



MEMORANDUM
SEPTEMBER 4, 2018

TO: BOARD OF DIRECTORS

FROM: CHRIS TREESE

SUBJECT: NOVEMBER BALLOT INITIATIVES

ACTION: *The Board should decide if it wishes to take a position on any of this November's ballot initiatives and direct staff to draft resolutions supporting the Board's position. Staff recommendations are presented below.*

STRATEGIC INITIATIVE(S):

1, B, C, D, E: *Public Outreach and Advocacy*

6 D, E: *Agricultural Water Use*

7 all: *Water Needs/Project Development*

10 B: *Water Quality*

Below are the 13(!) statewide constitutional and statutory questions that will appear on Colorado's November ballot. I've separated them by their origins: Citizen's initiatives and Referred measures (coming from the Legislature). Each summary includes a recommended CRD position.

Additionally, recall that with the passage of the "Raise the Bar" initiative last year, additions to the state constitution requires 55% voter approval. Repeal of constitutional language continues to require a simple 50% (+1) majority.

Citizen Initiatives:

Described briefly below are the six citizen initiatives that will appear on November ballot and the one (#173) that is still under signature review by the Secretary of State. They are listed by their Initiative number. Each will appear with a different number on the ballot.

I recommend the River District Board consider taking a position of opposition to #108; no position on all others.

#93 – K-12 Funding

Initiative 93 would return Colorado to a graduated income tax and dedicate the increased revenues to K-12 schools.

Recommended CRD position: No position.

#97 – Increased Setbacks for Oil and Gas Development

#97 would increase the required separation of any oil or gas development from publicly occupied buildings "or vulnerable areas" to 2,500 feet. "Vulnerable areas" are defined to include canals,

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lakes, rivers, reservoirs, and public drinking water sources. Local governments are expressly granted the authority to increase the 2,500 foot setback requirement.

Recommended CRD position: No position.

108 – Takings by State or Local Government

This is an aggressive addition to the state constitution defining any reduction in “fair market value” resulting from any government’s law or regulation as a taking of private property and requiring just compensation. Although Colorado Farm Bureau is the publicly-named proponent, three of the state’s largest oil and gas companies have invested millions in an issue committee working to advance this ballot measure.

Passage of #108 would increase the cost of nearly all laws and governmental actions, with most actions ending up in court for determination of compensatory eligibility and quantification of just compensation. The state has not yet placed a dollar figure to the projected costs of 108. However, after a similar measure passed in Oregon, the state was facing \$19.5 billion in claims in just the first two years, and local governments had to pay out over \$4.5. With the reality that the measure could bankrupt local communities and severely limit the state’s ability to fund schools and infrastructure, Oregonians ultimately repealed these financial penalties through a subsequent ballot measure.

Although the River District does not exercise the type of regulatory authority targeted by this initiative, water development and water quality protections, as well as other water-related actions and activities, will be more difficult, more expensive, as well as much more time consuming, should #108 pass.

Recommended position: Opposition, as too extreme, too costly, and fraught with unintended consequences.

#126 – Payday Loans

This initiative would set an upper limit of 36% interest (APR) on “payday” and other short-term loans.

Recommended CRD position: No position.

153 – Transportation Funding

This initiative is sponsored by the Denver Chamber and is in contrast to #167 below. #153 would increase Colorado’s state sales tax from 2.9% to 3.52% with the increased revenues dedicated to transportation funding, including repayment of bonds issued for transportation projects. The increase would expire in 2039.

Recommended CRD position: No position.

#167 – “Fix Our Damn Roads”

This initiative, competing with #153 above, comes from the Independence Institute and directs the state to issue \$3.5 billion in revenue anticipation notes to be spent solely on transportation infrastructure. #153 requires the principal and interest payments of issued notes be from existing state revenues, without specifying which state programs or agencies will be cut to provide for this

increased transportation expense. Specific, eligible transportation projects in every “transportation planning region” are identified in the initiative.

Recommended CRD position: No position.

#173 – Campaign Contributions

Also called the “millionaires’ equalization,” this initiative would allow a candidate subject to Colorado’s campaign limits to accept five times the current contribution limits if the opposing candidate gives or loans more than \$1 million to his or her own campaign. At this time, this citizen’s initiative has not been certified for the November ballot.

Recommended CRD position: No position.

Referred Measures:

The Colorado General Assembly is referring six constitutional questions to the November ballot. Each of these referred measures was approved by 2/3 of the members of the House and the Senate. No gubernatorial action is taken on referred measures. The following is a quick summary of referred measures V through A.

I recommend the River District Board consider taking a position of support for measures X and Y; no position on all others.

V – Minimum Age for Legislators

Measure V would lower the minimum age in the constitution from 25 to 21 for election to the Colorado General Assembly. This was referred to this year’s ballot with passage of HCR17-001.

Recommended CRD position: No position.

W – Retention of Judges, Ballot Format

The current language in the constitution requires county clerks to write a separate retention question for each justice or judge standing for retention. Referendum W would allow county clerks to write a single ballot question for each level of courts, shortening and simplifying the ballot.

Recommended CRD position: No position

X – Remove Industrial Hemp from Constitution

Referendum X would remove reference to and definition of industrial hemp from the state constitution and relocate constitutional references to statute.

Recommended CRD position: No position.

Y – Congressional Redistricting

Y would change the way that congressional districts are drawn every ten years. Taking the duty away from the state legislature and giving it to an independent commission. Y would vest this responsibility in a citizens’ commission composed of twelve members. Commission members would be one-third each from the state’s two largest political parties and one-third of not be affiliated with any political party.

Recommended CRD position: Support.

Z – General Assembly Redistricting

Like referendum Y, Z would change the way that Colorado's state house and senate districts are drawn every ten years. Taking the duty away from the state legislature and giving it to an independent commission. Z would vest this responsibility in a citizens' commission composed of twelve members. Commission members would be one-third each from the state's two largest political parties and one-third of not be affiliated with any political party.

Recommended CRD position: Support

A – Remove Reference to 'Slavery' from Constitution

This is a repeat of a 2017 ballot question that was rejected by voters. It would removes from the constitution slavery and involuntary servitude as allowable punishment for a crime and thereby prohibits slavery and involuntary servitude in all circumstances in the constitution.

Recommended CRD position: No position.