

CHAPTER 390

GENERAL ASSEMBLY

SENATE BILL 14-153

BY SENATOR(S) Heath and Cadman, Carroll, Aguilar, Lambert, Newell, Nicholson, Schwartz, Steadman, Tochtrop, Todd;
also REPRESENTATIVE(S) DelGrosso and Hullinghorst, Ferrandino, Court, Gardner, Labuda, Priola, Rosenthal.

AN ACT

CONCERNING COMPENSATION OF MEMBERS OF THE GENERAL ASSEMBLY APPOINTED TO AND SERVING ON STATE ENTITIES, AND, IN CONNECTION THEREWITH, MAKING AND REDUCING APPROPRIATIONS.

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

SECTION 1. In Colorado Revised Statutes, **add** 2-2-326 as follows:

2-2-326. Compensation and expenses for members appointed to and serving on state entities - definition. (1) NOTWITHSTANDING ANY LAW TO THE CONTRARY:

(a) WHILE APPOINTED TO ANY STATE ENTITY AND SERVING ON ANY STATE ENTITY DURING REGULAR AND SPECIAL SESSIONS OF THE GENERAL ASSEMBLY, IN ADDITION TO THE BASE COMPENSATION SPECIFIED IN SECTION 2-2-307 (1), CURRENT MEMBERS OF THE GENERAL ASSEMBLY ARE ENTITLED TO RECEIVE ONLY THE PER DIEM LODGING AND EXPENSE ALLOWANCES AND THE TRAVEL EXPENSES AUTHORIZED BY SECTION 2-2-317; AND

(b) WHILE APPOINTED TO AND SERVING ON ANY STATE ENTITY 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 SECTION 2-2-307 (1), CURRENT MEMBERS OF THE GENERAL ASSEMBLY ARE ENTITLED TO RECEIVE THE AMOUNT SPECIFIED IN SECTION 2-2-307 (3) (a) FOR NECESSARY ATTENDANCE AT MEETINGS OF THE STATE ENTITY AND REIMBURSEMENT FOR ALL ACTUAL AND NECESSARY TRAVEL AND SUBSISTENCE EXPENSES INCURRED IN CONNECTION WITH ATTENDANCE AT MEETINGS OF THE STATE ENTITY. MILEAGE RATES SHALL NOT EXCEED THOSE AUTHORIZED FOR THE EXECUTIVE DEPARTMENT. ALL COMPENSATION PAID AND REIMBURSEMENTS MADE PURSUANT TO THIS PARAGRAPH (b) SHALL BE PAID FROM APPROPRIATIONS MADE TO THE LEGISLATIVE DEPARTMENT.

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

(2) FOR PURPOSES OF THIS SECTION, "STATE ENTITY" MEANS ANY BOARD, COMMISSION, COMMITTEE, TASK FORCE, AUTHORITY, ENTERPRISE, COUNCIL, WORKING GROUP, REVIEW TEAM, OR OTHER ENTITY CREATED OR AUTHORIZED BY STATUTE ON WHICH CURRENT MEMBERS OF THE GENERAL ASSEMBLY ARE STATUTORILY REQUIRED TO BE APPOINTED TO SERVE; EXCEPT THAT "STATE ENTITY" DOES NOT INCLUDE THE COLORADO COMMISSION ON UNIFORM STATE LAWS CREATED IN SECTION 2-3-601 (1) OR THE EDUCATION COMMISSION OF THE STATES CREATED PURSUANT TO SECTION 24-60-1201, C.R.S.

SECTION 2. In Colorado Revised Statutes, 1-1-115, **amend** (3) (b) (III) as follows:

1-1-115. Colorado voter access and modernized elections commission - creation - composition - terms - duties - report - definition - repeal. (3) (b) (III) EXCEPT AS OTHERWISE PROVIDED IN SECTION 2-2-326, C.R.S., members of the commission serve without compensation, but are entitled to receive reimbursement for reasonable expenses to be paid out of the department of state cash fund created in section 24-21-104 (3) (b), C.R.S.

SECTION 3. In Colorado Revised Statutes, 2-3-1503, **amend** (3) as follows:

2-3-1503. Legislative emergency preparedness, response, and recovery committee - creation - membership - duties. (3) EXCEPT AS OTHERWISE PROVIDED IN SECTION 2-2-326, the members of the legislative committee shall serve without compensation. ~~but the senators and representatives serving on the legislative committee shall be entitled to reimbursement of expenses incurred in serving on the legislative committee.~~

SECTION 4. In Colorado Revised Statutes, 10-8-505, **amend** (8) as follows:

10-8-505. CoverColorado board of directors. (8) Members of the board shall serve without compensation EXCEPT AS OTHERWISE PROVIDED IN SECTION 2-2-326, C.R.S., AND except that they shall be reimbursed for any actual and necessary expenses incurred in the performance of their duties under this part 5, with mileage rates not to exceed those authorized for the executive department.

SECTION 5. In Colorado Revised Statutes, 11-59-105, **amend** (1) (a) as follows:

11-59-105. Colorado municipal bond supervision advisory board - creation. (1) (a) There is hereby created the Colorado municipal bond supervision advisory board, to be composed of three members of the general assembly, one municipal securities broker-dealer representative, one representative of a county, one representative of a municipality, one representative of a special district, one representative of banks that act as indenture trustees for municipal bond offerings, one bond counsel representative, one real estate developer representative, three members of the general public with experience in municipal financing as investors who are not associated with any of the other members or interests, and four owners of residential real property located in special districts who are not associated with any of the other members or interests. Except for the legislative members, members

of the board shall be appointed by the governor, who shall take into account the extent to which the board represents the geographic areas, population concentrations, and ethnic communities of this state. Appointments by the governor shall be for a period of four years. The three members of the general assembly shall be appointed one each by the governor, the speaker of the house of representatives, and the president of the senate. No more than two of said legislative members may be from the same major political party, and, except as provided in paragraph (b) of this subsection (1), each such legislative member shall be appointed for a term of two years or for the same term to which they were elected, whichever is less. Successors shall be appointed in the same manner as the original members. Vacancies of all other members shall be filled by appointment by the governor for unexpired terms. In the case of a vacancy, the remaining members of the board shall exercise all the powers and authority of the board until such vacancy is filled. The board shall choose its own chairperson by majority vote of the quorum present at a meeting called for the purpose of electing a chairperson. The board shall meet not less than annually. EXCEPT AS OTHERWISE PROVIDED IN SECTION 2-2-326, C.R.S., members of the board shall receive no compensation but shall be reimbursed for all actual and necessary expenses incurred in the performance of their duties, AND such expenses shall be paid from the appropriations from the division of securities cash fund created in section 11-51-707. A majority of the board shall constitute a quorum to transact business and for the exercise of any of the powers or authority conferred.

SECTION 6. In Colorado Revised Statutes, 12-47.1-1602, **add** (4) as follows:

12-47.1-1602. Local government limited gaming impact advisory committee - creation - duties. (4) THE MEMBERS OF THE COMMITTEE APPOINTED PURSUANT TO PARAGRAPHS (f) AND (g) OF SUBSECTION (1) OF THIS SECTION ARE ENTITLED TO RECEIVE COMPENSATION AND REIMBURSEMENT OF EXPENSES AS PROVIDED IN SECTION 2-2-326, C.R.S.

SECTION 7. In Colorado Revised Statutes, 14-10-115, **amend** (16) (d) as follows:

14-10-115. Child support guidelines - purpose - definitions - determination of income - schedule of basic child support obligations - adjustments to basic child support - additional guidelines - child support commission. (16) **Child support commission.** (d) Members of the child support commission shall not be compensated for their services on the commission EXCEPT AS OTHERWISE PROVIDED IN SECTION 2-2-326, C.R.S., AND EXCEPT that members shall be reimbursed for actual and necessary expenses for travel and mileage incurred in connection with their duties. The child support commission is authorized, subject to appropriation, to incur expenses related to its work, including the costs associated with public hearings, printing, travel, and research.

SECTION 8. In Colorado Revised Statutes, 16-11.3-102, **amend** (4) (b) as follows:

16-11.3-102. Colorado commission on criminal and juvenile justice - creation - membership - operation. (4) (b) The members of the commission shall serve without compensation EXCEPT AS OTHERWISE PROVIDED IN SECTION 2-2-326, C.R.S., AND EXCEPT that the members of the commission may be reimbursed for any actual

and necessary travel expenses incurred in the performance of their duties under this article.

SECTION 9. In Colorado Revised Statutes, 17-24-104, **amend** (2) (b) as follows:

17-24-104. Creation of division of correctional industries and advisory committee - enterprise status of division - duties of committee - sunset review of committee - rules. (2) (b) Each member shall hold office for his OR HER term and until his OR HER successor is appointed and qualified. Any member shall be eligible for reappointment, but he OR SHE shall not be eligible to serve more than two consecutive full terms. EXCEPT AS OTHERWISE PROVIDED IN SECTION 2-2-326, C.R.S., members of the advisory committee shall receive no compensation for such services but may be reimbursed for their necessary expenses while serving as members of the board. Any vacancy shall be filled in the same manner as for an original appointment and shall be for the unexpired term. The chairman shall be elected by the voting members of the advisory committee from among the appointed members of the general assembly.

SECTION 10. In Colorado Revised Statutes, 18-18.5-103, **amend** (7) as follows:

18-18.5-103. State substance abuse trend and response task force - creation - membership - duties. (7) (a) Except as otherwise provided in ~~paragraph (b) of this subsection (7)~~ SECTION 2-2-326, C.R.S., members of the task force shall serve without compensation.

~~(b) Notwithstanding the provisions of section 2-2-307, C.R.S., legislative members of the task force may receive payment of per diem and reimbursement for actual and necessary expenses authorized pursuant to said section and any other direct or indirect costs associated with the duties of the legislative members of the task force set forth in this article only from moneys appropriated from the methamphetamine abuse prevention, intervention, and treatment cash fund, created in section 18-18.5-105.~~

SECTION 11. In Colorado Revised Statutes, 22-58-104, **amend** (2) (b) as follows:

22-58-104. Advisory council - created - duties - reporting - funding. (2) (b) EXCEPT AS OTHERWISE PROVIDED IN SECTION 2-2-326, C.R.S.:

(I) The members of the advisory council shall serve without compensation; AND

(II) The members of the advisory council shall also serve without reimbursement for expenses; except that the advisory council may receive reimbursement if the advisory council receives moneys pursuant to subsection (5) of this section in an amount sufficient to reimburse the members' expenses.

SECTION 12. In Colorado Revised Statutes, 23-1-103, **amend** (2) as follows:

23-1-103. Advisory committee to the Colorado commission on higher education. (2) Legislative ~~and other~~ MEMBERS OF THE ADVISORY COMMITTEE

SHALL RECEIVE COMPENSATION AND REIMBURSEMENT OF EXPENSES AS PROVIDED IN SECTION 2-2-326, C.R.S. Members of the advisory committee not otherwise compensated by the state or a public educational institution shall receive thirty dollars per diem for attendance at official meetings plus reimbursement for actual and necessary expenses incurred in the conduct of official business.

SECTION 13. In Colorado Revised Statutes, 24-18-113, **add** (1) (c) as follows:

24-18-113. Board of ethics for the general assembly - created - duties.

(1) (c) THE MEMBERS OF THE BOARD OF ETHICS FOR THE GENERAL ASSEMBLY ARE ENTITLED TO RECEIVE COMPENSATION AND REIMBURSEMENT OF EXPENSES AS PROVIDED IN SECTION 2-2-326, C.R.S.

SECTION 14. In Colorado Revised Statutes, 24-33.5-104.5, **add** (1) (c) as follows:

24-33.5-104.5. Powers of executive director - DNA evidence issues - working group. (1) (c) THE MEMBERS OF THE WORKING GROUP APPOINTED PURSUANT TO SUBPARAGRAPHS (VII) AND (VIII) OF PARAGRAPH (b) OF THIS SUBSECTION (1) ARE ENTITLED TO RECEIVE COMPENSATION AND REIMBURSEMENT OF EXPENSES AS PROVIDED IN SECTION 2-2-326, C.R.S.

SECTION 15. In Colorado Revised Statutes, 24-37.7-103, **amend** (2) as follows:

24-37.7-103. Meetings of board - quorum - expenses. (2) EXCEPT AS OTHERWISE PROVIDED IN SECTION 2-2-326, C.R.S., members of the board shall serve without compensation but shall be reimbursed for all necessary expenses incurred in the performance of their duties under this article. Any payments to board members pursuant to this subsection (2) shall be paid from moneys of the authority.

SECTION 16. In Colorado Revised Statutes, 24-46.3-101, **add** (9) as follows:

24-46.3-101. State work force development council - creation - membership. (9) THE MEMBERS OF THE STATE COUNCIL APPOINTED PURSUANT TO PARAGRAPH (b) OF SUBSECTION (2) OF THIS SECTION ARE ENTITLED TO RECEIVE COMPENSATION AND REIMBURSEMENT OF EXPENSES AS PROVIDED IN SECTION 2-2-326, C.R.S.

SECTION 17. In Colorado Revised Statutes, 24-48.5-303, **amend** (4) as follows:

24-48.5-303. Council on creative industries - establishment of council - members - term of office - chair - compensation. (4) EXCEPT AS OTHERWISE PROVIDED IN SECTION 2-2-326, C.R.S., members of the council shall serve without compensation, but each member shall be reimbursed for his or her necessary traveling and other expenses incurred in the performance of his or her official duties.

SECTION 18. In Colorado Revised Statutes, 24-49.7-103, **amend** (6) as follows:

24-49.7-103. Colorado tourism office - creation - board of directors - definitions. (6) EXCEPT AS OTHERWISE PROVIDED IN SECTION 2-2-326, C.R.S., members shall serve without compensation but shall be entitled to reimbursement

for actual and necessary expenses incurred in the performance of their duties. The board shall adopt such rules governing its procedure as it may consider necessary or advisable and shall keep a record of its proceedings, which record shall be open to inspection by the public at all reasonable times.

SECTION 19. In Colorado Revised Statutes, 24-49.9-101, **amend (5)** as follows:

24-49.9-101. Colorado channel authority - creation - legislative declaration.

(5) EXCEPT AS OTHERWISE PROVIDED IN SECTION 2-2-326, C.R.S., if the board determines that the authority has sufficient financial resources, each member of the board not otherwise in full-time employment of the state or a state official shall receive a per diem of one hundred dollars for each day actually and necessarily spent in the discharge of official duties, and all members shall receive reimbursement for travel and other necessary expenses actually incurred in the performance of official duties.

SECTION 20. In Colorado Revised Statutes, 24-82-108, **amend (2) (e)** as follows:

24-82-108. State capitol building advisory committee - creation - repeal.

(2) (e) All members of the ADVISORY committee shall be volunteers and shall serve without per diem; EXCEPT AS OTHERWISE PROVIDED IN SECTION 2-2-326, C.R.S., AND EXCEPT that members of the ADVISORY committee shall be reimbursed for necessary and actual expenses incurred in the performance of their duties.

SECTION 21. In Colorado Revised Statutes, 25-3.5-804, **amend (5) (e)** as follows:

25-3.5-804. Tobacco education, prevention, and cessation programs - review committee - grants.

(5) (e) EXCEPT AS OTHERWISE PROVIDED IN SECTION 2-2-326, C.R.S., members of the review committee shall serve without compensation but shall be reimbursed from moneys deposited in the tobacco education programs fund created in section 24-22-117, C.R.S., for their actual and necessary expenses incurred in the performance of their duties pursuant to this part 8.

SECTION 22. In Colorado Revised Statutes, 25-4-2206, **amend (2) (b)** as follows:

25-4-2206. Health equity commission - creation - repeal. (2) (b) The members of the commission shall serve at the pleasure of the appointing authority. EXCEPT AS OTHERWISE PROVIDED IN SECTION 2-2-326, C.R.S., the members of the commission shall serve without compensation, but shall be reimbursed by the department for their actual and necessary expenses incurred in the performance of their duties pursuant to this part 22.

SECTION 23. In Colorado Revised Statutes, 25-20.5-303, **amend (7)** as follows:

25-20.5-303. Cancer, cardiovascular disease, and chronic pulmonary disease program review committee. (7) EXCEPT AS OTHERWISE PROVIDED IN SECTION 2-2-326, C.R.S., members of the review committee shall serve without compensation but shall be reimbursed from moneys deposited in the prevention,

early detection, and treatment fund created in section 24-22-117, C.R.S., for their actual and necessary expenses incurred in the performance of their duties pursuant to this part 3.

SECTION 24. In Colorado Revised Statutes, 25.5-1-204, **add** (2) (c) as follows:

25.5-1-204. Advisory committee to oversee the all-payer health claims database - legislative declaration - creation - members - duties - creation of all-payer health claims database - rules. (2) (c) THE MEMBERS OF THE ADVISORY COMMITTEE APPOINTED PURSUANT TO SUBPARAGRAPH (XII) OF PARAGRAPH (a) OF THIS SUBSECTION (2) ARE ENTITLED TO RECEIVE COMPENSATION AND REIMBURSEMENT OF EXPENSES AS PROVIDED IN SECTION 2-2-326, C.R.S.

SECTION 25. In Colorado Revised Statutes, 26-1-139, **add** (6.7) as follows:

26-1-139. Child fatality and near fatality prevention - legislative declaration - process - department of human services child fatality review team - reporting - rules. (6.7) THE MEMBERS OF THE TEAM APPOINTED PURSUANT TO PARAGRAPH (f) OF SUBSECTION (6) OF THIS SECTION ARE ENTITLED TO RECEIVE COMPENSATION AND REIMBURSEMENT OF EXPENSES AS PROVIDED IN SECTION 2-2-326, C.R.S.

SECTION 26. In Colorado Revised Statutes, 26-6.5-203, **amend** (1) (d) as follows:

26-6.5-203. Early childhood and school readiness legislative commission - creation - membership - duties - funding. (1) (d) ~~Notwithstanding the provisions of section 2-2-307, C.R.S.,~~ The members of the commission shall ~~not~~ receive compensation ~~or~~ AND reimbursement for expenses incurred in fulfilling the duties of the commission AS PROVIDED IN SECTION 2-2-326, C.R.S.

SECTION 27. In Colorado Revised Statutes, **amend** 26-11-103 as follows:

26-11-103. Compensation - expenses. EXCEPT AS OTHERWISE PROVIDED IN SECTION 2-2-326, C.R.S., the members of the commission shall not receive compensation for their services, but they shall be reimbursed for expenses incurred by them in the performance of their official duties.

SECTION 28. In Colorado Revised Statutes, 27-61-102, **add** (2) (d) as follows:

27-61-102. Behavioral health transformation council - creation - duties - sunset review - repeal. (2) (d) THE MEMBERS OF THE COUNCIL APPOINTED PURSUANT TO SUBPARAGRAPHS (III) AND (IV) OF PARAGRAPH (b) OF THIS SUBSECTION (2) ARE ENTITLED TO RECEIVE COMPENSATION AND REIMBURSEMENT OF EXPENSES AS PROVIDED IN SECTION 2-2-326, C.R.S.

SECTION 29. In Colorado Revised Statutes, 39-9-101, **amend** (2) as follows:

39-9-101. State board of equalization. (2) No more than three members of the state board of equalization shall be affiliated with the same political party. EXCEPT AS OTHERWISE PROVIDED IN SECTION 2-2-326, C.R.S., each member shall receive a per diem allowance of fifty dollars for each day spent attending meetings or

hearings of the state board of equalization or otherwise spent discharging his duties as a member of said board; except that no member shall receive the per diem allowance provided for in this subsection (2) for any day for which he receives a per diem allowance from the state under any other statute and except that no member shall receive the per diem allowance provided for in this subsection (2) if he receives a salary from the state for a full-time position with the state. EXCEPT AS OTHERWISE PROVIDED IN SECTION 2-2-326, C.R.S., each member of said board shall receive actual and necessary expenses incurred in performing his duties as a member of said board. The members appointed by the governor shall serve at the pleasure of the governor but shall not serve for more than four consecutive years unless reappointed by the governor and reconfirmed by the senate at the conclusion of said four years. Vacancies in either of the appointed positions on the state board of equalization shall be filled by appointment by the governor with the consent of the senate for the unexpired term.

SECTION 30. In Colorado Revised Statutes, 2-3-303.3, **amend** (1) introductory portion, (2), and (3) (a) as follows:

2-3-303.3. Interim committees. (1) Commencing on and after the effective date of this section, interim committees may not be requested by a legislative member by bill or resolution. No later than ~~the ninety-fourth~~ A day CERTAIN of a regular legislative session AS ESTABLISHED IN THE JOINT RULES OF THE SENATE AND HOUSE OF REPRESENTATIVES, a legislative member may submit a request in writing to the legislative council created in section 2-3-301 (1) regarding an issue that he or she wishes to study during the next interim between sessions. At minimum, the request must specify:

(2) No later than ~~the one hundredth~~ A day CERTAIN of a regular legislative session AS ESTABLISHED IN THE JOINT RULES OF THE SENATE AND HOUSE OF REPRESENTATIVES, the director of research of the legislative council shall determine the number of interim committee meetings that may be held within the legislative budget and shall provide that information to the executive committee of the legislative council.

(3) (a) No later than ~~the one hundred eighth~~ A day CERTAIN of a regular legislative session AS ESTABLISHED IN THE JOINT RULES OF THE SENATE AND HOUSE OF REPRESENTATIVES, the legislative council shall meet to review and prioritize requests made by legislative members pursuant to subsection (1) of this section. Such review and prioritization must take into account the information provided by the director of research of the legislative council as specified in subsection (2) of this section. The legislative council shall also determine if any of the prioritized interim committees may create a task force. If a task force is approved, such task force shall include no more than two legislative members, one from the majority party and one from the minority party of the interim committee. Legislative members on a task force are only entitled to receive necessary travel costs and are not entitled to per diem pursuant to section 2-2-307. For purposes of carrying out the task force's duties, the legislative council may accept and expend money, gifts, grants, donations, services, and in-kind donations from any public or private entity for any direct or indirect costs associated with the duties of the task force; except that the legislative council may not accept money, gifts, grants, donations, services, or in-kind donations if acceptance is subject to conditions that are inconsistent with

state law or requires a predetermined conclusion or result from the task force. The legislative council shall request that the entity offering the money, gift, grant, donation, services, or in-kind donation submit a letter prior to the offer specifying the amount of money, gift, grant, or donation offered, or the estimated value of the services or in-kind donation offered, the period for which the money, gift, grant, donation, services, or in-kind donation is available, and the specific purposes for which the money, gift, grant, donation, services, or in-kind donation is to be used.

SECTION 31. Appropriation - adjustments to 2014 long bill. (1) For the implementation of this act, the general fund appropriation made in the annual general appropriation act to the controlled maintenance trust fund created in section 24-75-302.5 (2) (a), Colorado Revised Statutes, for the fiscal year beginning July 1, 2014, is decreased by \$85,690.

(2) For the implementation of this act, appropriations made in the annual general appropriation act to the department of public safety for the fiscal year beginning July 1, 2014, are adjusted as follows:

(a) The general fund appropriation for the division of criminal justice is decreased by \$1,408.

(3) For the implementation of this act, appropriations made in the annual general appropriation act to the department of local affairs for the fiscal year beginning July 1, 2014, are adjusted as follows:

(a) The cash funds appropriation from the local government limited gaming impact fund created in section 12-47.1-1601 (1) (a), Colorado Revised Statutes, for the division of local government, is decreased by \$352.

(4) For the implementation of this act, appropriations made in the annual general appropriation act to the department of state for the fiscal year beginning July 1, 2014, are adjusted as follows:

(a) The cash funds appropriation from the department of state cash fund created in section 24-21-104 (3) (b), Colorado Revised Statutes, for the elections division, is decreased by \$2,816.

SECTION 32. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the legislative department, for the fiscal year beginning July 1, 2014, the sum of \$87,098, or so much thereof as may be necessary, to be allocated to the general assembly for the implementation of this act.

SECTION 33. Applicability. Sections 1 through 29 of this act apply for service provided to a state entity on or after the effective date of this act.

SECTION 34. 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: June 6, 2014