

**First Regular Session  
Seventieth General Assembly  
STATE OF COLORADO**

**PREAMENDED**

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

LLS NO. 15-1095.01 Nicole Myers x4326

**HOUSE BILL 15-1374**

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**HOUSE SPONSORSHIP**

**Court and McCann**, Arndt, Becker J., Becker K., Danielson, Esgar, Fields, Garnett, Ginal, Hamner, Hullinghorst, Kraft-Tharp, Lebsock, Lee, Lontine, Melton, Moreno, Pabon, Primavera, Rankin, Rosenthal, Vigil, Williams, Wilson, Winter, Young

**SENATE SPONSORSHIP**

**Steadman**,

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**House Committees**

Finance  
Appropriations

**Senate Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING THE ADDITION OF A LINE ON THE STATE INDIVIDUAL**  
102            **INCOME TAX RETURN FORM THAT ALLOWS A TAXPAYER TO**  
103            **DIRECT THE STATE TO INVEST THE TAXPAYER'S REFUND OF**  
104            **STATE REVENUES IN EXCESS OF THE STATE FISCAL YEAR**  
105            **SPENDING LIMIT IN STATE SERVICES, AND, IN CONNECTION**  
106            **THEREWITH, MAKING AN APPROPRIATION.**

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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>.)*

When state revenues exceed the state fiscal year spending limit

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.

specified in the taxpayer's bill of rights (TABOR), the state is required to refund the revenues in excess of the fiscal year spending limit unless voters approve a revenue change allowing the state to keep such revenues. The general assembly has implemented mechanisms to refund revenues in excess of the state fiscal year spending limit to taxpayers, including a state sales tax refund.

The bill requires the executive director of the department of revenue (executive director) to include a line on the state individual income tax return form that allows each individual taxpayer to direct the state to invest all or a portion of the taxpayer's state sales tax refund in state services. The executive director is required to include such line on the state individual income tax return form only when the amount of state revenue exceeds the state's fiscal year spending limit.

In addition, the bill clarifies that an investment of all or a portion of a taxpayer's state sales tax refund in state services is included in the definition of "gift" for purposes of TABOR.

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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. Direct state to invest TABOR refund in state**  
5 **services - option for taxpayer on state individual income tax return**  
6 **form.** (1) FOR ANY STATE FISCAL YEAR COMMENCING ON OR AFTER JULY  
7 1, 2014, IF THE AMOUNT OF STATE REVENUE EXCEEDS THE LIMITATION ON  
8 STATE FISCAL YEAR SPENDING IMPOSED BY SECTION 20 (7) (a) OF ARTICLE  
9 X OF THE STATE CONSTITUTION AND VOTERS STATEWIDE EITHER HAVE NOT  
10 AUTHORIZED THE STATE TO RETAIN AND SPEND ALL OF THE EXCESS  
11 REVENUES FOR THAT FISCAL YEAR OR HAVE AUTHORIZED THE STATE TO  
12 RETAIN AND SPEND ONLY A PORTION OF THE EXCESS REVENUES FOR THAT  
13 FISCAL YEAR, THE EXECUTIVE DIRECTOR SHALL ENSURE THAT THE  
14 COLORADO STATE INDIVIDUAL INCOME TAX RETURN FORM FOR THE  
15 INCOME TAX YEAR COMMENCING ON JANUARY 1 OF THE CALENDAR YEAR  
16 IN WHICH THAT FISCAL YEAR ENDED CONTAINS A LINE WHEREBY EACH

1 INDIVIDUAL TAXPAYER MAY DIRECT THE STATE TO INVEST ALL OR ANY  
2 PORTION OF THE REFUND AMOUNT TO WHICH THE TAXPAYER IS ENTITLED  
3 PURSUANT TO THIS PART 20 IN STATE SERVICES.

4 (2) THE EXECUTIVE DIRECTOR SHALL ENSURE THAT THE LINE ON  
5 THE COLORADO STATE INDIVIDUAL INCOME TAX RETURN FORM REQUIRED  
6 BY SUBSECTION (1) OF THIS SECTION STATES THE FOLLOWING: "I WANT THE  
7 STATE TO INVEST MY TABOR REFUND IN STATE SERVICES, NOT TO EXCEED  
8 THE AMOUNT SPECIFIED ON LINE \_\_\_ OF THIS FORM. PLEASE INVEST THE  
9 FOLLOWING AMOUNT: \_\_\_\_." THE EXECUTIVE DIRECTOR SHALL ENSURE  
10 THAT THE STATE INDIVIDUAL INCOME TAX RETURN FORM LINE NUMBER  
11 THAT INDICATES THE AMOUNT OF THE TAXPAYER'S REFUND PURSUANT TO  
12 SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION IS INCLUDED IN  
13 THE STATEMENT SPECIFIED IN THIS SUBSECTION (2).

14 **SECTION 2.** In Colorado Revised Statutes, 24-77-102, **amend**  
15 (6) as follows:

16 **24-77-102. Definitions.** As used in this article, unless the context  
17 otherwise requires:

18 (6) "Gift" means something of value ~~which~~ THAT is given to the  
19 state voluntarily by any person or entity, regardless of whether such  
20 person or entity specifies the purpose or purposes for which such thing of  
21 value is to be used. "Gift" includes, but is not limited to, voluntary  
22 contributions received by the state as a result of any state voluntary  
23 contribution program established pursuant to article 22 of title 39, C.R.S.,  
24 AND INVESTMENTS OF A TAXPAYER'S REFUND OF STATE REVENUES IN  
25 EXCESS OF THE STATE FISCAL YEAR SPENDING LIMIT IN STATE SERVICES  
26 PURSUANT TO SECTION 39-22-2004, C.R.S. "Gift" does not include federal  
27 funds or any pecuniary compensation received by the state from any other

1 governmental entity.

2 **SECTION 3. Appropriation.** (1) For the 2015-16 state fiscal  
3 year, \$18,160 is appropriated to the department of revenue. This  
4 appropriation is from the general fund. To implement this act, the  
5 department may use this appropriation as follows:

6 (a) \$16,960 for CITA annual maintenance and support; and

7 (b) \$1,200 for document management;

8 (2) For the 2015-16 state fiscal year, \$1,200 is appropriated to the  
9 department of personnel. This appropriation is from reappropriated funds  
10 received from the department of revenue under paragraph (b) of  
11 subsection (1) of this section. To implement this act, the department may  
12 use this appropriation to provide document management services for the  
13 department of revenue.

14 **SECTION 4. Safety clause.** The general assembly hereby finds,  
15 determines, and declares that this act is necessary for the immediate  
16 preservation of the public peace, health, and safety.