

State Representative  
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**Member:**  
Education Committee  
State, Veterans & Military Affairs  
Committee

**COLORADO**  
**HOUSE OF REPRESENTATIVES**  
State Capitol  
Denver  
80203

7 May 2017

*via Email*  
*Dan.Cartin@state.co.us*

**Mr. Dan Cartin**  
Director  
Office of Legislative Legal Services  
Colorado General Assembly  
200 E Colfax Avenue  
Denver, CO 80203

**RE SB17-267 and Colorado Constitution Article V, Section 21**  
**Bill to Contain but One Subject – Expressed in Title**

Dear Mr. Cartin:

On Friday 5 May, the State Senate passed, in Second Reading Special Order, the above-mentioned bill as amended. The amendment was a strike-below and seems to contain a considerable amount of subjects.

I am challenging the constitutionality of this amended bill on the grounds that it violates Article V, Section 21 of our Colorado Constitution and would like your opinion in that regard. I do realize that while I may disagree that these numerous subjects fit under the bill title, "*Concerning the Sustainability of Rural Colorado*", I am not asking you for a title opinion as that might place you in an awkward position that is inappropriate for nonpartisan staff personnel, and the Senate chair has already ruled on that.

I would like to bring to your attention a few sections of the amended bill which seem to contain separate subjects:

1. §4 appropriates all of the gross retail marijuana sales tax proceeds transferred from the General Fund to the State Public Schools Fund to the Department of Education for distribution to large and small rural school districts. This seems to be the single subject for the bill which would be expressed in the title.
2. §12 concerns lease-purchase agreements for state property and requires the state architect and others, to identify \$2.0B of unencumbered state-owned buildings which

will then serve as collateral for \$2.0B of certificates of participation to be used for controlled maintenance and capital construction projects in the state (Page 20, Line 24 +), and credited to the State Highway Fund to be used by the Department of Transportation in accordance with Section 43-4-206(1)(b)(V). This subject is different than the proceeding subjects.

3. §17 creates an enterprise (Page 27, Line 6) and lists its primary powers and duties (Page 29, Line 1), none of which are to perform controlled maintenance, capital construction, or any of the highway construction duties of Section 43-4-206(1)(b)(V).
4. §23 makes changes to the sales tax ordinance of “any incorporated town, city, or county.” Again, I am not asking you for a title opinion as to this section fitting under “rural Colorado”; I am concerned that another separate subject is being addressed.
5. §26 establishes a business personal property tax credit – unrelated to schools, hospitals, or transportation issues. Again, another separate subject.

These are just a few examples of what seems to be a multi-subject amended bill.

I have reviewed the Memo of 1 November 2004 issued by your office addressing bill titles and single subjects. I am concerned that the consequences of a departure from the mandates of Section 21 of our Constitution are similar to those your office listed, including, among others, log-rolling, the possibility of increased litigation over bills already passed, and the erosion of the public’s confidence in the legislative process.

Given the fast pace of the session in these last three remaining days, and the movement of this bill in the Senate on Monday 8 May with the House following in the next two days, the General Assembly would be well served to have your thoughts on this matter as soon as your schedule permits.

Thank you.

Sincerely,



Timothy J. Leonard  
State Representative HD-25