

SENATE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

April 28, 2010
Date

Committee on State, Veterans & Military Affairs.

After consideration on the merits, the Committee recommends the following:

SCR10-001 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend printed concurrent resolution, strike everything below the
2 resolving clause and substitute:

3 **"SECTION 1.** At the next election at which such question may
4 be submitted, there shall be submitted to the registered electors of the
5 state of Colorado, for their approval or rejection, the following
6 amendment to the constitution of the state of Colorado, to wit:

7 Article XIX of the constitution of the state of Colorado is amended
8 **BY THE ADDITION OF A NEW SECTION** to read:

9 **Section 3. Constitutional review commission. (1) Definitions.**
10 **AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:**

11 (a) "APPOINTMENT YEAR" MEANS 2011 OR EVERY SIXTH YEAR
12 THEREAFTER.

13 (b) "COMMISSION" MEANS THE CONSTITUTIONAL REVIEW
14 COMMISSION CREATED IN SUBSECTION (2) OF THIS SECTION.

15 (c) "COMMISSION ELECTION YEAR" MEANS 2012 OR EVERY SIXTH
16 YEAR THEREAFTER.

1 (d) "MEASURE" MEANS A MEASURE TO AMEND THIS CONSTITUTION
2 PROPOSED BY THE COMMISSION TO BE SUBMITTED TO THE REGISTERED
3 ELECTORS OF THE STATE FOR THEIR APPROVAL OR REJECTION AT A
4 GENERAL ELECTION IN ACCORDANCE WITH THIS SECTION.

5 (2) **Creation.** THE CONSTITUTIONAL REVIEW COMMISSION IS
6 HEREBY CREATED FOR THE PURPOSE OF PERIODICALLY REVIEWING THIS
7 CONSTITUTION. BEGINNING IN 2011, AND EVERY SIXTH YEAR
8 THEREAFTER, THE COMMISSION SHALL DETERMINE AN AREA OF INTEREST
9 IN THE CONSTITUTION AND REVIEW PROVISIONS INCLUDED WITHIN THE
10 AREA. THE SCOPE OF AN AREA OF INTEREST SHALL BE IN THE SOLE
11 DISCRETION OF THE COMMISSION. AFTER REVIEWING THE CONSTITUTION,
12 THE COMMISSION MAY SUBMIT TO THE VOTERS, IN ACCORDANCE WITH THE
13 PROVISIONS OF THIS SECTION, ONE OR MORE MEASURES TO AMEND THIS
14 CONSTITUTION.

15 (3) **Appointments.** (a) THE COMMISSION SHALL CONSIST OF
16 NINETEEN MEMBERS APPOINTED AS FOLLOWS:

17 (I) SIX MEMBERS APPOINTED BY THE GOVERNOR;

18 (II) THREE MEMBERS APPOINTED BY THE PRESIDENT OF THE
19 SENATE;

20 (III) THREE MEMBERS APPOINTED BY THE MINORITY LEADER OF
21 THE SENATE;

22 (IV) THREE MEMBERS APPOINTED BY THE SPEAKER OF THE HOUSE
23 OF REPRESENTATIVES;

24 (V) THREE MEMBERS APPOINTED BY THE MINORITY LEADER OF THE
25 HOUSE OF REPRESENTATIVES; AND

26 (VI) ONE MEMBER APPOINTED BY THE CHIEF JUSTICE OF THE STATE
27 SUPREME COURT.

28 (b) (I) THE FOLLOWING REQUIREMENTS SHALL APPLY TO
29 APPOINTMENTS TO THE COMMISSION BY THE GOVERNOR:

30 (A) NO MORE THAN TWO OF THE MEMBERS SHALL BE REGISTERED
31 WITH THE SAME POLITICAL PARTY; AND

1 (B) AT LEAST TWO OF THE MEMBERS SHALL BE PERSONS WHO ARE
2 UNAFFILIATED WITH A POLITICAL PARTY.

3 (II) EXCEPT AS SET FORTH IN SUB-SUBPARAGRAPH (B) OF
4 SUBPARAGRAPH (I) OF THIS PARAGRAPH (b), AT LEAST ONE MEMBER
5 APPOINTED BY EACH APPOINTING AUTHORITY PURSUANT TO PARAGRAPH
6 (a) OF THIS SUBSECTION (3) SHALL BE A PERSON WHO IS UNAFFILIATED
7 WITH A POLITICAL PARTY.

8 (III) FOR PURPOSES OF THIS PARAGRAPH (b), A PERSON SHALL BE
9 CONSIDERED TO BE UNAFFILIATED WITH A POLITICAL PARTY IF HE OR SHE
10 IS UNAFFILIATED WITH A POLITICAL PARTY AT THE TIME OF THE
11 APPOINTMENT AND HAS BEEN CONTINUOUSLY UNAFFILIATED SINCE THE
12 LAST GENERAL ELECTION PRIOR TO THE APPOINTMENT. A PERSON SHALL
13 BE CONSIDERED TO BE REGISTERED WITH A POLITICAL PARTY IF HE OR SHE
14 IS REGISTERED WITH THE POLITICAL PARTY AT THE TIME OF THE
15 APPOINTMENT AND HAS BEEN CONTINUOUSLY REGISTERED WITH THE
16 POLITICAL PARTY SINCE THE LAST GENERAL ELECTION PRIOR TO THE
17 APPOINTMENT.

18 (c) THE FOLLOWING PERSONS SHALL NOT BE ELIGIBLE FOR
19 APPOINTMENT TO THE COMMISSION:

20 (I) A MEMBER OF THE GENERAL ASSEMBLY;

21 (II) A STATEWIDE OFFICEHOLDER; OR

22 (III) ANY PERSON WHO WAS PREVIOUSLY APPOINTED TO THE
23 COMMISSION.

24 (d) APPOINTMENTS TO THE COMMISSION SHALL BE MADE ON OR
25 AFTER MARCH 1 BUT BEFORE MARCH 15 OF AN APPOINTMENT YEAR AND
26 MEMBERS SHALL SERVE UNTIL MARCH 15 OF THE FOLLOWING YEAR.
27 THEREAFTER, NO MEMBERS SHALL BE APPOINTED UNTIL THE NEXT
28 APPOINTMENT YEAR. A VACANCY DURING THE TERM OF THE COMMISSION
29 SHALL BE FILLED BY THE ORIGINAL APPOINTING AUTHORITY.

30 (4) **Administration.** (a) THE COMMISSION SHALL MEET AS OFTEN
31 AS NECESSARY TO COMPLETE ITS CHARGE. ALL MEETINGS SHALL BE OPEN
32 TO THE PUBLIC.

1 (b) THE COMMISSION SHALL ELECT A CHAIRPERSON AND
2 VICE-CHAIRPERSON FROM ITS MEMBERSHIP AND SHALL ADOPT ANY
3 PROCEDURES NECESSARY TO PERFORM ITS CHARGE.

4 (c) A MEMBER OF THE COMMISSION SHALL NOT RECEIVE
5 COMPENSATION FOR HIS OR HER SERVICE ON THE COMMISSION BUT MAY
6 RECEIVE REIMBURSEMENT FOR ACTUAL AND NECESSARY EXPENSES
7 INCURRED WHILE PERFORMING DUTIES RELATED TO THE COMMISSION.

8 (d) THE OFFICE OF LEGISLATIVE LEGAL SERVICES AND LEGISLATIVE
9 COUNCIL STAFF SHALL PROVIDE STAFF SUPPORT TO ASSIST THE
10 COMMISSION IN ITS CHARGE.

11 (5) **Measures to amend this constitution.** (a) THE COMMISSION
12 SHALL HAVE THE POWER TO PROPOSE ONE OR MORE MEASURES TO BE
13 SUBMITTED TO THE REGISTERED ELECTORS OF THE STATE FOR THEIR
14 APPROVAL OR REJECTION AT THE NEXT GENERAL ELECTION; EXCEPT THAT
15 NO MEASURE SHALL BE SUBMITTED UNLESS:

16 (I) THE COMMISSION THAT RECOMMENDS THE MEASURE HAS
17 CONDUCTED AT LEAST ONE MEETING IN EACH CONGRESSIONAL DISTRICT
18 IN THE STATE PRIOR TO SUBMITTING THE MEASURE TO THE SECRETARY OF
19 STATE PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (5);

20 (II) THE MEASURE IS APPROVED BY A TWO-THIRDS MAJORITY OF
21 ALL THE MEMBERS APPOINTED TO THE COMMISSION;

22 (III) THE MEASURE IS LIMITED TO REPEALING OR AMENDING
23 EXISTING PROVISIONS OF THIS CONSTITUTION; AND

24 (IV) THE MEASURE IS APPROVED BY THE GENERAL ASSEMBLY IN
25 ACCORDANCE WITH SUBSECTION (6) OF THIS SECTION.

26 (b) NO LATER THAN FEBRUARY 1 OF A COMMISSION ELECTION
27 YEAR, THE COMMISSION SHALL SUBMIT A COPY OF ANY MEASURE TO THE
28 SECRETARY OF STATE FOR TITLE SETTING BY THE STATE TITLE BOARD. THE
29 STATE TITLE BOARD SHALL DESIGNATE AND FIX A PROPER AND FAIR
30 BALLOT TITLE FOR EACH MEASURE IN THE MANNER SET FORTH BY LAW;
31 EXCEPT THAT THE BALLOT TITLE SHALL BE IN THE FOLLOWING STYLE:

1 (I) THE BALLOT TITLE SHALL BEGIN, "SHALL THE CONSTITUTION OF
2 THE STATE OF COLORADO BE AMENDED AS RECOMMENDED BY THE
3 CONSTITUTIONAL REVIEW COMMISSION AS FOLLOWS:"; AND

4 (II) THE INTRODUCTION REQUIRED PURSUANT TO SUBPARAGRAPH
5 (I) OF THIS PARAGRAPH (b) SHALL BE FOLLOWED BY A DESCRIPTION OF
6 EACH CHANGE TO THIS CONSTITUTION.

7 (c) A MEASURE MAY CONTAIN MORE THAN ONE SUBJECT AND
8 SHALL NOT BE SUBJECT TO THE REQUIREMENTS SET FORTH IN SECTION 20
9 (3) OF ARTICLE X OF THIS CONSTITUTION.

10 (d) LEGISLATIVE COUNCIL STAFF SHALL:

11 (I) PUBLISH THE TEXT AND TITLE OF A MEASURE IN ACCORDANCE
12 WITH THE REQUIREMENTS SET FORTH IN SECTION 1 (7.3) OF ARTICLE V OF
13 THIS CONSTITUTION; AND

14 (II) PREPARE AND MAKE AVAILABLE THE INFORMATION SET FORTH
15 IN SECTION 1 (7.5) (a) OF ARTICLE V OF THIS CONSTITUTION FOR EACH
16 MEASURE AS PART OF THE BALLOT INFORMATION BOOKLET.

17 (e) A MEASURE SHALL BE IDENTIFIED ON THE BALLOT AS A
18 "COMMISSION AMENDMENT" AND SHALL BE NUMBERED CONSECUTIVELY
19 IN REGULAR NUMERICAL ORDER BEGINNING WITH THE NUMBER ONE.

20 (f) EACH MEASURE SHALL BE PUBLISHED WITH THE LAWS OF THE
21 SECOND REGULAR SESSION OF THE GENERAL ASSEMBLY CONVENING
22 DURING THE COMMISSION ELECTION YEAR.

23 (g) EACH MEASURE APPROVED BY A MAJORITY OF THOSE VOTING
24 THEREON SHALL BECOME PART OF THIS CONSTITUTION.

25 (6) **Approval by the general assembly.** (a) NO LATER THAN
26 MARCH 1 OF A COMMISSION ELECTION YEAR, THE SECRETARY OF STATE
27 SHALL NOTIFY THE GENERAL ASSEMBLY OF EACH MEASURE FOR WHICH A
28 BALLOT TITLE HAS BEEN SET. THE GENERAL ASSEMBLY SHALL ESTABLISH
29 A PROCEDURE FOR CONDUCTING ONE OR MORE PUBLIC HEARINGS FOR EACH
30 MEASURE TO BE CONDUCTED IN EACH HOUSE OF THE GENERAL ASSEMBLY.

1 (b) SUBSEQUENT TO ANY PUBLIC HEARING REQUIRED PURSUANT TO
2 PARAGRAPH (a) OF THIS SUBSECTION (6), THE GENERAL ASSEMBLY SHALL
3 BY A JOINT RESOLUTION EITHER APPROVE OR REJECT A MEASURE. IF THE
4 MEASURE IS APPROVED BY THE MAJORITY OF ALL THE MEMBERS ELECTED
5 TO EACH HOUSE, THE MEASURE SHALL BE SUBMITTED TO THE VOTERS AT
6 THE NEXT GENERAL ELECTION. IF THE MEASURE IS REJECTED BY THE
7 GENERAL ASSEMBLY, THE MEASURE SHALL NOT BE SUBMITTED TO THE
8 VOTERS AT THE NEXT GENERAL ELECTION. IN NO CASE SHALL THE
9 GENERAL ASSEMBLY HAVE THE POWER TO CHANGE A MEASURE IN ANY
10 WAY.

11 (c) APPROVAL BY THE GENERAL ASSEMBLY PURSUANT TO
12 PARAGRAPH (b) OF THIS SUBSECTION (6) SHALL NOT CAUSE A MEASURE TO
13 BE CONSIDERED AN AMENDMENT PROPOSED BY THE GENERAL ASSEMBLY
14 SUBJECT TO THE PROVISIONS OF SECTION 2 OF THIS ARTICLE.

15 **SECTION 2.** Each elector voting at said election and desirous of
16 voting for or against said amendment shall cast a vote as provided by law
17 either "Yes" or "No" on the proposition: "SHALL THERE BE AN
18 AMENDMENT TO ARTICLE XIX OF THE CONSTITUTION OF THE STATE OF
19 COLORADO, CONCERNING THE CREATION OF THE CONSTITUTIONAL REVIEW
20 COMMISSION, AND, IN CONNECTION THEREWITH, ESTABLISHING A
21 COMMISSION CONSISTING OF NINETEEN MEMBERS APPOINTED BY VARIOUS
22 STATE OFFICIALS FOR THE PURPOSE OF PERIODICALLY REVIEWING AREAS
23 OF INTEREST WITHIN THE STATE CONSTITUTION; PERMITTING THE
24 COMMISSION TO PROPOSE MEASURES TO AMEND THE CONSTITUTION;
25 AUTHORIZING PROPOSED COMMISSION MEASURES APPROVED BY THE
26 GENERAL ASSEMBLY TO BE SUBMITTED TO THE VOTERS IN 2012 OR A
27 GENERAL ELECTION EVERY SIXTH YEAR THEREAFTER; PERMITTING A
28 MEASURE TO INCLUDE MORE THAN ONE SUBJECT; EXEMPTING A MEASURE
29 FROM EXISTING CONSTITUTIONAL ELECTION REQUIREMENTS; AND
30 REQUIRING EACH MEASURE TO BE PUBLISHED PRIOR TO THE ELECTION AND
31 INCLUDED IN THE BALLOT INFORMATION BOOKLET?"

32 **SECTION 3.** The votes cast for the adoption or rejection of said
33 amendment shall be canvassed and the result determined in the manner
34 provided by law for the canvassing of votes for representatives in
35 Congress, and if a majority of the electors voting on the question shall
36 have voted "Yes", the said amendment shall become a part of the state
37 constitution."

1 Page 1, strike lines 104 through 113.

2 Page 2, strike lines 101 through 106 and substitute "**CREATION OF THE
3 CONSTITUTIONAL REVIEW COMMISSION, AND, IN CONNECTION
4 THEREWITH, ESTABLISHING A COMMISSION CONSISTING OF NINETEEN
5 MEMBERS APPOINTED BY VARIOUS STATE OFFICIALS FOR THE PURPOSE
6 OF PERIODICALLY REVIEWING AREAS OF INTEREST WITHIN THE STATE
7 CONSTITUTION; PERMITTING THE COMMISSION TO PROPOSE MEASURES
8 TO AMEND THE CONSTITUTION; AUTHORIZING PROPOSED COMMISSION
9 MEASURES APPROVED BY THE GENERAL ASSEMBLY TO BE SUBMITTED
10 TO THE VOTERS IN 2012 OR A GENERAL ELECTION EVERY SIXTH YEAR
11 THEREAFTER; PERMITTING A MEASURE TO INCLUDE MORE THAN ONE
12 SUBJECT; EXEMPTING A MEASURE FROM EXISTING CONSTITUTIONAL
13 ELECTION REQUIREMENTS; AND REQUIRING EACH MEASURE TO BE
14 PUBLISHED PRIOR TO THE ELECTION AND INCLUDED IN THE BALLOT
15 INFORMATION BOOKLET."**

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