

SENATE COMMITTEE OF REFERENCE AMENDMENT
Committee on Finance.

SB23-207 be amended as follows:

1 Amend printed bill, page 9, line 17, after "CENTER." add "THE
2 COMMISSION MAY APPROVE, DENY, OR LIMIT A REFUND CERTIFICATION TO
3 A DOLLAR AMOUNT BASED ON THE FOLLOWING ECONOMIC DEVELOPMENT
4 PRIORITIES:

5 (I) THE CAPITAL INVESTMENT THAT WAS REQUIRED TO BUILD THE
6 ELIGIBLE OPERATING DATA CENTER;

7 (II) THE SALES AND USE TAXES THAT WERE ABATED IN THE FIRST
8 TWO YEARS OF CONSTRUCTION;

9 (III) THE AMOUNT OF LOCAL INCENTIVES PROVIDED TO ATTRACT
10 THE DATA CENTER TO THE LOCAL COMMUNITY;

11 (IV) THE ECONOMIC HEALTH OF THE STATE;

12 (V) A COMPETITIVE ANALYSIS BETWEEN COLORADO AND OTHER
13 STATES INCLUDING, BUT NOT LIMITED TO, IDENTIFICATION OF THE COST
14 DIFFERENTIAL IN THE COSTS OF THE PROJECT IN COLORADO COMPARED TO
15 THE PROJECTED COSTS IF THE PROJECT HAD COMMENCED IN A COMPETING
16 STATE. THE COST DIFFERENTIAL INCLUDES ANY IMPACT OF THE COMPETING
17 STATE'S INCENTIVE PROGRAMS INCLUDING:

18 (A) SPECIFIC COSTS FOR LABOR, UTILITIES, TAXES, AND ANY OTHER
19 COSTS OF A COMPETING STATE'S SITE; AND

20 (B) THE COST STRUCTURE OF THE TAXPAYER'S INDUSTRY IN THE
21 COMPETING STATE;

22 (VI) CERTIFIED DOCUMENTATION FROM THE TAXPAYER TO
23 DEMONSTRATE THAT THE CREDIT ALLOWED PURSUANT TO THIS SECTION
24 WAS A SUBSTANTIAL FACTOR IN THE DECISION TO LOCATE THE PROJECT IN
25 THE STATE. THE DOCUMENTATION MUST INCLUDE INFORMATION
26 INDICATING THAT:

27 (A) THE TAXPAYER COULD HAVE REASONABLY AND EFFICIENTLY
28 LOCATED THE PROJECT OUTSIDE OF THE STATE;

29 (B) AT LEAST ONE OTHER STATE WAS CONSIDERED FOR THE
30 PROJECT;

31 (C) RECEIPT OF THE CREDIT ALLOWED IN THIS SECTION WAS A
32 MAJOR FACTOR IN THE TAXPAYER'S DECISION; AND

33 (D) WITHOUT THE CREDIT ALLOWED PURSUANT TO THIS SECTION,
34 THE TAXPAYER WAS NOT LIKELY TO COMMENCE THE PROJECT IN THE
35 STATE;

36 (VII) THE DATA CENTER'S ENERGY EFFICIENCY AND WATER USAGE;
37 AND

38 (VIII) THE NUMBER OF FULL-TIME PERMANENT JOBS CREATED TO
39 OPERATE THE DATA CENTER ON AN ONGOING BASIS AND THE AVERAGE
40 ANNUAL WAGE OF THOSE JOBS.".

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