

HOUSE COMMITTEE OF REFERENCE REPORT

Chair of Committee

Date April 17, 2019

Committee on Finance.

After consideration on the merits, the Committee recommends the following:

HB19-1323 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

1 Amend the printed bill, Page 2, strike lines 2 through 17 and substitute:

2 "SECTION 1. In Colorado Revised Statutes, 39-26-718, amend
3 (1)(b) as follows:

4 **39-26-718. Charitable organizations - association or**
5 **organization of parents and teachers of public school students.**

6 (1) The following shall be exempt from taxation under the provisions of
7 part 1 of this article 26:

8 (b) ~~(I) Effective July 1, 1995, All occasional~~ sales by a charitable
9 organization OF TANGIBLE PERSONAL PROPERTY, COMMODITIES, OR
10 SERVICES OTHERWISE SUBJECT TO TAX UNDER THIS ARTICLE 26 IF:

11 ~~(H) For purposes of this paragraph (b), "occasional sales" means~~
12 ~~retail sales of tangible personal property, including concessions, for~~
13 ~~fund-raising purposes if:~~

14 ~~(A) The sale of tangible personal property or concessions by the~~
15 ~~charitable organization takes place no more than twelve days, whether~~
16 ~~consecutive or not, during any one~~ NET PROCEEDS FROM SALES BY THE
17 CHARITABLE ORGANIZATIONS OF TANGIBLE PERSONAL PROPERTY,
18 COMMODITIES, OR SERVICES OTHERWISE SUBJECT TO TAX UNDER THIS
19 ARTICLE 26 DO NOT EXCEED FORTY-FIVE THOUSAND DOLLARS DURING THE
20 PRECEDING calendar year; AND

21 (B) The funds raised by the charitable organization through these
22 sales are retained by the organization to be used in the course of the
23 organization's charitable service. ~~and~~

1 ~~(C) The funds raised by the charitable organization through these~~
2 ~~sales do not exceed twenty-five thousand dollars during any one calendar~~
3 ~~year.~~
4 (II) THE EXEMPTION IN THIS SUBSECTION (1)(b) SHALL NOT APPLY
5 TO SALES MADE BY A CHARITABLE ORGANIZATION ON AND AFTER THE
6 DATE THAT THE NET PROCEEDS FROM SALES BY THE CHARITABLE
7 ORGANIZATION OF TANGIBLE PERSONAL PROPERTY, COMMODITIES, OR
8 SERVICES OTHERWISE SUBJECT TO TAX UNDER THIS ARTICLE 26 EXCEEDS
9 FORTY-FIVE THOUSAND DOLLARS DURING THE CURRENT CALENDAR
10 YEAR."

11 Page 2, line 19, strike "January 1, 2019;" and substitute "at 12:01 a.m. on
12 the day following the expiration of the ninety-day period after final
13 adjournment of the general assembly (August 2, 2019, if adjournment
14 sine die is on May 3, 2019);".

15 Page 3, lines 1 and 2, strike "the applicable effective date of this act." and
16 substitute "January 1, 2020."

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