

SENATE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

January 22, 2019
Date

Committee on Finance.

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

SB19-006 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the consent calendar:

- 1 Amend printed bill, page 3, line 2, strike "and".
- 2 Page 3, line 8, strike "constitution." and substitute "constitution; and".
- 3 Page 3, after line 8 insert:
 - 4 "(e) It is the task force's intent that the cost of the initial funding
 - 5 and ongoing maintenance of the electronic sales and use tax
 - 6 simplification system be paid for from the additional sales tax revenues
 - 7 that the state is receiving as a result of the United States Supreme Court's
 - 8 decision in *South Dakota v. Wayfair, Inc., et al.*, which allowed states to
 - 9 require retailers without physical presence in the state to collect sales tax
 - 10 on purchases made by in-state customers so long as the sales tax system
 - 11 in the state is not too burdensome for the out-of-state retailer.
- 12 **SECTION 2.** In Colorado Revised Statutes, 39-26-123, **amend**
- 13 (3) as follows:
 - 14 **39-26-123. Receipts - disposition - transfers of general fund**
 - 15 **surplus - sales tax holding fund - creation - definitions.** (3) For any
 - 16 state fiscal year commencing on or after July 1, 2013, the state treasurer
 - 17 shall credit eighty-five percent of all net revenue collected under the
 - 18 provisions of this ~~article~~ ARTICLE 26 to the old age pension fund created
 - 19 in section 1 of article XXIV of the state constitution. The state treasurer
 - 20 shall credit to the general fund the remaining fifteen percent of the net

1 revenue, less ten million dollars, which the state treasurer shall credit to
2 the older Coloradans cash fund created in section 26-11-205.5 (5). ~~C.R.S.~~
3 THE GENERAL ASSEMBLY SHALL MAKE ANY NECESSARY APPROPRIATIONS
4 FOR THE INITIAL FUNDING AND ONGOING MAINTENANCE OF THE
5 ELECTRONIC SALES AND USE TAX SIMPLIFICATION SYSTEM DESCRIBED IN
6 SECTION 39-26-802.7 FROM ANY NET REVENUE THAT IS CREDITED TO THE
7 GENERAL FUND."

8 Renumber succeeding sections accordingly.

9 Page 3, after line 20 insert:

10 "(c) "OFFICE OF INFORMATION TECHNOLOGY" OR "OFFICE" MEANS
11 THE OFFICE OF INFORMATION TECHNOLOGY CREATED IN SECTION
12 24-37.5-103."

13 Reletter succeeding paragraph accordingly.

14 Page 3, line 24, after "THE" insert "OFFICE OF INFORMATION TECHNOLOGY,
15 ON BEHALF OF THE".

16 Page 4, line 1, after "THE" insert "OFFICE AND THE".

17 Page 4, line 21, before "DEPARTMENT" insert "OFFICE AND THE".

18 Page 1, line 103, strike "DEPARTMENT OF REVENUE" and substitute
19 "OFFICE OF INFORMATION TECHNOLOGY".

20 Page 1, line 104, strike "ESTABLISHING" and substitute "REQUIRING THE
21 DEPARTMENT OF REVENUE TO ESTABLISH".

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