INTRODUCED

HCR20-1003

HOUSE SPONSORSHIP
Saine and Soper,

SENATE SPONSORSHIP
Marble,

House Committees  Senate Committees
State, Veterans, & Military Affairs

HOUSE CONCURRENT RESOLUTION 20-1003

101 SUBMITTING TO THE REGISTERED ELECTORS OF THE STATE OF
102 COLORADO AN AMENDMENT TO THE COLORADO CONSTITUTION
103 CONCERNING THE CREATION OF INCOME TAX CREDITS FOR
104 TAXPAYERS WITH QUALIFIED CHILDREN WHO ARE INSTRUCTED
105 AT HOME.

Resolution Summary

(Note: This summary applies to this resolution as introduced and
does not reflect any amendments that may be subsequently adopted. If this
resolution passes third reading in the house of introduction, a resolution
summary that applies to the reengrossed version of this resolution will be
available at http://leg.colorado.gov/.)

The concurrent resolution creates a state income tax credit for
taxpayers who participate in the at-home instruction of a child that either
receives at-home instruction through a homeschool program or is enrolled in a school district, a school operated by a board of cooperative services, a charter school, an institute charter school, a private school, or the Colorado school for the deaf and the blind and receives remote instruction from the school district, board of cooperative services, charter school, institute charter school, private school, or the Colorado school for the deaf and the blind.

The amount of the credit is either:

$500 for each child who receives at-home instruction for more than 80 but less than 160 days during a tax year; or

$1,000 for each child who receives at-home instruction for at least 160 days during a tax year.

The credit may be carried forward for 3 years but not refunded.

Be It Resolved by the House of Representatives of the Seventy-second General Assembly of the State of Colorado, the Senate concurring herein:

SECTION 1. At the election held on November 3, 2020, the secretary of state shall submit to the registered electors of the state the ballot title set forth in section 2 for the following amendment to the state constitution:

In the constitution of the state of Colorado, add section 22 to article X as follows:

Section 22. Tax credit for children being instructed at home - legislative declaration - definitions. (1) (a) The general assembly declares that the purpose of this tax credit is to acknowledge the extra effort and expense incurred by Colorado families who are educating their own children at home.

(b) Because of the COVID-19 pandemic, schools are closed and will not be reopening fully in the fall. This places an additional financial burden on Colorado families. This tax credit will help many families with the resources they need to
ENHANCE THEIR CHILD'S EDUCATION.

(c) FAMILIES WHO HOMESCHOOL THEIR CHILDREN, WHETHER THROUGH A NONPUBLIC HOME-BASED EDUCATION PROGRAM, THROUGH ENROLLMENT IN INDEPENDENT SCHOOL, OR UNDER THE SUPERVISION OF PUBLIC SCHOOLS THROUGH REMOTE LEARNING, SAVE STATE RESOURCES AND CONTRIBUTE TO THE WELL-BEING OF CHILDREN AND OUR SOCIETY. IT IS APPROPRIATE THAT THE LEGISLATURE SHOULD RECOGNIZE THIS THROUGH A TAX CREDIT PROGRAM.

(2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "AT-HOME INSTRUCTION" MEANS INSTRUCTION THAT A QUALIFIED CHILD RECEIVES WHILE AT HOME.

(b) "DEPARTMENT" MEANS THE DEPARTMENT OF REVENUE.

(c) "HOMESCHOOL" MEANS THE EDUCATION OF A CHILD PURSUANT TO SECTION 22-33-104 (2)(i), COLORADO REVISED STATUTES.

(d) "QUALIFIED CHILD" MEANS A DEPENDENT CHILD WHO EITHER:

(I) IS HOMESCHOoled; OR

(II) IS ENROLLED IN A SCHOOL DISTRICT, A SCHOOL OPERATED BY A BOARD OF COOPERATIVE SERVICES, A CHARTER SCHOOL, AN INSTITUTE CHARTER SCHOOL, A PRIVATE SCHOOL, OR THE COLORADO SCHOOL FOR THE DEAF AND THE BLIND AND RECEIVES REMOTE INSTRUCTION FROM THE SCHOOL DISTRICT, BOARD OF COOPERATIVE SERVICES, CHARTER SCHOOL, INSTITUTE CHARTER SCHOOL, PRIVATE SCHOOL, OR THE COLORADO SCHOOL FOR THE DEAF AND THE BLIND.

(3) (a) FOR INCOME TAX YEARS COMMENCING ON OR AFTER JANUARY 1, 2020, THERE IS ALLOWED AS A CREDIT AGAINST THE INCOME TAXES IMPOSED BY ARTICLE 22 OF TITLE 39, COLORADO REVISED...
STATUTES, AS AMENDED, AN AMOUNT EQUAL TO ONE THOUSAND DOLLARS 
FOR EACH QUALIFIED CHILD OF ANY TAXPAYER WHO PARTICIPATES IN THE 
AT-HOME INSTRUCTION OF A QUALIFIED CHILD FOR AT LEAST ONE 
HUNDRED SIXTY DAYS DURING A TAX YEAR. 

(b) FOR INCOME TAX YEARS COMMENCING ON OR AFTER JANUARY 
1, 2020, THERE IS ALLOWED AS A CREDIT AGAINST THE INCOME TAXES 
IMPLIED BY ARTICLE 22 OF TITLE 39, COLORADO REVISED STATUTES, AS 
AMENDED, AN AMOUNT EQUAL TO FIVE HUNDRED DOLLARS FOR EACH 
QUALIFIED CHILD OF ANY TAXPAYER WHO PARTICIPATES IN THE AT-HOME 
INSTRUCTION OF A QUALIFIED CHILD FOR MORE THAN EIGHTY DAYS BUT 
LESS THAN ONE HUNDRED SIXTY DAYS DURING A TAX YEAR. 

(4) IF THE CREDIT ALLOWED UNDER THIS SECTION EXCEEDS THE 
INCOME TAXES OTHERWISE DUE ON THE TAXPAYER'S INCOME, THE 
AMOUNT OF THE CREDIT NOT USED AS AN OFFSET AGAINST INCOME TAXES 
MAY BE CARRIED FORWARD AS A TAX CREDIT AGAINST SUBSEQUENT 
YEARS' INCOME TAX LIABILITY FOR A PERIOD NOT EXCEEDING THREE YEAR 
AND SHALL BE APPLIED FIRST TO THE EARLIEST YEARS POSSIBLE. ANY 
CREDIT REMAINING AFTER SAID PERIOD SHALL NOT BE REFUNDED OR 
CREDITED TO THE TAXPAYER. 

SECTION 2. Each elector voting at the election may cast a vote 
either "Yes/For" or "No/Against" on the following ballot title: "Shall 
there be an amendment to the Colorado constitution concerning the 
creation of income tax credits for taxpayers with qualified children who 
are instructed at home?"

SECTION 3. Except as otherwise provided in section 1-40-123, 
Colorado Revised Statutes, if at least fifty-five percent of the electors
voting on the ballot title vote "Yes/For", then the amendment will become part of the state constitution.