

CHAPTER 314

TAXATION

SENATE BILL 25-272

BY SENATOR(S) Winter F. and Catlin, Amabile, Bridges, Cutter, Exum, Jodeh, Kipp, Marchman, Michaelson Jenet, Mullica, Roberts, Wallace;
also REPRESENTATIVE(S) Velasco and Froelich, Bacon, Joseph, Lindsay, Lukens, Rutinel, Stewart K., Willford.

AN ACT

CONCERNING A SALES AND USE TAX EXEMPTION FOR CONSTRUCTION MATERIALS USED IN CREATING HOUSING FOR A REGIONAL TRANSPORTATION AUTHORITY'S STAFF.

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

SECTION 1. In Colorado Revised Statutes, 39-26-708, **amend** (1) introductory portion, (1)(a), (2) introductory portion, and (2)(a) as follows:

39-26-708. Construction and building materials - legislative declaration - definition. (1) There shall be exempt from taxation under ~~the provisions of part 1 of this article~~ **ARTICLE 26** all sales of construction and building materials to contractors and subcontractors for use in the building, erection, alteration, or repair of structures, highways, roads, streets, and other public works owned and used by:

(a) (I) The United States government, the state of Colorado, its departments and institutions, and ~~the~~ **ITS** political subdivisions ~~thereof~~ in their governmental capacities only;

(II) **AS USED IN THIS SUBSECTION (1)(a), "GOVERNMENTAL CAPACITIES" INCLUDES THE BUILDING, ERECTION, ALTERATION, OR REPAIR OF STRUCTURES TO HOUSE EMPLOYEES OR CONTRACTORS OF A REGIONAL TRANSPORTATION AUTHORITY, AS ALLOWED BY SECTIONS 43-4-604 (3)(j) AND 43-4-605 (1)(l), AND AS AN IMPLIED AND NECESSARY POWER WITHIN SECTION 43-4-605 (1)(k);**

(2) There shall be exempt from taxation under ~~the provisions of part 2 of this article~~ **ARTICLE 26** the storage, use, or consumption by a contractor or subcontractor of construction and building materials for use in the building, erection, alteration,

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

or repair of structures, highways, roads, streets, and other public works owned and used by:

(a) (I) The United States government, the state of Colorado, its departments and institutions, and ~~the~~ ITS political subdivisions ~~thereof~~ in their governmental capacities only;

(II) AS USED IN THIS SUBSECTION (2)(a), "GOVERNMENTAL CAPACITIES" INCLUDES THE BUILDING, ERECTION, ALTERATION, OR REPAIR OF STRUCTURES TO HOUSE EMPLOYEES OR CONTRACTORS OF A REGIONAL TRANSPORTATION AUTHORITY, AS ALLOWED BY SECTIONS 43-4-604 (3)(j) AND 43-4-605 (1)(l), AND AS AN IMPLIED AND NECESSARY POWER WITHIN SECTION 43-4-605 (1)(k);

SECTION 2. In Colorado Revised Statutes, 43-4-604, **amend** (3)(h) and (3)(i); and **add** (3)(j) as follows:

43-4-604. Board of directors. (3) The board, in addition to all other powers conferred by this part 6, has the following powers:

(h) To appoint advisory committees and define the duties thereof; ~~and~~

(i) As applicable, to amend the contract that created the authority to the extent that any amendment procedures specified in the contract pursuant to section 43-4-603 (2)(f) authorize the board, rather than the members of the combination that are parties to the contract, to amend the contract or to amend or replace the resolution authorizing the transportation planning organization to exercise the powers of an authority adopted as authorized by section 43-4-622; AND

(j) TO BUILD, ERECT, ALTER, OR REPAIR STRUCTURES FOR THE PURPOSE OF HOUSING EMPLOYEES OR CONTRACTORS OF AN AUTHORITY.

SECTION 3. In Colorado Revised Statutes, 43-4-605, **add** (1)(l) as follows:

43-4-605. Powers of the authority - inclusion or exclusion of property - determination of regional transportation system alignment - fund created - repeal. (1) In addition to any other powers granted to an authority pursuant to this part 6, an authority has the following powers:

(l) TO BUILD, ERECT, ALTER, OR REPAIR STRUCTURES FOR THE PURPOSE OF HOUSING EMPLOYEES OR CONTRACTORS OF AN AUTHORITY.

SECTION 4. Safety clause. The general assembly finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety or for appropriations for the support and maintenance of the departments of the state and state institutions.

Approved: May 30, 2025