

NOTE: The governor signed this measure on 5/18/2013.

An Act

SENATE BILL 13-188

BY SENATOR(S) Tochtrop and Schwartz, Crowder, King;
also REPRESENTATIVE(S) Vigil and Rankin, Fields, Fischer, Garcia,
Holbert, Humphrey, Mitsch Bush, Rosenthal, Salazar, Scott, Stephens.

CONCERNING A PROGRAM TO GIVE LANDOWNERS A PREFERENCE FOR
HUNTING LICENSES TO ENCOURAGE HUNTING ON PRIVATE PROPERTY,
AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, **amend** 33-4-103 as follows:

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

~~(a) The applicant for a preference is an owner as shown by a recorded deed of a parcel of agricultural land of one hundred sixty acres or more. In the event that the owner is a legal entity or such ownership is in two or more individual names, only two individuals, as designated by such legal entity or multiple ownership, shall be eligible for the preference.~~

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

~~(b) The land was inhabited by the species for which a license preference is requested during the greater portion of the year previous to the application.~~

~~(c) Application for a license preference, including authority to transfer the license preference if applicable, is made concurrent with the submittal of an application for the desired license on forms provided by the division.~~

~~(d) The applicant for a license preference submits no more than one such application per species per calendar year.~~

~~(e) All licenses permitting firearm hunting of the species for which a license preference is requested are limited in number by commission regulation in the area where the land is located.~~

~~(2) Landowner license preference may be transferred to any person who is eligible for a big game license. Up to fifteen percent of the number of licenses established for each management area where firearm hunting licenses are totally limited shall be made available for purchase by landowners who meet the qualifications of this section. Licenses not applied for by landowners within the time specified therefor shall be made available to the general public. Landowners receiving licenses pursuant to this section shall allow hunting on their land to properly licensed hunters, subject to the limitation of a reasonable number of such hunters.~~

~~(3)~~ (a) (1) **Legislative declaration.** (a) The general assembly hereby finds, determines, and declares that the wildlife resources of the state are in danger of decline from increasing population pressures and the loss of wildlife habitat. In order to encourage private landowners to provide habitat for THAT INCREASES wildlife POPULATIONS FOR THE BENEFIT OF ALL HUNTERS, discourage the harboring of game animals on private lands during public hunting seasons, and relieve hunting pressure on public lands by increasing game hunting on private lands, the general assembly finds that it is necessary to provide an incentive-based system to landowners to provide habitat for wildlife through a hunting license allocation program that allows hunters access to the state's wildlife under the cooperative control of the private landowner.

(b) THE LANDOWNER PREFERENCE PROGRAM IS DESIGNED TO ENCOURAGE HUNTER ACCESS TO PRIVATE LAND BY ENABLING LANDOWNERS TO APPLY FOR LICENSES USING APPLICATIONS BASED UPON LAND OWNERSHIP AND WILDLIFE BENEFIT.

~~(b) (2) **Eligibility.** (a) As an alternative to the landowner license preference program established in subsections (1) and (2) of this section, and within the fifteen percent limit established for limited license units, A landowner who is an owner, as shown by a recorded deed, of a parcel of agricultural land of one hundred sixty acres or more AND WHOSE LAND MEETS THE FOLLOWING REQUIREMENTS is eligible to participate under this subsection (3) in the wildlife conservation FOR THE landowner hunting preference program, for wildlife habitat improvement, hereinafter referred to as the "wildlife conservation application program" or ALSO REFERRED TO IN THIS SECTION AS THE "program". This program is designed to encourage hunter access to private land by enabling landowners to apply for licenses using applications based upon land ownership and benefit to wildlife. THE LAND MUST:~~

(I) BE INHABITED BY THE SPECIES BEING APPLIED FOR IN SIGNIFICANT NUMBERS THROUGHOUT THE YEAR OR IN SUBSTANTIAL NUMBERS FOR SHORTER TIMES;

(II) PROVIDE FOR THE SPECIES BEING APPLIED FOR WINTERING HABITAT, TRANSITIONAL HABITAT, CALVING AREAS, SOLITUDE AREAS, MIGRATION CORRIDORS, OR AN IMPORTANT FOOD SOURCE; AND

(III) HAVE A HISTORY OF GAME DAMAGE OR A HUNTABLE POPULATION OF THE SPECIES BEING APPLIED FOR.

(b) FOR OWNERS OF ONE HUNDRED SIXTY TO SIX HUNDRED THIRTY-NINE ACRES, THE DIVISION SHALL VERIFY THE SIZE OF THE PROPERTY AND THAT THE PROPERTY MEETS THE ELIGIBILITY REQUIREMENTS OF THIS SUBSECTION (2) BEFORE ISSUING THE APPLICATIONS UNDER SUBSECTION (3) OF THIS SECTION.

(c) OWNERS OF PROPERTIES REGISTERED UNDER THE "WILDLIFE CONSERVATION APPLICATION PROGRAM" THAT EXISTED PRIOR TO JULY 1, 2013, REMAIN ELIGIBLE TO PARTICIPATE IN THE PROGRAM UNTIL THE EARLIER OF:

(I) JULY 1, 2016;

(II) THE DATE WHEN THE OWNERSHIP OF THE PROPERTY IS TRANSFERRED TO A PERSON WHO IS NOT WITHIN THE IMMEDIATE FAMILY OF THE OWNER; OR

(III) THE DATE WHEN THE OWNER OF LAND NO LONGER IS IN COMPLIANCE WITH THIS SECTION OR ANY RULE PROMULGATED UNDER THIS SECTION.

~~(c)(f) (3) **Applications - availability.** (a) A landowner that applies to participate in the wildlife conservation application program shall have issued to that~~ AFTER DETERMINING A LANDOWNER IS ELIGIBLE AND IN COMPLIANCE WITH THIS SECTION, THE DIVISION SHALL ISSUE THE landowner applications for licenses permitting the hunting of deer, elk, 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~~ THAT meet THE COMMISSION'S animal management objectives for the game management unit ~~in which~~ WHERE 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 IN AN AMOUNT DETERMINED BY THIS SUBSECTION (3).~~

(b) (I) IN GAME MANAGEMENT UNITS WEST OF INTERSTATE HIGHWAY 25:

(A) TEN PERCENT OF THE NUMBER OF LICENSES ESTABLISHED FOR EACH MANAGEMENT AREA WHERE FIREARM HUNTING LICENSES ARE TOTALLY LIMITED ARE AVAILABLE FOR ELIGIBLE LANDOWNERS; AND

(B) AN ADDITIONAL TEN PERCENT OF THE NUMBER OF LICENSES ESTABLISHED FOR EACH MANAGEMENT AREA WHERE FIREARM HUNTING LICENSES ARE TOTALLY LIMITED ARE AVAILABLE FOR ELIGIBLE LANDOWNERS IF THESE LICENSES ARE RESTRICTED TO USE ON PRIVATE LAND IN THE

DESIGNATED MANAGEMENT AREA.

(II) IN GAME MANAGEMENT UNITS EAST OF INTERSTATE HIGHWAY 25:

(A) FIFTEEN PERCENT OF THE NUMBER OF LICENSES ESTABLISHED FOR EACH MANAGEMENT AREA WHERE FIREARM HUNTING LICENSES ARE TOTALLY LIMITED ARE AVAILABLE FOR ELIGIBLE LANDOWNERS; AND

(B) AN ADDITIONAL TEN PERCENT OF THE NUMBER OF LICENSES ESTABLISHED FOR EACH MANAGEMENT AREA WHERE FIREARM HUNTING LICENSES ARE TOTALLY LIMITED ARE MADE AVAILABLE FOR ELIGIBLE LANDOWNERS IF THESE LICENSES ARE RESTRICTED TO USE ON PRIVATE LAND BY THE APPLICANT'S IMMEDIATE FAMILY MEMBERS OR YOUTH UNDER EIGHTEEN YEARS OF AGE.

(III) THE DIVISION SHALL MAKE LICENSES NOT USED BY ELIGIBLE LANDOWNERS AVAILABLE TO THE GENERAL PUBLIC.

~~(H)~~ (c) (I) The applications available under this subsection (3) ~~shall be~~ ARE allocated to ~~any~~ A participant based upon the following schedule:

(A) For owners of one hundred sixty to ~~six hundred~~ ONE THOUSAND TWO HUNDRED thirty-nine acres, one application;

(B) For owners of six hundred forty to one thousand ~~one~~ TWO hundred ~~ninety-nine~~ THIRTY-NINE acres, ~~two applications~~ AN ADDITIONAL APPLICATION FOR A LICENSE RESTRICTED TO PRIVATE LAND IF THE DIVISION HAS VERIFIED THAT THE LAND MEETS THE CONDITIONS REQUIRED FOR ELIGIBILITY UNDER PARAGRAPH (a) OF SUBSECTION (2) OF THIS SECTION; AND

(C) For owners of one thousand two hundred FORTY OR MORE acres, ~~to two thousand three hundred ninety-nine acres, three applications~~ ONE ADDITIONAL APPLICATION FOR EACH ADDITIONAL SIX HUNDRED ACRES MORE THAN ONE THOUSAND TWO HUNDRED FORTY ACRES, NOT TO EXCEED NINETEEN APPLICATIONS OR THE LIMIT IMPOSED BY SUBPARAGRAPH (II) OF THIS PARAGRAPH (c).

~~(D) For owners of two thousand four hundred acres to three thousand nine hundred ninety-nine acres, four applications;~~

~~(E) For each additional one thousand acres an additional application shall be allocated up to a maximum of six applications for owners of acreage in excess of six thousand acres.~~

~~(HH) (II) The commission may by rule allow for the issuance of additional applications to landowners in consideration of the provision of valuable game habitat, the provision of habitat management, the provision of voluntary access to public hunting, or other factors, to achieve game management objectives. LANDOWNERS MAY OBTAIN MORE THAN EIGHT APPLICATIONS ONLY IF THE DIVISION HAS VERIFIED THAT THE LAND IS THE SIZE REPORTED BY THE LANDOWNER AND MEETS THE CONDITIONS REQUIRED FOR ELIGIBILITY UNDER PARAGRAPH (a) OF SUBSECTION (2) OF THIS SECTION.~~

~~(d) (4) **Requirements - vouchers.** In addition to the limitation on the number of applications available under the program, as set forth in subparagraph (H) of paragraph (c) of this subsection (3), the program shall have HAS the following additional requirements AND AUTHORIZATIONS:~~

~~(f) The commission may by rule provide for the issuance of licenses in addition to the method set forth in paragraph (c) of this subsection (3) based upon game management objectives. If the commission decides to establish such rules, the commission shall work towards establishing and maintaining at least two different types of management programs under this subparagraph (f): Areas on the eastern plains east of interstate highway 25 based upon large percentages of private land ownership; and areas specifically managed for quality animal hunting or quality hunting experience. Any additional licenses issued pursuant to this subparagraph (f) shall be restricted to private lands, unless the commission exempts any intermingled lands from such requirement.~~

~~(H) (a) Successful applicants under this subsection (3) will receive a voucher that may be transferred to any person who is eligible for a big game license for that species, to be used for the purchase of a license to be used only within the applicant's game management unit for that species AND IN ACCORDANCE WITH ANY RESTRICTIONS IMPOSED BY THIS SECTION.~~

~~(b) THE TRANSFER OF A LICENSE VOUCHER BY A LANDOWNER MUST INCLUDE PERMISSION TO ACCESS AND HUNT THE LANDS YIELDING THE LICENSE UNDER THE PROGRAM DURING THE ENTIRE SEASON THAT THE LICENSE IS ISSUED. THE PERMISSION MUST NOT DISCRIMINATE AMONG~~

HUNTERS ENTERING THE PROPERTY OR CONTAIN RESTRICTIONS OTHER THAN MANNER OF ACCESS, INCLUDING FOOT, HORSEBACK, OR VEHICULAR RESTRICTIONS REASONABLY NECESSARY TO PREVENT DAMAGE TO PROPERTY.

(c) EXCEPT AS AUTHORIZED BY PARAGRAPH (a) OF THIS SUBSECTION (4), A VOUCHER THAT HAS BEEN TRANSFERRED BY ANY PERSON WHO IS NOT THE LANDOWNER OR LAND MANAGER IS VOID. A VOUCHER THAT IS BROKERED FOR ANOTHER PERSON IS VOID. A HUNTING LICENSE OBTAINED FOR USE WITH A VOID VOUCHER IS ALSO VOID.

~~(HH) (d) Where an application is being submitted under the program, in those game management units where firearm hunting licenses are totally limited for the species for which an application is being submitted, the landowner whose application does not yield all licenses set forth in subparagraph (H) of paragraph (c) of this subsection (3) for the current season shall be in priority for application preference in the succeeding year. IF A LANDOWNER SUBMITS ONE OR MORE APPLICATIONS THAT FAIL TO YIELD A LICENSE, THE DIVISION SHALL GIVE A PREFERENCE IN SUCCEEDING YEARS TO ONE APPLICATION OF THAT LANDOWNER FOR EACH APPLICATION OF THE SAME LANDOWNER THAT FAILED TO YIELD A LICENSE.~~

~~(IV) Hunting seasons for male licenses issued under this program shall be concurrent with public hunting seasons or designated by the commission to meet game management objectives.~~

~~(V) For purposes of antlerless management, by rule, the commission may require, for game management objectives, as a condition to participation in the program, that landowners allow hunting on their land by properly licensed hunters for the species that male licenses were issued to landowners under the program, using division-published male/female ratios for game management purposes for the applicable game management unit or data analysis unit. Such hunts shall be conducted during a separate season. Vouchers for such licenses shall be issued to landowners determined eligible, and the landowner shall ensure that all such vouchers are distributed to eligible hunters. The landowner shall not charge an access fee of more than twenty-five dollars to participate in such hunts.~~

~~(VI) (e) (I) In those game management units where hunting is totally limited for a species, and the private landowner pool of license preferences and applications does~~ WHERE ELIGIBLE LANDOWNERS DO not use the number

of landowner PREFERENCE licenses established for a species for that management area, ~~then those~~ THE DIVISION SHALL MAKE THE unused licenses ~~shall be made~~ available to private landowners in that particular game management unit or data analysis unit as a first priority before ~~becoming~~ MAKING THEM available to the general public hunter.

(II) A LANDOWNER MAY RECEIVE NO MORE THAN THREE TIMES THE NUMBER OF LEFTOVER APPLICATIONS THAN THE NUMBER OF INITIAL APPLICATIONS AUTHORIZED UNDER PARAGRAPH (c) OF SUBSECTION (3) OF THIS SECTION.

(f) IF A LANDOWNER OR HUNTER FAILS TO COMPLY WITH THIS SECTION OR ANY RULE PROMULGATED UNDER THIS SECTION, THE DIVISION MAY DISQUALIFY THE PERSON FROM PARTICIPATION IN THE PROGRAM FOR UP TO FIVE YEARS.

~~(e)~~ (5) The commission shall adopt rules to implement this section prior to July 1, ~~2001~~ 2014.

SECTION 2. In Colorado Revised Statutes, 33-3-103.5, **amend** (2) (a) (III) as follows:

33-3-103.5. Game damage prevention materials - definitions.
(2) (a) (III) The division shall not deny a landowner game damage claims or game damage prevention materials on the grounds that the landowner received a voucher pursuant to the wildlife conservation landowner hunting preference program for wildlife habitat improvement under section 33-4-103. ~~(3)~~ ~~(d)~~:

SECTION 3. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the wildlife cash fund created in section 33-1-112 (1) (a), Colorado Revised Statutes, not otherwise appropriated, to the department of natural resources, for the fiscal year beginning July 1, 2013, the sum of \$51,800, or so much thereof as may be necessary, for allocation to the executive director's office for purchase of services from computer center related to the implementation of this act.

(2) In addition to any other appropriation, there is hereby appropriated to the governor - lieutenant governor - state planning and

budgeting, for the fiscal year beginning July 1, 2013, the sum of \$51,800, or so much thereof as may be necessary, for allocation to the office of information technology, for the provision of computer center services for the department of natural resources related to the implementation of this act. Said sum is from reappropriated funds received from the department of natural resources out of the appropriation made in subsection (1) of this section.

SECTION 4. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 7, 2013, if adjournment sine die is on May 8, 2013); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless

approved by the people at the general election to be held in November 2014 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

John P. Morse
PRESIDENT OF
THE SENATE

Mark Ferrandino
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO