

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Appropriations.

SB24-126 be amended as follows:

1 Amend printed bill, page 2, line 2, strike "**repeal** (8)" and substitute
2 "**amend** (1) introductory portion, (1)(a), (1)(d) introductory portion, and
3 (1)(d)(I); **repeal** (8); and **add** (1)(d)(III)".

4 Page 2 of the bill, after line 9 insert:

5 "**SECTION 3.** In Colorado Revised Statutes, 12-15-105, **amend**
6 (1)(c) and (3) as follows:

7 **12-15-105. Conservation easement tax credit certificates -**
8 **rules.** (1) The division shall receive tax credit certificate applications
9 from and issue certificates to landowners for income tax credits for
10 conservation easements donated on or after January 1, 2011, in
11 accordance with section 39-22-522 (2.5) and this article 15. Nothing in
12 this section restricts or limits the authority of the division to enforce this
13 article 15. The division may promulgate rules in accordance with article
14 4 of title 24 for the issuance of the certificates. In promulgating rules, the
15 division may include provisions governing:

16 (c) The notification to the public regarding the aggregate amount
17 of tax credit certificates that have been issued ~~and that are on the wait list~~
18 pursuant to section 39-25-522 (2.5);

19 (3) The division shall not issue tax credit certificates that in
20 aggregate exceed the limit set forth in section 39-22-522 (2.5) during a
21 particular calendar year. THE DIVISION MAY ISSUE MULTIPLE TAX CREDIT
22 CERTIFICATES FOR A SINGLE CONSERVATION EASEMENT AS REQUIRED BY
23 SECTION 39-22-522.

24 **SECTION 4.** In Colorado Revised Statutes, 12-15-106, **amend**
25 (10) as follows:

26 **12-15-106. Conservation easement tax credit certificate**
27 **application process - definitions - rules.** (10) If the director and the
28 commission do not identify any potential deficiencies with an application,
29 the director and the commission shall approve the application, and the
30 division shall issue a tax credit certificate to the landowner pursuant to
31 section 12-15-105 in a timely manner so that the number of days between
32 the date a completed application is received by the division and the date
33 the tax credit certificate is issued does not exceed one hundred twenty
34 days. Once a tax credit certificate is issued, the landowner may claim and
35 use the tax credit subject to any other applicable procedures and
36 requirements under title 39. THE DEADLINE PRESCRIBED BY THIS
37 SUBSECTION (10) MAY BE EXTENDED UPON MUTUAL AGREEMENT OF THE
38 DIRECTOR, THE COMMISSION, AND THE LANDOWNER.".

- 1 Renumber succeeding sections accordingly.
- 2 Page 3 of the bill, strike line 5 and substitute "(2)(a), (2)(b), (2.5),
3 (4)(a)(II.7), (4)(b)(II)(D), (5)(b)(III), and (7.5)(a); **repeal** (5)(b)(II); and
4 **add** (1)(c), (4)(a)(II.8), (4)(b)(II)(E), and (12) as follows:".
- 5 Page 4 of the bill, line 3, after "YEARS," insert "SIXTY MILLION DOLLARS
6 FOR THE 2025 CALENDAR YEAR, SEVENTY MILLION DOLLARS FOR THE 2026
7 CALENDAR YEAR,".
- 8 Page 4 of the bill, strike lines 5 through 9.
- 9 Page 4 of the bill, line 10, strike "year." and substitute "calendar year
10 ~~shall be placed on a wait list in the order submitted and a certificate shall~~
11 be issued for use ~~of the credit~~ in the next year for which the division has
12 not issued credit certificates in excess of the amounts specified in this
13 subsection (2.5). ~~except that no more than fifteen million dollars in claims~~
14 ~~shall be placed on the wait list in any given calendar year."~~
- 15 Page 4 of the bill, line 14, after "YEARS," insert "SIXTY MILLION DOLLARS
16 FOR THE 2025 CALENDAR YEAR, SEVENTY MILLION DOLLARS FOR THE 2026
17 CALENDAR YEAR,".
- 18 Amend the Agriculture and Natural Resources Committee Report, dated
19 February 22, 2024, page 2, strike lines 3 through 5.
- 20 Page 2 of the Agriculture and Natural Resources report, strike lines 20
21 and 21.
- 22 Page 2 of the Agriculture and Natural Resources report, strike lines 28
23 and 29.
- 24 Page 2 of the Agriculture and Natural Resources report, line 34, strike
25 "OF".
- 26 Page 3 of the Agriculture and Natural Resources report, strike lines 1
27 through 7 and substitute "MUST PRIORITIZE TAX CREDIT APPLICATIONS IN
28 THE ORDER RECEIVED. THE DIVISION MUST ASSIGN EACH APPLICATION
29 WITH THE DATE AND TIME RECEIVED BASED ON THE ORDER IN WHICH A
30 COMPLETED APPLICATION WAS SUBMITTED PURSUANT TO SECTION
31 12-15-106 (5). INCOMPLETE APPLICATIONS DO NOT GET PRIORITY IN THE
32 REVIEW PROCESS. DISAPPROVED APPLICATIONS LOSE THEIR PRIORITY IN
33 THE REVIEW PROCESS. After certificates"."

1 Page 3 of the Agriculture and Natural Resources report, strike lines 8
2 through 13.

3 Page 3 of the Agriculture and Natural Resources report, strike lines 15
4 through 26 and insert:

5 ""(4) (a) (II.7) For a conservation easement in gross created in
6 accordance with article 30.5 of title 38 that is donated ~~on or after January~~
7 ~~1, 2021~~, to a governmental entity or a charitable organization described
8 in section 38-30.5-104 (2), the credit provided for in subsection (2) of this
9 section is an amount equal to:

10 (A) FOR CONSERVATION EASEMENTS DONATED ON OR AFTER
11 JANUARY 1, 2021, BUT BEFORE JANUARY 1, 2027, ninety percent of the fair
12 market value of the donated portion of such conservation easement in
13 gross when created; except that in no case shall the credit exceed five
14 million dollars per donation; ~~Credits shall be issued in increments of no~~
15 ~~more than one million five hundred thousand dollars per year. Credits for~~
16 ~~easements donated in a prior year are eligible for tax credit certificates in~~
17 ~~subsequent years in order of application and before new applications and~~
18 ~~those credit applications, if any, on the wait list AND~~

19 (B) FOR CONSERVATION EASEMENTS DONATED ON OR AFTER
20 JANUARY 1, 2027, BUT BEFORE JANUARY 1, 2032, EIGHTY PERCENT OF THE
21 FAIR MARKET VALUE OF THE DONATED PORTION OF SUCH CONSERVATION
22 EASEMENT IN GROSS WHEN CREATED; EXCEPT THAT IN NO CASE SHALL THE
23 CREDIT EXCEED FIVE MILLION DOLLARS PER DONATION.

24 (II.8) CREDITS SHALL BE ISSUED IN INCREMENTS OF NO MORE THAN
25 ONE MILLION FIVE HUNDRED THOUSAND DOLLARS PER YEAR. CREDITS FOR
26 EASEMENTS DONATED IN A PRIOR YEAR ARE ELIGIBLE FOR TAX CREDIT
27 CERTIFICATES IN SUBSEQUENT YEARS IN ORDER OF APPLICATION.

28 (b) (II) (D) For income tax years commencing on or after January
29 1, 2015, BUT BEFORE JANUARY 1, 2027, the total aggregate amount of the
30 credit allocated to such owners, partners, members, and shareholders shall
31 not exceed five million dollars, and, if any refund is claimed pursuant to
32 subsection (5)(b)(I) of this section, the aggregate amount of the refund
33 and the credit claimed by such owners, partners, members, and
34 shareholders shall not exceed fifty thousand dollars for that income tax
35 year.

36 (E) FOR INCOME TAX YEARS COMMENCING ON OR AFTER JANUARY
37 1, 2027, BUT BEFORE JANUARY 1, 2032, THE TOTAL AGGREGATE AMOUNT
38 OF THE CREDIT ALLOCATED TO SUCH OWNERS, PARTNERS, MEMBERS, AND
39 SHAREHOLDERS SHALL NOT EXCEED FIVE MILLION DOLLARS, AND, IF ANY
40 REFUND IS CLAIMED PURSUANT TO SUBSECTION (5)(b)(I) OF THIS SECTION,
41 THE AGGREGATE AMOUNT OF THE REFUND AND THE CREDIT CLAIMED BY
42 SUCH OWNERS, PARTNERS, MEMBERS, AND SHAREHOLDERS SHALL NOT

1 EXCEED TWO HUNDRED THOUSAND DOLLARS FOR THAT INCOME TAX YEAR.

2 (5) (b) (II) ~~A taxpayer may elect to claim a refund pursuant to~~
3 ~~subparagraph (I) of this paragraph (b) only if, based on the financial~~
4 ~~report prepared by the controller in accordance with section 24-77-106.5,~~
5 ~~C.R.S., the controller certifies that the amount of state revenues for the~~
6 ~~state fiscal year ending in the income tax year for which the refund is~~
7 ~~claimed exceeds the limitation on state fiscal year spending imposed by~~
8 ~~section 20 (7)(a) of article X of the state constitution and the voters~~
9 ~~statewide either have not authorized the state to retain and spend all of the~~
10 ~~excess state revenues or have authorized the state to retain and spend only~~
11 ~~a portion of the excess state revenues for that fiscal year.~~

12 (III) If any refund is claimed pursuant to subsection (5)(b)(I) of
13 this section, then the aggregate amount of the refund and amount of the
14 credit used as an offset against income taxes, excluding amounts
15 transferred to or used by a transferee, for that income tax year shall not
16 exceed fifty thousand dollars for that income tax year FOR INCOME TAX
17 YEARS COMMENCING BEFORE JANUARY 1, 2027, AND SHALL NOT EXCEED
18 TWO HUNDRED THOUSAND DOLLARS FOR THAT INCOME TAX YEAR FOR
19 INCOME TAX YEARS COMMENCING ON OR AFTER JANUARY 1, 2027, BUT
20 BEFORE JANUARY 1, 2032. In the case of a partnership, S corporation, or
21 other similar pass-through entity that donates a conservation easement as
22 an entity, if any refund is claimed pursuant to subsection (5)(b)(I) of this
23 section, the aggregate amount of the refund and the credit claimed by the
24 partners, members, or shareholders of the entity shall not exceed the
25 dollar limitation set forth in this subsection (5)(b)(III) for that income tax
26 year. Nothing in this subsection (5)(b)(III) shall limit a taxpayer's ability
27 to claim a credit against taxes due in excess of fifty thousand dollars FOR
28 TAX YEARS COMMENCING BEFORE JANUARY 1, 2027, AND TWO HUNDRED
29 THOUSAND DOLLARS FOR TAX YEARS COMMENCING ON OR AFTER JANUARY
30 1, 2027, BUT BEFORE JANUARY 1, 2032, in accordance with subsection (4)
31 of this section."."

32 Amend the Finance Committee Report, dated March 5, 2024, page 1,
33 strike line 13.

34 Page 1 of the Finance report, strike line 16 and substitute:

35 ""(8) ~~This section is repealed, effective July 1, 2026.~~"".

36 Page 2 of the Finance report, line 37, strike "2032" and substitute "2031".

37 Page 3 of the Finance report, line 19, strike "2053."" and substitute
38 "2052."".

- 1 Strike "2033," and substitute "2032," on: **Page 2**, lines 5, 19, 21, and 35;
- 2 and **Page 3**, line 3 of the Finance report.

** *** ** *** **