

# **APPENDIX**

**CONSTITUTIONAL  
AND  
STATUTORY  
PROVISIONS**

**C**

West's Colorado Revised Statutes Annotated Currentness  
Constitution of the State of Colorado [1876] (Refs & Annos)  
    ■ Article II. Bill of Rights

→ § 3. Inalienable rights

All persons have certain natural, essential and inalienable rights, among which may be reckoned the right of enjoying and defending their lives and liberties; of acquiring, possessing and protecting property; and of seeking and obtaining their safety and happiness.

C. R. S. A. Const. Art. 2, § 3, CO CONST Art. 2, § 3

Current with amendments adopted through the Nov. 7, 2006 General Election

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West's Colorado Revised Statutes Annotated Currentness  
Constitution of the State of Colorado [1876]  
■ Article V. Legislative Department (Refs & Annos)  
■ In General (Refs & Annos)

→ § 1. General assembly--initiative and referendum

- (1) The legislative power of the state shall be vested in the general assembly consisting of a senate and house of representatives, both to be elected by the people, but the people reserve to themselves the power to propose laws and amendments to the constitution and to enact or reject the same at the polls independent of the general assembly and also reserve power at their own option to approve or reject at the polls any act or item, section, or part of any act of the general assembly.
- (2) The first power hereby reserved by the people is the initiative, and signatures by registered electors in an amount equal to at least five percent of the total number of votes cast for all candidates for the office of secretary of state at the previous general election shall be required to propose any measure by petition, and every such petition shall include the full text of the measure so proposed. Initiative petitions for state legislation and amendments to the constitution, in such form as may be prescribed pursuant to law, shall be addressed to and filed with the secretary of state at least three months before the general election at which they are to be voted upon.
- (3) The second power hereby reserved is the referendum, and it may be ordered, except as to laws necessary for the immediate preservation of the public peace, health, or safety, and appropriations for the support and maintenance of the departments of state and state institutions, against any act or item, section, or part of any act of the general assembly, either by a petition signed by registered electors in an amount equal to at least five percent of the total number of votes cast for all candidates for the office of the secretary of state at the previous general election or by the general assembly. Referendum petitions, in such form as may be prescribed pursuant to law, shall be addressed to and filed with the secretary of state not more than ninety days after the final adjournment of the session of the general assembly that passed the bill on which the referendum is demanded. The filing of a referendum petition against any item, section, or part of any act shall not delay the remainder of the act from becoming operative.
- (4) The veto power of the governor shall not extend to measures initiated by or referred to the people. All elections on measures initiated by or referred to the people of the state shall be held at the biennial regular general election, and all such measures shall become the law or a part of the constitution, when approved by a majority of the votes cast thereon, and not otherwise, and shall take effect from and after the date of the official declaration of the vote thereon by proclamation of the governor, but not later than thirty days after the vote has been canvassed. This section shall not be construed to deprive the general assembly of the power to enact any measure.
- (5) The original draft of the text of proposed initiated constitutional amendments and initiated laws shall be submitted to the legislative research and drafting offices of the general assembly for review and comment. No later than two weeks after submission of the original draft, unless withdrawn by the proponents, the legislative research and drafting offices of the general assembly shall render their comments to the proponents of the proposed measure at a meeting open to the public, which shall be held only after full and timely notice to the public. Such meeting shall be held prior to the fixing of a ballot title. Neither the general assembly nor its committees or agencies shall have any power to require the amendment, modification, or other alteration of the text of any such proposed measure or to establish deadlines for the submission of the original draft of the text of any proposed measure.

## C.R.S.A. Const. Art. 5, § 1

- (5.5) No measure shall be proposed by petition containing more than one subject, which shall be clearly expressed in its title; but if any subject shall be embraced in any measure which shall not be expressed in the title, such measure shall be void only as to so much thereof as shall not be so expressed. If a measure contains more than one subject, such that a ballot title cannot be fixed that clearly expresses a single subject, no title shall be set and the measure shall not be submitted to the people for adoption or rejection at the polls. In such circumstance, however, the measure may be revised and resubmitted for the fixing of a proper title without the necessity of review and comment on the revised measure in accordance with subsection (5) of this section, unless the revisions involve more than the elimination of provisions to achieve a single subject, or unless the official or officials responsible for the fixing of a title determine that the revisions are so substantial that such review and comment is in the public interest. The revision and resubmission of a measure in accordance with this subsection (5.5) shall not operate to alter or extend any filing deadline applicable to the measure.
- (6) The petition shall consist of sheets having such general form printed or written at the top thereof as shall be designated or prescribed by the secretary of state; such petition shall be signed by registered electors in their own proper persons only, to which shall be attached the residence address of such person and the date of signing the same. To each of such petitions, which may consist of one or more sheets, shall be attached an affidavit of some registered elector that each signature thereon is the signature of the person whose name it purports to be and that, to the best of the knowledge and belief of the affiant, each of the persons signing said petition was, at the time of signing, a registered elector. Such petition so verified shall be prima facie evidence that the signatures thereon are genuine and true and that the persons signing the same are registered electors.
- (7) The secretary of state shall submit all measures initiated by or referred to the people for adoption or rejection at the polls, in compliance with this section. In submitting the same and in all matters pertaining to the form of all petitions, the secretary of state and all other officers shall be guided by the general laws.
- (7.3) Before any election at which the voters of the entire state will vote on any initiated or referred constitutional amendment or legislation, the nonpartisan research staff of the general assembly shall cause to be published the text and title of every such measure. Such publication shall be made at least one time in at least one legal publication of general circulation in each county of the state and shall be made at least fifteen days prior to the final date of voter registration for the election. The form and manner of publication shall be as prescribed by law and shall ensure a reasonable opportunity for the voters statewide to become informed about the text and title of each measure.
- (7.5)(a) Before any election at which the voters of the entire state will vote on any initiated or referred constitutional amendment or legislation, the nonpartisan research staff of the general assembly shall prepare and make available to the public the following information in the form of a ballot information booklet:
- (I) The text and title of each measure to be voted on;
  - (II) A fair and impartial analysis of each measure, which shall include a summary and the major arguments both for and against the measure, and which may include any other information that would assist understanding the purpose and effect of the measure. Any person may file written comments for consideration by the research staff during the preparation of such analysis.
- (b) At least thirty days before the election, the research staff shall cause the ballot information booklet to be distributed to active registered voters statewide.
- (c) If any measure to be voted on by the voters of the entire state includes matters arising under section 20 of article X of this constitution, the ballot information booklet shall include the information and the titled notice required by section 20(3)(b) of article X, and the mailing of such information pursuant to section 20(3)(b) of article X is not required.

## C.R.S.A. Const. Art. 5, § 1

(d) The general assembly shall provide sufficient appropriations for the preparation and distribution of the ballot information booklet pursuant to this subsection (7.5) at no charge to recipients.

(8) The style of all laws adopted by the people through the initiative shall be, "Be it Enacted by the People of the State of Colorado".

(9) The initiative and referendum powers reserved to the people by this section are hereby further reserved to the registered electors of every city, town, and municipality as to all local, special, and municipal legislation of every character in or for their respective municipalities. The manner of exercising said powers shall be prescribed by general laws; except that cities, towns, and municipalities may provide for the manner of exercising the initiative and referendum powers as to their municipal legislation. Not more than ten percent of the registered electors may be required to order the referendum, nor more than fifteen percent to propose any measure by the initiative in any city, town, or municipality.

(10) This section of the constitution shall be in all respects self-executing; except that the form of the initiative or referendum petition may be prescribed pursuant to law.

## CREDIT(S)

Amended by Laws 1910, Ex.Sess., Ch. 3, § 2; 1979, S.C.R.79-007, § 1, eff. Dec. 19, 1980; 1993, S.C.R.93-004, § 1, eff. Jan. 19, 1995; 1994, S.C.R.94-005, § 1, eff. Jan. 19, 1995.

## HISTORICAL NOTES

## 2001 Main Volume

Senate Concurrent Resolution 93-4 added subsec. (5.5).

Section 1, in part, and §§ 2 and 3 of S.C.R.93-4, provide:

"Section 1. At the next election at which such question may be submitted, there shall be submitted to the registered electors of the state of Colorado, for their approval or rejection, the following amendment to the constitution of the state of Colorado, to wit:"

"Section 2. Each elector voting at said election and desirous of voting for or against said amendment shall cast a vote as provided by law either 'Yes' or 'No' on the proposition: 'An amendment to articles V and XIX of the constitution of the state of Colorado, requiring that any measure proposed by initiative or referendum be confined to a single subject.'

"Section 3. The votes cast for the adoption or rejection of said amendment shall be canvassed and the result determined in the manner provided by law for the canvassing of votes for representatives in Congress, and if a majority of the electors voting on the question shall have voted 'Yes', the said amendment shall become a part of the state constitution."

The amendment of this section proposed by 1993, S.C.R.93-4, § 1, was ratified by the electorate at the general election of Nov. 8, 1994, effective upon proclamation of the governor, Jan. 19, 1995.

Senate Concurrent Resolution 94-5, § 1, rewrote the second sentence of subsec. (7), and added subsecs. (7.3) and (7.5). Prior to being rewritten, subsec. (7) read:

"The text of all measures to be submitted shall be published as constitutional amendments are published; and, in

**C.R.S.A. Const. Art. 5, § 1**

submitting the same and in all matters pertaining to the form of all petitions, the secretary of state and all other officers shall be guided by the general laws.";

Section 1, in part, and §§ 2 and 3 of S.C.R.94-5, provide:

"Section 1. At the next general election for members of the general assembly, there shall be submitted to the registered electors of the state of Colorado, for their approval or rejection, the following amendment to the constitution of the state of Colorado, to wit: ..."

"Section 2. Each elector voting at said election and desirous of voting for or against said amendment shall cast a vote as provided by law either 'Yes' or 'No' on the proposition: 'AN AMENDMENT TO ARTICLES V, X, AND XXIII OF THE CONSTITUTION OF THE STATE OF COLORADO, CONCERNING INFORMATION ABOUT STATEWIDE BALLOT ISSUES, AND, IN CONNECTION THEREWITH, REQUIRING THE NONPARTISAN RESEARCH STAFF OF THE GENERAL ASSEMBLY TO PREPARE AND DISTRIBUTE TO THE PUBLIC AT NO CHARGE A BALLOT INFORMATION BOOKLET THAT INCLUDES THE TEXT, THE TITLE, AND A FAIR AND IMPARTIAL ANALYSIS OF EACH STATEWIDE MEASURE, INCLUDING THE MAJOR ARGUMENTS BOTH FOR AND AGAINST THE MEASURE, AND PROVIDING FOR STATEWIDE PUBLICATION BY THE NONPARTISAN RESEARCH STAFF OF THE GENERAL ASSEMBLY OF THE TEXT AND TITLE OF STATEWIDE BALLOT ISSUES.'

"Section 3. The votes cast for the adoption or rejection of said amendment shall be canvassed and the result determined in the manner provided by law for the canvassing of votes for representatives in Congress, and if a majority of the electors voting on the question shall have voted 'Yes', the said amendment shall become a part of the state constitution."

The amendment of this section proposed by 1994, S.C.R.94-5, § 1, was ratified by the electorate at the general election of Nov. 8, 1994, effective upon proclamation of the governor, Jan. 19, 1995.

An amendment of this section proposed by 1995, S.C.R.95-2, was defeated by the electorate at the general election of Nov. 5, 1996.

**C. R. S. A. Const. Art. 5, § 1, CO CONST Art. 5, § 1**

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C.R.S.A. Const. Art. 9, § 9

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West's Colorado Revised Statutes Annotated Currentness

Constitution of the State of Colorado [1876]

■ Article IX. Education (Refs & Annos)

→ § 9. State board of land commissioners

- (1) The state board of land commissioners shall be composed of five persons to be appointed by the governor, with the consent of the senate, one of whom shall be elected by the board as its president.
- (2) The governor shall endeavor to appoint members of the board who reside in different geographic regions of the state. The board shall be composed of one person with substantial experience in production agriculture, one person with substantial experience in public primary or secondary education, one person with substantial experience in local government and land use planning, one person with substantial experience in natural resource conservation, and one citizen at large.
- (3) The governor shall appoint a new board of land commissioners on or before May 1, 1997. The term of each member shall be for four years; except that of the first board members appointed under this subsection (3), two members shall be appointed for terms that expire June 30, 1999, and three members shall be appointed for terms that expire June 30, 2001. No member shall serve more than two consecutive terms. Members of the board shall be subject to removal, and vacancies on the board shall be filled, as provided in article IV, section 6 of this constitution.
- (4) The board shall, pursuant to section 13 of article XII of this constitution, hire a director with the consent of the governor, and, through the director, a staff, and may contract for office space, acquire equipment and supplies, and enter into contracts as necessary to accomplish its duties. Payment for goods, services, and personnel shall be made from the income from the trust lands. The general assembly shall annually appropriate from the income from the trust lands, sufficient moneys to enable the board to perform its duties and in that regard shall give deference to the board's assessment of its budgetary needs. The members of the board shall not, by virtue of their appointment, be employees of the state; they may be reimbursed for their reasonable and necessary expenses and may, in addition, receive such per diem as may be established by the general assembly, from the income from the trust lands.
- (5) The individual members of the board shall have no personal liability for any action or failure to act as long as such action or failure to act does not involve willful or intentional malfeasance or gross negligence.
- (6) The board shall serve as the trustee for the lands granted to the state in public trust by the federal government, lands acquired in lieu thereof, and additional lands held by the board in public trust. It shall have the duty to manage, control, and dispose of such lands in accordance with the purposes for which said grants of land were made and section 10 of this article IX, and subject to such terms and conditions consistent therewith as may be prescribed by law.
- (7) The board shall have the authority to undertake nonsimultaneous exchanges of land, by directing that the proceeds from a particular sale or other disposition be deposited into a separate account to be established by the state treasurer with the interest thereon to accrue to such account, and withdrawing therefrom an equal or lesser amount to be used as the purchase price for other land to be held and managed as provided in this article, provided that the purchase of lands to complete such an exchange shall be made within two years of the initial sale or



## C.R.S.A. Const. Art. 9, § 9

disposition. Any proceeds, and the interest thereon, from a sale or other disposition which are not expended in completing the exchange shall be transferred by the state treasurer to the public school fund or such other trust fund maintained by the treasurer for the proceeds of the trust lands disposed of or sold. Moneys held in the separate account shall not be used for the operating expenses of the board or for expenses incident to the disposition or acquisition of lands.

## CREDIT(S)

Amended by Laws 1909, Ch. 149, § 2, eff. Jan. 10, 1911; 1992, H.C.R.92-1003, § 1, eff. Jan. 14, 1993; Initiative Nov. 5 1996, eff. Dec. 26, 1996; 2004, S.C.R.04-005, § 1, eff. upon proclamation of the Governor, eff. Dec. 1, 2004.

## HISTORICAL NOTES

## 2007 Electronic Update

Senate Concurrent Resolution, 04-005, § 1, in subsec. (3), in the first sentence, substituted "commissioners" for "Commissioners"; and deleted the third sentence, which read: "The terms of office of the members of the board appointed prior to the effective date of this subsection (3) shall expire upon the confirmation of the appointment of the first three members of the first board appointed under this subsection (3)."

Sections 2 and 3 of S.C.R. 04-005, provide:

"Section 2. Each elector voting at said election and desirous of voting for or against said amendment shall cast a vote as provided by law either 'Yes' or 'No' on the proposition: 'Amendments to articles IV, VII, and IX of the constitution of the state of Colorado, concerning the elimination of obsolete provisions of the state constitution.'

"Section 3. The votes cast for the adoption or rejection of said amendment shall be canvassed and the result determined in the manner provided by law for the canvassing of votes for representatives in Congress, and if a majority of the electors voting on the question shall have voted 'Yes', the said amendment shall become a part of the state constitution."

The amendment to this section proposed by S.C.R. 04-005, was ratified by the electorate at the general election of November 2, 2004, effective upon proclamation of the governor, Dec. 1, 2004.

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H.C.R.92-1003, § 1, effective upon proclamation of the governor, Jan. 14, 1993, designated subsections; in subsec. (1) deleted provisions relating to the expiration of the terms of office of the president and members of the initial board of land commissioners; and deleted a former second paragraph of subsec. (1), which read:

"On the adoption of this amendment by the electors of this state, it shall not go into full force and effect until the second Tuesday of January, 1911."

Section 1, in part, and §§ 2 and 3 of 1992, H.C.R.92-1003, provide:

"Section 1. At the next general election for members of the general assembly, there shall be submitted to the registered electors of the state of Colorado, for their approval or rejection, the following amendment to the constitution of the state of Colorado, to wit . . ."

"Section 2. Each elector voting at said election and desirous of voting for or against said amendment shall cast a

C.R.S.A. Const. Art. 9, § 9

vote as provided by law either 'Yes' or 'No' on the proposition: 'An amendment to articles VII, IX, XI, and XII of the constitution of the state of Colorado, concerning the repeal of obsolete constitutional provisions.'

"Section 3. The votes cast for the adoption or rejection of said amendment shall be canvassed and the result determined in the manner provided by law for the canvassing of votes for representatives in Congress, and if a majority of the electors voting on the question shall have voted 'Yes', the said amendment shall become a part of the state constitution."

The amendment to this section proposed by 1992, H.C.R.92-1003, § 1, was ratified by the electorate at the general election of Nov. 3, 1992, effective upon proclamation of the governor, Jan. 14, 1993.

The 1996 amendment rewrote this section, which prior thereto read:

"(1) The state board of land commissioners shall be composed of three persons to be appointed by the governor, with the consent of the senate, who shall have the direction, control, and disposition of the public lands of the state under such regulations as are and may be prescribed by law, one of which persons shall at the time of his appointment be designated as president of the board and one of which persons shall at the time of his appointment be designated as register of the board. The third member of said board shall at the time of his appointment be designated as the engineer of the board and shall always be professionally a civil engineer, who, for at least five years, has been actively engaged in the practice of civil engineering. The successor and successors of the first members of the board shall each be appointed for terms of six years.

"(2) The members of the board shall each receive a salary of three thousand dollars per annum until otherwise provided by law; but the salary of each member of this board is to be paid out of the income of the said state board of land commissioners."

The 1996 amendment to this section, proposed by initiative, was ratified by the electorate at the general election of Nov. 5, 1996, effective upon proclamation of the governor, Dec. 26, 1996.

C. R. S. A. Const. Art. 9, § 9, CO CONST Art. 9, § 9

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**C.R.S.A. Const. Art. 10, § 20**

"Section 1. At the next election at which such question may be submitted, there shall be submitted to the registered electors of the state of Colorado, for their approval or rejection, the following amendment to the constitution of the state of Colorado, to wit:"

"Section 2. Each elector voting at said election and desirous of voting for or against said amendment shall cast a vote as provided by law either 'Yes' or 'No' on the proposition: 'An amendment to section 20 of article X of the constitution of the state of Colorado, increasing the time period for mailing ballot information to registered voters before a ballot issue election.'

"Section 3. The votes cast for the adoption or rejection of said amendment shall be canvassed and the result determined in the manner provided by law for the canvassing of votes for representatives in Congress, and if a majority of the electors voting on the question shall have voted 'Yes', the said amendment shall become a part of the state constitution."

The amendment to this section proposed by 1995, S.C.R.95-7, § 1, was ratified by the electorate at the general election of Nov. 5, 1996, effective upon proclamation of the governor, Dec. 26, 1996.

An amendment to this section proposed by 1996, H.C.R.96-1006, was defeated by the electorate at the general election of Nov. 5, 1996.

**Former section:**

A former § 20, relating to the authority to levy taxes for the 1976 winter olympics, was repealed by 1988, S.C.R.88-8, § 1, eff. Jan. 3, 1989.

**C. R. S. A. Const. Art. 10, § 20, CO CONST Art. 10, § 20**

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CO CONST Art. 16, § 5

C.R.S.A. Const. Art. 16, § 5

**C**

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- ▣ Article XVI. Mining and Irrigation
- ▣ Irrigation

→ § 5. Water of streams public property

The water of every natural stream, not heretofore appropriated, within the state of Colorado, is hereby declared to be the property of the public, and the same is dedicated to the use of the people of the state, subject to appropriation as hereinafter provided.

C. R. S. A. Const. Art. 16, § 5, CO CONST Art. 16, § 5

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## C.R.S.A. Const. Art. 27, § 6

## C

West's Colorado Revised Statutes Annotated Currentness

Constitution of the State of Colorado [1876].

■ Article XXVII. Great Outdoors Colorado Program (Refs &amp; Annos)

## → § 6. The State Board of the Great Outdoors Colorado Trust Fund

(1) There shall be established a State Board of the Great Outdoors Colorado Trust Fund. The Board shall consist of two members of the public from each congressional district, a representative designated by the State Board of Parks and Outdoor Recreation, a representative designated by the Colorado Wildlife Commission, and the Executive Director of the Department of Natural Resources. The public members of the Board shall be appointed by the Governor, subject to the consent of the Senate, for terms of four years--provided, however, that when the first such members are appointed, one of the public members from each congressional district shall be appointed for a two-year term, to assure staggered terms of office thereafter. At least two members shall reside west of the Continental Divide. At least one member shall represent agricultural interests. The public members of the board shall be entitled to a reasonable per diem compensation to be determined by the Board plus their actual expenses for each meeting of the Board or a committee of the Board. The Board's composition shall reflect, to the extent practical, Colorado's gender, ethnic and racial diversity, and no two of the representatives of any one congressional district shall be members of the same political party. Members of the Board shall be subject to removal as provided in Article IV, Section 6 of this constitution.

(2) The Board shall be responsible for, and shall have the power to undertake the following actions:

(a) To direct the Treasurer to disburse expendable income from the Trust Fund as the Board may determine by resolution, and otherwise to administer the Trust Fund, provided, however, that the Board shall not have the power to acquire any interest in real property other than (I) temporarily to hold real property donated to it and (II) to acquire leased office space;

(b) To promulgate rules and regulations as are necessary or expedient for the conduct of its affairs and its meetings and of meetings of any committees and generally for the administration of this article, provided, however, that such rules and regulations shall give the public an opportunity to comment on the general policies of the Board and upon specific grant proposals before the Board;

(c) To cause to be published and distributed an annual report, including a financial report, to the citizens, the Governor and the General Assembly of Colorado, which will set out the Board's progress in administering the funds appropriated to it, and the Board's objectives and its budget for the forthcoming year, and to consult with the General Assembly from time to time concerning its objectives and its budget;

(d) To administer the distribution of grants pursuant to Sections 1(1)(c), 1(1)(d), 5(1)(a)(III), and 5(1)(a)(IV) of this article, with the expense of administering said grants to be defrayed from the funds made available to the program elements of said sections;

(e) Commencing July 1, 1993, to determine what portions, if any, of moneys allocated to the Trust Fund should be invested in an interest-bearing Trust Fund account by the Treasurer of the State of Colorado, to remain in the Trust Fund and available for expenditure in future years;

C.R.S.A. Const. Art. 27, § 6

(f) To employ such staff and to contract for such office space and acquire such equipment and supplies and enter into such other contracts as it may consider necessary from time to time to accomplish its purposes, and to pay the cost thereof from the funds appropriated to the Board under this article, provided, however, that to the extent it is reasonably feasible to do so the Board shall (I) contract with the Colorado Department of Natural Resources or other state agency for necessary administrative support and (II) endeavor to keep the level of administrative expense as low as may be practicable in comparison with its expenditures for the purposes set forth in Section 1 of this article, and the Board may contract with the State Personnel Board or any successor thereof for personnel services.

(3) The Board shall be a political subdivision of the state, and shall have all the duties, privileges, immunities, rights, liabilities and disabilities of a political subdivision of the state, provided, however, that its organization, powers, revenues and expenses shall not be affected by any order or resolution of the general assembly, except as provided in this constitution. It shall not be an agency of state government, nor shall it be subject to administrative direction by any department, commission, board, bureau or agency of the state, except to the extent provided in this constitution. The Board shall be subject to annual audit by the state auditor, whose report shall be a public document. The Board shall adopt rules permitting public access to its meetings and records which are no less restrictive than state laws applicable to state agencies, as such laws may be amended from time to time. The Board members, officers and directors of the Board shall have no personal liability for any actions or refusal to act by the Board as long as such action or refusal to act did not involve willful or intentional malfeasance or gross negligence.

CREDIT(S)

Added by Laws 1993, p. 2169, Initiated 1992, eff. Jan. 14, 1993.

HISTORICAL NOTES

2001 Main Volume

The enactment of this article, consisting of §§ 1 to 11, was proposed by initiative submitted to the electorate and approved at the general election of Nov. 3, 1992, effective upon proclamation of the governor, Jan. 14, 1993.

C. R. S. A. Const. Art. 27, § 6, CO CONST Art. 27, § 6

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## C.R.S.A. § 1-40-102

## C

West's Colorado Revised Statutes Annotated Currentness

Title 1. Elections (Refs &amp; Annos)

■ Initiative and Referendum

■ Article 40. Initiative and Referendum (Refs &amp; Annos)

## → § 1-40-102. Definitions

As used in this article, unless the context otherwise requires:

(1) "Ballot issue" means a nonrecall, citizen-initiated petition or legislatively-referred measure which is authorized by the state constitution, including a question as defined in sections 1-41-102(3) and 1-41-103(3), enacted in Senate Bill 93-98.

(2) "Ballot title" means the language which is printed on the ballot which is comprised of the submission clause and the title.

(3) Deleted by Laws 1995, H.B.95-1211, § 2, eff. May 8, 1995.

(4) "Draft" means the typewritten proposed text of the initiative which, if passed, becomes the actual language of the constitution or statute, together with language concerning placement of the measure in the constitution or statutes.

(5) Deleted by Laws 1995, H.B.95-1211, § 2, eff. May 8, 1995.

(6) "Section" means a bound compilation of initiative forms approved by the secretary of state, which shall include pages that contain the warning required by section 1-40-110(1), the ballot title, and a copy of the proposed measure; succeeding pages that contain the warning, the ballot title, and ruled lines numbered consecutively for registered electors' signatures; and a final page that contains the affidavit required by section 1-40-111(2). Each section shall be consecutively prenumbered by the petitioner prior to circulation.

(7) Deleted by Laws 1995, H.B.95-1211, § 2, eff. May 8, 1995.

(8) "Submission clause" means the language which is attached to the title to form a question which can be answered by "yes" or "no".

(9) Deleted by Laws 2000, Ch. 339, § 3, eff. Aug. 2, 2000.

(10) "Title" means a brief statement that fairly and accurately represents the true intent and meaning of the proposed text of the initiative.

## CREDIT(S)

Added by Laws 1993, S.B.93-135, § 1, eff. May 4, 1993. Amended by Laws 1993, H.B.93-1255, § 126, eff. July 1, 1993; Laws 1995, H.B.95-1211, § 2, eff. May 8, 1995; Laws 2000, Ch. 339, § 3, eff. Aug. 2, 2000.

C.R.S.A. § 1-40-102

HISTORICAL AND STATUTORY NOTES

2007 Electronic Update

Laws 2000, Ch. 339, § 3, in subsec. (6), deleted "and summary," following "title" and deleted subsec. (9), which read:

" 'Summary' means a condensed statement as to the intent of the proposed law or constitutional amendment. "

2000 Main Volume

Laws 1993, H.B.93-1255, in subsec. (1), added ", including a question as defined in sections 1-41-102(3) and 1-41-103(3), enacted in Senate Bill 93-98."

Sections 9 and 10 of Laws 1993, S.B.93-135, adding this section, provide:

"Section 9. **Severability.** If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

"Section 10. **Applicability.** This act shall apply to any offense committed on or after the effective date of this act and to any measure pending on such date that was proposed on or after the 1992 general election; except that no action lawfully taken prior to the effective date of this act shall impair the status of any measure."

The 1995 amendment deleted former subsec. (3), which read:

" 'Designated election official' means the secretary of state for all statewide ballot issues and, for local ballot issues, the municipal clerk, a member of a governing board, the secretary of the board, the county clerk and recorder, or any other person who is responsible for conducting a ballot issue election. ";

in subsec. (4), substituted "constitution or statute" for "constitution, statute, charter provision, or ordinance" and "constitution or statutes" for "constitution, statutes, charter, or ordinances"; deleted former subsec. (5), which read:

" 'Local ballot issue' means any ballot issue other than a statewide ballot issue. ";

in subsec. (6), in the first sentence, substituted "secretary of state" for "designated election official" and "ballot title and summary" for "title, the summary and the ballot title if the measure is for a statewide ballot issue", and deleted "or, in the case of a local ballot issue, the title," preceding "and ruled lines"; deleted former subsec. (7), which read:

" 'Statewide ballot issue' means any ballot issue that may be voted on by all registered electors in the state. ";

and in subsec. (9), deleted "ordinance, charter provision," following "proposed law".

**Former Section:**

A former section 1-40-102, relating to rehearings, was derived from:

C.S.A.1935, c. 86, § 6(1).

Laws 1941, H.B.947, § 1.

C.R.S.1953, § 70-1-2.



**C.R.S.A. § 1-40-102**

C.R.S.1963, § 70-1-2.  
Laws 1977, H.B.1165, §§ 2, 8.  
Laws 1987, H.B.1223, § 16.  
Laws 1989, H.B.1181, § 3.

**C. R. S. A. § 1-40-102, CO ST § 1-40-102**

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## C.R.S.A. § 1-40-106

West's Colorado Revised Statutes Annotated Currentness  
 Title 1. Elections (Refs & Annos)  
 ■ Initiative and Referendum  
 ■ Article 40. Initiative and Referendum (Refs & Annos)

## → § 1-40-106. Title board--meetings--titles and submission clause

(1) For ballot issues, beginning with the first submission of a draft after an election, the secretary of state shall convene a title board consisting of the secretary of state, the attorney general, and the director of the office of legislative legal services or the director's designee. The title board, by majority vote, shall proceed to designate and fix a proper fair title for each proposed law or constitutional amendment, together with a submission clause, at public meetings to be held at the hour determined by the title board on the first and third Wednesdays of each month in which a draft or a motion for reconsideration has been submitted to the secretary of state. To be considered at such meeting, a draft shall be submitted to the secretary of state no later than 3 p.m. on the twelfth day before the meeting at which the draft is to be considered by the title board. The first meeting of the title board shall be held no sooner than the first Wednesday in December after an election, and the last meeting shall be held no later than the third Wednesday in May in the year in which the measure is to be voted on.

(2) Deleted by Laws 1995, H.B.95-1211, § 4, eff. May 8, 1995.

(3)(a) Deleted by Laws 2000, Ch. 339, § 1, eff. Aug. 2, 2000.

(b) In setting a title, the title board shall consider the public confusion that might be caused by misleading titles and shall, whenever practicable, avoid titles for which the general understanding of the effect of a "yes" or "no" vote will be unclear. The title for the proposed law or constitutional amendment, which shall correctly and fairly express the true intent and meaning thereof, together with the ballot title and submission clause, shall be completed within two weeks after the first meeting of the title board. Immediately upon completion, the secretary of state shall deliver the same with the original to the parties presenting it, keeping the copy with a record of the action taken thereon. Ballot titles shall be brief, shall not conflict with those selected for any petition previously filed for the same election, and shall be in the form of a question which may be answered "yes" (to vote in favor of the proposed law or constitutional amendment) or "no" (to vote against the proposed law or constitutional amendment) and which shall unambiguously state the principle of the provision sought to be added, amended, or repealed.

## CREDIT(S)

Added by Laws 1993, S.B.93-135, § 1, eff. May 4, 1993. Amended by Laws 1995, H.B.95-1211, § 4, eff. May 8, 1995; Laws 2000, Ch. 339, § 1, eff. Aug. 2, 2000; Laws 2004, Ch. 227, § 1, eff. May 12, 2004.

## HISTORICAL AND STATUTORY NOTES

## 2007 Electronic Update

Laws 2000, Ch. 339, § 1 deleted par. (3)(a); and in par. (3)(b), inserted "and" preceding "submission" and deleted "and summary" following "clause," all in the second sentence. Prior to the amendment by Laws 2000, Ch. 339, par. (3)(a) read:

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## C.R.S.A. § 1-40-106

"The title board shall prepare a clear, concise summary of the proposed law or constitutional amendment. The summary shall be true and impartial and shall not be an argument, nor likely to create prejudice, either for or against the measure. The title board may request assistance in the preparation of the summary from the legislative council and, if, in the opinion of the title board, the proposed law or constitutional amendment will have a fiscal impact on the state or any of its political subdivisions, shall request assistance in such matter from the office of state planning and budgeting or the department of local affairs. When the title board requests fiscal impact information from the office of state planning and budgeting or the department of local affairs, the fiscal impact information shall be filed with the secretary of state by 12 noon on the Friday before the meeting of the title board at which the draft is to be considered. The legislative council, the office of state planning and budgeting, and the department of local affairs shall furnish any assistance requested, and the summary shall include an estimate of any such fiscal impact, together with an explanation thereof."

Laws 2004, Ch. 227, § 1, in subsec. (1), substituted "the hour determined by the title board" for "2 p.m."

## 2000 Main Volume

Sections 9 and 10 of Laws 1993, S.B.93-135, adding this section, provide:

"Section 9. **Severability.** If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

"Section 10. **Applicability.** This act shall apply to any offense committed on or after the effective date of this act and to any measure pending on such date that was proposed on or after the 1992 general election; except that no action lawfully taken prior to the effective date of this act shall impair the status of any measure."

The 1995 amendment, in subsec. (1), in the first sentence, deleted "statewide" preceding "ballot issues"; deleted former subsec. (2), which read:

"For local ballot issues, unless otherwise provided by charter or ordinance, the title board shall consist of the designated election official and the governing board of the political subdivision and shall meet at the regularly scheduled meetings of the governing board. The title board shall by resolution fix a proper fair title for each proposed measure substantially as provided in paragraph (b) of subsection (3) of this section. The governing board may designate when drafts of the text of the proposed amendment shall be submitted to the designated election official prior to the meeting at which the title is to be fixed."

and in par. (3)(a), in the first sentence, deleted "for statewide ballot issues" preceding "shall prepare".

**Former Section:**

A former section 1-40-106, relating to a prescribed warning regarding signing of a petition and to requisites of circulators, was derived from:

- C.S.A. 1935, c. 86, § 6(3).
- Laws 1941, H.B.947, § 3.
- C.R.S. 1953, § 70-1-6.
- Laws 1961, S.B.169, § 1.
- C.R.S. 1963, § 70-1-6.
- Laws 1970, H.B.1016, § 24.
- Laws 1971, H.B.1248, § 44.
- Laws 1972, H.B.1091, § 43.

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Laws 1973, H.B.1627, § 49.

Laws 1974, S.B.53, § 39.

Laws 1977, H.B.1165, § 5.

Laws 1981, S.B.224, § 4.

Laws 1982, S.B.97, § 1.

Laws 1989, H.B.1181, § 5.

C. R. S. A. § 1-40-106, CO ST § 1-40-106

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## C.R.S.A. § 1-40-106.5

## C

West's Colorado Revised Statutes Annotated Currentness

Title 1. Elections (Refs &amp; Annos)

■ Initiative and Referendum

■ Article 40. Initiative and Referendum (Refs &amp; Annos)

→ § 1-40-106.5. Single-subject requirements for initiated measures and referred constitutional amendments--legislative declaration

(1) The general assembly hereby finds, determines, and declares that:

(a) Section 1(5.5) of article V and section 2(3) of article XIX of the state constitution require that every constitutional amendment or law proposed by initiative and every constitutional amendment proposed by the general assembly be limited to a single subject, which shall be clearly expressed in its title;

(b) Such provisions were referred by the general assembly to the people for their approval at the 1994 general election pursuant to Senate Concurrent Resolution 93-4;

(c) The language of such provisions was drawn from section 21 of article V of the state constitution, which requires that every bill, except general appropriation bills, shall be limited to a single subject, which shall be clearly expressed in its title;

(d) The Colorado supreme court has held that the constitutional single-subject requirement for bills was designed to prevent or inhibit various inappropriate or misleading practices that might otherwise occur, and the intent of the general assembly in referring to the people section 1(5.5) of article V and section 2(3) of article XIX was to protect initiated measures and referred constitutional amendments from similar practices;

(e) The practices intended by the general assembly to be inhibited by section 1(5.5) of article V and section 2(3) of article XIX are as follows:

(I) To forbid the treatment of incongruous subjects in the same measure, especially the practice of putting together in one measure subjects having no necessary or proper connection, for the purpose of enlisting in support of the measure the advocates of each measure, and thus securing the enactment of measures that could not be carried upon their merits;

(II) To prevent surreptitious measures and apprise the people of the subject of each measure by the title, that is, to prevent surprise and fraud from being practiced upon voters.

(2) It is the intent of the general assembly that section 1(5.5) of article V and section 2(3) of article XIX be liberally construed, so as to avert the practices against which they are aimed and, at the same time, to preserve and protect the right of initiative and referendum.

(3) It is further the intent of the general assembly that, in setting titles pursuant to section 1(5.5) of article V, the initiative title setting review board created in section 1-40-106 should apply judicial decisions construing the constitutional single-subject requirement for bills and should follow the same rules employed by the general assembly in considering titles for bills.

C.R.S.A. § 1-40-106.5

CREDIT(S)

Added by Laws 1994, H.B.94-1080, § 1, eff. Jan. 19, 1995.

HISTORICAL AND STATUTORY NOTES

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Section 2 of Laws 1994, H.B.94-1080, adding this section, provides:

"Effective date. This act shall take effect upon proclamation of the governor of the vote of the registered electors at the 1994 general election approving Senate Concurrent Resolution 93-4. This act shall not take effect if the registered electors at the 1994 general election disapprove Senate Concurrent Resolution 93-4."

Senate Concurrent Resolution 93-4 was ratified by the electorate at the general election of Nov. 8, 1994, effective upon proclamation of the governor on Jan. 19, 1995.

C. R. S. A. § 1-40-106.5, CO ST § 1-40-106.5

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## C.R.S.A. § 24-75-201

**C**

West's Colorado Revised Statutes Annotated Currentness

Title 24. Government--State

State Funds

Article 75. State Funds (Refs &amp; Annos)

Part 2. General Fund

## → § 24-75-201. General fund--general fund surplus--custodial moneys

(1) There is hereby created and established the general fund, to which shall be credited and paid all revenues and moneys not required by the state constitution or the provisions of any law to be credited and paid into a special fund. The surplus fund created before June 30, 1971, is hereby merged into the general fund. Any unrestricted balance remaining in the general fund at the end of any fiscal year shall be designated as the general fund surplus.

(2)(a) The general fund surplus shall be determined based upon the accrual system of accounting, as enunciated by the governmental accounting standards board; except that:

(I) For state fiscal years commencing before July 1, 2003, any general fund revenues that are designated as state revenues in excess of the constitutional limitation on state fiscal year spending shall be included as unrestricted revenues in the general fund surplus for the fiscal year in which such excess revenues were accrued. Such excess revenues shall be restricted in the next fiscal year to preserve their availability for refund unless voters have authorized the state to retain such excess revenues.

(II) General fund revenues shall be restricted only upon the issuance of a commitment voucher to the state controller by the department of health care policy and financing for the payment of a sufficient claim that warrants reimbursement in accordance with the "Colorado Medical Assistance Act", articles 4, 5, and 6 of title 25.5, C.R.S., from general fund revenues appropriated for any nonadministrative expenditure that qualifies for federal financial participation under Title XIX of the federal "Social Security Act", except for expenditures under the program for the medically indigent, article 3 of title 25.5, C.R.S., or for the contributions required by 42 U.S.C. sec. 1396u-5(c).

(A) Deleted by Laws 2006, Ch. 200, § 2, eff. May 11, 2006.

(B) Deleted by Laws 2006, Ch. 200, § 2, eff. May 11, 2006.

(III)(A) General fund revenues shall be restricted only upon actual payment on the first working day of July of monthly salaries of state employees for the month of June from general fund revenues.

(B) General fund revenues shall be restricted only upon actual payment in July of any bimonthly salaries of state employees for which all or a portion thereof is for work performed during the month of June from general fund revenues.

(C) For purposes of this subparagraph (III), "state employee" means a person employed by the state whether or not a classified employee in the state personnel system.

(b) Deleted by Laws 2003, Ch. 296, § 1, eff. July 1, 2003 and Laws 2003, Ch. 412, § 1, eff. July 1, 2003.

C.R.S.A. § 24-75-201

(3)(a) Custodial moneys do not include moneys granted by the federal government to the state for the support of general or essential state government services of the type for which expenditures are made in the most recently approved annual general appropriation act, including, but not limited to, additional payments received by the state under the federal "Jobs and Growth Tax Relief Reconciliation Act of 2003", as amended, (P.L. No. 108-27), received by the state on or after April 30, 2004.

(b) Nothing in this subsection (3) shall cause federal relief payments under the federal "Jobs and Growth Tax Relief Reconciliation Act of 2003", as amended, (P.L. No. 108-27), received by the state prior to April 30, 2004, to be credited or transferred to the general fund or any other fund of the state or to be subject to annual appropriation by the general assembly.

(c) All federal moneys described in paragraph (a) of this subsection (3) shall be credited and paid to the general fund unless otherwise provided by law and shall be subject to annual appropriation by the general assembly.

CREDIT(S)

Amended by Laws 1979, S.B.165, § 1; Laws 1998, Ch. 229, § 3, eff. May 26, 1998; Laws 2002, Ch. 245, § 1, eff. June 1, 2002; Laws 2003, Ch. 6, § 2, eff. March 5, 2003; Laws 2003, Ch. 8, § 2, eff. March 5, 2003; Laws 2003, Ch. 296, § 1, eff. July 1, 2003; Laws 2003, Ch. 412, § 1, eff. July 1, 2003; Laws 2004, Ch. 213, § 1, eff. April 30, 2004; Laws 2006, Ch. 200, § 2, eff. May 11, 2006; Laws 2006, Ch. 355, § 76, eff. July 1, 2006; Laws 2007, Ch. 123, § 4, eff. July 1, 2007.

HISTORICAL AND STATUTORY NOTES

2007 Electronic Update

Subpar. (2)(a)(II) as added by Laws 2003, Ch. 8, § 2 was renumbered on revision as subpar. (2)(a)(III).

Laws 2003, Ch. 296, § 1 and Laws 2003, Ch. 412, § 1 deleted par. (2)(b), which read:

"(b)(I) For state fiscal years commencing on or after July 1, 2002, the general fund surplus shall be determined as specified in paragraph (a) of this subsection (2); except that an amount of general fund revenues that is designated as state revenues in excess of the constitutional limitation on state fiscal year spending and that is equal to the lesser of the total amount of general fund revenues in excess of the amount needed to fund general fund obligations for the current fiscal year or twenty-five million dollars shall be reserved in the year in which it is accrued. Moneys reserved pursuant to this subparagraph (I) may be expended only if the general assembly by law requires the state to resume the use of the accrual system of accounting, as enunciated by the governmental accounting standards board, to determine the general fund surplus.

"(II) As used in this paragraph (b), 'general fund obligations' means:

"(A) General fund appropriations required by permanent statute or constitutional provision;

"(B) General fund appropriations up to the amount of the statutory limitation on state general fund appropriations set forth in section 24-75-201.1;

"(C) General fund appropriations that are exceptions to the statutory limitation on state general fund appropriations set forth in section 24-75- 201.1;

"(D) Any moneys transferred to the controlled maintenance trust fund pursuant to section 24-75-302.5 for designation as all or part of the state emergency reserve required by section 24-77-104(1)(c);



**C.R.S.A. § 24-75-201**

"(E) Any moneys in excess of the constitutional limitation on state fiscal year spending that are required to be refunded in the current fiscal year or expended in the current fiscal year in a manner approved by the voters of the state pursuant to section 20 of article X of the state constitution; and

"(F) The reserve required to be maintained pursuant to section 24-75- 201.1(1)(d)."

Laws 2006, Ch. 200, § 2, deleted sub-subpars. (2)(a)(II)(A) and (B), which read:

"(A) Medical services premiums; or

"(B) Medical services provided through programs under said act that are administered by the department of human services, except for expenditures for costs incurred in the administration of such programs."

2001 Main Volume

**Derivation:**

Laws 1903, S.B.57, § 1.  
Rev.St.1908, § 2717.

Comp.Laws 1921, § 333.  
C.S.A.1935, c. 153, § 75.  
C.R.S.1953, § 130-4-1.  
C.R.S.1963, § 130-4-1.  
Laws 1971, S.B.181, § 1.

**C. R. S. A. § 24-75-201, CO ST § 24-75-201**

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## C.R.S.A. § 1-40-107

## C

West's Colorado Revised Statutes Annotated Currentness

Title 1. Elections (Refs &amp; Annos)

■ Initiative and Referendum

■ Article 40. Initiative and Referendum (Refs &amp; Annos)

## → § 1-40-107. Rehearing--appeal--fees--signing

(1) Any person presenting an initiative petition or any registered elector who is not satisfied with a decision of the title board with respect to whether a petition contains more than a single subject pursuant to section 1-40-106.5, or who is not satisfied with the titles and submission clause provided by the title board and who claims that they are unfair or that they do not fairly express the true meaning and intent of the proposed state law or constitutional amendment may file a motion for a rehearing with the secretary of state within seven days after the decision is made or the titles and submission clause are set. The motion for rehearing shall be heard at the next regularly scheduled meeting of the title board; except that, if the title board is unable to complete action on all matters scheduled for that day, consideration of any motion for rehearing may be continued to the next available day, and except that, if the titles and submission clause protested were set at the last meeting in May, the motion shall be heard within forty-eight hours after the expiration of the seven-day period for the filing of such motions.

(2) If any person presenting an initiative petition for which a motion for a rehearing is filed, any registered elector who filed a motion for a rehearing pursuant to subsection (1) of this section, or any other registered elector who appeared before the title board in support of or in opposition to a motion for rehearing is not satisfied with the ruling of the title board upon the motion, then the secretary of state shall furnish such person, upon request, a certified copy of the petition with the titles and submission clause of the proposed law or constitutional amendment, together with a certified copy of the motion for rehearing and of the ruling thereon. If filed with the clerk of the supreme court within five days thereafter, the matter shall be disposed of promptly, consistent with the rights of the parties, either affirming the action of the title board or reversing it, in which latter case the court shall remand it with instructions, pointing out where the title board is in error.

(3) The secretary of state shall be allowed a fee which shall be determined and collected pursuant to section 24-21-104(3), C.R.S., for certifying a record of any proceedings before the title board. The clerk of the supreme court shall receive one-half the ordinary docket fee for docketing any such cause, all of which shall be paid by the parties desiring a review of such proceedings.

(4) No petition for any initiative measure shall be circulated nor any signature thereto have any force or effect which has been signed before the titles and submission clause have been fixed and determined as provided in section 1-40-106 and this section.

(5) In the event a motion for rehearing is filed in accordance with this section, the period for filing a petition in accordance with section 1-40-108 shall not begin until a final decision concerning the motion is rendered by the title board or the Colorado supreme court; except that under no circumstances shall the period for filing a petition be extended beyond three months prior to the election at which the petition is to be voted upon.

(6) Deleted by Laws 2000, Ch. 339, § 5, eff. Aug. 2, 2000.

(7) Deleted by Laws 1995, H.B.95-1211, § 5, eff. May 8, 1995.

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CREDIT(S)

Added by Laws 1993, S.B.93-135, § 1, eff. May 4, 1993. Amended by Laws 1995, H.B.95-1211, § 5, eff. May 8, 1995; Laws 1998, Ch. 185, § 9, eff. May 6, 1998; Laws 2000, Ch. 97, § 1, eff. Aug. 2, 2000; Laws 2000, Ch. 339, §§ 2, 5, eff. Aug. 2, 2000; Laws 2004, Ch. 227, § 2, eff. May 12, 2004.

HISTORICAL AND STATUTORY NOTES

2007 Electronic Update

Laws 2000, Ch. 97, § 1, in subsec. (6), substituted "director of research of the legislative council" for "secretary of state" and substituted "section 1-40-124.5" for "article XXIII of the state constitution".

Laws 2000, Ch. 339, § 2, in subsec. (1), the first sentence, inserted "who is not satisfied with a decision of the title board with respect to whether a petition contains more than a single subject pursuant to section 1-40-106.5, or" following "elector", inserted "and" following "titles", deleted "and summary" following "clause", and substituted "decision is made or the titles and submission clause" for "and summary" at the end of the sentence and substituted "submission clause" for "summary" at in the final sentence; rewrote subsec. (2); and in subsec. (4), inserted "and" preceding "submission" and deleted "and summary" following "clause".

Prior to the amendment by Laws 2000, Ch. 339, subsec. (2) read:

"If any person who filed a motion for a rehearing pursuant to subsection (1) of this section, is overruled by the title board, then the secretary of state shall furnish such person, upon request, a certified copy of the petition with the titles submission clause and summary of the proposed law or constitutional amendment, together with a certified copy of the motion for rehearing and of the ruling thereon. If filed with the clerk of the supreme court within five days thereafter, the matter shall be disposed of promptly, consistent with the rights of the parties, either affirming the action of the title board or reversing it, in which latter case the court shall remand it with instructions, pointing out where the title board is in error."

Laws 2000, Ch. 339, § 5 deleted subsec. (6) as amended by Laws 2000, Ch. 97, which provided:

"The summary of any proposed initiated law or constitutional amendment shall be included in the publication of measures by the director of research of the legislative council pursuant to section 1-40-124.5."

Laws 2004, Ch. 227, § 2, in subsec. (1), substituted "expiration of the seven-day period for the filing of such motions" for "motion is filed".

2000 Main Volume

Sections 9 and 10 of Laws 1993, S.B.93-135, adding this section, provide:

"Section 9. **Severability.** If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

"Section 10. **Applicability.** This act shall apply to any offense committed on or after the effective date of this act and to any measure pending on such date that was proposed on or after the 1992 general election; except that no action lawfully taken prior to the effective date of this act shall impair the status of any measure."

The 1995 amendment, in subsec. (1), in the first sentence, substituted "an initiative petition" for "a statewide

**C.R.S.A. § 1-40-107**

initiative petition"; and deleted former subsec. (7), which read:

"Any hearing concerning the title of a local ballot issue shall be as provided by ordinance, resolution, or charter provision."

Laws 1998, Ch. 185, § 9, in subsec. (2), in the second sentence, substituted "disposed of promptly, consistent with the rights of the parties" for "docketed as a cause there pending, which shall be placed at the head of the calendar and disposed of summarily".

**Former Section:**

A former section 1-40-107, relating to the prescribed form for a petition and to requisites regarding representatives of signers, was derived from:

- C.S.A.1935, c. 86, § 6(4).
- Laws 1941, H.B.947, § 4.
- C.R.S.1953, § 70-1-7.
- C.R.S.1963, § 70-1-7.
- Laws 1977, H.B.1165, § 6.
- Laws 1981, S.B.224, § 5.
- Laws 1989, H.B.1181, § 6.

C. R. S. A. § 1-40-107, CO ST § 1-40-107

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