

**DEPARTMENT OF LOCAL AFFAIRS
BOARD OF ASSESSMENT APPEALS
8 CCR 1301-1**

NOTICE OF PROPOSED PERMANENT RULEMAKING HEARING

Rule 11: Notice of Hearing, Exchange of Documentary Evidence and Other Discovery

Pursuant to and in compliance with Title 39, Article 2 and Title 24, Article 4, C.R.S. as amended, notice of proposed rulemaking is hereby given, including notice to the Attorney General of the State of Colorado and to all persons who have requested to be advised of the intention of the Colorado Board of Assessment Appeals (the "Board") to promulgate rules, or to amend, repeal or repeal and re-enact the present rules of the Board.

STATEMENT OF BASIS

The statutory basis for the rules titled PROCEDURES OF PRACTICE AND PROCEDURES OF REVIEW is Section 39-2-125(1)(a), Colorado Revised Statutes, as amended.

STATEMENT OF PURPOSE

The purpose of this rulemaking hearing is to modify Rule 11: Notice of Hearing, Exchange of Documentary Evidence and Other Discovery.

SPECIFIC PURPOSE OF THIS RULEMAKING

The specific purpose of this rulemaking hearing is to amend Rule 11: Notice of Hearing, Exchange of Documentary Evidence and Other Discovery as follows:

Proposed Amended Rules

[Deleted material shown ~~struck through~~, new material shown ALL CAPS. Rules which are unaffected are not reproduced. Readers are advised to obtain a copy of the complete rules of the Board at: www.dola.colorado.gov/baa

- Rule 11 (a) The Board shall mail a notice of hearing to all parties at least ~~30~~ **60** calendar days prior to the hearing.
- Rule 11 (b) All parties shall exchange all documentation (supply exhibits, including any audio, video or photographic evidence and a list of witnesses) at least ~~10-business~~ **30 CALENDAR** days prior to the hearing. ~~Three-business~~ **TEN CALENDAR DAYS** prior to the hearing all reply documentation pertaining to the evidence submitted in the ~~10-business~~ **30 CALENDAR** day exchange of documentation must be exchanged with all parties. Four copies are to be filed with the Board and one copy is to be served on each party and intervenor. All documentary evidence exchanged or filed with the Board shall be paginated. **IF A DUE DATE UNDER THIS RULE 11(B) FALLS ON A SATURDAY, SUNDAY, OR LEGAL HOLIDAY, THE DUE DATE IS DELAYED UNTIL THE NEXT BUSINESS DAY.**

- Rule 11 (c) The Board will not accept any information **NOT** submitted ~~within the 10 business days prior to the hearing~~ **BY THE DUE DATE IN RULE 11(B)** except as otherwise required by these rules or as the interests of justice and fairness dictate in the Board's discretion.
- Rule 11 (d) Any party or intervenor may move for an order permitting discovery under the Colorado Rules of Civil Procedure Rules 26 through 37. Permission to conduct discovery under the Colorado Rules of Civil Procedure shall not excuse compliance with paragraph (b) of this rule. **IN APPEALS THAT ONLY INVOLVE NON-RESIDENTIAL COMMERCIAL REAL PROPERTY OR MULTI-FAMILY RESIDENTIAL REAL PROPERTY WITH MORE THAN 20 UNITS, ANY PARTY OR INTERVENOR MAY SERVE REQUESTS FOR PRODUCTION OF DOCUMENTS AND REQUESTS TO PERMIT ENTRY UPON LAND OR OTHER PROPERTY ON ANY OTHER PARTY IN ACCORDANCE WITH RULE 34 OF THE COLORADO RULES OF CIVIL PROCEDURE AT LEAST 60 CALENDAR DAYS PRIOR TO THE HEARING WITHOUT FILING A MOTION FOR PERMISSION TO CONDUCT DISCOVERY WITH THE BOARD.** Discovery materials under the Colorado Rules of Civil Procedure shall not be filed with the Board. Discovery materials shall be filed in connection with discovery motions when pertinent and material to the proceedings and when used in a hearing.

A hearing on the above subject matter will be held on Tuesday, July 16, 2013, at 1313 Sherman Street, Room 318, Denver, CO 80203 beginning at 9:00 a.m.

Any interested person may participate in the rule making through submission of written data, views and arguments to the Board of Assessment Appeals. Persons are requested to submit data, views and arguments to the Board of Assessment Appeals in writing no less than ten (10) days prior to the hearing date and time set forth above. However, all data, views and arguments submitted prior to or at the rulemaking hearing or prior to the closure of the rulemaking record (if different from the date and time of hearing), shall be considered.

Please be advised that the rule being considered is subject to further changes and modifications after public comment and formal hearing.