

Issues Guide

A Guide to Colorado's Referenda and Amendments on the 2008 November Ballot



Promoting God's design for the family through research, education and advocacy.



8704 Yates Drive, Suite 205, Westminster, CO 80031
303-292-1800 ♦ www.rmfc.org ♦ rmfc@aol.com

Dear Friend of the Colorado Family,

Thank you for spending the time to research these very important Colorado ballot issues. We hope our **2008 RMFC Issues Guide** will be a valuable tool for you, your family, your church, and your community.

This **FREE Issues Guide** is just one of the many resources produced by RMFC to strengthen marriage and family in Colorado. Take a few minutes and explore our website (www.rmfc.org) and learn more about the marriage and family resources and events we have available.

Please download, print, and distribute as many *Issue Guides* as you would like. You can also email your friends and family to point them to the *Issues Guide* on our website.

Please continue to pray for our state and our nation. Please also prayerfully consider financially supporting the work of RMFC (see donation coupon below).

God bless,

Jim Chapman
President

2008 Colorado Amendments and Referenda

RMFC Position

+	Amendment 46	Prohibition on Discrimination and Preferential Treatment	Neutral
+	Amendment 47	Prohibition on Mandatory Labor Union Membership and Dues	Neutral
+	Amendment 48	Definition of a Person	YES
+	Amendment 49	Limitation on Government Paycheck Deductions	YES
+	Amendment 50	Expanded Gambling	NO
+	Amendment 51	Sales Tax Increase for Services for People with Developmental Disabilities	Neutral
+	Amendment 52	Use of Severance Tax Revenue for Highways	Neutral
+	Amendment 53	Criminal Accountability for Business and Nonprofit Executives	Withdrawn*
+	Amendment 54	Campaign Contributions from Certain Government Contractors	Neutral
+	Amendment 55	Allowable Reasons for Employee Discharge or Suspension	Withdrawn*
+	Amendment 56	Government Mandated Employer Responsibility for Health Insurance	Withdrawn*
+	Amendment 57	Lawsuits by Injured Employees	Withdrawn*
+	Amendment 58	Tax Increase — Severance Taxes on the Oil and Natural Gas Industry	Neutral
+	Amendment 59	Educating Funding and Ending TABOR Rebates	NO
+	Referendum L	Age Qualification for Serving in the Legislature	YES
+	Referendum M	Obsolete Constitutional Provisions Regarding Land Value Increase	YES
+	Referendum N	Obsolete Constitutional Provisions Regarding Intoxicating Liquors	YES
+	Referendum O	Rule Changes for Citizen-Initiated Constitutional and Statutory Measures	NO

*Amendments 53, 55, 56, and 57 have been withdrawn from consideration. The ballots have already been printed, therefore, these amendments will appear on the ballot. The votes for these measures, however, will not be counted.



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Amendment 46

Discrimination and Preferential Treatment by Governments

Amendment 46 proposes amending the Colorado Constitution to:

- prohibit Colorado governments from discriminating against or granting preferential treatment to any individual or group on the basis of race, sex, color, ethnicity, or national origin in public employment, public education, or public contracting;
- make exceptions for federal programs, existing court orders or other legally binding agreements, and bona fide qualifications based on sex; and
- provide the same remedies that are available for violations of existing Colorado anti-discrimination law.

Note: The measure requires that remedies that exist for Colorado anti-discrimination law be used for violations of Amendment 46.

Summary

Historically disadvantaged groups have been given preferential treatment by the government under “Affirmative Action” plans in order to remedy past and current discrimination or to increase diversity.

If passed, Amendment 46 would insert language into the Colorado Constitution that prohibits discrimination or preferential treatment in the areas of public education, government employment and government contracting on the basis of race, sex, color, ethnicity, or national origin. Private organizations would not be affected by Amendment 46.

At this time, government agencies and higher education may give preference to race and gender when awarding contracts and admitting students as long as they do so under a plan to correct discrimination or promote diversity. Examples include colleges offering scholarships to students of specific minority groups and government agencies awarding specific contracts to businesses owned by minorities.

If Amendment 46 passes, this practice would cease. Scholarships and government contracts would be awarded with no discrimination or preferential treatment. Certain federal laws and funding would not be affected by Amendment 46 including: Girls receiving the same access to school athletic programs, Police departments achieving diversity through hiring practices and hiring for gender-specific positions such as a female prison guard.

RMFC Position: Neutral

Vote NO on Amendment 46 if:

- You believe “Affirmative Action” should continue in Colorado.
- You believe programs that consider race and gender to provide greater access to employment, education and business opportunities are still needed for historically disadvantaged groups.

Vote YES on Amendment 46 if:

- You believe “Affirmative Action” should end in Colorado.
- You believe everyone should be treated equally in public employment, education and contracting.

Amendment 47

Prohibition on Mandatory Labor Union Membership and Dues

Amendment 47 proposes amending the Colorado Constitution to:

- prohibit requiring an employee to join and pay any dues or fees to a labor union as a condition of employment; and
- create a misdemeanor penalty for violation of this law.

Summary

This measure is known as the “Right-to-Work” amendment and it proposes to eliminate the possibility that any employee can be required to pay for collective bargaining or join a union as a condition of employment.

RMFC Position: Neutral

Vote NO on Amendment 47 if:

- You believe employees (in a unionized work environment) must continue pay for collective bargaining or join a union as a condition of employment in Colorado.

Vote YES on Amendment 47 if:

- You believe that mandatory labor union membership and dues (in a unionized work environment) should be prohibited.

Amendment 48 Definition of a Person

Amendment 48 proposes amending the Colorado Constitution to:

- define the term "person" to "include any human being from the moment of fertilization"; and
- apply this definition of person to the sections of the Colorado Constitution that protect the natural and essential rights of persons, allow open access to courts for every person, and ensure that no person has his or her life, liberty, or property taken away without due process of law.

Summary

On January 22, 1973, the Roe v. Wade Supreme Court decision made abortion legal in all 50 states. In his dissenting opinion, Justice Byron White, a Colorado native, wrote, "With all due respect, I dissent. I find nothing in the language or history of the Constitution to support the Court's judgment. Justice White later wrote in his dissenting opinion, "The Court apparently values the convenience of the pregnant mother more than the continued existence and development of the life or potential life that she carries."

Science has finally verified what Justice White intimated in 1973 and what millions of Coloradans know now, that life begins at the moment of fertilization.

The Colorado Personhood Amendment has a very simple, easy-to-understand scientific basis that asks, "Shall there be an amendment to the Colorado constitution defining the term "person" to include any human being from the moment of fertilization as "person" is used in those provisions of the Colorado constitution relating to inalienable rights, equality of justice, and due process of law?"

RMFC Recommends: Vote YES on Amendment 48

- Amendment 48 ensures that all human life, beginning with the moment of fertilization, is afforded fair and equal treatment. Currently, these rights are not given until birth. Amendment 48 recognizes that a new human life is created at the moment of fertilization and gives all human life, whether born or unborn, equal rights and protections.
- Amendment 48 gives clear direction to the courts and the legislature about who is considered a person. Because the bill of rights does not currently contain a definition of the term "person," interpretation of the word is subjective, which may lead to the rights granted by the constitution being inconsistently applied. The measure ensures uniform application of the term "person" under the law.
- The measure may establish the legal foundation to end the practice of abortion in Colorado. The U.S. Supreme Court decision that legalized abortion in the U.S. found that the unborn were not included in the word "person" as used in the U.S. Constitution. If each human life, from the moment of fertilization, is recognized as a person under Colorado's bill of rights, Amendment 48 may provide support for legal challenges to prohibit abortions in Colorado.

Amendment 49 Limitation on Government Paycheck Deductions

Amendment 49 proposes amending the Colorado Constitution to:

- prohibit any public employee paycheck deduction, except for:
 - ✦ deductions required by federal law; tax withholdings; court-ordered liens and garnishments; health benefit and other insurance deductions; deductions for savings, investment, and retirement plans; and deductions for charitable, religious, educational, and other tax-exempt organizations.

Summary

Amendment 49 would block state and local government agencies from automatically deducting dues and fees from employees paychecks for labor unions and other taxable organizations.

This measure applies to all public employers in Colorado, including the state, counties, municipalities, school districts and special districts. Currently, Arapahoe and Douglas counties have a prohibition similar to Amendment 49 in place.

RMFC Recommends: Vote YES on Amendment 49

Amendment 49 reduces the potential for conflicts of interest that can occur when elected officials permit the use of government payroll systems to collect money for politically active groups, such as labor unions.

In this day and age of high taxes and low ethical standards, it seems best that the practice of the government providing a free dues collection service for unions would end. Anti-family positions that lobbyists advance such as abortion on demand and homosexual marriage are funded, in part, through these union dues.

Amendment 50

Expanded Gambling in Central City, Black Hawk and Cripple Creek

Amendment 50 proposes amending the Colorado Constitution to:

- allow residents of Central City, Black Hawk, and Cripple Creek to vote to extend casino hours, approve additional games, and increase the maximum single bet limit;
- give most of the gaming tax revenue that results from new gaming limits to Colorado community colleges and to the gaming cities and counties;
- require statewide voter approval for any gaming tax increase if new gaming limits are adopted by any gaming town; and
- exempt the revenue raised from new gaming limits from state and local revenue and spending limits.

Summary

The amendment would allow mountain casinos and Indian casinos to raise their constitutionally set betting limits from \$5 to \$100 (a 475% increase). It would also allow casinos to operate 24 hours a day and add Las Vegas-style craps tables and roulette wheels to their "limited stakes" operations.

RMFC Recommends: Vote NO on Amendment 50

Any monetary benefit to Colorado from drastically expanding gambling is far outweighed by the societal ills that accompany this foolish measure. It is bad government policy. Government should promote public virtue not entice its citizens to engage in potentially destructive behavior.

The number of Colorado citizens controlled by gambling addictions would only increase if this measure passed. Studies have shown that the rate of gambling addictions grows when gambling opportunities increase.

Studies also show that legalized gambling often hurts those who are unemployed, poor and disadvantaged to a greater extent than other citizens.

Amendment 51

Sales Tax Increase for Services for People with Developmental Disabilities

Amendment 51 proposes amending the Colorado statutes to:

- increase the state sales and use tax from 2.9 percent to 3.0 percent on July 1, 2009, and from 3.0 percent to 3.1 percent on July 1, 2010;
- direct that the new money be used to pay for services for people with developmental disabilities and to help eliminate the waiting lists for services;
- prohibit the legislature from reducing the current level of state funding for services for people with developmental disabilities; and
- exempt the new money from state spending limits.

Summary

Colorado currently provides services for persons with developmental disabilities like autism, Down syndrome, cerebral palsy and other disabilities. However, there is a long waiting time, up to 10 to 15 years, for disabled persons to access these services for benefits such as job training and 24-hour supervision and assistance at group homes. There are approximately 9,700 adults and children currently on these waiting lists; this number is expected to grow to 12,000 by 2012.

Amendment 51 would permanently raise sales taxes by 2 cents on every \$10 purchase to help pay for these services and is predicted to help eliminate the long waiting lists for services. The Colorado Legislative Council estimates that a three-person household with about \$55,000 in income would pay about \$20 in additional taxes in the first year, and about \$40 in additional taxes thereafter.

RMFC Position: Neutral

Vote NO on Amendment 51 if:

- You believe that raising the sales tax may hurt the State's economy at a time the economy is already struggling. Amendment 51 permanently raises taxes without any discussion on how the money can be spent most effectively, or how the needs of people with developmental disabilities compare with other needs in the state. The new tax dollars must be spent on services for people with developmental disabilities even if the amount raised exceeds funding needs. Vote no if you believe this issue would be better addressed by the state legislature instead of a permanent Constitutional amendment.

Vote YES on Amendment 51 if:

- You are willing to pay more taxes to benefit persons with developmental disabilities through better services and a shorter waiting list. The tax increase does not apply to basic purchases such as food, prescription drugs, utilities and gasoline. The families of many of these disabled citizens are not able to fund these services themselves. Vote yes if you believe the state has a responsibility to its citizens with developmental disabilities to help them be as productive and safe as possible. Current dollars allocated by the state to pay for these services have been inadequate, resulting in unconscionable wait times for these services.

Amendment 52

Use of Severance Tax Revenue for Highways

Amendment 52 proposes amending the Colorado Constitution to:

- require the state legislature to spend a portion of state severance tax collections on highway projects.

Summary

The state legislature currently determines how severance tax revenue is spent. Severance tax is paid by companies that extract coal, natural gas and oil from Colorado soil. Amendment 52 would reallocate a portion of severance tax revenue from the Department of Natural Resources and put it toward a legislature-controlled trust fund that would give priority to highway projects without raising taxes.

Amendment 52 would allocate \$90 million next year and as much as one billion over the next decade for highway and bridge projects. Several state programs would receive less money under Amendment 52. Money for water projects is expected to drop by \$45 million in 2009 and other projects including wildlife conservation, low-income energy assistance, bark beetle control and soil conservation would see a total reduction of \$2 million from budgeted amounts in 2009.

According to the Colorado Legislative Council, both Amendment 52 and Amendment 58 would change how the state spends severance tax revenue, but each measure proposes different uses for the money. If both pass, the courts would have to decide how these conflicting measures take effect. Amendment 58, however, does increase taxes and Amendment 52 does not.

RMFC Position: Neutral

Vote NO on Amendment 52 if:

- You want to leave the severance tax funding the way it currently functions.
- You believe that giving constitutional budgeting authority for this money to the state legislature could result in the legislature selecting specific transportation projects based on political considerations.
- You believe that Amendment 52 hurts the state's ability to meet long-term water supply needs by shifting money away from water projects and toward highway projects.

Vote YES on Amendment 52 if:

- You want to change the current severance tax funding to spend more on highway projects.
- You believe that safe bridges and highways are important and we need to create a new and permanent revenue stream to fund these projects.

Amendment 54

Campaign Contributions from Certain Government Contractors

Amendment 54 proposes amending the Colorado Constitution to:

- prohibit government contractors from contributing to a political party or candidate for the contract's duration and two years thereafter;
- prohibit contributors to ballot issue campaigns from entering into certain government contracts relating to the ballot issue;
- apply the prohibitions on campaign contributions and ballot issue contracts to any contractor with a government contract or contracts that does not use a public and competitive bidding process soliciting at least three bids and with a total value greater than \$100,000 in a single year; and
- apply the prohibitions on campaign contributions and ballot issue contracts to a labor organization holding a collective bargaining agreement with a state or local government.

Summary

Amendment 54 would prohibit private-sector vendors with government no-bid contracts (\$100,000 in a single year) from contributing to politicians during the term of their contract (and two years thereafter). It would also establish a searchable database so Colorado citizens can research how their tax dollars are being spent. The Colorado Legislative Council estimates that it would initially cost the state \$234,000 to develop the database and an additional \$85,000 each year for one employee to manage the database.

RMFC Position: Neutral

Vote NO on Amendment 54 if:

- You believe that private-sector vendors with no-bid contracts should continue to be able to give campaign contributions to the government officials they are doing business with.
- You believe the new database will cost the state too much.

Vote YES on Amendment 54 if:

- You believe that campaign contributions from business interests, labor and other government no-bid contractors should no longer influence government policy decisions.
- You believe a database is needed to hold both public officials and contractors to high standards regarding government contracts.

Amendment 58

Tax Increase — Severance Taxes on the Oil and Natural Gas Industry

Amendment 58 proposes changing the Colorado statutes to:

- increase the amount of state severance taxes paid by oil and natural gas companies, primarily by eliminating an existing state tax credit;
- allocate the increased severance tax revenue to college scholarships for state residents, wildlife habitat, renewable energy projects, transportation projects in energy-impacted areas, and water treatment grants; and
- exempt all oil and gas severance tax revenue from state and local spending limits.

Summary

The state legislature currently determines how severance tax revenue is spent. Severance tax is paid by companies that extract coal, natural gas and oil from Colorado soil. Amendment 58 proposes to eliminate a state sales tax credit for oil and gas companies, increases the number of oil and gas wells subject to tax, and changes the tax rate on oil and gas companies. These tax changes are estimated to increase state severance tax collections by \$321 million in the 2010 budget year.

Currently, Colorado severance tax revenue is divided equally between state programs and local governments. Under Amendment 58, state programs and local governments would split 44 percent of the tax collections. The remaining 56 percent of the tax revenue would go to new uses including a college scholarship program (60 percent), acquiring and maintaining wildlife habitat (15 percent), renewable energy projects (10 percent), transportation projects in areas of the state impacted by the oil and gas industry (10 percent), and small community drinking water and wastewater treatment projects (5 percent). The remaining 10 percent of the tax revenue used for new programs would be placed in a reserve account for unspecified future use.

Severance tax collections fluctuate with energy prices and state programs and local governments could receive more or less money than currently anticipated.

Amendment 58 would provide scholarships to “lower and middle income” families, but no specifics of how these millions of dollars are distributed is given. The state board of education would be tasked to determine all the scholarship criteria. The measure also does not specify which “impacted” communities would receive transportation grants, or how water treatment grants would be spent, or which government entities or “nonprofit conservation organizations” would receive the wildlife habitat grants.

According to the Colorado Legislative Council, both Amendment 52 and Amendment 58 would change how the state spends severance tax revenue, but each measure proposes different uses for the money. If both pass, the courts would have to decide how these conflicting measures take effect. Amendment 58, however, does increase taxes and Amendment 52 does not.

RMFC Position: Neutral

Vote NO on Amendment 58 if:

- You want to leave the severance tax funding the way it currently functions.
- You believe that more than doubling taxes on oil and gas companies could negatively affect the state’s economy and its citizens.
- You believe the spending plan for the new money is too vague and risky, and relies upon a volatile source of money.

Vote YES on Amendment 58 if:

- You believe that taxes should be raised on the oil and gas industry.
- You believe that providing more scholarships for middle and low-income students is critical to ensuring the state’s long-term economic health.
- You believe this measure will help improve the state’s economy, environment and infrastructure.

Amendment 59 Education Funding and Ending TABOR Rebates

Amendment 59 proposes amending the Colorado Constitution to:

- eliminate rebates that taxpayers receive when the state collects more money than it is allowed, and spend the money on preschool through 12th grade (P-12) public education;
- eliminate the required inflationary increase for P-12 education spending; and
- set aside money in a new savings account for P-12 education.

Summary

Amendment 59 would mandate that all surplus revenue above the Taxpayer's Bill of Rights (TABOR) limit be transferred to the State Education Fund to finance P-12 education rather than be refunded to Colorado taxpayers.

This measure would also create a savings account within the State Education Fund. Money within this fund can only be used for P-12 education.

Beginning in 2011, Amendment 59 would permanently eliminate the possibility of a tax rebate to Colorado families. In addition to the TABOR spending limit, the state has a yearly limit on spending for most state programs. Any money the state has above this limit is spent on transportation and to build and maintain state buildings. Amendment 59 allows the legislature to take this money and transfer it to the State Education Fund following specific procedures.

The Colorado Legislative Council states in their fiscal impact report that transfers into the State Education Fund will result in a dollar-for-dollar decrease in spending on transportation and capital construction projects.

RMFC Recommends: Vote NO on Amendment 59

Amendment 59 will permanently eliminate all future TABOR rebates to Colorado families. When economic times improve, the state will be able to keep and spend all the surplus revenue. Without a limit on spending, government is more likely to increase its size and have less accountability for educational improvement than it has today.

There is no direct correlation between increased educational spending and better educated students. In fact, many of the states which have the highest educational spending have the lowest academic achievement.

The legislature will have less discretion in allocating the state budget if Amendment 59 passes because of the mandated saving and spending provisions.

Referendum L Age Requirement for Serving in the Legislature

Referendum L proposes a change to the Colorado Constitution to:

- lower the age requirement for serving in the Colorado state legislature from 25 to 21.

Summary

The Colorado Constitution currently requires a representative or senator to be at least 25 years old to serve in the state legislature. Referendum L lowers the age requirement 21.

RMFC Recommends: Vote YES on Referendum L

A 21-year-old is considered an adult under the law. If a candidate seeking office in the state legislature possesses the capability to be a good lawmaker, then the voters will have the opportunity to elect them regardless of age.

Referendum M Obsolete Constitutional Provision Relating to Land Value Increases

Referendum M proposes to repeal an obsolete section of the Colorado Constitution that:

- allows the state legislature to pass laws that delay taxing the appreciation in private land value resulting from planting hedges, orchards and forests.

Summary

According to the Colorado Legislative Council, repealing this provision will not impact the manner in which properties are assessed nor will it impact the property tax collections of state or local governments. It will have no fiscal impact.

RMFC Recommends: Vote YES on Referendum M

Referendum M does not affect state or local revenues or expenditures and removes an obsolete provision from the Colorado Constitution.

Referendum N

Obsolete Constitutional Provision Relating to Alcohol Beverages

Referendum N proposes to remove obsolete provisions from the Colorado Constitution:

- related to the regulation of alcohol beverages.

Summary

The federal government currently regulates the import, quality and safety of alcohol, so state provisions in the Colorado Constitution are no longer needed.

RMFC Recommends: Vote YES on Referendum N

Referendum N will remove outdated, unnecessary provisions from the Colorado Constitution.

Referendum O

Rule Changes for Citizen-Initiated Constitutional and Statutory Measures

Referendum O proposes amending the Colorado Constitution to:

- decrease the number of signatures required to place a statutory initiative on the ballot, and increase the number of signatures required to place a constitutional initiative on the ballot;
- require that eight percent of signatures for constitutional initiatives be gathered from each congressional district;
- require that drafts of proposed constitutional initiatives be submitted for review earlier in the year;
- extend the time period for collecting signatures for statutory initiatives;
- increase the number of votes required for the legislature to change a statutory initiative for five years after the statute takes effect; and
- allow the public and state legislators to comment on proposed initiatives at a public meeting.

Summary

The Colorado General Assembly referred this measure to the people of Colorado. The legislators who support Referendum O want to make it much more difficult and expensive to place constitutional amendments on the ballot for a vote of the people and make it easier to propose statutory initiatives. The constitution may only be changed with voter approval. Statutes may be changed or overturned by legislators (with the governor's signature on a passed bill) or by the courts. Ultimately, constitutional amendments take precedence over statutes and cannot be changed without future voter approval.

RMFC Recommends: Vote No on Referendum O

The current ability for "the people" of Colorado to place a Constitutional Amendment on the ballot should not be restricted. The constitutional initiative process needs to remain strong as a buffer against a Legislature and Court system that is increasingly anti-family.

It is already very difficult to pass a constitutional amendment. In the past 50 years, voters have rejected almost two-thirds of all citizen-initiated constitutional amendments.

It is estimated by the Colorado Legislative Council that requiring signatures be collected and verified from each congressional district will increase the cost to Colorado taxpayers by \$40,200 in the 2010 elections and by \$106,000 in the 2012 elections.