

STATE OF COLORADO

Colorado General Assembly

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MEMORANDUM

TO: Suzanne Taheri and Michael Fields
FROM: Legislative Council Staff and Office of Legislative Legal Services
DATE: October 30, 2023
SUBJECT: Proposed initiative measure 2023-2024 #94, concerning property tax valuation

Section 1-40-105 (1), Colorado Revised Statutes, requires the directors of the Colorado Legislative Council and the Office of Legislative Legal Services to "review and comment" on initiative petitions for proposed laws and amendments to the Colorado constitution. We hereby submit our comments to you regarding the appended proposed initiative.

The purpose of this statutory requirement of the directors of Legislative Council and the Office of Legislative Legal Services is to provide comments intended to aid proponents in determining the language of their proposal and to avail the public of knowledge of the contents of the proposal. Our first objective is to be sure we understand your intent and your objective in proposing the amendment. We hope that the statements and questions contained in this memorandum will provide a basis for discussion and understanding of the proposal.

This initiative was submitted with proposed initiative 2023-2024 #93. The comments and questions raised in this memorandum will not include comments and questions that were addressed in the memoranda for proposed initiative 2023-2024 #93, except as necessary to fully understand the issues raised by this proposed initiative. Comments and questions addressed in that other memorandum may also be relevant, and those questions and comments are hereby incorporated by reference in this memorandum. Only new comments and questions are included in this memorandum.

Purposes

The major purposes of the proposed amendment to the Colorado Revised Statutes appear to be:

1. Prohibit the actual value of property from increasing between the 2022 and 2024 property tax years for property that does not have an unusual condition which would result in an increase or decrease in value.

Substantive Comments and Questions

The substance of the proposed initiative raises the following comments and questions:

1. If the actual value of a property increases due to an unusual condition between the 2022 and 2024 property tax years, how much may the actual value of that property increase under the proposed initiative?
2. If the cap on the increase in actual value is only in place for a single reassessment cycle, what will happen after that cycle? Will actual values be able to rise?

Technical Comments

The following comments address technical issues raised by the form of the proposed initiative. These comments will be read aloud at the public meeting only if the proponents so request. You will have the opportunity to ask questions about these comments at the review and comment meeting. Please consider revising the proposed initiative as suggested below.

1. It is standard drafting practice to use SMALL CAPITAL LETTERS to show the language being added to and stricken type, which appears as stricken type, to show language being removed from the Colorado constitution or the Colorado Revised Statutes.
 - a. Do not, however, show paragraph letters in small caps as in the internal reference to (19)(a) that is in (19)(b)(I), section one of the initiative.
 - b. In section two of the proposed initiative, it appears that language in (1)(b) has been removed without being shown in stricken type and language has been added without showing it in small caps. "January, 2024," is not current statutory language. The statute currently reads "January 1, 2023,".

2. The proposed initiative includes language amends statutory provisions that will also be amended if proposition HH, which will be submitted to a vote of the registered electors of the state of Colorado at the statewide election to be held in November 2023 for its approval or rejection, is approved by the voters. As such, this initiative will need to amend both versions of the applicable statutory provisions, one of which remains in effect only if proposition HH is not approved by the voters and one of which takes effect only if proposition HH is approved by the voters, as they are printed in the Colorado Revised Statutes. Using section two of the initiative as an example:

SECTION 2. In Colorado Revised Statutes, **amend** (10.2)(b); **amend as they exist until proposition HH is approved** [insert provisions to be amended]; and **add** (12)(d) as follows:

SECTION 3. In Colorado Revised Statutes, **amend as they will become effective if proposition HH is approved** [insert provisions to be amended] as follows:

3. Although the text of the proposed initiative should be in small capital letters, use an uppercase letter to indicate capitalization where appropriate. The following should be large-capitalized:
 - a. The first letter of the first word of each sentence, as in the second sentence of (12)(d) in section two of the initiative; and
 - b. Roman numerals of articles of the state constitution, as in section one of the initiative in (19)(a).