

CHAPTER 380

NATURAL RESOURCES

HOUSE BILL 10-1398

BY REPRESENTATIVE(S) Fischer, Gagliardi, Gerou, Hullinghorst, Kefalas, Pace, Primavera, Sonnenberg, Vigil;
also SENATOR(S) Whitehead, Gibbs, Kopp, Newell, Penry, Schwartz, Williams.

AN ACT

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

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. Transfer between accounts. (1) The authority of the executive director of the department of natural resources, which was approved in House Bill 09-1289, to obligate and expend revenues from the capital account of the species conservation trust fund for the purpose of instream flow protection is reduced from five hundred thousand dollars (\$500,000) to zero dollars (\$0).

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

(2) The state treasurer shall, on July 1, 2010, transfer five hundred thousand dollars (\$500,000) from the capital account of the species conservation trust fund to the operation and maintenance account of the species conservation trust fund, for the upper Colorado river recovery program.

SECTION 3. 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 (1) shall be available in fiscal year 2010-11 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 million five hundred thousand dollars (\$4,500,000) from the capital account of the species conservation trust fund for the following activities, programs, and species in the following amounts:

PROGRAM / SPECIES	AMOUNT
(I) Platte River Recovery Program	\$ 3,000,000
(II) Native Grouse Conservation Program	\$ <u>1,500,000</u>
Total capital account appropriation:	\$ 4,500,000

(b) The executive director of the department of natural resources is authorized to obligate and expend three million five hundred thousand dollars (\$3,500,000) 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
(I) Upper Colorado River Recovery Program	\$ 1,500,000
(II) Native Grouse Conservation Program	\$ 630,000
(III) Native Fish Conservation	\$ 470,000
(IV) Wildlife Disease Management	\$ 400,000
(V) Wildlife Research	\$ 100,000
(VI) Natural Areas Program	\$ <u>400,000</u>
Total operation and maintenance account appropriation:	\$ 3,500,000

SECTION 4. 39-29-109.3 (2) (d) (IV) (A), Colorado Revised Statutes, is amended, and the said 39-29-109.3 (2) (d) is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBPARAGRAPHS, to read:

39-29-109.3. Operational account of the severance tax trust fund - repeal.

(2) Subject to the requirements of subsections (3) and (4) of this section, if the general assembly chooses not to spend up to one hundred percent of the moneys in the operational account as specified in subsection (1) of this section, the state treasurer shall transfer the following:

(d) To the capital account of the species conservation trust fund created in section 24-33-111 (2) (a), C.R.S., the following amounts:

(IV) (A) For the state fiscal year commencing July 1, 2011, ~~four~~ THREE million dollars.

(V) (A) FOR THE STATE FISCAL YEAR COMMENCING JULY 1, 2012, FOUR MILLION FIVE HUNDRED THOUSAND DOLLARS.

(B) THIS SUBPARAGRAPH (V) IS REPEALED, EFFECTIVE JULY 1, 2014.

(VI) (A) FOR THE STATE FISCAL YEAR COMMENCING JULY 1, 2013, FOUR MILLION FIVE HUNDRED THOUSAND DOLLARS.

(B) THIS SUBPARAGRAPH (VI) IS REPEALED, EFFECTIVE JULY 1, 2015.

SECTION 5. 39-29-109.3 (2) (e), Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SUBPARAGRAPHS to read:

39-29-109.3. Operational account of the severance tax trust fund - repeal.

(2) Subject to the requirements of subsections (3) and (4) of this section, if the general assembly chooses not to spend up to one hundred percent of the moneys in the operational account as specified in subsection (1) of this section, the state treasurer shall transfer the following:

(e) To the operation and maintenance account of the species conservation trust fund created in section 24-33-111 (2) (a), C.R.S., the following amounts:

(IV) (A) FOR THE STATE FISCAL YEAR COMMENCING JULY 1, 2011, ONE MILLION DOLLARS.

(B) THIS SUBPARAGRAPH (IV) IS REPEALED, EFFECTIVE JULY 1, 2013.

(V) (A) FOR THE STATE FISCAL YEAR COMMENCING JULY 1, 2012, TWO MILLION FIVE HUNDRED THOUSAND DOLLARS.

(B) THIS SUBPARAGRAPH (V) IS REPEALED, EFFECTIVE JULY 1, 2014.

(VI) (A) FOR THE STATE FISCAL YEAR COMMENCING JULY 1, 2013, TWO MILLION FIVE HUNDRED THOUSAND DOLLARS.

(B) THIS SUBPARAGRAPH (VI) IS REPEALED, EFFECTIVE JULY 1, 2015.

SECTION 6. 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: June 7, 2010