

**Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO**

PREAMENDED

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

LLS NO. 10-0741.01 Bob Lackner

HOUSE BILL 10-1195

HOUSE SPONSORSHIP

Ferrandino,

SENATE SPONSORSHIP

Heath,

House Committees

Finance
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE SUSPENSION OF THE EXEMPTION FROM THE STATE**
102 **SALES AND USE TAXES FOR CERTAIN ITEMS USED IN**
103 **AGRICULTURAL PRODUCTION, AND MAKING AN APPROPRIATION**
104 **THEREFOR.**

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 suspends the exemption from the state sales and use taxes for the sale or storage, use, or consumption of agricultural compounds

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 caring for livestock, semen for agricultural and ranching purposes, and pesticides for use in the production of agricultural and livestock products for the period beginning March 1, 2010, and ending June 30, 2013. The bill also prevents the suspension of the exemption from affecting sales or use taxes levied by towns, cities, counties, or other political subdivisions of the state that are based on the state sales or use tax unless a town, city, county, or political subdivision expressly subjects such sale or storage, use, or consumption to its sales or use tax for the specified period at the time of adoption of its initial sales or use tax ordinance or resolution or subsequent amendment to the ordinance or resolution.

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

2 **SECTION 1.** 39-26-716 (2) (d), (2) (e), (3) (d), and (3) (e),
3 Colorado Revised Statutes, are amended, and the said 39-26-716 is
4 further amended BY THE ADDITION OF A NEW SUBSECTION, to
5 read:

6 **39-26-716. Agriculture and livestock - special fuels -**
7 **definitions.** (2) The following shall be exempt from taxation under the
8 provisions of part 1 of this article:

9 (d) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (5) OF THIS
10 SECTION, all sales and purchases of agricultural compounds to be
11 consumed by, administered to, or otherwise used in caring for livestock
12 and all sales and purchases of semen for agricultural or ranching
13 purposes; and

14 (e) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (5) OF THIS
15 SECTION, all sales and purchases of pesticides that are registered by the
16 commissioner of agriculture for use in the production of agricultural and
17 livestock products pursuant to the provisions of the "Pesticide Act",
18 article 9 of title 35, C.R.S., and offered for sale by dealers licensed to sell
19 such pesticides pursuant to section 35-9-115, C.R.S.

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

3 (d) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (5) OF THIS
4 SECTION, the storage, use, or consumption of agricultural compounds to
5 be consumed by, administered to, or otherwise used in caring for
6 livestock and semen used for agricultural or ranching purposes; and

7 (e) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (5) OF THIS
8 SECTION, the storage, use, or consumption of pesticides that are registered
9 by the commissioner of agriculture for use in the production of
10 agricultural and livestock products pursuant to the provisions of the
11 "Pesticide Act", article 9 of title 35, C.R.S., and offered for sale by
12 dealers licensed to sell such pesticides pursuant to section 35-9-115,
13 C.R.S.

14 (5) NOTWITHSTANDING ANY OTHER PROVISION OF LAW:

15 (a) ALL SALES AND PURCHASES OF THE ITEMS DESCRIBED IN
16 PARAGRAPH (d) OR (e) OF SUBSECTION (2) OR PARAGRAPH (d) OR (e) OF
17 SUBSECTION (3) OF THIS SECTION SHALL NOT BE EXEMPT FROM TAXATION
18 UNDER THE PROVISIONS OF THIS ARTICLE FOR THE PERIOD COMMENCING
19 MARCH 1, 2010, AND ENDING JUNE 30, 2013; AND

20 (b) IN THE CASE OF ANY TOWN, CITY, COUNTY, OR OTHER
21 POLITICAL SUBDIVISION OF THE STATE THAT LEVIES A SALES OR USE TAX
22 BASED ON THE SALES OR USE TAX LEVIED BY THE STATE PURSUANT TO THIS
23 ARTICLE, ON OR AFTER MARCH 1, 2010, AND BEFORE JULY 1, 2013, THE
24 SALE OR STORAGE, USE, OR CONSUMPTION OF THE ITEMS DESCRIBED IN
25 PARAGRAPH (d) OR (e) OF SUBSECTION (2) OR PARAGRAPH (d) OR (e) OF
26 SUBSECTION (3) OF THIS SECTION SHALL BE EXEMPT FROM THE SALES OR
27 USE TAX OF SUCH TOWN, CITY, COUNTY, OR OTHER POLITICAL SUBDIVISION

1 OF THE STATE UNLESS THE TOWN, CITY, COUNTY, OR POLITICAL
2 SUBDIVISION EXPRESSLY SUBJECTS SUCH SALE OR STORAGE, USE, OR
3 CONSUMPTION TO ITS SALES OR USE TAX FOR SAID PERIOD AT THE TIME OF
4 ADOPTION OF ITS INITIAL SALES OR USE TAX ORDINANCE OR RESOLUTION
5 OR SUBSEQUENT AMENDMENT THERETO.

6 **SECTION 2. Appropriation.** In addition to any other
7 appropriation, there is hereby appropriated, out of any moneys in the
8 general fund not otherwise appropriated, to the department of revenue, for
9 allocation to the taxation business group, taxation and compliance
10 division, for the fiscal year beginning July 1, 2009, the sum of ninety-four
11 thousand three hundred twenty-two dollars (\$94,322) and 0.9 FTE, or so
12 much thereof as may be necessary, for the implementation of this act.

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