



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

Final Fiscal Note

Drafting Number: LLS 22-0170
Prime Sponsors: Rep. Benavidez, Sen. Kolker

Date: August 29, 2022
Bill Status: Postponed Indefinitely
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Bill Topic: FARM CLOSE-OUT EXEMPTION EXCLUDE MOTOR VEHICLES

- Summary of Fiscal Impact: State Revenue, State Expenditure, State Transfer, TABOR Refund, Local Government, Statutory Public Entity

The bill would have excluded sales of vehicles subject to state registration requirements from the farm close-out sale tax exemption. The bill would have increased state revenue on an ongoing basis and have minimally increased one-time expenditures. The bill would have increased local government revenue and may have increased workload on an ongoing basis.

Appropriation Summary: No appropriation was required.

Fiscal Note Status: The fiscal note reflects the introduced bill. This bill was not enacted into law; therefore the impacts identified in this analysis do not take effect.

Table 1
State Fiscal Impacts Under Bill 10

Table with 4 columns: Category, Fund, Budget Year FY 2022-23, and Out Year FY 2023-24. Rows include Revenue, Expenditures, Transfers, and TABOR Refund.

## **Summary of Legislation**

The bill would have excluded vehicles subject to state registration requirements from the farm close-out sales tax exemption.

## **Background**

The farm close-out sale tax exemption was enacted in 1945. A farm close-out sale applies to farms and ranches that completely shut-down their operations and sell all tangible personal property that was used in those operations. A farm close-out sale can be conducted by a sale at auction or privately.

Vehicles subject to registration requirements include motor vehicles, trailers, and other vehicles. The state exempts farm tractors and other types of mobile machinery from registration.

## **State Revenue**

The bill was estimated to increase General Fund revenue by \$42,600 to \$264,500 in FY 2022-23 and between \$47,600 and \$269,900 in FY 2023-24, with ongoing impacts in subsequent years. Sales and use tax revenue is subject to TABOR.

**Data and assumptions.** Based on industry contacts, farm close-out sales are often attributable to retirements and sales of land and operations. The range of estimated vehicle sales assumed 4.1 vehicles per close-out sale that were subject to state registration requirements including trucks, cars, and trailers. Vehicles per farm close-out sale were estimated from data on trucks per farm from the U.S. Department of Agriculture's 2017 Agricultural Census and registered vehicles per household from the Department of Revenue and the State Demography Office. Based on projected farmland losses and average farm size, or assuming about 1.0 percent of used car sales each year could be attributable to retiring farm producers, vehicle sales could have ranged from about 70 to 450 vehicles annually. Lastly, the analysis assumed an average used vehicle sales price of between \$22,200 and \$22,800 from U.S. Bureau of Transportation statistics on the average price of a used car in 2020, adjusted for inflation.

## **State Expenditures**

The bill would have minimally increased expenditures for the Department of Revenue for one-time programming costs and updates in FY 2022-23 to guidance publications and form instructions. This fiscal note assumed these expenditures could be accomplished within existing appropriations.

**TABOR refunds.** The bill was expected to increase the amount of state revenue required to be refunded to taxpayers by the amounts shown in the State Revenue section above for FY 2022-23 and FY 2023-24. TABOR refunds are paid from the General Fund. This estimate was based on the March 2022 Legislative Council Staff forecast. A forecast of state revenue subject to TABOR is not available beyond FY 2023-24.

## Local Government

The bill would have increased sales and use tax revenue on an ongoing basis for impacted state-administered taxing jurisdictions. The amount of increase on various taxing jurisdictions could not be determined based on available information.

The bill may have minimally increased workload on an ongoing basis for local county clerks depending on where vehicles were registered.

## Effective Date

This bill was postponed indefinitely by the House Finance Committee on February 3, 2022.

## State and Local Government Contacts

Counties	Information Technology	Municipalities
Regional Transportation District	Revenue	School Districts
Special Districts		