

SENATE COMMITTEE OF REFERENCE REPORT

Chair of Committee

February 15, 2024
Date

Committee on Finance.

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

SB24-025 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

- 1 Amend printed bill, page 5, line 1, strike "29-2-209, 29-2-210, AND
- 2 29-2-212," and substitute "29-2-209 AND 29-2-211,".

- 3 Page 5, line 18, after "PROVIDED," insert "AND EXCEPT FOR A HOME RULE
- 4 JURISDICTION'S PARTICIPATION IN RESOLVING DISPUTES AS DESCRIBED IN
- 5 SECTION 29-2-208 (2) AND (3),"

- 6 Page 5, line 20, strike "ANY" and substitute "THEIR".

- 7 Page 6, line 27, strike "JURISDICTION" and substitute "JURISDICTION,
- 8 REGARDLESS OF WHETHER THE PROVISIONS OF THE SALES TAX ORDINANCE
- 9 OF THE REQUESTING HOME RULE JURISDICTION APPLIES THE SALES TAX TO
- 10 THE EXEMPTIONS LISTED IN SECTION 29-2-105 (1)(d)(I),".

- 11 Page 7, line 6, after "GOVERNMENTS;" add "AND".

- 12 Page 7, line 8, strike "39-26-208; ~~C.R.S.~~ and" and substitute "39-26-208.
- 13 ~~C.R.S.~~ and".

- 14 Page 7, strike lines 9 and 10 and substitute:

- 15 "~~(c) Whether or not the ordinance applies the sales tax to the~~
- 16 ~~exemptions listed in section 29-2-105 (1)(d)(I):"~~.

- 17 Page 9, strike line 7.

- 18 Page 9, line 9, strike "BALLOT." and substitute "BALLOT, NO LATER THAN
- 19 FOURTEEN DAYS AFTER THE ADOPTION OF THE ORDINANCE OR

1 RESOLUTION."

2 Page 10, line 7, before "AFTER" insert "THAT IS AT LEAST FORTY-FIVE
3 DAYS".

4 Page 10, line 13, strike "GOVERNMENT," and substitute "GOVERNMENT OR
5 REQUESTING HOME RULE JURISDICTION,".

6 Page 13, strike line 4 and substitute "**of 29-2-106 (3)(a)]** The".

7 Page 13, line 5, strike "at no charge," and substitute "~~at no charge,~~".

8 Page 14, strike lines 10 through 27.

9 Page 15, strike lines 1 through 6 and substitute:

10 "(2) (a) IF, IN THE COURSE OF A CASE OR CLAIM ARISING UNDER
11 THIS PART 2, OR UNDER ARTICLE 21 OF TITLE 39, A TAXPAYER OR THE
12 EXECUTIVE DIRECTOR ASSERTS THAT ALL OR PART OF A SALES OR USE TAX
13 ASSESSMENT OR REFUND CLAIM HAS BEEN ERRONEOUSLY PAID TO THE
14 STATE OR TO ANOTHER STATUTORY LOCAL GOVERNMENT, SPECIAL
15 DISTRICT, OR HOME RULE JURISDICTION, THEN, SUBJECT TO THE
16 REQUIREMENTS SET FORTH IN SUBSECTION (2)(b) OF THIS SECTION:

17 (I) NEITHER THE TAXPAYER NOR THE EXECUTIVE DIRECTOR NEEDS
18 TO FILE A CLAIM FOR REFUND WITH THE JURISDICTION THAT ERRONEOUSLY
19 RECEIVED THE SALES OR USE TAX;

20 (II) THE EXECUTIVE DIRECTOR MAY ORDER PAYMENT FROM THE
21 JURISDICTION THAT ERRONEOUSLY RECEIVED THE SALES OR USE TAX IN
22 THE AMOUNT ERRONEOUSLY PAID, WITH INTEREST, IF APPLICABLE,
23 PURSUANT TO SECTION 39-21-110, TO THE CORRECT JURISDICTION, OR TO
24 THE TAXPAYER, AS THE CASE MAY BE;

25 (III) NOTWITHSTANDING SECTION 29-2-209, THE PERIODS OPEN OR
26 CLOSED TO ASSESSMENT OR REFUND UNDER THE ORDINANCE OR
27 RESOLUTION OF ANY STATUTORY LOCAL GOVERNMENT, SPECIAL DISTRICT,
28 OR HOME RULE JURISDICTION; UNDER SECTIONS 39-21-107 (1), 36-26-125,
29 39-26-210, AND 39-26-703; OR UNDER AN INTERGOVERNMENTAL
30 TRANSFER AGREEMENT MAY NOT BAR ANY OF THE REMEDIES SET FORTH
31 IN THIS SUBSECTION (2)(a);

32 (IV) THE TAXPAYER SHALL RECEIVE A CREDIT AGAINST ANY
33 ASSESSED SALES OR USE TAX DUE UP TO THE AMOUNT ORDERED TO BE PAID
34 BY THE JURISDICTION THAT ERRONEOUSLY RECEIVED THE SALES OR USE
35 TAX; AND

36 (V) THE EXECUTIVE DIRECTOR MAY WAIVE, FOR GOOD CAUSE

1 SHOWN, ANY PENALTIES ASSESSED THEREON, OR ANY INTEREST ASSESSED
2 IN EXCESS OF THE AMOUNT PAID, IF ANY, BY THE JURISDICTION THAT
3 ERRONEOUSLY RECEIVED THE SALES OR USE TAX PURSUANT TO
4 SUBSECTION (2)(a)(II) OF THIS SECTION."

5 Page 15, line 17, strike "DEPARTMENT" and substitute "STATE".

6 Page 15, line 20, strike "FUNDS, LESS".

7 Page 15, strike line 21.

8 Page 15, line 22, strike "SECTION 39-21-108," and substitute "FUNDS".

9 Page 16, strike lines 8 through 16 and substitute "VENDOR MAY USE THE
10 GIS DATABASE AND BE HELD HARMLESS AS DESCRIBED IN SECTION
11 39-26-105.2 WHEN COLLECTING AND REMITTING SALES OR USE TAX TO THE
12 DEPARTMENT PURSUANT TO THIS PART 2."

13 Page 27, line 19, strike "If" and substitute "EXCEPT AS PROVIDED IN
14 SUBSECTION (5)(d) OF THIS SECTION, if".

15 Page 28, strike lines 3 through 8 and substitute "ENTITLED TO THE
16 AUTOMATIC ABATEMENT OF INTEREST AND PENALTIES DESCRIBED IN THIS
17 SUBSECTION (5)(a) FOR AN ERROR THAT WOULD NOT HAVE OCCURRED IF
18 THE TAXPAYER HAD USED THE GIS DATABASE DESCRIBED IN SECTION
19 39-26-105.2 TO DETERMINE THE TAX RATE AND THE JURISDICTIONS TO
20 WHICH THE SALES OR USE TAX IS DUE. NOTHING IN THIS SUBSECTION (5)(a)
21 PROHIBITS A LOCAL GOVERNMENT FROM WAIVING INTEREST OR PENALTIES
22 FOR GOOD CAUSE SHOWN."

23 Page 29, after line 13 insert:

24 "(d) IF ALL PARTIES TO A HEARING DESCRIBED IN THIS SUBSECTION
25 (5) ARRIVE AT SETTLEMENT PRIOR TO THE HEARING, THE PARTIES MAY
26 AGREE IN WRITING TO CANCEL THE HEARING. A LOCAL GOVERNMENT TO
27 WHICH THE TAXPAYER ASSERTS IT PAID THE SALES OR USE TAX IN ERROR
28 MAY PARTICIPATE IN A SETTLEMENT CONFERENCE AND AGREEMENT
29 DESCRIBED IN THIS SUBSECTION (5)(d). AFTER CANCELING THE HEARING,
30 NO PARTY HAS A FURTHER RIGHT TO A HEARING BEFORE THE EXECUTIVE
31 DIRECTOR AND NEITHER PARTY MAY APPEAL THE DECISION IN THE MANNER
32 PROVIDED IN SECTION 39-21-105."

33 Page 61, line 14, strike "Beginning July 1, 2024, any" and substitute
34 "~~Beginning July 1, 2014, Any~~".

1 Page 63, line 19, strike "shall" and substitute "shall:".

2 Page 63, strike lines 20 through 25 and substitute:

3 "(I) Any district formed prior to or on July 1, 1993, pay in any
4 given fiscal year commencing on or after July 1, 1994, more than an
5 amount equal to the amount paid by the district in the 1993-94 fiscal year;
6 as adjusted in accordance with changes in the ~~consumer price index for
7 the Denver-Boulder consolidated statistical area~~ DEPARTMENT OF LABOR,
8 BUREAU OF LABOR STATISTICS CONSUMER PRICE INDEX FOR
9 DENVER-AURORA-LAKEWOOD FOR ALL ITEMS AND ALL URBAN
10 CONSUMERS, OR ITS APPLICABLE PREDECESSOR OR SUCCESSOR INDEX;

11 (II) Any district formed after July 1, 1993, pay in any given
12 fiscal".

13 Page 66, line 14, strike "levied and collected" and substitute "~~levied and~~
14 collected, ADMINISTERED, AND ENFORCED BY THE EXECUTIVE DIRECTOR
15 OF THE DEPARTMENT OF REVENUE".

16 Page 67, strike lines 2 through 5 and substitute "~~monthly distribution of~~
17 ~~sales tax collections to the district~~ PURSUANT TO PART 2 OF ARTICLE 2 OF
18 TITLE 29. The district shall pay the net incremental cost incurred by the
19 department in the administration and collection of the sales tax.".

20 Page 69, line 15, strike "in the" and substitute "~~in the~~".

21 Page 69, strike lines 16 through 22 and substitute: "~~same manner as that~~
22 ~~for the collection, administration, and enforcement of the state sales and~~
23 ~~use tax imposed under article 26 of title 39, C.R.S., including, without~~
24 ~~limitation, the retention by a vendor of the percentage of the amount~~
25 ~~remitted to cover the vendor's expense in the collection and remittance of~~
26 ~~said tax as provided in section 39-26-105, C.R.S. The executive director~~
27 ~~shall make monthly distributions of such sales and use tax collections to~~
28 ~~the district~~ PURSUANT TO PART 2 OF ARTICLE 2 OF TITLE 29. The district
29 shall pay the net incremental".

30 Page 71, strike line 15 and substitute "(1) and (2) as follows:".

31 Page 71, strike lines 26 and 27.

32 Page 72, strike lines 1 through 5 and substitute: "director of the
33 department of revenue ~~in the same manner as that for the collection,~~
34 ~~administration, and enforcement of the state sales tax imposed under~~

1 ~~article 26 of title 39, C.R.S., including, without limitation, the retention~~
2 ~~by a vendor of the percentage of the amount remitted to cover the~~
3 ~~vendor's expense in the collection and remittance of said tax as provided~~
4 ~~in section 39-26-105, C.R.S. The executive director shall make monthly~~
5 ~~distributions of such sales tax collections to the district. PURSUANT TO~~
6 ~~PART 2 OF ARTICLE 2 OF TITLE 29. The".~~

7 Page 73, strike lines 3 through 10.

8 Page 73, line 16, strike "revenue." and substitute "revenue".

9 Page 73, line 22, strike "~~district.~~" And substitute "~~district~~ PURSUANT TO
10 PART 2 OF ARTICLE 2 OF TITLE 29."

11 Page 74, line 24, strike "revenue." and substitute "revenue".

12 Page 75, line 3, strike "~~district.~~" And substitute "~~district~~ PURSUANT TO
13 PART 2 OF ARTICLE 2 OF TITLE 29."

14 Page 75, line 25, strike "section." and substitute "section".

15 Page 76, line 2, strike "The" and substitute "~~The~~".

16 Page 76, strike lines 3 and 4 and substitute "~~executive director shall~~
17 ~~distribute sales tax collections to the district monthly~~ PURSUANT TO PART
18 2 OF ARTICLE 2 OF TITLE 29. The district shall pay the net incremental cost
19 incurred by the".

20 Page 77, line 7, strike "levied and collected" and substitute "~~levied and~~
21 ~~collected, ADMINISTERED, AND ENFORCED BY THE EXECUTIVE DIRECTOR~~
22 ~~OF THE DEPARTMENT OF REVENUE~~".

23 Page 77, line 14, strike "revenue." and substitute "revenue".

24 Page 77, strike lines 19 and 20 and substitute "~~39-26-105, C.R.S. The~~
25 ~~executive director shall make monthly distributions of sales tax~~
26 ~~collections to the district~~ PURSUANT TO PART 2 OF ARTICLE 2 OF TITLE 29.
27 The district shall pay".

28 Page 78, line 16, strike "revenue." And substitute "revenue".

29 Page 78, strike lines 21 and 22 and substitute "~~tax as provided in section~~
30 ~~39-26-105. The executive director shall make monthly distributions of~~

- 1 ~~sales and use tax collections to the district~~ PURSUANT TO PART 2 OF
2 ARTICLE 2 OF TITLE 29. The".
- 3 Page 81, strike lines 10 and 11 and substitute "a station area improvement
4 district, making improvements, assessing the costs of improvements made
5 against property, and levying a sales tax".
- 6 Page 81, line 15, strike "THE METHOD OF".
- 7 Page 81, strike lines 16 and 17 and substitute "ANY SALES TAX ADOPTED
8 PURSUANT TO THIS SECTION SHALL BE LEVIED IN THE SAME MANNER AS
9 SET FORTH IN SECTION 30-20-604.5 (1) AND SHALL BE COLLECTED,
10 ADMINISTERED, AND ENFORCED BY THE EXECUTIVE DIRECTOR OF THE
11 DEPARTMENT OF REVENUE PURSUANT TO PART 2 OF ARTICLE 2 OF TITLE
12 29."
- 13 Page 82, line 3, strike "revenue." and substitute "revenue".
- 14 Page 82, strike lines 8 and 9 and substitute "~~provided in section~~
15 ~~39-26-105, C.R.S. The executive director shall make monthly~~
16 ~~distributions of sales tax collections to the district~~ PURSUANT TO PART 2
17 OF ARTICLE 2 OF TITLE 29. The district".
- 18 Page 83, line 11, strike "SECTION 29-2-208 (5)(b)," and substitute
19 "SECTION 29-2-208 (2)(a)(III), AND SECTION 29-2-302 (5)(b),".
- 20 Page 84, line 14, strike "**amend**" and substitute "**repeal**".
- 21 Page 84, strike lines 17 through 21 and substitute "(1) (d) (III) ~~If a~~
22 ~~retailer is permitted to retain an amount to cover the retailer's expense in~~
23 ~~collecting and remitting local sales tax that is the same amount as~~
24 ~~permitted by the state under this section, then such amount is the amount~~
25 ~~that was permitted as of December 31, 2019.~~".
- 26 Page 87, line 12, strike "SECTION 29-2-208 (5)(b);" and substitute
27 "SECTIONS 29-2-208 (2)(a)(III) AND 29-2-302 (5)(b);".
- 28 Page 88, line 5, strike "SECTION" and substitute "SECTIONS 29-2-208
29 (2)(a)(III) AND".
- 30 Page 88, line 27, strike "SECTIONS 39-26-734 (4)(d) AND 29-2-208 (5)(b)," and substitute "SECTIONS 39-26-734 (4)(d), 29-2-208 (2)(a)(III), AND 29-2-302 (5)(b),".

- 1 Page 89, lines 6 and 7, strike "SECTION 29-2-208 (5)(b)," and substitute
2 "SECTIONS 29-2-208 (2)(a)(III) AND 29-2-302 (5)(b),".
- 3 Page 90, line 26, strike "(1)(j)(I)" and substitute "(1)(j)(I)(C)".
- 4 Page 91, strike lines 4 through 10 and substitute:
- 5 "(i.5) (V) ~~Upon the request of the authority,~~ The executive
6 director of the department of revenue shall ~~administer and~~ collect,
7 ADMINISTER, AND ENFORCE the visitor benefit tax authorized by
8 subparagraph (I) of this paragraph (i.5). If the authority requests that the
9 executive director ~~administer and collect the tax,~~ the executive director
10 shall ~~make monthly distributions of the tax collections to the authority.~~
11 SUBSECTION (1)(i.5)(I) OF THIS SECTION PURSUANT TO PART 2 OF ARTICLE
12 2 OF TITLE 29. The".
- 13 Page 91, strike lines 24 through 27.
- 14 Page 92, strike lines 1 and 2.
- 15 Page 94, line 1, strike "29-2-208" and substitute "29-2-207".

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