

**NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.**

# An Act

HOUSE BILL 12-1349

BY REPRESENTATIVE(S) Baumgardner, Brown, Coram, Fischer, Hulinghorst, Jones, Joshi, Looper, McKinley, McNulty, Ryden, Scott, Swerdfeger, Vigil, Wilson, Barker, Becker, Gerou, Hamner, Kerr J., Labuda, Pabon, Pace, Schafer S., Sonnenberg, Tyler, Young;  
also SENATOR(S) Schwartz, Newell.

CONCERNING THE SPECIES CONSERVATION TRUST FUND.

*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 parks and wildlife board, and the director of the division of parks and wildlife, has prepared

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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.*

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 (1) shall be available in fiscal year 2012-13 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 dollars (\$4,000,000) from the species conservation trust fund for the following activities, programs, and species in the following amounts:

<b>PROGRAM / SPECIES</b>	<b>AMOUNT</b>
(I) Upper Colorado River Endangered Fish Recovery Program	\$ 500,000
(II) Native Fish Conservation - Capital Projects	\$ 1,000,000
(III) Native Terrestrial Wildlife Conservation	\$ 715,000
(IV) Native Aquatic Wildlife Conservation	\$ 720,000
(V) Wildlife Disease Management and Adaptation Landscape-Level Change	\$ 565,000
(VI) Colorado Natural Areas Program	\$ 500,000
<b>Total authorization:</b>	<b>\$ 4,000,000</b>

**SECTION 3.** In Colorado Revised Statutes, 24-33-111, **amend** (2) (a) (I) as follows:

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

(2) **Species conservation trust fund - creation.** (a) (I) There is hereby created in the state treasury the species conservation trust fund, which ~~shall be~~ IS subject to annual authorization by the general assembly to carry out the purposes of this section. ~~There is hereby created within the species conservation trust fund~~ THE STATE TREASURER SHALL TRANSFER ALL REVENUES PREVIOUSLY ALLOCATED TO the operation and maintenance account and the capital account, ~~The moneys in the operation and maintenance account shall be for administrative and noncapital expenditures necessary for the implementation of this section. The moneys in the capital account shall be used exclusively for capital expenditures including but not limited to property acquisition and project construction~~ AS SUCH ACCOUNTS EXISTED BEFORE THE EFFECTIVE DATE OF THIS SUBPARAGRAPH (I), AS AMENDED, TO THE FUND. All income derived from the deposit and investment of moneys in the fund shall be credited to the fund. At the end of any fiscal year, all unexpended moneys in the fund ~~shall remain therein~~ IN THE FUND and shall not be credited or transferred to the general fund or any other fund. To the maximum extent practical, only interest from the fund shall be expended for activities pursuant to this section.

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

**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:~~

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

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

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

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

~~(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.~~

(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:~~

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

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

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

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 (1) shall be available in fiscal year 2011-12 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~~ 4,000,000) 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>
(I) Platte River Recovery Program	\$ 2,600,000
(II) Upper Colorado River Recovery Program	\$ 1,000,000
(III) <del>Arkansas Darter Instream Flow Water Rights Lease</del>	<del>\$ 500,000</del>
(IV) Native Grouse Conservation Program	\$ <u>400,000</u>
<b>Total capital account authorization:</b>	<b>\$ <del>4,500,000</del> 4,000,000</b>

**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.

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Frank McNulty  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

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Brandon C. Shaffer  
PRESIDENT OF  
THE SENATE

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Marilyn Eddins  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

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Cindi L. Markwell  
SECRETARY OF  
THE SENATE

APPROVED \_\_\_\_\_

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John W. Hickenlooper  
GOVERNOR OF THE STATE OF COLORADO