

HOUSE COMMITTEE OF REFERENCE REPORT

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Chairman of Committee

April 6, 2011  
Date

Committee on Finance.

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

HB11-1255 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend printed bill, page 3, line 10, strike "ENERGY" and substitute  
2 "ENERGY, INCLUDING, WITHOUT LIMITATION, SOLAR, WIND, GEOTHERMAL,  
3 AND OTHER RENEWABLE FORMS OF ENERGY, BIODIESEL, BIOGAS, ETHANOL,  
4 AND OTHER FORMS OF ENERGY DERIVED FROM BIOMASS, FUEL CELLS, AND  
5 ZERO-EMISSIONS GENERATION TECHNOLOGY,".

6 Page 4, after line 5 insert:

7 "(1) "ALTERNATIVE ENERGY" MEANS AND INCLUDES, BUT IS NOT  
8 LIMITED TO, ANY OF THE FOLLOWING FUELS THAT ARE THEMSELVES  
9 MANUFACTURED OR SYNTHESIZED AND ENERGY DERIVED FROM ANY OF  
10 THE FOLLOWING:

11 (a) NATURAL GAS;

12 (b) BIODIESEL;

13 (c) BIOMASS RESOURCES SUCH AS BIOGAS, INCLUDING METHANE  
14 THAT HAS BEEN PRODUCED BIOGENICALLY IN GEOLOGIC STRATA AS A  
15 RESULT OF HUMAN INTERVENTION AND THAT DOES NOT INVOLVE  
16 ADDITIONAL LAND DISTURBANCE, AGRICULTURAL OR ANIMAL WASTE,  
17 SMALL DIAMETER TIMBER OR ANY TIMBER HARVESTED PURSUANT TO A  
18 WATERSHED PROTECTION PROJECT OR FOREST HEALTH PROJECT, SALT  
19 CEDAR, OTHER NONNATIVE INVASIVE PHREATOPHYTE VEGETATION  
20 REMOVED FROM RIVER BASINS OR WATERSHEDS IN COLORADO, LANDFILL  
21 GAS, AND ANAEROBICALLY DIGESTED WASTE BIOMASS; EXCEPT THAT  
22 BIOMASS RESOURCES DO NOT INCLUDE ENERGY GENERATED BY USE OF  
23 FOSSIL FUEL;

- 1 (d) ETHANOL;  
2 (e) FUEL CELLS THAT DO NOT USE FOSSIL FUELS;  
3 (f) ZERO-EMISSIONS GENERATION TECHNOLOGY, INCLUDING  
4 EMISSION OF CARBON DIOXIDE, WITH LONG-TERM PRODUCTION POTENTIAL;  
5 (g) RENEWABLE RESOURCES, INCLUDING, BUT NOT LIMITED TO,  
6 SOLAR, WIND, AND GEOTHERMAL RESOURCES; OR  
7 (h) THE IGCC PROJECT DEFINED IN SECTION 40-2-123 (2) (b) (I),  
8 C.R.S."

9 Renumber succeeding subsections accordingly.

10 Page 4, line 19, strike "CLEAN ENERGY AS DEFINED IN SECTION".

11 Page 4, strike line 20 and substitute "ALTERNATIVE ENERGY".

12 Page 4, strike line 26 and substitute:

13 "(I) ALTERNATIVE ENERGY;"

14 Page 6, line 25, after "OTHER" insert "UNITED STATES ENVIRONMENTAL  
15 PROTECTION AGENCY".

16 Page 6, line 27, after "DIRECTOR." add ""ENERGY-EFFICIENT MODE OF  
17 TRANSPORTATION" ALSO INCLUDES ANY VEHICLE OWNED OR OPERATED BY  
18 A BUSINESS THAT IS AN APPROVED SMARTWAY TRANSPORT CARRIER OR  
19 SMARTWAY SHIPPER AS DEFINED BY THE ENVIRONMENTAL PROTECTION  
20 AGENCY.".

21 Page 7, line 2, after "FEEDLOT," insert "DISTRIBUTION CENTER,  
22 TERMINAL,".

23 Page 7, line 6, after "FACILITY." add "ANY BUILDING OR COMPLEX OF  
24 BUILDINGS SHALL NOT BE A FACILITY FOR THE PURPOSES OF THIS PART 4  
25 IF THE PRIMARY USE OF THE BUILDING OR COMPLEX OF BUILDINGS IS  
26 EITHER RETAIL OR RESIDENTIAL.".

27 Page 8, line 6, after "AUTHORITY," insert "SCHOOL DISTRICT,".

28 Page 8, line 10, strike "(1)" and substitute "(2)".

29 Page 8, strike lines 15 through 19 and substitute:

1 (2) (a) A LOCAL GOVERNMENT OR THE DIRECTOR MAY INCLUDE  
2 SUCH AREAS AS IT DEEMS APPROPRIATE WITHIN AN APPLICATION FOR  
3 APPROVAL OF A NEW ALTERNATIVE ENERGY PARK OR EXPANSION OF AN  
4 EXISTING ALTERNATIVE ENERGY PARK. EACH PUBLIC BODY WITH  
5 JURISDICTION OVER ALL OR ANY PORTION OF THE TERRITORY INCLUDED IN  
6 THE APPLICATION SHALL BE OFFERED THE OPPORTUNITY TO JOIN IN THE  
7 APPLICATION AND TO CONSENT TO THE USE OF ITS AD VALOREM PROPERTY  
8 TAXES AND SALES TAXES AS PROVIDED IN THIS PART 4 NOT LESS THAN  
9 SIXTY DAYS PRIOR TO SUBMISSION OF THE APPLICATION TO THE  
10 COMMISSION. THE NOTICE SHALL BE PROVIDED IN WRITING AND  
11 DELIVERED BY FIRST-CLASS MAIL TO THE GOVERNING BODY OF EACH  
12 PUBLIC BODY OR TO THE DIRECTOR IN THE CASE OF THE STATE. IF A PUBLIC  
13 BODY DOES NOT RESPOND TO A NOTICE WITHIN TWENTY DAYS OF THE DATE  
14 THE NOTICE IS MAILED, IT SHALL BE DEEMED TO HAVE ELECTED NOT TO  
15 JOIN IN THE APPLICATION AND NO PORTION OF ITS AD VALOREM PROPERTY  
16 TAXES OR ITS SALES TAXES MAY BE USED AS OTHERWISE PROVIDED IN THIS  
17 PART 4.

18 (b) A PUBLIC BODY MAY AGREE IN WRITING TO THE USE OF ALL OR  
19 A PORTION OF ITS AD VALOREM PROPERTY TAXES OR ITS SALES TAXES AS  
20 DESCRIBED IN SECTION 24-46-407 WITHOUT JOINING AN APPLICATION FOR  
21 APPROVAL OF A NEW ALTERNATIVE ENERGY PARK OR EXPANSION OF AN  
22 EXISTING ALTERNATIVE ENERGY PARK; EXCEPT THAT NO SCHOOL DISTRICT  
23 MAY AGREE TO THE USE OF ANY PORTION OF ITS AD VALOREM PROPERTY  
24 TAX REVENUE THAT IS PART OF THE DISTRICT SHARE OF THE DISTRICT'S  
25 TOTAL PROGRAM AS DESCRIBED IN SECTION 22-54-106, C.R.S."

26 Page 8, line 22, strike "PARK." and substitute "PARK AND THE  
27 APPLICATION FEE TO BE PAID IN CONNECTION WITH ANY APPLICATION,  
28 WHICH SHALL BE SET AT AN AMOUNT REASONABLY CALCULATED TO  
29 COVER THE COMMISSION'S EXPENSES IN PROCESSING AN APPLICATION. THE  
30 COMMISSION MAY ALSO SEEK AND ACCEPT GIFTS, GRANTS, AND  
31 DONATIONS FOR THE PURPOSE OF DEFRAYING ITS ADMINISTRATIVE  
32 EXPENSES INCURRED IN THE ADMINISTRATION OF THIS PART 4. ALL  
33 APPLICATION FEES, GIFTS, GRANTS, AND DONATIONS RECEIVED BY THE  
34 COMMISSION SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO  
35 SHALL CREDIT THEM TO THE ALTERNATIVE ENERGY PARK ADMINISTRATION  
36 CASH FUND, WHICH IS HEREBY CREATED IN THE STATE TREASURY. THE  
37 MONEYS IN THE FUND SHALL BE SUBJECT TO ANNUAL APPROPRIATION BY  
38 THE GENERAL ASSEMBLY FOR THE DIRECT AND INDIRECT COSTS  
39 ASSOCIATED WITH THE ADMINISTRATION OF THIS PART 4."

1 Page 8, line 23, strike "LOCAL GOVERNMENT" and substitute "PUBLIC  
2 BODY".

3 Page 11, line 13, after "REVENUE." add "WITH RESPECT TO ANY PUBLIC  
4 BODY THAT HAS NOT YET ADVISED THE APPLICANT AS TO WHETHER IT  
5 INTENDS TO EXEMPT OR LIMIT ITS PORTION OF PROPERTY TAXES OR SALES  
6 TAXES FROM THE PROVISIONS OF SECTION 24-46-407, THE APPLICATION  
7 SHALL ADDRESS THE IMPACT THAT ANY SUCH EXEMPTION OR LIMITATION  
8 WOULD HAVE ON ITS FINANCING PLAN."

9 Page 11, line 26, strike "PARK, AND" and substitute "PARK BY EACH  
10 PUBLIC BODY THAT HAS JOINED IN THE APPLICATION,".

11 Page 11, line 27, strike "ENTITY." and substitute "ENTITY, AND  
12 SUPPORTING DOCUMENTATION FROM EACH PUBLIC BODY THAT HAS  
13 AGREED TO THE USE OF ALL OR A PORTION OF ITS TAX REVENUES BY THE  
14 FINANCING ENTITY."

15 Page 14, strike lines 6 through 8 and substitute:

16 "(a) THE PARK CONTAINS ONE OR MORE EXISTING OR PLANNED  
17 ALTERNATIVE ENERGY FACILITIES WITH AN AGGREGATE CONSTRUCTION OR  
18 REPLACEMENT COST OF NOT LESS THAN TWO MILLION FIVE HUNDRED  
19 THOUSAND DOLLARS, BUT NO PLANNED FACILITY SHALL BE COUNTED  
20 TOWARD SATISFACTION OF THIS REQUIREMENT UNLESS THE COMMISSION  
21 DETERMINES THAT THE PLANS FOR THE FACILITY ARE LIKELY TO BE  
22 ACHIEVED IF THE PARK IS APPROVED;"

23 Page 15, after line 9 insert:

24 "(7) THE COMMISSION SHALL NOT APPROVE AN APPLICATION IF  
25 ANY PORTION OF A PROPOSED ALTERNATIVE ENERGY PARK OR A PROPOSED  
26 EXPANSION OF AN EXISTING ALTERNATIVE ENERGY PARK IS LOCATED  
27 WITHIN A JURISDICTION THAT HAS ESTABLISHED AN URBAN RENEWAL  
28 AUTHORITY AND THE APPROVAL OF AN URBAN RENEWAL PLAN IN THE  
29 SAME LOCATION WOULD BE PROHIBITED BY SECTION 31-25-107 (1) (c) (II)  
30 OR (1) (c) (III), C.R.S."

31 Page 15, strike lines 18 to 25 and substitute "DIRECTOR SHALL FORWARD  
32 THE APPLICATION TO ANY PUBLIC BODY LOCATED WITHIN ONE MILE OF THE  
33 PROPOSED ALTERNATIVE ENERGY PARK FOR AN OPPORTUNITY TO REVIEW

1 THE APPLICATION AND SUBMIT COMMENTS TO THE COMMISSION. THE  
2 DIRECTOR SHALL PROVIDE THE APPLICATION TO THE PUBLIC BODIES AT  
3 LEAST THIRTY DAYS PRIOR TO".

4 Page 16, line 19, after "REVENUE" insert "AVAILABLE TO THE FINANCING  
5 ENTITY".

6 Page 17, after line 18 insert:

7 "(5) IN CALCULATING AND MAKING PAYMENTS AS DESCRIBED IN  
8 SUBSECTION (4) OF THIS SECTION, A COUNTY TREASURER MAY OFFSET A  
9 PRO RATA PORTION OF ANY PROPERTY TAXES THAT ARE PAID TO THE  
10 FINANCING ENTITY PURSUANT TO SAID SUBSECTION (4) AND THAT ARE  
11 SUBSEQUENTLY REFUNDED TO A TAXPAYER AGAINST ANY SUBSEQUENT  
12 PAYMENTS DUE TO THE FINANCING ENTITY FOR THE ALTERNATIVE ENERGY  
13 PARK PROJECT. THE FINANCING ENTITY SHALL MAKE ADEQUATE  
14 PROVISION FOR THE RETURN OF OVERPAYMENTS IF THERE ARE NOT  
15 SUFFICIENT PROPERTY TAXES DUE TO THE FINANCING ENTITY TO OFFSET  
16 ITS PRO RATA PORTION OF THE REFUNDS. THE FINANCING ENTITY MAY  
17 ESTABLISH A RESERVE FUND FOR THIS PURPOSE OR ENTER INTO AN  
18 INTERGOVERNMENTAL AGREEMENT WITH OTHER LOCAL GOVERNMENT  
19 APPLICANTS TO SHARE RESPONSIBILITY FOR THE RETURN OF THE  
20 OVERPAYMENTS. ANY PLEDGE OF TAX REVENUES BY A FINANCING ENTITY  
21 SHALL NOT EXTEND TO TAXES PLACED IN A RESERVE FUND FOR THE  
22 RETURN OF OVERPAYMENTS."

23 Renumber succeeding subsection accordingly.

24 Page 17, after line 26 insert:

25 "(7) (a) NOTHING IN THIS PART 4 SHALL BE CONSTRUED TO  
26 AUTHORIZE INTERFERENCE WITH THE CERTIFICATED SERVICE TERRITORY  
27 RIGHTS OF A PUBLIC UTILITY OR TO OTHERWISE INTERFERE WITH THE  
28 CONTRACT RIGHTS OF A WHOLESALE POWER SUPPLIER WITH THE PUBLIC  
29 UTILITY.

30 (b) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION,  
31 IF AGRICULTURAL LAND IS INCLUDED WITHIN AN ALTERNATIVE ENERGY  
32 PARK, THE COUNTY ASSESSOR SHALL VALUE THE AGRICULTURAL LAND AT  
33 ITS FAIR MARKET VALUE IN MAKING THE CALCULATION OF THE AD  
34 VALOREM PROPERTY TAXES TO BE PAID TO PUBLIC BODIES PURSUANT TO  
35 SECTION 24-46-407 SOLELY FOR THE PURPOSE OF DETERMINING THE

1 AMOUNT OF TAX INCREMENT REVENUE AVAILABLE PURSUANT TO SAID  
2 SECTION. NOTHING IN THIS PARAGRAPH (b) SHALL AFFECT THE ACTUAL  
3 CLASSIFICATION, OR REQUIRE RECLASSIFICATION, OF AGRICULTURAL LAND  
4 FOR PROPERTY TAX PURPOSES, AND NOTHING IN THIS SECTION SHALL  
5 AFFECT THE TAXES ACTUALLY TO BE PAID TO THE PUBLIC BODIES  
6 PURSUANT TO SECTION 24-46-407, WHICH SHALL CONTINUE TO BE BASED  
7 ON THE AGRICULTURAL CLASSIFICATION OF SUCH LAND UNLESS AND UNTIL  
8 IT HAS BEEN RECLASSIFIED IN THE NORMAL COURSE OF THE ASSESSMENT  
9 PROCESS."

10 Page 18, strike lines 8 through 27.

11 Page 19, strike lines 1 and 2 and substitute:

12 "(a) IF THE APPLICANT LOCAL GOVERNMENT IS A SINGLE PUBLIC  
13 BODY:

14 (I) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3) OF THIS  
15 SECTION, TWO MEMBERS APPOINTED BY THE PUBLIC BODY; AND

16 (II) THREE MEMBERS APPOINTED BY THE COMMISSION;

17 (b) IF THE APPLICANT LOCAL GOVERNMENT INCLUDES TWO PUBLIC  
18 BODIES:

19 (I) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3) OF THIS  
20 SECTION, ONE MEMBER APPOINTED BY EACH PUBLIC BODY THAT HAS  
21 COMMITTED ALL OR A PORTION OF ITS TAX REVENUES IN ACCORDANCE  
22 WITH SECTION 24-46-404 (2), FOR A TOTAL OF TWO MEMBERS;

23 (II) TWO MEMBERS APPOINTED BY THE COMMISSION WHO ARE  
24 OWNERS OF AN ALTERNATIVE ENERGY CONTRIBUTING FACILITY LOCATED  
25 WITHIN THE ALTERNATIVE ENERGY PARK; AND

26 (III) ONE MEMBER APPOINTED BY THE COMMISSION WHO IS EITHER  
27 AN OWNER OF AN ALTERNATIVE ENERGY CONTRIBUTING FACILITY OR AN  
28 OWNER OF AN INDUSTRIAL OR BUSINESS PARK LOCATED WITHIN THE  
29 ALTERNATIVE ENERGY PARK;

30 (c) IF THE APPLICANT LOCAL GOVERNMENT INCLUDES THREE OR  
31 MORE PUBLIC BODIES:

32 (I) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3) OF THIS  
33 SECTION, ONE MEMBER APPOINTED BY EACH PUBLIC BODY THAT HAS  
34 COMMITTED ALL OR A PORTION OF ITS TAX REVENUES IN ACCORDANCE  
35 WITH SECTION 24-46-404 (2);".

36 Page 19, after line 11 insert:

1           "(3) A PUBLIC BODY SHALL NOT BE ENTITLED TO APPOINT A  
2 MEMBER OF AN ALTERNATIVE ENERGY PARK BOARD UNLESS THE LOCAL  
3 GOVERNMENT HAS ELECTED TO COMMIT ALL OR A PORTION OF ITS TAX  
4 REVENUES IN ACCORDANCE WITH SECTION 24-46-404 (2)."

5           Renumber succeeding subsections accordingly.

6           Page 20, line 1, strike "METROPOLITAN DISTRICT" and substitute  
7 "FINANCING ENTITY".

8           Page 20, line 6, strike "METROPOLITAN DISTRICT" and substitute  
9 "FINANCING ENTITY".

10          Page 21, line 27, strike "(1) (a) NOTWITHSTANDING" and substitute  
11 "(1) EACH PUBLIC BODY ENTITLED TO RECEIVE A PORTION OF THE AD  
12 VALOREM PROPERTY TAXES OR SALES TAXES COLLECTED WITHIN A  
13 PROPOSED ALTERNATIVE ENERGY PARK OR WITHIN THE PROPOSED  
14 EXPANSION AREA OF AN ALTERNATIVE ENERGY PARK MAY ELECT TO LIMIT  
15 THE PERCENTAGE OF ITS PORTION OF THE AD VALOREM PROPERTY TAXES  
16 OR SALES TAXES THAT IS SUBJECT TO THIS SECTION AND TO LIMIT THE  
17 DURATION OF TIME THAT ITS PORTION OF THE AD VALOREM PROPERTY  
18 TAXES OR SALES TAXES SHALL BE SUBJECT TO THIS SECTION. IF A PUBLIC  
19 BODY MAKES SUCH AN ELECTION, THE PROVISIONS OF THIS SECTION SHALL  
20 APPLY ONLY TO THE PERCENTAGE AND FOR THE DURATION SPECIFIED IN  
21 THE ELECTION. AN ELECTION MADE PURSUANT TO THIS SUBSECTION (1)  
22 SHALL BE MADE IN WRITING TO THE APPLICANT FOR APPROVAL OF A NEW  
23 ALTERNATIVE ENERGY PARK OR EXPANSION OF AN EXISTING ALTERNATIVE  
24 ENERGY PARK AND INCLUDED BY THE APPLICANT IN THE APPLICATION. A  
25 PUBLIC BODY THAT DOES NOT NOTIFY THE APPLICANT IN WRITING OF THE  
26 ELECTION PRIOR TO THE HEARING ON THE APPLICATION SHALL BE DEEMED  
27 TO HAVE MADE AN ELECTION TO EXEMPT ALL OF ITS PORTION OF THE AD  
28 VALOREM OR SALES TAXES COLLECTED WITHIN THE PARK.

29           (2) (a) NOTWITHSTANDING".

30          Renumber succeeding subsections accordingly.

31          Page 22, line 23, strike "LOCAL GOVERNMENT;" and substitute "PUBLIC  
32 BODY;"

33          Page 23, line 5, strike "(3)" and substitute "(4)".

- 1 Page 24, line 12, strike "THE" and substitute "A".
- 2 Page 24, line 17, strike "(1)" and substitute "(2)".
- 3 Page 25, line 7, strike "(1)." and substitute "(2).".
- 4 Page 25, line 11, strike "(1)," and substitute "(2).".
- 5 Page 25, line 14, strike "(1)," and substitute "(2).".
- 6 Page 25, line 16, strike "(1)" and substitute "(2)".
- 7 Page 25, line 20, strike "(1)," and substitute "(2).".
- 8 Page 26, line 11, strike "(1)" and substitute "(2)".
- 9 Page 26, line 20, strike "(1)" and substitute "(2)".
- 10 Page 33, line 23, strike "MUNICIPALITY, OR IN ANOTHER MEDIUM OF  
11 PUBLICATION AS THE".
- 12 Page 33, line 24, strike "FINANCING ENTITY MAY DEEM APPROPRIATE," and  
13 substitute "COUNTY IN WHICH THE ALTERNATIVE ENERGY PARK IS  
14 LOCATED".
- 15 Page 37, after line 17 insert:
- 16 "(5) (a) ANY FINANCING ENTITY THAT PROVIDES OVERSIGHT,  
17 MANAGEMENT, OR OTHER ADMINISTRATIVE SERVICES TO A PROGRAM,  
18 PROJECT, OR ORGANIZATION THAT HAS BEEN APPROVED BY THE  
19 COLORADO ECONOMIC DEVELOPMENT COMMISSION FOR PURPOSES OF THE  
20 CONTRIBUTION TAX CREDIT, AS DESCRIBED IN THIS SECTION, IS  
21 AUTHORIZED TO CHARGE REASONABLE FEES TO PROGRAMS, PROJECTS, AND  
22 ORGANIZATIONS AS DESCRIBED IN THIS SECTION. EACH FINANCING ENTITY  
23 THAT CHARGES ADMINISTRATIVE FEES PURSUANT TO THIS PARAGRAPH (a)  
24 SHALL ESTABLISH A REASONABLE POLICY REGARDING THE IMPOSITION OF  
25 SUCH FEES AND SHALL SUBMIT THE POLICY TO THE COLORADO ECONOMIC  
26 DEVELOPMENT COMMISSION FOR REVIEW AND APPROVAL.
- 27 (b) THE COLORADO ECONOMIC DEVELOPMENT COMMISSION SHALL  
28 REVIEW THE ADMINISTRATIVE FEE POLICY ESTABLISHED BY A FINANCING  
29 ENTITY AND SHALL APPROVE THE POLICY OR REQUIRE THAT THE



1 FINANCING ENTITY MAKE MODIFICATIONS TO THE POLICY AS SPECIFIED BY  
2 THE COMMISSION BEFORE APPROVING THE POLICY."

3 Renumber succeeding subsection accordingly.

4 Page 37, after line 20 insert:

5 **"39-30-103.7. Pre-certification for alternative energy park**  
6 **credits.** (1) FOR EACH YEAR IN WHICH A TAXPAYER INTENDS TO CLAIM  
7 AN INCOME TAX CREDIT PURSUANT TO SECTION 39-30-104.5, 39-30-105.2,  
8 39-30-105.3, OR 39-30-105.4, BEFORE THE TAXPAYER ENGAGES IN ANY  
9 ACTIVITY FOR WHICH IT INTENDS TO CLAIM THE CREDIT, AN AUTHORIZED  
10 COMPANY OFFICIAL OF THE TAXPAYER'S BUSINESS OR THE TAXPAYER WHO  
11 IS THE OWNER OF THE BUSINESS SHALL SUBMIT A PRE-CERTIFICATION FORM  
12 TO THE FINANCING ENTITY FOR THE ALTERNATIVE ENERGY AUTHORITY  
13 AND OBTAIN A CERTIFICATION FROM THE FINANCING ENTITY THAT THE  
14 TAXPAYER'S BUSINESS IS LOCATED IN THE ALTERNATIVE ENERGY PARK. IN  
15 CONNECTION WITH THE PRE-CERTIFICATION, THE TAXPAYER SHALL:

16 (a) OBTAIN VERIFICATION FROM THE FINANCING ENTITY THAT THE  
17 TAXPAYER'S BUSINESS IS LOCATED IN AN ALTERNATIVE ENERGY PARK;

18 (b) CERTIFY THAT THE TAXPAYER IS AWARE OF THE ALTERNATIVE  
19 ENERGY PARK INCOME TAX CREDITS ALLOWED PURSUANT TO THIS  
20 ARTICLE;

21 (c) CERTIFY THAT THE ALTERNATIVE ENERGY PARK INCOME TAX  
22 CREDITS ALLOWED PURSUANT TO THIS ARTICLE ARE A CONTRIBUTING  
23 FACTOR TO THE START-UP, EXPANSION, OR RELOCATION OF THE  
24 TAXPAYER'S BUSINESS IN THE ALTERNATIVE ENERGY PARK; AND

25 (d) CERTIFY THAT THE TAXPAYER ACKNOWLEDGES THAT THE  
26 PRE-CERTIFICATION REQUIRED PURSUANT TO THIS SECTION IS FOR  
27 ACTIVITIES THAT SHALL COMMENCE AFTER THE DATE THAT THE  
28 PRE-CERTIFICATION FORM IS EXECUTED BY THE ALTERNATIVE ENERGY  
29 AUTHORITY THROUGH THE END OF THE BUSINESS'S THEN-CURRENT INCOME  
30 TAX YEAR.

31 (2) THE DEPARTMENT OF REVENUE SHALL DEVELOP FORMS TO BE  
32 USED TO CLAIM AN INCOME TAX CREDIT PURSUANT TO THIS ARTICLE.

33 **39-30-103.8. Alternative energy parks - measurement of**  
34 **outcomes with specific verifiable data.** (1) FOR ANY AREA DESIGNATED  
35 AS AN ALTERNATIVE ENERGY PARK OR AS A PORTION OF AN ALTERNATIVE  
36 ENERGY PARK PURSUANT TO PART 4 OF ARTICLE 46 OF TITLE 24, C.R.S.,  
37 THE COLORADO ECONOMIC DEVELOPMENT COMMISSION SHALL WORK WITH  
38 THE FINANCING ENTITY FOR THE ALTERNATIVE ENERGY PARK TO ENSURE

1 THAT THE AREA HAS SPECIFIC ECONOMIC DEVELOPMENT OBJECTIVES WITH  
2 OUTCOMES THAT CAN BE MEASURED WITH SPECIFIC, VERIFIABLE DATA.  
3 THE DIRECTOR OF THE COLORADO OFFICE OF ECONOMIC DEVELOPMENT  
4 SHALL REQUIRE THE FINANCING ENTITY FOR EACH ALTERNATIVE ENERGY  
5 PARK TO SUBMIT ANNUAL DOCUMENTATION OF EFFORTS TO IMPROVE  
6 CONDITIONS IN AREAS DESIGNATED AS ALTERNATIVE ENERGY PARKS AND  
7 THE RESULTS OF THOSE EFFORTS. THE ANNUAL DOCUMENTATION SHALL  
8 INCLUDE SPECIFIC, VERIFIABLE DATA THAT CAN BE USED TO MEASURE  
9 WHETHER THE ALTERNATIVE ENERGY PARK HAS ACHIEVED THE SPECIFIC  
10 ECONOMIC DEVELOPMENT OBJECTIVES FOR THE ALTERNATIVE ENERGY  
11 PARK THAT HAVE MEASURABLE OUTCOMES. IN ORDER FOR THE  
12 COMMISSION TO DETERMINE IF THE ALTERNATIVE ENERGY PARKS OR  
13 PORTIONS THEREOF ARE ACHIEVING THE SPECIFIC ECONOMIC  
14 DEVELOPMENT OBJECTIVES SUBMITTED PURSUANT TO THIS SECTION, THE  
15 ANNUAL DOCUMENTATION SHALL INCLUDE, BUT NEED NOT BE LIMITED TO,  
16 THE MOST RECENT STATISTICS AVAILABLE FOR COMPANIES CLAIMING  
17 ALTERNATIVE ENERGY PARK TAX CREDITS ON:

18 (a) THE NUMBER OF JOBS CREATED IN THE ALTERNATIVE ENERGY  
19 PARK AND THE NORTH AMERICAN INDUSTRY CLASSIFICATION SYSTEM  
20 (NAICS) CODE OF EACH COMPANY REPORTING THE CREATION OF JOBS  
21 WITHIN THE ALTERNATIVE ENERGY PARK;

22 (b) THE NUMBER OF JOBS RETAINED IN THE ALTERNATIVE ENERGY  
23 PARK;

24 (c) THE AVERAGE ANNUAL COMPENSATION LEVEL, INCLUDING  
25 BENEFITS, OF THE JOBS CREATED OR RETAINED WITHIN THE ALTERNATIVE  
26 ENERGY PARK, CATEGORIZED BY FULL-TIME PERMANENT, PART-TIME,  
27 TEMPORARY, AND CONTRACT JOBS;

28 (d) THE NUMBER OF EMPLOYEES FROM OUTSIDE THE ALTERNATIVE  
29 ENERGY PARK TRANSFERRED TO A FACILITY WITHIN THE ALTERNATIVE  
30 ENERGY PARK;

31 (e) AN ANALYSIS OF CAPITAL INVESTMENT IN THE ALTERNATIVE  
32 ENERGY PARK INCLUDING:

33 (I) THE NUMBER AND AMOUNT OF QUALIFIED REHABILITATION  
34 EXPENSES MADE ON REHABILITATED VACANT BUILDINGS;

35 (II) THE AMOUNT OF INVESTMENT IN QUALIFYING PROPERTY FOR  
36 WHICH TAX CREDITS WERE CLAIMED PURSUANT TO SECTION 39-30-104.5;

37 (f) THE NUMBER OF EMPLOYEES EMPLOYED IN NEW OR EXPANDED  
38 BUSINESS FACILITIES FOR WHICH A TAX CREDIT IS CLAIMED PURSUANT TO  
39 SECTION 39-30-105.2;

40 (g) THE AMOUNT OF INVESTMENT TAX CREDITS CLAIMED  
41 PURSUANT TO SECTION 39-30-104.5 AND THE AMOUNT OF TAX CREDITS

1 CLAIMED FOR NEW BUSINESS FACILITY EMPLOYEES PURSUANT TO SECTION  
2 39-30-105.2; AND

3 (h) ANY OTHER INFORMATION REASONABLY REQUIRED BY THE  
4 FINANCING ENTITY, THE DIRECTOR OF THE COLORADO OFFICE OF  
5 ECONOMIC DEVELOPMENT, OR THE COLORADO ECONOMIC DEVELOPMENT  
6 COMMISSION TO EVALUATE THE EFFECTIVENESS OF EACH ALTERNATIVE  
7 ENERGY PARK IN ACCOMPLISHING THE SPECIFIC MEASURABLE OBJECTIVES  
8 OF THE ALTERNATIVE ENERGY PARK."

9 Page 38, line 15, strike "IN" and substitute "BY".

10 Page 41, line 6, strike "SPENDS NO".

11 Page 41, strike line 7.

12 Page 41, line 8, strike "BUSINESS FACILITY OF THE EMPLOYER OTHER  
13 THAN" and substitute "IS BASED OUT OF, DISPATCHED OUT OF, AND  
14 OPERATES OUT OF".

15 Page 44, line 21, strike "(2)," and substitute "(3),".

16 Page 46, line 9, strike "(3)," and substitute "(4),".

17 Page 46, line 11, strike "(4)," and substitute "(5),".

18 Page 50, line 11, strike "CLEAN ENERGY, AS DEFINED IN SECTION  
19 40-9.7-103 (5),".

20 Page 50, line 12, strike "C.R.S.," and substitute "ALTERNATIVE ENERGY".

21 Page 52, line 12, strike "(2)," and substitute "(3),".

22 Page 52, line 14, strike "(4)," and substitute "(5),".

23 Page 53, line 22, strike "(2)," and substitute "(3),".

24 Page 53, line 24, strike "(4)," and substitute "(5),".

25 Page 53, line 26, strike "(11)," and substitute "(12),".

26 Page 55, line 19, strike "(2)," and substitute "(3),".

1 Page 55, line 21, strike "(4)," and substitute "(5)".

2 Page 57, line 9, strike "(4)," and substitute "(5)".

3 Page 57, after line 13 insert:

4 "SECTION 3. 29-2-105 (1) (d) (I) (A), Colorado Revised  
5 Statutes, is amended to read:

6 **29-2-105. Contents of sales tax ordinances and proposals.**

7 (1) The sales tax ordinance or proposal of any incorporated town, city,  
8 or county adopted pursuant to this article shall be imposed on the sale of  
9 tangible personal property at retail or the furnishing of services, as  
10 provided in paragraph (d) of this subsection (1). Any countywide or  
11 incorporated town or city sales tax ordinance or proposal shall include the  
12 following provisions:

13 (d) (I) A provision that the sale of tangible personal property and  
14 services taxable pursuant to this article shall be the same as the sale of  
15 tangible personal property and services taxable pursuant to section  
16 39-26-104, C.R.S., except as otherwise provided in this paragraph (d).  
17 The sale of tangible personal property and services taxable pursuant to  
18 this article shall be subject to the same sales tax exemptions as those  
19 specified in part 7 of article 26 of title 39, C.R.S.; except that the sale of  
20 the following may be exempted from a town, city, or county sales tax only  
21 by the express inclusion of the exemption either at the time of adoption  
22 of the initial sales tax ordinance or resolution or by amendment thereto:

23 (A) The exemption for sales of machinery or machine tools  
24 specified in ~~section 39-26-709 (1)~~ SECTIONS 39-26-709 (1) AND  
25 39-30-106.5 (1), C.R.S.;

26 **SECTION 4.** 39-30-110 (1), Colorado Revised Statutes, is  
27 amended to read:

28 **39-30-110. Electronic submissions.** (1) The Colorado office of  
29 economic development shall collaborate with the Colorado economic  
30 development commission and the department of revenue to develop the  
31 capability to allow taxpayers that intend to claim one or more income tax  
32 credits pursuant to this article to obtain any necessary certification,  
33 including pre-certification requirements, from the enterprise zone  
34 administrator OR FROM AN ALTERNATIVE ENERGY PARK FINANCING ENTITY  
35 in an electronic format. The Colorado office of economic development  
36 shall implement the electronic submission system by January 1, 2013. If  
37 the Colorado office of economic development is unable to implement an  
38 electronic submission system by January 1, 2013, the office shall submit

1 a report to the Colorado economic development commission and the  
2 general assembly that explains the reasons that the implementation of  
3 such system has not been accomplished.

4 **SECTION 5.** 39-30-111 (3), Colorado Revised Statutes, is  
5 amended to read:

6 **39-30-111. Department of revenue - enterprise zone data -**  
7 **electronic filing - submission of carry forward schedule.** (3) For the  
8 2012 income tax year and each income tax year thereafter, the department  
9 of revenue shall aggregate and report data on all of the income tax credits  
10 that are claimed pursuant to this article for each income tax year. The  
11 department shall categorize such aggregated data by the date that the  
12 income tax credit was certified by an enterprise zone administrator OR AN  
13 ALTERNATIVE ENERGY PARK FINANCING ENTITY, the specific income tax  
14 credit allowed pursuant to this article that each taxpayer was authorized  
15 to claim, and the total amount of the income tax credits claimed for each  
16 income tax credit allowed pursuant to this article.

17 **SECTION 6.** 39-30-112, Colorado Revised Statutes, is amended  
18 to read:

19 **39-30-112. Data provided to department of revenue.** (1) On  
20 or before September 30 of each calendar year, the director of the  
21 Colorado office of economic development or the director's designee shall  
22 transmit to the department of revenue the data regarding income tax  
23 credits allowed pursuant to this article that are certified by enterprise zone  
24 administrators AND ALTERNATIVE ENERGY PARK FINANCING ENTITIES from  
25 January 1 through June 30 of the same calendar year.

26 (2) On or before March 31 of each calendar year, the director of  
27 the Colorado office of economic development or the director's designee  
28 shall transmit to the department of revenue the data regarding income tax  
29 credits allowed pursuant to this article that are certified by enterprise zone  
30 administrators AND ALTERNATIVE ENERGY PARK FINANCING ENTITIES from  
31 July 1 through December 31 of the previous calendar year.

32 **SECTION 7.** 39-21-113 (22), Colorado Revised Statutes, is  
33 amended to read:

34 **39-21-113. Reports and returns - repeal.** (22) Notwithstanding  
35 the provisions of this section, the executive director shall supply the  
36 Colorado office of economic development with information relating to  
37 the actual amount of any enterprise zone tax credit AND ANY  
38 ALTERNATIVE ENERGY PARK TAX CREDIT claimed pursuant to article 30 of  
39 this title as well as information submitted to the department pursuant to  
40 section 39-30-111 (2) and (3) regarding the carry forward of such income  
41 tax credits. Any information provided to the office pursuant to this

1 subsection (22) shall remain confidential, and all office employees shall  
2 be subject to the limitations set forth in subsection (4) of this section and  
3 the penalties contained in subsection (6) of this section. Nothing in this  
4 subsection (22) shall prevent the office from making aggregated data  
5 regarding enterprise zone tax credits AND ALTERNATIVE ENERGY PARK  
6 TAX CREDITS available.

7 **SECTION 8.** 39-22-622 (4), Colorado Revised Statutes, as it will  
8 become effective January 1, 2012, is amended to read:

9 **39-22-622. Refunds.** (4) The provisions of subsection (2) of this  
10 section shall not apply to any return that is being audited or to any return  
11 that may take longer than normal to process due to the mathematical or  
12 clerical errors contained in said return, to unforeseen delays caused by the  
13 failure of processing equipment, because of a tax credit allowed in section  
14 39-22-531, or because the taxpayer claimed an enterprise zone tax credit  
15 OR AN ALTERNATIVE ENERGY PARK TAX CREDIT pursuant to article 30 of  
16 this title and the department is awaiting confirmation from the Colorado  
17 office of economic development that the taxpayer is eligible for such  
18 credit. Such determinations shall be made in good faith by the  
19 department of revenue.

20 **SECTION 9. No appropriation.** The general assembly has  
21 determined that this act can be implemented within existing  
22 appropriations, and therefore no separate appropriation of state moneys  
23 is necessary to carry out the purposes of this act."

24 Renumber succeeding section accordingly.

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