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FISCAL NOTE

Drafting Number: LLS 20-0636 Date: January 27, 2020
Prime Sponsors: Rep. Will; Arndt Bill Status: House Rural Affairs
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Bill Topic: PARKS AND WILDLIFE LAW ENFORCEMENT STATUTES CLEANUP

- Summary of Fiscal Impact: State Revenue, State Expenditure, State Transfer, TABOR Refund, Local Government, Statutory Public Entity

The bill modifies statutes related to law enforcement in the Colorado Division of Parks and Wildlife, generally to increase specificity or consistency. It affects state and local government revenue and increases state workload on an ongoing basis.

Appropriation Summary: No appropriation is required.

Fiscal Note Status: The fiscal note reflects the introduced bill.

Summary of Legislation

The bill modifies statutes related to law enforcement in the Colorado Division of Parks and Wildlife (CPW) in the Department of Natural Resources, generally increasing specificity or consistency with current law.

Wildlife. The bill makes the following changes related to wildlife:

- states that any person, not only hunters, may be prosecuted for violating CPW statutes; amends the definition of "take" to include the killing of wildlife without acquiring possession; exempts CPW from complying with the "Secure and Verifiable Identity Document Act" when issuing licenses; clarifies that the penalty and fine for violating a CPW Commission rule for which there is no associated statutory penalty also applies to violations of statutes with no specified penalty, and adds five license suspension points for wildlife-related violations; makes fines for poaching big game animals with specified exceptional characteristics optional rather than mandatory; and amends the definition of "careless hunting", and decreases the penalty for killing a big game animal without a license if the hunter is otherwise licensed and follows specified protocols.

Parks and outdoor recreation: The bill makes the following changes related to parks and outdoor recreation:

- amends the definition of "vessel" to include stand-up paddleboards; exempts pistols and revolvers from snowmobile firearm prohibitions, and allows CPW to authorize other exemptions; and strengthens safety protocols for river outfitters.

Penalties: The bill makes the following changes to penalty protocols:

- extends the period of time within which a penalty assessment may be paid from 15 to 20 days;
- clarifies the allowable means of delivery for a summons or penalty assessment notice; and
- permits CPW to suspend a person's license for failure to comply with a notice of alleged violation.

State Revenue

Various provisions of the bill will affect state revenue either positively or negatively; the fiscal note assumes these impacts will be minimal and offsetting. Classifying paddleboards as vessels may increase revenue from fines such as careless vessel operation, a \$200 fine. To the extent that fines are assessed for violating CPW statutes for which there is no associated statutory penalty or commission rule, revenue will increase by \$100 per instance. Conversely, penalties are decreased for licensed hunters that kill a big game animal not covered by their license, but field dress the animal and report the incident to CPW. Because CPW is designated as an enterprise, its revenue is not included toward the state's revenue cap under TABOR and does not affect refund obligations.

State Expenditures

Staff training and public outreach in the DNR will be required to incorporate the bill's changes. Law enforcement workload may shift in various areas, but these changes are expected to be minimal. Training, outreach, and law enforcement are ongoing activities for CPW and can be accomplished without any change in appropriations.

Local Governments

The bill may reduce poaching fine revenue to local governments by changing certain fines from being mandatory to optional, imposed at the discretion of CPW. In addition to standard fines and criminal penalties for poaching, current law requires additional fines for poaching specific animals or animals with exceptional characteristics, as specified in statute. These additional fines apply to seven animals, including a bull elk with at least six points on one antler beam, a bighorn sheep with a horn length of at least one-half curl, and any mountain goat or bull moose. These additional fines range from \$4,000 to \$25,000 per incident. The state averages 19 citations per year totaling \$208,000 in fines issued. Fine revenue is credited to local governments where the offense took place or the citation was issued to further law enforcement or wildlife related programs.

Effective Date

The bill takes effect upon signature of the Governor, or upon becoming law without his signature.

State and Local Government Contacts

Natural Resources