

## Amendment Q Temporary Location for the State Seat of Government

1 **Amendment Q proposes amending the Colorado Constitution to:**

- 2       ♦ establish a process for moving the state seat of government to a  
3       temporary location during a declared disaster emergency.

### 4 **Summary and Analysis**

5       Since statehood, the Colorado Constitution has designated Denver as the state  
6       seat of government. The legislature is prohibited from moving the seat of government  
7       out of Denver unless it refers a constitutional amendment to the voters at a general  
8       election. The state constitution requires that an amendment to move the state seat of  
9       government be approved by at least two-thirds of those voting on the issue.

10       Amendment Q creates a process for temporarily moving the seat of government if  
11       a disaster emergency affects the ability of state government to operate in Denver. It  
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13       severe damage, injury, illness, or loss of life or property resulting from an epidemic or  
14       a natural, man-made, or technological event. For the purpose of addressing such  
15       emergencies, it also defines the seat of government as the location of the legislative,  
16       executive, and judicial branches of the state of Colorado.

17       After declaring a disaster emergency, and after consulting with the Chief Justice  
18       of the Colorado Supreme Court, the President of the Senate, and the Speaker of the  
19       House of Representatives, the Governor may designate a temporary meeting location  
20       for the state legislature. The legislature must meet at that location and decide  
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22       outside of Denver. Such legislation must include a date when the temporary location  
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24       permanently moving the state seat of government. Currently, 36 other states have  
25       created a legal process to temporarily move the state seat of government in an  
26       emergency.

### 27 **Argument For**

28       1) The state constitution does not provide a process to temporarily relocate the  
29       state seat of government — even during a disaster emergency. Amendment Q  
30       provides the legal authority for the temporary movement of state government in the  
31       event of a declared disaster emergency. It also enables state government officials to  
32       plan for and respond to a disaster emergency and continue essential government  
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1     **Argument Against**

2           1) The measure may be unnecessary because all three branches of state  
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5 legislature to meet temporarily in another location in Denver or elsewhere in the state  
6 during a Governor-declared disaster emergency. The Governor also has powers to  
7 address disasters including ordering evacuations and reassigning state employees.

8     **Estimate of Fiscal Impact**

9           Amendment Q is not expected to affect state or local government revenue or  
10 spending.

# Hans Kallam, Division of Emergency Management

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## 8 **Estimate of Fiscal Impact**

9 Amendment Q is not expected to affect state or local government revenue or  
10 spending.

## HANS KALLAM'S COMMENTS ON LAST DRAFT OF AMENDMENT Q

August 4, 2010

----- Forwarded by Raegan Robb/CLICS on 08/16/2010 08:57 AM -----

From:  
"Hans Kallam" <Hans.Kallam@state.co.us>  
To:  
"Raegan Robb" <Raegan.Robb@STATE.CO.US>  
Date:  
08/04/2010 04:04 PM  
Subject:  
Re: Third Draft of Amendment Q Ballot Analysis

Reagan, Assuming I received the entire 3rd Draft (one page with no Argument Against), here are my thoughts:

Line 17: After declaring a state disaster emergency in which it is unsafe to convene state government within the city of Denver, and after consulting with the Chief Justice of the Colorado Supreme Court, the President of the Senate, and the Speaker of the House of Representatives, the Governor may designate a temporary meeting location for the state legislature.

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# Mason C. Whitney, Governor's Office of Homeland Security

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5 legislature to meet temporarily in another location in Denver or elsewhere in the state  
6 during a Governor-declared disaster emergency (JOINT RULE 44 OF THE HOUSE AND  
7 SENATE). The Governor also has powers to address disasters including ordering  
8 evacuations and reassigning state employees (SECTION 24-32-2104, C.R.S.).

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11 spending.

## MASON WHITNEY'S COMMENTS ON LAST DRAFT OF AMENDMENT Q

August 5, 2010

### 2nd Page

----- Forwarded by Raegan Robb/CLICS on 08/16/2010 09:04 AM -----

From:  
"Mason Whitney" <Mason.Whitney@state.co.us>  
To:  
"Raegan Robb" <Raegan.Robb@STATE.CO.US>  
Cc:  
"Hans Kallam" <Hans.Kallam@state.co.us>, "Mike Wagner" <Mike.Wagner@state.co.us>  
Date:  
08/05/2010 01:04 PM  
Subject:  
Re: Third Draft of Amendment Q Ballot Analysis

Reagan,

Can you cite the current statute that allows for the movement of government in case of an emergency? It might be beneficial to reference that in a summary for the against case.

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Director, Governor's Office of Homeland Security  
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[www.colorado.gov/homelandsecurity](http://www.colorado.gov/homelandsecurity)

# Last Draft as Mailed to Interested Parties

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AMENDMENT Q  
TEMPORARY LOCATION FOR THE SEAT OF GOVERNMENT  
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AMENDMENT Q  
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**Amendment Q**  
**Temporary Location for the State Seat of Government**

1 **Ballot Title:** Shall there be an amendment to section 3 of article VIII of the constitution  
2 of the state of Colorado, concerning a process for temporarily moving the seat of  
3 government in a disaster emergency that substantially affects the ability of the state  
4 government to operate in the city and county of Denver, and, in connection therewith,  
5 requiring the general assembly to convene in a temporary meeting location designated  
6 by the governor and authorizing the general assembly to determine by law a temporary  
7 location for the seat of government of the state?

8 **Text of Proposal:**

9 *Be It Resolved by the House of Representatives of the Sixty-seventh General*  
10 *Assembly of the State of Colorado, the Senate concurring herein:*

11 **SECTION 1.** At the next election at which such question may be submitted,  
12 there shall be submitted to the registered electors of the state of Colorado, for their  
13 approval or rejection, the following amendment to the constitution of the state of  
14 Colorado, to wit:

15 Section 3 of article VIII of the constitution of the state of Colorado is amended  
16 to read:

17 **Section 3. Seat of government - how changed - definitions.** (1) When the  
18 seat of government shall have been located IN THE CITY AND COUNTY OF DENVER as  
19 ~~herein~~ provided IN SECTION 2 OF THIS ARTICLE, the location thereof shall not thereafter  
20 be changed, except by a vote of two-thirds of all the qualified electors of the state voting  
21 on that question, at a general election, at which the question of location of the seat of  
22 government shall have been submitted by the general assembly.

23 (2) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (1) OF THIS SECTION,  
24 IF THE GOVERNOR DETERMINES THAT A DISASTER EMERGENCY EXISTS THAT  
25 SUBSTANTIALLY AFFECTS THE ABILITY OF THE STATE GOVERNMENT TO OPERATE IN THE  
26 CITY AND COUNTY OF DENVER, THE GOVERNOR MAY ISSUE AN EXECUTIVE ORDER  
27 DECLARING A DISASTER EMERGENCY. AFTER DECLARING THE DISASTER EMERGENCY  
28 AND AFTER CONSULTING WITH THE CHIEF JUSTICE OF THE SUPREME COURT, THE  
29 PRESIDENT OF THE SENATE, AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, THE  
30 GOVERNOR MAY DESIGNATE A TEMPORARY MEETING LOCATION FOR THE GENERAL  
31 ASSEMBLY.

1 (3) AFTER THE DECLARATION OF A DISASTER EMERGENCY BY THE GOVERNOR,  
2 THE GENERAL ASSEMBLY SHALL CONVENE AT THE TEMPORARY MEETING LOCATION,  
3 WHETHER DURING REGULAR SESSION OR IN A SPECIAL SESSION CONVENED BY THE  
4 GOVERNOR OR BY WRITTEN REQUEST BY TWO-THIRDS OF THE MEMBERS OF EACH HOUSE.  
5 THE GENERAL ASSEMBLY, ACTING BY BILL, MAY THEN DESIGNATE A TEMPORARY  
6 LOCATION FOR THE SEAT OF GOVERNMENT. THE BILL SHALL CONTAIN A DATE ON WHICH  
7 THE TEMPORARY LOCATION OF THE SEAT OF GOVERNMENT SHALL EXPIRE.

8 (4) AS USED IN THIS SECTION:

9 (a) "DISASTER EMERGENCY" MEANS THE OCCURRENCE OR IMMINENT THREAT OF  
10 WIDESPREAD OR SEVERE DAMAGE, INJURY, ILLNESS, OR LOSS OF LIFE OR PROPERTY  
11 RESULTING FROM AN EPIDEMIC OR A NATURAL, MAN-MADE, OR TECHNOLOGICAL CAUSE.

12 (b) "SEAT OF GOVERNMENT" MEANS THE LOCATION OF THE LEGISLATIVE,  
13 EXECUTIVE, AND JUDICIAL BRANCHES OF THE STATE OF COLORADO.

14 **SECTION 2.** Each elector voting at said election and desirous of voting for or  
15 against said amendment shall cast a vote as provided by law either "Yes" or "No" on the  
16 proposition: "SHALL THERE BE AN AMENDMENT TO SECTION 3 OF ARTICLE VIII OF THE  
17 CONSTITUTION OF THE STATE OF COLORADO, CONCERNING A PROCESS FOR TEMPORARILY  
18 MOVING THE SEAT OF GOVERNMENT IN A DISASTER EMERGENCY THAT SUBSTANTIALLY  
19 AFFECTS THE ABILITY OF THE STATE GOVERNMENT TO OPERATE IN THE CITY AND  
20 COUNTY OF DENVER, AND, IN CONNECTION THEREWITH, REQUIRING THE GENERAL  
21 ASSEMBLY TO CONVENE IN A TEMPORARY MEETING LOCATION DESIGNATED BY THE  
22 GOVERNOR AND AUTHORIZING THE GENERAL ASSEMBLY TO DETERMINE BY LAW A  
23 TEMPORARY LOCATION FOR THE SEAT OF GOVERNMENT OF THE STATE?"

24 **SECTION 3.** The votes cast for the adoption or rejection of said amendment  
25 shall be canvassed and the result determined in the manner provided by law for the  
26 canvassing of votes for representatives in Congress, and if a majority of the electors  
27 voting on the question shall have voted "Yes", the said amendment shall become a part  
28 of the state constitution.