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Amended Version
#137

Colorado Secretary of State

S. WARD 3:00 P.M.

Fiscal Transparency in Initiative Process - Statutory

Be it enacted by the People of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, 1-40-105, **amend** (4); and **add** (1.5) as follows:

1-40-105. Filing procedure - review and comment - amendments - filing with secretary of state. (1.5) TOGETHER WITH THE ORIGINAL TYPEWRITTEN DRAFT AS PROVIDED IN SUBSECTION (1), PROPONENTS SHALL PREPARE AND SUBMIT A FISCAL IMPACT ESTIMATE. THE FISCAL IMPACT ESTIMATE SHALL ESTIMATE THE EFFECT THE MEASURE WILL HAVE ON STATE AND LOCAL GOVERNMENT REVENUES, EXPENDITURES, TAXES, AND FISCAL LIABILITIES IF SUCH MEASURE IS ENACTED. THE PROPONENTS' FISCAL IMPACT ESTIMATE SHALL BE CONSIDERED PART OF THE PROPONENTS' INITIATIVE PETITION AND SUBJECT TO REVIEW AND COMMENT BY LEGISLATIVE COUNCIL, ~~AND~~ THE OFFICE OF LEGISLATIVE LEGAL SERVICES, ~~AND THE TITLE BOARD.~~

(4) After the conference 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 conducted pursuant to subsections (1) and (2) of this section, THE PROPONENTS' FISCAL IMPACT ESTIMATE AND ANY ~~COMMENTS OR AMENDMENTS~~ THERETO, 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.

SECTION 2. In Colorado Revised Statutes, 1-40-107, **amend** (1)(a) as follows:

1-40-107. Rehearing – appeal – fees – signing. (1)(a) Any person presenting an initiative petition or any registered elector who is not satisfied with a decision of the title board with respect to whether a petition contains more than a single subject pursuant to section 1-40-106.5, or who is not satisfied with the titles, ~~and TITLE OR~~ submission clause provided by the title board; and who claims that they are unfair or that they do not fairly express the true meaning and intent of the proposed state law or constitutional amendment, ~~OR WHO IS NOT SATISFIED WITH THE FISCAL IMPACT STATEMENT~~ OBJECTS TO THE FISCAL IMPACT STATEMENT OR ABSTRACT PREPARED PURSUANT TO SECTION 1-40-107.5, may file a motion for a rehearing with the secretary of state within seven days after the decision is made or the titles, ~~and TITLE OR~~ submission clause ~~OR FISCAL IMPACT STATEMENT~~ are set.

SECTION 3. In Colorado Revised Statutes, **add** 1-40-107.5 as follows:

1-40-107.5 FISCAL IMPACT STATEMENT. (1)(A) FOR EVERY INITIATED ~~OR REFERRED~~ MEASURE SUBMITTED TO THE TITLE BOARD, THE DIRECTOR OF RESEARCH OF THE LEGISLATIVE COUNCIL OF THE GENERAL ASSEMBLY SHALL PREPARE A FISCAL IMPACT STATEMENT TAKING INTO CONSIDERATION ~~THE FISCAL IMPACT ESTIMATE INFORMATION~~ SUBMITTED BY THE PROPONENTS, THE OFFICE OF STATE PLANNING AND BUDGETING, THE DEPARTMENT OF LOCAL AFFAIRS OR ANY OTHER STATE AGENCY, AND ANY OTHER INTERESTED PERSON. THE FISCAL IMPACT STATEMENT SHALL BE PREPARED AND SUBMITTED TO THE TITLE BOARD NO LATER THAN **FORTY-EIGHT (48)** HOURS BEFORE THE TITLE BOARD MEETING AT WHICH THE PROPOSED STATUTE OR CONSTITUTIONAL AMENDMENT IS TO BE CONSIDERED. THE FISCAL IMPACT STATEMENT SHALL 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.

(B) THE FISCAL IMPACT STATEMENT SHALL INDICATE WHETHER THERE IS A FISCAL IMPACT FOR EACH INITIATED MEASURE AND SHALL ABSTRACT THE FISCAL IMPACT STATEMENT FOR SUCH MEASURE. THE ABSTRACT FOR EVERY MEASURE SHALL APPEAR ON EACH PETITION IN A PLACE AND FORM AS PRESCRIBED BY THE SECRETARY OF STATE, AND SHALL INCLUDE, BUT SHALL NOT BE LIMITED TO:

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

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

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

(2) A COMPLETE COPY OF THE FISCAL IMPACT STATEMENT FOR SUCH MEASURE SHALL BE PUBLICLY AVAILABLE THROUGH THE LEGISLATIVE COUNCIL OF THE GENERAL ASSEMBLY.

~~(3) IN ADDITION TO THE REQUIREMENTS ENUMERATED IN SECTION 1-40-113, THE PETITION SHALL INDICATE WHETHER THERE IS A FISCAL IMPACT FOR EACH INITIATED OR REFERRED MEASURE AND SHALL ABSTRACT THE FISCAL IMPACT STATEMENT FOR SUCH MEASURE.~~

~~(4) THE ABSTRACT FOR EVERY MEASURE SHALL APPEAR AFTER THE ARGUMENTS FOR AND AGAINST SUCH MEASURE IN THE ANALYSIS SECTION OF THE BALLOT INFORMATION BOOKLET PROVIDED FOR IN SECTION 1-40-124.5.~~

SECTION 4. In Colorado Revised Statutes, 1-40-124.5, **amend** (1)(b) as follows:

1-40-124.5. Ballot information booklet. (1)(b) The director of research of the legislative council of the general assembly shall prepare a fiscal impact statement for every ~~initiated or~~ referred measure, taking into consideration fiscal impact information submitted by the office of state planning and budgeting, the department of local affairs or any other state agency, and any proponent or other interested person. The fiscal impact statement prepared for every REFERRED measure shall 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. A complete copy of the fiscal impact statement for such measure shall be available through the legislative council of the general assembly. The ballot information booklet SHALL INCORPORATE THE FISCAL IMPACT STATEMENT AND ABSTRACT PREPARED FOR INITIATED MEASURES PURSUANT TO SECTION 1-40-107.5, ~~and~~ shall indicate whether there is a fiscal impact for each initiated or referred measure and shall abstract the fiscal impact statement for such measure ~~AS SET FORTH SECTION 1-40-107.5~~. The abstract for every initiated or referred measure shall appear after the arguments for and against such measure in the analysis section of the ballot information booklet, and shall include, but shall not be limited to:

- (I) An estimate of the effect the measure will have on state and local government revenues, expenditures, taxes, and fiscal liabilities if such measure is enacted;
- (II) An estimate of the amount of any state and local government recurring expenditures or fiscal liabilities if such measure is enacted; and
- (III) For any initiated or referred measure that modifies the state tax laws, an estimate of the impact to the average taxpayer, if feasible, if such measure is enacted.