

STATE

CONDITIONAL FISCAL IMPACT

This fiscal note is prepared pursuant to Joint Rule 22(b)(2). It is based on amendment L.003, which strikes everything below the enacting clause of the introduced resolution.

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Date: April 28, 2010

Prime Sponsor(s): Sen. Heath
Rep. Ferrandino

Bill Status: Senate SVMA

Fiscal Analyst: Kate Watkins (303-866-6289)

TITLE: SUBMITTING TO THE REGISTERED ELECTORS OF THE STATE OF COLORADO AN AMENDMENT TO ARTICLE XIX OF THE CONSTITUTION OF THE STATE OF COLORADO, CONCERNING THE CREATION OF THE FISCAL POLICY CONSTITUTIONAL COMMISSION, AND, IN CONNECTION THEREWITH, ESTABLISHING A COMMISSION CONSISTING OF NINETEEN MEMBERS APPOINTED BY VARIOUS STATE OFFICIALS FOR THE PURPOSE OF REVIEWING THE FISCAL POLICY SET FORTH IN THE STATE CONSTITUTION AND, IF APPROPRIATE, SUBMITTING TO THE VOTERS IN 2012 ONE OR MORE MEASURES TO AMEND THE FISCAL POLICY SET FORTH IN THE CONSTITUTION; PERMITTING A MEASURE TO INCLUDE MORE THAN ONE SUBJECT; EXEMPTING A MEASURE FROM EXISTING CONSTITUTIONAL ELECTION REQUIREMENTS; REQUIRING THE GENERAL ASSEMBLY TO CONDUCT PUBLIC HEARINGS RELATED TO A MEASURE AND MAKE A RECOMMENDATION TO VOTERS ABOUT THE MEASURE; AND REQUIRING EACH MEASURE TO BE PUBLISHED PRIOR TO THE ELECTION AND INCLUDED IN THE BALLOT INFORMATION BOOKLET.

Fiscal Impact Summary	FY 2010-2011	FY 2011-2012
State Revenue		
State Expenditures		
General Fund		\$99,855
FTE Position Change		0.8 FTE
Effective Date: Upon approval of voters at the 2011 general election.		
Appropriation Summary for FY 2010-2011: None required.		
Local Government Impact: None.		

Summary of Legislation

This concurrent resolution creates a new method for referring constitutional amendments to the voters. With amendment L.003, the resolution refers a constitutional amendment to voters at the 2011 general election to create the Constitutional Review Commission. The 19-member commission is created to review the state constitution and submit to voters measures to repeal or amend portions of the constitution. The commission would reconvene with new members every six years. Each commission would determine an area of interest in the constitution and review provisions included within that area. The first commission would be appointed in 2011 and would be able to refer measures to the voters in 2012.

The commission is required to conduct public meetings in each congressional district in the state before referring any measure to the voters. Measures must relate to the area of interest reviewed by the commission and must be approved by two thirds of the commission. Measures may include more than one subject, would be exempt from TABOR election provisions, and would be included in the ballot information booklet (blue book). Measures would be limited to those repealing or amending existing constitutional provisions.

Review by the General Assembly. The General Assembly is required to establish a procedure for conducting public hearings on each commission measure in both the House and the Senate. While the General Assembly will not be able to alter any measures submitted to the voters by the commission, the General Assembly must, by joint resolution, approve each measure by majority vote in order for the measure to appear on the ballot.

SCR10-001 also specifies the commission membership appointments, duties, and procedures. Commissioners will serve without compensation but may receive reimbursement for expenses. Seven members of the commission must be unaffiliated with a political party. Members of the General Assembly, statewide officeholders, and individuals who have previously been appointed to the commission are not eligible to serve on the commission.

State Expenditures

The resolution increases costs in the legislature by \$99,855 and 0.8 FTE in FY 2011-12. Because the measure must be approved by the voters, costs are conditional. Table 1 summarizes costs required by the resolution.

Table 1. Total Costs Under SCR 10-001		
Departments and Cost Components	FY 2010-11	FY 2011-12
Legislative Branch		
Personal Services		\$46,488
<i>FTE</i>		<i>0.8</i>
Travel Costs (Mileage and Lodging)		5,145
Total		51,633
Commission Member Reimbursement		
Travel Costs (Mileage)		15,162
Per Diem (Meals and Hotel Stay)		33,060
Total Reimbursements		48,222
Resolution Total		
General Fund		\$99,855
<i>FTE</i>		<i>0.8</i>

Legislative Branch: \$99,855 and 0.8 FTE in FY 2011-12. The cost to the Office of Legislative Legal Services and Office of Legislative Council Staff to staff the commission would be 0.8 FTE at \$46,488. This amount is calculated based on the personnel costs associated with an entry level attorney (0.2 FTE) and mid-level staff research associates (0.6 FTE). Travel costs, including mileage and lodging, required to staff committee meetings totals an additional \$5,145.

The resolution provides that commission members *may* be reimbursed for actual or necessary expenses incurred by serving on the commission. Assuming that members are reimbursed, the estimated cost for travel and per diem expenses totals \$48,222. Estimates assume 12 commission meetings, five of which would require travel outside of the metro Denver area. Nine of the 19 commission members are assumed to reside outside the metro Denver area.

Expenditures Not Included

Pursuant to a Joint Budget Committee policy, certain costs associated with this resolution are addressed through the annual budget process and centrally appropriated in the Long Bill or supplemental appropriations bills, rather than in this resolution. The centrally appropriated costs subject to this policy are summarized in Table 2.

Table 2. Expenditures Not Included Under SCR 10-001*		
Cost Components	FY 2010-11	FY 2011-12
Employee Insurance (Health, Life, Dental, and Short-term Disability)		\$5,680
Supplemental Employee Retirement Payments		1,729
Indirect Costs		
Leased Space		
TOTAL	\$0	\$7,409

*More information is available at: <http://www.colorado.gov/cs/Satellite/CGA-LegislativeCouncil/CLC/1200536133924>

Election Expenditure Impacts (For Informational Purposes Only)

The resolution refers a measure to the voters at the November 2011 general election. This measure will be published in newspapers and an analysis of the measure will be included in the Blue Book mailed to all registered voter households prior to the election. Under current law, costs for these functions will be paid through a General Fund line item in the Long Appropriations Bill. Table 3 identifies the anticipated costs for the 2011 Blue Book.

Table 3. Cost to Produce and Distribute the 2011 Blue Book to All Registered Voter Households	
Printing	\$150,000
Postage	\$300,000
Translation	\$5,000
Newspaper Publication (English & Spanish)	\$150,000
Total Cost (3 issues)	\$605,000
Average Cost per Issue	\$201,667

Departments Contacted

Governor's Office
Legislative Council Staff

State
Legislative Legal Services