

## Colorado Coalition of Land Trusts E-Newsletter Public Policy Edition

**June 2010**

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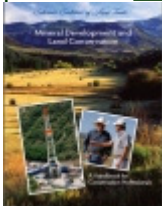
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## 2010 Legislative Session Recap

(Please see below for a brief summary of the major pieces of legislation that CCLT worked on this past legislative session.)

Colorado's conservation easement tax credit and Great Outdoors Colorado Trust Fund are considered national models for conservation incentives that carefully balance regional economic needs with critical land and water preservation. Coloradans consistently identify conservation as one of the most important issues facing them today. Maintaining these programs is critical to our farmers, ranchers, and other landowners whose lands provide important agricultural products, wildlife habitat, water resources, and the scenic vistas for which our state is famous.

Conservation easements are the primary land preservation tool in Colorado, accounting for more than two-thirds of all conserved land in the state. Nearly four thousand easements have been used to protect more than 1.5 million acres of land across Colorado from development. These conservation efforts are simply too important to compromise.

Nobody can question the difficult economic times we are in, but it is important that the choices that are made at the Capitol are the best for all of Colorado. The beauty of Colorado, from the spectacular plains to the breathtaking mountains, is worth protecting. The heritage of Colorado, including the farming and ranching that has gone on for generations and the ample outdoor recreation opportunities, is worth protecting. The conservation easement tax credit is a critically important and cost effective tool for achieving these goals. Perhaps most importantly, conservation

has at its core a belief that the future of Colorado is worth protecting.

## **HB10-1197**

HB10-1197 was introduced on January 22, 2010. In its original form, the bill permanently reduced the conservation easement tax credit limit on individual donations from \$375,000 to \$135,000 effective January 1, 2011. After talking with the staff of numerous land trusts, what was already suspected became clear: this was an unacceptable solution. Not only would the reduced cap effectively eliminate the incentive for landowners to do conservation easements but the permanent nature of the change went against everything we had heard in our negotiations with the Governor's Office and members of the Colorado General Assembly. After being told that we were welcome to come back with an alternative solution, CCLT went over various proposals with our Public Policy Committee and Board of Directors. We also reached out to our membership and asked for input on options available to us.

As a result of the input from the Board of Directors, Public Policy Committee, and CCLT members, we introduced a strike below amendment to the House Finance Committee on Friday, January 29 for HB10-1197. The major changes were threefold: 1) instead of a reduction in the individual credit limit, we proposed an aggregate cap of \$26 million (a figure that was chosen after consultation with the Governor's Office) to the program as a whole; 2) the changes would be effective January 1, 2011 but would sunset in 2013, rather than be a permanent change to the program; and 3) the cap would only apply to easements conveyed in 2011, 2012, and 2013. The reason for this last provision was to prevent the cap from being met by "carry forwards" from previous years' transactions.

The program will be run through the Division of Real Estate (Division) and the Department of Revenue. The Division shall issue tax credit certificates in the order in which complete applications are received. A waitlist will be created that cannot exceed \$52 million (thus ensuring that the overall "cost" to the State remained at \$26 million/year or \$78 million/three years). HB10-1197 provides authority to the Division of Real Estate to notify the public regarding the aggregate amount of tax credits that have been issued as well as the amount on the waitlist. The Division of Real Estate will be promulgating rules to implement this legislation and administer the program.

Additionally, the bill clarifies the legislative intent of HB95-1268 concerning the classification of agricultural land that has a conservation easement placed on it.

CCLT is grateful to Division of Real Estate staff who have been generous enough with their time to do two webinars on the implementation of 1197. We anticipate future webinars addressing this topic.

## **HB10-1169**

HB10-1169 sought to restrict the ability of the Department of Revenue to challenge conservation easement tax credits. The bill was postponed indefinitely by the House Finance committee. As a result of conversations with John Swartout and Steve Holdren, Representative McKinley has agreed to create an informal working group to meet this summer to discuss concerns with the Department and propose solutions. Four legislators volunteered upon Rep. McKinley's request: Reps. DelGrosso, Gerou, Kefalas, and Labuda. Rep. McKinley was grateful for CCLT's offer to help coordinate that working group and we look forward to playing an active role in it.

## HCR10-1007

House Concurrent Resolution 1007 was introduced late in the 2010 session. This measure asked voters to amend Article XXVII of the Constitution (the GOCO Amendment) to allow the state government to declare a fiscal emergency and transfer all lottery proceeds to the state education fund. HCR10-1007 was assigned to two House committees: Education and State, Veterans, and Military Affairs. The bill did not make it out of the House Education committee, where it was voted down on a 7-5 vote.

## June Webinars

CCLT offers online educational services called webinars which are internet and conference-call based presentations held online so that professionals from all over Colorado and the U.S. can participate from their own offices. CCLT webinars are currently offered free of charge. Here are the upcoming topics for June:

**June 15th:** Understanding Appraisals of Conservation Easement Properties Session 2  
(Limited Availability)

**June 17th:** Stewardship

**June 22nd:** Tax Credit Certificate Application and Process

To register, please send an email expressing interest to [Webinars@cclt.org](mailto:Webinars@cclt.org) or call our offices at 303-271-1577.

## Isaacson Rosenbaum P.C. CLE - Save the Date

Isaacson Rosenbaum P.C. will be presenting an in-depth CLE on conservation law on **July 30, 2010**. Please save this date if you are interested in attending. For more information, please click [here](#).

## Conservation Easement Holder Certification Deadline Approaching

In order for your government entity to be Certified to hold conservation easements for which a state tax credit is claimed on January 1, 2011 the Division of Real Estate must receive the **Organizational Profile and initial application fee no later than June 30, 2010**.

**Benchmark Dates:**

The Organizational Profile and initial fee must be received by June 30, 2010

To have your organization's application reviewed at the:

**September 20th CEOC Meeting**

-All Comprehensive Application materials (including second portion of the fee) must be received by July 15, 2010

**December 6th CEOC Meeting**

-All Comprehensive Application materials (including second portion of the fee) must be received by September 1, 2010

The Division cannot guarantee Comprehensive Applications submitted after September 1st will be reviewed by the CEOC at the December meeting. Applicants who submit materials late will have their Certification delayed because the Division cannot make a Certification decision without first consulting with the CEOC.

If you have questions about the Certification process please see the Division's Website:<http://www.dora.state.co.us/real-estate/Conservation.htm>.

Further questions should be directed to Jordan Beezley at 303-894-2325 or [Jordan.beezley@dora.state.co.us](mailto:Jordan.beezley@dora.state.co.us).

## Landowner Profiles and Videos

This is a reminder that we have developed a series of landowner stories, sharing tales about the lives that are affected by making Colorado ranches, farms, vistas and historic areas viable and protected.

The stories are posted on our website [here](#). To supplement these stories and offer the public a glimpse into the lives of these ranching and farming families, we have produced short videos for each landowner. Those videos can be found at the same link above.

We encourage you to take the time to get to know the people behind the tax credit program - and to share these stories with your friends, family and colleagues. Let's keep Colorado agriculture alive - one family at a time.

## Conservation Jobs

Click on the following [link](#) for recent job postings with conservation organizations in Colorado.

## Follow CCLT on Twitter, Facebook and LinkedIn

CCLT has recently created Twitter, Facebook and LinkedIn accounts to make it more

convenient for our members and partners to hear about events and get updates on the activities of CCLT. Please visit the following [page](#) on our website to get more information.

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