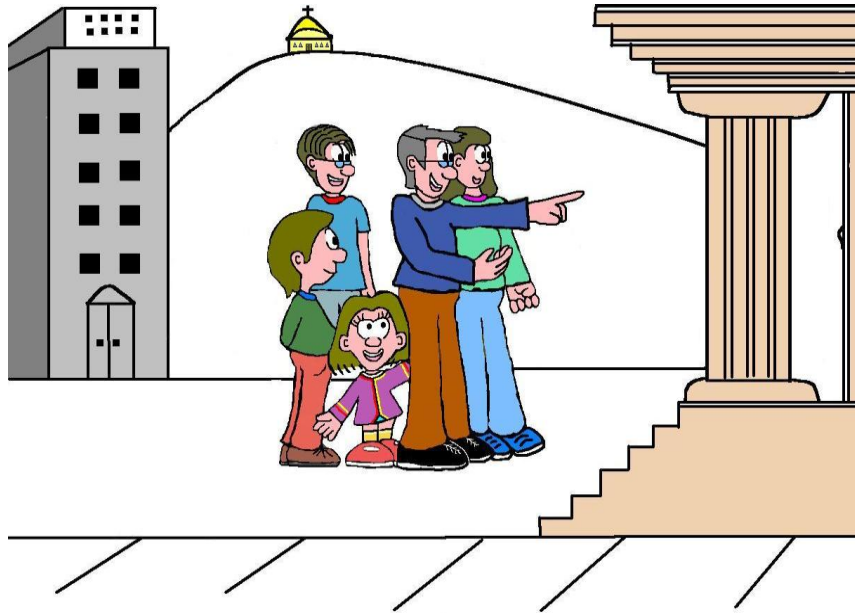


THE CHAPTER VII

THE CONGRESS OF THE REPUBLIC PROMULGATES THE LAWS



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I. THE DIALOGUE CONSTITUTIONAL: THE PEOPLE COLOMBIAN HAS NATIONAL AND REGIONAL REPRESENTATIVES IN THE CONGRESS OF THE REPUBLIC

LUCIO: The building of the Congress of the Republic of Colombia certainly resembles a Greek or Roman palace of the antiquity. This is another architectural and historical monument located in the square of *Bolívar* from *Bogotá*. It is in the Congress where the Laws and the Legislative Acts that it has more than enough diverse aspects are born they present for their passage of legislative creation the congressmen, the Government, the High officials of the State and even for the same people. The laws are juridical norms that govern once for all the Colombians they are they are sanctioned by the President of the Republic. What satisfies me is that my school friends will be surprised when he/she comments them that I met the Congress of the Republic in my quality of very informed tourist of the legislative work that our senators and representatives perform to the Chamber, because I had a beautiful one as intelligent guide that it illustrated me on all these issues.

ARMANDO: All right, I believe that as adolescent my dear brother *Lucio*, more than the Congress and their functions impacted you the beautiful guide. Really, to my it impressed me the big rooms where session the permanent, accidental and plenary Commissions of the Senate and the Chamber; as well as the pictorial and sculptural works of art exhibited as in a Museum of the Congress, the finely carved seats and the wide corridors and almost mysterious; in short, the

throughout group of the legislative palace. Their total beauty maybe owes to the preparation of the Installation of the Congress the next July 20 and opening to regular sessions of the first legislature, which are solemn sessions presided over by the President of the Republic and with the attendance of all the congressmen, national and foreign special invited, press journalists, radio and television and all protected ones for the Battalion Presidential Guard with its special military dresses that evoke the initial republican time.

VICTORIA: Mother, mother, looks at the curtains, the floral arrangements, the lamps, the mats, the floors; everything seems a dream, like in the old Greece or Rome just as Lucio says. What gratification it is to do with same civil rights and political for these Greco-Roman corridors to the Honorable Senators and Representatives of the Colombian people and of the ethnic minorities: the individuals black and the Indigenous, because all are elected by means of the popular vote in national, regional and special districts and all legislate for the general benefit of Colombia. To my friends of the College I will tell them that the Congress of the Republic non alone is a beautiful building but the center of the political life of the State and where promulgate the laws it has more than enough human rights and in matter budgetary, of Public services, the Health, the Education, the Housing, the recreation, the sport, the culture, the environment, the economy; and in short, in all it that that we need the Colombians to live like civilized people and democratic.

MARÍA PAZ: As you confirm it dear Victoria, the Congressmen are elected by the popular vote and they represent the varied interests of the Colombian people and not alone the interests of their group, movement or parties political neither so the interests of the departmental, the special districts neither interests ethnic minorities or resident citizens abroad, to which represent. Our Constitution confers them some attributions or functions, at the same time that expressly it indicates them that they should not made which are its previous impediments to occupy the public position or the juridical inabilities as they call the jurists. Likewise precise which the incompatibilities of the congressmen are in the exercise of the public position; and in short, which the Code of political and legislative ethics is and which the main sanction is in the event of harming it, that is to say, about the loss of congress member's investiture. For that reason, dear children, to be Congressmen is a highly honorary public position, but at the same time, it is a service to the State with qualified responsibilities of character civil, political, disciplinary, penal, economic and ethical.

LIBORIO: The Parliament or the Colombian Congress has a bicameral system, because there are also a Chamber High, called Senate and a Low Chamber called House of Representatives. Although this has been criticized from the National Constituent Assembly of 1990, because it was said that it was enough with a single legislative Chamber, but increasing the number of senators, just as the unicameral system exists in other countries of the world. However, our Congress of the Republic maintained its bicameral historical system with national, regional congressmen and of ethnic minorities and of resident citizens abroad. Precisely all told it and for that your well have said and commented it is for it that the suit to this unforgettable legislative building so that they evaluate direct and personally the importance of the operation of the legislative branch, that of their members and the meaning that has within the Social State of Right.

II. THE CONSTITUTIONAL LESSON: THE LEGISLATIVE FUNCTION OF THE CONGRESSES OF THE REPUBLIC

THE CONGRESS CREATE AND PROMULGES THE LAWS AND THE LEGISLATIVE ACTS FOR MEANS OF THE LEGISLATIVE PROCEDURE

The Senate of the Republic and the Chamber of Representatives structure the Congress of the Republic within a bicameral historical system from the Republican Constitution of 1886 until the present time valid by the State Constitution of 1991. The Congress is integrated by congressmen or parliamentarians, which are elected by the popular vote for a constitutional period of four (4) years, similar to the period of the President of the Republic.

The principal function of the Congress is to create the laws and the legislative Acts that reform to the Constitution. The legislative procedure for which the laws are created this compound by a series of phases or stages that linked they produce the juridical and valid act final denominated Law or legislative Act and they have as juridical purpose to regulate the Constitution or to reform it, as it was the case.

The Senate of the Republic and the Chamber of Representatives from the Republican Constitution of 1886 until the present time in which governs the State Constitution of 1991, conform the Congress of Colombia with a bicameral system whose integral congress members or parliamentarians are chosen by the popular vote for a constitutional period of four (4) years, similar to that of the President of the Republic.

The stages by means of which it should traffic a project (*or bill*) to become law are:

a) The stage of the legislative initiative. They have legislative initiative, the members of the Congress or parliamentarians, The National Government (President, Secretaries, Directors of Administrative Department and Superintendents), the High officials of the public power of the judicial branch and the organisms of control of the conduct and supervise of the servants of the State and the authorities electoral control; as well as the people in a percentage of 5% of the electoral census or 30% of the deputies or municipal councilmen;

b) The stage of debates legislatives. It is the discussion stage, comment, addition, modification and conciliation of texts of legislative character or bills or legislative act performed by the permanent, accidental and plenary Commissions of the Congress of the Republic. For general rule, they are two debates those that should be provided in each legislative chamber so that a project becomes law;

c) The stage of the Sanction and/or legislative objection. In this phase of the legislative process, it is responsibility of the National Government, represented by the President of the Republic, the minister, directors and superintendents. If there is not constitutional or legal objection some, the project will be sanctioned without delay some, on the other hand, if it was objected, the project will be remitted to the Constitutional Court who will decide its conformity definitively or not with the Constitution and so that can or not to become law of the republic;

d) The stage of the publication and validity of the law. It is the legislative phase by means of which is made know to the Colombian people the existence of a new law, through the Official Newspaper or of the technological media (The WEB of the Congress of the Republic). Once published the new law, this will enter to apply in Colombia, it is worth to say, their validity begins.

The laws of the Republic constitutionally are classified this way: 1. **The Ordinary laws**, 2. **The Organic laws** and 3. **The Statutory law**. Each one of these completes a purpose and specific objectives.

Indeed, **the ordinary laws** are served to regulate the Constitution in relative matters to the Territorial division of Colombia in Departments, Districts, Municipalities, Indigenous Territories, regions and counties. Likewise they regulate on the National Administrative Structure; by means of approbatory called laws of treaties public to refer the Human rights and the relative thing to the public services, among many other functions of interest for the Community and Colombian Society.

The Organic laws are served to develop the Constitution regarding the Budget and Plan of National Development and the Competitions of the Territorial Entities, such as departments, districts, municipalities and indigenous territories.

The Statutory Laws develop to the Constitution in the relative thing to the rights and Duties fundamental of the individuals, as the life, the intimacy, the honor, the honor, etc. Equally it with respect to the Administration of Justice, the parties and political Movements, the Statute of the Opposition and electoral functions; the Mechanisms of citizenship participation: the votes, the plebiscite, the referendum; among other, and States of exception: the State of economic, social and ecological emergency, State of disturbance interior and war abroad.

III. THE CONSTITUTIONAL GLOSSARY

CONSTITUTIONAL PERIOD: Time period during which the parliamentarian perform their legislative functions provided in the Constitution.

COMMISSION OF THE CONGRESS: They constitute the work units legislative, composed by a certain number of parliamentarian and with specific functions to give first debate to the bills or of legislative act and they are usually denominated permanent constitutional, legal, accidental and special, according to their stability or impermanence in the conformation and in the legislative activity.

CONGRESS OF THE REPUBLIC: Legislative Corporation of popular election integrated by parliamentarian denominated senators or representatives to the Chamber, as they belong to the Senate or the Chamber of Representatives.

LAW: It is constitutional juridical Norma realized by the Congress of the Republic, for which is created, modified or extinguished a right, or allows or forbid an activity or human action. The laws, according to the Constitution can be: ordinary, organic and statutory

LEGISLATIVE ACT: It is the constitutional juridical norm made by the Congress of the Republic, by means of which the Constitution is reformed.

LOSS OF THE INVESTITURE: It is an administrative and judicial process, through the one which, the servants of the State called congressmen, deputies or councilmen lose their position and condition, provided they are immersed in a causal constitutional or legal of investiture loss. This happens, previous a written petition and motivated of the executive committees of the Chamber corresponding or of any citizen and it foresaw a judicial transact before the Council of State or the Administrative Tribunals, as it was the case. The causal ones constitutional of loss of investiture of the servants of the state, they are founded for example, in the non fulfillment of the régime of inabilities or incompatibilities or for undue destination of public funds.

LEGISLATIVE PROCEDURE: It is the group of stages or phases that united to each other and realized by the Congress of the Republic they produce a law or legislative Act as a result. The Colombian legislative process has the following stages: a) Initiative; b) Debates; c) Sanction and/or Objection; d) Publication and Validity.

QUORUM OF THE CONGRESS: This incorporated one for number necessary the senators or representatives so that they sessions legally or they can make certain decisions in the Congress. The Quorum can be deliberative or decisive, as it is used to converse or to deliberate on a bill or legislative act, or to decide definitively on these by means of voting.

ORDINARY SESSION AND EXTRAORDINARY SESSION: Session is the formal or informal meeting of the congress members or parliamentarian, realized to treat affaires legislative, social and political, previous verification of the number of assistants and members enabled to converse or to deliberate or to decide on a bill or legislative act or on an election that concerns to the Congress. The Sessions are ordinary when the Congress meets for own right, during two (2) periods per annum, which constitute one legislative term: The first period of sessions will begin on July 20 and conclude on December 16 while the second session will begin on March 16 and conclude on June 20. The extraordinary sessions, they are convoked by the National Government and during the term that this fixed to treat specific legislative matters.

SEAT OF THE CONGRESS: The Congress has its seats in the capital of the Republic. The Chambers may for agreement among them to transfer their seats to another place and, of disruption of the public order they may meet in the place that designates the President of the Senate.

THE HIGH CHAMBER and THE LOW CHAMBER. Legislative Corporations used as synonyms of Senate of the Republic and Chamber of Representatives, respectively. These names were frequently used before the Constitution of 1991; today per today, with foundation in the new legislative functions given to both Chambers the generic name of Congress of the Republic it is preferred.

IV. THE CONSTITUCIONAL PRECISION: THE CONGRESS OF THE REPUBLIC: THE SENATE AND THE CHAMBER OF THE REPRESENTATIVES

TITLE VI THE LEGISLATIVE BRANCH

The **Title VI**, it contains 57 articles and six (6) Chapters that refer to the following:

Chapter First: Of the structure and functions of the Congress of the Republic. **Chapter Second:** Of the sessions and the operation. **Chapter Third:** Of the laws. **Chapter Fourth:** Of the Senate. **Chapter Fifth:** Of the Chamber of Representatives, and **Chapter Six:** Of the congressmen.

THE LEGISLATIVE BRANCH: THE STRUCTURE AND FUNCTIONS (Articles 132 at 137of the Constitution)

- 1) **The election and congress members' period.** The senators and the representatives will be elected for a period of four (4) years that begins following July 20 to the election.
- 2) **The congress members' responsibility.** The members of collegiate bodies of direct election represent to the people, and they will act consulting the justice and the good common one.
The elect for popular vote in any public corporation, is responsible before the society and in front of his voters for the fulfillment of the obligations characteristic of his investiture.
- 3) **The régime of absolute vacancies and temporaries of the congressmen.** The absolute vacancies or temporaries of the members of the public corporations will be replaced by the candidates that, according to the inscription order, in successive form and descending, they correspond to the same electoral list.
- 4) **The functions of the Chambers of the Congress.** The Congress has relative functions to its own organization and legislative administration (interior police), as related to the national government's political control (power of censorship), as well as the typical functions of promulgation of laws.
- 5) **The prohibitions of the Chambers of the Congress.** It is prohibited to the Congress and each one of their Chambers: 1. Interfere, by means of resolutions or laws, in matters of exclusive competition of other authorities. 2. Demand to the Government information regarding instructions in diplomatic matter or on negotiations of reserved character. 3. To give applause votes to the official acts. 4. Decreeing on behalf of individuals or entities contributions, bonuses, subsidies, indemnifications, pensions or other levies that are not dedicated to satisfy credits or recognized rights with arrangement to the prior law. 5. Decree proscrition acts or persecution against individuals or juridical entities. 6. Authorize trips to the exterior with funds of the public treasury, except for special missions approved by at least three-quarters of the membership of the respective chamber.

6) The permanent Commissions of the Congress can convoke every natural person or juridical. Any permanent committee may convoke any person natural or juridical so that the latter may provide at a special session oral or written statements that may be required under oath on matters directly related to the investigations pursued by the committee.

THE SESSIONS AND OPERATIONS OF THE CONGRESS OF THE REPUBLIC (Articles 138 at 149 of the Constitution)

7) The periods, sessions and constitutional legislatures of the Congress. The Congress, for own right, will meet in regular sessions, during two periods per annum that will constitute one legislative term. The first sessions will begin July 20 and it will finish December 16; the second March 16 and it will conclude June 20.

8) The Installation of the sessions of the Congress. The sessions of the Congress may be convened and adjourned jointly and publicly for the President of the Republic, without this ceremony, in the first event, will be essential so that the Congress exercises their functions rightfully.

9) The seat of the Congress. The Congress will have its seat in the capital of the Republic (Bogotá).

10) The unified Congress. The Congress will meet as a single body solely for the convocation and adjourning of its sessions, to give possession to the President of the Republic, to receive heads of State or of Government of other countries, to elect General Comptroller of the Republic and Vice-president when it is need to replace the elect one for the people, as well as to decide on the vote of non-confidence, with arrangement to the article 135.

11) The permanent Commissions of the Congress. Each Chamber will elect, for the respective constitutional period, permanent committees that will process in first debate the projects of Act Legislative or of law.

12) The sessions of the permanent Commissions for disposition of the Congress. The Senate of the Republic and the Chamber of Representatives may decide that any of the permanent committees should hold meetings issues pending from the previous period, during the recess in order to debate the issues pending from the previous period, to undertake studies that the respective body may determine, and to prepare bills with which the chambers may entrust them.

13) The public sessions of the Cambers and of the Permanent Commissions. The sessions of the Chambers and of their permanent committees they will be public, within the limits determined by their by laws.

14) The quorum deliberative and decisive of the Congress. The Congress as a throughout, the Chambers and their commissions won't be able to open sessions neither to deliberate with less than a fourth part of their members. The decisions will only be able to make with the attendance of the majority of the members of the respective corporation, unless the Constitution determines a different quorum.

15) The decisions of the Majorities of the congress. In the Congress as a whole, in the Chambers and in their permanent committees, the decisions will be made by the majority of votes of those attending, unless the Constitution demands a special majority expressly.

16) The executive committees of the Congress. The executive committees of the chambers and of their permanent committees they will be renovated every year, for the legislature that begins July 20, and none of its members may be reelected within the same constitutional four-year period.

17) The extension of the Quorum for the Corporations of regional and municipal popular election. The norms regarding quorum and decisive majorities will also apply for the other public corporations of popular election.

18) The conditions constitucionals to operation the Congress. Any meeting of members of the Congress that, with the purpose of exercising functions characteristic of the legislative branch of the public power be made outside of the constitutional prescriptions will be invalid; to the acts that perform will have no effect whatsoever, and whoever participates in the deliberations, they will be sanctioned according to the laws.

THE CLASSES OF LAWS IN COLOMBIA (Articles 150 at 152 of the Constitution)

THE ORDINARY LAWS

Relatives to: 1. The Territorial division; 2. The Organization Administrative National; 3. The Treaties Publics in matters of Human rights; 4. The public Credit; 5. Economic intervention; 6. The Public services; and 7. The Intellectual property, patents and marks and intellectual property.

THE ORGANIC LAWS

Relatives to: 1. The Annual budget of Rents and appropriations; 2. The General Plan of Development, and 3. The Competitions of the Territorial Entities, such as the Departments, Districts, Municipalities and Indigenous Territories)

THE STATUTORY LAWS

Relatives to: 1. The Rights and Duties individuals fundamental; 2. The Administration of Justice; 3. The Parties and Political Movements; Statute of the Opposition and electoral functions; 4. Institutions and citizen participation Mechanisms, and 5. The States of Exception.

THE STAGES OF FORMATION OF THE LAWS IN COLOMBIA

I. THE INITIATIVE LEGISLATIVE (Articles 154 at 156 of the Constitution)

They are entitled to present Legislative bills or legislative Act or those involving constitutional reformation:

1. **The Congressmen:** The Senators and the Representatives to the Chamber.
2. **The initiative of the judiciary branch and the organisms of control.** The representatives of the Entities and Organisms of the public power (High Courts of Justice of Colombia, The National Council Electoral, The General Procurator and The General Comptroller of the Republic, in their field and respective matters).
3. **Popular initiative.** Legislative bills or those involving constitutional reformation may be introduced by a number of citizens equal to or greater than five percent (5%) of the existing electoral rolls (or census) on the relevant date or by 30 percent of the councilmen or deputies of the country.

The proposing citizens will have the right to designate a spokesman who will be heard by the chambers at all stages of the proceedings.

II. THE DEBATES LEGISLATIVES (Articles 158 at 161 of the Constitution)

In the legislative debate of bills and legislative acts we should have present the following aspects:

1. **They are two (2) Debates.** Between the first and the second debate, a period of no less than eight (8) days must have elapsed, and between the approval of the bill in either of the chambers and the initiation of the debate in the other, at least 15 days must have elapsed. During the second reading, either chamber may introduce reforms, additions, and omissions that it deems necessary.

Every legislative bill or legislative act must include a report from the committee spokesman in the respective committee charged with passing it and must complete all necessary passages.

2. **The matter unit legislative.** Every legislative bill will have to refer to a *matter unit* and they will be inadmissible the dispositions or modifications that are not related with her. The Chairman of the respective commission will reject the initiatives that don't in harmony with this precept, but its decisions will be appeal before the same commission. The law that is partially reformation object will be published in a single text that incorporates the approved modifications.

3. **The discrepancies in the Chambers are solved by accidental Commissions.** When occur discrepancies in the Chambers regarding a project, both will integrate commissions of conciliatory conformed by oneself number of Senators and Representatives who gathered jointly, they will try to reconcile the texts, and in the event of not being possible, they will define for majority.

Previous publication at least with a day of anticipation, the chosen text will undergo debate and plenary approval of the respective ones. If after the repetition of the second debate the difference persists, it is considered denied the project.

4. **No project of law may be considered in more than two legislatures.** Legislative bills (or projects) which failed to pass in one legislative term and which have been debated once in either chamber will continue their course in the subsequent term in whatever state they may be. No bill may be considered in more than two legislatures.

5. **The President of the Republic will be able to request the urgent passage of any bill.** The President of the Republic may solicit the urgent passage of any legislative bill. In such a case, the respective chamber must decide about same within a 30-day limit. Even within this deadline, a declaration of urgency may be reiterated at all constitutional stages of the bill.

6. **They have priority the approbatory bills of Treaties relatives to the Human rights.** The Congress will give priority to the passage the approbatory bills of the treaties on human rights that are subjected to its consideration for the Government.

III. THE SANCTION AND/OR OBJECTION OF THE BILLS OF LAW FOR THE NATIONAL GOVERNMENT (Articles 165 at 167 of the Constitution)

1. **The sanctions of project of law or bill.** Approved a bill for both chambers, it will be transmitted to the government for its approval or sanctioned. Should the latter have no objections, it will approve the bills promulgation as law. If it objects to it, the bill will be returned to the chamber in which it originated.

2. **The Objection of bill.** The government has a six-day deadline to return with its objections any bill which does not include over 20 articles; a 10 day deadline for a bill including 21 to 50 articles; and until 20 days for a bill of over 50 articles.

The legislative bill to which the government objects totally or in part will be returned to the chambers for a second debate.

The President will sign without being able to present objections to the bill which, when once reconsidered, is approved by half plus one of the members of both Chambers.

3. **The objection of bill by unconstitutionality.** In such a case, should the chambers insist, the bill will be sent to the Constitutional Court so that the latter, within the six subsequent days, may decide on its constitutionality. The affirmative decision of the Court obligates the President to approve the law. If the Court declares the bill unconstitutional, it will be tabled.

If the Court decides that the bill is unconstitutional in part, it will so indicate to the chamber where the bill originated so that, once the responsible minister is heard, the chamber may redraft and integrate the affected provisions in terms consonant with the dictates of the Court. Once this is done, the chamber will transmit the bill to the Court for its definitive ruling.

IV. THE PROMULGATION AND THE VALIDITY

(Articles 168 at 169 of the Constitution)

If the President not fulfill with the duty of sanctioning the laws in the terms and according to the conditions that the Constitution established, it will sanction them and it will promulgate the President of the Congress.

The title of the laws will in fact correspond to its content, and to its text it will precede this formula: "The Congress of Colombia, DECREES."

V. SPECIAL STAGES OF FORMATION OF THE LAWS

LEGISLATIVE PROCEDURE OF THE STATUTORY LAWS AND DEROGATORY REFERENDUM OF THE LAWS

(Articles 153 and 170 of the Constitution)

1. **Absolute majority for approval, modification or repeal to the statutory laws.** The approval, modification or repeal of the statutory laws requires an absolute majority of the votes of the members of Congress and must be completed within a single legislature.

Such passage will include the prior review by the Constitutional Court to of the viability of the proposal. Any citizen may intervene to defend it or to oppose it.

2. **Derogatory referendum of the Laws.** An equivalent number of citizens to one-tenth of the electoral census, may solicit from the electoral organization the convoking a Referendum for the derogatory of a law.

The law will be repealed if half plus one of the voters that converge to the consultation act, provided it participates in this a one-quarter of the citizens that composed the electoral census.

The Referendum doesn't proceed regarding the approbatory laws of international treaties, neither of the budget law, neither of the relative to fiscal or tributary matters.

THE CONGRESS OF THE REPUBLIC OF COLOMBIA
(Articles 171 at 178 of the Constitution)

I. THE SENATE OF THE REPUBLIC
(Articles 171 at 175 of the Constitution)

1. **Integration of the Senate.** The Senate of the Republic will be made up of 100 members elected in one national electoral district.

There will be an additional two senators elected in a special national electoral district for indigenous communities.

Colombian citizens who happen to be or reside abroad may vote in elections for the Senate of the Republic.

2. **Requirements to be a Senator.** To be elected senator it is required from birth to be Colombian, a citizen in good standing, and be over 30 years of age in the date of the election.

3) **Attributions of the Senate.** They are attributions of the Senate: 1. to approve or reject the resignation from their office by the President of the Republic or the Vice President. 2. To approve or to disapprove the military promotions granted by the Government, from the rank of general officers and flag officers of the public force, up to the highest rank. 3. To grant perm to the President of the Republic to take temporary leave from his office where it is not due to sickness, and to consider the qualifications of the Vice President to serve as President of the Republic. 4. To allow the traffic of foreign troops for the territory of the Republic. 5. To authorize the Government to declare the war to another nation. 6. To elect the magistrates of the Constitutional Court. 7. To elect the General Procurator of the Nation.

4) **Judicial function of the Senate against the President of the Republic.** It is the responsibility of the Senate to take cognizance of charges brought by the Chamber of Representatives against the President of the Republic or whoever replaces, against the judges of the Supreme Court of Justice, of the Council of State and the Constitutional Court, against the members of the Superior Council of the Judicature, and against the General Procurator of the Nation, even though they may have ceased exercising their duties. In this case, the Senate will be informed of actions or omissions that occurred in the performance of the duties of the accused.

5) **Procedure of the trial to the President of the Republic.** In the trials that are continued before the Senate, these rules will be observed: 1. The accused is flunk of his employment in fact, whenever an accusation is openly admitted. 2. If the accusation refers to crimes made in exercise of functions, or to indignity for misconduct, the Senate won't be able to impose another pain that that of deprivation of the employment, or the temporary privation or absolute loss of the political laws; but to the criminal will be followed criminal trial before the Supreme Court of Justice, if the facts constitute it responsible for infraction that is worthwhile. 3. If the accusation refers to common crimes, the Senate will be limited to declare if there is or non place to cause pursuit and, in affirmative case, it will put to the accused to disposition of the Supreme Court. 4. The Senate may make the instruction from the procedures to a delegation of its breast, being reserved the trial and the definitive sentence that it will be pronounced in public session, by the two thirds, at least, of the votes of the present Senators.

II. THE CHAMBER OF REPRESENTATIVES

(Articles 176 at 178 of the Constitution, modified by Legislative Act 2 and 3 of 2005)

1) Composition of the Chamber of Representatives. The Chamber of Representatives will be elected in territorial electoral districts and special electoral districts and international electoral.

There will be two representatives for each territorial electoral district and one or for every 365,000 inhabitants or for each fraction greater than 182,500 over and above the initial 365,000.

For the election of Representatives to the Chamber, each department and the Capital District of Bogotá will conform a territorial electoral district.

The law may establish a special electoral district to ensure the participation in the Chamber of Representatives of ethnic groups and political minorities and Colombians resident abroad.

2) Requirements to be elected Representative of the Chamber. To be elected representative it is required to be citizen in good standing and to have more than twenty-five years of age in the date of the election.

3) Attributions of the Chamber. The Chamber of Representatives will have the following special attributions:

1. Elect the Ombudsman.
2. Examine and to finalize the general budgetary and treasury account presented to it by the General Comptroller of the Republic.
3. Accuse before the Senate when constitutional causes may exist, against to the President of the Republic or whoever replaces, to the Magistrates of the Supreme Court of Justice, of the Constitutional Court and of the Council of State, to the Members of the Superior Council of the Judicature, to the General Prosecutor of the Nation.
4. To take cognizance of the accusations and complaints that are presented by the General Prosecutor of the Nation before her or for the individuals before the expressed officials and, if they lend merit, to be founded in them accusation before the Senate.
5. Require the assistance of other authorities for the development of the investigations over which the chamber has jurisdiction and to authorize the collection of evidence when the chamber considers it appropriate.

III. THE STATUTE OF THE CONGRESSMEN

(Articles 179 at 187 of the Constitution)

- 1) **Constitutional inabilities to be Congressmen.** They won't be able to be congress members for diverse as varied causes. The Constitution presents eight causal, some based some in relationship bonds and married, in the permanent union, the labor recruiting, the acting of public positions in previous or simultaneous form, in the criminal records and disciplinary of the person, in the loss of the investiture and in the double nationality.
- 2) **Constitutional incompatibilities as Congress member.** They won't be able to act simultaneously as congressmen who are involving in different causal. The Constitution relates four groups, based on the simultaneous acting with other public and private positions as well as for state recruiting, to be member of the assemblies or council of state entities where management tributes o taxes. They are exceptions to the rule, the exercise of the university cathedra and the own economic or administrative activities. The violation to the régime of incompatibilities is causal of misconduct.
- 3) **Validity of the incompatibilities.** The incompatibilities of the congressmen will have validity during the respective constitutional period. In the event of resignation, they will continue to apply during the following year to their resignation, if the time remaining for the expiration of the period was greater. Who was called to occupy the position, will be subjected to the same régime of disabilities and incompatibilities starting from its possession.
- 4) **Impediments and Challenges.** The congressmen must inform their respective chamber of any moral or economic situation that inhibited them to participate in the passage the matters submitted for their consideration. The law will determine the related with the conflicts of interest and the challenges.
- 5) **Causal of investiture loss.** The congressmen will lose their investiture for the following reasons: 1. for transgression of the régime of disabilities and incompatibilities, or of the conflict of interest régime. 2. For their absence, in the same legislative session, from six plenary meetings at which legislative acts, bills, or motions of non-confidence are voted upon. 3. for not assuming their position within eight days following the date of convening the chambers or the date when they were convoked to be convened. 4. for the improper payment of public funds. 5. For trafficking in influence, duly proven.
- 6) **The loss determines it the Council of State previous process.** The loss of investiture will be decreed by the Council of State in accordance with the law within no more than 20 working days, beginning from the date of the request made by the executive committee of the appropriate chamber or by any citizen.
- 7) **Inviolability for their opinions.** The congressmen will enjoy immunity for their opinions and the votes that emit in the exercise of the position, without prejudice of the disciplinary norms contained in the respective regulation.

8) The crimes committed by the congressmen are investigated and they sanction for the Supreme Court of Justice. Regarding crimes committed by congressmen, the Supreme Court of Justice is the sole authority that may order their detention and should be informed privately of such accusations. In case of *flagrant delicti* the congressman must be apprehended and placed immediately at the disposal of this Court.

9) The assignment of the congress members is readjusted annually. The remuneration of the members of Congress will be adjusted each year in proportion equal to the weighted average of the adjustments made in the remuneration of the public servants of the central administration, on the basis of a certificate which the Comptroller General of the Republic will issue for that purpose.

V. THE CONSTITUCIONAL READING: THE COMMISSION OF THE CONGRESS

THE PERMANENT CONSTITUTIONAL COMMISSIONS OF THE CONGRESS OF THE REPUBLIC OF COLOMBIA (Law 3 of 1992, modified by Law 754 of 2002)

COMMISSION FIRST. The commission has attributions in relative topics to the reformation constitutional; the statutory laws; the territorial organization; the Organisms of control; the contract of the state (recruiting), rights, guaranties and duties; the legislative branch; the strategies and politics for the peace; the intellectual property and ethnic matters.

COMMISSION SECOND: The International politics; the national Defense and public force; the treaties publics; the diplomatic and consular career; the foreign commerce and economic integration; the port politics; the elations parliamentarian, international and supranational; the diplomatic matters not reserved constitutionally the Government; the frontiers; the nationality; the foreigners; the migration; honors and public monuments; the military service; the foreign trade zones and of free trade and international recruiting.

COMMISSION THIRD: The Public Funds and public credit; the taxes and contributions; the exemption tributary; the monetary régime; the bank of the Republic; The monopolies laws; the authorization of government loans; values market; economic regulation; the national planning; the régime of exchanges; financial, market, insurance activities and of saving reception.

COMMISSION FOURTH: the Budget Organic laws; System fiscal control; the alienation and destination of national property; the industrial property régime, the patents and marks; the creation, suppression, reforms or organization of public establishments; The quality control and prices and public contract.

COMMISSION FIFTH. The commission has attributions in relative topics to the Agricultural régime; the ecology; the environment and natural resources; the award and recovery of lands; the wealth ichthyologic and matters of the sea; the mine and energy and regional autonomous corporations.

COMMISSION SIXTH: the communications via; on tariff; the public calamities; The functions public and public rendering of services; communications (or mass media); the scientific and technological investigation; the electromagnetic spectrum; the geostationary orbit; the digital systems of communication and computer science; The space air; The work public and transport; The tourism and tourist development and education and culture.

COMMISSION SEVENTH: The Statute of the Public Servant and particular worker; the salary régime and allowance of the public service; the union organizations; the mutual benefit societies; The social security; The Fond of social provision; The Fond of benefits; The administrative career; The civil service; The recreation; The deport; health; The community organizations; The housing; The collective economy; the woman's matters and of the family.

VI. THE ACTIVITIES OF THE STUDENT

I. Supplement the following propositions:

1. The Congress of the Republic is _____

2. Law is _____

3. Legislative act is _____

4. Quorum is _____

5. Constitutional period is _____

II. Mark with an X, the correct answer to the following propositions:**1) The Law and the legislative Acts are:**

- a) Administrative acts
- b) Constitutional juridical norms
- c) Providences judicial
- d) Government ordinances
- e) Administrative resolutions

2) They are integral part of the legislative branch of the Colombian public power:

- a) The Constitutional Court and Supreme Court
- b) The Council of State and the Superior Council of the Judicature
- c) The Senate of the Republic and the Chamber of Representatives
- d) The Comptroller General of the Republic and the Public Ministry
- e) The Electoral tribunal

3) They are forbidden to the Congress and the congressmen:

- a) To emit laws and legislative acts
- b) To give applause votes to the official acts
- c) To emit ordinary laws
- d) To emit statutory laws
- e) To give the debates corresponding to the bills

4) The Congress sessions in:

- a) Departmental assemblies
- b) Community assemblies
- c) Ordinary and extraordinary sessions
- d) Union sessions
- e) Sessions of foundations

5) The Congress of Colombia has its principal seat in:

- a) In the capital of a department
- b) In the capital of the Republic of Colombia
- c) In the capital of a Colombian Municipality
- d) In the capital of the District of *Cartagena*
- e) In the capital of the Ex-province of *Obando*

6) The Commissions of the Congress of the Republic, through those that it exercises their legislative function are:

- a) Primary, secondary and third
- b) Permanent, legal and accidental
- c) Executives, operative and administrative
- d) Legislative and corporate
- e) Administrative and economic

- 7) The laws according to the Constitution are classified in:**
- a) Laws of Human rights and of the woman
 - b) Ordinary, organic and statutory laws
 - c) Approved budget laws and of public services
 - d) Laws of the territorial division and tributary laws
 - e) Laws of contract state (or recruiting)
- 8) The Statutory laws develop issues of the Constitution on:**
- a) The regulations of the Congress of the Republic
 - b) Rights and duties fundamental of the individuals
 - c) Jurisdictions of the Territorial Entities
 - d) Public credit
 - e) Decree of Honors to the citizens that have lent services to the Homeland
- 9) The Organic laws develop issues of the Constitution on:**
- a) Rights and duties fundamental of the individuals
 - b) The Administration of Justice
 - c) The States of Exception
 - d) Institutes and mechanisms of citizenship participation
 - e) Budget revenues and expenditures of the Nation
- 10) The stages of creation of the laws in Colombia are:**
- a) The Initiative, the debates and the Sanction
 - b) The Initiative, the debates, the Sanction and/or objection and Publication, validity and the special stages
 - c) The Initiative, the debates, the sanction and the objection
 - d) The Initiative, the debates, the sanction, the objection and the publication and the special stages
 - e) Initiative, debates, Sanction and validity

VII. THE ACTIVITIES OF THE STUDENT AND THE PROFESSOR

- I. In study symposium examine and express their opinions on the following themes:**
1. Does it consider necessary and beneficial for Colombia the bicameral system of our legislative branch? Why?
 2. The Congress of the Republic this forming for people of different movements and political parties, for minority, ethnic and racial groups. What do advantages and disadvantages observe in this form of composition of the Congress?

3. Is it convenient, necessary and opportune that the laws have been classified in ordinary, organic and statutory? Why do you reason?
4. Did know that in the Senate and the Chamber of Representatives, do the parliamentarian creating and promulgate the laws and the legislative acts giving them first debate in the respective permanent Constitutional Commissions? What justifications besides the juridical the congressmen do have to perform this labor legislative?
5. The Human rights according to the Constitution of 1991, should be regulated and to develop through statutory laws. Is it or not convenient this legislative procedure?