

<p>Colorado Supreme Court 101 West Colfax Avenue, Suite 800 Denver, CO 80202</p>	<p>FILED IN THE SUPREME COURT</p> <p>MAY 14 2012</p> <p>OF THE STATE OF COLORADO Christopher T. Ryan, Clerk</p> <p>5-16-12 Granted, amicus curiae brief tendered 5/14/12 accepted for filing. DJ-ctm</p> <p>▲ COURT USE ONLY ▲</p>
<p>Original Proceeding Pursuant to § 1-40-107(2), C.R.S. Appeal from the Ballot Title Board</p>	
<p>In the Matter of the Title, Ballot Title and Submission Clause for Proposed Initiatives 2011-2012 #67, #68 and #69</p> <p>Petitioner: Philip Hayes</p> <p>v.</p> <p>Respondents: David Ottke and John Slota,</p> <p>and</p> <p>Title Board: Suzanne Staiert, Daniel Domenico, and Sharon Eubanks.</p>	
<p>Attorneys for <i>Amicus Curiae</i> Parties:</p> <p>Name(s): Jason R. Dunn, #33011 Michael D. Hoke, #41034</p> <p>Address: BROWNSTEIN HYATT FARBER SCHRECK, LLP 410 Seventeenth Street, Suite 2200 Denver, CO 80202-4432</p> <p>Phone Number: 303.223.1100 FAX Number: 303.223.1111 E-mail: jdunn@bhfs.com</p>	<p>Case Number: 2012SA117</p>
<p>MOTION FOR LEAVE TO FILE <i>AMICUS CURIAE</i> BRIEF FOR COLORADO CONCERN, DENVER METRO CHAMBER OF COMMERCE, COLORADO COMPETITIVE COUNCIL, COLORADO ASSOCIATION OF COMMERCE AND INDUSTRY, AURORA</p>	

CHAMBER OF COMMERCE, GRAND JUNCTION AREA CHAMBER OF COMMERCE, ACTION 22, NAIOP COLORADO, ECONOMIC DEVELOPMENT COUNCIL OF COLORADO, PROGRESSIVE 15, CASTLE ROCK ECONOMIC DEVELOPMENT COUNCIL, DENVER SOUTH ECONOMIC DEVELOPMENT PARTNERSHIP, CLUB 20, PUEBLO CHAMBER OF COMMERCE, VISIT DENVER, THE CONVENTION & VISITORS BUREAU, COLORADO HOTEL AND LODGING ASSOCIATION COLORADO OIL AND GAS ASSOCIATION, COLORADO RESTAURANT ASSOCIATION, COLORADO ASSOCIATION OF MECHANICAL AND PLUMBING CONTRACTORS, COLORADO CONTRACTORS ASSOCIATION, COLORADO ASSOCIATION OF SCHOOL BOARDS, ASSOCIATED GENERAL CONTRACTORS-COLORADO, COLORADO BIOSCIENCE ASSOCIATION, COLORADO'S FUTURE, COLORADO CHILDREN'S CAMPAIGN, COLORADO EDUCATION ASSOCIATION, AND PIPEFITTERS LOCAL UNION #208

Pursuant to Rule 29 of the Colorado Appellate Rules, the parties listed below, through their undersigned counsel, respectfully request leave to submit the attached, conditionally filed, *Amicus Curiae* brief, and as grounds therefore state as follows:

PARTIES SEEKING LEAVE

Twenty-seven separate organizations (collectively, the “Amicus Parties”), representing a wide array of business, labor, trade and community organizations, seek leave to participate as *amicus curiae*:

Business organizations and chambers of commerce:

Colorado Concern
Denver Metro Chamber of Commerce
Colorado Competitive Council (C3)

Colorado Association of Commerce and Industry
Aurora Chamber of Commerce
Grand Junction Area Chamber of Commerce
Action 22
NAIOP Colorado
Economic Development Council of Colorado
Progressive 15
Castle Rock Economic Development Council
Denver South Economic Development Partnership
Club 20
Pueblo Chamber of Commerce
Visit Denver

Trade Associations:

Colorado Hotel and Lodging Association
Colorado Oil and Gas Association
Colorado Restaurant Association
Colorado Association of Mechanical and Plumbing Contractors
Colorado Contractors Association
Colorado Association of School Boards
Associated General Contractors – Colorado
Colorado Bioscience Association

Non-profit community organizations:

Colorado's Future
Colorado Children's Campaign

Labor organizations:

Colorado Education Association
Pipefitters Local Union #208

INTRODUCTION

Pursuant to C.A.R. 29, the Amicus Parties seek leave to file a brief in support of Petitioner Philip Hayes on the narrow question of whether the Title Board lacked jurisdiction to set a title in this matter because one of the two proponents failed to attend the rehearing on the measure as required by section 1-40-106(4)(a).

The Amicus Parties are twenty-seven community, business, trade and labor organizations that supported the adoption of House Bill 11-1072 in the 2011 legislative session. Among its provisions, HB 1072 changed the initiative process so that each designated representative is now required to appear at every meeting of the Title Board discussing their initiative.

In advocating for the adoption of HB 1072 and participating in its drafting pre-introduction, the Amicus Parties sought to ensure, *inter alia*, that both proponents be required to attend every meeting of the Title Board discussing those proponents' measure. As discussed in detail below, they did so in order to improve the initiative process, provide greater transparency and accountability, and allow the Title Board the fullest opportunity to understand the measure and set a title that best reflects the true purpose and effects of a measure.

As such, the Amicus Parties have a direct interest in ensuring that section 1-40-106(4)(a) is accurately interpreted, and believe that the clear text of the measure requires both proponents to attend every meeting of the Title Board discussing their measure. This reading is not only textually correct, it is supported by the legislative history of HB 1072. Accordingly, the Amicus Parties support the Petitioner's request that this court reverse the Title Board and find that it lacked jurisdiction to set a title at the April 19, 2012 rehearing.

INTEREST OF AMICUS CURIAE

The Amicus Parties play an active, leadership role in shaping public policy in Colorado. In 2011, these organizations and many others came together to propose and support a change in the way Colorado's citizen initiative process is conducted. The goal was to create greater transparency in the process, ensure that initiative proponents are held to a higher degree of accountability than under the existing system, and to improve the title drafting process itself. The Amicus Parties believe that HB 1072 advanced those objectives substantially, and they therefore seek to ensure that success is retained through its participation in this proceeding and by supporting the Petitioner's effort to reverse the Title Board's misinterpretation or misapplication of section 1-40-106(4)(a).

DESIRABILITY OF AMICUS CURIAE BRIEF

As the chief proponents of HB 1072, the Amicus Parties have unique insight into the legislative history and intent of that measure, and particularly the specific provision at issue here regarding designated representative attendance. As such, the court will likely benefit from the Amicus Parties participation in this proceeding.

WHEREFORE, the Amicus Parties respectfully request leave to file the brief submitted with this motion.

Respectfully submitted this 14th day of May, 2012.

BROWNSTEIN HYATT FARBER SCHRECK LLP

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CERTIFICATE OF SERVICE

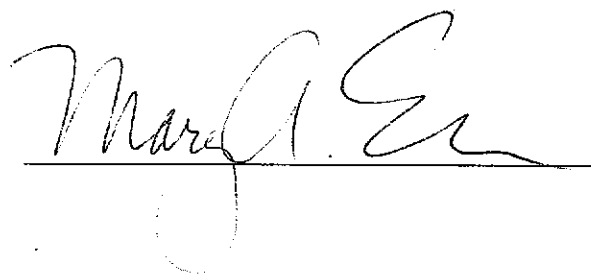
I hereby certify that on May 14, 2012, a true and correct copy of this
AMICUS CURIAE BRIEF OF COLORADO CONCERN, ET AL. was delivered
via overnight delivery service to the following:

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