

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 18-1151.01 Ed DeCecco x4216

HOUSE BILL 18-1387

HOUSE SPONSORSHIP

Rankin,

SENATE SPONSORSHIP

Moreno,

House Committees

Finance

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE ELIMINATION OF REFUND INTEREST FOR A**
102 **PROPERTY TAX ABATEMENT THAT IS THE RESULT OF AN ERROR**
103 **IN AN OIL AND GAS OWNER OR OPERATOR STATEMENT.**

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 on oil and gas leaseholds and lands 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 an abatement or refund. The board of county commissioners is required to abate the taxes, and the

HOUSE
3rd Reading Unamended
April 26, 2018

HOUSE
Amended 2nd Reading
April 25, 2018

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

taxpayer is entitled to a refund for the incorrect amount and refund interest equal to 1% per month from the date a complete abatement petition is filed.

The bill eliminates the refund interest related to a property tax abatement if the property tax was erroneously levied and collected as a result of an error made in an oil and gas owner or operator statement.

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

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

4 **39-10-114. Abatement - cancellation of taxes.** (1) (b) (I) Any
5 taxes illegally or erroneously levied and collected, and delinquent interest
6 thereon, are refunded pursuant to this section, together with refund
7 interest at the same rate as that provided for delinquent interest set forth
8 in section 39-10-104.5, except that refund interest shall not be paid if the
9 taxes were erroneously levied and collected as a result of an error made
10 by the taxpayer in completing personal property schedules pursuant to the
11 provisions of article 5 of this title 39 AS SET FORTH IN SUBSECTION
12 (1)(b)(II) OF THIS SECTION. For abatements or refunds made pursuant to
13 a petition for abatement or refund filed prior to January 1, 2018, refund
14 interest accrues from the date payment of taxes and delinquent interest
15 thereon was received by the treasurer from the taxpayer; except that
16 refund interest accrues from the date a complete abatement petition is
17 filed if the taxes were erroneously levied and collected as a result of an
18 error or omission made by the taxpayer in completing the statements
19 required pursuant to the provisions of article 7 of this title 39 and the
20 county pays the abatement or refund within the time frame set forth in
21 subsection (1)(a)(I)(B) of this section. For abatements or refunds made
22 pursuant to a petition for abatement or refund filed on or after January 1,

1 2018, refund interest accrues from the date a complete abatement petition
2 is filed.

3 (II) (A) A TAXPAYER SHALL NOT RECEIVE REFUND INTEREST IF THE
4 PROPERTY TAX WAS ERRONEOUSLY LEVIED AND COLLECTED AS A RESULT
5 OF AN ERROR IN A PERSONAL PROPERTY SCHEDULE PURSUANT TO ARTICLE
6 5 OF THIS TITLE 39.

7 (B) IF ANY TAXES ARE ILLEGALLY OR ERRONEOUSLY LEVIED AND
8 COLLECTED AS A RESULT OF AN ERROR OR OMISSION MADE BY THE
9 TAXPAYER IN COMPLETING THE STATEMENTS REQUIRED PURSUANT TO
10 ARTICLE 7 OF TITLE 39, AND THE TAXPAYER RECEIVES THE ABATEMENT OR
11 REFUND ON OR BEFORE THE DATE SIX MONTHS AFTER THE DATE THAT THE
12 COMPLETE ABATEMENT PETITION IS FILED, THEN THE TAXPAYER SHALL
13 NOT RECEIVE REFUND INTEREST. IF THE ABATEMENT OR REFUND IS PAID
14 AFTER THIS TIME, THEN THE TAXPAYER IS ENTITLED TO INTEREST AS SET
15 FORTH IN SUBSECTION (1)(b)(I) OF THIS SECTION.

16 **SECTION 2. Act subject to petition - effective date -**
17 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
18 the expiration of the ninety-day period after final adjournment of the
19 general assembly (August 8, 2018, if adjournment sine die is on May 9,
20 2018); except that, if a referendum petition is filed pursuant to section 1
21 (3) of article V of the state constitution against this act or an item, section,
22 or part of this act within such period, then the act, item, section, or part
23 will not take effect unless approved by the people at the general election
24 to be held in November 2018 and, in such case, will take effect on the
25 date of the official declaration of the vote thereon by the governor.

26 (2) This act applies to abatements or refunds made pursuant to a
27 petition for abatement or refund filed on or after the applicable effective

1 date of this act.