

**NOTICE OF ELECTION TO
INCREASE TAXES
ON A CITIZEN PETITION**

STATEWIDE ELECTION DAY IS

Tuesday, November 4, 2014

Voter service and polling centers open 7 a.m. to 7 p.m.

This election is a mail ballot election. For information about voter service and polling centers, please contact your county election office. Contact information for county election offices appears inside the back cover of this booklet.



**2014 STATE BALLOT
INFORMATION BOOKLET**

and

**Recommendations on
Retention of Judges**

Legislative Council of the
Colorado General Assembly
Research Publication No. 639

Voter "Cheat Sheet" for Measures
on 2014 Ballot

	YES	NO
Amendment 67: Definition of Person and Child	<input type="checkbox"/>	<input type="checkbox"/>
Amendment 68: Horse Racetrack Casino Gambling	<input type="checkbox"/>	<input type="checkbox"/>
Proposition 104: School Board Meeting Requirements	<input type="checkbox"/>	<input type="checkbox"/>
Proposition 105: Labeling Genetically Modified Food	<input type="checkbox"/>	<input type="checkbox"/>

*****This is not a ballot*****

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

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September 10, 2014

This booklet provides information on the four statewide measures on the November 4, 2014, ballot and on the judges who are on the ballot for retention in your area. The information is presented in two sections.

Section One — Analysis and Titles and Text

Analysis. Each statewide measure receives an analysis that includes a description of the measure and major arguments for and against. Careful consideration has been given to the arguments in an effort to fairly represent both sides of the issue. Each analysis also includes an estimate of the fiscal impact of the measure. More information on the fiscal impact of measures can be found at www.coloradobluebook.com. The state constitution requires that the nonpartisan research staff of the General Assembly prepare these analyses and distribute them in a ballot information booklet to registered voter households.

Titles and text. Following each analysis is the title that appears on the ballot, which includes information about whether the measure changes the constitution or statute. Following the ballot title is the legal language of each measure, which shows new laws in capitalized letters and laws that are being eliminated in strikeout type.

Amendments and Propositions

A measure placed on the ballot by the state legislature that amends the state constitution is labeled an "Amendment," followed by a letter. A measure placed on the ballot by the state legislature that amends the state statutes is labeled a "Proposition," followed by a double letter.

A measure placed on the ballot through the signature-collection process that amends the state constitution is labeled an "Amendment," followed by a number between 1 and 99. A measure placed on the ballot through the signature-collection process that amends the state statutes is labeled a "Proposition," followed by a number between 100 and 199.

Constitutional vs. Statutory Changes

The first line of the analysis of each measure indicates whether the measure is a change to the constitution, statute, or both. Of the four measures on the ballot, two propose changes to the state constitution, and two propose changes to the state statutes. Voter approval is required in the future to change any constitutional measure adopted by the voters, although the legislature may adopt statutes that clarify or implement these constitutional measures as long as they do not conflict with the constitution. The state legislature, with the approval of the Governor, may change any statutory measure in the future without voter approval.

Section Two — Recommendations on Retaining Judges

The second section contains information about the performances of the Colorado Supreme Court justices, the Colorado Court of Appeals judges, and district and county court judges in your area who are on this year's ballot. The information was prepared by the state commission and district commissions on judicial performance. The narrative for each judge includes a recommendation stated as "BE RETAINED," "NOT BE RETAINED," or "NO OPINION."

Information on Local Election Officials

The booklet concludes with addresses and telephone numbers of local election officials. Your local election official can provide you with information on polling places, absentee ballots, and early voting.

By selecting the individual measures, you can go directly to the Analysis or Title and Text of the measure.

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(Selecting the Judges link will open the Colorado Judicial Performance web site.)	

This publication, as well as a link to the full text of the fiscal impact statements for each measure, can be found at: www.coloradobluebook.com

Contact information for county election offices appears inside the back cover of this booklet.

Amendment 67 Definition of Person and Child

ANALYSIS

Amendment 67 proposes amending the Colorado Constitution to:

- ◆ specify that the terms "person" and "child" in the Colorado Criminal Code and the state wrongful death statutes include unborn human beings.

Summary and Analysis

Amendment 67 creates a constitutional provision stating that the terms "person" and "child" in the Colorado Criminal Code and the state wrongful death statutes must include unborn human beings. The measure does not define the term "unborn human beings."

Colorado Criminal Code. The Colorado Criminal Code contains criminal offenses in state law. It currently defines a "person," when referring to the victim of a homicide, as a human being who had been born and was alive at the time of the criminal act. The code excludes a human embryo, a fetus, and an unborn child at any stage of development prior to live birth from the definition of "person." The Colorado Criminal Code does not uniformly define "child;" the definitions vary based on different offenses.

State wrongful death statutes. State wrongful death statutes allow surviving spouses, families, and estates to seek compensation for negligent actions resulting in the death of a person. These statutes do not define "person" or "child."

Laws concerning offenses against pregnant women. Colorado law defines an unlawful termination of a pregnancy as the termination of a pregnancy by any means other than birth or a medical procedure with the woman's consent. Under Colorado law, it is a crime to intentionally, knowingly, or recklessly cause an unlawful termination of a woman's pregnancy, including vehicular unlawful termination of a pregnancy. Unlawful termination of a pregnancy and offenses against a person are categorized in separate sections of the law and may carry different penalties. If a person commits an offense against a pregnant woman that results in the loss of her pregnancy, the offender can be

charged with at least two crimes — the offense against the woman and the unlawful termination of the pregnancy. The law exempts pregnant women and health care providers from criminal prosecution for acts related to a woman's pregnancy.

Colorado law also allows a woman to seek compensation from any person who intentionally, knowingly, or recklessly causes an unlawful termination of her pregnancy. Colorado law states that a woman is not liable for damages for acts she takes with respect to her own pregnancy, nor is a health care provider for providing services. Additionally, the law excludes a human embryo, fetus, and an unborn child at any stage of development prior to live birth from the definition of "person."

Effect of Amendment 67 on abortion and reproductive health care. The measure does not specify how its provisions will apply to health care providers or medical procedures. Depending on how the term "unborn human being" is defined or interpreted, the measure may impact the availability of abortions under Colorado law. It may also impact the availability of other medical procedures, devices, and medications, such as certain forms of birth control or in vitro fertilization.

For information on those issue committees that support or oppose the measures on the ballot at the November 4, 2014, election, go to the Colorado Secretary of State's elections center web site hyperlink for ballot and initiative information:

<http://www.sos.state.co.us/pubs/elections/Initiatives/InitiativesHome.html>

Arguments For

1) One of government's responsibilities is to protect its citizens from harm. Amendment 67 protects pregnant women and unborn children by making it illegal to kill or otherwise harm an unborn human being and holds perpetrators both criminally and civilly liable. Crimes against unborn human beings should be subject to the same legal penalties as crimes against human beings who have been born. Under Amendment 67, a person who kills an unborn human being could be charged with homicide.

2) By including unborn human beings in the definition of "person," the measure may establish the legal foundation to protect the unborn by ending the practice of abortion in Colorado. If the Colorado

Constitution recognizes an unborn human being as a person, the measure may allow a district attorney to prosecute abortion as homicide or child abuse and could limit the willingness of health care providers to perform abortions in Colorado.

Arguments Against

1) Amendment 67 is unnecessary and unclear. There are already laws in place to protect pregnant women endangered by the criminal acts of others, while respecting the personal medical decisions of a woman and her health care provider. The term "unborn human being" has no established legal or medical definition in Colorado law, and could apply at the earliest stages of pregnancy. The measure could have far-reaching consequences, including making pregnant women and health care providers criminally and civilly liable for a pregnancy that does not result in a live birth.

2) Amendment 67 allows government intrusion into the personal health care decisions of individuals and families and makes no exceptions for the privacy of the doctor-patient relationship. The measure could make abortion a crime, including those for victims of rape or incest. It may prevent doctors, nurses, and pharmacists from providing certain types of medical care to a woman, including some forms of birth control such as emergency contraception and intra-uterine devices, and treatment for miscarriages, tubal pregnancies, cancer, and infertility.

Estimate of Fiscal Impact

Amendment 67 has no immediate impact to state or local government revenues or expenditures. The measure does not require any new action or additional services, nor does it impose any new fines or charges. Depending on how the measure is interpreted and applied by the courts, or whether the state legislature adopts specific legislation, this may result in new criminal offenses and penalties being created or applied in certain situations when a pregnancy is terminated. These potential criminal penalties may increase costs for state and local law enforcement agencies, the courts, and the Department of Corrections for the investigation and incarceration of individuals committing offenses. The potential costs cannot be determined at this time.

Amendment 67 Definition of Person and Child

BALLOT TITLE AND TEXT

The ballot title below is a summary drafted by the professional staff of the offices of the secretary of state, the attorney general, and the legal staff for the general assembly for ballot purposes only. The ballot title will not appear in the Colorado constitution. The text of the measure that will appear in the Colorado constitution below was drafted by the proponents of the initiative. The initiated measure is included on the ballot as a proposed change to current law because the proponents gathered the required amount of petition signatures.

Ballot Title: Shall there be an amendment to the Colorado constitution protecting pregnant women and unborn children by defining "person" and "child" in the Colorado criminal code and the Colorado wrongful death act to include unborn human beings?

Text of Measure:

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

In the constitution of state of Colorado, Article XVIII, **add** (17) as follows:

Section 17. Protection of Pregnant Mothers and Unborn Children

(1) Purpose and findings. IN 2009, JUDGES OF THE COLORADO STATE COURT OF APPEALS IN PEOPLE V. LAGE 232 P.3d 138 (COLO. APP. 2009) CONCLUDED THAT:

(a) "THERE IS NO DEFINITION OF 'PERSON' OR 'CHILD' OF GENERAL APPLICABILITY IN THE CRIMINAL CODE" (MAJORITY OPINION BY JUDGE ROY); AND

(b) "THIS IS AN AREA THAT CRIES OUT FOR NEW LEGISLATION. OUR GENERAL ASSEMBLY, UNLIKE CONGRESS AND MOST STATE LEGISLATURES, HAS PRECLUDED HOMICIDE PROSECUTIONS FOR KILLING THE UNBORN" (JUDGE CONNELLY CONCURRING IN PART AND DISSENTING IN PART).

(2) Definitions. IN THE INTEREST OF THE PROTECTION OF PREGNANT MOTHERS AND THEIR UNBORN CHILDREN FROM CRIMINAL OFFENSES AND NEGLIGENT AND WRONGFUL ACTS, THE WORDS "PERSON" AND "CHILD" IN THE COLORADO CRIMINAL CODE AND THE COLORADO WRONGFUL DEATH ACT MUST INCLUDE UNBORN HUMAN BEINGS.

(3) Self-executing, and severability provision. ALL PROVISIONS OF THIS SECTION ARE SELF-EXECUTING AND ARE SEVERABLE.

(4) Effective date. ALL PROVISIONS OF THIS SECTION SHALL BECOME EFFECTIVE UPON OFFICIAL DECLARATION OF THE VOTE HEREON BY PROCLAMATION OF THE GOVERNOR PURSUANT TO SECTION 1(4) OF ARTICLE V.

Amendment 68 Horse Racetrack Casino Gambling

ANALYSIS

Amendment 68 proposes amending the Colorado Constitution to:

- ◆ permit casino gambling at horse racetracks in Arapahoe, Mesa, and Pueblo counties, limited to one racetrack in each county; and
- ◆ distribute new casino gambling tax revenue to K-12 public schools.

Summary and Analysis

Horse racetrack casino gambling. Amendment 68 expands legal gambling in the state by permitting limited-stakes casino gambling at horse racetracks in Arapahoe, Mesa, and Pueblo counties. One racetrack in each county may offer casino gambling, which may include slot machines, the card games of blackjack and poker, and the games of roulette and craps. Current laws that regulate horse racing and betting on horse races are unchanged by the measure.

Before obtaining a limited gaming license, each racetrack must host 30 or more live horse race days per year for at least five consecutive years and be licensed to allow betting on horse races. Within the first 30 days of operating casino gambling, each horse racetrack must pay a \$25 million one-time fee to the state. A local government may impose a one-time impact fee and ongoing annual impact fees; the fee amount must be negotiated and be reasonably related to the local government's expenses that occur as a result of allowing casino gambling at the racetrack.

Arapahoe County has one existing horse racetrack, Arapahoe Park, which could be licensed for casino gambling in 2015. Because Mesa and Pueblo counties do not currently have an operational horse racetrack, casino gambling in those counties could not begin until at least 2019.

Once approved, each racetrack is authorized to have 2,500 slot machines, or more if approved by the Limited Gaming Control Commission in the Colorado Department of Revenue. No restrictions are placed on the number of tables for card games, roulette, or craps. Hours of operation are limited to 8:00 a.m. to 2:00 a.m. the following day, unless the local government in which the racetrack is located approves extended hours. Only adults 21 years of age and older may gamble, and no single wager may exceed \$100.

K-12 public school funding. Once a new horse racetrack casino opens, Amendment 68 will generate new funding for public schools. In addition to the one-time \$25 million fee, each racetrack must pay 34 percent of its adjusted gross proceeds (AGP) to the state. AGP includes all revenue from casino gambling at the racetrack less the amount paid to winners. New gambling tax revenue, and the \$25 million one-time fee, are deposited in the newly created K-12 Education Fund and distributed on a per-pupil basis to public school districts and to a state agency that authorizes public charter schools. Funding from the new gambling tax revenue must be used to address local education issues and may not replace existing funding for public schools.

Because of its location in the Denver metropolitan area, a new casino at Arapahoe Park could provide up to \$114.5 million each year for public schools, or about \$132 per student beginning in budget year 2016-17. For the 2014-15 school year, public schools received about \$7,021 per student. If new racetrack casinos open in Mesa and Pueblo counties, public schools could receive additional funding in the future. State and local tax revenue from casino gambling at horse racetracks is exempt from constitutional limits on government revenue and spending.

Current casino gambling in Colorado. Gambling in Colorado may only take place in areas that have received constitutional authority through a statewide vote, except for casinos on Indian reservations, which are not regulated by the state. In 1990, voters statewide approved limited-stakes gambling in Central City and Black Hawk in Gilpin County, and Cripple Creek in Teller County.

In 1992, the state's voters approved a referred constitutional amendment requiring a local vote in favor of gambling in any city, town, or county granted constitutional authority for gambling in a statewide vote. In 2008, state and local voters approved an expansion of

limited-stakes gambling in Gilpin and Teller counties, including higher bet limits and extended hours of operation.

Amendment 68 authorizes the same type of expanded gambling at horse racetracks in three counties, without requiring a local vote to affirm or deny that authority.

State tax revenue from current casino gambling. Tax revenue from gambling in Central City, Black Hawk, and Cripple Creek, after administrative expenses are paid, totaled \$93.9 million in state budget year 2013-14. This revenue is deposited in the Limited Gaming Fund and distributed each year to community colleges, counties, cities, historic preservation, economic development programs, and other state purposes. Taxes and license fees paid by existing casinos cover the cost incurred by the state to regulate gambling in the mountain communities.

For information on those issue committees that support or oppose the measures on the ballot at the November 4, 2014, election, go to the Colorado Secretary of State's elections center web site hyperlink for ballot and initiative information:

<http://www.sos.state.co.us/pubs/elections/Initiatives/InitiativesHome.html>

Arguments For

1) Amendment 68 provides additional money for public schools without raising income, property, or sales taxes on individuals or businesses. Investing in public education is an important way to ensure a strong Colorado economy capable of competing in today's global marketplace. The recent recession required public schools to reduce programs and cut budgets. Amendment 68 increases the state's investment in public education by providing up to \$114.5 million annually to school districts and charter schools beginning in 2016, and diversifying the sources of funding for public schools.

2) This measure will add jobs and increase economic activity in host communities. In the short term, improving the Arapahoe Park racetrack will create new construction jobs. Once a horse racetrack casino is operational, more permanent jobs will put additional money into the regional economy. For example, the U.S. Census Bureau reports that the average casino employed about 200 people in 2012.

In the longer run, new gambling opportunities may create additional jobs in other hospitality sectors, such as hotels and restaurants, and help maximize tourism spending in the state.

Arguments Against

1) The measure directly benefits only a single commercial interest for the next five years, undermines the economies in existing gambling communities, and puts dedicated tax revenue for important state programs in jeopardy. Until 2019, only Arapahoe Park can receive a new limited gaming license. Existing legal gambling in Black Hawk, Central City, and Cripple Creek depends on customers from the Front Range metropolitan areas. When mountain communities lose customers to the new casino in Arapahoe County, these mountain communities lose economic activity and pay less in gambling taxes. This existing tax revenue from the Limited Gaming Fund helps support historic preservation, community colleges, tourism promotion, economic development, and other state and local services. Amendment 68 places this funding at risk.

2) Amendment 68 does not give local voters the option to decide if gambling should be authorized in their communities. In 1992, voters passed a constitutional requirement that local communities conduct a separate election. Large commercial attractions such as casino gambling can have negative impacts that increase pressure on governmental services in both the host and surrounding communities. These services include law enforcement, court services, traffic control, and road repair. In addition, voter approval will not be required for the casino to expand its hours of operation. This measure may burden local communities with negative consequences without providing those communities the opportunity to decide the issue in a separate election.

Estimate of Fiscal Impact

State revenue. Amendment 68 increases state revenue to the K-12 Education Fund by up to \$81.9 million in budget year 2015-16, and up to \$114.5 million in budget year 2016-17, the first full budget year of implementation. The amendment requires that all new gambling tax revenue be allocated to K-12 public schools. Based on state projections of student enrollment, new revenue will equate to about \$96 more funding per student for the 2015-16 school year, and about \$132 more funding per student beginning with the 2016-17 school year.

New gambling tax revenue will be partially offset by reduced revenue from existing gambling taxes. Only Arapahoe Park in Arapahoe County can be authorized to conduct casino gambling in the next five years. Arapahoe Park is expected to attract some gamblers who would otherwise gamble at casinos in Black Hawk, Central City, and Cripple Creek. For this reason, gambling tax revenue to the Limited Gaming Fund will decrease. Reduced revenue to the fund decreases state allocations to community colleges, counties and cities in which gambling is currently authorized, historic preservation, economic development programs, and the state General Fund. Table 1 shows the estimated maximum net change in tax revenue as a result of Amendment 68.

Table 1. Estimated Maximum Tax Revenue Change Under Amendment 68*

	Budget Year 2015-16	Budget Year 2016-17
K-12 Education Fund	\$81.9 million	\$114.5 million
Limited Gaming Fund	(\$14.6 million)	(\$29.5 million)
Total (Net) State Revenue	\$67.2 million	\$85.0 million

**This summary shows changes from current law under the measure for each budget year. Parentheses indicate a decrease in funds.*

State spending. In addition to allocating new gambling tax revenue to public schools, Amendment 68 also increases state spending to regulate gambling at Arapahoe Park, and to perform audits of the K-12 Education Fund. Increased state spending is estimated at about \$800,000 per year beginning in budget year 2015-16. The state's cost to regulate existing casino gambling was about \$11 million in budget year 2013-14. The state's cost to regulate casino gambling at horse racetracks will be covered either with new fees imposed on racetrack owners by the Limited Gaming Control Commission or from other state funds.

State Spending and Tax Increases

The state constitution requires that the following fiscal information be provided when a tax increase question is on the ballot:

- ◆ the estimated or actual state spending under the constitutional spending limit for the current year and each of the past four years with the overall percentage and dollar change; and
- ◆ for the first full year of the proposed tax increase, an estimate of the maximum dollar amount of the tax increase and of the amount of revenue the state may keep under the constitutional spending limit without the increase.

Table 2 shows the dollar amount of state spending under the constitutional spending limit.

Table 2. State Spending

	Actual FY* 2010-11	Actual FY 2011-12	Actual FY 2012-13	Estimated FY 2013-14	Estimated FY 2014-15
State Spending	\$9.4 billion	\$10.3 billion	\$11.1 billion	\$11.6 billion	\$12.2 billion
Four-Year Dollar Change in State Spending: \$2.8 billion					
Four-Year Percent Change in State Spending: 29.8 percent					

*FY = fiscal year. The state's fiscal (or budget) year runs from July through June.

The numbers in Table 2 show state spending from 2010 through 2014 for programs that were subject to the constitutional spending limit during those years. However, the constitution allows a program that operates similarly to a private business to be exempt from the limit if it meets certain conditions. Because the exempt status of some programs has changed during the last five years, the numbers in Table 2 are not directly comparable to each other.

Table 3 shows the revenue expected from the new tax, and state fiscal year spending without the tax for FY 2016-17, the first full fiscal year for which the increase would be in place.

Table 3. Estimated State Fiscal Year Spending and the Proposed Casino Gambling Tax

	FY 2016-17 Estimate
State Spending Without the New Tax	\$15.5 billion
Revenue from the New Tax	\$114.5 million

Amendment 68 Horse Racetrack Casino Gambling

BALLOT TITLE AND TEXT

The ballot title below is a summary drafted by the professional staff of the offices of the secretary of state, the attorney general, and the legal staff for the general assembly for ballot purposes only. The ballot title will not appear in the Colorado constitution. The text of the measure that will appear in the Colorado constitution below was drafted by the proponents of the initiative. The initiated measure is included on the ballot as a proposed change to current law because the proponents gathered the required amount of petition signatures.

Ballot Title: SHALL STATE TAXES BE INCREASED \$114,500,000 ANNUALLY IN THE FIRST FULL FISCAL YEAR, AND BY SUCH AMOUNTS THAT ARE RAISED THEREAFTER, BY IMPOSING A NEW TAX ON AUTHORIZED HORSE RACETRACKS' ADJUSTED GROSS PROCEEDS FROM LIMITED GAMING TO INCREASE STATEWIDE FUNDING FOR K-12 EDUCATION, AND, IN CONNECTION THEREWITH, AMENDING THE COLORADO CONSTITUTION TO PERMIT LIMITED GAMING IN ADDITION TO PRE-EXISTING PARI-MUTUEL WAGERING AT ONE QUALIFIED HORSE RACETRACK IN EACH OF THE COUNTIES OF ARAPAHOE, MESA, AND PUEBLO; AUTHORIZING HOST COMMUNITIES TO IMPOSE IMPACT FEES ON HORSE RACETRACKS AUTHORIZED TO CONDUCT LIMITED GAMING; ALLOWING ALL RESULTING REVENUE TO BE COLLECTED AND SPENT NOTWITHSTANDING ANY LIMITATIONS PROVIDED BY LAW; AND ALLOCATING THE RESULTING TAX REVENUES TO A FUND TO BE DISTRIBUTED TO SCHOOL DISTRICTS AND THE CHARTER SCHOOL INSTITUTE FOR K-12 EDUCATION?

Text of Measure:

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

SECTION 1. In the constitution of the state of Colorado, **add** section 17 to article XVIII as follows:

Section 17. K-12 education fund. (1) THE K-12 EDUCATION FUND IS HEREBY ESTABLISHED TO IMPROVE THE EDUCATION OF CHILDREN IN COLORADO PUBLIC SCHOOLS BY PROVIDING ADDITIONAL REVENUE TO ADDRESS LOCAL NEEDS, INCLUDING REDUCING CLASS SIZES, ACQUIRING TECHNOLOGY FOR TEACHERS AND STUDENTS, ENHANCING SCHOOL SAFETY AND SECURITY, AND IMPROVING SCHOOL FACILITIES.

(2)(a) THE K-12 EDUCATION FUND CONSISTS OF THE MONEYS AS PROVIDED IN SUBSECTION (3) OF THIS SECTION. THE STATE TREASURER SHALL CREDIT TO THE K-12 EDUCATION FUND ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEYS IN THE K-12 EDUCATION FUND.

(b) THE STATE TREASURER SHALL ANNUALLY DISTRIBUTE THE MONEYS IN THE K-12 EDUCATION FUND ON A PER-PUPIL BASIS TO EACH SCHOOL DISTRICT AND THE STATE CHARTER SCHOOL INSTITUTE, OR SUCCESSOR AGENCY. THE PER-PUPIL AMOUNT IS DETERMINED BY DIVIDING THE TOTAL AMOUNT TO BE DISTRIBUTED BY THE STATEWIDE PUBLIC SCHOOL ENROLLMENT. THE AMOUNT DISTRIBUTED TO EACH SCHOOL DISTRICT IS THE PER-PUPIL AMOUNT MULTIPLIED BY THE SCHOOL DISTRICT'S PUPIL ENROLLMENT, AND THE AMOUNT DISTRIBUTED TO THE STATE CHARTER SCHOOL INSTITUTE, OR SUCCESSOR AGENCY, IS THE PER-PUPIL AMOUNT MULTIPLIED BY THE NUMBER OF PUPILS ENROLLED AT INSTITUTE CHARTER SCHOOLS.

(c) MONEYS DISTRIBUTED TO THE SCHOOL DISTRICTS AND THE STATE CHARTER SCHOOL INSTITUTE, OR SUCCESSOR AGENCY, UNDER THIS SUBSECTION (2) ARE IN ADDITION TO ANY OTHER MONEYS APPROPRIATED FOR DISTRIBUTION TO SCHOOL DISTRICTS OR THE CHARTER SCHOOL INSTITUTE OR OTHERWISE ALLOCATED TO SCHOOL DISTRICTS OR THE CHARTER SCHOOL INSTITUTE. NO SCHOOL DISTRICT OR INSTITUTE CHARTER SCHOOL IS REQUIRED TO USE MONEY DISTRIBUTED UNDER THIS SUBSECTION (2) AS A CONTRIBUTION TO ANY FUNDING FORMULA CONTAINED IN LAW.

(d) EACH SCHOOL DISTRICT AND EACH INSTITUTE CHARTER SCHOOL SHALL USE THE MONEYS RECEIVED FROM THE K-12 EDUCATION FUND TO IMPROVE THE EDUCATION OF CHILDREN IN COLORADO PUBLIC SCHOOLS BY ADDRESSING LOCAL NEEDS, INCLUDING REDUCING CLASS SIZES, ACQUIRING TECHNOLOGY FOR TEACHERS AND STUDENTS, ENHANCING SCHOOL SAFETY AND SECURITY, AND IMPROVING SCHOOL FACILITIES.

(e) THE STATE AUDITOR SHALL CONDUCT OR DIRECT A FINANCIAL AUDIT OF THE K-12 EDUCATION FUND AT LEAST ANNUALLY, AND SHALL SUBMIT A REPORT OF THE FINANCIAL AUDIT TO THE LEGISLATIVE AUDIT COMMITTEE.

(3)(a) NOTWITHSTANDING ANY OTHER LAW OR CONSTITUTIONAL PROVISIONS TO THE CONTRARY, THE COMMISSION SHALL EXPAND LIMITED GAMING IN THE STATE OF COLORADO BY IMPLEMENTING HORSE RACETRACK LIMITED GAMING, AS SET FORTH IN THIS SECTION.

(b) IN ORDER TO CONDUCT HORSE RACETRACK LIMITED GAMING, IN ADDITION TO ANY APPLICABLE LICENSE FEES, A HORSE RACETRACK LICENSED TO CONDUCT LIMITED GAMING MUST:

(I) WITHIN THE FIRST THIRTY DAYS OF OPERATING HORSE RACETRACK LIMITED GAMING, MAKE A SINGLE PAYMENT OF TWENTY-FIVE MILLION DOLLARS TO THE STATE TREASURER FOR DEPOSIT INTO THE K-12 EDUCATION FUND; AND

(II) BEGINNING WITH THE FIRST STATE FISCAL YEAR IN WHICH A HORSE RACETRACK THAT IS AUTHORIZED TO CONDUCT HORSE RACETRACK LIMITED GAMING GENERATES ADJUSTED GROSS PROCEEDS FROM HORSE RACETRACK LIMITED GAMING, PAY TO THE STATE TREASURER THIRTY-FOUR PERCENT OF THE HORSE RACETRACK'S ADJUSTED GROSS PROCEEDS OF HORSE RACETRACK LIMITED GAMING GENERATED EACH YEAR FOR DEPOSIT INTO THE K-12 EDUCATION FUND.

(c) EXCEPT AS PROVIDED IN SUBSECTION (4) OF THIS SECTION, HORSE RACETRACKS SHALL RETAIN THE BALANCE OF THEIR ADJUSTED GROSS PROCEEDS FROM HORSE RACETRACK LIMITED GAMING NOT PAID PURSUANT TO THIS SUBSECTION (3).

(d) ALL MONEYS IN THE K-12 EDUCATION FUND SHALL BE SET ASIDE, ALLOCATED, ALLOTTED, AND CONTINUOUSLY APPROPRIATED FOR DISTRIBUTION IN ACCORDANCE WITH THIS SECTION.

(4) A HOST COMMUNITY MAY IMPOSE ON A HORSE RACETRACK LICENSED TO CONDUCT LIMITED GAMING IN THE HOST COMMUNITY A ONE-TIME INITIAL IMPACT FEE AND ANNUAL IMPACT FEES THAT ARE REASONABLY RELATED TO THE HOST COMMUNITY'S COSTS RESULTING FROM HORSE RACETRACK LIMITED GAMING. THE AMOUNT OF THE IMPACT FEES WILL BE ESTABLISHED THROUGH NEGOTIATIONS BETWEEN A HORSE RACETRACK AND THE HOST COMMUNITY.

(5) STATE AND LOCAL GOVERNMENTS SHALL COLLECT, DISTRIBUTE, AND SPEND ALL REVENUES DERIVED PURSUANT TO THIS SECTION AS VOTER-APPROVED REVENUE CHANGES WITHOUT REGARD TO ANY LIMITATION CONTAINED IN SECTION 20 OF ARTICLE X OF THE COLORADO CONSTITUTION OR ANY OTHER LAW.

(6) THE ADMINISTRATION AND REGULATION OF THIS SECTION ARE SUBJECT TO THE AUTHORITY OF THE COMMISSION. NO LATER THAN JULY 1, 2015, THE COMMISSION SHALL PROMULGATE ALL NECESSARY RULES TO

REGULATE HORSE RACETRACK LIMITED GAMING IN ACCORDANCE WITH THIS SECTION AND WITH GENERALLY ACCEPTED INDUSTRY STANDARDS. THE RULES MUST MAXIMIZE THE PROCEEDS AVAILABLE FOR DISTRIBUTION UNDER THIS SECTION TO THE K-12 EDUCATION FUND FOR THE FISCAL YEAR COMMENCING ON JULY 1, 2015, AND EACH SUCCEEDING FISCAL YEAR THEREAFTER. THE COMMISSION SHALL NOT UNREASONABLY WITHHOLD A LICENSE, AND SHALL NOT IMPOSE LICENSE REQUIREMENTS FOR HORSE RACETRACK LIMITED GAMING THAT ARE STRICTER THAN THOSE IMPLEMENTED FOR LIMITED GAMING LICENSES UNDER SECTION 9 OF THIS ARTICLE.

(7) HORSE RACETRACK LIMITED GAMING IS SUBJECT TO THE FOLLOWING:

(a) HORSE RACETRACK LIMITED GAMING MAY TAKE PLACE ONLY IN THE COUNTIES OF ARAPAHOE, MESA, AND PUEBLO. ONLY ONE HORSE RACETRACK IN EACH OF THE SPECIFIED THREE COUNTIES MAY BE LICENSED TO CONDUCT HORSE RACETRACK LIMITED GAMING.

(b) HORSE RACETRACKS LICENSED TO CONDUCT HORSE RACETRACK LIMITED GAMING ARE AUTHORIZED TO HAVE THE GREATER OF TWO THOUSAND FIVE HUNDRED SLOT MACHINES OR SUCH OTHER NUMBER OF SLOT MACHINES AS REQUESTED BY THE HORSE RACETRACK AND AS DETERMINED BY THE COMMISSION TO MAXIMIZE REVENUE TO THE K-12 EDUCATION FUND.

(c) HORSE RACETRACK LIMITED GAMING IS RESTRICTED TO PERSONS TWENTY-ONE YEARS OF AGE OR OLDER.

(d) HORSE RACETRACK LIMITED GAMING OPERATIONS ARE PROHIBITED BETWEEN THE HOURS OF 2 A.M. AND 8 A.M., UNLESS THE HOURS ARE EXPANDED BY THE HOST COMMUNITY OF A HORSE RACETRACK. EACH HOST COMMUNITY IN WHICH HORSE RACETRACK LIMITED GAMING OCCURS IS AUTHORIZED TO EXTEND THE HOURS OF HORSE RACETRACK LIMITED GAMING OPERATION UP TO TWENTY-FOUR HOURS PER DAY, SEVEN DAYS PER WEEK.

(e) ALCOHOLIC BEVERAGES MAY, SUBJECT TO LICENSURE BY THE STATE AND LOCAL LIQUOR LICENSING AUTHORITIES, BE SOLD AT HORSE RACETRACKS IN WHICH HORSE RACETRACK LIMITED GAMING TAKES PLACE.

(8) EACH HORSE RACETRACK LICENSED TO CONDUCT LIMITED GAMING SHALL KEEP A COMPLETE AND ACCURATE SET OF BOOKS AND RECORDS, AND COMPLY WITH THE SAME INSPECTION, EXAMINATION, AND AUDIT REQUIREMENTS APPLICABLE TO LIMITED GAMING LICENSEES UNDER SECTION 9 OF THIS ARTICLE AS PRESCRIBED IN SECTION 12-47.1-529, COLORADO REVISED STATUTES, OR SUCCESSOR STATUTE.

(9) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "ADJUSTED GROSS PROCEEDS" MEANS THE DEFINITION OF ADJUSTED GROSS PROCEEDS IN SECTION 9 OF THIS ARTICLE, AS IT IS APPLIED TO LIMITED GAMING ESTABLISHMENTS LICENSED UNDER SECTION 9 OF THIS ARTICLE IN CALCULATING THE PAYMENTS OWED BY THE LICENSEES FOR THE RIGHT TO CONDUCT LIMITED GAMING.

(b) "COMMISSION" MEANS THE COLORADO LIMITED GAMING CONTROL COMMISSION, AS DESCRIBED IN SUBSECTION (2) OF SECTION 9 OF THIS ARTICLE.

(c) "HORSE RACETRACK" MEANS A LICENSED CLASS B HORSE RACETRACK THAT HAS BEEN CONTINUOUSLY OPERATED AND THAT THE COLORADO RACING COMMISSION, OR SUCCESSOR AGENCY, HAS LICENSED AS A CLASS B HORSE RACETRACK, TO CONDUCT LIVE RACE MEETS IN THE STATE OF COLORADO AND TO CONDUCT PARI-MUTUEL WAGERING ON HORSE RACES, FOR A PERIOD OF NO LESS THAN FIVE YEARS AS OF JANUARY 1, 2014, OR FOR FIVE YEARS IMMEDIATELY PRECEDING THE CLASS B HORSE RACETRACK'S APPLICATION FOR A LICENSE TO CONDUCT HORSE RACETRACK LIMITED GAMING.

(d) "HORSE RACETRACK LIMITED GAMING" MEANS THE SAME LIMITED GAMING THAT CAN BE CONDUCTED BY LIMITED GAMING LICENSEES UNDER SECTION 9 OF THIS ARTICLE, BUT, AT A MINIMUM, INCLUDES THE USE AT THE HORSE RACETRACK OF SLOT MACHINES, THE CARD GAMES OF BLACKJACK AND POKER, AND THE GAMES OF ROULETTE AND CRAPS, EACH GAME HAVING UP TO A MAXIMUM SINGLE BET OF ONE HUNDRED DOLLARS. ALL WAGERS ON GAMES MUST BE PLACED IN PERSON ON THE LICENSED PREMISE OF A HORSE RACETRACK'S PHYSICAL PLACE OF BUSINESS.

(e) "HOST COMMUNITY" MEANS THE SINGLE LOCAL JURISDICTION THAT ISSUES THE PERMITS AND APPROVALS NECESSARY FOR THE OPERATIONS OF A HORSE RACETRACK CONDUCTING HORSE RACETRACK LIMITED GAMING.

(f) "SLOT MACHINE" MEANS ANY MECHANICAL, ELECTRICAL, VIDEO, ELECTRONIC, OR OTHER DEVICE, CONTRIVANCE, OR MACHINE THAT, AFTER INSERTION OF CASH IN THE FORM OF A COIN OR BILL; A TOKEN OR SIMILAR OBJECT; OR UPON PAYMENT BY ANY MEDIUM, INCLUDING ELECTRONIC CREDITS, OF ANY REQUIRED CONSIDERATION BY A PLAYER, IS AVAILABLE TO BE PLAYED OR OPERATED, AND THAT, WHETHER BY REASON OF THE SKILL OF THE PLAYER OR APPLICATION OF THE ELEMENT OF CHANCE, OR BOTH, MAY

DELIVER OR ENTITLE THE PLAYER OPERATING THE MACHINE TO RECEIVE CASH PRIZES, MERCHANDISE, TOKENS REDEEMABLE FOR CASH, GAME CREDITS IN ELECTRONIC FORM OR OTHERWISE REDEEMABLE FOR CASH, OR ANY OTHER THING OF VALUE OTHER THAN UNREDEEMABLE FREE GAMES, WHETHER THE PAYOFF IS MADE AUTOMATICALLY FROM THE MACHINES OR IN ANY OTHER MANNER.

(10) IF ANY PROVISION OF THIS SECTION IS HELD INVALID, THE REMAINDER OF THIS SECTION REMAINS UNIMPAIRED.

Proposition 104

School Board Meeting Requirements

ANALYSIS

Proposition 104 proposes amending the Colorado statutes to:

- ◆ require that local school boards or their representatives negotiate collective bargaining agreements in open meetings.

Summary and Analysis

Colorado open meetings law. Any meeting at which a state or local governmental body discusses public business or takes formal action must be open to the public, with certain exceptions. For example, if a governmental body is meeting to discuss issues such as personnel matters, security details, or real estate transactions, a closed meeting known as an executive session may be called. Governmental bodies may also go into executive session to determine positions on matters subject to negotiations, to develop negotiation strategy, and to instruct negotiators. A vote of two-thirds of the members present is required to enter executive session, and the topics to be discussed must be disclosed. Any final action on matters discussed in executive session must be taken in public.

Collective bargaining and local governments. Collective bargaining is the process of negotiating terms of employment between an employer and a group of employees or employee representatives. Many local governments have collective bargaining agreements with public employees such as firefighters, police officers, and public school personnel to determine pay, benefits, and working conditions. Collective bargaining agreements between school boards and school employees address a variety of other terms and conditions such as curriculum, instructional materials, and class size.

Under current law, the governing body of a local government may designate an employee or representative to negotiate a collective bargaining agreement, and there is no requirement that these negotiations take place in public. While a representative of a local school board may negotiate collective bargaining agreements in private, any final collective bargaining agreement must be voted on by the school board in a public meeting and posted on the Internet.

Approximately one-quarter of Colorado's school districts, accounting for about three-quarters of the state's public school students, have collective bargaining agreements.

Changes proposed by Proposition 104. Under this measure, school boards or their representatives are required to negotiate collective bargaining agreements in meetings that are open to the public. It is unclear whether the measure requires school boards to discuss their negotiation strategies in public. Proposition 104 only applies to school districts and does not impact how other public bodies negotiate collective bargaining agreements.

For information on those issue committees that support or oppose the measures on the ballot at the November 4, 2014, election, go to the Colorado Secretary of State's elections center web site hyperlink for ballot and initiative information:

<http://www.sos.state.co.us/pubs/elections/Initiatives/InitiativesHome.html>

Argument For

1) Open meetings and transparency are basic principles of good government. This measure upholds the public's right to be informed and provides additional public oversight of government spending. Current law requires that school districts post completed collective bargaining agreements online; however, negotiations to arrive at these agreements are largely held in private meetings. Holding collective bargaining negotiations in a public forum allows for greater understanding by the public and school employees of these proceedings.

Argument Against

1) Voters elect local school board members to determine what is best for the school district, and this measure removes the board's freedom and flexibility to choose how to negotiate with employees. Currently, school boards are allowed to discuss collective bargaining agreements in public, and some choose to do so. Negotiations over labor contracts can be difficult, complicated, and may include sensitive employment issues. If school boards are required to have these discussions in public, they may be at a disadvantage during the negotiations, making it harder to reach a final agreement.

Estimate of Fiscal Impact

Requiring school boards to modify negotiation practices related to collective bargaining agreements may increase local school districts' administrative workloads. The proposition applies to school districts and will not affect state spending or revenue.

Proposition 104 School Board Meeting Requirements

BALLOT TITLE AND TEXT

The ballot title below is a summary drafted by the professional staff of the offices of the secretary of state, the attorney general, and the legal staff for the general assembly for ballot purposes only. The ballot title will not appear in the Colorado Revised Statutes. The text of the measure that will appear in the Colorado Revised Statutes below was drafted by the proponents of the initiative. The initiated measure is included on the ballot as a proposed change to current law because the proponents gathered the required amount of petition signatures.

Ballot Title: Shall there be a change to the Colorado Revised Statutes requiring any meeting of a board of education, or any meeting between any representative of a school district and any representative of employees, at which a collective bargaining agreement is discussed to be open to the public?

Text of Measure:

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

SECTION 1. 24-6-402 (1)(a) and (4)(e), Colorado Revised Statutes, are amended to read:

24-6-402. Meetings - open to public. (1) For the purposes of this section:

(a)(I) "Local public body" means any board, committee, commission, authority, or other advisory, policy-making, rule-making, or formally constituted body of any political subdivision of the state and any public or private entity to which a political subdivision, or an official thereof, has delegated a governmental decision-making function but does not include persons on the administrative staff of the local public body.

(II) NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (a), IN ORDER TO ASSURE SCHOOL BOARD TRANSPARENCY "LOCAL PUBLIC BODY" SHALL INCLUDE MEMBERS OF A BOARD OF EDUCATION,

SCHOOL ADMINISTRATION PERSONNEL, OR A COMBINATION THEREOF WHO ARE INVOLVED IN A MEETING WITH A REPRESENTATIVE OF EMPLOYEES AT WHICH A COLLECTIVE BARGAINING AGREEMENT IS DISCUSSED.

(4) The members of a local public body subject to this part 4, upon the announcement by the local public body to the public of the topic for discussion in the executive session, including specific citation to the provision of this subsection (4) authorizing the body to meet in an executive session and identification of the particular matter to be discussed in as much detail as possible without compromising the purpose for which the executive session is authorized, and the affirmative vote of two-thirds of the quorum present, after such announcement, may hold an executive session only at a regular or special meeting and for the sole purpose of considering any of the following matters; except that no adoption of any proposed policy, position, resolution, rule, regulation, or formal action, except the review, approval, and amendment of the minutes of an executive session recorded pursuant to subparagraph (II) of paragraph (d.5) of subsection (2) of this section, shall occur at any executive session that is not open to the public:

(e) (I) Determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators.

(II) THE PROVISIONS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (e) SHALL NOT APPLY TO A MEETING OF THE MEMBERS OF A BOARD OF EDUCATION OF A SCHOOL DISTRICT:

(A) DURING WHICH NEGOTIATIONS RELATING TO COLLECTIVE BARGAINING, AS DEFINED IN SECTION 8-3-104 (3), C.R.S., ARE DISCUSSED; OR

(B) DURING WHICH NEGOTIATIONS FOR EMPLOYMENT CONTRACTS, OTHER THAN NEGOTIATIONS FOR AN INDIVIDUAL EMPLOYEE'S CONTRACT, ARE DISCUSSED.

SECTION 2. 22-32-109.4, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

22-32-109.4. "Colorado School Collective Bargaining Agreement Sunshine Act" - board of education - specific duties. (4) ANY MEETING OF A BOARD OF EDUCATION AT WHICH A COLLECTIVE BARGAINING AGREEMENT IS DISCUSSED SHALL BE OPEN TO THE PUBLIC AND ANY NOTICE REQUIRED BY SECTION 24-6-402 (2)(c), C.R.S., SHALL BE GIVEN PRIOR TO THE MEETING.

Proposition 105 Labeling Genetically Modified Food

ANALYSIS

Proposition 105 proposes amending the Colorado statutes to:

- ◆ require foods that are genetically modified or produced with genetic engineering to include the words "Produced With Genetic Engineering" on the label or container, with certain exceptions;
- ◆ apply existing food mislabeling penalties in state law to a food manufacturer, distributor, or retailer for failing to comply with the labeling requirements;
- ◆ prohibit a person from bringing legal action against a manufacturer, distributor, or retailer for failing to comply with the labeling requirements; and
- ◆ require the Colorado Department of Public Health and Environment to develop regulations and oversee the labeling requirements.

Summary and Analysis

Background. Genetic engineering refers to specific scientific processes that alter the characteristics of organisms at the molecular or cellular level. In agriculture, genetic engineering is generally used to increase the herbicidal tolerance or pest resistance of plants. Genetic engineering was first accomplished in 1973, and became commercialized in 1976. According to the U.S. Food and Drug Administration (FDA), genetically engineered foods, also called genetically modified organisms or GMOs, have been in the food supply since the 1990s. According to the U.S. Department of Agriculture (USDA), in 2013, 90 percent of corn, 90 percent of cotton, and 93 percent of soybean crops planted in the United States were genetically engineered. Currently, no genetically engineered animals are FDA-approved for human consumption, although animal feed may contain genetically engineered material.

Existing labeling of genetically engineered foods. FDA rules state that genetically engineered foods and food ingredients must meet the same safety requirements as other foods. The FDA allows food producers to voluntarily label their products as to whether or not they contain genetically engineered material, and has issued draft guidance on this labeling to the food industry.

The USDA certifies organic foods under the National Organic Program, which can then be labeled as "USDA Organic." Crops grown with the use of genetic engineering cannot be certified as organic under the USDA program.

A number of retailers currently sell foods identified as not containing genetically engineered material that have been verified by a third-party verification organization. One such organization currently lists about 16,000 individual food products as having passed its verification process. These products are labeled as "Non-GMO Project Verified."

Proposed labeling requirements. Beginning July 1, 2016, Proposition 105 requires that certain foods sold in Colorado — that are genetically modified or produced with genetic engineering — be labeled "Produced With Genetic Engineering" in a clear and conspicuous manner. For packaged foods that are produced with genetic engineering, the words must be included on the label. Unpackaged raw food products, such as fresh fruits and vegetables and unprocessed grains and nuts, produced with genetic engineering must be identified with the same wording on the container, bin, or shelf where the foods are displayed for sale by a retailer.

Foods covered by the measure. "Genetically engineered" is defined in the measure as food produced from an organism that has had its genetics scientifically altered. A food is also considered genetically engineered if the organism from which the food is made has been treated with a genetically engineered material or contains an ingredient, component, or other substance that is genetically engineered.

These foods are exempt from the measure:

- food or drink for animals;
- chewing gum;
- alcoholic beverages;
- foods, such as cheese, that would only be considered genetically engineered because a genetically engineered material was used as a processing aid;

- prepared foods intended for immediate human consumption;
- foods sold in a restaurant;
- foods derived entirely from an animal, such as milk, meat, or pure honey, regardless of the animal's diet or medications, unless the animal itself has been genetically engineered; and
- medically prescribed foods.

Penalties for violations. A manufacturer, distributor, or retailer that fails to properly label foods that have been produced with genetic engineering commits a violation under the Colorado Food and Drug Act. The penalty for a violation is a fine of not more than \$1,000, six months imprisonment in a county jail, or both. Subsequent violations are punishable by a fine of up to \$2,000, one year in a county jail, or both. Proposition 105 prohibits a person from suing a manufacturer, distributor, or retailer for not properly labeling foods produced with genetic engineering.

Proposition 105 exempts from penalties a person who:

- grows, raises, or produces food without knowing that the food or seed had been genetically engineered; and
- obtains a sworn statement from the seller that the seed or food was not knowingly created with genetic engineering.

Regulation by the state. Proposition 105 requires the Colorado Department of Public Health and Environment to establish regulations for labeling foods that have been genetically modified or produced with genetic engineering. These regulations may include procedures for the inspection of manufacturers and testing of food products to ensure compliance with the measure's labeling requirements.

For information on those issue committees that support or oppose the measures on the ballot at the November 4, 2014, election, go to the Colorado Secretary of State's elections center web site hyperlink for ballot and initiative information:

<http://www.sos.state.co.us/pubs/elections/Initiatives/InitiativesHome.html>

Arguments For

1) The labeling of genetically engineered foods will increase the availability of information about Colorado's food supply. Current labeling requirements for packaged foods identify ingredients, nutritional values, and either the presence of allergens in the food, or the existence of allergens in the manufacturing facility. The measure's labeling requirements give Colorado consumers additional information to consider when making their food purchasing decisions. The issue is not whether foods produced with genetic engineering are good or bad, rather that many consumers want to have the option to choose based on their personal needs and values. In the absence of federal action, Proposition 105 can help Colorado citizens make informed food choices by requiring labeling of foods produced with genetic engineering.

2) Over 60 countries, including all members of the European Union, have laws or regulations mandating the labeling of genetically engineered foods. Additionally, a small number of states have passed but not yet implemented laws requiring the labeling of genetically engineered foods. The FDA's current voluntary labeling guidelines are not widely used, do not provide enough information, and may never be made mandatory by the federal government. Third party non-GMO and USDA organic labeling account for only a small fraction of consumers' food choices in Colorado, so they are not a substitute for mandatory labeling.

Arguments Against

1) Proposition 105 will result in higher food prices as farmers, food manufacturers, distributors, and retailers pass their costs to comply with the labeling requirements on to consumers. Such businesses will have increased costs for record-keeping, product verification, and separate product storage and handling processes for genetically engineered products. The labeling requirement may be particularly burdensome for small businesses and farmers' markets, since the measure does not provide for any exemptions based on an operation's size.

2) The measure conflicts with existing nationwide voluntary labeling standards that already provide consumers with accurate and reliable information on non-genetically engineered and organic foods. Because of the large number of labeling exemptions included in the measure — most notably food served in restaurants and meat and dairy products regardless of the animal's diet and medications — the proposed labeling requirements would not give consumers a reliable way of knowing which foods contain genetically engineered ingredients, and which do not. These exempted foods will appear as products that were not produced with genetic engineering, which may mislead rather than inform consumers. Requiring the labeling of foods produced with genetic engineering may also send the message to consumers that the foods are unsafe, even though no scientific evidence indicates that genetically engineered foods are any riskier than other foods.

Estimate of Fiscal Impact

State revenue. Passage of Proposition 105 may result in an increase in revenue from fines. A manufacturer, distributor, or retailer that fails to properly label foods that have been produced with genetic engineering commits a violation under the Colorado Food and Drug Act. The penalty for a violation is a fine of not more than \$1,000, six months imprisonment in a county jail, or both. Subsequent violations are punishable by a fine of up to \$2,000, one year in a county jail, or both. In the past five years, one person has been found guilty of mislabeling a food, drug, device, or cosmetic product, so this proposition is not expected to create a significant increase in fine collections from violations.

State spending. The Colorado Department of Public Health and Environment will develop rules for the regulation of the labeling requirements through a stakeholder process and hire staff to handle complaints, perform inspections, gather samples, and test food. The department will also be required to update its computer software to track complaints and food inspections. The frequency of inspections, sampling, and testing will depend on the rules established by the department; however, it is expected that the department will test at least 30 samples annually. The department is expected to hire up to two additional staff to implement the proposition.

Staffing, rulemaking, and computer software updates are expected to cost about \$113,000 in the first year of implementation. Once the rules are in place, staffing, computer software maintenance, and food sampling and testing are estimated to cost \$130,000 annually. Proposition 105 does not identify a funding source to implement the measure's requirements, so it is assumed state General Fund will be used.

Proposition 105

Labeling Genetically Modified Food

BALLOT TITLE AND TEXT

The ballot title below is a summary drafted by the professional staff of the offices of the secretary of state, the attorney general, and the legal staff for the general assembly for ballot purposes only. The ballot title will not appear in the Colorado Revised Statutes. The text of the measure that will appear in the Colorado Revised Statutes below was drafted by the proponents of the initiative. The initiated measure is included on the ballot as a proposed change to current law because the proponents gathered the required amount of petition signatures.

Ballot Title: Shall there be a change to the Colorado Revised Statutes concerning labeling of genetically modified food; and, in connection therewith, requiring food that has been genetically modified or treated with genetically modified material to be labeled, "Produced With Genetic Engineering" starting on July 1, 2016; exempting some foods including but not limited to food from animals that are not genetically modified but have been fed or injected with genetically modified food or drugs, certain food that is not packaged for retail sale and is intended for immediate human consumption, alcoholic beverages, food for animals, and medically prescribed food; requiring the Colorado department of public health and environment to regulate the labeling of genetically modified food; and specifying that no private right of action is created for failure to conform to the labeling requirements?

Text of Measure:

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

SECTION 1. In Colorado Revised Statutes, **add** 25-5-401.5 as follows:

25-5-401.5. Legislative declaration. (1) THE ELECTORATE OF COLORADO HEREBY FINDS, DETERMINES, AND DECLARES THAT:

(1) LABELING OF GENETICALLY MODIFIED FOOD IS INTENDED TO PROVIDE CONSUMERS WITH THE OPPORTUNITY TO MAKE AN INFORMED CHOICE OF THE PRODUCTS THEY CONSUME AND TO PROTECT THE PUBLIC'S HEALTH, SAFETY AND WELFARE;

(2) PERSONS WITH CERTAIN RELIGIOUS, CULTURAL AND MORAL BELIEFS OBJECT TO CONSUMING GENETICALLY MODIFIED FOOD BECAUSE OF OBJECTIONS TO TAMPERING WITH THE GENETIC MAKEUP OF LIFE FORMS AND THE RAPID INTRODUCTION AND PROLIFERATION OF GENETICALLY ENGINEERED ORGANISMS;

(3) U.S. FEDERAL LAW DOES NOT PROVIDE FOR THE REGULATION OF THE SAFETY AND LABELING OF GENETICALLY MODIFIED FOOD;

(4) THE LONG TERM HEALTH, SAFETY AND ENVIRONMENTAL CONSEQUENCES OF GROWING AND CONSUMING GENETICALLY MODIFIED FOOD ARE NOT YET FULLY RESEARCHED AND ARE NOT YET WELL UNDERSTOOD BY SCIENCE;

(5) CONSUMERS HAVE A RIGHT TO KNOW IF THE FOOD THEY ARE CONSUMING HAS BEEN GENETICALLY MODIFIED OR HAS BEEN PRODUCED WITH GENETIC ENGINEERING.

SECTION 2. In Colorado Revised Statutes, 25-5-402, **add** (8.5), (9.5), (12.5), (15.5), (16.5), (20.3), (20.5), and (21.5) as follows:

25-5-402. Definitions. As used in this part 4, unless the context otherwise requires:

(8.5) "DISTRIBUTOR" MEANS A PERSON OR BUSINESS ENGAGED IN ANY METHOD OF DISTRIBUTING OR TRANSPORTING A FOOD OR FOOD PRODUCT FROM ONE PLACE TO ANOTHER.

(9.5) "ENZYME" MEANS A PROTEIN THAT CATALYZES CHEMICAL REACTIONS OF OTHER SUBSTANCES WITHOUT BEING DESTROYED OR ALTERED UPON COMPLETION OF SUCH REACTIONS.

(12.5) "GENETICALLY ENGINEERED" OR "GENETICALLY MODIFIED" MEANS FOOD PRODUCED FROM OR WITH AN ORGANISM OR ORGANISMS WITH ITS GENETICS ALTERED THROUGH APPLICATION OF:

(a) IN VITRO AND IN VIVO NUCLEIC ACID TECHNIQUES, INCLUDING RECOMBITANT DEOXYRIBONUCLEIC ACID (DNA) TECHNIQUES AND THE DIRECT INJECTION OF NUCLEIC ACID INTO CELLS OR ORGANELLES; OR

(b) METHODS OF FUSING CELLS BEYOND THE TAXONOMIC FAMILY THAT OVERCOME NATURAL PHYSIOLOGICAL REPRODUCTIVE OR RECOMBINANT BARRIERS, AND THAT ARE NOT TECHNIQUES USED IN TRADITIONAL BREEDING AND SELECTION SUCH AS CONJUGATION, TRANSDUCTION, AND HYBRIDIZATION.

(c) A FOOD SHALL OTHERWISE BE CONSIDERED TO BE GENETICALLY ENGINEERED IF:

(i) THE ORGANISM FROM WHICH THE FOOD IS DERIVED HAS BEEN TREATED WITH A GENETICALLY ENGINEERED MATERIAL; EXCEPT THAT THE USE OF MANURE AS A FERTILIZER FOR RAW AGRICULTURAL COMMODITIES MAY NOT BE CONSTRUED TO MEAN THAT SUCH COMMODITIES ARE PRODUCED WITH A GENETICALLY ENGINEERED MATERIAL; OR

(ii) THE FOOD CONTAINS AN INGREDIENT, COMPONENT, OR OTHER ARTICLE THAT IS GENETICALLY ENGINEERED.

(15.5) "MANUFACTURER" MEANS A PERSON OR BUSINESS ENGAGED IN THE PRODUCTION OR PROCESSING OF SEED, SEED STOCK, FOOD, OR ANY FOOD PRODUCT.

(16.5) "ORGANISM" MEANS ANY BIOLOGICAL ENTITY CAPABLE OF REPLICATION, REPRODUCTION OR TRANSFERRING GENETIC MATERIAL.

(20.3) "PROCESSED FOOD" MEANS ANY FOOD OTHER THAN A RAW AGRICULTURAL COMMODITY AND INCLUDES ANY FOOD PRODUCED FROM A RAW AGRICULTURAL COMMODITY THAT HAS BEEN SUBJECT TO PROCESSING SUCH AS CANNING, SMOKING, PRESSING, COOKING, FREEZING, DEHYDRATION, FERMENTATION, OR MILLING.

(20.5) "PROCESSING AID" MEANS:

(a) A SUBSTANCE THAT IS ADDED TO A FOOD DURING THE PROCESSING OF THE FOOD BUT IS REMOVED IN SOME MANNER FROM THE FOOD BEFORE IT IS PACKAGED IN ITS FINAL FORM;

(b) A SUBSTANCE THAT IS ADDED TO A FOOD DURING PROCESSING, IS CONVERTED INTO CONSTITUENTS NORMALLY PRESENT IN THE FOOD, AND DOES NOT SIGNIFICANTLY INCREASE THE AMOUNT OF THE CONSTITUENTS FOUND IN THE FOOD; OR

(c) A SUBSTANCE THAT IS ADDED TO A FOOD FOR ITS TECHNICAL OR FUNCTIONAL EFFECTS IN THE PROCESSING BUT IS PRESENT IN THE FINISHED FOOD AT INSIGNIFICANT LEVELS AND DOES NOT HAVE ANY TECHNICAL OR FUNCTIONAL EFFECT IN THAT FINISHED FOOD.

(21.5) "RETAILER" MEANS A PERSON OR BUSINESS ENGAGED IN SELLING THE FOOD FROM INDIVIDUALS OR BUSINESSES TO THE END-USER.

SECTION 3. In Colorado Revised Statutes, 25-5-411, **add** (1)(q), (1)(r), (3) and (4) as follows:

25-5-411. Definitions of "misbranding". (1) A food shall be deemed to be misbranded:

(q) BEGINNING JULY 1, 2016, IF IT HAS BEEN GENETICALLY MODIFIED OR HAS BEEN PRODUCED WITH GENETIC ENGINEERING, UNLESS THE WORDS "PRODUCED WITH GENETIC ENGINEERING" APPEAR IN A CLEAR AND CONSPICUOUS MANNER ON ITS LABEL, IN THE CASE OF PACKAGED FOOD. IN THE CASE OF A RAW AGRICULTURAL COMMODITY THAT IS NOT SEPARATELY PACKAGED OR LABELED, THE WORDS "PRODUCED WITH GENETIC ENGINEERING" SHALL BE PLACED IN A CLEAR AND CONSPICUOUS MANNER ON THE CONTAINER USED FOR PACKAGING, HOLDING OR TRANSPORT BY THE MANUFACTURER, AND SHALL BE MAINTAINED BY THE DISTRIBUTOR, AND DISPLAYED IN A CLEAR AND CONSPICUOUS MANNER ON THE RETAIL STORE SHELF OR BIN IN WHICH SUCH COMMODITY IS DISPLAYED FOR SALE BY THE RETAILER. THIS PARAGRAPH (q) OF SUBSECTION (1) OF THIS SECTION DOES NOT APPLY TO:

(I) FOOD OR DRINK FOR ANIMALS;

(II) CHEWING GUM;

(III) ALCOHOLIC BEVERAGES;

(IV) ANY PROCESSED FOOD THAT WOULD BE SUBJECT TO SUBSECTION (q) SOLELY BECAUSE ONE OR MORE PROCESSING AIDS OR ENZYMES WERE PRODUCED OR DERIVED WITH GENETIC ENGINEERING;

(V) ANY FOOD WHICH IS NOT PACKAGED FOR RETAIL SALE AND THAT EITHER:

(a) IS A PROCESSED FOOD PREPARED AND INTENDED FOR IMMEDIATE HUMAN CONSUMPTION;

(b) IS SERVED, SOLD, OR OTHERWISE PROVIDED IN ANY RESTAURANT OR OTHER FOOD ESTABLISHMENT THAT IS PRIMARILY ENGAGED IN THE SALE OF FOOD PREPARED AND INTENDED FOR IMMEDIATE HUMAN CONSUMPTION;

(VI) FOOD CONSISTING ENTIRELY OF, OR DERIVED ENTIRELY FROM, AN ANIMAL THAT HAS NOT ITSELF BEEN GENETICALLY ENGINEERED, REGARDLESS OF WHETHER THE ANIMAL HAS BEEN FED OR INJECTED WITH ANY FOOD PRODUCED WITH GENETIC ENGINEERING OR ANY DRUG THAT HAS BEEN PRODUCED THROUGH MEANS OF GENETIC ENGINEERING; OR

(VII) MEDICALLY PRESCRIBED FOOD.

(3) FOOD WILL NOT BE CONSIDERED MISBRANDED UNDER PARAGRAPH (q) OF SUBSECTION (1) OF THIS SECTION IF IT IS PRODUCED BY A PERSON WHO:

(a) GROWS, RAISES, OR OTHERWISE PRODUCES SUCH FOOD WITHOUT KNOWLEDGE THAT THE FOOD WAS CREATED WITH SEED OR OTHER FOOD THAT WAS DERIVED IN ANY WAY THROUGH A PROCESS OF GENETIC ENGINEERING; AND

(b) OBTAINS A SWORN STATEMENT FROM THE PARTY THAT SOLD TO SUCH PERSON THE SEED OR FOOD THAT SUCH SUBSTANCE HAS NOT BEEN KNOWINGLY ENGINEERED, WAS ENTIRELY SEGREGATED FROM, AND HAS NOT KNOWINGLY BEEN COMMINGLED WITH A FOOD OR FOOD COMPONENT THAT MAY HAVE BEEN CREATED THROUGH A PROCESS OF GENETIC ENGINEERING. THE SWORN STATEMENT MUST BE OBTAINED AT THE TIME THE SEED OR FOOD IS DELIVERED FROM THE SELLER.

(4) THERE IS NO PRIVATE RIGHT OF ACTION AGAINST A DISTRIBUTOR, MANUFACTURER, OR RETAILER THAT SELLS OR ADVERTISES FOOD FOR FAILURE TO CONFORM TO THE LABELING REQUIREMENTS UNDER PARAGRAPH (q) OF SUBSECTION (1) OF THIS SECTION.

(5) THE DEPARTMENT SHALL PROMULGATE REGULATIONS IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 25-5-420 CONCERNING THE PROCEDURES FOR PROMULGATING SUCH REGULATIONS, TO CARRY OUT THE LABELING REQUIREMENTS OF PARAGRAPH (q) OF SUBSECTION (1) OF THIS SECTION. SUCH REGULATIONS MAY PRESCRIBE THE PROCEDURES FOR INSPECTIONS AND TESTING OF PRODUCTS TO ENSURE COMPLIANCE WITH PARAGRAPH (q) OF SUBSECTION (1) OF THIS SECTION.

To access individual election offices, select the county name.

LOCAL ELECTION OFFICES

Adams	4430 South Adams County Parkway, Suite E3102 Brighton, CO 80601-8207	(720) 523-6500
Alamosa	402 Edison Ave., Alamosa, CO 81101	(719) 589-6681
Arapahoe	5334 S. Prince St., Littleton, CO 80120	(303) 795-4511
Archuleta	449 San Juan, Pagosa Springs, CO 81147	(970) 264-8331
Baca	741 Main St., Suite 3, Springfield, CO 81073	(719) 523-4372
Bent	725 Bent Ave., Las Animas, CO 81054	(719) 456-2009
Boulder	1750 33rd St. #200, Boulder, CO 80301	(303) 413-7740
Broomfield	1 DesCombes Drive, Broomfield, CO 80020	(303) 464-5857
Chaffee	104 Crestone Ave., Salida, CO 81201	(719) 539-4004
Cheyenne	51 S. 1st St., Cheyenne Wells, CO 80810	(719) 767-5685
Clear Creek	405 Argentine St., Georgetown, CO 80444	(303) 679-2339
Conejos	6683 County Road 13, Antonito, CO 81129	(719) 376-5422
Costilla	400 Gasper St., San Luis, CO 81152	(719) 937-7671
Crowley	631 Main St., Suite 102, Ordway, CO 81063	(719) 267-5225
Custer	205 S. 6th St., Westcliffe, CO 81252	(719) 783-2441
Delta	501 Palmer #211, Delta, CO 81416	(970) 874-2150
Denver	200 W. 14th Ave., Suite 100, Denver, CO 80204	(720) 913-8683
Dolores	409 N. Main St., Dove Creek, CO 81324	(970) 677-2381
Douglas	125 Stephanie Pl., Castle Rock, CO 80109	(303) 660-7444
Eagle	500 Broadway, Eagle, CO 81631	(970) 328-8726
Elbert	215 Comanche St., Kiowa, CO 80117	(303) 621-3127
El Paso	1675 W. Garden of the Gods Rd., Suite 2202 Colorado Springs, CO 80907	(719) 575-8683
Fremont	615 Macon Ave. #102, Canon City, CO 81212	(719) 276-7340
Garfield	109 Eighth St. #200, Glenwood Spgs, CO 81601	(970) 384-3700 ext. 2
Gilpin	203 Eureka St., Central City, CO 80427	(303) 582-5321
Grand	308 Byers Ave., Hot Sulphur Springs, CO 80451	(970) 725-3065
Gunnison	221 N. Wisconsin, Suite C, Gunnison, CO 81230	(970) 641-7927
Hinsdale	317 N. Henson St., Lake City, CO 81235	(970) 944-2228
Huerfano	401 Main St., Suite 204, Walsenburg, CO 81089	(719) 738-2380 ext. 3
Jackson	396 La Fever St., Walden, CO 80480	(970) 723-4334
Jefferson	3500 Illinois St., Suite #1100, Golden, CO 80401	(303) 271-8111
Kiowa	1305 Goff St., Eads, CO 81036	(719) 438-5421

Kit Carson	251 16th St., Burlington, CO 80807	(719) 346-8638 ext. 301
Lake	505 Harrison Ave., Leadville, CO 80461	(719) 486-1410
La Plata	98 Everett St., Suite C, Durango, CO 81303	(970) 382-6296
Larimer	200 W. Oak St., Ft. Collins, CO 80522	(970) 498-7820
Las Animas	200 E. First St., Room 205, Trinidad, CO 81082	(719) 846-3314
Lincoln	103 Third Ave., Hugo, CO 80821	(719) 743-2444
Logan	315 Main St., Suite 3, Sterling, CO 80751	(970) 522-1544
Mesa	200 S. Spruce St., Grand Junction, CO 81501	(970) 244-1662
Mineral	1201 N. Main St., Creede, CO 81130	(719) 658-2440
Moffat	221 W. Victory Way #200, Craig, CO 81625	(970) 824-9120
Montezuma	140 W. Main St., Suite #1, Cortez, CO 81321	(970) 565-3728
Montrose	320 S. First St., Montrose, CO 81401	(970) 249-3362 ext. 3
Morgan	231 Ensign, Ft. Morgan, CO 80701	(970) 542-3521
Otero	13 W. Third St., Room 210, La Junta, CO 81050	(719) 383-3020
Ouray	541 Fourth St., Ouray, CO 81427	(970) 325-4961
Park	501 Main St., Fairplay, CO 80440	(719) 836-4333 ext. 1
Phillips	221 S. Interocean Ave., Holyoke, CO 80734	(970) 854-3131
Pitkin	530 E. Main St. #101, Aspen, CO 81611	(970) 920-5180 ext. 5
Prowers	301 S. Main St. #210, Lamar, CO 81052	(719) 336-8011
Pueblo	720 N. Main St., Suite 200, Pueblo, CO 81003	(719) 583-6620
Rio Blanco	555 Main St., Meeker, CO 81641	(970) 878-9460
Rio Grande	965 Sixth St., Del Norte, CO 81132	(719) 657-3334
Routt	522 Lincoln Ave. Steamboat Springs, CO 80487	(970) 870-5558
Saguache	501 Fourth St., Saguache, CO 81149	(719) 655-2512
San Juan	1557 Green St., Silverton, CO 81433	(970) 387-5671
San Miguel	305 W. Colorado Ave., Telluride, CO 81435	(970) 728-3954
Sedgwick	315 Cedar St., Julesburg, CO 80737	(970) 474-3346
Summit	208 E. Lincoln Ave., Breckenridge, CO 80424	(970) 453-3479
Teller	101 W. Bennett Ave., Cripple Creek, CO 80813	(719) 689-2951 ext. 2
Washington	150 Ash, Akron, CO 80720	(970) 345-6565
Weld	1401 N. 17th Ave., Greeley, CO 80632	(970) 304-6525
Yuma	310 Ash St., Suite F, Wray, CO 80758	(970) 332-5809