

Second Regular Session
Sixty-fifth General Assembly
STATE OF COLORADO

INTRODUCED

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

Senate Committees

A BILL FOR AN ACT

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

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.

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 two million two hundred fifty
6 thousand dollars (\$2,250,000) 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:

9	PROGRAM / SPECIES	AMOUNT
10	(I) Platte River Recovery Program	\$1,850,000
11	(II) (A) Sagebrush-associated species;	
12	(B) Shortgrass prairie-dependent species; and	
13	(C) South Platte and Arkansas River aquatic species	\$400,000
14	Total operation and maintenance account	
15	appropriation:	\$ 2,250,000

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

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

25 (c) The executive director of the department of natural resources
26 is authorized to obligate and expend five million thirty-two thousand
27 eight hundred thirteen dollars (\$5,032,813) from the capital account of

1 the species conservation trust fund for the following activities, programs,
2 and species in the following amounts:

3	PROGRAM / SPECIES	AMOUNT
4	(I) Upper Colorado Endangered Fish	\$ 1,336,813
5	Recovery Program	
6	(II) San Juan Endangered Fish Recovery	\$ 546,000
7	Implementation Program	
8	(III) Platte River Recovery Program	\$ 3,150,000
9	Total capital account allocation:	\$ 5,032,813

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

12 **39-29-109. Severance tax trust fund - created - administration**
13 **- use of moneys - repeal.** (1) (k) (I) NOTWITHSTANDING ANY OTHER
14 PROVISION OF THIS SECTION, BY TWENTY DAYS AFTER THE EFFECTIVE DATE
15 OF THIS PARAGRAPH (k), THE STATE TREASURER SHALL DEDUCT FROM THE
16 OPERATIONAL ACCOUNT OF THE SEVERANCE TAX TRUST FUND CREATED IN
17 SUBPARAGRAPH (II) OF THIS PARAGRAPH (k):

18 (A) SIX MILLION EIGHT HUNDRED EIGHTY-TWO THOUSAND
19 DOLLARS AND TRANSFER SUCH SUM TO THE CAPITAL ACCOUNT OF THE
20 SPECIES CONSERVATION TRUST FUND CREATED IN SECTION 24-33-111 (2)
21 (a), C.R.S.

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

25 (II) THIS PARAGRAPH (k) IS REPEALED, EFFECTIVE ON THE JULY 1
26 NEXT FOLLOWING THE TRANSFER MADE PURSUANT TO THIS PARAGRAPH
27 (k). THE STATE TREASURER SHALL PROMPTLY NOTIFY THE REVISOR OF

1 STATUTES IN WRITING WHEN THE TRANSFER PURSUANT TO THIS
2 PARAGRAPH (k) HAS BEEN MADE.

3 **SECTION 4.** 24-33-111 (2) (b), (2) (c), (2) (d), and (2) (e),
4 Colorado Revised Statutes, are amended, and the said 24-33-111 (2) is
5 further amended BY THE ADDITION OF A NEW PARAGRAPH, to
6 read:

7 **24-33-111. Conservation of native species - fund created -**
8 **repeal. (2) Species conservation trust fund - creation.**
9 (b) (I) Notwithstanding any provision of this section to the contrary, on
10 March 27, 2002, the state treasurer shall deduct two million five hundred
11 thousand dollars from the capital account of the species conservation trust
12 fund and transfer such sum to the general fund.

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

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

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

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

1 section 24-75-217, C.R.S., to restore such remaining amount.

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

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

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

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

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

14 (f) (I) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION,
15 BY TWENTY DAYS AFTER THE EFFECTIVE DATE OF THIS PARAGRAPH (f),
16 THE STATE TREASURER SHALL DEDUCT ONE MILLION DOLLARS FROM THE
17 GENERAL FUND AND TRANSFER SUCH SUM TO THE OPERATIONS AND
18 MAINTENANCE ACCOUNT OF THE SPECIES CONSERVATION TRUST FUND.

19 (II) THIS PARAGRAPH (f) IS REPEALED, EFFECTIVE ON THE JULY 1
20 NEXT FOLLOWING THE TRANSFER MADE PURSUANT TO THIS PARAGRAPH
21 (f). THE STATE TREASURER SHALL PROMPTLY NOTIFY THE REVISOR OF
22 STATUTES IN WRITING WHEN THE TRANSFER PURSUANT TO THIS
23 PARAGRAPH (f) HAS BEEN MADE.

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