

Support HB-1444
Concerning Colorado Disabled Veteran's Eligibility for Property Tax Exemption

Sponsors: Reps. Su Ryden/Terri Carver and Senators John Kefalas/Leroy Garcia

THE PROBLEM:

Due to an omission in HB07-1251 current policy excludes a group of veterans from receiving the Constitution's Disabled Veteran Property Tax Exemption (also known as the Homestead Tax Exemption). The excluded group is defined as military total disability retirees.

According to the Colorado Department of Military & Veterans Affairs, there are 412 Coloradans with a 100% military medical retirement. While the number of individuals eligible after this proposed statutory correction would increase, some of the 412 are also receiving 100% disability from the Veterans Administration (VA) and therefore may already be enrolled in the tax exemption program.

THE PROPOSED SOLUTION: HB-1444

The goal of this legislation is to bring the 2006 Referendum E (Property Tax Exemption) statutory enabling language in line with the actual language in the State Constitution with regard to "qualified disabled veterans" who can claim the property tax exemption. *(see italicized Constitutional language below, but omitted in the final statutory language below)* This change will increase the number of veterans eligible for this tax exemption and fixes the language from HB07-1251. The current enabling language does not account for military medical retirees who are disabled at 100%. Since not every 100% disabled military medical retiree will receive a 100% disability rating from the Federal VA, it is important to fix this oversight.

Colorado Constitution Article X, Section 3.5 states:

(1.5) For purposes of this section, "disabled veteran" means an individual who has served on active duty in the United States armed forces, including a member of the Colorado national guard who has been ordered into the active military service of the United States, has been separated therefrom under honorable conditions, and has established a service-connected disability that has been rated by the federal department of veteran's affairs as one hundred percent permanent disability *through disability retirement benefits or a pension pursuant to a law or regulation administered by the department, the department of homeland security, or the department of the army, navy, or air force.*

CRS 39-3-202 Para. (3.5) (from HB07-1251 as signed by the Governor) states:

(3.5) "Qualifying disabled veteran" means an individual who has served on active duty in the United States armed forces, including a member of the Colorado national guard who has been ordered into the active military service of the United States, has been separated therefrom under honorable conditions, and has established a service-connected disability that has been rated by the United States department of veteran's affairs as one hundred percent permanent and total disability pursuant to a law or regulation administered by the department.

SUPPORTERS:

**Colorado Department of Veterans and Military Affairs and
United Veterans Committee of Colorado (UVC)**