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JAN 24 2020

2019-2020 #181 - Amended

Colorado Secretary of State

2019-20 #C1

Be it Enacted by the People of the State of Colorado:

SECTION 1. In the constitution of the state of Colorado, article X, add section 22 as follows:

Section 22. Limitation on tax increases - definitions.

(1) Required elections. (a) THE STATE MUST HAVE VOTER APPROVAL IN ADVANCE FOR A TAX MEASURE TO BECOME LAW, EXCEPT AS PROVIDED IN SUBSECTION (1)(b) OF THIS SECTION.

(b) VOTER APPROVAL IN ADVANCE IS NOT REQUIRED IF:

(I) THE STATE'S PROJECTED REVENUE IN A FISCAL YEAR FROM ALL NEW TAX MEASURES IS FIVE PERCENT OR LESS OF THE FISCAL YEAR SPENDING IN THE LAST COMPLETE FISCAL YEAR; AND

(II) THE STATE'S PROJECTED REVENUE IN A FISCAL YEAR FROM ALL TAX MEASURES IN THE LAST FIVE FISCAL YEARS IS TEN PERCENT OR LESS OF THE FISCAL YEAR SPENDING IN THE LAST COMPLETE FISCAL YEAR.

(2) Election provisions. A TAX MEASURE THAT MUST HAVE VOTER APPROVAL SHALL BE DECIDED IN A STATE GENERAL ELECTION OR A STATE ELECTION HELD ON THE FIRST TUESDAY IN NOVEMBER OF ODD-NUMBERED YEARS.

(3) Term definitions. WITHIN THIS SECTION:

(a) "FISCAL YEAR SPENDING" MEANS ALL STATE EXPENDITURES AND RESERVE INCREASES, EXCEPT THOSE FROM GIFTS, FEDERAL FUNDS, COLLECTIONS FOR ANOTHER GOVERNMENT, PENSION CONTRIBUTIONS BY EMPLOYEES AND PENSION FUND EARNINGS, RESERVE TRANSFERS OR EXPENDITURES, DAMAGE AWARDS, OR PROPERTY SALES.

(b) "PROJECTED REVENUE IN A FISCAL YEAR FROM ALL NEW TAX MEASURES" MEANS THE REVENUE THAT THE STATE PROJECTS ALL TAX MEASURES TO TAKE EFFECT IN THAT FISCAL YEAR WILL GENERATE IN THE NEXT COMPLETE FISCAL YEAR.

(c) "PROJECTED REVENUE IN A FISCAL YEAR FROM ALL TAX MEASURES IN THE LAST FIVE FISCAL YEARS" MEANS THE REVENUE THE STATE PROJECTS THAT ALL TAX MEASURES TO TAKE EFFECT IN THAT FISCAL YEAR, TOGETHER WITH THOSE THAT CONTINUE IN EFFECT IN THAT FISCAL YEAR AND TOOK EFFECT IN THE PRECEDING FOUR FISCAL YEARS, WILL GENERATE IN THE NEXT COMPLETE FISCAL YEAR.

(d) "TAX MEASURE" MEANS A NEW STATE TAX OR STATE TAX RATE INCREASE.

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