

First Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 13-0215.01 Ed DeCecco x4216

HOUSE BILL 13-1150

HOUSE SPONSORSHIP

Nordberg,

SENATE SPONSORSHIP

(None),

House Committees

Finance
Appropriations

Senate Committees

A BILL FOR AN ACT

101 CONCERNING A SALES AND USE TAX HOLIDAY FOR A
102 DISASTER-PREPAREDNESS ITEM.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries.>)

Section 1 of the bill creates a state sales and use tax exemption for a disaster-preparedness item. The term "disaster-preparedness item" includes items suggested by the federal emergency management agency for this purpose. The exemption applies to these items sold on the first Saturday and Sunday in September of the next 3 years, but it only applies

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

to those items sold by a participating vendor. Any vendor may elect to be a participating vendor, but a participating vendor cannot selectively apply the exemption.

Section 2 of the bill permits a town, city, or county to create an identical sales tax exemption.

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

SECTION 1. In Colorado Revised Statutes, **add** 39-26-727 as follows:

39-26-727. Disaster-preparedness item - legislative declaration - definitions. (1) THE GENERAL ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES THAT THE PRIMARY PURPOSE OF THE TAX EXEMPTION IN THIS SECTION IS TO CREATE AN INCENTIVE FOR COLORADANS TO PURCHASE DISASTER-PREPAREDNESS ITEMS.

(2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES, "DISASTER-PREPAREDNESS ITEM" MEANS:

(a) A PACKAGE OF AAA-CELL, AA-CELL, C-CELL, D-CELL, 6-VOLT, OR 9-VOLT BATTERIES;

(b) A CELLULAR PHONE BATTERY OR CELLULAR PHONE CHARGER;

(c) A PORTABLE SELF-POWERED OR BATTERY-POWERED RADIO, TWO-WAY RADIO, OR WEATHER RADIO;

(d) DUCT TAPE;

(e) A NONELECTRIC FOOD STORAGE COOLER OR WATER STORAGE CONTAINER;

(f) A NONELECTRIC CAN OPENER;

(g) ARTIFICIAL ICE, BLUE ICE, ICE PACKS, OR REUSABLE ICE;

(h) A SELF-CONTAINED FIRST AID KIT;

(i) A FIRE EXTINGUISHER;

(j) A SMOKE DETECTOR OR CARBON MONOXIDE DETECTOR;

- 1 (k) A GAS OR DIESEL FUEL TANK OR CONTAINER;
- 2 (l) BOTTLED WATER;
- 3 (m) A FLASHLIGHT;
- 4 (n) A SHOVEL; OR
- 5 (o) A PORTABLE GENERATOR.

6 (3) (a) ON THE FIRST SATURDAY AND SUNDAY OF SEPTEMBER
7 2013, 2014, AND 2015, THE SALE OF A DISASTER-PREPAREDNESS ITEM BY
8 A PARTICIPATING VENDOR THAT IS LESS THAN OR EQUAL TO THE LIMIT
9 ESTABLISHED IN PARAGRAPH (b) OF THIS SUBSECTION (3) IS EXEMPT FROM
10 THE TAX LEVIED PURSUANT TO PART 1 OF THIS ARTICLE.

11 (b) UNDER THIS SECTION, THE SALES AND USE TAX EXEMPTION
12 LIMIT FOR A PORTABLE GENERATOR IS ONE THOUSAND DOLLARS, AND THE
13 LIMIT FOR ANY OTHER TYPE OF DISASTER-PREPAREDNESS ITEM IS SIXTY
14 DOLLARS.

15 (c) ANY VENDOR MAY ELECT TO BE A PARTICIPATING VENDOR
16 UNDER THIS SECTION. A PARTICIPATING VENDOR SHALL NOT COLLECT THE
17 TAX LEVIED PURSUANT TO PART 1 OF THIS ARTICLE ON ANY
18 DISASTER-PREPAREDNESS ITEM THAT MEETS THE REQUIREMENTS OF THIS
19 SUBSECTION (3).

20 (4) THE STORAGE, USE, OR CONSUMPTION OF A
21 DISASTER-PREPAREDNESS ITEM THAT IS EXEMPT AT THE TIME OF PURCHASE
22 FROM THE SALES TAX PURSUANT TO SUBSECTION (3) OF THIS SECTION IS
23 EXEMPT FROM THE USE TAX LEVIED PURSUANT TO PART 2 OF THIS ARTICLE.

24 **SECTION 2.** In Colorado Revised Statutes, 29-2-105, **amend** (1)
25 (d) (I) (K) and (1) (d) (I) (L); and **add** (1) (d) (I) (M) as follows:

26 **29-2-105. Contents of sales tax ordinances and proposals -**
27 **repeal.** (1) The sales tax ordinance or proposal of any incorporated town,

1 city, or county adopted pursuant to this article shall be imposed on the
2 sale of tangible personal property at retail or the furnishing of services,
3 as provided in paragraph (d) of this subsection (1). Any countywide or
4 incorporated town or city sales tax ordinance or proposal shall include the
5 following provisions:

6 (d) (I) A provision that the sale of tangible personal property and
7 services taxable pursuant to this article shall be the same as the sale of
8 tangible personal property and services taxable pursuant to section
9 39-26-104, C.R.S., except as otherwise provided in this paragraph (d).
10 The sale of tangible personal property and services taxable pursuant to
11 this article shall be subject to the same sales tax exemptions as those
12 specified in part 7 of article 26 of title 39, C.R.S.; except that the sale of
13 the following may be exempted from a town, city, or county sales tax only
14 by the express inclusion of the exemption either at the time of adoption
15 of the initial sales tax ordinance or resolution or by amendment thereto:

16 (K) The exemption for sales that benefit a Colorado school
17 specified in section 39-26-725, C.R.S.; ~~and~~

18 (L) The exemption for sales by an association or organization of
19 parents and teachers of public school students that is a charitable
20 organization as specified in section 39-26-718 (1) (c), C.R.S.; AND

21 (M) THE EXEMPTION BY A PARTICIPATING VENDOR FOR SALES OF
22 DISASTER-PREPAREDNESS ITEMS SPECIFIED IN SECTION 39-26-727, C.R.S.,
23 FOR THE SAME PERIODS THAT THE STATE EXEMPTION IS AVAILABLE.

24 **SECTION 3. Safety clause.** The general assembly hereby finds,
25 determines, and declares that this act is necessary for the immediate
26 preservation of the public peace, health, and safety.