

## CHAPTER 229

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**TAXATION**


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**HOUSE BILL 09-1130**

BY REPRESENTATIVE(S) Gardner B., Hullinghorst, King S., Liston;  
also SENATOR(S) Isgar.

**AN ACT**

**CONCERNING THE COLLECTION OF SALES TAXES BY A COUNTY GOVERNMENT.**

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

**SECTION 1.** 29-2-106 (1), Colorado Revised Statutes, is amended to read:

**29-2-106. Collection - administration - enforcement.** (1) The collection, administration, and enforcement of any countywide or any city or town sales tax adopted pursuant to this article shall be performed by the executive director of the department of revenue in the same manner as the collection, administration, and enforcement of the Colorado state sales tax. Unless otherwise provided in this article, the provisions of article 26 of title 39, C.R.S., shall govern the collection, administration, and enforcement of sales taxes authorized under this article. IN COLLECTING, ADMINISTERING, AND ENFORCING A SALES TAX AUTHORIZED UNDER THIS ARTICLE, THE STATE SALES TAX AUTHORIZED UNDER PART 1 OF ARTICLE 26 OF TITLE 39, C.R.S., OR ANY OTHER SALES TAX IMPOSED WITHIN THE BOUNDARIES OF A COUNTY, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE MAY ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH A COUNTY PURSUANT TO THE PROVISIONS OF SECTION 39-26-122.5, C.R.S., TO ENHANCE SYSTEMIC EFFICIENCIES IN THE COLLECTION OF SUCH TAXES.

**SECTION 2.** Part 1 of article 26 of title 39, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**39-26-122.5. Collection of sales tax - enhanced efficiencies - intergovernmental agreements with local governments - legislative declaration.**

(1) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT:

(a) IT IS IN THE BEST INTEREST OF THE STATE, LOCAL GOVERNMENTS, AND

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

TAXPAYERS TO HAVE SALES TAX COLLECTED IN THE MOST EFFICIENT AND EFFECTIVE MANNER FEASIBLE;

(b) SALES TAXES CAN BE ADMINISTERED AND COLLECTED MOST EFFICIENTLY WHEN THE GOVERNMENTAL ENTITIES THAT COLLECT THE TAXES COOPERATE AND SHARE RESPONSIBILITIES TO COLLECT AND DISTRIBUTE REVENUES FROM THE TAXES;

(c) THE ADMINISTRATIVE BURDEN ON TAXPAYERS IS LESSENED WHEN GOVERNMENTAL ENTITIES COOPERATE AND AGREE ON THE PROCESSES USED TO ADMINISTER AND COLLECT SALES TAXES;

(d) BROAD AUTHORITY AND PRECEDENT EXIST FOR GOVERNMENTAL ENTITIES TO OPERATE MORE EFFICIENTLY AND EFFECTIVELY BY CONTRACTING WITH EACH OTHER TO COOPERATE IN CARRYING OUT THEIR RESPECTIVE RESPONSIBILITIES;

(e) THE PURPOSE OF THIS SECTION IS TO ENCOURAGE THE STATE TO WORK COOPERATIVELY WITH COUNTIES AND OTHER LOCAL GOVERNMENTS IN THE ADMINISTRATION AND COLLECTION OF SALES TAXES IN THE STATE TO ENHANCE EFFICIENCIES AND PROCEDURES FOR THE BENEFIT OF BOTH THE DEPARTMENT OF REVENUE AND LOCAL GOVERNMENTS.

(2) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE MAY ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH ANY COUNTY FOR THE PURPOSE OF ENHANCING THE SYSTEMIC EFFICIENCIES AND PROCEDURES USED IN THE COLLECTION OF STATE AND LOCAL SALES TAXES. SUCH AGREEMENT SHALL BE ENTERED INTO ON BEHALF OF AND FOR THE BENEFIT OF BOTH THE COUNTY AND THE DEPARTMENT. IN ADDITION, A MUNICIPALITY MAY BE INCLUDED AS A PARTY TO THE AGREEMENT TO FURTHER THE SAME EFFICIENCIES AND PROCEDURES TO BE ENHANCED BY THE AGREEMENT BETWEEN THE EXECUTIVE DIRECTOR AND A COUNTY. THE AGREEMENT MAY ALLOW THE PARTIES TO SHARE IN PROVIDING ANY FUNCTION OR SERVICE LAWFULLY AUTHORIZED TO EACH OF THE PARTIES, INCLUDING THE SHARING OF COSTS, INFORMATION, OR DUTIES RELATED TO THE COLLECTION OF SALES TAXES WITHIN THE BOUNDARIES OF THE COUNTY.

(3) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE SHALL ANNUALLY PROVIDE INFORMATION TO THE FINANCE COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR COMMITTEES, ON ANY AGREEMENTS ENTERED INTO IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION AND ANY ENHANCED EFFECTIVENESS OR PROCEDURES THAT HAVE BEEN ACHIEVED AS RESULT OF THE AGREEMENTS. SUCH INFORMATION SHALL BE INCORPORATED INTO AN EXISTING REPORT PROVIDED ON ANNUAL BASIS BY THE EXECUTIVE DIRECTOR TO THE COMMITTEES.

**SECTION 3. Act subject to petition - effective date.** This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution, (August 5, 2009, if adjournment sine die is on May 6, 2009); except that, if a referendum petition is

filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: May 4, 2009