

**First Regular Session  
Seventieth General Assembly  
STATE OF COLORADO**

**REVISED**

*This Version Includes All Amendments Adopted  
on Second Reading in the Second House*

LLS NO. 15-0128.01 Esther van Mourik x4215

**HOUSE BILL 15-1008**

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**HOUSE SPONSORSHIP**

**Hamner,**

**SENATE SPONSORSHIP**

**Roberts,**

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**House Committees**

Agriculture, Livestock, & Natural Resources  
Finance

**Senate Committees**

Local Government

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**A BILL FOR AN ACT**

101 **CONCERNING THE CLASSIFICATION OF AGRICULTURAL LAND WHEN**  
102 **THE LAND IS DESTROYED BY A NATURAL CAUSE.**

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**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>.)*

**Wildfire Matters Review Committee.** The bill specifies that if agricultural land is destroyed by a natural cause on or after January 1, 2012, so that, were it not for such destruction, the land would have qualified as agricultural land for the following property tax year, the agricultural land classification is to remain in place for the year of destruction and the 4 subsequent property tax years unless:

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.*

SENATE  
2nd Reading Unamended  
March 27, 2015

HOUSE  
3rd Reading Unamended  
February 25, 2015

HOUSE  
Amended 2nd Reading  
February 24, 2015

- ! The land is not rehabilitated for agricultural use before the end of the period;
- ! The assessor determines that the classification at the time of destruction by a natural cause was erroneous; or
- ! A change of use, other than the destruction by a natural cause, has occurred.

The bill makes an exception to the 5-year rehabilitation period applicable to other agricultural land if the land is defined as agricultural land because it is used to produce tangible wood products, but only if such land 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.

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

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

4           **39-1-103. Actual value determined - when.** (5) (c) Except as  
 5 provided in section 39-1-102 (14.4) (b) AND IN PARAGRAPHS (e) AND (f)  
 6 OF THIS SUBSECTION (5), once any property is classified for property tax  
 7 purposes, it shall remain so classified until such time as its actual use  
 8 changes or the assessor discovers that the classification is erroneous. The  
 9 property owner shall endeavor to comply with the reasonable requests of  
 10 the assessor to supply information which cannot be ascertained  
 11 independently but which is necessary to determine actual use and properly  
 12 classify the property when the assessor has evidence that there has been  
 13 a change in the use of the property. Failure to supply such information  
 14 shall not be the sole reason for reclassifying the property. Any such  
 15 request for such information shall be accompanied by a notice that states  
 16 that failure on the part of the property owner to supply such information  
 17 will not be used as the sole reason for reclassifying the property in  
 18 question. Subject to the availability of funds under the assessor's budget  
 19 for such purpose, no later than May 1 of each year, the assessor shall

1 inform each person whose property has been reclassified from  
2 agricultural land to any other classification of property of the reasons for  
3 such reclassification including, but not limited to, the basis for the  
4 determination that the actual use of the property has changed or that the  
5 classification of such property is erroneous.

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

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

26 (A) THE PRODUCTIVITY OF THE LAND IS NOT REHABILITATED FOR  
27 AGRICULTURAL USE PRIOR TO THE JANUARY 1 AFTER THE PERIOD

1 DESCRIBED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (e), UNLESS THE  
2 PROPERTY OWNER PROVIDES DOCUMENTARY EVIDENCE TO THE ASSESSOR  
3 THAT DURING SUCH PERIOD A GOOD FAITH EFFORT WAS MADE TO  
4 REHABILITATE THE PRODUCTIVITY OF THE LAND FOR AGRICULTURAL USE  
5 BUT THAT ADDITIONAL TIME IS NECESSARY;

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

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

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

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

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

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

12           **SECTION 2. Safety clause.** The general assembly hereby finds,  
13 determines, and declares that this act is necessary for the immediate  
14 preservation of the public peace, health, and safety.