

**First Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 11-0168.01 Gregg Fraser

HOUSE BILL 11-1011

HOUSE SPONSORSHIP

Peniston,

SENATE SPONSORSHIP

Giron,

House Committees
Finance

Senate Committees
Local Government and Energy

A BILL FOR AN ACT

101 **CONCERNING THE PARTICIPATION OF ADDITIONAL INDIVIDUALS IN A**
102 **PROCEEDING PENDING BEFORE THE BOARD OF ASSESSMENT**
103 **APPEALS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

Current law allows one or more members of the board of assessment appeals (board) to conduct hearings on property tax appeals. The bill authorizes an additional board member to be added after a hearing to review the proceedings and render a decision in the event the

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

HOUSE
3rd Reading Unam ended
January 26, 2011

HOUSE
2nd Reading Unam ended
January 25, 2011

board members who conducted the hearing are unable to reach a decision.

The bill also allows the board to permit the intervention of another party in a matter pending before the board, subject to certain conditions.

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

2 **SECTION 1.** 39-2-127 (2), Colorado Revised Statutes, is
3 amended, and the said 39-2-127 is further amended BY THE ADDITION
4 OF A NEW SUBSECTION, to read:

5 **39-2-127. Board of assessment appeals meetings - proceedings**
6 **- representation before board.** (2) At the direction of the chairman and
7 with the agreement of the parties before the board, one or more of the
8 members of the board of assessment appeals may conduct hearings ~~which~~
9 ~~may be held~~ in Denver or in a county of closer location to the subject
10 property, administer oaths, examine witnesses, receive evidence, issue
11 subpoenas, and render preliminary decisions subject to concurrence and
12 modification by agreement of at least two members of the board. AN
13 ADDITIONAL BOARD MEMBER MAY BE ADDED AFTER A HEARING TO REVIEW
14 THE EVIDENCE AND HEARING TRANSCRIPT OR RECORDING AND RENDER A
15 DECISION IN THE EVENT THE BOARD MEMBERS WHO CONDUCTED THE
16 HEARING ARE UNABLE TO REACH A DECISION.

17 (5) THE BOARD MAY PERMIT, IN ITS DISCRETION AND UPON PRIOR
18 WRITTEN APPLICATION, THE INTERVENTION OF ANOTHER AFFECTED PARTY
19 IN A MATTER PENDING BEFORE THE BOARD. THE BOARD MAY LIMIT OR
20 RESTRICT THE PARTICIPATION OF AN INTERVENOR IN SUCH MANNER AS THE
21 BOARD, IN ITS DISCRETION, ORDERS.

22 **SECTION 2. Act subject to petition - effective date -**
23 **applicability.** (1) This act shall take effect at 12:01 a.m. on the day
24 following the expiration of the ninety-day period after final adjournment

1 of the general assembly (August 10, 2011, if adjournment sine die is on
2 May 11, 2011); except that, if a referendum petition is filed pursuant to
3 section 1 (3) of article V of the state constitution against this act or an
4 item, section, or part of this act within such period, then the act, item,
5 section, or part shall not take effect unless approved by the people at the
6 general election to be held in November 2012 and shall take effect on the
7 date of the official declaration of the vote thereon by the governor.

8 (2) The provisions of this act shall apply to appeals filed with the
9 board of assessment appeals on or after the applicable effective date of
10 this act.