

CHAPTER 178

TAXATION

HOUSE BILL 00-1145

BY REPRESENTATIVES Spradley, Alexander, Bacon, Decker, Fairbank, Gagliardi, Gordon, Gotlieb, Hefley, Hoppe, Kester, King, Larson, Lawrence, Lee, May, McKay, McPherson, Miller, Mitchell, Nunez, Paschall, Plant, Spence, Stengel, Swenson, Tool, Vigil, Webster, T. Williams, Witwer, Young, and Zimmerman;
also SENATORS Owen, Congrove, Dennis, Epps, Evans, Hernandez, Hillman, Lamborn, Musgrave, Phillips, Powers, Tebedo, and Teck.

AN ACT

CONCERNING BUSINESS PERSONAL PROPERTY TAX, AND, IN CONNECTION THEREWITH, MODIFYING THE CREDIT AGAINST STATE TAXES FOR A PORTION OF BUSINESS PERSONAL PROPERTY TAX PAID AND THE ADMINISTRATION OF THE CREDIT.

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

SECTION 1. 39-22-124 (2) (b), (3), (4), (5), (8) (a), (8) (b), (8) (c) (I), and (8) (c) (II), Colorado Revised Statutes, are amended, and the said 39-22-124 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

39-22-124. Tax credit against state taxes - legislative declaration - definitions.
(2) As used in this section:

(b) "Qualified taxpayer" means ~~a natural person, a C corporation, as defined in section 39-22-103 (2.5), a partnership, as defined in section 39-22-103 (5.6), a limited liability company that is not a C corporation, or an S corporation, as defined in section 39-22-103 (10.5), that~~ ANY PERSON OR ENTITY THAT, AS OF JUNE 15 OF THE STATE FISCAL YEAR IMMEDIATELY PRECEDING ANY STATE FISCAL YEAR FOR WHICH A CREDIT AGAINST STATE TAXES IS ALLOWED PURSUANT TO THIS SECTION, IS LISTED IN THE RECORDS OF ONE OR MORE COUNTY TREASURERS AS THE OWNER OF RECORD OF PERSONAL PROPERTY IN THE STATE THAT IS NOT OTHERWISE EXEMPT FROM THE LEVY AND COLLECTION OF PERSONAL PROPERTY TAX AND ON WHICH PERSONAL PROPERTY TAX WAS PAID IN A TIMELY MANNER DURING SUCH IMMEDIATELY PRECEDING STATE FISCAL YEAR.

(f) ~~Is domiciled or does business in this state for the entire state fiscal year for which a credit against state taxes is allowed pursuant to this section;~~

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

~~(H) Owns personal property in the state that is not otherwise exempt from the levy and collection of personal property tax; and~~

~~(HH) Paid personal property tax on such property during the state fiscal year for which a credit against state taxes is allowed pursuant to this section.~~

~~(3) (a) Subject to the provisions of subsection (8) of this section, for state fiscal years commencing on or after July 1, 1998, if, based upon the financial report prepared in accordance with section 24-77-106.5, C.R.S., the controller certifies that the amount of state revenues for said fiscal year exceeded the limitation on state fiscal year spending imposed by section 20 (7) (a) of article X of the state constitution for said fiscal year and the voters statewide either have not authorized the state to retain and spend all of the excess state revenues for that state fiscal year or have authorized the state to retain and spend only a portion of the excess revenues for that fiscal year, then there shall be allowed to each qualified taxpayer a credit against state taxes in an amount specified in subsection (4) of this section. DURING ANY STATE FISCAL YEAR COMMENCING ON OR AFTER JULY 1, 2000, THERE SHALL BE REFUNDED TO EACH QUALIFIED TAXPAYER A CREDIT AGAINST STATE TAXES IN AN AMOUNT SPECIFIED IN SUBSECTION (4) OF THIS SECTION IF:~~

~~(I) THE REVENUE ESTIMATE PREPARED BY THE STAFF OF THE LEGISLATIVE COUNCIL IN JUNE OF THE IMMEDIATELY PRECEDING STATE FISCAL YEAR INDICATES THAT THE AMOUNT OF STATE REVENUES WILL EXCEED THE LIMITATION ON STATE FISCAL YEAR SPENDING IMPOSED BY SECTION 20 (7) (a) OF ARTICLE X OF THE STATE CONSTITUTION FOR SUCH IMMEDIATELY PRECEDING STATE FISCAL YEAR BY ONE HUNDRED SEVENTY MILLION DOLLARS OR MORE AS ADJUSTED PURSUANT TO PARAGRAPH (c) OF SUBSECTION (8) OF THIS SECTION; OR~~

~~(II) THE REVENUE ESTIMATE PREPARED BY THE STAFF OF THE LEGISLATIVE COUNCIL IN JUNE OF THE IMMEDIATELY PRECEDING STATE FISCAL YEAR INDICATES THAT THE AMOUNT OF STATE REVENUES WILL NOT EXCEED THE LIMITATION ON STATE FISCAL YEAR SPENDING IMPOSED BY SECTION 20 (7) (a) OF ARTICLE X OF THE STATE CONSTITUTION FOR SUCH IMMEDIATELY PRECEDING STATE FISCAL YEAR BY ONE HUNDRED SEVENTY MILLION DOLLARS OR MORE BUT, BASED ON THE FINANCIAL REPORT PREPARED BY THE CONTROLLER IN ACCORDANCE WITH SECTION 24-77-106.5, C.R.S., THE CONTROLLER SUBSEQUENTLY CERTIFIES THAT THE AMOUNT OF STATE REVENUES FOR SUCH IMMEDIATELY PRECEDING STATE FISCAL YEAR ACTUALLY EXCEEDED THE LIMITATION ON STATE FISCAL YEAR SPENDING IMPOSED BY SECTION 20 (7) (a) OF ARTICLE X OF THE STATE CONSTITUTION BY ONE HUNDRED SEVENTY MILLION DOLLARS OR MORE AS ADJUSTED PURSUANT TO PARAGRAPH (c) OF SUBSECTION (8) OF THIS SECTION.~~

~~(b) IF NEITHER THE REVENUE ESTIMATE PREPARED BY THE STAFF OF THE LEGISLATIVE COUNCIL IN JUNE OF ANY STATE FISCAL YEAR COMMENCING ON OR AFTER JULY 1, 1999, NOR THE CERTIFICATION OF THE AMOUNT OF STATE REVENUES PREPARED BY THE CONTROLLER FOR SUCH STATE FISCAL YEAR INDICATES THAT THE AMOUNT OF STATE REVENUES FOR SUCH STATE FISCAL YEAR EXCEEDS THE LIMITATION ON STATE FISCAL YEAR SPENDING IMPOSED BY SECTION 20 (7) (a) OF ARTICLE X OF THE STATE CONSTITUTION BY ONE HUNDRED SEVENTY MILLION DOLLARS OR MORE AS ADJUSTED PURSUANT TO PARAGRAPH (c) OF SUBSECTION (8) OF THIS SECTION, THEN NO REFUND SHALL BE ALLOWED PURSUANT TO THIS SECTION DURING THE IMMEDIATELY~~

SUCCEEDING STATE FISCAL YEAR.

(4) The amount of the credit against state taxes allowed under this section for each qualified taxpayer shall be an amount equal to:

(a) ~~the lesser of five hundred dollars or THIRTEEN AND THIRTY-SEVEN ONE-HUNDREDTHS OF ONE PERCENT OF the aggregate amount of personal property tax paid by the qualified taxpayer to all taxing jurisdictions in the state fiscal year immediately preceding the state fiscal year in which the credit is claimed: REFUNDED; PLUS~~

(b) ~~In addition to the amount allowed pursuant to paragraph (a) of this subsection (4), each qualified taxpayer that paid more than five hundred dollars in personal property tax in the state fiscal year immediately preceding the state fiscal year in which the credit is claimed may claim an additional credit against state tax in an amount equal to thirteen and thirty-seven~~ EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPH (III) OF PARAGRAPH (a) OF SUBSECTION (5) OF THIS SECTION AND SUBPARAGRAPH (III) OF PARAGRAPH (b) OF SUBSECTION (5) OF THIS SECTION, THE LESSER OF EIGHTY-SIX AND SIXTY-THREE one-hundredths of one percent of the aggregate amount of personal property tax paid by the qualified taxpayer to all taxing jurisdictions ~~that exceeds five hundred dollars~~ in the immediately preceding state fiscal year OR FOUR HUNDRED THIRTY-THREE DOLLARS AND FIFTEEN CENTS.

(5) (a) ~~Except as otherwise provided in paragraph (b) of this subsection (5), the credit against state taxes allowed pursuant to this section shall be claimed by a qualified taxpayer by timely filing a form prescribed by the department of revenue and proof of payment of aggregate personal property taxes paid by the qualified taxpayer to all taxing jurisdictions in the immediately preceding state fiscal year with the department of revenue no later than January 31 of the state fiscal year in which a credit against state taxes is allowed. In no event shall the credit against state taxes claimed by a qualified taxpayer in a given state fiscal year be allowed if said form and proof of payment is filed after January 31 of the state fiscal year for which a credit against state taxes is allowed.~~

(b) ~~If the revenue estimate prepared by the staff of the legislative council in June, 1999, indicates that the amount of state revenues will exceed the limitation on state fiscal year spending imposed by section 20 (7) (a) of article X of the state constitution for the fiscal year commencing on July 1, 1998, then the credit against state taxes that may be allowed in the state fiscal year commencing on July 1, 1999, shall be claimed by a qualified taxpayer by timely filing a form prescribed by the department of revenue and proof of payment of aggregate personal property taxes paid by the qualified taxpayer to all taxing jurisdictions in the state fiscal year commencing on July 1, 1998, with the department of revenue no later than August 31, 1999. If the credit against state taxes is allowed in the state fiscal year commencing on July 1, 1999, in accordance with subsection (8) of this section, in no event shall the credit against state taxes claimed by a qualified taxpayer be allowed if said form and proof of payment is filed after August 31, 1999. TO ENSURE THAT EACH QUALIFIED TAXPAYER RECEIVES THE FULL AMOUNT OF THE CREDIT ALLOWED BY SUBSECTION (4) OF THIS SECTION AS EXPEDITIOUSLY AS POSSIBLE, THE FOLLOWING PROCEDURES SHALL BE FOLLOWED:~~

(a) FOR ANY STATE FISCAL YEAR COMMENCING ON OR AFTER JULY 1, 1999, FOR WHICH THE REVENUE ESTIMATE PREPARED BY THE STAFF OF THE LEGISLATIVE COUNCIL

IN JUNE OF SUCH STATE FISCAL YEAR INDICATES THAT THE AMOUNT OF STATE REVENUES WILL EXCEED THE LIMITATION ON STATE FISCAL YEAR SPENDING IMPOSED BY SECTION 20 (7) (a) OF ARTICLE X OF THE STATE CONSTITUTION FOR SUCH STATE FISCAL YEAR BY ONE HUNDRED SEVENTY MILLION DOLLARS OR MORE AS ADJUSTED PURSUANT TO PARAGRAPH (c) OF SUBSECTION (8) OF THIS SECTION:

(I) NO LATER THAN JUNE 30 OF SUCH STATE FISCAL YEAR:

(A) EACH COUNTY TREASURER SHALL PROVIDE TO THE DEPARTMENT OF REVENUE THE NAME, ADDRESS, SCHEDULE NUMBER OR NUMBERS, AND AMOUNT OF PERSONAL PROPERTY TAX PAID FOR EACH QUALIFIED TAXPAYER WHO WAS REQUIRED TO LIST ALL OF THE TAXPAYER'S TAXABLE PERSONAL PROPERTY WITHIN THE COUNTY ON A SCHEDULE OR STATEMENTS OR EXHIBITS ATTACHED TO A SCHEDULE IN ACCORDANCE WITH SECTION 39-5-107 (1) OR FOR WHOM THE PROPERTY TAX ADMINISTRATOR HAS DETERMINED THE ACTUAL VALUE OF TAXABLE PROPERTY WITHIN THE COUNTY PURSUANT TO THE PROVISIONS OF ARTICLE 4 OF THIS TITLE; AND

(B) EACH COUNTY ASSESSOR SHALL PROVIDE TO THE DEPARTMENT OF REVENUE THE NAME, SCHEDULE NUMBER OR NUMBERS, AND TAXPAYER IDENTIFICATION NUMBER, IF AVAILABLE, FOR EACH QUALIFIED TAXPAYER WHO WAS REQUIRED TO LIST ALL OF THE TAXPAYER'S TAXABLE PERSONAL PROPERTY WITHIN THE COUNTY ON A SCHEDULE OR STATEMENTS OR EXHIBITS ATTACHED TO A SCHEDULE IN ACCORDANCE WITH SECTION 39-5-107 (1) OR FOR WHOM THE PROPERTY TAX ADMINISTRATOR HAS DETERMINED THE ACTUAL VALUE OF TAXABLE PROPERTY WITHIN THE COUNTY PURSUANT TO THE PROVISIONS OF ARTICLE 4 OF THIS TITLE.

(II) THE PROPERTY TAX ADMINISTRATOR SHALL PROVIDE TO THE COUNTY ASSESSOR OF EACH COUNTY THE TAXPAYER IDENTIFICATION NUMBER FOR EACH QUALIFIED TAXPAYER FOR WHOM THE PROPERTY TAX ADMINISTRATOR HAS DETERMINED THE ACTUAL VALUE OF TAXABLE PROPERTY WITHIN THE COUNTY AND ANY ADDITIONAL INFORMATION THAT THE COUNTY ASSESSOR REQUIRES TO MAXIMIZE THE ACCURACY AND COMPLETENESS OF THE INFORMATION TO BE PROVIDED TO THE DEPARTMENT PURSUANT TO SUB-SUBPARAGRAPH (B) OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (a).

(III) NO LATER THAN AUGUST 31 OF THE STATE FISCAL YEAR IMMEDIATELY SUCCEEDING SUCH STATE FISCAL YEAR, THE DEPARTMENT OF REVENUE SHALL REFUND TO EACH QUALIFIED TAXPAYER THE FULL AMOUNT OF THE CREDIT ALLOWED TO THE QUALIFIED TAXPAYER PURSUANT TO PARAGRAPHS (a) AND (b) OF SUBSECTION (4) OF THIS SECTION. IF THE DEPARTMENT DOES NOT HAVE SUFFICIENT INFORMATION TO DETERMINE THE AMOUNT OF THE PORTION OF THE CREDIT ALLOWED TO THE QUALIFIED TAXPAYER PURSUANT TO PARAGRAPH (b) OF SUBSECTION (4) OF THIS SECTION, THE DEPARTMENT SHALL REFUND ONLY THE PORTION OF THE CREDIT ALLOWED PURSUANT TO PARAGRAPH (a) OF SUBSECTION (4) OF THIS SECTION AND SHALL INCLUDE WITH SUCH REFUND A FORM THAT REQUIRES SUFFICIENT INFORMATION TO ALLOW THE DEPARTMENT TO DETERMINE THE AMOUNT OF THE PORTION OF THE CREDIT ALLOWED TO THE TAXPAYER PURSUANT TO PARAGRAPH (b) OF SUBSECTION (4) OF THIS SECTION AND THAT THE QUALIFIED TAXPAYER CAN COMPLETE AND RETURN TO THE DEPARTMENT TO CLAIM THE PORTION OF THE CREDIT ALLOWED PURSUANT TO PARAGRAPH (b) OF SUBSECTION (4) OF THIS SECTION. IF THE QUALIFIED TAXPAYER RETURNS A COMPLETED FORM TO THE DEPARTMENT BY SEPTEMBER 30 OF SUCH IMMEDIATELY SUCCEEDING STATE FISCAL YEAR, THE DEPARTMENT SHALL REFUND TO THE QUALIFIED TAXPAYER THE PORTION OF THE CREDIT ALLOWED BY PARAGRAPH (b)

OF SUBSECTION (4) OF THIS SECTION NO LATER THAN JANUARY 31 OF SUCH IMMEDIATELY SUCCEEDING STATE FISCAL YEAR. IF THE QUALIFIED TAXPAYER FAILS TO RETURN A COMPLETED FORM TO THE DEPARTMENT BY SEPTEMBER 30, THE DEPARTMENT SHALL NOT REFUND THE PORTION OF THE CREDIT ALLOWED BY PARAGRAPH (b) OF SUBSECTION (4) OF THIS SECTION.

(b) FOR ANY STATE FISCAL YEAR COMMENCING ON OR AFTER JULY 1, 1999, FOR WHICH THE REVENUE ESTIMATE PREPARED BY THE STAFF OF THE LEGISLATIVE COUNCIL IN JUNE OF SUCH STATE FISCAL YEAR INDICATES THAT THE AMOUNT OF STATE REVENUES WILL NOT EXCEED THE LIMITATION ON STATE FISCAL YEAR SPENDING IMPOSED BY SECTION 20 (7) (a) OF ARTICLE X OF THE STATE CONSTITUTION FOR SUCH STATE FISCAL YEAR BY ONE HUNDRED SEVENTY MILLION DOLLARS OR MORE AS ADJUSTED PURSUANT TO PARAGRAPH (c) OF SUBSECTION (8) OF THIS SECTION BUT FOR WHICH, BASED ON THE FINANCIAL REPORT PREPARED BY THE CONTROLLER IN ACCORDANCE WITH SECTION 24-77-106.5, C.R.S., THE CONTROLLER SUBSEQUENTLY CERTIFIES THAT THE AMOUNT OF STATE REVENUES FOR SUCH IMMEDIATELY PRECEDING STATE FISCAL YEAR ACTUALLY EXCEEDED THE LIMITATION ON STATE FISCAL YEAR SPENDING IMPOSED BY SECTION 20 (7) (a) OF ARTICLE X OF THE STATE CONSTITUTION BY ONE HUNDRED SEVENTY MILLION DOLLARS OR MORE AS ADJUSTED PURSUANT TO PARAGRAPH (c) OF SUBSECTION (8) OF THIS SECTION:

(I) NO LATER THAN OCTOBER 15 OF THE STATE FISCAL YEAR IMMEDIATELY SUCCEEDING SUCH STATE FISCAL YEAR:

(A) EACH COUNTY TREASURER SHALL PROVIDE TO THE DEPARTMENT OF REVENUE THE NAME, ADDRESS, SCHEDULE NUMBER OR NUMBERS, AND AMOUNT OF PERSONAL PROPERTY TAX PAID FOR EACH QUALIFIED TAXPAYER WHO WAS REQUIRED TO LIST ALL OF THE TAXPAYER'S TAXABLE PERSONAL PROPERTY WITHIN THE COUNTY ON A SCHEDULE OR STATEMENTS OR EXHIBITS ATTACHED TO A SCHEDULE IN ACCORDANCE WITH SECTION 39-5-107 (1) OR FOR WHOM THE PROPERTY TAX ADMINISTRATOR HAS DETERMINED THE ACTUAL VALUE OF TAXABLE PROPERTY WITHIN THE COUNTY PURSUANT TO THE PROVISIONS OF ARTICLE 4 OF THIS TITLE; AND

(B) EACH COUNTY ASSESSOR SHALL PROVIDE TO THE DEPARTMENT OF REVENUE THE NAME, SCHEDULE NUMBER OR NUMBERS, AND TAXPAYER IDENTIFICATION NUMBER, IF AVAILABLE, FOR EACH QUALIFIED TAXPAYER WHO WAS REQUIRED TO LIST ALL OF THE TAXPAYER'S TAXABLE PERSONAL PROPERTY WITHIN THE COUNTY ON A SCHEDULE OR STATEMENTS OR EXHIBITS ATTACHED TO A SCHEDULE IN ACCORDANCE WITH SECTION 39-5-107 (1) OR FOR WHOM THE PROPERTY TAX ADMINISTRATOR HAS DETERMINED THE ACTUAL VALUE OF TAXABLE PROPERTY WITHIN THE COUNTY PURSUANT TO THE PROVISIONS OF ARTICLE 4 OF THIS TITLE.

(II) THE PROPERTY TAX ADMINISTRATOR SHALL PROVIDE TO THE COUNTY ASSESSOR OF EACH COUNTY THE TAXPAYER IDENTIFICATION NUMBER FOR EACH QUALIFIED TAXPAYER FOR WHOM THE PROPERTY TAX ADMINISTRATOR HAS DETERMINED THE ACTUAL VALUE OF TAXABLE PROPERTY WITHIN THE COUNTY AND ANY ADDITIONAL INFORMATION THAT THE COUNTY ASSESSOR REQUIRES TO MAXIMIZE THE ACCURACY AND COMPLETENESS OF THE INFORMATION TO BE PROVIDED TO THE DEPARTMENT PURSUANT TO SUB-SUBPARAGRAPH (B) OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (b).

(III) NO LATER THAN NOVEMBER 15 OF THE STATE FISCAL YEAR IMMEDIATELY SUCCEEDING SUCH STATE FISCAL YEAR, THE DEPARTMENT OF REVENUE SHALL REFUND

TO EACH QUALIFIED TAXPAYER THE FULL AMOUNT OF THE CREDIT ALLOWED TO THE QUALIFIED TAXPAYER PURSUANT TO PARAGRAPHS (a) AND (b) OF SUBSECTION (4) OF THIS SECTION. IF THE DEPARTMENT DOES NOT HAVE SUFFICIENT INFORMATION TO DETERMINE THE AMOUNT OF THE PORTION OF THE CREDIT ALLOWED TO THE QUALIFIED TAXPAYER PURSUANT TO PARAGRAPH (b) OF SUBSECTION (4) OF THIS SECTION, THE DEPARTMENT SHALL REFUND ONLY THE AMOUNT OF THE PORTION OF THE CREDIT ALLOWED PURSUANT TO PARAGRAPH (a) OF SUBSECTION (4) OF THIS SECTION AND SHALL INCLUDE WITH SUCH REFUND A FORM THAT REQUIRES SUFFICIENT INFORMATION TO ALLOW THE DEPARTMENT TO DETERMINE THE AMOUNT OF THE PORTION OF THE CREDIT ALLOWED TO THE TAXPAYER PURSUANT TO PARAGRAPH (b) OF SUBSECTION (4) OF THIS SECTION AND THAT THE QUALIFIED TAXPAYER CAN COMPLETE AND RETURN TO THE DEPARTMENT TO CLAIM THE PORTION OF THE CREDIT ALLOWED PURSUANT TO PARAGRAPH (b) OF SUBSECTION (4) OF THIS SECTION. IF THE QUALIFIED TAXPAYER RETURNS A COMPLETED FORM TO THE DEPARTMENT BY DECEMBER 15 OF SUCH IMMEDIATELY SUCCEEDING STATE FISCAL YEAR, THE DEPARTMENT SHALL REFUND TO THE QUALIFIED TAXPAYER THE AMOUNT OF THE PORTION OF THE CREDIT ALLOWED BY PARAGRAPH (b) OF SUBSECTION (4) OF THIS SECTION NO LATER THAN JANUARY 31 OF SUCH IMMEDIATELY SUCCEEDING STATE FISCAL YEAR. IF THE QUALIFIED TAXPAYER FAILS TO RETURN A COMPLETED FORM TO THE DEPARTMENT BY DECEMBER 15, THE DEPARTMENT SHALL NOT REFUND THE PORTION OF THE CREDIT ALLOWED BY PARAGRAPH (b) OF SUBSECTION (4) OF THIS SECTION.

(c) IN DETERMINING THE AMOUNT OF EACH CREDIT TO BE REFUNDED TO EACH QUALIFIED TAXPAYER PURSUANT TO THIS SECTION, THE DEPARTMENT SHALL RELY SOLELY ON TAXPAYER NAMES, ADDRESSES, SCHEDULE NUMBERS, AND TAXPAYER IDENTIFICATION NUMBERS PROVIDED TO THE DEPARTMENT BY EACH COUNTY TREASURER AND EACH COUNTY ASSESSOR PURSUANT TO THIS SUBSECTION (5).

(d) THE DEPARTMENT SHALL INCLUDE A NOTICE WITH EACH REFUND ISSUED PURSUANT TO THIS SECTION THAT INDICATES THAT ANY TAXPAYER RECEIVING SUCH REFUND WHO ALSO RECEIVES AN ABATEMENT OR REFUND OF TAXES PAID ON PERSONAL PROPERTY MUST REMIT BACK TO THE DEPARTMENT ANY PORTION OF ANY REFUND RECEIVED PURSUANT TO THIS SECTION THAT IS ATTRIBUTABLE TO THE TAXES PAID ON PERSONAL PROPERTY THAT WERE REFUNDED OR ABATED. IF, PURSUANT TO THE ANNUAL REPORT FILED WITH THE DEPARTMENT OF REVENUE BY THE TREASURER OF EACH COUNTY PURSUANT TO SECTION 39-10-114 (3), THE DEPARTMENT LEARNS THAT A QUALIFIED TAXPAYER TO WHOM THE DEPARTMENT HAS REFUNDED A CREDIT PURSUANT TO THIS SECTION HAS RECEIVED A REFUND OR ABATEMENT OF TAXES PAID ON PERSONAL PROPERTY FROM A COUNTY, THE DEPARTMENT SHALL SEND THE QUALIFIED TAXPAYER A NOTICE SPECIFYING THE AMOUNT OF ANY REFUND RECEIVED BY THE QUALIFIED TAXPAYER PURSUANT TO THIS SECTION THAT IS ATTRIBUTABLE TO THE TAXES PAID ON PERSONAL PROPERTY THAT WERE REFUNDED OR ABATED AND THAT THE TAXPAYER MUST REMIT BACK TO THE DEPARTMENT.

(5.5) ALL INFORMATION PROVIDED TO THE DEPARTMENT OF REVENUE BY A COUNTY TREASURER OR A COUNTY ASSESSOR PURSUANT TO SUBSECTION (5) OF THIS SECTION OR SECTION 39-10-114 (3) SHALL BE KEPT CONFIDENTIAL BY THE DEPARTMENT AS IF SUCH INFORMATION WAS DISCLOSED IN A DOCUMENT, REPORT, OR RETURN FILED IN CONNECTION WITH ANY TAX COVERED BY ARTICLE 21 OF THIS TITLE AND SUBJECT TO THE PROVISIONS OF SECTION 39-21-113 (4) (a) AND (4) (b).

(6.5) IN THE EVENT THAT THE DEPARTMENT OF REVENUE ISSUES AN ERRONEOUS OR

EXCESSIVE REFUND, THE DEPARTMENT MAY ASSESS THE PERSON OR ENTITY THAT RECEIVED THE ERRONEOUS OR EXCESSIVE REFUND FOR THE AMOUNT OF THE REFUND. SUCH ASSESSMENT SHALL BE SUBJECT TO THE REMEDIES AND PROCEDURES AVAILABLE UNDER ARTICLE 21 OF THIS TITLE.

(8) (a) ~~If, based on the financial report prepared by the controller in accordance with section 24-77-106.5, C.R.S., the controller certifies that the amount of state revenues for the state fiscal year commencing on July 1, 1998, exceeds the limitation on state fiscal year spending imposed by section 20 (7) (a) of article X of the state constitution for that fiscal year by less than one hundred seventy million dollars, then the credit authorized by subsection (3) of this section shall not be allowed in the state fiscal year commencing on July 1, 1999.~~

(b) ~~If, based on the financial report prepared by the controller in accordance with section 24-77-106.5, C.R.S., the controller certifies that the amount of state revenues for any state fiscal year commencing on or after July 1, 1999, exceeds the limitation on state fiscal year spending imposed by section 20 (7) (a) of article X of the state constitution for that fiscal year by less than one hundred seventy million dollars, as adjusted pursuant to paragraph (c) of this subsection (8), then the credit authorized by subsection (3) of this section shall not be allowed in the immediately following state fiscal year.~~

(c) (I) ~~No later than October 1~~ MAY 15 of any given calendar year commencing on or after January 1, 2000, the executive director of the department of revenue shall annually adjust the dollar amount specified in ~~paragraph (b) of this subsection (8)~~ PARAGRAPHS (a) AND (b) OF SUBSECTION (3) OF THIS SECTION AND PARAGRAPHS (a) AND (b) OF SUBSECTION (5) OF THIS SECTION to reflect the rate of growth of Colorado personal income for the calendar year immediately preceding the calendar year in which such adjustment is made. For purposes of this subparagraph (I), "the rate of growth of Colorado personal income" means the percentage change between the most recent published annual estimate of total personal income for Colorado, as defined and officially reported by the bureau of economic analysis in the United States department of commerce for the calendar year immediately preceding the calendar year in which the adjustment is made and the most recent published annual estimate of total personal income for Colorado, as defined and officially reported by the bureau of economic analysis in the United States department of commerce for the calendar year prior to the calendar year immediately preceding the calendar year in which the adjustment is made.

(II) Upon calculating the adjustment of said dollar amount in accordance with subparagraph (I) of this paragraph (c), the executive director shall notify in writing the executive committee of the legislative council created pursuant to section 2-3-301 (1), C.R.S., of the adjusted dollar amount and the basis for the adjustment. Such written notification shall be given within five working days after such calculation is completed, but such written notification shall be given no later than ~~October 1~~ MAY 15 of the calendar year.

SECTION 2. 39-3-119, Colorado Revised Statutes, is amended to read:

39-3-119. Inventories - materials and supplies - held for consumption or primarily for sale - exemption. Inventories of merchandise and materials and supplies ~~which~~ THAT are held for consumption by any business or are held primarily for sale shall be exempt from the levy and collection of property tax. THE PROPERTY

TAX ADMINISTRATOR SHALL PUBLISH IN THE MANUALS, APPRAISAL PROCEDURES, AND INSTRUCTIONS PREPARED AND PUBLISHED PURSUANT TO SECTION 39-2-109 (1) (e) A DEFINITION OR DESCRIPTION OF THE TYPES OF PERSONAL PROPERTY THAT ARE "HELD FOR CONSUMPTION BY ANY BUSINESS" AND THEREFORE EXEMPT FROM THE LEVY AND COLLECTION OF PROPERTY TAX PURSUANT TO THIS SECTION.

SECTION 3. 39-5-108, Colorado Revised Statutes, is amended to read:

39-5-108. Schedule sent to taxpayer - return. As soon after the assessment date as may be practicable, the assessor shall mail or deliver two copies of the personal property schedule to the place of business or to the residence of each person known or believed to own taxable personal property located in ~~his~~ THE county, or to the agent of such person. Such person or his OR HER agent shall list in such schedule all taxable personal property owned by him OR HER, or in his OR HER possession, or under his OR HER control located in said county on the assessment date, attaching such exhibits or statements thereto as may be necessary, and shall sign and return the original copy thereof to the assessor no later than the April 15 next following. EXHIBITS AND STATEMENTS ATTACHED TO THE PERSONAL PROPERTY SCHEDULE SHALL BE DEEMED SUFFICIENT FOR THE PURPOSES OF THE SCHEDULE IF SUCH EXHIBITS OR STATEMENTS CLEARLY LIST THE PROPERTY, THE COST OF THE PROPERTY, AND THE DATE THE PROPERTY WAS ACQUIRED.

SECTION 4. 39-10-114 (3), Colorado Revised Statutes, is amended to read:

39-10-114. Abatement, cancellation of taxes. (3) The treasurer shall keep a complete record of all taxes abated, refunded, or determined to be uncollectible and cancelled by the board of county commissioners as provided in subsection (2) of this section. The treasurer shall file an annual report with the administrator by August 25 of each year, ~~which~~ THAT shall include all taxes abated, refunded, or determined to be uncollectible and cancelled. Such report shall include the name of each owner of taxable property granted such abatement, refund, or cancellation of property taxes, the amount of property taxes abated, refunded, or cancelled, and the date such abatement, refund, or cancellation was granted. THE TREASURER SHALL ALSO FILE AN ANNUAL REPORT WITH THE DEPARTMENT OF REVENUE BY AUGUST 10 OF EACH YEAR THAT SHALL INCLUDE ALL TAXES ON PERSONAL PROPERTY ABATED OR REFUNDED. SUCH REPORT SHALL INCLUDE THE NAME OF EACH OWNER OF TAXABLE PERSONAL PROPERTY GRANTED SUCH ABATEMENT OR REFUND OF PERSONAL PROPERTY TAXES, THE SCHEDULE NUMBER THAT WAS THE BASIS FOR THE IMPOSITION OF THE TAXES ABATED OR REFUNDED, IF APPLICABLE, THE AMOUNT OF PERSONAL PROPERTY TAXES ABATED OR REFUNDED, AND THE DATE SUCH ABATEMENT OR REFUND WAS GRANTED.

SECTION 5. No Appropriation. The general assembly has determined that this act can be implemented within existing appropriations, and therefore no separate appropriation of state moneys is necessary to carry out the provisions of this act.

SECTION 6. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 23, 2000