

Second Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 12-0345.01 Ed DeCecco x4216

SENATE BILL 12-019

SENATE SPONSORSHIP

Shaffer B.,

HOUSE SPONSORSHIP

Kerr A.,

Senate Committees
State, Veterans & Military Affairs
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING SUSPENSION OF PAYMENTS TO A MEMBER OF THE**
102 **GENERAL ASSEMBLY IN THE EVENT THAT THE GENERAL**
103 **ASSEMBLY FAILS TO PASS BILLS CRITICAL TO FINANCING**
104 **GOVERNMENT OPERATIONS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

The bill suspends all compensation, reimbursement, or other payments of any kind to a member of the general assembly if the general

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

assembly fails to present to the governor both the annual general appropriation act and the annual school finance act. If applicable, the pay is suspended as of the first day of the interim until such time the general assembly presents both such bills to the governor or December 1 of the same year, whichever is earlier.

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

2 **SECTION 1. Short title.** This act shall be known and may be
3 cited as the "Colorado On-time Budget Act of 2012".

4 **SECTION 2.** In Colorado Revised Statutes, 2-2-307, **add** (6) as
5 follows:

6 **2-2-307. Compensation of members - reimbursement of**
7 **expenses - suspension.** (6) NOTWITHSTANDING ANY PROVISION OF LAW
8 TO THE CONTRARY, ALL PAYMENTS OF ANY KIND REQUIRED OR PERMITTED
9 PURSUANT TO THIS SECTION TO A MEMBER OF THE GENERAL ASSEMBLY
10 ARE SUSPENDED ON THE FIRST DAY OF THE INTERIM BETWEEN SESSIONS IF,
11 DURING THE JUST COMPLETED REGULAR SESSION, THE GENERAL ASSEMBLY
12 FAILS TO PRESENT TO THE GOVERNOR THE ANNUAL GENERAL
13 APPROPRIATION ACT AND THE ANNUAL PUBLIC SCHOOL FINANCE ACT.
14 PAYMENTS RECOMMENCE WHEN THE GENERAL ASSEMBLY PRESENTS BOTH
15 SUCH BILLS TO THE GOVERNOR OR DECEMBER 1 OF THE SAME YEAR,
16 WHICHEVER IS EARLIER. WHEN PAYMENTS RECOMMENCE, A MEMBER OF
17 THE GENERAL ASSEMBLY IS ENTITLED TO RECEIVE ALL SUSPENDED
18 PAYMENTS ON THE NEXT POSSIBLE REGULARLY SCHEDULED PAY PERIOD.

19 **SECTION 3.** In Colorado Revised Statutes, 2-2-317, **add** (4) as
20 follows:

21 **2-2-317. Expense, subsistence, and travel allowance -**
22 **suspension - repeal.** (4) NOTWITHSTANDING ANY PROVISION OF LAW TO
23 THE CONTRARY, ALL PAYMENTS OF ANY KIND REQUIRED OR PERMITTED

1 PURSUANT TO THIS SECTION TO A MEMBER OF THE GENERAL ASSEMBLY
2 ARE SUSPENDED ON THE FIRST DAY OF THE INTERIM BETWEEN SESSIONS IF,
3 DURING THE JUST COMPLETED REGULAR SESSION, THE GENERAL ASSEMBLY
4 FAILS TO PRESENT TO THE GOVERNOR THE ANNUAL GENERAL
5 APPROPRIATION ACT AND THE ANNUAL PUBLIC SCHOOL FINANCE ACT.
6 PAYMENTS RECOMMENCE WHEN THE GENERAL ASSEMBLY PRESENTS BOTH
7 SUCH BILLS TO THE GOVERNOR OR DECEMBER 1 OF THE SAME YEAR,
8 WHICHEVER IS EARLIER. WHEN PAYMENTS RECOMMENCE, A MEMBER OF
9 THE GENERAL ASSEMBLY IS ENTITLED TO RECEIVE ALL SUSPENDED
10 PAYMENTS ON THE NEXT POSSIBLE REGULARLY SCHEDULED PAY PERIOD.

11 **SECTION 4. In Colorado Revised Statutes, add 2-3-208 as**
12 **follows:**

13 **2-3-208. Colorado on-time budget advisory committee -**
14 **definitions - repeal. (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT**
15 **OTHERWISE REQUIRES:**

16 (a) **"ADVISORY COMMITTEE" MEANS THE COLORADO ON-TIME**
17 **BUDGET ADVISORY COMMITTEE CREATED IN SUBSECTION (2) OF THIS**
18 **SECTION.**

19 (b) **"CRITICAL BUDGET BILLS" MEANS THE ANNUAL GENERAL**
20 **APPROPRIATION ACT, THE ANNUAL PUBLIC SCHOOL FINANCE ACT, OR**
21 **SIMILAR BILLS FROM OTHER STATES.**

22 (c) **"STATE BUDGET PROCESS" MEANS THE MANNER IN WHICH THE**
23 **GENERAL ASSEMBLY OR OTHER STATE LEGISLATURE PASSES CRITICAL**
24 **BUDGET BILLS OR OTHER SIMILAR BILLS.**

25 (2) **THERE IS HEREBY CREATED THE COLORADO ON-TIME BUDGET**
26 **ADVISORY COMMITTEE FOR THE PURPOSE OF PROVIDING GUIDANCE**
27 **RELATED TO THE STATE BUDGET PROCESS AND MEASURES TO ENSURE THE**

1 TIMELY PASSAGE OF CRITICAL BUDGET BILLS.

2 (3) (a) THE ADVISORY COMMITTEE CONSISTS OF TWELVE MEMBERS
3 APPOINTED NO LATER THAN JUNE 1, 2012, FOR A TERM ENDING JUNE 30,
4 2013, AS FOLLOWS:

5 (I) FOUR MEMBERS OF THE HOUSE OF REPRESENTATIVES, TWO OF
6 WHOM ARE APPOINTED BY THE SPEAKER OF THE HOUSE OF
7 REPRESENTATIVES AND TWO OF WHOM ARE APPOINTED BY THE MINORITY
8 LEADER OF THE HOUSE OF REPRESENTATIVES;

9 (II) FOUR MEMBERS OF THE SENATE, TWO OF WHOM ARE
10 APPOINTED BY THE PRESIDENT OF THE SENATE AND TWO OF WHOM ARE
11 APPOINTED BY THE MINORITY LEADER OF THE SENATE; AND

12 (III) FOUR PERSONS APPOINTED BY THE GOVERNOR WHO HAVE
13 EXPERTISE IN THE STATE BUDGET PROCESS.

14 (b) THE ADVISORY COMMITTEE IS REQUIRED TO MEET AT LEAST SIX
15 TIMES IN ORDER TO UNDERTAKE ITS DUTIES.

16 (4) THE ADVISORY COMMITTEE SHALL:

17 (a) REVIEW THE CURRENT STATE BUDGET PROCESS;

18 (b) ANALYZE THE STATE BUDGET PROCESS IN OTHER STATES;

19 (c) ANALYZE METHODS FROM OTHER STATES TO ENSURE THE
20 TIMELY PASSAGE OF CRITICAL BUDGET BILLS, INCLUDING THE SUSPENSION
21 OF PAYMENTS TO MEMBERS OF A STATE LEGISLATURE;

22 (d) CONSIDER ALTERNATIVES TO THE CURRENT STATE BUDGET
23 PROCESS;

24 (e) CONSIDER ALTERNATIVES TO ENSURE THE TIMELY PASSAGE OF
25 CRITICAL BUDGET BILLS; AND

26 (f) MAKE RECOMMENDATIONS REGARDING THE BEST STATE
27 BUDGET PROCESS AND METHODS TO ENSURE THE TIMELY PASSAGE OF

1 CRITICAL BUDGET BILLS.

2 (5) (a) ON OR BEFORE JANUARY 1, 2013, THE ADVISORY
3 COMMITTEE SHALL PREPARE A REPORT REGARDING ITS FINDINGS AND
4 RECOMMENDATIONS AND DISTRIBUTE THE REPORT TO ALL MEMBERS OF
5 THE GENERAL ASSEMBLY. NO LATER THAN JANUARY 15, 2013, THE
6 ADVISORY COMMITTEE SHALL PRESENT THE REPORT TO THE JOINT BUDGET
7 COMMITTEE AND THE FINANCE COMMITTEES OF THE HOUSE OF
8 REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR COMMITTEES.

9 (b) (I) PRIOR TO FINALIZING THE REPORT, THE ADVISORY
10 COMMITTEE SHALL PRESENT ITS PROPOSED FINDINGS AT AT LEAST THREE
11 PUBLIC MEETINGS AT LOCATIONS THROUGHOUT THE STATE AND TAKE
12 PUBLIC COMMENT ON THE PROPOSED FINDINGS. THE ADVISORY
13 COMMITTEE SHALL CONSIDER THE PUBLIC COMMENTS WHEN FINALIZING
14 THE REPORT.

15 (II) THE MEETINGS REQUIRED PURSUANT TO SUBPARAGRAPH (I) OF
16 THIS PARAGRAPH (b) ARE IN ADDITION TO THE MEETINGS REQUIRED
17 PURSUANT TO PARAGRAPH (b) OF SUBSECTION (3) OF THIS SECTION.

18 (6) NONLEGISLATIVE MEMBERS OF THE ADVISORY COMMITTEE
19 MAY BE REIMBURSED FOR ALL NECESSARY AND ACTUAL EXPENSES
20 INCURRED IN THE PERFORMANCE OF THEIR DUTIES.

21 (7) THE LEGISLATIVE COUNCIL STAFF AND THE OFFICE OF
22 LEGISLATIVE LEGAL SERVICES MAY PROVIDE STAFF SUPPORT TO THE
23 ADVISORY COMMITTEE.

24 (8) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2013. PRIOR TO
25 THE REPEAL OF THIS SECTION, THE ADVISORY COMMITTEE IS REQUIRED TO
26 BE REVIEWED AS PROVIDED IN SECTION 2-3-1203 (3), C.R.S.

27 **SECTION 5. In Colorado Revised Statutes, 2-3-1203, add (3) (z)**

1 (VIII) as follows:

2 **2-3-1203. Sunset review of advisory committees.** (3) The
3 following dates are the dates for which the statutory authorization for the
4 designated advisory committees is scheduled for repeal:

5 (z) July 1, 2013:

6 (VIII) THE COLORADO ON-TIME BUDGET ADVISORY COMMITTEE
7 CREATED IN SECTION 2-3-208 (2), C.R.S.

8 **SECTION 6. Safety clause.** The general assembly hereby finds,
9 determines, and declares that this act is necessary for the immediate
10 preservation of the public peace, health, and safety.