

Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

PREAMENDED

LLS NO. R10-0339.01 Ed DeCecco

SCR10-001

SENATE SPONSORSHIP

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Ferrandino, Court

Senate Committees

State, Veterans & Military Affairs

House Committees

SENATE CONCURRENT RESOLUTION 10-001

101 SUBMITTING TO THE REGISTERED ELECTORS OF THE STATE OF
102 COLORADO AN AMENDMENT TO ARTICLE XIX OF THE
103 CONSTITUTION OF THE STATE OF COLORADO, CONCERNING THE
104 CREATION OF THE CONSTITUTIONAL REVIEW COMMISSION,
105 AND, IN CONNECTION THEREWITH, ESTABLISHING A COMMISSION
106 CONSISTING OF NINETEEN MEMBERS APPOINTED BY VARIOUS
107 STATE OFFICIALS FOR THE PURPOSE OF PERIODICALLY
108 REVIEWING AREAS OF INTEREST WITHIN THE STATE
109 CONSTITUTION; PERMITTING THE COMMISSION TO PROPOSE
110 MEASURES TO AMEND THE CONSTITUTION; AUTHORIZING
111 PROPOSED COMMISSION MEASURES APPROVED BY THE GENERAL
112 ASSEMBLY TO BE SUBMITTED TO THE VOTERS IN 2012 OR A
113 GENERAL ELECTION EVERY SIXTH YEAR THEREAFTER;

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

101 PERMITTING A MEASURE TO INCLUDE MORE THAN ONE SUBJECT;
102 EXEMPTING A MEASURE FROM EXISTING CONSTITUTIONAL
103 ELECTION REQUIREMENTS; AND REQUIRING EACH MEASURE TO
104 BE PUBLISHED PRIOR TO THE ELECTION AND INCLUDED IN THE
105 BALLOT INFORMATION BOOKLET.

Resolution Summary

(Note: This summary applies to this resolution as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Long-term Fiscal Stability Commission. Currently, the state constitution may be amended by a measure referred to the voters by the general assembly or a constitutional convention or referred through the initiative process. The concurrent resolution creates an additional way to amend the constitution through the creation of a temporary fiscal policy constitutional commission (commission). The commission is created for the purpose of reviewing the fiscal policy set forth in the state constitution and, if appropriate, submitting one or more measures to amend the state constitution to the voters at the 2012 general election.

Nineteen members are appointed to the commission by representatives from the legislative, executive, and judicial branches of state government for a term that is just over one year long. A member of the general assembly or a statewide officeholder is not eligible to serve on the commission.

All commission meetings are open to the public. Members of the commission are only reimbursed for actual and necessary expenses incurred while performing duties related to the commission. The office of legislative legal services and legislative council staff shall provide staff support to assist the commission in its charge.

The commission may only submit a measure to amend the state constitution, which may include more than one subject, if:

- ! The commission has conducted at least one meeting in each congressional district in the state;
- ! The measure is approved by at least 10 members of the commission; and
- ! The measure relates to fiscal policy.

The commission shall submit a measure to the secretary of state in order that the title board may establish a ballot title and submission clause for each measure in a manner established by the concurrent resolution. A measure is not subject to constitutional election provisions. The commission may withdraw a measure from consideration as a ballot issue

by notifying the secretary of state of the withdrawal.

The general assembly shall conduct public hearings on each measure that is to appear on the ballot and make a recommendation to the voters to either approve or reject the measure, but the general assembly may not change a measure.

The concurrent resolution also requires a measure to be printed in the 2012 blue book and 2012 session laws.

1 *Be It Resolved by the Senate of the Sixty-seventh General Assembly*
2 *of the State of Colorado, the House of Representatives concurring herein:*

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

17 **(d) "MEASURE" MEANS A MEASURE TO AMEND THIS CONSTITUTION**
18 **PROPOSED BY THE COMMISSION TO BE SUBMITTED TO THE REGISTERED**
19 **ELECTORS OF THE STATE FOR THEIR APPROVAL OR REJECTION AT A**
20 **GENERAL ELECTION IN ACCORDANCE WITH THIS SECTION.**

21 **(2) Creation. THE CONSTITUTIONAL REVIEW COMMISSION IS**
22 **HEREBY CREATED FOR THE PURPOSE OF PERIODICALLY REVIEWING THIS**

1 CONSTITUTION. BEGINNING IN 2011, AND EVERY SIXTH YEAR
2 THEREAFTER, THE COMMISSION SHALL DETERMINE AN AREA OF INTEREST
3 IN THE CONSTITUTION AND REVIEW PROVISIONS INCLUDED WITHIN THE
4 AREA. THE SCOPE OF AN AREA OF INTEREST SHALL BE IN THE SOLE
5 DISCRETION OF THE COMMISSION. AFTER REVIEWING THE CONSTITUTION,
6 THE COMMISSION MAY SUBMIT TO THE VOTERS, IN ACCORDANCE WITH THE
7 PROVISIONS OF THIS SECTION, ONE OR MORE MEASURES TO AMEND THIS
8 CONSTITUTION.

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

11 (I) SIX MEMBERS APPOINTED BY THE GOVERNOR;

12 (II) THREE MEMBERS APPOINTED BY THE PRESIDENT OF THE
13 SENATE;

14 (III) THREE MEMBERS APPOINTED BY THE MINORITY LEADER OF
15 THE SENATE;

16 (IV) THREE MEMBERS APPOINTED BY THE SPEAKER OF THE HOUSE
17 OF REPRESENTATIVES;

18 (V) THREE MEMBERS APPOINTED BY THE MINORITY LEADER OF THE
19 HOUSE OF REPRESENTATIVES; AND

20 (VI) ONE MEMBER APPOINTED BY THE CHIEF JUSTICE OF THE STATE
21 SUPREME COURT.

22 (b) (I) THE FOLLOWING REQUIREMENTS SHALL APPLY TO
23 APPOINTMENTS TO THE COMMISSION BY THE GOVERNOR:

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

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

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

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

16 (c) THE FOLLOWING PERSONS SHALL NOT BE ELIGIBLE FOR
17 APPOINTMENT TO THE COMMISSION:

- 18 (I) A MEMBER OF THE GENERAL ASSEMBLY;
- 19 (II) A STATEWIDE OFFICEHOLDER; OR
- 20 (III) ANY PERSON WHO WAS PREVIOUSLY APPOINTED TO THE
21 COMMISSION.

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

1 (4) Administration. (a) THE COMMISSION SHALL MEET AS OFTEN
2 AS NECESSARY TO COMPLETE ITS CHARGE. ALL MEETINGS SHALL BE OPEN
3 TO THE PUBLIC.

4 (b) THE COMMISSION SHALL ELECT A CHAIRPERSON AND
5 VICE-CHAIRPERSON FROM ITS MEMBERSHIP AND SHALL ADOPT ANY
6 PROCEDURES NECESSARY TO PERFORM ITS CHARGE.

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

11 (d) THE OFFICE OF LEGISLATIVE LEGAL SERVICES AND LEGISLATIVE
12 COUNCIL STAFF SHALL PROVIDE STAFF SUPPORT TO ASSIST THE
13 COMMISSION IN ITS CHARGE.

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

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

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

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

27 (IV) THE MEASURE IS APPROVED BY THE GENERAL ASSEMBLY IN

1 ACCORDANCE WITH SUBSECTION (6) OF THIS SECTION.

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

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

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

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

17 (d) LEGISLATIVE COUNCIL STAFF SHALL:

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

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

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

27 (f) EACH MEASURE SHALL BE PUBLISHED WITH THE LAWS OF THE

1 SECOND REGULAR SESSION OF THE GENERAL ASSEMBLY CONVENING
2 DURING THE COMMISSION ELECTION YEAR.

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

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

11 (b) SUBSEQUENT TO ANY PUBLIC HEARING REQUIRED PURSUANT TO
12 PARAGRAPH (a) OF THIS SUBSECTION (6), THE GENERAL ASSEMBLY SHALL
13 BY A JOINT RESOLUTION EITHER APPROVE OR REJECT A MEASURE. IF THE
14 MEASURE IS APPROVED BY THE MAJORITY OF ALL THE MEMBERS ELECTED
15 TO EACH HOUSE, THE MEASURE SHALL BE SUBMITTED TO THE VOTERS AT
16 THE NEXT GENERAL ELECTION. IF THE MEASURE IS REJECTED BY THE
17 GENERAL ASSEMBLY, THE MEASURE SHALL NOT BE SUBMITTED TO THE
18 VOTERS AT THE NEXT GENERAL ELECTION. IN NO CASE SHALL THE
19 GENERAL ASSEMBLY HAVE THE POWER TO CHANGE A MEASURE IN ANY
20 WAY.

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

25 SECTION 2. Each elector voting at said election and desirous of
26 voting for or against said amendment shall cast a vote as provided by law
27 either "Yes" or "No" on the proposition: "SHALL THERE BE AN

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

15 **SECTION 3.** The votes cast for the adoption or rejection of said
16 amendment shall be canvassed and the result determined in the manner
17 provided by law for the canvassing of votes for representatives in
18 Congress, and if a majority of the electors voting on the question shall
19 have voted "Yes", the said amendment shall become a part of the state
20 constitution.