

CHAPTER 227

NATURAL RESOURCES

HOUSE BILL 06-1311

BY REPRESENTATIVE(S) Curry, Hoppe, Berens, Borodkin, Buescher, Carroll M., Frangas, Gallegos, Hall, Madden, Merrifield, Penry, Rose, Solano, White, and Witwer;
also SENATOR(S) Isgar, Entz, Evans, Fitz-Gerald, Groff, Grossman, Owen, Shaffer, Taylor, Teck, Tochtrop, Tupa, and Wiens.

AN ACT

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

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

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

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

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

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

SECTION 2. Eligibility list - approval. (1) The general assembly deems the recommended expenditures described in the species conservation eligibility list to be in the interest of the people of the state. The moneys specified in this subsection

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

(1) shall be available in fiscal year 2005-06 and shall remain available for the designated purposes until they are fully expended:

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

(b) Twenty-six dollars and 71 cents (\$26.71) shall revert to the operation and maintenance account of the species conservation trust fund 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 |

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

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

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

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

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

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

| PROGRAM / SPECIES | AMOUNT |
|---|---------------------|
| Platte River Recovery Program | \$ 3,150,000 |
| Total capital account appropriation: | \$ 3,150,000 |

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

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

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

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

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

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

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

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

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

24-33-111. Conservation of native species - fund created - repeal.

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

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

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

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

(H) (B) To the extent the amount transferred from the capital account of the species conservation trust fund pursuant to paragraph (b) of this subsection (2) is not fully restored pursuant to subparagraph (I) of this paragraph (c), moneys from the general fund shall be transferred to the capital account of the species conservation trust fund pursuant to section 24-75-217, C.R.S., to restore such remaining amount.

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

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

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

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

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

SECTION 5. 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: May 25, 2006