

1 (2) "DEVELOPMENTAL DISABILITIES" INCLUDE BUT ARE NOT LIMITED TO CONDITIONS
2 DEFINED IN SECTION 27-10.5-102 (11) (a), AUTISM, CEREBRAL PALSY, DOWN SYNDROME, AND
3 MENTAL RETARDATION.

4 (3) "FUND" MEANS THE DEVELOPMENTAL DISABILITIES LONG-TERM SERVICES CASH
5 FUND CREATED IN SECTION 27-10.5-802.

6 (4) (a) "LONG-TERM SERVICES" MEANS LONG-TERM SERVICES FOR PERSONS WITH
7 DEVELOPMENTAL DISABILITIES PURSUANT TO THIS ARTICLE OR PARTS 4 OR 8 OF ARTICLE 6 OF
8 TITLE 25.5, C.R.S. "LONG-TERM SERVICES" INCLUDES BUT IS NOT LIMITED TO THE FOLLOWING
9 SERVICES AS THOSE SERVICES WERE KNOWN OR DEFINED AS OF THE EFFECTIVE DATE OF THIS
10 PART 8:

11 (I) COMPREHENSIVE SERVICES;
12 (II) SUPPORTED LIVING SERVICES;
13 (III) CHILDREN EXTENSIVE SERVICES;
14 (IV) FAMILY SUPPORT SERVICES AS DEFINED IN SECTION 27-10.5-406;
15 (V) EARLY INTERVENTION SERVICES AS DEFINED IN SECTION 27-10.5-702 (5); AND
16 (VI) HOME- AND COMMUNITY-BASED SERVICES AS DEFINED IN SECTION 25.5-6-804 (1),
17 C.R.S., FOR CHILDREN AGE BIRTH TO SIX YEARS WITH A DIAGNOSIS OF AUTISM.

18 (b) "LONG-TERM SERVICES" SHALL NOT INCLUDE STATE PROGRAM ADMINISTRATION.

19 (5) "OLD AGE PENSION FUND" MEANS THE OLD AGE PENSION FUND CREATED IN
20 SECTION 1 OF ARTICLE XXIV OF THE STATE CONSTITUTION.

21
22 **27-10.5-802. Developmental disabilities long-term services cash fund - creation -**
23 **transfers from general fund - specified uses – accountability report.** (1) (a) THERE IS
24 HEREBY CREATED IN THE STATE TREASURY THE DEVELOPMENTAL DISABILITIES LONG-TERM
25 SERVICES CASH FUND. FOR EACH STATE FISCAL YEAR COMMENCING ON OR AFTER JULY 1,
26 2009, THE GENERAL ASSEMBLY SHALL APPROPRIATE FROM THE STATE GENERAL FUND TO THE
27 FUND AN AMOUNT EQUAL TO THE AMOUNT OF THE EXEMPT NET REVENUE THAT IS CREDITED
28 TO THE OLD AGE PENSION FUND PURSUANT TO SECTION 39-26-123 (6), C.R.S., FOR THE SAME
29 STATE FISCAL YEAR.

30 (b) THE APPROPRIATIONS TO THE FUND FROM THE GENERAL FUND PURSUANT TO
31 PARAGRAPH (a) OF THIS SUBSECTION (1) SHALL BE EXEMPT FROM THE LIMITATION ON THE
32 LEVEL OF STATE GENERAL FUND APPROPRIATIONS SET FORTH IN SECTION 24-75-201.1 (1) (a)
33 (II), C.R.S., BY OPERATION OF SECTION 24-75-201.1 (1) (a) (III) (C), C.R.S.

34 (2) EXCEPT AS SET FORTH IN SUBSECTION (3) OF THIS SECTION, MONEYS IN THE FUND
35 SHALL BE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY SOLELY FOR THE
36 PURPOSE OF PROVIDING LONG-TERM SERVICES FOR PERSONS WITH DEVELOPMENTAL
37 DISABILITIES PURSUANT TO THIS ARTICLE OR PARTS 4 OR 8 OF ARTICLE 6 OF TITLE 25.5,
38 C.R.S., EXCLUDING STATE PROGRAM ADMINISTRATION. APPROPRIATIONS FROM THE FUND
39 SHALL BE MADE IN A BILL SEPARATE FROM THE ANNUAL GENERAL APPROPRIATION BILL.

40 (3) IN ORDER TO ENSURE THAT THERE IS ADEQUATE FUNDING EACH YEAR FOR LONG-
41 TERM SERVICES NOTWITHSTANDING THE VARIABILITY OF THE EXEMPT NET REVENUE, THERE
42 SHALL BE A RESERVE ACCOUNT WITHIN THE FUND. THE RESERVE SHALL CONSIST OF MONEYS
43 THAT ARE NOT EXPENDED OR ENCUMBERED BEFORE THE CLOSE OF THE STATE FISCAL YEAR IN
44 WHICH THEY ARE APPROPRIATED TO THE FUND FROM THE GENERAL FUND AND ANY INTEREST
45 EARNED PURSUANT TO SUBSECTION (56) OF THIS SECTION. THE GENERAL ASSEMBLY MAY
46 APPROPRIATE MONEYS IN THE RESERVE IN ORDER TO PROVIDE ADEQUATE FUNDING FOR LONG-
47 TERM SERVICES, BUT ANY APPROPRIATION FROM THE RESERVE SHALL SUPPLEMENT THE
48 APPROPRIATION MADE PURSUANT TO SUBSECTION (2) OF THIS SECTION AND SHALL BE MADE IN

1 A BILL SEPARATE FROM THE ANNUAL GENERAL APPROPRIATION BILL. MONEYS IN THE
2 RESERVE SHALL REMAIN IN THE FUND AND SHALL NOT BE CREDITED OR TRANSFERRED TO THE
3 GENERAL FUND OR ANY OTHER FUND. NOTHING IN THIS SUBSECTION (3) SHALL PREVENT THE
4 GENERAL ASSEMBLY FROM REDUCING THE ANNUAL APPROPRIATION TO THE FUND IN A
5 SUPPLEMENTAL APPROPRIATION BILL TO THE EXTENT THAT SUCH BILL IS NECESSARY TO
6 AVOID APPROPRIATING MORE MONEYS TO THE FUND THAN ARE PERMITTED PURSUANT TO
7 SUBSECTION (1) OF THIS SECTION.

8 (4) (a) ALL MONEYS IN THE FUND SHALL BE USED TO SUPPLEMENT THE LEVEL OF STATE
9 APPROPRIATIONS IN THE ANNUAL GENERAL APPROPRIATION BILL ~~BY THE GENERAL ASSEMBLY~~
10 FOR THE PURPOSE OF PROVIDING LONG-TERM SERVICES WITH THE GOAL OF ELIMINATING ANY
11 WAIT LIST FOR SERVICES.

12 (b) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE
13 GENERAL ASSEMBLY MAY USE THE ~~REVENUE GENERATED BY SECTIONS 39-26-106 (1) (c) AND~~
14 ~~39-26-202 (1) (b.3) OR (b.5), C.R.S.,~~ MONEYS IN THE FUND FOR ANY PURPOSE RELATED TO
15 SERVICES FOR PERSONS WITH DEVELOPMENTAL DISABILITIES, INCLUDING BUT NOT LIMITED TO
16 SUPPLANTING THE LEVEL OF STATE APPROPRIATIONS FOR LONG-TERM SERVICES THAT EXISTED
17 AS OF THE EFFECTIVE DATE OF THIS PART 8, IF SUCH APPROPRIATION IS PRECEDED BY A
18 DECLARATION OF A STATE FISCAL EMERGENCY, WHICH SHALL BE ADOPTED BY JOINT
19 RESOLUTION APPROVED BY A TWO-THIRDS SUPERMAJORITY OF ~~THE~~ ALL MEMBERS ELECTED ~~OF~~
20 TO EACH HOUSE OF THE GENERAL ASSEMBLY AND SIGNED BY THE GOVERNOR. ANY
21 RESOLUTION DECLARING A STATE FISCAL EMERGENCY SHALL APPLY ONLY TO A SINGLE FISCAL
22 YEAR.

23 (5) (a) ON OR BEFORE DECEMBER 1, ~~2010~~, 2011, AND ON OR BEFORE EACH DECEMBER 1
24 THEREAFTER, THE DEPARTMENT SHALL SUBMIT AN ACCOUNTABILITY REPORT TO THE JOINT
25 BUDGET COMMITTEE AND THE HEALTH AND HUMAN SERVICES COMMITTEES OF THE HOUSE OF
26 REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR COMMITTEES, REGARDING THE
27 APPROPRIATIONS MADE FROM THE FUND PURSUANT TO THIS SECTION FOR THE PRECEDING
28 STATE FISCAL YEAR. THE ACCOUNTABILITY REPORT SHALL DESCRIBE THE TYPE OF LONG-
29 TERM SERVICES PROVIDED FROM THE APPROPRIATED MONEYS AND SHALL STATE WHETHER
30 THE APPROPRIATIONS WERE SUFFICIENT TO AVOID A WAIT LIST TO RECEIVE LONG-TERM
31 SERVICES. THE ACCOUNTABILITY REPORT SHALL INCLUDE DESCRIPTIONS OF ANY OUTCOME-
32 BASED QUALITY ASSURANCE MEASURES ADOPTED BY THE DEPARTMENT TOGETHER WITH AN
33 ANALYSIS OF CRITICAL INCIDENT DATA. AT THE TIME THE ACCOUNTABILITY REPORT IS
34 SUBMITTED TO THE RESPECTIVE COMMITTEES, A COPY OF THE ACCOUNTABILITY REPORT
35 SHALL ALSO BE MADE AVAILABLE TO THE PUBLIC ON THE WEBSITE MAINTAINED BY THE
36 DEPARTMENT.

37 (b) THIS SUBSECTION (5) IS EXEMPT FROM THE PROVISIONS OF SECTION 24-1-136 (11),
38 C.R.S., AND THE PERIODIC REPORTING REQUIREMENT OF THIS SECTION SHALL REMAIN IN
39 EFFECT UNTIL CHANGED BY THE GENERAL ASSEMBLY ACTING BY BILL.

40 (6) ANY UNEXPENDED MONEYS IN THE FUND, INCLUDING THE RESERVE ACCOUNT, MAY
41 BE INVESTED BY THE STATE TREASURER AS PROVIDED BY LAW. ALL INTEREST AND INCOME
42 DERIVED FROM THE INVESTMENT AND DEPOSIT OF MONEYS IN THE FUND SHALL BE CREDITED
43 TO THE RESERVE.

44
45 **27-10.5-803. Maintenance of effort – no supplanting existing appropriations -**
46 **exception.** (1) NO REDUCTION IN THE LEVEL OF STATE APPROPRIATIONS IN THE ANNUAL
47 GENERAL APPROPRIATION BILL FOR LONG-TERM SERVICES AS OF THE EFFECTIVE DATE OF THIS
48 PART 8 SHALL BE PERMITTED.

49 (2) EXCEPT AS PROVIDED IN SECTION 27-10.5-802 (4) (b), MONEYS IN THE FUND SHALL
50 NOT BE USED TO SUPPLANT ANY STATE APPROPRIATION IN THE ANNUAL GENERAL

1 APPROPRIATION BILL FOR LONG-TERM SERVICES THAT EXISTED AS OF THE EFFECTIVE DATE OF
2 THIS PART 8.

3
4 **SECTION 3.** 24-75-402 (5), Colorado Revised Statutes, is amended BY THE
5 ADDITION OF A NEW PARAGRAPH to read:

6 **24-75-402. Cash funds - limit on uncommitted reserves - reduction in amount of fees**
7 **- exclusions.** (5) Notwithstanding any provision of this section to the contrary, the following
8 cash funds are excluded from the limitations specified in this section:

9 (t) THE DEVELOPMENTAL DISABILITIES LONG-TERM SERVICES CASH FUND CREATED IN SECTION
10 27-10.5-802, C.R.S.

11
12 **SECTION 4.** 24-77-103.6 (6) (c), Colorado Revised Statutes, is amended to read:

13 **24-77-103.6. Retention of excess state revenues - general fund exempt account -**
14 **required uses - excess state revenues legislative report.** (6) As used in this section:

15 (c) "State revenues" means state revenues not excluded from state fiscal year spending, as
16 defined in section 24-77-102 (17); EXCEPT THAT "STATE REVENUES" SHALL NOT INCLUDE ANY
17 EXEMPT NET REVENUES, AS DEFINED IN SECTION 39-26-123 (1) (a), C.R.S., THAT THE STATE IS
18 AUTHORIZED TO RETAIN AND SPEND PURSUANT TO SECTION 39-26-106 (4), C.R.S.

19
20 **SECTION 5.** 29-2-108 (3), Colorado Revised Statutes, is amended to read:

21 **29-2-108. Limitation on amount.** (3) A tax imposed pursuant to section 24-90-110.7 (3)
22 (f), 29-1-204.5 (3) (f.1), 29-2-103.7, 29-2-103.8, 29-2-103.9, 29-25-112, 30-11-107.5, 30-11-
23 107.7, 30-11-107.9, 32-18-107, ~~or 37-50-110, C.R.S.~~ 37-50-110, 39-26-106 (1) (c), 39-26-202
24 (1) (b.3) OR 39-26-202 (1) (b.5), C.R.S., and the additional tax authorized by section 30-20-
25 604.5, C.R.S., if imposed, shall be exempt from the six and ninety one-hundredths percent
26 limitation imposed by subsection (1) of this section.

27
28 **SECTION 6.** 39-26-105 (1) (a) and (1) (e), Colorado Revised Statutes, are amended to
29 read:

30 **39-26-105. Vendor liable for tax.** (1) (a) Except as provided in paragraphs (d) and (e) of
31 this subsection (1), every retailer, also in this part 1 called "vendor", shall, irrespective of the
32 provisions of section 39-26-106, be liable and responsible for the payment of an amount
33 equivalent to three percent of all sales made prior to January 1, 2001, and two and ninety one-
34 hundredths percent of all sales made on or after January 1, 2001, BUT PRIOR TO JULY 1, 2009,
35 ~~THREE AND ONE-HUNDREDTHS PERCENT ON ALL SALES MADE ON OR AFTER JULY 1, 2009, BUT~~
36 ~~PRIOR TO JULY 1, 2010, AND THREE AND ELEVEN HUNDREDTHS~~ TEN ONE-HUNDREDTHS
37 PERCENT ON ALL SALES MADE ON OR AFTER JULY 1, 2010, by the vendor of commodities or
38 services as specified in section 39-26-104 and shall, before the twentieth day of each month,
39 make a return to the executive director of the department of revenue for the preceding calendar
40 month and remit an amount equivalent to said percentage on such sales to said executive
41 director, less three and one-third percent of the sum so remitted for sales occurring prior to July
42 1, 2003, or on or after July 1, 2005, and less two and one-third percent of the sum so remitted for
43 sales occurring on or after July 1, 2003, but before July 1, 2005, to cover the vendor's expense in
44 the collection and remittance of said tax; but, if any vendor is delinquent in remitting said tax,
45 other than in unusual circumstances shown to the satisfaction of the executive director, the
46 vendor shall not be allowed to retain any amounts to cover such vendor's expense in collecting
47 and remitting said tax, and an amount equivalent to the said percentage, plus the amount of any

1 local vendor expense that may be allowed by the local government to the vendor, shall be
2 remitted to the executive director by any such delinquent vendor. Such returns of the taxpayer or
3 the taxpayer's duly authorized agent shall contain such information and be made in such manner
4 and upon such forms as the executive director shall prescribe. Any local vendor expense remitted
5 to the executive director shall be deposited to the state general fund.

6 (e) For any state fiscal year commencing on or after July 1, 2000, BUT PRIOR TO JULY 1,
7 2009, every retailer or vendor who sells items upon which a sales tax is imposed at a rate of one
8 one-hundredth of one percent pursuant to section 39-26-106 (3) (a) shall be liable and
9 responsible for the payment of an amount equivalent to the amount of sales tax imposed on such
10 items less three and one-third percent for sales occurring prior to July 1, 2003, or on or after July
11 1, 2005, and less two and one-third percent for sales occurring on or after July 1, 2003, but
12 before July 1, 2005. EVERY RETAILER OR VENDOR WHO SELLS ITEMS UPON WHICH A SALES TAX
13 IS IMPOSED AT A RATE OF ONE-TENTH OF ONE PERCENT PURSUANT TO SECTION 39-26-106 (1)
14 (c) (I) ~~(b.3)~~ AND (3) (a), OR TWO-TENTHS OF ONE PERCENT PURSUANT TO SECTION 39-26-106 (1)
15 (c) (II) ~~(b.5)~~ AND (3) (a), SHALL BE LIABLE AND RESPONSIBLE FOR THE PAYMENT OF AN
16 AMOUNT EQUIVALENT TO THE AMOUNT OF SALES TAX IMPOSED ON SUCH ITEMS LESS THREE
17 AND ONE-THIRD PERCENT FOR SALES OCCURRING ON OR AFTER JULY 1, 2009.

18
19 **SECTION 7.** 39-26-106 (1) and (3) (a), Colorado Revised Statutes, are amended, and the
20 said 39-26-106 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

21 **39-26-106. Schedule of sales tax.** (1) (a) (I) ~~Except as otherwise provided in~~
22 ~~subparagraph (II) of this paragraph (a) and in subsection (3) of this section, there is imposed~~
23 ~~upon all sales of commodities and services specified in section 39-26-104 a tax at the rate of~~
24 ~~three percent of the amount of the sale, to be computed in accordance with schedules or systems~~
25 ~~approved by the executive director of the department of revenue. Said schedules or systems shall~~
26 ~~be designed so that no such tax is charged on any sale of seventeen cents or less.~~

27 (II) On and after January 1, 2001, there is imposed upon all sales of commodities and
28 services specified in section 39-26-104 a tax at the rate of two and ninety one-hundredths percent
29 of the amount of the sale to be computed in accordance with schedules or systems approved by
30 the executive director of the department of revenue. ~~Said~~ THE schedules or systems shall be
31 designed so that no such tax is charged on any sale of seventeen cents or less.

32 (b) ~~Notwithstanding the three percent rate provisions of paragraph (a) of this subsection~~
33 ~~(1), for the period May 1, 1983, through July 31, 1984, the rate of the tax imposed pursuant to~~
34 ~~this subsection (1) shall be three and one-half percent.~~

35 (c) (I) ON AND AFTER JULY 1, 2009, BUT PRIOR TO JULY 1, 2010, THERE IS IMPOSED
36 UPON ALL SALES OF COMMODITIES AND SERVICES SPECIFIED IN SECTION 39-26-104, A TAX AT
37 THE RATE OF ONE-TENTH OF ONE PERCENT OF THE AMOUNT OF THE SALE TO BE COMPUTED IN
38 ACCORDANCE WITH SCHEDULES OR SYSTEMS APPROVED BY THE EXECUTIVE DIRECTOR OF THE
39 DEPARTMENT OF REVENUE. THE SCHEDULES OR SYSTEMS SHALL BE DESIGNED SO THAT THE
40 TAX IS ONLY CHARGED ON A SALE THAT IS SUBJECT TO THE TAX SET FORTH IN SUBPARAGRAPH
41 (II) OF PARAGRAPH (a) OF THIS SUBSECTION (1). THIS TAX SHALL BE IN ADDITION TO THE TAX
42 IMPOSED PURSUANT TO SUBPARAGRAPH (II) OF PARAGRAPH (a) OF THIS SUBSECTION (1) AND
43 SHALL BE A TAX RATE INCREASE OF THE STATE SALES TAX FOR PURPOSES OF SECTION 20 (4)
44 (a) OF ARTICLE X OF THE STATE CONSTITUTION.

45 (II) ON AND AFTER JULY 1, 2010, THERE IS IMPOSED UPON ALL SALES OF COMMODITIES
46 AND SERVICES SPECIFIED IN SECTION 39-26-104, A TAX AT THE RATE OF TWO-TENTHS OF ONE
47 PERCENT OF THE AMOUNT OF THE SALE TO BE COMPUTED IN ACCORDANCE WITH SCHEDULES

1 OR SYSTEMS APPROVED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE. THE
2 SCHEDULES OR SYSTEMS SHALL BE DESIGNED SO THAT THE TAX IS ONLY CHARGED ON A SALE
3 THAT IS SUBJECT TO THE TAX SET FORTH IN SUBPARAGRAPH (II) OF PARAGRAPH (a) OF THIS
4 SUBSECTION (1). THIS TAX SHALL BE IN ADDITION TO THE TAX IMPOSED PURSUANT TO
5 SUBPARAGRAPH (II) OF PARAGRAPH (a) OF THIS SUBSECTION (1) AND SHALL BE A TAX RATE
6 INCREASE OF THE STATE SALES TAX FOR PURPOSES OF SECTION 20 (4) (a) OF ARTICLE X OF THE
7 STATE CONSTITUTION.

8 (3) (a) Notwithstanding the rate provisions of paragraph (a) of subsection (1) of this
9 section, for any fiscal year commencing on or after July 1, 2000, if the revenue estimate prepared
10 by the staff of the legislative council in March of the calendar year in which that fiscal year ends
11 indicates that the aggregate amount of state revenues for that fiscal year will exceed the
12 limitation on state fiscal year spending imposed by section 20 (7) (a) of article X of the state
13 constitution for that fiscal year by three hundred fifty million dollars or more, as adjusted during
14 such fiscal year pursuant to paragraph (b) of this subsection (3), and, prior to the end of such
15 fiscal year, voters statewide either have not authorized the state to retain and spend all of the
16 excess state revenues or have authorized the state to retain and spend only a portion of the excess
17 state revenues for that fiscal year, the tax imposed pursuant to SUBPARAGRAPH (II) OF
18 PARAGRAPH (a) OF subsection (1) of this section shall be imposed upon any sale of a new or used
19 commercial truck, truck tractor, tractor, semitrailer, or vehicle used in combination therewith that
20 has a gross vehicle weight rating in excess of twenty-six thousand pounds for the period
21 commencing on July 1 of the calendar year in which that fiscal year ends through June 30 of the
22 immediately subsequent calendar year, at a rate of one one-hundredth of one percent. THIS
23 SUBSECTION (3) SHALL NOT AFFECT THE TAX IMPOSED PURSUANT TO PARAGRAPH (c) OF
24 SUBSECTION (1) OF THIS SECTION.

25 (4) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE STATE SHALL BE
26 AUTHORIZED TO RETAIN AND SPEND ALL REVENUES FROM THE TAXES SET FORTH IN
27 PARAGRAPH (c) OF SUBSECTION (1) OF THIS SECTION AND SECTION 39-26-202 (1) (b.3) OR (1)
28 (b.5), AS A VOTER-APPROVED REVENUE CHANGE TO THE LIMITATION ON STATE FISCAL YEAR
29 SPENDING IN ACCORDANCE WITH THE PROVISIONS OF SECTION 20 OF ARTICLE X OF THE STATE
30 CONSTITUTION.

31
32 **SECTION 8.** 39-26-112, Colorado Revised Statutes, is amended to read:

33 **39-26-112. Excess tax - remittance.** If any vendor, during any reporting period, collects
34 as a tax an amount in excess of three percent of all taxable sales made prior to January 1, 2001,
35 ~~and~~ two and ninety one-hundredths percent of all taxable sales made on or after January 1, 2001,
36 BUT PRIOR TO JULY 1, 2009, AND THREE ~~AND ONE HUNDREDTHS~~ PERCENT OF ALL TAXABLE
37 SALES MADE ON OR AFTER JULY 1, 2009, BUT PRIOR TO JULY 1, 2010, AND THREE AND ~~ELEVEN-~~
38 ~~HUNDREDTHS~~ TEN ONE-HUNDREDTHS PERCENT OF ALL TAXABLE SALES MADE ON OR AFTER
39 JULY 1, 2010, such vendor shall remit to the executive director of the department of revenue the
40 full net amount of the tax imposed in this part 1 and also such excess. The retention by the
41 retailer or vendor of any excess of tax collections over the said percentage of the total taxable
42 sales of such retailer or vendor or the intentional failure to remit punctually to the executive
43 director the full amount required to be remitted by the provisions of this part 1 is declared to be
44 unlawful and constitutes a misdemeanor.

45
46 **SECTION 9.** 39-26-123 (1) (a), Colorado Revised Statutes, is amended, and the said 39-
47 26-123 (1) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

1 **39-26-123. Receipts - disposition - transfers of general fund surplus - exempt net**
2 **revenues - sales and use tax holding fund - creation - definitions.** (1) As used in this section,
3 unless the context otherwise requires:

4 (a) ~~"Net revenue" means the gross amount of sales and use tax receipts collected under~~
5 ~~the provisions of this article, less a fee retained by vendors for the collection and remittance of~~
6 ~~the tax pursuant to section 39-26-105 (1) and less refunds and adjustments made by the~~
7 ~~department of revenue in conjunction with its collection and enforcement duties under this~~
8 ~~article.~~ "EXEMPT NET REVENUE" MEANS THE GROSS AMOUNT OF SALES AND USE TAX RECEIPTS
9 COLLECTED UNDER THE PROVISIONS OF THIS ARTICLE FOR THE TAXES IMPOSED PURSUANT TO
10 SECTIONS 39-26-106 (1) (c) AND 39-26-202 (1) (b.3) OR (1) (b.5), LESS A FEE RETAINED BY
11 VENDORS FOR THE COLLECTION AND REMITTANCE OF THE TAX PURSUANT TO SECTION 39-26-
12 105 (1), AND LESS REFUNDS AND ADJUSTMENTS MADE BY THE DEPARTMENT OF REVENUE IN
13 CONJUNCTION WITH ITS COLLECTION AND ENFORCEMENT DUTIES UNDER THIS ARTICLE. FOR
14 PURPOSES OF THIS PARAGRAPH (a), THE FEE RETAINED BY VENDORS AND THE REFUNDS AND
15 ADJUSTMENTS MADE BY THE DEPARTMENT SHALL BE PROPORTIONAL TO THE TAX LEVIED
16 PURSUANT TO SECTIONS 39-26-106 (1) (c) AND 39-26-202 (1) (b.3) OR (1) (b.5).

17 (a.5) "NET REVENUE" MEANS THE GROSS AMOUNT OF SALES AND USE TAX RECEIPTS
18 COLLECTED UNDER THE PROVISIONS OF THIS ARTICLE, LESS A FEE RETAINED BY VENDORS FOR
19 THE COLLECTION AND REMITTANCE OF THE TAX PURSUANT TO SECTION 39-26-105 (1), AND
20 LESS REFUNDS AND ADJUSTMENTS MADE BY THE DEPARTMENT OF REVENUE IN CONJUNCTION
21 WITH ITS COLLECTION AND ENFORCEMENT DUTIES UNDER THIS ARTICLE; EXCEPT THAT "NET
22 REVENUE" SHALL NOT INCLUDE ANY EXEMPT NET REVENUE.

23
24 **SECTION 10.** 39-26-123, Colorado Revised Statutes, is amended BY THE ADDITION
25 OF A NEW SUBSECTION to read:

26 **39-26-123. Receipts - disposition - transfers of general fund surplus - exempt net**
27 **revenues - sales and use tax holding fund - creation - definitions.** (6) ON AND AFTER JULY 1,
28 2009, EXEMPT NET REVENUE SHALL BE CREDITED TO THE OLD AGE PENSION FUND CREATED IN
29 SECTION 1 OF ARTICLE XXIV OF THE STATE CONSTITUTION IN ACCORDANCE WITH
30 PARAGRAPHS (a) AND (f) OF SECTION 2 OF ARTICLE XXIV OF THE STATE CONSTITUTION.

31
32 **SECTION 11.** 39-26-202 (1), (2), and (3) (a), Colorado Revised Statutes, are amended to
33 read:

34 **39-26-202. Authorization of tax.** (1) (a) ~~Except as otherwise provided in paragraph (b)~~
35 ~~of this subsection (1) and in subsection (3) of this section, there is imposed and shall be collected~~
36 ~~from every person in this state a tax or excise at the rate of three percent of storage or acquisition~~
37 ~~charges or costs for the privilege of storing, using, or consuming in this state any articles of~~
38 ~~tangible personal property purchased at retail.~~

39 (b) ~~(i)~~ On and after January 1, 2001, there is imposed and shall be collected from every
40 person in this state a tax or excise at the rate of two and ninety one-hundredths percent of storage
41 or acquisition charges or costs for the privilege of storing, using, or consuming in this state any
42 articles of tangible personal property purchased at retail.

43 ~~(ii) THIS PARAGRAPH (b) IS REPEALED EFFECTIVE JULY 1, 2009.~~

44 (b.3) (I) ON AND AFTER JULY 1, 2009, BUT PRIOR TO JULY 1, 2010, THERE IS IMPOSED
45 AND SHALL BE COLLECTED FROM EVERY PERSON IN THIS STATE A TAX OR EXCISE AT THE RATE
46 OF ONE-TENTH OF ONE PERCENT OF STORAGE OR ACQUISITION CHARGES OR COSTS FOR THE
47 PRIVILEGE OF STORING, USING, OR CONSUMING IN THIS STATE ANY ARTICLES OF TANGIBLE

1 PERSONAL PROPERTY PURCHASED AT RETAIL. THE TAX SET FORTH IN THIS PARAGRAPH (b.3)
2 SHALL BE IN ADDITION TO THE TAX SET FORTH IN PARAGRAPH (b) OF THIS SUBSECTION (1) AND
3 SHALL BE A TAX RATE INCREASE OF THE STATE USE TAX FOR PURPOSES OF SECTION 20 (4) (a)
4 OF ARTICLE X OF THE STATE CONSTITUTION.

5 (II) THIS PARAGRAPH (b.3) IS REPEALED EFFECTIVE JULY 1, 2010.

6 (b.5) ON AND AFTER JULY 1, 2010, THERE IS IMPOSED AND SHALL BE COLLECTED FROM
7 EVERY PERSON IN THIS STATE A TAX OR EXCISE AT THE RATE OF TWO-TENTHS OF ONE PERCENT
8 OF STORAGE OR ACQUISITION CHARGES OR COSTS FOR THE PRIVILEGE OF STORING, USING, OR
9 CONSUMING IN THIS STATE ANY ARTICLES OF TANGIBLE PERSONAL PROPERTY PURCHASED AT
10 RETAIL. THE TAX SET FORTH IN THIS PARAGRAPH (b.5) SHALL BE IN ADDITION TO THE TAX SET
11 FORTH IN PARAGRAPH (b) OF THIS SUBSECTION (1) AND SHALL BE A TAX RATE INCREASE OF
12 THE STATE USE TAX FOR PURPOSES OF SECTION 20 (4) (a) OF ARTICLE X OF THE STATE
13 CONSTITUTION.

14 (c) Such tax shall be payable to and shall be collected by the executive director of the
15 department of revenue and shall be computed in accordance with schedules or systems approved
16 by said executive director. The transfer of wireless telecommunication equipment as an
17 inducement to enter into or continue a contract for telecommunication services that are taxable
18 pursuant to part 1 of this article shall not be construed to be storage, use, or consumption of such
19 equipment by the transferor.

20 (2) ~~Notwithstanding the three percent rate provisions of subsection (1) of this section, for~~
21 ~~the period May 1, 1983, through July 31, 1984, the rate of the tax imposed pursuant to this~~
22 ~~section shall be three and one-half percent.~~

23 (3) (a) Notwithstanding the rate provisions of paragraphs (a) and PARAGRAPH (b) of
24 subsection (1) of this section, for any fiscal year commencing on or after July 1, 2000, if the
25 revenue estimate prepared by the staff of the legislative council in June of the calendar year in
26 which that fiscal year ends indicates that the aggregate amount of state revenues will exceed the
27 limitation on state fiscal year spending imposed by section 20 (7) (a) of article X of the state
28 constitution for that fiscal year by three hundred fifty million dollars or more, as adjusted
29 pursuant to paragraph (b) of this subsection (3), and voters statewide either have not authorized
30 the state to retain and spend all of the excess state revenues or have authorized the state to retain
31 and spend only a portion of the excess state revenues for that fiscal year, the tax imposed
32 pursuant to PARAGRAPH (b) OF subsection (1) of this section shall be imposed upon any sale of a
33 new or used commercial truck, truck tractor, tractor, semitrailer, or vehicle used in combination
34 therewith that has a gross vehicle weight rating in excess of twenty-six thousand pounds for the
35 period commencing on July 1 of the calendar year in which that fiscal year ends through June 30
36 of the immediately subsequent calendar year, at a rate of one one-hundredth of one percent. THIS
37 SUBSECTION (3) SHALL NOT AFFECT THE TAX IMPOSED PURSUANT TO PARAGRAPHS (b.3) OR
38 (b.5) OF SUBSECTION (1) OF THIS SECTION.

39 **SECTION 12.** 39-26-402 (1), Colorado Revised Statutes, is amended to read:

40 **39-26-402. Refund of state sales and use tax - application requirements and**
41 **procedures.** (1) For the calendar year commencing January 1, 1999, and for each calendar year
42 thereafter, each qualified taxpayer shall be allowed to claim a refund of all state sales and use tax
43 paid by the qualified taxpayer, pursuant to parts 1 and 2 of this article, on the sale, storage, use,
44 or consumption of tangible personal property to be used in Colorado directly and predominately
45 in research and development of biotechnology during that calendar year; EXCEPT THAT A
46

1 REFUND MAY NOT BE CLAIMED FOR THE STATE SALES AND USE TAX PAID PURSUANT TO
2 SECTIONS 39-26-106 (1) (c) AND 39-26-202 (1) (b.3) OR (1) (b.5).
3

4 **SECTION 13. Conforming amendments.** The People hereby direct the general
5 assembly to promptly adopt during the first regular session of the 67th general assembly any
6 further conforming amendments to the Colorado Revised Statutes necessary for the
7 implementation of this initiative so that the intent of the People in approving this measure is
8 given full effect.

9
10 **SECTION 14. Effective date.** If approved by a majority of votes cast thereon, this
11 initiative shall take effect upon proclamation of the governor; except that section 5 of this
12 initiative shall not take effect if Senate Bill 08-128 is enacted by the General Assembly and
13 becomes law.