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COLORADO TITLE SETTING BOARD  
Colorado Secretary of State

In re Title and Ballot Title and Submission Clause for Initiative 2009-2010 #91

**MOTION FOR REHEARING**

On behalf of Christopher Howes, a registered elector of the State of Colorado, the undersigned hereby moves for a rehearing of the title, ballot title, and submission clause for Initiative 2009-2010 "Container Fee to Fund Water Preservation and Protection," set by the Title Board on April 21, 2010. As grounds, Howes states as follows:

The Title Board does not have jurisdiction to set a title because the proponents made substantial amendments, but did not send a copy of the amended draft to the title board with the changes highlighted or otherwise indicated, as required by C.R.S. § 1-40-105(4).

The proposed initiative violates Colorado's single subject requirement contained in C.R.S. § 1-40-106.5 because it contains the following separate subjects:

1. It creates a new tax on beverage containers.
2. It implements new procedures for amending the tax.
3. It establishes a moratorium on changes to the basin roundtables and the interbasin compact committee.
4. It prohibits the General Assembly from creating any agencies that supersede or are superordinate to the basin roundtables or interbasin compact committees.
5. It authorizes the General Assembly to borrow funds in order to represent the State of Colorado in litigation concerning the Colorado River Compact.

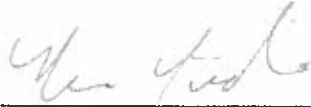
The title set by the Board is misleading, inaccurate, and incomplete for the following reasons:

1. The title refers to the new revenue as a "fee," when in fact the new charges are taxes.
2. The phrase "water for future generations" is a catch phrase.
3. The title fails to describe the new duties of the State Treasurer as an administrator

of the fund.

4. The title fails to state that the initiative authorizes the General Assembly to borrow funds in order to pay for legal representation involving the Colorado River Compact.
5. The title fails to state that the tax does not apply to alcoholic beverage containers.

Respectfully submitted this 28th day of April, 2010.

By:   
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**CERTIFICATE OF SERVICE**

I hereby certify that on this 28th day of April, 2010, a true and correct copy of the foregoing **MOTION FOR REHEARING** was placed in the United States mail, postage prepaid, to the following:

Richard G. Brown  
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