1968

0133 An Analysis of 1968 Ballot Proposals

Colorado Legislative Council

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LEGISLATIVE COUNCIL
OF THE
COLORADO GENERAL ASSEMBLY

An Analysis of
1968 BALLOT PROPOSALS

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LEGISLATIVE COUNCIL

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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 1968 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 an indication or inference of Council sentiment.

COLORADO GENERAL ASSEMBLY

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LETTER OF TRANSMITTAL

September 3, 1968

This analysis of the constitutional amendments to be voted upon at the 1968 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,

Representative C. P. (Doc) Lamb
Chairman

CPL/mp

BALLOT TITLES

Constitutional Amendments Submitted by the General Assembly

1. An amendment to article IV of the constitution of the state of Colorado, providing for the election of the governor and lieutenant governor jointly by the casting by each voter of a single vote applicable to both offices.

2. An amendment to article X of the constitution of the state of Colorado relating to the exemption of publicly owned real property from taxation.

3. An amendment to article XIV of the constitution of the state of Colorado, relating to the compensation of county officers.

AMENDMENT NO. 1 -- JOINT ELECTION OF GOVERNOR AND LIEUTENANT GOVERNOR

Provisions:

Amendment No. 1 would provide for the joint election of Colorado's governor and lieutenant governor. Under the amendment each voter at the general election would cast a single vote applicable to both offices. This would eliminate the possibility of having a governor and lieutenant governor from opposite political parties.

Comments:

At the present time the governor and lieutenant governor of Colorado are elected separately. Party nominees for the respective offices do not usually campaign as a team, and it is not uncommon for the voters to elect a governor from one major political party and a lieutenant governor from the other. This has happened in four of the nine gubernatorial elections held in Colorado since the end of World War II.

A Legislative Council study committee in 1966 recommended adoption of Amendment No. 1 to change the present method of electing the governor and lieutenant governor. After studying the role of the lieutenant governor in state government and looking for possible means of strengthening the office, the committee concluded that the governor and lieutenant governor should run on the same ticket in order to assure that the chief executive officer and his immediate successor would be of the same political party. The committee felt that this proposal could result in the lieutenant governor assuming a more active role in the executive branch.

Amendment No. 1 deals only with a joint ticket for the November general election; it makes no mention of party designations or primary election procedures. Since changes in the method of designating and nominating party candidates for lieutenant governor do not require constitutional revision, the General Assembly will decide later what statutory revisions are needed along these lines.

Other states which elect the governor and lieutenant governor jointly include Alaska,1/ Connecticut, Hawaii, Massachusetts, Michigan, New Mexico, New York, Pennsylvania, and Wisconsin. The joint election provision was the result of recent constitutional revision in several of these states.

1/ In Alaska the successor to the governor is the Secretary of State, who is elected jointly with the governor.

Popular Arguments For:

1. Amendment No. 1 would eliminate the independent election requirement which has been one of the greatest hindrances to making the lieutenant governor an effective executive officer with a responsible role on the governor's administrative "team." A joint election requirement would encourage the governor to make use of the talents of the lieutenant governor on matters that he cannot personally supervise.

2. Although the lieutenant governor succeeds to the powers and duties of the governorship in case of the governor's death or resignation, the present method of selection does nothing to encourage continuity of policies or programs when succession occurs. Under Amendment No. 1 there would be more assurance of such continuity because the lieutenant governor, having been elected as half of the team, would be personally committed to the governor's program.

3. The constitution provides that when the governor is absent from the state, the powers and duties of the office devolve upon the lieutenant governor. Serious frictions develop, however, if the lieutenant governor attempts to exercise more than limited ceremonial and ministerial powers while the governor is out of the state. This is especially true when the lieutenant governor is not of the same political party as the governor. Amendment No. 1 would reduce the likelihood of such frictions by requiring the joint election of the governor and lieutenant governor from the same political party.

4. At the national level we have traditionally followed the practice of electing our president and vice president as a team. To elect a president of one party and a vice president of another would be considered a step backward in terms of governmental structure and efficiency. Why then do we continue to permit the election of a governor and lieutenant governor of opposite political parties at the state level?

5. Because the office of lieutenant governor is often viewed as a stepping stone to higher political office, too much weight is now given to the candidate's personal potential as party leader, vote-getter, and future office holder. This amendment would encourage the parties to shift their emphasis in selecting nominees so that more attention can be given to the candidate's ability to complement the governor and his program.

Popular Arguments Against:

1. The present constitutional provision for the separate election of the lieutenant governor encourages stronger candidates from both parties -- men who have the necessary leadership qualities to be governor if succession occurs. Under the proposed amendment, the lieutenant governor could easily become an errand boy for the governor. If the lieutenant governor were expected to subordinate his

4. Fees imposed by the legislature under this amendment would in most instances be paid by lessees, either directly or through increased rentals. The governmental units owning the property would not be expected to devote public funds to this purpose except in a few cases where the non-public use involves something other than leasing.

5. Many agencies of the federal government have accepted their responsibility to compensate for tax losses due to federal ownership of property. School districts and other local taxing units have benefited from federal payments in lieu of taxes for many years. The voters of Colorado should remove the outmoded provisions of our state constitution which prevent our state and local governments from undertaking similar commitments.

6. The provisions of Amendment No. 2 protect public property owners and their lessees by stating that the legislature cannot require in-lieu payments higher than what the taxes would be if the property were taxable. The fees could be set at a lower level if desired.

Popular Arguments Against:

1. Amendment No. 2 would actually accomplish very little because it affects only public property which is not used for a "public purpose." It would not reach the bulk of the public property for which tax exemptions have been criticized. Those Game, Fish, and Parks lands which are used for public purposes would remain tax exempt under the amendment. The same is true of property used in connection with municipally operated "proprietary" activities such as electric power and transportation in competition with private industry. Tax exemptions for all such properties would be continued on the basis of the "public purpose" theory. Thus the amendment would leave unaffected most of the tax exempt public properties which have been the major cause for concern.

2. There is nothing in the amendment to guarantee that the burden of payments in lieu of taxes would be passed on to private lessees. Under the proposed language the agency owning the property might be forced to raise its fees or increase its taxes just to reduce property taxes elsewhere.

3. To require payments in lieu of taxes from one public entity to another is merely to shift public funds between governmental units and add to the general cost of governmental operations. The people of the state should not be asked to take on these unnecessary administrative costs.

4. Our state constitution recognizes that all public agencies share a common concern for the best interests of the state as a whole. It is to this end that intergovernmental taxation of publicly owned property is prohibited. Amendment No. 2 would change the present con-

stitutional recognition of this common concern and would emphasize selected local interests over the state's interest in the efficient administration of recreation and school lands on a statewide basis.

5. Some publicly owned properties require few, if any, local governmental services. In fact, a local entity may gain more than it loses from the presence of publicly owned land within its boundaries. State recreational lands, for example, attract tourists whose presence stimulates the local economy. Local residents too can take advantage of such lands, thereby reducing the need for locally financed recreational facilities. Keeping in mind the net balance of benefits on both sides, it appears that the in-lieu fees possible under Amendment No. 2 could exceed the amount which local taxing units could justify as a charge for services.

with the effective date of the raise. Amendment No. 3 would avoid this problem by making all county officers eligible for the raise at the same time -- January 1, 1969.

Popular Arguments Against:

1. All county officers knew when they were elected that their salaries could not be increased for four years. Now they are asking the voters to give them a break by permitting a raise at mid-term. This is a form of special legislation and could establish an undesirable precedent.

2. The present constitution prohibits local determination of salaries for county officers. Amendment No. 3 would not change this. Under the provisions of the amendment the power to fix county salaries would remain with the General Assembly, even though the counties would pay the bill. As long as salaries are paid out of county funds, the county commissioners should have control over compensation levels for the officers in their respective counties.

3. The use of county population classifications has promoted objectivity, uniformity, and fairness in fixing county officers' salaries. Replacing this system with a subjectively determined combination of factors would increase the pressures on the General Assembly from various counties and county officers seeking preferred treatment.

4. Amendment No. 3 does nothing to encourage changes in our outmoded county government structure. In fact, by facilitating salary adjustments within the present structure, it may be postponing action for the consolidation of county offices and other fundamental improvements to increase the efficiency of county government operations.

5. The proposed amendment is too short-sighted. It permits county officers to receive raises during their terms of office for one time only -- on January 1, 1969 -- and then perpetuates the same old constitutional restrictions for the future. Temporary measures such as this will do little to help solve the county officers' perennial salary problems.

Note on County Superintendent Question

In addition to the above three statewide constitutional amendments, electors in several counties will be voting on the question, "Shall the office of county superintendent of schools for the county of _____ be abolished?". The General Assembly has provided that this question may be placed on the general election ballot in any county by resolution of the county commissioners or by petition of eight percent of the qualified electors in the county.

If a majority of the votes cast on the question are in favor of abolishing the office of county superintendent, the incumbent's term of office will terminate on June 30, 1969. By law his duties and responsibilities will be distributed among other county, school district, and state officials.

Thirty-five counties have already abolished the office of county superintendent of schools and several more counties will be voting on the question in 1968.