

HOUSE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

February 8, 2017
Date

Committee on Finance.

After consideration on the merits, the Committee recommends the following:

HB17-1049 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend printed bill, strike everything below the enacting clause and
2 substitute:

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

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

1 ~~to sub-subparagraph (F) of subparagraph (I) of paragraph (a) of this~~
2 ~~subsection (1) shall only accrue on taxes paid for the two latest years of~~
3 ~~illegal or erroneous assessment~~ SUBSECTION (1)(a)(I)(B) OF THIS SECTION.
4 FOR ABATEMENTS OR REFUNDS MADE PURSUANT TO A PETITION FOR
5 ABATEMENT OR REFUND FILED ON OR AFTER JANUARY 1, 2018, REFUND
6 INTEREST ACCRUES FROM THE DATE A COMPLETE ABATEMENT PETITION IS
7 FILED; EXCEPT THAT, IF THE ABATEMENT OR REFUND IS FOR TAXES PAID AS
8 A RESULT OF OMITTED PROPERTY BEING ADDED TO THE ASSESSMENT ROLE
9 IN ACCORDANCE WITH SECTION 39-5-125 OR 39-10-101 (2), THEN REFUND
10 INTEREST ACCRUES FROM THE DATE PAYMENT OF TAXES AND DELINQUENT
11 INTEREST THEREON WAS RECEIVED BY THE TREASURER FROM THE
12 TAXPAYER.

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

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