

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

PREAMENDED

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

LLS NO. 11-0153.01 Bob Lackner

HOUSE BILL 11-1005

HOUSE SPONSORSHIP

Sonnenberg and Becker,

SENATE SPONSORSHIP

Brophy,

House Committees

Agriculture, Livestock, & Natural Resources
Finance
Appropriations

Senate Committees

Finance
Appropriations

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, 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>.)

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.

HOUSE
3rd Reading Unamended
April 11, 2011

HOUSE
Amended 2nd Reading
April 8, 2011

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3 is repealed as follows: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10 is repealed as follows: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 ■ ■
19 **SECTION 3.** 39-26-716 (2) (d), (2) (e), (3) (d), (3) (e), and (5),
20 Colorado Revised Statutes, are amended to read:

21 **39-26-716. Agriculture and livestock - special fuels -**
22 **definitions.** (2) The following shall be exempt from taxation under the
23 provisions of part 1 of this article:

24 (d) ~~Except as otherwise provided in subsection (5) of this section,~~
25 All sales and purchases of agricultural compounds to be consumed by,

1 administered to, or otherwise used in caring for livestock and all sales and
2 purchases of semen for agricultural or ranching purposes; and

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

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

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

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

21 ~~(5) Notwithstanding any other provision of law, all sales and~~
22 ~~purchases of the items described in paragraph (d) or (e) of subsection (2)~~
23 ~~or paragraph (d) or (e) of subsection (3) of this section shall not be~~
24 ~~exempt from state sales and use taxation under the provisions of this~~
25 ~~article for the period commencing March 1, 2010, and ending June 30,~~
26 ~~2013.~~

27 **SECTION 4. Appropriation.** In addition to any other

1 appropriation, there is hereby appropriated, out of any moneys in the
2 general fund not otherwise appropriated, to the department of revenue, for
3 allocation to the central department operations division, for the fiscal year
4 beginning July 1, 2010, the sum of three hundred sixty-three dollars
5 (\$363), or so much thereof as may be necessary, for the implementation
6 of this act.

7 **SECTION 5. Appropriation.** In addition to any other
8 appropriation, there is hereby appropriated, out of any moneys in the
9 general fund not otherwise appropriated, to the department of revenue, for
10 allocation to the taxpayer business group, for allocation to the taxpayer
11 service division, for the fiscal year beginning July 1, 2010, the sum of
12 five thousand four hundred seventeen dollars (\$5,417), or so much
13 thereof as may be necessary, for the implementation of this act.

14 **SECTION 6. Effective date - applicability.** This act shall take
15 effect July 1, 2011.

16 **SECTION 7. Safety clause.** The general assembly hereby finds,
17 determines, and declares that this act is necessary for the immediate
18 preservation of the public peace, health, and safety.