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Colorado General Assembly

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MEMORANDUM

TO: Sean Johnson and Teri Johnson

FROM: Legislative Council Staff and Office of Legislative Legal Services

DATE: January 9, 2015

SUBJECT: Proposed initiative measure 2015-2016 #11, concerning time zone change

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 directors of 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.

Earlier versions of this proposed initiative, proposed initiatives 2015-2016 #6 and #7, were the subject of memoranda dated November 12, 2014, and December 5, 2014, which were discussed at public meetings on November 14, 2014, and December 9, 2014. The comments and questions raised in this memorandum will not include comments and questions that were addressed at the earlier meetings, except as necessary to fully understand the issues raised by the revised proposed initiative. However, the prior comments and questions that are not restated here continue to be relevant and are hereby incorporated by reference in this memorandum.

Purposes

The major purposes of the proposed amendment to the Colorado Revised Statutes appear to be:

1. To make standard time within the state one hour in advance of United States Mountain Standard Time.

Substantive Comments and Questions

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

1. The proposed initiative includes two enacting clauses. It is unnecessary to include the first enacting clause and the language up to the second enacting clause, including the ballot question, summary, and statement of your proposal. These items will be determined later in the initiative process. Please consider deleting this language.
2. The proposed initiative states that the standard time is one hour "in advance of" United States Mountain Standard Time. Do you mean one hour later than United States Mountain Standard Time? For example, if it is 3:00 p.m. United States Mountain Standard Time, what time would it be in the state of Colorado pursuant to the proposed initiative? Would the answer be the same regardless of the day of the year? For clarity, would you consider using the phrase "later than" instead of "in advance of"?
3. Your proposed initiative does not need to include the "Act subject to petition" clause, as it will automatically be submitted to the voters. Instead, you may consider adding an "Effective date" clause to specify that, if approved by the people at the general election to be held in November 2016, the provisions of the proposed initiative will take effect on March 12, 2017.
4. Legislative declarations do not have the force or effect of law. What is your intent in including a legislative declaration in your proposed initiative?

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. Each constitutional and statutory section being amended, repealed, or added should be preceded by a separate amending clause explaining how the law is being changed:
 - a. You have appropriately included an amending clause before section 2-4-109, however, it does not conform with the current drafting format. Please consider changing it to read: "**SECTION 1.** In Colorado Revised Statutes, 2-4-109, **amend** (1); and **repeal** (2) as follows:"
 - b. The new legislative declaration in the proposed initiative should also be preceded by an amending clause. For example, "**SECTION 2.** In Colorado Revised Statutes, **add** 2-4-109.2 as follows:"
2. Each headnote in the proposed initiative and the preceding section number should be in bold-face type.
3. Section 2 of the proposed initiative, which contains the effective date clause, should be the very last section of the proposed initiative (following the legislative declaration).
4. It is standard drafting practice to use SMALL CAPITAL LETTERS to show the language being added to the Colorado the Colorado Revised Statutes. This practice includes legislative declarations that are being added to the Colorado Revised Statutes.
5. Although the text of the proposed initiative should be in small capital letters, use an uppercase letter to indicate capitalization where appropriate. Only the following should be large-capitalized:
 - a. The first letter of the first word of each sentence;
 - b. The first letter of the first word of each entry of an enumeration paragraphed after a colon; and
 - c. The first letter of proper names. For example, "city road workers" should not be capitalized.
6. In the legislative declaration, (h) should end with an "and" after the semicolon, and (i) should end with a period.