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## MEMORANDUM

**TO:** Robert Paul Smoke and Terese Howard

**FROM:** Legislative Council Staff and Office of Legislative Legal Services

**DATE:** April 7, 2016

**SUBJECT:** Proposed initiative measure 2015-2016 #131, concerning the rights of persons experiencing homelessness

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.

### Purposes

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

1. To establish basic rights for persons experiencing homelessness; and
2. To require that the state and any county, city, municipality, or other subdivision that has laws, ordinances, rules, or regulations that infringe on the basic rights

enumerated in the proposed amendment, cease enforcement of such laws, ordinances, rules, or regulations.

## **Substantive Comments and Questions**

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

1. 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. Currently, you have "Be it enacted by the *electors* of the State of Colorado:" at the end of the "purpose and intent" statement. Please consider separating it from that section, if you keep that section, and changing "*electors*" to "*people*".
2. 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?
3. What will be the effective date of the proposed initiative?
4. The proposed initiative, as drafted, is not an amendment to the Colorado constitution but rather to the Colorado Revised Statutes. Your amending clause, which states, "In Colorado Revised Statutes, add article 4.5 to title 24 as follows", reflects this, but the title of your proposed initiative says "amendment to the constitution of the state of Colorado". You might consider rewording your title accordingly.
5. The statement of "Purpose and Intent" found at the beginning of your proposed initiative is confusing in that it does not appear to be language for either the Colorado constitution or Colorado Revised Statutes but rather an informative set of statements that you might intend to share with persons approached to sign your proposed initiative. As such, it should not be part of your proposed initiative, all of which is intended to appear in some form in the statutes.

## **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. Although the text of the proposed initiative should be in small capital letters, use an uppercase letter to indicate capitalization where appropriate. The following should be large-capitalized:
  - a. The first letter of the first word of each sentence;
  - b. The first letter of the first word of each entry of an enumeration paragraphed after a colon; and
  - c. The first letter of proper names.
2. There are random numbers throughout your proposed initiative that are probably a result of computer coding, but, to avoid any confusion, they should be removed.
3. At the end of the last sentence of your proposed initiative, "###" appears. This should be removed.