

**First Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 11-0153.01 Bob Lackner

HOUSE BILL 11-1005

HOUSE SPONSORSHIP

Sonnenberg,

SENATE SPONSORSHIP

Brophy,

House Committees

Agriculture, Livestock, & Natural Resources

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE REPEAL OF HOUSE BILL 10-1195 REGARDING A**
102 **SUSPENSION OF THE EXEMPTION FROM THE STATE SALES AND**
103 **USE TAXES FOR CERTAIN ITEMS USED IN AGRICULTURAL**
104 **PRODUCTION.**

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/billsummaries>.)

The bill repeals House Bill 10-1195, which suspended an exemption from the state sales and use taxes imposed on certain items

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.

used in agricultural production from the period March 1, 2010, through June 30, 2013.

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

2 **SECTION 1. Repeal.** 24-75-113 (6), Colorado Revised Statutes,
3 is repealed as follows:

4 **24-75-113. 2010 bills to increase state revenue - prohibition on**
5 **hiring of new state employees.** (6) ~~No moneys derived from the~~
6 ~~increase in state revenues resulting from the passage of House Bill~~
7 ~~10-1195, enacted in 2010, shall be appropriated for the purpose of~~
8 ~~funding additional full-time equivalent state employees.~~

9 **SECTION 2. Repeal.** 39-21-122 (7), Colorado Revised Statutes,
10 is repealed as follows:

11 **39-21-122. Revenue impact of 2010 tax legislation - tracking**
12 **by department.** (7) ~~The department of revenue shall account for all~~
13 ~~revenue attributable to the enactment of House Bill 10-1195, enacted in~~
14 ~~2010, and shall, to the extent such information is available, make~~
15 ~~quarterly reports to the general assembly regarding the quarterly and~~
16 ~~cumulative net revenue gain to the state resulting from the enactment of~~
17 ~~said bill.~~

18 **SECTION 3. Repeal.** 39-26-127 (1) (e), Colorado Revised
19 Statutes, is repealed as follows:

20 **39-26-127. Legislation modifying the state sales tax base - no**
21 **impact on local government sales tax bases - no expansion of local**
22 **authority to levy sales tax.** (1) Notwithstanding the provisions of
23 section 29-2-105 (1) (d), C.R.S., any provision of title 32, C.R.S., or any
24 other provision of law, the levying of sales tax on, exemption from sales
25 tax for, or local option to levy sales tax on or provide an exemption from

1 sales tax for any tangible personal property or services under the sales tax
2 ordinance or resolution of any county, municipality, special district,
3 authority, or other local government or political subdivision of the state
4 shall not be affected in any way by the elimination, suspension, or
5 modification of any sales tax exemption or any other legislative
6 modification of the state sales tax base resulting from the enactment of
7 any of the following bills:

8 (e) ~~House Bill 10-1195, enacted in 2010.~~

9 **SECTION 4. Repeal.** 39-26-212 (1) (e), Colorado Revised
10 Statutes, is repealed as follows:

11 **39-26-212. Legislation modifying the state use tax base - no**
12 **impact on local government use tax bases - no expansion of local**
13 **authority to levy use tax.** (1) Notwithstanding the provisions of section
14 29-2-105 (1) (d), C.R.S., any provision of title 32, C.R.S., or any other
15 provision of law, the levying of use tax on, exemption from use tax for,
16 or local option to levy use tax on or provide an exemption from use tax
17 for any tangible personal property or services under the use tax ordinance
18 or resolution of any county, municipality, special district, authority, or
19 other local government or political subdivision of the state shall not be
20 affected in any way by the elimination, suspension, or modification of any
21 use tax exemption or any other legislative modification of the state use
22 tax base resulting from the enactment of any of the following bills:

23 (e) ~~House Bill 10-1195, enacted in 2010.~~

24 **SECTION 5.** 39-26-716 (2) (d), (2) (e), (3) (d), (3) (e), and (5),
25 Colorado Revised Statutes, are amended to read:

26 **39-26-716. Agriculture and livestock - special fuels -**
27 **definitions.** (2) The following shall be exempt from taxation under the

1 provisions of part 1 of this article:

2 ~~(d) Except as otherwise provided in subsection (5) of this section,~~
3 All sales and purchases of agricultural compounds to be consumed by,
4 administered to, or otherwise used in caring for livestock and all sales and
5 purchases of semen for agricultural or ranching purposes; and

6 ~~(e) Except as otherwise provided in subsection (5) of this section,~~
7 All sales and purchases of pesticides that are registered by the
8 commissioner of agriculture for use in the production of agricultural and
9 livestock products pursuant to the provisions of the "Pesticide Act",
10 article 9 of title 35, C.R.S., and offered for sale by dealers licensed to sell
11 such pesticides pursuant to section 35-9-115, C.R.S.

12 (3) The following shall be exempt from taxation under the
13 provisions of part 2 of this article:

14 ~~(d) Except as otherwise provided in subsection (5) of this section,~~
15 The storage, use, or consumption of agricultural compounds to be
16 consumed by, administered to, or otherwise used in caring for livestock
17 and semen used for agricultural or ranching purposes; and

18 ~~(e) Except as otherwise provided in subsection (5) of this section,~~
19 The storage, use, or consumption of pesticides that are registered by the
20 commissioner of agriculture for use in the production of agricultural and
21 livestock products pursuant to the provisions of the "Pesticide Act",
22 article 9 of title 35, C.R.S., and offered for sale by dealers licensed to sell
23 such pesticides pursuant to section 35-9-115, C.R.S.

24 ~~(5) Notwithstanding any other provision of law, all sales and~~
25 ~~purchases of the items described in paragraph (d) or (e) of subsection (2)~~
26 ~~or paragraph (d) or (e) of subsection (3) of this section shall not be~~
27 ~~exempt from state sales and use taxation under the provisions of this~~

1 ~~article for the period commencing March 1, 2010, and ending June 30,~~
2 ~~2013.~~

3 **SECTION 6. Safety clause.** The general assembly hereby finds,
4 determines, and declares that this act is necessary for the immediate
5 preservation of the public peace, health, and safety.