

CHAPTER 136

NATURAL RESOURCES

HOUSE BILL 05-1266

BY REPRESENTATIVE(S) Stengel, Curry, Lindstrom, Madden, McGihon, and Sullivan;
also SENATOR(S) Isgar and Tupa.

AN ACT

CONCERNING AN INCREASE IN CERTAIN WILDLIFE FEES, AND, IN CONNECTION THEREWITH, INCREASING SUCH WILDLIFE FEES OTHER THAN NONRESIDENT BIG GAME LICENSE FEES, ESTABLISHING A COLORADO WILDLIFE HABITAT STAMP, AND PROVIDING A REVENUE SOURCE FOR THE WILDLIFE MANAGEMENT PUBLIC EDUCATION ADVISORY COUNCIL.

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

SECTION 1. 33-4-102 (1) (v), (1) (w), (1.4), (1.5), (1.6) (b), (3), and (8.5), Colorado Revised Statutes, are amended, and the said 33-4-102 (1) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

33-4-102. Types of licenses and fees. (1) Except as otherwise provided in subsection (1.6) of this section, the division is authorized to issue the following resident and nonresident licenses and shall collect the following fees therefor:

	Fees	
	Resident	Nonresident
(v) Possession of 3 YR POSSESSION/HUNTING raptor license	\$35.00 \$100.00	NOT AVAILABLE
(w) Falconry hunting ANNUAL POSSESSION/HUNTING RAPTOR license	NOT AVAILABLE	\$32.50 \$55.00
(y) PEREGRINE FALCON CAPTURE LICENSE	\$200.00	NOT AVAILABLE

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

(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
(a) Extra rod stamp	\$ 4.00 5.00	\$ 4.00 5.00
(b) Fishing - 1 day	5.00 8.00	5.00 8.00
(c) Fishing - 5 days	10.00 NOT AVAILABLE	18.00 20.00
(d) Fishing - annual	15.00 25.00	40.00 55.00
(e) Senior annual fishing	7.50 FREE	Not available
(f) Small game hunting	10.00 20.00	40.00 55.00
(g) Small game - 1 day	5.00 10.00	5.00 10.00
(h) Furbearer license	20.00 25.00	200.00
(i) (Deleted by amendment, L. 94, p. 1320, § 3, effective May 22, 1994.)		
(j) Turkey, FALL	10.00 15.00	75.00 100.00
(j.3) TURKEY, SPRING	20.00	100.00
(1.6) TURKEY (YOUTH)	10.00	75.00
(k) Combination fishing and small game hunting	20.00 40.00	Not available
(l) Antelope PRONGHORN	20.00 30.00	270.00
(m) Bear, fall	30.00 40.00	450.00
(n) Repealed.		
(o) Deer	20.00 30.00	270.00
(p) Elk	30.00 45.00	450.00
(q) Mountain goat	150.00 250.00	1,500.00
(r) Moose	200.00 250.00	1,500.00
(s) Mountain lion	30.00 40.00	450.00

(t) Rocky mountain bighorn sheep	150.00 250.00	1,500.00
(u) Desert bighorn sheep	200.00 250.00	1,000.00
(v) (I) Resident low-income senior lifetime fishing	2.00	Not available
(II) (Deleted by amendment, L. 97, p. 766, § 1, effective May 1, 1997.)		
(w) Youth big game (deer, elk, antelope PRONGHORN)	10.00 each	100.00 each
(x) Youth small game hunting	1.00	1.00
(y) COLORADO WILDLIFE HABITAT STAMP, PURCHASED WITHOUT A HUNTING OR FISHING LICENSE	10.00	10.00
(z) COLORADO WILDLIFE HABITAT STAMP, PURCHASED IN CONJUNCTION WITH THE PURCHASE OF A HUNTING OR FISHING LICENSE	5.00	5.00
(aa) "LIFETIME" COLORADO WILDLIFE HABITAT STAMP	200.00	200.00

(1.5) ~~Except as otherwise provided in subsection (1.6) of this section, effective January 1, 1992, the division is authorized to collect these fees for the following resident licenses: Fishing - annual \$20.00; small game hunting - \$15.00; combination fishing and hunting - \$30.00; senior annual fishing - \$10.00; fishing - 5 days - \$18.00.~~

(1.6) (b) The nonresident big game fees described in subsection (1.4) of this section shall annually be adjusted in accordance with changes in the United States bureau of labor statistics consumer price index for the ~~Denver-Boulder~~ DENVER-BOULDER-GREELEY consolidated metropolitan statistical area for all urban consumers AND all goods, or its successor index. Such adjustment shall not be effective until the commission notifies the joint budget committee of such adjustment.

(3) Any license issued by the division for which a fee is not provided in subsection (1) or (2) of this section shall not exceed ~~twenty~~ FORTY dollars.

(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.~~ EXCEPT FOR THE ANNUAL COLORADO WILDLIFE HABITAT

STAMP AND THE LIFETIME COLORADO WILDLIFE STAMP, A SURCHARGE OF SEVENTY-FIVE CENTS SHALL BE ASSESSED ON EACH LICENSE LISTED IN SUBSECTION (1.4) OF THIS SECTION THAT IS SOLD BY THE DIVISION OR ONE OF ITS LICENSE AGENTS PURSUANT TO SECTION 33-4-101. REVENUES DERIVED FROM THE ASSESSMENT OF SUCH SURCHARGE, TOGETHER WITH ANY INTEREST EARNED THEREON, SHALL BE DEPOSITED IN THE WILDLIFE MANAGEMENT PUBLIC EDUCATION FUND CREATED IN SECTION 33-1-112 (3.5) (a).

~~(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 2. 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. (15) NOTWITHSTANDING ANY PROVISION OF THIS ARTICLE TO THE CONTRARY, REVENUE GENERATED FROM THE FEES INCREASED BY HOUSE BILL 05-1266, ENACTED AT THE FIRST REGULAR SESSION OF THE SIXTY-FIFTH GENERAL ASSEMBLY, SHALL BE USED TO IMPLEMENT KEY PRIORITIES IN THE COMMISSION'S STRATEGIC PLAN.

SECTION 3. Article 4 of title 33, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

33-4-102.7. Colorado wildlife habitat stamp - review committee - rules - sunset provisions - 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, C.R.S., 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.

(2) SUCH STAMP, OR AN AUTHORIZED FACSIMILE THEREOF, SHALL BE IN THE POSSESSION OF THE PERSON WHILE HUNTING, FISHING, OR USING STATE WILDLIFE AREAS.

(3) FEES FOR EACH STAMP SHALL BE AS ESTABLISHED IN SECTION 33-4-102 (1.4).

(4) 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 HABITAT. 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 AND MAKE RECOMMENDATIONS TO THE DIRECTOR AND THE WILDLIFE COMMISSION. REAL PROPERTY INTEREST ACQUISITIONS MADE PURSUANT TO THIS SECTION SHALL EMPHASIZE THE ACQUISITION OF EASEMENTS AND ENSURE THAT ALL OTHER AVENUES ARE PURSUED PRIOR TO FEE SIMPLE ACQUISITION. FEE SIMPLE TITLE PURCHASES ARE ALLOWED. ALL FEE SIMPLE TITLE PURCHASES MADE PURSUANT TO THIS SECTION SHALL BE 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, C.R.S., 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.

(5) THE COLORADO WILDLIFE HABITAT STAMP COMMITTEE IS HEREBY CREATED. THE COMMITTEE SHALL BE COMPOSED OF: FOUR SPORTSPERSONS; TWO REPRESENTATIVES OF NATIONAL OR REGIONALLY RECOGNIZED CONSERVATION ORGANIZATIONS WHOSE MISSIONS ARE FOCUSED ON NONGAME WILDLIFE AND WHOSE MEMBERSHIP IS COMPOSED PRIMARILY OF NONGAME WILDLIFE USERS; TWO LANDOWNERS ACTIVELY ENGAGED IN AGRICULTURE; ONE CITIZEN AT LARGE; AND TWO DIVISION OF WILDLIFE REPRESENTATIVES AS EX OFFICIO MEMBERS, AT LEAST ONE OF WHOM SHALL BE A WILDLIFE BIOLOGIST. THE SPORTSPERSONS SHALL BE REPRESENTATIVE OF THE FOUR QUADRANTS OF THE STATE. MEMBERS SHALL BE APPOINTED BY THE GOVERNOR AND CONFIRMED BY THE SENATE. STAGGERED APPOINTMENTS SHALL BE MADE SO THAT NOT MORE THAN TWO MEMBERS' TERMS EXPIRE IN ANY ONE YEAR, AND THEREAFTER APPOINTMENTS SHALL BE FOR TERMS OF FOUR YEARS EACH. MEMBERS SHALL BE LIMITED TO TWO CONSECUTIVE FOUR-YEAR TERMS.

(6) THE COMMISSION MAY ENTER INTO A CONTRACT WITH A NONPROFIT CONSERVATION ORGANIZATION FOR THE PURPOSE OF PROVIDING THE FORM AND DESIGN OF THE COLORADO WILDLIFE HABITAT STAMP. SUCH CONTRACT SHALL PROVIDE THAT SUCH NONPROFIT CONSERVATION ORGANIZATION SHALL SELECT A FORM AND DESIGN. AT LEAST ONE OF THE ALTERNATIVE PIECES OF ARTWORK CONSIDERED FOR FINAL SELECTION SHALL BE THE WORK OF AN ARTIST WHO IS A RESIDENT OF COLORADO. IN ADDITION, SUCH CONTRACT SHALL DESIGNATE THE OWNERSHIP OF THE PUBLICATION RIGHTS FOR ANY ART PRINTS OR OTHER FACSIMILES

OF THE COLORADO WILDLIFE HABITAT STAMP AND THE DISPOSITION OF ANY PROCEEDS. THE DIVISION SHALL NOT BE AN ELIGIBLE CONTRACTOR UNLESS NO CONTRACT CAN BE NEGOTIATED WITH A NONPROFIT CONSERVATION ORGANIZATION.

(7) THE COMMISSION MAY ADOPT RULES CONCERNING THE COLORADO WILDLIFE HABITAT STAMP.

(8) (a) THIS SECTION IS REPEALED, EFFECTIVE DECEMBER 31, 2010.

(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 4. 33-1-112 (3.5) (a), Colorado Revised Statutes, is amended to read:

33-1-112. Funds and cost accounting - repeal. (3.5) (a) There is hereby created the wildlife management public education fund. Moneys in such fund shall consist of THE SURCHARGE AUTHORIZED BY SECTION 33-4-102 (8.5), 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.

SECTION 5. 33-1-112.5 (2) (a), Colorado Revised Statutes, is amended to read:

33-1-112.5. Search and rescue fund. (2) (a) A surcharge of twenty-five cents shall be assessed on each ~~hunting and each fishing~~ license listed in section 33-4-102 (1) AND (1.4) ~~and (1.5)~~ that is sold by the division or one of its license agents pursuant to section 33-4-101. Receipts and interest from the surcharge shall be deposited in the search and rescue fund created in subsection (1) of this section.

SECTION 6. 33-4-101 (1) and the introductory portion to 33-4-101 (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 as license agents to sell hunting, fishing, trapping, and other licenses of the division. License agents shall be paid a commission, in an amount to be determined by rule by the commission, on 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)~~:

SECTION 7. The introductory portion to 33-4-103 (1) and 33-4-103 (3) (c) (I), Colorado Revised Statutes, are amended to read:

33-4-103. Landowner preference for hunting license. (1) Any landowner in Colorado is entitled to landowner preference for licenses permitting the hunting of deer, elk, or ~~antelope~~ PRONGHORN when the following qualifications are met:

(3) (c) (I) A landowner that applies to participate in the wildlife conservation application program shall have issued to that landowner applications for licenses permitting the hunting of deer, elk, ~~antelope~~ PRONGHORN, and such other species, except for moose, rocky mountain big horn sheep, desert big horn sheep, and rocky mountain goat, as determined by the commission to meet animal management objectives for the game management unit in which the property lies, as long as such species inhabited the land for which a license is requested during the greater portion of the year previous to the application. These applications shall be issued under the restrictions set forth in this subsection (3) and as a first priority for licenses over the preferences issued under subsections (1) and (2) of this section. Fifteen percent of the total number of licenses established for the game management unit where firearm hunting licenses are totally limited for the species for which the license is requested shall be made available to landowners who meet the qualifications of this section.

SECTION 8. 33-4-116.5 (1) (a), (1) (b) (III), (2) (a) (III), and (2) (b), Colorado Revised Statutes, are amended to read:

33-4-116.5. Auction or raffle of deer, elk, and pronghorn licenses - use of proceeds. (1) (a) The division is authorized to issue up to four male or female deer licenses, four male or female elk licenses, and four male or female ~~antelope~~ PRONGHORN licenses each year through a competitive auction or raffle. The commission shall promulgate rules pertaining to the license and the conduct of the auction or raffle.

(b) (III) A nonprofit organization involved in the conservation of ~~antelope~~ PRONGHORN may be authorized by the commission to conduct the license auction or raffle for the ~~antelope~~ PRONGHORN.

(2) (a) (III) All proceeds remaining from the auction or raffle of ~~antelope~~ PRONGHORN licenses, whether conducted by the commission or as otherwise authorized by the commission, shall be used only for the benefit of ~~antelope~~

PRONGHORN research, educational projects, management, or habitat development; except that habitat development shall not include land acquisitions.

(b) The proceeds from the auctions or raffles shall be used for special projects and shall be in addition to any other moneys used for the management of deer, elk, or ~~antelope~~ PRONGHORN.

SECTION 9. 33-4-117 (4), Colorado Revised Statutes, is amended to read:

33-4-117. Youth licenses - special restrictions and privileges. (4) Youth big game licenses, entitling the holder to hunt deer, elk, or ~~antelope~~ PRONGHORN, may be purchased by persons twelve to fifteen years of age for the fees specified in section 33-4-102 (1.4) (w). Said fees include the search and rescue fund surcharge imposed under section 33-1-112.5 (2) (a). Persons under sixteen years of age hunting deer, elk, or ~~antelope~~ PRONGHORN must be accompanied by a person eighteen years of age or older as required by section 33-6-107 (4).

SECTION 10. 33-6-109 (3) (d), Colorado Revised Statutes, is amended to read:

33-6-109. Wildlife - illegal possession. (3) Any person who violates subsection (1) or (2) of this section is guilty of a misdemeanor and, depending upon the wildlife involved, shall be punished upon conviction by a fine or imprisonment, or both, and license suspension points or suspension or revocation of license privileges as follows:

(d) For each ~~antelope~~ PRONGHORN, deer, or big game species as defined in the state or country of origin and not listed in paragraph (a), (b), or (c) of this subsection (3), a fine of seven hundred dollars and an assessment of fifteen points.

SECTION 11. 33-6-110 (1) (c), Colorado Revised Statutes, is amended to read:

33-6-110. Division action to recover possession and value of wildlife unlawfully taken. (1) The division may bring and maintain a civil action against any person, in the name of the people of the state, to recover possession or value or both possession and value of any wildlife taken in violation of articles 1 to 6 of this title. A writ of replevin may issue in such an action without bond. No previous demand for possession shall be necessary. If costs or damages are adjudged in favor of the defendant, the same shall be paid out of the wildlife cash fund. Neither the pendency of such civil action nor a criminal prosecution for the same taking shall be a bar to the other; nor shall anything in this section affect the right of seizure under other provisions of articles 1 to 6 of this title. The following shall be considered the minimum value of the wildlife unlawfully taken or possessed and may be recovered in addition to recovery of possession of the wildlife:

(c) For each ~~antelope~~ PRONGHORN, deer, black bear, or mountain lion . \$ 500

SECTION 12. The introductory portion to 33-6-121 (1), Colorado Revised Statutes, is amended to read:

33-6-121. Hunters to wear daylight fluorescent orange garments. (1) Unless otherwise provided by commission rule, it is unlawful for any person to hunt or take elk, deer, ~~antelope~~ PRONGHORN, moose, or black bear with any firearm unless such

person is wearing daylight fluorescent orange garments that meet the following requirements:

SECTION 13. 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:

(w.5) DECEMBER 31, 2010: THE COLORADO WILDLIFE HABITAT STAMP COMMITTEE CREATED IN SECTION 33-4-102.7, C.R.S.

SECTION 14. No appropriation. The general assembly has determined that this act can be implemented within existing appropriations, and therefore no separate appropriation of state moneys is necessary to carry out the purposes of this act.

SECTION 15. Effective date. This act shall take effect January 1, 2006.

SECTION 16. 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 4, 2005