

**First Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 09-0422.01 Gregg Fraser

HOUSE BILL 09-1014

HOUSE SPONSORSHIP

Judd,

SENATE SPONSORSHIP

Isgar,

House Committees
Business Affairs and Labor

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE PROVISION OF ADDITIONAL RESOURCES TO THE**
102 **DIVISION OF REAL ESTATE TO PROVIDE OVERSIGHT OF**
103 **CONSERVATION EASEMENTS FOR WHICH A STATE INCOME TAX**
104 **CREDIT IS CLAIMED.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Eliminates the cap on the amount of the fee paid to the division of real estate (division) by:

- ! An appraiser in connection with submitting an appraisal for review; and

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.

! An entity that holds a conservation easement in connection with an application to be certified.

Requires conservation easement holders to pay an annual fee to cover the costs of the division in reviewing appraisals of conservation easements and certifying entities that hold conservation easements. Authorizes the division to also accept and expend gifts, grants, and donations to cover such costs. Repeals the provision specifying that the certification of a conservation easement holder is effective for a 3-year period.

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

2 **SECTION 1.** 12-61-719 (8), Colorado Revised Statutes, is
3 amended to read:

4 **12-61-719. Conservation easement appraisals - fund created.**

5 (8) Any appraiser who submits a copy of an appraisal to the division in
6 accordance with the requirements of this section shall pay the division a
7 fee as prescribed by the division. The fee shall cover the costs of the
8 division in administering the requirements of this section. THE DIVISION
9 SHALL HAVE THE AUTHORITY TO ACCEPT AND EXPEND GIFTS, GRANTS, AND
10 DONATIONS FOR THE PURPOSES OF THIS SECTION. The state treasurer shall
11 credit ~~the~~ fees, GIFTS, GRANTS, AND DONATIONS to the conservation
12 easement appraisal review fund, which fund is hereby created in the state
13 treasury. Moneys in the fund shall be annually appropriated to the
14 division for the purposes of implementing and administering this section
15 and shall not revert to the general fund at the end of any fiscal year. The
16 fund shall be maintained in accordance with section 24-75-402, C.R.S.
17 ~~except that in no event shall the fee exceed the amount of six hundred~~
18 ~~dollars for each appraisal submitted.~~ On or before January 1, 2009, and
19 on or before each January 1 thereafter, the division shall certify to the
20 general assembly the amount of the fee prescribed by the division

1 pursuant to this subsection (8).

2 **SECTION 2.** 12-61-720 (3) and (9), Colorado Revised Statutes,
3 are amended to read:

4 **12-61-720. Certification of conservation easement holders -**
5 **fund created - rules - repeal.** (3) At the time of submission of an
6 application, AND EACH YEAR THE ENTITY IS CERTIFIED PURSUANT TO THIS
7 SECTION, the applicant shall pay the division a fee as prescribed by the
8 division. The fee shall cover the costs of the division and the commission
9 in administering the certification program for entities that hold
10 conservation easements for which tax credits are claimed pursuant to
11 section 39-22-522, C.R.S. THE DIVISION SHALL HAVE THE AUTHORITY TO
12 ACCEPT AND EXPEND GIFTS, GRANTS, AND DONATIONS FOR THE PURPOSES
13 OF THIS SECTION. The state treasurer shall credit fees, GIFTS, GRANTS,
14 AND DONATIONS collected pursuant to this subsection (3) to the
15 conservation easement holder certification fund, which fund is hereby
16 created in the state treasury. Moneys in the fund shall be annually
17 appropriated to the division for the purposes of implementing and
18 administering this section and shall not revert to the general fund at the
19 end of any fiscal year. The fund shall be maintained in accordance with
20 section 24-75-402, C.R.S. ~~except that in no event shall the fee exceed the~~
21 ~~amount of five thousand eight hundred ten dollars for each application~~
22 ~~submitted.~~ On or before January 1, 2009, and on or before each January
23 1 thereafter, the division shall certify to the general assembly the amount
24 of the fee prescribed by the division pursuant to this subsection (3).

25 (9) ~~Certification granted in accordance with the provisions of this~~
26 ~~section shall be effective for a three-year period.~~

27 **SECTION 3. Act subject to petition - effective date.** This act

1 shall take effect at 12:01 a.m. on the day following the expiration of the
2 ninety-day period after final adjournment of the general assembly that is
3 allowed for submitting a referendum petition pursuant to article V,
4 section 1 (3) of the state constitution, (August 4, 2009, if adjournment
5 sine die is on May 6, 2009); except that, if a referendum petition is filed
6 against this act or an item, section, or part of this act within such period,
7 then the act, item, section, or part, if approved by the people, shall take
8 effect on the date of the official declaration of the vote thereon by
9 proclamation of the governor.