

OFFICE OF LEGISLATIVE LEGAL SERVICES
COLORADO GENERAL ASSEMBLY

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MEMORANDUM

TO: Members of the General Assembly

FROM: Office of Legislative Legal Services

RE: Use of Safety Clauses

Pursuant to a directive from the Executive Committee, **we must ask you whether or not you want a safety clause on each bill that you request.** When answering this question for your bills, you should consider the following:

A bill with a safety clause:

- Is not subject to the citizens' right to file a referendum petition against all or any part of the bill.¹
- Can take effect immediately after the Governor signs it or allows it to become law. This may be necessary for any bill that addresses a matter that constitutes an emergency, that requires an immediate change in the law, or that must take effect prior to or on the first day of a fiscal year (July 1).

A bill without a safety clause:

- Is subject to the citizens' right to file a referendum petition against all or any part of the bill. **The earliest date that this bill can take effect is the day after the expiration of the 90-day period following adjournment of the General Assembly.** If a referendum petition is filed during that 90-day period, the bill or part of the bill cannot take effect until approved by the voters at an even-year, state-wide election.
- Should contain a special effective date clause that indicates that the act is subject to petition and explains the alternative effective

¹ The right is recognized in section 1 (3) of article V of the Colorado constitution.

dates that will apply.²

Colorado court decisions indicate that the General Assembly's determinations regarding the appropriateness of the use of a safety clause for any particular bill is a matter that is within the sole discretion of the General Assembly. In recent years, there has been debate about the use of the safety clause, and some members have argued that the General Assembly should not use the safety clause as often as has previously been the case. You should be aware that there may be further discussions in the legislative process about your decision to include a safety clause.

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reviewed: 08/01/2011

² This clause contains the following headnote: "**SECTION 2. Act subject to petition - effective date.**"