

CHAPTER 284

TAXATION

SENATE BILL 11-109

BY SENATOR(S) Shaffer B., Aguilar, Bacon, Giron, Guzman, Heath, Hudak, Newell, Nicholson, Schwartz, Steadman, Williams S.;
also REPRESENTATIVE(S) Solano, Duran, Fields, Fischer, Hamner, Jones, Kerr A., Labuda, Massey, Miklosi, Pabon, Pace, Ryden, Schafer S., Todd, Vigil, Williams A.

AN ACT

CONCERNING THE CREATION OF A VOLUNTARY CONTRIBUTION DESIGNATION BENEFITING THE PUBLIC EDUCATION FUND TO APPEAR ON THE STATE INDIVIDUAL INCOME TAX RETURN FORMS, AND MAKING AN APPROPRIATION THEREFOR.

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 42
PUBLIC EDUCATION FUND
VOLUNTARY CONTRIBUTION**

39-22-4201. Legislative declaration. (1) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT:

(a) OF ALL OF THE SERVICES PROVIDED BY STATE AND LOCAL GOVERNMENTS, PUBLIC EDUCATION, BEGINNING WITH PRESCHOOL, EXERCISES THE MOST WIDESPREAD, DIRECT INFLUENCE ON THE CITIZENS OF THE STATE, ENSURING THEM A WIDER RANGE OF OPPORTUNITIES AND A GREATER LIKELIHOOD OF ECONOMIC SUCCESS;

(b) IN PROVIDING A WELL-EDUCATED CITIZENRY, A WELL-FUNDED, EFFECTIVE PRESCHOOL AND PUBLIC EDUCATION SYSTEM ALSO INCREASES THE LIKELIHOOD THAT THE STATE WILL ENJOY A STRONG ECONOMY THAT ATTRACTS INVESTMENT BY BUSINESSES AND INDUSTRIES THAT FURTHER IMPROVE THE STANDARD OF LIVING FOR THE PEOPLE OF THE STATE; AND

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

(c) DURING PERIODS OF BUDGETARY REDUCTIONS, IT IS CRUCIAL THAT THE STATE MAINTAINS FUNDING FOR PRESCHOOL TO THE GREATEST EXTENT POSSIBLE.

(2) IN ORDER TO ASSIST IN FUNDING PRESCHOOL, THE GENERAL ASSEMBLY RECOGNIZES THAT MANY CITIZENS OF COLORADO MAY BE WILLING TO PROVIDE MONEYS TO AID THE PRESCHOOL AND PUBLIC EDUCATION SYSTEM IN ITS EFFORTS. IT IS THEREFORE THE INTENT OF THE GENERAL ASSEMBLY TO PROVIDE COLORADANS WITH THE OPPORTUNITY TO SUPPORT PRESCHOOL AND PUBLIC EDUCATION BY ALLOWING CITIZENS TO MAKE A VOLUNTARY CONTRIBUTION ON THEIR STATE INCOME TAX RETURN FORM TO THE PUBLIC EDUCATION FUND FOR SUCH A PURPOSE.

39-22-4202. Voluntary contribution designation - procedure. FOR THE FIVE CONSECUTIVE INCOME TAX YEARS IMMEDIATELY FOLLOWING THE YEAR IN WHICH THE EXECUTIVE DIRECTOR FILES WRITTEN CERTIFICATION WITH THE REVISOR OF STATUTES AS SPECIFIED IN SECTION 39-22-1001 (8), AS ENACTED BY HOUSE BILL 11-1097, ENACTED IN 2011, THAT A LINE HAS BECOME AVAILABLE AND THE PUBLIC EDUCATION FUND VOLUNTARY CONTRIBUTION IS NEXT IN THE QUEUE, 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 PUBLIC EDUCATION FUND CREATED IN SECTION 39-22-4203 (1).

39-22-4203. Contributions credited to the public education fund - creation - appropriation. (1) THE DEPARTMENT OF REVENUE SHALL DETERMINE ANNUALLY THE TOTAL AMOUNT DESIGNATED PURSUANT TO SECTION 39-22-4202 AND SHALL REPORT THAT AMOUNT TO THE STATE TREASURER AND TO THE GENERAL ASSEMBLY. THE STATE TREASURER SHALL CREDIT THAT AMOUNT TO THE PUBLIC EDUCATION 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 PUBLIC EDUCATION FUND TO THE DEPARTMENT OF REVENUE ITS COSTS OF ADMINISTERING MONEYS DESIGNATED AS CONTRIBUTIONS TO THE FUND. ALL MONEYS REMAINING IN THE FUND AT THE END OF THE FISCAL YEAR, AFTER SUBTRACTING THE APPROPRIATION TO THE DEPARTMENT OF REVENUE, SHALL BE APPROPRIATED TO THE DEPARTMENT OF EDUCATION FOR USE IN THE COLORADO PRESCHOOL PROGRAM CREATED IN ARTICLE 28 OF TITLE 22, C.R.S.

39-22-4204. Repeal of part. THIS PART 42 IS REPEALED, EFFECTIVE JANUARY 1 OF THE SIXTH INCOME TAX YEAR FOLLOWING THE YEAR IN WHICH THE EXECUTIVE DIRECTOR FILES WRITTEN CERTIFICATION WITH THE REVISOR OF STATUTES AS SPECIFIED IN SECTION 39-22-1001 (8), AS ENACTED BY HOUSE BILL 11-1097, ENACTED IN 2011, THAT A LINE HAS BECOME AVAILABLE AND THE PUBLIC EDUCATION FUND VOLUNTARY CONTRIBUTION IS NEXT IN THE QUEUE, UNLESS THE VOLUNTARY CONTRIBUTION TO THE PUBLIC EDUCATION FUND ESTABLISHED BY THIS PART 42 IS CONTINUED OR REESTABLISHED BY THE GENERAL ASSEMBLY ACTING BY BILL PRIOR TO SAID DATE.

SECTION 2. Appropriation. (1) In addition to any other appropriation, there

is hereby appropriated, out of any moneys in the public education fund created in section 39-22-4203 (1), Colorado Revised Statutes, not otherwise appropriated, to the department of revenue, for the fiscal year beginning July 1, 2011, the sum of thirty-three thousand two hundred fifty-six dollars (\$33,256) cash funds, or so much thereof as may be necessary, for the implementation of this act.

(2) In addition to any other appropriation, there is hereby appropriated to the governor - lieutenant governor - state planning and budgeting, for allocation to the office of information technology, for the fiscal year beginning July 1, 2011, the sum of twenty-nine thousand six hundred dollars (\$29,600), or so much thereof as may be necessary, for the provision of programming services to the department of revenue related to the implementation of this act. Said sum shall be from reappropriated funds received from the department of revenue out of the appropriation made in subsection (1) of this section.

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: June 2, 2011