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MEMORANDUM

TO: Nancy Morehead and Duy Pham
FROM: Legislative Council Staff and Office of Legislative Legal Services
DATE: February 29, 2016
SUBJECT: Proposed initiative measure 2015-2016 #101, concerning the state minimum wage

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 with proposed initiative 2015-2016 #102. The comments and questions raised in this memorandum will not include comments and questions that were addressed in the memorandum for proposed initiative 2015-2016 #102, 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.

Purposes

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

1. To increase Colorado's minimum wage to \$9.30 per hour, effective January 1, 2017;
2. To further increase Colorado's minimum wage by \$0.90 per hour at the beginning of every year, until the minimum wage is equal to \$12.00 per hour; and
3. Having raised Colorado's minimum wage to \$12.00 per hour, to adjust the minimum wage annually for cost-of-living increases.

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. Do you want to specify an effective date of the proposed initiative?
3. Under current legal drafting conventions, authority verbs, like “shall,” are used to command a person or entity to do something. The proposed initiative increases, by operation of law, the minimum wage to \$9.30 per hour and \$0.90 annually each January 1. Replacing the verb “shall be” in this context in the first three lines of the proposed initiative with “is” would be consistent with current legal drafting conventions.
4. The proposed initiative changes the wording for the annual adjustment after the minimum wage reaches \$12 per hour from an adjustment “for inflation” to one for a “cost of living increase.” What will be the substantive effect of this change in terms of the amount of the annual adjustment?
5. The current language used in section 15 of Article XVIII of the Colorado constitution refers to the “Consumer Price Index used for Colorado.” Because the only consumer price index available for Colorado is for “Denver-Boulder-Greeley,” would you consider changing the reference from “Colorado” to “Denver-Boulder-Greeley”?

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. Each constitutional and statutory section being amended, repealed, or added is preceded by a separate amending clause explaining how the law is being changed, and before the amending clause, there should be a section number (e.g., SECTION 1., SECTION 2.). For example:

SECTION 1. In the constitution of the state of Colorado, **amend** section 15 of article XVIII as follows:

2. It is standard drafting practice when using SMALL CAPITAL LETTERS (rather than ALL CAPS) to show the language being added to and stricken type, which appears as stricken type, to show language being removed from the Colorado constitution to place the SMALL CAPITAL LETTERS after the stricken type. For example, “shall be ~~adjusted~~ INCREASED.”
3. Dates should be written without the use of contractions. For example, “EACH JANUARY 1.”