

First Regular Session
Seventieth General Assembly
STATE OF COLORADO

ENGROSSED

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

LLS NO. 15-0903.01 Ed DeCecco x4216

SENATE BILL 15-222

SENATE SPONSORSHIP

Scheffel, Crowder, Hodge, Holbert

HOUSE SPONSORSHIP

Williams, Lawrence, Mitsch Bush

Senate Committees

Finance
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING AN INCREASE IN THE ANNUAL LIMIT ON THE TOTAL STATE**
102 **SALES AND USE TAX REFUNDS FOR TANGIBLE PERSONAL**
103 **PROPERTY USED IN RURAL BROADBAND SERVICE.**

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://www.leg.state.co.us/bills summaries>.)

Under current law, a broadband provider is allowed to claim a refund for all of the state sales and use tax the provider pays for tangible personal property that is installed in a target area for the provision of broadband service. A target area is the unincorporated part of a county or a municipality with a population of less than 30,000 people. The total for

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.

SENATE
Amended 2nd Reading
April 23, 2015

all refunds allowed for a calendar year is \$1 million.

Beginning with the 2015 calendar year, the bill increases the yearly refund limit to \$10 million.

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

2 **SECTION 1.** In Colorado Revised Statutes, 39-26-129, **amend**
3 (5) as follows:

4 **39-26-129. Refund for property used in rural broadband**
5 **service - legislative declaration - definitions.** (5) (a) The total amount
6 of the refunds made under this section may not exceed ~~one million dollars~~
7 THE AMOUNT SPECIFIED IN PARAGRAPH (b) OF THIS SUBSECTION (5) for a
8 calendar year. The department of revenue shall not pay a refund for a
9 calendar year until after the application deadline set forth in subsection
10 (4) of this section has passed. If the total amount of approved refunds
11 exceeds ~~one million dollars~~ THE MAXIMUM ALLOWABLE AMOUNT FOR THE
12 CALENDAR YEAR, the department shall prorate the refunds made to all
13 taxpayers.

14 (b) THE TOTAL AMOUNT OF THE REFUNDS PERMITTED UNDER THIS
15 SECTION MAY NOT EXCEED:

16 (I) ONE MILLION DOLLARS FOR THE CALENDAR YEAR COMMENCING
17 JANUARY 1, 2014;

18 (II) TWO MILLION FIVE HUNDRED THOUSAND DOLLARS FOR THE
19 CALENDAR YEAR COMMENCING JANUARY 1, 2015;

20 (III) FOUR MILLION DOLLARS FOR THE CALENDAR YEAR
21 COMMENCING JANUARY 1, 2016; AND

22 (IV) FIVE MILLION DOLLARS FOR THE CALENDAR YEAR
23 COMMENCING JANUARY 1, 2017, AND EACH CALENDAR YEAR THEREAFTER.

24 **SECTION 2. Act subject to petition - effective date -**

1 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
2 the expiration of the ninety-day period after final adjournment of the
3 general assembly (August 5, 2015, if adjournment sine die is on May 6,
4 2015); except that, if a referendum petition is filed pursuant to section 1
5 (3) of article V of the state constitution against this act or an item, section,
6 or part of this act within such period, then the act, item, section, or part
7 will not take effect unless approved by the people at the general election
8 to be held in November 2016 and, in such case, will take effect on the
9 date of the official declaration of the vote thereon by the governor.

10 (2) This act applies to refunds for tangible personal property that
11 is purchased and installed in a target area for the provision of broadband
12 service on or after January 1, 2015.