

CHAPTER 167

NATURAL RESOURCES

HOUSE BILL 15-1243

BY REPRESENTATIVE(S) Vigil, Becker K., Brown, Esgar, Fields, Ginal, Hamner, Lontine, Mitsch Bush, Rosenthal, Ryden, Salazar, Williams, Young, Hullinghorst;
also SENATOR(S) Sonnenberg, Newell.

AN ACT

CONCERNING INCREASED SPENDING AUTHORITY FOR THE DIVISION OF PARKS AND WILDLIFE, AND, IN CONNECTION THEREWITH, ESTABLISHING THE PARKS FOR FUTURE GENERATIONS TRUST FUND, AMENDING THE WILDLIFE FOR FUTURE GENERATIONS TRUST FUND, AND GIVING THE DIVISION OF PARKS AND WILDLIFE EXPLICIT SPENDING AUTHORITY OVER MONEYS RECEIVED TO MITIGATE OR OFFSET ADVERSE IMPACTS TO THE STATE'S PARKS AND WILDLIFE RESOURCES.

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

SECTION 1. In Colorado Revised Statutes, 33-1-112, **amend** (7) (a) as follows:

33-1-112. Funds - cost accounting - repeal. (7) (a) (I) (A) There is hereby created in the state treasury the wildlife for future generations trust fund. ~~In addition to~~ THE FUND CONSISTS OF moneys appropriated to ~~such~~ THE fund by the general assembly, ~~the commission is authorized to accept~~ MONEYS RECEIVED FROM ENERGY OR MINERAL ROYALTIES OR LEASES OF ENERGY OR MINERAL RIGHTS ON WILDLIFE PROPERTIES, AND GIFTS, grants, and donations. ~~for deposit in said fund.~~

(B) FOR PURPOSES OF THIS SUBPARAGRAPH (I), "WILDLIFE PROPERTIES" MEANS STATE WILDLIFE AREAS AND ANY OTHER WILDLIFE PROPERTIES IN WHICH THE DIVISION OWNS MINERAL INTERESTS.

(C) NO LESS THAN FIFTY PERCENT OF THE TOTAL moneys DEPOSITED in the fund OTHER THAN INTEREST shall be accrued and maintained intact, ~~only~~ AND THE REMAINING BALANCE OF THE MONEYS DEPOSITED INTO THE FUND MAY BE EXPENDED SUBJECT TO APPROPRIATION BY THE GENERAL ASSEMBLY; EXCEPT THAT the interest earned on moneys in the fund ~~shall be~~ is continuously appropriated and may be expended on such property operation and maintenance and other wildlife projects and programs as ~~may from time to time be deemed~~ THE COMMISSION DEEMS

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

appropriate. ~~by the commission.~~

(II) The fund is ~~to be~~ under the control of and ~~to be~~ administered by the commission. The controller shall authorize disbursements ~~of interest earned on said~~ FROM THE fund as directed by the commission on receipt of a voucher from ~~said~~ THE commission stating that the disbursement is in accordance with this subsection (7).

(III) The commission shall submit an annual report of the moneys expended from the ~~trust~~ fund and matters accomplished by ~~such~~ THE expenditures from the preceding fiscal year to the senate agriculture, natural resources, and energy committee and the house of representatives agriculture, livestock, and natural resources committee, OR THEIR SUCCESSOR COMMITTEES, by the convening date of each regular session of the general assembly in accordance with section 24-1-136 (9), C.R.S. The commission shall also submit to ~~the senate agriculture, natural resources, and energy committee and the house of representatives agriculture, livestock, and natural resources committee~~ THESE COMMITTEES a report on moneys proposed to be expended from the ~~trust~~ fund and the matters to be accomplished by ~~such~~ THE expenditures in the upcoming fiscal year.

(IV) ~~Interest earned on such fund that is not expended as provided shall remain in the wildlife for future generations trust fund for future expenditure as provided in this subsection (7).~~ All moneys and interest in ~~such~~ THE fund shall remain in ~~such~~ THE fund to be used for the purposes set forth in this subsection (7) and shall not be deposited in or transferred to the general fund ~~of the state of Colorado~~ or any other fund.

SECTION 2. In Colorado Revised Statutes, 33-10-111, **amend** (1); and **add** (6) as follows:

33-10-111. Parks and outdoor recreation cash fund - parks for future generations trust fund - created - fees - accounting expenditures for roads and highways - repeal. (1) Except as provided in SUBSECTION (6) OF THIS SECTION AND sections 33-14-106, 33-14.5-106, and 33-15-103, all moneys derived PURSUANT TO ARTICLES 10 TO 15 OF THIS TITLE from division facilities and fees, and all interest earned on such moneys, shall be credited to the parks and outdoor recreation cash fund, which is hereby created, together with all moneys donated, transferred, or appropriated from whatever source for the use of the division in administering, managing, and supervising the state parks and outdoor recreation system and in the financing of impact assistance grants pursuant to part 3 of article 25 of title 30, C.R.S. All cash receipts from state-owned desert, saline, and internal improvement lands shall be credited to the parks and outdoor recreation cash fund.

(6)(a)(I)(A) THERE IS HEREBY CREATED IN THE STATE TREASURY THE PARKS FOR FUTURE GENERATIONS TRUST FUND. THE FUND CONSISTS OF MONEYS APPROPRIATED TO THE FUND BY THE GENERAL ASSEMBLY, MONEYS RECEIVED FROM ENERGY OR MINERAL ROYALTIES OR LEASES OF ENERGY OR MINERAL RIGHTS ON PARK PROPERTIES, AND GIFTS, GRANTS, AND DONATIONS.

(B) FOR PURPOSES OF THIS SUBPARAGRAPH (I), "PARK PROPERTIES" MEANS EACH STATE PARK AND STATE RECREATION AREA AND ANY OTHER PARK PROPERTIES IN WHICH THE DIVISION OWNS MINERAL INTERESTS.

(II) NO LESS THAN FIFTY PERCENT OF THE TOTAL MONEYS DEPOSITED IN THE FUND OTHER THAN INTEREST SHALL BE ACCRUED AND MAINTAINED INTACT, AND THE REMAINING BALANCE OF THE MONEYS DEPOSITED INTO THE FUND MAY BE EXPENDED SUBJECT TO APPROPRIATION BY THE GENERAL ASSEMBLY; EXCEPT THAT THE INTEREST EARNED ON MONEYS IN THE FUND IS CONTINUOUSLY APPROPRIATED AND MAY BE EXPENDED ON SUCH PROPERTY OPERATION AND MAINTENANCE AND OTHER PARK PROJECTS AND PROGRAMS AS THE COMMISSION DEEMS APPROPRIATE.

(b) THE FUND IS UNDER THE CONTROL OF AND ADMINISTERED BY THE COMMISSION. THE CONTROLLER SHALL AUTHORIZE DISBURSEMENTS FROM THE FUND AS DIRECTED BY THE COMMISSION ON RECEIPT OF A VOUCHER FROM THE COMMISSION STATING THAT THE DISBURSEMENT IS IN ACCORDANCE WITH THIS SUBSECTION (6).

(c) THE COMMISSION SHALL SUBMIT AN ANNUAL REPORT OF THE MONEYS EXPENDED FROM THE FUND AND MATTERS ACCOMPLISHED BY THE EXPENDITURES FROM THE PRECEDING FISCAL YEAR TO THE SENATE AGRICULTURE, NATURAL RESOURCES, AND ENERGY COMMITTEE AND THE HOUSE OF REPRESENTATIVES AGRICULTURE, LIVESTOCK, AND NATURAL RESOURCES COMMITTEE, OR THEIR SUCCESSOR COMMITTEES, BY THE CONVENING DATE OF EACH REGULAR SESSION OF THE GENERAL ASSEMBLY IN ACCORDANCE WITH SECTION 24-1-136 (9), C.R.S. THE COMMISSION SHALL ALSO SUBMIT TO THESE COMMITTEES A REPORT ON MONEYS PROPOSED TO BE EXPENDED FROM THE FUND AND THE MATTERS TO BE ACCOMPLISHED BY THE EXPENDITURES IN THE UPCOMING FISCAL YEAR.

(d) ALL MONEYS AND INTEREST IN THE FUND REMAIN IN THE FUND TO BE USED FOR THE PURPOSES SET FORTH IN THIS SUBSECTION (6) AND SHALL NOT BE DEPOSITED IN OR TRANSFERRED TO THE GENERAL FUND OR ANY OTHER FUND.

SECTION 3. In Colorado Revised Statutes, 33-1-105, **amend** (1) (f) as follows:

33-1-105. Powers of commission. (1) The commission has power to:

(f) (I) Receive and expend:

(A) Grants, gifts, and bequests, including federal ~~funds~~ MONEYS, made available for the purposes for which the commission is authorized; AND

(B) MONEYS MADE AVAILABLE TO THE DIVISION FOR THE PURPOSE OF MITIGATING OR OFFSETTING ADVERSE IMPACTS OF DEVELOPMENT ON WILDLIFE OR WILDLIFE HABITAT.

(II) The commission may provide matching funds when ~~funds~~ APPROPRIATE MONEYS are available. ~~on such basis.~~ The commission shall provide such information as may be required in order to secure ~~such~~ MATCHING funds. The receipt and expenditure of money so received by the commission shall be reported to the executive director prior to the time of submission of the commission's annual budget requests.

SECTION 4. In Colorado Revised Statutes, 33-10-107, **amend** (1) (e) as follows:

33-10-107. Powers of commission - rules - definitions. (1) The commission has power to:

(e) (I) Receive and expend:

(A) Grants, gifts, and bequests, including federal ~~fund~~ MONEYS, made available for the purposes for which the commission is authorized; AND

(B) MONEYS MADE AVAILABLE TO THE DIVISION FOR THE PURPOSE OF MITIGATING OR OFFSETTING ADVERSE IMPACTS OF DEVELOPMENT ON STATE PARKS OR STATE RECREATION AREAS.

(II) The commission may provide matching funds whenever ~~fund~~ APPROPRIATE MONEYS are available. ~~on such a basis.~~ The commission shall provide such information as may be required in order to secure ~~such~~ MATCHING funds. The receipt and expenditure of money so received shall be reported to the executive director prior to the time of submission of the commission's annual budget requests.

SECTION 5. 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 5, 2015, if adjournment sine die is on May 6, 2015); 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 2016 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: May 8, 2015