HOUSE CONCURRENT RESOLUTION 10-1005

BY REPRESENTATIVE(S) Baumgardner, Acree, Gerou, Kerr J., Lambert, Liston, Priola, Rice, Roberts, Sonnenberg, Tipton, Kagan; also SENATOR(S) Kopp.

SUBMITTING TO THE REGISTERED ELECTORS OF THE STATE OF COLORADO AN AMENDMENT TO SECTION 3 (1) (b) OF ARTICLE X OF THE CONSTITUTION OF THE STATE OF COLORADO, CONCERNING AN EXEMPTION FROM PROPERTY TAXATION FOR A POSSESSORY INTEREST IN REAL PROPERTY IF THE ACTUAL VALUE OF THE INTEREST IS LESS THAN OR EQUAL TO SIX THOUSAND DOLLARS OR SUCH AMOUNT ADJUSTED FOR INFLATION.

Be It Resolved by the House of Representatives of the Sixty-seventh General Assembly of the State of Colorado, the Senate concurring herein:

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

Section 3 (1) (b) of article X of the constitution of the state of Colorado is amended to read:
Section 3. Uniform taxation - exemptions. (1) (b) (I) Residential real property, which shall include all residential dwelling units and the land, as defined by law, on which such units are located, and mobile home parks, but shall not include hotels and motels, shall be valued for assessment at twenty-one percent of its actual value. For the property tax year commencing January 1, 1985, the general assembly shall determine the percentage of the aggregate statewide valuation for assessment which is attributable to residential real property. For each subsequent year, the general assembly shall again determine the percentage of the aggregate statewide valuation for assessment which is attributable to each class of taxable property, after adding in the increased valuation for assessment attributable to new construction and to increased volume of mineral and oil and gas production. For each year in which there is a change in the level of value used in determining actual value, the general assembly shall adjust the ratio of valuation for assessment for residential real property which is set forth in this paragraph (b) as is necessary to insure that the percentage of the aggregate statewide valuation for assessment which is attributable to residential real property shall remain the same as it was in the year immediately preceding the year in which such change occurs. Such adjusted ratio shall be the ratio of valuation for assessment for residential real property for those years for which such new level of value is used. In determining the adjustment to be made in the ratio of valuation for assessment for residential real property, the aggregate statewide valuation for assessment that is attributable to residential real property shall be calculated as if the full actual value of all owner-occupied primary residences that are partially exempt from taxation pursuant to section 3.5 of this article was subject to taxation. All other taxable property shall be valued for assessment at twenty-nine percent of its actual value. However, the valuation for assessment for producing mines, as defined by law, and lands or leaseholds producing oil or gas, as defined by law, shall be a portion of the actual annual or actual average annual production therefrom, based upon the value of the unprocessed material, according to procedures prescribed by law for different types of minerals. Non-producing unpatented mining claims, which are possessory interests in real property by virtue of leases from the United States of America, shall be exempt from property taxation. Other possessory interests in real property shall be exempt from property taxation as specified in subparagraph (II) of this paragraph (b).

(II) (A) For the property tax year commencing on January 1,
2012, A POSSESSORY INTEREST IN REAL PROPERTY SHALL BE EXEMPT FROM
THE LEVY AND COLLECTION OF PROPERTY TAX IF THE ACTUAL VALUE OF
SUCH POSSESSORY INTEREST IN REAL PROPERTY IS LESS THAN OR EQUAL TO
SIX THOUSAND DOLLARS.

(B) FOR PROPERTY TAX YEARS COMMENCING ON OR AFTER JANUARY
1, 2013, A POSSESSORY INTEREST IN REAL PROPERTY SHALL BE EXEMPT FROM
THE LEVY AND COLLECTION OF PROPERTY TAX IF THE ACTUAL VALUE OF
SUCH POSSESSORY INTEREST IN REAL PROPERTY IS LESS THAN OR EQUAL TO
SIX THOUSAND DOLLARS ADJUSTED BIENNIA LLY TO ACCOUNT FOR INFLATION
AS DEFINED IN SECTION 20 (2) (f) OF ARTICLE X OF THIS CONSTITUTION. ON
OR BEFORE NOVEMBER 1, 2012, AND ON OR BEFORE NOVEMBER 1 OF EACH
EVEN-NUMBERED YEAR THEREAFTER, THE PROPERTY TAX ADMINISTRATOR
SHALL CALCULATE THE AMOUNT OF THE EXEMPTION FOR THE NEXT
TWO-YEAR CYCLE USING INFLATION FOR THE PRIOR TWO CALENDAR YEARS
AS OF THE DATE OF THE CALCULATION. THE ADJUSTED EXEMPTION SHALL BE
ROUNDED UPWARD TO THE NEAREST ONE-HUNDRED-DOLLAR INCREMENT.
THE ADMINISTRATOR SHALL CERTIFY THE AMOUNT OF THE EXEMPTION FOR
THE NEXT TWO-YEAR CYCLE AND PUBLISH THE AMOUNT IN A MANNER
PROVIDED BY LAW.

SECTION 2. Each elector voting at said election and desirous of
voting for or against said amendment shall cast a vote as provided by law
either "Yes" or "No" on the proposition: "SHALL THERE BE AN AMENDMENT
TO SECTION 3 (1) (b) OF ARTICLE X OF THE CONSTITUTION OF THE STATE OF
COLORADO, CONCERNING AN EXEMPTION FROM PROPERTY TAXATION FOR A
POSSESSORY INTEREST IN REAL PROPERTY IF THE ACTUAL VALUE OF THE
INTEREST IS LESS THAN OR EQUAL TO SIX THOUSAND DOLLARS OR SUCH
AMOUNT ADJUSTED FOR INFLATION?"

SECTION 3. The votes cast for the adoption or rejection of said
amendment shall be canvassed and the result determined in the manner
provided by law for the canvassing of votes for representatives in Congress,
and if a majority of the electors voting on the question shall have voted "Yes", the said amendment shall become a part of the state constitution.

Terrance D. Carroll  Brandon C. Shaffer
SPEAKER OF THE HOUSE  PRESIDENT OF
OF REPRESENTATIVES  THE SENATE

Marilyn Eddins  Karen Goldman
CHIEF CLERK OF THE HOUSE  SECRETARY OF
OF REPRESENTATIVES  THE SENATE