

HOUSE COMMITTEE OF REFERENCE REPORT

Chair of Committee

February 2, 2023
Date

Committee on Finance.

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

HB23-1091 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

1 Amend printed bill, page 2, line 5, after "(1.5)" insert "(a)".

2 Page 3, after line 2 insert:

3 "(b)(I) IF A TAXPAYER CLAIMS A CREDIT FOR AN IN-KIND
4 CONTRIBUTION VALUED OVER FIVE THOUSAND DOLLARS, THE TAXPAYER
5 MUST ATTACH TO THE TAXPAYER'S TAX RETURN A QUALIFIED APPRAISAL
6 OF THE IN-KIND CONTRIBUTION VALUED BY A QUALIFIED APPRAISER.

7 (II) AS USED IN THIS SUBSECTION (1.5)(b), "QUALIFIED APPRAISAL"
8 MEANS AN APPRAISAL DOCUMENT THAT:

9 (A) A QUALIFIED APPRAISER PREPARES, SIGNS, AND DATES IN
10 ACCORDANCE WITH GENERALLY ACCEPTED APPRAISAL STANDARDS;

11 (B) IS DATED NO EARLIER THAN SIXTY DAYS BEFORE THE DATE OF
12 THE IN-KIND CONTRIBUTION AND DATED NO LATER THAN THE DATE OF THE
13 IN-KIND CONTRIBUTION; AND

14 (C) DOES NOT INVOLVE A PROHIBITED APPRAISAL FEE.

15 (III) AS USED IN THIS SUBSECTION (1.5)(b), "QUALIFIED
16 APPRAISER" MEANS AN INDIVIDUAL WITH VERIFIABLE EDUCATION AND
17 EXPERIENCE IN VALUING PROPERTY FOR WHICH THE APPRAISAL IS
18 PERFORMED. TO BE A QUALIFIED APPRAISER, AN INDIVIDUAL MUST:

19 (A) HAVE EARNED AN APPRAISAL DESIGNATION FROM A
20 GENERALLY RECOGNIZED PROFESSIONAL APPRAISAL ORGANIZATION;

21 (B) REGULARLY PREPARE APPRAISALS IN EXCHANGE FOR
22 PAYMENT;

23 (C) NOT BE RELATED TO OR EMPLOYED BY THE TAXPAYER; AND

24 (D) NOT BE A PARTY TO THE IN-KIND CONTRIBUTION BEING
25 APPRAISED PURSUANT TO THIS SUBSECTION (1.5)(b)."

1 Page 4, line 20, after "FACILITY" insert "AND PROGRAMS".

2 Page 4, after line 23 insert:

3 "(c) THE DEPARTMENT OF REVENUE SHALL CONSULT WITH THE
4 EARLY CHILDHOOD LEADERSHIP COMMISSION CREATED IN SECTION
5 26.5-1-302 TO DEVELOP ADDITIONAL RECOMMENDATIONS FOR MEASURING
6 THE EFFECTIVENESS OF THE TAX CREDIT ALLOWED PURSUANT TO THIS
7 SECTION. ON OR BEFORE JULY 31, 2025, THE DEPARTMENT OF REVENUE
8 SHALL DELIVER TO THE OFFICE OF THE STATE AUDITOR THE ADDITIONAL
9 RECOMMENDATIONS DEVELOPED PURSUANT TO THIS SUBSECTION
10 (6.8)(d)."

11 Page 4, line 24, strike "(c)" and substitute "(d)".

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