

**Second Regular Session  
Sixty-seventh General Assembly  
STATE OF COLORADO**

**ENGROSSED**

*This Version Includes All Amendments Adopted  
on Second Reading in the House of Introduction*

LLS NO. 10-0708.01 Kate Meyer

**HOUSE BILL 10-1398**

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**HOUSE SPONSORSHIP**

**Fischer,**

**SENATE SPONSORSHIP**

**Whitehead,**

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**House Committees**

Agriculture, Livestock, & Natural Resources  
Appropriations

**Senate Committees**

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**A BILL FOR AN ACT**

101     **CONCERNING THE SPECIES CONSERVATION TRUST FUND, AND, IN**  
102             **CONNECTION THEREWITH, APPROVING THE SPECIES**  
103             **CONSERVATION ELIGIBILITY LIST.**

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**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>.)*

The bill appropriates money from the species conservation trust fund for programs submitted by the executive director of the department of natural resources that are designed to conserve native species that have been listed as threatened or endangered under state or federal law, or are

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  
2nd Reading Unamended  
April 21, 2010

candidate species or are likely to become candidate species as determined by the United States fish and wildlife service.

The bill also directs the state treasurer to transfer, on July 1, 2010, \$500,000 from the capital account of the species conservation trust fund (capital account), which moneys were appropriated for instream flow protection in fiscal year 2009, to the operation and maintenance account of the species conservation trust fund (operation and maintenance account), for use in the upper Colorado river recovery program.

For fiscal year 2011, the bill:

! Reduces from \$4,000,000 to \$3,000,000 the amount to be transferred to the capital account from the operational account of the severance tax trust fund; and

! Transfers \$1,000,000 to the operation and maintenance account from the operational account of the severance tax trust fund.

For the 2012 and 2013 fiscal years, the bill makes the following transfers from the operational account of the severance tax trust fund:

! \$4,500,000 to the capital account; and

! \$2,500,000 to the operation and maintenance account.

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

2 **SECTION 1. Legislative declaration.** (1) Pursuant to:

3 (a) Section 24-33-111 (2), Colorado Revised Statutes, the species  
4 conservation trust fund has been created in the state treasury to fund  
5 programs designed to conserve native species that have been listed as  
6 threatened or endangered under state or federal law, or are candidate  
7 species or are likely to become candidate species as determined by the  
8 United States fish and wildlife service;

9 (b) Section 24-33-111 (3), Colorado Revised Statutes, the  
10 executive director of the department of natural resources, after consulting  
11 with the Colorado water conservation board and its director, the wildlife  
12 commission, and the director of the division of wildlife, has prepared and  
13 delivered to the general assembly a species conservation eligibility list  
14 describing programs and associated costs that are eligible to receive

1 funding from the species conservation trust fund; and

2 (c) Section 24-33-111 (3), Colorado Revised Statutes, prior to  
3 obligating funds from the species conservation trust fund, the species  
4 conservation eligibility list is subject to modification and adoption  
5 through the passage of a bill.

6 **SECTION 2. Transfer between accounts.** (1) The authority of  
7 the executive director of the department of natural resources, which was  
8 approved in House Bill 09-1289, to obligate and expend revenues from  
9 the capital account of the species conservation trust fund for the purpose  
10 of instream flow protection is reduced from five hundred thousand dollars  
11 (\$500,000) to zero dollars (\$0).

12 (2) The state treasurer shall, on July 1, 2010, transfer five hundred  
13 thousand dollars (\$500,000) from the capital account of the species  
14 conservation trust fund to the operation and maintenance account of the  
15 species conservation trust fund, for the upper Colorado river recovery  
16 program.

17 **SECTION 3. Eligibility list - approval.** (1) The general  
18 assembly deems the recommended expenditures described in the species  
19 conservation eligibility list to be in the interest of the people of the state.  
20 The moneys specified in this subsection (1) shall be available in fiscal  
21 year 2010-11 and shall remain available for the designated purposes until  
22 they are fully expended:

23 (a) The executive director of the department of natural resources  
24 is authorized to obligate and expend four million five hundred thousand  
25 dollars (\$4,500,000) from the capital account of the species conservation  
26 trust fund for the following activities, programs, and species in the  
27 following amounts:

1	<b>PROGRAM / SPECIES</b>	<b>AMOUNT</b>
2	(I) Platte River Recovery Program	\$ 3,000,000
3	(II) Native Grouse Conservation Program	\$ <u>1,500,000</u>
4	<b>Total capital account appropriation:</b>	<b>\$ 4,500,000</b>

5 (b) The executive director of the department of natural resources  
6 is authorized to obligate and expend three million five hundred thousand  
7 dollars (\$3,500,000) from the operation and maintenance account of the  
8 species conservation trust fund for the following activities, programs, and  
9 species in the following amounts:

10	<b>PROGRAM / SPECIES</b>	<b>AMOUNT</b>
11	(I) Upper Colorado River Recovery Program	\$ 1,500,000
12	(II) Native Grouse Conservation Program	\$ 630,000
13	(III) Native Fish Conservation	\$ 470,000
14	(IV) Wildlife Disease Management	\$ 400,000
15	(V) Wildlife Research	\$ 100,000
16	(VI) Natural Areas Program	\$ <u>400,000</u>
17	<b>Total operation and maintenance account</b>	
18	<b>appropriation:</b>	<b>\$ 3,500,000</b>

19 **SECTION 4.** 39-29-109.3 (2) (d) (IV) (A), Colorado Revised  
20 Statutes, is amended, and the said 39-29-109.3 (2) (d) is further amended  
21 BY THE ADDITION OF THE FOLLOWING NEW  
22 SUBPARAGRAPHS, to read:

23 **39-29-109.3. Operational account of the severance tax trust**  
24 **fund - repeal.** (2) Subject to the requirements of subsections (3) and (4)  
25 of this section, if the general assembly chooses not to spend up to one  
26 hundred percent of the moneys in the operational account as specified in  
27 subsection (1) of this section, the state treasurer shall transfer the

1 following:

2 (d) To the capital account of the species conservation trust fund  
3 created in section 24-33-111 (2) (a), C.R.S., the following amounts:

4 (IV) (A) For the state fiscal year commencing July 1, 2011, ~~four~~  
5 THREE million dollars.

6 (V) (A) FOR THE STATE FISCAL YEAR COMMENCING JULY 1, 2012,  
7 FOUR MILLION FIVE HUNDRED THOUSAND DOLLARS.

8 (B) THIS SUBPARAGRAPH (V) IS REPEALED, EFFECTIVE JULY 1,  
9 2014.

10 (VI) (A) FOR THE STATE FISCAL YEAR COMMENCING JULY 1, 2013,  
11 FOUR MILLION FIVE HUNDRED THOUSAND DOLLARS.

12 (B) THIS SUBPARAGRAPH (VI) IS REPEALED, EFFECTIVE JULY 1,  
13 2015.

14 **SECTION 5.** 39-29-109.3 (2) (e), Colorado Revised Statutes, is  
15 amended BY THE ADDITION OF THE FOLLOWING NEW  
16 SUBPARAGRAPHS to read:

17 **39-29-109.3. Operational account of the severance tax trust**  
18 **fund - repeal.** (2) Subject to the requirements of subsections (3) and (4)  
19 of this section, if the general assembly chooses not to spend up to one  
20 hundred percent of the moneys in the operational account as specified in  
21 subsection (1) of this section, the state treasurer shall transfer the  
22 following:

23 (e) To the operation and maintenance account of the species  
24 conservation trust fund created in section 24-33-111 (2) (a), C.R.S., the  
25 following amounts:

26 (IV) (A) FOR THE STATE FISCAL YEAR COMMENCING JULY 1, 2011,  
27 ONE MILLION DOLLARS.

1 (B) THIS SUBPARAGRAPH (IV) IS REPEALED, EFFECTIVE JULY 1,  
2 2013.

3 (V) (A) FOR THE STATE FISCAL YEAR COMMENCING JULY 1, 2012,  
4 TWO MILLION FIVE HUNDRED THOUSAND DOLLARS.

5 (B) THIS SUBPARAGRAPH (V) IS REPEALED, EFFECTIVE JULY 1,  
6 2014.

7 (VI) (A) FOR THE STATE FISCAL YEAR COMMENCING JULY 1, 2013,  
8 TWO MILLION FIVE HUNDRED THOUSAND DOLLARS.

9 (B) THIS SUBPARAGRAPH (VI) IS REPEALED, EFFECTIVE JULY 1,  
10 2015.

11 **SECTION 6. Safety clause.** The general assembly hereby finds,  
12 determines, and declares that this act is necessary for the immediate  
13 preservation of the public peace, health, and safety.