

**First 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. 11-0350.01 Troy Bratton

SENATE BILL 11-102

SENATE SPONSORSHIP

Williams S., King S., Foster, Guzman, Jahn, Morse, Newell, Nicholson, White

HOUSE SPONSORSHIP

Todd, Murray, Brown, Fields, Looper, Peniston, Ramirez, Schafer S., Solano, Stephens

Senate Committees

Finance
Appropriations

House Committees

Finance
Appropriations

A BILL FOR AN ACT

101 **CONCERNING THE VOLUNTARY CONTRIBUTION DESIGNATION**
102 **BENEFITING THE FAMILIES IN ACTION FOR MENTAL HEALTH**
103 **FUND THAT APPEARS ON THE STATE INDIVIDUAL INCOME TAX**
104 **RETURN FORMS, AND MAKING AN APPROPRIATION THEREFOR.**

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>.)

For income tax years commencing on or after January 1, 2011, but before January 1, 2014, the bill requires a voluntary contribution

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.*

HOUSE
Am ended 2nd Reading
May 5, 2011

SENATE
3rd Reading Unam ended
March 7, 2011

SENATE
Am ended 2nd Reading
March 4, 2011

designation line for the Families in Action for Mental Health fund (fund) to appear on state individual income tax return forms.

The department of revenue 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 of revenue 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 Mental Health America of Colorado, the fiscal manager for Families in Action for Mental Health.

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

2 **SECTION 1. 39-22-1001, Colorado Revised Statutes, is amended**
3 **BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to**
4 **read:**

5 **39-22-1001. Limitation on the duration of voluntary**
6 **contribution programs - queue. (7) AS SPECIFIED IN SUBSECTION (6) OF**
7 **THIS SECTION, NO MORE THAN FIFTEEN VOLUNTARY CONTRIBUTIONS SHALL**
8 **APPEAR ON COLORADO INCOME TAX RETURN FORMS IN ANY INCOME TAX**
9 **YEAR. IF THE GENERAL ASSEMBLY, ACTING BY BILL IN ANY YEAR,**
10 **REQUIRES MORE VOLUNTARY CONTRIBUTIONS TO APPEAR ON THE INCOME**
11 **TAX RETURN FORM THAN THERE ARE LINES AVAILABLE ON THE FORM, AN**
12 **EXISTING VOLUNTARY CONTRIBUTION THAT IS RENEWED OR CONTINUED**
13 **SHALL TAKE PRECEDENCE AND BE PLACED ON THE FORM OVER A**
14 **VOLUNTARY CONTRIBUTION THAT DOES NOT APPEAR ON THE FORM AND IS**
15 **NOT BEING RENEWED OR CONTINUED. ANY VOLUNTARY CONTRIBUTION**
16 **THAT DOES NOT APPEAR ON THE FORM AND IS NOT BEING RENEWED OR**
17 **CONTINUED BUT DOES NOT TAKE EFFECT PURSUANT TO THIS SUBSECTION**
18 **(7) SHALL BE PLACED IN THE QUEUE CREATED BY SUBSECTION (8) OF THIS**
19 **SECTION AND SHALL ONLY BECOME EFFECTIVE IN ANY YEAR IN WHICH**

1 THERE IS A LINE AVAILABLE ON THE INCOME TAX RETURN FORM, AS
2 SPECIFIED IN SUBSECTION (8) OF THIS SECTION.

3 (8) (a) IF THE GENERAL ASSEMBLY, ACTING BY BILL IN ANY YEAR,
4 REQUIRES MORE VOLUNTARY CONTRIBUTIONS TO APPEAR ON THE INCOME
5 TAX RETURN FORM THAN THERE ARE LINES AVAILABLE ON THE FORM, ANY
6 VOLUNTARY CONTRIBUTION THAT IS TO APPEAR ON THE FORM FOR THE
7 FIRST TIME SHALL, NOTWITHSTANDING THE LANGUAGE IN OR THE
8 EFFECTIVE DATE OF THE BILL CREATING THE VOLUNTARY CONTRIBUTION,
9 BE PLACED IN A QUEUE, WHICH QUEUE IS HEREBY CREATED. THE ORDER
10 OF VOLUNTARY CONTRIBUTIONS THAT ARE PLACED IN THE QUEUE SHALL
11 BE DETERMINED BY THE DATE AND TIME ON WHICH THE GOVERNOR SIGNS
12 THE BILL CREATING THE VOLUNTARY CONTRIBUTION, OR AT SUCH TIME
13 THAT THE BILL BECOMES LAW WITHOUT THE GOVERNOR'S SIGNATURE,
14 WITH THE BILL THAT WAS SIGNED OR BECOMES LAW WITHOUT A
15 SIGNATURE FIRST IN TIME BEING FIRST IN THE QUEUE, THE BILL THAT WAS
16 SIGNED OR BECOMES LAW WITHOUT A SIGNATURE NEXT IN TIME BEING
17 SECOND IN THE QUEUE, AND SO ON.

18 (b) ON NOVEMBER 1 OF EACH YEAR, THE EXECUTIVE DIRECTOR
19 SHALL CERTIFY TO THE REVISOR OF STATUTES THE AMOUNT OF LINES
20 AVAILABLE FOR VOLUNTARY CONTRIBUTIONS ON THE INCOME TAX RETURN
21 FORM FOR THE STATE INCOME TAX YEAR COMMENCING ON JANUARY 1 OF
22 THE FOLLOWING YEAR.

23 (c) IF A LINE BECOMES AVAILABLE ON THE INCOME TAX RETURN
24 FORM, AND NOTWITHSTANDING THE LANGUAGE IN OR THE EFFECTIVE DATE
25 OF THE BILL CREATING THE VOLUNTARY CONTRIBUTION, THE VOLUNTARY
26 CONTRIBUTION FIRST IN THE QUEUE SHALL APPEAR ON THE FORM FOR THE
27 NUMBER OF CONSECUTIVE TAX YEARS SPECIFIED IN THE PART CREATING

1 THE VOLUNTARY CONTRIBUTION BEGINNING WITH THE TAX YEAR
2 IMMEDIATELY FOLLOWING THE YEAR IN WHICH THE EXECUTIVE DIRECTOR
3 CERTIFIES THAT THERE IS A LINE AVAILABLE AS SPECIFIED IN PARAGRAPH
4 (b) OF THIS SUBSECTION (8). IF THERE ARE TWO LINES AVAILABLE ON THE
5 FORM, THE VOLUNTARY CONTRIBUTION THAT IS SECOND IN THE QUEUE
6 SHALL APPEAR ON THE FORM FOR THE NUMBER OF CONSECUTIVE TAX
7 YEARS SPECIFIED IN THE PART CREATING THE VOLUNTARY CONTRIBUTION
8 BEGINNING WITH THE TAX YEAR IMMEDIATELY FOLLOWING THE YEAR IN
9 WHICH THE EXECUTIVE DIRECTOR CERTIFIES THAT THERE ARE LINES
10 AVAILABLE AS SPECIFIED IN PARAGRAPH (b) OF THIS SUBSECTION (8), AND
11 SO ON.

12 SECTION 2. Article 22 of title 39, Colorado Revised Statutes, is
13 amended BY THE ADDITION OF A NEW PART to read:

14 PART 39

15 FAMILIES IN ACTION FOR MENTAL HEALTH

16 VOLUNTARY CONTRIBUTION

17 39-22-3901. Legislative declaration. (1) THE GENERAL
18 ASSEMBLY HEREBY FINDS AND DECLARES THAT:

19 (a) FAMILIES IN ACTION FOR MENTAL HEALTH IS A
20 COLLABORATION OF MENTAL HEALTH ADVOCACY ORGANIZATIONS
21 INCLUDING MENTAL HEALTH AMERICA OF COLORADO, WHICH SERVES AS
22 THE FISCAL MANAGER FOR FAMILIES IN ACTION FOR MENTAL HEALTH;

23 (b) A LACK OF ACCESS TO MENTAL HEALTH SERVICES IS OFTEN
24 CITED AS ONE OF THE TOP FIVE HEALTH THREATS WITHIN COLORADO;

25 (c) COLORADO HAS BEEN RANKED AS THE EIGHTEENTH MOST
26 DEPRESSED STATE IN THE UNITED STATES BY MENTAL HEALTH AMERICA;

27 (d) COLORADO HAS THE SIXTH HIGHEST SUICIDE RATE IN THE

1 UNITED STATES;

2 (e) SUBSTANCE USE DISORDERS AND MENTAL HEALTH CONDITIONS
3 ARE COLORADO'S MOST PREVALENT CHRONIC ILLNESSES; AND

4 (f) CHILDREN AND ADOLESCENTS MAKE UP NEARLY TWENTY-FIVE
5 PERCENT OF COLORADO'S POPULATION, YET THEY ACCOUNT FOR
6 THIRTY-THREE PERCENT OF THE SEVERE MENTAL HEALTH NEEDS IN THE
7 STATE.

8 (2) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT
9 FAMILIES IN ACTION FOR MENTAL HEALTH:

10 (a) OFFERS STATEWIDE MENTAL HEALTH EDUCATION, ADVOCACY,
11 INFORMATION AND REFERRALS, SUPPORT GROUPS, AND FAMILY PROGRAMS
12 TO ALL COLORADANS IN NEED;

13 (b) PROMOTES SUICIDE PREVENTION EFFORTS AND EDUCATION;

14 (c) INCREASES ACCESS TO APPROPRIATE MENTAL HEALTH
15 SERVICES, THUS STRENGTHENING AND ENHANCING COLORADO'S MENTAL
16 HEALTH SAFETY NET SYSTEM;

17 (d) ENSURES THAT FAMILIES OBTAIN COMMUNITY SUPPORT AND
18 SERVICES SO THAT CHILDREN GROW UP HEALTHY AND ARE ABLE TO
19 MAXIMIZE THEIR POTENTIAL;

20 (e) EDUCATES COLORADANS ABOUT MENTAL HEALTH TO REDUCE
21 STIGMAS; AND

22 (f) EMPOWERS THOSE LIVING WITH MENTAL HEALTH CONDITIONS
23 TO ACHIEVE GREATER LEVELS OF WELLNESS AND RECOVERY.

24 (3) IN ORDER TO ASSIST FAMILIES IN ACTION FOR MENTAL HEALTH
25 IN FULFILLING ITS MISSION, THE GENERAL ASSEMBLY RECOGNIZES THAT
26 MANY CITIZENS OF COLORADO MAY BE WILLING TO PROVIDE MONEYS TO
27 ASSIST IN ITS EFFORTS. IT IS THEREFORE THE INTENT OF THE GENERAL

1 ASSEMBLY TO PROVIDE COLORADANS THE OPPORTUNITY TO SUPPORT THE
2 EFFORTS OF FAMILIES IN ACTION FOR MENTAL HEALTH BY ALLOWING
3 CITIZENS TO MAKE A VOLUNTARY CONTRIBUTION ON THEIR STATE INCOME
4 TAX RETURN FORM TO THE FAMILIES IN ACTION FOR MENTAL HEALTH
5 FUND FOR SUCH A PURPOSE.

6 **39-22-3902. Voluntary contribution designation - procedure**
7 **- effective date.** FOR THE FIVE CONSECUTIVE INCOME TAX YEARS
8 IMMEDIATELY FOLLOWING THE YEAR IN WHICH THE EXECUTIVE DIRECTOR
9 FILES WRITTEN CERTIFICATION WITH THE REVISOR OF STATUTES AS
10 SPECIFIED IN SECTION 39-22-1001 (8) THAT A LINE HAS BECOME
11 AVAILABLE AND THE FAMILIES IN ACTION FOR MENTAL HEALTH FUND
12 VOLUNTARY CONTRIBUTION IS NEXT IN THE QUEUE, THE COLORADO STATE
13 INDIVIDUAL INCOME TAX RETURN FORM SHALL CONTAIN A LINE WHEREBY
14 EACH INDIVIDUAL TAXPAYER MAY DESIGNATE THE AMOUNT OF THE
15 CONTRIBUTION, IF ANY, THE INDIVIDUAL WISHES TO MAKE TO THE
16 FAMILIES IN ACTION FOR MENTAL HEALTH FUND CREATED IN SECTION
17 39-22-3903 (1).

18 **39-22-3903. Contributions credited to the Families in Action**
19 **for Mental Health fund - creation - appropriation.** (1) THE
20 DEPARTMENT OF REVENUE SHALL DETERMINE ANNUALLY THE TOTAL
21 AMOUNT DESIGNATED PURSUANT TO SECTION 39-22-3902 AND SHALL
22 REPORT THAT AMOUNT TO THE STATE TREASURER AND TO THE GENERAL
23 ASSEMBLY. THE STATE TREASURER SHALL CREDIT THAT AMOUNT TO THE
24 FAMILIES IN ACTION FOR MENTAL HEALTH FUND, WHICH FUND IS HEREBY
25 CREATED IN THE STATE TREASURY. ALL INTEREST DERIVED FROM THE
26 DEPOSIT AND INVESTMENT OF MONEYS IN THE FUND SHALL BE CREDITED
27 TO THE FUND.

1 (2) THE GENERAL ASSEMBLY SHALL APPROPRIATE ANNUALLY
2 FROM THE FAMILIES IN ACTION FOR MENTAL HEALTH FUND TO THE
3 DEPARTMENT OF REVENUE ITS COSTS OF ADMINISTERING MONEYS
4 DESIGNATED AS CONTRIBUTIONS TO THE FUND. ALL MONEYS REMAINING
5 IN THE FUND AT THE END OF THE FISCAL YEAR, AFTER SUBTRACTING THE
6 APPROPRIATION TO THE DEPARTMENT, SHALL BE TRANSFERRED TO
7 MENTAL HEALTH AMERICA OF COLORADO, THE NONPROFIT
8 ORGANIZATION THAT ACTS AS FISCAL MANAGER FOR FAMILIES IN ACTION
9 FOR MENTAL HEALTH.

10 **39-22-3904. Repeal of part.** THIS PART 39 IS REPEALED,
11 EFFECTIVE JANUARY 1 OF THE SIXTH INCOME TAX YEAR FOLLOWING THE
12 YEAR IN WHICH THE EXECUTIVE DIRECTOR FILES WRITTEN CERTIFICATION
13 WITH THE REVISOR OF STATUTES AS SPECIFIED IN SECTION 39-22-1001 (8)
14 THAT A LINE HAS BECOME AVAILABLE AND THE FAMILIES IN ACTION FOR
15 MENTAL HEALTH FUND VOLUNTARY CONTRIBUTION IS NEXT IN THE
16 QUEUE, UNLESS THE VOLUNTARY CONTRIBUTION TO THE FAMILIES IN
17 ACTION FOR MENTAL HEALTH FUND ESTABLISHED BY THIS PART 39 IS
18 CONTINUED OR REESTABLISHED BY THE GENERAL ASSEMBLY ACTING BY
19 BILL PRIOR TO SAID DATE.

20 **SECTION 3. Appropriation.** (1) In addition to any other
21 appropriation, there is hereby appropriated, out of any moneys in the
22 families in action for mental health fund created in Section 39-22-3903
23 (1), Colorado Revised Statutes, not otherwise appropriated, to the
24 department of revenue, for allocation to the information technology
25 division, for the fiscal year beginning July 1, 2011, the sum of
26 twenty-nine thousand six hundred dollars (\$29,600) cash funds, or so
27 much thereof as may be necessary, for the implementation of this act.

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

10 **SECTION 4. Act subject to petition - effective date.** This act
11 shall take effect at 12:01 a.m. on the day following the expiration of the
12 ninety-day period after final adjournment of the general assembly (August
13 10, 2011, if adjournment sine die is on May 11, 2011); except that, if a
14 referendum petition is filed pursuant to section 1 (3) of article V of the
15 state constitution against this act or an item, section, or part of this act
16 within such period, then the act, item, section, or part shall not take effect
17 unless approved by the people at the general election to be held in
18 November 2012 and shall take effect on the date of the official
19 declaration of the vote thereon by the governor.