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LETTER A

I, Natalie Meyer, Secretary of State of the State of Colorado, do hereby give notice that at the General Election to be held on the Third day of November, 1992 there will be submitted to the registered electors of the State of Colorado the question of amending the constitution of said state.

The authority for submitting such question is found in Section One (1) of Article V of the Constitution of the State of Colorado and in Resolution No. 1003 of the fifty-eighth General Assembly, first regular session which is in words and following viz:

HOUSE CONCURRENT RESOLUTION NO. 91-1003

SUBMITTING TO THE REGISTERED ELECTORS OF THE STATE OF COLORADO AN AMENDMENT TO ARTICLE II OF THE CONSTITUTION OF THE STATE OF COLORADO, CONCERNING THE RIGHTS OF CRIME VICTIMS.

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

SECTION 1. At the next general election for members of the general assembly, 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:

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

Section 16a. Rights of crime victims. ANY PERSON WHO IS A VICTIM OF A CRIMINAL ACT, OR SUCH PERSON'S DESIGNEE, LEGAL GUARDIAN, OR SURVIVING IMMEDIATE FAMILY MEMBERS IF SUCH PERSON IS DECEASED, SHALL HAVE THE RIGHT TO BE HEARD WHEN RELEVANT, INFORMED, AND PRESENT AT ALL CRITICAL STAGES OF THE CRIMINAL JUSTICE PROCESS. ALL TERMINOLOGY, INCLUDING THE TERM "CRITICAL STAGES", SHALL BE DEFINED BY THE GENERAL ASSEMBLY.

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 II of the constitution of the state of Colorado, concerning the rights of crime victims."

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.

"AN AMENDMENT TO ARTICLE II OF THE CONSTITUTION OF THE STATE OF COLORADO, CONCERNING THE RIGHTS OF CRIME VICTIMS."

In Witness Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Colorado, at the City of Denver, Colorado this 19th day of September, 1992.

Natalie Meyer
Secretary of State.

THESE QUESTIONS WERE APPROVED
BY THE VOTERS - NOV. 3, 1992.

LETTER B

I, Natalie Meyer, Secretary of State of the State of Colorado, do hereby give notice that at the General Election to be held on the Third day of November, 1992 there will be submitted to the registered electors of the State of Colorado the question of amending the constitution of said state.

The authority for submitting such question is found in Section One (1) of Article V of the Constitution of the State of Colorado and in Resolution No. 1003 of the fifty-eighth General Assembly, second regular session which is in words and following viz:

HOUSE CONCURRENT RESOLUTION NO. 92-1003

SUBMITTING TO THE REGISTERED ELECTORS OF THE STATE OF COLORADO AN AMENDMENT TO ARTICLES VII, IX, XI, AND XII OF THE CONSTITUTION OF THE STATE OF COLORADO, CONCERNING THE REPEAL OF OBSOLETE CONSTITUTIONAL PROVISIONS.

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

SECTION 1. At the next general election for members of the general assembly, 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 7 of article VII of the constitution of the state of Colorado is amended to read:

Section 7. General election. The general election shall be held ~~on the first Tuesday of October, in the years of our Lord eighteen hundred and seventy six, eighteen hundred and seventy seven, and eighteen hundred and seventy eight, and annually thereafter~~ on such day as may be prescribed by law.

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

Section 1. Supervision of schools - board of education. (1) The general supervision of the public schools of the state shall be vested in a board of education whose powers and duties shall be as now or hereafter prescribed by law. Said board shall consist of a member from each congressional district of the state and, if the total number of such congressional districts be IS an even number, one additional member, and said members shall be elected as hereinafter provided. The members of said board shall be elected by the qualified REGISTERED electors of the state, voting at general elections, in such manner and for such terms as may be by law prescribed; provided, that provisions may be made by law for election of a member from each Congressional district of the state by the electors of such district; and provided, further, that each member from a congressional district of the state shall be a qualified elector of such district. If the total number of congressional districts of the state be IS an even number, the additional member of said board shall be elected from the state at large. The members of said board shall serve without compensation, but THEY shall be reimbursed for any necessary expenses incurred by them in performing their duties as members of said board.

(2) ~~From and after the general election of 1948, the office of superintendent of public instruction shall be known as The office of commissioner of education and from and after the expiration of the two-year term of that office next following said general election, such commissioner shall be appointed by said THE board of education and shall not be included in the classified civil service of the state.~~

(3) The qualifications, tenure, compensation, powers, and duties of said commissioner shall be as prescribed by law, subject to the supervision of said board.

Section 9 of article IX of the constitution of the state of Colorado is amended to read:

Section 9. State board of land commissioners. (1) The state board of land commissioners shall be composed of three (3) persons to be appointed by the governor, with the consent of the senate, who shall have the direction, control, and disposition of the public lands of the state under such regulations as are and may be prescribed by law, one of which persons shall at the time of his appointment be designated as president of the board and ~~whose office shall expire on the second Tuesday of January, 1917,~~ one of which persons shall at the time of his appointment be designated as register of the board, and ~~whose term of office shall expire on the second Tuesday of January, 1915,~~ and The third member of said board shall at the time of his appointment be designated as the engineer of the board and shall always be professionally a civil engineer, who, for at least five (5) years, has been actively engaged in the practice of his profession; and ~~whose term of office shall expire on the second Tuesday of January, 1913;~~ and CIVIL ENGINEERING. The successor and successors of the first members of the board shall each be appointed for the terms of six (6) years.

~~On the adoption of this amendment by the electors of this state, it shall not go into full force and effect until the second Tuesday of January, 1911.~~

(2) The members of the board shall each receive a salary of three thousand dollars (\$3,000) per annum until otherwise provided by law; but the salary of each member of this board is to be paid out of the income of the said state board of land commissioners.

Section 3 of article XI of the constitution of the state of Colorado is amended to read:

Section 3. Public debt of state - limitations. The state shall not contract any debt by loan in any form, except to provide for casual deficiencies of revenue, erect public buildings for the use of the state, suppress insurrection, defend the state, or, in time of war, assist in defending the United States; and the amount of debt contracted in any one year to provide for deficiencies of revenue shall not exceed one-fourth of a mill on each dollar of valuation of taxable property within the state, and the aggregate amount of such debt shall not at any time exceed three-fourths of a mill on each dollar of said valuation, until the valuation shall equal one hundred millions of dollars, and thereafter such debt shall not exceed one hundred thousand dollars; and the debt incurred in any one year for erection of public buildings shall not exceed one-half mill on each dollar of said valuation; and the aggregate amount of such debt shall never at any time exceed the sum of fifty thousand dollars (except as provided in section five 5 of this article), and in all cases the valuation in this section mentioned shall be that of the assessment last preceding the creation of said debt.

~~Provided, that in addition to the amount of debt that may be incurred as above, the state may contract a debt by loan for the purpose of paying the principal and accrued interest of all the outstanding warrants issued by this state during and for the years 1887, 1888, 1889, 1892, 1893, 1894 and 1897, said debt to be evidenced by registered coupon interest bearing funding bonds to an amount not exceeding \$2,115,000.00, or so much thereof as may be necessary to pay said warrants and interest thereon.~~

~~Said funding bonds shall be dated December 1, 1910, shall be payable at the option of the state of Colorado at any time after ten years from their date, shall be absolutely due and payable fifty (50) years after their date, and shall be of the denomination of one hundred dollars (\$100.00) each, or any multiple thereof. The interest on said bonds shall be payable semi-annually at the rate of three percent per annum at the office of the state treasurer, or at some place in the city of New York, U.S.A., and the principal of said bonds shall be payable at the office of the state treasurer.~~

~~No such bonds shall be issued except at par and accrued interest, and upon the contemporaneous surrender and cancellation of a like amount of principal and interest of said warrants.~~

~~Said bonds to an amount equalling the principal of said warrants now held by the public school fund shall be registered by the state auditor and state treasurer in the name and for the benefit of and payable only to the said fund, and shall not be transferable.~~

~~And all such bonds to an amount equalling the interest on said warrants now held in the school fund shall be sold by the state treasurer at not less than par and accrued interest, and the proceeds thereof paid into the school fund and distributed to the several counties and school districts of the state for school purposes, in the proportions and in the manner required by law.~~

~~And provided further, that, in addition to the amount of debt that may be incurred as above, the state may contract a debt by loan for the purpose of creating a fund to be expended as provided by law, by the state highway commission for the construction and improvement of public highways in the state of Colorado; said debt to be evidenced by registered coupon interest bearing bonds to an amount not exceeding five million dollars.~~

~~Said bonds, to an extent not exceeding two million dollars, shall be dated June first, 1921; not exceeding three million dollars, dated June first, 1922; and said bonds shall be payable at the option of the state of Colorado at any time after ten years from their respective dates, and shall be of the denomination of fifty dollars (\$50.00) each or any multiple thereof. The interest on said bonds shall be payable semi-annually at the rate of five percent (5%) per annum, at the office of the state treasurer, or at some place in the city of New York, U.S.A., and the principal of said bonds shall be payable at the office of the state treasurer.~~

~~No such bonds shall be issued except at par and accrued interest.~~

~~Fifty percent of the proceeds from the sales of said bonds shall be divided among the various counties of the state according to the mileage of state routes and state highways within said counties, and the remaining fifty percent of the proceeds from the sale of said bonds shall be used by the state highway commission only to meet and accept federal aid awarded to the state of Colorado by United States congressional acts.~~

~~And provided further, that, in addition to the amount of debt that may be incurred as above, the state may contract a debt by loan for the purpose of creating a fund to be expended as provided by law, by the state highway department, for the construction and improvement of public highways in the state of Colorado; said debt to be evidenced by registered coupon interest bearing bonds to an amount not exceeding six million dollars.~~

~~Said bonds to an extent not exceeding one million five hundred thousand dollars, shall be dated June first, 1923; not exceeding one million five hundred thousand dollars shall be dated June first, 1924; not exceeding one million five hundred thousand dollars shall be dated June first, 1925; not exceeding one million five hundred thousand dollars shall be dated June first, 1926; said bonds shall be issued payable serially. The last maturing series of each issue shall be absolutely due and payable not exceeding twenty (20) years from and after the date thereof, and shall be of the denomination of one hundred dollars (\$100.00) each, or any multiple thereof. The interest on said bonds shall be payable semi-annually, at the rate of five percent (5%) per annum, at the office of the state treasurer, or at some place in the city of New York, U.S.A., and the principal of said bonds shall be payable at the office of the state treasurer.~~

~~No such bonds shall be issued except at par and accrued interest.~~

~~The moneys, or so much thereof as shall be necessary, payable to the credit and account of the state highway fund from the proceeds of motor vehicle registration license fees, under chapter one hundred sixty one (161) of the Session Laws of Colorado of the year 1919, and all acts amendatory or in substitution thereof, shall be applied to the payment of interest and principal of the bonds of the six million dollar authorized issue herein, but the revenues provided by said chapter to be credited to the account of the state highway fund shall never be diminished until all bonds issued by virtue of this amendment shall have been paid off and redeemed; nothing herein however shall be construed to prevent the enactment of laws whereby the amount of revenue derivable from motor vehicle registration license fees and payable into the said fund shall be increased.~~

~~The general assembly shall, as by law provided, enact all such laws as may be necessary with reference to said bonds and with reference to carrying out the projects and purposes herein specified.~~

~~Section 15 (1) (d) of article XII of the constitution of the state of Colorado is amended to read:~~

~~Section 15. Veterans' preference. (1) (d) Five points shall be added to the passing grade of any candidate of each such examination, except any promotional examination, who is the unremarried widow SURVIVING SPOUSE of any person who was or would have been entitled to additional points under paragraph (b) or (c) of this subsection (1) or of any person who died during such service or as a result of service-connected cause while on active duty in any such branch, other than for training purposes.~~

~~SECTION 2. Each elector voting at said election and desirous of voting for or against said amendment shall cast a vote as provided by law either "Yes" or "No" on the proposition: "An amendment to articles VII, IX, XI, and XII of the constitution of the state of Colorado, concerning the repeal of obsolete constitutional provisions."~~

~~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.~~

~~"AN AMENDMENT TO ARTICLES VII, IX, XI, AND XII OF THE CONSTITUTION OF THE STATE OF COLORADO, CONCERNING THE REPEAL OF OBSOLETE CONSTITUTIONAL PROVISIONS."~~

~~In Witness Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Colorado, at the City of Denver, Colorado this 19th day of September, 1992~~

Natalie Meyer
Secretary of State

LETTER C

I, Natalie Meyer, Secretary of State of the State of Colorado, do hereby give notice that at the General Election to be held on the Third day of November, 1992 there will be submitted to the registered electors of the State of Colorado the question of amending the constitution of said state.

The authority for submitting such question is found in Section One (1) of Article V of the Constitution of the State of Colorado and in Senate Concurrent Resolution No. 92-3 of the fifty-eighth General Assembly, second regular session which is in words and following viz:

SENATE CONCURRENT RESOLUTION 92-3.

SUBMITTING TO THE REGISTERED ELECTORS OF THE STATE OF COLORADO AN AMENDMENT TO SECTION 9 OF ARTICLE XVIII OF THE CONSTITUTION OF THE STATE OF COLORADO, STATING THAT IN ANY CITY, TOWN, OR COUNTY WHICH HAS BEEN GRANTED CONSTITUTIONAL AUTHORITY ON OR AFTER NOVEMBER 3, 1992, FOR LIMITED GAMING WITHIN ITS BOUNDARIES, SUCH LIMITED GAMING SHALL NOT BE LAWFUL UNLESS FIRST APPROVED BY AN AFFIRMATIVE VOTE OF THE ELECTORATE OF SUCH CITY, TOWN, OR UNINCORPORATED PORTION OF A COUNTY, AND ADDING A NEW SECTION 10 TO ARTICLE XVIII TO PROVIDE FOR THE SEVERABILITY OF CONSTITUTIONAL PROVISIONS.

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

SECTION 1. At the next general election for members of the general assembly, 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 9 of article XVIII of the constitution of the state of Colorado is amended BY THE ADDITION OF A NEW SUBSECTION to read:

Section 9. Limited gaming permitted. (6) Local vote on legality of limited gaming - election required. (a) EXCEPT AS PROVIDED IN PARAGRAPH (e) OF THIS SUBSECTION (6), LIMITED GAMING SHALL NOT BE LAWFUL WITHIN ANY CITY, TOWN, OR UNINCORPORATED PORTION OF A COUNTY WHICH HAS BEEN GRANTED CONSTITUTIONAL AUTHORITY FOR LIMITED GAMING WITHIN ITS BOUNDARIES UNLESS FIRST APPROVED BY AN AFFIRMATIVE VOTE OF A MAJORITY OF THE ELECTORS OF SUCH CITY, TOWN, OR COUNTY VOTING THEREON. THE QUESTION SHALL FIRST BE SUBMITTED TO THE ELECTORS AT A GENERAL, REGULAR, OR SPECIAL ELECTION HELD WITHIN THIRTEEN MONTHS AFTER THE EFFECTIVE DATE OF THE AMENDMENT WHICH FIRST ADDS SUCH CITY, COUNTY, OR TOWN TO THOSE AUTHORIZED FOR LIMITED GAMING PURSUANT TO THIS CONSTITUTION; AND SAID ELECTION SHALL BE CONDUCTED PURSUANT TO APPLICABLE STATE OR LOCAL GOVERNMENT ELECTION LAWS.

(b) IF APPROVAL OF LIMITED GAMING IS NOT OBTAINED WHEN THE QUESTION IS FIRST SUBMITTED TO THE ELECTORS, THE QUESTION MAY BE SUBMITTED AT SUBSEQUENT ELECTIONS HELD IN ACCORDANCE WITH PARAGRAPH (d) OF THIS SUBSECTION (6); EXCEPT THAT, ONCE APPROVAL IS OBTAINED, LIMITED GAMING SHALL THEREAFTER BE LAWFUL WITHIN THE SAID CITY, TOWN, OR UNINCORPORATED PORTION OF A COUNTY SO LONG AS THE CITY, TOWN, OR COUNTY REMAINS AMONG THOSE WITH CONSTITUTIONAL AUTHORITY FOR LIMITED GAMING WITHIN THEIR BOUNDARIES.

(c) NOTHING CONTAINED IN THIS SUBSECTION (6) SHALL BE CONSTRUED TO LIMIT THE ABILITY OF A CITY, TOWN, OR COUNTY TO REGULATE THE CONDUCT OF LIMITED GAMING AS OTHERWISE AUTHORIZED BY STATUTE OR BY THIS CONSTITUTION.

(d) (I) THE QUESTION SUBMITTED TO THE ELECTORS AT ANY ELECTION HELD PURSUANT TO THIS SUBSECTION (6) SHALL BE PHRASED IN SUBSTANTIALLY THE FOLLOWING FORM: "SHALL LIMITED GAMING BE LAWFUL WITHIN _____?"

(II) THE FAILURE TO ACQUIRE APPROVAL OF LIMITED GAMING IN THE UNINCORPORATED PORTION OF A COUNTY SHALL NOT PREVENT LAWFUL LIMITED GAMING WITHIN A CITY OR TOWN LOCATED IN SUCH COUNTY WHERE SUCH APPROVAL IS ACQUIRED IN A CITY OR TOWN ELECTION, AND FAILURE TO ACQUIRE SUCH APPROVAL IN A CITY OR TOWN ELECTION SHALL NOT PREVENT LAWFUL LIMITED GAMING WITHIN THE UNINCORPORATED AREA OF THE COUNTY IN WHICH SUCH CITY OR TOWN IS LOCATED WHERE SUCH APPROVAL IS ACQUIRED IN AN ELECTION IN THE UNINCORPORATED AREA OF A COUNTY.

(III) IF APPROVAL OF LIMITED GAMING IS NOT ACQUIRED WHEN THE QUESTION IS FIRST SUBMITTED IN ACCORDANCE WITH THIS SUBSECTION (6), THE QUESTION MAY BE SUBMITTED AT SUBSEQUENT ELECTIONS SO LONG AS AT LEAST FOUR YEARS HAVE ELAPSED SINCE ANY PREVIOUS ELECTION AT WHICH THE QUESTION WAS SUBMITTED.

(e) NOTHING CONTAINED IN THIS SUBSECTION (6) SHALL BE CONSTRUED TO AFFECT THE AUTHORITY GRANTED UPON THE INITIAL ADOPTION OF THIS SECTION AT THE 1990 GENERAL ELECTION, OR THE CONDUCT AND REGULATION OF GAMING ON INDIAN RESERVATIONS PURSUANT TO FEDERAL LAW.

(f) FOR PURPOSES OF THIS SUBSECTION (6), A "CITY, TOWN, OR COUNTY" INCLUDES ALL LAND AND BUILDINGS LOCATED WITHIN, OR OWNED AND CONTROLLED BY, SUCH CITY, TOWN, OR

COUNTY OR ANY POLITICAL SUBDIVISION THEREOF. "CITY, TOWN, OR COUNTY" ALSO INCLUDES THE CITY AND COUNTY OF DENVER.

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

SECTION 10. Severability of constitutional provisions. IF ANY PROVISION OF ANY SECTION OF ANY ARTICLE IN THIS CONSTITUTION IS FOUND BY A COURT OF COMPETENT JURISDICTION TO BE UNCONSTITUTIONAL, THE REMAINING PROVISIONS ARE VALID UNLESS THE COURT HOLDS THAT THE VALID PROVISIONS ARE SO ESSENTIALLY AND INSEPARABLY CONNECTED WITH, AND SO DEPENDENT UPON, THE VOID PROVISION THAT IT CANNOT BE PRESUMED THE ENACTMENT OF THE VALID PROVISIONS WOULD HAVE OCCURRED WITHOUT THE VOID ONE; OR UNLESS THE COURT DETERMINES THAT THE VALID PROVISIONS, STANDING ALONE, ARE INCOMPLETE AND NOT CAPABLE OF BEING EXECUTED.

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 9 of article XVIII of the constitution of the state of Colorado, stating that in any city, town, or county which has been granted constitutional authority on or after November 3, 1992, for limited gaming within its boundaries, such limited gaming shall not be lawful unless first approved by an affirmative vote of the electorate of such city, town, or unincorporated portion of a county, and adding a new section 10 to article XVIII to provide for the severability of constitutional provisions."

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.

"AN AMENDMENT TO SECTION 9 OF ARTICLE XVIII OF THE CONSTITUTION OF THE STATE OF COLORADO, STATING THAT IN ANY CITY, TOWN, OR COUNTY WHICH HAS BEEN GRANTED CONSTITUTIONAL AUTHORITY ON OR AFTER NOVEMBER 3, 1992, FOR LIMITED GAMING WITHIN ITS BOUNDARIES, SUCH LIMITED GAMING SHALL NOT BE LAWFUL UNLESS FIRST APPROVED BY AN AFFIRMATIVE VOTE OF THE ELECTORATE OF SUCH CITY, TOWN, OR UNINCORPORATED PORTION OF A COUNTY, AND ADDING A NEW SECTION 10 TO ARTICLE XVIII TO PROVIDE FOR THE SEVERABILITY OF CONSTITUTIONAL PROVISIONS."

In Witness Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Colorado, at the City of Denver, Colorado this 17th day of September, 1992.

(Seal)

NATALIE MEYER
Secretary of State.

NUMBER 1

I, Natalie Meyer, Secretary of State of the State of Colorado, do hereby give notice that at the General Election to be held on the Third day of November, 1992 there will be submitted to the registered electors of the State of Colorado the question of amending the constitution of said state.

I, Natalie Meyer, do hereby certify that the following is a true copy of the title, text, summary, ballot title, and submission clause of a certain proposed constitutional amendment.

The title as designated and fixed by the Board is as follows:

AN AMENDMENT TO THE COLORADO CONSTITUTION TO REQUIRE VOTER APPROVAL FOR CERTAIN STATE AND LOCAL GOVERNMENT TAX REVENUE INCREASES AND DEBT; TO RESTRICT PROPERTY, INCOME, AND OTHER TAXES; TO LIMIT THE RATE OF INCREASE IN STATE AND LOCAL GOVERNMENT SPENDING; TO ALLOW ADDITIONAL INITIATIVE AND REFERENDUM ELECTIONS; AND TO PROVIDE FOR THE MAILING OF INFORMATION TO REGISTERED VOTERS.

The proposed initiative Amendment to the Colorado Constitution of the State of Colorado (of which the title when fixed, shall be made or constituted a part) is as follows:

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

Article X, Section 20

The Taxpayer's Bill of Rights. (1) General provisions. This section takes effect December 31, 1992 or as stated. Its preferred interpretation shall reasonably restrain most the growth of government. All provisions are self-executing and severable and supersede conflicting state constitutional, state statutory, charter, or other state or local provisions. Other limits on district revenue, spending, and debt may be weakened only by future voter approval. Individual or class action enforcement suits may be filed and shall have the highest civil priority of resolution. Successful plaintiffs are allowed costs and reasonable attorney fees, but a district is not unless a suit against it be ruled frivolous. Revenue collected, kept, or spent illegally since four full fiscal years before a suit is filed shall be refunded with 10% annual simple interest from the initial conduct. Subject to judicial review, districts may use any reasonable method for refunds under this section, including temporary tax credits or rate reductions. Refunds need not be proportional when prior payments are impractical to identify or return. When annual district revenue is less than annual payments on general obligation bonds, pensions, and final court judgments, (4)(a) and (7) shall be suspended to provide for the deficiency.

(2) **Term definitions.** Within this section: (a) "Ballot issue" means a non-recall petition or referred measure in an election.

(b) "District" means the state or any local government, excluding enterprises.

(c) "Emergency" excludes economic conditions, revenue shortfalls, or district salary or fringe benefit increases.

(d) "Enterprise" means a government-owned business authorized to issue its own revenue bonds and receiving under 10% of annual revenue in grants from all Colorado state and local governments combined.

(e) "Fiscal year spending" means all district expenditures and reserve increases except, as to both, those for refunds made in the current or next fiscal year or those from gifts, federal funds, collections for another government, pension contributions by employees and pension fund earnings, reserve transfers or expenditures, damage awards, or property sales.

(f) "Inflation" means the percentage change in the United States Bureau of Labor Statistics Consumer Price Index for Denver-Boulder, all items, all urban consumers, or its successor index.

(g) "Local growth" for a non-school district means a net percentage change in actual value of all real property in a district from construction of taxable real property improvements, minus destruction of similar improvements, and additions to, minus deletions from, taxable real property. For a school district, it means the percentage change in its student enrollment.

(3) **Election provisions.** (a) Ballot issues shall be decided in a state general election, biennial local district election, or on the first Tuesday in November of odd-numbered years. Except for petitions, bonded debt, or charter or constitutional provisions, districts may consolidate ballot issues and voters may approve a delay of up to four years in voting on ballot issues. District actions taken during such a delay shall not extend beyond that period.

(b) 15 - 25 days before a ballot issue election, districts shall mail at the least cost, and as a package where districts with ballot issues overlap, a titled notice or set of notices addressed to "All registered Voters" at each address of one or more active registered electors. Titles shall have this order of preference: "NOTICE OF ELECTION TO INCREASE TAXES/TO INCREASE DEBT/ON A CITIZEN PETITION/ON A REFERRED MEASURE." Except for district voter-approved additions, notices shall include only:

(i) The election date, hours, ballot title, text, and local election office address and telephone number.

(ii) For proposed district tax or bonded debt increases, the estimated or actual total of district fiscal year spending for the current year and each of the past four years, and the overall percentage and dollar change.

(iii) For the first full fiscal year of each proposed district tax increase, district estimates of the maximum dollar amount of each increase and of district fiscal year spending without the increase.

(iv) For proposed district bonded debt, its principal amount and maximum annual and total district repayment cost, and the principal balance of total current district bonded debt and its maximum annual and remaining total district repayment cost.

(v) Two summaries, up to 500 words each, one for and one against the proposal, of written comments filed with the election officer by 30 days before the election. No summary shall mention names of persons or private groups, nor any endorsements of or resolutions against the proposal. Petition representatives following these rules shall write this summary for their petition. The election officer shall maintain and accurately summarize all other relevant written comments.

(c) Except by later voter approval, if a tax increase or fiscal year spending exceeds any estimate in (b) (iii) for the same fiscal year, the tax increase is thereafter reduced up to 100% in proportion to the combined dollar excess, and the combined excess revenue refunded in the next fiscal year. District bonded debt shall not issue on terms that could exceed its share of its maximum repayment costs in (b) (iv). Ballot titles for tax or bonded debt increases shall begin, "SHALL (DISTRICT) TAXES BY INCREASED (first, or if phased in, final, full fiscal year dollar increase) ANNUALLY ...?" or "SHALL (DISTRICT) DEBT BE INCREASED (principal amount), WITH A REPAYMENT COST OF (maximum total district cost), ...?"

(4) Required elections. Starting November 4, 1992, districts must have voter approval in advance for: (a) Unless (1) or (6) applies, any new tax, tax rate increase, mill levy above that for the prior year, valuation for assessment ratio increase for a property class, or extension of an expiring tax, or a tax policy change directly causing a net tax revenue gain to any district.

(b) Except for refinancing district bonded debt at a lower interest rate or adding new employees to existing district pension plans, creation of any multiple-fiscal year direct or indirect district debt or other financial obligation whatsoever without adequate present cash reserves pledged irrevocably and held for payments in all future fiscal years.

(5) Emergency reserves. To use for declared emergencies only, each district shall reserve for 1993 1% or more, for 1994 2% or more, and for all later years 3% or more of its fiscal year spending excluding bonded debt service. Unused reserves apply to the next year's reserve.

(6) Emergency taxes. This subsection grants no new taxing power. Emergency property taxes are prohibited. Emergency tax revenue is excluded for purposes of (3) (c) and (7), even if later ratified by voters. Emergency taxes shall also meet all of the following conditions: (a) A 2/3 majority of the members of each house of the general assembly or of a local district board declares the emergency and imposes the tax by separate recorded roll call votes.

(b) Emergency tax revenue shall be spent only after emergency reserves are depleted, and shall be refunded within 180 days after the emergency ends if not spent on the emergency.

(c) A tax not approved on the next election date 60 days or more after the declaration shall end with that election month.

(7) Spending limits. (a) The maximum annual percentage change in state fiscal year spending equals inflation plus the percentage change in state population in the prior calendar year, adjusted for revenue changes approved by voters after 1991. Population shall be determined by annual federal census estimates and such number shall be adjusted every decade to match the federal census.

(b) The maximum annual percentage change in each local district's fiscal year spending equals inflation in the prior calendar year plus annual local growth, adjusted for revenue changes approved by voters after 1991 and (8) (b) and (9) reductions.

(c) The maximum annual percentage change in each district's property tax revenue equals inflation in the prior calendar year plus annual local growth, adjusted for property tax revenue changes approved by voters after 1991 and (8) (b) and (9) reductions.

(d) If revenue from sources not excluded from fiscal year spending exceeds these limits in dollars for that fiscal year, the excess shall be refunded in the next fiscal year unless voters approve a revenue change as an offset. Initial district bases are current fiscal year spending and 1991 property tax collected in 1992. Qualification or disqualification as an enterprise shall change district bases and future year limits. Future creation of district bonded debt shall increase, and retiring or refinancing district bonded debt shall lower, fiscal year spending and property tax revenue by the annual debt service so funded. Debt service changes, reductions, (1) and (3) (c) refunds, and voter-approved revenue changes are dollar amounts that are exceptions to, and not part of, any district base. Voter-approved revenue changes do not require a tax rate change.

(8) Revenue limits. (a) New or increased transfer tax rates on real property are prohibited. No new state real property tax or local district income tax shall be imposed. Neither an income tax rate increase nor a new state definition of taxable income shall apply before the next tax year. Any income tax law change after July 1, 1992 shall also require all taxable net income to be taxed at one rate, excluding refund tax credits or voter-approved tax credits, with no added tax or surcharge.

(b) Each district may enact cumulative uniform exemptions and credits to reduce or end business personal property taxes.

(c) Regardless of reassessment frequency, valuation notices shall be mailed annually and may be appealed annually, with no presumption in favor of any pending valuation. Past or future sales by a lender or government shall also be considered as comparable market sales and their sales prices kept as public

records. Actual value shall be stated on all property tax bills and valuation notices and, for residential real property, determined solely by the market approach to appraisal.

(9) State mandates. Except for public education through grade 12 or as required of a local district by federal law, a local district may reduce or end its subsidy to any program delegated to it by the general assembly for administration. For current programs, the state may require 90 days notice and that the adjustment occur in a maximum of three equal annual installments.

The summary prepared by the Board is as follows:

This measure requires, except in emergencies, state or local governments to obtain voter approval prior to: (1) Imposition of a new tax, tax rate increase, mill levy increase, valuation for assessment ration increase, tax extension, or other change in policy which results in a net gain in tax revenues; or (2) creation for more than one fiscal year of any debt or other financial obligation, with limited exceptions. The effective date for the voter approval requirement is November 4, 1992. Any tax revenue collected, kept, or illegally spent in violation of this amendment is to be refunded with interest. Individual or class action suits may be filed to require such refunds or otherwise to enforce the amendment. Emergency taxes, other than the property tax, may be imposed but will expire if not subsequently approved by the voters.

This measure limits percentage increases in property tax revenues, with certain adjustments, to: (1) for local governments other than school districts, the total of inflation plus the net percentage change in actual value of all real property within the local government due to construction of improvements and additional taxable real property; or (2) for school districts, the total of inflation plus the percentage change in student enrollment.

This measure requires that, for purposes of determining actual value, sales of property by lenders and governments be considered as comparable market sales and the sales prices be kept as public records. The measure also mandates that the actual value of residential real property be determined solely by the market approach. State and local governments may enact cumulative uniform exemptions and credits in order to reduce or eliminate business personal property taxes. This measure prohibits new or increased transfer tax rates on real property.

The measure prohibits any state income tax rate increase or a change in the definition of taxable income from being applicable before the next tax year. The measure also provides that any income tax law change after July 1, 1992, shall also establish a single income tax rate with no added tax or surcharge, with certain exceptions.

The measure limits percentage increases in government spending, with certain adjustments, to: (1) for state government, the total of inflation plus the percentage change in state population; (2) for local governments other than school districts, the total of inflation plus the net percentage change in actual value of all real property within the local government due to construction of improvements and additional taxable real property; and (3) for school districts, the total of inflation plus the percentage change in student enrollment. Emergency taxes, debt service charges, reductions, revenue refunds, and voter-approved revenue changes are not included for purposes of calculating spending or property tax revenue base limits.

The measure allows local governments to reduce or end their subsidy to spending programs, other than public elementary or secondary education and federally-required programs, which are delegated to them for administration by the general assembly. For current programs, the state may require local governments to give notice of such action and to phase out the subsidy equally over a maximum three-year period.

The measure requires state and local governments to mail information about elections involving tax or debt increases or other measures to registered electors.

It is projected that the fiscal impact of this measure would be to reduce the growth of state government expenditures from \$30 million to \$50 million for fiscal 1994 and to reduce the growth of school district expenditures by approximately \$2 million for the same period. The state assumption of mandates on local government could result in a shift of costs to the state from local governments of up to \$30 million per year for 3 years. Additional state wide elections could cost \$5.5 million per election; costs of current state wide elections would increase by \$2 million.

The ballot title and submission clause as designated and fixed by the Board is as follows:

SHALL THERE BE AN AMENDMENT TO THE COLORADO CONSTITUTION TO REQUIRE VOTER APPROVAL FOR CERTAIN STATE AND LOCAL GOVERNMENT TAX REVENUE INCREASES AND DEBT; TO RESTRICT PROPERTY, INCOME, AND OTHER TAXES; TO LIMIT THE RATE OF INCREASE IN STATE AND LOCAL GOVERNMENT SPENDING; TO ALLOW ADDITIONAL INITIATIVE AND REFERENDUM ELECTIONS; AND TO PROVIDE FOR THE MAILING OF INFORMATION TO REGISTERED VOTERS?

In Witness Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Colorado, at the City of Denver, Colorado this 19th day of September, 1992.

Natalie Meyer
Secretary of State

NUMBER 2

I, Natalie Meyer, Secretary of State of the State of Colorado, do hereby give notice that at the General Election to be held on the Third day of November, 1992 there will be submitted to the registered electors of the State of Colorado the question of amending the constitution of said state.

I, Natalie Meyer, do hereby certify that the following is a true copy of the title, text, summary, ballot title, and submission clause of a certain proposed constitutional amendment.

The title as designated and fixed by the Board at a rehearing is as follows:

AN AMENDMENT TO ARTICLE II OF THE COLORADO CONSTITUTION TO PROHIBIT THE STATE OF COLORADO AND ANY OF ITS POLITICAL SUBDIVISIONS FROM ADOPTING OR ENFORCING ANY LAW OR POLICY WHICH PROVIDES THAT HOMOSEXUAL, LESBIAN, OR BISEXUAL ORIENTATION, CONDUCT, OR RELATIONSHIPS CONSTITUTES OR ENTITLES A PERSON TO CLAIM ANY MINORITY OR PROTECTED STATUS, QUOTA PREFERENCES, OR DISCRIMINATION.

The proposed initiative Amendment to the Constitution of the State of Colorado (of which when fixed, shall be made or constituted a part) is as follows:

PROPOSED INITIATIVE AMENDMENT TO THE CONSTITUTION OF THE STATE OF COLORADO:

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

Article 2, of the Colorado Constitution is amended by the addition of Section 30, which shall state as follows:

NO PROTECTED STATUS BASED ON HOMOSEXUAL, LESBIAN OR BISEXUAL ORIENTATION.

Neither the State of Colorado, through any of its branches or departments, nor any of its agencies, political subdivisions, municipalities or school districts, shall enact, adopt or enforce any statute, regulation, ordinance or policy whereby homosexual, lesbian or bisexual orientation, conduct, practices or relationships shall constitute or otherwise be the basis of, or entitle any person or class of persons to have or claim any minority status, quota preferences, protected status or claim of discrimination. This Section of the Constitution shall be in all respects self-executing.

The summary prepared by the Board is as follows:

This measure prohibits the state and its political subdivisions, municipalities, and school districts from enacting, adopting, or enforcing any law or policy which provides that homosexual, lesbian, or bisexual orientation, conduct, practices, or relationships are the basis of or entitle any person or class of persons to have or to claim minority status, protected status, quota preferences, or discrimination.

The measure could require the expenditures of a minimum of \$41,000 by local governments to rescind existing ordinances in conflict with the measure. The measure may result in an indeterminate increase in litigation costs and law enforcement costs for the state and local governments.

The ballot title and submission clause as designated and fixed by the Board is as follows:

SHALL THERE BE AN AMENDMENT TO ARTICLE II OF THE COLORADO CONSTITUTION TO PROHIBIT THE STATE OF COLORADO AND ANY OF ITS POLITICAL SUBDIVISIONS FROM ADOPTING OR ENFORCING ANY LAW OR POLICY WHICH PROVIDES THAT HOMOSEXUAL, LESBIAN, OR BISEXUAL ORIENTATION, CONDUCT, OR RELATIONSHIPS CONSTITUTES OR ENTITLES A PERSON TO CLAIM ANY MINORITY OR PROTECTED STATUS, QUOTA PREFERENCES, OR DISCRIMINATION?

In Witness Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Colorado, at the City of Denver, Colorado this 19th day of September, 1992.

Natalie Meyer
Secretary of State

NUMBER 8

I, Natalie Meyer, Secretary of State of the State of Colorado, do hereby give notice that at the General Election to be held on the Third day of November, 1992 there will be submitted to the registered electors of the State of Colorado the question of amending the constitution of said state.

I, Natalie Meyer, do hereby certify that the following is a true copy of the title, text, summary, ballot title, and submission clause of a certain proposed constitutional amendment.

The title as designated and fixed by the Board is as follows:

AN AMENDMENT TO THE COLORADO CONSTITUTION TO CREATE THE GREAT OUTDOORS COLORADO PROGRAM; TO PROVIDE FOR THE PERMANENT DEDICATION OF NET PROCEEDS FROM EVERY STATE-SUPERVISED LOTTERY GAME FOR THE PROGRAM AFTER PAYMENT OF CERTAIN EXISTING OBLIGATIONS; TO SPECIFY THAT THE PROGRAM PROVIDE FOR THE PRESERVATION, PROTECTION, ENHANCEMENT, AND MANAGEMENT OF THE STATE'S WILDLIFE, PARK, RIVER, TRAIL, AND OPEN SPACE HERITAGE; TO ESTABLISH A BOARD AS AN INDEPENDENT POLITICAL SUBDIVISION OF THE STATE TO OVERSEE THE PROGRAM; AND TO CREATE A TRUST FUND FOR THE PROGRAM.

The proposed initiative Amendment to the Constitution of the State of Colorado (of which when fixed, shall be made or constituted a part) is as follows:

PROPOSED INITIATIVE AMENDMENT TO THE CONSTITUTION OF THE STATE OF COLORADO:
Be It Enacted by the People of the State of Colorado:

ARTICLE XXVII

Great Outdoors Colorado Program

Section 1. Great Outdoors Colorado Program. (1) The people of the State of Colorado intend that the net proceeds of every state-supervised lottery game operated under the authority of Article XVIII, Section 2 shall be guaranteed and permanently dedicated to the preservation, protection, enhancement and management of the state's wildlife, park, river, trail and open space heritage, except as specifically provided in this article. Accordingly, there shall be established the Great Outdoors Colorado Program to preserve, protect, enhance and manage the state's wildlife, park, river, trail and open space heritage. The Great Outdoors Colorado Program shall include:

(a) **Wildlife program grants which:**

- (I) Develop wildlife watching opportunities;
- (II) Implement educational programs about wildlife and wildlife environment;
- (III) Provide appropriate programs for maintaining Colorado's diverse wildlife heritage;
- (IV) Protect crucial wildlife habitats through the acquisition of lands, leases or easements and restore critical areas;

(b) **Outdoor recreation program grants which:**

- (I) Establish and improve state parks and recreation areas throughout the State of Colorado;
- (II) Develop appropriate public information and environmental education resources on Colorado's natural resources at state parks, recreation areas, and other locations throughout the state;
- (III) Acquire, construct and maintain trails and river greenways;
- (IV) Provide water for recreational purposes through the acquisition of water rights or through agreements with holders of water rights, all in accord with applicable state water law;

(c) A program to identify, acquire and manage unique open space and natural areas of statewide significance through grants to the Colorado Divisions of Parks and Outdoor Recreation and Wildlife, or municipalities, counties, or other political subdivisions of the State, or non-profit land conservation organizations, and which will encourage cooperative investments by other public or private entities for these purposes; and

(d) A program for grants to match local investments to acquire, develop and manage open space, parks, and environmental education facilities, and which will encourage cooperative investments by other public or private entities for these purposes.

Section 2. Trust Fund created. A fund to be known as the Great Outdoors Colorado Trust Fund, referred to in this article as the "Trust Fund," is hereby created and established in the Treasury of the State of Colorado.

Section 3. Moneys allocated to Trust Fund. (1) Beginning with the proceeds from the fourth quarter of the State's Fiscal Year 1992-1993, all proceeds from all programs, including Lotto and every other state-supervised lottery game operated under the authority of Article XVIII, Section 2 of the Colorado Constitution, whether by the Colorado Lottery Commission or otherwise (such programs defined hereafter in this Article as "Lottery Programs"), net of prizes and expenses of the state lottery division and after a sufficient amount of money has been reserved, as of the end of any fiscal quarter, to ensure the operation of the lottery for the ensuing fiscal quarter (such netted proceeds defined hereafter in this Article as "Net Proceeds") are set aside, allocated, allotted, and continuously appropriated as follows, and the Treasurer shall distribute such proceeds no less frequently than quarterly, as follows:

(a) For each quarter through the fourth quarter of the State's Fiscal Year 1997-1998:

- (I) to the Conservation Trust Fund and the Division of Parks and Outdoor Recreation in the amounts allocable thereto under statute as amended through January 1, 1992;

(II) to the State's Capital Construction Fund for payment of debt service due from and including September 1, 1993, to and including November 30, 1998, on the obligations described in Subsection (1) (c) of this Section 3, but only to the extent such debt service is due during such period according to the terms of the documents originating such obligations, and only if such debt service has not been prepaid or other moneys have not been dedicated or set aside for such debt service payments as of January 1, 1992, or thereafter; provided, however, that such obligations may be refunded and debt service from and including September 1, 1993, or the date of such refunding, if later, on any such refunding obligation shall be payable from Net Proceeds, even if payable after November 30, 1998, to the extent the debt service on such refunding obligation does not exceed the total amount of debt service payable on the applicable refunded obligation from and including September 1, 1993, or from the date of such refunding, if later, to and including November 30, 1998, according to the terms of the documents originating the applicable refunded obligation; and

(III) The State Treasurer shall deposit all remaining Net Proceeds, if any, in trust for the Board of the Trust Fund.

(b) For each quarter including and after the first quarter of the State's Fiscal Year 1998-1999;

(I) Forty percent to the Conservation Trust Fund for distribution to municipalities and counties and other eligible entities for parks, recreation and open space purposes;

(II) Ten percent to the Division of Parks and Outdoor Recreation for the acquisition, development and improvement of new and existing state parks, recreation areas and recreational trails; and

(III) all remaining Net Proceeds in trust to the Board of the Trust Fund, provided, however, that in any state fiscal year in which the portion of the Net Proceeds which would otherwise be given in trust to the State Board of the Trust Fund exceeds the amount of \$35 million, to be adjusted each year for changes from the 1992 Consumer Price Index - Denver, the Net Proceeds in excess of such amount or adjusted amount shall be allocated to the General Fund of the State of Colorado.

(c) (I) The people intend that debt service on the following obligations shall continue to be payable from Lottery Program Net Proceeds to the extent allowed in Section 3 (1) (a) above:

(A) State of Colorado Certificates of Deposit (1979); Wheat Ridge, Colorado Project, in the original principal amount of \$6,895,000 (Issue A); Pueblo, Colorado Project, in the original principal amount of \$5,320,000 (Issue B); Grand Junction, Colorado Project in the original principal amount of \$4,735,000 (Issue C);

(B) original principal amount of \$36,495,000 Colorado Health Facilities Authority Certificates of Deposit (1986) (Youth Services, Developmental Disabilities Projects);

(C) original principal amount of \$36,000,000 Colorado Convention Center Contract with the City and County of Denver (1987);

(D) original principal amount of \$63,025,000 State of Colorado Certificates of Deposit (1988) Master Lease Purchase Agreement (Correctional Facilities Project);

(E) original principal amount of \$66,894,861.85 State of Colorado Certificates of Deposit (1989) Master Lease Purchase Agreement (Various Projects); and

(F) original principal amount of \$28,635,000 State of Colorado Certificates of Deposit (1990) Master Lease Purchase Agreement (Additional Projects).

(II) Except to the extent allowed in Section 3 (1) (a) above for refunding obligations, debt service on obligations originated on or after January 1, 1992, shall not be payable from Net Proceeds.

(d) Notwithstanding the provisions of Section 3 (1) (a) above, the Board of the Trust Fund in its sole discretion may authorize payment of Net Proceeds for additional amounts of interest above the amounts authorized by Section 3 (1) (a) for the refunding of any of the obligations listed above in Section 3 (1) (c).

(e) Nothing in this Section 3 shall prohibit the General Assembly from appropriating additional amounts from sources other than Net Proceeds or the Trust Fund for payment of the obligations listed above in Section 3 (1) (c) (I) if Net Proceeds set aside, allocated, allotted, and continuously appropriated for such purpose by this Article are less than amounts needed for debt service on such obligations. Debt service payable prior to September 1, 1993, according to the terms of the documents originating such obligations shall not be paid from Net Proceeds allocated pursuant to this Article.

(2) From July 1, 1993, the following sums of money and property, in addition to Net Proceeds as set forth in Section 3 (1) above, are set aside, allocated, allotted, and continuously appropriated in trust to the Board of the Trust Fund:

(a) All interest derived from moneys held in the Trust Fund;

(b) Any property donated specifically to the State of Colorado for the specific purpose of benefitting the Trust Fund, including contributions, grants, gifts, bequests, donations, and federal, state, or local grants; and

(c) Such other moneys as may be allocated to the Trust Fund by the General Assembly.

Section 4. Fund to remain inviolate. All moneys deposited in the Trust Fund shall remain in trust for the purposes set forth in this article, and no part thereof shall be used or appropriated for any other purpose, nor made subject to any other tax, charge, fee or restriction.

Section 5. Trust Fund expenditures.

(1) (a) Expenditures from the Trust Fund shall be made in furtherance of the Great Outdoors Colorado Program, and shall commence in State Fiscal Year 1993-94. The Board of the Trust Fund shall have the

duty to assure that expenditures are made for the purposes set forth in this section and in section 6, and that the amounts expended for each of the following purposes over a period of years be substantially equal:

(I) Investments in the wildlife resources of Colorado through the Colorado Division of Wildlife, including the protection and restoration of crucial wildlife habitats, appropriate programs for maintaining Colorado's diverse wildlife heritage, wildlife watching, and educational programs about wildlife and wildlife environment, consistent with the purposes set forth in Section 1 (1) (a) of this article;

(II) Investments in the outdoor recreation resources of Colorado through the Colorado Division of Parks and Outdoor Recreation, including the State Parks System, trails, public information and environmental education resources, and water for recreational facilities, consistent with the purposes set forth in Section 1 (1) (b) of this article;

(III) Competitive grants to the Colorado Divisions of Parks and Outdoor Recreation and Wildlife, and to counties, municipalities or other political subdivisions of the state, or non-profit land conservation organizations, to identify, acquire and manage open space and natural areas of statewide significance, consistent with the purposes set forth in Section 1 (1) (c) of this article; and

(IV) Competitive matching grants to local governments or other entities which are eligible for distributions from the conservation trust fund, to acquire, develop or manage open lands and parks, consistent with the purposes set forth in Section 1 (1) (d) of this article;

(b) Provided, however, that the State Board of the Great Outdoors Colorado Trust Fund shall have the discretion (a) to direct that any portion of available revenues be reinvested in the Trust Fund and not expended in any particular year, (b) to make other expenditures which it considers necessary and proper to the accomplishment of the purposes of this amendment.

(2) All funds provided to state agencies from the Trust Fund shall be deemed to be custodial in nature, and the expenditure of those funds shall not be subject to legislative appropriation or restriction.

Section 6. The State Board of the Great Outdoors Colorado Trust Fund.

(1) There shall be established a State Board of the Great Outdoors Colorado Trust Fund. The Board shall consist of two member of the public from each congressional district, a representative designated by the State Board of Parks and Outdoor Recreation, a representative designated by the Colorado Wildlife Commission, and the Executive Director of the Department of Natural Resources. The public members of the Board shall be appointed by the Governor, subject to the consent of the Senate, for terms of four years -- provided, however, that when the first such members are appointed, one of the public members from each congressional district shall be appointed for a two-year term, to assure staggered terms of office thereafter. At least two members shall reside west of the Continental Divide. At least one member shall represent agricultural interests. The public members of the board shall be entitled to a reasonable per diem compensation to be determined by the Board plus their actual expenses for each meeting of the Board or a committee of the Board. The Board's composition shall reflect, to the extent practical, Colorado's gender, ethnic and racial diversity, and no two of the representatives of any one congressional district shall be members of the same political party. Members of the Board shall be subject to removal as provided in Article IV, Section 6 of this constitution.

(2) The Board shall be responsible for, and shall have the power to undertake the following actions:

(a) To direct the Treasurer to disburse expendable income from the Trust Fund as the Board may determine by resolution, and otherwise to administer the Trust Fund, provided, however, that the Board shall not have the power to acquire any interest in real property other than (I) temporarily to hold real property donated to it and (II) to acquire leased office space;

(b) To promulgate rules and regulations as are necessary or expedient for the conduct of its affairs and its meetings and of meetings of any committees and generally for the administration of this article, provided, however, that such rules and regulations shall give the public an opportunity to comment on the general policies of the Board and upon specific grant proposals before the Board;

(c) To cause to be published and distributed an annual report, including a financial report, to the citizens, the Governor and the General Assembly of Colorado, which will set out the Board's progress in administering the funds appropriated to it, and the Board's objectives and its budget for the forthcoming year, and to consult with the General Assembly from time to time concerning its objectives and its budget;

(d) To administer the distribution of grants pursuant to Section 1 (1) (c), 1 (1) (d), 5 (1) (a) (III), and 5 (1) (a) (IV) of this article, with the expense of administering said grants to be defrayed from the funds made available to the program elements of said sections;

(e) Commencing July 1, 1993, to determine what portions, if any, of moneys allocated to the Trust Fund should be invested in an interest-bearing Trust Fund account by the Treasurer of the State of Colorado, to remain in the Trust Fund and available for expenditure in future years;

(f) To employ such staff and to contract for such office space and acquire such equipment and supplies and enter into such other contracts as it may consider necessary from time to time to accomplish its purposes, and to pay the cost thereof from the funds appropriated to the Board under this article, provided, however, that to the extent it is reasonably feasible to do so the Board shall (I) contract with the Colorado Department of Natural Resources or other state agency for necessary administrative support and (II) endeavor to keep the level of administrative expense as low as may be practicable in comparison

NUMBER 10

I, Natalie Meyer, Secretary of State of the State of Colorado, do hereby give notice that at the General Election to be held on the Third day of November, 1992 there will be submitted to the registered electors of the State of Colorado the question of amending the statutes of said state.

I, Natalie Meyer, do hereby certify that the following is a true copy of the title, text, summary, ballot title, and submission clause of a certain proposed amendment to the Colorado Revised Statutes.

The title as designated and fixed by the Board is as follows:

AN AMENDMENT TO THE COLORADO REVISED STATUTES TO PROHIBIT THE TAKING OF BLACK BEARS BY THE USE OF BAIT OR DOGS AT ANY TIME, AND TO PROHIBIT THE TAKING OF BLACK BEARS BY ANY MEANS BETWEEN MARCH 1 AND SEPTEMBER 1 OF ANY CALENDAR YEAR, AND SUBJECTING VIOLATORS TO MISDEMEANOR PENALTIES AND A LOSS OF HUNTING PRIVILEGES.

The proposed initiative Amendment to the statutes of the State of Colorado (of which when fixed, shall be made or constituted a part) is as follows:

PROPOSED INITIATIVE AMENDMENT TO THE CONSTITUTION OF THE STATE OF COLORADO:

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

SECTION 1. Article 4 of title 33, Colorado Revised Statutes, 1984 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

33-4-101.3. Black bears - declaration of intent - spring season hunting prohibited - prohibited means of taking - penalty.

(1) IT IS THE INTENT OF THE VOTERS OF COLORADO IN ADOPTING THIS MEASURE TO PROHIBIT THE TAKING OF BLACK BEARS WHEN FEMALE BLACK BEARS ARE REARING THEIR CUBS. IT IS THE FURTHER INTENT OF THE VOTERS OF COLORADO TO PROMOTE THE CONCEPT OF FAIR CHASE IN THE TAKING OF BLACK BEARS BY ELIMINATING THE USE OF BAIT AND DOGS. IN CONSIDERING PROPOSED CHANGES TO THE RESTRICTIONS ON THE TAKING OF BLACK BEARS WHICH ARE ESTABLISHED IN THIS MEASURE, THE COLORADO GENERAL ASSEMBLY SHALL TAKE NOTICE OF THE FACT THAT THIS MEASURE WAS ADOPTED BY A VOTE OF THE PEOPLE AT THE 1992 GENERAL ELECTION.

(2) DURING THE PERIOD FROM MARCH 1 THROUGH SEPTEMBER 1 OF ANY CALENDAR YEAR, IT IS UNLAWFUL FOR ANY PERSON TO TAKE A BLACK BEAR BY ANY MEANS INCLUDING BUT NOT LIMITED TO FIREARM OR BOW AND ARROW.

(3) IT IS UNLAWFUL FOR ANY PERSON TO TAKE A BLACK BEAR WITH THE USE OF BAIT, OR WITH THE USE OF ONE OR MORE DOGS, AT ANY TIME DURING ANY CALENDAR YEAR. IN THE EVENT THAT A DOG OR DOGS ACCIDENTALLY CHASES A BLACK BEAR WHILE THE OWNER OR PERSON IN CONTROL OF SUCH DOG OR DOGS IS IN LEGAL PURSUIT OF OTHER GAME, SUCH OWNER OR PERSON IN CONTROL OF THE DOG OR DOGS SHALL NOT BE CHARGED WITH THE ILLEGAL TAKING OF A BLACK BEAR SO LONG AS THE DOG OR DOGS ARE CALLED OFF AS SOON AS THE MISTAKE IS REALIZED AND THE BLACK BEAR IS NOT INJURED OR KILLED.

(4) THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO EMPLOYEES OF THE DIVISION OF WILDLIFE OR TO FIELD AGENTS OF THE UNITED STATES DEPARTMENT OF AGRICULTURE, WHEN SUCH EMPLOYEES OR AGENTS ARE ACTING IN THEIR OFFICIAL CAPACITY, NOR SHALL THIS SECTION APPLY TO ANY PERSON WHO LAWFULLY TAKES A BLACK BEAR IN DEFENSE OF LIFE OR PROPERTY, OR TO ANY PERSON WHO TRAPS, KILLS, OR OTHERWISE DISPOSES OF A BLACK BEAR IN ACCORDANCE WITH SECTION 33-3-106(3).

(5) FOR PURPOSES OF THIS SECTION, "BAIT" MEANS TO PLACE, EXPOSE, DEPOSIT, DISTRIBUTE, OR SCATTER SALT, MINERALS, GRAIN, ANIMAL PARTS, OR OTHER FOOD, SO AS TO CONSTITUTE A LURE, ATTRACTION, OR ENTICEMENT FOR BLACK BEARS ON OR OVER ANY AREA WHERE HUNTERS ARE ATTEMPTING TO TAKE BLACK BEARS.

(6) ANY PERSON WHO VIOLATES ANY PROVISION OF THIS SECTION IS GUILTY OF A CLASS 1 MISDEMEANOR AND, UPON CONVICTION THEREOF, SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1-106, C.R.S. IN ADDITION, PERSONS CONVICTED PURSUANT TO THIS SECTION SHALL HAVE THEIR WILDLIFE LICENSE PRIVILEGES SUSPENDED FOR FIVE YEARS AND PERSONS CONVICTED OF A SECOND OR SUBSEQUENT OFFENSE PURSUANT TO THIS SECTION SHALL HAVE THEIR WILDLIFE LICENSE PRIVILEGES SUSPENDED PERMANENTLY.

SECTION 2. Section 33-1-106 (1) (a), Colorado Revised Statutes, 1984 Repl. Vol., is amended to read:

33-1-106. Authority to regulate taking, possession, and use of wildlife. (1) In order to provide an adequate, flexible, and coordinated statewide system of wildlife management and to maintain adequate and proper populations of wildlife species, the commission shall have authority in this state, by appropriate rules and regulations, to:

(a) Determine under what circumstances, when, in which localities, by what means, what sex of, and in what amounts and numbers the wildlife of this state may be taken and, further, to shorten, extend, or close seasons on any species of wildlife in any specific locality or the entire state when it finds after investigation that such action is necessary to assure maintenance of adequate populations of wildlife or to preserve the proper ecological balance of the environment. IN NO EVENT, HOWEVER, SHALL THE

with its expenditures for the purposes set forth in Section 1 of this article, and the Board may contract with the State Personnel Board or any successor thereof for personnel services.

(3) The Board shall be a political subdivision of the state, and shall have all the duties, privileges, immunities, rights, liabilities and disabilities of a political subdivision of the state, provided, however, that its organization, powers, revenues and expenses shall not be affected by any order or resolution of the general assembly, except as provided in this constitution. It shall not be an agency of state government, nor shall it be subject to administrative direction by any department, commission, board, bureau or agency of the state, except to the extent provided in this constitution. The Board shall be subject to annual audit by the state auditor, whose report shall be a public document. The Board shall adopt rules permitting public access to its meetings and records which are no less restrictive than state laws applicable to state agencies, as such laws may be amended from time to time. The Board members, officers and directors of the Board shall have no personal liability for any actions or refusal to act by the Board as long as such action or refusal to act did not involve willful or intentional malfeasance or gross negligence.

Section 7. No effect on Colorado water law. Nothing in this Article shall affect in any way whatsoever any of the provisions under Article XVI of the State Constitution of Colorado, including those provisions related to water, nor any of the statutory provisions related to the appropriation of water in Colorado.

Section 8. No substitution allowed. The people intend that the allocation of lottery funds required by this article of the constitution be in addition to and not a substitute for funds otherwise appropriated from the General Assembly to the Colorado Department of Natural Resources and its divisions.

Section 9. Eminent domain. No moneys received by any state agency pursuant to this article shall be used to acquire real property by condemnation through the power of eminent domain.

Section 10. Payment In lieu of taxes. Any acquisitions of real property made by a state agency pursuant to this article shall be subject to payments in lieu of taxes to counties in which said acquisitions are made. Such payments shall be made from moneys made available by the Trust Fund, and shall not exceed the rate of taxation for comparable property classifications.

Section 11. Effective date. This article shall become effective upon proclamation by the governor, and shall be self-implementing. This article shall apply to each distribution of net proceeds from the programs operated under the authority of Article XVIII, Section 2 of the Colorado Constitution, whether by the Colorado Lottery Commission or otherwise, made after July 1, 1993 and shall supersede any provision to the contrary in Article XVIII, Section 2 or any other provision of law.

The summary as designated and fixed by the Board is as follows:

This measure makes an amendment to the Colorado Constitution to add a new Article XXVII which creates the Great Outdoors Colorado Program and provides for the permanent dedication of net proceeds from every state-supervised lottery game for the program. The Program would commence July 1, 1993, and would provide for the preservation, protection, enhancement, and management of the state's wildlife, park, river, trail, and open space heritage. The measure creates a trust fund for the program. The measure specifies that until fiscal year 1998-1999 certain public obligations shall continue to be paid from lottery proceeds, and existing allocations shall continue to be made to the Conservation Trust Fund and the Division of Parks and Outdoor Recreation; the balance would be paid into the Great Outdoors Colorado Program trust fund. Thereafter, forty percent of the net proceeds of state lottery games go to the Conservation Trust Fund, ten percent of such proceeds go to the Division of Parks and Outdoor Recreation, all remaining funds up to thirty-five million dollars go into the Great Outdoors Colorado trust fund, and all funds over thirty-five million dollars would revert to the general fund. The measure establishes a Board as an independent political subdivision of the state to be appointed by the Governor and confirmed by the Senate. The Board will oversee the program and the trust fund established by the measure.

The fiscal impact of the measure on local governments will not be significant. There will be no fiscal impact from the measure on the state as a whole except that between fiscal year 1993-94 to fiscal year 1997-98, the measure would divert annually to the Great Outdoor Colorado Trust Fund between seven million dollars and eleven million dollars from the State Capital Construction fund. Beginning with fiscal year 1998-99, the State will need to review its capital funding priorities and identify sources of funds other than lottery proceeds for new projects the State may decide to undertake.

The ballot title and submission clause as designated and fixed by the Board is as follows:

SHALL THERE BY AN AMENDMENT TO THE COLORADO CONSTITUTION TO CREATE THE GREAT OUTDOORS COLORADO PROGRAM; TO PROVIDE FOR THE PERMANENT DEDICATION OF NET PROCEEDS FROM EVERY STATE-SUPERVISED LOTTERY GAME FOR THE PROGRAM AFTER PAYMENT OF CERTAIN EXISTING OBLIGATIONS; TO SPECIFY THAT THE PROGRAM PROVIDE FOR THE PRESERVATION, PROTECTION, ENHANCEMENT, AND MANAGEMENT OF THE STATE'S WILDLIFE, PARK, RIVER, TRAIL, AND OPEN SPACE HERITAGE; TO ESTABLISH A BOARD AS AN INDEPENDENT POLITICAL SUBDIVISION OF THE STATE TO OVERSEE THE PROGRAM; AND TO CREATE A TRUST FUND FOR THE PROGRAM?

COMMISSION ADOPT ANY REGULATION CONCERNING THE TAKING OF BLACK BEARS WHICH IS IN CONFLICT WITH THE PROVISIONS OF SECTION 33-4-101.3

SECTION 3. 33-4-102 (1) (n), Colorado Revised Statutes, 1984 Repl. Vol., as amended, is repealed as follows:

33-4-102. Types of licenses and fees. (1) The division is authorized to issue the following resident and nonresident licenses and shall collect the following fees therefor:

	Fees	
	Resident	Nonresident
(n) Bear, spring	\$30.00	150.00

The summary prepared by the Board is as follows:

This measure adds a new section to Article 4 of Title 33, Colorado Revised Statutes, to make it unlawful for any person to take a black bear by any means, including but not limited to firearm or bow and arrow, from March 1 to September 1 of any calendar year and, in addition, to prohibit the taking of black bear at any time by the use of bait or dogs. Violation of the measure is punishable as a class 1 misdemeanor and, in addition, conviction carries with it a five-year suspension of wildlife license privileges for the first offense and permanent loss of such privileges for a second or subsequent offense. Exemptions are provided for employees of the Division of Wildlife and the United States Department of Agriculture while acting in their official capacity and for persons taking black bears in defense of life or property. Existing statutory provisions for the issuance of spring bear hunting licenses are repealed, and the Division of Wildlife is expressly prohibited from adopting regulations which conflict with any of the above provisions.

The measure is not expected to have any significant fiscal impact. A reduction in bear license sales and a corresponding decrease in revenues to the Division of Wildlife are expected, and enforcement of the measure will entail some increase in law enforcement expenses, but both of these effects are difficult to quantify and are expected to be slight.

The ballot title and submission clause as designated and fixed by the Board is as follows:

SHALL THERE BE AN AMENDMENT TO THE COLORADO REVISED STATUTES TO PROHIBIT THE TAKING OF BLACK BEARS BY THE USE OF BAIT OR DOGS AT ANY TIME, AND TO PROHIBIT THE TAKING OF BLACK BEARS BY ANY MEANS BETWEEN MARCH 1 AND SEPTEMBER 1 OF ANY CALENDAR YEAR, AND SUBJECTING VIOLATORS TO MISDEMEANOR PENALTIES AND A LOSS OF HUNTING PRIVILEGES?

In Witness Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Colorado, at the City of Denver, Colorado this 19th day of September, 1992.

Natalie Meyer
Secretary of State