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SENATE BILL 21-249

BY SENATOR(S) Fenberg and Donovan, Bridges, Hansen, Buckner, Fields, Holbert, Jaquez Lewis, Lee, Moreno, Pettersen, Priola, Story, Winter;

also REPRESENTATIVE(S) Will and Tipper, Cutter, Amabile, Bernett, Bird, Boesenecker, Daugherty, Duran, Esgar, Froelich, Gray, Hooton, Jackson, Jodeh, Kennedy, Kipp, Larson, Lynch, McCormick, McLachlan, Michaelson Jenet, Mullica, Ortiz, Ricks, Roberts, Sirota, Snyder, Titone, Valdez A., Valdez D., Weissman, Young.

CONCERNING THE CREATION OF AN OPTIONAL DISCOUNTED PARKS AND PUBLIC LANDS ACCESS PASS THAT IS PURCHASED AT THE TIME A MOTOR VEHICLE IS REGISTERED, AND, IN CONNECTION THEREWITH, USING THE PASS FEES TO FINANCE A NUMBER OF GOALS OF THE DIVISION OF PARKS AND WILDLIFE RELATED TO INCREASED CONSERVATION OF, SAFETY AT, AND ACCESS TO STATE PARKS AND PUBLIC LANDS; AND MAKING AN APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, **add** 33-12-108 as follows:

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

33-12-108. Keep Colorado wild pass - assess with vehicle registration - option to decline to pay - rules - short title - legislative declaration - definitions. (1) **Short title.** THE SHORT TITLE OF THIS SECTION IS THE "KEEP COLORADO WILD PASS ACT".

(2) **Legislative declaration.** THE GENERAL ASSEMBLY:

(a) FINDS AND DETERMINES THAT:

(I) COLORADO'S GREAT OUTDOORS AND WILDLIFE ARE AMONG THE STATE'S MOST TREASURED RESOURCES, ENHANCING COLORADANS' QUALITY OF LIFE, BRINGING PROSPERITY TO THE STATE AND ITS RESIDENTS, AND REPRESENTING THE FABRIC OF THE STATE;

(II) RAPID GROWTH IN DEMAND FOR, AND EFFECTS OF, OUTDOOR RECREATION IS CHALLENGING THE DIVISION'S CAPACITY TO DELIVER ON ITS MISSION TO ENSURE THAT THE BENEFITS OF COLORADO'S OUTDOORS AND WILDLIFE ARE SUSTAINED FOR FUTURE GENERATIONS, WHILE RECREATIONISTS HAVE FEW OPPORTUNITIES TO FINANCIALLY SUPPORT WILDLIFE CONSERVATION AND THE TRAILS AND OTHER OUTDOOR RECREATIONAL INFRASTRUCTURE THAT ARE IN HIGH DEMAND IN COLORADO;

(III) DESPITE GROWTH IN OUTDOOR RECREATION, MANY COLORADO FAMILIES LACK ACCESS TO THE EXPERIENCE, EQUIPMENT, AND RESOURCES NECESSARY TO VISIT OUR STATE PARKS AND PUBLIC LANDS AND NEW STRATEGIES ARE NEEDED TO REDUCE BARRIERS FOR THOSE FAMILIES WITH LIMITED RESOURCES TO ACCESS THE OUTDOORS;

(IV) THE DIVISION AND THE COMMISSION HAVE IDENTIFIED GOALS AND OBJECTIVES TO ACHIEVE THEIR MISSION, INCLUDING THE FOLLOWING GOALS AND OBJECTIVES:

(A) PROVIDING A SIMPLE AND AFFORDABLE STATE PARKS AND PUBLIC LANDS ACCESS PASS TO ENSURE THAT COLORADO'S OUTDOORS ARE WELCOMING AND ACCESSIBLE TO ALL AND THAT ALL USERS CONTRIBUTE TO KEEPING COLORADO WILD;

(B) ENSURING SUFFICIENT STAFFING AND RESOURCES TO MANAGE AND PROTECT COLORADO'S FORTY-TWO EXISTING STATE PARKS;

(C) SUPPORTING THE THOUSANDS OF SEARCH AND RESCUE VOLUNTEERS IN COLORADO THAT RISK THEIR LIVES RESPONDING TO BACKCOUNTRY EMERGENCIES AND DEVELOPING EDUCATIONAL PROGRAMS AND CAMPAIGNS TO PROMOTE BACKCOUNTRY SAFETY;

(D) PROTECTING WINTER RECREATIONISTS BY SUPPORTING BACKCOUNTRY AVALANCHE SAFETY AND AWARENESS;

(E) BUILDING AND MAINTAINING NEW STATE PARKS ON A REGULAR BASIS IN PARTNERSHIP WITH LOCAL GOVERNMENTS, CONSERVATIONISTS, RECREATIONISTS, AND OTHER LAND MANAGEMENT AGENCIES;

(F) GROWING THE DIVISION'S CAPACITY TO ADDRESS OUTDOOR RECREATION BEYOND STATE PARKS, INCLUDING ON FEDERAL LANDS;

(G) INCREASING STATE TRAILS PROGRAM FUNDS FOR TRAIL STEWARDSHIP, NEW TRAILS, AND RIVER RECREATION PROJECTS;

(H) DEDICATING RESOURCES FOR THE DIVISION'S STATE WILDLIFE ACTION PLAN TO CONSERVE VULNERABLE SPECIES AND HABITATS;

(I) SUPPORTING THE DIVISION'S INITIATIVES THAT ARE FOCUSED ON EQUITY, DIVERSITY, AND INCLUSION IN THE OUTDOORS; AND

(J) FUNDING COLORADO REGIONAL OUTDOOR PARTNERSHIPS TO SUPPORT COMMUNITY-DRIVEN CONSERVATION AND RECREATION PLANNING AND PROJECTS; AND

(V) THE GOALS AND OBJECTIVES IDENTIFIED IN SUBSECTION (2)(a)(IV) OF THIS SECTION CAN ONLY BE ACCOMPLISHED THROUGH IMPLEMENTATION OF A FEE STRUCTURE THAT INCREASES PARTICIPATION; PROVIDES CONSISTENT, RELIABLE FINANCIAL CONTRIBUTIONS; AND IS OFFERED AT A DISCOUNTED PRICE FROM THE PRICE OF AN EXISTING ANNUAL STATE PARK PASS; AND

(b) DECLARES THAT:

(I) THE PASS FEE IS NOT INTENDED AS A REGISTRATION FEE OR OTHER CHARGE WITH RESPECT TO THE OPERATION OF ANY MOTOR VEHICLE UPON ANY PUBLIC HIGHWAY IN THE STATE;

(II) THE COLLECTION OF THE PASS FEE WITH AN ANNUAL MOTOR VEHICLE REGISTRATION IS INTENDED TO CREATE AN ADMINISTRATIVE CONVENIENCE; AND

(III) AN INDIVIDUAL'S CHOICE NOT TO PAY THE PASS FEE IS NOT INTENDED TO AFFECT THE INDIVIDUAL'S ABILITY TO REGISTER THE INDIVIDUAL'S MOTOR VEHICLE.

(3) **Definitions.** AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "AUTHORIZED AGENT" HAS THE MEANING SET FORTH IN SECTION 42-1-102 (5).

(b) "COMMERCIAL VEHICLE" HAS THE MEANING SET FORTH IN SECTION 42-1-102 (17.5).

(c) "DIVISION OF MOTOR VEHICLES" MEANS THE DIVISION OF MOTOR VEHICLES IN THE DEPARTMENT OF REVENUE.

(d) "KEEP COLORADO WILD PASS" OR "PASS" MEANS THE KEEP COLORADO WILD PASS CREATED IN SUBSECTION (4)(a) OF THIS SECTION.

(e) "LIGHT-WEIGHT TRUCK" MEANS A TRUCK WITH A DECLARED EMPTY VEHICLE WEIGHT OF LESS THAN OR EQUAL TO SIXTEEN THOUSAND POUNDS.

(f) "MOTORCYCLE" HAS THE MEANING SET FORTH IN SECTION 42-1-102 (55).

(g) "MOTOR VEHICLE" HAS THE MEANING SET FORTH IN SECTION 42-1-102 (58).

(h) "PARKS AND OUTDOOR RECREATION CASH FUND" MEANS THE PARKS AND OUTDOOR RECREATION CASH FUND CREATED IN SECTION 33-10-111 (1).

(i) (I) "PASS FEE" MEANS THE ANNUAL PASS FEE OR FEES THAT THE COMMISSION, BY RULE, SETS PURSUANT TO SUBSECTION (5)(a)(I)(A) OF THIS SECTION.

(II) "PASS FEE" INCLUDES THE REDUCED PASS FEE OR FEES THAT THE COMMISSION, BY RULE, SETS PURSUANT TO SUBSECTION (5)(a)(I)(B) OF THIS SECTION.

(j) "RECREATIONAL VEHICLE" HAS THE SAME MEANING AS "NONCOMMERCIAL OR RECREATIONAL VEHICLE" AS SET FORTH IN SECTION 42-1-102 (61).

(k) "REGISTRATION" REFERS TO THE REGISTRATION OF A VEHICLE WITH THE DEPARTMENT OF REVENUE, AS REQUIRED BY SECTION 42-3-103.

(l) "TRUCK" HAS THE MEANING SET FORTH IN SECTION 42-1-102 (108).

(m) "WILDLIFE CASH FUND" MEANS THE WILDLIFE CASH FUND CREATED IN SECTION 33-1-112 (1)(a).

(4)(a) THE DIVISION SHALL DEVELOP A KEEP COLORADO WILD PASS AS AN ANNUAL STATE PARKS AND PUBLIC LANDS PASS FOR A MOTOR VEHICLE AND THAT PROVIDES ACCESS TO ANY COLORADO STATE PARK OR OTHER PARTICIPATING PUBLIC LANDS.

(b) COMMENCING NO EARLIER THAN JANUARY 1, 2023, BUT NO LATER THAN JANUARY 1, 2024, A KEEP COLORADO WILD PASS FEE SHALL BE ASSESSED AT THE TIME OF REGISTERING A MOTOR VEHICLE THAT:

(I) IS NOT A COMMERCIAL VEHICLE; AND

(II) IS A PASSENGER MOTOR VEHICLE, LIGHT-WEIGHT TRUCK, MOTORCYCLE, OR RECREATIONAL VEHICLE.

(c) (I) A PERSON REGISTERING A TYPE OF MOTOR VEHICLE LISTED IN SUBSECTION (4)(b)(II) OF THIS SECTION WHO HAS BEEN ASSESSED THE PASS FEE MAY DECLINE TO PURCHASE THE PASS AND NOT PAY THE FEE WHEN MAKING PAYMENT DURING THE MOTOR VEHICLE REGISTRATION PROCESS. NONPAYMENT OF THE PASS FEE DOES NOT AFFECT A PERSON'S ABILITY TO REGISTER THE MOTOR VEHICLE.

(II) IF A PERSON DECLINES TO PAY THE PASS FEE OR OTHERWISE FAILS TO PAY THE PASS FEE, IT SHALL BE PRESUMED THAT THE PERSON WILL

DECLINE TO PAY THE PASS FEE IN FUTURE YEARS IN WHICH THE PERSON REGISTERS THE MOTOR VEHICLE, AND THE DIVISION, IN COLLABORATION WITH THE DIVISION OF MOTOR VEHICLES IN THE DEPARTMENT OF REVENUE, SHALL DEVELOP AN OPT-IN PROVISION TO BE DISPLAYED ON ANY SUBSEQUENT NOTIFICATIONS SENT TO THE PERSON REGARDING THAT MOTOR VEHICLE.

(III) IF A PERSON DECLINES TO PAY THE PASS FEE OR OTHERWISE FAILS TO PAY THE PASS FEE, THE PERSON MAY OBTAIN A STATE PARKS PASS FROM THE DIVISION OR, PURSUANT TO SECTION 33-12-104, FROM A PASS AND REGISTRATION AGENT TO ENTER A STATE PARK.

(d) (I) THE PASS FEE SHALL BE ASSESSED WHEN ONE OF THE MOTOR VEHICLES LISTED IN SUBSECTION (4)(b)(II) OF THIS SECTION IS REGISTERED AS REQUIRED BY ARTICLE 3 OF TITLE 42. EACH AUTHORIZED AGENT SHALL REMIT TO THE DEPARTMENT OF REVENUE NO LESS FREQUENTLY THAN ONCE A MONTH ALL PASS FEES COLLECTED BY THE AUTHORIZED AGENT. THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE SHALL TRANSMIT ALL PASS FEES REMITTED BY AUTHORIZED AGENTS PLUS ANY PASS FEES COLLECTED DIRECTLY BY THE DEPARTMENT OF REVENUE, MINUS THE DIRECT AND INDIRECT COSTS FOR THE COLLECTION AND TRANSMISSION OF THE PASS FEE AS INCURRED BY THE DEPARTMENT OF REVENUE AND ITS AUTHORIZED AGENTS AND AS ANNUALLY APPROPRIATED BY THE GENERAL ASSEMBLY, TO THE STATE TREASURER NO LESS FREQUENTLY THAN ONCE A MONTH, AND THE STATE TREASURER SHALL CREDIT THE FEES TO THE SPECIFIED FUNDS IN ACCORDANCE WITH SUBSECTION (4)(e) OF THIS SECTION.

(II) ANY MONEY THAT THE DEPARTMENT OF REVENUE RECEIVES AND TRANSMITS TO THE STATE TREASURER PURSUANT TO SUBSECTION (4)(d)(I) OF THIS SECTION AND THE STATE TREASURER CREDITS TO THE PARKS AND OUTDOOR RECREATION CASH FUND, THE WILDLIFE CASH FUND, OR THE SEARCH AND RESCUE FUND PURSUANT TO SUBSECTIONS (4)(e)(I)(A), (4)(e)(II), AND (4)(e)(I)(B) OF THIS SECTION:

(A) IS COLLECTED FOR THE DIVISION, WHICH IS AN ENTERPRISE PURSUANT TO SECTION 33-9-105;

(B) IS CUSTODIAL MONEY INTENDED FOR THE DIVISION AND HELD TEMPORARILY BY THE DEPARTMENT OF REVENUE AND THE STATE TREASURER SOLELY FOR THE PURPOSE OF CREDITING THE MONEY TO THE

PARKS AND OUTDOOR RECREATION CASH FUND, THE WILDLIFE CASH FUND, AND THE SEARCH AND RESCUE FUND ADMINISTERED BY THE DIVISION; AND

(C) BASED ON THE DIVISION'S STATUS AS AN ENTERPRISE, IS NOT SUBJECT TO SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION AT ANY TIME DURING ITS COLLECTION, TRANSMISSION, OR USE.

(e) THE STATE TREASURER SHALL CREDIT THE PASS FEES THAT THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE TRANSMITS PURSUANT TO SUBSECTION (4)(d) OF THIS SECTION IN EACH STATE FISCAL YEAR AS FOLLOWS:

(I) THE FIRST THIRTY-SIX MILLION DOLLARS SHALL BE ALLOCATED AS FOLLOWS:

(A) THIRTY-TWO MILLION FIVE HUNDRED THOUSAND DOLLARS TO THE PARKS AND OUTDOOR RECREATION CASH FUND FOR STATE PARKS MAINTENANCE IN FURTHERANCE OF THE GOALS SET FORTH IN SUBSECTIONS (2)(a)(IV)(A) AND (2)(a)(IV)(B) OF THIS SECTION;

(B) TWO MILLION FIVE HUNDRED THOUSAND DOLLARS TO THE SEARCH AND RESCUE FUND CREATED IN SECTION 33-1-112.5 (1) IN FURTHERANCE OF THE GOAL SET FORTH IN SUBSECTION (2)(a)(IV)(C) OF THIS SECTION; AND

(C) ONE MILLION DOLLARS TO THE COLORADO AVALANCHE INFORMATION CENTER FUND CREATED IN SECTION 24-33-116 (2)(c) IN FURTHERANCE OF THE GOAL SET FORTH IN SUBSECTION (2)(a)(IV)(D) OF THIS SECTION; AND

(II) AFTER MAKING THE ALLOCATIONS UNDER SUBSECTION (4)(e)(I) OF THIS SECTION, THE STATE TREASURER SHALL CREDIT ONE-HALF OF ANY REMAINING MONEY TO THE WILDLIFE CASH FUND AND ONE-HALF OF ANY REMAINING MONEY TO THE PARKS AND OUTDOOR RECREATION CASH FUND IN FURTHERANCE OF THE GOALS SET FORTH IN SUBSECTIONS (2)(a)(IV)(E) TO (2)(a)(IV)(J) OF THIS SECTION.

(f) ON AN ANNUAL BASIS AFTER THE FIRST YEAR IN WHICH THE PASS IS OFFERED, THE COMMISSION SHALL DETERMINE AND INFORM THE STATE TREASURER OF AN INCREASED ALLOCATION OF THE MONEY COLLECTED FROM

THE PASS FEE TO BE CREDITED PURSUANT TO SUBSECTION (4)(e) OF THIS SECTION TO THE FOLLOWING FUNDS TO REFLECT AN ADJUSTMENT BASED ON A CHANGE TO THE UNITED STATES DEPARTMENT OF LABOR'S BUREAU OF LABOR STATISTICS CONSUMER PRICE INDEX FOR DENVER-AURORA-LAKEWOOD FOR ALL ITEMS AND ALL URBAN CONSUMERS, OR ITS SUCCESSOR INDEX:

(I) THE PARKS AND OUTDOOR RECREATION CASH FUND TO WHICH FEES ARE CREDITED PURSUANT TO SUBSECTION (4)(e)(I)(A) OF THIS SECTION;

(II) THE SEARCH AND RESCUE FUND TO WHICH FEES ARE CREDITED PURSUANT TO SUBSECTION (4)(e)(I)(B) OF THIS SECTION; AND

(III) THE COLORADO AVALANCHE INFORMATION CENTER FUND TO WHICH FEES ARE CREDITED PURSUANT TO SUBSECTION (4)(e)(I)(C) OF THIS SECTION.

(5) (a) (I) THE COMMISSION SHALL ADOPT RULES REGARDING THE PASS, INCLUDING RULES:

(A) SETTING THE PASS FEE AT AN AMOUNT THAT IS NO MORE THAN ONE-HALF OF THE FEE THAT THE COMMISSION SETS FOR AN ANNUAL STATE PARKS PASS FOR A MOTOR VEHICLE PURSUANT TO SECTION 33-10-107 (1)(h);

(B) ESTABLISHING A REDUCED PASS FEE FOR INCOME-ELIGIBLE HOUSEHOLDS IN CONSULTATION WITH ORGANIZATIONS THAT REPRESENT HOUSEHOLDS AND COMMUNITIES WITH LIMITED RESOURCES AND DEVELOPING A PROCESS FOR DEMONSTRATING INCOME ELIGIBILITY TO THE DIVISION; AND

(C) ESTABLISHING A PROCESS TO ALLOW A PERSON WHO ENTERS A STATE PARK OR OTHER PARTICIPATING PUBLIC LAND BY MEANS OTHER THAN BY A MOTOR VEHICLE TO DEMONSTRATE THAT THE PERSON IS A PASS HOLDER.

(II) THE PASS FEE AND REDUCED PASS FEE AND INSTRUCTIONS ON HOW TO APPLY FOR THE REDUCED PASS FEE, ESTABLISHED BY RULE PURSUANT TO SUBSECTION (5)(a)(I) OF THIS SECTION, MUST BE POSTED ON THE DIVISION'S PUBLIC WEBSITE AND ON THE DIVISION OF MOTOR VEHICLE'S PUBLIC WEBSITE.

(b) THE COMMISSION MAY ALSO SET BY RULE:

(I) A PROCESS FOR APPLYING TO THE PASS ONE OR MORE DISCOUNTS OR FEE WAIVERS AUTHORIZED IN STATUTE OR BY COMMISSION RULE, INCLUDING THE PASSES AUTHORIZED UNDER SECTIONS 33-12-103 (1)(a) AND 33-12-103.5 (2) AND THE FREE ENTRY AUTHORIZED UNDER SECTIONS 33-12-103.5 (2.5), 33-12-103.7, AND 33-12-106; AND

(II) A SEPARATE FEE THAT IS NOT SUBJECT TO THE LIMITATION SET FORTH IN SUBSECTION (5)(a)(I)(A) OF THIS SECTION FOR A PASS THAT MAY BE PURCHASED FROM THE DIVISION, AND NOT THROUGH MOTOR VEHICLE REGISTRATION, INCLUDING A SEPARATE PASS FEE FOR:

(A) NONRESIDENTS;

(B) RESIDENTS WHO DECLINE TO PURCHASE THE PASS PURSUANT TO SUBSECTION (4)(c) OF THIS SECTION; AND

(C) RESIDENTS WHO DO NOT POSSESS A TYPE OF MOTOR VEHICLE LISTED IN SUBSECTION (4)(b)(II) OF THIS SECTION.

(6) IN COLLABORATION WITH THE DEPARTMENT OF REVENUE, THE DIVISION SHALL DEVELOP LANGUAGE TO NOTIFY A PERSON ABOUT THE PASS AND THE PASS FEE, INCLUDING EXPLICIT LANGUAGE REGARDING A PERSON'S ABILITY TO DECLINE TO PAY THE PASS FEE AND THE FACT THAT NONPAYMENT OF THE PASS FEE WILL NOT AFFECT THE PERSON'S ABILITY TO REGISTER A MOTOR VEHICLE. THE NOTIFICATION LANGUAGE DEVELOPED MUST BE CONSPICUOUSLY PLACED:

(a) ON NOTIFICATIONS REGARDING REGISTRATION OF A MOTOR VEHICLE OF A TYPE LISTED IN SUBSECTION (4)(b) OF THIS SECTION;

(b) ON THE DIVISION'S PUBLIC WEBSITE; AND

(c) ON THE DIVISION OF MOTOR VEHICLE'S PUBLIC WEBSITE.

(7) IN COLLABORATION WITH THE DEPARTMENT OF REVENUE, COUNTY CLERKS, AND OTHER STAKEHOLDERS AND BEGINNING AT LEAST SIX MONTHS BEFORE IMPLEMENTING THE PASS, THE DIVISION SHALL CONDUCT A PUBLIC OUTREACH CAMPAIGN TO EDUCATE THE PUBLIC ABOUT:

(a) THE AVAILABILITY OF THE PASS THROUGH THE MOTOR VEHICLE REGISTRATION PROCESS; AND

(b) THE ACCESS TO STATE PARKS AND OTHER PUBLIC LANDS THAT THE PASS WILL PROVIDE TO PASS HOLDERS.

SECTION 2. In Colorado Revised Statutes, 24-4-109, **as added by House Bill 21-1266**, add (4) as follows:

24-4-109. State engagement of disproportionately impacted communities - definition - repeal. (4) THE DIVISION OF PARKS AND WILDLIFE CREATED IN SECTION 33-9-104 SHALL, IN CONDUCTING PUBLIC OUTREACH REGARDING THE KEEP COLORADO WILD PASS PURSUANT TO SECTION 33-12-108 (7):

(a) INCLUDE OUTREACH TO AND ENGAGEMENT OF DISPROPORTIONATELY IMPACTED COMMUNITIES WITH A GOAL TO BUILD TRUST AND TRANSPARENCY, PROVIDE MEANINGFUL OPPORTUNITIES TO INFLUENCE PUBLIC POLICY, AND MODIFY PROPOSED STATE ACTION IN RESPONSE TO PUBLIC INPUT RECEIVED TO DECREASE ENVIRONMENTAL BURDENS OR INCREASE ENVIRONMENTAL BENEFITS FOR EACH DISPROPORTIONATELY IMPACTED COMMUNITY; AND

(b) ENGAGE DISPROPORTIONATELY IMPACTED COMMUNITIES IN ACCORDANCE WITH THE PROCEDURES SET FORTH IN SUBSECTION (3) OF THIS SECTION.

SECTION 3. In Colorado Revised Statutes, **amend** 33-4-121 as follows:

33-4-121. Reporting by division - license fee increases - division-managed lands - keep Colorado wild pass - repeal. (1) (a) (I) By November 1, 2019, and by November 1 of each year thereafter, the division shall prepare a written report on:

(A) The impact that license fee increases, as established on August 8, 2018, or by the commission pursuant to section 33-4-102 (1.5)(a), have had on the total number of sales of licenses;

(B) An accounting of program expenditures made with the increased

fees and the impact of those expenditures on the achievement of the division's goals and objectives as set forth in section 2 of Senate Bill 18-143, enacted in 2018; and

(C) A list of nonprofit organizations that, in the previous twelve months, received grant money from the sale of state migratory waterfowl stamps for implementation of the North American waterfowl management plan pursuant to section 33-4-102.5 (3)(b) and an explanation of each grant award made.

(II) ON OR BEFORE NOVEMBER 1, 2024, AND ON OR BEFORE NOVEMBER 1 OF EACH YEAR THEREAFTER, THE DIVISION SHALL PREPARE A WRITTEN REPORT TO BE ATTACHED TO THE WRITTEN REPORT PREPARED PURSUANT TO SUBSECTION (1)(a)(I) OF THIS SECTION REGARDING:

(A) THE NUMBER OF KEEP COLORADO WILD PASSES SOLD IN THE PRIOR FISCAL YEAR PURSUANT TO SECTION 33-12-108;

(B) AN ACCOUNTING OF PROGRAM EXPENDITURES MADE WITH THE INCREASED ENTERPRISE REVENUE GENERATED FROM THE SALE OF THE KEEP COLORADO WILD PASSES; AND

(C) A SUMMARY OF THE EFFECT THAT THOSE INCREASED EXPENDITURES HAVE HAD ON THE ACHIEVEMENT OF THE DIVISION GOALS SET FORTH IN SECTION 33-12-108 (2)(a)(IV).

~~(H)~~ (III) The division shall make the report available to the public and, NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), shall send ~~each~~ THE report to the agriculture, livestock, and ~~natural resources~~ WATER committee in the house of representatives and the agriculture AND natural resources ~~and energy~~ committee in the senate, or their successor committees.

(b) (I) On or before March 1, 2022, and on or before March 1, 2025, the division shall present its findings from, and a summary of, THE PORTION OF its most recent report prepared pursuant to ~~subsection (1)(a)~~ SUBSECTION (1)(a)(I) of this section to a joint session of the agriculture, livestock, and ~~natural resources~~ WATER committee in the house of representatives and the agriculture AND natural resources ~~and energy~~ committee in the senate, or their successor committees.

(II) ON OR BEFORE MARCH 1, 2025, AND ON OR BEFORE MARCH 1, 2030, THE DIVISION SHALL PRESENT ITS FINDINGS FROM, AND A SUMMARY OF, THE PORTION OF ITS MOST RECENT REPORT PREPARED PURSUANT TO SUBSECTION (1)(a)(II) OF THIS SECTION TO A JOINT SESSION OF THE AGRICULTURE, LIVESTOCK, AND WATER COMMITTEE IN THE HOUSE OF REPRESENTATIVES AND THE AGRICULTURE AND NATURAL RESOURCES COMMITTEE IN THE SENATE, OR THEIR SUCCESSOR COMMITTEES.

(2) This section is repealed, effective ~~July 1, 2025~~ SEPTEMBER 1, 2030; EXCEPT THAT SUBSECTIONS (1)(a)(I) AND (1)(b)(I) OF THIS SECTION ARE REPEALED, EFFECTIVE SEPTEMBER 1, 2025.

SECTION 4. In Colorado Revised Statutes, 33-9-102, **repeal** (4)(c) as follows:

33-9-102. Powers and duties of commission - rules. (4) (c) ~~The maximum increase in fees that the commission may approve by rule for park passes in any one year is as follows:~~

~~(I) For a daily park pass, one dollar; and~~

~~(II) For an annual park pass, including an aspen leaf annual pass and a columbine annual pass, ten dollars.~~

SECTION 5. In Colorado Revised Statutes, 33-10-108, **add** (4) and (5) as follows:

33-10-108. Duties of the division of parks and wildlife - gifts, grants, or donations - definitions. (4) THE DIVISION IS AUTHORIZED TO ENTER INTO COOPERATIVE AGREEMENTS WITH OTHER LAND MANAGEMENT AGENCIES FOR THE PURPOSE OF IMPLEMENTING THE KEEP COLORADO WILD PASS OFFERED PURSUANT TO SECTION 33-12-108 TO PROVIDE ACCESS TO PARTICIPATING FEDERAL AND OTHER PUBLIC LANDS AND FOR OTHER PURPOSES SET FORTH IN THIS ARTICLE 10 AND ARTICLES 10.5 TO 15 AND ARTICLE 33 OF THIS TITLE 33.

(5) THE DIVISION SHALL DEVELOP A PROGRAM TO SEEK, ACCEPT, AND EXPEND GIFTS, GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES SET FORTH IN THIS ARTICLE 10 AND ARTICLES 10.5 TO 15 AND ARTICLE 33 OF THIS TITLE 33.

SECTION 6. In Colorado Revised Statutes, 42-3-105, **add** (3.5) as follows:

42-3-105. Application for registration - tax - definitions.

(3.5) (a) A PERSON REGISTERING A MOTOR VEHICLE THAT IS NOT A COMMERCIAL VEHICLE AND IS A PASSENGER MOTOR VEHICLE, LIGHT-WEIGHT TRUCK, MOTORCYCLE, OR RECREATIONAL VEHICLE MAY DECLINE TO PAY THE KEEP COLORADO WILD PASS FEE ASSESSED PURSUANT TO SECTION 33-12-108 (4)(b). NONPAYMENT OF THE PASS FEE DOES NOT AFFECT A PERSON'S ABILITY TO REGISTER A MOTOR VEHICLE.

(b) AS USED IN THIS SUBSECTION (3.5), UNLESS THE CONTEXT OTHERWISE REQUIRES:

(I) "KEEP COLORADO WILD PASS" HAS THE MEANING SET FORTH IN SECTION 33-12-108 (3)(d).

(II) "LIGHT-WEIGHT TRUCK" HAS THE MEANING SET FORTH IN SECTION 33-12-108 (3)(e).

(III) "PASS FEE" HAS THE MEANING SET FORTH IN SECTION 33-12-108 (3)(i).

SECTION 7. In Colorado Revised Statutes, 33-1-102, **amend** (42) as follows:

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

(42) "State wildlife area" means all lands and waters ~~excluding offices, warehouses, and fish hatcheries,~~ held by the division ~~in fee title or by lease, easement, or agreement~~ THAT ARE DESIGNATED BY THE COMMISSION for the benefit of wildlife populations or for wildlife-related recreation.

SECTION 8. In Colorado Revised Statutes, 33-10-111.5, **amend** (4) as follows:

33-10-111.5. Parks and outdoor recreation emergency reserve cash fund - stores revolving fund - created. (4) There is hereby created

a stores revolving fund, which fund shall be maintained to acquire stock for warehousing and distributing supplies for retail sales to visitors. The money in the fund is continuously appropriated to the division for the purchase of stock for retail sales to visitors. The purpose of the fund is to provide better budgetary control. Nothing contained in this subsection (4) authorizes the division to make any purchases or acquisitions in any manner except as provided by law. Any surplus in the revolving fund in excess of the amount needed for stock purchases ~~reverts to the parks and outdoor recreation~~ MAY BE REVERTED, AS APPROPRIATE, TO ANY OTHER cash fund ~~at the close of each fiscal year~~ ADMINISTERED BY THE DIVISION.

SECTION 9. In Colorado Revised Statutes, 33-12-106.5, **amend** (2) as follows:

33-12-106.5. Alternative means of park entrance - fees - rules.

(2) The commission, by rule, shall establish fees for ~~daily and annual~~ passes for individuals entering a state park or state recreation area by means other than by motor vehicle. The commission may establish exemptions from such fees.

SECTION 10. Appropriation. (1) For the 2021-22 state fiscal year, \$504,646 is appropriated to the department of natural resources for use by the division of parks and wildlife. This appropriation is from the parks and outdoor recreation cash fund created in section 33-10-111 (1), C.R.S. To implement this act, the division may use this appropriation for state park operations, which amount is based on an assumption that the division will require an additional 2.4 FTE.

(2) For the 2021-22 state fiscal year, \$108,200 is appropriated to the department of revenue for use by the division of motor vehicles. This appropriation is from reappropriated funds received from the department of natural resources under subsection (1) of this section. To implement this act, the division may use this appropriation for DRIVES maintenance and support.

SECTION 11. Act subject to petition - effective date - applicability. (1) Except as provided in subsection (2) of this section, 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; 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 the ninety-day period after final adjournment of the general assembly, 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 2022 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

(2) Section 2 of this act takes effect only if House Bill 21-1266 becomes law, in which case section 2 takes effect on the effective date of this act or House Bill 21-1266, whichever is later.

(3) This act applies to conduct occurring on or after the applicable effective date of this act.

Leroy M. Garcia
PRESIDENT OF
THE SENATE

Alec Garnett
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO