

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

INTRODUCED

LLS NO. 09-0192.01 Dan Cartin

HOUSE BILL 09-1069

HOUSE SPONSORSHIP

Stephens,

SENATE SPONSORSHIP

Kopp,

House Committees

State, Veterans, & Military Affairs
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE CRIME OF WITHDRAWING AN INITIATIVE PETITION**
102 **FOR COMPENSATION, AND MAKING AN APPROPRIATION IN**
103 **CONNECTION THEREWITH.**

Bill Summary

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

Makes it unlawful for any person, directly or indirectly, or through any other person:

! To pay, loan, or contribute, or offer or promise to pay, loan, or contribute, any money or valuable consideration to or for the proponents or the designated representatives of the proponents of an initiative petition, or to or for any other

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.

person, to compel, induce, or prevail upon the proponents or designated representatives to withdraw the petition from consideration as a ballot issue; or

! To receive, agree to accept, or contract for any money, gift, loan, or other valuable consideration for withdrawing or agreeing to withdraw an initiative petition from consideration as a ballot issue.

Makes such offenses class 6 felonies. Makes a 5-year statutory appropriation.

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

2 **SECTION 1.** 1-40-132 (1), Colorado Revised Statutes, is
3 amended to read:

4 **1-40-132. Enforcement.** (1) The secretary of state is charged
5 with the administration and enforcement of the provisions of this article
6 relating to initiated or referred measures and state constitutional
7 amendments. The secretary of state shall have the authority to
8 promulgate rules as may be necessary to administer and enforce any
9 provision of this article that relates to initiated or referred measures and
10 state constitutional amendments. The secretary of state may conduct a
11 hearing, upon a written complaint by a registered elector, on any alleged
12 violation of the provisions relating to the circulation of a petition, which
13 may include but shall not be limited to the preparation or signing of an
14 affidavit by a circulator, OR RELATING TO THE WITHDRAWAL OF AN
15 INITIATIVE PETITION AS PROVIDED IN SECTION 1-40-134. If the secretary
16 of state, after the hearing, has reasonable cause to believe that there has
17 been a violation of the provisions of this article relating to initiated or
18 referred measures and state constitutional amendments, he or she shall
19 notify the attorney general, who may institute a criminal prosecution. If
20 a circulator is found to have violated any provision of this article or is

1 otherwise shown to have made false or misleading statements relating to
2 his or her section of the petition, such section of the petition shall be
3 deemed void.

4 **SECTION 2.** 1-40-134, Colorado Revised Statutes, is amended
5 to read:

6 **1-40-134. Withdrawal of initiative petition - unlawful**
7 **compensation for withdrawal - penalty.** (1) The designated
8 representatives of the proponents of an initiative petition may withdraw
9 the petition from consideration as a ballot issue by filing a letter with the
10 secretary of state requesting that the petition not be placed on the ballot.
11 The letter shall be signed and acknowledged by both designated
12 representatives before an officer authorized to take acknowledgments and
13 shall be filed no later than thirty-three days prior to the election at which
14 the initiative is to be voted upon.

15 (2) (a) (I) IT IS UNLAWFUL FOR ANY PERSON, DIRECTLY OR
16 INDIRECTLY, OR THROUGH ANY OTHER PERSON:

17 (A) TO PAY, LOAN, OR CONTRIBUTE, OR OFFER OR PROMISE TO PAY,
18 LOAN, OR CONTRIBUTE, ANY MONEY OR VALUABLE CONSIDERATION TO OR
19 FOR THE PROPONENTS OR THE DESIGNATED REPRESENTATIVES OF THE
20 PROPONENTS OF AN INITIATIVE PETITION, OR TO OR FOR ANY OTHER
21 PERSON, TO COMPEL, INDUCE, OR PREVAIL UPON THE PROPONENTS OR
22 DESIGNATED REPRESENTATIVES TO WITHDRAW THE PETITION FROM
23 CONSIDERATION AS A BALLOT ISSUE; OR

24 (B) TO RECEIVE, AGREE TO ACCEPT, OR CONTRACT FOR ANY
25 MONEY, GIFT, LOAN, OR OTHER VALUABLE CONSIDERATION FOR
26 WITHDRAWING OR AGREEING TO WITHDRAW AN INITIATIVE PETITION FROM
27 CONSIDERATION AS A BALLOT ISSUE.

1 (II) FOR PURPOSES OF THIS PARAGRAPH (a), "PERSON" MEANS ANY
2 NATURAL PERSON, PARTNERSHIP, COMMITTEE, ASSOCIATION,
3 CORPORATION, LABOR ORGANIZATION, POLITICAL PARTY, OR OTHER
4 ORGANIZATION OR GROUP OF PERSONS.

5 (b) EACH OFFENSE SET FORTH IN PARAGRAPH (a) OF THIS
6 SUBSECTION (2) IS A CLASS 6 FELONY, AND, UPON CONVICTION THEREOF,
7 THE OFFENDER SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1.3-401,
8 C.R.S.

9 **SECTION 3.** Article 18 of title 17, Colorado Revised Statutes, is
10 amended BY THE ADDITION OF A NEW SECTION to read:

11 **17-18-105. Appropriation to comply with section 2-2-703 - HB**
12 **09-_____ - repeal.** (1) PURSUANT TO SECTION 2-2-703, C.R.S., THE
13 FOLLOWING STATUTORY APPROPRIATIONS, OR SO MUCH THEREOF AS MAY
14 BE NECESSARY, ARE MADE IN ORDER TO IMPLEMENT HOUSE BILL 09-____,
15 ENACTED IN 2009:

16 (a) FOR THE FISCAL YEAR BEGINNING JULY 1, 2009, IN ADDITION
17 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED FROM
18 THE CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302,
19 C.R.S., TO THE CORRECTIONS EXPANSION RESERVE FUND CREATED IN
20 SECTION 17-1-116, THE SUM OF _____ DOLLARS (\$).

21 (b) (I) FOR THE FISCAL YEAR BEGINNING JULY 1, 2010, IN
22 ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY
23 APPROPRIATED, FROM THE CAPITAL CONSTRUCTION FUND CREATED IN
24 SECTION 24-75-302, C.R.S., TO THE CORRECTIONS EXPANSION RESERVE
25 FUND CREATED IN SECTION 17-1-116, THE SUM OF _____ DOLLARS (\$).

26 (II) FOR THE FISCAL YEAR BEGINNING JULY 1, 2010, IN ADDITION
27 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE

1 DEPARTMENT, OUT OF ANY MONEYS IN THE GENERAL FUND NOT
2 OTHERWISE APPROPRIATED, THE SUM OF _____ DOLLARS (\$).

3 (c) (I) FOR THE FISCAL YEAR BEGINNING JULY 1, 2011, IN ADDITION
4 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED, FROM
5 THE CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302,
6 C.R.S., TO THE CORRECTIONS EXPANSION RESERVE FUND CREATED IN
7 SECTION 17-1-116, THE SUM OF _____ DOLLARS (\$).

8 (II) FOR THE FISCAL YEAR BEGINNING JULY 1, 2011, IN ADDITION
9 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE
10 DEPARTMENT, OUT OF ANY MONEYS IN THE GENERAL FUND NOT
11 OTHERWISE APPROPRIATED, THE SUM OF _____ DOLLARS (\$).

12 (d) (I) FOR THE FISCAL YEAR BEGINNING JULY 1, 2012, IN
13 ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY
14 APPROPRIATED, FROM THE CAPITAL CONSTRUCTION FUND CREATED IN
15 SECTION 24-75-302, C.R.S., TO THE CORRECTIONS EXPANSION RESERVE
16 FUND CREATED IN SECTION 17-1-116, THE SUM OF _____ DOLLARS (\$).

17 (II) FOR THE FISCAL YEAR BEGINNING JULY 1, 2012, IN ADDITION
18 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE
19 DEPARTMENT, OUT OF ANY MONEYS IN THE GENERAL FUND NOT
20 OTHERWISE APPROPRIATED, THE SUM OF _____ DOLLARS (\$).

21 (e) (I) FOR THE FISCAL YEAR BEGINNING JULY 1, 2013, IN ADDITION
22 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED, FROM
23 THE CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302,
24 C.R.S., TO THE CORRECTIONS EXPANSION RESERVE FUND CREATED IN
25 SECTION 17-1-116, THE SUM OF _____ DOLLARS (\$).

26 (II) FOR THE FISCAL YEAR BEGINNING JULY 1, 2013, IN ADDITION
27 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE

1 DEPARTMENT, OUT OF ANY MONEYS IN THE GENERAL FUND NOT
2 OTHERWISE APPROPRIATED, THE SUM OF _____ DOLLARS (\$).

3 (2) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2014.

4 **SECTION 4.** The introductory portion to 24-75-302 (2) and
5 24-75-302 (2) (v), (2) (w), (2) (x), and (2) (y), Colorado Revised Statutes,
6 are amended, and the said 24-75-302 (2) is further amended BY THE
7 ADDITION OF A NEW PARAGRAPH, to read:

8 **24-75-302. Capital construction fund - capital assessment fees**
9 **- calculation.** (2) As of July 1, 1988, and July 1 of each year thereafter
10 through July 1, ~~2012~~ 2013, a sum as specified in this subsection (2) shall
11 accrue to the capital construction fund. The state treasurer and the
12 controller shall transfer such sum out of the general fund and into the
13 capital construction fund as moneys become available in the general fund
14 during the fiscal year beginning on said July 1. Transfers between funds
15 pursuant to this subsection (2) shall not be deemed to be appropriations
16 subject to the limitations of section 24-75-201.1. The amount that shall
17 accrue pursuant to this subsection (2) shall be as follows:

18 (v) On July 1, 2009, five hundred twenty-three thousand one
19 hundred sixty-four dollars pursuant to S.B. 06-206, enacted at the second
20 regular session of the sixty-fifth general assembly; plus five hundred
21 twenty-three thousand one hundred sixty-four dollars pursuant to S.B.
22 06-207, enacted at the second regular session of the sixty-fifth general
23 assembly; plus forty-three thousand five hundred ninety-seven dollars
24 pursuant to H.B. 06-1145, enacted at the second regular session of the
25 sixty-fifth general assembly; plus five hundred twenty-three thousand one
26 hundred sixty-four dollars pursuant to H.B. 06-1011, enacted at the
27 second regular session of the sixty-fifth general assembly; plus one

1 hundred fifty thousand one hundred ninety-eight dollars pursuant to S.B.
2 07-096, enacted at the first regular session of the sixty-sixth general
3 assembly; plus seventy-five thousand ninety-nine dollars pursuant to H.B.
4 07-1326, enacted at the first regular session of the sixty-sixth general
5 assembly; plus one hundred twenty-five thousand one hundred sixty-five
6 dollars pursuant to S.B. 08-239, enacted at the second regular session of
7 the sixty-sixth general assembly; plus twelve thousand five hundred
8 seventeen dollars pursuant to H.B. 08-1194, enacted at the second regular
9 session of the sixty-sixth general assembly; PLUS _____ DOLLARS
10 PURSUANT TO H.B. 09-____, ENACTED IN 2009;

11 (w) On July 1, 2010, five hundred twenty-three thousand one
12 hundred sixty-four dollars pursuant to S.B. 06-206, enacted at the second
13 regular session of the sixty-fifth general assembly; plus five hundred
14 twenty-three thousand one hundred sixty-four dollars pursuant to S.B.
15 06-207, enacted at the second regular session of the sixty-fifth general
16 assembly; plus forty-three thousand five hundred ninety-seven dollars
17 pursuant to H.B. 06-1145, enacted at the second regular session of the
18 sixty-fifth general assembly; plus five hundred twenty-three thousand one
19 hundred sixty-four dollars pursuant to H.B. 06-1011, enacted at the
20 second regular session of the sixty-fifth general assembly; plus sixty-nine
21 thousand seven hundred fifty-five dollars pursuant to S.B. 06S-004,
22 enacted at the first extraordinary session of the sixty-fifth general
23 assembly; plus seven hundred fifty thousand nine hundred ninety dollars
24 pursuant to S.B. 07-096, enacted at the first regular session of the
25 sixty-sixth general assembly; plus one hundred twelve thousand six
26 hundred forty-nine dollars pursuant to H.B. 08-1115, enacted at the
27 second regular session of the sixty-sixth general assembly; plus one

1 hundred thirty-seven thousand six hundred eighty-two dollars pursuant to
2 S.B. 08-239, enacted at the second regular session of the sixty-sixth
3 general assembly; PLUS _____ DOLLARS PURSUANT TO H.B. 09-____,
4 ENACTED IN 2009;

5 (x) On July 1, 2011, seven hundred fifty thousand nine hundred
6 ninety dollars pursuant to S.B. 07-096, enacted at the first regular session
7 of the sixty-sixth general assembly; plus three hundred seventy-five
8 thousand four hundred ninety-five dollars pursuant to S.B. 08-239,
9 enacted at the second regular session of the sixty-sixth general assembly;
10 PLUS _____ DOLLARS PURSUANT TO H.B. 09-____, ENACTED IN 2009;

11 (y) On July 1, 2012, one hundred twelve thousand six hundred
12 forty-nine dollars pursuant to H.B. 08-1115, enacted at the second regular
13 session of the sixty-sixth general assembly; plus three hundred
14 seventy-five thousand four hundred ninety-five dollars pursuant to S.B.
15 08-239, enacted at the second regular session of the sixty-sixth general
16 assembly; PLUS _____ DOLLARS PURSUANT TO H.B. 09-____, ENACTED
17 IN 2009;

18 (z) ON JULY 1, 2013, _____ DOLLARS PURSUANT TO H.B. 09-____,
19 ENACTED IN 2009.

20 **SECTION 5. Safety clause.** The general assembly hereby finds,
21 determines, and declares that this act is necessary for the immediate
22 preservation of the public peace, health, and safety.