



## Important Legislative Update

Jan. 7, 2009

### Bill Introduced to Change Fees for Certification and Appraisal Review

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A bill was introduced today in the Colorado General Assembly by Representative Joel Judd and Senator Jim Isgar that, if passed, will make slight changes to last year's legislation, HB08-1353. The bill, **HB09-1014**, will eliminate the fee caps for both the appraisal review and easement holder certification programs and will change the certification program from a 3-year program to a one-time certification with an annual renewal. The bill is backed by the Colorado Department of Regulatory Agencies (DORA). You can view a copy of the bill on CCLT's [2009 Legislative Updates webpage](#). We expect HB09-1014 to move very quickly. CCLT is supporting the bill, but we will not send updates for every hearing and urge you to stay up-to-date by checking the websites of both CCLT and the General Assembly.

CCLT is aware that a change to these expected fees could be a significant burden to conservation organizations. However, due to state funding rules, DORA simply cannot fund the program with the caps in place. We also need to make sure that DORA has the funding necessary to continue its enforcement role and preserve the integrity of the conservation easement tax credit program. The agency is being very reasonable and we have worked out an arrangement that we hope will actually work better for easement holders over time. We have not heard concerns from any of you so far, but please contact Jill ([jill.ozarski@cclt.org](mailto:jill.ozarski@cclt.org)) or Greg ([greg.yankee@cclt.org](mailto:greg.yankee@cclt.org)) by email or phone (303-271-1577) if any do arise.

If HB09-1014 passes, DORA would set a new fee with a 30-day notice. If DORA certifies an organization, the certification would be active indefinitely as long as the organization files their 1299 with an annual renewal fee (again, unless a DORA investigation finds reason to revoke it). While DORA cannot set fees until the bill passes, Director Erin Toll estimated at a 12/8/2008 meeting that the fees would be as follows:

Year 1 -- \$4,000  
Year 2 -- \$4,000  
Year 3 -- \$3,000  
Year 4 and beyond -- \$2,000 or less annually.

Please trust that CCLT shares our members' frustration because these fees are higher than we anticipated when HB1353 was being developed. However, the compromise is that the fee will be less than our members budgeted for 2009 and the extensive certification process should not have to be repeated. DORA's hands are tied and they cannot implement HB1353 unless the fee caps are removed. If you know your legislators, we suggest you contact them and tell them that you are aware of the bill and support it in order to ensure that the accountability of the tax

credit program is fully implemented.

Please do not hesitate to contact us at 303-271-1577 with any questions you have.

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