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SENATE BILL 26-046

BY SENATOR(S) Frizell and Ball, Bridges, Carson, Catlin, Cutter, Exum, Jodeh, Kipp, Kirkmeyer, Marchman, Mullica, Roberts, Snyder, Coleman; also REPRESENTATIVE(S) Richardson and Zokaie, Bacon, Gonzalez R., Keltie, Marshall, Nguyen, Rutinel, Woodrow.

CONCERNING PROCEDURAL REQUIREMENTS FOR THE ADMINISTRATION OF PROPERTY TAX, AND, IN CONNECTION THEREWITH, MODIFYING DEADLINES AND CERTAIN REQUIREMENTS FOR TRANSMITTING INFORMATION RELATED TO TAXABLE PROPERTY.

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

SECTION 1. In Colorado Revised Statutes, 39-1-104.6, **amend** (7)(b)(II) as follows:

39-1-104.6. Qualified-senior primary residence real property - valuation for assessment - reimbursement to local governments for reduced valuation - temporary mechanism for refunding excess state revenues - legislative declaration - definitions.

(7) Notice of classification - appeal.

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(b) (II) An individual who has not timely filed an application with the assessor by ~~March 15~~ JULY 15 may file a late application no later than the ~~July 15~~ AUGUST 15 that immediately follows that deadline. The assessor shall accept any such application but may not accept any late application filed after ~~July 15~~ AUGUST 15. A decision of an assessor to disallow the filing of a late application after ~~July 15~~ AUGUST 15 or to grant or deny the classification to an applicant who has filed a late application after ~~March 15~~ ~~but no later than~~ July 15 BUT NO LATER THAN AUGUST 15 is final, and an applicant who is denied late filing or classification of property as qualified-senior primary residence real property may not contest the denial.

SECTION 2. In Colorado Revised Statutes, 39-1-111, **amend** (2) as follows:

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, or either group's authorized party 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, IN AN ELECTRONIC OR PAPER FORMAT.

SECTION 3. In Colorado Revised Statutes, 39-1-113, **amend** (1.5), (2), and (3) as follows:

39-1-113. Abatement and refund of taxes.

(1.5) Upon authorization by the board of county commissioners, the assessor may review petitions for abatement or refund and settle by written mutual agreement any such petition for abatement or refund in an amount of ~~ten~~ TWENTY thousand dollars or less per tract, parcel, or lot of land or per schedule of personal property. Any abatement or refund agreed upon and settled pursuant to this subsection (1.5) shall not be subject to the requirements of subsection (1) of this section.

(2) (a) Whenever any abatement or refund in an amount of ~~ten~~ TWENTY thousand dollars or less is recommended by the board of county commissioners, the board shall order the abatement of taxes pro rata for all

levies applicable to such property, or, in the case of a refund, the board shall order the refund of taxes pro rata by all jurisdictions receiving payment thereof.

(b) Whenever any abatement or refund in an amount of ~~ten~~ TWENTY thousand dollars or less has been agreed upon and settled by the assessor pursuant to subsection (1.5) of this section, the assessor shall order the abatement of taxes pro rata for all levies applicable to such property, or, in the case of a refund, the assessor shall order the refund of taxes pro rata by all jurisdictions receiving payment thereof.

(3) Whenever any abatement or refund in an amount in excess of ~~ten~~ TWENTY thousand dollars is recommended by the board of county commissioners, THE BOARD SHALL SUBMIT ~~two copies~~ ONE COPY of an application ~~therefor~~ FOR ABATEMENT OR REFUND IN AN ELECTRONIC OR PAPER FORMAT, reciting the amount of such abatement or refund and the grounds upon which it should be allowed, ~~shall be submitted~~ to the administrator for review pursuant to section 39-2-116; EXCEPT THAT, THE BOARD OF COUNTY COMMISSIONERS IS NOT REQUIRED TO SUBMIT AN APPLICATION TO THE ADMINISTRATOR IN THE CASE OF AN ABATEMENT OR REFUND CAUSED BY A VALUATION CHANGE TO ENSURE MATCHING VALUES WITHIN THE SAME REASSESSMENT CYCLE. If an application is approved, the board of county commissioners shall order the abatement of taxes pro rata for all levies applicable to such property, or, in the case of a refund, the board of county commissioners shall order the refund of taxes pro rata by all jurisdictions receiving payment thereof.

SECTION 4. In Colorado Revised Statutes, 39-2-109, **amend** (1)(e) and (1)(k); **repeal** (2); and **add** (1)(n) as follows:

39-2-109. Duties, powers, and authority.

(1) It is the duty of the property tax administrator, and the administrator shall have and exercise authority:

(e) To prepare and publish from time to time manuals, appraisal procedures, and instructions, after consultation with the advisory committee to the property tax administrator and the approval of the state board of equalization, concerning methods of appraising and valuing land, improvements, personal property, and mobile homes, and to require their

utilization by assessors in valuing and assessing taxable property. Said manuals, appraisal procedures, and instructions ~~shall~~ MUST be based upon the three approaches to appraisal and the procedures set forth in section 39-1-103 (5)(a). Such manuals, appraisal procedures, and instructions ~~shall be~~ ARE subject to legislative review, the same as rules, pursuant to section 24-4-103 (8)(d). ~~Beginning January 1, 2023, the administrator shall comply with subsection (2) of this section when modifying the manuals, appraisal procedures, and instructions.~~

(k) To prepare and publish guidelines, after consultation with the advisory committee to the property tax administrator and approval of the state board of equalization, concerning the audit and compliance review of oil and gas leasehold properties for property tax purposes, which ~~shall~~ MUST be utilized by assessors, treasurers, and their agents. Such guidelines ~~shall be~~ ARE subject to legislative review, the same as rules, pursuant to section 24-4-103 (8)(d). ~~Beginning January 1, 2023, the administrator shall comply with subsection (2) of this section when modifying the guidelines.~~

(n) TO PREPARE AND PUBLISH STANDARDIZED FORMS, INCLUDING A LETTER OF AUTHORIZATION, FOR ALL LEVELS OF PROPERTY TAX APPEALS AND TO DEVELOP AND PUBLISH GUIDELINES OR INSTRUCTIONS FOR THE USE OF THE FORMS. ACCORDING TO THE GUIDELINES OR INSTRUCTIONS PUBLISHED BY THE ADMINISTRATOR, NOTARIZATION OF THE FORMS IS NOT REQUIRED SO LONG AS ALTERNATIVE INDICIA OF RELIABILITY AND AUTHENTICITY ARE AVAILABLE.

(2) (a) ~~As used in this subsection (2), "property tax materials" means the manuals, appraisal procedures, instructions, and guidelines that the administrator prepares and publishes under the authority conferred by subsections (1)(c) and (1)(k) of this section.~~

(b) ~~Prior to proposing any changes to the property tax materials, the administrator shall conduct a public hearing described in subsection (2)(d) of this section. No less than two weeks prior to the hearing, the administrator shall publish notice of the proposed changes to the property tax materials. The administrator must include in the notice:~~

(i) ~~The date, time, and place of the hearing; and~~

(ii) ~~Either the terms or substance of the proposed change or a~~

~~description of the subjects and issues involved.~~

~~(c) The administrator shall maintain a list of all persons who request notification of proposed changes to the property tax materials. On or before the date of the publication of notice required by subsection (2)(b) of this section, the administrator shall provide notice via email of the proposed changes to all persons on the list. The administrator shall not charge a fee for sending this email notice. Upon request of a person on the list, the administrator may mail the notice to the person. Any person on the list who requests to receive a copy of the proposed changes by mail must pay a fee to the administrator that is set based upon the administrator's actual cost of copying and mailing the proposed changes to the person. All fees collected by the administrator are continuously appropriated to the administrator solely for the purpose of defraying the cost of the notice.~~

~~(d) At the place and time stated in the notice, the administrator shall hold a public hearing at which the administrator shall afford interested persons an opportunity to submit written data, views, or arguments and to present the same orally unless the administrator deems it unnecessary. The administrator shall consider all submissions when finalizing a proposed change to the property tax materials that the administrator submits to the advisory committee to the property tax administrator for the advisory committee's review in accordance with section 39-2-131 (1).~~

~~(e) The administrator shall adopt proposed changes to the property tax materials consistent with the subject matter as set forth in the notice required by subsection (2)(b) of this section prior to consideration by the advisory committee to the property tax administrator.~~

~~(f) Any interested person shall have the right to petition the administrator in writing for the issuance, amendment, or repeal of any property tax materials. The petition is open to public inspection. The administrator is not required to take any action based on a petition, but when the administrator proposes a change to the property tax materials, the administrator shall consider all related written petitions.~~

SECTION 5. In Colorado Revised Statutes, 39-2-115, **amend** (1)(a) as follows:

39-2-115. Review of abstracts of assessment - recommendations

- repeal.

(1) (a) No later than August 25 of each year, each county assessor shall file with the property tax administrator ~~two copies~~ ONE COPY of an abstract of assessment of the county IN AN ELECTRONIC OR PAPER FORMAT.

SECTION 6. In Colorado Revised Statutes, 39-2-125, **amend** (1) introductory portion and (1)(c) as follows:

39-2-125. Duties of the board - board of assessment appeals cash fund - creation - accelerated appeal cash fund - repeal.

(1) The board of assessment appeals shall perform the following duties, such performance to be in accordance with the applicable provisions of article 4 of title 24: ~~C.R.S.~~

(c) Hear appeals from decisions of county boards of equalization filed ~~not~~ NO later than THE LATER OF:

(I) SEPTEMBER 1;

(II) DECEMBER 1, IN A COUNTY THAT USES AN ALTERNATE PROTEST AND APPEAL PROCEDURE PURSUANT TO SECTION 39-5-122.7; OR

(III) Thirty days after the entry of ~~any such~~ THE decision, IF THE TAXPAYER WAS NOTIFIED OUTSIDE OF THE REGULAR NOTIFICATION SCHEDULE DESCRIBED IN SECTION 39-5-121;

SECTION 7. In Colorado Revised Statutes, 39-2-131, **amend** (3)(b) as follows:

39-2-131. Function of the committee - notice of proposed changes - property tax materials - definition.

(3) (b) As used in this subsection (3), "property tax materials" ~~has the same meaning as set forth in section 39-2-109 (2)(a)~~ MEANS THE MANUALS, APPRAISAL PROCEDURES, INSTRUCTIONS, AND GUIDELINES THAT THE ADMINISTRATOR PREPARES AND PUBLISHES UNDER THE AUTHORITY CONFERRED BY SECTIONS 39-2-109 (1)(e) AND (1)(k) OF THIS SECTION.

SECTION 8. In Colorado Revised Statutes, 39-3-205, **amend** (1)(b) as follows:

39-3-205. Exemption applications - penalty for providing false information - confidentiality.

(1) (b) To claim the exemption allowed by section 39-3-203 (1.5), an individual shall file with the assessor a completed exemption application and proof of qualifying veteran with a disability status no later than ~~July~~ JULY 15 of the first property tax year for which the exemption is claimed. An application returned by mail shall be deemed filed on the date it is postmarked. An individual who filed an exemption application with the division rather than with the assessor as was required before this subsection (1)(b) was amended by Senate Bill 23-036, enacted in 2023, and who qualified for and received an exemption for a property tax year commencing before January 1, 2024, retains the exemption and is not required to submit a new application or proof of qualifying veteran with a disability status to the assessor.

SECTION 9. In Colorado Revised Statutes, 39-3-206, **amend** (2)(a.7) as follows:

39-3-206. Notice to individuals returning incomplete or nonqualifying exemption applications - denial of exemption - administrative remedies.

(2) (a.7) An individual who wishes to claim the exemption for qualifying veterans with a disability allowed by section 39-3-203 (1.5), but who has not timely filed an exemption application, may request that the assessor waive the application deadline and allow the individual to file a late exemption application no later than the ~~August~~ AUGUST 15 that immediately follows the original application deadline. The assessor may accept an application if, in the assessor's sole discretion, the applicant shows good cause for not timely filing an application. If the assessor accepts a late application, the assessor shall determine whether the application should be granted or denied pursuant to subsection (1.5) of this section and shall mail notice of its determination to the applicant no later than the August 25 that immediately follows the late application deadline. A decision of the assessor to allow or disallow the filing of a late application or of an assessor to grant or deny an exemption to an applicant

who has filed a late application is final, and an applicant who is denied late filing or an exemption may not contest the denial.

SECTION 10. In Colorado Revised Statutes, 39-5-121, **amend** (1)(a)(I), (1.5)(a)(I), and (4)(a); and **add** (1.5)(a)(III) as follows:

39-5-121. Notice of valuation - legislative declaration - definition - repeal.

(1) (a) (I) No later than May 1 in each year, the assessor shall mail to each person who owns land or improvements a notice setting forth the valuation of such land or improvements. For agricultural property, the notice must separately state the actual value of such land or improvements in the previous year, the actual value in the current year, and the amount of any adjustment in actual value. For all other property, the notice must state the total actual value of such land and improvements together in the previous year, the total actual value in the current year, and the amount of any adjustment in total actual value. The notice must not state the valuation for assessment of such land or improvements or combination of land and improvements. Based upon the classification of such taxable property, the notice must also set forth the appropriate ratio of valuation for assessment to be applied to said actual value prior to the calculation of property taxes for the current year and that any change or adjustment of the ratio of valuation for assessment ~~must~~ DOES not constitute grounds for the protest or abatement of taxes. The notice must state, in bold-faced type, that the taxpayer has the right to protest any adjustment in valuation, the classification of the property that determines the assessment percentage to be applied, and the dates and places at which the assessor will hear such protest. The notice must also set forth the following: That, to preserve the taxpayer's right to protest, the taxpayer shall notify the assessor either in writing or in person of the taxpayer's objection and protest; that such notice must be delivered, postmarked, or given in person no later than ~~June 8~~ JUNE 1; and that, after such date, the taxpayer's right to object and protest the adjustment in valuation is lost. The notice must 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 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 does not constitute the exclusive means of appealing the assessor's valuation. For the years that intervene between changes in the level of

value, if the difference between the actual value of such land or improvements in the previous year and the actual value of such land or improvements in the intervening year as set forth in such notice constitutes an increase in actual value of more than seventy-five percent, the assessor shall mail together with the notice an explanation of the reasons for such increase in actual value.

(1.5) (a) (I) EXCEPT AS PROVIDED IN SUBSECTION (1.5)(a)(III) OF THIS SECTION FOR A COUNTY THAT USES AN ALTERNATE PROTEST AND APPEAL PROCEDURE PURSUANT TO SECTION 39-5-122.7, no later than June 15 each year, the assessor shall mail to each person who owns taxable personal property a notice setting forth the valuation of the personal property. The notice must 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 must not state the valuation for assessment of the personal property. The notice must 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 owed for the current property tax year. If such an estimate is included, the notice must clearly state that the tax amount is merely an estimate based upon the best available information. The notice must 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 protests. The notice must also set forth the following: To preserve the taxpayer's right to protest, the taxpayer shall notify the assessor either by mail or in person of the taxpayer's objection and protest; that the notice must be postmarked or physically delivered no later than June 30; and that, after such date, the taxpayer's right to object and protest the adjustment in valuation is lost. The notice must 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. 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 does not constitute the exclusive means of appealing the assessor's valuation.

(III) FOR A COUNTY THAT USES AN ALTERNATE PROTEST AND APPEAL PROCEDURE PURSUANT TO SECTION 39-5-122.7, NO LATER THAN JULY 15 EACH YEAR, THE ASSESSOR SHALL MAIL TO EACH PERSON WHO OWNS

TAXABLE PERSONAL PROPERTY A NOTICE SETTING FORTH THE VALUATION OF THE PERSONAL PROPERTY. THE NOTICE MUST 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 MUST NOT STATE THE VALUATION FOR ASSESSMENT OF THE PERSONAL PROPERTY. THE NOTICE MUST 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 OWED FOR THE CURRENT PROPERTY TAX YEAR. IF SUCH AN ESTIMATE IS INCLUDED, THE NOTICE MUST CLEARLY STATE THAT THE TAX AMOUNT IS MERELY AN ESTIMATE BASED UPON THE BEST AVAILABLE INFORMATION. THE NOTICE MUST STATE, IN BOLD-FACE 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 PROTESTS. THE NOTICE MUST ALSO SET FORTH THE FOLLOWING: TO PRESERVE THE TAXPAYER'S RIGHT TO PROTEST, THE TAXPAYER SHALL NOTIFY THE ASSESSOR EITHER BY MAIL OR IN PERSON OF THE TAXPAYER'S OBJECTION AND PROTEST; THAT THE NOTICE MUST BE POSTMARKED OR PHYSICALLY DELIVERED NO LATER THAN JULY 31; AND THAT, AFTER SAID DATE, THE TAXPAYER'S RIGHT TO OBJECT AND PROTEST THE ADJUSTMENT IN VALUATION IS LOST. THE NOTICE MUST 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. 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 DOES NOT CONSTITUTE THE EXCLUSIVE MEANS OF APPEALING THE ASSESSOR'S VALUATION.

(4) (a) Any notice of valuation required by subsections (1) and (1.5) of this section sent to the owner of any real property must include the following statement: "If a property owner does not timely object to their property's valuation by ~~June 8~~ JUNE 1 under section 39-5-122, ~~C.R.S.~~, they may file a request for an abatement under section 39-10-114 ~~C.R.S.~~, by contacting the county assessor."

SECTION 11. In Colorado Revised Statutes, 39-5-122, **amend** (1)(a), (2), and (4) as follows:

39-5-122. Taxpayer's remedies to correct errors.

(1) (a) On or before May 1 of each year, the assessor shall give public notice in at least one issue of a newspaper published in the assessor's county that, beginning on the first working day after notices of adjusted valuation are mailed to taxpayers, the assessor will sit to hear all objections and protests concerning valuations of taxable real property determined by the assessor for the current year; that, for a taxpayer's objection and protest to be heard, notice must be given to the assessor; and that such notice must be postmarked, delivered, or given in person by ~~June 8~~ JUNE 1. The notice must also state that objections and protests concerning valuations of taxable personal property determined by the assessor for the current year will be heard commencing June 15; that, for a taxpayer's objection and protest to be heard, notice must be given to the assessor; and that such notice must be postmarked or physically delivered by June 30 OR, FOR A COUNTY THAT USES AN ALTERNATE PROTEST AND APPEAL PROCEDURE PURSUANT TO SECTION 39-5-122.7, BY JULY 31. If there is no such newspaper, then such notice must be conspicuously posted in the offices of the assessor, the treasurer, and the county clerk and recorder and in at least two other public places in the county seat. The assessor shall send news releases containing such notice to radio stations, television stations, and newspapers of general circulation in the county.

(2) If any person is of the opinion that the person's property has been valued too high, has been twice valued, or is exempt by law from taxation or that property has been erroneously assessed to such person, the person may appear before the assessor and object, complete the form mailed with the person's notice of valuation pursuant to section 39-5-121 (1) or (1.5), or file a written letter of objection and protest by mail with the assessor's office before the last day specified in the notice, stating in general terms the reason for the objection and protest. Reasons for the objection and protest may include, but shall not be limited to, the installation and operation of surface equipment relating to oil and gas wells on agricultural land. Any change or adjustment of any ratio of valuation for assessment shall not constitute grounds for an objection. If the form initiating an appeal or the written letter of objection and protest is filed by mail, it shall be presumed that it was received as of the day it was postmarked. If the form initiating an appeal or the written letter of objection and protest is hand-delivered, the date it was received by the assessor shall be stamped on the form or letter. As stated in the public notice given by the assessor pursuant to subsection (1) of this

section, the taxpayer's notification to the assessor of the taxpayer's objection and protest to the adjustment in valuation must be delivered, postmarked, or given in person by ~~June 8~~ JUNE 1 in the case of real property. In the case of personal property, the notice must be postmarked or physically delivered by June 30; EXCEPT THAT, FOR A COUNTY THAT USES AN ALTERNATE PROTEST AND APPEAL PROCEDURE PURSUANT TO SECTION 39-5-122.7, THE NOTICE MUST BE POSTMARKED OR PHYSICALLY DELIVERED BY JULY 31. All such forms and letters received from protesters shall be presumed to be on time unless the assessor can present evidence to show otherwise. The county shall not prescribe the written form of objection and protest to be used. The protester shall have the opportunity on the days specified in the public notice to present the protester's objection in writing or protest in person and be heard, whether or not there has been a change in valuation of such property from the previous year and whether or not any change is the result of a determination by the assessor for the current year or by the state board of equalization for the previous year. If the assessor finds any valuation to be erroneous or otherwise improper, the assessor shall correct the error. If the assessor declines to change any valuation that the assessor has determined, the assessor shall provide reasons in writing on the form described in section 39-8-106, shall insert the information otherwise required by the form, and shall mail ~~two copies~~ ONE COPY of the completed form to the person presenting the objection and protest so denied on or before the last regular working day of the assessor in June in the case of real property and on or before July 10 in the case of personal property; except that, if a county uses an alternate protest and appeal procedure pursuant to section 39-5-122.7, the assessor shall mail the copies on or before August 15 in the case of both real and personal property.

(4) The assessor shall continue the assessor's hearings from day to day until all objections and protests have been heard, but all such hearings must be concluded by ~~June 8~~ JUNE 1 in the case of real property and ~~July 5~~ JUNE 30 in the case of personal property; EXCEPT THAT, FOR A COUNTY THAT USES AN ALTERNATE PROTEST AND APPEAL PROCEDURE PURSUANT TO SECTION 39-5-122.7, THE HEARINGS MUST BE CONCLUDED BY JULY 31 IN THE CASE OF PERSONAL PROPERTY.

SECTION 12. In Colorado Revised Statutes, 39-5-122.7, **amend** (1) and (4) as follows:

39-5-122.7. Alternate protest and appeal procedure for specified

counties.

(1) The governing body of any county may, at the request of the assessor, elect to use an alternate protest and appeal procedure to determine objections and protests concerning valuations of taxable REAL OR PERSONAL property. The election ~~shall~~ MUST not be made unless the assessor has requested the use of the alternative protest and appeal procedure. The election ~~shall~~ MUST be made on or before May 1 of each year and ~~shall be~~ IS effective for all objections and protests concerning valuations of taxable REAL OR PERSONAL property for the year. The governing body of the county shall provide notice of the election to the board of assessment appeals and to the district court in such county.

(4) Notwithstanding subsection (1) of this section, beginning January 1, 2024, counties with a population greater than three hundred thousand, as determined pursuant to the most recently published population estimates from the state demographer appointed by the executive director of the department of local affairs, shall in any year of general reassessment of real property that is valued biennially by an assessor pursuant to section 39-1-104 (10.2) use an alternative protest and appeal procedure to determine objections and protests concerning valuations of taxable REAL property. When following an alternative protest and appeal procedure pursuant to this subsection (4), the assessor shall issue any written determination regarding the objection and protest by the date specified in section 39-5-122 (2).

SECTION 13. In Colorado Revised Statutes, 39-5-123, **amend** (1)(a) and (2) as follows:

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 39, the assessor shall complete the assessment roll of all taxable property within the assessor's county, and, no later than August 25 in each year or no later than November 21 in each year in any county that uses an alternate protest and appeal procedure 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 the assessor's 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.

.....

(2) The assessor shall file, ~~two copies~~ IN AN ELECTRONIC OR PAPER FORMAT, ONE COPY 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 14. In Colorado Revised Statutes, 39-5-124, **amend** (1) as follows:

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, the assessor shall transmit, ~~two copies~~ IN ELECTRONIC OR PAPER FORMAT, ONE COPY thereof to the administrator. ~~and shall retain the third copy for endorsement of the tax warrant thereon~~

SECTION 15. In Colorado Revised Statutes, 39-8-107, **amend** (1) as follows:

39-8-107. Hearings on appeal.

(1) (a) 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 PETITIONER SHALL PAY the costs of producing the petitioner's witnesses, ~~shall be paid by the petitioner~~ and THE COUNTY SHALL PAY 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.

(b) (I) If the board denies the petition, in whole or in part, such written notice ~~shall~~ MUST 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~~ NO LATER THAN THE LATER OF:

(A) SEPTEMBER 1;

(B) DECEMBER 1, IN A COUNTY THAT USES AN ALTERNATE PROTEST AND APPEAL PROCEDURE PURSUANT TO SECTION 39-5-122.7; OR

(C) THIRTY DAYS AFTER THE ENTRY OF THE DENIAL, IF THE PETITIONER WAS NOTIFIED OUTSIDE OF THE REGULAR NOTIFICATION SCHEDULE DESCRIBED IN SECTION 39-5-121.

(II) Such notice ~~shall~~ MUST state that, if the appeal is to the board of assessment appeals, the hearing before the board of assessment appeals ~~shall~~ WILL 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~~ WILL be the basis for the court's decision. The phone number and address of the board of assessment appeals ~~shall~~ MUST also be included on the notice. The notice ~~shall~~ MUST 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~~ WILL 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~~ MUST 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~~ IS due and payable upon receipt by the taxpayer or agent.

SECTION 16. In Colorado Revised Statutes, 39-8-108, **amend** (1) as follows:

39-8-108. Decision - review - opportunity to submit case to arbitration.

(1)(a) If the county board of equalization grants a petition, in whole or in part, the assessor shall adjust the valuation accordingly; but, if the petition is denied, in whole or in part, the petitioner may appeal the valuation set by the assessor or, if the valuation is adjusted as a result of a decision of the county board of equalization, the adjusted valuation to the board of assessment appeals or to the district court of the county wherein the petitioner's property is located for a trial de novo, or the petitioner may submit the case to arbitration pursuant to the provisions of section 39-8-108.5. Such appeal or submission to arbitration ~~shall~~ MUST be taken no later than THE LATER OF:

(I) SEPTEMBER 1;

(II) DECEMBER 1, IN A COUNTY THAT USES AN ALTERNATE PROTEST AND APPEAL PROCEDURE PURSUANT TO SECTION 39-5-122.7; OR

(III) Thirty days after the date ~~such~~ THE denial was mailed pursuant to section 39-8-107 (2), IF THE PETITIONER WAS NOTIFIED OUTSIDE OF THE REGULAR NOTIFICATION SCHEDULE DESCRIBED IN SECTION 39-5-121.

(b) Any decision rendered by the county board of equalization ~~shall~~ MUST state that the petitioner has the right to appeal the decision of the county board to the board of assessment appeals or to the district court of

the county wherein the petitioner's property is located or to submit the case to arbitration and, to preserve such right, the time by which such appeal or submission to arbitration must be made. Any request by a taxpayer for a hearing before the board of assessment appeals ~~shall~~ MUST be accompanied by a nonrefundable filing fee in an amount specified in section 39-2-125 (1)(h). In addition, any request by a taxpayer for a hearing before the board of assessment appeals ~~shall~~ MUST be stamped with the date on which such request was received by the board. All such requests ~~shall be~~ ARE presumed to be on time unless the board can present evidence to show otherwise.

SECTION 17. In Colorado Revised Statutes, 39-8-108.5, **amend** (2)(a) as follows:

39-8-108.5. Arbitration of property valuations - arbitrators - qualifications - procedures.

(2) (a) (I) ~~Within thirty days of the county board of equalization's decision;~~ Any taxpayer who plans to pursue arbitration shall notify the board of ~~his~~ THE TAXPAYER'S intent NO LATER THAN THE LATER OF:

(A) SEPTEMBER 1;

(B) DECEMBER 1, IN A COUNTY THAT USES AN ALTERNATE PROTEST AND APPEAL PROCEDURE PURSUANT TO SECTION 39-5-122.7; OR

(C) THIRTY DAYS AFTER THE COUNTY BOARD OF EQUALIZATION'S DECISION, IF THE TAXPAYER WAS NOTIFIED OUTSIDE OF THE REGULAR NOTIFICATION SCHEDULE DESCRIBED IN SECTION 39-5-121.

(II) The taxpayer and the county board of equalization shall select an arbitrator from the list prepared pursuant to subsection (1) of this section within ~~forty-five~~ FIFTEEN days of the ~~county board of equalization's decision~~ NOTICE OF THE TAXPAYER'S INTENT TO PURSUE ARBITRATION or within thirty days from the date the list of arbitrators is made available in any given year, whichever is later. In the absence of agreement by the taxpayer and the county board of equalization within said specified time period, the district court of the county in which the property is located shall select an arbitrator from said list.

SECTION 18. Act subject to petition - effective date. Section

39-1-104.6, Colorado Revised Statutes, as amended in section 1 of this act, section 39-1-113, Colorado Revised Statutes, as amended in section 3 of this act, section 39-3-205, Colorado Revised Statutes, as amended in section 8 of this act, section 39-3-206, Colorado Revised Statutes, as amended in section 9 of this act, section 39-5-121, Colorado Revised Statutes, as amended in section 10 of this act, section 39-5-122, Colorado Revised Statutes, as amended in section 11 of this act, and section 39-5-122.7, Colorado Revised Statutes, as amended in section 12 of this act take effect January 1, 2027, and the remainder of this act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2026 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor; except that section 39-1-104.6, Colorado Revised Statutes, as amended in section 1 of this act, section 39-1-113, Colorado Revised Statutes, as amended in section 3 of this act, section 39-3-205, Colorado Revised Statutes, as amended in section 8 of this act, section 39-3-206, Colorado Revised Statutes, as amended in section 9 of this act, section 39-5-121, Colorado Revised Statutes, as amended in section 10 of this act, section 39-5-122, Colorado Revised Statutes, as amended in section 11 of this act, and section 39-5-122.7, Colorado Revised Statutes, as amended in

section 12 of this act take effect January 1, 2027, or on the date of the official declaration of the vote thereon by the governor, whichever is later.

James Rashad Coleman, Sr.
PRESIDENT OF
THE SENATE

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Esther van Mourik
SECRETARY OF
THE SENATE

Vanessa Reilly
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO