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Colorado General Assembly

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MEMORANDUM

TO: Alex Valdez and Colin Larson

FROM: Legislative Council Staff and Office of Legislative Legal Services

DATE: March 2, 2022

SUBJECT: Proposed initiative measure 2021-2022 #74, concerning property 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 a series of initiatives including proposed initiatives 2021-2022 ##70 to 73 and ##75 to 77. The comments and questions raised in this memorandum will not include comments and questions that were addressed in the memoranda for proposed initiatives 2021-2022 ##70 to 73 and ##75 to 77, except as necessary to fully understand the issues raised by the revised proposed initiative. Comments and questions addressed in those other memoranda may also be relevant, and those questions and comments are hereby incorporated by reference in this memorandum.

Purposes

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

1. To ensure that the actual value of real and personal property shall not be increased annually by more than inflation, limited to three percent.
2. To allow voters to decide in 2032 whether they want to keep the property valuation system established in the proposed initiative or return to the current system.

Substantive Comments and Questions

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

1. Article V, section 1 (5.5) of the Colorado constitution requires all proposed initiatives to have a single subject. What is the single subject of the proposed initiative?
2. Concerning section 3 of the proposed initiative:
 - a. What is the purpose of the sentence that states: "Nothing limiting the increase in the actual value of a property shall be construed as a tax change or as a change to a property's mill levy rate or property tax rate"?
 - i. Is this sentence meant to address section 1-40-106 (3)(f), C.R.S.? If so, given that the proposed initiative has not yet been enacted and section 1-40-106 (3)(f), C.R.S., is current law, how would that work?
 - ii. Why is this sentence not added to the end of article X, section 3 (1)(a) of the Colorado constitution?
 - iii. Is this sentence meant to apply to instances beyond the proposed initiative that relating to "limiting the increase in the actual value of a property"?
 - b. If a property suffers a decline in value or an assessor determines that a county has suffered a sustained economic downturn, it appears that the property is reappraised annually until it reaches a prior value. Is there a limit on how much the value of the property may be increased during a reappraisal?

- i. How do these annual reappraisals interact with the proposed language stating that: "actual value shall not be increased annually by more than inflation, limited to three percent"?
3. Concerning section 4 of the proposed initiative:
 - a. Should proposed section 39-1-104 (10.2)(a) be amended to include the phrase "limited to three percent"?
4. Concerning section 5 of the proposed initiative:
 - a. Should proposed section 39-1-104 (1)(a)(I) be amended to include the phrase "limited to three percent"?

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. Each constitutional and statutory section being amended, repealed, or added is preceded by a separate amending clause explaining how the law is being changed. The amending clause should only list statutory subdivisions that are being changed. In proposed section 3, because section 39-1-103 (15), C.R.S., was not amended, it should not be referenced in the amending clause.