

HOUSE FLOOR AMENDMENT

Second Reading

BY REPRESENTATIVE Marshall

1 Amend reengrossed bill, page 14, strike line 27.

2 Renumber succeeding subparagraphs accordingly.

3 Page 15, line 1, strike "AUGUST 1, 2026," and substitute "JANUARY 1,
4 2027,".

5 Page 15, strike line 2 and substitute:

6 "(II) ON JANUARY 1, 2028, JANUARY 1, 2029, AND JANUARY 1,
7 2030,".

8 Page 15, after line 10 insert:

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

11 **39-22-571. Safety net provider donations tax credit - tax**
12 **preference performance statement - review - legislative declaration**
13 **- definitions - policies and procedures - repeal. (1) Tax preference**
14 **performance statement.** (a) THE GENERAL ASSEMBLY FINDS AND
15 DECLARES THAT THE PURPOSE OF THE CREDIT PROVIDED FOR IN THIS
16 SECTION IS TO INDUCE TAXPAYERS TO MAKE DONATIONS TO THE PROVIDER
17 STABILIZATION FUND TO ENABLE PROVIDER STABILIZATION PAYMENTS TO
18 ELIGIBLE SAFETY NET PROVIDERS SERVING UNINSURED, LOW-INCOME
19 POPULATIONS IN THE STATE.

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

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

26 (a) "CREDIT" MEANS THE CREDIT AGAINST INCOME TAX CREATED
27 IN THIS SECTION.

28 (b) "DEPARTMENT" MEANS THE DEPARTMENT OF REVENUE.

29 (c) "PROVIDER STABILIZATION FUND" MEANS THE FUND CREATED
30 IN SECTION 25.5-3-603 (1).

31 (d) "QUALIFIED DONATION" MEANS A DONATION TO THE PROVIDER
32 STABILIZATION FUND.

33 (e) "QUALIFIED TAXPAYER" MEANS A PERSON WHO MAKES A
34 QUALIFIED DONATION AND IS ELIGIBLE TO CLAIM THE CREDIT.

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

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

10 (b) FOR THE INCOME TAX YEAR COMMENCING ON JANUARY 1,
11 2025, THE CREDIT IS ALLOWED ONLY FOR QUALIFIED DONATIONS MADE ON
12 OR AFTER JULY 1, 2025, BUT ON OR BEFORE DECEMBER 31, 2025.

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

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

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

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

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

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

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

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

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

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

41 **(7) Refundability.** IF THE AMOUNT OF THE CREDIT ALLOWED
42 UNDER THIS SECTION EXCEEDS THE AMOUNT OF INCOME TAXES OTHERWISE
43 DUE ON THE QUALIFIED TAXPAYER'S INCOME IN THE INCOME TAX YEAR FOR

1 WHICH THE CREDIT IS CLAIMED, THE AMOUNT OF THE CREDIT NOT USED AS
2 AN OFFSET AGAINST INCOME TAXES IN THE CURRENT INCOME TAX YEAR IS
3 NOT CARRIED FORWARD AND MUST BE REFUNDED TO THE QUALIFIED
4 TAXPAYER.

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

10 (9) **Repeal.** THIS SECTION IS REPEALED, EFFECTIVE DECEMBER 31,
11 2031.

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

14 **39-22-555. Electric bicycle tax credit - tax preference**
15 **performance statement - legislative declaration - definitions - repeal.**

16 (3) (a) Except as otherwise provided in subsection (6) of this section, for
17 income tax years commencing on or after January 1, 2024, but before
18 ~~January 1, 2033~~ JANUARY 1, 2026, a qualified retailer is allowed a credit
19 against the tax imposed pursuant to this article 22 in an amount equal to
20 five hundred dollars for each retail sale of new qualified electric bicycles
21 sold in the state during the income tax year to a qualified purchaser;
22 except that for the income tax year commencing on January 1, 2024, the
23 credit is allowed only for retail sales made on or after April 1, 2024, but
24 on or before December 31, 2024.

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

28 (4) (b) Pursuant to section 39-21-304 (3), and for the purpose of
29 providing data that allows the effectiveness of the tax credit allowed
30 pursuant to this section to be measured, the department, on or before
31 January 1, 2025, and on or before ~~January 1 of each year thereafter~~
32 ~~through January 1, 2034~~ JANUARY 1, 2026, shall provide to the state
33 auditor information that details the number of sales of new qualified
34 electric bicycles for which credits are claimed as reported by taxpayers
35 claiming the credit for consideration during the state auditor's evaluation
36 of this tax expenditure pursuant to section 39-21-305.

37 (6) ~~If the June 2025 revenue forecast, and each June revenue~~
38 ~~forecast through the June 2031 revenue forecast as prepared by either~~
39 ~~legislative council staff or the office of state planning and budgeting,~~
40 ~~projects that state revenues, as defined in section 24-77-103.6(6)(c), will~~
41 ~~not increase by at least four percent for the next fiscal year, the amount~~
42 ~~of the credit allowed pursuant to this section, the discount required~~
43 ~~pursuant to subsection (3)(b) of this section, and the administrative fee~~

1 ~~allowed pursuant to subsection (3)(d) of this section for any tax year~~
2 ~~commencing in the calendar year that begins during said next fiscal year,~~
3 ~~is reduced by fifty percent.~~
4 (8) This section is repealed, effective ~~December 31, 2038~~
5 ~~DECEMBER 31, 2030.~~
6 **SECTION 7.** In Colorado Revised Statutes, 39-22-559, **amend**
7 (3) introductory portion, (5)(a), (6)(b)(I), (6)(c)(I)(A), and (9); and **repeal**
8 (8) as follows:
9 **39-22-559. Film incentive tax credit - tax preference**
10 **performance statement - review - legislative declaration - definitions**
11 **- repeal.** (3) Subject to the limitations set forth in subsections (5) and (6)
12 of this section, for income tax years commencing on or after January 1,
13 2024, but before ~~January 1, 2032~~ JANUARY 1, 2026, there shall be allowed
14 a film incentive tax credit with respect to income taxes imposed pursuant
15 to this article 22 to any production company making at least one hundred
16 thousand dollars in actual qualified local expenditures and employing a
17 workforce for any in-state production activity made up of at least fifty
18 percent Colorado residents in an amount not to exceed twenty-two
19 percent of the actual qualified local expenditures.
20 (5) (a) For the 2024 calendar year and ~~for each~~ THE 2025 calendar
21 year, ~~thereafter~~, the maximum aggregate amount of all tax credits that the
22 office may reserve pursuant to subsection (6) of this section is five
23 million dollars per calendar year.
24 (6) (b) (I) The office shall review each application for a tax credit
25 reservation submitted by a production company before the production
26 company begins work on a film in Colorado. Based on the information
27 provided in the production company's application for a tax credit
28 reservation, the office may determine that a production company is
29 entitled to a tax credit reservation in accordance with the provisions of
30 this section. The office shall issue tax credit reservations subject to the
31 limitations set forth in this subsection (6) and in subsection (5) of this
32 section. The office shall not issue tax credit reservations after ~~December~~
33 ~~31, 2029~~ DECEMBER 31, 2025.
34 (c) (I) (A) A production company shall complete the production
35 activities in Colorado on or before ~~December 31, 2031~~ DECEMBER 31,
36 2027. Upon completion of the production activities in Colorado, a
37 production company that received a tax credit reservation from the office
38 must retain a certified public accountant licensed to practice in the state
39 or a certified public accounting firm that is registered in the state, to
40 review and report in writing, and in accordance with professional
41 standards, regarding the accuracy of the financial documents that detail
42 the expenses incurred in the course of the film production activities in
43 Colorado. The certified public accountant's written report must include

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

24 ~~(8) The office of economic development and the office shall~~
25 ~~jointly review the effectiveness of the credit and report the results of the~~
26 ~~review to the house of representatives finance committee and the senate~~
27 ~~finance committee, or their successor committees, no later than July 1,~~
28 ~~2028.~~

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

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

33 **39-28-104. Evidence of payment of tax - credits - redemptions**
34 **- repeal.** (1) (a) (I) Payment of the taxes imposed by sections 39-28-103
35 and 39-28-103.5 and section 21 of article X of the state constitution shall
36 be evidenced by the affixing of stamps to, or by an imprint or impression
37 by suitable metering machines approved by the department on, packages
38 containing cigarettes. The department shall procure stamps of such design
39 and legend as it deems necessary and suitable for the purpose. Except as
40 provided in subsection (1)(b) of this section, the department shall sell
41 such stamps for cash to licensed wholesalers at a discount of four percent
42 of their face value for sales occurring after July 1, 2005, but before
43 January 1, 2021, and four-tenths percent of their face value for sales

1 occurring on and after January 1, 2021, BUT BEFORE JULY 1, 2025, if
2 payment is made on or before the tenth day of the month following the
3 month in which the purchase is made to cover the licensed wholesaler's
4 expense in the collection and remittance of such tax; but, if any licensed
5 wholesaler is delinquent in remitting such payment, other than in unusual
6 circumstances shown to the satisfaction of the executive director of the
7 department, the licensed wholesaler shall not be allowed to retain any
8 amounts to cover ~~his or her~~ THEIR expense in collecting and remitting said
9 tax, and, in addition, the penalty imposed under section 39-28-108 (2)
10 shall apply. The department shall keep accurate records of all stamps sold
11 to each wholesaler. No wholesaler shall sell or transfer any stamps
12 purchased pursuant to this article 28.

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

15 **39-30-103.5. Credit against tax - contributions to enterprise**
16 **zone administrators to implement economic development plans -**
17 **repeal.** (1) (a) (I) Any taxpayer who makes a monetary or in-kind
18 contribution for the purpose of implementing the economic development
19 plan for the enterprise zone to the person or agency designated as the
20 enterprise zone administrator by the Colorado economic development
21 commission, shall be allowed a credit against the income tax imposed by
22 article 22 of this title 39 in an amount equal to THE FOLLOWING AMOUNTS:

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

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

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

31 **39-30-104. Credit against tax - investment in certain property**
32 **- definitions.** (1) (a) (I) ~~There shall be~~ is allowed to any person as a
33 credit against the tax imposed by article 22 of this title 39, for income tax
34 years commencing on or after January 1, 1986, an amount equal to the
35 total of three percent of the total qualified investment, as determined
36 under section 46 (c)(2) of the federal "Internal Revenue Code of 1986",
37 as amended, in such taxable year in qualified property as defined in
38 section 48 of the internal revenue code to the extent that such investment
39 is in property that is used solely and exclusively in an enterprise zone for
40 at least one year. The references in this subsection (1) to sections 46
41 (c)(2) and 48 of the internal revenue code mean sections 46 (c)(2) and 48
42 of the internal revenue code as they existed immediately prior to the
43 enactment of the federal "Revenue Reconciliation Act of 1990".

1 (II) NOTWITHSTANDING SUBSECTION (1)(a)(I) OF THIS SECTION,
2 FOR CREDITS ALLOWED BEGINNING IN INCOME TAX YEARS COMMENCING
3 ON OR AFTER JANUARY 1, 2026, A TAXPAYER IS NOT ALLOWED A TOTAL
4 CREDIT AMOUNT AGAINST THE TAX IMPOSED BY ARTICLE 22 OF THIS TITLE
5 39 PURSUANT TO SUBSECTION (1)(a)(I) OF THIS SECTION IN EXCESS OF SIX
6 MILLION NINE HUNDRED THOUSAND DOLLARS.

7 **SECTION 11. Appropriation - adjustments to 2025 long bill.**

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

12 Global business development	\$1,400,000
13 Colorado office of film, television, and media	\$600,000
14 Colorado promotion - other program costs	\$2,000,000
15 Economic development commission - general economic incentives 16 and marketing	\$1,000,000

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

22 Renumber succeeding sections accordingly.

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

** *** ** *** **