

HOUSE COMMITTEE OF REFERENCE REPORT

\_\_\_\_\_  
Chair of Committee

\_\_\_\_\_  
Date

May 2, 2022

Committee on Finance.

After consideration on the merits, the Committee recommends the following:

SB22-208 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend reengrossed bill, page 2, after line 1 insert:

2 "SECTION 1. In Colorado Revised Statutes, **amend** 38-30.5-107  
3 as follows:

4 **38-30.5-107. Release - termination.** If it is determined that  
5 conditions on or surrounding a property encumbered by a conservation  
6 easement in gross change so that it becomes impossible to fulfill its  
7 conservation purposes that are defined in the deed of conservation  
8 easement, a court with jurisdiction may, at the joint request of both the  
9 owner of property encumbered by a conservation easement and the holder  
10 of the easement, terminate, release, extinguish, or abandon the  
11 conservation easement. If condemnation by a public authority of a part of  
12 a property or of the entire property encumbered by a conservation  
13 easement in gross renders it impossible to fulfill any of the conservation  
14 purposes outlined in the deed of conservation easement, the conservation  
15 easement may be terminated, released, SUBORDINATED, extinguished, or  
16 abandoned IN WHOLE OR IN PART through condemnation proceedings. A  
17 conservation easement in gross for which a Colorado state income tax  
18 credit has been allowed may not in whole or in part be released,  
19 terminated, extinguished, or abandoned by merger with the underlying fee  
20 interest in the servient land or water rights. Any release, termination, or  
21 extinguishment of a conservation easement under this section must be  
22 recorded in the records of the office of the clerk and recorder in the  
23 county where the conservation easement is located."

24 Renumber succeeding sections accordingly.

25 Page 2, line 9, after "38," insert "AND, AS A RESULT OF THE

1 CONDEMNATION, IT BECOMES IMPOSSIBLE TO FULFILL THE CONSERVATION  
2 PURPOSES AS DEFINED IN THE DEED OF CONSERVATION EASEMENT,".

\*\* \*\*\* \*\* \*\*\* \*\*