

CHAPTER 183

GOVERNMENT - STATE

SENATE BILL 10-098

BY SENATOR(S) Tochtrop, Boyd, Brophy, Gibbs, Johnston, Morse, Penry, Schwartz, White, Whitehead, Williams;
also REPRESENTATIVE(S) Sonnenberg, Apuan, Baumgardner, Curry, Gerou, Hulinghorst, Labuda, Pace, Priola, Ryden, Vigil.

AN ACT**CONCERNING THE ALLOCATION OF MONEYS TO PROMOTE CONSERVATION OF THE STATE'S
NATURAL RESOURCES.**

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

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

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

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

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

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

(e) Moneys used to finance efforts to conserve the state's natural resources, reflected in the creation of conservation districts across the state and the creation of the state conservation board, are largely dependent on general fund moneys, and a

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

program to provide grants to conservation districts was eliminated in 2009 as a result of budget shortfalls. These challenges have adversely affected the ability of the state's conservation districts to achieve their mission of developing action plans at the local level to address emerging natural resource issues across the state.

(f) By enacting the Great Outdoors Colorado Program in 1992, codified in Article XXVII of the state constitution, the people of the state created, among other things:

(2) (a) A certain portion of moneys automatically flows into the Conservation Trust Fund, created in the Division of Local Government in the Department of Local Affairs, each year out of moneys collected by the state from net lottery proceeds. The purpose of Senate Bill 10-98, enacted in 2010, is to allow county governments to cooperate or contract with conservation districts and local noxious weed control programs in the utilization of moneys from the fund.

(b) Allowing counties to cooperate or contract with conservation districts and local noxious weed control programs will assist these entities in developing, administering, and maintaining soil conservation and noxious weed control efforts, addressing small acreage management, protecting rangeland and wildlife habitat, improving water delivery systems, water quality, and forest health, and reducing soil erosion in parks, recreation areas, and open space.

SECTION 2. 29-21-101 (5), Colorado Revised Statutes, is amended to read:

29-21-101. Conservation trust funds - definitions. (5) In the utilization of moneys received pursuant to this section, each eligible entity may cooperate or contract with any other government or political subdivision, INCLUDING A CONSERVATION DISTRICT ESTABLISHED IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE 70 OF TITLE 35, C.R.S., OR A LOCAL NOXIOUS WEED CONTROL PROGRAM, pursuant to part 2 of article 1 of this title. Subject to the separate accounting requirement of subparagraph (II) of paragraph (b) of subsection (2) of this section, such cooperation may include the sharing of moneys held by any such entities in their respective conservation trust funds for joint expenditures for the acquisition, development, and maintenance of new conservation sites, AS DEFINED IN PARAGRAPH (e) OF SUBSECTION (1) OF THIS SECTION IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE XXVII OF THE STATE CONSTITUTION.

SECTION 3. 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: April 29, 2010