

**JBC STAFF FISCAL ANALYSIS  
HOUSE APPROPRIATIONS COMMITTEE**

CONCERNING THE SPECIES CONSERVATION TRUST FUND, AND, IN CONNECTION THEREWITH, APPROVING THE SPECIES CONSERVATION ELIGIBILITY LIST AND RECAPITALIZING THE SPECIES CONSERVATION TRUST FUND.

Prime Sponsors: Representative Curry  
Senator Isgar

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**Summary of Amendments Made to the Bill After the 04/04/06 Legislative Council Staff Revised Fiscal Note was Prepared**

None.

**JBC Staff Concurrence with Legislative Council Staff Fiscal Note**

**Concurs**                       **Does Not Concur**                       **Updated Analysis**

**Amendments/Appropriation Status**

The bill currently contains an appropriation of \$7,282,813 cash funds exempt from the Species Conservation Trust Fund to the Department of Natural Resources in FY 2005-06. Of this sum, \$2,250,000 is from the Operations and Maintenance Account and \$5,032,813 is from the Capital Account. No further adjustment to the appropriation is necessary. However, staff has prepared **J.001** (attached) which amends the title of the bill to reflect that it is making an appropriation.

**Sponsor Amendments**

Staff is not aware of any amendment(s) to be offered.

**Points to Consider**

1. Section 4 of the bill (page 6, lines 14 - 18) transfers, rather than appropriates, \$1,000,000 General Fund to the Species Conservation Trust Fund, Operations and Maintenance Account and then appropriates this sum from the Trust Fund/Account as cash funds exempt. Is this a weakening of an existing spending limit, as prohibited by the Colorado Constitution? (What would prevent any state program from being funded through a transfer of General Fund into a cash fund for further expenditure as cash funds exempt, thus avoiding the limitation of the 6.0 percent limit on General Fund appropriations?)

2. Section 3 (page 4, lines 18 through 24) provides for the transfer of \$11,882,000 from the Operational Account of the Severance Tax Trust Fund to the Species Conservation Trust Fund in FY 2005-06, for the Capital Account and the Operations and Maintenance Account. Please note, if all of the bills with an impact on the Operational Account of the Severance Tax Trust Fund contemplated by the General Assembly during this 2006 Session pass in their current form, the Operational Account will be substantially overspent.
3. Please note, while the Species Conservation Trust Fund is capitalized with \$12,882,000 of new moneys in FY 2005-06, only \$7,282,813 is expended from the Fund in FY 2005-06 (none is expended in FY 2006-07), and the remainder of the new moneys (\$5,599,187) stay in the Fund.