

CHAPTER 148

TAXATION

HOUSE BILL 17-1049

BY REPRESENTATIVE(S) Thurlow and Gray, Pabon, Duran, Becker K., Kennedy;
also SENATOR(S) Coram, Court, Crowder, Kefalas, Kerr, Martinez Humenik, Moreno, Scott, Grantham.

AN ACT

CONCERNING THE ELIMINATION OF 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)(a)(I)(A) and (1)(b) as follows:

39-10-114. Abatement - cancellation of taxes. (1) (a) (I) (A) Except as otherwise provided in ~~sub-subparagraphs (D) and (E) of this subparagraph (F)~~ SUBSECTIONS (1)(a)(I)(D) AND (1)(a)(I)(E) OF THIS SECTION, if taxes have been levied erroneously or illegally, whether due to erroneous valuation for assessment, irregularity in levying, clerical error, or overvaluation, the treasurer shall report the amount thereof to the board of county commissioners, which shall proceed to abate such taxes in the manner provided by law. The assessor shall make such report if the assessor discovers that taxes have been levied erroneously or illegally. If such taxes have been collected by the treasurer, the board of county commissioners shall authorize refund of the same in the manner provided by law. Except as provided in ~~sub-subparagraphs (E) and (F) of this subparagraph (F)~~ SUBSECTIONS (1)(a)(I)(E) AND (1)(a)(I)(F) OF THIS SECTION AND SECTION 39-5-125 (4), in no case shall an abatement or refund of taxes be made unless a petition for abatement or refund is filed within two years after January 1 of the year following the year in which the taxes were levied. For purposes of this ~~sub-subparagraph (A)~~ SUBSECTION (1)(a)(I)(A), "clerical error" shall include, but shall not be limited to, any clerical error made by a taxpayer in completing personal property schedules pursuant to the provisions of article 5 of this title. Notwithstanding any other law to the contrary, for purposes of this ~~sub-subparagraph (A)~~ SUBSECTION (1)(a)(I)(A), "erroneous valuation" shall include, but shall not be limited to: Any reclassification of property from agricultural land to any other classification of property for the property tax

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

year commencing January 1, 1996, if the property in question qualifies for classification as agricultural land as determined pursuant to section 39-1-102 (1.6), as amended by Senate Bill 97-039, enacted at the first regular session of the sixty-first general assembly; and any denial of exemption from taxation for property claimed as agricultural and livestock products for the property tax year commencing January 1, 1996, if the property in question qualifies as agricultural and livestock products as determined pursuant to section 39-1-102 (1.1), as amended by Senate Bill 97-039, enacted at the first regular session of the sixty-first general assembly.

(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 (1) of paragraph (a) of this subsection (1).~~ Refund interest on abatements or refunds made pursuant to ~~sub-subparagraph (F) of subparagraph (1) 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. FOR ABATEMENTS OR REFUNDS MADE PURSUANT TO A PETITION FOR ABATEMENT OR REFUND FILED ON OR AFTER JANUARY 1, 2018, REFUND INTEREST ACCRUES FROM THE DATE A COMPLETE ABATEMENT PETITION IS FILED.

SECTION 2. In Colorado Revised Statutes, 39-5-125, **add** (4) as follows:

39-5-125. Omission - correction of errors. (4) IF OMITTED PROPERTY IS ADDED BY THE ASSESSOR OR THE TREASURER FOR A PRIOR ASSESSMENT YEAR, THEN A PETITION FOR ABATEMENT OR REFUND MAY BE FILED AT ANY TIME AFTER THE TAXES ARE LEVIED AND AN AMENDED TAX BILL HAS BEEN GENERATED, BUT BEFORE TWO YEARS AFTER JANUARY 1 OF THE YEAR FOLLOWING THE YEAR IN WHICH THE TAXES ARE LEVIED.

SECTION 3. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect

unless approved by the people at the general election to be held in November 2018 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: April 24, 2017