LEGISLATIVE COUNCIL
OF THE
COLORADO GENERAL ASSEMBLY

An Analysis of 1996 Ballot Proposals

Research Publication No. 415
1996

Si desea recibir una versión en español de este folleto, devuelva la tarjeta postal prefranqueada adjunta.

4) The proposal invites abuse of the initiative process. The standard for rejecting signatures on petitions – valid until proven invalid "beyond a reasonable doubt" – is so high that fraudulent signatures will be counted. The time and resources needed to determine fraud under this standard will prohibit thorough review of signatures. Allowing only seven days to file a challenge to signatures is not enough time for opponents to gather information that would meet the more difficult standard. Evidence of signature invalidity would need to be prepared for a hearing within 14 days after the filing of a challenge. The present signature verification process now protects the public by assuring that the signatures counted for ballot proposals are valid and that invalid signatures are not counted.

5) The provisions in the amendment are far too detailed for the constitution. The constitution should be reserved for highly important substantive matters, and this amendment adds items that are procedural and administrative. For example, it includes a $1 charge for printing and delivery of petitions, and a prohibition on preparing fiscal impact statements on ballot issues. As with all of the provisions, they could only be amended by another voter-approved measure.

6) The proposal creates an inappropriate status for laws approved by voters. A voter-initiated statute could be changed only by another vote of the people. It is unwise to have state statutes or local ordinances that cannot be changed in any way by elected officials. Voter-initiated measures are not often amended by the General Assembly, but this amendment keeps legislators from making changes as circumstances warrant. Complex policy areas such as workers' compensation or education finance, for example, require legislative fine-tuning that is prohibited under the amendment.

AMENDMENT 14 — PROHIBITED METHODS OF TAKING WILDLIFE

Ballot Title: An amendment to the Colorado Constitution concerning prohibited methods of taking wildlife, and, in connection therewith, prohibiting the use of leghold traps, instant-kill body-gripping design traps, poisons, or snares; providing an exception for the use of such methods by certain governmental entities for the purpose of protecting human health or safety or managing fish or other non-mammalian wildlife; providing an exception for the use of such methods to control birds or to control rodents other than beaver and muskrat, as otherwise authorized by law; providing an exception for the use of such methods on private property, under certain conditions, to reduce damage to crops or livestock; providing an exception for the use of certain non-lethal snares, traps, or nets to take wildlife for purposes of scientific research, falconry, relocation, or medical treatment under rules of the Colorado Wildlife Commission; providing that the measure shall not apply to the taking of wildlife with firearms, fishing equipment, archery equipment, or other implements in hand as authorized by law; incorporating the current statutory definitions of the terms "taking" and "wildlife"; and requiring the General Assembly to enact implementing legislation by May 1, 1997.

AMENDMENT 14 — PROHIBITED METHODS OF TAKING WILDLIFE

The complete text of this proposal can be found on page 55 of this booklet.

The proposed amendment to the Colorado Constitution:

✓ prohibits the use of leghold and instant-kill, body-gripping design traps, snares, or poisons to take wildlife on public and private land;

✓ permits the use of traps, snares, or poison by:

- private landowners, lessees, or their employees – for one 30-day period per year – when there has been ongoing crop or livestock damage on private property which cannot be stopped by other means;
- governmental departments of health to protect human health and safety;
- individuals to control birds or rodents, except beaver and muskrat, as permitted by other federal or state laws; and
- employees of the Colorado Division of Wildlife to take or manage fish or other aquatic wildlife;

✓ provides that nonlethal traps, snares, and nets may be used to take wildlife for scientific research, falconry, relocation, or medical treatment under rules of the Colorado Wildlife Commission; and

✓ specifies that the amendment does not apply to the taking of wildlife using firearms, fishing equipment, archery equipment, or other hand-held devices authorized by law.

Background

State law permits some wildlife species to be trapped or snared in Colorado. Wildlife that would be affected by this proposal are classified by the Colorado Division of Wildlife into two categories, furbearers and big game. Furbearers include animals such as coyote, beaver, bobcat, raccoon, and red fox, whose fur has commercial value. Big game species include bear and mountain lion. Snares are sometimes used to catch big game species suspected of causing damage to livestock. Furbearers are trapped and snared more often than are big game, thus they are the primary species affected by this proposal. Few scientific studies have been done on populations of furbearers in Colorado, so the impact of these methods on the populations of furbearers is uncertain.

Wildlife is trapped or snared for two primary purposes: (1) for recreation and profit from the sale of pelts; and (2) to manage situations where wildlife is causing damage to livestock, crops, or property. Two regulated poisons are used to control damage caused by coyotes, red fox, and striped skunks. People who trap or snare wildlife to minimize property damage are not required to purchase a license to trap, although people who trap for recreation or profit must purchase one. The number of Colorado residents who have purchased a license that allows them to trap has averaged 1,050 for the last three years, and these licenses have generated approximately $22,000 per year in license fees. These funds, in addition to other monies, are deposited into the wildlife cash fund.

Much less than one percent of the $60 million wildlife cash fund was paid by the state to farmers, ranchers, and property owners for damage to property and livestock caused by bear and mountain lion. Farmers and ranchers are not reimbursed from public monies for damage caused by coyotes and other furbearers.

Of the livestock killed by predatory furbearers such as coyote, fox, and bobcat, the majority are sheep or lambs. Losses of other types of livestock to predators have been relatively small in recent years.

There are two primary state agencies with authority to regulate the taking of wildlife species. The Division of Wildlife regulates commercial and recreational trapping of wildlife in addition to any activities involving threatened or endangered species. State law, enacted in 1996, gives the Commissioner of Agriculture authority over individual animals or groups of animals that may prey on agricultural products and livestock. The Commissioner of Agriculture is developing regulations regarding trapping, snaring, and poisoning these animals.

Current regulations. The Division of Wildlife regulations regarding commercial and recreational trapping and threatened or endangered species include the following:

- require that traps and snares, except those used in situations where wildlife is causing damage, be checked daily rather than every 48 hours as previously required. In situations where wildlife is causing damage, new regulations require traps and snares be checked at least once every other day;

- make the trapping of certain animals illegal, including gray fox, swift fox, kit fox, pine marten, mink, opossum, ringtail, weasels, spotted and hog-nosed skunks;

- shorten the recreational trapping season for badgers, coyotes, red foxes, raccoons, striped skunks, muskrats, beavers and bobcats; and

- as of March 1, 1997, require that leg-hold traps which are set on land be equipped with commercially manufactured padded jaws or their equivalent and that snares be converted from killing devices to restraining devices.

Only state and federal animal damage control agents and a limited number of private animal damage control specialists may use poisons to take wildlife. Both groups are limited to using two poisons approved and regulated by the Environmental Protection Agency.

Arguments For

1) The methods of taking wildlife prohibited by the proposal are inhumane and should be banned. The use of leghold traps or snares can result in prolonged suffering of trapped animals. Some animals injure themselves while trying to

escape from snares. Traps, snares, and poisons may not actually kill the animal immediately, causing the animal to suffer.

2) Traps, snares, and poisons can be indiscriminate methods of killing wildlife. Endangered or non-target species may be mistakenly captured in traps. For example, river otter may be caught in traps set for beaver. In addition, pets or humans may be accidentally hurt in traps.

3) Trapping, snaring, and poisoning may not control individual problem-causing animals and sometimes kill animals that have not caused problems. Humane, nonlethal methods, including the use of guard animals, offer alternatives to help keep predators away from livestock.

4) This proposal allows farmers and ranchers who can demonstrate legitimate, on-going damage to trap, poison, or snare wildlife to protect their property. Thus, these methods are available for one 30-day period, that may be selected at any time during the year, to property owners who have not been able to minimize damage by using firearms or other permitted devices.

Arguments Against

1) This initiative will reduce the flexibility necessary for the Colorado Department of Agriculture, farmers, ranchers, and hired damage control professionals to protect property from predators. Farmers and ranchers in Colorado lose a portion of their livestock and crops to species that are trapped, snared, or poisoned. If these methods are eliminated, fewer alternatives exist to minimize damage to livestock and crops. The 30-day period during which trapping, snaring, and, poisoning may be allowed is not long enough to protect calves or lambs. Although the calving and lambing periods for individual ranchers sometimes last only 30 days, predators continue to prey on young animals throughout the year.

2) Trapping, snaring, and poisoning are established methods approved by the Division of Wildlife to control some species of wildlife. For example, trapping and snaring are methods that are used to capture wildlife such as mountain lions that can be nuisances or threats to human health and safety. The division would be prohibited from using these methods as they can only be used by state and local departments of health to protect human health and safety. Departments of health do not have the expertise to deal with such species. Without the use of traps and snares, the division has limited options to control wildlife in these situations. In addition, methods that would be prohibited by this proposal would not be available for the division to protect threatened or endangered species from predators.

3) In some urban/suburban areas, trapping is used to protect property and pets from some species of wildlife. This initiative may limit the ability of urban/suburban property owners and municipalities to protect private property or pets. For example, property owners or municipalities could only use cage

traps to capture coyotes or foxes which cause damage in an area where firearms are prohibited. These traps are not practical or effective for capturing coyotes and most foxes. By excluding the use of traps, municipalities could incur additional expense to protect property and pets since other methods for controlling wildlife could require more time and personnel.

4) This proposal is the type of subject matter that should be addressed by changing the law or government agency rules rather than amending the constitution. The constitution should be reserved for broader concepts such as the description of basic rights and the basic structure of government. Placing this proposal in the state constitution does not allow the necessary flexibility to address unforeseen circumstances or new technologies for predator control.

AMENDMENT 15 — CAMPAIGN FINANCE

Ballot Title: An amendment to the Colorado Revised Statutes concerning campaign reform, and, in connection therewith, limiting the amount of campaign contributions to candidate committees, political committees, and political parties; prohibiting candidate committees and political parties from making or accepting certain contributions; specifying who may contribute to a candidate committee; limiting the amount of unexpended campaign contributions that a candidate can carry over from one campaign to another campaign; creating voluntary campaign spending limits and attendant disclosure requirements; and reenacting, with amendments, current campaign reform law definitions and provisions regarding deposits of contributions, limits on cash contributions and expenditures, the prohibition on contribution reimbursement, uses of unexpended contributions, notice and disclosure of independent expenditures, reporting of contributions and expenditures, registration requirements for candidates and committees, civil and criminal sanctions and penalties, expenditures for political advertising, encouraging withdrawal from a campaign, home rule counties and municipalities, and contribution limits on state and political subdivisions and lobbyists.

The complete text of this proposal can be found on pages 56-67 of this booklet.

The proposed amendment to the Colorado Revised Statutes:

✓ reduces the amount of money, goods, and services that *individuals* can contribute to legislative and statewide candidates for office, and limits the amount they can contribute to political parties and political committees;

✓ further limits the amount of money that *political committees* can contribute to candidates, and sets a total amount that a candidate can accept from all political committees;

✓ specifies amounts that *political parties* can contribute to candidates;

- ✓ sets voluntary spending limits for political races, encourages candidates to voluntarily agree to those limits, and establishes penalties for candidates who exceed the limits;
- ✓ prohibits contributions between candidate committees;
- ✓ specifies how moneys left over from a campaign may be used by a candidate, and limits the amount a candidate may keep for future campaigns; and
- ✓ requires candidates, political committees, and political parties to disclose amounts and sources of contributions monthly during an election year.

Background

Provided as background is a comparison of Colorado campaign finance law with the proposed amendment in the areas of contribution limits, voluntary spending limits, unexpended campaign contributions, independent expenditures, reporting requirements, and penalties. The provisions in this proposal apply to legislative and statewide candidates for office, but do not apply to federal candidates.

Contribution limits. The proposal limits the amount of money, goods, and services that various individuals and organizations may contribute to candidates for state offices. Table 1 on the following page presents the proposed limits and compares them with the limits that exist under the law adopted in 1996 that will take effect in 1997.

Table 1 — MAXIMUM CONTRIBUTION LIMITS PER ELECTION CYCLE

(Limits under the "Proposed" column would become effective in January 1997; limits under the "Present" column apply to election cycles commencing January 1, 1997)

	Individual to Candidate		Political Party to Candidate		Political Committee to Candidate		Total Contributions a Candidate may Receive from Political Committees		Candidate to Candidate (including Federal Candidate to State Candidate) Contributions		Corporate and Union Contributions to Candidate	
	Proposed	**Present[1]**	**Proposed**	**Present**	**Proposed**	**Present[1]**	**Proposed**	**Present**	**Proposed**	**Present**	**Proposed**	**Present**
Governor	$1,000	$5,000	$400,000	$100,000	$1,000	$5,000	$400,000	NL	Prohibited	$2,000	Prohibited	$5,000
Lt Gov	$1,000	$2,500	$20,000	$50,000	$1,000	$2,500	$20,000	NL	"	$1,000	"	$2,500
Sec of State	$1,000	$2,500	$80,000	$50,000	$1,000	$2,500	$80,000	NL	Prohibited	$1,000	Prohibited	$2,500
State Treas	$1,000	$2,500	$80,000	$50,000	$1,000	$2,500	$80,000	NL	"	$1,000	"	$2,500
Atty Gen	$1,000	$2,500	$80,000	$50,000	$1,000	$2,500	$80,000	NL	"	$1,000	"	$2,500
Senate	$200	$1,000	$15,000	$40,000	$200	$1,000	$15,000	NL	Prohibited	$1,000	Prohibited	$1,000
Hse of Rep	$200	$500	$10,000	$20,000	$200	$500	$10,000	NL	"	$500	"	$500
St Bd of Ed	$200	$500	$10,000	$40,000	$200	$500	$10,000	NL	Prohibited	$500/ 1,000[2]	Prohibited	$500
CU Regent	$200	$500	$10,000	$40,000	$200	$500	$10,000	NL	"	$500/ 1,000[2]	"	$500
Dist Atty	NL	$500	NL	$7,500	NL	$500	NL	NL	Prohibited	$500	Prohibited	$500

NL: No Limit

1. Individual and political committee contributions to candidates double if the candidate is in a contested primary.

2. At-large candidates for the State Board of Education or the Regents of the University of Colorado may receive $1,000 from a federal candidate, while State Board of Education and Regent candidates representing congressional districts are limited to receiving $500 from federal candidates.

In addition to contributions to candidates, the proposal deals with contributions to political parties and political committees. Contributions by persons to a political party are limited to $2,500 each year, while current law allows individuals to contribute up to $25,000 to political parties every two-year election cycle. In addition, persons are limited to donating $250 every two years to political committees; current law does not limit these contributions.

Voluntary spending limits. The amendment establishes voluntary campaign spending limits and encourages candidates to accept those limits. Table 2 lists the spending limits in the proposal; current law does not contain any such limits.

Table 2 — Proposed Voluntary Spending Limits

Candidate	Voluntary Spending Limit
Governor	$2,000,000
Secretary of State	$400,000
Attorney General	$400,000
State Treasurer	$400,000
Lt. Governor	$100,000
State Senate	$75,000
State House of Representatives	$50,000
State Board of Education	$50,000
Regent of the University of Colorado	$50,000

Candidates who agree to spending limits may advertise this compliance in political messages. Candidates not accepting the limits must note this fact in their political messages. The proposal also requires that a statement appear on each primary and general election ballot indicating which state candidates have accepted the spending limits and which candidates have not. A further incentive to accept the spending limits relates to campaign contributions. When one candidate agrees to limit spending but an opponent does not, the candidate who agrees may receive double the maximum contributions. Doubling of the contribution limit only applies if the candidate who does not accept the spending limits has raised more than 10 percent of the spending limit.

Under the voluntary spending limits, personal contributions are counted as political committee contributions and are subject to the limitation on the total amount that a candidate may accept from political committees. Candidates who exceed the spending limits after agreeing to voluntarily limit campaign spending are subject to penalties.

Unexpended campaign contributions. This measure outlines the permissible uses for unexpended campaign contributions. Similar to current law, a candidate may

give unexpended funds to a political party or a charitable organization recognized by the Internal Revenue Service or may use the unexpended funds in a subsequent campaign. The proposal also allows the candidate to return the money to contributors. Uses that are permitted under current law but not specifically addressed in this proposal include establishing postsecondary educational scholarships and conducting mailings and constituent communications.

When a candidate keeps unexpended campaign contributions for use in the next election, the moneys are counted as contributions from political committees and are subject to the applicable limitations. Unexpended contributions to a ballot issue committee may be donated to any charitable organization recognized by the IRS or returned to the contributor.

Independent expenditures. Campaign expenditures made by a group that is not associated with a candidate or candidate committee are called independent expenditures. The proposed amendment requires immediate reporting of all independent expenditures in excess of $1,000 to the Secretary of State. Current law requires reporting of all independent expenditures over $500.

Under this measure, advertisements paid for by independent expenditures over $1,000 must disclose the identity of the person making the independent expenditure, the amount of the expenditure, and a specific statement that the advertisement is not authorized by the candidate. Under current law, disclosure of the name of the person making the expenditure and a statement that the advertisement is not authorized by the candidate is required in all advertisements paid for by independent expenditures. Whether the state can require such disclosure may be an issue in light of the United States Supreme Court's recent decision upholding the right to distribute anonymous campaign literature.

Reporting. The proposal provides more frequent reporting of campaign contributions and expenditures than current law. Quarterly reporting in off-election years and additional monthly reporting before and after a major election replace the current requirement that reports be filed 11 days before and 30 days after any election. Under the proposed amendment, monetary contributions over $20 and contributions of goods and services valued over $20 must be reported to the Secretary of State. Current law requires candidates to report all monetary contributions over $25 and any contribution of goods and services valued over $100.

Penalties. The penalty provisions of the proposal differ from current law in several respects. Civil penalties are reduced under the proposal, but the criminal penalties are increased. In addition, any candidate convicted of violating any provision of the amendment is disqualified from running for state or local office for four years. Current law provides that any candidate who conspires with another person to violate the campaign finance law forfeits the right to assume the office in that election or must vacate the office if already sworn in.

Arguments For

1) This proposal reduces the impact of special interests on the political process while increasing the influence of individual citizens. By lowering the amount of money that a candidate can accept from special interests and political committees, the amendment encourages candidates to appeal directly to voters for campaign funds. The amendment will return the responsibility of funding campaigns to the citizens, and will reduce the overwhelming fundraising advantage that incumbents currently have over challengers.

2) The proposal strengthens the role of political parties and the responsibility of candidates to their party. Political parties are allowed to accept and distribute more money than political committees, which are not affiliated with political parties. These higher limits will make the political parties stronger and give them more flexibility in contributing to their candidates for office. The political parties will act as a buffer between a candidate and special interest money, and will be better able to support their candidates of choice.

3) Spending limits assure more equitable competition by preventing one candidate from having an excessive advantage over another in campaign spending. Although the spending limits in the proposal are voluntary, they contain incentives to persuade candidates to limit their spending. For example, candidates may accept double the contribution limits if an opponent has not agreed to spending limits. Voluntary spending limits are the only means of limiting spending by individual candidates and of reducing the influence of private wealth to fund campaigns. The voters benefit when there is increased competition for public office.

4) Voters have a right to know where candidates get their contributions. This amendment will require candidates to disclose their campaign contributions and expenditures more frequently, thus giving the public timely access to that information.

Arguments Against

1) The proposed amendment places unrealistically low limits on the amount of money that individuals may contribute to a candidate; current law provides limits that are more reasonable than those in the proposal. Candidates, especially challengers, need to be able to raise enough money to adequately inform voters about their positions. Low contribution limits will not reduce the importance of money, rather they will benefit wealthy candidates who can use personal resources. There is little doubt that special interests will continue to contribute to campaigns; the question is how they will contribute. Because of the strict limits on contributions, special interests will make more independent expenditures which are outside of the control of a candidate. This will result in the candidate not being held responsible for what is said in a campaign.

2) The limits on contributions and unexpended campaign funds may infringe on free speech. Contributions to candidates are a legitimate form of participation in the political process. Limiting campaign contributions restricts how and to whom a person may show political support. Contributing to a campaign is a matter of choice. The person or political committee who contributed the funds is not worried about the use of the funds; when contributions are made the donors trust that the money will be used wisely. In addition, limiting a candidate's ability to carry over campaign funds to the next election restricts a candidate's ability to decide when and how to spend the money.

3) The voluntary spending limits under this proposal raise First Amendment issues since the limits may not, in practice, be voluntary at all. A candidate who does not accept the spending limits must disclose this fact in all political messages and will have this non-acceptance indicated on the primary and general election ballots. Further, non-acceptance of voluntary spending limits may give the opposing candidate a financial benefit in the amount of contributions he or she may accept. The involuntary disclosure and the negative connotations from not accepting the spending limits, in addition to the financial consequences, may make the spending limits mandatory, thereby infringing on free speech.

4) The proposed amendment is trying to fix a problem where none exists. Colorado's campaign finance law enacted in 1996 adequately limits the amount of money that can be contributed to candidates, limits how a candidate may distribute unexpended campaign funds, and provides for adequate and timely reporting. This new law should be given a chance to work before making additional changes to the campaign reform law. In addition, the more frequent reporting requirements in the proposed amendment place additional burdens on unpaid volunteers who assist in political campaigns. Voluntary spending limits, the primary issue not addressed in current law, are not necessary because contributions to candidates are already limited.

AMENDMENT 16 — STATE TRUST LANDS

Ballot Title: An amendment to the Colorado Constitution concerning the management of state assets related to the public lands of the state held in trust, and, in connection therewith, providing that the board shall serve as the trustee for the lands granted to or held by the state in public trust; adding to the board's duties the prudent management and exchange of lands held by the board; requiring the board to manage lands held by the board in order to produce reasonable and consistent income over time, and to recognize that economic productivity and sound stewardship of such lands includes protecting and enhancing the beauty, natural values, open space, and wildlife habitat thereof; providing for the establishment of a long-term stewardship trust of up to 300,000 acres of land; requiring the board to take other actions to protect the long-term productivity and sound stewardship of the lands held by the board, including incentives in agricultural leases which promote sound stewardship and sales or leases of conservation easements;

authorizing the board to undertake non-simultaneous exchanges of land; authorizing the General Assembly to adopt laws whereby the assets of the school fund may be used to assist public schools to provide necessary buildings, land, and equipment; providing opportunities for school districts in which lands held by the board are located to lease, purchase, or otherwise use such lands for school building sites; requiring the board, prior to a land transaction for development purposes, to determine that the income from the transaction will exceed the fiscal impact of the development on local school districts; allowing access by public schools for outdoor education purposes without charge; expanding the state board of land commissioners to five members and requiring a diversity of experience and occupation on the board; reducing the terms of office of the members of the board to four years; directing the board to hire a director and a staff; and providing for personal immunity of the individual board members from liability in certain situations.

The complete text of this proposal can be found on pages 67-70 of this booklet.

The proposed amendment to the Colorado Constitution:

- ✓ changes the Colorado State Board of Land Commissioners' current constitutional duty of maximizing revenue from state trust lands to managing the lands to produce reasonable and consistent income over time;
- ✓ directs the board to manage the trust lands by:
  - setting aside between 295,000 and 300,000 acres of trust land for uses that will protect beauty, natural values, open space, and wildlife habitat;
  - including terms and incentives in agricultural leases that promote long-term agricultural productivity and community stability;
  - developing and using natural resources in a way that conserves their long-term value; and
  - selling or leasing rights to land, known as "conservation easements," to protect open space and maintain environmental quality and wildlife habitat;
- ✓ requires that the board determine that the revenue from developing trust lands for homes or businesses will be greater than the cost of educating new students associated with the development;
- ✓ requires the board to comply with local land use regulations and plans;
- ✓ permits the board to exchange trust land for other land as long as any exchange is completed within two years;
- ✓ restructures the membership and operation of the board by requiring the Governor to appoint a new board by May 1, 1997, increasing the number of members on the board from three to five, requiring that specific areas of expertise be represented on the board, reducing the length of appointed terms from six to four years, limiting

members' service to two consecutive terms, and eliminating the salary for board members;

- ✓ permits the legislature to enact laws that allow the public school fund to be used to invest in and guarantee school district bonds and to make loans to school districts;
- ✓ permits the board to sell or lease trust lands to school districts for school buildings;
- ✓ provides that revenue from school trust lands be in addition to other funding provided by the state legislature for public schools; and
- ✓ permits public schools to have access to trust lands without charge for outdoor educational purposes so long as such access does not conflict with existing uses on the land.

Background

State trust lands are the public lands granted to Colorado by the federal government at statehood to support schools and other public institutions. Under the state constitution, the Colorado State Board of Land Commissioners manages the roughly three million surface acres and four million mineral acres that remain of the original federal grant. Ninety percent of the land managed by the board – approximately 2.6 million of the three million acres – is held in trust by the state for the public schools. The other 400,000 surface acres are parts of trusts benefitting higher education, state correctional facilities, state parks, and legislative and judicial buildings. The changes in the proposed amendment that affect the board's management of trust lands impact all of these lands.

The state constitution currently requires that the board maximize revenues from the trust lands. These lands are used for a variety of purposes to earn money for their beneficiaries. While most of the surface acres are leased for grazing and crop production, the board also leases land for development of residential, commercial, and industrial property, timber harvesting, oil and gas extraction, and mining. In fiscal year 1994-95, the board earned about $9 million in rents from trust lands for public schools and the other trust beneficiaries.

The board also sells land and collects royalties on minerals, oil, and gas extracted from trust lands. Money from these sources is deposited in the appropriate trust fund, but only the interest from the trust fund may be spent. Of the total revenue (rents, land sales, and royalties) produced by the state trust lands in fiscal year 1994-95, 56 percent came from nonrenewable resources such as coal, oil, and gas, 29 percent from agricultural and grazing leases, 5 percent from land sales, and 10 percent from sources such as timber sales and recreation.

Change in mission. The proposal changes the board's current duty of securing the maximum possible amount of revenue from trust lands to managing the lands to produce reasonable and consistent income over time. The board also has new duties under the proposal. The board is required to protect the long-term productivity of the land and to set aside between 295,000 and 300,000 acres for

uses, which could include existing uses, that protect beauty, natural values, open space, and wildlife habitat. This acreage is about ten percent of the total lands currently managed by the board. In addition, the board's agricultural leases are to promote sound land management practices, and natural resources must be managed in a way that conserves their long-term value.

The General Assembly is currently allowed to impose reasonable legislative regulations on the management of trust lands. These regulations are permitted even if they reduce the amount of revenue from the trust lands. For example, the state legislature has enacted laws on the procedures for leases and land sales. The law also contains a process for the state to buy lands that have a unique economic or environmental value to the public, and it requires that the uses of trust lands meet governmental land use regulations. The proposal continues the ability of the General Assembly to enact laws on the management of the trust lands, as long as the laws are consistent with the new constitutional provisions.

Public schools. Most of the money raised from the trust lands benefits the state's kindergarten through twelfth grade public schools. In fiscal year 1994-95, Colorado's public schools received about $25 million from school trust lands, which is 1.4 percent of the state's $1.8 billion budget for public schools. Rent provided $8.7 million and $16.3 million came from interest on the public school trust fund. In the past, the revenue from the trust lands has been combined with other state revenue to fund public education under the state school finance law.

The proposal expands the purposes of the public school trust fund to allow it to be used to buy and guarantee school district bonds and to lend money to school districts. The state legislature must adopt legislation to allow the fund, which contains about $260 million, to be used for these purposes. Currently, the state does not buy school district bonds, but it does make payments to avoid district default. Since legislation is required to implement the bond guarantee provisions of the amendment, the effect of the differences between the current bond guarantee program and any new program resulting from the proposal cannot be determined.

The proposal also permits the board to sell or lease trust lands for school building sites and to allow public schools free access to trust lands for outdoor educational purposes.

Board membership. The proposal increases the number of commissioners on the land board from three to five, and requires that four of the members represent specific areas of experience: production agriculture, elementary or secondary education, local government and land use planning, and natural resource conservation. The fifth member will be a citizen-at-large. Of the three present members, the state constitution requires that one member – a civil engineer – meet professional qualifications. In current law and under the proposal, the members are appointed by the Governor and confirmed by the Senate. The present members are paid annual salaries of $39,650; the proposal eliminates salaries for board members but increases demands on staff. The board currently operates with 26

full-time staff members headed by a staff director hired by the commissioners. Under the proposal, the board will hire a staff director with the consent of the Governor.

Arguments For

1) It is time for the board to help meet the challenge of preserving open space in Colorado. The increasing population of Colorado and the pressures for land development that this growth causes make maintaining the natural beauty and attractiveness of the state a priority. The trust lands will be managed in a way that balances the importance of natural values, open space, and wildlife habitat with traditional uses, such as farming and ranching, and raising revenue for public schools and other beneficiaries. Land is one of the most precious resources of Colorado, and the state should preserve as much of it as possible for the benefit of future generations.

2) The new structure of the board better reflects the interests of the public schools and the other groups involved in and affected by the management of trust lands. Including a person with experience in public education on the board will provide it with the perspective of the largest trust beneficiary. Also, the relationship between the board and local governments and communities will improve with local government experience on the board. Shorter terms increase accountability to trust beneficiaries and the public at large. In addition, the change in the board's membership will allow the board to focus on policy rather than managing day-to-day activities.

3) The proposal benefits the state's public schools in several ways. First, the General Assembly's current practice of using revenue from the trust to replace other state dollars for education is prohibited. Second, money in the public school trust fund can be used to make loans to school districts for buildings and to guarantee school district bonds. Third, by providing the board with additional flexibility to manage trust lands, the board will be able to increase revenue by acquiring more economically productive land and by disposing of less valuable land. Fourth, land development decisions will be directly tied to their impact on area school districts. Finally, the proposal broadens opportunities to school districts by directing that the trust lands be available for outdoor educational purposes without charge.

4) The proposal's focus on managing the trust lands to protect beauty and natural values will keep land in agricultural production. With this focus, Colorado's long agricultural heritage will be preserved. By removing the board's duty to maximize revenues, the proposal eliminates the current upward pressure on grazing fees. In effect, profitable grazing and agricultural leases on trust lands will be protected as important elements of the long-term economic health of rural communities.

Arguments Against

1) The proposal will have an approximate impact of $25 million on the state budget or education funding. Public school enrollments, as of October 1995, indicate that the General Assembly will have to provide an additional $38 per pupil from state tax dollars to maintain current funding levels. This proposal requires that moneys from the school trust lands be in addition to, rather than a substitute for, state general fund dollars. In effect, either the schools will lose money or the state will need to take approximately $25 million annually from other budgets to satisfy the requirements for schools under this proposal.

2) The board's change in mission emphasizes open space over the financial needs of the public schools, and weakens the original purposes of the state trusts. The federal government gave the land to Colorado to support schools and other public institutions. The trust lands will produce less money for schools if ten percent of the acreage, which could be more than ten percent of the value of the land, is used to preserve open space. Interest from the public school trust fund will be reduced if the fund is used to make loans to school districts and buy school district bonds. The board is the only entity responsible for managing lands to make money for schools. Several other entities – public and private – work on the preservation of open space, natural values, and wildlife habitat. Currently, these public and private entities can purchase unique or environmentally valuable land or development rights at fair market value. Over 36 percent of the state is federal and state land and much of that land is available for recreation or, in effect, for open space. The public schools should not be penalized by the agendas of those who emphasize the need for open space in Colorado.

3) The new structure of the board will result in special interests and politics prevailing over the board's ability to serve the public schools. The board's role of trustee is in danger of being fragmented by five individual interests rather than being driven by the goal of serving the needs of the public schools. The management of trust lands becomes more politicized by increasing the number of members on the board and by requiring the Governor to approve the selection of the director. In addition, the board loses its independence when terms are reduced. These changes create more of an opportunity for the Governor, the state legislature, and special interests to exercise their influence over the board.

4) The proposal puts agricultural land, oil, gas, and mining activities, and the economic benefit they produce in surrounding communities, in jeopardy. The conservation objectives in the proposal have the potential to reduce leasing to develop oil, gas, and mineral resources. Lands could be taken out of agricultural production because of the amendment's focus on open space and natural values. Any reduction in agricultural production, gas, oil, or mineral leasing will cause unemployment and other economic disruptions to rural

economies dependent on the agricultural industry and on natural resource extraction.

5) The proposal creates competing goals for the board. Instead of a duty to maximize revenue primarily for the benefit of the public schools, the board faces the simultaneous duties of protecting natural values, wildlife habitat, and open space, producing consistent revenue over time, and aiding the financial needs of the public schools. One or more of these goals is in danger of being sacrificed because there is no clear mission for the board, and the board will become a battleground of conflicting interests and political values.

AMENDMENT 17 — PARENTAL RIGHTS

Ballot Title: An amendment to the Colorado Constitution concerning parental rights, and, in connection therewith, specifying that parents have the right to direct and control the upbringing, education, values, and discipline of their children.

The complete text of this proposal can be found on page 70 of this booklet.

The proposed amendment to the Colorado Constitution:

✓ declares that parents have the natural, essential and inalienable right to direct and control the upbringing, education, values, and discipline of their children.

Background

The rights of parents and children are recognized in state laws and through court interpretations of these laws. The courts make judgments concerning the rights of children and parents on various issues including adoption, child support, custody, criminal child abuse, delinquency, dependency and neglect, divorce, relinquishment or termination of parental rights, and education. A brief overview of some areas of Colorado law affecting children follows.

Child protection. State law requires government intervention to protect children when there are claims that a parent or guardian has abandoned, mistreated, or abused a child. Doctors, teachers, and a variety of other professions and occupations that regularly come into contact with children are required to report evidence of child abuse, such as bruises, broken bones, or burns. Government intervenes through the courts. In these cases, a county department of social services files a dependency and neglect petition in the court seeking to have the family obtain treatment to remedy the situation. A petition can also be filed if a child, through no fault of the parent, is homeless, has run away from home, or is beyond the control of the parent or guardian. The court is required by state law to base its decisions on what is in the best interests of the child. The standard of best interests of the child is also used in adoption, juvenile delinquency, and child custody cases.

A dependency and neglect case may not be brought for acts which are a reasonable exercise of parental discipline. In Colorado, a parent may discipline his or her child using physical force, if such force is reasonable and appropriate, to maintain discipline or promote the welfare of the child. In fact, these reasons can be used as a defense to a criminal charge of child abuse. Consequently, persons investigating reports of child abuse are required to take into account accepted child-rearing practices of the child's culture.

In addition, dependency and neglect petitions are not filed in instances of spiritual healing in Colorado. State law allows parents to treat their children through spiritual means in lieu of medical treatment. The religious beliefs of a parent, however, cannot prevent a child from receiving medical care when a condition is life-threatening or will result in serious disability.

Consent laws. Parental consent is usually required for medical treatment, unless the minor is married or fifteen years of age or older and living apart from his or her parent independently. Permanent sterilization is a medical procedure that requires parental consent. Parental consent is not required to treat minors for drug or alcohol addiction, for access to abortion, for testing and treatment of HIV/AIDS and sexually transmitted diseases, or for access to birth control supplies, information, and procedures. A minor may obtain mental health services without the consent of a parent, but the health care provider may notify the parents of the treatment without the minor's consent.

Education. Parents have the option of placing their children in public, independent, parochial, or private home-based education programs. In the area of public education, parents can provide their ideas on policy to their locally elected school boards and educational accountability and content standards committees. Under state law, parents may remove their children from a health educational program, which may include sex education, if it is contrary to the parents' religious beliefs.

Arguments For

1) The amendment is intended to affirm the individual, natural, and inalienable rights of parents in raising their children. Constitutional recognition of parental rights can ensure that these rights will not be undermined by the legal, political, educational, and medical systems. Courts can use the amendment to develop sensible, reasonable rulings on the parameters of parental rights. This amendment and these rulings will give policy makers direction on how the fundamental rights of parents should be considered in formulating public policy.

2) Parents could use this amendment to assert their right to direct and control the education of their own children. Colorado public schools will be more accountable to parents and not be allowed to infringe on parental values and authority. The amendment is not intended to give one parent the right to dictate

curriculum decisions to an entire classroom because that would violate the rights of other parents. The amendment clearly states that parents have the right to direct the education of their children, not other children. Yet, schools could continue to maintain their rightful authority to set reasonable standards for curriculum and discipline.

3) The proposed amendment aims to limit government authority and curtail government excesses in dealing with families. By restoring traditional parental authority, the integrity and solidarity of the family unit is protected against intrusive outside forces. Parents know what is in the best interest of their children and families. Therefore, they should have constitutional protection to direct and control their children's lives until the children become adults. This amendment could protect against parental rights being undermined by bureaucracies and increase parents' freedom to perform their parenting roles.

4) The proposal will establish additional legal protection for parents when faced with excessive actions of the government. Whether in education, social services, or other areas, there are feelings of powerlessness and frustration with what are considered arbitrary actions and the lack of timely resolution of disputes involving government agencies. The amendment does not provide quick remedies, but does provide a statement of policy that the rights of parents must be given greater consideration.

Arguments Against

1) The language of the amendment is broad and raises uncertainty as to how it may be applied. Laws and governmental practices affecting children and services and programs available to them may be subject to court challenge under this amendment. The words "discipline," "values," "upbringing," and even "parent" are unclear. The amendment does not specify whose parental rights prevail if there is conflict between parents, as in custody cases, child support determinations, and adoption proceedings. Some parents may use this amendment to file lawsuits in an attempt to change established public policy.

2) This proposal may negatively impact public education. Carefully balanced decisions of local school boards, acting with parental support, may be delayed indefinitely or overturned completely by the actions of any parent that disputes these decisions. Under the amendment, parents may gain decision-making authority over the hiring and firing of school employees. Parents may also gain rights of approval and disapproval over materials, curriculum, and teaching methods. Religious teachings, such as creationism, may be injected into the school curriculum after costly court battles. Schools may be required to tailor an individual education plan for each student whose parent challenges the curriculum.

3) Public health may be endangered by this amendment. It could limit the rights of minors to access confidential medical services, drug or alcohol addiction

treatment, suicide prevention, and possibly emergency medical care. The amendment could curtail the availability of birth control counseling, HIV/AIDS screening, and sexually transmitted disease treatment to teenagers.

4) Laws regarding the protection of children may be weakened or set aside. Parents accused of criminal child abuse may claim in their defense that they were merely exercising their constitutional right to discipline their child. Currently, the state has a compelling interest in maintaining protection of children and should continue to have the power to intervene in certain situations. State law contains many safeguards for parents' rights, including the right to reasonably discipline their children. In cases of child abuse or neglect, parents are given ample opportunity to change their behavior through treatment and educational classes. If they fail to change their behavior and the child is still endangered, this amendment may delay or prevent removal of the child from the home. Termination of parental rights occurs only in those cases where parents never become able to keep their children safe. This amendment shifts the balance from the best interest of a child to the direction and control of the parent.

AMENDMENT 18 — LIMITED GAMING IN TRINIDAD

Ballot Title: An amendment to the Colorado Constitution to permit limited gaming, subject to a future local vote, in original or reconstructed historic buildings in the national historic district of the City of Trinidad and to allocate tax and fee revenues from such limited gaming.

The complete text of this proposal can be found on pages 71-72 of this booklet.

The proposed amendment to the Colorado Constitution:

- ✓ legalizes limited gaming in Trinidad, as it exists in Black Hawk, Central City, and Cripple Creek, if approved in a local vote conducted within 150 days of the statewide election;
- ✓ restricts gaming to commercial buildings or replicas of commercial buildings that had existed prior to 1914 in the Corazon de Trinidad National Historic District;
- ✓ includes Trinidad's limited gaming revenue in the distribution formula in the Colorado Constitution for proceeds from the present gaming communities;
- ✓ directs the Limited Gaming Control Commission to administer limited gaming in Trinidad; and
- ✓ requires that the General Assembly act to implement provisions of this amendment within 30 days after voter approval at the local election.

Background

Legalization of limited gaming. In 1990, Colorado voters approved a constitutional amendment permitting limited gaming in the commercial districts of Black Hawk, Central City, and Cripple Creek. Limited gaming includes slot machines, blackjack, and poker, with a maximum single bet of five dollars.

The Ute Mountain Ute tribe and the Southern Ute Indian tribe of southwestern Colorado operate casinos on reservation lands in accordance with federal law. Because tribal sovereignty supersedes state law, such operations are exempt from state taxation and supervision. Each tribe operates a casino with a maximum bet of five dollars.

Distribution of revenue. Moneys collected from the taxation of gaming proceeds minus payouts to players and administrative expenses are deposited in the state limited gaming fund. The revenue is distributed as follows: 50 percent to the state general fund; 28 percent to the state historical fund, of which 80 percent is allocated for the preservation of historical sites statewide, and 20 percent for historic preservation sites in gaming communities; 12 percent for the counties in which casinos are located; and 10 percent for the cities in which casinos are located. Trinidad and Las Animas County will receive money under this distribution formula.

Administration. Limited gaming is administered by the Limited Gaming Control Commission which consists of five members appointed by the Governor and approved by the Colorado Senate. The commission is responsible for administering limited gaming operations, issuing licenses to casinos, collecting device fees, and determining the annual tax rate on gaming revenues.

Tax rates. Gaming proceeds are taxed by the state. The maximum tax rate established by the Colorado Constitution is 40 percent. For October 1995, through September 1996, casinos are taxed at the following rates, which are based on gaming proceeds.

Gaming Tax Rates

Accumulated Monthly Proceeds	Tax Rate
$5 million or more	18 percent
$4 million to $5 million	15 percent
$2 million to $4 million	8 percent
Up to $2 million	2 percent

State revenues. State tax revenue from Colorado casino operations has steadily increased since limited gaming began in October 1991. For example, in fiscal year 1993-94, the state received $39.8 million in gross tax revenue, while, in fiscal year 1995-1996, the state received $50.8 million. Black Hawk produced $30.2 million of the FY 1995-1996 total; Central City, $11.4 million; and Cripple Creek, $9.2 million.

Arguments For

1) Limited gaming will boost Trinidad's economy and benefit the surrounding area of southeastern Colorado. For Trinidad, limited gaming will stimulate the business community in the town's historic district. Trinidad, population 8,600, should be able to absorb the effects of limited gaming with less disruption than the smaller cities in which gaming is now permitted. New business development will increase land values and strengthen the property tax base. Expanding the variety of commerce within the local community will create new employment, reducing the area's high unemployment rate. Currently, there is no limited gaming along the south Interstate-25 corridor. For the surrounding area of southeastern Colorado, limited gaming, as a new attraction, will help establish a year-round tourist economy, drawing visitors from the neighboring states of New Mexico, Texas, Oklahoma, and Kansas.

2) Statewide passage of this amendment simply gives the voters in Trinidad the opportunity to decide whether to allow limited gaming in their city. The final decision on limited gaming will be made by the citizens of Trinidad, the people who are directly affected by the measure.

3) The proposal will assist in preserving historic buildings in Trinidad by providing an economic reason for rehabilitating largely vacant historic buildings. Historic sites in Trinidad will be eligible to compete for a portion of the gaming tax revenue set aside for preservation of historic sites in gaming communities. Since 1993, $30.9 million of preservation funds have financed 874 historic preservation projects across the state.

Arguments Against

1) The proposal will have a costly and negative impact upon the quality of life, governmental services, and economic diversity of the small community of Trinidad and the surrounding area. Local and county governments will face an immediate need for increased services including law enforcement, traffic control, court services, and road repair. The community values will be compromised due to demographic changes and issues such as increased alcohol-related incidences, congestion, and petty offenses. There is no guarantee that limited gaming monies will be enough to pay for the increased demands for services. Finally, gambling tends to take over the economies of small towns and limits the opportunities for economic diversity.

2) There are already limited gaming opportunities in Colorado. Currently, three cities and two Indian reservations allow limited gaming. If another city is authorized to offer limited gaming, more communities will want to use gambling as an economic tool. This is another step toward statewide gambling, which may not be in the best interest of Colorado.

3) Allowing limited gaming in Trinidad will have a serious effect on established gambling businesses in the south central part of Colorado, Cripple Creek in particular. The planned expansion of gaming facilities in Cripple Creek will be threatened by new gaming jurisdictions. Since there are limited dollars available for gambling, expansion of the business to Trinidad will dilute any perceived benefits of gaming to both Trinidad and Cripple Creek.

Senate Concurrent Resolution 95-002

Be It Resolved by the Senate of the Sixtieth General Assembly of the State of Colorado, the House of Representatives concurring herein:

SECTION 1. At the next general election at which such question may be submitted, there shall be submitted to the registered electors of the state of Colorado, for their approval or rejection, the following amendment to the constitution of the state of Colorado, to wit:

Section 1 (2) and (4) of article V of the constitution of the state of Colorado are amended, and the said section 1 is further amended BY THE ADDITION OF A NEW SUBSECTION to read:

Section 1. General assembly - initiative and referendum. (4) (a) The veto power of the governor shall not extend to measures initiated by or referred to the people. All elections on measures initiated by or referred to the people of the state shall be held at the biennial regular general election. ~~and~~ EXCEPT AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (4), all such measures shall become the law or a part of the constitution when approved by a majority of the votes cast thereon, and not otherwise, and shall take effect from and after the date of the official declaration of the vote thereon by proclamation of the governor, but not later than thirty days after the vote has been canvassed. This section shall not be construed to deprive the general assembly of the power to enact any measure.

(b) EXCEPT AS PROVIDED IN PARAGRAPH (c) OF THIS SUBSECTION (4), ON AND AFTER JANUARY 1, 1997, PROPOSED CONSTITUTIONAL AMENDMENTS SHALL BECOME A PART OF THE CONSTITUTION WHEN APPROVED BY AT LEAST SIXTY PERCENT OF THE VOTES CAST THEREON.

(c) (I) A PROPOSED CONSTITUTIONAL AMENDMENT TO AMEND OR REPEAL ANY PROVISION THAT WAS ADOPTED BY LESS THAN SIXTY PERCENT OF THE VOTES CAST THEREON IN ACCORDANCE WITH THE PROVISIONS OF THIS SUBSECTION (4) THEN IN EFFECT SHALL BECOME A PART OF THE CONSTITUTION WHEN APPROVED BY A SIMPLE MAJORITY OF THE VOTES CAST THEREON.

(II) THIS PARAGRAPH (c) IS REPEALED, EFFECTIVE JANUARY 1, 2003.

(d) NOTWITHSTANDING ANY INFERENCE TO THE CONTRARY IN SECTION 20 OF ARTICLE X OF THIS CONSTITUTION, THE REQUIREMENT THAT INITIATED AND REFERRED MEASURES BE SUBMITTED TO THE PEOPLE OF THE STATE AT THE BIENNIAL REGULAR ELECTION IS MANDATORY FOR PROPOSED AMENDMENTS TO THIS CONSTITUTION AND NO SUCH AMENDMENT CAN BE SUBMITTED FOR APPROVAL OR REJECTION AT AN ELECTION HELD IN AN ODD-NUMBERED YEAR.

(4.5) NOTWITHSTANDING SUBSECTION (4) OF THIS SECTION, THE GENERAL ASSEMBLY SHALL HAVE NO POWER TO AMEND OR REPEAL ANY LAW ENACTED BY THE INITIATIVE WITHIN FOUR YEARS OF THE DATE OF THE OFFICIAL DECLARATION OF THE VOTE ADOPTING THE INITIATIVE UNLESS THE GENERAL ASSEMBLY APPROVES SUCH AN AMENDMENT BY A VOTE OF TWO-THIRDS OF ALL THE MEMBERS ELECTED TO EACH HOUSE.

Section 2 (1) of article XIX of the constitution of the state of Colorado is amended to read:

Section 2. Amendments to constitution - how adopted. (1) (a) Any amendment or amendments to this constitution may be proposed in either house of the general assembly, and, if the same shall be voted for by two-thirds of all the members elected to each house, such proposed amendment or amendments, together with the ayes and noes of each house thereon, shall be entered in full on their respective journals. The proposed amendment or amendments shall be published with the laws of that session of the general assembly. At the

next general election for members of the general assembly, the said amendment or amendments shall be submitted to the registered electors of the state for their approval or rejection. ~~and~~ EXCEPT AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (1), such AMENDMENTS as are approved by a majority of those voting thereon shall become part of this constitution.

(b) EXCEPT AS PROVIDED IN PARAGRAPH (c) OF THIS SUBSECTION (1), ON AND AFTER JANUARY 1, 1997, PROPOSED CONSTITUTIONAL AMENDMENTS SHALL BECOME A PART OF THE CONSTITUTION WHEN APPROVED BY AT LEAST SIXTY PERCENT OF THE VOTES CAST THEREON.

(c) (I) A PROPOSED CONSTITUTIONAL AMENDMENT TO AMEND OR REPEAL ANY PROVISION THAT WAS ADOPTED BY LESS THAN SIXTY PERCENT OF THE VOTES CAST THEREON IN ACCORDANCE WITH THE PROVISIONS OF THIS SUBSECTION (4) THEN IN EFFECT SHALL BECOME A PART OF THE CONSTITUTION WHEN APPROVED BY A SIMPLE MAJORITY OF THE VOTES CAST THEREON.

(II) THIS PARAGRAPH (c) IS REPEALED, EFFECTIVE JANUARY 1, 2003.

(d) NOTWITHSTANDING ANY INFERENCE TO THE CONTRARY IN SECTION 20 OF ARTICLE X OF THIS CONSTITUTION, THE REQUIREMENT THAT A PROPOSED AMENDMENT TO THIS CONSTITUTION BE SUBMITTED TO THE REGISTERED ELECTORS OF THE STATE AT A GENERAL ELECTION FOR MEMBERS OF THE GENERAL ASSEMBLY IS MANDATORY AND NO SUCH AMENDMENT CAN BE SUBMITTED FOR APPROVAL OR REJECTION AT AN ELECTION HELD IN AN ODD-NUMBERED YEAR.

SECTION 2. Each elector voting at said election and desirous of voting for or against said amendment shall cast a vote as provided by law either "Yes" or "No" on the proposition: "AN AMENDMENT TO ARTICLES V AND XIX OF THE CONSTITUTION OF THE STATE OF COLORADO, CONCERNING BALLOT MEASURES, AND, IN CONNECTION THEREWITH, REQUIRING VOTER APPROVAL OF PROPOSED CONSTITUTIONAL AMENDMENTS BY SIXTY PERCENT OF THE VOTES CAST THEREON, PERMITTING, UNTIL JANUARY 1, 2003, A SIMPLE MAJORITY OF VOTES TO APPROVE AMENDMENTS TO AMEND OR REPEAL ANY PROVISION THAT WAS PREVIOUSLY ADOPTED WITH LESS THAN SIXTY PERCENT OF THE VOTES CAST THEREON, PROHIBITING THE GENERAL ASSEMBLY FROM AMENDING OR REPEALING ANY LAW ENACTED BY THE INITIATIVE WITHIN FOUR YEARS OF ADOPTION UNLESS APPROVED BY TWO-THIRDS OF ALL THE MEMBERS ELECTED TO EACH HOUSE OF THE GENERAL ASSEMBLY, AND REQUIRING THAT INITIATED AND REFERRED MEASURES TO AMEND THE CONSTITUTION BE SUBMITTED TO THE ELECTORS AT A GENERAL ELECTION AND NOT AT AN ELECTION HELD IN AN ODD-NUMBERED YEAR."

SECTION 3. The votes cast for the adoption or rejection of said amendment shall be canvassed and the result determined in the manner provided by law for the canvassing of votes for representatives in Congress, and if a majority of the electors voting on the question shall have voted "Yes", the said amendment shall become a part of the state constitution.

Text of Proposal – Referendum B
MAILING OF BALLOT INFORMATION

Senate Concurrent Resolution 95-007

Be It Resolved by the Senate of the Sixtieth General Assembly of the State of Colorado, the House of Representatives concurring herein: