

Designation of parties representing the proponents for  
ballot initiative. "Fee" #2 Constitutional Initiative

Proposal tracking no. \_\_\_\_\_ Draft version: ORIGINAL DRAFT

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**"FEE"**

**PROPOSED CONSTITUTIONAL BALLOT INITIATIVE**

**DEFINITION OF "FEE"**

1 TEXT OF THE MEASURE

2  
3 BE IT ENACTED BY THE PEOPLE OF THE STATE OF COLORADO:

4  
5 SECTION 1. IN THE CONSTITUTION OF THE STATE OF COLORADO,  
6 AMEND ARTICLE X SECTION 20, ADD AS FOLLOWS:

7  
8 THE OFFICIAL DEFINITION OF "FEE" AS USED IN THE COLORADO  
9 CONSTITUTION, COLORADO REVISED STATUTES, CODES, DIRECTIVES  
10 AND ALL PUBLIC COLORADO LEGAL DOCUMENTS, IS AS FOLLOWS:

11  
12 A FEE IS A VOLUNTARILY INCURRED GOVERNMENTAL CHARGE IN  
13 EXCHANGE FOR A SPECIFIC SINGLE BENEFIT CONFERRED ON THE  
14 PAYER, WHICH FEE SHOULD REASONABLY APPROXIMATE THE  
15 PAYER'S FAIR SHARE OF THE COSTS INCURRED BY THE GOVERNMENT  
16 IN PROVIDING SAID SPECIFIC BENEFIT.

17  
18 ANCILLARY AND/OR EXTRANEOUS BENEFITS, AS THOSE TERMS ARE  
19 DEFINED BY BLACKS LAW DICTIONARY, OF ANY FEE SHALL NOT BE  
20 CONSIDERED IN DETERMINING THE VALUE OF SAID FEE.

21  
22 SELF-EXECUTING, SEVERABILITY, CONFLICTING PROVISIONS.

23  
24 ALL PROVISIONS OF THIS AMENDMENT ARE SELF-EXECUTING EXCEPT  
25 AS SPECIFIED HEREIN, ARE SEVERABLE, AND, EXCEPT WHERE  
26 OTHERWISE INDICATED IN THE TEXT, SHALL SUPERSEDE  
27 CONFLICTING STATE STATUTORY, COURT FINDINGS AND RULINGS,  
28 LOCAL CHARTER, ORDINANCE, OR RESOLUTION, AND OTHER STATE  
29 AND LOCAL PROVISIONS. ALL PROVISIONS OF THIS SECTION  
30 SPECIFICALLY SUPERSEDE THE COLORADO SUPREME COURT RULINGS  
31 AND FINDINGS OF FACT IN BARBER V. RITTER, 170 P.3d 763  
32 (2007 (CASE NO. 07SC373 Colo. Supreme Court) INCLUDING  
33 ITS' DEFINITION OF FEE.

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EFFECTIVE DATE.

ALL PROVISIONS OF THIS SECTION SHALL BECOME EFFECTIVE  
RETROACTIVE TO NOVEMBER 4, 2008. ALL EXCESS FEES CHARGED  
AND COLLECTED BY ANY STATE AGENCY SHALL BE PUT TO A VOTE AT  
A GENERAL ELECTION WHETHER OR NOT TO FULLY REFUND AND  
RETURN SAID EXCESS FEES TO THE CITIZENS OF COLORADO.

