

Second Regular Session  
Seventy-second General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 20-0967.01 Esther van Mourik x4215

HOUSE BILL 20-1299

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HOUSE SPONSORSHIP

Young, and Pelton,

SENATE SPONSORSHIP

Foote and Crowder,

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House Committees

Business Affairs & Labor  
Finance  
Appropriations

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING THE ENTERPRISE ZONE INVESTMENT TAX CREDIT FOR  
102 RENEWABLE ENERGY INVESTMENTS, AND, IN CONNECTION  
103 THEREWITH, EXTENDING THE TAX YEARS THAT A TAXPAYER  
104 MAY ELECT TO RECEIVE A REFUND OF EIGHTY PERCENT OF THE  
105 AMOUNT OF SUCH CREDIT AND INCLUDING INVESTMENTS IN  
106 ENERGY STORAGE SYSTEMS AS QUALIFIED RENEWABLE ENERGY  
107 INVESTMENTS.

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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://leg.colorado.gov>.)*

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
Capital letters or bold & italic numbers indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.

The bill extends the tax years that a taxpayer may elect to receive a refund of 80% of the amount of an enterprise zone investment tax credit for renewable energy investments. Under current law, if a taxpayer elects such a refund, the taxpayer forgoes the remaining 20% of the amount of the enterprise zone investment tax credit.

The bill also adds investments in energy storage systems as a qualified renewable energy investment.

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

2 **SECTION 1.** In Colorado Revised Statutes, 39-30-104, **amend**  
3 (2.6)(a) introductory portion and (2.8); and **add** (2.6)(g) as follows:

4 **39-30-104. Credit against tax - investment in certain property**  
5 **- legislative declaration - definitions.** (2.6) (a) Except as provided in  
6 section 24-46-104.3 and subsection (2.6)(b) of this section and  
7 notwithstanding any other provision in this section, in each income tax  
8 year commencing on or after January 1, 2015, but before ~~January 1, 2021~~  
9 JANUARY 1, 2024, a taxpayer who places a new renewable energy  
10 investment in service on or after January 1, 2015, but before ~~January 1,~~  
11 ~~2021~~ JANUARY 1, 2024, that results in a credit pursuant to subsection (1)  
12 of this section may elect to receive a refund of eighty percent of the  
13 amount of such credit as specified in this subsection (2.6)(a) and forego  
14 the remaining twenty percent as a cost of such election. If eighty percent  
15 of the amount of the credit in subsection (1) of this section is:

16 (g) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT  
17 THE GOAL OF THE TAX EXPENDITURE IN THIS SUBSECTION (2.6) IS TO  
18 CONTINUE TO GROW COLORADO'S ECONOMY BY EXPANDING RENEWABLE  
19 ENERGY GENERATION THROUGHOUT THE STATE AND INCENTIVIZING  
20 CERTAIN INVESTMENTS IN RENEWABLE ENERGY GENERATION AND  
21 STORAGE THROUGH A REFUND MECHANISM FOR THE EXISTING ENTERPRISE  
22 ZONE INVESTMENT TAX CREDIT. THIS TAX EXPENDITURE WILL ASSIST IN

1 DIVERSIFYING COLORADO'S ENERGY GENERATION, SUPPORT ELECTRICITY,  
2 SUPPLY RELIABILITY, AND RESILIENCY, ENCOURAGE BUSINESSES OF ALL  
3 SIZES AND ACROSS MULTIPLE SECTORS IN THEIR EFFORTS TO EXPAND  
4 RENEWABLE ENERGY IN THE STATE OR INVEST IN THEIR OWN ENERGY  
5 GENERATION AND STORAGE, AND ULTIMATELY PROMOTE ECONOMIC  
6 DEVELOPMENT THROUGH INVESTMENT IN LONG-LASTING CAPITAL  
7 INTENSIVE ASSETS AND JOB CREATION IN AREAS ACROSS THE STATE.

8 (2.8) For purposes of this section, "renewable energy investment"  
9 means an investment that qualifies for the credit specified in ~~paragraph~~  
10 ~~(a) of subsection (1)~~ SUBSECTION (1)(a) of this section for projects that:

11 (a) Generate electricity from eligible energy resources as defined  
12 in section 40-2-124 (1); ~~C.R.S.~~ AND

13 (b) INVEST IN ENERGY STORAGE SYSTEMS AS DEFINED IN SECTION  
14 40-2-202 (2).

15 **SECTION 2. Act subject to petition - effective date -**  
16 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following  
17 the expiration of the ninety-day period after final adjournment of the  
18 general assembly (August 5, 2020, if adjournment sine die is on May 6,  
19 2020); except that, if a referendum petition is filed pursuant to section 1  
20 (3) of article V of the state constitution against this act or an item, section,  
21 or part of this act within such period, then the act, item, section, or part  
22 will not take effect unless approved by the people at the general election  
23 to be held in November 2020 and, in such case, will take effect on the  
24 date of the official declaration of the vote thereon by the governor.

25 (2) This act applies to taxpayers who place a new renewable  
26 energy investment in service on or after January 1, 2021.