



# Fiscal Note

## Legislative Council Staff

Nonpartisan Services for Colorado’s Legislature

### SB 25-173: REVENUE CLASSIFICATION TAXPAYERS BILL OF RIGHTS

**Prime Sponsors:**  
Sen. Weissman

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**Fiscal note status:** This fiscal note reflects the introduced bill.

#### Summary Information

**Overview.** The bill specifies that certain revenues are considered to be damage awards or property sales, and therefore exempt from TABOR.

**Types of impacts.** The bill is projected to affect the following areas on an ongoing basis:

- Minimal State Workload
- TABOR Refunds

**Appropriations.** No appropriation is required.

**Table 1**  
**State Fiscal Impacts**

Type of Impact	Current Year FY 2024-25	Budget Year FY 2025-26	Out Year FY 2026-27
State Revenue	\$0	\$0	\$0
State Expenditures	\$0	\$0	\$0
Transferred Funds	\$0	\$0	\$0
Change in TABOR Refunds	-\$16.9 million	-\$16.8 million	-\$16.8 million
Change in State FTE	0.0 FTE	0.0 FTE	0.0 FTE

## Summary of Legislation

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The revenue limit in the Colorado Constitution's TABOR amendment applies to all state revenue that is not specifically excluded. Two exclusions that appear in TABOR are for damage awards and property sales. Beginning in the current FY 2024-25, the bill modifies the statutory definitions of both of these terms to include additional sources of revenue satisfying these exclusions.

### Damage Awards

Under current law, "damage award" is defined to mean pecuniary compensation received by the state as a result of any judgment or allowance in favor of the state. The bill broadens the definition to include monetary compensation received by the state from:

- civil penalties assessed by the Department of Health Care Policy and Financing (HCPF) against nursing facilities as recommended by the Department of Public Health and Environment (CDPHE);
- civil penalties imposed by the CDPHE for violations of water quality control laws, regulations, permits, final cease-and-desist orders, or clean-up orders;
- fines or penalties collected by the CDPHE and deposited in the Community Impact Cash Fund for violations of air quality control laws, regulations, and permits;
- penalties imposed by the Energy and Carbon Management Commission (ECMC) for violations of state law, commission rules or orders, or permits; and
- penalties collected by the Department of Labor (CDLE) for employer or employee failure to furnish information required by the Division of Labor Standards and Statistics.

### Property Sales

Under current law, "property sale" is defined to mean transfers of ownership of estates, or contracts resulting in payments to the state for exploitation of nonrenewable natural resources on state property. The bill broadens the definition to include transfers of rights in tangible or intangible property from the state to any other party. The bill specifically identifies these transfers as qualifying under its definition of property sales:

- sales at the History Colorado Center;
- sales at state historical society museums;
- sales of supplies related to agricultural inspections;
- sales of supplies related to wildfire equipment repair;
- sales of supplies related to pesticide inspections;
- sales related to the Correctional Education Program;
- sales related to the business enterprise program in CDLE;

- non-concessionary sales at the Colorado State Fair; and
- sales of wine for promotional purposes by the Wine Industry Development Board.

## **Assumptions**

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The bill's definition of property sales is not exclusive to the sales categories bulleted in the Summary of Legislation section. This fiscal note assumes that only the listed sales categories will be reclassified as property sales for TABOR purposes under the bill. If additional sales are reclassified, the bill will reduce state TABOR refunds by a greater amount than estimated.

## **State Expenditures**

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The bill increases workload in the Office of the State Controller in FY 2025-26 and increases the amount of General Fund revenue available to spend or save in FY 2024-25 and ongoing.

## **Department of Personnel**

The bill increases workload in the Office of the State Controller to make accounting changes required by the bill. This workload increase is expected to be minimal and can be accomplished within existing appropriations.

## **General Fund**

By reclassifying revenue as exempt from TABOR, the bill increases the amount available to spend or save by the amounts presented in the TABOR Refunds section below.

## **TABOR Refunds**

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The bill is expected to decrease the amount of state revenue required to be refunded to taxpayers by about \$16.9 million in the current FY 2024-25, and \$16.8 million in each of FY 2025-26 and FY 2026-27, as shown in Table 2. This estimate assumes the December 2024 LCS revenue forecast. A forecast of state revenue subject to TABOR is not available beyond FY 2026-27. Because TABOR refunds are paid from the General Fund, decreasing the TABOR refund obligation, while also maintaining the same level of total revenue, increases the amount of General Fund revenue available to spend or save.

**Table 2**  
**Change in Revenue Subject to TABOR**

<b>Exclusion</b>	<b>FY 2024-25</b>	<b>FY 2025-26</b>	<b>FY 2026-27</b>
Damage Awards	-\$14.3 million	-\$14.3 million	-\$14.3 million
Property Sales	-\$2.6 million	-\$2.6 million	-\$2.6 million
<b>Total</b>	<b>-\$16.9 million</b>	<b>-\$16.8 million</b>	<b>-\$16.8 million</b>

**Table 2A**  
**Change in Damage Awards Subject to TABOR**

<b>Damage Awards</b>	<b>FY 2024-25</b>	<b>FY 2025-26</b>	<b>FY 2026-27</b>
Nursing Facility Penalties	-\$2.8 million	-\$2.8 million	-\$2.8 million
Water Quality Penalties	-\$1.8 million	-\$1.8 million	-\$1.8 million
Air Quality Penalties	-\$2.0 million	-\$2.0 million	-\$2.0 million
ECMC Penalties	-\$7.6 million	-\$7.6 million	-\$7.6 million
CDLE Penalties	\$0	\$0	\$0
<b>Total Damage Awards</b>	<b>-\$14.3 million</b>	<b>-\$14.3 million</b>	<b>-\$14.3 million</b>

**Table 2B**  
**Change in Property Sales Subject to TABOR**

<b>Property Sales</b>	<b>FY 2024-25</b>	<b>FY 2025-26</b>	<b>FY 2026-27</b>
History Colorado	-\$1,127,000	-\$1,127,000	-\$1,127,000
Other Historical Museums	-\$930,000	-\$930,000	-\$930,000
Agriculture and Pesticide Inspections	-\$56,000	-\$68,000	-\$70,000
Wildfire Equipment Repair	\$0	\$0	\$0
Correctional Education Program	-\$107,000	-\$107,000	-\$107,000
Business Enterprise Program	-\$164,000	-\$179,000	-\$196,000
State Fair	-\$179,000	-\$80,000	-\$83,000
Wine Industry Development Board	-\$59,000	-\$59,000	-\$59,000
<b>Total Property Sales</b>	<b>-\$2,622,000</b>	<b>-\$2,551,000</b>	<b>-\$2,572,000</b>

## Effective Date

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The bill takes effect upon signature of the Governor, or upon becoming law without his signature.

## State and Local Government Contacts

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Agriculture

Natural Resources

Corrections

Personnel

Health Care Policy and Financing

Public Health and Environment

History Colorado

Public Safety

Labor

Treasury

Law

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The revenue and expenditure impacts in this fiscal note represent changes from current law under the bill for each fiscal year. For additional information about fiscal notes, please visit the [General Assembly website](#).