

HB1035_L.001

HOUSE COMMITTEE OF REFERENCE REPORT

 Chairman of Committee

 Date
Committee on Finance.

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

HB09-1035 be amended as follows:

- 1 Amend printed bill, page 3, line 6, after "Qualified", insert
- 2 "BIOTECHNOLOGY";
- 3 strike lines 10 through 19 and substitute the following:
- 4 "proprietorship that purchases, stores, uses, or consumes tangible personal
- 5 property to be used in Colorado directly and predominately in research
- 6 and development of biotechnology.
- 7 (5) "QUALIFIED CLEAN TECHNOLOGY OR MEDICAL DEVICE
- 8 TAXPAYER" MEANS A C CORPORATION, AS DEFINED IN SECTION 39-22-103
- 9 (2.5), A PARTNERSHIP, AS DEFINED IN SECTION 39-22-103 (5.6), A LIMITED
- 10 LIABILITY COMPANY THAT IS NOT A C CORPORATION, AN S CORPORATION,
- 11 AS DEFINED IN SECTION 39-22-103 (10.5), OR A SOLE PROPRIETORSHIP
- 12 THAT EMPLOYS FIFTY OR FEWER FULL-TIME EMPLOYEES, WHICH TAXPAYER
- 13 PURCHASES, STORES, USES, OR CONSUMES TANGIBLE PERSONAL PROPERTY
- 14 TO BE USED IN COLORADO DIRECTLY AND PREDOMINATELY IN RESEARCH
- 15 AND DEVELOPMENT OF CLEAN TECHNOLOGY OR MEDICAL DEVICES."
- 16 Renumber succeeding subsections accordingly.
- 17 Page 3, line 26, after "tax", insert "for biotechnology";
- 18 line 27, strike "(a)".
- 19 Page 4, line 2, after "qualified", insert "BIOTECHNOLOGY";



- 1 line 3, after "qualified", insert "BIOTECHNOLOGY";
- 2 line 6, strike "biotechnology, CLEAN TECHNOLOGY, OR MEDICAL" and
- 3 substitute "biotechnology";
- 4 line 7, strike "DEVICES";
- 5 strike lines 8 through 13;
- 6 line 15, after "qualified", insert "BIOTECHNOLOGY";
- 7 line 20, after "qualified", insert "BIOTECHNOLOGY";
- 8 line 25, strike "and a statement that the qualified" and substitute "and a
- 9 statement that the qualified BIOTECHNOLOGY";
- 10 line 27, strike "request, INFORMATION CONCERNING THE" and substitute
- 11 "request. No refund shall be allowed if the qualified BIOTECHNOLOGY
- 12 taxpayer has not complied with this subsection (2).".

13 Page 5, strike lines 1 through 5;

14 after line 5, insert the following:

15 **"39-26-403. Refund of state sales and use tax for clean**
16 **technology and medical devices - application requirements and**
17 **procedures - repeal.** (1) FOR THE CALENDAR YEAR COMMENCING
18 JANUARY 1, 2009, AND FOR EACH CALENDAR YEAR THEREAFTER, EACH
19 QUALIFIED CLEAN TECHNOLOGY OR MEDICAL DEVICE TAXPAYER SHALL BE
20 ALLOWED TO CLAIM A REFUND OF ALL STATE SALES AND USE TAX PAID BY
21 THE QUALIFIED CLEAN TECHNOLOGY OR MEDICAL DEVICE TAXPAYER,
22 PURSUANT TO PARTS 1 AND 2 OF THIS ARTICLE, ON THE SALE, STORAGE,
23 USE, OR CONSUMPTION OF TANGIBLE PERSONAL PROPERTY TO BE USED IN
24 COLORADO DIRECTLY AND PREDOMINATELY IN RESEARCH AND
25 DEVELOPMENT OF CLEAN TECHNOLOGY OR MEDICAL DEVICES DURING
26 THAT CALENDAR YEAR.

27 (2) TO CLAIM THE REFUND ALLOWED BY SUBSECTION (1) OF THIS
28 SECTION, A QUALIFIED CLEAN TECHNOLOGY OR MEDICAL DEVICE
29 TAXPAYER SHALL SUBMIT A REFUND APPLICATION TO THE DEPARTMENT OF
30 REVENUE ON A FORM PROVIDED BY THE DEPARTMENT. THE APPLICATION
31 SHALL BE SUBMITTED NO EARLIER THAN JANUARY 1 AND NO LATER THAN
32 APRIL 1 OF THE CALENDAR YEAR FOLLOWING THE CALENDAR YEAR FOR



1 WHICH THE REFUND IS CLAIMED. THE APPLICATION SHALL BE
2 ACCOMPANIED BY PROOF OF PAYMENT OF STATE SALES AND USE TAXES
3 PAID BY THE QUALIFIED CLEAN TECHNOLOGY OR MEDICAL DEVICE
4 TAXPAYER IN THE IMMEDIATELY PRECEDING CALENDAR YEAR. THE
5 APPLICATION SHALL ALSO INCLUDE ANY ADDITIONAL INFORMATION THAT
6 THE DEPARTMENT OF REVENUE MAY REQUIRE BY RULE, WHICH MAY
7 INCLUDE, WITHOUT LIMITATION, A DETAILED LIST OF ALL EXPENDITURES
8 THAT SUPPORT A CLAIM FOR A REFUND, THE NAME AND ADDRESSES OF AN
9 INDIVIDUAL WHO MAINTAINS RECORDS OF SUCH EXPENDITURES, A
10 STATEMENT THAT THE QUALIFIED CLEAN TECHNOLOGY OR MEDICAL
11 DEVICE TAXPAYER AGREES TO FURNISH RECORDS OF ALL SUCH
12 EXPENDITURES TO THE DEPARTMENT OF REVENUE UPON REQUEST, AND
13 THE NUMBER OF PERSONS WHO ARE EMPLOYED ON A FULL-TIME BASIS BY
14 THE QUALIFIED CLEAN TECHNOLOGY OR MEDICAL DEVICE TAXPAYER. THE
15 REFUND SHALL NOT BE ALLOWED IF THE QUALIFIED CLEAN TECHNOLOGY
16 OR MEDICAL DEVICE TAXPAYER HAS NOT COMPLIED WITH THIS SUBSECTION
17 (2).

18 (3) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (1) OF
19 THIS SECTION:

20 (a) A SALES AND USE TAX REFUND DESCRIBED IN SUBSECTION (1)
21 OF THIS SECTION SHALL NOT EXCEED FIFTY THOUSAND DOLLARS FOR A
22 QUALIFIED CLEAN TECHNOLOGY OR MEDICAL DEVICE TAXPAYER IN A
23 CALENDAR YEAR.

24 (b) IF THE REVENUE ESTIMATE PREPARED BY THE STAFF OF THE
25 LEGISLATIVE COUNCIL IN DECEMBER 2009 AND EACH DECEMBER
26 THEREAFTER INDICATES THAT THE AMOUNT OF THE TOTAL GENERAL FUND
27 REVENUES FOR A PARTICULAR FISCAL YEAR WILL NOT BE SUFFICIENT TO
28 MAINTAIN THE LIMIT ON APPROPRIATIONS SPECIFIED IN SECTION
29 24-75-201.1(1), C.R.S., THEN THE CREDIT AUTHORIZED IN SUBSECTION (1)
30 OF THIS SECTION SHALL NOT BE ALLOWED FOR THE NEXT INCOME TAX
31 YEAR FOLLOWING THE YEAR IN WHICH THE ESTIMATE IS PREPARED. A
32 QUALIFIED CLEAN TECHNOLOGY OR MEDICAL DEVICE TAXPAYER WHO
33 WOULD HAVE BEEN ELIGIBLE TO CLAIM A CREDIT PURSUANT TO THIS
34 SECTION IN AN INCOME TAX YEAR IN WHICH THE CREDIT WAS NOT
35 ALLOWED MAY CLAIM SAID CREDIT IN THE NEXT INCOME TAX YEAR IN
36 WHICH THE REVENUE ESTIMATE ALLOWS THE CREDIT. THE DEPARTMENT
37 OF REVENUE SHALL, THROUGH ITS WEB SITE, SPECIFY ON OR BEFORE
38 JANUARY 1, 2010, AND ON OR BEFORE EACH JANUARY 1 THEREAFTER,
39 WHETHER THE CREDIT AUTHORIZED IN SUBSECTION (1) OF THIS SECTION
40 SHALL BE ALLOWED FOR A GIVEN INCOME TAX YEAR.



1

(4) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2014."

** ** ** *

