

STATE OF COLORADO

Colorado General Assembly

Kirk Mlinek, Director
Legislative Council Staff

Colorado Legislative Council
029 State Capitol Building
Denver, Colorado 80203-1784
Telephone (303) 866-3521
Facsimile (303) 866-3855
TDD (303) 866-3472
E-Mail: lcs.ga@state.co.us



Charles W. Pike, Director
Office of Legislative Legal Services

Office Of Legislative Legal Services
091 State Capitol Building
Denver, Colorado 80203-1782
Telephone (303) 866-2045
Facsimile (303) 866-4157
E-Mail: olls.ga@state.co.us

MEMORANDUM

November 15, 2007

TO: Page Penk and Chester Penk

FROM: Legislative Council Staff and Office of Legislative Legal Services

SUBJECT: Proposed initiative measure 2007-2008 #51, concerning the type of engine used in state vehicles

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 amend the Colorado constitution to require the state to immediately begin to upgrade its vehicles to use engines that contain no moving mechanical parts.

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 the location within the constitution at which the new language would be added and further specify the actual language they intend to add to the Colorado constitution?
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 amend the Colorado constitution to require the state to immediately begin to upgrade its vehicles to use engines that contain no moving mechanical parts?
3. Do the proponents wish to authorize the general assembly to pass implementing legislation if the proposed initiative were to pass?
4. Do the proponents wish to include an effective date for the proposed initiative?

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. Do the proponents intend the proposed initiative to require the state of Colorado to modify all vehicles *owned by state agencies*? Or do the proponents intend the proposed initiative to require the state of Colorado to require that all vehicles *owned by Colorado residents* be modified? Or do the proponents intend the proposed initiative to require all vehicles *operated within the state of Colorado* to be modified?
3. If the proposed initiative were to pass, how would the state (or the residents of the state) complete the required modifications to its vehicles? Is there a designated provider or manufacturer who would perform the required modifications? Are there any companies that currently perform the required modifications?
4. The proposed initiative does not indicate any time by which the vehicle modification requirements must be satisfied. Do the proponents propose any definite phase-in period?
5. Do the proponents intend to require the state to impose any penalties for failure to perform the required vehicle modifications?
6. Do the proponents wish to designate an entity or agency of the state to oversee implementation of the proposed initiative, were it to pass?