

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

REVISED

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

LLS NO. 06-0420.01 Thomas Morris

HOUSE BILL 06-1311

HOUSE SPONSORSHIP

Curry, and Hoppe

SENATE SPONSORSHIP

Isgar,

House Committees

Agriculture, Livestock, & Natural Resources
Appropriations

Senate Committees

Agriculture, Natural Resources & Energy
Appropriations

A BILL FOR AN ACT

101 **CONCERNING THE SPECIES CONSERVATION TRUST FUND, AND, IN**
102 **CONNECTION THEREWITH, APPROVING THE SPECIES**
103 **CONSERVATION ELIGIBILITY LIST, RECAPITALIZING THE SPECIES**
104 **CONSERVATION TRUST FUND, AND MAKING AN APPROPRIATION.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Appropriates money from the species conservation trust fund ("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

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.*

SENATE
2nd Reading Unamended
May 2, 2006

HOUSE
3rd Reading Unamended
April 17, 2006

HOUSE
Amended 2nd Reading
April 14, 2006

federal law, or are candidate species or are likely to become candidate species as determined by the United States fish and wildlife service. Transfers \$6,882,000 from the operational account of the severance tax trust fund to the capital account of the trust fund and \$5,000,000 from the operational account of the severance tax trust fund to the operations and maintenance account of the trust fund. Transfers \$1,000,000 from the general fund to the operations and maintenance account of the trust fund.

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
15 funding from the species conservation trust fund; and

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

20 **SECTION 2. Eligibility list - approval.** (1) The general
21 assembly deems the recommended expenditures described in the species
22 conservation eligibility list to be in the interest of the people of the state.

1 The moneys specified in this subsection (1) shall be available in fiscal
 2 year 2005-06 and shall remain available for the designated purposes until
 3 they are fully expended:

4 (a) The executive director of the department of natural resources
 5 is authorized to obligate and expend one million eight hundred fifty
 6 thousand dollars (\$1,850,000) from the operation and maintenance
 7 account of the species conservation trust fund for the following activities,
 8 programs, and species in the following amounts:

PROGRAM / SPECIES	AMOUNT
Platte River Recovery Program	\$ 1,850,000
Total operation and maintenance account	
appropriation:	\$ 1,850,000

13 (b) Twenty-six dollars and 71 cents (\$26.71) shall revert to the
 14 operation and maintenance account of the species conservation trust fund
 15 from the following activities, programs, and species:

PROGRAM / SPECIES	AMOUNT
(I) COFRS code designation "PG4"	
Prairie grasslands, 2004	\$22.71
(II) COFRS code designation "SW4"	
Southwestern flycatcher, 2004	\$ 4.00
Total operation and maintenance account reversion:	\$26.71

22 (c) The executive director of the department of natural resources
 23 is authorized to obligate and expend one million eight hundred eight-two
 24 thousand eight hundred thirteen dollars (\$1,882,813) from the capital
 25 account of the species conservation trust fund for the following activities,
 26 programs, and species in the following amounts:

PROGRAM / SPECIES	AMOUNT
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1	(I)	Upper Colorado Endangered Fish	\$ 1,336,813
2		Recovery Program	
3	(II)	San Juan Endangered Fish Recovery	\$ 546,000
4		Implementation Program	
5		Total capital account appropriation:	\$ 1,882,813

6 (2) The general assembly deems the recommended expenditures
7 described in the species conservation eligibility list to be in the interest of
8 the people of the state. The moneys specified in this subsection (2) shall
9 be available in fiscal year 2006-07 and shall remain available for the
10 designated purposes until they are fully expended:

11 (a) The executive director of the department of natural resources
12 is authorized to obligate and expend four hundred thousand dollars
13 (\$400,000) from the operation and maintenance account of the species
14 conservation trust fund for the following activities, programs, and species
15 in the following amounts:

16		PROGRAM / SPECIES	AMOUNT
17		Sagebrush-associated species; shortgrass	
18		prairie-dependent species; and South Platte	
19		and Arkansas river aquatic species	\$ 400,000
20		Total operation and maintenance account	
21		appropriation:	\$ 400,000

22 (b) The executive director of the department of natural resources
23 is authorized to obligate and expend three million one hundred fifty
24 thousand dollars (\$3,150,000) from the capital account of the species
25 conservation trust fund for the following activities, programs, and species
26 in the following amounts:

27		PROGRAM / SPECIES	AMOUNT
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1 Platte River Recovery Program \$ 3,150,000
2 **Total capital account appropriation: \$ 3,150,000**

3 **SECTION 3.** 39-29-109 (1), Colorado Revised Statutes, is
4 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

5 **39-29-109. Severance tax trust fund - created - administration**
6 **- use of moneys - definitions - repeal.** (1) (k) (I) NOTWITHSTANDING
7 ANY OTHER PROVISION OF THIS SECTION, BY TWENTY DAYS AFTER THE
8 EFFECTIVE DATE OF THIS PARAGRAPH (k), THE STATE TREASURER SHALL
9 DEDUCT FROM THE OPERATIONAL ACCOUNT OF THE SEVERANCE TAX TRUST
10 FUND CREATED IN SUBPARAGRAPH (II) OF PARAGRAPH (a) OF THIS
11 SUBSECTION (1):

12 (A) TWO MILLION DOLLARS AND TRANSFER SUCH SUM TO THE
13 CAPITAL ACCOUNT OF THE SPECIES CONSERVATION TRUST FUND CREATED
14 IN SECTION 24-33-111 (2) (a), C.R.S.

15 (B) TWO MILLION DOLLARS AND TRANSFER SUCH SUM TO THE
16 OPERATIONS AND MAINTENANCE ACCOUNT OF THE SPECIES CONSERVATION
17 TRUST FUND CREATED IN SECTION 24-33-111 (2) (a), C.R.S.

18 (II) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION,
19 ON OR AFTER JULY 1, 2006, THE STATE TREASURER SHALL DEDUCT FROM
20 THE OPERATIONAL ACCOUNT OF THE SEVERANCE TAX TRUST FUND
21 CREATED IN SUBPARAGRAPH (II) OF PARAGRAPH (a) OF THIS SUBSECTION
22 (1):

23 (A) FOUR MILLION FOUR HUNDRED THOUSAND DOLLARS AND
24 TRANSFER SUCH SUM TO THE CAPITAL ACCOUNT OF THE SPECIES
25 CONSERVATION TRUST FUND CREATED IN SECTION 24-33-111 (2) (a),
26 C.R.S.; AND

27 (B) FOUR MILLION FOUR HUNDRED THOUSAND DOLLARS AND

1 TRANSFER SUCH SUM TO THE OPERATION AND MAINTENANCE ACCOUNT OF
2 THE SPECIES CONSERVATION TRUST FUND CREATED IN SECTION 24-33-111
3 (2) (a), C.R.S.;

4 (III) THIS PARAGRAPH (k) IS REPEALED, EFFECTIVE JULY 1, 2007.

5
6 SECTION 4. 24-33-111 (2) (b), (2) (c), (2) (d), and (2) (e),
7 Colorado Revised Statutes, are amended to read:

8 24-33-111. Conservation of native species - fund created -
9 repeal. (2) Species conservation trust fund - creation.

10 (b) (I) Notwithstanding any provision of this section to the contrary, on
11 March 27, 2002, the state treasurer shall deduct two million five hundred
12 thousand dollars from the capital account of the species conservation trust
13 fund and transfer such sum to the general fund.

14 (II) THIS PARAGRAPH (b) IS REPEALED, EFFECTIVE JULY 1, 2007.

15 (c) (I) In order to restore the amount transferred from the capital
16 account of the species conservation trust fund pursuant to paragraph (b)
17 of this subsection (2):

18 (H) (A) On June 30, 2002, the state treasurer shall transfer an
19 amount of reversions to the general fund for the 2001-02 fiscal year to the
20 capital account of the species conservation trust fund equal to the amount
21 of such reversions or the amount transferred from the capital account of
22 the species conservation trust fund pursuant to paragraph (b) of this
23 subsection (2), whichever is less.

24 (H) (B) To the extent the amount transferred from the capital
25 account of the species conservation trust fund pursuant to paragraph (b)
26 of this subsection (2) is not fully restored pursuant to subparagraph (I) of
27 this paragraph (c), moneys from the general fund shall be transferred to

1 the capital account of the species conservation trust fund pursuant to
2 section 24-75-217, C.R.S., to restore such remaining amount.

3 (II) THIS PARAGRAPH (c) IS REPEALED, EFFECTIVE JULY 1, 2007.

4 (d) (I) Notwithstanding any provision of this section to the
5 contrary and in addition to any other amounts transferred pursuant to this
6 subsection (2), on May 28, 2002, the state treasurer shall deduct three
7 million dollars from the capital account of the species conservation trust
8 fund and transfer such sum to the general fund.

9 (II) THIS PARAGRAPH (d) IS REPEALED, EFFECTIVE JULY 1, 2007.

10 (e) (I) Notwithstanding any provision of this section to the
11 contrary, on March 5, 2003, the state treasurer shall deduct one million
12 dollars from the capital account of the species conservation trust fund and
13 shall transfer such sum to the general fund.

14 (II) THIS PARAGRAPH (e) IS REPEALED, EFFECTIVE JULY 1, 2007.

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16 **SECTION 5. Safety clause.** The general assembly hereby finds,
17 determines, and declares that this act is necessary for the immediate
18 preservation of the public peace, health, and safety.