

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

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 23-0734.01 Alison Killen x4350

SENATE BILL 23-208

SENATE SPONSORSHIP

Ginal and Pelton B., Bridges, Pelton R., Priola

HOUSE SPONSORSHIP

Epps,

Senate Committees
Finance

House Committees
Finance

A BILL FOR AN ACT

101 **CONCERNING MODIFICATIONS TO CERTAIN TAX STATUTES TO CORRECT**
102 **DEFECTIVE CROSS REFERENCES.**

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/>.)

Statutory Revision Committee. The bill corrects several defective cross references in the tax statutes. **Section 1** of the bill adds an omitted cross reference regarding the electronic filing of returns with the executive director of the department of revenue in the statute that addresses the date of receipt of tax returns. **Section 2** corrects the cross reference to applicable definitions when calculating the income tax of an

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

HOUSE
2nd Reading Unamended
April 24, 2023

SENATE
3rd Reading Unamended
April 10, 2023

SENATE
2nd Reading Unamended
April 6, 2023

electing pass-through entity owner. **Section 3** corrects the cross reference used to exclude regulated marijuana products from the definition of "agricultural commodities" for purposes of a "wholesale sale" under the state sales tax.

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

2 **SECTION 1.** In Colorado Revised Statutes, 39-21-119, **amend**
3 (4) as follows:

4 **39-21-119. Filing with executive director - when deemed to**
5 **have been made.** (4) The date of receipt of returns or other documents
6 made, filed, signed, subscribed, verified, transmitted, received, or stored
7 under the alternative methods provided in ~~section~~ **SECTIONS 39-21-119.5**
8 **AND 39-21-120 shall be** ARE determined pursuant to rules and regulations
9 adopted by the executive director pursuant to section 39-21-112 (1).

10 **SECTION 2.** In Colorado Revised Statutes, 39-22-104, **amend**
11 (3)(r) as follows:

12 **39-22-104. Income tax imposed on individuals, estates, and**
13 **trusts - single rate - report - legislative declaration - definitions -**
14 **repeal.** (3) There shall be added to the federal taxable income:

15 (r) Notwithstanding subsection (3)(o) of this section, for income
16 tax years commencing on or after January 1, 2018, an amount equal to the
17 deduction taken under section 199A of the internal revenue code, except
18 to the extent the deduction is otherwise disallowed under section 265 of
19 the internal revenue code, for an electing pass-through entity owner of an
20 electing pass-through entity, as such terms are defined in ~~section~~
21 ~~39-21-342~~ **SECTION 39-22-342**, that makes the election allowed in subpart
22 3 of part 3 of this article 22.

23 **SECTION 3.** In Colorado Revised Statutes, 39-26-102, **amend**

1 (19)(g) as follows:

2 **39-26-102. Definitions.** As used in this article 26, unless the
3 context otherwise requires:

4 (19) (g) For purposes of this subsection (19), "agricultural
5 commodities" does not include products regulated under ~~articles 11 and~~
6 ~~12~~ ARTICLE 10 of title 44.

7 **SECTION 4. Act subject to petition - effective date.** This act
8 takes effect at 12:01 a.m. on the day following the expiration of the
9 ninety-day period after final adjournment of the general assembly; except
10 that, if a referendum petition is filed pursuant to section 1 (3) of article V
11 of the state constitution against this act or an item, section, or part of this
12 act within such period, then the act, item, section, or part will not take
13 effect unless approved by the people at the general election to be held in
14 November 2024 and, in such case, will take effect on the date of the
15 official declaration of the vote thereon by the governor.