

Second Regular Session
Sixty-fifth General Assembly
STATE OF COLORADO

REREVISED

LLS NO. R06-0582.01 Jason Gelender

SCR06-001

SENATE SPONSORSHIP

Evans,

HOUSE SPONSORSHIP

Gallegos,

Senate Committees

State, Veterans & Military Affairs
Appropriations

House Committees

Finance
Appropriations

SENATE CONCURRENT RESOLUTION 06-001

101 SUBMITTING TO THE REGISTERED ELECTORS OF THE STATE OF
102 COLORADO AN AMENDMENT TO SECTION 3.5 OF ARTICLE X OF
103 THE CONSTITUTION OF THE STATE OF COLORADO, CONCERNING
104 THE EXTENSION OF THE EXISTING PROPERTY TAX EXEMPTION
105 FOR QUALIFYING SENIORS TO ANY UNITED STATES MILITARY
106 VETERAN WHO IS ONE HUNDRED PERCENT PERMANENTLY
107 DISABLED DUE TO A SERVICE-CONNECTED DISABILITY, AND,
108 IN CONNECTION THEREWITH, AUTHORIZING THE STATE TO
109 RETAIN AND SPEND EXCESS STATE REVENUES ABOVE THE
110 STATUTORY EXCESS STATE REVENUES CAP IN AN AMOUNT EQUAL
111 TO THE AMOUNT PAID ANNUALLY BY THE STATE TO
112 COMPENSATE EACH LOCAL GOVERNMENTAL ENTITY THAT
113 RECEIVES PROPERTY TAX REVENUES FOR THE NET AMOUNT OF

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 Unamended
May 8, 2006

HOUSE
Amended 2nd Reading
May 1, 2006

SENATE
3rd Reading Unamended
April 19, 2006

SENATE
Amended 2nd Reading
April 18, 2006

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**PROPERTY TAX REVENUES LOST AS A RESULT OF THE PROPERTY
TAX EXEMPTION FOR QUALIFYING SENIORS AND DISABLED
VETERANS.**

Resolution Summary

(Note: This summary applies to this resolution as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

For property tax years commencing on or after January 1, 2007, extends the existing property tax exemption for qualifying seniors to any United States military veteran, including any member of the Colorado national guard who has been ordered into the active military service of the United States, who is 100% permanently disabled due to a service-connected disability. Requires the state to compensate local governments for property tax revenues lost as a result of the exemption, and excludes the compensation paid from state fiscal year spending for purposes of the taxpayer's bill of rights.

Defines a term.

1 *Be It Resolved by the Senate of the Sixty-fifth General Assembly of*
2 *the State of Colorado, the House of Representatives concurring herein:*

3 **SECTION 1.** At the next election at which such question may be
4 submitted, there shall be submitted to the registered electors of the state
5 of Colorado, for their approval or rejection, the following amendment to
6 the constitution of the state of Colorado, to wit:

7 Section 3.5 (1) and (3) of article X of the constitution of the state
8 of Colorado is amended, and the said section 3.5 is further amended BY
9 THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to
10 read:

11 **Section 3.5. Homestead exemption for qualifying senior**
12 **citizens and disabled veterans.** (1) For property tax years commencing
13 on or after January 1, 2002, fifty percent of the first two hundred

1 thousand dollars of actual value of residential real property, as defined by
2 law, that, as of the assessment date, is owner-occupied and is used as the
3 primary residence of the owner-occupier shall be exempt from property
4 taxation if:

5 (a) The owner-occupier is sixty-five years of age or older as of the
6 assessment date and has owned and occupied such residential real
7 property as his or her primary residence for the ten years immediately
8 preceding the assessment date; ~~or~~

9 (b) The owner-occupier is the spouse or surviving spouse of an
10 owner-occupier who previously qualified for a property tax exemption for
11 the same residential real property under paragraph (a) of this subsection
12 (1); OR

13 (c) FOR PROPERTY TAX YEARS COMMENCING ON OR AFTER
14 JANUARY 1, 2007, ONLY, THE OWNER-OCCUPIER, AS OF THE ASSESSMENT
15 DATE, IS A DISABLED VETERAN.

16 (1.3) AN OWNER-OCCUPIER MAY CLAIM ONLY ONE EXEMPTION PER
17 PROPERTY TAX YEAR EVEN IF THE OWNER-OCCUPIER QUALIFIES FOR AN
18 EXEMPTION UNDER BOTH PARAGRAPH (c) OF SUBSECTION (1) OF THIS
19 SECTION AND EITHER PARAGRAPH (a) OR PARAGRAPH (b) OF SUBSECTION
20 (1) OF THIS SECTION.

21 (1.5) FOR PURPOSES OF THIS SECTION, "DISABLED VETERAN"
22 MEANS AN INDIVIDUAL WHO HAS SERVED ON ACTIVE DUTY IN THE UNITED
23 STATES ARMED FORCES, INCLUDING A MEMBER OF THE COLORADO
24 NATIONAL GUARD WHO HAS BEEN ORDERED INTO THE ACTIVE MILITARY
25 SERVICE OF THE UNITED STATES, HAS BEEN SEPARATED THEREFROM
26 UNDER HONORABLE CONDITIONS, AND HAS ESTABLISHED A
27 SERVICE-CONNECTED DISABILITY THAT HAS BEEN RATED BY THE FEDERAL

1 DEPARTMENT OF VETERANS AFFAIRS AS ONE HUNDRED PERCENT
2 PERMANENT DISABILITY THROUGH DISABILITY RETIREMENT BENEFITS OR
3 A PENSION PURSUANT TO A LAW OR REGULATION ADMINISTERED BY THE
4 DEPARTMENT, THE DEPARTMENT OF HOMELAND SECURITY, OR THE
5 DEPARTMENT OF THE ARMY, NAVY, OR AIR FORCE.

6 (3) For any property tax year commencing on or after January 1,
7 2002, the general assembly shall compensate each local governmental
8 entity that receives property tax revenues for the net amount of property
9 tax revenues lost as a result of the property tax exemption provided for
10 in this section. For purposes of section 20 of article X of this
11 constitution, such compensation shall not be included in local
12 government fiscal year spending. ~~and approval~~ APPROVAL of this section
13 by the voters statewide shall constitute a voter-approved revenue change
14 to allow the maximum amount of state fiscal year spending for the
15 2001-02 state fiscal year to be increased by forty-four million one
16 hundred twenty-three thousand six hundred four dollars and to include
17 said amount in state fiscal year spending for said state fiscal year for the
18 purpose of calculating subsequent state fiscal year spending limits;
19 EXCEPT THAT, FOR THE 2006-07 STATE FISCAL YEAR AND FOR EACH STATE
20 FISCAL YEAR THEREAFTER, COMPENSATION PAID TO EACH LOCAL
21 GOVERNMENTAL ENTITY THAT RECEIVES PROPERTY TAX REVENUES FOR
22 THE NET AMOUNT OF PROPERTY TAX REVENUES LOST AS A RESULT OF THE
23 PROPERTY TAX EXEMPTION PROVIDED FOR IN THIS SECTION SHALL NOT BE
24 INCLUDED IN STATE FISCAL YEAR SPENDING, AND THE STATE SHALL
25 INSTEAD BE PERMITTED TO RETAIN AND SPEND REVENUES ABOVE THE
26 EXCESS STATE REVENUES CAP FOR THE FISCAL YEAR CALCULATED
27 PURSUANT TO SECTION 24-77-103.6 (6) (b) (I) (B), COLORADO REVISED

1 STATUTES, AS THAT SECTION EXISTED ON THE EFFECTIVE DATE OF THIS
2 SUBSECTION (3), AS AMENDED, IN AN AMOUNT EQUAL TO THE AMOUNT OF
3 SUCH COMPENSATION PAID DURING THE FISCAL YEAR. Payments made
4 from the state general fund to compensate local governmental entities for
5 property tax revenues lost as a result of the property tax exemption
6 provided for in this section shall not be subject to any statutory limitation
7 on general fund appropriations because the enactment of this section by
8 the people of Colorado constitutes voter approval of a weakening of any
9 such limitation.

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11 **SECTION 2.** Each elector voting at said election and desirous of
12 voting for or against said amendment shall cast a vote as provided by law
13 either "Yes" or "No" on the proposition: "AN AMENDMENT TO SECTION
14 3.5 OF ARTICLE X OF THE CONSTITUTION OF THE STATE OF COLORADO,
15 CONCERNING THE EXTENSION OF THE EXISTING PROPERTY TAX EXEMPTION
16 FOR QUALIFYING SENIORS TO ANY UNITED STATES MILITARY VETERAN
17 WHO IS ONE HUNDRED PERCENT PERMANENTLY DISABLED DUE TO A
18 SERVICE-CONNECTED DISABILITY, AND, IN CONNECTION THEREWITH,
19 AUTHORIZING THE STATE TO RETAIN AND SPEND EXCESS STATE REVENUES
20 ABOVE THE STATUTORY EXCESS STATE REVENUES CAP IN AN AMOUNT
21 EQUAL TO THE AMOUNT PAID ANNUALLY BY THE STATE TO COMPENSATE
22 EACH LOCAL GOVERNMENTAL ENTITY THAT RECEIVES PROPERTY TAX
23 REVENUES FOR THE NET AMOUNT OF PROPERTY TAX REVENUES LOST AS A
24 RESULT OF THE PROPERTY TAX EXEMPTION FOR QUALIFYING SENIORS AND
25 DISABLED VETERANS?"

26 **SECTION 3.** The votes cast for the adoption or rejection of said
27 amendment shall be canvassed and the result determined in the manner

1 provided by law for the canvassing of votes for representatives in
2 Congress, and if a majority of the electors voting on the question shall
3 have voted "Yes", the said amendment shall become a part of the state
4 constitution.