

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 22-0936.01 Pierce Lively x2059

HOUSE BILL 22-1310

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A BILL FOR AN ACT

101 **CONCERNING THE ALIGNMENT OF THE STATE INCOME TAX DEDUCTION**
102 **FOR CONTRIBUTIONS TO A 529 ACCOUNT WITH THE CHANGES IN**
103 **THE FEDERAL "SETTING EVERY COMMUNITY UP FOR**
104 **RETIREMENT ENHANCEMENT ACT OF 2019" THAT ALLOWS**
105 **TAX-FREE DISTRIBUTIONS FOR ELIGIBLE APPRENTICESHIP**
106 **PROGRAMS.**

Bill Summary

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

The federal "Setting Every Community Up for Retirement

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

HOUSE
3rd Reading Unamended
April 25, 2022

HOUSE
Amended 2nd Reading
April 22, 2022

Enhancement Act of 2019" expanded qualified distributions from a qualified state tuition program (529 account) to include expenses for fees, books, supplies, and equipment required for the participation of a designated beneficiary in certain apprenticeship programs.

In light of these changes to federal law, the bill amends Colorado law to clarify what qualifies as a qualified distribution from a 529 account for the purpose of determining state taxable income. The bill allows expenses for fees, books, supplies, and equipment required for the participation of a designated beneficiary in certain apprenticeship programs to be treated as such a qualified distribution.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 23-3.1-302, **amend**
3 (12) as follows:

4 **23-3.1-302. Definitions.** As used in this part 3, unless the context
5 otherwise requires:

6 (12) "Qualified higher education expenses" has the same meaning
7 as that term is defined in ~~section 529~~ SECTION 529 (e)(3) of the internal
8 revenue code, ~~AND EXPENSES FOR FEES, BOOKS, SUPPLIES, AND EQUIPMENT~~
9 ~~REQUIRED FOR THE PARTICIPATION OF A DESIGNATED BENEFICIARY IN AN~~
10 ~~APPRENTICESHIP PROGRAM AS DEFINED IN SECTION 529 (c)(8) OF THE~~
11 ~~INTERNAL REVENUE CODE.~~

12 **SECTION 2.** In Colorado Revised Statutes, 39-22-104, **amend**
13 (4)(i)(IV) as follows:

14 **39-22-104. Income tax imposed on individuals, estates, and**
15 **trusts - single rate - report - legislative declaration - definitions -**
16 **repeal.** (4) There shall be subtracted from federal taxable income:

17 (i) (IV) As used in this paragraph (i), ~~"designated beneficiary";~~
18 ~~means a designated beneficiary as defined in section 529 (e)(1) of the~~
19 ~~internal revenue code, "qualified state tuition program", means a qualified~~
20 ~~state tuition program as defined in section 529 (b) of the internal revenue~~

1 ~~code, and "qualified higher education expenses" means qualified higher~~
2 ~~education expenses as defined in section 529 (e)(3) of the internal~~
3 ~~revenue code~~ SUBSECTION (4)(i), UNLESS THE CONTEXT OTHERWISE
4 REQUIRES:

5 (A) "DESIGNATED BENEFICIARY" HAS THE SAME MEANING AS
6 DEFINED IN SECTION 529 (e)(1) OF THE INTERNAL REVENUE CODE.

7 (B) "QUALIFIED HIGHER EDUCATION EXPENSE" HAS THE SAME
8 MEANING AS DEFINED IN SECTION 529 (e)(3) OF THE INTERNAL REVENUE
9 CODE, AND EXPENSES FOR FEES, BOOKS, SUPPLIES, AND EQUIPMENT
10 REQUIRED FOR THE PARTICIPATION OF A DESIGNATED BENEFICIARY IN AN
11 APPRENTICESHIP PROGRAM AS DEFINED IN SECTION 529 (c)(8) OF THE
12 INTERNAL REVENUE CODE.

13 (C) "QUALIFIED STATE TUITION PROGRAM" MEANS A QUALIFIED
14 TUITION PROGRAM AS DEFINED IN SECTION 529 (b) OF THE INTERNAL
15 REVENUE CODE.

16 **SECTION 3. Act subject to petition - effective date.** This act
17 takes effect January 1, 2023; except that, if a referendum petition is filed
18 pursuant to section 1 (3) of article V of the state constitution against this
19 act or an item, section, or part of this act within the ninety-day period
20 after final adjournment of the general assembly, then the act, item,
21 section, or part will not take effect unless approved by the people at the
22 general election to be held in November 2022 and, in such case, will take
23 effect January 1, 2023, or on the date of the official declaration of the
24 vote thereon by the governor, whichever is later.