

Second Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 12-0761.01 Kate Meyer x4348

HOUSE BILL 12-1290

HOUSE SPONSORSHIP

Brown,

SENATE SPONSORSHIP

Tochtrop,

House Committees

Finance
Appropriations

Senate Committees

Finance
Appropriations

A BILL FOR AN ACT

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

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

The bill creates the Colorado for Healthy Landscapes fund (fund) in the state treasury. For the 5 income tax years following the year in

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

SENATE
2nd Reading Unam ended
April 9, 2012

HOUSE
3rd Reading Unam ended
March 6, 2012

HOUSE
2nd Reading Unam ended
March 5, 2012

which the executive director of the department of revenue certifies to the revisor of statutes that there is a space on the income tax return form and that the Colorado for Healthy Landscapes fund voluntary contribution is next in the queue, the bill requires a voluntary contribution designation line for the fund to appear on state individual income tax return forms.

The department of revenue (department) must determine annually the total amount designated to the fund and report that amount to the state treasurer and the general assembly. The state treasurer shall credit that amount to the fund.

Finally, the general assembly must appropriate annually from the fund to the department its costs of administering contributions to the fund. All moneys remaining in the fund at the end of a fiscal year shall be transferred to the Colorado Weed Management Association, the nonprofit organization that acts as fiscal manager for Colorado for Healthy Landscapes.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** part 43 to article
3 22 of title 39 as follows:

4 PART 43

5 COLORADO FOR HEALTHY LANDSCAPES FUND

6 VOLUNTARY CONTRIBUTION

7 **39-22-4301. Legislative declaration.** (1) THE GENERAL
8 ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES THAT:

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

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

17 (c) THE CONTROL EFFORTS TO COUNTER THE IMPACTS OF INVASIVE

1 SPECIES COST AMERICANS APPROXIMATELY ONE HUNDRED TWENTY
2 BILLION DOLLARS ANNUALLY; AND

3 (d) IN COLORADO:

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

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

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

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

14 (V) DIFFUSE Knapweed REPLACES TRADITIONAL WILDLIFE
15 FORAGE AND DEGRADES WILDLIFE HABITAT;

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

18 (VII) RUSSIAN Knapweed PRODUCES CHEMICALS THAT DISPLACE
19 NATIVE PLANTS AND DEGRADES WILDLIFE HABITAT.

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

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

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

27 (c) ENSURES THAT CONTROLLING ENTITIES OBTAIN COMMUNITY

1 SUPPORT AND SERVICES SO THAT LANDSCAPES EVOLVE IN A HEALTHY
2 MANNER AND ARE ABLE TO MAXIMIZE THEIR POTENTIAL; AND

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

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

19 **39-22-4302. Voluntary contribution designation - procedure**
20 **- effective date.** FOR THE FIVE CONSECUTIVE INCOME TAX YEARS
21 IMMEDIATELY FOLLOWING THE YEAR IN WHICH THE EXECUTIVE DIRECTOR
22 FILES WRITTEN CERTIFICATION WITH THE REVISOR OF STATUTES AS
23 SPECIFIED IN SECTION 39-22-1001 (8) THAT A LINE ON THE INCOME TAX
24 RETURN FORM HAS BECOME AVAILABLE AND THE COLORADO FOR
25 HEALTHY LANDSCAPES FUND VOLUNTARY CONTRIBUTION IS NEXT IN THE
26 QUEUE ESTABLISHED PURSUANT TO SAID SECTION 39-22-1001 (8), THE
27 COLORADO STATE INDIVIDUAL INCOME TAX RETURN FORM SHALL CONTAIN

1 A LINE WHEREBY EACH INDIVIDUAL TAXPAYER MAY DESIGNATE THE
2 AMOUNT OF THE CONTRIBUTION, IF ANY, THE INDIVIDUAL WISHES TO MAKE
3 TO THE COLORADO FOR HEALTHY LANDSCAPES FUND CREATED IN SECTION
4 39-22-4303 (1).

5 **39-22-4303. Contributions credited to the Colorado for**
6 **Healthy Landscapes fund - creation - appropriation.** (1) THE
7 DEPARTMENT OF REVENUE SHALL DETERMINE ANNUALLY THE TOTAL
8 AMOUNT DESIGNATED PURSUANT TO SECTION 39-22-4302 AND SHALL
9 REPORT THAT AMOUNT TO THE STATE TREASURER AND TO THE GENERAL
10 ASSEMBLY. THE STATE TREASURER SHALL CREDIT THAT AMOUNT TO THE
11 COLORADO FOR HEALTHY LANDSCAPES FUND, WHICH FUND IS HEREBY
12 CREATED IN THE STATE TREASURY. ALL INTEREST DERIVED FROM THE
13 DEPOSIT AND INVESTMENT OF MONEYS IN THE FUND SHALL BE CREDITED
14 TO THE FUND.

15 (2) THE GENERAL ASSEMBLY SHALL APPROPRIATE ANNUALLY
16 FROM THE COLORADO FOR HEALTHY LANDSCAPES FUND TO THE
17 DEPARTMENT OF REVENUE ITS COSTS OF ADMINISTERING MONEYS
18 DESIGNATED AS CONTRIBUTIONS TO THE FUND. ALL MONEYS REMAINING
19 IN THE FUND AT THE END OF THE FISCAL YEAR, AFTER SUBTRACTING THE
20 APPROPRIATION TO THE DEPARTMENT, SHALL BE TRANSFERRED TO THE
21 COLORADO WEED MANAGEMENT ASSOCIATION, A COLORADO NONPROFIT
22 ORGANIZATION THAT ACTS AS FISCAL MANAGER FOR COLORADO FOR
23 HEALTHY LANDSCAPES.

24 **39-22-4304. Repeal of part.** THIS PART 43 IS REPEALED,
25 EFFECTIVE JANUARY 1 OF THE SIXTH INCOME TAX YEAR FOLLOWING THE
26 YEAR IN WHICH THE EXECUTIVE DIRECTOR FILES WRITTEN CERTIFICATION
27 WITH THE REVISOR OF STATUTES AS SPECIFIED IN SECTION 39-22-1001 (8)

1 THAT A LINE HAS BECOME AVAILABLE AND THE COLORADO FOR HEALTHY
2 LANDSCAPES FUND VOLUNTARY CONTRIBUTION IS NEXT IN THE QUEUE,
3 UNLESS THE VOLUNTARY CONTRIBUTION TO THE COLORADO FOR HEALTHY
4 LANDSCAPES FUND ESTABLISHED BY THIS PART 43 IS CONTINUED OR
5 REESTABLISHED BY THE GENERAL ASSEMBLY ACTING BY BILL PRIOR TO
6 SAID DATE.

7 **SECTION 2. Act subject to petition - effective date.** This act
8 takes effect at 12:01 a.m. on the day following the expiration of the
9 ninety-day period after final adjournment of the general assembly (August
10 8, 2012, if adjournment sine die is on May 9, 2012); except that, if a
11 referendum petition is filed pursuant to section 1 (3) of article V of the
12 state constitution against this act or an item, section, or part of this act
13 within such period, then the act, item, section, or part will not take effect
14 unless approved by the people at the general election to be held in
15 November 2012 and, in such case, will take effect on the date of the
16 official declaration of the vote thereon by the governor.