

CHAPTER 314

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**TAXATION**

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**HOUSE BILL 00-1268**

BY REPRESENTATIVES McKay, McPherson, Coleman, George, Gordon, Hefley, Paschall, Pfiffner, Scott, and S. Williams;  
also SENATORS Teck, Congrove, Hernandez, Pascoe, Phillips, and Sullivant.

**AN ACT**

CONCERNING THE ASSESSMENT OF PROPERTY FOR PROPERTY TAX PURPOSES.

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

**SECTION 1.** 39-1-102 (15.5) (a) (II), Colorado Revised Statutes, is amended to read:

**39-1-102. Definitions.** As used in articles 1 to 13 of this title, unless the context otherwise requires:

(15.5) (a) "School" means:

(II) An institution that is licensed as a child care center pursuant to article 6 of title 26, C.R.S., ~~and~~ that is:

(A) Operated by and as an integral part of a not-for-profit educational institution that meets the requirements of subparagraph (I) of this paragraph (a); OR

(B) A NOT-FOR-PROFIT INSTITUTION THAT OFFERS AN EDUCATIONAL PROGRAM FOR NOT MORE THAN SIX HOURS PER DAY AND THAT EMPLOYS EDUCATORS TRAINED IN PRESCHOOL THROUGH EIGHTH GRADE EDUCATIONAL INSTRUCTION AND IS LICENSED BY THE APPROPRIATE STATE AGENCY AND THAT IS NOT OTHERWISE QUALIFIED AS A SCHOOL UNDER THIS PARAGRAPH (a) OR AS A RELIGIOUS INSTITUTION.

**SECTION 2.** 39-1-103 (5) (a), Colorado Revised Statutes, is amended to read:

**39-1-103. Actual value determined - when.** (5) (a) All real and personal property shall be appraised and the actual value thereof for property tax purposes determined by the assessor of the county wherein such property is located. The actual

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

value of such property, other than agricultural lands exclusive of building improvements thereon and other than residential real property and other than producing mines and lands or leaseholds producing oil or gas, shall be that value determined by appropriate consideration of the cost approach, the market approach, and the income approach to appraisal. The assessor shall consider and document all elements of such approaches that are applicable prior to a determination of actual value. Despite any orders of the state board of equalization, no assessor shall arbitrarily increase the valuations for assessment of all parcels represented within the abstract of a county or within a class or subclass of parcels on that abstract by a common multiple in response to the order of said board. If an assessor is required, pursuant to the order of said board, to increase or decrease valuations for assessment, such changes shall be made only upon individual valuations for assessment of each and every parcel, using each of the approaches to appraisal specified in this paragraph (a), if applicable. The actual value of agricultural lands, exclusive of building improvements thereon, shall be determined by consideration of the earning or productive capacity of such lands during a reasonable period of time, capitalized at a rate of thirteen percent. Land that is valued as agricultural and that becomes subject to a perpetual conservation easement shall continue to be valued as agricultural notwithstanding its dedication for conservation purposes; except that, if any portion of such land is actually used for nonagricultural commercial or residential purposes, that portion shall be valued according to such use. The actual value of residential real property shall be determined solely by consideration of the market approach to appraisal. A GROSS RENT MULTIPLIER MAY BE CONSIDERED AS A UNIT OF COMPARISON WITHIN THE MARKET APPROACH TO APPRAISAL. The valuation for assessment of producing mines and of lands or leaseholds producing oil or gas shall be determined pursuant to articles 6 and 7 of this title.

**SECTION 3.** 39-5-121.5, Colorado Revised Statutes, is amended to read:

**39-5-121.5. Valuation - inspection of data by taxpayers.** At the WRITTEN request of any taxpayer or any agent of such taxpayer and subject to such confidentiality requirements as provided by law, the assessor shall, WITHIN SEVEN WORKING DAYS AFTER RECEIPT OF SAID REQUEST, promptly make available TO THE TAXPAYER OR AGENT THE DATA USED BY THE ASSESSOR IN DETERMINING THE ACTUAL VALUE OF ANY PROPERTY OWNED BY SUCH TAXPAYER. AT THE ASSESSOR'S ELECTION, THE ASSESSOR MAY EITHER MAIL, FAX, OR SEND BY ELECTRONIC TRANSMISSION TO THE ADDRESS, PHONE NUMBER, OR ELECTRONIC ADDRESS SUPPLIED BY SAID TAXPAYER OR AGENT all of the SUCH data. used by the assessor in determining the actual value of any property owned by such taxpayer; including but not SUCH DATA SHALL INCLUDE BUT SHALL NOT BE limited to the data derived from the declarations filed pursuant to the provisions of article 14 of this title and confidential data, provided that such confidential data shall be presented in such a manner that the source cannot be identified. UPON RECEIPT OF SUCH REQUEST, THE ASSESSOR SHALL NOTIFY THE TAXPAYER OR AGENT OF THE ESTIMATED COST OF PROVIDING SUCH INFORMATION, PAYMENT OF WHICH SHALL BE MADE PRIOR TO PROVIDING SUCH INFORMATION. UPON PROVIDING SUCH INFORMATION, THE ASSESSOR MAY INCLUDE A BILL FOR THE REASONABLE COST ABOVE THE ESTIMATED COST AND UP TO THE STATUTORY MAXIMUM WHICH SHALL BE DUE AND PAYABLE UPON RECEIPT BY THE TAXPAYER OR AGENT.

**SECTION 4.** 39-5-123 (1) (a), Colorado Revised Statutes, is amended to read:

**39-5-123. Abstract of assessment or amended 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 THE ASSESSOR'S county, and, no later than August 25 in each year he OR NO LATER THAN NOVEMBER 21 IN EACH YEAR IN ANY COUNTY THAT HAS MADE AN ELECTION PURSUANT TO SECTION 39-5-122.7, THE ASSESSOR shall prepare therefrom three copies of the abstract of assessment and in person, and not by deputy, shall subscribe his OR HER 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.

....."

**SECTION 5.** Article 6 of title 39, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**39-6-111.5. Calendar for notice of valuation and appeals for mines.** NOTWITHSTANDING ANY OTHER PROVISION, ALL PRODUCING AND NONPRODUCING MINES VALUED PURSUANT TO THIS ARTICLE SHALL FOLLOW THE SCHEDULE FOR PERSONAL PROPERTY SET FORTH IN THIS TITLE REGARDING NOTICES OF VALUATION AND APPEALS OF VALUATION.

**SECTION 6.** 39-8-107 (1) and (3), Colorado Revised Statutes, are amended to read:

**39-8-107. Hearings on appeal.** (1) At the hearing upon a petition, the assessor or the assessor's authorized representative shall be present and shall produce information to support the basis and amount of the assessor's valuation of the property. The board shall hear and consider all testimony and examine all exhibits produced or introduced by either the petitioner or the assessor, with no presumption in favor of any pending valuation, and may subpoena witnesses to testify. The costs of producing the petitioner's witnesses shall be paid by the petitioner, and the costs of producing the assessor's witnesses shall be paid by the county. On the basis of the testimony produced and the exhibits introduced, the board shall grant or deny the petition, in whole or in part, and shall notify the petitioner and the assessor in writing. If the board denies the petition, in whole or in part, such written notice shall inform the petitioner of the right to appeal within the thirty-day period following the denial to the district court or the board of assessment appeals pursuant to the provisions of section 39-8-108 (1) or within the thirty-day period following the denial to submit the case to arbitration pursuant to the provisions of section 39-8-108.5. Such notice shall state that, if the appeal is to the board of assessment appeals, the hearing before the board of assessment appeals shall be the last hearing at which testimony, exhibits, or any other type of evidence may be introduced by either party and that, if there is an appeal to the court of appeals pursuant to section 39-8-108 (2), the record from the hearing before the board of assessment appeals and no new evidence shall be the basis for the court's decision. The phone number and address of the board of assessment appeals shall also be included on the notice. The notice shall also state, in general terms, how to pursue arbitration and that, if a taxpayer submits the case to arbitration, the decision reached under such process shall be final and not subject to

review. IF A REFEREE HEARD THE CASE, THE BOARD SHALL, AT THE WRITTEN REQUEST OF ANY TAXPAYER OR ANY AGENT OF SUCH TAXPAYER WITHIN SEVEN WORKING DAYS AFTER RECEIPT OF SAID REQUEST, MAKE AVAILABLE TO THE TAXPAYER OR AGENT THE REFEREE'S FINDINGS AND RECOMMENDATIONS. AT THE BOARD'S ELECTION, THE BOARD MAY EITHER MAIL, FAX, OR SEND BY ELECTRONIC TRANSMISSION SUCH FINDINGS AND RECOMMENDATIONS TO THE ADDRESS, PHONE NUMBER, OR ELECTRONIC ADDRESS SUPPLIED BY SAID TAXPAYER OR AGENT. UPON RECEIPT OF SUCH REQUEST, THE BOARD SHALL NOTIFY THE TAXPAYER OR AGENT OF THE ESTIMATED COST OF PROVIDING SUCH FINDINGS AND RECOMMENDATIONS, PAYMENT OF WHICH SHALL BE MADE PRIOR TO PROVIDING SUCH FINDINGS AND RECOMMENDATIONS. UPON PROVIDING SUCH FINDINGS AND RECOMMENDATIONS, THE BOARD MAY INCLUDE A BILL FOR THE REASONABLE COST ABOVE THE ESTIMATED COST AND UP TO THE STATUTORY MAXIMUM WHICH SHALL BE DUE AND PAYABLE UPON RECEIPT BY THE TAXPAYER OR AGENT.

(3) AT THE WRITTEN REQUEST OF ANY TAXPAYER OR ANY AGENT OF SUCH TAXPAYER AND SUBJECT TO SUCH CONFIDENTIALITY REQUIREMENTS AS PROVIDED BY LAW, the assessor ~~upon request~~, shall, WITHIN THREE WORKING DAYS AFTER RECEIPT OF SAID REQUEST, make available to the TAXPAYER OR AGENT THE DATA USED BY THE ASSESSOR IN DETERMINING THE ACTUAL VALUE OF ANY PROPERTY OWNED BY SUCH TAXPAYER. AT THE ASSESSOR'S ELECTION, THE ASSESSOR MAY EITHER MAIL, FAX, OR SEND BY ELECTRONIC TRANSMISSION TO THE ADDRESS, PHONE NUMBER, OR ELECTRONIC ADDRESS SUPPLIED BY SAID taxpayer ~~two working days prior to any hearing~~ all OR AGENT SUCH data. ~~supporting the assessor's valuation.~~ SUCH DATA SHALL INCLUDE BUT SHALL NOT BE LIMITED TO THE DATA DERIVED FROM THE DECLARATIONS FILED PURSUANT TO THE PROVISIONS OF ARTICLE 14 OF THIS TITLE AND CONFIDENTIAL DATA, PROVIDED THAT SUCH CONFIDENTIAL DATA SHALL BE PRESENTED IN SUCH A MANNER THAT THE SOURCE CANNOT BE IDENTIFIED. UPON RECEIPT OF SUCH REQUEST, THE ASSESSOR SHALL NOTIFY THE TAXPAYER OR AGENT OF THE ESTIMATED COST OF PROVIDING SUCH INFORMATION, PAYMENT OF WHICH SHALL BE MADE PRIOR TO PROVIDING SUCH INFORMATION. UPON PROVIDING SUCH INFORMATION, THE ASSESSOR MAY INCLUDE A BILL FOR THE REASONABLE COST ABOVE THE ESTIMATED COST AND UP TO THE STATUTORY MAXIMUM WHICH SHALL BE DUE AND PAYABLE UPON RECEIPT BY THE TAXPAYER OR AGENT.

**SECTION 7.** 39-9-105 (1), Colorado Revised Statutes, is amended to read:

**39-9-105. Certification of valuations for assessment.** (1) No later than ~~October 30~~ DECEMBER 20 of each year, the state board of equalization shall complete its review of the abstracts of assessment of the several counties of the state, and the ~~chairman~~ CHAIR of the state board of equalization shall thereupon certify to the assessor of each county a statement of the changes, if any, ordered by said board in the abstract of his OR HER county for the current taxable year and for the next succeeding taxable year and shall also return the abstract of assessment for the current taxable year to each county.

**SECTION 8. Effective date.** This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: June 1, 2000