

NOTE: This bill has been prepared for the signature of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

An Act

SENATE BILL 10-186

BY SENATOR(S) Tochtrop, Carroll M., Mitchell, Schultheis;
also REPRESENTATIVE(S) Primavera, Kerr J., McNulty, Miklosi.

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

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

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

39-21-108. Refunds. (7) (a) ON AND AFTER OCTOBER 1, 2010, ANY
WARRANT REPRESENTING A REFUND ISSUED BY THE DEPARTMENT,
EXCLUDING REFUNDS ADDRESSED BY SUBSECTIONS (5) AND (6) OF THIS
SECTION, THAT IS NOT PRESENTED FOR PAYMENT WITHIN SIX MONTHS FROM
ITS DATE OF ISSUANCE SHALL BE VOID. ON AND AFTER OCTOBER 1, 2010,
UPON THE CANCELLATION OF A WARRANT IN ACCORDANCE WITH THE
STANDARD OPERATING PROCEDURES OF THE DEPARTMENT OR THE STATE
CONTROLLER, THE DEPARTMENT SHALL FORWARD TO THE STATE TREASURER
THE NAME OF THE TAXPAYER AS IT APPEARS ON THE WARRANT, THE
TAXPAYER IDENTIFICATION NUMBER, THE TAXPAYER'S LAST-KNOWN
ADDRESS, THE AMOUNT OF THE CANCELED WARRANT, AND AN AMOUNT OF

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

MONEY EQUAL TO THE AMOUNT SPECIFIED IN THE WARRANT SO THAT THE STATE TREASURER MAY MAKE THE REFUND PURSUANT TO THE PROVISIONS OF THE "UNCLAIMED PROPERTY ACT", ARTICLE 13 OF TITLE 38, C.R.S.

(b) THE DEPARTMENT MAY RECLAIM FROM THE UNCLAIMED PROPERTY FUND AND CREDIT TO THE APPROPRIATE STATE REVENUE FUND ANY AMOUNT FORWARDED BY THE DEPARTMENT TO THE STATE TREASURER PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (7) THAT WAS BASED ON A WARRANT REPRESENTING AN ERRONEOUS REFUND OR GRANT. IF THE STATE TREASURER ISSUED AN ERRONEOUS REFUND OR GRANT TO THE PERSON NAMED ON THE WARRANT, THE TREASURER SHALL PROVIDE PROOF OF THAT PAYMENT TO THE DEPARTMENT, AND THE DEPARTMENT MAY ASSESS THAT AMOUNT PURSUANT TO SECTION 39-21-103 (1).

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

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

SECTION 3. Act subject to petition - effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 11, 2010, if adjournment sine die is on May 12, 2010); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part shall not take effect unless

approved by the people at the general election to be held in November 2010 and shall take effect on the date of the official declaration of the vote thereon by the governor.

Brandon C. Shaffer
PRESIDENT OF
THE SENATE

Terrance D. Carroll
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Karen Goldman
SECRETARY OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____

Bill Ritter, Jr.
GOVERNOR OF THE STATE OF COLORADO