

HB1174_L.002

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Finance.HB16-1174 be amended as follows:

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
24 administrative process and appeal directly to a district court pursuant to
25 this subsection (2), additional interest and penalties shall cease to accrue
26 while the matter is on appeal before the district court, beginning with the
27 date the notice of appeal is received by the district court. ~~This paragraph~~
28 ~~(d) shall not apply to tax matters representatives who do not elect to~~
29 ~~wave the administrative process.~~

30 (6) For any tax matters representative for which the executive
31 director issued a final determination on or after May 1, 2011, the tax
32 matters representative may appeal the final determination of the executive
33 director pursuant to the provisions of section 39-21-105. NO SURETY
34 BOND OR OTHER DEPOSIT SHALL BE REQUIRED IN CONNECTION WITH
35 EITHER AN ADMINISTRATIVE REVIEW OR A JUDICIAL APPEAL OF A CLAIM OF
36 A TAX CREDIT. ADDITIONAL INTEREST AND PENALTIES SHALL NOT ACCRUE
37 PRIOR TO THE TIME THE EXECUTIVE DIRECTOR ISSUES A FINAL
38 DETERMINATION OR WHILE THE MATTER IS ON APPEAL. The procedure



1 governing such appeal shall be in accordance with the provisions of
2 subsection (2) of this section; except that paragraphs PARAGRAPH (a) (c);
3 and (d) of said subsection (2) shall not apply. If a tax matters
4 representative fails to file a timely appeal pursuant to this subsection (6),
5 any person who has claimed a credit or who may be eligible to claim a tax
6 credit in relation to the tax matters representative's donation may petition
7 the department to change the tax matters representative's designation
8 within ten days after the final date for filing an appeal. The executive
9 director shall promulgate rules on or before September 1, 2011,
10 specifying the procedures for a change to the tax matters representative's
11 designation when the executive director determines that the tax matters
12 representative is unavailable or unwilling to act as the tax matters
13 representative. If the department of revenue grants the petition, the new
14 tax matters representative may file an appeal pursuant to the provisions
15 of this subsection (6) within thirty days of the department's order
16 regarding the petition.

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

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