

STATE OF COLORADO

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MEMORANDUM

April 11, 2006

TO: Benjamin Doerflinger, Shannon Doerflinger, and Maria Salcido

FROM: Legislative Council Staff and Office of Legislative Legal Services

SUBJECT: Proposed initiative measure 2005-2006 #102, concerning the Colorado Clean Indoor Air Act

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 purposes of the proposed amendment appear to be:

1. To repeal the "Colorado Clean Indoor Act"; and
2. To recreate and reenact Colorado law to prohibit smoking in certain public places.

Comments and Questions

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

Technical questions:

To conform the proposed initiative to standard drafting practices, would the proponents consider the following:

1. Showing the text of part 2 of article 14 of title 25 in strike type and lowercase lettering. It is standard drafting practice to show only new language in small capital letters.
2. Repealing part 2 of article 14 of title 25 in one section as follows:

"SECTION 1. **Repeal.** Part 2, of article 14, of title 25, Colorado Revised Statutes, is repealed as follows:"
3. Renumbering sections 10 through 14 of the proposed initiative.
4. Removing the word "**Recreate.**" from the beginning of sections 10 through 14 and section 8.
5. Using the following amending clause for each section that is being recreated:

"25-14-___, Colorado Revised Statutes, is RECREATED AND REENACTED, to read:"
6. Using the following amending clause if there are changes to the original language:

"25-14-___, Colorado Revised Statutes, is RECREATED AND REENACTED, WITH AMENDMENTS, to read:"
7. Renumbering the last two sections, sections 8 and 9.
8. Using small capital letters to show the language being added to the Colorado statutes. For example, the first sentence would begin "WE THE PEOPLE OF THE STATE OF COLORADO....".
9. For the paragraphs in sections 25-14-103 and 25-14-103.7, using in lowercase type. For example, it would be (1) b) and (1)(b)(I)(B).
10. Omitting paragraph (f) in section 25-14-103.

Substantive questions:

1. No substantive questions.