

**First Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO**

PREAMENDED

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

LLS NO. 11-0227.03 Kate Meyer

HOUSE BILL 11-1294

HOUSE SPONSORSHIP

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House Committees

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A BILL FOR AN ACT

101 **CONCERNING THE AUTHORITY OF THE DIVISION OF WILDLIFE IN THE**
102 **DEPARTMENT OF NATURAL RESOURCES TO MANAGE BLACK**
103 **BEARS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

In 1992, Colorado voters approved an initiated measure to place certain restrictions on the taking of black bears, including prohibiting the hunting of black bears between March 1 and September 1 of any year. The bill repeals that restriction, thus restoring to the wildlife commission

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.*

the authority to determine appropriate seasonal restrictions on the taking of black bears.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 hereby finds and declares that:

4 (a) Amendment 10, approved in the 1992 general election, placed
5 into statute specific restrictions on black bear hunting, thus reducing the
6 regulatory flexibility needed by Colorado's administrative entities to
7 ensure informed, current, and responsive wildlife management;

8 (b) Statistics show that the black bear population in Colorado has
9 increased significantly since 1992;

10 (c) This explosion in the state's bear population is a significant
11 public safety issue and overburdens the division of wildlife in the
12 department of natural resources;

13 (d) Since the voters passed amendment 10 in 1992, Colorado
14 citizens and property owners have submitted to the division of wildlife
15 more than 3,240 claims, totaling over \$4.1 million, for bear-related
16 property damage;

17 (e) The division of wildlife estimates that, in 2010, one field
18 office alone spent 952 hours addressing over 230 reported conflicts
19 between black bears and humans;

20 (f) The actual number of conflicts between black bears and
21 humans is likely far higher than the number of conflicts reported to the
22 division of wildlife;

23 (g) Questions regarding the taking of wildlife, including the
24 appropriate length of a hunting season, the number of animals that may
25 be taken, and restrictions on hunting practices, should involve game

1 management experts in order to ensure a balance in the state's wildlife
2 population;

3 (h) The division of wildlife and the Colorado wildlife commission
4 in the department of natural resources possess the practical knowledge
5 and institutional structure required to manage the state's wildlife
6 populations;

7 (i) The division of wildlife and the wildlife commission need to
8 have greater flexibility to address the burgeoning bear population; and

9 (j) It is therefore the general assembly's intent to restore to the
10 wildlife commission the authority, as it existed prior to the passage of
11 amendment 10, to determine the appropriate seasonal restrictions on the
12 taking of black bears.

13 **SECTION 2.** 33-4-101.3 (2), Colorado Revised Statutes, is
14 amended to read:

15 **33-4-101.3. Black bears - declaration of intent - spring season**
16 **hunting prohibited - prohibited means of taking - penalty.** (2) ~~During~~
17 ~~the period from March 1 through September 1 of any calendar year, it is~~
18 ~~unlawful for any person to take a black bear by any means including but~~
19 ~~not limited to firearm or bow and arrow~~ THE COMMISSION SHALL
20 DETERMINE THE APPROPRIATE SEASONAL RESTRICTIONS ON THE TAKING
21 OF BLACK BEARS.

22 **SECTION 3. Act subject to petition - effective date.** This act
23 shall take effect at 12:01 a.m. on the day following the expiration of the
24 ninety-day period after final adjournment of the general assembly (August
25 10, 2011, if adjournment sine die is on May 11, 2011); except that, if a
26 referendum petition is filed pursuant to section 1 (3) of article V of the
27 state constitution against this act or an item, section, or part of this act

1 within such period, then the act, item, section, or part shall not take effect
2 unless approved by the people at the general election to be held in
3 November 2012 and shall take effect on the date of the official
4 declaration of the vote thereon by the governor.