

**BALLOT ISSUES  
2008**



**LEAGUE OF WOMEN VOTERS OF  
COLORADO EDUCATION FUND**

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**VOTER HOTLINE  
303-863-VOTE (8683)**

**VOTE ON ELECTION DAY  
NOVEMBER 4, 2008**

**THE LEAGUE OF WOMEN VOTERS OF COLORADO EDUCATION FUND** has prepared this pamphlet as a public service to promote civic responsibility by providing nonpartisan information about the issues that citizens will be asked to vote on at the **November 4, 2008 election**.

**THE LEAGUE OF WOMEN VOTERS EDUCATION FUND OF COLORADO** promotes the informed participation in government by providing non-partisan educational information on topics of public concern and on the processes of government.

Contact the League's **VOTER HOTLINE** at **303-863-VOTE (8683)** for:  
Voter information  
Ballot information  
Ballot issue speakers

**For information about the retention of Judges, please refer to the 'Legislative Analysis of the Ballot Issues' commonly known as the 'Blue Book' which is mailed to each voter.**

**THE LEAGUE OF WOMEN VOTERS OF COLORADO EDUCATION FUND** is not responsible for the accuracy or fairness of the arguments of either side. The pro and con statements are a compilation of the material submitted by proponents and opponents of each ballot issue.

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## **THE BALLOT**

*Issues are placed on the ballot by:*

### **Referendum**

- A proposal by the Legislature which is referred to citizens for a vote.

### **Initiative**

- A proposal by citizens who have gathered the required number of signatures (five percent of the total number of votes cast for Secretary of State in the previous general election).

*Statewide issues appearing on the ballot may be of two types:*

### **Amendments to the Colorado Constitution**

- May be referred to the voters by a two-thirds vote of both houses of the Colorado General Assembly or may be proposed by citizens using the initiative process. Only the voters (not the legislature) can change the constitution.

### **Amendments to the Revised Statutes**

- May be referred to the voters by a majority vote of both houses of the Colorado General Assembly or may be proposed by citizens using the initiative process. Although approved by voters, amendments to the Colorado Revised Statutes may subsequently be changed by the legislature.

Local or regional issues may also be on the ballot for a vote of the citizens.

## **ELECTION CALENDAR 2008**

**October 6** - Last day to register for General Election.

**October 20 - 31**—Early voting for the General Election.

**October 28**—Last day to apply for a mail-in ballot to be mailed to you.

**October 31**—Last day to apply for mail-in ballot in person.

**November 4**—General Election.

### **VOTING REQUIREMENTS**

Identification is required for voting at all polling places. One of the following forms is required:

- Valid Colorado driver's license.
- Valid Colorado identification card.
- Valid U.S. passport.
- Valid U.S. military card.
- Copy of current utility bill or paycheck or government check showing name and current address.
- FAA photo pilot's license.
- Certified naturalization document
- Valid Medicare or Medicaid card
- Certified copy of birth certificate
- Valid student ID card with photo

**If you have difficulty voting at your polling place, see an election judge about obtaining a provisional ballot.**

## TABLE OF CONTENTS

### INITIATED PROPOSALS

Amendment 46.....	7
Discrimination and Preferential Treatment by Governments	
Amendment 47.....	9
Prohibition on Mandatory Labor Union Dues	
Amendment 48.....	11
Definition of a Person	
Amendment 49.....	13
Rules for Public Employee Paycheck Deductions	
Amendment 50.....	15
Limited Gaming	
Amendment 51.....	17
State Sales Tax Increase for Individuals with Developmental Disabilities	
Amendment 52.....	19
Severance Tax – Transportation	
Amendment 53.....	22
Criminal Accountability for Business Executives	
Amendment 54.....	24
Campaign Contributions from Certain Government Contractors	
Amendment 55.....	27
Allowable Reasons for Employee Discharge or Suspension	

Amendment 56.....	30
Employer Responsibility for Health Insurance	
Amendment 57.....	31
Additional Remedies for Injured Employees	
Amendment 58.....	34
Severance Taxes on Oil and Gas Industry	
Amendment 59.....	37
Rebates and Educational Funding	

**REFERRED PROPOSALS**

Referendum L.....	40
Qualifications for Serving in the State Legislature	
Referendum M.....	41
Repeal Obsolete Provision: Land Values	
Referendum N.....	42
Repeal Obsolete Provision: Alcoholic Beverages	
Referendum O.....	44
Citizen Initiated State Laws	

## INITIATED PROPOSALS

### **AMENDMENT 46 DISCRIMINATION AND PREFERENTIAL TREATMENT BY GOVERNMENTS**

An initiated amendment to Article II of the Colorado Constitution adding a new section prohibiting the state from discriminating against or granting preferential treatment to any individual or group.

#### **Major Provisions:**

- Forbids the state from discriminating against or giving preferential treatment to any individual or group on the basis of race, sex, color, ethnicity, or national origin in public employment, education, or contracting.
- Exempts the following:
  - ✓ Legitimate qualifications based on sex that are reasonably necessary (such as female prison guards);
  - ✓ Court orders or consent decrees currently in force;
  - ✓ Federal programs requiring such action for establishment or eligibility to avoid loss of funding for the state.
- Defines 'state' as all levels of state government including higher education, agencies or departments of the state, any public subdivision or governmental instrumentality in the state.
- Provides for the same remedies as in current Colorado anti-discrimination law.

**Background:**

Although this proposal does not define discrimination or preferential treatment, the definitions are important. Typically, discrimination is defined as granting or denying privileges to individuals or groups based upon race, sex, or age, and preferential treatment refers to programs or policies aimed at disadvantaged groups or individuals to remedy past discrimination or to promote diversity or inclusion.

The U.S. Constitution's Equal Protection Clause protects against discrimination by governments but allows them to consider race and gender when choosing among qualified individuals or firms under plans to correct discrimination or promote diversity. Colorado law does not define discrimination or preferential treatment but there are some programs that target assistance to a particular race, gender or ethnicity, such as obtaining financial aid for college, starting a business, or developing skills.

The measure does allow for Federal programs, especially in public contracting related to transportation, which provide assistance to minority/women owned businesses to compete for federal projects. These programs would be allowed as they are required to receive federal funding.

Remedies for discrimination usually relate to employment discrimination and consist of payment of lost wages, hiring or reinstatement.

**Those in favor say:**

1. This proposal assures that every person—regardless of race or gender—will have equal access to outreach programs now aimed at minorities or women.
2. Because the proposal applies only to public education, hiring or contracting, private organizations can still provide targeted outreach programs.

**Those opposed say:**

1. Similar proposals enacted in other states have resulted in dramatic negative consequences for minority/women owned business with regard to public contracts and for minorities in higher education attendance.
2. The proposal fails to define “preferential treatment” or “discrimination” leaving these terms open to interpretation and to lawsuits funded at taxpayers’ expense.

**AMENDMENT 47  
PROHIBITION ON MANDATORY  
LABOR UNION DUES**

An initiated amendment to Article XVIII of the Colorado Constitution adding a new section concerning participation in a labor organization.

**Major Provisions:**

- Prohibits requiring a person, as a condition of employment, to be a member of a labor union and pay any dues, fees, assessments, or charges of any kind to a labor union or other party.

- Allows any person to voluntarily belong to or provide financial support to a labor union.
- Creates a misdemeanor penalty for violation of this law including the highest level misdemeanor fine (currently between \$500 and \$5000).
- Applies to all union employment contracts entered into, renewed, or extended after the effective date of passage.

**Background:**

Passed in 1943, the Labor Peace Act (current Colorado law) is unique in state labor law. It requires a special second employee vote before a workplace becomes a union shop.

Federal law gives private-sector employees the right to join a workplace union as a means for negotiating with their employer over issues such as pay, benefits, and working conditions. The decision to be represented by a particular union must be approved by a majority vote of the employees. When a union is formed, membership and payment of dues is voluntary.

Neither federal nor state law regulates the formation of unions for public employees, such as teachers or government workers.

Once a union is in place, state law allows employees in Colorado to seek an all-union agreement. Under an all-union agreement, all employees, including those who choose not to join the union, must pay their share of the cost of collective bargaining as a condition of employment.

**Those in favor say:**

1. This amendment will stop the unfair practice of forcing workers to pay dues that support union activities without their consent.
2. It will strengthen Colorado's economy, create jobs, and make our state more competitive. States with amendments similar to this have seen an increase in economic productivity and job growth.

**Those opposed say:**

1. This proposal would dramatically change the current relationship between business and organized labor as governed by the Labor Peace Act. The current structure provides balance in Colorado and allows the greatest amount of flexibility in economic development.
2. This proposal reduces the choices of employees such as nurses and firefighters to work as a group to advocate with their employers for safer working conditions and appropriate workplace staffing levels that keep them – and us – safe.

**AMENDMENT 48  
DEFINITION OF A PERSON**

An initiated amendment to Section 1, Article II of the Colorado Constitution defining a person or persons as a human being from the moment of fertilization.

**Major Provisions:**

- Defines the term 'person' to include any human being from the moment of fertilization.

- Applies this definition of ‘person’ to those sections of the constitution dealing with inalienable rights, equality of justice, and due process of law.

**Background:**

Since 1873, the year the federal Comstock laws were enacted prohibiting all distribution of information or devices for birth control or abortion, groups have argued vehemently about the fundamental right of privacy in reproductive health. At both state and federal levels, there have been many attempts to effect women’s rights to birth control and abortion. In 1973, the U.S. Supreme Court legalized abortion throughout our country with the Roe v. Wade decision which has been under steady attack but remains in effect today.

**Those in favor say:**

1. This measure would define ‘person’ in Colorado’s constitution and provide the foundation for protecting every human being at all stages of life including a human being from the moment of fertilization.
2. Under this amendment Colorado voters would have the opportunity to inform courts and legislators that they believe every human being has value and should be protected with equal rights.

**Those opposed say:**

1. Defining the term ‘person’ and granting full constitutional rights from the moment of fertilization simply goes too far.
2. A woman should have the right to make decisions about her own health care in consultations with her doctor and family

without government intrusion. This proposal could ban the most widely used forms of birth control. Abortion would most likely be restricted.

**AMENDMENT 49  
RULES FOR PUBLIC EMPLOYEE  
PAYCHECK DEDUCTIONS**

An initiated amendment to Article XXX of the Colorado Constitution prohibiting deductions from governmental payroll systems except for those purposes specifically stated in this proposed amendment.

**Major Provisions:**

- Prohibits public payroll systems from taking any payroll deductions from public employees payroll checks with the exception of the following:
  - ✓ Deductions required by federal law (example: social security, Medicare);
  - ✓ Tax withholdings;
  - ✓ Judicial liens and garnishments, including court-ordered child support, domestic support and maintenance obligations and payments;
  - ✓ Deductions for individual or group health benefits or other insurance;
  - ✓ Deductions for pension or retirement plans or systems; and
  - ✓ Charitable deductions.
  
- Directs that provisions will supersede conflicting state constitutional, state statutory, local charter, ordinance or resolution and other state and local provisions.

**Background:**

Currently, state law regulates the type of deductions state employees may have withheld from their paychecks. Payroll deductions or money withheld from an employee's pay include types that are mandatory (taxes), offered as an employee benefit (health insurance), charitable contributions or those established as an agreement with an organization or with labor.

However, each local government or municipality may set its own policies on the limits or types of payroll deductions. As many as twelve counties in Colorado have adopted similar limitations on allowable payroll deductions from public employees' paychecks as those outlined in this proposal.

This amendment would apply the same limits to all governmental payroll deductions in Colorado regardless of what agreements are currently in place.

**Those in favor say:**

1. This amendment establishes "ethical standards" prohibiting Colorado governments from bundling money from public employees' paychecks and delivering the funds to special interest groups, like unions. It is unethical for government to be the banker, accountant, and collection agent for special political interests or other political organizations.
2. In an era of automatic transfers and electronic transfers, there is no reason why political contributions and organizational dues should go through the people's payroll system at taxpayer expense.

**Those opposed say:**

1. The proposal precludes every public employee from making decisions about organizations they want to support through paycheck deductions. In addition, the measure is inconsistent because it permits employees to contribute to some private groups, while prohibiting contributions to others.
2. This proposal will not produce any real cost saving for government. With automated payroll systems, most governments experience little or no cost impact because employee deduction choices are paid by the groups being given the donation.

**AMENDMENT 50  
LIMITED GAMING**

An initiated amendment to Section 9, Article XVIII of the Colorado Constitution allowing local elections to revise gaming limits.

**Major Provisions:**

- Implements a local vote for residents in Black Hawk, Central City and Cripple Creek to extend the current maximum single bet to \$100, to add roulette and/or crap games and to extend casino hours.
- Mandates that additional gaming tax revenues will fund financial aid and classroom instruction in Colorado community colleges.
- Requires statewide approval by voters of any tax increases if new limits are adopted by any of the gaming towns.

- Exempts the additional revenue from the state and local revenue and spending limits.

**Background:**

In 1990, Colorado voters approved a constitutional amendment allowing limited gaming in Cripple Creek, Blackhawk and Central City. Gaming is limited to a maximum single bet of \$5 on black jack, slot machines and poker games. Hours of operation are restricted. Last year, the state of Colorado received \$112 million in revenue from gaming. After paying for the enforcement of gaming regulations, one-fourth of the remaining revenue went to preservation of historical structures and one-fourth to the gaming communities and one-half went into various state programs.

**Those in favor say:**

1. Colorado gaming limits have remained the same since the 1990 initiative was passed with no adjustment for inflation. This measure will make Colorado more competitive with other gaming states and continue to benefit the tourism industry.
2. The revenue generated by any increase in gaming limits could make a real difference for the community college system. The new revenue would be used for student financial aid and classroom instruction. It would also have a positive impact on Colorado's economy and the state's quality of life.

**Those opposed say:**

1. Around the clock casino operations and an increase to \$100 bet limits may lead to an

increase in problem and pathological addiction. Research also shows a strong correlation between gambling addiction and domestic violence, child abuse, divorce, crime and bankruptcies.

2. Gaming revenue for funding community colleges is an unstable source and is dependent upon economic conditions. The benefit of any additional funding source to community colleges does not outweigh all the negative aspects of this proposal.

**AMENDMENT 51  
STATE SALES TAX INCREASE FOR  
SERVICES FOR INDIVIDUALS WITH  
DEVELOPMENTAL DISABILITIES**

An amendment to Article 10 of the Colorado Revised Statutes to increase funding for individuals with developmental disabilities.

**Major provisions:**

- Increases Colorado sales and use tax by two-tenths of a cent over a two-year period.
- Ends the wait list for services for developmentally disabled individuals.

**Background:**

Developmental disabilities arise from conditions such as Down syndrome, cerebral palsy, autism and mental retardation. Some individuals are able to live independently and hold jobs with training and supervision, while others require intensive care and equipment all of their lives. Types of assistance include:

- ✓ Supervision and residential services for adults living outside their family homes;

- ✓ Specialized medical equipment such as wheelchairs or computers for communication;
- ✓ Skilled nursing, medical and dental services, behavioral and mental health services;
- ✓ Specific programs for autistic children, especially if at risk for institutionalization;
- ✓ Support for families to enable them to care for the disabled individual, especially when 24 hour care is needed.

Currently, Colorado's sales tax is 2.9%. This proposal would increase it to 3.1% over a period of two years. At this time, 11,800 developmentally disabled individuals receive services. Total spending from all sources is about \$400 million/year with the state's share about \$184 million. With federal and state funding for disability programs declining for a decade, the state has roughly 9700 adults and children on waiting lists; a number that is expected to grow to over 12,000 by 2012. Due to funding pressures on the state budget, full funding for persons with developmental disabilities has not been met.

The new sales tax will raise about \$186 million in 2011. It is anticipated that it will be sufficient to provide services to all developmentally disabled persons and their families who are on the waiting list. The new money may only go toward services for the developmentally disabled. The increase would cost a three-person household making \$55,000 annually an additional \$20 in the first year and will increase to \$40 in the second year when the tax increase is fully in place.

**Those in favor say:**

1. Research shows that a lack of funding for developmentally disabled people is at the point of crisis. Wait times can last as long as ten years and the demand will grow as aging parents are no longer able to care for adult children.
2. This need is so great that it cannot be met without a new source of funding unless other necessary programs are cut. This proposal is a modest solution that can be changed by the Legislature when the state adopts comprehensive fiscal reform.

**Those opposed say:**

1. This proposal earmarks general sales tax for a specific purpose. Traditionally sales tax money has gone to the state General Fund to be used for all state programs.
2. Sales tax is a regressive tax. In difficult economic times, it will hurt Colorado's poorest citizens the most.

**AMENDMENT 52  
SEVERANCE TAX – TRANSPORTATION**

An initiated amendment to Article X of the Colorado Constitution concerning the allocation of severance tax revenues to a Colorado Transportation Trust Fund.

**Major Provisions:**

- Divides the severance taxes imposed on minerals and mineral-fuels (except oil shale) between the local government severance tax fund and the state severance tax fund.
- Credits any monies in the state severance tax fund in excess of a calculated amount

to a newly-created Colorado Transportation Trust Fund.  
*(The calculated amount is based on the previous year's amount plus an inflation adjustment or the highest amount beginning on July 1, 2007 whichever is greater.)*

- Makes available the monies in the Colorado Transportation Trust Fund for the construction, maintenance and supervision of highways “giving first priority to relieving congestion” on the I-70 corridor.

**Background:**

In 1977 the Colorado General Assembly imposed a severance tax on nonrenewable natural resources removed from the state and sold for private profit. This tax—an attempt to recapture a portion of this lost wealth for the state and its political subdivisions—was to be levied on metallic minerals, molybdenum ore, oil and gas, coal, and oil shale.

Currently, severance taxes are divided 50/50 between the department of Natural Resources (DNR) and the Department of Local Affairs (DOLA). DNR’s half—the State Severance Tax Trust Fund—is divided equally between two accounts: one used for loans for state water projects; and the other used for programs within the Colorado Oil and Gas Conservation Commission, the Colorado Geological Survey, the Division of Minerals and Geology, and the Colorado Water Conservation Board.

The Local Government Severance Tax Fund - DOLA’s half - is divided 70/30. Seventy percent is made available for discretionary

loans and grants to impacted local governments. Thirty percent is distributed directly to local governments based on the proportion of severance-related employees in their areas.

Several bills passed during the 2008 session of the General Assembly modified the laws concerning severance tax, but did not change the basic distribution of monies described above.

*Note: Since severance tax provisions are statutory, the General Assembly has, in the past, used the money for purposes not delineated in current law, e.g., species conservation and addressing Colorado's budget shortfalls.*

**Those in favor say:**

1. This proposal provides additional funding for maintaining our transportation infrastructure without raising taxes or creating tolls.
2. Placing this language in the constitution protects a funding source for transportation and ensures that other severance tax monies will go to local governments.

**Those opposed say:**

1. This proposal diverts severance tax money from necessary statewide water projects. Colorado's water needs are continually growing and this proposal would divert half of the money currently available for loans and grants for water projects to transportation.
2. This measure removes highway construction projects from the statewide

planning process which is currently being done by an independent commission. This process would become politicized if the Legislature took over the selection of transportation projects.

**AMENDMENT 53  
CRIMINAL ACCOUNTABILITY FOR  
BUSINESS EXECUTIVES**

An initiated amendment to Colorado Revised Statutes, Section 18, extending criminal liability of a business entity to its executives.

**Major Provisions:**

- Extends the criminal liability to a business executive if the official knew of a failure to perform a duty required by law. The provisions apply to an officer, director, managing partner, managing member or sole proprietor of a business.
- Allows an executive official who discloses to the attorney general all facts known to the official concerning a business's criminal conduct to use that disclosure as an affirmative defense to criminal charges.

**Background:**

Colorado law criminalizes certain acts committed by or on behalf of a business. When laws are violated, companies may be assessed fines.

Businesses are subject to a wide variety of state and federal laws including environmental protections, securities regulations and consumer protection guarantees. Existing criminal penalties for violations include fines, imprisonment or both.

**Those in favor say:**

1. The proposal would make heads of companies pay out of their own pockets if they commit criminal fraud, and requires that CEOs and executives report criminal fraud if they know about it. Fraud is costing taxpayers and workers billions of dollars every year while corporate criminals walk free.
2. The proposal addresses a gap in state law whereby business entities themselves can be prosecuted while executives can avoid responsibility for their businesses' failure to follow state law. It will hold executives accountable when they know of a legal duty their business failed to perform.

**Those opposed say:**

1. This proposal unnecessarily criminalizes traditionally civil and regulatory conduct. Colorado law already allows for the prosecution of individuals who break the law on behalf of a business. The proposal could lead to higher insurance costs for executives and could hurt Colorado companies' ability to recruit top talent.
2. This expansion of current law may cause unintended consequences because it allows immunity from liability of all criminal conduct attributable to any executive official as long as that person notifies the Attorney General prior to being charged with a crime.

**AMENDMENT 54  
CAMPAIGN CONTRIBUTIONS FROM  
CERTAIN GOVERNMENT  
CONTRACTORS**

An initiated amendment to Article XXVIII of the Colorado Constitution concerning restrictions on campaign contributions by contractors who are awarded no-bid government contracts or public employee unions who have collective bargaining agreements.

**Major Provisions:**

- Prohibits companies, unions and their officers including their spouses, children, in-laws, nieces, nephews, guardians, domestic partners, and other family members from making campaign contributions to a political party or a candidate if they have been awarded a sole source (no-bid) contract by either the state or a local government or its sub-entity. This restriction remains for the duration of the sole source contract and for 2 years afterwards.
- Prohibits a person from making a contribution to a ballot issue if they enter into a sole source contract with a government entity as a result of the subject of the ballot issue.
- Requires the executive director of personnel to publish and maintain a list of all sole source contracts. All sole source contract holders will supply the director with details of the project to be performed.
- Requires any company, union or individual who intentionally violates this provision to be ineligible to hold any government

contract for 3 years. An individual would be ineligible for any public employment for this duration.

- Removes from office any appointed or elected official who knows of a violation and fails to report it within 10 days to the Secretary of State.
- Extends the enforcement of this amendment to any registered voter who may file a complaint.

**Background:**

There are no laws which prevent individual contributions to a political campaign of any kind. State law regulates how government entities purchase goods and services from the private sector. With few exceptions this requires the use of the public and competitive bidding process soliciting at least three bids. Only occasionally are no-bid contracts awarded. These contracts occur when equipment or replacement parts must be compatible, where the item is needed for trial use or testing, or public utility services are needed. Under current law, collective bargaining agreements are not considered no-bid contracts.

**Those in favor say:**

1. This proposal encourages clean and open government by ensuring that those who receive a no-bid government contract will not influence the political process with campaign contributions.
2. This measure increases government transparency so that the public may more closely watch over the way government does business. It will force government to re-evaluate its no-bid policy, creating a

market place, which will lower the cost of doing business, thus saving taxpayer money. The measure discourages reliance on existing relationships and partnerships and puts all companies on an equal footing by requiring all contracts to be bid out.

3. The measure holds elected and appointed officials accountable for receiving campaign money from an entity that receives a no-bid contract.

**Those opposed say:**

1. This measure is overreaching and interferes with an individual's right to donate to campaigns. For example, an individual with a local government sole source contract would be forbidden from donating money, not only to a local candidate, but also to a state candidate with whom he has no dealings. Because political parties and candidates would need to know who was related to whom before accepting any donation this measure would be almost impossible to monitor.
2. This proposal will allow political insiders to manipulate the system and to overturn valid elections. Special interests should not be able to unseat elected officials by luring them into technical violations of the law, using a step-parent or a brother-in-law who has nothing to do with the government contract and may not even live in Colorado.
3. Currently unions are not considered contractors of private services and, therefore, are not required to bid. This measure would require 3 bids. Unions are usually industry specific and there exists only one in a particular industry. Only one

may have interest in organizing workers in that field. For example, getting a bid from the truckers union to represent office workers is both inefficient and impractical.

**AMENDMENT 55  
ALLOWABLE REASONS FOR  
EMPLOYEE DISCHARGE OR  
SUSPENSION**

An initiated amendment to Article XVIII of the Colorado Constitution by adding a new section establishing a requirement that an employer must have just cause for discharge or suspension.

**Major Provisions:**

- Requires an employer to provide written documentation to a full-time employee who has been discharged or suspended with the reasons justifying the discharge or suspension.
- Defines “just cause” as: incompetence; substandard performance; neglect of duties; repeated violations of the employer’s written policies and procedures; gross insubordination; willful misconduct; conviction of a crime involving moral turpitude; filing of bankruptcy by the employer; or due to specific economic circumstances that directly and adversely affect the employer and are documented by the employer.
- Affects full-time employees who have worked for at least 6 consecutive months for a private sector employee and are not covered by a collective bargaining agreement.

- Affects employers with at least 20 full-time employees.
- Excludes any governmental entity or any nonprofit association that employs less than 1000 employees.
- Allows an employee who feels he/she was discharged or suspended without just cause to file a civil action. If the discharge or suspension is found to be wrongful, the court shall award the employee reinstatement to their former job, back wages, damages or any combination thereof. It allows the court to award attorney fees to the prevailing party.

**Background:**

Current Colorado labor laws allow most employers or employees to end the employment for any reason, known as “at-will employment.” At-will employees may be terminated for any reason so long as it's not illegal, such as firing an employee for discriminatory reasons. In Colorado, there are two exceptions to the at-will rule based upon the legal principles of "public policy" and "implied contract": (1) an employee cannot be fired for refusing to perform an illegal act, and (2) a binding employment relationship may be found to have been created by an implied or an express contract. The contract theory usually arises in situations in which procedures outlined in personnel handbooks are construed as a contract between the employer and employee.

**Those in favor say:**

1. This proposal allows employees to work without fear of being terminated arbitrarily without notice or reason. The measure will

still allow businesses to fire bad employees for incompetence, neglect of duties, or if the company faces difficult economic circumstances, but companies cannot fire employees arbitrarily.

2. This proposal puts into law business practices that are already followed by good employers. Most companies document issues that result in firing or suspending an employee. This measure requires private sector companies to provide their employees with the same protections available to most government employees and employees protected by collective bargaining agreements.

**Those opposed say:**

1. This proposal imposes severe restrictions on businesses in our constitution that will devastate Colorado's economy. By preventing businesses from making basic economic decisions, such as eliminating unnecessary employees, automating operations, or reorganizing to improve efficiency, the measure places them at a competitive disadvantage with businesses in other states.
2. This measure will hurt the people it is intended to help by discouraging employers from hiring full-time employees. Instead businesses will convert full-time employees to part-time employees, and hire independent contractors. Companies are also likely to reduce their workforce to fewer than 20 employees to avoid the measure's impact.

**AMENDMENT 56  
EMPLOYER RESPONSIBILITY FOR  
HEALTH INSURANCE**

An initiated amendment to Article XVIII of the Colorado Constitution adding a new section requiring every private Colorado entity that employs 20 or more people to provide, major medical health care coverage for its employees.

**Major Provisions:**

- Requires that employees pay no more than 20% of health insurance premium cost for themselves or no more than 30% of the premium cost for their dependents.
- Directs the state to establish a health insurance authority to administer this coverage.
  - ✓ Requires employers who do not directly provide health care coverage for their employees to pay premiums to the state authority.
  - ✓ Directs the state authority to use the premiums collected both to fund operations and to contract with health insurance providers.

**Background:**

At this time, Colorado law does not require employers to provide health insurance for their employees. However, federal information shows that most of Colorado's employers who have more than 20 employees provide some type of health insurance. Employers may offer health insurance to their employees but they aren't required to pay any portion of the premiums. Currently, more than half of Coloradans obtain their health insurance from

their employer. Other sources of health care insurance include Medicare and Medicaid and individually purchased health care coverage. Currently, approximately 17% of Coloradans are uninsured.

**Those in favor say:**

1. Employees enable a company to make a profit. Healthy employees lead to more productivity and fewer days lost to illness.
2. Too many workers cannot afford health insurance and too few employers provide health care insurance.

**Those opposed say:**

1. The costs of this proposal to employers are prohibitive. The measure increases the costs of production without increasing productivity. Not only would current employers be unable to afford this mandate, but it could discourage new businesses from coming to Colorado.
2. This proposal could lead to lower wages, more out-sourcing, more automation, the hiring of ineligible workers, and significant non-compliance.

**AMENDMENT 57  
ADDITIONAL REMEDIES FOR  
INJURED EMPLOYEES**

An initiated amendment to the Colorado Revised Statutes, Part 1 of Article 2, Title 8, allowing injured workers to sue employers outside the Worker's Compensation system.

**Major Provisions:**

- Mandates that every employer with 10 or more employees provide a safe, healthy workplace.
- Allows an injured employee to bring action in District Court against a non-complying employer while retaining any rights the employee may have under the Worker's Compensation Act of Colorado.
- Gives the injured employee the right to a jury trial. The court or jury may award damages provided that the employee has not already been compensated under the Worker's Compensation Act.

**Background:**

Under current law, federal and state safety standards ensure safe working conditions for employees. The employer assumes liability for work-related injuries irrespective of fault, and in return employees may not seek damages in court.

Worker's remedies are statutorily limited to medical benefits, temporary wage replacement benefits, awards for disfigurement and permanent disability, vocational rehabilitation and death benefits for surviving dependents as defined within the worker's compensation system.

The Worker's Compensation Act bars a worker's access to District Court for claims of personal injury, disease, or death arising from the employment relationship, and defines the exclusive and comprehensive remedies available to the worker.

**Those in favor say:**

1. When workers are injured, their choices for medical care are limited, and temporary wages paid to them are often far lower than their regular pay. This proposal allows the courts to consider individual cases, and therefore creates another option for workers to sue for compensation beyond the benefits provided by the worker's compensation system.
2. This proposal encourages employers to maintain a safe workplace. A safe workplace makes workers more productive and saves employers money. This proposal penalizes those employers who are indifferent to the safety of their employees. The proposal punishes employers monetarily for neglecting workplace safety.

**Those opposed say:**

1. This dual system of recovery will be costly to small businesses which are the backbone of Colorado's economy. Employers will pass this cost of doing business on to consumers through higher prices and a reduction in the quality of goods and services, and through a reduction in the number of employees or lower wages. This proposal will create legal paralysis. It does not define the terms safe, healthy or workplace. Employers cannot know how to comply with the law.
2. Under the Occupational Safety and Health Act of 1970, employers are responsible for providing a safe and healthy workplace for their employees. Injured workers are already compensated under the Worker's Compensation Act which has worked

effectively for decades and do not need to prove that the employer was responsible for the injuries.

### **AMENDMENT 58 SEVERANCE TAXES ON OIL AND GAS INDUSTRY**

An initiated amendment to Section 39, Article 29 of the Colorado Revised Statutes eliminating the property tax credit given to oil and gas producers, and reallocating severance tax revenues to scholarships for higher education, wildlife habitat preservation, clean energy production, and other purposes.

#### **Major Provisions:**

- Eliminates the severance tax credit currently given to oil and gas producers for most of their property taxes.
- Increases the number of oil and gas producers subject to a severance tax upon gross income.
- Creates a severance tax stabilization trust fund.
- Directs the total severance tax revenues from oil and gas production as follows:
  - ✓ 22% to state severance tax trust fund;
  - ✓ 22% to local government severance tax fund;
  - ✓ 56% to severance tax stabilization trust fund.
- Allocates 90 % annually of the severance tax stabilization trust fund as follows:
  - ✓ 60 % scholarships for higher education
  - ✓ Lesser designated percentages to wildlife habitat preservation, clean energy production, transportation, and drinking and wastewater projects.

**Background:**

In 1977 the Colorado General Assembly imposed a severance tax on nonrenewable natural resources removed from the state and sold for private profit. This tax—an attempt to recapture a portion of this lost wealth for the state and its political subdivisions—was to be levied on metallic minerals, molybdenum ore, oil and gas, coal, and oil shale.

Currently, severance taxes are divided 50/50 between the department of Natural Resources (DNR) and the Department of Local Affairs (DOLA). DNR's half—the State Severance Tax Trust Fund—is divided equally between two accounts: one used for loans for state water projects; and the other used for programs within the Colorado Oil and Gas Conservation Commission, the Colorado Geological Survey, the Division of Minerals and Geology, and the Colorado Water Conservation Board.

The Local Government Severance Tax Fund - DOLA's half - is divided 70/30. Seventy percent is made available for discretionary loans and grants to impacted local governments. Thirty percent is distributed directly to local governments based on the proportion of severance-related employees in their areas.

Several bills passed during the 2008 session of the General Assembly modified the laws concerning severance tax, but did not change the basic distribution of monies described above.

In 2005-2006, both DNR and DOLA received approximately \$111 million from the

severance tax. The total amount was \$234.3 million with interest. The changes proposed by this initiative are projected to increase severance tax revenues by approximately \$300 million.

**Those in favor say:**

1. This initiative will end Colorado's \$300 million subsidy for the oil and gas industry—a subsidy greater than that given by any other state.
2. By repealing this subsidy for companies that are currently making record profits, this will provide additional benefits for Coloradans without raising taxes or increasing costs.
3. Scholarships that make college more affordable for working families are critical to ensuring a highly trained workforce and the state's long term economic health.

**Those opposed say:**

1. The prices of food and fuel will rise, and utility bills will increase because the added costs of gasoline, diesel, and natural gas production will be passed along to consumers.
2. Current severance taxes are directed to the communities where the resources are extracted—enabling them to build infrastructure and address the impacts of production. This proposal reverses this priority and sends more money to state government.
3. The scholarship program to be funded by this initiative is directed toward individual students and does not provide critical operating capital for Colorado colleges and universities.

**AMENDMENT 59  
REBATES AND EDUCATIONAL  
FUNDING**

An initiated amendment to Section 17, Article IX of the Colorado Constitution concerning the funding of Pre-K-12 education.

**Major Provisions:**

- Requires all tax rebates that would be refunded to the taxpayers will instead be spent on Pre-K-12 public education. This requirement will begin in the 2011-12 state fiscal year.
- Removes the requirement that Pre-K-12 per pupil funding be increased by at least the rate of inflation.
- Creates an educational savings account as part of the State Education Fund.

**Background:**

Currently, the constitution limits the amount of money that the state may spend each year. Any money collected by the state over the spending limitations must be rebated to taxpayers unless voters allow the state to spend the money. For the next few years, the state does not project that the tax collections will result in rebates to the taxpayers. Beginning in 2011, this proposal would eliminate all future rebates and instead put the money in the State Education Fund. In addition, the proposal would eliminate the constitutional requirement that per pupil funding be increased by at least the rate of inflation each year after 2011. This proposal creates an educational savings account as part of the already existing State Education Fund. Currently, a portion of state income taxes are deposited into that fund. The

proposal would require that 10% of the state income tax monies that are put into the Education Fund would be deposited into the educational savings account until a specific threshold is reached. Monies from the savings account could be spent only if two-thirds of the legislature agrees and only on Pre-K-12 education.

**Those in favor say:**

1. This measure creates an educational savings fund guaranteeing a permanent source of funding for Pre-K-12 education and thereby protecting education from budget cuts during economic downturns.
2. A well-educated workforce is vital for attracting new businesses, generating new quality jobs and retaining Colorado's existing jobs. This proposal will invest in education and provide children with the skills they need for the jobs of the future.
3. This proposal frees up money in the general fund by fixing inconsistencies that exist in the Colorado constitution. These inconsistencies make it difficult for government spending on public services to keep pace with changing economic needs. This measure creates a permanent source of funding for education, therefore creating a rainy day fund by freeing up money within the general fund for other necessary programs.

**Those opposed say:**

1. This proposal will permanently eliminate all future taxpayer rebates. It is a tax increase that will grow the size of state government. Adding this new funding source will allow existing education

monies to be used for other programs, thereby allowing other state programs to grow as well.

2. This measure will allow money that is currently used to maintain the state's deteriorating buildings to be spent on Pre-K-12 education. Maintenance and construction needs will be further reduced and the state's infrastructure will continue to deteriorate.
3. Guaranteed funding for education will be eliminated by the passage of this proposal. Legislators could reduce educational spending by less than inflationary growth in order to pay for other state programs.

## REFERENDA

### REFERENDUM L QUALIFICATIONS FOR SERVING IN THE STATE LEGISLATURE

An amendment to Section 4, Article V of the Colorado Constitution concerning age qualifications for serving in the state legislature.

#### **Major Provision:**

- Lowers the age requirement from 25 years to 21 years to be eligible to serve in the Colorado General Assembly.

#### **Background:**

Since 1876, the state constitution has had the requirement of 25 years of age for members of both the House of Representatives and the Senate. Additional requirements are that a person must be a US citizen and have lived in the district he/she represents for at least 12 months prior to the election.

All 50 states have age requirements ranging from 18 to 30 years of age. Twenty-six states require senators to be at least 25 years of age with seven states having a higher age requirement.

#### **Those in favor say:**

1. Twenty-one is considered an adult under the law. Voters can judge the merits and qualifications of a candidate for public office.
2. Younger candidates can provide a different perspective on issues that are debated in

the General Assembly. They can offer legislation that pertains to their age group.

**Those opposed say:**

1. Younger candidates may lack the maturity and life experience to be an effective legislator. Legislators face policy decisions and political pressures from lobbyists that are better handled by someone who is older with more experience.
2. Twenty-five years has been the state standard since 1876 and strikes a balance between age and experience. It is also the same age requirement as for the US House of Representatives.

***Obsolete Provisions***

*At every general election, six articles of the Colorado constitution may be amended for the purpose of removing provisions that are outdated or expired. Language is deleted relating to deadlines that have already occurred, laws that no longer exist, and language which is gender specific.*

**REFERENDUM M  
REPEAL OBSOLETE PROVISION:  
LAND VALUES**

An amendment repealing Section 7, Article XVIII of the Colorado Constitution concerning outdated, obsolete provisions regarding land value increase.

**Major Provision:**

- Removes language in the constitution which is no longer used when considering property exemptions for planting orchards, hedges or forests.

**Background:**

Included in the Colorado constitution in 1876, this provision was meant to encourage private land owners to grow more forests. Since 1876 other legislation limiting the types of property tax exemptions have passed that the legislature can adopt. An exemption for planting trees or forests is not presently included in legislation.

**Those in favor say:**

1. This proposal removes a tax exemption from the Colorado constitution which is not currently used in the valuation of property. A future tax exemption for planting trees on private land is not likely.

**Those opposed say:**

1. Removing this measure could limit the power of the state legislature to provide a tax exemption for planting trees on private land. Future circumstances may lead to a desire to encourage a tax exemption for reforestation, so limiting the legislature is not wise.

**REFERENDUM N:  
REPEAL OF OBSOLETE PROVISIONS:  
REGULATION OF ALCOHOLIC  
BEVERAGES**

An amendment repealing Section 5, Article XVIII and Article XXII of the Colorado Constitution concerning the sale, distribution, manufacture and purity of alcoholic beverages in Colorado.

**Major Provisions:**

- Removes obsolete provisions that address the sale, distribution, manufacture and purity of alcoholic beverages in Colorado.
- Removes a prohibition on the establishment of saloons in Colorado.

**Background:**

Before national liquor prohibition in 1919, Colorado had adopted an amendment which prohibited the manufacture and sale of alcoholic beverages. After passage of the 21st Amendment in 1933 and liquor prohibition was repealed, an amendment was passed in Colorado requiring the state to regulate the manufacture, sale and distribution of all alcoholic beverages within Colorado. The amendment also required that all licensed drinking establishments offer some type of food or meals. At the present time the manufacture, sale, distribution, safety, content and labeling of alcoholic beverages is regulated by the state and federal governments.

**Those in favor say:**

1. This proposal removes outdated restrictions that will not affect the ability of the Legislature to regulate alcoholic beverages within Colorado. The quality of alcoholic beverages is also regulated by the federal government.

**Those opposed say:**

1. All provisions in the Colorado constitution have historical value. Removing them may diminish the historical character of the constitution and make future research of the constitution more difficult.

## **REFERENDUM O**

### **CITIZEN INITIATED STATE LAWS**

A referred amendment to Section 1, Article V of the Colorado Constitution amending the initiative and referendum process.

#### **Major Provisions:**

- Decreases the number of signatures required to place a statutory initiative on the ballot.
- Increases the number of signatures required to place a constitutional initiative on the ballot.
- Requires that eight percent of signatures for constitutional initiatives be gathered from each congressional district.
- Requires that drafts of proposed constitutional initiatives be submitted for review earlier in the year.
- Extends the time period for collecting signatures for statutory initiatives.
- Increases the number of votes required to 2/3 of both houses for the legislature to change a statutory initiative for five years after the statute takes effect.
- Allows the public and state legislators to comment on a proposed initiative at a public meeting.

#### **Background:**

Colorado has a long history of allowing citizens to propose new state laws or to change existing laws through the initiative process. These initiatives can either address statutory or constitutional changes. The constitution may be changed only with approval of the voters at an election and therefore is a more permanent

set of laws. Statutes are more easily changed because they may be amended by the legislature, amended by the legislature and referred to voters, or amended by an initiative proposed by the voters.

Over the last fifteen years, a number of initiatives have passed adding categories to the Colorado Constitution, making it a large document which is very difficult to change. There has been concern that statutory initiatives are too easily changed by the legislature. The issues being addressed by initiatives have become more complex and citizens are not always as well informed about the impact the initiatives might have if they are passed.

**Those in favor say:**

1. The constitution should be protected from massive changes. It should be concise and pertain to policy, not everyday law. The constitution should be more difficult to change.
2. This proposal protects voter-approved statutes and permits the legislature to address problems that may arise. A required two-thirds vote in the legislature for the first five years to change a statute will protect voter intent.
3. By providing a geographic distribution for the collection of signatures, more voters from all over the state will be encouraged to become informed on issues before the proposal come to the ballot.

**Those opposed say:**

1. This is an attack on the petition process and undermines people's right to petition. It is a betrayal of public trust and could potentially muzzle citizens and their ability to amend the constitution. Even with a two-thirds majority in the legislature to change a statute, this proposal may not be sufficient to preserve voter-approved statutes from change by the legislature.
2. By requiring signatures from each of the congressional districts, this proposal would make it harder for grassroots groups to get an initiative onto the ballot. This measure could make it mathematically impossible for citizens to place constitutional initiatives on the ballot if the state's population grows larger.
3. Requiring constitutional initiatives to be filed half-way through the legislative session, limits the ability of citizens to respond to action or inaction by the legislature on issues of importance to the voters. This change puts citizens at a disadvantage because the legislature can still propose competing alternatives or bills that weaken an initiative after it has been filed.

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