

CHAPTER 286

**NATURAL RESOURCES**

**HOUSE BILL 96-1014**

BY REPRESENTATIVES Taylor, Entz, Schwarz, Acquafresca, Chlouber, Prinster, Reeser, and Young;  
also SENATORS Wattenberg, L. Powers, Johnson, Bishop, and Norton.

**AN ACT**

**CONCERNING MAINTENANCE OF WILDLIFE HABITAT BY THE DIVISION OF WILDLIFE, AND, IN CONNECTION THEREWITH, CONTINUING THE HABITAT PARTNERSHIP COUNCIL AND MAKING AN APPROPRIATION THEREFOR.**

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

**SECTION 1.** 33-1-110 (7) and (8), Colorado Revised Statutes, 1995 Repl. Vol., are amended, and the said 33-1-110 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

**33-1-110. Duties of the director of the division.** (6.5) THE DIRECTOR, FOLLOWING NOTIFICATION OF THE COMMISSION, SHALL AUTHORIZE AN EXPENDITURE NECESSARY TO PAY A LOCAL GOVERNING BODY FOR EXPENSES INCURRED PURSUANT TO SECTION 35-5.5-110 (3), C.R.S.

(7) (a) The director, with approval of the commission, shall appoint a committee of nine persons to act as the "habitat partnership council", referred to in this section as the "council". The council shall have statewide responsibility and authority.

(b) (I) The council shall consist of the following members: Two sportspersons who purchase big game licenses on a regular basis in Colorado; two persons representing livestock growers in Colorado; one person from the United States department of agriculture forest service; one person from the United States department of the interior bureau of land management; one person from the Colorado state university range extension program; one person representing agricultural crop producers; and one person from the Colorado division of wildlife. All persons on the council shall be residents of the state of Colorado.

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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.*

(II) Members of the council who will represent livestock growers and agricultural crop producers shall be chosen by the director from persons nominated by the local habitat partnership committees, pursuant to subparagraph (VI) of paragraph (c) of subsection (8) of this section.

(III) For the initial appointments to the council, the terms of the four members representing sportspersons and livestock growers shall be two years for one member of each group and four years for the other member of each group, after which all appointments shall be for four years. The term lengths for the members representing the various agencies shall be at the discretion of the respective agencies. There shall be no limit on the number of terms a member may serve.

(c) The duties of the council are the following:

(I) To advise local habitat partnership committees;

(II) To assist in the dissemination of information concerning the habitat partnership program;

(III) To review draft plans for compliance with program guidelines established by the commission and to recommend appropriate action by the commission;

(IV) To monitor program effectiveness and to propose to the commission changes in guidelines and land acquisition planning and review as appropriate;

(V) To certify to the state treasurer that payment vouchers submitted by local habitat partnership committees are consistent with distribution management plans approved by the wildlife commission. Such certification shall be the only requirement necessary to authorize the state treasurer to disburse funds from the habitat partnership cash fund.

(VI) To report to the commission and to the general assembly pursuant to section 33-1-112 (8).

(d) ~~This subsection (7) is repealed, effective July 1, 1996.~~

(8) (a) The director, with the approval of the commission, shall have the authority to appoint a "habitat partnership committee", referred to in this section as a "committee", in any area of the state where conflicts between wildlife and rangeland managers exist.

(b) A committee shall consist of the following members: One sportsperson who purchases big game licenses on a regular basis in Colorado; three persons representing livestock growers in the area of the state in which the committee is being established; one person from each of the federal agencies that has land management responsibilities in such area of the state; and one person from the Colorado division of wildlife. All persons on any such committee shall be residents of the state of Colorado.

(c) The duties of a committee are the following:

(I) To develop big game distribution management plans to resolve rangeland forage, GROWING HAY CROP, HARVESTED CROP AFTERMATH GRAZING, and fence conflicts subject to commission approval;

(II) To monitor program effectiveness and to propose to the council changes in guidelines and land acquisition planning and review as appropriate;

(III) To request for the committee, on an annual basis, funds from the council consistent with the distribution management plan developed by any such committee;

(IV) To expend funds allocated by the council or acquired from other sources as necessary to implement distribution management plans;

(V) To make an annual report of expenditures and accomplishments of the committee to the council by ~~July 1~~ AUGUST 15 of each year; ~~beginning July 1, 1993;~~

(VI) To nominate a person to act as a representative of agricultural livestock growers or crop producers to the habitat partnership council for the area of the state where such committee is organized.

(d) The committee shall be authorized to procure from land owners, land managers, or other providers, ~~agricultural~~ agricultural materials or services necessary for carrying out activities identified in the distribution management plans pursuant to subparagraph (IV) of paragraph (c) of this subsection (8); except that all such procurements shall be certified as within the scope of the activities and funding levels authorized in such distribution management plans before any such procurement may be authorized.

(e) ~~This subsection (8) is repealed, effective July 1, 1996.~~

**SECTION 2.** 33-1-112 (8), Colorado Revised Statutes, 1995 Repl. Vol., is amended to read:

**33-1-112. Funds and cost accounting.** (8) (a) There is hereby created in the state treasury the habitat partnership cash fund. The moneys in the habitat partnership cash fund shall consist of those moneys annually appropriated to the division of wildlife for the partnership program and any gifts, donations, and reimbursements made to the program from other sources. The moneys in the fund shall be used in accordance with the duties of the habitat partnership council as specified in section 33-1-110 (7) and (8), including, but not limited to, reasonable and necessary expenses incurred by council members in the fulfillment of their duties, as approved by the director. All interest derived from the investment of moneys in the habitat partnership cash fund shall be credited to the fund. Any balance remaining in the fund at the end of any fiscal year shall remain in the fund.

(b) The council shall submit an annual report to the commission, the senate and house agriculture committees, the executive director of the department of natural resources, and the general assembly specifically stating the items for which it has expended moneys from the fund and the purpose of such items.

(c) If the council ceases to exist, all moneys in the habitat partnership cash fund

shall revert to the wildlife cash fund.

(d) ~~This subsection (8) is repealed, effective July 1, 1996.~~

**SECTION 3.** 35-5.5-110 (3), Colorado Revised Statutes, 1995 Repl. Vol., is amended, and the said 35-5.5-110 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

**35-5.5-110. Public lands - control of undesirable plants - charges.** (3) In the event the state board, department, or agency fails to comply with the notice to control the identified undesirable plants or the management plan developed by the arbitration panel, the local governing body in whose jurisdiction the infestation is located may enter upon such lands and undertake the management of such undesirable plants or cause the same to be done, the expense thereof to be a proper charge against said state board, department, or agency which has jurisdiction over the lands. AN AGREEMENT FOR PAYMENT SHALL BE REACHED WITHIN TWO WEEKS AFTER THE DATE SUCH AN EXPENSE IS SUBMITTED, WITH RESPECT TO THE AMOUNT OF REIMBURSEMENT TO BE PAID. SUCH AGREEMENT SHALL BE IN WRITING. ~~If not paid;~~ IF NO AGREEMENT HAS BEEN REACHED, AND IF THE CHARGE IS NOT IMMEDIATELY PAID, such charge shall be submitted to the controller, who shall treat such amount as an encumbrance on the budget of the state board, department, or agency involved, or such charge may be recovered in any court with jurisdiction over such lands. Any state board, department, or agency may enter into a contract with the local governing body to authorize the management of undesirable plants on state-controlled land on terms and conditions satisfactory to both parties.

(4) IN ADDITION TO THE REQUIREMENTS OF SUBSECTION (3) OF THIS SECTION, THE DIVISION SHALL ENTER INTO AGREEMENTS WITH LOCAL GOVERNING BODIES FOR THE CONTROL OF WEEDS ON ANY PROPERTY THE DIVISION OWNS IN FEE TITLE OR HAS EFFECTIVE SURFACE CONTROL OVER PURSUANT TO A LONG-TERM LEASE OR EASEMENT AGREEMENT. FOR PURPOSES OF THIS SUBSECTION (4) AND SUBSECTION (5) OF THIS SECTION, "LONG-TERM LEASE OR EASEMENT AGREEMENT" MEANS ANY LEASE OR EASEMENT AGREEMENT THAT EXCEEDS TEN YEARS. AGREEMENTS BETWEEN THE DIVISION AND LOCAL GOVERNING BODIES FOR WEED CONTROL SHALL DESCRIBE THE TERMS AND CONDITIONS OF WEED CONTROL, PROVIDE AN ANNUAL ESTIMATED BUDGET FOR SUCH WEED CONTROL, AND IDENTIFY SPECIFIC WEED CONTROL RESPONSIBILITIES FOR THE DIVISION AND THE PROPERTY OWNER, IF DIFFERENT THAN THE DIVISION. WEED CONTROL AGREEMENTS REQUIRED PURSUANT TO THIS SUBSECTION (4) SHALL BE EXECUTED ON OR BEFORE JULY 1, 1997.

(5) ANY WEED CONTROL EXPENSE INCURRED BY A LOCAL GOVERNING BODY PURSUANT TO SUBSECTION (3) OF THIS SECTION ON ANY LANDS HELD BY THE DIVISION IN FEE TITLE OR BY LONG-TERM LEASE OR EASEMENT AGREEMENT, AS DESCRIBED IN SUBSECTION (4) OF THIS SECTION, AND FOR WHICH A WEED CONTROL AGREEMENT AS DESCRIBED IN SUBSECTION (4) OF THIS SECTION HAS BEEN SIGNED, AND WHICH COSTS ARE IN ACCORDANCE WITH THAT LONG-TERM AGREEMENT, SHALL BE DEEMED CORRECT AND FINAL AND SHALL BE PAID BY THE DIVISION PURSUANT TO SECTION 33-1-110 (6.5), C.R.S.

**SECTION 4. Appropriation.** In addition to any other appropriation, there is hereby appropriated, for the fiscal year beginning July 1, 1996, to the department of

natural resources, division of wildlife, out of any moneys in the wildlife cash fund not otherwise appropriated, the sum of nineteen thousand four hundred fifty-six dollars (\$19,456), or so much thereof as may be necessary, for the implementation of this act.

**SECTION 5. 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: June 3, 1996