

HOUSE COMMITTEE OF REFERENCE REPORT

Chair of Committee

Date

May 4, 2022

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

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

SB22-206 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

- 1 Amend reengrossed bill, page 8, line 14, after "CONTRACT WITH" insert
- 2 "OR PROVIDE A GRANT TO".
- 3 Page 8, line 19, strike "IF THE DIVISION CONTRACTS WITH AN ENTITY".
- 4 Page 8, strike lines 20 through 24.
- 5 Page 8, line 25, strike "DIVISION IN OVERSEEING THE PROGRAM.".
- 6 Page 9, after line 11, insert:
- 7
- 8 "(a) COORDINATION WITH THE OFFICE OF EMERGENCY
- 9 MANAGEMENT CREATED IN SECTION 24-33.5-705 TO PRIORITIZE THE USE
- 10 OF THE DISASTER EMERGENCY FUND CREATED IN SECTION 34-33.5-706 FOR
- 11 THE ALLOWABLE USES OF LOANS AND GRANTS UNDER THE PROGRAM THAT
- 12 ARE NOT HOUSING RELATED;".
- 13 Reletter succeeding paragraphs accordingly.
- 14 Page 20, line 12, strike "THE".
- 15 Page 20, strike lines 13 through 16.
- 16 Page 24, line 27, strike "(I)" and substitute "(a)".
- 17 Page 25, line 5, strike "(II)" and substitute "(b)".
- 18 Page 29, before line 1 insert:

1 **"SECTION 6.** In Colorado Revised Statutes, 24-33.5-1106,
2 **amend** (2); and **add** (3) and (4) as follows:

3 **24-33.5-1106. Grants to individuals.** (2) Notwithstanding any
4 other law or rule, the governor is authorized to make financial grants to
5 meet disaster-related necessary expenses or serious needs of individuals
6 or families adversely affected by a major disaster which cannot otherwise
7 adequately be met from other means of assistance. ~~which grants shall not~~
8 ~~exceed five thousand dollars in the aggregate to an individual or family~~
9 ~~in any single major disaster declared by the governor.~~

10 (3) THE OFFICE OF EMERGENCY MANAGEMENT CREATED IN
11 24-33.5-705 SHALL COORDINATE WITH THE GOVERNOR'S OFFICE, FEDERAL
12 AGENCIES, OTHER STATE AGENCIES, LOCAL GOVERNMENTS, AND
13 PHILANTHROPIC ENTITIES AS DETERMINED BY THE OFFICE TO ENSURE
14 DISASTER INDIVIDUAL ASSISTANCE IS DELIVERED IN A COORDINATED
15 EFFORT AND TO AVOID DUPLICATION OF BENEFITS.

16 (4) THE OFFICE OF EMERGENCY MANAGEMENT SHALL IMPLEMENT
17 AND MAINTAIN A DISASTER SURVIVOR PORTAL FOR DISASTER SURVIVORS
18 TO APPLY FOR APPROVED STATE DISASTER INDIVIDUAL ASSISTANCE. THE
19 PORTAL MUST PROVIDE DISASTER SURVIVORS WITH A COORDINATED
20 METHOD TO ACCESS APPROPRIATE BENEFITS, INCLUDING FEDERAL BENEFIT
21 PROGRAMS, APPROVED STATE DISASTER INDIVIDUAL ASSISTANCE
22 BENEFITS, THE DISASTER RESILIENCE REBUILDING PROGRAM CREATED IN
23 24-32-132, AND THE SUSTAINABLE REBUILDING PROGRAM CREATED IN
24 24-38.5-113. THE PORTAL MUST ENSURE EQUITABLE ACCESS TO PROGRAM
25 INFORMATION INCLUDING COMMUNICATIONS IN THE RELEVANT
26 LANGUAGES OF THE COMMUNITY AND EQUITABLE HEARING, SIGHT, AND
27 PHYSICAL ACCESSIBILITY. LOCAL GOVERNMENTS AND PHILANTHROPIC
28 ENTITIES MAY OPERATE THEIR OWN DISASTER SURVIVOR PORTALS IN
29 COORDINATION WITH THE OFFICE OF EMERGENCY MANAGEMENT."

30 Renumber succeeding sections accordingly.

31 Page 31, after line 6 insert:

32 **"SECTION 10.** In Colorado Revised Statutes, **add** 39-26-731 as
33 follows:

34 **39-26-731. Rebuilding from wildfire - exemption - definitions**
35 **- legislative declaration - repeal.** (1) IN ACCORDANCE WITH SECTION
36 39-21-304 (1), WHICH REQUIRES EACH BILL THAT CREATES A NEW TAX
37 EXPENDITURE TO INCLUDE A TAX PREFERENCE PERFORMANCE STATEMENT
38 AS PART OF A STATUTORY LEGISLATIVE DECLARATION, THE GENERAL
39 ASSEMBLY HEREBY FINDS AND DECLARES THAT:

1 (a) THE GENERAL LEGISLATIVE PURPOSE OF THE EXEMPTION
2 ALLOWED BY THIS SECTION IS TO PROVIDE TAX RELIEF FOR CERTAIN
3 INDIVIDUALS;

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

7 (c) IN ORDER TO ALLOW THE GENERAL ASSEMBLY AND THE STATE
8 AUDITOR TO MEASURE THE EFFECTIVENESS OF THE EXEMPTION ALLOWED
9 BY THIS SECTION, THE STATE AUDITOR SHALL ESTIMATE THE PROPORTION
10 OF HOMEOWNERS AFFECTED BY WILDFIRE WHO BENEFITTED FROM THE
11 EXEMPTION WHILE REBUILDING OR REPAIRING THEIR HOMES.

12 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
13 REQUIRES:

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

17 (b) "LOCAL GOVERNMENT" MEANS A COUNTY, CITY AND COUNTY,
18 OR MUNICIPALITY.

19 (c) "QUALIFIED HOMEOWNER OR CONTRACTOR" MEANS A
20 HOMEOWNER OR CONTRACTOR WHO HAS BEEN ISSUED A REBUILDING
21 EXEMPTION CERTIFICATE BY A LOCAL GOVERNMENT PURSUANT TO
22 SUBSECTION (4) OF THIS SECTION.

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

29 (b) ON AND AFTER JULY 1, 2022, BUT BEFORE JULY 1, 2025, THE
30 STORAGE, USE, OR CONSUMPTION OF CONSTRUCTION AND BUILDING
31 MATERIALS BY A QUALIFIED HOMEOWNER OR CONTRACTOR ARE EXEMPT
32 FROM TAXATION UNDER PART 2 OF THIS ARTICLE 26, SO LONG AS THE
33 MATERIALS WILL BE USED DIRECTLY IN THE REBUILDING OR REPAIR OF A
34 RESIDENTIAL STRUCTURE DAMAGED OR DESTROYED BY A DECLARED
35 WILDFIRE DISASTER.

36 (c) TO CLAIM THE EXEMPTION ALLOWED BY THIS SUBSECTION (3),
37 A QUALIFIED HOMEOWNER OR CONTRACTOR MUST PROVIDE A COPY OF THE
38 REBUILDING EXEMPTION CERTIFICATE ISSUED PURSUANT TO SUBSECTION
39 (4) OF THIS SECTION TO EVERY RETAILER FROM WHICH THE QUALIFIED
40 HOMEOWNER OR CONTRACTOR IS PURCHASING MATERIALS THAT ARE
41 EXEMPT UNDER THIS SECTION.

42 (4) THE LOCAL GOVERNMENT WITH JURISDICTION TO ISSUE A
43 BUILDING PERMIT IN AN AREA AFFECTED BY A DECLARED WILDFIRE

1 DISASTER MAY ISSUE A REBUILDING EXEMPTION CERTIFICATE TO A
2 HOMEOWNER OR CONTRACTOR WHO IS REBUILDING OR REPAIRING ONE OR
3 MORE RESIDENTIAL STRUCTURES WITHIN THE LOCAL GOVERNMENT'S
4 JURISDICTION THAT WAS DAMAGED OR DESTROYED BY THE DECLARED
5 WILDFIRE DISASTER. A REBUILDING EXEMPTION CERTIFICATE SHALL
6 CLEARLY IDENTIFY EACH RESIDENTIAL STRUCTURE TO WHICH IT APPLIES.
7 THE HOMEOWNER OR CONTRACTOR MAY USE THE REBUILDING EXEMPTION
8 CERTIFICATE TO CLAIM THE EXEMPTION ALLOWED BY SUBSECTION (3) OF
9 THIS SECTION ONLY FOR THE SALES, STORAGE, USE, OR CONSUMPTION OF
10 CONSTRUCTION AND BUILDING MATERIALS THAT WILL BE USED DIRECTLY
11 IN THE REBUILDING OR REPAIR OF A RESIDENTIAL STRUCTURE DAMAGED
12 OR DESTROYED BY THE DECLARED WILDFIRE DISASTER THAT IS IDENTIFIED
13 IN THE REBUILDING EXEMPTION CERTIFICATE AND SHALL NOT USE THE
14 CERTIFICATE TO CLAIM THE EXEMPTION FOR ANY OTHER PURPOSE.

15 (5) THE EXECUTIVE DIRECTOR SHALL PROVIDE A FORM FOR THE
16 REBUILDING EXEMPTION CERTIFICATE TO THE PROPER OFFICIAL OF THE
17 LOCAL GOVERNMENT WITH JURISDICTION TO ISSUE A BUILDING PERMIT IN
18 AN AREA AFTER DETERMINING THAT THE AREA WAS AFFECTED BY A
19 DECLARED WILDFIRE DISASTER.

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

21 **SECTION 11.** In Colorado Revised Statutes, 29-2-105, **add**
22 (1)(d)(I)(Q) as follows:

23 **29-2-105. Contents of sales tax ordinances and proposals.**

24 (1) The sales tax ordinance or proposal of any incorporated town, city,
25 or county adopted pursuant to this article 2 shall be imposed on the sale
26 of tangible personal property at retail or the furnishing of services, as
27 provided in subsection (1)(d) of this section. Any countywide or
28 incorporated town or city sales tax ordinance or proposal shall include the
29 following provisions:

30 (d) (I) A provision that the sale of tangible personal property and
31 services taxable pursuant to this article 2 shall be the same as the sale of
32 tangible personal property and services taxable pursuant to section
33 39-26-104, except as otherwise provided in this subsection (1)(d). The
34 sale of tangible personal property and services taxable pursuant to this
35 article 2 shall be subject to the same sales tax exemptions as those
36 specified in part 7 of article 26 of title 39; except that the sale of the
37 following may be exempted from a town, city, or county sales tax only by
38 the express inclusion of the exemption either at the time of adoption of
39 the initial sales tax ordinance or resolution or by amendment thereto:

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

43 **SECTION 12.** In Colorado Revised Statutes, 29-2-109, **amend**

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

28 Renumber succeeding sections accordingly.

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