

## MEMORANDUM

**To:** Donald Herbert Hanneman and Michael Andre Hancock

**From:** Legislative Council Staff and Office of Legislative Legal Services

**Date:** July 30, 2025

**Subject:** Proposed initiative measure 2025-2026 #126, concerning State Revenue Supporting Road Transportation

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 and questions 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 and questions intended to aid designated representatives, and the proponents they represent, in determining the language of their proposal and to avail the public of the contents of the proposal. Our first objective is to be sure we understand your intended purposes of the proposal. We hope that the comments and questions in this memorandum provide a basis for discussion and understanding of the proposal. Discussion between designated representatives or their legal representatives and employees of the Colorado Legislative Council and the Office of Legislative Legal Services is encouraged during review and comment meetings, but comments or discussion from anyone else is not permitted.

This proposed initiative **2025-2026 #126** was submitted by the same designated representatives as a part of a pair of related proposed initiatives, including proposed initiatives **2025-2026 #125** and **#126**. The comments and questions raised in this memorandum do not include comments and questions that were addressed in the memorandum for proposed initiative **2025-2026 #125**, except as necessary to fully understand proposed initiative **2025-2026 #126**. Comments and questions addressed in that memorandum may also be relevant, and those questions and comments are considered part of this memorandum.

# Purposes

## Purposes for Proposed Initiative 2025-2026 #126

The major purposes of the proposed amendment to the Colorado Constitution appear to be:

1. To require districts and enterprises, as those entities are defined in section 20 of article X of the Colorado Constitution, to spend all state revenue collected to support road transportation, as defined in the proposed initiative, on road transportation, as defined in the proposed initiative, for the ten-year period beginning on January 1, 2027, and ending on December 31, 2036.
2. To create new definitions for the terms “motor vehicle,” “road transportation,” and “state revenue collected to support road transportation” that apply to the new section of the Colorado Constitution created by the proposed initiative.

## **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. The following questions relate to subsection (1) of the proposed initiative, which provides that, “Notwithstanding any other provision of law, any district or enterprise, as those terms are defined by section 20 of this article, must spend any state revenue collected to support road transportation, as defined in this section, on road transportation for the ten-year period of January 1, 2027[,] through December 31, 2036.”:
  - a. Does the “ten-year period of January 1, 2027[,] through December 31, 2036” refer to the period during which revenue is collected, to the period in which revenue that has been collected must be spent in accordance with the proposed initiative, or both?
    - i. If the ten-year period refers to both the collection and spending of revenue, would revenue collected in the final days of the proposed ten-year period, such as in the final week of December 2036, also need to be spent within the ten-year period?
    - ii. If you intend for revenue collected to support road transportation on or after January 1, 2027, but before January 1, 2037, to be spent on road transportation on or after January 1, 2027, but before January 1, 2037, would you consider rephrasing for clarity?

## **Technical Comments**

The following comments address technical issues raised by the form of the proposed initiatives. These comments will be read aloud at the public hearing only if the designated representatives so request. You will have the opportunity to ask questions about these comments at the review and comment hearing. Please consider revising the proposed initiative as follows:

1. The amending clause of the proposed initiative, which currently reads “Article X of the Colorado Constitution shall be amended to add a new section 22” should be given a section number and reformatted to read as follows:

**SECTION 1.** In the constitution of the state of Colorado, **add** section 22 to article X as follows:

2. When making an internal reference to an article in the Colorado Constitution, the article number should be included. For instance, “this article” in (1) of the proposed initiative should instead read “this article X.”
3. In subsection (1) of the proposed initiative:
  - a. A comma should be added after “2027”.
  - b. The phrase “as defined in this section,” should be removed because subsection (2) of the proposed initiative already indicates that the definition of “road transportation” is “As used in this section,”.
4. If the effective date clause remains subsection (3) of the proposed new section 22 of article X of the Colorado Constitution, its text should be shown in large and small capital letters.