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Colorado General Assembly

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MEMORANDUM

TO: Lori Gimelshteyn and Erin Lee
FROM: Legislative Council Staff and Office of Legislative Legal Services
DATE: January 18, 2024
SUBJECT: Proposed Initiative Measure 2023-2024 #142, concerning Parental Notification of Gender Incongruence

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.

Purpose

The major purpose of the proposed amendment to the Colorado Revised Statutes appears to be to require a public education representative who receives information that a child enrolled in the representative's public school is experiencing gender incongruence to notify the child's parent of the gender incongruence within 48 hours after receiving the information.

Substantive 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. In proposed section 19-1-132 (1)(d), the term "public education" is defined to mean "any preschool, primary or secondary school..." In proposed section 19-1-132 (2), the proposed initiative references "public education school." For clarity, please consider defining the term "public school" instead of "public education" and using the defined term consistently throughout the proposed section.
3. In proposed section 19-1-132 (1)(d), the definition of "public education" states it is a school "that receives state and/or federal funds." Standard drafting practice prohibits the use of slashes. The proponents should consider using only "and" or "or."
4. Title 19, C.R.S., is the "Colorado's Children's Code" and primarily concerns dependency and neglect proceedings, the juvenile justice system, and child custody proceedings. The proposed initiative seems to relate to public schools, which may fit more appropriately within Title 22, C.R.S. What is the proponents' intent in placing the provision in Title 19?

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. The first letter of each definition should be capitalized. Please consider correcting the capitalization at the beginning of each definition in proposed section 19-1-132 (1).
2. It is standard drafting practice to use a period at the end of each definition. Please consider changing the semi-colon to a period after each definition in proposed section 19-1-132 (1).
3. It is standard drafting practice to spell out numbers rather than using digits in the Colorado Revised Statutes. Please consider correcting the reference to

"18 years" in proposed section 19-1-132 (1)(a) and "48 hours" in proposed section 19-1-132 (2).

4. In proposed section 19-1-132 (1)(a), the word "Emancipated" is capitalized. Is it the proponents' intent to capitalize "Emancipated"? If not, please use small capitalization.