

<p>SUPREME COURT, STATE OF COLORADO</p> <p>2 East 14th Avenue Denver, CO 80203</p>	<p>FILED IN THE SUPREME COURT</p> <p>JUN 16 2008</p> <p>OF THE STATE OF COLORADO SUSAN J. FESTAG, CLERK</p>
<p>ORIGINAL PROCEEDING PURSUANT TO § 1-40-107 (2), C.R.S. (2007) Appeal from Ballot Title Board</p>	
<p>IN THE MATTER OF THE TITLE, BALLOT TITLE AND SUBMISSION CLAUSE FOR 2007-2008, #125 ("EDUCATION FUNDING") DOUGLAS BRUCE,</p> <p>Petitioner,</p> <p>v.</p> <p>NICOLE S. HANLEN AND LYNDA K. NEFF, PROPONENTS; AND WILLIAM HOBBS AND DAN CARTIN, TITLE BOARD,</p> <p>Respondents.</p>	<p>▲ COURT USE ONLY ▲</p>
<p>JOHN W. SUTHERS, Attorney General MAURICE G. KNAIZER, Deputy Attorney General* 1525 Sherman Street, 7th Floor Denver, CO 80203 (303) 866-5380 Registration Number: 05264 *Counsel of Record</p>	<p>Case No.: 08 SA 187</p>
<p>ANSWER BRIEF OF TITLE BOARD</p>	

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William Hobbs and Dan Cartin, as members of the Title Board (hereinafter “Board”) hereby submit their Answer Brief. This Answer Brief will not repeat the arguments made in the Board’s Opening Brief.

ARGUMENT

I. #125 Contains a Single Subject.

Petitioner correctly notes certain errors made by undersigned counsel in the Opening Brief. (Petitioner’s Opening Brief, p. 2.) During the course of the 2008 legislative session, HCR 08-1014 was introduced. #125 and HCR 08-1014 contain many of the same provisions. HCR 08-1014 included some provisions which were not part of #125. Undersigned counsel reviewed HCR 08-1014 while researching the Board’s Opening Brief. When drafting the Board’s Opening Brief, undersigned counsel inadvertently included a description of provisions in HCR 08-1014 which were not part of #125. Counsel’s error must not be attributed to the Board. Counsel regrets the error.

In any case, counsel’s error is irrelevant to the single subject analysis. The relevant question is whether the Board considered these provisions at the hearings. The Board did not discuss or consider, and Petitioner does not allege that the Board discussed or considered, these additional provisions at any of the hearings.

At page 7 of his Opening Brief, Petitioner argues that the measure contains multiple subjects because some of the money may be used to fund “categorical programs” authorized in Colo. const. art. IX, § 17(1) and defined in Colo. const. art. IX, § 17(2). According to Petitioner, the term “categorical programs” is so open-ended that it constitutes a separate subject. In addition, he contends that a future legislature may expand the meaning of the term.

This argument must be rejected. First, the term is already part of the state constitution. #125 does not directly or indirectly purport to alter the definition of “categorical programs.”

Second, Petitioner is asking the Court to interpret the meaning of a term which is part of existing law and is not amended by this measure. This Court has consistently held that it will not interpret the meaning of terms within a measure except for the very limited purpose of deciding whether the measure contains a single subject. *In re Title, Ballot Title and Submission Clause for Proposed Initiatives 2001-02 #43, 46 P.3d 438, 442 (Colo. 2002)*.


Third, Petitioner is asking the Court to speculate about the actions of future legislatures. The Court will not attempt to ascertain the future effects of a measure, particularly when such speculation involves potential actions by another

branch of government. *Cf. In re Title, Ballot Title and Submission Clause, and Summary for 1999-00 #256*, 12 P.3d 246, 256 (Colo. 2000).

CONCLUSION

For the reasons stated in the Board's Briefs, the Court must affirm the Board's actions.

JOHN W. SUTHERS
Attorney General



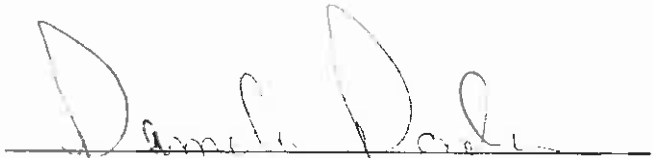
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CERTIFICATE OF SERVICE

This is to certify that I have duly served the within **ANSWER BRIEF OF TITLE BOARD** upon all parties herein by depositing copies of same, overnight by Express Mail, at Denver, Colorado, this 16th day of June 2008 addressed as follows:

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A handwritten signature in cursive script, appearing to read "Daniel DeLuca", is written over a horizontal line.