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# Group wants to free education from limits of TABOR

By Tim Hoover The Denver Post

Posted: 03/25/2010 01:00:00 AM MDT

Updated: 03/25/2010 05:52:49 AM MDT



Rep. Mike Merrifield, center, Rep. Judy Solano, left, and Rep. Debbie Benefield joined a news conference Wednesday calling for a ballot measure to increase funding for education. Backers say voter approval would let legislators raise taxes for education without a public vote. (David Zalubowski, The Associated Press)

Should the legislature be allowed to raise taxes without a vote of the people if the money goes to help education?

A coalition of education advocates and Democratic lawmakers thinks so. The group, calling itself Great Futures Colorado, gathered at the Capitol on Wednesday to announce a proposal to put a ballot measure before voters that would give lawmakers that power.

Rep. Judy Solano, D-Brighton, said she became a lawmaker to help education but has had to watch as the legislature has slashed higher

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education and now is poised to cut \$260 million from public schools.

"Do you want us as legislators to only have the option of cutting?" Solano asked.

The proposal would be a referred measure from the legislature.

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which would require a two-thirds vote in each house before it could be placed on the 2010 ballot for voter approval. Rep. Debbie Benefield, D-Arvada, and Sen. Suzanne Williams, D-Aurora, plan to sponsor the concurrent resolution for the referred measure, which would not need gubernatorial approval.

"This is not a tax increase," Benefield said. "This is a question to let the legislature decide."

If voters said yes, the measure would specifically give lawmakers the power to hike taxes without seeking voter approval as normally required under the Taxpayer's Bill of Rights, or TABOR, in the state constitution. The tax hikes, though, could be for only education, ranging from preschool to post-secondary education.

Amendment 23, which voters passed in 2000, requires that spending for public schools increase by at least the rate of inflation every year. However, lawmakers this year have followed a legal interpretation of the amendment they say allows them to cut the overall amount of funding for schools while not touching a base per-pupil amount.

Some education groups have said the move violates Amendment 23 and have threatened to sue. Meanwhile, a separate lawsuit going forward challenges whether Colorado's level of funding for schools provides a "thorough and uniform" education as required by the state constitution.

Republicans called Wednesday's news the latest attack on TABOR and said arguing that the m oney would go to only education was meaningless. Democrats would just raise taxes for education spending and then shift spending to other places in the budget, Republicans said.

"They might as well man up and just put the question on the ballot to do away with TABOR," said Sen. Greg Brophy, R-Wray.

He said Benefield and Williams have "almost no chance" of getting enough Republicans to sign on for a two-thirds vote to put the idea before voters.

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