

CHAPTER 243

NATURAL RESOURCES

SENATE BILL 13-175

BY SENATOR(S) Schwartz, Giron, Jones, Roberts, Hodge, Tochtrop, Aguilar, Crowder, Guzman, Heath, Hudak, Kefalas, Kerr, Newell, Nicholson, Steadman, Ulibarri, Morse;
also REPRESENTATIVE(S) Hamner and McLachlan, Coram, Fischer, Mitsch Bush, Rosenthal, Vigil, Fields, Ginal, Hullinghorst, Labuda, Moreno, Pettersen, Ryden, Salazar, Singer.

AN ACT

CONCERNING THE CONTINUATION OF PROGRAMS BENEFITING THE PRESERVATION OF WILDLIFE HABITAT, AND, IN CONNECTION THEREWITH, CONTINUING THE WILDLIFE HABITAT STAMP COMMITTEE.

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

SECTION 1. In Colorado Revised Statutes, 2-3-1203, **repeal** (3) (z.5) (I); and **add** (3) (nn) as follows:

2-3-1203. Sunset review of advisory committees. (3) The following dates are the dates for which the statutory authorization for the designated advisory committees is scheduled for repeal:

(z.5) December 31, 2013:

(I) ~~The Colorado wildlife habitat stamp committee created in section 33-4-102.7, C.R.S.;~~

(nn) JULY 1, 2027:

(I) THE COLORADO WILDLIFE HABITAT STAMP COMMITTEE CREATED IN SECTION 33-4-102.7, C.R.S.

SECTION 2. In Colorado Revised Statutes, 33-4-102.7, **amend** (1) (c), (4) (a), (4) (d), and (8) (a); and **repeal** (4) (b), (6), and (9) as follows:

33-4-102.7. Colorado wildlife habitat stamp - review committee - rules -

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

study - repeal. (1) The general assembly hereby finds, determines, and declares that:

(c) Priorities for the expenditure of funds generated from the sale of habitat stamps and Colorado wildlife passports shall include protecting big game winter range and migration corridors, acquiring public access to wildlife-related recreation, including fishing, hunting, and wildlife viewing, protecting habitat for species of concern, and preserving the diversity of wildlife enjoyed by Coloradans.

(4) (a) ~~(f)~~ All moneys received pursuant to the issuance of the Colorado wildlife habitat stamp shall be used for the benefit of wildlife habitat or access to wildlife habitat, including costs associated with the operation and maintenance, such as weed control and fencing, of THOSE lands PURCHASED IN FEE SIMPLE BY THE DIVISION OR THOSE ACCESS EASEMENTS ACQUIRED BY THE DIVISION under the Colorado wildlife habitat protection program. Revenues collected from the sale of the stamp are subject to annual appropriation. The Colorado wildlife habitat stamp review committee shall annually review proposed projects for expenditure of Colorado wildlife habitat stamp funds ~~including projects proposed pursuant to subparagraph (H) of this paragraph (a)~~, and make recommendations to the director and the commission. In consultation with the habitat stamp committee, the commission shall, in its discretion, ensure that, IN THE ALLOCATION OF REVENUES UNDER THIS SECTION, sufficient priority is given ~~to improve access for anglers to the waters of the state and~~ to conserve and protect winter range and vital habitats, INCLUDING MIGRATION CORRIDORS, for deer, elk, and other big game wildlife species; ~~in the allocation of revenues pursuant to this section~~ TO IMPROVE PUBLIC ACCESS FOR HUNTING, ACCESS FOR ANGLERS TO THE WATERS OF THE STATE, AND ACCESS FOR OTHER WILDLIFE-RELATED RECREATION; TO PROTECT HABITAT FOR SPECIES OF CONCERN; AND TO PRESERVE THE DIVERSITY OF WILDLIFE ENJOYED BY COLORADANS.

~~(H) Five hundred thousand dollars of moneys received from issuance of Colorado wildlife habitat stamps shall be made available annually for use by the Colorado water conservation board for the purposes and under such conditions described in this subparagraph (H). In order to qualify for habitat stamp moneys under this subparagraph (H), the Colorado water conservation board must have expended all moneys available for the costs of acquiring water, water rights, and interests in water for instream flow use from the moneys appropriated from the Colorado water conservation board construction fund for the current fiscal year pursuant to section 37-60-123.7, C.R.S. In such case, the Colorado water conservation board shall apply to the commission and the director for all or a portion of the five hundred thousand dollars, as needed, to acquire water, water rights, or interests in water pursuant to section 37-92-102 (3), C.R.S., and subject to the limitations on expenditures set forth in section 37-60-123.7, C.R.S. The commission may approve the application if, in the judgment of the commission, it is necessary, suitable, or proper for wildlife purposes or for the preservation or conservation of wildlife. Any approval shall contain a stipulation that the Colorado water conservation board return any excess or unexpended habitat stamp moneys, which moneys shall then be used toward the purposes set forth in subparagraph (I) of this paragraph (a).~~

~~(b) (f) On and after July 1, 2010, the commission is authorized to issue a Colorado wildlife passport, for which it may, by rule, charge a fee of not more than~~

~~twenty-five dollars. The amount charged for such passport shall include three dollars for the purchase of a Colorado outdoor recreation search and rescue card.~~

~~(H) There is hereby created in the state treasury the Colorado wildlife passport fund, referred to in this subparagraph (H) as the "fund", which fund shall consist of moneys received from issuance of Colorado wildlife passports pursuant to subparagraph (I) of this paragraph (b) and moneys otherwise donated to the habitat stamp program in the division. Moneys in the fund are subject to annual appropriation and may be used for costs associated with the operation and maintenance of lands under the Colorado wildlife habitat protection program administered by the division, to market sales of Colorado wildlife passports or otherwise encourage contributions for habitat protection or enhancement, and for the acquisition of interests in real property pursuant to paragraph (c) of this subsection (4). Any balance remaining in the fund at the end of any fiscal year shall remain in the fund and shall not be deposited in or transferred to the general fund or any other fund.~~

~~(d) No third-party conservation easement shall be obtained using proceeds from the sale of habitat stamps unless the requesting organization contributes at least fifteen percent of the purchase price of the easement or fifteen percent of the purchase price is secured using other sources of nondivision funding; except that, upon recommendation by the Colorado wildlife habitat stamp committee, the commission may approve the application of moneys from the Colorado wildlife passport fund pursuant to paragraph (b) of this subsection (4) toward all or a portion of said fifteen percent; however, if, in the commission's discretion, sufficient hunting or fishing access is provided, the fifteen percent contribution requirement may be waived.~~

~~(6) The commission may enter into a contract with a nonprofit conservation organization for the purpose of providing the form and design of the Colorado wildlife habitat stamp. Such contract shall provide that such nonprofit conservation organization shall select a form and design. At least one of the alternative pieces of artwork considered for final selection shall be the work of an artist who is a resident of Colorado. In addition, such contract shall designate the ownership of the publication rights for any art prints or other facsimiles of the Colorado wildlife habitat stamp and the disposition of any proceeds. The division shall not be an eligible contractor unless no contract can be negotiated with a nonprofit conservation organization.~~

~~(8) (a) This section is repealed, effective December 31, 2013 JULY 1, 2027.~~

~~(9) During the 2010 regular session of the general assembly, the house agriculture, livestock, and natural resources committee and the senate agriculture and natural resources committee, or their successor committees, shall meet jointly to study this section and the issues raised by the reengrossed version of Senate Bill 09-235. The committees shall meet as often as necessary, and at least once prior to June 1, 2010.~~

SECTION 3. In Colorado Revised Statutes, 33-4-102, **repeal** (1.6) (c) as follows:

33-4-102. Types of licenses and fees - rules - repeal. (1.6) (c) ~~The commission may, by appropriate rule, set fees for Colorado wildlife passports pursuant to section 33-4-102.7 (4) (b) (i).~~

SECTION 4. In Colorado Revised Statutes, 37-60-123.7, **repeal** (1.5) as follows:

~~**37-60-123.7. Acquisitions of water for instream flows.** (1.5) In any year that the board expends all of the moneys available for the costs of acquiring water, water rights, and interests in water for instream flow use from the moneys that have been appropriated for the current fiscal year from the Colorado water conservation board construction fund pursuant to this section, the board shall apply to the parks and wildlife commission for all or any portion of the five hundred thousand dollars from habitat stamp moneys made available pursuant to section 33-4-102.7 (4) (a) (II), C.R.S. Any habitat stamp moneys received shall be used to acquire water, water rights, or interests in water pursuant to section 37-92-102 (3), subject to the limitations set forth in this section.~~

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: May 18, 2013