



**Colorado  
Legislative  
Council  
Staff**

**SB16-001**

**REVISED  
FISCAL NOTE**

(replaces fiscal note dated February 8, 2016)

**FISCAL IMPACT:**  State  Local  Statutory Public Entity  Conditional  No Fiscal Impact

**Drafting Number:** LLS 16-0669  
**Prime Sponsor(s):** Sen. Crowder  
Rep. Landgraf

**Date:** May 5, 2016  
**Bill Status:** House Finance  
**Fiscal Analyst:** Kate Watkins (303-866-3446)

**BILL TOPIC:** UNLIMITED MILITARY RETIREMENT BENEFIT TAX DEDUCTION

Fiscal Impact Summary	FY 2016-2017	FY 2017-2018	FY 2018-2019
<b>State Revenue</b>	<b><u>(\$5.6 million)</u></b>	<b><u>(\$11.7 million)</u></b>	<b><u>(\$12.7 million)</u></b>
General Fund	(5.6 million)	(11.7 million)	(12.7 million)
<b>State Expenditures</b>		<b><u>\$29,038</u></b>	
General Fund		29,038	
<b>TABOR Impact</b>		(\$11.7 million)	Not estimated
<b>Appropriation Required:</b> None.			
<b>Future Year Impacts:</b> Ongoing state revenue decrease.			

**Summary of Legislation**

Under current law, qualifying taxpayers ages 55 to 64 may deduct up to \$20,000 in retirement benefits from their taxable income each year and qualifying taxpayers ages 65 and older may deduct up to \$24,000 each year. ***As amended by the Senate Appropriations Committee***, this bill eliminates these limitations for military retirement income, allowing taxpayers ages 55 and older to deduct the entire amount of their military retirement income from state taxable income beginning in tax year 2017. Other, non-military income is still subject to the existing deduction limits.

**State Revenue**

This bill is estimated to **reduce General Fund revenue by \$5.6 million in FY 2016-17 (half-year impact), \$11.7 million in FY 2017-18, and \$12.7 million in FY 2018-19.** In future fiscal years, the revenue impact is expected to grow with the military retirement population and cost-of-living adjustments to military retirement benefits. These estimates may understate the full revenue impact of this bill to the extent that military retirees' total retirement income exceeds the deduction limits under current law, and these retirees are able to claim additional non-military income, such as social security income, as a result of this bill.

**Assumptions.** Data from the Department of Defense Office of the Actuary indicate that in federal fiscal year 2014, 45,816 retirees in Colorado claimed \$118.7 million monthly in military retirement benefits. This population excludes retirees who are disabled whose benefits are assumed to be excluded from federal taxable income. The 20,917 retirees over age 65 averaged an annual retirement income of \$32,253. The 12,183 retirees ages 55 to 64 averaged \$31,910 in annual retirement income.

These population and average payment amounts were grown by expectations for population and cost-of-living adjustments to arrive at estimates for tax year 2017 and beyond. The deduction under current law was then subtracted from the average retirement income amount for the above stated age groups to determine the difference between deductions claimed under current law and Senate Bill 16-001. Table 1 compares the estimated 2017 income tax liability reduction for taxpayers who claim the maximum deduction under current law and the projected average deduction under SB 16-001.

<b>Table 1. Estimated Tax Year 2017 Income Tax Savings</b> (Calculated as the deduction amount multiplied by the state income tax rate of 4.63%)			
<b>Taxpayer Age</b>	<b>Under Current Law</b> <i>(Maximum Deduction)</i>	<b>Under SB16-001</b> <i>(Average Deduction)</i>	<b>Average Savings*</b> <b>under SB16-001</b>
55 to 64	\$20,000 × 4.63% = \$926	\$31,152 × 4.63% = \$1,442	\$516
65 and Over	\$24,000 × 4.63% = \$1,111	\$32,801 × 4.63% = \$1,519	\$408

\*Assumes that the taxpayer has a large enough tax liability to receive additional savings.

The estimated average taxpayer savings was then multiplied by the projected eligible population in each age group to arrive at a projection of the revenue impact of this bill. Not all qualifying taxpayers will have a Colorado income tax liability large enough to experience savings from this bill because many taxpayers claim other tax deductions and credits that reduce the taxes they owe. To account for this consideration, the projected revenue impact was reduced by 28.1 percent, an adjustment based on a weighted average of the tax liability and share of taxpayers ages 65 and older using data from the 2012 Colorado statistics of income.

**TABOR Impact**

This bill reduces state revenue from the General Fund, which will reduce the amount of money required to be refunded under TABOR. TABOR refunds are paid out of the General Fund. Table 2 shows the projected impact on the mechanisms used to refund the TABOR surplus under current law. This bill is expected to reduce the TABOR surplus by \$11.7 million in FY 2017-18, reducing the amount of revenue refunded through the Six Tier Sales Tax Refund by this amount. Since the bill reduces both revenue to the General Fund and the refund obligation by equal amounts, there is no net impact on the amount of money available in the General Fund for the budget. However, the bill will reduce money available for the General Fund budget in the future during years the state does not collect money above the TABOR limit.

<b>Table 2. Impact of SB16-001 on Current Refund Mechanisms</b>	
	<b>FY 2017-18 Surplus FY 2018-19 Refund Tax Year 2018</b>
<b>Current Law</b>	
Revenue above the TABOR limit	\$267.7 million
Income Tax Rate Reduction	230.1 million
Sales Tax Refund	37.6 million
<b>SB 16-001</b>	
Revenue above the TABOR limit	256.0 million
Income Tax Rate Reduction	230.1 million
Sales Tax Refund	25.9 million
<b>Change from Current Law</b>	
Revenue above the TABOR limit	(11.7 million)
Income Tax Rate Reduction	0
Sales Tax Refund	(11.7 million)

Source: Legislative Council Staff March 2016 forecast.

**State Expenditures**

This bill will increase General Fund expenditures for the **Department of Revenue by \$29,038 in FY 2017-18**. Costs include programming, testing, and form change costs, as summarized in Table 3.

<b>Table 3. Expenditures Under SB16-001</b>			
<b>Cost Components</b>	<b>FY 2016-17</b>	<b>FY 2017-18</b>	<b>FY 2018-19</b>
GenTax Programming		\$24,000	
GenTax Testing		3,838	
Form Change Costs		1,200	
<b>TOTAL</b>		<b>\$29,038</b>	

**Department of Revenue.** This bill requires changes to the Department of Revenue's GenTax software system. Changes are programmed by a contractor at a rate of \$200 per hour. The changes in this bill are expected to increase General Fund expenditures by \$24,000, representing 120 hours of programming. All GenTax programming changes are tested by department staff. Testing for this bill will require expenditures for contract personnel totaling \$3,838, representing 160 hours of testing at a rate of \$24 per hour. Retirement income is reported on federal income tax returns, requiring minimal verification workload demands that can be accommodated within existing appropriations.

**Department of Personnel and Administration.** This bill requires programming and reconfiguring of the document imaging system to insert an additional line to capture the deduction value on individual income tax form 104CR. This will require one-time programming costs of \$1,200 in FY 2017-18, which will be reappropriated from the Department of Revenue to the Department of Personnel and Administration.

**Effective Date**

The bill takes effect August 10, 2016, if the General Assembly adjourns on May 11, 2016, as scheduled, and no referendum petition is filed.

**State and Local Government Contacts**

Military Affairs  
Personnel and Administration

Information Technology  
Revenue