

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

INTRODUCED

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.

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); and **repeal** (1)(c) as follows:

4 **39-10-114. Abatement - cancellation of taxes.** (1) (b) Any taxes
5 illegally or erroneously levied and collected ~~and delinquent interest~~
6 ~~thereon~~, shall be 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. Said refund interest shall accrue only~~
12 ~~from the date payment of taxes and delinquent interest thereon was~~
13 ~~received by the treasurer from the taxpayer; except that refund interest~~
14 ~~shall accrue from the date a complete abatement petition is filed if the~~
15 ~~taxes were erroneously levied and collected as a result of an error or~~
16 ~~omission made by the taxpayer in completing the statements required~~
17 ~~pursuant to the provisions of article 7 of this title and the county pays the~~
18 ~~abatement or refund within the time frame set forth in sub-subparagraph~~
19 ~~(B) of subparagraph (I) of paragraph (a) of this subsection (1). Refund~~
20 ~~interest on abatements or refunds made pursuant to sub-subparagraph (F)~~
21 ~~of subparagraph (I) of paragraph (a) of this subsection (1) shall only~~
22 ~~accrue on taxes paid for the two latest years of illegal or erroneous~~
23 ~~assessment.~~

24 (c) ~~Notwithstanding any other provision of this section, if a~~
25 ~~county, board of assessment appeals, court of competent jurisdiction, or~~

1 the property tax administrator determines that a property is exempt from
2 taxation under sections 39-3-106 to 39-3-113.5 or section 39-3-116, and
3 if the county, board, court, or administrator finds competent evidence that
4 said property became or remained subject to taxation for a period as a
5 result of an error or omission made by the taxpayer, then the county, the
6 board of assessment appeals, court of competent jurisdiction, or the
7 property tax administrator may award refund interest or any other type of
8 interest for not greater than two property tax years. Any interest awarded
9 pursuant to this paragraph (c) shall be at the same rate as provided in
10 section 39-10-104.5.

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

21 (2) This act applies to abatements or refunds made pursuant to a
22 petition for abatement or refund filed on or after the applicable effective
23 date of this act.