

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

ENGROSSED

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

LLS NO. 11-0836.01 Chuck Brackney

SENATE BILL 11-203

SENATE SPONSORSHIP

Schwartz,

HOUSE SPONSORSHIP

Sonnenberg,

Senate Committees

Agriculture, Natural Resources, and Energy
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE SPECIES CONSERVATION TRUST FUND, AND, IN**
102 **CONNECTION THEREWITH, APPROVING THE SPECIES**
103 **CONSERVATION ELIGIBILITY LIST.**

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

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
Amended 2nd Reading
April 19, 2011

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

Section 2 of the bill makes available \$4,500,000 from the capital account of the trust fund and \$2,100,000 from the operations and maintenance account of the trust fund for certain activities, programs, and species.

For fiscal year 2011-12, **section 3** reduces from \$1,000,000 to \$600,000 the amount to be transferred to the operations and maintenance account of the trust fund from the operational account of the severance tax trust fund. For fiscal years 2012-13 and 2013-14, this amount is reduced from \$2,500,000 to \$2,100,000.

The bill decreases the following programs by the stated amounts:

- ! \$80,000 from South Platte native fish: Study of ground water hydrology and impacts on summer habitat of state-listed fish species;
- ! \$85,462 from Preble's meadow jumping mouse trapping directed by the division of wildlife;
- ! \$34,000 from Preble's meadow jumping mouse conservation plan;
- ! \$37,163 from pocket gopher genetics.

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 wildlife
12 commission, and the director of the division of wildlife, has prepared and
13 delivered to the general assembly a species conservation eligibility list
14 describing programs and associated costs that are eligible to receive

1 funding from the species conservation trust fund; and

2 (c) Section 24-33-111 (3), Colorado Revised Statutes, prior to
3 obligating funds from the species conservation trust fund, the species
4 conservation eligibility list is subject to modification and adoption
5 through the passage of a bill.

6 **SECTION 2. Eligibility list - approval.** (1) The general
7 assembly deems the recommended expenditures described in the species
8 conservation eligibility list to be in the interest of the people of the state.
9 The moneys specified in this subsection (1) shall be available in fiscal
10 year 2011-12 and shall remain available for the designated purposes until
11 they are fully expended:

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

	PROGRAM / SPECIES	AMOUNT
17		
18	(I) Platte River Recovery Program	\$ 2,600,000
19	(II) Upper Colorado River Recovery Program	\$ 1,000,000
20	(III) Arkansas Darter Instream Flow Water	\$ 500,000
21	Rights <u>Lease</u>	
22	(IV) Native Grouse Conservation Program	\$ <u>400,000</u>
23	Total capital account authorization:	\$ 4,500,000

24 (b) The executive director of the department of natural resources
25 is authorized to obligate and expend two million one hundred thousand
26 dollars (\$2,100,000) from the operations and maintenance account of the
27 species conservation trust fund for the following activities, programs, and

1 species in the following amounts:

2	PROGRAM / SPECIES	AMOUNT
3	(I) Upper Colorado River Recovery Program	\$ 500,000
4	(II) Native Grouse Conservation Program	\$ 605,000
5	(III) Native Fish Conservation	\$ 560,000
6	(IV) Wildlife Disease Management	\$ 410,000
7	(V) Wildlife Adaptation Research	\$ <u>25,000</u>
8	Total operation and maintenance account	
9	authorization:	\$ 2,100,000

10 **SECTION 3.** 39-29-109.3 (2) (e) (IV) (A), (2) (e) (V) (A), and
11 (2) (e) (VI) (A), Colorado Revised Statutes, are amended to read:

12 **39-29-109.3. Operational account of the severance tax trust**
13 **fund - repeal.** (2) Subject to the requirements of subsections (3) and (4)
14 of this section, if the general assembly chooses not to spend up to one
15 hundred percent of the moneys in the operational account as specified in
16 subsection (1) of this section, the state treasurer shall transfer the
17 following:

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

21 (IV) (A) For the state fiscal year commencing July 1, 2011, ~~one~~
22 ~~million~~ SIX HUNDRED THOUSAND dollars.

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

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

27 **SECTION 4.** The introductory portion to section 2 (1) (a) (I),

1 section 2 (1) (a) (I) (A) and (1) (a) (I) (D), and the affected totals of
2 chapter 197, Session Laws of Colorado 2005, are amended to read:

3 Section 2. **Eligibility list - approval.** (1) The general assembly
4 deems the recommended expenditures described in the species
5 conservation eligibility list to be in the interest of the people of the state.
6 The moneys specified in this subsection (1) shall be available in fiscal
7 year 2004-05 and shall remain available for the designated purposes until
8 they are fully expended:

9 (a) (I) The executive director of the department of natural
10 resources is authorized to obligate and expend ~~three hundred twenty-two~~
11 ~~thousand four hundred sixty-one~~ ONE HUNDRED FIFTY-SIX THOUSAND NINE
12 HUNDRED NINETY-NINE dollars (~~\$322,461~~) (\$156,999) from the operating
13 account of the species conservation trust fund for the following activities,
14 programs, and species in the following amounts:

15	PROGRAM / SPECIES	AMOUNT
16	(A) South Platte native fish: Study of	\$ 80,000
17	ground water hydrology and impacts	
18	on summer habitat of state-listed fish	
19	species	
20	(D) Preble's meadow jumping mouse	\$ 97,461
21	trapping directed by the division of	11,999
22	wildlife, utilizing the moneys reverted	
23	pursuant to sub-subparagraph (A) of	
24	subparagraph (II) of this subsection (1)	
25	Total operating account appropriation:	\$ 322,461
26		156,999

27 **SECTION 5.** The introductory portion to subsection (1),

1 subsection (1) (b), and the affected totals, as enacted in House Joint
 2 Resolution 01-1022, Session Laws of Colorado 2001, as amended by
 3 House Joint Resolution 02-1038, Session Laws of Colorado 2002, and as
 4 further amended by section 2 (1) (a) (II) (A) of chapter 197, Session Laws
 5 of Colorado 2005, are amended, and the said House Joint Resolution
 6 01-1022 is further amended BY THE ADDITION OF A NEW
 7 SUBSECTION, to read:

8 **HJR 01-1022. Species Conservation Eligibility List.** (1) That
 9 the Executive Director of the Department of Natural Resources is
 10 authorized to obligate and expend ~~\$2,016,000~~ \$1,766,000 from the capital
 11 account of the Species Conservation Trust Fund for the following
 12 activities, programs, and species:

13	PROGRAM / SPECIES	AMOUNT
14	(b) Preble's Meadow	\$ 152,539
15	Jumping Mouse Conservation	
16	Plan	
17	Total	\$ 2,016,000
18		1,766,000

19 (2) THAT THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF
 20 NATURAL RESOURCES IS AUTHORIZED TO OBLIGATE AND EXPEND
 21 \$118,539 FROM THE OPERATIONS AND MAINTENANCE ACCOUNT OF THE
 22 SPECIES CONSERVATION TRUST FUND FOR THE FOLLOWING ACTIVITIES,
 23 PROGRAMS, AND SPECIES:

24	PROGRAM / SPECIES	AMOUNT
25	PREBLE'S MEADOW JUMPING	\$ 118,539
26	MOUSE CONSERVATION PLAN	
27	TOTAL	\$ 118,539

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

5 **HJR 03-1012. Species Conservation Eligibility List.** (2) That
6 the Executive Director of the Department of Natural Resources is
7 authorized to obligate and expend ~~one million nine thousand four hundred~~
8 ~~thirty-two~~ NINE HUNDRED SEVENTY-TWO THOUSAND TWO HUNDRED
9 SIXTY-NINE dollars (~~\$1,009,432~~) (\$972,269), from the operational account
10 of the Species Conservation Trust Fund for the following activities,
11 programs, and species in the following amounts:

12	PROGRAM / SPECIES	AMOUNT
13	(i) Pocket Gopher Genetics	\$ 75,000
14		37,837
15	Total	\$ 1,009,432
16		972,269

17 **SECTION 7. Safety clause.** The general assembly hereby finds,
18 determines, and declares that this act is necessary for the immediate
19 preservation of the public peace, health, and safety.