**AGENDA**

**Draft Rules to Implement House Bill 22-1118**

August 15, 2023, at 10:00 a.m. Colorado Department of Revenue

1881 Pierce Street

Call-in number: **1 (669) 900-6833** Entrance B, Room 110

‬Meeting ID: **858 4333 6385** Lakewood, CO 80214

The Colorado Department of Revenue, Division of Taxation, is convening this workgroup to solicit input on sales tax rules drafted to implement [House Bill 22-1118](https://leg.colorado.gov/bills/hb22-1118). The Department [previously convened a workgroup meeting](https://urldefense.proofpoint.com/v2/url?u=https-3A__r20.rs6.net_tn.jsp-3Ff-3D001KpXdisG9ioEDvEaUlnMpvnEeMBsGnMtQSji0Dqk0Vz3VEZodd2qM1xbjgBgGSN7jXxYVKrgOl19nvO6qm91lCleWOQ-5FTV85VRR8AzKsB0FG5IX3AYdmMmvPdQOyY2Y6Jr7PwxIuYEAYinYeV5sGpb8tDKC6OsF7dSWR1kxI1Pqo5Ez0AkPEvlQT31EY71R0PdE844CapgLGi6Xf-2DT6X5vsMjTqtO0aX2QKJyeUhJGFut2UKK-2DkqFkH3Yuo0JOlpkX2CuPRCoAskgbF4JVunHEg-3D-3D-26c-3D8KB-2DdLQLz2MmWc20jp-5FWTp0Z8FJ0kjqZqSx3-2DZoNX0caNhQ8BPsRSQ-3D-3D-26ch-3DKrk0FL2sxtLFCB5WN-2D7C-5Fhb-5FqBBQT1Hit-2DElYcq3YwA2KTaZzvCI8A-3D-3D&d=DwMFaQ&c=sdnEM9SRGFuMt5z5w3AhsPNahmNicq64TgF1JwNR0cs&r=GVUCJKiaBf-BTLwAU_zJygICObVUKY1uBwevNpuXzfg&m=BdHpa1YC95d3oAGW3z8ezTW0QhjDZzGbb6oJMbE5lNV9PdvMJR-_gWEYxXwthrkY&s=ia51hn9S3AdIxhMWT4DtFGWKNa29SEGYIeF7ElDDOH4&e=) to solicit input from the public and considered that input in drafting these rules. In addition to the draft rules, the Department has also prepared a [brief explanation](https://urldefense.proofpoint.com/v2/url?u=https-3A__r20.rs6.net_tn.jsp-3Ff-3D001KpXdisG9ioEDvEaUlnMpvnEeMBsGnMtQSji0Dqk0Vz3VEZodd2qM12p3-5FxzYnR7-5FWk30OBMuuSiCadS72yaF1Rp0L54u87e9NZfFY9qDdjKm6UTaHE45FcniPf2YclVS5AE25etVc0ayL1P1xX6ZpRIvFKDmNnIirGdXh-5FEw8Tu-2DY-5FVOvXQKO1K69ecQlKPgflZAH268EjUekExBqpoiJX-5F-5FlqamA3ZOsGFtizC2Ltb63PUwVVmrbKTahMMjnEu8kM1t5YAnPMKrqJ2jKWNWWwRrIIk06UPbuVm8EZQlbCA7j6WlTm2KbwA7eoMFhbEV-26c-3D8KB-2DdLQLz2MmWc20jp-5FWTp0Z8FJ0kjqZqSx3-2DZoNX0caNhQ8BPsRSQ-3D-3D-26ch-3DKrk0FL2sxtLFCB5WN-2D7C-5Fhb-5FqBBQT1Hit-2DElYcq3YwA2KTaZzvCI8A-3D-3D&d=DwMFaQ&c=sdnEM9SRGFuMt5z5w3AhsPNahmNicq64TgF1JwNR0cs&r=GVUCJKiaBf-BTLwAU_zJygICObVUKY1uBwevNpuXzfg&m=BdHpa1YC95d3oAGW3z8ezTW0QhjDZzGbb6oJMbE5lNV9PdvMJR-_gWEYxXwthrkY&s=RrIlziYv8N4UFAqUpDt5PAnlTnum-q-qJTzHZADKF9M&e=) of how the draft rules address certain issues.

In addition to other matters the Department may open for discussion, the following items are scheduled for consideration:

* Welcome and Introductions
* Topics for Discussion. The Department intends to seek input on the draft rules, including input on those topics listed below, but encourages attendees to suggest additional topics for discussion.
  + *Proof of Payment.* Paragraph (5)(d) of draft Rule 39-26-703–2 identifies three different types of documentation that may be submitted with a refund claim to provide proof of payment. Does paragraph (5)(d) provide sufficient guidance regarding acceptable forms of documentation? Are there other forms of documentation that are not mentioned in the draft rule that may be more readily available to the refund applicant?
  + *Alternative Forms of Documentation.* Paragraph (7) of draft Rule 39-26-703–2 allows refund applicants to request permission from the Department to submit alternate forms of documentation that provide sufficient evidence in support of the claim in a manner comparable to the documentation otherwise required by the rule. Should the rule provide any further guidance about the types of alternate documentation that might be approved or the situations that a request might be appropriate?
  + *Protective Claims.* The concept of “protective claims” arises from case law regarding federal income tax and protective claims have not previously been addressed in Colorado statute or rules. Draft Rule 39-26-703–1 is derived generally from guidance the IRS has issued regarding protective claims. Does the draft rule provide sufficient guidance and explanation regarding protective claims for sales tax refunds?
* Other comments or issues for consideration
* Adjourn