

**Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

PREAMENDED

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

LLS NO. 22-0445.01 Ed DeCecco x4216

HOUSE BILL 22-1129

HOUSE SPONSORSHIP

Pelton, Baisley, Bockenfeld, Bradfield, Hanks, Holtorf, Luck, Lynch, Ransom, Rich,
Sandridge, Will

SENATE SPONSORSHIP

Sonnenberg,

House Committees

Finance
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING A REBATE TO TAXPAYERS OF THE GENERAL FUND**
102 **SURPLUS.**

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://leg.colorado.gov>.)

The bill requires the executive director to rebate \$1,846,400,000 from the general fund to qualified individuals through income tax returns for the 2022 income tax year, which rebate amount is an estimate of the general fund surplus for the state fiscal year 2021-22. The rebates will be made to qualified individuals in the same manner as if the general fund surplus was excess state revenues under the Taxpayer's Bill of Rights

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

being refunded through the 6-tiered sales tax refund mechanism.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 24-75-232 as
3 follows:

4 **24-75-232. General fund surplus - rebate - legislative**
5 **declaration - definitions - repeal.** (1) THE GENERAL ASSEMBLY HEREBY
6 FINDS AND DECLARES THAT:

7 (a) IN ITS MOST RECENT ECONOMIC FORECAST, LEGISLATIVE
8 COUNCIL STAFF PROJECTS THAT IN THE STATE FISCAL YEAR 2021-22 THE
9 GENERAL FUND WILL HAVE A:

10 (I) STATUTORY RESERVE OF ONE BILLION SIX HUNDRED
11 FORTY-SEVEN MILLION SEVEN HUNDRED THOUSAND DOLLARS; AND

12 (II) SURPLUS OF ONE BILLION EIGHT HUNDRED FORTY-SIX MILLION
13 FOUR HUNDRED THOUSAND DOLLARS, WHICH IS ABOVE THE CURRENT
14 APPROPRIATIONS AND THE ESTIMATED STATUTORY RESERVE FOR THE
15 STATE FISCAL YEAR;

16 (b) THE STATE RECEIVED THREE BILLION EIGHT HUNDRED
17 TWENTY-EIGHT MILLION SEVEN HUNDRED SIXTY-ONE THOUSAND SEVEN
18 HUNDRED NINETY DOLLARS FROM THE CORONAVIRUS STATE FISCAL
19 RECOVERY FUND UNDER THE "AMERICAN RESCUE PLAN ACT OF 2021",
20 PUB.L. 117-2;

21 (c) ALMOST ALL OF THESE FEDERAL FUNDS ARE AVAILABLE TO
22 BE USED FOR GOVERNMENT SERVICES DUE TO THE STATE'S REDUCTION IN
23 REVENUE FOR THE CALENDAR YEARS 2020 AND 2021;

24 (d) WHILE THE STATE'S COFFERS ARE OVERFLOWING, MANY
25 COLORADANS ARE STILL FEELING THE NEGATIVE ECONOMIC IMPACTS FROM

1 THE COVID-19 PANDEMIC, INCLUDING THOSE CAUSED BY GOVERNMENT
2 SHUTDOWNS AND REGULATIONS;

3 (e) RATHER THAN USING ALL OF THE MONEY IN THE STATE
4 TREASURY TO EXPAND THE SIZE OF GOVERNMENT, THE STATE SHOULD
5 RETURN THE UNNEEDED REVENUE TO THE HARDWORKING COLORADANS
6 WHO CONTRIBUTED TO THE SURPLUS THROUGH THE MYRIAD OF TAXES AND
7 FEES THAT THEY PAY THE STATE; AND

8 (f) THE REBATES WILL SERVE AN IMPORTANT PUBLIC PURPOSE.

9 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
10 REQUIRES:

11 (a) "2022 INCOME TAX YEAR" MEANS ANY INCOME TAX YEAR
12 COMMENCING ON OR AFTER JANUARY 1, 2022, BUT BEFORE JANUARY 1,
13 2023.

14 (b) "QUALIFIED INDIVIDUALS" HAS THE SAME MEANING AS SET
15 FORTH IN SECTION 39-22-2003 (1).

16 (c) "SURPLUS GENERAL FUND REVENUE" IS AN AMOUNT EQUAL TO
17 ONE BILLION EIGHT HUNDRED FORTY-SIX MILLION FOUR HUNDRED
18 THOUSAND DOLLARS IN THE GENERAL FUND.

19 (3) THE STATE SHALL REBATE THE SURPLUS GENERAL FUND
20 REVENUE TO QUALIFIED INDIVIDUALS THROUGH INCOME TAX RETURNS FOR
21 THE 2022 INCOME TAX YEAR. THE EXECUTIVE DIRECTOR OF THE
22 DEPARTMENT OF REVENUE SHALL ADMINISTER THE REBATE IN THE SAME
23 MANNER AS IF THE GENERAL FUND SURPLUS WAS EXCESS STATE REVENUES
24 TO BE REFUNDED UNDER PART 20 OF ARTICLE 22 OF TITLE 39; EXCEPT
25 THAT SECTION 39-22-2002 (6) SHALL NOT APPLY. REBATES ARE ONLY FOR
26 THE 2022 INCOME TAX YEAR. IF THE TOTAL AMOUNT OF REBATES MADE IS
27 LESS THAN THE GENERAL FUND SURPLUS, THE EXECUTIVE DIRECTOR IS NOT

1 REQUIRED TO MAKE ADDITIONAL REBATES IN THE NEXT INCOME TAX YEAR.

2 (4) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2024.

3 **SECTION 2.** In Colorado Revised Statutes, **add** 39-22-543 as
4 follows:

5 **39-22-543. General fund surplus - rebate - income tax forms**
6 **- repeal.** (1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE
7 EXECUTIVE DIRECTOR SHALL MAKE THE REBATES REQUIRED BY SECTION
8 24-75-232 TO QUALIFIED INDIVIDUALS THROUGH THE INCOME TAX
9 RETURNS FOR INCOME TAX YEARS COMMENCING ON OR AFTER JANUARY
10 1, 2022, BUT PRIOR TO JANUARY 1, 2023.

11 (2) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2024.

12 **SECTION 3. Act subject to petition - effective date.** This act
13 takes effect at 12:01 a.m. on the day following the expiration of the
14 ninety-day period after final adjournment of the general assembly; except
15 that, if a referendum petition is filed pursuant to section 1 (3) of article V
16 of the state constitution against this act or an item, section, or part of this
17 act within such period, then the act, item, section, or part will not take
18 effect unless approved by the people at the general election to be held in
19 November 2022 and, in such case, will take effect on the date of the
20 official declaration of the vote thereon by the governor.