

ISSUES SUBMITTAL FORM

Date: 06/10/2019

ISSUE: Should CPW adopt wildlife regulations to support the new state statute for disabled first responders?

DISCUSSION (FACTS AND FIGURES, EXPLANATION OF ISSUE):

In the 2019 Legislative Session, House Bill 19-1080 passed making resident first responders with a permanent occupational disability eligible for a free resident lifetime combination small game hunting and fishing license.

Statutory Language:

33-4-104.5. Free licenses issued - first responders with a permanent occupational disability - definition.
(1) any resident of the state who is a first responder with a permanent occupational disability may obtain from the division, free of charge, a lifetime resident combination small game hunting and fishing license.
(2) for purposes of this section, "first responder with a permanent occupational disability" means an individual who is a resident, as defined in section 33-1-102 (38), and:
(a) is a retired member of the fire and police pension association, as defined in section 31-31-102(6), who has established to the division that he or she has been found to have, as the result of an injury received while performing official duties or an occupational disease arising out of and in the course of performing official duties, a permanent occupational disability, as defined in section 31-31-801 (3.2), by the fire and police pension association; or
(b) served as a peace officer, as defined in section 16-2.5-101, or as a firefighter, as defined in section 29-5-203 (10), and has established to the division that he or she has, as the result of an injury received while performing official duties or an occupational disease arising out of and in the course of performing official duties, a permanent occupational disability as defined in section 31-31-801 (3.2).

Issue:

The language of 33-4-104.5 does not clarify how applicants will "establish to the division" their permanent occupational disability. Therefore, this procedure should be established via regulation.

Additionally, the language "lifetime resident small game hunting and fishing license" is inconsistent with the language for the only other lifetime license program offered by our agency. The lifetime fishing and veteran's small game combination licenses are defined as "during the period of residency only" in 33-4-104(1). The language in 33-4-104.5 does not specify that the license is only considered a lifetime license as long as the applicant maintains their Colorado residency.

Proposed Update:

Introduce a Chapter W- 0 regulation that would clarify the following documentation will be accepted as qualifying documentation to prove a "permanent occupational disability":

1. The "Initial Disability Administrative Decision" form from the Fire & Police Pension Association that specifies a permanent occupational disability, OR
2. A Colorado Parks and Wildlife "First Responder's Affidavit": this will be a section on the new application that will be signed by the applicant, attesting to the fact their permanent disability and/or disease was obtained while on active-duty. This section will be for applicants that qualify based on 33-4-104.5(2b) and are not members of the Fire & Police Pension Association. The affidavit will ask for information regarding the applicant's service, such as employer, city, county, municipality, title, years employed, etc., in order to verify their status as a peace officer or firefighter.

Add language that any customer that does not meet hunter education requirements will be issued only the lifetime fishing license until they can provide hunter education requirements.

Add language that the license is valid as long as the applicant maintains their Colorado residency, for consistency and clarity with 33-4-104(1).

Additionally the regulation for qualifying licenses should be updated to include this license type.	
STATE LAW REQUIRES CPW TO SOLICIT INPUT FROM STAKEHOLDERS THAT MAY BE AFFECTED POSITIVELY OR NEGATIVELY BY THE PROPOSED RULES. THE FOLLOWING STAKEHOLDERS HAVE BEEN ADVISED OF AND INVITED TO PROVIDE INPUT ON THE REGULATORY CHANGES PROPOSED IN THIS ISSUE PAPER:	
IT IS ASSUMED THAT ALL NECESSARY INTERNAL PARTIES HAVE BEEN NOTIFIED.	
Resident first responder license applicants. The disability coordinator with the Fire & Police Pension Association of Colorado was consulted regarding appropriate documentation applicants could submit. The Attorney General's office was consulted and advised how customers qualifying through 33-4-104.5(2b) could establish their disability to the Division.	
ALTERNATIVES: (POSSIBLE OUTCOMES or POSSIBLE REGULATIONS):	
1. *Preferred Alternative*: introduce a new regulation to supplement 33-4-104.5 as outlined above.	
Issue Raised by:	Sarah Schnacke
Author of the issue paper (if different than person raising the issue):	
CC:	
APPROVED FOR FURTHER CONSIDERATION BY:	Cory Chick
REQUIRES NEW SPACE IN THE BROCHURE?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
ARE ADEQUATE STAFF AND FUNDING RESOURCES AVAILABLE TO IMPLEMENT?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
REGION, BRANCH, OR SECTION LEADING IMPLEMENTATION	License and Pass Administration
RECOMMENDED FOR CONSENT AGENDA?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO