

# STATE OF COLORADO

## Colorado General Assembly

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## MEMORANDUM

TO: Sean Johnson and Teri Johnson

FROM: Legislative Council Staff and Office of Legislative Legal Services

DATE: January 23, 2015

SUBJECT: Proposed initiative measure 2015-2016 #13, concerning daylight saving time

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 directors of 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.

Earlier versions of this proposed initiative, proposed initiatives 2015-2016 #6, 2015-2016 #7, and 2015-2016 #11, were the subject of memoranda dated November 12, 2014, December 5, 2014, and January 9, 2015, which were discussed at public meetings on November 14, 2014, December 9, 2014, and January 12, 2015. The comments and questions raised in this memorandum will not include comments and questions that were addressed at the earlier meetings, except as necessary to fully understand the issues raised by the revised proposed initiative. However, the prior

comments and questions that are not restated here continue to be relevant and are hereby incorporated by reference in this memorandum.

## **Purposes**

The major purposes of the proposed amendment to the Colorado Revised Statutes appear to be:

1. To make standard time in Colorado one hour later than United States Mountain Standard Time.
2. To include a legislative declaration regarding the benefits of the proposed time change.

## **Substantive Comments and Questions**

The substance of the proposed initiative raises the following comments and questions:

1. The legislative declaration contained in the proposed initiative begins "The general assembly determines, finds, and declares:", which implies the general assembly's opinions are contained in the legislative declaration. Please consider changing the introductory portion of the legislative declaration to a more general statement, for example: "It is determined:" or "The people of the state of Colorado determine, find, and declare:".
2. Section 3 contains the effective date, which is being added as a new statutory provision. The effective date is normally a nonstatutory clause at the end of the measure; it is not placed in statute and therefore does not have an amending clause or statutory section number and does not need to be in all caps. For example:

**SECTION 3. Effective date.** This act, if approved by the people at the general election to be held in November 2016, takes effect on March 12, 2017, after the official declaration of the vote by the governor.

3. To provide more of a connection between the legislative declaration and the statutory change regarding standard time in Colorado, please consider moving the legislative declaration into a new subsection (1.5) in section 2-4-109 rather than creating a new section 2-4-109.2. If you choose to make this change, please make the following additional changes:
  - a. Eliminate line 14 of the proposed initiative that contains the amending clause.

- b. Eliminate "2-4-109.2" on line 15.
  - c. Move the content of the entire legislative declaration into section 2-4-109 as a new subsection (1.5). For example:
 

"(1.5) **Legislative declaration.** THE PEOPLE OF THE STATE OF COLORADO...."
  - d. Adjust the amending clause for section 1 to read: "**SECTION 1.** In Colorado Revised Statutes, 2-4-109, **amend** (1); **repeal** (2); and **add** (1.5) as follows:".
  - e. Adjust "**SECTION 3**", the effective date, to "**SECTION 2.**"
4. In paragraph (a) of the legislative declaration, you state that "businesses will benefit from increased consumer traffic with longer daylight hours in fall and winter while eliminating the time changes and remaining on U.S. Mountain Daylight Time instead of elimination of time changes and remaining on U.S. Mountain Standard Time, or by keeping the congressional Daylight Savings schedule." The phrase beginning with "while eliminating" appears multiple times throughout the measure. Is your intent to state in paragraph (a), and elsewhere where that language occurs, that a benefit will occur by staying on U.S. Mountain Daylight Time rather than changing the clocks in the fall and spring or staying on U.S. Mountain Standard Time? If not, what is your intent?
  5. If we have correctly summarized your intent in question 4 above, please consider rephrasing the language that currently begins with "while eliminating" wherever it appears in the legislative declaration and throughout the measure to clarify your intent as follows: "... by eliminating the time changes and remaining on U.S. Mountain Daylight Time instead of eliminating the time changes and remaining on U.S. Mountain Standard Time or keeping the congressional Daylight Saving schedule."

## **Technical Comments**

The following comments address technical issues raised by the form of the proposed initiative. These comments will be read aloud at the public meeting only if the proponents so request. You will have the opportunity to ask questions about these comments at the review and comment meeting. Please consider revising the proposed initiative as suggested below.

1. In paragraph (b) of the legislative declaration, there should be a comma after "children."

2. In paragraph (b) of the legislative declaration, consider using the word "fewer" rather than "less."
3. In paragraph (e), consider using the word "trap" rather than "traps."
4. Some paragraphs in the legislative declaration state what *will* happen if the proposed initiative passes (i.e., paragraphs (a), (b), and (i)), while it seems that the other paragraphs (i.e., paragraphs (c), (d), (e), (f), (g), and (h)) state that these benefits *already occur* when the state is on Daylight Saving Time. Please consider being consistent in the way you phrase each paragraph in the legislative declaration. For example, (c) could read "That there will be fewer vehicle crashes...", (d) could read "That there will be a decrease in energy use...", etc.