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2024 Session: TABOR Takings Tracker

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About the Author

Erik Gamm is a Senior Research Analyst with CSI. Erik joined CSI in 2019 and has led research for CSI reports covering the topics of taxation, education, workforce and healthcare.

He graduated from the University of Michigan in 2020 with a Bachelor of Arts in Economics, and has experience from Washington, D.C., where he was an intern for the natural resources lobbying firm American Capitol Group.

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Common Sense Institute is a non-partisan research organization dedicated to the protection and promotion of Colorado's economy. CSI is at the forefront of important discussions concerning the future of free enterprise and aims to have an impact on the issues that matter most to Coloradans. CSI's mission is to examine the fiscal impacts of policies, initiatives, and proposed laws so that Coloradans are educated and informed on issues impacting their lives. CSI employs rigorous research techniques and dynamic modeling to evaluate the potential impact of these measures on the economy and individual opportunity.

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TABOR Takings Tracker

Legislators have placed Coloradans’ TABOR refunds squarely in their crosshairs during the 2024 legislative session, having proposed over 100 bills that would slash the TABOR refund to a quarter of its projected size if passed. 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 redistributionist projects.

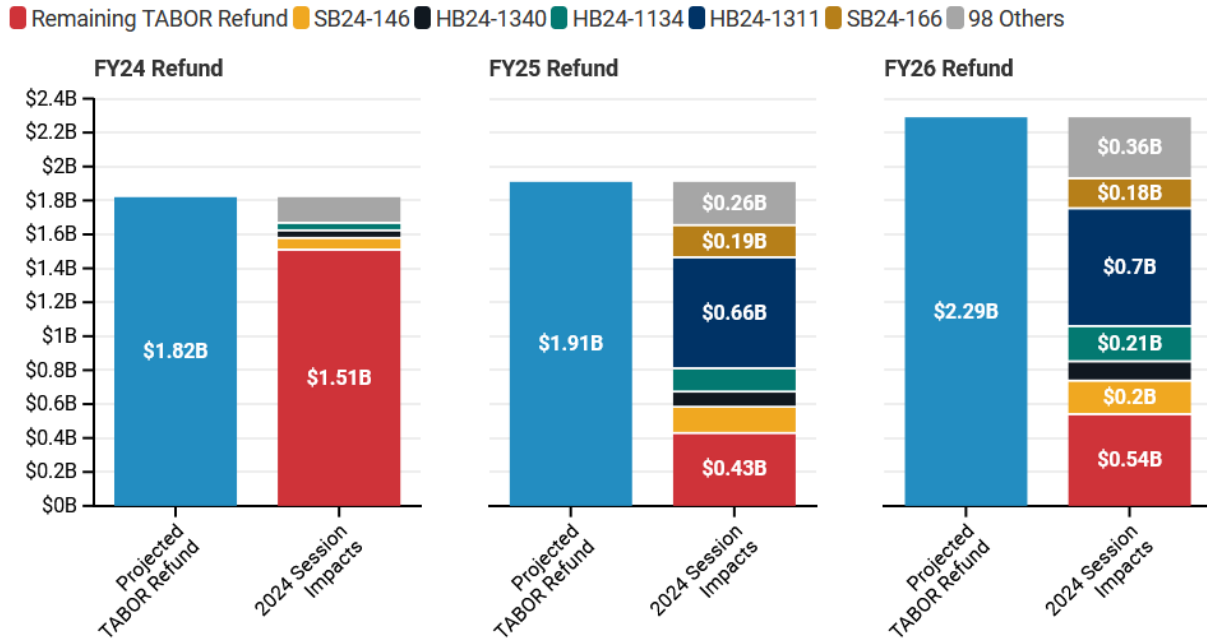
As of May 2nd, with just six days left in the legislative session, there are 103 bills either passed or under consideration that would affect TABOR refunds. Most of these redirect money out of refunds towards targeted tax reductions for specific groups, mainly families and low-income Coloradans. Through such measures, the state will diminish taxpayers’ agency to decide, whether by growing their own wealth 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.

- The TABOR refund is expected to grow from \$1.8 billion in the current fiscal year to \$2.3 billion in FY26 under current law; more than half of the projected \$6 billion of excess revenue through those years will be either seized by the state or redirected through non-conventional channels, should bills currently before the legislature all become law.
 - 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.
- 103 bills have been introduced during the 2024 legislative session that would reduce projected TABOR refunds by a combined \$3.5 billion (55%).
 - These bills propose to reduce the TABOR refund by a combined \$310 million in FY24, \$1.48 billion in FY25, and \$1.75 billion in FY26.
 - The five most impactful bills (see the list below) would reduce TABOR refunds by \$2.6 billion, more than 43%, across the next two fiscal years. The rest of the bills would reduce refunds by a total of \$751 million (12%) over that period.
 - Further bills, including one concerning property taxation which would reduce refunds by an additional \$100 million, are expected to be introduced before the end of the session.
- SB24-228, introduced on April 30th, proposes to change the TABOR refund mechanism by lowering the state income tax rate according to the level of excess state revenue.

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

As of May 2nd, there are 103 bills either passed or under consideration that would affect TABOR refunds. Should these bills become law, over \$3.5 billion of the \$6 billion projected TABOR refund through 2026 will vanish—\$310 million in FY24, \$1.48 billion in FY25, and \$1.75 billion in FY26.



Source: LCS fiscal notes and economic forecasts • Stacked bars below show projections of how much selected bills will reduce TABOR refunds. The TABOR Tracker will be updated upon the end of the legislative session (May 8th) or before.

2024 legislation would reduce the current fiscal year’s TABOR refund to \$1.5 billion, which is 85% of the latest projection. The refund would fall to \$430 million in FY25 and \$540 million in FY 2026—both less than 25% 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.

79% of the proposed FY26 TABOR refund reduction comes from just five bills:

- SB24-146: Tax Credit for Qualified Renters
 - Adds a tax credit, starting at \$1,000 for single and \$2,000 for joint filers, available to low-income renters
- HB24-1340: Incentives for Post-Secondary Education
 - Allows higher-education students to claim up to \$3,000 upon completion of credentials associated with high-demand jobs
- 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
- SB24-166: Air Quality Enforcement

- Increases fees for non-compliance with air quality regulations and exempts their fee collections from the TABOR revenue limit

Four of those bills reallocate their refund impacts through tax credits, tax incentives, and/or transfer payments to individuals and couples. SB24-166, in addition to increasing air quality–noncompliance fees, reduces the TABOR refund by exempting all such fees from the state’s spending limit. Of the five bills, two would apply temporarily—SB24-146 and HB24-1340 expire in FY26 and FY30, respectively—and the others would continue to reduce revenue subject to TABOR indefinitely. Although the loss of \$3.5 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
HB24-1036	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	-\$200,000	-\$400,000
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	-\$207,000	-\$414,000
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
HB24-1292	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	\$0	-\$655,000,000	-\$695,000,000
HB24-1312	State Income Tax Credit for Careworkers	\$0	-\$65,400,000	-\$132,200,000
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	-\$800,000
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	-\$44,800,000	-\$89,800,000	-\$114,200,000
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
HB24-1373	Alcohol Beverage Retail Licensees	\$0	\$201,723	\$168,491
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	-\$48,800,000
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	-\$15,000,000	-\$30,000,000
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	\$1,657,811	\$1,596,300
SB24-091	Rights-of-Way Permits for Broadband Deployment	\$0	\$343,707	\$227,697
SB24-095	Air Quality Ozone Levels	\$0	\$11,100,000	\$12,300,000
SB24-120	Updates to the Crime Victim Compensation Act	\$0	\$214,768	\$248,287
SB24-123	Waste Tire Management Enterprise	\$0	\$0	-\$1,700,000
SB24-126	Conservation Easement Income Tax Credit	\$0	\$0	-\$750,000
SB24-127	Regulate Dredged & Fill Material State Waters	\$0	\$0	\$1,540,109
SB24-141	Out-of-State Telehealth Providers	\$0	\$229,144	\$229,144
SB24-146	Tax Credit for Qualified Renters	-\$69,600,000	-\$154,300,000	-\$198,000,000
SB24-152	Regenerative Agriculture Tax Credit	\$0	\$0	-\$600,000
SB24-161	Parks & Wildlife Licenses & Passes	\$0	\$0	\$0
SB24-165	Air Quality Improvements	\$0	\$0	\$1,374,875
SB24-166	Air Quality Enforcement	\$0	-\$190,000,000	-\$175,718,890
SB24-173	Regulate Mortuary Science Occupations	\$0	\$0	\$345,950
SB24-190	Rail & Coal Transition Community Economic Measures	\$0	\$0	-\$1,400,000
SB24-207	Access to Distributed Generation	\$0	\$143,977	\$202,198
SB24-226	Modifications to College Kickstarter Account Program	-\$42,000	-\$91,000	-\$104,000
SB24-229	Ozone Mitigation Measures	\$0	\$0	\$347,718
SB24-230	Oil & Gas Production Fees	\$0	\$0	\$68,291
SB24-231	Alcohol Beverage Liquor Advisory Group Recommendations	\$0	\$851,646	\$820,958