

Second Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 12-0788.02 Kate Meyer x4348

HOUSE BILL 12-1317

HOUSE SPONSORSHIP

Sonnenberg,

SENATE SPONSORSHIP

Schwartz,

House Committees

Agriculture, Livestock, & Natural Resources
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE CREATION OF THE PARKS AND WILDLIFE**
102 **COMMISSION TO REPLACE THE PARKS AND WILDLIFE BOARD IN**
103 **THE DEPARTMENT OF NATURAL RESOURCES, AND, IN**
104 **CONNECTION THEREWITH, DESCRIBING THE COMPOSITION AND**
105 **TERMS OF THE COMMISSION, AND REDUCING APPROPRIATIONS.**

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 Bill 11-208 combined the wildlife entities and parks and

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.

outdoor recreation entities and functions under the department of natural resources. In so doing, the existing wildlife commission was merged with the existing board of parks and outdoor recreation to form the 16-member parks and wildlife board (board).

Effective July 1, 2012, the bill replaces the board with the new parks and wildlife commission (commission). The commission is comprised of 11 voting members and 2 nonvoting ex officio members (the executive director of the department and the commissioner of the department of agriculture). The voting members are appointed by the governor with the consent of the senate and must represent various geographical regions in the state and certain areas of interest or knowledge. Initial term lengths are staggered to reduce the impact to the board that results from member turnover.

The commission is required to submit a 5-year strategic plan to specified committees of reference. Components of the plan are specified.

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

2 **SECTION 1.** In Colorado Revised Statutes, **repeal and reenact,**
3 **with amendments,** 33-9-101 as follows:

4 **33-9-101. Commission - creation - composition - terms -**
5 **vacancies - removal - meetings - strategic plan - legislative**
6 **declaration - repeal.** (1) (a) EFFECTIVE JULY 1, 2012, THERE IS HEREBY
7 CREATED THE PARKS AND WILDLIFE COMMISSION, ALSO REFERRED TO IN
8 THIS ARTICLE AS THE "COMMISSION".

9 (b) (I) EFFECTIVE JULY 1, 2012, THE PARKS AND WILDLIFE BOARD
10 IS ABOLISHED AND THE TERMS OF MEMBERS OF THAT BOARD SERVING AS
11 OF THAT DATE ARE TERMINATED.

12 (II) THIS PARAGRAPH (b) IS REPEALED, EFFECTIVE JANUARY 1,
13 2013.

14 (2) THE COMMISSION CONSISTS OF THIRTEEN MEMBERS, AS
15 FOLLOWS:

16 (a) TWO MEMBERS WHO ARE EX OFFICIO NONVOTING MEMBERS, AS
17 FOLLOWS:

1 (I) THE EXECUTIVE DIRECTOR; AND
2 (II) THE COMMISSIONER OF THE DEPARTMENT OF AGRICULTURE;
3 (b) ELEVEN VOTING MEMBERS WHO ARE APPOINTED, IN
4 ACCORDANCE WITH SUBSECTION (3) OF THIS SECTION, BY THE GOVERNOR
5 WITH THE CONSENT OF THE SENATE.

6 (3) (a) THE ELEVEN VOTING MEMBERS OF THE COMMISSION ARE AS
7 FOLLOWS:

8 (I) THREE MEMBERS WHO ARE SPORTS PERSONS WHO CAN
9 DEMONSTRATE A REASONABLE KNOWLEDGE OF WILDLIFE ISSUES AND WHO
10 HAVE OBTAINED A HUNTING OR FISHING LICENSE ISSUED UNDER THIS TITLE
11 FOR AT LEAST EACH OF THE THREE YEARS PRIOR TO THEIR APPOINTMENTS;

12
13 (II) THREE MEMBERS WHO ARE ACTIVELY INVOLVED IN
14 PRODUCTION AGRICULTURE AS OWNERS OR LESSEES OF THE
15 AGRICULTURAL PROPERTY AND OWNERS OR PARTIAL OWNERS OF THE
16 COMMODITIES PRODUCED ON THE LAND;

17 (III) THREE MEMBERS WHO CAN DEMONSTRATE THAT THEY
18 REGULARLY ENGAGE IN OUTDOOR RECREATION AND UTILIZE PARKS
19 RESOURCES. AT LEAST ONE OF THE MEMBERS APPOINTED PURSUANT TO
20 THIS SUBPARAGRAPH (III) MUST HAVE A BACKGROUND IN DIVERSIFIED
21 TRAILS INTERESTS AND ACTIVITIES, WHICH BACKGROUND MUST INCLUDE
22 BOTH MOTORIZED AND NONMOTORIZED TRAILS-RELATED PURSUITS.

23 (IV) ONE MEMBER WHO IS AN OUTFITTER REGISTERED PURSUANT
24 TO ARTICLE 55.5 OF TITLE 12, C.R.S.; AND

25 (V) ONE MEMBER WHO REPRESENTS A NONPROFIT ORGANIZATION
26 THAT SUPPORTS AND PROMOTES THE CONSERVATION AND ENHANCEMENT
27 OF COLORADO'S WILDLIFE AND HABITAT; RECOGNIZES AND PROMOTES

1 PRIMARYLY NONCONSUMPTIVE WILDLIFE USE; AND HAS EXPERTISE IN
2 WILDLIFE ISSUES, WILDLIFE HABITAT, OR WILDLIFE MANAGEMENT.

3 (b) (I) IN APPOINTING MEMBERS TO THE COMMISSION UNDER
4 PARAGRAPH (a) OF THIS SUBSECTION (3), THE GOVERNOR SHALL MAKE
5 APPOINTMENTS THAT ENSURE THAT A REASONABLE BALANCE OF THE
6 FOLLOWING AREAS OF KNOWLEDGE, AS THEY RELATE TO PARKS AND
7 WILDLIFE, ARE REPRESENTED: OUTDOOR BUSINESS, WILDLIFE BIOLOGY OR
8 SCIENCE, ENERGY, BENEFICIAL USES OF WATER, AND CONSERVATION AND
9 WILDLIFE HABITAT AND MANAGEMENT. IN ORDER TO SATISFY THE
10 REQUIREMENTS OF THIS PARAGRAPH (b), THE GOVERNOR SHALL GIVE
11 PREFERENCE TO PERSONS WITH EXPERIENCE OR EXPERTISE IN MULTIPLE
12 AREAS OF KNOWLEDGE.

13 (II) REGARDLESS OF THE PARTICULAR INTERESTS OR
14 QUALIFICATIONS POSSESSED BY EACH MEMBER APPOINTED TO THE
15 COMMISSION PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (3), EACH
16 COMMISSIONER REPRESENTS DIVERSE PARKS, WILDLIFE, AND OUTDOOR
17 RECREATION THROUGHOUT COLORADO.

18 (c) OF THE VOTING MEMBERS APPOINTED TO THE COMMISSION,
19 THERE SHALL NOT BE A DIFFERENCE OF MORE THAN ONE PERSON BETWEEN
20 THOSE MEMBERS AFFILIATED WITH ANY MAJOR POLITICAL PARTY.

21 (d) TO THE EXTENT POSSIBLE, VOTING MEMBERS SHALL BE
22 APPOINTED TO THE COMMISSION IN A MANNER THAT ENSURES BALANCED
23 GEOGRAPHICAL REPRESENTATION OF DIVERSE AREAS OF THE STATE. ■ ■

24 (e) (I) EXCEPT AS PROVIDED IN PARAGRAPH (f) OF THIS
25 SUBSECTION (3), TERMS OF MEMBERS SERVING PURSUANT TO PARAGRAPH
26 (b) OF SUBSECTION (2) OF THIS SECTION ARE FOR FOUR YEARS.

27 (II) NO MEMBER SERVING PURSUANT TO PARAGRAPH (b) OF

1 SUBSECTION (2) OF THIS SECTION IS PERMITTED TO SERVE MORE THAN TWO
2 CONSECUTIVE TERMS.

3 (f) (I) INITIAL APPOINTMENTS OF VOTING MEMBERS OF THE
4 COMMISSION ARE AS FOLLOWS: TWO MEMBERS TO SERVE UNTIL JULY 1,
5 2013; THREE MEMBERS TO SERVE UNTIL JULY 18, 2014; THREE MEMBERS
6 TO SERVE UNTIL JULY 18, 2015; AND THREE MEMBERS TO SERVE UNTIL
7 JULY 18, 2016. ALL SUBSEQUENT APPOINTMENTS ARE FOR TERMS OF FOUR
8 YEARS.

9 (II) IN MAKING INITIAL APPOINTMENTS TO THE COMMISSION UNDER
10 SUBPARAGRAPH (I) OF THIS PARAGRAPH (f), THE GOVERNOR MAY SELECT
11 PERSONS SERVING ON THE FORMER PARKS AND WILDLIFE BOARD, AS THAT
12 BOARD EXISTED ON JUNE 30, 2012. HOWEVER, A PERSON SO APPOINTED IS
13 INELIGIBLE TO SERVE ANY OF THE INITIAL APPOINTMENTS THAT WOULD
14 RESULT IN EXTENDING FOR MORE THAN TWO YEARS THE DATE ON WHICH
15 THE PERSON'S PARKS AND WILDLIFE BOARD TERM WOULD HAVE EXPIRED.

16 (4) THE GOVERNOR SHALL FILL VACANCIES ON THE COMMISSION
17 FOR ANY UNEXPIRED TERM, WITH THE CONSENT OF THE SENATE. THE
18 MEMBER APPOINTED TO FILL A VACANCY SHALL BE FROM THE SAME
19 CATEGORY DESCRIBED IN PARAGRAPH (a) OF SUBSECTION (3) OF THIS
20 SECTION AS THE MEMBER VACATING THE POSITION.

21 (5) THE GOVERNOR IS PERMITTED TO REMOVE MEMBERS OF THE
22 COMMISSION ONLY FOR CAUSE.

23 (6) SIX VOTING COMMISSIONERS CONSTITUTE A QUORUM FOR
24 PURPOSES OF CONDUCTING THE BUSINESS OF THE COMMISSION.

25 (7) FOR PURPOSES OF MAILING AND SERVICE, THE COMMISSION'S
26 PRINCIPAL OFFICE IS IN THE OFFICE OF THE EXECUTIVE DIRECTOR.

27 (8) FOR EACH DAY ACTUALLY ENGAGED IN THE DUTIES OF THE

1 COMMISSION, THE COMMISSION MEMBERS ARE ENTITLED TO RECEIVE A PER
2 DIEM AMOUNT OF FIFTY DOLLARS, TOGETHER WITH ALL ACTUAL AND
3 NECESSARY TRAVEL EXPENSES TO BE PAID AFTER THE EXPENSES ARE
4 INCURRED. MILEAGE RATES ARE AS PROVIDED IN SECTION 24-9-104,
5 C.R.S.

6 (9) THE COMMISSION SHALL EXERCISE ITS POWERS AND PERFORM
7 ITS DUTIES AND FUNCTIONS UNDER THE DEPARTMENT AND THE EXECUTIVE
8 DIRECTOR OF THE DEPARTMENT AS IF THE SAME WERE TRANSFERRED TO
9 THE DEPARTMENT BY A **TYPE 1** TRANSFER, AS DEFINED IN THE
10 "ADMINISTRATIVE ORGANIZATION ACT OF 1968", ARTICLE 1 OF TITLE 24,
11 C.R.S.

12 (10) (a) (I) THE INITIAL MEETING OF THE COMMISSION SHALL BE
13 CONVENED BY THE EXECUTIVE DIRECTOR.

14 (II) AT THE FIRST MEETING, THE COMMISSION SHALL:

15 (A) ELECT A CHAIR AND VICE-CHAIR FROM THE MEMBERS SERVING
16 PURSUANT TO PARAGRAPH (b) OF SUBSECTION (2) OF THIS SECTION, WHO
17 SHALL SERVE IN THAT CAPACITY FOR A TERM OF ONE YEAR BUT WHO MAY
18 BE REELECTED FOR ADDITIONAL TERMS; AND

19 (B) DESIGNATE TWO MEMBERS TO SERVE AS REPRESENTATIVES TO
20 THE STATE BOARD OF THE GREAT OUTDOORS COLORADO TRUST FUND
21 ESTABLISHED UNDER ARTICLE XXVII OF THE STATE CONSTITUTION. ONE
22 REPRESENTATIVE MUST BE A COMMISSIONER WITH WILDLIFE KNOWLEDGE
23 APPOINTED PURSUANT TO SUBPARAGRAPH (I) OF PARAGRAPH (a) OF
24 SUBSECTION (3) OF THIS SECTION, AND THE OTHER REPRESENTATIVE MUST
25 BE A COMMISSIONER WITH EXPERIENCE IN OUTDOOR RECREATION
26 APPOINTED PURSUANT TO SUBPARAGRAPH (III) OF PARAGRAPH (a) OF
27 SUBSECTION (3) OF THIS SECTION.

1 (b) THE COMMISSION SHALL MEET AS OFTEN AS NECESSARY AND
2 MAY ADOPT POLICIES AND PROCEDURES NECESSARY TO CARRY OUT ITS
3 DUTIES.

4 (11) (a) IN ADDITION TO DISCHARGING ITS REGULAR DUTIES AND
5 FUNCTIONS, THE COMMISSION SHALL SPECIFICALLY DISCUSS AND
6 FORMULATE A FIVE-YEAR STRATEGIC PLAN TO ADDRESS ONGOING OR NEW
7 ISSUES RESULTING AFTER, AND IDENTIFY INCREASED EFFICIENCIES AND
8 COST SAVINGS THAT MAY BE REALIZED FROM, THE 2011 MERGER OF THE
9 FORMER DIVISION OF WILDLIFE AND THE FORMER DIVISION OF PARKS AND
10 OUTDOOR RECREATION INTO THE DIVISION OF PARKS AND WILDLIFE. THE
11 STRATEGIC PLAN MUST ADDRESS HOW THE MERGER HAS AFFECTED
12 POLICIES, OBJECTIVES, STRATEGIES, AND ESTIMATED ANNUAL FISCAL
13 COSTS AND SAVINGS ASSOCIATED WITH THE DUTIES AND PROGRAMS OF
14 THE DIVISION.

15 (b) THE COMMISSION SHALL FINALIZE THE STRATEGIC PLAN
16 REQUIRED BY THIS SUBSECTION (11) BY DECEMBER 31, 2013. IN
17 DEVELOPING THE STRATEGIC PLAN, THE COMMISSION SHALL PLACE
18 SPECIAL EMPHASIS ON OBTAINING MEANINGFUL STATEWIDE INPUT.

19 (c) NOTWITHSTANDING SECTION 24-1-136 (11), C.R.S., FOR EVERY
20 YEAR INCLUDED IN THE STRATEGIC PLAN, THE COMMISSION SHALL SUBMIT
21 A REPORT ANNUALLY TO THE HOUSE COMMITTEE ON AGRICULTURE,
22 LIVESTOCK, AND NATURAL RESOURCES AND THE SENATE COMMITTEE ON
23 AGRICULTURE, NATURAL RESOURCES, AND ENERGY, OR ANY SUCCESSOR
24 COMMITTEES, REGARDING THE PROGRESS AND STATUS OF THE STRATEGIC
25 PLAN. IN ORDER TO REDUCE COSTS ASSOCIATED WITH PREPARING AND
26 TRANSMITTING SUCH REPORTS, THE COMMISSION IS AUTHORIZED TO SEND
27 THE REPORTS IN AN ELECTRONIC FORMAT.

1 (12) (a) THE GENERAL ASSEMBLY HEREBY FINDS, DETERMINES,
2 AND DECLARES THAT IT IS THE POLICY OF THE STATE THAT:

3 (I) COLORADO'S WILDLIFE, NATURAL, SCENIC, AND SCIENTIFIC
4 RESOURCES MUST BE PROTECTED, PRESERVED, ENHANCED, AND MANAGED
5 FOR THE USE, BENEFIT, AND ENJOYMENT OF THE PEOPLE OF THE STATE AND
6 ITS VISITORS;

7 (II) A COMPREHENSIVE PROGRAM DESIGNED TO OFFER THE
8 GREATEST POSSIBLE VARIETY OF RECREATIONAL OPPORTUNITY TO THE
9 PEOPLE OF THE STATE AND ITS VISITORS IS PROVIDED;

10 (III) THERE MUST BE A CONTINUOUS OPERATION OF PLANNING,
11 ACQUISITION, DEVELOPMENT, AND MANAGEMENT OF WILDLIFE HABITATS,
12 STATE PARKS, OUTDOOR RECREATION LANDS, TRAILS, WATERS, AND
13 FACILITIES; AND

14 (IV) BOTH EDUCATION AND OUTREACH ACTIVITIES MUST BE USED
15 TO PROMOTE NATURAL RESOURCES STEWARDSHIP.

16 (b) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT
17 THE MISSION OF THE COMMISSION AND THE DIVISION IS TO PERPETUATE
18 THE WILDLIFE RESOURCES OF THE STATE, TO PROVIDE A QUALITY STATE
19 PARKS SYSTEM, AND TO PROVIDE ENJOYABLE AND SUSTAINABLE OUTDOOR
20 RECREATION OPPORTUNITIES THAT EDUCATE AND INSPIRE CURRENT AND
21 FUTURE GENERATIONS TO SERVE AS ACTIVE STEWARDS OF COLORADO'S
22 NATURAL RESOURCES.

23 **SECTION 2. Appropriation - adjustments in 2012 long bill.**

24 For the implementation of this act, the appropriation made in the annual
25 general appropriation act to the department of natural resources for the
26 fiscal year beginning July 1, 2012, is decreased by \$18,055 cash funds. Of
27 this amount, \$11,607 shall be from the wildlife cash fund pursuant to

1 section 33-1-112 (1) (a), Colorado Revised Statutes, and \$6,448 shall be
2 from the parks and outdoor recreation cash fund pursuant to section
3 33-10-111 (1), Colorado Revised Statutes.

4 **SECTION 3. Safety clause.** The general assembly hereby finds,
5 determines, and declares that this act is necessary for the immediate
6 preservation of the public peace, health, and safety.