

First Extraordinary Session
Sixty-fifth General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 06B-2070.01 Nicole Hoffman

SENATE BILL 06S-002

SENATE SPONSORSHIP

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HOUSE SPONSORSHIP

McCluskey,

Senate Committees

Judiciary
Appropriations

House Committees

Judiciary
Appropriations

A BILL FOR AN ACT

101 **CONCERNING THE TIME WITHIN WHICH THE COLORADO SUPREME**
102 **COURT IS REQUIRED TO ACT ON AN APPEAL OF A RULING OF THE**
103 **TITLE BOARD RELATING TO AN INITIATIVE PETITION.**

Bill Summary

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

Specifies that when an appeal is filed with the Colorado supreme court regarding the title board's final ruling on the title or single subject of an initiative petition for a proposed law or constitutional amendment, the court shall either affirm or reverse the action of the title board within a specified number of days after the date briefs were submitted to the court.

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.

SENATE
3rd Reading Unamended
July 7, 2006

SENATE
2nd Reading Unamended
July 6, 2006

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

2 **SECTION 1.** 1-40-107 (2), Colorado Revised Statutes, is
3 amended to read:

4 **1-40-107. Rehearing - appeal - fees - signing.** (2) If any person
5 presenting an initiative petition for which a motion for a rehearing is
6 filed, any registered elector who filed a motion for a rehearing pursuant
7 to subsection (1) of this section, or any other registered elector who
8 appeared before the title board in support of or in opposition to a motion
9 for rehearing is not satisfied with the ruling of the title board upon the
10 motion, then the secretary of state shall furnish such person, upon request,
11 a certified copy of the petition with the titles and submission clause of the
12 proposed law or constitutional amendment, together with a certified copy
13 of the motion for rehearing and of the ruling thereon. If filed with the
14 clerk of the supreme court within five days thereafter, the matter shall be
15 disposed of promptly, [REDACTED] consistent with the rights of the parties,
16 either affirming the action of the title board or reversing it, in which latter
17 case the court shall remand it with instructions, pointing out where the
18 title board is in error. ANY PARTY THAT FILES AN APPEAL WITH THE
19 COURT PURSUANT TO THIS SECTION SHALL HAVE THE RIGHT TO FILE A
20 MOTION FOR AN EXPEDITED DETERMINATION OF THE MATTER AND
21 REQUEST THAT THE COURT DISPOSE OF THE MATTER WITHIN THIRTY DAYS
22 AFTER THE DATE THE APPEAL WAS FILED.

23 **SECTION 2. Effective date - applicability.** (1) This act shall
24 take effect at 12:01 a.m. on the day following the expiration of the
25 ninety-day period after final adjournment of the general assembly that is
26 allowed for submitting a referendum petition pursuant to article V,

1 section 1 (3) of the state constitution; except that, if a referendum petition
2 is filed against this act or an item, section, or part of this act within such
3 period, then the act, item, section, or part, if approved by the people, shall
4 take effect on the date of the official declaration of the vote thereon by
5 proclamation of the governor.

6 (2) The provisions of this act shall apply to any appeal filed with
7 the Colorado supreme court on or after the applicable effective date of
8 this act regarding a final ruling of the title board.