

CHAPTER 330

EDUCATION - UNIVERSITIES AND COLLEGES

SENATE BILL 08-071

BY SENATOR(S) Gibbs, Boyd, Harvey, Kester, Kopp, Morse, Penry, Renfroe, Romer, Schwartz, Spence, Tapia, Wiens, Williams, Brophy, Cadman, Groff, Isgar, Johnson, Mitchell S., Sandoval, Shaffer, Taylor, Tupa, Windels, and Tochtrop; also REPRESENTATIVE(S) Scanlan, Benefield, Curry, Gallegos, Kefalas, Kerr A., Kerr J., Levy, Looper, Marshall, McFadyen, Peniston, Solano, White, Witwer, Fischer, Labuda, Massey, May M., Roberts, Romanoff, Rose, Stafford, Summers, and Todd.

AN ACT

CONCERNING EXTENSION OF THE REPEAL DATE OF THE FOREST RESTORATION PILOT PROGRAM, AND, IN CONNECTION THEREWITH, EXTENDING THE REPEAL DATE OF THE TECHNICAL ADVISORY PANEL, AND MAKING AN APPROPRIATION.

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

SECTION 1. 23-31-310 (9), Colorado Revised Statutes, is amended to read:

23-31-310. Forest restoration - pilot program - definitions - technical advisory panel - repeal. (9) **Repeal.** This section is repealed, effective ~~July 1, 2008~~ **SEPTEMBER 1, 2012**. Prior to such repeal, the technical advisory panel shall be reviewed as provided for in section 2-3-1203, C.R.S.

SECTION 2. Repeal. 2-3-1203 (3) (u) (IV), Colorado Revised Statutes, is repealed as follows:

2-3-1203. Sunset review of advisory committees. (3) The following dates are the dates for which the statutory authorization for the designated advisory committees is scheduled for repeal:

(u) July 1, 2008:

(IV) ~~The technical advisory panel created in section 23-30-311, C.R.S.;~~

SECTION 3. 2-3-1203 (3), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

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

2-3-1203. Sunset review of advisory committees. (3) The following dates are the dates for which the statutory authorization for the designated advisory committees is scheduled for repeal:

(y.5) SEPTEMBER 1, 2012: THE TECHNICAL ADVISORY PANEL CREATED IN SECTION 23-31-310, C.R.S.

SECTION 4. 39-29-109, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

39-29-109. Severance tax trust fund - created - administration - use of moneys - definitions - repeal. (9) (a) SUBJECT TO THE END BALANCE REQUIREMENT OF PARAGRAPH (f) OF SUBSECTION (1.5) OF THIS SECTION AND THE MAINTENANCE OF A TWO-YEAR RESERVE PURSUANT TO SUB-SUBPARAGRAPH (A) OF SUBPARAGRAPH (III) OF PARAGRAPH (c) OF SUBSECTION (1) OF THIS SECTION, FOR FOUR STATE FISCAL YEARS, BEGINNING WITH THE STATE FISCAL YEAR COMMENCING ON JULY 1, 2008, ONE MILLION DOLLARS PER YEAR FROM THE OPERATIONAL ACCOUNT OF THE SEVERANCE TAX TRUST FUND SHALL BE APPROPRIATED FOR PURPOSES SPECIFIED IN SECTION 23-31-310, C.R.S., FOR THE FOREST RESTORATION PILOT PROGRAM. IF THERE ARE INSUFFICIENT MONEYS IN THE OPERATIONAL ACCOUNT TO MAKE ALL APPROPRIATIONS AND TRANSFERS AT THE HIGHEST LEVEL AUTHORIZED BY LAW, THE TRANSFERS AUTHORIZED BY THIS SUBSECTION (9) SHALL BE REDUCED PRO RATA AS NECESSARY TO ACCOMMODATE ALL APPROPRIATIONS AND TRANSFERS AT THE HIGHEST LEVEL AUTHORIZED BY LAW OTHER THAN THIS SUBSECTION (9).

(b) THIS SUBSECTION (9) IS REPEALED, EFFECTIVE SEPTEMBER 1, 2012.

SECTION 5. 39-29-109.3 (2), Colorado Revised Statutes, as enacted by House Bill 08-1398, enacted at the Second Regular Session of the Sixty-sixth General Assembly, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

39-29-109.3. Operational account of the severance tax trust fund - repeal. (2) Subject to the requirements of subsections (3) and (4) of this section, if the general assembly chooses not to spend up to one hundred percent of the moneys in the operational account as specified in subsection (1) of this section, the state treasurer shall transfer the following:

(k) (I) FOR FOUR STATE FISCAL YEARS, BEGINNING WITH THE STATE FISCAL YEAR COMMENCING ON JULY 1, 2008, ONE MILLION DOLLARS PER YEAR TO THE FOREST RESTORATION PILOT PROGRAM CASH FUND CREATED IN SECTION 23-31-310, C.R.S.

(II) THIS PARAGRAPH (k) IS REPEALED, EFFECTIVE JULY 1, 2013.

SECTION 6. 23-31-310, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

23-31-310. Forest restoration - pilot program - definitions - technical advisory panel - repeal. (8.5) **Forest restoration pilot program cash fund.** THERE IS HEREBY CREATED IN THE STATE TREASURY THE FOREST RESTORATION PILOT PROGRAM CASH FUND, WHICH SHALL BE ADMINISTERED BY THE DEPARTMENT

OF HIGHER EDUCATION AND SHALL CONSIST OF ALL MONEYS TRANSFERRED BY THE TREASURER AS SPECIFIED IN SECTION 39-29-109.3 (2) (k), C.R.S. ALL MONEYS IN THE FUND ARE CONTINUOUSLY APPROPRIATED TO THE DEPARTMENT OF HIGHER EDUCATION FOR ALLOCATION TO THE BOARD OF GOVERNORS OF THE COLORADO STATE UNIVERSITY SYSTEM FOR THE FOREST RESTORATION PILOT PROGRAM SPECIFIED IN THIS SECTION. ALL MONEYS IN THE FUND AT THE END OF EACH FISCAL YEAR SHALL BE RETAINED IN THE FUND AND SHALL NOT REVERT TO THE GENERAL FUND OR ANY OTHER FUND.

SECTION 7. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the operational account of the severance tax trust fund created in section 39-29-109, Colorado Revised Statutes, not otherwise appropriated, to the department of higher education, for allocation to the board of governors of the Colorado state university system, for the fiscal year beginning July 1, 2008, the sum of one million dollars (\$1,000,000) for the forest restoration pilot program, or so much thereof as may be necessary, for the implementation of this act.

SECTION 8. Effective date. (1) This act shall take effect upon passage; except that:

(a) Sections 4 and 7 of this act shall not take effect if House Bill 08-1398 is enacted at the Second Regular Session of the Sixty-sixth General Assembly and becomes law;

(b) Sections 5 and 6 of this act shall take effect only if House Bill 08-1398 is enacted at the Second Regular Session of the Sixty-sixth General Assembly and becomes law.

SECTION 9. 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: May 28, 2008