

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 18-0660.01 Gregg Fraser x4325

HOUSE BILL 18-1123

HOUSE SPONSORSHIP

Lewis, Beckman, Buck, Everett, Humphrey, Landgraf, Leonard, Neville P., Reyher, Saine, Sias, Van Winkle, Williams D., Catlin, Rankin

SENATE SPONSORSHIP

Sonnenberg and Marble, Neville T., Scott, Cooke

House Committees

Health, Insurance, & Environment
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING MEASURES TO ENFORCE A REDUCTION IN THE ABUSE OF**
102 **CONSERVATION EASEMENTS IN THE STATE, AND, IN CONNECTION**
103 **THEREWITH, PLACING A TEMPORARY MORATORIUM ON THE**
104 **ABILITY OF A TAXPAYER TO CLAIM A STATE INCOME TAX CREDIT**
105 **FOR THE DONATION OF AN EASEMENT.**

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://leg.colorado.gov>.)

Current law allows a taxpayer to claim a state income tax credit for a portion of the value of a perpetual conservation easement that is granted

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

by the taxpayer on real property located in the state. The bill places a 3-year moratorium on the ability of a taxpayer to claim the credit from January 1, 2019, through December 31, 2021.

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 (2)(b) as follows:

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

5 (2) (b) For income tax years commencing on or after January 1, 2014,
6 BUT PRIOR TO JANUARY 1, 2019, AND FOR INCOME TAX YEARS
7 COMMENCING ON OR AFTER JANUARY 1, 2022, and, with regard to any
8 credit over the amount of one hundred thousand dollars, for income tax
9 years commencing on or after January 1, 2003, subject to ~~the provisions~~
10 ~~of~~ subsections (4) and (6) of this section, there shall be allowed a credit
11 with respect to the income taxes imposed by this ~~article~~ ARTICLE 22 to
12 each taxpayer who donates during the taxable year all or part of the value
13 of a perpetual conservation easement in gross created pursuant to article
14 30.5 of title 38 ~~C.R.S.~~, upon real property the taxpayer owns to a
15 governmental entity or a charitable organization described in section
16 38-30.5-104 (2). ~~C.R.S.~~ The credit shall only be allowed for a donation
17 that meets the requirements of section 170 of the federal "Internal
18 Revenue Code of 1986", as amended, and any federal regulations
19 promulgated in accordance with such section. The amount of the credit
20 shall not include the value of any portion of an easement on real property
21 located in another state.

22 **SECTION 2. Act subject to petition - effective date.** This act
23 takes effect at 12:01 a.m. on the day following the expiration of the
24 ninety-day period after final adjournment of the general assembly (August

1 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a
2 referendum petition is filed pursuant to section 1 (3) of article V of the
3 state constitution against this act or an item, section, or part of this act
4 within such period, then the act, item, section, or part will not take effect
5 unless approved by the people at the general election to be held in
6 November 2018 and, in such case, will take effect on the date of the
7 official declaration of the vote thereon by the governor.