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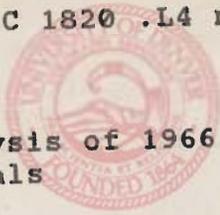
LEGISLATIVE COUNCIL OF THE  
COLORADO GENERAL ASSEMBLY  
AN ANALYSIS OF 1966 BALLOT  
PROPOSALS

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1966

An analysis of 1966 ballot  
proposals



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**LEGISLATIVE COUNCIL  
OF THE  
COLORADO GENERAL ASSEMBLY**

**An Analysis of  
1966 BALLOT PROPOSALS**

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1966

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In conformance with the provisions of Chapter 123, Session Laws of 1953, which requires the Legislative Council, among other duties, to "...examine the effects of constitutional provisions..." there is presented herein a copy of its analysis of the 1966 ballot proposals. In addition to listing the PROVISIONS and COMMENTS relating to each such proposal, there are also listed the arguments most commonly given for and against each.

It should be emphasized that the LEGISLATIVE COUNCIL takes NO position, pro or con, with respect to the merits of these proposals. In listing the ARGUMENTS FOR and the ARGUMENTS AGAINST, the Council is merely putting forth the arguments most commonly offered by proponents and opponents of each proposal. The quantity or quality of the FOR and AGAINST paragraphs listed for each proposal is not to be interpreted as indications or inferences of Council sentiment.

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proposals



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COLORADO

This analysis  
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has been prepared  
Council as a part  
eral Assembly and  
63-4-3, Colorado

The proposals  
forth, along with  
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given to arguments  
proposals in a  
each issue. Where  
the proposed amendments  
the major ones  
citizen may determine  
of each proposal.

FO/mp

# COLORADO GENERAL ASSEMBLY



## LEGISLATIVE COUNCIL

ROOM 341, STATE CAPITOL  
DENVER, COLORADO 80203  
222-9911 - EXTENSION 2285

### LETTER OF TRANSMITTAL

August 9, 1966

This analysis of the constitutional amendments to be voted upon at the 1966 general election has been prepared by the Colorado Legislative Council as a public service to members of the General Assembly and to the general public pursuant to 63-4-3, Colorado Revised Statutes, 1963.

The provisions of each proposal are set forth, along with general comments on their application and effect. Careful attention has been given to arguments both for and against the various proposals in an effort to present both sides on each issue. While all arguments for and against the proposed amendments may not have been included, the major ones have been set forth, so that each citizen may decide for himself the relative merits of each proposal.

Respectfully submitted,

/s/ Senator Floyd Oliver  
Chairman

FO/mp

OFFICERS  
Floyd Oliver  
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## BALLOT TITLES

### Constitutional Amendments Submitted by the General Assembly

1. An Amendment to Article IV of the Constitution of the State of Colorado, by the addition of a new section 22, providing that executive and administrative offices, agencies, and instrumentalities of the executive department of the state government shall be allocated to not to exceed twenty departments, with certain exceptions.
2. An Amendment to Section 6 of Article X of the Constitution of the State of Colorado, providing for classification of self-propelled equipment, motor vehicles, and certain other movable equipment, and for a specific ownership tax thereon in lieu of ad valorem taxation.

### Constitutional Amendments Submitted by Initiated Petition

3. An Amendment to Article VI of the Constitution of the State of Colorado, concerning the Judicial Department, and providing for the selection, tenure, removal or retirement of Justices of the Supreme Court and Judges of Other Courts of the State of Colorado.
4. An Act to amend Article V of the State Constitution, providing for a Senate of not more than thirty-five members and a House of Representatives of not more than sixty-five members; provides for single member districts in both Houses, each district in each House to be substantially equal in population; provides standards for formation of districts; provides for revision of districts by the General Assembly in 1967 and after each decennial census thereafter, under penalty of loss of compensation and eligibility of members to succeed themselves in office; and includes a severability and savings clause.
5. An Amendment to Article X of the Constitution of the State of Colorado concerning the General Property Tax, establishing a maximum limitation on annual taxation of property and gradually exempting from taxation over a ten-year period certain personal property.

### Referred Laws Submitted by the General Assembly

1. Providing for daylight saving time in Colorado.
2. Shall capital punishment be abolished?

AMENDMENT NO. 1 -- EXECUTIVE DEPARTMENT REORGANIZATION

Provisions:

Amendment No. 1 would:

1. require that all executive and administrative offices, agencies, and instrumentalities of the executive branch of state government will be allocated to not more than 20 departments by no later than June 30, 1968.
2. require that, after this initial reorganization, all new powers or functions must be assigned in such a manner as to provide an orderly arrangement in the administrative organization of state government in Colorado, thereby retaining in the future the fundamental framework of an executive branch containing a limited number of departments of not more than 20.
3. exempt the office of governor and lieutenant governor and temporary commissions from the 20-department limitation.
4. make no change in the constitution with respect to civil service and the appointive powers of the governor.

Comments:

Amendment No. 1 resulted from a study by the Legislative Council's Committee on Organization of State Government. This committee reported that the number of independent and semi-independent agencies in Colorado's executive branch of state government increased from 48 in 1939 to some 130 in 1966 with the result that no one man acting as governor can reasonably be expected to provide effective leadership and supervision over the development and administration of these various programs. Furthermore, the growth in the number of these agencies has been haphazard in the absence of any long-range development program for the administrative organization of the executive branch.

Colorado is not alone with respect to this situation, however, as similar developments have taken place in other states. This situation has been criticized as being contrary to such established principles of administrative organization as the desirability of grouping like functions within the same department and, to a lesser extent, the concentration of authority and responsibility. Neither of these two principles has been effectively achieved in Colorado because of the large number of separate agencies and departments within the executive branch and because they are under boards, commissions, or elected and appointed officials having varying degrees of administrative and policy-making authority. The committee concluded that Colorado

should reorganize its separate agencies report that the governor could have control of a reorganization in three of the states: Alaska, Hawaii, and Michigan.

The immediate purpose of the constitutional guidelines is to achieve the proper organization of the executive branch into a limited number of departments. To this extent, this amendment provides for a greater degree of centralization in the administration and development of state government.

On a long-range basis, the committee recommends a permanent administrative organization of the General Assembly and the shifting of programs within the state government, how to provide for the functions and roles of boards and commissions, and the "cabinet" plan, or the

Popular Arguments For:

1. The administrative organization of Colorado's state government and procedures to solve modern-day problems. It is possible, for an average agency for assistance with a massive number of state and duties carried out, represents a beginning.

2. The average citizen finds it difficult to understand the executive branch of our state. This is also experienced by the General Assembly, the operations of these programs, a number of separate agencies, and out these programs. A reduction in the number of agencies in the executive branch would be a benefit to governmental officials and the workings of these agencies.

3. The governor is elected by the people for the

should reorganize its executive branch to reduce the number of separate agencies reporting directly to the governor in order that the governor could be provided with an administrative span of control of a reasonable size, similar to programs adopted in three of the states recently revising their constitutions -- Alaska, Hawaii, and Michigan.

The immediate purpose of Amendment No. 1 is to provide constitutional guidelines for the General Assembly to observe in achieving the proper grouping of the various agencies in the executive branch into 20 or fewer departments. To a much lesser extent, this amendment would also provide the governor with a greater degree of central authority and responsibility in the administration and development of executive branch programs.

On a long-range basis, Amendment No. 1 would establish a permanent administrative organizational framework that the members of the General Assembly must observe when repealing, adding, or shifting programs within the executive branch of Colorado's state government. However, it is not the purpose of this amendment to provide for changes in such other areas as the number and roles of boards and commissions, the so-called "little cabinet" plan, or the "short ballot" proposal.

#### Popular Arguments For:

1. The administrative organization of the executive branch of Colorado's state government is saddled with antiquated structures and procedures that severely limit its ability to meet modern-day problems. Indeed it is often difficult, if not impossible, for an average citizen to locate the correct state agency for assistance with his problem simply because of the massive number of state agencies and the overlapping activities and duties carried out by these agencies. Amendment No. 1 represents a beginning step toward correcting this situation.

2. The average citizen is not the only one who finds it difficult to understand the operations and programs within the executive branch of our state government. This same difficulty is also experienced by executive branch officials, members of the General Assembly, and others involved with the day-to-day operations of these programs due in no small part to the large number of separate agencies that have been established to carry out these programs. Under the provisions of Amendment No. 1, a reduction in the number of separate agencies within the executive branch would be achieved which would enable citizens and governmental officials alike to obtain a better grasp of the workings of these agencies and their programs.

3. The governor is the one person held most responsible by the people for the conduct of the affairs of state government.

but, paradoxically, the governor has not been given the proper tools with which to carry out this responsibility in Colorado. Instead, the person occupying the governor's chair is expected to be well informed at any given time about the activities of some 130 different state agencies. Amendment No. 1 would require the General Assembly to reduce the number of independent and semi-independent agencies that are under his control from some 130 separate entities to no more than 20. This in itself does not mean that a reduction in the size of state government would result from the adoption of this amendment, but in the process of grouping like functions within the same department, the members of the General Assembly and executive branch officials may develop information on where consolidated programs could result in more effective and economical operations.

4. In the past, the members of the General Assembly have not had any over-all organizational plan to guide them when adding or altering executive department programs, with the result that there has been a haphazard growth in the number and composition of the agencies within the executive branch from 48 in 1939 to some 130 today. Without a program such as that embodied in Amendment No. 1 -- limiting the members of the General Assembly to adding or shifting programs within a maximum of 20 departments in the executive branch -- it seems quite probable that this disorganized growth will continue in the future and, while the present situation has its many problems, continued growth in the future on a similar basis to that in the past could provide almost insurmountable problems and difficulties.

5. In order to recognize the need for temporary activities under the governor, this amendment provides that temporary commissions, such as the recent Governor's Local Affairs Study Commission, may be established outside the basic 20-department limitation.

6. Amendment No. 1 protects the integrity of the present civil service program by specifically stating that its provisions do not supersede the provisions in the state's constitution relating to the civil service system.

#### Popular Arguments Against:

1. The changes needed for structural reform in the executive branch of government in Colorado can be largely effected through law without an amendment to the state constitution.

2. This amendment in itself may be the beginning step in a campaign to revamp the executive branch of state government in Colorado. From it could develop pressure for additional changes that might not be considered desirable.

3. Amendment No. 1  
The voters could vote on the amendment if it set out what would happen to some of the independent agencies if they were consolidated. What will happen to the other agencies?

4. The amendment  
This is an arbitrary number of agencies in the years ahead. By this way, the authors of this amendment are responsible for the illogical mergers of the agencies.

5. Under the word  
exists for members of the executive branch who continually shift or change their departments, resulting disruptions are involved.

6. This amendment  
through the centralization of power gives him an opportunity to change the constitution through temporary commissions of what is temporary.

7. The average citizen  
individual attention from the government. With the centralization of power the citizen will be forced to wait for attention.

3. Amendment No. 1 is too general in its implications. The voters could vote more intelligently on the proposed amendment if it set out what departments are to be established and how the agencies and divisions affected would be grouped. What will happen to some of the programs being carried on by independent agencies if they are merged into a larger department? What will happen to the higher echelon employees of these smaller agencies?

4. The amendment provides for not more than 20 departments. This is an arbitrary number of departments and could be too few in the years ahead. By limiting the General Assembly in this way, the authors of this amendment may have failed to see some of the illogical mergers of function that might result.

5. Under the wording of the amendment, the opportunity exists for members of the General Assembly in the future to continually shift or change the departmental organization with resulting disruptions and detrimental effects on the programs involved.

6. This amendment gives the governor too much control through the centralization of the executive branch. It also gives him an opportunity to evade the purpose of the constitution through temporary commissions, since there is no definition of what is temporary.

7. The average citizen has a much better chance of getting individual attention from a smaller agency than from a large department. With the centralization required by this amendment, the citizen will be forced to work through larger agencies.

AMENDMENT NO. 2 -- SPECIFIC OWNERSHIP TAX

Provisions:

This amendment would make all mobile homes and mobile and self-propelled construction equipment subject to a specific ownership tax (like that currently applied to automobiles), not the property tax. It would revise the present method of taxing motor vehicles, trailers and semi-trailers by:

1. specifically providing that trailer coaches, mobile homes, and mobile and self-propelled construction equipment (as well as motor vehicles, trailers and semi-trailers) shall be classified and be subject to graduated annual specific ownership taxes rather than to property taxes;
2. authorizing the General Assembly to prescribe methods for determining the taxable value of all such property for specific ownership tax purposes;
3. permitting the General Assembly to designate which county officers shall be responsible for the administration and collection of specific ownership taxes; and
4. empowering the General Assembly to determine the manner in which all specific ownership tax revenue shall be apportioned and allocated to local political subdivisions.

Comments:

Amendment No. 2 stems from a study made by the 1965 Legislative Council Committee on State and Local Taxes. The committee found that the levying of property taxes, or specific ownership taxes in lieu of property taxes, on mobile homes and certain mobile construction equipment differs from county to county and has become a perennial problem to county officials.

Although mobile homes and mobile equipment are in some cases classified as motor vehicles, inasmuch as they can be transported over the public highways, there are other cases where they are being classed as ordinary personal property, since they can remain on private property for an indefinite period of time. The present tax system has an implied option for owners of such property -- either to have it licensed and thereby become subject to a specific ownership tax similar to that applied to automobiles, or to have it valued by the assessor and subjected to the property tax levy in the same manner that a house is valued, assessed, and taxed. Under the first option, the tax is collected at the time the license is issued; under the second, payment of the tax is deferred for from twelve to eighteen months.

The committee recom  
be adopted, and conclude  
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amendment, are:

1. The confusion w  
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3. The existence o  
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4. Jurisdictional  
counties because of the  
putes increase administr  
burden on taxpayers.
5. The lack of cer

Since implementatio  
amendment is dependent u  
tion prescribing methods

The committee recommended that a single method of taxation be adopted, and concluded that the graduated specific ownership tax method, which has been used for conventional motor vehicles for the past thirty years, offers greater simplicity in administration and greater certainty of collection of taxes. The specific ownership tax, familiar to every car owner, is a fee imposed according to a predetermined schedule based on the age, make, and model of the item. This was considered more suitable for the taxation of mobile homes and mobile equipment than attempting to treat them in a manner similar to that used in taxing houses and fixed equipment.

Therefore the committee recommended that the constitutional provisions requiring classification of "motor vehicles, trailers and semi-trailers" and the payment of a graduated annual specific ownership tax thereon be expanded to include "motor vehicles and also wheeled trailers, semi-trailers, trailer coaches, and mobile homes, and mobile and self-propelled construction equipment" and that the method of determining the taxable value of all such property should be prescribed by law.

It would appear that farm machinery and equipment would continue to be valued by the assessor and taxed as personal property.

The principal problems existing under the present method of taxation of mobile homes and mobile construction equipment, which the committee believed could be solved by enactment of a new statute under the authority of the proposed constitutional amendment, are:

1. The confusion which exists as to whether such property is subject to the property tax or to the specific ownership tax.
2. The divided responsibility for the administration of the taxation of such property.
3. The existence of alternative methods of taxation, which permit owners to switch from one method to the other from year to year, thereby adding to administrative difficulty, compounding enforcement problems, and resulting in unequal burdens between taxpayers.
4. Jurisdictional questions and disputes arising between counties because of the mobility of such property, which disputes increase administrative costs to the counties and the burden on taxpayers.
5. The lack of certainty that the tax will be collected.

Since implementation of the provisions of the proposed amendment is dependent upon the enactment of subsequent legislation prescribing methods for determining taxable value of such

property and for apportioning the revenue, the committee was not able to develop information relative to the financial implications of the proposal, either with respect to the owners of such property or to the local governmental units which would receive the revenue.

Popular Arguments For:

1. The amendment stipulates a single method for taxing mobile equipment and mobile homes, ending confusion and eliminating the present dual system of taxation which has proved to be inequitable and administratively complicated. It offers simplicity for the taxpayer as well as for those who administer the tax.

2. A graduated specific ownership tax provides a uniform system for the taxation of mobile homes, trailer coaches, and mobile and self-propelled construction equipment, as has been demonstrated with respect to motor vehicles. On similar vehicles, the tax would be the same regardless of the condition or location of the vehicle. This would avoid the possibility of wide variations in assessments of similar property from county to county.

3. The specific ownership tax is collected in advance, eliminating the problem of collecting property taxes on mobile equipment which may no longer be located in the county or state.

4. Coupling the tax on mobile homes and mobile equipment with some type of license or registration fee provides a simple and more efficient means of identifying vehicles for tax enforcement purposes.

5. Empowering the General Assembly to determine the allocation of specific ownership revenues to local governmental units provides needed flexibility in meeting the financial needs of local government.

Popular Arguments Against:

1. Mobile property should be treated for tax purposes in the same manner as other kinds of property. All mobile homes and mobile equipment should be subject to the property tax rather than the specific ownership tax.

2. A uniform graduated tax such as the specific ownership tax is not as flexible as the property tax in the determination of actual value. Under the specific ownership tax, which would probably be based on averages, equipment that is excessively depreciated or equipment that has been rebuilt would not be

taxed in relation to actual value in which the assessor makes an assessment of each individual piece of property.

3. A single graduated tax applied to every county of the state in meeting the revenue needs of the state would not produce the revenue needed for a uniform property tax system. On counties which are rather small, owners of property would bear more than their share of the costs in relation to other counties.

4. The provision authorizing a change in the method of apportioning receipts among the political subdivisions is a departure from the concept of the specific ownership tax. Traditionally, specific ownership taxes have been levied for the same purposes and under the same system as the property tax. Under the present system, the General Assembly has the authority to allocate the property tax to all types of local governmental units and to other types of local governmental units.

taxed in relation to actual value. Only through a property tax, in which the assessor makes a determination of the actual value of each individual piece of property, is the assessment equitable.

3. A single graduated specific ownership tax applicable to every county of the state is inflexible and unsuited to meeting the revenue needs of local government. In counties with high mill levies, an average specific ownership tax probably would not produce the revenue that could be collected under the property tax system. On the other hand, where revenue needs are rather small, owners of mobile homes and mobile equipment would bear more than their fair share of local governmental costs in relation to other property owners. .

4. The provision authorizing the General Assembly to change the method of apportioning specific ownership tax receipts among the political subdivisions is a departure from the concept of the specific ownership tax as an "in lieu" tax. Traditionally, specific ownership tax receipts have been used for the same purposes and distributed in the same proportions as the property tax. Under the amendment it would be possible for the General Assembly to allocate higher proportions to some types of local governmental entities and lower proportions to others.

AMENDMENT NO. 3 -- JUDICIAL SYSTEM

Provisions:

1. Amendment No. 3 would change the method of selecting judges in Colorado. Under the amendment the governor would be given authority to appoint all judges (including supreme court justices, district court judges, and all other judges of courts of record except the Denver county court) from lists of nominees certified to him by judicial nominating commissions. After a provisional term of two years, any appointee wishing to remain in office would have to file a declaration of intent with the secretary of state. At the next general election the voters of the state, district, or county (as the case may be) would be given the opportunity to vote for or against his retention in office. An affirmative vote would continue the judge in office for the ensuing full term. A negative vote would create a vacancy in the office, to be filled by another gubernatorial appointment.

2. There would be one supreme court nominating commission for the state and one judicial district nominating commission for each judicial district (22 at the present time). The commissions would submit lists of nominees to the governor for use in making judicial appointments. The lawyer members of these commissions would be appointed by majority action of the governor, attorney general, and chief justice; other members would be appointed by the governor. No more than half the voting members plus one could belong to the same political party. Following the initial short appointments to establish a system of staggered terms, appointments to nominating commissions would be for six years. Members would not be eligible to succeed themselves. No person would be permitted to hold any elective, salaried public office or any elective political party office while serving as a member of a nominating commission. A supreme court nominating commission member would not be eligible for appointment to a vacancy on the supreme court during his term or for three years following. A judicial district nominating commission member would not be eligible for appointment to judicial office in that district during his term or for one year following.

3. The supreme court nominating commission would consist of nine voting members: one lawyer and one non-lawyer from each congressional district and one non-lawyer from the state at large. The chief justice of the supreme court would serve as ex officio chairman without a vote. The judicial district nominating commission would consist of seven voting members, at least one from each county in the district, with a justice of the supreme court serving as ex officio chairman without a vote. Four of the seven members of each judicial district nominating

commission would have having more than 35, to be lawyers, but i be up to the governo decide how many, if

4. Three names supreme court nomina pointment. Either t appropriate judicial appointment to a jud have to be submitted vacancy and the appo from the day the lis make the appointment the supreme court. the time of nominati

5. The amendme removal of judges. Th ordering the suspens other offense involv such judge if the ju upon recommendation qualifications, the remove any judge for ful or persistent fa perance. The amendm would be in addition for impeachment.

6. Under Amend retire at age 72. T authority, using sli retirement of a judg of a permanent chara of his duties. The the same as for remo cedures would have t pursuant to statute.

7. The commiss of nine members appo (three district and two lawyers who have by the governor, att non-lawyers, appoint empowered to initiat or retirement of ju the supreme court. hearings or ask the judges to serve as s

commission would have to be non-lawyers. In judicial districts having more than 35,000 population the other three would have to be lawyers, but in districts of lesser population it would be up to the governor, attorney general, and chief justice to decide how many, if any, of the remaining three must be lawyers.

4. Three names would be submitted to the governor by the supreme court nominating commission for each supreme court appointment. Either two or three names would be submitted by the appropriate judicial district nominating commission for each appointment to a judicial office in that district. Names would have to be submitted within 30 days after the occurrence of a vacancy and the appointment would have to be made within 15 days from the day the list is submitted. If the governor fails to make the appointment, the authority goes to the chief justice of the supreme court. Nominees would have to be under age 72 at the time of nomination.

5. The amendment would provide a new system for the removal of judges. The supreme court would be responsible for ordering the suspension of any judge convicted of a felony or other offense involving moral turpitude and for the removal of such judge if the judgment of conviction becomes final. Also, upon recommendation of a newly created commission on judicial qualifications, the supreme court would have the authority to remove any judge for (1) willful misconduct in office; (2) willful or persistent failure to perform his duties; or (3) intemperance. The amendment provides that these removal procedures would be in addition to the present constitutional provisions for impeachment.

6. Under Amendment No. 3 all judges would be required to retire at age 72. The supreme court would continue to have the authority, using slightly different procedures, to order the retirement of a judge when it is found that he has a disability of a permanent character which interferes with the performance of his duties. The new procedure for retirement cases would be the same as for removal cases. Judges retired under these procedures would have the same rights and privileges as if retired pursuant to statute.

7. The commission on judicial qualifications would consist of nine members appointed for four-year terms: five judges (three district and two county) selected by the supreme court; two lawyers who have practiced for at least ten years, selected by the governor, attorney general and chief justice; and two non-lawyers, appointed by the governor. The commission would be empowered to initiate investigations of causes for the removal or retirement of judges, under rules of procedure prescribed by the supreme court. The commission could either hold its own hearings or ask the supreme court to appoint three justices or judges to serve as special masters to hear and take evidence and

make a report. Papers filed and proceedings held before the commission or the special masters would be held confidential; if the recommendation reached the supreme court the proceedings would no longer be considered confidential. If the commission finds, after its investigation, that there is a good cause for the removal or retirement of a judge, it would recommend such action to the supreme court. The supreme court would review the recommendation and either accept or reject it.

8. Judges of the Denver county court (formerly the municipal court) would be exempt from the amendment's provisions on selection, removal, and retirement of judges. The judges of the Denver county court are already selected on a similar basis to that proposed in the amendment, but the appointments are made by the mayor because of the court's municipal jurisdiction.

9. Amendment No. 3 would prohibit judges from contributing to or campaigning for any political party or candidate for political office. Judges running for retention in office would not be identified with any political party on the ballot.

10. The amendment would give the chief justice constitutional authority to assign judges to serve temporarily in other courts for which they are qualified, in order to facilitate the prompt disposition of judicial business. Under the amendment, this authority would be extended to include retired judges who consent to perform this service, as well as judges in office. Provision is made for daily compensation of retired judges who perform temporary services in the courts.

11. The amendment would also provide constitutionally for a chief judge in each judicial district, to be appointed by the chief justice. It would make the position of judicial administrator a constitutional office and would permit the supreme court to appoint such other personnel as the court deems necessary to aid the administration of the courts.

12. Provision is made throughout the amendment for the selection of judges of any intermediate appellate court to be handled in the same manner as selection of supreme court justices, in case the General Assembly should establish an intermediate appellate court or courts.

13. The amendment would take effect on the third Tuesday of January, 1967. All judges holding office at that time would continue in office for the remainder of their respective terms and any judge desiring re-election would then be subject to the amendment's provisions for submission of the question on retention in office.

#### Comments:

Judges in Colorado in the same manner as amendment would replace the election system often referred to as first adopted for since been adopted, and other states. The ba

- (1) Nomination of judges, bipartisan, provisions;
- (2) Appointment of judges, panel submission and
- (3) Review of appointment of judges, including election, appointed run, whether the office.

The new removal of lay-professional commission would investigate and make recommendations, failure to perform, returned after the California

Many of the provisions of the establishment of a suggested in the model statute of the American Bar Association

#### Popular Arguments For:

1. The amendment would give qualified persons to assure assurance of tenure and financial ordeal

2. The courts would be free Judges would be free of political influence and would be able to conduct the conduct of judicial

3. Under the present judicial candidates are political party and party that are largely unrelated. This amendment would d

Comments:

Judges in Colorado now run for election on a partisan basis in the same manner as candidates for other offices. This amendment would replace the present system with the judicial selection system often referred to as "The Missouri Plan." The plan was first adopted for use in parts of Missouri in 1940. It has since been adopted, either in whole or in part, by several other states. The basic elements are:

- (1) Nomination of slates of judicial candidates by bipartisan, lay-professional nominating commissions;
- (2) Appointment of judges by the governor from the panel submitted by the nominating commission; and
- (3) Review of appointments by the voters in succeeding elections by which judges who have been appointed run unopposed on the sole question of whether their records warrant retention in office.

The new removal provisions of Amendment No. 3, creating a lay-professional commission on judicial qualifications to investigate and make recommendations on cases of willful misconduct, failure to perform duties, and intemperance, are patterned after the California system for removal of judges.

Many of the provisions of the proposed amendment, including the establishment of a compulsory retirement age, have been suggested in the model state judicial article approved by the American Bar Association.

Popular Arguments For:

1. The amendment will encourage a greater number of well-qualified persons to serve as judges since they would have more assurance of tenure and would not have to submit to the physical and financial ordeal of campaigning for office.
2. The courts would be completely removed from politics. Judges would be free from the pressures of politics and campaigning and would be able to devote their full time and attention to the conduct of judicial business.
3. Under the present system of partisan election of judges, judicial candidates are forced to maintain allegiance to a political party and participate in campaigns involving issues that are largely unrelated to the duties of judicial office. This amendment would discourage judges from taking an active

part in partisan politics by prohibiting them from campaigning for and making contributions to political parties.

4. The system of nomination by a commission, appointment by the governor, and a two-year provisional term would ensure that full consideration has been given to the ability, character, and qualifications of a judicial candidate before his name is permitted to go on the ballot. This is not always true of judicial candidates under the present system.

5. Under Amendment No. 3 the attention of the voters would be focused on a judge's record. By making it easier for voters to inform themselves, this would facilitate the removal of incompetent judges and the retention of those whose records are meritorious.

6. The membership of the judicial nominating commissions would include more non-lawyers than lawyers. Thus there would be no danger of the lawyers controlling the selection process under the amendment.

7. The amendment would offer the opportunity for more continuity in our court system, thus promoting court efficiency and accelerating the administration of justice.

8. Compulsory retirement of judges at age 72 will help to ensure that judges do not remain in office after they are too old to do a good job. The provision for temporary assignment of retired judges to assist in handling crowded dockets will allow the chief justice to continue using the services of competent judges over the age of 72.

9. The present provisions for removal of judges from office are inadequate. Colorado needs a constitutional procedure for removing a judge for misconduct, intemperance, or failure to perform his duties. Amendment No. 3 provides such a procedure.

#### Popular Arguments Against:

1. Removal of judges from election by the people deprives the people of a basic, inherent right. Our democratic system is based on the belief that the people are capable of electing their public officials. The history of judicial selection in Colorado shows that, over-all, the voters have the wisdom to elect the best qualified candidates and defeat those who are unqualified.

2. This proposal would destroy the long established doctrine of separation of the powers of government into three independent branches, in that it gives the chief executive power over the judicial branch, hence destroying the independence of the judiciary.

3. If judges are do not have to run for tive to public opinion responsive the people

4. The effect of sent and future judges age, making it difficu fied and incompetent j

5. This proposal It would in effect eli of the judiciary, one

6. The amendment ity. He would particip of the nominating comm in all judicial appoint one person to exercise selection function. In and appointment would members of the nominat his candidacy.

7. The lawyers w of judges under Amendm legal community might ciary.

8. The provision arbitrary and has no re form his duties. Some while others are capab years beyond age 72.

9. The provisions for willful misconduct vague for effective imp abuse in the hands of a not be treated differen causes and procedures i

3. If judges are appointed under a nonpartisan system and do not have to run for political office, they will not be sensitive to public opinion or criticism. As judges become less responsive the people will suffer.

4. The effect of Amendment No. 3 could be to freeze present and future judges in office until the compulsory retirement age, making it difficult for the voters to remove any unqualified and incompetent judges.

5. This proposal would weaken our political party system. It would in effect eliminate party participation in the conduct of the judiciary, one of our three branches of government.

6. The amendment would give the governor too much authority. He would participate in the selection of all the members of the nominating commissions and he would make the final choice in all judicial appointments. Thus it would be possible for one person to exercise tremendous influence over the judicial selection function. In addition, the person seeking nomination and appointment would still solicit support from the governor, members of the nominating commission, and others on behalf of his candidacy.

7. The lawyers would be given more voice in the selection of judges under Amendment No. 3. The power structure of the legal community might be able to assume control over the judiciary.

8. The provision for mandatory retirement at age 72 is arbitrary and has no relation to the ability of a judge to perform his duties. Some judges should probably retire earlier, while others are capable of excellent performance for many years beyond age 72.

9. The provisions of Amendment No. 3 regarding removal for willful misconduct and failure to perform duties are too vague for effective implementation and would be subject to abuse in the hands of an appointed commission. Judges should not be treated differently from other public officials where causes and procedures for removal are concerned.

AMENDMENT NO. 4 -- SINGLE-MEMBER LEGISLATIVE DISTRICTS

Provisions:

Amendment No. 4 would:

1. require the election of members of the General Assembly from single-member districts, with the state being divided into no more than 35 senatorial districts and 65 representative districts.
2. require that each district in each house must have a population as nearly equal as may be to every other district in the same house as required by the Constitution of the United States.
3. permit the General Assembly, where they declare it necessary to meet the equal population requirements, to add part of one county to all or part of another county in the formation of senatorial and representative districts.
4. require that no districts of the same house may overlap, thereby prohibiting the formation of floterial districts such as Colorado now has for two districts in the Senate.
5. require the General Assembly to establish the boundaries of senatorial and representative districts in the 1967 regular session and at each regular session next following official publication of each federal enumeration of the population of the state.
6. require the members of the General Assembly to comply with the provisions of this amendment within 45 days from the beginning of the applicable regular session or face loss of their compensation and the right to succeed themselves in office unless and until they adopt the required revisions and alterations in legislative districts.
7. eliminate the present constitutional provision that the state must take a census every ten years, beginning in 1885, with the General Assembly to reapportion itself at the first session following this enumeration.

Comments:

Amendment No. 4 deals primarily with the question of whether or not there should be single-member legislative districts in the Colorado General Assembly, as opposed to the present system of at-large elections in multi-member counties. With one exception -- the general election of 1964 -- the members of Colorado's

General Assembly from on an at-large basis. that election only, the tives and 18 of the 35 the basis of single-member act of the 19 of the Senate who were tricts, which are dist: from within their bound were combined to form meet equal population

Amendment No. 4 w to the General Assembly with the general electi formed so that the popu nearly equal as possibl districts for the same tent with maintaining v would be as compact in one county could be add the formation of senato when the General Assemb establish districts con possible. Floterial di provisions of this prop

If adopted, Amendm the General Assembly mu and representative dist each regular session ne federal enumeration of do not complete this as ning of the session, th nor are they eligible t until they have adopted in legislative district

Finally, this measi tional provision that ti years in years ending in General Assembly to reap state census. This par never been implemented ted.

Popular Arguments For:

1. The adoption of proval of the "one man-c of Colorado. That is, u

General Assembly from multi-member districts have been elected on an at-large basis. In the 1964 general election, and for that election only, the 65 members of the House of Representatives and 18 of the 35 members of the Senate were elected on the basis of single-member districts as provided in the apportionment act of the 1964 special session, including two members of the Senate who were elected from so-called flatorial districts, which are districts where two counties electing senators from within their boundaries (Adams-Arapahoe and Boulder-Weld) were combined to form separate senatorial districts in order to meet equal population requirements.

Amendment No. 4 would provide for the election of members to the General Assembly from single-member districts beginning with the general election of 1968. These districts would be formed so that the population within each district would be as nearly equal as possible to the population in each of the other districts for the same house of the General Assembly, consistent with maintaining whole general election precincts, and would be as compact in area as possible. Moreover, no part of one county could be added to all or part of another county in the formation of senatorial and representative districts except when the General Assembly determines that this is necessary to establish districts containing population as nearly equal as possible. Flatorial districts would not be allowed under the provisions of this proposal.

If adopted, Amendment No. 4 provides that the members of the General Assembly must establish the boundaries of senatorial and representative districts in the 1967 regular session and at each regular session next following official publication of each federal enumeration of the state's population. If the members do not complete this assignment within 45 days after the beginning of the session, they no longer may receive any compensation nor are they eligible to succeed themselves in office unless and until they have adopted the required revisions and alterations in legislative districts.

Finally, this measure would remove the present constitutional provision that the state must take a census every ten years in years ending in "five," and the provision directing the General Assembly to reapportion its membership following each state census. This particular provision in the constitution has never been implemented and no state census has ever been conducted.

#### Popular Arguments For:

1. The adoption of Amendment No. 4 will result in the approval of the "one man-one vote" doctrine for all of the people of Colorado. That is, under the provisions of this amendment

every elector, both those in urban and those in rural areas, will be able to vote for one senator and one representative, no more, no less. This would replace the present situation where some people may vote for only one senator and one representative while others may vote for as many as five senators and 18 representatives at one time.

2. Establishing single-member districts for the General Assembly will enable the voters to become better informed about the candidates and to cast their ballots with more assurance as to the qualifications of the candidates for whom they are voting.

3. At present, electors in Denver are faced with voting for 18 members of the House of Representatives from some 36 candidates running from the city and county at large; in El Paso County the electors select five members of the House of Representatives from a slate of ten candidates; and in Adams, Arapahoe, Jefferson, and Pueblo Counties the electors vote for four members of the House of Representatives from some eight candidates within each county. Requiring single-member districts will materially shorten the ballot in these cases.

4. A single-member district system will enable a legislator to be aware of the sentiments of his constituents much more than a multi-member district system. In the urban areas, it will also mean that legislative candidates can concentrate their campaigns within a specific district area and can devote their time and attention to the people living within their district.

5. The single-member district system will mean that voters within a given area will have more effective control over the actions of their senator and representative. In other words, legislators may be held more directly accountable to their constituents under the single-member district system.

6. Under the provisions of Amendment No. 4, minority groups living in concentrated population areas should be better able to obtain representation in the General Assembly commensurate with their population. Under the system of at-large elections in multi-member counties, it is possible for many or all of the members to be elected, for example, from merely a few areas within a district or from generally the same economic strata.

7. This amendment retains the responsibility for reapportionment where it belongs -- in the hands of the elected legislative members. At the same time, however, this amendment would penalize the members if they fail to reapportion once every ten years, as required by its provisions, by loss of pay as well as by declaring them ineligible for election to succeed themselves in office.

8. Amendment in the state's census in years of conducting a complete census longer is a need for a census.

#### Popular Arguments

1. The "one The United States should vote only if did say was that strength as possible candidates to a state fic cases where t has upheld the use a state legislativ

2. Subdistri the rise of politi levels. In distri another, a virtual trolled by party o large, on the othe sion of opinion by procedures such as mary elections.

3. Powerful more easily over t fice from a limite must run at-large community groups a

4. The argume tion for minoritie actually could per aging minority gro assured of repres voters often have groups in county-w didates need not d Such individuals a of all the people, nority group.

5. Legislato responsive to the the county as a wh narrow the interes limited interest o

9. Amendment No. 4 would remove the long-ignored provision in the state's constitution calling for the taking of a state census in years ending in "five." With the federal government conducting a comprehensive census once every ten years, there no longer is a need for a state government to conduct a similar census.

#### Popular Arguments Against:

1. The "one man-one vote" slogan is a corruption of terms. The United States Supreme Court has never said that each man should vote only for one legislative member -- what the court did say was that each man's vote should be as equal in weight or strength as possible to that of any other man's in electing candidates to a state legislative body. In fact, in recent specific cases where the point was at issue, the U. S. Supreme Court has upheld the use of multi-member districts to elect members of a state legislative body.

2. Subdistricting of multi-member districts could signal the rise of political bossism at the precinct and district levels. In districts substantially dominated by one party or another, a virtual one-party system could be established, controlled by party officials at the lowest ranks. Elections at large, on the other hand, provide broad participation and expression of opinion by a party's rank-and-file through traditional procedures such as county-wide assembly designations and primary elections.

3. Powerful special interest groups could apply pressure more easily over the actions of a legislator who must run for office from a limited area, within a populous county, than one who must run at-large and is responsible to the broad spectrum of community groups and organizations.

4. The argument that districting would assure a representation for minorities is not valid. Single-member districting actually could perpetuate the existence of such areas by encouraging minority groups to isolate themselves in order to be assured of representation in the General Assembly. Colorado's voters often have elected outstanding members of various minority groups in county-wide contests, proving that such minority candidates need not depend only on the votes of their own group. Such individuals are entitled to seek office as representatives of all the people, not as special pleaders for a specific minority group.

5. Legislators elected at large can be expected to be more responsive to the broad and general interests of the people of the county as a whole. Single-member districting could tend to narrow the interests of the legislator, causing him to place the limited interest of his district above that of the city or

county, or even state. This, especially, is important when one considers that the interests of a given county are uniform in state legislation.

6. The provision permitting the General Assembly to place part of one county in a legislative district including another county raises the danger that the residents of the partial county would constitute a minority having little influence with their legislator. The legislator should owe his allegiance to the appropriate unit -- the county or several contiguous counties. This provision also ignores the traditional observance of county boundary lines and creates the possibility of "gerrymandering" by the political party in power to increase its chances for political victory at the polls.

7. Limiting candidates to small single-member districts places a handicap on both political parties in their continuing efforts to develop candidates for state-wide office with proven voter appeal to broad segments of the population.

8. The candidate for the General Assembly is placed at a disadvantage in campaigning in a geographically small district in a large city, since the various media and methods of communication tend to be city-wide. Newspaper, radio and television stations, and other mass media cover a large radius and tend to be too expensive to be used to reach the voters in a small area. Even clubs, organizations and other groups which invite candidates to speak before them, are mostly city-wide or county-wide in their membership.

9. Many people feel the best solution to the subdistricting problem would be to adopt some combination of subdistricting and at-large representation. For example, the senate members might be elected at large in the multi-member counties and the house members from single-member districts.

Provisions:

The first section of property taxes which could be levied in this state. The second section would provide for a property tax on livestock and enable the General Assembly to exempt from taxation.

Property tax limitation:  
The first section would set a maximum over-all annual property tax value (75 mills based on value for assessment). The second section would set a maximum but would not have any effect on interest levies would be levied for state purposes. All other sections would be subject to the limitation. This includes municipalities, counties, and

A greater maximum limiting the amount of tax levied on electors. The amendment

In the event the amendment would allow the various tax levying authorities of property taxes to be levied by county boards of electors, the county general laws, and the county boards of electors owning tax levying authority of the increased

If the vote is against the amendment, the county boards of electors would be required to reduce one or more of the tax levies so that the total tax levied does not exceed the maximum limitation.

The tax limitation would apply to the year 1968. Prior to that time the amendment would not affect the general enabling act and administration of this

Where the total property tax levied on January 1, 1968, and the total property tax levied on the part of the taxpaying electors would be required to provide for a year period, so that the amendment would be effective in the third year after the amendment appears that the question of the amendment would be on each year.

AMENDMENT NO. 5 -- PROPERTY TAX

Provisions:

The first section of Amendment No. 5 would limit the local property taxes which could be levied annually on property in this state. The second section would phase out the personal property tax on livestock and merchandise over a ten-year period and enable the General Assembly to exempt all personal property from taxation.

Property tax limitation. The amendment would establish an over-all annual property tax limitation of  $2\frac{1}{4}$  per cent of actual value (75 mills based on the present statutory 30 per cent valuation for assessment). The General Assembly could set a lower maximum but would not have the authority to raise it. Bond and interest levies would be exempted, as would property taxes for state purposes. All other property taxes would be subject to the limitation. This includes taxes for school districts, municipalities, counties, and special districts.

A greater maximum limitation may be approved by the taxpaying electors. The amendment provides:

In the event the mill levies of any of the various tax levying authorities require the levying of property taxes in excess of the maximum, the county boards of equalization, as prescribed by the general laws, shall submit to the qualified electors owning taxable property within any such tax levying authorities the question of approval of the increased maximum limitation;...

If the vote is against increasing the maximum limitation, the county boards of equalization would be responsible for reducing one or more of the levies of the various tax levying authorities so that the taxation on property does not exceed the maximum limitation.

The tax limitation would become effective on January 1, 1968. Prior to that time the General Assembly would have to enact the general enabling laws necessary to the implementation and administration of this portion of the amendment.

Where the total property tax levy exceeds  $2\frac{1}{4}$  per cent on January 1, 1968, and the excess has not been approved by a vote of the taxpaying electors, the county boards of equalization would be required to provide for annual reductions over a three-year period, so that the  $2\frac{1}{4}$  per cent limitation would become effective in the third year thereafter. However, it would appear that the question of exceeding the maximum could be voted on each year.

Exemption of personal property. The second section of the amendment would provide for the gradual elimination of the property tax on livestock and merchandise. The tax on all personal property held for sale or use in the due course of business (except depreciable property) would be phased out gradually, at ten per cent a year for ten years, beginning on January 1, 1968. Effective the tenth year, there would be no tax on this property. The General Assembly could provide for complete exemption earlier if desired. The property to be exempted would include:

Livestock, whether held for sale or breeding;  
Feed;  
Finished goods;  
Raw materials; and  
Ingredients and component parts of all manufactured or produced goods and goods in process.

Personal property which is subject to depreciation in the determination of valuations for assessment (machinery, equipment, furniture, fixtures) would continue to be taxable unless the General Assembly voted to exempt all personal property from taxation.

In addition to the ten-year phase-out of the tax on livestock and merchandise, which would take place without action by the General Assembly, the amendment would also enable the General Assembly to provide by general law for the total exemption from taxation of all personal property.

The amendment includes a provision to guarantee that property on which a specific ownership tax is paid would not be subject to the personal property tax.

Comments:

Property tax limitation. 1. The property tax limitation proposed in Amendment No. 5 is a new concept for Colorado. Although some county and special district funds are subject to state-imposed levy limits, Colorado has never had a limitation on the aggregate amount of property tax which can be collected on a given piece of property. The principal limitation in effect now is a statutory prohibition against an annual increase of more than five per cent (exclusive of bond and interest levies) for any local taxing jurisdiction. A taxing district cannot increase its levy by more than five per cent unless (1) the state tax commission approves the increase or (2) the tax-paying electors of the district give their approval at an election.

2. It is not possible to determine how many areas will have an aggregate levy which exceeds  $2\frac{1}{4}$  per cent of actual value by

January 1, 1968. Even though the state tax commission overlapping boundaries of interest levies have not the taxing jurisdictions. figures without considering about 40 municipalities were paying property tax purposes in excess of the uniform valuations for average, about 40 municipalities (75 mills). The 1965 average 69.53 mills (including both the various types of tax millages; municipalities, 14 special districts, 1.48 m

3. The elected board by the constitution as the Denver the county board of the city council, managers of revenue, public at present time the function to review the valuations assessor, making the correct provide equalized assessments now have any authority over valuation once it has been

4. Under the present districts, municipalities, terminate their own budgets revenues, subject only to the or, in the case of home rule charter limitations. Although responsible for the administrative millages necessary to provide are not empowered to reduce the individual taxing authority

5. Currently, the principal local tax revenue for schools, cities, and municipalities. municipalities can and do levy on counties, and special districts able to them.

6. Amendment No. 5 would state to levy a property tax limit of five mills. At the time of a state property tax.

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January 1, 1968. Even the 1965 figures are not complete, since the state tax commission does not receive information on the overlapping boundaries of special districts and the bond and interest levies have not been reported separately for some of the taxing jurisdictions. However, according to the available figures without considering special districts, there are currently about 40 municipalities in which the property owners were paying property taxes for county, municipal, and school purposes in excess of the 2¼ per cent maximum (i.e., assuming uniform valuations for assessment at 30 per cent of actual value, about 40 municipalities had aggregate levies greater than 75 mills). The 1965 average aggregate millage for the state was 49.53 mills (including bond and interest levies). Averages for the various types of taxing jurisdictions were: schools, 45.57 mills; municipalities, 14.72 mills; counties, 13.04 mills; and special districts, 1.48 mills.

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3. The elected board of county commissioners is designated by the constitution as the county board of equalization. (In Denver the county board of equalization is made up of the president of the city council, the clerk and recorder, and the managers of revenue, public works, and general services.) At the present time the function of the county board of equalization is to review the valuations for assessment made by the county assessor, making the corrections and adjustments necessary to provide equalized assessments in the county. The board does not now have any authority over the amounts to be levied on the valuation once it has been set.

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4. Under the present law, the governing bodies of school districts, municipalities, counties, and special districts determine their own budgets and their need for property tax revenues, subject only to the limitations set out in the statutes or, in the case of home rule cities, the existing home rule charter limitations. Although the county commissioners are responsible for the administrative function of certifying the millages necessary to produce the dollar amounts specified, they are not empowered to reduce the requests certified to them by the individual taxing authorities.

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5. Currently, the property tax is the major source of local tax revenue for school districts, special districts, counties, and municipalities. Although many of Colorado's municipalities can and do levy other types of taxes, school districts, counties, and special districts have no other tax revenues available to them.

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6. Amendment No. 5 would not affect the ability of the state to levy a property tax for state purposes. A state property tax would continue to be subject to the constitutional limit of five mills. At the present time Colorado is not levying a state property tax.

7. There appear to be a number of questions and differences of opinion about the wording of the property tax limitation section and what it means in terms of the actual operation of the amendment. Many of the questions have arisen from uncertainty about how multiple and overlapping taxing jurisdictions would be handled. For example, would the question of the increased maximum be submitted (1) only in the area exceeding the maximum; (2) in all parts of the county affected; (3) in all portions of the taxing jurisdictions affected where more than one county is involved; or (4) in whichever taxing jurisdiction or jurisdictions the county board of equalization determined were responsible for exceeding the maximum? Also, would the question be on (1) increasing the total maximum in the area directly affected; (2) increasing the total maximum in a larger area; or (3) approving the levy, or the increase in the levy, for the individual taxing jurisdiction or jurisdictions specified by the county board of equalization as responsible for exceeding the maximum? A number of problems such as these would have to be solved by the General Assembly through implementing legislation in compliance with the language of the amendment.

Personal property exemption. 1. The valuation for assessment of the livestock and merchandise which would be gradually exempted from taxation under the self-executing portion of the second section of this amendment was \$294 million in 1965 (not including state-assessed utility property). This is slightly over seven per cent of the total property tax base. The tax revenue on the 1965 valuation for this property has been estimated at roughly \$20 million.

2. The valuation for assessment of all personal property was over \$554 million in 1965, not including state-assessed utility property. Thus, if the General Assembly chose to exempt all personal property under the terms of this amendment, the total property tax base would be reduced by more than 13 per cent. The tax revenue on the 1965 valuation for this property has been estimated at more than \$40 million, including the \$20 million for livestock and inventories.

3. Some personal property is already exempt from taxation or is assessed at less than 30 per cent of actual value. Household furnishings and personal effects not used for the production of income are not subject to personal property taxes, having been exempted under a constitutional amendment adopted by the people in 1956. Freeport merchandise (stocks of merchandise stored in Colorado while in transit from one state to another and stocks of merchandise manufactured or produced in Colorado and stored waiting to be shipped out of the state) is now assessed at a lower percentage of actual value under a law passed by the General Assembly in 1965. For 1966 the assessment is at 17½ per cent of actual value; for 1967 and succeeding years it will be at five per cent.

#### Popular Arguments For:

1. Property taxes appears that unless a limit will be asked to pay more whether he can afford it. Property taxpayers should high levels when personally contributing proportionate.
2. In the absence of the governing bodies of mental units have not a level. This amendment, governing bodies to scrutinize find ways to make more.
3. The amendment, whether their property constitutional maximum. This an additional levy is up the opportunity to make creases, an opportunity laws.
4. At the present times, and special districts, their respective budgeting body operates as if its sole use, without regard for other jurisdictions taxpayers. This amendment board of county commissioners coordinate all of the levies the county, determining necessary once the ceiling.
5. Property tax amendment and the General insurmountable problems covering the administrative. The intent of the amendment is unworkable are merely important issues. Similar workable in other states.
6. The inventory tax subject to abuse. It is merchant or manufacturer month. It does not take volume of business done net profit, or the amount.

Popular Arguments For:

1. Property taxes in Colorado are getting out of hand. It appears that unless a limitation is adopted, the property owner will be asked to pay more and more property taxes each year, whether he can afford it or not. Homeowners and business property taxpayers should not have to pay property taxes at such high levels when persons who do not own property are not contributing proportionately to the costs of local government.

2. In the absence of an effective property tax ceiling, the governing bodies of school districts and other local governmental units have not kept expenditures down to a reasonable level. This amendment, by setting a maximum, will force such governing bodies to scrutinize their budgets more closely and find ways to make more efficient use of the tax dollar.

3. The amendment gives the voters the right to decide whether their property taxes should be increased beyond the constitutional maximum. This provides the flexibility needed where an additional levy is unavoidable. It also gives the taxpayers the opportunity to make their own decisions on property tax increases, an opportunity which they rarely have under present laws.

4. At the present time the schools, municipalities, counties, and special districts all work independently in determining their respective budgets and property tax levies. Each governing body operates as if the property tax base were available for its sole use, without regard for the fact that there are a number of other jurisdictions levying taxes on the same property taxpayers. This amendment would provide that a single body, the board of county commissioners, would have the authority to coordinate all of the levies from all of the taxing districts in the county, determining priorities and making reductions as necessary once the ceiling is reached.

5. Property tax administration would not be changed by the amendment and the General Assembly should not encounter any insurmountable problems in working out enabling legislation covering the administrative details of the limitation provision. The intent of the amendment is clear and those who argue that it is unworkable are merely trying to avoid debate on the more important issues. Similar tax limitation provisions have proved workable in other states.

6. The inventory tax is inequitable, inappropriate, and subject to abuse. It is a tax on the average investment of a merchant or manufacturer, as evidenced by his goods on hand each month. It does not take into consideration the turnover or volume of business done during the year, the rate of gross or net profit, or the amount of overhead expenses. Different

businesses may vary tremendously on any of these factors and still pay taxes on the same valuation for assessment. The best solution to this problem appears to be the elimination of the inventory tax.

7. This amendment would not eliminate the entire valuation of livestock and inventories in a single year. The property tax on these classes of property would be phased out over a ten-year period. The gradual process of exemption will minimize the effect on local governments, giving them time to make the necessary adjustments. It will also allow time for the growth of new industry and the expansion of existing industry (and the concurrent growth in taxable valuations) anticipated upon adoption of this amendment. Revenues from these sources are expected to help replace the revenues from the taxes which will be eliminated.

8. The adoption of this amendment will help attract new industry to Colorado. Businessmen are not usually interested in locating in states where there is an unfavorable tax climate; they prefer states which have clearly indicated a desire for new industry by giving favorable tax treatment. The elimination of the inventory tax and the limitation on property taxes would demonstrate that Colorado is willing to encourage industrial growth and place Colorado in a competitive position with other states in attracting new industry.

#### Popular Arguments Against:

1. This proposed constitutional amendment is an attempt to shift a larger part of the burden of supporting governmental services from the business community to the individual taxpayers. Business taxpayers would be given special tax treatment by the exemption of inventories and livestock while homeowners and other real property taxpayers would be required to pay additional taxes to help make up for the revenue lost because of the exemption. The amendment is also discriminatory in that livestock and merchandise are exempted from taxation by constitution while other classes of personal property are not. There is no justifiable reason for this kind of special treatment.

2. Amendment No. 5 would reduce the property tax base without making provision for replacement revenues. The exemption of inventories and livestock (and the possibility of exemption for all personal property) would shift a greater proportion of the property tax burden to homeowners, farmers, and other owners of non-exempt real and personal property. Consequently the 75-mill ceiling would be reached more quickly and 75 mills would produce a lesser amount of revenue. This would compound the financial hardship on local governments unless alternative revenue sources are provided. The only alternative tax sources

that will yield sufficient increased sales taxes, come taxes.

3. This amendment strong and responsive to traditionally has opposed from the local level to grounds that local government is more responsive to tax ever, it is the same but adoption of this proposal further restrict the ability needs and desires of the sources of local government are made available to local be a further shifting of local government to either

4. It is not true induce new industry to local many factors, including more important than tax. This amendment would imp provide an adequate level that extent would tend to ment in Colorado.

5. The amendment to commissioners. The judge (elected on a partisan platform of county government) would for example, a school board the sole purpose of conducting children of the school districts, municipalities deprived of effective control budgets necessary to finance unit programs could be reduced; county budgets, to reduction by any external

6. This proposal would tions on local financing should be a flexible document. Should this amendment pass General Assembly and local and inequities in our present

7. Under Amendment No. would be deprived of an equal schools and other local government

that will yield sufficient revenues to offset the losses are increased sales taxes, personal income taxes, or corporate income taxes.

3. This amendment is in direct opposition to the theory of strong and responsive local government. The business community traditionally has opposed the shift of governmental functions from the local level to the state or federal levels on the grounds that local government, which is closest to the people, is more responsive to the needs and desires of the people. However, it is the same business community which is advocating the adoption of this proposed constitutional amendment which will further restrict the ability of local government to meet the needs and desires of the people by limiting the revenue resources of local government. Unless other sources of revenue are made available to local governments, the obvious result will be a further shifting of governmental responsibilities away from local government to either the state or federal levels.

4. It is not true that lower property taxes alone will induce new industry to locate in Colorado. Surveys prove that many factors, including adequacy of governmental services, are more important than taxes in the selection of new plant sites. This amendment would impair the ability of local governments to provide an adequate level of services to their citizens, and to that extent would tend to discourage desirable industrial development in Colorado.

5. The amendment gives too much power to boards of county commissioners. The judgment of the board of county commissioners (elected on a partisan political basis to conduct the business of county government) would be substituted for the judgment of, for example, a school board elected on a nonpartisan basis for the sole purpose of conducting an educational program for the children of the school district. The governing bodies of school districts, municipalities, and special districts would be deprived of effective control over their own programs, since the budgets necessary to finance any of these local governmental unit programs could be reduced by the board of county commissioners; county budgets, on the other hand, would not be subject to reduction by any external governing body.

6. This proposal would freeze into the constitution restrictions on local financing authority. Our state constitution should be a flexible document and not a tax strait jacket. Should this amendment pass, it would be more difficult for the General Assembly and local authorities to solve the problems and inequities in our present tax structure.

7. Under Amendment No. 5, persons who do not own property would be deprived of an effective voice in the conduct of the schools and other local government functions. Only taxpaying

electors would be permitted to vote in elections on the question of increasing the maximum levy; yet many non-property taxpayers have children in school who would be adversely affected by a decision limiting the amount of money available for the school program.

8. Bond and interest levies are exempted from the limitation imposed by this amendment. This would discourage the sound business practice of using pay-as-you-go levies to finance building projects and would instead encourage local governments to increase their public debt.

9. The property tax portion of the amendment is not clear enough to administer. Not only would we have to wait until the General Assembly passes enabling legislation to know what the mechanics of the limitation would be, there are also some real problems present in the language itself which may make it impossible for the General Assembly to pass enabling laws that will work and not be in conflict with the requirements of the constitutional amendment.

## REFERRED LAW

### Provisions:

This proposal would be advanced one hour Sunday in April and end in October.

The proposal makes the following:

1. all laws, statutes relating to:
  - a. the time of or department provisions;
  - b. the time in mine;
  - c. the time with performed by of the state
2. all the public state, or of any county, thereof;
3. all contracts formed in the state.

### Comments:

In 1965 the Colorado the state on daylight saving (1965 and 1966) before state whether the state should Colorado took this action prior to establishing uniform daylight saving time and standard time must take state

Under the federal law daylight saving time on the standard time during the General Assembly enacts a standard proposal does not have an offers the voters an opportunity the General Assembly.

REFERRED LAW NO. 1 -- DAYLIGHT SAVING TIME

Provisions:

This proposal provides that the standard time in Colorado would be advanced one hour beginning at 1:00 a.m. the last Sunday in April and ending at 2:00 a.m. the last Sunday in October.

The proposal makes daylight saving time applicable to the following:

1. all laws, statutes, orders, decrees, rules, and regulations relating to:

- a. the time of performance of any act by an officer or department of the state or its political subdivisions;
- b. the time in which any rights shall accrue or determine;
- c. the time within which any act shall or shall not be performed by any person subject to the jurisdiction of the state.

2. all the public schools and all other institutions of the state, or of any county, city and county, city, town or district thereof;

3. all contracts or choses in action made or to be performed in the state.

Comments:

In 1965 the Colorado General Assembly enacted a law putting the state on daylight saving time for a two-year trial period (1965 and 1966) before submitting to the voters the question of whether the state should permanently adopt daylight time. Colorado took this action prior to the enactment of federal legislation establishing uniform dates for the commencing and ending of daylight saving time and specifying that states wanting to retain standard time must take specific action to prohibit daylight time.

Under the federal law, even if Colorado residents turn down daylight saving time on the ballot, the state cannot remain on standard time during the summer months unless the General Assembly enacts a standard time law. Thus the referendum on this proposal does not have any binding legal effect. It merely offers the voters an opportunity to express their sentiments to the General Assembly.

The federal changeover times will supersede the changeover times specified in Referred Law No. 1. The federal law states that daylight saving time must begin at 2:00 a.m. on the last Sunday in April, whereas Colorado's referred law would provide for daylight time to begin at 1:00 a.m. on the same date. The ending time would be the same under both laws -- 2:00 a.m. on the last Sunday in October.

#### Popular Arguments For:

1. There are 32 states where daylight saving time is observed either statewide or in some sections during the summer months. These states represent well over half the population of the United States. Daylight saving time is also generally observed in Canada.

2. Because of the federal provision for nationwide daylight time next year, trains, planes, and buses traveling through Colorado will be on daylight saving time. If Colorado reverts to standard time, the result will be confusing for residents as well as tourists using these transportation facilities. In addition, both the communications and transportation industries would have to spend thousands of dollars in administrative, operating, and printing expenses if Colorado does not accept daylight time.

3. Daylight saving time allows an additional hour of daylight each evening. This gives more time for outdoor recreational activities during leisure hours in the early evening.

4. Without daylight saving time, there is an extra hour's difference between Colorado and the east coast. Such a differential is an unnecessary and unwarranted handicap for Colorado businessmen carrying on communications with eastern business centers.

5. An additional evening hour helps boost tourist business by providing additional time to see tourist attractions and make purchases. This in turn adds to the state's sales and gasoline tax revenues.

6. After a trial period of two summers, daylight saving time has met with no major obstacles and seems to be agreeable with most Coloradans.

7. Colorado is undergoing a transition from a rural to an urban state. We do more dollar volume business in manufactured products than agricultural products. Shouldn't our laws be aimed at meeting urban needs? Even the traditionally agricultural states of Iowa, Wisconsin, and Illinois have adopted daylight saving time.

#### Popular Arguments Against:

1. Despite the month period for daylight saving time, that all states will states, because of the economies, may act to regional as well as national.

2. Family routines. In the summer the lin suppers and later bed to bed at a reasonable the air is still warm and working people mu there is the danger of busy street in the da.

3. Daylight saving day. If you use an ac cut down on sleep, wo

4. Church attend more difficult under d vices often have to be

5. Daylight saving creased costs, and los; and other industries w This brings an accompar sources.

6. Many farming a light hours rather than dairy cows are not easi an hour when the commun time and back again. F fruit picking cannot be dew is dried, yet the w customary five o'clock.

7. Daylight saving Colorado. When given th it. In 1960 the proposi than 50,000 votes.

8. Now that there avoided by specific legi needs a clear mandate fr light saving time.

Popular Arguments Against:

1. Despite the new federal law compelling a uniform six-month period for daylight saving time, there is no guarantee that all states will accept it. Many of Colorado's neighboring states, because of the importance of agriculture to their economies, may act to retain standard time. Thus a lack of regional as well as nationwide uniformity will still remain.

2. Family routines are disrupted by daylight saving time. In the summer the lingering sunshine and heat encourage late suppers and later bedtime. It is difficult to get the children to bed at a reasonable hour when it is still light outside and the air is still warm. In the spring and fall, school children and working people must rise before daylight, and for children there is the danger of waiting for a school bus or crossing a busy street in the dark.

3. Daylight saving time does not add another hour to the day. If you use an additional hour for recreation, you have to cut down on sleep, work, or other activities.

4. Church attendance and religious observances are made more difficult under daylight saving time. Early morning services often have to be conducted in darkness.

5. Daylight saving time results in inconveniences, increased costs, and loss of income for theaters, bowling alleys, and other industries which are dependent on nighttime business. This brings an accompanying loss of tax revenues from these sources.

6. Many farming activities are closely related to sunlight hours rather than to clock hours. Farm animals such as dairy cows are not easily induced to change their schedules by an hour when the community changes from standard to daylight time and back again. Furthermore, haying, grain harvesting, and fruit picking cannot be started until an hour later when the dew is dried, yet the workers often insist on quitting at the customary five o'clock.

7. Daylight saving time is not popular with the people of Colorado. When given the opportunity, the voters have rejected it. In 1960 the proposition was defeated at the polls by more than 50,000 votes.

8. Now that there is a federal law which can only be avoided by specific legislative action, the state legislature needs a clear mandate from the people for the rejection of daylight saving time.

REFERRED LAW NO. 2 -- CAPITAL PUNISHMENT

Provisions:

Referred Law No. 2 provides for the abolishment of the death penalty in Colorado as of January 1, 1967. After that time the maximum penalty would be life imprisonment in the state penitentiary. The law also provides that in sentencing a person found guilty of first degree murder, the court could provide that the person sentenced would not become eligible for parole during the remainder of his natural life.

Comments:

Colorado has had the death penalty since 1861, with the exception of a four-year period between 1897 and 1901 when it was abolished and then restored following three lynchings. The state has executed a total of 76 prisoners over the years, all of whom were convicted of first-degree murder. Eight executions have taken place since 1950.

Under present Colorado law the death penalty can be imposed for seven kinds of crimes:

Mandatory death:

1. Armed assault by life term prisoner;
2. Perjury in a capital case leading to the execution of an innocent person;

Death or life imprisonment, in the discretion of the jury:

3. Murder in the first degree;
4. Kidnapping where the victim suffers bodily harm and ransom is involved;
5. Second conviction for selling narcotics where the victim is 25 or under;
6. Causing a death while entering upon another's mining lode, gulch, or placer claim in a violent manner; and
7. Causing a death while in violation of the anarchy statutes.

The proposed law would make life imprisonment the maximum penalty for these as well as other offenses and would give the judge authority to prohibit parole in first degree murder cases.

Since the proposal to abolish capital punishment is a referred law rather than an amendment to the constitution, the General Assembly would have the authority to amend or repeal it at any time.

Popular Arguments For

1. The death sentence is in violation of old principles of vengeance in favor of more modern principles. The environment tells us that the commission of criminal acts; knowledge of even the most heinous crimes is not sufficient to justify the death penalty.

2. The use of the death penalty to instill in others a respect for the name of the state does not justify the use of physical violence in personal conflicts.

3. There is no proof that the death penalty effectively prevents crime. It is not truly a deterrent. Statistics show that the murder rate in states that have abolished capital punishment has increased. The homicide rate has increased. Statistics show that the death penalty has not reduced the homicide rate. The fact that 14 states have abolished capital punishment is evidence that the world would have abolished capital punishment if it were truly a deterrent.

4. As long as the death penalty exists in the administration of justice, discrimination in capital cases will exist. That discrimination exists in the sentencing of capital cases in Colorado, proportionately more persons sentenced to life imprisonment have ever been executed than persons sentenced to the death penalty. This is an important factor which has been recognized by the criminal lawyer.

5. The convicted murderer who is sentenced to the death penalty is the criminal who is least likely to be reformed. Thus the death penalty does not protect society from repeating the offense. In many cases, the convicted murderer who is sentenced to the death penalty frequently becomes the criminal who is least likely to be reformed.

6. In terms of dollars, the death penalty does not always represent a saving. The death penalty is a bitterly contested trial. The administration-of-justice costs involved in a death penalty case is often higher than the cost of a life sentence. The death penalty is not a cost-effective method of punishment. It is not a cost-effective method of punishment. It is not a cost-effective method of punishment. It is not a cost-effective method of punishment.

Popular Arguments For:

1. The death sentence has no place in modern society. The old principles of vengeance and retribution should be discarded in favor of more modern concepts of justice. Knowledge of man's environment tells us that society shares responsibility for criminal acts; knowledge of psychology suggests that rehabilitation of even the most hardened criminals is often possible.

2. The use of the death penalty by the state does little to instill in others a reverence for life. Execution in the name of the state does nothing to discourage the notion that physical violence is a proper method of resolving social and personal conflicts.

3. There is no proof that the existence of capital punishment effectively prevents criminal acts. If the death penalty were truly a deterrent to crime, one could expect an increase in the murder rate in states which have abolished capital punishment. Statistics show that this is not the case. The abolishment of capital punishment by a state does not lead to an increased homicide rate; neither does the readoption of capital punishment reduce the homicide rate. This conclusion is reflected in the fact that 14 states and most countries in the western world have abolished capital punishment.

4. As long as there is the possibility of human error and discrimination in capital cases, the death penalty has no place in the administration of criminal justice. Statistics suggest that discrimination according to sex and race or nationality exists in the sentencing of individuals convicted of murder. In Colorado, proportionately more whites than non-whites have been sentenced to life imprisonment rather than death, and no woman has ever been executed by the state. Economic status may also be an important factor when a suspect cannot afford an experienced criminal lawyer.

5. The convicted murderer -- the type of criminal against whom the death penalty is usually imposed -- is the one type of criminal who is least likely to repeat his offense a second time. Thus the death penalty cannot be justified by the argument that it protects society by preventing the criminal from repeating the offense. It is the experience of correctional officials that convicted murderers and others imprisoned for life frequently become the best behaved prisoners.

6. In terms of dollars and cents, capital punishment may not always represent a saving to the taxpayer. In view of long and bitterly contested trials, post-trial legal maneuvering and other administration-of-justice costs in these cases, the expense involved is often higher than in those cases where the death penalty is not a consideration. Furthermore, it should not be forgotten that prisoners are usually able to perform use-

ful services while in prison. They do more than is sometimes recognized to contribute to the cost of their maintenance. The taxpayers are not always required to provide the full cost of keeping a man in prison.

Popular Arguments Against:

1. It is an established principle of justice that the punishment should fit the crime. The death sentence is the only appropriate form of punishment for certain types of crimes. To remove the death penalty would be to weaken our system of justice.

2. The death penalty is needed as a threat or warning to deter potential murderers. For some persons the threat of execution is enough to keep them from committing the crime.

3. If the threat of capital punishment were removed by the adoption of this law, the dangers to police officers and other law enforcement officials who apprehend criminals would be greatly increased. A criminal who is in danger of being caught would not be as hesitant to carry a weapon, resist arrest, and even kill his pursuer if he knew there was no chance of receiving the death penalty. The absence of the death penalty changes the odds to be considered by the criminal.

4. Use of the death penalty protects society by preventing convicted murderers from committing additional crimes. Murderers are dangerous; they may kill fellow inmates, prison guards, or they may escape or be released on parole or pardon and thus become a danger to the whole community. It is too risky to substitute life imprisonment for the death penalty.

5. Even if there are some cases of discrimination in the imposition of the death sentence, this does not make the whole concept of capital punishment an invalid one. The fault does not lie in the penalty itself but rather in the way it is applied. Additional judicial safeguards can deal effectively with discriminatory practices without the necessity for totally abolishing capital punishment.

6. The governor has constitutional authority to grant reprieves, commutations and pardons after conviction for all offenses except treason. Thus the provision in the proposed law that a judge could prohibit parole in first degree murder cases would not guarantee that a convicted murderer could never go free. The Governor could commute any sentence notwithstanding the judge's wishes to the contrary.

7. Capital punishment represents a saving of public funds and consequently a saving to the taxpayer. To keep an incorrigible criminal in the penitentiary for life would be a waste of money.