

STATE OF COLORADO

Colorado General Assembly

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MEMORANDUM

TO: Pamela S. Maestas and Cliff Roberts

FROM: Legislative Council Staff and Office of Legislative Legal Services

DATE: March 27, 2015

SUBJECT: Proposed initiative measure 2015-2016 #23 concerning the regulation of bicycling

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 to the **Colorado constitution** or **Colorado Revised Statutes** appear to be:

1. To regulate bicycle users through licensing and taxation.
2. To use the revenues from licensing and taxation to build and maintain bicycle paths across the state.

3. To authorize county and municipal law enforcement agencies to regulate bicycle traffic on public roads.

Substantive Comments and Questions

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

1. Under article V, section 1 (2) of the Colorado constitution, proposed initiatives amend either the Colorado constitution or the Colorado Revised Statutes.
 - i. Does the proposed initiative amend the Colorado constitution or the Colorado Revised Statutes?
 - ii. Additionally, in accordance with section 1-40-102 (4), Colorado Revised Statutes, and for publication purposes, an amending clause should be used to show where in the Colorado constitution or Colorado Revised Statutes a proposed initiative's provisions should be inserted. For example, if you intend to add language to the Colorado Revised Statutes, the amending clause might read: "In Colorado Revised Statutes, **add** 42-4-2401 as follows:"
2. Article V, section 1 (5) of the Colorado constitution and section 1-40-102 (4), Colorado Revised Statutes, require a proponent to submit for review and comment the full text of the measure being proposed, which, if passed, becomes the actual language of the constitution or statute. You have submitted an idea, rather than the actual language that would be added to the Colorado constitution or Colorado Revised Statutes. Please amend your initiative proposal to include the actual text of your proposed constitutional or statutory change. Examples of previously filed constitutional and statutory ballot measures can be obtained from Legislative Council.
3. Article V, section 1 (8) of the Colorado constitution requires that the following enacting clause be the style for all laws adopted by the initiative: "Be it Enacted by the People of the State of Colorado:". To comply with this constitutional requirement, this phrase should be added to the beginning of the proposed initiative.
4. Article V, section 1 (5.5) of the Colorado constitution requires all proposed initiatives to have a single subject. What is the single subject of the proposed initiative?
5. With respect to licensing:
 - i. Where will a bicyclist obtain his or her license?

- ii. Will bicycles need to be registered and titled like motor vehicles?
 - iii. Who will determine the cost of a license?
6. With respect to taxation:
- i. What form of taxation are you proposing?
 - ii. Will the taxation apply to visiting cyclists or out-of-state residents temporarily residing in Colorado?
 - iii. Will bicycle tax revenue be dedicated to bike paths only?
7. Local law enforcement already has jurisdiction over bicycle traffic on public roads, as bicycles are considered vehicles in Colorado and are subject to laws governing vehicle and bicycle operation. How will this initiative increase local law enforcement's jurisdiction over bicycles?