

CHAPTER 270

TAXATION

HOUSE BILL 12-1273

BY REPRESENTATIVE(S) Pabon, Conti, McCann, Swerdfeger, Fischer, Hullinghorst, Labuda, Vigil, Young, Duran, Fields, Lee, Todd, Wilson;
also SENATOR(S) Steadman, Aguilar, Boyd, Foster, Giron, Guzman, Heath, Hodge, Hudak, Jahn, Newell, Nicholson, Williams S.

AN ACT

CONCERNING THE INCLUSION OF APPROVED FACILITY SCHOOLS AFFILIATED WITH A HOSPITAL TO THE DEFINITION OF CHILD CARE FACILITY FOR PURPOSES OF THE CHILD CARE CONTRIBUTION INCOME TAX CREDIT.

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

SECTION 1. Legislative declaration. (1) The general assembly hereby declares that the intended purpose of the tax expenditure included in this act is to support the availability of specialized child care for children who require additional educational and medical attention due to chronic illness or hospitalization.

(2) The general assembly further declares that promoting specialized child care for children with severe medical conditions ensures the children remain in and succeed in school and also ensures that their parents remain gainfully employed.

SECTION 2. In Colorado Revised Statutes, 39-22-121, **amend** (6.5) as follows:

39-22-121. Credit for child care facilities - repeal. (6.5) For the purposes of this section, "child care facility" means:

(a) Any facility required to be licensed pursuant to part 1 of article 6 of title 26, C.R.S., and shall include, but is not limited to:

- ~~(a)~~ (I) Child care centers;
- ~~(b)~~ (II) Child placement agencies;
- ~~(c)~~ (III) Family child care homes;

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

- ~~(d)~~ (IV) Foster care homes;
- ~~(e)~~ (V) Homeless youth shelters;
- ~~(f)~~ (VI) Residential child care facilities; and
- ~~(g)~~ (VII) Secure residential treatment centers; AND

(b) FOR INCOME TAX YEARS COMMENCING ON AND AFTER JANUARY 1, 2013, ANY APPROVED FACILITY SCHOOL AS SUCH TERM IS DEFINED IN SECTION 22-2-402 (1), C.R.S., THAT IS ALSO AFFILIATED WITH A LICENSED OR CERTIFIED HOSPITAL IN THE STATE, AND IS ALSO A NONPROFIT ORGANIZATION; EXCEPT THAT, SUBJECT TO THE LIMITATIONS SPECIFIED IN SUBSECTIONS (5) AND (6) OF THIS SECTION AND PARAGRAPH (d) OF SUBSECTION (6.7) OF THIS SECTION, ANY CREDIT FOR A MONETARY CONTRIBUTION MADE TO AN APPROVED FACILITY SCHOOL IN THE INCOME TAX YEAR COMMENCING ON OR AFTER JANUARY 1, 2013, BUT BEFORE JANUARY 1, 2014, SHALL NOT BE CLAIMED UNTIL THE INCOME TAX YEAR COMMENCING ON OR AFTER JANUARY 1, 2014.

SECTION 3. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 8, 2012, if adjournment sine die is on May 9, 2012); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2012 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: June 8, 2012