

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on State, Civic, Military, & Veterans Affairs.

SB22-206 be amended as follows:

1 Amend reengrossed bill, page 31, after line 6 insert:

2       **"SECTION 9.** In Colorado Revised Statutes, **add** 39-26-731 as  
3 follows:

4       **39-26-731. Rebuilding from wildfire - exemption - definitions**  
5 **- legislative declaration - repeal.** (1) IN ACCORDANCE WITH SECTION  
6 39-21-304 (1), WHICH REQUIRES EACH BILL THAT CREATES A NEW TAX  
7 EXPENDITURE TO INCLUDE A TAX PREFERENCE PERFORMANCE STATEMENT  
8 AS PART OF A STATUTORY LEGISLATIVE DECLARATION, THE GENERAL  
9 ASSEMBLY HEREBY FINDS AND DECLARES THAT:

10       (a) THE GENERAL LEGISLATIVE PURPOSE OF THE EXEMPTION  
11 ALLOWED BY THIS SECTION IS TO PROVIDE TAX RELIEF FOR CERTAIN  
12 INDIVIDUALS;

13       (b) THE SPECIFIC LEGISLATIVE PURPOSE OF THE EXEMPTION  
14 ALLOWED BY THIS SECTION IS TO PROVIDE FINANCIAL RELIEF TO  
15 COLORADANS RECOVERING AND REBUILDING FROM WILDFIRE; AND

16       (c) IN ORDER TO ALLOW THE GENERAL ASSEMBLY AND THE STATE  
17 AUDITOR TO MEASURE THE EFFECTIVENESS OF THE EXEMPTION ALLOWED  
18 BY THIS SECTION, THE STATE AUDITOR SHALL ESTIMATE THE PROPORTION  
19 OF HOMEOWNERS AFFECTED BY WILDFIRE WHO BENEFITTED FROM THE  
20 EXEMPTION WHILE REBUILDING OR REPAIRING THEIR HOMES.

21       (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE  
22 REQUIRES:

23       (a) "DECLARED WILDFIRE DISASTER" MEANS A WILDFIRE THAT IS  
24 DECLARED A DISASTER EMERGENCY BY THE GOVERNOR PURSUANT TO  
25 SECTION 24-33.5-704 (4) IN OR AFTER 2020.

26       (b) "LOCAL GOVERNMENT" MEANS A COUNTY, CITY AND COUNTY,  
27 OR MUNICIPALITY.

28       (c) "QUALIFIED HOMEOWNER OR CONTRACTOR" MEANS A  
29 HOMEOWNER OR CONTRACTOR WHO HAS BEEN ISSUED A REBUILDING  
30 EXEMPTION CERTIFICATE BY A LOCAL GOVERNMENT PURSUANT TO  
31 SUBSECTION (4) OF THIS SECTION.

32       (3) (a) ON AND AFTER JULY 1, 2022, BUT BEFORE JULY 1, 2025,  
33 ALL SALES OF CONSTRUCTION AND BUILDING MATERIALS TO A QUALIFIED  
34 HOMEOWNER OR CONTRACTOR ARE EXEMPT FROM TAXATION UNDER PART  
35 1 OF THIS ARTICLE 26, SO LONG AS THE MATERIALS WILL BE USED  
36 DIRECTLY IN THE REBUILDING OR REPAIR OF A RESIDENTIAL STRUCTURE  
37 DAMAGED OR DESTROYED BY A DECLARED WILDFIRE DISASTER.

38       (b) ON AND AFTER JULY 1, 2022, BUT BEFORE JULY 1, 2025, THE  
39 STORAGE, USE, OR CONSUMPTION OF CONSTRUCTION AND BUILDING  
40 MATERIALS BY A QUALIFIED HOMEOWNER OR CONTRACTOR ARE EXEMPT

1 FROM TAXATION UNDER PART 2 OF THIS ARTICLE 26, SO LONG AS THE  
2 MATERIALS WILL BE USED DIRECTLY IN THE REBUILDING OR REPAIR OF A  
3 RESIDENTIAL STRUCTURE DAMAGED OR DESTROYED BY A DECLARED  
4 WILDFIRE DISASTER.

5 (c) TO CLAIM THE EXEMPTION ALLOWED BY THIS SUBSECTION (3),  
6 A QUALIFIED HOMEOWNER OR CONTRACTOR MUST PROVIDE A COPY OF THE  
7 REBUILDING EXEMPTION CERTIFICATE ISSUED PURSUANT TO SUBSECTION  
8 (4) OF THIS SECTION TO EVERY RETAILER FROM WHICH THE QUALIFIED  
9 HOMEOWNER OR CONTRACTOR IS PURCHASING MATERIALS THAT ARE  
10 EXEMPT UNDER THIS SECTION.

11 (4) THE LOCAL GOVERNMENT WITH JURISDICTION TO ISSUE A  
12 BUILDING PERMIT IN AN AREA AFFECTED BY A DECLARED WILDFIRE  
13 DISASTER MAY ISSUE A REBUILDING EXEMPTION CERTIFICATE TO A  
14 HOMEOWNER OR CONTRACTOR WHO IS REBUILDING OR REPAIRING ONE OR  
15 MORE RESIDENTIAL STRUCTURES WITHIN THE LOCAL GOVERNMENT'S  
16 JURISDICTION THAT WAS DAMAGED OR DESTROYED BY THE DECLARED  
17 WILDFIRE DISASTER. A REBUILDING EXEMPTION CERTIFICATE SHALL  
18 CLEARLY IDENTIFY EACH RESIDENTIAL STRUCTURE TO WHICH IT APPLIES.  
19 THE HOMEOWNER OR CONTRACTOR MAY USE THE REBUILDING EXEMPTION  
20 CERTIFICATE TO CLAIM THE EXEMPTION ALLOWED BY SUBSECTION (3) OF  
21 THIS SECTION ONLY FOR THE SALES, STORAGE, USE, OR CONSUMPTION OF  
22 CONSTRUCTION AND BUILDING MATERIALS THAT WILL BE USED DIRECTLY  
23 IN THE REBUILDING OR REPAIR OF A RESIDENTIAL STRUCTURE DAMAGED  
24 OR DESTROYED BY THE DECLARED WILDFIRE DISASTER THAT IS IDENTIFIED  
25 IN THE REBUILDING EXEMPTION CERTIFICATE AND SHALL NOT USE THE  
26 CERTIFICATE TO CLAIM THE EXEMPTION FOR ANY OTHER PURPOSE.

27 (5) THE EXECUTIVE DIRECTOR SHALL PROVIDE A FORM FOR THE  
28 REBUILDING EXEMPTION CERTIFICATE TO THE PROPER OFFICIAL OF THE  
29 LOCAL GOVERNMENT WITH JURISDICTION TO ISSUE A BUILDING PERMIT IN  
30 AN AREA AFTER DETERMINING THAT THE AREA WAS AFFECTED BY A  
31 DECLARED WILDFIRE DISASTER.

32 (6) THIS SECTION IS REPEALED, EFFECTIVE JUNE 30, 2028.

33 **SECTION 10.** In Colorado Revised Statutes, 29-2-105, **add**  
34 (1)(d)(I)(Q) as follows:

35 **29-2-105. Contents of sales tax ordinances and proposals.**  
36 (1) The sales tax ordinance or proposal of any incorporated town, city,  
37 or county adopted pursuant to this article 2 shall be imposed on the sale  
38 of tangible personal property at retail or the furnishing of services, as  
39 provided in subsection (1)(d) of this section. Any countywide or  
40 incorporated town or city sales tax ordinance or proposal shall include the  
41 following provisions:

42 (d) (I) A provision that the sale of tangible personal property and  
43 services taxable pursuant to this article 2 shall be the same as the sale of

1 tangible personal property and services taxable pursuant to section  
2 39-26-104, except as otherwise provided in this subsection (1)(d). The  
3 sale of tangible personal property and services taxable pursuant to this  
4 article 2 shall be subject to the same sales tax exemptions as those  
5 specified in part 7 of article 26 of title 39; except that the sale of the  
6 following may be exempted from a town, city, or county sales tax only by  
7 the express inclusion of the exemption either at the time of adoption of  
8 the initial sales tax ordinance or resolution or by amendment thereto:

9                   (Q) THE EXEMPTION FOR SALES OF CONSTRUCTION AND BUILDING  
10 MATERIALS TO A QUALIFIED HOMEOWNER OR CONTRACTOR AS SPECIFIED  
11 IN SECTION 39-26-731.

12                   **SECTION 11.** In Colorado Revised Statutes, 29-2-109, **amend**  
13 (1) introductory portion as follows:

14                   **29-2-109. Contents of use tax ordinances and proposals -**  
15 **repeal.** (1) The use tax ordinance, resolution, or proposal of any town,  
16 city, or county adopted pursuant to this article 2 shall be imposed only for  
17 the privilege of using or consuming in the town, city, or county any  
18 construction and building materials purchased at retail or for the privilege  
19 of storing, using, or consuming in the town, city, or county any motor and  
20 other vehicles, purchased at retail on which registration is required, or  
21 both. For the purposes of this subsection (1), the term "construction and  
22 building materials" shall not include parts or materials utilized in the  
23 fabrication, construction, assembly, or installation of passenger tramways,  
24 as defined in section 12-150-103 (5), by any ski area operator, as defined  
25 in section 33-44-103 (7), or any person fabricating, constructing,  
26 assembling, or installing a passenger tramway for a ski area operator. The  
27 ordinance, resolution, or proposal may recite that the use tax shall not  
28 apply to the storage and use of wood from salvaged trees killed or  
29 infested in Colorado by mountain pine beetles or spruce beetles as  
30 exempted from the state use tax pursuant to section 39-26-723. The  
31 ordinance, resolution, or proposal may recite that the use tax shall not  
32 apply to the storage and use of components used in the production of  
33 energy, including but not limited to alternating current electricity, from  
34 a renewable energy source, as exempted from the state use tax pursuant  
35 to section 39-26-724. **THE ORDINANCE, RESOLUTION, OR PROPOSAL MAY**  
36 **RECITE THAT THE USE TAX SHALL NOT APPLY TO THE STORAGE, USE, AND**  
37 **CONSUMPTION OF CONSTRUCTION AND BUILDING MATERIALS EXEMPT**  
38 **FROM STATE USE TAX UNDER SECTION 39-26-731 (3)(b).** The ordinance,  
39 resolution, or proposal shall recite that the use tax shall not apply:".

40                   Renumber succeeding sections accordingly.

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