

CHAPTER 90

TAXATION

HOUSE BILL 15-1008

BY REPRESENTATIVE(S) Hamner, Arndt, Court, Danielson, Duran, Fields, Ginal, Kagan, Lebsock, Lontine, Mitsch Bush, Pettersen, Ryden, Saine, Salazar, Singer, Vigil, Young;
 also SENATOR(S) Roberts, Aguilar, Baumgardner, Cooke, Crowder, Donovan, Garcia, Grantham, Johnston, Jones, Kefalas, Marble, Martinez Humenik, Merrifield, Newell, Scheffel, Scott, Sonnenberg, Woods, Cadman.

AN ACT**CONCERNING THE CLASSIFICATION OF AGRICULTURAL LAND WHEN THE LAND IS DESTROYED BY A NATURAL CAUSE.**

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

SECTION 1. In Colorado Revised Statutes, 39-1-103, **amend** (5) (c); and **add** (5) (e) and (5) (f) as follows:

39-1-103. Actual value determined - when. (5) (c) Except as provided in section 39-1-102 (14.4) (b) AND IN PARAGRAPHS (e) AND (f) OF THIS SUBSECTION (5), once any property is classified for property tax purposes, it shall remain so classified until such time as its actual use changes or the assessor discovers that the classification is erroneous. The property owner shall endeavor to comply with the reasonable requests of the assessor to supply information which cannot be ascertained independently but which is necessary to determine actual use and properly classify the property when the assessor has evidence that there has been a change in the use of the property. Failure to supply such information shall not be the sole reason for reclassifying the property. Any such request for such information shall be accompanied by a notice that states that failure on the part of the property owner to supply such information will not be used as the sole reason for reclassifying the property in question. Subject to the availability of funds under the assessor's budget for such purpose, no later than May 1 of each year, the assessor shall inform each person whose property has been reclassified from agricultural land to any other classification of property of the reasons for such reclassification including, but not limited to, the basis for the determination that the actual use of the property has changed or that the classification of such property is erroneous.

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

(e) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (e) AND IN PARAGRAPH (f) OF THIS SUBSECTION (5), IF A PARCEL OF LAND IS CLASSIFIED AS AGRICULTURAL LAND AS DEFINED IN SECTION 39-1-102 (1.6) AND THE PRODUCTIVITY OF SUCH PARCEL OF LAND IS DESTROYED BY A NATURAL CAUSE ON OR AFTER JANUARY 1, 2012, SO THAT, WERE IT NOT FOR THE DESTRUCTION OF THE PRODUCTIVITY OF THE LAND BY A NATURAL CAUSE, THE LAND WOULD HAVE QUALIFIED AS AGRICULTURAL LAND FOR THE FOLLOWING PROPERTY TAX YEAR, THE AGRICULTURAL LAND CLASSIFICATION SHALL REMAIN IN PLACE FOR THE YEAR OF DESTRUCTION AND THE FOUR SUBSEQUENT PROPERTY TAX YEARS SO LONG AS THE ASSESSOR RECEIVES EVIDENCE FROM THE OWNER THAT THE OWNER IS IN THE PROCESS OF REHABILITATING THE PRODUCTIVITY OF THE LAND FOR AGRICULTURAL USE. SUCH EVIDENCE INCLUDES, BUT IS NOT LIMITED TO, REMOVING DEBRIS, REMOVING CONTAMINANTS, RESTORING FENCES AND AGRICULTURAL STRUCTURES, RESEEDING, PROVIDING WATER FOR LIVESTOCK, OR CONTOURING THE LAND SUITABLE FOR AGRICULTURAL USE.

(II) THE AGRICULTURAL LAND CLASSIFICATION OF THE LAND DESCRIBED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (e) MUST CHANGE ACCORDING TO CURRENT USE IF:

(A) THE PRODUCTIVITY OF THE LAND IS NOT REHABILITATED FOR AGRICULTURAL USE PRIOR TO THE JANUARY 1 AFTER THE PERIOD DESCRIBED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (e), UNLESS THE PROPERTY OWNER PROVIDES DOCUMENTARY EVIDENCE TO THE ASSESSOR THAT DURING SUCH PERIOD A GOOD FAITH EFFORT WAS MADE TO REHABILITATE THE PRODUCTIVITY OF THE LAND FOR AGRICULTURAL USE BUT THAT ADDITIONAL TIME IS NECESSARY;

(B) THE ASSESSOR DETERMINES THAT THE CLASSIFICATION AT THE TIME OF DESTRUCTION OF THE PRODUCTIVITY OF THE LAND AS A RESULT OF A NATURAL CAUSE WAS ERRONEOUS; OR

(C) A CHANGE OF USE HAS OCCURRED. FOR PURPOSES OF THIS SUB-SUBPARAGRAPH (C), A CHANGE OF USE DOES NOT INCLUDE THE TEMPORARY LOSS OF AGRICULTURAL CLASSIFICATION OF THE LAND AS A RESULT OF THE DESTRUCTION OF THE PRODUCTIVITY OF THE LAND BY A NATURAL CAUSE.

(f) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (f), IF A PARCEL OF LAND IS CLASSIFIED AS AGRICULTURAL LAND AS DEFINED IN SECTION 39-1-102 (1.6) (a) (II) AND THE PRODUCTIVITY OF THE PARCEL OF LAND IS DESTROYED BY A NATURAL CAUSE ON OR AFTER JANUARY 1, 2012, SO THAT, WERE IT NOT FOR THE DESTRUCTION OF THE PRODUCTIVITY OF THE LAND BY A NATURAL CAUSE, THE LAND WOULD HAVE QUALIFIED AS AGRICULTURAL LAND FOR THE FOLLOWING PROPERTY TAX YEAR, THE AGRICULTURAL LAND CLASSIFICATION SHALL REMAIN IN PLACE NOTWITHSTANDING THE LENGTH OF THE REHABILITATION PERIOD SPECIFIED IN SUBPARAGRAPH (I) OF PARAGRAPH (e) OF THIS SUBSECTION (5) SO LONG AS THE OWNER IS IN COMPLIANCE WITH AN APPROVED FOREST MANAGEMENT PLAN AND IS ON THE LIST PROVIDED BY THE COLORADO STATE FOREST SERVICE AS HAVING SUCH A PLAN.

(II) THE AGRICULTURAL LAND CLASSIFICATION OF THE LAND DESCRIBED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (f) MUST CHANGE ACCORDING TO CURRENT

USE IF:

(A) THE ASSESSOR DETERMINES THAT THE CLASSIFICATION AT THE TIME OF DESTRUCTION OF THE PRODUCTIVITY OF THE LAND AS A RESULT OF A NATURAL CAUSE WAS ERRONEOUS; OR

(B) A CHANGE OF USE HAS OCCURRED. FOR PURPOSES OF THIS SUB-SUBPARAGRAPH (B), A CHANGE OF USE DOES NOT INCLUDE THE TEMPORARY LOSS OF AGRICULTURAL CLASSIFICATION OF THE LAND AS A RESULT OF THE DESTRUCTION OF THE PRODUCTIVITY OF THE LAND BY A NATURAL CAUSE.

SECTION 2. 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: April 10, 2015