

Second Regular Session  
Seventieth General Assembly  
STATE OF COLORADO

**ENGROSSED**

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

LLS NO. 16-1004.01 Esther van Mourik x4215

**HOUSE BILL 16-1286**

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**HOUSE SPONSORSHIP**

**Becker K.,** Singer, Vigil

**SENATE SPONSORSHIP**

**Tate,**

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**House Committees**

Finance  
Appropriations

**Senate Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING AN INCREASE IN THE PERCENTAGE OF A LANDOWNER'S**  
102 **COSTS INCURRED IN PERFORMING WILDFIRE MITIGATION**  
103 **MEASURES THAT MAY BE CLAIMED BY THE LANDOWNER FOR**  
104 **PURPOSES OF THE WILDFIRE MITIGATION INCOME TAX**  
105 **DEDUCTION.**

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**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://www.leg.state.co.us/billsummaries>.)*

The bill increases the percentage of a landowner's costs incurred in performing wildfire mitigation measures from 50% to 100% that may

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

HOUSE  
2nd Reading Unamended  
May 3, 2016

be claimed by the landowner for purposes of the wildfire mitigation income tax deduction.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly  
3 hereby finds and declares that:

4 (a) Warm winters, hot and dry summers, severe drought, insect  
5 and disease infestations, years of fire suppression, and population growth  
6 in the wildland-urban interface continue to increase wildfire risk and the  
7 potential for catastrophic wildfires in Colorado;

8 (b) Mitigating wildfire risk by creating a defensible space around  
9 structures is imperative not only to the home and the homeowner, but also  
10 to the homeowner's community and to the safety of the firefighters called  
11 to defend a home from a wildfire;

12 (c) By creating an adequate defensible space around structures, a  
13 homeowner can give firefighters the safest and best chance to defend the  
14 home from a wildfire; and

15 (d) Increasing the amount of the existing income tax deduction  
16 available for a taxpayer for the costs of wildfire mitigation measures that  
17 the taxpayer incurs is sound public policy.

18 **SECTION 2.** In Colorado Revised Statutes, 39-22-104, **amend**  
19 (4) (n.5) (I) (A); and **add** (4) (n.5) (I) (A.5) as follows:

20 **39-22-104. Income tax imposed on individuals, estates, and**  
21 **trusts - single rate - definitions - repeal.** (4) There shall be subtracted  
22 from federal taxable income:

23 (n.5) (I) (A) For income tax years commencing on or after January  
24 1, 2014, but prior to ~~January 1, 2025~~ JANUARY 1, 2017, AND FOR INCOME  
25 TAX YEARS COMMENCING ON OR AFTER JANUARY 1, 2020, BUT PRIOR TO

1 JANUARY 1, 2025, an amount equal to fifty percent of a landowner's costs  
2 incurred in performing wildfire mitigation measures in that income tax  
3 year on his or her property located within the state; except that the amount  
4 of the deduction claimed in an income tax year shall not exceed two  
5 thousand five hundred dollars or the total amount of the landowner's  
6 federal taxable income for the income tax year for which the deduction  
7 is claimed, whichever is less.

8 (A.5) FOR INCOME TAX YEARS COMMENCING ON OR AFTER  
9 JANUARY 1, 2017, BUT PRIOR TO JANUARY 1, 2020, AN AMOUNT EQUAL TO  
10 ONE HUNDRED PERCENT OF A LANDOWNER'S COSTS INCURRED IN  
11 PERFORMING WILDFIRE MITIGATION MEASURES IN THAT INCOME TAX YEAR  
12 ON HIS OR HER PROPERTY LOCATED WITHIN THE STATE; EXCEPT THAT THE  
13 AMOUNT OF THE DEDUCTION CLAIMED IN AN INCOME TAX YEAR SHALL NOT  
14 EXCEED TWO THOUSAND FIVE HUNDRED DOLLARS OR THE TOTAL AMOUNT  
15 OF THE LANDOWNER'S FEDERAL TAXABLE INCOME FOR THE INCOME TAX  
16 YEAR FOR WHICH THE DEDUCTION IS CLAIMED, WHICHEVER IS LESS.

17 **SECTION 3. Act subject to petition - effective date.** This act  
18 takes effect at 12:01 a.m. on the day following the expiration of the  
19 ninety-day period after final adjournment of the general assembly (August  
20 10, 2016, if adjournment sine die is on May 11, 2016); except that, if a  
21 referendum petition is filed pursuant to section 1 (3) of article V of the  
22 state constitution against this act or an item, section, or part of this act  
23 within such period, then the act, item, section, or part will not take effect  
24 unless approved by the people at the general election to be held in  
25 November 2016 and, in such case, will take effect on the date of the  
26 official declaration of the vote thereon by the governor.