

**Second Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO**

REENGROSSED

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

LLS NO. 12-0294.01 Bob Lackner x4350

SENATE BILL 12-087

SENATE SPONSORSHIP

Foster,

HOUSE SPONSORSHIP

Kerr J.,

Senate Committees
Local Government

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE PERIOD MARKING THE COMMENCEMENT OF THE**
102 **ACCRUAL OF INTEREST ON THE REFUND OF PROPERTY TAXES**
103 **ERRONEOUSLY COLLECTED.**

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://www.leg.state.co.us/billsummaries>.)

The bill applies to interest imposed on property taxes illegally or erroneously levied and collected. Under current law, interest on such refunded moneys accrues only from the date payment of taxes and delinquent interest on such payment was received by the county treasurer

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.

SENATE
3rd Reading Unamended
February 24, 2012

SENATE
2nd Reading Unamended
February 23, 2012

from the taxpayer except as provided in specified circumstances. Under the bill, interest on the refunded moneys accrues from the later of the date a complete abatement petition is filed with the board of county commissioners or the date the taxes are paid.

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 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 refund interest ~~shall accrue only 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 LATER OF 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 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)~~ WITH THE BOARD OF COUNTY COMMISSIONERS OR THE DATE THE TAXES ARE PAID. 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~~ ACCRUES on taxes paid for the two

1 latest years of illegal or erroneous assessment.

2 **SECTION 2. Applicability.** The provisions of this act apply to
3 interest accruing on property taxes that are illegally or erroneously levied
4 and collected on or after the applicable effective date of this act.

5 **SECTION 3. Safety clause.** The general assembly hereby finds,
6 determines, and declares that this act is necessary for the immediate
7 preservation of the public peace, health, and safety.