

2025-2026 #136 - Final

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

SECTION 1. In the constitution of the state of Colorado, section 20 of article X, **add (4.5)** as follows:

Section 20. The taxpayer's bill of rights.

(4.5) Voter approval of fees.

(a) ON OR AFTER JANUARY 1, 2027, ANY FEE IMPOSED BY STATE LAW ESTABLISHED OR INCREASED WITH A PROJECTED OR ACTUAL REVENUE OF OVER \$100,000,000 TOTAL IN THE FIRST FIVE FISCAL YEARS MUST BE APPROVED AT A STATEWIDE ELECTION. BALLOT TITLES FOR SUCH FEES SHALL BEGIN:

(I) FOR NEWLY APPROVED FEES, "SHALL A FEE BE (IMPOSED OR INCREASED) TO COLLECT REVENUE TOTALING (ESTIMATED FULL DOLLAR COLLECTION FOR FIRST FIVE FISCAL YEARS) IN ITS FIRST FIVE YEARS...?"; OR

(II) FOR FEE REVENUE EXCEEDING THE VOTER-APPROVED REVENUE ESTIMATE, "SHALL (EXCESS REVENUE AMOUNT COLLECTED) FROM (FEE) BE RETAINED..."

(b) FEES SUBJECT TO THE PROVISIONS OF SUBSECTION (4.5)(a) OF THIS SECTION COLLECTED TO FUND SIMILAR PURPOSES CREATED OR INCREASED IN THE SAME CALENDAR YEAR OR WITHIN THE FIVE PRECEDING YEARS SHALL BE AGGREGATED IN CALCULATING THE APPLICABILITY OF THIS SUBSECTION (4.5).

(c) THE REQUIREMENTS FOR VOTER APPROVAL CONTAINED IN THIS SUBSECTION (4.5) DO NOT APPLY TO FEES CHARGED BY INSTITUTIONS OF HIGHER EDUCATION.

(d) "FEE" AS USED IN COLORADO LAW MEANS A VOLUNTARILY INCURRED GOVERNMENTAL CHARGE IN EXCHANGE FOR A SPECIFIC BENEFIT CONFERRED ON THE PAYER, WHICH FEE SHOULD REASONABLY APPROXIMATE THE PAYER'S FAIR SHARE OF THE COSTS INCURRED BY THE GOVERNMENT IN PROVIDING SAID SPECIFIC BENEFIT.

SECTION 2. Applicability.

The provisions of Section 20 (4.5)(a) through (c) apply to fees enacted or increased on or after the effective date of this act.