

CHAPTER 226

NATURAL RESOURCES

SENATE BILL 03-290

BY SENATOR(S) Owen, Reeves, and Teck;
also REPRESENTATIVE(S) Young, Plant, Witwer, Stengel, and Williams S.

AN ACT

CONCERNING THE AUTHORITY OF THE BOARD OF PARKS AND OUTDOOR RECREATION REGARDING ITS BUDGET, AND, IN CONNECTION THEREWITH, ALLOWING THE BOARD TO ESTABLISH FEES BY RULE, CREATING A STORES REVOLVING FUND, AND MAKING AN APPROPRIATION.

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

SECTION 1. 33-10-111 (5) (a), Colorado Revised Statutes, is amended, and the said 33-10-111 (5) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

33-10-111. Parks and outdoor recreation cash fund created - accounting expenditures for roads and highways - repeal. (5) (a) Subject to the provisions of this subsection (5), the board may set fees by rule for the use of facilities and programs of the division, ~~The board may not set a different fee for any activity for which a fee is specifically set forth in section 33-12-102~~ INCLUDING DISCOUNTS FOR MARKETING PURPOSES. THE BOARD SHALL:

(I) BEFORE ADOPTING ANY SUCH RULE, PROVIDE THE GENERAL ASSEMBLY'S JOINT BUDGET COMMITTEE WITH THE PROPOSED RULE AND THE BOARD'S ANALYSIS OF THE PROPOSED RULE;

(II) BY NOVEMBER 1 OF EACH YEAR, SUBMIT A LIST OF SUCH FEES TO THE GENERAL ASSEMBLY'S JOINT BUDGET COMMITTEE, THE FINANCE COMMITTEES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES, THE HOUSE AGRICULTURE, LIVESTOCK, AND NATURAL RESOURCES COMMITTEE, AND THE SENATE AGRICULTURE, NATURAL RESOURCES AND ENERGY COMMITTEE.

(c) THIS SUBSECTION (5) IS REPEALED, EFFECTIVE JULY 1, 2007.

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 2. 33-12-102 (1.2) (a) and (1.5), Colorado Revised Statutes, are amended, and the said 33-12-102 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

33-12-102. Types of passes and registrations - fees - repeal. (1.2) (a) THE BOARD SHALL ESTABLISH BY RULE the fee for a senior citizen's aspen leaf annual pass ~~is ten dollars, effective January 1, 1992; except that~~ IN AN AMOUNT THAT IS DISCOUNTED AT LEAST TWENTY-FIVE PERCENT OFF THE COST OF THE REGULAR COMPARABLE PARKS ANNUAL PASS, AND the board by rule or as otherwise provided by law may reduce the amount of the fee if necessary pursuant to section 24-75-402 (3), C.R.S., to reduce the uncommitted reserves of the fund to which all or any portion of the fee is credited. After the uncommitted reserves of the fund are sufficiently reduced, the board by rule or as otherwise provided by law may increase the amount of the fee as provided in section 24-75-402 (4), C.R.S.

(1.5) THE BOARD SHALL ESTABLISH BY RULE the fee for a disabled visitor's columbine annual pass ~~shall be an amount equal to twenty-five percent of the annual vehicle entrance fee set by the board pursuant to section 33-10-111 (5)~~ IN AN AMOUNT THAT IS DISCOUNTED AT LEAST TWENTY-FIVE PERCENT OFF THE COST OF THE REGULAR COMPARABLE PARKS ANNUAL PASS.

(3) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2007.

SECTION 3. Repeal. 33-10-111 (5) (b) (III) and (5) (b) (IV), Colorado Revised Statutes, are repealed as follows:

33-10-111. Parks and outdoor recreation cash fund created - accounting expenditures for roads and highways. (5) (b) (III) ~~The board may increase any fee by an amount that does not exceed the current amount of the fee multiplied by the average annual percentage of allowable increase in state fiscal year spending, as determined in accordance with section 24-77-103 (2) (a), C.R.S., since the fiscal year 1997-98, compounded annually.~~

(IV) ~~Subject to the limitation on its fee setting authority contained in paragraph (a) of this subsection (5), in order to manage the public's demand for services provided by the board, on and after July 1, 2001, the board may promulgate rules to:~~

~~(A) Set lower fees for particular facilities owned or operated by the board by any amount deemed necessary by the board; and~~

~~(B) Charge a park capacity fee on particular specified days or during particular specified seasons of up to four dollars at any park at which the board has determined that visitation or other capacity issues have significantly affected the park's resources and visitor experience. The board shall determine whether such capacity fee will be charged in conjunction with another fee or fees or be charged independently of any other fee. Once established, the board may increase any such park capacity fee subject to subparagraph (III) of this paragraph (b).~~

SECTION 4. 33-10-111.5, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

33-10-111.5. Parks and outdoor recreation emergency reserve cash fund - stores revolving fund - created. (4) THERE IS HEREBY CREATED A STORES REVOLVING FUND IN THE AMOUNT OF TWO HUNDRED THOUSAND DOLLARS, WHICH AMOUNT SHALL BE MAINTAINED TO ACQUIRE STOCK FOR WAREHOUSING AND DISTRIBUTING SUPPLIES FOR RETAIL SALES TO VISITORS. ON JULY 1, 2003, THE STATE TREASURER SHALL TRANSFER TWO HUNDRED THOUSAND DOLLARS FROM THE PARKS AND OUTDOOR RECREATION CASH FUND TO THE REVOLVING FUND. THE MONEYS IN SUCH FUND SHALL UNDER NO CIRCUMSTANCES BE USED FOR THE PAYMENT OF OPERATING EXPENSES BUT SHALL BE MAINTAINED INTACT AS A REVOLVING FUND OF TWO HUNDRED THOUSAND DOLLARS, COMPOSED OF THE FOLLOWING ASSETS: CASH, ACCOUNTS RECEIVABLE, AND INVENTORY SUPPLIES. THE PURPOSE OF THE FUND IS TO PROVIDE BETTER BUDGETARY CONTROL, AND NOTHING CONTAINED IN THIS SUBSECTION (4) SHALL AUTHORIZE THE DIVISION TO MAKE ANY PURCHASES OR ACQUISITIONS IN ANY MANNER EXCEPT AS PROVIDED BY LAW. ANY SURPLUS IN THE REVOLVING FUND IN EXCESS OF TWO HUNDRED THOUSAND DOLLARS SHALL REVERT TO THE PARKS AND OUTDOOR RECREATION CASH FUND AT THE CLOSE OF EACH FISCAL YEAR.

SECTION 5. 33-12-103 (1), Colorado Revised Statutes, is amended to read:

33-12-103. Aspen leaf annual pass. (1) A resident of this state as defined in section 33-10-102 (21) ~~who is sixty-two years of age or older~~ may obtain from the division an aspen leaf annual pass, which shall be valid for the calendar year in which issued. THE AGE OF ELIGIBILITY FOR THE ASPEN LEAF PASS SHALL BE DETERMINED BY THE BOARD. Except as provided by rule of the board, for the purpose of this section, the aspen leaf annual pass holder must own in whole or in part any vehicle used to enter a park area. ~~The board shall adopt such rule by November 1, 1998.~~ An aspen leaf pass shall entitle the holder to enter state park and recreation areas for all days of the year WHEN SUCH AREAS ARE OPEN. ~~Such pass shall also entitle the holder to the use of division campgrounds for all days of the year except weekends and holidays. For the purpose of this section, "weekend" means the time period beginning at 12 noon on Friday through 12 noon on Sunday, and "holiday" shall mean the time period beginning at 12 noon on the day prior to the legal holiday through 12 midnight of the legal holiday. Any resident possessing such pass during the time period when such pass is valid shall pay no other fee.~~

SECTION 6. 33-12-104 (1), (9), and (10), Colorado Revised Statutes, are amended to read:

33-12-104. Pass and registration agents - reports - board of claims - unlawful acts. (1) The director may designate sole proprietors, partnerships, or corporations having permanent business locations in this state as pass and registration agents to sell, at their permanent business locations, passes and registrations. Pass and registration agents shall be paid a commission ~~of five percent of~~ ON all moneys collected for passes and registrations sold by such agents IN AN AMOUNT DETERMINED BY THE BOARD BY RULE. All agents authorized to sell passes and registrations shall keep accurate records of all sales of passes and registrations and shall make such reports to the division regarding pass and registration sales as may be required. 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 to insure the remittance of all moneys collected from such pass and registration sales, less amounts allowed as commissions, and the making of reports required by the division. The board may promulgate rules ~~and regulations~~ for the establishment and cancellation of pass and registration agencies. All pass and registration moneys received shall be kept separate and apart from any other moneys of the agent authorized to sell passes and registrations and shall at all times belong to the state. All moneys due from the sale of passes and registrations shall belong to the state and shall draw interest at the rate of one and one-half percent per month from the time that the agency is cancelled by the division until paid.

(9) The board may promulgate rules ~~and regulations~~ for the cash sale of passes and registrations ~~at a price which is discounted five percent from the face value thereof, to pass and registration agents of the division for resale to the public. at the face value stated on such a pass or registration.~~ Only agents of the division in good standing may qualify to purchase and sell under this subsection (9); except that no evidence of financial responsibility shall be required to qualify under this subsection (9). A post or base exchange of the United States government located in Colorado may qualify as an agent for the purpose of this subsection (9). Failure to comply with all applicable rules ~~and regulations~~ of the board and lawful directives of the division regarding pass and registration agents shall be grounds for the suspension or termination of such an agent, and, upon suspension or termination, all unsold passes and registrations shall be returned immediately to the division for return of cash in the amount paid by the agent for the passes and registrations. The board, in connection with a program ~~which~~ THAT it may adopt under this subsection (9), shall provide for redemption by the division, at least annually, of any unsold passes and registrations in the amount paid by the agent for such unsold passes and registrations. The provisions of subsections (1) to (8) of this section, except the provisions of subsection (1) regarding the designation of pass and registration agents, shall not apply to passes and registrations sold under this subsection (9).

(10) The board may authorize certain employees to sell passes and registrations ~~for the face value thereof~~ at the headquarters and regional offices of the division. Such employees are not entitled to ~~five percent~~ A DISCOUNT OFF of the face value of the passes and registrations and are not required to give evidence of financial responsibility. Such employees may make claims under oath for relief from responsibility for passes and registrations or moneys ~~which~~ THAT have been lost, stolen, or destroyed and for which the employees are unable to account in accordance with the provisions of subsections (4) to (8) of this section.

SECTION 7. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the stores revolving fund created in section 33-10-111.5 (4), Colorado Revised Statutes, not otherwise appropriated, to the department of natural resources, division of parks and outdoor recreation, for the fiscal year beginning July 1, 2003, the sum of two hundred thousand dollars (\$200,000), or so much thereof as may be necessary, for the implementation of this act.

SECTION 8. 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 1, 2003