

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 24-0727.03 Jed Franklin x5484

HOUSE BILL 24-1365

HOUSE SPONSORSHIP

Lukens and Soper,

SENATE SPONSORSHIP

Bridges and Will,

House Committees
Business Affairs & Labor

Senate Committees

A BILL FOR AN ACT

101 CONCERNING REGIONAL TALENT DEVELOPMENT INITIATIVES, AND, IN
102 CONNECTION THEREWITH, CREATING THE REGIONAL TALENT
103 SUMMIT GRANT PROGRAM AND AN INCOME TAX CREDIT FOR
104 FACILITY IMPROVEMENT AND EQUIPMENT ACQUISITION COSTS
105 ASSOCIATED WITH TRAINING PROGRAMS DESIGNED TO
106 ALLEVIATE WORKFORCE SHORTAGES.

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>.)

On July 1, 2024, the bill requires a one-time \$3.8 million transfer

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.

from the general fund to the regional talent development initiative grant program fund to address workforce shortages in infrastructure and building trades. Of this amount, not more than 7% may be used for the administrative costs incurred to administer the regional talent development initiative grant program.

The regional talent summit grant program (grant program) is created and is to be administered by the governor's office of economic development and international trade (office). The grant program, through a selection committee, will award grants to and contract with a program facilitator to develop regional summits across the state. The program facilitator will understand workforce development needs in identified regions of the state, generate a landscape analysis for each identified region that includes job projections and an overview of educational pathways, gather insight from employers about critical workforce and training needs, create regional goals for addressing talent needs, and develop comprehensive tactical plans. Beginning January 1, 2026, any modified or new local workforce development plan must incorporate the tactical plans. The program facilitator must complete all regional talent summits on or before July 1, 2025, and submit workforce plans as a result of the regional talent summits by December 1, 2025.

The grant program, through a selection committee, will also award grants to one or more regional hosts to secure facilities to host regional talent summits, determine community partners to attend the summits, and gather insight from regional employers about critical workforce and training needs.

The regional talent summit development initiative grant program fund (fund) is created in the state treasury. On July 1, 2024, the state treasurer shall transfer \$200,000 from the general fund to the fund. The money in the fund is continuously appropriated to the office.

The bill establishes a state income tax credit (tax credit) for the costs of facility improvement and equipment acquisition associated with training programs designed to alleviate workforce shortages beginning January 1, 2026. A qualified taxpayer in a qualified industry may earn a tax credit equal to up to 50% of the costs incurred by the qualified taxpayer to improve its facilities and acquire equipment. The tax credit is refundable and may not be carried forward.

To claim the tax credit, a qualified taxpayer must first reserve the tax credit by applying to be in the evaluation pool established by the office. A selection committee will consider the merits of each application to determine which taxpayers are qualified to reserve the tax credit. If a taxpayer is qualified and approved, the taxpayer is required to incur facility improvements and equipment acquisition costs to claim the tax credit. If the applicant submits evidence that the costs were incurred during the income tax year for which the applicant applied, and those costs are certified by a certified public accountant, the applicant may be

awarded a tax credit. The aggregate amount of tax credits reserved in one calendar year cannot exceed \$15 million.

The executive director of the department of revenue may require a person or organization not subject to tax or a person or organization exempt from taxes to make and file a return containing information prescribed by the executive director to claim the tax credit.

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

2 **SECTION 1. Legislative Declaration.** (1) The general assembly
3 hereby finds and declares that:

4 (a) House Bill 22-1350, enacted in 2022, established the regional
5 talent development initiative act to invest in regional partnerships that
6 encourage workforce development and respond to regional talent needs.
7 The grant program, opportunity now, granted twenty-seven million
8 dollars to forty-six grantees and created over two hundred thirty industry
9 and educational partnerships with the first round of funding. The second
10 and third rounds of investment demonstrate Colorado's ongoing
11 commitment to innovation, regional planning, economic development,
12 and collaboration.

13 (b) However, Colorado continues to experience workforce
14 shortages due to the mismatch of jobs available and the skilled talent
15 needed to fill them. This challenge is heightened by recent federal
16 investment in programs like the federal "Infrastructure Investment and
17 Jobs Act", Pub.L. 117-58, the federal "Inflation Reduction Act of 2022",
18 Pub.L. 117-169, and the federal "CHIPS and Science Act of 2022",
19 Pub.L. 117-167, which create additional demands for skilled talent.

20 (c) Data shows that Colorado currently needs thirty-three thousand
21 five hundred infrastructure and construction workers, and is projected to
22 need an additional fifty thousand construction workers by the end of the

1 decade, including an additional twenty thousand clean energy
2 construction jobs. Colorado is projected to need six thousand ninety-eight
3 construction laborers alone to respond to "Infrastructure Investment and
4 Jobs Act" project needs.

5 (d) More skilled talent in infrastructure, advanced manufacturing,
6 and clean energy is needed for Colorado to take full advantage of federal
7 investments and achieve Colorado's ambitious housing, climate,
8 broadband, and infrastructure goals. By investing an additional round of
9 general fund funding into the opportunity now program, with a focus on
10 infrastructure and building trades, Colorado makes an important
11 investment in the workforce needed to build more housing now.

12 (e) Expanding the opportunity now program with a refundable tax
13 credit expands the scope of this work for years to come. This refundable
14 tax credit will support qualified applicants in increasing their training
15 capacity and capabilities so that Colorado has the workforce needed to
16 respond to federal investments as they break ground and achieve
17 statewide priorities.

18 (f) The workforce shortage tax credit is intended to continue the
19 opportunity now program by seeding investments that benefit the
20 education and training system broadly;

21 (g) The regional talent summit grant program is also created to
22 affirm Colorado's collaborative, locally-driven, and state-supported
23 approach to regional talent planning. These summits will allow for
24 industry, business associations, community-based organizations, talent
25 development practitioners, local workforce centers, local education
26 providers, institutions of higher education, and state agencies to identify
27 the workforce needs and resources of their areas. By seeding new

1 partnerships to develop shared workforce and economic development
2 goals, these summits will allow Colorado's regions to plan for and
3 leverage local and state resources to achieve them.

4 (2) Therefore, the regional talent summit grant program and the
5 workforce shortage tax credit are important tools for Colorado to address
6 the need for talent acquisition and retention.

7 **SECTION 2.** In Colorado Revised Statutes, 24-48.5-405, **amend**
8 (1)(c)(II) and (1)(c)(III); and **add** (1)(c)(IV) as follows:

9 **24-48.5-405. Regional talent development initiative grant**
10 **program - creation - administration - eligibility - application review**
11 **- report.** (1) (c) In prioritizing grant applications and awarding grants,
12 the office, in collaboration with the departments and the selection
13 committee, shall strive to meet the following grant program goals:

14 (II) To create intentional pathways between kindergarten through
15 twelfth grade education, higher education, and employment that allow
16 learners and earners to transition more easily into and out of each system
17 and that ensure a highly skilled and well-educated workforce; ~~and~~

18 (III) To provide more opportunities for regional learners and
19 earners to be more economically mobile and earn a living wage in an
20 in-demand, high-skill, high-wage occupation; AND

21 (IV) TO ADDRESS WORKFORCE SHORTAGES IN INFRASTRUCTURE
22 AND BUILDING TRADES BY CREATING MORE OPPORTUNITIES FOR
23 WORKFORCE DEVELOPMENT PROJECTS IN THESE TRADES.

24 **SECTION 3.** In Colorado Revised Statutes, 24-48.5-406, **add**
25 (1)(a.5) as follows:

26 **24-48.5-406. Regional talent development initiative grant**
27 **program fund - repeal.** (1) (a.5) (I) ON JULY 1, 2024, THE STATE

1 TREASURER SHALL TRANSFER THREE MILLION EIGHT HUNDRED THOUSAND
2 DOLLARS FROM THE GENERAL FUND TO THE FUND FOR USE FOR ACHIEVING
3 THE GOAL SET FORTH IN SECTION 24-48.5-405 (1)(c)(IV).

4 (II) OF THE AMOUNT TRANSFERRED TO THE FUND PURSUANT TO
5 SUBSECTION (1)(a.5)(I) OF THIS SECTION, NOT MORE THAN SEVEN PERCENT
6 MAY BE USED FOR THE ADMINISTRATIVE COSTS INCURRED BY THE OFFICE
7 AND THE SELECTION COMMITTEE IN ADMINISTERING THE REGIONAL
8 TALENT DEVELOPMENT INITIATIVE GRANT PROGRAM.

9 (III) THIS SUBSECTION (1)(a.5) IS REPEALED, EFFECTIVE JULY 1,
10 2028.

11 **SECTION 4.** In Colorado Revised Statutes, **add** part 6 to article
12 48.5 of title 24 as follows:

13 PART 6

14 REGIONAL TALENT SUMMIT ACT

15 **24-48.5-601. Short title.** THE SHORT TITLE OF THIS PART 6 IS THE
16 "REGIONAL TALENT SUMMIT ACT".

17 **24-48.5-602. Legislative declaration.** (1) THE GENERAL
18 ASSEMBLY FINDS AND DECLARES THAT:

19 (a) THIS PART 6 IS INTENDED TO STRENGTHEN REGIONAL TALENT
20 DEVELOPMENT PIPELINES TO MEET WORKFORCE DEMAND;

21 (b) THE STATE HAS AN OPPORTUNITY TO FULFILL DEMAND FOR
22 WORKERS, WHICH WILL ALLOW THE STATE TO MEET ITS STRATEGIC GOALS
23 AND GENERATE HIGH-QUALITY CAREERS; AND

24 (c) THE GRANT PROGRAM AND RELATED SERVICES DESCRIBED IN
25 THIS PART 6 ARE IMPORTANT GOVERNMENT SERVICES.

26 (2) THEREFORE, THE GENERAL ASSEMBLY CREATES THE REGIONAL
27 TALENT SUMMIT GRANT PROGRAM TO ADDRESS THESE NEEDS.

1 **24-48.5-603. Definitions.** AS USED IN THIS PART 6, UNLESS THE
2 CONTEXT OTHERWISE REQUIRES:

3 (1) "APPLICANT" MEANS AN ENTITY THAT:

4 (a) HAS THE CAPACITY TO HOST REGIONAL TALENT SUMMITS
5 ACROSS THE STATE THAT CONVENE TO UNDERSTAND REGIONAL LABOR
6 MARKET NEEDS IN EACH REGION OF THE STATE OR HAS THE CAPACITY TO
7 CONVENE, FACILITATE, AND REPORT ON REGIONAL TALENT SUMMIT
8 FINDINGS; AND

9 (b) APPLIES FOR A GRANT FROM THE GRANT PROGRAM.

10 (2) "FUND" MEANS THE REGIONAL TALENT SUMMIT GRANT
11 PROGRAM FUND CREATED IN SECTION 24-48.5-605.

12 (3) "GRANT PROGRAM" MEANS THE REGIONAL TALENT SUMMIT
13 GRANT PROGRAM CREATED IN SECTION 24-48.5-604.

14 (4) "OFFICE" MEANS THE COLORADO OFFICE OF ECONOMIC
15 DEVELOPMENT CREATED IN SECTION 24-48.5-101.

16 (5) "PROGRAM FACILITATOR" MEANS AN APPLICANT TO WHICH THE
17 OFFICE AWARDS A GRANT AND WITH WHICH THE OFFICE CONTRACTS
18 PURSUANT TO SECTION 24-48.5-604 (2)(a).

19 (6) "REGIONAL HOST" MEANS AN APPLICANT THAT HAS BEEN
20 GRANTED AN AWARD TO SUPPORT THE COSTS OF HOSTING A REGIONAL
21 TALENT SUMMIT.

22 (7) "REGIONAL TALENT SUMMIT" MEANS A CONVENING OF STATE
23 AND REGIONAL STAKEHOLDERS TO DISCUSS THE ECONOMIC AND
24 WORKFORCE NEEDS OF THEIR REGION AND THE PROGRAMS AND RESOURCES
25 THAT MIGHT ADDRESS THOSE NEEDS.

26 (8) "SELECTION COMMITTEE" MEANS THE SELECTION COMMITTEE
27 APPOINTED PURSUANT TO SECTION 24-48.5-604 (4)(a) TO REVIEW AND

1 MAKE RECOMMENDATIONS ABOUT APPLICANTS, TO SELECT AND AWARD A
2 GRANT TO THE REGIONAL HOST, AND TO SELECT AND AWARD A GRANT TO
3 THE PROGRAM FACILITATOR.

4 **24-48.5-604. Regional talent summit grant program - creation**
5 **- administration - eligibility - application review - report.**

6 (1) (a) THERE IS CREATED IN THE OFFICE THE REGIONAL TALENT SUMMIT
7 GRANT PROGRAM. THE OFFICE SHALL ADMINISTER THE GRANT PROGRAM.
8 THE SELECTION COMMITTEE APPOINTED PURSUANT TO SUBSECTION (4) OF
9 THIS SECTION IS RESPONSIBLE FOR MAKING GRANT AWARD DECISIONS IN
10 ACCORDANCE WITH THIS SECTION.

11 (b) (I) THE PURPOSE OF THE GRANT PROGRAM IS TO PROVIDE
12 GRANTS TO THE PROGRAM FACILITATOR TO USE TO CONVENE AND
13 FACILITATE REGIONAL SUMMITS AND DEVELOP A REPORT ON THE FINDINGS
14 OF THE REGIONAL TALENT SUMMITS AND TO ONE OR MORE REGIONAL
15 HOSTS TO USE TO SUPPORT SEVEN REGIONAL TALENT SUMMITS.

16 (II) THE OFFICE SHALL REQUIRE THE REGIONAL HOSTS AND THE
17 PROGRAM FACILITATOR TO COMPLETE ALL REGIONAL TALENT SUMMITS ON
18 OR BEFORE JULY 1, 2025.

19 (III) THE OFFICE SHALL REQUIRE THE PROGRAM FACILITATOR TO
20 SUBMIT ITS COMPREHENSIVE TACTICAL PLAN TO THE OFFICE ON OR BEFORE
21 DECEMBER 1, 2025.

22 (c) IN PRIORITIZING GRANT APPLICATIONS AND AWARDING GRANTS,
23 THE OFFICE, IN COLLABORATION WITH THE SELECTION COMMITTEE, SHALL
24 STRIVE TO MEET THE FOLLOWING GRANT PROGRAM GOALS:

25 (I) FOR A GRANT FOR A PROGRAM FACILITATOR:

26 (A) TO UNDERSTAND WORKFORCE DEVELOPMENT NEEDS IN
27 REGIONS OF THE STATE;

1 (B) TO GENERATE A LANDSCAPE ANALYSIS FOR EACH IDENTIFIED
2 REGION THAT INCLUDES JOB PROJECTIONS AND AN OVERVIEW OF
3 EDUCATIONAL PATHWAYS;

4 (C) TO GATHER INSIGHT FROM EMPLOYERS ABOUT CRITICAL
5 WORKFORCE AND TRAINING NEEDS;

6 (D) TO CREATE REGIONAL GOALS FOR ADDRESSING TALENT NEEDS;

7 (E) TO DEVELOP COMPREHENSIVE TACTICAL PLANS; AND

8 (F) TO SUBMIT THE WORKFORCE PLANS GENERATED BY THE
9 PROGRAM FACILITATOR AS A RESULT OF THE REGIONAL TALENT SUMMITS
10 BY DECEMBER 1, 2025, TO THE OFFICE. THE OFFICE SHALL PROVIDE THE
11 WORKFORCE PLANS TO THE STATE WORKFORCE DEVELOPMENT COUNCIL
12 FOR INCLUSION FOR PUBLICATION IN THE COLORADO TALENT REPORT
13 PREPARED PURSUANT TO SECTION 24-46.3-103 (3).

14 (II) FOR A GRANT FOR A REGIONAL HOST:

15 (A) TO SECURE A FACILITY TO HOST THE REGIONAL SUMMIT;

16 (B) TO DETERMINE RELEVANT PARTNERS TO ATTEND THE
17 REGIONAL SUMMIT; AND

18 (C) TO GATHER INSIGHT FROM REGIONAL EMPLOYERS ABOUT
19 WORKFORCE TRAINING NEEDS.

20 (2) THE OFFICE, THROUGH THE SELECTION COMMITTEE, SHALL:

21 (a) AWARD A GRANT TO AND EXECUTE A CONTRACT WITH A
22 PROGRAM FACILITATOR. THE OFFICE SHALL REQUIRE THE PROGRAM
23 FACILITATOR TO:

24 (I) WORK WITH THE OFFICE, THE DEPARTMENT OF LABOR AND
25 EMPLOYMENT, THE DEPARTMENT OF EDUCATION, LOCAL DATA EXPERTS,
26 AND THE DEPARTMENT OF HIGHER EDUCATION TO GENERATE A LANDSCAPE
27 ANALYSIS FOR EACH IDENTIFIED REGION THAT INCLUDES JOB PROJECTIONS

1 AND AN OVERVIEW OF EDUCATIONAL PATHWAYS;

2 (II) WORK WITH REGIONAL HOSTS TO PLAN REGIONAL TALENT
3 SUMMITS;

4 (III) FACILITATE A SUMMIT FOR REGIONAL ATTENDEES TO
5 IDENTIFY REGIONAL ECONOMIC GOALS AND WORKFORCE DEVELOPMENT
6 NEEDS;

7 (IV) CREATE ALIGNMENT BETWEEN BUSINESS, EDUCATION,
8 WORKFORCE, AND COMMUNITY PARTNERS FOR WORKFORCE
9 DEVELOPMENT; AND

10 (V) DEVELOP COMPREHENSIVE TACTICAL PLANS INFORMED BY THE
11 RESOURCES AND NEEDS OF EACH REGION THAT SET TWO-YEAR GOALS AND
12 FIVE-YEAR GOALS FOR DEVELOPING MORE CAREER PATHWAYS IN
13 HIGH-NEED FIELDS IN EACH REGION INCLUDING A LANDSCAPE ANALYSIS
14 FOR EACH REGION OF THE STATE THAT IDENTIFIES REGIONAL WORKFORCE
15 NEEDS, OPPORTUNITIES, AND CHALLENGES.

16 (b) AWARD A GRANT TO ONE OR MORE REGIONAL HOSTS. THE
17 OFFICE SHALL REQUIRE THE REGIONAL HOSTS TO:

18 (I) SECURE A FACILITY TO HOST EACH REGIONAL SUMMIT;

19 (II) DETERMINE RELEVANT BUSINESS, EDUCATION, WORKFORCE,
20 AND COMMUNITY PARTNERS TO PARTICIPATE IN EACH REGIONAL SUMMIT;
21 AND

22 (III) GATHER INSIGHT FROM REGIONAL EMPLOYERS ABOUT
23 CRITICAL WORKFORCE AND TRAINING NEEDS.

24 (c) ESTABLISH A PROCESS FOR AN APPLICANT TO APPLY FOR A
25 GRANT TO FUND THE DEVELOPMENT OF REGIONAL TALENT SUMMITS,
26 WHICH APPLICATION PROCESS MUST BE COMPLETED NO LATER THAN
27 NOVEMBER 1, 2024; AND

1 (d) ESTABLISH POLICIES SETTING FORTH THE PARAMETERS AND
2 ELIGIBILITY FOR THE GRANT PROGRAM.

3 (3) TO BE ELIGIBLE FOR A GRANT, AN APPLICANT MUST, AT A
4 MINIMUM, INCLUDE WITH ITS GRANT APPLICATION:

5 (a) A DETAILED PROPOSAL AND OPERATIONS PLAN THAT MEETS
6 THE GOALS SPECIFIED IN SUBSECTION (1)(c) OF THIS SECTION; AND

7 (b) INFORMATION ABOUT HOW THE PROPOSED REGIONAL TALENT
8 SUMMIT WILL ADDRESS THE ECONOMIC DEVELOPMENT GOALS OF EACH
9 REGION.

10 (4) (a) THE OFFICE SHALL APPOINT A SELECTION COMMITTEE
11 CONSISTING OF MEMBERS WHO REPRESENT THE OFFICE, THE COLORADO
12 WORKFORCE DEVELOPMENT COUNCIL, LOCAL WORKFORCE DEVELOPMENT
13 PRACTITIONERS, LOCAL EDUCATION PROVIDERS, INSTITUTIONS OF HIGHER
14 EDUCATION, EDUCATION-RELATED COMMUNITY-BASED ORGANIZATIONS,
15 AND THE STATEWIDE CHAMBER OF COMMERCE.

16 (b) THE SELECTION COMMITTEE SHALL REVIEW GRANT
17 APPLICATIONS IN ACCORDANCE WITH THE PROCESSES AND CRITERIA
18 SPECIFIED IN AND DEVELOPED PURSUANT TO THIS SECTION AND SHALL
19 MAKE FINAL DETERMINATIONS AND AWARD GRANTS BASED ON THESE
20 PROCESSES AND CRITERIA.

21 (c) (I) THE SELECTION COMMITTEE SHALL CONSIDER REGIONAL
22 DIVERSITY, COMMUNITY ENGAGEMENT, LOCAL PARTNERSHIPS, AND EVENT
23 CAPACITY WHEN SELECTING ONE OR MORE REGIONAL HOSTS.

24 (II) MEMBERS OF THE SELECTION COMMITTEE SERVE WITHOUT
25 COMPENSATION BUT ARE ENTITLED TO REIMBURSEMENT FOR ACTUAL AND
26 NECESSARY EXPENSES INCURRED IN THE DISCHARGE OF THE MEMBERS'
27 DUTIES.

1 **24-48.5-605. Regional talent summit grant program fund.**

2 (1)(a) THERE IS CREATED IN THE STATE TREASURY THE REGIONAL TALENT
3 SUMMIT GRANT PROGRAM FUND.

4 (b) ON JULY 1, 2024, THE STATE TREASURER SHALL TRANSFER TWO
5 HUNDRED THOUSAND DOLLARS FROM THE GENERAL FUND TO THE FUND
6 FOR GRANTS TO A PROGRAM FACILITATOR AND ONE OR MORE REGIONAL
7 HOSTS.

8 (c) THE MONEY IN THE FUND IS CONTINUOUSLY APPROPRIATED TO
9 THE OFFICE FOR USE IN ACCORDANCE WITH THIS PART 6.

10 (2) THE OFFICE MAY SEEK, ACCEPT, AND EXPEND GIFTS, GRANTS,
11 OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF
12 THIS PART 6.

13 **24-48.5-606. Repeal of part.** THIS PART 6 IS REPEALED, EFFECTIVE
14 JULY 1, 2029.

15 **SECTION 5.** In Colorado Revised Statutes, 8-83-208, **add** (1)(d)
16 as follows:

17 **8-83-208. Implementation - local plans.** (1) (d) BEGINNING
18 JANUARY 1, 2026, ANY MODIFIED OR NEW LOCAL PLAN MUST
19 INCORPORATE THE TACTICAL PLANS CREATED PURSUANT TO SECTION
20 24-48.5-604 (2)(a)(V).

21 **SECTION 6.** In Colorado Revised Statutes, **add** 39-22-560 as
22 follows:

23 **39-22-560. Workforce shortage tax credit - tax preference**
24 **performance statement - report - definitions - repeal.** (1) **Tax**
25 **preference performance statement.** IN ACCORDANCE WITH SECTION
26 39-21-304 (1), WHICH REQUIRES EACH BILL THAT CREATES A NEW TAX
27 EXPENDITURE TO INCLUDE A TAX PREFERENCE PERFORMANCE STATEMENT

1 AS PART OF A STATUTORY LEGISLATIVE DECLARATION, THE GENERAL
2 ASSEMBLY FINDS AND DECLARES THAT:

3 (a) THE GENERAL LEGISLATIVE PURPOSES OF THE TAX CREDIT
4 ALLOWED BY THIS SECTION ARE:

5 (I) TO INDUCE CERTAIN DESIGNATED BEHAVIOR BY TAXPAYERS;
6 AND

7 (II) TO PROVIDE TAX RELIEF FOR CERTAIN BUSINESSES OR
8 INDIVIDUALS.

9 (b) THE SPECIFIC LEGISLATIVE PURPOSE OF THE TAX CREDIT
10 ALLOWED BY THIS SECTION IS TO ENCOURAGE WORKFORCE DEVELOPMENT
11 IN INDUSTRIES THAT ARE FACING WORKER SHORTAGES BY PROVIDING
12 FINANCIAL ASSISTANCE FOR FACILITY IMPROVEMENT AND EQUIPMENT
13 ACQUISITION COSTS ASSOCIATED WITH TRAINING PROGRAMS DESIGNED TO
14 ALLEVIATE WORKER SHORTAGES.

15 (c) THE GENERAL ASSEMBLY AND THE STATE AUDITOR SHALL
16 MEASURE THE EFFECTIVENESS OF THE TAX CREDIT IN ACHIEVING THE
17 PURPOSES SPECIFIED IN SUBSECTIONS (1)(a) AND (1)(b) OF THIS SECTION
18 BASED ON THE INFORMATION REQUIRED TO BE MAINTAINED AND REPORTED
19 BY THE OFFICE PURSUANT TO SUBSECTION (12) OF THIS SECTION.

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

22 (a) "APPLICANT" MEANS A PERSON SUBJECT TO TAX PURSUANT TO
23 THIS ARTICLE 22, AN ENTITY THAT IS EXEMPT FROM TAXATION PURSUANT
24 TO SECTION 39-22-112 (1), OR A POLITICAL SUBDIVISION OF THE STATE.

25 (b) "APPLICATION" MEANS AN APPLICATION IN THE FORM AND
26 MANNER APPROVED BY THE OFFICE FOR THE TAX CREDIT ALLOWED IN THIS
27 SECTION.

1 (c) "DEPARTMENT" MEANS THE DEPARTMENT OF REVENUE.

2 (d) "FEDERAL INVESTMENTS" MEANS THE FEDERAL
3 "INFRASTRUCTURE INVESTMENT AND JOBS ACT", PUB.L. 117-58, THE
4 FEDERAL "INFLATION REDUCTION ACT OF 2022", PUB.L. 117-169, AND
5 THE FEDERAL "CHIPS AND SCIENCE ACT OF 2022", PUB.L. 117-167.

6 (e) "OFFICE" MEANS THE COLORADO OFFICE OF ECONOMIC
7 DEVELOPMENT CREATED IN SECTION 24-48.5-101.

8 (f) "POTENTIAL QUALIFIED ASSET" MEANS AN ASSET THAT MAY BE
9 A QUALIFIED ASSET UPON THE DETERMINATION OF THE OFFICE.

10 (g) "QUALIFIED APPLICANT" MEANS AN APPLICANT THAT MAKES
11 A QUALIFIED INVESTMENT TO TRAIN INDIVIDUALS IN A QUALIFIED
12 INDUSTRY AND THAT IS SELECTED PURSUANT TO SUBSECTION (5) OF THIS
13 SECTION.

14 (h) (I) "QUALIFIED ASSET" MEANS:

15 (A) LAND IN THIS STATE;

16 (B) BUILDINGS, FIXTURES, AND OTHER STRUCTURAL COMPONENTS
17 OF BUILDINGS IN THIS STATE FOR WHICH THE APPLICANT IS ALLOWED A
18 DEDUCTION FOR DEPRECIATION PURSUANT TO SECTION 167 OF THE
19 INTERNAL REVENUE CODE, INCLUDING PURCHASING OR CONSTRUCTING A
20 FACILITY, RENOVATING A FACILITY, MAKING TENANT IMPROVEMENTS, AND
21 FUNDING A CAPITAL LEASE WITH CAPITALIZED LABOR, CONSTRUCTION,
22 AND INSTALLATION COSTS;

23 (C) TANGIBLE PERSONAL PROPERTY ACQUIRED FOR USE
24 EXCLUSIVELY IN THIS STATE FOR WHICH THE APPLICANT IS ALLOWED A
25 DEDUCTION FOR DEPRECIATION PURSUANT TO SECTION 167 OF THE
26 INTERNAL REVENUE CODE; AND

27 (D) COMPUTER SOFTWARE ACQUIRED FOR USE EXCLUSIVELY IN

1 THIS STATE FOR WHICH THE APPLICANT IS ALLOWED A DEDUCTION FOR
2 DEPRECIATION UNDER SECTION 167 OF THE INTERNAL REVENUE CODE.

3 (II) FOR PURPOSES OF THIS SUBSECTION (2)(h), IF AN APPLICANT IS
4 NOT SUBJECT TO FEDERAL INCOME TAX, THE APPLICANT IS DEEMED TO BE
5 ALLOWED A DEDUCTION FOR DEPRECIATION IF SUCH A DEDUCTION WOULD
6 HAVE BEEN ALLOWED WERE THE APPLICANT SUBJECT TO FEDERAL INCOME
7 TAX.

8 (i) "QUALIFIED INDUSTRY" MEANS AN INDUSTRY AFFECTED BY
9 FEDERAL INVESTMENTS THAT HAS A DEMONSTRATED WORKFORCE
10 SHORTAGE, AS DETERMINED BY THE OFFICE AS SPECIFIED IN THE POLICIES
11 AND PROCEDURES DEVELOPED BY THE OFFICE PURSUANT TO SUBSECTION
12 (13) OF THIS SECTION.

13 (j) "QUALIFIED INVESTMENT" MEANS THE AMOUNT PAID BY A
14 QUALIFIED APPLICANT TO ACQUIRE, CONSTRUCT, RECONSTRUCT, OR ERECT
15 A QUALIFIED ASSET TO THE EXTENT THE AMOUNT PAID REFLECTS NEW
16 ACTIVITY AND TO THE EXTENT THE AMOUNT IS REQUIRED TO BE
17 CAPITALIZED PURSUANT TO THE INTERNAL REVENUE CODE OR THE
18 AMOUNT IS ALLOWED TO BE DEDUCTED UNDER SECTION 179 OF THE
19 INTERNAL REVENUE CODE.

20 (k) "SELECTION COMMITTEE" MEANS A SELECTION COMMITTEE
21 APPOINTED BY THE OFFICE CONSISTING OF MEMBERS WHO HAVE EXPERTISE
22 AND EXPERIENCE AS EMPLOYERS, IN EDUCATION, OR IN OTHER RELEVANT
23 AREAS.

24 (3) **Tax credit allowed.** (a) A QUALIFIED APPLICANT IS ALLOWED
25 TO USE A TAX CREDIT CERTIFICATE ISSUED BY THE OFFICE PURSUANT TO
26 SUBSECTION (8) OF THIS SECTION AGAINST THE INCOME TAXES IMPOSED BY
27 THIS ARTICLE 22 IN THE INCOME TAX YEAR THAT THE QUALIFIED

1 APPLICANT PLACES A QUALIFIED ASSET IN SERVICE IN THE AMOUNT
2 SPECIFIED ON THE TAX CREDIT CERTIFICATE ISSUED BY THE OFFICE; EXCEPT
3 THAT THE TAX CREDIT CERTIFICATE MAY NOT BE USED IN AN INCOME TAX
4 YEAR COMMENCING BEFORE JANUARY 1, 2026, AND MAY NOT BE USED IN
5 AN INCOME TAX YEAR COMMENCING ON OR AFTER JANUARY 1, 2033.

6 (b) IN ORDER TO CLAIM THE TAX CREDIT ALLOWED PURSUANT TO
7 THIS SECTION, THE QUALIFIED APPLICANT MUST SUBMIT AN APPLICATION
8 AS SPECIFIED IN SUBSECTION (5) OF THIS SECTION, PLACE THE QUALIFIED
9 ASSET INTO SERVICE BEFORE JANUARY 1, 2033, OBTAIN A TAX CREDIT
10 CERTIFICATE FROM THE OFFICE AS SPECIFIED IN SUBSECTION (8) OF THIS
11 SECTION, AND, ONCE ISSUED BY THE OFFICE, FILE THE TAX CREDIT
12 CERTIFICATE WITH THE QUALIFIED APPLICANT'S INCOME TAX RETURN AS
13 SPECIFIED IN SUBSECTION (9) OF THIS SECTION.

14 (c) A TAX CREDIT ALLOWED PURSUANT TO THIS SECTION IS
15 SUBJECT TO RECAPTURE UNDER SUBSECTION (11) OF THIS SECTION IF:

16 (I) THE AMOUNT REFUNDED PURSUANT TO SUBSECTION (10) OF
17 THIS SECTION IS USED TO SUPPLANT LOCAL, STATE, OR FEDERAL MONEY
18 THAT WOULD OTHERWISE BE APPROPRIATED; OR

19 (II) THE QUALIFIED APPLICANT EXPENDS MONEY RECEIVED FROM
20 THE STATE TO OFFSET AT LEAST HALF OF A QUALIFIED INVESTMENT, NOT
21 INCLUDING THE AMOUNT REFUNDED PURSUANT TO SUBSECTION (10) OF
22 THIS SECTION.

23 (4) **Tax credit administration.** EXCEPT AS OTHERWISE PROVIDED
24 IN SUBSECTION (7) OF THIS SECTION, THE OFFICE IS THE ADMINISTRATOR
25 OF THE TAX CREDIT ALLOWED BY THIS SECTION.

26 (5) **Application submission and review.** (a) AN APPLICANT THAT
27 INTENDS TO CLAIM A TAX CREDIT PURSUANT TO THIS SECTION SHALL

1 SUBMIT AN APPLICATION TO THE OFFICE.

2 (b) THE OFFICE SHALL ACCEPT APPLICATIONS FOR ANNUAL
3 APPLICATION PERIODS BY DEADLINES ESTABLISHED IN THE POLICIES AND
4 PROCEDURES DEVELOPED BY THE OFFICE PURSUANT TO SUBSECTION (13)
5 OF THIS SECTION; EXCEPT THAT THE OFFICE MAY ONLY RECEIVE
6 APPLICATIONS BETWEEN JANUARY 1, 2025, AND DECEMBER 31, 2029.

7 (c) THE OFFICE SHALL REVIEW ALL SUBMITTED APPLICATIONS TO
8 DETERMINE WHETHER:

9 (I) THE APPLICANT IS A QUALIFIED APPLICANT; AND

10 (II) THE APPLICATION IS COMPLETE AND INCLUDES A DESCRIPTION
11 OF A POTENTIAL QUALIFIED ASSET AND THE ESTIMATED QUALIFIED
12 INVESTMENT.

13 (d) IF THE OFFICE DETERMINES THAT THE APPLICATION IS
14 COMPLETE AND IN COMPLIANCE, THE OFFICE SHALL ADD THE APPLICATION
15 TO AN EVALUATION POOL FOR THE APPLICATION PERIOD. WITHIN A
16 REASONABLE PERIOD AFTER THE END OF THE APPLICATION PERIOD, THE
17 OFFICE SHALL FORWARD THE EVALUATION POOL TO THE SELECTION
18 COMMITTEE FOR THE MERIT-BASED REVIEW DESCRIBED IN SUBSECTION (7)
19 OF THIS SECTION.

20 (e) IF THE OFFICE DETERMINES THAT THE APPLICATION IS
21 INCOMPLETE OR THAT IT DOES NOT COMPLY WITH THE REQUIREMENTS OF
22 THIS SECTION OR THE POLICIES AND PROCEDURES DEVELOPED BY THE
23 OFFICE PURSUANT TO SUBSECTION (13) OF THIS SECTION, THE OFFICE
24 SHALL REMOVE THE APPLICATION FROM THE REVIEW PROCESS AND NOTIFY
25 THE APPLICANT IN WRITING OF ITS DECISION. AN APPLICANT MAY
26 RESUBMIT A DISAPPROVED APPLICATION TO BE EVALUATED IN A FUTURE
27 APPLICATION PERIOD.

1 **(6) Application and issuance fees.** (a) (I) FOR AN APPLICATION
2 FOR WHICH THE AMOUNT OF THE TAX CREDIT REQUESTED BY AN
3 APPLICANT PURSUANT TO THIS SECTION IS TWO HUNDRED FIFTY THOUSAND
4 DOLLARS OR MORE, THE OFFICE MAY IMPOSE A REASONABLE APPLICATION
5 FEE ON AN APPLICANT THAT DOES NOT EXCEED FIVE HUNDRED DOLLARS.

6 (II) FOR AN APPLICATION FOR WHICH THE AMOUNT OF THE TAX
7 CREDIT REQUESTED BY AN APPLICANT PURSUANT TO THIS SECTION IS LESS
8 THAN TWO HUNDRED FIFTY THOUSAND DOLLARS, THE OFFICE MAY IMPOSE
9 A REASONABLE APPLICATION FEE ON AN APPLICANT THAT DOES NOT
10 EXCEED TWO HUNDRED DOLLARS.

11 (b) THE OFFICE MAY IMPOSE ON A QUALIFIED APPLICANT A
12 REASONABLE ISSUANCE FEE OF UP TO THREE PERCENT OF THE AMOUNT OF
13 THE TAX CREDIT SPECIFIED ON THE TAX CREDIT CERTIFICATE ISSUED BY
14 THE OFFICE AS SPECIFIED IN SUBSECTION (8) OF THIS SECTION, WHICH MUST
15 BE PAID BEFORE THE TAX CREDIT CERTIFICATE IS ISSUED TO THE QUALIFIED
16 APPLICANT.

17 (c) ANY FEE REVENUE COLLECTED PURSUANT TO THIS SUBSECTION
18 (6) MUST BE APPLIED TO THE ADMINISTRATION OF THE TAX CREDIT
19 CREATED BY THIS SECTION.

20 **(7) Merit-based review and tax credit reservation.** (a) (I) FOR
21 EACH APPLICATION PERIOD, THE SELECTION COMMITTEE SHALL CONDUCT
22 A MERIT-BASED REVIEW OF THE APPLICATIONS THAT HAVE BEEN PLACED
23 IN THE EVALUATION POOL PURSUANT TO SUBSECTION (5)(d) OF THIS
24 SECTION. THE SELECTION COMMITTEE SHALL COMPLETE ITS REVIEW AND
25 AWARD RESERVATIONS WITHIN A REASONABLE PERIOD AFTER THE END OF
26 THE APPLICATION PERIOD, NOT TO EXCEED NINETY DAYS.

27 (II) EXCEPT AS PROVIDED IN SUBSECTION (7)(a)(IV) OF THIS

1 SECTION, BASED UPON THE TOTALITY OF THE FACTORS SET FORTH IN
2 SUBSECTION (7)(c) OF THIS SECTION, THE SELECTION COMMITTEE MAY
3 RESERVE FOR THE BENEFIT OF A QUALIFIED APPLICANT A TAX CREDIT IN AN
4 AMOUNT TO BE DETERMINED BY THE SELECTION COMMITTEE NOT TO
5 EXCEED FIFTY PERCENT OF THE ESTIMATED QUALIFIED INVESTMENT;
6 EXCEPT THAT THE AGGREGATE AMOUNT OF TAX CREDITS RESERVED FOR
7 ALL QUALIFIED APPLICANTS IN AN ANNUAL APPLICATION PERIOD MAY NOT
8 EXCEED FIFTEEN MILLION DOLLARS.

9 (III) THE SELECTION COMMITTEE MAY RESERVE TAX CREDITS TO
10 BE USED BY A QUALIFIED APPLICANT FOR INCOME TAX YEARS
11 COMMENCING ON OR AFTER JANUARY 1, 2026, BUT BEFORE JANUARY 1,
12 2033, BASED UPON THE ANTICIPATED DATE THE QUALIFIED ASSET IS
13 PLACED INTO SERVICE.

14 (IV) IF THE JUNE 2026 REVENUE FORECAST, AND EACH JUNE
15 REVENUE FORECAST THROUGH THE JUNE 2030 REVENUE FORECAST AS
16 PREPARED BY EITHER LEGISLATIVE COUNCIL STAFF OR THE OFFICE OF
17 STATE PLANNING AND BUDGETING, PROJECTS THAT STATE REVENUES, AS
18 DEFINED IN SECTION 24-77-201 (4), WILL NOT INCREASE BY AT LEAST FOUR
19 PERCENT FOR THE NEXT FISCAL YEAR, THE AMOUNT OF THE TAX CREDIT
20 RESERVATION ALLOWED PURSUANT TO THIS SUBSECTION (7) FOR ANY TAX
21 YEAR COMMENCING IN THE CALENDAR YEAR THAT BEGINS DURING THE
22 NEXT FISCAL YEAR IS REDUCED BY FIFTY PERCENT; EXCEPT THAT IF THE
23 AMOUNT OF A REDUCED TAX CREDIT RESERVATION IS EQUAL TO OR LESS
24 THAN FIVE HUNDRED DOLLARS, THEN THE SELECTION COMMITTEE SHALL
25 NOT ISSUE A TAX CREDIT RESERVATION.

26 (b) (I) IF THE SELECTION COMMITTEE RESERVES TAX CREDITS FOR
27 THE BENEFIT OF A QUALIFIED APPLICANT UNDER SUBSECTION (7)(a) OF

1 THIS SECTION, THE SELECTION COMMITTEE SHALL NOTIFY THE OFFICE OF
2 THE RESERVATION AND THE AMOUNT OF TAX CREDITS RESERVED. THE
3 OFFICE SHALL NOTIFY THE QUALIFIED APPLICANT OF THE TAX CREDIT
4 RESERVATION. THE RESERVATION OF A TAX CREDIT DOES NOT ENTITLE THE
5 QUALIFIED APPLICANT TO AN ISSUANCE OF A TAX CREDIT CERTIFICATE
6 UNTIL THE QUALIFIED APPLICANT COMPLIES WITH ALL THE REQUIREMENTS
7 SPECIFIED IN THIS SECTION, BY THE SELECTION COMMITTEE, OR BY THE
8 OFFICE, FOR THE ISSUANCE OF A TAX CREDIT CERTIFICATE PURSUANT TO
9 SUBSECTION (8) OF THIS SECTION.

10 (II) THE OFFICE SHALL NOTIFY ANY QUALIFIED APPLICANT IN
11 WRITING FOR WHICH THE SELECTION COMMITTEE RESERVED NO TAX
12 CREDIT UNDER SUBSECTION (7)(a) OF THIS SECTION.

13 (c) (I) IN CONDUCTING THE MERIT-BASED REVIEW PURSUANT TO
14 SUBSECTION (7)(a) OF THIS SECTION, THE SELECTION COMMITTEE SHALL
15 CONSIDER THE FACTORS SET FORTH IN THIS SUBSECTION (7)(c) IN
16 ADDITION TO ANY OTHER FACTORS THE SELECTION COMMITTEE MAY
17 REQUEST THE OFFICE TO INCLUDE IN ITS POLICIES AND PROCEDURES
18 DEVELOPED PURSUANT TO SUBSECTION (13) OF THIS SECTION. THE
19 SELECTION COMMITTEE MAY WEIGH THE FACTORS EQUALLY OR
20 DIFFERENTLY.

21 (II) THE SELECTION COMMITTEE SHALL CONSIDER:

22 (A) WHETHER THE QUALIFIED APPLICANT'S QUALIFIED
23 INVESTMENT WILL INFLUENCE COMPETITIVENESS IN A QUALIFIED
24 INDUSTRY;

25 (B) WHETHER THE QUALIFIED APPLICANT'S QUALIFIED
26 INVESTMENT WILL RESULT IN INCREASED JOB PLACEMENTS IN QUALIFIED
27 INDUSTRIES OR INCREASED JOB PLACEMENTS WITH A LIVING WAGE IN

1 QUALIFIED INDUSTRIES;

2 (C) THE TYPE, SCOPE, AND QUALITY OF THE QUALIFIED
3 APPLICANT'S QUALIFIED ASSET AND THE RESULTING TRAINING OF
4 INDIVIDUALS IN A QUALIFIED INDUSTRY; AND

5 (D) WHETHER THE QUALIFIED APPLICANT'S QUALIFIED
6 INVESTMENT WILL RESULT IN INCREASED TRAINING AND WORKFORCE
7 DEVELOPMENT IN A QUALIFIED INDUSTRY.

8 (d) THE SELECTION COMMITTEE MAY IMPOSE ADDITIONAL
9 REQUIREMENTS ON THE QUALIFIED APPLICANT AS A CONDITION OF
10 AWARDING THE TAX CREDIT RESERVATION PURSUANT TO THIS SUBSECTION
11 (7).

12 (8) **Proof of compliance - audit of eligible expenditure**
13 **certification - issuance of tax credit certificate.** AFTER A QUALIFIED
14 APPLICANT PLACES A POTENTIAL QUALIFIED ASSET IN SERVICE, THE
15 QUALIFIED APPLICANT SHALL NOTIFY THE OFFICE THAT THE POTENTIAL
16 QUALIFIED ASSET HAS BEEN PLACED IN SERVICE AND SHALL CERTIFY THE
17 QUALIFIED INVESTMENT, AFTER WHICH THE OFFICE SHALL MAKE A FINAL
18 DETERMINATION WHETHER THE POTENTIAL QUALIFIED ASSET IS A
19 QUALIFIED ASSET. THE QUALIFIED APPLICANT SHALL INCLUDE A REVIEW
20 OF THE CERTIFICATION BY A LICENSED CERTIFIED PUBLIC ACCOUNTANT
21 THAT IS NOT AFFILIATED WITH THE QUALIFIED APPLICANT AND THAT
22 ALIGNS WITH OFFICE POLICIES FOR CERTIFICATION OF A QUALIFIED
23 INVESTMENT. THE QUALIFIED APPLICANT SHALL ALSO CERTIFY AND
24 PROVIDE DOCUMENTS DEMONSTRATING THAT THE QUALIFIED APPLICANT
25 SATISFIED ANY ADDITIONAL REQUIREMENTS IMPOSED BY THE SELECTION
26 COMMITTEE PURSUANT TO SUBSECTION (7) OF THIS SECTION. WITHIN A
27 REASONABLE TIME AFTER RECEIPT OF SUCH DOCUMENTATION FROM THE

1 QUALIFIED APPLICANT, THE OFFICE SHALL REVIEW THE QUALIFIED
2 APPLICANT'S DOCUMENTATION OF CERTIFIED QUALIFIED INVESTMENT,
3 DETERMINE WHETHER THE DOCUMENTATION SATISFIES THE
4 REQUIREMENTS OF THE OFFICE, AND, IF THE OFFICE DETERMINES THAT THE
5 DOCUMENTATION SATISFIES THE REQUIREMENTS OF THE OFFICE, THE
6 OFFICE SHALL ISSUE A TAX CREDIT CERTIFICATE IN THE AMOUNT SPECIFIED
7 IN THE TAX CREDIT RESERVATION ISSUED TO THE QUALIFIED APPLICANT
8 PURSUANT TO SUBSECTION (7) OF THIS SECTION; EXCEPT THAT A TAX
9 CREDIT CERTIFICATE MAY NOT BE ISSUED FOR AN INCOME TAX YEAR
10 COMMENCING BEFORE JANUARY 1, 2026, OR FOR AN INCOME TAX YEAR
11 COMMENCING ON OR AFTER JANUARY 1, 2033.

12 (9) **Filing tax credit certificate with income tax return.** (a) IN
13 ORDER TO CLAIM THE TAX CREDIT AUTHORIZED BY THIS SECTION, A
14 QUALIFIED APPLICANT SHALL FILE THE TAX CREDIT CERTIFICATE ISSUED BY
15 THE OFFICE PURSUANT TO SUBSECTION (8) OF THIS SECTION WITH THE
16 QUALIFIED APPLICANT'S STATE INCOME TAX RETURN. IF THE QUALIFIED
17 APPLICANT IS A POLITICAL SUBDIVISION OF THE STATE OR IS EXEMPT FROM
18 TAX PURSUANT TO SECTION 39-22-112 (1), THE QUALIFIED APPLICANT
19 SHALL FILE A RETURN PURSUANT TO SECTION 39-22-601 (7)(b). THE
20 AMOUNT OF THE TAX CREDIT THAT A QUALIFIED APPLICANT MAY CLAIM
21 PURSUANT TO THIS SECTION IS THE AMOUNT STATED ON THE TAX CREDIT
22 CERTIFICATE.

23 (b) A TAX CREDIT CERTIFICATE ISSUED TO A PARTNERSHIP, A
24 LIMITED LIABILITY COMPANY TAXED AS A PARTNERSHIP, OR MULTIPLE
25 OWNERS OF A PROPERTY MUST BE PASSED THROUGH TO THE PARTNERS,
26 MEMBERS, OR OWNERS, INCLUDING ANY NONPROFIT ENTITY THAT IS A
27 PARTNER, MEMBER, OR OWNER, RESPECTIVELY, ON A PRO RATA BASIS OR

1 PURSUANT TO AN EXECUTED AGREEMENT AMONG THE PARTNERS,
2 MEMBERS, OR OWNERS DOCUMENTING AN ALTERNATE DISTRIBUTION
3 METHOD.

4 (10) **Refundability.** IF THE AMOUNT OF THE TAX CREDIT ALLOWED
5 PURSUANT TO THIS SECTION EXCEEDS THE AMOUNT OF INCOME TAXES
6 OTHERWISE DUE ON THE INCOME OF THE QUALIFIED APPLICANT IN THE
7 INCOME TAX YEAR FOR WHICH THE TAX CREDIT IS BEING CLAIMED, OR THE
8 QUALIFIED APPLICANT IS A POLITICAL SUBDIVISION OF THE STATE OR A
9 PERSON WHO IS EXEMPT FROM TAXATION PURSUANT TO SECTION
10 39-22-112 (1), THE AMOUNT OF THE TAX CREDIT NOT USED AS AN OFFSET
11 AGAINST INCOME TAXES IN THE INCOME TAX YEAR IS REFUNDED TO THE
12 QUALIFIED APPLICANT.

13 (11) **Compliance monitoring and recapture.** (a) EXCEPT AS
14 PROVIDED IN SUBSECTION (11)(b) OF THIS SECTION, IF, AS OF THE LAST
15 DAY OF ANY TAXABLE YEAR DURING THE COMPLIANCE PERIOD, THE
16 EQUIPMENT, BUILDING, STRUCTURE, OR FACILITY THAT WAS DEEMED A
17 QUALIFIED ASSET IS NOT BEING USED AS A QUALIFIED ASSET, THE OFFICE
18 SHALL NOTIFY THE QUALIFIED APPLICANT AND THE DEPARTMENT THAT
19 THE TAX CREDIT ALLOWED IN THIS SECTION IS DISALLOWED. THE
20 QUALIFIED APPLICANT SHALL ADD THE FULL AMOUNT OF THE TAX CREDIT
21 THAT WAS ACTUALLY USED TO OFFSET THE QUALIFIED APPLICANT'S
22 INCOME TAX OR REFUNDED TO THE QUALIFIED APPLICANT TO ITS RETURN
23 AS A RECAPTURED TAX CREDIT FOR THE TAXABLE YEAR IN WHICH THE TAX
24 CREDIT IS DISALLOWED PURSUANT TO THIS SUBSECTION (11).

25 (b) THE POTENTIAL INCREASE IN TAX REQUIRED PURSUANT TO
26 SUBSECTION (11)(a) OF THIS SECTION DOES NOT APPLY:

27 (I) IF A BUILDING, STRUCTURE, OR FACILITY IS NOT A QUALIFIED

1 ASSET AS A RESULT OF A CASUALTY LOSS IF THE LOSS IS RESTORED BY
2 RECONSTRUCTION OR REPLACEMENT WITHIN A REASONABLE PERIOD
3 ESTABLISHED BY THE OFFICE; OR

4 (II) SOLELY BY REASON OF THE DISPOSITION OF A BUILDING,
5 STRUCTURE, OR FACILITY, OR AN INTEREST THEREIN, IF IT IS REASONABLY
6 EXPECTED THAT THE BUILDING, STRUCTURE, OR FACILITY WILL CONTINUE
7 TO BE OPERATED AS A QUALIFIED ASSET FOR THE REMAINDER OF THE
8 COMPLIANCE PERIOD.

9 (c) (I) THE OFFICE SHALL ESTABLISH REPORTING REQUIREMENTS
10 TO MONITOR COMPLIANCE WITH THIS SUBSECTION (11) THAT SHALL
11 INCLUDE:

12 (A) A DISPOSITION OF A QUALIFIED ASSET BY THE QUALIFIED
13 APPLICANT;

14 (B) THE NUMBER OF ANNUAL TRAINEES WHO HAVE USED A
15 QUALIFIED ASSET;

16 (C) THE GEOGRAPHIC DISTRIBUTION OF TRAINEES WHO HAVE USED
17 A QUALIFIED ASSET;

18 (D) DEMOGRAPHIC INFORMATION ABOUT THE TRAINEES WHO HAVE
19 USED A QUALIFIED ASSET;

20 (E) THE LOCATION AND DISPOSITION OF ASSETS DISPLACED BY A
21 QUALIFIED ASSET, IF ANY; AND

22 (F) TO THE EXTENT A QUALIFIED ASSET IS USED TO EXPAND OR
23 CREATE A TRAINING FACILITY, AN ASSESSMENT OF TRAINING CAPACITY
24 PRIOR TO IMPLEMENTATION OF THE QUALIFIED ASSET.

25 (II) IF A DISPUTE ARISES ABOUT WHETHER A POTENTIAL QUALIFIED
26 ASSET IS A QUALIFIED ASSET, THE OFFICE SHALL ADJUDICATE THE DISPUTE
27 AND NOTIFY THE DEPARTMENT OF THE RESOLUTION.

1 (III) NOTWITHSTANDING SECTION 39-21-107 (2), IF A QUALIFIED
2 ASSET IS DISPOSED OF DURING ANY TAXABLE YEAR DURING THE
3 COMPLIANCE PERIOD, AND THEREAFTER THE ASSET IS NOT A QUALIFIED
4 ASSET:

5 (A) THE QUALIFIED APPLICANT SHALL ADD THE FULL AMOUNT OF
6 THE TAX CREDIT TO ITS RETURN AS A RECAPTURED TAX CREDIT FOR THE
7 TAXABLE YEAR IN WHICH THE TAX CREDIT IS DISALLOWED PURSUANT TO
8 THIS SUBSECTION (11) NOTWITHSTANDING THE DISPOSITION OF THE
9 QUALIFIED ASSET;

10 (B) THE STATUTORY PERIOD FOR THE ASSESSMENT OF ANY
11 DEFICIENCY WITH RESPECT TO THE DISALLOWED TAX CREDIT MUST NOT
12 EXPIRE BEFORE THE EXPIRATION OF THREE YEARS FROM THE DATE THE
13 OFFICE IS NOTIFIED, IN SUCH A MANNER AS THE OFFICE DETERMINES, THAT
14 THE STRUCTURE IS NOT A QUALIFIED ASSET; AND

15 (C) THE DEPARTMENT SHALL ASSESS ANY DEFICIENCY BEFORE THE
16 EXPIRATION OF SUCH THREE-YEAR PERIOD TOGETHER WITH ANY
17 APPLICABLE INTEREST AND PENALTY IMPOSED PURSUANT TO THIS ARTICLE
18 22.

19 (d) AS USED IN THIS SUBSECTION (11), UNLESS THE CONTEXT
20 OTHERWISE REQUIRES, "COMPLIANCE PERIOD" MEANS THE PERIOD OF
21 FIFTEEN YEARS FOLLOWING THE TAXABLE YEAR IN WHICH THE QUALIFIED
22 APPLICANT PLACED THE QUALIFIED ASSET IN SERVICE.

23 (12) **Reporting.** (a) NO LATER THAN DECEMBER 31, 2025, AND,
24 NOTWITHSTANDING THE REQUIREMENT IN SECTION 24-1-136 (11)(a)(I), NO
25 LATER THAN DECEMBER 31 OF EACH YEAR THEREAFTER THROUGH 2033,
26 THE OFFICE SHALL PROVIDE A WRITTEN REPORT TO THE GENERAL
27 ASSEMBLY AND SHALL FURTHER MAKE THE REPORT AVAILABLE TO THE

1 PUBLIC. IN CONNECTION WITH TAX CREDITS ISSUED PURSUANT TO THIS
2 SECTION, THE REPORT MUST INCLUDE:

- 3 (I) THE NUMBER OF QUALIFIED ASSETS PLACED IN SERVICE;
- 4 (II) A DESCRIPTION OF THE USE OR USES OF EACH QUALIFIED ASSET
5 AND A STATEWIDE SUMMARY OF THE NUMBER OF QUALIFIED ASSETS FOR
6 EACH USE; AND
- 7 (III) THE AMOUNT OF ANY DISALLOWED TAX CREDIT RECAPTURED
8 PURSUANT TO SUBSECTION (11) OF THIS SECTION.

9 (b) THE OFFICE SHALL, IN A SUFFICIENTLY TIMELY MANNER TO
10 ALLOW THE DEPARTMENT TO PROCESS RETURNS CLAIMING THE INCOME
11 TAX CREDIT ALLOWED IN THIS SECTION, PROVIDE THE DEPARTMENT WITH
12 AN ELECTRONIC REPORT OF EACH QUALIFIED APPLICANT TO WHICH THE
13 OFFICE ISSUES A TAX CREDIT CERTIFICATE FOR THE PRECEDING TAX YEAR
14 THAT INCLUDES THE FOLLOWING INFORMATION:

- 15 (I) THE QUALIFIED APPLICANT'S NAME;
- 16 (II) THE AMOUNT OF THE TAX CREDIT; AND
- 17 (III) THE QUALIFIED APPLICANT'S SOCIAL SECURITY NUMBER OR
18 THE QUALIFIED APPLICANT'S COLORADO ACCOUNT NUMBER AND FEDERAL
19 EMPLOYER IDENTIFICATION NUMBER.

20 (c) THE OFFICE, THE OFFICE OF THE STATE AUDITOR, OR THE OFFICE
21 OF THE STATE CONTROLLER MAY REVIEW THE QUALIFIED APPLICANT'S
22 FINANCES, EXPENSES, EQUIPMENT, EMPLOYMENT, AND TRAINING
23 DOCUMENTATION RELATING TO A QUALIFIED INVESTMENT IN A QUALIFIED
24 ASSET.

25 (13) **Policies and procedures.** (a) THE OFFICE MAY CREATE AND
26 MODIFY POLICIES, PROCEDURES, AND GUIDELINES AS NECESSARY TO
27 FURTHER ADMINISTER THE TAX CREDITS ALLOWED PURSUANT TO THIS

1 SECTION AND SHALL SOLICIT ADVICE FROM THE DEPARTMENT IN CREATING
2 AND MODIFYING SUCH POLICIES, PROCEDURES, AND GUIDELINES.

3 (b) THE OFFICE SHALL DEVELOP STANDARDS FOR DETERMINING
4 WHICH INDUSTRIES ARE INCLUDED AS A QUALIFIED INDUSTRY FOR WHICH
5 A TAX CREDIT UNDER THIS SECTION IS ALLOWED TO A QUALIFIED
6 APPLICANT.

7 (c) ANY STANDARDS DEVELOPED BY THE OFFICE PURSUANT TO
8 THIS SUBSECTION (13) MUST BE POSTED ON THE OFFICE'S WEBSITE. THE
9 OFFICE MAY ANNUALLY REVIEW AND UPDATE AS NECESSARY STANDARDS
10 DEVELOPED PURSUANT TO THIS SUBSECTION (13).

11 (d) THE OFFICE SHALL DETERMINE THE ANNUAL APPLICATION
12 PERIOD.

13 (14) **Repeal.** THIS SECTION IS REPEALED, EFFECTIVE DECEMBER
14 31, 2050.

15 **SECTION 7.** In Colorado Revised Statutes, 39-22-601, **amend**
16 (7)(b) as follows:

17 **39-22-601. Returns - repeal.** (7) (b) The executive director may
18 require a person or organization NOT SUBJECT TO TAX UNDER THIS
19 ARTICLE 22 OR A PERSON OR ORGANIZATION exempt from taxes pursuant
20 to section 39-22-112 to make and file a return containing such
21 information as the executive director may prescribe to claim a credit
22 allowed under this article 22 even if the person or organization does not
23 have unrelated business income.

24 **SECTION 8. Act subject to petition - effective date.** This act
25 takes effect at 12:01 a.m. on the day following the expiration of the
26 ninety-day period after final adjournment of the general assembly; except
27 that, if a referendum petition is filed pursuant to section 1 (3) of article V

1 of the state constitution against this act or an item, section, or part of this
2 act within such period, then the act, item, section, or part will not take
3 effect unless approved by the people at the general election to be held in
4 November 2024 and, in such case, will take effect on the date of the
5 official declaration of the vote thereon by the governor.