

CHAPTER 2

GOVERNMENT - STATE

SENATE BILL 23B-003

BY SENATOR(S) Hinrichsen and Marchman, Bridges, Buckner, Danielson, Exum, Fields, Ginal, Gonzales, Hansen, Jaquez Lewis, Kolker, Michaelson Jenet, Priola, Rodriguez, Sullivan, Winter F., Fenberg;
also REPRESENTATIVE(S) Mabrey and Dickson, Kipp, Rutinel, Story, Weissman, Willford, Amabile, Bacon, Bird, Boesenecker, Brown, Daugherty, deGruy Kennedy, Epps, Froelich, Garcia, Hamrick, Hernández, Herod, Jodeh, Joseph, Lieder, Lindsay, Lindstedt, Lukens, Marshall, Martinez, Mauro, McLachlan, Parenti, Ricks, Sharbini, Sirota, Snyder, Titone, Velasco, Vigil, Woodrow, Young.

AN ACT

CONCERNING THE CREATION OF AN IDENTICAL REFUND PAYMENT OF EXCESS STATE REVENUES FROM ALL SOURCES AS A MECHANISM TO REFUND A PORTION OF THE EXCESS STATE REVENUES FOR THE 2022-23 STATE FISCAL YEAR ONLY.

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

SECTION 1. In Colorado Revised Statutes, **add** 39-22-2005 as follows:

39-22-2005. Refund of excess state revenues from all sources - definitions - repeal. (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "QUALIFIED INDIVIDUAL" HAS THE SAME MEANING AS SET FORTH IN SECTION 39-22-2003 (1).

(b) "REMAINING EXCESS STATE REVENUES" MEANS THE TOTAL AMOUNT OF THE STATE REVENUES FOR THE STATE FISCAL YEAR COMMENCING ON JULY 1, 2022, IN EXCESS OF THE LIMITATION ON STATE FISCAL YEAR SPENDING IMPOSED BY SECTION 20 (7)(a) OF ARTICLE X OF THE STATE CONSTITUTION THAT THE STATE IS REQUIRED TO REFUND UNDER SECTION 20 (7)(d) OF ARTICLE X OF THE STATE CONSTITUTION, INCLUDING ANY AMOUNT SPECIFIED IN SECTION 24-77-103.8, THAT EXCEEDS THE AMOUNTS TO BE REFUNDED AS REQUIRED BY SECTIONS 39-22-123.5 (2.8), AS ENACTED BY HOUSE BILL 23B-1002 IN 2023, 39-3-209, AND 39-3-210, FOR THE STATE FISCAL YEAR. FOR THE PURPOSES OF THIS SECTION, THE EXECUTIVE DIRECTOR SHALL USE THE AMOUNTS REQUIRED TO BE REFUNDED AS CERTIFIED BY THE STATE CONTROLLER PURSUANT TO SECTION 24-77-106.5 AND THE MOST RECENT ESTIMATES

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

BY LEGISLATIVE COUNCIL STAFF OF THE AMOUNTS TO BE REFUNDED AS REQUIRED BY SECTION 39-22-123.5 (2.8), AS ENACTED BY HOUSE BILL 23B-1002 IN 2023, 39-3-209, AND 39-3-210.

(2) NOTWITHSTANDING SECTIONS 39-22-2002 AND 39-22-2003, ANY REMAINING EXCESS STATE REVENUES FOR THE STATE FISCAL YEAR COMMENCING ON JULY 1, 2022, ARE REFUNDED THROUGH AN IDENTICAL PAYMENT TO QUALIFIED INDIVIDUALS. THE AMOUNT OF EACH REFUND IS EQUAL TO THE AMOUNT OF THE REMAINING EXCESS STATE REVENUES DIVIDED BY THE NUMBER OF QUALIFIED INDIVIDUALS EXPECTED TO CLAIM A REFUND PURSUANT TO SECTION 39-22-2003 FOR THE INCOME TAX YEAR COMMENCING ON JANUARY 1, 2023. THIS IS A REFUND OF EXCESS STATE REVENUES FROM ALL SOURCES OF FISCAL YEAR SPENDING.

(3) (a) A QUALIFIED INDIVIDUAL FILING A SINGLE RETURN IS ENTITLED TO ONE REFUND UNDER THIS SECTION AND TWO QUALIFIED INDIVIDUALS FILING A JOINT RETURN ARE ENTITLED TO TWO REFUNDS UNDER THIS SECTION.

(b) EXCEPT AS PROVIDED IN SUBSECTION (3)(C) OF THIS SECTION, THE EXECUTIVE DIRECTOR SHALL ADMINISTER THE REFUND IN THIS SECTION IN THE SAME MANNER AS THE REFUND SET FORTH IN SECTION 39-22-2003.

(c) NO LATER THAN TEN BUSINESS DAYS AFTER ENACTMENT OF SENATE BILL 23B-003, ENACTED IN 2023, THE EXECUTIVE DIRECTOR SHALL CALCULATE THE AMOUNT OF THE IDENTICAL INDIVIDUAL REFUND CALCULATED PURSUANT TO SUBSECTION (2) OF THIS SECTION. FOR THIS RECALCULATION ONLY, THE DEPARTMENT IS NOT REQUIRED TO NOTIFY THE EXECUTIVE COMMITTEE OF THE LEGISLATIVE COUNCIL, NOR SEEK REVIEW OF ITS RECALCULATIONS AS REQUIRED IN SECTION 39-22-2002 (6).

(4) THE REFUND OF EXCESS STATE REVENUES FROM ALL SOURCES ALLOWED UNDER THIS SECTION IS A REASONABLE METHOD OF REFUNDING A PORTION OF THE EXCESS STATE REVENUES REQUIRED TO BE REFUNDED IN ACCORDANCE WITH SECTION 20 (7)(d) OF ARTICLE X OF THE STATE CONSTITUTION.

(5) THE REFUND OF EXCESS STATE REVENUE FROM ALL SOURCES ALLOWED TO ANY QUALIFIED INDIVIDUAL UNDER THIS SECTION SHALL NOT BE REPORTED BY THE DEPARTMENT OF REVENUE AS A PAYMENT OF A REFUND, CREDIT, OR OFFSET OF STATE INCOME TAXES TO THE QUALIFIED INDIVIDUAL IN ANY INFORMATION RETURN REQUIRED TO BE FILED PURSUANT TO FEDERAL LAW.

(6) THIS SECTION IS REPEALED, EFFECTIVE DECEMBER 31, 2028.

SECTION 2. Safety clause. The general assembly finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety or for appropriations for the support and maintenance of the departments of the state and state institutions.

Approved: November 20, 2023