

CHAPTER 76

TAXATION

HOUSE BILL 17-1136

BY REPRESENTATIVE(S) Foote, Gray, Hooton, Humphrey, Lontine, McKean, Rosenthal, Williams D.;;
also SENATOR(S) Gardner, Cooke, Marble, Martinez Humenik, Neville T., Grantham.

AN ACT**CONCERNING CONSISTENT STATUTORY LANGUAGE FOR ELECTRONIC FILING OF TAXES.**

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

SECTION 1. In Colorado Revised Statutes, 39-22-604, **amend** (4)(a) as follows:

39-22-604. Withholding tax - requirement to withhold - tax lien - exemption from lien - definitions. (4) (a) The executive director may require any taxpayer who has an annual estimated withheld tax liability of more than fifty thousand dollars to remit withheld tax by electronic funds transfer. The executive director MAY PROMULGATE RULES TO IMPLEMENT REMITTANCES BY ELECTRONIC FUNDS TRANSFER AND shall promulgate rules ~~and regulations~~ prescribing withholding tax periods and the corresponding tax return filing and tax payment due dates. The executive director shall consult with the state treasurer regarding the formulation of such rules and regulations in order to minimize the amount of lost interest to the state general fund.

SECTION 2. In Colorado Revised Statutes, **amend** 39-26-105.5 as follows:

39-26-105.5. Remittance of sales taxes - electronic funds transfers. For any calendar year, ~~commencing on or after January 1, 2002,~~ THE EXECUTIVE DIRECTOR MAY REQUIRE any vendor whose liability for state sales tax only for the previous calendar year was more than seventy-five thousand dollars ~~shall~~ TO use electronic funds transfers to remit all state and local sales taxes required to be remitted to the executive director of the department of revenue. The executive director may promulgate rules to ~~effectively~~ implement this section, but shall first consult with the state treasurer to ensure that any rules promulgated do not adversely affect the ability of the state treasurer to optimize sales tax investment earnings. Such rules

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

shall be promulgated in accordance with article 4 of title 24. ~~C.R.S.~~ The executive director shall not require any taxpayer required to remit sales taxes by electronic funds transfers to remit sales tax prior to the deadline specified in section 39-26-105 for taxpayers who remit sales taxes by other means.

SECTION 3. In Colorado Revised Statutes, **amend** 39-27-105.3 as follows:

39-27-105.3. Remittance of tax on gasoline and special fuel - electronic funds transfers. For any calendar month, ~~commencing on or after July 1, 2005,~~ THE EXECUTIVE DIRECTOR MAY REQUIRE any distributor, supplier, carrier, exporter, importer, blender, refiner, licensee, or terminal operator ~~shall~~ TO use electronic funds transfers to remit all taxes required to be remitted to ~~the executive director of the department of revenue.~~ Such distributor, supplier, carrier, exporter, importer, blender, refiner, licensee, or terminal operator shall pay such taxes by electronic funds transfers to the department REVENUE on or before the twenty-sixth day of each calendar month. The executive director may promulgate rules to ~~effectively~~ implement this section, but shall first consult with the state treasurer to ensure that any rules promulgated do not adversely affect the ability of the state treasurer to optimize gasoline and special fuel tax investment earnings. Such rules shall be promulgated in accordance with article 4 of title 24. ~~C.R.S.~~

SECTION 4. In Colorado Revised Statutes, 39-28-104, **amend** (1)(c) as follows:

39-28-104. Evidence of payment of tax - credits - redemptions. (1) (c) THE DEPARTMENT MAY REQUIRE wholesalers ~~shall electronically~~ TO USE ELECTRONIC FUNDS TRANSFERS TO remit tax payments due pursuant to this ~~article~~ ARTICLE 28 and section 21 of article X of the state constitution to the department ~~The department~~ AND may require wholesalers to file tax returns electronically. The department ~~shall~~ MAY promulgate rules governing electronic payment and filing.

SECTION 5. In Colorado Revised Statutes, 39-28.5-106, **amend** (3) as follows:

39-28.5-106. Returns and remittance of tax - civil penalty. (3) THE DEPARTMENT MAY REQUIRE distributors ~~shall electronically~~ TO USE ELECTRONIC FUNDS TRANSFERS TO remit tax payments due pursuant to this ~~article~~ ARTICLE 28.5 and section 21 of article X of the state constitution to the department ~~The department~~ AND may require distributors to file tax returns electronically. The department ~~shall~~ MAY promulgate rules governing electronic payment and filing.

SECTION 6. In Colorado Revised Statutes, 39-28.8-202, **amend** (1)(a)(I) and (3) as follows:

39-28.8-202. Retail marijuana sales tax. (1) (a) (I) In addition to the tax imposed pursuant to part 1 of article 26 of this ~~title~~ TITLE 39 and the sales tax imposed by a local government pursuant to title 29, 30, 31, or 32, but except as otherwise set forth in ~~subparagraphs (II) and (III) of this paragraph (a)~~ SUBSECTIONS (1)(a)(II) AND (1)(a)(III) OF THIS SECTION, beginning January 1, 2014, and through June 30, 2017, there is imposed upon all sales of retail marijuana and retail marijuana products by a retailer a tax at the rate of ten percent of the amount of the sale, and beginning July 1, 2017, there is imposed upon all sales of retail marijuana and retail marijuana products by a retailer a tax at the rate of eight percent of the

amount of the sale. The tax imposed by this section is computed in accordance with schedules or forms prescribed by the executive director of the department; except that a retail marijuana store is not allowed to retain any portion of the retail marijuana sales tax collected pursuant to this part 2 to cover the expenses of collecting and remitting the tax and except that the department of revenue may require a retailer to make returns and remit the tax described in this part 2 by electronic ~~means~~ FUNDS TRANSFERS. THE EXECUTIVE DIRECTOR MAY PROMULGATE RULES TO IMPLEMENT THIS SECTION.

(3) The department may require retail marijuana stores to file tax returns ELECTRONICALLY and TO remit payments due pursuant to this part 2 ~~electronically~~ BY ELECTRONIC FUNDS TRANSFERS. The department ~~shall~~ MAY promulgate rules governing electronic payment and filing.

SECTION 7. In Colorado Revised Statutes, 39-28.8-304, **amend** (3) as follows:

39-28.8-304. Returns and remittance of tax - civil penalty. (3) The department may require retail marijuana cultivation facilities to file tax returns ELECTRONICALLY and TO remit payments due pursuant to this part 3 ~~electronically~~ BY ELECTRONIC FUNDS TRANSFERS. The department ~~shall~~ MAY promulgate rules governing electronic payment and filing.

SECTION 8. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: March 23, 2017