

CHAPTER 283

TAXATION

SENATE BILL 93-255

BY SENATORS Johnson, Tebedo, and Feeley;
also REPRESENTATIVES Owen and Pfiffner.

AN ACT

CONCERNING THE MODIFICATION OF PROPERTY TAX PROCEDURES FOR PURPOSES OF IMPLEMENTING SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION.

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

SECTION 1. Article 1 of title 39, Colorado Revised Statutes, 1982 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

39-1-111.5. Temporary property tax credits and temporary mill levy rate reductions. (1) IN ORDER TO EFFECT A REFUND FOR ANY OF THE PURPOSES SET FORTH IN SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION, ANY LOCAL GOVERNMENT MAY APPROVE AND CERTIFY A TEMPORARY PROPERTY TAX CREDIT OR TEMPORARY MILL LEVY RATE REDUCTION AS SET FORTH IN THIS SECTION. THE PROCEDURES SET FORTH IN THIS SECTION SHALL BE DEEMED TO BE A REASONABLE METHOD FOR EFFECTING REFUNDS IN ACCORDANCE WITH SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION.

(2) CONCURRENT WITH THE CERTIFICATION OF ITS LEVY TO THE BOARD OF COUNTY COMMISSIONERS AS REQUIRED PURSUANT TO SECTION 39-5-128 (1), ANY LOCAL GOVERNMENT MAY CERTIFY A REFUND IN THE FORM OF A TEMPORARY PROPERTY TAX CREDIT OR TEMPORARY MILL LEVY RATE REDUCTION. THE CERTIFICATION SHALL INCLUDE THE LOCAL GOVERNMENT'S GROSS MILL LEVY, THE TEMPORARY PROPERTY TAX CREDIT OR TEMPORARY MILL LEVY RATE REDUCTION EXPRESSED IN MILL LEVY EQUIVALENTS, AND THE NET MILL LEVY, WHICH SHALL BE THE GROSS MILL LEVY LESS THE TEMPORARY PROPERTY TAX CREDIT OR TEMPORARY MILL LEVY RATE REDUCTION.

(3) CONCURRENT WITH CERTIFICATION TO THE ASSESSOR OF ALL MILL LEVIES BY THE BOARD OF COUNTY COMMISSIONERS OR OTHER BODY AUTHORIZED BY LAW 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.

LEVY TAXES IN ACCORDANCE WITH SECTION 39-1-111 (2), THE BOARD OF COUNTY COMMISSIONERS SHALL CERTIFY ANY OTHER LOCAL GOVERNMENT'S TEMPORARY PROPERTY TAX CREDIT OR TEMPORARY MILL LEVY RATE REDUCTION AND ANY TEMPORARY PROPERTY TAX CREDIT OR TEMPORARY MILL LEVY RATE REDUCTION FOR THE COUNTY OR CITY AND COUNTY ITSELF, ITEMIZED AS SET FORTH IN SUBSECTION (2) OF THIS SECTION.

(4) CONCURRENT WITH THE DELIVERY TO THE TREASURER OF THE TAX WARRANT BY THE ASSESSOR IN ACCORDANCE WITH SECTION 39-5-129, THE ASSESSOR SHALL, IN ADDITION TO ALL OTHER INFORMATION REQUIRED TO BE SET FORTH IN THE TAX WARRANT, ITEMIZE IN THE MANNER SET FORTH IN SUBSECTION (2) OF THIS SECTION ANY DULY CERTIFIED TEMPORARY PROPERTY TAX CREDIT OR TEMPORARY MILL LEVY RATE REDUCTION.

(5) UPON RECEIPT OF ANY TAX WARRANT REFLECTING A TEMPORARY PROPERTY TAX CREDIT OR TEMPORARY MILL LEVY RATE REDUCTION FOR ANY LOCAL GOVERNMENT, THE TREASURER SHALL BE RESPONSIBLE FOR COLLECTING TAXES ON BEHALF OF SUCH LOCAL GOVERNMENT BASED UPON SUCH LOCAL GOVERNMENT'S NET ADJUSTED MILL LEVY. IN ADDITION TO ANY OTHER INFORMATION REQUIRED BY SECTION 39-10-103, THE TAX STATEMENT SHALL INDICATE BY FOOTNOTE WHICH, IF ANY, LOCAL GOVERNMENT MILL LEVIES CONTAINED THEREIN REFLECT A TEMPORARY PROPERTY TAX CREDIT OR TEMPORARY MILL LEVY RATE REDUCTION FOR THE PURPOSE OF EFFECTING A REFUND IN ACCORDANCE WITH SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION.

SECTION 2. 39-4-103 (1.5) (a), Colorado Revised Statutes, 1982 Repl. Vol., as amended, is amended to read:

39-4-103. Schedules of property - confidential records - late filing penalties.

(1.5) (a) If a public utility fails to complete a statement of property and legally postmark it for return by April 1, the administrator shall impose on such public utility a late filing penalty in the amount of one hundred dollars for each calendar day the statement of property remains delinquent; except that the late filing penalty shall not exceed three thousand dollars. If, by ~~July 1~~ JUNE 1, the public utility continues to be delinquent in filing a statement of property, the administrator shall, in addition to imposing a late filing penalty, determine the actual value of such utility on the basis of the best information available. All late filing penalties shall be credited to the general fund.

SECTION 3. 39-4-107, Colorado Revised Statutes, 1982 Repl. Vol., as amended, is amended to read:

39-4-107. Statement of valuation to counties. No later than the first day of ~~August~~ JULY in each year, the administrator shall advise both the assessor of each county wherein property of a public utility is located and the public utility itself of the amount of valuation for assessment of such public utility in such county, and such amount shall be entered on the tax roll of such county by the assessor in the same manner as though determined by him.

SECTION 4. 39-4-108 (1), (2), (4), and (5), Colorado Revised Statutes, 1982 Repl. Vol., as amended, are amended to read:

39-4-108. Complaint - hearing - decision. (1) Any public utility, being of the opinion that the actual value of its property and plant as determined by the administrator is illegal, erroneous, or not uniform with the actual value of like property similarly situated, as determined by the administrator, may, no later than ~~August 20~~ JULY 15, file a petition or complaint with the administrator, setting forth such illegality, error, or lack of uniformity.

(2) Any assessor or board of county commissioners, being of the opinion that the actual value of the property and plant of any public utility as determined by the administrator is illegal, erroneous, or not uniform with the actual value of like property similarly situated, as determined by the administrator, or that the amount of valuation for assessment of any public utility has not been correctly apportioned among the counties entitled thereto may, no later than ~~August 20~~ JULY 15, file a petition or complaint with the administrator setting forth such illegality, error, lack of uniformity, or incorrect apportionment.

(4) The administrator shall, on ~~September 1~~ THE FIRST WORKING DAY AFTER NOTICES OF VALUATION ARE MAILED, and on succeeding days if necessary, hear all such petitions and complaints. In case there are several petitions or complaints filed involving like questions, the same may be consolidated for the purpose of hearing and determination. The administrator shall hear all evidence presented and listen to arguments touching upon the matters concerning which the petition or complaint was filed. He shall have power to subpoena and compel the attendance of witnesses and to require the production of any books or records deemed necessary to arrive at a proper determination of the matter. Upon good cause, any hearing may be adjourned from time to time, but in no event beyond ~~September 15~~ JULY 27. Hearings conducted under this section shall be informal, and a verbatim record need not be made, as required under section 24-4-105 (13), C.R.S.

(5) The administrator shall render his decision upon any petition or complaint, in writing, no later than ~~September 20~~ AUGUST 1 and shall transmit a copy thereof to all parties affected.

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

39-5-121. Notice of adjusted valuation. (2) (a) The assessor shall, no later than ~~October 10~~ AUGUST 25 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 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.

(b) IN ADDITION TO THE INFORMATION SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (2), THE ASSESSOR SHALL, NO LATER THAN AUGUST 25 OF EACH YEAR, NOTIFY EACH TAXING ENTITY EXCEPT SCHOOL DISTRICTS OF THE TOTAL ACTUAL VALUE OF ALL REAL PROPERTY WITHIN THE TAXING ENTITY AND THE TOTAL ACTUAL VALUE OF ALL REAL PROPERTY WITHIN THE TAXING ENTITY FROM CONSTRUCTION OF TAXABLE REAL PROPERTY IMPROVEMENTS, MINUS DESTRUCTION OF SIMILAR IMPROVEMENTS, AND ADDITIONS TO, MINUS DELETIONS FROM, TAXABLE REAL PROPERTY, IN ACCORDANCE WITH THE MANNER PRESCRIBED BY THE ADMINISTRATOR IN MANUALS PREPARED PURSUANT TO SECTION 39-2-109 (1) (e).

SECTION 6. 39-5-128 (1), Colorado Revised Statutes, 1982 Repl. Vol., as amended, is amended to read:

39-5-128. Certification of valuation for assessment. (1) No later than ~~October 10~~ AUGUST 25 of each year, the assessor shall certify to the clerk of each town and city, to the secretary of each school district, and to the secretary of each special district within his county the total valuation for assessment of all taxable property located within the territorial limits of each such town, city, school district, or special district and shall notify each such clerk, secretary, and board to officially certify the levy of such town, city, school district, or special district to the board of county commissioners no later than December 15.

SECTION 7. 39-8-107 (2), Colorado Revised Statutes, 1982 Repl. Vol., as amended, is amended to read:

39-8-107. Hearings on appeal. (2) The board shall continue its hearings from time to time until all petitions have been heard, but all such hearings shall be concluded and decisions rendered thereon by the close of business on ~~August 10~~ AUGUST 5 of that year. Any decision shall be mailed to the petitioner within five business days of the date on which such decision is rendered.

SECTION 8. Repeal. 39-1-104.2 (7), Colorado Revised Statutes, 1982 Repl. Vol., as amended, is repealed as follows:

39-1-104.2. Legislative declaration - adjustment of residential rate - role of state board of equalization. (7) ~~(a) Commencing January 1, 1989, for each year in which there is a change in the level of value used in determining actual value, the state board of equalization shall review, prior to September 20 of such year, the abstracts of assessment submitted by the county assessors pursuant to section 39-2-115 and any other reliable and relevant information provided to the state board of equalization concerning valuation for assessment which is based upon generally accepted appraisal methods and which is consistent with section 3 of article X of the state constitution, including, but not limited to, any valuation for assessment study for such year which is conducted pursuant to section 39-1-104 (16). Utilizing such abstracts and such information, the state board of equalization shall ascertain:~~

~~(I) The total valuation for assessment of all taxable property in the state;~~

~~(II) The target percentage pursuant to paragraph (a) of subsection (4) of this section as compared with the percentage of aggregate statewide valuation for assessment which is attributable to residential real property as listed in the abstracts~~

of assessment and as indicated by any information considered by the board pursuant to paragraph (a) of this subsection (7);

~~(III) The residential rate which must be applied in order to ensure that the percentage of the aggregate statewide valuation for assessment which is attributable to residential real property remains the same pursuant to paragraph (a) of subsection (4) of this section.~~

~~(b) If such review discloses that the projected residential rate set by the general assembly pursuant to paragraph (a) of subsection (5) of this section was in error by five-tenths of a percent or by a greater amount, the rate shall be adjusted, no later than September 20 of such year, to the rate ascertained by the state board of equalization pursuant to subparagraph (III) of paragraph (a) of this subsection (7).~~

~~(c) Such adjusted rate shall be the rate applied to the actual value of residential real property for the property tax years for which such new level of value is used. The state board of equalization shall order the assessors to implement the adjusted rate in the same year in which the ratio is adjusted, and the assessors shall so act.~~

SECTION 9. Repeal. 39-9-103 (9), Colorado Revised Statutes, 1982 Repl. Vol., as amended, is repealed as follows:

39-9-103. Duties of state board - enforcement - reappraisal orders. (9) ~~The state board of equalization shall act pursuant to section 39-1-104.2 to adjust the ratio of valuation for assessment for residential real property.~~

SECTION 10. 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