

## CHAPTER 140

---

**TAXATION**

---

**HOUSE BILL 12-1290**

BY REPRESENTATIVE(S) Brown, Coram, Fischer, Gerou, Holbert, Kerr J., Pace;  
also SENATOR(S) Tochtrop, Schwartz.

**AN ACT**

**CONCERNING THE VOLUNTARY CONTRIBUTION DESIGNATION BENEFITING THE COLORADO FOR  
HEALTHY LANDSCAPES FUND THAT APPEARS ON THE STATE INDIVIDUAL INCOME TAX RETURN  
FORMS.**

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

**SECTION 1.** In Colorado Revised Statutes, **add** part 44 to article 22 of title 39 as follows:

PART 44  
COLORADO FOR HEALTHY LANDSCAPES FUND  
VOLUNTARY CONTRIBUTION

**39-22-4401. Legislative declaration.** (1) THE GENERAL ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES THAT:

(a) COLORADO FOR HEALTHY LANDSCAPES IS A COLLABORATION OF NOXIOUS WEED AND INVASIVE SPECIES CONTROL ADVOCACY ORGANIZATIONS INCLUDING THE COLORADO WEED MANAGEMENT ASSOCIATION, THE NONPROFIT ORGANIZATION THAT SERVES AS THE FISCAL MANAGER FOR COLORADO FOR HEALTHY LANDSCAPES;

(b) A LACK OF ACCESS TO NOXIOUS WEED AND INVASIVE SPECIES CONTROL SERVICES IS OFTEN CITED AS ONE OF THE LEADING THREATS TO COLORADO'S NATURAL RESOURCES;

(c) THE CONTROL EFFORTS TO COUNTER THE IMPACTS OF INVASIVE SPECIES COST AMERICANS APPROXIMATELY ONE HUNDRED TWENTY BILLION DOLLARS ANNUALLY;  
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.*

(d) IN COLORADO:

(I) STANDS OF TAMARISK HAVE DECREASED BIRD POPULATIONS ALONG THE COLORADO RIVER BY NINETY-SEVEN PERCENT;

(II) IN THE FLAT TOPS WILDERNESS, YELLOW TOADFLAX HAS CAUSED DECLINES IN NATIVE PLANT POPULATIONS, THEREBY DEGRADING WILDLIFE HABITAT;

(III) CHEATGRASS INCREASES THE FREQUENCY AND INTENSITY OF WILDFIRES;

(IV) LEAFY SPURGE HAS DECREASED ELK HABITAT USAGE BY OVER EIGHTY PERCENT AND NATIVE BIRD NESTING AND SPECIES NUMBERS BY FORTY-TWO AND THIRTY-SEVEN PERCENT, RESPECTIVELY;

(V) DIFFUSE KNAPWEED REPLACES TRADITIONAL WILDLIFE FORAGE AND DEGRADES WILDLIFE HABITAT;

(VI) CANADA THISTLE INFESTATIONS THREATEN ENDANGERED SPECIES SUCH AS THE COLORADO BUTTERFLY PLANT; AND

(VII) RUSSIAN KNAPWEED PRODUCES CHEMICALS THAT DISPLACE NATIVE PLANTS AND DEGRADES WILDLIFE HABITAT.

(2) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT COLORADO FOR HEALTHY LANDSCAPES:

(a) PROMOTES NOXIOUS WEED AND INVASIVE SPECIES PREVENTION EFFORTS AND EDUCATION;

(b) INCREASES ACCESS TO APPROPRIATE NOXIOUS WEED AND INVASIVE SPECIES FUNDING, THUS STRENGTHENING AND ENHANCING COLORADO'S NOXIOUS WEED AND INVASIVE SPECIES CONTROL SYSTEM;

(c) ENSURES THAT CONTROLLING ENTITIES OBTAIN COMMUNITY SUPPORT AND SERVICES SO THAT LANDSCAPES EVOLVE IN A HEALTHY MANNER AND ARE ABLE TO MAXIMIZE THEIR POTENTIAL; AND

(d) EDUCATES COLORADANS ABOUT NOXIOUS WEED AND INVASIVE SPECIES TO REDUCE CARELESS ACTS THAT ENCOURAGE UNWANTED SPREAD OF SUCH SPECIES.

(3) IN ORDER TO ASSIST COLORADO FOR HEALTHY LANDSCAPES IN FULFILLING ITS MISSION, THE GENERAL ASSEMBLY RECOGNIZES THAT MANY CITIZENS OF COLORADO MAY BE WILLING TO PROVIDE MONEYS TO ASSIST IN ITS EFFORTS. IT IS THEREFORE THE INTENT OF THE GENERAL ASSEMBLY TO PROVIDE COLORADANS THE OPPORTUNITY TO SUPPORT THE EFFORTS OF THE COLORADO WEED MANAGEMENT ASSOCIATION BY ALLOWING CITIZENS TO MAKE A VOLUNTARY CONTRIBUTION ON THEIR STATE INCOME TAX RETURN FORM TO THE COLORADO FOR HEALTHY LANDSCAPES FUND FOR SUCH A PURPOSE. THE COLORADO WEED MANAGEMENT ASSOCIATION SHALL ADMINISTER THE MONEYS IN FURTHERANCE OF ITS MISSION TO PROTECT COLORADO'S NATURAL RESOURCES FROM THE DEGRADING EFFECTS OF INVASIVE SPECIES OF TERRESTRIAL AND AQUATIC VEGETATION.

**39-22-4402. Voluntary contribution designation - procedure - effective date.**

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) THAT A LINE ON THE INCOME TAX RETURN FORM HAS BECOME AVAILABLE AND THE COLORADO FOR HEALTHY LANDSCAPES FUND VOLUNTARY CONTRIBUTION IS NEXT IN THE QUEUE ESTABLISHED PURSUANT TO SAID SECTION 39-22-1001 (8), 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 FOR HEALTHY LANDSCAPES FUND CREATED IN SECTION 39-22-4403 (1).

**39-22-4403. Contributions credited to the Colorado for Healthy Landscapes fund - creation - appropriation.**

(1) THE DEPARTMENT OF REVENUE SHALL DETERMINE ANNUALLY THE TOTAL AMOUNT DESIGNATED PURSUANT TO SECTION 39-22-4402 AND SHALL REPORT THAT AMOUNT TO THE STATE TREASURER AND TO THE GENERAL ASSEMBLY. THE STATE TREASURER SHALL CREDIT THAT AMOUNT TO THE COLORADO FOR HEALTHY LANDSCAPES 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 FOR HEALTHY LANDSCAPES 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, SHALL BE TRANSFERRED TO THE COLORADO WEED MANAGEMENT ASSOCIATION, A COLORADO NONPROFIT ORGANIZATION THAT ACTS AS FISCAL MANAGER FOR COLORADO FOR HEALTHY LANDSCAPES.

**39-22-4404. Repeal of part.** THIS PART 44 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) THAT A LINE HAS BECOME AVAILABLE AND THE COLORADO FOR HEALTHY LANDSCAPES FUND VOLUNTARY CONTRIBUTION IS NEXT IN THE QUEUE, UNLESS THE VOLUNTARY CONTRIBUTION TO THE COLORADO FOR HEALTHY LANDSCAPES FUND ESTABLISHED BY THIS PART 44 IS CONTINUED OR REESTABLISHED BY THE GENERAL ASSEMBLY ACTING BY BILL PRIOR TO SAID DATE.

**SECTION 2. Act subject to petition - effective date.** This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 8, 2012, if adjournment sine die is on May 9, 2012); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2012 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: April 26, 2012