

# **Tobacco Industry Political Activity in Colorado 1979 - 1995**

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This report is the latest in a series of Institute for Health Policy Studies reports that analyze tobacco industry campaign contributions, lobbying, and other political activity in California. The previous reports are:

M. Begay and S. Glantz. Political Expenditures by the Tobacco Industry in California State Politics UCSF IHPS Monograph Series, 1991.

M. Begay and S. Glantz. Political Expenditures by the Tobacco Industry in California State Politics from 1976 to 1991. UCSF IHPS Monograph Series, 1991.

B. Samuels and S. Glantz. Tobacco Control Activities and the Tobacco Industry's Response in California Communities, 1990-1991. UCSF IHPS Monograph Series, 1991.

M.E. Begay and S.A. Glantz. Undoing Proposition 99: Political Expenditures by the Tobacco Industry in California Politics in 1991. UCSF IHPS, 1992.

S.A. Glantz and L.R.A. Smith. The effect of ordinances requiring smoke free restaurants on restaurant sales in California. UCSF IHPS Monograph Series, 1992.

M.E. Begay, M. Traynor, S. A. Glantz. Extinguishing Proposition 99: Political Expenditures by the Tobacco Industry in California Politics in 1991-1992. UCSF IHPS, 1992.

M.E. Begay, M. Traynor, S.A. Glantz. Tobacco Industry Political Expenditures in California State Politics, January-June, 1993. UCSF IHPS, 1993.

M.E. Begay, M. Traynor, S.A. Glantz. Tobacco Industry Political Expenditures in California in the 1991-1992 Election. UCSF IHPS, 1993.

M.E. Begay, M. Traynor, S.A. Glantz. The Twilight of Proposition 99: Reauthorization of Tobacco Education Programs and Tobacco Industry Political Expenditures in 1993. UCSF IHPS, 1994.

H. Macdonald and S. Glantz. Analysis of the Smoking and Tobacco Products, Statewide Regulation Initiative Statute. UCSF IHPS, 1994.

H. Macdonald, M. Traynor, S. Glantz. California's Proposition 188: An Analysis of the Tobacco Industry's Political Advertising Campaign. UCSF IHPS, 1994.

S. Aguinaga, H. Macdonald, M. Traynor, M. Begay, S. Glantz. Undermining Popular Government: Tobacco Industry Political Expenditures in California 1993-1994. UCSF IHPS, 1995.

F. Monardi, E. Balbach, S. Aguinaga, S. Glantz. Shifting Allegiances: Tobacco Industry Political Expenditures in California, January 1995 - March 1996. UCSF IHPS 1996

## Executive Summary

- \* The tobacco industry is a major and increasing political force in Colorado through campaign contributions, lobbying, and initiative campaigns.
- \* The tobacco industry has become a major source of campaign contributions to legislative and statewide candidates. In the 1979-1980 election cycle, the industry contributed only \$725 to legislative candidates. In the 1993-1994 election cycle, contributions to legislative and statewide candidates increased to \$60,800. In 1995 alone, the tobacco industry has contributed \$37,350 to current legislators and state constitutional officers. This puts the industry at a pace to exceed its 1993-1994 election cycle donations.
- \* In 1994, the combined contributions of Philip Morris, RJ Reynolds and the Tobacco and Candy PAC ranked sixth among top contributors to legislative and statewide candidates in Colorado.
- \* In the 1993-1994 cycle, 89% of tobacco industry contributions went to incumbent legislators. Although the tobacco industry has provided some support to challengers, most contributions are to support incumbents.
- \* The tobacco industry contributes higher sums of money to legislative leaders and key committee members. House Speaker Chuck Berry (R-El Paso) has received \$5,150 since 1984. President pro tem of the Senate, Tilman Bishop (R-Mesa), has received \$3,225 since 1982. Almost 36 percent of the contributions to legislative candidates in 1995 went to legislators who are currently on the Legislative Council -- a joint committee of the state legislature that has the power to regulate smoking in the state Capitol. Members of the powerful Joint Budget Committee have also received significant contributions from the tobacco industry.
- \* In addition to providing campaign contributions, the tobacco industry is active in lobbying members of the legislature and the administration. In 1993 and 1994, the tobacco industry spent \$263,559 in lobbying expenditures. The trend is that the tobacco industry will exceed that amount during the 1995-96 session. In 1995, the tobacco industry spent \$144,438 in lobbying expenditures, an increase in the rate of lobbying expenditures over the previous election cycle. The tobacco industry became an especially active lobby in 1987 and 1988, after a number of local smoke free ordinances were passed in Colorado municipalities.
- \* In 1994, Amendment 1, the initiative to increase Colorado's excise tax on a pack of cigarettes by fifty cents, was defeated. The tobacco industry spent over \$5.5 million to defeat the initiative.
- \* A statistical relationship exists between tobacco industry campaign contributions and state legislative behavior. The more money a legislator receives, the less likely he or she is to support tobacco control efforts. The tobacco industry also tends to contribute more money to legislators that have supported the industry in the past.
- \* The Colorado General Assembly appears to be anti-tobacco control in contrast to public opinion and Colorado local governments where most tobacco control efforts have been enacted.
- \* Despite public opinion in favor of clean indoor air and vigorous local tobacco control efforts, the Colorado General Assembly has not supported tobacco control issues. The General Assembly tends to pass weak legislation regarding tobacco control.

\* Increased tobacco industry political spending at the state level appears to coincide with increased tobacco control action in local communities.

\* The tobacco industry seeks preemptive legislation to counteract local tobacco control efforts. State preemption bills were introduced in 1993 and 1996, but public health groups stopped them both times.

TABLE OF CONTENTS

INTRODUCTION ..... 7

TOBACCO INDUSTRY POLITICAL FINANCING ..... 7

    Campaign Contribution Data ..... 7

    Tobacco Policy Scores ..... 9

    Contributions to State Legislators ..... 10

    Legislative Leaders ..... 12

    Legislative Committees ..... 13

    Political Parties ..... 15

    Constitutional Officeholders ..... 15

    Lobbying ..... 16

    Statewide Initiatives to Increase the Tobacco Tax ..... 16

THE RELATIONSHIP BETWEEN TOBACCO POLICY SCORES AND  
CAMPAIGN CONTRIBUTIONS..... 17

TOBACCO POLITICS IN COLORADO ..... 19

    Local Ordinances ..... 19

    Referendum Challenges to Local Tobacco Control Ordinances ..... 20

    State Tobacco Legislative Activity ..... 21

    Local Preemption of Local Tobacco Control Ordinances ..... 22

CONCLUSION ..... 23

REFERENCES ..... 24

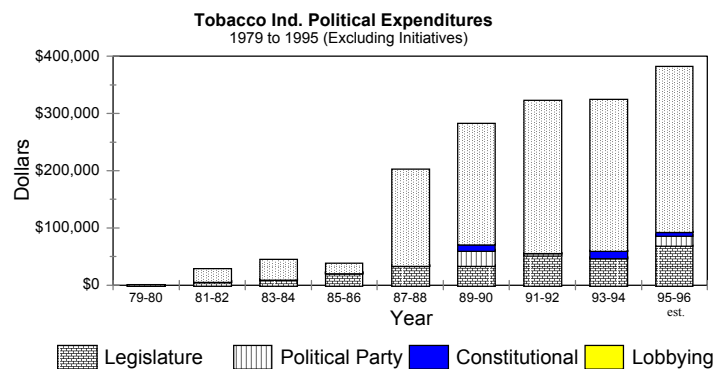


## INTRODUCTION

Colorado was one of the first states in the United States to deal with the issue of clean indoor air [1]. Fort Collins was the first city in Colorado to pass a clean indoor air act in 1984. This political activity accelerated in the mid-1980s. Since then, 40 local tobacco control ordinances have been enacted. In 1991, the state's tobacco control infrastructure expanded again when Colorado was selected as one of 17 states to participate in the National Cancer Institute's ASSIST (American Stop Smoking Intervention Study), a program which permits the state Department of Health to support tobacco control activities through a network of local tobacco control coalitions by providing data, resource materials, technical information, training, and consultation.

While most tobacco control efforts in Colorado have taken place at the local level, the tobacco industry has focused its political activities at the state level. From 1979 to 1995, the tobacco industry has spent \$8,242,669 on state-level political activities (Table 1) in Colorado, despite the fact that no tobacco is grown or tobacco products manufactured [2]. Of this amount, \$1,425,434 was spent on campaign contributions and lobbying at the state level and \$5,597,847 was spent to defeat a 1994 initiative (Amendment 1) that would have increased the tax on tobacco. In 1994, the tobacco industry was the sixth largest source of campaign contributions to state legislative and constitutional office holders and candidates. Because campaign contributions and lobbying expenditures in 1995 have continued to accelerate, the tobacco industry may spend a record amount in the 1996 Colorado legislative elections (Figure 1).

The public has consistently supported local tobacco control efforts, yet the Colorado General Assembly has consistently voted pro-tobacco industry. It enacted a pro-industry smokers' rights bill and industry-supported weak restrictions on youth access to tobacco products. Bills to preempt local tobacco control ordinances were introduced in 1993 and 1996, but failed. Legislators who received more tobacco industry campaign contributions were more pro-tobacco and, conversely, more pro-tobacco legislators received greater campaign contributions.



**Figure 1.** Tobacco industry political expenditures have steadily increased since 1979-1980.

## TOBACCO INDUSTRY POLITICAL FINANCING

### Campaign Contribution Data

Data on tobacco industry statewide political expenditures were obtained from disclosure

<b>TABLE 1. SUMMARY OF TOBACCO INDUSTRY POLITICAL EXPENDITURES IN 1995</b>									
	<b>1980-1992</b>	<b>1993-1994</b>	<b>PM</b>	<b>RJR</b>	<b>STC</b>	<b>TCPAC</b>	<b>TI</b>	<b>Total</b>	<b>Grand Total</b>
<b>Legislature</b>	\$165,565	\$48,800	\$21,450	\$8,000	\$1,850	\$250	\$3,100	\$34,650	\$249,015
<b>Political Party</b>	\$26,900	\$250						\$0	\$27,150
<b>Constitutional</b>	\$11,077	\$12,000	\$1,000	\$1,000			\$700	\$2,700	\$25,777
<b>Local Activity</b>								\$0	\$0
<b>Statewide Initiatives</b>	\$1,219,388	\$5,597,847						\$0	\$6,817,235
<b>Lobbying</b>	\$715,495	\$263,559	\$48,938	\$49,000	\$33,000		\$13,500	\$144,438	\$1,123,492
<b>Other</b>								\$0	\$0
<b>Total</b>	<b>\$2,138,425</b>	<b>\$5,922,456</b>	<b>\$71,388</b>	<b>\$58,000</b>	<b>\$34,850</b>	<b>\$250</b>	<b>\$17,300</b>	<b>\$181,788</b>	<b>\$8,242,669</b>



<b>TABLE 2. LARGEST CONTRIBUTORS TO LEGISLATIVE AND STATE CONSTITUTIONAL OFFICERS -- COLORADO 1994</b>	
<b>Business/PAC</b>	<b>Amount</b>
Benson Mineral	\$2,021,000
AFL-CIO Cope	\$231,958
Colorado Association of Realtors	\$107,835
Colorado Trial Lawyers	\$92,300
Colorado Education Association	\$85,187
<b>Philip Morris, RJ Reynolds, Tobacco and Candy PAC</b>	<b>\$60,800</b>
Associated Natural Gas	\$50,000
Paragon Ranch	\$50,000
Peerless, Inc.	\$50,000
Spear, Leads et al	\$50,000
Non-tobacco figures are from Lipsher, S. 1995. PAC's State Impact Grows: 1994 Donations Sets Record. Denver Post. December 13.	

statements filed with the Colorado Secretary of State from 1979 through 1995. The 1979-1980 session was the first session that the tobacco industry contributed to legislative candidates. The following organizations were included "tobacco industry" sources of funds: American Tobacco Company, Tobacco and Candy Distributors Political Action Committee, Brown and Williamson Tobacco Corporation, Lorillard Tobacco Company, Philip Morris USA and Philip Morris Management Corporation, RJR Nabisco Inc., Smokeless Tobacco Council, The Tobacco Institute, and U.S. Tobacco Inc. Contributions from non-tobacco subsidiaries of these companies, such as Philip Morris' Kraft General Foods and Miller Beer, were not included. The data collected were contributions to legislators, constitutional officers, and statewide political parties, and expenditures towards lobbying and initiatives. Contributions to local candidates or committees were not available from the Secretary of State, and so were not included.

All data are reported according to two-year election cycle, except 1995. In the tables, 1995 results are reported for that single calendar year. In the graphs, the 1995 results are doubled to obtain an estimate for total spending for the 1995-1996 election cycle to compare the results with previous two-year periods. This approach to estimating the tobacco industry expenditures for the 1995-1996 election cycle will probably underestimate the actual expenditures for this two-year period because 1995 is not an election year, and campaign contributions are generally higher in election years than off years.

The combined contributions of Philip Morris, RJ Reynolds and Tobacco and Candy PAC to constitutional and legislative candidates made the tobacco industry was the sixth largest source of campaign contributions to state level Colorado candidates in 1994 (Table 2), despite the fact that tobacco is neither grown nor manufactured in Colorado. It appears that preserving a permissive sales environment and discouraging controls on second hand smoke are the broad goals of the tobacco industry.

### **Tobacco Policy Scores**

A "tobacco policy score" was estimated for each member of the 1993-1994 legislature to quantify his or her record on tobacco control issues. On a scale of 0 to 10

[3], a score of zero represented an extremely pro-tobacco legislator and a score of 10 represented an extremely pro-tobacco control legislator. Each legislator was rated by five or six individuals who have expertise in tobacco control policy. The average for each legislator is reported.

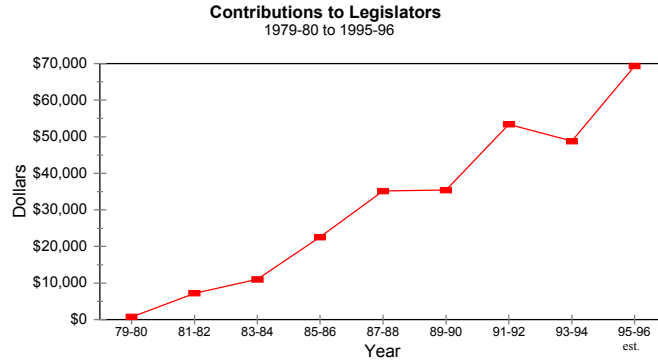
Legislators first elected in 1994 did not receive a policy score because it was deemed too early to rate their performance accurately.

Representative Pat Sullivan (R-Weld) and Senator Dorothy Rupert (D-Boulder) had the highest policy score of 9.3 in their respective chambers. Representative Don Armstrong (D-Adams) and Senator Joan Johnson (D-Adams) had the lowest policy scores in their chambers, 0.3 and 0.5, respectively.

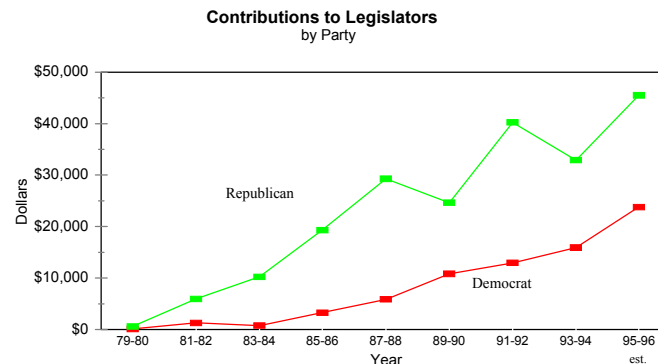
The distribution of tobacco policy scores was normal with a mean of 5.2 and a standard deviation of 2.0. Members of the House had slightly, but significantly, higher tobacco policy scores (more pro-tobacco control) than members of the Senate (House: mean 5.5, standard deviation 1.9, n=65; Senate: mean 4.6, standard deviation 2.2, n=35; p<.05). Republicans had significantly lower tobacco policy scores (more pro-tobacco industry) than Democrats (Republicans: mean 4.8, standard deviation 1.9, n=54; Democrats: mean 5.7, standard deviation, 2.0, n=46; p<.05).

### Contributions to State Legislators

Tobacco industry contributions to legislators has steadily increased since 1979 (Figure 2). There are 100 members of the Colorado legislature (65 members of the House and 35 members of the Senate). In the 1979-80 election cycle, only 17 candidates received contributions from the tobacco industry. By the 1993-1994 election 72 candidates accepted tobacco industry campaign contributions from the tobacco industry. Even though 1995 was not an election year, the tobacco industry has already contributed \$34,650 to 58 legislators. If the tobacco industry continues to contribute money to legislators at the same level in 1996, it will contribute \$69,300 (twice \$34,650) in the 1995-1996 election cycle. Since more contributions tend to be made during election years, the actual total can be expected to be higher.



**Figure 2.** Tobacco industry contributions to Colorado legislators has increased in almost every election cycle.



**Figure 3.** The tobacco industry has given consistently more money to Republican legislators in Colorado.

Most of the contributions went to the Republican candidates (Figure 3). Republicans controlled both the House and the Senate during the time period we studied, so it is not surprising the tobacco industry was more generous to the Republicans. In 1995, forty Republican

<b>Officeholder/Candidate</b>	<b>Party</b>	<b>House</b>	<b>1980-1992</b>	<b>1994</b>	<b>1995</b>	<b>Grand Total</b>	<b>Tobacco Policy Score</b>
Powers, Ray	R	S	\$700	\$700	\$2,900	\$4,300	2.2
Feeley, Mike	D	S	\$1,250	\$500	\$2,100	\$3,850	4.8
Wattenberg, Dave	R	S	\$2,100	\$600	\$1,500	\$4,200	2.0
Thiebaut, Bill	D	S	\$1,250	\$750	\$1,300	\$3,300	3.8
Reeves, Peggy	D	H	\$300	\$300	\$1,300	\$1,900	7.3
Martinez, Bob	D	S	\$1,550	\$0	\$1,300	\$2,850	3.8
Paschall, Mark	R	H			\$1,200	\$1,200	
Wham, Dottie	R	S	\$350	\$0	\$1,000	\$1,350	7.8
Prinzler, Eric	R	H			\$900	\$900	
Mace, Frana	D	H			\$800	\$800	
Norton, Tom	R	S	\$600	\$850	\$800	\$2,250	5.7
Matsunaka, Stan	D	S			\$800	\$800	
Foster, Tim	R	H	\$1,300	\$350	\$800	\$2,450	5.0
Weddig, Frank	D	S			\$800	\$800	
Berry, Chuck	R	H	\$3,000	\$1,350	\$800	\$5,150	4.8
Wells, Jeff	R	S	\$1,350	\$750	\$800	\$2,900	3.5
Acquafresca, Steve	R	H	\$600	\$150	\$700	\$1,450	5.0
Blickensderfer, Tom	R	S	\$1,350	\$0	\$700	\$2,050	4.4
McElhany, Andy	R	H	\$0	\$250	\$650	\$900	
McPherson, Gary	R	H			\$650	\$650	
Sullivant, Bryan	R	H			\$600	\$600	

legislators (out of 60 Republican members of the legislature) and 18 Democratic members (out of 40 Democratic members) accepted tobacco industry campaign contributions. Hence, 67 percent of the Republicans and 45 percent of Democrats accepted tobacco industry funds in 1995.

Table 3 provides a list of the top recipients (recipients of more than \$500) of tobacco industry money in 1995 and Table 4 provides a list of current legislators who have never received tobacco industry contributions. Among the legislators who were in 1993-94 legislature, the average tobacco policy score among the top recipients was 4.6 (standard deviation, 1.6). The list of top recipients also includes seven legislators who were first elected in 1994 and one legislator (Frana Mace, D-Denver) who was appointed in 1995. The average tobacco policy score among the non-recipients was significantly ( $p < .005$ ) more pro-tobacco control, 7.8 (standard deviation, 1.4) than the remaining members of the legislature. Nine of the non-recipients were incumbents and six won a seat for the first time.

Most of the recipients of tobacco industry contributions are incumbent legislators (Table

5). Except for 1980, most (57% to 95%) of incumbents seeking re-election received contributions from the tobacco industry (Table 6). Although incumbents receive most of the contributions, the tobacco industry has made contributions to candidates in open races and occasionally to challengers facing an incumbent. In 1994, the tobacco industry contributed to two challengers who were running

<b>Officeholder/Candidate</b>	<b>Party</b>	<b>House</b>	<b>Year First Elected</b>	<b>Elective Status in 1994</b>	<b>Tobacco Policy Score</b>
Chavez, Norbert	D	H	1994	Challenger	
Dennis, Ginette	R	S	1994	Challenger	
Gordon, Ken	D	H	1992	Incumbent	8.0
Kauffman, William	R	H	1993	Incumbent	7.2
Keller, Maryanne	D	H	1992	Incumbent	8.0
Knox, Wayne	D	H	1960	Incumbent	7.5
Kreutz, Martha	R	H	1992	Incumbent	9.0
Linkhart, Douglas	D	S	1993	Incumbent	6.8
Musgrave, Marilyn	R	H	1994	Challenger	
Pascoe, Pat	D	S	1994	Challenger	
Perlmutter, Ed	D	S	1994	Challenger	
Rupert, Dorothy	D	S	1986	Incumbent	9.3
Saliman, Todd	D	H	1994	Challenger	
Sullivan, Pat	R	H	1990	Incumbent	9.3
Tupa, Ron	D	H	1995	Appointed	
Weissman, Paul	D	S	1990	Incumbent	4.7

against first term incumbents. Bill Swenson (R-Boulder), running against Mary Blue (D-Boulder), received \$350. Steve Tool (R-Larimer), running against Bernard Strom (D-Larimer), received \$100. Blue and Strom were pro-tobacco control legislators (tobacco policy scores of 7.3 and 7.4, respectively); both were defeated in 1994.

### Legislative Leaders

The current House and Senate leaders have received significant contributions from the tobacco industry in the 1995 and throughout their legislative careers. Since he was elected in 1984, House Speaker Chuck Berry (R-El Paso) has received \$5,150 in tobacco industry contributions. The Senate leader who has received the most tobacco industry contributions is President Pro Tem of the

<b>Election</b>	<b>Incumbents</b>	<b>Candidates in Open Races</b>	<b>Challengers Against Incumbents</b>	<b>No. of Recipients</b>
1980	12 (71%)	5 (29%)	0 (0%)	17
1982	32 (56%)	19 (33%)	6 (11%)	57
1984	35 (69%)	13 (25%)	3 (6%)	51

1986	52 (80%)	13 (20%)	0 (0%)	65
1988	51 (69%)	20 (27%)	3 (4%)	74
1990	60 (81%)	11 (15%)	3 (4%)	74
1992	55 (71%)	17 (22%)	6 (8%)	78
1994	64 (89%)	6 (8%)	2 (3%)	72

Note: There are a total of 100 seats in the Colorado Legislature -- 65 House seats and 35 Senate seats

<b>Election Year</b>	<b>Incumbents Running For Re-election</b>	<b>Incumbents Receiving Tobacco Funds</b>
1980	62	12 (19%)
1982	50	29 (58%)
1984	61	35 (57%)
1986	57	48 (84%)
1988	60	50 (83%)
1990	69	60 (87%)
1992	58	55 (95%)
1994	68	53 (78%)

Note: There are a total of 100 seats in the Colorado Legislature -- 65 House seats and 35 Senate seats

Senate, Tilman "Tillie" Bishop (R-Mesa). He has received \$3,225 throughout his legislative career. Most of that amount (\$1,950) was received during the 1993-94 legislative cycle. These House and Senate leaders tend to have low or neutral tobacco policy scores (Table 7).

The tobacco industry has had a history in Colorado of contributing substantial amounts of money to House and Senate leaders. Former Senate President Ted Strickland (R-Adams, Denver) received \$3,900 from 1984 to 1992. Former House Speaker Carl "Bev" Bledsoe (R-Adams) received \$3,075 from 1980 to 1988.

### **Legislative Committees**

Several committees play important roles in either tobacco control policy or public policy in general in the state of Colorado. The House and Senate Health, Environment, Welfare and Institutions (HEWI) Committee, the Senate Health, Environment, Welfare and Institutions (HEWI), the Senate Business Affairs and Labor Committee, and the Legislative Council (a joint committee) are particularly important for tobacco policy making. The House and Senate State, Veterans and Military Affairs Committees may play an important role in tobacco policy making because the House committee was the site of an attempt to pass a state law preempting local tobacco control legislation in 1993. The Joint Budget Committee, although it does not specifically consider tobacco control legislation, is one of the most powerful committees in the Colorado legislature.

*Health, Education, Welfare and Institutions (HEWI)*. Nine of the eleven members of the House HEWI Committee have accepted tobacco industry contributions (Table A-11). Four of the five members who accepted tobacco industry contributions in 1995 were first term legislators, including a contributions totaling \$1,200 to Rep. Mark Paschall (R-Jefferson). Most members of this committee favor or are neutral towards tobacco control legislation. The one exception is the current chair of the committee, Mary Ellen Epps (R-El Paso), who has received more than \$5,000 in contribution from the tobacco industry throughout her legislative career.

Five of the seven current members of the Senate HEWI Committee have accepted tobacco industry contributions. Of the seven members, there was only one recipient of tobacco industry funds during the 1993-1994 legislature and three recipients in 1995. Senator Richard Mutzbaugh

<b>TABLE 7. CAMPAIGN CONTRIBUTIONS TO LEGISLATIVE LEADERS -- 1995</b>							
	<b>Officeholder</b>	<b>Party</b>	<b>1980-1992</b>	<b>1994</b>	<b>1995</b>	<b>Grand Total</b>	<b>Tobacco Policy Score</b>
<b>Senate Leaders</b>							
President of Senate	Tom Norton	R	\$600	\$850	\$800	\$2,250	5.7
Pres. Pro Tem of Senate	Tilman Bishop	R	\$775	\$1,950	\$500	\$3,225	3.3
Senate Majority Leader	Jeff Wells	R	\$1,350	\$750	\$800	\$2,900	3.5
Senate Minority Leader	Michael Feeley	D	\$300	\$150	\$200	\$650	4.8
<b>House Leaders</b>							
Speaker	Chuck Berry	R	\$3,000	\$1,350	\$800	\$5,150	4.8
Speaker Pro Tem	Tony Grampsas	R	\$2,300	\$1,000	\$0	\$3,300	3.5
Majority Leader	Tim Foster	R	\$1,300	\$350	\$800	\$2,450	5.0
Minority Leader	Peggy Kerns	D	\$1,050	\$100	\$300	\$1,450	6.5
			\$10,675	\$6,500	\$4,200	\$21,375	

(R-Arapahoe) has received the most tobacco industry funds of the seven members throughout his career, \$2,625. Dorothy Rupert (D-Boulder) and Paul Weissman (D-Boulder) have never accepted any tobacco industry campaign contributions. Like the House HEWI committee, the Senate HEWI committee generally favors tobacco control legislation. Except for Mutzbaugh, the committee members are generally neutral or in favor of tobacco control legislation.

*State, Veterans and Military Affairs*. The House State, Veterans and Military Affairs passed a bill preempting local tobacco control ordinances in 1993 (HB 1163). In 1995, seven of the eleven committee members received contributions from Philip Morris (Table A-12). Only two members have never accepted any tobacco industry contributions, Ken Gordon (D-Arapahoe) and Ron Tupa (D-Boulder). Two of the three new legislators, Jim Congrove (R-Jefferson) and Bryan Sullivant (R-Clear Creek), accepted contributions from Philip Morris in 1995.

The Senate State, Veterans and Military Affairs Committee is similar to the House committee. Only one legislator (Dorothy Rupert, D-Boulder) was rated strongly in favor of tobacco control. Aside from Rupert, only Frank Wedding (D-Arapahoe), who was appointed in 1995, has never accepted tobacco industry money. In 1995, three legislators on the nine person committee has accepted tobacco industry funds. These committees may again play an important

role if the tobacco industry seeks to enact preemptive legislation in the future.

*Business Affairs and Labor Committee.* The Senate Business Affairs and Labor Committee (Table A-13) passed a bill preempting local tobacco authority in 1996 (SB 213). Six of the nine committee members had received tobacco industry contributions in 1995. Senator Al Meiklejohn (R-Arvada), who had sponsored Senate Bill 213, had one of the lowest tobacco policy scores in the Colorado Senate. Senate Bill 213 would have preempted local authority over the sale and distribution of tobacco products to minors in exchange for state licensing of tobacco retailers. Although SB 213 was passed by the Senate Business Affairs and Labor Committee, Senator Al Meiklejohn withdrew the bill for further consideration after it had passed the committee because public health groups mobilized major opposition to it.

*Joint Budget Committee.* One of the most powerful committees in the Colorado legislature is the Joint Budget Committee. Unlike most states, major recommendations about the state budget come not from the governor, but from the Joint Budget Committee [4]. Although the Joint Budget Committee does not normally consider tobacco control legislation, it is worth noting because of the prestige and power that it does carry. All of the members of the Joint Budget committee (Table A-14) have received tobacco industry contributions, although two members did not receive contributions in 1995.

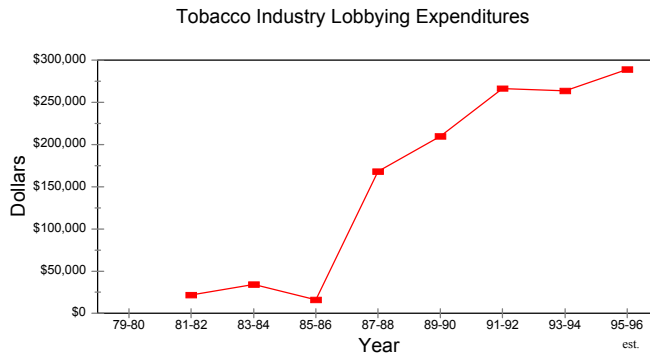
*Legislative Council.* The tobacco industry contributes substantial amounts to members of the Legislative Council, a joint committee of the Colorado legislature that is empowered to act when the legislature is not in session. Since the Colorado Legislature meets only 120 days per year, some committees were established to meet, even when the entire legislature is out of session. The Legislative Council is one of those interim committees that does some of the work (such as collect data, review public policy issues and holding hearings) on legislation to be considered during the next session. As of 1994, this is also the committee that has the exclusive authority to regulate smoking in the state Capitol and other legislative buildings. All eighteen members of this committee have received tobacco industry contributions (Table A-15). Seventeen of the eighteen members received contributions during the 1993-1994 session and fifteen of the eighteen members received contributions in 1995.

## **Political Parties**

Although the tobacco industry has occasionally made substantial contributions to Colorado political parties and party controlled committees, the tobacco industry has focused a larger portion of their financial resources to fund legislators directly. There are no limitations on contributions to legislative candidates in Colorado [5], so there is no need to make "soft money" contributions through political parties as there is at the federal level and in some other states. Hence, the tobacco industry has focused on providing contributions directly to legislative candidates rather than to Colorado political parties. In 1990, the tobacco industry made large contributions (\$26,900) to Democratically controlled committees. In 1992, the tobacco industry contributed only \$3,000 to political parties, but \$2,900 went to the Colorado Democratic Party. However, the tobacco industry contributed no money to the Democratic party in 1994 and only \$250 to the Republican Party Senate Leadership Fund. In 1995, no money was contributed to the Democratic party, but Philip Morris contributed \$9,400 to the Colorado Republican State Central Committee. (Table A-16).

## **Constitutional Officeholders**

Most contributions to constitutional officers came in the 1990 and 1994 elections (Table A-17). In 1990, Philip Morris, Smokeless Council and the Tobacco Institute contributed \$9,952 to incumbent Governor Roy Romer (Democrat) and incumbent Lt. Governor Mike Callihan (Democrat). The incumbent Secretary of State, Natalie Meyer (Republican), received a total \$1,000 from Philip Morris and the Tobacco Institute. Philip Morris and RJ Reynolds contributed at total of \$7,000 to Gov. Roy Romer (with Democratic Lt. Gov. candidate Gail Schoettler) in 1994. The tobacco industry also contributed to Republican gubernatorial candidates. RJ Reynolds contributed \$2,000 to the Republican nominees Bruce Benson and Bob Schaeffer. Philip Morris contributed \$2,500 to Republican Mike Bird's primary campaign. However, Bird lost in the Republican gubernatorial primary. Philip Morris also contributed \$500 to Vicki Buckley in 1994, who became the next Secretary of State.



**Figure 4.** Tobacco industry lobbying expenditures increased dramatically during the 1987-1988 electoral cycle.

Governor Romer and Secretary of State Buckley were recipients of tobacco industry funds in 1995. Governor Romer received \$1,000 from Philip Morris and Secretary of State Buckley received \$1,000 and \$700 from RJ Reynolds and the Tobacco Institute, respectively.

## Lobbying

Data on lobbying expenditures came from lobbying disclosure forms available from the Colorado Secretary of State. Lobbying disclosure data was only available from 1981. As shown in Figure 4, the tobacco industry's lobbying efforts increased substantially in 1987-1988. Compared to the previous legislative session (1985-1986), the money spent on lobbying increased tenfold. Expenditures for lobbying have steadily increased since then. Table A-18 and A-19 summarizes lobbying expenditures by the tobacco industry in Colorado at the state level. Since 1981, the tobacco industry has spent over \$1.1 million lobbying in Colorado. In 1995, Philip Morris, RJ Reynolds, the Smokeless Tobacco Council and the Tobacco Institute paid \$144,438 to lobbyists in the state of Colorado, an increase in the rate of lobbying expenditures over the previous election cycle.



The tobacco industry has relied primarily on three lobbying firms. The Tobacco Institute employs Hays, Hays and Wilson; RJ Reynolds employs Stealey and Associates; and Philip Morris employs Ruben Valdez. Hays, Hays and Wilson, Stealey and Associates, and Ruben Valdez are three of Colorado's largest lobbying firms. Hays, Hays and Wilson also represent other health care interests such as American Medical Response, Colorado Health Care Association and the Colorado Dental Association.

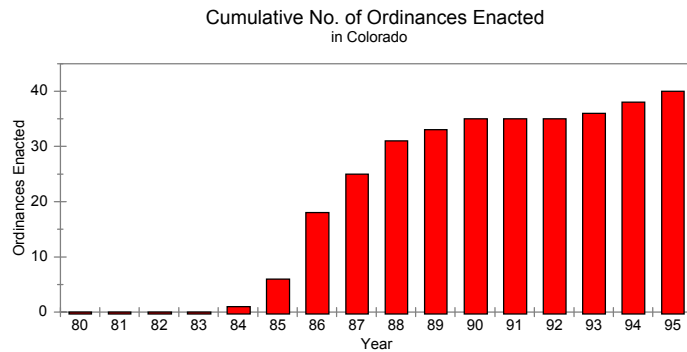
The large increase in lobbying expenditures in the 1987-1988 legislative session may have been a reaction to the large number of local clean indoor air ordinances passed between 1984 and 1986 (Figure 5). As previously discussed, Fort Collins was the first Colorado city to pass a local clean indoor air ordinance in 1984. Several other cities passed their first ordinances in 1985 and 1986, including some of Colorado's largest cities, such as Denver, Boulder, Aurora, and Pueblo.

### Statewide Initiatives to Increase the Tobacco Tax

The largest political expenditure for the tobacco industry came in 1994 when they spent over \$5.5 million to oppose Amendment 1. Amendment 1 was a statewide initiative that called for a 50 cent tax increase on each pack of cigarettes. The revenue collected was earmarked for indigent health care and health education.

The attempt to place a tobacco tax increase on the ballot started in 1987. The first attempt in 1987 called for a twenty-five cent increase in the tobacco tax. The petition drive was hampered because the tobacco industry challenged the wording of the proposal.

Because of the challenge, circulators only had seven weeks to gather 50,000 signatures [6]. The measure did not get on the ballot because of a lack of signatures. The second attempt in 1989 was thwarted when the Secretary of State, Natalie Meyer disqualified 23,000 signatures. Philip Morris and the Tobacco Institute contributed \$1,000 to Secretary of State Natalie Meyer for her 1990 re-election campaign.



**Figure 5.** Most tobacco control efforts in Colorado have occurred at the local level.

The attempt to place the initiative on the ballot succeeded in 1994. This initiative called for a fifty cent increase in the tobacco tax. The tobacco industry attempted to undermine this campaign. In December 1993, the tobacco industry challenged the language of the petition. Some of the complaints were that the title was defective and that the summary included an inaccurate estimate of the initiative's implementation costs [7]. The Colorado Supreme Court dismissed these objections in April, 1994. Although the tobacco industry lost in this legal battle, the legal challenge had two effects on the initiative supporters. As in 1987, the petition drive

was delayed, and signature circulators only had three and one half months, instead of six months, to collect the necessary signatures. Second, the legal dispute required initiative proponents to spend time on the legal challenge instead of campaign activities [7].

Opposition to the initiative was led by the Citizens Against Tax Abuse and Government Waste and the Colorado Executive Committee. The Citizens Against Tax Abuse and Government Waste was headed by a lobbyist from the Tobacco Institute [7]. The Colorado Executive Committee consisted of lobbyists from several tobacco companies [7]. With the exception of one \$10 contribution from one citizen, both committees were funded entirely by the Tobacco Institute and several tobacco companies. The tobacco industry contributed \$5,597,847 to fight the initiative. The Tobacco Institute contributed most of this sum, \$5,138,343. Other tobacco industry organizations that contributed were Philip Morris (\$216,725), RJ Reynolds (RJ Reynolds (\$151,237), American Tobacco Company (33,979), Brown and Williamson (\$20,000), Lorillard (\$35,932), and United States Tobacco (\$1,631).

In contrast, the Fair Share for Health Committee only spent \$264,000 to put the measure on the ballot and for campaign support [8]. The major donors to the Fair Share for Health Committee were the American Cancer Society (\$50,000), American Heart Association (\$30,000), the AMC Cancer Research Center (\$30,000) and the American Lung Association (\$13,000). With the help of the tobacco industry's financial resources, Amendment 1 was defeated in November, 1994, with only 38.5 percent in support of the initiative. The excise tax on a pack of cigarettes is 20 cents, which in 1995, was the thirteenth lowest cigarette excise tax in the nation [2].

## THE RELATIONSHIP BETWEEN TOBACCO POLICY SCORES AND CAMPAIGN CONTRIBUTIONS

There is a statistical relationship between tobacco industry campaign contributions and the

<b>TABLE 8. SIMULTANEOUS EQUATIONS RESULTS FOR TOBACCO POLICY SCORES AND 1993-1994 CAMPAIGN CONTRIBUTIONS</b>				
Dependent Variable = Tobacco Policy Score				
<b>Variable</b>	<b>Coefficient</b>	<b>St. Error</b>	<b>t</b>	<b>p</b>
Contributions (in thousands of dollars)	-2.29	.32	-7.24	<.001
Intercept	6.24			
Dependent Variable = Campaign Contributions (in dollars)				
Tobacco Policy Score	-145.75	19.92	-7.32	<.001
Leadership	736.36	206.31	3.57	<.001
Intercept	1182.61			
n=100				
R <sup>2</sup> = .35 for tobacco policy score; R <sup>2</sup> = .42 for campaign contributions.				

tobacco policy scores, with both the campaign contributions and the tobacco policy scores affecting each other. Campaign contributions sway many legislators to either be sympathetic toward or actively promote the tobacco industry's point of view. On the other hand, the tobacco industry rewards those legislators that have helped the tobacco industry in the past. Simultaneous equations regression using ordinary least squares was used to test the hypothesis that campaign contributions were affecting legislative behavior simultaneously with behavior affecting contributions [3].

The simultaneous equation regression model contains two equations. One equation predicts the 1993-1994 tobacco policy score (dependent variable) from the amount of campaign contributions in that election cycle (independent variable). The second equation predicts campaign contributions (dependent variable) from the tobacco policy scores and a variable representing legislative leaders to allow for the possibility that legislative leaders received greater campaign contributions than members in general.

Table 8 presents the results of this analysis. For every \$1000 a legislator received, his or her tobacco policy score dropped (i.e., became more pro-tobacco industry) by an average of -2.29. At the same time, for every one point reduction in tobacco policy score, campaign contributions from the tobacco industry increase by an average of \$146. In addition, for a given tobacco policy score, legislative leaders received an average of \$736 more than other members with the same policy scores.

These results are comparable to the findings of Glantz and Begay's study of the effects of tobacco industry campaign contributions on the California legislature [3]. They also found a simultaneous relationship between tobacco policy scores and tobacco industry campaign contributions, although the effects of money appear greater in Colorado than in California. In California, a \$1000 contribution only reduced the tobacco control policy score by an average of -0.11 (compared to -2.3 in Colorado) and a one point reduction in tobacco control policy score was associated with an increase in contributions of \$1850 in California (compared to only \$146 in Colorado). Per dollar, tobacco industry campaign contributions are having a greater impact in

<b>TABLE 9. NUMBER OF ORDINANCES ENACTED IN COLORADO BY YEAR</b>		
<b>Year</b>	<b>Number</b>	<b>Major Cities</b>
1980	0	
1981	0	
1982	0	
1983	0	
1984	1	Fort Collins
1985	5	Pueblo, Aspen
1986	12	Aurora, Boulder, Denver
1987	7	Colorado Springs, Jefferson County, Lakewood, Telluride
1988	6	Arapahoe County, Weld County
1989	2	Parker, Snowmass Village
1990	2	Vail
1991	0	
1992	0	
1993	1	Denver
1994	2	Larimer County

<b>TABLE 9. NUMBER OF ORDINANCES ENACTED IN COLORADO BY YEAR</b>		
1995	2	Boulder, Lakewood
Total	40	
Note: Ordinances Enacted for the First Time or Ordinances that Strengthened Existing Ordinances		
Source: Americans for Nonsmoker's Rights		

Colorado than in California.

## **TOBACCO POLITICS IN COLORADO**

### **Local Ordinances**

Colorado's communities have demonstrated their dissatisfaction with a weak state clean indoor air law passed in 1977 (CRS. 25-14-101) by enacting more rigorous local laws (Table 9). In 1984, the city of Fort Collins, a city of approximately 88,000, passed the first local clean indoor air ordinance in Colorado. The ordinance created smoke-free environments in most areas of the workplace, public places, retail stores and restaurants that seat more than thirty patrons. The tobacco industry vigorously opposed this ordinance, including forcing a popular referendum in an effort to overturn it, but the voters ratified the ordinance at the polls (see discussion below). Several other communities (Aspen, Grand Junction, Longmont, and Pueblo) followed Fort Collins by passing their own local ordinances in 1985. Aspen was the first city in the United States to pass a local ordinance requiring 100% smoke free restaurants.

During the next three years, a flurry of local ordinances were enacted (Figure 5). Between 1986 to 1988 twenty-five local ordinances were passed, including Colorado's largest cities. Denver passed an ordinance in 1986 to protect non-smokers in workplaces, schools, health facilities, and restaurants that seat over 50 customers. Boulder and Aurora passed even stronger ordinances in 1986. The Boulder and Aurora ordinances also made retail stores, public transportation and enclosed public places smoke-free. (The city of Boulder ended smoking only in private sector offices, but Boulder county passed an ordinance in 1988 to include all workplaces). In 1987 Colorado's second largest city, Colorado Springs, passed an ordinance that made most public places and restaurants that seated over 50 people smoke-free.

While most of the local ordinances were originally passed in the mid 1980s, Colorado cities and towns have continued to enact clean air ordinances or strengthen their original ordinances throughout the late 1980s and 1990s. Tourist areas such as Telluride (1987), Snowmass Village (1989) and Vail (1990) passed clean indoor air ordinances. Denver (1993) and Boulder (1995) strengthened ordinances originally passed in the 1980s. The revised Denver ordinance allows smoking only in separately ventilated and enclosed rooms in most private work places, public places, and sport and entertainment facilities. The city of Denver and the Colorado Department of Public Health and Environment assisted local businesses with brochures explaining how to comply with the law [9]. The revised 1995 Boulder ordinance is considered the state's most comprehensive clear air ordinance. Smoking in public places is prohibited with the exception of separately enclosed and ventilated rooms in bars and restaurants [9]. The tobacco industry also unsuccessfully challenged the 1995 Boulder ordinance at the polls.

### **Referendum Challenges to Local Tobacco Control Ordinances**

The tobacco industry has used the referendum process to challenge local clean indoor air ordinances. However, the public has rejected industry attempts to overturn local clean indoor air ordinances. The first attempt to overturn a local ordinance was in Fort Collins in 1984. The most recent attempt was in Boulder in 1995.

*Fort Collins.* Fort Collins was the first city in Colorado to enact a local clean indoor air ordinance. After unsuccessfully working to prevent passage of the ordinance in the City Council, the tobacco industry moved the issue to the public. It did so by initiating a popular referendum on the ordinance shortly after it passed. (Fort Collins was the second time that the industry attempted to use the referendum process to overturn a local ordinance; the tobacco industry unsuccessfully attempted to overturn San Francisco's 1983 workplace smoking shortly after it passed.) Despite being outspent by 10 to 1, tobacco control advocates successfully defended the law in a referendum campaign [10, 11]. Of the \$36,868 spent to overturn the ordinance, most came from the Committee Against 23 which was established by Frank Hays, Hays, Hays, & Wilson, a Colorado lobbyist for the Tobacco Institute. The Committee Against 23 spent \$34,468, all of which came from the Tobacco Institute (which contributed \$35,000). In addition, a political action committee of the Colorado-Wyoming Restaurant Association (HOST) HOST contributed \$400 and spent \$348 to oppose the ordinance. A local tobacco shop owner also contributed and expended \$2,034 [12]. The grass roots group Coloradans for Clean Indoor Air contributed \$9,396 and expended \$9,285 to defend the ordinance and the city of Fort Collins also provided in-kind assistance for answering the public's questions totaling \$1,061 [12]. Despite the disparity in expenditures, 64% of the citizens of Fort Collins voted to retain the ordinance in the November referendum.

*Boulder.* After abandoning the strategy of forcing local ordinances to a vote for several years, the tobacco industry forced a vote on the ordinance in Boulder that was enacted in 1995. (This effort mirrored a similar series of referenda campaigns that the tobacco industry forced in California at about the same time [13]; this strategy did not work in California and the ordinances were generally upheld.) In July 1995, the Boulder City Council voted to strengthen the 1986 ordinance to make all public places completely smoke free. The ordinance would have taken effect in September, 1995. A group formed called People Opposed to Government Over-Regulation (POGO) to challenge the ordinance. Shayne Madsen, whom Kraft Foods (a subsidiary of Philip

<b>TABLE 10. TOBACCO CONTROL LEGISLATION INTRODUCED BUT DEFEATED DURING THE 1980S</b>			
<b>Year</b>	<b>Bill</b>	<b>Sponsor</b>	<b>Tobacco Control Issue</b>
1985	HB 1133	Rep. Jim Moore	Limit smoking in public places.
1985	HB 1152	Rep. Bob Kirscht	Increase in cigarette tax
1986	SB 17	Sen. Martin Ezzard	Limit smoking in public places
1987	SB 65	Sen. Martin Ezzard	Limit smoking in public places
1988	HB 1177	Rep. Dorothy Rupert	Limit smoking in public places
1989	SB 111	Sen. Jack Fenlon	Limit smoking in grocery stores.

Morris) employs as a lobbyist, provided legal assistance to POGO in challenging the ordinance [14]. In response to POGO's challenge, the city council modified the ordinance to allow businesses to have separately enclosed and ventilated smoking areas in their establishments. In addition, the council voted to allow the citizens of Boulder to vote to approve or disapprove of the modified ordinance. The modified ordinance still provided more protection from second-hand smoke than the 1986 ordinance. In support of the ordinance, FAIR (Fresh Air is a Right), a citizens' group, spent \$22,931. In opposition, POGO spent \$16,380 [15]. The major contributors to FAIR were the American Cancer Society - Boulder Chapter (\$5,350), Corporate Express (\$5,000), and Colorado GASP (\$1,900). [16] The major contributors to POGO were the Colorado Restaurant Association (\$3,000), the Colorado Restaurant Association -- Boulder County Chapter (\$1,000), and the Boulderado Hotel (\$1,000). Fifty-five percent of the voters supported the ordinance when it came to a vote in November, 1995, and it went in to force.

### **State Tobacco Legislative Activity**

Despite public opinion in favor of clean indoor air and vigorous local tobacco control efforts, the legislature has not supported tobacco control and instead tended to pass weak legislation regarding tobacco control. From 1985 to 1989 no less than five attempts to limit smoking in public places were killed by the Colorado General Assembly (Table 10).

Some state legislation was enacted in the early 1990s intended to prevent tobacco access by minors and to improve indoor air quality. In 1991 HB 1088 increased the fine for furnishing tobacco products to minors from \$25 to \$200. The law also places restrictions on where vending machines can be located. The law requires vending machines to be supervised, but locking devices on vending machines are not required. The law also does not provide for enforcement authority [17]. The bill was introduced by Rep. Pat Sullivan (R-Weld), a physician, who had a pro-tobacco control policy score in 1993-1994 (9.3). The bill was also backed by the Colorado division of the American Cancer Society, but was significantly watered down by the tobacco industry before the legislature passed it.

Also in 1991, the legislature passed HB 1123, a bill promoted by the lobbying firms of Hayes, Hayes and Wilson and Stealy and Associates. This anti-discrimination law had no specific reference to smoking or tobacco, but the law did restrict employers from firing individuals that engage in legal activities away from the workplace and during nonworking hours. Passing such "smokers rights" legislation was a high priority for the tobacco industry at the time. Similar laws

were passed in twenty-eight other states and the District of Columbia between 1989 and 1994 [18]. During the same session that the Colorado legislature was enacting HB 1123, the California legislature, the tobacco industry and several labor unions supported a bill (SB 1879) that would have made it unlawful to fire or refuse to hire an individual because of the individual's lawful use of a lawful product (e.g., tobacco) during nonworking hours and away from the workplace. This bill passed the legislature but was vetoed by Governor Pete Wilson [3].

Three clean indoor air bills passed in 1994. SB 100 made public school property smoke-free. HR 1006 decreed that the House chamber and adjoining areas would be smoke-free. In addition, HR 1136 gave the Legislative Council (a joint committee of the Colorado legislature) exclusive authority to designate smoking areas in legislative buildings and to establish a smoking policy for state legislative office space. This legislation is weaker than Gov.

Roy Romer's executive order in 1990 that made all state buildings under his jurisdiction smoke free.

### **Local Preemption of Local Tobacco Control Ordinances**

The tobacco industry's primary strategy for dealing with the widespread support for local tobacco control ordinances has been to seek enactment of weak state laws preempting local legislation [19-21]. Statewide preemptive legislation currently exists in 18 states [2] and as of May, 1996, preemptive legislation was pending in ten other states, while four states were considering repealing their preemptive laws.

The issue of enacting preemptive state laws has also become a more partisan issue in 1995 and 1996, with Haley Barbour, the Chairman of the Republican National Committee, personally lobbying state legislators and governors to support preemption in Arizona and Texas [22, 23]. This lobbying for preemption comes at a time when a majority of Americans, regardless of party affiliation, support local control on tobacco related issues. Eighty-one percent of those surveyed supported the statement that "State laws should allow communities the option of passing local laws to protect people from secondhand smoke and protect children from tobacco." There was very little difference between party affiliation --84 percent of Democrats, 78 percent of Republicans and 81 percent of Independents agreed with the statement [24].

Colorado does not have a preemptive statewide law to overturn local ordinances at this time. However, the Colorado General Assembly has considered state preemption on two occasions. Rep. Tom Ratteree (R-El Paso) introduced HB 1163 in 1993, a bill to preempt local ordinances over the use of tobacco products in the workplace. The bill passed the House State, Veterans and Military Affairs committee. However, the full House never voted on the bill. Rep. Ratteree withdrew the bill when he realized that it was not likely that the House would pass the bill.

Preemption of local authority over the sale and distribution of tobacco products is one of the tobacco industry's current legislative strategies. In an admitted reaction to several Colorado communities recently enacting restrictions on the sale, advertisement and distribution of tobacco products, the tobacco industry, in alliance with the Colorado retailers drafted and lobbied for a local preemption bill during the 1996 legislative session. Senate Bill 213, sponsored by Senator Al Meiklejohn (R-Arvada) and Representative Bill Martin (R-Colorado Springs), eliminates local authority in exchange for state licensing of tobacco retailers along with weak and impractical statewide enforcement of the illegal sale of tobacco products to minors. This legislation faced fierce opposition from both the health advocate community as well as local governments. The bill was killed in the waning days of the 1996 legislative session at the request of the bill's sponsor.

### **CONCLUSION**

The tobacco industry has become one of the most important players in Colorado politics. In the 1979-1980 election cycle, the tobacco industry contributed only \$725 to a few legislative candidates. In the 1993-1994 election cycle, the industry spent a total of \$5,904,706. Their most notable presence was in 1994 when they spent over \$5.5 million to defeat the proposed tobacco tax initiative, Amendment 1. Overall, since 1995, the tobacco industry has spent \$8,224,919 for political campaigns, lobbying and defeating Amendment 1.

Tobacco control activity in Colorado has been most active at the local level. The state legislature has not pursued clean air legislation as aggressively as Colorado cities and counties. The tobacco industry's presence in the form of lobbying and campaign contributions is largely responsible for the legislature's passive behavior on clean air legislation. The Colorado legislature has not passed a preemptive statewide law that would overturn local ordinances. However, with the industry's strong presence in the State Capitol, it is likely they will continue to seek preemptive legislation as they did in the 1993 and 1996 sessions.



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