

HOUSE COMMITTEE OF REFERENCE REPORT

_____	<u>April 9, 2014</u>
Chairman of Committee	Date

Committee on Finance.

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

HB14-1311 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

- 1 Amend printed bill, page 5, line 5, strike "- fund".
- 2 Page 6, strike lines 20 through 22.
- 3 Reletter succeeding paragraphs accordingly.
- 4 Page 10, strike line 3 and substitute "1, 2016, BUT PRIOR TO JANUARY 1,
- 5 2020, THERE SHALL BE ALLOWED A".
- 6 Page 11, line 27, strike "EXCEED:" and substitute "EXCEED FIVE HUNDRED
- 7 DOLLARS."
- 8 Page 12, strike lines 1 through 6.
- 9 Page 12, strike lines 12 through 14 and substitute:
10 "(c) THE OFFICE MAY IMPOSE ON THE OWNER A REASONABLE
11 ISSUANCE FEE OF UP TO TWO PERCENT OF THE QUALIFIED REHABILITATION
12 EXPENDITURES, WHICH MUST BE PAID BEFORE THE TAX CREDIT IS ISSUED
13 TO THE OWNER. WITH RESPECT TO".
- 14 Page 12, strike lines 16 and 17 and substitute "SHARE ON AN EQUAL BASIS
15 ANY SUCH FEES COLLECTED WITH THE HISTORICAL SOCIETY AND THE
16 DEPARTMENT. MONEYS COLLECTED FROM SUCH FEES MUST BE APPLIED TO
17 THE ADMINISTRATION OF THE TAX CREDIT CREATED BY THIS SECTION."
- 18 Page 15, lines 7 and 8, strike "EIGHTEEN MONTHS" and substitute "ONE
19 YEAR".

- 1 Page 16, strike lines 11 and 12 and substitute "FOR WHICH THE OWNER IS
2 ELIGIBLE. IF THE TOTAL AMOUNT OF THE ANTICIPATED TAX CREDITS TO BE
3 AWARDED THE OWNER EXCEEDS TWO HUNDRED FIFTY THOUSAND
4 DOLLARS, THE".
- 5 Page 16, strike lines 21 and 22.
- 6 Renumber succeeding subparagraphs accordingly.
- 7 Page 16, strike lines 24 and 25 and substitute "REHABILITATION
8 EXPENDITURES THAT ARE LESS THAN TWO MILLION DOLLARS; PLUS".
- 9 Page 16, line 27, strike "FOUR" and substitute "TWO".
- 10 Page 17, line 7, strike "TWO" and substitute "ONE".
- 11 Page 17, strike lines 20 through 22.
- 12 Reletter succeeding sub-subparagraphs accordingly.
- 13 Page 17, line 24, strike "(II)" and substitute "(I)".
- 14 Page 17, line 27, strike "(III)" and substitute "(II)".
- 15 Page 20, line 26, strike "FOUR" and substitute "TWO".
- 16 Page 20, strike line 27 and substitute "MILLION DOLLARS OR LESS, TWO
17 AND ONE-HALF MILLION DOLLARS IN THE AGGREGATE FOR THE 2016
18 CALENDAR YEAR, AND".
- 19 Page 21, strike line 1 and substitute "FIVE MILLION DOLLARS IN THE
20 AGGREGATE FOR EACH OF THE 2017, 2018, AND 2019 CALENDAR".
- 21 Page 21, line 6, strike "FOUR" and substitute "TWO".
- 22 Page 21, line 7, strike "SEVEN" and substitute "TWO".
- 23 Page 21, strike line 8 and substitute "FOR THE 2016 CALENDAR YEAR AND
24 FIVE MILLION DOLLARS N THE AGGREGATE FOR EACH OF THE 2017, 2018,
25 AND 2019 CALENDAR YEARS, IN".
- 26 Page 22, line 22, strike "MAY" and substitute "SHALL".

1 Page 23, after line 27 insert:

2 "(f) (I) NOTWITHSTANDING ANY OTHER PROVISION OF THIS
3 SECTION, THE AGGREGATE AMOUNT OF TAX CREDITS AWARDED UNDER
4 THIS SECTION MUST NOT EXCEED:

5 (A) FOR THE 2016-2017 STATE FISCAL YEAR, FIVE MILLION
6 DOLLARS;

7 (B) FOR THE 2017-18 STATE FISCAL YEAR, TEN MILLION DOLLARS;

8 (C) FOR THE 2018-2019 STATE FISCAL YEAR, TEN MILLION
9 DOLLARS; AND

10 (D) FOR THE 2019-20 STATE FISCAL YEAR, TEN MILLION DOLLARS.

11 (II) CREDITS AWARDED BUT NOT USED DURING THE 2016-2017
12 STATE FISCAL YEAR MAY BE USED IN THE 2017-2018 STATE FISCAL YEAR.

13 (III) A TAX CREDIT AUTHORIZED UNDER THIS SECTION MAY BE
14 EARNED BEFORE JULY 1, 2016, BUT THE DEPARTMENT SHALL NOT AWARD
15 A TAX CREDIT UNDER THIS SECTION PRIOR TO JULY 1, 2016."

16 Page 24, line 14, strike "2018." and substitute "2019."

17 Page 24, line 20, strike "2018," and substitute "2019,".

18 Page 24, line 21, strike "2018." and substitute "2019."

19 Page 25, strike lines 1 through 3 and substitute "REPORT TO THE GENERAL
20 ASSEMBLY BY MARCH 1, 2017, AND BY MARCH 1, 2019, ON THE OVERALL
21 ECONOMIC".

22 Page 25, line 6, after "SECTION." add "ON OR BEFORE MARCH 15, 2016,
23 AND ON A QUARTERLY BASIS THEREAFTER, THE OFFICE SHALL PROVIDE A
24 REPORT TO THE DEPARTMENT SPECIFYING THE OWNERSHIP AND TRANSFERS
25 OF CREDIT UNDER THIS SECTION."

26 Page 25, line 9, strike "SECTION." and substitute "SECTION AND SHALL
27 SOLICIT ADVICE FROM THE DEPARTMENT IN PROMULGATING RULES FOR
28 TRANSFERS."

29 Page 25, strike lines 11 through 27 and substitute:

30 "(d) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A
31 TAXPAYER SHALL NOT CLAIM A CREDIT UNDER THIS SECTION IN
32 CONNECTION WITH THE REHABILITATION OF A HISTORIC STRUCTURE FOR
33 WHICH THE TAXPAYER IS ALSO CLAIMING A CREDIT UNDER SECTION
34 39-22-514."

1 Strike page 26 and substitute:

2 "SECTION 2. In Colorado Revised Statutes, 39-21-113, add (23)
3 as follows:

4 **39-21-113. Reports and returns - rule - repeal.**

5 (23) NOTWITHSTANDING THE PROVISIONS OF THIS SECTION:

6 (a) THE EXECUTIVE DIRECTOR MAY PROVIDE SUCH DETAILED
7 TAXPAYER INFORMATION PERTINENT TO A CLAIM FOR AN INCOME TAX
8 CREDIT FOR THE APPROVED REHABILITATION OF A HISTORIC STRUCTURE
9 PURSUANT TO SECTION 39-22-514.5 TO TAXPAYERS, INCLUDING OWNERS
10 AND TRANSFEREES, WITH CASES INVOLVING COMMON OR RELATED ISSUES
11 OF FACT OR LAW. WITH THE EXCEPTION OF TAXPAYER CONTACT
12 INFORMATION, ANY INFORMATION PROVIDED PURSUANT TO THIS
13 SUBSECTION (23) MUST REMAIN CONFIDENTIAL, AND ALL PERSONS ARE
14 SUBJECT TO THE LIMITATIONS SPECIFIED IN SUBSECTION (4) OF THIS
15 SECTION AND THE PENALTIES SPECIFIED IN SUBSECTION (6) OF THIS
16 SECTION.

17 (b) THE EXECUTIVE DIRECTOR MAY REQUIRE THAT SUCH DETAILED
18 TAXPAYER INFORMATION PERTINENT TO A CLAIM FOR AN INCOME TAX
19 CREDIT FOR THE APPROVED REHABILITATION OF A HISTORIC STRUCTURE
20 PURSUANT TO SECTION 39-22-514.5 AND ANY DOCUMENTATION IN
21 SUPPORT OF THE CREDIT CLAIMED BE GIVEN TO THE COLORADO OFFICE OF
22 ECONOMIC DEVELOPMENT AND THE STATE HISTORICAL SOCIETY OF
23 COLORADO AS THE EXECUTIVE DIRECTOR DETERMINES IS NECESSARY IN
24 THE PERFORMANCE OF THE DEPARTMENT'S FUNCTIONS RELATING TO THE
25 CREDIT. IN RESOLVING DISPUTES REGARDING THE CREDIT, THE EXECUTIVE
26 DIRECTOR MAY DISCLOSE SUCH DETAILED TAXPAYER INFORMATION AND
27 CONSULT WITH THE COLORADO OFFICE OF ECONOMIC DEVELOPMENT AND
28 THE STATE HISTORICAL SOCIETY OF COLORADO. NOTWITHSTANDING PART
29 2 OF ARTICLE 72 OF TITLE 24, C.R.S., IN ORDER TO PROTECT THE
30 CONFIDENTIAL FINANCIAL INFORMATION OF A TAXPAYER, THE EXECUTIVE
31 DIRECTOR SHALL DENY THE RIGHT TO INSPECT ANY INFORMATION OR
32 DOCUMENTATION REQUIRED IN ACCORDANCE WITH THIS SUBSECTION
33 (23).".

** **