
STATEWIDE ELECTION DAY IS
Tuesday, November 6, 2012
Polling places open from 7 a.m. to 7 p.m.
(Early Voting Begins October 22, 2012)

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



**2012 STATE BALLOT
INFORMATION BOOKLET**

and

**Recommendations on
Retention of Judges**

Legislative Council of the
Colorado General Assembly

Research Publication No. 614

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September 10, 2012

This booklet provides information on the three statewide measures on the November 6, 2012, ballot and on the judges who are on the ballot for retention in your area. The information is presented in three sections.

Section One — Analyses of Measures

The first section contains an analysis of each proposed change to the state constitution and state statute. Each analysis 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. It 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.

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. A measure placed on the ballot through the signature-collection process that amends the state statutes is labeled a "Proposition," followed by a number.

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 three measures on the ballot, two propose changes to the state constitution, and one proposes changes to the state constitution and statute. 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 — Titles and Text

The second section provides the title that appears on the ballot and the legal language of each measure, including whether the measure changes the constitution, statute, or both. The legal language of the measures shows new laws in capitalized letters and laws that are being eliminated in strikeout type.

Section Three — Recommendations on Retaining Judges

The third section contains information about the performance of the Colorado Supreme Court justice, Court of Appeals judges, and trial court judges who are on your 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 "RETAIN," "DO NOT RETAIN," 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.

Amendment S
State Personnel System

Amendment S proposes amending the Colorado Constitution to:

- ◆ increase the number and types of state employees who may be exempt from the state civil service system, also known as the state personnel system;
- ◆ change testing and hiring procedures for filling vacancies in the state personnel system;
- ◆ expand hiring preferences for veterans; and
- ◆ adjust the terms of service and duties for members of the State Personnel Board, and the standard to remove certain members.

Summary and Analysis

Amendment S makes changes to the state personnel system, impacting approximately 32,500 individuals in full- and part-time permanent positions in state government. The measure applies only to classified employees in the state personnel system and does not affect nonclassified employees (about 41,000 individuals), most of whom work in the legislative and judicial branches and at institutions of higher education. All employees are covered under applicable state and federal employment laws, such as those protecting against discrimination.

State personnel system. In 1918, Colorado voters amended the state constitution to create the state civil service system. In 1970, the system was updated and renamed the state personnel system. It currently requires that:

- employees be hired and promoted according to merit and fitness;
- job candidates be scored and ranked using a competitive exam;

- hiring decisions be made from among job candidates with the three highest scores on competitive exams;
- eligible veterans be able to receive a hiring preference for only one position;
- positions be filled by Colorado residents unless certain conditions are met; and
- employees provide 12 months of satisfactory service before becoming certified as classified.

Other portions of the system are governed by state law or rule, including processes to evaluate candidates and job performance, respond to grievances, and terminate employment. The system is administered by the state personnel director (head of the Department of Personnel and Administration), with oversight from the independent State Personnel Board.

Exemption from the state personnel system. Exempted positions are specifically listed in the state constitution and include most employees of the state courts, the legislature, and the state's institutions of higher education, as well as department heads and members of certain boards and commissions. Political appointees serving the administration of the Governor and Lieutenant Governor are also exempt. Similar to the private sector, exempted employees and their state agency employers may each end the employment relationship at any time. In these positions, there are no universal standards for evaluating candidates, assessing job performance, or responding to grievances.

Amendment S allows the state personnel director to exempt certain additional management and support positions, up to 1 percent of the total number of employees in the state personnel system. Based on the current figure of about 32,500 classified employees, the measure allows an estimated 325 new positions to be exempted. Currently, most departments have only one exempt position, the department head. If voters approve Amendment S, additional exemptions may include deputy department heads, chief financial officers, public information officers, legislative liaisons, human resource directors, executive assistants to department heads, and members of the senior executive service (SES). The SES is a performance pay plan authorized by state statute to compensate up to 125 positions with a high level of management responsibility. SES positions are currently allocated according to department size, and new exemptions may be similarly distributed.

Evaluating and hiring job candidates. Currently, candidates must be ranked based on the results of a competitive exam using criteria set by each department and following rules issued by the State Personnel Board. In practice, each candidate is awarded up to 100 points based on the results of his or her exam, with additional points awarded if he or she qualifies for a veterans' preference. The measure allows for the use of other objective methods to evaluate, compare, and rank job candidates. These other methods may include written exams, oral boards, search committees, or the use of non-numerical criteria, as long as they meet professionally accepted standards.

Current law requires hiring managers to choose among the three candidates with the highest scores. Amendment S allows the top six candidates to be considered, regardless of the evaluation and ranking method used. Under the measure, the state personnel director, rather than the State Personnel Board, will be required to issue rules for the evaluation and ranking of candidates through the public rule-making process.

Hiring preferences for veterans. Under the current evaluation process, an eligible veteran or his or her surviving spouse receives five additional points on his or her competitive exam score. A disabled veteran receives ten additional points. Once an individual has been hired by the state using a veterans' preference, he or she may not apply the preference again to another position. Amendment S allows a veteran to continue to use preference points when applying for most other positions in the system.

Hiring temporary employees. Colorado's constitution allows for temporary employment of persons for up to 6 months to address a short-term or urgent hiring need. State rules clarify that a temporary appointment may not exceed 6 months within a 12-month period. The measure extends the time limit for temporary employment to 9 months, and state rules may be adjusted accordingly.

Residency. Colorado's constitution requires that positions within the personnel system be filled by residents of Colorado unless the State Personnel Board finds the position requires special education or special qualifications and the position cannot be readily filled by a Colorado resident. Amendment S gives the state personnel director the authority to waive residency requirements as well. It also eliminates the residency requirement for positions located within 30 miles of the state border.

State personnel system oversight. The five-member State Personnel Board, which includes three members appointed by the Governor and two members elected by classified employees, sets policy for the system. None of the members may be a state employee. Currently, board members may serve an unlimited number of five-year terms and may only be removed for cause. The board is responsible for setting rules for conducting competitive exams used to evaluate candidates for positions in the system, approving exemptions from residency requirements, and hearing appeals to certain decisions made by the state personnel director.

If approved, Amendment S:

- reduces board terms from five years to three years for members appointed or elected after January 1, 2013;
- limits board members from serving more than two terms;
- allows two appointees to serve or be removed at the Governor’s pleasure;
- removes the authority of the board to set rules for the process and criteria used to evaluate and hire candidates for positions in the system; and
- allows the state personnel director to set the rules for evaluating and hiring candidates and to approve residency exemptions.

For information on those issue committees that support or oppose the measures on the ballot at the November 6, 2012, 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) State employees provide a wide variety of services to meet the needs of citizens, and the public deserves the most qualified employees to do the job. The current hiring process limits the pool of eligible candidates and may favor the best test-takers over applicants with practical experience. The measure expands the pool of eligible candidates and allows state agencies to consider other objective methods for evaluating job applicants. An improved applicant

evaluation process increases the ability of the state to hire the best candidate for each position.

2) The measure updates the state personnel system to better align the state with current business practices and make it more efficient and accountable to Colorado taxpayers. It gives the Governor the ability to hire key staff, allowing for a quicker implementation of the policy agenda he or she is elected to enact. Under the measure, the state is better equipped to complete special projects and respond to seasonal demands with temporary employees who are allowed to work nine months rather than six. It also allows for the hiring of nonresidents in positions located close to the state border, helping state agencies to identify the best candidates for difficult-to-fill positions in a timely manner and from a wider applicant pool. Additionally, the measure recognizes the sacrifice of veterans, allowing them to use a hiring preference whenever they apply for a state position, rather than only once.

Arguments Against

1) The measure gives the Governor and political appointees, including the state personnel director, too much power over the state's personnel system. The Governor's administration will be able to exempt about 325 additional positions from the system, and members of the constitutionally independent State Personnel Board could be removed without cause. Also, the state personnel director, appointed by the Governor, will now have policymaking authority over areas of the system that the board has traditionally overseen, including job candidate evaluation and exemption from residency requirements. This overlap in authority could lead to potential conflicts between the director and the board and create confusion for candidates and employees.

2) The state personnel system exists, in part, to protect state employees from undue political influence, and this measure removes some of those protections, making the system more vulnerable to favoritism and abuse. Evaluating qualifications, rather than using numerical exam scores, makes it more difficult for state agencies to objectively compare candidates. The new system could make it easier to hire persons based on political or personal connections rather than merit and result in more appeals of hiring decisions. In addition, the new exemptions could displace experienced existing state employees with political appointees. This may result in the loss of institutional

knowledge and subject traditionally neutral positions, such as chief financial officers and human resource directors, to political pressure.

Estimate of Fiscal Impact

Allowing certain state jobs to be filled by nonresidents could affect state and local government revenue, mainly sales taxes and vehicle fees. Positions filled by a nonresident that would have otherwise been filled by a Colorado resident will reduce revenue, and positions that would have otherwise gone unfilled will increase revenue. Changing the rules for hiring state employees could also affect expenditures, but the overall impact is not expected to be significant.

**Amendment 64
Use and Regulation of Marijuana**

Amendment 64 proposes amending the Colorado Constitution to:

- ◆ regulate the growth, manufacture, and sale of marijuana in a system of licensed establishments overseen by state and local governments;
- ◆ allow individuals who are 21 years old or older to possess, use, display, purchase, transport, and transfer—to individuals who are 21 years old or older—one ounce or less of marijuana;
- ◆ allow individuals who are 21 years old or older to possess, grow, process, and transport up to six marijuana plants, with certain restrictions;
- ◆ require the state legislature to enact an excise tax on marijuana sales, of which the first \$40 million in revenue raised annually must be credited to a state fund used for constructing public schools. The excise tax must be approved by a separate statewide vote; and
- ◆ require the state legislature to enact legislation concerning the growth, processing, and sale of industrial hemp.

Summary and Analysis

Marijuana is a plant that contains the psychoactive component delta-9 tetrahydrocannabinol (THC). Marijuana can be used in various ways, including smoking it, inhaling it as vapor, and consuming it in food. Currently, individuals who grow, transfer, manufacture, possess, or sell marijuana violate federal, state, and, in some cases, local laws. However, state penalties for marijuana offenses are not as severe as penalties for many other drug-related offenses. Although the use of marijuana for medical purposes is not authorized under federal law, Colorado and several other states have enacted legislation allowing the use of medical marijuana. To date, state regulation of medical marijuana establishments has generally been allowed to occur, although the federal government has ordered some businesses to close.

Current federal and state penalties for marijuana offenses.

Sentences for drug offenses are discretionary, and depend on the law violated and the severity and circumstances of the crime. Under federal law, penalties for marijuana offenses range from up to one year in prison and a fine of \$1,000 for a first offense of possession, to up to life in prison and a fine of \$4 million for the sale of 1,000 kilograms (about 2,200 pounds) or more of marijuana.

Under current state law, marijuana offenses range from a class 2 petty offense to a class 3 felony. For example, individuals accused of possession of two ounces of marijuana or less may be required to appear in court and, if convicted, can be fined up to a maximum of \$100. Other penalties range from no jail time or fine for sharing small amounts of marijuana without payment, to up to 12 years in prison, a fine of \$750,000, or both for transferring any amount of marijuana to a person under 15 years old, provided that the offender is at least 18 years old, or for knowingly distributing more than 100 pounds of marijuana. Individuals convicted of marijuana offenses are also required to pay a drug offender surcharge, which may range from \$200 to \$3,000, depending on the severity of the crime. It is not clear how the state's current criminal laws would be changed in response to Amendment 64.

Personal use of marijuana. Under the measure, individuals who are 21 years old or older (adults) may possess, use, display, purchase, and transport up to one ounce of marijuana. Adults may share up to one ounce of marijuana with other individuals who are at least 21 years old, but are not allowed to sell marijuana. The use of marijuana in public or in a manner that endangers others is prohibited. The measure allows adults to grow their own marijuana or to purchase marijuana from a licensed retail marijuana store with proof of age. Adults may possess up to six marijuana plants, of which three or fewer are mature, flowering plants, as well as the marijuana harvested from the plants, provided that the plants are kept in an enclosed and locked space and are not grown openly or publicly. The marijuana harvested must remain on the premises where the plants were grown. Adults are also permitted to possess, use, display, purchase, and transport marijuana accessories that are used for the growth, manufacture, and consumption of marijuana.

Amendment 64 states that its provisions are not intended to:

- allow driving under the influence of or while impaired by marijuana;
- permit underage access to or use of marijuana;

- affect the ability of an employer to restrict the use or possession of marijuana by employees; or
- prevent a school, hospital, or other property owner from prohibiting or otherwise regulating the use, possession, growth, manufacture, or sale of marijuana on the property.

Regulation by the state. Amendment 64 requires the Colorado Department of Revenue (DOR) to adopt regulations by July 1, 2013, concerning licensing and security requirements for marijuana establishments, the prevention of marijuana sales to underage individuals, labeling requirements for marijuana products, health and safety standards for marijuana manufacturing, advertising restrictions, and civil penalties for violations. The measure specifies that the regulations may not prohibit marijuana establishments or make the operation of such establishments unreasonably impracticable.

The DOR must also develop a schedule of application, licensing, and renewal fees. The application fees may not exceed \$5,000, adjusted annually for inflation, unless the DOR determines that a greater fee is necessary. If a licensed medical marijuana business applies for a separate license created by the measure, the application fee may not exceed \$500. The measure does not limit the amounts that may be charged for licensing and renewal fees. After the DOR receives a license application from a prospective marijuana establishment, it must forward the application and half of the application fee to the local government involved. The DOR must issue or deny the license within 90 days. If the DOR denies the license, it must notify the applicant in writing of its reason for doing so.

In the event that the DOR does not adopt regulations by July 1, 2013, the measure states that marijuana establishment applicants may apply for an annual license with a local government. Applicants may only apply for a locally issued license after October 1, 2013, which is the deadline for local governments to identify which local agency will process marijuana license applications if necessary. Applicants may also apply for a locally issued license if the DOR adopts regulations but has not issued any licenses by January 1, 2014. While operating under a locally issued license, the marijuana establishments are not subject to regulation by the DOR.

Regulation by local governments. Local governments may enact regulations concerning the time, place, manner, and number of marijuana establishments in their community. In addition, local governments may prohibit the operation of marijuana establishments through an ordinance or a referred ballot measure; citizens may pursue

such a prohibition through an initiated ballot measure. Even if marijuana establishments are prohibited by a local government, individuals in that community who are at least 21 years old may still possess, grow, and use marijuana as allowed by the measure.

Types of licenses. Under Amendment 64, marijuana growth, processing, testing, and sales are authorized to be carried out by four types of regulated marijuana establishments, which are described in Table 1. The measure directs the DOR to implement procedures for issuing, renewing, suspending, and revoking licenses for the establishments.

Table 1. Types of Licensed Marijuana Establishments Under Amendment 64

Type of Establishment	Activities	Sale of Marijuana
Marijuana Cultivation Facility	Grows, prepares, and packages marijuana.	May sell marijuana to other cultivation facilities, manufacturing facilities, or retail marijuana stores.
Marijuana Product Manufacturing Facility	Purchases, manufactures, prepares, and packages marijuana and marijuana products.	May sell marijuana and marijuana products to retail stores or other marijuana product manufacturing facilities.
Marijuana Testing Facility	Analyzes and certifies the safety and potency of marijuana.	Not permitted to sell marijuana.
Retail Marijuana Store	Purchases and sells marijuana and marijuana products from cultivation and product manufacturing facilities.	May sell marijuana to consumers who are 21 years old or older.

Taxes. This measure requires that the state legislature enact an excise tax. The current Colorado Constitution forbids a member of the state legislature to be bound to vote for or against any bill or measure pending or proposed to the state legislature. Because of this inherent conflict, the excise tax outlined in the measure might not be imposed. Additionally, this issue may result in significant litigation.

Under the measure, marijuana is subject to existing state and local sales taxes and a new state excise tax to be set by the legislature. An excise tax is a tax on the use or consumption of certain products such as gasoline, alcohol, or cigarettes. The tax is generally collected at the wholesale level and passed on to consumers in the retail price. Marijuana cultivation facilities will pay the excise tax when selling marijuana to either marijuana product manufacturing facilities or to retail marijuana stores.

Amendment 64 requires the legislature to enact the state excise tax; however, the Taxpayer's Bill of Rights (TABOR) requires a separate statewide vote to approve the tax and any future tax increases. Under the measure, the excise tax is limited to 15 percent until January 1, 2017, when the legislature may set it at any rate. Each year, the first \$40 million in revenue raised by the excise tax will be credited to a state fund used for constructing public schools. Medical marijuana is not subject to the state excise tax required by the measure, or to any existing state excise tax.

Effect on medical marijuana laws. Amendment 64 does not change existing state medical marijuana laws, which allow Colorado citizens who have certain debilitating medical conditions to use medical marijuana. Medical marijuana patients and primary caregivers register with the state health agency, and businesses that grow, manufacture, and sell medical marijuana are regulated by the DOR and by local licensing authorities throughout the state. Medical marijuana patients are permitted to possess up to two ounces of marijuana and to grow up to six marijuana plants, with three or fewer being mature, flowering plants. Caregivers are subject to the same possession and growth limitations as patients and may serve up to five patients.

Under the measure, licensed medical marijuana cultivators, manufacturers, and dispensaries may apply for a separate marijuana establishment license, and are eligible for a reduced application fee. However, medical marijuana dispensaries may not sell marijuana to retail customers or operate on the same premises as retail marijuana stores. If competition for licenses exists, applicants with prior experience producing or distributing medical marijuana and who have complied with state medical marijuana regulations are granted preference in licensing.

Industrial hemp. The measure requires the state legislature to enact, by July 1, 2014, legislation concerning the growth, processing, and sale of industrial hemp, but does not specify what provisions must

be included, or whether such activities should be authorized. The measure defines industrial hemp as the same plant as marijuana, but with a THC concentration of no more than three-tenths percent. THC is the primary psychoactive component of marijuana. Federal law currently prohibits the growth of industrial hemp, although it is legal to sell imported hemp and hemp products in the United States. Hemp seeds are sold as food, and hemp fibers are used to manufacture rope, clothing, and building materials.

For information on those issue committees that support or oppose the measures on the ballot at the November 6, 2012, 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) Current state policies that criminalize marijuana fail to prevent its use and availability and have contributed to an underground market. By creating a framework for marijuana to be legal, taxed, and regulated under state law, Amendment 64 provides a new direction for the state.

2) It is preferable for adults who choose to use marijuana to grow it themselves or purchase it from licensed businesses that are required to follow health and safety standards, rather than purchasing products of unknown origin from individuals involved in the underground market. A regulated market will provide a safer environment for adults who purchase marijuana and, by requiring age verification, will restrict underage access to marijuana. The measure will also add sales tax revenue and may add job opportunities to the state economy.

3) The adoption of Amendment 64 will send a message to the federal government and other states that marijuana should be legal and regulated and that industrial hemp should be treated differently than marijuana. Adults should have the choice to use marijuana, just as they have that choice with other substances such as alcohol and tobacco. Further, because of its commercial applications in fuel, building materials, clothing, and food, industrial hemp should be allowed to be grown, processed, and sold domestically.

Arguments Against

1) Even if Amendment 64 is adopted, the possession, manufacture, and sale of marijuana remain illegal under current federal law, so the adoption of the measure may expose Colorado consumers, businesses, and governments to federal criminal charges and other risks. People who invest time and money to open marijuana establishments have no protections against federal seizure of their money and property. Because federal banking laws do not allow banks to accept the proceeds of, or loan money for, activities that are illegal under federal law, marijuana businesses will likely need to be cash-only businesses. In addition, enhanced federal scrutiny and competition from retail marijuana establishments could jeopardize the existing medical marijuana system. The efforts of individuals who feel that marijuana use should be legal for all adults are more appropriately directed at changing federal law.

2) Marijuana impairs users' coordination and reasoning and can lead to addiction. Allowing state-regulated stores to sell marijuana will make it more accessible, which is likely to increase use and may give the impression that there are no health risks or negative consequences to marijuana use. Greater accessibility and acceptance of marijuana may increase the number of children and young adults who use the drug, which, due to their ongoing brain development, may be especially dangerous. Furthermore, because more people are likely to use marijuana, the number of those who drive while under the influence of or while impaired by the drug may increase.

3) A ballot measure cannot direct any vote cast by a legislator. Amendment 64 asks voters to approve a regulatory structure for the sale of marijuana, but does not specify critical details about what the regulations will entail. Furthermore, because the provisions of Amendment 64 will be in the state constitution and not in the state statutes, where most other business regulations appear, there may be unintended consequences that cannot be easily remedied. For example, the state legislature cannot adjust the deadlines, fees, and other details regarding the implementation of the measure. In addition, by constitutionally permitting marijuana use, the measure, despite its stated intent, could create conflicts with existing employment, housing, and other laws and policies that ban the use of illegal drugs.

Estimate of Fiscal Impact

Amendment 64 is expected to increase revenue and spending at both the state and local level. The exact amount of each will depend on the value of marijuana sold, the regulations and fees adopted by the Department of Revenue (DOR) and local governments, and future actions taken by the state legislature. The fiscal impact assumes that the DOR will regulate marijuana under this measure in the same way it regulates medical marijuana under current law, using some of the same resources.

State revenue. State revenue from sales taxes and licensing fees is expected to increase between approximately \$5.0 million and \$22.0 million per year. The measure also allows a separate excise tax to be levied on wholesale marijuana sales, but that tax has not been included in this analysis because the tax rate must first be set by the state legislature and then be approved by voters in a statewide election.

State spending. Currently, the DOR is allocated \$5.7 million per year for licensing, regulation, and enforcement costs related to medical marijuana. These costs will increase by an estimated \$1.3 million in the first year and by \$0.7 million annually thereafter in order to expand DOR regulation to marijuana establishments authorized by the measure. These new costs will likely be paid from fees assessed on marijuana establishments. Although it is not clear how the state's criminal laws would be changed in response to Amendment 64, if the number of prison sentences for marijuana offenses decreases, prison costs will be reduced.

Local revenue and spending. Sales tax revenue for local governments will increase along with spending for regulation and enforcement. Due to differences in local tax rates and regulations, the impact to local governments cannot be determined.

Amendment 65
Colorado Congressional Delegation to Support
Campaign Finance Limits

Amendment 65 proposes amending the Colorado Constitution and Colorado statutes to:

- ◆ instruct the Colorado congressional delegation to propose and support an amendment to the U.S. Constitution that allows Congress and the states to limit campaign contributions and spending; and
- ◆ instruct the state legislature to ratify any such amendment passed by Congress.

Summary and Analysis

Colorado and federal law currently limit the amount of money that individuals, political action committees, and other organizations may give directly to candidates, campaigns, political parties, and other political groups. Colorado has also established voluntary spending limits that political candidates and campaigns may choose to follow. However, there are no mandatory limits in state or federal law on how much money campaigns may spend overall.

In the past, courts have ruled that limiting contributions to candidates and campaigns is a permissible restriction on money in politics so as to prevent corruption or the appearance of corruption. However, the courts have also ruled that spending money is a form of protected political speech. Therefore, overall spending limits on campaigns are not allowed, and spending by persons and organizations who are independent of political campaigns cannot be restricted.

Changes under Amendment 65. The measure does not directly affect current state or federal campaign finance laws, or create campaign spending limits. Instead, it amends state law to encourage Congress and the state legislature to take steps to amend the U.S. Constitution to allow greater limits on the role of money in state and federal elections. The measure also expresses the intent of voters that state law should establish mandatory campaign spending limits, rather than encourage voluntary spending limits.

Amending the U.S. Constitution. An amendment to the U.S. Constitution may be proposed with a two-thirds majority vote in both houses of Congress. Then, the amendment must be ratified by the state legislatures in three-fourths of the states, or 38 of the 50 states, in order to take effect.

For information on those issue committees that support or oppose the measures on the ballot at the November 6, 2012, 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 current system of financing political campaigns gives too much influence over elections and public policy to wealthy individuals and organizations. This measure sends a message from Colorado voters to their elected representatives that money in politics should be limited so that other perspectives can be heard. Further, it gives elected representatives in Congress and the state legislature clear instructions to make the necessary changes to create a more level playing field in politics.

2) Prior court rulings have increased the ability of wealthy individuals and organizations to spend unlimited amounts of money to influence campaigns and elections, as well as public policy. In many cases, the public does not know who is providing this money because the source does not have to be disclosed. The surest way to reverse these changes is to amend the U.S. Constitution as recommended by this measure. Amendment 65 takes the first step in that process by encouraging Congress to take action.

Arguments Against

1) A state ballot measure cannot require elected representatives in Congress or the state legislature to support or vote for certain laws and policies. Therefore, the measure will have no practical effect. Rather than using Colorado law to make a political statement, those who advocate for more restrictive campaign finance laws should instead support congressional candidates who will pursue such changes.

2) The measure could lead to restrictions that limit the fundamental rights to freedom of speech, expression, and association. Individuals and organizations should not be restricted in how they spend money to promote the ideas and candidates they support. Further, candidates and campaigns should be free to spend any contributions received from supporters.

Estimate of Fiscal Impact

Amendment 65 is not expected to affect state or local government revenue or spending.

TITLES AND TEXT

The ballot title below is a summary drafted by the professional 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 referred to the voters because it passed by a two-thirds majority vote of the state senate and the state house of representatives.

Amendment S State Personnel System (Constitutional Amendment)

Ballot Title: Shall there be an amendment to the Colorado constitution concerning the state personnel system, and, in connection therewith, expanding the veterans' preference; increasing the number of candidates eligible to be appointed to a position; adjusting the duration of allowable temporary employment; allowing the flexibility to remove a limited number of positions from the system; modifying the residency requirement; adjusting the terms of service for members of the state personnel board; and requiring merit-based appointments to be made through a comparative analysis process?

TITLES AND TEXT

Text of Measure:

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

SECTION 1. At the next election at which such question may be submitted, there shall be submitted to the registered electors of the state of Colorado, for their approval or rejection, the following amendment to the constitution of the state of Colorado, to wit:

In the constitution of the state of Colorado, section 13 of article XII, **amend** (1), (2), (5), (6), and (9) as follows:

Section 13. State personnel system - merit system.

(1) Appointments and promotions to offices and employments in the STATE personnel system of the state shall be made according to merit and fitness, to be ascertained by ~~competitive tests of competence~~ A

COMPARATIVE ANALYSIS OF CANDIDATES BASED ON OBJECTIVE CRITERIA without regard to race, creed, or color, or political affiliation. A NUMERICAL OR NONNUMERICAL METHOD MAY BE USED FOR THE COMPARATIVE ANALYSIS OF CANDIDATES.

(2) (a) The STATE personnel system ~~of the state~~ shall comprise all appointive public officers and employees of the state, except the following:

(I) Members of the public utilities commission, the industrial commission of Colorado, the state board of land commissioners, the Colorado tax commission, the state parole board, and the state personnel board;

(II) Members of any board or commission serving without compensation except for per diem allowances provided by law and reimbursement of expenses;

(III) The employees in the offices of the governor and the lieutenant governor whose functions are confined to such offices and whose duties are concerned only with the administration thereof;

(IV) Appointees to fill vacancies in elective offices;

(V) One deputy of each elective officer other than the governor and lieutenant governor specified in section 1 of article IV of this constitution;

(VI) Officers otherwise specified in this constitution;

(VII) Faculty members of educational institutions and departments not reformatory or charitable in character, and such administrators thereof as may be exempt by law;

(VIII) Students and inmates in state educational or other institutions employed therein;

(IX) Attorneys at law serving as assistant attorneys general; ~~and~~

(X) Members, officers, and employees of the legislative and judicial departments of the state, unless otherwise specifically provided in this constitution;

(XI) SUBJECT TO THE APPROVAL OF THE STATE PERSONNEL DIRECTOR, THE FOLLOWING PERSONS FROM EACH PRINCIPAL DEPARTMENT: DEPUTY DEPARTMENT HEADS, CHIEF FINANCIAL OFFICERS, PUBLIC INFORMATION

OFFICERS, LEGISLATIVE LIAISONS, HUMAN RESOURCE DIRECTORS, AND EXECUTIVE ASSISTANTS TO THE DEPARTMENT HEADS; AND

(XII) SUBJECT TO THE APPROVAL OF THE STATE PERSONNEL DIRECTOR, SENIOR EXECUTIVE SERVICE EMPLOYEES.

(b) THE TOTAL NUMBER OF EMPLOYEES EXEMPTED FROM THE STATE PERSONNEL SYSTEM PURSUANT TO SUBPARAGRAPHS (XI) AND (XII) OF PARAGRAPH (a) OF THIS SUBSECTION (2) SHALL NOT EXCEED AN AMOUNT EQUAL TO ONE PERCENT OF THE TOTAL NUMBER OF PERSONS IN THE STATE PERSONNEL SYSTEM.

(5) The person to be appointed to any position under the STATE personnel system shall be one of the ~~three~~ SIX persons ranking highest on the eligible list for such position, or such lesser number as qualify, as determined from ~~competitive tests of competence~~ THE COMPARATIVE ANALYSIS PROCESS, subject to limitations set forth in rules of the state personnel board applicable to multiple appointments from any such list.

(6) (a) EXCEPT AS SET FORTH IN PARAGRAPH (b) OF THIS SUBSECTION (6), all appointees shall reside in the state, but applications need not be limited to residents of the state as to those positions ~~found by the state personnel board to require special education or training or special professional or technical qualifications and which~~ OR THE STATE PERSONNEL DIRECTOR DETERMINES cannot be readily filled from among residents of this state.

(b) IF A POSITION IS FOR WORK THAT IS TO BE PERFORMED PRIMARILY AT A LOCATION THAT IS WITHIN THIRTY MILES OF THE STATE BORDER:

(I) APPLICATIONS FOR THE POSITION ARE NOT LIMITED TO RESIDENTS OF THE STATE; AND

(II) AN APPOINTEE TO THE POSITION IS NOT REQUIRED TO BE A RESIDENT OF THE STATE.

(9) (a) The state personnel director may authorize the temporary employment of persons, not to exceed ~~six~~ NINE months, during which time an eligible list shall be provided for permanent positions. No other temporary or emergency employment shall be permitted under the STATE personnel system.

TITLES AND TEXT

(b) NOTHING IN PARAGRAPH (a) OF THIS SUBSECTION (9) SHALL BE CONSTRUED AS PERMITTING THE APPOINTMENT OF A TEMPORARY EMPLOYEE FOR THE PURPOSE OF ELIMINATING A PERMANENT POSITION FROM THE STATE PERSONNEL SYSTEM.

In the constitution of the state of Colorado, section 14 of article XII, **amend** (1), (2), and (3) as follows:

Section 14. State personnel board - state personnel director.

(1) There is hereby created a state personnel board to consist of five members, three of whom shall be appointed by the governor with the consent of the senate, and two of whom shall be elected by persons certified to classes and positions in the state personnel system in the manner prescribed by law. Each member APPOINTED OR ELECTED PRIOR TO JANUARY 1, 2013, shall ~~be appointed or elected~~ SERVE for a term of five years. ~~and may succeed himself, but of the members first selected, the members appointed by the governor shall serve for terms of one, two, and three years, respectively, and the members elected shall serve for terms of four and five years, respectively.~~ EACH MEMBER APPOINTED OR ELECTED ON OR AFTER JANUARY 1, 2013, SHALL SERVE FOR A TERM OF THREE YEARS. NO MEMBER SHALL SERVE MORE THAN TWO TERMS OF OFFICE, REGARDLESS OF WHETHER A TERM IS A FULL TERM OR A PARTIAL TERM FILLING A VACANCY. Each member of the board shall be a qualified elector of the state, but shall not be otherwise an officer or employee of the state or of any state employee organization, and shall receive such compensation as shall be fixed by law.

(2) (a) ~~Any member of the board~~ TWO OF THE APPOINTED MEMBERS OF THE STATE PERSONNEL BOARD SERVE AT THE PLEASURE OF THE GOVERNOR. BOTH ELECTED MEMBERS OF THE BOARD AND THE APPOINTED MEMBER SPECIFIED IN PARAGRAPH (b) OF THIS SUBSECTION (2) may be removed by the governor for willful misconduct in office, willful failure or inability to perform his OR HER duties, final conviction of a felony or of any other offense involving moral turpitude, or by reason of permanent disability interfering with the performance of his OR HER duties, which removal shall be subject to judicial review. Any vacancy in office shall be filled in the same manner as the selection of the person vacating the office, and for the unexpired term.

(b) THE MEMBER OF THE BOARD WHO IS APPOINTED FOR A TERM COMMENCING ON JULY 1, 2013, AND THE SUCCESSORS TO THAT POSITION DO NOT SERVE AT THE PLEASURE OF THE GOVERNOR.

(3) The state personnel board shall adopt, and may from time to time amend or repeal, rules to implement the provisions of this section and

sections 13 and 15 of this article, as amended, and laws enacted pursuant thereto, including but not limited to rules concerning standardization of positions, determination of grades of positions, standards of efficient and competent service, ~~the conduct of competitive examinations of competence~~, grievance procedures, appeals from actions by appointing authorities, and conduct of hearings by hearing officers where authorized by law.

In the constitution of the state of Colorado, section 15 of article XII, **amend** (1), (3), (4), (5), and (7); and **repeal** (6) as follows:

Section 15. Veterans' preference. (1) (a) (I) ~~The passing grade on each competitive examination~~ THE MINIMUM REQUIREMENTS FOR A CANDIDATE TO BE PLACED ON AN ELIGIBLE LIST FOR A POSITION shall be the same for each candidate for appointment or employment in the STATE personnel system ~~of the state~~ or in any comparable civil service or merit system of any agency or political subdivision of the state, including any municipality chartered or to be chartered under article XX of this constitution.

(II) IF A NUMERICAL METHOD IS USED FOR THE COMPARATIVE ANALYSIS BASED ON OBJECTIVE CRITERIA, APPLICANTS ENTITLED TO PREFERENCE UNDER THIS SECTION SHALL BE GIVEN PREFERENCE IN ACCORDANCE WITH PARAGRAPHS (b) TO (e) OF THIS SUBSECTION (1). IF A NONNUMERICAL METHOD IS USED, APPLICANTS ENTITLED TO PREFERENCE UNDER THIS SECTION SHALL BE ADDED TO THE INTERVIEW ELIGIBLE LIST.

(b) Five points shall be added to the ~~grade~~ COMPARATIVE ANALYSIS SCORE of each candidate ~~on each such examination, except any promotional examination~~, who is separated under honorable conditions and who, other than for training purposes, (i) served in any branch of the armed forces of the United States during any period of any declared war or any undeclared war or other armed hostilities against an armed foreign enemy, or (ii) served on active duty in any such branch in any campaign or expedition for which a campaign badge is authorized.

(c) Ten points shall be added to the ~~passing grade~~ COMPARATIVE ANALYSIS SCORE of any candidate ~~of each such examination, except any promotional examination~~, who has so served, other than for training purposes, and who, because of disability incurred in the line of duty, is receiving monetary compensation or disability retired benefits by reason of public laws administered by the department of defense or the veterans administration, or any successor thereto.

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

(e) No more than a total of ten points shall be added to the ~~passing grade~~ COMPARATIVE ANALYSIS SCORE of any such candidate pursuant to this subsection (1).

(3) (a) When a reduction in the work force of the state or any such political subdivision thereof becomes necessary because of lack of work or curtailment of funds, employees not eligible for ~~added points~~ PREFERENCE under subsection (1) of this section shall be separated before those so entitled who have the same or more service in the employment of the state or such political subdivision, counting both military service for which such ~~points are added~~ PREFERENCE IS GIVEN and such employment with the state or such political subdivision, as the case may be, from which the employee is to be separated.

(b) In the case of such a person eligible for ~~added points~~ PREFERENCE who has completed twenty or more years of active military service, no military service shall be counted in determining length of service in respect to such retention rights. In the case of such a person who has completed less than twenty years of such military service, no more than ten years of service under subsection (1) (b) (i) and (ii) shall be counted in determining such length of service for such retention rights.

(4) The state personnel board and each comparable supervisory or administrative board of any such civil service or merit system of any agency of the state or any such political subdivision thereof shall implement the provisions of this section to assure that all persons entitled to ~~added points and preference in examinations~~ A COMPARATIVE ANALYSIS and retention shall enjoy their full privileges and rights granted by this section.

(5) ~~Any examination which is a promotional examination, but which~~ NO PERSON SHALL RECEIVE PREFERENCE PURSUANT TO THIS SECTION WITH RESPECT TO A PROMOTIONAL OPPORTUNITY. ANY PROMOTIONAL OPPORTUNITY THAT is also open to persons other than employees for whom such appointment would be a promotion, shall be considered a promotional ~~examination~~ OPPORTUNITY for the purposes of this section.

(6) ~~Any other provision of this section to the contrary notwithstanding, no person shall be entitled to the addition of points under this section for more than one appointment or employment with the same jurisdiction, personnel system, civil service, or merit system.~~

(7) This section shall be in full force and effect on and after July 1, 1971, and shall grant veterans' preference to all persons who have served in the armed forces of the United States in any declared or undeclared war, conflict, engagement, expedition, or campaign for which a campaign badge has been authorized, and who meet the requirements of service or disability, or both, as provided in this section. This section shall apply to all public employment ~~examinations~~ OPPORTUNITIES, except ~~promotional examinations~~ AS SET FORTH IN SUBSECTION (5) OF THIS SECTION, conducted on or after such date, and it shall be in all respects self-executing.

SECTION 2. Each elector voting at said election and desirous of voting for or against said amendment shall cast a vote as provided by law either "Yes" or "No" on the proposition: "Shall there be an amendment to the Colorado constitution concerning the state personnel system, and, in connection therewith, expanding the veterans' preference; increasing the number of candidates eligible to be appointed to a position; adjusting the duration of allowable temporary employment; allowing the flexibility to remove a limited number of positions from the system; modifying the residency requirement; adjusting the terms of service for members of the state personnel board; and requiring merit-based appointments to be made through a comparative analysis process?"

SECTION 3. The votes cast for the adoption or rejection of said amendment shall be canvassed and the result determined in the manner provided by law for the canvassing of votes for representatives in Congress, and if a majority of the electors voting on the question shall have voted "Yes", the said amendment shall become a part of the state constitution.

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.

Amendment 64
Use and Regulation of Marijuana
(Constitutional Amendment)

Ballot Title: Shall there be an amendment to the Colorado constitution concerning marijuana, and, in connection therewith, providing for the regulation of marijuana; permitting a person twenty-one years of age or older to consume or possess limited amounts of marijuana; providing for the licensing of cultivation facilities, product manufacturing facilities, testing facilities, and retail stores; permitting local governments to regulate or prohibit such facilities; requiring the general assembly to enact an excise tax to be levied upon wholesale sales of marijuana; requiring that the first \$40 million in revenue raised annually by such tax be credited to the public school capital construction assistance fund; and requiring the general assembly to enact legislation governing the cultivation, processing, and sale of industrial hemp?

TITLES AND TEXT

Text of Measure:

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

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

Section 16. Personal use and regulation of marijuana

(1) Purpose and findings.

(a) IN THE INTEREST OF THE EFFICIENT USE OF LAW ENFORCEMENT RESOURCES, ENHANCING REVENUE FOR PUBLIC PURPOSES, AND INDIVIDUAL FREEDOM, THE PEOPLE OF THE STATE OF COLORADO FIND AND DECLARE THAT

THE USE OF MARIJUANA SHOULD BE LEGAL FOR PERSONS TWENTY-ONE YEARS OF AGE OR OLDER AND TAXED IN A MANNER SIMILAR TO ALCOHOL.

(b) IN THE INTEREST OF THE HEALTH AND PUBLIC SAFETY OF OUR CITIZENRY, THE PEOPLE OF THE STATE OF COLORADO FURTHER FIND AND DECLARE THAT MARIJUANA SHOULD BE REGULATED IN A MANNER SIMILAR TO ALCOHOL SO THAT:

(I) INDIVIDUALS WILL HAVE TO SHOW PROOF OF AGE BEFORE PURCHASING MARIJUANA;

(II) SELLING, DISTRIBUTING, OR TRANSFERRING MARIJUANA TO MINORS AND OTHER INDIVIDUALS UNDER THE AGE OF TWENTY-ONE SHALL REMAIN ILLEGAL;

(III) DRIVING UNDER THE INFLUENCE OF MARIJUANA SHALL REMAIN ILLEGAL;

(IV) LEGITIMATE, TAXPAYING BUSINESS PEOPLE, AND NOT CRIMINAL ACTORS, WILL CONDUCT SALES OF MARIJUANA; AND

(V) MARIJUANA SOLD IN THIS STATE WILL BE LABELED AND SUBJECT TO ADDITIONAL REGULATIONS TO ENSURE THAT CONSUMERS ARE INFORMED AND PROTECTED.

(c) IN THE INTEREST OF ENACTING RATIONAL POLICIES FOR THE TREATMENT OF ALL VARIATIONS OF THE CANNABIS PLANT, THE PEOPLE OF COLORADO FURTHER FIND AND DECLARE THAT INDUSTRIAL HEMP SHOULD BE REGULATED SEPARATELY FROM STRAINS OF CANNABIS WITH HIGHER DELTA-9 TETRAHYDROCANNABINOL (THC) CONCENTRATIONS.

(d) THE PEOPLE OF THE STATE OF COLORADO FURTHER FIND AND DECLARE THAT IT IS NECESSARY TO ENSURE CONSISTENCY AND FAIRNESS IN THE APPLICATION OF THIS SECTION THROUGHOUT THE STATE AND THAT, THEREFORE, THE MATTERS ADDRESSED BY THIS SECTION ARE, EXCEPT AS SPECIFIED HEREIN, MATTERS OF STATEWIDE CONCERN.

(2) Definitions. AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES,

(a) "COLORADO MEDICAL MARIJUANA CODE" MEANS ARTICLE 43.3 OF TITLE 12, COLORADO REVISED STATUTES.

(b) "CONSUMER" MEANS A PERSON TWENTY-ONE YEARS OF AGE OR OLDER WHO PURCHASES MARIJUANA OR MARIJUANA PRODUCTS FOR PERSONAL USE BY

PERSONS TWENTY-ONE YEARS OF AGE OR OLDER, BUT NOT FOR RESALE TO OTHERS.

(c) "DEPARTMENT" MEANS THE DEPARTMENT OF REVENUE OR ITS SUCCESSOR AGENCY.

(d) "INDUSTRIAL HEMP" MEANS THE PLANT OF THE GENUS CANNABIS AND ANY PART OF SUCH PLANT, WHETHER GROWING OR NOT, WITH A DELTA-9 TETRAHYDROCANNABINOL CONCENTRATION THAT DOES NOT EXCEED THREE-TENTHS PERCENT ON A DRY WEIGHT BASIS.

(e) "LOCALITY" MEANS A COUNTY, MUNICIPALITY, OR CITY AND COUNTY.

(f) "MARIJUANA" OR "MARIHUANA" MEANS ALL PARTS OF THE PLANT OF THE GENUS CANNABIS WHETHER GROWING OR NOT, THE SEEDS THEREOF, THE RESIN EXTRACTED FROM ANY PART OF THE PLANT, AND EVERY COMPOUND, MANUFACTURE, SALT, DERIVATIVE, MIXTURE, OR PREPARATION OF THE PLANT, ITS SEEDS, OR ITS RESIN, INCLUDING MARIHUANA CONCENTRATE. "MARIJUANA" OR "MARIHUANA" DOES NOT INCLUDE INDUSTRIAL HEMP, NOR DOES IT INCLUDE FIBER PRODUCED FROM THE STALKS, OIL, OR CAKE MADE FROM THE SEEDS OF THE PLANT, STERILIZED SEED OF THE PLANT WHICH IS INCAPABLE OF GERMINATION, OR THE WEIGHT OF ANY OTHER INGREDIENT COMBINED WITH MARIJUANA TO PREPARE TOPICAL OR ORAL ADMINISTRATIONS, FOOD, DRINK, OR OTHER PRODUCT.

(g) "MARIJUANA ACCESSORIES" MEANS ANY EQUIPMENT, PRODUCTS, OR MATERIALS OF ANY KIND WHICH ARE USED, INTENDED FOR USE, OR DESIGNED FOR USE IN PLANTING, PROPAGATING, CULTIVATING, GROWING, HARVESTING, COMPOSTING, MANUFACTURING, COMPOUNDING, CONVERTING, PRODUCING, PROCESSING, PREPARING, TESTING, ANALYZING, PACKAGING, REPACKAGING, STORING, VAPORIZING, OR CONTAINING MARIJUANA, OR FOR INGESTING, INHALING, OR OTHERWISE INTRODUCING MARIJUANA INTO THE HUMAN BODY.

(h) "MARIJUANA CULTIVATION FACILITY" MEANS AN ENTITY LICENSED TO CULTIVATE, PREPARE, AND PACKAGE MARIJUANA AND SELL MARIJUANA TO RETAIL MARIJUANA STORES, TO MARIJUANA PRODUCT MANUFACTURING FACILITIES, AND TO OTHER MARIJUANA CULTIVATION FACILITIES, BUT NOT TO CONSUMERS.

(i) "MARIJUANA ESTABLISHMENT" MEANS A MARIJUANA CULTIVATION FACILITY, A MARIJUANA TESTING FACILITY, A MARIJUANA PRODUCT MANUFACTURING FACILITY, OR A RETAIL MARIJUANA STORE.

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(j) "MARIJUANA PRODUCT MANUFACTURING FACILITY" MEANS AN ENTITY LICENSED TO PURCHASE MARIJUANA; MANUFACTURE, PREPARE, AND PACKAGE MARIJUANA PRODUCTS; AND SELL MARIJUANA AND MARIJUANA PRODUCTS TO OTHER MARIJUANA PRODUCT MANUFACTURING FACILITIES AND TO RETAIL MARIJUANA STORES, BUT NOT TO CONSUMERS.

(k) "MARIJUANA PRODUCTS" MEANS CONCENTRATED MARIJUANA PRODUCTS AND MARIJUANA PRODUCTS THAT ARE COMPRISED OF MARIJUANA AND OTHER INGREDIENTS AND ARE INTENDED FOR USE OR CONSUMPTION, SUCH AS, BUT NOT LIMITED TO, EDIBLE PRODUCTS, OINTMENTS, AND TINCTURES.

(l) "MARIJUANA TESTING FACILITY" MEANS AN ENTITY LICENSED TO ANALYZE AND CERTIFY THE SAFETY AND POTENCY OF MARIJUANA.

(m) "MEDICAL MARIJUANA CENTER" MEANS AN ENTITY LICENSED BY A STATE AGENCY TO SELL MARIJUANA AND MARIJUANA PRODUCTS PURSUANT TO SECTION 14 OF THIS ARTICLE AND THE COLORADO MEDICAL MARIJUANA CODE.

(n) "RETAIL MARIJUANA STORE" MEANS AN ENTITY LICENSED TO PURCHASE MARIJUANA FROM MARIJUANA CULTIVATION FACILITIES AND MARIJUANA AND MARIJUANA PRODUCTS FROM MARIJUANA PRODUCT MANUFACTURING FACILITIES AND TO SELL MARIJUANA AND MARIJUANA PRODUCTS TO CONSUMERS.

(o) "UNREASONABLY IMPRACTICABLE" MEANS THAT THE MEASURES NECESSARY TO COMPLY WITH THE REGULATIONS REQUIRE SUCH A HIGH INVESTMENT OF RISK, MONEY, TIME, OR ANY OTHER RESOURCE OR ASSET THAT THE OPERATION OF A MARIJUANA ESTABLISHMENT IS NOT WORTHY OF BEING CARRIED OUT IN PRACTICE BY A REASONABLY PRUDENT BUSINESSPERSON.

(3) Personal use of marijuana. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE FOLLOWING ACTS ARE NOT UNLAWFUL AND SHALL NOT BE AN OFFENSE UNDER COLORADO LAW OR THE LAW OF ANY LOCALITY WITHIN COLORADO OR BE A BASIS FOR SEIZURE OR FORFEITURE OF ASSETS UNDER COLORADO LAW FOR PERSONS TWENTY-ONE YEARS OF AGE OR OLDER:

(a) POSSESSING, USING, DISPLAYING, PURCHASING, OR TRANSPORTING MARIJUANA ACCESSORIES OR ONE OUNCE OR LESS OF MARIJUANA.

(b) POSSESSING, GROWING, PROCESSING, OR TRANSPORTING NO MORE THAN SIX MARIJUANA PLANTS, WITH THREE OR FEWER BEING MATURE, FLOWERING PLANTS, AND POSSESSION OF THE MARIJUANA PRODUCED BY THE PLANTS ON THE PREMISES WHERE THE PLANTS WERE GROWN, PROVIDED THAT THE GROWING TAKES PLACE IN AN ENCLOSED, LOCKED SPACE, IS NOT CONDUCTED OPENLY OR PUBLICLY, AND IS NOT MADE AVAILABLE FOR SALE.

(c) TRANSFER OF ONE OUNCE OR LESS OF MARIJUANA WITHOUT REMUNERATION TO A PERSON WHO IS TWENTY-ONE YEARS OF AGE OR OLDER.

(d) CONSUMPTION OF MARIJUANA, PROVIDED THAT NOTHING IN THIS SECTION SHALL PERMIT CONSUMPTION THAT IS CONDUCTED OPENLY AND PUBLICLY OR IN A MANNER THAT ENDANGERS OTHERS.

(e) ASSISTING ANOTHER PERSON WHO IS TWENTY-ONE YEARS OF AGE OR OLDER IN ANY OF THE ACTS DESCRIBED IN PARAGRAPHS (a) THROUGH (d) OF THIS SUBSECTION.

(4) Lawful operation of marijuana-related facilities. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE FOLLOWING ACTS ARE NOT UNLAWFUL AND SHALL NOT BE AN OFFENSE UNDER COLORADO LAW OR BE A BASIS FOR SEIZURE OR FORFEITURE OF ASSETS UNDER COLORADO LAW FOR PERSONS TWENTY-ONE YEARS OF AGE OR OLDER:

(a) MANUFACTURE, POSSESSION, OR PURCHASE OF MARIJUANA ACCESSORIES OR THE SALE OF MARIJUANA ACCESSORIES TO A PERSON WHO IS TWENTY-ONE YEARS OF AGE OR OLDER.

(b) POSSESSING, DISPLAYING, OR TRANSPORTING MARIJUANA OR MARIJUANA PRODUCTS; PURCHASE OF MARIJUANA FROM A MARIJUANA CULTIVATION FACILITY; PURCHASE OF MARIJUANA OR MARIJUANA PRODUCTS FROM A MARIJUANA PRODUCT MANUFACTURING FACILITY; OR SALE OF MARIJUANA OR MARIJUANA PRODUCTS TO CONSUMERS, IF THE PERSON CONDUCTING THE ACTIVITIES DESCRIBED IN THIS PARAGRAPH HAS OBTAINED A CURRENT, VALID LICENSE TO OPERATE A RETAIL MARIJUANA STORE OR IS ACTING IN HIS OR HER CAPACITY AS AN OWNER, EMPLOYEE OR AGENT OF A LICENSED RETAIL MARIJUANA STORE.

(c) CULTIVATING, HARVESTING, PROCESSING, PACKAGING, TRANSPORTING, DISPLAYING, OR POSSESSING MARIJUANA; DELIVERY OR TRANSFER OF MARIJUANA TO A MARIJUANA TESTING FACILITY; SELLING MARIJUANA TO A MARIJUANA CULTIVATION FACILITY, A MARIJUANA PRODUCT MANUFACTURING FACILITY, OR A RETAIL MARIJUANA STORE; OR THE PURCHASE OF MARIJUANA FROM A MARIJUANA CULTIVATION FACILITY, IF THE PERSON CONDUCTING THE ACTIVITIES DESCRIBED IN THIS PARAGRAPH HAS OBTAINED A CURRENT, VAILD LICENSE TO OPERATE A MARIJUANA CULTIVATION FACILITY OR IS ACTING IN HIS OR HER CAPACITY AS AN OWNER, EMPLOYEE, OR AGENT OF A LICENSED MARIJUANA CULTIVATION FACILITY.

(d) PACKAGING, PROCESSING, TRANSPORTING, MANUFACTURING, DISPLAYING, OR POSSESSING MARIJUANA OR MARIJUANA PRODUCTS; DELIVERY

OR TRANSFER OF MARIJUANA OR MARIJUANA PRODUCTS TO A MARIJUANA TESTING FACILITY; SELLING MARIJUANA OR MARIJUANA PRODUCTS TO A RETAIL MARIJUANA STORE OR A MARIJUANA PRODUCT MANUFACTURING FACILITY; THE PURCHASE OF MARIJUANA FROM A MARIJUANA CULTIVATION FACILITY; OR THE PURCHASE OF MARIJUANA OR MARIJUANA PRODUCTS FROM A MARIJUANA PRODUCT MANUFACTURING FACILITY, IF THE PERSON CONDUCTING THE ACTIVITIES DESCRIBED IN THIS PARAGRAPH HAS OBTAINED A CURRENT, VALID LICENSE TO OPERATE A MARIJUANA PRODUCT MANUFACTURING FACILITY OR IS ACTING IN HIS OR HER CAPACITY AS AN OWNER, EMPLOYEE, OR AGENT OF A LICENSED MARIJUANA PRODUCT MANUFACTURING FACILITY.

(e) POSSESSING, CULTIVATING, PROCESSING, REPACKAGING, STORING, TRANSPORTING, DISPLAYING, TRANSFERRING OR DELIVERING MARIJUANA OR MARIJUANA PRODUCTS IF THE PERSON HAS OBTAINED A CURRENT, VALID LICENSE TO OPERATE A MARIJUANA TESTING FACILITY OR IS ACTING IN HIS OR HER CAPACITY AS AN OWNER, EMPLOYEE, OR AGENT OF A LICENSED MARIJUANA TESTING FACILITY.

(f) LEASING OR OTHERWISE ALLOWING THE USE OF PROPERTY OWNED, OCCUPIED OR CONTROLLED BY ANY PERSON, CORPORATION OR OTHER ENTITY FOR ANY OF THE ACTIVITIES CONDUCTED LAWFULLY IN ACCORDANCE WITH PARAGRAPHS (a) THROUGH (e) OF THIS SUBSECTION.

(5) Regulation of marijuana.

(a) NOT LATER THAN JULY 1, 2013, THE DEPARTMENT SHALL ADOPT REGULATIONS NECESSARY FOR IMPLEMENTATION OF THIS SECTION. SUCH REGULATIONS SHALL NOT PROHIBIT THE OPERATION OF MARIJUANA ESTABLISHMENTS, EITHER EXPRESSLY OR THROUGH REGULATIONS THAT MAKE THEIR OPERATION UNREASONABLY IMPRACTICABLE. SUCH REGULATIONS SHALL INCLUDE:

(I) PROCEDURES FOR THE ISSUANCE, RENEWAL, SUSPENSION, AND REVOCATION OF A LICENSE TO OPERATE A MARIJUANA ESTABLISHMENT, WITH SUCH PROCEDURES SUBJECT TO ALL REQUIREMENTS OF ARTICLE 4 OF TITLE 24 OF THE COLORADO ADMINISTRATIVE PROCEDURE ACT OR ANY SUCCESSOR PROVISION;

(II) A SCHEDULE OF APPLICATION, LICENSING AND RENEWAL FEES, PROVIDED, APPLICATION FEES SHALL NOT EXCEED FIVE THOUSAND DOLLARS, WITH THIS UPPER LIMIT ADJUSTED ANNUALLY FOR INFLATION, UNLESS THE DEPARTMENT DETERMINES A GREATER FEE IS NECESSARY TO CARRY OUT ITS RESPONSIBILITIES UNDER THIS SECTION, AND PROVIDED FURTHER, AN ENTITY THAT IS LICENSED UNDER THE COLORADO MEDICAL MARIJUANA CODE TO CULTIVATE OR SELL MARIJUANA OR TO MANUFACTURE MARIJUANA PRODUCTS

AT THE TIME THIS SECTION TAKES EFFECT AND THAT CHOOSES TO APPLY FOR A SEPARATE MARIJUANA ESTABLISHMENT LICENSE SHALL NOT BE REQUIRED TO PAY AN APPLICATION FEE GREATER THAN FIVE HUNDRED DOLLARS TO APPLY FOR A LICENSE TO OPERATE A MARIJUANA ESTABLISHMENT IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION;

(III) QUALIFICATIONS FOR LICENSURE THAT ARE DIRECTLY AND DEMONSTRABLY RELATED TO THE OPERATION OF A MARIJUANA ESTABLISHMENT;

(IV) SECURITY REQUIREMENTS FOR MARIJUANA ESTABLISHMENTS;

(V) REQUIREMENTS TO PREVENT THE SALE OR DIVERSION OF MARIJUANA AND MARIJUANA PRODUCTS TO PERSONS UNDER THE AGE OF TWENTY-ONE;

(VI) LABELING REQUIREMENTS FOR MARIJUANA AND MARIJUANA PRODUCTS SOLD OR DISTRIBUTED BY A MARIJUANA ESTABLISHMENT;

(VII) HEALTH AND SAFETY REGULATIONS AND STANDARDS FOR THE MANUFACTURE OF MARIJUANA PRODUCTS AND THE CULTIVATION OF MARIJUANA;

(VIII) RESTRICTIONS ON THE ADVERTISING AND DISPLAY OF MARIJUANA AND MARIJUANA PRODUCTS; AND

(IX) CIVIL PENALTIES FOR THE FAILURE TO COMPLY WITH REGULATIONS MADE PURSUANT TO THIS SECTION.

(b) IN ORDER TO ENSURE THE MOST SECURE, RELIABLE, AND ACCOUNTABLE SYSTEM FOR THE PRODUCTION AND DISTRIBUTION OF MARIJUANA AND MARIJUANA PRODUCTS IN ACCORDANCE WITH THIS SUBSECTION, IN ANY COMPETITIVE APPLICATION PROCESS THE DEPARTMENT SHALL HAVE AS A PRIMARY CONSIDERATION WHETHER AN APPLICANT:

(I) HAS PRIOR EXPERIENCE PRODUCING OR DISTRIBUTING MARIJUANA OR MARIJUANA PRODUCTS PURSUANT TO SECTION 14 OF THIS ARTICLE AND THE COLORADO MEDICAL MARIJUANA CODE IN THE LOCALITY IN WHICH THE APPLICANT SEEKS TO OPERATE A MARIJUANA ESTABLISHMENT; AND

(II) HAS, DURING THE EXPERIENCE DESCRIBED IN SUBPARAGRAPH (I), COMPLIED CONSISTANTLY WITH SECTION 14 OF THIS ARTICLE, THE PROVISIONS OF THE COLORADO MEDICAL MARIJUANA CODE AND CONFORMING REGULATIONS.

TITLES AND TEXT

(c) IN ORDER TO ENSURE THAT INDIVIDUAL PRIVACY IS PROTECTED, NOTWITHSTANDING PARAGRAPH (a), THE DEPARTMENT SHALL NOT REQUIRE A CONSUMER TO PROVIDE A RETAIL MARIJUANA STORE WITH PERSONAL INFORMATION OTHER THAN GOVERNMENT-ISSUED IDENTIFICATION TO DETERMINE THE CONSUMER'S AGE, AND A RETAIL MARIJUANA STORE SHALL NOT BE REQUIRED TO ACQUIRE AND RECORD PERSONAL INFORMATION ABOUT CONSUMERS OTHER THAN INFORMATION TYPICALLY ACQUIRED IN A FINANCIAL TRANSACTION CONDUCTED AT A RETAIL LIQUOR STORE.

(d) THE GENERAL ASSEMBLY SHALL ENACT AN EXCISE TAX TO BE LEVIED UPON MARIJUANA SOLD OR OTHERWISE TRANSFERRED BY A MARIJUANA CULTIVATION FACILITY TO A MARIJUANA PRODUCT MANUFACTURING FACILITY OR TO A RETAIL MARIJUANA STORE AT A RATE NOT TO EXCEED FIFTEEN PERCENT PRIOR TO JANUARY 1, 2017 AND AT A RATE TO BE DETERMINED BY THE GENERAL ASSEMBLY THEREAFTER, AND SHALL DIRECT THE DEPARTMENT TO ESTABLISH PROCEDURES FOR THE COLLECTION OF ALL TAXES LEVIED. PROVIDED, THE FIRST FORTY MILLION DOLLARS IN REVENUE RAISED ANNUALLY FROM ANY SUCH EXCISE TAX SHALL BE CREDITED TO THE PUBLIC SCHOOL CAPITAL CONSTRUCTION ASSISTANCE FUND CREATED BY ARTICLE 43.7 OF TITLE 22, C.R.S., OR ANY SUCCESSOR FUND DEDICATED TO A SIMILAR PURPOSE. PROVIDED FURTHER, NO SUCH EXCISE TAX SHALL BE LEVIED UPON MARIJUANA INTENDED FOR SALE AT MEDICAL MARIJUANA CENTERS PURSUANT TO SECTION 14 OF THIS ARTICLE AND THE COLORADO MEDICAL MARIJUANA CODE.

(e) NOT LATER THAN OCTOBER 1, 2013, EACH LOCALITY SHALL ENACT AN ORDINANCE OR REGULATION SPECIFYING THE ENTITY WITHIN THE LOCALITY THAT IS RESPONSIBLE FOR PROCESSING APPLICATIONS SUBMITTED FOR A LICENSE TO OPERATE A MARIJUANA ESTABLISHMENT WITHIN THE BOUNDARIES OF THE LOCALITY AND FOR THE ISSUANCE OF SUCH LICENSES SHOULD THE ISSUANCE BY THE LOCALITY BECOME NECESSARY BECAUSE OF A FAILURE BY THE DEPARTMENT TO ADOPT REGULATIONS PURSUANT TO PARAGRAPH (a) OR BECAUSE OF A FAILURE BY THE DEPARTMENT TO PROCESS AND ISSUE LICENSES AS REQUIRED BY PARAGRAPH (g).

(f) A LOCALITY MAY ENACT ORDINANCES OR REGULATIONS, NOT IN CONFLICT WITH THIS SECTION OR WITH REGULATIONS OR LEGISLATION ENACTED PURSUANT TO THIS SECTION, GOVERNING THE TIME, PLACE, MANNER AND NUMBER OF MARIJUANA ESTABLISHMENT OPERATIONS; ESTABLISHING PROCEDURES FOR THE ISSUANCE, SUSPENSION, AND REVOCATION OF A LICENSE ISSUED BY THE LOCALITY IN ACCORDANCE WITH PARAGRAPH (h) OR (i), SUCH PROCEDURES TO BE SUBJECT TO ALL REQUIREMENTS OF ARTICLE 4 OF TITLE 24 OF THE COLORADO ADMINISTRATIVE PROCEDURE ACT OR ANY SUCCESSOR PROVISION; ESTABLISHING A SCHEDULE OF ANNUAL OPERATING, LICENSING, AND APPLICATION FEES FOR MARIJUANA ESTABLISHMENTS,

PROVIDED, THE APPLICATION FEE SHALL ONLY BE DUE IF AN APPLICATION IS SUBMITTED TO A LOCALITY IN ACCORDANCE WITH PARAGRAPH (i) AND A LICENSING FEE SHALL ONLY BE DUE IF A LICENSE IS ISSUED BY A LOCALITY IN ACCORDANCE WITH PARAGRAPH (h) OR (i); AND ESTABLISHING CIVIL PENALTIES FOR VIOLATION OF AN ORDINANCE OR REGULATION GOVERNING THE TIME, PLACE, AND MANNER OF A MARIJUANA ESTABLISHMENT THAT MAY OPERATE IN SUCH LOCALITY. A LOCALITY MAY PROHIBIT THE OPERATION OF MARIJUANA CULTIVATION FACILITIES, MARIJUANA PRODUCT MANUFACTURING FACILITIES, MARIJUANA TESTING FACILITIES, OR RETAIL MARIJUANA STORES THROUGH THE ENACTMENT OF AN ORDINANCE OR THROUGH AN INITIATED OR REFERRED MEASURE; PROVIDED, ANY INITIATED OR REFERRED MEASURE TO PROHIBIT THE OPERATION OF MARIJUANA CULTIVATION FACILITIES, MARIJUANA PRODUCT MANUFACTURING FACILITIES, MARIJUANA TESTING FACILITIES, OR RETAIL MARIJUANA STORES MUST APPEAR ON A GENERAL ELECTION BALLOT DURING AN EVEN NUMBERED YEAR.

(g) EACH APPLICATION FOR AN ANNUAL LICENSE TO OPERATE A MARIJUANA ESTABLISHMENT SHALL BE SUBMITTED TO THE DEPARTMENT. THE DEPARTMENT SHALL:

(I) BEGIN ACCEPTING AND PROCESSING APPLICATIONS ON OCTOBER 1, 2013;

(II) IMMEDIATELY FORWARD A COPY OF EACH APPLICATION AND HALF OF THE LICENSE APPLICATION FEE TO THE LOCALITY IN WHICH THE APPLICANT DESIRES TO OPERATE THE MARIJUANA ESTABLISHMENT;

(III) ISSUE AN ANNUAL LICENSE TO THE APPLICANT BETWEEN FORTY-FIVE AND NINETY DAYS AFTER RECEIPT OF AN APPLICATION UNLESS THE DEPARTMENT FINDS THE APPLICANT IS NOT IN COMPLIANCE WITH REGULATIONS ENACTED PURSUANT TO PARAGRAPH (a) OR THE DEPARTMENT IS NOTIFIED BY THE RELEVANT LOCALITY THAT THE APPLICANT IS NOT IN COMPLIANCE WITH ORDINANCES AND REGULATIONS MADE PURSUANT TO PARAGRAPH (f) AND IN EFFECT AT THE TIME OF APPLICATION, PROVIDED, WHERE A LOCALITY HAS ENACTED A NUMERICAL LIMIT ON THE NUMBER OF MARIJUANA ESTABLISHMENTS AND A GREATER NUMBER OF APPLICANTS SEEK LICENSES, THE DEPARTMENT SHALL SOLICIT AND CONSIDER INPUT FROM THE LOCALITY AS TO THE LOCALITY'S PREFERENCE OR PREFERENCES FOR LICENSURE; AND

(IV) UPON DENIAL OF AN APPLICATION, NOTIFY THE APPLICANT IN WRITING OF THE SPECIFIC REASON FOR ITS DENIAL.

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(h) IF THE DEPARTMENT DOES NOT ISSUE A LICENSE TO AN APPLICANT WITHIN NINETY DAYS OF RECEIPT OF THE APPLICATION FILED IN ACCORDANCE WITH PARAGRAPH (g) AND DOES NOT NOTIFY THE APPLICANT OF THE SPECIFIC REASON FOR ITS DENIAL, IN WRITING AND WITHIN SUCH TIME PERIOD, OR IF THE DEPARTMENT HAS ADOPTED REGULATIONS PURSUANT TO PARAGRAPH (a) AND HAS ACCEPTED APPLICATIONS PURSUANT TO PARAGRAPH (g) BUT HAS NOT ISSUED ANY LICENSES BY JANUARY 1, 2014, THE APPLICANT MAY RESUBMIT ITS APPLICATION DIRECTLY TO THE LOCALITY, PURSUANT TO PARAGRAPH (e), AND THE LOCALITY MAY ISSUE AN ANNUAL LICENSE TO THE APPLICANT. A LOCALITY ISSUING A LICENSE TO AN APPLICANT SHALL DO SO WITHIN NINETY DAYS OF RECEIPT OF THE RESUBMITTED APPLICATION UNLESS THE LOCALITY FINDS AND NOTIFIES THE APPLICANT THAT THE APPLICANT IS NOT IN COMPLIANCE WITH ORDINANCES AND REGULATIONS MADE PURSUANT TO PARAGRAPH (f) IN EFFECT AT THE TIME THE APPLICATION IS RESUBMITTED AND THE LOCALITY SHALL NOTIFY THE DEPARTMENT IF AN ANNUAL LICENSE HAS BEEN ISSUED TO THE APPLICANT. IF AN APPLICATION IS SUBMITTED TO A LOCALITY UNDER THIS PARAGRAPH, THE DEPARTMENT SHALL FORWARD TO THE LOCALITY THE APPLICATION FEE PAID BY THE APPLICANT TO THE DEPARTMENT UPON REQUEST BY THE LOCALITY. A LICENSE ISSUED BY A LOCALITY IN ACCORDANCE WITH THIS PARAGRAPH SHALL HAVE THE SAME FORCE AND EFFECT AS A LICENSE ISSUED BY THE DEPARTMENT IN ACCORDANCE WITH PARAGRAPH (g) AND THE HOLDER OF SUCH LICENSE SHALL NOT BE SUBJECT TO REGULATION OR ENFORCEMENT BY THE DEPARTMENT DURING THE TERM OF THAT LICENSE. A SUBSEQUENT OR RENEWED LICENSE MAY BE ISSUED UNDER THIS PARAGRAPH ON AN ANNUAL BASIS ONLY UPON RESUBMISSION TO THE LOCALITY OF A NEW APPLICATION SUBMITTED TO THE DEPARTMENT PURSUANT TO PARAGRAPH (g). NOTHING IN THIS PARAGRAPH SHALL LIMIT SUCH RELIEF AS MAY BE AVAILABLE TO AN AGGRIEVED PARTY UNDER SECTION 24-4-104, C.R.S., OF THE COLORADO ADMINISTRATIVE PROCEDURE ACT OR ANY SUCCESSOR PROVISION.

(i) IF THE DEPARTMENT DOES NOT ADOPT REGULATIONS REQUIRED BY PARAGRAPH (a), AN APPLICANT MAY SUBMIT AN APPLICATION DIRECTLY TO A LOCALITY AFTER OCTOBER 1, 2013 AND THE LOCALITY MAY ISSUE AN ANNUAL LICENSE TO THE APPLICANT. A LOCALITY ISSUING A LICENSE TO AN APPLICANT SHALL DO SO WITHIN NINETY DAYS OF RECEIPT OF THE APPLICATION UNLESS IT FINDS AND NOTIFIES THE APPLICANT THAT THE APPLICANT IS NOT IN COMPLIANCE WITH ORDINANCES AND REGULATIONS MADE PURSUANT TO PARAGRAPH (f) IN EFFECT AT THE TIME OF APPLICATION AND SHALL NOTIFY THE DEPARTMENT IF AN ANNUAL LICENSE HAS BEEN ISSUED TO THE APPLICANT. A LICENSE ISSUED BY A LOCALITY IN ACCORDANCE WITH THIS PARAGRAPH SHALL HAVE THE SAME FORCE AND EFFECT AS A LICENSE ISSUED BY THE DEPARTMENT IN ACCORDANCE WITH PARAGRAPH (g) AND THE HOLDER OF SUCH LICENSE SHALL NOT BE SUBJECT TO REGULATION OR ENFORCEMENT BY THE DEPARTMENT DURING THE TERM OF THAT LICENSE. A SUBSEQUENT OR RENEWED LICENSE MAY BE ISSUED UNDER THIS PARAGRAPH ON AN ANNUAL

BASIS IF THE DEPARTMENT HAS NOT ADOPTED REGULATIONS REQUIRED BY PARAGRAPH (a) AT LEAST NINETY DAYS PRIOR TO THE DATE UPON WHICH SUCH SUBSEQUENT OR RENEWED LICENSE WOULD BE EFFECTIVE OR IF THE DEPARTMENT HAS ADOPTED REGULATIONS PURSUANT TO PARAGRAPH (a) BUT HAS NOT, AT LEAST NINETY DAYS AFTER THE ADOPTION OF SUCH REGULATIONS, ISSUED LICENSES PURSUANT TO PARAGRAPH (g).

(j) NOT LATER THAN JULY 1, 2014, THE GENERAL ASSEMBLY SHALL ENACT LEGISLATION GOVERNING THE CULTIVATION, PROCESSING AND SALE OF INDUSTRIAL HEMP.

(6) Employers, driving, minors and control of property.

(a) NOTHING IN THIS SECTION IS INTENDED TO REQUIRE AN EMPLOYER TO PERMIT OR ACCOMMODATE THE USE, CONSUMPTION, POSSESSION, TRANSFER, DISPLAY, TRANSPORTATION, SALE OR GROWING OF MARIJUANA IN THE WORKPLACE OR TO AFFECT THE ABILITY OF EMPLOYERS TO HAVE POLICIES RESTRICTING THE USE OF MARIJUANA BY EMPLOYEES.

(b) NOTHING IN THIS SECTION IS INTENDED TO ALLOW DRIVING UNDER THE INFLUENCE OF MARIJUANA OR DRIVING WHILE IMPAIRED BY MARIJUANA OR TO SUPERSEDE STATUTORY LAWS RELATED TO DRIVING UNDER THE INFLUENCE OF MARIJUANA OR DRIVING WHILE IMPAIRED BY MARIJUANA, NOR SHALL THIS SECTION PREVENT THE STATE FROM ENACTING AND IMPOSING PENALTIES FOR DRIVING UNDER THE INFLUENCE OF OR WHILE IMPAIRED BY MARIJUANA.

(c) NOTHING IN THIS SECTION IS INTENDED TO PERMIT THE TRANSFER OF MARIJUANA, WITH OR WITHOUT REMUNERATION, TO A PERSON UNDER THE AGE OF TWENTY-ONE OR TO ALLOW A PERSON UNDER THE AGE OF TWENTY-ONE TO PURCHASE, POSSESS, USE, TRANSPORT, GROW, OR CONSUME MARIJUANA.

(d) NOTHING IN THIS SECTION SHALL PROHIBIT A PERSON, EMPLOYER, SCHOOL, HOSPITAL, DETENTION FACILITY, CORPORATION OR ANY OTHER ENTITY WHO OCCUPIES, OWNS OR CONTROLS A PROPERTY FROM PROHIBITING OR OTHERWISE REGULATING THE POSSESSION, CONSUMPTION, USE, DISPLAY, TRANSFER, DISTRIBUTION, SALE, TRANSPORTATION, OR GROWING OF MARIJUANA ON OR IN THAT PROPERTY.

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(7) Medical marijuana provisions unaffected. NOTHING IN THIS SECTION SHALL BE CONSTRUED:

(a) TO LIMIT ANY PRIVILEGES OR RIGHTS OF A MEDICAL MARIJUANA PATIENT, PRIMARY CAREGIVER, OR LICENSED ENTITY AS PROVIDED IN SECTION 14 OF THIS ARTICLE AND THE COLORADO MEDICAL MARIJUANA CODE;

(b) TO PERMIT A MEDICAL MARIJUANA CENTER TO DISTRIBUTE MARIJUANA TO A PERSON WHO IS NOT A MEDICAL MARIJUANA PATIENT;

(c) TO PERMIT A MEDICAL MARIJUANA CENTER TO PURCHASE MARIJUANA OR MARIJUANA PRODUCTS IN A MANNER OR FROM A SOURCE NOT AUTHORIZED UNDER THE COLORADO MEDICAL MARIJUANA CODE;

(d) TO PERMIT ANY MEDICAL MARIJUANA CENTER LICENSED PURSUANT TO SECTION 14 OF THIS ARTICLE AND THE COLORADO MEDICAL MARIJUANA CODE TO OPERATE ON THE SAME PREMISES AS A RETAIL MARIJUANA STORE; OR

(e) TO DISCHARGE THE DEPARTMENT, THE COLORADO BOARD OF HEALTH, OR THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT FROM THEIR STATUTORY AND CONSTITUTIONAL DUTIES TO REGULATE MEDICAL MARIJUANA PURSUANT TO SECTION 14 OF THIS ARTICLE AND THE COLORADO MEDICAL MARIJUANA CODE.

(8) Self-executing, severability, conflicting provisions. ALL PROVISIONS OF THIS SECTION ARE SELF-EXECUTING EXCEPT AS SPECIFIED HEREIN, ARE SEVERABLE, AND, EXCEPT WHERE OTHERWISE INDICATED IN THE TEXT, SHALL SUPERSEDE CONFLICTING STATE STATUTORY, LOCAL CHARTER, ORDINANCE, OR RESOLUTION, AND OTHER STATE AND LOCAL PROVISIONS.

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

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 or Colorado Revised Statutes. The text of the measure that will appear in the Colorado Constitution and 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.

Amendment 65
Colorado Congressional Delegation to
Support Campaign Finance Limits
(Constitutional and Statutory Amendment)

Ballot Title: Shall there be amendments to the Colorado constitution and the Colorado revised statutes concerning support by Colorado's legislative representatives for a federal constitutional amendment to limit campaign contributions and spending, and, in connection therewith, instructing Colorado's congressional delegation to propose and support, and the members of Colorado's state legislature to ratify, an amendment to the United States constitution that allows congress and the states to limit campaign contributions and spending?

TITLES AND TEXT

Text of Measure:

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

In the constitution of the state of Colorado, **amend** section 1 of Article XXVIII as follows:

Section 1. Purposes and findings. The people of the state of Colorado hereby find and declare that large campaign contributions to political candidates create the potential for corruption and the appearance of corruption; that large campaign contributions made to influence election outcomes allow wealthy individuals, corporations, and special interest groups to exercise a disproportionate level of influence over the political process; that the rising costs of campaigning for political office prevent qualified citizens from running for political office; that because of the use of early voting in Colorado timely notice of independent expenditures is essential for informing the electorate; that in recent years the advent of significant spending on electioneering communications, as defined herein,

has frustrated the purpose of existing campaign finance requirements; that independent research has demonstrated that the vast majority of televised electioneering communications goes beyond issue discussion to express electoral advocacy; that political contributions from corporate treasuries are not an indication of popular support for the corporation's political ideas and can unfairly influence the outcome of Colorado elections; and that the interests of the public are best served by limiting campaign contributions, ~~encouraging voluntary~~ ESTABLISHING campaign spending limits, providing for full and timely disclosure of campaign contributions, independent expenditures, and funding of electioneering communications, and strong enforcement of campaign finance requirements.

In Colorado Revised Statutes, **amend** 1-45-102 as follows:

1-45-102. Legislative declaration. The people of the state of Colorado hereby find and declare that large campaign contributions to political candidates allow wealthy contributors and special interest groups to exercise a disproportionate level of influence over the political process; that large campaign contributions create the potential for corruption and the appearance of corruption; that the rising costs of campaigning for political office prevent qualified citizens from running for political office; and that the interests of the public are best served by limiting campaign contributions, ~~encouraging voluntary~~ ESTABLISHING campaign spending limits, full and timely disclosure of campaign contributions, and strong enforcement of campaign laws.

In Colorado Revised Statutes, 1-45-103.7 **add** (9) as follows:

1-45-103.7. Contribution limits - treatment of independent expenditure committees - contributions from limited liability companies - definitions - voter instructions on spending limits.

(9) (a) THE VOTERS INSTRUCT THE COLORADO CONGRESSIONAL DELEGATION TO PROPOSE AND SUPPORT, AND THE COLORADO STATE LEGISLATURE TO RATIFY, AN AMENDMENT TO THE UNITED STATES CONSTITUTION THAT ALLOWS CONGRESS AND THE STATES TO LIMIT CAMPAIGN CONTRIBUTIONS AND SPENDING, TO ENSURE THAT ALL CITIZENS, REGARDLESS OF WEALTH, CAN EXPRESS THEIR VIEWS TO ONE ANOTHER AND THEIR GOVERNMENT ON A LEVEL PLAYING FIELD.

(b) THE PROVISIONS OF THIS SUBSECTION SHALL TAKE EFFECT ON JANUARY 1, 2013, AND BE APPLICABLE THEREAFTER.

LOCAL ELECTION OFFICES

Adams	4430 South Adams County Parkway Brighton, CO 80601-8207	(720) 523-6500
Alamosa	402 Edison Ave., Alamosa, CO 81101	(719) 589-6681
Arapahoe	5334 S. Prince St., Littleton, CO 80166	(303) 795-4511
Archuleta	449 San Juan, Pagosa Springs, CO 81147	(970) 264-8331
Baca	741 Main St., 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, Conejos, CO 81129	(719) 376-5422
Costilla	400 Gasper St., San Luis, CO 81152	(719) 672-3301
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 St., 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 2220 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
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) 824-9104 ext. 3
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. 3
Prowers	301 S. Main St. #210, Lamar, CO 81052	(719) 336-8011
Pueblo	720 N. Main St., 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. 5
Washington	150 Ash, Akron, CO 80720	(970) 345-6565
Weld	1402 N. 17th Ave., Greeley, CO 80632	(970) 304-6525
Yuma	310 Ash St., Suite F, Wray, CO 80758	(970) 332-5809