

## CHAPTER 368

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**NATURAL RESOURCES**

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**HOUSE BILL 07-1182**

BY REPRESENTATIVE(S) Curry, Borodkin, Carroll M., Fischer, Frangas, Gallegos, Hodge, Labuda, Looper, Madden, McGihon, Rice, Romanoff, Rose, Solano, Sonnenberg, Todd, Kerr J., and Roberts;  
also SENATOR(S) Isgar, Fitz-Gerald, Penry, Schwartz, Shaffer, and Tochtrop.

**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

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*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 2007-08 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 five hundred thousand dollars (\$1,500,000) from the capital account of the species conservation trust fund for the following activities, programs, and species in the following amounts:

<b>PROGRAM / SPECIES</b>	<b>AMOUNT</b>
Three State Species Recovery Agreement on the South Platte river	\$ 1,500,000
<b>Total capital account appropriation:</b>	<b>\$ 1,500,000</b>

(b) The executive director of the department of natural resources is authorized to obligate and expend one million nine hundred eighty-five thousand dollars (\$1,985,000) from the operation and maintenance account of the species conservation trust fund for the following activities, programs, and species in the following amounts:

<b>PROGRAM / SPECIES</b>	<b>AMOUNT</b>
(I) Sagebrush-associated species; shortgrass prairie-dependent species; and South Platte and Arkansas river aquatic species	\$ 400,000
(II) San Luis Valley Regional Habitat Conservation Plan for the Southwestern Willow Flycatcher	\$ 85,000
(III) Three State Species Recovery Agreement on the South Platte river	\$ 1,500,000
<b>Total operation and maintenance account appropriation:</b>	<b>\$ 1,985,000</b>

**SECTION 3.** 39-29-109 (1) (I) (IV), Colorado Revised Statutes, is amended to read:

**39-29-109. Severance tax trust fund - created - administration - use of moneys - definitions - repeal.** (1) (I) (IV) If the national science foundation ~~does not award~~ HAS NOT AWARDED the DUSEL to the Henderson mine near Empire ~~the general assembly shall not appropriate moneys pursuant to this paragraph (I)~~ BY THE END OF ANY FISCAL YEAR SPECIFIED IN SUBPARAGRAPH (III) OF THIS PARAGRAPH (I), THE STATE TREASURER SHALL TRANSFER THE MONEYS THAT WERE APPROPRIATED PURSUANT TO THIS PARAGRAPH (I) FOR SUCH FISCAL YEAR BY JULY 1 OF THE SUCCEEDING FISCAL YEAR TO THE SPECIES CONSERVATION TRUST FUND CREATED IN SECTION 24-33-111, C.R.S., AND SUCH MONEYS SHALL BE SUBJECT TO APPROPRIATION FOR PURPOSES SPECIFIED IN SECTION 24-33-111, C.R.S. In addition, the general assembly shall ~~only~~ appropriate AND THE STATE TREASURER SHALL TRANSFER moneys pursuant to this paragraph (I) for a given state fiscal year ONLY if, based on the preceding March revenue forecast from the legislative council, there will be sufficient revenue in the operational account of the severance tax trust fund after all the appropriations authorized or required by law as of the March revenue forecast to meet the year end balance for the given state fiscal year that is required pursuant to subparagraph (III) of paragraph (c) of subsection (1) of this section and

required pursuant to subparagraph (I) of paragraph (f) of subsection (1.5) of this section.

**SECTION 4.** 39-29-109 (1) (k) (III), Colorado Revised Statutes, is amended, and the said 39-29-109 (1) (k) is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBPARAGRAPHS, to read:

**39-29-109. Severance tax trust fund - created - administration - use of moneys - definitions - repeal.** (1) (k) (III) SUBPARAGRAPHS (I) AND (II) OF this paragraph (k) ~~is~~ ARE repealed, effective July 1, 2007. SUBPARAGRAPHS (IV), (V), (VI), AND (VII) OF THIS PARAGRAPH (k) ARE REPEALED, EFFECTIVE JULY 1, 2011.

(IV) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, ON OR AFTER JULY 1, 2007, IF ACTUAL FISCAL YEAR 2006-07 SEVERANCE TAX COLLECTIONS EXCEED THE MARCH 2007 QUARTERLY REVENUE FORECAST BY LEGISLATIVE COUNCIL STAFF FOR FISCAL YEAR 2006-07 SEVERANCE TAX COLLECTIONS, 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) THE FOLLOWING:

(A) ONE-HALF OF THE AMOUNT OF SUCH EXCESS THAT WOULD OTHERWISE BE CREDITED TO THE OPERATIONAL ACCOUNT, UP TO THREE 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) ONE-HALF OF THE AMOUNT OF SUCH EXCESS THAT WOULD OTHERWISE BE CREDITED TO THE OPERATIONAL ACCOUNT, UP TO THREE 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.

(V) SUBJECT TO THE MAINTENANCE OF A TWO-YEAR RESERVE PURSUANT TO SUB-SUBPARAGRAPH (A) OF SUBPARAGRAPH (III) OF PARAGRAPH (c) OF THIS SUBSECTION (1), ON OR AFTER JULY 1, 2008, 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) ONE 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) ONE 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.

(VI) SUBJECT TO THE MAINTENANCE OF A TWO-YEAR RESERVE PURSUANT TO SUB-SUBPARAGRAPH (A) OF SUBPARAGRAPH (III) OF PARAGRAPH (c) OF THIS SUBSECTION (1), ON OR AFTER JULY 1, 2009, 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.

(VII) SUBJECT TO THE MAINTENANCE OF A TWO-YEAR RESERVE PURSUANT TO SUB-SUBPARAGRAPH (A) OF SUBPARAGRAPH (III) OF PARAGRAPH (c) OF THIS SUBSECTION (1), ON OR AFTER JULY 1, 2010, 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) THREE 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) THREE 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.

**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 31, 2007