

AMENDMENT TO REPORT OF THE COMMITTEE OF THE WHOLE

SB290_H.001

DATE 5/6/2025

Representative Richardson moved to amend the Report of the Committee of the Whole to reverse the action taken by the Committee in not adopting the following Marshall amendment, (L.016) to SB25-290, to show that said amendment passed and that SB25-290, as amended, passed.

Amend reengrossed bill, page 14, strike line 27.

Renumber succeeding subparagraphs accordingly.

Page 15, line 1, strike "AUGUST 1, 2026," and substitute "JANUARY 1, 2027,".

Page 15, strike line 2 and substitute:

"(II) ON JANUARY 1, 2028, JANUARY 1, 2029, AND JANUARY 1, 2030,".

Page 15, after line 10 insert:

"SECTION 5. In Colorado Revised Statutes, **add** 39-22-571 as follows:

39-22-571. Safety net provider donations tax credit - tax preference performance statement - review - legislative declaration - definitions - policies and procedures - repeal. (1) **Tax preference performance statement.** (a) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT THE PURPOSE OF THE CREDIT PROVIDED FOR IN THIS SECTION IS TO INDUCE TAXPAYERS TO MAKE DONATIONS TO THE PROVIDER STABILIZATION FUND TO ENABLE PROVIDER STABILIZATION PAYMENTS TO ELIGIBLE SAFETY NET PROVIDERS SERVING UNINSURED, LOW-INCOME POPULATIONS IN THE STATE.

(b) THE GENERAL ASSEMBLY AND THE STATE AUDITOR SHALL MEASURE THE EFFECTIVENESS OF THE CREDIT IN ACHIEVING THE PURPOSES SPECIFIED IN SUBSECTION (1)(a) OF THIS SECTION BASED ON THE NUMBER AND VALUE OF THE CREDITS CLAIMED.

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

- (a) "CREDIT" MEANS THE CREDIT AGAINST INCOME TAX CREATED IN THIS SECTION.
- (b) "DEPARTMENT" MEANS THE DEPARTMENT OF REVENUE.
- (c) "PROVIDER STABILIZATION FUND" MEANS THE FUND CREATED IN SECTION 25.5-3-603 (1).
- (d) "QUALIFIED DONATION" MEANS A DONATION TO THE PROVIDER STABILIZATION FUND.
- (e) "QUALIFIED TAXPAYER" MEANS A PERSON WHO MAKES A QUALIFIED DONATION

AND IS ELIGIBLE TO CLAIM THE CREDIT.

(f) "STATE DEPARTMENT" MEANS THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING.

(3) **Credit allowed.** (a) EXCEPT AS PROVIDED IN SUBSECTION (3)(b) OF THIS SECTION AND SUBJECT TO SUBSECTION (5) OF THIS SECTION, FOR INCOME TAX YEARS COMMENCING ON OR AFTER JANUARY 1, 2025, BUT BEFORE JANUARY 1, 2027, A CREDIT WITH RESPECT TO INCOME TAXES IMPOSED PURSUANT TO THIS ARTICLE 22 IS ALLOWED TO ANY QUALIFIED TAXPAYER IN THE AMOUNT EQUAL TO EIGHTY PERCENT OF THE AMOUNT OF A QUALIFIED DONATION.

(b) FOR THE INCOME TAX YEAR COMMENCING ON JANUARY 1, 2025, THE CREDIT IS ALLOWED ONLY FOR QUALIFIED DONATIONS MADE ON OR AFTER JULY 1, 2025, BUT ON OR BEFORE DECEMBER 31, 2025.

(4) **Application - credit certificate issuance.** (a) TO CLAIM THE CREDIT, A TAXPAYER MUST SUBMIT AN APPLICATION TO THE STATE DEPARTMENT ON OR BEFORE DECEMBER 31 OF THE CALENDAR YEAR DURING WHICH THE INCOME TAX YEAR FOR WHICH THE TAXPAYER WISHES TO CLAIM THE CREDIT, AND THE TAXPAYER MUST SUBMIT THE APPLICATION IN A FORM AND MANNER DETERMINED BY THE STATE DEPARTMENT.

(b) THE STATE DEPARTMENT SHALL REVIEW A TAXPAYER'S APPLICATION SUBMITTED PURSUANT TO SUBSECTION (4)(a) OF THIS SECTION TO DETERMINE:

- (I) WHETHER THE TAXPAYER MADE A QUALIFIED DONATION; AND
- (II) THE AMOUNT OF THE QUALIFIED DONATION MADE BY THE TAXPAYER.

(c) UPON APPROVING A QUALIFIED TAXPAYER'S APPLICATION AND MAKING THE DETERMINATIONS DESCRIBED IN SUBSECTION (4)(b) OF THIS SECTION, AND SUBJECT TO THE LIMITATIONS SET FORTH IN SUBSECTION (5) OF THIS SECTION, THE STATE DEPARTMENT SHALL ISSUE A CREDIT CERTIFICATE TO THE QUALIFIED TAXPAYER.

(d) THE STATE DEPARTMENT SHALL, IN A SUFFICIENTLY TIMELY MANNER TO ALLOW THE DEPARTMENT OF REVENUE TO PROCESS RETURNS CLAIMING THE CREDIT ALLOWED IN THIS SECTION, PROVIDE THE DEPARTMENT OF REVENUE WITH AN ELECTRONIC REPORT FOR THE PRECEDING TAX YEAR THAT LISTS EACH QUALIFIED TAXPAYER TO WHICH THE STATE DEPARTMENT ISSUED A CREDIT CERTIFICATE AND INCLUDES THE FOLLOWING INFORMATION:

- (I) THE QUALIFIED TAXPAYER'S NAME;
- (II) THE AMOUNT OF THE CREDIT THAT THE CERTIFICATE INDICATES THE QUALIFIED TAXPAYER IS ELIGIBLE TO CLAIM; AND
- (III) THE QUALIFIED TAXPAYER'S SOCIAL SECURITY NUMBER OR THE QUALIFIED TAXPAYER'S COLORADO ACCOUNT NUMBER AND FEDERAL EMPLOYER IDENTIFICATION NUMBER.

(5) **Limit on aggregate amount of all credits that the state department may reserve.** (a) THE AGGREGATE AMOUNT OF ALL CREDIT CERTIFICATES THAT THE STATE DEPARTMENT MAY ISSUE PURSUANT TO THIS SECTION MUST NOT EXCEED TWENTY MILLION DOLLARS IN ANY CALENDAR YEAR, IN ADDITION TO THE AMOUNT OF ANY PREVIOUSLY ISSUED CREDIT CERTIFICATES THAT WERE RESCINDED OR NOT UTILIZED DURING THE CALENDAR YEAR AND THE AMOUNT DESCRIBED IN SUBSECTION (5)(c) OF THIS SECTION. IN THE CASE OF A CREDIT CERTIFICATE ISSUED FOR THE BENEFIT OF A QUALIFIED TAXPAYER THAT FILES AN INCOME TAX RETURN FOR A TAX YEAR OTHER THAN A CALENDAR YEAR, THE AMOUNT IN THE CREDIT CERTIFICATE MUST COUNT AGAINST THE LIMIT FOR THE CALENDAR YEAR IN WHICH THE QUALIFIED TAXPAYER'S INCOME TAX YEAR BEGINS.

(b) THE AMOUNT OF EACH CREDIT THAT THE STATE DEPARTMENT MAY ISSUE IN A TAX CREDIT CERTIFICATE IS DETERMINED PURSUANT TO SUBSECTION (4) OF THIS SECTION; EXCEPT THAT, IF THE STATE DEPARTMENT DETERMINES THAT ISSUING EACH CREDIT CERTIFICATE IN AN AMOUNT DETERMINED PURSUANT TO SUBSECTION (4) OF THIS SECTION WILL CAUSE THE TOTAL AMOUNT OF CREDIT CERTIFICATES ISSUED BY THE STATE DEPARTMENT FOR A CALENDAR YEAR TO EXCEED THE LIMIT SET FORTH IN SUBSECTION (5)(a) OF THIS SECTION, THE STATE DEPARTMENT SHALL PROPORTIONALLY REDUCE THE AMOUNT OF EACH CREDIT CERTIFICATE ISSUED BY THE STATE DEPARTMENT SO THAT THE TOTAL AMOUNT OF CREDIT CERTIFICATES ISSUED BY THE STATE DEPARTMENT FOR THAT CALENDAR YEAR EQUALS THE LIMIT SET FORTH IN SUBSECTION (5)(a) OF THIS SECTION.

(c) IF THE AGGREGATE AMOUNT OF ALL CREDIT CERTIFICATES ISSUED BY THE STATE DEPARTMENT FOR ANY CALENDAR YEAR IS LESS THAN THE AMOUNT AVAILABLE AS CALCULATED PURSUANT TO SUBSECTION (5)(a) OF THIS SECTION, THEN THE AGGREGATE AMOUNT OF ALL CREDIT CERTIFICATES THAT THE STATE DEPARTMENT MAY ISSUE IN THE NEXT CALENDAR YEAR IS INCREASED BY THE UNISSUED AMOUNT.

(6) **Filing credit certificate with income tax return.** IN ORDER TO CLAIM THE CREDIT AUTHORIZED BY THIS SECTION, A QUALIFIED TAXPAYER MUST FILE THE CREDIT CERTIFICATE ISSUED BY THE STATE DEPARTMENT IN ACCORDANCE WITH SUBSECTION (4)(c) OF THIS SECTION WITH THE QUALIFIED TAXPAYER'S STATE INCOME TAX RETURN. THE AMOUNT OF THE CREDIT THAT A QUALIFIED TAXPAYER MAY CLAIM PURSUANT TO THIS SECTION IS THE AMOUNT STATED ON THE CREDIT CERTIFICATE.

(7) **Refundability.** IF THE AMOUNT OF THE CREDIT ALLOWED UNDER THIS SECTION EXCEEDS THE AMOUNT OF INCOME TAXES OTHERWISE DUE ON THE QUALIFIED TAXPAYER'S INCOME IN THE INCOME TAX YEAR FOR WHICH THE CREDIT IS CLAIMED, THE AMOUNT OF THE CREDIT NOT USED AS AN OFFSET AGAINST INCOME TAXES IN THE CURRENT INCOME TAX YEAR IS NOT CARRIED FORWARD AND MUST BE REFUNDED TO THE QUALIFIED TAXPAYER.

(8) **Policies and procedures.** THE STATE DEPARTMENT MAY CREATE AND MODIFY POLICIES AND PROCEDURES AS NECESSARY TO FURTHER IMPLEMENT THIS SECTION AND SHALL SOLICIT ADVICE FROM THE DEPARTMENT OF REVENUE IN CREATING AND MODIFYING THE POLICIES AND PROCEDURES.

(9) **Repeal.** THIS SECTION IS REPEALED, EFFECTIVE DECEMBER 31, 2031.

SECTION 6. In Colorado Revised Statutes, 39-22-555, **amend** (3)(a), (3)(e)(II), (4)(b), and (8); and **repeal** (6) as follows:

39-22-555. Electric bicycle tax credit - tax preference performance statement - legislative declaration - definitions - repeal. (3) (a) Except as otherwise provided in subsection (6) of this section, for income tax years commencing on or after January 1, 2024, but before ~~January 1, 2033~~ JANUARY 1, 2026, a qualified retailer is allowed a credit against the tax imposed pursuant to this article 22 in an amount equal to five hundred dollars for each retail sale of new qualified electric bicycles sold in the state during the income tax year to a qualified purchaser; except that for the income tax year commencing on January 1, 2024, the credit is allowed only for retail sales made on or after April 1, 2024, but on or before December 31, 2024.

(e) (II) For the income tax ~~years~~ YEAR commencing on ~~or after~~ January 1, 2025, the qualified retailer may elect advance payments of the credit allowed pursuant to this section as specified in section 39-22-629.

(4) (b) Pursuant to section 39-21-304 (3), and for the purpose of providing data that

allows the effectiveness of the tax credit allowed pursuant to this section to be measured, the department, on or before January 1, 2025, and on or before ~~January 1 of each year thereafter through January 1, 2034~~ JANUARY 1, 2026, shall provide to the state auditor information that details the number of sales of new qualified electric bicycles for which credits are claimed as reported by taxpayers claiming the credit for consideration during the state auditor's evaluation of this tax expenditure pursuant to section 39-21-305.

(6) If the ~~June 2025~~ revenue forecast, and each June revenue forecast through the ~~June 2031~~ revenue forecast as prepared by either legislative council staff or the office of state planning and budgeting, projects that state revenues, as defined in section 24-77-103.6(6)(c), will not increase by at least four percent for the next fiscal year, the amount of the credit allowed pursuant to this section, the discount required pursuant to subsection (3)(b) of this section, and the administrative fee allowed pursuant to subsection (3)(d) of this section for any tax year commencing in the calendar year that begins during said next fiscal year, is reduced by fifty percent.

(8) This section is repealed, effective ~~December 31, 2038~~ DECEMBER 31, 2030.

SECTION 7. In Colorado Revised Statutes, 39-22-559, **amend** (3) introductory portion, (5)(a), (6)(b)(I), (6)(c)(I)(A), and (9); and **repeal** (8) as follows:

39-22-559. Film incentive tax credit - tax preference performance statement - review - legislative declaration - definitions - repeal. (3) Subject to the limitations set forth in subsections (5) and (6) of this section, for income tax years commencing on or after January 1, 2024, but before ~~January 1, 2032~~ JANUARY 1, 2026, there shall be allowed a film incentive tax credit with respect to income taxes imposed pursuant to this article 22 to any production company making at least one hundred thousand dollars in actual qualified local expenditures and employing a workforce for any in-state production activity made up of at least fifty percent Colorado residents in an amount not to exceed twenty-two percent of the actual qualified local expenditures.

(5) (a) For the 2024 calendar year and ~~for each~~ THE 2025 calendar year, ~~thereafter~~, the maximum aggregate amount of all tax credits that the office may reserve pursuant to subsection (6) of this section is five million dollars per calendar year.

(6) (b) (I) The office shall review each application for a tax credit reservation submitted by a production company before the production company begins work on a film in Colorado. Based on the information provided in the production company's application for a tax credit reservation, the office may determine that a production company is entitled to a tax credit reservation in accordance with the provisions of this section. The office shall issue tax credit reservations subject to the limitations set forth in this subsection (6) and in subsection (5) of this section. The office shall not issue tax credit reservations after ~~December 31, 2029~~ DECEMBER 31, 2025.

(c) (I)(A) A production company shall complete the production activities in Colorado on or before ~~December 31, 2031~~ DECEMBER 31, 2027. Upon completion of the production activities in Colorado, a production company that received a tax credit reservation from the office must retain a certified public accountant licensed to practice in the state or a certified public accounting firm that is registered in the state, to review and report in writing, and in accordance with professional standards, regarding the accuracy of the financial documents that detail the expenses incurred in the course of the film production activities in Colorado. The certified public accountant's written report must include documentation of the production company's actual expenditures, including its actual qualified local expenditures, and any

documentation necessary to show that the production company employed a workforce for the in-state production activities made up of at least fifty percent Colorado residents. When the production company provides a copy of the certified public accountant's written report and the production company certifies in writing to the office that the amount of the production company's actual qualified local expenditures equals or exceeds the applicable minimum total amount of the production company's qualified local expenditures as specified in subsection (3) of this section, the office shall conduct a review of the certified public accountant's written report to ensure the requirements of this section are met. If the office is satisfied that the requirements of this section are met, and the office confirms that the certified public accountant who provided the written report is from the list described in subsection (6)(c)(II)(B) of this section, then the office shall issue to the production company a tax credit certificate that evidences the production company's right to claim the tax credit allowed under subsection (3) of this section. The tax credit certificate must include the taxpayer's name, the taxpayer's social security number or federal employer identification number, the approved tax credit amount, the income tax year for which the tax credit is being allowed, and any other information that the executive director of the department of revenue may require.

~~(8) The office of economic development and the office shall jointly review the effectiveness of the credit and report the results of the review to the house of representatives finance committee and the senate finance committee, or their successor committees, no later than July 1, 2028.~~

(9) This section is repealed, effective ~~December 31, 2034~~ DECEMBER 31, 2029.

SECTION 8. In Colorado Revised Statutes, 39-28-104, **amend** (1)(a)(I) as follows:

39-28-104. Evidence of payment of tax - credits - redemptions - repeal.

(1) (a) (I) Payment of the taxes imposed by sections 39-28-103 and 39-28-103.5 and section 21 of article X of the state constitution shall be evidenced by the affixing of stamps to, or by an imprint or impression by suitable metering machines approved by the department on, packages containing cigarettes. The department shall procure stamps of such design and legend as it deems necessary and suitable for the purpose. Except as provided in subsection (1)(b) of this section, the department shall sell such stamps for cash to licensed wholesalers at a discount of four percent of their face value for sales occurring after July 1, 2005, but before January 1, 2021, and four-tenths percent of their face value for sales occurring on and after January 1, 2021, BUT BEFORE JULY 1, 2025, if payment is made on or before the tenth day of the month following the month in which the purchase is made to cover the licensed wholesaler's expense in the collection and remittance of such tax; but, if any licensed wholesaler is delinquent in remitting such payment, other than in unusual circumstances shown to the satisfaction of the executive director of the department, the licensed wholesaler shall not be allowed to retain any amounts to cover ~~his or her~~ THEIR expense in collecting and remitting said tax, and, in addition, the penalty imposed under section 39-28-108 (2) shall apply. The department shall keep accurate records of all stamps sold to each wholesaler. No wholesaler shall sell or transfer any stamps purchased pursuant to this article 28.

SECTION 9. In Colorado Revised Statutes, 39-30-103.5, **amend** (1)(a)(I) as follows:

39-30-103.5. Credit against tax - contributions to enterprise zone administrators to implement economic development plans - repeal. (1) (a) (I) Any taxpayer who makes a monetary or in-kind contribution for the purpose of implementing the economic development plan for the enterprise zone to the person or agency designated as the enterprise zone administrator by the Colorado economic development commission, shall be allowed a

credit against the income tax imposed by article 22 of this title 39 in an amount equal to THE FOLLOWING AMOUNTS:

(A) FOR CONTRIBUTIONS MADE BEFORE JANUARY 1, 2026, twenty-five percent of the total value of the contribution as certified by the enterprise zone administrator; AND

(B) FOR CONTRIBUTIONS MADE ON OR AFTER JANUARY 1, 2026, TWENTY-THREE AND ONE-FOURTH PERCENT OF THE TOTAL VALUE OF THE CONTRIBUTION AS CERTIFIED BY THE ENTERPRISE ZONE ADMINISTRATOR.

SECTION 10. In Colorado Revised Statutes, 39-30-104, **amend** (1)(a) as follows:

39-30-104. Credit against tax - investment in certain property - definitions.

(1) (a) (I) There shall be allowed to any person as a credit against the tax imposed by article 22 of this title 39, for income tax years commencing on or after January 1, 1986, an amount equal to the total of three percent of the total qualified investment, as determined under section 46 (c)(2) of the federal "Internal Revenue Code of 1986", as amended, in such taxable year in qualified property as defined in section 48 of the internal revenue code to the extent that such investment is in property that is used solely and exclusively in an enterprise zone for at least one year. The references in this subsection (1) to sections 46 (c)(2) and 48 of the internal revenue code mean sections 46 (c)(2) and 48 of the internal revenue code as they existed immediately prior to the enactment of the federal "Revenue Reconciliation Act of 1990".

(II) NOTWITHSTANDING SUBSECTION (1)(a)(I) OF THIS SECTION, FOR CREDITS ALLOWED BEGINNING IN INCOME TAX YEARS COMMENCING ON OR AFTER JANUARY 1, 2026, A TAXPAYER IS NOT ALLOWED A TOTAL CREDIT AMOUNT AGAINST THE TAX IMPOSED BY ARTICLE 22 OF THIS TITLE 39 PURSUANT TO SUBSECTION (1)(a)(I) OF THIS SECTION IN EXCESS OF SIX MILLION NINE HUNDRED THOUSAND DOLLARS.

SECTION 11. Appropriation - adjustments to 2025 long bill. (1) To implement this act, general fund appropriations made in the annual general appropriation act for the 2025-26 state fiscal year to the office of the governor for use by economic development programs are decreased as follows:

Global business development	\$1,400,000
Colorado office of film, television, and media	\$600,000
Colorado promotion - other program costs	\$2,000,000
Economic development commission - general economic incentives and marketing	\$1,000,000

(2) For the 2025-26 state fiscal year, \$5,000,000 is appropriated to the department of health care policy and financing. This appropriation is from the general fund. To implement this act, the department may use this appropriation for the provider stabilization fund related to other medical services.".

Renumber succeeding sections accordingly.

Page 1, line 106, after "MAKING" insert "AND REDUCING".

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