

LWVCO PROGRAM FOR STUDY AND ACTION

POSITIONS FOR ACTION

2011-2013

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FOREWORD

League program consists of governmental issues chosen by members for study and ultimate action. These may range from educational activities in the community to legislative lobbying. In addition to approved program, the League is empowered to take action to protect the right to vote of every citizen and to implement League principles.

This publication summarizes the state program of the League of Women Voters of Colorado for 2011-2013 with position statements which form the basis for action, background of each program item, and previous action.

THE LEAGUE OF WOMEN VOTERS MISSION STATEMENT

The League of Women Voters, a nonpartisan, political organization, encourages informed and active participation in government and influences public policy through education and advocacy.

PRINCIPLES OF THE LEAGUE OF WOMEN VOTERS OF THE UNITED STATES

The League of Women Voters believes:

In representative government and in the individual liberties established in the Constitution of the United States.

That democratic government depends upon the informed and active participation of its citizens and requires that governmental bodies protect the citizen's right to know by giving adequate notice of proposed actions, holding open meetings and making public records accessible.

That every citizen should be protected in the right to vote; that every person should have access to free public education which provides equal opportunity for all; and that no person or group should suffer legal, economic or administrative discrimination.

That efficient and economical government requires competent personnel, the clear assignment of responsibility, adequate financing and coordination among the different agencies of government.

That responsible government should be responsive to the will of the people; that government should maintain an equitable and flexible system of taxation; promote the conservation and development of natural resources in the public interest; share in the solution of economic and social problems which affect the general welfare; promote a sound economy and adopt domestic policies which facilitate the solution of international problems.

That cooperation with other nations is essential in the search for solutions to world problems, and that the development of international organizations and international law is imperative in the promotion of world peace.

PRINCIPLE OF THE LEAGUE OF WOMEN VOTERS OF COLORADO

Sustainability is a way of life which seeks a balance in meeting current environmental, economic and human needs without compromising the ability of future generations to meet the same goal.

The concept of Sustainability is implicit in the Principles of the League of Women Voters. League positions are in compliance with the fundamental principle of Sustainability, recognizing the interdependency among issues of public policy, and the impact of current decisions on the global welfare of future generations. (Adopted May 2010)

TABLE OF CONTENTS

FOREWARD	2
PRINCIPLES	2
POSITIONS IN BRIEF	4
GOVERNMENT	6
Campaign Finance	6
Colorado Constitution.....	7
Fiscal Policy.....	8
General Assembly.....	12
Initiative Process.....	13
Justice System.....	14
Juvenile Justice	16
Local Government	17
Precinct Caucus/Assembly System.....	18
Redistricting.....	18
Reproductive Choice.....	20
School Finance (K-12).....	21
Transportation.....	23
Voting Rights	24
NATURAL RESOURCES	27
Air Quality	27
Energy	28
Environmental Planning and Management.....	28
Hazardous Materials	29
Land Use.....	30
Solid Waste Management and Disposal	32
Water.....	32
SOCIAL POLICY	35
Child Care.....	35
Children’s Support Systems.....	35
Education	36
Equality of Opportunity.....	38
Gun Control.....	39
Health Care	40
Higher Education.....	42
Housing.....	44
Immigration.....	45
Income Assistance	46
PROGRAM PROCESS	47
Procedures for Suggesting State League Program.....	47
Adoption of LWVCO Program at State Convention	47
Adoption of Emergency State League Program at Council.....	47
League Research-Study-Discussion Process	47
Consensus and Concurrence	48
Action by League Members and Boards.....	48
Local League Action on State or National Positions	48
State Level Action on National Positions	48
Acting on the Principles of the League of Women Voters	48

POSITIONS IN BRIEF

GOVERNMENT

CAMPAIGN FINANCE (LWVUS position).

Methods of financing political campaigns should ensure the public's right to know, combat corruption and undue influence, enable candidates to compete more equitably for public office, and allow maximum citizen participation in the political process.

COLORADO CONSTITUTION. Support for clarity of language and suitability of topic and detail in proposed constitutional amendments.

FISCAL POLICY. Support adequate and flexible funding of state government programs through an equitable tax system that is progressive and incorporates social, environmental and economic goals. Oppose earmarking of funds and sales tax on food.

GENERAL ASSEMBLY (LWVUS position).

Support responsive legislative processes characterized by accountability, representativeness, decision-making capability and effective performance. Promote a dynamic balance of power between the executive and legislative branches within the framework set by the Constitution.

INITIATIVE PROCESS. Support for more stringent requirements for the passage of constitutional amendments than for initiated statutes and protection from legislative change for initiated statutes for a minimum of two years.

JUSTICE SYSTEM. Support of non-partisan selection of judges on an appointive-retentive basis. Support of measures which facilitate efficient administration of justice rather than incarceration for nonviolent offenders. Support of sentencing measures that protect the community, compensate victims and the community for the crimes of adult offenders, rehabilitate offenders, and emphasize the use of community-based sanctions.

JUVENILE JUSTICE. Support of a juvenile justice system that has as its primary purpose the rehabilitation, safety and well being of the offender. Support of a system that promotes the juvenile's understanding of the harm done and his/her responsibility to make amends to the victim and the community, emphasizes alternatives to detention or

commitment, and promotes the protection of the community and the juvenile's successful reentry into the community.

LOCAL GOVERNMENT. Local governments should be accountable, responsive, flexible, efficient, effective, able to raise sufficient revenues to perform their duties, and have adequate constitutional and statutory powers to cope effectively.

PRECINCT CAUCUS/ASSEMBLY SYSTEM.

League supports both the system of precinct caucuses and party assemblies and the petition process for candidates to be placed on the primary ballot..

REDISTRICTING LEGISLATIVE AND CONGRESSIONAL DISTRICTS.

Support of measures to establish an agency other than the General Assembly to redistrict the Colorado General Assembly and the Colorado U.S. Congressional Districts. Support of redrawing the districts of both houses of the state legislature and the Colorado U.S. Congressional Districts based on specific criteria.

REPRODUCTIVE CHOICE (LWVUS position).

Protect the constitutional right of privacy of the individual to make reproductive choices.

SCHOOL FINANCE (Pre-K-12). Support for a state finance system that would equalize opportunity and relieve the property tax.

TRANSPORTATION. Support for a state Department of Transportation to plan and coordinate all transportation modes in order to provide a balanced transportation system in Colorado which gives consideration to the needs of regional, county and local governments. Funding for transportation should come from federal, state and local sources.

VOTING RIGHTS (LWVUS position). Protect the right of every citizen to vote; encourage all citizens to vote.

NATURAL RESOURCES

AIR QUALITY (LWVUS position). Support of actions to improve air quality by reducing vehicular pollution, regulating and reducing stationary source

pollution and ambient toxic-air pollutants, and reducing transboundary air pollutants.

ENERGY (LWVUS position). Support of policies to reduce energy growth rates, encourage use of a variety of energy sources including renewable, mandate energy conservation measures, and assist low-income populations when policies bear unduly on the poor.

ENVIRONMENTAL PLANNING AND MANAGEMENT. Support of measures to improve the coordination, effectiveness and efficiency of governmental units in Colorado and measures which promote integrated planning for environmental management, wise use of Colorado's natural resources, comprehensive statewide planning for land use, and a balanced transportation system.

HAZARDOUS MATERIALS. Support for adequate safeguards in the production, transportation, use, treatment, disposal and storage of hazardous and radioactive materials.

LAND USE. LWVCO supports responsible land use planning by all levels of government. LWVCO supports the creation of regional boards and commissions to address regional concerns.

SOLID WASTE MANAGEMENT AND DISPOSAL (LWVUS position). The League supports policies to reduce the generation and to promote the reuse and recycling of solid and hazardous waste; policies to ensure safe treatment, transportation, storage and disposal of solid and hazardous wastes in order to protect public health, air, water and land resources; and planning and decision-making processes that recognize suitable solid and hazardous wastes as potential resources.

WATER. Support of measures that promote the wise and balanced use of water in Colorado.

SOCIAL POLICY

CHILD CARE. Support state licensing and oversight by an adequate number of trained staff, and ensure availability of affordable quality child care to all children who need it.

CHILDREN'S SUPPORT SYSTEMS. Support measures to encourage public responsibility for the protection, care and training of children, recognizing the primary importance of parental responsibility.

EDUCATION. Support of a pre-K through 12 public education system in which a balanced curriculum of humanities, arts and sciences leads to life-long learning for all students. Support of a stronger leadership role for the Colorado Department of Education to promote educational improvements and standards for early childhood education.

EQUALITY OF OPPORTUNITY (LWVUS position). Support of equality of opportunity for education, employment and housing for all persons in the country regardless of race, color, gender, religion, national origin, age, sexual orientation or disability.

GUN CONTROL (LWVUS position). Protect the health and safety of citizens through limiting the accessibility and regulating the ownership of handguns and semi-automatic weapons. Support regulation of firearms for consumer safety.

HEALTH CARE. Support access to adequate health care with funding by state and federal monies where necessary.

HIGHER EDUCATION. Higher education is a primary educational, research, cultural and economic force in Colorado. The State of Colorado has a responsibility to support its public institutions of higher education and to assist the people of Colorado in attaining a postsecondary education.

HOUSING (LWVUS position). The responsibility to provide a decent home and suitable living environment for every American family rests primarily with the federal government, which should give incentives to local jurisdictions to achieve these goals and provide assistance in the form of income and/or subsidized housing when necessary.

IMMIGRATION (LWVUS position). Promote reunification of immediate families; meet the economic, business and employment needs of the United States; be responsive to those facing political persecution or humanitarian crises; and provide for student visas. Ensure fair treatment under the law for all persons. In transition to a reformed system, support provisions for unauthorized immigrants already in the country to earn legal status.

INCOME ASSISTANCE (LWVUS position). Support programs and policies to prevent or reduce poverty and to promote self-sufficiency for individuals and families.

GOVERNMENT

CAMPAIGN FINANCE

Action at the State Level on National Position.

POSITION: (*Adopted 1974, rev. 1982*)

The League of Women Voters of the United States believes that the methods of financing political campaigns should ensure the public's right to know, combat corruption and undue influence, enable candidates to compete more equitably for public office, and allow maximum citizen participation in the political process.

This position is applicable to all federal campaigns for public office - presidential and congressional, primaries as well as general elections. It also may be applied to state and local campaigns.

HISTORY

Beginning in 1992, LWVCO worked with Colorado Common Cause (CCC) and other groups to get campaign finance legislation passed in the General Assembly and, failing that, to get a citizen-sponsored initiative to reform campaign financing on the ballot and passed.

The legislative route proved to be a failure. For years LWVCO lobbied the legislature for strong campaign reform, but all of the bills that we supported died in committee. Finally in 1996 the legislature passed and the governor signed a weak bill with very high contribution limits, no spending limits and serious loopholes.

Meanwhile, LWVCO worked successfully with CCC and CoPIRG (Colorado Public Interest Research Group) and a coalition of 18 other organizations to place a reform measure on the November 1994 ballot. This measure, Amendment 15, called for \$100-\$500 contribution limits, more disclosure and enforcement by a separate commission. It failed narrowly at the polls because of an extremely well financed opposition campaign by wealthy special interests in Colorado and elsewhere. Early in 1995, the LWVCO Education Fund published a study of Colorado campaign finances drawing on statistics compiled over the past twenty years by CCC, LWVCO and CoPIRG.

In 1996 LWVCO, CCC and CoPIRG launched another petition drive and succeeded in getting a measure on the

November ballot - again Amendment 15 - with \$100 and \$500 contribution limits, voluntary spending limits and more disclosure. The measure passed overwhelmingly with 66% of the vote.

Three law suits were promptly filed in US District Court against the Colorado Secretary of State claiming the amendment (now called the Fair Campaign Practices Act) violated the First and Fourteenth Amendments regarding free speech and freedom of association. Plaintiffs included Right-to-Life groups, the Colorado Education Association and the Republican Party. The consolidated suits were heard in US District Court March-June 1998. In April 1998 Judge Daniel Sparr ruled that most of the voluntary spending limits and reporting requirements for independent expenditures were constitutional.

The November 1998 election proceeded under Amendment 15 rules. All candidates accepted the voluntary spending limits. A distinct lowering of expenditures in contested races occurred.

In August 1999 Judge Sparr ruled the \$500 and \$100 limits for statewide and legislative races were unconstitutionally low. He also ruled the \$250 contribution limits to political committees unconstitutional. However, Judge Sparr ruled that the state did have a right to regulate campaign contributions to prevent corruption and the appearance of corruption, and left in place limits on political parties' contributions to candidates, limits on individual contributions to parties, and aggregate limits on Political Action Committee (PAC) contributions to candidates.

This decision pleased neither side, and both appealed. Meanwhile, in the 2000 Colorado legislative session, a bill passed which gutted Amendment 15 - a statute, vulnerable to legislative change - providing very high contribution limits, allowing corporate and union contributions to candidates, abolishing voluntary spending limits, and generally leaving large loopholes for big money to dominate the process.

The 2000 general election, held under these rules, saw a great increase in very expensive campaigns. In December 2000 the US Tenth Circuit declared most of Amendment 15 moot (because of the intervening legislation gutting Amendment 15) and reversed the lower court's ruling on disclosure of independent expenditures.

In 2002 the League joined with longtime allies Colorado Common Cause and CoPIRG to launch a third initiative for campaign reform, this time as a constitutional amendment. This initiative had \$200 and \$500 contribution limits to candidates, a variety of limits on political parties and PACs, voluntary spending limits with incentives, financial disclosure from so-called “educational issue” committees, and special incentives for small donor committees receiving \$50 or less from contributors. As Amendment 27, it passed overwhelmingly, again with 66% of the vote.

“Educational Issue” committees began to appear in 1998 and became really influential in the 2000 election. They claimed not to support or oppose candidates but only to provide “education” to voters. Their ads clearly presented favorable or unfavorable views of candidates, but since they did not use the magic words “vote for,” “vote against” or similar language, they claimed to be immune from regulation. These magic words were cited in the landmark US Supreme Court decision on campaign reform, *Buckley v. Valeo* (1976).

In July 2003 James Bopp, counsel for the Colorado Right-to-Life Committee (CRLC) and Colorado Citizens for Responsible Government, filed suit in US District Court against the Colorado Secretary of State arguing that Amendment 27 regulates issue advocacy, bans corporations from making electioneering communications, does not exclude organizations whose major purpose is other than express advocacy, and prevents CRG from business activity or receiving corporate contributions, all of which, it claims, are unconstitutional.

League and CCC were *amicus curiae* (friends of the court) in this case, meaning that we submitted written briefs in support of Amendment 27, but did not participate in the court proceedings. The LWVCO Education Fund received a grant of \$25,000 from the Deer Creek Foundation in St. Louis, Missouri, for expenses in the case. The District Court decided partly in favor of the plaintiffs; the decision was appealed by the Secretary of State to the US Court of Appeals for the Tenth Circuit. On August 21, 2007 the Court of Appeals affirmed the lower court decision; it ruled that CRLC’s major purpose was not to support or oppose political candidates, but to promote respect for human life.

The General Assembly passed and the Governor signed the Clean Campaign Act in 2007, which requires so-called “527 committees” to report contributions and spending on the same schedule as candidates’ committees. These committees had claimed, as had

educational issues committees, to be spending on issue advocacy only.

In 2008 the General Assembly passed and the Governor signed a measure supported by LWVCO closing a loophole in the enforcement statutes implementing Amendment 27. Reports of campaign finance violations made by citizens and enforcement of any relevant sanctions are brought under the implementing statutes.

On January 21, 2010, a bitterly divided US Supreme Court, in *Citizens United v. FEC*, ruled that the government may not ban political spending by corporations in candidate elections, on the grounds that the government has no business regulating political speech. In other words, corporations have the same First Amendment rights as individuals. The majority opinion did not remove bans on direct contributions to candidates, but the two sides disagreed about whether independent expenditures came close to amounting to the same thing. This ruling represents an enormous doctrinal change and it will have major political consequences. By extension, it will also apply to labor unions.

COLORADO CONSTITUTION

POSITION IN BRIEF:

Support for clarity of language and suitability of topic and detail in proposed constitutional amendments.

POSITION:

For the purpose of evaluating the Colorado Constitution and proposed constitutional amendments in terms of clarity of language, suitability of topic and detail, the LWVCO favors use of the following criteria.

The Constitution and proposed amendments should:

- Guarantee the rights of individuals.
- Provide for establishment of the executive, legislative and judicial branches; establish the basic function of each with checks and balances; provide clearly defined lines of authority and responsibility and grant them adequate powers to carry out these responsibilities.
- Provide a flexible framework for effective state and local government, broad enough to allow for changing conditions.
- Be a concise, understandable, and integrated statement of basic law, free from statutory detail and obsolete provisions, logically organized, and internally consistent.

- Provide methods to amend, revise or replace the Constitution.
- Allow intergovernmental cooperation.
- Establish the power to tax but leave specifics of structure and detail to enactment by the General Assembly.
- Be consistent with the Federal Constitution.
- Prohibit the Colorado General Assembly from changing an initiated statutory revision for a specific period of time except in the case of Supreme Court review on constitutionality. That period of time should be at least two years from the time of implementation of the statute. This portion of the constitution position has been incorporated into the "Initiative Process in Colorado" position.

HISTORY

In 1963 the LWVCO undertook a major study of the Colorado Constitution which included the framework of state government, the three branches of government and those fiscal and local governmental powers defined in the Constitution. This study and resulting positions were the basis for action regarding the judicial system and apportionment for many years and led to more detailed studies of such issues as financing state government and financing education.

In 1981 the League again adopted a study of the Colorado Constitution focused primarily on the methods of changing the Constitution. In 1983 the specific focus was on the legislative and executive powers as they related to managing and meeting the state's current and evolving needs. The executive and legislative sections of the Colorado Constitution were found to be basically acceptable in their present form.

In 1993 the Legislature referred a constitutional amendment to the voters limiting future constitutional amendments to a "single subject clearly expressed in the title." The LWVCO supported this amendment, and it was adopted by the voters in the 1994 General Election.

Since the legislature can change a statutory amendment as soon as it is adopted, many persons using the initiative process recently have preferred to propose constitutional rather than statutory amendments. Some of these proposals would have been more appropriate as statutes - subject to change - since they have created conflicting revenue and budgetary problems that have restrained the state government's ability to adequately address key problems.

League would support a measure to encourage the use of statutory rather than constitutional amendments as long as there is at least a two-year waiting period before changes can be made. In 2008 LWVCO supported SCR3 Changes to Initiatives which made it to the ballot as Referendum O. This amendment would have increased the number of petition signatures required for constitutional initiatives and lowered them for statutory initiatives, required a geographical distribution for signatures, changed the time lines for the petition process, and increased protection to statutory amendments from legislative changes. LWV supported efforts to educate voters on the issue but Referendum O was defeated in the general election. A similar SCR 3 in 2010 and SCR 1 in 2011 died before getting to the ballot.

Referendum Q on the 2010 ballot was supported by LWVCO. This successful amendment provided a process for temporarily moving the seat of government in case of a disaster emergency.

FISCAL POLICY

POSITION IN BRIEF:

Support adequate and flexible funding of state government programs through an equitable tax system that is progressive and which incorporates social, environmental and economic goals. Oppose earmarking of funds and sales tax on food.

POSITION: (Adopted 1979-1981)

Revenue:

- Support a system to raise revenue which incorporates social, environmental and economic goals.
- Support the use of the following criteria for evaluating Colorado revenue structure: ability to pay, equitable, certain, convenient, economical and flexible. Also adequate, reliable, elastic, diverse and simple.
- Support for a progressive state income tax, individual and corporate.
- Support for state revenue from the severance tax.
- Support of a raise in taxes and/or elimination, reduction or shift of funding from other programs when revenues are insufficient to finance a League-supported program.
- Oppose a sales tax on food.
- Earmarking funds is necessary in some cases but should be used on a limited basis and with discretion.

Budget and Expenditures:

The following concepts should be included in the state of Colorado's budget-building process:

- A three-year budget cycle.
- Consideration of fiscal consequences of alternative future policies and funding.
- Development of spending priorities.
- Long-range planning.

The budget-building process should be carried out within the constitutional framework of a dynamic balance between the executive and legislative branches of government. The budget process should incorporate significant participation by the executive branch and cooperation between the executive and legislative branches.

Capital Development:

The following options for funding capital investments should be available to the state of Colorado:

- Debt financing - support for revenue bonds without the need for a vote because existing revenue is already in place for funding such bonds.
- Debt financing - support for general obligation debt funding, provided that these conditions are met:
 - a. a vote of the citizens on bond issues be required;
 - b. a statutory limit be placed on the amount that can be raised by such a method; and
 - c. the use of general obligation bond funding be limited to capital investments. (Debt financing would require a constitutional change.)
- Changes in the tax structure at the state or local level.
- Creation of special funds.
- An annual state capital budget and appropriation bill.

Assessment:

Assessors should be appointed rather than elected. Professional qualifications for assessors should be established by the state. The state should control property tax assessment by requiring training for assessors and their staffs, enforcing equalized assessments throughout the state and by adopting measures to decrease the time between completion of building construction and liability for taxes.

HISTORY

From 1977 through 1979, LWVCO studied "The Money Exchange: Study of Revenue Sources and their Effects on the Taxpayer."

From 1979 through 1981, LWV expanded the Fiscal study to include "A Study of Colorado Revenue Structure: Expenditures, including services, budgeting and spending." Over the years the position has been updated as needed.

Budget

Each year the League analyzes and comments on the state budget. We have neither supported nor opposed the budget since 1986. The passage of TABOR and Amendment 23 (specifying K-12 spending), combined with difficult economies since 2000, have so limited the flexibility of the Joint Budget Committee that there is little discretion. Our fiscal focus has been on ways to return flexibility to the legislature in making the budget and to find sources of revenue to meet the needs of the state.

Capital Development

In 1981 the League supported legislation to establish a capital needs fund and an administering committee that would prioritize the need to build and maintain state-owned facilities. The Capital Development Committee was established in 1985. The intention was to have long-range planning for capital construction and controlled maintenance. The budget constraints resulting from TABOR and poor economies in the period from 2000-2012 have reduced the ability of that committee to meet its goals.

Earmarking of Taxes

In general the League opposes earmarking of tax receipts because doing so limits the ability of elected representatives to do their jobs. However, the post-TABOR environment has often made earmarking the only way to gain popular support for revenue enhancements. The League has continued to oppose earmarking of TABOR surplus funds, but has been lenient in support of tax increase proposals that have appeared on the ballot. We have supported some tax increases where the revenue was designated for a related purpose, such as the increased cigarette tax whose revenue was used for health care. TABOR's requirement that all tax increases be voted on, and the public's appetite for taxes that are earmarked for specific purposes, challenge this position. However, we continue to believe that representative government means placing the responsibility for determining the use of funds with the people elected to do that job.

Food Sales Tax

The LWVCO also has a strong position against sales tax on food. In 1980 the League successfully worked for the repeal of the state sales tax on food. In 1987

LWVCO successfully opposed the reintroduction of a sales tax on food for the purpose of funding two new prisons. Again in 1989 the same issue was proposed in a special session of the legislature. This also failed. In 1997 a bill was introduced to remove local sales tax on food, but because it did NOT allow for replacement revenue, it was defeated.

Fuel Taxes, Auto Registration Fees, Transportation

In 1986 LWVCO supported a successful proposal to increase fuel taxes for the state's transportation system. Again in 1988, the League supported the governor's transportation bill designed to raise revenue for the construction of high priority highway projects. It failed. In 1996 and 1997 the League opposed earmarking of General Fund revenue for highways. The proposal passed in 1997. In 2009 the League supported the FASTER bill, increasing vehicle registration fees and penalties for late renewals. The funds were to be devoted to repairing bridges and overpasses. This earmarking was deemed reasonable because of the nexus between vehicles and roads. In 2010 and 2011 some of the penalties for late renewal were scaled back.

Tax Reform.

LWVCO has supported simplified income tax codes that still require as many people as possible to participate in funding state needs, commensurate with ability. We have supported progressive taxation and opposed a flat tax. With the passage of the TABOR amendment, the constitution now requires a flat income tax.

In 2010 LWVCO supported Senate Joint Resolution 2, which requested that the University of Denver undertake a study of the financing of state and local government in Colorado, the first comprehensive study of Colorado's tax system since 1959. The Center for Colorado's Economic Future (CCEF) released the first phase of this study in April, 2011. Among the findings was recognition that Colorado's revenue system no longer reflected the nature of its economic activity and, as a result, may not be as equitable as the system once was. The study also highlighted the fact that earmarking of revenue rendered the system inflexible in dealing with changing times. The experience of LWVCO as it evaluates the needs of the state and the ways to fund those needs mirrors the CCEF findings.

Tax and Spending Limits

LWVCO opposes constitutional amendments that restrict taxes and spending. These measures undermine the philosophy of representative government and impose severe restrictions that prevent an equitable and flexible system of taxation. They reduce the ability of elected

officials to provide adequate funding for state and local government, schools, highways and public welfare programs. The passage of Article X, Section 20, of the Colorado Constitution (TABOR) imposed both revenue and spending limits on all levels of government. Since 1992 when that act was passed, many localities have voted to override the limitations on local tax collection and spending. The advocates for tax and spending limits have responded with initiated constitutional amendments to reverse the effect of these votes and to further limit taxes and fees imposed for specific purposes. LWVCO has opposed these. None has been successful.

The fiscal straitjacket that is Article X, Section 20, was particularly limiting after the recession of 2001, as the state tried to recover from revenue reductions and spending cuts in FY 2001-2 and 2002-3.

Revenue Reduction

Since the passage of Article X, Section 20 (TABOR), and because of its ramifications for both state and local governments, the League has carefully watched proposals that would reduce revenue. Although our analysis has consistently found that the Business Personal Property Tax harms job creation overall, eliminating it would reduce revenues to counties that might need to be backfilled by state funds, which have been greatly reduced by tax cuts.

In 2011 LWVCO supported a successful bill (SB 184) to evaluate tax expenditures (tax credits and exemptions) that reduce tax revenues by giving special consideration, mostly to business. Tax credits and exemptions can be net tax revenue generators if the business development goal is successful. However, economic theory suggests they should be temporary. Just as various spending and regulatory programs are subject to "sunset" reviews periodically, so should tax expenditures.

LWVCO and TABOR

LWVCO opposed TABOR and worked, unsuccessfully, with a coalition to defeat the amendment. Since its passage, we continue to support limitations on it and ways to return to representative government.

WHAT IS TABOR ?

In 1992 Colorado voters adopted an amendment to Article X, Section 20 of the State Constitution by a majority of 53.6%. Labeled by its author as the Taxpayers Bill of Rights (TABOR), the amendment dramatically changed the financial management practices of Colorado's state and local governments by putting strict limitations on the amount of tax revenues and fees for services they can collect and spend.

What TABOR does:

- Makes all tax increases by all government units subject to approval by the voters, thus undermining the principles of representative government and local control.
- Limits spending increases by all levels of government to inflation plus growth. Since passage, many municipalities have voted to override the limits on tax receipts and spending.
- Originally limited growth in state's General Fund spending to the amount of growth plus inflation over a base of the prior year's spending. This prevented the state from recovering after a recession, effectively "ratcheting down" spending permanently. In 2005 voters in Colorado passed Referendum C, which eliminated the ratchet effect by allowing General Fund spending to grow from the prior year's spending limit, rather than the prior year's actual spending.
- Caps property taxes, hurting local governments and school districts. Property taxes are among those whose caps have been removed in some political subdivisions.
- Does not allow for changing economic conditions in the state.
- Requires all levels of government to build emergency funds, but strictly limits how they can be spent and replaced.
- Specifies that state income tax will be a flat percentage of federal adjusted gross income, making Colorado vulnerable to federal tax policy changes.

TABOR is long, complex, detailed and inflexible. As a result, the General Assembly has created convoluted "work-arounds" to meet the needs of the state. These have survived legal challenges.

TABOR Surplus

TABOR mandates that surplus revenue over the allowable limit be refunded to the taxpayers. This sounds easier than it is, since determining who has paid how much "excess" revenue is difficult. Initially, refunds were made to specific special interests – primarily, but not exclusively, to help the less fortunate. However, in 1999 and 2000 both sales and income taxes were cut to avoid collecting excess revenue in the first place. Knowing that Colorado has a boom and bust economy, League strongly opposed making these tax cuts permanent, preferring cuts that had a time limit. The difficulties of the years 2001 to the present have shown the wisdom of temporary tax cuts, rather than permanent ones.

In 2004, despite a recovering economy, the increase in spending was limited to 4.4% over the prior year, making it impossible to restore significant spending cuts that hurt the poor, almost eliminated transportation spending, and required changes in the way that higher education was funded to avoid further TABOR-mandated cuts. This was a classic case of "ratcheting down." Tax cuts of 1999 and 2000 set Colorado up for problems; the soft economy of 2001-2003 brought significant shortages; TABOR prevented recovery.

In the 2005 session of the General Assembly, a statutory short-term solution to the long-term fiscal crisis was introduced and passed. The proposal sent to the ballot Referendum C, which was a five year "time-out" from TABOR. For five years the state was allowed to retain and spend the TABOR surplus to fund public education, health care and transportation. The measure also repaired the ratchet-down effect, allowing spending and revenues to grow from the prior year's limit instead of the prior year's actual revenue. This change enabled some recovery from the lower revenue of the recession of 2001 and slow recovery. League supported Referendum C. Unfortunately, the financial crisis of 2008 and recession of 2009-10 meant the Ref. C money evaporated in the last two of the five years.

The Gordian Knot

Colorado's fiscal situation suffers from a combination of revenue limits, spending mandates and spending limits. TABOR places spending limits (although relaxed as a result of Referendum C).

The spending mandates have come from two sources. First, Amendment 23, passed in 2000, caused increases in spending on K-12 education to keep up with inflation. Second was the Gallagher Amendment, passed in 1982, which caused residential property taxes to fall. The

Gallagher Amendment divides the state's total property tax burden between residential and nonresidential (commercial) property. According to the amendment, **45%** of the total amount of state property tax collected must come from residential property, and **55%** from commercial property. As a result, in many counties where there is little commercial real estate, property tax revenues have fallen and school funding has been reduced. This has placed more burden on the state to support poorer counties to equalize per pupil spending. Tight budgets in 2008-2012 have caused K-12 education spending to be curtailed, possibly in violation of Amendment 23, although no legal challenges have yet been brought.

The Arveschoug-Bird bill of 1991 appeared to seal in place a spending limit – that General Fund spending could not rise more than 6% above the prior year's spending. Although this was a bill passed by the General Assembly and therefore subject to change by the General Assembly, one legal interpretation (not a court decision) of a TABOR provision stating, "Other limits on district revenue, spending, and debt may be weakened only by future Voter approval" caused it to be accepted as cast in concrete for several years. However, other legal opinions have since contradicted the first.

In 2009 the General Assembly passed SB 228, essentially repealing Arveschoug-Bird. As a result, all revenue from income taxes, sales and use taxes and excise taxes can be used for the needs of the state without spending limit. SB 228 also builds a Rainy Day fund by earmarking 0.5% per year of the monies going to the General Fund until the fund reaches 8% of the General Fund. This is similar to the past, before TABOR and before the laws driving all "excess" General Fund money to transportation and capital construction. In good times, the fund fills up, and in down times, it can be drawn against. The League supported SB 228.

For the most part, this leaves Colorado short of revenues not only in bad times, but also in good ones.

GENERAL ASSEMBLY

Action at the State Level on National Position.

POSITION IN BRIEF:

Support responsive legislative processes characterized by accountability, representativeness, decision-making capability and effective performance. Promote a dynamic balance of power between the executive and

legislative branches within the framework set by the Constitution.

POSITION: *(Adopted 1973, rev. 1982)*

Support of measures to insure that the structures, procedures, and practices of the Colorado legislature be characterized by:

- **Accountability.** A General Assembly responsive to citizens and able to hold its own leaders, committees and members responsible for their actions and decisions.
- **Representativeness.** A General Assembly whose leaders, committees and members represent the state as a whole, as well as their own districts.
- **Decision-Making Capability.** A General Assembly with the knowledge, resources and power to make decisions that meet the needs of Colorado and reconcile conflicting interests and priorities.
- **Effective Performance.** A General Assembly able to function in an efficient manner with a minimum of conflict, wasted time and duplication of effort.
- **Open Government.** A General Assembly whose proceedings in committee as well as on the floor are open to the fullest extent possible.

Based on these criteria LWVCO supports:

- **Leadership and Committees:** implementing a prescribed set of procedures to give the committee itself, rather than the chairman alone, control over committee operations.
- **Committee Assignments:** making assignments achieve representation of diverse interests. Review and continually evaluate the committee system in light of contemporary needs and realities.
- **Decision-Making:** developing mechanisms for determining state priorities. Coordinate fiscal processes in order to consider total programs, establish priorities and examine the expenditures and revenues of the budget as a whole. Eliminate unnecessary secrecy within the General Assembly and between the General Assembly and the Executive Branch. Schedule legislative activities to make effective and responsible use of legislative time. Provide adequate professional staff for legislators and for committees to secure and make effective use of information. Improve the sources and the flow of information through computerization and other methods. Use electronic voting and other time saving devices.
- **Majority Rule and Minority Rights:** providing measures that would facilitate discharge of bills from committees.

- The Right to Know: making available full information from legislative proceedings in committees as well as from floor action.
- Executive Power: the power of the executive should be exercised within the constitutional framework of a dynamic balance between the executive and legislative branches of government.

HISTORY

The LWVCO has never studied the General Assembly as such. Members completed a national study of the U.S. Congress and, as the two bodies are similar, it was proposed and adopted at the 1973 State Convention that the LWVCO extend the LWVUS position on the U.S. Congress to cover structures, practices and procedures of the Colorado General Assembly where applicable.

In 1986 and 1987 the LWVCO helped draft legislation to improve the total budget process and actively lobbied for legislation to create a state ethics commission; neither effort was successful. However, a bill which extended the open meeting requirements of the Sunshine Act to governing boards of state institutions of higher education was passed in 1987. Amendment 41 in 2006 passed providing ethics guidelines for public officers and elected officials.

Finally, years of dissatisfaction with the legislative process culminated in the formation of a statewide coalition called Citizens for Legislative Reform. LWVCO assumed leadership of the coalition, and helped to develop the GAVEL (Give a Vote to Every Legislator) Amendment. GAVEL prohibits three legislative procedural abuses: (1) the "pocket veto," (2) the killing of bills by a rules committee, and (3) the "binding" political party caucus. In 1988 GAVEL was placed on the general election ballot by citizen initiative (LWVCO provided 22,000 of the 68,000 petition signatures submitted). GAVEL passed with 72% of the votes cast.

During the regular and special sessions of the 1989 General Assembly, League lobbyists monitored legislative compliance with GAVEL. The first two provisions were easily implemented. Each bill assigned to a committee received a hearing and was put to a vote (no "pocket vetoes"). Each bill passed by its assigned committee(s) was calendared for action on the floor, and the House Rules Committee was abolished. However, the third provision of GAVEL - prohibition of the "binding" caucus - was violated by the majority party in both houses. Senate Republicans moved quickly to

modify their violation by passing the Long Appropriations Bill from caucus to the floor without a committed vote. House Republicans held the same bill in caucus and pressed for commitment while conducting a series of elaborate, diversionary tactics.

Colorado Common Cause, a member of Citizens for Legislative Reform, brought suit in Denver District Court against 39 House Republicans, claiming violation of the "binding caucus" prohibition in GAVEL. The original case, dismissed on the grounds of absolute immunity for legislators, was appealed directly to the Colorado Supreme Court. In April 1991 the Court ruled that the lower court had been in error in not hearing or ruling on whether GAVEL had been violated. Legislative immunity, as embodied in the speech-or-debate clause of the Colorado Constitution, "does not afford a ground to dismiss a complaint for declaratory relief from alleged violations of the GAVEL amendment." LWVCO lobbyists will continue to urge full compliance with the GAVEL Amendment.

In 2009 HB 1307 authorized televised coverage of the Colorado House of Representatives (joined by the Senate in 2011). The LWVCO supported the move to allow viewing of the floor activities, which with the internet availability of committee meetings provides access to most legislative action without actually being present.

INITIATIVE PROCESS

POSITION IN BRIEF: *Support for more stringent requirements for the passage of constitutional amendments than for initiated statutes and protection from legislative change for initiated statutes for a minimum of two years.*

POSITION: *(Adopted 1995)*

The LWVCO supports:

- A greater number of petition signatures for an initiated constitutional amendment than for an initiated statute.
- A super majority vote of the people for the passage of all (initiated or referred) constitutional amendments except for removing obsolete provisions.
- The current (1995) six-month time for gathering of signatures for both constitutional and statutory initiatives.

- The protection of an approved initiated statute from change by the General Assembly for a minimum of two years. Only a simple majority vote would be necessary after a two-year period.

Exceptions can be made for the following:

- Supreme Court review on constitutionality.
- Technical amendments.

HISTORY

The LWCO supported legislation in 1989 which changed the initiative process to require uniformity of petitions and validation of signatures, and to eliminate the "cure" period for gathering additional signatures after a petition has been filed.

During the 1993 session the LWVCO supported legislation to streamline the petition process, including random sampling to verify signatures, wearing of badges by petition circulators and changes in requirements for local government elections. The "cure" period for gathering additional signatures is now back in Colorado. (The cure period occurs if the initial signatures submitted to the Secretary of State fall short of the required number needed to qualify for the ballot and so an extra amount of time is allowed to gather additional signatures).

The Supreme Court has upheld a provision that petition circulators do not need to wear badges or be registered to vote in Colorado.

LWVCO supported a legislative proposal appearing on the 1996 ballot calling for a 60% supermajority vote for constitutional amendments and protection of voter approved, initiated statutory amendments. Voters defeated this proposal. We opposed legislation calling for a geographical spread of signature requirements for constitutional amendments in 1997. The legislation failed.

In 2008 SCR3 was sent to the ballot with LWVCO support. It was another attempt to increase the number of petition signatures for a constitutional amendment, a geographic distribution of petition signatures, and a six year protection from changes to statutory initiatives unless the General Assembly had a two-thirds vote to change. LWVCO opposed the geographic distribution. This ballot issue failed.

LWVCO has supported several bills over the last few years that attempted to clarify language and instruct

voters, such as including information on what an initiative and referendum are, and wording that a "yes" or "no" vote is to support or oppose the issue. Some have passed and others haven't. We continue to support clarity and transparency of ballot issues.

We have also supported bills that clarify the petition process. Definitions of issue committees and amounts of expenditures that trigger requirements to register as a committee have been proposed in most recent sessions.

JUSTICE SYSTEM

POSITION IN BRIEF:

Support of non-partisan selection of judges on an appointive-retentive basis. Support of measures which facilitate efficient administration of justice rather than incarceration for nonviolent offenders. Support of sentencing measures that protect the community, compensate victims and the community for the crimes of adult offenders, rehabilitate offenders, and emphasize the use of community-based sanctions

POSITION: (Adopted 1978, rev. 1993)

Support of:

Judges:

- Nonpartisan selection of judges on an appointive/retentive basis (reaffirmed in 1977).
- Mandatory training for judges as soon as possible after appointment, including such training as courtroom administration, available sentencing alternatives and court room procedures.
- A program of continuing education, preferably required, for judges.

State Support of Services:

- State support of district and county courts.

Community Corrections:

- Support of community corrections as an alternative to state institutionalization for criminal offenders selected by careful screening procedures.

Department of Corrections:

- Measures which promote redirection of the inmates' lives by providing incentives and opportunities for them to understand their behavior and to cope with societal demands.
- Measures which promote an ongoing diagnostic and screening process to assure proper classification and program placement.

- Measures, which include programs that promote both work and educational experiences.
- Measures which provide a humane and safe environment for inmates and staff.
- Mandatory training for all correctional personnel.
- Education should be an option for inmates, at least on a part-time basis.

Correctional Industries Program:

- The program should have an advisory board which should include representatives of private industry.
- Industries' programs should provide participants with marketable job skills.
- Supervisors should be competent in the work process.
- The product or service produced should be marketable.
- Inmates must perform acceptably.
- Pay scale and employment hours should allow the inmate some choice.

Sentencing: *(Adopted 1993)*

- After considering both aggravating and mitigating circumstances, judges should use the least costly form of punishment consistent with the crime and the offender. Prison should be used primarily for violent offenders.
- The state should consider developing and using sentencing guidelines to ensure statewide judicial consistency in sentencing.
- Offenders should have equal access to adequate legal representation and treatment of offenders should be free of discrimination.
- The array of education and treatment services needed by offenders in prisons and in communities should be adequately funded. These services include basic education, job training, treatment for abuse of alcohol and drugs, and health and mental health care.

Prison Overcrowding *(Adopted 1993)*

Prison overcrowding should be alleviated through:

- Expanding the use of intermediate sanctions for nonviolent offenders and in parole revocation for technical violations. Intermediate sanctions include community corrections, community service, electronic monitoring, intensive supervision probation, restitution, work release, fines, and required community-based treatment for use of alcohol and illegal drugs.
- Increasing the use of boot camp for offenders who agree to participate in this program.

- Allowing judges greater discretion in determining the place* of sentence by reducing the number of offenses that require mandatory prison sentences.

***Note:** Felony offenders can be sentenced to the Department of Corrections (prison) or to the custody of the Judicial Department (probation).

HISTORY

The Colorado judicial system is regarded as a model for other states. This was one of the first states to implement merit selection and tenure in its court system.

In 1966 the LWVCO and the Colorado Bar Association sponsored successful passage of a constitutional amendment which provided for two judicial commissions: 1) to make recommendations to the Governor for the selection of judges for the Supreme Court and the District Court, and 2) to investigate and resolve disciplinary matters concerning alleged judicial willful misconduct or failure to perform duties.

The League supported successful legislation for significant changes in the Colorado Children's Code in 1969.

The 1977 LWVCO Convention adopted the study "Colorado Corrections System with emphasis on goals, programs, facilities, and funding of adult corrections." Prison industries were investigated for their rehabilitative value, as well as cost effectiveness. The study and a new consensus were adopted in 1978.

In 1979 LWVCO successfully supported legislation to direct the Judicial Department to develop a plan for the evaluation of judges seeking retention in office. By 1988 LWVCO supported and the Legislature enacted legislation to establish state and district commissions to evaluate judicial performance prior to elections for the retention of justices and judges. LWVCO has consistently opposed bills introduced periodically that would call for the direct election of judges.

In 1982-83 LWVCO conducted a survey to examine the present Colorado Judicial Nominating Commissions. An overwhelming majority of respondents, including the justices and the Governor's representatives, indicated that the present system is an effective method of filling vacancies and has improved the quality of the judiciary.

In 1987 LWVCO supported successful legislation which increased the salaries of judges in the state court system, increased the number of judges on the Court of Appeals,

mandated the development of risk assessment guidelines for the parole board, provided for an information exchange about parolees and prisoners and facilitated the tracking of offenders through the system.

In 1990 League supported legislation, enacted by the legislature, designed to ease the prison overcrowding crisis by allocating funds to build an additional prison, establish pre-parole facilities and programs, and expand diversion programs and community corrections. The 1991 LWVCO State Convention adopted a two-year program to restudy the justice system to develop positions on sentencing and prison overcrowding. The scope of the study was limited to adult offenders only.

A non-partisan Colorado Commission on Criminal and Juvenile Justice was named in 2007 to undertake a comprehensive analysis of Colorado's criminal code, sentencing laws, prevention programs and other aspects of the criminal justice system. The purpose is to focus on recidivism reduction initiatives and cost-effective expenditure of limited criminal justice funds. Through 2011 many bills have passed the Legislature on the recommendation of the Commission: on sentencing reform, re-entry of individuals into the community from jail and prison, reforms to parole guidelines, changes to Driving Under the Influence (DUI) and Driving While Ability Impaired (DWA) and other aspects of the criminal justice system. The League has supported many in accordance with our positions.

JUVENILE JUSTICE

POSITION IN BRIEF:

Support of a juvenile justice system that has as its primary purpose the rehabilitation, safety and well being of the offender. Support of a system that promotes the juvenile's understanding of the harm done and his/her responsibility to make amends to the victim and the community, emphasizes alternatives to detention or commitment, and promotes the protection of the community and the juvenile's successful reentry into the community.

POSITION:

The League believes a juvenile justice system should include the following features:

- Prevention and early intervention programs.
- Fair and impartial treatment of all offenders.
- Early assessment of the needs of the juveniles.
- Programs that are age and gender appropriate.

- A variety of services including mental health, counseling, and vocational and educational services.
- Family and community involvement.

Programs should be adequately funded, and staff should be appropriately trained. Frequent and thorough oversight and evaluation of staff, programs, and facilities - both public and private - is important. League has strong concerns about charging juveniles as adults, particularly the younger ones. This option should be reserved for the most heinous crimes and only as a last resort.

HISTORY

LWVCO's involvement with the Task Force to Recodify the Children's Code in 1994 and 1995 led to an increasing concern about juvenile justice. We supported legislation creating a youth crime prevention and intervention fund to provide grants to programs for youth crime prevention. We supported legislation that created the Division of Prevention and Intervention Services for Children and Youth within the Department of Public Health and Environment. We also supported continuation of the Youthful Offender System for juveniles charged as adults. LWVCO worked unsuccessfully to defeat legislation that lowered the age at which juveniles may be charged as adults to 12 and lowered the age at which juveniles could be direct-filed on to 14.

Beginning in 2006, we worked to reform laws regarding the direct-file process by supporting bills that raised the age for direct file to 16 and created a reverse transfer process for direct-filed juveniles. We successfully lobbied for passage of a bill that changed the mandatory sentence for juveniles charged as adults with a class I felony from life in prison without parole to life in prison with the possibility of parole after 40 years, but were unsuccessful at making that change retroactive. We also supported bills to encourage the use of restorative justice practices with juveniles, to open up eligibility for sentencing to the Youthful Offender System to more juveniles sentenced as adults, to bring Colorado into compliance with federal law regarding the housing of juveniles in adult jails and lockups, and to allow juveniles charged as adults to be held in a juvenile facility prior to trial.

LOCAL GOVERNMENT

POSITION IN BRIEF:

Local governments should be accountable, responsive, flexible, efficient, effective, able to raise sufficient revenues to perform their duties, and have adequate constitutional and statutory powers to cope effectively

POSITION: (Revised 1986)

Support of measures to improve the coordination, effectiveness, efficiency, and economical operation of local government units.

Counties and Municipalities:

- Alternative forms of local government on a permissive statewide basis should be allowed, and preference should be given to structural county home rule with additional statutory powers, combined city and county governments, and to federations.
- Less populous counties should be permitted to consolidate and all counties should be permitted to modify their structure to achieve a more centralized and efficient extension of state government. Such changes should be efficiently limited to protect the interest of municipalities.
- Proposed municipal incorporation should consider the welfare of the entire area, financial responsibility, and prior existence of a unit of government capable of providing services. The welfare of the entire area should be a prime consideration in annexations and the people affected should have a voice in the decision.

Metropolitan and Urban Areas:

- A form of metropolitan governance should be considered as a means of resolving governmental problems which transcend municipal and county boundaries. Such a form should: reduce duplications and fragmentation of local government so that whenever possible efficiency and economy will result; provide solutions to governmental problems which are equitable, effective and which enhance the environment; be sufficiently flexible to respond to changes in governmental and citizen needs; develop a sense of regional or metropolitan community without destroying a sense of local community; and encourage citizen participation at both regional and local levels.
- A variety of flexible, permissive solutions and standards to deal with the problems in the metropolitan and urban areas of the state should be

employed; however, all school districts should operate under the same law regarding boundaries. (The Denver School District boundaries are the same as those of the City and County of Denver as required in Article XX of the Colorado Constitution. Elsewhere in the state, school district boundaries are determined by guidelines set forth in state statutes and do not have to conform to city or county lines.)

- Home rule cities should be permitted to join other governmental units to provide metropolitan services.
- Metropolitan planning and/or an adaptation of a state planning department is essential to deal with problems unique in metropolitan areas.

Service Authorities:

The following services should be included in state legislation pertaining to service authorities:

- 1st priority: water, sewage, solid waste disposal, storm drainage;
- 2nd priority: mass transportation, land use planning, parks and recreation, libraries, housing;
- Preferred at state level: air and water pollution control.
- Not recommended: police and fire protection.
- Cooperation on the regional level is encouraged.

Special Districts:

- Special districts should be more difficult to form and should be consolidated, dissolved, and/or multi-purpose in nature whenever possible.
- The financial accountability of special districts should be improved and mill levies limited.
- Services should be provided by existing units of government whenever possible.
- Guidance and supervision from a central agency is desirable.

HISTORY

From 1959 to 1963 LWVCO studied local governmental units because counties, municipalities, school districts and special districts did not seem to have adequate constitutional and statutory powers to cope effectively with providing services and exercising controls.

A coalition, including LWVCO, drew up a local government amendment which, after much compromise, was passed by the General Assembly and approved by the voters in November, 1970. It provided for county home rule with only those powers granted by the legislature, home rule for municipalities of any size, and regional service authorities.

Implementing legislation was passed in 1971 to permit counties to adopt structural home rule, and in 1972 to permit the formation of regional service authorities with planning powers, if approved by a majority of voters in two or more counties.

In 1975 legislation supported by League was passed to clarify the procedure for increasing from three to five the membership of the board of county commissioners in counties of over 70,000 population.

In 1985-86 LWVCO did an update of Local Government positions which included a review of special districts and an analysis of problems encountered by local governments who have been the targets of franchisers, developers and other private parties by suits claiming violation of anti-trust laws by these governments.

In 1988 LWVCO supported a successful statutory amendment establishing a sales tax for a Scientific and Cultural Facilities District that includes the metropolitan counties of Boulder, Denver, Jefferson and parts of Adams, Arapahoe and Douglas.

In 1990 LWVCO worked with the Colorado Press Association on a failed petition drive for a Sunshine (Open Meetings) Amendment to cover local governments. However, a successful effort was mounted in the 1991 session of the General Assembly to extend the state Sunshine Law to city councils, county commissions, school boards and special districts.

PRECINCT CAUCUS/ ASSEMBLY SYSTEM

POSITION:

In partisan elections, to assure grass-roots involvement, League supports the continuation of the historic system of precinct caucuses and party assemblies and conventions by the political parties, including the role of assemblies in designating candidates for the primary election ballot. The League supports modifications to make this system more effective. We support the combining of several caucuses at one location, as is currently being done in many counties.

While recognizing the continuing role of the political party assemblies in designating candidates, we also support the opportunity for political party candidates to be placed on the primary election ballot through the petition process. We support modifications to the

petition process to make it more effective and reasonable.

We support extensive efforts by all concerned, including the political parties, media and League to better educate the public about precinct caucuses. In particular, there must be greatly improved information disseminated regarding the time, location and purpose of the precinct caucuses.

REDISTRICTING LEGISLATIVE AND CONGRESSIONAL DISTRICTS

POSITION IN BRIEF:

Support of measures to establish an agency other than the General Assembly to redistrict the Colorado General Assembly and the Colorado Congressional Districts. Support of redrawing the districts of both houses of the state legislature and the Colorado U.S. congressional districts based on specific criteria.

POSITION: (Adopted 1973, rev. 1983, 2011)

Support for the following criteria in order of importance for drawing the boundaries of legislative districts of both houses of the state legislature and of Colorado U.S. congressional districts:

- Each district should have a population as nearly equal as may be required by the Constitution of the U.S., but in no event shall there be more than 5% deviation between the most populous and the least populous district.
- Each district shall be as compact an area as possible and the aggregate linear distance of all district boundaries shall be as short as possible.
- Except when necessary to meet equal population requirements, no part of a county shall be added to all or part of another county in forming districts. Within counties whose territory is contained in more than one district, the number of cities and towns whose territory is contained in more than one district shall be as few as possible.
- Consistent with the preceding criteria, communities of interest including ethnic, cultural, economic trade area, geographic and demographic factors shall be preserved within a single district wherever possible.

HISTORY

Considerable confusion exists between the words “reapportionment” and “redistricting.” In the past,

LWVCO has used the two definitions: “Redistricting” to describe the drawing of Congressional representations and “Reapportionment” to describe the redrawing of State representations. In 2011 the LWVCO position was changed to reflect the fact that the process done by the state is “Redistricting.” “Reapportionment” is the assignment to each state of a number of congressional representatives. It’s a federal process, mandated by the U.S. Constitution, although Congress chooses the exact formula used.

“Redistricting” is the redrawing of Congressional and General Assembly district lines. It’s a process totally controlled by the individual states, subject to using equal population and adherence to the 1964 Voting Rights Act, as well as other state constitutional and statutory requirements and certain federal laws and U.S. Supreme Court rulings.

Although Colorado's original constitution stated that there should be redistricting every five years, this was ignored until 1891. After that, the districts of the General Assembly were redrawn in 1901, 1913, 1933 (by initiative petition) and 1953.

Redistricting was a concern and a problem throughout the 1950s and 1960s. Colorado lawmakers worked on legislative redistricting for seven consecutive years beginning in 1961. There were problems with the district structure at the time and the application of Supreme Court rulings.

Because the 1962 General Assembly rejected all redistricting proposals which were submitted to it by the Legislative Council, 1962 elections were based on Senatorial districts which ranged from 17,381 to 127,520 in population and Representative districts which ranged from 7,520 in Huerfano County to 63,910 in Jefferson County. Colorado was one of the states involved in the U.S. Supreme Court ruling of 1964 that required both houses of state legislatures to have membership based on population and districts as nearly equal in population as practicable.

After the 1970 census, redistricting was considered by the 1972 legislature. The session was the longest on record to date; as many as 90 of the 150 days of the session were spent on discussion of redistricting proposals. The resulting plan was challenged by the minority party, and the Colorado Supreme Court ruled that while the plan met the criterion of equal population, several districts were not compact enough. A reworked plan was submitted to the court for scrutiny before the

final vote was taken by the legislature. The idea of an independent non-partisan redistricting commission surfaced, but it soon became apparent that the legislature would not cooperate.

The League of Women Voters had been involved in the redistricting process since 1956, but our early positions did not include the one person/one vote principle. Early on, the position stated that the districts of only one house needed to be drawn based on population and that the districts of the other house could be drawn based on population with area considerations. In 1962 the position was changed to state that districts of the legislature should be based on population, but that the number represented could vary from 33% above to 33% below a strict population ratio.

In 1973 the LWVCO reviewed the old positions and, with the memory of the 1972 legislative session in mind, adopted a position supporting an independent agency for redrawing of the state legislative districts using certain criteria such as population, compactness, etc.

With this new position, LWVCO initiated a citizen amendment to the constitution that would take redistricting out of the hands of the legislature. To put the amendment on the 1974 ballot, over 57,000 signatures were gathered from all over the state by the LWVCO with the help of the Colorado Bar Association and other organizations.

The amendment gave the job of redistricting to a Reapportionment Commission (its legal name) with appointed members and a deadline for submitting a plan to the Colorado Supreme Court for approval.

The new Reapportionment Commission convened in July, 1981 and adjourned in March, 1982. LWVCO monitored the entire session of the new commission. The object was to observe the process to see if it worked. In the League's opinion it did.

LWVCO Convention in 1983 amended the League’s position to include an independent agency to draw the U.S. Congressional redistricting lines.

After the 2000 census, the General Assembly failed to agree on redrawing the congressional districts; thus, the Colorado courts drew the new boundaries for the seven congressional districts. That move has increased interest in a non-partisan process for redistricting, but the mechanisms to be used differ. League favors a reorganization of the Reapportionment Commission to

make it responsible for redrawing the congressional districts as well as the state legislative districts.

Several attempts have been made by the General Assembly to change the composition of the Reapportionment Commission, as well as one attempt to change the criteria. All failed. However, in 2003 a newly resurgent Republican legislature attempted to draw the lines a second time after the 2000 census. The state Supreme Court ruled against the constitutionality of a second redistricting plan and the U.S. Supreme Court refused to hear the case, leaving the original plan in place.

In 2010 a bill passed that LWVCO opposed, reworking the criteria to be used by the court if the legislature could not reach a redistricting plan. The new criteria were looser than LWVCO's preferred criteria and not prioritized in the same way and allowed the possibility of non-neutral criteria to be used.

In 2011 a bipartisan committee of House and Senate members attempted to redraw Congressional districts and it was hoped that without a new district to add this could be done without resorting to the courts. However, the committee was unable to produce a single map and subsequent House and Senate maps were defeated. It appears that the process will be in the hands of the court once again.

REPRODUCTIVE CHOICE

Action at the State Level on National Position.

POSITION IN BRIEF:

Protect the constitutional right of privacy of the individual to make reproductive choices.

POSITION: *(Announced by LWVUS Board 1983)*

The League of Women Voters of the United States believes that public policy in a pluralistic society must affirm the constitutional right of privacy of the individual to make reproductive choices.

HISTORY

In 1984 LWVCO opposed an initiative passed by the voters to prohibit the use of state funds (Medicaid) for abortions for poor women because it was seen as discrimination against economically disadvantaged women. Since then, many anti-abortion initiatives and legislative bills have come up in Colorado which would have made abortions impossible or very difficult for

different groups of women, and made it dangerous for doctors and their practices to offer the service of abortion.

LWVCO has joined with other organizations to oppose parental notification, late-term abortion restrictions, protection of the viable child, and the so-called women's right to know.

In 1998 an initiative passed in Colorado that would have required notification to a parent that a minor child was seeking an abortion. The measure was struck down as unconstitutional by the Tenth Circuit Court of Appeals on the basis of failing to provide an adequate health exception. In the 2003 legislature, a similar bill, only slightly revised, passed on the last day of the legislative session.

In 2000 Governor Bill Owens removed funding for 14 rural health clinics run by Planned Parenthood because the organization provided abortions. These clinics were not providing abortions, but this loss, combined with reduced federal funding, meant that by 2002 many medical services previously free were now being charged on a sliding scale, still beyond the reach of many.

LWVCO opposed a bill in 2003 that would increase regulatory burdens on abortion providers, which failed. Also in 2003 LWVCO supported a bill that would give sexual assault victims information about emergency contraception. It failed, but was passed in 2005 only to be vetoed by Governor Owens, and eventually passed and signed by Governor Ritter in 2007.

In 2008 LWVCO supported a successful bill that increased the poverty level for Medicaid recipients, which enabled previously uncovered Coloradans to receive assistance with reproductive services – but not abortions.

In 2010 and again in 2011, several bills concerned with murder or violence committed against the unborn failed (LWVCO opposed). HB 1021, supported by LWVCO, was signed by Governor Ritter to assure that reproductive services are included in insurance coverage.

In 2008 and 2010 initiatives appeared on the ballot to define when life begins. Both failed. However, bills that come up concerning fetal murder and injury are attempts at keeping the issue in the forefront. LWVCO has opposed these and other issues which may lead to restrictions on reproductive choice.

SCHOOL FINANCE (Pre-K-12)

Note: This section deals with the financing of public schools (including charter schools) and for each year may include three types of information: 1) the school finance bill and any other bills that primarily impact school financing; 2) issues related to special state funds set aside for education; and 3) state financial responsibilities related to education (e.g., lawsuits, ballot issues, etc.). Legislation related to state, district or school programs, policies and procedures can be found in the Education section under the major heading of SOCIAL POLICY.

POSITION IN BRIEF:

Support for a state finance system that would equalize opportunity and relieve the property tax.

POSITION: (Adopted 1968, rev. 1985)

Support of a state finance system that would provide sufficient funds for public schools to equalize educational opportunity and relieve the property tax.

A state school finance system should include the following objectives:

- Equity for students, taxpayers and school districts.
- Adequate sources of revenue.
- Support for high-cost programs for students with special needs.
- Local school district control over the use of funds and the raising of revenue over the state determined level.
- Incentives for efficiency and effectiveness, including cooperation among school districts to assure availability of adequate facilities.
- Support for some state participation in the funding of Capital Reserve Funds of local school districts with special needs or unusual situations.

HISTORY

Since the passage of Amendment 23 in 2000, the yearly school finance bill establishes the increase in basic per pupil funding AND includes “new” funding proposals such as new programs, increased or decreased funding for existing programs, deleting programs – all constitute amendments to existing state statute. In most years, there are so many new proposals, with League supporting some and opposing others, that the Legislative Action Committee (LAC) takes a Watch position on the school finance bill. Instead of following all new proposals through the legislative process, LAC

focuses on those which relate to LWVCO positions, especially very strong support or oppose positions, for School Finance or Education. In some cases, positions for other areas such as Income Assistance or Juvenile Justice contribute to a focus on a given proposal in the school finance bill.

The LWVCO has concentrated on school finance since 1968, supporting the School Finance Act of 1973 and amendments to that law which increased funding equity for districts. LWVCO has also supported funding for disadvantaged students and for districts with rapidly rising and falling enrollments.

In the early 1980s, it became clear that the 1973 School Finance Act was beyond reform and that a new system was needed. From 1983 to 1985, the LWVCO studied and came to consensus on school finance. At the same time, League initiated a broad-based coalition, including educational, civic, business and agricultural organizations, to conduct an in-depth study of the issue. The Coalition to Improve School Finance developed and published a series of recommendations and also sponsored a bill that contained our recommendations. It failed.

However, pressure was building to accomplish a complete overhaul of the school finance system and to address the inequities which had increased since 1973. This was achieved with the School Finance Act of 1988, probably the single most important bill of the session. LWVCO supported this plan, designed to be phased in over a three-year period, to provide a more uniform system of funding K-12 education for Colorado.

In fact, the 1988 act was never fully phased in, and for some years, the chief demand of the pro-education community was “full-funding” of the school finance law.

With the adoption in 1992 of the Bird-Arveschoug 6% limit on state spending and the voter-approved Taxpayer Bill of Rights (TABOR) amendment to the state constitution, which limited state and local taxation and spending, funding for public schools became even more difficult. (See Fiscal Policy section.)

The General Assembly subsequently adopted the Public School Finance Act of 1994, which is the current state school finance structure, although it has been modified each year. The 1994 Act provided a formula for distribution of state and local school finance dollars which can be adjusted to meet the amount to be appropriated. Total funding to a local school district

(state and local dollars) is on a per pupil basis adjusted for such factors as local cost of living, size of school district and number of at-risk pupils.

As a result of the TABOR amendment, local dollars for schools have generally remained at a stable level since mill levies cannot be increased without a citizen vote, and increased dollars have come mostly from state appropriations. The result is that the state by 1999 provided a substantially increased share of school finance money, from 43% in 1988 to 57% in 1999.

State school funding has not kept up with the shift from local to state dollars and steady, substantial increases in student population, and the funding of schools has fallen well behind inflation. As a result, Colorado's per pupil funding, formerly well up in the top half of states, dropped to the lower part of the bottom half of states.

By far the most significant development in many years in funding Colorado's schools occurred in the 2000 general election when Colorado voters approved the citizen-initiated Amendment 23, supported by LWVCO. Designed to give Colorado schools a major financial shot in the arm, this amendment to the Colorado Constitution addressed the failure to match growth in inflation by mandating future per pupil expenditures to increase by the rate of inflation plus one percent for the next ten years, and by the rate of inflation thereafter. The amendment also earmarked 0.33% of state income tax money to go to a newly created State Education Fund which is exempt from the 6% and TABOR limits. This money is available to aid in funding the school finance act and also for new programs. Legislation was adopted in the 2001 session to implement Amendment 23 and to provide the initial utilization of State Education Fund moneys.

The School Finance Act for 2004 reduced the anticipated funding for schools by nearly \$39M. Funding related to additional factors (e.g., cost of living, number of at-risk students, etc.) was cut by \$21M. Sponsors made this reduction based on the interpretation that Amendment 23 applied only to the basic funding allotment and not to additional factors. The remaining \$18M reduction was achieved by repealing the school district property tax revenue limit, allowing school districts to make adjustments in how local school district mill levies were calculated.

The 2005 legislative session was more supportive of public education and tried to resolve some of the problems created by legislation passed in the prior year. The School Finance Act included several

positive features: English language learners were added to the definition of at-risk students, more positions were funded for the Colorado Preschool Program and some funding was restored for schools labeled "unsatisfactory" under the Colorado Student Assessment Program (CSAP).

Two program areas (Special Education and Preschool) where LWVCO has strong support positions received increased funding in 2006. Important improvements for Special Education used Referendum C money to increase the 2005-06 budget by \$20M and provide assistance for high-cost students with severe or multiple disabilities. The Colorado Preschool Program Act was renamed Colorado Preschool and Kindergarten Act to allow at-risk children not ready for kindergarten to be eligible for full-day kindergarten funding. The goal of adding 6,000 preschool positions had to be scaled back to 2,000 in 2006-07, with 2,000 to be added in each of the next two years.

Additional financial issues dealt with in the 2006 legislature: set how to handle costs related to educating juveniles in a detention facility; provided grants (\$1M) for intensive summer school programs for pupils entering grades 4-8 who scored Unsatisfactory on prior CSAP; restored \$500,000 for School Breakfast program for students from low-income families; settled on \$7.8M for capital construction for Charter Schools.

The State Education Fund created by Amendment 23 had been depleted as a result of the recession early in this decade, thus it was not available to help with 2007 financial decisions. In 2007 the Governor proposed freezing decreases in local property taxes as a way to allow school districts to cover a greater portion of their education programs, thus requiring less in state funds. This proposal was quite controversial both from a constitutional perspective (i.e., would a freeze on decreases be prohibited by TABOR) and from a political/legislative perspective (i.e., promises made to citizens in conjunction with passage of Referendum C required available funds be stretched to cover Higher Education and Health Care). The final act included the statement that for 2007 and thereafter the mill levy/property tax revenue would be at least equivalent to the preceding year. Those districts which had not obtained voter approval to retain and spend revenues in excess of TABOR limitations would still operate under those restrictions.

Other issues in the 2007 School Finance Act: increased maximum size of preschool classes from 15 to 16; added 2,000 preschool positions for 2007-08; specified

formula for calculating at-risk per pupil funding for charter schools; and required each school district to file an annual budget with the Colorado Department of Education (CDE) including specified information in a standard format.

In 2008 the School Finance bill finally passed on the last day of the session. Per pupil allotment (\$5,250) increased by 3.6% (more than the 3.2% required by Amendment 23). Another \$2M was set aside for high-cost special education students, upholding a 2006 commitment to provide more assistance in this area. Funding full-day kindergarten for at-risk students was added as part of K-12 funding (gradual increments from \$40M in 2008-09 to \$100M in 2013-14); districts were encouraged to give priority to enrolling homeless children. Kindergarten was removed from the Colorado Preschool and Kindergarten Program (name changed back to CPP), prior kindergarten positions shifted to preschool and 2,300 new positions were added to CPP. These decisions meant that, in 2008-09, every eligible at-risk 4-year-old could attend state funded preschool. LWVCO supported the above proposals.

In contrast to school finance, there was very high agreement on a capital construction bill passed in 2008. More than 80% in both Houses approved HB 1335 Building Excellent Schools Today (BEST). A Public School Capital Construction Assistance Fund, including an emergency reserve fund, was established by consolidating several sources of revenue. LWVCO strongly supported this new approach to resolve the backlog of schools in need of major repair or replacement. It was especially important that it resolved the 2006 *Giardino v. CO* lawsuit, requiring CO to provide assistance to school districts without financial resources to repair or replace unsafe or obsolete buildings. Colorado was behind in making appropriate yearly payments.

Early in 2009, three bills combined to reduce funding for 2008-09 by \$29M, with the largest portion coming from decreasing the per pupil allotment by almost \$20M (down to Amendment 23 minimum). March revenue projections were lower than predicted leading to a more spartan bill than originally introduced. Funding for operation of full-day kindergarten was maintained – a provision that LWVCO had supported. The cap on the amount of additional property tax districts can levy was increased from 20% to 25% of their total program. Basic per pupil allotment increased to \$5,507, but school districts and charter schools were asked to hold a portion of their allocation in reserve.

2010 was a year of unprecedented constraints on the state budget, resulting in two severe blows to K-12 funding in the first three months. In January, the state rescinded \$110M of the funds allocated for the 2009-10 school year. In March, following even lower revenue predictions, the 2010 School Finance bill cut K-12 funding. Amendment 23 was interpreted as applying only to categorical programs and to setting the base per pupil allocation, but not including the additional factors that adjust the allocation for each district, such as cost of living, number of at-risk students, etc. Basic per pupil allotment increased to \$5,529, but the bottom line was a major reduction in K-12 funding for 2010-11. For the first time, LWVCO opposed the School Finance bill.

LWVCO reluctantly supported the 2011 School Finance bill which reduced funding by \$227.5M from the previous year. The basic per pupil allotment was \$5,634 and no new expenditures were approved. With the completion of the Referendum C period and the ending of the additional 1% over inflation requirement of Amendment 23, educational funding may be restricted for years.

In August 2011 a lawsuit challenging the constitutionality of the state's school finance system (*Lobato v. CO*) went to trial. First filed in 2005 by Children's Voices, the lawsuit was thrown out by a district court and that ruling was upheld by an appellate court. The CO Supreme Court reversed both prior decisions, saying that complying with Amendment 23 was not the same as complying with the "thorough and uniform" mandate in the constitution and the lawsuit could proceed. Twenty-one school districts are listed as plaintiffs, including many small rural ones and some large districts.

TRANSPORTATION

POSITION IN BRIEF:

Support for a state Department of Transportation to plan and coordinate all transportation modes in order to provide a balanced transportation system in Colorado which gives consideration to the needs of regional, county and local governments. Funding for transportation should come from federal, state and local sources.

POSITION:

- Support a state Department of Transportation to plan and coordinate all transportation modes and

intermodal linkages. A balanced transportation system is one which includes a variety of modes in an appropriate mix for each area, and helps improve mobility and quality of life for all residents.

- When planning for a balanced transportation system, the DOT should consider social, governmental, economic and environmental factors.
- Public mass transportation should be improved immediately.
- The Highway Trust Fund, the Highway Users Tax Fund, Regional Service Authority funds, and local funds should be used to finance transportation.
- New revenue sources as needed should be considered, including but not limited to user fees, appropriations from the General Fund, revenue bonds, and private funds.
- When expanding or building a new transportation entity, including a regional airport, consideration must be given to safety, access, availability, affordability, impact on existing land uses, noise, and the needs of regional, county and local governments.

HISTORY

During the 1991 session of the General Assembly, a bill was passed establishing a Colorado Department of Transportation (CDOT) to be phased in over a three-year period. This department plans and coordinates all modes of transportation throughout the state.

At the same time, however, legislators rejected a bill establishing a Metropolitan Transportation Authority to function as a planning agency for the six-county Denver Metro Area. The Denver Regional Council of Governments (DRCOG) continues as the Metropolitan Planning Organization for the six-county Denver area.

In 1994 LWVCO supported a metro area ballot question regarding RTD's request to retain and expend funds already collected instead of refunding it to the citizens as outlined in the TABOR amendment to the constitution. The measure was defeated.

The passage of the FasTracks ballot initiative in November 2004 with 57% of the vote was the major event in transportation. LWVCO supported the issue. The voters approved a 0.4% tax increase, with some exclusions. This tax went into effect on January 1, 2005. The Southeast Corridor, part of T-Rex, opened in 2006. Subsequent cost escalation to \$6.9B, and the economic recession reducing sales tax revenue, have

resulted in the need for added sales tax revenue to complete FasTracks by 2017. The RTD Board has deferred a vote on the increase to 2012. The West Corridor to Lakewood is anticipated to open in 2013. A public-private partnership is constructing the East Corridor to DIA and the Gold Line to Arvada.

The 2009 legislature passed with LWVCO support SB 108, the FASTER program, to raise registration fees to fund repairs and replacements to deteriorating roads and bridges. FASTER also created the High Performance Transportation Enterprise (HPTE) replacing the Colorado Tolling Enterprise (CTE). Unlike CTE, HPTE has four external board members as well as three board members from the Transportation Commission.

HPTE's mission is to develop innovative and efficient means for financing important surface transportation infrastructure projects. It has been focused on financing the construction of a High Occupancy/Toll (HOT) lane on US 36 with unified support from all municipalities in the corridor between Denver and Boulder. LWVCO supported SB 94 in 2009 which created the new Division of Transit and Rail in CDOT. The Division is tasked with integrating transit and passenger rail into the State Transportation Plan.

VOTING RIGHTS

Action at the State Level on National Position

POSITION IN BRIEF:

Protect the right of every citizen to vote; encourage all citizens to vote.

HISTORY

Voting rights has been a basic League principle from the League's beginning in the women's suffrage movement. Although never studied, it became a part of the LWVUS program in 1975. Voting Rights was also part of LWVCO program until 1981, when it was dropped because action can be taken on the national position.

In the 1970's, LWVCO worked for passage of and continues to support:

- Requirements that voters be notified by mail before being purged from registration lists.
- Removal of notarization requirements for absentee ballots.

During the years of 1984-85, LWVCO succeeded in improving voter registration in Colorado. The LWVCO joined a coalition which was successful in putting a citizens' initiative on the November 1984 ballot. "Motor Voter," as it was referred to, passed overwhelmingly. It allowed citizens to register to vote when applying for a driver's license and shortened the deadline for registration.

Our "Motor Voter" act was followed by more expansive national legislation in 1993, which Colorado implemented in 1994, including the following:

- Voter registration at all motor vehicle licensing sites, by mail, in public assistance offices and those serving the disabled, and at military recruiting offices.
- Residence requirement for voter registration increased from 25 to 30 days.
- Removal of provisions allowing a member of an elector's family (residing at the same address) to register the elector, registration by affidavit, and requirement for branch registration.

In 1990 LWVCO supported an enacted law allowing a qualified elector living anywhere in Colorado to register to vote in any County Clerk's office in the state. The registration would then be forwarded to the County Clerk and Recorder in the county where the elector resided. LWVCO also supported legislation that changed the precinct caucus date in Colorado from the first Monday in April to the first Tuesday in April in even numbered years.

Effective July 1, 1993, legislation provided for principals of high schools in Colorado to register citizens to vote under the direction of the County Clerk of each county. Effective July 1, 1994, voter's registration status is noted on the driver's license.

The general election of 2000 drew attention to the need to insure voter registration information is up-to-date and accurate in each county and at the state level at the time of an election. LWVCO supported a bill (passed) authorizing the Secretary of State to purchase a state-of-the-art communications system to transfer voter registration information from the motor vehicle offices to the county clerks and from the clerks to the Secretary of State's office. The modernized system would also be able to report vote tallies quickly, efficiently and securely from the county clerks to the Secretary of State during elections and allow equally quick reporting of votes on election night. Most importantly, it would bring all counties - especially the small and tightly funded ones - onto an efficient

registration and vote reporting system.

During 2001, the Secretary of State convened a blue ribbon panel with League representation to review Colorado's election laws. Specific goals of the panel were: "to streamline the voter registration process, insure election process integrity, and restore public confidence in the election system."

Several bills concerning changes in the conduct of elections in Colorado were considered by the 2004 and 2005 General Assemblies. One bill allowed voting by mail in local elections; the other allowed counties to create and use voting centers instead of precincts. In 2005, driven by the Help America Vote Act of 2001, which ensured safe and reliable voting, the legislature passed comprehensive changes in areas such as voter registration, provisional voting and voting systems.

Reacting to problems in the prior November election, the 2007 legislature passed two bills. One embraces multiple aspects of the voting process. It allows the use of student IDs as an acceptable form of identification, extends the timeframe for election judge training, permits election judges to work split shifts, and requires the Secretary of State to adopt rules for electronic/computer registration book testing and backup equipment. Changes were also made to previous law on voter registration drives to remove the misdemeanor penalties and to lower fines for "negligent" failure to deliver forms in a timely manner. The second bill allows voters to sign up permanently to vote by mail in all coordinated elections, and creates secure ballot drop-off locations and a process for voters to verify receipt of their ballots.

In December 2007 many of the electronic voting machines in the state were decertified. Early in the 2008 session LWVCO-supported SB 189 was passed to amend or rescind decertification orders if identified deficiencies were resolved. The Governor and a bipartisan committee supported the use of paper ballots. The resultant delay while this was thrashed out made planning for the conduct of the 2008 election difficult. As a result there was a heavy, although not exclusive, use of paper ballots at polling places located in precincts, super precincts and vote centers.

In 2009, stemming from the recommendations of the Election Reform Commission appointed at the end of the 2008 session, a bill passed with one provision that allowed the use of the recertified voting machines, including those without a verified voter paper trail (VVPT), until January 1, 2014. LWVCO opposed, as LWVUS has a strong position requiring a VVPT.

In 2010 the Secretary of State formed a Best Practices and Visions Commission to continue these discussions; a LWVCO representative was appointed. The goals of the Commission are to make it as easy as possible for every eligible citizen to vote, to make sure every vote is counted accurately, and to limit the opportunity for fraud or abuse.

The subjects of Photo IDs and Proof of Citizenship, which are in opposition to League positions, continue to be introduced each year, but have been consistently defeated in Committee. However, in 2011 the legislature was divided, and such bills passed in the House, only to be defeated in the Senate. One bill in particular would have given the Secretary of State far-reaching authority to check the voter database against a variety of sources and then require proof of citizenship.

NATURAL RESOURCES

POSITION IN BRIEF:

The League of Women Voters of the United States believes that natural resources should be managed as interrelated parts of life-supporting ecosystems. Resources should be conserved and protected to assure their future availability. Pollution of these resources should be controlled in order to preserve the physical, chemical and biological integrity of ecosystems and to protect public health.
(LWVUS, 1986)

AIR QUALITY

Action at the State Level on National Position

POSITION:

Support of:

- Measures to reduce vehicular pollution, including inspection and maintenance of emission controls, changes in engine design and fuel types and development of more energy-efficient transportation systems;
- Regulation and reduction of pollution from stationary sources;
- Regulation and reduction of ambient toxic-air pollutants;
- Measures to reduce transboundary air pollutants, such as ozone and those that cause acid deposition.

HISTORY

LWVCO has had a longstanding concern with air quality, and has undertaken support for measures to decrease the levels of carbon monoxide in the air, to control smoking in public places, to reduce harmful particulates from woodburning stoves and fireplaces and to abate the effects of asbestos. The Clean Air Act Amendments of 1977 were the landmark federal legislation which set standards and deadlines for states to meet.

During the 1980's the League supported legislation and presented testimony before the Colorado Air Quality Control Commission (CAQCC) to meet standards for all pollutants, and to use oxygenated fuels in motor vehicles,

parking restrictions, high occupancy vehicle lanes, limited no-drive days, increased bus service and light rail transportation. LWVCO supported smoking bans in public places and increased auto emissions testing, including diesel.

In 1989 the League helped pass a bill to regulate emissions of chlorofluorocarbons. LWVCO continues to support the efforts and powers of CAQCC.

During the 1990's, LWVCO successfully supported legislation requiring automobiles with collector license plates to obtain a certificate of emission control. We supported a good state air quality and prevention program for stationary sources, bringing Colorado law into conformance with the Clean Air Act Amendments of 1990. Wood smoke reduction bills were also passed, affecting the Metro Denver area.

We supported successful legislation to limit smoking in the capitol. Also, during 1993, we supported legislation regarding mobile source air pollution which changed the way auto inspection and maintenance were done. The changes were necessary in order to improve air quality and to prevent the loss of federal highway funds. In 1998 LWVCO supported a successful initiative to regulate air emissions from confined commercial swine feeding operations.

Since the late 1990's to date, there have been only a few major attacks on air quality standards. We continue to work in coalitions to oppose measures that weaken emission standards. We have supported successful legislation to prohibit smoking, with some exceptions, in any indoor enclosed area. However, we have been unsuccessful in making Colorado air quality standards more stringent than federal law.

In 2010 HB 1365, supported by LWVCO, required utilities to submit plans to comply with EPA standards.

ENERGY

Action at the State Level on National Position

POSITION:

The League supports:

- Energy goals and policies that acknowledge the United States as a responsible member of the world community;
- Reduction of energy growth rates;
- Use of a variety of energy sources, with emphasis on conserving energy and using energy-efficient technologies;
- The environmentally sound use of energy resources, with consideration of the entire cycle of energy production;
- Predominant reliance on renewable resources;
- Policies that limit reliance on nuclear fission;
- Action by appropriate levels of government to encourage the use of renewable resources and energy conservation through funding for research and development, financial incentives, rate-setting policies and mandatory standards;
- Mandatory energy-conservation measures, including thermal standards for building efficiency, new appliance standards and standards for new automobiles with no relaxation of auto-emission control requirements;
- Policies to reduce energy demand and minimize the need for new generating capacity through techniques such as marginal cost or peak-load pricing or demand-management programs;
- Maintaining deregulation of oil and natural gas prices;
- Assistance for low-income individuals when energy policies bear unduly on the poor.

HISTORY

LWVCO supported Amendment 37, the Renewable Portfolio Standard, which was passed by the voters in 2004 and expanded by the Legislatures of 2007 and 2010. Colorado now requires investor-owned utilities to derive 30% of their retail electric sales from renewable energy sources by the year 2020. The legislature also extended the requirement at a lower level to rural electric cooperatives (REAs) and larger municipal utilities in 2008. Additional measures affecting REAs were passed: requiring net metering on buildings with solar installations in 2008 and making governance more transparent in 2010.

Since 2007, League has supported legislation that would cut energy usage in state buildings, reduce petroleum consumption in state vehicle fleets, and set standards to purchase more environmentally-friendly products. Financial incentives to consumers, businesses, and electric and natural gas utilities were also initiated to encourage the adoption of renewable energy technologies and energy efficiency measures.

In 2009 League supported legislation establishing a renewable energy loan program for Colorado schools and committing to off-setting all electricity use in Colorado parks with electricity from renewable sources by 2020. Reduction of barriers to the adoption of renewable energy production has been addressed each year.

ENVIRONMENTAL PLANNING AND MANAGEMENT

POSITION IN BRIEF:

Support of measures to improve the coordination, effectiveness and efficiency of governmental units within the state of Colorado and measures which promote integrated planning for environmental management, wise use of Colorado's water resources and other natural resources, comprehensive statewide planning for land use, and a balanced transportation system.

POSITION: (Adopted 1971)

- The structure of state government should insure coordination and cooperation among state agencies. The responsibilities and enforcement powers of state boards and commissions should be clarified.
- The state should be allowed to set more restrictive standards than the federal government.
- The state should provide technical support to local governments in matters of environmental planning and management.
- Development projects in Colorado should be environmentally sound, and should be in compliance with all federal and state environmental laws.
- Federal installations and lands should comply with state regulation, and state enforcement agencies should be permitted inspection rights at federal installations.

The public should be involved early in the decision-making process, and procedures should be established which allow for alternative solutions.

Criteria for Decisions:

- Creation of a clean and healthy environment which takes into account the quality of life and provides the greatest benefit to the greatest number of citizens, present and future.
- The physical suitabilities of the land, the current or potential adequacy of necessary services and facilities (including local and regional transportation), and the capability of the area to support an adequate employment base for current and future populations.
- Recognition that long-range ecological effects have greater importance than short-range problems.
- Industrial growth which is evaluated carefully for environmental impact with recognition given to the varying needs of different geographic areas.
- Consideration of distribution and growth of population and conservation of natural resources.
- The nonrenewable resources of Colorado constitute a wealth that is a heritage of the people. The people of the state of Colorado bear the burden of the social, economic, environmental and aesthetic impact of the extraction of these resources from the state and should be compensated accordingly.

HISTORY

LWVCO supported unsuccessful attempts in the early 1970s to enact a Colorado Environmental Policy Act. In the mid-1970s, the League successfully supported legislation that required consideration of geological and topographical factors in new subdivision approvals, and also the passage of the Colorado Mined Land Reclamation Act.

During the push to develop Colorado's oil shale resources, from the early 1970s through the early 1980s, LWVCO urged that all the federal agencies involved coordinate their planning and environmental assessment procedures, and that state agencies be included in the planning for development. The League emphasized that any oil shale projects should be environmentally sound and should abide by all federal and state environmental and planning laws. Attempts to abolish the reclamation program for minerals have consistently been opposed by the League.

During the 1990's the LWVCO opposed bills regarding "private property rights" or "takings," since they

undermined comprehensive land use planning and were fiscally onerous. The bills were defeated.

LWVCO continues to monitor state environmental commissions and boards. With the increased issuance of oil and gas permits in the state, there has been pressure for better monitoring of the Colorado Oil and Gas Conservation Commission. In 2007 LWVCO supported revamping the composition of the Commission to decrease the number of individuals working in the industry, and to increase the members representing concerns about health, the environment, and the interests of surface land owners. During the 2011 session, attempts were made to reverse this, but were defeated.

HAZARDOUS MATERIALS

POSITION IN BRIEF:

Support for adequate safeguards in the production, transportation, use, treatment, disposal and storage of hazardous and radioactive materials. (Regarding disposal and storage: the intent is to locate and/or maintain a suitable site or sites for the disposal and storage of hazardous and radioactive materials, not to totally prohibit the location of sites in Colorado.)

POSITION: *(Concurrence with LWVUS position, 1981)*

To ensure safe management of hazardous and radioactive materials:

- No site shall be located in natural hazard areas such as flood plains, areas with high seismic or volcanic activity, areas of unstable geology, ice or snow formations, or areas subject to extensive damage from winds.
- There should be an examination of alternative sites and methods of production, transportation, use, treatment, disposal and storage. Monitoring for contamination of ground and surface water, soils and air are of the utmost importance.
- Containers should be designed to prevent leakage of material and should be regularly inspected for possible leakage.
- Population density should be considered in the siting process.
- Recycling, reuse and reduction of hazardous wastes should be emphasized.

Hazardous and radioactive materials activities should not take place in areas of critical concern which include:

- Drinking water supply sources such as reservoirs (and other storage facilities) and sole source aquifers and watersheds.
- Fragile land areas such as shorelines of rivers, lakes and streams, estuaries and bays, or wetlands.
- Rare or valuable ecosystems or geologic formations, significant wildlife habitat, or unique scenic or historic areas.
- Areas with significant renewable resource value, such as prime agricultural lands, aquifer or aquifer recharge areas, significant grazing and forest lands.

The decision-making process should provide for:

- Ample and effective public participation, including adequate funding for such participation.
- Economic, social and environmental impact statements so that both decision-makers and the public have information on which to base a decision with consideration of secondary land use demands (roads, sewers, water, etc.) in addition to the actual size;
- Site selection in conformance with any adopted comprehensive plan, such as an adopted county comprehensive plan.
- Participation and review by all governmental levels to assure conformance with comprehensive plans at each level of government; and procedures for mediation of intergovernmental conflicts.

HISTORY

In 1979 LWVCO began a two-year study of hazardous materials. League studied the production, transportation, use, disposal and storage of hazardous materials in Colorado, with special emphasis on nuclear material and the impact of low-level radiation. The study included an overview of chemical and radiation sites, including Denver's Lowry Landfill, Rocky Mountain Arsenal, Rocky Flats Nuclear Weapons Plant, Fort St. Vrain Nuclear Power Plant and the mining legacies of uranium milling and tailings.

In 1980 LWVUS issued "Criteria for Hazardous and Nuclear Waste Disposal or Storage Sites." With a few additions these criteria formed the basis of a concurrence adopted in 1981 by LWVCO.

League members have been members in the "watchdog" role of the Governor's Lowry Landfill Monitoring Committee and the Colorado Committee on Hazardous

Wastes Regulation. In 1983 LWVCO successfully supported bills for: hazardous waste siting, local government designation of emergency response authorities, a mechanism to allow local governments to seek reimbursement for cost incurred from abandoned or spilled hazardous wastes, and penalties pertaining to radiation control. In 1985 LWVCO supported successful passage of a bill that provided for appropriations for Colorado's share of funds for federal "Superfund" activities. A bill for community and employee access to information on hazardous materials failed. Since then federal legislation has allowed more access.

In 1987 a heavily amended bill addressing transportation of hazardous materials was passed. Over League's objections, the state budget adopted that year included enormous cuts in funds for the Attorney General's office, curtailing the ability of the state to prosecute illegal disposal of hazardous waste.

In 1989 LWVCO strongly supported successful legislation to regulate Underground Storage Tanks (UST) and clean up ones that were leaking (LUST).

With increased federal legislation, there have been minimal state bills since then. In 2010 a bill was passed for more oversight and reporting of radioactive materials coming into the state.

LAND USE

POSITION IN BRIEF:

LWVCO supports responsible land use planning by all levels of government. While recognizing that most authority for planning is vested in local governments, LWVCO supports the creation of regional boards and commissions to address regional concerns.

POSITION: (Adopted 1974, rev. 1998)

- Each level of government in Colorado should recognize its responsibility to make land use decisions that protect our resources and preserve our quality of life. Local governments should undertake comprehensive land use planning, and should avail themselves of all the statutory tools that are available for that purpose. Communities should be encouraged to retain their individuality and sense of place.

- In matters of more than local concern, municipalities and/or counties should establish regional boards and commissions in order to address concerns that overlap governmental boundaries.
- Growth should not take place faster than services and infrastructure can be provided nor exceed the resources of the community. Development of Colorado's natural resources and recreational areas should emphasize environmental protection and reclamation. Scenic vistas and other open space should be protected.
- Increased transportation alternatives should be available for everyone, including tourists, and a system of transportation planning should be developed and implemented as an integral part or tool of land use planning. Air quality concerns should be integrated into land use and transportation planning.
- Sites, structures and artifacts of significant historical and cultural importance should be preserved.
- Consideration and use of new techniques in land management and regulation which will reinforce and support our land use goals and objectives should be encouraged.
- Prime agricultural land and the water to make it productive should be preserved for economic, social, health, land use planning and aesthetic purposes.
- While the LWVCO recognizes that land use planning and decisions have been and will continue to be made at the local level, we support the ideal of future statewide planning.

HISTORY

At the 1973 LWVCO Convention, a land use study was adopted as a logical follow-up to the earlier environmental planning and management study, which had concluded that a strong state role was necessary. LWVCO needed criteria to evaluate land use decisions and to define the role of each level of government in planning, management and regulation of land use. As preparation, the study first looked at the geographic, demographic and socio-economic nature of Colorado. Innovative land use techniques and taxing procedures were also investigated.

LWVCO supported a strong land use bill in the 1973 session of the legislature under the Environmental Planning and Management positions. (It failed). In 1974 another land use bill was introduced (HB 1041) that did pass, and today is still the major piece of land use legislation. League did not support the bill because it abdicated too much of the state's role to local government.

Since LWVCO's land use position was adopted in 1974, action has emphasized protection of the land use planning functions of both state and local governments. In 1985 LWVCO successfully opposed a developers' vested property rights bill, which would have crippled land use planning in the state. In 1987, a similar bill was introduced, which League again opposed, but it passed and was signed into law.

In the mid-seventies, the legislature passed a comprehensive mined land reclamation law supported by LWVCO. Subsequently we have opposed legislation to weaken the reclamation program.

In 1989 LWVCO successfully supported legislation clarifying the authority of local governments to enter into inter-governmental agreements for joint land use planning. In the same session LWVCO unsuccessfully supported legislation barring municipalities from annexing non-contiguous lands by means of narrow strips of land along rights-of-way ("flagpoling").

In 1991 LWVCO successfully supported a measure instituting a new mined land permit fee schedule to further ensure that reclamation occurs. However, the weakened program from the 1988 legislation was at least partially responsible for a cyanide heap-leaching mine failure that threatened fish and irrigated agriculture. In the 1993 session, SB 247, supported by the LWVCO, rectified the weaknesses of the Mined Land Reclamation Law. The Mined Land Board now has the authority to prevent such disasters from occurring in the future.

The sand and gravel industry found SB 247 too stringent for their mines so they introduced legislation in 1995 addressing only construction materials mining. LWVCO opposed this bill as introduced, because of lax requirements. We worked successfully to improve the legislation, which then passed.

LWVCO has also worked to protect such land resources as natural areas and agricultural lands subject to wind erosion.

In 1994 we supported legislation that required the Oil and Gas Conservation Commission to reclaim lands (especially agricultural) disturbed by oil and gas drilling operations. A Severance Tax Fund was established to address the reclamation issues, but the last few legislative sessions have eroded the amount of money available in the fund.

In 1998, three years after the adoption of a study on Land Use, a concurrence was reached on new wording for these state League positions. The strong emphasis on statewide land use planning in the previous position made it difficult to address any legislation on the state level that was attacking present law.

SOLID WASTE MANAGEMENT AND DISPOSAL

Action at the State Level on National Position

POSITION IN BRIEF:

The League supports policies to reduce the generation and to promote the reuse and recycling of solid and hazardous waste; policies to ensure safe treatment, transportation, storage and disposal of solid and hazardous wastes in order to protect public health, air, water and land resources; and planning and decision-making processes that recognize suitable solid and hazardous wastes as potential resources.

HISTORY

The League's approach to environmental protection is one of problem-solving. The aim is to prevent ecological degradation and to reduce and control pollutants. The federal government should have the major role in setting standards for environmental protection, but other levels of government should have the right to set more stringent standards.

During the 1992 and 1993 sessions, the LWVCO followed several bills aimed at reducing the solid waste stream. They included legislation for statewide initiatives for recycling, mandating use of recycled paper in the capitol and recovery of motor oil products. These passed.

In 1994 LWVCO supported two bills on solid waste: one on labeling of recycled oil and the other apportioning monies from the Waste Tire Fund to handle cleanup of tires and recycling projects. They both passed.

WATER

POSITION IN BRIEF:

Support of measures that promote the wise and balanced use of water in Colorado.

POSITION: (Rev. 1975)

Administration of the uses of water should not be left to litigation but should be effectively supplied by the executive branch of state government. An adequate and enforceable constitutional and legislative framework is necessary.

Groundwater law should be designed to protect groundwater resources from waste and irreparable damage. Such law, with due regard for the public good, should also help to assure long-term stability for investments based on pumped water. To these ends the legal framework should be consistent with the physical facts of groundwater occurrence and relationships and should include provisions for adequate administration and enforcement.

Water supply and quality control should be regarded as interdependent and inseparable. Clean water should be supported for reasons of health, aesthetics and recreational use. A coordinated program of information and education about Colorado's water should be maintained.

Criteria for Wise Use of Water:

- Essential to a balanced use of water in Colorado is an effectively coordinated Land Use-Water Use Plan. Although the state must have overall responsibility, local and regional representatives should exercise a strong role in determining policy, planning and the execution of the plans.
- The carrying capacity of the land must be considered in all decision-making. Within the carrying capacity concept, League primarily supports the protection of the state's prime agricultural lands and ecological and environmental concerns. Of less importance, but deserving serious consideration in the balanced use of water, are municipal use, economic factors, growth dispersal, recreation and industrial development.
- Prime agricultural land and the water to make it productive should be preserved for economic, social, health, land planning and aesthetic purposes.
- The importance of a municipal use varies with its purpose. Firefighting and hospital use (including air conditioning) deserve a higher priority than supplying water for general air conditioning, parks and commercial businesses.

- Conservation should be implemented through such means as metering, pricing, plumbing codes, limitations on use (such as restrictions on lawn watering), education, and to a lesser degree the use of fines, rewards and taxation practices.
- Recycling of water seems the most acceptable way of stretching or augmenting Colorado's supply. Some surface and underground storage is necessary in Colorado. Without further research, weather modification as a means of augmentation lacked the support of League members. Additional research should be promoted in all areas.
- Water to maintain stream flow is important for its ecological and environmental value, but condemnation of water rights for this purpose must be judiciously used.
- In order to administer effectively a state water plan, the state should be a party to all proposed changes in the use of a water right.
- Condemnation which results in the loss of a water right or its use should entitle the owner to compensation at the fair market value of its present use.
- A limited moratorium on large water projects might be desirable if it were a part of a development of a state water policy or plan.
- A state review of the provisions in treaties and compacts would be desirable.

HISTORY

The LWVCO began its studies of water resources in 1957 with the legal foundations for the right to use water in Colorado, sources of supply, and the special problems of groundwater supply and administration. In 1975 a study update resulted in criteria for the wise use of water.

Since 1974 LWVCO has opposed the proposed Two Forks Dam.

LWVCO supported the original minimum instream flow legislation in 1973 and, when its constitutionality was in question, joined the lawsuit as a Friend of the Court; the Colorado Supreme Court found the law to be constitutional. League has opposed many attempts to weaken this statute.

League's groundwater action has emphasized support of a groundwater policy that protects both the quality and quantity of this resource. During the 1980's the LWVCO worked for the adoption of a groundwater quality regulatory program that would adequately protect

Colorado's groundwater. The Water Quality Control Commission (WQCC) adopted the framework for regulation of groundwater quality in 1987. LWVCO participated in the development of toxic organic standards, adopted by the WQCC in 1989. Since then LWVCO has supported the classification of aquifers to protect their quality.

In the late 1980's LWVCO supported the establishment of a regulatory program for chemigation (the application of chemicals along with pumped water) to help protect groundwater from contamination. League has supported successful legislation to reduce pollution from agricultural chemicals and opposed attempts to weaken this legislation.

League worked on full implementation of the National Safe Drinking Water Act, and supports the Colorado Safe Drinking Water program and any efforts to strengthen enforcement. League has participated in the development of a well-head protection program and continues to be an advocate for state revolving loan funds to help small communities meet drinking water standards.

Since the late 1980's LWVCO has supported EPA's recommendations to bring Colorado's water quality program into compliance with EPA regulations, especially antidegradation of streams and toxics control. In 1992 legislation was passed with criteria for classifying waters of the state to prevent degradation.

In the early 1990's attempts were made to weaken and fragment the power of the WQCC. LWVCO worked to significantly improve or defeat these bills. In 1994 LWVCO supported legislation giving the Water Quality Control Division the authority to act against imminent pollution (passed).

In 1991 LWVCO supported the narrative classification of aquifers in the San Luis Valley and Eastern Colorado and in 1994, the extension of this protection to the Western Slope. Beginning in 1991 we urged site-specific classification of aquifers used as a main source of municipal drinking water.

In 1992 the Colorado Water Quality Forum was organized so that all those affected by water quality decisions could attempt to find agreement on at least some regulatory issues. LWVCO has been a

participant in this ongoing process and continues to contribute. League was also an active participant in the state's Non-Point Source Task Force for over 10 years.

LWVCO's water policy efforts have included support of proposed legislation that would strengthen the role of the State Engineer in the administration of water rights and groundwater rights, all of which have failed. In the early 1990's League supported unsuccessful "Basin of Origin" legislation that would have given some protection to areas where water is diverted for urban use. In the 2009 session such legislation passed.

In 1997 the LWVCO Education Fund began managing a project called the Colorado Water Protection Project, funded by the EPA through the Water Quality Control Division, Non-Point Source program. In 2000 this project expanded to publish a statewide newsletter for the Non-Point Source Program. The program was terminated in 2009 and the newsletter in 2010. The goal of the project was to implement a comprehensive program to increase public awareness in Colorado about the causes of and solution to urban polluted runoff. A later extension of the League project "AWARE Colorado" was developed to educate decision makers about the connection between land use and water quality.

Recreational uses of water have increased over the years. In 2002 legislation passed that broadened the voluntary instream flow program. In 2007 recreation in-channel diversions for kayaking was passed. The present language, upheld by the courts, has the Colorado Water Conservation Board overseeing the instream flow program. The League has opposed narrow definitions of this program.

The worst drought in a century occurred in 2002-2003. There were water restrictions by municipalities, and many junior agricultural water rights holders were unable to obtain water. In 2003 League worked successfully with a coalition to defeat a proposed revenue bonding program referendum to build dams.

In the 2004-2005 sessions the legislature passed a Statewide Water Supply Initiative to study supply and demand in all the major river basins. The League supported this legislation, but asked for a broader representation at the discussion groups. This request was met with resistance, but finally granted. In the 2005 session a bill passed to establish interbasin roundtables to discuss the transfer of water from one basin to another.

The League continues to support legislation addressing increased funding for additional storage in reservoirs and holding facilities. In 2007 more construction money was proposed for storage projects and conservation measures (the latter did not pass). The League also supports adequate funding for the WQCC staff, to ensure adequate supervision.

Since 2008 the League has supported successful legislation that would notify home buyers about the source of their water, particularly in groundwater areas. A pilot project was started to collect precipitation from rooftops and impervious surfaces for nonpotable uses such as garden and lawn sprinkling. League supported the formation of the Fountain Creek Watershed District, and Drinking Water and Wastewater small grant programs. The water efficiency grants program has been extended. During the 2011 session a bill was introduced that would have updated the On-Site Wastewater regulations and allowed more flexibility from the professionals and clearer definitions for county health departments. LWVCO supported this On-Site Wastewater Treatment Systems bill, which did not pass.

SOCIAL POLICY

LWVUS: *Secure equal rights and equal opportunity for all. Promote social and economic justice, and the health and safety of all Americans.*

LWVCO continues to support legislation which responds to the needs of children and their parents in all socio-economic groups.

CHILD CARE

POSITION IN BRIEF:

Support state licensing and continued oversight by an adequate number of trained staff, and ensure availability of affordable quality child care to all children who need it.

POSITION: *(Concurrence with LWVUS, 1988)*

Support programs, services and policies at all levels of government to expand the supply of affordable, quality child care for all who need it, in order to increase access to employment and to prevent and reduce poverty.

LWVCO supports:

- Affordable, quality child care available to all regardless of financial circumstances.
- State licensing and continued oversight by an adequate, trained staff.
- Use of public funds, public facilities, and employer contributions to provide for child care.
- Policies for adequate care of sick children of working parents.
- Payment of child care allowances through public funds, employer contributions and private philanthropy.
- Legislation and community education for the crucial protection of families through affordable, quality child care.

HISTORY

"An evaluation of child care facilities in Colorado" was adopted by delegates to the 1987 LWVCO Convention in order to be in a position to take action on this issue of growing importance to parents in the workplace. The study examined regulations, costs and availability of child care. Criteria for evaluation of legislation and the regulation of child care facilities were developed.

In 2011 LWVCO supported successful legislation, HB 1145, that closed loopholes in the fingerprint-based background check requirements for newly hired child care employees.

CHILDREN'S SUPPORT SYSTEMS

POSITION IN BRIEF:

Support measures to encourage public responsibility for the protection, care and training of children, while recognizing the primary importance of parental responsibility.

Support measures to insure public responsibility for encouraging the implementation of preventive programs in the interest of optimal child development.

POSITION:

- Welfare of Children: It is desirable for children to be raised in their own homes and educated in their own communities whenever possible. They should be removed from their own homes only when sufficient cause for removal has been proven. All children between the ages of six and sixteen should be required to attend a public or other school or receive comparable instruction. Provision should be made for the early diagnosis and correction of handicaps among children.
- Services for Children: Those entrusted with the responsibility for the disposition, care and training of children should be qualified in their field. Modern casework procedures must be used in determining the disposition of a child. A special juvenile court system to insure the proper judicial climate, and with special juvenile court services, should be provided for all children.
- Institutional Care: Institutions used for the care of children should meet modern standards, with emphasis placed on individual care, casework, services and records. Adequate institutional care requires a high proportion of staff to children and a program that places emphasis on training, rehabilitation and release of children as rapidly as possible.

HISTORY

The LWVCO has been a primary advocate for children and children's laws since the early 1940's, working to become knowledgeable and involved in

the expanding issues of the welfare of children. The focus for several years was out-of-home placement of children. This included juveniles in the detention system, children in community facilities who were in need of trained supervision which could not be provided in the home, or children placed in foster care either through court orders or voluntarily by the parents. LWVCO worked for legislative funding for a juvenile detention center which is now in use.

During the 1989 session of the General Assembly, the LWVCO supported bills concerned with services for families and their children. The four that passed provided for disabled children's home care, a Children's Trust Fund, enforcement of child support and revised regulations in the enforcement of obligations.

Seventeen bills came out of the Family Issues Task Force and its eight sub-committees in 1993. Two bills that passed included one that changed the term "visitation" to "parenting," when referring to time spent by a non-custodial parent seeing his/her child; the other helped preserve families by making "reasonable efforts" to avoid unnecessary out-of-home placements.

In 1994 LWVCO supported legislation creating the Task Force to Recodify the Children's Code. In 1995 the League monitored the Task Force meetings and provided input to the Child Protection, Adoption and Relinquishment subcommittees.

Child abuse and neglect issues have been monitored by the LWVCO with focus on speeding up court processes, expediting investigations and proceedings, increasing penalties, and screening for potential abusers in child care facilities. We also supported legislation to remove the religious exemption for child abuse from Colorado's criminal code.

Child custody and child support have been growing areas of concern. The LWVCO supported legislation to encourage a safe and healthy environment for all children and opposed legislation which placed parental needs over children's rights.

The LWVCO has always supported legislation which focused on fair and equitable child support payments. In 1995 legislation passed which allows for the suspension of a driver's license based on non-payment of child support, and in 1997 legislation mandating suspension of occupational and professional licenses for those in arrears (required by the 1996 federal welfare reform).

LWVCO has supported ongoing efforts to reform the child welfare system by supporting the creation of a Foster Care/Adoption Task Force and a commission to look at reforming the structure and services of the state Department of Human Services. Progress has been made with the passage of bills that we supported to: expedite dependency and neglect cases; ensure permanency for children; ensure the safety and well-being of children; improve the quality of foster care; and address the issues of homeless youth and youth emancipating from foster care. We have also supported legislation to expedite procedures to legally free children for adoption, to prepare them and adoptive families for adoption and to better support adoptive families.

In 2005 LWVCO supported the creation of a comprehensive state and local child fatality death review system, and in 2011 we supported codifying the death review process in order to standardize the process throughout the state.

In 2010 LWVCO supported the creation of the Child Protection Ombudsman Program which will provide an impartial process for concerned citizens and individuals involved in the child protection system to register concerns and complaints about the system.

EDUCATION

Note: Legislation related to state, district, or school programs, policies, and procedures can be found here in the Education section. The School Finance section under the major heading of GOVERNMENT deals with the financing of public schools (including charter schools) and may include three types of information: 1) the school finance bill; 2) issues related to special state funds set aside for education; and 3) state financial responsibilities related to education.

POSITION IN BRIEF:

Support of a Pre-Kindergarten through 12 (Pre-K-12) public education system in which a balanced curriculum of humanities, arts and sciences leads to life-long learning for all students. Support of a stronger leadership role for the Colorado Department of Education to promote educational improvements and standards for early childhood education.

POSITION: (*Revised 1995*)

The League believes:

- The state legislature may establish base level expectations in the areas of discipline and academic achievement in order to insure consistency and equity across the state.
- The Colorado Board of Education should bear primary responsibility for establishing general attendance requirements, required levels of academic achievement and graduation requirements.
- The Colorado Board of Education should establish teacher certification/licensing requirements based on the recommendations of the Colorado Department of Education.
- The local school districts should bear the primary responsibilities for establishing discipline policies, setting district calendars, determining the use of local district-owned facilities and equipment, and for developing curriculum and selecting instructional materials. Local districts retain the right to exceed minimum standards set by state-level entities.
- Education in the humanities, arts and sciences should include, but not be limited to, instruction in language arts, social sciences, math, science, foreign language, music, art, physical education and health.
- Essential components of the educational system, for which user fees may sometimes be appropriate on a sliding scale, include but are not limited to pre-school, extra-curricular activities, and before- and after-school care.
- The education of a young child is a shared responsibility. The school must provide a safe environment where learning can and does happen. We support measures which promote, help and encourage families to prepare students to meet academic standards. Attendance and discipline are essential to learning success.
- In equalizing educational opportunity; equity for students, taxpayers and school districts; programs for students with special needs; incentives for efficiency and effectiveness including cooperation among school districts; and assuring the availability of adequate facilities.
- In a Colorado Department of Education that would take a stronger leadership role to provide better service and which, through the use of persuasion and incentives, would encourage educational improvement.

In 1995 LWVCO Convention adopted the consensus of the role of the State of Colorado in determining policies and standards for Pre-K-12 education. The consensus

supported the establishment and enforcement of quality standards for early childhood care and education programs including nutrition, health and safety, equipment and physical safety, teacher qualifications and licensing, program and curriculum. The consensus reaffirmed League's position that all children should be in a school by the age of six.

HISTORY

The earlier position on Education adopted by the League of Women Voters of Colorado was based primarily on school finance. That position has been separated from League actions on education policy and direction and the discussion of school finance has been moved to the Government section.

Legislation passed in 1994 has led to the establishment of a growing number of charter schools. The League has supported keeping charter school legislation focused on innovation and serving the at-risk population, the original intent of the state authorization of charter schools.

Significant legislation mandated the adoption by the state and by local school districts of detailed subject matter standards in basic subjects and in secondary subjects. Subsequent legislation established the Colorado Student Assessment Program (CSAP), which began in 1997 with 4th grade reading and writing assessments. CSAP was originally designed to provide a snapshot of how well Colorado students were achieving the content standards in reading, writing, math and science, which were adopted in 1995. By 2000 CSAP included 8th grade math and science assessments, 7th grade reading and writing assessments, and a 3rd grade reading assessment. Today, CSAP includes reading, writing, and math assessments in grades 3 through 10 and science assessments in grades 5, 8, and 10.

In 2000 the General Assembly adopted the controversial SB 186, a major educational reform measure, opposed by the League. This bill, among other provisions, provided for grading schools based on the student results on the CSAP reading, writing and math tests plus ACT tests to be given to all 11th graders. It also required the conversion of "failing" schools into independent charter schools operated by private non-profit or for-profit groups. It also provided for school report cards to parents and the public with specified detailed information.

In the 2001 session, some modifications to SB 186 were approved including substituting ratings for letter grades. However, the key provisions of the bill remain in place.

The most significant new education development in the 2003 session was the passage of HB 1160, Colorado Opportunity Contract Pilot Program, which LWVCO opposed. It would have established the first K-12 voucher program in the country. This bill provided public funding for public school students to attend private or religious schools. The bill mandated certain school districts with eight or more Low or Unsatisfactory schools on their “School Report Card” to offer vouchers to attend private or religious schools to any low-income students who had scored Unsatisfactory on CSAP tests.

A coalition of opponents filed suit challenging HB 1160, citing language in the Colorado Constitution regarding local control of schools and the prohibition of public financial aid to religious institutions. On June 28, 2004, the Colorado Supreme Court, in a 4-3 decision, upheld a district court decision striking down the Colorado Opportunity Contract Pilot Program as unconstitutional. It was deemed in violation of Article IX, Section 15 of the Colorado Constitution, which provides for local control of public schools. The Court found that control of local funds is essential to local control of schools, and the Pilot Program removed such local control of funds. The Court did not address the other issues raised by plaintiffs.

In 2004 the League opposed legislation that established the State Charter School Institute. As passed, it allowed groups to apply directly to the Institute to become state charter schools, and proposed that those districts that had moratoriums on approval of charter schools would lose the authority to approve them. It also required local districts to cover excess costs for educating a student with disabilities in a district charter school. LWVCO supported clarifications made in 2006 to the Institute regarding costs, funding for at-risk students and federally required educational services.

The League also supported a bill to allow school districts to impose a transportation fee, amended to exempt low-income students. (We normally do not support such legislation, but felt that this year it was necessary because state reimbursement for transportation had dropped from about 40 to 25%.)

In 2005 the League supported successful SB 91, School Accreditation Standards, which mandated and standardized the calculation of graduation and dropout rates, and information on continuing education rates and mobility.

In 2007 LWVCO supported modifications to CSAP, including the development of a statistical model to analyze individual students’ progress. In 2008 LWVCO supported adjustments to the procedure for calculating long-term academic growth.

In 2009 LWVCO supported SB 163 making modifications to the School Accountability Report (SAR) bringing measures and procedures into alignment and also eliminating some of the more negative aspects of the prior accreditation act (1998).

In 2010 the League testified against SB 191 Principal and Teacher Effectiveness because it was an unfunded mandate and came in the form of a top-down directive rather than incentives for improved effectiveness. It passed.

League opposed a “tuition tax credit” bill in 2011 which was withdrawn by its sponsor, who pledged to bring it back in 2012.

EQUALITY OF OPPORTUNITY

Action at the State Level on National Position

POSITION: *(Adopted 1966, rev. 1989, 1992, 2010)*

LWV believes that all levels of government share responsibility to provide equality of opportunity for education, employment and housing for all persons regardless of race, color, gender, religion, national origin, age, sexual orientation or disability. LWV supports efforts to end discrimination and to provide equal rights for all under state and federal law, including legal rights, obligations and benefits for same-gender couples, holding that the civil status of marriage is clearly distinguished from the religious institution of marriage and that religious rights will be preserved.

HISTORY

Throughout the 1990s and continuing into the 2000s, numerous bills failed that would have supported and extended legal protections from hate crimes and employment discrimination to gay, lesbian, bisexual and transgendered individuals (GLBT). Other failing bills, also supported by the League, included small group insurance plans that would have covered domestic partnerships.

2004 was much like earlier years in terms of the bills offered and debated. One failed bill would have created a Colorado Civil Union Act as a rebuttal to the Defense of Marriage Act passed earlier.

During the 2005 session a bill passed that amended the small group health insurance statutes to allow companies to add domestic partner benefits to their coverage; the bill was signed into law by Governor Owens. The following year, the "hate crimes" statutes were amended to include GLBT individuals; that bill became law without the governor's signature.

In 2007 a bill extending legal protections from discrimination to GLBT citizens passed both houses and was signed into law by Governor Ritter. League supported this bill as well as a successful bill that extended adoption and parenting rights to same sex couples.

In 2008 LWVCO supported the successful SB 200 that added 23 areas where discrimination on the basis of sexual orientation is prohibited, including public housing and accommodation, consumer credit, charter school enrollment and adequate hospital facilities. LWVCO also supported SB 122 that made it an unfair labor practice to penalize employees who discuss or disclose wages.

Legislation supported by LWVCO in 2009 to extend compensation benefits to domestic partners of state employees failed. Separately, HB 1260 provided for a Designated Beneficiaries Agreement to allow simple estate and end-of-life provisions without a will, benefitting a wide range of people. It passed with LWVCO support.

In 2010 a LWVCO-supported Pay Equity Commission passed and was located in the Department of Labor and Employment. This commission does research, education and outreach in the area of achieving pay equity, but has no enforcement authority.

GUN CONTROL

Action at the State Level on National Position.

POSITION IN BRIEF:

Protect the health and safety of citizens through limiting the accessibility and regulating the ownership of handguns and semi-automatic weapons. Support regulation of firearms for consumer safety.

POSITION: (Adopted 1990, rev. 1994, 1998)

The League of Women Voters of the United States believes that the proliferation of handguns and semi-

automatic assault weapons in the United States is a major health and safety threat to its citizens. The League supports strong federal measures to limit the accessibility and regulate the ownership of these weapons by private citizens. The League supports regulating firearms for consumer safety.

The League supports licensing procedures for gun ownership by private citizens to include a waiting period for background check, personal identity verification, gun safety education and annual license renewal. The license fee should be adequate to bear the cost of education and verification.

The League supports a ban on "Saturday night specials," enforcement of strict penalties for improper possession of and crimes committed with handguns and assault weapons, and allocation of resources to better regulate and monitor gun dealers.

HISTORY

During the early 1990s, the LWVCO responded to the increase in gun deaths and injuries, particularly those involving children, and supported successful bills to increase the penalty for drive-by shootings and to restrict possession of weapons within a school zone. The League opposed bills to allow state preemption of local gun control ordinances, and to make it easier to obtain a permit to carry a concealed gun anywhere in the state. All failed.

With the election of a Republican governor in 1998, the Republican majorities in the House and Senate were expected to pass gun legislation allowing easy access to carry concealed weapons throughout the state with virtually no local control. The tragic April 1999 shooting at Columbine High School, the worst in U.S. history, brought an end to legislative action on gun issues. The LWVCO and other groups called for action on prevention measures, but too little time remained in the session.

The LWVCO cosponsored a May 1, 1999 protest and march against the NRA's meeting in Denver. Many believed that the NRA should cancel the meeting or move its location, considering the NRA's continued opposition to any reasonable gun control to keep guns out of the hands of children or to close loopholes allowing sales of guns without adequate background checks, and also in deference to the Columbine victims and families. The NRA declined to cancel or move the meeting elsewhere. Thousands marched.

HEALTH CARE

The 2000 legislature introduced some 24 gun-related bills. The LWVCO supported measures to reinstate the CBI background checks on gun purchasers; close the gun show loophole; raise the minimum age to buy handguns from 18 to 21; require safe storage of guns; and prohibit straw purchases - all measures supported by the Governor (most defeated by his own party). The major gun control bill to close the gun show loophole was hard fought in House committees and defeated in the House Appropriations committee on a 5-4 vote. This activated a new organization, SAFE (Sane Alternatives to the Firearms Epidemic) to get a ballot initiative on the 2000 ballot to close the gun show loophole. LWVCO supported the amendment, which passed by 70-30 %.

By 2003 the Republican-controlled legislature passed into law two major gun bills; one mandated that sheriffs "shall" issue concealed-carry permits to qualified applicants; the other gutted the authority of cities and counties to regulate firearms locally. Various bills pertaining to ongoing gun control issues all failed in following sessions.

In 2007 a Democratic majority passed two contentious bills into law. One authorized the state to maintain the existing statewide database of concealed-carry permittees until 2011. The other closed a loophole in Colorado law to clarify that a person cannot use a concealed-carry permit from another state, unless the person resides in the issuing state. Some Colorado residents had obtained permits from other states, thus bypassing the Colorado law that requires a resident to apply to a sheriff's office for a background check before being issued a permit. The League supported both measures.

In recent years gun control opponents continued introducing bills to weaken background check requirements for firearms purchases and for obtaining concealed carry permits. By 2009-10 attempts to reopen the gun show loophole, thereby allowing an easy route for prohibited buyers to avoid detection, were turned back.

The League supported two companion bills passed in 2010 that: 1) prohibit people arrested for felonies and violent crimes, or who have restraining orders against them, from purchasing firearms, and 2) require CBI to investigate old felony arrests where disposition of the case is not indicated in any database. The bills passed, making Colorado's background check law permanent.

POSITION IN BRIEF

Support access to adequate health care with funding by state and federal monies where necessary.

POSITION: (adopted 1987)

LWVCO believes:

- The state of Colorado should bear some financial responsibility for funding programs to guarantee access to health care.
- Additional state monies should be generated to fund health care from "sin" taxes (alcohol, tobacco, luxury items) and income tax increases.
- Physicians should be required to participate in state and federal health programs which serve the low-income and elderly population.
- Medicaid coverage should be expanded to cover children and pregnant women at, or below, 150% of the federal poverty level.
- LWVCO supports policies and programs to increase efficient use of our health care dollars by increasing reimbursement for wellness and preventive care, decreasing inappropriate medical services, and providing universal access to primary health care for all Colorado residents regardless of income level.

HISTORY

Since 1990 LWVCO has supported legislation for the creation of a health insurance plan for people who could not get insurance. In 2001 League supported Cover Colorado which strengthened and updated state assistance to those denied insurance because of pre-existing conditions.

In 1994 an insurance reform bill to improve access to health insurance for small employers was passed with League support. League continues to study and support means of providing health care in rural areas, including the use of paramedical personnel and telemedicine methods.

In 1997 League supported several changes to the way Medicaid services were provided in Colorado. Recipients were encouraged to enroll in HMOs instead of more expensive fee-for-service systems.

The state was able to participate in the national Children's Health Insurance Program (CHIP) which provides insurance for children who would otherwise be uninsured. Because enrollment was lower than expected, legislation was passed in 2001 with League support to make paperwork easier, allow annual instead of monthly payments, lower family contributions, as well as set a higher income threshold at which families could qualify (185% of Federal Poverty Level (FPL) versus 150%).

Mental health parity was enacted in 1997 with League support. This law required health care policies to provide coverage for treatment of six major mental illnesses at least equal to coverage for physical illness.

League lobbied for several years on behalf of a bill strengthening protections against female genital mutilation. It passed in 1999.

In 2001 League supported legislation, which passed, aimed at providing greater protection for Colorado children whose families object to medical treatment, based on their religious convictions.

During the 2002-03 legislative sessions, the League worked on major bills related to health insurance, prescription drugs, increased access to health care and mandated health benefits. However, limits were placed on medical assistance services for Medicaid participants, mental health services were reduced, enrollment of pregnant women in health care programs was suspended and limits were put on children enrolled in the Child Health Plan+ program (CHP+). Private duty nursing services for persons in assistance programs were reduced. Health insurance bills, especially those relating to small businesses which reduced the mandated benefits which employers must provide to their employees, were not supported by the League.

In 2004 League supported a bill that increased the eligibility for health care for children and pregnant women from 185 to 200% of the FPL, funded medical assistance to legal immigrants and removed the asset test under the medical assistance program for children and families.

In 2007, supported by the League, bills passed to provide prescription drug benefits, and to establish the Colorado Cares Rx Drug Program to provide generic and non-patented drugs.

In 2008 a Blue Ribbon Commission for Health Care set up by the 2006 Legislature reported on alternative health delivery systems. Spearheaded by the Larimer County League, LWVCO was in the forefront of this effort,

testifying throughout the state. The four final proposals, along with a fifth plan based on thirty-two recommendations of the commission, were presented. One of the final plans, the provision for universal health care coverage, was supported by the LWVCO. Also in 2008 the number of children covered by federal government programs was increased, by raising income eligibility for the Baby and Kids Care program under Medicaid to 133% of the FPL for children at least six and under nineteen years of age. For the CHP+ program for children not covered under Medicaid, the percentage of the FPL increased to 225%. Under this program pregnant women were also covered.

In 2009 LWVCO supported the Colorado Healthcare Affordability Act, assessing a fee on hospitals to raise revenue to be used to obtain matching federal dollars. This successful act increased reimbursements to hospitals under the Medicaid and Colorado Indigent Care program, thus increasing the number of people covered by medical assistance. The League supported the Colorado Guaranteed Health Care Act which would have created single-payer health care coverage, but it was defeated. Recruitment of foreign-trained physicians for underserved areas was facilitated and assistance for student loan repayments for persons serving in these areas was approved.

During the 2010 session, LWVCO supported four bills to standardize and increase the efficiency of the health insurance claims process. Regulations for school districts to provide parents with up to date information on their children's immunization requirements and status were put in place. Two bills addressed gender issues. Gender cannot be used to allow varied premiums for health insurance coverage. Breast cancer screening with mammography may be individualized for each patient.

In Colorado, behavioral health now includes the areas of mental health and substance abuse. In 2010 four pieces of behavioral health legislation, all supported by the League and all signed into law, established infrastructure and planning to increase access to adequate behavioral health care. SB 14 expanded the system of family advocates to include family systems navigators to help families get through complex behavioral health benefits and related systems. HB 1010 authorized state agencies to enter into public/private agreements with nonprofits, including procedures to be followed and allowing state agencies to retain specific cost savings. HB 1032 authorized the state Department of Human Services to review current

behavioral health crisis services and formulate a plan to address the lack of coordinated crisis response services. SB 153 authorized the Governor to create a Behavioral Health Transformation Council as an advisory body to study and recommend changes in statewide behavioral health care design and delivery.

In 2011 LWVCO opposed a bill adding monthly premiums for some families whose children are enrolled in the CHP+ program. The major concern was that this would reduce enrollment in the program. The bill passed but was vetoed by the Governor. The Colorado Health Benefit Exchange, supported by LWVCO, is Colorado's response to the federal mandate to set up health care exchanges by 2014. The legislation sets up a marketplace where businesses and individuals band together to pool risks and achieve greater buying power for the purchase of mandated insurance coverage. The bill passed. LWVCO also supported the unsuccessful Colorado Health Care Cooperative bill which proposed creating an authority to design a health care cooperative for Colorado. The legislature passed, and the League supported, HB 1242, a first step toward integrating public behavioral health and physical health services. The bill requires the Department of Health Care Policy and Financing (HCPF) to review and report to the legislature issues, including barriers, that relate to the provision of both physical and mental health care services to a patient during the same appointment.

HIGHER EDUCATION

POSITION IN BRIEF:

Higher education is a primary educational, research, cultural and economic force in Colorado. The State of Colorado has a responsibility to support its public institutions of higher education and to assist the people of Colorado in attaining a postsecondary education.

State activities should be carried out with appropriate input from all concerned parties, including the general public.

Governance:

- *The League believes the state should emphasize coordination rather than control over higher education.*
- *The League believes institutional latitude and flexibility should be encouraged but with state oversight.*
- *The Department of Higher Education and the Colorado Commission on Higher Education should be led and staffed by professionals with relevant*

skills and/or experience and be free from political influence.

Financing:

- *The League supports a sustainable funding mechanism for public higher education that will provide quality postsecondary programs across the state.*
- *The League supports sustainable funding for financial aid programs in order to provide access to higher education for all qualified Colorado students.*

Access to Higher Education and Persistence by Students:

- *The League believes that all qualified students should have the opportunity to attend postsecondary education and that successful participation should be facilitated by a variety of resources.*
- *Preschool, elementary, secondary and postsecondary education should be viewed as a continuum leading to life-long learning.*

POSITION: (Adopted 2007)

Higher education is a primary educational, research, cultural and economic force in Colorado. The State of Colorado has a responsibility to support its public institutions of higher education and to assist the people of Colorado in attaining a postsecondary education. Postsecondary education includes vocational, technical, community college, four-year and post-graduate institutions.

State activities should be carried out with appropriate input from all concerned parties, including the general public.

Governance

The League believes the state should emphasize coordination rather than control over higher education.

In addition, the state should act in an advisory capacity and provide oversight in some areas.

- Possible areas for coordination include:
 - Promotion of quality education
 - Avoidance of unnecessary duplication
 - Promotion of efficiency and good management
 - Maintenance of a comprehensive and cohesive state system of postsecondary education

- Possible areas for oversight include:
 - Cooperative ventures
 - General standards and requirements
 - Graduation criteria

The League believes institutional latitude and flexibility should be encouraged but with state oversight. Most decisions are more appropriately made at the institutional level. Objectives should be to:

- Adopt policies at the state level that recognize institutional differences
- Encourage decision-making that accommodates the unique role, mission, and characteristics of each institution
- Allow institutions to utilize their expertise to make decisions in areas such as mission, objectives, tuition, degree programs, and student recruitment

The Department of Higher Education and the Colorado Commission on Higher Education should be led and staffed by professionals with relevant skills and/or experience and be free from political influence.

Financing

The League supports a sustainable funding mechanism for public higher education that will provide quality postsecondary programs across the state. Objectives should be to:

- Maintain and attract quality teaching staff in order to attract and support quality students as well as research grants
- Eliminate barriers to higher education funding: constitutional, statutory and other
- Assure funding of capital construction and controlled maintenance
- Explore alternative funding for institutions

The League supports sustainable funding for financial aid programs in order to provide access to higher education for all qualified Colorado students. Objectives should be to:

- Increase state funded need-based financial aid to enable all qualified students to attain a postsecondary education
- Increase state funded merit-based scholarships to reward and attract high quality Colorado students
- Provide favorable interest rates on student loans
- Explore alternative funding for student financial aid

Access to Higher Education and Persistence by Students

The League believes that all qualified students should have the opportunity to attend postsecondary education

and that successful participation should be facilitated by a variety of resources. Preschool, elementary, secondary and postsecondary education should be viewed as a continuum leading to life-long learning.

Access and persistence begin with preparation during preschool through grade 12 (P-12). Objectives should include:

- Implementing effective programs that prepare students for increasingly difficult academic work
- Maintaining rigorous high school graduation standards and expectations
- Developing programs, including mentoring, that facilitate positive engagement in learning, use a variety of community resources to support students socially and emotionally, and improve academic performance
- Assuring that information programs are provided, during middle school and high school, for students and parents regarding academic and financial issues related to attending higher education institutions, as well as information about the variety of options that are available

Access and persistence should be promoted by higher education institutions. Objectives should include:

- Providing information about each institution to high schools throughout the state
- Facilitating transition from high school to college, as well as the process for moving from a community college to a four-year institution or for returning to higher education
- Developing programs, including mentoring, that use a variety of resources to support students socially and emotionally and improve academic performance
- Assuring ease of transferring credits between institutions of higher education, including the transition from a community college to a four-year institution

Programs promoting access and persistence used in higher education institutions, as well as in Pre-K-12, should be evaluated to assure they are effective and equitable.

Opportunities for vocational and technical education should be increased at the secondary level and at the community college level.

HISTORY

Early in 1985 the legislature passed a bill that called for the comprehensive restructuring of the Colorado Commission on Higher Education (CCHE). At the 1985 LWVCO Convention, the "structure, finance and governance of higher education in Colorado" was adopted as a two-year study item. The LWVCO consensus in 1987 favored the CCHE as the central policy and coordinating board for higher education in Colorado. The finance part of the original study was never completed.

At the LWVCO Convention in 2005, the delegates voted to adopt a new study of Public Higher Education. This included governance, financing, access to higher education and persistence by students. The new consensus position was adopted in 2007.

In 2008 SB 18 clarifying the roles of the Colorado Department of Higher Education (CDHE) and CCHE was supported by League. It set up a Higher Education Advisory Committee which was to propose solutions concerning the needs of higher education and provide a liaison between the General Assembly and governing boards of state-supported higher education institutions. With high praises for the work of this committee, its continuance was supported unanimously by both houses in 2011 when it was renewed through the sunset process. Additional legislation supported by LWVCO included HB 1205 which enabled colleges and universities to begin capital construction projects sooner, thus saving on inflated construction costs. Also a new Higher Education Federal Mineral Lease Revenues Fund, SB 218, was created to support capital construction and new capital improvement projects. And a significant bill, SB 12, the Colorado Achievement Plan for Kids (CAP4), provided for revised school readiness standards, aligned Pre-K-12 standards and assessments, required postsecondary and workforce planning, and revised minimum admission standards at state institutions for the first time.

In fall 2008, Amendment #50, Limited Gaming in Central City, Black Hawk and Cripple Creek, was passed. This amendment, supported by the League, established a new formula for the distribution of increased tax revenues with 22% going to gaming towns and 78% going to financial aid and classroom instruction in community colleges. This funding has not been as successful in raising funds as hoped because of the struggling economy.

The League supported several bills that established statewide transfer agreements that facilitated the transfer of credits from community colleges and four-year

universities. These transfer agreements, combined with a general core of coursework that could be transferred, would save students both time and money.

One of the most controversial proposals that the League supported in 2009 and 2011 was legislation that proposed that undocumented students who had attended a Colorado high school for three years, graduated and were qualified to be admitted to a higher education institution within one year of graduation, would be eligible for in-state tuition. Students would not be eligible for College Opportunity Funds or to receive state funded need-based financial aid. In addition they would have to sign an affidavit that they would apply for lawful status. The bills ultimately failed.

HOUSING

Action Taken at State Level on National Position

POSITION IN BRIEF:

Criteria to apply to programs and policies to provide a decent home and suitable living environment for every American family:

- *The responsibility for achieving housing goals rests primarily with the federal government which should assure that there is sufficient decent housing for all.*
- *Gives incentives to local jurisdictions to achieve these goals.*
- *Provides assistance in the form of income and/or subsidized housing when necessary.*
- *Develops policies that assure sufficient land at reasonable cost on which to develop housing.*

POSITION:

LWVUS supports policies to provide a decent home and a suitable living environment for every American family. State and local governments should assist in establishing effective agencies to aid, promote, coordinate, and supplement housing programs of the federal government and the private sector. Governments at all levels must make available sufficient funds for housing-assistance programs.

State and local governments should have uniform building codes with performance standards and housing codes to protect the health and safety of all. State and local tax structures should benefit communities that build lower-income housing, encourage private owners to improve their homes and reduce speculative land costs.

HISTORY

Colorado suffers from a lack of affordable, decent housing. For many years LWVCO has lobbied for housing legislation which requires that minimal necessities (water, heat, electricity) be provided in rental housing, and at the same time safeguards landlords' rights. LWVCO has also supported efforts to establish a Housing Trust Fund. In 1989 a voluntary contribution on state income tax returns was authorized to provide funding for the homeless.

IMMIGRATION

Action Taken at State Level on National Position

POSITION IN BRIEF:

Promote reunification of immediate families; meet the economic, business and employment needs of the United States; be responsive to those facing political persecution or humanitarian crises; and provide for student visas. Ensure fair treatment under the law for all persons. In transition to a reformed system, support provisions for unauthorized immigrants already in the country to earn legal status.

POSITION: (Announced by LWVUS Board, 2008)

The League of Women Voters believes that immigration policies should promote reunification of immediate families; meet the economic, business and employment needs of the United States; and be responsive to those facing political persecution or humanitarian crises. Provision should also be made for qualified persons to enter the United States on student visas. All persons should receive fair treatment under the law.

The League supports federal immigration law that provides an efficient, expeditious system (with minimal or no backlogs) for legal entry of immigrants into the United States.

To complement these goals the League supports federal policies to improve economies, education, job opportunities and living conditions in nations with large emigrating populations.

In transition to a reformed system, the League supports provisions for unauthorized immigrants already in the country to earn legal status.

The League supports federal payments to impacted communities to address the financial costs borne by

states and local governments with large immigrant populations.

Criteria for Legal Admission to the United States

The League supports the following criteria for legal admission of persons into the United States:

- Family reunification of spouses or minor children with authorized immigrants or citizens;
- Flight from persecution or response to humanitarian crises in home countries;
- Economic, business and employment needs in the United States;
- Education and training needs of the United States;
- Education program opportunities; and
- Lack of a history of serious criminal activity.

Administration and Enforcement

The League supports due process for all persons, including the right to a fair hearing, right to counsel, right of appeal and right to humane treatment.

The League supports:

- Improved technology to facilitate employer verification of employee status;
- Verification documents, such as status cards and work permits, with secure identifiers;
- Significant fines and penalties for employers who hire unauthorized workers;
- Improved technology for sharing information among federal agencies;
- More effective tracking of individuals who enter the United States; and
- Increased personnel at borders.

The League also supports programs allowing foreign workers to enter and leave the United States to meet seasonal or sporadic labor needs.

Unauthorized Immigrants Already in the U.S.

In achieving overall policy goals, the League supports a system for unauthorized immigrants already in the country to earn legal status, including citizenship, by paying taxes, learning English, studying civics and meeting other relevant criteria. While policy reforms, including a path to legal status, remain unachieved, the League does not support deporting unauthorized immigrants who have no history of criminal activity.

HISTORY

The complex and thorny problem of what to do about illegal immigration, and what can be done at the state level, continues to vex lawmakers. The 2011 session

of Colorado's General Assembly was no exception. Seven bills and four Resolutions addressed various aspects of illegal immigration, with LWVCO responding to them based on the LWVUS position announced in 2008.

SB 54 would have made violation of federal immigration law also a state offense and authorized law enforcement to arrest a person without a warrant if the officer had "probable cause" to suspect that the person is an alien who is in violation of three enumerated federal offenses. LWVCO opposed this bill, which died in committee. Another immigration enforcement bill, HB 1107, also opposed by the League, was withdrawn by the sponsor due to problems including questions about its constitutionality.

INCOME ASSISTANCE (WELFARE)

Action Taken at State Level on National Position

POSITION IN BRIEF:

Support programs and policies to prevent or reduce poverty and to promote self-sufficiency for individuals and families.

HISTORY

In 1993 the LWVCO worked on six welfare bills, opposing four and supporting two - one of which, the major reform bill, survived the process to establish a voluntary pilot program that stressed helping recipients achieve and maintain self sufficiency.

Welfare reform was a major priority of LWVCO in 1997 following the passage of the federal act of 1996. Six major bills were introduced, resulting in a compromise bill which the League could support. League then helped with rules and regulations for implementation, and monitored the process during 1997-98. Another important piece of legislation that passed allowed income assistance to legal immigrants.

Old Age Pension B for those 60-64 years was a major priority in 1998. League fought successfully to keep it in the constitution as there is no other program to deal with this age group consisting mostly of women who are poor, in bad health and not well-educated.

In 1999 LWVCO worked in coalition with seniors, the homeless, welfare groups and the disabled community to try to get health care for Aid to the Needy Disabled (AND), a group of 4000 people, ages 18-60, and to

increase their monthly allowance from \$229/month to \$299/month. We were successful only in getting a \$249/month allowance; the health care coverage is still non-existent.

In 2001 League successfully worked for passage of earned income disregards for those leaving welfare. Also successful was transitional Medicaid for one year for those leaving welfare and getting a job. Finally, LWVCO supported exit interviews for those who received diversion grants or left welfare so they would better understand what services they could still receive.

During the 2002 legislative session the League supported several bills to improve existing legislation for welfare recipients. These bills, which passed, dealt with developing a screening tool to identify mental health and substance abuse barriers, segregating federal welfare funds from county funds, and extending the life-time limit to allow counties to grant both hardship and domestic violence extensions.

In 2005 one League-supported bill passed that allows workers who lose their jobs due to domestic violence to be eligible for unemployment insurance right away. Workers will be given fifteen business days before they have to look for work so they can use the time to seek necessary medical help, look for a new place to live, and protect their children.

LWVCO supported the Colorado Housing Investment Fund proposed in 2008, a bill that emerged from a Blue Ribbon Commission on affordable housing, but it failed. The Colorado Works Program Omnibus bill did pass, supported by the League once it was extensively amended to restore hard-won elements from previous years and to increase flexibility for local governments to address local circumstances. The bill created a Colorado long-term works reserve and gradually reduced the percent of their block grants that counties could hold in reserve down to 30%. The omnibus bill brought Colorado into compliance with federal requirements for participation in the Temporary Assistance for Needy Families (TANF) block grant program.

In the 2011 session, the Low-income Telephone Assistance Program was cleaned up rather than being eliminated, which had been proposed in a bill that the LWVCO opposed.

PROGRAM PROCESS

PROGRAM

Program in the League of Women Voters of Colorado includes the specific process outlined in the Bylaws, the Principles, and the Policies & Procedures of the organization. (See: Bylaws of the LWVUS, Article XII, Principles and Program and Bylaws of the LWVCO, Article XII, Program).

The Program of the League of Women Voters of Colorado consists of:

- Governmental issues chosen by state convention delegates for concerted study and action.
- Action to implement the Principles of the League of Women Voters.
- Action to implement the positions reached by consensus of the members of the LWVUS and adopted by the National Board.
- Action to implement the positions reached by consensus of the members of the LWVCO, and adopted by the State Board.

PROCEDURES FOR SUGGESTING STATE LEAGUE PROGRAM

1. At least three months prior to the opening date of the state Convention, the boards of Local Leagues, and State League Units may make suggestions for state program to the State Board, based on a consensus of their members.
2. At least two months prior to the opening date of Convention, the State Board shall consider those suggestions and shall recommend a proposed program to be circulated to the boards of Local Leagues, and State League Units, at the time of the Final Call to Convention.
3. A proposed program as recommended by the State Board and a list of the non-recommended Program items suggested shall be submitted to the delegates to the Convention for their consideration.

ADOPTION OF LWVCO PROGRAM AT STATE CONVENTION

1. A majority vote of the Convention delegates shall be required for the adoption of the proposed state program recommended by the State Board.
2. Program items not recommended by the State Board may be considered by the Convention if a majority of delegates vote for consideration on the first day of the Convention. On the following day, a three-fifths vote is required for adoption of a non-recommended item.
3. The Convention delegates shall set priorities for action on all program items chosen.

ADOPTION OF EMERGENCY STATE LEAGUE PROGRAM AT STATE COUNCIL

See LWVCO Bylaws, Article X, Section 4.

LEAGUE RESEARCH-STUDY-DISCUSSION PROCESS

Study makes action possible by bringing to members the knowledge that makes League action uniquely credible and respected. The process gives members an opportunity to examine facts, pro and con arguments, and political realities.

A resource committee is responsible for carrying out the study of a program item that has been adopted at Convention or Council. Methods by which the committee can gather information include interviews, observation, tours, seminars, consultation with authorities in the field, research of records and literature, and similar techniques. The committee chair may be a member of the State Board and the committee's work is subject to review by the State Board.

The committee prepares material for presentation to League members for their discussion and consideration. Action on the issues is based on consensus of the members. A publication on the issue must be approved by the State Board, following recommended procedures.

CONSENSUS

Reaching consensus is a technique used traditionally in the League of Women Voters to discuss and arrive at conclusions on issues. The word "consensus" is used interchangeably with "member agreement" to refer to the overall process of decision-making (including various methods such as questionnaires and polls) by which a League Board determines that there is substantial agreement among members on an issue. Consensus is not a simple majority vote, nor does it mean unanimity. It is the "sense of the group" as expressed through the exchange of ideas and opinions. League action can take place only after consensus or concurrence has been reached and a position formulated.

CONCURRENCE

Concurrence, a decision-making technique of the League of Women Voters, is the act of agreeing with a statement or position recommended by a committee or Board of the same or another League.

ACTION BY LEAGUE MEMBERS AND BOARDS

The thorough study of League program provides knowledge of the political realities to be used in formulating action strategy when a position on an issue has been reached.

Members of the League of Women Voters may act in the name of the State League only when authorized to do so by the State Board. Local Leagues and State League Units may act only in conformity with positions taken by the League of Women Voters at state and national levels. (LWVUS Bylaws, Article XII, Sec. 3 and LWVCO Bylaws, Article XII, Sec. 5)

LOCAL LEAGUE ACTION ON STATE OR NATIONAL POSITIONS

After a position on an issue is announced by either the State Board or the National Board, all action by Local Leagues shall be in support of that position. Pro and con arguments are no longer presented at League meetings, community forums sponsored by the League, or in League publications. Types of action that may be taken include letters to the editor or to public officials, public statements, and speaking at public meetings.

LOCAL LEAGUE ACTION AT STATE OR NATIONAL LEVEL ON A LOCAL ISSUE

A Local League or State League Unit may request that the State Board issue a Call to Action under a state position which would implement a local position. If no state position exists, the Local League could propose a state study.

A Local League may lobby its own state legislators on a **local issue position ONLY WITH PERMISSION OF THE STATE BOARD. PERMISSION OF THE NATIONAL BOARD IS REQUIRED** before a Local League may lobby its own members of Congress on a local issue.

STATE LEVEL ACTION ON NATIONAL POSITIONS

The State Board and the LWVCO Legislative Action Committee may take action on national positions as they apply on the state level. Examples include the positions on: Congress (extended to the state legislature), Reproductive Choice, Voting Rights, and Health Care.

The State Board responds to LWVUS Calls to Action on national issues. The LWVUS also may request that Local League Boards or members contact their Members of Congress regarding a national issue.

ACTING ON THE PRINCIPLES OF THE LEAGUE OF WOMEN VOTERS

The Principles of the League of Women Voters evolved from, and incorporated, positions adopted in previous years. Action on the Principles by Local and State Leagues, and the National League was authorized by the 1974 Convention of the LWV of the United States.

Action requires authorization by the appropriate Board following its determination that there is member understanding and agreement on the issue and that the proposed action is appropriate as to timing, need, and effectiveness. When the action will have ramifications beyond a League's own governmental jurisdiction, the League should consult with all other affected Leagues to seek agreement.