

STATE OF COLORADO

Colorado General Assembly

Natalie Castle, Director
Legislative Council Staff

Colorado Legislative Council
200 E. Colfax Ave., Room 029
Denver, Colorado 80203-1716
Facsimile 303-866-3855
Email lcs.ga@coleg.gov



Ed DeCecco, Director
Office of Legislative Legal Services

Office of Legislative Legal Services
200 E. Colfax Ave., Room 091
Denver, Colorado 80203-1716
Email olls.ga@coleg.gov

MEMORANDUM

To: Jon Caldara and Nash Herman

From: Legislative Council Staff and Office of Legislative Legal Services

Date: January 24, 2025

Subject: Proposed initiative measure 2025-2026 #12, concerning labor organization affiliation and dues

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 prohibit an employee, including part-time and seasonal employees, as a condition of employment or continuation of employment, from being required to:

- a. Resign or refrain from voluntary affiliation with or financial support of a labor organization;
 - b. Become or remain a member of a labor organization; or
 - c. Pay dues to, or make a payment to a third party in lieu of dues to, a labor organization or its affiliate; and
2. To prohibit the deduction of union dues or other payments made to a labor organization or its affiliate from the wages, earnings, or compensation of an employee unless the employee has authorized the deduction in writing.

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. Should "employee" be defined for the purposes of subsection (3)? "Employee" is defined in the Colorado Revised Statutes 95 times with either very broad or somewhat narrow language. For example, section 8-2-126 (2)(d), Colorado Revised Statutes, defines "employee" very broadly to mean "every person who may be permitted, required, or directed by any employer in consideration of direct or indirect gain or profit to engage in any employment." Other definitions of "employee" limit the definition to mean employees in the private sector or the public sector only.

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. As noted in technical comment #1 in the Review and Comment Memo dated December 30, 2024, the amending clause should be changed to read:

In the constitution of the state of Colorado, **add** section 17 to article XVIII as follows:

Therefore, in the amending clause:

- a. "(17)" should be written as "17" (without the parentheses); and
 - b. The comma after "XVIII" should be deleted.
2. In subsection (2)(d), add the phrase "of this section" to the reference to subsection (2)(c), so that it reads "subsection (2)(c) of this section."