

First Regular Session
Seventieth General Assembly
STATE OF COLORADO

PREAMENDED

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

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
Finance
Appropriations

House Committees

Agriculture, Livestock, & Natural Resources
Finance
Appropriations

A BILL FOR AN ACT

101 **CONCERNING PHASED CONSERVATION EASEMENT DONATIONS FOR**
102 **CONSERVATION EASEMENTS DONATED ON OR AFTER JANUARY 1,**
103 **2015, AND, IN CONNECTION THEREWITH, LOWERING**
104 **TRANSACTION COSTS FOR AGRICULTURAL PRODUCERS,**
105 **FACILITATING ENDANGERED SPECIES MITIGATION, AND MAKING**
106 **AN APPROPRIATION.**

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>.)

The state currently allows an income tax credit for a portion of the

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.

SENATE
3rd Reading Unamended
April 21, 2015

SENATE
Amended 2nd Reading
April 20, 2015

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, OR ON OR AFTER JANUARY 1, 2018,
8 to a governmental entity or a charitable organization described in section
9 38-30.5-104 (2), C.R.S., the credit provided for in subsection (2) of this
10 section shall be an amount equal to fifty percent of the fair market value
11 of the donated portion of such conservation easement in gross when
12 created; except that in no case shall the credit exceed three hundred
13 seventy-five thousand dollars per 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, BUT PRIOR TO JANUARY 1, 2018, TO A
17 GOVERNMENTAL ENTITY OR A CHARITABLE ORGANIZATION DESCRIBED IN
18 SECTION 38-30.5-104 (2), C.R.S., THE CREDIT PROVIDED FOR IN
19 SUBSECTION (2) OF THIS SECTION SHALL BE AN AMOUNT EQUAL TO
20 SEVENTY-FIVE PERCENT OF THE FIRST ONE HUNDRED THOUSAND DOLLARS
21 OF THE FAIR MARKET VALUE OF THE DONATED PORTION OF SUCH
22 CONSERVATION EASEMENT IN GROSS WHEN CREATED, AND FIFTY PERCENT

1 OF ALL AMOUNTS OF THE DONATION IN EXCESS OF ONE HUNDRED
2 THOUSAND DOLLARS; EXCEPT THAT, IN NO CASE SHALL THE CREDIT
3 EXCEED ONE MILLION [REDACTED] DOLLARS PER DONATION.

4 **SECTION 2. Appropriation.** For the 2015-16 state fiscal year,
5 \$5,300 is appropriated to the department of revenue. This appropriation
6 is from the general fund. To implement this act, the department may use
7 this appropriation for CITA annual maintenance and support.

8 **SECTION 3. Safety clause.** The general assembly hereby finds,
9 determines, and declares that this act is necessary for the immediate
10 preservation of the public peace, health, and safety.