

Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 10-0370.01 Bob Lackner

SENATE BILL 10-098

SENATE SPONSORSHIP

Tochtrop,

HOUSE SPONSORSHIP

Sonnenberg,

Senate Committees
Agriculture and Natural Resources

House Committees

A BILL FOR AN ACT

101 CONCERNING THE ALLOCATION OF MONEYS TO PROMOTE
102 CONSERVATION OF THE STATE'S NATURAL RESOURCES.

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>.)

Section 1 of the bill directs that, on July 1, 2010, and on or before July 1 of each calendar year thereafter, moneys in the conservation trust fund shall be transferred to the department of agriculture (department) for the purposes of assisting with the funding of state natural resource conservation and noxious weed management efforts.

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.

The amount of moneys to be transferred from the conservation trust fund on an annual basis consists of:

- ! \$5 million to the conservation district grant fund; and
- ! \$2.5 million to the noxious weed management fund.

The amounts transferred from the conservation trust fund increase if the interest rate on moneys held in the conservation trust fund increases.

Section 3 of the bill authorizes the state conservation board (board) to award grant moneys (grant program) out of moneys transferred from the conservation trust fund exclusively to conservation districts to be used for the purpose of implementing and maintaining natural resource conservation efforts. The grant moneys are awarded to conservation districts through a merit-based application process developed and administered by the board. Section 3 of the bill also deletes existing statutory language under which the grant program would be repealed in 2011.

Section 5 of the bill authorizes the department to award grant moneys out of moneys transferred from the conservation trust fund only to local governments for the purpose of funding programs at the local level to address noxious weed infestations. Requires applications for grant moneys to be made to and reviewed by the state noxious weed advisory committee (committee). Requires the committee to award grant moneys to local governments through a merit-based application process developed and administered by the committee. For any state fiscal year, requires that one-half of the moneys transferred to the fund for that year shall be exclusively allocated for grant awards to county governments and the other one-half of the moneys transferred shall be allocated to all local governments, including counties. In the discretion of the committee, payment of a grant award may be made at the time of approval of the grant instead of requiring the recipient to incur expenses for reimbursement from a grant award at a later date. Prohibits a local government from receiving grant moneys unless the local government has first created a weed management plan.

Section 5 of the bill also requires the department to annually prepare a report to the legislative committees of the general assembly exercising jurisdiction over agricultural and natural resource matters describing the moneys received and expended by the board in connection with the grant program.

Section 6 of the bill requires the board to annually prepare a report to the legislative committees of the general assembly exercising jurisdiction over agricultural and natural resource matters describing the moneys received and expended by the board in connection with the grant program involving natural resource conservation efforts.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 hereby finds, determines, and declares that:

4 (a) Noxious and invasive weeds are a threat to the long-term
5 conservation of the state's natural resources and will have a dramatically
6 adverse impact upon the state's future health and prosperity.

7 (b) By passing the "Colorado Noxious Weed Act", codified at
8 article 5.5 of title 35, Colorado Revised Statutes, the state has mandated
9 that noxious weeds be addressed by county governments in Colorado;

10 (c) The majority of county governments within the state have
11 attempted to address the problem of noxious weed infestation;

12 (d) The funding for noxious weed programs by county and
13 municipal governments and special districts comes mostly from general
14 fund dollars or assessments based upon taxable property. The reliance
15 upon these sources of revenue results in widely disparate means available
16 to county and municipal governments and special districts throughout the
17 state to address the problem of noxious weed infestation.

18 (e) Moneys used to finance efforts to conserve the state's natural
19 resources, reflected in the creation of conservation districts across the
20 state and the creation of the state conservation board, are largely
21 dependent on general fund moneys, and a program to provide grants to
22 conservation districts was eliminated in 2009 as a result of budget
23 shortfalls. These challenges have adversely affected the ability of the
24 state's conservation districts to achieve their mission of developing action
25 plans at the local level to address emerging natural resource issues across
26 the state.

27 (2) The purpose of Senate Bill 10-___, enacted in 2010, is to

1 provide the means whereby grant moneys will be made available to
2 conservation districts, county and municipal governments, and other
3 special districts to the end that these governmental bodies will have
4 secure funding sources to develop, administer, and maintain soil
5 conservation and noxious weed control programs. In the area of the
6 conservation of natural resources in particular, the grant moneys made
7 available by Senate Bill 10-____ will enable conservation districts to
8 leverage funding for projects that will address small acreage management,
9 the protection of rangeland and wildlife habitat, improvements in water
10 delivery systems and water quality, forest health, energy conservation,
11 and reduction of soil erosion. With respect to both the conservation of
12 natural resources and noxious weed control, the secure annual funding
13 sources made available may assist these conservation districts, county and
14 municipal governments, and other special districts in hiring employees,
15 purchasing needed equipment, providing moneys to leverage the grant
16 programs made possible by Senate Bill 10-____, and, in the specific area
17 of noxious weed control, allowing for the development and administration
18 of cooperative weed management areas throughout the state. The general
19 assembly further intends that Senate Bill 10-____ shall be liberally
20 construed to secure these objectives.

21 **SECTION 2.** The introductory portion to 29-21-101 (2) (b) (I),
22 Colorado Revised Statutes, is amended, and the said 29-21-101 is further
23 amended BY THE ADDITION OF A NEW SUBSECTION, to read:

24 **29-21-101. Conservation trust funds - definitions.**
25 (2) (b) (I) SUBJECT TO THE PROVISIONS OF SUBSECTION (7) OF THIS
26 SECTION, the division shall annually determine the eligible entities and
27 shall distribute eligible entity shares as soon as possible after receiving

1 distributions from the lottery fund pursuant to section 24-35-210 (10),
2 C.R.S., in the following manner:

3 (7) (a) NOTWITHSTANDING ANY OTHER PROVISION OF THIS
4 SECTION, ON JULY 1, 2010, AND ON OR BEFORE JULY 1 OF EACH CALENDAR
5 YEAR THEREAFTER, MONEYS IN THE FUND IN THE AMOUNT SPECIFIED IN
6 PARAGRAPH (b) OF THIS SUBSECTION (7) SHALL BE TRANSFERRED TO THE
7 DEPARTMENT OF AGRICULTURE FOR THE PURPOSES OF ASSISTING WITH THE
8 FUNDING OF STATE NATURAL RESOURCE CONSERVATION AND NOXIOUS
9 WEED MANAGEMENT EFFORTS IN ACCORDANCE WITH THE REQUIREMENTS
10 OF SECTIONS 35-1-106.7 AND 35-5.5-116 (6), C.R.S.

11 (b) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (c) OF THIS
12 SUBSECTION (7), THE AMOUNT TRANSFERRED ON AN ANNUAL BASIS
13 PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (7) SHALL CONSIST OF:

14 (I) FIVE MILLION DOLLARS TO THE CONSERVATION DISTRICT GRANT
15 FUND CREATED IN SECTION 35-1-106.7, C.R.S.

16 (II) TWO MILLION FIVE HUNDRED THOUSAND DOLLARS TO THE
17 NOXIOUS WEED MANAGEMENT FUND CREATED IN SECTION 35-5.5-116(1),
18 C.R.S.

19 (c) THE AMOUNTS SPECIFIED IN PARAGRAPH (b) OF THIS
20 SUBSECTION (7) SHALL SERVE AS A BASE AMOUNT OF FUNDING THAT IS
21 CALCULATED USING THE INTEREST RATE IN EFFECT DURING THE 2010-11
22 STATE FISCAL YEAR. IF THE INTEREST RATE IN EFFECT IN SUBSEQUENT
23 STATE FISCAL YEARS IS HIGHER THAN THAT USED TO DETERMINE THE BASE
24 AMOUNT, AN ADDITIONAL AMOUNT REPRESENTING TWO PERCENT OF THE
25 INCREASE IN THE AMOUNT OF MONEYS IN THE CONSERVATION TRUST FUND
26 DERIVED FROM THE INCREASE IN INTEREST RATES SHALL BE TRANSFERRED
27 TO THE CONSERVATION DISTRICT GRANT FUND AND THE NOXIOUS WEED

1 MANAGEMENT FUND FOR EACH SUBSEQUENT STATE FISCAL YEAR IN THE
2 PROPORTION OF TWO DOLLARS TO THE CONSERVATION GRANT FUND FOR
3 EVERY ONE DOLLAR TO THE NOXIOUS WEED MANAGEMENT FUND.

4 **SECTION 3.** 35-1-106.7, Colorado Revised Statutes, is amended
5 to read:

6 **35-1-106.7. Conservation district grant fund.** (1) There is
7 hereby created in the state treasury the conservation district grant fund.
8 The fund shall consist of moneys transferred pursuant to ~~section~~
9 ~~39-29-109.3(2)(b), C.R.S.~~ SECTIONS 29-21-101 (7) AND 39-29-109.3 (2)
10 (b), C.R.S. Moneys in the fund are specifically and continuously
11 appropriated to the department. PRIOR TO JULY 1, 2010, the department
12 shall grant moneys in the fund to conservation districts for the purpose of
13 implementing and maintaining soil and water conservation efforts. ON
14 AND AFTER JULY 1, 2010, THE STATE CONSERVATION BOARD CREATED IN
15 SECTION 35-70-103 SHALL GRANT MONEYS IN THE FUND EXCLUSIVELY TO
16 CONSERVATION DISTRICTS TO BE USED FOR THE PURPOSE OF
17 IMPLEMENTING AND MAINTAINING NATURAL RESOURCE CONSERVATION
18 EFFORTS. GRANT MONEYS SHALL BE AWARDED TO CONSERVATION
19 DISTRICTS THROUGH A MERIT-BASED APPLICATION PROCESS DEVELOPED
20 AND ADMINISTERED BY THE BOARD. All moneys credited to the fund and
21 all interest earned on the investment of moneys in the fund shall be a part
22 of the fund and shall not be transferred or credited to the general fund or
23 to any other fund. FOR ANY GIVEN FISCAL YEAR, NO MORE THAN TWO AND
24 ONE-HALF PERCENT OF THE MONEYS TRANSFERRED TO THE FUND
25 PURSUANT TO SECTIONS 29-21-101 (7) AND 39-29-109.3 (2) (b), C.R.S.,
26 FOR THE PURPOSES OF THIS SECTION SHALL BE EXPENDED FOR THE
27 ADMINISTRATIVE COSTS OF THE DEPARTMENT IN ADMINISTERING THE

1 GRANTS AWARDED PURSUANT TO THIS SECTION.

2 (2) ~~This section is repealed, effective July 1, 2011.~~

3 **SECTION 4.** 35-5.5-103, Colorado Revised Statutes, is amended
4 BY THE ADDITION OF A NEW SUBSECTION to read:

5 **35-5.5-103. Definitions.** As used in this article, unless the
6 context otherwise requires:

7 (11.3) "LOCAL GOVERNMENT" MEANS A COUNTY, CITY AND
8 COUNTY, MUNICIPALITY, SCHOOL DISTRICT, LOCAL IMPROVEMENT
9 DISTRICT, LAW ENFORCEMENT DISTRICT, OR WATER, SANITATION, FIRE
10 PROTECTION, METROPOLITAN, IRRIGATION, CONSERVATION, DRAINAGE,
11 OR ANY OTHER SPECIAL DISTRICT ORGANIZED PURSUANT TO LAW.

12 **SECTION 5.** 35-5.5-116 (1), Colorado Revised Statutes, is
13 amended, and the said 35-5.5-116 is further amended BY THE
14 ADDITION OF A NEW SUBSECTION, to read:

15 **35-5.5-116. Noxious weed management fund - creation -**
16 **allocation of funds.** (1) There is hereby created in the office of the state
17 treasurer the noxious weed management fund. The fund shall consist of
18 any civil penalties collected pursuant to section 35-5.5-118; any gifts,
19 donations, and grants received pursuant to section 35-1-104 (1) (cc); ~~and~~
20 any moneys approved by the general assembly for the purpose of funding
21 noxious weed management projects; AND MONEYS TRANSFERRED TO THE
22 FUND PURSUANT TO SECTION 29-21-101 (7), C.R.S. ALL MONEYS
23 CREDITED TO THE FUND AND all interest derived from the deposit and
24 investment of moneys in the fund shall be credited to the fund AND SHALL
25 NOT BE TRANSFERRED OR CREDITED TO THE GENERAL FUND OR TO ANY
26 OTHER FUND. The general assembly shall annually appropriate moneys
27 in the fund to the department of agriculture for the purposes specified in

1 ~~subsection (2)~~ SUBSECTIONS (2) AND (6) of this section.

2 (6) (a) ON AND AFTER JULY 1, 2010, WITH RESPECT TO MONEYS
3 TRANSFERRED TO THE FUND PURSUANT TO SECTION 29-21-101 (7), C.R.S.,
4 THE DEPARTMENT SHALL AWARD SUCH MONEYS IN THE FUND BY GRANTS
5 ONLY TO LOCAL GOVERNMENTS FOR THE PURPOSE OF FUNDING PROGRAMS
6 AT THE LOCAL LEVEL TO ADDRESS NOXIOUS WEED INFESTATIONS.
7 APPLICATIONS FOR GRANT MONEYS MADE AVAILABLE PURSUANT TO THIS
8 SECTION SHALL BE MADE TO AND REVIEWED BY THE STATE NOXIOUS WEED
9 ADVISORY COMMITTEE CREATED IN SECTION 35-5.5-108.7. THE ADVISORY
10 COMMITTEE SHALL AWARD GRANT MONEYS TO LOCAL GOVERNMENTS
11 THROUGH A MERIT-BASED APPLICATION PROCESS DEVELOPED AND
12 ADMINISTERED BY THE COMMITTEE. FOR ANY STATE FISCAL YEAR,
13 ONE-HALF OF THE MONEYS TRANSFERRED TO THE FUND PURSUANT TO
14 SECTION 29-21-101 (7), C.R.S., FOR THAT YEAR SHALL BE ALLOCATED
15 EXCLUSIVELY FOR GRANT AWARDS TO COUNTY GOVERNMENTS, AND THE
16 OTHER ONE-HALF OF THE MONEYS TRANSFERRED SHALL BE ALLOCATED TO
17 ALL LOCAL GOVERNMENTS, INCLUDING COUNTY GOVERNMENTS. IN THE
18 DISCRETION OF THE COMMITTEE, ON A ONE-TIME BASIS, PAYMENT OF A
19 GRANT AWARD MAY BE MADE AT THE TIME OF APPROVAL OF THE GRANT
20 INSTEAD OF REQUIRING THE RECIPIENT TO INCUR EXPENSES FOR
21 REIMBURSEMENT FROM A GRANT AWARD AT A LATER DATE.

22 (b) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, NO LOCAL
23 GOVERNMENT MAY OBTAIN GRANT MONEYS MADE AVAILABLE PURSUANT
24 TO THIS SECTION UNLESS THE LOCAL GOVERNMENT HAS FIRST CREATED A
25 WEED MANAGEMENT PLAN, WHICH THE LOCAL GOVERNMENT MAY CREATE
26 WITH MONEYS FROM THE NOXIOUS WEED MANAGEMENT FUND IN
27 ACCORDANCE WITH THE PROVISIONS OF PARAGRAPH (a) OF SUBSECTION (4)

1 OF THIS SECTION.

2 (c) FOR ANY GIVEN FISCAL YEAR, NO MORE THAN TWO AND
3 ONE-HALF PERCENT OF THE MONEYS TRANSFERRED TO THE FUND
4 PURSUANT TO SECTION 29-21-101 (7), C.R.S., FOR THE PURPOSES OF THIS
5 SECTION SHALL BE EXPENDED FOR THE ADMINISTRATIVE COSTS OF THE
6 DEPARTMENT IN ADMINISTERING THE GRANTS AWARDED PURSUANT TO
7 PARAGRAPH (a) OF THIS SUBSECTION (6).

8 (d) IN CONNECTION WITH THE AWARD OF GRANT MONEYS
9 PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (6), BY JANUARY 1 OF
10 EACH CALENDAR YEAR FOLLOWING THE YEAR IN WHICH A GRANT AWARD
11 WAS MADE, THE STATE BOARD SHALL SUBMIT A REPORT TO THE
12 COMMITTEES OF REFERENCE IN THE SENATE AND HOUSE OF
13 REPRESENTATIVES EXERCISING JURISDICTION OVER MATTERS RELATING TO
14 AGRICULTURE AND NATURAL RESOURCES. THE REPORT SHALL DESCRIBE
15 ALL MONEYS RECEIVED AND EXPENDED BY THE STATE BOARD FOR THE
16 PURPOSE OF MAKING GRANTS DURING THE PRIOR CALENDAR YEAR, THE
17 PURPOSE OF ANY GRANT AWARD, THE WORK PRODUCT UNDERTAKEN BY
18 THE APPLICABLE LOCAL GOVERNMENT IN RECEIVING THE GRANT AWARD,
19 THE COUNTY'S COMPLIANCE WITH ANY CONDITIONS PLACED UPON THE
20 GRANT, AND SUCH OTHER INFORMATION THAT THE COMMITTEES MAY
21 REQUIRE.

22 **SECTION 6.** 35-70-103 (5) (g), Colorado Revised Statutes, is
23 amended to read:

24 **35-70-103. State conservation board - composition - powers.**

25 (5) The state board has the following powers and duties:

26 (g) To administer and disburse any funds that may be made
27 available to the state board for the purpose of assisting conservation

1 districts in the conservation of ~~soil and water~~ NATURAL resources of the
2 state of Colorado and to defray expenses of the state board and its duly
3 appointed or employed agents in carrying out the provisions of this article
4 AND, FROM SUCH FUNDS, TO AWARD GRANT MONEYS TO CONSERVATION
5 DISTRICTS IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION
6 35-1-106.7. IN CONNECTION WITH SUCH GRANT AWARDS, BY JANUARY 1
7 OF EACH CALENDAR YEAR FOLLOWING THE YEAR IN WHICH A GRANT
8 AWARD WAS MADE, THE STATE BOARD SHALL SUBMIT A REPORT TO THE
9 COMMITTEES OF REFERENCE IN THE SENATE AND HOUSE OF
10 REPRESENTATIVES EXERCISING JURISDICTION OVER MATTERS RELATING TO
11 AGRICULTURE AND NATURAL RESOURCES. THE REPORT SHALL DESCRIBE
12 ALL MONEYS RECEIVED AND EXPENDED BY THE STATE BOARD FOR THE
13 PURPOSE OF MAKING GRANTS DURING THE PRIOR CALENDAR YEAR, THE
14 PURPOSE OF ANY GRANT AWARD, THE WORK PRODUCT UNDERTAKEN BY
15 THE APPLICABLE DISTRICT IN RECEIVING THE GRANT AWARD, THE
16 DISTRICT'S COMPLIANCE WITH ANY CONDITIONS PLACED UPON THE GRANT,
17 AND SUCH OTHER INFORMATION THAT THE COMMITTEES MAY REQUIRE.

18 **SECTION 7. Safety clause.** The general assembly hereby finds,
19 determines, and declares that this act is necessary for the immediate
20 preservation of the public peace, health, and safety.