

CHAPTER 388

NATURAL RESOURCES

SENATE BILL 09-235

BY SENATOR(S) Gibbs and Isgar, Schwartz;
also REPRESENTATIVE(S) Merrifield, Fischer, Frangas, Labuda, Ryden, Schafer S.

AN ACT

CONCERNING CERTAIN FEES CHARGED BY THE DIVISION OF WILDLIFE.

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

SECTION 1. 33-4-102 (1.4) (aa), Colorado Revised Statutes, is amended to read:

33-4-102. Types of licenses and fees. (1.4) The division is authorized to issue the following resident and nonresident licenses and shall collect the following fees therefor, except as otherwise provided pursuant to subsection (1.6) of this section:

	Fees	
	Resident	Nonresident
(aa) "Lifetime" Colorado wildlife habitat stamp	200.00 300.00	200.00 300.00

SECTION 2. 33-4-102 (1.4) (z), Colorado Revised Statutes, is amended to read:

33-4-102. Types of licenses and fees. (1.4) The division is authorized to issue the following resident and nonresident licenses and shall collect the following fees therefor, except as otherwise provided pursuant to subsection (1.6) of this section:

	Fees	
	Resident	Nonresident
(z) Colorado wildlife habitat stamp, purchased in conjunction with the purchase of a hunting or fishing license	5.00 10.00	5.00 10.00

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

SECTION 3. 33-4-102 (1.6), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

33-4-102. Types of licenses and fees. (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. 33-4-102 (1.4) (y), Colorado Revised Statutes, is amended to read:

33-4-102. Types of licenses and fees - repeal. (1.4) The division is authorized to issue the following resident and nonresident licenses and shall collect the following fees therefor, except as otherwise provided pursuant to subsection (1.6) of this section:

	Fees	
	Resident	Nonresident
(y) (I) Colorado wildlife habitat stamp, purchased without a hunting or fishing license	10.00	10.00

(II) THIS PARAGRAPH (y) IS REPEALED, EFFECTIVE JULY 1, 2010.

SECTION 5. 33-4-102.7 (1), (2), (4), and (8), Colorado Revised Statutes, are amended, and the said 33-4-102.7 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

33-4-102.7. Colorado wildlife habitat stamp - review committee - Colorado wildlife passport created - Colorado wildlife passport fund - rules - study - repeal. (1) ~~A person nineteen years of age or older or under sixty-five years of age shall purchase a Colorado wildlife habitat stamp, or have purchased a lifetime Colorado wildlife habitat stamp, when purchasing a hunting or fishing license, other than a one-day license, or before entering any state wildlife areas. No person shall be required to purchase more than two Colorado wildlife habitat stamps within a calendar year. Any person acquiring a license issued pursuant to section 33-4-104 shall be issued a Colorado wildlife habitat stamp free of charge. A person who is mobility impaired as defined by the wildlife commission rules shall be issued a Colorado wildlife habitat stamp free of charge.~~ THE GENERAL ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES THAT:

(a) PROTECTING WILDLIFE HABITAT AND OBTAINING PUBLIC ACCESS ARE IMPORTANT ELEMENTS TO PRESERVING WILDLIFE AND WILDLIFE-RELATED RECREATIONAL OPPORTUNITIES IN COLORADO;

(b) THE GENERAL ASSEMBLY SPECIFICALLY RECOGNIZES THAT HUNTING OF BIG GAME SPECIES IS AN ACTIVITY THAT HUNDREDS OF THOUSANDS OF RESIDENTS AND VISITORS TO COLORADO ENJOY, WHICH CONTRIBUTES SIGNIFICANTLY TO STATE AND LOCAL ECONOMIES; AND

(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.

(1.5) A PERSON EIGHTEEN YEARS OF AGE OR OLDER AND UNDER SIXTY-FIVE YEARS OF AGE SHALL PURCHASE A COLORADO WILDLIFE HABITAT STAMP, OR SHALL HAVE PURCHASED A LIFETIME COLORADO WILDLIFE HABITAT STAMP, WHEN APPLYING FOR OR PURCHASING A HUNTING OR FISHING LICENSE. NO HABITAT STAMP PURCHASE SHALL BE REQUIRED PRIOR TO APPLICATION FOR OR PURCHASE OF SUCH PERSON'S FIRST TWO ONE-DAY HUNTING OR FISHING LICENSES, BUT A HABITAT STAMP SHALL BE PURCHASED PRIOR TO APPLYING FOR OR PURCHASING A THIRD ONE-DAY HUNTING OR FISHING LICENSE. UNTIL MARCH 31, 2011, NO PERSON SHALL BE REQUIRED TO PURCHASE MORE THAN TWO COLORADO WILDLIFE HABITAT STAMPS WITHIN A TWELVE-MONTH PERIOD. ON AND AFTER APRIL 1, 2011, NO PERSON SHALL BE REQUIRED TO PURCHASE MORE THAN ONE COLORADO WILDLIFE HABITAT STAMP WITHIN A TWELVE-MONTH PERIOD. ANY PERSON ACQUIRING A LICENSE ISSUED PURSUANT TO SECTION 33-4-104 AND ANY PERSON WHO IS MOBILITY-IMPAIRED, AS DEFINED BY WILDLIFE COMMISSION RULES, SHALL BE EXEMPTED FROM THE REQUIREMENT TO PURCHASE A COLORADO WILDLIFE HABITAT STAMP.

(2) Such stamp, or an authorized facsimile ~~thereof~~ OF SUCH STAMP, shall be in the possession of the person while hunting ~~fishing, or using state wildlife areas~~ OR FISHING.

(4) (a) (I) 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 ~~such~~ WILDLIFE habitat, INCLUDING COSTS ASSOCIATED WITH THE OPERATION AND MAINTENANCE, SUCH AS WEED CONTROL AND FENCING, OF LANDS UNDER THE COLORADO WILDLIFE HABITAT PROTECTION PROGRAM ADMINISTERED BY THE DIVISION. Revenues collected from the sale of the stamp shall be 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 (II) OF THIS PARAGRAPH (a), and make recommendations to the director and the wildlife commission. IN CONSULTATION WITH THE HABITAT STAMP COMMITTEE, THE WILDLIFE COMMISSION SHALL, IN ITS DISCRETION, ENSURE THAT 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 FOR DEER, ELK, AND OTHER BIG GAME WILDLIFE SPECIES IN THE ALLOCATION OF REVENUES PURSUANT TO THIS SECTION.

(II) 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 (II). IN ORDER TO QUALIFY FOR HABITAT STAMP MONEYS UNDER THIS SUBPARAGRAPH (II), 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 THIS 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) (I) 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.

(II) THERE IS HEREBY CREATED IN THE STATE TREASURY THE COLORADO WILDLIFE PASSPORT FUND, REFERRED TO IN THIS SUBPARAGRAPH (II) 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.

(c) Real property interest acquisitions made BY THE COMMISSION pursuant to this section shall emphasize the acquisition of easements and ensure that all other avenues are pursued prior to fee simple acquisition. ~~Fee~~ CONSERVATION EASEMENTS, AS DESCRIBED IN SECTION 38-30.5-104 (2), C.R.S., AND FEE simple title purchases are allowed. All fee simple title purchases made WITH REVENUES COLLECTED pursuant to this section, NOT INCLUDING PURCHASES OF WATER FOR MAINTENANCE OR ENHANCEMENT OF AQUATIC HABITATS, SUCH AS MINIMUM STORAGE POOLS OR DIRECT FLOW RIGHTS PURCHASED SPECIFICALLY TO PROTECT HABITAT, SHALL BE PRIMARILY FOR THE PURPOSE OF PROVIDING ACCESS TO THE PUBLIC FOR WILDLIFE-RELATED RECREATION, AND shall be MADE available to the public for hunting or fishing, subject to wildlife commission rules. ~~Conservation easements held by charitable organizations as defined in section 38-30.5-104 (2), C.R.S., are allowed.~~ The commission shall not use the power of eminent domain to obtain fee simple title or a conservation easement on real property. The commission shall comply with a seller's agreement or sections 33-1-105 and 33-1-105.5 prior to purchasing real property. Prior to December 31, 2010, a minimum of sixty percent of the moneys received from the sale of the Colorado

wildlife habitat stamp shall be spent to benefit big game winter range or big game migration corridors.

(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.

(8) (a) This section is repealed, effective December 31, ~~2010~~ 2013.

(b) Prior to such repeal, the committee created in this section shall be reviewed as provided for in section 2-3-1203, C.R.S.

SECTION 6. 33-4-102.7, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

33-4-102.7. Colorado wildlife habitat stamp - review committee - rules - repeal. (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 7. Repeal. 2-3-1203 (3) (w.5), Colorado Revised Statutes, is repealed 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:

(w.5) ~~December 31, 2010: The Colorado wildlife habitat stamp committee created in section 33-4-102.7, C.R.S.;~~

SECTION 8. 2-3-1203 (3), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

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: THE COLORADO WILDLIFE HABITAT STAMP COMMITTEE CREATED IN SECTION 33-4-102.7, C.R.S.;

SECTION 9. 37-60-123.7, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

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 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 10. Act subject to petition - effective date. (1) Sections 6 and 10 of this act, and subsection (2) of section 33-4-102.7, Colorado Revised Statutes, as amended under section 5 of this act, shall take effect at 12:01 a.m. on the day following the expiration of 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, (August 5, 2009, if adjournment sine die is on May 6, 2009); except that, if 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, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

(2) Sections 1 and 2 of this act shall take effect April 1, 2011.

(3) The remainder of this act shall take effect July 1, 2010.

Approved: June 2, 2009