

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

SECTION 1. In the constitution of the state of Colorado, article X, Section 20, **amend** (1) and (4)(a); and **add** (2)(h) as follows:

Section 20. The Taxpayer's Bill of Rights.

(1) General provisions. This section takes effect December 31, 1992 or as stated. Its preferred interpretation shall reasonably restrain most the growth of government. NOTWITHSTANDING ANY CONTRARY PRESUMPTION, ANY LAW OR POLICY ALLEGED TO VIOLATE THIS SECTION SHALL BE JUDGED WITHOUT PRESUMPTION OF CONSTITUTIONALITY, AND COMPLIANCE SHALL BE DETERMINED BY A PREPONDERANCE OF THE EVIDENCE. All provisions are self-executing and severable and supersede conflicting state constitutional, state statutory, charter, or other state or local provisions. Other limits on district revenue, spending, and debt may be weakened only by future voter approval. Individual or class action enforcement suits may be filed and shall have the highest civil priority of resolution. Successful plaintiffs are allowed costs and reasonable attorney fees, but a district is not unless a suit against it be ruled frivolous. Revenue collected, kept, or spent illegally since four full fiscal years before a suit is filed shall be refunded with 10% annual simple interest from the initial conduct. Subject to judicial review, districts may use any reasonable method for refunds under this section, including temporary tax credits or rate reductions. Refunds need not be proportional when prior payments are impractical to identify or return. When annual district revenue is less than annual payments on general obligation bonds, pensions, and final court judgments, (4)(a) and (7) shall be suspended to provide for the deficiency.

(2) Term definitions. Within this section:

(h) "TAX EXPANSION" MEANS:

(1) REGARDLESS OF HOW SMALL THE INCREASE IN A TAXPAYER'S TAX BURDEN, A TAX NOT PREVIOUSLY ASSESSED; THE REMOVAL OR PARTIAL REMOVAL OF A TAX EXEMPTION, EXCLUSION, SUBTRACTION, DEDUCTION; OR ANY OTHER CHANGE TO TAX QUALIFICATIONS, ASSESSMENTS OR CALCULATIONS; IN EACH INSTANCE LISTED ABOVE IN THIS SUBSECTION (1), THAT HAS THE NET EFFECT OF INCREASING A TAXPAYER'S TAX BURDEN; OR

(2) A CHANGE IN TAX CLASSIFICATION.

(4) Required elections. Starting November 4, 1992, districts must have voter approval in advance for:

(a) Unless (1) or (6) applies, any new tax, tax rate increase, TAX EXPANSION, mill levy above that for the prior year, valuation for assessment ratio increase for a property class, or extension of an expiring tax, or a tax policy change any district.