

**JBC STAFF FISCAL ANALYSIS  
HOUSE APPROPRIATIONS COMMITTEE**

CONCERNING MODIFICATIONS TO THE REQUIREMENTS FOR CLAIMING AN INCOME TAX CREDIT FOR THE DONATION OF A PERPETUAL CONSERVATION EASEMENT.

Prime Sponsors: Reps. Roberts and Will  
Sens. Donovan and Winter

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**Appropriation Items of Note**

**Appropriation Required, Amendment in Packet**

**General Fund Impact**

**Fiscal Impact of Bill as Amended to Date**

The most recent Legislative Council Staff Revised Fiscal Note (attached) reflects the fiscal impact of the bill as of 04/27/21.

XXX	<b>No Change:</b> Attached LCS Fiscal Note accurately reflects the fiscal impact of the bill
	<b>Update:</b> Fiscal impact has changed due to <i>new information or technical issues</i>
	<b>Update:</b> Fiscal impact has changed due to <i>amendment adopted</i> after LCS Fiscal Note was prepared
	<b>Non-Concurrence:</b> JBC Staff and Legislative Council Staff disagree about the fiscal impact of the bill

**Amendments in This Packet for Consideration by Appropriations Committee**

Amendment	Description
J.001	Staff-prepared appropriation amendment
L.002/J.002	Bill Sponsor amendment - changes fiscal impact <i>and</i> appropriation

**Current Appropriations Clause in Bill**

The bill requires but does not contain an appropriation clause.

**Description of Amendments in This Packet**

**J.001** Staff has prepared amendment **J.001** (attached) to add a provision appropriating a total of \$604,929, including \$350,557 General Fund to the Department of Revenue and \$254,372 cash funds from the Conservation Cash Fund to the Department of Regulatory Agencies for FY 2021-22. The provision further reappropriates \$287,118 to the Department of Law for

FY 2021-22. This provision also states that the appropriation is based on the assumption that the Departments of Regulatory Agencies and Law will require an additional 2.0 FTE and 1.8 FTE, respectively.

**L.002 and J.002**

Bill Sponsor amendment **L.002** (attached) clarifies that tax credit transferees may not claim tax credits in excess of the amounts certified by the Division of Conservation in the Department of Regulatory Agencies and makes the changes to the tax matters representative framework apply only for tax credit certificates issued beginning in 2021, and not retroactively. As identified in the Legislative Council Staff Fiscal Note Memorandum for sponsor amendment **L.002** (attached), the Department of Revenue legal services appropriation is decreased in FY 2021-22. Appropriations amendment **J.002** (attached) adds a provision consistent with the fiscal impact and need for appropriations identified in the Memorandum.

**If the Committee adopts amendment L.002, it should adopt amendment J.002 and not J.001.**

**Points to Consider***General Fund Impact*

The Joint Budget Committee has proposed a budget package for FY 2021-22 based on the March 2021 Legislative Council Staff revenue forecast. The budget package includes a set aside of \$48.0 million General Fund for bills that require General Fund appropriations for FY 2021-22. This bill is anticipated to reduce General Fund revenues by a total of \$35.0 million, including a General Fund revenue reduction of \$11.5 million in FY 2020-21, a General Fund revenue reduction of \$23.1 million in FY 2021-22, and a General Fund appropriation of \$350,557 in FY 2021-22, reducing the amount available for appropriation by \$35.0 million. The bill is also anticipated to reduce General Fund revenue in future years by \$23.1 million.

If the Committee adopts sponsor amendments L.002 and J.002, the General Fund appropriation is decreased to \$206,998 for FY 2021-22. The General Fund revenue reduction is anticipated to total \$34.8 million, reducing the amount available for appropriation from the \$48.0 million General Fund set aside by the same amount.