

**Second Regular Session
Sixty-third General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. R02-1080.01 Gregg Fraser

SCR02-003

SENATE SPONSORSHIP

Anderson,

HOUSE SPONSORSHIP

Young,

Senate Committees
Business, Labor, and Finance

House Committees

SENATE CONCURRENT RESOLUTION 02-003

101 **SUBMITTING TO THE REGISTERED ELECTORS OF THE STATE OF**
102 **COLORADO AN AMENDMENT TO SECTION 20 (1) OF ARTICLE X**
103 **OF THE CONSTITUTION OF THE STATE OF COLORADO,**
104 **CONCERNING THE ELIMINATION OF THE REQUIREMENT TO SEEK**
105 **VOTER APPROVAL PRIOR TO WEAKENING ANY FISCAL**
106 **LIMITATION NOT IMPOSED BY THE CONSTITUTION.**

Resolution Summary

(Note: This summary applies to this resolution as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Repeals the provision contained in section 20 of article X of the Colorado constitution (Taxpayer's Bill of Rights) that requires voter approval to weaken limits on district revenue, spending, and debt.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

1 *Be It Resolved by the Senate of the Sixty-third General Assembly*
2 *of the State of Colorado, the House of Representatives concurring herein:*

3 **SECTION 1.** At the next election at which such question may be
4 submitted, there shall be submitted to the registered electors of the state
5 of Colorado, for their approval or rejection, the following amendment to
6 the constitution of the state of Colorado, to wit:

7 Section 20 (1) of article X of the constitution of the state of
8 Colorado is amended to read:

9 **Section 20. The Taxpayer's Bill of Rights. (1) General**
10 **provisions.** This section takes effect December 31, 1992 or as stated. Its
11 preferred interpretation shall reasonably restrain most the growth of
12 government. All provisions are self-executing and severable and
13 supersede conflicting state constitutional, state statutory, charter, or other
14 state or local provisions. ~~Other limits on district revenue, spending, and~~
15 ~~debt may be weakened only by future voter approval.~~ Individual or class
16 action enforcement suits may be filed and shall have the highest civil
17 priority of resolution. Successful plaintiffs are allowed costs and
18 reasonable attorney fees, but a district is not unless a suit against it be
19 ruled frivolous. Revenue collected, kept, or spent illegally since four full
20 fiscal years before a suit is filed shall be refunded with 10% annual
21 simple interest from the initial conduct. Subject to judicial review,
22 districts may use any reasonable method for refunds under this section,
23 including temporary tax credits or rate reductions. Refunds need not be
24 proportional when prior payments are impractical to identify or return.
25 When annual district revenue is less than annual payments on general
26 obligation bonds, pensions, and final court judgments, (4) (a) and (7)

1 shall be suspended to provide for the deficiency.

2 **SECTION 2.** Each elector voting at said election and desirous of
3 voting for or against said amendment shall cast a vote as provided by law
4 either "Yes" or "No" on the proposition: "AN AMENDMENT TO SECTION
5 20 (1) OF ARTICLE X OF THE CONSTITUTION OF THE STATE OF COLORADO,
6 CONCERNING THE ELIMINATION OF THE REQUIREMENT TO SEEK VOTER
7 APPROVAL PRIOR TO WEAKENING ANY FISCAL LIMITATION NOT IMPOSED BY
8 THE CONSTITUTION."

9 **SECTION 3.** The votes cast for the adoption or rejection of said
10 amendment shall be canvassed and the result determined in the manner
11 provided by law for the canvassing of votes for representatives in
12 Congress, and if a majority of the electors voting on the question shall
13 have voted "Yes", the said amendment shall become a part of the state
14 constitution.