

**First Regular Session
Seventy-first General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 17-0210.01 Ed DeCecco x4216

HOUSE BILL 17-1049

HOUSE SPONSORSHIP

Thurlow,

SENATE SPONSORSHIP

(None),

House Committees
Finance

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE ELIMINATION OF REFUND INTEREST RELATED TO A**
102 **PROPERTY TAX ABATEMENT.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

If property taxes are levied erroneously or illegally and a taxpayer has not protested the valuation within the time permitted by law, then the taxpayer has 2 years from the start of the property tax year to file a petition for abatement or refund. The board of county commissioners is required to abate the taxes, and the taxpayer is entitled to a refund for the incorrect amount and, in some circumstances, refund interest equal to 1%

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

per month. The bill eliminates the refund interest related to a property tax abatement.

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

SECTION 1. In Colorado Revised Statutes, 39-10-114, **amend**
(1)(b) as follows:

39-10-114. Abatement - cancellation of taxes. (1) (b) Any taxes illegally or erroneously levied and collected, and delinquent interest thereon, ~~shall be~~ ARE refunded pursuant to this section, together with refund interest at the same rate as that provided for delinquent interest set forth in section 39-10-104.5; except that refund interest shall not be paid if the taxes were erroneously levied and collected as a result of an error made by the taxpayer in completing personal property schedules pursuant to the provisions of article 5 of this title. ~~Said~~ TITLE 39. FOR ABATEMENTS OR REFUNDS MADE PURSUANT TO A PETITION FOR ABATEMENT OR REFUND FILED PRIOR TO JANUARY 1, 2018, refund interest ~~shall accrue only~~ ACCRUES from the date payment of taxes and delinquent interest thereon was received by the treasurer from the taxpayer; except that refund interest ~~shall accrue~~ ACCRUES from the date a complete abatement petition is filed if the taxes were erroneously levied and collected as a result of an error or omission made by the taxpayer in completing the statements required pursuant to the provisions of article 7 of this title TITLE 39 and the county pays the abatement or refund within the time frame set forth in ~~sub-subparagraph (B) of subparagraph (I) of paragraph (a) of this subsection (1). Refund interest on abatements or refunds made pursuant to sub-subparagraph (F) of subparagraph (I) of paragraph (a) of this subsection (1) shall only accrue on taxes paid for the two latest years of illegal or erroneous assessment~~ SUBSECTION (1)(a)(I)(B) OF THIS SECTION.

1 FOR ABATEMENTS OR REFUNDS MADE PURSUANT TO A PETITION FOR
2 ABATEMENT OR REFUND FILED ON OR AFTER JANUARY 1, 2018, REFUND
3 INTEREST ACCRUES FROM THE DATE A COMPLETE ABATEMENT PETITION IS
4 FILED; EXCEPT THAT, IF THE ABATEMENT OR REFUND IS FOR TAXES PAID AS
5 A RESULT OF OMITTED PROPERTY BEING ADDED TO THE ASSESSMENT ROLL
6 IN ACCORDANCE WITH SECTION 39-5-125 OR 39-10-101 (2), THEN REFUND
7 INTEREST ACCRUES FROM THE DATE PAYMENT OF TAXES AND DELINQUENT
8 INTEREST THEREON WAS RECEIVED BY THE TREASURER FROM THE
9 TAXPAYER.

10 **SECTION 2. Act subject to petition - effective date.** This act
11 takes effect at 12:01 a.m. on the day following the expiration of the
12 ninety-day period after final adjournment of the general assembly (August
13 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a
14 referendum petition is filed pursuant to section 1 (3) of article V of the
15 state constitution against this act or an item, section, or part of this act
16 within such period, then the act, item, section, or part will not take effect
17 unless approved by the people at the general election to be held in
18 November 2018 and, in such case, will take effect on the date of the
19 official declaration of the vote thereon by the governor.