

PEBC Amendment B and The Gallagher Amendment

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Colorado School Finance Committee
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Today's Topics

- Gallagher
 - History
 - Impact
 - Interaction with TABOR
- K-12 Funding in Colorado
 - How it works
 - Why funding K12 education is complicated in Colorado
 - Budget Stabilization Factor
- Amendment B
 - What it is
 - What is the impact for K12



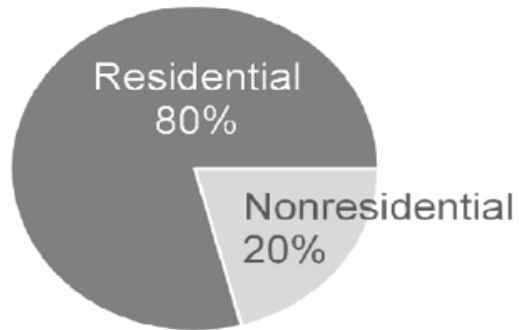
Gallagher: Intent

- From 1969 through much of 1970's residential values were increasing at 1% per month.
- Consistency for residential and commercial property tax support and create uniform valuations statewide.
- Created formula that could fluctuate mill levies up and down to generate a consistent local revenue.
- ~45% Residential / Nonresidential ~55%

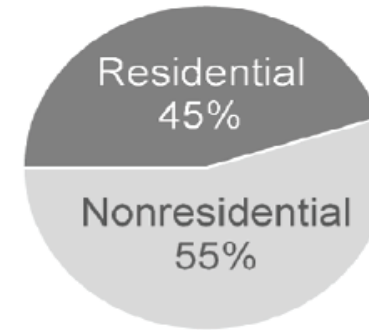
Reality of Current Law

Assessment Rate Adjustments Under Current Law

Actual Property Values* × **Assessment Rates** = **Taxable Values**



7.15% Residential Rate*
The legislature adjusts the residential assessment rate to achieve the required ratio for taxable values.
Fixed 29% Nonresidential Rate**



* *Actual property values are for 2019. The residential assessment rate is for 2019 and 2020. This assessment rate has fallen over time to maintain the fixed ratio for taxable values of about 45 percent residential and 55 percent nonresidential.*

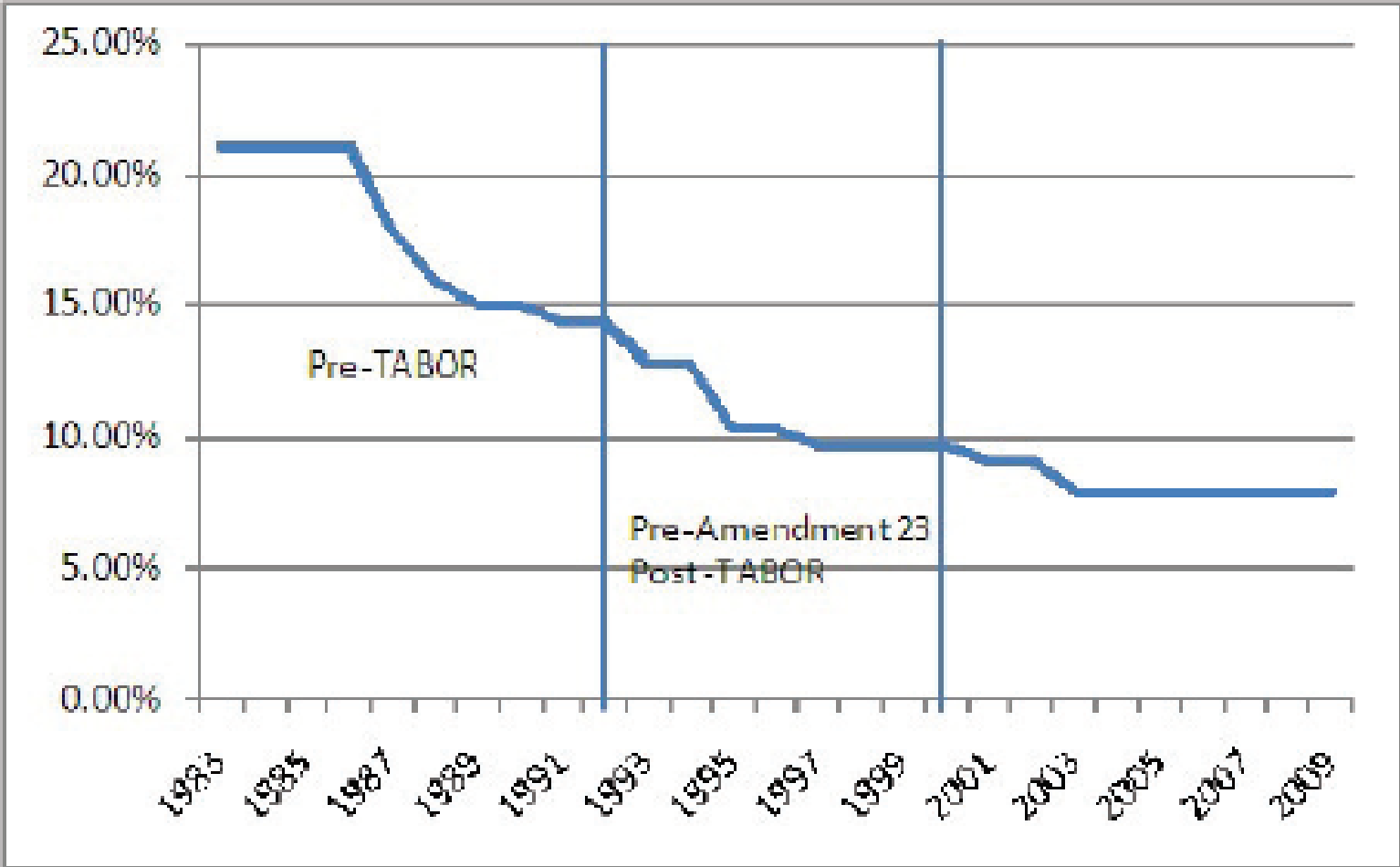
** *Assessment rate for most nonresidential property.*

RESIDENTIAL ASSESSMENT RATE ENACTED INTO LAW

Tax Year(s)	Rate
Prior to 1983	30%
1983-1986	21%
1987	18%
1988	16%
1989 - 1990	15%
1991 - 1992	14.34%
1993 - 1994	12.86%
1995 - 1996	10.36%
1997 - 2000	9.74%
2001 - 2002	9.15%
2003 - 2016	7.96%
2017 - 2018	7.20%
2019 - 2020	7.15%

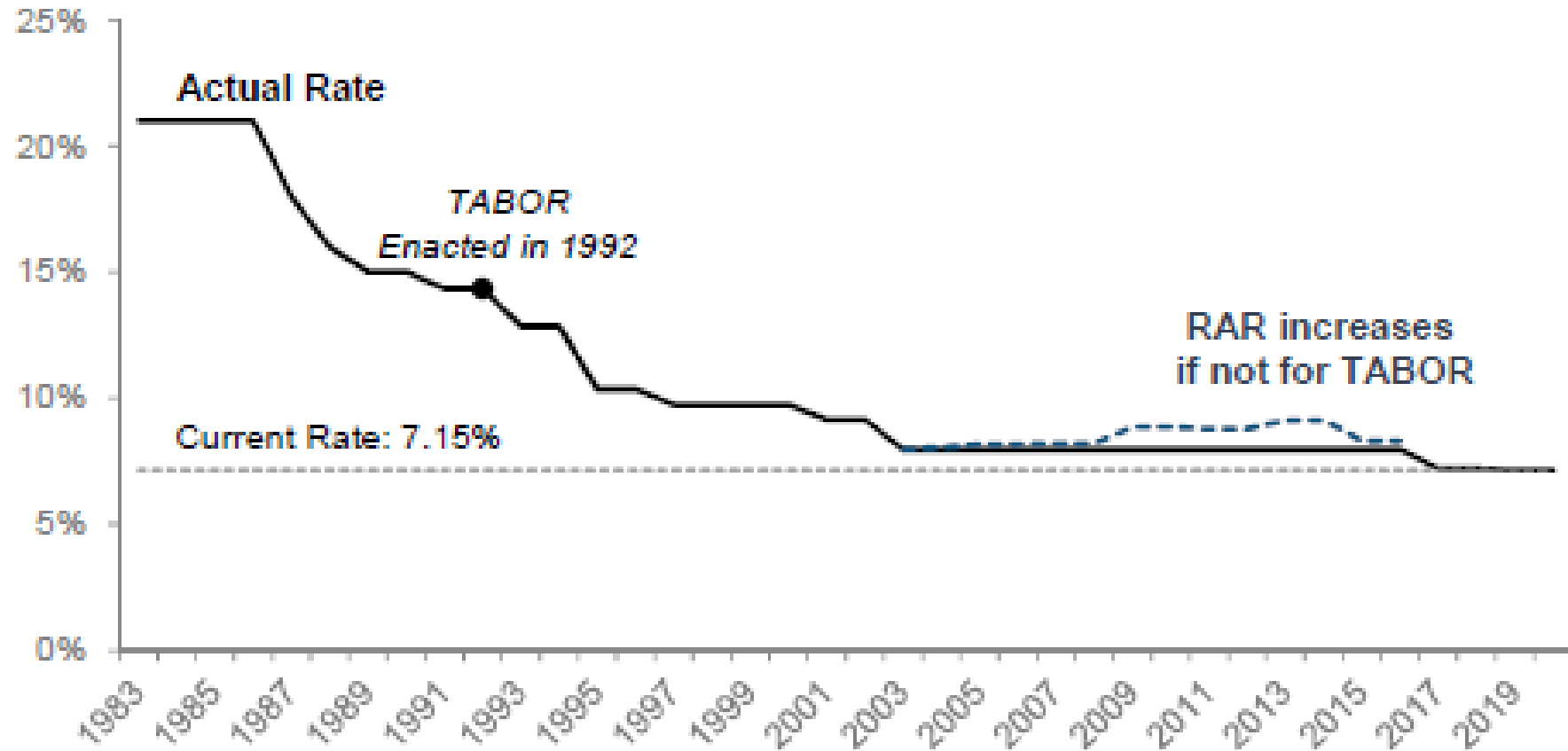
Source: Department of Local Affairs Division of Property Taxation, 2019 Forty-Ninth Annual Report to the Governor and General Assembly, p. 31

Residential Assessment Rates



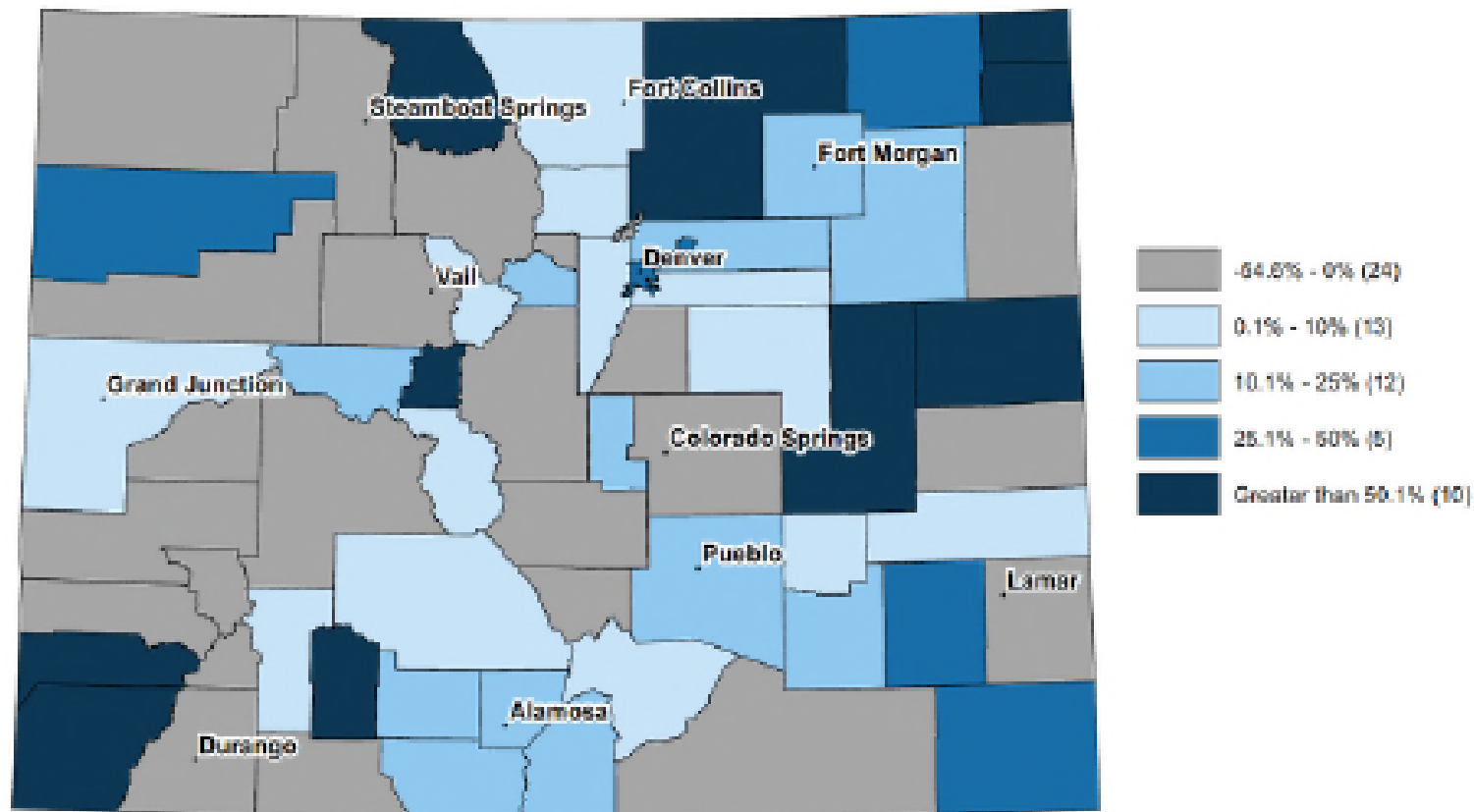
Source: Long-term Fiscal Stability Commission Memorandum, Colorado Legislative Council Staff, July 2009

Enacted and Estimated Residential Assessment Rates, 1983 to 2020



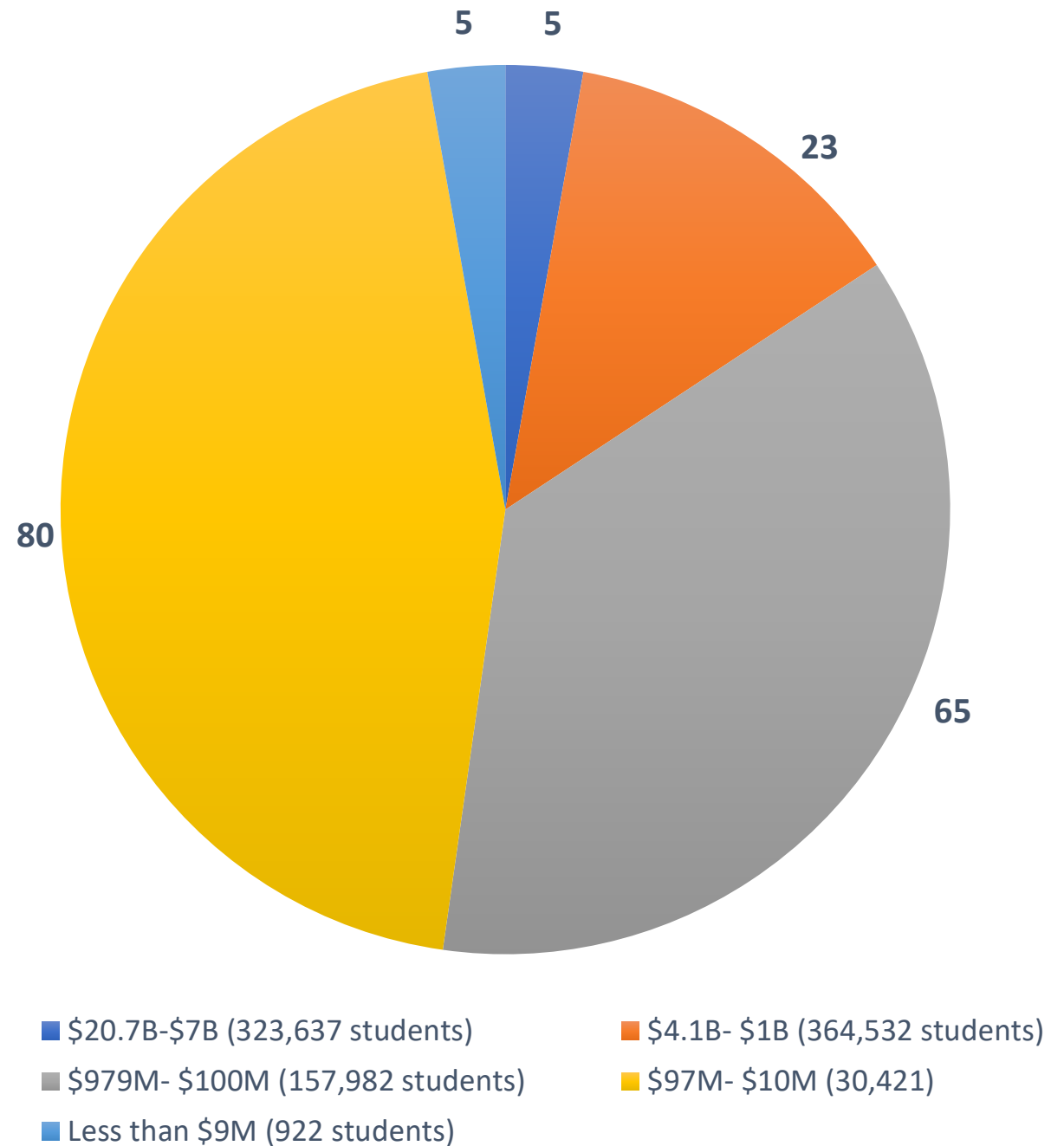
Source: Section 39-1-104.2 (3)(a) through (3)(p), C.R.S. and Department of Local Affairs.

Change in per Capita, Inflation-Adjusted Property Tax Base 2004 to 2019

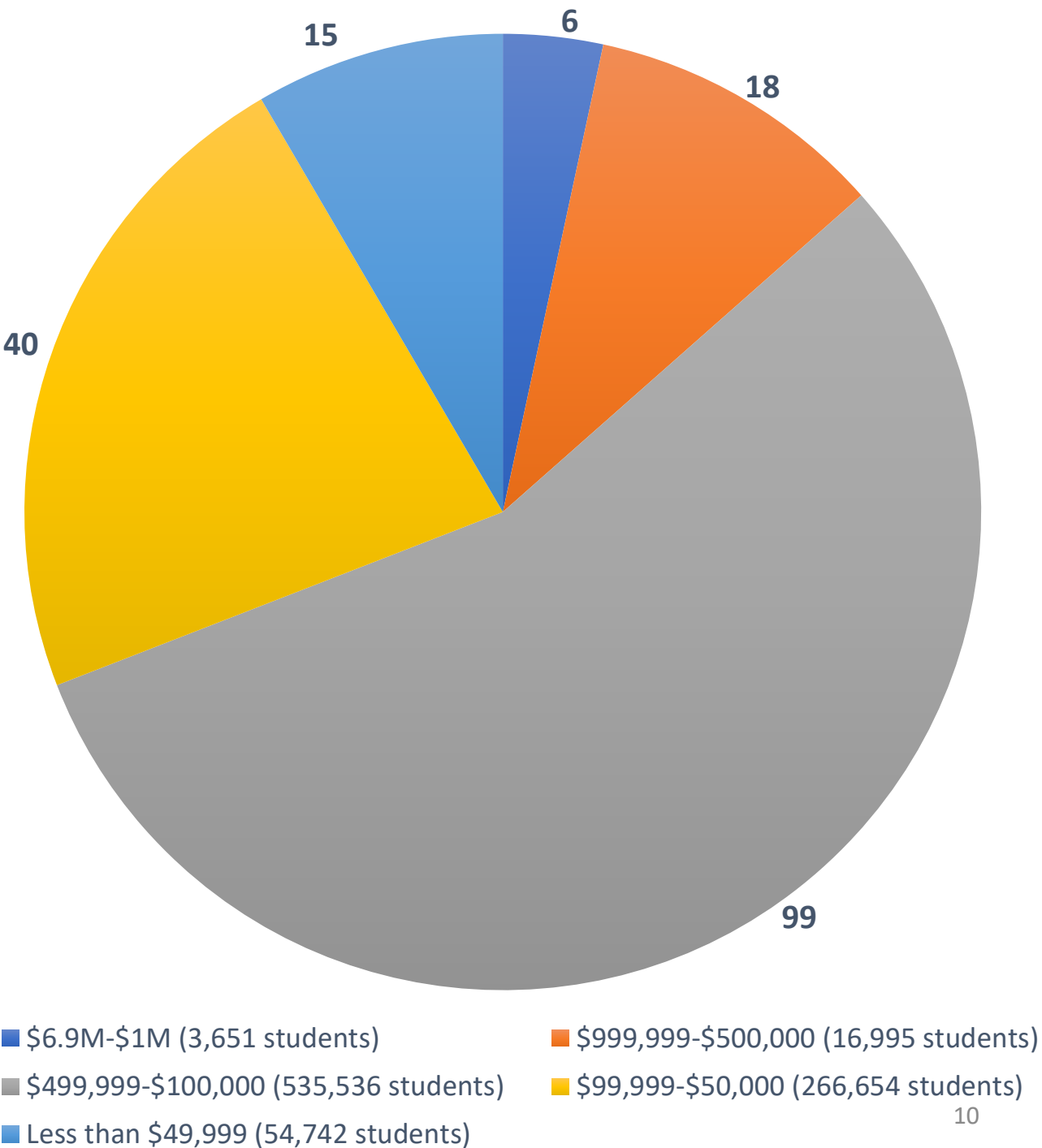


Sources: Colorado Department of Local Affairs, Division of Property Taxation, Colorado Department of Local Affairs, State Demography Office, and the U.S. Bureau of Labor Statistics.

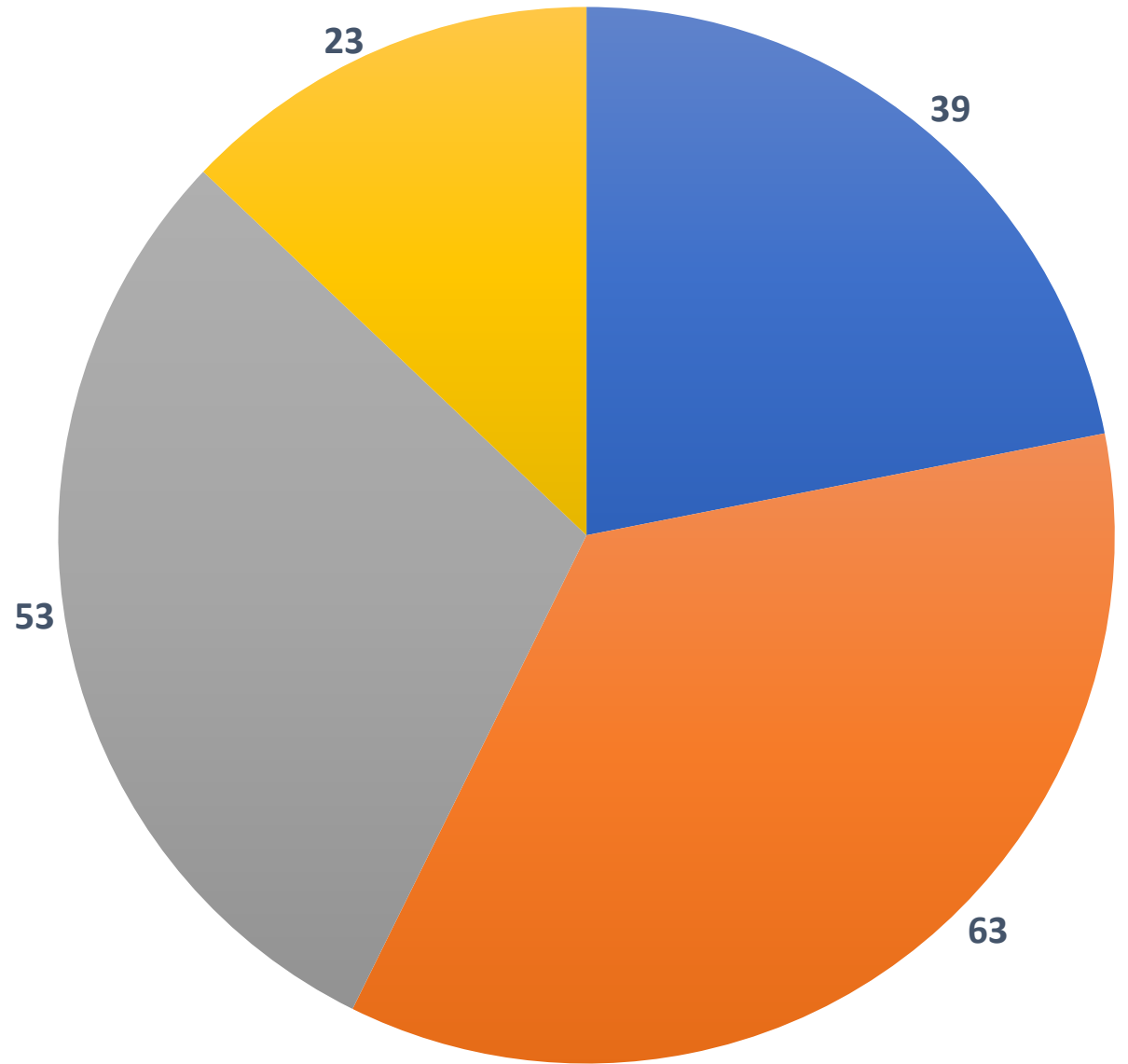
Total Assessed Value FY 2019-20



Assessed Value Per Pupil FY 2019-20

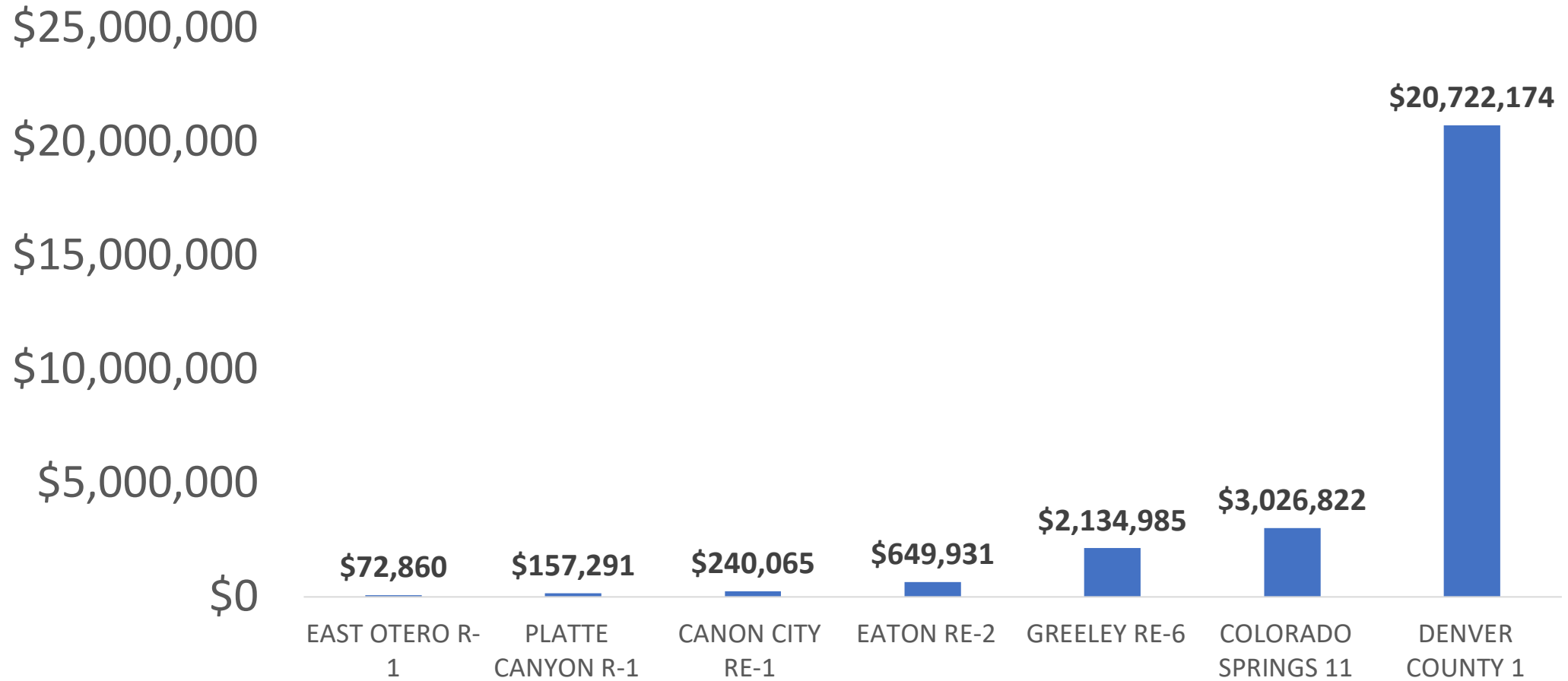


Total Program Mills FY 2019-20



■ 27 (160,017 students) ■ 26.999-20.000 (570,032 students)
■ 19.999-10.000 (122,648 students) ■ 9.999-1.000 (25,711 students) 11

Amount Raised by One Mill



Gallagher: Impact on K-12

- Gallagher worked for 10 years - Floating up and down when valuation changed to generate consistent revenue
- **After TABOR:** Pressure on state resources for K-12 as balancing could only reduce residential assessment rate and reduced funding for other local governments
 - Reduces local share as residential values grew faster than non-residential
 - Which increases state share for K-12

Local Revenue inside the School Finance Act

LOCAL SHARE

Local District Taxes:

Property Taxes

Ownership Tax

Local Share

- **Starting point** for determining state share of District Total Program
- Remains in the district

STATE SHARE

State Taxes:

General Fund

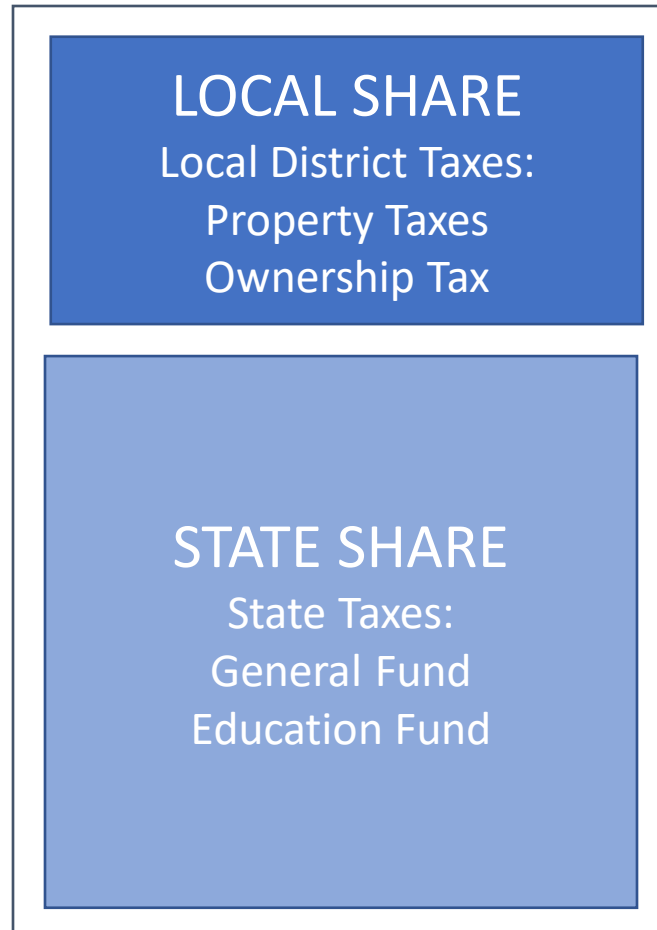
Education Fund

State Share

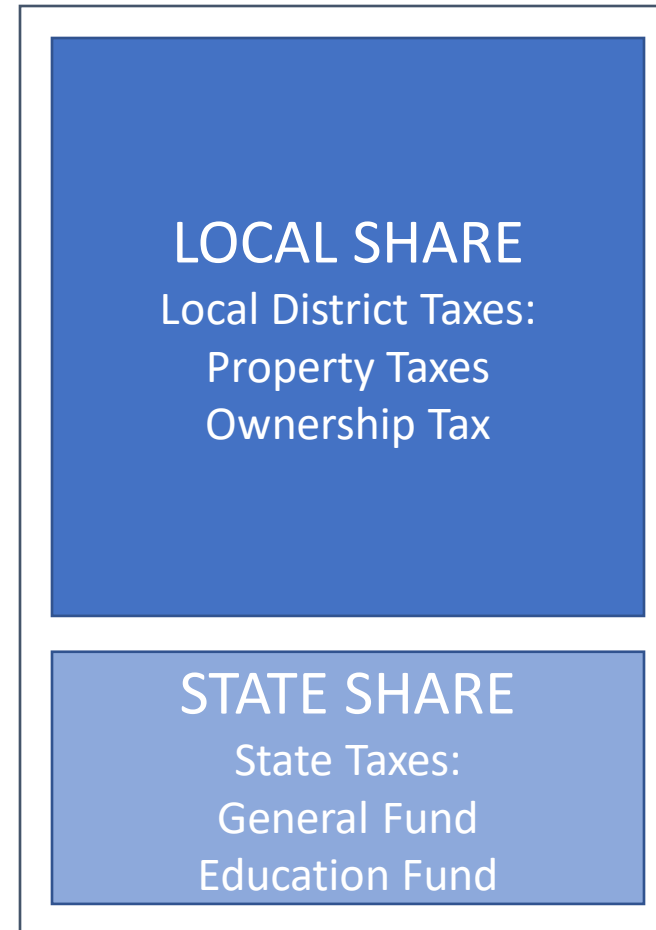
- State “backfills” to reach District Total Program

State & Local Share Varies (by design)

District A



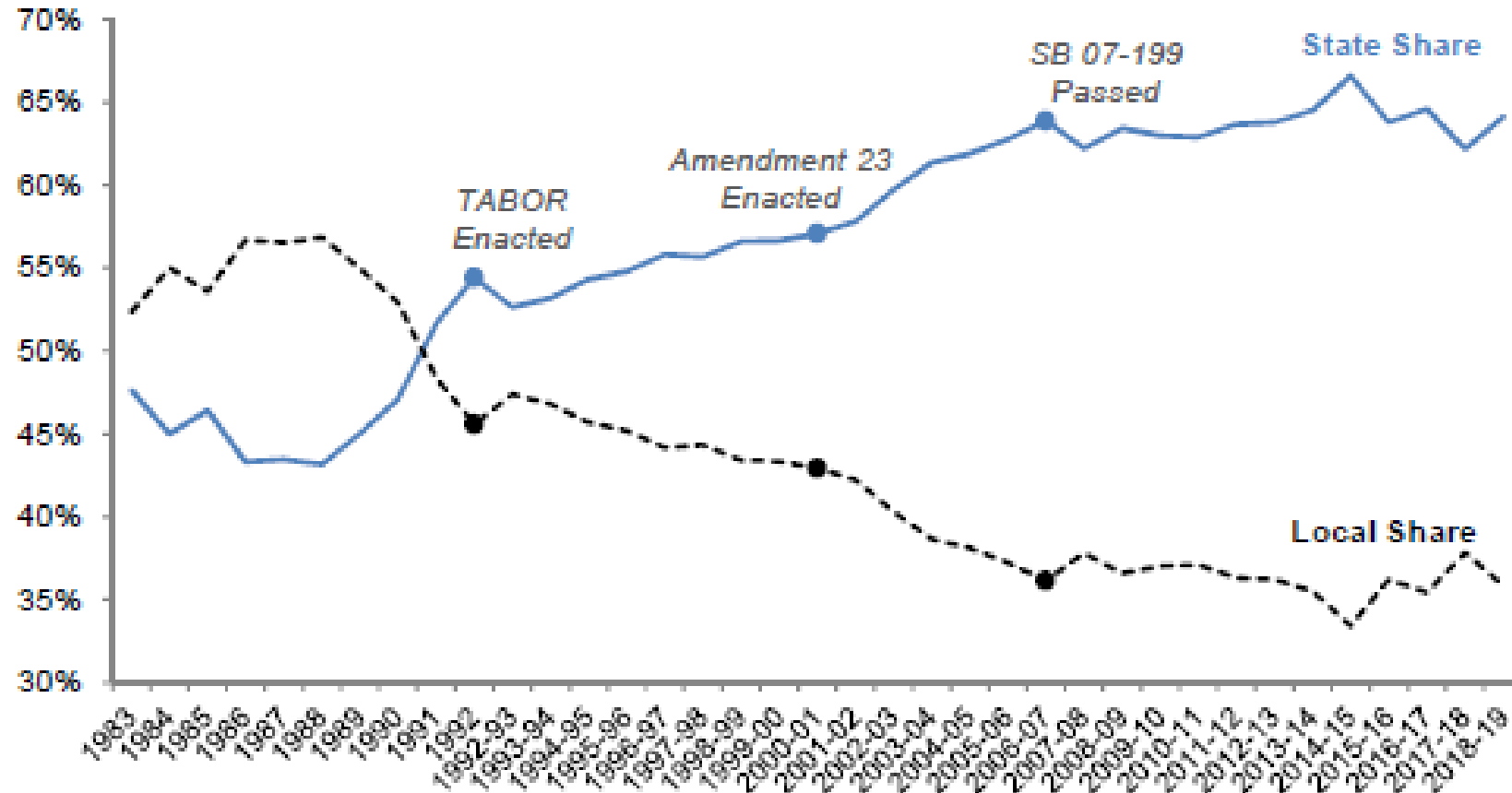
District B



What issues have complicated funding in Colorado?

- Gallagher – 1982
 - Stabilized local property tax revenue
 - Balance between residential and non-residential
- TABOR – 1992
 - Limited revenue & spending
 - Undid balance of Gallagher

Relative State and Local Shares of School Finance

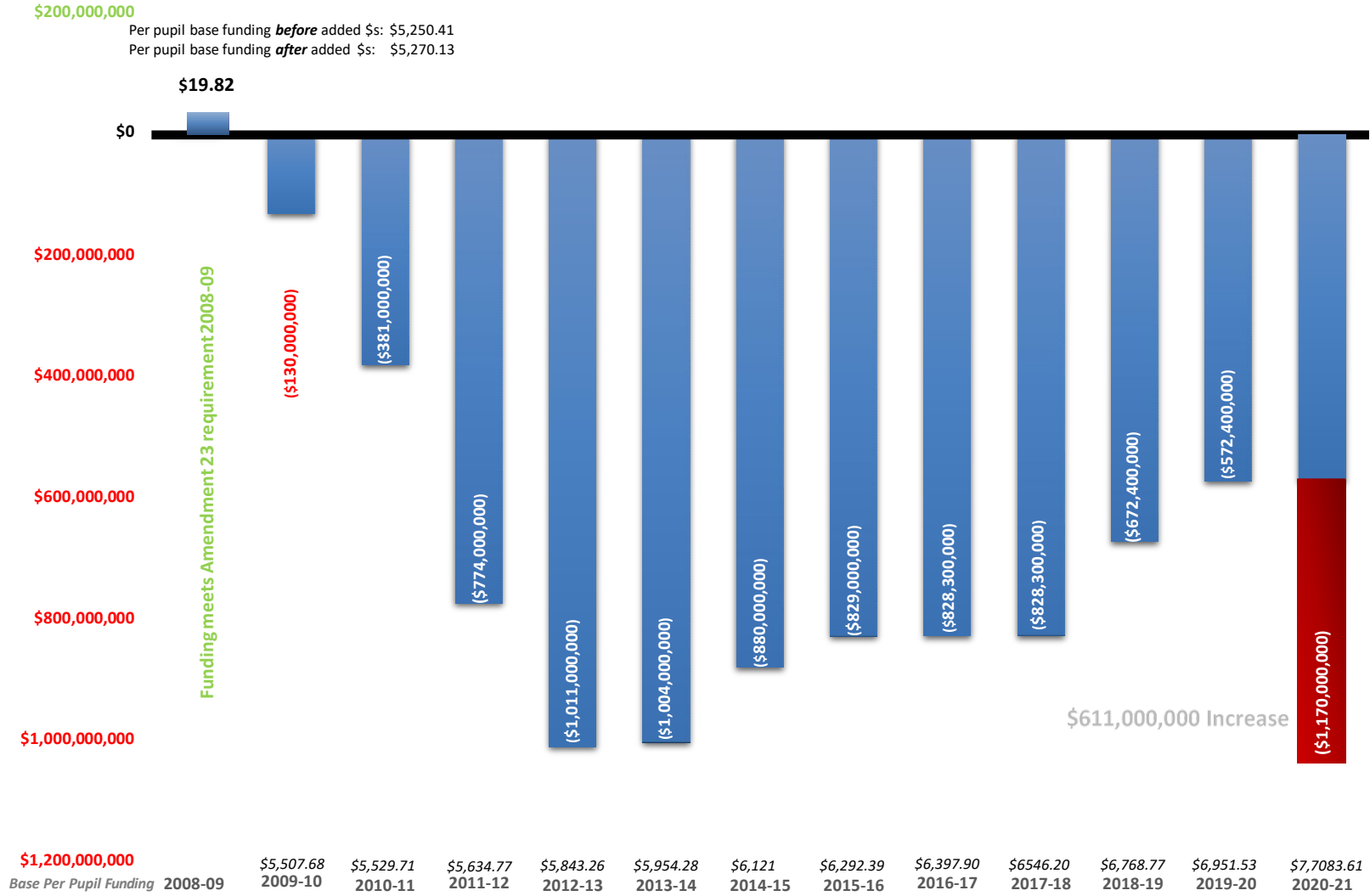


Source: Legislative Council Staff.
Note: Prior to 1993, K-12 funding was done on a calendar year basis.

Other impacts to K-12

- Loss of \$3 billion to K-12 in local property tax due to interaction of Gallagher and TABOR.
- Puts more pressure on state general fund
- Enrollment grows
- Student need grows
- Academic expectations change

2008-2021 Budget Stabilization Factor: Reflects passage of HB20-14





AMENDMENT B

Referred to the ballot by the legislature

Repeals the 29 percent assessment rate in the constitution for most nonresidential property, the calculation of the target percentage, and the requirement that the General Assembly adjust the residential assessment rate to maintain the target percentage.



AMENDMENT B: DOES NOT

Repealing these provisions from the constitution *does not* change the current statute implementing the Gallagher Amendment, or the corresponding assessment rates.



AMENDMENT B: DOES

Passage of the measure does, however, eliminate the constitutional requirement that the residential assessment rate be changed in order to maintain the target percentage.

AMENDMENT B: Potential Impacts

Overtime property tax revenue for school districts will **INCREASE** revenue available for the local share of school finance

Ballot Title from Blue Book

Without increasing property tax rates, to help preserve funding for local districts that provide fire protection, police, ambulance, hospital, kindergarten through twelfth grade education, and other services, and to avoid automatic mill levy increases, shall there be an amendment to the Colorado constitution to repeal the requirement that the general assembly periodically change the residential assessment rate in order to maintain the statewide proportion of residential property as compared to all other taxable property valued for property tax purposes and repeal the nonresidential property tax assessment rate of twenty-nine percent?

Source: 2020 State Ballot Information Booklet

QUESTIONS

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