

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 16-1126.01 Gregg Fraser x4325

SENATE BILL 16-172

SENATE SPONSORSHIP

Woods, Baumgardner, Cooke, Lundberg, Marble, Tate

HOUSE SPONSORSHIP

Tyler and Buck, Neville P.

Senate Committees

Local Government

House Committees

A BILL FOR AN ACT

101 CONCERNING THE ELECTION BY A PERSON TO RECEIVE ELECTRONIC
102 NOTIFICATION OF CERTAIN INFORMATION FROM A COUNTY
103 RELATING TO A PENDING PROPERTY TAX DISPUTE.

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/bills summaries>.)

Current law allows a board of county commissioners to conduct hearings on petitions to abate and refund property taxes that have been paid. The law also allows the board of county commissioners, sitting as the county board of equalization, to review disputed valuations of taxable property made by the county assessor. Notices of hearings and decisions

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.

related to these disputes are currently required to be mailed to petitioners. The bill allows a board of county commissioners to authorize the petitioner, or some cases the petitioner's agent, to elect to receive the notices of hearings and the decisions by fax or electronic mail rather than regular mail.

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

2 **SECTION 1.** In Colorado Revised Statutes, 39-1-113, **amend** (5)
3 as follows:

4 **39-1-113. Abatement and refund of taxes.** (5) (a) If a hearing is
5 required pursuant to subsection (1) of this section, the board of county
6 commissioners shall provide at least seven days' notice of the scheduled
7 hearing on a petition for abatement and refund of taxes to the person
8 signing such petition and the taxpayer if the taxpayer did not sign the
9 petition. EXCEPT AS AUTHORIZED IN PARAGRAPH (b) OF THIS SUBSECTION
10 (5), notice shall be provided by sending to such person through the United
11 States mail, notification of the date, time, and place of the hearing.

12 (b) A BOARD OF COUNTY COMMISSIONERS MAY AUTHORIZE BY
13 ORDINANCE A PERSON REQUIRED TO BE NOTIFIED BY PARAGRAPH (a) OF
14 THIS SUBSECTION (5) OR SUCH PERSON'S AGENT TO ELECT TO RECEIVE THE
15 NOTICE BY FAX OR ELECTRONIC MAIL AT A PHONE NUMBER OR ELECTRONIC
16 MAIL ADDRESS SUPPLIED BY SUCH PERSON. IF NO ELECTION IS MADE BY
17 SUCH PERSON, THE COUNTY BOARD OF EQUALIZATION SHALL MAIL THE
18 REQUIRED NOTICE.

19 **SECTION 2.** In Colorado Revised Statutes, 39-8-106, **amend** (2)
20 as follows:

21 **39-8-106. Petitions for appeal.** (2) (a) Upon receiving a petition
22 in the form described in subsection (1) of this section, the county board
23 of equalization or its authorized agent shall note the filing of the petition,

1 set a time for hearing of said petition, and, EXCEPT AS PROVIDED IN
2 PARAGRAPH (b) OF THIS SUBSECTION (2), notify the petitioner by mail of
3 such time for hearing.

4 (b) A BOARD OF COUNTY COMMISSIONERS MAY AUTHORIZE BY
5 ORDINANCE A PETITIONER OR A PETITIONER'S AGENT TO ELECT TO RECEIVE
6 THE NOTICE REQUIRED IN PARAGRAPH (a) OF THIS SUBSECTION (2) BY FAX
7 OR ELECTRONIC MAIL AT A PHONE NUMBER OR ELECTRONIC MAIL ADDRESS
8 SUPPLIED BY THE PETITIONER OR THE PETITIONER'S AGENT. IF NO ELECTION
9 IS MADE BY THE PETITIONER OR THE PETITIONER'S AGENT, THE COUNTY
10 BOARD OF EQUALIZATION SHALL MAIL THE REQUIRED NOTICE.

11 **SECTION 3.** In Colorado Revised Statutes, 39-8-107, **amend** (2)
12 as follows:

13 **39-8-107. Hearings on appeal.** (2) (a) The county board of
14 equalization shall continue its hearings from time to time until all
15 petitions have been heard, but all such hearings shall be concluded and
16 decisions rendered thereon by the close of business on August 5 of that
17 year; except that, in a county that has made an election pursuant to section
18 39-5-122.7 (1), all such hearings shall be concluded and decisions
19 rendered thereon by the close of business on November 1 of that year.
20 EXCEPT AS AUTHORIZED IN PARAGRAPH (b) OF THIS SUBSECTION (2), any
21 decision shall be mailed to the petitioner within five business days of the
22 date on which such decision is rendered.

23 (b) A BOARD OF COUNTY COMMISSIONERS MAY AUTHORIZE BY
24 ORDINANCE A PETITIONER OR A PETITIONER'S AGENT TO ELECT TO RECEIVE
25 THE DECISION RENDERED BY THE BOARD AS REQUIRED IN PARAGRAPH (a)
26 OF THIS SUBSECTION (2) BY FAX OR ELECTRONIC MAIL AT A PHONE NUMBER
27 OR ELECTRONIC MAIL ADDRESS SUPPLIED BY THE PETITIONER OR THE

1 PETITIONER'S AGENT. IF NO ELECTION IS MADE BY THE PETITIONER OR THE
2 PETITIONER'S AGENT, THE COUNTY BOARD OF EQUALIZATION SHALL MAIL
3 THE DECISION.

4 **SECTION 4. Act subject to petition - effective date.** This act
5 takes effect at 12:01 a.m. on the day following the expiration of the
6 ninety-day period after final adjournment of the general assembly (August
7 10, 2016, if adjournment sine die is on May 11, 2016); except that, if a
8 referendum petition is filed pursuant to section 1 (3) of article V of the
9 state constitution against this act or an item, section, or part of this act
10 within such period, then the act, item, section, or part will not take effect
11 unless approved by the people at the general election to be held in
12 November 2016 and, in such case, will take effect on the date of the
13 official declaration of the vote thereon by the governor.