

First Extraordinary Session
Seventy-fifth General Assembly
STATE OF COLORADO

BILLPAPER

LLS NO. R25B-0031.01 Pierce Lively x2059

SENATE Concurrent Resolution

SENATE SPONSORSHIP

Pelton B. and Frizell,

HOUSE SPONSORSHIP

Gonzalez R. and Garcia Sander,

Senate Committees

House Committees

SENATE 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 **ADDITION TO THE DEFINITION OF FEDERAL TAXABLE INCOME**
106 **FOR PURPOSES OF DETERMINING A TAXPAYER'S STATE TAXABLE**
107 **INCOME, REGARDLESS OF WHETHER THE STATE WOULD GAIN**
108 **REVENUE, OR THE EXTENT TO WHICH THE STATE WOULD GAIN**
109 **REVENUE, DUE TO THE ADDITION TO THE DEFINITION OF**
110 **FEDERAL TAXABLE INCOME.**

Resolution Summary

(Note: This summary applies to this resolution as introduced and

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.

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 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 addition to the definition of federal taxable income for purposes of determining a taxpayer's state taxable income, regardless of whether the state would gain revenue, or the extent to which the state would gain revenue, due to the addition to the definition of federal taxable income.

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

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

7 In the constitution of the state of Colorado, section 20 of article X,
8 **amend** (1); and **add** (4.5) as follows:

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

1 fiscal years before a suit is filed shall be refunded with 10% annual
2 simple interest from the initial conduct. Subject to judicial review,
3 districts may use any reasonable method for refunds under this section,
4 including temporary tax credits or rate reductions. Refunds need not be
5 proportional when prior payments are impractical to identify or return.
6 When annual district revenue is less than annual payments on general
7 obligation bonds, pensions, and final court judgments, ~~(4)(a) and (7)~~
8 SUBSECTIONS (4)(a), (4.5), AND (7) OF THIS SECTION shall be suspended to
9 provide for the deficiency.

10 **(4.5) Required elections for additions to the definition of**
11 **federal taxable income.** STARTING JANUARY 1, 2027, UNLESS
12 SUBSECTION (6) OF THIS SECTION APPLIES, THE STATE MUST HAVE VOTER
13 APPROVAL IN ADVANCE FOR ANY ADDITION TO THE DEFINITION OF
14 FEDERAL TAXABLE INCOME FOR PURPOSES OF DETERMINING A TAXPAYER'S
15 STATE TAXABLE INCOME, REGARDLESS OF WHETHER THE STATE WOULD
16 GAIN REVENUE, OR THE EXTENT TO WHICH THE STATE WOULD GAIN
17 REVENUE, DUE TO THE ADDITION TO THE DEFINITION OF FEDERAL TAXABLE
18 INCOME.

19 **SECTION 2.** Each elector voting at the election may cast a vote
20 either "Yes/For" or "No/Against" on the following ballot title: "Shall
21 there be an amendment to the Colorado constitution concerning the
22 creation of new law that requires the state to obtain voter approval in
23 advance for any addition to the definition of federal taxable income for
24 purposes of determining a taxpayer's state taxable income, regardless of
25 whether the state would gain revenue, or the extent to which the state
26 would gain revenue, due to the addition to the definition of federal
27 taxable income?"

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