

**First Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 19-1086.01 Pierce Lively x2059

HOUSE BILL 19-1323

HOUSE SPONSORSHIP

Herod and Van Winkle,

SENATE SPONSORSHIP

Todd and Lundeen,

House Committees
Finance

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING AN EXEMPTION FROM STATE SALES TAX FOR**
102 **OCCASIONAL SALES BY CHARITABLE ORGANIZATIONS.**

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://leg.colorado.gov>.)

Under current law, up to \$25,000 of the funds raised by a charitable organization through occasional sales are exempt from state sales tax. The bill increases that amount to \$45,000. The bill also removes the requirement that occasional sales by charitable organizations take place for no more than 12 days, whether consecutive or not, during any calendar year.

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

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

2 **SECTION 1.** In Colorado Revised Statutes, 39-26-718, **amend**
3 (1) introductory portion, (1)(b)(II) introductory portion, and (1)(b)(II)(C);
4 and **repeal** (1)(b)(II)(A) as follows:

5 **39-26-718. Charitable organizations - association or**
6 **organization of parents and teachers of public school students -**
7 **definition.** (1) The following shall be exempt from taxation under ~~the~~
8 ~~provisions of~~ part 1 of this article 26:

9 (b) (II) For purposes of this ~~paragraph (b)~~ SUBSECTION (1)(b),
10 "occasional sales" means retail sales of tangible personal property,
11 including concessions, for fund-raising purposes if:

12 (A) ~~The sale of tangible personal property or concessions by the~~
13 ~~charitable organization takes place no more than twelve days, whether~~
14 ~~consecutive or not, during any one calendar year;~~

15 (C) The funds raised by the charitable organization through these
16 sales do not exceed ~~twenty-five~~ FORTY-FIVE thousand dollars during any
17 one calendar year.

18 **SECTION 2. Act subject to petition - effective date -**
19 **applicability.** (1) This act takes effect January 1, 2019; except that, if a
20 referendum petition is filed pursuant to section 1 (3) of article V of the
21 state constitution against this act or an item, section, or part of this act
22 within the ninety-day period after final adjournment of the general
23 assembly, then the act, item, section, or part will not take effect unless
24 approved by the people at the general election to be held in November
25 2020 and, in such case, will take effect on the date of the official
26 declaration of the vote thereon by the governor.

1 (2) This act applies to sales that occur on or after the applicable
2 effective date of this act.