



# Legislative Council Staff

## Research Note

Version: House HIE  
Date: 4/20/2017

### Bill Number

**Senate Bill 17-202**

### Sponsors

**Senator Coram**  
**Representative Esgar**

### Short Title

**Species Conservation Trust**  
**Fund Projects**

### Research Analyst

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### Status

The bill is currently pending before the House Health Insurance and Environment Committee. This research note reflects the reengrossed bill.

### Background

The Species Conservation Trust Fund (SCTF) was created in 1998 to help protect and recover threatened and endangered species. To date, the General Assembly has transferred \$82.2 million to the fund — primarily from the Severance Tax Trust Fund and the General Fund — and has appropriated approximately \$79.2 million from the fund. Approximately \$1.97 million is the unobligated balance of the fund that is available for species protection and recovery efforts. After its initial creation, the General Assembly expanded the SCTF to cover studies and programs within Colorado Parks and Wildlife (CPW) dedicated to recovering species listed as threatened and endangered under state law; recovering and protecting federal candidate species; conducting scientific studies related to the listing or delisting of any species; and evaluating genetic, habitat and declining species baseline data.

Each year, the executive director of the Department of Natural Resources (DNR) prepares a species conservation eligibility list after consulting with the Colorado Water Conservation Board and its Director, and the CPW Commission and the Director of CPW. The list describes programs intended to accomplish the goals specified in law and associated costs eligible for funding. The list is then sent to the General Assembly for its review and approval. The act requires that funds be distributed for the following purposes:

- cooperative agreements, recovery programs, and other programs that are designed to meet obligations arising under the federal “Endangered Species Act of 1973” and that provide regulatory certainty;

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- studies and programs established or approved by the CPW and the executive director of the DNR regarding species placed on the state endangered or threatened list; candidate species, in order to assist in the recovery or protection of the species to avoid listing of the species; and
- scientific research relating to listing or delisting any species.

**Severance tax transfers for species protection and restoration.** The Operational Fund of the Severance Tax Trust Fund receives 25 percent of severance tax receipts. Current law provides a mechanism for balancing spending from the Operational Fund by making proportional reductions to the fund's Tier 2 programs when insufficient funds exist to fully fund those programs and still meet the account's statutory reserve requirement. Tier 2 programs include water-related programs, agriculture-related programs, energy efficiency, soil conservation, the control of invasive species, low-income energy assistance, and the SCTF. Tier 2 programs were not funded in FY 2016-17, but expenditures for the Species Conservation Trust Fund were made from its fund balance.

Under current law, the SCTF is authorized to receive \$5.0 million per year through FY 2018-19. In the absence of legislative action in the current legislative session, all current Tier 2 programs will expire at the end of FY 2016-17, in which case the SCTF will receive \$130,000 in FY 2017-18, according to the December 2016 Legislative Council forecast. If all current Tier 2 programs are continued, the SCTF is expected to receive \$119,000. There is also \$2.0 million in unobligated fund balance in the SCTF. The \$1.5 million in proposed spending will utilize both FY 2017-18 Tier 2 revenue as well as the fund balance to finance the proposed projects.

## Senate Action

**Senate Agriculture, Natural Resources, and Energy Committee (March 9, 2017).** At the hearing, representatives from the Colorado Water Conservation Board, the Division of Parks and Wildlife and Colorado Water Congress spoke in support of the bill. The bill was referred, without amendment, to the Senate Appropriations Committee.

**Senate Appropriations Committee (April 6, 2017).** The bill was referred, without amendment, to the Senate Committee of the Whole.

**Senate second reading (April 11, 2017).** The Senate passed the bill on second reading with no amendments.

**Senate third reading (April 11, 2017).** The Senate passed the bill on third reading with no amendments.