

Proposed Initiative  
#95  
Amended  
Text

~~INITIATIVE TO INCREASE VALUATION FOR ASSESSMENT OF NON-RESIDENTIAL  
PROPERTY UNDER ARTICLE X, SECTION 3 OF COLORADO CONSTITUTION~~

~~Purpose and Explanation: This ballot initiative would amend article X, section 3, of the Colorado constitution (the "Gallagher Amendment") by increasing the valuation for assessment of non-residential real property from 29 percent to 34 percent of its actual value, by providing that such an increase would not result in an increase in property tax on residential real property, and by providing that any increase in revenues or expenditures attributable to the increase in valuation for assessment of non-residential real property would not be subject to the limitations of article X, section 20.~~

~~Proposed Initiative: Be it Enacted by the People of the State of Colorado:~~

~~SECTION 1. Article X, section 3, subsection 1(b), Section 3(1)(b) of article X of the constitution of the state of Colorado is amended, and the said section 3 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:~~

~~**Section 3. Uniform taxation – exemptions.** (1)(b) 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.~~ ALL TAXABLE REAL PROPERTY OTHER THAN RESIDENTIAL REAL PROPERTY SHALL BE VALUED FOR ASSESSMENT AT THIRTY-FOUR (34) 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.

~~SECTION 2. Article X, section 3, of the constitution of the State of Colorado is amended BY THE ADDITION OF NEW SECTIONS to read:~~

~~(3) The general assembly shall adjust the "residential rate" and the "target percentage" in section 39-1-104.2 of the Colorado Revised Statutes so that the increase in the valuation for assessment of non-residential real property from twenty-nine to thirty-four percent provided by subsection 2 of this section does not result in an increase in property tax on residential real property. (4)(3) ANY ADDITIONAL REVENUES, APPROPRIATIONS, OR EXPENDITURES ATTRIBUTABLE TO THE INCREASE IN THE VALUATION FOR ASSESSMENT OF NON-RESIDENTIAL real PROPERTY FROM TWENTY-NINE TO THIRTY-FOUR PERCENT SHALL NOT BE SUBJECT TO THE LIMITATIONS OF SECTION 20 OF ARTICLE X, section 20, OF the Colorado THIS CONSTITUTION, OR ANY OTHER REVENUE OR SPENDING LIMITATION EXISTING IN LAW CURRENT LAW OR SUBSEQUENTLY ENACTED BY THE GENERAL ASSEMBLY.~~

~~(5) This amendment to article X, section 3, of the Colorado constitution shall take effect upon proclamation of the vote by the governor.~~

~~(4) THE INCREASE IN VALUATION FOR ASSESSMENT OF NON-RESIDENTIAL PROPERTY SPECIFIED IN SUBSECTION 1(B) SHALL TAKE EFFECT IN THE FIRST PROPERTY TAX YEAR AFTER THE EFFECTIVE DATE OF THIS AMENDMENT.~~



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April 25, 2008

BY E-MAIL AND FIRST CLASS MAIL

Kirk Mlinek, Director  
Colorado Legislative Council Staff  
Room 029, State Capitol Building  
Denver, CO 80203

RECEIVED  
APR 25 2008  
ELECTIONS  
SECRETARY OF STATE  
DJB  
1:25 P.M.  
KM

Re: Revised Proposed Initiative Measure 2007-2008 #95,  
concerning taxable value and taxes of property

Dear Mr. Mlinek:

On behalf of the proponents, I am submitting the revised form of the attached initiative in the form it is being submitted today, by hand-delivery, to the Secretary of State for a Title Board Hearing. This initiative was originally filed on March 31, 2008, with Legislative Council Staff. The review and comment hearing was held on April 14, 2008.

We believe the revisions are in accordance with the comments made by Legislative Council Staff and do not raise any new issues warranting a further review and comment hearing. Therefore, we request that a waiver letter be issued. In any event, should you determine that a further hearing is necessary, I understand that it would be on May 9, 2008.

The proponents of this initiative are Ernest L. Duran, Jr., and Irene Goodell. Their addresses and other information are as follows:

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United Food & Commercial Workers, Local 7  
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**Berenbaum, Weinshienk & Eason P. C.**

Kirk Mlinek, Director  
Colorado Legislative Council Staff  
April 25, 2008  
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Please direct all correspondence related to this initiative to me. Thanks for your cooperation and consideration.

Sincerely,

BERENBAUM, WEINSHIENK & EASON, P.C.



Michael J. Belo

Enclosure: Revised Proposed Initiative Measure 2007-2008 #95

cc: Ernest L. Duran, Jr.  
Irene Goodell

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APR 25 2008

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