

Second Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 18-0836.01 Gregg Fraser x4325

**HOUSE BILL 18-1290**

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**HOUSE SPONSORSHIP**

**Roberts and Lawrence,** Hansen

**SENATE SPONSORSHIP**

**Sonnenberg,**

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**House Committees**

Transportation & Energy  
Finance

**Senate Committees**

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**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.**

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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://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*).

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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. THE DEPARTMENT OF REGULATORY AGENCIES SHALL  
6 ANNUALLY REPORT ON THE INFORMATION CONTAINED IN THE REGISTRY AS  
7 A PART OF ITS PRESENTATION TO ITS COMMITTEE OF REFERENCE AT A  
8 HEARING HELD PURSUANT TO SECTION 2-7-203 (2)(a) OF THE "STATE  
9 MEASUREMENT FOR ACCOUNTABLE, RESPONSIVE, AND TRANSPARENT  
10 (SMART) GOVERNMENT ACT".

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12 SECTION 3. In Colorado Revised Statutes, 24-34-104, add  
13 (26)(a)(VIII) as follows:

14 24-34-104. General assembly review of regulatory agencies  
15 and functions for repeal, continuation, or reestablishment - legislative  
16 declaration - repeal. (26) (a) The following agencies, functions, or both,  
17 are scheduled for repeal on September 1, 2025:

18 (VIII) THE CERTIFICATION OF CONSERVATION EASEMENT HOLDERS  
19 BY THE CONSERVATION EASEMENT OVERSIGHT COMMISSION AS PROVIDED  
20 FOR IN SECTION 12-61-724.

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

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