

Second Regular Session  
Seventieth General Assembly  
STATE OF COLORADO

ENGROSSED

LLS NO. R16-0304.01 Esther van Mourik x4215

SCR16-002

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SENATE CONCURRENT RESOLUTION 16-002

101     SUBMITTING TO THE REGISTERED ELECTORS OF THE STATE OF  
102        COLORADO AN AMENDMENT TO THE COLORADO CONSTITUTION  
103        CONCERNING AN EXEMPTION FROM PROPERTY TAXATION FOR A  
104        POSSESSORY INTEREST IN REAL PROPERTY IF THE ACTUAL  
105        VALUE OF THE INTEREST IS LESS THAN OR EQUAL TO SIX  
106        THOUSAND DOLLARS OR SUCH AMOUNT ADJUSTED FOR  
107        INFLATION.

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Resolution Summary

*(Note: This summary applies to this resolution as introduced and does not reflect any amendments that may be subsequently adopted. If this resolution passes third reading in the house of introduction, a resolution summary that applies to the reengrossed version of this resolution will be available at <http://www.leg.state.co.us/billsummaries>.)*

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  
April 28, 2016

For property tax years commencing on or after January 1, 2018, the concurrent resolution creates an exemption from property taxation for possessory interests in real property with specified actual values.

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

3           **SECTION 1.** At the election held on November 8, 2016, the  
4           secretary of state shall submit to the registered electors of the state the  
5           ballot title set forth in section 2 for the following amendment to the state  
6           constitution:

7           In the constitution of the state of Colorado, section 3 of article X,  
8           **amend** (1) (b) as follows:

9           **Section 3. Uniform taxation - exemptions.**

10           (1) (b) (I) Residential real property, which shall include all residential  
11           dwelling units and the land, as defined by law, on which such units are  
12           located, and mobile home parks, but shall not include hotels and motels,  
13           shall be valued for assessment at twenty-one percent of its actual value.  
14           For the property tax year commencing January 1, 1985, the general  
15           assembly shall determine the percentage of the aggregate statewide  
16           valuation for assessment which is attributable to residential real property.  
17           For each subsequent year, the general assembly shall again determine the  
18           percentage of the aggregate statewide valuation for assessment which is  
19           attributable to each class of taxable property, after adding in the increased  
20           valuation for assessment attributable to new construction and to increased  
21           volume of mineral and oil and gas production. For each year in which  
22           there is a change in the level of value used in determining actual value,  
23           the general assembly shall adjust the ratio of valuation for assessment for

1       residential real property which is set forth in this paragraph (b) as is  
2       necessary to insure that the percentage of the aggregate statewide  
3       valuation for assessment which is attributable to residential real property  
4       shall remain the same as it was in the year immediately preceding the year  
5       in which such change occurs. Such adjusted ratio shall be the ratio of  
6       valuation for assessment for residential real property for those years for  
7       which such new level of value is used. In determining the adjustment to  
8       be made in the ratio of valuation for assessment for residential real  
9       property, the aggregate statewide valuation for assessment that is  
10      attributable to residential real property shall be calculated as if the full  
11      actual value of all owner-occupied primary residences that are partially  
12      exempt from taxation pursuant to section 3.5 of this article was subject to  
13      taxation. All other taxable property shall be valued for assessment at  
14      twenty-nine percent of its actual value. However, the valuation for  
15      assessment for producing mines, as defined by law, and lands or  
16      leaseholds producing oil or gas, as defined by law, shall be a portion of  
17      the actual annual or actual average annual production therefrom, based  
18      upon the value of the unprocessed material, according to procedures  
19      prescribed by law for different types of minerals. Non-producing  
20      unpatented mining claims, which are possessory interests in real property  
21      by virtue of leases from the United States of America, shall be exempt  
22      from property taxation. OTHER POSSESSORY INTERESTS IN REAL PROPERTY  
23      SHALL BE EXEMPT FROM PROPERTY TAXATION AS SPECIFIED IN  
24      SUBPARAGRAPH (II) OF THIS PARAGRAPH (b).

25                   (II) (A) FOR THE PROPERTY TAX YEAR COMMENCING ON JANUARY  
26                   1, 2018, A POSSESSORY INTEREST IN REAL PROPERTY SHALL BE EXEMPT  
27                   FROM THE LEVY AND COLLECTION OF PROPERTY TAX IF THE ACTUAL VALUE

1       OF SUCH POSSESSORY INTEREST IN REAL PROPERTY IS LESS THAN OR EQUAL  
2       TO SIX THOUSAND DOLLARS.

3           (B) FOR PROPERTY TAX YEARS COMMENCING ON OR AFTER  
4       JANUARY 1, 2019, A POSSESSORY INTEREST IN REAL PROPERTY SHALL BE  
5       EXEMPT FROM THE LEVY AND COLLECTION OF PROPERTY TAX IF THE  
6       ACTUAL VALUE OF SUCH POSSESSORY INTEREST IN REAL PROPERTY IS LESS  
7       THAN OR EQUAL TO SIX THOUSAND DOLLARS ADJUSTED BIENNIALLY TO  
8       ACCOUNT FOR INFLATION AS DEFINED IN SECTION 20 (2) (f) OF ARTICLE X  
9       OF THIS CONSTITUTION. ON OR BEFORE NOVEMBER 1, 2018, AND ON OR  
10      BEFORE NOVEMBER 1 OF EACH EVEN-NUMBERED YEAR THEREAFTER, THE  
11      PROPERTY TAX ADMINISTRATOR SHALL CALCULATE THE AMOUNT OF THE  
12      EXEMPTION FOR THE NEXT TWO-YEAR CYCLE USING INFLATION FOR THE  
13      PRIOR TWO CALENDAR YEARS AS OF THE DATE OF THE CALCULATION. THE  
14      ADJUSTED EXEMPTION SHALL BE ROUNDED UPWARD TO THE NEAREST  
15      ONE-HUNDRED-DOLLAR INCREMENT. THE ADMINISTRATOR SHALL CERTIFY  
16      THE AMOUNT OF THE EXEMPTION FOR THE NEXT TWO-YEAR CYCLE AND  
17      PUBLISH THE AMOUNT IN A MANNER PROVIDED BY LAW.

18           **SECTION 2.** Each elector voting at the election may cast a vote  
19      either "Yes/For" or "No/Against" on the following ballot title: "Shall  
20      there be an amendment to the Colorado constitution concerning an  
21      exemption from property taxation for a possessory interest in real  
22      property if the actual value of the interest is less than or equal to six  
23      thousand dollars or such amount adjusted for inflation?"

24           **SECTION 3.** Except as otherwise provided in section 1-40-123,  
25      Colorado Revised Statutes, if a majority of the electors voting on the  
26      ballot title vote "Yes/For", then the amendment will become part of the  
27      state constitution.