

First Regular Session
Seventieth General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 15-0692.01 Jason Gelender x4330

SENATE BILL 15-001

SENATE SPONSORSHIP

Cadman, Scheffel

HOUSE SPONSORSHIP

(None),

Senate Committees

Finance
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE REFUNDING OF STATE REVENUES IN EXCESS OF THE**
102 **STATE FISCAL YEAR SPENDING LIMIT, AND, IN CONNECTION**
103 **THEREWITH, SIMPLIFYING THE REFUND MECHANISM THAT**
104 **ALLOWS A STATE SALES TAX REFUND, ELIMINATING THE REFUND**
105 **MECHANISM THAT PROVIDES FOR A TEMPORARY INCOME TAX**
106 **RATE REDUCTION, AND REDUCING SALES TAX REVENUES, AND**
107 **EXCESS STATE REVENUES, DURING ANY FISCAL YEAR FOR WHICH**
108 **EXCESS STATE REVENUES ARE ANTICIPATED THROUGH A**
109 **TEMPORARY SALES TAX REBATE.**

Bill Summary

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

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries.>)

Current law provides 3 mechanisms for refunding state revenues in excess of the state fiscal year spending limit imposed by the taxpayer's bill of rights (TABOR) and subsequently increased by a voter-approved revenue change in 2005 (excess state revenues): An earned income tax credit; a temporary income tax rate reduction; and a state sales tax refund that is paid to taxpayers through the state income tax system in amounts based on 6 income-based tiers. For refunds of excess state revenues for fiscal year 2014-15 or any subsequent fiscal year, the bill repeals the temporary income tax rate reduction refund mechanism and replaces the 6-tier state sales tax refund mechanism with a 3-tier state sales tax refund mechanism that is similarly administered. The bill does not affect the earned income tax credit refund mechanism. The tiers of the new 3-tier state sales tax refund mechanism are annually adjusted for inflation.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, **add** 39-22-2004 as follows:

39-22-2004. State sales tax rebate or refund of excess state revenues for taxable years commencing on or after January 1, 2015 - offset against state income tax for qualified individuals - authority and duties of executive director - definitions. (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "ADJUSTED GROSS INCOME" MEANS, FOR THE TAXABLE YEAR COMMENCING ON JANUARY 1, 2015, AND FOR EACH TAXABLE YEAR THEREAFTER, THE COMBINED TOTAL OF:

- (I) FEDERAL ADJUSTED GROSS INCOME;
- (II) SOCIAL SECURITY BENEFITS EXCLUDED FROM FEDERAL ADJUSTED GROSS INCOME FOR THE TAXABLE YEAR;
- (III) LUMP-SUM DISTRIBUTIONS FROM PENSION AND PROFIT-SHARING PLANS EXCLUDED FROM FEDERAL ADJUSTED GROSS

1 INCOME THAT ARE ADDED TO FEDERAL TAXABLE INCOME PURSUANT TO
2 SECTION 39-22-104 (3) (c); AND

3 (IV) THE AMOUNT OF INTEREST INCOME FROM STATE AND LOCAL
4 BONDS ADDED TO FEDERAL TAXABLE INCOME PURSUANT TO SECTION
5 39-22-104 (3) (b).

6 (b) "ANTICIPATED EXCESS STATE REVENUES" MEANS THE AMOUNT
7 OF EXCESS STATE REVENUES FORECAST FOR A FISCAL YEAR IN THE
8 FORECAST PUBLISHED DURING THE FISCAL YEAR.

9 (c) "EXCESS STATE REVENUES" MEANS THE TOTAL COMBINED
10 AMOUNT, AS CERTIFIED BY THE STATE CONTROLLER PURSUANT TO SECTION
11 24-77-106.5, C.R.S., OF:

12 (I) EXCESS REVENUES FOR A STATE FISCAL YEAR THAT VOTERS
13 STATEWIDE HAVE NOT AUTHORIZED THE STATE TO RETAIN AND SPEND,
14 THAT ARE REQUIRED TO BE REFUNDED PURSUANT TO SECTION 20 (7) (d) OF
15 ARTICLE X OF THE STATE CONSTITUTION, AND THAT ARE NOT REFUNDED
16 BY ANOTHER METHOD ESTABLISHED BY LAW; AND

17 (II) EXCESS REVENUES FOR A STATE FISCAL YEAR PRECEDING SAID
18 STATE FISCAL YEAR THAT VOTERS STATEWIDE DID NOT AUTHORIZE THE
19 STATE TO RETAIN AND SPEND, THAT WERE REQUIRED TO BE REFUNDED
20 PURSUANT TO SECTION 20 (7) (d) OF ARTICLE X OF THE STATE
21 CONSTITUTION, THAT WERE INTENDED TO BE REFUNDED BY ANOTHER
22 METHOD PREVIOUSLY ESTABLISHED BY LAW, BUT THAT WERE NOT
23 ACTUALLY REFUNDED BY THE STATE AS REQUIRED.

24 (d) "FORECAST" MEANS THE ECONOMIC AND REVENUE FORECAST
25 PUBLISHED BY THE STAFF OF THE LEGISLATIVE COUNCIL IN SEPTEMBER OF
26 EACH FISCAL YEAR.

27 (e) (I) "QUALIFIED INDIVIDUAL" MEANS:

1 (A) A NATURAL PERSON WHO IS DOMICILED IN THIS STATE FOR THE
2 ENTIRE TAXABLE YEAR COMMENCING JANUARY 1 AND ENDING DECEMBER
3 31 OF THE TAXABLE YEAR AND WHO HAS STATE INCOME TAX LIABILITY
4 UNDER SECTION 39-22-104 FOR THE TAXABLE YEAR OR WHO FILES A
5 COLORADO INDIVIDUAL INCOME TAX RETURN TO CLAIM A REFUND OF
6 COLORADO INCOME TAX WITHHELD FROM WAGES FOR THE TAXABLE YEAR;

7 (B) A NATURAL PERSON WHO IS DOMICILED IN THIS STATE FOR THE
8 ENTIRE TAXABLE YEAR COMMENCING JANUARY 1 AND ENDING DECEMBER
9 31 OF THE TAXABLE YEAR AND WHO IS AT LEAST EIGHTEEN YEARS OF AGE
10 AS OF DECEMBER 31 OF THE TAXABLE YEAR PRECEDING THE TAXABLE
11 YEAR;

12 (C) A NATURAL PERSON WHO DIED DURING THE TAXABLE YEAR
13 COMMENCING JANUARY 1 AND ENDING DECEMBER 31, WHO WAS
14 DOMICILED IN THIS STATE FROM JANUARY 1 OF THE TAXABLE YEAR UNTIL
15 THE DATE OF DEATH, AND WHOSE ESTATE OR SPOUSE HAS STATE INCOME
16 TAX LIABILITY UNDER SECTION 39-22-104 FOR THE TAXABLE YEAR OR
17 WHOSE ESTATE OR SPOUSE FILES A COLORADO INCOME TAX RETURN TO
18 CLAIM A REFUND OF COLORADO INCOME TAX WITHHELD FROM WAGES FOR
19 THE TAXABLE YEAR; OR

20 (D) A NATURAL PERSON WHO DIED DURING THE TAXABLE YEAR
21 COMMENCING ON JANUARY 1 AND ENDING DECEMBER 31, WHO WAS
22 DOMICILED IN THIS STATE FROM JANUARY 1 OF THE TAXABLE YEAR UNTIL
23 THE DATE OF DEATH, AND WHO WAS AT LEAST EIGHTEEN YEARS OF AGE AS
24 OF DECEMBER 31 IMMEDIATELY PRIOR TO THE TAXABLE YEAR.

25 (II) "QUALIFIED INDIVIDUAL" DOES NOT INCLUDE:

26 (A) ANY NATURAL PERSON WHO WAS CONVICTED OF A FELONY
27 AND WHO SERVED A SENTENCE OF INCARCERATION IN A CORRECTIONAL

1 FACILITY OPERATED BY OR UNDER CONTRACT WITH THE DEPARTMENT OF
2 CORRECTIONS OR IN A COUNTY OR MUNICIPAL JAIL AWAITING TRANSFER TO
3 THE DEPARTMENT OF CORRECTIONS PURSUANT TO SECTION 16-11-308,
4 C.R.S., OR IN BOTH SUCH FACILITY AND JAIL FOR A TOTAL OF ONE
5 HUNDRED EIGHTY DAYS OR MORE DURING THE FISCAL YEAR ENDING
6 DURING THE TAXABLE YEAR, REGARDLESS OF WHETHER THE NATURAL
7 PERSON MEETS THE QUALIFICATIONS SET FORTH IN SUBPARAGRAPH (I) OF
8 THIS PARAGRAPH (c);

9 (B) ANY NATURAL PERSON WHO IS CONVICTED OF A MISDEMEANOR
10 OR IS ADJUDICATED FOR AN OFFENSE THAT WOULD CONSTITUTE A
11 MISDEMEANOR IF COMMITTED BY AN ADULT AND WHO IS INCARCERATED
12 IN A COUNTY OR MUNICIPAL JAIL FOR A TOTAL OF ONE HUNDRED EIGHTY
13 DAYS OR MORE DURING THE FISCAL YEAR ENDING DURING THE TAXABLE
14 YEAR, REGARDLESS OF WHETHER THE NATURAL PERSON MEETS THE
15 QUALIFICATIONS SET FORTH IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (c);

16 (C) ANY NATURAL PERSON UNDER EIGHTEEN YEARS OF AGE WHO
17 IS ADJUDICATED FOR AN OFFENSE THAT WOULD CONSTITUTE A FELONY IF
18 COMMITTED BY AN ADULT AND WHO WAS COMMITTED TO THE
19 DEPARTMENT OF HUMAN SERVICES FOR A TOTAL OF ONE HUNDRED EIGHTY
20 DAYS OR MORE DURING THE FISCAL YEAR ENDING DURING THE TAXABLE
21 YEAR, REGARDLESS OF WHETHER THE PERSON MEETS THE QUALIFICATIONS
22 SET FORTH IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (c).

23 (f) "REBATE", FOR ANY GIVEN TAXABLE YEAR, INCLUDES BOTH A
24 REPAYMENT OF STATE SALES TAXES PAID ON TRANSACTIONS OCCURRING
25 DURING THE FIRST HALF OF THE STATE FISCAL YEAR THAT BEGINS DURING
26 THE TAXABLE YEAR AND A PAYMENT IN ADVANCE AGAINST STATE SALES
27 TAXES PAID DURING THE SECOND HALF OF THE FISCAL YEAR.

1 (g) "TAXABLE YEAR" MEANS A TAXABLE YEAR FOR NATURAL
2 PERSONS THAT BEGINS ON JANUARY 1 AND ENDS ON DECEMBER 31 AND
3 DOES NOT INCLUDE ANY CORPORATE TAXABLE YEAR THAT BEGINS AND
4 ENDS ON OTHER DATES.

5 (2) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (7) OF THIS
6 SECTION, FOR THE TAXABLE YEAR COMMENCING ON JANUARY 1, 2015,
7 AND FOR EACH SUBSEQUENT TAXABLE YEAR, IF THERE ARE ANTICIPATED
8 EXCESS STATE REVENUES FOR THE FISCAL YEAR THAT BEGINS DURING THE
9 TAXABLE YEAR, EACH QUALIFIED INDIVIDUAL IS ALLOWED A REBATE IN AN
10 AMOUNT SPECIFIED IN EITHER SUBSECTION (3) OR (4) OF THIS SECTION,
11 WHICHEVER IS APPLICABLE.

12 (3) FOR ANY FISCAL YEAR COMMENCING ON OR AFTER JULY 1,
13 2015, NO LATER THAN OCTOBER 1 THE EXECUTIVE DIRECTOR SHALL
14 DIVIDE THE TOTAL AMOUNT OF ANTICIPATED EXCESS STATE REVENUES FOR
15 THE FISCAL YEAR BY THE NUMBER OF QUALIFIED INDIVIDUALS EXPECTED
16 TO CLAIM A REBATE AUTHORIZED BY THIS SECTION IN ORDER TO
17 DETERMINE THE AMOUNT OF THE REBATE THAT EACH SUCH QUALIFIED
18 INDIVIDUAL WOULD RECEIVE IF EACH QUALIFIED INDIVIDUAL RECEIVED AN
19 IDENTICAL REBATE. IF THE AMOUNT OF THE IDENTICAL INDIVIDUAL
20 REBATE SO DETERMINED IS LESS THAN OR EQUAL TO FIFTEEN DOLLARS,
21 THE EXECUTIVE DIRECTOR SHALL ALLOW REBATES AS FOLLOWS:

22 (a) FOR A QUALIFIED INDIVIDUAL FILING A SINGLE RETURN, A
23 REBATE IN THE AMOUNT OF THE IDENTICAL INDIVIDUAL REBATE; AND

24 (b) FOR ANY TWO QUALIFIED INDIVIDUALS FILING A JOINT RETURN,
25 DOUBLE THE AMOUNT OF THE IDENTICAL INDIVIDUAL REBATE.

26 (4) (a) FOR ANY TAXABLE YEAR IN WHICH THE EXECUTIVE
27 DIRECTOR DETERMINES, PURSUANT TO SUBSECTION (3) OF THIS SECTION,

1 THAT THE AMOUNT OF THE IDENTICAL REBATE THAT EACH QUALIFIED
2 INDIVIDUAL WOULD RECEIVE WOULD EXCEED FIFTEEN DOLLARS, THE
3 EXECUTIVE DIRECTOR SHALL DETERMINE A SINGLE PERCENTAGE THAT,
4 WHEN USED TO CALCULATE THE AMOUNT OF THE REBATE ALLOWED
5 PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (4) FOR THE TAXABLE
6 YEAR, WILL CAUSE THE TOTAL AMOUNT OF REBATES ALLOWED TO EQUAL
7 THE AMOUNT OF ANTICIPATED EXCESS STATE REVENUES FOR THE FISCAL
8 YEAR THAT BEGAN DURING THE TAXABLE YEAR.

9 (b) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (c) OF THIS
10 SUBSECTION (4), FOR ANY TAXABLE YEAR FOR WHICH THE EXECUTIVE
11 DIRECTOR DETERMINES A SINGLE PERCENTAGE PURSUANT TO PARAGRAPH
12 (a) OF THIS SUBSECTION (4), THE EXECUTIVE DIRECTOR SHALL ALLOW
13 REBATES AS FOLLOWS:

14 (I) FOR A QUALIFIED INDIVIDUAL FILING A SINGLE RETURN:

15 (A) IF THE QUALIFIED INDIVIDUAL'S FEDERAL ADJUSTED GROSS
16 INCOME FOR THE TAXABLE YEAR IS LESS THAN OR EQUAL TO THIRTY-SIX
17 THOUSAND SIX HUNDRED DOLLARS, A REBATE IN AN AMOUNT EQUAL TO
18 THIRTY-SIX THOUSAND SIX HUNDRED DOLLARS MULTIPLIED BY THE SINGLE
19 PERCENTAGE;

20 (B) IF THE QUALIFIED INDIVIDUAL'S FEDERAL ADJUSTED GROSS
21 INCOME FOR THE TAXABLE YEAR IS GREATER THAN THIRTY-SIX THOUSAND
22 SIX HUNDRED DOLLARS BUT NOT MORE THAN ONE HUNDRED SEVENTEEN
23 THOUSAND ONE HUNDRED DOLLARS, A REBATE IN AN AMOUNT EQUAL TO
24 THE QUALIFIED INDIVIDUAL'S FEDERAL ADJUSTED GROSS INCOME
25 MULTIPLIED BY THE SINGLE PERCENTAGE; AND

26 (C) IF THE QUALIFIED INDIVIDUAL'S FEDERAL ADJUSTED GROSS
27 INCOME FOR THE TAXABLE YEAR IS MORE THAN ONE HUNDRED SEVENTEEN

1 THOUSAND ONE HUNDRED DOLLARS, A REBATE IN AN AMOUNT EQUAL TO
2 ONE HUNDRED SEVENTEEN THOUSAND ONE HUNDRED ONE DOLLARS
3 MULTIPLIED BY THE SINGLE PERCENTAGE.

4 (II) FOR TWO QUALIFIED INDIVIDUALS FILING A JOINT RETURN:

5 (A) IF THE QUALIFIED INDIVIDUALS' AGGREGATE FEDERAL
6 ADJUSTED GROSS INCOME FOR THE TAXABLE YEAR IS LESS THAN OR EQUAL
7 TO THIRTY-SIX THOUSAND SIX HUNDRED DOLLARS, AN AMOUNT EQUAL TO
8 DOUBLE THE AMOUNT OF THE REBATE ALLOWED UNDER
9 SUB-SUBPARAGRAPH (A) OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (b);

10 (B) IF THE QUALIFIED INDIVIDUALS' AGGREGATE FEDERAL
11 ADJUSTED GROSS INCOME FOR THE TAXABLE YEAR IS GREATER THAN
12 THIRTY-SIX THOUSAND SIX HUNDRED DOLLARS BUT NOT MORE THAN ONE
13 HUNDRED SEVENTEEN THOUSAND ONE HUNDRED DOLLARS, AN AMOUNT
14 EQUAL TO DOUBLE THE AMOUNT OF THE REBATE ALLOWED UNDER
15 SUB-SUBPARAGRAPH (B) OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (b);

16 AND

17 (C) IF THE QUALIFIED INDIVIDUALS' AGGREGATE FEDERAL
18 ADJUSTED GROSS INCOME FOR THE TAXABLE YEAR IS MORE THAN ONE
19 HUNDRED SEVENTEEN THOUSAND ONE HUNDRED DOLLARS, AN AMOUNT
20 EQUAL TO DOUBLE THE AMOUNT OF THE REBATE ALLOWED UNDER
21 SUB-SUBPARAGRAPH (C) OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (b).

22 (c) FOR ANY TAXABLE YEAR COMMENCING ON OR AFTER JANUARY
23 1, 2016, THE EXECUTIVE DIRECTOR SHALL ADJUST THE AMOUNTS OF
24 FEDERAL ADJUSTED GROSS INCOME SPECIFIED IN PARAGRAPH (b) OF THIS
25 SUBSECTION (4) TO REFLECT THE PERCENTAGE CHANGE FROM JULY 1,
26 2015, THROUGH THE END OF THE FISCAL YEAR THAT ENDS DURING THE
27 TAXABLE YEAR IN THE UNITED STATES DEPARTMENT OF LABOR, BUREAU

1 OF LABOR STATISTICS, CONSUMER PRICE INDEX FOR
2 DENVER-BOULDER-GREELEY, ALL ITEMS, ALL URBAN CONSUMERS, OR ITS
3 SUCCESSOR INDEX. THE EXECUTIVE DIRECTOR SHALL ROUND THE
4 ADJUSTED AMOUNTS TO THE NEAREST ONE HUNDRED DOLLARS.

5 (5) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (8) OF THIS
6 SECTION, FOR THE TAXABLE YEAR COMMENCING ON JANUARY 1, 2015,
7 AND FOR EACH SUBSEQUENT TAXABLE YEAR, IF THERE WERE EXCESS
8 STATE REVENUES FOR THE FISCAL YEAR ENDING IN THE TAXABLE YEAR,
9 EACH QUALIFIED INDIVIDUAL IS ALLOWED A STATE SALES TAX REFUND IN
10 AN AMOUNT SPECIFIED IN EITHER SUBSECTION (6) OR (7) OF THIS SECTION,
11 WHICHEVER IS APPLICABLE.

12 (6) NO LATER THAN OCTOBER 1 OF ANY TAXABLE YEAR
13 COMMENCING ON OR AFTER JANUARY 1, 2015, IN WHICH A STATE FISCAL
14 YEAR FOR WHICH THERE ARE EXCESS STATE REVENUES ENDS, THE
15 EXECUTIVE DIRECTOR SHALL DIVIDE THE TOTAL AMOUNT OF EXCESS STATE
16 REVENUES FOR THE STATE FISCAL YEAR BY THE NUMBER OF QUALIFIED
17 INDIVIDUALS EXPECTED TO CLAIM A REFUND IN ORDER TO DETERMINE THE
18 AMOUNT OF THE REFUND THAT EACH SUCH QUALIFIED INDIVIDUAL WOULD
19 RECEIVE IF EACH QUALIFIED INDIVIDUAL RECEIVED AN IDENTICAL STATE
20 SALES TAX REFUND. IF THE AMOUNT OF THE IDENTICAL INDIVIDUAL
21 REFUND SO DETERMINED IS LESS THAN OR EQUAL TO FIFTEEN DOLLARS,
22 THE EXECUTIVE DIRECTOR SHALL ALLOW STATE SALES TAX REFUNDS AS
23 FOLLOWS:

24 (a) FOR A QUALIFIED INDIVIDUAL FILING A SINGLE RETURN, A
25 REFUND IN THE AMOUNT OF THE IDENTICAL INDIVIDUAL SALES TAX
26 REFUND; AND

27 (b) FOR ANY TWO QUALIFIED INDIVIDUALS FILING A JOINT RETURN,

1 DOUBLE THE AMOUNT OF THE IDENTICAL INDIVIDUAL SALES TAX REFUND.

2 (7) (a) NO LATER THAN OCTOBER 1 OF ANY TAXABLE YEAR IN
3 WHICH THE EXECUTIVE DIRECTOR DETERMINES, PURSUANT TO SUBSECTION
4 (6) OF THIS SECTION, THAT THE AMOUNT OF THE IDENTICAL STATE SALES
5 TAX REFUND THAT EACH QUALIFIED INDIVIDUAL WOULD RECEIVE WOULD
6 EXCEED FIFTEEN DOLLARS, THE EXECUTIVE DIRECTOR SHALL DETERMINE
7 A SINGLE PERCENTAGE THAT, WHEN USED TO CALCULATE THE AMOUNT OF
8 THE REFUND ALLOWED PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION
9 (7) FOR THE TAXABLE YEAR, WILL CAUSE THE TOTAL AMOUNT OF REFUNDS
10 TO BE ALLOWED TO EQUAL THE AMOUNT OF EXCESS STATE REVENUES FOR
11 THE FISCAL YEAR THAT ENDED DURING THE TAXABLE YEAR.

12 (b) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (c) OF THIS
13 SUBSECTION (7), FOR ANY TAXABLE YEAR FOR WHICH THE EXECUTIVE
14 DIRECTOR DETERMINES A SINGLE PERCENTAGE PURSUANT TO PARAGRAPH
15 (a) OF THIS SUBSECTION (7), THE EXECUTIVE DIRECTOR SHALL ALLOW
16 REFUNDS AS FOLLOWS:

17 (I) FOR A QUALIFIED INDIVIDUAL FILING A SINGLE RETURN:

18 (A) IF THE QUALIFIED INDIVIDUAL'S FEDERAL ADJUSTED GROSS
19 INCOME FOR THE TAXABLE YEAR IS LESS THAN OR EQUAL TO THIRTY-SIX
20 THOUSAND SIX HUNDRED DOLLARS, A REFUND IN AN AMOUNT EQUAL TO
21 THIRTY-SIX THOUSAND SIX HUNDRED DOLLARS MULTIPLIED BY THE SINGLE
22 PERCENTAGE;

23 (B) IF THE QUALIFIED INDIVIDUAL'S FEDERAL ADJUSTED GROSS
24 INCOME FOR THE TAXABLE YEAR IS GREATER THAN THIRTY-SIX THOUSAND
25 SIX HUNDRED DOLLARS BUT NOT MORE THAN ONE HUNDRED SEVENTEEN
26 THOUSAND ONE HUNDRED DOLLARS, A REFUND IN AN AMOUNT EQUAL TO
27 THE QUALIFIED INDIVIDUAL'S FEDERAL ADJUSTED GROSS INCOME

1 MULTIPLIED BY THE SINGLE PERCENTAGE; AND

2 (C) IF THE QUALIFIED INDIVIDUAL'S FEDERAL ADJUSTED GROSS
3 INCOME FOR THE TAXABLE YEAR IS MORE THAN ONE HUNDRED SEVENTEEN
4 THOUSAND ONE HUNDRED DOLLARS, A REFUND IN AN AMOUNT EQUAL TO
5 ONE HUNDRED SEVENTEEN THOUSAND ONE HUNDRED ONE DOLLARS
6 MULTIPLIED BY THE SINGLE PERCENTAGE.

7 (II) FOR TWO QUALIFIED INDIVIDUALS FILING A JOINT RETURN:

8 (A) IF THE QUALIFIED INDIVIDUALS' AGGREGATE FEDERAL
9 ADJUSTED GROSS INCOME FOR THE TAXABLE YEAR IS LESS THAN OR EQUAL
10 TO THIRTY-SIX THOUSAND SIX HUNDRED DOLLARS, AN AMOUNT EQUAL TO
11 DOUBLE THE AMOUNT OF THE REFUND ALLOWED UNDER
12 SUB-SUBPARAGRAPH (A) OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (b);

13 (B) IF THE QUALIFIED INDIVIDUALS' AGGREGATE FEDERAL
14 ADJUSTED GROSS INCOME FOR THE TAXABLE YEAR IS GREATER THAN
15 THIRTY-SIX THOUSAND SIX HUNDRED DOLLARS BUT NOT MORE THAN ONE
16 HUNDRED SEVENTEEN THOUSAND ONE HUNDRED DOLLARS, AN AMOUNT
17 EQUAL TO DOUBLE THE AMOUNT OF THE REFUND ALLOWED UNDER
18 SUB-SUBPARAGRAPH (B) OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (b);
19 AND

20 (C) IF THE QUALIFIED INDIVIDUALS' AGGREGATE FEDERAL
21 ADJUSTED GROSS INCOME FOR THE TAXABLE YEAR IS MORE THAN ONE
22 HUNDRED SEVENTEEN THOUSAND ONE HUNDRED DOLLARS, AN AMOUNT
23 EQUAL TO DOUBLE THE AMOUNT OF THE REFUND ALLOWED UNDER
24 SUB-SUBPARAGRAPH (C) OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (b).

25 (c) FOR ANY TAXABLE YEAR COMMENCING ON OR AFTER JANUARY
26 1, 2016, THE EXECUTIVE DIRECTOR SHALL ADJUST THE AMOUNTS OF
27 FEDERAL ADJUSTED GROSS INCOME SPECIFIED IN PARAGRAPH (b) OF THIS

1 SUBSECTION (7) TO REFLECT THE PERCENTAGE CHANGE FROM JULY 1,
2 2015, THROUGH THE END OF THE FISCAL YEAR THAT ENDS DURING THE
3 TAXABLE YEAR IN THE UNITED STATES DEPARTMENT OF LABOR, BUREAU
4 OF LABOR STATISTICS, CONSUMER PRICE INDEX FOR
5 DENVER-BOULDER-GREELEY, ALL ITEMS, ALL URBAN CONSUMERS, OR ITS
6 SUCCESSOR INDEX. THE EXECUTIVE DIRECTOR SHALL ROUND THE
7 ADJUSTED AMOUNTS TO THE NEAREST ONE HUNDRED DOLLARS.

8 (8) (a) (I) IF ONE OR MORE BALLOT QUESTIONS ARE SUBMITTED TO
9 THE VOTERS AT A STATEWIDE ELECTION TO BE HELD IN NOVEMBER OF ANY
10 CALENDAR YEAR COMMENCING ON OR AFTER JANUARY 1, 2015, THAT SEEK
11 AUTHORIZATION FOR THE STATE TO RETAIN AND SPEND ALL OR ANY
12 PORTION OF THE AMOUNT OF EXCESS STATE REVENUES FOR THE FISCAL
13 YEAR BEGINNING DURING THE CALENDAR YEAR, NO LATER THAN OCTOBER
14 1 OF SAID CALENDAR YEAR, THE EXECUTIVE DIRECTOR, IN ADDITION TO
15 MAKING THE IDENTICAL REBATE AMOUNT DETERMINATION AND, IF
16 NECESSARY, SINGLE PERCENTAGE DETERMINATION REQUIRED BY
17 SUBSECTIONS (3) AND (4) OF THIS SECTION, SHALL:

18 (A) DETERMINE AN ALTERNATIVE IDENTICAL REBATE AMOUNT FOR
19 EACH SCENARIO IN WHICH ONE OR MORE OF THE BALLOT QUESTIONS ARE
20 APPROVED BY VOTERS STATEWIDE BUT THE APPROVAL DOES NOT WHOLLY
21 ELIMINATE REQUIRED REFUNDS; AND

22 (B) FOR ANY SCENARIO IN WHICH AN ALTERNATIVE IDENTICAL
23 REBATE AMOUNT DETERMINED PURSUANT TO SUB-SUBPARAGRAPH (A) OF
24 THIS SUBPARAGRAPH (I) EXCEEDS FIFTEEN DOLLARS, CALCULATE AN
25 ALTERNATIVE SINGLE PERCENTAGE.

26 (b) (I) IF ONE OR MORE BALLOT QUESTIONS ARE SUBMITTED TO THE
27 VOTERS AT A STATEWIDE ELECTION TO BE HELD IN NOVEMBER OF ANY

1 CALENDAR YEAR COMMENCING ON OR AFTER JANUARY 1, 2015, THAT SEEK
2 AUTHORIZATION FOR THE STATE TO RETAIN AND SPEND ALL OR ANY
3 PORTION OF THE AMOUNT OF EXCESS STATE REVENUES FOR THE FISCAL
4 YEAR ENDING DURING THE CALENDAR YEAR, NO LATER THAN OCTOBER 1
5 OF SAID CALENDAR YEAR, THE EXECUTIVE DIRECTOR, IN ADDITION TO
6 MAKING THE IDENTICAL STATE SALES TAX REFUND AMOUNT
7 DETERMINATION AND, IF NECESSARY, SINGLE PERCENTAGE
8 DETERMINATION REQUIRED BY SUBSECTIONS (6) AND (7) OF THIS SECTION,
9 SHALL:

10 (A) DETERMINE AN ALTERNATIVE IDENTICAL STATE SALES TAX
11 REFUND AMOUNT FOR EACH SCENARIO IN WHICH ONE OR MORE OF THE
12 BALLOT QUESTIONS ARE APPROVED BY VOTERS STATEWIDE BUT THE
13 APPROVAL DOES NOT WHOLLY ELIMINATE REQUIRED REFUNDS; AND

14 (B) FOR ANY SCENARIO IN WHICH AN ALTERNATIVE IDENTICAL
15 STATE SALES TAX REFUND AMOUNT DETERMINED PURSUANT TO
16 SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (I) EXCEEDS FIFTEEN
17 DOLLARS, CALCULATE AN ALTERNATIVE SINGLE PERCENTAGE.

18 (c) UPON DETERMINING THE AMOUNT OF ANY IDENTICAL REBATE
19 OR IDENTICAL STATE SALES TAX REFUND AND, IF NECESSARY, SINGLE
20 PERCENTAGE PURSUANT TO SUBSECTIONS (3) AND (4) OR (6) AND (7) OF
21 THIS SECTION AND, IF APPLICABLE, PARAGRAPH (a) OR (b) OF THIS
22 SUBSECTION (8), THE EXECUTIVE DIRECTOR SHALL NOTIFY IN WRITING THE
23 EXECUTIVE COMMITTEE OF THE LEGISLATIVE COUNCIL CREATED PURSUANT
24 TO SECTION 2-3-301 (1), C.R.S., OF THE DETERMINATIONS AND THE BASIS
25 FOR THEM. THE EXECUTIVE DIRECTOR SHALL PROVIDE THE WRITTEN
26 NOTIFICATION WITHIN FIVE WORKING DAYS AFTER MAKING THE
27 DETERMINATIONS BUT NO LATER THAN OCTOBER 1 OF THE CALENDAR

1 YEAR.

2 (d) IT IS THE FUNCTION OF THE EXECUTIVE COMMITTEE OF THE
3 LEGISLATIVE COUNCIL TO REVIEW AND APPROVE OR DISAPPROVE ANY
4 IDENTICAL REBATE OR IDENTICAL STATE SALES TAX REFUND AMOUNT AND
5 ANY SINGLE PERCENTAGE DETERMINED BY THE EXECUTIVE DIRECTOR
6 WITHIN TWENTY DAYS AFTER RECEIPT OF WRITTEN NOTIFICATION FROM
7 THE EXECUTIVE DIRECTOR. ANY SUCH AMOUNT OR PERCENTAGE THAT IS
8 NOT EITHER APPROVED OR DISAPPROVED BY THE EXECUTIVE COMMITTEE
9 WITHIN TWENTY DAYS IS AUTOMATICALLY APPROVED; EXCEPT THAT, IF
10 WITHIN SAID TWENTY DAYS THE EXECUTIVE COMMITTEE SCHEDULES A
11 HEARING ON ANY SUCH AMOUNT OR PERCENTAGE, THE AUTOMATIC
12 APPROVAL ONLY OCCURS IF THE EXECUTIVE COMMITTEE DOES NOT
13 APPROVE OR DISAPPROVE THE AMOUNT OR PERCENTAGE AFTER THE
14 CONCLUSION OF THE HEARING. ANY HEARING CONDUCTED BY THE
15 EXECUTIVE COMMITTEE PURSUANT TO THE PROVISIONS OF THIS
16 PARAGRAPH (d) MUST BE CONCLUDED NO LATER THAN TWENTY-FIVE DAYS
17 AFTER RECEIPT OF WRITTEN NOTIFICATION FROM THE EXECUTIVE
18 DIRECTOR.

19 (e) (I) IF THE EXECUTIVE COMMITTEE OF THE LEGISLATIVE
20 COUNCIL DISAPPROVES ANY IDENTICAL REBATE OR IDENTICAL STATE
21 SALES TAX REFUND AMOUNT OR SINGLE PERCENTAGE CALCULATED BY THE
22 EXECUTIVE DIRECTOR PURSUANT TO THIS SECTION, THE EXECUTIVE
23 COMMITTEE SHALL SPECIFY THE AMOUNT OR PERCENTAGE TO BE
24 IMPLEMENTED BY THE EXECUTIVE DIRECTOR. ANY AMOUNT OR
25 PERCENTAGE SPECIFIED BY THE EXECUTIVE COMMITTEE PURSUANT TO THIS
26 SUBPARAGRAPH (I) MUST BE CALCULATED OR ADJUSTED IN ACCORDANCE
27 WITH THE PROVISIONS OF THIS SECTION.

1 (II) THE EXECUTIVE DIRECTOR SHALL NOT ADJUST ANY IDENTICAL
2 REBATE OR IDENTICAL STATE SALES TAX REFUND AMOUNT OR SINGLE
3 PERCENTAGE THAT HAS NOT BEEN APPROVED PURSUANT TO THE
4 PROVISIONS OF PARAGRAPH (d) OF THIS SUBSECTION (8) OR OTHERWISE
5 SPECIFIED PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (e).

6 (9) (a) (I) EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPH (II)
7 OF THIS PARAGRAPH (a), A QUALIFIED INDIVIDUAL MUST CLAIM A REBATE
8 OR REFUND ALLOWED PURSUANT TO THIS SECTION BY TIMELY FILING AN
9 INCOME TAX RETURN WITH THE DEPARTMENT OF REVENUE FOR THE
10 TAXABLE YEAR FOR WHICH THE REBATE OR REFUND IS ALLOWED IN
11 COMPLIANCE WITH THE PROVISIONS OF THIS ARTICLE.

12 (II) A QUALIFIED INDIVIDUAL AS DEFINED IN SUB-SUBPARAGRAPH
13 (A) OR (C) OF SUBPARAGRAPH (I) OF PARAGRAPH (e) OF SUBSECTION (1)
14 OF THIS SECTION OR A QUALIFIED INDIVIDUAL WHO IS REQUIRED TO FILE A
15 COLORADO INDIVIDUAL INCOME TAX RETURN FOR THAT TAXABLE YEAR
16 PURSUANT TO SECTION 39-22-601 (1) (a) WHO IS GRANTED AN EXTENSION
17 OF TIME TO FILE AN INCOME TAX RETURN BY FILING AN INCOME TAX
18 RETURN WITH THE DEPARTMENT OF REVENUE MUST CLAIM A REBATE OR
19 REFUND ALLOWED PURSUANT TO THIS SECTION NO LATER THAN OCTOBER
20 15 OF THE CALENDAR YEAR FOLLOWING THE TAXABLE YEAR FOR WHICH
21 THE REBATE OR REFUND IS BEING CLAIMED. THE QUALIFIED INDIVIDUAL IS
22 NOT REQUIRED TO PAY ALL OR ANY PORTION OF THE QUALIFIED
23 INDIVIDUAL'S NET TAX LIABILITY DUE PRIOR TO OCTOBER 15 OF THE
24 CALENDAR YEAR IN ORDER TO BE GRANTED AN EXTENSION OF TIME TO FILE
25 SAID TAX RETURN; EXCEPT THAT, PURSUANT TO SECTION 39-22-621, THE
26 QUALIFIED INDIVIDUAL MAY BE SUBJECT TO A LATE PAYMENT PENALTY
27 AND INTEREST ON ANY NET INCOME TAX LIABILITY NOT PAID BY APRIL 15

1 OF THE CALENDAR YEAR.

2 (III) THE DEPARTMENT OF REVENUE SHALL NOT ALLOW A REBATE
3 OR REFUND CLAIMED ON ANY INCOME TAX RETURN NOT FILED IN
4 COMPLIANCE WITH THE PROVISIONS OF THIS ARTICLE. A REBATE OR
5 REFUND CLAIMED BY A QUALIFIED INDIVIDUAL AS DEFINED IN
6 SUB-SUBPARAGRAPH (A) OR (C) OF SUBPARAGRAPH (I) OF PARAGRAPH (e)
7 OF SUBSECTION (1) OF THIS SECTION ON ANY INCOME TAX RETURN SHALL
8 NOT BE:

9 (A) DISALLOWED IF THE RETURN IS FILED ON OR BEFORE OCTOBER
10 15 OF THE CALENDAR YEAR FOLLOWING THE TAXABLE YEAR FOR WHICH
11 THE REBATE OR REFUND IS BEING CLAIMED; OR

12 (B) ALLOWED IF SAID RETURN IS FILED AFTER OCTOBER 15 OF THE
13 CALENDAR YEAR FOLLOWING THE TAXABLE YEAR FOR WHICH THE REBATE
14 OR REFUND IS BEING CLAIMED.

15 (b) EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPH (II) OF
16 PARAGRAPH (a) OF THIS SUBSECTION (9), A QUALIFIED INDIVIDUAL AS
17 DEFINED IN SUB-SUBPARAGRAPH (B) OR (D) OF SUBPARAGRAPH (I) OF
18 PARAGRAPH (e) OF SUBSECTION (1) OF THIS SECTION MUST CLAIM A
19 REBATE OR REFUND ALLOWED PURSUANT TO THIS SECTION BY FILING AN
20 INCOME TAX RETURN FOR THE TAXABLE YEAR FOR WHICH THE REBATE OR
21 REFUND IS ALLOWED WITH THE DEPARTMENT OF REVENUE NO LATER THAN
22 APRIL 15 OF THE CALENDAR YEAR FOLLOWING THE TAXABLE YEAR FOR
23 WHICH THE REBATE OR REFUND IS BEING CLAIMED. THE DEPARTMENT OF
24 REVENUE SHALL NOT ALLOW THE REBATE OR REFUND CLAIMED BY A
25 QUALIFIED INDIVIDUAL AS DEFINED IN SUB-SUBPARAGRAPH (B) OR (D) OF
26 SUBPARAGRAPH (I) OF PARAGRAPH (e) OF SUBSECTION (1) OF THIS SECTION
27 ON ANY INCOME TAX RETURN FILED WITH THE DEPARTMENT OF REVENUE

1 AFTER APRIL 15 OF THE CALENDAR YEAR FOLLOWING THE TAXABLE YEAR
2 FOR WHICH THE REBATE OR REFUND IS BEING CLAIMED.

3 (c) (I) NOTWITHSTANDING ANY PROVISION OF PARAGRAPH (b) OF
4 THIS SUBSECTION (9) TO THE CONTRARY, A QUALIFIED INDIVIDUAL AS
5 DEFINED IN SUB-SUBPARAGRAPH (B) OR (D) OF SUBPARAGRAPH (I) OF
6 PARAGRAPH (e) OF SUBSECTION (1) OF THIS SECTION WHO CLAIMS A
7 PROPERTY TAX ASSISTANCE GRANT PURSUANT TO SECTION 39-31-101 OR
8 A HEAT OR FUEL EXPENSES ASSISTANCE GRANT PURSUANT TO SECTION
9 39-31-104 MAY CLAIM A REBATE OR REFUND AUTHORIZED BY THIS
10 SECTION ON THE ASSISTANCE GRANT APPLICATION FORM DESCRIBED IN
11 SECTION 39-31-102 (2). CLAIMING A REBATE OR REFUND ON THE
12 ASSISTANCE GRANT APPLICATION FORM IS IN LIEU OF CLAIMING THE
13 REBATE OR REFUND ON AN INCOME TAX RETURN PURSUANT TO
14 PARAGRAPH (b) OF THIS SUBSECTION (9). ANY REBATE OR REFUND
15 CLAIMED PURSUANT TO THIS PARAGRAPH (c) MUST BE CLAIMED ON OR
16 BEFORE APRIL 15 OF THE CALENDAR YEAR FOLLOWING THE TAXABLE YEAR
17 FOR WHICH THE REBATE OR REFUND IS BEING CLAIMED.

18 (II) THE DEPARTMENT OF REVENUE SHALL NOT ALLOW A REBATE
19 OR REFUND AUTHORIZED BY THIS SECTION THAT IS CLAIMED ON AN
20 ASSISTANCE GRANT APPLICATION FORM IF:

21 (A) THE ASSISTANCE GRANT APPLICATION FORM IS FILED AFTER
22 APRIL 15 OF THE CALENDAR YEAR FOLLOWING THE TAXABLE YEAR FOR
23 WHICH THE REBATE OR REFUND IS BEING CLAIMED; OR

24 (B) THE QUALIFIED INDIVIDUAL HAS CLAIMED THE REBATE OR
25 REFUND AUTHORIZED BY THIS SECTION ON AN INCOME TAX FORM FILED IN
26 ACCORDANCE WITH PARAGRAPH (b) OF THIS SUBSECTION (9) FOR THE
27 TAXABLE YEAR FOR WHICH THE REBATE OR REFUND IS ALLOWED.

1 (10) IF THE REBATE OR REFUND ALLOWED UNDER THIS SECTION
2 EXCEEDS THE INCOME TAXES OTHERWISE DUE ON THE CLAIMANT'S
3 INCOME, THE AMOUNT OF THE REBATE OR REFUND SHALL BE REFUNDED TO
4 THE CLAIMANT.

5 (11) IN ADDITION TO ANY OTHER PENALTIES ALLOWED BY LAW,
6 ANY PERSON WHO CLAIMS BUT IS NOT ELIGIBLE TO CLAIM THE REBATE OR
7 REFUND ALLOWED PURSUANT TO THIS SECTION IS SUBJECT TO THE
8 CRIMINAL PENALTIES IMPOSED PURSUANT TO SECTION 39-21-118, AS
9 APPLICABLE.

10 (12) THE DEPARTMENT OF REVENUE SHALL NOT REPORT THE
11 REBATE OR STATE SALES TAX REFUND ALLOWED TO ANY QUALIFIED
12 INDIVIDUAL UNDER THIS SECTION AS A PAYMENT OF A REFUND, CREDIT, OR
13 OFFSET OF STATE INCOME TAXES TO THE QUALIFIED INDIVIDUAL IN ANY
14 INFORMATION RETURN REQUIRED TO BE FILED PURSUANT TO FEDERAL
15 LAW.

16 (13) (a) THE DEPARTMENT OF REVENUE SHALL IDENTIFY ANY
17 QUALIFIED INDIVIDUAL WHO HAS BEEN CONVICTED OF A FELONY AND WHO,
18 AT THE TIME OF FILING FOR A REBATE OR REFUND PURSUANT TO THIS
19 SECTION, IS INCARCERATED IN A CORRECTIONAL FACILITY OPERATED BY
20 OR UNDER CONTRACT WITH THE DEPARTMENT OF CORRECTIONS OR IN A
21 COUNTY OR MUNICIPAL JAIL AWAITING TRANSFER TO A CORRECTIONAL
22 FACILITY PURSUANT TO SECTION 16-11-308, C.R.S. THE DEPARTMENT OF
23 REVENUE SHALL TRANSFER THE AMOUNT OF ANY REBATE OR REFUND
24 OWED TO SAID QUALIFIED INDIVIDUAL TO THE DEPARTMENT OF
25 CORRECTIONS.

26 (b) THE DEPARTMENT OF CORRECTIONS SHALL TRANSMIT THE
27 AMOUNT OF A REBATE OR REFUND TRANSFERRED TO IT PURSUANT TO

1 PARAGRAPH (a) OF THIS SUBSECTION (13) AS FOLLOWS:

2 (I) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (c) OF THIS
3 SUBSECTION (13), IF THE QUALIFIED INDIVIDUAL IS UNDER A VALID COURT
4 ORDER TO PAY RESTITUTION OR COSTS AND UNDER A VALID COURT ORDER
5 OR ADMINISTRATIVE ORDER TO PAY CHILD SUPPORT THEN:

6 (A) ONE-HALF OF THE REBATE OR REFUND SHALL BE TRANSMITTED
7 TO THE CLERK OF THE DISTRICT COURT THAT ISSUED AN ORDER FOR
8 PAYMENT OF RESTITUTION ENTERED PURSUANT TO ARTICLE 18.5 OF TITLE
9 16, C.R.S., OR AN ORDER FOR COSTS PURSUANT TO SECTION 18-1.3-701,
10 C.R.S. THE REBATE OR REFUND SHALL BE CREDITED IN THE PRIORITY
11 SPECIFIED IN SECTION 16-11-101.6 (1), C.R.S.

12 (B) ONE-HALF OF THE REBATE OR REFUND SHALL BE TRANSMITTED
13 TO THE DEPARTMENT OF HUMAN SERVICES FOR APPLICATION TOWARD THE
14 QUALIFIED INDIVIDUAL'S CHILD SUPPORT OBLIGATION FOR INDIVIDUALS
15 RECEIVING SERVICES PURSUANT TO SECTION 26-13-106, C.R.S.; OR

16 (II) IF THE QUALIFIED INDIVIDUAL IS NOT UNDER A VALID COURT
17 ORDER OR ADMINISTRATIVE ORDER TO PAY CHILD SUPPORT BUT IS UNDER
18 A VALID COURT ORDER TO PAY RESTITUTION OR COSTS, THEN THE REBATE
19 OR REFUND SHALL BE TRANSMITTED TO THE CLERK OF THE DISTRICT
20 COURT THAT ISSUED AN ORDER FOR PAYMENT OF RESTITUTION ENTERED
21 PURSUANT TO ARTICLE 18.5 OF TITLE 16, C.R.S., OR AN ORDER FOR COSTS
22 PURSUANT TO SECTION 18-1.3-701, C.R.S., WHEREUPON THE REBATE OR
23 REFUND SHALL BE CREDITED IN THE PRIORITY SPECIFIED IN SECTION
24 16-11-101.6 (1), C.R.S.; OR

25 (III) IF THE QUALIFIED INDIVIDUAL IS NOT UNDER A VALID COURT
26 ORDER TO PAY RESTITUTION OR COSTS BUT IS UNDER A VALID COURT
27 ORDER OR ADMINISTRATIVE ORDER TO PAY CHILD SUPPORT, THEN THE

1 REBATE OR REFUND SHALL BE TRANSMITTED TO THE DEPARTMENT OF
2 HUMAN SERVICES FOR APPLICATION TOWARD THE QUALIFIED INDIVIDUAL'S
3 CHILD SUPPORT OBLIGATION FOR INDIVIDUALS RECEIVING SERVICES
4 PURSUANT TO SECTION 26-13-106, C.R.S.; OR

5 (IV) IF THE QUALIFIED INDIVIDUAL IS NOT UNDER A VALID COURT
6 ORDER OR ADMINISTRATIVE ORDER TO PAY CHILD SUPPORT AND IS NOT
7 UNDER A VALID COURT ORDER TO PAY RESTITUTION OR COSTS, THEN THE
8 REBATE OR REFUND SHALL BE TRANSMITTED TO THE QUALIFIED
9 INDIVIDUAL SUBJECT TO OTHER APPLICABLE PROVISIONS OF LAW.

10 (c) IF A REBATE OR REFUND IS TRANSMITTED IN ACCORDANCE WITH
11 THE PROVISIONS OF SUBPARAGRAPH (I), (II), OR (III) OF PARAGRAPH (b) OF
12 THIS SUBSECTION (13) AND RESULTS IN EXCESS REBATE OR REFUND
13 MONEYS REMAINING AFTER SATISFACTION OF THE QUALIFIED INDIVIDUAL'S
14 RESTITUTION OR CHILD SUPPORT OBLIGATION, THE EXCESS REBATE OR
15 REFUND MONEYS SHALL BE FIRST APPLIED TOWARD ANY OUTSTANDING
16 RESTITUTION OBLIGATION OR CHILD SUPPORT OBLIGATION OF THE
17 QUALIFIED INDIVIDUAL BEFORE BEING RETURNED TO THE QUALIFIED
18 INDIVIDUAL.

19 (14) THE DEPARTMENT OF CORRECTIONS, THE DEPARTMENT OF
20 HUMAN SERVICES, AND EACH COUNTY OF THE STATE, TO THE EXTENT EACH
21 SUCH COUNTY HAS THE CAPABILITY WITHIN EXISTING RESOURCES, SHALL
22 PROVIDE IN A TIMELY MANNER THE INFORMATION REQUESTED BY THE
23 DEPARTMENT OF REVENUE NECESSARY TO IDENTIFY THE PERSONS
24 SPECIFIED IN SUBPARAGRAPH (II) OF PARAGRAPH (e) OF SUBSECTION (1) OF
25 THIS SECTION AND IN SUBSECTION (13) OF THIS SECTION. THE
26 INFORMATION MUST BE PROVIDED IN THE FORM REQUESTED BY THE
27 DEPARTMENT OF REVENUE. THE DEPARTMENT OF REVENUE SHALL KEEP

1 CONFIDENTIAL ANY SOCIAL SECURITY NUMBER RECEIVED PURSUANT TO
2 THIS SUBSECTION (14).

3 (15) (a) THE EXECUTIVE DIRECTOR SHALL PUBLISH IN RULES
4 PROMULGATED BY THE EXECUTIVE DIRECTOR IN ACCORDANCE WITH
5 ARTICLE 4 OF TITLE 24, C.R.S., AND SHALL INCLUDE IN INCOME TAX FORMS
6 FOR ANY TAXABLE YEAR FOR WHICH A REBATE OR REFUND IS ALLOWED
7 UNDER THIS SECTION:

8 (I) THE AMOUNT OF ANY IDENTICAL REBATE OR IDENTICAL STATE
9 SALES TAX REFUND ALLOWED PURSUANT TO SUBSECTION (3) OR (6) OF
10 THIS SECTION;

11 (II) ANY SINGLE PERCENTAGE DETERMINED UNDER PARAGRAPH (a)
12 OF SUBSECTION (4) OR PARAGRAPH (a) OF SUBSECTION (7) OF THIS
13 SECTION;

14 (III) THE ADJUSTED AMOUNTS OF FEDERAL ADJUSTED GROSS
15 INCOME USED TO CALCULATE THE AMOUNT OF A QUALIFIED INDIVIDUAL'S
16 REBATE OR REFUND CALCULATED PURSUANT TO PARAGRAPH (b) OF
17 SUBSECTION (4) OR PARAGRAPH (b) OF SUBSECTION (7) OF THIS SECTION;

18 (IV) THE AMOUNT OF ANY REBATE ALLOWED PURSUANT TO
19 SUB-SUBPARAGRAPHS (A) AND (C) OF SUBPARAGRAPH (I) OR
20 SUB-SUBPARAGRAPHS (A) AND (C) OF SUBPARAGRAPH (II) OF PARAGRAPH
21 (b) OF SUBSECTION (4) OF THIS SECTION AND ANY REFUND ALLOWED
22 PURSUANT TO SUB-SUBPARAGRAPHS (A) AND (C) OF SUBPARAGRAPH (I) OR
23 SUB-SUBPARAGRAPHS (A) AND (C) OF SUBPARAGRAPH (II) OF SUBSECTION
24 (7) OF THIS SECTION; AND

25 (V) THE MEANS BY WHICH A QUALIFIED INDIVIDUAL MAY
26 CALCULATE THE AMOUNT OF ANY REBATE ALLOWED PURSUANT TO
27 SUB-SUBPARAGRAPH (B) OF SUBPARAGRAPH (I) OR SUB-SUBPARAGRAPH

1 (B) OF SUBPARAGRAPH (II) OF PARAGRAPH (b) OF SUBSECTION (4) OF THIS
2 SECTION AND ANY REFUND ALLOWED PURSUANT TO SUB-SUBPARAGRAPH
3 (B) OF SUBPARAGRAPH (I) OR SUB-SUBPARAGRAPH (B) OF SUBPARAGRAPH
4 (II) OF SUBSECTION (7) OF THIS SECTION.

5 (b) IF ONE OR MORE BALLOT QUESTIONS ARE SUBMITTED TO THE
6 VOTERS AT A STATEWIDE ELECTION TO BE HELD IN NOVEMBER OF ANY
7 CALENDAR YEAR COMMENCING ON OR AFTER JANUARY 1, 2015, THAT SEEK
8 AUTHORIZATION FOR THE STATE TO RETAIN AND SPEND ALL OR ANY
9 PORTION OF THE AMOUNTS OF ANTICIPATED EXCESS STATE REVENUES FOR
10 THE FISCAL YEAR BEGINNING DURING THE CALENDAR YEAR OR ALL OR ANY
11 PORTION OF THE AMOUNTS OF EXCESS STATE REVENUES FOR THE FISCAL
12 YEAR ENDING DURING THE CALENDAR YEAR, THE EXECUTIVE DIRECTOR
13 SHALL NOT PUBLISH RULES OR INCOME TAX FORMS CONTAINING THE
14 INFORMATION SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (15)
15 UNTIL THE RULES AND FORMS CAN BE PUBLISHED TO REFLECT THE IMPACT
16 OF THE RESULTS OF THE ELECTION ON ANY AMOUNTS OF SINGLE
17 PERCENTAGE DETERMINED AND ANY REBATES OR REFUNDS TO BE
18 ALLOWED PURSUANT TO THIS SECTION.

19 **SECTION 2.** In Colorado Revised Statutes, 19-1-305, **amend** (1)
20 (g) as follows:

21 **19-1-305. Operation of juvenile facilities.** (1) Except as
22 otherwise authorized by section 19-1-303, all records prepared or
23 obtained by the department of human services in the course of carrying
24 out its duties pursuant to article 2 of this title shall be confidential and
25 privileged. Said records may be disclosed only:

26 (g) To the department of revenue pursuant to sections ~~39-22-120~~
27 ~~and 39-22-2003~~ 39-22-120, 39-22-2003, AND 39-22-2004, C.R.S.

1 **SECTION 3.** In Colorado Revised Statutes, 39-21-108, **amend**

2 (3) (a) (I) (A) as follows:

3 **39-21-108. Refunds.** (3) (a) (I) (A) Whenever it is established
4 that any taxpayer has, for any period open under the statutes, overpaid a
5 tax covered by articles 22 and 26 to 29 of this title, article 60 of title 34,
6 C.R.S., and article 3 of title 42, C.R.S., and that: There is an unpaid
7 balance of tax and interest accrued, according to the records of the
8 executive director, owing by such taxpayer for any other period; there is
9 an amount required to be repaid to the unemployment compensation fund
10 pursuant to section 8-81-101 (4), C.R.S., the amount of which has been
11 determined to be owing as a result of a final agency determination or
12 judicial decision or that has been reduced to judgment by the division of
13 unemployment insurance in the department of labor and employment;
14 there is any unpaid child support debt as set forth in section 14-14-104,
15 C.R.S., or child support arrearages that are the subject of enforcement
16 services provided pursuant to section 26-13-106, C.R.S., as certified by
17 the department of human services; there are any unpaid obligations owing
18 to the state as set forth in section 26-2-133, C.R.S., for overpayment of
19 public assistance or medical assistance benefits, the amount of which has
20 been determined to be owing as a result of final agency determination or
21 judicial decision or that has been reduced to judgment, as certified by the
22 department of human services; there is any unpaid loan or other
23 obligation due to a state-supported institution of higher education as set
24 forth in section 23-5-115, C.R.S., the amount of which has been
25 determined to be owing as a result of a final agency determination or
26 judicial decision or that has been reduced to judgment, as certified by the
27 appropriate institution; there is any unpaid loan due to the student loan

1 division of the department of higher education as set forth in section
2 23-3.1-104 (1) (p), C.R.S., the amount of which has been determined to
3 be owing as a result of a final agency determination or judicial decision
4 or that has been reduced to judgment, as certified by the division; there
5 is any unpaid loan due to the collegeinvest division of the department of
6 higher education as set forth in section 23-3.1-206, C.R.S., the amount of
7 which has been determined to be owing as a result of a final agency
8 determination or judicial decision or that has been reduced to judgment;
9 there is any outstanding judicial fine, fee, cost, or surcharge as set forth
10 in section 16-11-101.8, C.R.S., or judicial restitution as set forth in
11 section 16-18.5-106.8, C.R.S., the amount of which has been determined
12 to be owing as a result of a final judicial department determination or
13 certified by the judicial department as a judgment owed the state or a
14 victim; there is any unpaid debt owing to the state or any agency thereof
15 by such taxpayer, and that is found to be owing as a result of a final
16 agency determination or the amount of which has been reduced to
17 judgment and as certified by the controller; or the taxpayer is a qualified
18 individual identified pursuant to section ~~39-22-120 (10) or 39-22-2003 (9)~~
19 ~~39-22-120 (10), 39-22-2003 (9), OR 39-22-2004 (13)~~, so much of the
20 overpayment of tax plus interest allowable thereon as does not exceed the
21 amount of such unpaid balance or unpaid debt must be credited first to the
22 unpaid balance of tax and interest accrued and then to the unpaid debt,
23 and any excess of the overpayment must be refunded. If the taxpayer
24 elects to designate his or her refund as a credit against a subsequent year's
25 tax liability, the amount allowed to be so credited must be reduced first
26 by the unpaid balance of tax and interest accrued and then by the unpaid
27 debt. If the taxpayer filed a joint return, the executive director shall notify

1 the other taxpayer named on the joint return that the portion of the
2 overpayment that is generated by the other taxpayer's income will be
3 refunded upon receipt of a request detailing said amount. As used in this
4 section, unless the context otherwise requires, "agency" includes a
5 state-supported institution of higher education or a political subdivision
6 of the state under contract with central collection services.

7 **SECTION 4.** In Colorado Revised Statutes, 39-21-113, **amend**
8 (11) as follows:

9 **39-21-113. Reports and returns - rule - repeal.**

10 (11) Notwithstanding the provisions of this section, the executive
11 director of the department of revenue shall supply the department of
12 corrections with any information obtained pursuant to this section which
13 is necessary to implement the procedure to offset state sales tax REBATES
14 AND refunds against restitution and costs pursuant to section ~~39-22-120~~
15 ~~(10)~~ or ~~39-22-2003 (9)~~ 39-22-120 (10), 39-22-2003 (9), OR 39-22-2004
16 (13).

17 **SECTION 5.** In Colorado Revised Statutes, 39-22-104, **amend**
18 (1.7) as follows:

19 **39-22-104. Income tax imposed on individuals, estates, and**
20 **trusts - single rate - definitions - repeal.** (1.7) ~~Except as otherwise~~
21 ~~provided in section 39-22-627,~~ Subject to subsection (2) of this section,
22 with respect to taxable years commencing on or after January 1, 2000, a
23 tax of four and sixty-three one hundredths percent is imposed on the
24 federal taxable income, as determined pursuant to section 63 of the
25 internal revenue code, of every individual, estate, and trust.

26 **SECTION 6.** In Colorado Revised Statutes, 39-22-301, **amend**
27 (1) (d) (I) (I) as follows:

1 **39-22-301. Corporate tax imposed.** (1) (d) (I) A tax is imposed
2 upon each domestic C corporation and foreign C corporation doing
3 business in Colorado annually in an amount of the net income of such C
4 corporation during the year derived from sources within Colorado as set
5 forth in the following schedule of rates:

6 (I) ~~Except as otherwise provided in section 39-22-627,~~ For income
7 tax years commencing on or after January 1, 2000, four and sixty-three
8 one hundredths percent of the Colorado net income.

9 **SECTION 7.** In Colorado Revised Statutes, 39-22-605, **amend**
10 (2) (c), (7) (a), (8) (a), and (8) (b) (II) as follows:

11 **39-22-605. Failure by individual to pay estimated income tax.**

12 (2) As used in this section, unless the context otherwise requires:

13 (c) "Tax" or "tax liability" means the tax imposed under this
14 article minus the credits against tax provided by this article other than the
15 credits against tax for withholding pursuant to sections 39-22-604 and
16 39-22-604.5 and credits against tax FOR THE SALES TAX REBATE
17 PURSUANT TO SECTION 39-22-2004 OR for the sales tax refund pursuant to
18 section 39-22-2003 OR 39-22-2004, WHICHEVER IS APPLICABLE.

19 (7) (a) No addition to tax shall be imposed under subsection (3)
20 of this section for any taxable year if the tax shown on the return for such
21 taxable year or, if no return is filed, the tax, reduced by the credits
22 allowable under sections 39-22-604, 39-22-604.5, and ~~39-22-2003~~ EITHER
23 SECTION 39-22-2003 OR 39-22-2004, AS APPLICABLE, is less than one
24 thousand dollars.

25 (8) (a) For purposes of applying this section, the amount of the
26 credits allowed under sections 39-22-604, 39-22-604.5, and ~~39-22-2003~~
27 EITHER SECTION 39-22-2003 OR 39-22-2004, AS APPLICABLE, for the

1 taxable year shall be deemed a payment of estimated tax and an equal part
2 of such amount shall be deemed paid on each due date for such taxable
3 year, unless the taxpayer establishes the dates on which all amounts were
4 actually withheld, in which case the amounts so withheld shall be deemed
5 payments of estimated tax on the dates on which such amounts were
6 actually withheld.

7 (b) The taxpayer may apply paragraph (a) of this subsection (8)
8 separately with respect to the following:

9 (II) All other amounts withheld for which credits are allowed
10 under sections 39-22-604, 39-22-604.5, and ~~39-22-2003~~ EITHER SECTION
11 39-22-2003 OR 39-22-2004, AS APPLICABLE.

12 **SECTION 8.** In Colorado Revised Statutes, 39-22-2001, **amend**
13 (1) (i) (IV) and (1) (i) (V); and **add** (1) (i) (VI) and (2) as follows:

14 **39-22-2001. Legislative declaration - revenues exceeding**
15 **TABOR limit - sales tax rebate - sales tax refund.** (1) The general
16 assembly hereby finds and declares that:

17 (i) It is the considered judgment of the general assembly that:

18 (IV) Notwithstanding the provisions of subparagraphs (I) to (III)
19 of this paragraph (i), it is reasonable and fair to simplify the process used
20 to refund state excess revenues for any fiscal year for which the amount
21 of such state excess revenues falls below a certain threshold by allowing
22 an identical refund of state sales tax revenues to each qualified individual;
23 **and**

24 (V) Refunding state excess revenues for fiscal years commencing
25 on or after July 1, 1998, BUT BEFORE JULY 1, 2014, through the state
26 income tax system in the manner set forth in sections 39-22-2002 and
27 39-22-2003 is a reasonable method for refunding such excess revenues;

1 AND

2 (VI) REFUNDING STATE EXCESS REVENUES FOR FISCAL YEARS
3 COMMENCING ON OR AFTER JULY 1, 2014, THROUGH THE STATE INCOME
4 TAX SYSTEM IN THE MANNER SET FORTH IN SECTION 39-22-2004 IS A
5 REASONABLE METHOD FOR REFUNDING SUCH EXCESS REVENUES.

6 (2) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT:

7 (a) INSTEAD OF COLLECTING LARGE AMOUNTS OF STATE EXCESS
8 REVENUES FOR ANY GIVEN FISCAL YEAR FROM TAXPAYERS AND THEN
9 REFUNDING THE STATE EXCESS REVENUES COLLECTED DURING THE NEXT
10 FISCAL YEAR, IT IS REASONABLE, APPROPRIATE, AND IN THE BEST INTEREST
11 OF ALL COLORADANS TO REDUCE THE AMOUNT OF STATE EXCESS
12 REVENUES COLLECTED; AND

13 (b) ALLOWING REBATES AGAINST STATE SALES REVENUES
14 GENERATED BY TRANSACTIONS OCCURRING DURING ANY GIVEN FISCAL
15 YEAR IN AMOUNTS CALCULATED BASED ON THE ANTICIPATED AMOUNT OF
16 STATE EXCESS REVENUES FOR THE FISCAL YEAR AS SPECIFIED IN SECTION
17 39-22-2004 IS A REASONABLE MEANS OF REDUCING THE AMOUNT OF STATE
18 EXCESS REVENUES FOR THE FISCAL YEAR.

19 **SECTION 9.** In Colorado Revised Statutes, 39-22-2002, **amend**
20 (1), (4), (5) introductory portion, and (7) (b) as follows:

21 **39-22-2002. Fiscal years commencing on or after July 1, 1998,**
22 **but before July 1, 2014 - state sales tax refund - authority of executive**
23 **director.** (1) If, for any state fiscal year commencing on or after July 1,
24 1998, BUT BEFORE JULY 1, 2014, the amount of state revenues exceeds the
25 limitation on state fiscal year spending imposed by section 20 (7) (a) of
26 article X of the state constitution and voters statewide either have not
27 authorized the state to retain and spend all of the excess revenues for that

1 fiscal year or have authorized the state to retain and spend only a portion
2 of the excess revenues for that fiscal year, the executive director shall, if
3 the amount of the identical individual refund calculated pursuant to
4 paragraph (a) of subsection (2) of this section exceeds fifteen dollars, for
5 the taxable year commencing on or after January 1 of the calendar year in
6 which that fiscal year ended, but ~~prior to~~ BEFORE January 1 of the
7 subsequent calendar year, calculate a temporary state sales tax refund in
8 accordance with the provisions of this section to refund the amount of
9 excess state revenues that is not refunded by another method established
10 by law.

11 (4) No later than October 1 of any given calendar year
12 commencing on or after January 1, 1999, BUT BEFORE JANUARY 1, 2015,
13 during which the controller certifies, in accordance with the provisions of
14 section 24-77-106.5, C.R.S., that state revenues exceed the limitation on
15 state fiscal year spending imposed by section 20 (7) (a) of article X of the
16 state constitution for the fiscal year ending in that calendar year, the
17 executive director shall, if the amount of the identical individual refund
18 calculated pursuant to subsection (2) of this section exceeds fifteen
19 dollars, calculate the income classifications and the amount of the refund
20 allowed for each income classification pursuant to section 39-22-2003 (3)
21 for the taxable year commencing during said fiscal year that would refund
22 the amount of excess state revenues that is not refunded by another
23 method established by law.

24 (5) If one or more ballot questions are submitted to the voters at
25 a statewide election to be held in November of any given calendar year
26 commencing on or after January 1, 1999, BUT BEFORE JANUARY 1, 2015,
27 that seek authorization for the state to retain and spend all or any portion

1 of the amount of excess revenues for the fiscal year ending during said
2 calendar year, no later than October 1 of said calendar year, the executive
3 director shall, in addition to the calculations required by subsection (4) of
4 this section:

5 (7) (b) If one or more ballot questions are submitted to the voters
6 at a statewide election to be held in November of any calendar year
7 commencing on or after January 1, 1999, BUT BEFORE JANUARY 1, 2015,
8 that seek authorization for the state to retain and spend all or any portion
9 of the amounts of excess state revenues for the fiscal year ending during
10 said calendar year, the executive director shall not publish rules or income
11 tax forms containing any sales tax refund calculated pursuant to this
12 section until such rules and forms may be published to reflect the impact
13 of the results of said election on the amount of the refund to be allowed
14 pursuant to section 39-22-2003 and that is not refunded by another
15 method established by law.

16 **SECTION 10.** In Colorado Revised Statutes, 39-22-2003, **amend**
17 (1.5) (b) introductory portion, (2), and (4) (a) introductory portion as
18 follows:

19 **39-22-2003. State sales tax refund for taxable years**
20 **commencing before January 1, 2015 - offset against state income tax**
21 **- qualified individuals.** (1.5) For purposes of this section, "adjusted
22 gross income" means:

23 (b) For the taxable year commencing on January 1, 2001, and
24 ending December 31, 2001, and for each subsequent taxable year
25 ~~thereafter~~ COMMENCING BEFORE JANUARY 1, 2015, the combined total of:

26 (2) With respect to the taxable year commencing on January 1,
27 1999, and ending December 31, 1999, and for each subsequent taxable

1 year COMMENCING BEFORE JANUARY 1, 2015, there ~~shall be~~ IS allowed to
2 each qualified individual a state sales tax refund in an amount specified
3 in subsection (3) of this section to be claimed in the manner specified in
4 subsection (4) of this section if there were excess state revenues for the
5 fiscal year ending in that tax year that voters statewide have not
6 authorized the state to retain and spend and that are required to be
7 refunded pursuant to section 20 (7) (d) of article X of the state
8 constitution.

9 (4) (a) The amount of the refund allowed under subsection (2) of
10 this section for the taxable year commencing January 1, 2000, and ending
11 December 31, 2000, and for each subsequent taxable year ~~shall be~~
12 COMMENCING BEFORE JANUARY 1, 2015, IS the same as provided in
13 subsection (3) of this section; except that, for each such taxable year, the
14 executive director shall adjust:

15 **SECTION 11.** In Colorado Revised Statutes, 39-31-102, **amend**
16 (2) as follows:

17 **39-31-102. Procedures to obtain grant - department of revenue**
18 **- responsibilities.** (2) The executive director shall prescribe the forms to
19 be used for the grants authorized by section 39-31-101 or 39-31-104 and
20 prepare any instructions related to the forms. The executive director may
21 create an electronic form to be used in addition to the paper form. If a
22 sales tax refund is allowed for any given income tax year COMMENCING
23 BEFORE JANUARY 1, 2015, in accordance with section 39-22-2002, OR IF
24 A SALES TAX REBATE OR SALES TAX REFUND IS ALLOWED FOR ANY INCOME
25 TAX YEAR COMMENCING ON OR AFTER JANUARY 1, 2015, IN ACCORDANCE
26 WITH SECTION 39-22-2004, the executive director shall include provisions
27 on the forms to allow qualified individuals to apply for the refund OR

1 REBATE pursuant to section 39-22-2003 (5) (c) OR 39-22-2004 (9) (c), AS
2 APPLICABLE. To receive a grant, an individual must claim the grant on the
3 executive director's form.

4 **SECTION 12.** In Colorado Revised Statutes, **repeal** 39-22-627.

5 **SECTION 13. Safety clause.** The general assembly hereby finds,
6 determines, and declares that this act is necessary for the immediate
7 preservation of the public peace, health, and safety.