

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

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 17-0825.02 Kate Meyer x4348

HOUSE BILL 17-1250

HOUSE SPONSORSHIP

Lebsock,

SENATE SPONSORSHIP

(None),

House Committees

Finance
Appropriations

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 NONGAME CONSERVATION AND**
105 **WILDLIFE 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 PROVIDE THEIR SERVICES FREE
13 OF CHARGE. BECAUSE THEY PERFORM A VITAL PUBLIC SERVICE, PROVIDING
14 A METHOD BY WHICH SOME REHABILITATORS' ACTIVITIES MAY BE FUNDED
15 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 wildlife~~
3 ~~COLORADO NONGAME CONSERVATION AND WILDLIFE RESTORATION~~ cash
4 fund created in ~~section 39-22-703~~ SECTION 33-1-125.

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

21 (2) The general assembly shall appropriate annually from the
22 ~~nongame and endangered wildlife~~ ~~COLORADO NONGAME CONSERVATION~~
23 ~~AND WILDLIFE 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 17-1250, 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 wildlife~~ COLORADO NONGAME CONSERVATION
24 AND WILDLIFE RESTORATION cash fund ~~established~~ CREATED in ~~section~~
25 ~~39-22-703~~ SECTION 33-1-125 is continued or reestablished by the general
26 assembly 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 nongame conservation and wildlife**
3 **restoration cash fund - creation - disbursement of moneys - wildlife**
4 **rehabilitation grant program - authority and board created - process**
5 **- report - definition - repeal.** (1) (a) THERE IS HEREBY CREATED IN THE
6 STATE TREASURY THE COLORADO NONGAME CONSERVATION AND
7 WILDLIFE RESTORATION CASH FUND, REFERRED TO IN THIS SECTION AS THE
8 "FUND". THE FUND CONSISTS OF VOLUNTARY CONTRIBUTIONS MADE
9 THROUGH PART 7 OF ARTICLE 22 OF TITLE 39, LESS ANY APPROPRIATION TO
10 THE DEPARTMENT OF REVENUE PURSUANT TO SECTION 39-22-703, ANY
11 MONEYS CREDITED PURSUANT TO SECTION 33-6-105 (1)(a), AND ALL
12 INTEREST DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEYS IN
13 THE FUND AND CREDITED TO THE FUND BY THE STATE TREASURER. ALL
14 UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE FUND AT
15 THE END OF ANY FISCAL YEAR MUST REMAIN IN THE FUND AND SHALL NOT
16 REVERT BACK TO THE GENERAL FUND OR ANY OTHER FUND OR BE USED
17 FOR ANY PURPOSE OTHER THAN THE PURPOSES SET FORTH IN THIS SECTION.
18 THE DIVISION AND THE BOARD CREATED IN SUBSECTION (3) OF THIS
19 SECTION SHALL EXPEND MONEYS FROM THE FUND AS SPECIFIED IN, AND
20 FOR THE IMPLEMENTATION OF, THIS SECTION.

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

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

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

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

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

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

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

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

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

27 (3) (a) (I) THE POWERS OF THE AUTHORITY ARE VESTED IN A

1 BOARD OF DIRECTORS, REFERRED TO IN THIS SECTION AS THE "BOARD".
2 THE BOARD CONSISTS OF THE FOLLOWING SEVEN MEMBERS, EACH OF
3 WHOM IS APPOINTED BY THE DIRECTOR PURSUANT TO AN APPLICATION
4 PROCESS:

5 (A) TWO REPRESENTATIVES FROM PRIVATE-SECTOR COLORADO
6 WILDLIFE REHABILITATION ORGANIZATIONS;

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

9 (C) ONE EMPLOYEE OF THE DIVISION;

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

12 (E) ONE MEMBER OF A RECOGNIZED WILDLIFE CONSERVATION
13 ORGANIZATION WITH LOCAL AND NATIONAL AFFILIATES WHOSE MISSION
14 FOCUSES ON CONSERVATION AND RESTORATION OF NATURAL ECOSYSTEMS
15 AND ON HABITAT PROTECTION FOR BIODIVERSITY, AND WHOSE
16 MEMBERSHIP ENJOYS SIGNIFICANTLY NONCONSUMPTIVE USES OF WILDLIFE;
17 AND

18 (F) ONE MEMBER OF THE GENERAL PUBLIC WITH AN INTEREST IN
19 NONCONSUMPTIVE USES OF WILDLIFE OR WILDLIFE REHABILITATION.

20 (II) THE DIRECTOR SHALL ESTABLISH A PROCESS THROUGH WHICH
21 APPLICATIONS FOR APPOINTMENTS TO THE BOARD ARE DEVELOPED,
22 RECEIVED, AND EVALUATED.

23 (b) (I) EXCEPT AS PROVIDED IN SUBSECTION (3)(b)(II) OF THIS
24 SECTION, APPOINTMENTS TO THE BOARD ARE FOR THREE-YEAR TERMS.
25 EACH MEMBER SERVES AT THE PLEASURE OF THE DIRECTOR AND
26 CONTINUES IN OFFICE UNTIL THE MEMBER'S SUCCESSOR IS APPOINTED AND
27 QUALIFIED. THE DIRECTOR SHALL MAKE THE INITIAL APPOINTMENTS TO

1 THE BOARD NO LATER THAN SEPTEMBER 1, 2017.

2 (II) (A) THREE OF THE SEVEN INITIAL APPOINTMENTS UNDER
3 SUBSECTION (3)(a)(I) OF THIS SECTION ARE FOR A TERM OF TWO YEARS.
4 THE DIRECTOR SHALL SPECIFY WHICH OF THE APPOINTEES SERVE A
5 TWO-YEAR TERM WHEN HE OR SHE MAKES THE INITIAL APPOINTMENTS.
6 AFTER THE INITIAL TWO-YEAR TERMS, SUBSEQUENT APPOINTEES TO THOSE
7 POSITIONS SERVE THREE-YEAR TERMS.

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

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

16 (d) MEMBERS OF THE BOARD SERVE WITHOUT COMPENSATION FOR
17 ANY SERVICE PROVIDED TO THE AUTHORITY. MEMBERS DO NOT RECEIVE
18 ANY REIMBURSEMENT FROM THE BOARD FOR ANY EXPENSES INCURRED
19 FULFILLING THEIR RESPONSIBILITIES PURSUANT TO THIS SECTION.

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

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

25 (III) THE BOARD SHALL DEVELOP, ADOPT, AND IMPLEMENT
26 GUIDELINES AND PRACTICES FOR ITS OWN OPERATION AND FOR RECEIVING
27 AND EVALUATING APPLICATIONS FOR GRANT MONEYS FROM THE FUND IN

1 ACCORDANCE WITH SUBSECTION (4) OF THIS SECTION, INCLUDING
2 PRACTICES TO DETECT AND AVOID BOARD MEMBER CONFLICTS OF
3 INTEREST; THE TIMING OF THE APPLICATION SUBMISSIONS AND GRANT
4 DISBURSEMENT, WHICH TIMING MUST TAKE INTO ACCOUNT THE UNIQUE
5 SEASONAL DEMANDS PRESENTED BY WILDLIFE REHABILITATION EFFORTS;
6 AND CRITERIA TO SCORE OR OTHERWISE ASSESS GRANT APPLICATIONS.
7 NOTHING IN THIS SECTION AUTHORIZES THE BOARD TO PROMULGATE
8 RULES TO IMPLEMENT THIS SECTION.

9 (4) (a) (I) THE DIVISION SHALL EXPEND MONEYS FROM THE FUND,
10 PURSUANT TO RECOMMENDATIONS MADE BY THE BOARD, FOR THE
11 PURPOSE OF MAKING GRANTS TO WILDLIFE REHABILITATORS IN ORDER TO
12 FACILITATE WILDLIFE REHABILITATION IN COLORADO.

13 (II) AS USED IN THIS SECTION:

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

22 (B) "WILDLIFE REHABILITATOR" MEANS A PERSON LICENSED AS A
23 WILDLIFE REHABILITATOR BY THE DIVISION.

24 (b) NOTHING IN THIS SECTION REQUIRES A WILDLIFE
25 REHABILITATOR TO PROVIDE MATCHING FUNDS OR TO BE A REGISTERED
26 NONPROFIT ORGANIZATION PURSUANT TO SECTION 501 (c)(3) OF THE
27 INTERNAL REVENUE CODE AS A CONDITION TO APPLYING FOR OR

1 RECEIVING GRANT MONEYS.

2 (c) GRANTS ARE AWARDED FROM THE FUND IN ACCORDANCE WITH
3 A GRANT APPROVAL PROCESS DEVELOPED BY THE BOARD. A MEMBER OF
4 THE BOARD SHALL NOT VOTE ON ANY GRANT APPLICATION IN WHICH THE
5 MEMBER IS INTERESTED.

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

14 (e) GRANT MONEYS AWARDED UNDER THIS SUBSECTION (4) MAY
15 BE USED BY WILDLIFE REHABILITATORS FOR THE REHABILITATION OF BOTH
16 GAME AND NONGAME WILDLIFE SPECIES; EXCEPT THAT GRANT MONEYS
17 SHALL NOT BE USED TO REHABILITATE EXOTIC WILDLIFE.

18 (f) WILDLIFE REHABILITATORS MUST EXECUTE A CONTRACT WITH
19 THE DIVISION IN ORDER TO RECEIVE ANY GRANT MONEYS AWARDED. SUCH
20 CONTRACTS MUST REQUIRE, AT A MINIMUM, THAT REHABILITATION
21 PROJECTS FUNDED IN WHOLE OR IN PART THROUGH GRANT MONEYS WILL
22 BE PERFORMED OR MANAGED BY THE GRANTEE.

23 (g) GRANTEES SHALL SUBMIT ANNUAL REPORTS, IN ACCORDANCE
24 WITH A SCHEDULE DEVELOPED BY THE BOARD, TO THE DIVISION
25 DESCRIBING HOW GRANT MONEYS THEY RECEIVED HAVE BEEN EXPENDED.
26 THE DIVISION SHALL MAKE THE GRANT RECIPIENTS AND AMOUNTS AND
27 THE ANNUAL REPORTS AVAILABLE ON ITS OFFICIAL WEBSITE.

1 (5) THE BOARD IS SUBJECT TO THE "COLORADO OPEN RECORDS
2 ACT", PART 2 OF ARTICLE 72 OF TITLE 24, AND TO THE OPEN MEETINGS
3 PROVISIONS OF THE "COLORADO SUNSHINE ACT OF 1972" CONTAINED IN
4 PART 4 OF ARTICLE 6 OF TITLE 24. FOR PURPOSES OF THE "COLORADO
5 OPEN RECORDS ACT", PART 2 OF ARTICLE 72 OF TITLE 24, THE RECORDS
6 OF THE BOARD AND THE AUTHORITY ARE PUBLIC RECORDS.

7 **SECTION 3.** In Colorado Revised Statutes, 33-1-112, **amend** (6)
8 as follows:

9 **33-1-112. Funds - cost accounting - definition - repeal.** (6) The
10 cost of nongame programs established under articles 1 to 6 of this title
11 TITLE 33 shall be borne by the general fund, the ~~nongame and endangered~~
12 ~~wildlife~~ COLORADO NONGAME CONSERVATION AND WILDLIFE
13 RESTORATION cash fund, the wildlife cash fund, and any other sources
14 deemed appropriate by the general assembly.

15 **SECTION 4.** In Colorado Revised Statutes, 33-6-105, **amend**
16 (1)(a) as follows:

17 **33-6-105. Disposition of fines and surcharges.** (1) (a) Except
18 as otherwise provided in ~~paragraph (b) of this subsection (1)~~ SUBSECTION
19 (1)(b) OF THIS SECTION, all moneys collected for fines under articles 1 to
20 6 of this title TITLE 33, either by payment of a penalty assessment or
21 assessed by a court upon conviction and resulting from issuance of a
22 citation by a wildlife officer of the division of parks and wildlife, shall be
23 transmitted to the state treasurer, who shall credit one-half to the general
24 fund and one-half to the wildlife cash fund or, for offenses involving
25 nongame wildlife, to the ~~nongame and endangered wildlife~~ COLORADO
26 NONGAME CONSERVATION AND WILDLIFE RESTORATION cash fund.

27 **SECTION 5. Act subject to petition - effective date -**

1 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
2 the expiration of the ninety-day period after final adjournment of the
3 general assembly (August 9, 2017, if adjournment sine die is on May 10,
4 2017); except that, if a referendum petition is filed pursuant to section 1
5 (3) of article V of the state constitution against this act or an item, section,
6 or part of this act within such period, then the act, item, section, or part
7 will not take effect unless approved by the people at the general election
8 to be held in November 2018 and, in such case, will take effect on the
9 date of the official declaration of the vote thereon by the governor.

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