

STATE OF COLORADO

Colorado General Assembly

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MEMORANDUM

TO: Suzanne Staiert and Greg Brophy
FROM: Legislative Council Staff and Office of Legislative Legal Services
DATE: March 20, 2019
SUBJECT: Proposed initiative measure 2019-2020 #54, concerning Daylight Saving Time

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 Revised Statutes appear to be:

1. To make the year-round standard time in Colorado Daylight Saving Time, which is one hour later than United States Mountain Standard time.

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. What will be the effective date of the proposed initiative?
3. The federal "Uniform Time Act of 1966" (15 U.S.C. sec. 260a) allows states located wholly within one time zone to exempt themselves from the mandate to *advance* time under that act. For example, Colorado may elect to remain on United States Mountain Standard Time year-round. The act does not, however, allow states to exempt themselves from time changes by observing Daylight Saving Time year-round, and states that the federal law supersedes state laws that provide for advances in time or changeover dates different from those specified in the act. Given the fact that the federal act expressly preempts contrary state laws, is the proposed initiative likely to withstand legal challenge?
4. For the purposes of section 1-40-105.5, Colorado Revised Statutes, the director of research of the legislative council is required to prepare an initial fiscal impact statement, which includes an abstract that appears on petition sections, for each initiative that is submitted to the Title Board. In preparing the statement, the director is required to consider any fiscal impact estimate prepared by the proponents.
 - a. Will you submit the initiative to the Title Board? If so, when do you intend to do so?
 - b. Are you submitting a fiscal impact estimate today? If not, do you plan to submit an estimate in the future, and if so, when do you intend to do so?
 - c. To ensure that there is time for consideration, you are strongly encouraged to submit your estimate, if any, at least 12 days before the measure is scheduled for a Title Board hearing. The estimate should be submitted to the legislative council staff at BallotImpactEstimates.ga@state.co.us.
5. The proponents include a "suggested title" in the initiative following proposed amendments to section 2-4-109, C.R.S.

- a. Because the language follows the enacting clause, is it the proponents' intent that the language be included on the ballot? If not, please consider relocating the language.
- b. Section 1-40-106 (3)(c), Colorado Revised Statutes, requires that the title board describe a proposition in a ballot title as a "change to the Colorado Revised Statutes," and an amendment as an "amendment to the Colorado constitution." The proponents' suggested title describes the proposition as an "amendment to the Colorado Revised Statutes". Would the proponents consider rewording the suggested title to comply with the requirements of section 1-40-106, Colorado Revised 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. Before the amending clause, number each section, part, etc. that is being amended or added with a section number (e.g., SECTION 1., SECTION 2.). For example:

SECTION 1. In Colorado Revised Statutes, 2-4-109, **amend** (2); and **repeal** (1) as follows:

2. It is standard drafting practice to use 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 Revised Statutes.