

*Colorado Legislative Council Staff*  
  
**STATE**  
**FISCAL IMPACT**

**Drafting Number:** LLS 06B-2070

**Date:** July 5, 2006

**Prime Sponsor(s):** Sen. Veiga

**Bill Status:** Senate Judiciary

**Fiscal Analyst:** David Porter (303-866-4375)

**TITLE:** CONCERNING THE TIME WITHIN WHICH THE COLORADO SUPREME COURT IS REQUIRED TO ACT ON AN APPEAL OF A RULING OF THE TITLE BOARD RELATING TO AN INITIATIVE PETITION.

Fiscal Impact Summary	FY 2006/07	FY 2007/08
<b>State Revenues</b>		
<b>State Expenditures</b>		
General Fund		\$51,233
<b>FTE Position Change</b>	0.0 FTE	1.0 FTE
<b>Effective Date:</b> Unless a referendum petition is filed, this bill becomes effective 90 days after the General Assembly adjourns.		
<b>Appropriation Summary for FY 2006/07:</b> None required until FY 2007-08.		
<b>Local Government Impact:</b> None		

**Summary of Legislation**

The title board, convened by the Secretary of State, is responsible for setting the titles of all proposed initiatives and constitutional amendments. Additionally, the board is responsible for determining if proposals are limited to a single subject. In cases where either the party presenting the proposal or any registered elector is not satisfied with board rulings, an appeals process exists. The first appeal is before the title board. When necessary, a subsequent and final appeal is heard by the Colorado Supreme Court.

The Colorado Supreme Court is currently required to respond to final initiative and amendment appeals "promptly, consistent with the rights of the parties". This bill specifies that appeals must be decided within 30 days after the date briefs were submitted.

**State Expenditures**

**\$51,233 and 1.0 FTE in even-numbered election years starting in FY 2007-08.** State expenditures occur within the Judicial Branch and are linked to the number of ballot proposals that are appealed to the Colorado Supreme Court. Odd-numbered election years have relatively few proposals and it is expected that the system will be able to answer appeals in the 30-day time frame

specified by the bill. Even-numbered election years have a greater number of appeals (27 in 2004 and 14 in 2006) and will require additional staff to expedite case resolution by processing case briefs, researching relevant legal issues, and drafting legal memoranda. Required staff includes two total positions with one law clerk and one court clerk. These positions are only held for the first six months of the year, when ballot proposals are being addressed by the court. Table 1 shows the cost components of the two positions held for the first half of 2008.

<b>Table 1 - Total Costs for the Judicial Branch Under SB06S-002</b>	
Cost Components	FY 2007-08
Personal Services <i>FTE</i>	\$45,178 <i>1.0</i>
Operating Expenses/Capital Outlay	6,055
<b>General Fund Total</b> <i>FTE</i>	<b>\$51,233</b> <i>1.0</i>

The Judicial Branch is not certain that the additional staff alone will allow the court to comply with the requirements of the bill. Note, the submission and receipt of briefs consumes a large amount of time in the appeals process. The court is able to decide most cases in under ten days. The additional staff will help to address specific cases that require an opinion be written, a process that often exceeds 30 days.

### **State Appropriations**

This fiscal note implies no appropriations will be required until FY 2007-08.

### **Departments Contacted**

Judicial            Law            State