

First Extraordinary Session
Seventy-fifth General Assembly
STATE OF COLORADO

BILLPAPER

LLS NO. R25B-0024.01 Jason Gelender x4330

HOUSE Concurrent Resolution

HOUSE SPONSORSHIP

Gonzalez R. and Brooks,

SENATE SPONSORSHIP

Liston and Pelton R.,

House Committees

Senate Committees

HOUSE CONCURRENT RESOLUTION

101 **SUBMITTING TO THE REGISTERED ELECTORS OF THE STATE OF**
102 **COLORADO AN AMENDMENT TO THE COLORADO CONSTITUTION**
103 **CONCERNING THE CREATION OF NEW LAW THAT REQUIRES THE**
104 **STATE TO OBTAIN VOTER APPROVAL IN ADVANCE FOR ANY**
105 **REDUCTION TO THE AMOUNT OF STATE SALES TAX REVENUE**
106 **THAT RETAILERS ARE ALLOWED TO KEEP TO COVER THEIR**
107 **EXPENSES OF COLLECTING STATE SALES TAX ON BEHALF OF THE**
108 **STATE.**

Resolution Summary

(Note: This summary applies to this resolution as introduced and does not reflect any amendments that may be subsequently adopted. If this resolution passes third reading in the house of introduction, a resolution summary that applies to the reengrossed version of this resolution will be

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

available at <http://leg.colorado.gov/>.)

The concurrent resolution refers to the voters of the state at the 2026 general election a constitutional amendment to require voter approval in advance for any change to state law that would reduce the vendor fee allowed to retailers that collect state sales tax.

1 WHEREAS, The clauses appearing before Section 1 of this
2 measure express the intent of the general assembly in adopting the
3 measure and are intended to be included as part of the text of the measure
4 for purposes of publication pursuant to section 1-40-124, Colorado
5 Revised Statutes, and the ballot information booklet pursuant to section
6 1 (7.5) of article V of the state constitution and section 1-40-124.5,
7 Colorado Revised Statutes; and

8 WHEREAS, Colorado's small retailers are essential to the health
9 of our economy and the strength of our communities, and these
10 businesses serve as employers, community partners, and local anchors,
11 while also collecting and remitting sales taxes on behalf of the state-a
12 responsibility that comes with both time and cost; and

13 WHEREAS, The vendor fee was established to recognize this
14 work and to help offset the administrative burden placed on retailers, and
15 it has long been a stable and predictable form of relief for small
16 businesses facing the pressures of regulation, inflation, and changing
17 market conditions; and

18 WHEREAS, Reductions to the vendor fee, without the consent of
19 the people, would impose an additional cost on small retailers, effectively
20 increasing the amount of state revenue collected from them without voter
21 approval, and the Colorado constitution, through the Taxpayer's Bill of
22 Rights, ensures that Coloradans have the final say on new or increased

1 taxes; and

2 WHEREAS, It is the intent of the general assembly to protect
3 small retailers and preserve the spirit of taxpayer consent by requiring that
4 any reduction in the vendor fee be approved by Colorado voters, and this
5 safeguard will ensure that changes affecting thousands of small
6 businesses across the state are made only with the approval of the people
7 they serve; now, therefore,

8 *Be It Resolved by the House of Representatives of the Seventy-fifth*
9 *General Assembly of the State of Colorado, the Senate concurring herein:*

10 **SECTION 1.** At the election held on November 3, 2026, the
11 secretary of state shall submit to the registered electors of the state the
12 ballot title set forth in section 2 for the following amendment to the state
13 constitution:

14 In the constitution of the state of Colorado, section 20 of article X,
15 **amend** (1); and **add** (2)(h) and (4.5) as follows:

16 **Section 20. The Taxpayer's Bill of Rights. (1) General**
17 **provisions.** This section takes effect December 31, 1992 or as stated. Its
18 preferred interpretation shall reasonably restrain most the growth of
19 government. All provisions are self-executing and severable and
20 supersede conflicting state constitutional, state statutory, charter, or other
21 state or local provisions. Other limits on district revenue, spending, and
22 debt may be weakened only by future voter approval. Individual or class
23 action enforcement suits may be filed and shall have the highest civil
24 priority of resolution. Successful plaintiffs are allowed costs and
25 reasonable attorney fees, but a district is not unless a suit against it be
26 ruled frivolous. Revenue collected, kept, or spent illegally since four full
27 fiscal years before a suit is filed shall be refunded with 10% annual

1 simple interest from the initial conduct. Subject to judicial review,
2 districts may use any reasonable method for refunds under this section,
3 including temporary tax credits or rate reductions. Refunds need not be
4 proportional when prior payments are impractical to identify or return.
5 When annual district revenue is less than annual payments on general
6 obligation bonds, pensions, and final court judgments, ~~(4)(a) and (7)~~
7 SUBSECTIONS (4)(a), (4.5), AND (7) OF THIS SECTION shall be suspended to
8 provide for the deficiency.

9 **(2) Term definitions.** Within this section:

10 (h) "REDUCTION TO THE STATE VENDOR FEE" MEANS A CHANGE TO
11 STATE LAW THAT HAS THE EFFECT OF REDUCING THE TOTAL PERCENTAGE
12 OF STATEWIDE STATE SALES TAX REVENUE THAT RETAILERS THAT
13 COLLECT STATE SALES TAX ARE COLLECTIVELY AUTHORIZED TO RETAIN TO
14 COVER THEIR EXPENSES INCURRED IN THE COLLECTION AND REMITTANCE
15 OF THAT TAX AND INCLUDES, BUT IS NOT LIMITED TO:

16 (I) A REDUCTION IN THE PERCENTAGE OF STATE SALES TAX
17 COLLECTED THAT A RETAILER IS AUTHORIZED TO RETAIN;

18 (II) A NEW OR REDUCED CAP ON THE DOLLAR AMOUNT OF GROSS
19 STATE SALES TAX COLLECTED THAT A RETAILER IS AUTHORIZED TO
20 RETAIN; OR

21 (III) A NEW OR MORE RESTRICTIVE LIMITATION ON ELIGIBILITY
22 THAT REDUCES THE NUMBER OF RETAILERS THAT ARE ELIGIBLE TO RETAIN
23 A PORTION OF THE STATE SALES TAX REVENUE THAT THEY COLLECT.

24 **(4.5) Required elections for state vendor fee reductions.**
25 STARTING JANUARY 1, 2027, UNLESS SUBSECTION (1) OR (6) OF THIS
26 SECTION APPLIES, THE STATE MUST HAVE VOTER APPROVAL IN ADVANCE
27 FOR ANY REDUCTION TO THE STATE VENDOR FEE.

1 **SECTION 2.** Each elector voting at the election may cast a vote
2 either "Yes/For" or "No/Against" on the following ballot title: "Shall
3 there be an amendment to the Colorado constitution concerning the
4 creation of new law that requires the state to obtain voter approval in
5 advance for any reduction to the amount of state sales tax revenue that
6 retailers are allowed to keep to cover their expenses of collecting state
7 sales tax on behalf of the state?"

8 **SECTION 3.** Except as otherwise provided in section 1-40-123,
9 Colorado Revised Statutes, if at least fifty-five percent of the electors
10 voting on the ballot title vote "Yes/For", then the amendment will become
11 part of the state constitution.