

Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

DRAFT
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Bill 6

LLS NO. R10-0339.01 Ed DeCecco

Interim Committee Concurrent Resolution

Long-term Fiscal Stability Commission

SHORT TITLE: "Fiscal Policy Constitutional Commission"

COMMITTEE CONCURRENT RESOLUTION

101 **SUBMITTING TO THE REGISTERED ELECTORS OF THE STATE OF**
102 **COLORADO AN AMENDMENT TO ARTICLE XIX OF THE**
103 **CONSTITUTION OF THE STATE OF COLORADO, CONCERNING THE**
104 **CREATION OF THE FISCAL POLICY CONSTITUTIONAL**
105 **COMMISSION, AND, IN CONNECTION THEREWITH, CONTINGENT**
106 **UPON RECEIVING SUFFICIENT PRIVATE DONATIONS,**
107 **ESTABLISHING A COMMISSION CONSISTING OF NINETEEN**
108 **MEMBERS APPOINTED BY VARIOUS STATE OFFICIALS FOR THE**
109 **PURPOSE OF REVIEWING THE FISCAL POLICY SET FORTH IN THE**
110 **STATE CONSTITUTION AND, IF APPROPRIATE, SUBMITTING TO**
111 **THE VOTERS IN 2012 ONE OR MORE MEASURES TO AMEND THE**
112 **FISCAL POLICY SET FORTH IN THE CONSTITUTION; PERMITTING**
113 **A MEASURE TO INCLUDE MORE THAN ONE SUBJECT; EXEMPTING**

*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

101 A MEASURE FROM EXISTING CONSTITUTIONAL ELECTION
102 REQUIREMENTS; REQUIRING THE GENERAL ASSEMBLY TO
103 CONDUCT HEARINGS RELATED TO A MEASURE AND MAKE A
104 RECOMMENDATION TO VOTERS ABOUT THE MEASURE; AND
105 REQUIRING EACH MEASURE TO BE PUBLISHED PRIOR TO THE
106 ELECTION AND INCLUDED IN THE BALLOT INFORMATION
107 BOOKLET.

Resolution Summary

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

Long-term Fiscal Stability Commission. Currently, the state constitution may be amended by a measure referred to the voters by the general assembly or by an initiated measure. The concurrent resolution creates a third way to amend the constitution through the creation of a temporary fiscal policy constitutional commission (commission). The commission is created for the purpose of reviewing the fiscal policy set forth in the state constitution and, if appropriate, submitting one or more measures to amend the state constitution to the voters at the 2012 general election.

Nineteen members are appointed to the commission by representatives from the legislative, executive, and judicial branches of state government for a term that is just over one year long. A member of the general assembly or a statewide officeholder is not eligible to serve on the commission. Members may only be appointed to the commission if at least [REDACTED] is donated to the state and deposited in a newly created cash fund for the purpose of paying the expenses of the commission.

All commission meetings are open to the public. Members of the commission are only reimbursed for actual and necessary expenses incurred while performing duties related to the commission. The office of legislative legal services and legislative council staff shall provide staff support to assist the commission in its charge.

The commission may only submit a measure to amend the state constitution, which may include more than one subject, if:

- The commission has conducted at least one meeting in each congressional district in the state;
- The measure is approved by at least 10 members of the commission; and
- The measure relates to fiscal policy.

The commission shall submit a measure to the secretary of state in order that the title board may establish a ballot title and submission clause for each measure in a manner established by the concurrent resolution. The commission may withdraw a measure from consideration as a ballot issue by notifying the secretary of state of the withdrawal.

The general assembly shall conduct public hearings on each measure that is to appear on the ballot and make a recommendation to the voters to either approve or reject the measure, but the general assembly may not change a measure.

The concurrent resolution also requires a measure to be printed in the 2012 blue book and 2012 session laws.

1 *Be It Resolved by the [redacted] of the Sixty-seventh General Assembly*
2 *of the State of Colorado, the [redacted] concurring herein:*

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

7 Article XIX of the constitution of the state of Colorado is amended
8 BY THE ADDITION OF A NEW SECTION to read:

9 **Section 3. Fiscal policy constitutional commission.**

10 (1) **Definitions.** AS USED IN THIS SECTION, UNLESS THE CONTEXT
11 OTHERWISE REQUIRES:

12 (a) "COMMISSION" MEANS THE FISCAL POLICY CONSTITUTIONAL
13 COMMISSION CREATED IN SUBSECTION (2) OF THIS SECTION.

14 (b) "FISCAL POLICY" MEANS GOVERNMENT EXPENDITURE AND
15 REVENUE.

16 (c) "FUND" MEANS THE FISCAL POLICY CONSTITUTIONAL
17 COMMISSION CASH FUND CREATED IN SUBSECTION (7) OF THIS SECTION.

18 (d) "MEASURE" MEANS A MEASURE TO AMEND THIS CONSTITUTION
19 TO BE SUBMITTED TO THE REGISTERED ELECTORS OF THE STATE FOR THEIR

1 APPROVAL OR REJECTION AT THE 2012 GENERAL ELECTION PURSUANT TO
2 SUBSECTION (5) OF THIS SECTION.

3 (2) **Creation.** THE FISCAL POLICY CONSTITUTIONAL COMMISSION
4 IS HEREBY CREATED FOR THE PURPOSE OF REVIEWING THE FISCAL POLICY
5 SET FORTH IN THIS CONSTITUTION AND, IF APPROPRIATE, SUBMITTING ONE
6 OR MORE MEASURES TO AMEND THIS CONSTITUTION IN ACCORDANCE WITH
7 THE PROVISIONS OF SUBSECTION (5) OF THIS SECTION.

8 (3) **Appointments.** (a) THE COMMISSION SHALL CONSIST OF
9 NINETEEN MEMBERS APPOINTED AS FOLLOWS:

10 (I) SIX MEMBERS APPOINTED BY THE GOVERNOR, NO MORE THAN
11 TWO OF WHOM SHALL BE FROM THE SAME POLITICAL PARTY.

12 (II) THREE MEMBERS APPOINTED BY THE PRESIDENT OF THE
13 SENATE;

14 (III) THREE MEMBERS APPOINTED BY THE MINORITY LEADER OF
15 THE SENATE;

16 (IV) THREE MEMBERS APPOINTED BY THE SPEAKER OF THE HOUSE
17 OF REPRESENTATIVES;

18 (V) THREE MEMBERS APPOINTED BY THE MINORITY LEADER OF THE
19 HOUSE OF REPRESENTATIVES; AND

20 (VI) ONE MEMBER APPOINTED BY THE CHIEF JUSTICE OF THE STATE
21 SUPREME COURT.

22 (b) A MEMBER OF THE GENERAL ASSEMBLY OR A STATEWIDE
23 OFFICEHOLDER SHALL NOT BE ELIGIBLE FOR APPOINTMENT TO THE
24 COMMISSION.

25 (c) INITIAL APPOINTMENTS TO THE COMMISSION SHALL BE MADE
26 AFTER MARCH 1, 2011, BUT NO LATER THAN MARCH 15, 2011. ANY
27 VACANCY SHALL BE FILLED BY THE ORIGINAL APPOINTING AUTHORITY.

1 (d) THE TERMS OF ALL MEMBERS APPOINTED TO THE COMMISSION
2 SHALL EXPIRE ON JUNE 1, 2012.

3 (4) **Administration.** (a) THE COMMISSION SHALL MEET AS OFTEN
4 AS NECESSARY TO COMPLETE ITS CHARGE. ALL MEETINGS SHALL BE OPEN
5 TO THE PUBLIC.

6 (b) THE COMMISSION SHALL ELECT A CHAIRPERSON AND
7 VICE-CHAIRPERSON FROM ITS MEMBERSHIP AND SHALL ADOPT ANY
8 PROCEDURES NECESSARY TO PERFORM ITS CHARGE.

9 (c) A MEMBER OF THE COMMISSION SHALL NOT RECEIVE
10 COMPENSATION FOR HIS OR HER SERVICE ON THE COMMISSION BUT MAY
11 RECEIVE REIMBURSEMENT FOR ACTUAL AND NECESSARY EXPENSES
12 INCURRED WHILE PERFORMING DUTIES RELATED TO THE COMMISSION.

13 (d) THE OFFICE OF LEGISLATIVE LEGAL SERVICES AND LEGISLATIVE
14 COUNCIL STAFF SHALL PROVIDE STAFF SUPPORT TO ASSIST THE
15 COMMISSION IN ITS CHARGE.

16 (5) **Measures to amend this constitution.** (a) THE COMMISSION
17 SHALL HAVE THE POWER TO PROPOSE ONE OR MORE MEASURES TO AMEND
18 THIS CONSTITUTION TO BE SUBMITTED TO THE REGISTERED ELECTORS OF
19 THE STATE FOR THEIR APPROVAL OR REJECTION AT THE 2012 GENERAL
20 ELECTION. NO MEASURE SHALL BE SUBMITTED UNLESS:

21 (I) THE COMMISSION HAS CONDUCTED AT LEAST ONE MEETING IN
22 EACH CONGRESSIONAL DISTRICT IN THE STATE;

23 (II) THE MEASURE IS APPROVED BY A MAJORITY OF ALL THE
24 MEMBERS APPOINTED TO THE COMMISSION; AND

25 (III) THE MEASURE RELATES TO FISCAL POLICY.

26 (b) NO LATER THAN MARCH 1, 2012, THE COMMISSION SHALL
27 SUBMIT A COPY OF ANY MEASURE TO THE SECRETARY OF STATE FOR TITLE

1 SETTING BY THE STATE TITLE BOARD. THE STATE TITLE BOARD SHALL
2 DESIGNATE AND FIX A PROPER AND FAIR TITLE FOR EACH MEASURE IN THE
3 MANNER SET FORTH BY LAW; EXCEPT THAT THE SUBMISSION CLAUSE
4 SHALL BE IN THE FOLLOWING STYLE:

5 (I) THE SUBMISSION CLAUSE SHALL BEGIN, "SHALL THE FISCAL
6 POLICY SET FORTH IN THE CONSTITUTION OF THE STATE OF COLORADO BE
7 AMENDED AS FOLLOWS:"; AND

8 (II) THE INTRODUCTION REQUIRED PURSUANT TO SUBPARAGRAPH
9 (I) OF THIS PARAGRAPH (b) SHALL BE FOLLOWED BY A DESCRIPTION OF
10 EACH CHANGE TO THIS CONSTITUTION.

11 (c) A MEASURE MAY CONTAIN MORE THAN ONE SUBJECT AND
12 SHALL NOT BE SUBJECT TO THE REQUIREMENTS SET FORTH IN SECTION 20
13 (3) OF ARTICLE X OF THIS CONSTITUTION.

14 (d) LEGISLATIVE COUNCIL STAFF SHALL:

15 (I) PUBLISH THE TEXT AND TITLE OF A MEASURE IN ACCORDANCE
16 WITH THE REQUIREMENTS SET FORTH IN SECTION 1 (7.3) OF ARTICLE V OF
17 THIS CONSTITUTION; AND

18 (II) PREPARE AND MAKE AVAILABLE THE INFORMATION SET FORTH
19 IN SECTION 1 (7.5) (a) OF ARTICLE V OF THIS CONSTITUTION FOR EACH
20 MEASURE AS PART OF THE BALLOT INFORMATION BOOKLET.

21 (e) THE COMMISSION MAY WITHDRAW A MEASURE FROM
22 CONSIDERATION AS A BALLOT ISSUE BY NOTIFYING THE SECRETARY OF
23 STATE OF THE WITHDRAWAL NO LATER THAN MAY 31, 2012.

24 (f) EACH MEASURE SHALL BE PUBLISHED WITH THE LAWS OF THE
25 SECOND REGULAR SESSION OF THE SIXTY-EIGHTH GENERAL ASSEMBLY.

26 (g) EACH MEASURE APPROVED BY A MAJORITY OF THOSE VOTING
27 THEREON SHALL BECOME PART OF THIS CONSTITUTION.

1 **(6) Review by the general assembly.** (a) NO LATER THAN APRIL
2 1, 2012, THE SECRETARY OF STATE SHALL NOTIFY THE GENERAL ASSEMBLY
3 OF EACH MEASURE FOR WHICH A BALLOT TITLE HAS BEEN SET. THE
4 GENERAL ASSEMBLY SHALL ESTABLISH BY LAW A PROCEDURE FOR
5 CONDUCTING ONE OR MORE PUBLIC HEARINGS FOR EACH MEASURE TO BE
6 CONDUCTED IN EACH HOUSE OF THE GENERAL ASSEMBLY.

7 (b) SUBSEQUENT TO ANY PUBLIC HEARING REQUIRED PURSUANT TO
8 PARAGRAPH (a) OF THIS SUBSECTION (6), THE GENERAL ASSEMBLY SHALL
9 BY A MAJORITY VOTE EXPRESS ITS VIEW ON EACH MEASURE, WHICH SHALL
10 INCLUDE A RECOMMENDATION THAT VOTERS EITHER APPROVE OR REJECT
11 THE MEASURE. THE GENERAL ASSEMBLY SHALL NOT HAVE THE POWER TO
12 CHANGE A MEASURE, AND A MEASURE MAY BE SUBMITTED TO THE
13 REGISTERED ELECTORS OF THE STATE REGARDLESS OF THE GENERAL
14 ASSEMBLY'S RECOMMENDATION.

15 **(7) Fiscal policy constitutional commission cash fund.** (a) THE
16 FISCAL POLICY CONSTITUTIONAL COMMISSION CASH FUND IS HEREBY
17 CREATED IN THE STATE TREASURY. THE STATE TREASURER IS AUTHORIZED
18 TO ACCEPT GIFTS, GRANTS, OR DONATIONS FROM PRIVATE SOURCES FOR
19 DEPOSIT IN THE FUND. THE GENERAL ASSEMBLY SHALL APPROPRIATE
20 MONEYS IN THE FUND FOR THE DIRECT AND INDIRECT COSTS OF THE
21 COMMISSION. ANY MONEYS IN THE FUND NOT EXPENDED FOR THE
22 PURPOSES OF THIS SECTION MAY BE INVESTED BY THE STATE TREASURER
23 AS PROVIDED BY LAW. ALL INTEREST AND INCOME DERIVED FROM THE
24 INVESTMENT AND DEPOSIT OF MONEYS IN THE FUND SHALL BE CREDITED
25 TO THE FUND. ANY UNEXPENDED AND UNENCUMBERED MONEYS
26 REMAINING IN THE FUND AS OF JULY 1, 2012, SHALL BE TRANSFERRED TO
27 THE STATE GENERAL FUND.

1 (b) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE
2 CONTRARY, MEMBERS SHALL NOT BE APPOINTED TO THE COMMISSION
3 PURSUANT TO SUBSECTION (3) OF THIS SECTION UNLESS THE BALANCE IN
4 THE FUND IS AT LEAST [REDACTED] DOLLARS AS OF FEBRUARY 28, 2011. IF THE
5 BALANCE OF THE FUND IS LESS THAN [REDACTED] DOLLARS AS OF FEBRUARY 28,
6 2011, THE STATE TREASURER SHALL RETURN ANY GIFTS, GRANTS, OR
7 DONATIONS THAT WERE RECEIVED PRIOR TO THAT DATE TO THE
8 RESPECTIVE DONORS.

9 (c) THE STATE TREASURER SHALL NOTIFY EACH APPOINTING
10 AUTHORITY SET FORTH IN SUBSECTION (3) OF THIS SECTION WHETHER THE
11 CONDITION SET FORTH IN PARAGRAPH (b) OF THIS SUBSECTION (7) HAS
12 BEEN MET.

13 (8) **Repeal.** THIS SECTION IS REPEALED, EFFECTIVE JANUARY 1,
14 2014.

15 **SECTION 2.** Each elector voting at said election and desirous of
16 voting for or against said amendment shall cast a vote as provided by law
17 either "Yes" or "No" on the proposition: "SHALL THERE BE AN
18 AMENDMENT TO ARTICLE XIX OF THE CONSTITUTION OF THE STATE OF
19 COLORADO, CONCERNING THE CREATION OF THE FISCAL POLICY
20 CONSTITUTIONAL COMMISSION, AND, IN CONNECTION THEREWITH,
21 CONTINGENT UPON RECEIVING SUFFICIENT PRIVATE DONATIONS,
22 ESTABLISHING A COMMISSION CONSISTING OF NINETEEN MEMBERS
23 APPOINTED BY VARIOUS STATE OFFICIALS FOR THE PURPOSE OF REVIEWING
24 THE FISCAL POLICY SET FORTH IN THE STATE CONSTITUTION AND, IF
25 APPROPRIATE, SUBMITTING TO THE VOTERS IN 2012 ONE OR MORE
26 MEASURES TO AMEND THE FISCAL POLICY SET FORTH IN THE
27 CONSTITUTION; PERMITTING A MEASURE TO INCLUDE MORE THAN ONE

1 SUBJECT; EXEMPTING A MEASURE FROM EXISTING CONSTITUTIONAL
2 ELECTION REQUIREMENTS; REQUIRING THE GENERAL ASSEMBLY TO
3 CONDUCT HEARINGS RELATED TO A MEASURE AND MAKE A
4 RECOMMENDATION TO VOTERS ABOUT THE MEASURE; AND REQUIRING
5 EACH MEASURE TO BE PUBLISHED PRIOR TO THE ELECTION AND INCLUDED
6 IN THE BALLOT INFORMATION BOOKLET?"

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