

March 21, 2014

Mike Mauer, Director  
Colorado Legislative Council Staff  
State Capitol Building, Room 029  
Denver, Colorado 80203

*Sent via email (lcs.ga@state.co.us)*

Mr. Mauer:

The designated proponents identified below respectfully submit the attached draft initiative for the 2014 ballot relating to fiscal transparency in the initiative process.

**Proponent 1**

Name: Pat Hamill  
Address: 4908 Tower Road  
Denver, CO 80249  
Phone: (303) 486-8500  
Email: phamill@oakwoodhomesco.com

**Proponent 2**

Name: Bob Diebel  
Address: 9900 East 51st Avenue  
Denver, CO 80238  
Phone: (303) 307-3600  
Email: bdeibel@OfficeScapes.com

## Fiscal Transparency in Initiative Process - Statutory

Be it enacted by the People of the State of Colorado:

**SECTION 1.** In Colorado Revised Statutes, **amend** 1-40-105 by **adding** subsection (1.5) and **amending** subsection (4) as follows:

**C.R.S. § 1-40-105. Filing procedure - review and comment - amendments - filing with secretary of state.**

(1) The original typewritten draft of every initiative petition for a proposed law or amendment to the state constitution to be enacted by the people, before it is signed by any elector, shall be submitted by the proponents of the petition to the directors of the legislative council and the office of legislative legal services for review and comment. Proponents are encouraged to write such drafts in plain, nontechnical language and in a clear and coherent manner using words with common and everyday meaning which are understandable to the average reader. Upon request, any agency in the executive department shall assist in reviewing and preparing comments on the petition. No later than two weeks after the date of submission of the original draft, unless it is withdrawn by the proponents, the directors of the legislative council and the office of legislative legal services, or their designees, shall render their comments to the proponents of the petition concerning the format or contents of the petition at a meeting open to the public. Where appropriate, such comments shall also contain suggested editorial changes to promote compliance with the plain language provisions of this section. Except with the permission of the proponents, the comments shall not be disclosed to any person other than the proponents prior to the public meeting with the proponents of the petition.

(1.5) TOGETHER WITH THE ORIGINAL TYPEWRITTEN DRAFT AS PROVIDED IN SUBSECTION (1), PROPONENTS SHALL PREPARE AND SUBMIT A FISCAL IMPACT ESTIMATE. THE FISCAL IMPACT ESTIMATE SHALL ESTIMATE THE EFFECT THE MEASURE WILL HAVE ON STATE AND LOCAL GOVERNMENT REVENUES, EXPENDITURES, TAXES, AND FISCAL LIABILITIES IF SUCH MEASURE IS ENACTED. THE PROPONENTS' FISCAL IMPACT ESTIMATE SHALL BE CONSIDERED PART OF THE PROPONENTS' INITIATIVE PETITION AND SUBJECT TO REVIEW AND COMMENT BY LEGISLATIVE COUNCIL, THE OFFICE OF LEGISLATIVE LEGAL SERVICES, AND THE TITLE BOARD.

(2) After the public meeting but before submission to the secretary of state for title setting, the proponents may amend the petition in response to some or all of the comments of the directors of the legislative council and the office of legislative legal services, or their designees. If any substantial amendment is made to the petition, other than an amendment in direct response to the comments of the directors of the legislative council and the office of legislative legal services, the amended petition shall be resubmitted to the directors for comment in accordance with

subsection (1) of this section prior to submittal to the secretary of state as provided in subsection (4) of this section. If the directors have no additional comments concerning the amended petition, they may so notify the proponents in writing, and, in such case, a hearing on the amended petition pursuant to subsection (1) of this section is not required.

(3) To the extent possible, drafts shall be worded with simplicity and clarity and so that the effect of the measure will not be misleading or likely to cause confusion among voters. The draft shall not present the issue to be decided in such manner that a vote for the measure would be a vote against the proposition or viewpoint that the voter believes that he or she is casting a vote for or, conversely, that a vote against the measure would be a vote for a proposition or viewpoint that the voter is against.

(4) After the conference provided in subsections (1) and (2) of this section, a copy of the original typewritten draft submitted to the directors of the legislative council and the office of legislative legal services, a copy of the amended draft with changes highlighted or otherwise indicated, if any amendments were made following the last conference conducted pursuant to subsections (1) and (2) of this section, **THE PROPONENTS' FISCAL IMPACT ESTIMATE AND ANY COMMENTS OR AMENDMENTS THERETO**, and an original final draft which gives the final language for printing shall be submitted to the secretary of state without any title, submission clause, or ballot title providing the designation by which the voters shall express their choice for or against the proposed law or constitutional amendment.

**SECTION 2.** In Colorado Revised Statutes, **amend** 1-40-107 as follows:

**C.R.S. § 1-40-107. Rehearing – appeal – fees – signing. (1)(a)** Any person presenting an initiative petition or any registered elector who is not satisfied with a decision of the title board with respect to whether a petition contains more than a single subject pursuant to section 1-40-106.5, or who is not satisfied with the ~~titles, and~~ **TITLE OR** submission clause provided by the title board; and who claims that they are unfair or that they do not fairly express the true meaning and intent of the proposed state law or constitutional amendment, **OR WHO IS NOT SATISFIED WITH THE FISCAL IMPACT STATEMENT PREPARED PURSUANT TO SECTION 1-40-107.5**, may file a motion for a rehearing with the secretary of state within seven days after the decision is made or the ~~titles, and~~ **TITLE, submission clause, OR FISCAL IMPACT STATEMENT** are set.

**SECTION 3.** In Colorado Revised Statutes, **add** 1-40-107.5 as follows:

**C.R.S. § 1-40-107.5 FISCAL IMPACT STATEMENT**

(1) **FOR EVERY INITIATED OR REFERRED MEASURE SUBMITTED TO THE TITLE BOARD, THE DIRECTOR OF RESEARCH OF THE LEGISLATIVE COUNCIL OF THE GENERAL ASSEMBLY SHALL PREPARE A FISCAL IMPACT STATEMENT**

TAKING INTO CONSIDERATION FISCAL IMPACT INFORMATION SUBMITTED BY THE PROPONENTS, THE OFFICE OF STATE PLANNING AND BUDGETING, THE DEPARTMENT OF LOCAL AFFAIRS OR ANY OTHER STATE AGENCY, AND ANY OTHER INTERESTED PERSON. THE FISCAL IMPACT STATEMENT SHALL BE PREPARED AND SUBMITTED TO THE TITLE BOARD NO LATER THAN 48 HOURS BEFORE THE TITLE BOARD MEETING AT WHICH THE PROPOSED STATUTE OR CONSTITUTIONAL AMENDMENT IS TO BE CONSIDERED. THE FISCAL IMPACT STATEMENT SHALL BE SUBSTANTIALLY SIMILAR IN FORM AND CONTENT TO THE FISCAL NOTES PROVIDED BY THE LEGISLATIVE COUNCIL OF THE GENERAL ASSEMBLY FOR LEGISLATIVE MEASURES PURSUANT TO SECTION 2-2-322, C.R.S. THE FISCAL IMPACT STATEMENT SHALL INCLUDE, BUT SHALL NOT BE LIMITED TO:

(I) AN ESTIMATE OF THE EFFECT THE MEASURE WILL HAVE ON STATE AND LOCAL GOVERNMENT REVENUES, EXPENDITURES, TAXES, AND FISCAL LIABILITIES IF SUCH MEASURE IS ENACTED;

(II) AN ESTIMATE OF THE AMOUNT OF ANY STATE AND LOCAL GOVERNMENT RECURRING EXPENDITURES OR FISCAL LIABILITIES IF SUCH MEASURE IS ENACTED; AND

(III) FOR ANY INITIATED OR REFERRED MEASURE THAT MODIFIES THE STATE TAX LAWS, AN ESTIMATE OF THE IMPACT TO THE AVERAGE TAXPAYER, IF FEASIBLE, IF SUCH MEASURE IS ENACTED.

(2) A COMPLETE COPY OF THE FISCAL IMPACT STATEMENT FOR SUCH MEASURE SHALL BE PUBLICLY AVAILABLE THROUGH THE LEGISLATIVE COUNCIL OF THE GENERAL ASSEMBLY.

(3) IN ADDITION TO THE REQUIREMENTS ENUMERATED IN SECTION 1-40-113, THE PETITION SHALL INDICATE WHETHER THERE IS A FISCAL IMPACT FOR EACH INITIATED OR REFERRED MEASURE AND SHALL ABSTRACT THE FISCAL IMPACT STATEMENT FOR SUCH MEASURE.

(4) THE ABSTRACT FOR EVERY MEASURE SHALL APPEAR AFTER THE ARGUMENTS FOR AND AGAINST SUCH MEASURE IN THE ANALYSIS SECTION OF THE BALLOT INFORMATION BOOKLET PROVIDED FOR IN SECTION 1-40-124.5.

**SECTION 4.** In Colorado Revised Statutes, **amend** § 1-40-124.5(b) as follows:

**C.R.S. § 1-40-124.5. Ballot information booklet**

~~(b) The director of research of the legislative council of the general assembly shall prepare a fiscal impact statement for every initiated or referred measure, taking into consideration fiscal impact information submitted by the office of state planning and budgeting, the department of local affairs or any other state agency, and any proponent or other interested person. The fiscal impact statement prepared for every measure shall be substantially similar in form and content to the fiscal notes provided by the legislative council of the general assembly for legislative measures pursuant to section 2-2-322, C.R.S. A complete copy of the fiscal impact statement for such measure shall be available through the legislative council of the general assembly. The ballot information booklet shall indicate whether there is a fiscal impact for each initiated or referred measure and shall abstract the fiscal impact statement for such measure AS SET FORTH SECTION 1-40-107.5. The abstract for every measure shall appear after the arguments for and against such measure in the analysis section of the ballot information booklet, and shall include, but shall not be limited to:~~

~~(I) An estimate of the effect the measure will have on state and local government revenues, expenditures, taxes, and fiscal liabilities if such measure is enacted;~~

~~(II) An estimate of the amount of any state and local government recurring expenditures or fiscal liabilities if such measure is enacted; and~~

~~(III) For any initiated or referred measure that modifies the state tax laws, an estimate of the impact to the average taxpayer, if feasible, if such measure is enacted.~~