

APPENDIX A

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**NOTICE ABOUT THE FORMAT OF THE EXAMPLES
LOCATED IN THIS APPENDIX:**

The examples found in this Appendix do not reflect the full format used for bills, resolutions, and memorials. Therefore, the examples found in this appendix should be used for general reference purposes only and will be inconsistent with the current bill format.

However, the substantive text contained in the various measures may be used as a model of how to draft similar legislation. (Note: Depending on details that are specific to the bill you are drafting, the text contained in the examples may need to be modified in order to adequately address the issues of your bill.)

If you have a question about format inconsistencies or a question about whether example language needs to be modified to fit your particular bill, please see a senior legislative assistant or your team leader.

Bill amending existing law

A BILL FOR AN ACT

101 CONCERNING THE ASSETS HELD IN THE FIRE AND POLICE MEMBERS'
 102 DEFERRED COMPENSATION FUND.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Police Officers' and Firefighters' Pension Reform Commission.
 Eliminates the requirement that the assets of each of the deferred compensation plans administered by the board of the fire and police pension association remain solely the property of the employer until made available to the members or other beneficiaries of a plan, and instead requires such assets to be held for the exclusive purpose of providing benefits to participants and beneficiaries and for defraying expenses of the plan and any trust established to hold the assets of the plan.

Specifies that the board shall have the authority to invest and reinvest assets held in the fire and police members' deferred compensation fund subject to the provisions of the "Colorado Uniform Prudent Investor Act".

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** 31-31-901 (3), Colorado Revised Statutes, is
 3 amended to read:

4 **31-31-901. Deferred compensation plan.** (3) There is hereby
 5 created the fire and police members' deferred compensation fund, which
 6 shall consist of the assets of deferred compensation plans administered by
 7 the board pursuant to the provisions of this section. The board shall be
 8 the trustee of the fund and shall keep a separate account of the assets of
 9 each deferred compensation plan held within the fund. The assets of each
 10 deferred compensation plan shall ~~remain solely the property of the~~

1 ~~employer until made available to the members or other beneficiaries of~~
 2 ~~such plan~~ BE HELD FOR THE EXCLUSIVE PURPOSE OF PROVIDING BENEFITS
 3 TO PARTICIPANTS AND BENEFICIARIES AND DEFRAYING REASONABLE
 4 EXPENSES OF THE PLAN AND ANY TRUST ESTABLISHED TO HOLD THE
 5 ASSETS OF THE PLAN. The board shall have full and unrestricted
 6 discretionary power and authority to invest and reinvest assets held within
 7 the fund subject to the provisions of ~~section 15-1-304, C.R.S.~~ THE
 8 "COLORADO UNIFORM PRUDENT INVESTOR ACT", SET FORTH IN ARTICLE
 9 1.1 OF TITLE 15, C.R.S., or to provide for the investment and reinvestment
 10 of such assets.

11 **SECTION 2. Safety clause.** The general assembly hereby finds,
 12 determines, and declares that this act is necessary for the immediate
 13 preservation of the public peace, health, and safety.

Bill adding new material

A BILL FOR AN ACT

101 CONCERNING LIMITATIONS ON THE USE OF SOCIAL SECURITY ACCOUNT
 102 NUMBERS.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Prohibits anyone from providing information that would convey an individual's social security number or using an individual's social security number as a means of identification without obtaining the individual's written consent. Makes an exception for federal, state, and local governmental agencies that use social security numbers in legitimate record-keeping activities. Specifies the amount of damages for which an individual may sue if someone violates the prohibitions against selling social security numbers.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** Part 1 of article 21 of title 13, Colorado Revised
 3 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
 4 read:

5 **13-21-109.5. Recovery of damages for prohibited use of social**
 6 **security number.** (1) (a) NO PERSON SHALL BUY, SELL, OFFER FOR SALE,
 7 TAKE OR GIVE IN EXCHANGE, OR PLEDGE OR GIVE IN PLEDGE ANY
 8 INDIVIDUAL'S SOCIAL SECURITY ACCOUNT NUMBER, OR ANY DERIVATIVE
 9 OF SUCH NUMBER, WITHOUT THE WRITTEN CONSENT OF SUCH INDIVIDUAL.

10 (b) (I) EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPH (II) OF
 11 THIS PARAGRAPH (b), NO PERSON MAY UTILIZE ANY INDIVIDUAL'S SOCIAL
 12 SECURITY ACCOUNT NUMBER, OR ANY DERIVATIVE OF SUCH NUMBER, FOR

1 PURPOSES OF IDENTIFICATION OF SUCH INDIVIDUAL WITHOUT THE WRITTEN
2 CONSENT OF SUCH INDIVIDUAL.

3 (II) THE PROVISIONS OF THIS PARAGRAPH (b) SHALL NOT APPLY TO
4 ANY FEDERAL, STATE, OR LOCAL GOVERNMENTAL AGENCY THAT OBTAINS
5 AND USES SOCIAL SECURITY NUMBERS FOR LEGITIMATE RECORD-KEEPING
6 PURPOSES.

7 (2) FOR CONSENT TO EXIST UNDER SUBSECTION (1) OF THIS
8 SECTION, THE PERSON ENGAGED IN, OR SEEKING TO ENGAGE IN, AN
9 ACTIVITY THAT WOULD OTHERWISE BE PROHIBITED BY SUBSECTION (1) OF
10 THIS SECTION SHALL:

11 (a) INFORM THE INDIVIDUAL OF ALL THE PURPOSES FOR WHICH THE
12 NUMBER WILL BE UTILIZED AND THE PERSONS TO WHOM THE NUMBER WILL
13 BE KNOWN; AND

14 (b) OBTAIN THE INDIVIDUAL'S AFFIRMATIVELY EXPRESSED
15 CONSENT IN WRITING.

16 (3) ANY INDIVIDUAL AGGRIEVED BY THE ACT OF ANY PERSON IN
17 VIOLATION OF PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION MAY
18 BRING A CIVIL ACTION IN A COURT OF COMPETENT JURISDICTION TO
19 RECOVER:

20 (a) SUCH PRELIMINARY AND EQUITABLE RELIEF AS THE COURT
21 DETERMINES TO BE APPROPRIATE; AND

22 (b) THE GREATER OF:

23 (I) ACTUAL DAMAGES; OR

24 (II) LIQUIDATED DAMAGES OF TEN THOUSAND DOLLARS.

25 (4) IN ADDITION TO ANY DAMAGES AND OTHER RELIEF AWARDED
26 PURSUANT TO SUBSECTION (3) OF THIS SECTION, IF THE AGGRIEVED
27 INDIVIDUAL PREVAILS, THE COURT MAY ASSESS AGAINST THE
28 DEFENDANT REASONABLE ATTORNEY FEES AND ANY OTHER LITIGATION

1 COSTS AND EXPENSES, INCLUDING EXPERT FEES, REASONABLY INCURRED
2 BY THE AGGRIEVED INDIVIDUAL.

3 **SECTION 2. Effective date - applicability.** (1) This act shall
4 take effect at 12:01 a.m. on the day following the expiration of the
5 ninety-day period after final adjournment of the general assembly that is
6 allowed for submitting a referendum petition pursuant to article V,
7 section 1 (3) of the state constitution; except that, if a referendum petition
8 is filed against this act or an item, section, or part of this act within such
9 period, then the act, item, section, or part, if approved by the people, shall
10 take effect on the date of the official declaration of the vote thereon by
11 proclamation of the governor.

12 (2) The provisions of this act shall apply to causes of action
13 arising on or after the applicable effective date of this act.

Bill repealing existing law

A BILL FOR AN ACT

101 CONCERNING THE CONTINUATION OF THE BOARD OF DIRECTORS OF THE
 102 AURARIA HIGHER EDUCATION CENTER.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Continues the existence of the board of directors of the Auraria higher education center by repealing the repeal clause in current law.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1. Repeal.** 23-70-102 (6), Colorado Revised Statutes,
 3 is repealed as follows:

4 **23-70-102. Auraria board - membership - terms - oaths -**
 5 **voting.** (6) (a) ~~This section is repealed, effective July 1, 1998.~~

6 (b) ~~The general assembly acknowledges that the Auraria board has~~
 7 ~~entered into, and may hereafter enter into, long-term contracts as~~
 8 ~~authorized by law. It is not the intention of the general assembly in~~
 9 ~~enacting paragraph (a) of this subsection (6) to prohibit or impair any~~
 10 ~~such contracts which have been or may be validly entered into by the~~
 11 ~~Auraria board pursuant to law, and the general assembly intends that~~
 12 ~~implementation of paragraph (a) of this subsection (6) will include~~
 13 ~~provision for successorship to or other satisfaction of the obligations of~~
 14 ~~such contracts.~~

1 **SECTION 2. Safety clause.** The general assembly hereby finds,
2 determines, and declares that this act is necessary for the immediate
3 preservation of the public peace, health, and safety.

Bill amending and reorganizing entire titles, articles, or parts

A BILL FOR AN ACT

101 CONCERNING THE REGULATION OF RACING BY THE DIVISION OF RACING
 102 EVENTS IN THE DEPARTMENT OF REVENUE.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

(Drafting Note: This bill includes some statutory sections that have been relocated and renumbered, either without change or with amendments. Existing material that has been relocated is printed in lower-case type, with any amendments indicated by capital letters and cancelled letter type. Former section numbers are supplied in brackets for comparison purposes.)

Amends and reorganizes the racing statutes (article 60 of title 12, C.R.S.) to parallel the organization of the limited gaming statutes (article 47.1 of title 12). Divides racing licenses into three categories, with the racing commission responsible for issuance of race meet licenses and the division of racing events responsible for issuance of business licenses and individual occupational licenses as well as occupational registrations. Directs the commission to determine by rule which occupational categories are subject to licensure and which are subject to registration.

Gives authority to the commission and the district attorneys, rather than the attorney general, to prosecute and defend actions in the name of the division. Authorizes the division to investigate violations and refer cases for prosecution. Makes division personnel level III peace officers. Directs the division to establish boards of stewards or judges to assist in supervising race meets and prescribes the composition of such boards.

Subjects the director of the division and members of the commission to conflict-of-interest rules similar to those applicable to the limited gaming control commission. Adds kennels, stables, and totalisator companies to the list of businesses subject to licensure. Allows the commission to require reimbursement from owners of racing animals for the cost of drug tests and eliminates the current requirement that such tests be done only on a "random" basis.

Sets standards for licensure, requiring disqualification of applicants with a history of gambling-related crimes, theft, or fraud and allowing discretionary disqualification of applicants on lesser grounds.

1 events; and to foster honesty and fair dealing in the racing industry. To
2 these ends, this article shall be liberally construed.

3 **12-60-102. [Formerly 12-60-101] Definitions.** As used in this
4 article, unless the context otherwise requires:

5 (1) "Breakage" means the odd cents by which the amount payable
6 on each dollar wagered in a pari-mutuel pool exceeds a multiple of ten
7 cents.

8 ~~(1.1)~~ (2) "Circuit" means either the north circuit or the south
9 circuit established within the state of Colorado for the racing of
10 greyhounds pursuant to section ~~12-60-107(2)~~ 12-60-603 (2).

11 ~~(1.2)~~ (3) "Class A track" means a track, located within the state of
12 Colorado, at which a race meet of horses is conducted and which is not
13 a class B track.

[Remainder of bill omitted from example]

Bill containing a nonstatutory section

A BILL FOR AN ACT

101 CONCERNING THE EXEMPTION OF COMPOUNDS USED IN THE PRODUCTION
 102 OF AGRICULTURAL PRODUCTS FROM THE STATE SALES AND USE
 103 TAX.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Exempts from the state sales and use tax pesticides registered for use in the production of agricultural and livestock products and sold through licensed pesticide dealers. Requires the commissioner of agriculture to advise the house and senate agriculture committees regarding the effectiveness of the exemption in making Colorado pesticide dealers more competitive with pesticide dealers from bordering states where pesticides are not subject to sales and use tax. Requires the commissioner to also make recommendations to said committees regarding the elimination of the sales and use tax on other agricultural compounds used in the production of agricultural and livestock products.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1. Legislative declaration.** (1) The general assembly
 3 hereby finds and declares that:

4 (a) The state sales and use tax imposed on pesticides registered by
 5 the commissioner of agriculture for use in the production of agricultural
 6 and livestock products is causing the state of Colorado and its citizens to
 7 lose revenues by putting Colorado pesticide dealers at a competitive
 8 disadvantage relative to out-of-state pesticide dealers;

9 (b) Purchases of such pesticides within the state by persons
 10 involved in the commercial production of agricultural and livestock

1 products through farming, ranching, animal husbandry, and horticulture
 2 should be classified similarly to purchases of tangible personal property
 3 categorized as ingredients or component parts that are utilized in the
 4 production, processing, and manufacturing of articles, substances, or
 5 commodities by food processors, manufacturers, and similar entities that
 6 are exempt from the state sales and use tax; and

7 (c) Pursuant to section 35-3.5-101, Colorado Revised Statutes, it
 8 is the declared policy of the state of Colorado to conserve, protect, and
 9 encourage the development and improvement of its agricultural land for
 10 the production of food and other agricultural products, and the
 11 elimination of the state sales and use tax imposed on pesticides used in
 12 the production of agricultural and livestock products is necessary to
 13 advance such policy.

14 **SECTION 2.** 39-26-114, Colorado Revised Statutes, is amended
 15 BY THE ADDITION OF A NEW SUBSECTION to read:

16 **39-26-114. Exemptions - disputes - credits or refunds.**
 17 (20) ALL SALES AND PURCHASES OF PESTICIDES THAT ARE REGISTERED BY
 18 THE COMMISSIONER OF AGRICULTURE FOR USE IN THE PRODUCTION OF
 19 AGRICULTURAL AND LIVESTOCK PRODUCTS PURSUANT TO THE PROVISIONS
 20 OF THE "PESTICIDE ACT", ARTICLE 9 OF TITLE 35, C.R.S., AND OFFERED
 21 FOR SALE BY DEALERS LICENSED TO SELL SUCH PESTICIDES PURSUANT TO
 22 SECTION 35-9-115, C.R.S., SHALL BE EXEMPT FROM TAXATION UNDER THIS
 23 PART 1.

24 **SECTION 3.** 39-26-203 (1), Colorado Revised Statutes, is
 25 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

26 **39-26-203. Exemptions.** (1) This part 2 is declared to be
 27 supplementary to the "Emergency Retail Sales Tax Law of 1935", part 1
 28 of this article, and shall not apply:

1 (hh) TO THE STORAGE, USE, OR CONSUMPTION OF PESTICIDES THAT
 2 ARE REGISTERED BY THE COMMISSIONER OF AGRICULTURE FOR USE IN THE
 3 PRODUCTION OF AGRICULTURAL AND LIVESTOCK PRODUCTS PURSUANT TO
 4 THE PROVISIONS OF THE "PESTICIDE ACT", ARTICLE 9 OF TITLE 35, C.R.S.,
 5 AND OFFERED FOR SALE BY DEALERS LICENSED TO SELL SUCH PESTICIDES
 6 PURSUANT TO SECTION 35-9-115, C.R.S.

7 **SECTION 4.** 35-9-118, Colorado Revised Statutes, is amended
 8 BY THE ADDITION OF A NEW SUBSECTION to read:

9 **35-9-118. Powers and duties of the commissioner.** (4.5) NO
 10 LATER THAN JANUARY 1, 2003, THE COMMISSIONER SHALL ADVISE THE
 11 SENATE AND HOUSE AGRICULTURE COMMITTEES OF THE GENERAL
 12 ASSEMBLY REGARDING THE EFFECTIVENESS OF THE EXEMPTION OF
 13 CERTAIN PESTICIDES FROM THE STATE SALES AND USE TAX PURSUANT TO
 14 SECTIONS 39-26-114 (20) AND 39-26-203 (1) (hh), C.R.S., IN INCREASING
 15 SALES OF SUCH PESTICIDES BY COLORADO PESTICIDE DEALERS AND
 16 REDUCING PURCHASES BY COLORADO PURCHASERS OF SUCH PESTICIDES
 17 FROM SOURCES OUTSIDE OF COLORADO. NO LATER THAN JANUARY 1,
 18 2000, THE COMMISSIONER SHALL MAKE RECOMMENDATIONS TO SAID
 19 COMMITTEES REGARDING THE ELIMINATION OF THE STATE SALES AND USE
 20 TAX ON COMMERCIAL FERTILIZERS, SOIL CONDITIONERS, PLANT
 21 AMENDMENTS, AGRICULTURAL LIMING MATERIALS, AND OTHER
 22 COMPOUNDS USED IN THE PRODUCTION OF AGRICULTURAL AND LIVESTOCK
 23 PRODUCTS.

24 **SECTION 5. Effective date.** (1) This act shall take effect
 25 January 1, 2000.

26 (2) However, if a referendum petition is filed against this act or
 27 an item, section, or part of this act during the 90-day period after
 28 final adjournment of the general assembly that is allowed for submitting

1 a referendum petition pursuant to article V, section 1 (3) of the state
2 constitution, then the act, item, section, or part, shall not take effect unless
3 approved by the people at a biennial regular general election and shall
4 take effect on the date specified in subsection (1) or on the date of the
5 official declaration of the vote thereon by proclamation of the governor,
6 whichever is later.

1 REPRESENTATIVES OF COLORADO TERRITORY AND THE GENERAL
 2 ASSEMBLY OF THE STATE OF COLORADO, AND AS PROVIDED BY SECTION
 3 31-1-202, COLORADO REVISED STATUTES.

4 **Section 2. Name, powers, and interpretation.** THE CITY SHALL
 5 CONTINUE AS A TERRITORIAL CHARTER CITY PURSUANT TO THE ORIGINAL
 6 CHARTER ADOPTED IN 1864, AS AMENDED HEREIN, AS A BODY POLITIC AND
 7 CORPORATE UNDER THE NAME AND STYLE OF BLACK HAWK AND, BY THAT
 8 NAME, SHALL HAVE PERPETUAL SUCCESSION; MAY SUE AND BE SUED,
 9 PLEAD AND BE IMPEADED IN ALL COURTS OF LAW OR EQUITY; MAY HAVE
 10 AND USE A COMMON SEAL AND ALTER THE SAME AT PLEASURE; MAY
 11 ADOPT ORDINANCES NOT INCONSISTENT WITH THIS CHARTER; AND SHALL
 12 HAVE THE RIGHT OF SELF-GOVERNMENT IN LOCAL AND MUNICIPAL
 13 MATTERS AND ALL THE POWERS CONFERRED BY THE CONSTITUTION AND
 14 STATUTES OF THE STATE OF COLORADO UPON MUNICIPAL CORPORATIONS,
 15 SUBJECT ONLY TO THE SPECIFIC PROVISIONS OF THIS CHARTER WHICH MAY
 16 EXPAND, LIMIT, OR AMEND THE POWERS GRANTED TO STATUTORY
 17 MUNICIPALITIES. IT IS THE INTENT OF THE GENERAL ASSEMBLY TO
 18 LEGISLATIVELY OVERRULE CENTRAL CITY OPERA HOUSE ASSOCIATION V.
 19 CITY OF CENTRAL, 650 P.2d 1349 (Colo. App. 1982) AS APPLIED TO THIS
 20 CHARTER, TO THE EXTENT SUCH CASE OR PREVIOUS CASES CONSTRUING
 21 TERRITORIAL CHARTERS LIMIT TERRITORIAL CHARTER CITIES TO POWERS
 22 EXPRESSLY GRANTED. THE GENERAL ASSEMBLY INTENDS THAT THIS
 23 CHARTER SHALL BE BROADLY CONSTRUED TO PROVIDE THE CITY OF BLACK
 24 HAWK, ACTING BY ITS CITIZENS AND THROUGH ITS CITY COUNCIL, THE
 25 BROADEST RANGE OF POWER GRANTED MUNICIPALITIES BY COLORADO
 26 LAW AND AS PROVIDED IN THIS CHARTER. IF A POWER IS EXPRESSLY
 27 GRANTED OR GRANTED BY IMPLICATION TO MUNICIPALITIES BY THE
 28 GENERAL ASSEMBLY AND THERE IS NOT A CONFLICT BETWEEN THIS

1 CHARTER AND SUCH STATUTE, THE CITY MAY EXERCISE THE POWER AS
 2 PROVIDED IN THE STATUTE. IF THERE IS A CONFLICT BETWEEN STATUTES
 3 GOVERNING MUNICIPALITIES GENERALLY AND THIS CHARTER, THIS
 4 CHARTER SHALL CONTROL.

5 **Section 3. Boundaries.** THE BOUNDARIES OF THE CITY OF BLACK
 6 HAWK SHALL BE THE EXISTING BOUNDARIES, AS SUCH BOUNDARIES MAY
 7 BE AMENDED IN THE FUTURE IN ACCORDANCE WITH COLORADO LAW OR BY
 8 AMENDMENT OF THIS CHARTER. THE EXISTING BOUNDARIES INCLUDE
 9 THOSE BOUNDARIES DESCRIBED IN THE CHARTER ADOPTED MARCH 11,
 10 1864, AND ALL ADDITIONS THERETO.

11 **Section 4. Specific powers.** THE INHABITANTS OF THE CITY OF
 12 BLACK HAWK, BY THE NAME AND STYLE AFORESAID, SHALL HAVE THE
 13 POWER TO SUE AND BE SUED, TO PLEAD AND BE IMPEADED, AND TO
 14 DEFEND AND BE DEFENDED IN ALL COURTS OF LAW AND EQUITY AND IN
 15 ALL ACTIONS WHATSOEVER, TO ACQUIRE BY PURCHASE, GIFT, LEASE, OR

[Remainder of bill omitted from example]

Bill making a supplemental appropriation for the payment of a judgment

A BILL FOR AN ACT

101 CONCERNING AN APPROPRIATION FOR THE SATISFACTION OF A JUDGMENT
 102 AGAINST THE DEPARTMENT OF INSTITUTIONS IN THE CASE OF FIEBIG
 103 V. THE DEPARTMENT OF INSTITUTIONS.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Makes an appropriation for the payment of a judgment against the department of institutions.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1. Appropriation.** (1) In addition to any other
 3 appropriation for the current fiscal year, there is hereby appropriated, to
 4 the department of institutions, out of cash funds received from the
 5 department of social services pursuant to subsection (2) of this section,
 6 the sum of fifty thousand three hundred ninety-one dollars (\$50,391), or
 7 so much thereof as may be necessary, for the satisfaction of a judgment
 8 in favor of Joseph Fiebig and against the department of institutions,
 9 affirmed by the Colorado court of appeals in case no. 86CB14817. Said
 10 amount includes forty-nine thousand two hundred twenty-six dollars
 11 (\$49,226) for the judgment and one thousand one hundred sixty-five
 12 dollars (\$1,165) as interest thereon computed from the date of the
 13 judgment through May 31, 1990.

14 (2) In addition to any other appropriation for the current fiscal
 15 year, there is hereby appropriated, to the department of social services, the

1 sum of fifty thousand three hundred ninety-one dollars (\$50,391), or so
 2 much thereof as may be necessary, for the additional costs of
 3 state-operated class IV nursing home care under the medical assistance
 4 program arising from the judgment described in subsection (1) of this
 5 section. Of said sum, twenty-four thousand three hundred ninety-eight
 6 dollars (\$24,398) is from the general fund, and twenty-five thousand nine
 7 hundred ninety-three dollars (\$25,993) is from federal funds.

8 **SECTION 2. Safety clause.** The general assembly hereby finds,
 9 determines, and declares that this act is necessary for the immediate
 10 preservation of the public peace, health, and safety.

Bill making a supplemental appropriation by amending a prior long bill

A BILL FOR AN ACT

101 CONCERNING A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF
102 MILITARY AFFAIRS.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Makes a supplemental appropriation to the department of military affairs.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** Part XIII of section 2 of chapter 310, Session Laws
3 of Colorado 1997, is amended to read:

4 Section 2. **Appropriation.**

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
PART XIII							
DEPARTMENT OF MILITARY AFFAIRS							
(1) EXECUTIVE DIRECTOR AND ARMY NATIONAL GUARD							
5	Personal Services	1,169,348	1,106,733		3,298 ^a		59,317
6			(25.7 FTE)		(0.1 FTE)		(1.5 FTE)
7	Health, Life, and Dental	168,288	61,659				106,629
8	Short-term Disability	6,778	2,722				4,056
9	Salary Survey and						
10	Anniversary Increases	142,691	55,649				87,042
11	Workers' Compensation	88,484	56,611				31,873
12	Operating Expenses	792,742	461,514		6,580 ^a		324,648
13	Legal Services for HO 210						
14	hours	5,280	5,280				

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	10,080		10,080				
2	Purchase of Services from						
3	Computer Center	1,304	1,304				
4	Payment to Risk						
5	Management and Property						
6	Funds	172,988	172,988				
7	Vehicle Lease Payments	49,848	49,848				
8	Leased Space	31,314	31,314				
9	Lease Purchase of Energy						
10	Conservation Equipment	23,000	23,000				
11	Utilities	711,491	560,695			6,235(T) ^b	144,561
12	Purchase of Inmate Labor						
13	Services from the						
14	Department of Corrections	5,237	5,237				

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	Local Armory Incentive						
2	Plan	23,527			23,527 ^a		
3	Colorado National Guard						
4	Tuition Fund	406,753	406,753				
5	Army National Guard						
6	Cooperative Agreement	1,056,935					1,056,935
7							(7.0 FTE)
8		<u>4,856,008</u>					
9		4,860,808					

11 ^a These amounts shall be from fees, including armory rental fees.

12 ^b This amount shall be from federal funds appropriated in the Department of Local Affairs, Office of Emergency Management.

13

14 **(2) Air National Guard**

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT
	\$	\$	\$	\$	\$	\$
1	Operations and					
2	Maintenance Agreement for					
3	Buckley/Greeley	2,050,254		500,125(M)		1,550,129
4		(24.0 FTE)				
5	Buckley Tenant					
6	Reimbursed Employees	506,060				506,060
7		(14.0 FTE)				
8	Security for Buckley Air					
9	National Guard Base	485,385				485,385
10		(17.0 FTE)				
11						
12						
13	(3) FEDERAL FUNDED PROGRAMS¹³⁰					
14	Personal Services	78,026,284				

COLORADO LEGISLATIVE DRAFTING MANUAL

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	(1,103.0 FTE)						
2	Operating and Maintenance 24,062,349						
3	Construction 1,705,663						
4	Supplies and Services 385,300						
5		104,179,596					104,179,596
6							
7	(4) CIVIL AIR PATROL						
8	Personal Services 83,526						
9	(2.0 FTE)						
10	Operating Expenses 23,813						
11	Aircraft Maintenance 35,400						
12		142,739	142,739				
13							
14	TOTALS PART XIII						

	ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
			GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	(MILITARY AFFAIRS)²						
2	^{3,4}	\$112,220,042	\$3,644,171		\$33,405	\$6,235 ^a	\$108,536,231
3		\$112,224,842	\$3,648,971				
4							

5 ^a Of this amount, \$6,235 contains a (T) notation.

7 **FOOTNOTES** -- The following statements are referenced to the numbered footnotes throughout section 2.

9 2 (Governor lined through this provision. See L. 97, p. 2164.)

11 3 All Departments, Totals -- The General Assembly requests that copies of all reports requested in other footnotes contained in this act be delivered to the Joint
12 Budget Committee and the majority and minority leadership in each house of the General Assembly.

14 4 (Governor lined through this provision. See L. 97, p. 2165.)

APPROPRIATION FROM

ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$

1 130 Department of Military Affairs, Federal Funded Programs -- These federal funds are shown for informational purposes. These funds are not to be included
 2 in the spending authority for the Department because these funds do not flow through the accounting system of the state. It is the intent of the General
 3 Assembly that these programs, funding, and FTE are included to demonstrate the full scope of activities of the Department of Military Affairs.

4

1 **SECTION 3. Safety clause.** The general assembly hereby finds,
2 determines, and declares that this act is necessary for the immediate
3 preservation of the public peace, health, and safety.

1 whole or any congressional district within this state, a candidate in a
 2 :residential primary election who receives at least fifteen percent of the
 3 votes cast in this entire state or any congressional district within this state
 4 for all candidates on the presidential primary election ballot who are of
 5 the same political party as that candidate.

6 **1-4-1102. Presidential primary elections - when -conduct.** (1)

7 A presidential primary election shall be held at the regular polling places
 8 in each precinct on the fourth Tuesday of February in years in which a
 9 United States presidential election is to be held for the selection of
 10 delegates to national political conventions which will select presidential
 11 candidates of political parties to be voted for at the succeeding general
 12 election.

13 (2) Each political party who is represented by a candidate entitled
 14 to participate in the Colorado presidential primary election pursuant to
 15 section 1-4-1103 is entitled to participate in the primary election and
 16 shall have a separate party ballot. At such presidential primary election,
 17 an elector may only vote for a candidate who represents the political party
 18 to which the elector has declared an affiliation. An unaffiliated registered
 19 elector may declare an affiliation to the election judges of the presidential
 20 primary election as provided in section 1-7-201. The presidential primary
 21 election of all political parties shall be held at the same time and at the
 22 same polling places and shall be conducted by the same election officials.

23 (3) Except as otherwise provided in this part 11, all presidential
 24 primary elections shall be conducted in the same manner as other primary
 25 elections as provided in part 2 of article 7 of this title insofar as the
 26 provisions thereof are applicable, and the election officers for primary
 27 elections shall have the same powers and shall perform the same duties
 28 as those provided by law for general elections.

1 (4) All expenses incurred in the preparation or conduct of the
 2 presidential primary election shall be paid out of the treasury of the
 3 county or state, as the case may be, in the same manner as for general
 4 elections.

5 **1-4-1103. Names on ballots.** (1) The secretary of state shall
 6 certify the names and party affiliations of the candidates to be placed on
 7 the presidential primary election ballots fifty-five days before such
 8 election is to be held. The only candidates whose names shall be placed
 9 on ballots for such elections shall be those candidates who:

10 (a) Are eligible to receive payments from the federal presidential
 11 campaign fund pursuant to 26 U.S.C. 9003 at the time candidates' names
 12 are to be certified by the secretary of state pursuant to this subsection (1);
 13 and

14 (b) Are seeking the nomination for president of a political party
 15 whose nominee for president of the United States received at least twenty
 16 percent of the votes cast by qualified electors in Colorado at the last
 17 presidential election.

18 (2) The names of candidates appearing on any presidential primary
 19 ballot shall be in alphabetical order.

20 **1-4-1104. Binding of delegates.** (1) Any person chosen as a
 21 Colorado delegate to a national political convention at which a
 22 presidential candidate will be chosen by a political party whose candidate
 23 received at least twenty percent of the total votes cast in Colorado for
 24 presidential candidates at the last presidential election held shall, within
 25 five days of being selected as a delegate, notify the secretary of state by
 26 mail that such person is a delegate and shall include the mailing address
 27 of that person, stating in such notice the political party which has selected
 28 such person as a delegate and the candidates of such political party for

1 which such person would prefer to receive a binding vote assignment in
 2 descending order of preference.

3 (2) The secretary of state shall tabulate the number of votes
 4 received by each candidate named on the presidential primary election
 5 ballots, both for the entire state and for each congressional district.

6 (3) The secretary of state shall calculate:

7 (a) The ratio of votes received within the entire state by each
 8 candidate who is a threshold candidate with respect this state as a whole
 9 as a percentage of the votes received by all such threshold candidates of
 10 the same political party; and

11 (b) The ratio of votes received within each congressional district
 12 of this state by each candidate who is a threshold candidate with respect
 13 to such congressional district as a percentage of all votes received within
 14 that congressional district by all such threshold candidates of the same
 15 political party.

16 (c) Using the calculations specified in paragraph (b) of this
 17 subsection (3), the secretary of state shall assign binding vote assignments
 18 to each delegate to a national political convention at which a presidential
 19 candidate is to be chosen by a political party, at least one of whose
 20 candidates is a threshold candidate with respect to this state as a whole or
 21 any congressional district within this state. To the extent mathematically
 22 possible, the secretary of state shall make such binding vote assignments
 23 so that, within the entire state and each congressional district, delegates
 24 are assigned to cast votes at such conventions for threshold candidates in
 25 the same proportions as such threshold candidates received votes as
 26 compared to the votes received by all candidates of the same party who
 27 are threshold candidates with respect to the entire state or a particular
 28 congressional district.

1 (4) The secretary of state shall, to the extent practicable, assign
 2 binding vote assignments for candidates to delegates according to the
 3 candidate preference list supplied to the secretary of state by each
 4 delegate.

5 (5) The secretary of state shall notify each delegate of that
 6 delegate's binding vote assignments by mail at least seven days before the
 7 first day of the convention for which such delegate has been selected to
 8 attend. At such convention, each delegate assigned a binding vote
 9 assignment must vote as directed on such binding vote assignment only
 10 the first time votes are cast at the election which will serve to choose
 11 officially the presidential candidate of that delegate's political party. On
 12 subsequent such votes each delegate may disregard the binding vote
 13 assignment.

14 (6) Delegates may be released from their binding vote
 15 assignments for the first time votes are cast at the election which will
 16 serve to choose officially the presidential candidate of the delegate's
 17 political party only upon receiving notice from the secretary of state
 18 stating that the secretary of state has been officially notified by that
 19 delegate's national political party that the candidate to which the delegate
 20 is assigned to vote has directed that such delegates are to be freed from
 21 such assignments.

22 **SECTION 2. Refer to people under referendum.** This act shall
 23 be submitted to a vote of the qualified electors of the state of Colorado
 24 at the next biennial regular election, for their approval or rejection, under
 25 the provisions of the referendum as provided for in section 1 of article V
 26 of the state constitution, and in article 40 of title 1, Colorado Revised
 27 Statutes. Each elector voting at said election and desirous of voting for
 28 or against said act shall cast a vote as provided by law either "Yes" or

1 "No" on the proposition: "SHALL THE STATE OF COLORADO CONDUCT A
2 PRESIDENTIAL PRIMARY ELECTION AT WHICH ELECTORS SHALL CAST
3 VOTES FOR QUALIFIED CANDIDATES OF THEIR POLITICAL PARTY, AND THE
4 RESULTS OF WHICH SHALL BIND DELEGATES TO NATIONAL POLITICAL
5 CONVENTIONS FOR THE FIRST VOTE TO CHOOSE A PRESIDENTIAL
6 CANDIDATE AT SUCH CONVENTIONS?" The votes cast for the adoption or
7 rejection of said act shall be canvassed and the result determined in the
8 manner provided by law for the canvassing of votes for representatives
9 in Congress.

Bill to be referred to the voters at the next election subject to TABOR provisions

A BILL FOR AN ACT

101 CONCERNING THE RETENTION OF STATE REVENUES IN EXCESS OF THE
 102 CONSTITUTIONAL LIMITATION ON STATE FISCAL YEAR SPENDING
 103 FOR A CERTAIN FISCAL YEAR FOR THE PURPOSE OF FINANCING THE
 104 RENOVATION OF THE STATE CAPITOL BUILDING.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Refers to the voters a measure to authorize the expenditure of up to \$140 million of the excess surplus revenues for fiscal year 1998-1999 for the purpose of renovating and restoring the state capitol building.

Requires the state treasurer to transfer to the state capitol building renovation fund the amount of state excess revenues that the state is authorized to retain for fiscal year 1998-1999 for the purpose of this renovation project. Specifies that such transfer is not an appropriation subject to the statutory limitation on state general fund appropriations. Provides that the moneys so transferred and appropriated from the state capitol building renovation fund for this project shall be expended for structural renovation, health and life safety improvements, accessibility, advanced communications and climate infrastructure, and historic preservation and restoration of the state capitol building.

Directs the general assembly to designate an oversight committee to oversee the renovation and restoration project.

States that the renovation and restoration project shall begin no later than October 1, 2001, and shall extend for a period not to exceed 3 years.

States that no new taxes are to be raised for the project. Permits the state department of personnel to accept grants, gifts, donations, and nongovernmental contributions for the restoration project and directs that such grants, gifts, donations, and nongovernmental contributions be credited to the state capitol building renovation fund.

1 *Be it enacted by the General Assembly of the State of Colorado:*

1 TO RETAIN A PORTION OF REVENUES IN EXCESS OF THE LIMITATION ON
 2 STATE FISCAL YEAR SPENDING TO BE EXPENDED FOR THE PURPOSE OF
 3 RENOVATING THE STATE CAPITOL BUILDING.

4 **24-82-902. Purpose - state capitol building renovation and**
 5 **restoration.** (1) IT IS HEREBY DECLARED THAT THE PURPOSE OF THIS ACT
 6 IS TO AUTHORIZE A PROJECT TO RENOVATE AND RESTORE THE STATE
 7 CAPITOL BUILDING THROUGH A PUBLIC AND PRIVATE EFFORT THAT WILL
 8 RESULT IN IMPROVED FIRE SAFETY AND RESTORE THE STATE CAPITOL TO
 9 ITS ORIGINAL GRANDEUR.

10 (2) THERE SHALL BE A PROJECT TO RENOVATE AND RESTORE THE
 11 STATE CAPITOL BUILDING, COMMENCING NO LATER THAN OCTOBER 1,
 12 2001, AND EXTENDING FOR A PERIOD NOT TO EXCEED THREE YEARS. NO
 13 LATER THAN MARCH 1, 2000, THE STATE TREASURER SHALL TRANSFER AN
 14 AMOUNT OF REVENUES FROM THE GENERAL FUND TO THE COLORADO
 15 STATE CAPITOL BUILDING RENOVATION FUND, CREATED IN SECTION
 16 24-82-109, OF UP TO ONE HUNDRED FORTY MILLION DOLLARS, AS
 17 DESIGNATED BY THE GENERAL ASSEMBLY ACTING BY BILL. SUCH MONEYS
 18 SHALL BE EXPENDED FOR STRUCTURAL RENOVATION, HEALTH AND LIFE
 19 SAFETY IMPROVEMENTS, ACCESSIBILITY, ADVANCED COMMUNICATIONS
 20 AND CLIMATE INFRASTRUCTURE, AND HISTORICAL PRESERVATION AND
 21 RESTORATION OF THE STATE CAPITOL BUILDING, ACKNOWLEDGING THAT
 22 THE COLORADO STATE CAPITOL BUILDING IS A WORKING BUILDING THAT
 23 IS HISTORIC.

24 (3) ANY TRANSFER OF REVENUES FROM THE GENERAL FUND TO THE
 25 STATE CAPITOL BUILDING RENOVATION FUND PURSUANT TO THE
 26 PROVISIONS OF THIS SECTION SHALL NOT BE DEEMED TO BE AN
 27 APPROPRIATION SUBJECT TO THE LIMITATION OF SECTION 24-75-201.1.

28 (4) REVENUES TRANSFERRED TO THE STATE CAPITOL BUILDING

1 RENOVIATION FUND PURSUANT TO THIS SECTION SHALL CONSTITUTE A
 2 VOTER-APPROVED REVENUE CHANGE, AND SUCH REVENUES SHALL NOT BE
 3 INCLUDED IN EITHER STATE OR LOCAL GOVERNMENT FISCAL YEAR
 4 SPENDING FOR PURPOSES OF SECTION 20 OF ARTICLE X OF THE STATE
 5 CONSTITUTION AND SECTION 24-77-102 (17).

6 (5) THE GENERAL ASSEMBLY SHALL DESIGNATE AN OVERSIGHT
 7 COMMITTEE TO OVERSEE THE RENOVIATION AND RESTORATION PROJECT.

8 (6) NO ADDITIONAL REVENUES TO THE GENERAL FUND THROUGH
 9 THE IMPOSITION OF ANY NEW TAXES SHALL BE AUTHORIZED BY THE
 10 GENERAL ASSEMBLY FOR THE PURPOSES OF THIS SECTION.

11 (7) THE DEPARTMENT OF PERSONNEL IS AUTHORIZED TO ACCEPT
 12 GRANTS, GIFTS, DONATIONS, AND OTHER NONGOVERNMENTAL
 13 CONTRIBUTIONS TO BE USED FOR THE RENOVIATION AND RESTORATION
 14 PROJECT. SUCH GRANTS, GIFTS, DONATIONS, AND OTHER
 15 NONGOVERNMENTAL CONTRIBUTIONS SHALL BE CREDITED TO THE STATE
 16 CAPITOL BUILDING RENOVIATION FUND, CREATED IN SECTION 24-82-109.
 17 SUCH GIFTS, GRANTS, DONATIONS, AND OTHER NONGOVERNMENTAL
 18 CONTRIBUTIONS SHALL BE CONSIDERED AS GIFTS TO THE PUBLIC AND MAY
 19 BE TAX DEDUCTIBLE AS CHARITABLE CONTRIBUTIONS PURSUANT TO THE
 20 LAWS OF THE UNITED STATES. THE MONEYS IN SAID FUND SHALL BE
 21 SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY FOR THE
 22 PURPOSES OF THIS SECTION.

23 **SECTION 2.** 24-82-109, Colorado Revised Statutes, is amended
 24 to read:

25 **24-82-109. State capitol building renovation fund.** The
 26 department of personnel shall have the authority to accept any bequests,
 27 gifts, and grants of any kind from any private source or from any
 28 governmental unit to be used for the renovation of the Colorado state

1 capitol building. IN ADDITION, THE STATE CAPITOL BUILDING
 2 RENOVATION FUND SHALL ALSO CONSIST OF GENERAL FUND REVENUES
 3 TRANSFERRED TO THE FUND PURSUANT TO SECTION 24-82-902 (2). For the
 4 purposes of this section, "renovation" means the repair, remodeling,
 5 restoration, and preservation of the Colorado state capitol building and
 6 any fixtures or improvements associated therewith. The use of such
 7 bequests, gifts, and grants shall be subject to the conditions upon which
 8 the bequests, gifts, and grants are made; except that no bequest, gift, or
 9 grant shall be accepted if the conditions attached thereto require the use
 10 or expenditure thereof in a manner contrary to law or require expenditures
 11 from the general fund or any other fund in the state treasury unless such
 12 expenditures are approved by the general assembly. Such bequests, gifts,
 13 and grants, together with any other moneys appropriated or transferred by
 14 the general assembly, shall be credited to the Colorado state capitol
 15 building renovation fund, which fund is hereby created in the state
 16 treasury. The moneys in said fund shall be subject to annual
 17 appropriation by the general assembly for the purpose of renovating the
 18 Colorado state capitol building. All interest derived from the deposit and
 19 investment of moneys in the fund shall be credited to the fund. Any
 20 moneys not appropriated shall remain in the fund and shall not be
 21 transferred or revert to the general fund of the state at the end of any
 22 fiscal year.

23 **SECTION 3. Refer to people under referendum.** This act shall
 24 be submitted to a vote of the registered electors of the state of Colorado
 25 at the next election for which it may be submitted, for their approval or
 26 rejection, under the provisions of the referendum as provided for in
 27 section 1 of article V and section 20 of article X of the state constitution,
 28 and in article 40 of title 1, Colorado Revised Statutes. Each elector

1 voting at said election and desirous of voting for or against said act shall
 2 cast a vote as provided by law either "Yes" or "No" on the proposition:
 3 "SHALL THE STATE OF COLORADO BE PERMITTED TO RETAIN UP TO ONE
 4 HUNDRED FORTY MILLION DOLLARS OF THE STATE REVENUES IN EXCESS OF
 5 THE CONSTITUTIONAL LIMITATION ON STATE FISCAL YEAR SPENDING FOR
 6 THE 1998-1999 FISCAL YEAR FOR THE PURPOSE OF THE RENOVATION OF
 7 THE STATE CAPITOL BUILDING, NOTWITHSTANDING ANY RESTRICTION ON
 8 SPENDING, REVENUES, OR APPROPRIATIONS, INCLUDING WITHOUT
 9 LIMITATION THE RESTRICTION OF SECTION 20 OF ARTICLE X OF THE STATE
 10 CONSTITUTION AND THE STATUTORY LIMITATION ON STATE GENERAL FUND
 11 APPROPRIATIONS, AND, IN CONNECTION THEREWITH, SPECIFYING THE
 12 ALLOCATION OF THE EXCESS REVENUE TO THE STATE CAPITOL BUILDING
 13 RENOVATION FUND, PROVIDING TIME FRAMES FOR THE RESTORATION AND
 14 RENOVATION PROJECT; AUTHORIZING THE ACCEPTANCE OF GRANTS, GIFTS,
 15 DONATIONS, AND OTHER NONGOVERNMENTAL CONTRIBUTIONS FOR THE
 16 RESTORATION AND RENOVATION PROJECT; AND PROHIBITING THE
 17 IMPOSITION OF NEW TAXES FOR THE PURPOSES OF THIS MEASURE?" The
 18 votes cast for the adoption or rejection of said act shall be canvassed and
 19 the result determined in the manner provided by law for the canvassing
 20 of votes for representatives in Congress.

Concurrent resolution for amending the state constitution

SENATE CONCURRENT RESOLUTION 04-001

101 SUBMITTING TO THE REGISTERED ELECTORS OF THE STATE OF COLORADO
 102 AN AMENDMENT TO SECTION 20 OF ARTICLE X OF THE
 103 CONSTITUTION OF THE STATE OF COLORADO, CONCERNING THE
 104 EXCLUSION OF TUITION PAID TO PUBLIC INSTITUTIONS OF HIGHER
 105 EDUCATION FROM THE DEFINITION OF "FISCAL YEAR SPENDING",
 106 AND, IN CONNECTION THEREWITH, LIMITING THE EFFECT OF THE
 107 EXCLUSION ON STATE FISCAL YEAR SPENDING LIMITS BY REQUIRING
 108 SUCH LIMITS TO BE CALCULATED BASED UPON PRIOR STATE FISCAL
 109 YEAR SPENDING LIMITS, WITH ADJUSTMENTS FOR INFLATION AND
 110 POPULATION GROWTH, WITHOUT BEING SUBJECT TO REDUCTION
 111 DUE TO DECLINES IN STATE REVENUES.

Resolution Summary

(Note: This summary applies to this resolution as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Interim Committee on Fiscal Restraints. For district fiscal years commencing on or after July 1, 2004, excludes tuition paid to public institutions of higher education from fiscal year spending for purposes of the taxpayer's bill of rights. Requires spending limits for state fiscal years that commence on or after July 1, 2004, to be calculated based upon calculated prior fiscal year spending limits, with adjustments for inflation and population growth, without being subject to reduction due to declines in state revenues.

1 *Be It Resolved by the Senate of the Sixty-fourth General Assembly*
 2 *of the State of Colorado, the House of Representatives concurring herein:*
 3 **SECTION 1.** At the next election at which such question may be
 4 submitted, there shall be submitted to the registered electors of the state

1 of Colorado, for their approval or rejection, the following amendment to
 2 the constitution of the state of Colorado, to wit:

3 Section 20 (2) (e) and (7) (a) of article X of the constitution of the
 4 state of Colorado are amended to read:

5 **Section 20. The Taxpayer's Bill of Rights. (2) Term**
 6 **definitions.** Within this section:

7 (e) (i) FOR DISTRICT FISCAL YEARS THAT COMMENCE BEFORE JULY
 8 1, 2004, "fiscal year spending" means all district expenditures and reserve
 9 increases except, as to both, those for refunds made in the current or next
 10 fiscal year or those from gifts, federal funds, collections for another
 11 government, pension contributions by employees and pension fund
 12 earnings, reserve transfers or expenditures, damage awards, or property
 13 sales.

14 *[Note: The remainder of SECTION 1 has been removed from this*
 15 *illustration.]*

16 **SECTION 2.** Each elector voting at said election and desirous of
 17 voting for or against said amendment shall cast a vote as provided by law
 18 either "Yes" or "No" on the proposition: "AN AMENDMENT TO SECTION
 19 20 OF ARTICLE X OF THE CONSTITUTION OF THE STATE OF COLORADO,
 20 CONCERNING THE EXCLUSION OF TUITION PAID TO PUBLIC INSTITUTIONS OF
 21 HIGHER EDUCATION FROM THE DEFINITION OF "FISCAL YEAR SPENDING",
 22 AND, IN CONNECTION THEREWITH, LIMITING THE EFFECT OF THE
 23 EXCLUSION ON STATE FISCAL YEAR SPENDING LIMITS BY REQUIRING SUCH
 24 LIMITS TO BE CALCULATED BASED UPON PRIOR STATE FISCAL YEAR
 25 SPENDING LIMITS, WITH ADJUSTMENTS FOR INFLATION AND POPULATION
 26 GROWTH, WITHOUT BEING SUBJECT TO REDUCTION DUE TO DECLINES IN
 27 STATE REVENUES."

28 **SECTION 3.** The votes cast for the adoption or rejection of said

1 amendment shall be canvassed and the result determined in the manner
2 provided by law for the canvassing of votes for representatives in
3 Congress, and if a majority of the electors voting on the question shall
4 have voted "Yes", the said amendment shall become a part of the state
5 constitution.

Concurrent resolution to ratify an amendment to the U.S. constitution

HOUSE CONCURRENT RESOLUTION 72-1017

101 CONCERNING RATIFICATION OF THE PROPOSED AMENDMENT TO THE
 102 CONSTITUTION OF THE UNITED STATES RELATIVE TO EQUAL RIGHTS
 103 FOR MEN AND WOMEN.

Resolution Summary

(Note: This summary applies to this resolution as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Ratifies the proposed equal rights amendment to the U.S. constitution.

1 WHEREAS, the Ninety-second Congress of the United States of
 2 America, at its second session, in both Houses, by a constitutional
 3 majority of two-thirds thereof, has proposed an amendment to the
 4 Constitution of the United States of America in the following words, to
 5 wit:

6 JOINT RESOLUTION

7 Proposing an amendment to the Constitution of the United States
 8 relative to equal rights for men and women.

9 *Resolved by the Senate and House of Representatives of the United*
 10 *States of America in Congress assembled (two-thirds of each House*
 11 *concurring therein), That the following article is proposed as an*
 12 *amendment to the Constitution of the United States, which shall be valid*
 13 *to all intents and purposes as part of the Constitution when ratified by the*
 14 *legislatures of three fourths of the several states within seven years from*
 15 *the date of its submission by Congress:*

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"ARTICLE

"Section 1. Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex.

"Section 2. The congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

"Section 3. This amendment shall take effect two years after the date of ratification."

Be It Resolved by the House of Representatives of the Forty-eighth General Assembly of the State of Colorado, the Senate concurring herein:

That the said proposed amendment to the Constitution of the United States of America be and the same is hereby ratified by the General Assembly of the State of Colorado.

Be It Further Resolved, That a copy of the foregoing preamble and resolution be transmitted to the Administrator of General Services of the United States, which copy shall be certified by the President of the Senate, attested by the Secretary of the Senate, and certified by the Speaker of the House of Representatives, attested by the Chief Clerk of the House of Representatives, of the Forty-eighth General Assembly of the State of Colorado.

Concurrent resolution to call a state constitutional convention

HOUSE CONCURRENT RESOLUTION 04-1002

101 SUBMITTING TO THE REGISTERED ELECTORS OF THE STATE OF COLORADO
 102 THE PROPOSAL FOR THE HOLDING OF A CONSTITUTIONAL
 103 CONVENTION TO REVISE, ALTER, AND AMEND SECTION 17 OF
 104 ARTICLE IX AND SECTIONS 3, 3.5, AND 20 OF ARTICLE X OF THE
 105 CONSTITUTION OF THE STATE OF COLORADO, WITH ANY REFERRED
 106 MEASURE FROM THE CONVENTION REQUIRING THE VOTE OF
 107 TWO-THIRDS OF THE DELEGATES THERETO.

Resolution Summary

(Note: This summary applies to this resolution as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Interim Committee on Fiscal Restraints. Submits, at the next general election, the proposal of holding a convention to amend specified provisions of the state constitution, with any referred measure from the convention requiring the vote of two-thirds of the delegates thereto.

1 *Be It Resolved by the House of Representatives of the Sixty-fourth*
 2 *General Assembly of the State of Colorado, the Senate concurring herein:*

3 **SECTION 1.** At the next election at which such question may be
 4 submitted, there shall be submitted to the registered electors of the state
 5 of Colorado, for their approval or rejection, the proposal of holding a
 6 convention to revise, alter, and amend section 17 of article IX and
 7 sections 3, 3.5, and 20 of article X of the present constitution of the state
 8 of Colorado, with any referred measure from the convention requiring the
 9 vote of two-thirds of the delegates thereto.

10 **SECTION 2.** The submission of said proposal shall be duly
 11 published and certified, and shall be placed on the official ballots at the

1 next general election, in the same manner as amendments to the state
 2 constitution.

3 **SECTION 3.** Each elector voting at said election and desirous of
 4 voting for or against said proposal shall cast a vote as provided by law
 5 either "Yes" or "No" on the proposal: "FOR THE HOLDING OF A
 6 CONSTITUTIONAL CONVENTION TO REVISE, ALTER, AND AMEND SECTION
 7 17 OF ARTICLE IX AND SECTIONS 3, 3.5, AND 20 OF ARTICLE X OF THE
 8 CONSTITUTION OF THE STATE OF COLORADO, WITH ANY REFERRED
 9 MEASURE FROM THE CONVENTION REQUIRING THE VOTE OF TWO-THIRDS
 10 OF THE DELEGATES THERETO."

11 **SECTION 4.** The votes cast for the adoption or rejection of said
 12 proposal shall be canvassed and the result determined in the manner
 13 provided by law for the canvassing of votes for representatives in
 14 Congress, and if a majority of the electors voting on the proposal shall
 15 have voted "Yes", the general assembly, at its next session, shall provide
 16 for the calling of a constitutional convention, as provided in section 1 of
 17 article XIX of the state constitution.

Concurrent resolution contingent on the passage of another concurrent resolution

SENATE CONCURRENT RESOLUTION 04-009

101 SUBMITTING TO THE REGISTERED ELECTORS OF THE STATE OF COLORADO
 102 AN AMENDMENT TO SECTION 17 (1) AND (4) (b) OF ARTICLE IX OF
 103 THE CONSTITUTION OF THE STATE OF COLORADO, CONCERNING
 104 MODIFICATIONS TO THE REQUIRED INCREASES IN CERTAIN STATE
 105 EDUCATION FUNDING, AND, IN CONNECTION THEREWITH,
 106 REQUIRING THE STATEWIDE BASE PER PUPIL FUNDING AND THE
 107 TOTAL STATE FUNDING FOR ALL CATEGORICAL PROGRAMS TO
 108 ANNUALLY INCREASE BY THE LESSER OF INFLATION OR THE
 109 PERCENTAGE CHANGE IN GENERAL FUND REVENUES, AND
 110 REQUIRING AN ADDITIONAL ONE PERCENT INCREASE IN THE
 111 STATEWIDE BASE PER PUPIL FUNDING AND TOTAL STATE FUNDING
 112 FOR ALL CATEGORICAL PROGRAMS WHEN STATE REVENUES EXCEED
 113 THE LIMITATION ON STATE FISCAL YEAR SPENDING.

Resolution Summary

(Note: This summary applies to this resolution as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Amends section 17 (1) of article IX of the state constitution (amendment 23) to eliminate the requirement that, through the 2010-11 state fiscal year, the statewide base per pupil funding and the total state funding for all categorical programs increase by at least the rate of inflation plus one percent, and that for the 2011-12 and future state fiscal years, the statewide base per pupil funding and total categorical program funding increase by at least the rate of inflation. Instead requires the following:

- That, for the 2005-06 and future state fiscal years, the statewide base per pupil funding and total categorical program funding increase by the lesser of the rate of inflation for the prior calendar year or the percentage change in general fund revenues collected by the state in the prior 2 calendar years.
- That, for the 2005-06 state fiscal year and the next 5 state

fiscal years, the statewide base per pupil funding and total categorical program funding increase by one percent if state revenues exceed the limitation on state fiscal year spending imposed by the taxpayer's bill of rights (TABOR).

- Suspends the one percent increase requirement if state revenues do not exceed the state fiscal year spending limit.
- If the suspension is triggered, extends the period of the required one percent increase in order to ensure the increase requirements apply for a total of 6 state fiscal years.

Amends subsection (4) (b) of amendment 23 to preclude the use of moneys in the state education fund to comply with the one percent increase requirement.

Specifies that the measure only takes effect if a specified measure amending TABOR is enacted by the general assembly and approved by the voters.

1 *Be It Resolved by the Senate of the Sixty-fourth General Assembly*
 2 *of the State of Colorado, the House of Representatives concurring herein:*

3 **SECTION 1.** Except as otherwise provided in section 3 of this
 4 concurrent resolution, at the next election at which such question may be
 5 submitted, there shall be submitted to the registered electors of the state
 6 of Colorado, for their approval or rejection, the following amendment to
 7 the constitution of the state of Colorado, to wit:

8 Section 17 (1) and (4) (b) of article IX of the constitution of the
 9 state of Colorado are amended to read:

10 **Section 17. Education - Funding. (1) Purpose.** (a) ~~In state~~
 11 ~~fiscal year 2001-2002 through state fiscal year 2010-2011, the~~
 12 ~~statewide....~~

13 *[Note: The remainder of SECTION 1 has been removed from this*
 14 *illustration.]*

15 **SECTION 2.** Each elector voting at said election and desirous of
 16 voting for or against said amendment shall cast a vote as provided by law
 17 either "Yes" or "No" on the proposition: "AN AMENDMENT TO SECTION
 18 17 (1) AND (4) (b) OF ARTICLE IX OF THE CONSTITUTION OF THE STATE OF

1 COLORADO, CONCERNING MODIFICATIONS TO THE REQUIRED INCREASES
 2 IN CERTAIN STATE EDUCATION FUNDING, AND, IN CONNECTION THEREWITH,
 3 REQUIRING THE STATEWIDE BASE PER PUPIL FUNDING AND THE TOTAL
 4 STATE FUNDING FOR ALL CATEGORICAL PROGRAMS TO ANNUALLY
 5 INCREASE BY THE LESSER OF INFLATION OR THE PERCENTAGE CHANGE IN
 6 GENERAL FUND REVENUES, AND REQUIRING AN ADDITIONAL ONE PERCENT
 7 INCREASE IN THE STATEWIDE BASE PER PUPIL FUNDING AND TOTAL STATE
 8 FUNDING FOR ALL CATEGORICAL PROGRAMS WHEN STATE REVENUES
 9 EXCEED THE LIMITATION ON STATE FISCAL YEAR SPENDING."

10 **SECTION 3.** Notwithstanding the provisions of section 1 of this
 11 concurrent resolution, such question shall not be submitted to the
 12 registered electors of the state of Colorado, for their approval or rejection,
 13 unless the General Assembly shall have approved Senate Concurrent
 14 Resolution 04-_____ at the Second Regular Session of the Sixty-fourth
 15 General Assembly.

16 **SECTION 4.** The votes cast for the adoption or rejection of said
 17 amendment shall be canvassed and the result determined in the manner
 18 provided by law for the canvassing of votes for representatives in
 19 Congress, and if a majority of the electors voting on the question shall
 20 have voted "Yes", and if a majority of the electors voting on the question
 21 submitted pursuant to Senate Concurrent Resolution 04-_____, adopted
 22 at the Second Regular Session of the Sixty-fourth General Assembly,
 23 shall have voted "Yes", the said amendment shall become a part of the
 24 state constitution.

Concurrent resolution amending more than one article of the constitution

HOUSE CONCURRENT RESOLUTION 04-1003

101 SUBMITTING TO THE REGISTERED ELECTORS OF THE STATE OF COLORADO
 102 AMENDMENTS TO SECTION 17 OF ARTICLE IX AND SECTION 20 OF
 103 ARTICLE X OF THE CONSTITUTION OF THE STATE OF COLORADO,
 104 CONCERNING STATE SPENDING, AND, IN CONNECTION THEREWITH,
 105 REPLACING THE REQUIREMENT THAT STATEWIDE BASE PER PUPIL
 106 FUNDING FOR PRESCHOOL, PRIMARY, AND SECONDARY EDUCATION
 107 AND TOTAL STATE FUNDING FOR ALL CATEGORICAL PROGRAMS FOR
 108 EACH OF THE TEN STATE FISCAL YEARS STARTING WITH THE
 109 2001-02 STATE FISCAL YEAR INCREASE BY AT LEAST THE RATE OF
 110 INFLATION PLUS ONE PERCENTAGE POINT WITH A REQUIREMENT
 111 THAT THE GENERAL ASSEMBLY SET THE STATEWIDE BASE PER PUPIL
 112 FUNDING AND TOTAL STATE FUNDING FOR ALL CATEGORICAL
 113 PROGRAMS AT NO LESS THAN THE LEVELS OF THE STATEWIDE BASE
 114 PER PUPIL FUNDING AND TOTAL STATE FUNDING FOR ALL
 115 CATEGORICAL PROGRAMS FOR THE PRIOR STATE FISCAL YEAR IN
 116 ANY STATE FISCAL YEAR THAT FOLLOWS A CALENDAR YEAR IN
 117 WHICH STATE GENERAL FUND REVENUES DID NOT INCREASE BY AT
 118 LEAST THE SUM OF INFLATION PLUS THE PERCENTAGE CHANGE IN
 119 STATE POPULATION FOR THE PRIOR CALENDAR YEAR; REPLACING
 120 THE REQUIREMENT THAT STATEWIDE BASE PER PUPIL FUNDING FOR
 121 PRESCHOOL, PRIMARY, AND SECONDARY EDUCATION AND TOTAL
 122 STATE FUNDING FOR ALL CATEGORICAL PROGRAMS FOR STATE
 123 FISCAL YEARS STARTING WITH THE 2011-12 STATE FISCAL YEAR
 124 INCREASE BY THE RATE OF INFLATION WITH A REQUIREMENT THAT
 125 THE GENERAL ASSEMBLY SET THE STATEWIDE BASE PER PUPIL

101 FUNDING AND TOTAL STATE FUNDING FOR ALL CATEGORICAL
 102 PROGRAMS AT NO LESS THAN THE LEVELS OF THE STATEWIDE BASE
 103 PER PUPIL FUNDING FOR PRESCHOOL, PRIMARY, AND SECONDARY
 104 EDUCATION AND TOTAL STATE FUNDING FOR ALL CATEGORICAL
 105 PROGRAMS FOR THE PRIOR FISCAL YEAR; INCREASING THE STATE
 106 FISCAL YEAR SPENDING LIMITS FOR THE 2005-06 AND 2006-07
 107 STATE FISCAL YEARS BY ONE PERCENTAGE POINT EACH; INCLUDING
 108 EACH ONE PERCENTAGE POINT INCREASE IN THE STATE FISCAL YEAR
 109 SPENDING BASE FOR THE PURPOSE OF CALCULATING SUBSEQUENT
 110 YEARS' STATE FISCAL YEAR SPENDING LIMITS EVEN IF STATE
 111 REVENUES DECLINE; AND REQUIRING SOME OF THE ADDITIONAL
 112 MONEYS UNDER THE INCREASED STATE FISCAL YEAR SPENDING
 113 LIMITS TO BE EXPENDED FIRST TO COMPENSATE LOCAL
 114 GOVERNMENTS FOR REVENUE LOSSES FROM THE SENIOR PROPERTY
 115 TAX EXEMPTION, NEXT TO PROVIDE A STATE CREDIT AGAINST
 116 BUSINESS PERSONAL PROPERTY TAXES, AND LASTLY FOR REFUNDS
 117 TO TAXPAYERS.

Resolution Summary

(Note: This summary applies to this resolution as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Interim Committee on Fiscal Restraints. Amends section 17 of article IX of the Colorado constitution (Amendment 23) as follows:

- Replaces the requirement that statewide base per pupil funding for preschool, primary, and secondary education for each of the 10 state fiscal years starting with the 2001-02 state fiscal year increase by at least the rate of inflation plus one percentage point with a requirement that the general assembly set the statewide base per pupil funding and total state funding for all categorical programs at no less than the levels of the statewide base per pupil funding and total state funding for all categorical programs for the prior state fiscal year in any state fiscal year that follows a calendar year in which state general fund

revenues did not increase by at least the sum of inflation plus the percentage change in state population for the prior calendar year.

- Replaces the requirement that statewide base per pupil funding for preschool, primary, and secondary education for state fiscal years starting with the 2011-12 state fiscal year increase by the rate of inflation with a requirement that the general assembly set the statewide base per pupil funding and total state funding for all categorical programs at no less than the levels of the statewide base per pupil funding for preschool, primary, and secondary education and total state funding for all categorical programs for the prior fiscal year.

Amends section 20 of article X of the Colorado constitution (TABOR) as follows:

- Increases the state fiscal year spending limits for the 2005-06 and 2006-07 state fiscal years by one percentage point each.
- Includes each one percentage point increase in the state fiscal year spending base for the purpose of calculating subsequent years' state fiscal year spending limits even if state revenues decline.
- Requires additional moneys under the increased state fiscal year spending limits to be expended first to compensate local governments for revenue losses from the senior property tax exemption, next to provide a state credit against business personal property taxes, and lastly for refunds to taxpayers if the amount of the additional moneys is at least 50% of the amount of compensation owed to the local governments.

1 *Be It Resolved by the House of Representatives of the Sixty-fourth*
 2 *General Assembly of the State of Colorado, the Senate concurring herein:*

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

7 Section 17 (1) of article IX of the constitution of the state of
 8 Colorado is amended to read:

9 **Section 17. Education - Funding.** (1) **Purpose.** (a) (I) EXCEPT
 10 AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (1), STARTING in
 11 state fiscal year 2001-2002 ~~through state fiscal year 2010-2011~~ FOR A

1 PERIOD OF TEN CONSECUTIVE STATE FISCAL YEARS, the statewide base per
 2 pupil funding, as defined by the Public School Finance Act of 1994,
 3 article 54 of title 22, Colorado Revised Statutes on the effective date of
 4 this section, for public education from preschool through the twelfth
 5 grade and total state funding for all categorical programs shall grow
 6 annually at least by the rate of inflation plus an additional one percentage
 7 point.

8 *[Note: The remainder of this portion of SECTION 1 has been removed*
 9 *from this illustration.]*

10 Section 20 (7) (a) of article X of the constitution of the state of
 11 Colorado is amended, and the said section 20 (7) is further amended BY
 12 THE ADDITION OF A NEW PARAGRAPH, to read:

13 **Section 20. The Taxpayer's Bill of Rights. (7) Spending**
 14 **limits.** (a) EXCEPT AS OTHERWISE PROVIDED IN (7) (a.5), the maximum
 15 annual percentage change in state fiscal year spending equals inflation
 16 plus the percentage change in state population in the prior calendar year,
 17 adjusted for revenue changes approved by voters after 1991. Population
 18 shall be determined by annual federal census estimates and such number
 19 shall be adjusted every decade to match the federal census.

20 *[Note: The remainder of this portion of SECTION 1 has been removed*
 21 *from this illustration.]*

22 **SECTION 2.** Each elector voting at said election and desirous of
 23 voting for or against said amendment shall cast a vote as provided by law
 24 either "Yes" or "No" on the proposition: "AMENDMENTS TO SECTION 17
 25 OF ARTICLE IX AND SECTION 20 OF ARTICLE X OF THE CONSTITUTION OF
 26 THE STATE OF COLORADO, CONCERNING STATE SPENDING, AND, IN
 27 CONNECTION THEREWITH, REPLACING THE REQUIREMENT THAT STATEWIDE
 28 BASE PER PUPIL FUNDING FOR PRESCHOOL, PRIMARY, AND SECONDARY

1 EDUCATION AND TOTAL STATE FUNDING FOR ALL CATEGORICAL PROGRAMS
 2 FOR EACH OF THE TEN STATE FISCAL YEARS STARTING WITH THE 2001-02
 3 STATE FISCAL YEAR INCREASE BY AT LEAST THE RATE OF INFLATION PLUS
 4 ONE PERCENTAGE POINT WITH A REQUIREMENT THAT THE GENERAL
 5 ASSEMBLY SET THE STATEWIDE BASE PER PUPIL FUNDING AND TOTAL
 6 STATE FUNDING FOR ALL CATEGORICAL PROGRAMS AT NO LESS THAN THE
 7 LEVELS OF THE STATEWIDE BASE PER PUPIL FUNDING AND TOTAL STATE
 8 FUNDING FOR ALL CATEGORICAL PROGRAMS FOR THE PRIOR STATE FISCAL
 9 YEAR IN ANY STATE FISCAL YEAR THAT FOLLOWS A CALENDAR YEAR IN
 10 WHICH STATE GENERAL FUND REVENUES DID NOT INCREASE BY AT LEAST
 11 THE SUM OF INFLATION PLUS THE PERCENTAGE CHANGE IN STATE
 12 POPULATION FOR THE PRIOR CALENDAR YEAR; REPLACING THE
 13 REQUIREMENT THAT STATEWIDE BASE PER PUPIL FUNDING FOR PRESCHOOL,
 14 PRIMARY, AND SECONDARY EDUCATION AND TOTAL STATE FUNDING FOR
 15 ALL CATEGORICAL PROGRAMS FOR STATE FISCAL YEARS STARTING WITH
 16 THE 2011-12 STATE FISCAL YEAR INCREASE BY THE RATE OF INFLATION
 17 WITH A REQUIREMENT THAT THE GENERAL ASSEMBLY SET THE STATEWIDE
 18 BASE PER PUPIL FUNDING AND TOTAL STATE FUNDING FOR ALL
 19 CATEGORICAL PROGRAMS AT NO LESS THAN THE LEVELS OF THE
 20 STATEWIDE BASE PER PUPIL FUNDING FOR PRESCHOOL, PRIMARY, AND
 21 SECONDARY EDUCATION AND TOTAL STATE FUNDING FOR ALL
 22 CATEGORICAL PROGRAMS FOR THE PRIOR FISCAL YEAR; INCREASING THE
 23 STATE FISCAL YEAR SPENDING LIMITS FOR THE 2005-06 AND 2006-07
 24 STATE FISCAL YEARS BY ONE PERCENTAGE POINT EACH; INCLUDING EACH
 25 ONE PERCENTAGE POINT INCREASE IN THE STATE FISCAL YEAR SPENDING
 26 BASE FOR THE PURPOSE OF CALCULATING SUBSEQUENT YEARS' STATE
 27 FISCAL YEAR SPENDING LIMITS EVEN IF STATE REVENUES DECLINE; AND
 28 REQUIRING SOME OF THE ADDITIONAL MONEYS UNDER THE INCREASED

1 STATE FISCAL YEAR SPENDING LIMITS TO BE EXPENDED FIRST TO
2 COMPENSATE LOCAL GOVERNMENTS FOR REVENUE LOSSES FROM THE
3 SENIOR PROPERTY TAX EXEMPTION, NEXT TO PROVIDE A STATE CREDIT
4 AGAINST BUSINESS PERSONAL PROPERTY TAXES, AND LASTLY FOR
5 REFUNDS TO TAXPAYERS."

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

Joint resolution asking congress to submit an amendment to the U.S. constitution

HOUSE JOINT RESOLUTION 92-1026

101 CONCERNING AN AMENDMENT TO THE UNITED STATES CONSTITUTION
 102 REQUIRING CONGRESS TO ADOPT A BALANCED BUDGET PLAN.

1 WHEREAS, The national debt is over \$3.7 trillion and is
 2 increasing at a rate of over \$1 billion a day; and

3 WHEREAS, The United States Congress made changes in the
 4 budget process at least four times in the last two decades and each time
 5 the deficit increased; and

6 WHEREAS, The Gramm-Rudman-Hollings Deficit Reduction Act
 7 of 1985 set decreasing deficit targets to balance the budget by 1991, but
 8 since Congress was unable to meet the deadline it has delayed the dated
 9 to 1993; and

10 WHEREAS, The five-year 1990 deficit reduction "summit" only
 11 resulted in tax increases and increased federal deficits; and

12 WHEREAS, The interest on the national debt is fifteen percent of
 13 the federal budget costing taxpayers over \$225 billion a year; and

14 WHEREAS, Budgeting developments have increased spending as
 15 a percent of the gross national product which has resulted in an increased
 16 tax burden and an increase in the national debt; and

17 WHEREAS, Increasing federal debt expands the public sector at
 18 the expense of the private economy and causes inflation, unemployment,
 19 high interest rates, and an unstable economy which places greater burdens
 20 on state governments and budgets; and

21 WHEREAS, Tax increases destroy the will of the people to work
 22 and prosper and destroy the incentive for business and industry to invest
 23 and expand; and

24 WHEREAS, Congress has considered various balanced budget
 25 proposals in the past without success and is currently considering
 26 proposals which do not contain the measures necessary to halt excessive
 27 spending and mounting tax burdens; now, therefore,

28 *Be It Resolved by the House of Representatives of the Fifty-eighth*
 29 *General Assembly of the State of Colorado, the Senate concurring herein:*

30 (1) That the President and Congress are required to agree each
 31 year to a balanced budget plan, prohibiting spending outlays from
 32 exceeding tax receipts.

33 (2) That Congress may only authorize a deficit with the approval
 34 of a three-fifths majority of both the House of Representatives and the
 35 Senate.

1 (3) That Congress may only raise taxes with the approval of a
2 three-fifths majority of the House of Representatives and the Senate.

3 (4) That congress may not increase the total United States debt
4 without the approval of a three-fifths majority of the House of
5 Representatives and the Senate.

6 (5) That congress may waive these provision if a declaration of
7 war is in effect.

8 (6) That the constitutional amendment take effect in 1997 or the
9 second year after ratification, whichever is later.

10 *Be It Further Resolved*, That copies of this Joint Resolution be sent
11 to all members of the United States Senate and House of Representatives
12 urging them to support the provisions in HJR 248 to balance the federal
13 budget, limit taxes, and halt the growing national debt which threatens the
14 economic stability of this country.

Joint memorial asking congress to call a federal constitutional convention

SENATE JOINT MEMORIAL 78-001

101 MEMORIALIZING CONGRESS TO CONVENE A CONSTITUTIONAL CONVENTION
 102 FOR THE SPECIFIC AND EXCLUSIVE PURPOSE OF PROPOSING AN
 103 AMENDMENT TO THE UNITED STATES CONSTITUTION REQUIRING
 104 THAT FEDERAL SPENDING NOT EXCEED ESTIMATED FEDERAL
 105 REVENUES.

1 WHEREAS, With each passing year this nation becomes more
 2 deeply in debt as its expenditures grossly and repeatedly exceed available
 3 revenues so that the public debt now exceeds hundreds of billions of
 4 dollars; and

5 WHEREAS, The annual federal budget continually demonstrates
 6 an unwillingness or inability of both the legislative and executive
 7 branches of the federal government to curtail spending to conform to
 8 available revenues; and

9 WHEREAS, Convinced that fiscal irresponsibility at the federal
 10 level, with the inflation which results from this policy, is the greatest
 11 threat which faces our nation, we firmly believe that constitutional
 12 restraint is vital to bring the fiscal discipline needed to restore financial
 13 responsibility; and

14 WHEREAS, Under article V of the constitution of the United
 15 States, amendments to the federal constitution may be proposed by the
 16 congress whenever two-thirds of both houses deem it necessary or on the
 17 application of the legislatures of two-thirds of the several states that the
 18 congress shall call a constitutional convention for the purpose of
 19 proposing amendments which shall be valid to all intents and purposes
 20 when ratified by the legislatures and three-fourths of the several states;
 21 now, therefore,

22 *Be It Resolved by the Senate of the Fifty-first General Assembly of*
 23 *the State of Colorado, the House of Representatives concurring herein:*

24 That the Congress of the Unites States is hereby memorialized to
 25 call a constitutional convention pursuant to article V of the constitution
 26 of the United States for the specific and exclusive purpose of proposing
 27 an amendment to the federal constitution prohibiting deficit spending
 28 except under conditions specified in such amendment.

29 *Be It Further Resolved,* That this application and request be
 30 deemed null and void, rescinded, and of no effect in the event that such
 31 convention not be limited to such specific and exclusive purpose.

32 *Be It Further Resolved,* That copies of this Memorial be
 33 transmitted to the secretary of state and presiding officers of both houses
 34 of the legislatures of each of the several states of the union, the clerk of
 35 the Unites States house of representatives, the secretary of the Unites
 36 States senate, and to each member of the Colorado congressional

1 delegation.

Joint resolution to amend the joint rules

SENATE JOINT RESOLUTION 99-019

101 CONCERNING CHANGES TO LEGISLATIVE DEADLINES.

1 *Be It Resolved by the Senate of the Sixty-second General Assembly*
 2 *of the State of Colorado, the House of Representatives concurring herein:*

3 That Joint Rule 23 (a) of the Joint Rules of the Senate and the
 4 House of Representatives is amended BY THE ADDITION OF A NEW
 5 PARAGRAPH to read:

6 **23. DEADLINE SCHEDULE**

7 (a) (1.2) NOTWITHSTANDING THE PRECEDING PARAGRAPH (1), FOR
 8 THE FIRST REGULAR SESSION IN 1999 ONLY, THE
 9 FOLLOWING DEADLINES ARE CHANGED TO THE DATES
 10 INDICATED:

11 1. THE FRIDAY, MARCH 19 DEADLINE (THE 73RD
 12 LEGISLATIVE DAY) FOR COMMITTEES OF REFERENCE TO
 13 REPORT BILLS ORIGINATING IN THE OTHER HOUSE IS
 14 EXTENDED IN THE SENATE UNTIL TUESDAY, MARCH 23,
 15 1999 (THE 77TH LEGISLATIVE DAY);

16 2. THE MONDAY, MARCH 22 DEADLINE (THE 76TH
 17 LEGISLATIVE DAY) FOR INTRODUCTION OF THE LONG
 18 APPROPRIATION BILL IN THE HOUSE OF ORIGIN (THE SENATE)
 19 IS EXTENDED UNTIL WEDNESDAY, MARCH 24, 1999 (THE
 20 78TH LEGISLATIVE DAY);

21 3. THE FRIDAY, MARCH 26 DEADLINE (THE 80TH
 22 LEGISLATIVE DAY) FOR FINAL PASSAGE OF THE LONG
 23 APPROPRIATION BILL IN THE HOUSE OF ORIGIN (THE SENATE)
 24 IS EXTENDED UNTIL MONDAY, MARCH 29, 1999 (THE 83RD
 25 LEGISLATIVE DAY);

26 4. THE FRIDAY, APRIL 2 DEADLINE (THE 87TH
 27 LEGISLATIVE DAY) FOR FINAL PASSAGE OF THE LONG
 28 APPROPRIATION BILL IN THE SECOND HOUSE (THE HOUSE) IS
 29 EXTENDED UNTIL MONDAY, APRIL 5, 1999 (THE 90TH
 30 LEGISLATIVE DAY).

31 THIS PARAGRAPH (1.2) IS REPEALED, EFFECTIVE MAY 6,
 32 1999.

Joint resolution expressing congratulations, opinion, etc.

HOUSE JOINT RESOLUTION 99-1044

101 CONCERNING THE ENCOURAGEMENT OF VOLUNTARY EFFORTS TO
102 ALLEVIATE CONGESTION ON COLORADO HIGHWAYS.

1 WHEREAS, The state of Colorado contains more than 85,000
2 miles of roads and 8,300 bridges, and vehicle miles in Colorado last year
3 totaled more than 36 billion, 22 billion of such miles on state roads; and

4 WHEREAS, Nearly three-fourths of Colorado's portion of the
5 interstate highway system was built before 1970, and since then, the
6 population of this state has increased by 1.8 million people; and

7 WHEREAS, Insufficient investment in the state's transportation
8 system relative to the state's population growth has resulted in too many
9 congested and unsafe roads, with heavily-traveled portions of such roads
10 forced to handle thousands more daily trips by motorists than was
11 anticipated when such roads were constructed; and

12 WHEREAS, Although the Colorado Transportation Commission
13 has identified 28 strategic transportation projects across the state that are
14 critical for improving Coloradans' safety and mobility, the projected
15 completion date for all of these projects is literally a generation away; and

16 WHEREAS, Beneficial growth in Colorado's economy and
17 preservation of our state's unique quality of life will only be possible if
18 goods, services, and people can be moved quickly, efficiently, and
19 economically across our state; and

20 WHEREAS, Addressing the state's transportation crisis is a major
21 priority of the First Regular Session of the Sixty-second General
22 Assembly, and Governor Owens' administration, working in concert with
23 the General Assembly, has developed a comprehensive package of
24 legislative measures that will, if enacted, accelerate completion of the 28
25 state-wide strategic transportation projects, provide safer and less
26 congested highways, direct attention to needed improvements in the
27 southeast corridor while freeing up resources for other important projects
28 around the state, and save Colorado taxpayers money and time otherwise
29 lost to traffic congestion; and

30 WHEREAS, There are numerous actions Colorado public and
31 private employers, families, and citizens can take now on a voluntary
32 basis to relieve or reduce traffic congestion on the state highways that will
33 enhance and supplement the package of transportation measures currently
34 pending before the General Assembly, including the adoption and
35 encouragement of flex-time, home-office, telecommuting, and
36 ride-sharing arrangements, as well as the use of "jitney" taxicab services
37 in heavily congested areas; and

38 WHEREAS, Voluntary efforts on the part of Colorado public and
39 private employers, families, and citizens to make greater use of these or

1 other alternatives to traditional highway usage could make a meaningful
2 difference in reducing or relieving congestion on state roads at little or no
3 cost to the public; now, therefore,

4 *Be It Resolved by the House of Representatives of the Sixty-second*
5 *General Assembly of the State of Colorado, the Senate concurring herein:*

6 (1) That the General Assembly encourages Colorado public and
7 private employers, families, and individual citizens to adopt and practice
8 voluntary efforts, whether through flex-time, home-office,
9 telecommuting, ride-sharing, jitney taxicab service, or other
10 arrangements, that will reduce or relieve traffic congestion on state roads.

11 (2) That the General Assembly encourages the executive director
12 of each principal department of the executive branch to consider, to the
13 extent not yet undertaken, the adoption of policies that will foster the use
14 of voluntary efforts to reduce traffic congestion on the part of the
15 employees in that department, consistent with existing rules and
16 regulations concerning personnel matters or otherwise.

17 *Be It Further Resolved,* That copies of this Joint Resolution be sent
18 to Governor Bill Owens, the executive director of each principal
19 department of the executive branch of state government, and each
20 member of Colorado's delegation to the United States Congress.

Joint resolution on the death of someone not a member of the General Assembly

SENATE JOINT RESOLUTION 99-038

101 CONCERNING HONORING DARIES CHARLES "CHUCK" LILE.

1 WHEREAS, By the Will of Divine Providence, Daries Charles
2 "Chuck" Lile, the former Director of the Colorado Water Conservation
3 Board, departed this life on February 8, 1999, at the age of fifty-four; and

4 WHEREAS, Chuck Lile served the State of Colorado faithfully for
5 thirty-one years in the area of water resources; and

6 WHEREAS, Chuck Lile, a registered professional engineer, began
7 his water resources career in July of 1967 in the Office of the State
8 Engineer where he worked for twenty-five years; and

9 WHEREAS, Chuck Lile was the division engineer of Water
10 District 7 in Durango for fourteen of his twenty-five years with the Office
11 of the State Engineer, where he was instrumental in negotiating the Indian
12 Reserved Water Rights settlement; and

13 WHEREAS, Chuck Lile was made the Director of the Colorado
14 Water Conservation Board in 1992 where his insight and leadership skills
15 greatly benefitted the Colorado Water Conservation Board and,
16 consequently, the State of Colorado; and

17 WHEREAS, Chuck Lile, during his tenure as the Director of the
18 Colorado Water Conservation Board, improved and brought new vitality
19 to the Colorado Water Conservation Board loan program by creating
20 several new accounts within the Colorado Water Conservation Board
21 Construction Fund, such as the fish and wildlife resources account, the
22 emergency infrastructure repair account, and the Horse Creek Basin
23 augmentation account; and

24 WHEREAS, Chuck Lile, in response to the Kansas lawsuit against
25 Colorado claiming failure to deliver water to the state line as required by
26 the Arkansas River Compact, helped organize and co-chaired the
27 Arkansas River Coordinating Committee; and

28 WHEREAS, Chuck Lile served on several state and interstate
29 organizations including the Arkansas River Compact Administration, the
30 Upper Colorado River Compact Commission as alternate commissioner,
31 the Western States Water Council, the Colorado River Salinity Control
32 Forum, and the Colorado Groundwater Commission; and

33 WHEREAS, Chuck Lile concluded his official career in July of
34 1998 after serving nearly six years as the Director of the Colorado Water
35 Conservation Board; and

36 WHEREAS, Chuck Lile was also very involved in community
37 projects, including such organizations as the Rotary Club, running clubs,
38 school boards, church groups, and youth sports, all of which demonstrated

1 his deep and abiding affection for Colorado and its people; and

2 WHEREAS, Chuck Lile spent his entire professional career
3 working for water users in the State of Colorado and now his memory
4 deserves their gratitude and deep appreciation for his skill, insight, and
5 leadership; now, therefore,

6 *Be It Resolved by the Senate of the Sixty-second General Assembly*
7 *of the State of Colorado, the House of Representatives concurring herein:*

8 That, in the death of Daries Charles "Chuck" Lile, the people of
9 the State of Colorado have lost a devoted public servant and an
10 outstanding citizen and that we, the members of the Sixty-second General
11 Assembly, pay tribute to Chuck Lile for his years of dedicated public
12 service and do hereby extend our deep and heartfelt sympathy to the
13 members of his family.

14 *Be It Further Resolved,* That copies of this resolution be sent to
15 Chuck Lile's wife, Leesa Lile, his sons Chip Lile and Chris Lile, his
16 daughter Carrie Lile, all of Durango, Colorado, and his mother Merle
17 Lile, of Pueblo, Colorado.

Joint resolution for a legislative study

HOUSE JOINT RESOLUTION 99-1018

101 CONCERNING THE CREATION OF AN INTERIM COMMITTEE TO STUDY THE
 102 REGULATION OF OIL AND GAS PRODUCTION IN COLORADO.

1 WHEREAS, There has been and continues to be significant growth
 2 occurring throughout Colorado, with the concomitant development
 3 pressures for housing, business, and the energy necessary to serve them;
 4 and

5 WHEREAS, Colorado has an enviable storehouse of natural gas
 6 and oil and is among the top ten states in the union in the production of
 7 these resources; and

8 WHEREAS, The regulation of the oil and gas industry has become
 9 increasingly complex as technology has advanced making it possible to
 10 extract these resources with greater effectiveness and efficiency; and

11 WHEREAS, The Colorado Oil and Gas Conservation Commission
 12 is charged with the regulation of oil and gas production by promoting the
 13 development of the resource to eliminate waste and to protect correlative
 14 rights consistent with the public health, safety, and welfare; and

15 WHEREAS, Local governments are also regulating certain land
 16 use issues associated with development to the extent there is no
 17 operational conflict with the Colorado Oil and Gas Conservation
 18 Commission rules and regulations; and

19 WHEREAS, There is a need to study the current regulatory
 20 framework of the oil and gas industry in light of the seemingly
 21 irreconcilable goals of the people involved; now, therefore,

22 *Be It Resolved by the House of Representatives of the Sixty-second*
 23 *General Assembly of the State of Colorado, the Senate concurring herein:*

24 (1) That there shall be a committee to meet in the interim after the
 25 1999 Regular Session of the Sixty-second General Assembly to study the
 26 regulation of oil and gas production in Colorado. Such interim committee
 27 shall consist of six members of the General Assembly and five members
 28 of the public. The Speaker of the House of Representatives shall appoint
 29 three members of the House of Representatives, no more than two of
 30 whom shall be from the same political party. The President of the Senate
 31 shall appoint three members of the Senate, no more than two of whom
 32 shall be from the same political party. Legislative members shall be
 33 chosen from regions that are most affected by oil and gas operations. The
 34 five public members shall be appointed by the Speaker of the House of
 35 Representatives and shall consist of one County Commissioner and one
 36 representative from each of the following organizations: San Juan
 37 Citizen's Alliance; Colorado Oil and Gas Association; Rocky Mountain
 38 Oil and Gas Association; and Western Colorado Congress. The interim
 39 committee may consider, but shall not be limited to, the following:

1 (a) The scope of existing regulation of the oil and gas industry and
 2 what might assist the Colorado Oil and Gas Conservation Commission to
 3 meet its statutory mandates;

4 (b) The effectiveness of rulemaking procedures of the Colorado
 5 Oil and Gas Conservation Commission;

6 (c) The impacts that the production of oil and gas has on affected
 7 citizens and their property, health, safety, and welfare;

8 (d) The relationships that the production of oil and gas has with
 9 Colorado's other natural resources; and

10 (e) The examination of mineral rights development and the
 11 attributable economic development benefits.

12 (2) That, in conducting such study, the interim committee may
 13 consult, as may be required, with appropriate local, state, and federal
 14 agencies and interested members of the public and members of the
 15 General Assembly. The study shall not require additional staff for any
 16 state agency or any additional appropriation to any such state agency.

17 (3) That the interim committee may tour at least four locations
 18 throughout the state that are affected by oil and gas operations, including,
 19 but not limited to, areas that are experiencing a significant amount of
 20 development and in-filling of oil and gas wells. The interim committee
 21 may hold public hearings in the locations toured and other locations as
 22 deemed necessary for purposes of the study.

23 (4) That the Legislative Council shall report its findings and
 24 recommendations to the Second Regular Session of the Sixty-second
 25 General Assembly.

26 (5) That all expenditures incurred in the conduct of the study
 27 enumerated in this resolution shall be approved by the chairperson of the
 28 Legislative Council and paid by vouchers and warrants drawn as provided
 29 by law from funds allocated to the Legislative Council from
 appropriations made by the General Assembly.

Joint resolution containing interrogatories to the Colorado supreme court

Note: Interrogatories can be sent by one house only and handled through a simple resolution. For an example, see HR 81-1016, Session Laws of Colorado 1981, p. 2126

SENATE JOINT RESOLUTION 99-021

101 CONCERNING A REQUEST TO THE SUPREME COURT OF THE STATE OF
 102 COLORADO TO RENDER ITS OPINION UPON QUESTIONS REGARDING
 103 HOUSE BILL 99-1325.

1 WHEREAS, Population and economic growth in Colorado
 2 increasingly burden existing public highways and other transportation
 3 infrastructure in the state, and this burden grows progressively greater
 4 each year; and

5 WHEREAS, The state's transportation infrastructure must be
 6 significantly improved in the near future to maintain the quality of life for
 7 the citizens of the state and to allow the state's economy to continue to
 8 grow and prosper; and

9 WHEREAS, House Bill 99-1325 was introduced in the House of
 10 Representatives of the Sixty-second General Assembly to enable the state
 11 to effectively and economically provide for the state's transportation
 12 infrastructure needs through the issuance of transportation revenue
 13 anticipation notes to finance federal aid transportation projects; and

14 WHEREAS, House Bill 99-1325 was passed by the House of
 15 Representatives, was passed by the Senate on Second Reading, and now
 16 awaits final action by the Senate; and

17 WHEREAS, Substantial questions have been raised about the
 18 constitutionality of House Bill 99-1325 under section 20 of article X and
 19 section 3 of article XI of the state constitution; and

20 WHEREAS, If the state must delay issuance of transportation
 21 revenue anticipation notes due to prolonged legal proceedings to
 22 determine whether the provisions of House Bill 99-1325 are
 23 constitutional, the state's ability to adequately address the long-term
 24 transportation infrastructure needs of the state will be seriously impaired
 25 for the following reasons:

26 1. The state would not be able to realize significant cost savings
 27 from financing federal aid transportation projects with transportation
 28 revenue anticipation notes because such transportation projects would not
 29 be completed at present-day costs and at an accelerated pace; and

30 2. The state must immediately begin negotiations with the federal
 31 government in order to be eligible to receive federal transportation funds
 32 recently made available by the United States Congress but not yet
 33 awarded; however, the federal government will not enter into such
 34 negotiations with the state until House Bill 99-1325 becomes law and is
 35 determined to be constitutional; and

1 3. Any delay in these negotiations with the federal government
 2 will place the state at a significant disadvantage with respect to other
 3 states already competing for these federal transportation funds, and such
 4 delay may result in the state being unable to obtain any of these federal
 5 funds; and

6 4. The state may be unable to issue transportation revenue
 7 anticipation notes or may be able to issue such notes only at inordinate
 8 cost until questions regarding the constitutionality of House Bill 99-1325
 9 are resolved by a decision of the Supreme Court of the State of Colorado;
 10 and

11 WHEREAS, If proceeds from the sale of transportation revenue
 12 anticipation notes are not treated the same as bonded debt proceeds and
 13 excluded from fiscal year spending for purposes of section 20 of article
 14 X of the state constitution, this manner of financing state transportation
 15 projects would only increase the amount of revenues in excess of the
 16 state's constitutional spending limitation that would be refunded using
 17 state general fund revenues at the expense of other state programs; and

18 WHEREAS, Resolving the constitutional questions in the context
 19 of an interrogatory proceeding will avoid:

20 1. Incurring the costs associated with the issuance of such notes,
 21 if such notes are later declared unconstitutional; and

22 2. Jeopardizing the funding for other important state programs and
 23 incurring penalties for noncompliance with section 20 of article X of the
 24 state constitution, if the proceeds from transportation revenue anticipation
 25 notes are later determined to be included in state fiscal year spending; and

26 WHEREAS, The issues raised by House Bill 99-1325 are strictly
 27 legal issues involving the interpretation and construction of various
 28 provisions of the state constitution, and no factual issues are likely to
 29 arise in the context of a private suit that would enhance the Supreme
 30 Court's ability to adjudicate these issues; and

31 WHEREAS, If, prior to the adjournment sine die of the
 32 Sixty-second General Assembly on May 5, 1999, the Supreme Court
 33 determines that the provisions of House Bill 99-1325 do not violate the
 34 state constitution, House Bill 99-1325 will probably pass the Senate on
 35 Third Reading and be signed into law by the Governor; and

36 WHEREAS, The General Assembly has elected to submit these
 37 interrogatories by joint resolution of the two houses signed by the
 38 Governor in order to demonstrate to the Supreme Court that both houses
 39 and the Governor concur in the importance of the issues set forth below
 40 and the urgency of the situation described herein; and

41 WHEREAS, The submittal of these interrogatories in this manner
 42 in no way limits or modifies the authority of either house to submit
 43 interrogatories by a House or Senate resolution; now, therefore,

44 *Be It Resolved by the Senate of the Sixty-second General Assembly*
 45 *of the State of Colorado, the House of Representatives concurring herein:*

1 That, in view of the premises, there is an important question as to
 2 the constitutionality of House Bill 99-1325, and it is the judgment of the
 3 Senate and the House of Representatives that the question of the
 4 constitutionality of House Bill 99-1325 is a matter of extreme importance
 5 and public interest; that it is essential that an immediate determination be
 6 secured; and that a solemn occasion within the meaning and intent of
 7 section 3 of article VI of the state constitution has arisen; and the Senate
 8 and the House of Representatives accordingly request the Supreme Court
 9 of the state of Colorado to render its opinion upon the following
 10 questions:

11 1. Would transportation revenue anticipation notes issued in
 12 accordance with the provisions of House Bill 99-1325 constitute a "debt
 13 by loan in any form" that is prohibited by section 3 of article XI of the
 14 state constitution?

15 2. Would transportation revenue anticipation notes issued in
 16 accordance with the provisions of House Bill 99-1325 constitute a
 17 "multiple-fiscal year direct or indirect district debt or other financial
 18 obligation whatsoever" that requires prior voter approval under section 20
 19 (4) (b) of article X of the state constitution?

20 3. Would the proceeds from the issuance of transportation revenue
 21 anticipation notes issued in accordance with the provisions of House Bill
 22 99-1325 be subject to the constitutional limitation on state fiscal year
 23 spending imposed by section 20 (7) (a) of article X of the state
 24 constitution?

25 *Be It Further Resolved*, That the President of the Senate,
 26 immediately upon passage of this Resolution and approval by the
 27 Governor, shall transmit to the Clerk of the Supreme Court a certified
 28 copy thereof and certified copies of Revised House Bill 99-1325, and that
 29 the Committee on Legal Services shall be directed to furnish said Court
 30 with an adequate numbers of copies of this Resolution and said bill and
 31 shall submit to said Court such further documents and briefs as the Court
 may require to expedite its procedure in the premises.

Memorial on the death of a former member

HOUSE MEMORIAL 99-1001

101 MEMORIALIZING FORMER REPRESENTATIVE SANDERS ARNOLD.

1 WHEREAS, By the Will of Divine Providence, our beloved
2 former member, Sanders Gibson "Sandy" Arnold, departed this life on
3 March 1, 1999, at the age of 69; and

4 WHEREAS, Representative Arnold was born November 26,
5 1929, in Boulder, Colorado; and

6 WHEREAS, Representative Arnold graduated from Boulder High
7 School in 1948, attended the University of Denver, and was a graduate of
8 the Ford Merchandising Institute; and

9 WHEREAS, Representative Arnold, following service in the U.S.
10 Army, joined his father and brothers in the family business of Arnold
11 Brothers Ford in Boulder and Arnold-Brewer Ford in Estes Park; and

12 WHEREAS, Representative Arnold served his community for
13 many years as director of the United Bank of Boulder, the Longs Peak
14 Council of the Boy Scouts of America, and the Boulder Chamber of
15 Commerce; and

16 WHEREAS, Representative Arnold was an active member of the
17 March of Dimes, Boulder Pow Wow Rodeo, and the Ford Dealer's
18 Association; and

19 WHEREAS, Representative Arnold left the family business to run
20 for political office and was elected in 1969 to the Colorado House of
21 Representatives where he served four terms of office; and

22 WHEREAS, As a member of the House of Representatives,
23 Representative Arnold served on several committees, including the Labor
24 Committee, the Local Government Committee, the Transportation and
25 Highway Committee, the Game, Fish, and Parks Committee, and the joint
26 Budget Committee, and he chaired the Appropriations Committee; and

27 WHEREAS, Representative Arnold received 14 public awards for
28 his legislative work in the areas of education, mental health, the mentally
29 handicapped, the environment, land use, tax relief, and campaign reform;
30 and

31 WHEREAS, Representative Arnold sponsored the bill to allow
32 motor vehicles to make right turns on a red light; and

33 WHEREAS, Representative Arnold was a strong advocate of the
34 University of Colorado and the rights of students and children; and

35 WHEREAS, Representative Arnold was named "Most
36 Outstanding Legislator" by his peers from both political parties; and

1 WHEREAS, Representative Arnold was a giant of a man
2 physically and in spirit, known for his booming bass voice, big heart, and
3 ready smile; and

4 WHEREAS, It is fitting that we, the members of the House of
5 Representatives of the Sixty-second General Assembly, pay tribute to the
6 dedicated service of Representative Sanders Arnold and express our deep
7 regret and sorrow occasioned by his death; now, therefore,

8 *Be It Resolved by the House of Representatives of the Sixty-second*
9 *General Assembly of the State of Colorado:*

10 That, in the death of Sanders Arnold, the people of the state of
11 Colorado have lost a dedicated public servant and outstanding citizen, and
12 that we, the members of the House of Representatives of the Sixty-second
13 General Assembly, do hereby extend our deep and heartfelt sympathy to
14 the members of his family and pay tribute to a man who served his state
15 well and faithfully; and

16 *Be It Further Resolved,* That copies of this Memorial be sent to
17 Representative Arnold's son Sanders Arnold, Jr., his granddaughters
18 Emily and Mary Arnold, his sister Sally A. Streamer, and his brothers
19 William and E.R. "Pat" Arnold.

Joint memorial to congress

SENATE JOINT MEMORIAL 99-003

101 MEMORIALIZING CONGRESS TO ESTABLISH A BLOCK GRANT PROGRAM FOR
 102 THE DISTRIBUTION OF FEDERAL HIGHWAY MONEYS, TO USE A
 103 UNIFORM MEASURE WHEN CONSIDERING THE DONOR AND DONEE
 104 ISSUE, TO ELIMINATE DEMONSTRATION PROJECTS, AND TO EXPAND
 105 ACTIVITIES TO COMBAT THE EVASION OF FEDERAL HIGHWAY TAXES
 106 AND FEES.

1 WHEREAS, Due to the dynamics of state size, population, and
 2 other factors such as federal land ownership and international borders,
 3 there is a need for donor states that pay more in federal highway taxes and
 4 fees than they receive from the federal government and for donee states
 5 that receive more moneys from the federal government than they pay in
 6 federal highway taxes and fees; and

7 WHEREAS, The existence of such donor and donee states
 8 supports the maintenance of a successful nationwide transportation
 9 system; and

10 WHEREAS, There should be a uniform measure when considering
 11 the donor and donee issue, and a ratio derived from the total amount of
 12 moneys a state receives divided by the total amount of moneys that the
 13 state collects in federal highway taxes and fees is a clear and
 14 understandable measure; and

15 WHEREAS, Demonstration projects are an ineffective use of
 16 federal highway taxes and fees; and

17 WHEREAS, All moneys residing in the federal highway trust fund
 18 should be returned to the states either for use on the national highway
 19 system or nationally uniform highway safety improvement programs or
 20 as block grants; and

21 WHEREAS, The state block grant program should allow states to
 22 make the final decisions that affect the funding of their local highway
 23 projects based on the statewide planning process; and

24 WHEREAS, Only a reasonable amount of the moneys collected
 25 from the federal highway taxes and fees should be retained by the United
 26 States Department of Transportation for safety and research purposes; and

27 WHEREAS, States with public land holdings should not be
 28 penalized for receiving transportation funding through federal land or
 29 national park transportation programs, and such funding should not be
 30 included in the states' allocation of moneys; and

31 WHEREAS, The evasion of federal highway taxes and fees further
 32 erodes the ability of the state and the federal government to maintain an
 33 efficient nationwide transportation system; now, therefore,

1 *Be It Resolved by the Senate of the Sixty-second General Assembly*
2 *of the State of Colorado, the House of Representatives concurring herein:*

3 (1) That, when considering issues related to donor and donee
4 states, the federal government should adopt a ratio derived from the total
5 amount of moneys a state receives in federal highway moneys divided by
6 the total amount of moneys the state collects in federal highway taxes and
7 fees; and

8 (2) That all demonstration projects should be eliminated; and

9 (3) That after federal moneys have been expended for the national
10 highway system and safety improvements, a state block grant program
11 should be established for the distribution of remaining federal moneys;
12 and

13 (4) That it is necessary to expand federal and state activities to
14 combat the evasion of federal highway taxes and fees.

15 *Be It Further Resolved, That copies of this Joint Memorial be*
16 *transmitted to the President of the United States Senate, the Speaker of*
17 *the United States House of Representatives, and to each member of*
18 *Colorado's delegation of the United States Congress.*

Bill amending and relocating an entire section and repealing the prior 'relocated' section

A BILL FOR AN ACT

101 CONCERNING THE REFUND OF STATE REVENUES IN EXCESS OF THE
 102 AMOUNT OF STATE REVENUES REQUIRED TO BE REFUNDED IN
 103 ACCORDANCE WITH SECTION 20 OF ARTICLE X OF THE STATE
 104 CONSTITUTION.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Defines the term "over-refund". Provides for the carryforward of any over-refunds made in the 2001-02 fiscal year or in fiscal years thereafter that have not been used to reduce the amount of state revenues in excess of the state fiscal year spending limit for the fiscal year in which such over-refunds are made.

For the 2004-05 fiscal year and fiscal years thereafter, requires the controller to:

- Calculate fiscal year spending for the fiscal year without reducing fiscal year spending for over-refunds and carried-forward over-refunds; and
- Reduce the amount of state revenues in excess of the state fiscal year spending limit for the fiscal year and carried-forward under-refunds by the amount of over-refunds and carried-forward over-refunds, but limit the amount of the reduction to the amount of state excess revenues for the fiscal year.

States that such calculations and reductions made by the controller shall be subject to review by the state auditor.

Relocates, with amendments, the current provision governing the under-refunding of state revenues in excess of the limitation on state fiscal year spending. Commencing with the 2004-05 fiscal year, requires any under-refunds to be carried forward and added to any previously carried forward under-refunds to be refunded with subsequent fiscal years' state revenues in excess of the limitation on state fiscal year spending that are required to be refunded.

Imposes certain record-keeping and reporting requirements in regard to any over-refunds made or any under-refunds occurring in the

2004-05 fiscal year and in fiscal years thereafter.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** 24-77-103.7, Colorado Revised Statutes, is
 3 REPEALED AND REENACTED, WITH AMENDMENTS, to read:

4 **24-77-103.7. Over-refunds of state revenues - definitions.**

5 (1) FOR PURPOSES OF THIS SECTION, "OVER-REFUND" MEANS A REFUND OF
 6 STATE REVENUES THAT OCCURS WHEN, THROUGH ONE OR MORE
 7 MECHANISMS UTILIZED PURSUANT TO LAW TO REFUND STATE REVENUES
 8 IN EXCESS OF THE LIMITATION ON STATE FISCAL YEAR SPENDING FOR ANY
 9 GIVEN FISCAL YEAR, THE AMOUNT OF STATE REVENUES ACTUALLY
 10 REFUNDED DURING ANY GIVEN FISCAL YEAR EXCEEDS THE AMOUNT OF
 11 STATE REVENUES IN EXCESS OF THE LIMITATION ON STATE FISCAL YEAR
 12 SPENDING FOR THE IMMEDIATELY PRECEDING FISCAL YEAR REQUIRED TO
 13 BE REFUNDED.

14 (2) THE AMOUNT OF ANY OVER-REFUNDS ACTUALLY MADE IN A
 15 FISCAL YEAR COMMENCING ON OR AFTER JULY 1, 2001, THAT HAVE NOT
 16 BEEN USED TO REDUCE THE AMOUNT OF STATE REVENUES IN EXCESS OF
 17 THE LIMITATION ON STATE FISCAL YEAR SPENDING FOR SAID FISCAL YEAR
 18 IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION SHALL BE
 19 CARRIED FORWARD AS A REDUCTION OF SUBSEQUENT FISCAL YEARS' STATE
 20 REVENUES IN EXCESS OF THE LIMITATION ON STATE FISCAL YEAR SPENDING
 21 AND SHALL BE APPLIED FIRST TO THE EARLIEST FISCAL YEARS POSSIBLE.

22 (3) FOR THE FISCAL YEAR COMMENCING ON JULY 1, 2004, THE
 23 CONTROLLER SHALL:

24 (a) CALCULATE STATE FISCAL YEAR SPENDING FOR THE FISCAL
 25 YEAR IN ACCORDANCE WITH THE PROVISIONS OF SECTION 24-77-103
 26 WITHOUT MAKING ANY REDUCTION IN STATE FISCAL YEAR SPENDING FOR

1 THE AMOUNT OF OVER-REFUNDS ACTUALLY MADE IN SAID FISCAL YEAR OR
 2 FOR THE AMOUNT OF ANY OVER-REFUNDS MADE IN THE FISCAL YEARS
 3 COMMENCING ON OR AFTER JULY 1, 2001, BUT PRIOR TO JULY 1, 2004,
 4 THAT HAVE BEEN CARRIED FORWARD TO SAID FISCAL YEAR IN
 5 ACCORDANCE WITH SUBSECTION (2) OF THIS SECTION; AND

6 (b) REDUCE THE SUM OF THE AMOUNT OF STATE REVENUES IN
 7 EXCESS OF THE LIMITATION ON STATE FISCAL YEAR SPENDING FOR SAID
 8 FISCAL YEAR AND THE AMOUNT OF ANY UNREFUNDED STATE REVENUES IN
 9 EXCESS OF THE LIMITATION ON STATE FISCAL YEAR SPENDING FOR THE
 10 FISCAL YEARS COMMENCING ON OR AFTER JULY 1, 2001, BUT PRIOR TO
 11 JULY 1, 2004, THAT HAVE BEEN CARRIED FORWARD TO SAID FISCAL YEAR
 12 IN ACCORDANCE WITH SECTION 24-77-103.8 (3) BY AN AMOUNT EQUAL TO
 13 THE SUM OF THE AMOUNT OF OVER-REFUNDS ACTUALLY MADE IN SAID
 14 FISCAL YEAR AND THE AMOUNT OF ANY OVER-REFUNDS MADE IN THE
 15 FISCAL YEARS COMMENCING ON OR AFTER JULY 1, 2001, BUT PRIOR TO
 16 JULY 1, 2004, THAT HAVE BEEN CARRIED FORWARD TO SAID FISCAL YEAR
 17 IN ACCORDANCE WITH SUBSECTION (2) OF THIS SECTION; HOWEVER, THE
 18 AMOUNT OF SAID REDUCTION SHALL NOT EXCEED THE AMOUNT OF STATE
 19 REVENUES IN EXCESS OF THE LIMITATION ON STATE FISCAL YEAR SPENDING
 20 FOR SAID FISCAL YEAR.

21 (4) FOR FISCAL YEARS COMMENCING ON OR AFTER JULY 1, 2005,
 22 THE CONTROLLER SHALL:

23 (a) CALCULATE STATE FISCAL YEAR SPENDING FOR THE FISCAL
 24 YEAR IN ACCORDANCE WITH THE PROVISIONS OF SECTION 24-77-103
 25 WITHOUT MAKING ANY REDUCTION IN STATE FISCAL YEAR SPENDING FOR
 26 THE AMOUNT OF OVER-REFUNDS ACTUALLY MADE IN SAID FISCAL YEAR OR
 27 FOR THE AMOUNT OF ANY OVER-REFUNDS MADE IN PREVIOUS FISCAL
 28 YEARS THAT HAVE BEEN CARRIED FORWARD TO SAID FISCAL YEAR IN

1 ACCORDANCE WITH SUBSECTION (2) OF THIS SECTION; AND

2 (b) REDUCE THE SUM OF THE AMOUNT OF STATE REVENUES IN
 3 EXCESS OF THE LIMITATION ON STATE FISCAL YEAR SPENDING FOR THE
 4 FISCAL YEAR AND THE AMOUNT OF ANY UNREFUNDED STATE REVENUES IN
 5 EXCESS OF THE LIMITATION ON STATE FISCAL YEAR SPENDING FOR
 6 PREVIOUS FISCAL YEARS THAT HAVE BEEN CARRIED FORWARD TO SAID
 7 FISCAL YEAR IN ACCORDANCE WITH SECTION 24-77-103.8 (3) BY AN
 8 AMOUNT EQUAL TO THE SUM OF THE AMOUNT OF OVER-REFUNDS
 9 ACTUALLY MADE IN SAID FISCAL YEAR AND THE AMOUNT OF ANY
 10 OVER-REFUNDS MADE IN PREVIOUS FISCAL YEARS THAT HAVE BEEN
 11 CARRIED FORWARD TO SAID FISCAL YEAR IN ACCORDANCE WITH
 12 SUBSECTION (2) OF THIS SECTION; HOWEVER, THE AMOUNT OF SAID
 13 REDUCTION SHALL NOT EXCEED THE AMOUNT OF STATE REVENUES IN
 14 EXCESS OF THE LIMITATION ON STATE FISCAL YEAR SPENDING FOR SAID
 15 FISCAL YEAR.

16 (5) ALL CALCULATIONS AND REDUCTIONS MADE BY THE
 17 CONTROLLER PURSUANT TO THIS SECTION SHALL BE SUBJECT TO REVIEW
 18 BY THE STATE AUDITOR.

19 **SECTION 2.** Article 77 of title 24, Colorado Revised Statutes, is
 20 amended BY THE ADDITION OF A NEW SECTION CONTAINING
 21 RELOCATED PROVISIONS, WITH AMENDMENTS, to read:

22 **24-77-103.8. [Formerly 39-22-120.5] Unrefunded state**
 23 **revenues.** (1) Any amount of state ~~excess~~ revenues IN EXCESS OF THE
 24 LIMITATION ON STATE FISCAL YEAR SPENDING for the 1996-97 fiscal year
 25 that voters statewide did not authorize the state to retain and spend and
 26 that are required to be refunded pursuant to section 20 (7) (d) of article X
 27 of the state constitution, but that are not refunded by the state as required,
 28 shall be added to and refunded with any state ~~excess~~ revenues IN EXCESS

1 OF THE LIMITATION ON STATE FISCAL YEAR SPENDING for the 1998-99
 2 fiscal year required to be refunded.

3 (2) Any amount of state ~~excess~~ revenues IN EXCESS OF THE
 4 LIMITATION ON STATE FISCAL YEAR SPENDING for the 1997-98 fiscal year
 5 and every fiscal year thereafter THROUGH THE 2000-01 FISCAL YEAR that
 6 voters statewide did not authorize the state to retain and spend and that
 7 are required to be refunded pursuant to section 20 (7) (d) of article X of
 8 the state constitution, but that are not refunded by the state as required,
 9 shall be added to and refunded with any state ~~excess~~ revenues IN EXCESS
 10 OF THE LIMITATION ON STATE FISCAL YEAR SPENDING for the fiscal year
 11 following the fiscal year for which state ~~excess~~ revenues IN EXCESS OF
 12 THE LIMITATION ON STATE FISCAL YEAR SPENDING were required to be
 13 refunded.

14 (3) ANY AMOUNT OF STATE REVENUES IN EXCESS OF THE
 15 LIMITATION ON STATE FISCAL YEAR SPENDING FOR THE 2001-02 FISCAL
 16 YEAR AND FOR EVERY FISCAL YEAR THEREAFTER THAT VOTERS STATEWIDE
 17 DID NOT AUTHORIZE THE STATE TO RETAIN AND SPEND AND THAT ARE
 18 REQUIRED TO BE REFUNDED PURSUANT TO SECTION 20 (7) (d) OF ARTICLE
 19 X OF THE STATE CONSTITUTION, BUT THAT ARE NOT REFUNDED BY THE
 20 STATE AS REQUIRED, SHALL BE CARRIED FORWARD AND ADDED TO THE
 21 AMOUNT OF ANY UNREFUNDED STATE REVENUES IN EXCESS OF THE
 22 LIMITATION ON STATE FISCAL YEAR SPENDING FOR PREVIOUS FISCAL YEARS
 23 THAT HAS BEEN CARRIED FORWARD. SAID AGGREGATE AMOUNT OF
 24 UNREFUNDED STATE REVENUES SHALL BE ADDED TO AND REFUNDED WITH
 25 SUBSEQUENT FISCAL YEARS' STATE REVENUES IN EXCESS OF THE
 26 LIMITATION ON STATE FISCAL YEAR SPENDING THAT ARE REQUIRED TO BE
 27 REFUNDED; HOWEVER, THE AMOUNT OF STATE REVENUES IN EXCESS OF
 28 THE LIMITATION ON STATE FISCAL YEAR SPENDING THAT WAS REQUIRED TO

1 BE REFUNDED BUT WAS NOT REFUNDED DURING THE MOST RECENTLY
 2 COMPLETED FISCAL YEAR SHALL BE APPLIED FIRST TO THE FISCAL YEAR
 3 IMMEDIATELY FOLLOWING THE MOST RECENTLY COMPLETED FISCAL YEAR.

4 **SECTION 3.** Article 77 of title 24, Colorado Revised Statutes, is
 5 amended BY THE ADDITION OF A NEW SECTION to read:

6 **24-77-103.9. Over-refunds of and unrefunded state revenues**

7 **- records and disclosure.** (1) THE DEPARTMENT OF REVENUE SHALL
 8 MAINTAIN A RECORD OF:

9 (a) ANY AMOUNT OF OVER-REFUND, AS DEFINED IN SECTION
 10 24-77-103.7 (1), MADE IN EACH FISCAL YEAR COMMENCING ON AND AFTER
 11 JULY 1, 2004; AND

12 (b) ANY AMOUNT OF STATE REVENUES IN EXCESS OF THE
 13 LIMITATION ON STATE FISCAL YEAR SPENDING FOR ANY FISCAL YEAR
 14 COMMENCING ON OR AFTER JULY 1, 2004, THAT VOTERS STATEWIDE DID
 15 NOT AUTHORIZE THE STATE TO RETAIN AND SPEND AND THAT ARE
 16 REQUIRED TO BE REFUNDED PURSUANT TO SECTION 20 (7) (d) OF ARTICLE
 17 X OF THE STATE CONSTITUTION, BUT THAT ARE NOT REFUNDED BY THE
 18 STATE AS REQUIRED BY THE END OF THE NEXT FISCAL YEAR.

19 (2) THE AMOUNT OF ANY OVER-REFUNDS OR UNREFUNDED EXCESS
 20 STATE REVENUES, AS DETERMINED BY THE RECORDS MAINTAINED
 21 PURSUANT TO SUBSECTION (1) OF THIS SECTION, FOR ANY FISCAL YEAR
 22 COMMENCING ON AND AFTER JULY 1, 2004, SHALL BE DISCLOSED IN THE
 23 STATE FINANCIAL REPORT REQUIRED TO BE PREPARED BY THE CONTROLLER
 24 PURSUANT TO SECTION 24-77-106.5 FOR SUCH FISCAL YEAR.

25 **SECTION 4. Repeal of provisions being relocated in this**
 26 **act.** 39-22-120.5, Colorado Revised Statutes, is repealed.

27 **SECTION 5. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, and safety.

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