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BASICS OF THE LEGISLATIVE PROCESS RELATING TO FAMILY LAW

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BASICS OF THE COLORADO LEGISLATURE

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- Session is 120 Days (Unless Special Session)
 - Session must start no later than 2nd Wed Jan.
 - 100 Members (65 House; 35 Senate)
 - House Terms = 2 Years
 - Senate Terms = 4 Years
 - Term Limits (4 Terms House; 2 Terms Senate)
 - Balanced Budget Amendment
 - TABOR (cap to revenue state can retain)
 - GAVEL (every bill gets a hearing & vote)
 - Citizen right to testify – no invite needed

BILL INTRODUCTION AND ENGAGEMENT TIMELINE

PRE-SESSION

December – Members request bills, cannot introduce more than 5 bills

January- Members submit bills for printing, introduction and fiscal note prep

Mid-January- Session starts, introducing bills required to be filed 5 days prior to the 1st day, timeline set forth thereafter about bill introduction each session

CHAMBER ONE

(HOUSE OR SENATE)

Bill is introduced in committee (testimony) → 2nd Reading → Third Reading

CHAMBER TWO

(TO THE OTHER CHAMBER FROM WHERE BILL
WAS INTRODUCED)

Bill is introduced in committee (testimony) → 2nd Reading → Third Reading

ACTION BY GOVERNOR

- The Governor may sign the bill, and the bill becomes law;
- The Governor may let the bill become law without signature; or
- The Governor may veto the bill.
- If the Governor vetoes the bill while the General Assembly is still in session, the Governor will return the bill to the house of introduction along with the veto message.
- The General Assembly can override the Governor's veto if both chambers of the General Assembly repass the bill with a two-thirds majority vote from each chamber. If the General Assembly has adjourned, there is no opportunity for an override.

WHAT HAPPENS IN A COMMITTEE HEARING?

- The sponsor of the bill introduces the bill in the assigned committee hearing.
- Supporters and opponents can testify for or against the bill or in an “amend” position
- Anyone can attend the hearing and testify on the bill. Lobbyists work with proponents or opponents to arrange testimony, speak to the sponsors of the bill or address amendments or changes.
- The committee decides whether to amend the bill (by adding language, taking language out, substituting language for the original language, and voting on the amendment) or vote on it as introduced.
- Then the committee votes to pass the bill, refer the bill to another committee, or “kill the bill.” Killing the bill is technically called “Postponing Indefinitely” or PI. (If the committee refers the bill to another committee, that committee has a hearing on the bill.)
- Once the bill moves to Second Reading, it will go to the House or Senate Floor (depending on where it was introduced). The legislators can amend the bill on the floor and then vote on the final form of the bill.
- If the full chamber passes a bill, it takes a “third reading” vote before sending it to the other house, or it can be killed.
- The process repeats in the other chamber. If the bill passes but with different versions, the bill goes to conference committee to work out the changes and then goes back to both chambers for a vote.

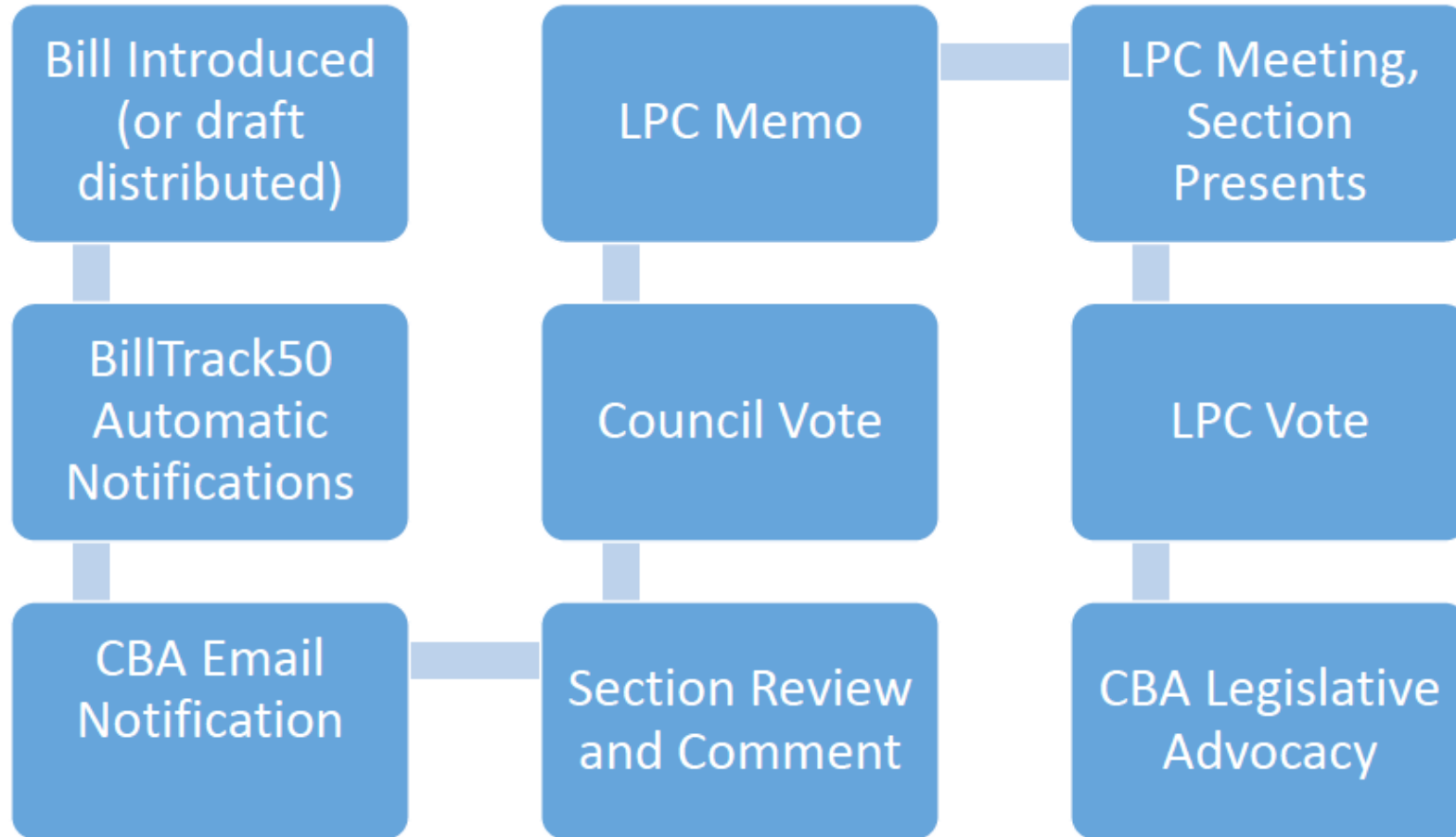
WHERE TO FIND INFORMATION OR CONTACT LEGISLATORS TO GET INVOLVED

- LEGISLATOR'S CONTACT INFORMATION (<https://leg.colorado.gov/legislators>)
- WHO IS ON WHAT COMMITTEE? (<https://leg.colorado.gov/content/committees>)
- HOW TO FIND A BILL (<https://leg.colorado.gov/bills>)
- WHEN A BILL IS INTRODUCED (<https://leg.colorado.gov/> - DAILY STATUS SHEET)
- WHEN A BILL WILL BE HEARD OR VOTED ON (<https://leg.colorado.gov/session-schedule>)
- WHO IS REGISTERED IN SUPPORT OR OPPOSITION OF THE BILL? (<https://www.coloradosos.gov/lobby>)
- THE KNOW ALL LINK ABOUT WHAT IS HAPPENING EACH DAY
(<https://www.leg.state.co.us/public/display.nsf/index.html>)
- MOST IMPORTANTLY – HOW TO SIGN UP TO TESTIFY IN PERSON, ONLINE OR WRITTEN SUBMISSION
(<https://www2.leg.state.co.us/CLICS/CLICS2024A/commsumm.nsf/signIn.xsp>)

COLORADO BAR ASSOCIATION (“CBA”) AND FAMILY LAW SECTION (“FLS”) LEGISLATIVE POLICY COMMITTEES: OVERVIEW

1. How does the CBA decide whether or not to take a position on legislation?
2. What does it mean if the CBA takes a position on legislation?
3. What is the process for the CBA to take a position on legislation?
4. How does the FLS take a position on legislation?
5. What is the procedure once the FLS takes a position on legislation?
6. How can individuals take a position on legislation separately from the FLS?

CBA Legislative Process Overview



HOW DOES THE FLS LEARN ABOUT POTENTIAL LEGISLATION?

1. The FLS has its own Legislative Policy Committee (“FLS LPC”).
2. The FLS LPC has 1 or more Chairs.
3. The FLS LPC Chair(s) have access to BillTrack 50, which is the national federal and state legislation tracker. However, Colorado bills in each session can be publicly accessed here: <https://leg.colorado.gov/bills>
4. Legislation often happens fast. It is not unusual for legislation to be introduced and scheduled for its first hearing in committee in less than a week.

ROLES OF THE FAMILY LAW SECTION LEGISLATIVE POLICY COMMITTEE (“FLS LPC”)

1. FLS LPC CONSISTS OF MEMBERS CHOSEN BY THE CHAIR(S) OF THE LPC AND THE CHAIR OF THE FLS.
2. THE FLS LPC IS RESPONSIBLE FOR:
 - Reviewing all pending legislation that may impact family law in Colorado;
 - Provide technical assistance to members of the state legislature;
 - Draft proposed legislation to improve family law;
 - Perform other functions as necessary to pursue the legislative agenda of the section.

FAMILY LAW SECTION REVIEW AND COMMENT

WHAT HAPPENS WHEN A FAMILY LAW BILL IS INTRODUCED?
IT DEPENDS.

TYPICALLY:

1. Chair(s) of FLS LPC distributes the bill to the FLS LPC.
2. A member of the FLS LPC volunteers to write a memo reviewing the bill, addressing the changes made by the bill, and recommending whether the FLS LPC should take a position on the bill or not.
3. If the FLS LPC takes a position, the FLS LPC chooses between:
 - SUPPORT—The FLS LPC agrees that the changes set forth in the bill positively impact family law.
 - AMEND—The FLS LPC may support the passage of the bill if certain amendments are made.
 - OPPOSE—The FLS LPC does not support the passage of the bill.
 - The FLS can also take a MONITOR position, which is essentially NO ACTION.

FAMILY LAW SECTION REVIEW AND COMMENT

WHAT HAPPENS WHEN A FAMILY LAW BILL IS INTRODUCED? (CONT'D)

TYPICALLY:

4. Depending on the timeframe, the Executive Committee, Executive Council, or just the FLS LPC will make a decision about what position to take on the bill for presentation at the CBA LPC.
5. Depending upon when the bill is introduced and when it is set for committee, other members can comment.
6. However, the FLS LPC usually needs to make decisions about the FLS position quickly.

CBA LEGISLATIVE POLICY COMMITTEE (CBA LPC) MEMO PROCESS

1. THE FLS LPC CO-CHAIRS SUBMIT MEMO TO THE CBA LPC BY TUESDAY AT 12PM PRIOR TO THE FRIDAY WEEKLY LPC MEETING
2. WHAT DOES THE MEMO CONSIST OF?
 - Bill Summary—What does the bill do?
 - Section Vote—Did the FLS Executive Council or Executive Committee vote?
 - Position Request—Requests the CBA LPC adopt one of the following: NONE, MONITOR, SUPPORT, AMEND, or OPPOSE.
 - NONE—The FLS LPC requests that the CBA does not formally take action.
 - MONITOR—The FLS LPC requests that the CBA monitors the legislation but does not authorize advocacy.
 - SUPPORT—The FLS LPC agrees that the changes set forth in the bill positively impact family law.
 - AMEND—The FLS LPC may support the passage of the bill if certain amendments are made.
 - OPPOSE—The FLS LPC does not support the passage of the bill.
 - Bill Analysis—Identifies sections of the bill that are helpful, should be revised, or should be stricken.

CBA LPC MEETING: WHAT IS THE CBA LPC?

1. The CBA LPC consists of 13 members. Most are presidential appointments. Some are selected by the caucus of section representatives.
2. During the legislative session, the LPC meets weekly. For the 2024 legislative session, these meetings are held every Friday morning starting at 7:30 a.m. (in-person with remote Zoom option).
3. The CBA Lobbyist sends out the LPC Agenda to the LPC members and legislative liaisons for each section prior to the meeting detailing each bill on the agenda and the memo submitted for review.
4. The legislative liaison(s) for the section(s) each present their bill on the agenda and the LPC committee engages in discussion about the bill and whether there is a fiscal note impacting the bill.
5. The LPC considers the memos and positions of the Sections of the CBA. The LPC is guided by the LPC members, section liaisons, and Legislative Director of the CBA.

CBA LPC VOTING PROCESS

1. The CBA LPC votes whether to adopt each Section's requested position as set forth on each memo.
2. The CBA LPC is not bound by the recommendations of the Section's LPC.
3. The CBA LPC must consider whether there are conflicting positions between sections.
4. The CBA LPC "must avoid nuanced positions on legislation."
5. The CBA LPC may table a bill at any time.

CBA LEGISLATIVE ADVOCACY AND LOBBYING PROCESS

1. Once the CBA LPC votes to take a position, the CBA Legislative Director and Lobbyist acts in accordance with the position.
2. Responsibilities of the CBA Legislative Director:
 - Advance the legislative positions of the CBA *as approved by the LPC*.
 - Serve as the strategic legislative resource for the CBA LPC, sections and committees, and legislative liaisons.
 - Conduct outreach to legislators, executive branch officials, external stakeholders, and lobbyists.
 - Request bill sponsorship to legislators;
 - Assign legislative witnesses;
 - Advocate or lobby lawmakers.

BILL TESTIMONY AS AN INDIVIDUAL, SEPARATE FROM THE LPC SECTION POSITION

1. Because the CBA LPC must approve the position taken by the section, the legislative liaisons may be limited in the testimony given on behalf of the Section.
2. If the Section or Members of the Section do not agree with the position adopted by the CBA LPC. Or, if you do agree with the position but would like to share your support of the position, you may testify as an individual.
3. As described earlier in this presentation, you can and should testify in hearings that have important effects on your practice.



QUESTIONS?