

GUEST COLUMN The false appeal of Proposition 119

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This November, Colorado voters are being asked to raise taxes and divert funds from the state's K-12 education trust to create a questionably structured program ostensibly intended to provide out-of-school learning opportunities to Colorado students. In reality, the passage of Proposition 119 would only create yet another ongoing bureaucratic layer to Colorado's beleaguered education system with no oversight on how the millions of dollars it collects will be managed or distributed.

The Learning Enrichment and Academic Progress program (or LEAP as it is being called) envisioned in the ballot initiative would create a never-ending funnel for taxpayer dollars to be diverted from classrooms under the guise of providing out-of-school educational opportunities to low-income students. Moreover, the program would have virtually no oversight once it was established and would be paid for by siphoning funds currently in place to pay for Colorado schools, as well as by increasing taxes on retail cannabis an additional 5% over the coming three years.

We are alarmed by the breadth of this proposition's power grab, in terms of its dilution of state education funds and in its unfair taxation against one of the state's thriving industries and its customers. In fact, Colorado's marijuana tax fund was the source of saving many state programs during the worst months of the COVID-19 pandemic and without those tax dollars in reserve, the state would have faced a severe financial crisis last year. Simply put, the feel-good gloss of Proposition 119's promises does not hold up under scrutiny. It's not what it claims to be.

Proposition 119 is wrong for Colorado and wrong for its students. If passed by voters, LEAP would become an ongoing drain on Colorado's education system. It would further degrade trust in government by creating an unchecked bureaucracy controlling millions of taxpayer dollars a year. And it would place an additional burden on Colorado taxpayers that manage chronic pain and other conditions with cannabis, which is taxed close to 30% in some municipalities around the state.

The creation of the LEAP program would siphon about \$70 million from Colorado's School Land Trust (also known as the "Permanent Fund") over the coming 10 years. This would essentially take money from schools, teachers and other educational programs burdened by

overextended budgets. Combined with the cannabis tax, this money grab would end up in a slush fund for an independent bureaucracy not accountable to local decision-makers or taxpayers. While we can disagree about whether it is appropriate for public tax dollars to fund private educational opportunities, we can both agree that this initiative lacks the appropriate transparency on how the money is doled out and to which entities. The lack of accountability and local control leave too many unanswered questions. Even the state's largest educational organization, the Colorado Education Association, rolled back a previous endorsement of Proposition 119 and will not stand behind the effort.

It is no secret that constituents of all stripes are troubled by unfettered government overreach, and upon close examination Proposition 119 feels like a classic example of such overreach. First off, passage of the proposition would create a new government entity called the Colorado Learning Authority, which would make decisions about how taxpayer money is spent without input from elected representatives or the public.

Furthermore, a nine-member oversight board would be appointed by the governor, turning the authority into a political football with every passing political campaign. The last thing taxpayers need for their educational tax dollars is another opportunity for partisanship to derail students' needs. After 2024, the Colorado Learning Authority would gain sweeping new flexibility on how it distributes the money, as well as the award amounts. There will be virtually no accountability for how the money is spent.

On a practical level, increasing cannabis taxes puts at risk the carefully developed system of quite-significant taxation of cannabis that currently exists. Taxes collected from cannabis in the state are used to fund state programs addressing mental health, substance abuse, and DUI prevention. In addition, cannabis taxes already provide a significant contribution to the state's education system, including large support for Colorado's Capital Construction Assistance Fund, which funds the Building Excellent Schools Today (BEST) program. Placing a higher tax burden on cannabis could lead to fewer taxes collected through decreased sales, reducing money for the important programs being funded.

We agree that Colorado needs a strong education system, but this is neither a short-term solution or a long-term plan. Proposition 119 will harm our current education funding, create a mysterious "authority" that will govern how taxpayer dollars are spent and will generate harm to citizens who rely upon cannabis for the management of pain and other conditions.

Sen. Julie Gonzales (D) from Colorado's 34th District is the majority caucus chair of the Colorado Senate Democrats and Sen. Chris Holbert (R) is the Republican minority leader from Colorado's 30th District.