

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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