

Second Regular Session
Sixty-fourth General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 04-0237.01 Thomas Morris

HOUSE BILL 04-1208

HOUSE SPONSORSHIP

Stengel,

SENATE SPONSORSHIP

(None),

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.

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.

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

2 **SECTION 1.** 33-4-102 (1.4), (1.5), (1.6) (b), and (8.5), Colorado
3 Revised Statutes, are amended to read:

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

	Fees	
	Resident	Nonresident
10 (a) Extra rod stamp	\$ 4.00 5.00	\$ 4.00 5.00
11 (b) Fishing - 1 day	5.00 8.00	5.00 8.00
12 (c) Fishing - 5 days	10.00 NOT AVAILABLE	18.00 30.00
13 (d) Fishing - annual	15.00 25.00	40.00 60.00
14 (e) Senior annual fishing	7.50 10.00	Not available
15 (f) Small game hunting	10.00 20.00	40.00 50.00
16 (g) Small game - 1 day	5.00 10.00	5.00 10.00
17 (h) Furbearer license		
18 SMALL GAME - 5 DAYS	20.00 NOT AVAILABLE	200.00 30.00
19 (i) (Deleted by amendment, L. 94, p. 1320, § 3, effective May 22, 20 1994.)		
21 (j) Turkey	10.00 20.00	75.00 100.00
22 (k) Combination fishing and 23 small game hunting	20.00 30.00	Not available

1	(l) Antelope PRONGHORN	20.00 40.00	270.00
2	(m) Bear, fall	30.00 50.00	450.00
3	(n) Repealed.		
4	(o) Deer	20.00 30.00	270.00
5	(p) Elk BULL	30.00 50.00	450.00
6	(p.5) ELK COW	40.00	450.00
7	(q) Mountain goat	150.00 300.00	1,500.00
8	(r) Moose	200.00 300.00	1,500.00
9	(s) Mountain lion	30.00 60.00	450.00
10	(t) Rocky mountain bighorn		
11	sheep	150.00 300.00	1,500.00
12	(u) Desert bighorn sheep	200.00 300.00	1,000.00
13	(v) (I) Resident low-income senior		
14	lifetime fishing	2.00	Not available
15	(II) (Deleted by amendment, L. 97, p. 766, § 1, effective May 1,		
16	1997.)		
17	(w) Youth big game	10.00 each	100.00 each
18	(deer, elk, antelope PRONGHORN)		
19	(x) Youth small game		
20	hunting	1.00	1.00
21	(1.5) Except as otherwise provided in subsection (1.6) of this		
22	section, effective January 1, 1992, the division is authorized to collect		
23	these fees for the following resident licenses: Fishing - annual \$ 20.00;		
24	small game hunting - \$15.00; combination fishing and hunting - \$30.00;		
25	senior annual fishing - \$10.00; fishing - 5 days - \$18.00.		
26	(1.6) (b) The nonresident big game fees described in subsection		
27	(1.4) of this section shall annually be adjusted in accordance with		

1 changes in the United States bureau of labor statistics consumer price
2 index for the Denver-Boulder consolidated metropolitan statistical area
3 for all urban consumers AND all goods, or its successor index. Such
4 adjustment shall not be effective until the commission notifies the joint
5 budget committee of such adjustment.

6 (8.5) (a) ~~Any hunting or fishing license issued by the division~~
7 ~~shall contain a checkoff option allowing license applicants to donate~~
8 ~~money, in addition to the stated license fee, as a voluntary contribution~~
9 ~~or gift as defined in section 24-77-102 (6), C.R.S., to the wildlife~~
10 ~~management public education fund created in section 33-1-112 (3.5) (a)~~
11 ~~for purposes of funding the wildlife management public education~~
12 ~~advisory council created in section 33-4-120. As a voluntary contribution~~
13 ~~or gift, such a checkoff option shall not be included in state fiscal year~~
14 ~~spending pursuant to section 24-77-102 (17) (b), C.R.S. A SURCHARGE~~
15 ~~OF SEVENTY-FIVE CENTS SHALL BE ASSESSED ON EACH HUNTING AND EACH~~
16 ~~FISHING LICENSE LISTED IN SUBSECTION (1.4) OF THIS SECTION THAT IS~~
17 ~~SOLD BY THE DIVISION OR ONE OF ITS LICENSE AGENTS PURSUANT TO~~
18 ~~SECTION 33-4-101. RECEIPTS AND INTEREST FROM THE SURCHARGE SHALL~~
19 ~~BE DEPOSITED IN THE WILDLIFE MANAGEMENT PUBLIC EDUCATION FUND~~
20 ~~CREATED IN SECTION 33-1-112 (3.5) (a).~~

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

25 (c) ~~Any hunting or fishing license issued over the counter and not~~
26 ~~requiring the submission of an application to the division shall contain a~~
27 ~~mechanism, as soon as practicable, for allowing purchasers to donate~~

1 ~~money to fund the wildlife management public education advisory~~
2 ~~council.~~

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

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

10 **SECTION 2.** 33-4-120 (3) (a), Colorado Revised Statutes, is
11 amended to read:

12 **33-4-120. Wildlife management public education advisory**
13 **council - creation - repeal.** (3) (a) This section is repealed, effective
14 July 1, ~~2005~~ 2009.

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

17 **33-1-112. Funds and cost accounting - repeal.** (3.5) (a) There
18 is hereby created the wildlife management public education fund.
19 Moneys in such fund shall consist of THE SURCHARGE AUTHORIZED BY
20 SECTION 33-4-102 (8.5), such moneys as the general assembly allocates
21 to the fund, and moneys collected from gifts, donations, contributions,
22 bequests, grants, and funds or reimbursements made from other sources
23 to the wildlife management public education advisory council created in
24 section 33-4-120.

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

27 **33-1-112.5. Search and rescue fund - transfer of duties.**

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

7 **SECTION 5.** 33-4-101 (1) and the introductory portion to
8 33-4-101 (11), Colorado Revised Statutes, are amended to read:

9 **33-4-101. License agents - reports - board of claims - penalty**
10 **for failure to account.** (1) The director may designate sole proprietors,
11 partnerships, or corporations as license agents to sell hunting, fishing,
12 trapping, and other licenses of the division. License agents shall be paid
13 a commission, in an amount to be determined by rule by the commission,
14 on all moneys collected for licenses sold. ~~License agents shall accept~~
15 ~~donations on behalf of the division as provided for in section 33-4-102~~
16 ~~(8.5).~~ All agents authorized to sell licenses shall keep accurate records
17 of all sales of licenses ~~and of all donations received as provided in section~~
18 ~~33-4-102 (8.5)~~ and shall make such reports to the division regarding
19 license sales ~~and donations received~~ as may be required by the division.
20 Such agents shall be required to give evidence of financial responsibility,
21 in the form of a savings account, deposit, or certificate of deposit meeting
22 the requirements of section 11-35-101, C.R.S., or an irrevocable letter of
23 credit meeting the requirements of section 11-35-101.5, C.R.S., or a
24 bond, in such amount as may be fixed by the division based upon
25 performance criteria established by the wildlife commission by rule, ~~or~~
26 ~~regulation~~ which may be less than the full value of consignment, in an
27 amount adequate to ensure the remittance of all moneys collected from

1 such license sales, less amounts allowed as commissions, and the making
2 of reports required by the division. The commission may promulgate
3 rules ~~and regulations~~ for the establishment and cancellation of license
4 agencies. All license moneys received ~~and all donations received as~~
5 ~~provided in section 33-4-102 (8.5)~~ shall be kept separate and apart from
6 any other moneys of the agent authorized to sell licenses and shall at all
7 times belong to the state. All moneys due from the sale of wildlife
8 licenses ~~and all donations received as provided in section 33-4-102 (8.5)~~
9 shall belong to the state and shall draw interest at the rate of one and
10 one-half percent per month from the date due.

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

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

17 (2) However, if a referendum petition is filed against this act or
18 an item, section, or part of this act during the 90-day period after final
19 adjournment of the general assembly that is allowed for submitting a
20 referendum petition pursuant to article V, section 1 (3) of the state
21 constitution, then the act, item, section, or part, shall not take effect
22 unless approved by the people at a biennial regular general election and
23 shall take effect on the date specified in subsection (1) or on the date of
24 the official declaration of the vote thereon by proclamation of the
25 governor, whichever is later.