

SENATE COMMITTEE OF REFERENCE REPORT

Chair of Committee

_____ April 1, 2022
Date

Committee on Appropriations.

After consideration on the merits, the Committee recommends the following:

SB22-051 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

- 1 Amend the Finance Committee Report, dated March 2, 2022, page 1,
2 strike line 7 and substitute:
- 3 "Page 1 of the Transportation & Energy Committee Report, line 25, strike
4 "THOSE HEAT PUMP SYSTEMS" and substitute "HEAT PUMP SYSTEMS AND
5 HEAT PUMP WATER HEATERS".
- 6 Page 1 of the Finance Committee Report, line 12, strike "5 and 6" and
7 substitute "4 through 6".
- 8 Page 2 of the Finance Committee Report, line 6, strike "(2)(b)." and
9 substitute "(2)(d)."
- 10 Page 2 of the Finance Committee Report, after line 6 insert:
- 11 "(e) "PURCHASE PRICE" MEANS THE AMOUNT ACTUALLY PAID BY
12 THE PURCHASER FOR THE TANGIBLE PERSONAL PROPERTY INSTALLED,
13 INCLUDING CHARGES FOR SALES TAX AND FREIGHT, BUT NOT INCLUDING
14 ANY CHARGES FOR ASSEMBLY, INSTALLATION, OR OTHER CONSTRUCTION
15 SERVICES, OR PERMIT FEES."
- 16 Reletter succeeding paragraphs accordingly.
- 17 Page 2 of the Finance Committee Report, strike lines 11 through 14 and
18 substitute:
- 19 "(g) "TAXPAYER" MEANS A PERSON SUBJECT TO TAX UNDER THIS
20 ARTICLE 22, OR A PERSON OR POLITICAL SUBDIVISION OF THIS STATE WHO

1 IS EXEMPT FROM TAX UNDER SECTION 39-22-112 (1), BUT DOES NOT
2 INCLUDE INSURANCE COMPANIES SUBJECT TO THE TAX IMPOSED ON GROSS
3 PREMIUMS BY SECTION 10-3-209. FOR PURPOSES OF THIS SECTION, A
4 PERSON OR POLITICAL SUBDIVISION OF THIS STATE WHO IS EXEMPT FROM
5 TAX UNDER SECTION 39-22-112(1) IS A TAXPAYER EVEN IF THE PERSON OR
6 POLITICAL SUBDIVISION HAS NO UNRELATED BUSINESS INCOME.

7 (h) "VARIABLE REFRIGERANT FLOW HEAT PUMP SYSTEM" HAS THE
8 SAME MEANING SET FORTH IN SECTION 39-26-731 (2)(f).

9 (i) "WATER-SOURCE HEAT PUMP SYSTEM" HAS THE SAME MEANING
10 SET FORTH IN SECTION 39-26-731 (2)(e)."

11 Page 2 of the Finance Committee Report, line 18, after "SYSTEM" insert
12 "INTO REAL PROPERTY IN THIS STATE".

13 Page 2 of the Finance Committee Report, line 19, after "HEATER" insert
14 "INTO REAL PROPERTY IN THIS STATE".

15 Page 2 of the Finance Committee Report, line 21, strike "PRICE OF" and
16 substitute "PRICE PAID BY THE PURCHASER FOR".

17 Page 3 of the Finance Committee Report, line 7, strike "TAXPAYER" and
18 substitute "PURCHASER".

19 Page 3 of the Finance Committee Report, line 26, strike "IF" and
20 substitute "WHEN".

21 Page 4 of the Finance Committee Report, line 13, strike "PURCHASER"
22 and substitute "SELLER".

23 Page 4 of the Finance Committee Report, strike lines 15 and 16 and
24 substitute "REFUNDABLE TO THE SELLER."

25 Page 4 of the Finance Committee Report, after line 31 insert:

26 "(b) "PURCHASE PRICE" MEANS THE AMOUNT ACTUALLY PAID BY
27 THE PURCHASER FOR THE TANGIBLE PERSONAL PROPERTY INSTALLED,
28 INCLUDING CHARGES FOR SALES TAX AND FREIGHT, BUT NOT INCLUDING
29 ANY CHARGES FOR ASSEMBLY, INSTALLATION, OR OTHER CONSTRUCTION
30 SERVICES, OR PERMIT FEES."

31 Reletter succeeding paragraph accordingly.

32 Page 4 of the Finance Committee Report, line 38, after "DWELLING" insert

1 "IN THIS STATE".

2 Page 4 of the Finance Committee Report, line 40, strike "PRICE OF" and
3 substitute "PRICE PAID BY THE PURCHASER FOR".

4 Page 5 of the Finance Committee Report, line 19, strike "IF" and
5 substitute "WHEN".

6 Page 6 of the Finance Committee Report, line 1, strike "PURCHASER" and
7 substitute "SELLER".

8 Page 6 of the Finance Committee Report, strike lines 3 and 4 and
9 substitute "REFUNDABLE TO THE SELLER.".

10 Page 6 of the Finance Committee Report, after line 10 insert:

11 "SECTION 2. In Colorado Revised Statutes, 39-22-601, **amend**
12 (7) as follows:

13 **39-22-601. Returns.** (7) (a) Every person or organization exempt
14 from taxes pursuant to section 39-22-112 shall make and file a return only
15 if said person or organization is required to file a federal return of
16 unrelated business income, which Colorado return shall contain such
17 information as the executive director may prescribe. ~~All procedures of~~
18 ~~law relating to the determination, assessment, collection, and refund of~~
19 ~~tax shall apply to such return and the tax payable thereon.~~

20 (b) THE EXECUTIVE DIRECTOR MAY REQUIRE A PERSON OR
21 ORGANIZATION EXEMPT FROM TAXES PURSUANT TO SECTION 39-22-112 TO
22 MAKE AND FILE A RETURN CONTAINING SUCH INFORMATION AS THE
23 EXECUTIVE DIRECTOR MAY PRESCRIBE TO CLAIM A CREDIT ALLOWED
24 UNDER THIS ARTICLE 22 EVEN IF THE PERSON OR ORGANIZATION DOES NOT
25 HAVE UNRELATED BUSINESS INCOME.

26 (c) ALL PROCEDURES OF LAW RELATING TO THE DETERMINATION,
27 ASSESSMENT, COLLECTION, AND REFUND OF TAX APPLY TO A RETURN
28 MADE AND FILED UNDER THIS SUBSECTION (7) AND THE TAX PAYABLE
29 THEREON, IF ANY.".

30 Renumber succeeding sections accordingly.

31 Page 7 of the Finance Committee Report, line 21, after "GAS" insert "OR
32 WASTEWATER".

33 Page 7 of the Committee Report, line 30, after "SYSTEM" insert "AND
34 WASTEWATER SYSTEM".

- 1 Page 8 of the Finance Committee Report, line 16, after "GAS" insert "OR
2 WASTEWATER".
- 3 Page 8 of the Finance Committee Report, line 25, after "SYSTEM" insert
4 "AND WASTEWATER SYSTEM".
- 5 Amend printed bill, page 9, line 1, strike "THOSE".
- 6 Page 9 of the printed bill, line 2, after "SYSTEMS" insert "AND HEAT PUMP
7 WATER HEATERS".
- 8 Page 12 of the printed bill, strike line 5 and substitute "(1)(d)(I)(Q),
9 (1)(d)(I)(R), and (1)(d)(I)(S) as follows:".
- 10 Amend the Transportation & Energy Committee Report, dated February
11 8, 2022, page 5, line 11, after "TO" insert "THE".
- 12 Page 5 of the Transportation & Energy Committee Report, line 26, after
13 "TO" insert "THE".

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