

Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. R26-0900.01 Caroline Martin x5902

HCR26-1006

HOUSE SPONSORSHIP

Luck and Garcia,

SENATE SPONSORSHIP

(None),

House Committees

State, Civic, Military, & Veterans Affairs

Senate Committees

HOUSE CONCURRENT RESOLUTION 26-1006

101 SUBMITTING TO THE REGISTERED ELECTORS OF THE STATE OF
102 COLORADO AN AMENDMENT TO THE COLORADO CONSTITUTION
103 CONCERNING THE PROTECTION OF THE SEPARATION OF POWERS
104 BY REQUIRING A GOVERNOR'S PROCLAMATION CONVENING THE
105 GENERAL ASSEMBLY TO RESPECT THE GENERAL ASSEMBLY'S
106 AUTHORITY TO LEGISLATE.

Resolution Summary

(Note: This summary applies to this resolution as introduced and does not reflect any amendments that may be subsequently adopted. If this resolution passes third reading in the house of introduction, a resolution summary that applies to the reengrossed version of this resolution will be available at <http://leg.colorado.gov/>.)

If approved by at least 55% of the voters of the state voting on the

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

issue at the 2026 general election, the concurrent resolution amends the Colorado constitution to require, when a governor convenes the general assembly by proclamation, that the business specially named in the proclamation must not be so narrowly framed as to impose a particular outcome on the general assembly.

1 *Be It Resolved by the House of Representatives of the Seventy-fifth*
2 *General Assembly of the State of Colorado, the Senate concurring herein:*

3 **SECTION 1. Legislative declaration.** (1) The general assembly
4 finds and declares that:

5 (a) Colorado achieved statehood almost one hundred and fifty
6 years ago on August 1, 1876. Originally, the General Assembly met only
7 in odd-numbered years. The first special session was called by governor
8 Waite in 1894 and lasted for fifty-two days. During the first special
9 session, the General Assembly dealt with issues including elections, labor
10 laws, and mining.

11 (b) From 1894 to 1951, Colorado governors called twenty-one
12 special sessions, twelve of which were in even-numbered years. The
13 longest special session lasted seventy-one days and was convened in 1910
14 by governor Shafroth.

15 (c) From 1953 to the present, there have been thirty-one special
16 sessions lasting an average of eight days and dealing with issues ranging
17 from a grasshopper infestation and soil erosion to sentencing laws and
18 budget issues.

19 (d) Despite the General Assembly possessing the constitutional
20 authority to call a special session by a two-thirds vote, the governor has
21 called all fifty-two of the special sessions convened in Colorado. Only
22 one special session ended without any bills being passed.

23 (e) A governor's call to special session is often specific enough as

1 to limit the General Assembly to address only an issue of utmost
2 importance, but not so specific as to prescribe a predetermined outcome.
3 For example, in 2024, governor Polis proclaimed an extraordinary session
4 to address one single issue - "property taxes starting with the property tax
5 year commencing on January 1, 2025." The legislators were left to
6 address the matter in a multitude of ways.

7 (f) However, there have been instances in which a governor's call
8 demanded a particular outcome, leaving no leeway for legislators to find
9 solutions that match their policy objectives. For instance, in 2025, the
10 governor's call detailed eleven items for the General Assembly to address.
11 Many of the items confined the legislature to make changes to a particular
12 law. For example, under fiscal items, the call ordered the General
13 Assembly to make "adjustments and reductions to the Sales Tax Vendor
14 Fees in CRS 39-26-105."

15 (g) In *Empire Sav., Bldg. & Loan Asso. v. Otero Sav. & Loan*
16 *Asso.*, 640 P.2d 1151 (Colo. 1982), Colorado Supreme Court justice Lohr
17 stated that "the Governor may define the appropriate subject matter for
18 legislative consideration, but he may not prescribe the specific form that
19 the legislation will take. As stated by this court in *In Re Governor's*
20 *Proclamation, supra*, the Governor cannot so narrow the matter for
21 legislative consideration that the General Assembly is forced 'to do the
22 bidding of the governor, or not act at all.'"

23 (h) Again, in *Wieder v. People*, 722 P.2d 396 (Colo. 1986), the
24 Colorado Supreme Court affirmed that "[w]hile the governor's
25 proclamation call may state the purpose for which the General Assembly
26 is convened or may limit its consideration to a specific area of a general
27 subject, the General Assembly is not limited to a narrow, technical

1 interpretation of the subject matter comprised in the governor's call."

2 (2) Therefore, the General Assembly finds and declares that it is
3 in the best interest of the people of Colorado to ensure that any special
4 session called by the governor is not so narrowly framed as to infringe
5 upon the separation of powers or restrict the people's representatives from
6 meeting the pressing needs of Colorado.

7 **SECTION 2.** At the election held on November 3, 2026, the
8 secretary of state shall submit to the registered electors of the state the
9 ballot title set forth in section 3 for the following amendment to the state
10 constitution:

11 In the constitution of the state of Colorado, **amend** section 9 of
12 article IV as follows:

13 **Section 9. Governor may convene legislature or senate.**

14 The governor may, on extraordinary occasions, convene the
15 general assembly by proclamation, stating therein the purpose for which
16 it is to assemble; but at such special session no business shall be
17 transacted other than that specially named in the proclamation. ~~He~~ THE
18 BUSINESS SPECIALLY NAMED IN THE PROCLAMATION MAY LIMIT THE
19 GENERAL ASSEMBLY'S CONSIDERATION TO A SPECIFIC AREA OF A GENERAL
20 SUBJECT BUT MUST NOT LIMIT THE GENERAL ASSEMBLY'S CONSIDERATION
21 SO NARROWLY AS TO RESTRICT THE POSSIBLE OUTCOMES. THE GOVERNOR
22 may, by proclamation, convene the senate in extraordinary session for the
23 transaction of executive business.

24 **SECTION 3.** Each elector voting at the election may cast a vote
25 either "Yes/For" or "No/Against" on the following ballot title: "Shall
26 there be an amendment to the Colorado constitution concerning the
27 protection of the separation of powers by requiring a governor's

1 proclamation convening the general assembly to respect the general
2 assembly's authority to legislate?"

3 **SECTION 4.** Except as otherwise provided in section 1-40-123,
4 Colorado Revised Statutes, if at least fifty-five percent of the electors
5 voting on the ballot title vote "Yes/For", then the amendment will become
6 part of the state constitution.