

CHAPTER 259

TAXATION

HOUSE BILL 04-1358

BY REPRESENTATIVE(S) Spradley, Hoppe, Paccione, Salazar, Wiens, Butcher, Frangas, Garcia, McFadyen, Miller, Rose, Coleman, Johnson R., Merrifield, and Smith;
 also SENATOR(S) Kester, Andrews, Chlouber, Entz, Fitz-Gerald, Gordon, Groff, Grossman, Hanna, Hillman, Isgar, Jones, Lamborn, May R., McElhany, Phillips, Sandoval, Tapia, Taylor, Teck, Veiga, and Windels.

AN ACT

CONCERNING AN INCOME TAX CHECKOFF FOR THE COLORADO STATE FAIR AND INDUSTRIAL EXPOSITION, 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, is amended BY THE ADDITION OF A NEW PART to read:

PART 26
COLORADO STATE FAIR VOLUNTARY CONTRIBUTION

39-22-2601. Legislative declaration. (1) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT THE COLORADO STATE FAIR AND INDUSTRIAL EXPOSITION IS INTEGRAL TO THE CONTINUED SUCCESS OF AGRICULTURE IN COLORADO BECAUSE IT:

- (a) PROMOTES COLORADO'S AGRICULTURAL INDUSTRY AND PRODUCTS;
 - (b) PROVIDES COLORADO YOUTH WITH OPPORTUNITIES TO LEARN PRACTICAL SKILLS, GAIN A SENSE OF THE HISTORY AND IMPORTANCE OF AGRICULTURE IN COLORADO, AND BECOME AWARE OF POTENTIAL CAREERS THAT THEY MAY NOT HAVE OTHERWISE CONSIDERED; AND
 - (c) BRINGS COLORADO'S URBAN AND RURAL CULTURES TOGETHER IN A UNIQUE, FUN, AND EDUCATIONAL ENVIRONMENT.
- (2) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT:

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

(a) A VOLUNTARY CONTRIBUTION DESIGNATED PURSUANT TO SECTION 39-22-2602 IS A GIFT, AS DEFINED IN SECTION 24-77-102 (6), C.R.S., FROM AN INDIVIDUAL TAXPAYER.

(b) THE TRANSFER OF VOLUNTARY CONTRIBUTIONS TO THE COLORADO STATE FAIR AUTHORITY CASH FUND PURSUANT TO SECTION 39-22-2603 DOES NOT CONSTITUTE A GRANT, AS DEFINED IN SECTION 24-77-102 (7), C.R.S., TO THE COLORADO STATE FAIR AUTHORITY FOR PURPOSES OF DETERMINING WHETHER THE AUTHORITY QUALIFIES AS AN ENTERPRISE, AS DEFINED IN SECTION 24-77-102 (3), C.R.S., FOR PURPOSES OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION FOR ANY FISCAL YEAR.

39-22-2602. Voluntary contribution designation - procedure. FOR INCOME TAX YEARS THAT COMMENCE ON OR AFTER JANUARY 1, 2004, BUT BEFORE JANUARY 1, 2007, THE COLORADO STATE INDIVIDUAL INCOME TAX RETURN FORM SHALL CONTAIN A LINE WHEREBY EACH INDIVIDUAL TAXPAYER MAY DESIGNATE THE AMOUNT OF THE CONTRIBUTION, IF ANY, THE INDIVIDUAL WISHES TO MAKE TO THE COLORADO STATE FAIR AUTHORITY CASH FUND CREATED IN SECTION 35-65-107 (1), C.R.S.

39-22-2603. Contributions credited to the Colorado state fair authority cash fund. (1) THE DEPARTMENT OF REVENUE SHALL DETERMINE ANNUALLY THE TOTAL AMOUNT DESIGNATED PURSUANT TO SECTION 39-22-2602 AND SHALL REPORT THAT AMOUNT TO THE STATE TREASURER AND TO THE GENERAL ASSEMBLY. THE STATE TREASURER SHALL CREDIT THAT AMOUNT TO THE COLORADO STATE FAIR AUTHORITY CASH FUND CREATED IN SECTION 35-65-107 (1), C.R.S. EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2) OF THIS SECTION, ALL MONEYS CREDITED TO THE FUND SHALL BE FOR THE USE, OPERATION, MAINTENANCE, AND SUPPORT OF THE COLORADO STATE FAIR AND INDUSTRIAL EXPOSITION AS SPECIFIED IN SECTION 35-65-107 (1), C.R.S.

(2) THE GENERAL ASSEMBLY SHALL APPROPRIATE ANNUALLY FROM THE COLORADO STATE FAIR AUTHORITY CASH FUND TO THE DEPARTMENT OF REVENUE ITS COSTS OF ADMINISTERING MONEYS DESIGNATED AS CONTRIBUTIONS TO THE FUND.

39-22-2604. Repeal of part. THIS PART 26 IS REPEALED, EFFECTIVE JANUARY 1, 2008, UNLESS THE VOLUNTARY CONTRIBUTION TO THE COLORADO STATE FAIR AUTHORITY CASH FUND ESTABLISHED BY SECTIONS 39-22-2602 AND 39-22-2603 IS CONTINUED OR REESTABLISHED BY THE GENERAL ASSEMBLY ACTING BY BILL DURING THE SECOND REGULAR SESSION OF THE SIXTY-FIFTH GENERAL ASSEMBLY. PRIOR TO OR DURING THE SESSION, THE COMMITTEE ON FINANCE IN EACH HOUSE OF THE GENERAL ASSEMBLY SHALL HOLD A HEARING REGARDING THE POSSIBLE TERMINATION, CONTINUATION, OR REESTABLISHMENT OF THE VOLUNTARY CONTRIBUTION TO THE FUND AS PROVIDED FOR IN THIS PART 26.

SECTION 2. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the Colorado state fair authority cash fund created in section 35-65-107 (1), Colorado Revised Statutes, not otherwise appropriated, to the department of revenue, for the fiscal year beginning July 1, 2004, the sum of five hundred one dollars (\$501), 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 21, 2004