

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

ENGROSSED

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

LLS NO. 22-0231.01 Jennifer Berman x3286

HOUSE BILL 22-1072

HOUSE SPONSORSHIP

Will and Roberts,

SENATE SPONSORSHIP

Donovan and Simpson,

House Committees

Agriculture, Livestock, & Water
Appropriations

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE HABITAT PARTNERSHIP PROGRAM.

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://leg.colorado.gov>.)

The habitat partnership program (program) assists the division of parks and wildlife (division) with reducing wildlife conflicts and meeting game management objectives. **Section 1** of the bill:

- Authorizes the director of the division (director) to independently appoint members of the habitat partnership council (council) that, in part, advises local habitat partnership committees (committees) that help implement program objectives;

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

HOUSE
2nd Reading Unamended
February 18, 2022

- Expands the scope of the program to assist the division with private land conservation and wildlife migration corridor efforts;
- With respect to reducing wildlife conflicts, prioritizes conflicts that arise from forage and fence issues related to big game ungulate species, which are big game species that are hooved mammals;
- Authorizes the council to allocate an annual budget to each committee, subject to final approval by the director, and expend funds in areas of the state that are not covered by a committee;
- Requires the director to set terms for committee members; and
- Identifies the council and each committee as an independent organizational unit for purposes of purchasing, accounting, and procurement-related issues.

Section 2 clarifies that any balance of unexpended and unencumbered money in the habitat partnership cash fund (fund) at the end of a fiscal year that exceeds the amount transferred to the fund at the beginning of the fiscal year from the wildlife cash fund reverts to the wildlife cash fund. **Section 2** also continues the fund indefinitely.

Section 3 exempts the program from the "Procurement Code".

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 33-1-110, **amend**
 3 (7)(a), (8)(a), (8)(b), (8)(d)(VII), and (8)(e); and **add** (7)(c)(VII),
 4 (7)(c)(VIII), and (8)(c.5) as follows:

5 **33-1-110. Duties of the director of the division.** (7) (a) The
 6 director ~~with approval of the commission,~~ shall appoint a ~~committee~~
 7 COUNCIL of nine persons to act as the "habitat partnership council",
 8 referred to in this section as the "council". The council ~~shall have~~ HAS
 9 statewide responsibility and authority.

10 (c) The duties of the council are:

11 (VII) TO ALLOCATE AN ANNUAL BUDGET TO EACH LOCAL HABITAT
 12 PARTNERSHIP COMMITTEE AND SUBMIT EACH COMMITTEE'S BUDGET FOR
 13 THE DIRECTOR'S FINAL APPROVAL; AND

1 (VIII) TO EXPEND MONEY AS NECESSARY IN AREAS THAT ARE NOT
2 COVERED BY A LOCAL HABITAT PARTNERSHIP COMMITTEE FORMED
3 PURSUANT TO SUBSECTION (8)(b) OF THIS SECTION TO REDUCE WILDLIFE
4 AND LAND MANAGEMENT CONFLICTS AS THE CONFLICTS RELATE TO BIG
5 GAME UNGULATE SPECIES FORAGE AND FENCE ISSUES, ASSIST WITH
6 PRIVATE LAND CONSERVATION EFFORTS, ENHANCE WILDLIFE MIGRATION
7 CORRIDORS, AND IMPLEMENT OTHER MANAGEMENT OBJECTIVES.

8 (8) (a) The habitat partnership program is hereby created to assist
9 the division of ~~parks and wildlife~~ IN ITS DUTIES AS DEEMED APPROPRIATE
10 BY THE DIRECTOR:

11 (I) By working with private land managers, public land
12 management agencies, sports persons, and other interested parties to
13 reduce wildlife conflicts, particularly those associated with forage and
14 fence issues ~~and to assist~~ RELATED TO BIG GAME UNGULATE SPECIES;

15 (II) BY ASSISTING the division of ~~parks and wildlife~~ in meeting
16 game management objectives; ~~through duties as deemed appropriate by~~
17 ~~the director.~~

18 (III) BY ASSISTING WITH PRIVATE LAND CONSERVATION EFFORTS;
19 AND

20 (IV) IN ENHANCING WILDLIFE MIGRATION CORRIDORS.

21 (b) The director, ~~with the approval of the commission, shall have~~
22 ~~the authority to~~ MAY appoint a "habitat partnership committee", referred
23 to in this ~~section~~ SUBSECTION (8) as a "committee", in any area of the state
24 where conflicts between wildlife and private land owners and managers
25 engaged in the management of public and private land exist, AS THE
26 CONFLICTS RELATE TO BIG GAME UNGULATE SPECIES FORAGE AND FENCE
27 ISSUES.

1 (c.5) COMMENCING ON THE EFFECTIVE DATE OF THIS SUBSECTION
2 (8)(c.5), COMMITTEE MEMBERS SERVE FOR SET TERMS AS DETERMINED BY
3 THE DIRECTOR. IN SETTING COMMITTEE MEMBERS' TERMS, THE DIRECTOR
4 MUST PROVIDE FOR THE STAGGERING OF COMMITTEE MEMBERS' TERMS
5 AND MAY ALLOW COMMITTEE MEMBERS TO SERVE AN UNLIMITED NUMBER
6 OF TERMS.

7 (d) The duties of a committee are the following:

8 (VII) To reduce wildlife and land management conflicts as the
9 conflicts relate to big game UNGULATE SPECIES forage and fence issues,
10 ASSIST WITH PRIVATE LAND CONSERVATION EFFORTS, ENHANCE WILDLIFE
11 MIGRATION CORRIDORS, and ACHIEVE other management objectives.

12 (e) (I) ~~The A committee shall be authorized to~~ MAY procure from
13 land owners, land managers, or other providers materials or services AS
14 ARE necessary for carrying out activities identified in the distribution
15 management plans pursuant to ~~subparagraph (IV) of paragraph (d) of this~~
16 ~~subsection (8)~~ SUBSECTION (8)(d)(IV) OF THIS SECTION; except that ~~all~~
17 ~~such procurements~~ A COMMITTEE shall ~~be certified as~~ CERTIFY THAT A
18 PROCUREMENT IS within the scope of the activities and funding levels
19 authorized in ~~such~~ A distribution management ~~plans~~ PLAN before ~~any such~~
20 ~~procurement may be authorized~~ PROCURING THE MATERIALS OR SERVICES.

21 (II) FOR PURPOSES OF PURCHASING, ACCOUNTING, AND ALL
22 PROCUREMENT-RELATED ISSUES, THE COUNCIL AND EACH COMMITTEE IS
23 A SEPARATE, DISTINCT, AND INDEPENDENT ORGANIZATIONAL UNIT.

24 **SECTION 2.** In Colorado Revised Statutes, 33-1-112, **amend**
25 (8)(e)(III); and **repeal** (8)(e)(IV) as follows:

26 **33-1-112. Funds - cost accounting - definition - repeal.**
27 (8) (e) (III) ~~Any~~ THE balance OF UNEXPENDED AND UNENCUMBERED

1 MONEY in the habitat partnership cash fund at the end of ~~the~~ EACH STATE
2 fiscal year ~~shall~~ MUST not exceed the total amount of the wildlife cash
3 fund transfer from the beginning of that STATE fiscal year. Any ~~excess~~
4 ~~moneys shall revert~~ AMOUNT OF UNEXPENDED AND UNENCUMBERED
5 MONEY IN THE HABITAT PARTNERSHIP CASH FUND AT THE END OF A STATE
6 FISCAL YEAR THAT EXCEEDS THE AMOUNT TRANSFERRED TO THE FUND AT
7 THE BEGINNING OF THAT STATE FISCAL YEAR REVERTS to the wildlife cash
8 fund.

9 (IV) ~~This paragraph (c) is repealed, effective July 1, 2023.~~

10 **SECTION 3.** In Colorado Revised Statutes, 24-101-105, **amend**
11 (1)(a) introductory portion, (1)(a)(XIV), and (1)(a)(XV); and **add**
12 (1)(a)(XVI) as follows:

13 **24-101-105. Application of this code.** (1) (a) This code ~~shall~~
14 ~~apply~~ APPLIES to all publicly funded contracts entered into by all
15 governmental bodies of the executive branch of this state; except that this
16 code ~~shall~~ DOES not apply to:

17 (XIV) Annuities; ~~and~~

18 (XV) Real property or interest in real property; OR

19 (XVI) THE HABITAT PARTNERSHIP PROGRAM CREATED IN SECTION
20 33-1-110 (8)(a).

21 **SECTION 4. Act subject to petition - effective date.** This act
22 takes effect at 12:01 a.m. on the day following the expiration of the
23 ninety-day period after final adjournment of the general assembly; except
24 that, if a referendum petition is filed pursuant to section 1 (3) of article V
25 of the state constitution against this act or an item, section, or part of this
26 act within such period, then the act, item, section, or part will not take
27 effect unless approved by the people at the general election to be held in

- 1 November 2022 and, in such case, will take effect on the date of the
- 2 official declaration of the vote thereon by the governor.