

HOUSE COMMITTEE OF REFERENCE REPORT

\_\_\_\_\_  
Chairman of Committee

March 16, 2016  
Date

Committee on Finance.

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

HB16-1174 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

- 1 Amend printed bill, strike everything below the enacting clause and  
2 substitute:
- 3 "SECTION 1. In Colorado Revised Statutes, 39-22-522.5, amend  
4 (2) introductory portion, (2) (c), (2) (d), and (6) as follows:
- 5 **39-22-522.5. Conservation easement tax credits - dispute**  
6 **resolution - legislative declaration.** (2) For any credit claimed pursuant  
7 to section 39-22-522, for which a notice of deficiency, notice of  
8 disallowance, or notice of rejection of refund claim has been mailed by  
9 the department of revenue as of May 1, 2011, but for which a final  
10 determination has not been issued before May 19, 2011, the tax matters  
11 representative may elect to waive the administrative process provided by  
12 section 39-21-103 and appeal the notice of deficiency, disallowance, or  
13 rejection of refund claim directly to a district court in accordance with the  
14 following provisions, which also apply to an appeal filed in accordance  
15 with subsection (6) of this section; ~~except that paragraphs~~ PARAGRAPH (a)  
16 ~~(c), and (d)~~ of this subsection (2) shall not apply to such an appeal:
- 17 (c) If a tax matters representative elects to waive the  
18 administrative process and appeal directly to a district court pursuant to  
19 this subsection (2), no surety bond or other deposit shall be required in  
20 connection with the appeal. ~~This paragraph (c) shall not apply to tax~~  
21 ~~matters representatives who do not elect to waive the administrative~~  
22 ~~process.~~
- 23 (d) If the tax matters representative elects to waive the

1 administrative process and appeal directly to a district court pursuant to  
2 this subsection (2), additional interest and penalties shall cease to accrue  
3 while the matter is on appeal before the district court, beginning with the  
4 date the notice of appeal is received by the district court. ~~This paragraph~~  
5 ~~(d) shall not apply to tax matters representatives who do not elect to~~  
6 ~~waive the administrative process.~~

7 (6) For any tax matters representative for which the executive  
8 director issued a final determination on or after May 1, 2011, the tax  
9 matters representative may appeal the final determination of the executive  
10 director pursuant to the provisions of section 39-21-105. NO SURETY  
11 BOND OR OTHER DEPOSIT SHALL BE REQUIRED IN CONNECTION WITH  
12 EITHER AN ADMINISTRATIVE REVIEW OR A JUDICIAL APPEAL OF A CLAIM OF  
13 A TAX CREDIT. ADDITIONAL INTEREST AND PENALTIES SHALL NOT ACCRUE  
14 PRIOR TO THE TIME THE EXECUTIVE DIRECTOR ISSUES A FINAL  
15 DETERMINATION OR WHILE THE MATTER IS ON APPEAL. The procedure  
16 governing such appeal shall be in accordance with the provisions of  
17 subsection (2) of this section; except that ~~paragraphs~~ PARAGRAPH (a) ~~(c)~~;  
18 ~~and (d)~~ of said subsection (2) shall not apply. If a tax matters  
19 representative fails to file a timely appeal pursuant to this subsection (6),  
20 any person who has claimed a credit or who may be eligible to claim a tax  
21 credit in relation to the tax matters representative's donation may petition  
22 the department to change the tax matters representative's designation  
23 within ten days after the final date for filing an appeal. The executive  
24 director shall promulgate rules on or before September 1, 2011,  
25 specifying the procedures for a change to the tax matters representative's  
26 designation when the executive director determines that the tax matters  
27 representative is unavailable or unwilling to act as the tax matters  
28 representative. If the department of revenue grants the petition, the new  
29 tax matters representative may file an appeal pursuant to the provisions  
30 of this subsection (6) within thirty days of the department's order  
31 regarding the petition.

32 **SECTION 2. Safety clause.** The general assembly hereby finds,  
33 determines, and declares that this act is necessary for the immediate  
34 preservation of the public peace, health, and safety."

\*\* \*\*\* \*\* \*\*\* \*\*