

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

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 13-0339.01 Jery Payne x2157

SENATE BILL 13-188

SENATE SPONSORSHIP

Tochtrop and Schwartz,

HOUSE SPONSORSHIP

Vigil and Rankin,

Senate Committees

Agriculture, Natural Resources, & Energy
Appropriations

House Committees

Agriculture, Livestock, & Natural Resources
Appropriations

HOUSE
3rd Reading Unamended
April 22, 2013

A BILL FOR AN ACT

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

HOUSE
2nd Reading Unamended
April 19, 2013

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>.)

SENATE
3rd Reading Unamended
March 20, 2013

The bill replaces the current landowner preference programs for hunting licenses with a single program that does the following:

SENATE
Amended 2nd Reading
March 19, 2013

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.

- ! Sets standards for the land, including minimum size and wildlife carrying capacity;
- ! Allocates the number of licenses based upon the size of the land, from one license for the first 160 acres to a maximum of 19 licenses, in 600-acre increments;
- ! Sets the percentage of hunting licenses in a restricted game management unit that are allocated to the program between 10% and 25%;
- ! Releases unused licenses to the general public after making them available to other landowners with limits;
- ! Authorizes an owner to transfer vouchers for the licenses to hunters but forbids brokering and restrictions on the vouchers that don't concern access; and
- ! Authorizes the division to disqualify a person from the program if the person does not comply with the law of the program.

Land in the existing programs is grandfathered until July 1, 2016. The bill also requires the commission to promulgate rules implementing the new program by July 1, 2014.

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

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

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

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

14 ~~(b) The land was inhabited by the species for which a license~~

1 preference is requested during the greater portion of the year previous to
2 the application.

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

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

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

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

22 ~~(3)~~ (a) (1) **Legislative declaration.** (a) The general assembly
23 hereby finds, determines, and declares that the wildlife resources of the
24 state are in danger of decline from increasing population pressures and
25 the loss of wildlife habitat. In order to encourage private landowners to
26 provide habitat for THAT INCREASES wildlife POPULATIONS FOR THE
27 BENEFIT OF ALL HUNTERS, discourage the harboring of game animals on

1 private lands during public hunting seasons, and relieve hunting pressure
2 on public lands by increasing game hunting on private lands, the general
3 assembly finds that it is necessary to provide an incentive-based system
4 to landowners to provide habitat for wildlife through a hunting license
5 allocation program that allows hunters access to the state's wildlife under
6 the cooperative control of the private landowner.

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

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

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

27 (II) PROVIDE FOR THE SPECIES BEING APPLIED FOR WINTERING

1 HABITAT, TRANSITIONAL HABITAT, CALVING AREAS, SOLITUDE AREAS,
2 MIGRATION CORRIDORS, OR AN IMPORTANT FOOD SOURCE; AND

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

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

10 (c) OWNERS OF PROPERTIES REGISTERED UNDER THE "WILDLIFE
11 CONSERVATION APPLICATION PROGRAM" THAT EXISTED PRIOR TO JULY 1,
12 2013, REMAIN ELIGIBLE TO PARTICIPATE IN THE PROGRAM UNTIL THE
13 EARLIER OF:

14 (I) JULY 1, 2016;

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

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

21 ~~(c)-(f)~~ (3) **Applications - availability.** (a) ~~A landowner that~~
22 ~~applies to participate in the wildlife conservation application program~~
23 ~~shall have issued to that~~ AFTER DETERMINING A LANDOWNER IS ELIGIBLE
24 AND IN COMPLIANCE WITH THIS SECTION, THE DIVISION SHALL ISSUE THE
25 landowner applications for licenses permitting the hunting of deer, elk,
26 pronghorn, and such other species, except for moose, rocky mountain big
27 horn sheep, desert big horn sheep, and rocky mountain goat, as

1 ~~determined by the commission to~~ THAT meet THE COMMISSION'S animal
2 management objectives for the game management unit ~~in which~~ WHERE
3 the property lies, as long as such species inhabited the land for which a
4 license is requested during the greater portion of the year previous to the
5 application. These applications shall be issued under the restrictions set
6 forth in this subsection (3) and as a first priority for licenses over the
7 preferences issued under subsections (1) and (2) of this section. Fifteen
8 percent of the total number of licenses established for the game
9 management unit where firearm hunting licenses are totally limited for
10 the species for which the license is requested shall be made available to
11 landowners who meet the qualifications of this section IN AN AMOUNT
12 DETERMINED BY THIS SUBSECTION (3).

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

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

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

23 (II) IN GAME MANAGEMENT UNITS EAST OF INTERSTATE HIGHWAY
24 25:

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

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

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

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

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

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

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

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

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

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

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

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

1 ~~unless the commission exempts any intermingled lands from such~~
2 ~~requirement.~~

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

8 (b) THE TRANSFER OF A LICENSE VOUCHER BY A LANDOWNER MUST
9 INCLUDE PERMISSION TO ACCESS AND HUNT THE LANDS YIELDING THE
10 LICENSE UNDER THE PROGRAM DURING THE ENTIRE SEASON THAT THE
11 LICENSE IS ISSUED. THE PERMISSION MUST NOT DISCRIMINATE AMONG
12 HUNTERS ENTERING THE PROPERTY OR CONTAIN RESTRICTIONS OTHER
13 THAN MANNER OF ACCESS, INCLUDING FOOT, HORSEBACK, OR VEHICULAR
14 RESTRICTIONS REASONABLY NECESSARY TO PREVENT DAMAGE TO
15 PROPERTY.

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

21 (H) (d) ~~Where an application is being submitted under the~~
22 ~~program, in those game management units where firearm hunting licenses~~
23 ~~are totally limited for the species for which an application is being~~
24 ~~submitted, the landowner whose application does not yield all licenses set~~
25 ~~forth in subparagraph (H) of paragraph (c) of this subsection (3) for the~~
26 ~~current season shall be in priority for application preference in the~~
27 ~~succeeding year.~~ IF A LANDOWNER SUBMITS ONE OR MORE APPLICATIONS

1 THAT FAIL TO YIELD A LICENSE, THE DIVISION SHALL GIVE A PREFERENCE
2 IN SUCCEEDING YEARS TO ONE APPLICATION OF THAT LANDOWNER FOR
3 EACH APPLICATION OF THE SAME LANDOWNER THAT FAILED TO YIELD A
4 LICENSE.

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

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

20 ~~(VI) (e) (I) In those game management units where hunting is~~
21 ~~totally limited for a species, and the private landowner pool of license~~
22 ~~preferences and applications does~~ WHERE ELIGIBLE LANDOWNERS DO not
23 use the number of landowner PREFERENCE licenses established for a
24 species for that management area, ~~then those~~ THE DIVISION SHALL MAKE
25 THE unused licenses ~~shall be made~~ available to private landowners in that
26 particular game management unit or data analysis unit as a first priority
27 before ~~becoming~~ MAKING THEM available to the general public hunter.

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

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

9 ~~(e)~~ (5) The commission shall adopt rules to implement this section
10 prior to July 1, 2004 2014.

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

13 **33-3-103.5. Game damage prevention materials - definitions.**

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

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

27 (2) In addition to any other appropriation, there is hereby

1 appropriated to the governor - lieutenant governor - state planning and
2 budgeting, for the fiscal year beginning July 1, 2013, the sum of \$51,800,
3 or so much thereof as may be necessary, for allocation to the office of
4 information technology, for the provision of computer center services for
5 the department of natural resources related to the implementation of this
6 act. Said sum is from reappropriated funds received from the department
7 of natural resources out of the appropriation made in subsection (1) of
8 this section.

9 **SECTION 4. Act subject to petition - effective date.** This act
10 takes effect at 12:01 a.m. on the day following the expiration of the
11 ninety-day period after final adjournment of the general assembly (August
12 7, 2013, if adjournment sine die is on May 8, 2013); except that, if a
13 referendum petition is filed pursuant to section 1 (3) of article V of the
14 state constitution against this act or an item, section, or part of this act
15 within such period, then the act, item, section, or part will not take effect
16 unless approved by the people at the general election to be held in
17 November 2014 and, in such case, will take effect on the date of the
18 official declaration of the vote thereon by the governor.