

STATE OF COLORADO

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MEMORANDUM

October 16, 2007

TO: Page Penk and Chester Penk

FROM: Legislative Council Staff and Office of Legislative Legal Services

SUBJECT: Proposed initiative measure 2007-2008 #45, concerning the creation of the United States Department of 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 amendment appears to be:

1. To amend the Colorado Constitution to urge the creation of a United States Department of Peace.

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 specify by what means they intend to amend the Colorado constitution (i.e., by adding a new article, part, or section), and further specify the language they intend to add to the constitution? For example, the proponents could add the following lines after the enacting clause:

"The constitution of the state of Colorado is amended BY THE ADDITION OF A NEW ARTICLE to read:

ARTICLE ____

Section 1. THE PEOPLE OF THE STATE OF COLORADO HEREBY URGE THE CREATION OF A UNITED STATES DEPARTMENT OF PEACE."

2. Would the proponents change the word "creating" to "creation" for grammatical accuracy?

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. The text of the proposed initiative appears to be a ballot question rather than actual language that would be included in the Colorado constitution. If the proposed initiative were approved by the people, would any language actually be added to the Colorado constitution? If not, would the general assembly be required to submit a constitutional amendment to the people that would urge the creation of a United States Department of Peace?
3. 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)?
4. Do the proponents intend that the proposed department of peace be created as a federal agency, as implied by the name "United States" Department of Peace, or as a state agency?
5. Do the proponents intend for the proposed department of peace to implement state or federal law?
6. What would be the powers and duties of the proposed department of peace?