

Second Regular Session
Sixty-fifth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. R06-0230.01 Sharon Eubanks

HCR06-1012

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HOUSE CONCURRENT RESOLUTION 06-1012

101 SUBMITTING TO THE REGISTERED ELECTORS OF THE STATE OF
102 COLORADO AMENDMENTS TO ARTICLES V AND XIX OF THE
103 CONSTITUTION OF THE STATE OF COLORADO, CONCERNING THE
104 EXEMPTION FROM THE SINGLE-SUBJECT REQUIREMENT OF
105 PROPOSED MEASURES THAT REPEAL CONSTITUTIONAL OR
106 STATUTORY PROVISIONS INITIALLY ADOPTED PRIOR TO
107 JANUARY 1, 1995, AS A MEASURE OR PART OF A MEASURE
108 CONTAINING MORE THAN ONE SUBJECT AT THE TIME OF INITIAL
109 ADOPTION.

Resolution Summary

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

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.

Exempts from the single-subject requirement any initiated or referred measure that proposes to repeal constitutional or statutory provisions initially adopted prior to the imposition of the single-subject requirement on January 1, 1995, as a measure or part of a measure containing more than one subject at the time of initial approval.

Sets forth a legislative declaration.

1 WHEREAS, At the 1994 general election, a majority of voters
2 statewide approved an amendment to the constitution of the state of
3 Colorado requiring any measure proposed by initiative or referendum be
4 confined to a single subject; and

5 WHEREAS, While the single-subject requirement has resulted in
6 many benefits, such as keeping unrelated or misleading provisions out of
7 initiated and referred measures and protecting against the possible
8 inclusion of unexpected provisions in such measures, the single-subject
9 requirement also has resulted in an adverse consequence; and

10 WHEREAS, As evidenced by the decision of the Colorado
11 Supreme Court in *In Re: Proposed Initiative 1996-4*, 916 P.2d 528
12 (1996), the single subject requirement has made it virtually impossible to
13 repeal constitutional and statutory provisions that were contained in an
14 initiated or referred measure containing multiple subjects initially
15 approved by voters prior to the imposition of the single-subject
16 requirement other than on a piece meal basis or in a series of elections;
17 and

18 WHEREAS, As a result, the single-subject requirement has
19 impaired the ability of citizens and the general assembly to ask voters to
20 change their minds regarding the continued existence of constitutional
21 and statutory provisions that were approved together as all or part of the
22 same multiple-subject measure when initially approved; and

1 WHEREAS, To remedy this result, the general assembly therefore
2 concludes that initiated or referred measures proposing to repeal
3 multiple-subject constitutional or statutory provisions that were part of
4 multiple-subject measures when initially approved prior to the imposition
5 of the single-subject requirement should be exempt from said
6 single-subject requirement; now, therefore,

7 *Be It Resolved by the House of Representatives of the Sixty-fifth*
8 *General Assembly of the State of Colorado, the Senate concurring herein:*

9 **SECTION 1.** At the next election at which such question may be
10 submitted, there shall be submitted to the registered electors of the state
11 of Colorado, for their approval or rejection, the following amendment to
12 the constitution of the state of Colorado, to wit:

13 Section 1 (5.5) of article V of the constitution of the state of
14 Colorado is amended to read:

15 **Section 1. General assembly - initiative and referendum.**

16 (5.5) (a) No measure shall be proposed by petition containing more than
17 one subject, which shall be clearly expressed in its title; but if any subject
18 shall be embraced in any measure which shall not be expressed in the
19 title, such measure shall be void only as to so much thereof as shall not
20 be so expressed. If a measure contains more than one subject, such that
21 a ballot title cannot be fixed that clearly expresses a single subject, no title
22 shall be set and the measure shall not be submitted to the people for
23 adoption or rejection at the polls. In such circumstance, however, the
24 measure may be revised and resubmitted for the fixing of a proper title
25 without the necessity of review and comment on the revised measure in
26 accordance with subsection (5) of this section, unless the revisions
27 involve more than the elimination of provisions to achieve a single

1 subject, or unless the official or officials responsible for the fixing of a
2 title determine that the revisions are so substantial that such review and
3 comment is in the public interest. The revision and resubmission of a
4 measure in accordance with this subsection (5.5) shall not operate to alter
5 or extend any filing deadline applicable to the measure.

6 (b) PARAGRAPH (a) OF THIS SUBSECTION (5.5) SHALL NOT APPLY
7 TO ANY MEASURE THAT ONLY PROPOSES TO REPEAL ANY PROVISION OR
8 PROVISIONS OF THIS CONSTITUTION OR THE COLORADO REVISED STATUTES
9 THAT WERE INITIALLY ADOPTED PRIOR TO JANUARY 1, 1995, AS A
10 MEASURE OR PART OF A MEASURE CONTAINING MORE THAN ONE SUBJECT,
11 REGARDLESS OF WHETHER THE PROVISION OR PROVISIONS BEING REPEALED
12 HAVE BEEN AMENDED SUBSEQUENT TO THEIR INITIAL ADOPTION.

13 Section 2 (3) of article XIX of the constitution of the state of
14 Colorado is amended to read:

15 **Section 2. Amendments to constitution - how adopted.**

16 (3) (a) No measure proposing an amendment or amendments to this
17 constitution shall be submitted by the general assembly to the registered
18 electors of the state containing more than one subject, which shall be
19 clearly expressed in its title; but if any subject shall be embraced in any
20 measure which shall not be expressed in the title, such measure shall be
21 void only as to so much thereof as shall not be so expressed.

22 (b) PARAGRAPH (a) OF THIS SUBSECTION (3) SHALL NOT APPLY TO
23 ANY MEASURE THAT ONLY PROPOSES TO REPEAL ANY PROVISION OR
24 PROVISIONS OF THIS CONSTITUTION THAT WERE INITIALLY ADOPTED PRIOR
25 TO JANUARY 1, 1995, AS A MEASURE OR PART OF A MEASURE CONTAINING
26 MORE THAN ONE SUBJECT, REGARDLESS OF WHETHER THE PROVISION OR
27 PROVISIONS BEING REPEALED HAVE BEEN AMENDED SUBSEQUENT TO THEIR

1 INITIAL ADOPTION.

2 **SECTION 2.** Each elector voting at said election and desirous of
3 voting for or against said amendment shall cast a vote as provided by law
4 either "Yes" or "No" on the proposition: "AMENDMENTS TO ARTICLES V
5 AND XIX OF THE CONSTITUTION OF THE STATE OF COLORADO,
6 CONCERNING THE EXEMPTION FROM THE SINGLE-SUBJECT REQUIREMENT
7 OF PROPOSED MEASURES THAT REPEAL CONSTITUTIONAL OR STATUTORY
8 PROVISIONS INITIALLY ADOPTED PRIOR TO JANUARY 1, 1995, AS A
9 MEASURE OR PART OF A MEASURE CONTAINING MORE THAN ONE SUBJECT
10 AT THE TIME OF INITIAL ADOPTION."

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