

STATE OF COLORADO

Colorado General Assembly

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MEMORANDUM

To: Emerson Sturgis and Marilee Sturgis

From: Legislative Council Staff and Office of Legislative Legal Services

Date: March 31, 2026

Subject: Proposed initiative measures 2025-2026 #294 and #298, concerning federal property and law in Colorado.

Section 1-40-105 (1), Colorado Revised Statutes, requires the directors of the Legislative Council Staff 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 Staff 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 Legislative Council Staff and the Office of Legislative Legal Services is encouraged during review and comment meetings, but comments or discussion from anyone else is not permitted.

Proposed initiatives **2025-2026 #294 and #298** were submitted by the same designated representatives as a part of a group of related proposed initiatives, including proposed initiatives **2025-2026 #287 through #301**. The comments and questions raised in this memorandum do not include comments and questions that were addressed in the memoranda for proposed initiatives **2025-2026 #288 through #301**, except as necessary to fully understand proposed initiatives **2025-2026 #294 and #298**.

Comments and questions addressed in those memoranda may also be relevant, and those questions and comments are considered part of this memorandum.

Purposes

Purposes for Proposed Initiative 2025-2026 #294

The major purpose of the proposed amendment to the Colorado Constitution appears to be:

1. To seize all property owned by the United States government within Colorado.

Purposes for Proposed Initiative 2025-2026 #298

The major purpose of the proposed amendment to the Colorado Constitution appears to be:

1. To replace the word “federal” with “Colorado” throughout the Colorado Revised Statutes.
2. To add “Colorado” immediately following “federal” in article X, section 20 (7)(a) and (9) of the Colorado Constitution.

Substantive Comments and Questions

The substance of the proposed initiatives raise 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 each of the proposed initiatives?
2. The following questions relate to proposed initiative #294:
 - a. The initiative declares “all property within the borders of Colorado owned by the United States is seized by the State of Colorado.” How do the proponents reconcile this with Article VI, Clause 2 (the Supremacy Clause) and the Fifth Amendment (the Takings Clause) of the U.S. Constitution ?

- b. How do proponents intend the State of Colorado seize all property within the state “owned by the United States”? Does “property” refer to real property and personal property?
 - c. What do the proponents intend to happen to the seized property?
3. The following questions relate section 1 of proposed initiative #298:
 - a. Does replacing "federal" with "Colorado" transfer all federal powers and obligations to the State?
 - b. Does this global replacement create unintelligible statutes? If so, how should these statutes be interpreted?
4. The following questions relate section 2 of proposed initiative #298:
 - a. What is the intended consequence of adding “Colorado” immediately after “federal” e.g., “federalColorado”? Did the proponents intend to strike “federal”?
 - b. Does this change create unintelligible subsections to the Constitution of Colorado ? If so, how should these subsections be interpreted?
5. These initiatives 2025-2026 #294 and #298 were submitted as a part of a group of related initiatives, including proposed initiatives 2025-2026 #287 through #301. What is your intended effect if this initiative 2025-2026 #294 is adopted and all or some of the other initiatives in the group are not adopted? What is your intended effect if this initiative 2025-2026 #298 is adopted and all or some of the other initiatives in the group are not adopted?

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 meeting only if the designated representatives 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 follows:

1. When amending the Colorado Constitution, it is common drafting practice to follow a specific format when writing the amending clause. For example:

- a. In proposed initiative #294, proponents should consider rewriting the amending clause in section 1 as: “Section 1. In the constitution of the state of Colorado, **add** section 19 to article XVIII as follows:”.
 - b. In proposed initiative #298, proponents should consider rewriting the amending clause in section 1 as: “Section 1. In the constitution of the state of Colorado, **add** section 21 to article XVII as follows:”.
 - c. In proposed initiative #298, proponents should consider rewriting the amending clause in section 2 as: “Section 2. In the constitution of the state of Colorado, section 20 of article X, **amend** (7)(a) and (9) as follows:”.
2. Headnotes should remain in lower case letters, unless referring to a proper noun, and should not include quotation marks.
 3. For clarity, it is common drafting practice to place adverbial phrases closest to what they modify.
 - a. For example, consider rewriting section 19 of proposed initiative #294 as: “
... ALL PROPERTY OWNED BY THE UNITED STATES WITHIN THE BORDERS OF
COLORADO IS SEIZED BY THE STATE OF COLORADO.”
 4. Per current language in the Colorado Constitution, the semicolon after “federal COLORADO law” should be a comma in (9) of proposed initiative #298.
 5. Standard drafting language for an effective date clause is as follows: "This act takes effect January 14, 2027."