

CHAPTER 207

NATURAL RESOURCES

SENATE BILL 01-006

BY SENATOR(S) Entz, Chlouber, Dyer (Durango), Arnold, Cairns, Epps, Evans, Hanna, Hillman, Lamborn, Musgrave, and Taylor;
also REPRESENTATIVE(S) Larson, Stengel, Hodge, Hoppe, Jameson, Rippy, Spradley, and Young.

AN ACT

CONCERNING THE CREATION OF THE HABITAT PARTNERSHIP PROGRAM, AND, IN CONNECTION THEREWITH, CHANGING THE DUTIES OF THE HABITAT PARTNERSHIP COUNCIL, HABITAT PARTNERSHIP COMMITTEE, AND DIRECTOR OF THE DIVISION OF WILDLIFE, AND FUNDING THE HABITAT PARTNERSHIP CASH FUND.

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

SECTION 1. 33-1-110 (7) (b) (II), (7) (c) (V), and (8), Colorado Revised Statutes, 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. (6.7) THE DIRECTOR SHALL CERTIFY TO THE STATE CONTROLLER THAT COMMITMENT OR PAYMENT VOUCHERS SUBMITTED BY LOCAL HABITAT PARTNERSHIP COMMITTEES ARE CONSISTENT WITH DISTRIBUTION MANAGEMENT PLANS AND GUIDELINES APPROVED BY THE WILDLIFE COMMISSION. SUCH CERTIFICATION SHALL BE THE ONLY REQUIREMENT NECESSARY TO AUTHORIZE THE STATE CONTROLLER TO DISBURSE FUNDS FROM THE HABITAT PARTNERSHIP CASH FUND.

(7) (b) (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)~~ (d) of subsection (8) of this section.

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

(V) To ~~certify to the state treasurer that~~ ADVISE THE DIRECTOR WHETHER OR NOT payment vouchers submitted by local habitat partnership committees are consistent

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

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.~~

(8) (a) THE HABITAT PARTNERSHIP PROGRAM IS HEREBY CREATED TO ASSIST THE DIVISION OF WILDLIFE BY WORKING WITH PRIVATE LAND MANAGERS, PUBLIC LAND MANAGEMENT AGENCIES, SPORTSPERSONS, AND OTHER INTERESTED PARTIES TO REDUCE WILDLIFE CONFLICTS, PARTICULARLY THOSE ASSOCIATED WITH FORAGE AND FENCE ISSUES, AND TO ASSIST THE DIVISION OF WILDLIFE IN MEETING GAME MANAGEMENT OBJECTIVES THROUGH DUTIES AS DEEMED APPROPRIATE BY THE DIRECTOR.

~~(a)~~ (b) 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~~ PRIVATE LAND OWNERS AND managers ENGAGED IN THE MANAGEMENT OF PUBLIC AND PRIVATE LAND exist.

~~(b)~~ (c) 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)~~ (d) 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 August 15 of each year;

(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;

(VII) TO REDUCE WILDLIFE AND LAND MANAGEMENT CONFLICTS AS THE CONFLICTS RELATE TO BIG GAME FORAGE AND FENCE ISSUES AND OTHER MANAGEMENT OBJECTIVES.

~~(e)~~ (e) The committee shall be authorized to procure from land owners, land managers, or other providers, materials or services necessary for carrying out activities identified in the distribution management plans pursuant to subparagraph (IV) of paragraph ~~(e)~~ (d) 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) (Deleted by amendment, p. 1727, § 1, effective June 3, 1996.)~~

SECTION 2. 33-1-112 (8) (a), Colorado Revised Statutes, is amended, and the said 33-1-112 (8) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

33-1-112. Funds and cost accounting - repeal. (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~~ TRANSFERRED FROM THE WILDLIFE CASH FUND IN ACCORDANCE WITH PARAGRAPH (e) OF THIS SUBSECTION (8) for the partnership program and any gifts, GRANTS, 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 SUBJECT TO THE LIMITATIONS PROVIDED IN PARAGRAPH (e) OF THIS SUBSECTION (8).

(e) (I) ON JULY 1, 2002, AND EACH YEAR THEREAFTER, THERE SHALL BE TRANSFERRED FROM THE WILDLIFE CASH FUND TO THE HABITAT PARTNERSHIP CASH FUND AN AMOUNT EQUAL TO FIVE PERCENT OF THE NET SALES OF BIG GAME LICENSES USED IN THE GEOGRAPHIC AREAS REPRESENTED BY LOCAL HABITAT PARTNERSHIP COMMITTEES FROM THE PREVIOUS CALENDAR YEAR.

(II) ALL MONEYS IN THE HABITAT PARTNERSHIP CASH FUND SHALL BE CONTINUOUSLY APPROPRIATED TO THE DIVISION OF WILDLIFE FOR THE PURPOSE OF FUNDING THE HABITAT PARTNERSHIP PROGRAM.

(III) ANY BALANCE IN THE HABITAT PARTNERSHIP CASH FUND AT THE END OF THE FISCAL YEAR SHALL NOT EXCEED THE TOTAL AMOUNT OF THE WILDLIFE CASH FUND TRANSFER FROM THE BEGINNING OF THAT FISCAL YEAR. ANY EXCESS MONEYS SHALL REVERT TO THE WILDLIFE CASH FUND.

(IV) THIS PARAGRAPH (e) IS REPEALED, EFFECTIVE JULY 1, 2007.

SECTION 3. Effective date. This act shall take effect July 1, 2002, unless a referendum petition is filed during the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution. If such a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part shall take effect on the specified date only if approved by the people.

Approved: May 30, 2001