

CYNTHIA H. COFFMAN
Attorney General

MELANIE J. SNYDER
Chief Deputy Attorney General

LEORA JOSEPH
Chief of Staff

FREDERICK R. YARGER
Solicitor General



**STATE OF COLORADO
DEPARTMENT OF LAW**

RALPH L. CARR
COLORADO JUDICIAL CENTER
1300 Broadway, 10th Floor
Denver, Colorado 80203
Phone (720) 508-6000

**Natural Resources and
Environment Section**

January 25, 2018

RE: Correction to Regulation 2 CCR 405-7, Chapter P-7 (Passes, Permits and Registrations)
Rule Opinion Correction 2018-00026 (correction to 2017-00476)

Dear Sir or Madam:

On November 16, 2017, the Colorado Parks and Wildlife Commission amended 2 CCR 405-7; Chapter P-7 (Passes, Permits and Registrations). Pursuant to § 24-4-103(11)(d)(II), C.R.S., the amended regulation, together with the Attorney General's opinion, was submitted to the Secretary of State within 20 days of promulgation under tracking number 2017-00476. Typographical errors have since been discovered.

Pursuant to the rulemaking provisions of the Colorado Administrative Procedures Act, typographical and other nonsubstantive errors may be corrected upon submission of a request by the agency. C.R.S. § 24-4-103(11)(d)(II).

The following errors are corrected under Rule Opinion Correction 2018-00026:

- The rule submitted as rule 717 has been renumbered as rule 720
- The rule submitted as rule 718 has been renumbered as rule 721

The corrected pages are attached to this filing. In accordance with C.R.S. § 24-4-103(11)(d)(II), I have reviewed these errors and have determined that they are nonsubstantive.

CYNTHIA H. COFFMAN
Attorney General

JAKE MATTER
Senior Assistant Attorney General
Parks, Wildlife, and Trust Lands Unit
Natural Resources and Environment Section

FINAL REGULATIONS - CHAPTER P-7 - PASSES, PERMITS AND REGISTRATIONS

708 - PASS AND PERMIT FEE SCHEDULE

8. The fees associated with the reservation system for phone or internet sales are as follows:
- a. Campsite, cabin and yurt reservation fee.....\$10.00/campsite, cabin or yurt
 - b. Each reservation change or cancellation.....\$6.00/each
 - (1) For cancellations made fourteen days or more prior to the beginning date of the reservation, the campsite reservation fee will be retained and the cancellation fee will be charged.
 - (2) For cancellations made less than fourteen days prior to the beginning date of the reservation, the campsite reservation fee will be retained and the first night's camping fee will be charged.
 - c. On-park facility reservation fee.....\$10.00/facility
 - (1) For group camping areas, group picnic areas, and event facilities, the cancellation fees shall be as described in regulations # 704, # 706, and # 708, respectively.

#720 – AGENT COMMISSION RATES

Deleted: 17

See also §33-4-101 C.R.S. relative to CPW agents and §33-4-102(1.6)(b) C.R.S. for price indexing information for nonresident big game licenses.

- A. Commission Rates for Retail Agents:
1. Retail agents shall be paid a 4.75% commission for each license sold electronically, except for those licenses with fixed commissions as shown below.
 2. Retail agents shall be paid a 5% commission for each pass sold electronically.
 3. Agents who sell registrations shall be paid a flat rate of \$1.00 per registration issued.
 4. Fixed Commissions:

Division Product Type	2017 Fee	2017 Commission	2018 Fee	2018 Commission
Second Rod Stamp	\$5.00	\$.31	\$5.00	\$.31
Fishing - 1 day	\$8.00	\$.62	\$8.00	\$.62
Fishing - 5 day	\$20.00	\$1.23	\$20.00	\$1.23
Small Game - 1 day	\$10.00	\$.62	\$10.00	\$.62
Nonresident Deer	\$385.00	\$13.50	\$395.00	\$13.90

Nonresident Pronghorn	\$385.00	\$13.50	\$395.00	13.90
Nonresident Bear	\$350.00	\$12.95	\$350.00	\$12.95
Nonresident Mountain Lion	\$350.00	\$12.95	\$350.00	\$12.95
Nonresident Antlerless Elk	\$480.00	\$13.50	\$495.00	\$17.55
Nonresident Either-sex Elk	\$640.00	\$22.70	\$660.00	\$23.40
Nonresident Antlered Elk	\$640.00	\$22.70	\$660.00	\$23.40
Nonresident Rocky Mtn Bighorn Sheep	\$2,145.00	\$74.95	\$2,210.00	\$77.25
Nonresident Desert Bighorn Sheep	\$1,430.00	\$50.05	\$1,470.00	\$51.60
Nonresident Goat	\$2,145.00	\$74.95	\$2,210.00	\$77.25
Nonresident Moose	\$2,145.00	\$74.95	\$2,210.00	\$77.25

All 2017 licenses sold through March 2018 shall be sold at the 2017 license fee and commission rates.

B. Commission Rates for the System Agent: The system agent shall be paid the commissions shown in the table below for each license sold through the system:

1. Fixed Commissions:

Division Product Sale Type	Commission			
	07/01/2008 - 06/30/2010	07/01/2010 - 06/30/2011	07/01/2011 - 06/30/2012	07/01/2012 - 12/31/2016*
Division products sold through point of sale terminals	\$1.29	\$1.32	\$1.34	\$1.35
Division products sold through the Internet	\$2.00	\$2.00	\$2.00	\$2.00
Division products sold by telephone	\$2.37	\$2.37	\$2.37	\$2.37
Limited Licenses fulfillment	\$1.00	\$1.00	\$1.00	\$1.00

*The Commission rates for 2018 will remain as listed until the new IPAWS system has been implemented.

a. For Internet and telephone sales, the system agent shall receive an additional 2.2 percent of the cost of any wildlife product.

721 – REGISTRATIONS-ONLY AGENTS

Deleted: 18

1. Registration-only agents: except for agents exempted from surety requirements in accordance with C.R.S. 33-12-104(9) when cash sales are made to financially secured agents they shall be subject to the following conditions:
 - a. Purchase of accountable inventory registrations shall be made at the designated Division office or by submitting funds by mail to the designated address. Funds submitted for purchase must be in the exact amount of the Division's share for the number of registrations;
 - b. All mail orders shall be placed on forms supplied by the Division.
 - c. Redemption of unsold registrations may be made at the designated Division office or by submitting unsold registrations to the Division by mail.
 - d. The termination procedures of registration agents who purchase registrations for cash shall include having the agent turn over to the Division or its representative all unsold registrations.
 - e. Yearly submit final payment and return all unused accountable inventory by no later than November 15. Registrations may be carried over from year to year unless otherwise notified by the Division, in which case instructions will be given as to return/payment deadlines.

AS APPROVED – 11/16/2017
Basis and Purpose
Chapter P-7 - Passes, Permits and Registrations

Basis and Purpose:

H.B. 00-1448, which was passed into law in May 2000, provided for the annual adjustment of nonresident big game license fees based on the Consumer Price Index (CPI): "The nonresident big game fees described in subsection (1.4) of this section shall annually be adjusted in accordance with changes in the United States Bureau of Labor Statistics Consumer Price Index for the Denver-Boulder-Greeley consolidated metropolitan statistical area for all urban consumers, all goods, or its successor index." §33-4-102 (1.6)(b) C.R.S. Consumer Price Indices for the Denver-Boulder-Greeley metropolitan statistical area are compiled by the United States Bureau of Labor Statistics. H.B. 01-1249 subsequently provided authority for the Parks and Wildlife Commission to modify agent commission rates. While not required by statute, the Commission has historically modified agent commission rates according to the CPI-based changes made annually in Chapter W-2 to non-resident big game licenses. Only license prices that are adjusted with CPI have adjusted commission rates.

The chart below shows the average CPI for the first half of each year.

Consumer Price Index - All Urban Consumers Denver-Boulder-Greeley Metropolitan Area	
First Half 2002	184.600
First Half 2003	187.800
Annual Percentage Change	1.7%
First Half 2004	186.500
Annual Percentage Change	-0.7%
First Half 2005	189.200
Annual Percentage Change	1.4%
First Half 2006	196.300
Annual Percentage Change	3.8%
First Half 2007	201.258
Annual Percentage Change	2.5%
First Half 2008	208.741
Annual Percentage Change	3.7%
First Half 2009	207.444
Annual Percentage Change	-0.6%
First Half 2010	210.978
Annual Percentage Change	1.7%
First Half 2011	219.055
Annual Percentage Change	3.8%
First Half 2012	222.960
Annual Percentage Change	1.8%
First Half 2013	229.142
Annual Percentage Change	2.8%
First Half 2014	235.736
Annual Percentage Change	2.9%
First Half 2015	238.086
Annual Percentage Change	1.0%

First Half 2016	245.191
Annual Percentage Change	3.0%
First Half 2017	252.760
Annual Percentage Change	3.1%
Cumulative Percentage Change (Rounded)	36.9%

Source: U.S. Dept of Labor/Bureau of Labor Statistics

The primary statutory authority for these regulations can be found in § 24-4-103, C.R.S., and the state Parks Act, §§ 33-10-101 to 33-33-113, C.R.S., and specifically including, but not limited to: §§ 33-10-106 and 33-10-107, C.R.S.

EFFECTIVE DATE - THESE REGULATIONS SHALL BECOME EFFECTIVE JANUARY 1, 2018 AND SHALL REMAIN IN FULL FORCE AND EFFECT UNTIL REPEALED, AMENDED OR SUPERSEDED.

APPROVED AND ADOPTED BY THE PARKS AND WILDLIFE COMMISSION OF THE STATE OF COLORADO THIS 16TH DAY OF NOVEMBER, 2017.

**APPROVED:
John V. Howard
Acting Chairman**

**ATTEST:
Michelle Zimmerman
Secretary**