

HOUSE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

April 20, 2015
Date

Committee on State, Veterans, & Military Affairs.

After consideration on the merits, the Committee recommends the following:

HB15-1057 be amended as follows, and as so amended, be referred to the Committee on Legislative Council with favorable recommendation:

- 1 Amend printed bill, page 2, strike line 11 and substitute "title,".
- 2 Page 3, line 2, strike "(1.3) and (1.7)" and substitute "(1.5)".
- 3 Page 3, line 26, strike "(1.3)" and substitute "(1.5)".
- 4 Page 4, line 2, strike "THE" and substitute "IF ONE OF THE TWO
5 DESIGNATED REPRESENTATIVES FAILS TO ATTEND THE REVIEW AND
6 COMMENT MEETING, THE PETITION IS DEEMED TO BE AUTOMATICALLY
7 RESUBMITTED TO THE DIRECTORS OF THE LEGISLATIVE COUNCIL AND THE
8 OFFICE OF LEGISLATIVE LEGAL SERVICES FOR REVIEW AND COMMENT,
9 UNLESS THE DESIGNATED REPRESENTATIVE PRESENT OBJECTS TO THE
10 AUTOMATIC RESUBMISSION. NO LATER THAN FIVE BUSINESS DAYS AFTER
11 THE RESUBMISSION, THE DIRECTORS SHALL CONDUCT A REVIEW AND
12 COMMENT MEETING IN ACCORDANCE WITH THE REQUIREMENTS OF THIS
13 SECTION. IF BOTH DESIGNATED REPRESENTATIVES FAIL TO ATTEND THE
14 REVIEW AND COMMENT MEETING OR IF THE DESIGNATED PROPONENT
15 PRESENT OBJECTS TO THE AUTOMATIC RESUBMISSION, THE".
- 16 Page 4, strike lines 5 through 13.
- 17 Page 5, line 7, strike "THE".
- 18 Page 5, strike lines 8 and 9.

- 1 Page 5, line 10, strike "OF THIS SECTION;".
- 2 Page 5, strike lines 14 through 17 and substitute "or constitutional
3 amendment.".
- 4 Page 5, line 20, strike "**Preliminary**" and substitute "**Initial**".
- 5 Page 6, strike lines 1 through 3 and substitute "DESIGNATED
6 REPRESENTATIVES OF THE PROPONENTS OR OTHER INTERESTED PERSON
7 THAT IS SUBMITTED IN ACCORDANCE WITH PARAGRAPH (b) OF THIS
8 SUBSECTION (2), THE OFFICE OF STATE PLANNING AND BUDGETING, AND
9 THE DEPARTMENT OF LOCAL AFFAIRS. THE DIRECTOR SHALL PROVIDE THE".
- 10 Page 6, line 8, strike "SITE." and substitute "SITE ON THE SAME DAY THAT
11 IT IS PROVIDED TO THE DESIGNATED REPRESENTATIVES OF THE
12 PROPONENTS.".
- 13 Page 6, after line 8 insert:
- 14 (b) THE DESIGNATED REPRESENTATIVES OF THE PROPONENTS OR
15 ANY OTHER INTERESTED PERSON MAY SUBMIT A FISCAL IMPACT ESTIMATE
16 THAT INCLUDES AN ESTIMATE OF THE EFFECT THE MEASURE WILL HAVE ON
17 STATE AND LOCAL GOVERNMENT REVENUES, EXPENDITURES, TAXES, AND
18 FISCAL LIABILITIES IF IT IS ENACTED. THE DIRECTOR SHALL CONSIDER
19 THESE ESTIMATES AND THE BASES THEREON WHEN PREPARING THE INITIAL
20 FISCAL IMPACT STATEMENT.".
- 21 Reletter succeeding paragraph accordingly.
- 22 Page 6, strike lines 17 and 18 and substitute "SECTION.".
- 23 Page 6, line 25, strike "AND".
- 24 Page 7, strike lines 1 through 10 and substitute "TAXPAYER IF THE
25 MEASURE IS ENACTED; AND
- 26 (d) THE FOLLOWING STATEMENT: "THIS ABSTRACT INCLUDES
27 ESTIMATES PREPARED BY LEGISLATIVE COUNCIL STAFF AS PART OF ITS
28 INITIAL FISCAL IMPACT STATEMENT. IF THIS INITIATIVE IS TO BE PLACED ON
29 A BALLOT, STAFF WILL PREPARE NEW ESTIMATES AND REVISE THE FISCAL
30 IMPACT STATEMENT AND ITS ABSTRACT. ALL FISCAL IMPACT STATEMENTS
31 ARE AVAILABLE AT WWW.COLORADOBLUEBOOK.COM AND THE ABSTRACT

1 WILL BE INCLUDED IN THE BALLOT INFORMATION BOOKLET THAT IS
2 PREPARED FOR THE INITIATIVE."

3 (4) (a) NO LATER THAN THE FRIDAY BEFORE THE TITLE BOARD
4 MEETING AT WHICH A PROPOSED INITIATED MEASURE IS TO BE
5 CONSIDERED, THE DIRECTOR SHALL CONDUCT A PUBLIC MEETING ABOUT
6 THE DRAFT OF THE INITIAL FISCAL IMPACT STATEMENT FOR THE MEASURE,
7 INCLUDING ITS ABSTRACT. AT THE MEETING, THE DIRECTOR AND OTHER
8 MEMBERS OF LEGISLATIVE COUNCIL STAFF SHALL PROVIDE INFORMATION
9 ABOUT THE DRAFT AND ALLOW MEMBERS OF THE PUBLIC TO COMMENT ON
10 THE DRAFT.

11 (b) AT LEAST FORTY-EIGHT HOURS PRIOR TO THE MEETING
12 REQUIRED UNDER PARAGRAPH (a) OF THIS SUBSECTION (4), THE DIRECTOR
13 SHALL MAKE PUBLIC A DRAFT OF THE INITIAL FISCAL IMPACT STATEMENT,
14 INCLUDING ITS ABSTRACT. ANY PERSON MAY SUBMIT WRITTEN COMMENTS
15 TO THE DIRECTOR ABOUT THE DRAFT.

16 (5) THE ABSTRACT FOR A MEASURE MUST BE INCLUDED IN A
17 PETITION SECTION AS PROVIDED IN SECTION 1-40-110 (3).

18 (6) NEITHER THE LEGISLATIVE COUNCIL OF THE GENERAL
19 ASSEMBLY NOR ITS EXECUTIVE COMMITTEE MAY MODIFY THE INITIAL
20 FISCAL IMPACT STATEMENT PREPARED BY THE DIRECTOR. THIS
21 RESTRICTION DOES NOT APPLY TO THE FINAL FISCAL IMPACT STATEMENT
22 PREPARED IN ACCORDANCE WITH SECTION 1-40-124.5.

23 (7) AT THE SAME TIME THE DIRECTOR POSTS THE INITIAL FISCAL
24 IMPACT STATEMENT ON THE LEGISLATIVE COUNCIL WEB SITE, HE OR SHE
25 SHALL ALSO POST ON THE WEB SITE ALL FISCAL IMPACT ESTIMATES
26 RECEIVED IN ACCORDANCE WITH PARAGRAPH (b) OF SUBSECTION (2) OF
27 THIS SECTION AND ANY COMMENTS ABOUT THE DRAFT OF THE INITIAL
28 FISCAL IMPACT STATEMENT SUBMITTED IN ACCORDANCE WITH PARAGRAPH
29 (b) OF SUBSECTION (4) OF THIS SECTION."

30 Page 7, after line 10 insert:

31 "SECTION 4. In Colorado Revised Statutes, 1-40-107, **amend**
32 (1) (a), (1) (b), (2), and (4); and **add** (5.5) as follows:

33 **1-40-107. Rehearing - appeal - fees - signing.** (1) (a) (I) Any
34 person presenting an initiative petition or any registered elector who is not
35 satisfied with a decision of the title board with respect to whether a
36 petition contains more than a single subject pursuant to section
37 1-40-106.5, or who is not satisfied with the titles and submission clause
38 provided by the title board and who claims that they are unfair or that they
39 do not fairly express the true meaning and intent of the proposed state law

1 or constitutional amendment may file a motion for a rehearing with the
2 secretary of state within seven days after the decision is made or the titles
3 and submission clause are set.

4 (II) THE DESIGNATED REPRESENTATIVES OF THE PROPONENTS OR
5 ANY REGISTERED ELECTOR WHO IS NOT SATISFIED WITH THE ABSTRACT
6 PREPARED BY THE DIRECTOR OF RESEARCH OF THE LEGISLATIVE COUNCIL
7 OF THE GENERAL ASSEMBLY IN ACCORDANCE WITH SECTION 1-40-105.5
8 MAY FILE A MOTION FOR A REHEARING WITH THE SECRETARY OF STATE
9 WITHIN SEVEN DAYS AFTER THE TITLES AND SUBMISSION CLAUSE FOR THE
10 INITIATIVE PETITION ARE SET ON THE GROUNDS THAT:

- 11 (A) AN ESTIMATE INCLUDED IN THE ABSTRACT IS INCORRECT;
- 12 (B) THE ABSTRACT IS MISLEADING OR PREJUDICIAL; OR
- 13 (C) THE ABSTRACT DOES NOT COMPLY WITH THE REQUIREMENTS
14 SET FORTH IN SECTION 1-40-105.5 (3).

15 (b) A motion for rehearing must be typewritten and set forth with
16 particularity the grounds for rehearing. If the motion claims that the
17 petition contains more than a single subject, then the motion must, at a
18 minimum, include a short and plain statement of the reasons for the claim.
19 If the motion claims that the title and submission clause set by the title
20 board are unfair or that they do not fairly express the true meaning and
21 intent of the proposed state law or constitutional amendment, then the
22 motion must identify the specific wording that is challenged. IF THE
23 MOTION CLAIMS THAT AN ESTIMATE IN THE ABSTRACT IS INCORRECT, THE
24 MOTION MUST INCLUDE DOCUMENTATION THAT SUPPORTS A DIFFERENT
25 ESTIMATE. IF THE MOTION CLAIMS THAT THE ABSTRACT IS MISLEADING OR
26 PREJUDICIAL OR DOES NOT COMPLY WITH THE STATUTORY REQUIREMENTS,
27 THE MOTION MUST SPECIFICALLY IDENTIFY THE SPECIFIC WORDING THAT
28 IS CHALLENGED OR THE REQUIREMENT AT ISSUE.

29 (2) If any person presenting an initiative petition for which a
30 motion for a rehearing is filed, any registered elector who filed a motion
31 for a rehearing pursuant to subsection (1) of this section, or any other
32 registered elector who appeared before the title board in support of or in
33 opposition to a motion for rehearing is not satisfied with the ruling of the
34 title board upon the motion, then the secretary of state shall furnish such
35 person, upon request, a certified copy of the petition with the titles and
36 submission clause of the proposed law or constitutional amendment OR
37 THE ABSTRACT, together with a certified copy of the motion for rehearing
38 and of the ruling thereon. If filed with the clerk of the supreme court
39 within seven days thereafter, the matter shall be disposed of promptly,
40 consistent with the rights of the parties, either affirming the action of the
41 title board or reversing it, in which latter case the court shall remand it
42 with instructions, pointing out where the title board is in error.

1 (4) No petition for any initiative measure shall be circulated nor
2 any signature thereto have any force or effect which has been signed
3 before the titles and submission clause have been fixed and determined
4 as provided in section 1-40-106 and this section, OR BEFORE THE
5 ABSTRACT HAS BEEN FIXED AND DETERMINED AS PROVIDED IN SECTION
6 1-40-105.5 AND THIS SECTION.

7 (5.5) IF THE TITLE BOARD MODIFIES THE ABSTRACT PURSUANT TO
8 THIS SECTION, THE SECRETARY OF STATE SHALL PROVIDE THE DIRECTOR
9 OF RESEARCH OF THE LEGISLATIVE COUNCIL OF THE GENERAL ASSEMBLY
10 WITH A COPY OF THE AMENDED ABSTRACT, AND THE DIRECTOR SHALL POST
11 THE NEW VERSION OF THE ABSTRACT ON THE LEGISLATIVE COUNCIL WEB
12 SITE.".

13 Renumber succeeding sections accordingly.

14 Page 8, strike lines 4 and 5 and substitute "**measure. YOU ARE ALSO**
15 **ENCOURAGED TO READ THE ABSTRACT OF THE INITIAL**
16 **FISCAL IMPACT STATEMENT THAT IS INCLUDED AT THE**
17 **BEGINNING OF THIS PETITION.**".

18 Page 8, line 15, strike "SECTION AND".

19 Page 8, strike lines 16 through 19 and substitute "SECTION.".

20 Page 8, line 24, strike "FISCAL IMPACT SUMMARY" and substitute "INITIAL
21 FISCAL IMPACT STATEMENT PREPARED IN ACCORDANCE WITH SECTION
22 1-40-105.5".

23 Page 8, line 27, strike "January 1," and substitute "March 26,".

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