



## COLORADO

### Office of the State Controller

Department of Personnel & Administration  
1525 Sherman St., 5<sup>th</sup> Floor  
Denver, CO 80203

September 1, 2023

The Honorable Jared S. Polis  
Governor  
State of Colorado

The Honorable Stephen Fenberg  
President of the Senate  
Colorado General Assembly

The Honorable Julie McCluskie  
Speaker of the House  
Colorado General Assembly

Mark Ferrandino  
Executive Director  
Colorado Department of Revenue

Dear Gentlemen:

Pursuant to Section 24-77-106.5(1)(b) C.R.S., I hereby certify that for Fiscal Year 2023 (FY 2023), the State's unaudited Nonexempt District Revenues subject to Article X, Section 20 (TABOR) of the State Constitution as of September 1, 2023 are \$20,225,929,940. The growth rate of Nonexempt District Revenues is 2.5% for FY 2023, which is less than the allowable TABOR growth rate of 4.2% for FY 2023. The allowable growth rate includes population growth of 0.7% and inflation rate of 3.5%.

The Preliminary Schedule of Computations Required Under Article X, Section 20 (first attachment) includes computation of nonexempt revenues for FY 2022 and FY 2023 in the top box. The computation of the spending limitation in the bottom box compares FY 2023 nonexempt district revenue with Fiscal Year Spending, and with the Adjusted Excess State Revenues Cap (ESRC).

TABOR Nonexempt District Revenues are over the ESRC by \$3,568,639,070. Section 24-77-103.8(3) C.R.S. requires the State to add any remaining excess revenues not refunded in prior fiscal years to the excess revenues to be refunded for the current fiscal year. Remaining FY 2019, 2021 and 2022 excess revenues to be refunded total \$114,439,660; therefore, the total amount to be refunded for FY 2023 is \$3,683,078,730.

The Nonexempt District Revenues Fiscal Year Spending limit for FY 2023, which, prior to Referendum C was the trigger used for refunding excess revenues to taxpayers, is \$13,445,208,253. For FY 2023, the Nonexempt District Revenues subject to TABOR exceeded the Fiscal Year Spending limit by \$6,780,721,687.



The Comparison of Nonexempt District Revenues (second attachment) compares general and program Nonexempt District Revenues for Fiscal Year 2023 to Fiscal Year 2022. Total nonexempt revenue increased by \$484,638,936 (2.5%) compared with the prior year.

The amounts reported in the attached schedules are based on unaudited account balances, and therefore are subject to change. The State Auditor is required by statute to report on the audit of these preliminary schedules by September 15, 2023. The final audited schedules will be included in the State's Fiscal Year 2023 Annual Comprehensive Financial Report, which is scheduled to be completed in December 2023.

Please contact me if you have questions concerning the information provided.

Sincerely,

A handwritten signature in black ink that reads "Robert Jaros". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Robert Jaros, CPA, MBA, JD  
State Controller

Enclosures



**STATE OF COLORADO**  
**PRELIMINARY SCHEDULE OF COMPUTATIONS REQUIRED**  
**UNDER ARTICLE X, SECTION 20**  
**AS OF JUNE 30, 2023**

Certification Date: September 1, 2023

	FISCAL YEAR 2022	FISCAL YEAR 2023
<b>COMPUTATION OF NONEXEMPT REVENUES</b>		
Total State Expenditures	\$ 66,984,948,853	\$ 69,992,353,065
Less: Exempt Activity	51,831,331,596	53,491,841,234
Nonexempt District Expenditures	15,153,617,257	16,500,511,831
District Reserve/Fund Balance Increase (Decrease)	4,587,673,747	3,725,418,109
<b>Total Nonexempt District Revenues</b>	<b>\$ 19,741,291,004</b>	<b>\$ 20,225,929,940</b>
<b>COMPUTATION OF DISTRICT FUND BALANCE CHANGES</b>		
Beginning District Fund Balance	\$ 13,823,736,938	\$ 18,411,410,685
Qualifications, Disqualifications and Other Adjustments	859,247,131	156,779,038
Excess TABOR Revenues	3,728,426,616	3,568,639,070
<b>Ending District Fund Balance</b>	<b>\$ 18,411,410,685</b>	<b>\$ 22,136,828,794</b>

COMPUTATION OF SPENDING LIMITATIONS	FISCAL YEAR SPENDING	EXCESS STATE REVENUES CAP
Fiscal Year 2022 Limit	\$ 12,930,251,512	\$ 16,012,864,388
Fiscal Year 2022 Base Adjustment for Disqualification of Enterprises	(8,195,233)	(8,195,233)
Other Agency Prior Year Revenues from Qualification of Enterprises	706,178	706,178
Qualification of Enterprises	(19,491,581)	(19,491,581)
Fiscal Year 2022 Adjusted Limit	\$ 12,903,270,876	\$ 15,985,883,752
Allowable TABOR Growth Rate	4.2%	4.2%
Fiscal Year 2023 Adjusted Limit	\$ 13,445,208,253	\$ 16,657,290,870
Less: Fiscal Year 2023 Nonexempt District Revenues	(20,225,929,940)	(20,225,929,940)
<b>Amount (Over)Under Fiscal Year 2023 Adjusted Limit</b>	<b>\$ (6,780,721,687)</b>	<b>\$ (3,568,639,070)</b>
<b>Amounts remaining in excess of the limit to be refunded in future years (by fiscal year of excess revenue)</b>		
FY 2019		\$ 14,296,467
FY 2021		27,817,210
FY 2022		72,325,983
FY 2023		3,568,639,070
<b>Total amount to be refunded in future years</b>		<b>\$ 3,683,078,730</b>
<b>FY 2023 retention of approved revenues in excess of the limit (not refundable) C.R.S. 24-77-103.6(1)(b)</b>		<b>\$ 3,212,082,617</b>

**STATE OF COLORADO**  
**OFFICE OF THE STATE CONTROLLER**  
**COMPARISON OF NONEXEMPT TABOR REVENUES**  
**FOR THE FISCAL YEAR ENDED JUNE 30, 2023**

	Fiscal Year 2023	Fiscal Year 2022	Increase (Decrease)	Percent Change
<b>GENERAL REVENUES</b>				
Individual Income Tax, Net	\$ 9,841,679,815	\$ 10,558,698,416	\$ (717,018,601)	-6.8%
Sales and Use Tax, Net	4,552,829,698	4,321,563,924	231,265,774	5.4%
Corporate Income Tax, Net	2,166,610,057	1,469,314,785	697,295,272	47.5%
Insurance Taxes	516,658,785	390,176,232	126,482,553	32.4%
Interest and Investment Income	182,511,512	65,385,157	117,126,355	179.1%
Fiduciary Income Tax, Net	84,763,875	146,666,016	(61,902,141)	-42.2%
Alcoholic Beverages Tax, Net	56,306,424	56,340,487	(34,063)	-0.1%
Tobacco Products Tax, Net	47,637,923	52,613,504	(4,975,581)	-9.5%
Court and Other Fines	9,461,719	6,130,218	3,331,501	54.3%
Business Licenses and Permits	6,031,839	6,273,319	(241,481)	-3.8%
Miscellaneous Revenue	2,146,090	1,644,108	501,982	30.5%
General Government Service Fees	951,104	177,069	774,035	437.1%
Gaming and Other Taxes	337,574	414,131	(76,557)	-18.5%
Welfare Service Fees	27,876	21,404	6,472	30.2%
Other Charges For Services	6,413	9,535	(3,122)	-32.7%
<b>TOTAL GENERAL-FUNDED REVENUES</b>	<b>17,467,960,704</b>	<b>17,075,428,305</b>	<b>392,532,399</b>	<b>2.3%</b>
<b>PROGRAM REVENUES</b>				
Fuel and Transportation Taxes, Net	656,816,500	636,262,629	20,553,871	3.2%
Severance Taxes	352,161,842	314,626,168	37,535,674	11.9%
Motor Vehicle Registrations	275,752,258	291,688,617	(15,936,359)	-5.5%
Court and Other Fines	187,824,545	173,284,723	14,539,822	8.4%
Business Licenses and Permits	185,462,167	201,312,847	(15,850,680)	-7.9%
General Government Service Fees	175,288,293	163,908,926	11,379,367	6.9%
Gaming and Other Taxes	123,452,004	114,973,451	8,478,553	7.4%
Interest and Investment Income	122,960,648	60,842,377	62,118,271	102.1%
Other Charges For Services	118,533,475	162,261,724	(43,728,249)	-26.9%
Health Service Fees	115,202,009	81,587,682	33,614,327	41.2%
Rents and Royalties	67,701,592	67,881,858	(180,266)	-0.3%
Miscellaneous Revenue	63,036,027	58,716,677	4,319,350	7.4%
Sales and Use Tax, Net	62,613,254	54,978,007	7,635,247	13.9%
Employment Taxes	49,519,165	48,729,715	789,450	1.6%
Driver's Licenses	47,439,887	48,100,964	(661,077)	-1.4%
Public Safety Service Fees	39,789,913	41,532,302	(1,742,389)	-4.2%
Nonbusiness Licenses and Permits	31,887,932	34,073,120	(2,185,188)	-6.4%
Insurance Taxes	26,257,903	43,955,565	(17,697,662)	-40.3%
Certifications and Inspections	25,779,633	25,196,168	583,465	2.3%
Local Governments and Authorities	12,826,024	7,819,851	5,006,173	64.0%
Educational Fees	7,234,963	5,945,059	1,289,904	21.7%
Higher Education Auxiliary Sales and Services	3,638,302	3,156,553	481,749	15.3%
Welfare Service Fees	3,077,548	2,965,173	112,375	3.8%
Sales of Products	2,382,016	1,409,742	972,274	69.0%
Alcoholic Beverages Tax, Net	780,682	814,146	(33,464)	-4.1%
Other Excise Taxes, Net	279,843	404,176	(124,333)	-30.8%
Other Revenue	270,716	-	270,716	N/A
Tobacco Products Tax, Net	95	170	(75)	-44.1%
<b>TOTAL PROGRAM REVENUES</b>	<b>2,757,969,236</b>	<b>2,646,428,390</b>	<b>111,540,846</b>	<b>4.2%</b>
Prior Year Errors		(57,272)	57,272	
Qualification of Enterprises		19,491,581	(19,491,581)	
<b>TOTAL NONEXEMPT REVENUE</b>	<b>\$ 20,225,929,940</b>	<b>\$ 19,741,291,004</b>	<b>\$ 484,638,936</b>	<b>2.5%</b>