

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

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

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.

HOUSE
Amended 2nd Reading
February 18, 2003

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) (a) ON AND AFTER THE EFFECTIVE DATE OF THIS SECTION, THE CHIEF
12 ADMINISTRATOR OF A PUBLIC SCHOOL SHALL CAUSE THE NATIONAL MOTTO
13 TO BE PROMINENTLY AND CONSPICUOUSLY DISPLAYED IN A CLASSROOM SO
14 LONG AS A DISPLAY MEETING THE REQUIREMENTS OF PARAGRAPH (c) OF
15 THIS SUBSECTION (1) HAS BEEN DONATED TO THE PUBLIC SCHOOL FOR
16 SUCH PURPOSE; EXCEPT THAT NO MORE THAN ONE DISPLAY PER
17 CLASSROOM SHALL BE REQUIRED.

18 (b) ON AND AFTER THE EFFECTIVE DATE OF THIS SECTION, THE
19 CHIEF ADMINISTRATIVE OFFICER OF A PUBLIC BUILDING THAT IS UNDER THE
20 AUTHORITY AND CONTROL OF AN INSTITUTION SUPPORTED IN WHOLE OR IN
21 PART BY THE STATE SHALL CAUSE THE NATIONAL MOTTO TO BE
22 PROMINENTLY AND CONSPICUOUSLY DISPLAYED IN A PUBLIC AREA OF THE
23 BUILDING SO LONG AS A DISPLAY MEETING THE REQUIREMENTS OF
24 PARAGRAPH (c) OF THIS SUBSECTION (1) HAS BEEN DONATED TO THE
25 INSTITUTION FOR SUCH PURPOSE; EXCEPT THAT NO MORE THAN ONE
26 DISPLAY PER BUILDING SHALL BE REQUIRED.

27 (c) THE DISPLAY REQUIRED BY THIS SUBSECTION (1) SHALL BE

1 ENGRAVED ON A PLAQUE MADE OF PERMANENT, NONPOROUS MATERIAL
2 SUCH AS WOOD, PLASTIC, STONE, OR METAL PLATE, OR FRAMED IN A
3 GLASS-ENCASED PICTURE FRAME. THE DISPLAY SHALL BE SET FORTH IN
4 SUCH MANNER AS TO BE EASILY READ BY THE AVERAGE PERSON FROM A
5 DISTANCE OF TWENTY FEET. THE DISPLAY SHALL BE TEN INCHES BY
6 FOURTEEN INCHES AND SHALL BE IN SUBSTANTIAL COMPLIANCE WITH THE
7 FOLLOWING FORM, EXCEPT THAT EACH LETTER IN THE FIRST LINE SHALL BE
8 AT LEAST TWICE THE HEIGHT AND WIDTH OF THE LETTERS IN THE SECOND
9 LINE:

10 "IN GOD WE TRUST"

11 THE NATIONAL MOTTO OF THE UNITED STATES OF AMERICA

12 (2) THE PROVISIONS OF SUBSECTION (1) OF THIS SECTION SHALL
13 NOT APPLY TO ANY STRUCTURE:

14 (a) THAT DOES NOT CONTAIN CLASSROOMS OR OFFICES THAT ARE
15 OPEN FOR BUSINESS WITH THE PUBLIC; OR

16 (b) THAT IS DESIGNED PRIMARILY FOR MAINTENANCE OR FOR
17 VEHICLE PARKING.

18 (3) (a) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (b) OF
19 THIS SUBSECTION (3), ANY RESIDENT TAXPAYER MAY COMMENCE A CIVIL
20 ACTION TO COMPEL COMPLIANCE AGAINST ANY PUBLIC SCHOOL OR STATE
21 INSTITUTION DESCRIBED IN SUBSECTION (1) OF THIS SECTION THAT
22 WILFULLY FAILS TO COMPLY WITH ANY PROVISION OF THIS SECTION. IN
23 ANY SUCH ACTION, A COURT SHALL AWARD APPROPRIATE RELIEF,
24 INCLUDING TEMPORARY, PRELIMINARY, AND PERMANENT RELIEF, AS WELL
25 AS COSTS OF SUIT AND REASONABLE ATTORNEY FEES.

26 (b) (I) NO CIVIL ACTION MAY BE BROUGHT PURSUANT TO
27 PARAGRAPH (a) OF THIS SUBSECTION (3) UNLESS THE RESIDENT TAXPAYER

1 WHO IS SEEKING TO ENFORCE THIS SECTION NOTIFIES BY CERTIFIED MAIL
2 THE CHIEF ADMINISTRATIVE OFFICER OF THE ALLEGEDLY NONCOMPLIANT
3 PUBLIC SCHOOL OR STATE INSTITUTION THAT THE PUBLIC SCHOOL OR
4 INSTITUTION IS NOT IN COMPLIANCE WITH THE PROVISIONS OF THIS SECTION
5 AND THE RESIDENT TAXPAYER INTENDS TO SUE PURSUANT TO THE
6 PROVISIONS OF THIS SUBSECTION (3).

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

12

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

15 **22-32-109. Board of education - specific duties - repeal.** (1) In
16 addition to any other duty required to be performed by law, each board
17 of education shall have and perform the following specific duties:

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

25 (II) PURSUANT TO SECTION 27-2-108.5, C.R.S., TO CAUSE THE
26 NATIONAL MOTTO TO BE DISPLAYED IN CLASSROOMS OF PUBLIC SCHOOLS
27 LOCATED IN THE SCHOOL DISTRICT;

1 (b) THAT IS DESIGNED PRIMARILY FOR MAINTENANCE OR FOR
2 VEHICLE PARKING.

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

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

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

24
25 **SECTION 5. Effective date.** This act shall take effect thirty days
26 after the ninety-day period after final adjournment of the general
27 assembly unless a referendum petition is filed during said ninety-day

1 period that is allowed for submitting a referendum petition pursuant to
2 article V, section 1 (3) of the state constitution. If such a referendum
3 petition is filed against this act or an item, section, or part of this act
4 within such period, then the act, item, section, or part shall take effect on
5 the specified date only if approved by the people.