

NOTE: This bill has been prepared for the signature of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

An Act

SENATE BILL 11-223

BY SENATOR(S) Hodge, Steadman, Lambert;
also REPRESENTATIVE(S) Gerou, Acree, Balmer, Barker, Becker, Beezley, Bradford, Coram, DelGrosso, Ferrandino, Gardner B., Holbert, Joshi, Kerr J., Liston, Looper, Murray, Nikkel, Priola, Ramirez, Scott, Sonnenberg, Stephens, Summers, Waller, McNulty.

CONCERNING STATE SALES TAX REVENUES RETAINED BY A VENDOR AS COMPENSATION FOR EXPENSES INCURRED BY THE VENDOR IN THE COLLECTION AND REMITTANCE OF SUCH TAX REVENUES TO THE STATE, AND MAKING AN APPROPRIATION THEREFOR.

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

SECTION 1. 39-26-105 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

39-26-105. Vendor liable for tax - repeal.

(1)(g)(I) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, THE AMOUNT RETAINED BY A VENDOR TO COVER THE VENDOR'S EXPENSE IN COLLECTING AND REMITTING TAX PURSUANT TO THIS SECTION SHALL NOT EXCEED AN AMOUNT EQUAL TO TWO AND TWENTY-TWO ONE-HUNDREDTHS PERCENT OF ALL SALES TAX REPORTED ON ANY RETURN MADE ON OR AFTER JULY 1, 2011, BUT PRIOR TO JULY 1, 2014.

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(II) THIS PARAGRAPH (g) IS REPEALED, EFFECTIVE DECEMBER 31, 2016.

SECTION 2. The appropriation to the department of revenue for the fiscal year beginning July 1, 2010, as enacted in Part XIX (2), (4) (C), and the affected totals of section 2 of chapter 453, Session Laws of Colorado 2010 (HB 10-1376), as amended by section 1 of Senate Bill 11-152, are amended to read:

Section 2. **Appropriation.**

APPROPRIATION FROM

ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$
PART XIX						
DEPARTMENT OF REVENUE						
(2) CENTRAL DEPARTMENT OPERATIONS DIVISION						
Personal Services	5,165,192		4,766,781		315,606 ^a	82,805 ^b
	(102.0 FTE)					
Seasonal Tax Processing	397,545		397,545			
Operating Expenses	1,191,888		1,055,001		136,887 ^c	
Postage	2,902,699		2,639,800		262,899 ^d	
	2,972,082		2,709,183			
Pueblo Data Entry Center						
Payments	1,879,728		1,875,719		4,009 ^e	
Document Imaging and Storage	394,290		394,290			
		11,931,342				
		12,000,725				

^a This amount shall be from the following funds for the purpose of indirect cost recoveries: \$97,786 shall be from the Highway Users Tax Fund pursuant to Section 43-4-201 (3) (a) (III) (C), C.R.S., \$62,970 shall be from the Colorado State Titling and Registration Account, a subaccount of the Highway Users Tax Fund, created in Section 42-1-211 (2), C.R.S., \$46,161 shall be from the Licensing Services Cash Fund created in Section 42-2-114.5 (1), C.R.S., \$29,873 shall be from the Driver's License Administrative Revocation Account, a subaccount of the Highway Users Tax Fund, created in Section 42-2-132 (4) (b) (I) (A), C.R.S., \$24,648 shall be from the Auto Dealers License Fund created in Section 12-6-123 (1), C.R.S., \$18,290 shall be from the Liquor Enforcement Division and State Licensing Authority Cash Fund created in Section 24-35-401, C.R.S., \$13,500 shall be from the Department of Revenue Subaccount of the Automobile Inspection and Readjustment Account of the Highway Users Tax Fund created in Section 42-3-304 (18) (c), C.R.S., \$10,190 shall be from the Racing Cash Fund created in Section 12-60-205 (1), C.R.S., \$4,702 shall be from the First Time Drunk Driving Offender Account of the Highway Users Tax Fund created in Section 42-2-132 (4) (b) (II) (A), C.R.S., \$3,571 shall be from the Outstanding Judgments and Warrants Account as administered under the provisions of Section 42-2-118 (3) (c), C.R.S., \$1,307 shall be from the Highway Users Tax Fund exempt from the statutory limit pursuant to Section 43-4-201 (3) (a) (V), C.R.S., \$1,220 shall be from the Penalty Assessment Account as administered under the provisions of Section 42-1-217 (2), C.R.S., \$871 shall be from the Motorist Insurance Identification Account, a subaccount of the Highway Users Tax Fund, created in Section 42-3-304 (18) (d) (I), C.R.S., \$412 shall be from the Aviation Fund created in Section 43-10-109 (1), C.R.S., and \$105 shall be from the Waste Tire Recycling Development Cash Fund created in Section 25-17-202 (3) (a), C.R.S.

^b This amount shall be from the Limited Gaming Fund created in Section 12-47.1-701 (1), C.R.S.

APPROPRIATION FROM

ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$

^c Of this amount, \$86,945 shall be from the Identification Security Fund, a subaccount of the Highway Users Tax Fund, created in Section 42-1-220 (1), C.R.S., and \$49,942 shall be from the Outstanding Judgments and Warrants Account as administered under the provisions of Section 42-2-118 (3) (c), C.R.S.

^d Of this amount, \$13,909 shall be from the Highway Users Tax Fund pursuant to Section 43-4-201 (3) (a) (III) (C), C.R.S., and \$248,990 shall be from various sources of cash funds.

^e This amount shall be from various sources of cash funds.

(4) TAXATION BUSINESS GROUP

(C) Taxpayer Service Division

Personal Services	4,638,705 (80.4 FTE)		4,548,101		90,604 ^a
Operating Expenses	402,035 461,348		401,535 460,848		500 ^b
Fuel Tracking System	485,386				485,386 ^c (1.5 FTE)
	5,526,126				
	5,585,439				

^a Of this amount, \$70,399 shall be from the Private Letter Ruling Fund created in Section 24-35-103.5 (6), C.R.S., and \$20,205 shall be from the Aviation Fund created in Section 43-10-109 (1), C.R.S.

^b This amount shall be from the Private Letter Ruling Fund created in Section 24-35-103.5 (6), C.R.S.

^c This amount shall be from the Highway Users Tax Fund exempt from the statutory limit pursuant to Section 43-4-201 (3) (a) (V), C.R.S.

TOTALS PART XIX

(REVENUE)	\$716,432,437	\$90,145,719*		\$623,308,693 ^b	\$1,494,825	\$1,483,200
	\$716,561,133	\$90,274,415 ^a				

^a Of this amount, \$19,500,000 is included as information for the purpose of complying with the limitation on state fiscal year spending imposed by Article X, Section 20 of the State Constitution. These amounts are continuously appropriated by a permanent statute or constitutional provision, and shall not be deemed to be an appropriation subject to the limitations of Section 24-75-201.1, C.R.S.

^b Of this amount, \$10,815,405 is from the Highway Users Tax Fund pursuant to Section 43-4-201 (3) (a) (III) (C), C.R.S., and \$495,330 is from the Highway Users Tax Fund exempt from the statutory limit pursuant to Section 43-4-201 (3) (a) (V), C.R.S.

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

Brandon C. Shaffer
PRESIDENT OF
THE SENATE

Frank McNulty
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO