

Second Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 12-0741.01 Bob Lackner x4350

HOUSE BILL 12-1243

HOUSE SPONSORSHIP

Todd,

SENATE SPONSORSHIP

(None),

House Committees
State, Veterans, & Military Affairs

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE REVIEW OF PROCESSES USED TO MAKE
102 APPOINTMENTS TO STATE BOARDS AND COMMISSIONS.

Bill Summary

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

In connection with the various state boards and commissions for which the governor possesses the power to make appointments of the members, **section 1** of the bill requires the office of the governor to review the process by which the governor makes such appointments to determine whether and to what extent the process allows for sufficiently

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

diverse representation among the persons serving on such boards and commissions considering such factors as geographic and political background, expertise, and life and work experience of potential appointees.

As part of the review, the bill also requires the governor's office to review the process by which the governor makes appointments to state boards and commissions in general to determine whether any action could be taken to make the appointment process more uniform and consistent.

The office of the governor is further required to develop recommendations for soliciting the broadest possible applicant pool for making gubernatorial appointments to state boards and commissions. In performing this task, the office of the governor is to consider the use of all available media that would advertise open appointments and mechanisms that would increase the awareness of appointments among the public generally and within various groups with persons representing their interests on the various boards and commissions more particularly.

Not later than December 15, 2013, the bill requires the office of the governor to report any findings and recommendations it has made to the general assembly.

Section 2 of the bill requires the legislative council of the general assembly to undertake the same kind of review with respect to legislative appointments to state boards and commissions that section 1 of the bill requires the office of the governor to undertake for gubernatorial appointments. As part of the review, not later than December 15, 2013, the legislative council is required to assemble any findings and recommendations it has made into a report for the use of the council, the executive committee of the legislative council, the full membership of the general assembly, and the public.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 24-20-111 as
3 follows:

4 **24-20-111. Review of appointments to boards and**
5 **commissions - report to general assembly - repeal.** (1) (a) IN
6 CONNECTION WITH THE VARIOUS STATE BOARDS AND COMMISSIONS FOR
7 WHICH THE GOVERNOR POSSESSES THE POWER TO MAKE APPOINTMENTS OF
8 THE MEMBERS, THE OFFICE OF THE GOVERNOR SHALL REVIEW THE PROCESS
9 BY WHICH THE GOVERNOR MAKES SUCH APPOINTMENTS TO DETERMINE

1 WHETHER AND TO WHAT EXTENT THE PROCESS ALLOWS FOR SUFFICIENTLY
2 DIVERSE REPRESENTATION AMONG THE PERSONS SERVING ON SUCH
3 BOARDS AND COMMISSIONS CONSIDERING SUCH FACTORS AS GEOGRAPHIC
4 AND POLITICAL BACKGROUND, EXPERTISE, AND LIFE AND WORK
5 EXPERIENCE OF POTENTIAL APPOINTEES.

6 (b) AS PART OF THE REVIEW REQUIRED BY PARAGRAPH (a) OF THIS
7 SUBSECTION (1), THE GOVERNOR'S OFFICE SHALL ALSO REVIEW THE
8 PROCESS BY WHICH THE GOVERNOR MAKES APPOINTMENTS TO STATE
9 BOARDS AND COMMISSIONS IN GENERAL TO DETERMINE WHETHER ANY
10 ACTION COULD BE TAKEN TO MAKE THE APPOINTMENT PROCESS MORE
11 UNIFORM AND CONSISTENT.

12 (2) THE OFFICE OF THE GOVERNOR SHALL DEVELOP
13 RECOMMENDATIONS FOR SOLICITING THE BROADEST POSSIBLE APPLICANT
14 POOL FOR MAKING GUBERNATORIAL APPOINTMENTS TO STATE BOARDS
15 AND COMMISSIONS. IN PERFORMING THIS TASK, THE OFFICE OF THE
16 GOVERNOR SHALL CONSIDER THE USE OF ALL AVAILABLE MEDIA THAT
17 WOULD ADVERTISE OPEN APPOINTMENTS AND MECHANISMS THAT WOULD
18 INCREASE THE AWARENESS OF APPOINTMENTS AMONG THE PUBLIC
19 GENERALLY AND WITHIN VARIOUS GROUPS WITH PERSONS REPRESENTING
20 THEIR INTERESTS ON THE VARIOUS BOARDS AND COMMISSIONS MORE
21 PARTICULARLY.

22 (3) NOT LATER THAN DECEMBER 15, 2013, THE OFFICE OF THE
23 GOVERNOR SHALL REPORT ANY FINDINGS AND RECOMMENDATIONS IT HAS
24 MADE IN RESPONSE TO THE REQUIREMENTS OF SUBSECTIONS (1) AND (2) OF
25 THIS SECTION TO THE GENERAL ASSEMBLY.

26 (4) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2015.

27 **SECTION 2.** In Colorado Revised Statutes, 2-3-303, **add** (5) as

1 follows:

2 **2-3-303. Functions - definitions - repeal.** (5) (a) (I) IN
3 CONNECTION WITH THE VARIOUS STATE BOARDS AND COMMISSIONS FOR
4 WHICH THE GENERAL ASSEMBLY POSSESSES THE POWER TO MAKE
5 APPOINTMENTS OF THE MEMBERS, THE LEGISLATIVE COUNCIL SHALL
6 REVIEW THE PROCESS BY WHICH THE GENERAL ASSEMBLY MAKES SUCH
7 APPOINTMENTS TO DETERMINE WHETHER AND TO WHAT EXTENT THE
8 PROCESS ALLOWS FOR SUFFICIENTLY DIVERSE REPRESENTATION AMONG
9 THE PERSONS SERVING ON SUCH BOARDS AND COMMISSIONS CONSIDERING
10 SUCH FACTORS AS GEOGRAPHIC AND POLITICAL BACKGROUND, EXPERTISE,
11 AND LIFE AND WORK EXPERIENCE OF POTENTIAL APPOINTEES.

12 (II) AS PART OF THE REVIEW REQUIRED BY SUBPARAGRAPH (I) OF
13 THIS PARAGRAPH (a), THE LEGISLATIVE COUNCIL SHALL ALSO REVIEW THE
14 PROCESS BY WHICH THE GENERAL ASSEMBLY MAKES APPOINTMENTS TO
15 STATE BOARDS AND COMMISSIONS IN GENERAL TO DETERMINE WHETHER
16 ANY ACTION COULD BE TAKEN TO MAKE THE APPOINTMENT PROCESS MORE
17 UNIFORM AND CONSISTENT.

18 (b) THE LEGISLATIVE COUNCIL SHALL DEVELOP
19 RECOMMENDATIONS FOR SOLICITING THE BROADEST POSSIBLE APPLICANT
20 POOL FOR MAKING LEGISLATIVE APPOINTMENTS TO STATE BOARDS AND
21 COMMISSIONS. IN PERFORMING THIS TASK, THE LEGISLATIVE COUNCIL
22 SHALL CONSIDER THE USE OF ALL AVAILABLE MEDIA THAT WOULD
23 ADVERTISE OPEN APPOINTMENTS AND MECHANISMS THAT WOULD
24 INCREASE THE AWARENESS OF APPOINTMENTS AMONG THE PUBLIC
25 GENERALLY AND WITHIN VARIOUS GROUPS WITH PERSONS REPRESENTING
26 THEIR INTERESTS ON THE VARIOUS BOARDS AND COMMISSIONS MORE
27 PARTICULARLY.

1 (c) (I) NOT LATER THAN DECEMBER 15, 2013, THE LEGISLATIVE
2 COUNCIL SHALL ASSEMBLE ANY FINDINGS AND RECOMMENDATIONS IT HAS
3 MADE IN RESPONSE TO THE REQUIREMENTS OF PARAGRAPHS (a) AND (b) OF
4 THIS SUBSECTION (5) INTO A REPORT FOR THE USE OF THE COUNCIL, THE
5 EXECUTIVE COMMITTEE OF THE LEGISLATIVE COUNCIL, THE FULL
6 MEMBERSHIP OF THE GENERAL ASSEMBLY, AND THE PUBLIC.

7 (II) ANY STAFF ASSISTANCE REQUIRED BY THE LEGISLATIVE
8 COUNCIL TO ENABLE THE COUNCIL TO PERFORM ITS DUTIES UNDER THIS
9 SUBSECTION (5) SHALL BE PERFORMED BY EXISTING EMPLOYEES OF THE
10 STAFF AGENCIES OF THE LEGISLATIVE BRANCH OF STATE GOVERNMENT
11 WITHIN EXISTING APPROPRIATIONS.

12 (d) THIS SUBSECTION (5) IS REPEALED, EFFECTIVE JULY 1, 2015.

13 **SECTION 3. Act subject to petition - effective date.** This act
14 takes effect at 12:01 a.m. on the day following the expiration of the
15 ninety-day period after final adjournment of the general assembly (August
16 8, 2012, if adjournment sine die is on May 9, 2012); except that, if a
17 referendum petition is filed pursuant to section 1 (3) of article V of the
18 state constitution against this act or an item, section, or part of this act
19 within such period, then the act, item, section, or part will not take effect
20 unless approved by the people at the general election to be held in
21 November 2012 and, in such case, will take effect on the date of the
22 official declaration of the vote thereon by the governor.