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MEMORANDUM

TO: Lea Steed and Donald Anderson

FROM: Legislative Council Staff and Office of Legislative Legal Services

DATE: February 21, 2022

SUBJECT: Proposed initiative measure 2021-2022 #62, concerning additional dedicated revenue to the state education fund.

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 the Colorado 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.

Earlier versions of this proposed initiative were the subjects of previous memorandums and public meetings. Proposed initiative 2021-2022 #53 was the subject of a memorandum dated December 16, 2021, and was discussed at a public meeting on December 22, 2021, and proposed initiative 2021-2022 #57 was the subject of a memorandum dated January 25, 2022, and was discussed at a public meeting on February 1, 2022. The substantive and technical comments and questions raised in this memorandum will not include comments and questions that were addressed at the

earlier meetings, except as necessary to fully understand the issues raised by the revised proposed initiative. However, the prior comments and questions that are not restated here continue to be relevant and are hereby incorporated by reference in this memorandum.

Purpose

The major purpose of the proposed amendment to the Colorado Revised Statutes appears to be:

1. To require an additional defined percentage of state revenue to be appropriated to the state education fund.

Substantive Comments and Questions

Substantive comments and questions 1 through 5 set forth in the review and comment memorandum on proposed initiative 2021-2022 #53 and substantive question 1 set forth in the review and comment memorandum on proposed initiative 2021-2022 #57 are applicable to proposed initiative 2021-2022 #62 and, as such, will not be repeated. However, the following new substantive comments and questions have arisen:

1. The proposed initiative refers to "student support professionals." Who are "student support professionals"? Section 22-14-102, Colorado Revised Statutes, defines "student support personnel." Are "student support professionals" intended to be the same as or distinct from this similar statutory term? Would the proponents consider clarifying their intent?
2. Section 1 of the proposed initiative, in the non-statutory "Statement of purpose," generally articulates a need for additional resources for school staff. However, section 22-55-102.3 of the proposed initiative does not specify that the additional revenue may be used for school staff. What is the proponents' intent regarding how the additional dedication of revenues to the state education fund must or may be used?
3. Subsection (9) of Section 1 of the proposed initiative, in the non-statutory "Statement of purpose," states in part "[t]his annual reporting should occur as a part of the current process for the annual report of the state education fund to the joint budget committee and general assembly." However, section 22-55-102.3 (4) of the proposed initiative does not require that reporting. Would the proponents consider specifying that reporting requirement in section 22-55-102.3 (4)?

Technical Comments

Technical comments 2, 3, 5, and 10 from the memorandum for proposed initiative 2021-2022 #53 apply to proposed initiative 2021-2022 #62 and, as such, will not be repeated. However, the following new technical comments and questions have arisen:

1. Standard drafting practice is to end all provisions of the legislative declaration that are one sentence with a semicolon. This applies to provisions (1), (7), and (8) of the statement of purpose. The second to last provision, provision (8), should also include an "and" after the semicolon.
2. There should not be a comma between dependent clauses. This applies to provisions (1) and (4) in the statement of purpose.
3. The subject and verb in a sentence should not be separated by a comma. This applies to (7) of the statement of purpose.