



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

Final Fiscal Note

Drafting Number:	LLS 22-1014	Date:	September 21, 2022
Prime Sponsors:	Sen. Winter; Simpson Rep. Lynch; Roberts	Bill Status:	Signed into Law
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Bill Topic: CONDEMNED CONSERVATION EASEMENT PROP COMPENSATION

Summary of Fiscal Impact:

<input type="checkbox"/> State Revenue	<input type="checkbox"/> TABOR Refund
<input checked="" type="checkbox"/> State Expenditure	<input checked="" type="checkbox"/> Local Government
<input type="checkbox"/> State Transfer	<input type="checkbox"/> Statutory Public Entity

The bill specifies how just compensation is to be determined if a property encumbered by a conservation easement is condemned. It increases state and local government expenditures on an ongoing basis.

Appropriation Summary: No appropriation is required.

Fiscal Note Status: The fiscal note reflects the enacted bill.

Summary of Legislation

When a property is condemned under a government entity's eminent domain power, the property owner is entitled to just compensation. If a government entity condemns a property encumbered by a conservation easement and as a result acquires the property free of the conservation easement interest, or if the conservation easement interest is subordinated, the bill requires that just compensation be determined as if the property were not encumbered by the conservation easement.

Background

A conservation easement is a voluntary legal agreement that permanently preserves land for certain public benefits, such as scenic or agricultural open space, natural habitat, recreational areas, or historical sites. Current state law includes provisions governing the creation, operation, and terms of conservation easements.

State and Local Government Expenditures

The bill increases expenditures for state and local government entities that use eminent domain to condemn a property encumbered by a conservation easement by requiring those entities to compensate landowners as if the property were not encumbered by the easement. The expenditure increase will depend on the number of these types of properties that are condemned, the characteristics of those properties, and the terms of their easements. Among state agencies, the bill increases Department of Transportation expenditures from the State Highway Fund for right-of-way acquisition by an indeterminate amount in FY 2022-23 and subsequent years.

Effective Date

The bill was signed into law by the Governor and took effect on June 7, 2022.

State and Local Government Contacts

Counties	Judicial	Law
Local Affairs	Municipalities	Natural Resources
Regulatory Agencies	Revenue	Special Districts
Transportation		