

**First Regular Session
Seventy-first General Assembly
STATE OF COLORADO**

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 17-0079.01 Nicole Myers x4326

HOUSE BILL 17-1103

HOUSE SPONSORSHIP

Nordberg and Pabon, Williams D.

SENATE SPONSORSHIP

Gardner and Moreno,

House Committees

Finance
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING A STATE SALES AND USE TAX EXEMPTION FOR HISTORIC**
102 **AIRCRAFT ON LOAN FOR PUBLIC DISPLAY.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

Beginning July 1, 2017, the bill creates a state sales and use tax exemption for a historic aircraft that is on loan for public display, demonstration, educational, or museum promotional purposes (public display) in the state if:

! The historic aircraft is on loan for public display to a publicly owned or nonprofit museum in the state;

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

HOUSE
Amended 2nd Reading
February 28, 2017

- ! The historic aircraft will be used only for public display while within the state but away from the museum to which the historic aircraft is on loan; and
- ! The museum to which the historic aircraft is on loan for public display is open to the public for at least 20 hours every week.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1. Legislative declaration.** The general assembly
3 finds, determines, and declares that the primary purpose of the sales and
4 use tax exemption in section 39-26-711.9 is to encourage the owners of
5 historic aircraft to loan the historic aircraft to museums in the state for
6 public display, demonstration, educational, or museum promotional
7 purposes.

8 **SECTION 2.** In Colorado Revised Statutes, **add** 39-26-711.9 as
9 follows:

10 **39-26-711.9. Historic aircraft on loan for public display -**
11 **definition.** (1) **ON AND AFTER THE EFFECTIVE DATE OF THIS SECTION,** A
12 HISTORIC AIRCRAFT THAT IS ON LOAN FOR PUBLIC DISPLAY,
13 DEMONSTRATION, EDUCATIONAL, OR MUSEUM PROMOTIONAL PURPOSES IS
14 EXEMPT FROM TAXATION UNDER THE PROVISIONS OF PARTS 1 AND 2 OF
15 THIS ARTICLE 26 IF:

16 (a) THE HISTORIC AIRCRAFT IS ON LOAN FOR PUBLIC DISPLAY,
17 DEMONSTRATION, EDUCATIONAL, OR MUSEUM PROMOTIONAL PURPOSES TO
18 A PUBLICLY OWNED MUSEUM IN THE STATE OR TO A NONPROFIT MUSEUM
19 IN THE STATE THAT OPERATES UNDER SECTION 501 (c)(3) OF THE FEDERAL
20 "INTERNAL REVENUE CODE OF 1986", AS AMENDED;

21 (b) THE HISTORIC AIRCRAFT WILL BE USED ONLY FOR PUBLIC
22 DISPLAY, DEMONSTRATION, EDUCATIONAL, OR MUSEUM PROMOTIONAL

1 PURPOSES WHILE WITHIN THE STATE BUT AWAY FROM THE MUSEUM TO
2 WHICH THE HISTORIC AIRCRAFT IS ON LOAN; AND

3 (c) THE MUSEUM TO WHICH THE HISTORIC AIRCRAFT IS ON LOAN
4 FOR PUBLIC DISPLAY, DEMONSTRATION, EDUCATIONAL, OR MUSEUM
5 PROMOTIONAL PURPOSES IS OPEN TO THE PUBLIC FOR AT LEAST TWENTY
6 HOURS EVERY WEEK.

7 (2) FOR PURPOSES OF THIS SECTION, "HISTORIC AIRCRAFT" MEANS
8 ANY ORIGINAL, RESTORED, OR REPLICA OF A HEAVIER-THAN-AIR AIRCRAFT
9 THAT IS AT LEAST THIRTY-FIVE YEARS OLD.

10 **SECTION 3. Act subject to petition - effective date.** This act
11 takes effect at 12:01 a.m. on the day following the expiration of the
12 ninety-day period after final adjournment of the general assembly (August
13 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a
14 referendum petition is filed pursuant to section 1 (3) of article V of the
15 state constitution against this act or an item, section, or part of this act
16 within such period, then the act, item, section, or part will not take effect
17 unless approved by the people at the general election to be held in
18 November 2018 and, in such case, will take effect on the date of the
19 official declaration of the vote thereon by the governor.