

CHAPTER 142

TAXATION

HOUSE BILL 08-1275

BY REPRESENTATIVE(S) Carroll T., Buescher, Frangas, Kerr J., Lambert, Lundberg, Summers, King, Stafford, and Stephens;
also SENATOR(S) Isgar, Gibbs, Sandoval, Shaffer, Taylor, and Veiga.

AN ACT

CONCERNING CERTAIN ORGANIZATIONS THAT INCORRECTLY FILED THE ANNUAL REPORT REQUIRED TO MAINTAIN PROPERTY TAX-EXEMPT STATUS.

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

SECTION 1. Part 1 of article 3 of title 39, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

39-3-137. Organizations with tax exempt status - forgiveness of taxes owed.

(1) SUBJECT TO THE PROVISIONS OF SUBSECTION (2) OF THIS SECTION, ANY ORGANIZATION THAT, AS OF THE EFFECTIVE DATE OF THIS SUBSECTION (1), OWES TAXES THAT HAVE BEEN LEVIED ON REAL OR PERSONAL PROPERTY SHALL NOT BE REQUIRED TO PAY THE BALANCE OF THE TAXES OWED ON OR AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (1), IF THE ORGANIZATION MEETS THE FOLLOWING REQUIREMENTS:

(a) THE ORGANIZATION IS A RELIGIOUS, CHARITABLE, OR EDUCATIONAL ORGANIZATION EXEMPT FROM GENERAL TAXATION ON REAL AND PERSONAL PROPERTY PURSUANT TO SECTIONS 39-3-106 TO 39-3-113 AND 39-3-116;

(b) THE ORGANIZATION HAS, BEFORE THE EFFECTIVE DATE OF THIS SECTION, FILED AN APPLICATION FOR EXEMPTION AND BEEN GRANTED AN EXEMPTION FROM GENERAL TAXATION ON REAL AND PERSONAL PROPERTY PURSUANT TO SECTION 39-2-117;

(c) THE ORGANIZATION HAS, BEFORE THE EFFECTIVE DATE OF THIS SECTION AND AFTER RECEIVING AN EXEMPTION FROM PROPERTY TAX, FILED AN ANNUAL REPORT REQUIRED FOR THE CONTINUATION OF PROPERTY TAX-EXEMPT STATUS PURSUANT TO SECTION 39-2-117 (3), BUT THE REPORT WAS DETERMINED TO BE INCOMPLETE OR

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

OTHERWISE INCORRECT WHEN FILED; AND

(d) THE ORGANIZATION, AS A RESULT OF THE INCOMPLETE OR INCORRECT REPORT REFERENCED IN PARAGRAPH (c) OF THIS SUBSECTION (1), WAS DENIED TAX-EXEMPT STATUS FOR ONE OR MORE PROPERTY TAX YEARS AND RECEIVED A PROPERTY TAX BILL FOR SUCH YEAR OR YEARS.

(2) ANY WAIVER OF THE BALANCE OF TAXES OWED BY AN ORGANIZATION PURSUANT TO SUBSECTION (1) OF THIS SECTION SHALL BE CONTINGENT UPON THE REESTABLISHMENT OF THE ORGANIZATION'S TAX-EXEMPT STATUS BY THE STATE BOARD OF EQUALIZATION PURSUANT TO SECTION 39-9-109.

(3) THE STATE BOARD OF EQUALIZATION MAY REESTABLISH TAX-EXEMPT STATUS PURSUANT TO SECTION 39-9-109 FOR ANY ORGANIZATION THAT MEETS THE CRITERIA SPECIFIED IN PARAGRAPHS (a) TO (d) OF SUBSECTION (1) OF THIS SECTION AND THAT PAID ALL OR ANY PORTION OF A PROPERTY TAX BILL FOR A YEAR OR YEARS IN WHICH THE ORGANIZATION WAS DENIED TAX-EXEMPT STATUS.

SECTION 2. 39-9-109 (5), Colorado Revised Statutes, is amended to read:

39-9-109. Power of state board - waiver of deadline. (5) Acting by majority vote AND WHEN THE STATE BOARD OF EQUALIZATION DETERMINES THAT THE INTERESTS OF JUSTICE AND EQUITY WOULD BE SERVED, ~~the state board of equalization~~ may authorize the waiver of the July 1 filing deadline described in section 39-2-117 (3) (a) for any annual report REQUIRED TO BE FILED pursuant to section 39-2-117 ~~when the board determines that the interests of justice and equity would be served thereby~~ IF THE REPORT IS NOT FILED BY THE FILING DEADLINE OR IF THE REPORT IS FILED BY THE FILING DEADLINE BUT IS INCOMPLETE OR OTHERWISE INCORRECT WHEN FILED.

SECTION 3. 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 that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution, (August 6, 2008, if adjournment sine die is on May 7, 2008); except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: April 14, 2008