



Legislative Council Staff

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Fiscal Note

Drafting Number:	LLS 22-1014	Date:	April 20, 2022
Prime Sponsors:	Sen. Winter; Simpson Rep. Lynch; Roberts	Bill Status:	Senate Finance
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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 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 local government expenditures on an ongoing basis.

Appropriation Summary: No appropriation is required.

Fiscal Note Status: The fiscal note reflects the introduced 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. The bill requires that just compensation for condemnation of a property encumbered by a conservation easement 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.

Local Government

The bill increases expenditures for local governments that use eminent domain to condemn a property encumbered by a conservation easement by requiring those governments 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.

Effective Date

The bill takes effect upon signature of the Governor, or upon becoming law without his signature.

State and Local Government Contacts

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