

CHAPTER 40

GENERAL ASSEMBLY

HOUSE BILL 09-1112

BY REPRESENTATIVE(S) Kerr J., Acree, Baumgardner, Bradford, Gardner C., Gerou, Lambert, Liston, Loper, McNulty, Middleton, Priola, Summers;
also SENATOR(S) Spence, King K., Kopp, Mitchell.

AN ACT

CONCERNING THE INFORMATION PROVIDED TO THE STAFF OF THE LEGISLATIVE COUNCIL IN CONNECTION WITH THE PREPARATION OF FISCAL NOTES FOR LEGISLATIVE MEASURES.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 2-2-322, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

2-2-322. Fiscal notes. (3) (a) EACH STATE DEPARTMENT, AGENCY, OR INSTITUTION SHALL COOPERATE WITH AND PROVIDE INFORMATION ON THE FISCAL IMPACT OF A LEGISLATIVE MEASURE IN THE MANNER REQUESTED BY THE STAFF OF THE LEGISLATIVE COUNCIL FOR CONSIDERATION BY THE STAFF IN CONNECTION WITH THE PREPARATION OF A FISCAL NOTE FOR THE MEASURE.

(b) THE STATE DEPARTMENT, AGENCY, OR INSTITUTION SHALL SUBSTANTIATE THE CALCULATION OF THE FISCAL IMPACT OF THE LEGISLATIVE MEASURE IN ITS RESPONSE TO A REQUEST FOR INFORMATION MADE PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (3) BY PROVIDING ANY DOCUMENTATION THAT CLEARLY IDENTIFIES ANY ASSUMPTIONS SUPPORTING THAT CALCULATION AND A NARRATIVE DISCUSSION OF THE JUSTIFICATION FOR ANY INCREASE OR DECREASE IN WORKLOAD.

(c) THE STATE DEPARTMENT, AGENCY, OR INSTITUTION SHALL MEET THE DEADLINES ESTABLISHED BY THE STAFF OF THE LEGISLATIVE COUNCIL FOR PROVIDING A RESPONSE TO A REQUEST FOR INFORMATION MADE PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (3) OR SHALL SPECIFY THE NEED FOR ADDITIONAL TIME TO PROVIDE THE RESPONSE. IF ADDITIONAL TIME IS REQUIRED TO RESPOND TO THE REQUEST FOR INFORMATION, THE STAFF OF THE LEGISLATIVE COUNCIL SHALL SET A REASONABLE TIME FOR PROVIDING THE INFORMATION.

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(d) (I) THE STATE DEPARTMENT, AGENCY, OR INSTITUTION SHALL NOT MODIFY THE AMOUNT OF THE FISCAL IMPACT THAT WAS ORIGINALLY CALCULATED FOR A LEGISLATIVE MEASURE AFTER THE STAFF OF THE LEGISLATIVE COUNCIL HAS RELEASED AND MADE PUBLIC THE FISCAL NOTE FOR SUCH MEASURE UNLESS:

(A) THE MEASURE HAS BEEN AMENDED;

(B) THERE IS NEWLY DISCOVERED INFORMATION THAT WAS PREVIOUSLY UNAVAILABLE THAT WARRANTS MODIFICATION OF THE ORIGINAL CALCULATION AND NARRATIVE SUBMITTED BY THE STATE DEPARTMENT, AGENCY, OR INSTITUTION; OR

(C) TECHNICAL ERRORS ARE DISCOVERED THAT WARRANT MODIFICATION OF THE ORIGINAL CALCULATION AND NARRATIVE SUBMITTED BY THE STATE DEPARTMENT, AGENCY, OR INSTITUTION.

(II) INFORMATION SUPPORTING A MODIFICATION TO THE FISCAL IMPACT SHALL BE SUBMITTED IN THE MANNER REQUESTED BY THE STAFF OF THE LEGISLATIVE COUNCIL BY THE HEAD OF THE STATE DEPARTMENT, AGENCY, OR INSTITUTION.

SECTION 2. Act subject to petition - effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution, (August 4, 2009, if adjournment sine die is on May 6, 2009); except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: March 20, 2009

Editor's note: The August 4 date specified in the effective date section of this act reflects the ninetieth day, therefore the act takes effect at 12:01 a.m. on August 5, 2009.