

CHAPTER 328

TAXATION

HOUSE BILL 10-1386

BY REPRESENTATIVE(S) Ferrandino, Pommer, Lambert;
also SENATOR(S) White, Keller, Tapia, Steadman.

AN ACT

CONCERNING THE AMOUNTS OF FILING FEES CHARGED BY THE PROPERTY TAX ADMINISTRATOR FOR PURPOSES OF EXEMPTION OF PROPERTY FROM GENERAL TAXATION, AND MAKING AN APPROPRIATION THEREFOR.

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

SECTION 1. 39-2-117 (1) (a) (I), (3) (a) (I), (3) (a) (III), and (7), Colorado Revised Statutes, are amended to read:

39-2-117. Applications for exemption - review - annual reports - procedures - rules. (1) (a) (I) Every application filed on or after January 1, 1990, claiming initial exemption of real and personal property from general taxation pursuant to the provisions of sections 39-3-106 to 39-3-113 and 39-3-116 shall be made on forms prescribed and furnished by the administrator, shall contain such information as specified in paragraph (b) of this subsection (1), and shall be signed by the owner of such property or his or her authorized agent under the penalty of perjury in the second degree and, except as otherwise provided in this paragraph (a), shall be accompanied by a payment of ~~one hundred fifty dollars~~ ONE HUNDRED SEVENTY-FIVE DOLLARS, which shall be credited to the property tax exemption fund created in subsection (8) of this section. The administrator shall examine and review each application submitted, and, if it is determined that the exemption therein claimed is justified and in accordance with the intent of the law, the exemption shall be granted, the same to be effective upon such date in the year of application as the administrator shall determine, but in no event shall the exemption apply to any year prior to the year preceding the year in which application is made. The decision of the administrator shall be issued in writing and a copy thereof furnished to the applicant and to the assessor, treasurer, and board of county commissioners of the county in which the property is located.

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

(3) (a) (I) On and after January 1, 1990, and no later than April 15 of each year, every owner of real or personal property for which exemption from general taxation has previously been granted shall file a report with the administrator upon forms furnished by the division, containing such information relative to the exempt property as specified in paragraph (b) of this subsection (3), and signed under the penalty of perjury in the second degree. Each such annual report shall be accompanied by a payment of ~~fifty-three dollars~~ SEVENTY-FIVE DOLLARS, which shall be credited to the property tax exemption fund created in subsection (8) of this section. Each such annual report filed later than April 15, but prior to July 1, shall be accompanied by a late filing fee of ~~one hundred fifty dollars~~ TWO HUNDRED FIFTY DOLLARS; EXCEPT THAT THE ADMINISTRATOR SHALL HAVE THE AUTHORITY TO WAIVE ALL OR A PORTION OF THE LATE FILING FEE FOR GOOD CAUSE SHOWN AS DETERMINED BY THE ADMINISTRATOR BY RULES ADOPTED PURSUANT TO PARAGRAPH (b) OF SUBSECTION (7) OF THIS SECTION. On and after January 1, 1990, every owner of real or personal property for which exemption from general taxation has previously been granted pursuant to the provisions of section 39-3-111 and that is used for any purpose other than the purposes specified in sections 39-3-106 to 39-3-113 for less than two hundred eight hours during the calendar year or if the use of the property for such purposes results in annual gross rental income to such owner of less than ten thousand dollars shall not be required to file any annual report pursuant to the provisions of this subsection (3). In order to claim such exemption, in lieu of such annual report, the owner shall annually file with the administrator a declaration stating that the property is used for such purposes for less than two hundred eight hours during the calendar year or such use results in annual gross rental income to the owner of less than ten thousand dollars.

(III) In the event an annual report is not received by June 1 from an owner of real or personal property for which an exemption was granted for the previous year pursuant to the provisions of section 39-3-106 or 39-3-106.5, the administrator shall give notice in writing to such property owner by June 15 that failure to file a delinquent report during a twelve-month period commencing the following July 1 shall operate as the forfeiture of any right to claim exemption of previously exempt property from general taxation for the year in which such notice is given. Upon the filing of the delinquent annual report, a late filing fee of ~~one hundred fifty dollars~~ TWO HUNDRED FIFTY DOLLARS shall be paid, which shall be credited to the property tax exemption fund created in subsection (8) of this section; EXCEPT THAT THE ADMINISTRATOR SHALL HAVE THE AUTHORITY TO WAIVE ALL OR A PORTION OF THE LATE FILING FEE FOR GOOD CAUSE SHOWN AS DETERMINED BY THE ADMINISTRATOR BY RULES ADOPTED PURSUANT TO PARAGRAPH (b) OF SUBSECTION (7) OF THIS SECTION. Failure to file the delinquent annual report within the twelve-month period shall result in the forfeiture of any right to claim exemption of such property from general taxation for the year in which such failure to file the annual report first occurred. The administrator shall review each report filed to determine if the property continues to qualify for exemption, and, if it is determined that the property does not so qualify, the owner of the property shall be notified in writing of the disqualification, and the assessor, treasurer, and board of county commissioners of the county in which the property is located shall also be so notified.

(7) The administrator shall adopt rules ~~and regulations~~ to implement the provisions of this section pursuant to the provisions of article 4 of title 24, C.R.S., INCLUDING ANY RULES NECESSARY TO SPECIFY WHAT SHALL QUALIFY AS "GOOD

CAUSE SHOWN" FOR PURPOSES OF WAIVING ALL OR A PORTION OF THE LATE FILING FEES SPECIFIED IN SUBPARAGRAPHS (I) AND (III) OF PARAGRAPH (a) OF SUBSECTION (3) OF THIS SECTION.

SECTION 2. Appropriation - adjustments to the 2010 long bill. (1) For the implementation of this act, the general fund appropriation made in the annual general appropriation act for the fiscal year beginning July 1, 2010, to the department of local affairs, property tax, division of property taxation line item, is decreased by one hundred sixty-nine thousand seven hundred forty-two dollars (\$169,742).

(2) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the property tax exemption fund created in section 39-2-117 (8), Colorado Revised Statutes, not otherwise appropriated, to the department of local affairs, property tax, division of property taxation line item, for the direct and indirect costs of administering the property tax exemption program, for the fiscal year beginning July 1, 2010, the sum of three hundred one thousand seventy-three dollars (\$301,073), or so much thereof as may be necessary, for the implementation of this act.

SECTION 3. Specified effective date - applicability. This act shall take effect July 1, 2010, and shall apply to any application for exemption, annual report, or delinquent annual report filed on or after said date.

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: May 27, 2010