

CHAPTER 246

**TAXATION**

**HOUSE BILL 93-1321**

BY REPRESENTATIVES Martin and May;  
also SENATOR Schaffer.

**AN ACT**

**CONCERNING ADMINISTRATIVE PROCEDURES REGARDING PROPERTY TAXES.**

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

**SECTION 1.** 29-1-301 (1) (a), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

**29-1-301. Levies reduced - limitation.** (1) (a) All statutory tax levies for collection in 1989 and thereafter when applied to the total valuation for assessment of the state, each of the counties, cities, and towns not chartered as home rule except as provided in this subsection (1), and each of the fire, sanitation, irrigation, drainage, conservancy, and other special districts established by law shall be so reduced as to prohibit the levying of a greater amount of revenue than was levied in the preceding year plus five and one-half percent plus the amount of revenue abated or refunded by the taxing entity by September 1 of the current year less the amount of revenue received by the taxing entity by September 1 of the current year as taxes paid on any taxable property which had previously been omitted from the assessment roll of any year, except to provide for the payment of bonds and interest thereon, for the payment of any contractual obligation which has been approved by a majority of the qualified electors of the taxing entity, for the payment of expenses incurred in the reappraisal of classes or subclasses ordered by or conducted by the state board of equalization, for the payment to the state of excess state equalization payments to school districts which excess is due to the undervaluation of taxable property, or for the payment of capital expenditures as provided in subsection (1.2) of this section. For purposes of this subsection (1), the amount of revenues received as taxes paid on any taxable property which had been previously omitted from the assessment roll shall not include the amount of such revenues received as taxes paid on oil and gas leaseholds and lands which had been previously omitted from the assessment roll due to

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

underreporting of the selling price or the quantity of oil or gas sold therefrom. In computing the limit, the following shall be excluded: The increased valuation for assessment attributable to annexation or inclusion of additional land, the improvements thereon, and personal property connected therewith within the taxing entity for the preceding year; the increased valuation for assessment attributable to new construction and personal property connected therewith, AS DEFINED BY THE PROPERTY TAX ADMINISTRATOR IN MANUALS PREPARED PURSUANT TO SECTION 39-2-109 (1) (e), C.R.S., within the taxing entity for the preceding year; the increased valuation for assessment attributable to increased volume of production for the preceding year by a producing mine if said mine is wholly or partially within the taxing entity and if said increase in volume of production causes an increase in the level of services provided by the taxing entity; and the increased valuation for assessment attributable to previously legally exempt federal property which becomes taxable if such property causes an increase in the level of services provided by the taxing entity.

**SECTION 2.** 39-5-121 (2), Colorado Revised Statutes, 1982 Repl. Vol., as amended, is amended to read:

**39-5-121. Notice of adjusted valuation.** (2) The assessor shall, no later than October 10 of each year, notify each taxing entity subject to the provisions of section 29-1-301, C.R.S., and notify the division of local government of the total valuation for assessment of land and improvements within the entity and shall also report: The amount of the total valuation for assessment attributable to annexation or inclusion of additional land, and the improvements thereon, and personal property connected therewith within the taxing entity for the preceding year; the amount attributable to new construction and personal property connected therewith, AS DEFINED BY THE ADMINISTRATOR IN MANUALS PREPARED PURSUANT TO SECTION 39-2-109 (1) (e), within the taxing entity for the preceding year; the amount attributable to increased volume of production for the preceding year by a producing mine if said mine is wholly or partially within the taxing entity and if such increase in volume of production causes an increase in the level of services provided by the taxing entity; and the amount attributable to previously legally exempt federal property which becomes taxable if such property causes an increase in the level of services provided by the taxing entity.

**SECTION 3.** 39-1-111 (2) and (5), Colorado Revised Statutes, 1982 Repl. Vol., as amended, are amended to read:

**39-1-111. Taxes levied by board of county commissioners.** (2) As soon as such levies have been made, the board of county commissioners or other body authorized by law to levy taxes shall forthwith certify all such levies to the assessor, upon forms prescribed by the administrator, and shall transmit a copy of such certification to the administrator, TO THE DIVISION OF LOCAL GOVERNMENT, AND TO THE DEPARTMENT OF EDUCATION.

(5) If, after certification of the valuation for assessment pursuant to section 39-5-128, but prior to December 10, changes in such valuation for assessment are made by the assessor, the assessor shall send a single notification to the board of county commissioners or other body authorized by law to levy property taxes, and to the division of local government, AND TO THE DEPARTMENT OF EDUCATION which

includes all of such changes which have occurred during said specified period of time. Upon receipt of such notification, such board or body shall make adjustments in the tax levies to ensure compliance with section 29-1-301, C.R.S., if applicable and may make adjustments in order that the same amount of revenue be raised. A copy of any adjustment to tax levies shall be transmitted to the administrator and assessor. Nothing in this subsection (5) shall be construed as conferring the authority to exceed statutorily imposed mill levy or revenue-raising limits.

**SECTION 4.** 39-2-115 (1), Colorado Revised Statutes, 1982 Repl. Vol., as amended, is amended to read:

**39-2-115. Review of abstracts of assessment - recommendations.** (1) (a) No later than August 25 of each year, each county assessor shall file with the property tax administrator TWO COPIES OF an abstract of assessment of ~~his~~ THE county.

(b) UPON RECEIPT OF THE FINAL STATE ASSESSED VALUATIONS FROM THE PROPERTY TAX ADMINISTRATOR AND ANY ADJUSTMENT TO THE RESIDENTIAL RATE MADE BY THE STATE BOARD OF EQUALIZATION PURSUANT TO SECTION 39-1-104.2, EACH ASSESSOR SHALL MAKE ANY NECESSARY ADJUSTMENTS TO THE ABSTRACT OF ASSESSMENT AND FILE TWO REVISED COPIES OF SUCH ABSTRACT OF ASSESSMENT WITH THE ADMINISTRATOR NO LATER THAN OCTOBER 10 OF EACH YEAR. IF ANY SUCH ADJUSTMENTS ARE MADE TO THE ABSTRACT OF ASSESSMENT, SUCH REVISED COPIES SHALL BE SUBSCRIBED AND SWORN TO BY THE ASSESSOR AND THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS IN ACCORDANCE WITH THE PROVISIONS OF SECTION 39-5-123 (1).

**SECTION 5.** 39-5-123 (1) and (2), Colorado Revised Statutes, 1982 Repl. Vol., as amended, are amended to read:

**39-5-123. Abstract of assessment.** (1) (a) Upon conclusion of hearings by the county board of equalization, as provided in article 8 of this title, the assessor shall complete the assessment roll of all taxable property within his county, and, no later than August 25 in each year, he shall prepare therefrom ~~two~~ THREE copies of the abstract of assessment, and in person, and not by deputy, shall subscribe his name, under oath, to the following statement, which shall be a part of such abstract: "I, ....., the assessor of ..... county, Colorado, do solemnly swear that in the assessment roll of such county I have listed and valued all taxable property located therein and that such property has been assessed for the current year in the manner prescribed by law and that the foregoing abstract of assessment is a true and correct compilation of each schedule.

....."

(b) UPON COMPLETION BY THE ASSESSOR OF THE ABSTRACT OF ASSESSMENT, THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS SHALL EXAMINE SUCH ABSTRACT AND SHALL SIGN THE FOLLOWING STATEMENT, WHICH SHALL BE A PART OF SUCH ABSTRACT: "I, ....., CHAIRMAN OF THE ..... COUNTY BOARD OF COUNTY COMMISSIONERS, CERTIFY THAT THE COUNTY BOARD OF EQUALIZATION HAS CONCLUDED ITS HEARINGS, PURSUANT TO THE PROVISIONS OF ARTICLE 8 OF THIS TITLE, THAT I HAVE EXAMINED THE ABSTRACT OF ASSESSMENT, AND THAT ALL VALUATION CHANGES ORDERED BY THE COUNTY BOARD OF EQUALIZATION HAVE BEEN

INCORPORATED THEREIN.

....."

(2) The assessor shall file ~~a copy~~ TWO COPIES of the abstract of assessment with the administrator, and, appended thereto, the assessor shall also file the aggregate valuation for assessment of all taxable property in the county, each municipality, and each school district within the county, by classes and subclasses, on a form prescribed by the administrator.

**SECTION 6.** 39-5-124 (1), Colorado Revised Statutes, 1982 Repl. Vol., is amended to read:

**39-5-124. Property tax administrator to examine abstract.** (1) When the abstract of assessment has been subscribed and sworn to by the assessor AND BY THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS, ~~he~~ THE ASSESSOR shall transmit ~~one copy~~ TWO COPIES thereof to the administrator and shall retain the ~~second~~ THIRD copy ~~in his office~~ for endorsement of the tax warrant thereon.

**SECTION 7. 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: June 6, 1993