HB1268_L.008

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Finance.

HB25-1268 be amended as follows:

Amend the Energy and Environment Committee Report, dated March 20, 2025, page 4, line 1, after "(2)" insert "(a)".

Page 4, after line 8 insert:

"(b) IN AN AGREEMENT ENTERED INTO PURSUANT TO THIS SUBSECTION (2), THE AGREEMENT MUST INCLUDE REQUIREMENTS THAT, NO LATER THAN THREE YEARS AFTER MONEY IS LOANED TO THE PARTICIPATING UTILITY OR PROGRAM ADMINISTRATOR, THE PARTICIPATING UTILITY OR PROGRAM ADMINISTRATOR SHALL BEGIN MAKING ANNUAL PAYMENTS OF THE PRINCIPAL AND INTEREST OF THE AMOUNT LOANED AT THE INTEREST RATE SPECIFIED IN SUBSECTION (2)(c) OF THIS SECTION, WHICH MONEY THE STATE TREASURER SHALL CREDIT DIRECTLY TO THE UNCLAIMED PROPERTY TRUST FUND. AN AGREEMENT ENTERED INTO PURSUANT TO THIS SUBSECTION (2) MUST REQUIRE THAT THE LOAN IS AMORTIZED OVER A MAXIMUM OF TWENTY YEARS.

(c) A LOAN MADE TO A PARTICIPATING UTILITY FROM THE ON-BILL CASH FUND MUST INCLUDE AN INTEREST RATE OF ONE PERCENT, AND INTEREST PAYMENTS MUST BE CREDITED TO THE UNCLAIMED PROPERTY TRUST FUND.".

Page 12, line 17, strike "(3.3)" and substitute "(1)(e) and (3.3)".

Page 12, line 19, after "**rules -**" insert "**reports -**".

Page 12, after line 25 insert:

"(e) IF CLAIMS MADE PURSUANT TO THIS ARTICLE 13 EXCEED THE BALANCE IN THE UNCLAIMED PROPERTY TRUST FUND, THE EXCESS AMOUNT SHALL BE PAID OUT OF THE GENERAL FUND.".

Page 12, strike lines 26 through 35 and substitute:

"(3.3) (a) ON JULY 1, 2025, THE STATE TREASURER SHALL MAKE AN".

Page 12, line 36, strike "ONE HUNDRED" and substitute "FIVE".

Page 12, strike line 38 and substitute "CREATED IN SECTION 24-38.5-607; EXCEPT THAT, IF THE CONDITION DESCRIBED IN SECTION 24-36-125 (2)(b) OCCURS, THE STATE TREASURER SHALL NOT MAKE THE LOAN DESCRIBED

IN THIS SUBSECTION (3.3)(a). IF THE CONDITION DESCRIBED IN SECTION 24-36-125 (2)(b) OCCURS, THE STATE TREASURER SHALL TRANSFER TWENTY-FIVE MILLION DOLLARS FROM THE ON-BILL FINANCING FUND CREATED IN SECTION 24-36-125 (7) TO THE ON-BILL CASH FUND CREATED IN SECTION 24-38.5-607 ONCE THE MONEY IN THE ON-BILL FINANCING FUND REACHES TWENTY-FIVE MILLION DOLLARS. THE COLORADO ENERGY OFFICE SHALL:".

Page 13, strike lines 4 and 5 and substitute:

"(b) IF THE LOAN DESCRIBED IN SUBSECTION (3.3)(a) OF THIS SECTION IS MADE ON JULY 1, 2025, THEN, ON MARCH 1, 2026, THE STATE TREASURER SHALL MAKE AN ADDITIONAL INTEREST-FREE LOAN IN THE AMOUNT OF TWENTY MILLION DOLLARS FROM THE UNCLAIMED PROPERTY TRUST FUND TO THE ON-BILL CASH FUND CREATED IN SECTION 24-38.5-607. THE COLORADO ENERGY OFFICE SHALL:

(I) USE THE LOAN TO SUPPORT UTILITY ON-BILL PROGRAMS, AS DESCRIBED IN SECTION 24-38.5-603; AND

(II) PAY THE LOAN BACK TO THE UNCLAIMED PROPERTY TRUST FUND BY JANUARY 1, 2046. THE LOAN REPAYMENT IS SUBJECT TO FUTURE APPROPRIATION BY THE GENERAL ASSEMBLY AND SHALL NOT BE DEEMED OR CONSTRUED AS CREATING INDEBTEDNESS OF THE STATE WITHIN THE MEANING OF THE STATE CONSTITUTION OR THE LAW OF THE STATE CONCERNING LIMITING THE CREATION OF INDEBTEDNESS BY THE STATE.

(c) ON JULY 1, 2026, THE STATE TREASURER SHALL MAKE AN INTEREST-FREE LOAN IN THE AMOUNT OF TWENTY-FIVE MILLION DOLLARS FROM THE UNCLAIMED PROPERTY TRUST FUND TO THE ON-BILL CASH FUND CREATED IN SECTION 24-38.5-607; EXCEPT THAT, IF THE CONDITION DESCRIBED IN SECTION 24-36-125 (2)(c) OCCURS, THE STATE TREASURER SHALL NOT MAKE THE LOAN DESCRIBED IN THIS SUBSECTION (3.3)(c). IF THE CONDITION DESCRIBED IN SECTION 24-36-125 (2)(c) OCCURS, THE STATE TREASURER SHALL TRANSFER TWENTY-FIVE MILLION DOLLARS FROM THE ON-BILL FINANCING FUND CREATED IN SECTION 24-36-125 (7) TO THE ON-BILL CASH FUND CREATED IN SECTION 24-38.5-607 ONCE THE MONEY IN THE ON-BILL FINANCING FUND REACHES TWENTY-FIVE MILLION DOLLARS. THE COLORADO ENERGY OFFICE SHALL:

(I) USE THE LOAN TO SUPPORT UTILITY ON-BILL PROGRAMS, AS DESCRIBED IN SECTION 24-38.5-603; AND

(II) PAY THE LOAN BACK TO THE UNCLAIMED PROPERTY TRUST FUND BY JANUARY 1, 2046. THE LOAN REPAYMENT IS SUBJECT TO FUTURE APPROPRIATION BY THE GENERAL ASSEMBLY AND SHALL NOT BE DEEMED OR CONSTRUED AS CREATING INDEBTEDNESS OF THE STATE WITHIN THE MEANING OF THE STATE CONSTITUTION OR THE LAW OF THE STATE CONCERNING LIMITING THE CREATION OF INDEBTEDNESS BY THE STATE.

(d) ON OR BEFORE DECEMBER 31, 2025, AND ON OR BEFORE

DECEMBER 31 OF EACH YEAR THEREAFTER, THE COLORADO ENERGY OFFICE SHALL SUBMIT A REPORT TO THE STATE TREASURER AND THE STATE CONTROLLER SUMMARIZING THE STATUS OF LOANS MADE TO UTILITIES FROM THE MONEY LOANED FROM THE UNCLAIMED PROPERTY TRUST FUND TO THE ON-BILL CASH FUND CREATED IN SECTION 24-38.5-607. THE ANNUAL REPORT MUST INCLUDE INFORMATION REGARDING THE NUMBER OF LOANS MADE TO UTILITIES TO DATE AND THE AMOUNTS LOANED TO EACH UTILITY TO DATE.".

Page 24, after line 3 insert:

"**SECTION 6.** In Colorado Revised Statutes, **add** 24-36-125 as follows:

24-36-125. On-bill financing tax credits - authorization to issue - terms - use of tax credits - carry over - on-bill financing fund - creation - definitions - repeal. (1) **Definitions.** AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "APPLICABLE FORECAST" MEANS EITHER THE QUARTERLY DECEMBER REVENUE FORECAST PREPARED BY LEGISLATIVE COUNCIL STAFF OR THE QUARTERLY DECEMBER REVENUE FORECAST PREPARED BY THE OFFICE OF STATE PLANNING AND BUDGETING IN THE DECEMBER IMMEDIATELY PRECEDING THE APPLICABLE STATE FISCAL YEAR, AS DETERMINED BY WHICH IMMEDIATELY PRECEDING MARCH FORECAST THE JOINT BUDGET COMMITTEE OF THE GENERAL ASSEMBLY USED IN THE PREPARATION OF THE STATE BUDGET.

(b) "DEPARTMENT" MEANS THE DEPARTMENT OF THE TREASURY.

(c) "FORECAST" MEANS THE QUARTERLY JUNE REVENUE FORECAST PREPARED BY THE OFFICE OF STATE PLANNING AND BUDGETING IN JUNE 2025.

(d) "NONEXEMPT REVENUE" MEANS, FOR THE APPLICABLE STATE FISCAL YEAR, THE REVENUE THAT IS IDENTIFIED AS NONEXEMPT TABOR REVENUES IN THE ANNUAL COMPREHENSIVE FINANCIAL REPORT PUBLISHED BY THE OFFICE OF THE STATE CONTROLLER.

(e) "ON-BILL FINANCING FUND" MEANS THE ON-BILL FINANCING FUND CREATED IN SUBSECTION (7) OF THIS SECTION.

(f) "ON-BILL FINANCING TAX CREDIT" OR "TAX CREDIT" MEANS THE TAX CREDIT AUTHORIZED IN SUBSECTION (2) OF THIS SECTION.

(g) "PREMIUM TAX LIABILITY" MEANS THE LIABILITY IMPOSED BY SECTION 10-3-209 OR 10-6-128 OR, IN THE CASE OF A REPEAL OR REDUCTION BY THE STATE OF THE LIABILITY IMPOSED BY SECTION 10-3-209 OR 10-6-128, ANY OTHER TAX LIABILITY IMPOSED UPON AN INSURANCE COMPANY BY THE STATE.

(h) (I) "QUALIFIED TAXPAYER" MEANS AN INSURANCE COMPANY AUTHORIZED TO DO BUSINESS IN COLORADO THAT HAS PREMIUM TAX LIABILITY OWING TO THE STATE AND THAT PURCHASES A TAX CREDIT

UNDER THIS SECTION.

(II) "QUALIFIED TAXPAYER" INCLUDES AN INSURANCE COMPANY THAT RECEIVES OR ASSUMES A TAX CREDIT TRANSFER.

(i) "REF C CAP" MEANS THE LIMIT ON STATE FISCAL YEAR SPENDING FROM SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION, AS MODIFIED BY REFERENDUM C.

(j) "TABOR" MEANS SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION.

(k) "TAX CREDIT SALE PROCEEDS" OR "SALE PROCEEDS" MEANS THE MONEY OR OTHER LIQUID ASSET ACCEPTABLE TO THE STATE TREASURER THAT A QUALIFIED TAXPAYER PAYS TO THE DEPARTMENT THAT IS DEPOSITED IN THE ON-BILL FINANCING FUND.

(2) **On-bill financing tax credits.** (a) SUBJECT TO SUBSECTIONS (2)(b) AND (2)(c) OF THIS SECTION, A QUALIFIED TAXPAYER MAY PURCHASE ON-BILL FINANCING TAX CREDITS FROM THE DEPARTMENT IN ACCORDANCE WITH THIS SECTION AND MAY APPLY THE TAX CREDITS AGAINST THE QUALIFIED TAXPAYER'S PREMIUM TAX LIABILITY IN ACCORDANCE WITH SUBSECTION (6) OF THIS SECTION.

(b) IF THE FORECAST SHOWS THAT THE STATE'S NONEXEMPT REVENUE FOR THE 2025-26 STATE FISCAL YEAR IS AT LEAST FIFTY MILLION DOLLARS UNDER THE REF C CAP:

(I) THE DEPARTMENT IS REQUIRED TO ISSUE TAX CREDIT CERTIFICATES TO QUALIFIED TAXPAYERS WITH TOTAL SALE PROCEEDS OF AT LEAST TWENTY-FIVE MILLION DOLLARS IN STATE FISCAL YEAR 2025-26; AND

(II) THE TAX CREDIT SALE PROCEEDS DEPOSITED INTO THE ON-BILL FINANCING FUND PURSUANT TO SUBSECTION (5) OF THIS SECTION SHALL BE USED TO FINANCE UTILITIES' ON-BILL PROGRAMS PURSUANT TO PART 6 OF ARTICLE 38.5 OF THIS TITLE 24.

(c) IF THE APPLICABLE FORECAST SHOWS THAT THE STATE'S NONEXEMPT REVENUE FOR THE 2026-27 STATE FISCAL YEAR IS AT LEAST FIFTY MILLION DOLLARS UNDER THE REF C CAP:

(I) THE DEPARTMENT IS REQUIRED TO ISSUE TAX CREDIT CERTIFICATES TO QUALIFIED TAXPAYERS WITH TOTAL SALE PROCEEDS OF AT LEAST TWENTY-FIVE MILLION DOLLARS IN STATE FISCAL YEAR 2026-27; AND

(II) THE TAX CREDIT SALE PROCEEDS DEPOSITED INTO THE ON-BILL FINANCING FUND PURSUANT TO SUBSECTION (5) OF THIS SECTION SHALL BE USED TO FINANCE UTILITIES' ON-BILL PROGRAMS PURSUANT TO PART 6 OF ARTICLE 38.5 OF THIS TITLE 24.

(d) THE DEPARTMENT MAY CONTRACT WITH AN INDEPENDENT THIRD PARTY TO CONDUCT OR CONSULT ON A BIDDING PROCESS AMONG QUALIFIED TAXPAYERS TO PURCHASE THE TAX CREDITS.

(e) THE DEPARTMENT SHALL CONSULT WITH INSURANCE COMPANIES IN ADVANCE OF ISSUING ANY TAX CREDITS IN ACCORDANCE

WITH THIS SECTION.

(f) AN INSURANCE COMPANY AUTHORIZED TO DO BUSINESS IN COLORADO SEEKING TO PURCHASE TAX CREDITS MUST APPLY TO THE DEPARTMENT IN THE MANNER PRESCRIBED BY THE DEPARTMENT.

(3) **Procedure for obtaining a tax credit certificate.** (a) USING PROCEDURES ADOPTED BY THE DEPARTMENT OR, IF APPLICABLE, BY AN INDEPENDENT THIRD PARTY, EACH INSURANCE COMPANY THAT SUBMITS AN APPLICATION FOR ON-BILL FINANCING TAX CREDITS SHALL MAKE A TIMELY AND IRREVOCABLE OFFER, CONTINGENT ONLY UPON THE DEPARTMENT'S ISSUANCE TO THE INSURANCE COMPANY OF THE TAX CREDIT CERTIFICATES, TO MAKE A SPECIFIED PURCHASE PAYMENT AMOUNT TO THE DEPARTMENT ON DATES SPECIFIED BY THE DEPARTMENT.

(b) THE OFFER MUST INCLUDE ALL OF THE FOLLOWING:

(I) THE REQUESTED AMOUNT OF TAX CREDITS, WHICH AMOUNT MUST NOT BE LESS THAN ANY MINIMUM AMOUNT ESTABLISHED IN THE DEPARTMENT'S PROCEDURES OR, IF APPLICABLE, THE INDEPENDENT THIRD PARTY'S PROCEDURES;

(II) THE QUALIFIED TAXPAYER'S PROPOSED TAX CREDIT PURCHASE AMOUNT FOR EACH TAX CREDIT DOLLAR REQUESTED;

(III) THE MINIMUM PROPOSED TAX CREDIT PURCHASE AMOUNT MUST BE EITHER:

(A) THE PERCENTAGE OF THE REQUESTED DOLLAR AMOUNT OF TAX CREDITS THAT THE DEPARTMENT OR, IF APPLICABLE, THE INDEPENDENT THIRD PARTY DETERMINES TO BE CONSISTENT WITH MARKET CONDITIONS AS OF THE OFFER DATE; OR

(B) IF NO AMOUNT IS ESTABLISHED BY THE DEPARTMENT OR THE INDEPENDENT THIRD PARTY PURSUANT TO SUBSECTION (3)(b)(III)(A) OF THIS SECTION, SEVENTY-FIVE PERCENT OF THE REQUESTED DOLLAR AMOUNT OF TAX CREDITS; AND

(IV) ANY OTHER INFORMATION THAT THE DEPARTMENT OR, IF APPLICABLE, THE INDEPENDENT THIRD PARTY REQUIRES.

(c) THE DEPARTMENT SHALL PROVIDE WRITTEN NOTICE TO EACH INSURANCE COMPANY THAT SUBMITS AN APPLICATION INDICATING WHETHER THE INSURANCE COMPANY HAS BEEN APPROVED AS A PURCHASER OF TAX CREDITS AND, IF SO, THE AMOUNT OF TAX CREDITS ALLOCATED AND THE DATE BY WHICH PAYMENT OF THE TAX CREDIT SALE PROCEEDS MUST BE MADE.

(d) ON RECEIPT OF PAYMENT OF THE SALE PROCEEDS, THE DEPARTMENT SHALL ISSUE TO EACH QUALIFIED TAXPAYER A TAX CREDIT CERTIFICATE. THE TAX CREDIT CERTIFICATE MUST STATE ALL OF THE FOLLOWING:

(I) THE TOTAL AMOUNT OF PREMIUM TAX CREDITS THAT THE QUALIFIED TAXPAYER MAY CLAIM;

(II) THE AMOUNT THAT THE QUALIFIED TAXPAYER HAS PAID OR AGREED TO PAY IN RETURN FOR THE ISSUANCE OF THE TAX CREDIT

CERTIFICATES AND THE DATE OF THE PAYMENT;

(III) THE DATES ON WHICH THE TAX CREDITS WILL BE AVAILABLE FOR USE BY THE QUALIFIED TAXPAYER;

(IV) ANY PENALTIES OR OTHER REMEDIES FOR NONCOMPLIANCE;

(V) THE PROCEDURES TO BE USED FOR TRANSFERRING OR ASSUMING THE TAX CREDITS IN ACCORDANCE WITH SUBSECTION (6)(d) OF THIS SECTION;

(VI) THE SERIAL NUMBER OF THE TAX CREDIT CERTIFICATE; AND

(VII) ANY OTHER REQUIREMENTS DEEMED NECESSARY BY THE DEPARTMENT AS A CONDITION OF ISSUING THE TAX CREDIT CERTIFICATE.

(4) **Defaulted tax credits - reallocation process - penalty.** (a) THE DEPARTMENT SHALL NOT ISSUE A TAX CREDIT CERTIFICATE TO A QUALIFIED TAXPAYER THAT FAILS TO PROVIDE THE TAX CREDIT SALE PROCEEDS WITHIN THE TIME THE DEPARTMENT SPECIFIES.

(b) A QUALIFIED TAXPAYER THAT FAILS TO PROVIDE THE TAX CREDIT SALE PROCEEDS WITHIN THE TIME THE DEPARTMENT SPECIFIES IS SUBJECT TO A PENALTY EQUAL TO TEN PERCENT OF THE AMOUNT OF THE PURCHASE PRICE THAT REMAINS UNPAID. THE PENALTY SHALL BE PAID TO THE DEPARTMENT WITHIN THIRTY DAYS AFTER DEMAND.

(c) THE DEPARTMENT MAY OFFER TO REALLOCATE THE DEFAULTED TAX CREDITS AMONG OTHER QUALIFIED TAXPAYERS SO THAT THE RESULT AFTER REALLOCATION IS THE SAME AS IF THE INITIAL ALLOCATION HAD BEEN PERFORMED WITHOUT CONSIDERING THE TAX CREDIT ALLOCATION TO THE DEFAULTING QUALIFIED TAXPAYER.

(d) IF THE REALLOCATION OF TAX CREDITS UNDER SUBSECTION (4)(c) OF THIS SECTION RESULTS IN THE PAYMENT BY ANOTHER QUALIFIED TAXPAYER OF THE AMOUNT OF TAX CREDIT SALE PROCEEDS NOT PAID BY THE DEFAULTING QUALIFIED TAXPAYER, THE DEPARTMENT MAY WAIVE THE PENALTY IMPOSED UNDER SUBSECTION (4)(b) OF THIS SECTION.

(e) A QUALIFIED TAXPAYER THAT FAILS TO PAY THE TAX CREDIT SALE PROCEEDS WITHIN THE TIME SPECIFIED MAY AVOID THE IMPOSITION OF THE PENALTY BY TRANSFERRING THE ALLOCATION OF TAX CREDITS TO A NEW OR EXISTING QUALIFIED TAXPAYER WITHIN THIRTY DAYS AFTER THE DUE DATE OF THE DEFAULTED INSTALLMENT. A TRANSFEREE OF AN ALLOCATION OF TAX CREDITS OF A DEFAULTING QUALIFIED TAXPAYER UNDER THIS SUBSECTION (4) SHALL AGREE TO PAY TAX CREDIT SALE PROCEEDS WITHIN FIVE DAYS AFTER THE DATE OF THE TRANSFER.

(5) **Deposit of tax credit sale proceeds into fund.** THE STATE TREASURER SHALL DEPOSIT THE TAX CREDIT SALE PROCEEDS PROVIDED BY A QUALIFYING TAXPAYER IN RETURN FOR A TAX CREDIT CERTIFICATE INTO THE ON-BILL FINANCING FUND.

(6) **Process for claiming tax credits - carry over authorized - tax credits are nonrefundable - transfer and assumption of tax credit.** (a) (I) FOR A TAX CREDIT CERTIFICATE THAT THE DEPARTMENT ISSUES IN STATE FISCAL YEAR 2025-26, THE DEPARTMENT, IN CONSULTATION WITH

THE OFFICE OF STATE PLANNING AND BUDGETING, PRIOR TO THE SALE, MAY DETERMINE THE CALENDAR YEARS IN WHICH THE QUALIFIED TAXPAYER MAY CLAIM THEIR CREDIT AGAINST PREMIUM TAX LIABILITY.

(II) FOR A TAX CREDIT CERTIFICATE THAT THE DEPARTMENT ISSUES IN STATE FISCAL YEAR 2026-27, THE DEPARTMENT, IN CONSULTATION WITH THE OFFICE OF STATE PLANNING AND BUDGETING, PRIOR TO THE SALE, MAY DETERMINE THE CALENDAR YEARS IN WHICH THE QUALIFIED TAXPAYER MAY CLAIM THEIR CREDIT AGAINST PREMIUM TAX LIABILITY.

(b) THE TOTAL CREDIT THAT A QUALIFIED TAXPAYER MAY APPLY IN ANY ONE YEAR MUST NOT EXCEED THE PREMIUM TAX LIABILITY OF THE QUALIFIED TAXPAYER FOR THE TAXABLE YEAR. IF THE QUALIFIED TAXPAYER CANNOT USE THE ENTIRE AMOUNT OF THE TAX CREDIT FOR THE TAXABLE YEAR IN WHICH THE TAXPAYER IS ELIGIBLE FOR THE TAX CREDIT, THE EXCESS MAY BE CARRIED OVER TO SUCCEEDING TAXABLE YEARS AND USED AS A CREDIT AGAINST THE PREMIUM TAX LIABILITY OF THE TAXPAYER FOR THOSE TAXABLE YEARS; EXCEPT THAT THE CREDIT SHALL NOT BE CARRIED OVER TO ANY TAXABLE YEAR THAT BEGINS AFTER DECEMBER 31, 2035. ANY AMOUNT OF THE TAX CREDIT THAT IS NOT TIMELY CLAIMED EXPIRES AND IS NOT REFUNDABLE.

(c) A QUALIFIED TAXPAYER CLAIMING A TAX CREDIT UNDER THIS SECTION SHALL:

(I) SUBMIT THE TAX CREDIT CERTIFICATE ISSUED WITH THE QUALIFIED TAXPAYER'S TAX RETURN; AND

(II) NOT BE REQUIRED TO PAY ANY ADDITIONAL OR RETALIATORY TAX AS A RESULT OF CLAIMING THE TAX CREDIT.

(d) (I) IF A QUALIFIED TAXPAYER HOLDING AN UNCLAIMED TAX CREDIT IS PART OF A MERGER, ACQUISITION, OR LINE OF BUSINESS DIVESTITURE TRANSACTION, THE TAX CREDIT MAY BE TRANSFERRED TO AND ASSUMED BY THE RESULTING ENTITY IF THE RESULTING ENTITY IS AN INSURANCE COMPANY AUTHORIZED TO DO BUSINESS IN COLORADO AND HAS PREMIUM TAX LIABILITY.

(II) THE QUALIFIED TAXPAYER THAT ORIGINALLY PURCHASED THE TAX CREDIT AND THE RESULTING ENTITY SHALL NOTIFY THE DEPARTMENT IN WRITING OF THE TRANSFER OR ASSUMPTION OF THE TAX CREDIT IN ACCORDANCE WITH PROCEDURES ADOPTED BY THE DEPARTMENT. THE DEPARTMENT SHALL PROVIDE A COPY OF THE NOTICE TO THE DIVISION OF INSURANCE IN THE DEPARTMENT OF REGULATORY AGENCIES AND SHALL MAINTAIN A RECORD OF THE TRANSFER OR ASSUMPTION OF THE TAX CREDIT. THE TRANSFER OR ASSUMPTION OF THE TAX CREDIT DOES NOT AFFECT THE TIME SCHEDULE FOR CLAIMING THE TAX CREDIT AS PROVIDED IN THIS SECTION.

(7) **On-bill financing fund - creation.** THE ON-BILL FINANCING FUND IS CREATED IN THE STATE TREASURY. THE FUND CONSISTS OF TAX CREDIT SALE PROCEEDS RECEIVED FROM QUALIFIED TAXPAYERS AND

DEPOSITED INTO THE FUND PURSUANT TO SUBSECTION (5) OF THIS SECTION. THE STATE TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE ON-BILL FINANCE FUND TO THE FUND.

(8) **Repeal.** THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2038.

SECTION 7. In Colorado Revised Statutes, 24-75-402, **amend** (5)(jjj) and (5)(kkk); and **add** (5)(lll) as follows:

24-75-402. Cash funds - limit on uncommitted reserves - reduction in the amount of fees - exclusions - definitions. (5) Notwithstanding any provision of this section to the contrary, the following cash funds are excluded from the limitations specified in this section:

(jjj) The employee ownership cash fund created in section 39-22-542.5 (8); ~~and~~

(kkk) The community revitalization tax credit program cash fund created in section 39-22-569 (13); AND

(lll) THE ON-BILL FINANCING FUND CREATED IN SECTION 24-36-125 (7).".

Renumber succeeding sections accordingly.

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