First Regular Session Sixty-eighth General Assembly STATE OF COLORADO

REREVISED

This Version Includes All Amendments Adopted in the Second House SENATE BILL 11-223

LLS NO. 11-0976.01 Troy Bratton

SENATE SPONSORSHIP

Hodge, Steadman, Lambert

Gerou,

HOUSE SPONSORSHIP

Senate Committees Appropriations House Committees Appropriations

A BILL FOR AN ACT

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

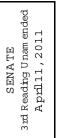
Bill Summary

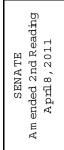
(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at http://www.leg.state.co.us/billsummaries.)

A retail vendor is normally allowed to retain three and one-third percent of the state sales taxes collected by the vendor to compensate for

HOUSE 3rd Reading Unam ended April14, 2011

HOUSE 2nd Reading Unam ended April13, 2011





the vendor's expenses incurred in collecting and remitting such tax (vendor fee). The vendor fee was suspended on July 1, 2009, and is currently set to resume on July 1, 2011. When the vendor fee resumes, the bill reduces the amount of the fee to 2.22% of the sales taxes collected until July 1, 2014, at which point it would return to the full three and one-third percent.

1	Be it enacted by the General Assembly of the State of Colorado:								
2	SECTION 1. 39-26-105 (1), Colorado Revised Statutes, is								
3	amended BY THE ADDITION OF A NEW PARAGRAPH to read:								
4	39-26-105. Vendor liable for tax - repeal.								
5	(1) (g) (I) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION,								
6	THE AMOUNT RETAINED BY A VENDOR TO COVER THE VENDOR'S EXPENSE								
7	IN COLLECTING AND REMITTING TAX PURSUANT TO THIS SECTION SHALL								
8	NOT EXCEED AN AMOUNT EQUAL TO TWO AND TWENTY-TWO								
9	ONE-HUNDREDTHS PERCENT OF ALL SALES TAX REPORTED ON ANY RETURN								
10	MADE ON OR AFTER JULY 1, 2011, BUT PRIOR TO JULY 1, 2014.								
11	(II) THIS PARAGRAPH (g) IS REPEALED, EFFECTIVE DECEMBER 31,								
12	2016.								
13	SECTION 2. The appropriation to the department of revenue for								
14	the fiscal year beginning July 1, 2010, as enacted in Part XIX (2), (4) (C),								
15	and the affected totals of section 2 of chapter 453, Session Laws of								
16	Colorado 2010 (HB 10-1376), as amended by section 1 of Senate Bill								
17	11-152, are amended to read:								
18	Section 2. Appropriation.								

			_	APPROPRIATION FROM					
		ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT		ASH F INDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
		\$\$	\$	\$		\$	\$	\$	
1				DADT	VIV				
1				PART					
2				DEPARTMENT	<u>OF REVENUE</u>				
3									
4	4 (2) CENTRAL DEPARTMENT OPERATIONS DIVISION								
5	Personal Services	<u>5,165,192</u>		4,766,781			<u>315,606ª</u>	<u>82,805</u> ^{<u>b</u>}	
6		<u>(102.0 FTE)</u>							
7	Seasonal Tax Processing	<u>397,545</u>		<u>397,545</u>					
8	Operating Expenses	<u>1,191,888</u>		<u>1,055,001</u>			<u>136,887</u> ≗		
9	Postage	2,902,699		<u>2,639,800</u>			<u>262,899</u> ₫		
10		<u>2,972,082</u>		2,709,183					
11	Pueblo Data Entry Center								
12	Payments	<u>1,879,728</u>		<u>1,875,719</u>			<u>4,009</u> ≞		
13	Document Imaging and								
14	Storage	<u>394,290</u>		<u>394,290</u>					
15			<u>11,931,342</u>						

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		APPROPRIATION FROM						
ITEM SUBTOT	 AL GENI FU	ERAL GENE ND FUI EXEI	ND FUNE		OPRIATED FEDERAL NDS FUNDS			
\$	\$ \$	\$	\$	\$	\$			

12,000,725

2

1

3	^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)
4	(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
5	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
6	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
7	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
8	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
9	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
10	(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
11	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
12	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
13	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
14	Cash Fund created in Section 25-17-202 (3) (a), C.R.S.

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

				APPROPRIATION FROM					
		ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	
		\$	\$	\$	\$	\$	\$\$		
1	<u>≗Of this amount, \$86,945 sh</u>	all be from the Identifi	cation Security Fu	nd, a subaccount of	f the Highway Users	Tax Fund, created in S	Section 42-1-220 (1), C.R.S.,	and \$49,942 shall be	
2	from the Outstanding Judgm	ents and Warrants Acc	ount as administered	ed under the provis	ions of Section 42-2-	118 (3) (c), C.R.S.			
3	<u>^dOf this amount, \$13,909 sh</u>	all be from the Highwa	ay Users Tax Fund	pursuant to Section	<u>n 43-4-201 (3) (a) (III</u>	I) (C), C.R.S., and \$24	8,990 shall be from various s	sources of cash funds.	
4	[§] <u>This amount shall be from a</u>	various sources of cash	<u>funds.</u>						
5									
6	(4) TAXATION BUSINES	<u>S GROUP</u>							
7	(C) Taxpayer Service Divis	<u>sion</u>							
8	Personal Services	4,638,70	<u>5</u>	4,548,10	<u>1</u>	<u>90,6</u>	<u>04</u> ª		
9	=	<u>(80.4 FTE</u>	<u>3)</u>						
10	Operating Expenses	402,03	<u>5</u>	<u>401,53</u>	5	<u>5</u>	<u>00</u> [⊨]		
11		<u>461,34</u>	<u>8</u>	460,848	8				
12	Fuel Tracking System	485,38	<u>6</u>			<u>485,3</u>	<u>86</u>		
13						<u>(1.5 FT</u>	<u>E)</u>		
14		5,526,12	<u>6</u>						
15		<u>5,585,43</u>	<u>9</u>						

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2	<u>a</u> Of this amount, \$70,399 shall be from the Privat	e Letter Ruling Fund	created in Section 24-35-103.5 (6).	C.R.S., and \$20,205 shall be fu	com the Aviation Fund	created in Section
3	<u>43-10-109 (1), C.R.S.</u>					
4	E This amount shall be from the Private Letter Rulir	ng Fund created in Sec	ction 24-35-103.5 (6), C.R.S.			
5	<u>≌This amount shall be from the Highway Users Tax</u>	Fund exempt from th	e statutory limit pursuant to Section	43-4-201 (3) (a) (V), C.R.S.		
6						
7	TOTALS PART XIX					
8	(REVENUE)	<u>\$716,432,437</u>	<u>\$90,145,719</u> ≝	<u>\$623,308,693</u> ^b	<u>\$1,494,825</u>	<u>\$1,483,200</u>
9		<u>\$716,561,133</u>	<u>\$90,274,415</u>			
10						
11	^a Of this amount, \$19,500,000 is included as inform	nation for the purpose	e of complying with the limitation of	n state fiscal year spending impo	osed by Article X, Sec	tion 20 of the State
12	Constitution. These amounts are continuously appro	opriated by a permane	nt statute or constitutional provision	, and shall not be deemed to be a	an appropriation subje	ct to the limitations
13	of Section 24-75-201.1, C.R.S.					
14	^b Of this amount, \$10,815,405 is from the Highway	Users Tax Fund purs	uant to Section 43-4-201 (3) (a) (III) (C), C.R.S., and \$495,330 is fr	om the Highway User	s Tax Fund exempt
15	from the statutory limit pursuant to Section 43-4-20	01 (3) (a) (V), C.R.S.				

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SECTION <u>3.</u> 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.