

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

INTRODUCED

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

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.

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5 **rules - definition - repeal.** (13) This section is repealed, effective ~~July~~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 THE LOCATION, SIZE, AND
15 CONSERVATION PURPOSE OF ANY EASEMENT THAT HAS RECEIVED A TAX
16 CREDIT, WITH A THIRD-PARTY VENDOR FOR THE PURPOSE OF DEVELOPING

1 AND MAINTAINING A REGISTRY OF CONSERVATION EASEMENTS IN THE
2 STATE. PRIOR TO SHARING THE INFORMATION, THE DIRECTOR SHALL
3 CONSULT WITH THE COMMISSION REGARDING THE APPROPRIATE TYPES OF
4 INFORMATION AND THE METHODS USED FOR COLLECTING THE
5 INFORMATION.

6 **SECTION 3.** In Colorado Revised Statutes, 12-61-727, **amend**
7 (15) as follows:

8 **12-61-727. Conservation easement tax credit certificate**
9 **application process - definitions - rules.** (15) The division may
10 promulgate rules to effectuate the purpose, implementation, and
11 administration of this section pursuant to article 4 of title 24. ~~C.R.S.~~ The
12 authority to promulgate rules includes the authority to define further in
13 rule the administrative processes and requirements, including application
14 processing and review time frames, for obtaining and issuing an optional
15 preliminary advisory opinion pursuant to subsection (14) of this section.
16 THE AUTHORITY TO PROMULGATE RULES FURTHER INCLUDES THE
17 AUTHORITY TO ESTABLISH, AFTER CONSULTATION WITH THE COMMISSION,
18 MONTHLY CAPS ON THE NUMBER OF APPLICATIONS FOR TAX CREDIT
19 CERTIFICATES AND PRELIMINARY ADVISORY OPINIONS ACCEPTED BY THE
20 DIVISION.

21 **SECTION 4.** In Colorado Revised Statutes, 24-34-104, **add**
22 (26)(a)(VIII) as follows:

23 **24-34-104. General assembly review of regulatory agencies**
24 **and functions for repeal, continuation, or reestablishment - legislative**
25 **declaration - repeal.** (26) (a) The following agencies, functions, or both,
26 are scheduled for repeal on September 1, 2025:

27 (VIII) THE CERTIFICATION OF CONSERVATION EASEMENT HOLDERS

1 BY THE CONSERVATION EASEMENT OVERSIGHT COMMISSION AS PROVIDED
2 FOR IN SECTION 12-61-724.

3 **SECTION 5. Effective date.** This act takes effect upon passage;
4 except that section 2 takes effect July 1, 2019.

5 **SECTION 6. Safety clause.** The general assembly hereby finds,
6 determines, and declares that this act is necessary for the immediate
7 preservation of the public peace, health, and safety.