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Budget-busting initiative backer doesn't yield on questionable ballot language

By [John Tomasic](#) 3/23/09 7:33 AM





(Photo/kool_skatcat, Flickr)

Jeff Gross, author of a budget-gutting ballot initiative, has refused to address any questions posed by state reviewers, including how its proposed tax amounts could even pay for the cost of collecting them. With the final version of the initiative unchanged, the riddle will be left for voters to contemplate on Election Day — should it be approved for the ballot.

Thursday, in a corner of the Capitol, Kersey resident Gross attended the final Review and Comments hearing for his proposed [ballot initiative](#). He had changed the wording of the title based on concerns of the Colorado Title Board, the panel that reviews proposed ballot initiatives. The board wanted it to be clear: The initiative proposed by Gross and former lobbyist Freda Poundstone does not aim to “limit” state revenues; it aims to “reduce” them — significantly.

Gross' initiative would slash annual revenue by [roughly \\$50 million in income taxes alone, based on figures from 2005](#), dropping the state income-tax rate rate from [4.6 percent](#) to 3.5 percent over 10 years. It also proposes to cut sales, service and rental taxes and fees on motor vehicles and communication products and services — on car purchases and leases and on mobile phone and Internet and pager accounts, for example.

The ultimate cost to the state of the Gross-Poundstone initiative is difficult to calculate. How Gross came up with the figures set out in the initiative remains a question. Why, for example, does he propose a 3.5-percent income tax rate? Why a \$2 annual tax on new vehicles and a \$1 annual tax on “other vehicles”?

In their first review of the initiative, state attorneys asked Gross to address those questions and many others in a [mostly ignored twenty page document](#). The attorneys suggested that the tax amounts he was proposing would fail even to pay for the cost of collecting them. Yet the amounts remain unchanged in the final version, the riddle of what they mean left for voters to contemplate on Election Day should the initiative be green-lighted for the ballot.

Gross has declined so far to talk to the press or the public about his initiative. Poundstone, a former lobbyist and author of the [1970s Poundstone Amendment](#), said she is merely lending her support to the initiative and that Gross drafted it and is responsible for any edits to the language. Gross appears to have no experience writing tax law, balancing budgets or drafting public policy. He provided no comment to the Rocky Mountain News in January for

[a story on the alarming nature](#) of his initiative. He did not return phone calls last week and did not answer questions after Thursday's hearing.

His public silence is matched by a mostly affable intransigence in Capitol hearings rooms. It's clear that, despite reviewers' concerns even on matters of clarity and grammar, Gross has no intention of reworking his initiative.

The so-called technical questions he was asked to address in an earlier session all still apply, even the most basic among them.

1. It is standard drafting practice to include an amending clause telling the reader what is being added to or amended in the Colorado Revised Statutes. For example, if your intention is to add a new article to title 39 of the Colorado Revised Statutes, include an amending clause that reads as follows: "Title 39, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW ARTICLE to read:"
2. Article 25 of title 39, Colorado Revised Statutes, already exists, though it was repealed in 2003. The previous subject matter of article 25 was "gift tax," which differs from the subject of the proposed initiative. In this case, it is standard drafting practice to create a new article, such as article 25.5. Is this your intention?

Gross added no amending clause. Nor does he propose to create a new article. His initiative remains "Title 39, article 25 of the Colorado Revised Statutes."

Further, Gross has rejected simple changes, such as adding a clarifying comma or an article to a sentence, the kind of edit that could stop competing interpretations and legal deliberations before they begin.

A sentence on the auditing process was the subject of a short exchange at the hearing Thursday:

The state shall audit yearly compliance with this reform to reduce unfair, complex charges on common basic needs.

Attorneys asked for clarification and proposed changes:

- a. Is it your intent that the state do an audit of compliance on a yearly basis or that the state audit the yearly compliance with the provisions of the proposed initiative? If it is the former, would you add a comma to clarify your intent as follows: "The state shall audit yearly, compliance with..."? If it is the latter would you insert the word "the" for clarity as follows: "The state shall audit the yearly compliance with..."?

Gross said he thought it was clear enough and should stand the way he wrote it.

The changes Gross did make for this latest version — mainly the title change, from "Government revenue limits" to "Reducing government charges" — were compelled by the Title Board. Although the Title Board provides an "extremely limited review" — a fact [readily conceded by the representatives of the secretary of state's office and](#)

[attorney general's office who sit on the board](#) — Gross was at least forced to consider that he either had to make the minor changes the Title Board suggested or be forced to file a lawsuit to get his initiative on the ballot.

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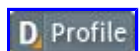
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