

STATE OF COLORADO

Colorado General Assembly

Mike Mauer, Director
Legislative Council Staff

Colorado Legislative Council
200 East Colfax Avenue Suite 029
Denver, Colorado 80203-1716
Telephone 303-866-3521
Facsimile 303-866-3855
TDD 303-866-3472



Dan L. Cartin, Director
Office of Legislative Legal Services

Office of Legislative Legal Services
200 East Colfax Avenue Suite 091
Denver, Colorado 80203-1716
Telephone 303-866-2045
Facsimile 303-866-4157
Email: olls.ga@state.co.us

MEMORANDUM

TO: Jon Caldara and Mike Krause
FROM: Legislative Council Staff and Office of Legislative Legal Services
DATE: April 4, 2017
SUBJECT: Proposed initiative measure 2017-2018 #22 concerning transportation funding

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.

This initiative was submitted along with proposed initiative 2017-2018 #21. The comments and questions raised in this memorandum will not include comments and questions that were addressed in the memoranda for proposed initiatives 2017-2018 #21, except as necessary to fully understand the issues raised by the revised proposed initiative. Comments and questions addressed in the other memorandum may also be relevant, and those questions and comments are hereby incorporated by reference in this memorandum. Only new comments and questions are included in this memorandum.

Purposes

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

1. Without raising taxes, to authorize the Department of Transportation to issue revenue anticipation notes in a maximum amount of \$3.5 billion, with a repayment cost of \$5.2 billion, and a repayment term of 20 years, to be used exclusively for road and bridge expansion, construction, maintenance and repair of the listed projects, but not for transit or "multi modal transportation".
2. Without raising taxes or fees and either by reallocating priorities in the state budget or by using money that the state has been using to make principal and interest payments on revenue anticipation notes authorized in 1999 (TRANS), to require the General Assembly to identify and appropriate sufficient funds for the repayment cost of the revenue anticipation notes issued by the Department of Transportation.
3. To exclude the proceeds of the revenue anticipation notes from state fiscal year spending limits.
4. To specify the projects for which the revenue anticipation note proceeds may be expended.
5. To specify that the distributed proceeds are in addition to other moneys appropriated for road and bridge, expansion, construction, maintenance and repair, and that the executive branch may not transfer the proceeds for other purposes.

Substantive Comments and Questions

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

1. The only difference between proposed initiative #21 and this proposed initiative #22 appears to be the maximum amount of revenue anticipation notes that may be issued and the maximum repayment cost for the revenue anticipation notes. Is that correct?

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

S:\PUBLIC\Ballot\2017-2018cycle\2017rev&commemos\2017-2018 #22.docx

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.

The technical comments set forth in the review and comment memorandum on proposed initiative 2017-2018 #21 are applicable to proposed initiative 2017-2018 #22 and, as such, will not be repeated.