

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
Telephone 303-866-3521
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
Telephone 303-866-2045
Email olls.ga@coleg.gov

MEMORANDUM

To: Kiran Herz and Jaiden Hwang

From: Legislative Council Staff and Office of Legislative Legal Services

Date: April 28, 2025

Subject: Proposed initiative measure 2025-2026 #81, concerning admission to state institutions of higher education

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.

An earlier version of this proposed initiative, proposed initiative **2025-2026 #40**, was submitted by the same designated representatives, was the subject of a memorandum dated March 12, 2025, and was discussed at a public meeting on March 17, 2025. The comments and questions raised in this memorandum do not include comments and questions that were addressed in the earlier memorandum or at the earlier meeting, except as necessary to fully understand the issues raised by the revised proposed

initiative. Prior comments and questions that are not restated in this memorandum continue to be relevant and are considered part of this memorandum.

Purposes

Purposes for Proposed Initiative 2025-2026 #81

The major purposes of the proposed amendments to the Colorado Revised Statutes appear to be:

1. Authorizing automatic admissions to state-supported institutions of higher education for in-state students who are in the top 10% of their graduating high school classes and applying for admission as incoming freshmen students; and
2. Allowing state-supported institutions of higher education to determine whether admitted in-state students require additional college preparation courses.

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. What do the designated representatives mean by the phrase “and given at a minimum by the 31st of December of the previous year”?
3. Do the designated representatives mean that in order to qualify for admission to an institution of higher education, an applicant must complete all of the requirements outlined in subsections (1.5)(a)(I) and (1.5)(a)(II)? Are these the only requirements for admission?
4. It appears that subsection 23-1-113.5 (1.5)(f) is attempting to define which institutions of higher education the proposed initiative applies to. Is that the case? If so, would the proponents consider defining the term higher education institutions? If not, what does “The higher education institutions mentioned include” mean?

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. Each section in the Colorado Revised Statutes and the Colorado Constitution has a headnote. Headnotes briefly describe the content of the section. The headnote for section 23-1-113.5 of the proposed initiative should be included and be in bold-face type. The headnote should be placed immediately prior to the statutory text, following identification of the section number. The headnote for section 23-1-113.5 is:

23-1-113.5. Commission directive - resident admissions - report - definitions.

2. For purposes of this statutory initiative, the word "shall" is defined in section 2-4-401 (13.7), Colorado Revised Statutes, and it means "that a person has a duty." The related word "must," which is defined in section 2-4-401 (6.5), Colorado Revised Statutes, "means that a person or thing is required to meet a condition for a consequence to apply." Furthermore, "'must' does not mean that a person has a duty." Please make appropriate adjustments to the language of the proposed initiative to reflect these rules.
3. For the effective date of the proposed initiative, "Nov 30st, 2026" should be "November 30, 2026."