

**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. 11-0829.01 Ed DeCecco

SENATE BILL 11-184

SENATE SPONSORSHIP

Steadman, Bacon, Boyd, Carroll, Giron, Guzman, Hodge, Hudak, Johnston, Morse, Nicholson, Shaffer B., Tochtrop

HOUSE SPONSORSHIP

Ferrandino, Duran, Fields, Hullinghorst, Kagan, Kefalas, Labuda, McCann, Pabon, Pace

Senate Committees

Finance
Appropriations

House Committees

Finance
Appropriations

A BILL FOR AN ACT

101 **CONCERNING TAX REPORTING, AND MAKING AN APPROPRIATION**
102 **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 establishes a tax amnesty program that is similar to the tax amnesty program conducted in June 2003. The tax amnesty program will be conducted during August and September 2011 and apply to taxes for which a return was required to be filed before December 31, 2010. Eligible taxpayers who owe specified taxes are able to report the taxes

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.*

SENATE
Amended 3rd Reading
April 11, 2011

SENATE
Amended 2nd Reading
April 8, 2011

owed and pay such amount plus 1/2 of the interest owed thereon or enter into an agreement with the department of revenue (department) to pay the taxes and all interest owed. A taxpayer who pays the full amount owed pursuant to the tax amnesty program would not be subject to any fines or civil or criminal penalties. Moneys received prior to January 1, 2012, pursuant to the tax amnesty program related to the income tax and the sales and use tax that would otherwise be deposited in the general fund shall instead be deposited in the tax amnesty cash fund.

The bill requires the department to prepare an annual tax expenditure report (report). The report includes information for every state tax and federal income tax regarding each tax expenditure, which is a tax provision that provides a gross or taxable income definition, deduction, exemption, credit, or rate for certain persons, types of income, transactions, or property that results in reduced tax revenue for the state. Among the information that will be included in the report is the decrease in revenue that results from the tax expenditure and the effect of the tax expenditure on the distribution of the tax burden by various income and business classes.

The department is required to:

- ! Provide copies of the report to each member of the general assembly;
- ! Present the report to the finance committees of the house of representatives and the senate;
- ! Make the report available for public inspection; and
- ! Publish the report on the department web site.

On and after January 1, 2012, any bill that creates a new tax expenditure or extends an expiring tax expenditure shall include a legislative declaration stating the intended purpose of the tax expenditure.

The moneys in the tax amnesty cash fund are to be used to pay for the department's costs in administering the tax amnesty program and for the department's costs in preparing the first tax expenditure report. Any leftover moneys will be transferred primarily to the state education fund.

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

2 **SECTION 1.** 39-21-201 (1), (2), (3) (a), (3) (b), (3) (d), (4), and
3 (8), Colorado Revised Statutes, are amended, and the said 39-21-201 is
4 further amended BY THE ADDITION OF A NEW SUBSECTION, to
5 read:

6 **39-21-201. Program established.** (1) Notwithstanding any other
7 provision of this title, title 29, title 32, or title 42, C.R.S., the executive

1 director shall conduct a tax amnesty program for any taxpayer liable for
2 the payment of any of the taxes specified in subsection (2) of this section
3 for which a return was required to be filed before ~~December 31, 2002~~
4 DECEMBER 31, 2010, including returns for which the department has
5 granted an extension beyond said date. The taxpayer amnesty program
6 shall be conducted ~~during June 2003~~ FROM OCTOBER 1, 2011, THROUGH
7 NOVEMBER 15, 2011 and shall not extend to any other period.

8 (2) A taxpayer eligible to participate in the tax amnesty program
9 shall include any taxpayer liable for payment of income taxes imposed
10 pursuant to article 22 of this title, ~~estate taxes imposed pursuant to article~~
11 ~~23.5 of this title, inheritance taxes imposed pursuant to article 24 of this~~
12 ~~title, gift taxes imposed pursuant to article 25 of this title,~~ sales and use
13 taxes imposed pursuant to article 26 of this title, gasoline and special fuel
14 taxes imposed pursuant to PART 1 OF article 27 of this title, cigarette taxes
15 imposed pursuant to article 28 of this title, taxes on tobacco products
16 imposed pursuant to article 28.5 of this title, severance taxes imposed
17 pursuant to article 29 of this title, ~~waste tire fees collected by the~~
18 ~~department pursuant to section 25-17-202, C.R.S.,~~ county or municipal
19 sales taxes collected by the executive director pursuant to article 2 of title
20 29, C.R.S., local marketing and promotion taxes collected by the
21 department pursuant to section 29-25-112, C.R.S., county lodging taxes
22 collected by the department pursuant to section 30-11-107.5, C.R.S.,
23 county rental taxes collected by the department pursuant to section
24 30-11-107.7, C.R.S., local improvement district sales taxes collected by
25 the department pursuant to section 30-20-604.5, C.R.S., regional
26 transportation district sales and use taxes imposed pursuant to article 9 of
27 title 32, C.R.S., Denver metropolitan scientific and cultural facilities

1 district sales and use taxes imposed pursuant to article 13 of title 32,
2 C.R.S., ~~Denver metropolitan major league baseball stadium district sales~~
3 ~~and use taxes imposed pursuant to article 14 of title 32, C.R.S.,~~
4 metropolitan football stadium district sales and use taxes imposed
5 pursuant to article 15 of title 32, C.R.S., and regional transportation
6 authority sales and use taxes collected by the department pursuant to
7 section 43-4-605 (1) (j), C.R.S.

8 (3) (a) Subject to the provisions of subsection (4) of this section,
9 the tax amnesty program shall permit any taxpayer liable for payment of
10 any taxes specified in subsection (2) of this section to ~~pay~~ REPORT the full
11 amount of the taxes for which the taxpayer is liable AND TO PAY THE FULL
12 AMOUNT OF SUCH TAXES, including one-half of any interest due, as
13 computed without the reduction pursuant to section 39-21-109 (1.5), on
14 or before ~~June 30, 2003~~ NOVEMBER 15, 2011, without the imposition of
15 any fine or other civil or criminal penalty otherwise provided by law.

16 (b) Subject to the provisions of subsection (4) of this section, the
17 tax amnesty program shall permit any taxpayer liable for payment of any
18 taxes specified in subsection (2) of this section to REPORT THE AMOUNT
19 OF THE TAXES FOR WHICH THE TAXPAYER IS LIABLE AND TO sign an
20 agreement to pay that shall be printed on the tax amnesty application form
21 and deliver the application and signed agreement to pay to the department
22 on or before ~~June 30, 2003~~ NOVEMBER 15, 2011, without the imposition
23 of any fine or other civil or criminal penalty otherwise provided by law.
24 If the taxpayer fails to pay the full amount of taxes owed and all interest
25 for which the taxpayer is liable pursuant to the terms of the tax amnesty
26 agreement to pay, the waiver provision of this paragraph (b) is void.

27 (d) If a taxpayer fails to pay the full amount of the tax liability by

1 ~~June 30, 2003~~ NOVEMBER 15, 2011, or fails to sign and file the agreement
2 to pay on the tax amnesty application by ~~June 30, 2003~~ NOVEMBER 15,
3 2011, and remain in compliance with the agreement to pay, or commits
4 willful fraud in filing pursuant to the terms of the tax amnesty program,
5 the taxpayer shall be subject to civil or criminal penalty, or both.

6 (4) (a) A taxpayer liable for the payment of any taxes specified in
7 subsection (2) of this section shall not be permitted to satisfy such
8 liability through the tax amnesty program if a notice of deficiency for the
9 liability has been mailed to the taxpayer before ~~June 1, 2003~~ OCTOBER 1,
10 2011.

11 (b) A taxpayer who is under investigation or being prosecuted for
12 criminal or fraudulent activity as of ~~June 1, 2003~~ OCTOBER 1, 2011, for
13 crimes related to any taxes collected by the department is not eligible to
14 participate in the tax amnesty program, regardless of whether the taxes
15 owed for which the taxpayer seeks amnesty are the taxes on which the
16 investigation or prosecution is based.

17 (6.5) THE DEPARTMENT MAY CONTRACT WITH ONE OR MORE
18 INDEPENDENT CONTRACTORS TO ADMINISTER ANY PART OF THE TAX
19 AMNESTY PROGRAM ON BEHALF OF THE DEPARTMENT.

20 (8) The requirements of the Colorado procurement code, article
21 ~~101~~ ARTICLES 101 TO 112 of title 24, C.R.S., shall not apply to services
22 and products procured by the department for conducting an advertising
23 and publicity campaign pursuant to subsection (7) of PURSUANT TO this
24 section. The department shall award contracts for services and products
25 in good faith and in a manner that encourages, to the extent practicable,
26 competitive proposals. Offerors and potential offerors shall not have a
27 right to protest, recover bid preparation costs, or pursue any other remedy

1 provided by Colorado law for services and products procured by the
2 department for purposes of this article.

3 **SECTION 2.** Part 2 of article 21 of title 39, Colorado Revised
4 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
5 read:

6 **39-21-202. Tax amnesty cash fund - creation - uses - repeal.**

7 (1) THERE IS HEREBY CREATED IN THE STATE TREASURY THE TAX
8 AMNESTY CASH FUND, REFERRED TO IN THIS SECTION AS THE "FUND".
9 NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, ANY
10 PAYMENT RECEIVED BY THE DEPARTMENT PRIOR TO JANUARY 1, 2012, FOR
11 INCOME TAX OR SALES AND USE TAX FROM A TAXPAYER THAT IS MADE IN
12 ACCORDANCE WITH SECTION 39-21-201 THAT WOULD OTHERWISE BE
13 REQUIRED TO BE DEPOSITED IN THE GENERAL FUND SHALL INSTEAD BE
14 DEPOSITED IN THE FUND.

15 (2) (a) THE MONEYS IN THE FUND SHALL BE SUBJECT TO
16 APPROPRIATION BY THE GENERAL ASSEMBLY TO THE DEPARTMENT FOR ==
17 THE DIRECT AND INDIRECT COSTS ASSOCIATED WITH THE ADMINISTRATION
18 OF THIS PART 2 AND FOR THE PREPARATION OF THE FIRST TWO TAX PROFILE
19 AND EXPENDITURE REPORTS REQUIRED PURSUANT TO PART 3 OF THIS
20 ARTICLE. ANY MONEYS IN THE FUND NOT EXPENDED FOR SUCH PURPOSES
21 MAY BE INVESTED BY THE STATE TREASURER AS PROVIDED BY LAW. ALL
22 INTEREST AND INCOME DERIVED FROM THE INVESTMENT AND DEPOSIT OF
23 MONEYS IN THE FUND SHALL BE CREDITED TO THE FUND. ANY
24 UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE FUND AT
25 THE END OF ANY FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT
26 BE TRANSFERRED TO THE GENERAL FUND OR ANY OTHER FUND.

27 (b) THE STATE TREASURER SHALL TRANSFER THE BALANCE OF THE

1 FUND AS OF DECEMBER 31, 2011, MINUS ONE MILLION DOLLARS, AS
2 FOLLOWS:

3 (I) ONE HUNDRED SEVENTY-FIVE THOUSAND DOLLARS SHALL BE
4 TRANSFERRED TO THE GENERAL FUND. IF SUCH TRANSFER OCCURS, IT IS
5 THE INTENT OF THE GENERAL ASSEMBLY THAT SUCH AMOUNT BE
6 INCLUDED IN A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF
7 HEALTH CARE POLICY AND FINANCING FOR THE FISCAL YEAR COMMENCING
8 ON JULY 1, 2011, FOR ALLOCATION TO THE COMMISSION ON FAMILY
9 MEDICINE RESIDENCY TRAINING PROGRAMS.

10 (II) ANY MONEYS REMAINING AFTER THE TRANSFER SET FORTH IN
11 SUBPARAGRAPH (I) OF THIS PARAGRAPH (b) SHALL BE TRANSFERRED TO
12 THE STATE EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX
13 OF THE STATE CONSTITUTION.

14 (c) ON JUNE 30, 2012, THE STATE TREASURER SHALL TRANSFER AN
15 AMOUNT EQUAL TO THE MONEYS EXPENDED FROM THE GENERAL FUND BY
16 THE DEPARTMENT FOR THE ADMINISTRATION OF SECTION 39-21-201 TO
17 THE GENERAL FUND.

18 (d) NOTWITHSTANDING ANY PROVISION OF PARAGRAPH (a) OF THIS
19 SUBSECTION (2) TO THE CONTRARY, THE STATE TREASURER SHALL
20 TRANSFER THE UNEXPENDED AND UNENCUMBERED MONEYS IN THE FUND
21 AS OF JUNE 30, 2015, TO THE GENERAL FUND.

22 (3) THIS SECTION IS REPEALED, EFFECTIVE JANUARY 1, 2016.

23 **SECTION 3.** Article 21 of title 39, Colorado Revised Statutes, is
24 amended BY THE ADDITION OF A NEW PART to read:

25 PART 3

26 TAX PROFILE AND EXPENDITURE REPORT

27 **39-21-301. Legislative declaration.** (1) THE GENERAL
28 ASSEMBLY HEREBY FINDS AND DECLARES THAT:

1 (a) THE GENERAL ASSEMBLY USES BOTH DIRECT EXPENDITURE OF
2 GOVERNMENT FUNDS AND SPECIAL OR SELECTIVE TAX RELIEF, WHICH IS
3 KNOWN AS A TAX EXPENDITURE, TO FURTHER VARIOUS PUBLIC POLICY
4 GOALS;

5 (b) A TAX EXPENDITURE DIFFERS FROM A DIRECT SPENDING
6 PROGRAM BECAUSE A DIRECT SPENDING PROGRAM CONTINUES ONLY IF
7 FUNDS ARE APPROPRIATED FOR EACH BUDGET PERIOD, WHILE THE
8 CONTINUATION OF A TAX EXPENDITURE GENERALLY DOES NOT REQUIRE
9 ANY LEGISLATIVE ACTION;

10 (c) IN ADDITION, A DIRECT SPENDING PROGRAM IS GENERALLY
11 DETAILED ON THE EXPENDITURE SIDE OF THE BUDGET, BUT A TAX
12 EXPENDITURE IS SIMPLY INCLUDED ON THE REVENUE SIDE OF THE BUDGET
13 WITHOUT ITEMIZATION;

14 (d) A TAX EXPENDITURE SHOULD RECEIVE A PERIODIC AND
15 COMPREHENSIVE REVIEW AS TO ITS TOTAL COST AND EFFECTIVENESS IN
16 ACHIEVING ITS OBJECTIVES; ==

17 (e) IT IS IMPORTANT THAT STATE GOVERNMENT BE ACCOUNTABLE
18 AND TRANSPARENT IN SUCH A WAY THAT THE GENERAL PUBLIC CAN
19 UNDERSTAND THE VALUE OF TAX EXPENDITURES GIVEN BY THE STATE;
20 AND

21 (f) IN THE PAST, THE DEPARTMENT OF REVENUE HAS PUBLISHED A
22 COLORADO TAX PROFILE STUDY, WHICH INCLUDED A SUBSTANTIAL
23 AMOUNT OF USEFUL INFORMATION ABOUT STATE AND LOCAL TAXES.

24 (2) IN ENACTING THIS PART 3, IT IS THE INTENT OF THE GENERAL
25 ASSEMBLY TO CREATE A MEANS FOR PROVIDING THE GENERAL ASSEMBLY
26 AND THE PUBLIC WITH THIS VITAL TAX-RELATED INFORMATION IN A
27 BIENNIAL TAX PROFILE AND TAX EXPENDITURE REPORT.

28 **39-21-302. Definitions.** AS USED IN THIS PART 3, UNLESS THE

1 CONTEXT OTHERWISE REQUIRES:

2 (1) "COLORADO TAX PROFILE STUDY 2001" MEANS THE
3 "COLORADO TAX PROFILE STUDY 2001 AND STATISTICS OF INCOME"
4 PREPARED IN MAY 2004 BY THE OFFICE OF RESEARCH AND ANALYSIS IN
5 THE DEPARTMENT FOR THE INDIVIDUAL INCOME TAX RETURNS TAX YEAR
6 2000 AND THE CORPORATE INCOME TAX RETURNS FILED IN FISCAL YEAR
7 2002.

8 (2) "TAX EXPENDITURE" MEANS A TAX PROVISION THAT PROVIDES
9 A GROSS OR TAXABLE INCOME DEFINITION, DEDUCTION, EXEMPTION,
10 CREDIT, OR RATE FOR CERTAIN PERSONS, TYPES OF INCOME,
11 TRANSACTIONS, OR PROPERTY THAT RESULTS IN REDUCED TAX REVENUE.

12 (3) "TAX PROFILE AND EXPENDITURE REPORT" OR "REPORT" MEANS
13 THE BIENNIAL REPORT THAT THE DEPARTMENT IS REQUIRED TO PREPARE
14 PURSUANT TO SECTION 39-21-303 (1).

15

16 **39-21-303. Tax profile and expenditure report.** (1) ON OR
17 BEFORE JANUARY 1, 2013, AND JANUARY 1 OF EVERY ODD-NUMBERED
18 YEAR THEREAFTER, THE DEPARTMENT SHALL PREPARE A TAX PROFILE AND
19 EXPENDITURE REPORT FOR THE STATE THAT INCLUDES THE INFORMATION
20 SET FORTH IN SUBSECTION (2) OF THIS SECTION.

21

22 (2) (a) A TAX PROFILE AND EXPENDITURE REPORT MUST INCLUDE
23 THE FOLLOWING INFORMATION FOR EACH TAX EXPENDITURE FOR ANY TAX
24 LEVIED AND COLLECTED BY THE STATE THAT IS ADMINISTERED BY THE
25 DEPARTMENT:

26 (I) A CITATION OF THE STATUTORY OR OTHER LEGAL AUTHORITY
27 FOR THE TAX EXPENDITURE;

28 (II) THE YEAR THAT THE TAX EXPENDITURE WAS ENACTED;

1 (III) A DESCRIPTION OF THE TAX EXPENDITURE;

2 (IV) AN ESTIMATE OF THE TAX EXPENDITURE'S EFFECT ON
3 REVENUE FOR THE MOST RECENTLY COMPLETED TAX OR CALENDAR YEAR,
4 AS APPROPRIATE, FOR WHICH SUCH INFORMATION IS AVAILABLE;

5 (V) THE ESTIMATE REQUIRED PURSUANT TO SUBPARAGRAPH (IV)
6 FOR THE TAX EXPENDITURE THAT WAS INCLUDED IN EACH OF THE THREE
7 PRIOR TAX PROFILE AND EXPENDITURE REPORTS, IF AVAILABLE; AND

8 (VI) FOR A TAX EXPENDITURE THAT IS SUBJECT TO THE
9 REQUIREMENT SET FORTH IN SECTION 39-21-304, A STATEMENT OF THE
10 INTENDED PURPOSE OF THE TAX EXPENDITURE.

11 (b) FOR THE STATE INCOME TAX ONLY, THE TAX PROFILE AND
12 EXPENDITURE REPORT MUST INCLUDE THE EFFECT OF THE TAX
13 EXPENDITURE BY INCOME CLASS. THE PROVISIONS OF THIS PARAGRAPH

14 (b) SHALL ONLY APPLY TO THE EXTENT THAT THE DEPARTMENT IS
15 CAPABLE OF ACCESSING THE NECESSARY INFORMATION FROM ITS DATA
16 SYSTEM.

17 (c) THE TAX PROFILE AND EXPENDITURE REPORT MUST INCLUDE
18 THE SUM OF ALL ESTIMATES REQUIRED PURSUANT TO SUBPARAGRAPHS
19 (IV) AND (V) OF PARAGRAPH (a) OF THIS SUBSECTION (2) FOR EACH TAX.

20 (d) (I) TO THE EXTENT NOT OTHERWISE INCLUDED IN THE TAX
21 PROFILE AND EXPENDITURE REPORT PURSUANT TO THIS SUBSECTION (2),
22 THE REPORT MUST ALSO INCLUDE ANY INFORMATION THAT WAS INCLUDED
23 IN THE COLORADO TAX PROFILE STUDY 2001 FOR ANY TAXES COVERED BY
24 SUCH STUDY, WHICH INCLUDES BUT IS NOT LIMITED TO INFORMATION
25 RELATED TO:

26 (A) STATE AND LOCAL TAX COLLECTIONS;

27 (B) REVENUES, TAXES, INCIDENCE, AND EQUITY;

28 (C) THE DISTRIBUTION OF STATE AND LOCAL TAXES AMONG

1 HOUSEHOLDS; AND

2 (D) COLORADO STATISTICS OF INCOME.

3 (II) THE INFORMATION REQUIRED PURSUANT TO SUBPARAGRAPH
4 (I) OF THIS PARAGRAPH (d) SHALL BE FOR THE MOST RECENT TAX YEAR
5 FOR WHICH SUCH INFORMATION IS AVAILABLE.

6 (3) (a) THE DEPARTMENT SHALL PROVIDE A COPY OF THE REPORT
7 TO ALL MEMBERS OF THE GENERAL ASSEMBLY IN ACCORDANCE WITH
8 SECTION 24-1-136 (9), C.R.S.

9 (b) NO LATER THAN FEBRUARY 1, 2013, AND FEBRUARY 1 OF
10 EVERY ODD-NUMBERED YEAR THEREAFTER, THE EXECUTIVE DIRECTOR, OR
11 HIS OR HER DESIGNEE, SHALL PRESENT THE TAX PROFILE AND
12 EXPENDITURE REPORT TO THE FINANCE COMMITTEES OF THE HOUSE OF
13 REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR COMMITTEES.

14 (c) THE DEPARTMENT SHALL MAKE THE TAX PROFILE AND
15 EXPENDITURE REPORT AVAILABLE FOR PUBLIC INSPECTION AND SHALL
16 PUBLISH THE REPORT ON THE DEPARTMENT WEB SITE.

17 (4) THE REPORTING REQUIREMENT SET FORTH IN THIS SECTION IS
18 EXEMPT FROM THE PROVISIONS OF SECTION 24-1-136 (11), C.R.S., AND
19 THE BIENNIAL REPORTING REQUIREMENT SHALL REMAIN IN EFFECT UNTIL
20 CHANGED BY THE GENERAL ASSEMBLY ACTING BY BILL.

21 (5) TO THE EXTENT THAT THE TAX PROFILE AND EXPENDITURE
22 REPORT MUST INCLUDE THE DISTRIBUTION OF TAX BURDEN BY INCOME
23 CLASS PURSUANT TO PARAGRAPHS (b) AND (d) OF SUBSECTION (2) OF THIS
24 SECTION, THE DEPARTMENT SHALL USE AT LEAST AS MANY INCOME
25 CLASSES AS THE COLORADO STATISTICS OF INCOME IN THE COLORADO TAX
26 PROFILE STUDY 2001, AND THE HIGHEST INCOME CLASS SHALL BE AT LEAST
27 AS HIGH AS IN SUCH COLORADO STATISTICS OF INCOME.

28 (6) (a) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO

1 THE CONTRARY, BEGINNING WITH THE REPORT REQUIRED TO BE PREPARED
2 ON OR BEFORE JANUARY 1, 2017, AND EVERY ODD-NUMBERED YEAR
3 THEREAFTER, THE DEPARTMENT MAY ELECT NOT TO PREPARE A REPORT IF:

4 (I) THE DEPARTMENT DOES NOT RECEIVE AN APPROPRIATION FOR
5 THE DIRECT AND INDIRECT COSTS ASSOCIATED WITH THE PREPARATION OF
6 THE REPORT; AND

7 (II) ON OR BEFORE APRIL 1 OF THE YEAR PRIOR TO THE DEADLINE
8 FOR THE REPORT, THE DEPARTMENT NOTIFIES THE FINANCE COMMITTEES
9 OF THE HOUSE OF REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR
10 COMMITTEES, THAT THE DEPARTMENT IS NOT GOING TO PREPARE THE
11 REPORT.

12 (b) IF THE DEPARTMENT DOES NOT PREPARE A REPORT PURSUANT
13 TO PARAGRAPH (a) OF THIS SUBSECTION (6) FOR A GIVEN YEAR, THE
14 REQUIREMENTS SET FORTH IN SUBSECTION (3) OF THIS SECTION RELATED
15 TO THE REPORT SHALL NOT APPLY.

16 **39-21-304. Tax expenditure - statement of intended purpose.**
17 ON AND AFTER JANUARY 1, 2012, ANY BILL THAT CREATES A NEW TAX
18 EXPENDITURE OR EXTENDS AN EXPIRING TAX EXPENDITURE SHALL
19 INCLUDE A LEGISLATIVE DECLARATION STATING THE INTENDED PURPOSE
20 OF THE TAX EXPENDITURE.

21 SECTION 4. The appropriation to the department revenue for the
22 fiscal year beginning July 1, 2010, as enacted in Part XIX (4) (C) and the
23 affected totals of section 2 of chapter 453, Session Laws of Colorado
24 2010 (HB 10-1376), as amended by section 1 of Senate Bill 11-152, are
25 amended to read:

26 Section 2. Appropriation.

APPROPRIATION FROM

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

PART XIX

DEPARTMENT OF REVENUE

(4) TAXATION BUSINESS GROUP

(C) Taxpayer Service Division

| | | | | | | |
|-----------------------------|-------------------|--|------------------|--|----------------------------|--|
| <u>Personal Services</u> | <u>4,638,705</u> | | <u>4,548,101</u> | | <u>90,604^a</u> | |
| | <u>4,650,801</u> | | <u>4,560,197</u> | | | |
| = | <u>(80.4 FTE)</u> | | | | | |
| <u>Operating Expenses</u> | <u>402,035</u> | | <u>401,535</u> | | <u>500^b</u> | |
| <u>Fuel Tracking System</u> | <u>485,386</u> | | | | <u>485,386^c</u> | |
| | | | | | <u>(1.5 FTE)</u> | |
| | <u>5,526,126</u> | | | | | |
| | <u>5,538,222</u> | | | | | |

APPROPRIATION FROM

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

1 ^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
 2 43-10-109 (1), C.R.S.

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

4 ^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.

6 **TOTALS PART XIX**

| | | | | | |
|-------------------------|----------------------|---------------------------------|----------------------------------|--------------------|--------------------|
| <u>(REVENUE)</u> | <u>\$716,432,437</u> | <u>\$90,145,719^e</u> | <u>\$623,308,693^b</u> | <u>\$1,494,825</u> | <u>\$1,483,200</u> |
| | <u>716,444,533</u> | <u>90,157,815^a</u> | | | |

10 ^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
 11 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
 12 of Section 24-75-201.1, C.R.S.

13 ^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
 14 from the statutory limit pursuant to Section 43-4-201 (3) (a) (V), C.R.S.

1 **SECTION 5. Appropriation.** (1) In addition to any other
2 appropriation, there is hereby appropriated, out of any moneys in the tax
3 amnesty cash fund created in section 39-21-202 (1), Colorado Revised
4 Statutes, not otherwise appropriated, to the department of revenue, for the
5 fiscal year beginning July 1, 2011, the sum of four hundred eighty-
6 three thousand eight hundred ninety-five dollars (\$483,895) cash funds
7 and 0.8 FTE, or so much thereof as may be necessary, for the
8 implementation of this act.

9 (2) In addition to any other appropriation, there is hereby
10 appropriated to the governor - lieutenant governor - state planning and
11 budgeting, for allocation to the office of information technology, for the
12 fiscal year beginning July 1, 2011, the sum of twenty thousand seven
13 hundred twenty dollars (\$20,720), or so much as may be necessary, for
14 the provision of programming services to the department of revenue
15 related to the implementation of this act. Said sum shall be from
16 reappropriated funds received from the department of revenue out of the
17 appropriation made in subsection (1) of this section.

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