

First Regular Session
Seventy-first General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 17-0281.01 Kristen Forrestal x4217

HOUSE BILL 17-1137

HOUSE SPONSORSHIP

Thurlow and Hooton, Arndt, Nordberg

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Tate and Moreno, Kerr, Martinez Humenik

House Committees

State, Veterans, & Military Affairs

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE SCHEDULED REPEAL OF REPORTS BY THE
102 DEPARTMENT OF REVENUE TO THE GENERAL ASSEMBLY.

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. Pursuant to section 24-1-136 (11)(a)(I), Colorado Revised Statutes, any report that is required to be made to the general assembly by an executive agency or the judicial branch on a periodic basis expires on the day after the third anniversary of the date on which the first report was due unless the general assembly, acting by bill, continues the requirement. The bill addresses reporting

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.

requirements of the department of revenue.

Sections 1, 2, 6, 8, and 9 of the bill repeal a report that was scheduled to repeal according to section 24-1-136 (11)(a)(I). Currently there is no repeal date listed in the organic statute.

Sections 3 and 4 of the bill amend the organic statutes to remove requirements to send a report to the general assembly after the scheduled repeal date specified in section 24-1-136 (11)(a)(I).

Sections 5 and 7 of the bill add a repeal date in the organic statute that coincides with the scheduled repeal date specified in section 24-1-136 (11)(a)(I).

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

2 **SECTION 1.** In Colorado Revised Statutes, 12-43.4-104, **repeal**
3 (6) as follows:

4 **12-43.4-104. Applicability - retail marijuana.** ~~(6) On or before~~
5 ~~April 1, 2014, and on or before April 1 each year thereafter, the state~~
6 ~~licensing authority shall submit a report to the joint budget committee and~~
7 ~~the finance committees of the senate and house of representatives, or any~~
8 ~~successor committees, on:~~

9 ~~(a) The progress that the state licensing authority is making in~~
10 ~~processing licenses;~~

11 ~~(b) An overview of the retail marijuana and retail marijuana~~
12 ~~products markets, including but not limited to actual and anticipated~~
13 ~~market demand and market supply;~~

14 ~~(c) Detailing the amount of revenue generated by medical and~~
15 ~~retail marijuana, including applicable excise taxes, sales taxes, application~~
16 ~~and license fees, and any other fees, and detailing the expenses incurred~~
17 ~~by the state licensing authority, broken down into categories as~~
18 ~~determined by the authority;~~

19 ~~(d) The number of applications for conversion from medical~~
20 ~~marijuana licensees to retail marijuana establishments;~~

1 ~~(e) The number of persons who have filed a notice of intent to~~
2 ~~apply for licensure pursuant to subparagraph (f) of paragraph (b) of~~
3 ~~subsection (1) of this section; and~~

4 ~~(f) The enforcement measures taken against persons licensed~~
5 ~~pursuant to this article for violation of regulations promulgated pursuant~~
6 ~~to this article.~~

7 **SECTION 2.** In Colorado Revised Statutes, 12-47-601, **repeal** (8)
8 as follows:

9 **12-47-601. Suspension - revocation - fines.** (8) ~~Each local~~
10 ~~licensing authority shall report all actions taken to impose fines,~~
11 ~~suspensions, and revocations to the state licensing authority in a manner~~
12 ~~as required by the state licensing authority. No later than January 15 of~~
13 ~~each year, a report of the preceding year's actions in which fines,~~
14 ~~suspensions, or revocations were imposed by local licensing authorities~~
15 ~~and by the state licensing authority shall be compiled by the state~~
16 ~~licensing authority. One copy of said report shall be filed with the chief~~
17 ~~clerk of the house of representatives, one copy shall be filed with the~~
18 ~~secretary of the senate, and six copies shall be filed in the joint legislative~~
19 ~~library.~~

20 **SECTION 3.** In Colorado Revised Statutes, 24-35-204, **amend**
21 (3)(k) as follows:

22 **24-35-204. Director - qualifications - powers and duties.**
23 (3) The director, as administrative head of the division, shall direct and
24 supervise all its administrative and technical activities. In addition to the
25 duties imposed upon the director elsewhere in this part 2, it shall be the
26 director's duty:

27 (k) To furnish monthly to the state treasurer and the commission

1 a full and complete statement of lottery revenues, prize disbursements,
2 and other expenses for each month. All reports required by this paragraph
3 (k) shall be public, and ~~copies of all~~ A COPY OF EACH OF such reports shall
4 be sent to the governor. ~~the speaker of the house of representatives, the~~
5 ~~president of the senate, and the minority leaders of both houses.~~

6 **SECTION 4.** In Colorado Revised Statutes, 24-35-211, **amend**
7 (2) as follows:

8 **24-35-211. Audits and annual reports.** (2) The commission and
9 director shall make an annual report by March 1 of each year to the
10 governor ~~the legislative audit committee, and the joint budget committee~~
11 that shall include a summary of the division's activities for the previous
12 year, a detailed statement of lottery revenues, prize disbursements,
13 expenses of the division, allocation of remaining revenues, and any
14 recommendations for change in the statutes that the commission or
15 director deems necessary or desirable. The report shall be public.

16 **SECTION 5.** In Colorado Revised Statutes, 26-2-104, **amend**
17 (2)(f) as follows:

18 **26-2-104. Public assistance programs - electronic benefits**
19 **transfer service - joint reports with department of revenue - signs -**
20 **rules.** (2) (f) (I) On or before January 1, 2016, and July 1, 2016, and on
21 or before each January 1 thereafter, the department of revenue and the
22 state department shall each submit and present the reports at the same
23 meeting on electronic benefits transfers to the state, veterans, and military
24 affairs committees of the senate and house of representatives, the health
25 and human services committee of the senate, and the public health care
26 and human services committee of the house of representatives, or any
27 successor committees. The reports must list the number of instances that

1 a client accessed cash benefits through the electronic benefits transfer
2 service through automated teller machines located in each type of
3 establishment described in paragraph (a) of this subsection (2) or any
4 other establishment in which a client is prohibited from accessing benefits
5 by federal law.

6 (II) PURSUANT TO SECTION 24-1-136 (11)(a)(I), THIS SUBSECTION
7 (2)(f) IS REPEALED, EFFECTIVE JANUARY 2, 2019.

8 **SECTION 6.** In Colorado Revised Statutes, 39-22-522.5, **repeal**
9 (12) and (13) as follows:

10 **39-22-522.5. Conservation easement tax credits - dispute**
11 **resolution - legislative declaration.** (12) ~~(a) On or before July 1, 2011,~~
12 ~~and on a quarterly basis thereafter, the executive director shall provide a~~
13 ~~report to the joint budget committee and the finance committees of the~~
14 ~~general assembly describing:~~

15 ~~(I) The number of tax credits claimed pursuant to section~~
16 ~~39-22-522 for which the executive director mailed a notice of deficiency,~~
17 ~~notice of rejection of refund claim, or notice of disallowance pursuant to~~
18 ~~section 39-21-103;~~

19 ~~(II) The number of such cases sent to the conservation easement~~
20 ~~oversight commission for review pursuant to section 12-61-725, C.R.S.;~~

21 ~~(III) The number of such cases returned to the executive director~~
22 ~~with the advice of the conservation easement oversight commission~~
23 ~~created in section 12-61-725 (1), C.R.S., and the action, if any, taken by~~
24 ~~the department of revenue on the cases returned by the commission;~~

25 ~~(IV) The number and progress of any cases that are in a mediation~~
26 ~~process and the status of such mediation;~~

27 ~~(V) The number of cases referred to the attorney general's office~~

1 for resolution;

2 ~~(VI) The number of cases finally resolved by the department of~~
3 ~~revenue;~~

4 ~~(VII) The amount of deficient taxes, interest, and penalties~~
5 ~~determined to be owed or waived by the department of revenue in~~
6 ~~administering the resolution of cases;~~

7 ~~(VIII) The number and total amount of credits that were originally~~
8 ~~contested but subsequently allowed to be claimed in full; and~~

9 ~~(IX) The amount of moneys expended by the department of~~
10 ~~revenue in administering the resolution of cases.~~

11 ~~(b) The reporting requirements of subparagraphs (II) and (III) of~~
12 ~~paragraph (a) of this subsection (12) shall not apply for conservation~~
13 ~~easements donated on or after January 1, 2014.~~

14 ~~(13) On or before March 15, 2012, and on a quarterly basis~~
15 ~~thereafter, the state court administrator shall provide a report to the joint~~
16 ~~budget committee and the finance committees of the general assembly~~
17 ~~describing:~~

18 ~~(a) The number of taxpayers electing to appeal pursuant to~~
19 ~~subsection (2) of this section;~~

20 ~~(b) The number of cases pending before the district courts or on~~
21 ~~appeal before other courts;~~

22 ~~(c) The number of cases finally resolved;~~

23 ~~(d) The amount of moneys estimated to have been expended by~~
24 ~~the courts in administering the appeals; and~~

25 ~~(e) The amount of deficient taxes, interest, and penalties~~
26 ~~determined to be owed or waived in connection with the appeals.~~

27 **SECTION 7.** In Colorado Revised Statutes, 42-1-229, **add** (2) as

1 follows:

2 **42-1-229. Report.** (2) PURSUANT TO SECTION 24-1-136 (11)(a)(I),
3 THIS SECTION IS REPEALED, EFFECTIVE JULY 2, 2018.

4 **SECTION 8.** In Colorado Revised Statutes, 42-3-302, **repeal** (2)
5 as follows:

6 **42-3-302. Special plate fees.** (2) ~~The executive director of the~~
7 ~~department shall make an annual report by March 1 of each year to the~~
8 ~~general assembly. Such report shall be open for public inspection and~~
9 ~~shall include:~~

10 (a) ~~A summary of the department's activities for the previous year;~~

11 (b) ~~A statement of plate revenues;~~

12 (c) ~~Information regarding special plate purchases;~~

13 (d) ~~Expenses of the department;~~

14 (e) ~~Allocation of remaining revenues; and~~

15 (f) ~~Any recommendations for changes in statutes that the~~
16 ~~executive director deems necessary or desirable.~~

17 **SECTION 9.** In Colorado Revised Statutes, 42-4-305, **repeal** (11)
18 as follows:

19 **42-4-305. Powers and duties of executive director - automobile**
20 **inspection and readjustment program - basic emissions program -**
21 **enhanced emissions program - clean screen program - rules.** (11) ~~The~~
22 ~~executive director shall report to the transportation legislation review~~
23 ~~committee annually on the effectiveness of the quality assurance and~~
24 ~~enforcement measures contained in this section, the overall motorist~~
25 ~~compliance rates with inspections for registration denial, and the status~~
26 ~~of state implementation plan compliance pertaining to quality assurance.~~
27 ~~This annual report shall be submitted to the commission in May of each~~

1 ~~year for incorporation into appropriate annual and biennial reporting~~
2 ~~requirements. Reports shall cover the previous calendar year.~~

3 **SECTION 10. Act subject to petition - effective date.** This act
4 takes effect at 12:01 a.m. on the day following the expiration of the
5 ninety-day period after final adjournment of the general assembly (August
6 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a
7 referendum petition is filed pursuant to section 1 (3) of article V of the
8 state constitution against this act or an item, section, or part of this act
9 within such period, then the act, item, section, or part will not take effect
10 unless approved by the people at the general election to be held in
11 November 2018 and, in such case, will take effect on the date of the
12 official declaration of the vote thereon by the governor.