

**First Regular Session
Seventy-first General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 17-0825.02 Kate Meyer x4348

HOUSE BILL 17-1250

HOUSE SPONSORSHIP

Lebsock,

SENATE SPONSORSHIP

(None),

House Committees
Finance

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE VOLUNTARY CONTRIBUTION DESIGNATION THAT**
102 **BENEFITS WILDLIFE, AND, IN CONNECTION THEREWITH,**
103 **CHANGING THE NONGAME AND ENDANGERED WILDLIFE TAX**
104 **CHECK-OFF TO THE COLORADO WILDLIFE CONSERVATION AND**
105 **RESTORATION TAX CHECK-OFF, PROVIDING FOR THE**
106 **ALLOCATION OF MONEYS RECEIVED THROUGH THE CHECK-OFF,**
107 **AND CREATING A GRANT PROGRAM THAT USES MONEYS**
108 **CONTRIBUTED THROUGH THE CHECK-OFF TO FINANCE WILDLIFE**
109 **REHABILITATION EFFORTS.**

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

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.*

1 assembly specifically recognizes that such nongame AND ENDANGERED
2 wildlife includes protected wildlife, endangered and threatened wildlife,
3 aquatic wildlife, specialized habitat wildlife, both terrestrial and aquatic
4 types, and mollusks, crustaceans, and other invertebrates under the
5 jurisdiction of the division of parks and wildlife.

6 (b) THE GENERAL ASSEMBLY FURTHER DECLARES THAT WILDLIFE
7 REHABILITATION HELPS COLORADO'S GAME AND NONGAME AND
8 ENDANGERED WILDLIFE SPECIES SURVIVE AND REPRESENTS RESPONSIBLE
9 STEWARDSHIP FOR THE ANIMALS IN NEED OF ASSISTANCE. THE GENERAL
10 ASSEMBLY RECOGNIZES THAT LITTLE PUBLIC OR PRIVATE FUNDING OR
11 FORMAL SUPPORT EXISTS TO FINANCE WILDLIFE REHABILITATION, AND
12 THEREFORE WILDLIFE REHABILITATORS OFTEN PROVIDE THEIR SERVICES
13 FREE OF CHARGE. BECAUSE THEY PERFORM A VITAL PUBLIC SERVICE,
14 PROVIDING A METHOD BY WHICH SOME REHABILITATORS' ACTIVITIES MAY
15 BE FUNDED OR EXPENSES DEFRAIDED IS IN THE PUBLIC INTEREST.

16 (2) This part 7 is enacted to provide a means by which ~~such~~
17 ~~protection~~ THE CONSERVATION AND RESTORATION OF WILDLIFE IN THE
18 STATE may be financed through a voluntary contribution designation on
19 state income tax return forms. The intent of the general assembly is that
20 this program is supplemental to any funding and in no way is intended to
21 ~~take the place of the~~ SUPPLANT funding that would otherwise be
22 appropriated for this purpose.

23 **39-22-702. Voluntary contribution designation - procedure.**

24 For income tax years commencing on or after ~~January 1, 2012~~ JANUARY
25 1, 2017, but prior to ~~January 1, 2017~~ JANUARY 1, 2022, THE EXECUTIVE
26 DIRECTOR SHALL ENSURE THAT each Colorado state individual income tax
27 return form ~~shall contain~~ CONTAINS a line whereby each individual

1 taxpayer may designate the amount of the contribution, if any, ~~such~~ THE
2 individual wishes to make to the ~~nongame and endangered~~ COLORADO
3 wildlife CONSERVATION AND RESTORATION cash fund created in ~~section~~
4 ~~39-22-703~~ SECTION 33-1-125.

5 **39-22-703. Contributions credited to Colorado wildlife**
6 **conservation and restoration cash fund - administration - transfer -**
7 **repeal.** (1) The department of revenue shall determine annually the total
8 amount OF VOLUNTARY CONTRIBUTIONS designated pursuant to section
9 39-22-702 and shall report ~~such~~ THE amount to the state treasurer, who
10 shall credit ~~such~~ THAT amount to the ~~nongame and endangered~~
11 COLORADO wildlife CONSERVATION AND RESTORATION cash fund ~~which~~
12 ~~is hereby established in the state treasury. The controller, upon~~
13 ~~presentation of vouchers properly drawn and signed by the director of the~~
14 ~~division of parks and wildlife or an authorized employee of the division~~
15 ~~of administration, shall issue warrants drawn on the appropriate fund. All~~
16 ~~moneys so deposited in the nongame and endangered wildlife cash fund~~
17 ~~shall remain in such fund to be used for the purposes set forth in~~
18 ~~subsection (2) of this section and shall not be deposited in or transferred~~
19 ~~to the general fund of the state of Colorado or any other fund~~ CREATED IN
20 SECTION 33-1-125.

21 (2) The general assembly shall appropriate annually from the
22 ~~nongame and endangered~~ COLORADO wildlife CONSERVATION AND
23 RESTORATION cash fund

24 (a) ~~To the division of parks and wildlife of the department of~~
25 ~~natural resources, such amount as is necessary for preserving, protecting,~~
26 ~~perpetuating, and enhancing nongame and endangered wildlife in this~~
27 ~~state, including the department's administrative expenses in connection~~

1 ~~therewith;~~

2 (b) to the department of revenue its costs of administering the
3 ~~income tax refunds~~ MONEYS designated as contributions to the fund.
4 AFTER SUBTRACTING THE APPROPRIATION TO THE DEPARTMENT, ALL
5 DESIGNATED MONEYS IN THE FUND ARE HEREBY CONTINUOUSLY
6 APPROPRIATED FOR THE PURPOSES OF THIS PART 7 AND SECTION 33-1-125.
7 AT THE END OF EACH FISCAL YEAR, THE STATE TREASURER SHALL
8 TRANSFER ALL DESIGNATED MONEYS IN THE FUND AND ALL INTEREST
9 EARNED THROUGH THE INVESTMENT OF FUND MONEYS, AFTER
10 SUBTRACTING THE APPROPRIATION TO THE DEPARTMENT OF REVENUE, AS
11 SPECIFIED IN SECTION 33-1-125.

12 (c) ~~Repealed.~~

13 (2) (a) THE DIVISION OF PARKS AND WILDLIFE IN THE DEPARTMENT
14 OF NATURAL RESOURCES SHALL EXPEND ANY MONEYS TRANSFERRED TO
15 IT UNDER THIS PART 7 FOR TAX YEARS COMMENCING ON OR BEFORE
16 JANUARY 1, 2016, IN ACCORDANCE WITH THIS PART 7, AS THIS PART 7
17 EXISTED PRIOR TO THE ENACTMENT OF HOUSE BILL 17-____, ENACTED IN
18 2017.

19 (b) THIS SUBSECTION (2) IS REPEALED, EFFECTIVE JANUARY 1,
20 2019.

21 **39-22-704. Repeal of part.** This part 7 is repealed, effective
22 ~~January 1, 2018~~ JANUARY 1, 2023, unless the voluntary contribution to the
23 ~~nongame and endangered~~ COLORADO wildlife CONSERVATION AND
24 RESTORATION cash fund ~~established~~ CREATED in ~~section 39-22-703~~
25 SECTION 33-1-125 is continued or reestablished by the general assembly
26 acting by bill prior to said date.

27 **SECTION 2.** In Colorado Revised Statutes, **add** 33-1-125 as

1 follows:

2 **33-1-125. Colorado wildlife conservation and restoration cash**
3 **fund - creation - disbursement of moneys - wildlife rehabilitation**
4 **grant program - authority and board created - process - report -**
5 **definition - repeal. (1) (a) THERE IS HEREBY CREATED IN THE STATE**

6 TREASURY THE COLORADO WILDLIFE CONSERVATION AND RESTORATION
7 CASH FUND, REFERRED TO IN THIS SECTION AS THE "FUND". THE FUND
8 CONSISTS OF VOLUNTARY CONTRIBUTIONS MADE THROUGH PART 7 OF
9 ARTICLE 22 OF TITLE 39, LESS ANY APPROPRIATION TO THE DEPARTMENT
10 OF REVENUE PURSUANT TO SECTION 39-22-703, AND ALL INTEREST
11 DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEYS IN THE FUND
12 AND CREDITED TO THE FUND BY THE STATE TREASURER. ALL UNEXPENDED
13 AND UNENCUMBERED MONEYS REMAINING IN THE FUND AT THE END OF
14 ANY FISCAL YEAR MUST REMAIN IN THE FUND AND SHALL NOT REVERT
15 BACK TO THE GENERAL FUND OR ANY OTHER FUND OR BE USED FOR ANY
16 PURPOSE OTHER THAN THE PURPOSES SET FORTH IN THIS SECTION. THE
17 DIVISION AND THE BOARD CREATED IN SUBSECTION (3) OF THIS SECTION
18 SHALL EXPEND MONEYS FROM THE FUND AS SPECIFIED IN, AND FOR THE
19 IMPLEMENTATION OF, THIS SECTION.

20 (b) THE MONEYS IN THE FUND MUST BE APPORTIONED AND USED AS
21 FOLLOWS:

22 (I) FOR UP TO THE FIRST TWO HUNDRED FIFTY THOUSAND DOLLARS
23 CREDITED TO THE FUND IN ANY FISCAL YEAR:

24 (A) NINETY PERCENT OF THE MONEYS CREDITED TO THE FUND IN
25 ANY FISCAL YEAR SHALL BE USED BY THE DIVISION IN PRESERVING,
26 PROTECTING, PERPETUATING, AND ENHANCING NONGAME AND
27 ENDANGERED WILDLIFE IN THE STATE, INCLUDING THE DIVISION'S

1 ADMINISTRATIVE EXPENSES IN CONNECTION THEREWITH, AND FOR THE
2 DIVISION'S COSTS IN PROVIDING STAFF SUPPORT TO THE BOARD CREATED
3 IN SUBSECTION (3) OF THIS SECTION; AND

4 (B) TEN PERCENT OF THE MONEYS CREDITED TO THE FUND IN ANY
5 FISCAL YEAR SHALL BE USED BY THE BOARD CREATED IN SUBSECTION (3)
6 OF THIS SECTION FOR GRANTS TO WILDLIFE REHABILITATORS IN
7 ACCORDANCE WITH SUBSECTION (4) OF THIS SECTION.

8 (II) FOR ANY MONEYS OVER THE INITIAL TWO HUNDRED FIFTY
9 THOUSAND DOLLARS CREDITED TO THE FUND IN ANY FISCAL YEAR:

10 (A) SEVENTY-FIVE PERCENT OF THOSE ADDITIONAL MONEYS SHALL
11 BE USED BY THE DIVISION IN PRESERVING, PROTECTING, PERPETUATING,
12 AND ENHANCING NONGAME AND ENDANGERED WILDLIFE IN THE STATE,
13 INCLUDING THE DIVISION'S ADMINISTRATIVE EXPENSES IN CONNECTION
14 THEREWITH, AND FOR THE DIVISION'S COSTS IN PROVIDING STAFF SUPPORT
15 TO THE BOARD CREATED IN SUBSECTION (3) OF THIS SECTION; AND

16 (B) TWENTY-FIVE PERCENT OF THOSE ADDITIONAL MONEYS SHALL
17 BE USED BY THE BOARD CREATED IN SUBSECTION (3) OF THIS SECTION FOR
18 GRANTS TO WILDLIFE REHABILITATORS IN ACCORDANCE WITH SUBSECTION
19 (4) OF THIS SECTION.

20 (2) THERE IS HEREBY CREATED THE COLORADO WILDLIFE
21 CONSERVATION AND RESTORATION CASH FUND AUTHORITY, REFERRED TO
22 IN THIS SECTION AS THE "AUTHORITY". THE AUTHORITY IS NOT AN AGENCY
23 OF STATE GOVERNMENT AND IS NOT SUBJECT TO ADMINISTRATIVE
24 DIRECTION BY ANY STATE AGENCY EXCEPT AS PROVIDED IN THIS SECTION.

25 (3) (a) (I) THE POWERS OF THE AUTHORITY ARE VESTED IN A
26 BOARD OF DIRECTORS, REFERRED TO IN THIS SECTION AS THE "BOARD".
27 THE BOARD CONSISTS OF THE FOLLOWING SEVEN MEMBERS, EACH OF

1 WHOM IS APPOINTED BY THE DIRECTOR PURSUANT TO AN APPLICATION
2 PROCESS:

3 (A) TWO REPRESENTATIVES FROM PRIVATE-SECTOR WILDLIFE
4 REHABILITATION ORGANIZATIONS;

5 (B) ONE REPRESENTATIVE OF THE COLORADO FEDERATION OF
6 ANIMAL WELFARE AGENCIES OR ITS SUCCESSOR ORGANIZATION;

7 (C) ONE EMPLOYEE OF THE DIVISION;

8 (D) ONE WILDLIFE BIOLOGIST EMPLOYED BY A STATE INSTITUTION
9 OF HIGHER EDUCATION OR BY A NONSTATE ENTITY;

10 (E) ONE VETERINARIAN, AFFILIATED WITH THE COLORADO
11 VETERINARY MEDICAL ASSOCIATION, OR ITS SUCCESSOR ORGANIZATION,
12 WHICH MEMBER MUST, TO THE EXTENT POSSIBLE, HAVE EXPERTISE IN
13 WILDLIFE SPECIES; AND

14 (F) ONE MEMBER OF THE GENERAL PUBLIC WITH AN INTEREST IN
15 WILDLIFE OR WILDLIFE REHABILITATION.

16 (II) THE DIRECTOR SHALL ESTABLISH A PROCESS THROUGH WHICH
17 APPLICATIONS FOR APPOINTMENTS TO THE BOARD ARE DEVELOPED,
18 RECEIVED, AND EVALUATED.

19 (b) (I) EXCEPT AS PROVIDED IN SUBSECTION (3)(b)(II) OF THIS
20 SECTION, APPOINTMENTS TO THE BOARD ARE FOR THREE-YEAR TERMS.
21 EACH MEMBER SERVES AT THE PLEASURE OF THE DIRECTOR AND
22 CONTINUES IN OFFICE UNTIL THE MEMBER'S SUCCESSOR IS APPOINTED AND
23 QUALIFIED. THE DIRECTOR SHALL MAKE THE INITIAL APPOINTMENTS TO
24 THE BOARD NO LATER THAN SEPTEMBER 1, 2017.

25 (II) (A) THREE OF THE SEVEN INITIAL APPOINTMENTS UNDER
26 SUBSECTION (3)(a)(I) OF THIS SECTION ARE FOR A TERM OF TWO YEARS.
27 THE DIRECTOR SHALL SPECIFY WHICH OF THE APPOINTEES SERVE A

1 TWO-YEAR TERM WHEN HE OR SHE MAKES THE INITIAL APPOINTMENTS.
2 AFTER THE INITIAL TWO-YEAR TERMS, SUBSEQUENT APPOINTEES TO THOSE
3 POSITIONS SERVE THREE-YEAR TERMS.

4 (B) THIS SUBSECTION (3)(b)(II) IS REPEALED, EFFECTIVE
5 SEPTEMBER 1, 2019.

6 (c) ON THE EXPIRATION OF THE TERM OF A MEMBER OF THE BOARD,
7 THE DIRECTOR SHALL EITHER REAPPOINT THAT MEMBER OR APPOINT THAT
8 MEMBER'S SUCCESSOR FOR A TERM OF THREE YEARS; EXCEPT THAT, IN THE
9 CASE OF A VACANCY, THE DIRECTOR'S APPOINTEE SERVES FOR THE
10 REMAINDER OF THE UNEXPIRED TERM. A PERSON SHALL NOT SERVE MORE
11 THAN NINE YEARS ON THE BOARD.

12 (d) MEMBERS OF THE BOARD SERVE WITHOUT COMPENSATION FOR
13 ANY SERVICE PROVIDED TO THE AUTHORITY. MEMBERS DO NOT RECEIVE
14 ANY REIMBURSEMENT FROM THE BOARD FOR ANY EXPENSES INCURRED
15 FULFILLING THEIR RESPONSIBILITIES PURSUANT TO THIS SECTION.

16 (e) (I) EXCEPT AS PROVIDED IN SUBSECTION (3)(e)(II) OF THIS
17 SECTION, THE AUTHORITY, CREATED PURSUANT TO SUBSECTION (2) OF THIS
18 SECTION, SHALL NOT BE FUNDED BY OR THROUGH ANY STATE AGENCY.

19 (II) THE DIVISION SHALL PROVIDE STAFF SUPPORT TO THE BOARD
20 FOR THE PURPOSES OF IMPLEMENTING THIS SECTION.

21 (III) THE BOARD SHALL DEVELOP, ADOPT, AND IMPLEMENT
22 GUIDELINES AND PRACTICES FOR ITS OWN OPERATION AND FOR RECEIVING
23 AND EVALUATING APPLICATIONS FOR GRANT MONEYS FROM THE FUND IN
24 ACCORDANCE WITH SUBSECTION (4) OF THIS SECTION, INCLUDING
25 PRACTICES TO DETECT AND AVOID BOARD MEMBER CONFLICTS OF
26 INTEREST; THE TIMING OF THE APPLICATION SUBMISSIONS AND GRANT
27 DISBURSEMENT, WHICH TIMING MUST TAKE INTO ACCOUNT THE UNIQUE

1 SEASONAL DEMANDS PRESENTED BY WILDLIFE REHABILITATION EFFORTS;
2 AND CRITERIA TO SCORE OR OTHERWISE ASSESS GRANT APPLICATIONS.
3 NOTHING IN THIS SECTION AUTHORIZES THE BOARD TO PROMULGATE
4 RULES TO IMPLEMENT THIS SECTION.

5 (4) (a) (I) THE BOARD SHALL EXPEND MONEYS FROM THE FUND FOR
6 THE PURPOSE OF MAKING GRANTS TO WILDLIFE REHABILITATORS FOR THE
7 PURPOSE OF FACILITATING WILDLIFE REHABILITATION IN COLORADO.

8 (II) AS USED IN THIS SECTION:

9 (A) "WILDLIFE REHABILITATION" MEANS THE PROCESS OF
10 PROVIDING AID TO INJURED, ORPHANED, DISPLACED, OR DISTRESSED
11 WILDLIFE ANIMALS IN SUCH A WAY THAT THEY MAY SURVIVE WHEN
12 RELEASED TO THEIR NATIVE HABITATS. THE TERM INCLUDES ACTIVITIES
13 SUCH AS PROVIDING DIRECT MEDICAL AND OTHER CARE TO WILDLIFE,
14 ARRANGING SUITABLE RELEASE SITES, ANTICIPATING AND HELPING TO
15 PREVENT PROBLEMS WITH WILDLIFE, AND HUMANELY RESOLVING
16 HUMAN-WILDLIFE CONFLICTS.

17 (B) "WILDLIFE REHABILITATOR" MEANS A PERSON LICENSED AS A
18 WILDLIFE REHABILITATOR BY THE DIVISION OR BY THE UNITED STATES
19 FISH AND WILDLIFE SERVICE.

20 (b) NOTHING IN THIS SECTION REQUIRES A WILDLIFE
21 REHABILITATOR TO PROVIDE MATCHING FUNDS OR TO BE A REGISTERED
22 NONPROFIT ORGANIZATION PURSUANT TO SECTION 501 (c)(3) OF THE
23 INTERNAL REVENUE CODE AS A CONDITION TO APPLYING FOR OR
24 RECEIVING GRANT MONEYS.

25 (c) GRANTS ARE AWARDED FROM THE FUND IN ACCORDANCE WITH
26 A GRANT APPROVAL PROCESS DEVELOPED BY THE BOARD. A MEMBER OF
27 THE BOARD SHALL NOT VOTE ON ANY GRANT APPLICATION IN WHICH THE

1 MEMBER IS INTERESTED.

2 (d) GRANTS AWARDED FROM THE FUND MUST BE IN AMOUNTS
3 FROM FIVE THOUSAND DOLLARS TO THIRTY THOUSAND DOLLARS AND
4 SHOULD, TO THE GREATEST EXTENT POSSIBLE, AVERAGE TEN THOUSAND
5 DOLLARS TO EACH GRANTEE; EXCEPT THAT, FOR ANY FISCAL YEAR IN
6 WHICH AN AMOUNT LESS THAN TEN THOUSAND DOLLARS IS TRANSFERRED
7 TO THE FUND FOR THE PURPOSES OF THE GRANT PROGRAM PURSUANT TO
8 SUBSECTION (1)(b)(II)(B) OF THIS SECTION, THE BOARD SHALL ENDEAVOR
9 TO AWARD GRANTS IN AMOUNTS THAT MAXIMIZE WILDLIFE
10 REHABILITATION EFFORTS TO THE GREATEST EXTENT POSSIBLE.

11 (e) GRANT MONEYS AWARDED UNDER THIS SUBSECTION (4) MAY
12 BE USED BY WILDLIFE REHABILITATORS TO REHABILITATE BOTH GAME AND
13 NONGAME SPECIES.

14 (f) WILDLIFE REHABILITATORS MUST EXECUTE A CONTRACT WITH
15 THE BOARD IN ORDER TO RECEIVE ANY GRANT MONEYS AWARDED. SUCH
16 CONTRACTS MUST REQUIRE, AT A MINIMUM, THAT REHABILITATION
17 PROJECTS FUNDED IN WHOLE OR IN PART THROUGH GRANT MONEYS WILL
18 BE PERFORMED BY THE GRANTEE AND SHALL NOT BE CONTRACTED OUT TO,
19 OR MANAGED BY, THIRD PARTIES.

20 (g) GRANTEES SHALL SUBMIT SEMIANNUAL REPORTS, IN
21 ACCORDANCE WITH A SCHEDULE DEVELOPED BY THE BOARD, TO THE
22 DIVISION DESCRIBING HOW GRANT MONEYS THEY RECEIVED HAVE BEEN
23 EXPENDED. THE DIVISION SHALL MAKE THE REPORTS AVAILABLE ON ITS
24 OFFICIAL WEBSITE.

25 **SECTION 3. Act subject to petition - effective date -**
26 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
27 the expiration of the ninety-day period after final adjournment of the

1 general assembly (August 9, 2017, if adjournment sine die is on May 10,
2 2017); except that, if a referendum petition is filed pursuant to section 1
3 (3) of article V of the state constitution against this act or an item, section,
4 or part of this act within such period, then the act, item, section, or part
5 will not take effect unless approved by the people at the general election
6 to be held in November 2018 and, in such case, will take effect on the
7 date of the official declaration of the vote thereon by the governor.

8 (2) This act applies to voluntary contributions made via state
9 individual income tax return forms published for tax years commencing
10 on or after January 1, 2017.