

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

ENGROSSED

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

LLS NO. 18-1087.01 Ed DeCecco x4216

HOUSE BILL 18-1338

HOUSE SPONSORSHIP

Rankin, Hamner, Young

SENATE SPONSORSHIP

Lambert, Lundberg, Moreno

House Committees
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING TRANSFERS TO ADDRESS THE REDUCTION OF REVENUES**
102 **IN THE SEVERANCE TAX OPERATIONAL 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://leg.colorado.gov/>.)

Joint Budget Committee. Under current law, money is transferred from the severance tax operational fund (operational fund) to certain cash funds to benefit programs that are commonly referred to as the tier 2 programs. On June 30, 2018, the bill requires the state treasurer to transfer money to the operational fund from the following cash funds to recoup money that was previously transferred in this fiscal year for tier 2

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

HOUSE
Amended 2nd Reading
March 28, 2018

programs:

- ! \$727,888 from the species conservation trust fund (**section 8** of the bill);
- ! \$393,272 from the division of parks and outdoor recreation aquatic nuisance species fund (**section 9**);
- ! \$189,912 from the division of wildlife aquatic nuisance species fund (section 9);
- ! \$18,488 from the special account in the general fund used by the mined land reclamation board for reclaiming certain lands (**section 10**);
- ! \$80,068 from the water efficiency grant program cash fund (**section 11**);
- ! \$108,465 from the interbasin compact committee operation fund (**section 12**); and
- ! \$1,455,776 from the water supply reserve fund (**section 14**).

To replace funding from the operational fund, the bill requires the state treasurer to transfer the following amounts on July 1, 2018, from the general fund to pay for tier 2 programs for the next fiscal year:

- ! \$954,545 to the forest restoration and wildfire risk mitigation grant program cash fund (**section 1**);
- ! \$1,186,363 to the healthy forests and vibrant communities fund (**section 2**);
- ! \$3,000,000 to the species conservation trust fund (**section 3**);
- ! \$45,455 to the wildland-urban interface training fund (**section 4**);
- ! \$86,364 to the wildfire preparedness fund (**section 5**);
- ! \$127,000 to the special account in the general fund established by the mined land reclamation board (**section 6**);
- ! \$450,000 to the conservation district grant fund (**section 7**);
- ! \$2,452,193 to the division of parks and outdoor recreation aquatic nuisance species fund (section 9); and
- ! \$1,184,171 to the division of wildlife aquatic nuisance species fund (section 9).

Section 16 further appropriates the \$3 million transferred to the species conservation trust fund for programs submitted by the executive director of the department of natural resources that are designed to conserve native species that state or federal law list as threatened or endangered or that are candidate species or are likely to become candidate species as determined by the United States fish and wildlife service.

If, prior to July 1, 2018, there is insufficient money in the severance tax reserve, which is used to make severance tax refunds, then under current law, money would be recouped from the various severance

tax cash funds in order to make the refunds. **Section 13** requires income tax revenue that would otherwise be deposited in the general fund to be deposited in the reserve to make the refund instead of recouping money from the operational fund.

Section 15 requires the state treasurer to make 3 transfers from the general fund to the operational fund:

- ! \$17,030,925 on July 1, 2018, which amount will fund the programs commonly known as the tier 1 programs;
- ! \$3,000,000 on January 1, 2019; and
- ! On July 1, 2019, an amount equal to the operational fund reserve required for the fiscal year commencing on July 1, 2019, or \$14,214,854, whichever is less. The transfers made in 2019 will be used to fund the tier 1 operational fund reserve.

To offset the general fund transfers, section 14 requires revenue, up to a maximum of \$40,942,016, that was or otherwise would be deposited in the operational fund from February 1, 2018, through June 30, 2019, to instead be transferred or deposited in the general fund.

Section 15 also prohibits the state treasurer from making any transfers from the operational fund to benefit the tier 2 programs for the next fiscal year, unless severance tax receipts are deposited in the operational fund during the fiscal year and there is sufficient money in the operational fund reserve so that no transfer will be made to the fund from the general fund on July 1, 2019.

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

2 **SECTION 1.** In Colorado Revised Statutes, 23-31-310, **amend**
3 (8.7) as follows:

4 **23-31-310. Forest restoration and wildfire risk mitigation**
5 **grant program - legislative declaration - technical advisory panel -**
6 **definitions - repeal.** (8.7) On July 1, 2017, AND JULY 1, 2018, the state
7 treasurer shall transfer nine hundred fifty-four thousand five hundred
8 forty-five dollars from the general fund to the forest restoration and
9 wildfire risk mitigation grant program cash fund.

10 **SECTION 2.** In Colorado Revised Statutes, 23-31-313, **amend**
11 (10)(a)(II) as follows:

1 **23-31-313. Healthy forests - vibrant communities - funds**
2 **created - repeal. (10) Healthy forests and vibrant communities fund.**

3 (a) (II) On July 1, 2017, AND JULY 1, 2018, the state treasurer shall
4 transfer one million one hundred eighty-six thousand three hundred
5 sixty-three dollars from the general fund to the healthy forests and vibrant
6 communities fund.

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

9 **24-33-111. Conservation of native species - fund created.**

10 (2) **Species conservation trust fund - creation.** (a) (I) (B) On July 1,
11 2017, the state treasurer shall transfer four million ninety thousand nine
12 hundred nine dollars from the general fund to the species conservation
13 trust fund. ON JULY 1, 2018, THE STATE TREASURER SHALL TRANSFER
14 THREE MILLION DOLLARS FROM THE GENERAL FUND TO THE SPECIES
15 CONSERVATION TRUST FUND.

16 **SECTION 4.** In Colorado Revised Statutes, 24-33.5-1212,
17 **amend** (5)(a)(II) as follows:

18 **24-33.5-1212. Training for directors of fire protection districts**
19 **- pilot program - advisory board - training fund - repeal.**

20 (5) (a) (II) On July 1, 2017, AND JULY 1, 2018, the state treasurer shall
21 transfer forty-five thousand four hundred fifty-five dollars from the
22 general fund to the wildland-urban interface training fund.

23 **SECTION 5.** In Colorado Revised Statutes, 24-33.5-1227,
24 **amend** (1)(a)(II) as follows:

25 **24-33.5-1227. Wildfire preparedness fund - creation - gifts,**
26 **grants, and donations authorized - wildfire preparedness plan -**
27 **report.** (1) (a) (II) On July 1, 2017, AND JULY 1, 2018, the state treasurer

1 shall transfer eighty-six thousand three hundred sixty-four dollars from
2 the general fund to the wildfire preparedness fund.

3 **SECTION 6.** In Colorado Revised Statutes, 34-32-122, **add** (1.5)
4 as follows:

5 **34-32-122. Fees, civil penalties, and forfeitures - deposit -**
6 **emergency response cash fund - created - repeal.** (1.5) (a) ON JULY 1,
7 2018, THE STATE TREASURER SHALL TRANSFER ONE HUNDRED
8 TWENTY-SEVEN THOUSAND DOLLARS FROM THE GENERAL FUND TO THE
9 SPECIAL ACCOUNT IN THE GENERAL FUND ESTABLISHED PURSUANT TO
10 SUBSECTION (1)(a) OF THIS SECTION BY THE MINED LAND RECLAMATION
11 BOARD ESTABLISHED IN SECTION 34-32-105 FOR THE PURPOSE OF
12 RECLAIMING LANDS THAT WERE OBLIGATED TO BE RECLAIMED UNDER
13 PERMITS UPON WHICH FINANCIAL WARRANTIES HAVE BEEN FORFEITED.

14 (b) THIS SUBSECTION (1.5) IS REPEALED, EFFECTIVE AUGUST 1,
15 2018.

16 **SECTION 7.** In Colorado Revised Statutes, 35-1-106.7, **add** (1.5)
17 as follows:

18 **35-1-106.7. Conservation district grant fund - repeal.**
19 (1.5) (a) ON JULY 1, 2018, THE STATE TREASURER SHALL TRANSFER FOUR
20 HUNDRED FIFTY THOUSAND DOLLARS FROM THE GENERAL FUND TO THE
21 CONSERVATION DISTRICT GRANT FUND.

22 (b) THIS SUBSECTION (1.5) IS REPEALED, EFFECTIVE AUGUST 1,
23 2018.

24 **SECTION 8.** In Colorado Revised Statutes, 24-33-111, **add**
25 (2)(a)(III) as follows:

26 **24-33-111. Conservation of native species - fund created.**
27 (2) **Species conservation trust fund - creation - repeal.**

1 (a) (III) (A) ON JUNE 1, 2018, THE STATE TREASURER SHALL TRANSFER
2 SEVEN HUNDRED TWENTY-SEVEN THOUSAND EIGHT HUNDRED
3 EIGHTY-EIGHT DOLLARS FROM THE SPECIES CONSERVATION TRUST FUND
4 TO THE SEVERANCE TAX OPERATIONAL FUND CREATED IN SECTION
5 39-29-109 (2)(b).

6 (B) THIS SUBSECTION (2)(a)(III) IS REPEALED, EFFECTIVE JULY 1,
7 2018.

8 **SECTION 9.** In Colorado Revised Statutes, 33-10.5-108, **add**
9 (1.3) as follows:

10 **33-10.5-108. Division of parks and outdoor recreation aquatic**
11 **nuisance species fund - creation - division of wildlife aquatic nuisance**
12 **species fund - creation - repeal.** (1.3) (a) ON JUNE 30, 2018, THE STATE
13 TREASURER SHALL TRANSFER:

14 (I) THREE HUNDRED NINETY-THREE THOUSAND TWO HUNDRED
15 SEVENTY-TWO DOLLARS FROM THE DIVISION OF PARKS AND OUTDOOR
16 RECREATION AQUATIC NUISANCE SPECIES FUND TO THE GENERAL FUND;
17 AND

18 (II) ONE HUNDRED EIGHTY-NINE THOUSAND NINE HUNDRED
19 TWELVE DOLLARS FROM THE DIVISION OF WILDLIFE AQUATIC NUISANCE
20 SPECIES FUND TO THE GENERAL FUND.

21 (b) IN ADDITION TO ANY OTHER AMOUNTS REQUIRED TO BE
22 DEPOSITED IN THE DIVISION OF PARKS AND OUTDOOR RECREATION
23 AQUATIC NUISANCE SPECIES FUND AND THE DIVISION OF WILDLIFE
24 AQUATIC NUISANCE SPECIES FUND, ON JULY 1, 2018, THE STATE
25 TREASURER SHALL TRANSFER:

26 (I) TWO MILLION FOUR HUNDRED FIFTY-TWO THOUSAND ONE
27 HUNDRED NINETY-THREE DOLLARS FROM THE GENERAL FUND TO THE

1 DIVISION OF PARKS AND OUTDOOR RECREATION AQUATIC NUISANCE
2 SPECIES FUND; AND

3 (II) ONE MILLION ONE HUNDRED EIGHTY-FOUR THOUSAND ONE
4 HUNDRED SEVENTY-ONE DOLLARS FROM THE GENERAL FUND TO THE
5 DIVISION OF WILDLIFE AQUATIC NUISANCE SPECIES FUND.

6 (c) THIS SUBSECTION (1.3) IS REPEALED, EFFECTIVE AUGUST 1,
7 2018.

8 **SECTION 10.** In Colorado Revised Statutes, 34-32-122, **add**
9 (1)(c) as follows:

10 **34-32-122. Fees, civil penalties, and forfeitures - deposit -**
11 **emergency response cash fund - created - repeal.** (1) (c) (I) ON JUNE
12 1, 2018, THE STATE TREASURER SHALL TRANSFER EIGHTEEN THOUSAND
13 FOUR HUNDRED EIGHTY-EIGHT DOLLARS TO THE SEVERANCE TAX
14 OPERATIONAL FUND CREATED IN SECTION 39-29-109 (2)(b) FROM THE
15 SPECIAL ACCOUNT IN THE GENERAL FUND ESTABLISHED PURSUANT TO
16 SECTION 34-32-122 (1)(a), BY THE MINED LAND RECLAMATION BOARD
17 ESTABLISHED IN SECTION 34-32-105, FOR THE PURPOSE OF RECLAIMING
18 LANDS THAT WERE OBLIGATED TO BE RECLAIMED UNDER PERMITS UPON
19 WHICH FINANCIAL WARRANTIES HAVE BEEN FORFEITED.

20 (II) THIS SUBSECTION (1)(c) IS REPEALED, EFFECTIVE JULY 1, 2018.

21 **SECTION 11.** In Colorado Revised Statutes, 37-60-126, **add**
22 (12)(b.5) as follows:

23 **37-60-126. Water conservation and drought mitigation**
24 **planning - programs - relationship to state assistance for water**
25 **facilities - guidelines - water efficiency grant program - definitions -**
26 **repeal.** (12) (b.5) (I) ON JUNE 1, 2018, THE STATE TREASURER SHALL
27 TRANSFER EIGHTY THOUSAND SIXTY-EIGHT DOLLARS FROM THE FUND TO

1 THE SEVERANCE TAX OPERATIONAL FUND CREATED IN SECTION 39-29-109
2 (2)(b).

3 (II) THIS SUBSECTION (12)(b.5) IS REPEALED, EFFECTIVE JULY 1,
4 2018.

5 **SECTION 12.** In Colorado Revised Statutes, **amend** 37-75-107
6 as follows:

7 **37-75-107. Interbasin compact committee operation fund -**
8 **creation.** (1) There is hereby created in the state treasury the interbasin
9 compact committee operation fund, which shall be administered by the
10 Colorado water conservation board and shall consist of all ~~moneys~~
11 MONEY transferred by the treasurer as specified in section 39-29-109.3
12 (2)(i). ~~C.R.S.~~ All ~~moneys~~ MONEY in the fund ~~are~~ IS continuously
13 appropriated to the Colorado water conservation board for the purposes
14 stated in this ~~article~~ ARTICLE 75. All ~~moneys~~ MONEY in the fund at the end
15 of each fiscal year shall be retained in the fund and shall not revert to the
16 general fund or any other fund.

17 (2) (a) ON JUNE 1, 2018, THE STATE TREASURER SHALL TRANSFER
18 ONE HUNDRED EIGHT THOUSAND FOUR HUNDRED SIXTY-FIVE DOLLARS
19 FROM THE INTERBASIN COMPACT COMMITTEE OPERATION FUND TO THE
20 SEVERANCE TAX OPERATIONAL FUND CREATED IN SECTION 39-29-109
21 (2)(b).

22 (b) THIS SUBSECTION (2) IS REPEALED, EFFECTIVE JULY 1, 2018.

23 **SECTION 13.** In Colorado Revised Statutes, 39-29-107.8, **add**
24 (2)(c) as follows:

25 **39-29-107.8. Refunds.** (2) (c) (I) IF, AS OF THE END OF THE STATE
26 FISCAL YEAR COMMENCING ON JULY 1, 2017, THE AMOUNT IN THE
27 RESERVE IS LESS THAN THE AMOUNT OF REFUNDS THAT ARE REQUIRED TO

1 BE MADE FROM THE RESERVE, THEN THE STATE TREASURER SHALL CREDIT
2 TO THE RESERVE FROM THE PROCEEDS OF THE MONEY COLLECTED UNDER
3 ARTICLE 22 OF THIS TITLE 39 AN AMOUNT EQUAL TO ONE-FOURTH OF THE
4 DEFICIT.

5 (II) THE AMOUNT CREDITED TO THE RESERVE IN ACCORDANCE
6 WITH SUBSECTION (2)(c)(I) OF THIS SECTION REPLACES ANY MONEY FROM
7 THE RESERVE THAT WAS TRANSFERRED TO THE SEVERANCE TAX
8 OPERATIONAL FUND, AND AS A RESULT, NO AMOUNT SHALL BE RECOUPED
9 FROM THE OPERATIONAL FUND FOR PURPOSES OF MAKING A REFUND FOR
10 THE FISCAL YEAR COMMENCING ON JULY 1, 2017.

11 **SECTION 14.** In Colorado Revised Statutes, 39-29-109, **amend**
12 (2)(b); and **add** (2)(c)(IV) as follows:

13 **39-29-109. Severance tax trust fund - created - administration**
14 **- distribution of money - repeal.** (2) State severance tax receipts shall
15 be credited to the severance tax trust fund as provided in section
16 39-29-108. Except as otherwise set forth in section 39-29-109.5, all
17 income derived from the deposit and investment of the money in the fund
18 shall be credited to the fund. At the end of any fiscal year, all unexpended
19 and unencumbered money in the fund remains in the fund and shall not
20 be credited or transferred to the general fund or any other fund. All
21 money in the fund is subject to appropriation by the general assembly for
22 the following purposes:

23 (b) (I) **The severance tax operational fund.** There is hereby
24 created in the state treasury the severance tax operational fund, also
25 referred to in this ~~paragraph (b)~~ SUBSECTION (2)(b) as the "fund", which
26 the department of natural resources shall administer. The state treasurer
27 shall transfer one-half of the severance tax receipts credited to the

1 severance tax trust fund for tax years commencing on and after July 1,
2 1995, to the fund. ~~Moneys~~ MONEY in the fund shall be distributed as set
3 forth in section 39-29-109.3.

4 (II) (A) ON JUNE 1, 2018, THE STATE TREASURER SHALL TRANSFER
5 FROM THE FUND TO THE GENERAL FUND AN AMOUNT EQUAL TO THE
6 AMOUNT TRANSFERRED TO THE FUND FROM THE SEVERANCE TAX TRUST
7 FUND FROM FEBRUARY 1, 2018, THROUGH THE EFFECTIVE DATE OF THIS
8 SUBSECTION (2)(b)(II)(A).

9 (B) NOTWITHSTANDING SUBSECTION (2)(b)(I) OF THIS SECTION,
10 FROM THE EFFECTIVE DATE OF THIS SUBSECTION (2)(b)(II)(B) THROUGH
11 THE END OF THE FISCAL YEAR COMMENCING ON JULY 1, 2018, THE STATE
12 TREASURER SHALL TRANSFER ONE-HALF OF THE SEVERANCE TAX RECEIPTS
13 CREDITED TO THE SEVERANCE TAX TRUST FUND TO THE GENERAL FUND
14 INSTEAD OF THE FUND; EXCEPT THAT THE AMOUNT TRANSFERRED AND
15 CREDITED TO THE GENERAL FUND UNDER THIS SUBSECTION (2)(b)(II)
16 SHALL NOT EXCEED FORTY MILLION NINE HUNDRED FORTY-TWO
17 THOUSAND SIXTEEN DOLLARS.

18 (C) THIS SUBSECTION (2)(b)(II) IS REPEALED, EFFECTIVE JULY 1,
19 2019.

20 (III) (A) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES
21 THAT NUMEROUS CRITICAL PROGRAMS ARE FUNDED WITH MONEY FROM
22 THE OPERATIONAL FUND. DUE TO THE VOLATILE NATURE OF THE
23 SEVERANCE TAX IMPOSED IN ACCORDANCE WITH SECTION 39-29-105, IT
24 WAS NECESSARY FOR THE GENERAL ASSEMBLY TO ENACT HOUSE BILL
25 18-1338 IN 2018 TO TRANSFER MONEY RELATED TO A SHORTFALL IN THE
26 OPERATIONAL FUND. THE REPORT REQUIRED UNDER SUBSECTION
27 (2)(b)(III)(B) OF THIS SECTION WILL ALLOW THE GENERAL ASSEMBLY TO

1 ANTICIPATE THE NEED FOR ADDITIONAL TRANSFERS THAT MAY BE NEEDED
2 TO ADDRESS THE REDUCTION OF REVENUES IN THE OPERATIONAL FUND.

3 (B) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), ON OR
4 BEFORE JANUARY 1, 2019, AND EACH JANUARY 1 THEREAFTER, THE
5 DEPARTMENT OF REVENUE SHALL SUBMIT A REPORT TO EACH MEMBER OF
6 THE GENERAL ASSEMBLY THAT HAS THE FOLLOWING TOTAL AMOUNTS FOR
7 THE PRIOR FISCAL YEAR: SEVERANCE TAX RECEIPTS FROM THE TAX
8 IMPOSED IN ACCORDANCE WITH SECTION 39-29-105, THE AMOUNT OF OIL
9 AND GAS PRODUCTION THAT WAS EXEMPT FROM PRODUCTION, THE
10 AMOUNT OF THE TAX CREDIT UNDER SECTION 39-29-105 (2)(b), AND THE
11 AMOUNT OF DEDUCTIONS FOR TRANSPORTATION, MANUFACTURING, AND
12 PROCESSING COSTS THAT WERE CLAIMED. THE DEPARTMENT SHALL
13 AGGREGATE THE INFORMATION SO AS TO NOT DISCLOSE THE INFORMATION
14 FOR ANY INDIVIDUAL TAXPAYERS.

15 (c) **The water supply reserve fund.** (IV) (A) ON JUNE 1, 2018,
16 THE STATE TREASURER SHALL TRANSFER ONE MILLION FOUR HUNDRED
17 FIFTY-FIVE THOUSAND SEVEN HUNDRED SEVENTY-SIX DOLLARS FROM THE
18 FUND TO THE SEVERANCE TAX OPERATIONAL FUND CREATED IN
19 SUBSECTION (2)(b) OF THIS SECTION.

20 (B) THIS SUBSECTION (2)(c)(IV) IS REPEALED, EFFECTIVE JULY 1,
21 2018.

22 **SECTION 15.** In Colorado Revised Statutes, 39-29-109.3,
23 **amend** (2) introductory portion and (4)(a) introductory portion; **repeal**
24 (1.5) and (1.7); and **add** (4)(d) and (7) as follows:

25 **39-29-109.3. Severance tax operational fund - repeal.**
26 (1.5) ~~Notwithstanding any provision of this section to the contrary, an~~
27 ~~amount equal to ten million dollars in the operational fund is restricted~~

1 from being used for any purpose whatsoever, until such time that the joint
2 budget committee, by a majority vote, releases the restriction on some or
3 all of the money.

4 (1.7) ~~Notwithstanding any provision of this section to the~~
5 ~~contrary, on June 30, 2018, the state treasurer shall transfer eleven million~~
6 ~~four hundred twenty-five thousand dollars from the operational fund to~~
7 ~~the general fund.~~

8 (2) Subject to the requirements of subsections (3) and (4) of this
9 section, if the general assembly chooses not to spend up to one hundred
10 percent of the money in the operational fund as specified in subsection (1)
11 of this section, the state treasurer shall transfer the following AMOUNTS,
12 WITH THE EXCEPTION OF THE FISCAL YEAR COMMENCING ON JULY 1, 2018:

13 (4) (a) Except as provided in ~~paragraphs (b) and (c) of this~~
14 ~~subsection (4)~~ SUBSECTION (4)(b) AND (4)(d) OF THIS SECTION, all
15 transfers specified in subsection (2) of this section shall be made by the
16 state treasurer in three installments, as follows:

17 (d) DUE TO DECREASES IN STATE SEVERANCE TAX REVENUE, THE
18 STATE TREASURER SHALL NOT MAKE ANY TRANSFERS SPECIFIED IN
19 SUBSECTION (2) OF THIS SECTION FOR THE FISCAL YEAR COMMENCING ON
20 JULY 1, 2018, UNLESS SEVERANCE TAX RECEIPTS ARE DEPOSITED IN THE
21 SEVERANCE TAX OPERATIONAL FUND DURING THE FISCAL YEAR AND THERE
22 IS SUFFICIENT MONEY IN THE OPERATIONAL FUND RESERVE SO THAT NO
23 TRANSFER IS REQUIRED UNDER SUBSECTION (7)(b) OF THIS SECTION.

24 (7) THE STATE TREASURER SHALL TRANSFER THE FOLLOWING
25 AMOUNTS FROM THE GENERAL FUND TO THE OPERATIONAL FUND:

26 (a) ON JULY 1, 2018, SEVENTEEN MILLION THIRTY THOUSAND NINE
27 HUNDRED TWENTY-FIVE DOLLARS;

1 (b) ON JANUARY 1, 2019, THREE MILLION DOLLARS; AND

2 (c) ON JULY 1, 2019, AN AMOUNT EQUAL TO THE PORTION OF THE
3 OPERATIONAL FUND RESERVE REQUIRED BY SUBSECTION (3)(a) OF THIS
4 SECTION FOR THE OPERATING APPROPRIATIONS FOR THE FISCAL YEAR
5 COMMENCING ON JULY 1, 2019, FOR THE PROGRAMS SPECIFIED IN
6 SUBSECTION (1) OF THIS SECTION OR FOURTEEN MILLION TWO HUNDRED
7 FOURTEEN THOUSAND EIGHT HUNDRED FIFTY-FOUR DOLLARS, WHICHEVER
8 AMOUNT IS LESS.

9 **SECTION 16. Eligibility list - approval - legislative**
10 **declaration.** (1) Pursuant to:

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

17 (b) Section 24-33-111 (3), Colorado Revised Statutes:

18 (I) The executive director of the department of natural resources,
19 after consulting with the Colorado water conservation board and its
20 director, the parks and wildlife commission, and the director of the
21 division of parks and wildlife, has prepared and delivered to the general
22 assembly a species conservation eligibility list describing programs and
23 associated costs that are eligible to receive funding from the species
24 conservation trust fund; and

25 (II) Before obligating funds from the species conservation trust
26 fund, the species conservation eligibility list is subject to modification
27 and adoption through the passage of a bill.

1 (2) The general assembly deems the recommended expenditures
 2 described in the species conservation eligibility list to be in the interest of
 3 the people of the state. The money specified in this subsection (2) is
 4 available in fiscal year 2017-18 and remains available for the designated
 5 purposes until it is fully expended. The executive director of the
 6 department of natural resources is authorized to obligate and expend three
 7 million dollars (\$3,000,000) from the species conservation trust fund for
 8 the following activities, programs, and species in the following amounts:

9 PROGRAM/SPECIES	10 AMOUNT
11 (a) Native terrestrial wildlife 12 conservation	\$940,500
13 (b) Native aquatic wildlife 14 conservation	\$1,059,500
15 (c) Platte river recovery 16 implementation program	\$300,000
17 (d) Upper Colorado river basin 18 nonnative species control program	\$250,000
19 (e) Selenium management, 20 research, monitoring, evaluation, 21 and control	\$50,000
22 (f) Morgan bottom irrigation 23 delivery and habitat enhancement 24 project	\$400,000
25 Total authorization	\$3,000,000

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