

Initiative 137
Fiscal Impact of Ballot Measures

1 **Ballot Title:** Shall there be a change to the Colorado Revised Statutes requiring a nonpartisan fiscal
2 impact statement for any initiated measure be included on initiative petitions that are circulated for
3 signatures?

4 *Be it Enacted by the People of the State of Colorado:*

5 **SECTION 1.** In Colorado Revised Statutes, 1-40-105, **amend** (4); and **add** (1.5) as follows:

6 **1-40-105. Filing procedure - review and comment - amendments - filing with secretary of**
7 **state.** (1.5) TOGETHER WITH THE ORIGINAL TYPEWRITTEN DRAFT AS PROVIDED IN SUBSECTION (1), PROPONENTS
8 SHALL PREPARE AND SUBMIT A FISCAL IMPACT ESTIMATE. THE FISCAL IMPACT ESTIMATE SHALL ESTIMATE THE
9 EFFECT THE MEASURE WILL HAVE ON STATE AND LOCAL GOVERNMENT REVENUES, EXPENDITURES, TAXES, AND
10 FISCAL LIABILITIES IF SUCH MEASURE IS ENACTED. THE PROPONENTS' FISCAL IMPACT ESTIMATE SHALL BE
11 CONSIDERED PART OF THE PROPONENTS' INITIATIVE PETITION AND SUBJECT TO REVIEW AND COMMENT BY
12 LEGISLATIVE COUNCIL AND THE OFFICE OF LEGISLATIVE LEGAL SERVICES.

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

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

22 **1-40-107. Rehearing - appeal - fees - signing.** (1)(a) Any person presenting an initiative petition
23 or any registered elector who is not satisfied with a decision of the title board with respect to whether a
24 petition contains more than a single subject pursuant to section 1-40-106.5, or who is not satisfied with
25 the titles and submission clause provided by the title board and who claims that they are unfair or that
26 they do not fairly express the true meaning and intent of the proposed state law or constitutional
27 amendment, OR WHO OBJECTS TO THE FISCAL IMPACT STATEMENT OR ABSTRACT PREPARED PURSUANT TO
28 SECTION 1-40-107.5, may file a motion for a rehearing with the secretary of state within seven days after
29 the decision is made or the titles and submission clause are set.

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

31 **1-40-107.5. FISCAL IMPACT STATEMENT.** (1)(A) FOR EVERY INITIATED MEASURE SUBMITTED TO
32 THE TITLE BOARD, THE DIRECTOR OF RESEARCH OF THE LEGISLATIVE COUNCIL OF THE GENERAL ASSEMBLY SHALL
33 PREPARE A FISCAL IMPACT STATEMENT TAKING INTO CONSIDERATION THE FISCAL IMPACT ESTIMATE SUBMITTED BY
34 THE PROPONENTS, THE OFFICE OF STATE PLANNING AND BUDGETING, THE DEPARTMENT OF LOCAL AFFAIRS OR
35 ANY OTHER STATE AGENCY, AND ANY OTHER INTERESTED PERSON. THE FISCAL IMPACT STATEMENT SHALL BE
36 PREPARED AND SUBMITTED TO THE TITLE BOARD NO LATER THAN FORTY-EIGHT (48) HOURS BEFORE THE TITLE
37 BOARD MEETING AT WHICH THE PROPOSED STATUTE OR CONSTITUTIONAL AMENDMENT IS TO BE CONSIDERED. THE
38 FISCAL IMPACT STATEMENT SHALL BE SUBSTANTIALLY SIMILAR IN FORM AND CONTENT TO THE FISCAL NOTES
39 PROVIDED BY THE LEGISLATIVE COUNCIL OF THE GENERAL ASSEMBLY FOR LEGISLATIVE MEASURES PURSUANT TO
40 SECTION 2-2-322, C.R.S.

1 (B) THE FISCAL IMPACT STATEMENT SHALL INDICATE WHETHER THERE IS A FISCAL IMPACT FOR EACH
2 INITIATED MEASURE AND SHALL ABSTRACT THE FISCAL IMPACT STATEMENT FOR SUCH MEASURE. THE ABSTRACT
3 FOR EVERY MEASURE SHALL APPEAR ON EACH PETITION IN A PLACE AND FORM AS PRESCRIBED BY THE SECRETARY
4 OF STATE, AND SHALL INCLUDE, BUT SHALL NOT BE LIMITED TO:

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

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

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

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

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

14 **1-40-124.5. Ballot information booklet.** (1)(b) The director of research of the legislative council
15 of the general assembly shall prepare a fiscal impact statement for every ~~initiated or~~ referred measure,
16 taking into consideration fiscal impact information submitted by the office of state planning and budgeting,
17 the department of local affairs or any other state agency, and any proponent or other interested person.
18 The fiscal impact statement prepared for every REFERRED measure shall be substantially similar in form
19 and content to the fiscal notes provided by the legislative council of the general assembly for legislative
20 measures pursuant to section 2-2-322, C.R.S. A complete copy of the fiscal impact statement for such
21 measure shall be available through the legislative council of the general assembly. The ballot information
22 booklet SHALL INCORPORATE THE FISCAL IMPACT STATEMENT AND ABSTRACT PREPARED FOR INITIATED
23 MEASURES PURSUANT TO SECTION 1-40-107.5, shall indicate whether there is a fiscal impact for each
24 initiated or referred measure and shall abstract the fiscal impact statement for such measure. The
25 abstract for every initiated or referred measure shall appear after the arguments for and against such
26 measure in the analysis section of the ballot information booklet, and shall include, but shall not be limited
27 to:

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

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

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