

#88 - Rebate of Money Above Referendum C Estimates

1 **Ballot Title:** An amendment to the Colorado constitution concerning modification of
2 the limit on state fiscal year spending approved at the November 2005 election, and, in
3 connection therewith, requiring any state revenues above the amount estimated in the
4 2005 ballot information booklet to be refunded to each Colorado taxpayer who is a head
5 of household based on the number of exemptions claimed for federal tax purposes, in
6 order to offset home energy costs.

7 **Text of Proposal:**

8 *Be it Enacted by the People of the State of Colorado*

9 THE CONSTITUTION OF THE STATE OF COLORADO IS AMENDED BY THE
10 ADDITION OF A NEW ARTICLE TO READ:

11 **SECTION 1. HOME ENERGY ADJUSTMENT TAX-REFUND (H.E.A.T.).** (1) AS
12 USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES, "EXCESS TAXPAYER
13 SURPLUS" MEANS ALL REVENUES RETAINED BY THE STATE OF COLORADO PURSUANT TO
14 VOTER APPROVAL OF REFERENDUM C, WHICH WAS APPROVED BY VOTERS IN NOVEMBER
15 2005, IN EXCESS OF THE AMOUNTS THAT WERE ESTIMATED AS BEING RETAINED UNDER
16 REFERENDUM C IN THE 2005 STATE BALLOT INFORMATION BOOKLET APPROVED BY THE
17 LEGISLATIVE COUNCIL OF THE GENERAL ASSEMBLY FOR THE NOVEMBER 2005
18 STATEWIDE ELECTION FOR FISCAL YEARS 2005-06 THROUGH 2009-10, WHICH ARE THOSE
19 DOLLARS IN EXCESS OF:

20 (A) FIVE HUNDRED SEVENTY-SEVEN MILLION DOLLARS FOR FISCAL
21 YEAR 2005-06;

22 (B) SIX HUNDRED FORTY-SIX MILLION DOLLARS FOR FISCAL YEAR 2006-07;

23 (C) SEVEN HUNDRED THREE MILLION DOLLARS FOR FISCAL YEAR 2007-08;

24 (D) EIGHT HUNDRED TWENTY-TWO MILLION DOLLARS FOR FISCAL YEAR 2008-09;

25 (E) NINE HUNDRED NINETY-FIVE MILLION DOLLARS FOR FISCAL YEAR 2009-10;
26 AND

27 (2) FOR THE PURPOSE OF DEFINING THE AMOUNT OF THE EXCESS TAXPAYER
28 SURPLUS FOR SUBSEQUENT FISCAL YEARS PAST FISCAL YEAR 2009-10, IT IS NO MORE
29 THAN NINE HUNDRED NINETY-FIVE MILLION DOLLARS, AS ADJUSTED ANNUALLY FOR

1 CHANGES IN INFLATION AND POPULATION AS DEFINED IN SECTION 20 OF ARTICLE X OF
2 THE COLORADO STATE CONSTITUTION.

3 (3) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (5) OF THIS SECTION, EXCESS
4 TAXPAYER SURPLUS SHALL BE REFUNDED TO COLORADO TAXPAYERS ANNUALLY TO
5 OFFSET HIGH HOME ENERGY COSTS.

6 (4) EACH YEAR THE TOTAL EXCESS TAXPAYER SURPLUS AMOUNT SHALL BE
7 DIVIDED BY THE TOTAL NUMBER OF EXEMPTIONS CLAIMED ON ALL FULL-YEAR
8 RESIDENTS' COLORADO INDIVIDUAL TAX RETURNS FILED IN THAT SAME YEAR AS
9 REPRESENTED ON FEDERAL INCOME TAX RETURNS. THE EXCESS TAXPAYER SURPLUS
10 AMOUNT SHALL BE SUMMED FOR EACH HOUSEHOLD BASED ON THE NUMBER OF
11 EXEMPTIONS PER HOUSEHOLD AND SHALL BE DISTRIBUTED TO EACH HEAD OF
12 HOUSEHOLD VIA CHECK MAILED TO THE HEAD OF HOUSEHOLD DURING THE FIRST TWO
13 WEEKS OF THAT OCTOBER. EACH CHECK SHALL CLEARLY STATE "THIS IS YOUR
14 HOUSEHOLD'S HOME ENERGY ADJUSTMENT TAX-REFUND (H.E.A.T.) BASED UPON LAST
15 YEAR'S COLORADO EXCESS TAX REVENUE."

16 (5) WHEN THE SINGLE EXEMPTION REFUND AMOUNT CALCULATES TO BE LESS
17 THAN FIVE DOLLARS, REFUNDS SHALL NOT BE DISTRIBUTED DURING THAT YEAR, AND
18 INSTEAD SHALL BE HELD AND ACCRUED UNTIL THE SINGLE EXEMPTION REFUND AMOUNT
19 GROWS TO OVER FIVE DOLLARS.

20 (6) EXCESS TAXPAYER SURPLUS TAXES SHALL BE HELD IN A SEPARATE FUND
21 NAMED THE "EXCESS TAXPAYER SURPLUS FUND". EXCESS TAXPAYER SURPLUSES ARE TO
22 BE DEPOSITED IN THE FUND PRIOR TO JUNE 30 OF EACH YEAR. ALL INTEREST, DIVIDENDS
23 AND RETURNS GENERATED BY THE FUND SHALL ACCRUE TO THE FUND TO BE REFUNDED.

24 (7) THIS ARTICLE SHALL TAKE EFFECT DECEMBER 31, 2006. EXCESS REVENUES
25 ACCUMULATED DURING A FISCAL YEAR, STARTING IN FY 2005-06, SHALL BE REFUNDED
26 TO COLORADO TAXPAYERS IN THE SUBSEQUENT OCTOBER.