

# STATE OF COLORADO

## Colorado General Assembly

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### MEMORANDUM

February 2, 2006

TO: Page Penk and Chester Penk

FROM: Legislative Council Staff and Office of Legislative Legal Services

SUBJECT: Proposed initiative measure 2005-2006 #82, concerning peace.

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.

#### Purposes

The major purpose of the proposed initiative appear to be:

1. To amend article XXVI of the Colorado constitution by adding a new section that would declare that peace is possible.

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#### Comments and Questions

The form and substance of the proposed initiative raise the following comments and questions:

Technical questions:

1. To conform to standard drafting practices, would the proponents consider:
  - a. Replacing the words "as follows" in the amending clause of the proposed initiative with the words "to read:"?
  - b. Replacing "6 --" on the last line of the proposed initiative with "6."?

Substantive questions:

1. Article V, section 1 (5.5) of the Colorado constitution requires each initiative to have a single subject. What is the single subject of the proposed initiative?
2. Is the proposed initiative intended to have any legal effect (i.e., to establish or affect any legal rights or impose any legal obligations on any person or entity) or is it simply intended to describe the prospects for peace or to refute any unspoken assumptions one or more persons may have regarding the impossibility of peace?
3. Typical dictionary definitions of the word "peace" include: (1) The absence of war or other hostilities; (2) An agreement or treaty to end hostilities; (3) Freedom from quarrels or disagreement: harmonious relations; (4) Public security and order; and (5) Inner contentment: serenity. What meaning do the proponents ascribe to the word "peace" for purposes of the proposed initiative?