

CHAPTER 275

TAXATION

HOUSE BILL 11-1010

BY REPRESENTATIVE(S) Acree, Baumgardner, Priola, Casso, Gardner B.;
also SENATOR(S) Brophy, Aguilar, Heath, Jahn, King S., Lundberg, Newell, Roberts, White, Foster, Schwartz, Shaffer B.

AN ACT

CONCERNING THE INCIDENTAL USE OF PROPERTY OWNED BY A FRATERNAL ORGANIZATION OR VETERANS' ORGANIZATION THAT IS EXEMPT FROM PROPERTY TAX, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 39-2-117 (3) (a) (I), Colorado Revised Statutes, is amended to read:

39-2-117. Applications for exemption - review - annual reports - procedures - rules. (3) (a) (I) On and after January 1, 1990, and no later than April 15 of each year, every owner of real or personal property for which exemption from general taxation has previously been granted shall file a report with the administrator upon forms furnished by the division, containing such information relative to the exempt property as specified in paragraph (b) of this subsection (3), and signed under the penalty of perjury in the second degree. Each such annual report shall be accompanied by a payment of seventy-five dollars, which shall be credited to the property tax exemption fund created in subsection (8) of this section. Each such annual report filed later than April 15, but prior to July 1, shall be accompanied by a late filing fee of two hundred fifty dollars; except that the administrator shall have the authority to waive all or a portion of the late filing fee for good cause shown as determined by the administrator by rules adopted pursuant to ~~paragraph (b) of~~ subsection (7) of this section. On and after January 1, 1990, every owner of real or personal property for which exemption from general taxation has previously been granted pursuant to the provisions of section 39-3-111 and that is used for any purpose other than the purposes specified in sections 39-3-106 to 39-3-113 for less than two hundred eight hours during the calendar year or if the use of the property for such purposes results in annual gross rental income to such owner of less than ~~ten~~ TWENTY-FIVE thousand dollars shall not be required to file any annual report

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

pursuant to the provisions of this subsection (3). In order to claim such exemption, in lieu of such annual report, the owner shall annually file with the administrator a declaration stating that the property is used for such purposes for less than two hundred eight hours during the calendar year or such use results in annual gross rental income to the owner of less than ~~ten~~ TWENTY-FIVE thousand dollars.

SECTION 2. The introductory portion to 39-3-106.5 (2), Colorado Revised Statutes, is amended, and the said 39-3-106.5 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

39-3-106.5. Tax-exempt property - incidental use - exemption - limitations.

(2) Except as otherwise provided in section 39-3-108 (3) AND SUBSECTION (3) OF THIS SECTION, if any property, real or personal, ~~which~~ THAT is otherwise exempt from the levy and collection of property tax pursuant to the provisions of sections 39-3-107 to 39-3-113 is used on an occasional, noncontinuous basis for any purpose other than the purposes specified in sections 39-3-106 to 39-3-113, such property shall be exempt from the levy and collection of property tax if:

(3) THE REQUIREMENT THAT PROPERTY BE USED ON AN OCCASIONAL BASIS IN ORDER TO QUALIFY FOR THE EXEMPTION SET FORTH IN SUBSECTION (2) OF THIS SECTION SHALL NOT APPLY TO PROPERTY, REAL OR PERSONAL, THAT IS OTHERWISE EXEMPT FROM THE LEVY AND COLLECTION OF PROPERTY TAX PURSUANT TO THE PROVISIONS OF SECTION 39-3-111 THAT IS USED FOR ANY PURPOSE OTHER THAN THE PURPOSES SPECIFIED IN SECTIONS 39-3-106 TO 39-3-113.

SECTION 3. Appropriation - adjustments in 2011 long bill. For the implementation of this act, the general fund appropriation made in the annual general appropriation act for the fiscal year beginning July 1, 2011, to the department of education, assistance to public schools, public school finance, for the state share of districts' total program funding, is increased by one thousand six hundred sixty-four dollars (\$1,664).

SECTION 4. Act subject to petition - effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 10, 2011, if adjournment sine die is on May 11, 2011); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part shall not take effect unless approved by the people at the general election to be held in November 2012 and shall take effect on the date of the official declaration of the vote thereon by the governor.

Approved: June 2, 2011