

CHAPTER 231

**NATURAL RESOURCES**

SENATE BILL 11-203

BY SENATOR(S) Schwartz, Aguilar, Guzman, Williams S.;  
also REPRESENTATIVE(S) Sonnenberg, Fischer, Hamner, Wilson.

**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. 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:

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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.*

(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:

<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) Arkansas Darter Instream Flow Water Rights Lease	\$ 500,000
(IV) Native Grouse Conservation Program	\$ <u>400,000</u>
<b>Total capital account authorization:</b>	<b>\$ 4,500,000</b>

(b) The executive director of the department of natural resources is authorized to obligate and expend two million one hundred thousand dollars (\$2,100,000) from the operations and maintenance 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) Upper Colorado River Recovery Program	\$ 500,000
(II) Native Grouse Conservation Program	\$ 605,000
(III) Native Fish Conservation	\$ 560,000
(IV) Wildlife Disease Management	\$ 410,000
(V) Wildlife Adaptation Research	\$ <u>25,000</u>
<b>Total operation and maintenance account authorization:</b>	<b>\$ 2,100,000</b>

**SECTION 3.** 39-29-109.3 (2) (e) (IV) (A), (2) (e) (V) (A), and (2) (e) (VI) (A), Colorado Revised Statutes, are amended 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~~ SIX HUNDRED THOUSAND dollars.

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

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

**SECTION 4.** The introductory portion to section 2 (1) (a) (I), section 2 (1) (a) (I) (A) and (1) (a) (I) (D), and the affected totals of chapter 197, Session Laws of Colorado 2005, are amended to read:

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 2004-05 and shall remain available for the designated purposes until they are fully expended:

(a) (I) The executive director of the department of natural resources is authorized to obligate and expend ~~three hundred twenty-two thousand four hundred sixty-one~~ ONE HUNDRED FIFTY-SIX THOUSAND NINE HUNDRED NINETY-NINE dollars (~~\$322,461~~) (\$156,999) from the operating 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>
(A) <del>South Platte native fish: Study of ground water hydrology and impacts on summer habitat of state-listed fish species</del>	<del>\$ 80,000</del>
(D) Preble's meadow jumping mouse trapping directed by the division of wildlife, utilizing the moneys reverted pursuant to sub-subparagraph (A) of subparagraph (II) of this subsection (1)	\$ 97,461 11,999
<b>Total operating account appropriation:</b>	<b>\$ <del>322,461</del> 156,999</b>

**SECTION 5.** The introductory portion to subsection (1), subsection (1) (b), and the affected totals, as enacted in House Joint Resolution 01-1022, Session Laws of Colorado 2001, as amended by House Joint Resolution 02-1038, Session Laws of Colorado 2002, and as further amended by section 2 (1) (a) (II) (A) of chapter 197, Session Laws of Colorado 2005, are amended, and the said House Joint Resolution 01-1022 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

**HJR 01-1022. Species Conservation Eligibility List.** (1) That the Executive Director of the Department of Natural Resources is authorized to obligate and

expend ~~\$2,016,000~~ \$1,766,000 from the capital account of the Species Conservation Trust Fund for the following activities, programs, and species:

<b>PROGRAM / SPECIES</b>	<b>AMOUNT</b>
(b) <del>Preble's Meadow Jumping Mouse Conservation Plan</del>	\$ <del>152,539</del>
<b>Total</b>	\$ <del>2,016,000</del> 1,766,000

(2) THAT THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF NATURAL RESOURCES IS AUTHORIZED TO OBLIGATE AND EXPEND \$118,539 FROM THE OPERATIONS AND MAINTENANCE ACCOUNT OF THE SPECIES CONSERVATION TRUST FUND FOR THE FOLLOWING ACTIVITIES, PROGRAMS, AND SPECIES:

<b>PROGRAM / SPECIES</b>	<b>AMOUNT</b>
PREBLE'S MEADOW JUMPING MOUSE CONSERVATION PLAN	\$ 118,539
<b>TOTAL</b>	\$ 118,539

**SECTION 6.** The introductory portion to subsection (2), subsection (2) (i), and the affected totals, as enacted in House Joint Resolution 03-1012, Session Laws of Colorado 2003, are amended to read:

**HJR 03-1012. Species Conservation Eligibility List.** (2) That the Executive Director of the Department of Natural Resources is authorized to obligate and expend ~~one million nine thousand four hundred thirty-two~~ NINE HUNDRED SEVENTY-TWO THOUSAND TWO HUNDRED SIXTY-NINE dollars (~~\$1,009,432~~) (\$972,269), from the operational 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) Pocket Gopher Genetics	\$ <del>75,000</del> 37,837
<b>Total</b>	\$ <del>1,009,432</del> 972,269

**SECTION 7. 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: May 27, 2011