

My name is Phillip Doe. I chair a grassroots organization called the Citizens Progressive Alliance.

American history is almost always interesting. Indeed, it is often instructive, though not always uplifting. We as a people have not always done the right thing.

For example, some of you might be shocked to learn that in the 20th century the United States Congress attempted to outlaw lynching over 200 times. Three times the House actually passed anti-lynching legislation only to see it die in the Senate.

It wasn't until 2005 that the United States Senate passed a resolution apologizing to the American people for thwarting anti-lynching legislation.

What does the foregoing have to do with the bill before you today, HB 09-1142? Not much really except for its shock value and to underscore how difficult it is sometimes to get our elected representatives to do the right thing, even when the right thing is as obvious as sun light.

HB 09-1142 has the very modest purpose of eliminating land ownership as a requirement for membership on the boards of water conservancy districts, while, at the same time, reducing the number of district residents required to petition for an election of a board member.

We support this bill. It is a very small step in the right direction. It attempts to bring a little democracy to the water conservancy district statutes, title 37, where none now exists.

Is democracy needed in the governance of water conservancy districts? I'll give you some numbers. You decide. According to information compiled for 2006 by Colorado Department of Local Affairs, Division of Property Taxation, there are 53 water conservancy districts spread across the state. They collected \$34 million from local taxpayers in that year. They have taxing authority on property with an assessed valuation of \$43 billion. If the annual spending of \$34 million in public money by private, unelected boards still leaves you a little undecided, let me suggest the Abraham Lincoln test--a government of, by, and for the people.

Certainly the water conservancy districts meet the test of being "of the people." The entire operating budget is from local taxes. Indeed each decade over a third of a billion dollars is collected from property owners within these districts.

However, the WCD statutes do not meet Lincoln's second requirement. Governance is not "by the people," for there are no open elections. Neither is there term limits. Board members are simply appointed by district judges for terms that can span a lifetime, and sometimes do. They must also be property owners to serve on these boards. We as a nation eliminated land ownership as a requirement for a voting right in 1850; yet, 160

years later, a variation on the privilege of property still persists in the law governing board eligibility.

HB 09-1142 gets us out of the 19th century and into the 21st by eliminating the land ownership requirement for board membership. Sadly, it does not call for the election of board members. It simply reduces the signatures required to petition for an election of a board member when and if a vacancy occurs. Thus, it, too, cannot claim to be government "by the people." Still, it is a cautious move in that direction, and can do no harm provided it is not used to undermine future reforms of the wcd statutes, particularly as they deal with the issue of government by the people.

Now, for Lincoln's third test of government, government "for the people." Well, some of these districts are undoubtedly doing a decent job of representing their constituents. Some may be doing an outstanding job. Others clearly are not. The problem is how do you reform them if they are not, and how do we gain access and influence over their decision making, especially when that decision making involves someone else's money and the public's natural resources? Sunshine is the best antiseptic, as we know, and open elections are conducive to sunshine. Moreover, elections give the people a chance to correct malfeasance in office through recalls or elections. The present statutes do not afford this option. Neither, unfortunately, does HB 09-1142.

Thus, we suggest the committee consider adopting, either now or in the future, the administrative procedures from the special district statutes, title 32, to title 37. Thereby, the election procedures for special districts would become those of water conservancy districts, as well. These election procedures are well understood and should meet with minimal objection from all those interested in government of the people, by the people, and for the people. I'm sure, that includes all of us in this room today.

Al Smith, the American politician and 1928 presidential candidate, said that the cure for the ills of democracy is more democracy. He was silent on how we cure the ills caused by no democracy, the situation at hand. Revolution is certainly one way. But, as a man who owns just one shotgun and who gave up shooting things a long time ago, though not always the urge, especially when reading the morning paper, may I also suggest that if we take the small step toward democracy that HB 09-1142 represents, we are on the road to a cure that only more democracy will satisfy.

Thank you