

STATE OF COLORADO

Colorado General Assembly

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MEMORANDUM

To: Emerson Sturgis and Marilee Sturgis

From: Legislative Council Staff and Office of Legislative Legal Services

Date: March 31, 2026

Subject: Proposed Initiative Measure 2025-2026 #291, concerning tax and spending adjustments to replace federal funds

Section 1-40-105 (1), Colorado Revised Statutes, requires the directors of the Legislative Council Staff 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 and questions to you regarding the appended proposed initiative.

The purpose of this statutory requirement of the directors of Legislative Council Staff and the Office of Legislative Legal Services is to provide comments and questions intended to aid designated representatives, and the proponents they represent, in determining the language of their proposal and to avail the public of the contents of the proposal. Our first objective is to be sure we understand your intended purposes of the proposal. We hope that the comments and questions in this memorandum provide a basis for discussion and understanding of the proposal. Discussion between designated representatives or their legal representatives and employees of the Legislative Council Staff and the Office of Legislative Legal Services is encouraged during review and comment meetings, but comments or discussion from anyone else is not permitted.

This proposed initiative **2025-2026 #291** was submitted by the same designated representatives as a part of a group of related proposed initiatives, including proposed initiatives **2025-2026 #287** through **#301**. The comments and questions raised in this memorandum do not include comments and questions that were addressed in the memoranda for proposed initiatives **2025-2026 #287 through #301**, except as necessary to fully understand proposed initiative **2025-2026 #291**. Comments and

questions addressed in those memoranda may also be relevant, and those questions and comments are considered part of this memorandum.

Purposes

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

1. To mandate a state takeover of all programs funded by the United States as of January 19, 2025; and
2. To increase state spending limits and taxes to match the displaced federal funding.

Substantive Comments and Questions

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

1. 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?
2. The initiative mandates a "Colorado Takeover" of all U.S. programs funded as of January 19, 2025. Does the state possess the administrative infrastructure to immediately manage federal systems such as air traffic control, nuclear security, or Social Security?
3. What is meant by the statement that "[a]nything the United States spent money on...is placed under the control of Colorado"? How does this work with a federal building or other asset that may exist in Colorado, but may not have received funds on that specific date from the U.S. government? Is the intent to take title to or possession of U.S. government property located in Colorado?
4. This initiative was submitted as a part of a group of related initiatives, including proposed initiatives 2025-2026 #287 through #301. What is your intended effect if this initiative 2025-2026 #291 is adopted and all or some of the other initiatives in the group are not adopted?

Technical Comments

The following comments address technical issues raised by the form of the proposed initiatives. These comments will be read aloud at the public meeting only if the designated representatives 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 follows:

1. When adding a subsection to the Colorado Constitution, amending clauses follow a specific format. For example:

SECTION 1. In the constitution of the state of Colorado, section 20, article X, **add** (10) as follows:

2. It is standard drafting practice to format dates without ordinal suffixes like “th” or “nd.” For example: “January 19, 2025.”
3. It is standard drafting practice to follow a specific format when referring to fiscal years. For example: “...the 2023-24 United States fiscal year.”
4. It is standard drafting practice to not use “and/or”, instead use either “and” or “or”.
5. Standard drafting language for an effective date clause is as follows: "This act takes effect January 14, 2027."