

# STATE OF COLORADO

## Colorado General Assembly

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## MEMORANDUM

**TO:** Steven Ward and Michael Fields  
**FROM:** Legislative Council Staff and Office of Legislative Legal Services  
**DATE:** April 3, 2024  
**SUBJECT:** Proposed initiative measure 2023-2024 #286, concerning Limit Length of Legislative Session

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 change the length of the regular session of the General Assembly from one hundred twenty calendar days each year to "sixty calendar in odd years and thirty calendar days in even years"; and

2. To restrict the scope of the legislative session in odd years to only bills that relate to revenue, appropriations, or the budget.

## **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. Why is the odd-year session, in which the subject matter that the General Assembly may consider is limited, longer than the even-year session at which the subject matter that the Assembly may consider is not limited?
3. The General Assembly has previously interpreted the phrase "one hundred twenty calendar days", article V, section 7 of the Colorado constitution, as meaning consecutive calendar days unless the governor has declared a state of disaster emergency due to a public health emergency, in which case only days on which at least one chamber of the General Assembly convenes count against the 120-day limit. Is it the proponents' intent that the General Assembly will still be able to make these limited exceptions to the continuous running of a new 60-day session in odd years and a 30-day session in even years?
4. Similarly, how will the proposed initiative operate with respect to declared disaster emergencies, closures due to threats of violence, inclement weather, or other similar unforeseen circumstances?
5. Section 15 of article V of the Colorado constitution permits adjournment by one or both chambers of the General Assembly, including for more than 3 days, during a regular session. How, if at all, is the proposed initiative intended to impact the ability of the General Assembly to adjourn or otherwise not meet on a particular day or days?
6. The proposed initiative limits the subject matter of bills that can be introduced in odd years to bills that concern revenue, appropriations, or the budget.
  - a. What is the scope of bills that would be considered to be concerning revenue?
  - b. What is the scope of bills that would be considered to be concerning appropriations?

- c. What is the scope of bills that would be considered to be concerning the budget?
  - d. Can those types of bills also be introduced and considered in even years that are limited to a 30-day session?
  - e. Would the General Assembly still pass an annual budget, or is the proponents' intent that the revenue, budget, and appropriations session establish a 2-year budget, which then cannot be modified in legislation until the next odd year?
  - f. The General Assembly typically enacts supplemental bills and other mid-year adjustments to the budget. Would those bills be allowed during an even year? For example, if a bill is introduced in an odd year that increases revenue for a new meal program in public schools, would that bill be allowed to be considered? Or, would that bill be considered to fall within the scope of other policy (schools, childhood hunger, social safety net, etc.), and beyond budget, appropriations, and revenue, and be unable to be considered until an even year? In other words, can substantive policy be considered in either year?
7. The General Assembly is constitutionally required to pass a state budget and fund K-12 education each year. Do the proponents of the proposed initiative intend that these constitutional mandates be fulfilled within a 60-day session in odd years and a 30-day session in even years?
  8. Is it the proponent's intent to have section 1 of the proposed initiative be a non-statutory legislative declaration?

## 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 section heading should be in all caps. For example:  

**SECTION 1.** In the constitution of the state of Colorado, **add** article XXX as follows:
2. Headnotes do not need to be shown as all-caps. For instance, the headnote in section 2 of the proposed initiative should read:

**Section 7. General assembly – shall meet when – term of members – committees.**

3. In section 1 of the proposed initiative, would the proponents consider changing the headnote to "**Legislative declaration.**" instead of "**Declaration.**"
4. In section 1 of the proposed initiative the word "Legislature" should not be capitalized.
5. In section 1 of the proposed initiative the phrase "Open Meetings Law" should not be capitalized.
6. In section 1 of the proposed initiative, "Therefor" is misspelled. The correct spelling is "Therefore."