

**First Regular Session
Sixty-fourth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 03-0040.01 Jeff Conway

HOUSE BILL 03-1128

HOUSE SPONSORSHIP

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A BILL FOR AN ACT

101 **CONCERNING THE REQUIRED DISPLAY OF THE NATIONAL MOTTO IN**
102 **PUBLIC BUILDINGS IN THE STATE.**

Bill Summary

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

Directs the chief administrative officer of any state institution, public school, or political subdivision to display the national motto, "In God We Trust", in each public building and public school classroom in the state. Describes the minimum requirements for such display.

Creates a civil action that may be brought by any resident taxpayer to enforce the act. Requires notification of the chief administrative officer of the alleged noncompliance, and provides a 60-day period in which the state institution, public school, or political subdivision may

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.

Capital letters indicate new material to be added to existing statute.

Dashes through the words indicate deletions from existing statute.

cure the noncompliance.

Adds to the list of local school board duties the duty to display the national motto in public school classrooms.

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

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

4 (1) The national motto of the United States of America is "In God
5 We Trust";

6 (2) The national motto was adopted in 1956, and is codified at 36
7 U.S.C. section 302;

8 (3) The national motto is deeply interwoven into the fabric of our
9 civil polity;

10 (4) The theme of the national motto is as old as the republic itself;

11 (5) The Founding Fathers believed devotedly that there was a God
12 and that the unalienable rights of man were rooted in Him, as evidenced
13 in their writings from the Mayflower Compact to the Constitution;

14 (6) The signers of the Declaration of Independence appealed to
15 the Supreme Judge of the World for the rectitude of their intentions and
16 avowed a firm reliance on the protection of divine Providence for their
17 cause;

18 (7) The national motto recognizes the historical fact that our
19 nation was believed to have been founded "under God";

20 (8) The national motto appears prominently engraved in the wall
21 above the speaker's dias in the chamber of the United States house of
22 representatives, is displayed over the entrance to the United States senate
23 chamber, and is reproduced on every coin minted and every dollar printed
24 by the federal government;

1 (9) On July 24, 2000, the United States house of representatives,
2 by unanimous consent, passed a resolution encouraging the display of the
3 national motto in public buildings throughout the nation; and

4 (10) The purpose of this act is to foster patriotism, express
5 confidence in the future, inculcate hope, instruct in humility,
6 acknowledge the historical role of faith in our society, and encourage the
7 recognition of what is worthy of appreciation in society.

8 **SECTION 2.** Article 2 of title 27, Colorado Revised Statutes, is
9 amended BY THE ADDITION OF A NEW SECTION to read:

10 **27-2-108.5. Display of the national motto - right of action.**

11 (1) THE CHIEF ADMINISTRATIVE OFFICER OF EACH PUBLIC SCHOOL IN THE
12 STATE AND OF EACH INSTITUTION SUPPORTED IN WHOLE OR IN PART BY THE
13 STATE SHALL CAUSE THE NATIONAL MOTTO, AS DESCRIBED IN THIS
14 SUBSECTION (1), TO BE PROMINENTLY AND CONSPICUOUSLY DISPLAYED IN
15 EACH CLASSROOM OF A PUBLIC SCHOOL AND IN EACH PUBLIC BUILDING
16 UNDER THE AUTHORITY AND CONTROL OF THE INSTITUTION. THE DISPLAY
17 SHALL BE ENGRAVED ON A PLAQUE MADE OF PERMANENT, NONPOROUS
18 MATERIAL SUCH AS WOOD, PLASTIC, STONE, OR METAL PLATE, OR FRAMED
19 IN A GLASS-ENCASED PICTURE FRAME. THE DISPLAY SHALL BE SET FORTH
20 IN SUCH MANNER AS TO BE EASILY READ BY THE AVERAGE PERSON FROM
21 A DISTANCE OF TWENTY FEET. THE DISPLAY SHALL BE NO SMALLER THAN
22 TEN INCHES BY FOURTEEN INCHES AND SHALL BE IN SUBSTANTIAL
23 COMPLIANCE WITH THE FOLLOWING FORM, EXCEPT THAT EACH LETTER IN
24 THE FIRST LINE SHALL BE AT LEAST TWICE THE HEIGHT AND WIDTH OF THE
25 LETTERS IN THE SECOND LINE:

26 "IN GOD WE TRUST"

27 THE NATIONAL MOTTO OF THE UNITED STATES OF AMERICA

1 (2) THE CHIEF ADMINISTRATIVE OFFICER OF EACH PUBLIC SCHOOL
2 AND EACH STATE INSTITUTION DESCRIBED IN SUBSECTION (1) OF THIS
3 SECTION SHALL COMPLY WITH THIS SECTION WITHIN SIXTY DAYS AFTER
4 THE EFFECTIVE DATE OF THIS SECTION.

5 (3) (a) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (b) OF
6 THIS SUBSECTION (3), ANY RESIDENT TAXPAYER MAY COMMENCE A CIVIL
7 ACTION TO COMPEL COMPLIANCE AGAINST ANY PUBLIC SCHOOL OR STATE
8 INSTITUTION DESCRIBED IN SUBSECTION (1) OF THIS SECTION THAT
9 WILFULLY FAILS TO COMPLY WITH ANY PROVISION OF THIS SECTION. IN
10 ANY SUCH ACTION, A COURT SHALL AWARD APPROPRIATE RELIEF,
11 INCLUDING TEMPORARY, PRELIMINARY, AND PERMANENT RELIEF, AS WELL
12 AS COSTS OF SUIT AND REASONABLE ATTORNEY FEES.

13 (b) (I) NO CIVIL ACTION MAY BE BROUGHT PURSUANT TO
14 PARAGRAPH (a) OF THIS SUBSECTION (3) UNLESS THE RESIDENT TAXPAYER
15 WHO IS SEEKING TO ENFORCE THIS SECTION NOTIFIES BY CERTIFIED MAIL
16 THE CHIEF ADMINISTRATIVE OFFICER OF THE ALLEGEDLY NONCOMPLIANT
17 PUBLIC SCHOOL OR STATE INSTITUTION THAT THE PUBLIC SCHOOL OR
18 INSTITUTION IS NOT IN COMPLIANCE WITH THE PROVISIONS OF THIS SECTION
19 AND THE RESIDENT TAXPAYER INTENDS TO SUE PURSUANT TO THE
20 PROVISIONS OF THIS SUBSECTION (3).

21 (II) NO CIVIL ACTION MAY BE BROUGHT PURSUANT TO PARAGRAPH
22 (a) OF THIS SUBSECTION (3) IF THE CHIEF ADMINISTRATIVE OFFICER OF THE
23 PUBLIC SCHOOL OR STATE INSTITUTION CURES THE NONCOMPLIANCE WITH
24 THIS SECTION WITHIN THE SIXTY-DAY PERIOD AFTER RECEIPT OF THE
25 NOTIFICATION OF NONCOMPLIANCE.

26 (4) A PUBLIC SCHOOL OR A STATE INSTITUTION DESCRIBED IN
27 SUBSECTION (1) OF THIS SECTION OR A SCHOOL DISTRICT MAY ACCEPT

1 CASH OR IN-KIND DONATIONS TO COMPLY WITH THE PROVISIONS OF THIS
2 SECTION.

3 **SECTION 3.** 22-32-109 (1) (s), Colorado Revised Statutes, is
4 amended to read:

5 **22-32-109. Board of education - specific duties - repeal.** (1) In
6 addition to any other duty required to be performed by law, each board
7 of education shall have and perform the following specific duties:

8 (s) (I) To cause to be erected and maintained a suitable flagstaff
9 with the attachments necessary for the display of flags upon the
10 administration building or, if none, on the principal school building or the
11 grounds thereof and to cause suitable flags of standard bunting, not less
12 than three by five feet in size, of the United States and the state of
13 Colorado to be displayed upon said flagstaff at all times during the day
14 while school is in session, except during inclement weather; AND

15 (II) PURSUANT TO SECTION 27-2-108.5, C.R.S., TO CAUSE THE
16 NATIONAL MOTTO TO BE DISPLAYED IN EACH CLASSROOM OF EACH PUBLIC
17 SCHOOL LOCATED IN THE SCHOOL DISTRICT;

18 **SECTION 4.** Article 10 of title 29, Colorado Revised Statutes,
19 is amended BY THE ADDITION OF A NEW SECTION to read:

20 **29-10-102. Display of the national motto - right of action.**

21 (1) THE CHIEF ADMINISTRATIVE OFFICER OF EACH POLITICAL SUBDIVISION
22 OF THE STATE SHALL CAUSE THE NATIONAL MOTTO, AS DESCRIBED IN THIS
23 SUBSECTION (1), TO BE PROMINENTLY AND CONSPICUOUSLY DISPLAYED IN
24 EACH PUBLIC BUILDING UNDER THE AUTHORITY AND CONTROL OF SAID
25 POLITICAL SUBDIVISION AND INTO WHICH THE GENERAL PUBLIC IS INVITED.
26 THE DISPLAY SHALL BE ENGRAVED ON A PLAQUE MADE OF PERMANENT,
27 NONPOROUS MATERIAL SUCH AS WOOD, PLASTIC, STONE, OR METAL PLATE,

1 OR A FRAMED POSTER IN A GLASS-ENCASED PICTURE FRAME. THE DISPLAY
2 SHALL BE SET FORTH IN SUCH MANNER AS TO BE EASILY READ BY THE
3 AVERAGE PERSON FROM A DISTANCE OF TWENTY FEET. THE DISPLAY
4 SHALL BE NO SMALLER THAN TEN INCHES BY FOURTEEN INCHES AND SHALL
5 BE IN SUBSTANTIAL COMPLIANCE WITH THE FOLLOWING FORM, EXCEPT
6 THAT EACH LETTER IN THE FIRST LINE SHALL BE AT LEAST TWICE THE
7 HEIGHT AND WIDTH OF THE LETTERS IN THE SECOND LINE:

8 "IN GOD WE TRUST"

9 THE NATIONAL MOTTO OF THE UNITED STATES OF AMERICA

10 (2) THE CHIEF ADMINISTRATIVE OFFICER OF EACH POLITICAL
11 SUBDIVISION DESCRIBED IN SUBSECTION (1) OF THIS SECTION SHALL
12 COMPLY WITH THIS SECTION WITHIN SIXTY DAYS AFTER THE EFFECTIVE
13 DATE OF THIS SECTION.

14 (3) (a) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (b) OF
15 THIS SUBSECTION (3), ANY RESIDENT TAXPAYER MAY COMMENCE A CIVIL
16 ACTION TO COMPEL COMPLIANCE AGAINST ANY POLITICAL SUBDIVISION
17 DESCRIBED IN SUBSECTION (1) OF THIS SECTION THAT WILFULLY FAILS TO
18 COMPLY WITH ANY PROVISION OF THIS SECTION. IN ANY SUCH ACTION, A
19 COURT SHALL AWARD APPROPRIATE RELIEF, INCLUDING TEMPORARY,
20 PRELIMINARY, AND PERMANENT RELIEF, AS WELL AS COSTS OF SUIT AND
21 REASONABLE ATTORNEY FEES.

22 (b) (I) NO CIVIL ACTION MAY BE BROUGHT PURSUANT TO
23 PARAGRAPH (a) OF THIS SUBSECTION (3) UNLESS THE RESIDENT TAXPAYER
24 WHO IS SEEKING TO ENFORCE THIS SECTION NOTIFIES BY CERTIFIED MAIL
25 THE CHIEF ADMINISTRATIVE OFFICER OF THE ALLEGEDLY NONCOMPLIANT
26 POLITICAL SUBDIVISION THAT THE POLITICAL SUBDIVISION IS NOT IN
27 COMPLIANCE WITH THE PROVISIONS OF THIS SECTION AND THE RESIDENT

1 TAXPAYER INTENDS TO SUE PURSUANT TO THE PROVISIONS OF THIS
2 SUBSECTION (3).

3 (II) NO CIVIL ACTION MAY BE BROUGHT PURSUANT TO PARAGRAPH
4 (a) OF THIS SUBSECTION (3) IF THE CHIEF ADMINISTRATIVE OFFICER OF THE
5 POLITICAL SUBDIVISION CURES THE NONCOMPLIANCE WITH THIS SECTION
6 WITHIN THE SIXTY-DAY PERIOD AFTER RECEIPT OF THE NOTIFICATION OF
7 NONCOMPLIANCE.

8 (4) A POLITICAL SUBDIVISION OF THE STATE MAY ACCEPT CASH OR
9 IN-KIND DONATIONS TO COMPLY WITH THE PROVISIONS OF THIS SECTION.

10 **SECTION 5. Effective date.** This act shall take effect thirty days
11 after the ninety-day period after final adjournment of the general
12 assembly unless a referendum petition is filed during said ninety-day
13 period that is allowed for submitting a referendum petition pursuant to
14 article V, section 1 (3) of the state constitution. If such a referendum
15 petition is filed against this act or an item, section, or part of this act
16 within such period, then the act, item, section, or part shall take effect on
17 the specified date only if approved by the people.