

**Second Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO**

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 12-0925.02 Chuck Brackney x2295

HOUSE BILL 12-1349

HOUSE SPONSORSHIP

Baumgardner, Brown, Coram, Fischer, Hullinghorst, Jones, Joshi, Looper, McKinley, McNulty, Ryden, Scott, Swerdfeger, Vigil, Wilson

SENATE SPONSORSHIP

Schwartz,

House Committees

Agriculture, Livestock, & Natural Resources
Appropriations

Senate Committees

Agriculture, Natural Resources, and Energy
Appropriations

A BILL FOR AN ACT

101 **CONCERNING THE SPECIES CONSERVATION TRUST FUND.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

The bill 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 federal law, or are candidate species or are likely to become candidate species as determined by the United States fish and wildlife service.

The bill combines the operation and maintenance account and the

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.

SENATE
2nd Reading Unam ended
May 8, 2012

HOUSE
3rd Reading Unam ended
May 7, 2012

HOUSE
2nd Reading Unam ended
May 2, 2012

capital 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 parks and
12 wildlife board, and the director of the division of parks and wildlife, has
13 prepared and delivered to the general assembly a species conservation
14 eligibility list describing programs and associated costs that are eligible
15 to receive 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.
23 The moneys specified in this subsection (1) shall be available in fiscal
24 year 2012-13 and shall remain available for the designated purposes until
25 they are fully expended:

1 (a) The executive director of the department of natural resources
 2 is authorized to obligate and expend four million dollars (\$4,000,000)
 3 from the species conservation trust fund for the following activities,
 4 programs, and species in the following amounts:

5	PROGRAM / SPECIES	AMOUNT
6	(I) Upper Colorado River	\$ 500,000
7	Endangered Fish Recovery Program	
8	(II) Native Fish Conservation -	\$ 1,000,000
9	Capital Projects	
10	(III) Native Terrestrial Wildlife	\$ 715,000
11	Conservation	
12	(IV) Native Aquatic Wildlife	\$ 720,000
13	Conservation	
14	(V) Wildlife Disease Management	\$ 565,000
15	and Adaptation Landscape-Level	
16	Change	
17	(VI) Colorado Natural Areas	\$ 500,000
18	Program	
19	Total authorization:	\$ 4,000,000

20 **SECTION 3.** In Colorado Revised Statutes, 24-33-111, **amend**

21 (2) (a) (I) as follows:

22 **24-33-111. Conservation of native species - fund created.**

23 (2) **Species conservation trust fund - creation.** (a) (I) There is hereby
 24 created in the state treasury the species conservation trust fund, which
 25 ~~shall be~~ IS subject to annual authorization by the general assembly to carry
 26 out the purposes of this section. ~~There is hereby created within the species~~
 27 ~~conservation trust fund~~ THE STATE TREASURER SHALL TRANSFER ALL
 28 REVENUES PREVIOUSLY ALLOCATED TO the operation and maintenance

1 account and the capital account, ~~The moneys in the operation and~~
2 ~~maintenance account shall be for administrative and noncapital~~
3 ~~expenditures necessary for the implementation of this section. The~~
4 ~~moneys in the capital account shall be used exclusively for capital~~
5 ~~expenditures including but not limited to property acquisition and project~~
6 ~~construction~~ AS SUCH ACCOUNTS EXISTED BEFORE THE EFFECTIVE DATE OF
7 THIS SUBPARAGRAPH (I), AS AMENDED, TO THE FUND. All income derived
8 from the deposit and investment of moneys in the fund shall be credited
9 to the fund. At the end of any fiscal year, all unexpended moneys in the
10 fund shall remain ~~therein~~ IN THE FUND and shall not be credited or
11 transferred to the general fund or any other fund. To the maximum extent
12 practical, only interest from the fund shall be expended for activities
13 pursuant to this section.

14 **SECTION 4.** In Colorado Revised Statutes, 39-29-109.3, **amend**
15 (2) (e) introductory portion, (2) (e) (V) (A), and (2) (e) (VI) (A); and
16 **repeal** (2) (d) introductory portion, (2) (d) (III), (2) (d) (IV), (2) (d) (V),
17 and (2) (d) (VI) as follows:

18 **39-29-109.3. Operational account of the severance tax trust**
19 **fund - repeal.** (2) Subject to the requirements of subsections (3) and (4)
20 of this section, if the general assembly chooses not to spend up to one
21 hundred percent of the moneys in the operational account as specified in
22 subsection (1) of this section, the state treasurer shall transfer the
23 following:

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

26 (III) (A) ~~For the state fiscal year commencing July 1, 2010, eight~~
27 ~~million dollars.~~

1 ~~(B) This subparagraph (III) is repealed, effective July 1, 2012.~~

2 ~~(IV) (A) For the state fiscal year commencing July 1, 2011, three~~
3 ~~million dollars.~~

4 ~~(B) This subparagraph (IV) is repealed, effective July 1, 2013.~~

5 ~~(V) (A) For the state fiscal year commencing July 1, 2012, four~~
6 ~~million five hundred thousand dollars.~~

7 ~~(B) This subparagraph (V) is repealed, effective July 1, 2014.~~

8 ~~(VI) (A) For the state fiscal year commencing July 1, 2013, four~~
9 ~~million five hundred thousand dollars.~~

10 ~~(B) This subparagraph (VI) is repealed, effective July 1, 2015.~~

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

14 ~~(V) (A) For the state fiscal year commencing July 1, 2012, two~~
15 ~~million one hundred thousand dollars~~ FOUR MILLION DOLLARS.

16 ~~(VI) (A) For the state fiscal year commencing July 1, 2013, two~~
17 ~~million one hundred thousand dollars~~ SIX MILLION SIX HUNDRED
18 THOUSAND DOLLARS.

19 **SECTION 5.** In Session Laws of Colorado 2011, section 2 of
20 chapter 231, **amend** (1) (a) introductory portion and (1) (a) affected
21 totals; and **repeal** (1) (a) (III) as follows:

22 Section 2. **Eligibility list - approval.** (1) The general assembly
23 deems the recommended expenditures described in the species
24 conservation eligibility list to be in the interest of the people of the state.
25 The moneys specified in this subsection (1) shall be available in fiscal
26 year 2011-12 and shall remain available for the designated purposes until
27 they are fully expended:

1 (a) The executive director of the department of natural resources
 2 is authorized to obligate and expend four million ~~five hundred thousand~~
 3 dollars (~~\$4,500,000~~ 4,000,000) from the capital account of the species
 4 conservation trust fund for the following activities, programs, and species
 5 in the following amounts:

6	PROGRAM / SPECIES	AMOUNT
7	(I) Platte River Recovery Program	\$ 2,600,000
8	(II) Upper Colorado River Recovery	\$ 1,000,000
9	Program	
10	(III) Arkansas Darter Instream Flow	\$ 500,000
11	Water Rights Lease	
12	(IV) Native Grouse Conservation	\$ <u>400,000</u>
13	Program	
14	Total capital account	\$ 4,500,000
15	authorization:	4,000,000

16 **SECTION 6. Safety clause.** The general assembly hereby finds,
 17 determines, and declares that this act is necessary for the immediate
 18 preservation of the public peace, health, and safety.