

CHAPTER 220

TAXATION

HOUSE BILL 96-1156

BY REPRESENTATIVES Kreutz, Berry, Foster, Clarke, DeGette, Friednash, Lyle, and Mace;
also SENATORS R. Powers, Linkhart, Pascoe, Rupert, and Tanner.

AN ACT

**CONCERNING THE ESTABLISHMENT OF A VOLUNTARY CONTRIBUTION ON COLORADO TAX RETURNS
FOR THE PURPOSE OF IMPROVING THE QUALITY OF CHILD CARE PROGRAMS IN COLORADO, AND
MAKING AN APPROPRIATION IN CONNECTION THEREWITH.**

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Article 22 of title 39, Colorado Revised Statutes, 1994 Repl. Vol.,
as amended, is amended BY THE ADDITION OF A NEW PART to read:

PART 17
CHILD CARE VOLUNTARY CONTRIBUTION

39-22-1701. Legislative declaration. THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT THE QUALITY OF CHILD CARE PROGRAMS IN THE STATE OF COLORADO COULD BE SIGNIFICANTLY IMPROVED IF ADDITIONAL FUNDS WERE MADE AVAILABLE TO SUCH PROGRAMS. THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT MANY COLORADO CITIZENS ARE WILLING TO PROVIDE ADDITIONAL FUNDS FOR QUALITY CHILD CARE PROGRAMS IF GIVEN THE OPPORTUNITY. IT IS THEREFORE THE INTENT OF THE GENERAL ASSEMBLY IN ENACTING THIS PART 17 TO PROVIDE THOSE COMMITTED AND CONCERNED COLORADO CITIZENS THE OPPORTUNITY TO FINANCIALLY IMPACT THE QUALITY OF CHILD CARE PROGRAMS IN THE STATE BY ALLOWING CITIZENS TO MAKE VOLUNTARY CONTRIBUTIONS ON THEIR STATE INCOME TAX RETURNS FOR SUCH PURPOSE.

39-22-1702. Voluntary contribution designation - procedure. FOR INCOME TAX YEARS COMMENCING ON OR AFTER JANUARY 1, 1996, BUT PRIOR TO JANUARY 1, 1999, THE COLORADO STATE INDIVIDUAL INCOME TAX RETURN FORM SHALL CONTAIN A LINE WHEREBY EACH INDIVIDUAL TAXPAYER MAY DESIGNATE THE AMOUNT OF THE

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

CONTRIBUTION, IF ANY, SUCH INDIVIDUAL WISHES TO MAKE TO THE COLORADO CHILD CARE IMPROVEMENT FUND CREATED IN SECTION 39-22-1703.

39-22-1703. Contributions credited to Colorado child care improvement fund - appropriation. (1) THE DEPARTMENT OF REVENUE SHALL DETERMINE ANNUALLY THE TOTAL AMOUNT DESIGNATED PURSUANT TO SECTION 39-22-1701 AND SHALL REPORT SUCH AMOUNT TO THE STATE TREASURER AND TO THE GENERAL ASSEMBLY. THE STATE TREASURER SHALL CREDIT SUCH AMOUNT TO THE COLORADO CHILD CARE IMPROVEMENT FUND, WHICH FUND IS HEREBY CREATED IN THE STATE TREASURY. ALL INTEREST DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEYS IN THE FUND SHALL BE CREDITED TO THE FUND.

(2) THE GENERAL ASSEMBLY SHALL APPROPRIATE ANNUALLY FROM THE COLORADO CHILD CARE IMPROVEMENT FUND TO THE DEPARTMENT OF REVENUE ITS COSTS OF ADMINISTERING MONEYS DESIGNATED AS CONTRIBUTIONS TO THE FUND. ALL MONEYS REMAINING IN THE COLORADO CHILD CARE IMPROVEMENT FUND AT THE END OF A FISCAL YEAR, AFTER SUBTRACTING THE APPROPRIATION TO THE DEPARTMENT OF REVENUE, SHALL BE TRANSFERRED TO THE COLORADO CHILDREN'S CAMPAIGN, A COLORADO NONPROFIT CORPORATION. EACH YEAR THE COLORADO CHILDREN'S CAMPAIGN MAY SPEND UP TO FIVE PERCENT OF ALL VOLUNTARY CONTRIBUTIONS DESIGNATED FOR THE COLORADO CHILD CARE IMPROVEMENT FUND TO PAY ITS ADMINISTRATIVE COSTS; EXCEPT THAT, IN THE FIRST YEAR, THE FIVE PERCENT LIMITATION FOR ADMINISTRATIVE COSTS SHALL NOT APPLY IF THE AMOUNT OF VOLUNTARY CONTRIBUTIONS DESIGNATED TO THE FUND IS LESS THAN TWENTY-FIVE THOUSAND DOLLARS. EACH YEAR THE COLORADO CHILDREN'S CAMPAIGN MAY ALSO SPEND NO MORE THAN TEN THOUSAND DOLLARS OF THE VOLUNTARY CONTRIBUTIONS DESIGNATED FOR THE COLORADO CHILD CARE IMPROVEMENT FUND TO PAY ITS MARKETING COSTS. THE COLORADO CHILDREN'S CAMPAIGN SHALL ADMINISTER SUCH MONEYS IN ACCORDANCE WITH THE PROVISIONS OF SECTION 39-22-1704.

39-22-1704. Administration of moneys in Colorado child care improvement fund - oversight committee. (1) MONEYS TRANSFERRED TO THE COLORADO CHILDREN'S CAMPAIGN PURSUANT TO SECTION 39-22-1703 (2) SHALL BE USED TO IMPROVE THE QUALITY OF CHILD CARE PROGRAMS IN THE STATE INCLUDING, BUT NOT LIMITED TO, GRANTS FOR TRAINING PERSONS INVOLVED IN CHILD CARE PROGRAMS AND FOR ASSISTING CHILD CARE PROGRAMS. THE COLORADO CHILDREN'S CAMPAIGN SHALL ADMINISTER THE GRANT PROGRAM IN ACCORDANCE WITH PROCEDURES ESTABLISHED BY THE CHILD CARE IMPROVEMENT OVERSIGHT COMMITTEE CREATED IN SUBSECTION (2) OF THIS SECTION.

(2) THE CHILD CARE IMPROVEMENT OVERSIGHT COMMITTEE SHALL BE APPOINTED BY THE GOVERNOR AND SHALL BE COMPOSED OF THREE MEMBERS. ONE MEMBER SHALL BE A REPRESENTATIVE OF THE DEPARTMENT OF HUMAN SERVICES, ONE MEMBER SHALL BE A REPRESENTATIVE OF THE CHILD CARE PROVIDER COMMUNITY, AND ONE MEMBER SHALL BE A REPRESENTATIVE OF THE PUBLIC AT-LARGE.

(3) MEMBERS OF THE CHILD CARE IMPROVEMENT OVERSIGHT COMMITTEE SHALL SERVE WITHOUT COMPENSATION. THE OVERSIGHT COMMITTEE SHALL MEET AS NECESSARY TO PERFORM ITS FUNCTIONS AS OUTLINED IN THIS SUBSECTION (3) AND SHALL BE PROVIDED NECESSARY STAFF ASSISTANCE FROM THE COLORADO CHILDREN'S

CAMPAIGN. THE OVERSIGHT COMMITTEE SHALL BE RESPONSIBLE FOR:

(a) DEVELOPING THE PROCESS TO BE USED BY PERSONS OR ENTITIES IN APPLYING FOR GRANTS FROM THE COLORADO CHILDREN'S CAMPAIGN;

(b) DEVELOPING THE PROCESS TO BE USED BY THE COLORADO CHILDREN'S CAMPAIGN IN AWARDING GRANTS TO NONGOVERNMENTAL ENTITIES INCLUDING THE DEVELOPMENT OF CRITERIA TO BE USED BY THE COLORADO CHILDREN'S CAMPAIGN IN EVALUATING GRANT APPLICATIONS AND SELECTING GRANT RECIPIENTS;

(c) (I) AT A MINIMUM, THE CRITERIA TO BE USED BY THE COLORADO CHILDREN'S CAMPAIGN IN EVALUATING GRANT APPLICATIONS AND SELECTING GRANT RECIPIENTS, INCLUDING THE PROVISION OF MATCHING FUNDS BY THE REQUESTING ENTITY AND AN EQUITABLE GEOGRAPHIC DISTRIBUTION OF GRANT FUNDS THROUGHOUT THE STATE;

(II) ANY GRANT AWARDED CANNOT EXCEED AN AMOUNT EQUAL TO TEN PERCENT OF THE TOTAL FUNDS AVAILABLE TO THE PROGRAM CREDITED TO THE CHILD CARE IMPROVEMENT FUND AND CANNOT EXCEED TWO YEARS IN FUNDING COMMITMENT.

(d) EVALUATING THE IMPACT THAT THE AWARDING OF GRANTS HAS HAD ON IMPROVING THE QUALITY OF CHILD CARE PROGRAMS IN THE STATE; AND

(e) SUBMITTING A REPORT TO THE PRESIDENT OF THE SENATE, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, AND THE GOVERNOR SUMMARIZING THE ANNUAL VOLUNTARY CONTRIBUTIONS DESIGNATED FOR THE COLORADO CHILD CARE IMPROVEMENT FUND, THE ANNUAL EXPENDITURE OF MONEYS FROM THE FUND BY THE COLORADO CHILDREN'S CAMPAIGN, INCLUDING THE AWARDING OF GRANTS, AND THE COLORADO CHILDREN'S CAMPAIGN'S FINDINGS CONCERNING THE IMPROVEMENT OF THE QUALITY OF CHILD CARE PROGRAMS IN THE STATE SINCE THE ESTABLISHMENT OF THE VOLUNTARY CONTRIBUTION DESIGNATION. THE REPORT TO THE PRESIDENT OF THE SENATE, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, AND THE GOVERNOR SHALL BE MADE ON A YEARLY BASIS UNTIL THE REPEAL OF THIS PART 17.

39-22-1705. Repeal of part. (1) THIS PART 17 IS REPEALED, EFFECTIVE JANUARY 1, 2000.

(2) PRIOR TO THE REPEAL OF THIS PART 17, A COMMITTEE OF REFERENCE IN EACH HOUSE OF THE GENERAL ASSEMBLY SHALL HOLD A HEARING ON WHETHER THE VOLUNTARY CONTRIBUTION SHOULD BE CONTINUED.

SECTION 2. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the Colorado child care improvement fund not otherwise appropriated, to the department of revenue, for the fiscal year beginning July 1, 1996, the sum of twenty-seven thousand five hundred sixty-seven dollars (\$27,567), or so much thereof as may be necessary, for the implementation of this act.

SECTION 3. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 30, 1996