

HB1049\_L.001

## HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Finance.HB17-1049 be amended as follows:

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

36 **SECTION 2. Act subject to petition - effective date.** This act  
37 takes effect at 12:01 a.m. on the day following the expiration of the



1 ninety-day period after final adjournment of the general assembly (August  
2 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a  
3 referendum petition is filed pursuant to section 1 (3) of article V of the  
4 state constitution against this act or an item, section, or part of this act  
5 within such period, then the act, item, section, or part will not take effect  
6 unless approved by the people at the general election to be held in  
7 November 2018 and, in such case, will take effect on the date of the  
8 official declaration of the vote thereon by the governor."

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