

CHAPTER 13

TAXATION

HOUSE BILL 06-1094

BY REPRESENTATIVE(S) White, Buescher, Crane, Harvey, Rose, Sullivan, Berens, Gardner, Hoppe, Kerr, Liston, Stafford, and Welker;
also SENATOR(S) Teck, and Taylor.

AN ACT

CONCERNING THE NOTICE OF VALUATION OF TAXABLE PERSONAL PROPERTY ON OIL AND GAS LEASEHOLDS AND LANDS.

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

SECTION 1. 39-5-121 (1.5), Colorado Revised Statutes, is amended to read:

39-5-121. Notice of valuation - legislative declaration. (1.5) (a) No later than June 15 in each year, the assessor shall mail to each person who owns taxable personal property a notice setting forth the valuation of ~~such~~ THE personal property. The notice shall state the actual value of such personal property in the previous year, the actual value in the current year, and the amount of any adjustment in actual value. The notice shall not state the valuation for assessment of ~~such~~ THE personal property. The notice shall also set forth the ratio of valuation for assessment to be applied to said actual value prior to the calculation of property taxes for the current year. With the approval of the board of county commissioners, the assessor may include in the notice an estimate of the taxes that shall be owed for the current property tax year. If such an estimate is included, the notice shall clearly state that the tax amount is merely an estimate based upon the best available information. The notice shall state, in bold-faced type, that the taxpayer has the right to protest any adjustment in valuation but not the estimate of taxes if such an estimate is included in the notice, and the dates and places at which the assessor will hear ~~such protest.~~ **SUCH** PROTESTS. THE notice shall also set forth the following: To preserve the taxpayer's right to protest, the taxpayer must notify the assessor either by mail or in person of the taxpayer's objection and protest; that, if notice is made by mail, ~~such~~ THE notice must be postmarked no later than June 30 and that, if notice is made in person, ~~such~~ THE notice must be made no later than July 5; and that, after such date, the taxpayer's right to object and protest the adjustment in valuation is lost. The

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

notice shall be mailed together with a form that, if completed by the taxpayer, allows the taxpayer to explain the basis for the taxpayer's valuation of the property. ~~Such~~ THE form may be completed by the taxpayer to initiate an appeal of the assessor's valuation. However, in accordance with section 39-5-122 (2), completion of this form shall not constitute the exclusive means of appealing the assessor's valuation.

(b) NOTWITHSTANDING PARAGRAPH (a) OF THIS SUBSECTION (1.5), FOR TAXABLE PERSONAL PROPERTY ON OIL AND GAS LEASEHOLDS OR LANDS FOR WHICH THE OPERATOR HAS FILED THE STATEMENT REQUIRED BY SECTION 39-7-101 (1), THE ASSESSOR SHALL SEND THE NOTICE OF VALUATION ONLY TO THE OPERATOR, WHO SHALL ACCEPT IT. THE ACCEPTANCE OF THE NOTICE OF VALUATION BY THE OPERATOR SHALL NOT BE CONSTRUED AS AN INDICATION THAT THE OPERATOR AGREES WITH THE AMOUNT OF THE ACTUAL VALUE OF THE PROPERTY STATED IN THE NOTICE OR AS OBLIGATING THE OPERATOR TO PAY THE TAX ATTRIBUTABLE TO PROPERTY IN WHICH THE OPERATOR HAS NO OWNERSHIP INTEREST. UPON THE WRITTEN REQUEST OF THE COUNTY TREASURER, THE OPERATOR SHALL SUBMIT TO THE TREASURER A WRITTEN STATEMENT CONTAINING THE NAME AND ADDRESS OF EACH PERSON WHO HAS AN OWNERSHIP INTEREST IN THE PROPERTY. IF THE OPERATOR FAILS TO SUBMIT THE STATEMENT WITHIN THIRTY DAYS AFTER RECEIVING THE REQUEST, THE OPERATOR SHALL PAY A PENALTY TO THE TREASURER IN THE AMOUNT OF ONE HUNDRED DOLLARS OR THE AMOUNT OF TAX DUE ON THE PROPERTY, WHICHEVER IS LESS.

SECTION 2. Applicability. This act shall apply to notices of valuation of oil and gas leaseholds or lands for property tax years commencing on or after January 1, 2006.

SECTION 3. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: March 13, 2006