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**Report to the Colorado General Assembly**

**Legislative Procedures  
and the Capitol Complex**



**COLORADO LEGISLATIVE COUNCIL**

**RESEARCH PUBLICATION NO. 161**

**December, 1970**

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OF THE  
COLORADO GENERAL ASSEMBLY

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\* \* \* \* \*

The Legislative Council, which is composed of five Senators, six Representatives, and the presiding officers of the two houses, serves as a continuing research agency for the legislature through the maintenance of a trained staff. Between sessions, research activities are concentrated on the study of relatively broad problems formally proposed by legislators, and the publication and distribution of factual reports to aid in their solution.

During the sessions, the emphasis is on supplying legislators, on individual request, with personal memoranda, providing them with information needed to handle their own legislative problems. Reports and memoranda both give pertinent data in the form of facts, figures, arguments, and alternatives.

**LEGISLATIVE PROCEDURES AND  
THE CAPITOL COMPLEX**

**Legislative Council  
Report To The  
Colorado General Assembly**

**Research Publication No. 161  
December, 1970**

# COLORADO GENERAL ASSEMBLY

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## LEGISLATIVE COUNCIL

ROOM 46 STATE CAPITOL  
DENVER, COLORADO 80203  
892-2285  
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REP. CARL GUSTAFSON  
REP. BEN KLEIN  
REP. CLARENCE QUINLAN

December 19, 1970

To Members of the Forty-eighth Colorado General Assembly:

In accordance with the provisions of House Joint Resolution No. 1034, 1969 session, and Senate Joint Resolution No. 36, 1970 session, the Legislative Council submits for your consideration the accompanying report pertaining to legislative procedures and the future development of the Capitol Complex.

The Committee appointed by the Legislative Council to conduct the study reported its findings and recommendations to the Legislative Council on December 18, 1970, and the Council adopted the report at that time for transmission to members of the Forty-eighth General Assembly.

The Committee recommended that the House and Senate Services Committees investigate possible additional or more effective uses for the men's legislative lounge on the third floor. The Council adopted a motion to recommend to the General Assembly that the legislative lounge be converted to work space for members of the General Assembly. The Council believes that some desks, chairs, and typewriters should be installed in the room, which would give legislators work space that they do not now have. The Council recommends that a joint resolution be passed early in the 1971 session to effect these changes.

Respectfully submitted,

/s/ Representative C. P. (Doc) Lamb  
Chairman

CPL/mp



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REP. JOSEPH CALABRESE  
REP. JOHN FUHR  
REP. CARL GUSTAFSON  
REP. BEN KLEIN  
REP. CLARENCE QUINLAN

December 18, 1970

Representative C. P. (Doc) Lamb  
Chairman  
Colorado Legislative Council  
Room 46, State Capitol  
Denver, Colorado 80203

Dear Mr. Chairman:

Your Committee appointed to study legislative procedures and the problem of the future development of the Capitol Complex submits the accompanying report and recommendations.

The Committee's report indicates that there is a need for action by the General Assembly in some areas; it is hoped that such action will occur as soon as possible.

Respectfully submitted,

/s/ Senator Frank A. Kemp, Jr.  
Chairman Committee on  
Legislative Procedures

FAK/mp

## FOREWORD

House Joint Resolution No. 1034, 1969 regular session, directed the Legislative Council to continue during 1969 and 1970, the study begun in 1966 concerning legislative processes and procedures in Colorado. The membership of the Committee appointed to carry out the assignment consisted of:

Sen. Frank Kemp,  
Chairman  
Sen. Allen Dines,  
Vice Chairman  
Sen. Vincent Massari  
Sen. Norman Ohlson  
Sen. Sam Taylor  
Sen. Carl Williams

Rep. Jean Bain  
Rep. Ted Bryant  
Rep. Joe Calabrese  
Rep. Harrie Hart  
Rep. C. P. Lamb  
Rep. Harold McCormick  
Rep. Anthony Mullen  
Rep. Jerry Rose  
Rep. Eric Schmidt  
Rep. John Vanderhoof

Senate Joint Resolution No. 36, adopted in the 1970 regular session, directed this Committee to review the State Capitol Complex planning program.

During the course of its 1970 interim work, a subcommittee on a legislative code of conduct was appointed by the Chairman. The members of the subcommittee were:

Sen. Allen Dines  
Sen. Carl Williams

Rep. Anthony Mullen  
Rep. Eric Schmidt

Valuable assistance was given to the Committee by Mrs. Comfort Shaw, Secretary of the Senate; Mrs. Lorraine Lombardi, Chief Clerk of the House of Representatives; and Mr. James C. Wilson, Director, Legislative Drafting Office.

Mr. Thomas J. Millisack, Director, Division of Public Works, was of special assistance to the Committee and the staff on the Capitol Complex question. Special thanks must be extended to Mr. Henry Kimbrough, former Chief Clerk, and Mr. Nick Segal, Eastwood Printing Company, for the assistance they extended on the standards and specifications adopted for the 1971-72 legislative printing contract.

Mr. Rich Levensgood, Senior Analyst for the Legislative Council had primary responsibility for the staff work and the preparation of this report, aided by Mr. Richard Capra and Mr. Dennis Jakubowski, research assistants.

December 18, 1970

Lyle C. Kyle  
Director

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SUMMARY OF COMMITTEE FINDINGS  
AND RECOMMENDATIONS

(1) Due to the problems that have occurred in the past over the geographical direction and the extent to which the Capitol area should be developed for state-owned buildings, the Committee recommends the adoption of the Capitol Complex perimeter whose borders are outlined in red in the fold-out map attached to this Report. The proposed perimeter is intended, first, to demonstrate to the people of Colorado the extent and direction of state expansion in the Capitol area during the next 25 years, extending from 1970 to 1995, and, second, to give the executive department assurances that it will follow legislative intent when embarking upon any future land acquisition program for the Capitol Complex.

The total land acquisition cost to obtain the properties shown in white on the map is estimated at approximately \$5.8 million.

(2) The Committee recommends the adoption of Joint Rule No. 26, the Colorado Legislative Code of Conduct. The proposed Code of Conduct includes provisions dealing with the following:

- (a) Conflicts between private and public interests;
- (b) Use of legislative office to obtain special advantage for oneself or another;
- (c) Financial disclosure;
- (d) Establishment of a four-member joint House-Senate Committee to function as overseer of the Code, render advisory opinions to legislators on questions arising under the Code, and act as a repository for statements filed by legislators pursuant to the Code;
- (e) Establishment of procedures for the Committee to resolve questions arising under the Code; and
- (f) Appointment of the State Auditor as ex officio Committee Secretary.

As companion measures, the Committee also recommends that a statute be passed on contempt of the General Assembly by non-legislators, in general, and a statute be adopted dealing with violations of confidentiality by the State Auditor or members of the Conduct Committee.

(3) The Committee is of the general belief that with each passing session it becomes increasingly necessary to organize the General Assembly's committee structure in such a manner that



House and Senate committees of reference during the session serve as joint study committees during interims. Such a system may help facilitate legislative response to proposals made on the federal level, as well as facilitate the legislature's continuing responsibility under Joint Rule No. 25 to oversee the functions of those executive departments within a committee's specific subject-matter jurisdiction. It would also assure that legislators would develop more subject-matter expertise than at present.

(4) The Committee reiterates its 1969 recommendation that an electric roll-call system be installed in the House of Representatives.

(5) The Committee recommends that Joint Rule No. 10 be amended in order to raise the number of bills initially ordered printed to 600 from 450, which accords with existing practice and the printing contract specification for the 1971-72 biennium. The Committee also recommends that sections 63-2-12 and 13, C.R.S. 1963, be amended to transfer the responsibility of distributing bound Journals of the House and Senate from the Secretary of State to the Chief Clerk and Senate Secretary.

(6) The Committee believes that the practice of holding night sessions should be ceased. Therefore, it is recommended that rules be adopted in both houses to prohibit daily sessions after 6:00 p.m.

(7) The Committee recommends that the committee bill status sheets, published weekly through the use of ADP, should be distributed to members of the applicable committees in addition to the committee chairmen, leadership, and service agencies.

(8) The Committee recommends that the House and Senate Services Committees investigate possible additional or more effective uses for the men's legislative lounge on the third floor.\*

(9) The Committee believes that the noise problem in the Chambers should be reduced. Hence, the Committee recommends that the possibility of installing silent typewriters be explored.

(10) The Committee recommends the adoption, in concept, of the Legislative Intern Program proposed by Denver University and Colorado University. The coordinators of the Intern Program are asked to confer with the House and Senate Services Committees.

\*See Council Chairman's letter of transmittal, p. iii, for Council recommendation.



## THE CAPITOL COMPLEX PERIMETER

In recognizing that the need for legislative office space "involves the broader question of planning for the development of the state capitol complex", S.J.R. No. 36 (1970 Session) directed the Legislative Council, or a committee appointed by the Legislative Council to "review the entire state capitol complex planning program and its constituent parts in consultation with the Supreme Court and the Executive Department." The resolution also directed the Division of Public Works to assist the Committee:

....to develop alternative approaches to solving the space problems in the three branches of government, considering among other things the state capitol complex; possible dispersal of state offices elsewhere in the Denver area; and the possible need for regional offices of the several departments in key cities around the state.

In view of its prior efforts on the question of the long-range development of the Capitol Complex and its work on legislative space needs, the Legislative Council directed the Committee on Legislative Procedures to carry out the directives of S.J.R. No. 36.

### Committee Procedure

Among the alternate approaches mentioned were: consideration of the Capitol Complex; dispersal of offices in the Denver area; and the need for regional offices for executive departments in cities around the state.

A \$30,000 appropriation was made in the 1970 Long Bill to the Department of Administration to develop a Denver Regional Site Plan. According to a footnote in the bill:

... This appropriation is for the purpose of a long-range site plan which indicates the best use of state-owned land in the Denver area outside the Capitol Complex. The plan should include, but not be limited to, Camp George West, Colorado Youth Center, the National Guard Headquarters, Mount View Girls' School, Lookout Mountain School for Boys, and State Home and Training School, at Ridge. The plan also should include specific recommendations on transferring operations now located in the Capitol Complex to alternate sites, location of the CBI, location of a pursuit driver training track, and the the location of state laboratories.



However, the Department of Administration's inventory had not been completed in time for the Committee's consideration.

With regard to the need to disperse state agencies throughout the state, on September 15, 1970, the State Planning Office released a plan for designating twelve official planning regions for the state. The regions are based upon what the Planning Office considers "the most satisfactory arrangement of groups of counties arrived at after a multitude of factors were considered." The planning regions are limited to eight counties or less. The purpose of establishing planning regions is to aid state-wide planning studies, since such studies "are usually based on a regional concept, and are produced on a region by region basis." Another factor cited as adding impetus to the regional planning concept is the requirement in the U. S. Bureau of the Budget Circular A-95, which requires establishment of regional clearinghouses throughout a state in order to review requests for federal funding of local and state-wide projects.

It is the Committee's understanding that the twelve planning regions may some day serve as the basis for the establishment of a system of dispersing agencies throughout the state in "Regional Capitols". But the concept has not yet been developed, nor gone much beyond the "talk stage".

Neither the Denver Regional Site Plan nor the concept of regionalizing state government was far enough along for Committee consideration. Instead, the Committee on Legislative Procedures concentrated its effort solely on recommending a solution to the long-range development of the Capitol Complex; it was believed that the differences of opinion that have developed in the past over the direction and the extent to which the Complex should be developed merited a careful examination of the Capitol Complex problem, itself. Therefore, at its first meeting of the 1970 interim, the Committee approved a motion to recommend for submission to the 1971 Session of the General Assembly a proposed perimeter of the State Capitol Complex, within which the executive department could in the future embark upon a land acquisition program with assurances that the program followed legislative intent.

### Background for Study

As explained in more detail in the background material of this Report, in January, 1970, the Division of Public Works released a site and building program for the development of the Capitol Complex for the ten year period extending from 1970 to 1980. The plan envisaged the construction of a Judicial Building, containing 82,500 square feet of assignable space, plus a new state office building, with 171,000 net square feet. Exclusive of land acquisition, the cost of the two buildings came to



approximately \$3.8 million for the Judicial Building and \$5.2 million\* for the new office building. These buildings plus the Farmers' Union Building, acquired in 1969 for \$3 million and containing approximately 92,000 square feet of usable space, were to give the state an additional 350,000 square feet of office space to meet the projected space needs of state agencies until 1980.

As part of the ten year building program, Public Works also released a site plan for locating the two new buildings and to acquire additional land for building sites after 1980. The total cost for land acquisition was estimated at \$5.7 million.

The total estimated construction and land acquisition costs for the plan came to approximately \$17.7 million. Of this amount, \$5.5 million was appropriated in 1969 and 1970 for the acquisition of eight building sites (\$2,226,500), the Farmers' Union Building (\$3 million), and for physical planning for the construction of Office Building "A" (\$235,980). There remained to be appropriated approximately \$12.3 million -- \$3.8 million for construction of Office Building "A" and the Judicial Building; and \$3.5 million for land acquisition.

The site plan (Site Plan C shown on page 29 of this Report) represented a somewhat reduced version of a site plan recommended in 1967 by Space Utilization Analysis, Inc. (S.U.A.). The plan presented by Public Works placed the same emphasis on an easterly expansion of the Capitol Complex, as in S.U.A., Inc.'s site plan. The Proposed Judicial Building would serve as the eastern terminus of the Capitol Complex. However, according to Site Plan C, the proposed Court Building was to be located on one city block between East Colfax and 14th Avenues and Logan and Pennsylvania Streets. S.U.A., Inc. had recommended that the Court Building be situated on two city blocks. In both cases, there was to be an open mall between the Judicial Building and the Capitol Building, representing an eastern extension of the open space concept engendered by the Denver Civic Center.

1970 Legislative Action. However, during the 1970 session of the General Assembly, it became apparent that some members of the legislature believed that some of the specifics of Public Works' plan or at least some of its general site concepts should be altered.

\*Due to continuous inflation of construction costs, the request for construction money for the 1971-72 Fiscal Year amounts to \$6.1 million for Office Building "A", or \$.9 million more than the 1970-71 request.



First, no money was appropriated for the construction of a Judicial Building. It has long been recognized that relocating the Supreme Court in a separate building (or alternatively, locating the General Assembly in its own building) represents the ultimate solution to the long-range space needs of the General Assembly. The 1959-1960 Legislative Remodelling Committee, for instance, recommended that the State Museum Building be remodelled for use by the Court. Ultimately, it was determined that the space would be inadequate for the long-range space needs of the Judicial Department. Again, in 1968, the Committee on Legislative Procedures recommended that the highest priority be given to the immediate purchase of land for construction of a Judicial Building in view of the expanding functions of the judiciary on the state level.

Secondly, there were some questions raised by members of the General Assembly on the extent to which the Capitol Complex should be developed for housing state agencies and the geographical direction that development should take.

For example, in 1969, the General Assembly appropriated \$250,000 to the Division of Public Works for land acquisition in the Capitol area. In 1969 and in the early part of 1970, some \$235,000 of this appropriation was used to purchase options on eight sites in the area. The balance for the sites amounted to approximately \$2 million, which was appropriated by the 1970 General Assembly.

These sites were intended to effectuate, in part, Site Plan C during the 1970-1980 period. But Site Plan C envisaged the eventual purchase of the entire two blocks directly east of the Capitol, bounded by Grant and Pennsylvania Streets and Colfax and 14th Avenues. Some legislators believed that the eastern terminus of the Complex should be at Grant Street and that there should be an emphasis on development to the south of the Capitol. In turn, the Denver Civic Center open space concept would not be extended east of the Capitol. As one alternative, it was suggested that the Court Building could be located on the block bounded by 13th and 14th Avenues and Broadway and Lincoln Streets, the block on which the Employment Annex and the American Legion Buildings are located.

Thus, some controversy developed before and during the 1970 session over Site Plan C. Specifically, objections were voiced over the \$65,000 expended on the purchase of options for three sites east of Grant Street. Even though the \$693,000 balance to purchase these three sites was appropriated by the 1970 General Assembly and approved by the Governor, agreement among legislators on Site Plan C was not reached.



## Committee Recommendations

Attached to this Report is a map which depicts the recommended perimeter of the Colorado Capitol Complex for the period extending from 1970 to 1995.

Specifically, the Committee recommends that the Capitol Complex perimeter for the 1970 to 1980 period be extended to include the two blocks immediately east of the Capitol Building, bounded on the north and south by East Colfax and 14th Avenues and on the east and west by Pennsylvania and Grant Streets. The Committee also recommends that the southern perimeter of the Complex during the next ten years be extended to include the two blocks bounded by Grant and Lincoln Streets on the east and west and East 13th and 14th Avenues on the south and north. The recommendation for the 1970-1980 period also contemplates the acquisition of lots 9 and 10 in block 28 (the Boar's Head Restaurant at 1544 Lincoln Street) and lots 21 through 25 in block 25 (the southeast corner lots of the block bounded by Broadway, Lincoln Streets, 13th and 14th Avenues).

The Committee recommends that for the 1980-1995 period the Capitol Complex perimeter be extended to include the two blocks bounded on the east and west by Grant and Lincoln Streets and bounded on the north and south by East 12th and 13th Avenues, excluding lots 7 through 20, block 41 (the Western Farm Bureau Life Insurance Company at 1200 Lincoln Street). The extension would have the effect of making the State Employment Building an integral part of the Capitol Complex.

According to long-range plans of the Executive Department, the properties shown in grey on the map would be excluded from acquisition. This exclusion is in accordance with the recommendations of the Denver Landmark Preservation Commission. In the Commission's 1969-70 Annual Report to the Denver City Council, the following properties are recommended to be designated as historical landmarks:

Immaculate Conception Cathedral  
East Colfax and Logan

First Baptist Church  
East 14th and Grant

First Church of Christ Scientist  
East 14th and Logan

St. Mark's Church  
1160 Lincoln

Denver Women's Press Club  
1325 Logan

It should be emphasized that in addition to giving the Executive Department guidelines as to legislative intent and to facilitate orderly, long-range planning for the next 25 years, the Committee's recommendations are also intended to indicate to the citizens of Colorado the extent of future expansion of the state-owned facilities in the Capitol Hill area.

The Committee's recommendations should not be construed as a legislative declaration on where specific future state-owned and constructed buildings should be located within the recommended perimeter.

Land Acquisition Costs. From data prepared by the Division of Public Works, the lot-by-lot estimated land acquisition cost of the recommended Capitol Complex perimeter is detailed in Table 7, commencing on page 35 of this Report. The overall land acquisition cost to execute the proposal is estimated to be approximately \$8 million. By the actions of the 1969 and 1980 Sessions of the General Assembly, some \$2.2 million has already been appropriated, leaving a balance of \$5.8 million for the 25-year period. The estimated cost of the property remaining to be acquired for the 1970 to 1990 period is approximately \$3.5 million; for the 1980-1995 period, the cost is approximately \$2.3 million.

Site Plan "C" v. North-South Alternative. Since there existed sentiment among Committee members as well as other members of the General Assembly that the Capitol Complex perimeter should not be extended east of Grant Street, the Committee requested Public Works to prepare a cost comparison between Site Plan C and a north-south alternative site plan. Generally speaking, the latter would encompass an eight block area, bounded by East 16th and 12th Avenues on the north and south and Grant and Lincoln on the east and west. The plan would also include the entire block on which the Legion property is located, bounded by East 13th and 14th Avenues and Broadway and Lincoln Streets. According to Public Works, the estimated differences in land costs between the two plans amounted to about \$4.2 million -- the remaining property to be acquired in Site Plan C, costing \$3.8 million, and the north-south alternative plan about \$8.0 million.

Judicial Building's Location. However, aside from the cost factor perhaps the key issue around which the choice of a site plan revolved pertained to the ultimate location of the Judicial Building. For example, in past discussions, it had been suggested by some members of the legislature and the Legislative Procedures Committee that the building should share a block with either private or public structures. However, in 1970, there appeared to be some consensus among Committee members that the Court, as a



coordinate branch of government, should not have to share a block with any other entity. 1/

Employment Annex Building - Legion Property. The block on which the American Legion Building is located also contains the Department of Labor and Employment Annex Building. The building contains approximately 22,000 square feet of usable space and houses the Division of Employment's Industrial and Service Office and Delinquent Accounts and Field Section for Unemployment Compensation. In 1962, the building was acquired and remodelled for a total cost of approximately \$560,000, through the Department of Employment Building Authority, created pursuant to Article 12, Chapter 82, C.R.S. 1963. To acquire and remodel the building, some \$363,000 for remodelling was granted outright to the department by the U. S. Department of Labor; other moneys were advanced from the Unemployment Revenue Fund of the Department of Employment; and \$100,000 in anticipation warrants were sold by the Building Authority to PERA at four percent annual interest, which should be retired with amortization funds from the U. S. Department of Labor not later than 1982. 2/

Questions were raised by Committee members as to whether the \$363,000 outright grant made by the federal government for remodelling the building would have to be repaid, should the state require the State Department of Labor and Employment to vacate the property so that it could be demolished for a Judicial Building site. Another question was whether the state would also have to pay the \$100,000 owed PERA and the money initially advanced from the state Unemployment Revenue Fund. There would also be the problem of finding space to house the activities displaced by a state take-over of the Annex Building.

With regard to demolishing the American Legion Building for a Judicial Building site, there may be a possibility that the building, with relatively minor remodelling, could be used to house state activities now located in other overcrowded buildings. The building has two floors above ground and a basement and contains approximately 39,000 gross square feet of space.

Denver Civic Center and State's Obligation. Some Committee members also argued that the state has some obligation to the City and County of Denver to follow a site plan that will help forestall a continuance of the deteriorating social environment in the Capitol area. Moreover, the long-range plan should also

1/ Minutes of the Committee on Legislative Procedures, July 10, 1970, p. 8, and September 24, 1970, pp. 8-11.

2/ Report of State Auditor, 1961-62 Fiscal Year and Report of State Auditor, 1968-69 Fiscal Year.



be considered from the standpoint of enhancing the architectural and aesthetic values of the Denver Civic Center. Viewed from these perspectives, it is argued, an eastward expansion of the Capitol Complex perimeter is the most feasible, with the Court Building acting as the eastern hub of that extension.

Letter from Governor Love. While the Committee was considering the foregoing points, a letter from Governor Love, dated September 1, 1970, was sent to Chairman Frank A. Kemp, in which the Governor expressed his views on the questions of whether the line of the perimeter should be drawn at Grant Street, whether Site Plan C should be followed, and what is the most suitable site for a future Judicial Building.

The text of the letter from Governor Love follows.



# State of Colorado

EXECUTIVE CHAMBERS

DENVER

JOHN A. LOVE  
Governor

September 1, 1970

The Honorable Frank A. Kemp, Jr.  
Chairman  
Committee on Legislative Procedures  
State Capitol  
Denver, Colorado 80203

Dear Senator Kemp:

It is my understanding that the Legislative Procedures Committee is considering a recommendation to the General Assembly setting forth a proposed ten-year boundary for the Capitol Complex area. In conjunction with this the Committee is also working toward recommending a site in the above-mentioned area for the Judicial Building. I have been following this with interest, and it is on this matter that I would like to express my views and thoughts.

From an examination of the so-called "Plan C" produced by the Department of Administration, and an alternate plan discussed at the last meeting of your Committee, it appears that only two city blocks are applicable for the location of the Judicial Building. One is the block lying east of the Capitol, bounded by Pennsylvania and Logan Streets, Colfax and Fourteenth Avenues; and the second is the block bounded by Broadway and Lincoln Street, Thirteenth and Fourteenth Avenues (the site of the American Legion Building). All other city blocks within either plan would cause the Judicial Building to share a block with some other facility, either religious, fraternal, private, or public.

I believe the Committee and this office agree that a structure as important as the State Judicial Building, housing our Supreme Court and Appellate Court, deserves a full city block, without sharing that block with any other building.

In examining these two blocks it would appear that the advantages are in favor of the block lying east of the Capitol as opposed to the block on Broadway. It is felt that an itemization of some factors prompting this statement should be set forth, and they are as follows:



1. Property Acquisition

Costwise the east block would require approximately \$1,164,500 for acquisition of the remaining property, plus demolition cost of existing buildings. The Legion block would require acquisition of the remaining private property, which would cost approximately \$617,000; plus the appropriation of sufficient money to pay off the indebtedness on the Department of Employment building, Fourteenth and Broadway, which we understand is approximately \$560,000; plus demolition cost of all existing buildings.

2. Disruption of State Activities

Acquisition, demolition, and construction on the east block would entail no disturbance or displacement of State activities. Acquisition, demolition, and construction on the Broadway block would cause the relocation of the Employment Department housed in the Fourteenth and Broadway building and the elimination of State parking on the former American Legion lot. In addition to the cost figures in Item 1 above, at least another \$500,000 would be needed to provide space elsewhere to re-house the displaced Employment function.

3. Potential State Use of Buildings

Designation of the block to the east for the Judicial Building would not upset any potential use of existing buildings for State purposes. No buildings in the east block are economically or structurally adaptable for State use. On the contrary, designation of the Broadway block would preclude potential use of the two Legion buildings by the State, either in the near or long-range future, since they would be demolished. The Legion buildings are most adaptable for space assignment for utilitarian type functions needed in the Capitol Complex. Such functions would be those not wisely allocable to an office building. As an example, the main Legion building could most readily be adapted for a computer center, a printing and duplicating operation, a microfilming center, and/or laboratory facilities. Such use of the building would benefit the State at least ten years, probably longer.

4. Noise and Traffic Problems

The block to the east of the Capitol is less affected by noise and traffic in general as com-

pared to the Broadway block, principally because only two of the east block streets carry a high traffic load (Colfax and Fourteenth Avenues on the ends of the block). Logan Street carries a medium load, and Pennsylvania is not an arterial street. This is highly important to judicial proceedings, as noise of any type that would distract trial deliberations or override oral testimony would jeopardize the administration of justice. The Broadway site for the Judicial Building would have a high degree of exposure of this kind since it is between two commercial streets of very high traffic density (Broadway and Lincoln Street on the near sides of the block), coupled with the fact that the building also would lie between two reciprocal high traffic load streets (Thirteenth and Fourteen Avenues).

5. Open Space and Thoughtful Planning

Of the two locations for the Judicial Building, the east block presents the superior plan for the Capitol area in its relationship to the immediate neighborhood and the Denver Civic Center. Most important, however, the citizens of the State deserve a sufficiently expansive site, overwhelming in neither area nor structure, with openness, symmetry and naturalness of layout and design befitting Colorado's western environment. Since the Judicial Building, like the Capitol, shall stand at least one hundred years, its location and surroundings need careful consideration.

Sincerely,

/s/ John A. Love  
Governor

JAL/cb



## LEGISLATIVE CODE OF CONDUCT

As one of its principal topics for consideration during the 1970 interim, the Committee on Legislative Procedures considered the problem of drafting suitable legislation for a Legislative Code of Conduct. The recommended Code is contained in Appendix A, commencing on page xlix of this Report.

The Code, initially in bill form, is recommended by the Committee to be adopted as a Joint Rule of the House and Senate. Article V, Section 12 empowers each house "to determine the rules of its proceedings and punish its members or other persons for contempt or disorderly behavior" and "enforce obedience to its process." The Committee believes that this section would give the Code of Conduct the full force and effect of law as far as legislators are concerned. There was also the belief among Committee members that a Joint Rule afforded more flexibility than a statute during the formative and experimental stages of the Code.

However, the Committee believes that a statute is necessary to define contempt of the General Assembly by non-legislators, pursuant to Section 12 of Article V.

### Background of Recommended Code

In 1968 and 1969, the Committee on Legislative Rules of the National Legislative Conference concentrated a considerable degree of effort on attempting to draft a model "Code of Legislative Conduct." However, agreement could not be reached on some of the specific features of the completed draft. Consequently, the Rules Committee did not recommend that its draft be adopted as model legislation carrying the endorsement of the National Legislative Conference.

In broad terms, the Rules Committee identified three areas of potential concern to the individual legislator:

- (1) Conflict of interest situations;
- (2) Use of office to obtain special advantage for oneself or another; and
- (3) Situations that could be construed as being an abuse of office.

A "conflict of interest" was broadly defined as follows:



A legislator's personal interest conflicts with the public interest when it tends to affect his independence of judgment. The conflict disqualifies him from voting upon any question and from attempting to influence any legislation to which it relates.

Following this general definition, there were enumerated several variations of conflict of interest provisions found in other states. The Rules Committee included these provisions so that the particular state considering the draft code could select any of those provisions it wished to apply to its own circumstances. Some examples of potential conflict of interest situations and their origins follow:

--- Having or acquiring an economic interest in an enterprise which is affected differently by proposed legislation than would another enterprise in the same general area of business or profession. (Arizona, California, Massachusetts, and New York);

--- Having a close relative or economic associate with such special interests (Arizona, California, Massachusetts, Minnesota, New York, Oklahoma, and Texas);

--- Having a close relative or an economic associate who is a lobbyist or who employs a lobbyist. (Illinois); or

--- Accepting compensation, gratuities, or reimbursements for voting on proposed legislation (Louisiana, Illinois, Massachusetts, New York, and Pennsylvania).

As in the case of conflict of interest, provisions of other states were also used to delineate activities that could be construed as using one's office to obtain special advantage. Such situations, characterized broadly as "undue influence", could include any or all of the following:

--- Appearing before a state agency for which compensation is contingent upon action of the agency (New York);

--- Selling goods or services to the state in violation of laws governing public purchases by competitive bidding (Arizona, Hawaii, Iowa, Kentucky, New Mexico, New York, and Oklahoma);

--- Selling goods to a person subject to licensing or regulation by a state agency (Iowa, Missouri, New York, Oklahoma, and Texas).

The section on "abuse of office" also contained variations of provisions found in other states.



Included in other sections of the Rules Committee draft was a financial disclosure provision; a section creating a Committee on Legislative Conduct and providing for its powers and duties; and a penalty section.

Subcommittee Created. The Legislative Procedures Committee spent parts of two meetings considering the Rules Committee draft. However, it became apparent that the subject matter was of such complexity that it required closer study and more detailed consideration than the full Committee could give it. For example, some of the sample provisions found in the ethics codes of other states and contained in the Rules Committee draft were either too stringent, only bore some relevance to Colorado, or were already covered in existing Colorado provisions. A four member Subcommittee was appointed to work out the problem areas and report back to the full Committee.

The Subcommittee was composed of Senators Dines and Williams and Representatives Mullen and Schmidt. The Subcommittee met on four different days and spent over 20 hours preparing a Code of Conduct for full Committee consideration. The Subcommittee reported its findings to the full Committee and the Committee adopted the substance of the Subcommittee draft.

#### Summary of Provisions of Legislative Code of Conduct

An outline of the main provisions in the recommended Code follows:

(1) Definitions. Definitions of terms found in the proposed Joint Rule;

(2) Conflict of Interest. A number of situations are listed as those which could potentially raise questions as to whether a personal or private interest conflicts with the public interest and affects a legislator's independence of judgment. Where such conflict actually exists, it would serve to disqualify a legislator from voting on any question to which it relates. In some cases, a conflict of interest would exist if the legislator's close family or an economic associate had a personal financial interest in a bill. The interest would have to be distinct from that generally held by other members of his occupation, profession, or general line of business.

A legislator could not vote on a bill if a close economic associate or a relative is employed as a lobbyist to influence the legislation in question.

A conflict would also exist if a legislator accepts a gift, loan, service, or economic opportunity of significant value from a person who has an interest in an enterprise that would be



affected by proposed legislation. The conflict, in this case, would also exist if the gift, loan, etc., is accepted by a legislator's close relative. However, it was believed that it would be unrealistic to be so restrictive that receipt of normal amenities would be prohibited, or the citizen-legislator would be prohibited from pursuing his occupation or carrying on normal business activity. Thus, excluded from this restriction are; commercial loans; nonpecuniary gifts, insignificant in value; non-pecuniary public service awards; and reimbursements for actual and necessary expenditures for attendance at conventions or meetings at which a legislator is scheduled to participate and for which no reimbursement is made by the State of Colorado.

(3) Undue Influence. This section starts out as follows:

A legislator, by reason of his office, is or may be in a position to bring undue influence on other legislators, public officials, or private persons. To use this potential for economic gain is an abuse of office and a matter of concern to the body of which he is a member, whether or not the act is also punishable under the criminal laws.

The Code would prohibit a legislator from using his office in any of the cases enumerated below. As described in the background report, commencing on page 39 of this Report, some of these items are already included in the State Constitution or statutes. Therefore, there was an attempt to "codify" existing provisions on the use of office to obtain undue influence. The following activities would be prohibited:

- a) Obtaining confidential information or securing special advantage for himself, a relative, or an economic associate;
- b) Selling goods to a state agency in violation of laws governing public purchasing by competitive bidding;
- c) Having an interest in a contract to furnish supplies to any state agency or the General Assembly, contrary to Section 29 of Article V of the State Constitution;
- d) Soliciting, receiving, offering, or giving bribes contrary to the Constitution and public law;
- e) Giving or offering his vote in consideration of the vote of another member, contrary to Section 40 of Article V of the Constitution; and
- f) Attempting to influence any public official by deceit or threat, contrary to the Constitution and state law,



(4) Committee on Legislative Conduct. A four member bipartisan committee would be appointed by the majority and minority leaders of each house. The Committee would function as the overseer of the Code, render advisory opinions on possible violations, and act as the repository for statements required to be filed by legislators.

(5) Financial Disclosure. In order to provide the Committee on Legislative Conduct with basic information, on or before January 15 of each year, a legislator would be required to file with the Committee a list of names from which he, his spouse, and minor children received economic benefits during the previous year. No dollar amount need be stated and statement is confidential.

(6) Determination by the Committee of Conflict and Undue Influence Situations. This section provides the individual legislator and the legislature as a whole with the procedure for resolving questions that may arise under the sections dealing with conflict of interest and undue influence.

According to this section, questions of conflict of interest or undue influence could arise one of two ways -- either by the legislator himself or by the Committee on Legislative Conduct. A third party could bring a potential violation to the attention of the Committee, but the Committee itself would have to initiate the inquiry.

If a legislator believes he is affected by a conflict of interest or engaged in activity that involves undue influence, he may file with the Committee a statement describing the possible conflict or violation.

By a vote of three members, the Committee itself may initiate such an inquiry into possible conflict or undue influence situations. The legislator would be apprised of the possible conflict or violation in a letter signed by the chairman. The Committee would be required, if possible, to identify the bill to which the conflict relates or the activity in question. The letter may either request the legislator to confer with the Committee or file a signed statement on the matter. The Committee may also initiate an inquiry after the fact. It may continue with its inquiry even though the legislator did not respond.

However, the legislator himself may file a statement with the Committee or request a conference. A conference may be requested by the legislator even if the Committee had first asked for a statement.

All conferences would be confidential and not open to the public.



By whatever means the question of conflict or undue influence arises, the Committee would be required to submit to the legislator a written opinion in which it shall state either:

(a) A conflict of interest appears to exist on specifically identified matters and the legislator should disclose the fact to the house of which he is a member and refrain from voting on such matters, pursuant to Article V, Section 43 of the Constitution.

(b) A violation of the undue influence section appears to exist and that the legislator should cease the activity in question. If it appears that any violation of criminal law was made, e.g., acceptance of bribes, the Committee is required to deliver a copy of the opinion and all pertinent papers to the appropriate district attorney; or

(c) If no conflict or undue influence appears to exist, a written opinion would be required only if the legislator requests it.

With the exception of the violations of criminal law, all statements, Committee opinions, and other papers would be confidential and would not be subject to public inspection. However, a Committee opinion could be reported to the appropriate house as a result of any of the following conditions:

(a) If requested by the legislator himself;

(b) If the legislator acted contrary to the Committee's opinion; or

(c) If the legislator disagrees with the Committee's opinion and desires to submit it to a decision of the appropriate house, pursuant to Section 12 of Article V.

(7) Committee Secretary. The State Auditor would be *ex officio* secretary to the Committee. He would be the official custodian of all papers, reports, and statements, financial or otherwise, filed with the Committee pursuant to the Code. He would maintain an individual file for each legislator. His responsibilities could not be delegated to any other person.

(8) Member's File Confidential - Disposition. All papers in an individual member's file would be confidential and could be inspected by only the member himself; unless a committee opinion is released pursuant to the Code or the member is subject to disciplinary action by the house of which he is a member or subject to criminal prosecution.

In January of each year, the Secretary would be required to return all papers over 12 months old.

(9) Power of Each House -- Violators Punished. Pursuant to Article V, Section 12 of the Constitution, the parent house could overrule an opinion of the Committee on Legislative Conduct involving a conflict of interest interpretation; and, pursuant to this section of the Constitution, violators of the Code of Conduct would be in contempt of the General Assembly and would be punished as the parent house provides. However, if a criminal law is violated involving undue influence, a legislator would be subject to prosecution in the courts.



## UTILIZING COMMITTEES OF REFERENCE DURING INTERIMS

The next basic step that seems desirable in strengthening the legislative process in Colorado is to make greater use of the Committees of Reference, not only during a legislative session, but during the interim period between sessions. There are a number of reasons why this step appears not only desirable, but essential.

(1) Under the present system of interim work (i.e., the Legislative Council following the directions of the General Assembly, embodied in joint study resolution, establishes special study committees comprised to a great extent of legislators who express an interest in serving on a specific committee) the members who serve on council study committees may not be the same legislators who will be or are serving on the Committees of Reference to which study results and recommendations are referred.

This procedure frequently results in interim study results not being implemented, and it causes a delay in the normal legislative process while members of Committees of Reference become familiar with the study recommendations, and the whys and wherefores thereof. Many times this results in an actual duplication during a legislative session of the same hearings and debates that took place in the interim.

(2) The 1960's was a decade in which increasing emphasis was placed on strengthening state government, and particularly state legislative bodies, in order to preserve the federal system. Pressures have been brought to bear on the Council of State Governments to improve its services to the states, with particular emphasis on strengthening its Washington office in order that states, including the legislatures, can be aware of what is going on in Washington, both in the halls of Congress and in the several executive agencies and departments. In turn, it was thought that this would enable governors and state legislatures to have an "input" prior to final federal action, be it executive or congressional.

Council of State Governments' office is now producing information and requests for that "input" at an almost overwhelming rate. However, at the state level -- and specifically within the legislative branch -- it is difficult under the present system to respond effectively and rapidly to these requests.

(3) Under Joint Rule 25 the Committees of Reference are charged with the continuing responsibility for legislative oversight of those executive departments within their subject matter jurisdiction. During the rush of a legislative session this function is rather difficult to carry out in any meaningful way.



(4) There are a number of indications that the Colorado General Assembly and the citizens of the state desire to continue the concept of a part-time, citizen-type legislature as opposed to a full-time body which essentially results in service in the legislature becoming a profession.

#### Suggested Procedure

It would appear that the most efficient and economical way of utilizing the Committees of Reference during the interim is to have the Legislative Council designate the two parallel subject-matter Senate and House committees to serve as a Council committee during the interim between sessions. This system would work for the following subject-matter committees:

- (1) Education;
- (2) Transportation;
- (3) Finance;
- (4) Local Government;
- (5) Judiciary;
- (6) State Affairs; and
- (7) Game, Fish and Parks.

These committees are identical in each house. However, for the remaining committees, because of differences between the two houses, three committees would have to be combined into one for the interim. These committees are:

(8) House Business Affairs, House Labor and Employment Relations and the Senate Business and Labor committees to be labeled Business and Labor for the interim;

(9) Senate Health and Environment, Senate Institutions and Welfare, and the House Health, Welfare and Institutions committees to be labeled Health, Welfare, Institutions and Environment for the interim; and

(10) House Agriculture and Livestock, House Natural Resources, and Senate Agriculture, Livestock and Natural Resources committees to be labeled Agriculture, Livestock and Natural Resources for the interim.

This proposal does not encompass the two Appropriations committees. Whether these two committees might be utilized by the Joint Budget Committee to supplement its activities during the interim is something that might be considered.

The first problem that immediately comes to mind is that these combinations would result in extremely large interim Council committees. To illustrate, based on committee assignments during the 1970 session, each of these Council committees would have the following numbers of members:

(1) Education	26
(2) Transportation	27
(3) Finance	27
(4) Local Government	27
(5) Judiciary	27
(6) State Affairs	27
(7) Game, Fish and Parks	24
(8) Business and Labor Affairs	27
(9) Health, Welfare, Institutions and Environment	39
(10) Agriculture, Livestock and Natural Resources	41

Obviously, even a 26 member committee would be extremely unwieldy. However, most members of the Senate serve on five committees of reference and most House members serve on three. This, of course, results from the fact that the Senate has only 35 members as contrasted to the 65 members of the House. Thus, if the Council were to ask each House member which two of his Committees of Reference he would prefer to serve on during the interim (and three committees in the case of a Senator) the numbers on the Council interim committees could be reduced. This would make the committees a somewhat more workable size and certainly would reduce the cost of committee meetings.

This would result in 130 committee assignments for House members during the interim and 105 for senators -- a total of 235 -- or an average of 23 members per committee, i.e., 13 House members and 10 senators.

Even with the smaller number serving, it undoubtedly would be necessary to establish a lesser quorum requirement to enable the committees to function. Perhaps a quorum requirement of nine would be reasonable under the circumstances. The Council would have to exercise some discretion in committee assignments; otherwise some committees would be too large and others too small.



The Council would have to take care that the chairmanships of the ten committees were balanced between the two houses. However, now that the Council statute has been amended to provide equal representation from the two houses this should not be any problem. In any event, a tradition should be established of having the chairman and vice chairman from opposite houses.

One of the problems in recent years has been the number of committee meetings held during the interim between sessions. For the past several years the average has been in excess of 100 meetings per interim. As the interims grow shorter (a result of longer sessions), the number of meetings leaves less and less staff time to accomplish the research each committee requires. Also, that many meetings constitutes a considerable imposition on the time of members.

With ten Council interim committees, a regular schedule for interim committee meetings could be developed and followed. For example, a schedule such as follows could work to the advantage of all concerned.

- (1) Education - 1st Tuesday of each month;
- (2) Transportation - 1st Wednesday of each month;
- (3) Finance - 1st Friday of each month;
- (4) Local Government - 2nd Tuesday of each month;
- (5) Judiciary - 2nd Wednesday of each month;
- (6) State Affairs - 2nd Friday of each month;
- (7) Game, Fish and Parks - 3rd Tuesday of each month;
- (8) Business Affairs and Labor - 3rd Wednesday of each month;
- (9) Health, Welfare, Institutions and Environment - 3rd Friday of each month; and
- (10) Agriculture, Livestock and Natural Resources - 4th Tuesday of each month.

This procedure would enable a member to plan his schedule for the interim much more advantageously than he now can. It would mean a Senator would have three days per month scheduled and a House member two days per month.

Additional meetings could be planned when necessary and if certain committees did not need to meet, even monthly meetings could be cancelled.



Generally this would reduce the total number of interim committee meetings to approximately sixty as opposed to the excess of 100 experienced during the past few years.

This objective cannot be achieved if subcommittees are created. There is a very definite tendency on the part of committees which have several assignments and large membership to want to divide into subcommittees, and this tendency must be discouraged if the advantages of this proposed system are to be realized.

Under this proposal the Council would still have authority, as it now has, to create smaller special committees on specific topics if it appeared to be desirable; a Committee on Legislative Procedures would be an example.

The Council would continue, as at present, to exercise the over-all managerial function for interim research activities, including the approval of expenditures, assignment of staff, etc.

This procedure could result in reducing the necessity for issuing as many formal research reports as is now the case.

The man days of staff time that could be saved and utilized for additional research merely by reducing the number of committee meetings (arranging such meetings, attending the meetings and preparing minutes of them) plus a reduction in the number of formal reports would be tremendous.

In terms of the problems enumerated at the beginning of this memo, this procedure would result in:

(1) Results of studies conducted during the interim being considered by largely the same people who conducted the studies. This would be especially true for the even-year session, but even following the convening of a new General Assembly undoubtedly there would be considerable continuity in the membership of Committees of Reference. In fact, this procedure would encourage members to develop more expertise in given areas of their choice, a fact that would undoubtedly strengthen the legislature in the long run.

(2) One of the problems in responding to appeals by the Council of State Governments' for a legislative position on a given federal question is: who speaks for the state legislature? The answer is that no one can actually speak for the legislature. However, a Council committee comprised of more of the membership of the subject matter committee of each house could certainly give a good indication of what the legislative point of view would be. By meeting on a regular monthly basis, the legislative branch would be in a much better position to act when the time is appropriate than is now the case. Also, it will enable legislators to



be fully aware of state legislative action that will be required to implement new federal programs.

(3) During the interim, time could be spent with heads of principal departments and their division heads or aides in exercising the legislative oversight function, i.e., seeing how well laws are working and finding out more about problems the principal departments of the executive branch are having in carrying out policies of the General Assembly as promulgated in law.

(4) The interim committees, subject to whatever limitations or directions the General Assembly and/or the Council has given them, would be able to determine additional areas within their subject matter jurisdictions that might need study.

(5) It would appear that the procedure suggested above would enable Colorado to maintain its traditional concept of the part-time, citizen-type legislature and, yet, organize itself in such a way as to effectively meet the problems it is going to be facing.

## OTHER RECOMMENDATIONS

### Electric Roll-Call System for the House

The Committee reiterates its 1969 recommendation <sup>1/</sup> that an electric roll-call system should be installed in the House of Representatives to help eliminate the considerable time presently being spent on oral roll-calls.

In 1969, the Committee did not believe that the installation of an electric roll-call system in the Senate was feasible due to its relatively small size.

In 1970, the legislature appropriated \$80,000 for fiscal year 1970-71 for the installation of an electric roll-call machine, but it was decided during the 1970 session to defer action on the matter, which prevented installation in time for the 1971 session.

As part of the Committee's 1969 interim work, the Committee witnessed demonstrations of two systems by the representatives of the Communication Equipment and Engineering Company (CEEEO) and International Roll-Call Corporation, which, at that time, had systems in 11 and 26 state legislatures, respectively.

In addition, Daktronics, Inc., a relatively new firm in the field of legislative roll-call systems, presented a demonstration for the benefit of the members of the General Assembly during the 1970 session. Prior to the demonstration in Colorado, Daktronics had presented its system to the South Dakota Legislative Council.

CEEEO and International Roll-Call offered the option either to purchase a system outright or enter into a rental agreement. However, CEEEO preferred to sell its system outright, while International Roll-Call has made provision for a "rental and maintenance" agreement in most of the states where it has installed systems.

The terms of the proposals submitted to the Committee in 1969 by the two companies are detailed in the 1969 Report. Literature on each company and information on their roll-call systems are on file in the Legislative Council Office.

Literature on the Daktronics roll-call system and a prospectus of that company is also on file in the Legislative Council Office.

<sup>1/</sup> Legislative Procedures in Colorado, Part IV, Colorado Legislative Council, Research Publication No. 146, December, 1969, pp. xx, 23, 85.



Last Year the Committee did not recommend which system should be acquired or whether a roll-call system should be purchased or leased. The 1969 Committee believed that those questions should have been the responsibility of whatever body that may be charged with making the final decision, e.g., the House Services Committee or the Legislative Council.

### Class One Printing Contract

Public printing for the state is divided into four classes by section 109-2-3, C.R.S. 1963: class one consists of legislative bills, resolutions, calendars, and Journals; class two is the "Session Laws of Colorado"; class three is the Supreme Court opinions; and class four printing are other types of printing required by agencies. The Revisor of Statutes reports, the Colorado Revised Statutes, etc., are provided for separately in Article 4 of Chapter 135, C.R.S. 1963.

Other sections of Article 2 of Chapter 109 authorizes the legislature to establish the standards and specifications for class one printing.

Analyses of class one printing for the 1969 and 1970 sessions indicated that costs could be reduced, if bid specifications were altered to accord with the actual volume of printing. The Committee reviewed the 1969 and 1970 printing contract and made several recommendations for change in the specifications applicable to the 1971-72 contract. The Committee's recommendations, in turn, were transmitted to the House and Senate Services Committees. An analysis of the 1969 and 1970 printing program and a description of the changes recommended to the two services committees are contained in this Report, commencing on page 51. With some exceptions, the services committees endorsed the recommendations made by the Committee and the bid specifications adopted were advertised and were used by the State Purchasing Agent to award the contract, pursuant to law. There was a consensus that the lower bid submitted by the printing firm that was awarded the contract represented more realistic prices than in prior years and should produce considerable savings.

One of the changes recommended by the Committee require an amendment to the Joint Rules. Another Committee recommendation requires amendments to sections 63-2-12 and 63-2-13, C.R.S. 1963.

(1) Joint Rule No. 10. It was determined that the number of copies ordered printed was much higher than the basic order number shown in the 1969-70 contract, and, as the number ordered increased, so did the price.

Joint Rule No. 10 stipulates that there shall be 450 copies of each bill ordered printed; consequently, in recent printing

contracts, the contract specifications have used 450 as the basic number on which a bid should be submitted by a printing firm. Thus, in 1969 and 1970, the winning bid per page was \$4.20 for 450 copies plus a 70 cent add-on charge for each additional 50 copies ordered. Thus, as shown in Table 10, page 57 of this Report, not once in the 1969 or 1970 Session were 450 copies of a bill ordered printed; most frequently either 550 or 600 copies were printed, at costs per page of \$5.60 for 550 copies and \$6.30 for 600 copies.

The Committee believed that it would be more realistic to change the basic order from 450 to 600 to accord with actual number of copies ordered; the contract was subsequently advertised and awarded on this basis. The Committee, therefore, recommends that Joint Rule No. 10 be changed to agree with the new specifications -- there would be 600 copies of each bill ordered printed instead of 450; additional copies could be ordered with the prior approval of the presiding officer of the applicable house. (Joint Rule No. 10, as amended, is contained in Appendix C of this Report.)

(2) Distribution of Bound Volume Journals. The Committee also recommends that sections 63-2-12 and 63-2-13, C.R.S. 1963, be amended to transfer the responsibility of distributing bound Journals as provided by law. Presently, the Secretary of State is charged with this responsibility, but the Committee believes that the recommended transfer is compatible with other recently enacted changes which gave the legislative department more responsibility in distributing Session Laws.

#### Prohibition of Sessions After 6:00 p.m.

The Committee recommends that the House and Senate each adopt rules prohibiting sessions after 6:00 p.m. Sessions that last well into the night are usually held during the closing days of a session in an attempt to get the business of the session completed.

The Committee believes there are a number of disadvantages to holding night sessions. Quite often some of the most important bills before the legislature in a particular session are considered during its closing days. Holding late night sessions, the Committee believes, not only detracts from the public image of the General Assembly, but is unfair to both legislators and administrative staffs of the House and Senate.

As reported by the Chief Clerk of the House and Secretary of the Senate, the possibility of error is greatly increased by night sessions. The staff, for example, quite often must work long after a daily session is finished and legislators have gone home in order to prepare for the next day. This is particularly



true during the latter part of the session when the workload is heaviest. With sessions extending into the night, there is frequently insufficient time to accurately complete the engrossing process for bills passed on second reading during the evening and to otherwise complete the necessary paperwork before the start of the next day's session. With little or no time for double-checking second reading amendments, mistakes may be inevitable and the applicable house would be passing on third reading legislation that may be defective. On occasion, there is not enough time to reproduce and distribute to legislators engrossed bills, third reading calendars, and daily Journals. As a consequence, the individual legislator, who himself has had neither enough rest nor time to digest the previous night's legislative action, may be faced with the responsibility of voting on bills which may not be error free and for which he does not have complete information. (See Appendix D for rule change.)

#### Weekly Committee Bill Status Sheets

Pursuant to a 1968 recommendation by the Committee on Legislative Procedures, weekly committee bill status sheets were prepared in the 1969 and 1970 sessions through use of automated data processing equipment. Each week, a status sheet was prepared for each committee of reference which showed by number, title, and prime sponsor every bill pending committee action as of Friday afternoon.

In 1969 and 1970, committee bill status sheets were distributed to the applicable committee chairmen and the leadership, Chief Clerk of the House, Senate Secretary, and various legislative service agencies. The status sheets were intended to expedite the work of committee chairmen in planning future committee workload. They were also intended to aid the House and Senate leadership in assigning bills to committees, as well as help the leadership determine where particular bills were located.

The Committee on Legislative Procedures recommends that, commencing with the 1971 session, committee members as well as the chairman receive a weekly bill status sheet. The Committee believes that such information would be valuable information for all members to receive.

Some delays have resulted in issuing the status sheets. At times, the list of bills pending in committee the previous Friday were not distributed until the middle or toward the end of the next week, which was too late to be of much practical value. The Committee believes that procedures should be established to allow for the preparation of status sheets over the weekend so they will be available for distribution early in the week.



### Men's Legislative Lounge

The Committee recommends that the Senate and House Services Committees investigate the present uses of the men's legislative lounge, and suggest possible additional or more effective uses of the area.

Presently, the men's lounge appears to be utilized to a minor extent by the members of the General Assembly. For this reason, the Committee felt that this area could be put to more effective use. The Committee suggested that the room could be used as a work area for legislators if the lounge were equipped with a number of desks, typewriters, and telephones. It was also suggested that this space could be used as a work area for the legislative interns.

### Silent Typewriters

The Committee recommends that the Secretary of the Senate and the Chief Clerk of the House of Representatives contact a typewriter firm in order to find a solution to the typewriter noise problem that exists in both Chambers of the General Assembly. Committee members suggest that the use of heavier pads and accoustical boards be considered. Some members of the Committee felt "silent" typewriters would not, in themselves, offer a solution to the noise problem.

### Legislative Intern Program

Commencing with the 1967 session, students from various colleges and universities in the Denver metropolitan area have been assigned to individual legislators to serve as legislative aides and to attain an understanding of the legislative process. There were some 15 legislative aides assigned to legislators in the 1970 session.

The Committee conferred with representatives from the University of Colorado and the University of Denver to hear a proposal for the implementation of a Legislative Intern Program in the 1971 session under which interns would be allowed college credit for participation. Appearing before the Committee were Representative Richard Lamm; Mr. Howard Gelt, University of Denver; and Mr. Herb Mazzola, Mr. James Bessee, Mr. Dan Sloan, and Mr. Thomas Kitsos, University of Colorado. According to the proposal made to the Committee, the program, sponsored jointly by the University of Colorado and the University of Denver, is intended to serve the following three purposes:

- (1) Education through providing training in the legislative process.

- (2) Communication through interrelationships with individual legislators, service agencies of the legislature and the institutions of higher learning from which the interns are drawn.
- (3) Assistance through supplemental services to the members of the legislature and staff such as long term research, constituency contacts, publicity work, committee reporting and any other task as may be assigned.

Some Committee members had raised questions relating to the overall objectives of the program, the rules and regulations governing the decorum of the individuals serving as interns while in the Chambers, and the operating procedures of the program.

In concept, the Committee recommends the adoption of the Legislative Interim Program. However, the coordinators of the program are asked to confer with the House and Senate Services Committees concerning the adoption of further guidelines of some of the program's specifics, such as finding suitable working space for the interns and guidelines on decorum.



Appendix A

LEGISLATIVE CODE OF CONDUCT

1       Be It Resolved by the Senate of the Forty-eighth General  
2 Assembly of the State of Colorado, the House of Representatives  
3 concurring herein:

4       That the Joint Rules of the Senate and the House of Repre-  
5 sentatives be amended BY THE ADDITION OF A NEW JOINT RULE to  
6 read:

7                               JOINT RULE NO. 26

8       (A) Definitions. As used in this joint rule, unless the  
9 context otherwise requires:

10       (1) "Close economic associate" or "close economic associa-  
11 tion" means the legislator's employer, client, employee, and  
12 partner or associate in business or professional activities; en-  
13 terprises of which a legislator is a director or officer; corpo-  
14 rations in which a legislator owns more than ten percent of the  
15 outstanding capital stock; and an enterprise which is his signi-  
16 ficant unsecured creditor, or of which he is a significant credi-  
17 tor, and a trust of which he is a beneficiary. It does not mean  
18 a bank or savings and loan association in which his interest is  
19 in the form of an account; nor an officership, directorship, or  
20 employment in a political, religious, charitable, or educational  
21 entity which returns compensation to him of less than one thous-



1 and dollars per year.

2 (2) "Close relative" means the spouse of the legislator and  
3 the following natural, adoptive, and adopted members of the legis-  
4 lator's family and the family of his spouse: Mother, father,  
5 children, brothers, and sisters.

6 (3) "Committee" means the committee on legislative conduct.

7 (4) "Enterprise" means corporation, partnership, proprie-  
8 torship, association or other legal entity (other than an estate  
9 or trust) engaged in business for profit.

10 (5) "Lobbyist" means any person employed by or representing  
11 another person having a personal special interest, who seeks to  
12 influence the action of any member of the general assembly, or any  
13 of its committees, concerning any measure proposed or pending be-  
14 fore the general assembly. The term does not include a member of  
15 the executive or judicial department or an officer of any political  
16 subdivision of the state furnishing information or expressing the  
17 official views of his agency or political subdivision, nor does it  
18 include a constituent seeking to influence his own senator or rep-  
19 resentative, nor an individual speaking or writing to an individual  
20 legislator, nor an expert witness appearing before a committee of  
21 the general assembly, nor any officer of a political party speak-  
22 ing or writing to legislators from his party.

23 (6) "Committee papers" means the reports, statements, writ-  
24 ten opinions, and other documents of the committee filed with or  
25 developed by the committee pursuant to the provisions of this joint  
26 rule.

27 (7) "Person" and "another" means an individual, partnership,  
28 association, corporation, or other legal entity.

29

1           (8) "State agency" means every department, commission,  
2 board, division, office, council, or other agency created as part  
3 of the state government pursuant to law and supported by state  
4 moneys.

5           (B) Conflicts of interest - personal or private interests  
6 versus public interest - definition. (1) Subject to article V,  
7 section 43, of the state constitution, a legislator has the right  
8 to vote upon all questions before the house of which he is a mem-  
9 ber and to participate in the business of the house and its commit-  
10 tees, and in so doing, he is presumed to act in good faith and in  
11 the public interest. When a legislator's personal interest con-  
12 flicts with the public interest and tends to affect his independence  
13 of judgment, his legislative activities are subject to limitations,  
14 Where any such conflict exists, it disqualifies him from voting  
15 upon any question and from attempting to influence any legislation  
16 to which it relates.

17           (2) A question arises as to whether a personal or private  
18 interest tends to affect a legislator's independence of judgment  
19 if the legislator:

20           (a) Has or acquires a substantial economic interest by  
21 reason of his personal situation, distinct from that held generally  
22 by members of his occupation, profession, or business, in a measure  
23 proposed or pending before the general assembly; or has a close  
24 relative or close economic associate with such an interest.

25           (b) Has or acquires a financial interest in an enterprise,  
26 direct or indirect, which enterprise or interest would be affected  
27 by proposed legislation differently than like enterprises.

28           (c) Has or acquires a close economic association with, or  
29 is a close relative of, a person who has a financial interest in an



1 enterprise, direct or indirect, which enterprise or interest would  
2 be affected by proposed legislation differently than like enter-  
3 prices.

4 (d) Has or acquires a close economic association with, or  
5 is a close relative of, a person who is a lobbyist, or who employs  
6 or has employed a lobbyist, to propose legislation or to influence  
7 proposed legislation on which the legislator has or may be expected  
8 to vote.

9 (e) Accepts a gift, loan, service, or economic opportunity  
10 of significant value from a person who would be affected by or who  
11 has an interest in an enterprise which would be affected by pro-  
12 posed legislation. This provision shall likewise apply where such  
13 gift, loan, service, or opportunity is accepted by a close relative  
14 of the legislator. It shall not normally apply in the following  
15 cases: a commercially reasonable loan made in the ordinary course  
16 of business by an institution authorized by the laws of this state  
17 to engage in the business of making loans; an occasional nonpecuni-  
18 ary gift, insignificant in value; a nonpecuniary award publicly  
19 presented by a nonprofit organization in recognition of public ser-  
20 vice; or payment of or reimbursement for actual and necessary ex-  
21 penditures for travel and subsistence for a legislator's personal  
22 attendance at a convention or other meeting at which he is sched-  
23 uled to participate and for which attendance no reimbursement is  
24 made by the state of Colorado.

25 (C) Undue influence - definition. (1) A legislator, by  
26 reason of his office, is or may be in a position to bring undue in-  
27 fluence on other legislators, public officials, or private persons.  
28 To use this potential for economic or private gain is an abuse of  
29

1 office and a matter of concern to the body of which he is a member,  
2 whether or not the act is also punishable under the criminal laws.

3 (2) The following limitations shall apply to legislative  
4 conduct and violations are declared to constitute undue influence:

5 (a) A legislator shall not use his public position, inten-  
6 tionally or otherwise, to obtain or attempt to obtain any confi-  
7 dential information or special advantage for himself, a close rela-  
8 tive, or a close economic associate.

9 (b) A legislator shall not sell goods or services to a  
10 state agency in a transation not governed by the laws relating to  
11 public purchasing by competitive bidding, or intercede for or rep-  
12 resent another in so doing; nor shall he in any way be interested  
13 in any contract to furnish supplies, printing, repairs, or furnish-  
14 ings to the general assembly or any other state agency, contrary  
15 to section 29 of article V of the state constitution.

16 (c) A legislator shall not solicit, receive, offer, or give  
17 any bribe, contrary to the state constitution and the provisions  
18 of sections 40-7-5 and 40-7-6 and 40-7-43 to 40-7-45, C.R.S. 1963;  
19 nor shall he accept or give any compensation, gratuity, or reim-  
20 bursement for voting upon any question or for attempting to influ-  
21 ence legislation.

22 (d) A legislator shall not give or offer to give his vote  
23 in consideration of the vote of another member, contrary to the  
24 provisions of section 40 of article V of the state constitution.

25 (e) A legislator shall not attempt to influence any public  
26 official by deceit or threat, contrary to section 42 of article V  
27 of the state constitution and sections 40-7-59 and 40-7-60, C.R.S.  
28 1963.

29



1           (D) Committee on legislative conduct created - powers and  
2 duties. There is created a committee on legislative conduct, con-  
3 sisting of two members of each house of the general assembly, one  
4 of whom shall be appointed by the majority floor leader of each  
5 house, and one of whom shall be appointed by the minority floor  
6 leader of each house.

7           (1) The chairman of the committee shall be elected by a  
8 majority vote of the committee. In the event two or more persons  
9 have an equal number of votes, the chairman shall be determined  
10 by lot, to be cast as the committee may determine. Except for mem-  
11 bers of the initial committee, appointments shall be made no later  
12 than ten days after the convening of the first regular session of  
13 the general assembly held in each odd-numbered year. Membership  
14 on the committee shall terminate upon the convening of the first  
15 regular session of the general assembly held in each odd-numbered  
16 year, but a member may be appointed to succeed himself on the com-  
17 mittee. Vacancies in the committee's membership shall be filled  
18 in the same manner as original appointments.

19           (2) The committee shall:

20           (a) Inquire into questions of conflict of interest or undue  
21 influence under this joint rule, and the misuse of any committee  
22 papers filed with the committee pursuant to this joint rule, render  
23 opinions thereon, and recommend punishment to be imposed upon of-  
24 fenders.

25           (b) Recommend additions to and changes in this joint rule,  
26 and the rules of either house respecting legislative conduct, vot-  
27 ing disqualifications, disclosure reports, and procedures to be  
28 followed.

29

1           (c) Adopt rules of committee procedure not inconsistent  
2 with law or the rules of the two houses.

3           (3) The committee may function without regard to recess  
4 periods or adjournment sine die of the general assembly. Members  
5 of the committee shall receive per diem allowances and reimburse-  
6 ment for actual and necessary expenses, the same as any other leg-  
7 islative committee.

8           (4) For the purposes of this joint rule, the committee  
9 shall have the power to subpoena witnesses, take testimony under  
10 oath, and to assemble records and documents, by subpoena duces  
11 tecum or otherwise, with the same power and authority as courts of  
12 record, and may apply to courts of record for the enforcement of  
13 these powers. The sheriff of any county shall serve any subpoena  
14 on written order of the committee in the same manner as process is  
15 served in civil actions. Witnesses subpoenaed to appear before the  
16 committee shall receive the same fees and expenses as witnesses in  
17 civil cases.

18           (5) The committee shall give any legislator under inquiry  
19 an opportunity to be heard; to be advised and assisted by legal  
20 counsel; to produce witnesses and offer evidence; and to cross ex-  
21 amine witnesses.

22           (6) Actions of the committee as provided by this joint rule  
23 require the concurrence of three members.

24           (E) Disclosure of interest. In order to provide the commit-  
25 tee with basic information, every legislator shall file with the  
26 committee, on or before January fifteenth of each year, a written  
27 report in such form as the committee shall prescribe, giving the  
28 following information:

29



1           (1) A list identifying by name (together with such informa-  
2 tion as may be required for complete identification) all enter-  
3 prises and their principal type of economic activity, from which  
4 the legislator, or his spouse or minor children living with him,  
5 derived during the last preceding calendar year, or expects to de-  
6 rive in the current calendar year, directly or indirectly, at least  
7 one thousand dollars in ordinary income or five thousand dollars  
8 in capital gains. Neither the nature of the payments nor the dol-  
9 lar amounts need be stated, but payments received from an interme-  
10 diate enterprise should also be attributed, where possible, to the  
11 original source.

12           (2) A list identifying by name (together with such infor-  
13 mation as may be required for complete identification) all enter-  
14 prises and their principal type of economic activity, in which the  
15 legislator, or his spouse or minor children living with him, as of  
16 the last preceding December 31, had an economic interest with either  
17 a market or book value of ten thousand dollars or more, including  
18 situations where such interest is as a creditor or unsecured deb-  
19 tor. Interest as a stockholder or bondholder may be excluded, un-  
20 less the legislator, his spouse, and minor children own ten per-  
21 cent or more of any class of outstanding stock or bonds of the is-  
22 suing corporation.

23           (3) A list of all interests in real property which the  
24 legislator, his spouse, or any minor child living with him, wishes  
25 to sell or rent to the state or has reason to believe the state may  
26 wish to buy or rent.

27           (4) A list identifying by name all persons from whom a  
28 legislator derives income, gifts, or other benefits of monetary  
29

1 value, directly or indirectly, which are intended to supplement the  
2 compensation or reimbursements he receives from the state as pro-  
3 vided by law.

4 (5) A list identifying by name each economic association  
5 or close relative of the legislator, or his spouse or minor chil-  
6 dren living with him, that may be expected to be engaged as a lob-  
7 byist during the current session of the general assembly.

8 (6) A list of all enterprises of which the legislator is  
9 the owner or a director, officer, or partner.

10 (F) Determination regarding conflict and undue influence  
11 situations -- committee procedure. A question arising under para-  
12 graph (B) or (C) of this joint rule shall be initiated and resolved  
13 as hereinafter provided:

14 (1) A legislator, affected with a situation or engaged in  
15 an activity that he thinks may be or appear to be a conflict under  
16 paragraph (B) or a violation under paragraph (C), may file with  
17 the committee a signed statement in which he describes the circum-  
18 stances of the possible conflict or violation. If the question  
19 pertains to paragraph (B), the statement shall describe the circum-  
20 stances of the possible conflict and the identity of the bill or  
21 other measure to which such conflict relates. If the question  
22 pertains to paragraph (C), the statement shall describe the activi-  
23 ties in question and the nature of the legislator's participation.  
24 By signing the statement, the legislator acknowledges the truth of  
25 the statement.

26 (2) The committee, by a majority vote, may initiate an in-  
27 quiry into possible violation of paragraphs (B) or (C) of this  
28 joint rule. In a letter, signed by the chairman of the committee,  
29



1 the legislator involved shall be apprised of the possible conflict  
2 or violation, and, as applicable, the identity of the bill or other  
3 measure to which such conflict relates, or the activity in question  
4 and the nature of the legislator's participation that may involve  
5 undue influence. The letter may request the legislator either to  
6 confer with the committee or to file a signed statement describing  
7 the circumstances of the possible conflict or violation. If a  
8 signed statement is requested, the legislator shall submit such  
9 statement within three days after receipt of the request. Nothing  
10 in this section shall prevent the committee from inquiring into a  
11 legislator's possible conflict of interest or use of undue influ-  
12 ence and rendering a written opinion to him thereon, even though  
13 the activity ceased or the vote was cast prior to the inquiry or  
14 the rendering of the opinion. The contents of the opinion shall  
15 not be made public, nor printed in the journal unless permitted  
16 pursuant to paragraph (H) of this joint rule. No such inquiry shall  
17 take place or opinion be rendered more than twelve months after the  
18 activity ceased or the vote was cast.

19 (3) If a question is raised under either paragraphs (F) (1)  
20 or (2) of this joint rule, the legislator involved may request a  
21 conference with the committee to describe the circumstances of the  
22 possible conflict or violation, or the committee may set a hearing  
23 on the matter, inform the legislator under inquiry thereof, and  
24 advise him of his rights under paragraph (D) (5). Neither a con-  
25 ference nor a hearing shall preclude the holding of the other.

26 (4) If, after receiving a request by the committee pursuant  
27 to paragraph (F) (2), a legislator fails or refuses to appear or  
28 fails or refuses to submit a signed statement, the committee may  
29

1 nevertheless proceed with its inquiry into the possible conflict  
2 or violation and reach its conclusions.

3 . (5) A written opinion on the possible conflict or violation  
4 signed by a majority of the committee may be submitted to the legis-  
5 lator in any case, whether the question arose under subparagraph  
6 (F) (1) or (F) (2).

7 (6) Such written opinion shall state that:

8 (a) A conflict or violation appears to exist on specificall-  
9 ly identified matters, and, pursuant to this joint rule and to  
10 section 43 of article V of the state constitution, the legislator  
11 should disclose the fact to the house of which he is a member and  
12 should refrain from voting on such matters, whether in committee,  
13 the committee of the whole, or the applicable house itself; or

14 (b) No conflict or violation appears to exist which would  
15 prevent the legislator from voting and otherwise participating in  
16 the legislative process fairly, objectively, and in the public  
17 interest in relation to the matters described; or

18 (c) No undue influence appears to exist; or

19 (d) A violation of undue influence appears to exist, con-  
20 trary to the provisions of paragraph (C) of this joint rule, and  
21 that the legislator must cease such activity; but if it appears  
22 that there is a violation of a criminal law specified under para-  
23 graph (C) (2) (C) or (C) (2) (e), the committee shall deliver a  
24 copy of the opinion and all pertinent committee papers to the ap-  
25 propriate district attorney.

26 (e) However, if no conflict or undue influence appears to  
27 exist, no written opinion shall be made, unless requested by the  
28 legislator to which the opinion relates.

29



1           (G) When legislator permitted to vote. Nothing in para-  
2 graph (F) (6) of this joint rule shall be construed as prohibiting  
3 a legislator from voting for a bill or other measure whose passage  
4 would adversely affect his personal or private interest, or from  
5 voting against a bill or other measure whose defeat would adversely  
6 affect his personal or private interest; and nothing in paragraph  
7 (F) (6) of this joint rule shall be construed to prevent a legisla-  
8 tor from voting on the report of the committee of the whole, unless  
9 such vote is conducted solely on the bill or measure in which he  
10 has a personal or private interest.

11           (H) Publication of opinions. A copy of the written opinion  
12 submitted to a legislator pursuant to paragraph (F) of this joint  
13 rule shall be kept on file by the committee. It shall be reported  
14 to the appropriate house and published in the journal if:

15           (1) Requested by the legislator to whom the opinion is ad-  
16 dressed;

17           (2) The committee determines that the legislator, after  
18 receiving an opinion addressed to him, voted for or against a bill  
19 or other measure or engaged in an activity, contrary to that opi-  
20 nion; or

21           (3) The legislator disagrees with the opinion and desires  
22 to submit the matter to a decision of the appropriate house, in  
23 which event the house shall determine such question by majority  
24 vote of all members thereof.

25           (I) Committee secretary - files. The state auditor shall  
26 serve ex officio as secretary to the committee and he shall be the  
27 official custodian of all committee papers filed with the commit-  
28 tee pursuant to this article. He shall perform the following  
29

1 duties and responsibilities, which shall not be delegated to any  
2 other person:

3 . (1) The secretary shall maintain an individual file contain-  
4 ing the committee papers for each member of the general assembly.  
5 Such papers are confidential and shall not be inspected by any  
6 other person, except the individual legislator himself, who shall  
7 have access to his own file, and the members of the committee. No  
8 such file or any committee paper therein shall be copied, excerpted,  
9 or released, except as provided in paragraph (H) of this joint rule,  
10 or except in relation to disciplinary action by the applicable house  
11 or for purposes of prosecution.

12 (2) All papers in a legislator's file shall be maintained by  
13 the secretary for the current year and the last preceding year only,  
14 No later than January 20 of each year, the secretary shall return  
15 to each member of the general assembly all the committee papers  
16 in the member's file that are more than twelve months old; except  
17 that such papers shall be returned to a former legislator (or the  
18 executor or administrator of his estate in the event of his death)  
19 immediately after he ceases to be a member of the general assembly,

20 (J) Violations - penalties. (1) A legislator who violates  
21 any provision of this joint rule, or induces, attempts to induce,  
22 aids, or abets another to violate any provision of this joint rule,  
23 or who knowingly files a false statement under paragraph (F) or a  
24 false report under paragraph (E) of this joint rule, is in contempt  
25 of the general assembly and shall be punished as his parent house  
26 provides.

27 (2) Nothing in this joint rule shall limit the power of each  
28 house of the general assembly, as prescribed in article V, section  
29 12, of the state constitution; and nothing shall be construed to



1 to prevent prosecution in the courts of the state for violations of  
2 criminal laws specified in paragraphs (C) (2) (c) and (C) (2) (e)  
3 of this joint rule.

4 (K) Applicability of joint rule. The provisions of this  
5 joint rule shall not apply as the basis for the recall of any mea-  
6 sure by either house nor otherwise constitute the basis to contest  
7 the validity of any legislative action on any bill or other mea-  
8 sure on which a vote was cast by any member of either house in vio-  
9 lation of this joint rule.

10 (L) Effective date. This joint rule shall take effect  
11 July 1, 1971.

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Appendix A-1

A BILL FOR AN ACT

CONCERNING THE CRIME OF CONTEMPT OF THE GENERAL ASSEMBLY, AND PROVIDING  
FOR THE PUNISHMENT THEREFOR.

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

SECTION 1. Article 2 of chapter 63, Colorado Revised Statutes 1963,  
as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

63-2-33. Contempt of the general assembly - punishment. Pursuant  
to the provisions of section 12 of article V of the state constitution,  
any person who violates any rule of either house of the general assembly  
or any joint rule of the two houses prescribing the conduct of persons  
other than members of the two houses of the general assembly is guilty of a  
misdemeanor and upon conviction shall be punished by a fine of not more than  
one thousand dollars, or by imprisonment in the county jail for not more  
than six months, or by both such fine and imprisonment.

SECTION 2. Effective date. This act shall take effect on July 1,  
1971.

SECTION 3. Safety clause. The general assembly hereby finds, deter-  
mines, and declares that this act is necessary for the immediate preservation  
of the public peace, health, and safety.



Appendix A-2

A BILL FOR AN ACT

CONCERNING SPECIAL COMMITTEES OF THE GENERAL ASSEMBLY, AND PROVIDING FOR  
THE CREATION, POWERS, AND DUTIES OF THE SAME.

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

SECTION 1. Article 2 of chapter 63, Colorado Revised Statutes 1963,  
as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

63-2-32. Special committees. The general assembly may, by resolution,  
create one or more special committees to serve both during and in the interims  
between sessions of the general assembly relating to the transaction of bus-  
iness of the two houses. The membership, powers, duties, compensation, and  
subpoena powers of any such committee shall be prescribed by the resolution  
creating the same, but any such resolution may be amended from time to time.  
The meetings and records of any such committee shall be closed meetings and  
confidential records only to the extent prescribed in any such resolution.

SECTION 2. Effective date. This act shall take effect July 1, 1971.

SECTION 3. Safety clause. The general assembly hereby finds, deter-  
mines, and declares that this act is necessary for the immediate preservation  
of the public peace, health, and safety.

Appendix B

NUMBER OF BILLS ORDERED PRINTED

Joint Rule No. 10

There shall be printed 450 600 copies of all bills ordered printed by ~~standing-committees-or either-house, unless the Senate or House of Representatives, or any standing committee shall otherwise order, in which event not less than 200 nor more than 600 copies shall be printed as ordered by either house,~~ THE SECRETARY OF THE SENATE OR CHIEF CLERK OF THE HOUSE. MORE THAN 600 COPIES MAY BE INITIALLY ORDERED WITH THE APPROVAL OF THE PRESIDENT OF THE SENATE OR SPEAKER OF THE HOUSE, AS THE CASE MAY BE.



## Appendix C

### A BILL FOR AN ACT

CONCERNING THE DISPOSITION OF JOURNALS OF THE SENATE AND THE  
HOUSE OF REPRESENTATIVES.

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

SECTION 1. 63-2-12, Colorado Revised Statutes 1963, is amended  
to read:

63-2-12. Disposition of journals. The secretary of state  
THE SENATE AND THE CHIEF CLERK OF THE HOUSE OF REPRESENTATIVES  
shall deliver one copy of each of the published journals to the  
county clerks of the several counties of the state who shall keep them  
on file for public inspection, one copy to each member of the general  
assembly, and one copy to the supreme court library. The secretary  
of state THE SENATE AND THE CHIEF CLERK OF THE HOUSE OF REPRESENTA-  
TIVES shall retain sufficient copies for other official uses.

SECTION 2. 63-2-13, Colorado Revised Statutes 1963, is amended  
to read:

63-2-13. Cost of publication. ~~The services required to be  
performed by the secretary of state shall be done and performed by him  
as one of the duties of his office and without any extra fee, charge  
or compensation whatsoever.~~ The cost of the publication of said  
journals shall be paid out of any money available and appropriated  
for the payment of the incidental and contingent expenses of the general  
assembly.

SECTION 3. 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.

Appendix D

NO SESSIONS AFTER 6:00 P.M.

House Rule No. 4

(a) The regular hours of meeting of the House of Representatives shall be 10:00 a.m. daily, unless otherwise ordered. NO DAILY SESSION SHALL EXTEND PAST 6:00 P.M.

Senate Rule No. 1

(a) The regular hour of meeting of the Senate, unless otherwise ordered, shall be 10 o'clock a.m. daily. NO DAILY SESSION SHALL EXTEND PAST 6 O'CLOCK P.M.



## THE DEVELOPMENT OF THE CAPITOL COMPLEX: EXECUTIVE, JUDICIAL AND LEGISLATIVE SPACE REQUIREMENTS

The origin of what is known as the "Capitol Complex" commenced in January, 1869, when Henry C. Brown deeded to the Colorado Territorial Government a tract of land for the territory's Capitol site, bounded today by 14th and Colfax Avenues and Lincoln and Grant Streets. <sup>1/</sup> Denver was legally selected as the Capitol City in November, 1881, in accordance with Article VIII, Section 2 of the State Constitution. In 1883, the Fourth General Assembly passed a statute that provided funds for the start of construction of a State Capitol Building and the creation of the seven-member Board of Capitol Managers which was charged with the responsibility of selecting an architect and overseeing the planning and construction of the building. On July 4, 1890, the cornerstone was laid and, in 1908, the structure was completed for an approximate cost of \$2.7 million.

State Museum Building. When the Capitol was dedicated in 1890, it was believed that the Capitol would satisfy space needs of agencies for years to come. However, in what has become to be the rule rather than the exception throughout the history of the Capitol Complex in this century, even before the Capitol Building was completed in 1908, the Board of Managers was reporting a contrary conclusion. For example, in December, 1904, the Board, which had the legal responsibilities for space assignments and utilization, reported that problems already were arising due to a shortage of space. By 1906, the Board reported that several departments of government demanded more space, particularly the Historical Society, whose collections of exhibits and papers were growing. In order to solve the latter problem, the Board in 1906, made the following recommendation to the legislature:

Provision should be made for these exhibits, and for the State papers of the State Historical Society, in a fireproof building in the vicinity of the State Capitol;...and for...the purchase of a suitable site and erection thereon of an appropriate building. <sup>2/</sup>

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<sup>1/</sup> An excellent history of the development of the Capitol Complex up to the construction of the State Services Building is contained in the following Master of Arts thesis: William R. Pyle, "History of the Colorado State Capitol Complex," (unpublished Master's thesis, Department of History, University of Denver, March 1962).

<sup>2/</sup> Ibid., p. 42.

In addition, there was a growing need for more space in the Capitol Building, occasioned by the creation of more state agencies. Thus, the 1909 session of the General Assembly appropriated \$100,000 for the purchase of a site in the immediate vicinity for the construction of a State Museum Building. By the end of 1914, the Museum Building was completed at a cost of approximately \$540,000, including \$35,000 for the site.

State Office Building -- Land Acquisition Policy. The Board of Managers did not limit its recommendations to acquiring an appropriate site for the construction of a Museum Building. In 1912, for instance, the Board recommended the purchase of the three remaining corner lots opposite the north and south wings of the Capitol Building. The three sites, for which \$120,000 was appropriated by the General Assembly in 1917, were acquired between 1917 and 1919. Eventually, these sites were used for the State Office Building, the Capitol Annex, and the State Services Building.

With respect to the State Office Building, the increased demands for space during World War I and the existence of new federal agencies were key factors leading to its construction. The General Assembly, responding to a recommendation made by the Board of Managers in 1918, established a joint committee to consider the possibility of constructing another building in addition to the Museum Building. The 1919 session of the General Assembly received the joint committee's favorable report, which noted that existing buildings were "badly congested" and there was an immediate need for a new building "to accommodate offices of the Executive Departments of the State Government." <sup>3/</sup> The State Office Building, designed and constructed to harmonize with the Capitol and Museum Buildings, was opened in 1921, at a construction cost of \$1.5 million.

Capitol Annex and Heating Plant. By 1940, both the State Capitol Annex and the heating plant were completed. The Annex was built in response to state government's increasing complexity and size during the decade between 1920 and 1930, which meant that space was again at a premium in the Capitol Complex. During this period, the state commenced the practice of renting space in downtown Denver. A contributing complication was added when numerous federal agencies were competing for space in the same area. Thus, by mid-1935, the Colorado Executive Council, which had replaced the Board of Capitol Managers as the overseer of space utilization in the Complex, had decided to seek federal help in the construction of a new building to meet the increas-

<sup>3/</sup> House Journal, 24th Session, (March 4, 1919) p. 1040.



ing demands on existing facilities. In 1935, the Superintendent of Public Buildings was authorized to make formal application for United States Government aid under the Public Works Administration (PWA). Financing for the new building was arranged on a 45-55 matching basis, with the state assuming 55 percent of the cost.

Financing. In 1917, the General Assembly passed a statute establishing a state-wide mill levy for the Capitol Building Fund in order to finance the construction of the State Office Building. This act was amended in 1919 to finance construction of the State Office Building. The 1917 act was passed:

...for the purpose of maintaining, supporting, improving, furnishing and refurnishing the Capitol and Colorado museum buildings and grounds, for the purchase of additional ground and the construction of additional buildings, and for maintaining, supporting, improving, furnishing, and refurnishing the same,... 4/

An additional mill levy was passed by the legislature in 1921, for the years 1922-1925, to complete the construction of the State Office Building that had opened in 1921. 5/ In order to finance the 55 percent state share of the Capitol Annex and heating plant project, a mill levy was again relied upon to finance the construction; the tax was to start in 1937 and to run for 10 years. The overall cost was approximately \$1.26 million, with the state and federal government shares at \$700,000 and \$560,000, respectively. 6/

State Services Building. After World War II, many state agencies were renting space in downtown offices. In 1946 and 1947, the annual rental amounted to approximately \$60,000 per year. The Superintendent of Capitol Buildings in 1949, informed the Governor that "the state faces a problem of major proportions in providing space and facilities for various state departments" and he noted that the "state is paying more than \$96,000 annually in rentals." 7/ Authority for construction of the present State Services Building was granted in 1947, by the General Assembly, but start of construction was postponed until 1958. By 1959, approximately \$3.8 million had been accumulated through the building mill levy funds, with the new building taking approximately \$3.7 million of that amount. But a survey conducted

4/ Section 405, Compiled Laws of Colorado, 1921.

5/ Section 5810, Mill's Annotated Statutes.

6/ Pyle, op. cit., pp. 62-70.

7/ Ibid., p. 72.

in December, 1961, by the State Planning Division indicated that the 113,000 square feet of usable space the state obtained by the construction of the State Services Building was inadequate to meet the already pressing space needs of some state agencies.<sup>8/</sup>

As was true to a lesser degree in the pre-World War II era, the State Office Building had been completed and occupied almost simultaneously with the time when it was found to be inadequate. It would appear, however, that from the outset, the Board of Capitol Managers, its predecessors, various Governors, and the General Assembly were all aware of the need for good site planning, as evidenced by the emphasis put on acquiring suitable sites in the immediate vicinity of the Capitol Building, and constructing buildings that would not architecturally or aesthetically detract from the Capitol Building itself.

#### Legislative and Judicial Space Needs, 1960-1968

By the time the Capitol Building was completed in 1908, the population of Colorado was approximately 540,000. There were, by 1920, approximately 1 million people in the state and state expenditures were nearly \$10 million that year. At the end of World War II, the population had grown to about 1.2 million; the population of Denver was 330,000; and the state budget was approximately \$57 million. According to the 1940 census, 47 percent of its population was located in rural areas, and agriculture constituted the backbone of the economy.

In the 1945-1946 biennium, the General Assembly met 110 days. Except for the Lieutenant Governor and the Speaker, who had private offices, the members of the General Assembly used their desks as "legislative offices". No filing space was provided, and the General Assembly had four committee rooms.

By the time the State Services Building was ready for occupancy in 1960, the population of Colorado had grown to 1.8 million and the annual state budget was approximately \$300 million for fiscal year 1960-61. Thus, the growth in state expenditures was six times that of 1946, and the population between 1940 and 1960, had grown by about 42 percent.

From the 1880's and up to the time of the construction of the State Services Building, the emphasis had been on housing executive agencies. But accompanying the growth of Colorado's population, the state's budget, and the evolution of the state from a rural to an increasingly urban economy and environment, the func-

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<sup>8/</sup> Ibid., pp. 78-79.



tions of the General Assembly and the Colorado court system inevitably expanded. Commencing with the 1952 session, the General Assembly has met annually in an attempt to meet its increasing responsibilities as a coordinate branch of government. But, even today, with the exception of separate suites for House and Senate committee rooms and some filing space, the facilities available to individual legislators are much the same as they were in 1945 or 1960, or indeed, 1920.

The Judicial department has also had similar growing pains in attempting to meet its increasing responsibilities.

In many ways the development of the Capitol Complex since 1960, can be seen as one in which the legislative and judicial branches of state government, from the space standpoint, are as vitally interested in its future evolution as the executive department had been during the 70 years between 1890 and 1960.

1959-1960 Legislative Committee on Remodelling. Upon completion of the State Services Building in 1960 and the vacating by executive department agencies of space on the second and third floors of the Capitol Building, the General Assembly reserved the entire second and third floors for use of the General Assembly and the Supreme Court. Also in 1959, the General Assembly, by joint resolution of the two houses, created an interim committee to prepare plans and recommendations for the allocation of space on the two floors between the General Assembly and the Supreme Court and the remodelling of the space vacated by the executive agencies.

In the report to the 1960 Session of the General Assembly, the committee made the following two recommendations:

- (1) As a sound long-range program for the state, the committee recommends that the Supreme Court be relocated in the State Museum Building.
- (2) That funds be authorized by the General Assembly to prepare plans and cost estimates for remodelling the Museum Building to accommodate the Supreme Court; also funds for preparing plans and cost estimates for a new Museum Building; also that the State Planning Division explore sites for the new State Museum in Denver;... 2/

As a result of the 1959-60 committee's efforts, remodeling projects were undertaken to refurbish the House and Senate Chambers; remodel and furnish the areas now used for leadership offices and for Senate committee rooms; and to clean up, carpet, and refurnish the Supreme Court Chamber. In addition, it was determined at that time that the Supreme Court would occupy the area on the second and third floors north of the Rotunda, while the General Assembly would have all the area on these two floors south of the Rotunda.

However, in order for both the General Assembly to eventually have the use of the entire second and third floors in the Capitol Building and satisfy the growing space requirements of the Supreme Court, studies in 1959 and 1960 were also made to determine the feasibility of constructing a building for the State Historical Society, which was to vacate the present Museum Building. The latter building, in turn, was to be altered to meet the needs of the Supreme Court.

Pre-preliminary planning money was appropriated in 1960 to remodel the Museum Building for use of the Supreme Court and money was allocated to take an option on a site for a new Museum Building. However, the State Historical Society objected to removing the State Museum from the Capitol Complex area. A feasibility study was completed in November, 1960, by the architectural firm of Fisher and Davis. The study indicated that the Museum Building could be converted for use by the Supreme Court at an estimated cost of \$450,000. But some questions were raised as to whether the building would be sufficiently large to house both the Supreme Court and a projected Intermediate Court of Appeals.

Since 1960, not only has the Court of Appeals been created, but the state has taken over the financial administration of the state's entire court system, a judicial personnel classification system has been adopted, and the State Public Defenders Office has been created.

1966-68 Committee on Legislative Procedures. As part of the 1966, 1967, and 1968 interim work of the Committee on Legislative Procedures, considerable attention was directed toward resolving both the immediate space needs of the General Assembly and long-range space and building requirements for agencies housed in the Capitol Complex.

With regard to the immediate space needs of the legislature, the 1966 Committee on Legislative Procedures appointed a three-member subcommittee to determine what additional space for legislative purposes was needed. In addition to meeting the increasing space demands of legislative service agencies and judicial administration, the subcommittee determined that the most serious problems were lack of space for House committee



rooms and the increasingly crowded conditions on the second floor for the administrative operations of the General Assembly.

It was believed that the problem required more immediate solutions than waiting for the construction of a Supreme Court Building or the development of a long-range master plan. Thus, alternatives were discussed and studied to find these solutions. For instance, the Legislative Procedures Committee reported the following to the 1967 Session of the General Assembly:

Although the longer range requirements of space for the General Assembly can wait on the development and implementation of a Master Plan there are some critical needs for additional space immediately. In an attempt to resolve these immediate needs, the committee looked at the possibility of using the attic of the Capitol Building for additional space. The Director of Public Works was requested to prepare a rough estimate on the cost of remodelling the attic into usable space. According to those estimates 30,000 square feet of space could be reclaimed, without disturbing the roof of the building, at a cost of approximately \$2,000,000. By modifying the roof design and appearance, two floors of space, totalling 60,000 square feet could be reclaimed at an approximate cost of \$3,500,000.

In addition to the substantial costs involved, it would undoubtedly be necessary to vacate a substantial portion of the building while such a remodelling program is underway; consequently, the committee does not recommend this approach to resolving the space problems in the Capitol Building. 10/

As another alternative, the committee asked the Division of Public Works to prepare cost estimates for completely flooring over the wells on the third floor of the Capitol Building, and partitioning the added floor space for purposes of providing legislators with some office space. It was determined that 5,000 square feet of space could have been obtained in this manner for a cost of approximately \$100,000. For a number of reasons, including the adverse effects the project would have had on the historical and aesthetic values of the Capitol Building, the project was not pursued further.

10/ Legislative Procedures in Colorado, Colorado Legislative Council, Research Publication No. 119, December, 1966, p. 28.

Long-range Master Plan. In 1966, the Committee on Legislative Procedures recommended that planning funds be released to the Division of Public Works to commence work on a master plan for development of the Capitol Complex. In the fall of 1966 and at a cost of \$72,000, the state retained Space Utilization Analysis, Inc., (S.U.A.) of Beverly Hills, California, for the long-range study.

The study was conducted in the early part of 1967 and the consultant made a preliminary report in July, 1967, and a final report, consisting of four volumes, in the fall of that year.

1968 Legislative and Judicial Remodelling Projects. In the 1967 and 1968 interims the Committee on Legislative Procedures undertook the dual tasks of finding solutions to immediate legislative and judicial space needs, and reviewing the long-range master plan developed by S.U.A., Inc. S.J.R. No. 3, passed in the 1968 Session, was indicative of the generally accepted belief that solving immediate space needs was only a temporary solution to the development of the Capitol Complex area. The resolution directed the Committee "to continue its review of long-range plans for the development of the Capitol Complex and report its findings thereon to the General Assembly for its consideration." But "pending the approval of the long-range plan", the resolution continued, certain executive agencies belonging to the Department of Administration that were then occupying the basement and the first floors of the Capitol Building, should be relocated and the vacated space be re-allocated to the judicial and legislative departments.

By the start of the 1969 Session, the following results had been achieved by the 1968 remodelling project:

- (1) With the exception of Automated Data Processing Services and the State Treasurer, all executive agencies had been removed from the basement of the Capitol Building.
- (2) With the exception of ADP, all the component units of the Department of Administration were consolidated into one building -- the State Services Building.
- (3) The areas vacated by the executive agencies, including the area formerly occupied by the State Controller on the first floor, were remodelled for use by the Legislative Council Office, State Auditor, and Legislative Drafting Office. The Joint Budget Committee Office was relocated in the area formerly occupied by the Legislative Council and the Lieutenant Governor's Office was moved to



the space vacated by the Joint Budget Committee. As a result of the latter move, the Senate gained another work room adjacent to the Senate Chambers.

- (4) A suite of six House committee rooms were obtained, carpeted, and furnished on the ground floor.
- (5) The Judicial Administrator's Office was moved to the area that had been vacated by the Legislative Drafting Office on the third floor.

The total cost for the legislative and judicial remodeling projects in the Capitol Building approximated \$150,000.

No solution was found for providing office space for legislators. However, the 1968 committee did recommend that the ADP be moved to the sub-basement of the State Services Building. The committee recommended that the space vacated by ADP be allocated to the Legislative Council Office and the Legislative Drafting Office adjacent to the Revisor of Statutes. In the manner recommended, all space south of the space occupied by the Treasurer in the basement would be used by these three legislative service agencies.

The committee also recommended that the former space on the third floor that was occupied by the Legislative Council would be reserved for senatorial offices. The area in the north end of the Capitol basement was to be reserved for offices for House members.

However, objections were raised to the proposed ADP move and the proposal was not pursued further after 1968.

Due to the general re-shuffling of executive agencies that resulted from the 1968 legislative and judicial remodeling projects, an additional 45,000 square feet of space, costing approximately \$158,000 annually, was leased in the Columbine Building at 1845 Sherman Street.

Review of Long-range Master Plan  
and Steps for Implementation  
in 1969 and 1970

In the summer of 1967, the Procedures Committee and the members of the Joint Budget Committee conferred with representatives of S.U.A., Inc., and its consultant, the architectural and planning firm of John Carl Warnecke and Associates, in order to review the preliminary report on the long-range space and building program for the Capitol Complex developed by the consultants. One of S.U.A.'s principal functions was to determine the existing and projected space requirements of state agencies and departments for the period extending from 1967 to 1995. As their other major function, the space and planning consultants developed a Capitol Complex Master Site Plan which would house all state agencies anticipated to either occupy the Capitol Building or the immediate vicinity around it, taking into consideration the suitability of all sites and buildings in the Capitol Complex area owned and occupied by the state.

Pursuant to the directives of S.J.R. No. 3 (1968 Session), the Legislative Procedures Committee reviewed the S.U.A. report and submitted its report to the 1969 Session of the General Assembly.

Scope of the Study and S.U.A., Inc.'s Conclusions

To determine the anticipated space needs for the state between 1967 and 1995, S.U.A., Inc., projected the growth of population and the expected growth in the economy of Colorado during this period. Subsequently, projections of the gross number of state employees that would be required was undertaken, taking into consideration the type of personnel that would be required to meet the expanding needs of the state. Based on these analyses, the following four conclusions were reached:

- (1) The population of the State will increase from its 1965 level of 1,949,000 to a 1995 population of 3,586,000.
- (2) The per capita income of State residents has been conservatively projected from the 1965 level of \$2,710 to a 1995 level of \$4,940. The increase in population and its income can produce the State income required to finance employee growth and the projected building program without tax increases that place undue hardships on any sector of the State.



- (3) The number of State employees occupying space within the Capitol Complex will increase from the 1967 level of 3,226 to a 1995 level of 6,467. This growth has been projected on the assumption of the resurging importance of State governments in our federal system and the needs to provide services to an expanding population.
- (4) Applying the space standards developed by S.U.A., Incorporated, which have proved to conserve space with flexible, modular planning, the space requirements for those State activities that should be contained within the Capitol Complex increases from the present level of 554,354 square feet to a 1995 level of 1,309,872 square feet. 11/

Agencies Excluded from the Capitol Complex. As Item 4 indicates, not all state agencies are to be located in the Capitol Complex area. In determining which agencies should be centrally located, the consultant weighed such factors as:

- (1) The flow of work between agencies or their functional interrelationships;
- (2) Must visitors, doing business with one state agency, consult with one or more additional agencies before their business is complete?
- (3) The actual organization of state government; 12/ and
- (4) The nature of an agency's operations and facilities. 13/

With respect to item 3, the consultant in 1967 was working under some preconceived assumptions; reorganization of the executive department was not completed until 1968.

Based on the preceding factors, it was anticipated that the Department of Highways; and Game, Fish, and Parks should not be located within the Capitol Complex; these two agencies were,

11/ Analysis of Space Use: Report to the State of Colorado,  
S.U.A., Incorporated, Vol. I, p. I-6.

12/ Minutes of the Subcommittee on Space Problems, September 14,  
1967, p. 6.

13/ S.U.A., Incorporated, op. cit., p. I-3.

therefore, specifically excluded from the study. Moreover, additional agencies were recommended for exclusion or continued exclusion from the Capitol Complex even though S.U.A., Inc., conducted an analysis of their existing and future space requirements. These additional agencies were: Division of Motor Vehicles; Department of Health; State Inspector of Oils; Youth Opportunity Center; and Laboratory and Inspection facilities, Department of Agriculture.

#### S.U.A., Inc.'s Building and Site Development Programs

(1) Land Acquisition and Construction Programs. To increase space in the Capitol Complex from 550,000 square feet available in 1967 to the projected requirements of 1,300,000 in 1995, S.U.A., Inc., recommended that a five-phase construction program and the two-phase land acquisition program be undertaken by the state, as described below:

Land Acquisition - Phase I. S.U.A., Inc., recommended acquiring 8 1/2 blocks by 1970 of which 4 blocks would be used for surface parking, 2 blocks for the Supreme Court Building, and the remaining 2 1/2 blocks for Office Buildings A, B, and C, plus an addition to the Museum Building.

Land Acquisition - Phase II. By 1985, S.U.A., Inc., recommended acquiring still another 2 3/4 blocks on which would be built another extension to the Museum Building, Office Buildings D and E, and 2 blocks would be used for parking structures.

Construction - Phase I. S.U.A., Inc., recommended construction by 1970 of Office Buildings A, B, and C, a Supreme Court Building, and an extension of the Museum Building. Also, it was anticipated the existing Juvenile Parole Building at 112 West 14th, the Employment Annex at 14 East 14th, and the State Library Building at 1362 Lincoln would be demolished during Phase I.

Office Building A was recommended for use by the Archives (many of its activities would be underground) and by the State Library.

Office Building B was recommended for the Department of Revenue and Office Building C for the Division of Employment.

Construction - Phase II. By 1975, the Capitol Building would be remodelled and the Archives Building at 1530 Sherman Street would be demolished.



Construction - Phase III. S.U.A., Inc., recommended that by 1980 Office Building D be constructed to house various agencies of the Departments of Administration, Natural Resources, Regulatory Agencies, Institutions, and Local Affairs.

Construction - Phase IV. By 1985, S.U.A., Inc., envisioned the demolition of the State Office Building and the construction of Office Building E. Those agencies in Office Building E would include the Division of Welfare, and the Departments of Treasury, State, and Agriculture.

Construction - Phase V. S.U.A., Inc., recommended that an addition be made to the State Museum by 1995.

(2) Master Site Plans A and B. Two alternative master plans for the complex were proposed by the consultant. The principal differences in the two plans were the location of the proposed Supreme Court Building and the amount of land to be acquired.

In Site Plan Alternative A, the Court Building was to be located in the two block area bounded by Pearl and Logan Streets on the east and west and by Colfax and 14th Avenues on the north and south. The block directly east of the Capitol Building would serve as an open mall between the Court Building and Capitol. Approximately eleven and one-half blocks would be acquired for building sites and development in the blocks bounded by Pearl Street on the east, 12th Avenue on the south, and Broadway on the west.

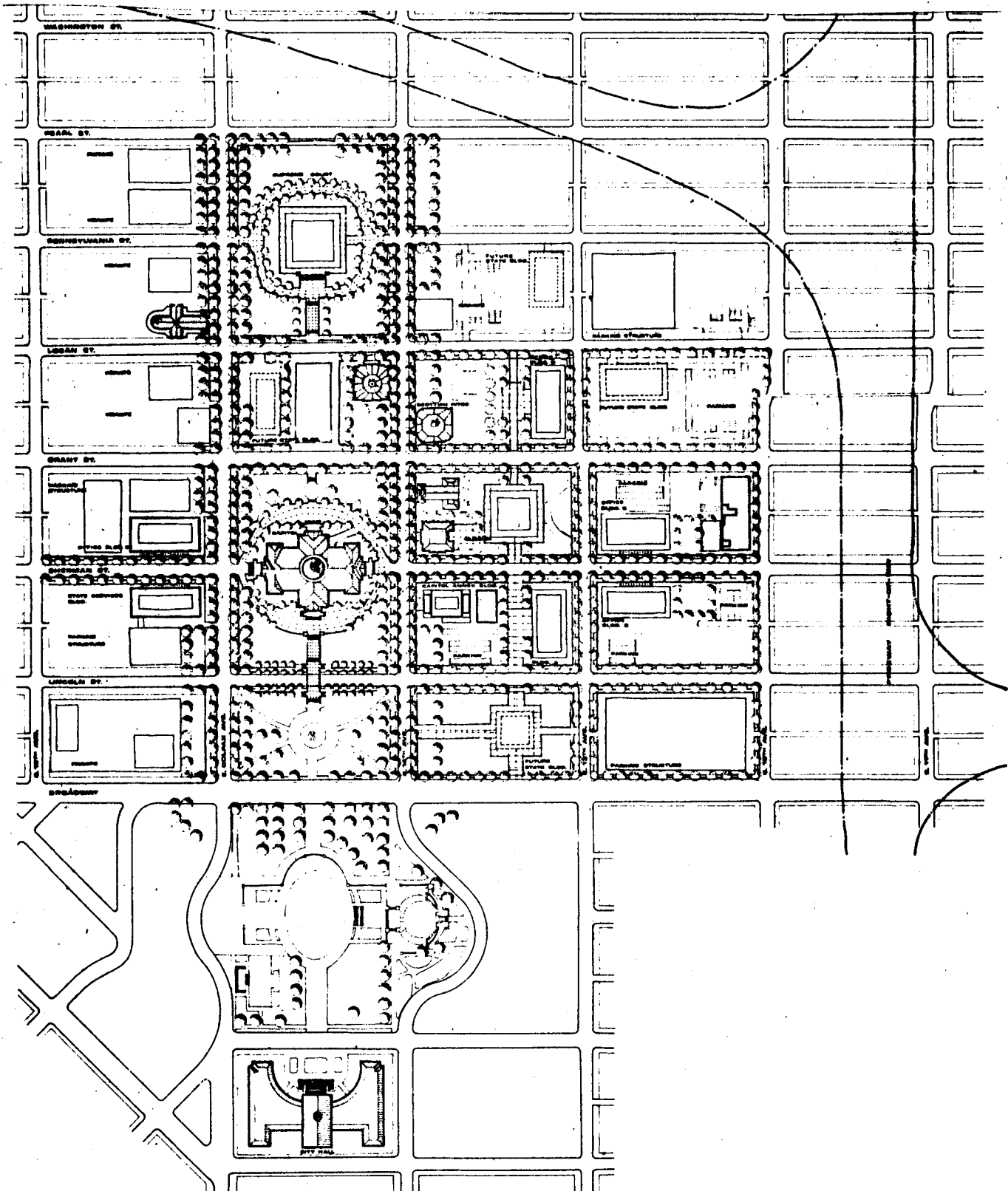
In Site Plan Alternative B, the proposed Court Building would be located in the block that contains the Scottish Rite Consistory, instead of east of the Capitol Building. Approximately nine and one-half blocks would be newly acquired land, with the same approximate boundaries as in Site Plan A. A mall would extend from the Capitol Building to Pearl Street, three blocks east.

(3) Estimated Cost. The estimated total construction and demolition costs for both Site Plans A and B would be \$44,156,172. But the two phased land acquisition program of the two plans varied somewhat. The estimated land costs for Site Plan A was \$17,200,000, thus bringing the total cost of that Plan to an estimated \$61,356,172. Land acquisition costs for Site Plan B was estimated at \$14,100,000, bringing the total cost to \$58,256,172.

#### S.U.A., Inc.'s Basic Assumptions

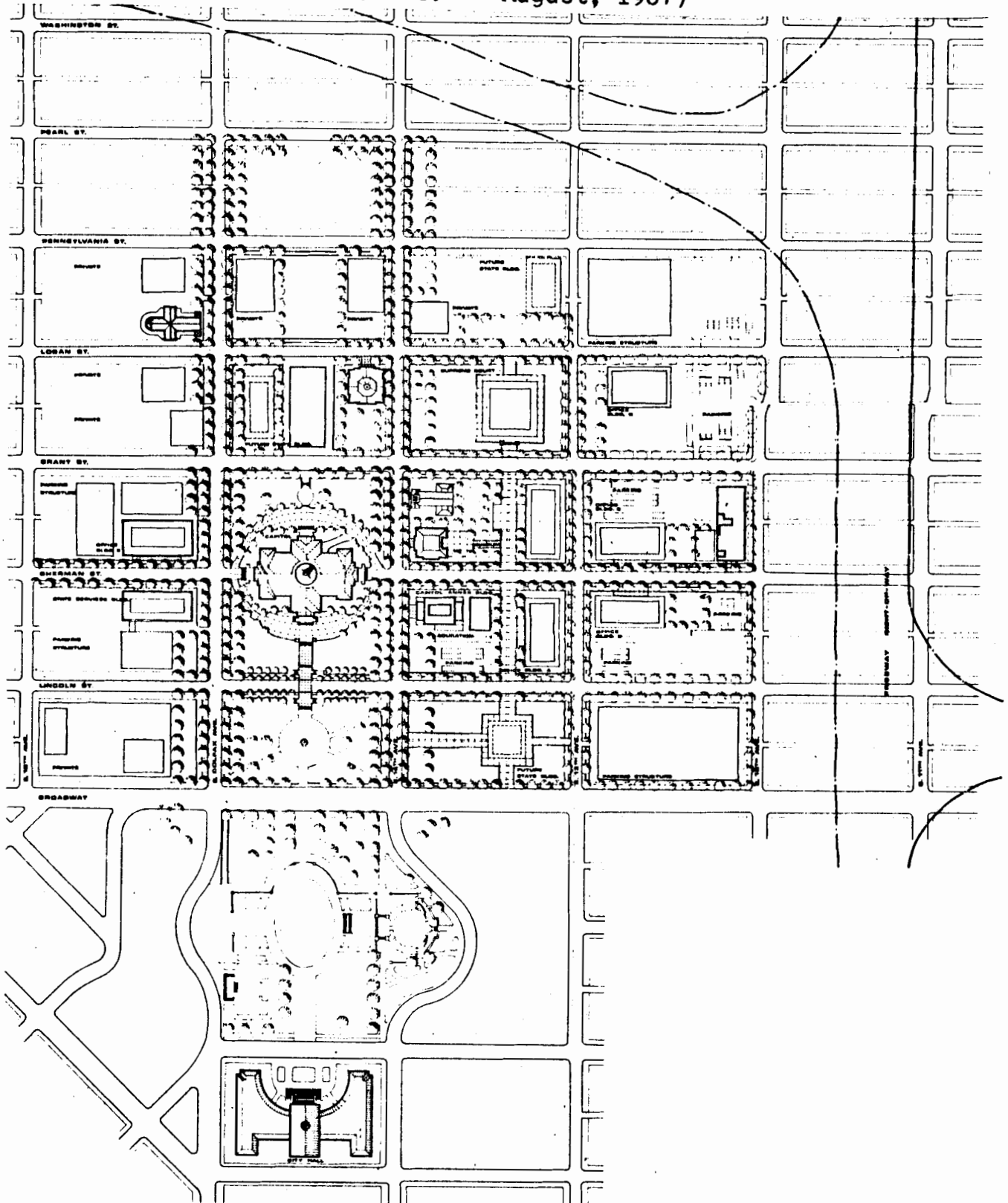
S.U.A., Inc., made the following four major assumptions in laying out the proposed long-range space and building program:

SITE PLAN A  
(S.U.A. Inc. -- August, 1967)





SITE PLAN B  
(S.U.A. Inc. -- August, 1967)



- (1) With the exception of those agencies currently housed outside the Capitol Complex, all other executive agencies should be located in the Capitol Complex area;
- (2) The integrity of the mall or open-space concept of the Denver Civic Center should be maintained and extended eastward;
- (3) The state should provide employee parking as well as visitor parking on a much larger scale than is now the case; and
- (4) The state should eliminate all rentals by constructing state-owned buildings to house the agencies to be located in the Capitol Complex.

It was from an examination of these basic assumptions that the 1968 committee made its recommendations that were contained in the committee's report to the 1969 Session of the General Assembly.<sup>14/</sup> In turn, the committee's recommendations in 1968 have served as the guidelines upon which the executive department acted in 1969 and 1970, in planning and requesting appropriations from the General Assembly.

#### Review of 1968 Recommendations by the Committee on Legislative Procedures

(1) Centralization or Decentralization of Agencies? This question was inherent in S.U.A., Inc.'s first assumption listed above; i.e., excepting those agencies currently outside the Complex area (Game, Fish, and Parks; Highways; and Health) and those agencies recommended for continued exclusion (Motor Vehicles, Inspector of Oil, Youth Opportunity Center, and Agriculture's laboratory and inspection facilities), the consultant assumed that all other executive agencies, as well as the legislative and judicial departments, would be located in the Capitol Complex.

1968 Committee Recommendation: Where possible or feasible, the administrative headquarters of the principal departments of the executive department should be housed in the Capitol Complex area.

<sup>14/</sup> Legislative Procedures in Colorado, Part III, Colorado Legislative Council, Research Publication No. 140, December 1968, pp. 24-29.



In making this recommendation, the committee considered various alternatives to the proposed centralized plan to house executive agencies, including whether it would be better to have agencies dispersed throughout the state or whether they should be located throughout the metropolitan area on property already owned by the state. It was the belief of some committee members that a decentralized plan would be more feasible from the standpoint of land acquisition costs, the alleviation of further traffic congestion around the Capitol, and the avoidance of extensive damage to state-owned buildings in the event of natural or manmade disasters. It was also felt that certain agencies, such as the Department of Natural Resources, could be located in the area of the state where most of their activities are carried out.

The recommendation to locate the administrative headquarters of departments in the Capitol Complex was based on several premises:

First, centralization would facilitate the Governor's ability to exercise control over the principal executive departments, and, in turn, enable the heads of the principal departments to exercise more direct control over the component parts of their departments.

Pursuant to Constitutional Amendment No. 1, adopted by the people in 1966, S.B. No. 1 (1968 Session) reorganized the executive branch into 17 principal departments in order to give the Governor a more effective means of initiating and executing his programs. The experience of other states that have, first, attempted a decentralized plan and, then, upon reconsideration, have reverted to a centralized plan indicated that effective control by the Governor would be hampered by a decentralized plan.

Secondly, the cost of construction for state buildings would be approximately the same regardless of site; thus the primary dollar savings resulting from decentralization would be in land acquisition and demolition of existing structures. Another related factor pertains to the added costs of heating plants, maintenance, telephone service, and janitorial services when buildings are located away from the central building complex. For instance, the existing heating plant on Sherman Street could be used to serve new state-owned buildings constructed in the area.

Third, also considered was the convenience of the clientele which make use of the services of a particular department, the convenience of the Governor, of other state departments making contacts, and the convenience of legislators, particularly from outside Denver, in making contacts with several departments on behalf of their constituents.

Fourth, state buildings are generally constructed to last from 50 to 100 years. Viewed from this perspective, there were some committee members who felt that the immediate savings realized from using existing state-owned land or the acquisition of less expensive land away from the Capitol area was not as important as the permanent aesthetic value that would result from a centrally located and well-planned state building complex. Further, the immediate savings realized from a decentralized plan was also viewed in light of preventing the growth of urban blight in the Capitol Hill area, which, to a certain degree, has accelerated due to the Skyline Urban Renewal Project in lower downtown Denver.

(2) Land Acquisition - Judicial Building Priority - Long-range Plan Developed by Executive Department. As previously described, in order to implement Site Plan A, S.U.A., Inc., recommended the acquisition of a total of eleven and one-half blocks in the capitol area. Five blocks of this land would be used eventually (by 1995) for building sites and the remaining six blocks would be used for employee and visitor parking.

1968 Committee Recommendations: (a) Land Acquisition Program. It was recommended that the state embark upon a land acquisition program for building sites so that land would be available as the need for new buildings arises. Vacant land, where practical, should be rented to state employees for off-street parking until the need for building sites arises.

In considering the land acquisition proposal, questions were raised as to whether the state has the obligation to provide employee parking even when fees are charged since many other employers feel no such obligation. Further, some committee members believed that the state should not embark upon a parking program which would compete with private parking facilities. The latter, it was contended, would probably be supplied as the need arises. Also, additional parking lots in the area might further contribute to traffic congestion before and after working hours.

While recognizing the merits to these arguments, in general, the 1968 committee believed that there is a need for more off-street parking whether it is furnished by the state on a fee basis or by private enterprise. Moreover, the suggestion was made that by renting parking space to state employees and others, it might be possible to partially pay for the land prior to site development.

(b) Priorities in Land Acquisition - Judicial Building. No general, long-range policy on the acquisition of land was recommended by the committee nor were any particular sites singled out for purchase. However, the committee recommended that the highest priority be given to the immediate purchase of land for the construction of a judicial building in view of the expanding functions of the judiciary on the state level.



(c) Long-range Land Acquisition and Building Plan by the Executive Branch. Committee members did not believe that the acquisition of land for a judicial building should be undertaken in a piecemeal fashion or considered isolated from the need for the state to follow a long-range building program for the Capitol Complex. Therefore, it was recommended that any land acquisition program followed should accord with a long-range master plan that should be adopted by the executive department.

By recommending that the executive department develop a master plan, the Committee in 1968, did not address itself specifically to S.U.A., Inc.'s second assumption -- that the mall or open-space concept of the Civic Center should be extended eastward.

(3) Elimination of Rental Space. The other major assumption made by S.U.A., Inc., was that all rented space occupied by state agencies should be eliminated.

Table 1 shows that by the end of 1968, the state was leasing approximately 163,000 square feet at an annual cost of \$556,000, to house those agencies S.U.A., Inc., recommended to be located in the Capitol Complex. Indications are that the demand for space will continue to increase.

According to S.U.A., Inc.'s projections, the space requirement for executive legislative and judicial agencies in the Capitol Complex will increase from a 1967 level of 554,354 square feet to 1,309,872 square feet in 1995. By 1975, the space requirements are projected to be approximately 969,000 square feet, an increase of 415,000 square feet in eight years.

For instance, as a result of the creation of additional positions in executive agencies by the 1969 and 1970 sessions, Public Works determined that an additional 26,650 square feet of space would be required. As prepared by Public Works, a summary of these additional space requirements follows:

Requests for Additional Space - January 1970:

Division of Local Government*	1,400 sq. ft.
Division of Civil Rights	2,000 sq. ft.
Department of Local Affairs*	<u>3,000</u> sq. ft.
Subtotal	6,400 sq. ft.

\*Division of Local Government, Department of Local Affairs, and Colorado Bureau of Investigation were relocated in July, 1970, in the building at 1550 Lincoln which was acquired as a result of a 1970 purchase.

Table 1

CAPITOL COMPLEX AGENCIES OCCUPYING RENTED SPACE  
December, 1968 - July, 1970\*

	<u>Square Feet Leased</u>	<u>Cost Per Square Foot</u>	<u>Total Annual Cost</u>
Public Utilities Commission Columbine Building	15,141	\$3.50	\$ 52,993.50
Natural Resources Columbine Building	24,453	3.50	85,585.50
Parole Board Columbine Building	970	3.50	3,395.00
Law Enforcement Training Academy Columbine Building	2,748	3.50	9,618.00
Dpt. of Labor and Employment 888 Sherman	38,950	4.32	168,264.00
Department of Education 1332 Lincoln	4,000	3.34 (Average)	13,343.75
Department of Revenue 12th and Lincoln	1,447	4.50	6,511.50
Archives Record Center 1271 Sherman	20,000	0.51	10,200.00
Department of Social Services: Capitol Life Building	20,420	5.25	107,205.00
Bay Building	16,711	2.65	44,404.15
1150 Delaware Street	3,010	2.75	8,277.50
Zook Building	3,835	4.22	16,183.70



Table 1 (continued)

	<u>Square Feet Leased</u>	<u>Cost Per Square Foot</u>	<u>Total Annual Cost</u>
16 Boards of Registrations (16 locations)	11,133	\$2.72 (Average)	\$ 30,256.00
Totals, December, 1968	162,818		\$ 556,237.60
Minus 11 Boards of Registration to State-owned Space	-7,950		-20,950.00
Minus Social Services to Farmers' Union Building	<u>-43,976</u>		<u>-176,070.35</u>
Estimated Rental Space, July, 1970	110,892		\$359,217.25
Projected Additional Area Require- ments by 1975 for Agencies in Rented Space	22,389		
Requests for Additional Space in 1970	26,650		

\*SOURCE: Data compiled by Division of Public Works, January, 1970, and Management Analyst Office, May, 1968.

Supplemental Request as of April 15, 1970:

Division of Civil Service	1,200 sq. ft.
Governor's Office	2,500 sq. ft.
CBI*	3,950 sq. ft.
Department of Institutions	6,800 sq. ft.
Department of Regulatory Agencies	1,000 sq. ft.
Division of Data Processing	<u>4,800 sq. ft.</u>
Subtotal	20,250 sq. ft.
Total	<u>26,650 sq. ft.</u>

Public Works also estimated that approximately 22,000 square feet of additional space will be required by 1975, for those agencies which, as of July 1, 1970, were renting approximately 111,000 square feet as shown in Table 1.

1968 Committee Recommendations: Efforts should be made to relocate and consolidate in state-owned facilities agencies presently occupying leased space. As part of the long-range program for the Capitol Complex, the Committee recommended that, as a state policy, every effort should be made to prevent the additional leasing of any more space than is absolutely necessary. It was further recommended that when enough leased space accumulated to justify the construction of a state-owned building, such a building should be constructed in accordance with the long-range master plan that the Committee recommended should be adopted by the executive department.

Rental v. Leasing. Some Committee members questioned whether it would be less expensive in the long-run for the state to rent space or to enter into a lease-back arrangement, whereby a building is constructed by private enterprise according to state specifications and leased back to the state for agency use. It was also argued that the private property owner leasing to the state must pay taxes; thus, state-owned buildings have the effect of depleting the local tax base, which may have the result of bringing additional pressure on the state to help finance local needs, such as schools.

But it was argued that the private owner must also realize a return on his investment and the state does not. Thus, when the problem is viewed from the aspect of the cost of housing

\*Division of Local Government; Department of Local Affairs, and Colorado Bureau of Investigation were relocated in July, 1970, in the building at 1550 Lincoln which was acquired as a result of 1970 purchase.



state agencies, it may be less costly for the state to build, maintain, and operate a building in the long-run than it would be to lease similar space. This argument does not apply to older buildings, such as the Museum, Capitol, and State Office Buildings, due to the high ratio of unusable space to usable space.

For purposes of achieving an accurate comparison between the cost of leasing space and the cost of constructing and maintaining a state-owned building, Public Works was asked in 1968 to compare the yearly operating costs of the State Services Building (perhaps the most efficient building the State owns) with the rental costs of the Capitol Life Building and the Columbine Building. The results of this comparison follows:

Table 2

Comparison of Annual Costs of State  
Services Building With Rental In  
Columbine Building and Capitol  
Life Building 15/

	<u>Annual</u> <u>Costs</u>	<u>Net</u> <u>Area</u> <u>(Sq. Ft.)</u>	<u>Annual</u> <u>Cost Per</u> <u>Sq. Ft.</u>
State Services Building:			
Administrative Costs (Salaries, Retirement, Insurance, and Supplies)	\$100,577		
Contractural Services	13,696		
Utilities	19,635		
Janitorial Supplies	3,300		
Depreciation (at 50 yrs.)	76,194		
Upkeep and Replacements	20,000		
Insurance	<u>538</u>		
Total State Services Bldg.	\$233,940	<u>113,000</u>	<u>\$2.07</u>
Total Columbine Bldg.	157,500	45,000	3.50
Total Capitol Life Bldg.	107,205	20,420	5.25

15/ Prepared by Division of Public Works, November 7, 1968.

## 1969 and 1970 Executive and Legislative Responses to the 1968 Recommendations

In both 1969 and 1970 there has been a considerable amount of activity regarding the future development of the Capitol Complex.

(1) Site Plan A - Land Acquisition. Public Works in the 1969-1970 Capitol Construction Budget requested a \$5 million appropriation for the acquisition of approximately four blocks of land south and east of the Capitol Building for development of Site Plan A. It was proposed that \$3.2 million of this amount be obtained from the 1969-1970 Capitol Construction Fund and the remaining \$1.8 million be paid from anticipated parking revenues.

In 1969, the General Assembly appropriated \$250,000 for land acquisition.

State Office Building "A". The 1969-1970 Capitol Construction Budget contained a request for two new state office buildings to meet immediate and shorter range space demands projected by S.U.A., Inc.

Office Building "A", for which \$235,980 physical planning money was requested and appropriated in 1969, would be eight stories high and provide 152,000 net square feet of space, plus 19,000 square feet in the sub-basement, for a total of 171,000 net square feet. The space would be filled immediately upon completion of the building. The total estimated project cost is \$5,244,000 as summarized in Table 3.

The \$235,980 appropriation was accompanied by a proviso in the 1969 Long Bill that the Building was to be constructed on land already owned by the state. But this restriction was repealed by the 1970 Long Bill.

Office Building "B" - Farmer's Union Building. In order to meet the demands for space projected to 1972, Public Works in 1969 requested \$187,272 physical planning money for a seven story building which would cost a total of \$4,161,000 and have about 136,000 square feet of assignable space. But the Governor recommended that this request be deferred in view of the State's 1969 purchase of the Farmers' Union Building for \$3,000,000.

As Table 1 indicates, the acquisition of the Farmer's Union Building permitted the state by July, 1970, to eliminate approximately 44,000 square feet of rental space, at an annual savings in rent of \$176,000.

The net usable space in the building is 92,000 square feet. Approximately 15,000 square feet of this space is still occupied by rent-paying tenants. By May, 1973, the last lease



Table 3

ESTIMATED COST OF OFFICE BUILDING "A"  
AS PER SITE PLAN C

Land Acquisition:

*Site 2	\$ 181,000	
*Site 3	<u>222,500</u>	
Subtotal	\$ 403,500	\$ 403,500

Construction:

**Physical Planning Construction	\$ 314,640 <u>4,929,360</u>	
Subtotal	\$5,244,000 <sup>a</sup>	<u>\$5,244,000</u>
Total Cost		<u>\$5,647,500</u>
*Minus 1969 and 1970 Appropriations		- 403,500
**Minus 1969 Appropri- ations		<u>- 235,980</u>
Balance		\$5,008,020

Gross square feet	218,500
Net square feet	171,000

Estimated completion  
date after construc-  
tion money appropri-  
ation

Two years

Earliest completion  
date

1973

<sup>a</sup>Due to continuous inflation of construction costs, the request for construction money for 1971-72 amounts to \$6.1 million or \$.9 million more than the 1970-71 request.

will expire. As tenants move out, the space will be filled by state agencies. In addition to the 15,000 square feet, approximately 7,000 square feet is taken up by the basement cafeteria and meeting rooms. Some of the latter space will be reclaimed for office space, if possible.

The 1970 Long Bill provided a \$130,000 appropriation to remodel the building, which amount is to be paid out of the Farmers Union Amortization Account. With the remodelling completed by July, 1970, allocation of space is given in Table 4.

Table 4

Farmer's Union Building Allocation  
of Space -- July, 1970

<u>Agency or Function</u>	<u>Net Square Feet</u>
Department of Social Services	61,951
State Public Defender	618
State Consumer Fraud Division	727
Civil Rights	433
Court of Appeals	
(Judges and Administration)	5,280
Classroom	470
Space occupied by tenants, which will become available as leases expire (May, 1973, last expiration)	15,388
Meeting Rooms and Cafeteria	6,903
Total	91,770

Judicial Building - Physical Planning. In both 1969 and 1970, the Capitol Construction Budget has contained requests for planning money for a new Judicial Building to house the Supreme Court, Court of Appeals, State Public Defender, Law Library, and judicial administration.

The 1969 request was for \$140,778 for a \$3,128,400 building, containing 69,000 net square feet. In 1970, the request was for \$149,310 for a \$3,774,960 building containing 82,500 net square feet. The building would have four floors, with three abovegrade and a basement. The total cost, including land acquisition, is summarized in Table 5 and amounts to approximately \$6 million.

Table 5

ESTIMATED COST OF PROPOSED JUDICIAL  
BUILDING AS PER SITE PLAN C

Land Acquisition:

*Site 6	\$ 200,000	
*Site 7	300,000	
*Site 8	158,000	
Site 12	852,898	
Site 13	<u>1,164,533</u>	
Subtotal	\$2,675,431	\$2,675,431

Construction:

Physical Planning	\$ 246,960	
Construction	<u>3,528,000</u>	
Subtotal	\$3,774,960	<u>\$3,774,960</u>
Total Cost		\$6,450,391
*Minus 1969 and 1970		
Appropriations		- 458,000
Balance		<u>\$5,992,391</u>

Gross square feet . 117,600  
Net Square feet . 82,500

Estimated completion date  
after physical planning  
appropriated

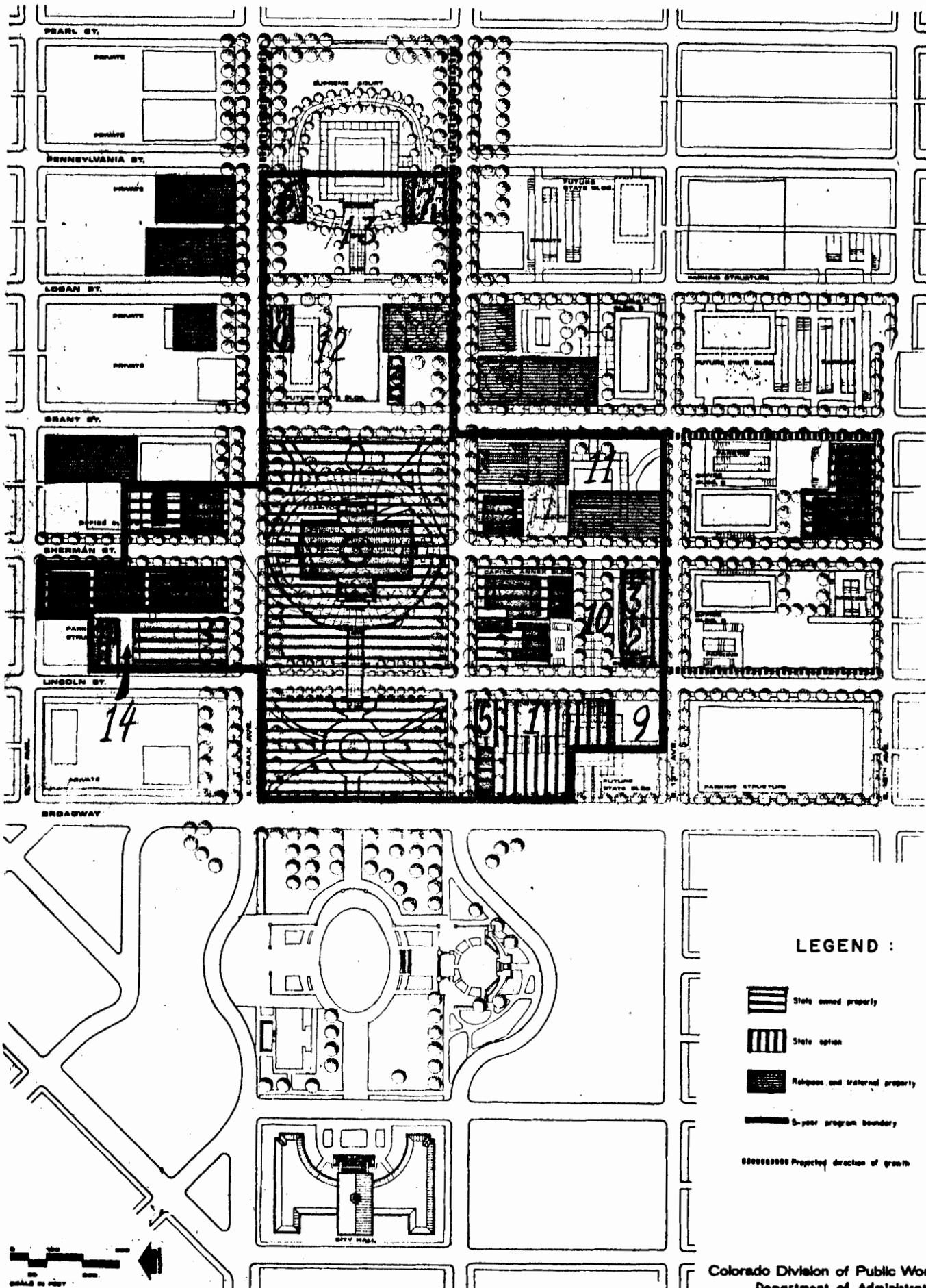
Three years

Earliest completion date

1974



**SITE PLAN C**  
(Public Works -- January, 1970)



Site Plan C -- Five-Year Master Plan for the Capitol Complex. In January, 1970, Public Works, again responding to the 1968 recommendations by the Legislative Procedures Committee, released another alternative site plan. It placed the same emphasis on an easterly expansion of the Capitol Complex as S.U.A., Inc.'s Site Plan A, but it differed in two major respects: Instead of a 20 to 25 year master plan, the new plan was restricted to a five to 10 year period. The second departure from S.U.A., Inc.'s plan was to locate the proposed Judicial Building on one city block, between Colfax and 14th Avenues, and Logan and Pennsylvania Streets, instead of taking two blocks as proposed by S.U.A., Inc. There was to be, therefore, a shorter mall between the Capitol Building and the Court Building than had been originally anticipated by S.U.A., Inc.'s recommended site plan. One effect of the proposed location of the Court Building was to reduce land acquisition costs by making Pennsylvania Street the eastern terminus of the Complex instead of Washington Street, though the plan's projected direction of growth indicated that land as far east as Pearl Street would eventually be acquired.

The plan was intended to accomplish the following four principal objectives.

(1) Through the purchase of the Farmer's Union Building in 1969, the construction of Office Building "A", and the construction of a Judicial Building, the state would acquire, by 1975, an additional 345,000 square feet of assignable space at an estimated construction cost of \$11,400,000. This additional space, plus the existing 554,000 square feet would, according to the plan, satisfy space requirement for the next five or, possibly, ten year period.

(2) The 263,000 square feet provided by Office Building "A" and the Farmer's Union Building would eliminate leased space for agencies housed in the Capitol Complex as shown in Table 1, as well as provide the necessary space to accommodate the anticipated growth of agencies already housed in state-owned buildings.

(3) For an estimated total cost of \$6 million, the state would acquire approximately 3 3/4 blocks of land for immediate and future site development.

(4) As a subordinate objective in the land acquisition program, there would be acquired sufficient parking sites for the five or ten year period which could be rented to state employees and others. The returns could be used to help amortize the cost of sites.

The total cost for the five year plan was estimated at approximately \$17.7 million. Of this amount, \$5.5 million had already been appropriated for the acquisition of eight sites (\$2,226,550), the Farmer's Union Building (\$3 million), and for

physical planning for the construction of Office Building "A" (\$235,980). There remained to be appropriated approximately \$12,300,000, -- \$8,800,000 for constructing Office Building "A" and the Judicial Building; and \$3,500,000 for acquiring all the white areas in the plan, designated as sites 9 through 14.

At the earliest, it would be 1973 before Office Building "A" could be occupied and 1974, before the Judicial Building would be completed.

### 1970 Legislative Action

An overview would indicate that the 1969 and 1970 action taken by the executive department attempted to follow the guidelines set by the 1968 recommendations of the Committee on Legislative Procedures.

However, during the 1970 Session of the General Assembly, it became apparent that some members of the legislature, including members of the Joint Budget Committee, believed that some of the specifics of the plan and some of its general site concepts should be altered.

First, no money was appropriated for the construction of a Judicial Building. Commencing with the 1959-1960 Legislative Remodelling Committee, locating the Supreme Court in a separate building (or, alternatively, locating the General Assembly in a separate building) had been considered as the solution to meeting the ultimate space needs of the General Assembly.

Second, was the question of the extent to which the Capitol Complex should be developed for housing state agencies and the geographical direction that development should take.

For example, in 1969, and the early part of 1970, the executive department proposed Site Plan C and gave option money, amounting to \$235,000, for acquisition of property to effectuate the plan. While Site Plan C envisaged the eventual purchase of the entire two blocks directly east of the Capitol, bounded by Grant and Pennsylvania Streets and East Colfax and 14th Avenues, some legislators, believed that the eastern terminus of the Complex should be at Grant Street and there should be an emphasis and development to the south of the Capitol. In turn, the Civic Center open space or mall concept would not be extended eastward, with the Judicial Building serving as the focal point on the east. It was suggested, instead, that the Court Building could be located on the block bounded by East 13th and 14th Avenues and Broadway and Lincoln Streets where the Employment Annex and the American Legion Buildings are now located.



Thus, some controversy developed before and during the 1970 Session over the \$65,000 option money for three sites east of Grant Street. The issue was not resolved even after the \$693,000 balance for these properties had been appropriated in the 1970 Session and approved by the Governor.

1970 Legislative Procedures Committee. With the matter of the Capitol Complex site plan yet to be agreed upon by the legislature, S.J.R. No. 36 (1970 Session) charged the Legislative Procedures Committee with the responsibility of reviewing "the entire State Capitol Complex planning program and its constituent parts in consultation with the Supreme Court and the Executive Department."

At its first meeting of the 1970 interim, the Committee adopted a motion to recommend for submission to the 1971 Session of the General Assembly a proposed perimeter of the State Capitol Complex, within which the executive department could, in the future, embark upon a land acquisition program with assurances that the program followed legislative intent. 16/

Capitol Complex Perimeter 1970-1995. As depicted in the foldout map included with this report, the Committee recommends that the Capitol Complex perimeter for the next 10 years be extended to include the two blocks immediately east of the Capitol Building, bounded on the north and south by east Colfax and 14th Avenues and the east and west by Pennsylvania and Logan Streets. It is recommended also that the southern perimeter of the Complex for this 10-year period be extended to include the two blocks bounded by Grant and Lincoln Streets on the east and west and east 13th and 14th Avenues on the south and north. The recommendation also contemplates the acquisition of lots 9 and 10 in block 28 (the Boar's Head Restaurant at 1544 Lincoln Street) and lots 21 through 25 in block 25, the block on which the American Legion Building is located.

According to present plans, all church-owned properties within the perimeter would be excluded from acquisition.

The Committee also recommends that the southern boundary of the perimeter for the 15-year period after 1980 be extended to include the two blocks bounded on the east and west by Grant and Lincoln Streets and bounded on the north and south by east 13th and 12th Avenues, with the exception of the Western Farm Bureau

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16/ Minutes of the Committee on Legislative Procedures, May 26, 1970, p. 4.

Life Insurance Company at 1200 Lincoln (lots 7 through 20 except rear 8 feet lots 14 through 20). This extension would have the effect of making the State Employment Building an integral part of the Complex.

Land Acquisition and Construction Costs. From data prepared by the Division of Public Works, the lot-by-lot estimated land acquisition cost of the proposed Capitol Complex perimeter is detailed in Table 7. A summary of the total estimated land and building costs for the 1970-1980 period and the land acquisition cost for the 1980-1995 period is contained in Table 6.

As summarized in Table 6, the total cost for the 1970-1980 period would approximate \$17.7 million -- \$5.7 million for land and \$12 million for construction. Approximately, \$12.2 million would remain to be appropriated this decade. In order to extend the perimeter for the 1980-1995 period, the state would have to expend another estimated \$2.3 million for land costs. The total land cost for the Capitol Complex perimeter recommended by the Committee is estimated at approximately \$8 million.

Table 6

SUMMARY OF ESTIMATED LAND ACQUISITION AND  
CONSTRUCTION COSTS, 1970-1980, AND LAND  
ACQUISITION COST, 1980-1995

	<u>Appropriation</u>	<u>Balance</u>	<u>Total Cost</u>	<u>Net Square Feet Per Construction</u>
<u>TOTAL COSTS, 1970-1980</u>				
Land Acquisition	\$2,226,580	\$ 3,466,534	\$ 5,693,114	NA
Construction:				
Farmers' Union Building	3,000,000	---	3,000,000	92,000 Sq. Ft.
Office Building "A"	235,980	5,008,020	5,244,000	171,000 Sq. Ft.
Judicial Building	---	3,774,960	3,774,960	82,500 Sq. Ft.
Total Construction	<u>\$3,235,980</u>	<u>\$ 8,782,980</u>	<u>\$12,018,960</u>	<u>345,500 Sq. Ft.</u>
Total Land and Construction	<u>\$5,462,560</u>	<u>\$12,249,514</u>	<u>\$17,712,074</u>	<u>345,500 Sq. Ft.</u>
<u>TOTAL COSTS, 1980-1995</u>				
Land Acquisition	---	\$ 2,349,535	\$ 2,349,535	NA
Construction	Not Known	Not Known	Not Known	Not Known
Total Land and Construction	<u>---</u>	<u>\$ 2,349,535</u>	<u>\$ 2,349,535</u>	<u>NA</u>
<u>TOTAL KNOWN COSTS, 1970-1995</u>				
Land Acquisition	\$2,226,580	\$ 5,816,069	\$ 8,042,649	NA
Construction (1970-80)	<u>3,235,980</u>	<u>8,782,980</u>	<u>12,018,960</u>	<u>345,500 Sq. Ft.</u>
Total Land and Known Construction	<u>\$5,462,560</u>	<u>\$14,599,049</u>	<u>\$20,061,609</u>	<u>345,500 Sq. Ft.</u>



Table 7\*

ESTIMATED COST OF PROPERTY TO BE ACQUIRED  
FOR CAPITOL COMPLEX PERIMETER

<u>Description</u>		<u>10% Option Payment</u>	<u>Estimated Balance</u>	<u>Assessors Market Value</u>
Block 25 (Bounded by E. 13th & E. 14th Avenues, Broadway and Lincoln Street)				
<u>Lots</u>	<u>Address</u>			
21 and 22	1301 Lincoln	\$ 6,000	\$ 52,400	\$ 58,400
23 and 24	1313 Lincoln	6,000	52,567	58,567
25	(Vacant parcel)	2,000	16,300	18,300
		<u>\$ 14,000</u>	<u>\$ 121,267</u>	<u>\$ 135,267</u>
Block 26 (Bounded by E. 13th & E. 14th Avenues, Lincoln and Sherman Streets)				
<u>Lots</u>	<u>Address</u>			
9 through 16:		\$ 29,000	\$ 263,067	\$ 292,067
9 and part of 10	1350 Lincoln			
Part of 10 and 12 and all of 11	(Mortuary)			
Part of 12 and 15 and all of 13 and 14	1332 Lincoln			
S. half of 15 and all of 16	1318-1320 Lincoln			
25 through 29 and North half of lot 30	1331 Sherman	<u>\$ 19,000</u>	<u>\$ 170,000</u>	<u>\$ 189,000</u>
		<u>\$ 48,000</u>	<u>\$ 433,067</u>	<u>\$ 481,067</u>

\*Source: Division of Public Works

Table 7 (continued)

<u>Description</u>		<u>10% Option Payment</u>	<u>Estimated Balance</u>	<u>Assessors Market Value</u>
<u>Lots</u>				
Block 39 (Bounded by E. 13th & E. 14th Avenues, Sherman and Grant Streets)				
7 through 10 and South 10 ft. of lot 6	Address 1350 Sherman (Harcourt Arms Apt.)	\$ 29,200	\$ 262,767	\$ 291,967
21 through 24 except rear 8 ft.	1309 Grant (Armor Apt.)	28,000	251,334	279,334
25 and 26 except rear 8 ft.	(Parking lot)	2,000	15,834	17,834
27 and 28 except rear 8 ft.	1329 Grant (Merle Apt.)	6,100	54,467	60,567
29 and 30 except rear 8 ft.	1335 Grant (Courtney Apt.)	<u>6,400</u> \$ 71,700	<u>57,167</u> \$ 641,569	<u>63,567</u> \$ 713,269
<u>Lots</u>				
Block 67 (Bounded by E. 14th and Colfax Avenues, Grant and Logan Streets)				
1 through 4	Address (Newhouse Hotel)	\$ 30,000	\$ 273,866	\$ 303,866
5 through 13 and North 9.2 ft. of lot 14 and adjacent strips	(Parking Lots)	16,000	134,933	150,933

Table 7 (continued)

<u>Description</u>		<u>10% Option Payment</u>	<u>Estimated Balance</u>	<u>Assessors Market Value</u>
Block 67, (continued)				
<u>Lots</u>	<u>Address</u>			
17 through 20 and South 20 ft. of lot 16 and adjacent strip	1410 Grant (Brownleigh Apt.)	\$ 21,000	\$ 184,000	\$ 205,000
29 through 37 and North 19 ft. of lot 28	(Parking Lot.)	20,000	173,099	193,099
		<u>\$ 87,000</u>	<u>\$ 765,898</u>	<u>\$ 852,898</u>
Block 81 (Bounded by E. 14th and Colfax Avenues, Logan and Pennsylvania Streets)				
<u>Lots</u>	<u>Address</u>			
1 through 4	400 E. Colfax (S.E. Corner of Colfax and Logan)	\$ 22,000	\$ 193,367	\$ 215,367
5 and 6	1462 Logan	3,000	23,100	26,100
7 and 8 ) 9 through 16)	1420-1450 Logan (Parks School of Business)	6,000	57,333	63,333
		48,000	433,000	481,000
17 through 20	N.E. Corner of 14th and Logan	6,000	56,700	62,700
26 through 31	1419-1441 Pennsylvania (Charline Apts.)	23,000	202,300	225,300



Table 7 (continued)

<u>Description</u>		<u>10% Option Payment</u>	<u>Estimated Balance</u>	<u>Assessors Market Value</u>
Block 40 (Bounded by E. 12th and 13th Avenues, Sherman and Grant Streets)				
<u>Lots</u>	<u>Address</u>			
1 through 4: 1 and 2	200 through 220 13th Avenue (Commercial)	\$ 15,100	\$ 135,567	\$ 150,667
3 and 4	(Parking)			
5 through 12	1240, 1250, 1260 Sherman (Apartments)	37,000	324,334	361,334
25 through 35: 25 through 29	1229-1231 Grant (Parking)	96,000	861,433	957,433
29 through 35	1235 Grant (Camellia House)			
36 through 40 (W. 68 ft.)	(Commercial on 13th Avenue)	7,000	60,667	67,667
36 through 40 (E. 65 ft.)	1275 Grant (Gas Station)	7,000	59,167	66,167
		<u>\$ 162,100</u>	<u>\$1,441,168</u>	<u>\$1,603,268</u>

Table 7 (continued)

<u>Description</u>		<u>10% Option Payment</u>	<u>Estimated Balance</u>	<u>Assessors Market Value</u>
Block 41 (Bounded by E. 12th and 13th Avenues, Lincoln and Sherman Streets)				
<u>Lots</u>	<u>Address</u>			
1 through 6 (excluding rear 7.25 ft. of lots 1 and 2): 1 through 4 5 and 6	1264-1278 Lincoln (Vacant)	\$ 20,000	\$ 179,200	\$ 199,200
21 through 29 and South 4 ft. of lot 28 (excluding rear 8 ft.)	1221 Sherman (Apartment) (Parking)	20,000	182,000	202,000
28 and 29 and North 16.5 ft. of lot 30	1233 Sherman (Apartment)	7,400	66,700	74,100
31 and 32 and South 8.5 ft. of lot 30	1245 Sherman (Apartment)	3,000	26,967	29,967
33 and 34 and South 1/2 of lot 35	1253 Sherman (Parking)	3,000	29,000	32,000
North 1/2 of lot 35 and all of lot 36	1265-1271 Sher- man	3,000	25,233	28,233
Lots 37 and 38		5,000	45,733	50,733

Table 7 (continued)

<u>Description</u>		<u>10% Option Payment</u>	<u>Estimated Balance</u>	<u>Assessors Market Value</u>
Block 41, (continued)				
	<u>Lots</u>	<u>Address</u>		
39 and 40		1275 Sherman and 150 13th Avenue	\$ 117,034 \$ 671,867	\$ 130,034 \$ 746,267
Subtotal (1980-1995: Blocks 40 and 41)				
		\$ 236,500	\$2,113,035	\$2,349,535
Subtotal (1970-1980: Blocks 25, 26, 39, 67, 81, and 28)				
		\$ 349,700	\$3,116,834	\$3,466,534
Total (1970-1995)		\$ 586,200	\$5,229,869	\$5,816,069



## LEGISLATIVE ETHICS IN COLORADO AND OTHER STATES

In 1968, the Committee on Legislative Rules of the National Legislative Conference undertook the task of drafting a model code of conduct for legislators. In a background statement, prepared for the Committee, Mr. E. Kent Ayers, Midwestern Representative for the Council of State Governments, took note of the fact that in recent years there have been increasing demands for establishing a code of conduct for state legislators. But Mr. Ayers also commented that the subject is not a new one:

...These demands have enjoyed so much attention that it seems to be in vogue to speak of legislative ethics as something new and different. But the notion of integrity in public office and standards of conduct are not new. Legal principles do exist governing legislative conduct, and have existed for a long time. Among the first laws were those proscribing fraud, deceit, and unfair business practice. There is a continuous effort on the part of private and governmental interest groups to place the boundaries of legitimate business activity within the confines of what one might call standards of honesty and fair play to eliminate unethical practices.

Mr. Ayers was commenting about both "absolute" principles of ethical conduct, violations of which are clearly outside the scope of acceptable behavior of government officers and employees, and the "relative" principles of ethical conduct, those that can vary with a given set of circumstances. The latter are the areas of uncertainty whose definition is difficult to ascertain. The problem of definition is even more pronounced when one considers the part-time legislator; the problem is in articulating relative principles of legislative conduct which simultaneously meets the needs of the public interest and which does not present an unreasonable burden on his capacity to function as a private citizen or to earn a living. A statute containing "relative" principles of conduct should be designed to allow such freedom of movement in accordance with standards of fair play.

As Mr. Ayers points out, the final decision on what constitutes a conflict between the legislator's public responsibility and his private interest, or what is acceptable conduct and what is not, will rest with the individual. But, by the end of 1969, some 21 states had enacted some form of ethics legislation applicable to legislators. In many cases, an attempt was made to define or establish procedures for defining what constitutes conflict of interest situations and unacceptable conduct.

## Provisions Governing Legislative Conduct in Colorado

A survey of the provisions relating to ethical principles for Colorado legislators reveals that pronouncements on the subject are found in the state Constitution and the Colorado Revised Statutes. Generally speaking, these pronouncements fit into Mr. Ayer's category of "absolute" principles of conduct -- activities that were, historically, thought to be so contrary to the public interest that they were forbidden by law. Briefly stated, these activities relate to: 1) the solicitation or acceptance of bribes; 2) having an interest in a contract with the state; 3) corrupt solicitation of state officers; 4) vote trading or log-rolling; and 5) general proscriptions on voting on measures in which a member has a personal or private interest.

(1) Bribery Laws. Proscriptions against offering, giving or accepting bribes have general application and are found in both the Colorado Constitution and the Colorado Revised Statutes.

Origin. Following the general post-Civil War debasement of political standards, many states enacted statutes and constitutional provisions on bribery. Proscriptions against bribery applied both to governmental officials and employees and to those seeking to influence the decisions of government institutions, with particular reference to legislators and lobbyists. <sup>1/</sup>

Colorado's Constitution and bribery statutes followed the general pattern of prohibitions enacted after the Civil War. For instance, Article XII, Section 6 of the Constitution forbids solicitation and acceptance of bribes by "civil officers" and members of the General Assembly:

Section 6. Bribery of officers defined. -- Any civil officer or member of the general assembly who shall solicit, demand or receive, or consent to receive, directly or indirectly, for himself or for another, from any company, corporation or person, any money, office, appointment, employment, testimonial, reward, thing of value or enjoyment or of personal advantage or promise thereof, for his vote, official influence or action, or for withholding the same, or with an understanding that his official

<sup>1/</sup> Edgar Lane, Lobbying and the Law, (Berkeley and Los Angeles: University of California Press, 1964), pp. 25-26; and Robert Luce, Legislative Assemblies (Boston and New York: Houghton Mifflin Company, 1924), p. 432.

influence or action shall be in any way influenced thereby, or who shall solicit or demand any such money or advantage, matter or thing aforesaid for another, as the consideration of his vote, official influence or action, or for withholding the same, or shall give or withhold his vote, official influence or action, in consideration of the payment or promise of such money, advantage, matter or thing to another, shall be held guilty of bribery, or solicitation of bribery, as the case may be, within the meaning of this constitution, and shall incur the disabilities provided thereby for such offense, and such additional punishment as is or shall be prescribed by law.

As to others who are neither legislators nor civil officers, Section 41 of Article V considers the giving by others of "money or thing of value, testimonial, privilege or personal advantage to any executive or judicial officer or member of the general assembly to influence him in the performance of any of his public duties" as bribery to be punishable as provided by law.

Supplementing these constitutional proscriptions and providing for penalties for bribery and the acceptance of bribes are statutory provisions found in sections 40-7-5 to 40-7-7 and 40-7-43 to 40-7-45, C.R.S. 1963, as amended. Article XII, Section 4 of the Constitution also provides that persons convicted of bribery or solicitation of bribery shall be disqualified from the General Assembly or from "holding any office of trust or profit in this state."

(2) Interest in Contract with the State. Section 3-4-6 (2), C.R.S. 1963, provides that no member or officer or employee of any department of state government shall be in any way interested in any contract with the state for the purchase or sale of any supplies, material of equipment, which, by law, must be purchased through the State Purchasing Agent.

The proscriptions in this section are waived if any of the following conditions are met:

- 1) The contract is awarded after open competitive bidding to the lowest responsible bidder;
- 2) The material is sold at retail on an established posted price in the locality; or
- 3) The material consists of fruits and vegetables purchased in season locally for institutional use and supply.



The Colorado Attorney General has ruled that a legislator can legally submit bids for highway construction:

...there is no legal prohibition against a member of the State Senate from submitting bids for construction work to the State Highway Department; first, because such bids are not submitted through the State Purchasing Agent; and secondly, as to those contracts which are made through the State Purchasing Agent, if such contracts are awarded on the basis of competitive bidding, there is no restriction. 2/

Even though there may be open competitive bidding and the other conditions of section 3-4-6 (2) are met, Article V, Section 29 of the Colorado Constitution restricts officers and employees of state departments from having any interest in certain types of contracts:

Section 29. Contracts for quarters, furnishings and supplies. -- All stationery, printing, paper and fuel used in the legislative and other departments of government shall be furnished; and the printing and binding and distributing of the laws, journals, department reports, and other printing and binding; and the repairing and furnishing the halls and rooms used for the meeting of the general assembly and its committees, shall be performed under contract, to be given to the lowest responsible bidder, below such maximum price and under such regulations as may be prescribed by law. No member or officer of any department of the government shall be in any way interested in any such contract; and all such contracts shall be subject to the approval of the governor and state treasurer.

Regarding the legislative application of Article V, Section 29, Attorney General Gail Ireland in 1944 stated that the section "would indicate that no member can furnish supplies to the state legislature of which he is a member". 3/

2/ Attorney General Opinion, No. 700-45 (December, 1945), p. 1.

3/ Attorney General Opinion, No. 379 (August 16, 1944), p. 1.

(3) Lobbying. Seen from the perspective of the post-Civil War political scandals, it was perhaps natural for the Constitution of Colorado to contain some pronouncement on lobbying, which was deemed virtually synonymous with corrupt solicitation or bribery. 4/ On this subject, Section 42 of Article V of the Colorado Constitution provides:

Section 42. Corrupt solicitation of members and officers. -- The offense of corrupt solicitation of members of the general assembly or of public officers of the state or any municipal division thereof, and any occupation or practice of solicitation of such members or officers to influence their official action, shall be defined by law, and shall be punished by fine and imprisonment.

In accordance with a recommendation by the 1968 Committee on Legislative Procedures, the 1969 General Assembly passed S.B. No. 17, defining "corrupt solicitation" and provided a penalty therefor.

(4) Vote Trading. According to Robert Luce, vote trading or "log-rolling" was akin to bribery and the men who drew up Colorado's Constitution thought it desirable to include a specific ban against it. 5/ Article V, Section 40 of the Constitution provides that any member who offers to give his vote in consideration of a vote by another member "shall be deemed guilty of solicitation of bribery" and any legislator giving his vote in consideration of a vote by another "shall be deemed guilty of bribery." The punishment for either is expulsion and ineligibility to serve in the same General Assembly. Moreover, upon conviction in the civil courts, a legislator "shall be liable to such further penalty as may be prescribed by law."

In 1889, Montana, North Dakota, and Wyoming copied this provision in their constitutions. Utah, by statute, made "log-rolling" a felony. 6/

(5) Conflict of Interest - Voting. Colorado's Constitution does contain some provisions relating to the ethical standards of legislators other than pronouncements on bribery, lobbying, and vote trading. Article V, Section 43 provides, for example, some guidelines on conflict of interest:

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4/ Lane, op. cit., p. 26.

5/ Luce, op. cit., pp. 457-458.

6/ Ibid., p. 458.

Section 43. Member interested shall not vote.

-- A member who has a personal or private interest in any measure or bill proposed or pending before the general assembly, shall disclose the fact to the house to which he is a member, and shall not vote thereon.

The rules of the House and Senate also provide that a legislator should disqualify himself for voting on legislation in which he has a personal financial interest. House Rule 21 (c) provides:

A member who has an immediate personal or financial interest in any bill or measure proposed or pending before the General Assembly shall disclose the fact to the House, and shall not vote upon such bill or measure.

In similar wording, Senate Rule 17 (c) also calls for a Senator to disclose his interest in pending legislation and refrain from voting thereon:

Any Senator having a personal or private interest in any question or bill pending, shall disclose such fact to the Senate and shall not vote thereon, and if the vote be by ayes and noes, such fact shall be entered on the journal.

Provisions Governing Members of Colorado Executive Branch

Clear-cut conflict of interest situations are detailed in the Colorado Revised Statutes for some executive departments. For example, the State Bank Commissioner and his employees are prohibited from receiving compensation from any bank (Section 14-13-6); like restrictions are placed on the State Insurance Commissioner and his employees (Section 72-1-7), and the Commissioner of Savings and Loan Associations and his deputies (Section 122-5-18).

The Colorado Civil Service Commission has promulgated rules and regulations, pursuant to Section 26-5-14, concerning political activity, outside employment, and conflicting interests of employees in classified civil service positions. Further, in September, 1966, Governor John Love issued by Executive Order a "Code of Ethics" for officers and employees of the executive department, a copy of which is contained in Appendix E of this Report.



## Legislative Code of Ethics in Other States

In 1954, New York enacted the first statute dealing with public conduct of state officials. According to a February, 1970, joint staff report, prepared by the California Office of Research and Assembly Committee in Governmental Organizations, by the end of 1969, the number of states with such legislation had grown to 27. Approximately one half of the 27 states enacted such legislation in 1968 and 1969.

Arizona	Kentucky	New Jersey
Arkansas	Louisiana	New Mexico
California	Maryland	New York
Florida	Massachusetts	Oklahoma
Georgia	Michigan	Pennsylvania
Hawaii	Minnesota	South Dakota
Illinois	Missouri	Tennessee
Iowa	Nebraska	Washington
Kansas	New Hampshire	West Virginia

Scope of Coverage. In California, Illinois, Massachusetts, Michigan, and Washington, ethics legislation applies to all three branches of government. However, the prevailing practice applies ethics legislation to the executive and legislative branches only. Arizona, California, Florida, Kansas, Massachusetts, Michigan, and New York statutes also cover appointed government officials and civil servants.

Types of Areas Covered. Generally speaking, there are two broad areas covered in ethics codes throughout the United States: (1) prohibitions against self-serving activities, or conflict of interest situations; (2) restrictions on representing outside interests. In addition, there have been inserted in many codes financial disclosure provisions and governing machinery in the form of boards of ethics. 7/

(1) Prohibitions Against Self-Serving Activities - Conflict of Interest. Broadly defined, a conflict of interest exists any time a legislator's personal or private interest conflicts with the public interest. This broad definition is a variation of definitions found in the laws of California, Louisiana, Minnesota, Oklahoma, and Texas.

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7/ The following material is compiled from state statutes; "Ethical Conduct and Governmental Integrity; the Conflict of Interest Issue," a Joint Staff Report Prepared by the California Office of Research and Assembly Committee on Government Organization, February, 1970; "State Government Ethics Legislation," Illinois Legislative Council, January, 1968; and material gathered by the Committee on Rules, National Legislative Conference.

Conflict of interest legislation, among other things, prohibits the officers and employees covered from being an agent for the government in any transaction with himself or in which such transaction he or a close relative or business associate has a substantial financial interest (California, Florida, Hawaii, Kansas, Kentucky, Louisiana, Massachusetts, Missouri, New Mexico, and Texas).

A conflict between an individual's private interest and public responsibilities in Arizona, California, Louisiana, Massachusetts, and New York also occurs when an enterprise in which a legislator has either a direct or indirect interest is affected by proposed legislation differently than an enterprise in the same type of industry.

Some states place restrictions on selling goods or services of more than a certain amount to the state unless the sale is made after notice and competitive bidding. Arizona, Hawaii, and New Mexico set this minimum value at \$1,000; Iowa at \$500; and New York at \$25. Massachusetts, on the other hand, prohibits those subject to the act to have any private interest in any contract with the state. In Illinois, a legislator is not to charge a person who has a legislative interest any more than he would charge any one else in the ordinary course of business.

Some states have included in their ethics statutes provisions against the soliciting, accepting, or offering of bribes. Other states, such as California, rely on criminal statutes to cover this area. More commonly there are provisions that forbid or warn against acceptance of gifts, gratuities, favors, etc. Restrictions of this nature are found in the ethics legislation of Florida, Hawaii, Iowa, New York, Oklahoma, Pennsylvania, and Texas. Under Illinois legislation, it is a rule of conduct for legislators not to accept or solicit, in any calendar year, gifts, loans, discounts, hospitality, etc., that have aggregate values of \$100. New York forbids accepting a gift or service having a value of \$25 or more under such circumstances in which it could be inferred that the gift was intended to influence his official action. The New Mexico Code contains a similar provision; permitted, however, are: 1) an occasional nonpecuniary gift, insignificant in value; 2) a public service award; or 3) a commercial loan made in the course of business by an institution authorized by law to make such a loan.

(2) Restrictions on Representing Outside Interests. The laws of California, Florida, Illinois, Louisiana, Massachusetts, and Texas contain provisions prohibiting a legislator and other employees from accepting outside payment for services rendered in the course of his official duties.

Many states prohibit such employment which impair the legislator's independence of judgment or which might threaten

divulgence of confidential information, (California, Arizona, Florida, Massachusetts, Minnesota, New York, Texas, and Washington).

Objections have been raised against outright bans on appearances before state agencies, due to the hardships it might create for the part-time legislator, particularly the lawyer-legislator who practices before state agencies. California resolved part of the problem by allowing the attorney-legislator to appear before the California Workmen's Compensation Appeals Board, the California Commission of Corporations, or a state agency when making an inquiry for a constituent without compensation. In Illinois, the lawyer-legislator can appear before any state agency for a constituent. He may appear before most state agencies for compensation, also, on the theory that decisions of most Illinois administrative agencies are subject to judicial review. But the Illinois Court of Claims is a legislative court, and, as such, its decisions are not subject to judicial review. The same is true with regard to decisions rendered by the Illinois Industrial Commission involving claims against the state. Since the safeguard of judicial review is absent in these two instances, legislators are banned from practicing for compensation before the Court of Claims and the Industrial Commission when there is a claim against the state. 9/ New Jersey and New York also prohibit state personnel from appearing in Court of Claims cases.

The Kentucky Code declares it improper representation to negotiate for a fee with the state toward the end of having the state purchase an interest in real property, or an appearance before a state agency as an expert witness. In New York, those covered by the code are prohibited from appearing before a state agency for a fee which is contingent upon the action of the agency's decision. California and Iowa forbid those covered from receiving any direct or indirect compensation for appearing in a licensing or regulatory matter before the licensing or regulating agency.

A number of laws require that an officer or employee covered by ethics legislation refrain from engaging in a transaction in which he participated in his official capacity after he terminates his government connection. The codes of Hawaii, Iowa, Louisiana, Missouri, and New York requires the affected individual to abstain two years; Massachusetts one year.

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9/ "Ethical Standards in Illinois State Government," Report of the Conflict of Interest Laws Commission, 1967, pp. 25-30.



(3) Disclosure Provisions. Ethics legislation frequently requires the individuals covered to disclose their personal and private economic interests and relationships likely to create conflicts of interest. The financial statement or report may be filed with either a special ethics board or commission or another elected official. To illustrate the type of information included in a disclosure report, the requirements in the laws of Illinois, Nebraska, New Mexico, and New York are discussed below.

In New York, a legislator or legislative employee, his spouse or minor children, is required each year to disclose every direct or indirect financial interest he may have that is subject to the jurisdiction of a regulatory agency, and whether that interest is over or under \$5,000; the name of every office or directorship held by him in any enterprise which is subject to the jurisdiction of a regulatory agency, and every other interest which he, in his discretion, may determine to be particularly affected by legislative action or should be disclosed in the public interest.

An Arizona legislator and his spouse is required to disclose each year every office or directorship in any corporation, firm, or enterprise making a profit. The code is not specific as to whether name, exact dollar amount, type of economic activity, etc., should be disclosed. However, names of corporations, state agencies, and amounts of compensation are required to be disclosed in business transactions with a state agency.

For Illinois legislators and legislative candidates, there must be made a written disclosure of individual and family stock, bond, realty, and equity or creditor holdings in entities subject to state regulation or which have a "legislative interest"; a listing of offices, directorships, and salaries held or enjoyed in such entities by the individual making the disclosure or his spouse or minor children; a list of the compensated services he or his family rendered such entities; and a list of other interests that may create a conflict of interest. The value of the interest need not be disclosed, nor the names of the entities, if the sphere of their economic activity is disclosed.

Exempted from disclosure in Illinois are: Interests in the form of accounts in banks and savings and loan associations; and in the case of equities, interests valued at less than \$5,000 and representing less than five percent of the total equity interest in the entity.

In New Mexico, a legislator must annually disclose the value and "precise nature" of every financial interest exceeding \$10,000 in those businesses regulated by the state. A "financial interest" is defined as: 1) an ownership interest in business; or 2) any employment, or prospective employment for which negotiations have already begun. Disclosure is also required when the

legislator has a "controlling interest" (defined as over 20 percent) in a business regulated by the state.

(4) Boards of Ethics. Equivalents to a board of ethics had been established in ten states by 1969. The general functions and powers of such bodies are listed below:

- (1) Prepare a code of ethics;
- (2) Issue advisory opinions interpreting codes of ethics, and constitutional and statutory provisions relating to legislators;
- (3) Establish rules relating to lobbying and lobbyists;
- (4) Investigate complaints against members and report the result with recommendations;
- (5) Recommend legislation regarding legislative ethics;
- (6) Conduct programs of general information and education in governmental ethics;
- (7) Prescribe forms of disclosure statements.

The Illinois Legislative Council summarized in its January, 1968 memorandum on "State Government Ethics Legislation," the provisions in nine states relating to the compositions of the boards:

Nine states (California, Hawaii, Iowa, Louisiana, Michigan, Minnesota, New Jersey, New York, and Washington) have established a total of 15 committees...In the states where more than one of these agencies operates, one body usually concerns itself with the problems of officers and employees in the executive branch, the other or others, with the conflict of interest and ethics problems of legislators and legislative employees. Five of these committees are composed solely of legislators; eight have mixed legislative and nonlegislative membership; and two are composed entirely of non-legislators. All are empowered to render advisory opinions on ethics legislation, and all save the Michigan agency have authority to investigate violations of the ethics legislation. Seven may recommend legislation, and four have power to formulate codes of ethics. Thirteen are authorized to report their findings in cases of alleged violations to the appropriate house of the legislature and to the appropriate law officer for possible criminal or civil

action. One may prescribe disclosure forms; one has power to approve the ethics codes drafted by executive officers for the employees of their departments; and one may conduct a program of education and information.



## REVIEW OF SPECIFICATIONS OF THE CLASS ONE LEGISLATIVE PRINTING CONTRACT

Section 109-2-3, C.R.S. 1963, divides public printing for the state into four classes. Legislative bills, resolutions, calendars, and Journals are all designated by the section as class one printing. Other sections of Article 2 of Chapter 109 stipulate that all public printing for the State of Colorado shall be performed under contract and that the detailed standards and specifications for class one printing shall be set by the State Purchasing Agent in consultation with the Speaker and Chief Clerk of the House and President and Secretary of the Senate. Generally speaking, the class one printing contract is let for an entire legislative biennium, though the contract for the 1969 session contained a clause which granted the legislature the option of renewing the contract for an additional year if satisfactory service was performed by the contractor. The renewal option was exercised prior to the 1970 session and the same printer was given the contract for that session.

### 1970 Review of Printing Costs and Contract Specifications

Bill Printings Costs. At the first meeting of the 1970 interim, the Committee reviewed a bill printing cost analysis prepared by the staff covering the 1965, 1967, 1969, and 1970 sessions. A summary of the analysis is included in Table 8.

For the years under examination, it was revealed that the contract had been let on the basis of 450 copies per bill, printed front and back, plus an add-on charge for each 50 additional copies.

However, as shown in Table 9, a more detailed analysis of these sessions revealed two facts. First, the printing cost per page actually increased as the number of copies ordered printed increased over and above the basic order of 450 copies. For example, in the 1967 House, 450 copies of a one page bill cost \$4.50, or one cent per sheet of paper. But, if 500 copies of the same bill had been initially ordered, the cost would have been \$5.20, or over one cent per individual sheet of paper. By the 1969 session, 600 copies of a one page bill cost \$6.30; yet, if 450 copies had been ordered printed, the cost would have been \$4.20 and 500 copies would have been \$4.90, both amounting to less than one cent per page.

Second, Table 9 also reveals that the initial order of copies of individual bills increased progressively with each odd-year session. For instance, in 1965, no more than 450 copies per bill were ordered. But by 1967, most bills were ordered printed

Table 8

DATA ON PRINTING BILLS AND CONCURRENT RESOLUTIONS  
1965, 1967, 1969, AND 1970 SESSIONS

	(1) No. Bills/ Resolutions Introduced	(2) No. Bills/ Resolutions Printed	(3) Percentage Bills/ Resolutions Printed	(4) Number Pages Printed	(5) Total Printing Cost	(6) Average Cost Per Page (5)÷(4)	(7) Avg. No. of Pages of Bills/ Resolutions (4)÷(2)
1965 - Senate	381	330	86.6%	1,737	\$ 9,366.60	\$5.39	5.3
1965 - House	<u>501</u>	<u>462</u>	<u>92.2</u>	<u>2,452</u>	<u>11,745.10</u>	4.79	5.3
Total (1965)	882	792	89.8%	4,189	\$21,111.70	5.04	5.3
1967 - Senate	432	396	91.7%	1,487	\$ 7,539.00	\$5.07	3.8
1967 - House	<u>598</u>	<u>529</u>	<u>88.5</u>	<u>2,481</u>	<u>11,911.80</u>	4.80	4.7
Total (1967)	1,030	925	89.8%	3,968	\$19,450.80	4.90	4.3
1969 - Senate	444	444	100.0%	2,665	\$12,940.32	\$4.86	6.0
1969 - House	<u>573</u>	<u>557</u>	<u>97.0</u>	<u>2,946</u>	<u>16,778.30</u>	<u>5.70</u>	5.3
Total (1969)	1,017	1,001	98.4%	5,611	\$29,718.62	5.29	5.6
1970 - Senate	95	95	100.0%	612	\$ 3,606.40	\$5.89	6.4
1970 - House	<u>180</u>	<u>176</u>	<u>97.7</u>	<u>877</u>	<u>6,003.90</u>	6.85	<u>5.0</u>
Total (1970)	275	271	98.5%	1,489	\$ 9,610.30	6.45	5.4
Grand Totals	3,204	2,989	93.3%	15,257	\$79,891.42	\$5.24	5.1

Table 9

PRINTING COSTS OF BILLS AND RESOLUTIONS FOR 1965,  
1967, 1969, AND 1970

		(1) No. Copies of Each Page Printed	(2) Cost Per Page	(3) Total Pages Printed	(4) Total Cost of Printing <u>[(2) x (3)]</u>
1965	Senate:	450	\$5.50 <u>1/</u>	1,669	\$ 9,179.50
		Odd Lots*	Varied	<u>68</u>	<u>187.10</u>
	Total			1,737	\$ 9,366.60
	House	450	\$5.50 <u>1/</u>	2,041	\$11,225.50
		Odd Lots	Varied	<u>411</u>	<u>519.60</u>
	Total			2,452	\$11,745.10
1967	Senate:	450	\$4.50 <u>2/</u>	258	\$ 1,161.00
		500	5.20	1,210	6,292.00
		Odd Lots	Varied	<u>19</u>	<u>86.00</u>
	Total			1,487	\$ 7,539.00
	House:	450	\$4.50 <u>2/</u>	395	\$ 1,773.00
		500	5.20	1,859	9,666.80
		600	6.60	17	112.20
		Odd Lots	Varied	<u>210</u>	<u>359.80</u>
	Total			2,481	\$11,911.80

1/ 1965-66, basic contract price \$5.50 per page in lots of 450.

2/ 1967-68, basic contract price \$4.50 per page in lots of 450; extra copies, in lots of 50, an additional 70¢ per page.

\*The category "Odd Lots" means additional copies of particular bills ordered after their initial order, varying in number of copies from 15 to 30 or 40 extra copies. The charge for such copies is computed on a prorata basis.



Table 9 (continued)

	(1) No. Copies of Each Page Printed	(2) Cost Per Page	(3) Total Pages Printed	(4) Total Cost of Printing <u>(2) x (3)</u>
Senate:	500	\$5.20 <u>3/</u>	125	\$ 650.00
	500	4.90 <u>4/</u>	418	2,048.20
	550	5.60	1,297	7,263.20
	600	6.30	181	1,140.30
	650	7.00	32	224.00
	750	8.40	105	882.00
	Odd Lots	Varies	507	732.62
	Total		2,665	\$12,940.32
House:	500	\$5.20 <u>3/</u>	77	\$ 400.40
	500	4.90 <u>4/</u>	582	2,851.80
	600	6.30	2,013	12,681.90
	Odd Lots	Varied	274	844.20
	Total		2,946	\$16,778.30
Senate:	550	\$5.60	506	\$ 2,833.60
	650	7.00	67	469.00
	700	7.70	34	261.80
	750	8.40	5	42.00
	Total		612	\$ 3,606.40
House:	600	\$6.30	706	\$ 4,447.80
	800	9.10	171	1,556.10
	Total		877	\$ 6,003.90

3/ 1967-68 contract price applied to bills filed and printed prior to 1969 Session.  
4/ 1969-70 contract price \$4.20 per page in lots of 450; additional copies, in lots of 50, 70¢ per page.

in lots of 500 copies; and by 1969 and 1970, the number had increased to 550 in the Senate and 600 in the House. As previously pointed out, the more copies that were initially ordered, the more it cost the state, rather than the reverse situation.

Review of Class One Printing Contract -- Ad Hoc Subcommittee on Printing. In view of the problems that appeared to exist with respect to the printing contract, the Committee adopted a motion at its initial meeting this interim that provided for a further review into the class one printing program.

An Ad Hoc Subcommittee on Printing met twice during the interim to review a staff-prepared analysis of the 1969 and 1970 costs of printing bills, calendars, daily Journals, and bound Journals, and to review the printing standards and specifications that should be adopted for the 1971-72 legislative biennium.

The members of the Ad Hoc Subcommittee were: Mrs. Comfort Shaw, Secretary of the Senate; Mrs. Lorraine Lombardi, Chief Clerk of the House; Mr. Hank Kimbrough, former Chief Clerk; Mr. James Wilson, Legislative Drafting Office; Mr. Nick Segal, Eastwood Printing Company, Denver; and Mr. Lyle C. Kyle and Mr. Richard Levengood, Legislative Council staff. A representative of Bradford-Robinson Printing Company, Denver, also submitted some suggestions for changes in the contract.

The changes recommended by the Subcommittee were reviewed and approved, with some additions, by the full Committee on Legislative Procedures. The full Committee's recommendations, in turn, were reviewed by a joint meeting of the House and Senate Services Committees. The changes in specifications are discussed below and a sample copy of the proposal submitted to the State Purchasing Agent is included in Appendix F of this report.

Basic Number of Copies Ordered Printed. As noted, the number of copies of bills ordered printed was much higher than the basic contract price. For instance, as Table 10 indicates not once during either the 1969 or 1970 sessions were 450 copies of bills printed (the number on which the contract was based). Thus, the contract price was set at a basic charge of \$4.20 per 450 copies of a one page bill, but with an add-on charge of 70¢ per page of 50 additional copies. The cost per page quite naturally escalated each time 50 additional copies were ordered; and, 450 copies of a one page bill cost \$4.20, but 800 copies of the same bill cost \$9.10  $\angle \$4.20 + (\$0.70 \times 7) = \$9.10$ .

More copies of daily calendars and daily Journals were also being ordered than the basic number specified in the 1969-70 contract -- 450 calendars were actually ordered, but 350 was the basic order number on which the contract was let; and 550 daily Journals were actually ordered, but 450 was the basic contract number.

The contract specifications for these three items were raised to accord with the actual number being ordered. These figures were considered to be more realistic and had the effect of allowing the General Assembly to get a better bid price for the number ordered than is now the case with add-on charges for additional copies. The add-on charges have been especially high for calendars and daily Journals at \$3.00 per page for each 50 additional copies ordered over and above the basic price.

The prospective contractor under the new specifications will be required to submit bids for additional copies of bills in lots of 200, 500, and 1,000. These numbers were inserted so that there would be submitted a progressively lower add-on charge for bills which must be ordered in quantities greater than the basic order of 600.

Bids will also be required to be submitted for 100 extra copies of daily calendars and daily House and Senate Journals.

Daily Calendars Photo-offset vs. Letter-press Printing Processes. Table 10 shows that a one page daily Calendar, printed on one side only, cost on the average of \$19.85. Since most calendars were ordered in lots of 450, the majority of times the cost for a one page Calendar was \$20.50 and for a two-page Calendar (printed on one sheet of paper) was \$41.00. It cost approximately \$18,000 to print 900 pages of calendars in the 1969 and 1970 sessions. But the high price was due to the fact that a letter press printing process was utilized instead of the less expensive photo-offset process that is used to reproduce bills.

In view of these high prices, the Subcommittee considered but rejected a suggestion for using the photo-offset process. It was pointed out that photo-offset may actually complicate the process of reproducing calendars, since an additional typist working a late shift in each house would probably be necessary. Often, especially in the latter part of a session, type set for the previous day's calendar can be used for running a calendar. The latter is especially true with respect to the Senate calendar. A cut-and-paste version of the calendar is presently being sent to the printer, thus saving time for the administrative staffs for the House and Senate. If photo-offset were utilized, it would be necessary to submit perfect copy very late in the day for reproduction, which may not, in some cases, be performed until the following morning. Some delay in distribution of the calendar may result.

Basis for Low Bids. As a guideline to the State Purchasing Division, the specifications for the 1969-70 contract listed the following numbers upon which the low bid should be based: 2,000 pages of bills; 400 pages of calendars; and 2,000 pages of daily journals. But as Table 10 shows, the actual number printed was



Table 10

1969 AND 1970 SESSIONS  
CLASS ONE PRINTING COST ANALYSIS

	(1) Number Copies of Each Page Printed	(2) Contract Cost Per Page	(3) Total Pages Printed	(4) Total Cost of Printing	(5) Average Cost Per Page
Bills and Resolutions		1/			
	450	\$ 4.20	None	\$ 4,900.00	
	500	4.90	1,000	10,096.80	
	550	5.60	1,803	18,270.00	
	600	6.30	2,900	469.00	
	650	7.00	67	261.80	
	700	7.70	34	924.00	
	750	8.40	110	1,556.10	
	800	9.10	171	1,576.82	
	Odd Lots*	Varied	781	\$ 38,054.52**	\$ 5.54 (front and back)
	Total		6,866		
Daily Calendars		2/			
	350	\$14.50	129	\$ 1,870.50	
	400	17.50	25	437.50	
	450	20.50	705	14,452.50	
	500	23.50	24	564.00	
	550	26.50	30	795.00	
	Total		913	\$ 18,119.50	\$19.85 (front only)
Daily Journals		3/			
	450	\$12.00	None	\$ 6,930.00	
	500	15.00	462	66,168.00	
	550	18.00	3,676	306.00	
	Tabular Matter	6.00	51	\$ 73,404.00	\$17.52 (front only)
	Total		4,189		
	Total Cost			\$129,758.02	

See footnotes on page for summary of contract terms.

\*See page

\*\*See page

Table 10 (continued)

(1) Contract Descrip- tion and Quantity in Lots of 250	(2) Cost Per Item	(3) Total Items	(4) Total Cost Per Item	(5) Average Cost Per Journal
1969 Senate Bound Journal				
Journal Pages	\$ 4.75	1,322	\$ 6,279.50	
Index (photo offset)	8.50	193	1,640.50	
Other Pages (re-set type)	13.00	35	455.00	
Cases	3.50	--	875.00	
Binders	3.50	--	875.00	
Divider Pages	--	--	120.00	
Author's Corrections	1.50	233.3	350.00	
Total Pages (excluding corrections)		1,550	\$10,595.00	\$42.38
1969 House Bound Journal				
Journal Pages	4.75	1,728	8,208.00	
Index (Photo offset)	8.50	284	2,414.00	
Other Pages (re-set type)	13.00	56	728.00	
Cases	3.50	--	875.00	
Binders	3.50	--	875.00	
Dividers Pages	--	--	120.00	
Author's Corrections	1.50	333.3	500.00	
Total Pages (excluding corrections)		2,068	\$13,720.00	\$54.88
Total 1969 House and Senate		3,618	\$24,315.00	\$48.63
1970 House Journals				
1970 House and Senate		1,616	\$11,532.50	\$46.13
Total 1969 and 1970 Journals		5,234	\$35,847.50	\$47.80
GRAND TOTAL CLASS ONE PRINTING COSTS			\$165,605.52	

Table 10 (continued)

FOOTNOTES

Summary of 1969-1970 Class one Printing Contract (Excluding Bound Journals):

- 1/ Bills -- \$4.20 per page in lots of 450 copies, printed front and back; additional copies, in lots of 50, 70¢ per page.
- 2/ Daily Calendars -- \$14.50 per page in lots of 350 copies, printed one side only; additional copies, in lots of 50, charged at a rate of \$3.00 per page.
- 3/ Daily Journals -- \$12.00 per page in lots of 450, printed one side only; additional copies, in lots of 50, \$3.00 per page.

\*The category "Odd Lots" means additional copies of particular bills ordered after their initial order, varying in number of copies from 15 to 30 or 40 extra copies. The charge for such copies is computed on a prorata basis.

\*\*Totals for bill printing does not include 202 pages of bills pre-printed before 1969 Session, amounting to \$1,050.40, since these bills were printed under 1967-68 printing contract held by Peerless Printing.

6,866 pages of bills; 913 pages of calendars; and 4,189 pages of Journals. Thus, in order to assure a more realistic (and perhaps lower) bid for each of these items the number of each item on which the low bid should be based was raised to 8,000 for bills; 1,000 for calendars; and 5,000 for daily journals.

Joint Rule No. 10. In order to make the recommendation on bills consistant with the House and Senate rules, the Committee on Legislative Procedures recommends that Joint Rule No. 10 be amended to provide that 600 copies of bills ordered to be printed and that such additional copies, as necessary, be ordered printed by the Chief Clerk and the Senate Secretary, with the approval of their respective presiding officers. (See Appendix B.)

Bound Volume Journals. Article V, Section 13 requires each house to keep a Journal of its proceedings. Section 63-2-11, C.R.S. 1963, requires that Journals be published "as soon as practicable after the adjournment of the General Assembly".

Under the present contract, 250 bound Journals for each house are published after each odd-year session, and 250 copies of the combined Journal is published after each even-year session, bringing the total number printed per biennium to 750.

Section 63-2-72, C.R.S. 1963, requires the Secretary of State to:

...deliver one copy of each of the published journals to county clerks of the several counties of the state who shall keep them on file for public inspection, one copy to each member of the general assembly, and one copy to the supreme court library. The secretary of state shall retain sufficient copies for other official uses.

The statute, thus, requires that 164 copies of bound Journals be distributed at the end of each session. Several other copies are distributed upon request and at no charge to governmental agencies, libraries, and individuals who may have a special use for them. Yet, many times, according to the Secretary of State's office, county clerks return the Journals with the notation that no one uses them or they do not have room to store them year after year. An inventory of the bound Journals stored in the Capitol Building revealed that there are 83 copies of House and Senate Journals for the 1967 session; 52 copies of the combined Journal of the two house for the 1968 session; and 121 copies of House and Senate Journals for the 1969 session.

As shown in Table 10, the average cost of a 1969 and 1970 Journal was \$47.80. Hence, the Committee on Legislative Procedures recommends that the number of Journals ordered after each session be reduced from 250 to 200, with the total number being ordered per biennium reduced from 750 to 600.



Some consideration had been given by the Committee to reduce the number to 150 and remove the statutory requirement that copies be distributed to the 63 Colorado county clerks. But some members of the Committee expressed the belief that it did not appear to be practical at this time to stop distribution of copies to counties. Since voting records of members are in the Journals, it is contended, out-state areas should continue to have copies of the Journal available for use by the general public.

However, the Committee does recommend that legislation be introduced and passed in the 1971 session that would transfer the responsibility of distributing the Journals from the Secretary of State to the Chief Clerk and Senate Secretary, since this task properly is a legislative function and in accord with recent changes granting the legislature more responsibility in the distribution of Session Laws. (See Appendix C.)

Miscellaneous Changes. Other changes in the contract specifications include altering the weight of paper used for each item designated in the contract so it would accord with actual usage; striking from the portion of the contract on daily Journals the \$1.50 per page charge for tabular matter; and deleting the charge assessed by the contractor for author's corrections in bound Journals and stipulating that it is the printer's responsibility to correct all errors regardless of whose error it may be. The latter change was made at the suggestion of the contractor for the 1969-70 biennium; many times it was impossible to tell whether the printer or the author made an error.

Another recommended specification would grant the General Assembly the right to cancel the contract if the printer is unable to perform the required services for which he contracted.

In reviewing the contract, the Committee on Legislative Procedures had recommended that provision be made to split the contract. The bidder, at his option, would be permitted to submit bids as follows:

- (1) submit a bid on the printing of bills, memorials, and resolutions, only;
- (2) submit a bid on the printing of daily calendars, daily Journals, and bound volumes, only; or
- (3) if a bidder desired to submit bids on both (1) and (2) above, such bids shall be made separately.

The intent of this provision was two-fold. First, it was believed that such an option would force a prospective contractor to consider his price on bills as distinct from the rest of the contract, and, in this manner, it was hoped that a more realistic

price on all parts of the contract would be obtained. For instance, it was pointed out by one prospective contractor that under the current method of bidding on the entire contract, it is possible for a firm to submit a bid on the bill and resolution portion that may in fact be too low to make a profit; but a higher bid on other portions of the contract would be submitted to make up the loss.

Bills are reproduced by a photo-offset printing process, and require less of an investment for machinery, than the calendar and Journals portion which are reproduced by letter-set press. Thus, the second reason for splitting the bid was to make it possible for a smaller contractor to bid on the bill portion, only, and, thus, enabling him to compete with larger firms for at least part of the contract. It was also hoped that perhaps better service could be obtained on delivery of bills if that portion was separate from the remainder of the contract.

However, the House and Senate Services Committee's rejected this recommendation of the Committee. It was argued that the primary purpose of the printing contract is to assure that legislative printing is carried out as expeditiously as possible. With only one contractor to deal with, instead of two, it is easier to establish delivery and pickup times for all types of legislative printing. Further, since bill printing is a separate mechanical operation from the printing operation for daily calendars and Journals, the fact that one contractor has the entire contract should make no difference in terms of having bills delivered on time. As to obtaining a realistic price for the entire contract, it is anticipated that the suggested number of pages on which bids are to be based should be instrumental in obtaining more realistic bids on the entire contract.

With regard to the problem of receiving bills by the required delivery time (by 11 a.m. the second morning after receipt), the Subcommittee found that no discernable problem has occurred. But it was agreed that such deadlines should be more carefully scrutinized in the future.

APPENDIX E



**State of Colorado**

EXECUTIVE CHAMBERS

DENVER

JOHN A. LOVE  
Governor

EXECUTIVE ORDER

COLORADO CODE OF ETHICS

I

It is essential to the effective and efficient operation of state government that public officials be independent and impartial, that public office not be used for private gain, and that there be complete public confidence in the integrity of state government.

Qualified persons should be encouraged to serve in state government. Therefore, state employees should have equal opportunities with all citizens in developing private economic and social interests, unless there is a conflict with their responsibility to the public.

It is not the intent of this Executive Order to prescribe sanctions that would limit public service to any particular economic or social group.

It is the intent of this Order to implement the objectives of protecting the integrity of the state government of Colorado and facilitating the recruitment and retention of qualified personnel.

This Executive Order shall apply to all state employees in the executive department of the government of the State of Colorado, and shall serve as a basis for appropriate discipline when it has been determined in a hearing that the standards of conduct in this Colorado Code of Ethics have been violated. As used herein, "state employee" shall be defined as officers and employees in the executive department.

The Governor may amend this Executive Order to expand, alter, or delete sections of the Colorado Code of Ethics if it becomes apparent that any section or sections of the code are not meeting the purpose of the code.

II

No state employee shall engage in any outside employment or other outside activity incompatible with the proper discharge of the responsibilities of his office or position. It shall be deemed incompatible with such discharge of responsibilities for any such person to accept any fee, compensation, gift, payment of expenses, or any other thing of monetary value under circumstances in which the acceptance may result in:

- (A) An undertaking to give preferential treatment to any person;
- (B) Impeding governmental efficiency or economy;
- (C) Any loss of complete independence or impartiality;
- (D) The making of a governmental decision outside official channels;
- (E) The reasonable inference that any of the above may occur or might have occurred;
- (F) Any adverse effect on the confidence of the public in the integrity of the government of the State of Colorado.

No state employee shall have a personal interest in any business transaction within his area of influence in state government nor shall he have any private business relationship or ownership of property that may conflict with his public duties. If a conflict should develop, the employee shall be not only permitted, but required, to disqualify himself from making any decision involving such business transaction or relationship.

III

This section shall apply only to:

Agency administrators and their deputies or assistants as the term agency is defined in Section 3-2-4, Colorado Revised Statutes, 1963;

Members of the Governor's staff;

Salaried members of boards and commissions appointed by the Governor;

Salaried executive employees of boards and commissions whose members are appointed by the Governor.



Not later than January 15, 1967, the employees now holding the positions listed above shall submit to the Governor a written report containing the following:

1. The names of every corporation, company, firm, or other business enterprise, partnership, nonprofit organization, and educational or other institution which does business with or is regulated, controlled, or otherwise affected by the activities of any department, agency, board, or commission of the State of Colorado in which he has an interest in any of the following ways:
  - (a) As an employee, officer, owner, director, trustee, partner, or legal, accounting, or business adviser or consultant;
  - (b) A continuing financial interest through a pension or retirement plan, shared income, or otherwise, as a result of any current or prior employment or business or professional association; or
  - (c) A financial interest through the ownership of stocks, bonds, or other securities, the value of which is in excess of \$5,000.00.
2. The names of his creditors who do business with or are regulated, controlled, or otherwise affected by the activities of his department, agency, board, or commission, other than those to whom he may be indebted by reason of a mortgage on property which he occupies as a personal residence or to whom he may be indebted for current and ordinary household and living expenses.
3. A list of all his interests in real property or rights in lands, other than property which he occupies as a personal residence, which are, or may reasonably be, affected by acquisitions of real property or interest therein by an agency, department, board or commission of the State of Colorado.

Henceforth, prior to appointment to any of the positions listed above, the Governor will first require the submission of a report containing the above information. Each report required by this article shall be kept up to date by submission of amended reports of any changes in or additions to the information required thereon as any change occurs, or, in any event, on March 1 of each succeeding year.

The reports submitted to the Governor shall be treated as confidential. Information thereon will not be made public except at the specific direction of the Governor when he deems that a matter has become of such importance that the public interest requires disclosure.

#### IV

No state employee shall receive any compensation, gift, payment of expense, reward, gratuity, or anything of value from any source except the State of Colorado for any matter or proceeding connected with or related to the duties of such employee, unless otherwise provided for by law. This provision is not intended to restrict usual social amenities, ceremonial gifts, or unsubstantial advertising gifts. Compensation, gifts, expense money, rewards, gratuities, or anything of value within the meaning of this statement which practically cannot be returned shall immediately be turned over to the Division of Accounts and Control to be considered by it as state funds or state property.

The above paragraph shall not preclude:

- (A) Receipt of awards for meritorious public contribution given by a non-profit organization;
- (B) Receipt of honoraria or expenses paid for papers, talks, demonstration, or appearances made by employees on their own time, for which they are not compensated by the state, and which are not prohibited by this code.

#### V

No state employee shall use state time, property, equipment, or supplies for his private use, or for any other use not in the interest of the State of Colorado. It is his duty to protect and conserve all property entrusted to him.

#### VI

No state employee shall disclose confidential information acquired by virtue of state employment, nor shall he use such information, or permit others to use it, in furtherance of a private interest.

No state employee shall accept outside employment or engage in any business or professional activity which might require him to disclose or act on such confidential information.

#### VII

This code shall in no way alter the duty of each state employee to be aware of and adhere to those sections of the Colorado Revised Statutes dealing with conflicts of interest. Each state department and agency shall make available to each of its employees those particular sections of the statutes dealing with the employee's responsibilities.

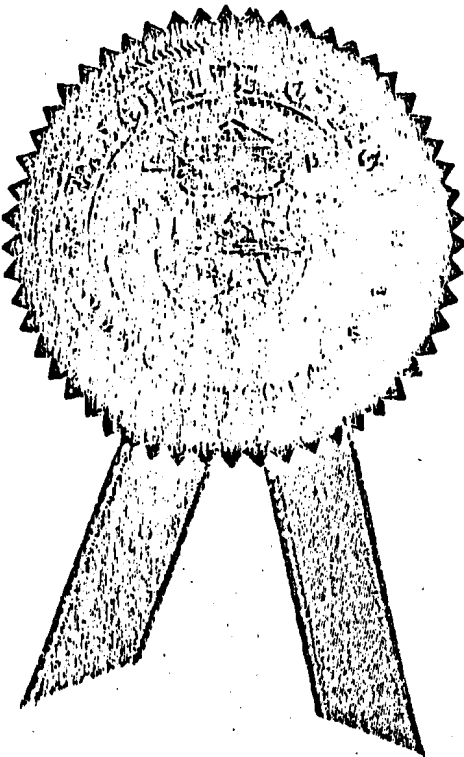
VIII

Each state employee shall at all times use his best efforts to perform his assigned tasks promptly and efficiently and to be courteous, impartial, and considerate in his dealings with the public, bearing in mind that, whatever his position, he acts as a representative of the State of Colorado.

ORDERED: That the foregoing Executive Order be established as the Colorado Code of Ethics as of this date.

Given under my hand and the Executive Seal of the State of Colorado this Thirteenth Day of September, A.D., 1966.

*John A. Love*  
John A. Love  
Governor



## Appendix F

### FORTY-EIGHTH GENERAL ASSEMBLY

#### ADOPTED SPECIFICATIONS FOR CLASS ONE PRINTING CONTRACT 1971-72 Sessions

##### Class One

#### BILLS, MEMORIALS, AND RESOLUTIONS

Lots of 600 copies; photo offset; printed front and back, flat paper, 8½" x 11", pink and blue color, 16 lb. opaque bond, hole punched; saddle stapled, no charge for blank pages; bill number to be stamped on each page; delivery by 11 a.m. the second morning from receipt. Penalty for late delivery \$2.00 per page per day in actual session, except no penalty will be charged if printer delivers as many as 150 pages of bills (lots of 600). No charge for overtime. (Sample attached.)

per page \_\_\_\_\_

Additional copies, in lots of 200 per page \_\_\_\_\_

Additional copies, in lots of 500 per page \_\_\_\_\_

Additional copies, in lots of 1,000 per page \_\_\_\_\_

#### DAILY CALENDARS

Lots of 500 copies; printed flat paper, 6¼" x 9¼", white and yellow color, 20 lb. #4 sub.; 10 point type set 30 pica ems by 54 pica ems, including running title and folio slug; hole punched and stapled; delivery by 7 a.m. the following day. Penalty \$100. No charge for overtime. Printer to read and correct proof without additional charge. (Sample attached)

per page \_\_\_\_\_

Additional copies, in lots of 100 per page \_\_\_\_\_

#### DAILY HOUSE AND SENATE JOURNALS

Lots of 600 copies, printed flat, 20 lb. #4 sub. paper, color yellow and white, 6¼" x 9¼"; 10 point type set 25 ems by 54 ems including running title and folio slug; hole punched; stapled; delivery by 7 a.m. the following day; penalty \$100; type to be held until close of session for printing of bound volume journal. No additional charge for overtime. (Sample attached)

per page \_\_\_\_\_

Additional copies, in lots of 100 per page \_\_\_\_\_



## **BOUND VOLUME JOURNALS**

200 copies, 50 lb.,  
English Finish paper

per page \_\_\_\_\_

### **Index and Appendix**

Photo offset for index

per page \_\_\_\_\_

Copy set in type which was  
not printed in daily journals

per page \_\_\_\_\_

### **Cases**

Buckrum cases - stamped front  
and backbone

per volume \_\_\_\_\_

### **Binding**

Trimming, oversewed, binding  
with head band

per volume \_\_\_\_\_

### **Delivery**

Certified copies of each journal shall be  
delivered in full in 60 days after delivery  
of final copy for each journal. Penalty  
\$50 per day.

### **Important Notes**

1. Low bid to be based per biennium on the following:

8,000 pages of bills;  
1,000 pages of calendars;  
5,000 pages of daily journals.

For the odd year session:

200 copies of the Senate bound journal;  
200 copies of the House bound journal.

For the session in the even numbered year, and for  
all special sessions, the journals of the Senate and  
House shall be published in one bound volume:

200 copies shall be furnished.

2. This contract can be cancelled by the General Assembly if the printer is unable to provide the services required as outlined in these specifications.

3. The printer is responsible for all corrections in the Journals, either those of the authors or of the printer.

# CAPITOL COMPLEX SITE PLAN

