

CHAPTER 330

TAXATION

HOUSE BILL 99-1323

BY REPRESENTATIVES Paschall, Tool, Berry, Dean, Pfiffner, Fairbank, Gottlieb, Hefley, King, Lawrence, Lee, May, McKay, Mitchell, Morrison, Nunez, Sinclair, Spence, Stengel, Swenson, Taylor, Webster, T. Williams, Bacon, Gordon, Leyba, McElhany, Miller, Scott, Spradley, Vigil, Windels, and Young;
also SENATORS Lacy, Powers, Blickensderfer, Andrews, Dennis, Hillman, Musgrave, Teck, Arnold, Congrove, Epps, Evans, Lamborn, Nichol, Tebedo, and Weddig.

AN ACT

CONCERNING STATE EXCESS REVENUES THAT ARE REQUIRED TO BE REFUNDED PURSUANT TO SECTION 20 (7) (d) OF ARTICLE X OF THE STATE CONSTITUTION BUT THAT ARE NOT REFUNDED AS REQUIRED, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.

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

SECTION 1. 39-22-120, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

39-22-120. Legislative declaration - state sales tax refund - offset against state income tax. (5.5) (a) THE DEPARTMENT OF REVENUE SHALL MAKE A STATE SALES TAX REFUND OF EXCESS REVENUES FOR THE 1996-97 FISCAL YEAR TO ANY QUALIFIED INDIVIDUAL, AS DEFINED IN PARAGRAPH (a) OF SUBSECTION (2) OF THIS SECTION AS SAID SECTION EXISTED FOR PURPOSES OF REFUNDING EXCESS REVENUES FOR THE 1996-97 FISCAL YEAR AND PRIOR TO THE AMENDMENTS TO SAID SECTION CONTAINED IN HOUSE BILL 98S-1003, ENACTED AT THE SECOND EXTRAORDINARY SESSION OF THE SIXTY-FIRST GENERAL ASSEMBLY WHO, PURSUANT TO A RULE OF THE DEPARTMENT OF REVENUE, WAS NOT ALLOWED SUCH STATE SALES TAX REFUND BECAUSE OF THE FAILURE TO PAY ALL OR ANY PORTION OF SUCH QUALIFIED INDIVIDUAL'S NET TAX LIABILITY DUE PRIOR TO A CERTAIN DATE.

(b) THE DEPARTMENT OF REVENUE SHALL NOTIFY EACH QUALIFIED INDIVIDUAL DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (5.5) OF THE ALLOWANCE OF SUCH REFUND AND MAKE PAYMENT OF SUCH REFUNDS TO SUCH QUALIFIED INDIVIDUALS NO LATER THAN SEPTEMBER 30, 1999.

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

(c) THE AMOUNT OF ANY STATE SALES TAX REFUND MADE PURSUANT TO THIS SUBSECTION (5.5) THAT IS OUTSTANDING FOR MORE THAN SIX MONTHS AFTER THE DATE SUCH REFUND WAS ISSUED TO THE TAXPAYER BY THE DEPARTMENT OF REVENUE SHALL BE ADDED TO AND REFUNDED WITH THE STATE EXCESS REVENUES PURSUANT TO SECTION 39-22-120.5.

SECTION 2. Part 1 of article 22 of title 39, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

39-22-120.5. Unrefunded excess revenues. (1) ANY AMOUNT OF STATE EXCESS REVENUES FOR THE 1996-97 FISCAL YEAR THAT VOTERS STATEWIDE DID NOT AUTHORIZE THE STATE TO RETAIN AND SPEND AND THAT ARE REQUIRED TO BE REFUNDED PURSUANT TO SECTION 20 (7) (d) OF ARTICLE X OF THE STATE CONSTITUTION, BUT THAT ARE NOT REFUNDED BY THE STATE AS REQUIRED, SHALL BE ADDED TO AND REFUNDED WITH ANY STATE EXCESS REVENUES FOR THE 1998-99 FISCAL YEAR REQUIRED TO BE REFUNDED.

(2) ANY AMOUNT OF STATE EXCESS REVENUES FOR THE 1997-98 FISCAL YEAR AND EVERY FISCAL YEAR THEREAFTER THAT VOTERS STATEWIDE DID NOT AUTHORIZE THE STATE TO RETAIN AND SPEND AND THAT ARE REQUIRED TO BE REFUNDED PURSUANT TO SECTION 20 (7) (d) OF ARTICLE X OF THE STATE CONSTITUTION, BUT THAT ARE NOT REFUNDED BY THE STATE AS REQUIRED, SHALL BE ADDED TO AND REFUNDED WITH ANY STATE EXCESS REVENUES FOR THE FISCAL YEAR FOLLOWING THE FISCAL YEAR FOR WHICH STATE EXCESS REVENUES WERE REQUIRED TO BE REFUNDED.

SECTION 3. Appropriation - adjustment in 1999 long bill. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the department of revenue, for the fiscal year beginning July 1, 1999, the sum of seven thousand seven hundred five dollars (\$7,705), or so much thereof as may be necessary, for the implementation of this act.

(2) For the implementation of this act, appropriations made in the annual general appropriations act for the fiscal year beginning July 1, 1999, shall be adjusted as follows:

(a) The general fund appropriation to the capital construction fund outlined in section 3 (1) (f) is reduced by seven thousand seven hundred five dollars (\$7,705).

(b) The capital construction fund exempt appropriation to the department of transportation, construction projects, is reduced by seven thousand seven hundred five dollars (\$7,705).

SECTION 4. 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: June 3, 1999