

# An Act

HOUSE BILL 09-1014

BY REPRESENTATIVE(S) Judd, Curry, Fischer, McGihon, McKinley, Merrifield, Miklosi, Ryden;  
also SENATOR(S) Isgar, Hodge.

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

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

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

**12-61-719. Conservation easement appraisals - fund created.**  
(8) Any appraiser who submits a copy of an appraisal to the division in accordance with the requirements of this section shall pay the division a fee as prescribed by the division. The fee shall cover the costs of the division in administering the requirements of this section. THE DIVISION SHALL HAVE THE AUTHORITY TO ACCEPT AND EXPEND GIFTS, GRANTS, AND DONATIONS FOR THE PURPOSES OF THIS SECTION. The state treasurer shall credit ~~the~~ fees, GIFTS, GRANTS, AND DONATIONS to the conservation easement appraisal review fund, which fund is hereby created in the state treasury. Moneys in the fund shall be annually appropriated to the division

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

for the purposes of implementing and administering this section and shall not revert to the general fund at the end of any fiscal year. The fund shall be maintained in accordance with section 24-75-402, C.R.S. ~~except that in no event shall the fee exceed the amount of six hundred dollars for each appraisal submitted.~~ On or before January 1, 2009, and on or before each January 1 thereafter, the division shall certify to the general assembly the amount of the fee prescribed by the division pursuant to this subsection (8).

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

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

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

**SECTION 3. Act subject to petition - effective date.** This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section

1 (3) of the state constitution, (August 4, 2009, if adjournment sine die is on May 6, 2009); except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

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Terrance D. Carroll  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

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Peter C. Groff  
PRESIDENT OF  
THE SENATE

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Marilyn Eddins  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

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Karen Goldman  
SECRETARY OF  
THE SENATE

APPROVED \_\_\_\_\_

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Bill Ritter, Jr.  
GOVERNOR OF THE STATE OF COLORADO