

First Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 09-0332.01 Richard Sweetman

SENATE BILL 09-031

SENATE SPONSORSHIP

Heath,

HOUSE SPONSORSHIP

Riesberg,

Senate Committees
Local Government and Energy

House Committees

A BILL FOR AN ACT

101 CONCERNING THE CREATION OF THE CLEAN TECHNOLOGY DISCOVERY
102 EVALUATION GRANT PROGRAM.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Creates the clean technology discovery evaluation grant program (program) in the Colorado office of economic development (office) for the purpose of improving and expanding the development of new clean technology discoveries at higher education research institutions (research institutions). Requires the office to administer the program and the director of the office to consult with a Colorado-based clean technology industry association in implementing the program.

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

1 COLORADO-BASED CLEAN TECHNOLOGY.

2 (2) **Definitions.** AS USED IN THIS SECTION, UNLESS THE CONTEXT
3 OTHERWISE REQUIRES:

4 (a) "CLEAN TECHNOLOGY RESEARCH" MEANS BASIC OR APPLIED
5 RESEARCH THAT LEADS TO THE DEVELOPMENT OF:

6 (I) RENEWABLE ENERGY GENERATION TECHNOLOGIES, INCLUDING
7 BUT NOT LIMITED TO SOLAR, WIND, BIOFUEL, AND GEOTHERMAL
8 ENERGY-GENERATION TECHNOLOGIES;

9 (II) PRODUCTS AND TECHNOLOGIES USED IN RENEWABLE ENERGY
10 DEPLOYMENT AND GENERATION ON A COMMERCIAL SCALE;

11 (III) PRODUCTS AND TECHNOLOGIES THAT ENHANCE THE EFFICIENT
12 STORAGE, DISTRIBUTION, AND CONSUMPTION OF ENERGY; OR

13 (IV) PRODUCTS AND TECHNOLOGIES THAT MITIGATE HUMAN
14 IMPACT ON THE ENVIRONMENT, INCLUDING BUT NOT LIMITED TO PRODUCTS
15 AND TECHNOLOGIES THAT FACILITATE THE MANAGEMENT OF GREENHOUSE
16 GASES, WATER, AND WASTE.

17 (b) "DIRECTOR" MEANS THE DIRECTOR OF THE COLORADO OFFICE
18 OF ECONOMIC DEVELOPMENT CREATED IN SECTION 24-48.5-101.

19 (c) "FUND" MEANS THE CLEAN TECHNOLOGY DISCOVERY
20 EVALUATION CASH FUND CREATED IN SUBSECTION (5) OF THIS SECTION.

21 (d) "OFFICE OF TECHNOLOGY TRANSFER" MEANS AN OFFICE THAT
22 IS AFFILIATED WITH A RESEARCH INSTITUTION AND THAT IS RESPONSIBLE
23 FOR TECHNOLOGY TRANSFER AND THAT ARRANGES FOR THE SALE OR
24 LICENSURE OF A CLEAN TECHNOLOGY RESEARCH PROJECT TO AN OUTSIDE
25 ENTITY.

26 (e) "PROGRAM" MEANS THE CLEAN TECHNOLOGY DISCOVERY
27 EVALUATION GRANT PROGRAM CREATED IN SUBSECTION (3) OF THIS

1 LIKELY TO LEAD TO IMPROVEMENTS IN ANY OF THE FOLLOWING: EXISTING
2 OR NEW RENEWABLE ENERGY-GENERATION TECHNOLOGIES, INCLUDING
3 BUT NOT LIMITED TO SOLAR, WIND, BIOFUEL, AND GEOTHERMAL
4 ENERGY-GENERATION TECHNOLOGIES; PRODUCTS AND TECHNOLOGIES
5 USED IN RENEWABLE ENERGY DEPLOYMENT AND GENERATION ON A
6 COMMERCIAL SCALE; PRODUCTS AND TECHNOLOGIES THAT ENHANCE THE
7 EFFICIENT STORAGE, DISTRIBUTION, AND CONSUMPTION OF ENERGY; OR
8 PRODUCTS AND TECHNOLOGIES THAT MITIGATE HUMAN IMPACT ON THE
9 ENVIRONMENT, INCLUDING BUT NOT LIMITED TO PRODUCTS AND
10 TECHNOLOGIES THAT FACILITATE THE MANAGEMENT OF GREENHOUSE
11 GASES, WATER, AND WASTE;

12 (B) THE CLEAN TECHNOLOGY RESEARCH PROJECT FOCUSES ON AN
13 AREA OF SCIENCE, INCLUDING BUT NOT LIMITED TO ENGINEERING,
14 NANOTECHNOLOGY, AGRICULTURAL SCIENCE, COMPUTER SCIENCE,
15 NATURAL SCIENCE, AND PHYSICAL SCIENCE;

16 (C) A RESEARCH INSTITUTION OR MULTIPLE RESEARCH
17 INSTITUTIONS HAVE OWNERSHIP OF THE INTELLECTUAL PROPERTY THAT
18 RESULTS FROM THE CLEAN TECHNOLOGY RESEARCH PROJECT;

19 (D) THE INTELLECTUAL PROPERTY RESULTING FROM THE CLEAN
20 TECHNOLOGY RESEARCH PROJECT IS NOT OBLIGATED TO A PRIVATE
21 ENTITY; AND

22 (E) THE RESEARCH INSTITUTION CONDUCTING THE CLEAN
23 TECHNOLOGY RESEARCH PROJECT CERTIFIES THAT A DISCLOSURE
24 STATEMENT CONCERNING THE TECHNOLOGY THAT IS THE SUBJECT OF THE
25 RESEARCH PROJECT HAS BEEN FILED PURSUANT TO THE REQUIREMENTS OF
26 THE RESEARCH INSTITUTION.

27 (II) EVIDENCE OF A DEDICATED, MATCHING SOURCE OF MONEYS

1 REQUIRES, AT A MINIMUM, EACH OFFICE OF TECHNOLOGY TRANSFER THAT
2 RECEIVES A GRANT UNDER THE PROGRAM OR ITS DESIGNEE TO PRESENT ITS
3 CLEAN TECHNOLOGY RESEARCH PROJECT TO ELEMENTARY AND
4 SECONDARY SCHOOL SCIENCE TEACHERS WHO ARE EMPLOYED IN THE
5 GEOGRAPHIC REGION IN WHICH THE TECHNOLOGY IS BEING DEVELOPED.

6 (b) ON OR BEFORE APRIL 15, 2010, AND ON OR BEFORE APRIL 15
7 EACH YEAR THEREAFTER, THE DIRECTOR SHALL SUBMIT A REPORT TO THE
8 BUSINESS AFFAIRS AND LABOR COMMITTEE OF THE HOUSE OF
9 REPRESENTATIVES AND THE BUSINESS, LABOR, AND TECHNOLOGY
10 COMMITTEE OF THE SENATE, OR ANY SUCCESSOR COMMITTEES,
11 SUMMARIZING THE CLEAN TECHNOLOGY RESEARCH PROJECTS THAT
12 RECEIVED FUNDING UNDER THE PROGRAM IN THE PRECEDING YEAR. AT A
13 MINIMUM, THE REPORT SHALL SPECIFY THE FOLLOWING INFORMATION:

14 (I) THE AMOUNT OF FUNDING DISTRIBUTED TO EACH CLEAN
15 TECHNOLOGY RESEARCH PROJECT FROM THE PROGRAM AND A
16 DESCRIPTION OF EACH CLEAN TECHNOLOGY RESEARCH PROJECT;

17 (II) THE MANNER IN WHICH EACH CLEAN TECHNOLOGY RESEARCH
18 PROJECT APPLIED THE FUNDING RECEIVED FROM THE PROGRAM; AND

19 (III) THE RESULTS ACHIEVED BY EACH CLEAN TECHNOLOGY
20 RESEARCH PROJECT, INCLUDING BUT NOT LIMITED TO:

21 (A) IDENTIFIABLE MONETARY RETURNS TO THE GRANT RECIPIENT
22 AND OTHER PARTIES SINCE THE RECEIPT OF THE GRANT; AND

23 (B) THE NUMBER OF JOBS THAT HAVE DIRECTLY AND INDIRECTLY
24 RESULTED FROM THE RESEARCH PROJECT.

25 (5) **Fund.** (a) THERE IS HEREBY CREATED IN THE STATE
26 TREASURY THE CLEAN TECHNOLOGY DISCOVERY EVALUATION CASH FUND
27 THAT SHALL CONSIST OF MONEYS THAT ARE TRANSFERRED TO THE FUND

First Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 09-0541.01 Bart Miller

SENATE BILL 09-067

SENATE SPONSORSHIP

Heath,

HOUSE SPONSORSHIP

Marostica and Gagliardi, Rice

Senate Committees

Business, Labor and Technology

House Committees

A BILL FOR AN ACT

101 CONCERNING THE AUTHORITY FOR THE OPERATION OF THE
102 COLORADO CREDIT RESERVE PROGRAM, AND, IN CONNECTION
103 THEREWITH, MAKING AN APPROPRIATION.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Authorizes the Colorado economic development commission to contract with the Colorado housing and finance authority for the operation of a Colorado credit reserve program for the purpose of increasing the availability of credit to small businesses in Colorado.

Appropriates \$2,500,000 from the general fund for the fiscal year beginning July 1, 2009, for the implementation of the act.

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

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

2 **SECTION 1.** 24-46-104 (1), Colorado Revised Statutes, is
3 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

4 **24-46-104. Powers and duties of commission.** (1) The
5 commission has the following powers and duties:

6 (n) TO CONTRACT WITH THE COLORADO HOUSING AND FINANCE
7 AUTHORITY, CREATED IN PART 7 OF ARTICLE 4 OF TITLE 29, C.R.S., FOR
8 THE OPERATION OF A COLORADO CREDIT RESERVE PROGRAM FOR THE
9 PURPOSE OF INCREASING THE AVAILABILITY OF CREDIT TO SMALL
10 BUSINESSES IN COLORADO.

11 **SECTION 2. Appropriation.** In addition to any other
12 appropriation, there is hereby appropriated, out of any moneys in the
13 general fund not otherwise appropriated, to the office of the governor, for
14 allocation to the Colorado office of economic development, Colorado
15 economic development commission, for the fiscal year beginning July 1,
16 2009, the sum of two million five hundred thousand dollars (\$2,500,000),
17 or so much thereof as may be necessary, for the implementation of this
18 act.

19 **SECTION 3. Safety clause.** The general assembly hereby finds,
20 determines, and declares that this act is necessary for the immediate
21 preservation of the public peace, health, and safety.

First Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 09-0269.01 Duane Gall

HOUSE BILL 09-1149

HOUSE SPONSORSHIP

Merrifield,

SENATE SPONSORSHIP

Carroll M.,

House Committees
Transportation & Energy

Senate Committees

A BILL FOR AN ACT

101 CONCERNING MEASURES TO ENCOURAGE THE CONSTRUCTION OF NEW
102 HOMES THAT MAKE COST-EFFECTIVE USE OF SOLAR ENERGY.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Requires commercial homebuilders to offer the prospective buyer of each home:

- The option of having the home include, or be prewired for, a solar photovoltaic installation; and
- A list of local solar installers who can assess the home's solar energy potential.

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

2 **SECTION 1.** Article 35.7 of title 38, Colorado Revised Statutes,
3 is amended BY THE ADDITION OF A NEW SECTION to read:

4 **38-35.7-106. Solar prewire option - solar consultation.**

5 (1) EVERY PERSON THAT BUILDS A NEW SINGLE-FAMILY DETACHED
6 RESIDENCE FOR WHICH A BUYER IS UNDER CONTRACT AT LEAST THIRTY
7 DAYS BEFORE INSTALLATION OF THE ELECTRICAL SYSTEM SHALL OFFER
8 THE BUYER THE OPPORTUNITY TO HAVE THE RESIDENCE'S ELECTRICAL
9 SYSTEM EITHER INCLUDE A RESIDENTIAL PHOTOVOLTAIC SOLAR
10 GENERATION SYSTEM OR BE UPGRADED TO FACILITATE THE FUTURE
11 INSTALLATION OF A RESIDENTIAL PHOTOVOLTAIC SOLAR GENERATION
12 SYSTEM.

13 (2) EVERY PERSON THAT BUILDS A NEW SINGLE-FAMILY DETACHED
14 RESIDENCE FOR SALE, WHETHER OR NOT THE RESIDENCE HAS BEEN
15 PREWIRED FOR A PHOTOVOLTAIC SOLAR GENERATION SYSTEM, SHALL
16 PROVIDE TO EVERY BUYER UNDER CONTRACT A LIST OF BUSINESSES IN THE
17 AREA THAT OFFER RESIDENTIAL SOLAR INSTALLATION SERVICES SO THAT
18 THE BUYER, IF HE OR SHE SO DESIRES, CAN OBTAIN EXPERT HELP IN
19 ASSESSING WHETHER THE RESIDENCE IS A GOOD CANDIDATE FOR SOLAR
20 INSTALLATION AND HOW MUCH OF A COST SAVINGS A RESIDENTIAL
21 PHOTOVOLTAIC SOLAR GENERATION SYSTEM COULD PROVIDE. THE LIST OF
22 BUSINESSES SHALL BE DERIVED FROM A MASTER LIST OF COLORADO SOLAR
23 INSTALLERS MAINTAINED BY THE GOVERNOR'S ENERGY OFFICE.

24 (3) THE GOVERNOR'S ENERGY OFFICE SHALL MAINTAIN AND
25 UPDATE, AS APPROPRIATE, A MASTER LIST OF COLORADO SOLAR
26 INSTALLERS AND SHALL MAKE THE MASTER LIST AVAILABLE, UPON

1 REQUEST, TO ANY PERSON THAT REQUESTS A COPY. THE GOVERNOR'S
2 ENERGY OFFICE MAY SPECIFY QUALIFICATIONS FOR BUSINESSES TO BE
3 INCLUDED IN THE MASTER LIST AND SHALL MAKE THE MASTER LIST
4 AVAILABLE ON ITS OFFICIAL WEB SITE.

5 (4) PROVIDING THE MASTER LIST OF SOLAR INSTALLERS PREPARED
6 BY THE GOVERNOR'S ENERGY OFFICE TO A BUYER UNDER CONTRACT SHALL
7 NOT CONSTITUTE AN ENDORSEMENT OF ANY INSTALLER OR CONTRACTOR
8 LISTED. A PERSON THAT BUILDS A NEW SINGLE-FAMILY DETACHED
9 RESIDENCE SHALL NOT BE LIABLE FOR ANY ADVICE, LABOR, OR MATERIALS
10 PROVIDED TO THE BUYER BY A THIRD-PARTY SOLAR INSTALLER.

11 (5) NOTHING IN THIS SECTION SHALL PRECLUDE A PERSON THAT
12 BUILDS A NEW SINGLE-FAMILY DETACHED RESIDENCE FROM:

13 (a) SUBJECTING SOLAR PHOTOVOLTAIC ELECTRICAL SYSTEM
14 UPGRADES TO THE SAME TERMS AND CONDITIONS AS OTHER UPGRADES,
15 INCLUDING BUT NOT LIMITED TO CHARGES RELATED TO UPGRADES,
16 DEPOSITS REQUIRED FOR UPGRADES, DEADLINES, AND CONSTRUCTION
17 TIMELINES;

18 (b) SELECTING THE CONTRACTORS THAT WILL COMPLETE THE
19 INSTALLATION OF SOLAR PHOTOVOLTAIC ELECTRICAL SYSTEM UPGRADES;

20 (c) STIPULATING IN THE PURCHASE AGREEMENT OR SALES
21 CONTRACT THAT SOLAR PHOTOVOLTAIC ELECTRICAL SYSTEM UPGRADES
22 ARE BASED ON TECHNOLOGY AVAILABLE AT THE TIME OF INSTALLATION
23 AND SUCH UPGRADES MAY NOT SUPPORT ALL SOLAR PHOTOVOLTAIC
24 SYSTEMS OR SYSTEMS INSTALLED AT A FUTURE DATE, AND THAT THE
25 PERSON THAT BUILDS A NEW SINGLE-FAMILY DETACHED RESIDENCE SHALL
26 NOT BE LIABLE FOR ANY ADDITIONAL UPGRADES, RETROFITS, OR OTHER
27 ALTERATIONS TO THE RESIDENCE THAT MAY BE NECESSARY TO

1 ACCOMMODATE A SOLAR PHOTOVOLTAIC SYSTEM INSTALLED AT A FUTURE
2 DATE.

3 (6) THIS SECTION SHALL APPLY TO CONTRACTS TO PURCHASE NEW
4 SINGLE-FAMILY DETACHED RESIDENCES ENTERED INTO ON OR AFTER
5 AUGUST 10, 2009.

6 **SECTION 2. Act subject to petition - effective date.** This act
7 shall take effect at 12:01 a.m. on the day following the expiration of the
8 ninety-day period after final adjournment of the general assembly that is
9 allowed for submitting a referendum petition pursuant to article V,
10 section 1 (3) of the state constitution, (August 4, 2009, if adjournment
11 sine die is on May 6, 2009); except that, if a referendum petition is filed
12 against this act or an item, section, or part of this act within such period,
13 then the act, item, section, or part, if approved by the people, shall take
14 effect on the date of the official declaration of the vote thereon by
15 proclamation of the governor.

**First Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 09-0395.01 Esther van Mourik

HOUSE BILL 09-1001

HOUSE SPONSORSHIP

Rice, Balmer, Liston, McFadyen, Solano

SENATE SPONSORSHIP

Heath, Mitchell, Scheffel, Schwartz, Veiga

House Committees

Business Affairs and Labor

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE CREATION OF AN INCOME TAX CREDIT TO**
102 **INCENTIVIZE COLORADO JOB GROWTH.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Establishes the Colorado job growth incentive tax credit for a specified period. Upon conditional approval and annual calculation by the Colorado economic development commission, allows a taxpayer to claim a credit for a specified number of consecutive months within the specified period the credit is available. Allows the commission to allocate the credits by issuing credit certificates to taxpayers who meet established criteria for a project in the state. Allows the credit to be carried forward

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1 TAXPAYER AT THE COMMENCEMENT OF THE PROJECT.

2 (f) "PROJECT" MEANS A PROJECT THAT ENCOURAGES, PROMOTES,
3 AND STIMULATES ECONOMIC DEVELOPMENT IN KEY ECONOMIC SECTORS,
4 INCLUDING, BUT NOT LIMITED TO, AEROSPACE, BIOSCIENCE, LIFE SCIENCE,
5 CLEANENERGY TECHNOLOGY, TOURISM, AND INFORMATION TECHNOLOGY,
6 AND THAT IS APPROVED BY THE COMMISSION AS SPECIFIED IN SUBSECTION
7 (3) OF THIS SECTION.

8 (g) "TAXPAYER" HAS THE SAME MEANING AS SET FORTH IN
9 SECTION 39-21-101 (4).

10 (2) FOR INCOME TAX YEARS COMMENCING ON OR AFTER JANUARY
11 1, 2009, BUT PRIOR TO JANUARY 1, 2020, AT THE DISCRETION OF THE
12 COMMISSION AS SPECIFIED IN SUBSECTION (3) OF THIS SECTION, THERE
13 MAY BE ALLOWED TO ANY TAXPAYER AN ANNUAL JOB GROWTH INCENTIVE
14 TAX CREDIT WITH RESPECT TO THE INCOME TAXES IMPOSED BY THIS
15 ARTICLE THAT A TAXPAYER MAY CLAIM FOR A CREDIT PERIOD IN AN
16 AMOUNT DETERMINED BY THE COMMISSION PURSUANT TO SUBSECTION (5)
17 OF THIS SECTION.

18 (3) THE COMMISSION MAY APPROVE ANY JOB GROWTH INCENTIVE
19 TAX CREDITS ALLOWED PURSUANT TO SUBSECTION (2) OF THIS SECTION
20 SUBJECT TO THE FOLLOWING:

21 (a) DURING A CREDIT PERIOD A PROJECT SHALL:

22 (1) BRING A NET JOB GROWTH OF AT LEAST TWENTY NEW JOBS PER
23 YEAR TO THE STATE WITH AN AVERAGE YEARLY WAGE OF AT LEAST ONE
24 HUNDRED TEN PERCENT OF THE AVERAGE YEARLY WAGE OF THE COUNTY
25 IN WHICH THE TAXPAYER IS LOCATED OR ANY OTHER PERCENTAGE OF THE
26 AVERAGE YEARLY WAGE THAT THE COMMISSION DEEMS APPROPRIATE
27 UNDER THE CIRCUMSTANCES;

1 (D) WITHOUT THE CREDIT ALLOWED IN THIS SECTION, THE
2 TAXPAYER IS NOT LIKELY TO COMMENCE THE PROJECT IN THE STATE.

3 (c) IN THE EXERCISE OF THE COMMISSION'S DISCRETION GRANTED
4 BY THIS SUBSECTION (3), THE COMMISSION SHALL ONLY CONSIDER THE
5 FOLLOWING:

- 6 (I) THE ECONOMIC HEALTH OF THE STATE;
- 7 (II) THE ECONOMIC VIABILITY OF THE PROPOSED NEW JOBS;
- 8 (III) THE ECONOMIC BENEFITS TO THE STATE OF THE NEW JOBS;

9 AND

10 (IV) THE MAXIMUM AMOUNT OF THE CREDIT AS CALCULATED
11 PURSUANT TO PARAGRAPH (a) OF SUBSECTION (5) OF THIS SECTION.

12 (4)(a)(I) THE COMMISSION SHALL REVIEW EACH APPLICATION FOR
13 A CREDIT ALLOWED IN THIS SECTION SUBMITTED BY ANY TAXPAYER.
14 BASED ON THE APPLICATION SUBMITTED, THE COMMISSION MAY OFFER
15 CONDITIONAL APPROVAL TO A TAXPAYER FOR A CREDIT. THE
16 CONDITIONAL APPROVAL SHALL INCLUDE THE MAXIMUM AMOUNT OF THE
17 CREDIT AVAILABLE TO THE TAXPAYER FOR THE CREDIT PERIOD
18 CALCULATED PURSUANT TO PARAGRAPH (a) OF SUBSECTION (5) OF THIS
19 SECTION AND THE SPECIFIC TERMS THAT SHALL BE MET TO QUALIFY FOR
20 THE CREDIT.

21 (II) A TAXPAYER THAT RECEIVES CONDITIONAL APPROVAL FOR A
22 CREDIT ALLOWED IN THIS SECTION SHALL NOTIFY THE COMMISSION
23 PROMPTLY IF THE PROJECT IS CANCELED OR OTHERWISE BECOMES
24 INELIGIBLE FOR THE ESTIMATED CREDIT, IN WHICH CASE THE CONDITIONAL
25 APPROVAL MAY BE CANCELED. THE CONDITIONAL APPROVAL SHALL BE
26 VOID AND ANY CREDIT CLAIMED SHALL BE REPAYED IF A TAXPAYER THAT
27 RECEIVES CONDITIONAL APPROVAL DOES NOT COMMENCE THE PROJECT

1 OF THE YEARS IN THE CREDIT PERIOD BY FIFTY PERCENT OF THE
2 TAXPAYER'S TOTAL ESTIMATED TAXES IMPOSED EACH YEAR FOR THE NEW
3 EMPLOYEES UNDER THE "FEDERAL INSURANCE CONTRIBUTIONS ACT", 26
4 U.S.C. SEC. 3101 ET SEQ. THE MAXIMUM AMOUNT OF THE CREDIT SHALL
5 BE THE RESULT OF THIS CALCULATION OR SUCH LESSER AMOUNT AS THE
6 COMMISSION DEEMS PROPER UNDER ITS DISCRETION AS SPECIFIED IN
7 PARAGRAPH (c) OF SUBSECTION (3) OF THIS SECTION.

8 (b) FOR THE ANNUAL AMOUNT OF THE CREDIT ALLOWED IN THIS
9 SECTION AVAILABLE TO THE TAXPAYER, THE COMMISSION SHALL
10 MULTIPLY THE ACTUAL NET JOB GROWTH FOR THAT YEAR BY FIFTY
11 PERCENT OF THE TAXPAYER'S TAXES IMPOSED FOR THE NEW EMPLOYEES
12 UNDER THE "FEDERAL INSURANCE CONTRIBUTIONS ACT", 26 U.S.C. SEC.
13 3101 ET SEQ. THE AMOUNT OF THE CREDIT ALLOWED IN THIS SECTION
14 SHALL BE THE RESULT OF THIS CALCULATION; EXCEPT THAT NO CREDIT
15 CERTIFICATE SHALL BE ISSUED IF THE AGGREGATE OF ALL CREDITS
16 CLAIMED OR TO BE CLAIMED BY THE TAXPAYER, INCLUDING THE CURRENT
17 CREDIT CERTIFICATE, EXCEEDS THE MAXIMUM AMOUNT OF THE CREDIT AS
18 CALCULATED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (5).

19 (6) IF THE AMOUNT OF THE CREDIT ALLOWED IN THIS SECTION
20 EXCEEDS THE AMOUNT OF INCOME TAXES OTHERWISE DUE ON THE
21 TAXPAYER'S INCOME IN THE INCOME TAX YEAR FOR WHICH THE CREDIT IS
22 BEING CLAIMED, THE AMOUNT OF THE CREDIT NOT USED AS AN OFFSET
23 AGAINST INCOME TAXES IN THE CURRENT INCOME TAX YEAR MAY BE
24 CARRIED FORWARD AND USED AS A CREDIT AGAINST SUBSEQUENT YEARS'
25 INCOME TAX LIABILITY FOR A PERIOD NOT TO EXCEED TEN YEARS AND
26 SHALL BE APPLIED FIRST TO THE EARLIEST INCOME TAX YEARS POSSIBLE.
27 ANY CREDIT REMAINING AFTER SAID PERIOD SHALL NOT BE REFUNDED OR

- 1 (a) THE TAXPAYER'S NAME;
- 2 (b) THE TAXPAYER'S COLORADO ACCOUNT NUMBER AND FEDERAL
3 EMPLOYER IDENTIFICATION NUMBER;
- 4 (c) THE AMOUNT OF THE CREDIT ALLOWED IN THIS SECTION; AND
- 5 (d) ANY ASSOCIATED TAXPAYER'S NAMES, COLORADO ACCOUNT
6 NUMBERS, AND FEDERAL EMPLOYER IDENTIFICATION NUMBERS OR SOCIAL
7 SECURITY NUMBERS, IF THE CREDIT ALLOWED IN THIS SECTION IS
8 ALLOCATED FROM A PASS-THROUGH ENTITY PURSUANT TO SUBSECTION (9)
9 OF THIS SECTION.

10 (11) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT MAY
11 PROMULGATE RULES AS MAY BE NECESSARY TO ADMINISTER AND ENFORCE
12 ANY PROVISION OF THIS SECTION. THE RULES SHALL BE PROMULGATED IN
13 ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S.

14 (12) ANY TAXPAYER WHO OFFSETS A TAX DEFICIENCY WITH A
15 CREDIT ALLOWED IN THIS SECTION THAT IS DISALLOWED PURSUANT TO
16 THIS SECTION SHALL BE LIABLE FOR SUCH TAX DEFICIENCY, INTEREST, AND
17 PENALTIES AS MAY BE SPECIFIED IN THIS ARTICLE OR OTHERWISE
18 PROVIDED BY LAW.

19 (13) THIS SECTION IS REPEALED, EFFECTIVE JANUARY 1, 2031.

20 **SECTION 2.** 39-22-622 (4), Colorado Revised Statutes, is
21 amended to read:

22 **39-22-622. Refunds.** (4) The provisions of subsection (2) of this
23 section shall not apply to any return that is being audited or to any return
24 that may take longer than normal to process due to the mathematical or
25 clerical errors contained in said return, or to unforeseen delays caused by
26 the failure of processing equipment, OR BECAUSE OF A TAX CREDIT
27 ALLOWED IN SECTION 39-22-531. Such determination shall be made in

First Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 09-0298.01 Richard Sweetman

HOUSE BILL 09-1035

HOUSE SPONSORSHIP

Riesberg,

SENATE SPONSORSHIP

Heath,

House Committees

Finance

Senate Committees

A BILL FOR AN ACT

101 CONCERNING SALES AND USE TAX REFUNDS FOR CERTAIN
102 COLORADO-BASED TECHNOLOGY COMPANIES.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Allows clean technology companies and medical device companies that are headquartered in Colorado and that employ 50 or fewer employees (clean technology and medical device companies) to receive refunds of state sales and use taxes paid on the sale, storage, use, or consumption of tangible personal property used in Colorado directly and predominately in research and development of clean technology or medical devices during a calendar year (tax refunds). Limits the amount

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1 ON THE ENVIRONMENT, INCLUDING BUT NOT LIMITED TO PRODUCTS AND
2 TECHNOLOGIES THAT FACILITATE THE MANAGEMENT OF GREENHOUSE
3 GASES, WATER, AND WASTE.

4 (3) "MEDICAL DEVICE" MEANS A THERAPEUTIC OR DIAGNOSTIC
5 MACHINE OR TOOL USED TO IMPROVE HUMAN OR ANIMAL HEALTH.

6 ~~(2)~~ (4) "Qualified taxpayer" means a C corporation, as defined in
7 section 39-22-103 (2.5), a partnership, as defined in section 39-22-103
8 (5.6), a limited liability company that is not a C corporation, an S
9 corporation, as defined in section 39-22-103 (10.5), or a sole
10 proprietorship that:

11 (a) Purchases, stores, uses, or consumes tangible personal property
12 to be used in Colorado directly and predominately in research and
13 development of biotechnology; OR

14 (b) (I) PURCHASES, STORES, USES, OR CONSUMES TANGIBLE
15 PERSONAL PROPERTY TO BE USED IN COLORADO DIRECTLY AND
16 PREDOMINATELY IN RESEARCH AND DEVELOPMENT OF CLEAN
17 TECHNOLOGY OR MEDICAL DEVICES;

18 (II) IS HEADQUARTERED WITHIN COLORADO; AND

19 (III) EMPLOYS FIFTY OR FEWER FULL-TIME EMPLOYEES.

20 ~~(3)~~ (5) "Research and development" means qualified research as
21 defined by 26 U.S.C. sec. 41 (d) (1).

22 ~~(4)~~ (6) "Tangible personal property" includes capital equipment,
23 instruments, apparatus, and supplies used in laboratories, including, but
24 not limited to, microscopes, machines, glassware, chemical reagents,
25 computers, computer software, and technical books and manuals.

26 **39-26-402. Refund of state sales and use tax - application**
27 **requirements and procedures.** (1) (a) For the calendar year

1 commencing January 1, 1999, and for each calendar year thereafter, each
2 qualified taxpayer shall be allowed to claim a refund of all state sales and
3 use tax paid by the qualified taxpayer, pursuant to parts 1 and 2 of this
4 article, on the sale, storage, use, or consumption of tangible personal
5 property to be used in Colorado directly and predominately in research
6 and development of biotechnology, CLEAN TECHNOLOGY, OR MEDICAL
7 DEVICES during that calendar year.

8 (b) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (a) OF
9 THIS SUBSECTION (1), A SALES AND USE TAX REFUND ON THE SALE,
10 STORAGE, USE, OR CONSUMPTION OF TANGIBLE PERSONAL PROPERTY USED
11 DIRECTLY AND PREDOMINATELY IN THE RESEARCH AND DEVELOPMENT OF
12 CLEAN TECHNOLOGY OR MEDICAL DEVICES SHALL NOT EXCEED FIFTY
13 THOUSAND DOLLARS FOR A QUALIFIED TAXPAYER IN A CALENDAR YEAR.

14 (2) To claim the refund allowed by subsection (1) of this section,
15 a qualified taxpayer shall submit a refund application to the department
16 of revenue on a form provided by the department. Such application shall
17 be submitted no earlier than January 1 and no later than April 1 of the
18 calendar year following the calendar year for which the refund is claimed.
19 The application shall be accompanied by proof of payment of state sales
20 and use taxes paid by the qualified taxpayer in the immediately preceding
21 calendar year. The application shall also include any additional
22 information that the department of revenue may require by rule, which
23 may include, without limitation, a detailed list of all expenditures that
24 support a claim for a refund, the name and addresses of an individual who
25 maintains records of such expenditures, and a statement that the qualified
26 taxpayer agrees to furnish records of all such expenditures to the
27 department of revenue upon request, INFORMATION CONCERNING THE

1 LOCATION OF THE HEADQUARTERS OF THE QUALIFIED TAXPAYER, AND
2 INFORMATION CONCERNING THE NUMBER OF PERSONS WHO ARE EMPLOYED
3 ON A FULL-TIME BASIS BY THE QUALIFIED TAXPAYER. No refund shall be
4 allowed if the qualified taxpayer has not complied with this subsection
5 (2).

6 **SECTION 2. Applicability.** This act shall apply to sales and use
7 taxes paid on or after January 1, 2009.

8 **SECTION 3. Act subject to petition - effective date.** This act
9 shall take effect at 12:01 a.m. on the day following the expiration of the
10 ninety-day period after final adjournment of the general assembly that is
11 allowed for submitting a referendum petition pursuant to article V,
12 section 1 (3) of the state constitution, (August 4, 2009, if adjournment
13 sine die is on May 6, 2009); except that, if a referendum petition is filed
14 against this act or an item, section, or part of this act within such period,
15 then the act, item, section, or part, if approved by the people, shall take
16 effect on the date of the official declaration of the vote thereon by
17 proclamation of the governor.

First Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 09-0410.01 Ed DeCecco

SENATE BILL 09-085

SENATE SPONSORSHIP

Scheffel, Mitchell

HOUSE SPONSORSHIP

Lambert and Priola, McNulty

Senate Committees

Business, Labor and Technology
Appropriations

House Committees

A BILL FOR AN ACT

101 CONCERNING A PROPERTY TAX EXEMPTION FOR BUSINESS PERSONAL
102 PROPERTY.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Exempts a percentage of business personal property, excluding state-assessed property, from property taxation. Increases the amount of the exemption every 2 years until all business personal property is exempt.

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

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

1 **SECTION 1.** 39-3-118.5, Colorado Revised Statutes, is amended
2 to read:

3 **39-3-118.5. Business personal property - exemption.** (1) For
4 property tax years commencing on and after January 1, 1996, business
5 personal property shall be exempt from the levy and collection of property
6 tax until such business personal property is first used in the business after
7 acquisition.

8 (2) (a) EXCEPT AS OTHERWISE SET FORTH IN PARAGRAPH (b) OF
9 THIS SUBSECTION (2), FOR EACH PROPERTY TAX YEAR COMMENCING ON OR
10 AFTER JANUARY 1, 2009, A PERCENTAGE OF ALL BUSINESS PERSONAL
11 PROPERTY SHALL BE EXEMPT FROM THE LEVY AND COLLECTION OF
12 PROPERTY TAX. THE PERCENTAGES FOR EACH YEAR SHALL BE AS
13 FOLLOWS:

14 (I) FOR THE PROPERTY TAX YEARS COMMENCING ON JANUARY 1,
15 2009, AND JANUARY 1, 2010, ONE PERCENT;

16 (II) FOR THE PROPERTY TAX YEARS COMMENCING ON JANUARY 1,
17 2011, AND JANUARY 1, 2012, THREE PERCENT;

18 (III) FOR THE PROPERTY TAX YEARS COMMENCING ON JANUARY 1,
19 2013, AND JANUARY 1, 2014, FOUR PERCENT;

20 (IV) FOR THE PROPERTY TAX YEARS COMMENCING ON JANUARY 1,
21 2015, AND JANUARY 1, 2016, SEVEN PERCENT;

22 (V) FOR THE PROPERTY TAX YEARS COMMENCING ON JANUARY 1,
23 2017, AND JANUARY 1, 2018, ELEVEN PERCENT;

24 (VI) FOR THE PROPERTY TAX YEARS COMMENCING ON JANUARY 1,
25 2019, AND JANUARY 1, 2020, EIGHTEEN PERCENT;

26 (VII) FOR THE PROPERTY TAX YEARS COMMENCING ON JANUARY
27 1, 2021, AND JANUARY 1, 2022, TWENTY-NINE PERCENT;

1 (VIII) FOR THE PROPERTY TAX YEARS COMMENCING ON JANUARY
2 1, 2023, AND JANUARY 1, 2024, FORTY-SEVEN PERCENT;

3 (IX) FOR THE PROPERTY TAX YEARS COMMENCING ON JANUARY 1,
4 2025, AND JANUARY 1, 2026, SEVENTY-SIX PERCENT; AND

5 (X) FOR THE PROPERTY TAX YEAR COMMENCING ON JANUARY 1,
6 2027, AND FOR EACH PROPERTY TAX YEAR THEREAFTER, ONE HUNDRED
7 PERCENT.

8 (b) THE EXEMPTION CREATED IN PARAGRAPH (a) OF THIS
9 SUBSECTION (2) SHALL NOT APPLY TO BUSINESS PERSONAL PROPERTY THAT
10 IS VALUED PURSUANT TO ARTICLE 4 OF THIS TITLE.

11 **SECTION 2. Act subject to petition - effective date.** This act
12 shall take effect at 12:01 a.m. on the day following the expiration of the
13 ninety-day period after final adjournment of the general assembly that is
14 allowed for submitting a referendum petition pursuant to article V,
15 section 1 (3) of the state constitution, (August 4, 2009, if adjournment
16 sine die is on May 6, 2009); except that, if a referendum petition is filed
17 against this act or an item, section, or part of this act within such period,
18 then the act, item, section, or part, if approved by the people, shall take
19 effect on the date of the official declaration of the vote thereon by
20 proclamation of the governor.