

HOUSE COMMITTEE OF REFERENCE REPORT

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Chairman of Committee

April 12, 2011  
Date

Committee on Appropriations.

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

SB11-213 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

- 1 Amend reengrossed bill, page 2, line 7, after "(I)" insert "(A)".
- 2 Page 2, line 19, strike "(II)" and substitute "(B)".
- 3 Page 3, line 4, strike "(III)" and substitute "(C)".
- 4 Page 3, line 12, strike "SUBPARAGRAPH (III)" and substitute
- 5 "SUB-SUBPARAGRAPH (C)".
- 6 Page 3, after line 12 insert:
  - 7 "(II) THE DEPARTMENT MAY PROVIDE INFORMATION TO THE
  - 8 DEPARTMENT OF REVENUE PURSUANT TO SECTION 26-2-133, C.R.S.,
  - 9 REGARDING PERSONS WHO ARE OBLIGATED TO THE STATE FOR
  - 10 NONPAYMENT OF ENROLLMENT FEES PURSUANT TO THIS PARAGRAPH (b).
  - 11 PRIOR TO PROVIDING INFORMATION TO THE DEPARTMENT OF REVENUE
  - 12 PURSUANT TO SECTION 26-2-133, C.R.S., THE DEPARTMENT SHALL
  - 13 ESTABLISH A PROCESS TO ENSURE THAT THE OBLIGATED PERSON HAS BEEN
  - 14 AFFORDED THE OPPORTUNITY TO CONTEST AND APPEAL THE
  - 15 DETERMINATION OF THE DEBT."
- 16 Page 3, after line 18 insert:
  - 17 "**SECTION 2.** 26-2-133 (2), Colorado Revised Statutes, is

1 amended to read:

2           **26-2-133. State income tax refund offset.** (2) As a condition of  
3 certifying an overpayment to the department of revenue as provided in  
4 subsection (1) of this section, the state department shall ensure that the  
5 obligated person has been afforded the opportunity for a conference at the  
6 county department level pursuant to section 26-2-127 or 25.5-4-207,  
7 C.R.S., and the opportunity for an appeal to the state department pursuant  
8 to section 26-2-127 or 26-2-304, OR THAT THE OBLIGATED PERSON HAS  
9 BEEN AFFORDED THE PROCESS ESTABLISHED PURSUANT TO SECTION  
10 25.5-8-107, C.R.S. In addition, the state department, prior to final  
11 certification of the information specified in subsection (1) of this section  
12 to the department of revenue, shall notify the obligated person, in writing,  
13 at his OR HER last-known address, that the state intends to refer the  
14 person's name to the department of revenue in an attempt to offset the  
15 obligation against the person's state income tax refund. Such notification  
16 shall inform the obligated person of the opportunity for a conference with  
17 the county department pursuant to section 26-2-127 or 25.5-4-207,  
18 C.R.S., and of the opportunity for an appeal to the state department  
19 pursuant to section 26-2-127 or 26-2-304, OR OF THE PROCESS  
20 ESTABLISHED PURSUANT TO SECTION 25.5-8-107, C.R.S. In addition, the  
21 notice shall specify issues that may be raised at an evidentiary conference  
22 or on appeal, as provided by this subsection (2), by the obligated person  
23 in objecting to the offset and shall specify that the obligated person may  
24 not object to the fact that an overpayment occurred. A person who has  
25 received a notice pursuant to this subsection (2) shall request, within  
26 thirty days from the date such notice was mailed, an administrative review  
27 or evidentiary conference, as provided in this subsection (2).".

28 Renumber succeeding sections accordingly.

29 Page 5, strike lines 11 through 16 and substitute "state planning and  
30 budgeting, for the fiscal year beginning July 1, 2011, shall be adjusted as  
31 follows:

32           (a) The appropriation for the office of information technology for  
33 the Colorado benefits management system, is increased by three hundred  
34 seventy-five thousand nine hundred sixty dollars (\$375,960). Said sum  
35 shall be reappropriated funds received from the department of human  
36 services out of the appropriation made in subsection (2) of this section.

37           (b) The appropriation for the office of information technology for  
38 computer services is increased by five thousand nine hundred twenty  
39 dollars (\$5,920). Said sum shall be reappropriated funds received from

1 the department of revenue out of the appropriations made in subsection  
2 (4) of this section.

3 (4) For the implementation of this act, the general fund  
4 appropriation made in the annual general appropriation act, to the  
5 department of revenue, information technology division, for system  
6 support, is increased by five thousand nine hundred twenty dollars  
7 (\$5,920).".

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