

Second Regular Session  
Sixty-eighth General Assembly  
STATE OF COLORADO

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 12-0294.01 Bob Lackner x4350

**SENATE BILL 12-087**

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**SENATE SPONSORSHIP**

**Foster,**

**HOUSE SPONSORSHIP**

**Kerr J.,**

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**Senate Committees**  
Local Government

**House Committees**  
Finance

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**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.**

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**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.

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

2 **SECTION 1.** In Colorado Revised Statutes, 39-8-109, **amend** (1)  
3 as follows:

4 **39-8-109. Effects of board of assessment appeals or district**  
5 **court decision.** (1) If upon appeal the appellant is sustained, in whole or  
6 in part, then the appellant shall provide a copy of the order or judgment  
7 of the board of assessment appeals or district court, as the case may be,  
8 to the county assessor. If the order or judgment has been appealed, then  
9 the appellant shall present to the county assessor a copy of the original  
10 order or judgment of the board of assessment appeals or district court and  
11 copies of all further decisions of the board of assessment appeals, district  
12 court, court of appeals, and supreme court. Upon presentation to the  
13 treasurer by the county assessor of a copy of the order or judgment of the  
14 board of assessment appeals or district court, as the case may be, and, if  
15 the case has been appealed, copies of all further decisions of the board of  
16 assessment appeals, district court, court of appeals, and supreme court,  
17 modifying the valuation for assessment of the property, the appellant,  
18 identified as the petitioner or plaintiff on the order or judgment of the  
19 board of assessment appeals or district court, shall forthwith receive the  
20 appropriate refund of taxes and delinquent interest thereon, together with  
21 refund interest at the same rate as delinquent interest as specified in  
22 section 39-10-104.5. Such refund interest ~~shall only accrue from the date~~  
23 ~~on which payment of taxes and delinquent interest thereon was received~~

1 ~~by the treasurer~~ ACCRUES FROM THE LATER OF THE DATE A COMPLETE  
2 ABATEMENT PETITION IS FILED WITH THE BOARD OF COUNTY  
3 COMMISSIONERS OR THE DATE THE TAXES ARE PAID. Such refund shall be  
4 paid to the appellant even if the appellant is not the current owner of the  
5 property. The appellant and the county shall each be responsible for their  
6 respective costs in said court or board of assessment appeals, as the case  
7 may be.

8 **SECTION 2.** In Colorado Revised Statutes, 39-10-114, **amend**  
9 (1) (b) as follows:

10 **39-10-114. Abatement - cancellation of taxes.** (1) (b) Any taxes  
11 illegally or erroneously levied and collected, and delinquent interest  
12 thereon, shall be refunded pursuant to this section, together with refund  
13 interest at the same rate as that provided for delinquent interest set forth  
14 in section 39-10-104.5; except that refund interest shall not be paid if the  
15 taxes were erroneously levied and collected as a result of an error made  
16 by the taxpayer in completing personal property schedules pursuant to the  
17 provisions of article 5 of this title. Said refund interest ~~shall accrue only~~  
18 ~~from the date payment of taxes and delinquent interest thereon was~~  
19 ~~received by the treasurer from the taxpayer; except that refund interest~~  
20 ~~shall accrue~~ ACCRUES FROM THE LATER OF the date a complete abatement  
21 petition is filed ~~if the taxes were erroneously levied and collected as a~~  
22 ~~result of an error or omission made by the taxpayer in completing the~~  
23 ~~statements required pursuant to the provisions of article 7 of this title and~~  
24 ~~the county pays the abatement or refund within the time frame set forth~~  
25 ~~in sub-subparagraph (B) of subparagraph (I) of paragraph (a) of this~~  
26 ~~subsection (1)~~ WITH THE BOARD OF COUNTY COMMISSIONERS OR THE DATE  
27 THE TAXES ARE PAID. Refund interest on abatements or refunds made

1 pursuant to sub-subparagraph (F) of subparagraph (I) of paragraph (a) of  
2 this subsection (1) ~~shall only accrue~~ ACCRUES on taxes paid for the two  
3 latest years of illegal or erroneous assessment.

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

7 **SECTION 4. Safety clause.** The general assembly hereby finds,  
8 determines, and declares that this act is necessary for the immediate  
9 preservation of the public peace, health, and safety.