

**General Assembly
Organization - Operation**

2-2-316. Legislative declaration. Considering the greatly improved highways and airways of this state which permit greater mobility with less cost in money and time, considering the increasing length of legislative sessions, the increasing complexity and importance of the problems presented, and the benefits to be derived from frequent contact between legislator and constituents, and considering the desirability of preserving the concept of part-time citizen-legislators and, therefore, the need to allow them a reasonable opportunity to attend to their own personal, family, and business affairs even during sessions of the general assembly, it is hereby declared to be necessary, within the meaning of the state constitution and in the best interests of the general assembly and the state of Colorado, that members of the senate and house of representatives travel to their homes or other locations within their districts and back to the capitol during sessions of the general assembly when the house to which they belong is in adjournment for periods not exceeding seventy-two hours.

2-2-317. Expense, subsistence, and travel allowance - repeal. (1) (a) Except as provided in paragraph (b) of this subsection (1), each member of the general assembly shall be entitled to receive up to forty-five dollars per legislative day for expenses incurred during the sessions of the general assembly. Such allowance shall be considered as salary pursuant to section 24-51-101 (42), C.R.S. Each member of the general assembly who is serving on July 1, 1997, and who is entitled to such allowance may elect to have all of such allowance that was paid to the member during the period from January 1, 1992, through May 31, 1994, be considered salary pursuant to section 24-51-101 (42), C.R.S., subject to the following conditions:

(I) Payment shall be received by the public employees' retirement association of the amount of member contributions from the member and employer contributions from the employer on the allowance that was paid during the period, with appropriate interest calculated by the association;

(II) The election shall be made no later than December 31, 1997; and

(III) Payment of the total amount required, through a lump sum or through installments, shall be received by the public employees' retirement association on or before December 31, 1998.

(b) (I) (A) In lieu of the expenses allowed in paragraph (a) of this 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, Douglas, Gilpin, and Jefferson and the city and county of Broomfield and the city and county of Denver, the member shall be entitled to receive up to one hundred fifty dollars per legislative day for expenses incurred during the sessions of the general assembly.

(B) This subparagraph (I) is repealed, effective October 1, 2010.

(II) In lieu of the expenses allowed in paragraph (a) of this 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, Douglas, Gilpin, and Jefferson and the city and county of Broomfield and the city and county of Denver, the member shall be entitled to receive per legislative day for expenses incurred during the sessions of the general assembly up to an amount equal to eighty-five percent of the federal per diem rate

for the city and county of Denver, rounded up to the nearest whole dollar, as determined by the United States general services administration, or such succeeding entity, as of October 1 of the calendar year immediately preceding the fiscal year in which the per diem rate is to be used.

(c) (I) (A) The per diem lodging and expense allowances of the general assembly as fixed by subparagraph (I) of paragraph (b) of this subsection (1) shall apply to regular or special sessions of the general assembly subsequent to January 1, 2008, and prior to July 1, 2010.

(B) This subparagraph (I) is repealed, effective October 1, 2010.

(II) The per diem lodging and expense allowances of the general assembly as fixed by subparagraph (II) of paragraph (b) of this subsection (1) shall apply to regular or special sessions of the general assembly subsequent to July 1, 2010.

(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).

(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 any location within such member's district 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.

2-2-318. Members to be reimbursed for expenses. Each member of the general assembly shall be reimbursed for expenses actually incurred pursuant to sections 2-2-316 and 2-2-317. In auditing any mileage claim of members of the general assembly, the controller is authorized to accept without further substantiating evidence the expense voucher duly signed by the member if the mileage in such claim does not exceed the authorized rate at which employees of the executive branch are reimbursed. In addition, he may accept without such further evidence the member's certification as to the number of days of actual attendance under section 2-2-317 (1) or, in lieu thereof, the member's certification as to the number of days of actual occupancy under section 2-2-317 (2).

2-2-319. Sections 2-2-316 to 2-2-319 provide no increase in compensation or mileage. The general assembly declares that the provisions of sections 2-2-316 to 2-2-319 relate not to compensation but to the necessity of certain traveling expenses and that the purpose is neither to increase compensation nor mileage.