

**Second Regular Session  
Seventy-fourth General Assembly  
STATE OF COLORADO**

**REREVISED**

*This Version Includes All Amendments  
Adopted in the Second House*

LLS NO. 24-0733.01 Megan McCall x4215

**HOUSE BILL 24-1134**

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**House Committees**

Finance  
Appropriations

**Senate Committees**

Finance  
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**A BILL FOR AN ACT**

101        **CONCERNING ADJUSTMENTS TO EXISTING INCOME TAX EXPENDITURES**  
102                **TO REDUCE TAXPAYER BURDEN, AND, IN CONNECTION**  
103                **THEREWITH, MAKING ADJUSTMENTS TO THE CREDIT FOR CHILD**  
104                **AND DEPENDENT CARE EXPENSES; INCREASING THE VALUE OF**  
105                **THE EARNED INCOME TAX CREDIT AS A PERCENTAGE OF THE**  
106                **FEDERAL CREDIT FOR INCOME TAX YEARS COMMENCING ON OR**  
107                **AFTER JANUARY 1, 2024; REPEALING OBSOLETE PROVISIONS**  
108                **CONCERNING THE CORPORATE INCOME TAX; AND MAKING THE**  
109                **STATE'S CORPORATE INCOME TAX MORE UNIFORM COMPARED**  
110                **TO OTHER STATES BY REPLACING THE CURRENT COMBINED**  
111                **REPORTING STANDARD WITH THE MULTISTATE TAX**  
112                **COMMISSION'S STANDARD AND MODIFYING THE COMPUTATION**  
113                **OF THE RECEIPTS FACTOR TO MAKE IT MORE CONGRUENT WITH**

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

SENATE  
3rd Reading Unamended  
May 7, 2024

SENATE  
Amended 2nd Reading  
May 6, 2024

HOUSE  
Amended 3rd Reading  
May 1, 2024

HOUSE  
Amended 2nd Reading  
April 30, 2024

**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>.)*

**Sections 1 and 2** of the bill modify 2 existing state income tax credits for child care expenses. Under current law, one of the credits can be claimed by an individual who claims the federal credit allowed for child and dependent care expenses (federal credit). The other credit can be claimed under the same parameters as the first credit but by an individual who does not meet the minimum income threshold to be able to claim the federal credit. The bill streamlines the 2 state income tax credits into one credit to be claimed for income tax years commencing on and after January 1, 2026. The bill also clarifies that the credit is for expenses related to child care and dependent care, as such expenses are qualified under the federal credit.

**Section 3** increases the amount of the state earned income tax credit (EITC) that can be claimed by an individual as a percentage of the individual's federal earned income tax credit (federal credit) amount for all income tax years commencing on or after January 1, 2024, from current levels of 38% for income tax years commencing in 2024, 25% for income tax years commencing in 2025, and 20% for income tax years commencing in 2026 or any later year to 50%.

**Sections 4 and 5** make the state's corporate income tax more uniform compared to other states by replacing the current combined reporting standard with the multistate tax commission's standard. In addition, these sections modify the computation of receipts factor to make it more congruent with the unitary business principle. Section 4 also repeals obsolete provisions concerning corporate income tax.

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

2 **SECTION 1.** In Colorado Revised Statutes, 39-22-119, **amend**  
3 (1.7), (2), (3), and (4); **repeal** (1); and **add** (1.3) and (10) as follows:

4 **39-22-119. Expenses related to child and dependent care -**  
5 **refundable credit against state tax - tax preference performance**

1 **statement - definition - repeal.** (1) (a) ~~For income tax years beginning~~  
2 ~~on and after January 1, 1996, but before January 1, 2019, if a resident~~  
3 ~~individual claims a credit for child care expenses on the individual's~~  
4 ~~federal tax return, the individual shall be allowed a child care expenses~~  
5 ~~credit against the income taxes due on the individual's income under this~~  
6 ~~article 22 calculated as follows:~~

7 (I) ~~If the resident individual's federal adjusted gross income is~~  
8 ~~twenty-five thousand dollars or less, the credit shall be in an amount equal~~  
9 ~~to fifty percent of the credit for child care expenses claimed on the~~  
10 ~~resident individual's federal tax return.~~

11 (II) ~~If the resident individual's federal adjusted gross income is~~  
12 ~~between twenty-five thousand one dollars and thirty-five thousand~~  
13 ~~dollars, the credit shall be in an amount equal to thirty percent of the~~  
14 ~~credit for child care expenses claimed on the resident individual's federal~~  
15 ~~tax return.~~

16 (III) ~~If the resident individual's federal adjusted gross income is~~  
17 ~~between thirty-five thousand one dollars and sixty thousand dollars, the~~  
18 ~~credit shall be in an amount equal to ten percent of the credit for child~~  
19 ~~care expenses claimed on the resident individual's federal tax return.~~

20 (b) ~~If the resident individual's federal adjusted gross income is~~  
21 ~~sixty thousand one dollars or more, the resident individual shall not be~~  
22 ~~allowed a credit under this subsection (1).~~

23 (1.3) (a) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT,  
24 PURSUANT TO SECTION 39-21-304 (1), THE INCOME TAX CREDIT CREATED  
25 IN THIS SECTION IS INTENDED TO PROVIDE TAX RELIEF FOR CERTAIN  
26 INDIVIDUALS. SPECIFICALLY, THE CREDIT IS INTENDED TO ASSIST LOW-  
27 AND MODERATE-INCOME COLORADANS IN MEETING THE HIGH COST OF

1 CHILD AND DEPENDENT CARE BY PROVIDING ADDITIONAL SUPPORT  
2 BEYOND WHAT MAY BE AVAILABLE THROUGH FEDERAL TAX LAW.

3 (b) THE GENERAL ASSEMBLY AND THE STATE AUDITOR SHALL  
4 MEASURE THE EFFECTIVENESS OF THE CREDIT IN ACHIEVING THE PURPOSE  
5 SPECIFIED IN SUBSECTION (1.3)(a) OF THIS SECTION BASED ON THE NUMBER  
6 OF RESIDENT INDIVIDUALS WHO HAVE CLAIMED THE CREDIT AND THE  
7 TOTAL AMOUNT OF CREDITS CLAIMED.

8 (1.7) (a) (I) For income tax years beginning on and after January  
9 1, 2019, BUT BEFORE JANUARY 1, 2026, if a resident individual's federal  
10 adjusted gross income is less than or equal to sixty thousand dollars and  
11 the individual claims a credit for child AND DEPENDENT care expenses on  
12 the individual's federal tax return AS ALLOWED PURSUANT TO SECTION 21  
13 OF THE INTERNAL REVENUE CODE, then the individual is allowed a child  
14 AND DEPENDENT care expenses credit against the income taxes ~~due on the~~  
15 ~~individual's income under~~ IMPOSED BY this article 22. The ~~amount of the~~  
16 credit is an amount equal to fifty percent of the credit for child AND  
17 DEPENDENT care expenses claimed on the individual's federal tax return  
18 FOR THE SAME INCOME TAX YEAR.

19 (II) THIS SUBSECTION (1.7)(a) IS REPEALED, EFFECTIVE DECEMBER  
20 31, 2030.

21 (b) FOR INCOME TAX YEARS BEGINNING ON AND AFTER JANUARY  
22 1, 2026, EXCEPT AS PROVIDED IN SUBSECTION (1.7)(c) OF THIS SECTION, IF  
23 A RESIDENT INDIVIDUAL'S FEDERAL ADJUSTED GROSS INCOME IS LESS THAN  
24 OR EQUAL TO SIXTY THOUSAND DOLLARS, THEN THE INDIVIDUAL IS  
25 ALLOWED A CHILD AND DEPENDENT CARE EXPENSES CREDIT AGAINST THE  
26 INCOME TAXES IMPOSED BY THIS ARTICLE 22. THE CREDIT IS AN AMOUNT  
27 EQUAL TO SEVENTY PERCENT OF THE FEDERAL CREDIT ALLOWED

1 PURSUANT TO SECTION 21 OF THE INTERNAL REVENUE CODE AND  
2 CALCULATED WITHOUT REGARD TO THE LIMITATION IMPOSED BY SECTION  
3 26 OF THE INTERNAL REVENUE CODE.

4 (c) (I) FOR INCOME TAX YEARS COMMENCING ON OR AFTER  
5 JANUARY 1, 2027, THE EXECUTIVE DIRECTOR SHALL ADJUST THE FEDERAL  
6 ADJUSTED GROSS INCOME LIMIT SET FORTH IN SUBSECTION (1.7)(b) OF THIS  
7 SECTION FOR INFLATION FOR EACH INCOME TAX YEAR IN WHICH THE  
8 CREDIT IS ALLOWED IF CUMULATIVE INFLATION SINCE THE LAST  
9 ADJUSTMENT, WHEN APPLIED TO THE CURRENT LIMITATION, RESULTS IN AN  
10 INCREASE OF AT LEAST ONE THOUSAND DOLLARS WHEN THE ADJUSTED  
11 LIMITS ARE ROUNDED TO THE NEAREST ONE THOUSAND DOLLARS.

12 (II) AS USED IN THIS SUBSECTION (1.7)(c), "INFLATION" MEANS  
13 THE ANNUAL PERCENTAGE CHANGE IN THE UNITED STATES DEPARTMENT  
14 OF LABOR BUREAU OF LABOR STATISTICS CONSUMER PRICE INDEX, OR A  
15 SUCCESSOR INDEX, FOR DENVER-AURORA-LAKEWOOD FOR ALL ITEMS  
16 PAID BY URBAN CONSUMERS.

17 (2) If the ~~credits~~ CREDIT allowed ~~under subsections (1) and (1.7)~~  
18 ~~of~~ PURSUANT TO this section ~~exceed~~ EXCEEDS the income taxes due on the  
19 resident individual's income, the amount of the ~~credits~~ CREDIT not used  
20 to offset income taxes ~~shall not be carried forward as tax credits against~~  
21 ~~the resident individual's subsequent years' income tax liability and shall~~  
22 ~~be~~ IS NOT CARRIED FORWARD AND MUST BE refunded to the individual.

23 (3) The child AND DEPENDENT care expenses ~~credits~~ CREDIT  
24 allowed ~~under subsections (1) and (1.7)~~ of PURSUANT TO this section ~~shall~~  
25 IS not ~~be~~ allowed to a resident individual who is receiving child care  
26 assistance from the department of early childhood except to the extent of  
27 the taxpayer's unreimbursed out-of-pocket expenses that result in a

1 federal credit for child AND DEPENDENT care expenses.

2 (4) In the case of a resident for part of a tax year, the ~~credits~~  
3 CREDIT allowed by this section ~~shall be~~ IS apportioned in the ratio  
4 determined under section 39-22-110 (1).

5 (10) NOTWITHSTANDING SECTION 39-21-304 (4), THE CREDIT  
6 ALLOWED PURSUANT TO THIS SECTION CONTINUES INDEFINITELY.

7 **SECTION 2.** In Colorado Revised Statutes, 39-22-119.5, **amend**  
8 (3)(a) introductory portion; and **add** (8) as follows:

9 **39-22-119.5. Child care expenses tax credit - legislative**  
10 **declaration - definitions - repeal.** (3) (a) For income tax years  
11 beginning on and after January 1, 2014, but ~~prior to~~ BEFORE January 1,  
12 2017, and for income tax years beginning on and after January 1, 2018,  
13 but ~~prior to January 1, 2029~~ BEFORE JANUARY 1, 2026, a resident  
14 individual is allowed a credit against the taxes due under this article 22  
15 for child care expenses that the individual incurred during the taxable  
16 year if:

17 (8) THIS SECTION IS REPEALED, EFFECTIVE DECEMBER 31, 2030.

18 **SECTION 3.** In Colorado Revised Statutes, 39-22-123.5, **amend**  
19 (2)(b), (2)(c)(I), (2)(d), (2.5)(b), (2.5)(d)(I), (2.5)(e), (2.7)(a), (2.7)(b)(I),  
20 and (2.7)(c); and **add** (2.8)(c) and (3.5) as follows:

21 **39-22-123.5. Earned income tax credit - legislative declaration**  
22 **- repeal.** (2) (b) (I) For income tax years commencing on or after January  
23 1, 2022, but before January 1, 2023, ~~and income tax years commencing~~  
24 ~~on or after January 1, 2026~~; a resident individual who claims an earned  
25 income tax credit on the individual's federal tax return is allowed an  
26 earned income tax credit against the taxes due under this article 22 that  
27 is equal to twenty percent of the federal credit that the resident individual

1 claimed on his or her federal tax return for the same tax year.

2 (II) THIS SUBSECTION (2)(b) IS REPEALED, EFFECTIVE DECEMBER  
3 31, 2033.

4 (c) (I) For income tax years commencing on or after January 1,  
5 2023, but before January 1, 2024, ~~and for the income tax year~~  
6 ~~commencing on January 1, 2025~~, a resident individual who claims an  
7 earned income tax credit on the individual's federal tax return is allowed  
8 an earned income tax credit against the taxes due under this article 22 that  
9 is equal to twenty-five percent of the federal credit that the resident  
10 individual claimed on his or her federal tax return for the same tax year.

11 (d) (I) ~~For the income tax year commencing on January 1, 2024,~~  
12 ~~A resident individual who claims an earned income tax credit on the~~  
13 ~~individual's federal tax return is allowed an earned income tax credit~~  
14 ~~against the taxes due under this article 22 that is equal to thirty-eight~~  
15 ~~percent of the federal credit that the resident individual claimed on his or~~  
16 ~~her federal tax return for the same year.~~ THE APPLICABLE AMOUNT SET  
17 FORTH IN SUBSECTION (2)(d)(II) OF THIS SECTION.

18 (II) ~~This subsection (2)(d) is repealed, effective December 31,~~  
19 ~~2034.~~ EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3.5) OF THIS  
20 SECTION, THE CREDIT AMOUNT THAT CAN BE CLAIMED PURSUANT TO  
21 SUBSECTION (2)(d)(I) OF THIS SECTION IS:

22 (A) FOR THE INCOME TAX YEAR COMMENCING ON JANUARY 1,  
23 2024, FIFTY PERCENT OF THE FEDERAL CREDIT THAT THE RESIDENT  
24 INDIVIDUAL CLAIMED ON THE RESIDENT INDIVIDUAL'S FEDERAL TAX  
25 RETURN FOR THE SAME TAX YEAR;

26 (B) FOR THE INCOME TAX YEAR COMMENCING ON JANUARY 1,  
27 2025, THIRTY-FIVE PERCENT OF THE FEDERAL CREDIT THAT THE RESIDENT

1 INDIVIDUAL CLAIMED ON THE RESIDENT INDIVIDUAL'S FEDERAL TAX  
2 RETURN FOR THE SAME TAX YEAR; AND

3 (C) FOR INCOME TAX YEARS COMMENCING ON OR AFTER JANUARY  
4 1, 2026, TWENTY-FIVE PERCENT OF THE FEDERAL CREDIT THAT THE  
5 RESIDENT INDIVIDUAL CLAIMED ON THE RESIDENT INDIVIDUAL'S FEDERAL  
6 TAX RETURN FOR THE SAME TAX YEAR.

7 (2.5) (b) (I) For income tax years commencing on or after January  
8 1, 2022, but before January 1, 2023, ~~and income tax years commencing~~  
9 ~~on or after January 1, 2026~~, a resident individual is allowed an earned  
10 income tax credit against the taxes due under this article 22 that is equal  
11 to twenty percent of the federal credit that the resident individual would  
12 have been allowed, but for the fact that the resident individual, the  
13 resident individual's spouse, or one or more of the resident individual's  
14 dependents do not have a social security number that is valid for  
15 employment.

16 (II) THIS SUBSECTION (2.5)(b) IS REPEALED, EFFECTIVE DECEMBER  
17 31, 2033.

18 (d) (I) For income tax years commencing on or after January 1,  
19 2023, but before January 1, 2024, ~~and for the income tax year~~  
20 ~~commencing on January 1, 2025~~, a resident individual is allowed an  
21 earned income tax credit against the taxes due under this article 22 that  
22 is equal to twenty-five percent of the federal credit that the resident  
23 individual would have been allowed, but for the fact that the resident  
24 individual, the resident individual's spouse, or one or more of the resident  
25 individual's dependents do not have a social security number that is valid  
26 for employment.

27 (e) (I) ~~For the income tax year commencing on January 1, 2024,~~

1 A resident individual is allowed an earned income tax credit against the  
2 taxes due under this article 22 that is equal to ~~thirty-eight percent~~ THE  
3 APPLICABLE PERCENTAGE SET FORTH IN SUBSECTION (2.5)(e)(II) OF THIS  
4 SECTION of the federal credit that the resident individual would have been  
5 allowed, but for the fact that the resident individual, the resident  
6 individual's spouse, or one or more of the resident individual's dependents  
7 do not have a social security number that is valid for employment.

8 (II) ~~This subsection (2.5)(e) is repealed, effective December 31,~~  
9 ~~2034.~~ EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3.5) OF THIS  
10 SECTION, THE PERCENTAGE USED TO CALCULATE THE AMOUNT OF CREDIT  
11 THAT CAN BE CLAIMED PURSUANT TO SUBSECTION (2.5)(e)(I) OF THIS  
12 SECTION IS:

13 (A) FOR THE INCOME TAX YEAR COMMENCING ON JANUARY 1,  
14 2024, FIFTY PERCENT;

15 (B) FOR THE INCOME TAX YEAR COMMENCING ON JANUARY 1,  
16 2025, THIRTY-FIVE PERCENT; AND

17 (C) FOR INCOME TAX YEARS COMMENCING ON OR AFTER JANUARY  
18 1, 2026, TWENTY-FIVE PERCENT.

19 (2.7) (a) (I) For income tax years commencing on or after January  
20 1, 2022, but before January 1, 2023, ~~and income tax years commencing~~  
21 ~~on or after January 1, 2026,~~ a resident individual is allowed an earned  
22 income tax credit against the taxes due under this article 22 that is equal  
23 to twenty percent of the federal credit that the resident individual would  
24 have been allowed under section 32 (n)(1) of the internal revenue code,  
25 notwithstanding the date limitation set forth in section 32 (n) of the  
26 internal revenue code as specified in section 9621 (a) of the "American  
27 Rescue Plan Act of 2021", Pub.L. 117-2.

1 (II) THIS SUBSECTION (2.7)(a) IS REPEALED, EFFECTIVE DECEMBER  
2 31, 2033.

3 (b) (I) For income tax years commencing on or after January 1,  
4 2023, but before January 1, 2024, ~~and for the income tax year~~  
5 ~~commencing on January 1, 2025~~, a resident individual is allowed an  
6 earned income tax credit against the taxes due under this article 22 that  
7 is equal to twenty-five percent of the federal credit that the resident  
8 individual would have been allowed under section 32 (n)(1) of the  
9 internal revenue code, notwithstanding the date limitation set forth in  
10 section 32 (n) of the internal revenue code as specified in section 9621 (a)  
11 of the "American Rescue Plan Act of 2021", Pub.L. 117-2.

12 (c) (I) ~~For the income tax year commencing on January 1, 2024,~~  
13 A resident individual is allowed an earned income tax credit against the  
14 taxes due under this article 22 that is equal to ~~thirty-eight percent~~ THE  
15 APPLICABLE PERCENTAGE SET FORTH IN SUBSECTION (2.7)(c)(II) OF THIS  
16 SECTION of the federal credit that the resident individual would have been  
17 allowed under section 32 (n)(1) of the internal revenue code,  
18 notwithstanding the date limitation set forth in section 32 (n) of the  
19 internal revenue code as specified in section 9621 (a) of the "American  
20 Rescue Plan Act of 2021", Pub.L. 117-2.

21 (II) ~~This subsection (2.7)(c) is repealed, effective December 31,~~  
22 ~~2034.~~ EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3.5) OF THIS  
23 SECTION, THE PERCENTAGE USED TO CALCULATE THE AMOUNT OF CREDIT  
24 THAT CAN BE CLAIMED PURSUANT TO SUBSECTION (2.7)(c)(I) OF THIS  
25 SECTION IS:

26 (A) FOR THE INCOME TAX YEAR COMMENCING ON JANUARY 1,  
27 2024, FIFTY PERCENT;

1 (B) FOR THE INCOME TAX YEAR COMMENCING ON JANUARY 1,  
2 2025, THIRTY-FIVE PERCENT; AND

3 (C) FOR INCOME TAX YEARS COMMENCING ON OR AFTER JANUARY  
4 1, 2026, TWENTY-FIVE PERCENT.

5 (2.8) (c) THIS SUBSECTION (2.8) IS REPEALED, EFFECTIVE  
6 DECEMBER 31, 2034.

7 (3.5) (a) AS USED IN THIS SUBSECTION (3.5), UNLESS THE CONTEXT  
8 OTHERWISE REQUIRES:

9 (I) "APPLICABLE FORECAST" MEANS EITHER THE QUARTERLY  
10 DECEMBER REVENUE FORECAST PREPARED BY LEGISLATIVE COUNCIL  
11 STAFF OR THE QUARTERLY DECEMBER REVENUE FORECAST PREPARED BY  
12 THE OFFICE OF STATE PLANNING AND BUDGETING IN THE DECEMBER  
13 IMMEDIATELY PRECEDING THE APPLICABLE STATE FISCAL YEAR AS  
14 DETERMINED BY WHICH IMMEDIATELY PRECEDING MARCH FORECAST THE  
15 JOINT BUDGET COMMITTEE OF THE GENERAL ASSEMBLY USED IN THE  
16 PREPARATION OF THE STATE BUDGET.

17 (II) "APPLICABLE STATE FISCAL YEAR" MEANS THE FISCAL YEAR  
18 THAT BEGINS IN THE INCOME TAX YEAR FOR WHICH THE CREDIT IS  
19 ALLOWED.

20 (III) "BV" MEANS, ON OR BEFORE DECEMBER 31, 2024, THE  
21 ESTIMATE OF THE STATE'S NONEXEMPT REVENUE FOR STATE FISCAL YEAR  
22 2024-25 INCLUDED IN THE APPLICABLE FORECAST EXCLUDING THE  
23 PROJECTED AGGREGATE AMOUNT OF THE INCREASED PORTION OF THE  
24 EARNED INCOME TAX CREDIT ALLOWED PURSUANT TO SUBSECTION (3.5)(b)  
25 OR (3.5)(c) OF THIS SECTION AND THE PROJECTED AGGREGATE AMOUNT OF  
26 THE CREDIT ALLOWED PURSUANT TO SECTION 39-22-130, CREATED IN  
27 HOUSE BILL 24-1311, ENACTED IN 2024, FOR THE GIVEN INCOME TAX

1 YEAR AND AFTER DECEMBER 31, 2024, THE AMOUNT OF THE STATE'S  
2 NONEXEMPT REVENUE FOR STATE FISCAL YEAR 2024-25 EXCLUDING THE  
3 AGGREGATE AMOUNT OF THE INCREASED PORTION OF THE EARNED INCOME  
4 TAX CREDIT ALLOWED PURSUANT TO SUBSECTION (3.5)(b) OR (3.5)(c) OF  
5 THIS SECTION AND THE AGGREGATE AMOUNT OF THE CREDIT ALLOWED  
6 PURSUANT TO SECTION 39-22-130, CREATED IN HOUSE BILL 24-1311,  
7 ENACTED IN 2024, FOR THE GIVEN INCOME TAX YEAR.

8 (IV) "CAGR" MEANS THE ESTIMATED COMPOUND ANNUAL  
9 GROWTH RATE.

10 (V) "ESTIMATED ADJUSTMENT FACTOR" MEANS, FOR A GIVEN  
11 INCOME TAX YEAR, THE CAGR FOR NONEXEMPT REVENUE THAT IS  
12 CALCULATED BY THE EXECUTIVE DIRECTOR ACCORDING TO THE  
13 FOLLOWING FORMULA:

14 
$$\text{CAGR} = \left( \left( \frac{\text{EV}}{\text{BV}} \right)^{1/n} - 1 \right) \times 100$$

15 (VI) "EV" MEANS THE ESTIMATE OF THE STATE'S NONEXEMPT  
16 REVENUE FOR THE APPLICABLE STATE FISCAL YEAR INCLUDED IN THE  
17 APPLICABLE FORECAST EXCLUDING THE PROJECTED AGGREGATE AMOUNT  
18 OF THE INCREASED PORTION OF THE EARNED INCOME TAX CREDIT  
19 ALLOWED PURSUANT TO SUBSECTION (3.5)(b) OR (3.5)(c) OF THIS SECTION  
20 AND THE PROJECTED AGGREGATE AMOUNT OF THE CREDIT ALLOWED  
21 PURSUANT TO SECTION 39-22-130, CREATED IN HOUSE BILL 24-1311,  
22 ENACTED IN 2024, FOR THE GIVEN INCOME TAX YEAR.

23 (VII) "N" MEANS, FOR THE APPLICABLE STATE FISCAL YEAR, THE  
24 NUMBER OF STATE FISCAL YEARS THAT HAVE PASSED SINCE THE 2024-25  
25 STATE FISCAL YEAR.

26 (VIII) "NONEXEMPT REVENUE" MEANS, FOR THE APPLICABLE

1 STATE FISCAL YEAR, THE REVENUES THAT ARE IDENTIFIED AS NONEXEMPT  
2 REVENUES IN THE ANNUAL COMPREHENSIVE FINANCIAL REPORT PUBLISHED  
3 BY THE OFFICE OF THE STATE CONTROLLER.

4 (b) (I) FOR THE INCOME TAX YEAR COMMENCING ON JANUARY 1,  
5 2025, THE PERCENTAGE OF THE FEDERAL EARNED INCOME TAX CREDIT  
6 THAT THE RESIDENTIAL INDIVIDUAL CLAIMED OR COULD HAVE CLAIMED  
7 THAT IS USED TO CALCULATE THE AMOUNT OF EARNED INCOME TAX  
8 CREDIT ALLOWED PURSUANT TO SUBSECTIONS (2)(d), (2.5)(e), AND  
9 (2.7)(c) OF THIS SECTION IS INCREASED BY FIFTEEN PERCENTAGE POINTS  
10 IF THE ESTIMATED ADJUSTMENT FACTOR IS EQUAL TO OR GREATER THAN  
11 TWO PERCENT.

12 (II) THIS SUBSECTION (3.5)(b) IS REPEALED, EFFECTIVE DECEMBER  
13 31, 2035.

14 (c) FOR INCOME TAX YEARS COMMENCING ON OR AFTER JANUARY  
15 1, 2026, THE PERCENTAGE OF THE FEDERAL EARNED INCOME TAX CREDIT  
16 THAT THE RESIDENTIAL INDIVIDUAL CLAIMED OR COULD HAVE CLAIMED  
17 THAT IS USED TO CALCULATE THE AMOUNT OF EARNED INCOME TAX  
18 CREDIT ALLOWED PURSUANT TO SUBSECTIONS (2)(d), (2.5)(e), AND  
19 (2.7)(c) OF THIS SECTION IS INCREASED AS FOLLOWS IF THE ESTIMATED  
20 ADJUSTMENT FACTOR IS AS FOLLOWS:

21 (I) EQUAL TO OR GREATER THAN THREE PERCENT BUT LESS  
22 THAN THREE AND EIGHTEEN ONE-HUNDREDTHS PERCENT, BY FIVE  
23 PERCENTAGE POINTS;

24 (II) EQUAL TO OR GREATER THAN THREE AND EIGHTEEN  
25 ONE-HUNDREDTHS PERCENT BUT LESS THAN THREE AND THIRTY-SEVEN  
26 ONE-HUNDREDTHS PERCENT, BY TEN PERCENTAGE POINTS;

27 (III) EQUAL TO OR GREATER THAN THREE AND THIRTY-SEVEN

1 ONE-HUNDREDTHS PERCENT BUT LESS THAN THREE AND FIFTY-SIX  
2 ONE-HUNDREDTHS PERCENT, BY FIFTEEN PERCENTAGE POINTS;

3 (IV) EQUAL TO OR GREATER THAN THREE AND FIFTY-SIX  
4 ONE-HUNDREDTHS PERCENT BUT LESS THAN THREE AND SEVENTY-FIVE  
5 ONE-HUNDREDTHS PERCENT, BY TWENTY PERCENTAGE POINTS; AND

6 (V) EQUAL TO OR GREATER THAN THREE AND SEVENTY-FIVE  
7 ONE-HUNDREDTHS PERCENT, BY TWENTY-FIVE PERCENTAGE POINTS.

8 **SECTION 4.** In Colorado Revised Statutes, 39-22-301, **amend**  
9 (1)(d)(I) introductory portion and (1)(d)(I)(J); and **repeal** (1)(a), (1)(b),  
10 (1)(c), (1)(d)(I)(A), (1)(d)(I)(B), (1)(d)(I)(C), (1)(d)(I)(D), (1)(d)(I)(E),  
11 (1)(d)(I)(F), (1)(d)(I)(G), (1)(d)(I)(H), (1)(d)(I)(I), (1.1), (1.2), and (1.3)  
12 as follows:

13 **39-22-301. Corporate tax imposed - repeal.** (1) (a) ~~For income~~  
14 ~~tax years commencing on or after January 1, 1983, but before July 1,~~  
15 ~~1986, a tax is imposed upon each domestic C corporation and foreign C~~  
16 ~~corporation doing business in Colorado annually in an amount equal to~~  
17 ~~five percent of the net income of such C corporation during the year~~  
18 ~~derived from sources within Colorado. Income from sources within~~  
19 ~~Colorado includes income from tangible or intangible property located or~~  
20 ~~having a situs in this state and income from any activities carried on in~~  
21 ~~this state, regardless of whether carried on in intrastate, interstate, or~~  
22 ~~foreign commerce.~~

23 (b) ~~For income tax years commencing on or after January 1, 1981,~~  
24 ~~but before January 1, 1983, a tax is imposed upon each domestic C~~  
25 ~~corporation and foreign C corporation doing business in Colorado~~  
26 ~~annually in an amount equal to five percent of the net income of such C~~  
27 ~~corporation during the year derived from sources within Colorado~~

1 reduced pursuant to the reduction tables set forth in subsections (1.1) and  
2 (1.2) of this section. Income from sources within Colorado includes  
3 income from tangible or intangible property located or having a situs in  
4 this state and income from any activities carried on in this state,  
5 regardless of whether carried on in intrastate, interstate, or foreign  
6 commerce. In the case of a C corporation which is a component member  
7 of a controlled group of corporations as defined in section 1563 (a) of the  
8 internal revenue code, the sum of the Colorado net incomes of all the  
9 component members of the controlled group, but not the losses of each  
10 component member thereof, shall be used in computing the reduction for  
11 the controlled group. The reduction for the controlled group may be  
12 allocated between or among the component members thereof as agreed  
13 to by such members. If such an agreement is not reached, the executive  
14 director shall allocate the reduction based on the ratio of the Colorado net  
15 income of each component member to the total Colorado net incomes of  
16 all component members.

17 (c) For income tax years commencing on or after July 1, 1986, but  
18 before July 1, 1987, a tax is imposed upon each domestic C corporation  
19 and foreign C corporation doing business in Colorado annually in an  
20 amount equal to six percent of the net income of such C corporation  
21 during the year derived from sources within Colorado reduced pursuant  
22 to the reduction table set forth in subsection (1.3) of this section. Income  
23 from sources within Colorado includes income from tangible or  
24 intangible property located or having a situs in this state and income from  
25 any activities carried on in this state, regardless of whether carried on in  
26 intrastate, interstate, or foreign commerce. In the case of a C corporation  
27 which is a component member of a controlled group of corporations as

1 defined in section 1563 (a) of the internal revenue code, the sum of the  
2 Colorado net incomes of all the component members of the controlled  
3 group, but not the losses of each component member thereof, shall be  
4 used in computing the reduction for the controlled group. The reduction  
5 for the controlled group may be allocated between or among the  
6 component members thereof as agreed to by such members. If such an  
7 agreement is not reached, the executive director shall allocate the  
8 reduction based on the ratio of the Colorado net income of each  
9 component member to the total Colorado net incomes of all component  
10 members:

11 (d) (I) A tax is imposed upon each domestic C corporation, and  
12 foreign C corporation, AND COMBINED GROUP, AS DEFINED IN SECTION  
13 39-22-303 (12)(a.3), doing business in Colorado annually in an amount  
14 of the net income of such C corporation during the year derived from  
15 sources within Colorado as set forth in the following schedule of rates:

16 (A) For income tax years commencing on or after July 1, 1987,  
17 but before July 1, 1988:

18 **If the Colorado**

19 **net income is:**

20 \$50,000.00 or less

21 Over \$50,000.00

**The tax is:**

5.5% of the Colorado net income

\$2,750.00 plus 6% of the excess

Colorado net income over \$50,000.00

22  
23 (B) For income tax years commencing on or after July 1, 1988,  
24 but before July 1, 1989:

25 **If the Colorado**

26 **net income is:**

27 \$50,000.00 or less

**The tax is:**

5% of the Colorado net income

1 Over \$50,000.00 \$2,500.00 plus 5.5% of the excess  
2 Colorado net income over \$50,000.00

3 (C) For income tax years commencing on or after July 1, 1989,  
4 but before July 1, 1990:

5 **If the Colorado**

6 **net income is:**

**The tax is:**

7 \$50,000.00 or less

5% of the Colorado net income

8 Over \$50,000.00

\$2,500.00 plus 5.4% of the excess

9 Colorado net income over \$50,000.00

10 (D) For income tax years commencing on or after July 1, 1990,  
11 but before July 1, 1991:

12 **If the Colorado**

13 **net income is:**

**The tax is:**

14 \$50,000.00 or less

5% of the Colorado net income

15 Over \$50,000.00

\$2,500.00 plus 5.3% of the excess

16 Colorado net income over \$50,000.00

17 (E) For income tax years commencing on or after July 1, 1991, but  
18 before July 1, 1992:

19 **If the Colorado**

20 **net income is:**

**The tax is:**

21 \$50,000.00 or less

5% of the Colorado net income

22 Over \$50,000.00

\$2,500.00 plus 5.2% of the excess

23 Colorado net income over \$50,000.00

24 (F) For income tax years commencing on or after July 1, 1992, but  
25 before July 1, 1993:

26 **If the Colorado**

27 **net income is:**

**The tax is:**

1	<del>\$50,000.00 or less</del>	<del>5% of the Colorado net income</del>
2	<del>Over \$50,000.00</del>	<del>\$2,500.00 plus 5.1% of the excess</del>
3		<del>Colorado net income over \$50,000.00</del>

4       (G) ~~For income tax years commencing on or after July 1, 1993,~~  
5 ~~but prior to January 1, 1999, five percent of the Colorado net income;~~

6       (H) ~~For income tax years commencing on or after January 1, 1999,~~  
7 ~~but prior to January 1, 2000, four and three-quarters percent of the~~  
8 ~~Colorado net income;~~

9       (I) ~~Except as otherwise provided in section 39-22-627, for income~~  
10 ~~tax years commencing on or after January 1, 2000, but before January 1,~~  
11 ~~2020, four and sixty-three one hundredths percent of the Colorado net~~  
12 ~~income;~~

13       (J) ~~Except as otherwise provided in section 39-22-627, for income~~  
14 ~~tax years commencing on or after January 1, 2020, but before January 1,~~  
15 ~~2022, four and fifty-five one-hundredths percent of the Colorado net~~  
16 ~~income. THIS SUBSECTION (1)(d)(I)(J) IS REPEALED, EFFECTIVE DECEMBER~~  
17 ~~31, 2026.~~

18       (1.1) ~~For income tax years commencing on or after January 1,~~  
19 ~~1981, but before January 1, 1982, the tax imposed by paragraph (b) of~~  
20 ~~subsection (1) of this section shall be reduced in accordance with the~~  
21 ~~following table:~~

22       **~~If the Colorado~~**

23       **~~net income is:~~**

23       **~~The reduction is:~~**

24	<del>Not over \$25,000.00</del>	<del>1% of the Colorado net income</del>
25	<del>Over \$25,000.00 but not</del>	<del>\$250.00 plus 0.5% of the excess</del>
26	<del>over \$50,000.00</del>	<del>over \$25,000.00</del>
27	<del>Over \$50,000.00</del>	<del>\$375.00</del>

1 (1.2) For income tax years commencing on or after January 1,  
2 1982, but before January 1, 1983, the tax imposed by paragraph (b) of  
3 subsection (1) of this section shall be reduced in accordance with the  
4 following table:

5 **If the Colorado**

6 net income is:	The reduction is:
7 Not over \$25,000.00	1% of the Colorado net income
8 Over \$25,000.00 but not 9 over \$75,000.00	\$250.00 plus 0.5% of the excess over \$25,000.00
10 Over \$75,000.00	\$500.00

11 (1.3) For income tax years commencing on or after July 1, 1986,  
12 but before July 1, 1987, the tax imposed by paragraph (c) of subsection  
13 (1) of this section shall be reduced in accordance with the following table:

14 **If the Colorado**

15 net income is:	The reduction is:
16 Not over \$50,000.00	.75% of the Colorado net income
17 Over \$50,000.00 but not 18 over \$200,000.00	\$375.00 plus .5% of the excess over \$50,000.00
19 Over \$200,000.00	\$1,125.00

20 **SECTION 5.** In Colorado Revised Statutes, 39-22-303, amend  
21 (10)(b)(II) and (10)(b)(III); **repeal** (13) and (15); and **add** (11)  
22 introductory portion, (11.2), (11.5), (12)(a.3), (12)(a.5), (12)(d), and  
23 (12)(e) as follows:

24 **39-22-303. Dividends in a combined report - foreign source**  
25 **income - affiliated groups - definitions - rules - repeal.** (10) As  
26 used in this subsection (10), "foreign source income" means taxable  
27 income from sources without the United States, as used in section 862 of

1 the internal revenue code. In apportioning and allocating income pursuant  
2 to section 39-22-303.5, 39-22-303.6, or 39-22-303.7, foreign source  
3 income shall be considered only to the extent provided in this subsection  
4 (10):

5 (b) (II) For income tax years commencing prior to January 1,  
6 2000, the amount to be excluded shall be IS determined by multiplying the  
7 foreign source income by a fraction, the numerator of which is the total  
8 of taxes paid or accrued to foreign countries and United States  
9 possessions by or on behalf of the C corporation pursuant to section 901  
10 or 902 of the internal revenue code, deemed paid pursuant to section 902  
11 or 960 of the internal revenue code for the tax year, or carried over or  
12 carried back to such tax year pursuant to section 904 (c) of the internal  
13 revenue code. The denominator of said fraction shall be forty-six percent  
14 of the foreign source income.

15 (III) For income tax years commencing on or after January 1,  
16 2000, the amount to be excluded shall be IS determined by multiplying the  
17 foreign source income by a fraction, the numerator of which is the total  
18 of taxes paid or accrued to foreign countries and United States  
19 possessions by or on behalf of the C corporation pursuant to section 901  
20 or 902 of the internal revenue code, deemed paid pursuant to section 902  
21 or 960 of the internal revenue code for the tax year, or carried over or  
22 carried back to such tax year pursuant to section 904 (c) of the internal  
23 revenue code. The denominator of said fraction shall be the same  
24 percentage as the effective federal corporate income tax rate multiplied  
25 by the foreign source income. As used in this subsection (10), "effective  
26 federal corporate income tax rate" means the taxpayer's federal corporate  
27 income tax calculated in accordance with section 11 (a) and (b) of the

1 internal revenue code for such tax year divided by the taxpayer's federal  
2 taxable income.

3 (11) FOR TAX YEARS BEGINNING BEFORE JANUARY 1, 2026:

4 (11.2) SUBSECTION (11) OF THIS SECTION AND THIS SUBSECTION  
5 (11.2) ARE REPEALED, EFFECTIVE DECEMBER 31, 2031.

6 (11.5) (a) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT:

7 (I) SUBSECTION (11)(a) OF THIS SECTION WAS ENACTED IN 1985  
8 TO IMPLEMENT UNITARY COMBINED REPORTING IN COLORADO. HOWEVER,  
9 THAT SUBSECTION IS UNIQUE AMONG STATES THAT EMPLOY UNITARY  
10 COMBINED REPORTING, USES ARBITRARY TESTS THAT HAVE BEEN  
11 DIFFICULT FOR TAXPAYERS AND THE DEPARTMENT OF REVENUE TO APPLY,  
12 AND HAS CREATED UNNECESSARY TAX COMPLIANCE CHALLENGES  
13 BECAUSE COLORADO'S APPROACH DIVERGES FROM OTHER STATES.

14 (II) INCLUDING ALL AMOUNTS SOURCED TO COLORADO FOR THE  
15 COMBINED GROUP BEST EFFECTUATES UNITARY COMBINED REPORTING,  
16 REGARDLESS OF THE SEPARATE ENTITY TO WHICH THOSE FACTORS MAY BE  
17 ATTRIBUTED. DOING SO RECOGNIZES THAT THE UNITARY GROUP IS A  
18 SINGLE TAXPAYER AND PREVENTS CORPORATE FORM FROM GOVERNING  
19 ECONOMIC SUBSTANCE.

20 (III) SECTION 39-22-301 AND THIS SECTION, AS AMENDED BY  
21 HOUSE BILL 24-1134, ENACTED IN 2024, ALLOW COLORADO TO JOIN  
22 OTHER STATES WITH SIMILAR COMBINED REPORTING STANDARDS AND  
23 IMPLEMENT UNITARY COMBINED REPORTING IN A MANNER THAT SIMPLIFIES  
24 THE PREPARATION OF CORPORATE INCOME TAX RETURNS IN COLORADO  
25 WITHOUT ARBITRARY TESTS THAT ARE DIFFICULT TO APPLY.

26 (b) FOR TAX YEARS BEGINNING ON AND AFTER JANUARY 1, 2026:

27 (I) EXCEPT AS PROVIDED IN SUBSECTION (8) OF THIS SECTION, ALL

1 OF THE MEMBERS OF AN AFFILIATED GROUP OF C CORPORATIONS,  
2 WHEREVER INCORPORATED OR DOMICILED, THAT ARE MEMBERS OF A  
3 UNITARY BUSINESS SHALL FILE A COMBINED REPORT AS A COMBINED  
4 GROUP.

5 (II) THE NET INCOME OF EACH MEMBER OF THE COMBINED GROUP,  
6 AS DETERMINED UNDER SECTION 39-22-304, IS COMBINED, ELIMINATING  
7 ITEMS OF INCOME, EXPENSE, GAIN, AND LOSS FROM TRANSACTIONS  
8 BETWEEN MEMBERS OF THE COMBINED GROUP, APPLYING THE  
9 CONSOLIDATED FILING RULES UNDER THE INTERNAL REVENUE CODE, AND  
10 THE REGULATIONS THEREUNDER, AS IF THE COMBINED GROUP WAS A  
11 CONSOLIDATED FILING GROUP. DIVIDENDS ARE ELIMINATED TO THE  
12 EXTENT PERMITTED UNDER SUBSECTION (9) OF THIS SECTION.

13 (III) (A) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION,  
14 SECTION 39-22-303.6, AS MODIFIED, IF APPLICABLE, BY SECTION  
15 39-22-303.7, DETERMINES HOW INCOME OR LOSS, OR ITEMS MAKING UP  
16 INCOME OR LOSS, ARE ALLOCATED AND APPORTIONED TO THIS STATE.

17 (B) THE COMBINED GROUP APPORTIONMENT FACTOR IS A  
18 FRACTION DETERMINED UNDER SECTION 39-22-303.6, AS MODIFIED, IF  
19 APPLICABLE, BY SECTION 39-22-303.7, WHERE THE NUMERATOR OF THE  
20 FACTOR INCLUDES AMOUNTS SOURCED TO THE STATE FOR THE COMBINED  
21 GROUP'S UNITARY BUSINESS, REGARDLESS OF THE SEPARATE ENTITY TO  
22 WHICH THOSE FACTORS MAY BE ATTRIBUTED, AND THE DENOMINATOR OF  
23 THE FACTOR INCLUDES AMOUNTS ASSOCIATED WITH THE COMBINED  
24 GROUP'S UNITARY BUSINESS WHEREVER LOCATED.

25 (C) INTERCOMPANY TRANSACTIONS AMONG MEMBERS OF THE  
26 COMBINED GROUP ARE EXCLUDED FROM THE NUMERATOR AND  
27 DENOMINATOR OF THE APPORTIONMENT CALCULATION SET FORTH IN

1 SECTION 39-22-303.6, AS MODIFIED, IF APPLICABLE, BY SECTION  
2 39-22-303.7.

3 (D) IF A MEMBER OF THE COMBINED GROUP HOLDS A PARTNERSHIP  
4 INTEREST FROM WHICH IT DERIVES APPORTIONABLE INCOME, THE SHARE  
5 OF PARTNERSHIP'S APPORTIONMENT FACTOR TO BE INCLUDED IN THE  
6 APPORTIONMENT FACTOR OF THE COMBINED GROUP IS DETERMINED BY  
7 MULTIPLYING THE PARTNERSHIP'S FACTOR BY A RATIO, THE NUMERATOR  
8 OF WHICH IS THE AMOUNT OF THE PARTNERSHIP'S APPORTIONABLE INCOME  
9 PROPERLY INCLUDED IN THE MEMBER'S INCOME, WHETHER RECEIVED  
10 DIRECTLY OR INDIRECTLY, AND INCLUDING ANY GUARANTEED PAYMENTS,  
11 AND THE DENOMINATOR OF WHICH IS THE AMOUNT OF THE PARTNERSHIP'S  
12 TOTAL APPORTIONABLE INCOME. IN THE CASE OF A PARTNERSHIP THAT IS  
13 UNITARY WITH THE PARTNER, RECEIPTS FROM INTERCOMPANY  
14 TRANSACTIONS BETWEEN THE PARTNERSHIP AND THE PARTNER, OR ANY  
15 OTHER MEMBER OF THE COMBINED GROUP, ARE EXCLUDED FROM THE  
16 NUMERATOR AND DENOMINATOR OF THE APPORTIONMENT CALCULATION  
17 AS FOLLOWS: RECEIPTS FROM SALES BY THE PARTNER, OR ANY MEMBER OF  
18 THE PARTNER'S COMBINED GROUP, TO THE PARTNERSHIP TO THE EXTENT  
19 OF THE PARTNER'S INTEREST IN THE PARTNERSHIP; AND RECEIPTS FROM  
20 SALES BY THE PARTNERSHIP TO THE PARTNER, OR ANY MEMBER OF THE  
21 PARTNER'S COMBINED GROUP, NOT TO EXCEED THE PARTNER'S INTEREST  
22 IN ALL PARTNERSHIP SALES. IF A MEMBER OF THE COMBINED GROUP  
23 DIRECTLY OR INDIRECTLY RECEIVES AN ALLOCATION OF A PARTNERSHIP  
24 TAX ITEM, SUCH AS AN ITEM OF LOSS OR EXPENSE, SO THAT IT IS NOT  
25 POSSIBLE TO DETERMINE THE MEMBER'S SHARE OF APPORTIONABLE  
26 INCOME, THE EXECUTIVE DIRECTOR MAY PROMULGATE RULES FOR  
27 INCLUSION OF PARTICULAR PARTNERSHIP FACTORS, OR PORTIONS OF

1 FACTORS, IN THE COMBINED GROUP'S FACTORS.

2 (IV) THE COMBINED REPORT MUST BE FILED UNDER THE NAME AND  
3 FEDERAL EMPLOYER IDENTIFICATION NUMBER OF THE PARENT  
4 CORPORATION IF THE PARENT IS A MEMBER OF THE COMBINED GROUP. IF  
5 THERE IS NO PARENT CORPORATION, OR IF THE PARENT IS NOT A GROUP  
6 MEMBER, THE MEMBERS OF THE COMBINED GROUP SHALL CHOOSE A  
7 MEMBER TO FILE THE RETURN. THE FILING MEMBER MUST REMAIN THE  
8 SAME IN SUBSEQUENT YEARS UNLESS THE FILING MEMBER IS NO LONGER  
9 THE PARENT CORPORATION OR IS NO LONGER A MEMBER OF THE COMBINED  
10 GROUP. THE RETURN MUST BE SIGNED BY A RESPONSIBLE OFFICER OF THE  
11 FILING MEMBER ON BEHALF OF THE COMBINED GROUP MEMBERS AS  
12 REQUIRED BY SECTION 39-22-601 (2).

13 (V) MEMBERS OF THE COMBINED GROUP ARE JOINTLY AND  
14 SEVERALLY LIABLE FOR THE TAX LIABILITY OF THE COMBINED GROUP  
15 INCLUDED IN THE COMBINED RETURN.

16 (VI) THE EXECUTIVE DIRECTOR SHALL NOT REQUIRE RETURNS TO  
17 BE MADE ON A CONSOLIDATED BASIS, BUT AN AFFILIATED GROUP OF C  
18 CORPORATIONS MAY ELECT TO FILE A CONSOLIDATED RETURN AS  
19 OTHERWISE PROVIDED IN THIS ARTICLE 22.

20 (12) As used in this section, unless the context otherwise requires:

21 (a.3) "COMBINED GROUP" MEANS THE AFFILIATED GROUP OF C  
22 CORPORATIONS THAT MUST FILE A COMBINED REPORT AS REQUIRED BY  
23 SUBSECTION (11.5) OF THIS SECTION.

24 (a.5) "COMBINED REPORT" MEANS A TAX RETURN REQUIRED TO BE  
25 FILED FOR THE COMBINED GROUP CONTAINING INFORMATION AS PROVIDED  
26 IN THIS ARTICLE 22 OR REQUIRED BY THE EXECUTIVE DIRECTOR.

27 (d) "TAXPAYER" MEANS A C CORPORATION OR COMBINED GROUP

1 SUBJECT TO THE TAX IMPOSED BY SECTION 39-22-301.

2 (e) "UNITARY BUSINESS" MEANS A SINGLE ECONOMIC ENTERPRISE  
3 MADE UP EITHER OF SEPARATE PARTS OF A SINGLE C CORPORATION OR OF  
4 AN AFFILIATED GROUP OF C CORPORATIONS THAT ARE SUFFICIENTLY  
5 INTERDEPENDENT, INTEGRATED, AND INTERRELATED THROUGH THEIR  
6 ACTIVITIES SO AS TO PROVIDE A SYNERGY AND MUTUAL BENEFIT THAT  
7 PRODUCES A SHARING OR EXCHANGE OF VALUE AMONG THEM AND A  
8 SIGNIFICANT FLOW OF VALUE TO THE SEPARATE PARTS. A UNITARY  
9 BUSINESS INCLUDES THAT PART OF THE BUSINESS THAT IS CONDUCTED BY  
10 A TAXPAYER THROUGH THE TAXPAYER'S INTEREST IN A PARTNERSHIP,  
11 WHETHER THE INTEREST IN THAT PARTNERSHIP IS HELD DIRECTLY OR  
12 INDIRECTLY THROUGH A SERIES OF PARTNERSHIPS OR OTHER  
13 PASS-THROUGH ENTITIES.

14 ~~(13) The executive director shall, within existing appropriations~~  
15 ~~to the department of revenue, promulgate rules and regulations to apply~~  
16 ~~and administer the provisions of this section. Such rules and regulations~~  
17 ~~shall be available for public review and comment not later than July 1,~~  
18 ~~1990.~~

19 ~~(15) The department of revenue shall convene a stakeholder~~  
20 ~~working group on or before September 1, 2019, to discuss tax policies~~  
21 ~~and issues arising from the relevant statutory provisions governing~~  
22 ~~combined tax reporting. The department shall include a report regarding~~  
23 ~~the activities of the stakeholder working group in its presentation made~~  
24 ~~pursuant to section 2-7-203.~~

25 **SECTION 6. Act subject to petition - effective date.** This act  
26 takes effect at 12:01 a.m. on the day following the expiration of the  
27 ninety-day period after final adjournment of the general assembly; except

1 that, if a referendum petition is filed pursuant to section 1 (3) of article V  
2 of the state constitution against this act or an item, section, or part of this  
3 act within such period, then the act, item, section, or part will not take  
4 effect unless approved by the people at the general election to be held in  
5 November 2024 and, in such case, will take effect on the date of the  
6 official declaration of the vote thereon by the governor.