

# OFFICE OF LEGISLATIVE LEGAL SERVICES

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## SUMMARY OF MEETING

### COMMITTEE ON LEGAL SERVICES

October 7, 2015

The Committee on Legal Services met on Wednesday, October 7, 2015, at 1:35 p.m. in HCR 0112. The following members were present:

Senator Scheffel, Chair  
Senator Scott  
Senator Steadman  
Representative Dore  
Representative Foote  
Representative Kagan (present at 1:49 p.m.)  
Representative McCann, Vice-chair  
Representative Willett

Senator Scheffel called the meeting to order.

**1:36 p.m.** - Esther van Mourik, Senior Attorney, Office of Legislative Legal Services, addressed agenda item 1a - Rules of the Tax Group, Taxpayer Service Division, Department of Revenue, concerning income tax refund interest, 1 CCR 201-2 (LLS Docket No. 150146; SOS Tracking No. 2014-01129).

Ms. van Mourik said the rule that I bring before you is about refund interest in the income tax arena. Section 39-22-622, C.R.S., requires the department to pay refunds within applicable periods of time that are set forth in statute. If a refund is not made within those periods, then that particular statutory section goes on to say that interest is applied from the date of the refund until the refund is mailed to the taxpayer. While the statute doesn't specifically state what

constitutes this official paying of the refund, it is implied that the interest is accrued until the refund is mailed. Regulation 39-22-622 (3) (a) specifies that a refund is paid or made on the date the refund is printed, not when it is mailed, so long as the refund is mailed within a reasonable time. Because the regulation conflicts with statute, we recommend that the regulation not be extended.

Ms. van Mourik said let me explain exactly what we're talking about. If a taxpayer files an income tax return and they make an overpayment, that overpayment is returned to the taxpayer either in the form of a refund or a credit. What we're talking about today is specifically with respect to refunds only. The statute requires the department to pay those refunds within a specific time period and it's dependent on when the actual income tax return was filed. The department has a longer period of time to provide the refund the later the return was filed, just because their workload gets bigger later. If the department does not file that refund within that time period, then the department needs to add interest and a penalty to that refund. The issue is that the statute says if any refund is not paid when due, interest shall be added at the rate imposed in another statutory section from the due date of the refund until the refund is mailed to the taxpayer. The difficulty is that the regulation says a refund is paid or made on the date the refund is printed by the department so long as the refund is mailed within a reasonable time. Under this rule interest will only accrue until the date the refund is printed, not until the date the refund is mailed. If they print it and mail it two days later, the taxpayer won't get the added interest of those two days that the statute requires. That's the issue. There is clearly a conflict between the statute and the rule. The department has indicated to me that they agree that the statute requires interest to be calculated until the date of mailing. They agree to withdraw the regulation and replace it with one that requires interest to be paid until the date of mailing. But, from our perspective, there may be a little difficulty with the administration of this statute because of how the statute is written. The words may not quite jive with how it actually works in practice. The question for the Committee is whether we let the department fix it, which they've indicated they will, or whether somebody on this Committee wants to run a bill to fix the issue.

Representative McCann said it's kind of hard to write the check for the amount of interest when you don't really know when it's going to get mailed, unless they can somehow guarantee it gets mailed on the same day. Is that the problem they have with implementing this? Ms. van Mourik said exactly, that's the problem. The statute requires them to calculate the interest until the date it is mailed, but they have no guarantee that they mail it on the same day they print it.

Representative Dore said my refund or credit is electronic. How does it work for that? Is it the day it's posted to my account? Ms. van Mourik said the regulation goes on to say that a refund is paid or made when a financial institution holding state funds is directed to transfer the funds to the taxpayer. When the department directs the financial institution to transfer those funds to the taxpayer, that's what the payment date for that refund is with respect to an electronic transfer. This issue is narrowed to those cases where a refund is paid by check.

Representative Willett said if this regulation is not extended, do we refer back to the statute and if we do go back to the statute, taxpayers will get interest but the department will still have this problem of how they're going to calculate the checks not knowing when they're going to mail it? I want to make sure we don't have a gap where taxpayers are not getting interest. Ms. van Mourik said I don't want to put words in the mouth of the department but my understanding is if this regulation doesn't get extended, they agree with what I've brought up as an issue and they indicate that they will replace it with one that requires interest to be paid until the date of mailing, but then there is still the overlaying reality that there is no guarantee that they will mail it on the date that they print it.

**1:44 p.m.** - Phillip Horwitz, Department of Revenue, testified before the Committee. He said in response to Representative Willett's question, the department will still pay interest in accordance with the statute, regardless of whether the regulation is in place. The department already has programming in place or already has plans to address the programming issue so that we will pay interest to the date of mailing or to the date that we best estimate the date of mailing will take place. That will happen for the next filing season, before the 2015 returns are filed. Representative McCann hit the nail on the head. We can estimate when we believe the checks will be mailed and we think we have procedures in place that will ensure that to the best of our ability, but if chicken pox strikes the mail room, there's no way to anticipate those kinds of problems before they happen when we program the interest into the system. That's the essence of the problem that we're trying to deal with.

Senator Scheffel asked are you agreeing with staff? Would the department like the rule to not be extended? Mr. Horwitz said I don't know that we would necessarily say we don't want the rule to be extended. We agree that we were not as clear as we could have been - that we should be paying interest to the date of mailing - and so we intend to amend the rule so that it reflects interest to the date of mailing or to our best estimate of the date of mailing, which is all we can do. We're agnostic as to whether the rule is extended or not because we intend to implement a change.

Representative Dore said if we were to not extend the rule, then you would follow the statute that says you have to pay to the date of mailing. You're saying you would write a rule that would make sure you follow the statute. Do you need a rule then or isn't the statute the authority, and we could just move on without having the rule-making process? Mr. Horwitz said that's right with respect to this issue, but the rule covers more than just this one issue. The rule is fairly extensive and covers a lot of ground that the Office didn't have a problem with. We need the rest of the rule in place. You're right that we wouldn't need to address explicitly when interest is paid to because it's in the statute.

Representative Willett said did I hear someone suggest that you might want a clarification of the statute to define when reasonable time for mailing is and can you give a guarantee that you can get that mail out within three days or less so that you're not in a position of violating the statute? I'd like to avoid any conflicts if we can. Mr. Horwitz said the way section 39-22-622, C.R.S., is worded is in contrast to the way section 39-21-110, C.R.S., is worded. Section 39-21-110, C.R.S., instead of saying to a specific date, says in the case of a refund, from the date of the overpayment to a date to be determined by the executive director of the department preceding the date of the refund by not more than 30 days. It's essentially saying pay interest to a date that you estimate to be the right date and you have a 30-day window in which you're safe. That's in contrast to the way section 39-22-622, C.R.S., works. Section 39-21-110, C.R.S., covers all taxes other than income tax. Section 39-22-622, C.R.S., covers income tax refunds.

Representative Willett said it seems to me that in these modern times 30 days is kind of a long time. I think most hardworking taxpayers would expect that check to go out sooner than 30 days and it sounds like your department is getting them out in two or three days or right at the time of the estimate. Mr. Horwitz said from the date of approval until the date of mailing, we believe that the vast majority of our refunds are issued five days after for mailing and three days after for direct deposit. The first three days allow the controller's office to batch all of our refunds together and then to process the batch, and then the second two-day period is to allow the mail room time for pulls. For various reasons the department may need a refund pulled that was already processed. We think the vast majority of our refunds are issued on the date that we schedule them to be mailed, which is within five days of approval of the refund.

Representative Willett said would you, on the potential replacement of this regulation, be comfortable putting some language in there like that, giving yourself that five-day window to protect the taxpayers? Mr. Horwitz said I can't

speaking without taking that back to the department but we certainly don't need 30 days. Some period much smaller than 30 days would be more than adequate for the department. Without going back and talking to our processing folks, I couldn't tell you what that number would be.

Ms. van Mourik said I want to clarify one thing with Mr. Horwitz's reference to section 39-21-110, C.R.S. The statute for income tax refunds is section 39-22-622 and that statute is fairly unforgiving as to when the interest needs to be calculated to. With respect to this window of 30 days to five days, if the department were to redraft their rule for 39-22-622, to provide themselves this window, I'm not so sure that would fit within the statutory section of 39-22-622, so I'd be back in front of you again. Mr. Horwitz has pointed out that there is an inconsistency between 39-21-110 and 39-22-622. I'm the one that suggested that perhaps legislation might be necessary but that's totally up to you.

**1:54 p.m.**

Hearing no further discussion or testimony, Representative McCann moved to extend Regulation 39-22-622 (3) (a) of the Tax Group, Taxpayer Service Division, and asked for a no vote. The motion failed on a vote of 0-8, with Representative Dore, Representative Foote, Representative Kagan, Senator Scott, Senator Steadman, Representative Willett, Representative McCann, and Senator Scheffel voting no.

**1:55 p.m.** - Jennifer Berman, Staff Attorney, Office of Legislative Legal Services, addressed agenda item 1b - Rules of the Division of Real Estate, Department of Regulatory Agencies, concerning community association manager licensing, 4 CCR 725-7 (LLS Docket No. 150350; SOS Tracking No. 2015-00347).

Ms. Berman said the rule at issue is Rule A-5) and we ask that the Committee not extend the rule because it conflicts with section 12-61-1003 (5) (c), C.R.S. Under section 12-61-1003, C.R.S., the licensing requirements for community association managers includes an examination component that has two portions: The general portion and the Colorado law portion. Section 12-61-1003 (5) (c), C.R.S., provides that the examination results for the Colorado law portion of the examination are valid for one year, and that a person who takes that portion of the examination but does not apply for a license within one year must retake that portion of the examination before applying. In contrast, Rule A-5) provides that a passing score for either part of the examination is valid for one year and that no examination score for either portion of the examination will be considered valid after one year. Therefore, Rule A-5) imposes a one-year

limitation on the results of the general portion of the examination, whereas the statute does not impose any limitation on the results. Under the rules of statutory interpretation, the inclusion of a limitation for the Colorado law portion of the examination implies an exclusion of such limitation for the general portion where it's not stated in the statute. Furthermore, Rule A-5) conflicts with the statute because it renders portions of the statute meaningless, namely the language specifying the matters described in section 12-61-1003 (5) (b) (I), C.R.S., which describes the Colorado law portion of the examination, and the language requiring an applicant to retake that portion of the examination if he or she has not applied for license within one year of taking that portion. Consequently, we recommend that rule Rule A-5) not be extended.

**1:58 p.m.** - Marcia Waters, Director, Division of Real Estate, Department of Regulatory Agencies, testified before the Committee. She said the division is responsible for regulating real estate brokers, appraisers, mortgage loan originators, and community association managers. The department and division have not taken a formal position regarding the Office's recommendation. The department is not here to contest the rule but rather to provide you with some background information and some context about why the rule was promulgated. In short, House Bill 13-1277 established licensure requirements for community association managers. It was modeled, to some extent, after the real estate broker practice act. The real estate broker practice act requires passage of a two-part examination and the exam scores are valid for one year. The community association manager practice act also has a two-part examination. However, while the law articulates that the exam scores for the Colorado law portion are valid for one year, the law is silent regarding the expiration of results on the general portion of the exam. That being said, the practice act also gives the division director broad rule-making authority. Based on that authority and the plain language of the statute, the assistant attorney general assigned to this program advised us that limiting the validity of the scores for the general portion of the examination to one year was permissible and legally consistent with House Bill 13-1277. Additionally, we concluded the rule in question was necessary given the broad range of complex and diverse duties community association managers are entrusted with. The duties they perform can vary significantly based on the needs of the homeowners associations and a community association manager has to be able to adapt to those differences. When the rule in question was promulgated, it was done to ensure that applicants for a community association manager's license are sufficiently prepared to manage the diverse set of duties that consumers expect of them. Promulgating the rule in this fashion added the benefit of consistency given the similar regulatory structures for the other practice acts administered by our division, such as the real estate brokers as I mentioned earlier. Further, we

engaged a comprehensive stakeholder process with the industry prior to promulgating the rule and received no formal objections. That being said, we recognize that the Office has reached a different legal conclusion than the one reached by our attorney general and we certainly respect their decision. To the extent the Committee concurs with the recommendation, we would respectfully request that the pertinent statute be amended so as to clarify what time limitation the Committee and the General Assembly believe should apply to the scores for the general portion of the examination.

Representative McCann said you obtained an opinion from the attorney general that the rule that you promulgated was consistent with the statute, or at least acceptable under the terms of the statute. Did I hear you correctly? Ms. Waters said that's correct.

Representative Dore said if I understand your testimony, outside of a legislative amendment to clarify or at least give clarity to the silent language, there's no way you're going to be able to write a rule that would meet the current statute. Ms. Waters said based on the conclusions here I don't think we would move forward with another rule trying to limit the validity of the exam. It would be good for forever unless there's a statute change to confine it to the span of one year.

**2:02 p.m.**

Hearing no further discussion or testimony, Senator Steadman moved to extend Rule A-5) of the Division of Real Estate asked for a no vote. The motion failed on a vote of 1-6, with Representative McCann voting yes and Representative Dore, Representative Kagan, Senator Scott, Senator Steadman, Representative Willett, and Senator Scheffel voting no.

**2:04 p.m.** - Debbie Haskins, Assistant Director, Office of Legislative Legal Services, addressed agenda item 2 - Implementation of Voluntary Opt-out for Legislative co-sponsors from receiving SB 13-030 Notices in accordance with SB 15-047.

Ms. Haskins said this relates to a continuing item of discussion before the Committee about a bill that Senator Scheffel carried in 2013 - Senate Bill 030 - which was the bill that required that the Office notify legislators about rules being adopted by executive branch agencies that are implementing newly enacted legislation. That was implemented by the Office sending out e-mails to the co-sponsor of the legislation with a link to the rules. You might recall that not everyone in the General Assembly loved getting those e-mail notices and

this became a topic of discussion before this Committee last year, before Senator Scheffel was on the Committee. Last year, this Committee sponsored Senate Bill 15-047 that allowed for a voluntary system for co-sponsors to opt out of receiving the e-mail notices when these rules have come in that are implementing legislation. This item is on the agenda today because that bill passed and the statute says that this opt-out system may be implemented under the direction of the Committee. We're bringing this item to you today to tell you our thoughts about how we plan to implement it and make sure you all are okay with that. In your handout is the statute involved that shows the authority for this Committee to implement the voluntary system for the opt out. What we're proposing is that the Office would send out one e-mail to all of the current legislators in the General Assembly stating that if they want to opt out of getting these e-mail messages as a co-sponsor, then all they need to do is follow the instructions at the bottom of the e-mail, which is that they need to reply to us with opt out in the subject line and let us know that they want to opt out of getting the message. That's how we would propose that we communicate with the currently sitting legislators. On the back page of the handout is what the e-mail notices look like right now and what we're proposing is that there would be opt-out instructions at the bottom of every e-mail notice, so that people can opt out. If they fail to respond to the global e-mail and they decide later on that they don't want to get the notices anymore, then we've told them how to opt out. It's our thinking that any newly elected legislators in 2017 would just be able to exercise this opt out by responding when they get this kind of a notice. So, our thinking is that we would do a one-time e-mail to current legislators and then every time you get a notice, there would still be opt-out instructions.

Senator Steadman said you mentioned newly elected members and I'm wondering if there is a plan to include discussion of this in new member orientation with them. The way you just described it, if I'm a newly elected member in 2017, my first opportunity to start opting out isn't until after I've been through the 2017 session and have co-sponsored bills and they've gotten to implementation and rule-making. That's quite a ways downstream and I'm wondering if there is a way to give those folks that opportunity sooner, perhaps as part of new member orientation, so that they kind of understand what they're doing at the time rather than 11 months later they get the first of these notices in their inbox and then they get two, three, and four of these in their inbox and we're back to the situation we're in now where people are complaining.

Ms. Haskins said we were thinking that it would be awfully hard to explain this process at new member orientation. On the other hand, I know that when they do the mock floor work that they do talk to the newly elected legislators about how you vote and indicate that you are a co-sponsor. I suppose that that's maybe

where you might want to explain that. That's an interesting thing to think about. We want the Committee's advice on how you think we should handle this. We're just trying to figure out the easiest way to do this without confusing folks, but I understand that new members aren't going to know what this is if we wait.

Senator Steadman said I think you've got a good point that at the point they're drinking from the fire hose during new member orientation, they're not going to understand what it is either. I'm not quite sure what the right answer is. I had a separate question I needed clarification on. The wording in the statute was "co-sponsors" would have this opt-out right. The way this is going to work is only for co-sponsors and not for prime sponsors, correct? Ms. Haskins said that is correct. The statute still requires that the prime sponsors be notified. That was not changed by last year's legislation.

Senator Scheffel said what sparked this bill to begin with is the tug and pull that we all experience between what we pass as legislation and the follow-up rule-making and to make us a part of that. What really was the genesis of this was the experience more than once where we'd be involved in the passage of legislation and then you'd get calls from constituents and you find that what they were complaining about was ultimately the implementation of that law through the rule-making. It probably went too far because we all co-sponsor a lot of things and so I think it's healthy to back that off. I think for new folks, to the extent that they do sponsor something and then realize that they're getting this notice, they'll figure it out. If they're getting too many, they'll figure out how to opt out of that and learn that process as we all have done.

Representative Kagan said I do think that there's no harm in new legislators, once they've co-sponsored a bill, a long way down the road getting one of these notices before deciding to opt out. They'll only get one and on the first one it will say they have the opportunity to opt out. That seems to be a sensible time. I think it should be down the road because they won't know really how it all works very well and they won't be in a position to opt out at that point very intelligently. I think it's good actually that they get one notice before they opt out. Secondly, shouldn't we make the wording of this absolutely clear that prime sponsors will not be opted out even if they opt out? Ms. Haskins said we can certainly do that. I think that's important. That might avoid us having to answer that question if somebody tries to exercise that. If they're a prime sponsor we're going to have to say you can't exercise the opt-out system.

Senator Scheffel asked what are you looking for from us? Are you looking for us to approve this proposal or just a nod? Ms. Haskins said we're looking for a nod unless somebody really objects to what we've proposed. We need some feedback

from the Committee as to what you think is appropriate. I think we've gotten that. If there is something that you think we need to change or add to it, we can do that.

Senator Steadman said I was going to ask a very similar question because the new language we added to the statute this year says under the direction of the Committee. Is that something we do by motion or a sense of the Committee? I'm comfortable with this. I think it's been a good discussion. I think Representative Kagan's suggestion about the footer in your standard message is a good one to make that clearer, but I'm comfortable with you moving forward. I just didn't know what kind of direction you wanted.

Ms. Haskins said I think it's the Committee's call as to what you want to do. We definitely feel like we needed to bring it to your attention and at least get feedback. You may want to say we approve this with the modification that Representative Kagan has suggested and also that we think about how to communicate this to new members. Another thing we thought about was a blog article on our LegiSource blog. I think if you want to do a motion and vote on it that's fine or if you feel like you've given us enough feedback, I think staff has a sense of where you all are coming from.

Senator Scheffel said I feel like you're headed in the right direction. Representative Kagan's clarification is a good one. I don't think we need to be too formal. Is there anybody who would like to voice something differently or does not feel like staff is heading in the right direction? [No members of the Committee voiced any suggestions or objections.] Otherwise, I think you should go forth and conquer. What's behind this is pretty serious stuff of informing members of what they're involved in and I think that's ultimately the focus and in that way I think we're doing good work here.

**2:17 p.m.** - Dan Cartin, Director, Office of Legislative Legal Services, addressed agenda item 3 - Authority of OLLS Director to Sign Vouchers - Statutory Change.

Mr. Cartin said I come before you today to present a proposed statutory change addressing an Office administrative matter. It's a housekeeping matter that basically involves expenditure of funds. With your direction today we can prepare a bill draft incorporating that change for your review and approval at the Committee's December meeting. As a reminder, you have authority to sponsor Committee bills in addition to the traditional rule review bill, revisor's bill, and the bill enacting the C.R.S. that don't count against your five-bill limit. The Committee's bills are also not subject to the guidelines and rules of the

interim committee bill process. The proposed statutory change relates to the Office director's authority to sign vouchers for expenses up to a specific amount. The relevant statute is section 2-3-507, C.R.S. Currently that section requires the signature of the Committee's Chair or Vice-chair to authorize vouchers issued for the payment of Office expenditures of any amount. In your handout, the table gives examples of the types of activities and expenditures that generate vouchers for the signature of the Chair or Vice-chair. The handout reflects a proposed amendment to section 2-3-507, C.R.S., that will allow the director to sign any voucher that doesn't exceed \$5,000. We believe this amount would cover the majority of expense vouchers generated by our Office.

Mr. Cartin said you may ask why the requested change. Administrative problems with timely paying bills can result from the Chair or Vice-chair signature requirements, especially during the legislative interim. During the interim oftentimes coordinating with the Chair or Vice-chair can be challenging when those members are not regularly at the capitol or otherwise difficult to reach. Additionally, at times the Committee has been without a Chair or Vice-chair for extended periods of time thereby leaving only one person who has legal authority to sign payment vouchers. If that remaining Committee member is also unavailable, then no vouchers can be approved until he or she is available. Significant delay in securing authorization can result in the Office incurring late payment fees that require the expenditure of additional funds. Similarly, reimbursements to employees or uniform law commission members, for example, for items such as travel costs can be delayed and these reimbursements can often be relatively large and a delay can significantly impact the recipient's monthly financial situation. The goals of the proposed amendment empowering the director of the Office are to increase efficiency and better use of the Committee Chair's time as well as that of staff who have to coordinate with the Chair to secure signatures on the appropriate forms; to minimize the intrusion of staff on the Chair's time during the interim by eliminating the need for his or her direct involvement with payment of routine, relatively low-cost expenses, many of which are incurred in connection with day-to-day business operations; to eliminate unnecessary delays in payments or reimbursements and avoid the possibility of late fees; and to give the Office director the same authority to sign vouchers that other legislative staff agency heads currently have. The bottom of the handout has an overview of the authority that the other legislative staff agency heads currently have to sign vouchers up to various amounts. Basically, this would provide the Office director with similar authority as his or her colleagues. If the Committee is agreeable to considering this proposed statutory change, we will come back with a bill draft at the December meeting for your consideration, approval, and sponsors. We have one other potential statutory administrative change relating to the Office administrative responsibility for

maintaining member files that has arisen that we may present to you at the November or December meeting and, subject to your approval, a statutory change on that issue could be included in a single bill with the voucher authority change, or each change could be made in two separate bills that ultimately would be for your determination in December. What we're asking from you today, nodding or otherwise, is your direction to proceed with a bill draft incorporating the proposed revision to section 2-3-507, C.R.S., to bring back to you in December.

Representative McCann asked did you consider going to \$10,000? Mr. Cartin said yes, we did. We thought that either \$5,000 or \$10,000 would be sufficient and would be consistent with some of the other caps given to agency directors, but we decided to go with the lower one.

Representative McCann said if we went to \$10,000, what kind of bills would you be able to pay just on your signature versus \$5,000?

**2:24 p.m.** - Matt Dawkins, Office Manager, Office of Legislative Legal Services, testified before the Committee. He said generally we don't have a lot of bills that fall between the \$5,000 to \$10,000 range. In part that's why we chose \$5,000. That should catch most. There would be a potential for something in the \$5,000 to \$10,000 range specifically for unique, maybe once a year type of expenses or if there were ongoing litigation costs where legal fees paid to outside counsel were significantly higher than most months due to trial preparation or trial activity. Generally speaking we have a very small number that fall between \$5,000 and \$10,000.

Representative Willett said I don't have any problem with this but I do recognize that we legislators move in and out of this building and staff stays a long time. When I see the language about the staff director or his or her authorized designee, I pause at that because we could have a future director who just turns this over loosely to a variety of people. I get a little nervous about cronyism. I'd feel a little more comfortable with the Chair or director only. Mr. Cartin said we basically modeled this after the language that's currently in a similar provision for the state auditor, but given your concern, if it's the direction of the Committee, I don't see why we couldn't remove that piece and just leave it to the staff director. If it's the concern of the Committee that you might provide a little bit more authority than you're comfortable doing, we can certainly make that change to the draft that's ultimately brought to you in December.

Representative Willett said I suppose a middle ground would be an assistant director or office manager so that there is some limitation rather than just designee.

Senator Steadman said for the Committee's edification, you mentioned the auditor's statute has the similar ability to have a designee exercise the authority. What about the legislative council staff director's authority? Mr. Cartin said there is no statute similar to our Office's statute, the auditor's statute, or the JBC statute that specifically spells out the authority of the director of research. It's much more general and not as specific relative to any amount, whether it's the director or his or her authorized designee. I think as a matter of executive committee or legislative council policy over the years, this particular amount, together with a form, provides the basis, rather than a statute, for the research director.

Senator Steadman said so if it's not in statute, has there been a practice for the director of research to deputize a designee? Mr. Cartin said I don't know, but we have the form and it's limited to the director of research is authorized together with the president or together with specific legislative council members. The language says approval or payment of state funds is delegated to the persons whose signatures appear above. It's only the director of research on the form.

**2:29 p.m.**

Hearing no further discussion or testimony, Senator Steadman moved that the Committee request a bill draft for our consideration at our December meeting, based upon the handout that staff has produced, with the exception that in the last line of the new language that staff proposes, we strike "or by his or her authorized designee" and instead include the deputy director and office manager if authorized by the director. Representative McCann asked what is Mr. Dawkins title? Wouldn't he be the one that would be signing these? Mr. Cartin said he is our office manager. The motion passed on a vote of 7-0, with Representative Dore, Representative Kagan, Senator Scott, Senator Steadman, Representative Willett, Representative McCann, and Senator Scheffel voting yes.

**2:31 p.m.** - The Committee addressed agenda item 4 - Does the Committee prefer a 10:00 a.m. or 9:00 a.m. Start Time for the December 15 Meeting?

The Committee decided that the December 15 meeting will start at 9:00 a.m. instead of 10:00 a.m.

**2:34 p.m.**

The Committee adjourned.