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ELECTIONS
SECRETARY OF STATE

BEFORE THE INITIATIVE TITLE SETTING REVIEW BOARD, STATE OF COLORADO

INITIATIVE 2007-2008 NO. 37

PETITION FOR REHEARING OF DANIEL L. LAW

IN THE MATTER OF TITLE SETTING FOR 2007-2008 NO. 37 "REPEAL OF COLORADO WATER RESOURCES AND POWER DEVELOPMENT AUTHORITY"

Petitioner, Daniel L. Law, through his attorneys, presents his petition for rehearing on the Title Board's setting of title for Initiated Proposal for Statutory Modification of 37-95-101 et seq., De-Authorization of the Colorado Water Resources and Power Development Authority, Initiative 2007-2008 No. 37.

I. Introduction

On July 11, 2007, the proponents, Richard Hamilton and Phil Doe, submitted Initiative 2007-2008 No. 37 to the Initiative Title Setting Review Board ("Title Board"). At its August 1, 2007, regularly scheduled meeting, the Title Board determined that the content of proposed Initiative No. 37 constituted a single subject and proceeded to set a title. The title for the proposed initiative was set as follows:

> An amendment to the Colorado Revised Statutes concerning the deauthorization of the water resources and power development authority, and, in connection therewith, specifying the mechanism by which the powers, duties, functions, records, personnel, property, and unexpended balances of appropriations, allocations, or other funds of the water resources and power development authority will be transferred to any other designated governmental department.

The ballot title and submission clause as set by the Title Board was essentially the same, with the addition of "Shall there be" at the beginning and a question mark at the end.

II. Status of the Petitioner and Background of the Colorado Water Resources and Power Development Authority

Petitioner is a registered elector in Colorado. The Petitioner is also the executive director for the Colorado Water Resources and Power Development Authority (the "Authority"), the entity that the proponents of proposed Initiative No. 37 seek to dissolve.

The Authority was established by statute in 1981 as a body corporate and a political subdivision of the state. C.R.S. § 37-95-101, et seq. It is not a state agency, and it is not subject to the administration of any department, commission, board, bureau, or agency of the state, except as provided by Article 95 of Title 37, Colorado Revised Statutes. C.R.S. § 37-95-104(1). The Authority engages in the financing of water-related infrastructure for governmental agencies within the state. To date the Authority has issued over $1.5 Billion in loans to more than 200 separate governmental agencies in the state for water-related infrastructure–e.g. water and wastewater diversion, storage, distribution, collection, and treatment facilities and systems. Through its various revenue bond programs, it makes private capital available for such loans to public entities at favorable rates and conditions. The Authority currently has issued and outstanding bonds backed by loans to governmental agencies and Authority resources, the principal value of which exceeds $1,135,000,000. The bonds currently outstanding have maturation dates extending to 2043. The Authority's bonds are not obligations of the State of Colorado; their repayment is the sole obligation of the Authority, which tracks, manages, and collects the loans that repay the bonds, and tracks and manages the actual remittance and repayment of the bonds.

In addition, the Authority is the statutorily designated entity responsible for administering and operating the Drinking Water Revolving Fund, C.R.S. § 37-95-107.8, and the Water Pollution Control Revolving Fund, C.R.S. § 37-95-107.6., established pursuant to the federal Safe Drinking Water and Clean Water Acts. The Authority's obligations with regard to these Funds include providing the 20% matching funds required to secure federal funding to capitalize the Funds, which are in turn used to assist in the development of water pollution control infrastructure and drinking water protection programs and infrastructure in Colorado. Deauthorization of the Authority will result in a profound modification of these programs, and will affect the ability of the State and its public water providers to develop such infrastructure in the state.

III. Argument

"Colorado's Constitution prohibits voter initiatives from containing multiple subjects." *In the Matter of the Title and Ballot Title and Submission Clause for 2005-2006 #55*, 138 P.3d 273 (Colo. 2006); Colo. Const. Art. V, § 1(5.5); C.R.S. § 1-40-106.5. As discussed in that case, the single subject requirement:

> prohibits a single legislative act from addressing "disconnected and incongruous measures" that have no "necessary or proper connection." This limitation serves to ensure that each legislative proposal depends upon its own merits for passage and protects against fraud and surprise occasioned by the inadvertent passage of a surreptitious provision "coiled up in the folds" of a complex bill.

In the Matter of the Title and Ballot Title and Submission Clause for 2005-2006 #55, 138 P.3d at 277, *citing to In re Proposed Initiative for 2001-02 #43*, 46 P.3d 438, 439 (Colo. 2002). "An initiative violates the single subject requirement when it (1) relates to more than one subject and (2) has at least two distinct and separate purposes that are not dependent upon or connected with

each other." *In the Matter of the Title and Ballot Title and Submission Clause for 2005-2006 #55*, 138 P.3d at 277.

Further, "[i]n setting a title, the title board shall consider the public confusion that might be caused by misleading titles and shall, whenever practicable, avoid titles for which the general understanding of the effect of a 'yes' or 'no' vote will be unclear." C.R.S. § 1-40-106(3)(b). The title for the proposed law shall correctly and fairly express the true intent and meaning thereof. *Id*. The purpose of the title setting process is to ensure that any person reviewing the initiative petition, and all voters, are fairly and succinctly advised of the import of the proposal. *In re Title, Ballot Title and Submission Clause*, 910 P.2d 21 (Colo. 1996); *In re Proposed Initiative on Education Tax Refund*, 823 P.2d 1353 (Colo. 1991).

In the matter currently before the Title Board on this petition for rehearing, the proposed initiative, the title, and the title and submission clause violate both the requirement for a single subject and the requirement that the title correctly and fairly express the true intent and meaning of the initiative.

The initiative contains more than one subject, in that it would not only dissolve the Colorado Water Resources and Power Development Authority, established under C.R.S. § 37-95-101, et seq., but also require the state (1) to address more than $1.1 billion in outstanding bonds prior to July 1, 2009; (2) to rewrite existing general laws providing for the abolition of an existing department, institution, or other agency and the transfer of all or part of its powers, duties, functions, records, personnel, property, and unexpended balances of appropriations, allocations, or other funds ("powers and assets") to another principal department so as to apply to the Authority, a political subdivision; and (3) either to develop new mechanisms by which an

unspecified state agency could obtain private financing for water development projects and provide matching funds and operate the Drinking Water Revolving Fund and the Water Pollution Control Revolving Fund, or to forego private and federal funds currently available to the state through the Authority for these projects and funds.

The title does not correctly and fairly express the true intent and meaning of the initiative, in that it fails to disclose the mechanisms and effects specified in the initiative. It fails to inform the voters that it requires the State to act prior to July 1, 2009 to ensure that all the Authority's debts and obligations have been retired; it fails to inform the voters of the time by which the Authority will be finally dissolved; it fails to inform the voters that implementation of its requirements will also require the legislature to modify or ignore existing statutes authorizing the abolition of state agencies and transfer of powers and assets to another department; and it fails to inform the voter that dissolution of the Authority will require Colorado either to adopt new financing mechanisms not currently available to obtain access to private capital or to fund all such infrastructure development with state funds, and similarly to commit state funds in order to secure federal funds for the federally-mandated water pollution and safe drinking water revolving loan funds, or lose the federal funds used for development of water pollution control infrastructure and drinking water protection programs and infrastructure.

A. To set a title for proposed Initiative No. 37, the Title Board must determine that Initiative 37 contains a single subject. Since Initiative No. 37 presents multiple subjects, the Title Board did not have jurisdiction to set a title in this matter.

When examining whether an initiative contains a single subject, the Title Board must determine "whether it contains incongruous or hidden purposes or bundles incongruous measures under a broad theme." *In the Matter of the Title and Ballot Title and Submission Clause for*

2005-2006 #55, 138 P.3d at 279. "The prohibition against multiple subjects serves to defeat voter surprise by prohibiting proponents from hiding effects in the body of an initiative." *Id.* at 279. Any initiative that encompasses more than one distinct purpose will not satisfy the single subject requirement. *Id.* at 278.

The Colorado Supreme Court has enunciated principles to be applied in reviewing initiatives to ensure compliance with the single subject requirement. *In the Matter of the Title and Ballot Title and Submission Clause for 2005-2006 #55*, 138 P.3d at 277. Among these principles is that "an initiative may not hide purposes unrelated to the Initiative's central theme." *Id.* Thus, an initiative violated the single subject requirement when it "contained mandatory reductions in state spending on state programs ... unrelated to the central theme of effecting tax cuts." *Id.*, citing *In re Proposed Initiative for 1997-98 Nos. 84 & 85*, 961 P.2d 456 (Colo. 1998). In that case, the court determined that the "voters would be surprised to learn that by voting for local tax cuts, they also had required the reduction, and possible eventual elimination of state programs." *In the Matter of the Title and Ballot Title and Submission Clause for 2005-2006 #55*, 138 P.3d at 277, quoting *In re Proposed Initiative for 1997-98 Nos. 84 & 85*, 961 P.2d 456, 460-461 (Colo. 1998). Proposed Initiative No. 37 violates this requirement.

The central theme of proposed initiative No. 37 is the dissolution of the Authority. This theme is reflected in Paragraph (7)(a) of the proposed revision to C.R.S. § 37-95-104. It is in paragraphs (7)(b) and (7)(c) that the proposed language strays from the single subject requirement.

The proposed language in Paragraph (7)(b) states:

(b) ACTIVITIES AND SERVICES OF THE AUTHORITY SHALL TERMINATE ON JULY 1, 2009, AND UPON CERTIFICATION BY THE COLORADO STATE AUDITOR THAT the authority has no debts or obligations outstanding, or that provision has been made for the payment or retirement of such debts or obligations. Upon any such dissolution of the authority, all property, funds, and assets thereof shall be vested in the state.

At the August 1, 2007, title setting hearing, the proponents testified that the language in the first sentence requires the state legislature to take such action as is necessary to ensure that all debts and obligations of the authority are "attended to", by which the proponents appeared to mean paid, retired, or reassigned to state agencies. Testimony of Richard Hamilton before Title Board, August 1, 2007, at approximately 3: 41 p.m. In other words, the proponents claim that it is the intent of this language that, on or before July 1, 2009, the state or its agencies pay off or take on as the state's obligation more than $1.1 billion dollars in outstanding bonds. Thus, hidden in the proposed initiative intended to abolish all of the Authority's activities and services is the unstated directive that the state must "attend to" more than $1.1 billion dollars of outstanding bonds. The proponents' hidden intention, which appears to be that the state become responsible for these outstanding bonds, is a different subject entirely from the proponents' stated intention that the Authority be dissolved.

The proposed language in Paragraph (7)(c) also violates the single subject requirement. That Paragraph states:

(c) SECTION 24-1-105(3) AND (4), C.R.S. SPECIFYING TYPE 3 TRANSFERS FOR ALL OR PARTS OF AN ABOLISHED OR DE-AUTHORIZED ENTITY'S POWERS, DUTIES, FUNCTIONS, RECORDS, PERSONNEL, PROPERTY, AND UNEXPENDED BALANCES OF APPROPRIATIONS, ALLOCATIONS, OR OTHER FUNDS WHEN AN EXISTING ENTITY IS BEING ABOLISHED OR DE-AUTHORIZED, AND ALL OF THE FORMER ENTITY'S EFFECTS ARE BEING TRANSFERRED TO A PRINCIPAL DEPARTMENT, SHALL BE UTILIZED FOR THE TRANSFER OF ELEMENTS BEING TRANSFERRED

FROM THE FORMER AUTHORITY TO ANY DESIGNATED GOVERNMENTAL DEPARTMENT.

That language calls for the application of C.R.S. § 24-1-105 (3) and (4) to implement the transfer of the functions, etc., of the Authority to an unnamed governmental department or departments upon dissolution of the Authority. Hidden in this language, however, is the requirement that the state legislature either change § 24-1-105, or alternatively ignore that statute's terms, including its definitions and requirements, when implementing the transfer.

C.R.S. § 24-1-105 (3) and (4) address Type 3 transfers, which mean the abolition of an existing department, institution, or other agency, and the transfer of its powers and assets to another department. By the statute's terms, Type 3 transfers apply only to departments, institutions, or other state agencies. The Authority is not a department, institution, or agency of the state – it is "a body corporate and a political subdivision of the state". C.R.S. § 37-95-104(1). By statute, "[t]he authority shall not be an agency of state government, nor shall it be subject to administrative direction by any department, commission, board, bureau or agency of the state...." *Id.* Because the Authority is not an existing department, institution, or state agency, C.R.S. § 24-1-105 (3) and (4) do not apply to it, and the Type 3 transfers set forth in those statutory provisions are inapplicable to it.

Thus, for the proposal in Paragraph (7)(c) of the proposed initiative to be put into effect, the state legislature either must change the existing statute to make it apply to the Authority (and presumably all other political subdivisions of the state); or (somehow, and despite the directive of the proposed initiative that C.R.S. § 24-1-105 (3) and (4) be utilized) ignore the statutory

provisions of C.R.S. § 24-1-105 (3) and (4) in implementing the transfer of the Authority's powers and assets to an unspecified department.

C.R.S. § 24-1-105 (3) and (4) are part of a general statute applicable to the abolition and transfer of certain state agencies, institutions and departments. A modification of this statute constitutes a subject separate from the dissolution of the Authority. Because the proposed language in Initiative No. 37 addresses this subject, as well as the dissolution of the Authority, it impermissibly relates to multiple subjects in violation of the requirements of C.R.S. § 1-40-106.5.

In addition, the proposed Initiative includes another hidden purpose regarding financing water-related projects in the state. Under its statute, the Authority is able to issue revenue bonds backed by loans to governmental agencies. In doing so, the Authority makes private capital available at favorable terms and rates for development of public water-related infrastructure. The Authority has issued over $ 1.67 billion in bonds, which are not state obligations, and made the private capital raised by the bonds available for water infrastructure development in Colorado through loans to governmental agencies. If the Authority is dissolved, the unspecified state department (to which, under the proposed initiative the Authority's powers would devolve), without new legislation to allow it to issue bonds, would not be capable of issuing bonds to provide such private capital for development, and the private capital made available for infrastructure development through the Authority would no longer be available. Further, and unlike the revenue bonds issued by the Authority, any bonds issued by the state agency would be of necessity state bonds, and would be obligations of the state. The unstated directive that the state legislature either create new legislation granting an unspecified state agency the right to

issue state bonds to fund water projects that were formerly funded by private capital, or that the financing program and sources available through the Authority will be terminated, is a different subject from the dissolution of the Authority.

Finally, the proposed initiative contains at least one more subject separate and apart from the dissolution of the Authority. As noted, the Authority is the Colorado entity responsible for operating and administering the Colorado Drinking Water Revolving Fund and the Colorado Water Pollution Control Revolving Fund, established for water pollution control and for drinking water protection programs and infrastructure. The Authority is responsible for providing the 20% matching funds required to receive federal funds to capitalize these revolving funds. If the Authority is dissolved, the state legislature will have to pass new legislation placing the responsibility for providing the matching funds and operating the revolving funds in another entity. Alternatively, the state will have to forsake the federal funds available through the revolving fund programs. A requirement that the state legislature create new funding mechanisms for the revolving funds, and draft new legislation designating a state agency to operate the revolving funds, or alternatively, forego federal funding for the projects and programs supported by the funds, is a separate subject from the dissolution of the Authority.

Thus, the initiative is not limited to a single subject but encompasses a number of hidden measures unrelated to its stated central theme: addressing existing outstanding bond obligations, changing statutory measures so they can be applied to the Authority, a political subdivision rather than a state agency or department, and future financing of water-related public infrastructure. As the Supreme Court stated in *In re 1997-1998 No. 84 and 85*, it seems likely that "voters would be surprised to learn" that by voting for this initiative, they were obligating the state to "attend to,"

that is, by July 1, 2009, ensure payment of, over $1.1 billion dollars in outstanding bonds issued by the Authority, and for which the state is not currently responsible, to modify an existing statute addressing transfers of state agency assets so that it will allow transfers of the assets of political subdivisions, and to alter the financing mechanisms (and essentially reduce the funds available) for public water infrastructure *See, In re 1997-1998 No. 84 and 85*, 961 P.2d at 460-461.

B. The Title Board is required to set titles that ensure that a person reviewing the initiative petition, and the voters, are fairly advised of the import of the proposed amendment, and that are clear and not misleading. The title set for Initiative No. 37 does not fairly advise of the import of the proposed amendment, is not clear, and is misleading. Therefore, the Title Board must withdraw and revise the title for Initiative No. 37.

The title set by the Title Board should be "a brief statement that fairly and accurately represents the true intent and meaning of the proposed text of the initiative." C.R.S. § 1-40-102(10). The Title Board "shall consider the public confusion that might be caused by misleading titles and shall, whenever practicable, avoid titles for which the general understanding of the effect of a 'yes' or 'no' vote will be unclear." C.R.S. § 1-40-106(3)(b).

As stated above, the first sentence of Paragraph 7(b) of the proposed Initiative 37 states: "(b) ACTIVITIES AND SERVICES OF THE AUTHORITY SHALL TERMINATE ON JULY 1, 2009, AND UPON CERTIFICATION BY THE COLORADO STATE AUDITOR THAT the authority has no debts or obligations outstanding, or that provision has been made for the payment or retirement of such debts or obligations." The meaning of this clause is unclear, misleading, and will lead to public confusion.

As demonstrated by the Title Board's questions at the August 1, 2007, title setting hearing, the meaning of this clause is not clear. See Questions from Board Members, Title Board Hearing, August 1, 2007, from approximately 3:34 p.m. until 3:49 p.m. It can be understood in at least two ways. For example, one interpretation is that all activities and services of the Authority will terminate on the later of July 1, 2009 or the date when the Colorado State Auditor can certify that the Authority has no debts or obligations outstanding. The proponents' interpretation, as explicated to the Title Board by Mr. Hamilton, is that the Colorado State Auditor is required to certify that the Authority has no outstanding debts and obligations as of July 1, 2009, and, therefore, that the state legislature must, as of July 1, 2009, retire, reassign, or otherwise "attend to" the Authority's outstanding debts and obligations. Testimony of Richard Hamilton before the Title Board, August 1, 2007, at approximately 3:41 p.m. Given the more than $1.1 billion dollars (in principal value) of Authority bonds outstanding, with maturity dates over thirty years in the future, the meaning of this provision is key to a voter's understanding of the initiative. Under the first interpretation, the Authority will not cease its activities and services, at least with respect to repayment of bonds, until the Colorado State Auditor has certified that it has no outstanding debts and obligations – that is, its debts and obligations have been paid or otherwise defeased – which may not occur prior to the maturity of all currently-outstanding bonds. Under the second interpretation, by July 1, 2009, the state must address more than $1.1 billion dollars in bonds – either to pay or defease them immediately, or to assign them to one of its agencies for eventual repayment – that prior to that point was not the state's responsibility.

The title set by the Title Board does not explain this discrepancy, or provide the voter with a clear understanding of what the proposed initiative will accomplish. For example, if the true intent and meaning of the initiative is to require the state to address the repayment of more than $1.1 billion dollars in outstanding bonds, that intent and meaning is not made clear by a title that merely informs the voter that the Authority will be dissolved and its powers and assets transferred to an unspecified governmental department. In fact, the title as set does not inform the voters that there are any outstanding Authority obligations, that the amount of those obligations exceeds $1.1 billion dollars, that the state legislature may be required to pass additional, undefined legislation to "attend to" that large obligation, that the obligation must be "attended to" prior to July 1, 2009, or that the state or its agencies will become responsible for those obligations.

Setting a title that does not inform the voter of the potential that the state will become responsible for over $1.1 billion dollars in outstanding bonds, and that passing the initiative will require additional, and yet undefined, legislation to implement its terms, is misleading, and does not accurately set forth the intent and meaning of the initiative. Further, it will most certainly lead to voter confusion.

It was clear from the questions asked by Title Board members at the title setting hearing that the Title Board itself was confused by this clause, asking when, under the initiative, the Authority's activities and services would cease, or what would happen to the Authority's outstanding debts and obligations. Questions from Title Board Members, August 1, 2007, from approximately 3:34 p.m. until 3:49 p.m. This reinforces that this initiative, like the title set for it, is not clear. If the Title Board does not itself understand from the language of the initiative how

it would operate, so that it cannot describe its operation in the title, the average voter cannot be expected to make a reasoned decision regarding the meaning of the title and the initiative. *See In re Proposed Initiative 1999-2000 No. 25*, 974 P.2d 458, 464 (Colo. 1999)(where the record showed that the board itself did not fully understand the measure, title was not sufficiently clear and the board was directed to strike the title).

The initiative, and therefore the title set by the Title Board, is equally unclear, confusing, and misleading regarding the intent and meaning of Paragraph (7)(c). The title as set states that the Authority's powers and assets will be transferred to "any other designated governmental department." As discussed above, the proposed language in Paragraph (7)(c) requires a Type 3 transfer of the Authority's powers and assets to "any other governmental department". Under statute, Type 3 transfers can only be effectuated for governmental agencies, departments, and institutions. Since the Authority is a political subdivision, and very different in nature from these entities, a Type 3 transfer cannot be effected for the Authority under the statute.

Thus, in order to "transfer" the Authority's powers and assets, as called for in Paragraph (7)(c), the state legislature would have to pass new legislation changing C.R.S. § 24-1-105; or ignore the provisions of C.R.S. § 24-1-105. The title set by the Title Board does not inform the voter that the proposed initiative will force the state legislature to change an existing statute unrelated to the dissolution of the Authority, or, alternatively, ignore the terms of the statute to which it is directed by the initiative. Because the title as set does not inform the voter of the entities that are subject to Type 3 Transfers, it is not clear, it is misleading, and it will cause confusion for the voters.

Finally, the title set by the Title Board is misleading in that it does not inform the voters regarding the implications of the initiative with regard to financing of water infrastructure in the state. As noted above, by issuing revenue bonds backed by loans to governmental agencies the Authority makes private capital available at favorable terms and rates for development of public water-related infrastructure. The Authority has outstanding over $1.1 billion in bonds, which are not state obligations, and has loaned over $1.5 billion to governmental agencies throughout the State for water infrastructure development in Colorado. However, absent the legislative development of new financing capability, the unspecified state department to which, under the proposed initiative the Authority's powers would devolve, would not be capable of issuing bonds to provide private capital for such development. Moreover, if such department were legislatively authorized to issue bonds, such bonds would be obligations of the State of Colorado, since state departments are agents or arms of the state, and do not have the kind of independent existence that political subdivisions of the state, such as the Authority, enjoy. Thus, funding available through the designated state department for water-related infrastructure would in effect be limited to state-appropriated funds. In other words, moneys available for financing of water-related infrastructure in the state would be restricted beyond what is available now, and the financing made available to public water providers in the state reduced.

Furthermore, as noted above, the Authority is the Colorado entity responsible for operating and administering the Colorado Drinking Water Revolving Fund and the Colorado Water Pollution Control Revolving Fund, established pursuant to the federal Clean Water Act and the Safe Drinking Water Act for water pollution control and for drinking water protection and infrastructure–and, for providing 20% matching funds required to receive federal funds to

capitalize these Funds. Dissolution of the Authority will require another entity to take on the obligation of providing matching funds, failing which federal funding for the revolving funds (totaling $337,650,000 for both funds since inception of the programs), which finance construction of water pollution prevention and safe drinking water programs and infrastructure throughout the state, will cease.

The title set by the Title Board does not disclose these effects to the voters. A title that is clear and states the intent and meaning of the initiative must disclose these results to ensure that a voter is not misinformed or confused as to the implications and outcome of a 'yes' vote on the measure. Since the title as set does not do so, it must be withdrawn and revised by the Title Board.

III. Conclusion

The proposed Initiative No. 37 does not comprise a single subject, as it calls not only for the dissolution of the Authority, but also for the state to address more than $1.1 billion dollars of outstanding bonds by July 1, 2009; as well as to modify unrelated and existing statutes in order to effectuate the proposed "transfer" of the Authority's powers and assets. Because proposed Initiative No. 37 does not comprise a single subject, the Title Board does not have jurisdiction to set a title for the initiative.

Moreover, the title as set by the Title Board is unclear, does not set forth the actual intent and meaning of the initiative, is misleading, and will cause confusion in the voters. It does not inform the voters that the initiative compels the state to attend to – e.g., assume – more than $1.1 billion dollars in outstanding bonds by July 1, 2009, and to adopt additional, unidentified legislation, including legislation modifying existing and unrelated statutes to fulfill the

initiative's requirements, or that the state will have to implement a new method to "match" federal funds in order to receive and use the federal funds necessary to complete water projects throughout the state.

For the reasons set forth above, the petitioner moves the Title Board to strike the title as set for 2007-2008 Initiative No. 37, and grant the petitioner's motion for a rehearing.

Respectfully submitted this 8th day of August, 2007.

CARLSON, HAMMOND & PADDOCK

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CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of August 2007, a true and correct copy of the foregoing PETITION FOR REHEARING OF DANIEL L. LAW in INITIATIVE 2007-2008 NO. 37, were sent via U.S. mail, by first-class postage prepaid, to all parties listed below.

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