

CHAPTER 337

NATURAL RESOURCES

SENATE BILL 99-214

BY SENATOR Dennis;
also REPRESENTATIVES Johnson, Alexander, Lawrence, McKay, Miller, Smith, Spradley, and Stengel.

AN ACT

CONCERNING THE FUNDING OF THE WILDLIFE MANAGEMENT PUBLIC EDUCATION ADVISORY COUNCIL,
AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

SECTION 1. 33-1-112 (3.5), Colorado Revised Statutes, is amended to read:

33-1-112. Funds and cost accounting. (3.5) (a) There is hereby created the wildlife management public education ~~account~~ FUND. Moneys in such ~~account~~ FUND shall consist of SUCH MONEYS AS THE GENERAL ASSEMBLY ALLOCATES TO THE FUND AND moneys collected from gifts, donations, CONTRIBUTIONS, BEQUESTS, GRANTS, and FUNDS OR reimbursements made from other sources to the wildlife management public education advisory council created in section 33-4-120.

(b) Moneys in the wildlife management public education ~~account~~ FUND SHALL BE SUBJECT TO ANNUAL APPROPRIATION AND shall be used by the wildlife management public education advisory council for carrying out its duties as set forth in section 33-4-120, including, but not limited to, the reasonable and necessary expenses incurred by council members in fulfilling their duties, as approved by the director.

(c) All receipts and interest derived from the investment of moneys in the wildlife management public education ~~account~~ FUND shall be credited to such ~~account~~ FUND.

SECTION 2. 33-4-101 (1) and (11), Colorado Revised Statutes, are amended to read:

33-4-101. License agents - reports - board of claims - penalty for failure to account. (1) The director may designate sole proprietors, partnerships, or corporations having permanent business locations in this state as license agents to

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

sell, at their permanent business locations, hunting, fishing, trapping, and other licenses of the division. License agents shall be paid a commission of five percent of all moneys collected for licenses sold. LICENSE AGENTS SHALL ACCEPT DONATIONS ON BEHALF OF THE DIVISION AS PROVIDED FOR IN SECTION 33-4-102 (8.5). All agents authorized to sell licenses shall keep accurate records of all sales of licenses AND OF ALL DONATIONS RECEIVED AS PROVIDED IN SECTION 33-4-102 (8.5) and shall make such reports to the division regarding license sales AND DONATIONS RECEIVED as may be required by the division. Such agents shall be required to give evidence of financial responsibility, in the form of a savings account, deposit, or certificate of deposit meeting the requirements of section 11-35-101, C.R.S., or an irrevocable letter of credit meeting the requirements of section 11-35-101.5, C.R.S., or a bond, in such amount as may be fixed by the division based upon performance criteria established by the wildlife commission by rule or regulation which may be less than the full value of consignment, in an amount adequate to ensure the remittance of all moneys collected from such license sales, less amounts allowed as commissions, and the making of reports required by the division. The commission may promulgate rules and regulations for the establishment and cancellation of license agencies. All license moneys received AND ALL DONATIONS RECEIVED AS PROVIDED IN SECTION 33-4-102 (8.5) shall be kept separate and apart from any other moneys of the agent authorized to sell licenses and shall at all times belong to the state. All moneys due from the sale of wildlife licenses AND ALL DONATIONS RECEIVED AS PROVIDED IN SECTION 33-4-102 (8.5) shall belong to the state and shall draw interest at the rate of one and one-half percent per month from the date due.

(11) Any license agent who fails, upon demand of the division, to account for licenses or who fails to pay over to the division or its authorized representative moneys received from the sales of licenses AND ALL DONATIONS RECEIVED AS PROVIDED IN SECTION 33-4-102 (8.5):

(a) When the amount in question is less than two hundred dollars, is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than one hundred dollars nor more than one thousand dollars, or by imprisonment in the county jail for not more than one year, or by both such fine and imprisonment;

(b) When the amount in question is two hundred dollars or more, commits a class 6 felony and shall be punished as provided in section 18-1-105, C.R.S., which punishment shall include a fine in an amount set out in section 18-1-105 (1) (a) (III), C.R.S.

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

33-4-102. Types of licenses and fees - repeal. (8.5) (a) ANY HUNTING OR FISHING LICENSE ISSUED BY THE DIVISION SHALL CONTAIN A CHECKOFF OPTION ALLOWING LICENSE APPLICANTS TO DONATE MONEY, IN ADDITION TO THE STATED LICENSE FEE, AS A VOLUNTARY CONTRIBUTION OR GIFT AS DEFINED IN SECTION 24-77-102 (6), C.R.S., TO THE WILDLIFE MANAGEMENT PUBLIC EDUCATION FUND CREATED IN SECTION 33-1-112 (3.5) (a) FOR PURPOSES OF FUNDING THE WILDLIFE MANAGEMENT PUBLIC EDUCATION ADVISORY COUNCIL CREATED IN SECTION 33-4-120. AS A VOLUNTARY CONTRIBUTION OR GIFT, SUCH A CHECKOFF OPTION SHALL NOT BE INCLUDED IN STATE FISCAL YEAR SPENDING PURSUANT TO SECTION 24-77-102 (17)

(b), C.R.S.

(b) ANY APPLICATION ISSUED AFTER JANUARY 1, 2000, FOR A LIMITED HUNTING OR FISHING LICENSE REQUIRING THE SUBMISSION OF AN APPLICATION TO THE DIVISION SHALL CONTAIN SUCH A CHECKOFF OPTION FOR FUNDING THE WILDLIFE MANAGEMENT PUBLIC EDUCATION ADVISORY COUNCIL.

(c) ANY HUNTING OR FISHING LICENSE ISSUED OVER THE COUNTER AND NOT REQUIRING THE SUBMISSION OF AN APPLICATION TO THE DIVISION SHALL CONTAIN A MECHANISM, AS SOON AS PRACTICABLE, FOR ALLOWING PURCHASERS TO DONATE MONEY TO FUND THE WILDLIFE MANAGEMENT PUBLIC EDUCATION ADVISORY COUNCIL.

(d) ALL REASONABLE COSTS INCURRED BY THE DIVISION IN THE DEVELOPMENT OF CHECKOFF OPTIONS PURSUANT TO PARAGRAPHS (b) AND (c) OF THIS SUBSECTION (8.5) SHALL BE PAID FOR OUT OF THE MONEYS DONATED PURSUANT TO THIS SUBSECTION (8.5). HOWEVER, NO MORE THAN TWENTY-FIVE PERCENT OF THE DONATIONS SHALL BE USED TO PAY FOR ONGOING, REASONABLE ADMINISTRATIVE COSTS ASSOCIATED WITH PROCESSING CHECKOFF DONATIONS.

(e) THIS SUBSECTION (8.5) IS REPEALED, EFFECTIVE JULY 1, 2009.

SECTION 4. 33-4-120 (1) (e) (III), Colorado Revised Statutes, is amended, and the said 33-4-120 (1) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

33-4-120. Wildlife management public education advisory council - creation - repeal. (1) (e) The council shall perform the following duties:

(III) Expend moneys from the wildlife management public education ~~account~~ FUND in accordance with the operational plan approved by the director; except that all such expenditures shall be within the scope of the activities and funding levels authorized in such operational plan.

(f) (I) THE COUNCIL SHALL RECEIVE REGULAR AND ONGOING PROMOTIONAL OR ADVERTISING SPACE IN ANY LICENSE BROCHURE OR EQUIVALENT PUBLICATION TO USE, AT ITS DISCRETION, TO SOLICIT DONATIONS.

(II) THIS PARAGRAPH (f) IS REPEALED, EFFECTIVE JULY 1, 2009.

SECTION 5. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the wildlife management public education fund created in section 33-1-112 (3.5) (a), Colorado Revised Statutes, not otherwise appropriated, to the department of natural resources, for allocation to the division of wildlife, for the fiscal year beginning July 1, 1999, the sum of sixty-three thousand two hundred sixty dollars (\$63,260), or so much thereof as may be necessary, for the implementation of this act.

(2) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the wildlife management public education fund created in section 33-1-112 (3.5) (a), Colorado Revised Statutes, not otherwise appropriated, to the department

of natural resources, for allocation to the wildlife management public education advisory council, for the fiscal year beginning July 1, 1999, the sum of one hundred fifty thousand dollars (\$150,000), or so much thereof as may be necessary, for the implementation of this act.

SECTION 6. Applicability. Section 4 of this act shall apply to new printings of license brochures or equivalent publications ordered on or after June 1, 1999.

SECTION 7. 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: June 4, 1999