

HB1219\_L.002

## HOUSE COMMITTEE OF REFERENCE REPORT

\_\_\_\_\_  
Chairman of Committee\_\_\_\_\_  
DateCommittee on Finance.

After consideration on the merits, the Committee recommends the following:

HB09-1219 be amended as follows:

1 Amend printed bill, page 2, strike lines 10 through 21 and substitute the  
2 following:

3 "SECTION 2. Repeal. 39-22-604 (9), Colorado Revised  
4 Statutes, is repealed as follows:

5 **39-22-604. Withholding tax - requirement to withhold - tax**  
6 **lien - exemption from lien - definitions.** (9) ~~The department, after an~~  
7 ~~audit of the annual income tax return of the employee, as otherwise~~  
8 ~~provided for in this section, or in cases of returns which take longer than~~  
9 ~~normal to process for reasons specified in section 39-22-622 (4), shall~~  
10 ~~refund the amount deducted or withheld in excess of the tax liability of~~  
11 ~~the employee, together with interest thereon at the rate imposed under~~  
12 ~~section 39-21-110.5 from the fifteenth day of the seventh month~~  
13 ~~following the close of the employee's taxable year for which the income~~  
14 ~~tax return is filed.";~~

15 line 22, strike "(2)," and substitute "(2) and (4)," and, strike "is" and  
16 substitute "are".

17 Page 3, after line 17, insert the following:

18 "(4) The provisions of subsection (2) of this section shall not  
19 apply to any return that is being audited or to any return that may take  
20 longer than normal to process due to the mathematical or clerical errors  
21 contained in said return or to unforeseen delays caused by the failure of  
22 processing equipment. Such determination shall be made in good faith  
23 by the department. ~~Any refund attributable to a return which takes longer~~  
24 ~~than normal to process for reasons specified in this subsection (4) shall~~  
25 ~~be subject to the requirements of section 39-22-604 (9)."~~

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