A BILL FOR AN ACT

CONCERNING THE PROCESS FOR A STATEWIDE INITIATIVE TO BE 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
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 If either designated representative fails to appear at a review and comment meeting, the initiative is considered withdrawn, but the proponents are permitted to resubmit the initiative for another review and comment meeting.

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

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

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

(6) "Section" means a bound compilation of initiative forms approved by the secretary of state, which shall include pages that contain the warning required by section 1-40-110 (1), the ballot title, THE ABSTRACT REQUIRED BY SECTION 1-40-110 (3), and a copy of the proposed measure; succeeding pages that contain the warning, the ballot title, THE FISCAL IMPACT SUMMARY REQUIRED BY SECTION 1-40-110 (3), and ruled lines numbered consecutively for registered electors' signatures; and a final page that contains the affidavit required by section 1-40-111 (2). Each section shall be consecutively prenumbered by the petitioner prior to circulation.
SECTION 2. In Colorado Revised Statutes, 1-40-105, amend (1), (2), and (4); and add (1.3) and (1.7) as follows:

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 No later than two weeks after the date of submission of the original draft, unless it is withdrawn by the proponents, the directors of the legislative council and the office of legislative legal services, or their designees, shall render their comments to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

(1.3) BOTH DESIGNATED REPRESENTATIVES OF THE PROPONENTS MUST APPEAR AT ALL REVIEW AND COMMENT MEETINGS. IF EITHER
DESIGNATED REPRESENTATIVE FAILS TO ATTEND A MEETING, THE
MEASURE IS CONSIDERED WITHDRAWN BY THE PROPONENTS. THE
PROPONENTS MAY THEREAFTER RESUBMIT THE INITIATIVE PETITION IN
ACCORDANCE WITH SUBSECTION (1) OF THIS SECTION.

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

(2) After the public REVIEW AND COMMENT meeting but before
submission to the secretary of state for title setting, the proponents may
amend the petition in response to some or all of the comments of the
directors of the legislative council and the office of legislative legal
services, or their designees. If any substantial amendment is made to the
petition, other than an amendment in direct response to the comments of
the directors of the legislative council and the office of legislative legal
services, the amended petition shall MUST be resubmitted to the directors
for comment in accordance with subsection (1) of this section prior to
submittal to the secretary of state as provided in subsection (4) of this
section. If the directors have no additional comments concerning the
amended petition, they may so notify the proponents in writing, and, in
such case, a hearing REVIEW AND COMMENT MEETING on the amended
petition pursuant to subsection (1) of this section is not required.
(4) After the conference REVIEW AND COMMENT MEETING provided in subsections (1) and (2) of this section, a copy of the original typewritten draft submitted to the directors of the legislative council and the office of legislative legal services; a copy of the amended draft with changes highlighted or otherwise indicated, if any amendments were made following the last conference REVIEW AND COMMENT MEETING conducted pursuant to subsections (1) and (2) of this section; THE PROPONENTS' FISCAL IMPACT ESTIMATE, IF ANY, WHICH MAY BE AMENDED FROM THE VERSION SUBMITTED IN ACCORDANCE WITH SUBSECTION (1.7) OF THIS SECTION; and an original final draft which gives the final language for printing shall be submitted to the secretary of state without any title, submission clause, or ballot title providing the designation by which the voters shall express their choice for or against the proposed law or constitutional amendment. THE SECRETARY OF STATE SHALL IMMEDIATELY PROVIDE THE DIRECTORS WITH A COPY OF EACH MEASURE PROPERLY SUBMITTED TO THE TITLE BOARD, ALONG WITH THE PROPONENTS' FISCAL IMPACT ESTIMATE, IF THE ESTIMATE WAS AMENDED.

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

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

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

(2) (a) FOR EVERY INITIATED MEASURE PROPERLY SUBMITTED TO THE TITLE BOARD UNDER SECTION 1-40-106, THE DIRECTOR SHALL PREPARE AN INITIAL FISCAL IMPACT STATEMENT, TAKING INTO CONSIDERATION ANY FISCAL IMPACT ESTIMATE SUBMITTED BY THE
PROPONENTS, THE OFFICE OF STATE PLANNING AND BUDGETING, THE
DEPARTMENT OF LOCAL AFFAIRS OR ANY OTHER STATE AGENCY, OR ANY
OTHER INTERESTED PERSON. THE DIRECTOR SHALL PROVIDE THE
DESIGNATED REPRESENTATIVES OF THE PROPONENTS AND THE SECRETARY
OF STATE WITH THE IMPACT STATEMENT NO LATER THAN THE TIME OF THE
TITLE BOARD MEETING AT WHICH THE PROPOSED INITIATED MEASURE IS TO
BE CONSIDERED. THE DIRECTOR SHALL ALSO POST THE STATEMENT ON THE
LEGISLATIVE COUNCIL STAFF WEB SITE.

(b) The initial fiscal impact statement must:

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

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

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

(3) The abstract must include:

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

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

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

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

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

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

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

WARNING:

IT IS AGAINST THE LAW:

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

DO NOT SIGN THIS PETITION UNLESS YOU ARE A REGISTERED ELECTOR AND ELIGIBLE TO VOTE ON THIS MEASURE. TO BE A REGISTERED ELECTOR, YOU MUST BE A CITIZEN OF
COLORADO AND REGISTERED TO VOTE.

Before signing this petition, you are encouraged to read the text or the title of the proposed initiative or referred measure, THE ABSTRACT, AND THE FISCAL IMPACT SUMMARY.

By signing this petition, you are indicating that you want this measure to be included on the ballot as a proposed change to the (Colorado constitution/Colorado Revised Statutes). If a sufficient number of registered electors sign this petition, this measure will appear on the ballot at the November (year) election.

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

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


SECTION 6. Act subject to petition - effective date - applicability. (1) This act takes effect January 1, 2016; except that, if a
referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within the ninety-day period after final adjournment of the general assembly, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2016 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

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