

Second Regular Session  
Seventy-fourth General Assembly  
STATE OF COLORADO

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 24-0546.01 Alison Killen x4350

**HOUSE BILL 24-1349**

**HOUSE SPONSORSHIP**

**Duran and Froelich**, Lindstedt, Amabile, Bacon, Boesenecker, Brown, deGruy Kennedy, Epps, Garcia, Hernandez, Herod, Jodeh, Joseph, Kipp, Lindsay, Mabrey, Mauro, McCormick, Ortiz, Parenti, Ricks, Rutinel, Snyder, Story, Weissman, Willford, Woodrow

**SENATE SPONSORSHIP**

**Hansen and Buckner**,

**House Committees**

Finance  
Appropriations

**Senate Committees**

Finance  
Appropriations

**A BILL FOR AN ACT**

101       **CONCERNING A NEW EXCISE TAX RELATED TO FIREARMS, AND, IN**  
102               **CONNECTION THEREWITH, CONTINGENT ON VOTER APPROVAL**  
103               **OF THE NEW TAX AND THE RETENTION BY THE STATE OF ALL**  
104               **REVENUE GENERATED BY THE NEW TAX AT THE 2024 GENERAL**  
105               **ELECTION, LEVYING AN EXCISE TAX ON THE NET TAXABLE SALES**  
106               **OF GUN DEALERS, GUN MANUFACTURERS, AND AMMUNITION**  
107               **VENDORS FROM THE RETAIL SALE IN THIS STATE OF ANY**  
108               **FIREARM, FIREARM PRECURSOR PART, OR AMMUNITION,**  
109               **REQUIRING THE EXCISE TAX REVENUE TO BE SPENT FOR MENTAL**  
110               **HEALTH SERVICES, INCLUDING FOR MILITARY VETERANS AND**  
111               **AT-RISK YOUTH, SCHOOL SAFETY AND GUN VIOLENCE**  
112               **PREVENTION, AND SUPPORT SERVICES FOR VICTIMS OF**  
113               **DOMESTIC VIOLENCE AND OTHER VIOLENT CRIMES, AND**

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  
3rd Reading Unamended  
April 20, 2024

HOUSE  
Amended 2nd Reading  
April 19, 2024

### 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>.)*

Subject to voter approval at the November 2024 general election, beginning April 1, 2025, the bill levies an excise tax on firearms dealers, firearms manufacturers, and ammunition vendors at the rate of 11% of the gross taxable sales from the retail sale of any firearm, firearm precursor part, or ammunition in this state and allows the state to collect and spend all revenue generated by the tax notwithstanding any limitations in section 20 of article X of the state constitution or any other provision of law. Such retail sales to peace officers and law enforcement agencies are exempt from the excise tax. In addition, such retail sales made during any month are exempt from the excise tax if the total amount of gross taxable sales made by the firearms dealer, firearms manufacturer, or ammunition vendor during the month are less than \$2,000.

**Excise tax.** Every firearms dealer, firearms manufacturer, and ammunition vendor engaged in the retail sale of firearms, firearm precursor parts, or ammunition in this state is required to file a return and remit the excise tax due on a monthly basis, provide specified information to the department of revenue (department) in the return, and maintain specified records that must be available for inspection by the department.

**Allocation of tax revenue.** The bill requires all money received and collected in payment of the excise tax to be transmitted for ultimate deposit in the firearms and ammunition excise tax cash fund (fund) created in the bill. All such money and any fund investment earnings must then be transferred as follows:

- The first \$45 million in the first fiscal year and that amount as adjusted for inflation or deflation in each fiscal year thereafter must be transferred to the Colorado crime victim services fund (victim services fund) in the division of criminal justice (division) of the department of public safety for crime victim services grants;
- The next \$5 million in each fiscal year must be transferred to the victims and witnesses assistance and law enforcement fund for local judicial districts;
- The next \$5 million in each fiscal year must be transferred to the victim services fund for mass tragedy response and prevention programs; except that any money that is

transferred but not spent or encumbered for that purpose in a given fiscal year may be used by the division for additional crime victim services grants;

- The next \$4 million in each fiscal year must be transferred to the wildlife cash fund in the division of parks and wildlife of the department of natural resources for administration and enforcement of wildlife laws against the illegal use of firearms;
- The next \$2 million in each fiscal year must be transferred to the wildlife cash fund for programs to support shooting and shooting range safety; and
- Any remaining money in each fiscal year must be transferred to the victim services fund for crime victim services grants.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** article 37 to title  
3 39 as follows:

4 **ARTICLE 37**

5 **Firearms and Ammunition Excise Tax**

6 **PART 1**

7 **FIREARMS AND AMMUNITION EXCISE TAX**

8 **39-37-101. Short title.** THE SHORT TITLE OF THIS ACT IS THE  
9 "CRIME VICTIM AND SURVIVOR SERVICES FUNDING AND MENTAL HEALTH  
10 SECURITY ACT".

11 **39-37-102. Legislative declaration.** (1) THE GENERAL ASSEMBLY  
12 FINDS AND DECLARES THAT:


13 (a) COLORADO NEEDS CONSISTENT AND RELIABLE FUNDING FROM  
14 THE STATE TO SUSTAIN THE SERVICES CRIME VICTIMS DEPEND ON,  
15 INCLUDING WRAPAROUND SERVICES, HOUSING ASSISTANCE, LEGAL  
16 ADVOCACY, EMERGENCY SHELTER, LONG-TERM SAFE HOUSING, CASE  
17 MANAGEMENT, ON-SITE CRISIS RESPONSE, EMERGENCY FINANCIAL

1 ASSISTANCE, COUNSELING, AND MORE;

2 (b) INCONSISTENT AND FLUCTUATING FUNDING HURTS VICTIM AND  
3 SURVIVOR SERVICE PROVIDERS ALIKE. MANY AGENCIES ARE ALREADY  
4 WORKING BEYOND THEIR MEANS TO ATTEMPT TO MEET THE GROWING  
5 NEEDS OF VICTIMS AND SURVIVORS IN THEIR COMMUNITIES.

6 (c) OVER THE LAST SEVERAL YEARS, AGENCIES HAVE MADE THE  
7 DIFFICULT DECISION TO DOWNSIZE DUE TO A LACK OF FUNDING WHILE, AT  
8 THE SAME TIME, MORE VICTIMS AND SURVIVORS ARE SEEKING EXISTING  
9 SERVICES AND MORE COMPLEX LEVELS OF SERVICES;

10 (d) ACCESS TO A FIREARM MAKES IT FIVE TIMES MORE LIKELY  
11 THAT A WOMAN WILL DIE AT THE HANDS OF AN INTIMATE PARTNER. EVERY  
12 MONTH, SEVENTY WOMEN NATIONWIDE, ON AVERAGE, ARE SHOT AND  
13 KILLED BY AN INTIMATE PARTNER. OVER THIRTEEN PERCENT OF WOMEN  
14 IN AMERICA ALIVE TODAY, AROUND TWENTY MILLION WOMEN, HAVE BEEN  
15 THREATENED BY AN INTIMATE PARTNER USING A FIREARM. IN THE UNITED  
16 STATES, BETWEEN 2014 AND 2019, SIXTY PERCENT OF MASS SHOOTING  
17 EVENTS WERE FOUND TO BE DOMESTIC VIOLENCE ATTACKS OR TO HAVE  
18 BEEN PERPETRATED BY THOSE WITH A HISTORY OF DOMESTIC VIOLENCE.

19   
20 (e) ADDITIONALLY, INDIVIDUALS EXPERIENCING TRAUMA DUE TO  
21 GUN AND OTHER TYPES OF VIOLENCE, INCLUDING MILITARY VETERANS  
22 AND AT-RISK YOUTH, NEED SUPPORT TO ACCESS MENTAL HEALTH  
23 SERVICES IN ORDER TO RECOVER FROM THEIR TRAUMA AND RECLAIM  
24 THEIR HEALTH. CURRENTLY, THERE ARE SIGNIFICANT BARRIERS TO ACCESS  
25 TO MENTAL HEALTH SERVICES IN COLORADO.

26 (f) EVEN BEFORE THE COVID-19 PANDEMIC, COLORADO RANKED  
27 IN THE BOTTOM HALF OF ALL STATES WITH REGARD TO THE PREVALENCE

1 OF MENTAL ILLNESS IN THE STATE RELATIVE TO ACCESS TO CARE. SINCE  
2 THE PANDEMIC BEGAN, THE COLORADO CRISIS SERVICES HOTLINE HAS  
3 RECEIVED THIRTY PERCENT MORE CALLS AND TEXTS THAN IN PREVIOUS  
4 YEARS, AND THE PSYCHIATRIC EMERGENCY DEPARTMENT AT CHILDREN'S  
5 HOSPITAL IN COLORADO HAS TREATED TEN PERCENT MORE CHILDREN  
6 EXPERIENCING THOUGHTS OF SUICIDE. IN 2021, ONE-THIRD OF COLORADO  
7 YOUTH REPORTED EXPERIENCING FEELINGS OF SADNESS AND  
8 HOPELESSNESS FOR A PERIOD OF AT LEAST TWO WEEKS OR MORE.

9 (g) IN COLORADO, A GUN SUICIDE DEATH OCCURS EVERY THIRTEEN  
10 HOURS. DURING AN AVERAGE YEAR, SIX HUNDRED SEVENTY-SEVEN  
11 PEOPLE DIE BY GUN SUICIDE AND SEVENTY-THREE PERCENT OF ALL GUN  
12 DEATHS IN COLORADO ARE SUICIDES. COLORADO HAS THE TENTH HIGHEST  
13 RATE OF GUN SUICIDE IN THE UNITED STATES. ACCORDING TO THE UNITED  
14 STATES DEPARTMENT OF VETERANS AFFAIRS, THE VETERAN SUICIDE RATE  
15 IN COLORADO IS SIGNIFICANTLY HIGHER THAN BOTH THE NATIONAL  
16 AVERAGE AND THE NATIONAL GENERAL POPULATION SUICIDE RATE. THE  
17 COLORADO BOARD OF VETERANS AFFAIRS HAS REPORTED THAT CURRENT  
18 RESOURCES ARE INADEQUATE TO MEET THE NEEDS OF THE NEARLY FOUR  
19 HUNDRED THOUSAND VETERANS IN COLORADO, AND COLORADO IS  
20 EXPECTED TO EXPERIENCE A THIRTY-NINE PERCENT INCREASE IN SERVICE  
21 NEEDS IN THE NEAR FUTURE.

22 (h) IN COLORADO, OVER HALF OF ALL GUN DEATHS AMONG  
23 CHILDREN AND TEENS ARE SUICIDES. ACCORDING TO THE COLORADO  
24 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, SUICIDE IS THE  
25 LEADING CAUSE OF DEATH FOR YOUTH AND YOUNG ADULTS, PERSONS  
26 AGED TEN TO TWENTY-FOUR YEARS OLD. BLACK CHILDREN AND BLACK  
27 TEENS ARE FIVE TIMES MORE LIKELY THAN THEIR WHITE PEERS TO DIE BY

1 GUN.

2 (i) THE EXCISE TAX ON THE NET TAXABLE SALES OF FIREARMS  
3 DEALERS, FIREARMS MANUFACTURERS, AND AMMUNITION VENDORS FOR  
4 RETAIL SALES IN THIS STATE IS ANALOGOUS TO LONGSTANDING FEDERAL  
5 LAW, WHICH HAS, SINCE 1919, PLACED A TEN TO ELEVEN PERCENT EXCISE  
6 TAX ON THE SALE OF FIREARMS AND AMMUNITION BY MANUFACTURERS,  
7 PRODUCERS, AND IMPORTERS;

8 (j) REVENUE FROM THIS FEDERAL EXCISE TAX HAS BEEN USED,  
9 SINCE PASSAGE OF THE FEDERAL "PITTMAN-ROBERTSON WILDLIFE  
10 RESTORATION ACT" IN 1937, TO FUND WILDLIFE CONSERVATION EFFORTS  
11 THAT REMEDIATE THE EFFECTS THAT FIREARMS AND AMMUNITION HAVE  
12 ON WILDLIFE POPULATIONS THROUGH GAME HUNTING, PARTICULARLY  
13 THROUGH GRANTS TO STATE WILDLIFE AGENCIES, AND FOR  
14 CONSERVATION-RELATED RESEARCH, TECHNICAL ASSISTANCE, HUNTER  
15 SAFETY, AND HUNTER DEVELOPMENT;

16 (k) THIS ACT WILL SIMILARLY PLACE A REASONABLE STATE  
17 SURTAX ON FIREARM AND AMMUNITION INDUSTRY MEMBERS THAT PROFIT  
18 FROM THE SALE OF FIREARMS AND AMMUNITION IN ORDER TO GENERATE  
19 SUSTAINED REVENUE FOR PROGRAMS THAT ARE DESIGNED TO REMEDIATE  
20 THE DEVASTATING IMPACTS OF THESE PRODUCTS ON FAMILIES AND  
21 COMMUNITIES ACROSS THIS STATE;

22 (l) THE NATIONAL RIFLE ASSOCIATION HAS REFERRED TO THE  
23 FEDERAL EXCISE TAX SCHEME AS A "LEGISLATIVE MODEL" AND "FRIEND OF  
24 THE HUNTER", AND THE NATIONAL SHOOTING SPORTS  
25 FOUNDATION(NSSF) HAS REPEATEDLY EMPHASIZED THE IMPORTANCE OF  
26 THIS FEDERAL FIREARM INDUSTRY EXCISE TAX AS WELL. A 2019  
27 STATEMENT BY AN NSSF DIRECTOR PUBLISHED ON THE NSSF'S WEBSITE

1 EMPHASIZED THAT "AN OFTEN OVERLOOKED, AND CERTAINLY  
2 UNDER-COMMUNICATED BENEFIT, IS THE IMPACT THAT EXCISE TAXES ON  
3 FIREARMS AND AMMUNITION HAVE ON CONSERVATION AND WILDLIFE  
4 POPULATIONS", AND A SIMILAR 2018 STATEMENT FROM NSSF PRAISED  
5 KEY PITTMAN AND WILLIS ROBERTSON, THE LEGISLATORS WHO  
6 SPONSORED THE FEDERAL EXCISE TAX, AS "HEROES OF THE MOST  
7 SUCCESSFUL CONSERVATION MODEL IN THE WORLD".

8 (m) THIS ACT WILL SIMILARLY PROVIDE DEDICATED REVENUE TO  
9 SUSTAIN AND EXPAND EFFECTIVE GUN VIOLENCE PREVENTION, HEALING,  
10 AND RECOVERY PROGRAMS FOR FAMILIES AND COMMUNITIES ACROSS  
11 COLORADO, PARTICULARLY IN COMMUNITIES MOST DISPROPORTIONATELY  
12 IMPACTED BY GUN VIOLENCE;

13 (n) THIS ACT IS CONSISTENT WITH OUR NATION'S LONGSTANDING  
14 HISTORICAL TRADITION OF REGULATING COMMERCIAL FIREARM AND  
15 AMMUNITION MANUFACTURERS AND SELLERS, INCLUDING THROUGH  
16 FEDERAL, STATE, AND LOCAL TAXES ON THIS COMMERCIAL ACTIVITY. AN  
17 1883 CALIFORNIA STATUTE, FOR INSTANCE, DIRECTED LOCAL  
18 GOVERNMENTS TO PROVIDE FOR PAYMENT OF ALL REVENUE ASSESSED AS  
19 A TAX, OR RECEIVED FOR LICENSES, ON THE STORAGE, MANUFACTURE, AND  
20 SALE OF GUNPOWDER AND RELATED PRODUCTS IN ORDER TO FUND A  
21 "FIREMAN'S CHARITABLE FUND" TO SUPPORT PROFESSIONALS TASKED  
22 WITH REMEDIATING THE COLLATERAL IMPACTS OF FIREARM-RELATED  
23 COMMERCIAL ACTIVITY ON PUBLIC SAFETY THROUGH FIRE RISK.

24 (o) IN THE HISTORICAL RECORD, OTHER STATES, INCLUDING  
25 MISSISSIPPI (1844), NORTH CAROLINA (1857), GEORGIA (1866),  
26 ALABAMA (1867), THE THEN-INDEPENDENT KINGDOM OF HAWAII (1870),  
27 NEBRASKA (1895), FLORIDA (1898), WYOMING (1899), AND VIRGINIA

1 (1926), HAVE SIMILARLY ENACTED LONGSTANDING COMMERCIAL,  
2 OCCUPATIONAL, OR OTHER TAXES ON THOSE SELLING, PURCHASING, OR  
3 POSSESSING FIREARMS AND OTHER DANGEROUS WEAPONS;

4 (p) ■■■ THE ■■ TAX PROPOSED IN THIS ACT MIRRORS THE  
5 FEDERAL EXCISE TAX ON FIREARM AND AMMUNITION INDUSTRY  
6 PARTICIPANTS AND IS SIMILARLY DEDICATED TO FUNDING PROGRAMS TO  
7 REMEDIATE THE DIRECT COSTS TO INDIVIDUALS AND COMMUNITIES  
8 RESULTING FROM THE ACCESSIBILITY OF FIREARMS AND AMMUNITION IN  
9 THIS STATE.

10 **39-37-103. Definitions.** AS USED IN THIS ARTICLE 37, UNLESS THE  
11 CONTEXT OTHERWISE REQUIRES:

12 (1) "AMMUNITION" MEANS AMMUNITION OR CARTRIDGE CASES,  
13 PRIMERS, BULLETS, OR PROPELLANT POWDER DESIGNED FOR USE IN ANY  
14 FIREARM.

15 (2) "AMMUNITION VENDOR" MEANS ANY PERSON WHO ENGAGES IN  
16 ANY RETAIL SALE OF AMMUNITION TO A CONSUMER IN THIS STATE.

17 (3) "DOING BUSINESS IN THIS STATE" MEANS THE SELLING,  
18 LEASING, OR DELIVERING IN THIS STATE, OR ANY ACTIVITY IN THIS STATE  
19 IN CONNECTION WITH THE SELLING, LEASING, OR DELIVERING IN THIS  
20 STATE, OF FIREARMS, FIREARMS PRECURSOR PARTS, OR AMMUNITION BY  
21 A RETAIL SALE, FOR USE, STORAGE, DISTRIBUTION, OR CONSUMPTION,  
22 WITHIN THIS STATE BY A PERSON WHO:

23 (a) MAINTAINS WITHIN THIS STATE, DIRECTLY OR INDIRECTLY OR  
24 BY A SUBSIDIARY, AN OFFICE, DISTRIBUTION FACILITY, SALESROOM,  
25 WAREHOUSE, STORAGE PLACE, OR OTHER SIMILAR PLACE OF BUSINESS,  
26 INCLUDING THE EMPLOYMENT OF A RESIDENT OF THIS STATE WHO WORKS  
27 FROM A HOME OFFICE IN THIS STATE; OR



1 (b) SOLICITS, EITHER BY DIRECT REPRESENTATIVES, INDIRECT  
2 REPRESENTATIVES, MANUFACTURERS' AGENTS, BY DISTRIBUTION OF  
3 CATALOGUES OR OTHER ADVERTISING, BY USE OF ANY COMMUNICATION  
4 MEDIA, OR BY USE OF THE NEWSPAPER, RADIO, OR TELEVISION  
5 ADVERTISING MEDIA, OR BY ANY OTHER MEANS WHATSOEVER, BUSINESS  
6 FROM PERSONS RESIDING IN THIS STATE AND BY REASON THEREOF  
7 RECEIVING ORDERS FROM, OR SELLING OR LEASING TANGIBLE PERSONAL  
8 PROPERTY TO, SUCH PERSONS RESIDING IN THIS STATE FOR USE,  
9 CONSUMPTION, DISTRIBUTION, AND STORAGE, FOR USE OR CONSUMPTION  
10 IN THIS STATE DURING THE FOLLOWING PERIODS:

11 (I) AN ENTIRE CALENDAR YEAR IF, IN THE PREVIOUS CALENDAR  
12 YEAR, THE PERSON HAS MADE RETAIL SALES OF FIREARMS, FIREARMS  
13 PRECURSOR PARTS, OR AMMUNITION IN THIS STATE EXCEEDING TWENTY  
14 THOUSAND DOLLARS; OR

15 (II) ON AND AFTER THE FIRST DAY OF THE MONTH AFTER THE  
16 NINETIETH DAY AFTER THE PERSON HAS MADE RETAIL SALES OF FIREARMS,  
17 FIREARMS PRECURSOR PARTS, OR AMMUNITION IN THIS STATE IN THE  
18 CURRENT CALENDAR YEAR THAT EXCEED TWENTY THOUSAND DOLLARS.

19 (4) "EXCISE TAX" OR "TAX" MEANS THE TAX IMPOSED BY THIS  
20 ARTICLE 37.

21 (5) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF  
22 THE DEPARTMENT OF REVENUE.

23 (6) "FIREARM" OR "GUN" MEANS A FIREARM AS DEFINED IN  
24 SECTION 18-12-101 (1)(b.7) AND ANY INSTRUMENT OR DEVICE DESCRIBED  
25 IN SECTION 18-1-901 (3)(h), 18-12-401 (1)(a), OR 18-12-506 (2).

26 (7) "FIREARM PRECURSOR PART" OR "GUN PRECURSOR PART"  
27 MEANS:

1 (a) AN UNFINISHED FRAME OR RECEIVER AS DEFINED IN SECTION  
2 18-12-101 (1)(l);

3 (b) A FIRE CONTROL COMPONENT AS DEFINED IN SECTION  
4 18-12-101 (1)(c.3);

5 (c) A DEVICE MARKETED OR SOLD TO THE PUBLIC THAT IS  
6 DESIGNED OR ADAPTED TO BE INSERTED INTO, AFFIXED ONTO, OR USED IN  
7 CONJUNCTION WITH A FIREARM IF THE DEVICE IS:

8 (I) REASONABLY DESIGNED OR INTENDED TO BE USED TO INCREASE  
9 A FIREARM'S RATE OF FIRE, CONCEALABILITY, MAGAZINE CAPACITY, OR  
10 DESTRUCTIVE CAPACITY; OR

11 (II) REASONABLY DESIGNED OR INTENDED TO BE USED TO  
12 INCREASE A FIREARM'S STABILITY AND HANDLING WHEN THE FIREARM IS  
13 REPEATEDLY FIRED; OR

14 (d) ANY MACHINE OR DEVICE THAT IS MARKETED OR SOLD TO THE  
15 PUBLIC THAT IS REASONABLY DESIGNED OR INTENDED TO BE USED TO  
16 MANUFACTURE OR PRODUCE A FIREARM.

17 (8) "FIREARMS DEALER" OR "GUN DEALER" MEANS ANY PERSON  
18 WHO IS A FEDERALLY LICENSED FIREARMS DEALER AS DEFINED IN SECTION  
19 18-12-101 (1)(b.4) OR A LICENSED GUN DEALER AS DEFINED IN SECTION  
20 18-12-506 (6).

21 (9) "FIREARMS MANUFACTURER" OR "GUN MANUFACTURER"  
22 MEANS ANY PERSON WHO IS LICENSED TO MANUFACTURE FIREARMS OR  
23 AMMUNITION PURSUANT TO 18 U.S.C. SEC. 921 ET SEQ. AND WHO  
24 ENGAGES IN ANY RETAIL SALE OF A FIREARM, FIREARM PRECURSOR PART,  
25 OR AMMUNITION TO A CONSUMER IN THIS STATE.

26 (10) "FUND" MEANS THE FIREARMS AND AMMUNITION EXCISE TAX  
27 CASH FUND CREATED IN SECTION 39-37-301 (1)(a).

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(11) (a) "LAW ENFORCEMENT AGENCY" MEANS A DEPARTMENT OR AGENCY OF THE STATE OR OF A COUNTY, CITY, CITY AND COUNTY, OR TOWN WITHIN THE STATE THAT EMPLOYS AT LEAST ONE PEACE OFFICER WHO IS AUTHORIZED TO CARRY A FIREARM WHILE ON DUTY.

(b) "LAW ENFORCEMENT AGENCY" INCLUDES A FEDERAL LAW ENFORCEMENT AGENCY AND A TRIBAL LAW ENFORCEMENT AGENCY.

(12) "NET TAXABLE SALES" MEANS THE AGGREGATE PURCHASE PRICE RECEIVED OR DUE IN MONEY, CREDITS, OR PROPERTY, OR OTHER CONSIDERATION VALUED IN MONEY FROM ALL RETAIL SALES WITHIN THIS STATE, AND EMBRACED WITHIN THE PROVISIONS OF THIS ARTICLE, LESS DEDUCTIONS FOR:

(a) AN AMOUNT EQUAL TO THE PURCHASE PRICE OF PROPERTY EXEMPT FROM TAX PURSUANT TO SECTION 39-37-105;

(b) AN AMOUNT EQUAL TO THE PURCHASE PRICE OF PROPERTY RETURNED BY THE PURCHASER WHEN THE FULL SALE PRICE THEREOF IS REFUNDED WHETHER IN CASH OR BY CREDIT; AND

(c) AN AMOUNT EQUAL TO THE PURCHASE PRICE OF PROPERTY SOLD ON ACCOUNT FOUND TO BE WORTHLESS AND ACTUALLY CHARGED OFF BY THE TAXPAYER FOR INCOME TAX PURPOSES, BUT IF ANY SUCH ACCOUNTS ARE THEREAFTER COLLECTED BY THE TAXPAYER, A TAX SHALL BE PAID UPON THE AMOUNTS COLLECTED.

(13) (a) "PEACE OFFICER" MEANS A CERTIFIED PEACE OFFICER DESCRIBED IN SECTION 16-2.5-102.

(b) "PEACE OFFICER" INCLUDES A POLICE OFFICER OR CRIMINAL INVESTIGATOR EMPLOYED BY A FEDERAL OR TRIBAL LAW ENFORCEMENT AGENCY AND A QUALIFIED RETIRED LAW ENFORCEMENT OFFICER, AS

1 DEFINED IN 18 U.S.C. SEC. 926C (c).

2 (14) "PERSON" HAS THE SAME MEANING AS SET FORTH IN SECTION  
3 39-26-102 (6.3).

4 (15) (a) "PURCHASE PRICE" MEANS THE AGGREGATE  
5 CONSIDERATION VALUED IN MONEY PAID OR DELIVERED OR PROMISED TO  
6 BE PAID OR DELIVERED BY THE USER OR CONSUMER IN CONSUMMATION OF  
7 A SALE, EXCLUSIVE OF:

8 (I) THE EXCISE TAX;

9 (II) ANY DIRECT TAX IMPOSED BY THE FEDERAL GOVERNMENT;

10 (III) ANY SALES OR USE TAX IMPOSED BY THIS STATE OR BY ANY  
11 POLITICAL SUBDIVISION THEREOF;

12 (IV) ANY RETAIL DELIVERY FEE AND ENTERPRISE RETAIL  
13 DELIVERY FEES IMPOSED OR COLLECTED AS SPECIFIED IN SECTION  
14 43-4-218;

15 (V) ANOTHER TAX OR FEE IMPOSED BY A GOVERNMENTAL ENTITY  
16 THAT IS COLLECTED AT THE SAME TIME AS THE EXCISE TAX.

17 (b) FOR PURPOSES OF THIS ARTICLE 37, "PURCHASE PRICE"  
18 INCLUDES THE FULL PURCHASE PRICE OF THE FIREARM, FIREARM  
19 PRECURSOR PART, OR AMMUNITION SOLD AFTER MANUFACTURE OR AFTER  
20 HAVING BEEN MADE TO ORDER AND INCLUDES THE FULL PURCHASE PRICE  
21 FOR MATERIAL USED AND THE SERVICE PERFORMED IN CONNECTION  
22 THEREWITH, AND THE PROFIT THEREON, INCLUDED IN THE PRICE CHARGED  
23 TO THE USER OR CONSUMER.

24 (16) "RETAIL SALE" MEANS ALL SALES MADE WITHIN THIS STATE  
25 EXCEPT WHOLESALE SALES.

26 (17) "SALE" MEANS THE ACQUISITION FOR ANY CONSIDERATION BY  
27 ANY PERSON OF A FIREARM, FIREARM PRECURSOR PART, OR AMMUNITION

1 SUBJECT TO THE EXCISE TAX INCLUDING INSTALLMENT AND CREDIT SALES  
2 AND THE EXCHANGE OF SUCH PROPERTY AS WELL AS THE SALE THEREOF  
3 FOR MONEY AND EVERY SUCH TRANSACTION, CONDITIONAL OR  
4 OTHERWISE, FOR A CONSIDERATION CONSTITUTING A SALE.

5 (18) "VENDOR" MEANS A PERSON DOING BUSINESS IN THIS STATE  
6 AS AN AMMUNITION VENDOR, FIREARMS DEALER, OR A FIREARMS  
7 MANUFACTURER OR ANY COMBINATION THEREOF.

8 (19) "WHOLESALER" MEANS A PERSON DOING A REGULARLY  
9 ORGANIZED WHOLESALE OR JOBBING BUSINESS AND KNOWN TO THE TRADE  
10 AS SUCH AND SELLING TO RETAIL MERCHANTS, JOBBERS, DEALERS, OR  
11 OTHER WHOLESALERS, FOR THE PURPOSE OF RESALE.

12 (20) (a) "WHOLESALE SALE" MEANS:

13 (I) A SALE BY A WHOLESALER TO A VENDOR OR OTHER  
14 WHOLESALER FOR RESALE; OR

15 (II) A SALE TO A PERSON ENGAGED IN THE BUSINESS OF  
16 MANUFACTURING, COMPOUNDING, OR FURNISHING FOR SALE, PROFIT, OR  
17 USE ANY PROPERTY WHICH ENTERS INTO THE PROCESSING OF OR BECOMES  
18 AN INGREDIENT OR COMPONENT PART OF THE PRODUCT WHICH IS  
19 MANUFACTURED, COMPOUNDED, OR FURNISHED.

20 (b) "WHOLESALE SALE" DOES NOT INCLUDE A SALE BY A  
21 WHOLESALER TO A USER OR CONSUMER NOT FOR RESALE.

22 **39-37-104. Firearms, firearm precursor parts, and**  
23 **ammunition - excise tax levied upon gross taxable sales - tax rate.**

24 (1) ON AND AFTER APRIL 1, 2025, THERE IS LEVIED AN EXCISE TAX UPON  
25 EVERY VENDOR AT THE RATE OF SIX AND ONE-HALF PERCENT OF THE  
26 NET TAXABLE SALES FROM THE RETAIL SALE IN THIS STATE OF ANY  
27 FIREARM, FIREARM PRECURSOR PART, OR AMMUNITION. EVERY VENDOR

1 SHALL PAY THE TAX LEVIED BY THIS SECTION TO THE EXECUTIVE DIRECTOR  
2 IN ACCORDANCE WITH THE PROVISIONS OF THIS PART 1.

3 (2) THE DETERMINATION OF WHETHER A RETAIL SALE OCCURS IN  
4 THIS STATE IS GOVERNED BY THE PROVISIONS SET FORTH IN SECTION  
5 39-26-104 (3)(a)(I) TO (3)(a)(V) AND THE DEFINITIONS SET FORTH IN  
6 SECTION 39-26-104 (3)(d)(I) AND (3)(d)(II).

7 **39-37-105. Exemption.** THE PURCHASE PRICE PAID IN  
8 CONSUMMATION OF THE RETAIL SALE OF ANY FIREARM, FIREARM  
9 PRECURSOR PART, OR AMMUNITION TO A PEACE OFFICER OR A LAW  
10 ENFORCEMENT AGENCY EMPLOYING THAT PEACE OFFICER OR TO AN  
11 ACTIVE DUTY MEMBER OF THE ARMED FORCES OF THE UNITED STATES IS  
12 EXEMPT FROM TAXATION PURSUANT TO THIS ARTICLE 37.

13 **39-37-106. Administration and enforcement - disputes and**  
14 **refunds - rules.** (1) THE EXECUTIVE DIRECTOR SHALL ADMINISTER AND  
15 ENFORCE THE TAX LEVIED PURSUANT TO THIS PART 1 IN ACCORDANCE  
16 WITH THE PROVISIONS OF ARTICLE 21 OF THIS TITLE 39.

17 (2) THE BURDEN OF PROVING THAT A SALE OF A FIREARM, FIREARM  
18 PRECURSOR PART, OR AMMUNITION IS NOT SUBJECT TO OR IS EXEMPT FROM  
19 THE EXCISE TAX, OR THAT A VENDOR IS NOT DOING BUSINESS IN THIS  
20 STATE, AS DEFINED IN SECTION 39-37-103 (3), OR IS OTHERWISE NOT  
21 REQUIRED TO MAKE A RETURN OR TO REMIT TAX PURSUANT TO THIS  
22 ARTICLE 37, SHALL BE ON THE VENDOR UNDER SUCH REASONABLE  
23 REQUIREMENTS OF PROOF AS THE EXECUTIVE DIRECTOR MAY PRESCRIBE  
24 BY RULE.

25 (3) (a) THE EXECUTIVE DIRECTOR SHALL MAKE A REFUND OR  
26 ALLOW A CREDIT TO ANY VENDOR THAT ESTABLISHES THAT THE VENDOR  
27 HAS OVERPAID THE TAX DUE PURSUANT TO THIS ARTICLE 37. NO SUCH

1 REFUND SHALL BE MADE OR CREDIT ALLOWED IN AN AMOUNT GREATER  
2 THAN THE TAX PAID.

3 (b) THE VENDOR MUST FILE ANY CLAIM FOR REFUND OR CREDIT  
4 UNDER THIS SECTION WITHIN THREE YEARS AFTER THE DUE DATE OF THE  
5 RETURN SHOWING THE OVERPAYMENT. THE CLAIM MUST BE MADE ON  
6 FORMS PRESCRIBED BY THE EXECUTIVE DIRECTOR AND MUST INCLUDE  
7 SUCH PERTINENT DATA, INFORMATION, OR DOCUMENTATION AS THE  
8 EXECUTIVE DIRECTOR MAY REQUIRE.

9 (c) UPON RECEIPT OF THE APPLICATION AND PROOF OF THE  
10 MATTERS CONTAINED THEREIN, THE EXECUTIVE DIRECTOR SHALL GIVE  
11 NOTICE TO THE VENDOR IN WRITING OF THE EXECUTIVE DIRECTOR'S  
12 DECISION. AGGRIEVED VENDORS MAY PETITION THE EXECUTIVE DIRECTOR  
13 FOR A HEARING ON THE CLAIM IN THE MANNER PROVIDED IN SECTION  
14 39-21-104.

15 (4) THE EXECUTIVE DIRECTOR SHALL PROMULGATE RULES FOR THE  
16 IMPLEMENTATION OF THIS PART 1.

17 **39-37-107. Registration required.** (1) (a) IT IS UNLAWFUL FOR  
18 ANY PERSON TO ENGAGE IN THE BUSINESS OF AN AMMUNITION VENDOR, A  
19 FIREARMS DEALER, OR A FIREARMS MANUFACTURER IN THIS STATE  
20 WITHOUT FIRST HAVING REGISTERED AS A VENDOR WITH THE EXECUTIVE  
21 DIRECTOR. A REGISTRATION APPLICATION PROPERLY FILED ON A FORM  
22 PRESCRIBED BY THE EXECUTIVE DIRECTOR AND ACCEPTED BY THE  
23 EXECUTIVE DIRECTOR IS VALID UNTIL DECEMBER 31 OF THE NEXT  
24 ODD-NUMBERED YEAR FOLLOWING THE DATE OF REGISTRATION, UNLESS  
25 SOONER CANCELLED OR REVOKED. A PERSON REGISTERING PURSUANT TO  
26 THIS SUBSECTION (1) SHALL DISCLOSE THE NAME OF THE VENDOR AND THE  
27 VENDOR'S BUSINESS LOCATION, INCLUDING THE STREET NUMBER OF THE

1 VENDOR'S BUSINESS LOCATION, AND ANY OTHER FACTS THE EXECUTIVE  
2 DIRECTOR MAY REQUIRE.

3 (b) IT IS THE DUTY OF EVERY VENDOR ON OR BEFORE JANUARY 1  
4 OF EACH EVEN- NUMBERED YEAR TO RENEW THE VENDOR'S REGISTRATION  
5 IF THE VENDOR REMAINS IN RETAIL BUSINESS OR LIABLE TO ACCOUNT FOR  
6 THE TAX LEVIED PURSUANT TO THIS ARTICLE 37.

7 (c) IF A VENDOR MAKES RETAIL SALES AT TWO OR MORE SEPARATE  
8 PLACES OF BUSINESS IN THIS STATE, A SEPARATE REGISTRATION FOR EACH  
9 PLACE OF BUSINESS IS REQUIRED.

10 (2) THE EXECUTIVE DIRECTOR, AFTER REASONABLE NOTICE AND  
11 A HEARING, MAY REVOKE THE REGISTRATION OF ANY PERSON FOUND BY  
12 THE EXECUTIVE DIRECTOR TO HAVE VIOLATED ANY PROVISION OF THIS  
13 ARTICLE 37. ANY FINDING AND ORDER OF THE EXECUTIVE DIRECTOR  
14 REVOKING THE REGISTRATION OF ANY VENDOR IS SUBJECT TO REVIEW BY  
15 THE DISTRICT COURT OF THE DISTRICT WHERE THE BUSINESS OF THE  
16 VENDOR IS CONDUCTED, UPON APPLICATION OF THE VENDOR. THE  
17 PROCEDURE FOR REVIEW MUST BE, AS NEARLY AS POSSIBLE, THE SAME AS  
18 PROVIDED FOR THE REVIEW OF FINDINGS AS PROVIDED BY PROCEEDINGS IN  
19 THE NATURE OF CERTIORARI.

20 (3) (a) ANY VENDOR WHO MAKES RETAIL SALES SUBJECT TO THE  
21 EXCISE TAX WITHOUT REGISTERING COMMITS A PETTY OFFENSE AND SHALL  
22 BE PUNISHED ACCORDING TO SECTION 18-1.3-503.

23 (b) ANY VENDOR WHO MAKES RETAIL SALES SUBJECT TO THE  
24 EXCISE TAX WITHOUT REGISTERING MAY ALSO BE SUBJECT TO A CIVIL  
25 PENALTY OF FIFTY DOLLARS PER DAY UP TO A MAXIMUM PENALTY OF ONE  
26 THOUSAND DOLLARS. THE EXECUTIVE DIRECTOR SHALL ASSESS THE  
27 PENALTY IMPOSED BY THIS SUBSECTION (3)(b) IN THE SAME MANNER AS



1 THE TAXES, PENALTIES, AND INTEREST IMPOSED BY THIS ARTICLE 37. THE  
2 EXECUTIVE DIRECTOR MAY WAIVE OR REDUCE THE PENALTY ASSESSED  
3 PURSUANT TO THIS SUBSECTION (3)(b) IF THE VENDOR'S FAILURE TO  
4 REGISTER IS DUE TO REASONABLE CAUSE AND NOT WILLFUL NEGLIGENCE OR  
5 INTENT TO DEFRAUD.

6 **39-37-108. Books and records to be preserved.** (1) EVERY  
7 VENDOR SHALL KEEP COMPLETE AND ACCURATE RECORDS NECESSARY FOR  
8 THE DETERMINATION OF THE CORRECT TAX LIABILITY, INCLUDING  
9 ITEMIZED INVOICES OF ALL RETAIL SALES OF ANY FIREARMS, FIREARM  
10 PRECURSOR PARTS, OR AMMUNITION IN THIS STATE.

11 (2) A VENDOR SHALL PROVIDE A COPY OF THE RECORDS  
12 REQUIRED TO BE KEPT PURSUANT TO SUBSECTION (1) OF THIS SECTION,  
13 AND ANY OTHER RECORDS DEEMED NECESSARY BY THE EXECUTIVE  
14 DIRECTOR FOR THE DETERMINATION OF THE CORRECT TAX LIABILITY TO  
15 THE EXECUTIVE DIRECTOR, IF SO REQUESTED. THE EXECUTIVE DIRECTOR  
16 MAY ESTABLISH THE ACCEPTABLE FORM OF SUCH RECORDS.

17 **39-37-109. Returns and remittance of tax - civil penalty.**  
18 (1) EVERY VENDOR SHALL FILE A RETURN WITH THE EXECUTIVE  
19 DIRECTOR EACH MONTH. THE RETURN, WHICH MUST BE UPON FORMS  
20 PRESCRIBED AND FURNISHED BY THE EXECUTIVE DIRECTOR, MUST  
21 CONTAIN THE NET TAXABLE SALES FROM THE RETAIL SALE IN THIS STATE  
22 OF ANY FIREARM, FIREARM PRECURSOR PART, OR AMMUNITION BY THE  
23 VENDOR DURING THE PRECEDING MONTH, THE TAX DUE THEREON, AND  
24 ANY OTHER INFORMATION THAT THE EXECUTIVE DIRECTOR MAY  
25 REASONABLY REQUIRE.

26 (2) EVERY VENDOR SHALL FILE THE RETURN REQUIRED BY  
27 SUBSECTION (1) OF THIS SECTION WITH THE EXECUTIVE DIRECTOR BY THE

1 TWENTIETH DAY OF THE MONTH FOLLOWING THE MONTH REPORTED AND  
2 WITH THE REPORT SHALL REMIT THE AMOUNT OF TAX DUE. THE VENDOR  
3 SHALL FILE THE RETURN REQUIRED BY SUBSECTION (1) OF THIS SECTION  
4 ELECTRONICALLY AND REMIT THE AMOUNT OF TAX DUE BY ELECTRONIC  
5 FUNDS TRANSFER.

6 (3) THE EXECUTIVE DIRECTOR MAY EXTEND THE TIME FOR FILING  
7 A RETURN AND REMITTING THE TAX DUE FOR GOOD CAUSE SHOWN OR  
8 UNDER SUCH REASONABLE RULES AS THE EXECUTIVE DIRECTOR MAY  
9 PROMULGATE.

10 (4) IF A PERSON NEGLECTS OR REFUSES TO FILE A TIMELY RETURN  
11 OR PAYMENT OF THE TAX, TO PAY OR CORRECTLY ACCOUNT FOR ANY TAX  
12 AS REQUIRED BY THIS ARTICLE 37, OR TO KEEP COMPLETE AND ACCURATE  
13 RECORDS, AS REQUIRED BY SECTION 39-37-109, THE EXECUTIVE DIRECTOR  
14 SHALL MAKE AN ESTIMATE, BASED UPON THE INFORMATION AVAILABLE,  
15 OF THE AMOUNT OF TAX DUE OR NOT ACCOUNTED FOR OR INCORRECTLY  
16 ACCOUNTED FOR ON A RETURN FOR THE PERIOD FOR WHICH THE VENDOR  
17 IS DELINQUENT. THE EXECUTIVE DIRECTOR SHALL ADD TO THE ESTIMATED  
18 AMOUNT OF TAX DUE OR NOT ACCOUNTED FOR OR INCORRECTLY  
19 ACCOUNTED FOR INTEREST, IF APPLICABLE PURSUANT TO SECTION  
20 39-21-110.5, AND A PENALTY EQUAL TO THE GREATER OF:

21 (a) FIFTEEN DOLLARS; OR

22 (b) TEN PERCENT OF SUCH UNPAID, UNACCOUNTED, OR  
23 INCORRECTLY ACCOUNTED FOR AMOUNT OF TAX, PLUS ONE-HALF PERCENT  
24 PER MONTH FROM THE DATE WHEN DUE, NOT TO EXCEED EIGHTEEN  
25 PERCENT IN THE AGGREGATE.

26 **39-37-110. Distribution of tax collected.** (1) EACH MONTH, THE  
27 STATE TREASURER SHALL CREDIT THE MONEY COLLECTED FOR PAYMENT

1 OF THE TAX LEVIED PURSUANT TO THIS PART 1 TO THE OLD AGE PENSION  
2 FUND CREATED IN SECTION 1 OF ARTICLE XXIV OF THE STATE  
3 CONSTITUTION IN ACCORDANCE WITH SECTION 2 (a) AND (f) OF ARTICLE  
4 XXIV OF THE STATE CONSTITUTION AND SHALL FURTHER TRANSFER AN  
5 AMOUNT EQUAL TO THIS AMOUNT FROM THE OLD AGE PENSION FUND TO  
6 THE GENERAL FUND IN ACCORDANCE WITH SECTION 7 (c) OF ARTICLE  
7 XXIV OF THE STATE CONSTITUTION.

8 (2) EACH MONTH, THE STATE TREASURER SHALL TRANSFER AN  
9 AMOUNT EQUAL TO THE AMOUNT OF MONEY COLLECTED FOR PAYMENT OF  
10 THE TAX LEVIED PURSUANT TO THIS PART 1 FROM THE GENERAL FUND TO  
11 THE FUND FOR DISTRIBUTION IN ACCORDANCE WITH SECTION 39-37-301  
12 (2).

13 **39-37-111. Prohibited acts - penalties.** IT IS UNLAWFUL FOR ANY  
14  VENDOR TO WILLFULLY MAKE ANY FALSE OR FRAUDULENT RETURN OR  
15 FALSE STATEMENT ON ANY RETURN OR TO WILLFULLY EVADE THE  
16 PAYMENT OF THE TAX, OR ANY PART OF THE TAX, LEVIED PURSUANT TO  
17 THIS PART 1. ANY  VENDOR WHO WILLFULLY VIOLATES ANY PROVISION  
18 OF THIS PART 1 SHALL BE PUNISHED AS PROVIDED IN SECTION 39-21-118.

19 **39-37-112. Revenue and spending limitations.**  
20 NOTWITHSTANDING ANY LIMITATIONS ON REVENUE, SPENDING, OR  
21 APPROPRIATIONS CONTAINED IN SECTION 20 OF ARTICLE X OF THE STATE  
22 CONSTITUTION OR ANY OTHER PROVISION OF LAW, ALL REVENUE  
23 GENERATED BY THE EXCISE TAX LEVIED PURSUANT TO THIS PART 1 AS  
24 APPROVED BY THE VOTERS AT THE STATEWIDE ELECTION IN NOVEMBER  
25 2024, MAY BE COLLECTED AND SPENT AS A VOTER-APPROVED REVENUE  
26 CHANGE AND SHALL NOT REQUIRE VOTER APPROVAL SUBSEQUENT TO THE  
27 VOTER APPROVAL REQUIRED PURSUANT TO PART 2 OF THIS ARTICLE 37.

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PART 2

SUBMISSION OF BALLOT ISSUE - FIREARMS AND  
AMMUNITION EXCISE TAX

**39-37-201. Submission of ballot issue - excise tax on firearms and ammunition - definition.** (1) AS USED IN THIS SECTION, "BALLOT ISSUE" MEANS THE QUESTION SUBMITTED TO VOTERS PURSUANT TO SUBSECTION (2) OF THIS SECTION.

(2) AT THE STATEWIDE ELECTION HELD IN NOVEMBER 2024, THE SECRETARY OF STATE SHALL SUBMIT TO THE REGISTERED ELECTORS OF THE STATE FOR THEIR APPROVAL OR REJECTION THE FOLLOWING BALLOT ISSUE: "SHALL STATE TAXES BE INCREASED BY \$39,000,000 ANNUALLY TO FUND MENTAL HEALTH SERVICES, INCLUDING FOR MILITARY VETERANS AND AT-RISK YOUTH, SCHOOL SAFETY AND GUN VIOLENCE PREVENTION, AND SUPPORT SERVICES FOR VICTIMS OF DOMESTIC VIOLENCE AND OTHER VIOLENT CRIMES BY AUTHORIZING A TAX ON GUN DEALERS, GUN MANUFACTURERS, AND AMMUNITION VENDORS AT THE RATE OF 6.5% OF THE NET TAXABLE SALES FROM THE RETAIL SALE OF ANY GUN, GUN PRECURSOR PART, OR AMMUNITION, WITH THE STATE KEEPING AND SPENDING ALL OF THE NEW TAX REVENUE AS A VOTER-APPROVED REVENUE CHANGE?"

(3) FOR PURPOSES OF SECTION 1-5-407, THE BALLOT ISSUE IS A PROPOSITION. SECTION 1-40-106 (3)(d) DOES NOT APPLY TO THE BALLOT ISSUE.

PART 3

FIREARMS AND AMMUNITION EXCISE TAX CASH FUND

**39-37-301. Firearms and ammunition excise tax cash fund - creation - distribution.** (1) (a) THE FIREARMS AND AMMUNITION EXCISE

1 TAX CASH FUND IS CREATED IN THE STATE TREASURY. THE FUND CONSISTS  
2 OF MONEY TRANSFERRED TO THE FUND PURSUANT TO SECTION 39-37-110  
3 (2) AND ANY OTHER MONEY THAT THE GENERAL ASSEMBLY MAY  
4 APPROPRIATE OR TRANSFER TO THE FUND.

5 (b) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND  
6 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE  
7 FUND TO THE FUND.

8 (2) (a) EXCEPT FOR ANY MONEY IN THE FUND THAT IS ANNUALLY  
9 APPROPRIATED BY THE GENERAL ASSEMBLY PURSUANT TO SUBSECTION  
10 (2)(b) OF THIS SECTION, MONEY PAID INTO THE FUND PURSUANT TO  
11 SECTION 39-37-110 (2) OR CREDITED TO THE FUND PURSUANT TO  
12 SUBSECTION (1)(b) OF THIS SECTION MUST BE DISTRIBUTED FROM THE  
13 FUND AS FOLLOWS:

14 (I) (A) THE FIRST THIRTY MILLION DOLLARS PAID INTO THE FUND  
15 IN THE FIRST FISCAL YEAR IN WHICH MONEY IS TRANSFERRED TO THE FUND  
16 MUST BE TRANSFERRED TO THE COLORADO CRIME VICTIM SERVICES FUND  
17 CREATED IN SECTION 24-33.5-505.5 (2) AND USED FOR CRIME VICTIM  
18 SERVICES GRANTS, AS DESCRIBED IN SECTION 24-33.5-505.5 (3);

19 (B) FOR EACH FISCAL YEAR THEREAFTER, THE EXECUTIVE  
20 DIRECTOR OR THE EXECUTIVE DIRECTOR'S DESIGNEE SHALL ANNUALLY  
21 CALCULATE AND ADJUST THE AMOUNT REQUIRED TO BE TRANSFERRED  
22 PURSUANT TO SUBSECTION (2)(a)(I)(A) OF THIS SECTION FOR INFLATION  
23 OR DEFLATION AND SHALL ROUND THE ADJUSTED AMOUNT UPWARD OR  
24 DOWNWARD TO THE NEAREST ONE THOUSAND DOLLARS. INFLATION OR  
25 DEFLATION IS MEASURED BY THE ANNUAL PERCENTAGE CHANGE IN THE  
26 UNITED STATES DEPARTMENT OF LABOR'S BUREAU OF LABOR STATISTICS  
27 CONSUMER PRICE INDEX, OR A SUCCESSOR INDEX, FOR

1 DENVER-AURORA-LAKEWOOD FOR "ALL ITEMS" PAID BY URBAN  
2 CONSUMERS. THE STATE TREASURER SHALL TRANSFER THE AMOUNT  
3 CALCULATED BY THE EXECUTIVE DIRECTOR OR THE EXECUTIVE  
4 DIRECTOR'S DESIGNEE PURSUANT TO THIS SUBSECTION (2)(a)(I)(B) IN  
5 ACCORDANCE WITH THE REQUIREMENT IN SUBSECTION (2)(a)(I)(A) OF THIS  
6 SECTION.

7  
8 (II) AFTER THE REQUIREMENT IN SUBSECTION (2)(a)(I) OF THIS  
9 SECTION IS MET, THE NEXT EIGHT MILLION DOLLARS PAID INTO THE FUND  
10 IN EACH FISCAL YEAR MUST BE TRANSFERRED TO THE BEHAVIORAL  
11 AND MENTAL HEALTH CASH FUND CREATED IN SECTION 24-75-230 (2)(a);  
12 AND

13 (III) AFTER THE REQUIREMENT IN SUBSECTION (2)(a)(II) OF THIS  
14 SECTION IS MET, THE NEXT ONE MILLION DOLLARS PAID INTO THE FUND IN  
15 EACH FISCAL YEAR MUST BE TRANSFERRED TO THE SCHOOL SECURITY  
16 DISBURSEMENT PROGRAM CASH FUND CREATED IN SECTION 24-33.5-1811  
17 (1).

18 (b) SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL  
19 ASSEMBLY, FOR STATE FISCAL YEAR 2024-25 AND ANY STATE FISCAL YEAR  
20 THEREAFTER, THE DEPARTMENT OF REVENUE MAY EXPEND MONEY FROM  
21 THE FUND FOR DIRECT AND INDIRECT COSTS ASSOCIATED WITH  
22 IMPLEMENTING AND ADMINISTERING THIS ARTICLE 37.

23 (3) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION,  
24 ON JUNE 30, 2025 AND JUNE 30, 2026, THE STATE TREASURER SHALL  
25 TRANSFER FROM THE FUND TO THE GENERAL FUND AN AMOUNT OF MONEY  
26 EQUAL TO THE AMOUNT OF MONEY USED IN THE STATE FISCAL YEARS  
27 2024-25 AND 2025-26, FROM THE GENERAL FUND TO PAY THE COSTS OF

1 IMPLEMENTING AND ADMINISTERING THIS ARTICLE 37.

2  
3 SECTION 2. In Colorado Revised Statutes, 24-33.5-505.5,

4 amend (2), (3), and (5)(a) as follows:

5 24-33.5-505.5. Colorado crime victim services fund - creation  
6 - uses - applications for grants - legislative declaration - repeal.

7 (2) (a) The Colorado crime victim services fund is created in the state  
8 treasury and referred to in this section as the "fund". The fund consists of  
9 money transferred to the fund pursuant to subsection (4) of this section,  
10 MONEY TRANSFERRED TO THE FUND PURSUANT TO SECTION 39-37-301  
11 (2)(a)(I) \_\_\_\_\_ and any other money that the general assembly may  
12 appropriate or transfer to the fund.

13 (b) Money in PAID INTO the fund PURSUANT TO SUBSECTION (4) OF  
14 THIS SECTION is continuously appropriated to the division for crime victim  
15 services grants, as described in subsection (3) of this section.

16 (c) MONEY PAID INTO THE FUND PURSUANT TO SECTION 39-37-301  
17 (2)(a)(I) \_\_\_\_\_ MUST BE USED FOR CRIME VICTIM SERVICES GRANTS, AS  
18 DESCRIBED IN SUBSECTION (3) OF THIS SECTION.

19  
20 (d) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND  
21 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE  
22 FUND TO THE FUND.

23 (3) The division shall award grants from the fund to governmental  
24 agencies and nonprofit organizations that provide services for crime  
25 victims, including attending to the needs of animal companions. A grant  
26 award may be used to enhance or provide services for crime victims OR  
27 FOR THE PREVENTION OF CRIMES. The division shall award grants from the

1 fund in accordance with the division's process for awarding grants  
2 described in section 24-33.5-507.

3 (5) (a) The division may use up to five hundred thousand dollars  
4 of the money transferred to the fund pursuant to subsection (4) of this  
5 section and up to five percent of any other money transferred or  
6 appropriated to the fund for development and administrative costs  
7 incurred by the division pursuant to this section; EXCEPT THAT THE  
8 DIVISION MAY USE UP TO TEN PERCENT OF THE MONEY TRANSFERRED TO  
9 THE FUND PURSUANT TO SECTION 39-37-301 (2)(a)(I) \_\_\_\_\_ FOR  
10 DEVELOPMENT AND ADMINISTRATIVE COSTS INCURRED BY THE DIVISION  
11 PURSUANT TO SUBSECTION (2)(c) OF THIS SECTION.

12 **SECTION 3.** In Colorado Revised Statutes, **amend**  
13 **24-33.5-1811** as follows:

14 **24-33.5-1811. School security disbursement program cash**  
15 **fund - repeal.** (1) The school security disbursement program cash fund,  
16 referred to in this section as the "fund" is created in the state treasury. The  
17 fund consists of money TRANSFERRED TO THE FUND PURSUANT TO  
18 SECTION 39-37-301 (2)(a)(III) AND ANY OTHER MONEY that the general  
19 assembly may appropriate or transfer to the fund. The state treasurer shall  
20 credit all interest and income derived from the deposit and investment of  
21 money in the fund to the fund. Subject to annual appropriation by the  
22 general assembly, the department may expend money from the fund to  
23 implement the school security disbursement program created in section  
24 24-33.5-1810. The department may expend up to three percent of the  
25 amount appropriated to the fund in each fiscal year for the administrative  
26 expenses incurred in implementing the school security disbursement  
27 program.



1           (2) This section is repealed, effective July 1, 2024. The state  
2           treasurer shall transfer all unexpended and unencumbered money in the  
3           fund on June 30, 2024, to the general fund JULY 1, 2032.

4           **SECTION 4.** In Colorado Revised Statutes, 24-75-230, amend  
5           (2)(a), (3), and (5); and add (3.5) and (3.7) as follows:

6           **24-75-230. Behavioral and mental health cash fund - creation**  
7           **- allowable uses - task force - definitions - repeal.** (2) (a) The  
8           behavioral and mental health cash fund is created in the state treasury.  
9           The fund consists of money credited to the fund in accordance with  
10          subsection (2)(b) of this section, MONEY TRANSFERRED TO THE FUND  
11          PURSUANT TO SECTION 39-37-301 (2)(a)(II), and any other money that the  
12          general assembly may appropriate or transfer to the fund. ~~To respond to~~  
13          ~~the public health emergency with respect to COVID-19 or its negative~~  
14          ~~economic impacts or for the provision of government services,~~ The  
15          general assembly may appropriate money from the fund to a department  
16          for behavioral health care.

17          (3) (a) A department may expend money appropriated from the  
18          fund THAT WAS CREDITED TO THE FUND IN ACCORDANCE WITH  
19          SUBSECTION (2)(b) OF THIS SECTION for purposes permitted under the  
20          "American Rescue Plan Act of 2021" Pub.L. 117-2, as the act may be  
21          subsequently amended, and shall not use the money for any purpose  
22          prohibited by the act. A department or any person who receives SUCH  
23          money from the fund shall comply with any requirements set forth in  
24          section 24-75-226.

25          (b) THE LIMITATIONS AND REQUIREMENTS SET FORTH IN  
26          SUBSECTION (3)(a) OF THIS SECTION DO NOT APPLY TO MONEY  
27          TRANSFERRED TO THE FUND PURSUANT TO SECTION 39-37-301 (2)(a)(II).

1 (3.5) THE FIRST FIVE MILLION DOLLARS OF THE MONEY  
2 TRANSFERRED TO THE FUND PURSUANT TO SECTION 39-37-301 (2)(a)(II),  
3 MUST BE USED BY THE BEHAVIORAL HEALTH ADMINISTRATION,  
4 ESTABLISHED PURSUANT TO SECTION 27-50-102, IN COORDINATION  
5 WITH THE DIVISION OF VETERANS AFFAIRS, CREATED IN SECTION 28-5-701  
6 (1), FOR THE PURPOSE OF CONTINUING AND EXPANDING THE VETERANS  
7 MENTAL HEALTH SERVICES PROGRAM IN ACCORDANCE WITH SECTION  
8 28-5-714.

9 (3.7) AFTER THE REQUIREMENT IN SUBSECTION (3.5) OF THIS  
10 SECTION IS MET, THE NEXT THREE MILLION DOLLARS OF THE MONEY  
11 TRANSFERRED TO THE FUND PURSUANT TO SECTION 39-37-301 (2)(a)(II),  
12 MUST BE USED BY THE BEHAVIORAL HEALTH ADMINISTRATION FOR THE  
13 PURPOSE OF CONTINUING AND EXPANDING ACCESS TO BEHAVIORAL  
14 HEALTH CRISIS RESPONSE SYSTEM SERVICES FOR CHILDREN AND YOUTH IN  
15 ACCORDANCE WITH ARTICLE 60 OF TITLE 27.

16 (5) This section is repealed, effective ~~July 1, 2027~~ JULY 1, 2032.

17 **SECTION 5.** In Colorado Revised Statutes, 27-60-103, **add** (1.7)  
18 as follows:

19 **27-60-103. Behavioral health crisis response system - services**  
20 **- request for proposals - criteria - reporting - rules - definitions -**  
21 **repeal.** (1.7) BEGINNING JANUARY 1, 2025, THE BHA SHALL USE THE  
22 MONEY TRANSFERRED TO THE BEHAVIORAL AND MENTAL HEALTH CASH  
23 FUND PURSUANT TO SECTIONS 24-75-230 (2)(a) AND 39-37-301 (2)(a)(II),  
24 TO CONTINUE AND EXPAND ACCESS TO BEHAVIORAL HEALTH CRISIS  
25 RESPONSE SYSTEM SERVICES FOR CHILDREN AND YOUTH IN ACCORDANCE  
26 WITH THIS ARTICLE 60.

27 **SECTION 6.** In Colorado Revised Statutes, 28-5-714, **amend**

1 (2)(d) as follows:

2 **28-5-714. Veterans mental health services program - report -**  
3 **rules - definitions.** (2) (d) The behavioral health administration  
4 established in section 27-50-102 shall COORDINATE WITH THE DIVISION TO  
5 CONTINUE AND EXPAND THE PROGRAM USING THE MONEY TRANSFERRED  
6 PURSUANT TO SECTION 39-37-301 (2)(a)(II), TO THE BEHAVIORAL AND  
7 MENTAL HEALTH CASH FUND, CREATED IN SECTION 24-75-230 (2)(a), IN  
8 ACCORDANCE WITH SECTION 24-75-230 (3.5) AND SHALL post on its  
9 website a list of providers who participate in the program.

10 **SECTION 7.** In Colorado Revised Statutes, 39-21-102, **amend**  
11 (1) as follows:

12 **39-21-102. Scope.** (1) Unless otherwise indicated, the provisions  
13 of this article 21 apply to the taxes or fees imposed by ~~articles 22 to 35~~  
14 ~~ARTICLES 22 TO 37~~ of this title 39 and article 60 of title 34, section 21 of  
15 article X of the state constitution, article 3 of title 42, part 5 of article 3  
16 of title 44, articles 11 and 20 of title 30, article 4 of title 43, article 2 of  
17 title 40, and part 2 of article 20 of title 8.

18 **SECTION 8.** In Colorado Revised Statutes, 39-21-103, **amend**  
19 (1) as follows:

20 **39-21-103. Hearings.** (1) As soon as practicable after any tax  
21 return or the return showing the value of oil and gas is filed, ~~pursuant to~~  
22 ~~articles 22 to 29 of this title, article 60 of title 34, or article 3 of title 42,~~  
23 ~~C.R.S.~~, the executive director shall examine it and shall determine the  
24 correct amount of tax. If the tax found due is greater than the amount  
25 theretofore assessed or paid, a notice of deficiency shall be mailed to the  
26 taxpayer by first-class mail as set forth in section 39-21-105.5.

27 **SECTION 9.** In Colorado Revised Statutes, 39-21-106, **amend**

1 (1) as follows:

2 **39-21-106. Compromise.** (1) The executive director or ~~his or her~~  
3 THE EXECUTIVE DIRECTOR'S delegate may compromise any civil or  
4 criminal case arising under any tax or ~~the charge on oil and gas~~  
5 ~~production imposed by articles 22 to 29 of this title, article 60 of title 34,~~  
6 ~~or article 3 of title 42, C.R.S., ADMINISTERED PURSUANT TO THIS ARTICLE~~  
7 21 prior to reference to the department of law for prosecution or defense;  
8 and the attorney general or ~~his or her~~ THE ATTORNEY GENERAL'S delegate  
9 shall, upon the written direction of the executive director, compromise  
10 any such case after reference to the department of law for prosecution or  
11 defense.

12 **SECTION 10.** In Colorado Revised Statutes, 39-21-107, **amend**  
13 (1)as follows:

14 **39-21-107. Limitations.** (1) Except as provided in this section,  
15 in section 29-2-106.1 (5)(b), and unless such time is extended by waiver,  
16 the amount of any tax or of any charge on oil and gas production ~~imposed~~  
17 ~~pursuant to articles 24 to 29 of this title 39 or article 3 of title 42,~~ and the  
18 penalty and interest applicable thereto, shall be assessed within three  
19 years after the return was filed, whether or not such return was filed on  
20 or after the date prescribed, and no assessment shall be made or credit  
21 taken and no notice of lien shall be filed, nor distraint warrant issued, nor  
22 suit for collection instituted, nor any other action to collect the same  
23 commenced after the expiration of such period; except that a written  
24 proposed adjustment of the tax liability by the department issued prior to  
25 the expiration of such period shall extend the limitation of this subsection  
26 (1) for one year after a final determination or assessment is made. No lien  
27 shall continue after the three-year period provided for in this subsection

1 (1), except for taxes assessed before the expiration of such period, notice  
2 of lien with respect to which has been filed prior to the expiration of such  
3 period, and except for taxes on which written notice of any proposed  
4 adjustment of the tax liability has been sent to the taxpayer during such  
5 three-year period, in which case the lien shall continue for one year only  
6 after the expiration of such period or after the issuance of a final  
7 determination or assessment based on the proposed adjustment issued  
8 prior to the expiration of the three-year period. This subsection (1) shall  
9 DOES not apply to income tax or to any tax imposed under article 23.5 of  
10 this title 39.

11 **SECTION 11.** In Colorado Revised Statutes, 39-21-108, **amend**  
12 (3)(a)(I)(A) introductory portion as follows:

13 **39-21-108. Refunds.** (3) (a) (I) (A) Whenever it is established  
14 that any taxpayer has, for any period open under the statutes, overpaid a  
15 tax covered by articles 22 and 26 to 29 of this title 39, article 60 of title  
16 34, and article 3 of title 42 ADMINISTERED PURSUANT TO THIS ARTICLE 21  
17 and that: There is an unpaid balance of tax and interest accrued, according  
18 to the records of the executive director, owing by such taxpayer for any  
19 other period; there is an amount required to be repaid to the  
20 unemployment compensation fund pursuant to section 8-81-101 (4), the  
21 amount of which has been determined to be owing as a result of a final  
22 agency determination or judicial decision or that has been reduced to  
23 judgment by the division of unemployment insurance in the department  
24 of labor and employment; there is any unpaid child support debt as set  
25 forth in section 14-14-104, or child support arrearages that are the subject  
26 of enforcement services provided pursuant to section 26-13-106, as  
27 certified by the department of human services; there are any unpaid

1 obligations owing to the state as set forth in section 26-2-133, for  
2 overpayment of public assistance or medical assistance benefits, the  
3 amount of which has been determined to be owing as a result of final  
4 agency determination or judicial decision or that has been reduced to  
5 judgment, as certified by the department of human services; there are any  
6 unpaid obligations owing to the state as set forth in section 26.5-4-119,  
7 for overpayment of child care assistance, the amount of which has been  
8 determined to be owing as a result of final agency determination or  
9 judicial decision or that has been reduced to judgment as certified by the  
10 department of early childhood; there is any unpaid loan or other  
11 obligation due to a state-supported institution of higher education as set  
12 forth in section 23-5-115, the amount of which has been determined to be  
13 owing as a result of a final agency determination or judicial decision or  
14 that has been reduced to judgment, as certified by the appropriate  
15 institution; there is any unpaid loan due to the student loan division of the  
16 department of higher education as set forth in section 23-3.1-104 (1)(p),  
17 the amount of which has been determined to be owing as a result of a  
18 final agency determination or judicial decision or that has been reduced  
19 to judgment, as certified by the division; there is any unpaid loan due to  
20 the collegeinvest division of the department of higher education as set  
21 forth in section 23-3.1-206, the amount of which has been determined to  
22 be owing as a result of a final agency determination or judicial decision  
23 or that has been reduced to judgment; there is any outstanding judicial  
24 fine, fee, cost, or surcharge as set forth in section 16-11-101.8, or judicial  
25 restitution as set forth in section 16-18.5-106.8, the amount of which has  
26 been determined to be owing as a result of a final judicial department  
27 determination or certified by the judicial department as a judgment owed

1 the state or a victim; there is any unpaid debt owing to the state or any  
2 agency thereof by such taxpayer, and that is found to be owing as a result  
3 of a final agency determination or the amount of which has been reduced  
4 to judgment and as certified by the state agency; or the taxpayer is a  
5 qualified individual identified pursuant to section 39-22-120 (10) or  
6 39-22-2003 (9), so much of the overpayment of tax plus interest  
7 allowable thereon as does not exceed the amount of such unpaid balance  
8 or unpaid debt must be credited first to the unpaid balance of tax and  
9 interest accrued and then to the unpaid debt, and any excess of the  
10 overpayment must be refunded. If the taxpayer elects to designate his or  
11 her refund as a credit against a subsequent year's tax liability, the amount  
12 allowed to be so credited must be reduced first by the unpaid balance of  
13 tax and interest accrued and then by the unpaid debt. If the taxpayer filed  
14 a joint return, the executive director shall notify the other taxpayer named  
15 on the joint return that the portion of the overpayment that is generated by  
16 the other taxpayer's income will be refunded upon receipt of a request  
17 detailing said amount.

18 **SECTION 12.** In Colorado Revised Statutes, 39-21-109, **amend**  
19 **(1)** as follows:

20 **39-21-109. Interest on underpayment, nonpayment, or**  
21 **extensions of time for payment of tax.** (1) If any amount of tax or any  
22 charge on oil and gas production imposed pursuant to articles 22 to 29 of  
23 this title, article 60 of title 34, or article 3 of title 42, C.R.S.,  
24 ADMINISTERED PURSUANT TO THIS ARTICLE 21 is not paid on or before the  
25 last date prescribed for payment, interest on such amount at the rate  
26 imposed under section 39-21-110.5, except as provided in subsection  
27 (1.5) of this section, shall be paid for the period from such last date to the

1 date paid. The last date prescribed for payment shall be determined  
2 without regard to any extension of time for payment and shall be  
3 determined without regard to any notice and demand for payment issued,  
4 by reason of jeopardy, prior to the last date otherwise prescribed for such  
5 payment. In the case of a tax in which the last date for payment is not  
6 otherwise prescribed, the last date for payment shall be deemed to be the  
7 date the liability for the tax arises, and in no event shall it be later than the  
8 date notice and demand for the tax is made by the executive director of  
9 the department of revenue or his THE EXECUTIVE DIRECTOR'S delegate.

10 **SECTION 13.** In Colorado Revised Statutes, 39-21-110, **amend**  
11 (1) introductory portion, (2), and (3) as follows:

12 **39-21-110. Interest on overpayments - repeal.** (1) Interest shall  
13 be allowed and paid upon any overpayment in respect to any tax or any  
14 charge on oil and gas production imposed pursuant to articles 22 to 29 of  
15 this title 39, article 60 of title 34, or article 3 of title 42 ADMINISTERED  
16 PURSUANT TO THIS ARTICLE 21 at the rate imposed under section  
17 39-21-110.5. Such interest shall be allowed and paid as follows:

18 (2) Any portion of any tax or of a charge on oil and gas production  
19 imposed pursuant to articles 22 to 29 of this title, article 60 of title 34, or  
20 article 3 of title 42, C.R.S., ADMINISTERED PURSUANT TO THIS ARTICLE 21  
21 or any interest, assessable penalty, additional amount, or addition to a tax  
22 or charge which has been erroneously refunded shall bear interest at the  
23 rate imposed under section 39-21-110.5 from the date of the payment of  
24 the refund.

25 (3) If any overpayment of any tax or of a charge on oil and gas  
26 production imposed pursuant to articles 22 to 29 of this title, article 60 of  
27 title 34, or article 3 of title 42, C.R.S., ADMINISTERED PURSUANT TO THIS



1 ARTICLE 21 is refunded within ninety days after the last date prescribed  
2 for filing the return of such tax or charge, determined without regard to  
3 any extension of time for filing the return, no interest shall be allowed  
4 under subsection (1) of this section on such overpayment.

5 SECTION 14. In Colorado Revised Statutes, 39-21-110.5,  
6 amend (1) as follows:

7 39-21-110.5. Rate of interest to be fixed. (1) When interest is  
8 required or permitted to be charged under any provision of articles 20 to  
9 29 of this title in connection with interest PURSUANT TO THIS SECTION on  
10 ANY underpayment, nonpayment, extension of time for payment, or  
11 overpayment, or when interest is required to be paid pursuant to section  
12 8-20.5-104, C.R.S., in connection with an application for reimbursement  
13 from the petroleum storage tank fund, such interest shall be computed at  
14 the annual rate which has been established pursuant to this section.

15 SECTION 15. In Colorado Revised Statutes, 39-21-112, amend  
16 (1) as follows:

17 39-21-112. Duties and powers of executive director. (1) It is  
18 the duty of the executive director to administer the provisions of this  
19 article 21, and the executive director has the power to adopt, amend, or  
20 rescind such rules not inconsistent with the provisions of this article 21,  
21 articles 22 to 29 of this title 39, and article 3 of title 42 THE STATUTORY  
22 PROVISIONS LISTED IN SECTION 39-21-102, and, subject to other provisions  
23 of law relating to the promulgation of rules, to appoint, pursuant to  
24 section 13 of article XII of the state constitution, such persons, to make  
25 such expenditures, to require such reports, to make such investigations,  
26 and to take such other action as the executive director deems necessary  
27 or suitable to that end. The executive director shall determine the

1 organization and methods of procedure in accordance with the provisions  
2 of this article 21. For the purpose of ascertaining the correctness of any  
3 return or for the purpose of making an estimate of the tax due from any  
4 taxpayer, the executive director has the power to examine or cause to be  
5 examined by any employee, agent, or representative designated by the  
6 executive director for that purpose any books, papers, records, or  
7 memoranda bearing upon the matters required to be included in the  
8 return. In the exercise of rule-making authority as to article 29 of this title  
9 39, as granted by the general assembly pursuant to this subsection (1), the  
10 executive director may not readopt any rule, or portion thereof,  
11 disapproved on or after July 1, 1982, by the general assembly pursuant to  
12 section 24-4-103 (8)(d) without the approval of the general assembly.

13 **SECTION 16.** In Colorado Revised Statutes, 39-21-113, **amend**  
14 (1)(a) as follows:

15 **39-21-113. Reports and returns - rule - repeal.** (1) (a) It is the  
16 duty of every person, firm, or corporation liable to the state of Colorado  
17 for any tax or ~~any charge on oil and gas production imposed pursuant to~~  
18 ~~articles 23.5 to 29 of this title or article 3 of title 42, C.R.S.,~~  
19 ADMINISTERED PURSUANT TO THIS ARTICLE 21 to keep and preserve for a  
20 period of three years such books, accounts, and records as may be  
21 necessary to determine the amount of liability.

22 **SECTION 17.** In Colorado Revised Statutes, 39-21-119.5,  
23 **amend** (1), (4)(k), and (4)(l); and **add** (4)(m) as follows:

24 **39-21-119.5. Mandatory electronic filing of returns -**  
25 **mandatory electronic payment - penalty - waiver - definitions.**  
26 (1) For purposes of this section, "return" means any report, claim, tax  
27 return statement, or other document required or authorized under articles

1 11 and 25 of title 29, article 11 of title 30, articles 22, 26, 27, 28, 28.5,  
2 28.6, 28.8, and 29, AND 37 of this title 39, article 2 of title 40, article 3 of  
3 title 42, article 4 of title 43, and title 44, and any form, statement report,  
4 or other document prescribed by the executive director for reporting a tax  
5 liability, a fee liability, or other information required to be returned to the  
6 executive director, including the reporting of changes or amendments  
7 thereto, and any schedule certification, worksheet, or other document  
8 required to accompany the return.

9 (4) Except as provided in subsection (6) of this section, on and  
10 after August 2, 2019, electronic filing of returns and the payment of any  
11 tax or fee by electronic funds transfer is required for the following:

12 (k) Any clean fleet per ride fee and air pollution mitigation per  
13 ride fee return required to be filed and payment required pursuant to  
14 section 40-10.1-607.5; and

15 (l) Any quarterly report for the advance payment of an income tax  
16 credit required to be filed pursuant to section 39-22-629 (2)(b); AND

17 (m) ANY FIREARMS AND AMMUNITION EXCISE TAX RETURN  
18 REQUIRED TO BE FILED AND ANY PAYMENT OF TAX REQUIRED TO BE  
19 REMITTED PURSUANT TO ARTICLE 37 OF THIS TITLE 39.

20 **SECTION 18. Appropriation.** (1) For the 2024-25 state fiscal  
21 year, \$383,027 is appropriated to the department of revenue. This  
22 appropriation is from the general fund. To implement this act, the  
23 department may use this appropriation as follows:

24 (a) \$26,810 for use by the executive director's office for personal  
25 services related to administration and support;

26 (b) \$139,050 for tax administration IT system (GenTax) support;

27 (c) \$40,493 for use by the taxation business group for personal

1 services related to taxation services, which amount is based on an  
2 assumption that the group will require an additional 0.4 FTE;

3 (d) \$3,847 for use by the taxation business group for operating  
4 expenses related to taxation services; and

5 (e) \$172,827 for the purchase of legal services.

6 (2) For the 2024-25 state fiscal year, \$172,827 is appropriated to  
7 the department of law. This appropriation is from reappropriated funds  
8 received from the department of revenue under subsection (1)(e) of this  
9 section and is based on an assumption that the department of law will  
10 require an additional 0.8 FTE. To implement this act, the department of  
11 law may use this appropriation to provide legal services for the  
12 department of revenue.

13 (3) The money appropriated by this section becomes available  
14 upon passage of the ballot measure pursuant to Section 39-37-201, (2)  
15 C.R.S.

16 **SECTION 19. Effective date.** (1) Except as otherwise provided  
17 in subsection (2) of this section, this act takes effect only if, at the  
18 November 2024 statewide election, a majority of voters approve the ballot  
19 issue referred in accordance with section 39-37-201, Colorado Revised  
20 Statutes, created in section 1 of this act. If the voters approve the ballot  
21 issue, then this act takes effect on the date of the official declaration of  
22 the vote thereon by the governor.

23 (2) Section 39-37-201, Colorado Revised Statutes, created in  
24 section 1 of this act, and section 24-33.5-1811, Colorado Revised  
25 Statutes, amended in section 3 of this act, take effect upon passage.

26 **SECTION 20. Safety clause.** The general assembly finds,  
27 determines, and declares that this act is necessary for the immediate

- 1 preservation of the public peace, health, or safety or for appropriations for
- 2 the support and maintenance of the departments of the state and state
- 3 institutions.