

Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 26-0286.01 Jed Franklin x5484

SENATE BILL 26-044

SENATE SPONSORSHIP

Pelton B.,

HOUSE SPONSORSHIP

(None),

Senate Committees
Finance

House Committees

A BILL FOR AN ACT
101 **CONCERNING THE COLLECTION OF TAXES ON MINERAL RIGHTS BY**
102 **COUNTY TREASURERS.**

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>.)

The bill authorizes a board of county commissioners to cancel any taxes that have been levied on a severed mineral account 5 years after the date the taxes become delinquent. The bill establishes certain requirements for when a county may convey a tax lien on a severed mineral account to a grantee or surface owner of record after a period of 5 years.

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

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

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

4 **39-10-114. Abatement - cancellation of taxes.**

5 (2)(c) ANY TAXES LEVIED ON A SEVERED MINERAL ACCOUNT THAT
6 ARE DETERMINED TO BE UNCOLLECTIBLE FIVE YEARS AFTER THE DATE THE
7 TAXES BECOME DELINQUENT MAY BE CANCELED BY THE BOARD OF
8 COUNTY COMMISSIONERS OF THE COUNTY THAT LEVIED THE TAXES, AND
9 THE MINERAL ACCOUNT SHALL BE DISTINGUISHED AND CONVEYED TO THE
10 GRANTEE OR SURFACE OWNER OF RECORD BY MEANS OF RECORDED TAX
11 DEED, AT NO COST TO THE GRANTEE OR SURFACE OWNER OF RECORD, OR
12 CONVEYED TO THE TREASURER'S OFFICE.

13 **SECTION 2.** In Colorado Revised Statutes, 39-11-128, **add** (3)
14 as follows:

15 **39-11-128. Condition precedent to deed - notice - exception.**
16 (3) SUBSECTION (1) OF THIS SECTION DOES NOT APPLY TO TAXES
17 ON A SEVERED MINERAL ACCOUNT THAT HAVE BEEN CANCELED BY A
18 BOARD OF COUNTY COMMISSIONERS PURSUANT TO SECTION 39-10-114
19 (2)(c). TAXES ON SEVERED MINERAL ACCOUNTS THAT HAVE BEEN
20 CANCELED BY THE BOARD OF COUNTY COMMISSIONERS SHALL BE
21 DISTINGUISHED AND CONVEYED TO THE GRANTEE OR SURFACE OWNER OF
22 RECORD BY MEANS OF RECORDED TAX DEED, AND NO FEE IS REQUIRED FOR
23 THE PROCESSING OR RECORDING OF SUCH TAX DEED.

24 **SECTION 3.** In Colorado Revised Statutes, 39-11-142, **amend**
25 (6)(a) as follows:

26 **39-11-142. Disposition of certificates held by counties.**

14 **SECTION 4.** In Colorado Revised Statutes, 39-11-148, amend
15 (1) and (3) as follows:

16 **39-11-148. Limitations on tax certificates - special**
17 improvement liens.

18 (1) (a) ~~NO~~ EXCEPT AS PROVIDED IN SUBSECTIONS (1)(b) AND (3) OF
19 THIS SECTION, A lien upon real property created by a tax certificate or a
20 certificate of purchase issued by a treasurer on account of any delinquent
21 property taxes or any special assessment of any kind or nature shall NOT
22 remain a lien thereon for a period longer than fifteen years after the
23 original issuance thereof. ~~except as provided in subsection (3) of this~~
24 ~~section~~: This section ~~shall~~ DOES not apply to any tax certificate or
25 certificate of purchase issued to and held by the county, city, city and
26 county, or district levying such tax or special assessment; except that, in
27 the event of an assignment of such tax certificate or certificate of

1 purchase so issued to and held by such county, city, city and county, or
2 district, the lien of such tax certificate or certificate of purchase shall
3 cease fifteen years after the date of its issuance subject only to the
4 provisions of subsection (3) of this section.

5 (b) EXCEPT AS PROVIDED IN SUBSECTION (3) OF THIS SECTION, A
6 LIEN UPON A SEVERED MINERAL ACCOUNT CREATED BY A TAX CERTIFICATE
7 OR A CERTIFICATE OF PURCHASE ISSUED BY A TREASURER ON ACCOUNT OF
8 ANY DELINQUENT PROPERTY TAXES OR ANY SPECIAL ASSESSMENT OF ANY
9 KIND OR NATURE SHALL NOT REMAIN A LIEN THEREON FOR A PERIOD
10 LONGER THAN FIVE YEARS AFTER THE ORIGINAL ISSUANCE THEREOF. THIS
11 SUBSECTION (1)(b) DOES NOT APPLY TO ANY TAX CERTIFICATE OR
12 CERTIFICATE OF PURCHASE FOR A SEVERED MINERAL ACCOUNT THAT IS
13 ISSUED TO AND HELD BY THE COUNTY, CITY, CITY AND COUNTY, OR
14 DISTRICT LEVYING SUCH TAX OR SPECIAL ASSESSMENT; EXCEPT THAT, IN
15 THE EVENT OF AN ASSIGNMENT OF SUCH TAX CERTIFICATE OR CERTIFICATE
16 OF PURCHASE SO ISSUED TO AND HELD BY SUCH COUNTY, CITY, CITY AND
17 COUNTY, OR DISTRICT, THE LIEN OF SUCH TAX CERTIFICATE OR
18 CERTIFICATE OF PURCHASE SHALL CEASE FIVE YEARS AFTER THE DATE OF
19 ITS ISSUANCE SUBJECT ONLY TO THE PROVISIONS OF SUBSECTION (3) OF
20 THIS SECTION.

21 (3) (a) EXCEPT AS PROVIDED IN SUBSECTION (3)(b) OF THIS
22 SECTION, in the event of an assignment of a tax certificate or certificate
23 of purchase FOR REAL PROPERTY THAT is held by a county, city, city and
24 county, or district levying such tax wherein such certificate is fifteen
25 years old at the time of assignment or will become fifteen years old within
26 one year from the date of such assignment, the assignee thereof shall be
27 IS entitled to a tax deed in the manner provided by law if such assignee or

1 other legal holder of such certificate institutes proceedings to procure a
2 tax deed by making a demand upon the treasurer for THE same, as
3 provided by law, within one year from the date of such assignment by the
4 county, city, city and county, or district levying such tax.

5 (b) IN THE EVENT OF AN ASSIGNMENT OF A TAX CERTIFICATE OR
6 CERTIFICATE OF PURCHASE FOR A SEVERED MINERAL ACCOUNT THAT IS
7 HELD BY A COUNTY, CITY, CITY AND COUNTY, OR DISTRICT LEVYING SUCH
8 TAX WHEREIN SUCH CERTIFICATE IS FIVE YEARS OLD AT THE TIME OF
9 ASSIGNMENT OR WILL BECOME FIVE YEARS OLD WITHIN ONE YEAR FROM
10 THE DATE OF SUCH ASSIGNMENT, THE ASSIGNEE THEREOF IS ENTITLED TO
11 A TAX DEED IN THE MANNER PROVIDED BY LAW IF SUCH ASSIGNEE OR
12 OTHER LEGAL HOLDER OF SUCH CERTIFICATE INSTITUTES PROCEEDINGS TO
13 PROCURE A TAX DEED BY MAKING A DEMAND UPON THE TREASURER FOR
14 THE SAME, AS PROVIDED BY LAW, WITHIN ONE YEAR FROM THE DATE OF
15 SUCH ASSIGNMENT BY THE COUNTY, CITY, CITY AND COUNTY, OR DISTRICT
16 LEVYING SUCH TAX.

17 **SECTION 5.** In Colorado Revised Statutes, 39-11-151, **add (4)**
18 as follows:

19 **39-11-151. County officials and employees may not acquire a
20 tax lien or property by sale of a tax lien - exception.**

21 (4) THIS SECTION DOES NOT APPLY TO THE CONVEYANCE OF A
22 SEVERED MINERAL ACCOUNT IN ACCORDANCE WITH SECTION 39-11-142
23 (6)(a)(II).

24 **SECTION 6. Act subject to petition - effective date.** This act
25 takes effect at 12:01 a.m. on the day following the expiration of the
26 ninety-day period after final adjournment of the general assembly (August
27 12, 2026, if adjournment sine die is on May 13, 2026); except that, if a

1 referendum petition is filed pursuant to section 1 (3) of article V of the
2 state constitution against this act or an item, section, or part of this act
3 within such period, then the act, item, section, or part will not take effect
4 unless approved by the people at the general election to be held in
5 November 2026 and, in such case, will take effect on the date of the
6 official declaration of the vote thereon by the governor.