

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Finance.

HB25-1268 be amended as follows:

1 Amend the Energy and Environment Committee Report, dated March 20,  
2 2025, page 4, line 1, after "(2)" insert "(a)".

3 Page 4, after line 8 insert:

4 "(b) IN AN AGREEMENT ENTERED INTO PURSUANT TO THIS  
5 SUBSECTION (2), THE AGREEMENT MUST INCLUDE REQUIREMENTS THAT,  
6 NO LATER THAN THREE YEARS AFTER MONEY IS LOANED TO THE  
7 PARTICIPATING UTILITY OR PROGRAM ADMINISTRATOR, THE  
8 PARTICIPATING UTILITY OR PROGRAM ADMINISTRATOR SHALL BEGIN  
9 MAKING ANNUAL PAYMENTS OF THE PRINCIPAL AND INTEREST OF THE  
10 AMOUNT LOANED AT THE INTEREST RATE SPECIFIED IN SUBSECTION (2)(c)  
11 OF THIS SECTION, WHICH MONEY THE STATE TREASURER SHALL CREDIT  
12 DIRECTLY TO THE UNCLAIMED PROPERTY TRUST FUND. AN AGREEMENT  
13 ENTERED INTO PURSUANT TO THIS SUBSECTION (2) MUST REQUIRE THAT  
14 THE LOAN IS AMORTIZED OVER A MAXIMUM OF TWENTY YEARS.

15 (c) A LOAN MADE TO A PARTICIPATING UTILITY FROM THE ON-BILL  
16 CASH FUND MUST INCLUDE AN INTEREST RATE OF ONE PERCENT, AND  
17 INTEREST PAYMENTS MUST BE CREDITED TO THE UNCLAIMED PROPERTY  
18 TRUST FUND.".

19 Page 12, line 17, strike "(3.3)" and substitute "(1)(e) and (3.3)".

20 Page 12, line 19, after "**rules -**" insert "**reports -**".

21 Page 12, after line 25 insert:

22 "(e) IF CLAIMS MADE PURSUANT TO THIS ARTICLE 13 EXCEED THE  
23 BALANCE IN THE UNCLAIMED PROPERTY TRUST FUND, THE EXCESS  
24 AMOUNT SHALL BE PAID OUT OF THE GENERAL FUND.".

25 Page 12, strike lines 26 through 35 and substitute:

26 "(3.3) (a) ON JULY 1, 2025, THE STATE TREASURER SHALL MAKE  
27 AN".

28 Page 12, line 36, strike "ONE HUNDRED" and substitute "FIVE".

29 Page 12, strike line 38 and substitute "CREATED IN SECTION 24-38.5-607;  
30 EXCEPT THAT, IF THE CONDITION DESCRIBED IN SECTION 24-36-125 (2)(b)  
31 OCCURS, THE STATE TREASURER SHALL NOT MAKE THE LOAN DESCRIBED

1 IN THIS SUBSECTION (3.3)(a). IF THE CONDITION DESCRIBED IN SECTION  
2 24-36-125 (2)(b) OCCURS, THE STATE TREASURER SHALL TRANSFER  
3 TWENTY-FIVE MILLION DOLLARS FROM THE ON-BILL FINANCING FUND  
4 CREATED IN SECTION 24-36-125 (7) TO THE ON-BILL CASH FUND CREATED  
5 IN SECTION 24-38.5-607 ONCE THE MONEY IN THE ON-BILL FINANCING  
6 FUND REACHES TWENTY-FIVE MILLION DOLLARS. THE COLORADO ENERGY  
7 OFFICE SHALL:".

8 Page 13, strike lines 4 and 5 and substitute:

9 "(b) IF THE LOAN DESCRIBED IN SUBSECTION (3.3)(a) OF THIS  
10 SECTION IS MADE ON JULY 1, 2025, THEN, ON MARCH 1, 2026, THE STATE  
11 TREASURER SHALL MAKE AN ADDITIONAL INTEREST-FREE LOAN IN THE  
12 AMOUNT OF TWENTY MILLION DOLLARS FROM THE UNCLAIMED PROPERTY  
13 TRUST FUND TO THE ON-BILL CASH FUND CREATED IN SECTION  
14 24-38.5-607. THE COLORADO ENERGY OFFICE SHALL:

15 (I) USE THE LOAN TO SUPPORT UTILITY ON-BILL PROGRAMS, AS  
16 DESCRIBED IN SECTION 24-38.5-603; AND

17 (II) PAY THE LOAN BACK TO THE UNCLAIMED PROPERTY TRUST  
18 FUND BY JANUARY 1, 2046. THE LOAN REPAYMENT IS SUBJECT TO FUTURE  
19 APPROPRIATION BY THE GENERAL ASSEMBLY AND SHALL NOT BE DEEMED  
20 OR CONSTRUED AS CREATING INDEBTEDNESS OF THE STATE WITHIN THE  
21 MEANING OF THE STATE CONSTITUTION OR THE LAW OF THE STATE  
22 CONCERNING LIMITING THE CREATION OF INDEBTEDNESS BY THE STATE.

23 (c) ON JULY 1, 2026, THE STATE TREASURER SHALL MAKE AN  
24 INTEREST-FREE LOAN IN THE AMOUNT OF TWENTY-FIVE MILLION DOLLARS  
25 FROM THE UNCLAIMED PROPERTY TRUST FUND TO THE ON-BILL CASH FUND  
26 CREATED IN SECTION 24-38.5-607; EXCEPT THAT, IF THE CONDITION  
27 DESCRIBED IN SECTION 24-36-125 (2)(c) OCCURS, THE STATE TREASURER  
28 SHALL NOT MAKE THE LOAN DESCRIBED IN THIS SUBSECTION (3.3)(c). IF  
29 THE CONDITION DESCRIBED IN SECTION 24-36-125 (2)(c) OCCURS, THE  
30 STATE TREASURER SHALL TRANSFER TWENTY-FIVE MILLION DOLLARS  
31 FROM THE ON-BILL FINANCING FUND CREATED IN SECTION 24-36-125 (7)  
32 TO THE ON-BILL CASH FUND CREATED IN SECTION 24-38.5-607 ONCE THE  
33 MONEY IN THE ON-BILL FINANCING FUND REACHES TWENTY-FIVE MILLION  
34 DOLLARS. THE COLORADO ENERGY OFFICE SHALL:

35 (I) USE THE LOAN TO SUPPORT UTILITY ON-BILL PROGRAMS, AS  
36 DESCRIBED IN SECTION 24-38.5-603; AND

37 (II) PAY THE LOAN BACK TO THE UNCLAIMED PROPERTY TRUST  
38 FUND BY JANUARY 1, 2046. THE LOAN REPAYMENT IS SUBJECT TO FUTURE  
39 APPROPRIATION BY THE GENERAL ASSEMBLY AND SHALL NOT BE DEEMED  
40 OR CONSTRUED AS CREATING INDEBTEDNESS OF THE STATE WITHIN THE  
41 MEANING OF THE STATE CONSTITUTION OR THE LAW OF THE STATE  
42 CONCERNING LIMITING THE CREATION OF INDEBTEDNESS BY THE STATE.

43 (d) ON OR BEFORE DECEMBER 31, 2025, AND ON OR BEFORE

1 DECEMBER 31 OF EACH YEAR THEREAFTER, THE COLORADO ENERGY  
2 OFFICE SHALL SUBMIT A REPORT TO THE STATE TREASURER AND THE STATE  
3 CONTROLLER SUMMARIZING THE STATUS OF LOANS MADE TO UTILITIES  
4 FROM THE MONEY LOANED FROM THE UNCLAIMED PROPERTY TRUST FUND  
5 TO THE ON-BILL CASH FUND CREATED IN SECTION 24-38.5-607. THE  
6 ANNUAL REPORT MUST INCLUDE INFORMATION REGARDING THE NUMBER  
7 OF LOANS MADE TO UTILITIES TO DATE AND THE AMOUNTS LOANED TO  
8 EACH UTILITY TO DATE.".

9 Page 24, after line 3 insert:

10 **"SECTION 6.** In Colorado Revised Statutes, **add** 24-36-125 as  
11 follows:

12 **24-36-125. On-bill financing tax credits - authorization to**  
13 **issue - terms - use of tax credits - carry over - on-bill financing fund**  
14 **- creation - definitions - repeal.** (1) **Definitions.** AS USED IN THIS  
15 SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

16 (a) "APPLICABLE FORECAST" MEANS EITHER THE QUARTERLY  
17 DECEMBER REVENUE FORECAST PREPARED BY LEGISLATIVE COUNCIL  
18 STAFF OR THE QUARTERLY DECEMBER REVENUE FORECAST PREPARED BY  
19 THE OFFICE OF STATE PLANNING AND BUDGETING IN THE DECEMBER  
20 IMMEDIATELY PRECEDING THE APPLICABLE STATE FISCAL YEAR, AS  
21 DETERMINED BY WHICH IMMEDIATELY PRECEDING MARCH FORECAST THE  
22 JOINT BUDGET COMMITTEE OF THE GENERAL ASSEMBLY USED IN THE  
23 PREPARATION OF THE STATE BUDGET.

24 (b) "DEPARTMENT" MEANS THE DEPARTMENT OF THE TREASURY.

25 (c) "FORECAST" MEANS THE QUARTERLY JUNE REVENUE FORECAST  
26 PREPARED BY THE OFFICE OF STATE PLANNING AND BUDGETING IN JUNE  
27 2025.

28 (d) "NONEXEMPT REVENUE" MEANS, FOR THE APPLICABLE STATE  
29 FISCAL YEAR, THE REVENUE THAT IS IDENTIFIED AS NONEXEMPT TABOR  
30 REVENUES IN THE ANNUAL COMPREHENSIVE FINANCIAL REPORT PUBLISHED  
31 BY THE OFFICE OF THE STATE CONTROLLER.

32 (e) "ON-BILL FINANCING FUND" MEANS THE ON-BILL FINANCING  
33 FUND CREATED IN SUBSECTION (7) OF THIS SECTION.

34 (f) "ON-BILL FINANCING TAX CREDIT" OR "TAX CREDIT" MEANS THE  
35 TAX CREDIT AUTHORIZED IN SUBSECTION (2) OF THIS SECTION.

36 (g) "PREMIUM TAX LIABILITY" MEANS THE LIABILITY IMPOSED BY  
37 SECTION 10-3-209 OR 10-6-128 OR, IN THE CASE OF A REPEAL OR  
38 REDUCTION BY THE STATE OF THE LIABILITY IMPOSED BY SECTION  
39 10-3-209 OR 10-6-128, ANY OTHER TAX LIABILITY IMPOSED UPON AN  
40 INSURANCE COMPANY BY THE STATE.

41 (h) (I) "QUALIFIED TAXPAYER" MEANS AN INSURANCE COMPANY  
42 AUTHORIZED TO DO BUSINESS IN COLORADO THAT HAS PREMIUM TAX  
43 LIABILITY OWING TO THE STATE AND THAT PURCHASES A TAX CREDIT

1 UNDER THIS SECTION.

2 (II) "QUALIFIED TAXPAYER" INCLUDES AN INSURANCE COMPANY  
3 THAT RECEIVES OR ASSUMES A TAX CREDIT TRANSFER.

4 (i) "REF C CAP" MEANS THE LIMIT ON STATE FISCAL YEAR  
5 SPENDING FROM SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION,  
6 AS MODIFIED BY REFERENDUM C.

7 (j) "TABOR" MEANS SECTION 20 OF ARTICLE X OF THE STATE  
8 CONSTITUTION.

9 (k) "TAX CREDIT SALE PROCEEDS" OR "SALE PROCEEDS" MEANS  
10 THE MONEY OR OTHER LIQUID ASSET ACCEPTABLE TO THE STATE  
11 TREASURER THAT A QUALIFIED TAXPAYER PAYS TO THE DEPARTMENT  
12 THAT IS DEPOSITED IN THE ON-BILL FINANCING FUND.

13 (2) **On-bill financing tax credits.** (a) SUBJECT TO SUBSECTIONS  
14 (2)(b) AND (2)(c) OF THIS SECTION, A QUALIFIED TAXPAYER MAY  
15 PURCHASE ON-BILL FINANCING TAX CREDITS FROM THE DEPARTMENT IN  
16 ACCORDANCE WITH THIS SECTION AND MAY APPLY THE TAX CREDITS  
17 AGAINST THE QUALIFIED TAXPAYER'S PREMIUM TAX LIABILITY IN  
18 ACCORDANCE WITH SUBSECTION (6) OF THIS SECTION.

19 (b) IF THE FORECAST SHOWS THAT THE STATE'S NONEXEMPT  
20 REVENUE FOR THE 2025-26 STATE FISCAL YEAR IS AT LEAST FIFTY MILLION  
21 DOLLARS UNDER THE REF C CAP:

22 (I) THE DEPARTMENT IS REQUIRED TO ISSUE TAX CREDIT  
23 CERTIFICATES TO QUALIFIED TAXPAYERS WITH TOTAL SALE PROCEEDS OF  
24 AT LEAST TWENTY-FIVE MILLION DOLLARS IN STATE FISCAL YEAR 2025-26;  
25 AND

26 (II) THE TAX CREDIT SALE PROCEEDS DEPOSITED INTO THE ON-BILL  
27 FINANCING FUND PURSUANT TO SUBSECTION (5) OF THIS SECTION SHALL BE  
28 USED TO FINANCE UTILITIES' ON-BILL PROGRAMS PURSUANT TO PART 6 OF  
29 ARTICLE 38.5 OF THIS TITLE 24.

30 (c) IF THE APPLICABLE FORECAST SHOWS THAT THE STATE'S  
31 NONEXEMPT REVENUE FOR THE 2026-27 STATE FISCAL YEAR IS AT LEAST  
32 FIFTY MILLION DOLLARS UNDER THE REF C CAP:

33 (I) THE DEPARTMENT IS REQUIRED TO ISSUE TAX CREDIT  
34 CERTIFICATES TO QUALIFIED TAXPAYERS WITH TOTAL SALE PROCEEDS OF  
35 AT LEAST TWENTY-FIVE MILLION DOLLARS IN STATE FISCAL YEAR 2026-27;  
36 AND

37 (II) THE TAX CREDIT SALE PROCEEDS DEPOSITED INTO THE ON-BILL  
38 FINANCING FUND PURSUANT TO SUBSECTION (5) OF THIS SECTION SHALL BE  
39 USED TO FINANCE UTILITIES' ON-BILL PROGRAMS PURSUANT TO PART 6 OF  
40 ARTICLE 38.5 OF THIS TITLE 24.

41 (d) THE DEPARTMENT MAY CONTRACT WITH AN INDEPENDENT  
42 THIRD PARTY TO CONDUCT OR CONSULT ON A BIDDING PROCESS AMONG  
43 QUALIFIED TAXPAYERS TO PURCHASE THE TAX CREDITS.

44 (e) THE DEPARTMENT SHALL CONSULT WITH INSURANCE  
45 COMPANIES IN ADVANCE OF ISSUING ANY TAX CREDITS IN ACCORDANCE

1 WITH THIS SECTION.

2 (f) AN INSURANCE COMPANY AUTHORIZED TO DO BUSINESS IN  
3 COLORADO SEEKING TO PURCHASE TAX CREDITS MUST APPLY TO THE  
4 DEPARTMENT IN THE MANNER PRESCRIBED BY THE DEPARTMENT.

5 **(3) Procedure for obtaining a tax credit certificate.** (a) USING  
6 PROCEDURES ADOPTED BY THE DEPARTMENT OR, IF APPLICABLE, BY AN  
7 INDEPENDENT THIRD PARTY, EACH INSURANCE COMPANY THAT SUBMITS  
8 AN APPLICATION FOR ON-BILL FINANCING TAX CREDITS SHALL MAKE A  
9 TIMELY AND IRREVOCABLE OFFER, CONTINGENT ONLY UPON THE  
10 DEPARTMENT'S ISSUANCE TO THE INSURANCE COMPANY OF THE TAX  
11 CREDIT CERTIFICATES, TO MAKE A SPECIFIED PURCHASE PAYMENT AMOUNT  
12 TO THE DEPARTMENT ON DATES SPECIFIED BY THE DEPARTMENT.

13 (b) THE OFFER MUST INCLUDE ALL OF THE FOLLOWING:

14 (I) THE REQUESTED AMOUNT OF TAX CREDITS, WHICH AMOUNT  
15 MUST NOT BE LESS THAN ANY MINIMUM AMOUNT ESTABLISHED IN THE  
16 DEPARTMENT'S PROCEDURES OR, IF APPLICABLE, THE INDEPENDENT THIRD  
17 PARTY'S PROCEDURES;

18 (II) THE QUALIFIED TAXPAYER'S PROPOSED TAX CREDIT PURCHASE  
19 AMOUNT FOR EACH TAX CREDIT DOLLAR REQUESTED;

20 (III) THE MINIMUM PROPOSED TAX CREDIT PURCHASE AMOUNT  
21 MUST BE EITHER:

22 (A) THE PERCENTAGE OF THE REQUESTED DOLLAR AMOUNT OF TAX  
23 CREDITS THAT THE DEPARTMENT OR, IF APPLICABLE, THE INDEPENDENT  
24 THIRD PARTY DETERMINES TO BE CONSISTENT WITH MARKET CONDITIONS  
25 AS OF THE OFFER DATE; OR

26 (B) IF NO AMOUNT IS ESTABLISHED BY THE DEPARTMENT OR THE  
27 INDEPENDENT THIRD PARTY PURSUANT TO SUBSECTION (3)(b)(III)(A) OF  
28 THIS SECTION, SEVENTY-FIVE PERCENT OF THE REQUESTED DOLLAR  
29 AMOUNT OF TAX CREDITS; AND

30 (IV) ANY OTHER INFORMATION THAT THE DEPARTMENT OR, IF  
31 APPLICABLE, THE INDEPENDENT THIRD PARTY REQUIRES.

32 (c) THE DEPARTMENT SHALL PROVIDE WRITTEN NOTICE TO EACH  
33 INSURANCE COMPANY THAT SUBMITS AN APPLICATION INDICATING  
34 WHETHER THE INSURANCE COMPANY HAS BEEN APPROVED AS A  
35 PURCHASER OF TAX CREDITS AND, IF SO, THE AMOUNT OF TAX CREDITS  
36 ALLOCATED AND THE DATE BY WHICH PAYMENT OF THE TAX CREDIT SALE  
37 PROCEEDS MUST BE MADE.

38 (d) ON RECEIPT OF PAYMENT OF THE SALE PROCEEDS, THE  
39 DEPARTMENT SHALL ISSUE TO EACH QUALIFIED TAXPAYER A TAX CREDIT  
40 CERTIFICATE. THE TAX CREDIT CERTIFICATE MUST STATE ALL OF THE  
41 FOLLOWING:

42 (I) THE TOTAL AMOUNT OF PREMIUM TAX CREDITS THAT THE  
43 QUALIFIED TAXPAYER MAY CLAIM;

44 (II) THE AMOUNT THAT THE QUALIFIED TAXPAYER HAS PAID OR  
45 AGREED TO PAY IN RETURN FOR THE ISSUANCE OF THE TAX CREDIT

1 CERTIFICATES AND THE DATE OF THE PAYMENT;  
2 (III) THE DATES ON WHICH THE TAX CREDITS WILL BE AVAILABLE  
3 FOR USE BY THE QUALIFIED TAXPAYER;  
4 (IV) ANY PENALTIES OR OTHER REMEDIES FOR NONCOMPLIANCE;  
5 (V) THE PROCEDURES TO BE USED FOR TRANSFERRING OR  
6 ASSUMING THE TAX CREDITS IN ACCORDANCE WITH SUBSECTION (6)(d) OF  
7 THIS SECTION;  
8 (VI) THE SERIAL NUMBER OF THE TAX CREDIT CERTIFICATE; AND  
9 (VII) ANY OTHER REQUIREMENTS DEEMED NECESSARY BY THE  
10 DEPARTMENT AS A CONDITION OF ISSUING THE TAX CREDIT CERTIFICATE.

11 **(4) Defaulted tax credits - reallocation process - penalty.**

12 (a) THE DEPARTMENT SHALL NOT ISSUE A TAX CREDIT CERTIFICATE TO A  
13 QUALIFIED TAXPAYER THAT FAILS TO PROVIDE THE TAX CREDIT SALE  
14 PROCEEDS WITHIN THE TIME THE DEPARTMENT SPECIFIES.

15 (b) A QUALIFIED TAXPAYER THAT FAILS TO PROVIDE THE TAX  
16 CREDIT SALE PROCEEDS WITHIN THE TIME THE DEPARTMENT SPECIFIES IS  
17 SUBJECT TO A PENALTY EQUAL TO TEN PERCENT OF THE AMOUNT OF THE  
18 PURCHASE PRICE THAT REMAINS UNPAID. THE PENALTY SHALL BE PAID TO  
19 THE DEPARTMENT WITHIN THIRTY DAYS AFTER DEMAND.

20 (c) THE DEPARTMENT MAY OFFER TO REALLOCATE THE DEFAULTED  
21 TAX CREDITS AMONG OTHER QUALIFIED TAXPAYERS SO THAT THE RESULT  
22 AFTER REALLOCATION IS THE SAME AS IF THE INITIAL ALLOCATION HAD  
23 BEEN PERFORMED WITHOUT CONSIDERING THE TAX CREDIT ALLOCATION  
24 TO THE DEFAULTING QUALIFIED TAXPAYER.

25 (d) IF THE REALLOCATION OF TAX CREDITS UNDER SUBSECTION  
26 (4)(c) OF THIS SECTION RESULTS IN THE PAYMENT BY ANOTHER QUALIFIED  
27 TAXPAYER OF THE AMOUNT OF TAX CREDIT SALE PROCEEDS NOT PAID BY  
28 THE DEFAULTING QUALIFIED TAXPAYER, THE DEPARTMENT MAY WAIVE  
29 THE PENALTY IMPOSED UNDER SUBSECTION (4)(b) OF THIS SECTION.

30 (e) A QUALIFIED TAXPAYER THAT FAILS TO PAY THE TAX CREDIT  
31 SALE PROCEEDS WITHIN THE TIME SPECIFIED MAY AVOID THE IMPOSITION  
32 OF THE PENALTY BY TRANSFERRING THE ALLOCATION OF TAX CREDITS TO  
33 A NEW OR EXISTING QUALIFIED TAXPAYER WITHIN THIRTY DAYS AFTER THE  
34 DUE DATE OF THE DEFAULTED INSTALLMENT. A TRANSFEREE OF AN  
35 ALLOCATION OF TAX CREDITS OF A DEFAULTING QUALIFIED TAXPAYER  
36 UNDER THIS SUBSECTION (4) SHALL AGREE TO PAY TAX CREDIT SALE  
37 PROCEEDS WITHIN FIVE DAYS AFTER THE DATE OF THE TRANSFER.

38 **(5) Deposit of tax credit sale proceeds into fund.** THE STATE  
39 TREASURER SHALL DEPOSIT THE TAX CREDIT SALE PROCEEDS PROVIDED BY  
40 A QUALIFYING TAXPAYER IN RETURN FOR A TAX CREDIT CERTIFICATE INTO  
41 THE ON-BILL FINANCING FUND.

42 **(6) Process for claiming tax credits - carry over authorized -**  
43 **tax credits are nonrefundable - transfer and assumption of tax credit.**

44 (a) (I) FOR A TAX CREDIT CERTIFICATE THAT THE DEPARTMENT ISSUES IN  
45 STATE FISCAL YEAR 2025-26, THE DEPARTMENT, IN CONSULTATION WITH

1 THE OFFICE OF STATE PLANNING AND BUDGETING, PRIOR TO THE SALE, MAY  
2 DETERMINE THE CALENDAR YEARS IN WHICH THE QUALIFIED TAXPAYER  
3 MAY CLAIM THEIR CREDIT AGAINST PREMIUM TAX LIABILITY.

4 (II) FOR A TAX CREDIT CERTIFICATE THAT THE DEPARTMENT  
5 ISSUES IN STATE FISCAL YEAR 2026-27, THE DEPARTMENT, IN  
6 CONSULTATION WITH THE OFFICE OF STATE PLANNING AND BUDGETING,  
7 PRIOR TO THE SALE, MAY DETERMINE THE CALENDAR YEARS IN WHICH THE  
8 QUALIFIED TAXPAYER MAY CLAIM THEIR CREDIT AGAINST PREMIUM TAX  
9 LIABILITY.

10 (b) THE TOTAL CREDIT THAT A QUALIFIED TAXPAYER MAY APPLY  
11 IN ANY ONE YEAR MUST NOT EXCEED THE PREMIUM TAX LIABILITY OF THE  
12 QUALIFIED TAXPAYER FOR THE TAXABLE YEAR. IF THE QUALIFIED  
13 TAXPAYER CANNOT USE THE ENTIRE AMOUNT OF THE TAX CREDIT FOR THE  
14 TAXABLE YEAR IN WHICH THE TAXPAYER IS ELIGIBLE FOR THE TAX CREDIT,  
15 THE EXCESS MAY BE CARRIED OVER TO SUCCEEDING TAXABLE YEARS AND  
16 USED AS A CREDIT AGAINST THE PREMIUM TAX LIABILITY OF THE  
17 TAXPAYER FOR THOSE TAXABLE YEARS; EXCEPT THAT THE CREDIT SHALL  
18 NOT BE CARRIED OVER TO ANY TAXABLE YEAR THAT BEGINS AFTER  
19 DECEMBER 31, 2035. ANY AMOUNT OF THE TAX CREDIT THAT IS NOT  
20 TIMELY CLAIMED EXPIRES AND IS NOT REFUNDABLE.

21 (c) A QUALIFIED TAXPAYER CLAIMING A TAX CREDIT UNDER THIS  
22 SECTION SHALL:

23 (I) SUBMIT THE TAX CREDIT CERTIFICATE ISSUED WITH THE  
24 QUALIFIED TAXPAYER'S TAX RETURN; AND

25 (II) NOT BE REQUIRED TO PAY ANY ADDITIONAL OR RETALIATORY  
26 TAX AS A RESULT OF CLAIMING THE TAX CREDIT.

27 (d) (I) IF A QUALIFIED TAXPAYER HOLDING AN UNCLAIMED TAX  
28 CREDIT IS PART OF A MERGER, ACQUISITION, OR LINE OF BUSINESS  
29 DIVESTITURE TRANSACTION, THE TAX CREDIT MAY BE TRANSFERRED TO  
30 AND ASSUMED BY THE RESULTING ENTITY IF THE RESULTING ENTITY IS AN  
31 INSURANCE COMPANY AUTHORIZED TO DO BUSINESS IN COLORADO AND  
32 HAS PREMIUM TAX LIABILITY.

33 (II) THE QUALIFIED TAXPAYER THAT ORIGINALLY PURCHASED THE  
34 TAX CREDIT AND THE RESULTING ENTITY SHALL NOTIFY THE DEPARTMENT  
35 IN WRITING OF THE TRANSFER OR ASSUMPTION OF THE TAX CREDIT IN  
36 ACCORDANCE WITH PROCEDURES ADOPTED BY THE DEPARTMENT. THE  
37 DEPARTMENT SHALL PROVIDE A COPY OF THE NOTICE TO THE DIVISION OF  
38 INSURANCE IN THE DEPARTMENT OF REGULATORY AGENCIES AND SHALL  
39 MAINTAIN A RECORD OF THE TRANSFER OR ASSUMPTION OF THE TAX  
40 CREDIT. THE TRANSFER OR ASSUMPTION OF THE TAX CREDIT DOES NOT  
41 AFFECT THE TIME SCHEDULE FOR CLAIMING THE TAX CREDIT AS PROVIDED  
42 IN THIS SECTION.

43 (7) **On-bill financing fund - creation.** THE ON-BILL FINANCING  
44 FUND IS CREATED IN THE STATE TREASURY. THE FUND CONSISTS OF TAX  
45 CREDIT SALE PROCEEDS RECEIVED FROM QUALIFIED TAXPAYERS AND

1 DEPOSITED INTO THE FUND PURSUANT TO SUBSECTION (5) OF THIS SECTION.  
2 THE STATE TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED  
3 FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE ON-BILL FINANCE  
4 FUND TO THE FUND.

5 **(8) Repeal.** THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2038.

6 **SECTION 7.** In Colorado Revised Statutes, 24-75-402, **amend**  
7 (5)(jj) and (5)(kkk); and **add** (5)(lll) as follows:

8 **24-75-402. Cash funds - limit on uncommitted reserves -**  
9 **reduction in the amount of fees - exclusions - definitions.**  
10 (5) Notwithstanding any provision of this section to the contrary, the  
11 following cash funds are excluded from the limitations specified in this  
12 section:

13 (jjj) The employee ownership cash fund created in section  
14 39-22-542.5 (8); **and**

15 (kkk) The community revitalization tax credit program cash fund  
16 created in section 39-22-569 (13); **AND**

17 (lll) THE ON-BILL FINANCING FUND CREATED IN SECTION 24-36-125  
18 (7).".

19 Rerumber succeeding sections accordingly.

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