SENATE BILL 19-006

A BILL FOR AN ACT

CONCERNING AN ELECTRONIC SALES AND USE TAX SIMPLIFICATION

SYSTEM, AND, IN CONNECTION THEREWITH, REQUIRING THE OFFICE OF INFORMATION TECHNOLOGY TO CONDUCT A SOURCING METHOD FOR THE DEVELOPMENT OF THE SYSTEM AND REQUIRING THE DEPARTMENT OF REVENUE TO ESTABLISH THE IMPLEMENTATION OF THE SYSTEM FOR THE ACCEPTANCE OF RETURNS AND PROCESSING OF PAYMENTS FOR THE SALES AND USE TAX LEVIED BY THE STATE AND ANY LOCAL TAXING JURISDICTIONS.

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
Sales and Use Tax Simplification Task Force. The bill requires the department of revenue (department), within existing resources, to conduct a sourcing method in accordance with the applicable provisions of the procurement code, and any applicable rules, for the development of an electronic sales and use tax simplification system (system). The bill also requires the department to involve stakeholders to develop the scope of work.

The bill specifies that on and after the date the system is online the department is required to accept any returns and payments processed through the system for state sales and use tax and for any sales and use taxes that are collected by the department on behalf of any local taxing jurisdiction.

The bill specifies that it is the general assembly's intent that a certain number of local taxing jurisdictions with home rule charters voluntarily use the system when the system comes online. Additionally, the bill states that it is the general assembly's intent that all local taxing jurisdictions with home rule charters voluntarily use the system within a specified number of years.

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

SECTION 1. Legislative declaration. (1) The general assembly hereby finds and declares that:

(a) The sales and use tax simplification task force (task force) has met several times in the interim between the 2018 and 2019 legislative sessions and has again heard testimony from both businesses and local governments about the complex nature of our state and local sales and use tax system;

(b) In enacting this act, the task force's objective is to take the next step toward the development and implementation of an electronic sales and use tax simplification system to be used by the state and local taxing jurisdictions for the acceptance of returns and processing of payments for the sales and use tax levied by the state and any local taxing jurisdictions;
(c) It is the task force's intent that the electronic sales and use tax simplification system allow for various payment options, including contributions by the state, local taxing jurisdictions, or retailers; 

(d) It is the task force's intent to move forward with simplifying certain administrative details of the state and local sales and use tax system for the state and local taxing jurisdictions, but on an elective basis for any municipality with a home rule charter in order to protect the important legal authority of such entities as set forth in section 6 of article XX of the state constitution; and

(e) It is the task force's intent that the cost of the initial funding and ongoing maintenance of the electronic sales and use tax simplification system be paid for from the additional sales tax revenues that the state is receiving as a result of the United States Supreme Court's decision in \textit{South Dakota v. Wayfair, Inc., et al.}, which allowed states to require retailers without physical presence in the state to collect sales tax on purchases made by in-state customers so long as the sales tax system in the state is not too burdensome for the out-of-state retailer.

\textbf{SECTION 2.} In Colorado Revised Statutes, 39-26-123, \textbf{amend} (3) as follows:

\textbf{39-26-123. Receipts - disposition - transfers of general fund surplus - sales tax holding fund - creation - definitions.} (3) For any state fiscal year commencing on or after July 1, 2013, the state treasurer shall credit eighty-five percent of all net revenue collected under the provisions of this article ARTICLE 26 to the old age pension fund created in section 1 of article XXIV of the state constitution. The state treasurer shall credit to the general fund the remaining fifteen percent of the net revenue, less ten million dollars, which the state treasurer shall credit to
the older Coloradans cash fund created in section 26-11-205.5 (5), C.R.S.

THE GENERAL ASSEMBLY SHALL MAKE ANY NECESSARY APPROPRIATIONS FOR THE INITIAL FUNDING AND ONGOING MAINTENANCE OF THE ELECTRONIC SALES AND USE TAX SIMPLIFICATION SYSTEM DESCRIBED IN SECTION 39-26-802.7 FROM ANY NET REVENUE THAT IS CREDITED TO THE GENERAL FUND.

SECTION 3. In Colorado Revised Statutes, add 39-26-802.7 as follows:

39-26-802.7. Electronic sales and use tax simplification system - sourcing method - implementation - legislative intent - definitions.

(1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "DEPARTMENT" MEANS THE DEPARTMENT OF REVENUE.

(b) "LOCAL TAXING JURISDICTION" MEANS A CITY, TOWN, MUNICIPALITY, COUNTY, SPECIAL DISTRICT, OR AUTHORITY AUTHORIZED TO LEVY A SALES OR USE TAX PURSUANT TO TITLE 24, 25, 29, 30, 31, 32, 37, 42, OR 43, AND ANY COUNTY, CITY AND COUNTY, OR MUNICIPALITY GOVERNED BY A HOME RULE CHARTER.

(c) "OFFICE OF INFORMATION TECHNOLOGY" OR "OFFICE" MEANS THE OFFICE OF INFORMATION TECHNOLOGY CREATED IN SECTION 24-37.5-103.

(d) "SALES AND USE TAX SIMPLIFICATION TASK FORCE" OR "TASK FORCE" MEANS THE SALES AND USE TAX SIMPLIFICATION TASK FORCE CREATED IN SECTION 39-26-802.

(2) (a) THE OFFICE OF INFORMATION TECHNOLOGY, ON BEHALF OF THE DEPARTMENT, WITHIN EXISTING RESOURCES, SHALL CONDUCT A SOURCING METHOD IN ACCORDANCE WITH THE APPLICABLE PROVISIONS OF
THE "PROCUREMENT CODE", ARTICLES 101 TO 112 OF TITLE 24, AND ANY
APPLICABLE RULES, FOR THE DEVELOPMENT OF AN ELECTRONIC SALES AND
USE TAX SIMPLIFICATION SYSTEM. THE OFFICE AND THE DEPARTMENT
SHALL INVOLVE STAKEHOLDERS TO DEVELOP THE SCOPE OF WORK.

(b) ON AND AFTER THE DATE THE ELECTRONIC SALES AND USE TAX
SIMPLIFICATION SYSTEM IS ONLINE, AND NOTWITHSTANDING ANY LAW TO
THE CONTRARY, THE DEPARTMENT SHALL ACCEPT ANY RETURNS AND
PAYMENTS PROCESSED THROUGH THE SYSTEM FOR STATE SALES AND USE
TAX AND FOR ANY SALES AND USE TAXES THAT ARE COLLECTED BY THE
DEPARTMENT ON BEHALF OF ANY LOCAL TAXING JURISDICTION.

(c) (I) ON AND AFTER THE DATE THE ELECTRONIC SALES AND USE
TAX SIMPLIFICATION SYSTEM IS ONLINE, IT IS THE GENERAL ASSEMBLY'S
INTENT THAT AT LEAST THREE LOCAL GOVERNMENTS GOVERNED BY A
HOME RULE CHARTER VOLUNTARILY USE THE SYSTEM FOR ACCEPTING
RETURNS AND PROCESSING PAYMENTS OF ANY LOCAL SALES AND USE TAX.

(II) IT IS THE GENERAL ASSEMBLY'S INTENT THAT THE VOLUNTARY
USE OF THE SYSTEM INCREASE EVERY YEAR SO THAT NO LATER THAN
THREE YEARS AFTER THE EFFECTIVE DATE OF THIS SECTION ALL LOCAL
GOVERNMENTS GOVERNED BY A HOME RULE CHARTER ARE VOLUNTARILY
USING THE SYSTEM.

(3) IN THE INTERIM BETWEEN THE 2019 AND 2020 LEGISLATIVE
SESSIONS, THE OFFICE AND THE DEPARTMENT SHALL REGULARLY PROVIDE
THE SALES AND USE TAX SIMPLIFICATION TASK FORCE WITH ANY SUCH
DETAILED INFORMATION REGARDING THE SOURCING METHOD PROGRESS
AS IS ALLOWED UNDER THE PROCUREMENT CODE.

SECTION 4. 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.