all actual and necessary travel and subsistence expenses incurred as a result of attendance at a meeting of the state entity. Mileage rates may not exceed those authorized for the executive department and all compensation and reimbursements are to be made from Legislative Department appropriations. The bill applies to 28 named state entities.

House Bill 14-1194 recreates the Legislative Digital Policy Advisory Committee (LDPAC). The LDPAC was originally created in 2013 to develop plans relating to converting existing archived recordings of legislative proceedings into a digital format and implementing the "Uniform Electronic Legal Material Act." The original LDPAC consisted of the following persons or their designees:

- the state archivist;
- the librarian of the Supreme Court Library;
- the state librarian;
- the director of research of Legislative Council Staff;
- the director of the Office of Legislative Legal Services;
- the chief clerk of the House of Representatives; and
- the secretary of the Senate.

The LDPAC reported its findings to the Committee on Legal Services and the Joint Budget Committee and was repealed on January 1, 2014. The recreated LDPAC maintains the same membership and adds the revisor of statutes, the Secretary of State, and the president of the state historical society. The LDPAC is required to:

- monitor the digitization of archived recordings;
- make recommendations for implementation of the "Uniform Electronic Legal Material Act" for legislative electronic records; and
- make recommendations for an optimal method of records creation, storage, and access for other state electronic records.

The LDPAC is required to report its findings and recommendations to the Committee on Legal Services and Joint Budget Committee on or before October 1, 2014, and October 1, 2015. The committee is repealed on July 1, 2016.

House Bill 14-1303 allows the Executive Committee of the Legislative Council to consider, recommend, and establish policies allowing legislative committees to take remote testimony from one or more locations in Colorado. If remote testimony is approved, at least one remote site must be located in the western slope area of Colorado. Conferencing technology may be implemented in phases and is not required to provide visual capabilities. The Executive Committee is authorized to enter into agreements with state institutions of higher education to host remote sites and provide facilities, equipment, and staff. By August 1, 2016, Legislative Council Staff is required to prepare

a report to the members of the General Assembly providing outcome data concerning the implementation of the bill.

The General Assembly responded to problems with the legislative license plate program with **House Bill 14-1284**. Under the bill, the Department of Revenue will register legislative license plates as the primary registration for a vehicle and place an "H" or an "S" on the plate along with the legislator's Senate or House District number. The letter and number combination on the plate will serve as the legislator's vehicle registration number. Only one vehicle per legislator may be registered with the legislative license plate and the plate cannot be used on a vehicle other than the one to which the plate is registered. The vehicle registration must be renewed annually through the current vehicle registration renewal process, and the vehicle owner must pay annual registration taxes and fees and pass a vehicle emissions inspection where applicable. The license plate expires when the legislator leaves office for any reason. The bill applies to vehicles registered or legislative license plates issued on or after January 1, 2015. **House Bill 14-1055**, which was postponed indefinitely, would have eliminated legislative license plates both for members of the General Assembly and members of the U.S. Congress who are from Colorado.

House Bill 14-1090, which was postponed indefinitely, would have prohibited the General Assembly from passing a law that creates a fee or increases an existing fee unless it was approved by 60 percent of the members elected to each house.

Regulation of Lobbyists

Two bills cleaned up state law concerning lobbying. **Senate Bill 14-119** decriminalizes a variety of prohibited practices for lobbyists, listed and categorized below. These prohibited practices were misdemeanor offenses, subject to a fine of up to \$5,000 or up to 12 months imprisonment in a county jail.

Financial practices include:

- making campaign contributions in excess of legal limits or making prohibited campaign contributions to covered officials during the legislative session.

Practices involving dishonesty include:

- knowingly attempting to deceive, or making false statements to, a covered official;
- concealing the identity of the person or entity for whom the lobbyist is working from a covered official; and
- knowingly using a fictitious name or another person's identity without his or her permission in communicating with a covered official.

Practices involving threats or intimidation include:

- attempting to influence a covered official with a threat of political reprisal or withholding of financial support for, or providing financial support in opposition to, a covered official's candidacy in a future election; and
- seeking to influence a covered official by communicating with the official's employer.

Practices involving conflicts of interest and professional standards include:

- knowingly representing an interest that is adverse to the lobbyist's principal without first getting the principal's consent after full disclosure by the lobbyist;

- causing a legislative or executive measure to be introduced or influencing its introduction for the purposes of the lobbyist afterwards being employed to support or oppose the measure;
- employing a person to lobby who is not a registered lobbyist;
- receiving compensation for lobbying while serving as a state officer or central committee member of a political party; and
- engaging in other practices that discredit the practice of lobbying.

Even with decriminalization under the bill, committing a prohibited practice may still result in a lobbyist being subject to disciplinary action under the rules of the General Assembly or the registration program operated by the Secretary of State. Misdemeanor criminal offenses for lobbyists are retained for several other practices, including:

- noncompliance with lobbyist registration requirements;
- making false statements or material omissions in required filings;
- quid pro quo exchanges for passage or defeat of legislation, rule, or other measure;
- making any form of payment to a covered official for an interest in real or personal property that is above the amount typically paid by others; and
- making a loan to, or other transaction with, a covered official with the intent of making the official obligated to the lobbyist.

Senate Bill 14-217 clarifies definitions and processes relating to lobbyist registration and disclosure. Specifically, the bill:

- adds a definition of "client" in place of the term "principal" in state law;
- specifies that a single monthly disclosure may be filed by a professional lobbyist who acts as a single-person lobbyist firm on behalf of the lobbyist and the firm;
- requires the annual disclosure by both a subcontracted lobbyist and the professional lobbyist employing the subcontractor to list the income received or provided through the subcontracted business;
- requires a lobbyist to update his or her registration within 24 hours if he or she agrees to lobby for a client or another lobbyist on a subcontract basis who is not disclosed in the original registration statement;
- clarifies that lobbyists who are attorneys have the same disclosure requirements as other lobbyists; and
- requires a professional lobbyist's registration to list any other lobbyist for whom he or she works on a subcontract basis.