

HOUSE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

February 18, 2009
Date

Committee on Finance.

After consideration on the merits, the Committee recommends the following:

HB09-1105 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

- 1 Strike the Business Affairs and Labor Committee Report, dated January
- 2 28, 2009, and substitute the following:
- 3 "Amend printed bill, page 3, strike line 3;
- 4 line 4, strike "industries";
- 5 line 8, after "**credit**", insert "**- cash fund - created**";
- 6 strike lines 19 and 20.
- 7 Reletter succeeding paragraphs accordingly.
- 8 Page 3, strike lines 24 and 25.
- 9 Reletter succeeding paragraphs accordingly.
- 10 Page 4, line 6, after "EQUITY SECURITY,", insert "A CONVERTIBLE DEBT
- 11 INVESTMENT,".
- 12 Page 5, strike lines 8 through 13 and substitute the following:
- 13 "TECHNOLOGIES, PRODUCTS, OR PROCESSES.";

1 line 16, strike "TWO" and substitute "FIVE";

2 strike line 27.

3 Page 6, strike lines 1 through 3 and substitute the following:

4 "AN APPLICATION SHALL BE MADE IN THE MANNER AND FORM PRESCRIBED
5 BY THE OFFICE. THE OFFICE SHALL NOTE THE TIME AND DATE OF EACH
6 APPLICATION RECEIVED. IN ADDITION TO ANY OTHER REQUIREMENTS
7 ESTABLISHED BY THE OFFICE, THE APPLICATION SHALL INCLUDE:";

8 after line 5, insert the following:

9 "(II) THE NUMBER OF NEW EMPLOYEES HIRED BY THE QUALIFIED
10 SMALL BUSINESS AS A RESULT OF THE QUALIFIED INVESTMENT;"

11 Renumber succeeding subparagraphs accordingly.

12 Page 6, after line 8, insert the following:

13 "(IV) THE AMOUNT OF THE QUALIFIED INVESTMENT;

14 (V) THE NAME OF ANY PARTNER, MEMBER, OR SUBCHAPTER S
15 SHAREHOLDER ENTITY, IF ANY, AND THE FEDERAL INCOME TAX
16 IDENTIFICATION NUMBER OF SUCH PERSON OR ENTITY;"

17 Renumber succeeding subparagraphs accordingly.

18 Page 8, line 3, strike "SECTION 39-22-531 (6), C.R.S.," and substitute
19 "SECTION 39-22-531 (5), C.R.S.,"

20 line 19, strike "FIRST AND SECOND TAXABLE YEARS";

21 line 20, strike "AFTER THE INVESTMENT IS MADE;" and substitute
22 "TAXABLE YEAR DURING WHICH THE INVESTMENT IS MADE AND THE FIRST
23 TAXABLE YEAR THEREAFTER;"

24 line 22, strike "DOLLARS." and substitute "DOLLARS AND THE CREDIT MAY
25 BE AUTHORIZED FOR LATER TAXABLE YEARS AS SET FORTH IN PARAGRAPH
26 (b) OF SUBSECTION (4) OF THIS SECTION."

1 Page 9, line 2, strike "THE CERTIFICATE," and substitute "THE CREDIT,";
2 line 21, strike "STAMPED ON THE APPLICATION BY THE OFFICE." and
3 substitute "THAT THE OFFICE RECEIVED THE APPLICATION.";
4 line 25, after "LIMIT.", add "IF AN APPLICATION IS NOT GRANTED BECAUSE
5 THE THREE MILLION DOLLAR LIMIT HAS BEEN EXCEEDED, THE OFFICE
6 SHALL AUTHORIZE THE CREDIT FOR THE NEXT TWO TAXABLE YEARS IN
7 WHICH THE LIMIT HAS NOT BEEN EXCEEDED.";
8 line 26, strike "THE OFFICE" and substitute "NO LATER THAN JANUARY 30,
9 2011, AND EACH JANUARY 30 THEREAFTER, THE OFFICE";
10 line 27, strike "NECESSARY" and substitute "AN ELECTRONIC REPORT THAT
11 INCLUDES THE INFORMATION SET FORTH IN PARAGRAPH (b) OF SUBSECTION
12 (2) OF THIS SECTION AND ANY OTHER".

13 Page 10, after line 14, insert the following:

14 "(6) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE
15 CONTRARY, THE OFFICE SHALL NOT AUTHORIZE COLORADO INNOVATION
16 INVESTMENT TAX CREDITS FOR TAX YEARS COMMENCING ON OR AFTER
17 JANUARY 1, 2016.

18 (7) THERE IS HEREBY CREATED IN THE STATE TREASURY THE
19 COLORADO INNOVATION INVESTMENT TAX CREDIT CASH FUND, REFERRED
20 TO IN THIS SUBSECTION (7) AS THE "FUND", TO PROVIDE FOR THE DIRECT
21 AND INDIRECT COSTS ASSOCIATED WITH THE ADMINISTRATION OF THE TAX
22 CREDIT. THE OFFICE IS AUTHORIZED TO SEEK AND ACCEPT GIFTS, GRANTS,
23 OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES. ALL PRIVATE AND
24 PUBLIC FUNDS RECEIVED THROUGH GIFTS, GRANTS, OR DONATIONS SHALL
25 BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE
26 SAME TO THE FUND. THE MONEYS IN THE FUND SHALL BE SUBJECT TO
27 ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY FOR THE DIRECT AND
28 INDIRECT COSTS ASSOCIATED WITH THE ADMINISTRATION OF THIS SECTION.
29 ANY MONEYS IN THE FUND NOT EXPENDED FOR SUCH PURPOSE MAY BE
30 INVESTED BY THE STATE TREASURER AS PROVIDED BY LAW. ALL INTEREST
31 AND INCOME DERIVED FROM THE INVESTMENT AND DEPOSIT OF MONEYS
32 IN THE FUND SHALL BE CREDITED TO THE FUND. ANY UNEXPENDED AND
33 UNENCUMBERED MONEYS REMAINING IN THE FUND AT THE END OF A
34 FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT BE CREDITED OR

- 1 TRANSFERRED TO THE GENERAL FUND OR ANY OTHER FUND."
- 2 Page 11, strike lines 25 through 27.
- 3 Page 12, strike line 1.
- 4 Renumber succeeding subsections accordingly."

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