

First Regular Session
Seventieth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 15-0553.01 Gregg Fraser x4325

SENATE BILL 15-206

SENATE SPONSORSHIP

Roberts and Hodge,

HOUSE SPONSORSHIP

Garnett and Keyser,

Senate Committees

Agriculture, Natural Resources, & Energy

House Committees

A BILL FOR AN ACT

101 CONCERNING THE IMPLEMENTATION OF THE 2012 CONSERVATION
102 EASEMENT PROGRAM PERFORMANCE AUDIT RECOMMENDATIONS
103 FOR CONSERVATION EASEMENTS DONATED ON OR AFTER
104 JANUARY 1, 2015, AND, IN CONNECTION THEREWITH,
105 ADDRESSING THE ISSUE OF PHASING, LOWERING TRANSACTION
106 COSTS FOR AGRICULTURAL PRODUCERS, AND EASING
107 ENDANGERED SPECIES MITIGATION.

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://www.leg.state.co.us/billsummaries>.)

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.

The state currently allows an income tax credit for a portion of the value of a conservation easement donated by a taxpayer. The amount of the credit is equal to 50% of the fair market value of the donated portion of the easement, with a cap of \$375,000 for each easement donated.

Starting January 1, 2015, the bill increases the amount of the credit to 75% of the first \$100,000 of the fair market value of the easement, and 50% of the fair market value above that amount. The cap is increased to \$1.5 million.

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

2 **SECTION 1.** In Colorado Revised Statutes, 39-22-522, **amend**
3 (4) (a) (II); and **add** (4) (a) (II.5) as follows:

4 **39-22-522. Credit against tax - conservation easements.**

5 (4) (a) (II) For a conservation easement in gross created in accordance
6 with article 30.5 of title 38, C.R.S., that is donated on or after January 1,
7 2007, AND PRIOR TO JANUARY 1, 2015, to a governmental entity or a
8 charitable organization described in section 38-30.5-104 (2), C.R.S., the
9 credit provided for in subsection (2) of this section shall be an amount
10 equal to fifty percent of the fair market value of the donated portion of
11 such conservation easement in gross when created; except that in no case
12 shall the credit exceed three hundred seventy-five thousand dollars per
13 donation.

14 (II.5) FOR A CONSERVATION EASEMENT IN GROSS CREATED IN
15 ACCORDANCE WITH ARTICLE 30.5 OF TITLE 38, C.R.S., THAT IS DONATED
16 ON OR AFTER JANUARY 1, 2015, TO A GOVERNMENTAL ENTITY OR A
17 CHARITABLE ORGANIZATION DESCRIBED IN SECTION 38-30.5-104 (2),
18 C.R.S., THE CREDIT PROVIDED FOR IN SUBSECTION (2) OF THIS SECTION
19 SHALL BE AN AMOUNT EQUAL TO SEVENTY-FIVE PERCENT OF THE FIRST
20 ONE HUNDRED THOUSAND DOLLARS OF THE FAIR MARKET VALUE OF THE

1 DONATED PORTION OF SUCH CONSERVATION EASEMENT IN GROSS WHEN
2 CREATED, AND FIFTY PERCENT OF ALL AMOUNTS OF THE DONATION IN
3 EXCESS OF ONE HUNDRED THOUSAND DOLLARS; EXCEPT THAT, IN NO CASE
4 SHALL THE CREDIT EXCEED ONE MILLION FIVE HUNDRED THOUSAND
5 DOLLARS PER DONATION.

6 **SECTION 2. Safety clause.** The general assembly hereby finds,
7 determines, and declares that this act is necessary for the immediate
8 preservation of the public peace, health, and safety.