

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 18-0836.01 Gregg Fraser x4325

HOUSE BILL 18-1290

HOUSE SPONSORSHIP

Roberts and Lawrence, Hansen

SENATE SPONSORSHIP

Sonnenberg,

House Committees

Transportation & Energy
Finance
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE CONTINUATION OF THE CERTIFICATION OF**
102 **CONSERVATION EASEMENT HOLDERS, AND, IN CONNECTION**
103 **THEREWITH, IMPLEMENTING THE RECOMMENDATIONS OF THE**
104 **2017 SUNSET REPORT BY THE DEPARTMENT OF REGULATORY**
105 **AGENCIES.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

Sunset Process - House Transportation and Energy Committee. The bill implements the recommendations of the department

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

HOUSE
3rd Reading Unamended
April 27, 2018

HOUSE
Amended 2nd Reading
April 24, 2018

of regulatory agencies in its sunset review of the certification of conservation easement holders by:

- ! Continuing the certification of conservation easement holders by the conservation easement oversight commission (commission) for 7 years until 2025 (*Recommendation 1*);
- ! Authorizing the director of the division of real estate (director), in consultation with the commission, to share conservation easement information with a third-party vendor to develop a registry of conservation easements in the state for which conservation easement holders have received tax credits (*Recommendation 4*); and
- ! Authorizing the division of real estate to establish rules, in consultation with the commission, to cap the number of applications that the division accepts each month for tax credit certificates and preliminary advisory opinions (*Recommendation 5*).

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 12-61-724, **amend**
3 (13) as follows:

4 **12-61-724. Certification of conservation easement holders -**
5 **rules - definition - repeal.** (13) This section is repealed, effective July
6 ~~1, 2018~~ SEPTEMBER 1, 2025. Prior to the repeal, the department of
7 regulatory agencies shall review the certification requirement as provided
8 for in section 24-34-104. C.R.S.

9 **SECTION 2.** In Colorado Revised Statutes, 12-61-727, **add**
10 (13)(c) as follows:

11 **12-61-727. Conservation easement tax credit certificate**
12 **application process - definitions - rules.** (13) (c) THE DIRECTOR IS
13 AUTHORIZED TO SHARE PUBLICLY AVAILABLE INFORMATION REGARDING
14 CONSERVATION EASEMENTS, INCLUDING DEEDS, OR OTHER INSTRUMENTS
15 CREATING, ASSIGNING, OR TERMINATING THE EASEMENT; THE LOCATION
16 AND ACREAGE OF EACH EASEMENT, DELINEATED BY COUNTY; THE NAMES

1 AND ADDRESSES OF ANY HOLDERS OF THE EASEMENT SINCE ITS CREATION;
2 THE CONSERVATION PURPOSES OF THE EASEMENT; AND WHETHER ANY
3 INCOME TAX CREDITS WERE CLAIMED OR ALLOWED FOR THE EASEMENT,
4 WITH A THIRD-PARTY VENDOR FOR THE PURPOSE OF DEVELOPING AND
5 MAINTAINING A REGISTRY OF CONSERVATION EASEMENTS IN THE STATE.
6 PRIOR TO SHARING THE INFORMATION, THE DIRECTOR SHALL CONSULT
7 WITH THE COMMISSION REGARDING THE APPROPRIATE TYPES OF
8 INFORMATION AND THE METHODS USED FOR COLLECTING THE
9 INFORMATION. THE DEPARTMENT OF REGULATORY AGENCIES SHALL
10 ANNUALLY REPORT ON THE INFORMATION CONTAINED IN THE REGISTRY AS
11 A PART OF ITS PRESENTATION TO ITS COMMITTEE OF REFERENCE AT A
12 HEARING HELD PURSUANT TO SECTION 2-7-203 (2)(a) OF THE "STATE
13 MEASUREMENT FOR ACCOUNTABLE, RESPONSIVE, AND TRANSPARENT
14 (SMART) GOVERNMENT ACT".

15
16 **SECTION 3.** In Colorado Revised Statutes, 24-34-104, **add**
17 (26)(a)(VIII) as follows:

18 **24-34-104. General assembly review of regulatory agencies**
19 **and functions for repeal, continuation, or reestablishment - legislative**
20 **declaration - repeal.** (26) (a) The following agencies, functions, or both,
21 are scheduled for repeal on September 1, 2025:

22 (VIII) THE CERTIFICATION OF CONSERVATION EASEMENT HOLDERS
23 BY THE CONSERVATION EASEMENT OVERSIGHT COMMISSION AS PROVIDED
24 FOR IN SECTION 12-61-724.

25 **SECTION 4. Effective date.** This act takes effect upon passage;
26 except that section 2 takes effect July 1, 2019.

27 **SECTION 5. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, and safety.