2000

0475-6 An Analysis of the 2000 Statewide Ballot Proposals

Colorado Legislative Council

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Legislative Council of the
Colorado General Assembly

Research Publication
No. 475-6

AN ANALYSIS OF THE 2000 STATEWIDE BALLOT PROPOSALS AND RECOMMENDATIONS ON RETENTION OF JUDGES

STATEWIDE ELECTION DAY IS
Tuesday, November 7, 2000

Polling places open from 7 a.m. to 7 p.m.
(Early Voting Begins October 23, 2000)

A YES vote on any ballot issue is a vote IN FAVOR OF changing current law or existing circumstances, and a NO vote on any ballot issue is a vote AGAINST changing current law or existing circumstances.

COLORADO GENERAL ASSEMBLY

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September 11, 2000

Dear Colorado Voter:

This booklet provides information on two subjects to be decided by voters at the 2000 statewide election. The first subject is proposed changes to the state constitution and state statutes. The second subject is the retention of judges. The booklet is divided into three sections.

Section 1: Analyses of Proposed Changes to the Colorado Constitution and the Statutes

An analysis of each proposed change to the state constitution and state statutes is contained in Section 1. The state constitution requires the nonpartisan research staff of the General Assembly to prepare these analyses and to distribute them in a ballot information booklet to active registered voters. Each analysis describes the major provisions of a proposal and comments on the proposal's application and effect. Major arguments are summarized for and against each measure. Careful consideration has been given to the arguments in an effort to fairly represent both sides of the issue. The Legislative Council, the committee of the General Assembly responsible for reviewing the analyses, takes no position with respect to the merits of the proposals.

Section 2: Title and Text of Proposed Referred and Initiated Measures

The title and the legal language of each proposed change to the state constitution and state statutes is printed in Section 2 of the booklet.

Section 3: Information on the Retention of Judges

Information about the performance of Colorado Supreme Court Justices, Court of Appeals Judges, and judges in your area of the state is included in Section 3 of this publication. The information in Section 3 was prepared by the state and district commissions on judicial performance. The purpose of the narrative profiles in this section is to provide voters with fair, responsible and constructive evaluations of trial and appellate judges and justices seeking retention in office. Each narrative profile includes a recommendation stated as "RETAIN," "DO NOT RETAIN," or "NO OPINION."

Sincerely,

Russell George

Representative Russell George
Chairman

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NOTE

The lettering and numbering system used to designate this year's statewide ballot issues is based on the following organizational structure:

Issues initiated by the People.....Amendments 20 through 25
Issues referred by the General Assembly.....Referenda A through F

ANALYSES

AMENDMENT 20
MEDICAL USE OF MARIJUANA

The proposed amendment to the Colorado Constitution:

- allows patients diagnosed with a serious or chronic illness and their care-givers to legally possess marijuana for medical purposes. For a patient unable to administer marijuana to himself or herself, or for minors under 18, care-givers determine the amount and frequency of use;

- allows a doctor to legally provide a seriously or chronically ill patient with a written statement that the patient might benefit from medical use of marijuana; and

- establishes a confidential state registry of patients and their care-givers who are permitted to possess marijuana for medical purposes.

Background and Provisions of the Proposal

Current Colorado and federal criminal law prohibits the possession, distribution, and use of marijuana. The proposal does not affect federal criminal laws, but amends the Colorado Constitution to legalize the medical use of marijuana for patients who have registered with the state. Qualifying medical conditions include cancer, glaucoma, AIDS/HIV, some neurological and movement disorders such as multiple sclerosis, and any other medical condition approved by the state. A doctor's signed statement or a copy of the patient's pertinent medical records indicating that the patient might benefit from marijuana is necessary for a patient to register. Individuals on the registry may possess up to two ounces of usable marijuana and six marijuana plants. Because the proposal does not change current law, distribution of marijuana will still be illegal in Colorado.

Patients on the registry are allowed to legally acquire, possess, use, grow, and transport marijuana and marijuana paraphernalia. Employers are not required to allow the medical use of marijuana in the workplace. Marijuana may not be used in any place open to the public, and insurance companies are not required to reimburse a patient's claim for costs incurred through the medical use of marijuana. Finally, for a patient who is under the age of 18, the proposal requires statements from two doctors and written consent from any parent living in Colorado to register the patient.

Arguments For

1) This proposal gives patients with certain debilitating medical conditions and their medical providers one additional treatment option. THC, the active ingredient in marijuana, has been shown to relieve the pain and suffering of some patients. It can be beneficial for individuals suffering from nausea, vomiting or lack of appetite due to chemotherapy or AIDS/HIV, pressure within the eye due to glaucoma, and severe muscle spasms from some neurological and movement disorders such as multiple sclerosis.

2) For patients suffering from serious illnesses, marijuana can be more effective than taking prescription drugs that contain synthetic THC. Further, many drugs have side effects, but the adverse effects of marijuana are no worse than those of some prescription drugs used to treat the illnesses listed in the proposal.

3) Using marijuana for other than medical purposes will still be illegal in Colorado. Legal use of marijuana will be limited to patients on the state registry. The registry will consist only of those individuals who have submitted written documentation from their doctor indicating a qualifying medical condition. Registry identification cards will be valid for one year and must be renewed annually. Law enforcement officers will be able to access the registry to verify that an individual who is arrested for the possession or use of marijuana is registered. The General Assembly is required to enact criminal penalties for fraudulent use of the registry.

Arguments Against

1) Using marijuana is not necessary to relieve nausea, increase appetite, and alleviate pain. Many other prescription drugs, including Marinol, which contains a synthetic version of THC, are currently available. Further, this proposal sets a dangerous precedent for approval and regulation of medicines by popular vote. It circumvents the usual rigorous process by which all other medicines are legalized and regulated. Safe and effective medicines should be developed through scientific and reproducible research.

2) The proposal does not provide any legal means by which a patient may obtain marijuana. Under state criminal law, it will still be illegal to sell marijuana or marijuana plants to another individual, including a patient on the state registry. Under federal criminal law, it will continue to be illegal to sell or use marijuana for any purpose.

3) Research shows that smoking marijuana can be addictive and has other damaging health effects on users, such as pneumonia, cancers, and lower birth weights. The effects of smoking marijuana may be worse than smoking tobacco, depositing as much as four times the tar, and carrying as much as 50 percent more carcinogens than are in a regular cigarette. The proposal contains no requirement for a prescription, no quality control or testing standards, and no control over strength, dosage, or frequency of use, such as those required for prescription drugs. As a result, patients may use marijuana for up to one year without review by a doctor. Finally, patients have no control over the dosage of THC received through smoked marijuana because potency can vary from use to use, and from plant to plant.

AMENDMENT 21
TAX CUTS

The proposed amendment to the Colorado Constitution:

- cuts the taxes which fund certain basic local and state services by $25 per year including property, income, utility, and vehicle taxes;

- increases the amount of each tax cut by $25 per year in perpetuity or until the tax and the services paid for by the tax are eliminated or until the services are paid for in some other way;

- prohibits the provisions of the proposal from reducing the amount of state or local revenue that must be refunded to taxpayers under current law; and

- requires that a husband and wife each receive the tax cuts that affect state income taxes.

Background and Provisions of the Proposal

The proposal provides for an initial $25 tax cut for several local and state taxes. Most of the local and state taxes which this proposal will reduce are used to provide government services including: fire protection, law enforcement, libraries, schools, highway and mass transit projects, prisons, and other special district services like emergency and hospital care, water, and soil conservation. A portion of the taxes are allocated for other specific purposes, such as the repayment of bonds. When the local and state governments each impose a particular tax, the tax cut applies to each tax imposed. The

amount of each tax cut increases by $25 per year, up to the amount of the tax paid. For example, if an annual tax bill is $70, the tax will be reduced $25 in the first year and $50 in the second year, and the tax bill will only be eligible for an additional $20 cut in the third year.

Property tax. All counties and school districts and most cities and special districts impose a property tax. Property taxes are reduced in two ways. First, each local government's tax is directly reduced, and then it is reduced to rebate any sales tax revenue collected by the local government on food and nonalcoholic beverages sold at grocery stores and restaurants. Most property owners pay property taxes. Property taxes are paid to multiple local governments, and the tax cuts will apply to each government's property tax. Owners of multiple properties are entitled to tax cuts for each property. The property tax cuts begin with bills received in 2002.

Income tax. Three of the tax cuts affect the state's income tax. First, individual and corporate income taxes are directly cut. Next, income taxes are cut to return the amount of sales tax that the state collects on food and nonalcoholic beverages sold at restaurants. Finally, income taxes are cut to return the money the state receives from the estate tax. The amount returned for taxes on food and nonalcoholic beverages is expected to increase to $75 per taxpayer in the third year, but to less than $100 in the fourth year. The amount returned for estate taxes is expected to be $25 in the first year, but less than $50 in the second year. The income tax cuts begin with income tax returns filed in 2002.

Utility taxes and charges. This proposal affects taxes and franchise charges paid on utility services. While the proposal does not define "utility," common examples of a utility are gas, electric, and telephone service providers. Homeowners and renters do not pay state sales taxes on their gas and electric bills, but in most cases pay local taxes on these bills. Telephone bills can include sales taxes for services for regular telephones, cellular telephones, pagers, and other telecommunications equipment. The tax cuts for utility taxes and charges begin in 2001.

Vehicle taxes. The state, a few special districts such as RTD and the baseball stadium district, and most cities and counties impose a sales tax when a vehicle is purchased. The tax cut applies to the state sales tax and each local sales tax. In addition to sales tax, a vehicle ownership tax is paid annually when a vehicle is registered. Revenue from the vehicle ownership tax is allocated to local governments that collect property taxes. The vehicle ownership tax declines as a vehicle ages. The tax cut for each vehicle tax begins in 2001.

Impact of proposal on taxpayers and governments. Table 1 shows the estimated impact of the tax cuts in the proposal on local and state government revenue and taxes.

Table 1: Estimated Government Revenue/Tax Reductions

Government Type	2001	2002	2003
State	$65 Million	$263 Million	$410 Million
Local	$169 Million	$580 Million	$892 Million
Total	$234 Million	$843 Million	$1,302 Million

The actual tax reductions for any household will depend on several factors. Some of these factors are the number and age of vehicles owned, vehicle purchases, actual utility expenses, the local sales tax rates, the number of property tax districts and their mill levies, and whether a taxpayer owns property and pays income taxes. Tax reductions that occur due to this proposal do not take into account increases in federal income taxes for those taxpayers who deduct their property, income, and vehicle ownership taxes.

State replacement of local revenue. This proposal does not require the state to replace the money that local governments will lose as a result of this proposal. However, this proposal does prohibit the state from using TABOR-related excess revenues to replace the revenue that will be lost by local governments due to this proposal. Without state replacement of lost local revenue, and absent a voter-approved increase in the tax rate, many local governments will face significant declines in revenue.

Arguments For

1) State and local taxes are too high and should be reduced. Compared with other states, Colorado's local sales taxes per person are the 3rd highest and total local taxes are the 9th highest, while state income taxes are the 15th highest. State tax revenue is four times greater than 20 years ago, compared to inflation and population growth that is only 2.8 times higher. Individual income tax revenue is seven times higher than 20 years ago. This proposal saves the typical family that owns a home about $550 in 2002, and higher amounts in following years. As a result, Coloradans will have more money to spend or save as they choose.

2) State and local revenue will exceed $25 billion in 2001 and will increase by more than $1.5 billion each year. The $25 annual increase

in the tax cuts will never eliminate all vehicle, income, or property tax revenue. Most income tax bills increase by more than $25 each year. Taxes on utilities, which are basic needs that should not be taxed, will end for most taxpayers. The tax cuts will cause government to eliminate unnecessary spending. Voters can still approve a tax increase if they believe that government truly needs more money.

3) This proposal provides the same dollar amount of tax relief to all families, thus giving a larger percentage relief to low and middle-income families. The tax cuts are easy for citizens to understand and should be simple to administer. The tax cuts benefit everyone who pays a utility, vehicle, income, or property tax bill.

4) The tax cuts in this proposal could help the state's business climate because Colorado's taxes will be more competitive with taxes in other states. An improved business climate leads to increased retail sales, jobs, and business investment, increasing sales, income, and property taxes for government as well.

Arguments Against

1) Less money will be available for the vital government services upon which Colorado's citizens rely. Local government taxes will be cut by nearly $4.0 billion during the first five years, reducing or eliminating tax revenues for services such as fire protection, law enforcement, roads, and libraries. State revenues will be cut by an estimated $2.0 billion during the same period, reducing money available for highways, prisons, education, and other state programs. If the state replaces the local tax cuts, state general government services will be reduced below current levels in four years. In addition, if the state replaces lost local revenue, all taxpayers statewide will pay for local services, such as recreation and library districts, that benefit just local communities. State replacement of local taxes could also result in more state control over local issues.

2) Colorado's constitution already limits the amount of taxes and fees that governments can spend. In the past three years, governments have refunded more than a billion dollars to Coloradans because of the constitutional limit. Additionally, the state recently enacted permanent tax cuts saving taxpayers more than $475 million per year. Coloradans already spend a smaller part of their income for taxes than most others. In fact, Colorado's state and local taxes are the 10th lowest in the country.

3) Although everyone pays sales taxes, the tax cuts for sales taxes on food and nonalcoholic beverages apply only to those who pay property or income taxes. Thirty-five percent of the state's households

do not own property and will not benefit from the property tax cut for sales taxes. Twenty-four percent of individuals do not pay income taxes and will not benefit from the income tax cut for sales taxes.

4) This proposal could reduce revenue available for such critical projects as highway and mass transit construction, open space preservation, and increased funding for local school districts that have recently received voter approval. Over time, this proposal could also eliminate funding for many other voter-approved community-based projects.

AMENDMENT 22
BACKGROUND CHECKS AT GUN SHOWS

The proposed amendment to the Colorado Revised Statutes:

- requires background checks if any part of a gun purchase takes place at a gun show with the exception of antique guns, curios, and relics;
- requires a designated licensed gun dealer to obtain background checks, and to keep records of purchases as he or she would when selling, renting, or exchanging at retail;
- defines a gun show as any event or function where 25 or more guns are offered or exhibited for sale, transfer, or exchange, or at least three gun owners exhibit, sell, offer for sale, transfer, or exchange guns; and
- creates misdemeanor penalties punishable by jail, fines, or both.

Background and Provisions of the Proposal

Federal law requires gun dealers — people who are in the business of selling guns — to be licensed. Licensed gun dealers must request a background check and get approval prior to a gun sale. Private individuals who occasionally sell or exchange guns are not required to be licensed, obtain a background check, or get approval prior to a sale. People who want to buy guns at gun shows may choose to buy from either a licensed gun dealer or a private individual.

This proposal requires at least one designated licensed gun dealer to obtain background checks on behalf of private individuals who sell guns at gun shows. The licensed gun dealer may charge a fee of up to ten dollars for this service. The proposal creates penalties for

violations of its provisions, including providing false information for the background check and failing to request a background check and get approval prior to a gun sale. The penalties include six to 24 months in jail, a fine of $500 to $5,000, or both.

Arguments For

1) The proposal reduces the number of guns purchased at gun shows by people who are prohibited from possessing guns, such as criminals and minors. Currently, background checks are only required when a gun is purchased from a licensed dealer, and private individuals who sell guns at gun shows are exempt from this requirement. Criminals and minors may be able to illegally buy guns without a background check from private individuals at gun shows. With a few exceptions, this proposal requires a background check on every person who buys a gun at a gun show.

2) The record keeping provisions of the proposal will assist in prosecuting individuals who transfer guns illegally. Currently, only licensed dealers are required to keep records of the guns they sell. Under this proposal, a licensed dealer will also be required to keep records of guns sold by private individuals at gun shows. Because of the record keeping provisions, every gun purchased at a gun show and subsequently used in a crime will be traceable.

Arguments Against

1) This proposal imposes new state government regulation on sales at gun shows, and infringes on the privacy of law-abiding buyers. Federal law already regulates who has to be licensed, keep records, and obtain background checks, and it excludes people who make occasional sales from these requirements. Under this proposal, gun sales will be further regulated by requiring background checks and collecting personal information — date of purchase, name and address of the buyer, and gun identification — on a new group of gun buyers. Record keeping is a step towards gun registration because it allows the government to keep personal information on all gun buyers.

2) The proposed definition of gun show includes events not generally thought of as gun shows. Under the proposal, background checks would have to be conducted at a gun club meeting where guns are exchanged, at an estate sale where 25 or more guns are sold, or at a residence where three individuals trade guns.

3) The ten-dollar fee is little incentive to licensed dealers for the time and effort involved in requesting additional background checks, obtaining approval for the transfers, and keeping records. If licensed

dealers refuse to perform the background checks for private individuals, private individuals could effectively be shut out of the gun show market. If not, the additional volume of requests for background checks will cost the state more money than it spends now, or make obtaining transfer approvals more difficult for gun sellers at both gun shows and retail outlets.

AMENDMENT 23
FUNDING FOR PUBLIC SCHOOLS

The proposed amendment to the Colorado Constitution:

- increases per pupil funding for public schools and total state funding for special purpose education programs by at least the rate of inflation plus one percentage point for the next ten years and by at least the rate of inflation thereafter;

- sets aside a portion of the state's income tax revenue to establish the State Education Fund and exempts this money from state and school district revenue and spending limits, thereby decreasing tax refunds when excess revenue exists;

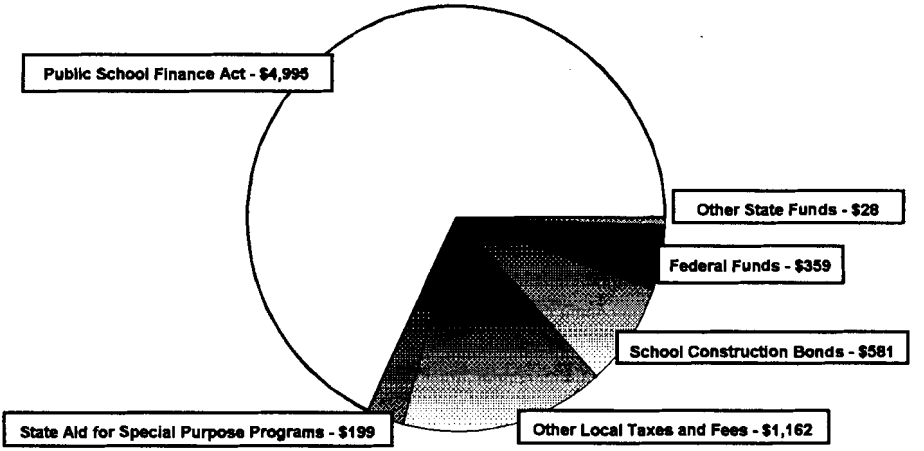
- allows moneys from the State Education Fund to be used to meet the funding requirements of the proposal; and

- requires state aid under the school finance act to increase by at least five percent annually.

Background and Provisions of the Proposal

Financing public school education. Colorado public schools receive funding from a variety of sources. Last year, public schools received an estimated $5.0 billion, for an average of $7,323 per pupil. This proposal changes funding received by schools under the state school finance act and for special purpose programs. As indicated in Graph 1, about 70 percent of the total money received by schools was allocated through these two funding mechanisms. Under current law, the legislature determines any increase or decrease in funding provided through these two mechanisms. Under this proposal, the state constitution sets a minimum increase in funding.

Graph 1: Average Per Pupil Funding by Funding Source
Budget Year 2000 Estimate - $7,323 Average Per Pupil



School finance act. Under the school finance act, every school district starts with the same per pupil funding amount called the "base." The base is then adjusted in each school district for special district characteristics such as the number of students and the local community's cost of living. This proposal requires a minimum increase in the base equal to the rate of inflation plus one percentage point for the next ten years, and inflation thereafter. This year, the base in the school finance act is $4,002, which results in an average per pupil funding of $5,175. Under the proposal, if inflation is 3.7 percent in each of the next ten years, the base will increase by at least 58 percent to $6,335, for an average per pupil funding level of $8,192.

Per pupil funding under the school finance act is paid for from state and local taxes. On average, 57 percent comes from the state and 43 percent from local taxes. The proposal requires the amount provided by the state to increase by at least five percent annually for the next ten years, unless Colorado personal income grows less than four and one-half percent between the two previous calendar years. The state aid that would be affected by this proposal is $1.98 billion. With five percent annual growth rate, the state aid in ten years must be at least $3.22 billion.

Special purpose programs. The state currently spends $140.5 million on special purpose programs which provide funding for transportation; English education for non-English-speaking students; expelled, suspended, and at-risk students; special education, including

gifted and talented students; vocational education; small attendance centers; and comprehensive health education. This proposal requires a minimum increase in total funding for these and any other special purpose programs designated by the state legislature. The increase must be equal to the rate of inflation plus one percentage point for the next ten years, and inflation thereafter. If inflation is 3.7 percent in each of the next ten years, the $140.5 million will increase by at least 58 percent to $222 million.

State Education Fund. The proposal creates the State Education Fund and requires that the revenue from a tax of one-third of one percent of Colorado's taxable income be deposited in the fund every year. Given the current income tax rate of 4.63 percent, one-third of one percent is 7.2 percent of the total state income tax collected. State officials estimate revenue to the fund will total $313 million in 2001, growing to $638 million in 2010, and increasing each year thereafter. The total for the first ten years is estimated to be $4.58 billion.

The state legislature can use money in the fund to pay for the increase in this proposal in the base under the school finance act, as long as it is in addition to the five percent increase in state aid. The fund may also be used for the required increase in special purpose programs and for educational reforms, class size reduction, technology education, student safety programs, performance incentives for teachers, and public school building capital construction.

Excess state revenues. The state constitution limits most annual growth in state revenue to inflation and the annual percentage change in state population. Revenue above this limit must be refunded to taxpayers unless the voters allow the state to keep and spend it. Under current economic projections, moneys deposited in the State Education Fund under this proposal will reduce excess state revenues by $313 million in the first year and $4.58 billion over the first ten years. This money would otherwise be refunded to taxpayers. The proposal would reduce the average tax refund by approximately $113 per taxpayer or $226 for a married couple in the first year. The total ten-year impact would be approximately $1,500 per taxpayer or $3,000 for a married couple.

Arguments For

1) The proposal increases funding to public schools, which has been eroding since the late 1980s. This erosion has had a negative effect on per pupil funding, teacher salaries, and class sizes. When adjusted for inflation, school districts received less money per pupil in 1999 than they did 11 years ago. According to the federal government,

Colorado's per pupil revenue for education is below the national average and has dropped from 11th to 32nd over the last 17 years. The average teacher salary in Colorado has dropped below the national average, which could impact the state's ability to attract and retain the best teachers. Colorado has the eighth highest teacher-to-student ratio in the country. If Coloradans were spending the same proportion of their personal income on education today as they did ten years ago, the state's public schools would have more than $1 billion in additional revenues.

2) Funding for public schools may continue to fall behind due to constitutional spending limits placed on the legislature. The state's recent economic prosperity has resulted in a projected state surplus of $941 million for the current year, and $5.13 billion over the next five years. Under current law this money cannot be spent by the legislature on education. The best way to infuse the school system with the necessary level of funding is for voters to approve this proposal, which earmarks a portion of state revenue for public education without increasing tax rates.

3) An increased investment in education is necessary for Colorado students to be competitive in a global environment. The classrooms of the 21st century will change dramatically from classrooms of the 20th century. Increasing the technical skills, functional literacy rates, and computer literacy rates of Colorado's students is fundamental for their success in the 21st century work world.

Arguments Against

1) This proposal is similar to a tax increase because it allows the state to keep more tax money. It reduces the tax refund by $113 per Colorado taxpayer or $226 for a married couple for the first year. The total ten-year impact would be approximately $1,500 per taxpayer or $3,000 for a married couple. For the first ten years this measure would divert $4.58 billion from the taxpayers to the State Education Fund. The state's revenue surplus exists because the state has collected more revenue than the constitution allows. This proposal does not ensure the additional money will be used on textbooks, computers, additional teachers, teacher salaries, reducing class size, or any other items that will directly benefit a student's education. In addition, increased education funding will not guarantee increased student achievement.

2) Government institutions must learn to function efficiently and within their means. The voters of Colorado passed a constitutional spending limit in 1992 to minimize government expansion. Since the passage of the constitutional limit, funding under the school finance act has still managed to increase by $1.17 billion, or 49 percent. Colorado

ranks above the national average in administrative spending for public education. In budget year 2000, it is estimated the school finance act alone provided an average of $4,995 per pupil and other sources contributed an additional $2,328 per pupil. Within the limits of the law, the school districts can ask local voters to increase property taxes, without having to further amend the constitution.

3) Allocating money through the constitution reduces the state legislature's flexibility to respond to changing state needs because the constitution can only be modified by voter approval. This proposal requires a five percent annual increase in state aid for schools regardless of economic recession, inflation, or declining student enrollment. It obligates state taxpayers to fund the five percent annual increase in state aid, competing with other state general fund commitments under current funding restrictions. In addition, the proposal could shift control of local school districts from locally-elected school boards to the state because the state will control a larger share of the money.

AMENDMENT 24
VOTER APPROVAL OF GROWTH

The proposed amendment to the Colorado Constitution:

- requires voter approval of maps, called "growth area maps," that identify areas for future development in counties, cities, and towns of a certain population;
- requires affected local governments to designate areas called "committed areas," in which development may occur without voter approval because the areas meet certain qualifications;
- requires affected counties, cities, and towns to provide information to voters about the impacts of proposed growth; and
- exempts local governments below a certain population, and some types of development, from its requirements.

Background and Provisions of the Proposal

Current regulation of development. Colorado law gives counties, cities, and towns broad authority over the development of land. Counties regulate development in areas of the county outside of city limits, while cities and towns regulate development within their boundaries. To develop land, builders and property owners must

satisfy local government regulations including zoning ordinances, building codes, and subdivision and platting requirements. Cities and towns may expand their boundaries by annexing land that is not part of another city or town. Local regulations are often quite detailed and consist of many steps, including review by local planning departments, public hearings before planning commissions, and public hearings and approval by boards of county commissioners or town or city councils.

Many local governments have planning commissions that create master plans to advise elected officials on development of land in their jurisdictions. Counties are required to have planning commissions; cities and towns are authorized, but not required, to have them. Local governments hold public hearings when creating or changing a master plan. Any proposal to develop land must comply with master plans that have been adopted as a local ordinance. If a master plan has not been placed in ordinance by a local government then local governments may approve development that is not consistent with these plans, or deny development that is consistent with these plans.

Voter approval of growth area maps. Local governments subject to the proposal may propose maps to voters that show the geographic areas where they want new development to occur. These maps — with a text describing the proposed growth area — will identify the general locations of proposed land uses and development densities within these areas. Growth area maps must be proposed to the voters if the local government seeks to grow beyond certain areas designated for development. Voters must approve the growth area maps before new development may occur. Growth area maps may be adopted or changed once each year at a November election.

Local governments may propose new growth areas only where the development will be served by roads and central water and sewer within ten years. Growth areas for municipalities must share at least one-sixth of their borders with areas that have already been committed to development by a local government or with other areas that have been approved by the voters as growth areas. The proposal also requires local governments to coordinate their proposed growth maps so that the maps are consistent with those of adjoining cities, towns, and counties. Public hearings must be held on proposed growth area maps.

Before a vote on a growth area map, local governments must mail to voters information describing the elements of the growth area including open spaces and parks, new public facilities and infrastructure, number of new housing units, and any local government revenue sharing arrangements. In addition, information must be mailed to voters on the anticipated effects of the proposed growth on population, traffic, air quality, and water supplies.

Areas committed to growth. Voter approval is not needed for development to occur in areas that have been designated by local governments as committed areas. To qualify as a committed area, a valid development application must have been submitted to the local government by September 13, 2000, or certain levels of construction must have already occurred on or around the land to be designated as a committed area. These areas must be identified by December 31, 2001, or within one year after a local government meets the population threshold in the proposal, whichever is later.

Local governments affected by the proposal. Counties with populations greater than 10,000, and cities and towns within these counties with populations greater than 1,000 are subject to the proposal. However, counties with fewer than 25,000 residents may vote to exempt themselves, and all cities and towns within the county, from all requirements for up to four years at a time. Cities and towns that have any part of their territory in a county subject to the proposal must also comply. Towns under 1,000 population in counties to which the proposal applies are only required to determine areas that have been committed to development. The population of a city, town or county will be determined by the most recent census data or applicable population projection.

Based on their current populations, the following counties are subject to the proposal: Adams, Arapahoe, Boulder, Delta, Denver, Douglas, Eagle, El Paso, Fremont, Garfield, Jefferson, La Plata, Larimer, Mesa, Montrose, Morgan, Pueblo, and Weld. Voters in the following counties may exempt themselves from the proposal: Alamosa, Chaffee, Elbert, Grand, Gunnison, Las Animas, Logan, Moffat, Montezuma, Otero, Park, Pitkin, Prowers, Rio Grande, Routt, Summit, and Teller. All other counties are currently exempt from the proposal's requirements.

Development exempt from the proposal. Development related to water facilities, telecommunications, utilities, mining, and oil and gas is exempt from the proposal; road construction within growth areas is not. Local governments may approve the following types of development outside of growth areas and committed areas without voter approval:

- construction that does not require any further local government approval, only lacks the issuance of a building permit, or for which a development application was accepted by a local government as valid on or before September 13, 2000;
- certain public facilities, groupings of new homes in rural areas that leave two-thirds of the land for open space, divisions of land greater

than 35 acres that are not currently subject to county subdivision regulations, and certain small lots for farm families; and
- certain retail and service businesses of less than 10,000 square feet and businesses that serve farmers and ranchers, other than confined animal feeding operations, as long as they are located at least one mile apart.

Arguments For

1) The proposal puts local citizens in control of the future character of their communities by giving them the right to vote on growth and providing information on the impacts and locations of proposed growth. It could minimize the influence of developers on local government officials, and it allows voters to evaluate the costs and environmental impacts of growth on their communities before it happens. Citizen involvement is encouraged through the distribution of information about the impacts of growth and through a public hearing process.

2) Growth could be better managed in Colorado because the proposal requires more local governments to plan for growth. Currently, many local governments do little planning for growth, and many existing plans are not binding. Also, local governments are not required to consider regional concerns when making their plans. Under the proposal, much of the new growth in the state will be required to conform with voter-approved growth maps and neighboring communities will be required to coordinate future growth. Local governments often compete with each other for growth to improve their tax collections. The proposal could reduce this competition, which discourages cooperation and allows developers to extract concessions from local governments that may not be in the best interests of the region.

3) The proposal may benefit Colorado's environment by encouraging more compact development. Compact development preserves open space and wildlife habitat, protects scenic vistas, and reduces pollution. Compact development also reduces traffic congestion caused by long commutes, and makes alternative modes of transportation more viable. The proposal discourages sprawl and protects agricultural land from development by limiting most growth to areas near or within existing city boundaries or developed areas. It could direct taxpayers' dollars back into their communities, revitalizing city centers.

4) The proposal could benefit Colorado's economic future by protecting the state's quality of life. Clean industry and skilled workers are drawn to the state because of its beauty and numerous recreational opportunities. By preserving these amenities the proposal will help

Colorado to continue to attract desirable businesses and retain its workforce. It could also save taxpayers' dollars by lowering the cost of providing infrastructure and public services to new development. The lack of good planning results in higher costs for roads, water and sewer systems, telecommunications, energy, and police and fire services.

Arguments Against

1) This proposal is not the right solution for growth management, and many of its impacts are unknown. Placing 2000 words in the constitution is too inflexible. Land use planning should be regulated by state and local laws which can be revised as needed rather than in the state constitution which is more difficult to change. Communities would be locked into their adopted growth maps until the next November election. The proposal fails to appreciate diverse local needs and characteristics. Colorado would be the first state to have its constitution require voter approval of development and should not be a test case for the rest of the nation.

2) Colorado's economy may suffer under the proposal due to the loss of jobs and increases in the cost of housing and commercial space. Higher housing costs will make it more difficult for current residents to afford new or existing housing. In addition, businesses and workers may be discouraged from locating in the state. New businesses may be less inclined to enter the state since approval of their growth plans by the voters is not guaranteed, and the plans may only be considered once a year. The financing of new development may be more difficult to obtain due to the rigid constraints of the proposal. Current jobs could be lost if the construction of new homes, roads, and commercial areas is halted while local governments create growth area maps.

3) Cities, towns, and counties already have the tools to manage growth, and the proposal imposes an additional and unnecessary burden on them. State officials estimate local governments could spend $60 million to comply with the proposal in the first year. Local governments that have developed and approved master plans will be forced to bear the cost of adapting their current plans to conform with the proposal. Preparation and distribution of growth area maps and impact disclosures will require many local governments to hire additional staff. Citizens currently influence growth management by participating in public hearings and electing their local government officials. Passage of this measure may result in substantial litigation and associated costs to local governments as landowners bring lawsuits to protect the value of their land.

4) The proposal may negatively impact Colorado's rural areas. It could decrease the future value of land owned by farmers and ranchers in those counties subject to its requirements. Confined animal feeding operations would be prohibited from being located in counties required to have a growth area map unless these operations are located in growth or committed areas. Farmers and ranchers who want to develop their land would not be treated consistently between the small and large counties. In counties subject to the proposal, development with a well and septic system would not be possible on transitional farm land with lots less than 35 acres unless it is in a rural cluster development. In addition, the proposal could hinder the construction of housing for farm and ranch workers.

AMENDMENT 25
REQUIREMENTS FOR CONSENT TO ABORTION

The proposed amendment to the Colorado Revised Statutes:

- requires a doctor and licensed health care or mental health care professional working with a doctor to present specific information to a woman before an abortion;
- requires a 24-hour waiting period between the time the information is provided and an abortion is performed, except in cases of medical emergency;
- requires the woman to certify, in writing, that she was provided the information;
- requires the state to publish and annually update an informational packet and videotape; and
- creates criminal penalties and civil remedies for violating the provisions of the proposal.

Background and Provisions of the Proposal

As a matter of practice, doctors explain the risks, benefits, and alternatives of any medical procedure to patients and require them to sign written consent forms before performing any procedure. This proposal places requirements in state law for obtaining consent before performing an abortion. Under these requirements, a doctor must meet privately with any woman seeking an abortion at least 24 hours before the procedure and discuss the following information with her:

- *the abortion procedure*, including the name of the doctor who will perform the abortion, a medically accurate and complete description of the abortion method, the need for anti-Rh immune globulin therapy, and follow-up care provided by the clinic;
- *alternatives to an abortion*;
- *the medical risks of an abortion and of carrying a child to term*, including, for abortions, the risks of infection or hemorrhage, danger to subsequent pregnancies, breast cancer, and the possible adverse psychological effects; and
- *details about the fetus*, including the probable gestational age and physical characteristics of the fetus at the time of the abortion, the ability of the fetus to survive outside of the womb, and whether the procedure would be likely to inflict pain on the fetus.

A doctor or a licensed professional working with the doctor must also discuss medical assistance benefits that may be available for prenatal care, childbirth, and neonatal care; the financial obligations of the father; and the woman's ability to withhold or withdraw her consent to the abortion at any time before or during the abortion.

Exceptions for medical emergencies. The proposal contains an exception to the consent requirement and the 24-hour waiting period in the case of a medical emergency. A medical emergency is a condition that, in the doctor's judgment, would cause a woman's death or substantial and irreversible impairment of a major bodily function.

Materials provided by the state. Each year, the state must publish materials and a videotape which include information about agencies offering alternatives to abortion, and agencies and services available to assist pregnant women. In addition, the state must establish a toll-free 24-hour telephone hotline to provide a list and description of these agencies and services. The materials and videotape include information about the support obligations of the father, and descriptions and photographs of a fetus at two-week increments. The videotape shows an ultrasound image of a fetal heartbeat at various gestational increments beginning at four weeks. The materials and videotape will be available from the state at no cost. Doctors must offer these materials to a woman at least 24 hours before an abortion.

Reporting requirements. Doctors are required to annually submit reports to the state indicating how many women were provided abortion information, how many received a copy of printed materials, how many refused the printed materials, and how many had an abortion. The

doctor must also indicate the number of abortions performed under emergency circumstances. The state must annually publish a report of this information.

Penalties. A doctor who fails to provide the required information prior to an abortion, who fails to obtain the woman's written consent, or who fraudulently certifies that the information was provided or consent obtained is guilty of a Class 5 felony, punishable by up to three years imprisonment, fines of up to $100,000, or both. Any person who fails to report the required information to the state is guilty of a Class 1 misdemeanor, punishable by up to 18 months in jail, a fine of up to $5,000, or both. Failure to comply with these requirements may also be the basis for disciplinary action against the doctor's license and civil malpractice lawsuits.

Arguments For

1) This proposal ensures that a woman receives all available, accurate, and pertinent information to allow her to make an informed decision whether to terminate her pregnancy. Some women who have had abortions feel they were misinformed or were not provided sufficient information. The information required by this proposal ensures a more uniform, standardized process for providing abortion counseling.

2) The mandatory 24-hour waiting period protects women from pressure to get an abortion and may prevent them from making a decision that they later regret. Women in an unexpected pregnancy may experience stress, anxiety, and fear. Not all women in this situation will seek the information necessary to make an informed choice. Therefore, it is reasonable for the state to require abortion providers to provide the specific information in this proposal and to obtain informed consent before the abortion procedure.

Arguments Against

1) This proposal is government intrusion into a woman's personal decision and a doctor's medical practice. No other Colorado law mandates that patients be provided government publications and wait 24 hours before receiving medical care. Current professional standards of medical care ensure that doctors obtain a patient's fully informed, voluntary consent. Further, doctors can be charged with a felony for failure to provide the exact information set forth in the proposal.

2) Mandating a 24-hour waiting period is unnecessary because most women have thoroughly considered their options and made their decision before coming to a health care facility. The decision to have an

abortion is not one that women or health care providers take lightly. Except in the case of a medical emergency, a woman must be provided the information and wait 24 hours regardless of the circumstances of her pregnancy.

REFERENDUM A
PROPERTY TAX REDUCTION FOR SENIOR CITIZENS

The proposed amendment to the Colorado Constitution:

- reduces property taxes for qualified senior citizens by exempting up to one-half, but not to exceed $100,000, of the value of a home from property taxation;
- makes the property tax reduction available to persons 65 years of age or older who have owned and lived in their homes for the preceding ten years;
- requires the state to reimburse local governments for any property tax revenue reduction resulting from this proposal; and
- excludes the state reimbursement to local governments from state and local revenue and spending limits.

Background and Provisions of the Proposal

In Colorado, property taxes fund local government services, such as schools, police, fire protection, and recreation facilities. This proposal lowers property taxes for qualified senior citizens by subtracting a portion of a home's value to determine the amount of property taxes owed. The portion of a home's value that is subtracted or exempted to reduce property taxes is referred to as a *homestead exemption.*

Property tax reduction. Homeowners pay property taxes based on the value of their home and the tax rate set by the local governments where they live. This proposal reduces the taxable value of a home by one-half of the first $200,000 of a home's value, thereby lowering property taxes for those who qualify. Homeowners with homes valued at $200,000 and under receive the largest percentage tax reduction. The percentage reduction in property taxes decreases as the home value increases above $200,000. The dollar amount of the tax reduction will vary depending upon the local property tax rate. The state legislature can adjust the $200,000 cap on the home value to

either increase or decrease the benefit from the homestead exemption in future years. Table 1 shows how this proposal reduces property taxes based on the average statewide property tax rate.

Table 1: Examples of the Impact of the Homestead Exemption

Home Value	Average Taxes Owed Without Proposal	Average Taxes Owed With Proposal	Average Tax Reduction	Percent Tax Reduction
$100,000	$780	$390	$390	50%
$150,000	$1,170	$585	$585	50%
$200,000	$1,560	$780	$780	50%
$300,000	$2,340	$1,560	$780	33%
$500,000	$3,900	$3,120	$780	20%

Impact of the proposal. This proposal affects property taxes paid beginning in 2003. About 107,700 homes are expected to qualify for the property tax reduction, and the average property tax savings for those who qualify will be about $410. The total reduction in property taxes is estimated to be about $44 million in the first year, which amounts to about 1.4 percent of all property taxes collected. The state is required to reimburse all local governments for the reduction in property tax revenue resulting from the proposal.

Excess state revenues. The state constitution limits most of the money that the state can collect each year to inflation plus the percentage change in state population. Money above this limit must be refunded to taxpayers unless the voters allow the state to keep and spend the excess state revenue. For the purpose of reimbursing local governments, this proposal asks the voters to allow the state to refund $44 million less in the first year. This amount would increase by about $2.3 million each year thereafter. Under current law, if there is excess revenue, the proposal would reduce the average first year tax refund by approximately $15 per taxpayer or $30 for a married couple. The reduction in the tax refund would increase slightly each year thereafter.

Arguments For

1) The homestead exemption reduces property taxes for all qualifying seniors. For some seniors, property taxes grow faster than their incomes leaving less money for food, prescription drugs, and other essentials. A 1998 study found that roughly 38 percent of Colorado households with homeowners age 65 or older have annual incomes less than $25,000.

2) This proposal will benefit the elderly who have been in Colorado and paid property taxes the longest while not affecting property taxes paid by businesses, farmers, or other homeowners. Senior citizens add diversity to the community, are the main source of institutional knowledge, and often volunteer their services to community programs. This proposal allows them to remain in the homes that they have grown accustomed to.

3) Unlike other states that offer programs to reduce property taxes for the elderly, Colorado has no program that lowers these taxes. Although Colorado's property tax deferral program allows the elderly to defer payments of property taxes, very few seniors are willing to participate because it creates a state lien that must eventually be paid. In addition, while it has never occurred, state law requires the state to foreclose on a home whenever the taxes and interest owed exceed the value of the home and the homeowner is unable to pay the state back.

Arguments Against

1) The property tax relief provided by this proposal is not based on financial need and will benefit wealthy senior citizens. Furthermore, seniors who rent or who have been in their homes for less than ten years do not receive any benefit from this proposal. Every citizen who files for the state tax refund will pay for this exemption by receiving a smaller refund. On average, the first year state tax refund will be reduced by approximately $15 per taxpayer or $30 for a married couple, and these amounts will increase slightly each year thereafter.

2) The state already provides tax relief to senior taxpayers that other classes of taxpayers do not receive. For example, seniors can subtract up to $24,000 of pension and self-retirement income when calculating their state income tax, if they are subject to income tax. Seniors can defer all property taxes and interest owed until the house is sold. Low-income seniors can also file for state grant moneys to partially offset property taxes and expenses for heat and fuel.

3) This proposal could influence the outcome of local elections to increase property taxes, resulting in an underestimation of its true cost. Senior voters may be more inclined to vote for property tax increases if they only pay a portion of the cost that other taxpayers must pay and that are subsidized by the state. Passage of local elections would result in increased costs to local property taxpayers and to the state in the future.

REFERENDUM B
LEGISLATIVE REAPPORTIONMENT TIMETABLE

The proposed amendment to the Colorado Constitution:

- revises the timetable for redrawing and approving state Senate and House of Representative districts.

Background and Provisions of the Proposal

Every ten years, the boundaries of state Senate and House of Representatives districts are redrawn after receiving final population figures from the federal census. The state constitution requires that an 11-member Reapportionment Commission redraw the district lines to comply with the "one person, one vote" principle and other constitutional criteria.

Currently, the entire legislative reapportionment process runs from July 1st to the following March 15th. This proposal permanently changes this timetable by moving up the start of the legislative reapportionment process to April 15th, allowing additional time for certain steps in the process, and completing the process by mid-February of the next year. Within this timetable are specific deadlines for appointment of commission members, preparation of a preliminary plan, completion of public hearings, adoption and submittal of a final plan and related legal materials to the Colorado Supreme Court, and filing the plan with the Secretary of State. Once the final plan is filed with the Secretary of State, county clerks redraw precinct boundaries before precinct caucuses are held the second Tuesday in April.

Argument For

1) Moving up the deadlines and giving more time to the reapportionment process benefits all participants. Commission members would begin their work in mid-May rather than waiting until the end of July. By allowing more time to develop the preliminary plan, the commission will have a better opportunity to get organized and gather needed information, and the public will be able to participate more meaningfully in formulating the plan. Public hearings around the state would be held in the early fall, when public participation is less likely to be affected by winter storms. Allowing approximately nine weeks for the court process is more realistic than the six weeks currently allowed, especially if the plan has to be returned to the commission for changes. The final plan must be filed with the Secretary of State at least one month earlier, giving county clerks more time to redraw precinct lines and letting potential candidates know from what district they would run.

Argument Against: No argument against was offered for this proposal.

REFERENDUM C
SELECTION OF COUNTY SURVEYORS

The proposed amendment to the Colorado Constitution:

- adds the option of appointing a county surveyor to the existing requirement that surveyors be elected; and
- allows the state legislature to determine when and how the county surveyor position is to be elected or appointed.

Background and Provisions of the Proposal

What is a county surveyor? County surveyors are elected at the county level and may serve up to two four-year terms. Once in office, county surveyors are required by law to represent the county in boundary disputes with other counties, notify the county attorney of boundary disputes, or establish landmarks in the surveying process. County surveyors are also responsible for filing all survey records authorized and financed by the board of county commissioners. If authorized by the board of county commissioners, a county surveyor may also conduct surveys to establish the boundaries of county property, keep records of all known survey points in the county, and examine survey maps and plats before they are recorded by the county clerk and recorder. To qualify for the position of county surveyor, an individual must be licensed as a professional land surveyor in Colorado. Elected surveyors must be residents of the county in which they serve.

How many counties have a surveyor? A total of 27 of the 60 counties to which the amendment applies have an elected surveyor. (The proposal does not affect the three counties with home rule authority: Denver, Pitkin, and Weld.) Two of these 27 counties have a full-time surveyor, and the other 25 surveyors serve on a part-time or as-needed basis. The remaining 33 counties do not have an elected surveyor. When there are no candidates for the office and the office is vacant after an election, the board of county commissioners is allowed to appoint a licensed land surveyor to fill the position. Seven of the counties without an elected surveyor have filled the office by appointment. A county has the option to contract with a private firm for survey work when needed rather than fill the office with an appointed official. When appointed, the surveyor need not be a resident of the county. The county commissioners may also have other county employees assume some of the responsibilities of the county surveyor, although only a licensed professional land surveyor can do land surveying.

Arguments For

1) The role of the county surveyor has changed, and the way in which the position is filled should also be modified. What was once a political office has now become a more technical position requiring greater expertise in land surveying, research methods, and local history. Population growth and the demand for additional residential and commercial development in Colorado underscore the need for accurate, responsive, and impartial surveying services by the county. There is an additional demand upon county governments to provide survey information as well as a greater reliance by governments, businesses, and individuals on computerized maps, high-tech measuring devices, and information systems.

2) County surveyors fill an important role in county government. A surveyor representing the public in each county would create uniformity around the state and could provide a check on private surveyors who represent their clients' interests. Increased land value has placed a higher importance on the accuracy of survey measurements within a county. A county surveyor may save county taxpayers' money by pro-actively maintaining county landmarks, boundaries, and records, eliminating the need to hire a more expensive private surveying firm. County commissioners could also have greater power in terminating an appointed surveyor for poor performance or other reasons determined by the county.

3) Providing options for filling the surveyor position eases some of the problems faced by counties without a county surveyor. Many counties are unable to find a candidate willing to run for the office. Term limits have caused private surveyors to not seek the position and have removed those who were full-time county surveyors from their positions. An appointed surveyor would not be subject to term limits but would serve at the will of the commissioners.

Arguments Against

1) This proposal is unnecessary because counties already have the ability to appoint a surveyor when one has not been elected. Counties also have the option to contract for surveying services on an as-needed basis. It is not necessary to require a county to fill an office when the work is already performed by other county departments or private surveying firms.

2) Counties may be faced with additional costs should the proposal be approved. Counties without an elected surveyor would need to appoint a surveyor. The proposal is unclear as to how the appointment process would occur and depending upon the requirements determined

by the legislature, counties could be required to fully fund a surveyor office when it may be less expensive to hire private surveying firms to perform the same function. Smaller counties in the state with different survey needs than larger counties could have a difficult time finding and paying people to fill the required position. A county may not even have a registered surveyor living within the county boundaries, making it difficult and potentially costly to fill the position.

3) The proposal removes the accountability of the office from the voters in the county. The proposal could deprive voters of their current constitutional right to elect their own county surveyor. An individual may not be allowed to run for the office if the county chooses to appoint a surveyor, while another individual could use his or her political influence or personal connections to get appointed to the position. Appointment to the position could give a part-time surveyor an unfair business advantage as the individual would have convenient access to records and documents.

REFERENDUM D
OUTDATED CONSTITUTIONAL PROVISIONS

The proposed amendment to the Colorado Constitution:

- strikes references to one-time events that have already occurred and to public offices that no longer exist, and removes provisions that have expired or are outdated.

Background and Provisions of the Proposal

References to one-time events. The proposal strikes from the constitution several provisions relating to events that occurred in the past. These include provisions regarding who was eligible to run for a seat in the first state legislature, one-year extensions of the terms of certain county officers elected in 1904, 1906 and 1954, and a one-time exception in 1968 to the prohibition on increasing the pay of county officers while they are in office. Also, it eliminates a provision that nullified Colorado liquor laws existing before July 1, 1933. This provision was adopted as a result of the Twenty-first Amendment to the United States Constitution, which repealed liquor prohibition in 1933.

Public offices that no longer exist. The proposal strikes references to "justices of the peace" and "constables." These offices were eliminated in 1961 when Colorado's judicial system was modernized and reorganized. It also eliminates the requirement that

counties elect a county superintendent of schools since a separate provision of the constitution gives counties the option of abolishing this office. Beginning in the 1960s, the role of the county superintendent of schools was gradually assumed by school districts, and all Colorado counties subsequently eliminated these offices.

Expired provisions. Two expired provisions relate to the implementation of the state constitution in 1876. The first provision prohibits railroads and transportation companies existing at that time from benefiting from future state legislation unless they filed an acceptance of the constitution with the Secretary of State. The second provision invalidates corporate charters that were granted to corporations prior to 1876, but which were not used as of the adoption of the constitution.

The proposal also deletes the procedures by which the first charter of the City and County of Denver was adopted in 1881. The ability of Denver residents to make and amend their charter is not changed. The last expired constitutional provision relates to governing bodies of "service authorities." In 1970, the constitution was amended to allow for the creation of these authorities to provide services such as water treatment, transportation and fire protection. For the first five years after their creation, the governing bodies of service authorities could only include members of city or town councils, mayors, or county commissioners. This restriction expired in 1980.

Outdated provisions. A reference to election of legislators from the county in which they live is deleted since all Colorado legislators are now elected from districts. Finally, language that requires officers of the City and County of Denver to be paid monthly is deleted.

Argument For

1) This proposal continues efforts to update the constitution by deleting irrelevant language, procedures which no longer have a useful purpose, and references to offices which no longer exist. The state constitution should not be cluttered with these types of provisions.

Argument Against

1) All provisions of the constitution have historical significance and should be retained. Removing these provisions may diminish the historical character of the constitution and make future research of constitutional provisions and state laws more difficult.

REFERENDUM E
MULTI-STATE LOTTERIES

The proposed amendment to the Colorado Revised Statutes:

- makes multi-state lotteries legal in Colorado;
- authorizes the state to enter into agreements for multi-state lotteries;
- distributes most new lottery revenues in the same way that current lottery revenues are distributed, but reallocates a portion from general government purposes to alleviate public school health and safety hazards; and
- exempts revenue from multi-state lotteries from state revenue and spending limits.

Background and Provisions of the Proposal

Colorado currently operates a state lottery that includes both "scratch" games and "on-line" games such as Lotto. This proposal allows the state's existing lottery to include games played with other state lotteries. Under this proposal, the state could either negotiate to join an existing multi-state lottery game or work with other states to develop a new multi-state game. Multi-state games involve a larger population of players than Colorado's existing lottery games, thus they offer potentially larger prizes but fewer chances of winning the jackpot for each wager. Currently, there are eight multi-state games, the largest of which are Powerball (20 states), Cash 4 Life (10 states), and the Big Game (seven states).

Proceeds from Colorado lottery games, after prizes and administrative expenses, are distributed to local governments, the state, and the Great Outdoors Colorado (GOCO) Board to purchase and maintain state and local parks and recreation facilities, wildlife habitats, and open space. The amount of money dedicated to GOCO is capped, however, and any "spillover" money in excess of the cap is deposited in the state's general operating fund. Proceeds from multi-state games would be distributed the same as under current law, with two exceptions. First, any spillover would be used for health and safety projects at public school buildings instead of general state government purposes and, second, the spillover would be exempt from the state's constitutional revenue limit. While the actual amount of additional proceeds raised by a multi-state lottery game is unknown, each five

percent increase in lottery proceeds raises about four million dollars for parks, wildlife habitats, and open space. Lottery proceeds would have to increase by at least 17 percent, or $13.5 million, to make moneys available in the current budget year for school health and safety projects.

Under the proposal, the Colorado Lottery Commission negotiates agreements with other state lottery commissions. The agreements govern which multi-state games are available in Colorado, the rules of play for each game, and the portion of ticket sales that go for prizes. The Colorado Lottery Commission controls advertising, promotion, and security of the game. The commission remains subject to the state constitutional requirement that all lottery games be supervised by the state.

Arguments For

1) A multi-state lottery game would generate additional revenue for Colorado parks, wildlife habitats, and open space, with at least 40 percent of the money directly benefiting local parks. Introducing new games is the best means of improving public interest and therefore increasing lottery revenues, which have been somewhat flat or declining in recent years. Given Colorado's booming growth, the additional revenue generated from a multi-state lottery game would help to preserve open space and provide parks and recreation facilities for residents.

2) A multi-state lottery could generate money to alleviate health and safety hazards at public schools in Colorado. With the spillover that may be generated from a multi-state lottery game, the state would have a dedicated source of revenue to assist school districts in keeping public school buildings safe.

3) Money spent by Colorado residents on lottery games should remain in Colorado. Some Coloradans drive to other states to buy tickets for multi-state games like Powerball. With this proposal, tickets could be purchased locally and the proceeds would stay in Colorado and be used to benefit Colorado through parks, open space, wildlife habitats and schools.

4) Multi-state lottery games such as Powerball are the only real way for players in smaller states, like Colorado, to play for large jackpots. Tickets for multi-state lottery games are inexpensive, generally one dollar, yet give players an opportunity to win millions of dollars. Of the 38 states that have lotteries, 29 already participate in multi-state games.

Arguments Against

1) Government should not expand gambling opportunities or promote gambling. In fact, a federally commissioned study recommended that states curtail new lottery games. Colorado already has enough gambling, with a state-run lottery, limited-stakes gaming, not-for-profit gaming (bingo, raffle, etc.), horse racing, and dog racing. In addition, the proposal may impact lower-income families that choose to play, because the cost of a lottery ticket is a larger portion of their family income.

2) The proposal allows the state to keep money that would otherwise be refunded to taxpayers. This money should be refunded since the state has already committed to spend $190 million over the next ten years to address school construction needs. This proposal is not necessary to provide money for this purpose, especially since it may not provide much money for schools. Also, there are no specific criteria for distributing the money so it is unclear exactly which schools will benefit.

3) Compulsive gambling is a problem for some people and a multi-state lottery would further contribute to the problem. Like other compulsive behaviors, compulsive gambling can lead to an increase in theft, incarceration, unemployment, divorce, suicide, and bankruptcy. A proposal to increase the opportunity for gambling and increase state revenue from gambling should at least acknowledge the problem of compulsive gambling and set aside money to address the societal costs of compulsive gambling disorders.

4) This proposal may violate the state constitution in two ways. First, it allows games that might not meet the requirement that lotteries be state supervised. Second, it transfers spillover moneys to schools that the constitution allocates to the state's general operating fund. Resolving these conflicts could cost the state time and money.

REFERENDUM F
EXCESS STATE REVENUE FOR MATH AND SCIENCE GRANTS

The proposed amendment to the Colorado Revised Statutes:

- allows the state to keep and spend the first $50 million in excess of the state's constitutional revenue limit for each of the next five years (up to $250 million total);
- specifies that these moneys be used to distribute grants to school districts for math and science programs;
- creates a 16-member review committee to administer the program and to award grants to school districts;
- gives priority to low-income and poorly performing school districts, and to programs with the greatest potential for improving academic performance in math and science; and
- excludes the money in the proposal from state and school district revenue and spending limits, and reduces taxpayer refunds.

Background and Provisions of the Proposal

Excess state revenue. The state constitution limits annual growth in state revenue to inflation and the annual percentage change in state population. Revenue above this limit must be refunded to taxpayers unless the voters allow the state to keep and spend the excess state revenue. The proposal asks the voters to allow the state to keep and spend $50 million in excess state revenue for each of the next five years. If excess state revenue is less than $50 million in any year, the state would keep the entire amount. The proposal would reduce the average tax refund by approximately $18 per taxpayer or $36 for a married couple in each of the next five years. The total five-year impact would be $90 per taxpayer or $180 for a married couple.

Establishment of a grant program for school funding. The proposal creates a 16-member committee to oversee a performance grant program to distribute money to school districts for math and science programs. The committee, which is authorized to establish rules for the administration of the program, will consist of the seven members of the State Board of Education, three members appointed by the Governor, three state Senators, and three state Representatives.

The proposal sets forth requirements for grant applications and criteria for the committee to consider in awarding grants. Individual schools, including charter schools, must apply for the program through their local school district. In awarding grants, priority must be given to: school districts with an above average percentage of poor students; school districts with below average academic performance in math and science; and programs that have the greatest potential for improving student academic performance in math and science.

Arguments For

1) The state's economy depends on the skills and education of its work force. A recent report ranked Colorado first among the 50 states in high technology workers per capita and in high technology job growth. Colorado must promote high achievement in math and science so that students have the skills and qualifications necessary to pursue additional education and training in high technology fields. These students will provide the future work force that Colorado needs to continue to attract high-technology companies and remain competitive in the global economy. Passage of the proposal will demonstrate that Colorado wants to remain a leader in industries such as telecommunications, aerospace, and software development that will play an important role in the future of the state's economy.

2) The proposal encourages school districts to initiate innovative math and science programs that they might otherwise be unable to provide to students. At a time when Colorado is emphasizing school reform and accountability, this program provides schools with additional motivation, resources, and opportunity for improvement and complements current state efforts to increase literacy.

3) Now is the time to provide more funding for education. As projections for excess state revenue top $860 million annually, the state has the opportunity and the means to designate extra resources for its schools and its students. Coloradans should not be satisfied with the state's recent rankings in education funding.

4) The grant program will help struggling schools to meet state standards in math and science. The grant committee must give priority to school districts with poor students and districts that are struggling academically. If certain students are allowed to fall behind, the entire school system will fall short of its goals. New programs in math and science will help address the needs of students who require extra help.

Arguments Against

1) The proposal reduces tax refunds to which Colorado taxpayers are entitled. The state has a refund system in place to return excess state moneys to citizens. Just because the state's economy has been strong in recent years does not mean that Colorado should increase government spending and start new, untested programs.

2) The proposal does not contain enough guidelines and accountability measures. Many details of the grant process are left for determination by the grant review committee, which is comprised primarily of elected officials rather than educators. The committee has broad authority to set rules and administer the program, a fact that may serve to politicize the grant approval process. The program does not guarantee that money will go to the schools that need resources because the money goes to an entire district, not to individual schools. There are no guidelines for the size or number of grants distributed through the program, nor are there sufficient requirements for tracking the effectiveness of the program and the productive use of taxpayer money.

3) School districts must learn to use existing resources more wisely. Last year, local, state, and federal revenue to school districts was an estimated $5.0 billion. Education funding now accounts for approximately 40 percent of the state budget. Moreover, the legislature passed measures that provide new funding for school construction, literacy programs, and special education programs in 2000. The additional education funding provided in the proposal is unnecessary. In most instances, if school districts need more money, they can ask voters for mill levy increases within the limits set by law.

4) The grant program is not a wise approach to funding educational programs. At the end of a grant award, school districts may be left with programs they are unable to continue funding. Furthermore, the proposal focuses exclusively on math and science programs when many students are unable to read and write satisfactorily. New programs for math and science may not be the most prudent use of new resources. Any additional moneys to school districts should be offered for programs in all academic areas and allow local school districts the flexibility they need to improve student academic performance.

AMENDMENT 20
MEDICAL USE OF MARIJUANA

Ballot Title: An amendment to the Colorado Constitution authorizing the medical use of marijuana for persons suffering from debilitating medical conditions, and, in connection therewith, establishing an affirmative defense to Colorado criminal laws for patients and their primary care-givers relating to the medical use of marijuana; establishing exceptions to Colorado criminal laws for patients and primary care-givers in lawful possession of a registry identification card for medical marijuana use and for physicians who advise patients or provide them with written documentation as to such medical marijuana use; defining "debilitating medical condition" and authorizing the state health agency to approve other medical conditions or treatments as debilitating medical conditions; requiring preservation of seized property interests that had been possessed, owned, or used in connection with a claimed medical use of marijuana and limiting forfeiture of such interests; establishing and maintaining a confidential state registry of patients receiving an identification card for the medical use of marijuana and defining eligibility for receipt of such a card and placement on the registry; restricting access to information in the registry; establishing procedures for issuance of an identification card; authorizing fees to cover administrative costs associated with the registry; specifying the form and amount of marijuana a patient may possess and restrictions on its use; setting forth additional requirements for the medical use of marijuana by patients less than eighteen years old; directing enactment of implementing legislation and criminal penalties for certain offenses; requiring the state health agency designated by the governor to make application forms available to residents of Colorado for inclusion on the registry; limiting a health insurer's liability on claims relating to the medical use of marijuana; and providing that no employer must accommodate medical use of marijuana in the workplace.

Text of Proposal:

Be it Enacted by the People of the State of Colorado:

AN AMENDMENT TO THE CONSTITUTION OF THE STATE OF COLORADO, AMENDING ARTICLE XVIII, ADDING A NEW SECTION TO READ:

Section 14. Medical use of marijuana for persons suffering from debilitating medical conditions. (1) As used in this section, these terms are defined as follows:

(a) "Debilitating medical condition" means:

(I) Cancer, glaucoma, positive status for human immunodeficiency virus, or acquired immune deficiency syndrome, or treatment for such conditions;

(II) A chronic or debilitating disease or medical condition, or treatment for such conditions, which produces, for a specific patient, one or more of the following, and for which, in the professional opinion of the patient's physician, such condition or conditions reasonably may be alleviated by the medical use of marijuana: cachexia; severe pain; severe nausea; seizures, including those that are characteristic of epilepsy; or persistent muscle spasms, including those that are characteristic of multiple sclerosis; or

(III) Any other medical condition, or treatment for such condition, approved by the state health agency, pursuant to its rule making authority or its approval of any petition submitted by a patient or physician as provided in this section.

(b) "Medical use" means the acquisition, possession, production, use, or transportation of marijuana or paraphernalia related to the administration of such marijuana to address the symptoms or effects of a patient's debilitating medical condition, which may be authorized only after a diagnosis of the patient's debilitating medical condition by a physician or physicians, as provided by this section.

(c) "Parent" means a custodial mother or father of a patient under the age of eighteen years, any person having custody of a patient under the age of eighteen years, or any person serving as a legal guardian for a patient under the age of eighteen years.

(d) "Patient" means a person who has a debilitating medical condition.

(e) "Physician" means a doctor of medicine who maintains, in good standing, a license to practice medicine issued by the state of Colorado.

(f) "Primary care-giver" means a person, other than the patient and the patient's physician, who is eighteen years of age or older and has significant responsibility for managing the well-being of a patient who has a debilitating medical condition.

(g) "Registry identification card" means that document, issued by the state health agency, which identifies a patient authorized to engage in the medical use of marijuana and such patient's primary care-giver, if any has been designated.

(h) "State health agency" means that public health related entity of state government designated by the governor to establish and maintain a confidential registry of patients authorized to engage in the medical use of marijuana and enact rules to administer this program.

(i) "Usable form of marijuana" means the seeds, leaves, buds, and flowers of the plant (genus) cannabis, and any mixture or preparation

thereof, which are appropriate for medical use as provided in this section, but excludes the plant's stalks, stems, and roots.

(j) "Written documentation" means a statement signed by a patient's physician or copies of the patient's pertinent medical records.

(2)(a) Except as otherwise provided in subsections (5), (6), and (8) of this section, a patient or primary care-giver charged with a violation of the state's criminal laws related to the patient's medical use of marijuana will be deemed to have established an affirmative defense to such allegation where:

(I) The patient was previously diagnosed by a physician as having a debilitating medical condition;

(II) The patient was advised by his or her physician, in the context of a bona fide physician-patient relationship, that the patient might benefit from the medical use of marijuana in connection with a debilitating medical condition; and

(III) The patient and his or her primary care-giver were collectively in possession of amounts of marijuana only as permitted under this section.

This affirmative defense shall not exclude the assertion of any other defense where a patient or primary care-giver is charged with a violation of state law related to the patient's medical use of marijuana.

(b) Effective June 1, 1999, it shall be an exception from the state's criminal laws for any patient or primary care-giver in lawful possession of a registry identification card to engage or assist in the medical use of marijuana, except as otherwise provided in subsections (5) and (8) of this section.

(c) It shall be an exception from the state's criminal laws for any physician to:

(I) Advise a patient whom the physician has diagnosed as having a debilitating medical condition, about the risks and benefits of medical use of marijuana or that he or she might benefit from the medical use of marijuana, provided that such advice is based upon the physician's contemporaneous assessment of the patient's medical history and current medical condition and a bona fide physician-patient relationship; or

(II) Provide a patient with written documentation, based upon the physician's contemporaneous assessment of the patient's medical history and current medical condition and a bona fide physician-patient relationship, stating that the patient has a debilitating medical condition and might benefit from the medical use of marijuana. No physician shall be denied any rights or privileges for the acts authorized by this subsection.

(d) Notwithstanding the foregoing provisions, no person, including a patient or primary care-giver, shall be entitled to the protection of this section for his or her acquisition, possession,

manufacture, production, use, sale, distribution, dispensing, or transportation of marijuana for any use other than medical use.

(e) Any property interest that is possessed, owned, or used in connection with the medical use of marijuana or acts incidental to such use, shall not be harmed, neglected, injured, or destroyed while in the possession of state or local law enforcement officials where such property has been seized in connection with the claimed medical use of marijuana. Any such property interest shall not be forfeited under any provision of state law providing for the forfeiture of property other than as a sentence imposed after conviction of a criminal offense or entry of a plea of guilty to such offense. Marijuana and paraphernalia seized by state or local law enforcement officials from a patient or primary care-giver in connection with the claimed medical use of marijuana shall be returned immediately upon the determination of the district attorney or his or her designee that the patient or primary care-giver is entitled to the protection contained in this section as may be evidenced, for example, by a decision not to prosecute, the dismissal of charges, or acquittal.

(3) The state health agency shall create and maintain a confidential registry of patients who have applied for and are entitled to receive a registry identification card according to the criteria set forth in this subsection, effective June 1, 1999.

(a) No person shall be permitted to gain access to any information about patients in the state health agency's confidential registry, or any information otherwise maintained by the state health agency about physicians and primary care-givers, except for authorized employees of the state health agency in the course of their official duties and authorized employees of state or local law enforcement agencies which have stopped or arrested a person who claims to be engaged in the medical use of marijuana and in possession of a registry identification card or its functional equivalent, pursuant to paragraph (e) of this subsection (3). Authorized employees of state or local law enforcement agencies shall be granted access to the information contained within the state health agency's confidential registry only for the purpose of verifying that an individual who has presented a registry identification card to a state or local law enforcement official is lawfully in possession of such card.

(b) In order to be placed on the state's confidential registry for the medical use of marijuana, a patient must reside in Colorado and submit the completed application form adopted by the state health agency, including the following information, to the state health agency:

(I) The original or a copy of written documentation stating that the patient has been diagnosed with a debilitating medical condition and the physician's conclusion that the patient might benefit from the medical use of marijuana;

(II) The name, address, date of birth, and social security number of the patient;

(III) The name, address, and telephone number of the patient's physician; and

(IV) The name and address of the patient's primary care-giver, if one is designated at the time of application.

(c) Within thirty days of receiving the information referred to in subparagraphs (3)(b)(I)-(IV), the state health agency shall verify medical information contained in the patient's written documentation. The agency shall notify the applicant that his or her application for a registry identification card has been denied if the agency's review of such documentation discloses that: the information required pursuant to paragraph (3)(b) of this section has not been provided or has been falsified; the documentation fails to state that the patient has a debilitating medical condition specified in this section or by state health agency rule; or the physician does not have a license to practice medicine issued by the state of Colorado. Otherwise, not more than five days after verifying such information, the state health agency shall issue one serially numbered registry identification card to the patient, stating:

(I) The patient's name, address, date of birth, and social security number;

(II) That the patient's name has been certified to the state health agency as a person who has a debilitating medical condition, whereby the patient may address such condition with the medical use of marijuana;

(III) The date of issuance of the registry identification card and the date of expiration of such card, which shall be one year from the date of issuance; and

(IV) The name and address of the patient's primary care-giver, if any is designated at the time of application.

(d) Except for patients applying pursuant to subsection (6) of this section, where the state health agency, within thirty-five days of receipt of an application, fails to issue a registry identification card or fails to issue verbal or written notice of denial of such application, the patient's application for such card will be deemed to have been approved. Receipt shall be deemed to have occurred upon delivery to the state health agency, or deposit in the United States mails. Notwithstanding the foregoing, no application shall be deemed received prior to June 1, 1999. A patient who is questioned by any state or local law enforcement official about his or her medical use of marijuana shall provide a copy of the application submitted to the state health agency, including the written documentation and proof of the date of mailing or other transmission of the written documentation for delivery to the state health agency, which shall be accorded the same legal effect as a registry identification card, until such time as the patient receives notice that the application has been denied.

(e) A patient whose application has been denied by the state health agency may not reapply during the six months following the date of the denial and may not use an application for a registry identification card as provided in paragraph (3)(d) of this section. The denial of a registry identification card shall be considered a final agency action. Only the patient whose application has been denied shall have standing to contest the agency action.

(f) When there has been a change in the name, address, physician, or primary care-giver of a patient who has qualified for a registry identification card, that patient must notify the state health agency of any such change within ten days. A patient who has not designated a primary care-giver at the time of application to the state health agency may do so in writing at any time during the effective period of the registry identification card, and the primary care-giver may act in this capacity after such designation. To maintain an effective registry identification card, a patient must annually resubmit, at least thirty days prior to the expiration date stated on the registry identification card, updated written documentation to the state health agency, as well as the name and address of the patient's primary care-giver, if any is designated at such time.

(g) Authorized employees of state or local law enforcement agencies shall immediately notify the state health agency when any person in possession of a registry identification card has been determined by a court of law to have willfully violated the provisions of this section or its implementing legislation, or has pled guilty to such offense.

(h) A patient who no longer has a debilitating medical condition shall return his or her registry identification card to the state health agency within twenty-four hours of receiving such diagnosis by his or her physician.

(i) The state health agency may determine and levy reasonable fees to pay for any direct or indirect administrative costs associated with its role in this program.

(4)(a) A patient may engage in the medical use of marijuana, with no more marijuana than is medically necessary to address a debilitating medical condition. A patient's medical use of marijuana, within the following limits, is lawful:

(I) No more than two ounces of a usable form of marijuana; and

(II) No more than six marijuana plants, with three or fewer being mature, flowering plants that are producing a usable form of marijuana.

(b) For quantities of marijuana in excess of these amounts, a patient or his or her primary care-giver may raise as an affirmative defense to charges of violation of state law that such greater amounts were medically necessary to address the patient's debilitating medical condition.

(5)(a) No patient shall:

(I) Engage in the medical use of marijuana in a way that endangers the health or well-being of any person; or

(II) Engage in the medical use of marijuana in plain view of, or in a place open to, the general public.

(b) In addition to any other penalties provided by law, the state health agency shall revoke for a period of one year the registry identification card of any patient found to have willfully violated the provisions of this section or the implementing legislation adopted by the general assembly.

(6) Notwithstanding paragraphs (2)(a) and (3)(d) of this section, no patient under eighteen years of age shall engage in the medical use of marijuana unless:

(a) Two physicians have diagnosed the patient as having a debilitating medical condition;

(b) One of the physicians referred to in paragraph (6)(a) has explained the possible risks and benefits of medical use of marijuana to the patient and each of the patient's parents residing in Colorado;

(c) The physicians referred to in paragraph (6)(b) has provided the patient with the written documentation, specified in subparagraph (3)(b)(I);

(d) Each of the patient's parents residing in Colorado consent in writing to the state health agency to permit the patient to engage in the medical use of marijuana;

(e) A parent residing in Colorado consents in writing to serve as a patient's primary care-giver;

(f) A parent serving as a primary care-giver completes and submits an application for a registry identification card as provided in subparagraph (3)(b) of this section and the written consents referred to in paragraph (6)(d) to the state health agency;

(g) The state health agency approves the patient's application and transmits the patient's registry identification card to the parent designated as a primary care-giver;

(h) The patient and primary care-giver collectively possess amounts of marijuana no greater than those specified in subparagraph (4)(a)(I) and (II); and

(i) The primary care-giver controls the acquisition of such marijuana and the dosage and frequency of its use by the patient.

(7) Not later than March 1, 1999, the governor shall designate, by executive order, the state health agency as defined in paragraph (1)(g) of this section.

(8) Not later than April 30, 1999, the General Assembly shall define such terms and enact such legislation as may be necessary for implementation of this section, as well as determine and enact criminal penalties for:

(a) Fraudulent representation of a medical condition by a patient to a physician, state health agency, or state or local law enforcement official for the purpose of falsely obtaining a registry identification card or avoiding arrest and prosecution;

(b) Fraudulent use or theft of any person's registry identification card to acquire, possess, produce, use, sell, distribute, or transport marijuana, including but not limited to cards that are required to be returned where patients are no longer diagnosed as having a debilitating medical condition;

(c) Fraudulent production or counterfeiting of, or tampering with, one or more registry identification cards; or

(d) Breach of confidentiality of information provided to or by the state health agency.

(9) Not later than June 1, 1999, the state health agency shall develop and make available to residents of Colorado an application form for persons seeking to be listed on the confidential registry of patients. By such date, the state health agency shall also enact rules of administration, including but not limited to rules governing the establishment and confidentiality of the registry, the verification of medical information, the issuance and form of registry identification cards, communications with law enforcement officials about registry identification cards that have been suspended where a patient is no longer diagnosed as having a debilitating medical condition, and the manner in which the agency may consider adding debilitating medical conditions to the list provided in this section. Beginning June 1, 1999, the state health agency shall accept physician or patient initiated petitions to add debilitating medical conditions to the list provided in this section and, after such hearing as the state health agency deems appropriate, shall approve or deny such petitions within one hundred eighty days of submission. The decision to approve or deny a petition shall be considered a final agency action.

(10)(a) No governmental, private, or any other health insurance provider shall be required to be liable for any claim for reimbursement for the medical use of marijuana.

(b) Nothing in this section shall require any employer to accommodate the medical use of marijuana in any work place.

(11) Unless otherwise provided by this section, all provisions of this section shall become effective upon official declaration of the vote hereon by proclamation of the governor, pursuant to article V, section (1)(4), and shall apply to acts or offenses committed on or after that date.

AMENDMENT 21
TAX CUTS

Ballot Title: An amendment to the Colorado Constitution establishing a $25 tax cut to lower each 2001 state and local tax in each tax bill for each utility customer and occupation tax and franchise charge, vehicle sales, use, and ownership tax, income tax, property tax, income and property tax equal to yearly revenue from sales and use taxes on food and drink other than tobacco and alcohol, and income tax equal to yearly revenue from estate taxes, and, in connection therewith, increasing the tax cut $25 yearly; specifying that the tax cuts and state replacement of local revenue shall not lower state or local excess revenue; allowing the state to limit local acts increasing replacement costs; and providing that attorney fees and costs shall always be paid to successful plaintiffs only.

Text of Proposal:

Be it Enacted by the People of the State of Colorado:

Article X, section 20, The Taxpayer's Bill of Rights, is amended to add:

(8)(d) Tax cuts. A $25 tax cut, increased $25 yearly (to $50, $75...), shall lower each tax in each tax bill for each 2001 and later district: utility customer and occupation tax and franchise charge; vehicle sales, use, and ownership tax; yearly income tax; property tax; income and property tax equal to yearly revenue from sales and use taxes on food and drink other than tobacco and alcohol; and income tax equal to yearly revenue from estate taxes. (8)(d) tax cuts and state replacement of local revenue shall not lower state or local excess revenue, the state may limit local acts increasing replacement costs, joint income tax returns equal two tax bills, and attorney fees and costs to enforce (8)(d) shall always be paid to successful plaintiffs only.

AMENDMENT 22
BACKGROUND CHECKS AT GUN SHOWS

Ballot Title: An amendment to the Colorado Revised Statutes concerning a requirement that background checks be conducted on prospective firearms transferees if any part of the transaction occurs at a gun show, and in connection therewith, directing that a gun show vendor require a background check on a prospective transferee and obtain approval of the transfer from the Colorado Bureau of Investigation; defining a "gun show vendor" as any person who exhibits, offers for sale, or transfers a firearm at a gun show; requiring gun show promoters to arrange for the services of federally licensed gun dealers to obtain background checks at gun shows; prohibiting the transfer of a firearm if a background check has not been obtained by a federally licensed gun dealer; requiring record keeping and retention by federally licensed gun dealers who obtain background checks; permitting federally licensed gun dealers to charge a fee of up to ten dollars for conducting each background check at gun shows; requiring gun show promoters to prominently post notice of the background check requirement; establishing criminal penalties for violations of these requirements; exempting transfers of certain antique firearms, relics, and curios from the background check requirement; and requiring the appropriation of funds necessary to implement the measure.

Text of Proposal:

Be it enacted by the People of the State of Colorado:

Title 12 of the Colorado Revised Statutes is amended by the addition of a new article to read:

ARTICLE 26.1
BACKGROUND CHECKS - GUN SHOWS

12-26.1-101. Background checks at gun shows - penalty. (1) Before a gun show vendor transfers or attempts to transfer a firearm at a gun show, he or she shall:

(a) require that a background check, in accordance with section 24-33.5-424, C.R.S., be conducted of the prospective transferee; and

(b) obtain approval of a transfer from the Colorado Bureau of Investigation after a background check has been requested by a licensed gun dealer, in accordance with section 24-33.5-424, C.R.S.

(2) A gun show promoter shall arrange for the services of one or more licensed gun dealers on the premises of the gun show to obtain

the background checks required by this article.

(3) If any part of a firearm transaction takes place at a gun show, no firearm shall be transferred unless a background check has been obtained by a licensed gun dealer.

(4) Any person violating the provisions of this section commits a Class 1 misdemeanor and shall be punished as provided in section 18-1-106, C.R.S.

12-26.1-102. Records - penalty. (1) A licensed gun dealer who conducts a background check on a prospective transferee shall record the transfer, as provided in section 12-26-102, C.R.S., and retain the records, as provided in section 12-26-103, C.R.S., in the same manner as when conducting a sale, rental, or exchange at retail.

(2) Any individual who gives false information in connection with the making of such records commits a Class 1 misdemeanor and shall be punished as provided in section 18-1-106, C.R.S.

12-26.1-103. Fees imposed by licensed gun dealers. For each background check conducted at a gun show, a licensed gun dealer may charge a fee not to exceed ten dollars.

12-26.1-104. Posted notice - penalty. (1) A gun show promoter shall post prominently a notice, in a form to be prescribed by the executive director of the department of public safety or his or her designee, setting forth the requirement for a background check as provided in this article.

(2) Any person violating the provisions of this section commits a Class 1 misdemeanor and shall be punished as provided in section 18-1-106, C.R.S.

12-26.1-105. Exemption. The provisions of this article shall not apply to the transfer of an antique firearm, as defined in 18 U.S.C. sec. 921(a)(16), as amended, or a curio or relic, as defined in 27 C. F.R. sec. 178.11, as amended.

12-26.1-106. Definitions. As used in this article, unless the context otherwise requires:

(1) "Collection" means a trade, barter, or in-kind exchange for one or more firearms.

(2) "Firearm" means any handgun, automatic, revolver, pistol, rifle, shotgun, or other instrument or device capable or intended to be capable of discharging bullets, cartridges, or other explosive charges.

(3) "Gun show" means the entire premises provided for an event or function, including but not limited to parking areas for the event

or function, that is sponsored to facilitate, in whole or in part, the purchase, sale, offer for sale, or collection of firearms at which:

(a) twenty-five or more firearms are offered or exhibited for sale, transfer, or exchange; or

(b) not less than three gun show vendors exhibit, sell, offer for sale, transfer, or exchange firearms.

(4) "Gun show promoter" means a person who organizes or operates a gun show.

(5) "Gun show vendor" means any person who exhibits, sells, offers for sale, transfers, or exchanges, any firearm at a gun show, regardless of whether the person arranges with a gun show promoter for a fixed location from which to exhibit, sell, offer for sale, transfer, or exchange any firearm.

(6) "Licensed gun dealer" means any person who is a licensed importer, licensed manufacturer, or dealer licensed pursuant to 18 U.S. C. sec. 923, as amended, as a federally licensed firearms dealer.

12-26.1-107. Appropriation. The General Assembly shall appropriate funds necessary to implement this article.

12-26.1-108. Effective date. This article shall take effect March 31, 2001.

AMENDMENT 23
FUNDING FOR PUBLIC SCHOOLS

Ballot Title: An amendment to the Colorado Constitution concerning increased funding for preschool through twelfth-grade public education, and, in connection therewith, requiring the statewide base per pupil funding for public education and funding for specifically defined categorical programs to grow annually by at least the rate of inflation plus one percentage point for fiscal years 2001-02 through 2010-11 and annually by at least the rate of inflation for fiscal years thereafter; creating a state education fund and exempting appropriations from the fund and expenditures of said appropriations from constitutional and statutory limitations; requiring the state to deposit in the state education fund all revenues collected by the state from a tax of one-third of one percent on federal taxable income of every individual, estate, trust, and corporation and exempting those revenues from the constitutional limitation on fiscal year spending; limiting the use of moneys in the state education fund to increasing the statewide base per pupil funding for public education and funding for categorical programs and to funding specified education programs, including public school building capital construction; specifying that moneys appropriated from the state education fund shall not be used to supplant the level of general fund appropriations existing on the effective date of the measure for total

program education and categorical program funding; and, for fiscal years 2001-02 through 2010-11, requiring the general assembly to increase annually the general fund appropriation for total program funding under the "Public School Finance Act of 1994", or any successor act, by at least five percent of the prior year's general fund appropriation for total program, except in fiscal years in which personal income grows less than four and one-half percent between the two previous calendar years.

Text of Proposal:

Be it Enacted by the People of the State of Colorado:

Article IX of the Constitution of the state of Colorado is amended BY THE ADDITION OF A NEW SECTION to read:

Section 17. Education - Funding. (1) Purpose. IN STATE FISCAL YEAR 2001-2002 THROUGH STATE FISCAL YEAR 2010-2011, THE STATEWIDE BASE PER PUPIL FUNDING, AS DEFINED BY THE PUBLIC SCHOOL FINANCE ACT OF 1994, ARTICLE 54 OF TITLE 22, COLORADO REVISED STATUTES ON THE EFFECTIVE DATE OF THIS SECTION, FOR PUBLIC EDUCATION FROM PRESCHOOL THROUGH THE TWELFTH GRADE AND TOTAL STATE FUNDING FOR ALL CATEGORICAL PROGRAMS SHALL GROW ANNUALLY AT LEAST BY THE RATE OF INFLATION PLUS AN ADDITIONAL ONE PERCENTAGE POINT. IN STATE FISCAL YEAR 2011-2012, AND EACH FISCAL YEAR THEREAFTER, THE STATEWIDE BASE PER PUPIL FUNDING FOR PUBLIC EDUCATION FROM PRESCHOOL THROUGH THE TWELFTH GRADE AND TOTAL STATE FUNDING FOR ALL CATEGORICAL PROGRAMS SHALL GROW ANNUALLY AT A RATE SET BY THE GENERAL ASSEMBLY THAT IS AT LEAST EQUAL TO THE RATE OF INFLATION.

(2) Definitions. FOR PURPOSES OF THIS SECTION: (a) "CATEGORICAL PROGRAMS" INCLUDE TRANSPORTATION PROGRAMS, ENGLISH LANGUAGE PROFICIENCY PROGRAMS, EXPELLED AND AT-RISK STUDENT PROGRAMS, SPECIAL EDUCATION PROGRAMS (INCLUDING GIFTED AND TALENTED PROGRAMS), SUSPENDED STUDENT PROGRAMS, VOCATIONAL EDUCATION PROGRAMS, SMALL ATTENDANCE CENTERS, COMPREHENSIVE HEALTH EDUCATION PROGRAMS, AND OTHER CURRENT AND FUTURE ACCOUNTABLE PROGRAMS SPECIFICALLY IDENTIFIED IN STATUTE AS A CATEGORICAL PROGRAM.

(b) "INFLATION" HAS THE SAME MEANING AS DEFINED IN ARTICLE X, SECTION 20, SUBSECTION (2), PARAGRAPH (f) OF THE COLORADO CONSTITUTION.

(3) Implementation. IN STATE FISCAL YEAR 2001-2002 AND EACH FISCAL YEAR THEREAFTER, THE GENERAL ASSEMBLY MAY ANNUALLY APPROPRIATE, AND SCHOOL DISTRICTS MAY ANNUALLY EXPEND, MONIES FROM THE STATE EDUCATION FUND CREATED IN SUBSECTION (4) OF THIS SECTION. SUCH APPROPRIATIONS AND EXPENDITURES SHALL NOT

BE SUBJECT TO THE STATUTORY LIMITATION ON GENERAL FUND APPROPRIATIONS GROWTH, THE LIMITATION ON FISCAL YEAR SPENDING SET FORTH IN ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION, OR ANY OTHER SPENDING LIMITATION EXISTING IN LAW.

(4) State Education Fund Created. (a) THERE IS HEREBY CREATED IN THE DEPARTMENT OF THE TREASURY THE STATE EDUCATION FUND. BEGINNING ON THE EFFECTIVE DATE OF THIS MEASURE, ALL STATE REVENUES COLLECTED FROM A TAX OF ONE THIRD OF ONE PERCENT ON FEDERAL TAXABLE INCOME, AS MODIFIED BY LAW, OF EVERY INDIVIDUAL, ESTATE, TRUST AND CORPORATION, AS DEFINED IN LAW, SHALL BE DEPOSITED IN THE STATE EDUCATION FUND. REVENUES GENERATED FROM A TAX OF ONE THIRD OF ONE PERCENT ON FEDERAL TAXABLE INCOME, AS MODIFIED BY LAW, OF EVERY INDIVIDUAL, ESTATE, TRUST AND CORPORATION, AS DEFINED IN LAW, SHALL NOT BE SUBJECT TO THE LIMITATION ON FISCAL YEAR SPENDING SET FORTH IN ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION. ALL INTEREST EARNED ON MONIES IN THE STATE EDUCATION FUND SHALL BE DEPOSITED IN THE STATE EDUCATION FUND AND SHALL BE USED BEFORE ANY PRINCIPAL IS DEPLETED. MONIES REMAINING IN THE STATE EDUCATION FUND AT THE END OF ANY FISCAL YEAR SHALL REMAIN IN THE FUND AND NOT REVERT TO THE GENERAL FUND.

(b) IN STATE FISCAL YEAR 2001-2002, AND EACH FISCAL YEAR THEREAFTER, THE GENERAL ASSEMBLY MAY ANNUALLY APPROPRIATE MONIES FROM THE STATE EDUCATION FUND. MONIES IN THE STATE EDUCATION FUND MAY ONLY BE USED TO COMPLY WITH SUBSECTION (1) OF THIS SECTION AND FOR ACCOUNTABLE EDUCATION REFORM, FOR ACCOUNTABLE PROGRAMS TO MEET STATE ACADEMIC STANDARDS, FOR CLASS SIZE REDUCTION, FOR EXPANDING TECHNOLOGY EDUCATION, FOR IMPROVING STUDENT SAFETY, FOR EXPANDING THE AVAILABILITY OF PRESCHOOL AND KINDERGARTEN PROGRAMS, FOR PERFORMANCE INCENTIVES FOR TEACHERS, FOR ACCOUNTABILITY REPORTING, OR FOR PUBLIC SCHOOL BUILDING CAPITAL CONSTRUCTION.

(5) Maintenance of Effort. MONIES APPROPRIATED FROM THE STATE EDUCATION FUND SHALL NOT BE USED TO SUPPLANT THE LEVEL OF GENERAL FUND APPROPRIATIONS EXISTING ON THE EFFECTIVE DATE OF THIS SECTION FOR TOTAL PROGRAM EDUCATION FUNDING UNDER THE PUBLIC SCHOOL FINANCE ACT OF 1994, ARTICLE 54 OF TITLE 22, COLORADO REVISED STATUTES, AND FOR CATEGORICAL PROGRAMS AS DEFINED IN SUBSECTION (2) OF THIS SECTION. IN STATE FISCAL YEAR 2001-2002 THROUGH STATE FISCAL YEAR 2010-2011, THE GENERAL ASSEMBLY SHALL, AT A MINIMUM, ANNUALLY INCREASE THE GENERAL FUND APPROPRIATION FOR TOTAL PROGRAM UNDER THE "PUBLIC SCHOOL FINANCE ACT OF 1994," OR ANY SUCCESSOR ACT, BY AN AMOUNT NOT BELOW FIVE PERCENT OF THE PRIOR YEAR GENERAL FUND APPROPRIATION FOR TOTAL PROGRAM UNDER THE, "PUBLIC SCHOOL FINANCE ACT OF 1994," OR ANY SUCCESSOR ACT. THIS GENERAL FUND GROWTH REQUIREMENT SHALL NOT APPLY IN ANY FISCAL YEAR IN WHICH COLORADO PERSONAL INCOME GROWS LESS THAN FOUR AND ONE HALF PERCENT BETWEEN THE TWO PREVIOUS CALENDAR YEARS.

AMENDMENT 24
VOTER APPROVAL OF GROWTH

Ballot Title: An amendment to the Colorado Constitution concerning the management of development, and, in connection therewith, specifying that local governments, unless otherwise excepted, shall approve development only within areas committed to development or within future growth areas in accordance with voter-approved growth area maps, requiring such local governments to delineate areas committed to development, requiring local governments proposing a future growth area to submit a growth area map to a vote at a regular election, specifying the content of growth impact disclosures to be distributed to voters in connection with such elections, and specifying the type of allowed action or development within growth areas, committed areas, or outside such areas.

Text of Proposal:

ARTICLE XXVIII
CITIZEN MANAGEMENT OF GROWTH

Be it Enacted by the People of the State of Colorado:

The constitution of the state of Colorado is hereby amended BY THE ADDITION OF A NEW ARTICLE to read:

Section 1. Purpose. THE PEOPLE OF COLORADO FIND THAT RAPID, UNPLANNED AND UNREGULATED GROWTH THROUGH DEVELOPMENT AND SUBDIVISION OF LAND IS A MATTER OF STATEWIDE SIGNIFICANCE AND CONCERN, BECAUSE IT IS CAUSING SERIOUS HARM TO PUBLIC HEALTH, SAFETY, AND WELFARE BY CONSUMING LARGE TRACTS OF OPEN SPACE AND FARM AND RANCH LANDS, SCENIC VISTAS AND ARCHAEOLOGICAL AND HISTORIC SITES; IMPOSING UNFAIR TAX BURDENS ON EXISTING RESIDENTS; OVERBURDENING POLICE PROTECTION, EMERGENCY SERVICES, SCHOOLS, ROADS, WATER SUPPLIES, AND OTHER PUBLIC FACILITIES AND SERVICES; CREATING INCREASED LEVELS OF TRAFFIC CONGESTION; CAUSING UNHEALTHY LEVELS OF AIR · AND WATER POLLUTION; HARMING WILDLIFE, BIODIVERSITY AND ECOSYSTEMS; AND IMPAIRING THE ABILITY OF CITIES, CITY AND COUNTIES, COUNTIES, AND TOWNS TO MAINTAIN COMMUNITY CHARACTER AND PROTECT NEIGHBORHOODS. THE PURPOSE OF THIS ARTICLE IS TO REQUIRE CITIZEN MANAGEMENT OF GROWTH, BY PROVIDING VOTERS WITH INFORMATION CONCERNING GROWTH IMPACTS, BY PROVIDING VOTERS WITH CONTROL OVER GROWTH AREAS IN THEIR COMMUNITIES, AND BY REQUIRING COORDINATION AMONG LOCAL GOVERNMENTS WITH RESPECT TO PROPOSED GROWTH AREAS. THIS ARTICLE SHALL PRE-

EMPT ANY INCONSISTENT PROVISION OF THIS CONSTITUTION, STATE STATUTE, LOCAL ORDINANCE, OR OTHER PROVISION OF LAW.

Section 2. Definitions. AS USED IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "CENTRAL WATER AND SEWER SERVICE" MEANS THE PROVISION OF POTABLE WATER AND DISPOSAL OF SEWAGE BY MEANS OF WATER SUPPLY PIPES LEADING FROM A WATER TREATMENT PLANT OR COMMUNITY WELL AND SANITARY SEWER PIPES LEADING TO AN EFFLUENT TREATMENT PLANT THAT IS NOT A FREESTANDING PACKAGE PLANT.

(2) "COMMITTED AREA" MEANS AN AREA OF LAND WHICH HAS BEEN COMMITTED TO DEVELOPMENT, IN THAT THE LAND MEETS ONE OR MORE OF THE FOLLOWING CRITERIA:

(a) AS OF THE DATE ON WHICH THE LOCAL GOVERNMENT BECOMES SUBJECT TO THIS ARTICLE, ALL OF THE LAND IS CONTAINED WITHIN A RECORDED SUBDIVISION OR TOWNSITE AND AT LEAST 50% OF THE LOTS IN SUCH SUBDIVISION OR TOWNSITE (I) HAVE HAD PERMANENT, PRIMARY STRUCTURES CONSTRUCTED ON THEM OR (II) HAVE HAD CENTRAL WATER AND SEWER SERVICES EXTENDED TO THEM AND ALL LOTS ARE OR SHALL BE SERVED BY CENTRAL WATER AND SEWER WHEN THE DEVELOPMENT IS COMPLETE; OR

(b) A VALID DEVELOPMENT APPLICATION AS TO SUCH LAND, THE APPROVAL OF WHICH WOULD RESULT IN DEVELOPMENT THAT SHALL BE SERVED BY CENTRAL WATER AND SEWER SERVICES, HAS BEEN SUBMITTED TO THE APPROPRIATE LOCAL GOVERNMENT, AS OF THE DATE ON WHICH THE 2000 GENERAL ELECTION BALLOT WAS CERTIFIED BY THE COLORADO SECRETARY OF STATE; OR

(c) THE LAND HAS BEEN IDENTIFIED BY THE LOCAL GOVERNMENT AS AN AREA FOR DEVELOPMENT OR REDEVELOPMENT AND IT DIRECTLY ABUTS, EXCEPT FOR INTERVENING DEDICATED PUBLIC STREETS OR ROADS, AREAS MEETING THE CRITERIA OF PARAGRAPH (a) OF SUBSECTION (2) HEREOF ALONG 100% OF ITS PERIMETER, OR ALONG AT LEAST 50% OF ITS PERIMETER AND BY PERMANENTLY PROTECTED OPEN SPACES, FEDERAL LANDS, OR BODIES OF WATER ALONG THE REMAINDER OF ITS PERIMETER.

(3) "DEVELOPMENT" MEANS COMMERCIAL, RESIDENTIAL, OR INDUSTRIAL CONSTRUCTION OR OTHER ACTIVITY WHICH CHANGES THE BASIC CHARACTER OR THE USE OF THE LAND SO AS TO PERMIT COMMERCIAL, RESIDENTIAL OR INDUSTRIAL CONSTRUCTION. "DEVELOPMENT" SHALL NOT INCLUDE THE CONSTRUCTION, OPERATION, MAINTENANCE, REPAIR, OR REPLACEMENT, OF FACILITIES FOR TELECOMMUNICATIONS, PUBLIC UTILITIES, MINING OF MINERALS AND CONSTRUCTION MATERIALS, OIL AND GAS EXPLORATION AND PRODUCTION, OR FOR THE DIVERSION, STORAGE, TRANSPORTATION, OR USE OF WATER WITHIN THE STATE OF COLORADO.

(4) "GROWTH AREA" IS AN AREA SHOWN ON A GROWTH AREA MAP APPROVED BY THE VOTERS AS AN AREA WITHIN WHICH DEVELOPMENT MAY OCCUR.

(5) "LOCAL GOVERNMENT" MEANS ALL STATUTORY, CHARTER AND HOME

RULE CITIES AND TOWNS, HOME RULE AND STATUTORY COUNTIES, AND CITIES AND COUNTIES.

(6) "REGULAR ELECTION" MEANS AN ELECTION HELD ON THE FIRST TUESDAY AFTER THE FIRST MONDAY IN NOVEMBER IN EVEN-NUMBERED YEARS, OR AN ELECTION HELD ON THE FIRST TUESDAY IN NOVEMBER IN ODD-NUMBERED YEARS.

(7) "SUBDIVISION" MEANS THE DIVISION OF AN AREA OF LAND OR A DEFINED LOT OR TRACT INTO TWO OR MORE DEFINED LOTS OR TRACTS.

(8) "VALID DEVELOPMENT APPLICATION" MEANS AN APPLICATION THAT SUBSTANTIVELY MEETS ALL OF THE RULES FOR SUBMISSION APPLICABLE TO A PROPOSAL AND THAT HAS BEEN ACCEPTED AS TIMELY AND COMPLETE BY THE LOCAL GOVERNMENT REGULATING THE USE OF LAND COVERED BY THE APPLICATION.

Section 3. Permitted Development. LOCAL GOVERNMENTS, UNLESS EXEMPTED IN ACCORDANCE WITH SUBSECTION (1) OR (2) OF SECTION 4 OF THIS ARTICLE, SHALL ONLY APPROVE DEVELOPMENT (a) WITHIN COMMITTED AREAS, (b) WITHIN GROWTH AREAS IN ACCORDANCE WITH VOTER-APPROVED GROWTH AREA MAPS, OR (c) IN ACCORDANCE WITH THE EXCEPTIONS CONTAINED IN SECTION 9 OF THIS ARTICLE.

Section 4. Growth Area Maps. (1) THIS ARTICLE SHALL APPLY TO ALL COUNTIES AND CITY AND COUNTIES WITH A POPULATION GREATER THAN 10,000 RESIDENTS AS SHOWN BY THE MOST RECENT DECENNIAL CENSUS, OR IF MORE THAN FIVE YEARS HAVE PASSED SINCE THE LAST CENSUS DATE, THEN THE POPULATION AS SHOWN BY A PROJECTION PREPARED BY THE DEPARTMENT OF LOCAL AFFAIRS OR ITS SUCCESSOR AS OF THE BEGINNING OF THE FIFTH YEAR FOLLOWING THAT CENSUS DATE. THE GOVERNING BODY OF ANY COUNTY WITH A POPULATION OF LESS THAN 25,000 RESIDENTS MAY SUBMIT A REFERRED QUESTION TO THE VOTERS EXEMPTING FOR A MAXIMUM PERIOD OF FOUR YEARS THE ENTIRE COUNTY AND ALL LOCAL GOVERNMENTS WITHIN IT FROM ALL REQUIREMENTS OF THIS ARTICLE. UPON VOTER APPROVAL OF SUCH AN EXEMPTION, THIS ARTICLE SHALL NOT APPLY TO SAID COUNTY AND ALL LOCAL GOVERNMENTS WITHIN IT FOR THE PERIOD APPROVED BY THE VOTERS. SAID FOUR-YEAR PERIOD MAY BE RENEWED OR EXTENDED BY A SUBSEQUENT REFERRED QUESTION.

(2) THIS ARTICLE SHALL ALSO APPLY TO EVERY CITY OR TOWN WITH ANY PORTION OF ITS CORPORATE LIMITS LOCATED IN ANY COUNTY TO WHICH THIS ARTICLE APPLIES. CITIES OR TOWNS WITH FEWER THAN 1,000 RESIDENTS SHALL NOT BE REQUIRED TO PREPARE A GROWTH AREA MAP, PROVIDED, HOWEVER, THAT THE GOVERNING BODY OF A CITY OR TOWN OF FEWER THAN 1,000 RESIDENTS SHALL NOT APPROVE ANY DEVELOPMENT THAT WOULD CAUSE THE CITY'S OR TOWN'S POPULATION TO EXCEED 1,000 UNTIL THE VOTERS OF THAT CITY OR TOWN HAVE APPROVED A GROWTH AREA MAP WITH RESPECT THERETO AS REQUIRED BY THIS ARTICLE.

(3) EVERY LOCAL GOVERNMENT SUBJECT TO THIS ARTICLE SHALL DELINEATE ITS COMMITTED AREAS NOT LATER THAN DECEMBER 31, 2001 OR WITHIN ONE YEAR OF BECOMING SUBJECT TO THIS ARTICLE, WHICHEVER OCCURS LATER.

(4) A GROWTH AREA MAP SHALL INCLUDE A MAP AND TEXT DESCRIBING A PROPOSED GROWTH AREA AND SHALL IDENTIFY THE GENERAL LOCATIONS OF EACH PROPOSED LAND USE AND THE GENERAL RANGE OF DEVELOPMENT DENSITIES WITHIN SUCH GROWTH AREA. NO PROPOSED GROWTH AREA MAY BE DESIGNATED ON A GROWTH AREA MAP UNLESS THE DEVELOPMENT IN SUCH AREA SHALL BE SERVED BY A CENTRAL WATER AND SEWER SYSTEM AND ROADS, WHICH CAN BE CONSTRUCTED CONSISTENT WITH APPLICABLE BORROWING, TAXING, AND SPENDING LIMITATIONS, WITHIN TEN YEARS FOLLOWING VOTER APPROVAL. FOR EVERY CITY, CITY AND COUNTY, OR TOWN, EACH PROPOSED GROWTH AREA SHALL ABUT ALONG ONE SIXTH OR MORE OF ITS PERIMETER TO A COMMITTED AREA OR TO ONE OR MORE GROWTH AREAS THAT WERE PREVIOUSLY APPROVED BY THE VOTERS OF THE PROPOSING CITY, CITY AND COUNTY, OR TOWN. EACH GROWTH AREA MAP AND ITS TEXT:

(a) SHALL BE CONSISTENT WITH THE GROWTH IMPACT DISCLOSURES SET FORTH IN SECTION 5 OF THIS ARTICLE;

(b) SHALL BE DEVELOPED WITH CITIZEN PARTICIPATION, INCLUDING, PRIOR TO BEING REFERRED FOR VOTER APPROVAL, AT LEAST ONE PUBLIC HEARING BEFORE THE PLANNING COMMISSION OR EQUIVALENT BODY, AND AT LEAST ONE PUBLIC HEARING BEFORE THE GOVERNING BODY OF THE PROPOSING LOCAL GOVERNMENT UPON THIRTY DAYS' PUBLISHED NOTICE; AND

(c) SHALL BE CONSISTENT WITH GROWTH PROPOSED BY OTHER LOCAL GOVERNMENTS, IN THAT GROWTH AREA MAPS (I) SHALL BE DEVELOPED IN COOPERATION WITH THE GOVERNMENT OF EACH COUNTY IN WHICH THE PROPOSED GROWTH AREA IS LOCATED AND ANY OTHER LOCAL GOVERNMENT THAT SHARES A COMMON BOUNDARY WITH THE PROPOSED GROWTH AREA; AND (II) SHALL NOT CONFLICT WITH OR OVERLAP THE GROWTH AREA MAP THAT ANOTHER LOCAL GOVERNMENT IS PROPOSING FOR APPROVAL AT THE SAME ELECTION OR WHICH HAS BEEN PREVIOUSLY APPROVED BY THE VOTERS OF ANOTHER LOCAL GOVERNMENT.

Section 5. Voter Approval and Growth Impact Disclosures. THE GOVERNING BODY OF EACH LOCAL GOVERNMENT PROPOSING A GROWTH AREA SHALL REFER EACH PROPOSED GROWTH AREA MAP TO A POPULAR VOTE AT A REGULAR ELECTION. (1) THE BALLOT TITLE AND SUBMISSION CLAUSE FOR THE REFERENDUM SHALL BRIEFLY SUMMARIZE THE PROPOSED GROWTH AREA WITHOUT ARGUMENT OR PREJUDICE, AND SHALL ASK WHETHER THE PROPOSED GROWTH AREA MAP SHALL BE ADOPTED.

(2) THE PROPOSING LOCAL GOVERNMENT SHALL PROVIDE GROWTH IMPACT DISCLOSURES THAT DESCRIBE THE IMPACTS OF DEVELOPMENT ALLOWED BY THE PROPOSED GROWTH AREA MAP. THE GROWTH AREA MAP AND THE ASSOCIATED GROWTH IMPACT DISCLOSURES SHALL BE DISTRIBUTED

TO VOTERS IN ACCORDANCE WITH THE PROCEDURES SET FORTH IN ARTICLE X SECTION 20 (3). THE GROWTH IMPACT DISCLOSURES SHALL DESCRIBE:

(a) THE ELEMENTS OF THE PROPOSED GROWTH AREA, INCLUDING, IF APPLICABLE, OPEN SPACES AND PARKS; NEW PUBLIC FACILITIES AND INFRASTRUCTURE, INCLUDING LAW ENFORCEMENT, EMERGENCY AND HEALTH SERVICES, RECREATIONAL FACILITIES, ROADS, ALTERNATIVE TRANSPORTATION, SCHOOLS, FIRE PROTECTION FACILITIES, WATER AND SEWER SERVICES, THE INITIAL AND ONGOING COSTS FOR SUCH FACILITIES AND INFRASTRUCTURE, AND THE PROPOSED FUNDING SOURCES FOR THESE COSTS; NUMBER OF HOUSING UNITS, INCLUDING AFFORDABLE HOUSING UNITS; AND ANY LOCAL GOVERNMENT REVENUE SHARING ARRANGEMENTS; AND

(b) THE ANTICIPATED EFFECTS OF THE PROPOSED GROWTH, INCLUDING PROJECTED POPULATION INCREASE; TRANSPORTATION AND TRAFFIC IMPACTS WITHIN AND OUTSIDE THE GROWTH AREA; PROJECTED EFFECT UPON REGIONAL AIR QUALITY; WATER SUPPLY NEEDED AND THE ANTICIPATED SOURCES AND COST OF THE WATER SUPPLY; AND HOW THE PROPOSED GROWTH AREA MAP CONFLICTS OR COORDINATES WITH GROWTH AREA MAPS EITHER APPROVED BY, OR BEING PROPOSED TO, THE VOTERS OF ADJACENT LOCAL GOVERNMENTS.

(3) ALL GROWTH IMPACT DISCLOSURES SHALL BE BASED UPON THE BEST GENERALLY AVAILABLE DATA ROUTINELY USED BY LOCAL GOVERNMENT PLANNERS IN THIS STATE IN THE PREPARATION OF THE MASTER PLANS AND COMPREHENSIVE PLANS.

Section 6. Allowed Actions within Growth Area. ALL DEVELOPMENT, SUBDIVISION OF LAND, CHANGES IN LAND USE OR DENSITY, AND CONSTRUCTION OR EXTENSION OF CENTRAL WATER OR SEWER SYSTEMS OR ROADS ON LAND THAT IS WITHIN A VOTER-APPROVED GROWTH AREA SHALL BE IN ACCORDANCE WITH THE GROWTH AREA MAP. DEVELOPMENT UNDERTAKEN BY OTHER POLITICAL SUBDIVISIONS OF THE STATE, ENTERPRISES, SPECIAL IMPROVEMENT DISTRICTS, SPECIAL DISTRICTS, TAX INCREMENT FINANCING DISTRICTS, OR SCHOOL DISTRICTS, SHALL ALSO BE IN ACCORDANCE WITH THE GROWTH AREA MAP.

Section 7. Development within Committed Areas. DEVELOPMENT OR SUBDIVISION OF LAND WITHIN A COMMITTED AREA MAY BE COMPLETED WITHOUT VOTER APPROVAL IF THE DEVELOPMENT IS COMPLETED IN ACCORDANCE WITH APPROVED PLANS, AND ANY APPLICABLE REGULATIONS AND GUIDELINES.

Section 8. Amendment to Growth Area Maps. ANY LOCAL GOVERNMENT MAY REFER AN ISSUE TO THE VOTERS TO AMEND AN APPROVED GROWTH AREA MAP AT A REGULAR ELECTION IN ACCORDANCE WITH THE PROCEDURES SET FORTH IN THIS ARTICLE.

Section 9. Lands Outside Committed Areas and Growth Areas. NO DEVELOPMENT OR SUBDIVISION OF LAND SHALL BE APPROVED FOR LAND NOT INCLUDED IN A COMMITTED AREA OR AN APPROVED GROWTH AREA, EXCEPT THAT A LOCAL GOVERNMENT MAY APPROVE OR ALLOW, IN ACCORDANCE WITH ITS LAND USE RULES AND REGULATIONS:

(1) DEVELOPMENT WHICH (a) DOES NOT REQUIRE ANY FURTHER LOCAL GOVERNMENT APPROVALS OR (b) REQUIRES ONLY THE ISSUANCE OF A BUILDING PERMIT;

(2) DEVELOPMENT OR SUBDIVISION OF LAND CONSISTENT WITH A VALID DEVELOPMENT APPLICATION WHICH HAD BEEN FILED AS OF THE DATE ON WHICH THE 2000 GENERAL ELECTION BALLOT WAS CERTIFIED BY THE COLORADO SECRETARY OF STATE;

(3) THE CREATION OF NO MORE THAN THREE LOTS OF NO MORE THAN TWO ACRES EACH TO ACCOMMODATE RESIDENCES OF IMMEDIATE FAMILY MEMBERS OF AN AGRICULTURAL PROPERTY OWNER;

(4) A DIVISION OF LAND THAT IS NOT SUBJECT TO ITS CONTROL AS A SUBDIVISION OF LAND BASED ON STATUTES IN EFFECT AT THE TIME THE LAND IS SUBDIVIDED;

(5) PUBLICLY OWNED FACILITIES NECESSARY FOR THE PUBLIC HEALTH, SAFETY, OR WELFARE;

(6) A DIVISION OF LAND THAT IS PERMITTED BY STATUTE AS A RURAL CLUSTER DEVELOPMENT AS OF THE EFFECTIVE DATE OF THIS ARTICLE;

(7) NON-RESIDENTIAL DEVELOPMENT OF LESS THAN TEN THOUSAND SQUARE FEET TO PERMIT RETAIL OR SERVICE USE WHERE NO OTHER RETAIL OR SERVICE USES ARE LOCATED WITHIN ONE MILE OF THE SITE; AND

(8) COMMERCIAL OR INDUSTRIAL DEVELOPMENT, OTHER THAN CONFINED ANIMAL FEEDING OPERATIONS OR RELATED FACILITIES, THAT PROVIDES ONLY GOODS OR SERVICES TO SUPPORT NEARBY AGRICULTURAL OPERATIONS, IN AN AREA WHERE THERE ARE NO OTHER COMMERCIAL OR INDUSTRIAL SITES WITHIN ONE MILE.

Section 10. Private Property Rights. NOTHING IN THIS SECTION IS INTENDED TO AFFECT OTHER CONSTITUTIONAL PROTECTIONS AFFORDED TO PRIVATE PROPERTY.

Section 11. Interpretation. THIS ARTICLE SHALL BE LIBERALLY CONSTRUED TO EFFECTUATE THE PURPOSES SET OUT IN SECTION 1. ANY LAWS ENACTED IN DEROGATION OF THIS ARTICLE SHALL BE STRICTLY CONSTRUED.

AMENDMENT 25
REQUIREMENTS FOR CONSENT TO ABORTION

Ballot Title: An amendment to the Colorado Revised Statutes concerning the requirement that any woman who is considering an abortion give voluntary, informed consent prior to the abortion, and, in connection therewith, defining several pertinent terms so that "abortion" includes termination of a known pregnancy at any time after conception, specifying the information a physician must provide to insure that a woman's consent to an abortion is voluntary and informed, requiring a physician, except in emergency cases, to provide the specified information to the woman at least twenty-four hours prior to performing an abortion, requiring the department of public health and environment to provide specified informational materials for women who are considering abortions, establishing procedures for emergency situations, requiring physicians to annually report specified information, requiring the department of public health and environment to annually publish a compilation of the physicians' reports, and providing for the administration and enforcement of the amendment's provisions.

Text of Proposal:

Be it Enacted by the People of the State of Colorado:

Article 6 of Title 25, Colorado Revised Statutes, is AMENDED BY THE ADDITION OF A NEW PART 3 to read:

PART 3
WOMAN'S RIGHT TO KNOW ACT

25-6-301. Short Title. This part 3 shall be known and may be cited as the "Woman's Right-To-Know Act."

25-6-302. Intent of the people. (1) The People of Colorado, by enactment of this part 3, hereby find, determine, and declare that:

(a) It is essential to the psychological and physical well-being of a woman who is considering an abortion that she receives complete and accurate information on her alternatives: giving birth or having an abortion.

(b) The knowledgeable exercise of a decision by a woman regarding abortion depends on the extent to which the woman receives sufficient information to make an informed choice between the two alternatives.

(c) A high percentage of abortions are performed in clinics devoted solely to providing abortions and family planning services. Most women who seek abortions at these facilities do not have any

historical or future relationship with the physician who performs the abortion. In some cases they do not return to the facility for post-surgical care. In most instances, the woman's only contact with the physician occurs at the time of the abortion procedure, with little or no opportunity to receive counseling concerning her decision.

(d) The decision to abort "is an important, and often a stressful one, and it is desirable and imperative that it be made with full knowledge of the nature and consequences." Planned Parenthood v. Danforth, 428 U.S. 52, 67 (1976).

(e) "The medical, emotional, and psychological consequences of an abortion are serious and can be lasting..." H.L. v. Matheson, 450 U.S. 398, 411 (1981).

(2) Based on the findings in subsection (1) of this section, it is the purpose of this part 3 to:

(a) Ensure that every woman considering an abortion receive complete information on her alternatives and that every woman submitting to an abortion do so only after giving her voluntary and informed consent to the abortion procedure;

(b) Protect unborn children from a woman's uninformed decision to have an abortion;

(c) Reduce "the risk that a woman may elect an abortion, only to discover later, with devastating psychological consequences, that her decision was not fully informed." Planned Parenthood v. Casey, 112 S. Ct. 2791, 2823 (1992).

(d) Adopt the construction of the term "Medical Emergency" accepted by the U.S. Supreme Court in Planned Parenthood v. Casey. 112 S. Ct. 2791, (1992)

25-6-303. Definitions. As used in this part 3 only, unless otherwise defined elsewhere within this part 3: (1) "Abortion" means the act of using or prescribing any instrument, medicine, drug, or any other substance or device with the intent to terminate the pregnancy of a woman known by the person performing the abortion to be pregnant. Such use or prescription is not an abortion if done with the intent to:

(a) save the life or preserve the health of an unborn child;

(b) remove an unborn child dead of natural causes; or

(c) deliver alive an unborn child prematurely in order to preserve the health of both the pregnant woman and her unborn child.

(2) "Complication" means that condition which includes, but is not limited to: hemorrhage, infection, uterine perforation, cervical laceration, pelvic inflammatory disease, endometritis, and retained products. The State Board of Health may further include additional specific "complications" pursuant to section 25-1-108.

(3) "Conception" means the fusion of a human spermatozoon with a human ovum.

(4) "Department" means the Colorado Department of Public Health and Environment.

(5) "Facility" or "medical facility" means any public or private hospital, clinic, center, medical school, medical training institution, health care facility, physician's office, infirmary, dispensary, ambulatory surgical treatment center or other institution or location wherein medical care is provided to any individual.

(6) "First trimester" means the first twelve weeks of gestation.

(7) "Gestational age" means the age of an unborn child as calculated from the first day of the last menstrual period of the pregnant woman, or any other medically accepted method for determining gestational age.

(8) "Hospital" means an institution licensed for health treatment pursuant to section 25-1-107 (1)(l)(I).

(9) "Medical emergency" means that condition which, on the basis of the physician's good-faith clinical judgment, so complicates the medical condition of a pregnant woman as to necessitate the immediate abortion of her pregnancy to avert her death or for which a delay will create serious risk of substantial and irreversible impairment of a major bodily function.

(10) "Physician" means any person licensed to practice medicine in this state.

(11) "Pregnant" or "pregnancy" means that female reproductive condition of having an unborn child in the woman's body.

(12) "Qualified person" means an agent of the physician who is a psychologist licensed pursuant to part 3 of article 43 of title 12, C. R.S., a social worker licensed pursuant to part 4 of article 43 of title 12, C.R.S., a professional counselor licensed pursuant to part 6 of article 43 of title 12, C.R.S., a registered nurse licensed pursuant to article 38 of title 12, C.R.S., a physician licensed pursuant to part 1 of article 36 of title 12, C.R.S., or a physician assistant certified pursuant to 12-36-106(5), C.R.S.

(13) "Unborn child" means the offspring of human beings from conception until birth.

(14) "Viability" means the state of fetal development when, in the judgment of the physician based on the particular facts of the case before him or her and in light of the most advanced medical technology and information available to him or her, there is a reasonable likelihood of sustained survival of the unborn child when removed from the body of his or her mother, with or without artificial life support.

(15) "Woman" or "mother" means any female human individual who is pregnant.

25-6-304. Informed consent required. (1) The voluntary and informed consent of the woman upon whom an abortion is to be performed or induced shall be required before an abortion may be performed upon that woman. Except in the case of a medical emergency, consent to an abortion is determined to be voluntary

and informed if and only if:

(a) At least twenty-four hours before the abortion, the physician who is to perform the abortion or the referring physician has informed the woman, orally and in person, of the following:

(i) The name of the physician who will perform the abortion;

(ii) A medically accurate and complete description of the proposed abortion method and of its risks including, but not limited to, the risks of infection, hemorrhage, danger to subsequent pregnancies, breast cancer, the possible adverse psychological effects associated with an abortion, and alternatives to the abortion which a reasonable patient would consider material to the decision of whether or not to undergo the abortion;

(iii) Information concerning the follow-up medical care which is provided by the clinic;

(iv) Accurate information about symptoms of possible complications and how to respond to those complications;

(v) The probable gestational age of the unborn child at the time the abortion is to be performed, and that if the unborn child is viable or has reached the gestational age of twenty-four weeks, the unborn child may be able to survive outside the womb; that the woman has the right to request the physician to use the method of termination of pregnancy that is most likely to preserve the life of the unborn child; and that, if the unborn child is born alive, the attending physician has the legal obligation to take all reasonable steps necessary to maintain the life and health of the child;

(vi) The probable anatomical and physiological characteristics of the unborn child at the time the abortion is to be performed, including whether the procedure would be likely to inflict pain upon the unborn child;

(vii) The medical risks associated with carrying her unborn child to term; and

(viii) Any need for anti-Rh immune globulin therapy if she is Rh negative, the likely consequences of refusing such therapy, and the cost of the therapy.

(b) At least twenty-four hours before the abortion, the physician who is to perform the abortion, the referring physician, or a qualified person has informed the woman, orally and in person, that:

(i) Medical assistance benefits may be available for prenatal care, childbirth, and neonatal care, and that more detailed information on the availability of such assistance is contained in the printed materials and informational videotape given to her and described in section 25-6-305.

(ii) The printed materials and informational videotape in section 25-6-305 describe the unborn child and list agencies which offer alternatives to abortion.

(iii) The father of the unborn child is liable to assist in the support of this child, even in instances where he has offered to pay for the abortion. In the case of rape or incest, this information may be omitted.

(iv) She is free to withhold or withdraw her consent to the abortion at any time before or during the abortion without affecting her right to future care or treatment and without the loss of any state or federally funded benefits to which she might otherwise be entitled.

(c) The information in paragraphs (a) and (b) of this subsection 1 is provided to the woman individually and in a private room to protect and maintain the privacy and confidentiality of her decision and to ensure that the information focuses on her individual circumstances and that she has adequate opportunity to ask questions.

(d) At least twenty-four hours before the abortion, the woman is given a copy of the printed materials and a viewing or a copy of the informational video described in subsection 25-6-305 (1)(f) by the physician who is to perform the abortion, the referring physician, or a qualified person. If the woman is unable to read the materials, they shall be read to her if she so desires. If the woman asks questions concerning any of the information or materials, answers shall be provided to her by a physician or qualified person in a language she can understand.

(e) The woman certifies in writing on a department created or approved checklist form provided by a physician or qualified person prior to the abortion that the information required to be provided under paragraphs (a) and (b) of this subsection 1 has been provided, and that materials described in paragraph (d) of this subsection 1 have been offered to the woman.

(f) Except in the case of a medical emergency pursuant to section 25-6-306, the physician who is to perform the abortion, prior to performing the abortion, receives and signs a copy of the written certification prescribed in paragraph (e) of this subsection 1. In the event of a medical emergency, the physician performing the abortion shall sign, after the abortion is performed, and clearly state on the checklist certification form the nature of the medical emergency which necessitated the waiving of the informed consent requirement of this section. Copies of the signed certification shall be permanently filed in both the records of the physician performing the abortion and the records of the facility where the abortion takes place. The woman upon whom the abortion is performed shall also receive a copy of the signed certification form.

(g) The woman is not required to pay any amount for the abortion procedure until the twenty-four hour reflection period has expired.

(2) Provision of information required by this section shall commence no later than ninety days following the effective date of this part 3 in order to provide the specified time for the department to publish materials and forms pursuant to section 25-6-305, and to distribute them.

25-6-305. Publication of materials. (1) Within ninety days after the effective date of this part 3, the department shall cause printed materials and an informational videotape to be published in both English and Spanish. The department shall update, on an annual basis, the following easily comprehendible printed materials and informational videotape:

(a) Geographically indexed materials which inform the woman of public and private agencies and services available to assist a woman through pregnancy, during childbirth, and while her child is dependent, including, but not limited to, adoption agencies. The materials shall include a comprehensive list of the agencies, a description of the services they offer, and the telephone numbers and addresses of the agencies, and shall inform the woman about available medical assistance benefits for prenatal care, childbirth, and neonatal care. The department shall ensure that the materials described in this section are comprehensive and do not directly or indirectly promote, exclude, or discourage the use of any agency or service described in this section. The materials shall also contain a toll-free, twenty-four-hour-a-day telephone number established and maintained by the department which may be called to obtain audibly such a list and description of agencies in the locality of the caller and of the services they offer. The materials shall also state that any physician who performs an abortion upon a woman without her informed consent may be liable to her for damages in a civil action at law and that the appropriate adoption court may permit adoptive parents to pay costs of prenatal care, childbirth, and neonatal care. The materials shall include the following statement in both English and Spanish: "There are many public and private agencies willing and able to help you to carry your child to term; and to assist you and your child after your child is born, whether you choose to keep your child or to place him or her for adoption. The State of Colorado strongly urges you to contact one or more of these agencies before making a final decision about abortion. The law requires that your physician or his or her agent give you the opportunity to call agencies like these before you undergo an abortion."

(b) Materials which include information on the obligations of the father to support his child who is born alive, including but not limited to the father's legal duty to support his child, which may include child support payments and health insurance, and the fact that paternity may be established either by the father's signature on an acknowledgment of paternity or by court action. A statement that more information concerning paternity establishment and child support services and enforcement may be obtained by calling state or county public assistance agencies. A list of such agencies shall be included.

(c) Materials which inform the pregnant woman of the probable anatomical and physiological characteristics of the unborn child at two-week gestational increments from conception to full term, including photographs representing the development of an unborn child at two-

week gestational increments. The descriptions shall include information about brain and heart function, the presence of external members and internal organs during the applicable stages of development and any relevant information on the possibility of the unborn child's survival. Any such photographs must contain the dimensions of the unborn child and must be realistic. The materials shall be objective, nonjudgmental, and designed to convey only accurate scientific information about the unborn child at the various gestational ages.

(d) Materials which contain objective information describing the abortion procedures commonly employed and the medical risks commonly associated with each such procedure, which shall be medically accurate and complete including, but not limited to, the risks of infection, hemorrhage, danger to subsequent pregnancies, breast cancer, the possible adverse psychological effects associated with an abortion, and the medical risks associated with carrying a child to term;

(e) A checklist certification form to be used by the physician or a qualified person pursuant to subsection 25-6-304(1)(c), which will list all the items of information which are to be offered to the woman by a physician or a qualified person pursuant to this part 3.

(f) A standardized videotape which may be used statewide, produced by the department and containing all of the information described in subsections (1)(a), (1)(b), (1)(c), and (1)(d) of this section, in accordance with the requirements of those subsections. In preparing the videotape, the department may summarize and make reference to the printed comprehensive list of geographically indexed names and services described in subsection (1)(a) of this section. The videotape, in addition to the information described in subsections (1)(a), (1)(b), (1)(c), and (1)(d) of this section, shall show an ultrasound image of the heartbeat of an unborn child at four to five weeks gestational age, at six to eight weeks gestational age, and each month thereafter. That information shall be presented in an objective, unbiased manner designed to convey only accurate scientific information.

(2) The materials required under this section shall be printed in a typeface large enough to be clearly legible.

(3) The materials required under this section and the videotape described in subsection (1)(f) of this section shall be available from the department at no cost upon request and in an appropriate number to any individual, physician, facility, or hospital.

25-6-306. Procedure in case of medical emergency. When a medical emergency compels the performance of an abortion, the physician shall inform the woman, prior to the abortion if possible, of the medical indications supporting the physician's judgment that an abortion is necessary to avert her death or that a twenty-four

hour delay will create serious risk of substantial and irreversible impairment of a major bodily function of the woman.

25-6-307. Reporting requirements. (1) Within ninety days after the enactment of this part 3, the department shall prepare a reporting form for physicians containing a reprint of this part 3 and listing:

(a) The number of females to whom the physician provided the information described in section 25-6-304; and, of that number, the number which was provided in the capacity of referring physician and the number provided in the capacity of the physician performing the abortion.

(b) The number of females to whom the physician, the referring physician or the qualified person provided the information described in subsection 25-6-304(1)(b); and, of that number the number provided in the capacity of a referring physician and the number provided in the capacity of a physician who is to perform the abortion; and, of each of those numbers, the number provided by the physician and the number provided by a qualified person;

(c) The number of females who received a copy of the printed information described in section 25-6-305, and the number who did not; and of each of those numbers, the number who, to the best of the reporting physician's information and belief, went on to obtain the abortion; and

(d) The number of abortions performed by the physician in which information otherwise required to be provided at least twenty-four hours before the abortion was not so provided because an immediate abortion was necessary to avert the female's death, and the number of abortions in which such information was not so provided because a delay would create serious risk of substantial and irreversible impairment of a major bodily function.

(2) The department shall ensure that copies of the reporting forms described in subsection (1) of this section are provided:

(a) within ninety days after this part 3 is enacted, to all physicians licensed to practice in this state;

(b) to each physician who subsequently becomes newly licensed to practice in this state, at the same time as official notification to that physician that the physician is so licensed; and

(c) by December 1 of each year, other than the calendar year in which forms are distributed in accordance with subsection (2)(a) or (b) of this section, to all physicians licensed to practice in this state.

(3) By February 28 of each year following a calendar year in any part of which this part 3 was in effect, each physician who provided, or whose qualified person provided, information to one or more females pursuant to section 25-6-304 during the previous calendar year shall submit to the department a copy of the form described in subsection (1) of this section, with the requested data entered accurately and completely.

(4) The physician shall pay to the department a fee of twenty dollars per day for each day after the February 28 deadline the physician's reporting form is late. If any physician required to report under this part 3 has not submitted a report, or has submitted only an incomplete report, more than one year following the due date, the department shall within 30 days file an action to compel compliance.

(5) On or before June 30 of the year 2002, and every June 30 thereafter, the department shall issue a public report providing statistics for the previous calendar year compiled from all of the reports covering that year submitted in accordance with this section for each of the items listed in subsection (1) of this section. Each such report shall also provide the statistics for all previous calendar years, adjusted to reflect any additional information from late or corrected reports. Pursuant to section 25-1-108, the department shall take care to ensure that none of the information included in the public reports could reasonably lead to the identification of any individual provided information pursuant to subsections 25-6-304(1)(a) and (1)(b).

(6) Pursuant to section 25-1-108, the department may alter the dates established by subsections (2)(c), (3) or (5) of this section or consolidate the forms or reports described in this section with other forms or reports to achieve administrative convenience or fiscal savings or to reduce the burden of reporting requirements, so long as reporting forms are sent to all licensed physicians in the state at least once every year and the report described in subsection (5) is issued at least once every year.

25-6-308. Criminal Penalties. (1) Any person who knowingly or recklessly performs or attempts to perform an abortion in violation of this part 3 shall be guilty of a class 5 felony.

(2) Any person who knowingly or recklessly violates this part 3, or who fraudulently alters or signs the certification required in subsections 25-6-304(5) and (6) shall be guilty of a class 5 felony.

(3) Any physician who knowingly or recklessly submits a false report under subsection 25-6-307(3) shall be guilty of a class 1 misdemeanor.

(4) No civil or criminal penalty may be assessed against the female upon whom the abortion is performed or attempted to be performed for the violation of any provision of this part 3.

25-6-309. Civil Remedies. (1) In addition to whatever remedies are available under the common or statutory law of the state of Colorado, failure to comply with the requirements of this part 3 shall:

(a) Provide a basis for a civil malpractice action. Any violation of this part 3 shall be admissible in a civil suit as prima facie evidence of failure to obtain an informed consent. When requested, the court

shall allow a woman to proceed using solely her initials or a pseudonym and may close any proceedings in the case and enter other protective orders to preserve the privacy of the woman upon whom the abortion was performed.

(b) Provide a basis for professional disciplinary action against the physician or other qualified person.

(2) If the department fails to issue the report required by subsection 25-6-307(5), any group of five or more citizens of this state may seek an injunction in a court of competent jurisdiction against the presiding director of the department requiring that a complete report be issued within a period stated by court order. Failure to abide by such an injunction shall subject the presiding director to sanctions for civil contempt.

(3) If judgment is rendered in favor of the plaintiff in any action described in this section, the court shall also order reasonable attorney's fees in favor of the plaintiff against the defendant. If judgment is rendered in favor of the defendant and the court finds that the plaintiff's suit was frivolous and brought in bad faith, the court shall also order reasonable attorney's fees in favor of the defendant against the plaintiff.

25-6-310. Construction. (1) Nothing in this part 3 shall be construed as creating or recognizing a right to abortion.

(2) It is not the intent of this part 3 to make lawful an abortion or method of abortion that is or becomes unlawful.

25-6-311. Severability. The provisions of this part 3 are declared to be severable, and, if any provision, word, phrase, or clause herein or the application thereof to any person shall be held invalid, such invalidity shall not affect the validity of the remaining portions.

25-6-312. Effective date. This part 3 shall take effect upon proclamation of the vote by the governor.

REFERENDUM A
PROPERTY TAX REDUCTION FOR THE ELDERLY

Ballot Title: An amendment to article X of the constitution of the state of Colorado, establishing a homestead exemption for a specified percentage of a limited amount of the actual value of owner-occupied residential real property that is the primary residence of an owner-occupier who is sixty-five years of age or older and has resided in such property for ten years or longer, and, in connection therewith, allowing the general assembly by law to adjust the maximum amount of actual value of such residential real property of which such specified percentage shall be exempt, requiring the aggregate statewide valuation for assessment that is attributable to residential real property to be calculated as if the full actual value of all owner-occupied primary residences that are partially exempt from taxation was subject to taxation for the purpose of determining the biennial adjustment to be made to the ratio of valuation for assessment for residential real property, requiring the general assembly to compensate local governmental entities for the net amount of property tax revenues lost as a result of the homestead exemption, specifying that said compensation shall not be included in local government fiscal year spending, authorizing a permanent increase in state fiscal year spending to defray the cost to the state of said compensation, and specifying that said compensation shall not be subject to any statutory limitation on general fund appropriations.

Text of Proposal:

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

SECTION 1. At the next 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 3(1)(b) of article X of the constitution of the state of Colorado is amended, and the said article X is further amended BY THE ADDITION OF A NEW SECTION, to read:

Section 3. Uniform taxation - exemptions. (1)(b) Residential real property, which shall include all residential dwelling units and the land, as defined by law, on which such units are located, and mobile home parks, but shall not include hotels and motels, shall be valued for assessment at twenty-one percent of its actual value. For the property tax year commencing January 1, 1985, the general

assembly shall determine the percentage of the aggregate statewide valuation for assessment which is attributable to residential real property. For each subsequent year, the general assembly shall again determine the percentage of the aggregate statewide valuation for assessment which is attributable to each class of taxable property, after adding in the increased valuation for assessment attributable to new construction and to increased volume of mineral and oil and gas production. For each year in which there is a change in the level of value used in determining actual value, the general assembly shall adjust the ratio of valuation for assessment for residential real property which is set forth in this paragraph (b) as is necessary to insure that the percentage of the aggregate statewide valuation for assessment which is attributable to residential real property shall remain the same as it was in the year immediately preceding the year in which such change occurs. Such adjusted ratio shall be the ratio of valuation for assessment for residential real property for those years for which such new level of value is used. IN DETERMINING THE ADJUSTMENT TO BE MADE IN THE RATIO OF VALUATION FOR ASSESSMENT FOR RESIDENTIAL REAL PROPERTY, THE AGGREGATE STATEWIDE VALUATION FOR ASSESSMENT THAT IS ATTRIBUTABLE TO RESIDENTIAL REAL PROPERTY SHALL BE CALCULATED AS IF THE FULL ACTUAL VALUE OF ALL OWNER-OCCUPIED PRIMARY RESIDENCES THAT ARE PARTIALLY EXEMPT FROM TAXATION PURSUANT TO SECTION 3.5 OF THIS ARTICLE WAS SUBJECT TO TAXATION. All other taxable property shall be valued for assessment at twenty-nine percent of its actual value. However, the valuation for assessment for producing mines, as defined by law, and lands or leaseholds producing oil or gas, as defined by law, shall be a portion of the actual annual or actual average annual production therefrom, based upon the value of the unprocessed material, according to procedures prescribed by law for different types of minerals. Non-producing unpatented mining claims, which are possessory interests in real property by virtue of leases from the United States of America, shall be exempt from property taxation.

Section 3.5. Homestead exemption for qualifying senior citizens. (1) FOR PROPERTY TAX YEARS COMMENCING ON OR AFTER JANUARY 1, 2002, FIFTY PERCENT OF THE FIRST TWO HUNDRED THOUSAND DOLLARS OF ACTUAL VALUE OF RESIDENTIAL REAL PROPERTY, AS DEFINED BY LAW, THAT, AS OF THE ASSESSMENT DATE, IS OWNER-OCCUPIED AND IS USED AS THE PRIMARY RESIDENCE OF THE OWNER-OCCUPIER SHALL BE EXEMPT FROM PROPERTY TAXATION IF:

(a) THE OWNER-OCCUPIER IS SIXTY-FIVE YEARS OF AGE OR OLDER AS OF THE ASSESSMENT DATE AND HAS OWNED AND OCCUPIED SUCH RESIDENTIAL REAL PROPERTY AS HIS OR HER PRIMARY RESIDENCE FOR THE TEN YEARS IMMEDIATELY PRECEDING THE ASSESSMENT DATE; OR

(b) THE OWNER-OCCUPIER IS THE SPOUSE OR SURVIVING SPOUSE OF AN OWNER-OCCUPIER WHO PREVIOUSLY QUALIFIED FOR A PROPERTY TAX EXEMPTION FOR THE SAME RESIDENTIAL REAL PROPERTY UNDER PARAGRAPH (a) OF THIS SUBSECTION (1).

(2) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (1) OF THIS SECTION, SECTION 20 OF THIS ARTICLE, OR ANY OTHER CONSTITUTIONAL PROVISION, FOR ANY PROPERTY TAX YEAR COMMENCING ON OR AFTER JANUARY 1, 2003, THE GENERAL ASSEMBLY MAY RAISE OR LOWER BY LAW THE MAXIMUM AMOUNT OF ACTUAL VALUE OF RESIDENTIAL REAL PROPERTY OF WHICH FIFTY PERCENT SHALL BE EXEMPT UNDER SUBSECTION (1) OF THIS SECTION.

(3) FOR ANY PROPERTY TAX YEAR COMMENCING ON OR AFTER JANUARY 1, 2002, THE GENERAL ASSEMBLY SHALL COMPENSATE EACH LOCAL GOVERNMENTAL ENTITY THAT RECEIVES PROPERTY TAX REVENUES FOR THE NET AMOUNT OF PROPERTY TAX REVENUES LOST AS A RESULT OF THE PROPERTY TAX EXEMPTION PROVIDED FOR IN THIS SECTION. FOR PURPOSES OF SECTION 20 OF ARTICLE X OF THIS CONSTITUTION, SUCH COMPENSATION SHALL NOT BE INCLUDED IN LOCAL GOVERNMENT FISCAL YEAR SPENDING AND APPROVAL OF THIS SECTION BY THE VOTERS STATEWIDE SHALL CONSTITUTE A VOTER-APPROVED REVENUE CHANGE TO ALLOW THE MAXIMUM AMOUNT OF STATE FISCAL YEAR SPENDING FOR THE 2001-02 STATE FISCAL YEAR TO BE INCREASED BY FORTY-FOUR MILLION ONE HUNDRED TWENTY-THREE THOUSAND SIX HUNDRED FOUR DOLLARS AND TO INCLUDE SAID AMOUNT IN STATE FISCAL YEAR SPENDING FOR SAID STATE FISCAL YEAR FOR THE PURPOSE OF CALCULATING SUBSEQUENT STATE FISCAL YEAR SPENDING LIMITS. PAYMENTS MADE FROM THE STATE GENERAL FUND TO COMPENSATE LOCAL GOVERNMENTAL ENTITIES FOR PROPERTY TAX REVENUES LOST AS A RESULT OF THE PROPERTY TAX EXEMPTION PROVIDED FOR IN THIS SECTION SHALL NOT BE SUBJECT TO ANY STATUTORY LIMITATION ON GENERAL FUND APPROPRIATIONS BECAUSE THE ENACTMENT OF THIS SECTION BY THE PEOPLE OF COLORADO CONSTITUTES VOTER APPROVAL OF A WEAKENING OF ANY SUCH LIMITATION.

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 ARTICLE X OF THE CONSTITUTION OF THE STATE OF COLORADO, ESTABLISHING A HOMESTEAD EXEMPTION FOR A SPECIFIED PERCENTAGE OF A LIMITED AMOUNT OF THE ACTUAL VALUE OF OWNER-OCCUPIED RESIDENTIAL REAL PROPERTY THAT IS THE PRIMARY RESIDENCE OF AN OWNER-OCCUPIER WHO IS SIXTY-FIVE YEARS OF AGE OR OLDER AND HAS RESIDED IN SUCH PROPERTY FOR TEN YEARS OR LONGER, AND, IN CONNECTION THEREWITH, ALLOWING THE GENERAL ASSEMBLY BY LAW TO ADJUST THE MAXIMUM AMOUNT OF ACTUAL VALUE OF SUCH RESIDENTIAL REAL PROPERTY OF WHICH SUCH SPECIFIED PERCENTAGE SHALL BE EXEMPT, REQUIRING THE AGGREGATE STATEWIDE VALUATION FOR ASSESSMENT THAT IS ATTRIBUTABLE TO RESIDENTIAL REAL PROPERTY TO BE CALCULATED AS IF THE FULL ACTUAL VALUE OF ALL OWNER-OCCUPIED PRIMARY

RESIDENCES THAT ARE PARTIALLY EXEMPT FROM TAXATION WAS SUBJECT TO TAXATION FOR THE PURPOSE OF DETERMINING THE BIENNIAL ADJUSTMENT TO BE MADE TO THE RATIO OF VALUATION FOR ASSESSMENT FOR RESIDENTIAL REAL PROPERTY, REQUIRING THE GENERAL ASSEMBLY TO COMPENSATE LOCAL GOVERNMENTAL ENTITIES FOR THE NET AMOUNT OF PROPERTY TAX REVENUES LOST AS A RESULT OF THE HOMESTEAD EXEMPTION, SPECIFYING THAT SAID COMPENSATION SHALL NOT BE INCLUDED IN LOCAL GOVERNMENT FISCAL YEAR SPENDING, AUTHORIZING A PERMANENT INCREASE IN STATE FISCAL YEAR SPENDING TO DEFRAY THE COST TO THE STATE OF SAID COMPENSATION, AND SPECIFYING THAT SAID COMPENSATION SHALL NOT BE SUBJECT TO ANY STATUTORY LIMITATION ON GENERAL FUND APPROPRIATIONS."

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.

REFERENDUM B
LEGISLATIVE REAPPORTIONMENT TIMETABLE

Ballot Title: An amendment to section 48 of article V of the constitution of the state of Colorado, concerning the timetable for adoption of a redistricting plan for the general assembly.

Text of Proposal:

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

SECTION 1. At the next 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:

Subsections (1)(b), (1)(d), and (1)(e) of section 48 of article V of the state constitution are amended to read:

Section 48. Revision and alteration of districts - reapportionment commission. (1)(b) The four legislative members shall be the speaker of the house of representatives, the minority leader of the house of representatives, and the majority and minority leaders of the senate, or the designee of any such officer to serve in his OR HER stead, which acceptance of service or designation shall be made no later than ~~July 1~~ APRIL 15 of the year following that in which the federal census is taken. The three executive members shall be appointed by the governor

between ~~July 1 and July 10~~ APRIL 15 AND APRIL 25 of such year, and the four judicial members shall be appointed by the chief justice of the Colorado supreme court between ~~July 10 and July 20~~ APRIL 25 AND MAY 5 of such year.

(d) Any vacancy created by the death or resignation of a member, or otherwise, shall be filled by the respective appointing authority. Members of the commission shall hold office until their reapportionment and redistricting plan is implemented. No later than ~~August 1~~ MAY 15 of the year of their appointment, the governor shall convene the commission and appoint a temporary chairman who shall preside until the commission elects its own officers.

(e) Within ~~ninety~~ ONE HUNDRED THIRTEEN days after the commission has been convened or the necessary census data are available, whichever is later, the commission shall publish a preliminary plan for reapportionment of the members of the general assembly and shall hold public hearings thereon in several places throughout the state within forty-five days after the date of such publication. ~~Within forty-five days after the completion of such hearings~~, NO LATER THAN ONE HUNDRED TWENTY-THREE DAYS PRIOR TO THE DATE ESTABLISHED IN STATUTE FOR PRECINCT CAUCUSES IN THE SECOND YEAR FOLLOWING THE YEAR IN WHICH THE CENSUS WAS TAKEN OR, IF THE ELECTION LAWS DO NOT PROVIDE FOR PRECINCT CAUCUSES, NO LATER THAN ONE HUNDRED TWENTY-THREE DAYS PRIOR TO THE DATE ESTABLISHED IN STATUTE FOR THE EVENT COMMENCING THE CANDIDATE SELECTION PROCESS IN SUCH YEAR, the commission shall finalize its plan and submit the same to the Colorado supreme court for review and determination as to compliance with sections 46 and 47 of this article. Such review and determination shall take precedence over other matters before the court. The supreme court shall adopt rules for such proceedings and for the production and presentation of supportive evidence for such plan. ANY LEGAL ARGUMENTS OR EVIDENCE CONCERNING SUCH PLAN SHALL BE SUBMITTED TO THE SUPREME COURT PURSUANT TO THE SCHEDULE ESTABLISHED BY THE COURT; EXCEPT THAT THE FINAL SUBMISSION MUST BE MADE NO LATER THAN NINETY DAYS PRIOR TO THE DATE ESTABLISHED IN STATUTE FOR PRECINCT CAUCUSES IN THE SECOND YEAR FOLLOWING THE YEAR IN WHICH THE CENSUS WAS TAKEN OR, IF THE ELECTION LAWS DO NOT PROVIDE FOR PRECINCT CAUCUSES, NO LATER THAN NINETY DAYS PRIOR TO THE DATE ESTABLISHED IN STATUTE FOR THE EVENT COMMENCING THE CANDIDATE SELECTION PROCESS IN SUCH YEAR. The supreme court shall either approve the plan or return the plan and the court's reasons for disapproval to the commission. If the plan is returned, the commission shall revise and modify it to conform to the court's requirements and resubmit the plan to the court within ~~twenty days~~ THE TIME PERIOD SPECIFIED BY THE COURT. ~~If the plan is approved by the court, it shall be filed with the secretary of state for implementation no later than March~~

~~15 of the second year following the year in which the census was taken.~~ THE SUPREME COURT SHALL APPROVE A PLAN FOR THE REDRAWING OF THE DISTRICTS OF THE MEMBERS OF THE GENERAL ASSEMBLY BY A DATE THAT WILL ALLOW SUFFICIENT TIME FOR SUCH PLAN TO BE FILED WITH THE SECRETARY OF STATE NO LATER THAN FIFTY-FIVE DAYS PRIOR TO THE DATE ESTABLISHED IN STATUTE FOR PRECINCT CAUCUSES IN THE SECOND YEAR FOLLOWING THE YEAR IN WHICH THE CENSUS WAS TAKEN OR, IF THE ELECTION LAWS DO NOT PROVIDE FOR PRECINCT CAUCUSES, NO LATER THAN FIFTY-FIVE DAYS PRIOR TO THE DATE ESTABLISHED IN STATUTE FOR THE EVENT COMMENCING THE CANDIDATE SELECTION PROCESS IN SUCH YEAR. THE COURT SHALL ORDER THAT SUCH PLAN BE FILED WITH THE SECRETARY OF STATE NO LATER THAN SUCH DATE. The commission shall keep a public record of all the proceedings of the commission and shall be responsible for the publication and distribution of copies of each plan.

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 SECTION 48 OF ARTICLE V OF THE CONSTITUTION OF THE STATE OF COLORADO, CONCERNING THE TIMETABLE FOR ADOPTION OF A REDISTRICTING PLAN FOR THE GENERAL ASSEMBLY."

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.

REFERENDUM C
SELECTION OF COUNTY SURVEYORS

Ballot title: An amendment to section 8 of article XIV of the constitution of the state of Colorado, which requires the selection of county surveyors by election, to also allow the appointment of county surveyors.

Text of Proposal:

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

SECTION 1. At the next 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 8 of article XIV of the constitution of the state of Colorado, is amended to read:

Section 8. County officers - election - term - salary. There shall be elected in each county, at the same time at which members of the general assembly are elected, commencing in the year nineteen hundred and fifty-four, and every four years thereafter, one county clerk, who shall be ex officio recorder of deeds and clerk of the board of county commissioners; one sheriff; one coroner; one treasurer who shall be collector of taxes; one county superintendent of schools; ~~one county surveyor;~~ one county assessor; ~~and~~ one county attorney who may be elected or appointed, as shall be provided by law; AND ONE COUNTY SURVEYOR WHO SHALL EITHER BE ELECTED OR APPOINTED, AS PROVIDED BY LAW; and such officers shall be paid such salary or compensation, either from the fees, perquisites and emoluments of their respective offices, or from the general county fund, as may be provided by law. The term of office of all such officials shall be four years, and they shall take office on the second Tuesday in January next following their election, or at such other time as may be provided by law. The officers herein named elected at the general election in 1954 shall hold their respective offices until the second Tuesday of January, 1959.

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 SECTION 8 OF ARTICLE XIV OF THE CONSTITUTION OF THE STATE OF COLORADO, WHICH REQUIRES THE SELECTION OF COUNTY SURVEYORS BY ELECTION, TO ALSO ALLOW THE APPOINTMENT OF COUNTY SURVEYORS."

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.

REFERENDUM D
OUTDATED CONSTITUTIONAL PROVISIONS

Ballot Title: An amendment to the constitution of the state of Colorado, concerning the repeal of outdated provisions of the state constitution resulting from obsolescence and applicability to particular events or circumstances that have already occurred.

Text of Proposal:

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

SECTION 1. At the next 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 4 of article V of the constitution of the state of Colorado is amended to read:

Section 4. Qualifications of members. No person shall be a representative or senator who shall not have attained the age of twenty-five years, who shall not be a citizen of the United States, AND who shall not for at least twelve months next preceding his election, have resided within the territory included in the limits of the ~~county or~~ district in which he shall be chosen. ~~provided, that any person who at the time of the adoption of this constitution, was a qualified elector under the territorial laws, shall be eligible to the first general assembly~~.

Section 25 of article V of the constitution of the state of Colorado is amended to read:

Section 25. Special legislation prohibited. The general assembly shall not pass local or special laws in any of the following enumerated cases, that is to say; for granting divorces; laying out, opening, altering or working roads or highways; vacating roads, town plats, streets, alleys and public grounds; locating or changing county seats; regulating county or township affairs; regulating the practice in courts of justice; regulating the jurisdiction and duties of ~~justices of the peace,~~ police magistrates; ~~and constables;~~ changing the rules of evidence in any trial or inquiry; providing for changes of venue in civil or criminal cases; declaring any

person of age; for limitation of civil actions or giving effect to informal or invalid deeds; summoning or impaneling grand or petit juries; providing for the management of common schools; regulating the rate of interest on money; the opening or conducting of any election, or designating the place of voting; the sale or mortgage of real estate belonging to minors or others under disability; the protection of game or fish; chartering or licensing ferries or toll bridges; remitting fines, penalties or forfeitures; creating, increasing or decreasing fees, percentage or allowances of public officers; changing the law of descent; granting to any corporation, association or individual the right to lay down railroad tracks; granting to any corporation, association or individual any special or exclusive privilege, immunity or franchise whatever. In all other cases, where a general law can be made applicable no special law shall be enacted.

Section 6 of article XIV of the constitution of the state of Colorado is amended to read:

Section 6. County commissioners - election - term. In each county having a population of less than seventy thousand there shall be elected, for a term of four years each, three county commissioners who shall hold sessions for the transaction of county business as provided by law; any two of whom shall constitute a quorum for the transaction of business. Two of said commissioners shall be elected at the general election in the year nineteen hundred and four, and at the general election every four years thereafter; and the other one of said commissioners shall be elected at the general election in the year nineteen hundred and six, and at the general election every four years thereafter; provided, that when the population of any county shall equal or exceed seventy thousand, the board of county commissioners may consist of five members, any three of whom shall constitute a quorum for the transaction of business. Three of said commissioners in said county shall be elected at the general election in the year nineteen hundred and four, and at the general election every four years thereafter; and the other two of said commissioners in such county shall be elected at the general election in the year nineteen hundred and six and every four years thereafter; and all of such commissioners shall be elected for the term of four years.

~~The term of office of the county commissioners in each county that expires in January, 1904, is hereby extended to the second Tuesday in January, A.D. 1905, and the term of office of the county commissioners that expires in January, 1906, is hereby extended to the second Tuesday in January, A.D. 1907; and in counties having a population of more than seventy thousand, the term of office of the commissioners that expires in 1904 shall be extended to the second Tuesday in January, 1905, and the term of office of~~

~~the county commissioners that expires in 1906 is hereby extended to the second Tuesday in January, 1907.~~ This section shall govern, except as hereafter otherwise expressly directed or permitted by constitutional enactment.

Section 8 of article XIV of the constitution of the state of Colorado is amended to read:

Section 8. County officers - election - term - salary. There shall be elected in each county, at the same time at which members of the general assembly are elected, commencing in the year nineteen hundred and fifty-four, and every four years thereafter, one county clerk, who shall be ex officio recorder of deeds and clerk of the board of county commissioners; one sheriff; one coroner; one treasurer who shall be collector of taxes; ~~one county superintendent of schools;~~ one county surveyor; one county assessor; and one county attorney who may be elected or appointed, as shall be provided by law; and such officers shall be paid such salary or compensation, either from the fees, perquisites and emoluments of their respective offices, or from the general county fund, as may be provided by law. The term of office of all such officials shall be four years, and they shall take office on the second Tuesday in January next following their election, or at such other time as may be provided by law. ~~The officers herein named elected at the general election in 1954 shall hold their respective offices until the second Tuesday of January, 1959.~~

Section 15 of article XIV of the constitution of the state of Colorado is amended to read:

Section 15. Compensation and fees of county officers. The general assembly shall fix the compensation of county officers in this state by law, and shall establish scales of fees to be charged and collected by such county officers. All such fees shall be paid into the county general fund.

When fixing the compensation of county officers, the general assembly shall give due consideration to county variations, including population; the number of persons residing in unincorporated areas; assessed valuation; motor vehicle registrations; building permits; military installations; and such other factors as may be necessary to prepare compensation schedules that reflect variations in the workloads and responsibilities of county officers and in the tax resources of the several counties.

The compensation of any county officer shall be increased or decreased only when the compensation of all county officers within the same county, or when the compensation for the same county officer within the several counties of the state, is increased or decreased.

~~Except for the schedule of increased compensation for county officers enacted by the general assembly to become effective on January 1, 1969,~~ County officers shall not ~~thereafter~~ have their compensation increased or decreased during the terms of office to which they have been elected or appointed.

Section 17 (3)(a) of article XIV of the constitution of the state of Colorado is amended to read:

Section 17. Service authorities. (3)(a) The general assembly shall designate by statute the functions, services, and facilities which may be provided by a service authority, and the manner in which the members of the governing body of any service authority shall be elected from compact districts of approximately equal population by the registered electors of the authority, including the terms and qualifications of such members. ~~but for the first five years after formation of any service authority, the members of the governing body shall be elected by the registered electors within the boundaries of the authority from among the mayors, councilmen, trustees, and county commissioners holding office at the time of their election in home rule and statutory cities, cities and counties, home rule and statutory towns, and home rule and statutory counties located within or partially within the authority. This restriction shall expire January 1, 1980.~~ The general assembly may provide that members of the governing body may be elected by a vote of each compact district or by an at-large vote or combination thereof. Notwithstanding any provision in this constitution or the charter of any home rule city and county, city, town, or county to the contrary, mayors, councilmen, trustees, and county commissioners may additionally hold elective office with a service authority and serve therein either with or without compensation, as provided by statute.

Repeal. Section 1 of article XV of the constitution of the state of Colorado is repealed as follows:

Section 1. Unused charters or grants of privilege. ~~All existing charters or grants of special or exclusive privileges, under which the corporators or grantees shall not have organized and commenced business in good faith at the time of the adoption of this constitution, shall thereafter have no validity.~~

Repeal. Section 7 of article XV of the constitution of the state of Colorado is repealed as follows:

Section 7. Existing railroads to file acceptance of constitution. ~~No railroad or other transportation company in existence at the time of the adoption of this constitution shall have the benefit of any future legislation, without first filing in the office of the secretary of state an acceptance of the provisions of this constitution in binding form.~~

Section 2 of article XX of the constitution of the state of Colorado is amended to read:

Section 2. Officers. The officers of the city and county of Denver shall be such as by appointment or election may be provided for by the charter; and the jurisdiction, term of office, duties and qualifications of all such officers shall be such as in the charter may be provided; but the charter shall designate the officers who

shall, respectively, perform the acts and duties required of county officers to be done by the constitution or by the general law, as far as applicable. If any officer of said city and county of Denver shall receive any compensation whatever, he or she shall receive the same as a stated salary, the amount of which shall be fixed by the charter, or, in the case of officers not in the classified civil service, by ordinance within limits fixed by the charter; ~~and paid out of the treasury of the city and county of Denver in equal monthly payments;~~ provided, however, no elected officer shall receive any increase or decrease in compensation under any ordinance passed during the term for which he was elected.

Section 4 of article XX of the constitution of the state of Colorado is amended to read:

Section 4. First charter. (1) The ~~charter and ordinances of the city of Denver as the same shall exist when this amendment takes effect, shall, for the time being only, and as far as applicable, be the charter and ordinances of the city and county of Denver; but the~~ people of the city and county of Denver are hereby vested with and they shall always have the exclusive power in ~~the~~ making, altering, revising or amending their charter. ~~and, within ten days after the proclamation of the governor announcing the adoption of this amendment the council of the city and county of Denver shall, by ordinance, call a special election, to be conducted as provided by law, of the qualified electors in said city and county of Denver, for the election of twenty-one taxpayers who shall have been qualified electors within the limits thereof for at least five years, who shall constitute a charter convention to frame a charter for said city and county in harmony with this amendment. Immediately upon completion, the charter so framed, with a prefatory synopsis, shall be signed by the officers and members of the convention and delivered to the clerk of said city and county who shall publish the same in full, with his official certification, in the official newspaper of said city and county, three times, and a week apart, the first publication being with the call for a special election, at which the qualified electors of said city and county shall by vote express their approval or rejection of the said charter. If the said charter shall be approved by a majority of those voting thereon, then two copies thereof (together with the vote for and against) duly certified by the said clerk, shall, within ten days after such vote is taken, be filed with the secretary of state, and shall thereupon become and be the charter of the city and county of Denver. But if the said charter be rejected, then, within thirty days thereafter, twenty-one members of a new charter convention shall be elected at a special election to be called as above in said city and county, and they shall proceed as above to frame a charter, which shall in like manner and to the like end be published and submitted to a vote of said voters for their approval or rejection. If again rejected, the procedure herein designated shall be repeated (each special election for members of a new charter convention being within thirty days after each rejection) until a charter is finally approved by a majority of those voting thereon, and certified~~

~~(together with the vote for and against) to the secretary of state as aforesaid, whereupon it shall become the charter of the said city and county of Denver and shall become the organic law thereof, and supersede any existing charters and amendments thereof. The members of each of said charter conventions shall be elected at large; and they shall complete their labors within sixty days after their respective election.~~

(2) ~~Every ordinance for a special election of charter convention members shall fix the time and place where the convention shall be held, and shall specify the compensation, if any, to be paid the officers and members thereof, allowing no compensation in case of non-attendance or tardy attendance, and shall fix the time when the vote shall be taken on the proposed charter, to be not less than thirty days nor more than sixty days after its delivery to the clerk. The charter shall make proper provision for continuing, amending or repealing the ordinances of the city and county of Denver.~~

(3) ~~All expenses of charter conventions shall be paid out of the treasury upon the order of the president and secretary thereof. The expenses of elections for charter conventions and of charter votes shall be paid out of the treasury upon the order of the council.~~

4) Any franchise relating to any street, alley, or public place of the said city and county shall be subject to the initiative and referendum powers reserved to the people under section 1 of article V of this constitution. Such referendum power shall be guaranteed notwithstanding a recital in an ordinance granting such franchise that such ordinance is necessary for the immediate preservation of the public peace, health, and safety. Not more than five percent of the registered electors of a home rule city shall be required to order such referendum. Nothing in this section shall preclude a home rule charter provision which requires a lesser number of registered electors to order such referendum or which requires a franchise to be voted on by the registered electors. If such a referendum is ordered to be submitted to the registered electors, the grantee of such franchise shall deposit with the treasurer the expense (to be determined by said treasurer) of such submission. The council shall have power to fix the rate of taxation on property each year for city and county purposes.

Section 1 of article XXII of the constitution of the state of Colorado is amended to read:

Section 1. Repeal of intoxicating liquor laws. ~~On the thirtieth day of June, 1933, all statutory laws of the state of Colorado heretofore enacted concerning or relating to intoxicating liquors shall become void and of no effect; and from and after July 1st, 1933.~~ The manufacture, sale and distribution of all intoxicating liquors, wholly within the state of Colorado, shall, subject to the constitution and laws of the United States, be performed exclusively by or through such agencies and under such regulations as may

hereafter be provided by statutory laws of the state of Colorado; but no such laws shall ever authorize the establishment or maintenance of any saloon.

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 THE CONSTITUTION OF THE STATE OF COLORADO, CONCERNING THE REPEAL OF OUTDATED PROVISIONS OF THE STATE CONSTITUTION RESULTING FROM OBSOLESCENCE AND APPLICABILITY TO PARTICULAR EVENTS OR CIRCUMSTANCES THAT HAVE ALREADY OCCURRED."

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.

REFERENDUM E
MULTI-STATE LOTTERIES

Ballot Title: Shall the Colorado lottery commission be authorized to enter into multistate agreements allowing Colorado residents to play multistate lottery games, and, in connection therewith, transferring a portion of the net proceeds from all lottery programs, including multi-state lottery games, from the general fund to the state public school fund as a contingency reserve for supplemental assistance to school districts for capital expenditures to address immediate health and safety concerns within existing school facilities exempt from any restriction on spending, revenues, or appropriations, including, without limitation, the restrictions of section 20 of article X of the state constitution?

Text of Proposal:

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 24-35-201 (5), Colorado Revised Statutes, is amended, and the said 24-35-201 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

24-35-201. Definitions. As used in this part 2, unless the context otherwise requires:

(5) "Lottery" means any ~~lottery~~ AND ALL LOTTERIES created and operated pursuant to this part 2, including, without limitation, the game commonly known as lotto, in which prizes are awarded on the basis of designated numbers conforming to numbers selected at random,

electronically or otherwise, by or at the direction of the commission, AND ANY MULTISTATE LOTTERY OR GAME THAT IS AUTHORIZED BY A MULTISTATE AGREEMENT TO WHICH THE COMMISSION IS PARTY. ALL REFERENCES IN THIS ARTICLE TO "THE LOTTERY" SHALL BE CONSTRUED TO INCLUDE ANY OR ALL LOTTERIES WITHIN THE MEANING OF THIS SUBSECTION (5).

(6) "MULTISTATE AGREEMENT" MEANS AN AGREEMENT ENTERED INTO BY THE COMMISSION AND AT LEAST ONE OTHER STATE'S LOTTERY AUTHORITY THAT AUTHORIZES THE COMMISSION TO ALLOW COLORADO RESIDENTS TO PARTICIPATE IN ONE OR MORE MULTISTATE LOTTERIES PURSUANT TO RULES PROMULGATED BY THE COMMISSION.

SECTION 2. 24-35-203, Colorado Revised Statutes, is amended to read:

24-35-203. Function of division. The function of the division is to establish, operate, and supervise the lottery authorized by section 2 of article XVIII of the state constitution, as approved by the electors. ~~at the 1980 general election.~~

SECTION 3. 24-35-204 (3)(a) and (3)(i), Colorado Revised Statutes, are amended to read:

24-35-204. Director - qualifications - powers and duties. (3) The director, as administrative head of the division, shall direct and supervise all its administrative and technical activities. In addition to the duties imposed upon the director elsewhere in this part 2, it shall be the director's duty:

(a) To supervise and administer the operation of the lottery in accordance with the provisions of this part 2 and the rules ~~and regulations~~ of the commission, TO PERFORM ALL DUTIES AND OBLIGATIONS PURSUANT TO AND ADMINISTER ANY MULTISTATE AGREEMENTS, AND TO PROVIDE FOR ALL EXPENSES INCURRED IN CONNECTION WITH ANY SUCH MULTISTATE AGREEMENTS UNLESS SUCH EXPENSES ARE OTHERWISE PROVIDED FOR IN SUCH MULTISTATE AGREEMENTS;

(i) With the concurrence of the commission or pursuant to commission requirements and procedures, to enter into contracts for materials, equipment, and supplies to be used in the operation of the lottery, for the design and installation of games or lotteries, and for promotion of the lottery. No contract shall be legal or enforceable that provides for the management of the lottery or for the entire operation of its games by any private person, firm, or corporation, because management of the lottery and control over the operation of its games shall remain with the state; EXCEPT THAT MANAGEMENT OF AND CONTROL OVER THE OPERATION OF A MULTISTATE LOTTERY SHALL BE DETERMINED BY THE TERMS OF A MULTISTATE AGREEMENT. Except for advertising and promotional contracts, when a contract OTHER THAN A MULTISTATE AGREEMENT is

awarded, a performance bond satisfactory to the commission, executed by a surety company authorized to do business in this state or otherwise secured in a manner satisfactory to the state, in an amount set annually by the commission shall be delivered to the state and shall become binding on the parties upon execution of the contract.

SECTION 4. 24-35-208 (1) (a), Colorado Revised Statutes, is amended, and the said 24-35-208 (1) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

24-35-208. Commission - powers and duties. (1) In addition to any other powers and duties set forth in this part 2, the commission shall have the following powers and duties:

(a) To promulgate rules ~~and regulations~~ governing the establishment and operation of ~~a state~~ THE lottery as it deems necessary to carry out the purposes of this part 2. The director shall prepare and submit to the commission written recommendations concerning proposed rules ~~and regulations~~ for this purpose.

(i) TO INVESTIGATE, NEGOTIATE, ENTER INTO, REVISE FROM TIME TO TIME, AND PARTICIPATE IN MULTISTATE AGREEMENTS AND TO OPERATE, SUPERVISE, ADVERTISE, AND REGULATE MULTISTATE LOTTERIES. THE DIRECTOR SHALL ACT AS THE COMMISSION'S AGENT IN SUCH INVESTIGATIONS AND NEGOTIATIONS IF THE COMMISSION SO DIRECTS.

SECTION 5. 22-54-117, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

22-54-117. Contingency reserve. (1.6) FOR EACH QUARTER INCLUDING AND AFTER THE FIRST QUARTER OF THE STATE'S FISCAL YEAR 2001-2002, ALL MONEYS THAT WOULD OTHERWISE BE TRANSFERRED TO THE GENERAL FUND PURSUANT TO SECTION 3 (1) (b) (III) OF ARTICLE XXVII OF THE STATE CONSTITUTION SHALL BE TRANSFERRED TO THE STATE PUBLIC SCHOOL FUND AS A CONTINGENCY RESERVE EXEMPT FROM ANY RESTRICTION ON SPENDING, REVENUES, OR APPROPRIATIONS, INCLUDING, WITHOUT LIMITATION, THE RESTRICTIONS OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION. THE STATE BOARD IS AUTHORIZED TO APPROVE AND ORDER PAYMENTS FROM THE MONEYS TRANSFERRED PURSUANT TO THIS SUBSECTION ONLY FOR SUPPLEMENTAL ASSISTANCE TO DISTRICTS FOR CAPITAL EXPENDITURES TO ADDRESS IMMEDIATE SAFETY HAZARDS OR HEALTH CONCERNS WITHIN EXISTING SCHOOL FACILITIES.

SECTION 6. 24-77-102 (17) (a) and (17) (b) (IX), Colorado Revised Statutes, are amended to read:

24-77-102. Definitions. As used in this article, unless the context otherwise requires:

(17) (a) "State fiscal year spending" means all state expenditures and reserve increases occurring during any given fiscal year as established by section 24-30-204, including, but not limited to, state expenditures or reserve increases from:

ADDRESS IMMEDIATE HEALTH AND SAFETY CONCERNS WITHIN EXISTING SCHOOL FACILITIES EXEMPT FROM ANY RESTRICTION ON SPENDING, REVENUES, OR APPROPRIATIONS, INCLUDING, WITHOUT LIMITATION, THE RESTRICTIONS OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION?" The votes cast for the adoption or rejection of said act shall be canvassed and the result determined in the manner provided by law for the canvassing of votes for representatives in Congress.

REFERENDUM F
EXCESS STATE REVENUES FOR MATH AND SCIENCE GRANTS

Ballot Title: Shall the state of Colorado be permitted to annually retain up to fifty million dollars of the state revenues in excess of the constitutional limitation on state fiscal year spending for the 1999-2000 fiscal year and for four succeeding fiscal years for the purpose of funding performance grants for school districts to improve academic performance, notwithstanding any restriction on spending, revenues, or appropriations, including without limitation the restrictions of section 20 of article X of the state constitution and the statutory limitation on state general fund appropriations?

Text of Proposal:

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Title 22, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW ARTICLE to read:

ARTICLE 85
PERFORMANCE GRANT PROGRAM

22-85-101. Legislative declaration. (1) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT:

(a) SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION, WHICH WAS APPROVED BY THE REGISTERED ELECTORS OF THIS STATE IN 1992, LIMITS THE ANNUAL GROWTH OF STATE FISCAL YEAR SPENDING;

(b) WHEN REVENUES EXCEED THE STATE FISCAL YEAR SPENDING LIMITATION FOR ANY GIVEN FISCAL YEAR, SECTION 20(7)(d) OF ARTICLE X OF THE STATE CONSTITUTION REQUIRES THAT THE EXCESS REVENUES BE REFUNDED IN THE NEXT FISCAL YEAR UNLESS VOTERS APPROVE A REVENUE CHANGE ALLOWING THE STATE TO KEEP THE REVENUES;

(c) REVENUES ARE CURRENTLY ESTIMATED TO EXCEED THE STATE FISCAL YEAR SPENDING LIMITATION FOR THE 1999-2000 STATE FISCAL YEAR AND AT LEAST THE FOUR SUCCEEDING FISCAL YEARS;

(d) TO ENSURE THAT COLORADO AND ITS RESIDENTS CAN CONTINUE TO COMPETE SUCCESSFULLY IN THE GLOBAL ECONOMY, IT IS NECESSARY TO

IMPROVE THE ACADEMIC PERFORMANCE OF SCHOOL DISTRICTS IN COLORADO;

(e) IT IS NECESSARY FOR A PORTION OF THE EXCESS STATE REVENUES BEING COLLECTED BY THE STATE TO BE EXPENDED TO IMPROVE THE ACADEMIC PERFORMANCE OF SCHOOL DISTRICTS IN COLORADO; AND

(f) IT IS ALSO NECESSARY TO ENACT LEGISLATION SEEKING VOTER APPROVAL TO RETAIN FOR A LIMITED NUMBER OF FISCAL YEARS A PORTION OF EXCESS STATE REVENUES TO BE EXPENDED TO IMPROVE THE ACADEMIC PERFORMANCE OF SCHOOL DISTRICTS IN COLORADO BY PROVIDING PERFORMANCE GRANTS TO SCHOOL DISTRICTS FOR THE PURPOSE OF FUNDING PROGRAMS THAT WILL IMPROVE ACADEMIC PERFORMANCE.

22-85-102. Definitions. AS USED IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "ACADEMIC PERFORMANCE" MEANS STUDENT PERFORMANCE IN THE AREAS OF MATHEMATICS AND SCIENCE WHICH MAY INCLUDE STUDENT PERFORMANCE ON THE MATHEMATICS AND SCIENCE ASSESSMENTS ADMINISTERED PURSUANT TO SECTION 22-7-409.

(2) "COMMITTEE" MEANS THE PERFORMANCE GRANT REVIEW COMMITTEE ESTABLISHED PURSUANT TO SECTION 22-85-104 (1).

(3) "SCHOOL DISTRICT" MEANS ANY SCHOOL DISTRICT ORGANIZED AND EXISTING PURSUANT TO LAW BUT DOES NOT INCLUDE A JUNIOR COLLEGE DISTRICT.

(4) "STATE BOARD" MEANS THE STATE BOARD OF EDUCATION CREATED PURSUANT TO SECTION 1 OF ARTICLE IX OF THE STATE CONSTITUTION.

22-85-103. School performance grant fund - creation. (1) THERE IS HEREBY CREATED IN THE STATE TREASURY THE SCHOOL PERFORMANCE GRANT FUND, WHICH SHALL CONSIST OF GENERAL FUND REVENUES TRANSFERRED TO THE FUND PURSUANT TO SUBSECTION (2) OF THIS SECTION. ALL INTEREST DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEYS IN THE FUND SHALL BE CREDITED TO THE FUND. ANY MONEYS REMAINING IN THE FUND AT THE END OF ANY STATE FISCAL YEAR SHALL NOT REVERT OR BE TRANSFERRED TO THE GENERAL FUND OF THE STATE.

(2) NO LATER THAN FEBRUARY 1 OF EACH CALENDAR YEAR BEGINNING ON OR AFTER JANUARY 1, 2001, BUT BEFORE JANUARY 1, 2006, THE STATE TREASURER SHALL TRANSFER AN AMOUNT OF REVENUE FROM THE GENERAL FUND TO THE SCHOOL PERFORMANCE GRANT FUND CREATED IN SUBSECTION (1) OF THIS SECTION EQUAL TO THE LESSER OF:

(a) FIFTY MILLION DOLLARS; OR

(b) AS CERTIFIED AND AUDITED BASED UPON THE FINANCIAL REPORT PREPARED IN ACCORDANCE WITH SECTION 24-77-106.5, C.R.S., THE AMOUNT OF STATE REVENUE FROM SOURCES NOT EXCLUDED FROM STATE FISCAL YEAR SPENDING THAT IS IN EXCESS OF THE FISCAL YEAR

SPENDING LIMITATION IMPOSED UPON THE STATE BY SECTION 20 (7) (a) OF ARTICLE X OF THE STATE CONSTITUTION FOR THE STATE FISCAL YEAR ENDING IN THE CALENDAR YEAR IMMEDIATELY PRECEDING ANY CALENDAR YEAR IN WHICH A TRANSFER TO THE FUND IS TO BE MADE.

(3) REVENUES TRANSFERRED TO THE SCHOOL PERFORMANCE GRANT FUND PURSUANT TO SUBSECTION (2) OF THIS SECTION SHALL CONSTITUTE A VOTER-APPROVED REVENUE CHANGE AND SUCH REVENUES SHALL NOT BE INCLUDED IN EITHER STATE OR LOCAL GOVERNMENT FISCAL YEAR SPENDING FOR PURPOSES OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION AND SECTION 24-77-102 (17), C.R.S.

(4) ANY TRANSFER OF REVENUE FROM THE GENERAL FUND TO THE SCHOOL PERFORMANCE GRANT FUND PURSUANT TO SUBSECTION (2) OF THIS SECTION SHALL NOT BE DEEMED TO BE AN APPROPRIATION SUBJECT TO THE LIMITATION ON STATE GENERAL FUND APPROPRIATIONS SET FORTH IN SECTION 24-75-201.1, C.R.S.

22-85-104. Performance grant review committee - membership - duties. (1)(a) THERE IS HEREBY ESTABLISHED THE PERFORMANCE GRANT REVIEW COMMITTEE. THE COMMITTEE SHALL CONSIST OF THE FOLLOWING MEMBERS:

(I) THE MEMBERS OF THE STATE BOARD;

(II)THREE MEMBERS APPOINTED BY THE GOVERNOR WHO NEED NOT BE CONFIRMED BY THE SENATE;

(III)THREE MEMBERS FROM THE HOUSE OF REPRESENTATIVES APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, NO MORE THAN TWO OF WHOM SHALL BE OF THE SAME POLITICAL PARTY; AND

(IV)THREE MEMBERS FROM THE SENATE, TWO APPOINTED BY THE PRESIDENT OF THE SENATE AND ONE APPOINTED BY THE MINORITY LEADER OF THE SENATE.

(b) THE TERM OF EACH MEMBER APPOINTED BY THE GOVERNOR SHALL BE FOUR YEARS; EXCEPT THAT, OF SUCH MEMBERS FIRST APPOINTED, ONE SHALL BE APPOINTED FOR A TERM OF TWO YEARS. THE TERM OF EACH MEMBER FROM THE GENERAL ASSEMBLY SHALL EXPIRE AT THE END OF THE MEMBER'S LEGISLATIVE TERM AND THE TERM OF EACH MEMBER FROM THE STATE BOARD SHALL EXPIRE AT THE END OF THE MEMBER'S STATE BOARD TERM. ALL MEMBERS OF THE COMMITTEE SHALL BE ELIGIBLE FOR REAPPOINTMENT. A MEMBER APPOINTED TO FILL THE VACANCY OF ANOTHER MEMBER ARISING OTHER THAN BY EXPIRATION OF SUCH OTHER MEMBER'S TERM SHALL BE APPOINTED FOR THE UNEXPIRED TERM OF SUCH OTHER MEMBER.

(2) MEMBERS OF THE COMMITTEE SHALL SERVE WITHOUT COMPENSATION.

(3) THE COMMITTEE SHALL HAVE THE FOLLOWING POWERS, DUTIES, AND FUNCTIONS:

(a) TO RECEIVE AND REVIEW APPLICATIONS FOR PERFORMANCE GRANTS SUBMITTED BY SCHOOL DISTRICTS PURSUANT TO THIS ARTICLE;

(b) TO EXPEND MONEYS IN THE SCHOOL PERFORMANCE GRANT FUND FOR THE PURPOSE OF ISSUING PERFORMANCE GRANTS TO SCHOOL

DISTRICTS FOR THE PURPOSE OF INCREASING ACADEMIC PERFORMANCE;

(c) TO PROMULGATE RULES IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S., THAT DEFINE OR RELATE TO THE GRANT APPLICATION PROCESS; AND

(d) TO EXERCISE ANY OTHER POWERS NECESSARY TO OVERSEE THE PERFORMANCE GRANT PROGRAM ESTABLISHED BY THIS ARTICLE.

22-85-105. Performance grants - eligible programs - evaluation of applications. (1) GRANTS MAY BE PROVIDED FROM THE SCHOOL PERFORMANCE GRANT FUND BY THE COMMITTEE TO SCHOOL DISTRICTS ONLY FOR NEW OR ONGOING SCHOOL DISTRICT PROGRAMS THAT HAVE THE PRIMARY PURPOSE OF INCREASING ACADEMIC PERFORMANCE. ANY SCHOOL DISTRICT, INCLUDING A CHARTER SCHOOL DISTRICT AS DEFINED IN SECTION 22-30.5-203 (1), MAY APPLY DIRECTLY TO THE COMMITTEE FOR GRANTS. AN INDIVIDUAL SCHOOL, INCLUDING A CHARTER SCHOOL SUBJECT TO THE PROVISIONS OF PART 1 OF ARTICLE 30.5 OF THIS TITLE, MAY APPLY FOR GRANTS ONLY THROUGH THE SCHOOL DISTRICT IN WHICH IT IS LOCATED AND THE SCHOOL DISTRICT MAY, IN TURN, APPLY TO THE COMMITTEE FOR SUCH GRANTS PURSUANT TO THIS SECTION. IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT SCHOOL DISTRICTS GIVE EQUAL CONSIDERATION TO THE NEEDS OF BOTH TRADITIONAL PUBLIC SCHOOLS AND CHARTER SCHOOLS ESTABLISHED PURSUANT TO ARTICLE 30.5 OF THIS TITLE WHEN SUBMITTING APPLICATIONS FOR GRANTS.

(2) ALL GRANT APPLICATIONS SUBMITTED TO THE COMMITTEE PURSUANT TO THIS SECTION SHALL BE SUBMITTED IN SUCH FORM AND IN ACCORDANCE WITH SUCH PROCEDURES AS THE COMMITTEE SHALL ESTABLISH BY RULE. SUCH APPLICATIONS SHALL INCLUDE THE INFORMATION REQUIRED BY SUBSECTION (3) OF THIS SECTION AND SUCH ADDITIONAL INFORMATION AS THE COMMITTEE MAY REQUIRE BY RULE. IN EVALUATING THE GRANT APPLICATIONS, THE COMMITTEE SHALL CONSIDER THE CRITERIA SET FORTH IN SUBSECTION (4) OF THIS SECTION AND SUCH ADDITIONAL CRITERIA AS THE COMMITTEE MAY ESTABLISH BY RULE. ALL RULES PROMULGATED BY THE COMMITTEE SHALL BE PROMULGATED IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S.

(3) (a) ALL GRANT APPLICATIONS SUBMITTED BY A SCHOOL DISTRICT TO THE COMMITTEE PURSUANT TO THIS SECTION SHALL INCLUDE:

(I) A DESCRIPTION OF THE PROGRAM OR PROGRAMS FOR WHICH A GRANT IS REQUESTED;

(II) A SUMMARY OF ANY RESEARCH OR DATA THAT WOULD HELP THE COMMITTEE DETERMINE WHETHER AND TO WHAT EXTENT THE PROGRAM WILL IMPROVE ACADEMIC PERFORMANCE, INCLUDING A SUMMARY OF DATA, IF ANY, REGARDING THE IMPACT ON ACADEMIC PERFORMANCE OF SIMILAR PROGRAMS THAT HAVE BEEN IMPLEMENTED IN OTHER SCHOOL DISTRICTS;

(III) A SUMMARY OF ANY OTHER PROGRAMS CONSIDERED BY THE SCHOOL DISTRICT AND A COMPARISON OF SUCH PROGRAMS WITH THE PROGRAM FOR WHICH A GRANT IS REQUESTED;

(IV) A SUMMARY OF PERSONNEL CHANGES THAT WILL BE NECESSARY UPON IMPLEMENTATION OF THE PROGRAM;

(V) AN ITEMIZED SUMMARY OF THE ANTICIPATED COSTS OF THE PROGRAM;

(VI) A STATEMENT OF THE PERCENTAGE OF THE TOTAL ANTICIPATED COSTS OF THE PROGRAM THAT THE SCHOOL DISTRICT WILL PAY WITH MONEYS OTHER THAN GRANT MONEYS RECEIVED PURSUANT TO THIS SECTION; AND

(VII) A PROPOSAL FOR EVALUATING THE ACTUAL EFFECTIVENESS OF THE PROGRAM IN IMPROVING ACADEMIC PERFORMANCE.

(b) AN APPLICATION FOR A GRANT TO CONTINUE A PROGRAM FOR WHICH ONE OR MORE GRANTS HAVE PREVIOUSLY BEEN AWARDED PURSUANT TO THIS SECTION MAY INCORPORATE BY REFERENCE ANY RELEVANT INFORMATION INCLUDED IN ANY GRANT APPLICATION THAT RESULTED IN A PREVIOUS GRANT AWARD BUT SHALL UPDATE SUCH INFORMATION TO REFLECT ANY NEW DEVELOPMENTS AND INCLUDE ANY NEW INFORMATION AVAILABLE AS TO THE ACTUAL EFFECTIVENESS OF THE PROGRAM IN IMPROVING ACADEMIC PERFORMANCE AND THE ACTUAL COST OF IMPLEMENTING AND OPERATING THE PROGRAM.

(4) IN AWARDING GRANTS PURSUANT TO THIS SECTION, THE COMMITTEE SHALL GIVE PRIORITY TO SCHOOL DISTRICTS IN WHICH THE DISTRICT PERCENTAGE OF AT-RISK PUPILS AS DEFINED IN SECTION 22-54-103 (5.5) IS HIGHER THAN THE STATEWIDE AVERAGE PERCENTAGE OF AT-RISK PUPILS AS DEFINED IN SECTION 22-54-103 (14), SCHOOL DISTRICTS IN WHICH ACADEMIC PERFORMANCE IS BELOW AVERAGE IN COMPARISON TO OTHER SCHOOL DISTRICTS IN THE STATE, AND PROGRAMS THAT SHOW THE GREATEST POTENTIAL FOR IMPROVING ACADEMIC PERFORMANCE. IN EVALUATING A PARTICULAR GRANT APPLICATION, THE COMMITTEE SHALL CONSIDER THE FOLLOWING CRITERIA:

(a) THE PAST AND PRESENT RESULTS OF THE APPLICANT SCHOOL DISTRICT RELATIVE TO OTHER SCHOOL DISTRICTS WITH RESPECT TO ACHIEVEMENT OF THE ACCREDITATION INDICATORS ESTABLISHED PURSUANT TO SECTION 22-11-104;

(b) THE AVERAGE RATING OF ALL SCHOOLS FOR WHICH GRANT MONEY IS SOUGHT WITHIN THE APPLICANT SCHOOL DISTRICT ON THE INDEX DEVELOPED PURSUANT TO SECTION 22-11-302;

(c) THE ECONOMIC STATUS OF THE APPLICANT SCHOOL DISTRICT AS INDICATED BY THE MOST RECENT STATISTICAL DATA AVAILABLE, INCLUDING BUT NOT LIMITED TO:

(I) THE SCHOOL DISTRICT'S RANKING ON ASSESSED VALUE PER PUPIL, INCLUDING WHETHER THE SCHOOL DISTRICT'S ASSESSED VALUE PER PUPIL IS BELOW THE STATE AVERAGE; AND

(II) THE DISTRICT PERCENTAGE OF AT-RISK PUPILS AS DEFINED IN SECTION 22-54-103 (5.5);

(d) THE ANTICIPATED DEGREE OF IMPROVEMENT IN ACADEMIC

PERFORMANCE THAT WOULD RESULT FROM THE IMPLEMENTATION OR CONTINUANCE OF THE PROGRAM FOR WHICH A GRANT IS SOUGHT, TAKING INTO CONSIDERATION:

(I) ANY RESEARCH OR DATA RELEVANT TO THE ANTICIPATED EFFECTIVENESS OR LACK OF EFFECTIVENESS OF THE PROGRAM IN IMPROVING ACADEMIC PERFORMANCE, INCLUDING DATA REGARDING THE IMPACT ON ACADEMIC PERFORMANCE OF SIMILAR PROGRAMS THAT HAVE BEEN IMPLEMENTED IN OTHER SCHOOL DISTRICTS; AND

(II) WITH RESPECT TO AN ONGOING PROGRAM FOR WHICH A GRANT HAS PREVIOUSLY BEEN AWARDED, ANY AVAILABLE DATA AS TO THE ACTUAL EFFECT OF THE PROGRAM ON ACADEMIC PERFORMANCE;

(e) THE COST-EFFECTIVENESS OF THE PROGRAM FOR WHICH THE GRANT IS SOUGHT; AND

(f) THE EXTENT TO WHICH THE SCHOOL DISTRICT WILL USE MONEYS OTHER THAN GRANT MONEYS AWARDED PURSUANT TO THIS SECTION TO FUND THE PROGRAM.

SECTION 2. Refer to people under referendum. This act shall be submitted to a vote of the registered electors of the state of Colorado at the next biennial regular general election, for their approval or rejection, under the provisions of the referendum as provided for in section 1 of article V and section 20 of article X of the state constitution, and in article 40 of title 1, Colorado Revised Statutes. Each elector voting at said election and desirous of voting for or against said act shall cast a vote as provided by law either "Yes" or "No" on the proposition: "SHALL THE STATE OF COLORADO BE PERMITTED TO ANNUALLY RETAIN UP TO FIFTY MILLION DOLLARS OF THE STATE REVENUES IN EXCESS OF THE CONSTITUTIONAL LIMITATION ON STATE FISCAL YEAR SPENDING FOR THE 1999-2000 FISCAL YEAR AND FOR FOUR SUCCEEDING FISCAL YEARS FOR THE PURPOSE OF FUNDING PERFORMANCE GRANTS FOR SCHOOL DISTRICTS TO IMPROVE ACADEMIC PERFORMANCE, NOTWITHSTANDING ANY RESTRICTION ON SPENDING, REVENUES, OR APPROPRIATIONS, INCLUDING WITHOUT LIMITATION THE RESTRICTIONS OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION AND THE STATUTORY LIMITATION ON STATE GENERAL FUND APPROPRIATIONS?" The votes cast for the adoption or rejection of said act shall be canvassed and the result determined in the manner provided by law for the canvassing of votes for representatives in Congress.

RECOMMENDATIONS ON RETENTION OF JUDGES

Commissions on Judicial Performance were created in 1988 by the Colorado General Assembly for the purpose of providing voters with fair, responsible and constructive evaluations of trial and appellate judges and justices seeking retention in general elections. The results of the evaluations also provide judges with information that can be used to improve their professional skills as judicial officers. The Chief Justice, the Governor, the President of the Senate and the Speaker of the House appoint state and local commission members. Each commission is a ten member body comprised of four attorneys and six non-attorneys.

The State Commission on Judicial Performance developed evaluation techniques for district and county judges, justices of the Supreme Court, and judges of the Court of Appeals. According to statute, those criteria include the following: integrity; knowledge and understanding of substantive, procedural and evidentiary law; communication skills; preparation, attentiveness, and control over judicial proceedings; sentencing practices; docket management and prompt case disposition; administrative skills; punctuality; effectiveness in working with participants in the judicial process; and service to the profession and the public.

The trial judges' evaluations result from survey questionnaires completed by attorneys (including district attorneys and public defenders), jurors, litigants, probation officers, social services case workers, crime victims, court personnel and law enforcement officers. The evaluations also result from the following: relevant docket and sentencing statistics; a personal interview with the judge; and information from other appropriate sources, such as court observations. The evaluation of the Justices of the Colorado Supreme Court and the Judges of the Colorado Court of Appeals is the product of an interview with the State Commission on Judicial Performance, survey results from attorneys, and survey results from Colorado trial judges.

Each evaluation includes a narrative profile with the recommendation stated as "retain," "do not retain," or "no opinion." The enabling legislation requires a detailed explanation accompany a "no opinion" recommendation.

Voters statewide vote on Justices of the Colorado Supreme Court, Judges of the Court of Appeals, and District Court Judges for the district in which they reside. Voters will vote only for County Court Judges seeking retention in their respective counties. The following are complete narrative profiles and recommendations on retention for the justices and judges in your judicial district subject to the retention election on November 7, 2000.

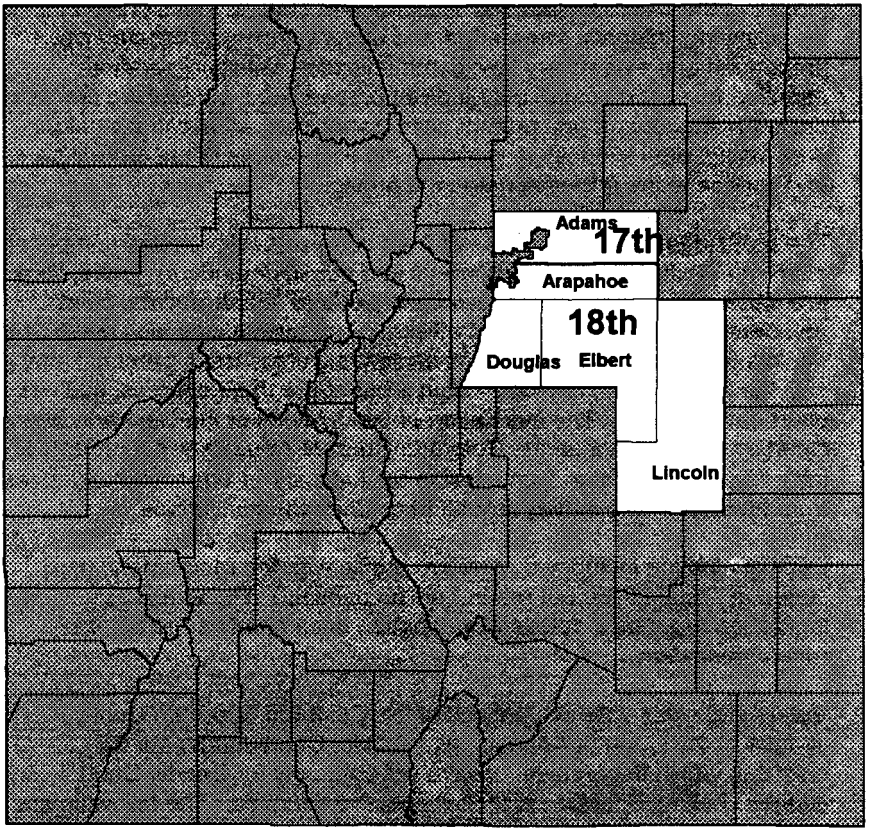
Additional information may be accessed through the Colorado Courts Homepage at: http://www.courts.state.co.us or by calling the State Commission on Judicial Performance at (303) 861-1111.

HOW TO DETERMINE THE JUDGES THAT WILL BE ON YOUR BALLOT:

From the map:

- Locate the County where you live
- Locate the Judicial District for your County (for example, Adams County - 17th Judicial District)

17th and 18th Judicial Districts of Colorado



From the index:

Go to your Judicial District

- Find your County
- Go to the Narrative Profile section to review the recommendations for those judges
- Supreme Court Justices and Court of Appeals Judges will appear on your ballot. Be sure to review those judges as well as your local judges.

17TH JUDICIAL DISTRICT

ADAMS

District Judge
Donald W. Marshall
Chris Melonakis
John J. Vigil

County Judge
Ovid R. Beldock
Jeffrey L. Romeo

18TH JUDICIAL DISTRICT

ARAPAHOE

District Judge
Robert H. Russell II

County Judge
Alex Ray Bencze
Christopher Charles Cross
Richard Morgan Jauch

DOUGLAS

District Judge
Robert H. Russell II

County Judge
James Steven Miller

ELBERT

District Judge
Robert H. Russell II

County Judge
None

LINCOLN

District Judge
Robert H. Russell II

County Judge
None

Honorable Michael L. Bender

The State Commission on Judicial Performance recommends that Justice Michael L. Bender BE RETAINED.

Justice Bender was appointed to the Colorado Supreme Court in 1997. Prior to his appointment to the bench, he practiced law in Denver, Colorado, 1980-1996, and in Los Angeles, California, 1978-1980. Justice Bender also served as a Public Defender in Denver for five years. He is a graduate of Dartmouth College and the University of Colorado School of Law.

Over the years, Justice Bender has served on numerous boards and committees. He was on the Board of Governors of the Colorado Bar Association for two terms and on its Ethical Committee for 8 years. He also served as a director of the Colorado Trial Lawyers Association. Currently he serves on the Law Alumni board of the University of Colorado School of Law and on the Criminal Justice Standards Committee of the American Bar Association. In 1990 Justice Bender received both the Robert C. Heeney Memorial Award for Outstanding Service from the National Association of Criminal Defense lawyers and the Fireman Award given by the Colorado State Public Defender's Office.

The State Commission is impressed with the Supreme Court responsibilities Justice Bender has assumed since his appointment. He participates on committees dealing with attorney discipline, civil justice reform, promoting the Judicial Branch's legislative agenda and judicial training. He is particularly involved with educating the public about how the judicial system operates, and chairs the Supreme Court's Public Education Committee. Comments received from attorneys indicated his opinions are thoughtful and well reasoned.

Attorneys and court personnel rated Justice Bender highly. Eighty percent (80%) voted to retain Justice Bender, 11% voted not to retain and 9% had no opinion. Eighty-eight percent (88%) of trial court judges voted to retain Justice Bender, 4% voted not to retain and 8% had no opinion.

Honorable Alex J. Martinez

The State Commission on Judicial Performance recommends that Justice Alex J. Martinez BE RETAINED.

Justice Martinez was appointed to the Colorado Supreme Court in 1996. Prior to his appointment to the Supreme Court he was a District Court Judge for the 10th Judicial District, Pueblo County, 1988-1996, and a County Court Judge in Pueblo County, 1983-1988. For six years prior to the County Court bench, Justice Martinez was a Deputy State Public Defender in Pueblo. He is a graduate of the University of Colorado and the University of Colorado School of Law.

Justice Martinez has been heavily involved in maintaining a positive relationship between the Supreme Court, the public and practicing bar. He has served as the chair of the Public Access to Electronic Information Committee (computerizing the courts), the Criminal Rules Committee, the Criminal Jury Instruction Committee, and as chair of Child Welfare Appeals. He is a former vice president of the Colorado Bar Association and served on the Executive Council of the Pueblo Bar Association. He currently serves on the University of Colorado Law School Alumni Board of Directors and the Servicios De La Raza Board of Directors.

The State Commission was very impressed with Justice Martinez. As a former trial judge and now as a Supreme Court Justice, he exhibits a keen understanding of the judicial system, and displays outstanding judicial demeanor and intellectual ability. The commission was also impressed with Justice Martinez's involvement in community and bar association activities as a positive component of his judicial role.

Attorneys and court personnel rated Justice Martinez very highly. Eighty-two percent (82%) voted to retain Justice Martinez, 7% voted not to retain, and 11% had no opinion. Eighty-nine percent (89%) of trial court judges voted to retain Justice Martinez, 2% voted not to retain, and 9% had no opinion.

Honorable Mary J. Mullarkey

The State Commission on Judicial Performance recommends that Chief Justice Mary J. Mullarkey BE RETAINED.

Justice Mullarkey was appointed to the Colorado Supreme Court in 1987, and was approved for retention by Colorado voters in 1990. She was named Chief Justice in August 1998. Prior to her appointment to the court, Justice Mullarkey practiced law in Denver, 1985-1987, and held the following positions: legal advisor to the governor, 1982-1985; First Assistant Attorney General and then Solicitor General in the Colorado Department of Law, 1975-1982; assistant regional attorney for the Equal Employment Opportunity Commission, 1973-1975; and attorney-advisor at the Civil Rights Branch of the Department of the Interior in Washington, D.C., 1970-1973. Justice Mullarkey is a graduate of Harvard Law School.

The Chief Justice is the chief administrator of the Judicial Department and in that position Justice Mullarkey has worked to increase public trust and confidence. The commission was impressed with three achievements in particular. Justice Mullarkey declared 1999 "the year of customer service" to encourage court personnel to make the operations of the Judicial Department more consumer-friendly. She also revised the Judicial Code of Conduct to allow judges to get more involved in their communities, and she has encouraged other justices on the Supreme Court to visit judicial districts throughout the state to meet with local citizens to listen to their concerns. Justice Mullarkey chairs the Judicial Department's Gender and Justice Committee and is committed to encouraging diversity in the legal profession so it will more accurately reflect society.

Justice Mullarkey is one of the most experienced justices on the court, and in her 12-year tenure has written opinions in all areas of the law. In addition to her duties as Chief Justice she continues to write her share of court opinions, which she seeks to make both clear and precise. She works well with her colleagues and is often able to craft a consensus opinion that will avoid a split decision and provide guidance to the lower courts.

Attorneys and court personnel rated Justice Mullarkey highly overall. Seventy-nine percent (79%) voted to retain Justice Mullarkey, 17% voted not to retain and 4% had no opinion. Ninety-two percent (92%) of trial court judges voted to retain Justice Mullarkey, 2% voted not to retain and 7% had no opinion.

Honorable Nancy E. Rice

The State Commission on Judicial Performance recommends that Justice Nancy E. Rice BE RETAINED.

Justice Rice was appointed to the Colorado Supreme Court in 1998. Prior to her appointment, she was a Denver District Court Judge, 1987-1998, an Assistant U.S. Attorney, 1977-1987, Deputy Chief of the Civil Division of the U.S. Attorney's Office, 1985-1987, and a Deputy State Public Defender, Appellate Division, 1976-1977. Since 1987, Justice Rice has been an Adjunct Professor of Law in trial advocacy at the University of Colorado School of Law. Justice Rice is a graduate of the University of Utah College of Law.

Justice Rice brings important trial court experience to the bench and serves as liaison with trial court judges. Her interest in litigation and numerous public articles in the field make her a valuable member of the Governor's Task Force on Civil Justice Reform. In addition, she teaches for the National Institute for Trial Advocacy (NITA), is an Adjunct Professor at the University of Denver and speaks to various groups in the community including lawyers, law students and high school students.

Justice Rice displays an insightful, sophisticated approach to problem solving and recognizes the importance of leadership and consensus building in bringing about meaningful change in the courts. The State Commission believes her leadership regarding the role of magistrates in the Colorado court system is key to addressing that important public policy issue.

Attorneys and court personnel rated Justice Rice very highly. Eighty-two percent (82%) voted to retain Justice Rice, 6% voted not to retain, and 12% had no opinion. Ninety-two percent (92%) of trial court judges voted to retain Justice Rice, 0% voted not to retain, and 8% had no opinion.

Honorable Sandra I. Rothenberg

The State Commission on Judicial Performance recommends that Judge Sandra I. Rothenberg BE RETAINED.

Judge Rothenberg was appointed to the Colorado Court of Appeals in 1990. Prior to this appointment, she served as a trial judge in the Denver District Court, 1979-1990, was a professor at Georgetown University School of Law, 1973-1975, and was in private practice of law, 1971-1973 and 1975-1979. She has also taught in law school programs at the University of Colorado and Denver University. She graduated from the University of Miami School of Law, received her undergraduate degree from the University of Miami, and received masters of law degrees from the Georgetown University School of Law and the University of Virginia, which was a judges only program.

Judge Rothenberg is an active member of the community and the bar association. She was president of the Colorado Women's Bar and is currently a member of the Board of Trustees of the Denver Bar Association. She is also president of the Thompson G. Marsh Inn of Court, which promotes the goals of legal excellence, civility, professionalism, and ethics on a national and international level. She has participated regularly in speaking to non-legal groups, schools, and other community members on subjects of interest to them and to the Bar and teaches yearly at the educational program for Colorado judges.

The State Commission believes that Judge Rothenberg is a diligent, bright, professional and articulate member of the Court of Appeals. Comments of those surveyed indicated that her opinions are thoughtful, concise, and well reasoned.

Judge Rothenberg received the highest retention rating among the Court of Appeals judges rated. Eighty-four percent (84%) of attorneys and court personnel voted to retain Judge Rothenberg, 8% voted not to retain, and 8% had no opinion. Ninety percent (90%) of trial court judges voted to retain Judge Rothenberg, 2% voted not to retain, and 8% had no opinion.

Honorable Edwin G. Ruland

The State Commission on Judicial Performance recommends that Judge Edwin G. Ruland BE RETAINED.

Judge Ruland served as a member of the Colorado Court of Appeals, 1973-1980. He resigned in 1980 and returned to private practice in Grand Junction. He was re-appointed in 1989. In 1998, he was named Deputy Chief Judge of the Colorado Court of Appeals. Judge Ruland practiced law in Grand Junction, Colorado, 1961-1973. During that time, he also served as a half-time Grand Junction Municipal Court Judge and was a Deputy District Attorney. He is a graduate of the Southern Methodist University School of Law and of Colorado College.

Judge Ruland is active in professional associations such as the American Bar Association and the Colorado Bar Association and in community activities, having served on the Board of Directors of the Bridge House Alcohol Rehabilitation Center, the Hilltop House Rehabilitation Center, and the Mesa County Easter Seal Society. He has authored several legal articles and has been chair of the Supreme Court Committee on the Unauthorized Practice of Law. The State Commission is impressed with his dedication to educating young people throughout the state to acquaint them with our legal system.

The State Commission believes that Judge Ruland is a mature, experienced, and common sense judge on the Court of Appeals. His written opinions are clear and concise, and he has a wealth of background and experience which enables him to be an exemplary judge on the Court of Appeals and to assist less experienced judges through his advice and leadership. He is also decisive and efficient and by all accounts, a hard worker.

Attorneys and court personnel rated Judge Ruland very highly. Respondents provided numerous favorable comments indicating Judge Ruland is courteous, strong, ethical and hard working. Several commented that he is a no nonsense judge without being rude and yet, with the ability to be very direct. Efficiency and impartiality were among the other attributes commented upon. Eighty-three percent (83%) of attorneys and court personnel voted to retain Judge Ruland, 9% voted not to retain and 9% had no opinion. Eighty-three percent (83%) of trial court judges voted to retain Judge Ruland, 0% voted not to retain and 17% had no opinion.

Honorable JoAnn L. Vogt

The State Commission on Judicial Performance recommends that Judge JoAnn L. Vogt BE RETAINED.

Judge Vogt was appointed to the Colorado Court of Appeals in 1997. Prior to that, she was in private practice, 1987-1997, after serving as a law clerk to Chief Justice Joseph R. Quinn, 1986-1987. She received her JD from the University of Denver in 1986. Prior to her legal career, she was a college German teacher at several universities and colleges, 1968-1982, and had earned her BA degree at the University of Nebraska followed by a Fulbright Scholarship at the University of Hamburg in Germany, and thereafter as a Woodrow Wilson Fellow and earned her MA and Ph.D. in Germanic Language and Literature from the University of Chicago.

Judge Vogt has served as an officer and director of the Legal Aid Society of Metro Denver and is currently serving on the Colorado Bar Association Pro Bono Task Force, which encourages attorneys to participate in programs that provide free legal services to indigents. She also serves on the 2000 Judicial Conference Committee, which coordinates training for judges statewide. She enjoys educating school children and other members of the community about the Colorado Judicial System.

The vote to retain Judge Vogt was not unanimous. The majority was favorably impressed with her performance as a member of the Court of Appeals. While noting that she performs satisfactorily, a minority had a concern about her lack of experience in the law prior to being appointed to the Appellate Court.

Seventy-one percent (71%) of attorneys and court personnel voted to retain Judge Vogt, 5% voted not to retain and 24% had no opinion. Sixty-nine percent (69%) of trial court judges voted to retain Judge Vogt, 0% voted not to retain, and 31% had no opinion.

17TH JUDICIAL DISTRICT

Honorable Ovid R. Beldock

Although the Seventeenth Judicial Performance Commission recommends that Judge Ovid R. Beldock BE RETAINED, a number of Commission members expressed no opinion concerning retention. The reasons for the Commission's lack of unanimity are set forth below.

Judge Beldock has served as an Adams County Court Judge since 1980. Prior to his appointment, Judge Beldock was a Deputy District Attorney in the Denver District Attorney's Office, in the practice of law, and as a Magistrate for the Seventeenth Judicial District.

Judge Beldock has been assigned to criminal cases and primarily handles traffic violations, DUIs and misdemeanor offenses. One hundred twenty-one surveys were mailed to attorneys and litigants and only 37 were returned. Of the 25 attorneys responding, 48% recommended that Judge Beldock be retained, 36% recommended that he not be retained, and 16% had no opinion. Of the 79 non-attorney surveys mailed, only 12 were returned. Seventy-five percent of the non-attorneys recommended retention, 17% recommended against retention and 8% had no opinion. Due to the small sample size, the Commission placed less importance on the survey results. However, substantial concerns concerning Judge Beldock were raised by attorneys on both sides, particularly with respect to his ability to understand and apply the law consistently.

Honorable Donald W. Marshall

The Seventeenth Judicial District Commission on Judicial Performance unanimously recommends that Judge Donald W. Marshall BE RETAINED.

Judge Marshall was appointed to the District Court bench in 1986. Prior to this judicial appointment, Judge Marshall was in the private practice of law with specialization in oil, gas and commercial litigation.

He is currently assigned to handle the Domestic Relations division, but has extensive knowledge and experience presiding over criminal and civil cases. The surveys indicate he is a knowledgeable and efficient jurist. He received good marks for being well prepared and explaining courtroom procedures.

The Commission received written responses from the court personnel, litigants, law enforcement, special advocates, and victims of

enforcement, special advocates, and victims of crimes and jurors. The non-attorney group voted 75% to retain Judge Marshall, 5% recommend that he not be retained and 20% had no opinion. Of the attorney responses received, 78% voted to retain Judge Marshall, 15% voted not to retain and 7% had no opinion.

Honorable Chris Melonakis

The Seventeenth Judicial District Commission on Judicial Performance unanimously recommends that Judge Chris Melonakis BE RETAINED.

Judge Melonakis, a District Judge for the Seventeenth Judicial District, was appointed to the District Court Bench in 1998. Prior to his appointment, he had been engaged in the private practice of law for over 20 years.

Judge Melonakis has presided over domestic and criminal cases during his two-year tenure. He considers himself to be a hard-working judge who zealously researches, reads and studies the law before making a decision. Ratings from attorneys as well as non-attorneys support this evaluation of Judge Melonakis's knowledge and study of law.

Comments from attorneys were mostly favorable and 90% of those responding recommended retention of this judge, with 10% rejecting retention.

Sixty-nine percent (69%) of law enforcement, court personnel and litigants responding to the survey felt that Judge Melonakis should be retained, 23% voted to not retain and 8% had no opinion.

Honorable Jeffrey L. Romeo

Although the Seventeenth Judicial District Commission on Judicial Performance recommends that Judge Jeffrey L. Romeo BE RETAINED, some commission members voted not to retain or expressed no opinion. The reasons for the Commission's lack of unanimity are set forth below.

Judge Romeo has served as a County Court Judge in Adams County since 1990. The majority of Judge Romeo's cases involve criminal and domestic violence cases. Judge Romeo estimates that approximately 90% of his caseload is criminal. Of 128 surveys mailed, 49 were returned. Of the 14 surveys returned by non-attorneys, 79 % recommended retention, 14% recommended against retention, and 7% had no opinion. Of the 35 surveys returned by attorneys, 70%

recommended retention, 21% recommended against retention, and 9% had no opinion. Due to the small size of the survey, the Commission placed less reliance on the survey results.

In addition to survey results, the Commission also reviewed written comments submitted by attorneys and non-attorneys on an anonymous basis and requested interviews with attorneys who are heavily involved in appearing in cases before Judge Romeo. Several comments, written and verbal, were critical of Judge Romeo's demeanor, judicial temperament, willingness to accept criticism, and willingness to follow adverse decisions of the District Court. Other comments were favorable. Judge Romeo has accepted responsibility for the negative perception expressed by a number of attorneys and parties and has proposed a number of steps including additional training to remedy these concerns.

Honorable John J. Vigil

The Seventeenth Judicial District Commission on Judicial Performance unanimously recommends that Judge John J. Vigil BE RETAINED.

Judge Vigil was appointed to the District Court Bench in 1991. Prior to his appointment he was a County Court Judge in Adams County.

Judge Vigil hears criminal, civil, domestic and juvenile cases and is presiding over the Juvenile Division of the District Court of the Seventeenth Judicial District.

Survey comments noted that Judge Vigil was courteous and professional in the courtroom. In addition, he has good knowledge of the rules of evidence and procedure and gives well-reasoned decisions. Some comments by attorneys indicate Judge Vigil needs to have more patience in conducting hearings and trials, especially jury trials.

Survey results regarding retention show 60% on non-attorneys favor retention, 18% voted not to retain and 22% had no opinion. Of attorney responses, 88% favor retention, 6% voted not to retain and 6% had no opinion.

Honorable Alex Ray Bencze

The Eighteenth Judicial District Commission on Judicial Performance unanimously recommends that Judge Alex Ray Bencze BE RETAINED.

Judge Bencze received his doctorate in law degree from the University of Denver in 1979 after earning a bachelor's degree from Indiana University Northwest (Gary, IN) in 1976. He worked as a staff attorney for the Colorado Public Defender's office until 1982 when he opened a private practice.

He was appointed Arapahoe County Judge in August 1998, and his current judicial service totals almost six and one-half years. This includes nearly five years as a District Court Magistrate presiding over domestic relations and juvenile delinquency dockets.

In surveys of non-attorneys, such as jurors, law enforcement officers, and court personnel, 85% recommended retention of Judge Bencze, 9% did not, and 5% had no opinion. He received very good ratings for courtesy, impartiality and knowledge and application of the law. He was given good ratings also on diligence, communication skills. Ninety-six percent (96%) of attorneys surveyed recommended Judge Bencze should be retained, while 4% did not.

Honorable Christopher Charles Cross

The Eighteenth Judicial District Commission on Judicial Performance recommends that Judge Christopher Charles Cross BE RETAINED.

Judge Cross received his law degree from the University of Denver Law School in 1979 after earning an undergraduate degree in 1974 from Denison University in Granville, Ohio. He was appointed to the bench in August 1997 after almost five years as a Denver Deputy District Attorney followed by 13 years in private practice. His current judicial service totals slightly more than two and one-half years, including County Court and temporarily, a stint in 1999 as an acting District Court Judge in the civil division.

In surveys of non-attorneys, such as jurors, defendants, and court personnel, 87% recommended retention of Judge Cross; 13% had no opinion. Attorney surveys indicated 76% believe Judge Cross should be retained; 18% did not; 6% had no opinion.

He was criticized for his aggressive management style. Attorneys in both the District Attorney and Public Defender offices were critical of new procedures designed by the judge to improve efficiency.

Judge Cross expressed a willingness "to address and correct problems which may exist in his behavior on the bench". The Commission recommends his retention.

Honorable Richard M. Jauch

The Eighteenth Judicial District Commission on Judicial Performance recommends that Judge Richard M. Jauch BE RETAINED.

Judge Jauch was appointed to County Court in October 1985, and his current judicial service exceeds 13 years. This includes more than three years as a County Court Referee, which he was appointed in 1982. He served as a Deputy District Attorney specializing in criminal cases before his appointment as a judge. His present caseload consists of 95 % traffic and criminal cases; the rest being civil cases. Dealing with many people who are experiencing the court system for the first time, Judge Jauch's comforting demeanor, willingness and ability to explain the process is a credit and benefit to the judicial system.

Judge Jauch is considered extremely fair and courteous and bases his decisions on both the law and facts of individual cases. In surveys of non-attorneys, such as jurors, law enforcement officers and court personnel, 90% recommended retention of Judge Jauch. Only 4% did not, and 6% had no opinion. He received good ratings for courtesy, impartiality and knowledge and application of the law. He was given good ratings also on diligence, communication skills and judicial temperament. Attorney surveys indicated 89% believe Judge Jauch should be retained while 9% did not, and 2% had no opinion.

Honorable James Steven Miller

The Eighteenth Judicial District Commission on Judicial Performance recommends that Judge James Steven Miller BE RETAINED.

Judge Miller received his doctorate in law degree from the University of Memphis in 1980 after earning a bachelor's degree in biology from Franklin & Marshall College (Lancaster, Pa.) in 1974 and a master's degree in science from the University of Memphis in 1977. He practiced law in Memphis, Fort Morgan and Denver, CO, until 1992.

He was appointed Douglas County Judge in November 1992, and his current judicial service totals nearly seven and one-half years. His cases are divided roughly as 80% misdemeanors, 10% felonies and 5% civil actions. He also handles District Court cases on assignment. Misdemeanor cases are split almost equally between domestic violence and major traffic offenses, including DUI. Prior to his appointment he was an attorney in private practice.

In surveys of non-attorneys, such as jurors, law enforcement officers, and court personnel, 83% recommended retention of Judge Miller, 9% did not, and 7% had no opinion. He received very good ratings for courtesy, impartiality and knowledge and application of the law. He was given good ratings also on diligence, communication skills and judicial temperament. Attorney surveys indicated 86% believe Judge Miller should be retained, 8% did not, while 5% had no opinion.

Honorable Robert H. Russell II

The Eighteenth Judicial District Commission on Judicial Performance unanimously recommends that Judge Robert H. Russell II BE RETAINED.

Judge Russell received his law degree from the University of Puget Sound School of Law in 1975 while serving in the U.S. Air Force, from which he retired in August 1984 as a Lieutenant Colonel after 20 years of service. He earned an undergraduate degree from the University of Missouri-Kansas City in 1963.

He was appointed District Judge in August 1998. Prior to that appointment, he served in Arapahoe County Court from June 1989. His initial appointment to the bench was as an Arapahoe County Magistrate in October 1985, after serving in the Arapahoe County District Attorney's office and in private practice. His current judicial service thus totals nearly 15 years. His current caseload consists of criminal and civil adjudication, but he also serves in the Domestic Relations division, an area of specialization that derives from his pre-law experience and undergraduate degrees. He wishes to work with the Family Court Project.

In surveys of non-attorneys, such as jurors, law enforcement officers, and court personnel, 82% recommended retention of Judge Russell, 3% did not, and 15% had no opinion. He received very good ratings for courtesy, impartiality and knowledge and application of the law. He was given very good ratings also on diligence, communication skills and judicial temperament. Attorney surveys indicated 91% believe Judge Russell should be retained, 6% did not, while 3% had no opinion.

LOCAL ELECTION OFFICES

Offices of the County Clerks and Recorders

Adams	450 S. Fourth Ave., Brighton, CO 80601-3195	(303) 654-6020
Alamosa	402 Edison Ave., Alamosa, CO 81101-0630	(719) 589-6681
Arapahoe	5334 S. Prince St., Littleton, CO 80166-0211	(303) 795-4200
Archuleta	449 San Juan, Pagosa Springs, CO 81147-2589	(970) 264-5633
Baca	741 Main St., Springfield, CO 81073	(719) 523-4372
Bent	725 Carson, Las Animas, CO 81054-0350	(719) 456-2009
Boulder	1750 33rd St., Boulder, CO 80306	(303) 441-3516
Chaffee	104 Crestone Ave., Salida, CO 81201-0699	(719) 539-4004
Cheyenne	P.O. Box 567, Cheyenne Wells, CO 80810-0567	(719) 767-5685
Clear Creek	405 Argentine St., Georgetown, CO 80444-2000	(303) 679-2339
Conejos	6683 County Road 13, Conejos, CO 81129-0127	(719) 376-5422
Costilla	354 Main St., San Luis, CO 81152-0308	(719) 672-3301
Crowley	110 E. Sixth St., Ordway, CO 81063	(719) 267-4643
Custer	205 S. Sixth St., Westcliffe, CO 81252-0150	(719) 783-2441
Delta	501 Palmer #211, Delta, CO 81416	(970) 874-2150
Denver	1437 Bannock St. #200, Denver, CO 80202	(303) 640-5540
Dolores	409 N. Main St., Dove Creek, CO 81324-0058	(970) 677-2381
Douglas	301 Wilcox St., Castle Rock, CO 80104	(303) 660-7444
Eagle	500 Broadway, Eagle, CO 81631-0537	(970) 328-8710
Elbert	P. O. Box 37, Kiowa, CO 80117-0037	(303) 621-3116
El Paso	200 S. Cascade, Colorado Springs, CO 80903	(719) 520-6225
Fremont	615 Macon Ave. #100, Canon City, CO 81212	(719) 276-7330
Garfield	109 Eighth St. #200, Glenwood Spgs, CO 81601	(970) 945-2377
Gilpin	203 Eureka St., Central City, CO 80427-0429	(303) 582-5321
Grand	308 Byers Ave. Hot Sulphur Springs, CO 80451-0120	(970) 725-3347 ext. 210
Gunnison	221 N. Wisconsin, Suite C, Gunnison, CO 81230	(970) 641-1516
Hinsdale	317 N. Henson St., Lake City, CO 81235-0009	(970) 944-2228
Huerfano	401 Main St. Ste 204, Walsenburg, CO 81089	(719) 738-2380
Jackson	396 La Fever St., Walden, CO 80480-0337	(970) 723-4334
Jefferson	100 Jefferson County Parkway #2560 Golden, CO 80419-25	(303) 271-8111
Kiowa	1305 Goff St., Eads, CO 81036-0037	(719) 438-5421

Kit Carson	251 16th St., Burlington, CO 80807-0249	(719) 346-8638
Lake	505 Harrison Ave., Leadville, CO 80461-0917	(719) 486-1410
La Plata	1060 Second Ave., Durango, CO 81301	(970) 382-6296
Larimer	200 W. Oak St., Ft. Collins, CO 80522	(970) 498-7820
Las Animas	200 S Maple St. Rm 205 Trinidad, CO 81082-0115	(719) 846-3314
Lincoln	103 Third Ave., Hugo, CO 80821-0067	(719) 743-2444
Logan	315 Main St., Sterling, CO 80751-4357	(970) 522-1544
Mesa	2424 Highway 6 & 50 Unit 414 Grand Junction, CO 81505	(970) 244-1662
Mineral	1201 N. Main St., Creede, CO 81130	(719) 658-2440
Moffat	221 W. Victory Way, Craig, CO 81625	(970) 824-9104
Montezuma	109 W. Main St. Room 108, Cortez, CO 81321	(970) 565-3728
Montrose	320 S. First St., Montrose, CO 81401	(970) 249-3362
Morgan	231 Ensign, Ft. Morgan, CO 80701-1399	(970) 542-3521
Otero	13 W. Third St., La Junta, CO 81050-0511	(719) 383-3020
Ouray	541 Fourth St., Ouray, CO 81427	(970) 325-4961
Park	501 Main St., Fairplay, CO 80440-0220	(719) 836-4222
Phillips	221 S. Interocean Ave., Holyoke, CO 80734	(970) 854-3131
Pitkin	530 E. Main St. #101, Aspen, CO 81611	(970) 920-5180
Prowers	301 W. Main St., Lamar, CO 81052-0889	(719) 336-8011
Pueblo	215 W. 10th St., Pueblo, CO 81003-2992	(719) 583-6520
Rio Blanco	555 Main St., Meeker, CO 81641-1067	(970) 878-5068
Rio Grande	965 Sixth St., Del Norte, CO 81132-0160	(719) 657-3334
Routt	522 Lincoln Ave. Steamboat Springs, CO 80477-3598	(970) 870-5556
Saguache	501 Fourth St., Saguache, CO 81149-0176	(719) 655-2512
San Juan	1557 Green St., Silverton, CO 81433-0466	(970) 387-5671
San Miguel	305 W. Colorado Ave., Telluride, CO 81435-0548	(970) 728-3954
Sedgwick	315 Cedar, Julesburg, CO 80737	(970) 474-3346
Summit	208 E. Lincoln, Breckenridge, CO 80424-1538	(970) 453-3475
Teller	101 W. Bennett Ave., Cripple Creek, CO 80813	(719) 689-2951
Washington	150 Ash, Akron, CO 80720	(970) 345-6565
Weld	1402 N. 17th Ave., Greeley 80632	(970) 353-3840
Yuma	310 Ash St., Wray, CO 80758-0426	(970) 332-5809