

CHAPTER 162

GENERAL ASSEMBLY

SENATE BILL 93-174

BY SENATORS Weissmann, Casey, Johnson, and Pastore;
also REPRESENTATIVES Wright and Lyle.

AN ACT

CONCERNING COMPENSATION FOR MEMBERS OF THE GENERAL ASSEMBLY.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 2-2-307, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

2-2-307. Compensation of members - reimbursement of expenses.

(1) COMMENCING JANUARY 2, 1985, ALL MEMBERS OF THE GENERAL ASSEMBLY ELECTED AT THE 1984 GENERAL ELECTION AND THEREAFTER AND MEMBERS APPOINTED TO FILL VACANCIES FOR UNEXPIRED TERMS OF SUCH MEMBERS SHALL RECEIVE AS BASE COMPENSATION FOR THEIR SERVICES THE SUM OF SEVENTEEN THOUSAND FIVE HUNDRED DOLLARS PER ANNUM, PAYABLE AS FOLLOWS:

(a) IN THE MONTHS OF JANUARY, FEBRUARY, MARCH, AND APRIL, A MEMBER SHALL BE COMPENSATED AT THE RATE OF TWO THOUSAND ONE HUNDRED EIGHTY-SEVEN DOLLARS AND FIFTY CENTS PER MONTH;

(b) FOR THE REMAINING EIGHT MONTHS OF THE YEAR, A MEMBER SHALL BE COMPENSATED AT THE RATE OF ONE THOUSAND NINETY-THREE DOLLARS AND SEVENTY-FIVE CENTS PER MONTH.

(2) THE COMPENSATION FOR THE SERVICES OF THE MEMBERS OF THE GENERAL ASSEMBLY SHALL BE ADJUSTED AS FOLLOWS:

(a) IF ANY MEMBER OF THE GENERAL ASSEMBLY IS ABSENT FOR ANY PURPOSE OTHER THAN LONG-TERM ILLNESS APPROVED BY THE PRESIDENT OF THE SENATE OR THE SPEAKER OF THE HOUSE OF REPRESENTATIVES FROM TWO-THIRDS OR MORE OF

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

THE SESSIONS OF HIS OR HER RESPECTIVE HOUSE, TWO-THIRDS OF THE COMPENSATION ALLOWED UNDER THIS SECTION SHALL BE FORFEITED.

(b) IF ANY MEMBER OF THE GENERAL ASSEMBLY IS ABSENT FOR ANY PURPOSE OTHER THAN LONG-TERM ILLNESS APPROVED BY THE PRESIDENT OF THE SENATE OR THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, FROM ONE-THIRD OR MORE, BUT LESS THAN TWO-THIRDS, OF THE SESSIONS OF HIS OR HER RESPECTIVE HOUSE, ONE-THIRD OF THE COMPENSATION ALLOWED UNDER THIS SECTION SHALL BE FORFEITED.

(c) THE PRESIDING OFFICER OF EACH HOUSE SHALL CERTIFY THE NUMBER OF DAYS FOR WHICH EACH MEMBER OF EACH RESPECTIVE HOUSE SHALL BE COMPENSATED AND THE AMOUNT DUE EACH MEMBER OR OWING FROM EACH MEMBER WITHIN TEN DAYS AFTER ADJOURNMENT SINE DIE. SUCH CERTIFICATION SHALL BE SUBMITTED TO THE STATE CONTROLLER.

(d) FOR PURPOSES OF THIS SUBSECTION (2), "SESSION" MEANS ANY REGULAR MEETING OF EITHER HOUSE OF THE GENERAL ASSEMBLY IN ITS RESPECTIVE CHAMBER TO CONSIDER THE PASSAGE OF LEGISLATION AND ANY MEETING OF ALL COMMITTEES OF EITHER HOUSE. NO OTHER MEETINGS SHALL BE CONSIDERED SESSIONS.

(3) (a) WHEN THE GENERAL ASSEMBLY IS IN RECESS FOR MORE THAN THREE DAYS OR IS NOT IN SESSION, IN ADDITION TO THE BASE COMPENSATION SPECIFIED IN SUBSECTION (1) OF THIS SECTION, THE FOLLOWING MEMBERS OF THE GENERAL ASSEMBLY SHALL BE ENTITLED TO THE FURTHER SUM OF NINETY-NINE DOLLARS PER DAY FOR NECESSARY ATTENDANCE AT MEETINGS OR FUNCTIONS OR TO LEGISLATIVE MATTERS AS FOLLOWS:

(I) ANY MEMBER WHO ATTENDS A MEETING OF THE LEGISLATIVE COUNCIL, COMMITTEES ESTABLISHED BY THE LEGISLATIVE COUNCIL, INTERIM COMMITTEES AUTHORIZED BY LAW OR BY JOINT RESOLUTION OF THE TWO HOUSES, OR THE COMMITTEE ON LEGAL SERVICES;

(II) ANY MEMBER OF THE JOINT BUDGET COMMITTEE OR THE LEGISLATIVE AUDIT COMMITTEE WHO ATTENDS A MEETING OF THE JOINT BUDGET COMMITTEE OR LEGISLATIVE AUDIT COMMITTEE, OR, WITH THE APPROVAL OF THE CHAIRPERSON, WHO ATTENDS A STATE FUNCTION OR A FUNCTION AT A STATE INSTITUTION OR STATE AGENCY AT WHICH MATTERS CONCERNING THE JOINT BUDGET COMMITTEE OR THE LEGISLATIVE AUDIT COMMITTEE ARE CONSIDERED; AND

(III) THE PRESIDENT OF THE SENATE, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, THE SENATE AND HOUSE MAJORITY AND MINORITY LEADERS FOR ATTENDANCE TO MATTERS PERTAINING TO THE GENERAL ASSEMBLY, WHETHER SUCH MATTERS ARE AT THE CAPITOL OR ELSEWHERE.

(b) ANY MEMBER OF THE GENERAL ASSEMBLY WHO IS ENTITLED TO COMPENSATION PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (3) SHALL ALSO BE ENTITLED TO REIMBURSEMENT FOR ALL ACTUAL AND NECESSARY TRAVEL AND SUBSISTENCE EXPENSES TO BE PAID AFTER SUCH EXPENSES ARE INCURRED. MILEAGE RATES SHALL NOT EXCEED THOSE AUTHORIZED FOR THE EXECUTIVE DEPARTMENT.

(c) THE REQUIREMENTS OF SUBSECTIONS (2) AND (4) OF THIS SECTION ARE APPLICABLE TO ALL CLAIMS FOR COMPENSATION AND REIMBURSEMENT UNDER THIS SECTION.

(4) (a) PRIOR TO INCURRING ANY EXPENSES FOR WHICH REIMBURSEMENT MAY BE CLAIMED, OTHER THAN THOSE INCURRED UNDER SUBSECTION (3) OF THIS SECTION, A MEMBER OF THE HOUSE OF REPRESENTATIVES SHALL OBTAIN THE APPROVAL OF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND A SENATOR SHALL OBTAIN THE APPROVAL OF THE MAJORITY LEADER OF THE SENATE. VOUCHERS FOR THE PAYMENT OF SUCH EXPENSES OF MEMBERS OF THE HOUSE OF REPRESENTATIVES SHALL BE APPROVED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, AND VOUCHERS FOR THE PAYMENT OF SUCH EXPENSES OF SENATORS SHALL BE APPROVED BY THE MAJORITY LEADER OF THE SENATE.

(b) THE DIRECTOR OF RESEARCH OF THE LEGISLATIVE COUNCIL SHALL APPROVE PAYROLL VOUCHERS AND VOUCHERS FOR PER DIEM PAYMENTS INCURRED IN CONNECTION WITH ATTENDANCE BY MEMBERS OF BOTH HOUSES AT MEETINGS OF THE STATUTORY COMMITTEES LISTED UNDER ARTICLE 3 OF THIS TITLE, A COMMITTEE OF ANY SUCH AGENCY, OR ANY INTERIM COMMITTEE AUTHORIZED BY LAW, BY JOINT RESOLUTION, OR BY RESOLUTION OF EITHER HOUSE.

(c) PRIOR APPROVAL OF EXPENSES INCURRED BY MEMBERS OF ANY LEGISLATIVE COMMITTEE CREATED BY LAW IN CONNECTION WITH THE ACTIVITIES OF ANY NATIONAL OR REGIONAL ORGANIZATION IN WHICH COLORADO OFFICIALLY PARTICIPATES SHALL BE OBTAINED FROM THE CHAIRPERSON OF THE APPROPRIATE COMMITTEE.

(5) MEMBERS OF THE GENERAL ASSEMBLY SHALL BE ENTITLED TO REIMBURSEMENT FOR ALL ACTUAL AND NECESSARY TRAVEL EXPENSES INCURRED FOR VEHICLE TRAVEL WITHIN THE MEMBER'S DISTRICT WHILE ATTENDING TO LEGISLATIVE BUSINESS, WHICH EXPENSES ARE NOT OTHERWISE PAID OR REIMBURSED UNDER ANY OTHER PROVISION OF THIS PART 3. MILEAGE RATES SHALL NOT EXCEED THOSE AUTHORIZED FOR THE EXECUTIVE DEPARTMENT.

SECTION 2. 2-2-309, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

2-2-309. Method of payment. (1) The presiding officer of each house shall certify at such times as may be necessary during each session and thereafter the number of days of service rendered by each officer and employee of his respective house and the amount payable for such service, and the state controller, upon receipt of such certification, shall issue vouchers and draw warrants for the compensation due each officer and employee, without certification from the state personnel director, and the state treasurer shall pay the same out of the moneys appropriated for the purpose.

(2) UPON RECEIPT OF THE CERTIFICATION REQUIRED BY SECTION 2-2-307 (2) (c), THE CONTROLLER SHALL ISSUE VOUCHERS AND DRAW WARRANTS FOR THE COMPENSATION DUE EACH MEMBER. SUCH COMPENSATION SHALL BE ADJUSTED IN ACCORDANCE WITH THE PROVISIONS OF SECTION 2-2-307 (2) AND (4). IN THE EVENT SUCH CERTIFICATION EVIDENCES AN OVERPAYMENT TO A MEMBER FOR

COMPENSATION DURING THE SESSION, THE CONTROLLER SHALL CAUSE A STATEMENT OF DEFICIENCY TO BE ISSUED FOR THE RECOVERY OF SUCH FUNDS PREVIOUSLY DISBURSED TO THE MEMBER. ANY SUCH STATEMENT OF DEFICIENCY SHALL BE ENFORCEABLE AS A DEBT TO THE STATE OF COLORADO AND MAY BE ENFORCED IN THE APPROPRIATE COURT BY THE ATTORNEY GENERAL.

(3) THE CONTROLLER, UPON TAKING OFFICIAL NOTICE OF THE EXISTING MEMBERSHIP OF THE GENERAL ASSEMBLY, SHALL ISSUE VOUCHERS AND DRAW WARRANTS FOR THE MONTHLY AND SEMIMONTHLY PER DIEM COMPENSATION AND FOR THE REIMBURSEMENT OF EXPENSES AND TRAVEL AUTHORIZED BY SECTION 2-2-307.

SECTION 3. 2-2-317, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

2-2-317. Expense, subsistence, and travel allowance. (1) (a) Except as provided in ~~subsection (2)~~ PARAGRAPH (b) of this ~~section~~ SUBSECTION (1), each member of the general assembly shall be ~~allowed~~ ENTITLED TO RECEIVE up to forty-five dollars per legislative day, for expenses incurred during the sessions of the general assembly. ~~and shall receive traveling expenses to his home and back to the capitol per legislative day of actual attendance.~~

~~(2)~~ (b) In lieu of the expenses allowed in ~~subsection (1)~~ PARAGRAPH (a) of this ~~section~~ SUBSECTION (1), if a member does not reside in the Denver metropolitan area, which area consists of the counties of Adams, Arapahoe, Boulder, Clear Creek, Denver, Douglas, Gilpin, and Jefferson, the member shall be ~~allowed~~ ENTITLED TO RECEIVE up to ninety-nine dollars per LEGISLATIVE day ~~of actual occupancy for lodging and his expenses in Denver~~ INCURRED during the sessions of the general assembly. ~~and the member shall also be allowed traveling expenses to his home and back to Denver once a week, pursuant to section 2-2-316.~~

~~(3)~~ (c) The PER DIEM lodging and expense allowances of the general assembly as fixed by this ~~section, as amended~~; SUBSECTION (1) shall apply to regular or special sessions of the general assembly subsequent to July 1, 1989.

~~(4)~~ (d) The general assembly may provide by joint resolution for the suspension on a temporary basis of the normal per diem LODGING AND expense allowance, or any portion thereof, during that period when the general assembly is in recess for more than three days.

(e) NOTHING IN THIS SECTION SHALL PRECLUDE A MEMBER OF THE GENERAL ASSEMBLY FROM DECLINING TO ACCEPT ALL OR PART OF THE PER DIEM LODGING AND EXPENSE ALLOWANCE AUTHORIZED BY THIS SUBSECTION (1).

~~(5) Repealed, L. 89, p. 331, § 3, effective June 10, 1989.~~

(2) (a) EACH MEMBER OF THE GENERAL ASSEMBLY WHO IS ENTITLED TO CLAIM A PER DIEM LODGING AND EXPENSE ALLOWANCE PURSUANT TO PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION SHALL ALSO BE ENTITLED TO RECEIVE TRAVEL EXPENSES TO SUCH MEMBER'S HOME AND BACK TO THE CAPITOL FOR EACH LEGISLATIVE DAY OF ACTUAL ATTENDANCE.

(b) EACH MEMBER OF THE GENERAL ASSEMBLY WHO IS ENTITLED TO CLAIM AN EXPENSE PER DIEM PURSUANT TO PARAGRAPH (b) OF SUBSECTION (1) OF THIS SECTION SHALL ALSO BE ENTITLED TO RECEIVE TRAVEL EXPENSES TO SUCH MEMBER'S HOME AND BACK TO DENVER ONCE EACH WEEK, PURSUANT TO SECTION 2-2-316.

(3) FOR PURPOSES OF THIS SECTION, "LEGISLATIVE DAY" MEANS ANY DAY DURING THE LEGISLATIVE SESSION, INCLUDING LEGAL HOLIDAYS, PRIMARY ELECTION DAYS, AND SATURDAYS AND SUNDAYS.

SECTION 4. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: April 30, 1993