

First Regular Session  
Seventieth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 15-0692.01 Jason Gelender x4330

SENATE BILL 15-001

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SENATE SPONSORSHIP

Cadman, Scheffel

HOUSE SPONSORSHIP

(None),

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Senate Committees  
Finance

House Committees

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A BILL FOR AN ACT

101 CONCERNING THE REFUNDING OF STATE REVENUES IN EXCESS OF THE  
102 STATE FISCAL YEAR SPENDING LIMIT.

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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 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

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.*

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.

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

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

4           **39-22-2004. State sales tax refund of excess state revenues for**  
5 **taxable years commencing on or after January 1, 2015 - offset against**  
6 **state income tax for qualified individuals - authority and duties of**  
7 **executive director - definitions.** (1) AS USED IN THIS SECTION, UNLESS  
8 THE CONTEXT OTHERWISE REQUIRES:

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

- 12           (I) FEDERAL ADJUSTED GROSS INCOME;
- 13           (II) SOCIAL SECURITY BENEFITS EXCLUDED FROM FEDERAL  
14 ADJUSTED GROSS INCOME FOR THE TAXABLE YEAR;
- 15           (III) LUMP-SUM DISTRIBUTIONS FROM PENSION AND  
16 PROFIT-SHARING PLANS EXCLUDED FROM FEDERAL ADJUSTED GROSS  
17 INCOME THAT ARE ADDED TO FEDERAL TAXABLE INCOME PURSUANT TO  
18 SECTION 39-22-104 (3) (c); AND
- 19           (IV) THE AMOUNT OF INTEREST INCOME FROM STATE AND LOCAL  
20 BONDS ADDED TO FEDERAL TAXABLE INCOME PURSUANT TO SECTION  
21 39-22-104 (3) (b).

22           (b) "EXCESS STATE REVENUES" MEANS THE TOTAL COMBINED

1 AMOUNT, AS CERTIFIED BY THE STATE CONTROLLER PURSUANT TO SECTION  
2 24-77-106.5, C.R.S., OF:

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

8 (II) EXCESS REVENUES FOR A STATE FISCAL YEAR PRECEDING SAID  
9 STATE FISCAL YEAR THAT VOTERS STATEWIDE DID NOT AUTHORIZE THE  
10 STATE TO RETAIN AND SPEND, THAT WERE REQUIRED TO BE REFUNDED  
11 PURSUANT TO SECTION 20 (7) (d) OF ARTICLE X OF THE STATE  
12 CONSTITUTION, THAT WERE INTENDED TO BE REFUNDED BY ANOTHER  
13 METHOD PREVIOUSLY ESTABLISHED BY LAW, BUT THAT WERE NOT  
14 ACTUALLY REFUNDED BY THE STATE AS REQUIRED.

15 (c) (I) "QUALIFIED INDIVIDUAL" MEANS:

16 (A) A NATURAL PERSON WHO IS DOMICILED IN THIS STATE FOR THE  
17 ENTIRE TAXABLE YEAR COMMENCING JANUARY 1 AND ENDING DECEMBER  
18 31 OF THE TAXABLE YEAR AND WHO HAS STATE INCOME TAX LIABILITY  
19 UNDER SECTION 39-22-104 FOR THE TAXABLE YEAR OR WHO FILES A  
20 COLORADO INDIVIDUAL INCOME TAX RETURN TO CLAIM A REFUND OF  
21 COLORADO INCOME TAX WITHHELD FROM WAGES FOR THE TAXABLE YEAR;

22 (B) A NATURAL PERSON WHO IS DOMICILED IN THIS STATE FOR THE  
23 ENTIRE TAXABLE YEAR COMMENCING JANUARY 1 AND ENDING DECEMBER  
24 31 OF THE TAXABLE YEAR AND WHO IS AT LEAST EIGHTEEN YEARS OF AGE  
25 AS OF DECEMBER 31 OF THE TAXABLE YEAR PRECEDING THE TAXABLE  
26 YEAR;

27 (C) A NATURAL PERSON WHO DIED DURING THE TAXABLE YEAR

1 COMMENCING JANUARY 1 AND ENDING DECEMBER 31, WHO WAS  
2 DOMICILED IN THIS STATE FROM JANUARY 1 OF THE TAXABLE YEAR UNTIL  
3 THE DATE OF DEATH, AND WHOSE ESTATE OR SPOUSE HAS STATE INCOME  
4 TAX LIABILITY UNDER SECTION 39-22-104 FOR THE TAXABLE YEAR OR  
5 WHOSE ESTATE OR SPOUSE FILES A COLORADO INCOME TAX RETURN TO  
6 CLAIM A REFUND OF COLORADO INCOME TAX WITHHELD FROM WAGES FOR  
7 THE TAXABLE YEAR; OR

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

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

14 (A) ANY NATURAL PERSON WHO WAS CONVICTED OF A FELONY  
15 AND WHO SERVED A SENTENCE OF INCARCERATION IN A CORRECTIONAL  
16 FACILITY OPERATED BY OR UNDER CONTRACT WITH THE DEPARTMENT OF  
17 CORRECTIONS OR IN A COUNTY OR MUNICIPAL JAIL AWAITING TRANSFER TO  
18 THE DEPARTMENT OF CORRECTIONS PURSUANT TO SECTION 16-11-308,  
19 C.R.S., OR IN BOTH SUCH FACILITY AND JAIL FOR A TOTAL OF ONE  
20 HUNDRED EIGHTY DAYS OR MORE DURING THE FISCAL YEAR ENDING  
21 DURING THE TAXABLE YEAR, REGARDLESS OF WHETHER THE NATURAL  
22 PERSON MEETS THE QUALIFICATIONS SET FORTH IN SUBPARAGRAPH (I) OF  
23 THIS PARAGRAPH (c);

24 (B) ANY NATURAL PERSON WHO IS CONVICTED OF A MISDEMEANOR  
25 OR IS ADJUDICATED FOR AN OFFENSE THAT WOULD CONSTITUTE A  
26 MISDEMEANOR IF COMMITTED BY AN ADULT AND WHO IS INCARCERATED  
27 IN A COUNTY OR MUNICIPAL JAIL FOR A TOTAL OF ONE HUNDRED EIGHTY

1 DAYS OR MORE DURING THE FISCAL YEAR ENDING DURING THE TAXABLE  
2 YEAR, REGARDLESS OF WHETHER THE NATURAL PERSON MEETS THE  
3 QUALIFICATIONS SET FORTH IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (c);

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

11 (d) "TAXABLE YEAR" MEANS A TAXABLE YEAR FOR NATURAL  
12 PERSONS THAT BEGINS ON JANUARY 1 AND ENDS ON DECEMBER 31 AND  
13 DOES NOT INCLUDE ANY CORPORATE TAXABLE YEAR THAT BEGINS AND  
14 ENDS ON OTHER DATES.

15 (2) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (5) OF THIS  
16 SECTION, FOR THE TAXABLE YEAR COMMENCING ON JANUARY 1, 2015,  
17 AND FOR EACH SUBSEQUENT TAXABLE YEAR, IF THERE WERE EXCESS  
18 STATE REVENUES FOR THE FISCAL YEAR ENDING IN THE TAXABLE YEAR,  
19 EACH QUALIFIED INDIVIDUAL IS ALLOWED A STATE SALES TAX REFUND IN  
20 AN AMOUNT SPECIFIED IN EITHER SUBSECTION (3) OR (4) OF THIS SECTION,  
21 WHICHEVER IS APPLICABLE.

22 (3) NO LATER THAN OCTOBER 1 OF ANY TAXABLE YEAR  
23 COMMENCING ON OR AFTER JANUARY 1, 2015, IN WHICH A STATE FISCAL  
24 YEAR FOR WHICH THERE ARE EXCESS STATE REVENUES ENDS, THE  
25 EXECUTIVE DIRECTOR SHALL DIVIDE THE TOTAL AMOUNT OF EXCESS STATE  
26 REVENUES FOR THE STATE FISCAL YEAR BY THE NUMBER OF QUALIFIED  
27 INDIVIDUALS EXPECTED TO CLAIM A REFUND IN ORDER TO DETERMINE THE

1 AMOUNT OF THE REFUND THAT EACH SUCH QUALIFIED INDIVIDUAL WOULD  
2 RECEIVE IF EACH QUALIFIED INDIVIDUAL RECEIVED AN IDENTICAL STATE  
3 SALES TAX REFUND. IF THE AMOUNT OF THE IDENTICAL INDIVIDUAL  
4 REFUND SO DETERMINED IS LESS THAN OR EQUAL TO FIFTEEN DOLLARS,  
5 THE EXECUTIVE DIRECTOR SHALL ALLOW STATE SALES TAX REFUNDS AS  
6 FOLLOWS:

7 (a) FOR A QUALIFIED INDIVIDUAL FILING A SINGLE RETURN, A  
8 REFUND IN THE AMOUNT OF THE IDENTICAL INDIVIDUAL SALES TAX  
9 REFUND; AND

10 (b) FOR ANY TWO QUALIFIED INDIVIDUALS FILING A JOINT RETURN,  
11 DOUBLE THE AMOUNT OF THE IDENTICAL INDIVIDUAL SALES TAX REFUND.

12 (4) (a) NO LATER THAN OCTOBER 1 OF ANY TAXABLE YEAR IN  
13 WHICH THE EXECUTIVE DIRECTOR DETERMINES, PURSUANT TO SUBSECTION  
14 (3) OF THIS SECTION, THAT THE AMOUNT OF THE IDENTICAL STATE SALES  
15 TAX REFUND THAT EACH QUALIFIED INDIVIDUAL WOULD RECEIVE WOULD  
16 EXCEED FIFTEEN DOLLARS, THE EXECUTIVE DIRECTOR SHALL DETERMINE  
17 A SINGLE PERCENTAGE THAT, WHEN USED TO CALCULATE THE AMOUNT OF  
18 THE REFUND ALLOWED PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION  
19 (4) FOR THE TAXABLE YEAR, WILL CAUSE THE TOTAL AMOUNT OF REFUNDS  
20 TO BE ALLOWED TO EQUAL THE AMOUNT OF EXCESS STATE REVENUES FOR  
21 THE FISCAL YEAR THAT ENDED DURING THE TAXABLE YEAR.

22 (b) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (c) OF THIS  
23 SUBSECTION (4), FOR ANY TAXABLE YEAR FOR WHICH THE EXECUTIVE  
24 DIRECTOR DETERMINES A SINGLE PERCENTAGE PURSUANT TO PARAGRAPH  
25 (a) OF THIS SUBSECTION (4), THE EXECUTIVE DIRECTOR SHALL ALLOW  
26 REFUNDS AS FOLLOWS:

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

1 (A) IF THE QUALIFIED INDIVIDUAL'S FEDERAL ADJUSTED GROSS  
2 INCOME FOR THE TAXABLE YEAR IS LESS THAN OR EQUAL TO THIRTY-SIX  
3 THOUSAND SIX HUNDRED DOLLARS, A REFUND IN AN AMOUNT EQUAL TO  
4 THIRTY-SIX THOUSAND SIX HUNDRED DOLLARS MULTIPLIED BY THE SINGLE  
5 PERCENTAGE;

6 (B) IF THE QUALIFIED INDIVIDUAL'S FEDERAL ADJUSTED GROSS  
7 INCOME FOR THE TAXABLE YEAR IS GREATER THAN THIRTY-SIX THOUSAND  
8 SIX HUNDRED DOLLARS BUT NOT MORE THAN ONE HUNDRED SEVENTEEN  
9 THOUSAND ONE HUNDRED DOLLARS, A REFUND IN AN AMOUNT EQUAL TO  
10 THE QUALIFIED INDIVIDUAL'S FEDERAL ADJUSTED GROSS INCOME  
11 MULTIPLIED BY THE SINGLE PERCENTAGE; AND

12 (C) IF THE QUALIFIED INDIVIDUAL'S FEDERAL ADJUSTED GROSS  
13 INCOME FOR THE TAXABLE YEAR IS MORE THAN ONE HUNDRED SEVENTEEN  
14 THOUSAND ONE HUNDRED DOLLARS, A REFUND IN AN AMOUNT EQUAL TO  
15 ONE HUNDRED SEVENTEEN THOUSAND ONE HUNDRED ONE DOLLARS  
16 MULTIPLIED BY THE SINGLE PERCENTAGE.

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

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

23 (B) IF THE QUALIFIED INDIVIDUALS' AGGREGATE FEDERAL  
24 ADJUSTED GROSS INCOME FOR THE TAXABLE YEAR IS GREATER THAN  
25 THIRTY-SIX THOUSAND SIX HUNDRED DOLLARS BUT NOT MORE THAN ONE  
26 HUNDRED SEVENTEEN THOUSAND ONE HUNDRED DOLLARS, AN AMOUNT  
27 EQUAL TO DOUBLE THE AMOUNT OF THE REFUND ALLOWED UNDER

1 SUB-SUBPARAGRAPH (B) OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (b);

2 AND

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

8 (c) FOR ANY TAXABLE YEAR COMMENCING ON OR AFTER JANUARY  
9 1, 2016, THE EXECUTIVE DIRECTOR SHALL ADJUST THE AMOUNTS OF  
10 FEDERAL ADJUSTED GROSS INCOME SPECIFIED IN PARAGRAPH (b) OF THIS  
11 SUBSECTION (4) TO REFLECT THE PERCENTAGE CHANGE FROM JULY 1,  
12 2015, THROUGH THE END OF THE FISCAL YEAR THAT ENDS DURING THE  
13 TAXABLE YEAR IN THE UNITED STATES DEPARTMENT OF LABOR, BUREAU  
14 OF LABOR STATISTICS, CONSUMER PRICE INDEX FOR  
15 DENVER-BOULDER-GREELEY, ALL ITEMS, ALL URBAN CONSUMERS, OR ITS  
16 SUCCESSOR INDEX. THE EXECUTIVE DIRECTOR SHALL ROUND THE  
17 ADJUSTED AMOUNTS TO THE NEAREST ONE HUNDRED DOLLARS.

18 (5) (a) (I) IF ONE OR MORE BALLOT QUESTIONS ARE SUBMITTED TO  
19 THE VOTERS AT A STATEWIDE ELECTION TO BE HELD IN NOVEMBER OF ANY  
20 CALENDAR YEAR COMMENCING ON OR AFTER JANUARY 1, 2015, THAT SEEK  
21 AUTHORIZATION FOR THE STATE TO RETAIN AND SPEND ALL OR ANY  
22 PORTION OF THE AMOUNT OF EXCESS STATE REVENUES FOR THE FISCAL  
23 YEAR ENDING DURING THE CALENDAR YEAR, NO LATER THAN OCTOBER 1  
24 OF SAID CALENDAR YEAR, THE EXECUTIVE DIRECTOR, IN ADDITION TO  
25 MAKING THE IDENTICAL STATE SALES TAX REFUND AMOUNT  
26 DETERMINATION AND, IF NECESSARY, SINGLE PERCENTAGE  
27 DETERMINATION REQUIRED BY SUBSECTIONS (3) AND (4) OF THIS SECTION,



1 SHALL:

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

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

10 (b) UPON DETERMINING THE AMOUNT OF ANY IDENTICAL STATE  
11 SALES TAX REFUND AND, IF NECESSARY, SINGLE PERCENTAGE PURSUANT  
12 TO SUBSECTIONS (3) AND (4) OF THIS SECTION AND, IF APPLICABLE,  
13 PARAGRAPH (a) OF THIS SUBSECTION (5), THE EXECUTIVE DIRECTOR SHALL  
14 NOTIFY IN WRITING THE EXECUTIVE COMMITTEE OF THE LEGISLATIVE  
15 COUNCIL CREATED PURSUANT TO SECTION 2-3-301 (1), C.R.S., OF THE  
16 DETERMINATIONS AND THE BASIS FOR THEM. THE EXECUTIVE DIRECTOR  
17 SHALL PROVIDE THE WRITTEN NOTIFICATION WITHIN FIVE WORKING DAYS  
18 AFTER MAKING THE DETERMINATIONS BUT NO LATER THAN OCTOBER 1 OF  
19 THE CALENDAR YEAR.

20 (c) IT IS THE FUNCTION OF THE EXECUTIVE COMMITTEE OF THE  
21 LEGISLATIVE COUNCIL TO REVIEW AND APPROVE OR DISAPPROVE ANY  
22 IDENTICAL STATE SALES TAX REFUND AMOUNT AND ANY SINGLE  
23 PERCENTAGE DETERMINED BY THE EXECUTIVE DIRECTOR WITHIN TWENTY  
24 DAYS AFTER RECEIPT OF WRITTEN NOTIFICATION FROM THE EXECUTIVE  
25 DIRECTOR. ANY SUCH AMOUNT OR PERCENTAGE THAT IS NOT EITHER  
26 APPROVED OR DISAPPROVED BY THE EXECUTIVE COMMITTEE WITHIN  
27 TWENTY DAYS IS AUTOMATICALLY APPROVED; EXCEPT THAT, IF WITHIN

1 SAID TWENTY DAYS THE EXECUTIVE COMMITTEE SCHEDULES A HEARING  
2 ON ANY SUCH AMOUNT OR PERCENTAGE, THE AUTOMATIC APPROVAL ONLY  
3 OCCURS IF THE EXECUTIVE COMMITTEE DOES NOT APPROVE OR  
4 DISAPPROVE THE AMOUNT OR PERCENTAGE AFTER THE CONCLUSION OF  
5 THE HEARING. ANY HEARING CONDUCTED BY THE EXECUTIVE COMMITTEE  
6 PURSUANT TO THE PROVISIONS OF THIS PARAGRAPH (c) MUST BE  
7 CONCLUDED NO LATER THAN TWENTY-FIVE DAYS AFTER RECEIPT OF  
8 WRITTEN NOTIFICATION FROM THE EXECUTIVE DIRECTOR.

9 (d) (I) IF THE EXECUTIVE COMMITTEE OF THE LEGISLATIVE  
10 COUNCIL DISAPPROVES ANY IDENTICAL STATE SALES TAX REFUND AMOUNT  
11 OR SINGLE PERCENTAGE CALCULATED BY THE EXECUTIVE DIRECTOR  
12 PURSUANT TO THIS SECTION, THE EXECUTIVE COMMITTEE SHALL SPECIFY  
13 THE AMOUNT OR PERCENTAGE TO BE IMPLEMENTED BY THE EXECUTIVE  
14 DIRECTOR. ANY AMOUNT OR PERCENTAGE SPECIFIED BY THE EXECUTIVE  
15 COMMITTEE PURSUANT TO THIS SUBPARAGRAPH (I) MUST BE CALCULATED  
16 OR ADJUSTED IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION.

17 (II) THE EXECUTIVE DIRECTOR SHALL NOT ADJUST ANY IDENTICAL  
18 STATE SALES TAX REFUND AMOUNT OR SINGLE PERCENTAGE THAT HAS NOT  
19 BEEN APPROVED PURSUANT TO THE PROVISIONS OF PARAGRAPH (c) OF THIS  
20 SUBSECTION (5) OR OTHERWISE SPECIFIED PURSUANT TO SUBPARAGRAPH  
21 (I) OF THIS PARAGRAPH (d).

22 (6) (a) (I) EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPH (II)  
23 OF THIS PARAGRAPH (a), A QUALIFIED INDIVIDUAL MUST CLAIM A REFUND  
24 ALLOWED PURSUANT TO THIS SECTION BY TIMELY FILING AN INCOME TAX  
25 RETURN WITH THE DEPARTMENT OF REVENUE FOR THE TAXABLE YEAR FOR  
26 WHICH THE REFUND IS ALLOWED IN COMPLIANCE WITH THE PROVISIONS OF  
27 THIS ARTICLE.

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

17           (III) THE DEPARTMENT OF REVENUE SHALL NOT ALLOW A REFUND  
18 CLAIMED ON ANY INCOME TAX RETURN NOT FILED IN COMPLIANCE WITH  
19 THE PROVISIONS OF THIS ARTICLE. A REFUND CLAIMED BY A QUALIFIED  
20 INDIVIDUAL AS DEFINED IN SUB-SUBPARAGRAPH (A) OR (C) OF  
21 SUBPARAGRAPH (I) OF PARAGRAPH (c) OF SUBSECTION (1) OF THIS SECTION  
22 ON ANY INCOME TAX RETURN SHALL NOT BE:

23           (A) DISALLOWED IF THE RETURN IS FILED ON OR BEFORE OCTOBER  
24 15 OF THE CALENDAR YEAR FOLLOWING THE TAXABLE YEAR FOR WHICH  
25 THE REFUND IS BEING CLAIMED; OR

26           (B) ALLOWED IF SAID RETURN IS FILED AFTER OCTOBER 15 OF THE  
27 CALENDAR YEAR FOLLOWING THE TAXABLE YEAR FOR WHICH THE REFUND

1 IS BEING CLAIMED.

2 (b) EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPH (II) OF  
3 PARAGRAPH (a) OF THIS SUBSECTION (6), A QUALIFIED INDIVIDUAL AS  
4 DEFINED IN SUB-SUBPARAGRAPH (B) OR (D) OF SUBPARAGRAPH (I) OF  
5 PARAGRAPH (c) OF SUBSECTION (1) OF THIS SECTION MUST CLAIM A  
6 REFUND ALLOWED PURSUANT TO THIS SECTION BY FILING AN INCOME TAX  
7 RETURN FOR THE TAXABLE YEAR FOR WHICH THE REFUND IS ALLOWED  
8 WITH THE DEPARTMENT OF REVENUE NO LATER THAN APRIL 15 OF THE  
9 CALENDAR YEAR FOLLOWING THE TAXABLE YEAR FOR WHICH THE REFUND  
10 IS BEING CLAIMED. THE DEPARTMENT OF REVENUE SHALL NOT ALLOW THE  
11 REFUND CLAIMED BY A QUALIFIED INDIVIDUAL AS DEFINED IN  
12 SUB-SUBPARAGRAPH (B) OR (D) OF SUBPARAGRAPH (I) OF PARAGRAPH (c)  
13 OF SUBSECTION (1) OF THIS SECTION ON ANY INCOME TAX RETURN FILED  
14 WITH THE DEPARTMENT OF REVENUE AFTER APRIL 15 OF THE CALENDAR  
15 YEAR FOLLOWING THE TAXABLE YEAR FOR WHICH THE REFUND IS BEING  
16 CLAIMED.

17 (c) (I) NOTWITHSTANDING ANY PROVISION OF PARAGRAPH (b) OF  
18 THIS SUBSECTION (6) TO THE CONTRARY, A QUALIFIED INDIVIDUAL AS  
19 DEFINED IN SUB-SUBPARAGRAPH (B) OR (D) OF SUBPARAGRAPH (I) OF  
20 PARAGRAPH (c) OF SUBSECTION (1) OF THIS SECTION WHO CLAIMS A  
21 PROPERTY TAX ASSISTANCE GRANT PURSUANT TO SECTION 39-31-101 OR  
22 A HEAT OR FUEL EXPENSES ASSISTANCE GRANT PURSUANT TO SECTION  
23 39-31-104 MAY CLAIM A REFUND AUTHORIZED BY THIS SECTION ON THE  
24 ASSISTANCE GRANT APPLICATION FORM DESCRIBED IN SECTION 39-31-102  
25 (2). CLAIMING A REFUND ON THE ASSISTANCE GRANT APPLICATION FORM  
26 IS IN LIEU OF CLAIMING THE REFUND ON AN INCOME TAX RETURN  
27 PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (6). ANY REFUND

1 CLAIMED PURSUANT TO THIS PARAGRAPH (c) MUST BE CLAIMED ON OR  
2 BEFORE APRIL 15 OF THE CALENDAR YEAR FOLLOWING THE TAXABLE YEAR  
3 FOR WHICH THE REFUND IS BEING CLAIMED.

4 (II) THE DEPARTMENT OF REVENUE SHALL NOT ALLOW A REFUND  
5 AUTHORIZED BY THIS SECTION THAT IS CLAIMED ON AN ASSISTANCE GRANT  
6 APPLICATION FORM IF:

7 (A) THE ASSISTANCE GRANT APPLICATION FORM IS FILED AFTER  
8 APRIL 15 OF THE CALENDAR YEAR FOLLOWING THE TAXABLE YEAR FOR  
9 WHICH THE REFUND IS BEING CLAIMED; OR

10 (B) THE QUALIFIED INDIVIDUAL HAS CLAIMED THE REFUND  
11 AUTHORIZED BY THIS SECTION ON AN INCOME TAX FORM FILED IN  
12 ACCORDANCE WITH PARAGRAPH (b) OF THIS SUBSECTION (6) FOR THE  
13 TAXABLE YEAR FOR WHICH THE REFUND IS ALLOWED.

14 (7) IF THE REFUND ALLOWED UNDER THIS SECTION EXCEEDS THE  
15 INCOME TAXES OTHERWISE DUE ON THE CLAIMANT'S INCOME, THE AMOUNT  
16 OF THE REFUND SHALL BE REFUNDED TO THE CLAIMANT.

17 (8) IN ADDITION TO ANY OTHER PENALTIES ALLOWED BY LAW, ANY  
18 PERSON WHO CLAIMS BUT IS NOT ELIGIBLE TO CLAIM THE REFUND  
19 ALLOWED PURSUANT TO THIS SECTION IS SUBJECT TO THE CRIMINAL  
20 PENALTIES IMPOSED PURSUANT TO SECTION 39-21-118, AS APPLICABLE.

21 (9) THE DEPARTMENT OF REVENUE SHALL NOT REPORT THE STATE  
22 SALES TAX REFUND ALLOWED TO ANY QUALIFIED INDIVIDUAL UNDER THIS  
23 SECTION AS A PAYMENT OF A REFUND, CREDIT, OR OFFSET OF STATE  
24 INCOME TAXES TO THE QUALIFIED INDIVIDUAL IN ANY INFORMATION  
25 RETURN REQUIRED TO BE FILED PURSUANT TO FEDERAL LAW.

26 (10) (a) THE DEPARTMENT OF REVENUE SHALL IDENTIFY ANY  
27 QUALIFIED INDIVIDUAL WHO HAS BEEN CONVICTED OF A FELONY AND WHO,

1 AT THE TIME OF FILING FOR A REFUND PURSUANT TO THIS SECTION, IS  
2 INCARCERATED IN A CORRECTIONAL FACILITY OPERATED BY OR UNDER  
3 CONTRACT WITH THE DEPARTMENT OF CORRECTIONS OR IN A COUNTY OR  
4 MUNICIPAL JAIL AWAITING TRANSFER TO A CORRECTIONAL FACILITY  
5 PURSUANT TO SECTION 16-11-308, C.R.S. THE DEPARTMENT OF REVENUE  
6 SHALL TRANSFER THE AMOUNT OF ANY REFUND OWED TO SAID QUALIFIED  
7 INDIVIDUAL TO THE DEPARTMENT OF CORRECTIONS.

8 (b) THE DEPARTMENT OF CORRECTIONS SHALL TRANSMIT THE  
9 AMOUNT OF A REFUND TRANSFERRED TO IT PURSUANT TO PARAGRAPH (a)  
10 OF THIS SUBSECTION (10) AS FOLLOWS:

11 (I) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (c) OF THIS  
12 SUBSECTION (10), IF THE QUALIFIED INDIVIDUAL IS UNDER A VALID COURT  
13 ORDER TO PAY RESTITUTION OR COSTS AND UNDER A VALID COURT ORDER  
14 OR ADMINISTRATIVE ORDER TO PAY CHILD SUPPORT THEN:

15 (A) ONE-HALF OF THE REFUND SHALL BE TRANSMITTED TO THE  
16 CLERK OF THE DISTRICT COURT THAT ISSUED AN ORDER FOR PAYMENT OF  
17 RESTITUTION ENTERED PURSUANT TO ARTICLE 18.5 OF TITLE 16, C.R.S., OR  
18 AN ORDER FOR COSTS PURSUANT TO SECTION 18-1.3-701, C.R.S. THE  
19 REFUND SHALL BE CREDITED IN THE PRIORITY SPECIFIED IN SECTION  
20 16-11-101.6 (1), C.R.S.

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

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

1 SHALL BE TRANSMITTED TO THE CLERK OF THE DISTRICT COURT THAT  
2 ISSUED AN ORDER FOR PAYMENT OF RESTITUTION ENTERED PURSUANT TO  
3 ARTICLE 18.5 OF TITLE 16, C.R.S., OR AN ORDER FOR COSTS PURSUANT TO  
4 SECTION 18-1.3-701, C.R.S., WHEREUPON THE REFUND SHALL BE  
5 CREDITED IN THE PRIORITY SPECIFIED IN SECTION 16-11-101.6(1), C.R.S.;  
6 OR

7 (III) IF THE QUALIFIED INDIVIDUAL IS NOT UNDER A VALID COURT  
8 ORDER TO PAY RESTITUTION OR COSTS BUT IS UNDER A VALID COURT  
9 ORDER OR ADMINISTRATIVE ORDER TO PAY CHILD SUPPORT, THEN THE  
10 REFUND SHALL BE TRANSMITTED TO THE DEPARTMENT OF HUMAN  
11 SERVICES FOR APPLICATION TOWARD THE QUALIFIED INDIVIDUAL'S CHILD  
12 SUPPORT OBLIGATION FOR INDIVIDUALS RECEIVING SERVICES PURSUANT  
13 TO SECTION 26-13-106, C.R.S.; OR

14 (IV) IF THE QUALIFIED INDIVIDUAL IS NOT UNDER A VALID COURT  
15 ORDER OR ADMINISTRATIVE ORDER TO PAY CHILD SUPPORT AND IS NOT  
16 UNDER A VALID COURT ORDER TO PAY RESTITUTION OR COSTS, THEN THE  
17 REFUND SHALL BE TRANSMITTED TO THE QUALIFIED INDIVIDUAL SUBJECT  
18 TO OTHER APPLICABLE PROVISIONS OF LAW.

19 (c) IF A REFUND IS TRANSMITTED IN ACCORDANCE WITH THE  
20 PROVISIONS OF SUBPARAGRAPH (I), (II), OR (III) OF PARAGRAPH (b) OF THIS  
21 SUBSECTION (10) AND RESULTS IN EXCESS REFUND MONEYS REMAINING  
22 AFTER SATISFACTION OF THE QUALIFIED INDIVIDUAL'S RESTITUTION OR  
23 CHILD SUPPORT OBLIGATION, THE EXCESS REFUND MONEYS SHALL BE FIRST  
24 APPLIED TOWARD ANY OUTSTANDING RESTITUTION OBLIGATION OR CHILD  
25 SUPPORT OBLIGATION OF THE QUALIFIED INDIVIDUAL BEFORE BEING  
26 RETURNED TO THE QUALIFIED INDIVIDUAL.

27 (11) THE DEPARTMENT OF CORRECTIONS, THE DEPARTMENT OF

1 HUMAN SERVICES, AND EACH COUNTY OF THE STATE, TO THE EXTENT EACH  
2 SUCH COUNTY HAS THE CAPABILITY WITHIN EXISTING RESOURCES, SHALL  
3 PROVIDE IN A TIMELY MANNER THE INFORMATION REQUESTED BY THE  
4 DEPARTMENT OF REVENUE NECESSARY TO IDENTIFY THE PERSONS  
5 SPECIFIED IN SUBPARAGRAPH (II) OF PARAGRAPH (c) OF SUBSECTION (1) OF  
6 THIS SECTION AND IN SUBSECTION (10) OF THIS SECTION. THE  
7 INFORMATION MUST BE PROVIDED IN THE FORM REQUESTED BY THE  
8 DEPARTMENT OF REVENUE. THE DEPARTMENT OF REVENUE SHALL KEEP  
9 CONFIDENTIAL ANY SOCIAL SECURITY NUMBER RECEIVED PURSUANT TO  
10 THIS SUBSECTION (11).

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

16 (I) THE AMOUNT OF ANY IDENTICAL STATE SALES TAX REFUND  
17 ALLOWED PURSUANT TO SUBSECTION (3) OF THIS SECTION;

18 (II) ANY SINGLE PERCENTAGE DETERMINED UNDER PARAGRAPH (a)  
19 OF SUBSECTION (4) OF THIS SECTION;

20 (III) THE ADJUSTED AMOUNTS OF FEDERAL ADJUSTED GROSS  
21 INCOME USED TO CALCULATE THE AMOUNT OF A QUALIFIED INDIVIDUAL'S  
22 REFUND CALCULATED PURSUANT TO PARAGRAPH (b) OF SUBSECTION (4)  
23 OF THIS SECTION;

24 (IV) THE AMOUNT OF ANY REFUND ALLOWED PURSUANT TO  
25 SUB-SUBPARAGRAPHS (A) AND (C) OF SUBPARAGRAPH (I) OR  
26 SUB-SUBPARAGRAPHS (A) AND (C) OF SUBPARAGRAPH (II) OF PARAGRAPH  
27 (b) OF SUBSECTION (4) OF THIS SECTION; AND



1           (V) THE MEANS BY WHICH A QUALIFIED INDIVIDUAL MAY  
2 CALCULATE THE AMOUNT OF ANY REFUND ALLOWED PURSUANT TO  
3 SUB-SUBPARAGRAPH (B) OF SUBPARAGRAPH (I) OR SUB-SUBPARAGRAPH  
4 (B) OF SUBPARAGRAPH (II) OF PARAGRAPH (b) OF SUBSECTION (4) OF THIS  
5 SECTION.

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

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

20           **19-1-305. Operation of juvenile facilities.** (1) Except as  
21 otherwise authorized by section 19-1-303, all records prepared or  
22 obtained by the department of human services in the course of carrying  
23 out its duties pursuant to article 2 of this title shall be confidential and  
24 privileged. Said records may be disclosed only:

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

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

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

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

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

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

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

8 **39-21-113. Reports and returns - rule - repeal.**

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

15 **SECTION 5.** In Colorado Revised Statutes, 39-22-104, **amend**  
16 (1.7) as follows:

17 **39-22-104. Income tax imposed on individuals, estates, and**  
18 **trusts - single rate - definitions - repeal.** (1.7) ~~Except as otherwise~~

19 ~~provided in section 39-22-627~~, Subject to subsection (2) of this section,  
20 with respect to taxable years commencing on or after January 1, 2000, a  
21 tax of four and sixty-three one hundredths percent is imposed on the  
22 federal taxable income, as determined pursuant to section 63 of the  
23 internal revenue code, of every individual, estate, and trust.

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

26 **39-22-301. Corporate tax imposed.** (1) (d) (I) A tax is imposed  
27 upon each domestic C corporation and foreign C corporation doing

1 business in Colorado annually in an amount of the net income of such C  
2 corporation during the year derived from sources within Colorado as set  
3 forth in the following schedule of rates:

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

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

9 **39-22-605. Failure by individual to pay estimated income tax.**

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

11 (c) "Tax" or "tax liability" means the tax imposed under this  
12 article minus the credits against tax provided by this article other than the  
13 credits against tax for withholding pursuant to sections 39-22-604 and  
14 39-22-604.5 and credits against tax for the sales tax refund pursuant to  
15 section 39-22-2003 OR 39-22-2004, WHICHEVER IS APPLICABLE.

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

22 (8) (a) For purposes of applying this section, the amount of the  
23 credits allowed under sections 39-22-604, 39-22-604.5, and ~~39-22-2003~~  
24 EITHER SECTION 39-22-2003 OR 39-22-2004, AS APPLICABLE, for the  
25 taxable year shall be deemed a payment of estimated tax and an equal part  
26 of such amount shall be deemed paid on each due date for such taxable  
27 year, unless the taxpayer establishes the dates on which all amounts were

1 actually withheld, in which case the amounts so withheld shall be deemed  
2 payments of estimated tax on the dates on which such amounts were  
3 actually withheld.

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

6 (II) All other amounts withheld for which credits are allowed  
7 under sections 39-22-604, 39-22-604.5, and ~~39-22-2003~~ EITHER SECTION  
8 39-22-2003 OR 39-22-2004, AS APPLICABLE.

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

11 **39-22-2001. Legislative declaration - revenues exceeding**  
12 **TABOR limit - sales tax refund.** (1) The general assembly hereby finds  
13 and declares that:

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

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

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

26 (VI) REFUNDING STATE EXCESS REVENUES FOR FISCAL YEARS  
27 COMMENCING ON OR AFTER JULY 1, 2014, THROUGH THE STATE INCOME

1 TAX SYSTEM IN THE MANNER SET FORTH IN SECTION 39-22-2004 IS A  
2 REASONABLE METHOD FOR REFUNDING SUCH EXCESS REVENUES.

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

5 **39-22-2002. Fiscal years commencing on or after July 1, 1998,**  
6 **but before July 1, 2014 - state sales tax refund - authority of executive**  
7 **director.** (1) If, for any state fiscal year commencing on or after July 1,  
8 1998, BUT BEFORE JULY 1, 2014, the amount of state revenues exceeds the  
9 limitation on state fiscal year spending imposed by section 20 (7) (a) of  
10 article X of the state constitution and voters statewide either have not  
11 authorized the state to retain and spend all of the excess revenues for that  
12 fiscal year or have authorized the state to retain and spend only a portion  
13 of the excess revenues for that fiscal year, the executive director shall, if  
14 the amount of the identical individual refund calculated pursuant to  
15 paragraph (a) of subsection (2) of this section exceeds fifteen dollars, for  
16 the taxable year commencing on or after January 1 of the calendar year in  
17 which that fiscal year ended, but ~~prior to~~ BEFORE January 1 of the  
18 subsequent calendar year, calculate a temporary state sales tax refund in  
19 accordance with the provisions of this section to refund the amount of  
20 excess state revenues that is not refunded by another method established  
21 by law.

22 (4) No later than October 1 of any given calendar year  
23 commencing on or after January 1, 1999, BUT BEFORE JANUARY 1, 2015,  
24 during which the controller certifies, in accordance with the provisions of  
25 section 24-77-106.5, C.R.S., that state revenues exceed the limitation on  
26 state fiscal year spending imposed by section 20 (7) (a) of article X of the  
27 state constitution for the fiscal year ending in that calendar year, the

1 executive director shall, if the amount of the identical individual refund  
2 calculated pursuant to subsection (2) of this section exceeds fifteen  
3 dollars, calculate the income classifications and the amount of the refund  
4 allowed for each income classification pursuant to section 39-22-2003 (3)  
5 for the taxable year commencing during said fiscal year that would refund  
6 the amount of excess state revenues that is not refunded by another  
7 method established by law.

8 (5) If one or more ballot questions are submitted to the voters at  
9 a statewide election to be held in November of any given calendar year  
10 commencing on or after January 1, 1999, BUT BEFORE JANUARY 1, 2015,  
11 that seek authorization for the state to retain and spend all or any portion  
12 of the amount of excess revenues for the fiscal year ending during said  
13 calendar year, no later than October 1 of said calendar year, the executive  
14 director shall, in addition to the calculations required by subsection (4) of  
15 this section:

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

27 **SECTION 10.** In Colorado Revised Statutes, 39-22-2003, **amend**



1 (1.5) (b) introductory portion, (2), and (4) (a) introductory portion as  
2 follows:

3 **39-22-2003. State sales tax refund for taxable years**  
4 **commencing before January 1, 2015 - offset against state income tax**  
5 **- qualified individuals.** (1.5) For purposes of this section, "adjusted  
6 gross income" means:

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

10 (2) With respect to the taxable year commencing on January 1,  
11 1999, and ending December 31, 1999, and for each subsequent taxable  
12 year COMMENCING BEFORE JANUARY 1, 2015, there ~~shall be~~ IS allowed to  
13 each qualified individual a state sales tax refund in an amount specified  
14 in subsection (3) of this section to be claimed in the manner specified in  
15 subsection (4) of this section if there were excess state revenues for the  
16 fiscal year ending in that tax year that voters statewide have not  
17 authorized the state to retain and spend and that are required to be  
18 refunded pursuant to section 20 (7) (d) of article X of the state  
19 constitution.

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

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

1           **39-31-102. Procedures to obtain grant - department of revenue**

2   **- responsibilities.** (2) The executive director shall prescribe the forms to  
3 be used for the grants authorized by section 39-31-101 or 39-31-104 and  
4 prepare any instructions related to the forms. The executive director may  
5 create an electronic form to be used in addition to the paper form. If a  
6 sales tax refund is allowed for any given income tax year COMMENCING  
7 BEFORE JANUARY 1, 2015, in accordance with section 39-22-2002, OR FOR  
8 ANY INCOME TAX YEAR COMMENCING ON OR AFTER JANUARY 1, 2015, IN  
9 ACCORDANCE WITH SECTION 39-22-2004, the executive director shall  
10 include provisions on the forms to allow qualified individuals to apply for  
11 the refund pursuant to section 39-22-2003 (5) (c) OR 39-22-2004 (6) (c),  
12 AS APPLICABLE. To receive a grant, an individual must claim the grant on  
13 the executive director's form.

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

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