

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

INTRODUCED

LLS NO. 09-0873.01 Kate Meyer

SENATE BILL 09-235

SENATE SPONSORSHIP

Gibbs and Isgar,

HOUSE SPONSORSHIP

Merrifield,

Senate Committees

Agriculture and Natural Resources
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING CERTAIN FEES CHARGED BY THE DIVISION OF WILDLIFE.**

Bill Summary

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

Creates the Colorado wildlife passport fund (fund), which shall consist of moneys received from the sale of Colorado wildlife passports and moneys otherwise donated to the habitat stamp program. Allows moneys in the fund to be used for the operation and maintenance of lands in the Colorado wildlife habitat protection program administered by the division of wildlife, to market the habitat stamp program, and to assist in acquiring interests in real property.

Permits moneys from the sale of habitat stamps not associated with hunting or fishing licenses to be used to market habitat stamps and to

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.

otherwise encourage contributions for wildlife habitat protection or enhancement.

Allows moneys earned from the sale of habitat stamps to be used for the operation and maintenance of lands in the Colorado wildlife habitat protection program administered by the division of wildlife.

Eliminates the requirement that a person subject to the habitat stamp acquisition requirement obtain habitat stamps along with the person's first two hunting or fishing licenses each year. Lowers the age at which a person seeking a hunting or fishing license must obtain a habitat stamp from 19 years of age to 18 years of age. Requires such person to purchase a habitat stamp when applying for or purchasing a third one-day hunting or fishing license. Effective April 1, 2011, increases the fee for Colorado wildlife habitat stamps issued by the division of wildlife (habitat stamps) in conjunction with hunting or fishing licenses from \$5 to \$10. Increases the fee for lifetime habitat stamps from \$200 to \$300. Effective January 1, 2010, repeals the category of nonlifetime habitat stamps that are not associated with hunting or fishing licenses. Effective January 1, 2011, creates the Colorado wildlife passport. Allows the wildlife commission in the department of natural resources (commission) to sell Colorado wildlife passports for the purpose of soliciting voluntary donations.

Allows persons to enter state wildlife areas without purchasing a habitat stamp.

Prohibits a third-party conservation easement from being obtained using proceeds from the sale of habitat stamps unless the requesting organization contributes at least 15% of the purchase price of the conservation easement or the commission uses moneys in the fund to pay 15% of the purchase price. Allows the commission to waive the 15% requirement if hunting or fishing access is provided.

Extends by 5 years the date that laws related to habitat stamps are scheduled to repeal.

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

2 **SECTION 1.** 33-4-102 (1.4) (aa), Colorado Revised Statutes, is
3 amended to read:

4 **33-4-102. Types of licenses and fees.** (1.4) The division is
5 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:

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Fees

Resident Nonresident

(aa) "Lifetime" Colorado
wildlife habitat stamp ~~200.00~~ 300.00 ~~200.00~~ 300.00

SECTION 2. 33-4-102 (1.4) (z), Colorado Revised Statutes, is amended to read:

33-4-102. Types of licenses and fees. (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

(z) Colorado wildlife habitat
stamp, purchased in conjunction
with the purchase of a hunting
or fishing license ~~5.00~~ 10.00 ~~5.00~~ 10.00

SECTION 3. 33-4-102 (1.6), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

33-4-102. Types of licenses and fees. (1.6) (c) THE COMMISSION MAY, BY APPROPRIATE RULE, SET FEES FOR COLORADO WILDLIFE PASSPORTS PURSUANT TO SECTION 33-4-102.7 (4) (b) (I).

SECTION 4. 33-4-102 (1.4) (y), Colorado Revised Statutes, is amended to read:

33-4-102. Types of licenses and fees - repeal. (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:

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Fees

Resident Nonresident

(y) (I) Colorado wildlife habitat stamp, purchased without a hunting or fishing license

10.00 10.00

(II) THIS PARAGRAPH (y) IS REPEALED, EFFECTIVE JANUARY 1, 2010.

SECTION 5. 33-4-102.7 (1), (2), (4), and (8), Colorado Revised Statutes, are amended, and the said 33-4-102.7 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

33-4-102.7. Colorado wildlife habitat stamp - review committee - Colorado wildlife passport created - Colorado wildlife passport fund - rules - 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 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.~~ THE GENERAL ASSEMBLY HEREBY FINDS, DETERMINES, AND

DECLARES THAT:

(a) PROTECTING WILDLIFE HABITAT AND ACQUIRING PUBLIC ACCESS TO THAT HABITAT ARE CRITICAL ELEMENTS TO PRESERVING WILDLIFE AND WILDLIFE-RELATED RECREATIONAL OPPORTUNITIES IN

1 COLORADO;

2 (b) THE GENERAL ASSEMBLY SPECIFICALLY RECOGNIZES THAT BIG
3 GAME SPECIES ARE ICONIC SYMBOLS OF COLORADO'S WILDLIFE, AND THE
4 HUNTING OF SUCH SPECIES, AS AN ACTIVITY THAT HUNDREDS OF
5 THOUSANDS OF RESIDENTS AND VISITORS ENJOY, CONTRIBUTES
6 SIGNIFICANTLY TO STATE AND LOCAL ECONOMIES; AND

7 (c) PRIORITIES FOR THE EXPENDITURE OF FUNDS GENERATED FROM
8 THE SALE OF HABITAT STAMPS AND COLORADO WILDLIFE PASSPORTS
9 SHALL INCLUDE PROTECTING BIG GAME WINTER RANGE AND MIGRATION
10 CORRIDORS, ACQUIRING PUBLIC ACCESS TO WILDLIFE-RELATED
11 RECREATION, INCLUDING FISHING, HUNTING, AND WILDLIFE VIEWING,
12 PROTECTING HABITAT FOR SPECIES OF CONCERN, AND PRESERVING THE
13 EXTRAORDINARY DIVERSITY OF WILDLIFE ENJOYED BY COLORADANS.

14 (1.5) A PERSON EIGHTEEN YEARS OF AGE OR OLDER AND UNDER
15 SIXTY-FIVE YEARS OF AGE SHALL PURCHASE A COLORADO WILDLIFE
16 HABITAT STAMP, OR SHALL HAVE PURCHASED A LIFETIME COLORADO
17 WILDLIFE HABITAT STAMP, WHEN APPLYING FOR OR PURCHASING A
18 HUNTING OR FISHING LICENSE. NO HABITAT STAMP PURCHASE SHALL BE
19 REQUIRED PRIOR TO APPLICATION FOR OR PURCHASE OF SUCH PERSON'S
20 FIRST TWO ONE-DAY HUNTING OR FISHING LICENSES, BUT A HABITAT
21 STAMP SHALL BE PURCHASED PRIOR TO APPLYING FOR OR PURCHASING A
22 THIRD ONE-DAY HUNTING OR FISHING LICENSE. UNTIL MARCH 31, 2011,
23 NO PERSON SHALL BE REQUIRED TO PURCHASE MORE THAN TWO
24 COLORADO WILDLIFE HABITAT STAMPS WITHIN A TWELVE-MONTH PERIOD.
25 ON AND AFTER APRIL 1, 2011, NO PERSON SHALL BE REQUIRED TO
26 PURCHASE MORE THAN ONE COLORADO WILDLIFE HABITAT STAMP WITHIN
27 A TWELVE-MONTH PERIOD. ANY PERSON ACQUIRING A LICENSE ISSUED

1 PURSUANT TO SECTION 33-4-104 AND ANY PERSON WHO IS
2 MOBILITY-IMPAIRED, AS DEFINED BY WILDLIFE COMMISSION RULES, SHALL
3 BE EXEMPTED FROM THE REQUIREMENT TO PURCHASE A COLORADO
4 WILDLIFE HABITAT STAMP.

5 (2) Such stamp, or an authorized facsimile ~~thereof~~ OF SUCH
6 STAMP, shall be in the possession of the person while hunting ~~fishing, or~~
7 ~~using state wildlife areas~~ OR FISHING.

8 (4) (a) All moneys received pursuant to the issuance of the
9 Colorado wildlife habitat stamp shall be used for the benefit of wildlife
10 habitat or access to ~~such~~ WILDLIFE habitat, INCLUDING COSTS ASSOCIATED
11 WITH THE OPERATION AND MAINTENANCE OF LANDS UNDER THE
12 COLORADO WILDLIFE HABITAT PROTECTION PROGRAM ADMINISTERED BY
13 THE DIVISION. Revenues collected from the sale of the stamp shall be
14 subject to annual appropriation. The Colorado wildlife habitat stamp
15 review committee shall annually review proposed projects for expenditure
16 of Colorado wildlife habitat stamp funds and make recommendations to
17 the director and the wildlife commission.

18 (b) (I) ON AND AFTER JANUARY 1, 2011, THE COMMISSION IS
19 AUTHORIZED TO ISSUE A COLORADO WILDLIFE PASSPORT, FOR WHICH IT
20 MAY, BY RULE, CHARGE A FEE OF NOT MORE THAN TWENTY-FIVE DOLLARS.
21 THE AMOUNT CHARGED FOR SUCH PASSPORT SHALL INCLUDE THREE
22 DOLLARS FOR THE PURCHASE OF A COLORADO OUTDOOR RECREATION
23 SEARCH AND RESCUE CARD.

24 (II) THERE IS HEREBY CREATED IN THE STATE TREASURY THE
25 COLORADO WILDLIFE PASSPORT FUND, REFERRED TO IN THIS
26 SUBPARAGRAPH (II) AS THE "FUND", WHICH FUND SHALL CONSIST OF
27 MONEYS RECEIVED FROM ISSUANCE OF COLORADO WILDLIFE PASSPORTS

1 PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (b) AND MONEYS
2 OTHERWISE DONATED TO THE HABITAT STAMP PROGRAM IN THE DIVISION.
3 MONEYS IN THE FUND ARE SUBJECT TO ANNUAL APPROPRIATION AND MAY
4 BE USED FOR COSTS ASSOCIATED WITH THE OPERATION AND MAINTENANCE
5 OF LANDS UNDER THE COLORADO WILDLIFE HABITAT PROTECTION
6 PROGRAM ADMINISTERED BY THE DIVISION, TO MARKET SALES OF HABITAT
7 STAMPS OR OTHERWISE ENCOURAGE CONTRIBUTIONS FOR HABITAT
8 PROTECTION OR ENHANCEMENT, AND FOR THE ACQUISITION OF INTERESTS
9 IN REAL PROPERTY PURSUANT TO PARAGRAPH (c) OF THIS SUBSECTION (4).
10 ANY BALANCE REMAINING IN THE FUND AT THE END OF ANY FISCAL YEAR
11 SHALL REMAIN IN THE FUND AND SHALL NOT BE DEPOSITED IN OR
12 TRANSFERRED TO THE GENERAL FUND OR ANY OTHER FUND.

13 (c) Real property interest acquisitions made pursuant to this
14 section shall emphasize the acquisition of easements and ensure that all
15 other avenues are pursued prior to fee simple acquisition. Fee
16 CONSERVATION EASEMENTS, AS DESCRIBED IN SECTION 38-30.5-104 (2),
17 C.R.S., AND FEE simple title purchases are allowed. All fee simple title
18 purchases made pursuant to this section shall be available to the public for
19 hunting or fishing, subject to wildlife commission rules. ~~Conservation~~
20 ~~easements held by charitable organizations as defined in section~~
21 ~~38-30.5-104 (2), C.R.S., are allowed.~~ The commission shall not use the
22 power of eminent domain to obtain fee simple title or a conservation
23 easement on real property. The commission shall comply with a seller's
24 agreement or sections 33-1-105 and 33-1-105.5 prior to purchasing real
25 property. Prior to December 31, 2010, a minimum of sixty percent of the
26 moneys received from the sale of the Colorado wildlife habitat stamp
27 shall be spent to benefit big game winter range or big game migration

1 corridors.

2 (d) NO THIRD-PARTY CONSERVATION EASEMENT SHALL BE
3 OBTAINED USING PROCEEDS FROM THE SALE OF HABITAT STAMPS UNLESS
4 THE REQUESTING ORGANIZATION CONTRIBUTES AT LEAST FIFTEEN
5 PERCENT OF THE PURCHASE PRICE OF THE EASEMENT OR FIFTEEN PERCENT
6 OF THE PURCHASE PRICE IS SECURED USING OTHER SOURCES OF
7 NONDIVISION FUNDING; EXCEPT THAT, UPON RECOMMENDATION BY THE
8 COLORADO WILDLIFE HABITAT STAMP COMMITTEE, MONEYS FROM THE
9 COLORADO WILDLIFE PASSPORT FUND PURSUANT TO PARAGRAPH (b) OF
10 THIS SUBSECTION (4) MAY BE APPLIED TOWARD ALL OR A PORTION OF SAID
11 FIFTEEN PERCENT; HOWEVER, IF, IN THE COMMITTEE'S DISCRETION,
12 SUFFICIENT HUNTING OR FISHING ACCESS IS PROVIDED, THE FIFTEEN
13 PERCENT CONTRIBUTION REQUIREMENT SHALL BE WAIVED.

14 (8) (a) This section is repealed, effective December 31, ~~2010~~
15 2015.

16 (b) Prior to such repeal, the committee created in this section shall
17 be reviewed as provided for in section 2-3-1203, C.R.S.

18 **SECTION 6. Repeal.** 2-3-1203 (3) (w.5), Colorado Revised
19 Statutes, is repealed as follows:

20 **2-3-1203. Sunset review of advisory committees.** (3) The
21 following dates are the dates for which the statutory authorization for the
22 designated advisory committees is scheduled for repeal:

23 (w.5) ~~December 31, 2010: The Colorado wildlife habitat stamp~~
24 ~~committee created in section 33-4-102.7, C.R.S.;~~

25 **SECTION 7.** 2-3-1203 (3), Colorado Revised Statutes, is
26 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

27 **2-3-1203. Sunset review of advisory committees.** (3) The

1 following dates are the dates for which the statutory authorization for the
2 designated advisory committees is scheduled for repeal:

3 (bb.5) DECEMBER 31, 2015: THE COLORADO WILDLIFE HABITAT
4 STAMP COMMITTEE CREATED IN SECTION 33-4-102.7, C.R.S.;

5 **SECTION 8. Act subject to petition - effective date -**
6 **applicability.** (1) Except as otherwise provided in subsection (2) of this
7 section, this act shall take effect at 12:01 a.m. on the day following the
8 expiration of the ninety-day period after final adjournment of the general
9 assembly that is allowed for submitting a referendum petition pursuant to
10 article V, section 1 (3) of the state constitution, (August 4, 2009, if
11 adjournment sine die is on May 6, 2009); except that, if a referendum
12 petition is filed against this act or an item, section, or part of this act
13 within such period, then the act, item, section, or part, if approved by the
14 people, shall take effect on the date of the official declaration of the vote
15 thereon by proclamation of the governor.

16 (2) Section 2 of this act shall take effect April 1, 2011, and shall
17 apply to Colorado wildlife habitat stamps valid on or after said date.

18 (3) Sections 1, 3, 4, 5, 6, and 7 of this act shall apply to Colorado
19 wildlife habitat stamps applied for on or after the applicable effective date
20 of this act.