

**First Regular Session
Seventieth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 15-0005.02 Ed DeCecco x4216

HOUSE BILL 15-1057

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A BILL FOR AN ACT

101 **CONCERNING THE PROCESS FOR A STATEWIDE INITIATIVE TO BE**
102 **PLACED ON A BALLOT.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

Under current law, the director of research of the legislative council of the general assembly (director) is required to prepare a fiscal impact statement for each initiative in the ballot information booklet (blue book). This fiscal impact statement includes an abstract.

The bill requires the director to prepare an initial fiscal impact statement for each initiative submitted to the title board and to further

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.*

summarize the abstract into a 2-sentence fiscal impact summary. When preparing the initial fiscal impact statement, the director is required to consider the proponents' fiscal impact estimate, which the proponents are strongly encouraged to submit along with the initiative for review and comment.

The abstract from the initial fiscal impact statement must be printed at the beginning of an initiative petition section that is circulated for signatures and the fiscal impact summary must be printed on each succeeding section page. The director is also required to post the initial fiscal impact statement on legislative council staff's web site. When preparing the fiscal impact statement for the blue book, the director is permitted to update the initial fiscal impact statement.

The bill also requires the designated representatives of the initiative proponents to appear at all review and comment meetings. If either designated representative fails to appear at a review and comment meeting, the initiative is considered withdrawn, but the proponents are permitted to resubmit the initiative for another review and comment meeting.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 1-40-102, **amend** (6)
3 as follows:

4 **1-40-102. Definitions.** As used in this article, unless the context
5 otherwise requires:

6 (6) "Section" means a bound compilation of initiative forms
7 approved by the secretary of state, which shall include pages that contain
8 the warning required by section 1-40-110 (1), the ballot title, THE
9 ABSTRACT REQUIRED BY SECTION 1-40-110 (3), and a copy of the
10 proposed measure; succeeding pages that contain the warning, the ballot
11 title, THE FISCAL IMPACT SUMMARY REQUIRED BY SECTION 1-40-110 (3),
12 and ruled lines numbered consecutively for registered electors' signatures;
13 and a final page that contains the affidavit required by section 1-40-111
14 (2). Each section shall be consecutively prenumbered by the petitioner
15 prior to circulation.

1 **SECTION 2.** In Colorado Revised Statutes, 1-40-105, **amend** (1),
2 (2), and (4); and **add** (1.3) and (1.7) as follows:

3 **1-40-105. Filing procedure - review and comment meeting -**
4 **amendments - filing with secretary of state.** (1) The original
5 typewritten draft of every initiative petition for a proposed law or
6 amendment to the state constitution to be enacted by the people, before
7 it is signed by any elector, shall be submitted by the proponents of the
8 petition to the directors of the legislative council and the office of
9 legislative legal services for review and comment. Proponents are
10 encouraged to write such drafts in plain, nontechnical language and in a
11 clear and coherent manner using words with common and everyday
12 meaning ~~which~~ THAT are understandable to the average reader. Upon
13 request, any agency in the executive department shall assist in reviewing
14 and preparing comments on the petition. No later than two weeks after the
15 date of submission of the original draft, unless it is withdrawn by the
16 proponents, the directors of the legislative council and the office of
17 legislative legal services, or their designees, shall render their comments
18 to the proponents of the petition concerning the format or contents of the
19 petition at a REVIEW AND COMMENT meeting THAT IS open to the public.
20 Where appropriate, such comments shall also contain suggested editorial
21 changes to promote compliance with the plain language provisions of this
22 section. Except with the permission of the proponents, the comments shall
23 not be disclosed to any person other than the proponents prior to the
24 ~~public~~ REVIEW AND COMMENT meeting. ~~with the proponents of the~~
25 ~~petition.~~

26 (1.3) BOTH DESIGNATED REPRESENTATIVES OF THE PROPONENTS
27 MUST APPEAR AT ALL REVIEW AND COMMENT MEETINGS. IF EITHER

1 DESIGNATED REPRESENTATIVE FAILS TO ATTEND A MEETING, THE
2 MEASURE IS CONSIDERED WITHDRAWN BY THE PROPONENTS. THE
3 PROPONENTS MAY THEREAFTER RESUBMIT THE INITIATIVE PETITION IN
4 ACCORDANCE WITH SUBSECTION (1) OF THIS SECTION.

5 (1.7) ALONG WITH THE DRAFT SUBMITTED UNDER SUBSECTION (1)
6 OF THIS SECTION, THE PROPONENTS ARE STRONGLY ENCOURAGED TO
7 SUBMIT A FISCAL IMPACT ESTIMATE THAT INCLUDES AN ESTIMATE OF THE
8 EFFECT THE MEASURE WILL HAVE ON STATE AND LOCAL GOVERNMENT
9 REVENUES, EXPENDITURES, TAXES, AND FISCAL LIABILITIES IF IT IS
10 ENACTED. THE DIRECTORS OF THE LEGISLATIVE COUNCIL AND THE OFFICE
11 OF LEGISLATIVE LEGAL SERVICES, OR THEIR DESIGNEES, MAY PROVIDE
12 COMMENTS ABOUT THE FISCAL IMPACT ESTIMATE AT THE REVIEW AND
13 COMMENT MEETING.

14 (2) After the ~~public~~ REVIEW AND COMMENT meeting but before
15 submission to the secretary of state for title setting, the proponents may
16 amend the petition in response to some or all of the comments of the
17 directors of the legislative council and the office of legislative legal
18 services, or their designees. If any substantial amendment is made to the
19 petition, other than an amendment in direct response to the comments of
20 the directors of the legislative council and the office of legislative legal
21 services, the amended petition ~~shall~~ MUST be resubmitted to the directors
22 for comment in accordance with subsection (1) of this section prior to
23 submittal to the secretary of state as provided in subsection (4) of this
24 section. If the directors have no additional comments concerning the
25 amended petition, they may so notify the proponents in writing, and, in
26 such case, a ~~hearing~~ REVIEW AND COMMENT MEETING on the amended
27 petition pursuant to subsection (1) of this section is not required.

1 (4) After the ~~conference~~ REVIEW AND COMMENT MEETING
2 provided in subsections (1) and (2) of this section, a copy of the original
3 typewritten draft submitted to the directors of the legislative council and
4 the office of legislative legal services; a copy of the amended draft with
5 changes highlighted or otherwise indicated, if any amendments were
6 made following the last ~~conference~~ REVIEW AND COMMENT MEETING
7 conducted pursuant to subsections (1) and (2) of this section; THE
8 PROPONENTS' FISCAL IMPACT ESTIMATE, IF ANY, WHICH MAY BE AMENDED
9 FROM THE VERSION SUBMITTED IN ACCORDANCE WITH SUBSECTION (1.7)
10 OF THIS SECTION; and an original final draft ~~which~~ THAT gives the final
11 language for printing shall be submitted to the secretary of state without
12 any title, submission clause, or ballot title providing the designation by
13 which the voters shall express their choice for or against the proposed law
14 or constitutional amendment. THE SECRETARY OF STATE SHALL
15 IMMEDIATELY PROVIDE THE DIRECTORS WITH A COPY OF EACH MEASURE
16 PROPERLY SUBMITTED TO THE TITLE BOARD, ALONG WITH THE
17 PROPONENTS' FISCAL IMPACT ESTIMATE, IF THE ESTIMATE WAS AMENDED.

18 **SECTION 3.** In Colorado Revised Statutes, **add** 1-40-105.5 as
19 follows:

20 **1-40-105.5. Preliminary fiscal impact statement - definitions.**

21 (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
22 REQUIRES, "DIRECTOR" MEANS THE DIRECTOR OF RESEARCH OF THE
23 LEGISLATIVE COUNCIL OF THE GENERAL ASSEMBLY.

24 (2) (a) FOR EVERY INITIATED MEASURE PROPERLY SUBMITTED TO
25 THE TITLE BOARD UNDER SECTION 1-40-106, THE DIRECTOR SHALL
26 PREPARE AN INITIAL FISCAL IMPACT STATEMENT, TAKING INTO
27 CONSIDERATION ANY FISCAL IMPACT ESTIMATE SUBMITTED BY THE

1 PROPOSERS, THE OFFICE OF STATE PLANNING AND BUDGETING, THE
2 DEPARTMENT OF LOCAL AFFAIRS OR ANY OTHER STATE AGENCY, OR ANY
3 OTHER INTERESTED PERSON. THE DIRECTOR SHALL PROVIDE THE
4 DESIGNATED REPRESENTATIVES OF THE PROPONENTS AND THE SECRETARY
5 OF STATE WITH THE IMPACT STATEMENT NO LATER THAN THE TIME OF THE
6 TITLE BOARD MEETING AT WHICH THE PROPOSED INITIATED MEASURE IS TO
7 BE CONSIDERED. THE DIRECTOR SHALL ALSO POST THE STATEMENT ON THE
8 LEGISLATIVE COUNCIL STAFF WEB SITE.

9 (b) THE INITIAL FISCAL IMPACT STATEMENT MUST:

10 (I) BE SUBSTANTIALLY SIMILAR IN FORM AND CONTENT TO THE
11 FISCAL NOTES PROVIDED BY THE LEGISLATIVE COUNCIL OF THE GENERAL
12 ASSEMBLY FOR LEGISLATIVE MEASURES PURSUANT TO SECTION 2-2-322,
13 C.R.S.;

14 (II) INDICATE WHETHER THERE IS A FISCAL IMPACT FOR THE
15 INITIATED MEASURE; AND

16 (III) INCLUDE AN ABSTRACT DESCRIBED IN SUBSECTION (3) OF THIS
17 SECTION AND A FISCAL IMPACT SUMMARY DESCRIBED IN SUBSECTION (4)
18 OF THIS SECTION.

19 (3) THE ABSTRACT MUST INCLUDE:

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

23 (b) AN ESTIMATE OF THE AMOUNT OF ANY STATE AND LOCAL
24 GOVERNMENT RECURRING EXPENDITURES OR FISCAL LIABILITIES IF THE
25 MEASURE IS ENACTED; AND

26 (c) FOR ANY INITIATED MEASURE THAT MODIFIES THE STATE TAX
27 LAWS, AN ESTIMATE, IF FEASIBLE, OF THE IMPACT TO THE AVERAGE

1 TAXPAYER IF THE MEASURE IS ENACTED.

2 (4) THE DIRECTOR SHALL FURTHER REDUCE THE ABSTRACT TO A
3 TWO-SENTENCE FISCAL IMPACT SUMMARY THAT CONSISTS OF TWO
4 SENTENCES. THE FIRST SENTENCE IS A DESCRIPTION OF THE EFFECT THAT
5 THE MEASURE WILL HAVE ON STATE AND LOCAL REVENUES, AND THE
6 SECOND IS A DESCRIPTION OF THE EFFECT ON STATE AND LOCAL
7 EXPENDITURES.

8 (5) THE ABSTRACT AND FISCAL IMPACT SUMMARY FOR A MEASURE
9 MUST BE INCLUDED IN A PETITION SECTION AS PROVIDED IN SECTION
10 1-40-110 (3).

11 **SECTION 4.** In Colorado Revised Statutes, 1-40-110, **amend** (1);
12 and **add** (3) as follows:

13 **1-40-110. Warning - ballot title.** (1) At the top of each page of
14 every initiative or referendum petition section shall be printed, in a form
15 as prescribed by the secretary of state, the following:

16 **WARNING:**

17 **IT IS AGAINST THE LAW:**

18 **For anyone to sign any initiative or referendum petition**
19 **with any name other than his or her own or to**
20 **knowingly sign his or her name more than once for the**
21 **same measure or to knowingly sign a petition when not**
22 **a registered elector who is eligible to vote on the**
23 **measure.**

24 **DO NOT SIGN THIS PETITION UNLESS YOU ARE**
25 **A REGISTERED ELECTOR AND ELIGIBLE TO**
26 **VOTE ON THIS MEASURE. TO BE A REGISTERED**
27 **ELECTOR, YOU MUST BE A CITIZEN OF**

1 **COLORADO AND REGISTERED TO VOTE.**
2 **Before signing this petition, you are encouraged to read**
3 **the text or the title of the proposed initiative or referred**
4 **measure, THE ABSTRACT, AND THE FISCAL IMPACT**
5 **SUMMARY.**
6 **By signing this petition, you are indicating that you**
7 **want this measure to be included on the ballot as a**
8 **proposed change to the (Colorado**
9 **constitution/Colorado Revised Statutes). If a sufficient**
10 **number of registered electors sign this petition, this**
11 **measure will appear on the ballot at the November**
12 **(year) election.**

13 (3) FOR A PETITION SECTION FOR A MEASURE TO BE VALID, THE
14 ABSTRACT PREPARED IN ACCORDANCE WITH SECTION 1-40-105.5 (3) MUST
15 BE PRINTED ON THE FIRST PAGE OF AN INITIATIVE PETITION SECTION AND
16 THE FISCAL IMPACT SUMMARY PREPARED IN ACCORDANCE WITH THE
17 SECTION 1-40-105.5 (4) MUST BE PRINTED ON ALL OTHER PAGES OF THE
18 SECTION, EXCLUDING THE FINAL PAGE THAT CONTAINS THE AFFIDAVIT
19 REQUIRED BY SECTION 1-40-111 (2).

20 **SECTION 5.** In Colorado Revised Statutes, 1-40-124.5, **add** (1)
21 (d) as follows:

22 **1-40-124.5. Ballot information booklet.** (1) (d) THE DIRECTOR
23 OF RESEARCH OF THE LEGISLATIVE COUNCIL OF THE GENERAL ASSEMBLY
24 MAY UPDATE THE FISCAL IMPACT SUMMARY WHEN PREPARING THE FISCAL
25 IMPACT STATEMENT REQUIRED BY THIS SUBSECTION (1).

26 **SECTION 6. Act subject to petition - effective date -**
27 **applicability.** (1) This act takes effect January 1, 2016; except that, if a

1 referendum petition is filed pursuant to section 1 (3) of article V of the
2 state constitution against this act or an item, section, or part of this act
3 within the ninety-day period after final adjournment of the general
4 assembly, then the act, item, section, or part will not take effect unless
5 approved by the people at the general election to be held in November
6 2016 and, in such case, will take effect on the date of the official
7 declaration of the vote thereon by the governor.

8 (2) This act applies to initiatives that are submitted for review and
9 comment on or after the applicable effective date of this act.