

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

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 11-0256.01 Esther van Mourik

HOUSE BILL 11-1014

HOUSE SPONSORSHIP

DelGrosso,

SENATE SPONSORSHIP

Roberts and Hudak,

House Committees

Finance
Appropriations

Senate Committees

Finance
Finance
Appropriations

A BILL FOR AN ACT

101 **CONCERNING THE REPEAL OF A LIMITING TRIGGER ASSOCIATED WITH**
102 **THE CHILD CARE CONTRIBUTION INCOME TAX CREDIT.**

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://www.leg.state.co.us/billsummaries>.)

The bill repeals a trigger associated with the child care contribution income tax credit that specifies that the income tax credit is not allowed for any income tax year when general fund revenues for a fiscal year are not sufficient to grow the total state general fund appropriations by 6% over such appropriations for the previous fiscal

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.*

HOUSE
3rd Reading Unamended
May 4, 2011

HOUSE
Amended 2nd Reading
May 3, 2011

year. The effect of removing this trigger is that the child care contribution income tax credit will be available for income tax years commencing on or after January 1, 2011, but prior to January 1, 2020, unless the general assembly acts by bill to remove or otherwise limit the availability of the income tax credit.

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

2 SECTION 1. 39-22-121 (1.5) and (6.7), Colorado Revised
3 Statutes, are amended to read:

4 39-22-121. Credit for child care facilities - repeal. (1.5) For
5 income tax years commencing on or after January 1, 2000, any taxpayer
6 who makes a monetary contribution to promote child care in the state
7 shall be allowed a credit against the income tax imposed by this article in
8 an amount equal to fifty percent of the total value of the contribution
9 except as otherwise provided in ~~subsection (5)~~ SUBSECTIONS (5) AND (6.7)
10 of this section.

11 (6.7) (a) If the revenue estimate prepared by the staff of the
12 legislative council in December 2010 and each December thereafter
13 THROUGH DECEMBER 2012 indicates that the amount of the total general
14 fund revenues for that particular fiscal year will not be sufficient to grow
15 the total state general fund appropriations by six percent over such
16 appropriations for the previous fiscal year, then the credit authorized in
17 this section shall not be allowed for any income tax year commencing
18 during the calendar year following the year in which the estimate is
19 prepared; except that any taxpayer who would have been eligible to claim
20 a credit pursuant to this section in the income tax year in which the credit
21 is not allowed shall be allowed to claim the credit earned in such income
22 tax year in the next income tax year in which the estimate indicates that
23 the amount of the total general fund revenues will be sufficient to grow

1 the total state general fund appropriations by six percent over such
2 appropriations for the previous fiscal year.

3 (b) The department of revenue shall, through its web site, specify
4 on or before January 1, 2011, and on or before each January 1 thereafter,
5 JANUARY 1, 2012, AND JANUARY 1, 2013, whether the credit authorized
6 in this section shall be allowed for a given income tax year pursuant to
7 paragraph (a) of this subsection (6.7).

8 (c) NOTWITHSTANDING ANY OTHER PROVISION, FOR ANY CREDIT
9 AMOUNT ALLOWED PURSUANT TO SUBSECTION (1.5) AND PARAGRAPH (a)
10 OF THIS SUBSECTION (6.7), IN THE INCOME TAX YEAR COMMENCING ON
11 JANUARY 1, 2014, AT LEAST FIFTY PERCENT OF THE TOTAL OF ANY CREDIT
12 AMOUNT ALLOWED SHALL BE CARRIED FORWARD TO THE INCOME TAX
13 YEAR COMMENCING ON JANUARY 1, 2015.

14 (d) NOTWITHSTANDING ANY OTHER PROVISION, FOR ANY CREDIT
15 AMOUNT ALLOWED PURSUANT TO SUBSECTION (1.5) AND INITIALLY
16 ALLOWED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (6.7), IN THE
17 INCOME TAX YEAR COMMENCING ON JANUARY 1, 2015, AT LEAST
18 TWENTY-FIVE PERCENT OF THE TOTAL OF ANY CREDIT AMOUNT ALLOWED
19 SHALL BE CARRIED FORWARD TO THE INCOME TAX YEAR COMMENCING ON
20 JANUARY 1, 2016.

21 **SECTION 2. Act subject to petition - effective date.** This act
22 shall take effect at 12:01 a.m. on the day following the expiration of the
23 ninety-day period after final adjournment of the general assembly (August
24 10, 2011, if adjournment sine die is on May 11, 2011); except that, if a
25 referendum petition is filed pursuant to section 1 (3) of article V of the
26 state constitution against this act or an item, section, or part of this act
27 within such period, then the act, item, section, or part shall not take effect

1 unless approved by the people at the general election to be held in
2 November 2012 and shall take effect on the date of the official
3 declaration of the vote thereon by the governor.