

Second Regular Session
Sixty-fourth General Assembly
STATE OF COLORADO

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 04-0237.01 Thomas Morris

HOUSE BILL 04-1208

HOUSE SPONSORSHIP

Stengel,

SENATE SPONSORSHIP

Teck,

House Committees

Agriculture, Livestock, & Natural Resources
Finance

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING AN INCREASE IN WILDLIFE LICENSE FEES OTHER THAN**
102 **NONRESIDENT BIG GAME LICENSE FEES, AND, IN CONNECTION**
103 **THEREWITH, PROVIDING A REVENUE SOURCE FOR AND**
104 **EXTENDING THE REPEAL DATE OF THE WILDLIFE MANAGEMENT**
105 **PUBLIC EDUCATION ADVISORY COUNCIL.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Raises most of the statutory wildlife license fees, other than nonresident big game license fees, and annually adjusts the fees in accordance with changes in the consumer price index for the Denver-Boulder metropolitan area.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

HOUSE
Amended 2nd Reading
February 16, 2004

Funds the wildlife management public education advisory council with a 75¢ license fee surcharge and repeals the voluntary checkoff for donations to the council. Extends the repeal date of the council to July 1, 2009.

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 to read:

33-4-102. Types of licenses and fees - repeal. (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 raptor license	\$35.00 70.00	NOT AVAILABLE
(w) Falconry hunting license	NOT AVAILABLE	\$32.50 65.00

(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 30.00
(d) Fishing - annual	15.00 25.00	40.00 60.00
(e) Senior annual fishing	7.50 10.00	Not available
(f) Small game hunting	10.00 20.00	40.00 50.00
(g) Small game - 1 day	5.00 10.00	5.00 10.00

1	(h) Furbearer license			
2	SMALL GAME - 5 DAYS	20.00	NOT AVAILABLE	200.00 30.00
3	(i) (Deleted by amendment, L. 94, p. 1320, § 3, effective May 22,			
4	1994.)			
5	(j) Turkey	10.00	20.00	75.00 100.00
6	(k) Combination fishing and			
7	small game hunting	20.00	40.00	Not available
8	(l) Antelope PRONGHORN	20.00	40.00	270.00
9	(m) Bear, fall	30.00	50.00	450.00
10	(n) Repealed.			
11	(o) Deer	20.00	30.00	270.00
12	(p) Elk BULL	30.00	50.00	450.00
13	(p.5) ELK COW	40.00		450.00
14	(q) Mountain goat	150.00	300.00	1,500.00
15	(r) Moose	200.00	300.00	1,500.00
16	(s) Mountain lion	30.00	50.00	450.00
17	(t) Rocky mountain bighorn			
18	sheep	150.00	300.00	1,500.00
19	(u) Desert bighorn sheep	200.00	300.00	1,000.00
20	(v) (I) Resident low-income senior			
21	lifetime fishing	2.00		Not available
22	(II) (Deleted by amendment, L. 97, p. 766, § 1, effective May 1,			
23	1997.)			
24	(w) Youth big game	10.00	each	100.00 each
25	(deer, elk, antelope PRONGHORN)			
26	(x) Youth small game			
27	hunting	1.00		1.00

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

6 (1.6) (b) (I) The ~~nonresident big game~~ fees described in
7 subsection (1.4) of this section shall annually be adjusted in accordance
8 with changes in the United States bureau of labor statistics consumer
9 price index for the ~~Denver-Boulder~~ DENVER-BOULDER-GREELEY
10 consolidated metropolitan statistical area for all urban consumers AND all
11 goods, or its successor index. Such adjustment shall not be effective until
12 the commission notifies the joint budget committee of such adjustment.

13 (II) BY DECEMBER 1, 2009, AND BY EVERY FIFTH ANNIVERSARY OF
14 SUCH DATE, THE STATE AUDITOR SHALL SUBMIT A REPORT TO THE
15 LEGISLATIVE AUDIT COMMITTEE, THE PURPOSE OF WHICH IS TO REVIEW THE
16 CONSUMER PRICE INDEX ADJUSTMENTS MADE PURSUANT TO THIS
17 PARAGRAPH (b). THE REPORT SHALL ALSO INCLUDE A SUMMARY OF
18 REVENUES RECEIVED THROUGH THE APPLICATION OF THESE ADJUSTMENTS
19 OVER THE PREVIOUS FIVE-YEAR PERIOD.

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

23 (8.5) (a) ~~Any hunting or fishing license issued by the division~~
24 ~~shall contain a checkoff option allowing license applicants to donate~~
25 ~~money, in addition to the stated license fee, as a voluntary contribution~~
26 ~~or gift as defined in section 24-77-102 (6), C.R.S., to the wildlife~~
27 ~~management public education fund created in section 33-1-112 (3.5) (a)~~

1 ~~for purposes of funding the wildlife management public education~~
2 ~~advisory council created in section 33-4-120. As a voluntary contribution~~
3 ~~or gift, such a checkoff option shall not be included in state fiscal year~~
4 ~~spending pursuant to section 24-77-102 (17) (b), C.R.S. A SURCHARGE~~
5 ~~OF SEVENTY-FIVE CENTS SHALL BE ASSESSED ON EACH HUNTING AND EACH~~
6 ~~FISHING LICENSE LISTED IN SUBSECTION (1.4) OF THIS SECTION THAT IS~~
7 ~~SOLD BY THE DIVISION OR ONE OF ITS LICENSE AGENTS PURSUANT TO~~
8 ~~SECTION 33-4-101. RECEIPTS AND INTEREST FROM THE SURCHARGE SHALL~~
9 ~~BE DEPOSITED IN THE WILDLIFE MANAGEMENT PUBLIC EDUCATION FUND~~
10 ~~CREATED IN SECTION 33-1-112 (3.5) (a).~~

11 (b) ~~Any application issued after January 1, 2000, for a limited~~
12 ~~hunting or fishing license requiring the submission of an application to~~
13 ~~the division shall contain such a checkoff option for funding the wildlife~~
14 ~~management public education advisory council.~~

15 (c) ~~Any hunting or fishing license issued over the counter and not~~
16 ~~requiring the submission of an application to the division shall contain a~~
17 ~~mechanism, as soon as practicable, for allowing purchasers to donate~~
18 ~~money to fund the wildlife management public education advisory~~
19 ~~council.~~

20 (d) ~~All reasonable costs incurred by the division in the~~
21 ~~development of checkoff options pursuant to paragraphs (b) and (c) of~~
22 ~~this subsection (8.5) shall be paid for out of the moneys donated pursuant~~
23 ~~to this subsection (8.5). However, no more than twenty-five percent of~~
24 ~~the donations shall be used to pay for ongoing, reasonable administrative~~
25 ~~costs associated with processing checkoff donations.~~

26 (e) This subsection (8.5) is repealed, effective July 1, 2009.

27 **SECTION 2.** 33-4-120 (3) (a), Colorado Revised Statutes, is

1 amended to read:

2 **33-4-120. Wildlife management public education advisory**
3 **council - creation - repeal.** (3) (a) This section is repealed, effective
4 July 1, ~~2005~~ 2009.

5 **SECTION 3.** 33-1-112 (3.5) (a), Colorado Revised Statutes, is
6 amended to read:

7 **33-1-112. Funds and cost accounting - repeal.** (3.5) (a) There
8 is hereby created the wildlife management public education fund.
9 Moneys in such fund shall consist of THE SURCHARGE AUTHORIZED BY
10 SECTION 33-4-102 (8.5), such moneys as the general assembly allocates
11 to the fund, and moneys collected from gifts, donations, contributions,
12 bequests, grants, and funds or reimbursements made from other sources
13 to the wildlife management public education advisory council created in
14 section 33-4-120.

15 **SECTION 4.** 33-1-112.5 (2) (a), Colorado Revised Statutes, is
16 amended to read:

17 **33-1-112.5. Search and rescue fund - transfer of duties.**
18 (2) (a) A surcharge of twenty-five cents shall be assessed on each
19 hunting and each fishing license listed in section 33-4-102 (1) AND (1.4)
20 ~~and (1.5)~~ that is sold by the division or one of its license agents pursuant
21 to section 33-4-101. Receipts and interest from the surcharge shall be
22 deposited in the search and rescue fund created in subsection (1) of this
23 section.

24 **SECTION 5.** 33-4-101 (1) and the introductory portion to
25 33-4-101 (11), Colorado Revised Statutes, are amended to read:

26 **33-4-101. License agents - reports - board of claims - penalty**
27 **for failure to account.** (1) The director may designate sole proprietors,

1 partnerships, or corporations as license agents to sell hunting, fishing,
2 trapping, and other licenses of the division. License agents shall be paid
3 a commission, in an amount to be determined by rule by the commission,
4 on all moneys collected for licenses sold. ~~License agents shall accept~~
5 ~~donations on behalf of the division as provided for in section 33-4-102~~
6 ~~(8.5)~~. All agents authorized to sell licenses shall keep accurate records
7 of all sales of licenses ~~and of all donations received as provided in section~~
8 ~~33-4-102 (8.5)~~ and shall make such reports to the division regarding
9 license sales ~~and donations received~~ as may be required by the division.
10 Such agents shall be required to give evidence of financial responsibility,
11 in the form of a savings account, deposit, or certificate of deposit meeting
12 the requirements of section 11-35-101, C.R.S., or an irrevocable letter of
13 credit meeting the requirements of section 11-35-101.5, C.R.S., or a
14 bond, in such amount as may be fixed by the division based upon
15 performance criteria established by the wildlife commission by rule, ~~or~~
16 ~~regulation~~ which may be less than the full value of consignment, in an
17 amount adequate to ensure the remittance of all moneys collected from
18 such license sales, less amounts allowed as commissions, and the making
19 of reports required by the division. The commission may promulgate
20 rules ~~and regulations~~ for the establishment and cancellation of license
21 agencies. All license moneys received ~~and all donations received as~~
22 ~~provided in section 33-4-102 (8.5)~~ shall be kept separate and apart from
23 any other moneys of the agent authorized to sell licenses and shall at all
24 times belong to the state. All moneys due from the sale of wildlife
25 licenses ~~and all donations received as provided in section 33-4-102 (8.5)~~
26 shall belong to the state and shall draw interest at the rate of one and
27 one-half percent per month from the date due.

1 (11) Any license agent who fails, upon demand of the division, to
2 account for licenses or who fails to pay over to the division or its
3 authorized representative moneys received from the sales of licenses: ~~and~~
4 ~~all donations received as provided in section 33-4-102 (8.5):~~

5 **SECTION 6. Effective date.** (1) This act shall take effect
6 January 1, 2005.

7 (2) However, if a referendum petition is filed against this act or
8 an item, section, or part of this act during the 90-day period after final
9 adjournment of the general assembly that is allowed for submitting a
10 referendum petition pursuant to article V, section 1 (3) of the state
11 constitution, then the act, item, section, or part, shall not take effect
12 unless approved by the people at a biennial regular general election and
13 shall take effect on the date specified in subsection (1) or on the date of
14 the official declaration of the vote thereon by proclamation of the
15 governor, whichever is later.