

CHAPTER 213

TAXATION

HOUSE BILL 05-1299

BY REPRESENTATIVE(S) Vigil, Benefield, Coleman, Hefley, Madden, McCluskey, Solano, Todd, and Curry;
also SENATOR(S) Sandoval, Groff, Isgar, Tochtrop, and Williams.

AN ACT

**CONCERNING THE LIMITATIONS ON VOLUNTARY CONTRIBUTION PROGRAMS THAT APPEAR ON THE
COLORADO INDIVIDUAL INCOME TAX RETURN FORMS.**

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

SECTION 1. 39-22-1001 (1) (a), the introductory portion to 39-22-1001 (5), and 39-22-1001 (5) (a), (5) (b) (I), (5) (c) (II), and (6), Colorado Revised Statutes, are amended to read:

39-22-1001. Limitation on the duration of voluntary contribution programs.

(1) (a) Except as otherwise provided in paragraph (b) of this subsection (1), it is the intent of the general assembly that any program funded by voluntary contributions of income tax refunds that is created on or after June 2, 1985, shall have a sunset clause providing that the program shall apply to no more than three income tax years, unless the program is continued or reestablished by the general assembly acting by bill during the regular session immediately preceding the program's expiration. It is the intent of the general assembly that such sunset clause shall also provide that, prior to the termination, continuation, or reestablishment of any such program, a committee of reference in each house of the general assembly shall hold a hearing thereon PRIOR TO THE DATE THAT THE PROGRAM IS SCHEDULED TO SUNSET.

(5) For income tax years commencing on or after ~~January 1, 2003~~ JANUARY 1, 2005, every voluntary contribution established in this article shall receive a minimum dollar amount of contributions in each income tax year as follows:

(a) Except as otherwise provided in paragraphs (b) and (c) of this subsection (5), for the period ~~January 1, 2003~~ JANUARY 1, 2005, through ~~September 30, 2003~~ SEPTEMBER 30, 2005, and for each January 1 through September 30 thereafter, if the amount designated on Colorado income tax returns as contributed under 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.

provisions of any voluntary contribution established in this article does not equal or exceed ~~one hundred fifty~~ SEVENTY-FIVE thousand dollars according to the records of the department of revenue, then any such voluntary contribution shall no longer be effective and shall not be reflected on the Colorado income tax returns made for any subsequent income tax year, regardless of whether the voluntary contribution is reestablished by the general assembly pursuant to subsection (1) of this section.

(b) (I) Notwithstanding the provisions of paragraph (a) of this subsection (5), for any voluntary contribution that appears on Colorado income tax returns for the first time in the 2002 income tax year or any income tax year thereafter, the amount designated on Colorado income tax returns as contributed under the provisions of any voluntary contribution established in this article shall equal or exceed ~~one hundred fifty~~ SEVENTY-FIVE thousand dollars according to the records of the department of revenue during the January 1 through September 30 period for which moneys are collected for the third income tax year in which the voluntary contribution appears on Colorado income tax returns. Any such voluntary contribution shall not be required to collect ~~one hundred fifty~~ SEVENTY-FIVE thousand dollars in either the first or the second year that it appears on Colorado income tax returns.

(c) (II) ~~Paragraphs (a) and (b) of this subsection (5) shall not apply to the United States olympic committee voluntary contribution established in part 9 of this article. For the period January 1, 2003, through September 30, 2004, and for each such period thereafter, if the amount designated on Colorado income tax returns as contributed under the provisions of any voluntary contribution established in this article does not equal or exceed three hundred thousand dollars during such January through September period according to the records of the department of revenue, then any such voluntary contribution shall no longer be effective and shall not be reflected on the Colorado income tax returns made for any subsequent income tax year, regardless of whether the United States olympic committee voluntary contribution is reestablished by the general assembly pursuant to subsection (1) of this section.~~

(6) No more than ~~twelve~~ FIFTEEN voluntary contributions shall appear on Colorado income tax returns in any income tax year.

SECTION 2. 39-22-2203, Colorado Revised Statutes, is amended to read:

39-22-2203. Repeal of part. This part 22 is repealed, effective January 1, 2008, unless the voluntary contribution to the pet overpopulation fund established by section 39-22-2201 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 such session, a committee of reference in each house of the general assembly shall hold a hearing regarding the possible termination, continuation, or reestablishment of the voluntary contribution to the pet overpopulation fund as provided for in this part 22~~ PRIOR TO SAID DATE.

SECTION 3. 39-22-2504, Colorado Revised Statutes, is amended to read:

39-22-2504. Repeal of part. This part 25 is repealed, effective January 1, 2007, unless the voluntary contribution to the family resource centers fund established by section 39-22-2503 is continued or reestablished by the general assembly acting by bill during the first regular session of the sixty-fifth general assembly. ~~Prior to or~~

~~during such 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 25 PRIOR TO SAID DATE.~~

SECTION 4. 39-22-2604, Colorado Revised Statutes, is amended to read:

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~~ PRIOR TO SAID DATE.

SECTION 5. 39-22-2704, Colorado Revised Statutes, is amended to read:

39-22-2704. Repeal of part. This part 27 is repealed, effective January 1, 2008, unless the voluntary contribution to the organ and tissue donation awareness fund established by sections 39-22-2702 and 39-22-2703 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 27~~ PRIOR TO SAID DATE.

SECTION 6. Effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution (August 10, 2005, if adjournment sine die is on May 11, 2005); except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: June 1, 2005