

**First Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 11-0256.01 Esther van Mourik

HOUSE BILL 11-1014

HOUSE SPONSORSHIP

DelGrosso,

SENATE SPONSORSHIP

Roberts and Hudak,

House Committees

Finance
Appropriations

Senate Committees

Finance
Finance
Appropriations

A BILL FOR AN ACT

101 **CONCERNING THE REPEAL OF A LIMITING TRIGGER ASSOCIATED WITH**
102 **THE CHILD CARE CONTRIBUTION INCOME TAX CREDIT.**

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://www.leg.state.co.us/billsummaries>.)

The bill repeals a trigger associated with the child care contribution income tax credit that specifies that the income tax credit is not allowed for any income tax year when general fund revenues for a fiscal year are not sufficient to grow the total state general fund appropriations by 6% over such appropriations for the previous fiscal

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

HOUSE
3rd Reading Unamended
May 4, 2011

HOUSE
Amended 2nd Reading
May 3, 2011

year. The effect of removing this trigger is that the child care contribution income tax credit will be available for income tax years commencing on or after January 1, 2011, but prior to January 1, 2020, unless the general assembly acts by bill to remove or otherwise limit the availability of the income tax credit.

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

2
3 **SECTION 1. Repeal.** 39-22-121 (6.7), Colorado Revised
4 Statutes, is repealed as follows:

5 **39-22-121. Credit for child care facilities - repeal.** (6.7) (a) ~~If~~
6 ~~the revenue estimate prepared by the staff of the legislative council in~~
7 ~~December 2010 and each December thereafter indicates that the amount~~
8 ~~of the total general fund revenues for that particular fiscal year will not~~
9 ~~be sufficient to grow the total state general fund appropriations by six~~
10 ~~percent over such appropriations for the previous fiscal year, then the~~
11 ~~credit authorized in this section shall not be allowed for any income tax~~
12 ~~year commencing during the calendar year following the year in which~~
13 ~~the estimate is prepared; except that any taxpayer who would have been~~
14 ~~eligible to claim a credit pursuant to this section in the income tax year in~~
15 ~~which the credit is not allowed shall be allowed to claim the credit earned~~
16 ~~in such income tax year in the next income tax year in which the estimate~~
17 ~~indicates that the amount of the total general fund revenues will be~~
18 ~~sufficient to grow the total state general fund appropriations by six~~
19 ~~percent over such appropriations for the previous fiscal year.~~

20 (b) ~~The department of revenue shall, through its web site, specify~~
21 ~~on or before January 1, 2011, and on or before each January 1 thereafter,~~
22 ~~whether the credit authorized in this section shall be allowed for a given~~
23 ~~income tax year pursuant to paragraph (a) of this subsection (6.7).~~

1 **SECTION 2.** 39-26-105 (1), Colorado Revised Statutes, is
2 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

3 **39-26-105. Vendor liable for tax - repeal.** (1) (h) (I)
4 (A) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, THE
5 AMOUNT RETAINED BY A VENDOR WHOSE MONTHLY SALES TAX
6 COLLECTED IS TWO THOUSAND DOLLARS OR LESS TO COVER THE VENDOR'S
7 EXPENSE IN COLLECTING AND REMITTING TAX PURSUANT TO THIS SECTION
8 SHALL NOT EXCEED AN AMOUNT EQUAL TO THREE AND THIRTY-THREE
9 ONE-HUNDREDTHS PERCENT OF ALL SALES TAX REPORTED ON ANY RETURN
10 MADE ON OR AFTER JULY 1, 2014, BUT PRIOR TO JULY 1, 2021.

11 (B) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION,
12 THE AMOUNT RETAINED BY A VENDOR WHOSE MONTHLY SALES TAX
13 COLLECTED IS MORE THAN TWO THOUSAND DOLLARS TO COVER THE
14 VENDOR'S EXPENSE IN COLLECTING AND REMITTING TAX PURSUANT TO
15 THIS SECTION SHALL NOT EXCEED AN AMOUNT EQUAL TO TWO AND TWO
16 HUNDRED NINETEEN ONE-THOUSANDTHS PERCENT OF ALL SALES TAX
17 REPORTED ON ANY RETURN MADE ON OR AFTER JULY 1, 2014, BUT PRIOR
18 TO JULY 1, 2021.

19 (II) THIS PARAGRAPH (h) IS REPEALED, EFFECTIVE DECEMBER 1,
20 2023.

21 **SECTION 3. Effective date - applicability.** (1) Except as
22 otherwise provided in subsection (2) of this section, this act shall take
23 effect upon passage.

24 (2) Section 1 of this act shall take effect January 1, 2014, and shall
25 apply to income tax years commencing on or after said date.

1 **SECTION 4. Act subject to petition - effective date.** This act
2 shall take effect at 12:01 a.m. on the day following the expiration of the
3 ninety-day period after final adjournment of the general assembly (August
4 10, 2011, if adjournment sine die is on May 11, 2011); except that, if a
5 referendum petition is filed pursuant to section 1 (3) of article V of the
6 state constitution against this act or an item, section, or part of this act
7 within such period, then the act, item, section, or part shall not take effect
8 unless approved by the people at the general election to be held in
9 November 2012 and shall take effect on the date of the official
10 declaration of the vote thereon by the governor.