



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

Fiscal Note

Drafting Number:	LLS 22-0287	Date:	January 27, 2022
Prime Sponsors:	Sen. Jaquez Lewis; Rep. Amabile; Duran	Bill Status:	Senate Agriculture
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Bill Topic: **PROHIBIT HUNTING BOBCAT LYNX & MOUNTAIN LION**

Summary of Fiscal Impact:	<input checked="" type="checkbox"/> State Revenue	<input type="checkbox"/> TABOR Refund
	<input checked="" type="checkbox"/> State Expenditure	<input type="checkbox"/> Local Government
	<input type="checkbox"/> State Transfer	<input type="checkbox"/> Statutory Public Entity

The bill prohibits hunting mountain lions, bobcats, or Canadian lynx and creates a new misdemeanor for violations. The bill reduces revenue and expenditures for Colorado Parks and Wildlife beginning with FY 2023-24.

Appropriation Summary: No appropriation is required.

Fiscal Note Status: The fiscal note reflects the introduced bill.

**Table 1
State Fiscal Impacts Under SB 22-031**

		Budget Year FY 2022-23	Out Year FY 2023-24
Revenue	Cash Funds	-	(\$270,000)
Expenditures	Cash Funds	-	(\$70,000)
Transfers		-	-
Other Budget Impacts		-	-

Summary of Legislation

The bill generally prohibits shooting, wounding, killing or trapping a bobcat, Canadian lynx, or mountain lion. The bill lists limited circumstances where exceptions to the prohibition are permitted. For example, a person may harm these wild cats to protect themselves from bodily harm, or a veterinarian or peace officer may conduct official duties that require otherwise prohibited acts. Ranchers and others must notify Colorado Parks and Wildlife (CPW) if these wild cats are harmed.

The bill makes it a class 5 felony to sell or purchase these wild cats, or solicit others to illegally hunt or take these wild cats for commercial gain. Violating the other prohibitions in the bill is a misdemeanor punishable by a fine of between \$500 and \$2,000, up to one year in the county jail or both, an assessment of 20 license suspension points, and civil restitution of \$700 for a mountain lion or bobcat and \$1,000 for a Canadian lynx. The Parks and Wildlife Commission may also suspend any or all license privileges of the person for up to five years.

Background

The Canadian lynx is currently listed as federally threatened and state endangered, which prohibits shooting, wounding, killing, or trapping lynx. This bill applies primarily to mountain lion and bobcats

Under current law, mountain lions are a big game species in Colorado. A hunting license for mountain lions is \$57.68 for residents and \$351.75 for nonresidents. In both FY 2019-20 and FY 2020-21, CPW sold about 2,600 mountain lion licenses and collected about \$270,000 in annual revenue. The three year average annual mountain lion mortality statistics are: 516 harvested, 64 for control purposes, and 67 for other causes. CPW reimburses landowners for damages caused by big game species including mountain lions which averages about \$70,000 per year.

Bobcats are defined as furbearers under current law and require either a furbearer license or small game license and a harvest permit. Licenses are \$30.87 for residents and \$84.96 for nonresidents, plus a \$10.00 harvest permit. Because these licenses cover a variety of animals, the license revenue is not specific to bobcats. In the 2018 season, 783 bobcats were harvested and in the 2019 season, 506 bobcats were harvested.

Comparable Crime Analysis

Legislative Council Staff is required to include certain information in the fiscal note for any bill that creates a new crime, changes the classification of an existing crime, or creates a new factual basis for an existing crime. The following sections outline data on crimes that are comparable to the offense in this bill and discuss assumptions on future rates of criminal convictions resulting from the bill.

Prior conviction data. This bill creates a new factual basis for the existing felony offense of illegal possession of wildlife. The bill also creates the new misdemeanor offense for violating the other provisions of the bill. From FY 2018-19 to FY 2020-21, 12 people have been convicted and sentenced for the illegal taking of wildlife. Of those persons convicted, all were male. Demographically, 7 were White, and 4 did not have a race identified. The fiscal note assumes a high degree of compliance, and therefore, the bill is not expected to have a tangible impact on criminal justice-related expenditures or revenue at the state or local levels. These potential impacts are not discussed further in this fiscal note.

State Revenue

The bill is expected to reduce annual state cash fund revenue by \$270,000 beginning in FY 2023-24 as explained below.

Colorado Parks and Wildlife. CPW is a state enterprise that obtains most operating revenue from cash sources such as license sales and fees. The bill is anticipated to reduce fee and surcharge revenue from mountain lion hunting licenses by \$270,000 in FY 2023-24 (see Technical Note). The bill is not anticipated to reduce the overall number of licenses sold for harvesting furbearing animals, so prohibiting the hunting of bobcats is not anticipated to impact fee revenue. Fee revenue to a state enterprise is not subject to TABOR.

State Expenditures

The bill will increase state workload and expenditures beginning in FY 2022-23 and reduce state cash fund expenditures by \$70,000 beginning in FY 2023-24 as explained below.

Colorado Parks and Wildlife. Beginning in FY 2022-23, this bill increases workload and costs in the CPW to update rules, provide outreach and education to the hunting community, address additional human-lion incidents, and to update websites, licensing documents, etc. CPW must also change existing online sales systems to remove current licenses for prohibited species. Beginning in FY 2023-24, expenditures to reimburse landowners for damages caused by big game species will be reduced by \$70,000 for damages caused by mountain lions. These changes do not require additional appropriations.

Technical Note

A big game hunting license is an annual license for April 1 through March 31. The bill's effective date of 90 days following final adjournment, presumably September 2022, and applicability to acts thereafter, would create the new prohibition and penalties half way through the 2022-23 hunting season, when licenses have already been legally issued. This fiscal note assumes that the bill becomes applicable on April 1, 2023, at the beginning of the 2023-24 hunting season.

Effective Date

The bill takes effect 90 days following adjournment of the General Assembly sine die, assuming no referendum petition is filed, and applies to offenses committed on or after that date.

State and Local Government Contacts

Agriculture
Law

Information Technology
Natural Resources

Judicial