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2024 Colorado Legislative Session: TABOR Takings Tracker

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About the Author

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TABOR Takings Tracker

Legislators placed Coloradans’ TABOR refunds squarely in their crosshairs during the 2024 legislative session, having passed over 100 bills that would slash the TABOR refund to a quarter of its projected size if signed into law. Amid a period of state revenue growth in unprecedented excess of the Referendum C spending cap and a state budget larger than \$40 billion for the first time in history, the state’s legislative majority has seen fit to circumvent the standard refund mechanisms through a long list of proposed tax rate reductions, tax credits, and redistribution efforts. Since the last issue of this report five days before the end of session, five TABOR-impacting bills were defeated, four new ones were introduced, and several others were amended heavily.

By the end of the legislative session, lawmakers passed 101 bills that will affect TABOR refunds. Most of these redirect money out of refunds towards targeted tax reductions for specific groups, mainly families and low-income Coloradans. Through such measures, the state will diminish taxpayers’ agency to decide, whether by saving, investing, or donating to charity, how best to allocate money that they would normally be owed. Voters rejected Proposition HH, which proposed to take TABOR refunds in exchange for limited property tax relief, just last November.

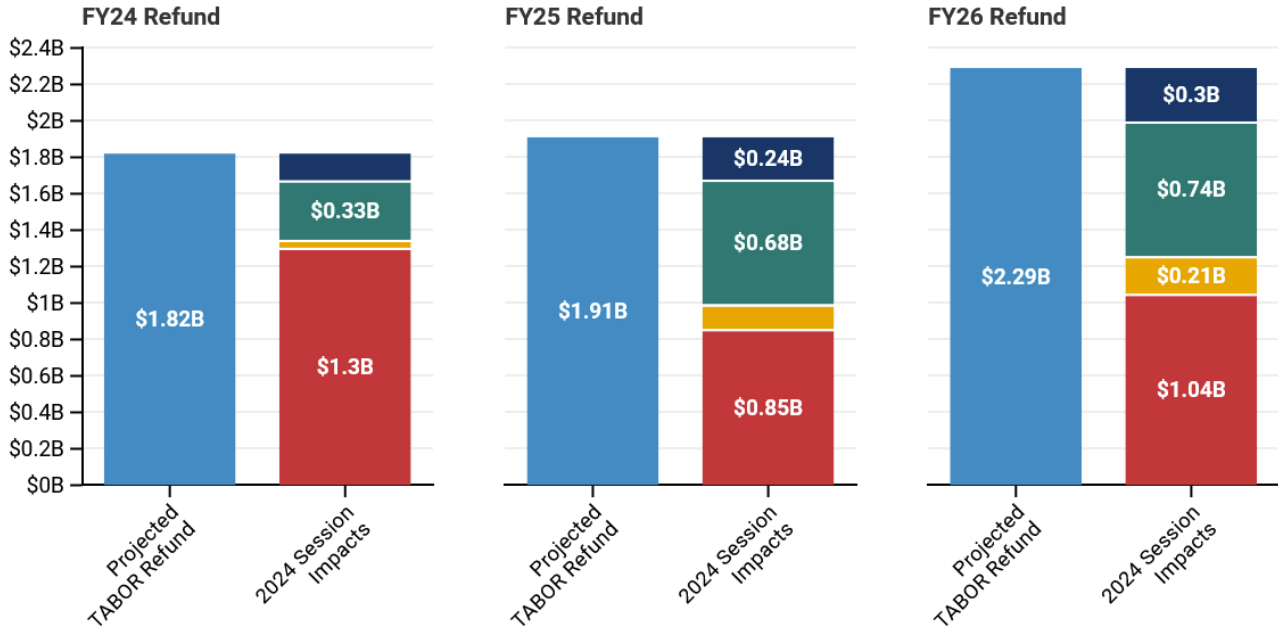
- 101 bills were passed during the 2024 legislative session that, if signed into law, will reduce projected TABOR refunds by a combined \$2.8 billion (47%) of the \$6 billion projected between FY24 and FY26.
 - These bills propose to reduce the TABOR refund by a combined \$523 million in FY24, \$1.06 billion in FY25, and \$1.25 billion in FY26. The recent announcement that an additional \$67 million in TABOR refunds is owed to taxpayers due to an accounting error is not reflected in this report.
 - The reduction in refunds over the next three years is similar in size to the FY23 TABOR refund. Of the \$3.28 billion available, \$3.1 billion was distributed as direct payments of \$800 to each Colorado taxpayer. The remaining \$180 million was diverted via an expansion of the Earned Income Tax Credit approved during the 2023 session.
 - The two most impactful bills from the 2024 session (see the list below) will reduce TABOR refunds by \$1.8 billion, more than 42%, between FY25 and FY26. The rest of the bills would reduce refunds by a total of \$391 million (9%) over that period.
 - Some major bills, like SB24-166, were lost in the final days of the session.
- SB24-228, which is expected to be signed into law shortly, proposes to change the TABOR refund mechanism by lowering the state income tax rate according to the level of excess state revenue. When it comes into effect, Coloradans’ TABOR refunds will be partially replaced by income tax reductions.

The figure below shows projected TABOR refunds in the next three fiscal years and the amounts of those refunds that each bill would remove.

TABOR Takings Tracker

During the 2024 session, the legislature passed 101 bills that would affect TABOR refunds. Should the bills become law, over \$2.8 billion of the \$6 billion projected TABOR refund through 2026 will vanish—\$523 million in FY24, \$1.06 billion in FY25, and \$1.25 billion in FY26.

■ Remaining TABOR Refund
 ■ HB24-1134
 ■ HB24-1311
 ■ 99 Others



Source: LCS fiscal notes and economic forecasts • Stacked bars below show projections of how much selected bills will reduce TABOR refunds.

2024 legislation will reduce the current fiscal year’s TABOR refund to \$1.3 billion, which is 71% of the latest projection. The refund will subsequently fall to \$851 million in FY25 and \$1.04 billion in FY26—both less than half of what’s currently projected. Several bills signed into law after the 2023 session, mostly tax credits and refunds similar to those under consideration now, also reduced these projections prior to the start of the current session.

76% of the proposed FY26 TABOR refund reduction comes from just two bills:

- HB24-1134: Adjustments to Tax Expenditures to Reduce Burden
 - Expands several state income tax credits including the EITC
- HB24-1311: Family Affordability Tax Credit
 - Creates refundable tax credits for low-income filers with children

Both bills reallocate their refund impacts through tax credits and/or transfer payments to individuals and couples; HB24-1311 expires after ten years and HB24-1134 will continue to reduce revenue subject to TABOR indefinitely. Upon the first release of this report, there were three other bills that proposed to reduce the FY26 refund by more than \$100 million, but two were curtailed substantially and one was defeated altogether. As a result, though four new bills and several late amendments to existing bills made up much of the difference, the 2024

session’s TABOR impact is somewhat less than it appeared poised to be at the beginning of May.

Although the loss of \$2.8 billion in refunds would be realized largely as tax cuts, and regardless of whether the policies behind it are beneficial or not, the legislature’s approach to these cuts broadly undermines TABOR’s intent by divorcing taxpayers’ contributions to state revenue from the values of refunds they receive and deciding for them how that money should be spent instead.

Full List of Bills

Bill Number	Short Title	FY24 TABOR Impact	FY25 TABOR Impact	FY26 TABOR Impact
HB24-1001	Reauthorization of Rural Jump-Start Program	\$0	-\$500,000	-\$1,100,000
HB24-1002	Social Work Licensure Compact	\$0	\$0	\$550,500
HB24-1004	Ex-Offenders Practice in Regulated Occupations	\$0	\$170,000	\$170,000
HB24-1018	College Textbook Sales Use Tax Exemption	\$0	-\$1,000,000	-\$1,900,000
HB24-1027	Exemption for Children's Products	\$0	-\$10,000,000	-\$15,600,000
HB24-1030	Railroad Safety Requirements	\$0	\$0	\$440,070
HB24-1036	Adjusting Certain Tax Expenditures	-\$140,000	-\$1,400,000	-\$1,800,000
HB24-1051	Towing Carrier Regulation	\$0	\$176,849	\$179,339
HB24-1052	Senior Housing Income Tax Credit	-\$33,800,000	-\$33,800,000	\$0
HB24-1078	Regulation of Community Association Managers	\$0	\$647,350	\$0
HB24-1089	Vehicle Electronic Notifications	\$0	\$252,510	\$725,328
HB24-1095	Increasing Protections for Minor Workers	\$0	\$19,200	\$38,400
HB24-1099	Defendant Filing Fees in Evictions	\$0	-\$191,412	-\$191,412
HB24-1105	Creating the Chicano Special License Plate	\$0	\$43,672	\$47,650
HB24-1111	Adopt Cosmetology Licensure Compact	\$0	\$0	\$301,875
HB24-1116	Extend Contaminated Land Income Tax Credit	\$0	-\$938,000	-\$1,900,000
HB24-1125	Tax Credit Commercial Building Conversion	\$0	\$1,500	\$2,500
HB24-1132	Support for Living Organ Donors	\$0	\$11,166	\$12,140
HB24-1133	Criminal Record Sealing & Expungement Changes	\$0	\$0	-\$57,749
HB24-1134	Adjustments to Tax Expenditures to Reduce Burden	-\$44,000,000	-\$136,000,000	-\$207,000,000
HB24-1135	Offenses Related to Operating a Vehicle	\$0	\$12,400	\$12,400
HB24-1138	Tax Credit for Transfer of Agricultural Asset	\$0	-\$600,000	-\$1,350,000

HB24-1142	Reduce Income Tax Social Security Benefits	\$0	-\$300,000	-\$600,000
HB24-1157	Employee-Owned Bus Office & Income Tax Credit	\$0	-\$446,250	-\$1,091,000
HB24-1221	Income Tax Credit for Eligible Teachers	-\$17,800,000	-\$35,800,000	-\$18,000,000
HB24-1235	Reduce Aviation Impacts on Communities	\$0	-\$800	-\$17,800
HB24-1240	AmeriCorps Education Award Tax Subtraction	\$0	\$0	-\$210,000
HB24-1243	Income Tax Owed by Minors on Earned Income	\$0	-\$2,000,000	-\$3,900,000
HB24-1249	Tax Credit Agricultural Stewardship Practices	\$0	\$0	-\$1,500,000
HB24-1251	Sunset Debt-Management Service Providers	\$0	\$0	\$41,500
HB24-1253	Sunset Regulation of Respiratory Therapy	\$0	\$0	\$155,415
HB24-1254	Sunset Regulation of Nontransplant Tissue Banks	\$0	\$0	\$750
HB24-1262	Maternal Health Midwives	\$0	\$3,815	\$3,815
HB24-1268	Fin Assistance for Certain Low-Income Individuals	\$0	-\$3,200,000	-\$6,500,000
HB24-1271	State Income Tax Credit for Veterinary Prof	\$0	-\$1,000,000	-\$2,000,000
HB24-1276	Sunset Process Commn Deaf Hard of Hearing Deafblind	\$0	\$0	\$2,308,535
HB24-1280	Welcome, Reception, & Integration Grant Program	\$0	\$0	\$375,000
HB24-1292	Prohibit Certain Weapons Used in Mass Shootings	\$0	\$250,000	\$250,000
HB24-1294	Mobile Homes in Mobile Home Parks	\$0	\$1,128	\$1,128
HB24-1295	Creative Indus Community Revitalization Incentives	\$0	\$10,750	-\$4,868,500
HB24-1311	Family Affordability Tax Credit	-\$327,000,000	-\$684,000,000	-\$739,000,000
HB24-1312	State Income Tax Credit for Careworkers	\$0	-\$21,200,000	-\$42,900,000
HB24-1313	Housing in Transit-Oriented Communities	\$0	-\$2,300,000	-\$17,300,000
HB24-1314	Mod Tax Credit Preservation Historic Structures	\$0	-\$25,000	-\$60,000
HB24-1316	Middle-Income Housing Tax Credit	\$0	\$0	-\$400,000
HB24-1325	Tax Credits for Quantum Industry Support	\$0	\$100,000	-\$3,800,000
HB24-1326	Bingo-Raffle Licensing Sunset Review	\$0	\$0	\$760,000
HB24-1327	Sunset Physical Therapists	\$0	\$0	\$296,596
HB24-1328	Sunset Continue Money Transmitter Regulation	\$0	\$0	\$637,320
HB24-1329	Sunset Architects Engineers & Land Surveyors	\$0	\$0	\$1,488,099

HB24-1330	Air Quality Permitting	\$0	\$0	\$2,637,927
HB24-1333	Sunset Continue Private Occupational Schools	\$0	\$0	\$1,118,025
HB24-1335	Sunset Continue Mortuary Science Code Regulation	\$0	\$392,700	\$400,620
HB24-1336	Sunset Broadband Deployment	\$0	\$525,393	\$533,042
HB24-1340	Incentives for Post-Secondary Education	\$0	-\$18,100,000	-\$36,700,000
HB24-1344	Sunset Plumbing Board	\$0	\$0	\$1,626,325
HB24-1351	Sunset Division Banking & Board	\$0	\$0	\$6,020,627
HB24-1352	Appliance Requirements & Incentives	\$0	-\$14,300,000	-\$34,600,000
HB24-1353	Firearms Dealer Requirements & Permit	\$0	\$0	\$813,275
HB24-1357	Pipeline Safety	\$0	\$311,093	\$429,359
HB24-1358	Film Incentive Tax Credit	\$0	-\$2,500,000	-\$5,000,000
HB24-1365	Opportunity Now Grants & Tax Credit	\$0	\$12,100	-\$7,370,800
HB24-1367	Repeal Severance Tax Exemption for Stripper Wells	\$0	\$9,800,000	\$20,200,000
HB24-1369	Colorado Agriculture Special License Plate	\$0	\$145,656	\$158,117
HB24-1371	More Uniform Local Massage Facilities Regulation	\$0	\$0	\$10,057
HB24-1379	Regulate Dredge & Fill Activities in State Waters	\$0	\$0	\$190,202
HB24-1380	Regulation of Debt-Related Services	\$0	\$15,000	\$15,000
HB24-1381	Sunset Division of Financial Services	\$0	\$0	\$2,561,000
HB24-1409	Employment-Related Funding & Workforce Enterprise	-\$49,456,237	-\$24,462,740	-\$24,462,740
HB24-1411	Increase in Property Tax Exemption Filing Fees	\$0	\$381,065	\$387,670
HB24-1417	Fee Changes Health-Care Cash Funds	\$0	\$0	\$593,867
HB24-1432	Repeal CBI Criminal Justice Record Sealing Fee	\$0	-\$159,220	-\$159,220
HB24-1434	Expand Affordable Housing Tax Credit	\$0	-\$6,300,000	-\$48,100,000
HB24-1436	Sports Betting Tax Revenue Voter Approval	-\$2,800,000	-\$5,200,000	-\$7,200,000
HB24-1438	Implement Prescription Drug Affordability Programs	\$0	\$12,100	\$7,078
HB24-1439	Financial Incentives Expand Apprenticeship Programs	\$0	-\$7,500,000	-\$15,000,000
HB24-1449	Environmental Sustainability Circular Economy	\$0	-\$3,860,000	-\$3,900,000
HB24-1469	Collections for Another Government	-\$38,700,000	-\$37,400,000	-\$37,800,000
SB24-008	Kinship Foster Care Homes	\$0	\$50,398	\$16,809
SB24-010	Dentist & Dental Hygienist Compact	\$0	\$0	\$902,488

SB24-015	Licensed Professional Counselors in Communities	\$0	\$34,304	\$68,608
SB24-016	Tax Credits for Contributions via Intermediaries	-\$239,000	-\$478,000	-\$478,000
SB24-018	Physician Assistant Licensure Compact	\$0	\$0	\$569,113
SB24-020	Alcohol Beverage Delivery & Takeout	\$0	\$0	\$26,180
SB24-044	PERA Retiree Refundable Income Tax Credit	-\$9,000,000	-\$18,300,000	-\$9,300,000
SB24-076	Streamline Marijuana Regulation	\$0	\$0	\$127,221
SB24-120	Updates to the Crime Victim Compensation Act	\$0	\$16,335	\$19,899
SB24-123	Waste Tire Management Enterprise	\$0	\$0	\$7,900,000
SB24-126	Conservation Easement Income Tax Credit	\$0	\$33,900	-\$204,800
SB24-127	Regulate Dredged & Fill Material State Waters	\$0	\$0	\$1,540,109
SB24-141	Out-of-State Telehealth Providers	\$0	\$0	\$151,235
SB24-152	Regenerative Agriculture Tax Credit	\$0	\$0	-\$600,000
SB24-161	Parks & Wildlife Licenses & Passes	\$0	\$0	\$0
SB24-173	Regulate Mortuary Science Occupations	\$0	\$0	\$333,575
SB24-190	Rail & Coal Transition Community Economic Measures	\$0	\$0	-\$1,400,000
SB24-207	Access to Distributed Generation	\$0	\$143,977	\$202,198
SB24-218	Modernize Energy Distribution Systems	\$0	\$498,328	\$464,978
SB24-226	Modifications to College Kickstarter Account Program	-\$42,000	-\$91,000	-\$104,000
SB24-229	Ozone Mitigation Measures	\$0	\$0	\$697,237
SB24-230	Oil & Gas Production Fees	\$0	\$0	\$68,291
SB24-231	Alcohol Beverage Liquor Advisory Group Recommendations	\$0	\$320,000	\$320,000