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## School Board Advocate: September 28, 2018



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## Making a List...

Some of you may have inferred from the headline that we are going to open this School Board Advocate entry with a comment that there are only 88 days left until Christmas. Fear not, dear reader! Instead, we will remind you that there are only 39 days until Election Day and leave it to you to determine which fact is more ominous.

The November 2018 election promises a list of choices for voters to ponder and includes everything from oil and gas setbacks to how legislative districts will be drawn up following the 2020 census. In addition to elections for Governor, House, and Senate, Coloradans will have 13 separate initiatives to wade through. Seven were referred by citizens and six were referred by the General Assembly. Several of the initiatives may have significant impacts for school districts.

### Measures referred by the Colorado General Assembly:

[Amendment A Prohibit Slavery and Involuntary Servitude in All Circumstances](#) – Places language in the Colorado Constitution that explicitly bans slavery and involuntary servitude in all circumstances.

[Amendment V Assembly Age](#) – Would ask voters to change the age required to serve in the Colorado legislature from 25 years old to 21 years old.

[Amendment W Election Ballot Format for Judicial Retention Elections](#) – Makes changes to the rules governing elections for the

retention of judges.

Amendment X Industrial Hemp Definition – Voters will be asked to place the federal definition of industrial hemp into the Colorado Constitution.

Amendment Y Congressional Redistricting – Would create a citizen commission to draw new Colorado Congressional districts following the 2020 census.

Amendment Z Legislative Redistricting – Would create a citizen commission to draw new Colorado House and Senate districts following the 2020 census.

Of these six, Amendments Y and Z are of interest to many voters. In years past, the political party in power has drawn the new legislative and congressional district maps. The minority party has generally objected and the whole thing wound up in the courts where a judge made the decision. It is anticipated that Colorado will gain an eighth seat in the U.S. House of Representatives following the 2020 census, so the newly drawn congressional districts have the potential to change the face of the Colorado congressional delegation.

#### Measures referred by citizens:

Amendment 73 (formerly initiative #93) Funding for Public Schools – Most CASB members are well aware of how Amendment 73 would impact Colorado education funding. However, if you need a refresher, click [HERE](#).

Amendment 74 (formerly initiative #108) Just Compensation for Reduction in Fair Market Value by Government Law or Regulation — Adds the following language — in all capital letters — to section 15 of Article H of the Colorado Constitution:

***“Private property shall not be taken, of damaged, OR REDUCED IN FAIR MARKET VALUE BY GOVERNMENT LAW OR REGULATION for public or private use, without just compensation.”***

The proposed amendment is broadly written. It does not include a concrete definition of **FAIR MARKET VALUE**, nor does it include guidelines for when a property owner would be harmed by government action in relation to their land. As a result, it is almost a certainty the courts would have to clarify what the amendment means. If the amendment passes, there are any number of scenarios that would have a direct impact on school districts, including how a private property could be damaged by:

- Closing a local school
- Increasing the distance that students are required to walk to school
- Changing or modifying attendance areas
- Constructing district facilities like maintenance and transportation buildings near adjacent property

If Amendment 74 becomes law, the courts will be busy trying to decipher the multiple unanswered legal questions contained within the amendment's language.

**Proposition 109 (formerly Initiative #167) Authorize Bonds for Transportation Projects** – Also known as the “Fix the Damn Roads” proposition, Prop. 109 purports to fund Colorado transportation projects with existing funds and would not require a tax increase. If approved, the Colorado Department of Transportation (CDOT) would be directed to issue \$3.5 billion in Transportation Revenue Anticipation Notes (TRANS) bonds no later than July 1, 2019, with a maximum repayment of \$5.2 billion over 20 years. The measure requires that no new tax revenue be raised to cover the principal and interest payments of the TRANS bonds. The measure further stipulates that 66 specific highway projects across the state will be funded. If approved, the impact to school finance is unclear. However, it is easy to see a scenario where the General Assembly is given a new debt without new revenue to pay for it. This may mean other priorities – including K-12 education – would end up receiving fewer dollars.

**Proposition 110 (formerly Initiative #153) Transportation Funding** – The measure would increase state sales and use tax rates from 2.9 percent to 3.52 percent over the course of 20 years. CDOT would be allowed to issue bonds for \$6 billion to pay for transportation projects and the associated cost of debt service and repayment.

The money generated by the tax increases breaks down like this:

- 45 percent for bond repayment
- 15 percent for multimodal transportation
- 40 percent for municipal and county transportation projects

**Proposition 112 (formerly Initiative #97) Setback Requirements for Oil and Gas Development** – The measure would change state law to mandate a statewide setback of 2,500 feet – approximately one half of a mile – for new oil and gas operations from “Occupied Structures” which include:

- Homes
- Schools
- Hospitals
- Vulnerable areas

Proposition 112 defines an occupied structure as any building that requires a Certificate of Occupancy or a building intended for human occupancy.

A vulnerable area is defined as:

- Playgrounds
- Permanent sports fields
- Amphitheaters
- Irrigation canals
- Reservoirs
- Lakes
- Rivers
- Perennial or intermittent streams and creeks
- Any additional “vulnerable area” designated by the state or local government

Current rules require the following setbacks:

- 500-foot setback from a home
- 1,000-foot setback from a high-occupancy building:
  - School
  - Health care institution
  - Correctional facilities
  - Child care center
  - Neighborhood with more than 22 homes

For context, a 500-foot setback excludes oil and gas development on approximately 18 surrounding acres. A 2,500-foot setback would exclude oil and gas development on approximately 450 surrounding acres. The fiscal impact of this initiative is currently being calculated, but early estimates suggest the reduction in tax revenue from reduced oil and gas development would greatly impact county and local government and create a significant hole in the state budget.

The remaining citizen referred questions have a limited impact on CASB members; however, you may want to read up on them:

- [Proposition 111](#) (formerly Initiative #126) related to payday loans
- [Proposition 75](#) (formerly Initiative #173) related to campaign contributions

The Ballot Information Booklet, or Blue Book as it is commonly known, has additional information for voters and can be found [HERE](#).

## A Call to Convene

As if all of the amendments and propositions weren't enough for you to contemplate, don't forget about the CASB Delegate Assembly resolutions. This year, more than 30 resolutions were submitted for consideration by CASB delegates. The 2018 proposed resolutions are available [HERE](#).

The 2018 CASB Fall Delegate Assembly Conference will be held in Colorado Springs at the Cheyenne Mountain Resort on October 19 and 20. Make your plans to join the legislative hootenanny by registering [HERE](#).

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