

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

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 25-0248.01 Jennifer Berman x3286

HOUSE BILL 25-1080

HOUSE SPONSORSHIP

Lukens and Soper, Bacon

SENATE SPONSORSHIP

Hinrichsen,

House Committees

Business Affairs & Labor
Finance

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING MEASURES TO INCENTIVIZE THE DEPLOYMENT OF**
102 **WIRELESS TELEPHONE INFRASTRUCTURE IN THE STATE.**

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/>.)

Cell Phone Connectivity Interim Study Committee. The bill requires the Colorado broadband office in the governor's office (broadband office) to implement a wireless telephone infrastructure deployment grant program (grant program) similar to the broadband deployment grant program in the broadband office. The broadband office may allocate high cost support mechanism (HCSM) money for the grant

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

program to help finance the deployment of wireless telephone infrastructure in unserved and underserved areas of the state.

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

SECTION 1. In Colorado Revised Statutes, **add** 39-3-139 as follows:

39-3-139. Property tax relief for communication services deployment - legislative declaration - definitions. (1) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT:

(a) THE INTENDED PURPOSE OF THE TAX RELIEF CREATED IN THIS SECTION IS TO ENCOURAGE THE DEPLOYMENT OF COMMUNICATION SERVICES INFRASTRUCTURE THROUGHOUT THE STATE, PARTICULARLY IN RURAL, UNSERVED, AND UNDERSERVED AREAS, AND TO CREATE INCENTIVES FOR INVESTMENTS IN NEW COMMUNICATION SERVICES INFRASTRUCTURE IN ADDITION TO INCENTIVES ALREADY CREATED BY OTHER STATE OR FEDERAL LAW;

(b) FINANCIAL INCENTIVES IN THE FORM OF TAX RELIEF ARE NECESSARY TO ATTRACT INVESTMENT AND FREE UP RESOURCES FOR COMMUNICATION SERVICES DEPLOYMENT, PARTICULARLY IN AREAS THAT HAVE BEEN DESIGNATED AS UNSERVED OR UNDERSERVED. THE INCENTIVES CAN BE PARTICULARLY EFFECTIVE WHEN OFFERED AT THE LOCAL LEVEL BY COUNTIES THAT HAVE THE AUTHORITY TO APPROVE THE RELIEF BASED ON SPECIFIC CRITERIA.

(c) PROVIDING TAX RELIEF STIMULATES ECONOMIC DEVELOPMENT IN THE STATE AND SUPPORTS THE EXPANSION OF ESSENTIAL COMMUNICATION SERVICES TO UNSERVED AND UNDERSERVED AREAS; AND

(d) WIRELESS TELECOMMUNICATIONS TECHNOLOGIES, WHILE SEEMINGLY INDEPENDENT, CRITICALLY RELY ON FORMS OF BROADBAND

1 LIKE FIBER AND LANDLINE NETWORKS FOR ESSENTIAL FUNCTIONS, SUCH AS
2 BACKHAUL, WHICH CONNECTS CELL TOWERS TO THE INTERNET BACKBONE
3 AND WHICH IS OFTEN PERFORMED BY NONWIRELESS PROVIDERS.
4 THEREFORE, THE POLICIES THAT IMPACT BROADBAND INFRASTRUCTURE
5 MUST CONSIDER THE INTERCONNECTEDNESS OF ALL TECHNOLOGIES,
6 INCLUDING THE DEPENDENCE OF WIRELESS TELECOMMUNICATIONS ON THE
7 BROADER ECOSYSTEM, TO ENSURE EFFECTIVE AND COMPREHENSIVE
8 WIRELESS AND BROADBAND ACCESS FOR ALL COLORADANS.

9 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
10 REQUIRES:

11 (a) "COUNTY" MEANS A COUNTY OR A CITY AND COUNTY.

12 (b) (I) "QUALIFIED COMMUNICATION SERVICES FACILITY" MEANS
13 ANY FACILITY, INFRASTRUCTURE, EQUIPMENT, OR OTHER REAL OR
14 PERSONAL PROPERTY USED IN THE PROVISION OF FIXED BROADBAND OR
15 MOBILE BROADBAND INTERNET ACCESS SERVICE, AS DEFINED BY THE
16 FEDERAL COMMUNICATIONS COMMISSION, AND INCLUDES, BUT IS NOT
17 LIMITED TO:

18 (A) ASYNCHRONOUS TRANSFER MODE SWITCHES;

19 (B) DIGITAL SUBSCRIBER LINE ACCESS MULTIPLEXERS;

20 (C) ROUTERS;

21 (D) SERVERS;

22 (E) MULTIPLEXERS;

23 (F) FIBER OPTICS; AND

24 (G) ANY RELATED EQUIPMENT.

25 (II) "QUALIFIED COMMUNICATION SERVICES FACILITY" INCLUDES
26 ANY INFRASTRUCTURE OR EQUIPMENT USED TO PROVIDE FIXED OR MOBILE
27 WIRELESS BROADBAND INTERNET ACCESS SERVICE, INCLUDING, BUT NOT

1 LIMITED TO, MACRO CELL TOWERS AND MICROCELL TOWERS.

2 (c) "UNDERSERVED AREA" MEANS A GEOGRAPHIC AREA IN WHICH
3 BROADBAND INTERNET ACCESS SERVICE IS NOT AVAILABLE FROM MORE
4 THAN ONE PROVIDER AT SPEEDS MEETING OR EXCEEDING THE MINIMUM
5 BROADBAND BENCHMARKS ESTABLISHED BY THE FEDERAL
6 COMMUNICATIONS COMMISSION FOR FIXED BROADBAND OR MOBILE
7 BROADBAND. A COUNTY SHALL DETERMINE WHETHER AN AREA IS
8 UNDERSERVED BY REFERENCE TO THE FEDERAL COMMUNICATIONS
9 COMMISSION BROADBAND COVERAGE MAPS AVAILABLE AS OF JANUARY 1
10 IN THE CALENDAR YEAR IN WHICH THE COUNTY AND THE TAXPAYER
11 NEGOTIATE AN INCENTIVE PAYMENT OR CREDIT.

12 (d) "UNSERVED AREA" MEANS A GEOGRAPHIC AREA IN WHICH
13 BROADBAND INTERNET ACCESS SERVICE IS NOT AVAILABLE FROM ANY
14 PROVIDER AT SPEEDS MEETING OR EXCEEDING THE MINIMUM BROADBAND
15 BENCHMARKS ESTABLISHED BY THE FEDERAL COMMUNICATIONS
16 COMMISSION FOR FIXED BROADBAND AND MOBILE BROADBAND. A COUNTY
17 SHALL DETERMINE WHETHER AN AREA IS UNSERVED BY REFERENCE TO THE
18 FEDERAL COMMUNICATIONS COMMISSION BROADBAND COVERAGE MAPS
19 AVAILABLE AS OF JANUARY 1 IN THE CALENDAR YEAR IN WHICH THE
20 COUNTY AND THE TAXPAYER NEGOTIATE AN INCENTIVE PAYMENT OR
21 CREDIT.

22 (3) (a) NOTWITHSTANDING ANY LAW TO THE CONTRARY, A
23 COUNTY MAY NEGOTIATE AN INCENTIVE PAYMENT OR CREDIT WITH A
24 TAXPAYER THAT ESTABLISHES OR EXPANDS A QUALIFIED COMMUNICATION
25 SERVICES FACILITY IN THE COUNTY IF THE FACILITY SERVES AN UNSERVED
26 OR UNDERSERVED AREA.

27 (b) THE BURDEN IS ON A TAXPAYER SEEKING TAX RELIEF TO

1 DEMONSTRATE, TO THE SATISFACTION OF THE COUNTY, THAT THE AREA TO
2 BE SERVED BY THE PROPOSED INVESTMENT IS AN UNSERVED OR
3 UNDERSERVED AREA. THE TAXPAYER SHALL RELY ON THE FEDERAL
4 COMMUNICATIONS COMMISSION BROADBAND COVERAGE MAPS AVAILABLE
5 AS OF JANUARY 1 IN THE CALENDAR YEAR IN WHICH THE COUNTY AND THE
6 TAXPAYER NEGOTIATE AN INCENTIVE PAYMENT OR CREDIT TO MAKE THE
7 DETERMINATION.

8 (c) A COUNTY SHALL NOT NEGOTIATE AN INCENTIVE PAYMENT OR
9 CREDIT THAT EXCEEDS THE AMOUNT OF THE TAXES LEVIED BY THE
10 COUNTY UPON THE TAXABLE REAL PROPERTY OR BUSINESS PERSONAL
11 PROPERTY LOCATED AT OR WITHIN THE QUALIFIED COMMUNICATION
12 SERVICES FACILITY FOR THE CURRENT PROPERTY TAX YEAR.

13 (4) A COUNTY SHALL EXERCISE THE AUTHORITY GRANTED UNDER
14 THIS SECTION IN A NONDISCRIMINATORY, NONEXCLUSIVE, AND
15 COMPETITIVELY NEUTRAL MANNER. TO THE EXTENT THAT A COUNTY
16 AWARDS AN INCENTIVE PAYMENT OR CREDIT UNDER THIS SECTION, THE
17 COUNTY SHALL AWARD SUBSEQUENT INCENTIVE PAYMENTS OR CREDITS
18 UNDER SIMILAR TERMS AND CONDITIONS AS THE INITIAL AWARD AND
19 BASED ON A PROPORTIONATE LEVEL OF INVESTMENT IN A QUALIFIED
20 COMMUNICATION SERVICES FACILITY IN THE COUNTY.

21 (5) A COUNTY THAT NEGOTIATES AN AGREEMENT PURSUANT TO
22 THIS SECTION SHALL INFORM ANY MUNICIPALITY, SPECIAL DISTRICT AS
23 DEFINED IN SECTION 32-1-103, AND SCHOOL DISTRICT IN WHICH THE
24 QUALIFIED COMMUNICATION SERVICES FACILITY WILL BE ESTABLISHED OR
25 EXPANDED OF THE NEGOTIATIONS WITH THE TAXPAYER.

26 (6) A COUNTY MAY ADJUST THE AMOUNT OF ITS TAX LEVY
27 AUTHORIZED PURSUANT TO SECTION 29-1-301 OR PURSUANT TO A COUNTY

1 HOME RULE CHARTER, WHICHEVER IS APPLICABLE, BY AN ADDITIONAL
2 AMOUNT THAT DOES NOT EXCEED THE TOTAL AMOUNT OF ANNUAL
3 INCENTIVE PAYMENTS OR CREDITS THAT THE COUNTY MAKES.

4 **SECTION 2.** In Colorado Revised Statutes, add 32-1-1703 as
5 follows:

6 **32-1-1703. Property tax relief for communication services**
7 **deployment - legislative declaration - definitions.** (1) THE GENERAL
8 ASSEMBLY FINDS AND DECLARES THAT:

9 (a) THE INTENDED PURPOSE OF THE TAX RELIEF CREATED IN THIS
10 SECTION IS TO ENCOURAGE THE DEPLOYMENT OF COMMUNICATION
11 SERVICES INFRASTRUCTURE THROUGHOUT THE STATE, PARTICULARLY IN
12 RURAL, UNSERVED, AND UNDERSERVED AREAS, AND TO CREATE
13 INCENTIVES FOR INVESTMENTS IN NEW COMMUNICATION SERVICES
14 INFRASTRUCTURE IN ADDITION TO INCENTIVES ALREADY CREATED BY
15 OTHER STATE OR FEDERAL LAW;

16 (b) FINANCIAL INCENTIVES IN THE FORM OF TAX RELIEF ARE
17 NECESSARY TO ATTRACT INVESTMENT AND FREE UP RESOURCES FOR
18 COMMUNICATION SERVICES DEPLOYMENT, PARTICULARLY IN AREAS THAT
19 HAVE BEEN DESIGNATED AS UNSERVED OR UNDERSERVED. THE
20 INCENTIVES CAN BE PARTICULARLY EFFECTIVE WHEN OFFERED AT THE
21 LOCAL LEVEL BY SPECIAL DISTRICTS THAT HAVE THE AUTHORITY TO
22 APPROVE THE RELIEF BASED ON SPECIFIC CRITERIA.

23 (c) PROVIDING TAX RELIEF STIMULATES ECONOMIC DEVELOPMENT
24 IN THE STATE AND SUPPORTS THE EXPANSION OF ESSENTIAL
25 COMMUNICATION SERVICES TO UNSERVED AREAS; AND

26 (d) WIRELESS TELECOMMUNICATIONS TECHNOLOGIES, WHILE
27 SEEMINGLY INDEPENDENT, CRITICALLY RELY ON FORMS OF BROADBAND

1 LIKE FIBER AND LANDLINE NETWORKS FOR ESSENTIAL FUNCTIONS, SUCH AS
2 BACKHAUL, WHICH CONNECTS CELL TOWERS TO THE INTERNET BACKBONE
3 AND WHICH IS OFTEN PERFORMED BY NONWIRELESS PROVIDERS.
4 THEREFORE, THE POLICIES THAT IMPACT BROADBAND INFRASTRUCTURE
5 MUST CONSIDER THE INTERCONNECTEDNESS OF ALL TECHNOLOGIES,
6 INCLUDING THE DEPENDENCE OF WIRELESS TELECOMMUNICATIONS ON THE
7 BROADER ECOSYSTEM, TO ENSURE EFFECTIVE AND COMPREHENSIVE
8 WIRELESS AND BROADBAND ACCESS FOR ALL COLORADANS.

9 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
10 REQUIRES:

11 (a) "QUALIFIED COMMUNICATION SERVICES FACILITY" HAS THE
12 MEANING SET FORTH IN SECTION 39-3-139 (2)(b).

13 (b) "UNDERSERVED" HAS THE MEANING SET FORTH IN SECTION
14 39-3-139 (2)(c) AND APPLIES TO A SPECIAL DISTRICT'S DETERMINATION OF
15 WHETHER AN AREA IS UNDERSERVED IN THE SAME MANNER DESCRIBED
16 FOR A COUNTY'S DETERMINATION IN SECTION 39-3-139 (2)(c).

17 (c) "UNSERVED AREA" HAS THE MEANING SET FORTH IN SECTION
18 39-3-139 (2)(d) AND APPLIES TO A SPECIAL DISTRICT'S DETERMINATION OF
19 WHETHER AN AREA IS UNSERVED IN THE SAME MANNER DESCRIBED FOR A
20 COUNTY'S DETERMINATION IN SECTION 39-3-139 (2)(d).

21 (3)(a) NOTWITHSTANDING ANY LAW TO THE CONTRARY, A SPECIAL
22 DISTRICT MAY NEGOTIATE AN INCENTIVE PAYMENT OR CREDIT WITH A
23 TAXPAYER THAT ESTABLISHES OR EXPANDS A QUALIFIED COMMUNICATION
24 SERVICES FACILITY IN THE SPECIAL DISTRICT IF THE FACILITY SERVES AN
25 UNSERVED OR UNDERSERVED AREA.

26 (b) THE BURDEN IS ON A TAXPAYER SEEKING TAX RELIEF TO
27 DEMONSTRATE, TO THE SATISFACTION OF THE SPECIAL DISTRICT, THAT THE

1 AREA TO BE SERVED BY THE PROPOSED INVESTMENT IS AN UNSERVED OR
2 UNDERSERVED AREA. THE TAXPAYER SHALL RELY ON THE FEDERAL
3 COMMUNICATIONS COMMISSION BROADBAND COVERAGE MAPS AVAILABLE
4 AS OF JANUARY 1 IN THE CALENDAR YEAR IN WHICH THE SPECIAL DISTRICT
5 AND THE TAXPAYER NEGOTIATE AN INCENTIVE PAYMENT OR CREDIT TO
6 MAKE THE DETERMINATION.

7 (c) A SPECIAL DISTRICT SHALL NOT NEGOTIATE AN INCENTIVE
8 PAYMENT OR CREDIT THAT EXCEEDS THE AMOUNT OF THE TAXES LEVIED
9 BY THE SPECIAL DISTRICT UPON THE TAXABLE REAL PROPERTY OR
10 BUSINESS PERSONAL PROPERTY LOCATED AT OR WITHIN THE QUALIFIED
11 COMMUNICATION SERVICES FACILITY FOR THE CURRENT PROPERTY TAX
12 YEAR.

13 (4) A SPECIAL DISTRICT SHALL EXERCISE THE AUTHORITY GRANTED
14 UNDER THIS SECTION IN A NONDISCRIMINATORY, NONEXCLUSIVE, AND
15 COMPETITIVELY NEUTRAL MANNER. TO THE EXTENT THAT A SPECIAL
16 DISTRICT AWARDS AN INCENTIVE PAYMENT OR CREDIT UNDER THIS
17 SECTION, THE SPECIAL DISTRICT SHALL AWARD SUBSEQUENT INCENTIVE
18 PAYMENTS OR CREDITS UNDER SIMILAR TERMS AND CONDITIONS AS THE
19 INITIAL AWARD AND BASED ON A PROPORTIONATE LEVEL OF INVESTMENT
20 IN A QUALIFIED COMMUNICATION SERVICES FACILITY IN THE SPECIAL
21 DISTRICT.

22 (5) A SPECIAL DISTRICT THAT NEGOTIATES AN AGREEMENT
23 PURSUANT TO THIS SECTION SHALL INFORM ANY MUNICIPALITY AND
24 COUNTY IN WHICH THE QUALIFIED COMMUNICATION SERVICES FACILITY
25 WILL BE ESTABLISHED OR EXPANDED OF THE NEGOTIATIONS WITH THE
26 TAXPAYER.

27 (6) A SPECIAL DISTRICT MAY ADJUST THE AMOUNT OF ITS TAX

1 LEVY AUTHORIZED PURSUANT TO SECTION 29-1-301 BY AN ADDITIONAL
2 AMOUNT THAT DOES NOT EXCEED THE TOTAL AMOUNT OF ANNUAL
3 INCENTIVE PAYMENTS OR CREDITS THAT THE SPECIAL DISTRICT MAKES.

4 **SECTION 3.** In Colorado Revised Statutes, add 22-40-111 as
5 follows:

6 **22-40-111. Property tax relief for communication services**
7 **deployment - legislative declaration - definitions.** (1) THE GENERAL
8 ASSEMBLY FINDS AND DECLARES THAT:

9 (a) THE INTENDED PURPOSE OF THE TAX RELIEF CREATED IN THIS
10 SECTION IS TO ENCOURAGE THE DEPLOYMENT OF COMMUNICATION
11 SERVICES INFRASTRUCTURE THROUGHOUT THE STATE, PARTICULARLY IN
12 RURAL, UNSERVED, AND UNDERSERVED AREAS, AND TO CREATE
13 INCENTIVES FOR INVESTMENTS IN NEW COMMUNICATION SERVICES
14 INFRASTRUCTURE IN ADDITION TO INCENTIVES ALREADY CREATED BY
15 OTHER STATE OR FEDERAL LAW;

16 (b) FINANCIAL INCENTIVES IN THE FORM OF TAX RELIEF ARE
17 NECESSARY TO ATTRACT INVESTMENT AND FREE UP RESOURCES FOR
18 COMMUNICATION SERVICES DEPLOYMENT, PARTICULARLY IN AREAS THAT
19 HAVE BEEN DESIGNATED AS UNSERVED OR UNDERSERVED. THE
20 INCENTIVES CAN BE PARTICULARLY EFFECTIVE WHEN OFFERED AT THE
21 LOCAL LEVEL BY SCHOOL DISTRICTS THAT HAVE THE AUTHORITY TO
22 APPROVE THE RELIEF BASED ON SPECIFIC CRITERIA.

23 (c) PROVIDING TAX RELIEF STIMULATES ECONOMIC DEVELOPMENT
24 IN THE STATE AND SUPPORTS THE EXPANSION OF ESSENTIAL
25 COMMUNICATION SERVICES TO UNSERVED AND UNDERSERVED AREAS; AND

26 (d) WIRELESS TELECOMMUNICATIONS TECHNOLOGIES, WHILE
27 SEEMINGLY INDEPENDENT, CRITICALLY RELY ON FORMS OF BROADBAND

1 LIKE FIBER AND LANDLINE NETWORKS FOR ESSENTIAL FUNCTIONS, SUCH AS
2 BACKHAUL, WHICH CONNECTS CELL TOWERS TO THE INTERNET BACKBONE
3 AND WHICH IS OFTEN PERFORMED BY NONWIRELESS PROVIDERS.
4 THEREFORE, THE POLICIES THAT IMPACT BROADBAND INFRASTRUCTURE
5 MUST CONSIDER THE INTERCONNECTEDNESS OF ALL TECHNOLOGIES,
6 INCLUDING THE DEPENDENCE OF WIRELESS TELECOMMUNICATIONS ON THE
7 BROADER ECOSYSTEM, TO ENSURE EFFECTIVE AND COMPREHENSIVE
8 WIRELESS AND BROADBAND ACCESS FOR ALL COLORADANS.

9 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
10 REQUIRES:

11 (a) "QUALIFIED COMMUNICATION SERVICES FACILITY" HAS THE
12 MEANING SET FORTH IN SECTION 39-3-139 (2)(b).

13 (b) "UNDERSERVED" HAS THE MEANING SET FORTH IN SECTION
14 39-3-139 (2)(c) AND APPLIES TO A SCHOOL DISTRICT'S DETERMINATION OF
15 WHETHER AN AREA IS UNDERSERVED IN THE SAME MANNER DESCRIBED
16 FOR A COUNTY'S DETERMINATION IN SECTION 39-3-139 (2)(c).

17 (c) "UNSERVED AREA" HAS THE MEANING SET FORTH IN SECTION
18 39-3-139 (2)(d) AND APPLIES TO A SCHOOL DISTRICT'S DETERMINATION OF
19 WHETHER AN AREA IS UNSERVED IN THE SAME MANNER DESCRIBED FOR A
20 COUNTY'S DETERMINATION IN SECTION 39-3-139 (2)(d).

21 (3) (a) NOTWITHSTANDING ANY LAW TO THE CONTRARY, THE
22 BOARD OF EDUCATION OF A SCHOOL DISTRICT MAY NEGOTIATE AN
23 INCENTIVE PAYMENT OR CREDIT WITH A TAXPAYER THAT ESTABLISHES OR
24 EXPANDS A QUALIFIED COMMUNICATION SERVICES FACILITY IN THE
25 SCHOOL DISTRICT IF THE FACILITY SERVES AN UNSERVED OR
26 UNDERSERVED AREA.

27 (b) THE BURDEN IS ON A TAXPAYER SEEKING TAX RELIEF TO

1 DEMONSTRATE, TO THE SATISFACTION OF THE BOARD OF EDUCATION OF
2 THE SCHOOL DISTRICT, THAT THE AREA TO BE SERVED BY THE PROPOSED
3 INVESTMENT IS AN UNSERVED OR UNDERSERVED AREA. THE TAXPAYER
4 SHALL RELY ON THE FEDERAL COMMUNICATIONS COMMISSION
5 BROADBAND COVERAGE MAPS AVAILABLE AS OF JANUARY 1 IN THE
6 CALENDAR YEAR IN WHICH THE SCHOOL DISTRICT AND THE TAXPAYER
7 NEGOTIATE AN INCENTIVE PAYMENT OR CREDIT TO MAKE THE
8 DETERMINATION.

9 (c) THE BOARD OF EDUCATION OF A SCHOOL DISTRICT SHALL NOT
10 NEGOTIATE AN INCENTIVE PAYMENT OR CREDIT THAT EXCEEDS THE
11 AMOUNT OF THE TAXES LEVIED BY THE SCHOOL DISTRICT UPON THE
12 TAXABLE REAL PROPERTY OR BUSINESS PERSONAL PROPERTY LOCATED AT
13 OR WITHIN THE QUALIFIED COMMUNICATION SERVICES FACILITY FOR THE
14 CURRENT PROPERTY TAX YEAR.

15 (4) THE BOARD OF EDUCATION OF A SCHOOL DISTRICT SHALL
16 EXERCISE THE AUTHORITY GRANTED UNDER THIS SECTION IN A
17 NONDISCRIMINATORY, NONEXCLUSIVE, AND COMPETITIVELY NEUTRAL
18 MANNER. TO THE EXTENT THAT A SCHOOL DISTRICT AWARDS AN
19 INCENTIVE PAYMENT OR CREDIT UNDER THIS SECTION, THE SCHOOL
20 DISTRICT SHALL AWARD SUBSEQUENT INCENTIVE PAYMENTS OR CREDITS
21 UNDER SIMILAR TERMS AND CONDITIONS AS THE INITIAL AWARD AND
22 BASED ON A PROPORTIONATE LEVEL OF INVESTMENT IN A QUALIFIED
23 COMMUNICATION SERVICES FACILITY IN THE SCHOOL DISTRICT.

24 (5) THE BOARD OF EDUCATION OF A SCHOOL DISTRICT THAT
25 NEGOTIATES AN AGREEMENT PURSUANT TO THIS SECTION SHALL INFORM
26 ANY MUNICIPALITY AND COUNTY IN WHICH THE QUALIFIED
27 COMMUNICATION SERVICES FACILITY WILL BE ESTABLISHED OR EXPANDED

1 OF THE NEGOTIATIONS WITH THE TAXPAYER.

2 **SECTION 4.** In Colorado Revised Statutes, 39-26-129, **amend**
3 **(1)** as follows:

4 **39-26-129. Refund for property used in rural broadband**
5 **service - legislative declaration - tax preference performance**
6 **statement - definitions - repeal.** (1)(a) The general assembly FINDS AND
7 declares that: ~~the intended purpose of the tax refund created in this~~
8 ~~section is to encourage broadband providers to deploy broadband~~
9 ~~infrastructure in rural areas of the state and to create incentives for~~
10 ~~investment in broadband infrastructure in addition to the incentives~~
11 ~~already created by other state or federal law.~~

12 (I) EXPANDING ACCESS TO WIRELESS AND OTHER COMMUNICATION
13 SERVICES IS CRITICAL TO THE ECONOMIC AND SOCIAL WELL-BEING OF
14 COLORADO'S RESIDENTS AND BUSINESSES. RELIABLE COMMUNICATIONS
15 INFRASTRUCTURE SUPPORTS EDUCATION, HEALTH CARE, WORKFORCE
16 DEVELOPMENT, AND ECONOMIC COMPETITIVENESS.

17 (II) COLORADO RECEIVES ONGOING FEDERAL FUNDING OF MORE
18 THAN ONE BILLION DOLLARS TO FACILITATE BROADBAND DEPLOYMENT TO
19 UNSERVED AND UNDERSERVED HOUSEHOLDS IN THE STATE;

20 (III) REQUIRING COMMUNICATIONS PROVIDERS TO PAY SALES AND
21 USE TAXES ON FEDERAL-FUNDED AND STATE-FUNDED DEPLOYMENT IS
22 COUNTERPRODUCTIVE, BECAUSE IT REDUCES THE EFFICACY AND IMPACT
23 OF THESE GRANTS BY EFFECTIVELY TAXING MONEY INTENDED FOR
24 COMMUNICATIONS EXPANSION AND CREATING A STRUCTURAL
25 INEFFICIENCY;

26 (IV) THE PURPOSE OF THIS SECTION IS TO UPDATE AND
27 STREAMLINE THE ADMINISTRATION OF THE EXISTING SALES TAX REBATE

1 FOR BROADBAND INFRASTRUCTURE ENACTED IN 2014. THIS SECTION
2 ENSURES THAT TAX RELIEF IS MORE EFFICIENTLY DELIVERED, MORE
3 EFFECTIVELY TARGETS AREAS OF COLORADO IN NEED OF COMMUNICATION
4 SERVICES, AND EASES THE ADMINISTRATIVE BURDEN ON
5 COMMUNICATIONS PROVIDERS THAT APPLY FOR THE EXISTING REBATE
6 PROGRAM.

7 (V) WIRELESS TELECOMMUNICATIONS TECHNOLOGIES, WHILE
8 SEEMINGLY INDEPENDENT, CRITICALLY RELY ON FORMS OF BROADBAND
9 LIKE FIBER AND LANDLINE NETWORKS FOR ESSENTIAL FUNCTIONS, SUCH AS
10 BACKHAUL, WHICH CONNECTS CELL TOWERS TO THE INTERNET BACKBONE
11 AND WHICH IS OFTEN PERFORMED BY NONWIRELESS PROVIDERS.
12 THEREFORE, THE POLICIES THAT IMPACT BROADBAND INFRASTRUCTURE
13 MUST CONSIDER THE INTERCONNECTEDNESS OF ALL TECHNOLOGIES,
14 INCLUDING THE DEPENDENCE OF WIRELESS TELECOMMUNICATIONS ON THE
15 BROADER ECOSYSTEM, TO ENSURE EFFECTIVE AND COMPREHENSIVE
16 WIRELESS AND BROADBAND ACCESS FOR ALL COLORADANS.

17 (b) PURSUANT TO SECTION 39-21-304, THE GENERAL ASSEMBLY
18 ADOPTS THE FOLLOWING TAX PREFERENCE PERFORMANCE STATEMENT FOR
19 THE EXEMPTION CREATED IN THIS SECTION:

20 (I) THE SALES AND USE TAX EXEMPTION ESTABLISHED IN THIS
21 SECTION IS INTENDED TO:

22 (A) ELIMINATE THE STRUCTURAL INEFFICIENCY ASSOCIATED WITH
23 TAXING BROADBAND DEPLOYMENT GRANTS;

24 (B) STREAMLINE THE ADMINISTRATION OF TAX RELIEF FOR
25 PROVIDERS; AND

26 (C) INCENTIVIZE PRIVATE SECTOR INVESTMENT IN
27 INFRASTRUCTURE; AND

1 (II) THE EFFECTIVENESS OF THIS TAX EXPENDITURE SHALL BE
2 MEASURED BY:

3 (A) THE TOTAL AMOUNT OF PRIVATE AND PUBLIC INVESTMENT IN
4 BROADBAND INFRASTRUCTURE WITHIN COLORADO, INCLUDING
5 INFRASTRUCTURE FINANCED IN PART BY STATE AND FEDERAL GRANTS;

6 (B) THE EXTENT TO WHICH BROADBAND PROVIDERS UTILIZE THE
7 EXEMPTION TO INCREASE THE EFFICIENCY OF BROADBAND DEPLOYMENT
8 AND TO REDUCE PROJECT COSTS; AND

9 (C) THE AMOUNT BY WHICH ADMINISTRATIVE BURDENS ON
10 BROADBAND PROVIDERS ARE REDUCED, INCLUDING THE NUMBER OF
11 ENTITIES UTILIZING THE SALES TAX REFUND COMPARED TO THOSE
12 PREVIOUSLY APPLYING FOR THE SALES TAX REFUND.

13 **SECTION 5. Act subject to petition - effective date.** This act
14 takes effect at 12:01 a.m. on the day following the expiration of the
15 ninety-day period after final adjournment of the general assembly; except
16 that, if a referendum petition is filed pursuant to section 1 (3) of article V
17 of the state constitution against this act or an item, section, or part of this
18 act within such period, then the act, item, section, or part will not take
19 effect unless approved by the people at the general election to be held in
20 November 2026 and, in such case, will take effect on the date of the
21 official declaration of the vote thereon by the governor.