

SENATE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

May 5, 2011

Date

Committee on Finance.

After consideration on the merits, the Committee recommends the following:

HB11-1300 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

- 1 Amend reengrossed bill, page 3, strike lines 2 through 13.
- 2 Strike page 4.
- 3 Page 5, strike lines 1 through 8.
- 4 Renumber succeeding sections accordingly.
- 5 Page 5, line 18, strike "CREDIT, FEDERAL TAX" and substitute "CREDIT AND
6 THE FEDERAL TAX".
- 7 Page 5, strike line 19.
- 8 Page 5, line 20, strike "COLORADO TRUST FUND" and substitute
9 "DEDUCTION".
- 10 Page 6, strike lines 24 through 27.
- 11 Page 7, strike line 1.
- 12 Reletter succeeding paragraphs accordingly.
- 13 Page 7, strike lines 12 through 14 and substitute "ON APPEAL TO THE
14 DISTRICT COURT."

1 Page 7, after line 14 insert:

2 "(i) THE GENERAL ASSEMBLY STRONGLY ENCOURAGES THE
3 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE TO AGREE TO
4 WAIVE INTEREST AND PENALTIES FOR TAX MATTERS REPRESENTATIVES
5 AND CREDIT BUYERS WHO HAVE ACTED IN GOOD FAITH TO RESOLVE
6 DISPUTED CONSERVATION EASEMENT TAX CREDITS."

7 Reletter succeeding paragraph accordingly.

8 Page 9, strike lines 8 through 11 and substitute "PURSUANT TO THIS
9 SUBSECTION (2), ADDITIONAL INTEREST AND PENALTIES SHALL CEASE TO
10 ACCRUE WHILE THE MATTER IS ON APPEAL BEFORE THE DISTRICT COURT,
11 BEGINNING WITH THE DATE THE NOTICE OF APPEAL IS RECEIVED BY THE
12 DISTRICT COURT. THIS PARAGRAPH (d) SHALL NOT APPLY TO TAX
13 MATTERS REPRESENTATIVES WHO DO NOT ELECT TO WAIVE THE
14 ADMINISTRATIVE PROCESS."

15 Page 13, line 3, strike "(j)" and substitute "(i)".

16 Page 16, line 11, after "SECTION" insert "OR FILE A WRITTEN REQUEST FOR
17 FINAL HEARING AND FINAL DETERMINATION WITH THE EXECUTIVE
18 DIRECTOR PURSUANT TO SUBSECTION (3) OF THIS SECTION".

19 Page 16, line 26, strike "(d)" and substitute "(e)".

20 Page 19, line 7, strike "SECTION 39-29-105" and substitute "THE
21 PROVISIONS OF THIS SUBSECTION (6)".

22 Page 21, strike lines 16 through 26 and substitute:

23 "(11) IF A TAX MATTERS REPRESENTATIVE PROCEEDS WITH THE
24 HEARING PROCESS BEFORE THE EXECUTIVE DIRECTOR RATHER THAN
25 APPEAL TO A DISTRICT COURT PURSUANT TO SUBSECTION (2) OF THIS
26 SECTION AND EITHER THE TAX MATTERS REPRESENTATIVE OR ONE OR
27 MORE TRANSFEREES PAYS AN AMOUNT ON OR BEFORE JUNE 30, 2012, THAT
28 SATISFIES A DEFICIENCY IN AN AMOUNT AGREED TO BY THE DEPARTMENT
29 OF REVENUE FOR THE TAX OWED BY THE TAX MATTERS REPRESENTATIVE
30 OR THE TRANSFEREE, ALL ADDITIONAL AMOUNTS OF PENALTIES AND
31 INTEREST OWED SHALL BE WAIVED."

1 Page 23, strike lines 23 through 26 and substitute "DIRECTOR SHALL
2 PROVIDE NOTICE OF THE PROVISIONS OF THIS SUBSECTION (14) IN
3 ACCORDANCE WITH SUBSECTION (9) OF THIS SECTION."

4 Page 24, after line 25 insert:

5 "SECTION 3. 39-21-113, Colorado Revised Statutes, is amended
6 BY THE ADDITION OF A NEW SUBSECTION to read:

7 **39-21-113. Reports and returns - repeal.**
8 (17.5) (a) NOTWITHSTANDING THE PROVISIONS OF THIS SECTION, THE
9 EXECUTIVE DIRECTOR MAY PROVIDE SUCH DETAILED INFORMATION
10 PERTINENT TO A CLAIM FOR A CREDIT FOR THE DONATION OF A
11 CONSERVATION EASEMENT PURSUANT TO SECTION 39-22-522 TO
12 TAXPAYERS, INCLUDING DONORS AND TRANSFEREES, WITH CASES
13 INVOLVING COMMON OR RELATED ISSUES OF FACT OR LAW. THE
14 EXECUTIVE DIRECTOR OR THE EXECUTIVE DIRECTOR'S DULY AUTHORIZED
15 AGENTS MAY ALSO PROVIDE SUCH INFORMATION TO THE PARTIES TO A
16 CONSOLIDATED ADMINISTRATIVE HEARING PURSUANT TO 39-22-522.5 (5)
17 (a) AS NECESSARY AND APPROPRIATE FOR THE EFFICIENT AND FAIR
18 RESOLUTION OF DISPUTES.

19 (b) PERSONS WHO RECEIVE TAXPAYER INFORMATION PURSUANT TO
20 PARAGRAPH (a) OF THIS SUBSECTION (17.5) SHALL BE SUBJECT TO THE
21 PROVISIONS OF THIS SECTION, INCLUDING THE LIMITATIONS IN SUBSECTION
22 (4) OF THIS SECTION AND THE PENALTIES IN SUBSECTION (6) OF THIS
23 SECTION REGARDING DISCLOSURE OF TAXPAYER INFORMATION.

24 **SECTION 4. 39-22-522 (2.5), Colorado Revised Statutes, is**
25 **amended to read:**

26 **39-22-522. Credit against tax - conservation easements.**
27 (2.5) Notwithstanding any other provision of this section, for income tax
28 years commencing during the 2011, 2012, and 2013 calendar years, a
29 taxpayer conveying a conservation easement in 2011, 2012, or 2013 and
30 claiming a credit pursuant to this section shall, in addition to any other
31 requirements of this section, submit a claim for the credit to the division
32 of real estate in the department of regulatory agencies. The division shall
33 issue a certificate for the claims received in the order submitted. After
34 certificates have been issued for credits that exceed an aggregate of
35 ~~twenty-six~~ TWENTY-TWO million dollars for all taxpayers for income tax
36 years commencing in each of the 2011 AND 2012 ~~and 2013~~ calendar years
37 AND THIRTY-FOUR MILLION DOLLARS FOR EACH INCOME TAX YEAR
38 COMMENCING IN THE 2013 CALENDAR YEAR, any claims that exceed the
39 amount allowed for a specified calendar year shall be placed on a wait list

1 in the order submitted and a certificate shall be issued for use of the credit
2 in 2012 or 2013. The division shall not issue credit certificates that
3 exceed ~~twenty-six~~ TWENTY-TWO million dollars for each income tax year
4 commencing in the 2011 AND 2012 ~~and 2013~~ calendar years AND
5 THIRTY-FOUR MILLION DOLLARS FOR EACH INCOME TAX YEAR
6 COMMENCING IN THE 2013 CALENDAR YEAR. No claim for a credit shall
7 be allowed for any income tax year commencing during the 2011, 2012,
8 or 2013 calendar years unless a certificate has been issued by the division.
9 The right to claim the credit shall be vested in the taxpayer at the time a
10 credit certificate is issued. The division may promulgate rules in
11 accordance with article 4 of title 24, C.R.S., for the issuance of
12 certificates in accordance with this subsection (2.5)."

13 Renumber succeeding sections accordingly.

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