

STATE OF COLORADO

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MEMORANDUM

April 6, 2007

TO: Richard G. Hamilton and Phil Doe

FROM: Legislative Council Staff and Office of Legislative Legal Services

SUBJECT: Proposed initiative measure 2007-2008 #12, concerning new state department and elected board for environmental conservation

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.

An earlier version of this initiative was the subject of a memorandum dated March 22, 2007. Proposal 2007-2008 #8 was discussed at a hearing on March 26, 2007. The comments and questions raised in this memorandum will be limited so as not to duplicate comments and questions that were addressed at the earlier hearing unless it is necessary to fully address the issues in the revised measure. However, the comments and questions that have not been addressed by changes in the proposal continue to be relevant and are hereby incorporated by reference in this memorandum.

Purposes

The major purposes of the proposed amendment do not appear to have been changed from the previous proposed amendment.

Comments and Questions

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

Technical questions:

1. To conform to standard drafting practices, would the proponents consider:
 - a. Using the following enacting clause and amending clause:

Be it Enacted by the People of the State of Colorado:
The constitution of the state of Colorado is amended BY THE
ADDITION OF A NEW ARTICLE to read:
 - b. Not putting paragraph letters in small caps (e.g., "(a) COLORADO NATURAL AREAS PROGRAM;")?
2. Section 5 (1) (b) seems to be missing a word: "MATTERS OF ORGANIZATION, OPERATION, AND [management?] OF THE DEPARTMENT, . . ."
3. The heading to section 7 seems to be missing a word: "**Section 7. Trust responsibilities of the Colorado department of environmental** [conservation?]."
4. Section 7 (5) seems to be missing a word: "(5) APPOINTMENT TO ANY BOARD OR COMMISSION OR PROGRAM OR AUTHORITY OF [a?] MEMBER OR OFFICER BY THE BOARD . . ."
5. The substantive text for section 11 should be in all caps.

Substantive questions: None.