

Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 10-0959.01 Bob Lackner

SENATE BILL 10-186

SENATE SPONSORSHIP

Tochtrop, Carroll M., Mitchell, Schultheis

HOUSE SPONSORSHIP

Primavera, Kerr J., McNulty, Miklosi

Senate Committees
Finance

House Committees

A BILL FOR AN ACT

101 **CONCERNING STATE WARRANTS FOR TAX REFUNDS THAT ARE NOT**
102 **PRESENTED FOR PAYMENT WITHIN SIX MONTHS FROM THE DATE**
103 **OF ISSUANCE.**

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://www.leg.state.co.us/billsummaries>.)

Legislative Audit Committee. Existing law provides that any warrant from the state representing a refund of income tax imposed that is not presented for payment within 6 months from its date of issuance shall be void. **Section 1** of the bill expands this requirement to include

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.

all taxes imposed or assessed by the department of revenue (department).

Existing law provides that any amount due and payable as a refund of Colorado income tax represented by a warrant that has not been presented for payment within 6 months from the date of issuance of the warrant and that has been forwarded by the department to the state treasurer is presumed abandoned. **Section 2** of the bill expands this requirement to apply to all taxes imposed or assessed by the department.

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

2 **SECTION 1.** 39-21-108, Colorado Revised Statutes, is amended
3 BY THE ADDITION OF A NEW SUBSECTION to read:

4 **39-21-108. Refunds.** (7) (a) ON AND AFTER OCTOBER 1, 2010,
5 ANY WARRANT REPRESENTING A REFUND ISSUED BY THE DEPARTMENT,
6 EXCLUDING REFUNDS ADDRESSED BY SUBSECTIONS (5) AND (6) OF THIS
7 SECTION, THAT IS NOT PRESENTED FOR PAYMENT WITHIN SIX MONTHS
8 FROM ITS DATE OF ISSUANCE SHALL BE VOID. ON AND AFTER OCTOBER 1,
9 2010, UPON THE CANCELLATION OF A WARRANT IN ACCORDANCE WITH THE
10 STANDARD OPERATING PROCEDURES OF THE DEPARTMENT OR THE STATE
11 CONTROLLER, THE DEPARTMENT SHALL FORWARD TO THE STATE
12 TREASURER THE NAME OF THE TAXPAYER AS IT APPEARS ON THE
13 WARRANT, THE TAXPAYER IDENTIFICATION NUMBER, THE TAXPAYER'S
14 LAST-KNOWN ADDRESS, THE AMOUNT OF THE CANCELED WARRANT, AND
15 AN AMOUNT OF MONEY EQUAL TO THE AMOUNT SPECIFIED IN THE
16 WARRANT SO THAT THE STATE TREASURER MAY MAKE THE REFUND
17 PURSUANT TO THE PROVISIONS OF THE "UNCLAIMED PROPERTY ACT",
18 ARTICLE 13 OF TITLE 38, C.R.S.

19 (b) THE DEPARTMENT MAY RECLAIM FROM THE UNCLAIMED
20 PROPERTY FUND AND CREDIT TO THE APPROPRIATE STATE REVENUE FUND
21 ANY AMOUNT FORWARDED BY THE DEPARTMENT TO THE STATE
22 TREASURER PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (7) THAT

1 WAS BASED ON A WARRANT REPRESENTING AN ERRONEOUS REFUND OR
2 GRANT. IF THE STATE TREASURER ISSUED AN ERRONEOUS REFUND OR
3 GRANT TO THE PERSON NAMED ON THE WARRANT, THE TREASURER SHALL
4 PROVIDE PROOF OF THAT PAYMENT TO THE DEPARTMENT, AND THE
5 DEPARTMENT MAY ASSESS THAT AMOUNT PURSUANT TO SECTION
6 39-21-103 (1).

7 **SECTION 2.** 38-13-109.7, Colorado Revised Statutes, is
8 amended BY THE ADDITION OF A NEW SUBSECTION to read:

9 **38-13-109.7. Tax refunds.** (3) ON AND AFTER OCTOBER 1, 2010,
10 ANY AMOUNT DUE AND PAYABLE, AS A REFUND OF A TAX IMPOSED OR
11 ASSESSED BY THE DEPARTMENT OF REVENUE THAT IS NOT ADDRESSED IN
12 SUBSECTION (1) OF THIS SECTION, REPRESENTED BY A WARRANT THAT HAS
13 NOT BEEN PRESENTED FOR PAYMENT WITHIN SIX MONTHS FROM THE DATE
14 OF ISSUANCE OF THE WARRANT AND THAT HAS BEEN FORWARDED BY THE
15 DEPARTMENT TO THE ADMINISTRATOR PURSUANT TO SECTION 39-21-108
16 (7), C.R.S., IS PRESUMED ABANDONED.

17 **SECTION 3. Act subject to petition - effective date.** This act
18 shall take effect at 12:01 a.m. on the day following the expiration of the
19 ninety-day period after final adjournment of the general assembly (August
20 11, 2010, if adjournment sine die is on May 12, 2010); except that, if a
21 referendum petition is filed pursuant to section 1 (3) of article V of the
22 state constitution against this act or an item, section, or part of this act
23 within such period, then the act, item, section, or part shall not take effect
24 unless approved by the people at the general election to be held in
25 November 2010 and shall take effect on the date of the official
26 declaration of the vote thereon by the governor.