

STATE OF COLORADO

Colorado General Assembly

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MEMORANDUM

February 4, 2014

TO: Mike Callicrate and Angela Smith

FROM: Legislative Council Staff and Office of Legislative Legal Services

SUBJECT: Proposed initiative measure 2013-2014 #67 concerning Cattle Tail Docking

Section 1-40-105 (1), Colorado Revised Statutes, requires the directors of the Colorado Legislative Council and the Office of Legislative Legal Services to "review and comment" on initiative petitions for proposed laws and amendments to the Colorado constitution. We hereby submit our comments to you regarding the appended proposed initiative.

The purpose of this statutory requirement of the Legislative Council and the Office of Legislative Legal Services is to provide comments intended to aid proponents in determining the language of their proposal and to avail the public of knowledge of the contents of the proposal. Our first objective is to be sure we understand your intent and your objective in proposing the amendment. We hope that the statements and questions contained in this memorandum will provide a basis for discussion and understanding of the proposal.

This initiative was submitted with a series of initiatives including proposed initiatives 2013-2014 #64 to 67. The comments and questions raised in this memorandum will not include comments and questions that were addressed in the memoranda for proposed initiatives 2013-2014 #59 to 62, which were substantially similar, except as necessary to fully understand the issues raised by the revised proposed initiative. Comments and questions addressed in those other memoranda may also be relevant, and those questions and comments are hereby incorporated by reference in this memorandum. Only new comments and questions are included in this memorandum.

Purpose

The major purpose of the proposed amendment to the **Colorado constitution** appears to be to prohibit the routine docking of cattle tails except when therapeutic docking of a tail is medically necessary.

Technical Comments

The following comments address technical issues raised by the form of the proposed initiative. These comments will be read aloud at the public meeting only if the proponents so request. You will have the opportunity to ask questions about these comments at the review and comment meeting. Please consider revising the proposed initiative as suggested below.

1. The standard format for amending clauses was changed in 2011. The proponents have used the old format. The correct current format for an amending clause that adds a new section to the constitution of the state of Colorado is:

SECTION 1. In the constitution of the state of Colorado, **add** section 17 to article XVIII as follows:

2. It is standard drafting practice for an introductory portion (a sentence fragment that leads into subsections, paragraphs, etc.) to end with a colon. This was done correctly in (2) (b) of this submission but incorrectly in (1).
3. It is standard drafting practice to end sentences with a period. Paragraph (a) of subsection (3) should end with a period.

Substantive Comments and Questions

The substance of the proposed initiative raises the following comments and questions:

1. In paragraph (a) of subsection (3), you authorize the general assembly to determine the penalty for a violation of the initiated measure. You might consider providing guidance on whether the general assembly should enact criminal or civil penalties and the range or limits it may consider for either.