

CHAPTER 150

NATURAL RESOURCES

SENATE BILL 24-161

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also REPRESENTATIVE(S) Lukens and Soper, Amabile, Bird, Boesenecker, Brown, Catlin, Daugherty, Duran, Froelich,
Hamrick, Hartsook, Joseph, Lieder, Lindsay, Lindstedt, Mauro, McCormick, Story, Titone, Valdez, Willford, Woodrow, Young,
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AN ACT

CONCERNING PARKS AND WILDLIFE PRODUCTS, AND, IN CONNECTION THEREWITH, MODIFYING LOW-INCOME SENIOR AND DISABLED VETERAN ELIGIBILITY REQUIREMENTS FOR CERTAIN LICENSES; AUTHORIZING THE PARKS AND WILDLIFE COMMISSION TO ESTABLISH, BY RULE, A HARVEST PERMIT SURCHARGE; AND ESTABLISHING PROCEDURES FOR HEARINGS CONDUCTED BY THE COMMISSION FOR THE DENIAL, SUSPENSION, OR REVOCATION OF A RIVER OUTFITTER LICENSE.

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

SECTION 1. In Colorado Revised Statutes, 33-1-102, **amend** (27.5) as follows:

33-1-102. Definitions - rules. As used in this title 33, unless the context otherwise requires:

(27.5) "Low-income senior" refers to an individual sixty-four years of age or older who shows proof of such fact to the division or license agent and who ~~shows proof to the division or license agent in the form of a federal or state income tax return from the immediately preceding calendar year that the federal taxable income of any such individual is at or below one hundred percent of the official poverty line for an individual or a family, as appropriate to the applicant, defined by the federal office of management and budget based on federal bureau of the census data. If said tax return is not available, a return for the year immediately preceding such year shall suffice. The division shall, for purposes of this subsection (27.5), inform license agents of the most current official poverty line in effect. If a person's income is at a level where such person is not required to file an income tax return, such individual shall sign a statement under penalty of perjury in the second degree to such effect, which statement shall be prescribed by the division and kept as required~~

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

by the division with the record of sale of any license pursuant to section 33-4-102 (1.4)(v). No such affidavit shall be required to be notarized MEETS THE INCOME ELIGIBILITY REQUIREMENTS ESTABLISHED BY THE COMMISSION BY RULE.

SECTION 2. In Colorado Revised Statutes, 33-4-102, **amend** (1.4)(e), (1.4)(v)(I), (1.4)(w), (1.4)(x), and (1.6)(b); and **add** (1.5)(c) as follows:

33-4-102. Types of licenses and fees - rules. (1.4) Except as otherwise provided in subsections (1.5) and (1.6) of this section, the division may issue the following resident and nonresident licenses and shall collect the following fees:

Fees

Resident Nonresident

(e) Senior, ages		
sixty-five SIXTY-FOUR and		
older, annual fishing	8.00	Not available
(v) (I) Resident low-income senior		
lifetime ANNUAL fishing	8.00	Not available
(w) Youth big game (deer, elk,		
pronghorn)	14.00 each	100.00 each
	13.75 EACH	99.75 EACH
(x) Youth small game hunting	1.25 1.00	1.25 1.00

(1.5) (c) EXCEPT FOR THE SENIOR ANNUAL FISHING LICENSE, RESIDENT LOW-INCOME FISHING LICENSE, YOUTH BIG GAME HUNTING LICENSE, ANNUAL COLORADO WILDLIFE HABITAT STAMP, LIFETIME COLORADO WILDLIFE STAMP, AND THE MIGRATORY WATERFOWL STAMP ISSUED IN ACCORDANCE WITH SUBSECTIONS (1.4) AND (1.5)(b) OF THIS SECTION, THE COMMISSION MAY, BY RULE, ASSESS A HARVEST PERMIT SURCHARGE IN AN AMOUNT NOT TO EXCEED FIVE DOLLARS FOR EACH SPECIES THAT MAY BE TAKEN UNDER ANY LICENSE LISTED IN SUBSECTIONS (1), (1.4), AND (1.5)(b) OF THIS SECTION THAT IS SOLD BY THE DIVISION OR ONE OF ITS LICENSE AGENTS PURSUANT TO SECTION 33-4-101 WHEN, AS DETERMINED BY THE COMMISSION BY RULE, DOING SO IS NECESSARY FOR THE PROPER MANAGEMENT OF THE DIVISION OR IS OTHERWISE BENEFICIAL TO THE MANAGEMENT OF STATE WILDLIFE RESOURCES.

(1.6) (b) (I) For a fee or surcharge described in articles 1 to 6 of this title 33, the commission may, by rule, adjust the fee or surcharge by an amount up to the total amount reflected by the annual percentage change in the United States department of labor's bureau of labor statistics consumer price index for Denver-Aurora-Lakewood for all items and all urban consumers, or its applicable

predecessor or successor index. The adjustment is not effective until the commission notifies the joint budget committee of the adjustment.

(II) (A) FOR A FEE FOR RESIDENT AND NONRESIDENT LICENSES DESCRIBED IN SECTION (1.4) OF THIS SECTION, THE COMMISSION MAY, BY RULE, ADJUST THE FEE BY AN AMOUNT UP TO THE TOTAL AMOUNT REFLECTED BY THE ANNUAL PERCENTAGE CHANGE IN THE UNITED STATES DEPARTMENT OF LABOR'S BUREAU OF LABOR STATISTICS CONSUMER PRICE INDEX FOR DENVER-AURORA-LAKEWOOD FOR ALL ITEMS AND ALL URBAN CONSUMERS, OR ITS SUCCESSOR INDEX.

(B) IF THE COMMISSION ADJUSTS A FEE IN ACCORDANCE WITH SUBSECTION (1.6)(b)(II)(A) OF THIS SECTION, THE COMMISSION SHALL BASE THE ADJUSTMENT ON THE PRICES FOR FEES AS THOSE PRICES WERE ESTABLISHED BY SENATE BILL 18-143, AS ENACTED IN 2018, AND DESCRIBED IN SUBSECTION (1.4) OF THIS SECTION.

(C) THE FEE ADJUSTMENT DESCRIBED IN THIS SUBSECTION (1.6)(b)(II) IS NOT EFFECTIVE UNTIL THE COMMISSION NOTIFIES THE JOINT BUDGET COMMITTEE OF THE ADJUSTMENT.

SECTION 3. In Colorado Revised Statutes, 33-4-104, **amend** (3)(b) as follows:

33-4-104. Free licenses issued - members or veterans of armed forces - when - rules - definition. (3) (b) ~~For the purposes of~~ AS USED IN this subsection (3), "disabled veteran" means an individual who is a resident, as defined in section 33-1-102 (38); has served on active duty in the armed forces; has been separated ~~therefrom~~ FROM THE ARMED FORCES under honorable conditions; and has established to the division of parks and wildlife the presence of a service-connected disability which has been rated by the veterans administration at ~~sixty~~ FIFTY percent or more through disability retirement benefits or a pension because of a public statute administered by the veterans administration or the department of the Army, Navy, or Air Force.

SECTION 4. In Colorado Revised Statutes, 33-4-117, **amend** (1) and (4) as follows:

33-4-117. Youth and young adult licenses - terminally ill hunters - special restrictions and privileges - rules. (1) A person under eighteen years of age may obtain a youth small game hunting license, issued ~~pursuant to~~ FOR THE FEE SPECIFIED IN section 33-4-102 (1.4)(x), upon showing a hunter education certificate as required by section 33-6-107 (8). ~~The fee for the license, as established in section 33-4-102 (1.4)(x), includes the backcountry search and rescue fund surcharge imposed under section 33-1-112.5 (2)(a).~~

(4) Youth big game licenses, entitling the holder to hunt deer, elk, or pronghorn, may be purchased by persons who are at least twelve years of age but under eighteen years of age for the fees specified in section 33-4-102 (1.4)(w). ~~Said fees include the backcountry search and rescue fund surcharge imposed under section 33-1-112.5 (2)(a).~~ Persons under sixteen years of age hunting deer, elk, or pronghorn must be accompanied by a person eighteen years of age or older as required by section 33-6-107 (4).

SECTION 5. In Colorado Revised Statutes, 33-10-107, **amend** (1) introductory portion and (1)(h) as follows:

33-10-107. Powers of commission - rules - definitions. (1) The commission ~~has power to~~ MAY:

(h) Establish by rule the amounts of fees for certificates, permits, licenses, and passes and any other special charges in order to provide for cash revenues necessary for the continuous operation of the state park and recreation system, subject to section 33-10-115; except that ~~such~~ fees shall not be used for capital construction other than controlled maintenance activities, ~~Except as provided in section 33-10-111 (1);~~ EXCEPT FOR REVENUES GENERATED FROM THE SALE OF KEEP COLORADO WILD PASSES CREATED IN SECTION 33-12-108. Fees and charges collected pursuant to this subsection (1)(h) shall be credited to the parks and outdoor recreation cash fund ~~created~~ in ACCORDANCE WITH section 33-10-111 (1).

SECTION 6. In Colorado Revised Statutes, 33-32-108, **amend** (3)(a)(III)(B) as follows:

33-32-108. Enforcement. (3) (a) (III) (B) Any hearing conducted pursuant to this ~~subparagraph (III)~~ SUBSECTION (3)(a)(III) shall be in accordance with ~~article 4 of title 24, C.R.S. SECTION 33-32-109 (3) AND (4).~~

SECTION 7. In Colorado Revised Statutes, 33-32-109, **amend** (1) introductory portion, (1)(d), (3), and (4) as follows:

33-32-109. Denial, suspension, or revocation of license - disciplinary actions.

(1) The commission, IN ACCORDANCE WITH SUBSECTION (3) OF THIS SECTION, may deny, suspend, or revoke a river outfitter license, place a licensed river outfitter on probation, or issue a letter of admonition to a licensed river outfitter if the applicant or LICENSE holder:

(d) Violates any provision of law regulating the practice of river outfitting in another jurisdiction if such violation resulted in disciplinary action against the applicant or LICENSE holder. Evidence of such disciplinary action shall be CONSIDERED prima facie evidence for the possible denial, SUSPENSION, OR REVOCATION of a license or other disciplinary action in this state if the violation resulting in the disciplinary action in such other jurisdiction would be grounds for disciplinary action in this state.

(3) (a) (I) Any proceeding to deny, suspend, or revoke a license granted under this ~~article~~ ARTICLE 32 or to place a licensee on probation shall be CONDUCTED pursuant to ~~sections 24-4-104 and 24-4-105, C.R.S.~~ THIS SUBSECTION (3) AND SUBSECTION (4) OF THIS SECTION. Such proceeding may be conducted by ~~an administrative law judge designated pursuant to part 10 of article 30 of title 24, C.R.S.~~ A HEARING OFFICER DESIGNATED BY THE COMMISSION PURSUANT TO THIS SUBSECTION (3).

(II) THE COMMISSION, WHEN BRINGING AN ACTION AGAINST A LICENSE HOLDER OR AN APPLICANT PURSUANT TO SUBSECTION (1) OF THIS SECTION, OR A HEARING OFFICER WHO HAS BEEN DELEGATED AUTHORITY BY THE COMMISSION, SHALL

PROVIDE THE LICENSE HOLDER OR APPLICANT NOTICE OF THE ACTION. SUCH NOTICE MUST:

(A) BE SENT BY CERTIFIED MAIL, WITH A RETURN RECEIPT REQUESTED;

(B) BE SENT TO THE LAST-KNOWN ADDRESS OF THE LICENSE HOLDER OR APPLICANT;

(C) STATE THE BASIS FOR THE ACTION UNDER SUBSECTION (1) OF THIS SECTION; AND

(D) INCLUDE THE DATE AND LOCATION OF THE HEARING.

(III) A LICENSE HOLDER OR AN APPLICANT WHO RECEIVES A NOTICE FROM THE COMMISSION PURSUANT TO SUBSECTION (3)(a)(II) OF THIS SECTION SHALL BE GIVEN THE OPPORTUNITY TO APPEAR AND DISPUTE THE COMMISSION'S ALLEGATION AND DEMONSTRATE AT THE HEARING WHY THE LICENSE HOLDER'S LICENSE SHOULD NOT BE SUSPENDED OR REVOKED, WHY THE LICENSE HOLDER SHOULD NOT BE PLACED ON PROBATION OR ISSUED A LETTER OF ADMONITION, OR WHY THE APPLICANT SHOULD NOT BE DENIED A LICENSE.

~~(b) (I) Any proceeding HEARING conducted pursuant to this subsection (3) shall be deemed final for purposes of judicial review. Any appeal of any such proceeding shall be made to the court of appeals pursuant to section 24-4-106 (11), C.R.S.~~ CONDUCTED BY A HEARING OFFICER ON BEHALF OF THE COMMISSION. THE DIRECTOR SHALL APPOINT THE HEARING OFFICER, WHO MAY BE AN EMPLOYEE OF THE DIVISION.

(II) ANY HEARING CONDUCTED PURSUANT TO THIS SECTION SHALL BE HELD IN THE REGIONAL OR AREA OFFICE OF THE DIVISION NEAREST TO THE LAST-KNOWN RESIDENCE OF THE LICENSE HOLDER OR APPLICANT OR, IN THE CASE OF A NONRESIDENT LICENSE HOLDER OR APPLICANT, IN SUCH OTHER LOCATION AS MAY BE DETERMINED BY THE DIVISION.

(c) IN CONDUCTING A HEARING PURSUANT TO THIS SUBSECTION (3), THE HEARING OFFICER MAY ADMINISTER OATHS AND AFFIRMATIONS, ISSUE SUBPOENAS FOR THE ATTENDANCE OF WITNESSES OR THE PRODUCTION OF DOCUMENTS, AND APPLY TO A DISTRICT COURT WITH PROPER JURISDICTION FOR THE ENFORCEMENT OF THOSE SUBPOENAS. THE HEARING OFFICER IS NOT SUBJECT TO PART 10 OF ARTICLE 30 OF TITLE 24.

(d) THE HEARING OFFICER'S DETERMINATION IN THE HEARING SHALL BE SENT TO THE LICENSE HOLDER OR APPLICANT BY CERTIFIED MAIL, WITH A RETURN RECEIPT REQUESTED, TO THE LICENSE HOLDER'S OR APPLICANT'S LAST-KNOWN ADDRESS WITHIN THIRTY DAYS AFTER THE CONCLUSION OF THE HEARING.

(e) A LICENSE HOLDER OR AN APPLICANT MAY APPEAL THE HEARING OFFICER'S DETERMINATION TO THE COMMISSION BY FILING A NOTICE OF APPEAL WITH THE COMMISSION WITHIN THIRTY-FIVE DAYS AFTER NOTICE OF THE HEARING OFFICER'S DETERMINATION IS SENT IN ACCORDANCE WITH SUBSECTION (3)(d) OF THIS SECTION.

(4) (a) The commission may deny an application for a river outfitter license or a renewal of a river outfitter's OUTFITTER license if the LICENSE HOLDER OR applicant:

(I) Does not meet the requirements specified in section 33-32-105 or 33-32-106;
OR

(II) COMMITS AN ACT DESCRIBED IN SUBSECTION (1) OF THIS SECTION.

(b) IF THE COMMISSION DENIES AN APPLICATION FOR A RIVER OUTFITTER LICENSE OR AN APPLICATION FOR A RENEWAL OF A RIVER OUTFITTER LICENSE, THE LICENSE HOLDER OR APPLICANT MAY REQUEST A HEARING IN ACCORDANCE WITH SUBSECTION (3) OF THIS SECTION WITHIN SIXTY DAYS AFTER THE DATE THAT THE APPLICATION WAS DENIED BY THE COMMISSION.

SECTION 8. Act subject to petition - effective date - applicability. (1) This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2024 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

(2) This act applies to licenses issued, applications submitted, and conduct occurring on or after January 1, 2025.

Approved: May 1, 2024