

**Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 24-0884.01 Christopher McMichael x4775

SENATE BILL 24-161

SENATE SPONSORSHIP

Pelton R. and Marchman,

HOUSE SPONSORSHIP

Lukens and Soper,

Senate Committees

Agriculture & Natural Resources

House Committees

A BILL FOR AN ACT

101 **CONCERNING PARKS AND WILDLIFE PRODUCTS, AND, IN CONNECTION**
102 **THEREWITH, MODIFYING LOW-INCOME SENIOR AND DISABLED**
103 **VETERAN ELIGIBILITY REQUIREMENTS FOR CERTAIN LICENSES;**
104 **AUTHORIZING THE PARKS AND WILDLIFE COMMISSION TO**
105 **ESTABLISH, BY RULE, A HARVEST PERMIT SURCHARGE; AND**
106 **ESTABLISHING PROCEDURES FOR HEARINGS CONDUCTED BY THE**
107 **COMMISSION FOR THE DENIAL, SUSPENSION, OR REVOCATION OF**
108 **A RIVER OUTFITTER LICENSE.**

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

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.*

<http://leg.colorado.gov>.)

The bill amends certain requirements and procedures related to licenses and passes from the Colorado parks and wildlife commission (commission).

The bill lowers the age threshold for senior annual fishing licenses to 64 years of age and amends the definition of "low-income senior" for the purposes of discounted parks and wildlife licenses. The bill also lowers the disability level threshold for veterans with disabilities from 60% to 50% disability for the purpose of granting licenses to disabled veterans. The bill also lowers the cost of the youth small game hunting license and the youth big game hunting license by 25 cents to account for the inclusion of the backcountry search and rescue fund surcharge that is added by the commission when the licenses are purchased.

The bill authorizes the commission to establish, by rule, a harvest permit surcharge for the taking of small game when doing so is necessary for the proper management of wildlife resources. The bill specifies that revenues generated from the sale of keep Colorado wild passes may be used for capital construction projects.

The bill establishes procedures for hearings conducted by the commission when a river outfitter license holder or applicant is alleged to have committed a violation and when the applicant or license holder may have their application or license denied, suspended, or revoked. The bill authorizes a hearing officer to conduct hearings on behalf of the commission in relation to the denial, suspension, or revocation of a river outfitter license.

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

2 **SECTION 1.** In Colorado Revised Statutes, 33-1-102, **amend**
3 (27.5) as follows:

4 **33-1-102. Definitions - rules.** As used in this title 33, unless the
5 context otherwise requires:

6 (27.5) "Low-income senior" refers to an individual sixty-four
7 years of age or older who shows proof of such fact to the division or
8 license agent and who ~~shows proof to the division or license agent in the~~
9 ~~form of a federal or state income tax return from the immediately~~
10 ~~preceding calendar year that the federal taxable income of any such~~

1 individual is at or below one hundred percent of the official poverty line
 2 for an individual or a family, as appropriate to the applicant, defined by
 3 the federal office of management and budget based on federal bureau of
 4 the census data. If said tax return is not available, a return for the year
 5 immediately preceding such year shall suffice. The division shall, for
 6 purposes of this subsection (27.5), inform license agents of the most
 7 current official poverty line in effect. If a person's income is at a level
 8 where such person is not required to file an income tax return, such
 9 individual shall sign a statement under penalty of perjury in the second
 10 degree to such effect, which statement shall be prescribed by the division
 11 and kept as required by the division with the record of sale of any license
 12 pursuant to section 33-4-102 (1.4)(v). No such affidavit shall be required
 13 to be notarized MEETS THE INCOME ELIGIBILITY REQUIREMENTS
 14 ESTABLISHED BY THE COMMISSION BY RULE.

15 **SECTION 2.** In Colorado Revised Statutes, 33-4-102, **amend**
 16 (1.4)(e), (1.4)(v)(I), (1.4)(w), and (1.4)(x); and **add** (1.5)(c) as follows:

17 **33-4-102. Types of licenses and fees - rules.** (1.4) Except as
 18 otherwise provided in subsections (1.5) and (1.6) of this section, the
 19 division may issue the following resident and nonresident licenses and
 20 shall collect the following fees:

21	Fees	
22	Resident	Nonresident
23	(e) Senior, ages	
24	sixty-five SIXTY-FOUR and	
25	older, annual fishing	8.00 Not available
26	(v) (I) Resident low-income senior	
27	lifetime ANNUAL fishing	8.00 Not available

1 through disability retirement benefits or a pension because of a public
2 statute administered by the veterans administration or the department of
3 the Army, Navy, or Air Force.

4 **SECTION 4.** In Colorado Revised Statutes, 33-4-117, **amend** (1)
5 and (4) as follows:

6 **33-4-117. Youth and young adult licenses - terminally ill**
7 **hunters - special restrictions and privileges - rules.** (1) A person under
8 eighteen years of age may obtain a youth small game hunting license,
9 issued ~~pursuant to~~ FOR THE FEE SPECIFIED IN section 33-4-102 (1.4)(x),
10 upon showing a hunter education certificate as required by section
11 33-6-107 (8). ~~The fee for the license, as established in section 33-4-102~~
12 ~~(1.4)(x), includes the backcountry search and rescue fund surcharge~~
13 ~~imposed under section 33-1-112.5 (2)(a).~~

14 (4) Youth big game licenses, entitling the holder to hunt deer, elk,
15 or pronghorn, may be purchased by persons who are at least twelve years
16 of age but under eighteen years of age for the fees specified in section
17 33-4-102 (1.4)(w). ~~Said fees include the backcountry search and rescue~~
18 ~~fund surcharge imposed under section 33-1-112.5 (2)(a).~~ Persons under
19 sixteen years of age hunting deer, elk, or pronghorn must be accompanied
20 by a person eighteen years of age or older as required by section 33-6-107
21 (4).

22 **SECTION 5.** In Colorado Revised Statutes, 33-10-107, **amend**
23 (1) introductory portion and (1)(h) as follows:

24 **33-10-107. Powers of commission - rules - definitions.** (1) The
25 commission ~~has power to~~ MAY:

26 (h) Establish by rule the amounts of fees for certificates, permits,
27 licenses, and passes and any other special charges in order to provide for

1 cash revenues necessary for the continuous operation of the state park and
2 recreation system, subject to section 33-10-115; except that ~~such~~ fees
3 shall not be used for capital construction other than controlled
4 maintenance activities, ~~Except as provided in section 33-10-111 (1);~~
5 EXCEPT FOR REVENUES GENERATED FROM THE SALE OF KEEP COLORADO
6 WILD PASSES CREATED IN SECTION 33-12-108. Fees and charges collected
7 pursuant to this subsection (1)(h) shall be credited to the parks and
8 outdoor recreation cash fund ~~created~~ in ACCORDANCE WITH section
9 33-10-111 (1).

10 **SECTION 6.** In Colorado Revised Statutes, 33-32-108, **amend**
11 (3)(a)(III)(B) as follows:

12 **33-32-108. Enforcement.** (3) (a) (III) (B) Any hearing conducted
13 pursuant to this ~~subparagraph (HH)~~ SUBSECTION (3)(a)(III) shall be in
14 accordance with ~~article 4 of title 24, C.R.S.~~ SECTION 33-32-109 (3) AND
15 (4).

16 **SECTION 7.** In Colorado Revised Statutes, 33-32-109, **amend**
17 (1) introductory portion, (1)(d), (3), and (4) as follows:

18 **33-32-109. Denial, suspension, or revocation of license -**
19 **disciplinary actions.** (1) The commission, IN ACCORDANCE WITH
20 SUBSECTION (3) OF THIS SECTION, may deny, suspend, or revoke a river
21 outfitter license, place a licensed river outfitter on probation, or issue a
22 letter of admonition to a licensed river outfitter if the applicant or LICENSE
23 holder:

24 (d) Violates any provision of law regulating the practice of river
25 outfitting in another jurisdiction if such violation resulted in disciplinary
26 action against the applicant or LICENSE holder. Evidence of such
27 disciplinary action shall be CONSIDERED prima facie evidence for the

1 possible denial, SUSPENSION, OR REVOCATION of a license or other
2 disciplinary action in this state if the violation resulting in the disciplinary
3 action in such other jurisdiction would be grounds for disciplinary action
4 in this state.

5 (3) (a) (I) Any proceeding to deny, suspend, or revoke a license
6 granted under this ~~article~~ ARTICLE 32 or to place a licensee on probation
7 shall be CONDUCTED pursuant to ~~sections 24-4-104 and 24-4-105, C.R.S.~~
8 THIS SUBSECTION (3) AND SUBSECTION (4) OF THIS SECTION. Such
9 proceeding may be conducted by ~~an administrative law judge designated~~
10 ~~pursuant to part 10 of article 30 of title 24, C.R.S.~~ A HEARING OFFICER
11 DESIGNATED BY THE COMMISSION PURSUANT TO THIS SUBSECTION (3).

12 (II) THE COMMISSION, WHEN BRINGING AN ACTION AGAINST A
13 LICENSE HOLDER OR AN APPLICANT PURSUANT TO SUBSECTION (1) OF THIS
14 SECTION, OR A HEARING OFFICER WHO HAS BEEN DELEGATED AUTHORITY
15 BY THE COMMISSION, SHALL PROVIDE THE LICENSE HOLDER OR APPLICANT
16 NOTICE OF THE ACTION. SUCH NOTICE MUST:

17 (A) BE SENT BY CERTIFIED MAIL, WITH A RETURN RECEIPT
18 REQUESTED;

19 (B) BE SENT TO THE LAST-KNOWN ADDRESS OF THE LICENSE
20 HOLDER OR APPLICANT;

21 (C) STATE THE BASIS FOR THE ACTION UNDER SUBSECTION (1) OF
22 THIS SECTION; AND

23 (D) INCLUDE THE DATE AND LOCATION OF THE HEARING.

24 (III) A LICENSE HOLDER OR AN APPLICANT WHO RECEIVES A
25 NOTICE FROM THE COMMISSION PURSUANT TO SUBSECTION (3)(a)(II) OF
26 THIS SECTION SHALL BE GIVEN THE OPPORTUNITY TO APPEAR AND DISPUTE
27 THE COMMISSION'S ALLEGATION AND DEMONSTRATE AT THE HEARING WHY

1 THE LICENSE HOLDER'S LICENSE SHOULD NOT BE SUSPENDED OR REVOKED,
2 WHY THE LICENSE HOLDER SHOULD NOT BE PLACED ON PROBATION OR
3 ISSUED A LETTER OF ADMONITION, OR WHY THE APPLICANT SHOULD NOT
4 BE DENIED A LICENSE.

5 (b) (I) Any ~~proceeding~~ HEARING conducted pursuant to this
6 subsection (3) shall be ~~deemed final for purposes of judicial review. Any~~
7 ~~appeal of any such proceeding shall be made to the court of appeals~~
8 ~~pursuant to section 24-4-106 (11), C.R.S.~~ CONDUCTED BY A HEARING
9 OFFICER ON BEHALF OF THE COMMISSION. THE DIRECTOR SHALL APPOINT
10 THE HEARING OFFICER, WHO MAY BE AN EMPLOYEE OF THE DIVISION.

11 (II) ANY HEARING CONDUCTED PURSUANT TO THIS SECTION SHALL
12 BE HELD IN THE REGIONAL OR AREA OFFICE OF THE DIVISION NEAREST TO
13 THE LAST-KNOWN RESIDENCE OF THE LICENSE HOLDER OR APPLICANT OR,
14 IN THE CASE OF A NONRESIDENT LICENSE HOLDER OR APPLICANT, IN SUCH
15 OTHER LOCATION AS MAY BE DETERMINED BY THE DIVISION.

16 (c) IN CONDUCTING A HEARING PURSUANT TO THIS SUBSECTION (3),
17 THE HEARING OFFICER MAY ADMINISTER OATHS AND AFFIRMATIONS, ISSUE
18 SUBPOENAS FOR THE ATTENDANCE OF WITNESSES OR THE PRODUCTION OF
19 DOCUMENTS, AND APPLY TO A DISTRICT COURT WITH PROPER JURISDICTION
20 FOR THE ENFORCEMENT OF THOSE SUBPOENAS. THE HEARING OFFICER IS
21 NOT SUBJECT TO PART 10 OF ARTICLE 30 OF TITLE 24.

22 (d) THE HEARING OFFICER'S DETERMINATION IN THE HEARING
23 SHALL BE SENT TO THE LICENSE HOLDER OR APPLICANT BY CERTIFIED
24 MAIL, WITH A RETURN RECEIPT REQUESTED, TO THE LICENSE HOLDER'S OR
25 APPLICANT'S LAST-KNOWN ADDRESS WITHIN THIRTY DAYS AFTER THE
26 CONCLUSION OF THE HEARING.

27 (e) A LICENSE HOLDER OR AN APPLICANT MAY APPEAL THE

1 HEARING OFFICER'S DETERMINATION TO THE COMMISSION BY FILING A
2 NOTICE OF APPEAL WITH THE COMMISSION WITHIN THIRTY-FIVE DAYS
3 AFTER NOTICE OF THE HEARING OFFICER'S DETERMINATION IS SENT IN
4 ACCORDANCE WITH SUBSECTION (3)(d) OF THIS SECTION.

5 (4) (a) The commission may deny an application for a river
6 outfitter license or a renewal of a river ~~outfitter's~~ OUTFITTER license if the
7 LICENSE HOLDER OR applicant:

8 (I) Does not meet the requirements specified in section 33-32-105
9 or 33-32-106; OR

10 (II) COMMITS AN ACT DESCRIBED IN SUBSECTION (1) OF THIS
11 SECTION.

12 (b) IF THE COMMISSION DENIES AN APPLICATION FOR A RIVER
13 OUTFITTER LICENSE OR AN APPLICATION FOR A RENEWAL OF A RIVER
14 OUTFITTER LICENSE, THE LICENSE HOLDER OR APPLICANT MAY REQUEST A
15 HEARING IN ACCORDANCE WITH SUBSECTION (3) OF THIS SECTION WITHIN
16 SIXTY DAYS AFTER THE DATE THAT THE APPLICATION WAS DENIED BY THE
17 COMMISSION.

18 **SECTION 8. Act subject to petition - effective date -**
19 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
20 the expiration of the ninety-day period after final adjournment of the
21 general assembly; except that, if a referendum petition is filed pursuant
22 to section 1 (3) of article V of the state constitution against this act or an
23 item, section, or part of this act within such period, then the act, item,
24 section, or part will not take effect unless approved by the people at the
25 general election to be held in November 2024 and, in such case, will take
26 effect on the date of the official declaration of the vote thereon by the
27 governor.

1 (2) This act applies to licenses issued, applications submitted, and
2 conduct occurring on or after January 1, 2025.