

**DEPARTMENT OF REGULATORY AGENCIES
DIVISION OF REAL ESTATE
CONSERVATION EASEMENTS
4 CCR 725-4**

**NOTICE OF PROPOSED RULEMAKING HEARING
MAY 17, 2010**

A-5 REINSTATEMENT OF CERTIFICATION

Pursuant to and in compliance with Title 12, Article 61 and Title 24, Article 4, C.R.S. as amended, notice of proposed rulemaking is hereby given, including notice to the Attorney General of the State of Colorado and to all persons who have requested to be advised of the intention of the Colorado Division of Real Estate (the "Division") to promulgate rules, or to amend, repeal or repeal and re-enact the present rules of the Division regarding the conservation easement certification program.

- Section 1. Authority
- Section 2. Scope and Purpose
- Section 3. Applicability
- Section 4. A-5 Reinstatement of Certification

Section 1. Authority

The Division of Real Estate adopts the following permanent rule entitled, **A-5 Reinstatement of Certification**, according to the authority found in section 12-61-720 (11) C.R.S.

Section 2. Scope and Purpose

Pursuant to section 12-61-720 (11), C.R.S., the Division shall have the authority to promulgate rules for the conservation easement certification program. The specific purpose of this rule is to define a time when and how a conservation easement holder may reinstate their certification should their certification expire.

Section 3. Applicability

This rule applies to any nonprofit entity and any government entity that hold conservation easements for which a tax credit is claimed pursuant to section 39-22-522, C.R.S.

Section 4. A-5 Reinstatement of Certification

A certification that has expired may be reinstated within one year after the date of expiration if a proper renewal application and renewal fee is submitted to the Division of Real Estate and if the applicant meets all other requirements of section 12-61-720, C.R.S. and any rules promulgated by the Division. Certification is effective on the date of issuance or reinstatement and cannot be applied retroactively. Any certification that has been expired greater than one year may not be reinstated.

A hearing on the above subject matter will be held on May 17, 2010 at the Colorado Division of Real Estate, 1560 Broadway, Suite 1250 C, Denver, Colorado 80202 beginning at 1:00 p.m.

Any interested person may participate in the rulemaking through submission of written data arguments to the Division of Real Estate. Persons are requested to submit data, views and arguments to the Division in writing no less than ten (10) days prior to the hearing date and time set forth above. All submissions will be considered.

Please be advised that the rule being considered is subject to further changes and modifications after public comment and formal hearing.