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An Act

HOUSE BILL 12-1317

BY REPRESENTATIVE(S) Sonnenberg, Barker, Baumgardner, Becker, Bradford, Coram, Gerou, Looper, McKinley, Scott, Brown, Holbert, Pabon, Pace, Vigil;
also SENATOR(S) Schwartz.

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

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

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

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

(b) (I) EFFECTIVE JULY 1, 2012, THE PARKS AND WILDLIFE BOARD IS

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

ABOLISHED AND THE TERMS OF MEMBERS OF THAT BOARD SERVING AS OF THAT DATE ARE TERMINATED.

(II) THIS PARAGRAPH (b) IS REPEALED, EFFECTIVE JANUARY 1, 2013.

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

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

(I) THE EXECUTIVE DIRECTOR; AND

(II) THE COMMISSIONER OF THE DEPARTMENT OF AGRICULTURE;

(b) ELEVEN VOTING MEMBERS WHO ARE APPOINTED, IN ACCORDANCE WITH SUBSECTION (3) OF THIS SECTION, BY THE GOVERNOR WITH THE CONSENT OF THE SENATE.

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

(I) THREE MEMBERS WHO ARE SPORTS PERSONS WHO CAN DEMONSTRATE A REASONABLE KNOWLEDGE OF WILDLIFE ISSUES AND WHO HAVE OBTAINED A HUNTING OR FISHING LICENSE ISSUED UNDER THIS TITLE FOR AT LEAST EACH OF THE THREE YEARS PRIOR TO THEIR APPOINTMENTS. ONE OF THE MEMBERS APPOINTED PURSUANT TO THIS SUBPARAGRAPH (I) MUST BE AN OUTFITTER REGISTERED PURSUANT TO ARTICLE 55.5 OF TITLE 12, C.R.S.

(II) THREE MEMBERS WHO ARE ACTIVELY INVOLVED IN PRODUCTION AGRICULTURE AS OWNERS OR LESSEES OF THE AGRICULTURAL PROPERTY AND OWNERS OR PARTIAL OWNERS OF THE COMMODITIES PRODUCED ON THE LAND AND WHO CAN DEMONSTRATE A REASONABLE KNOWLEDGE OF WILDLIFE ISSUES;

(III) THREE MEMBERS WHO CAN DEMONSTRATE THAT THEY REGULARLY ENGAGE IN OUTDOOR RECREATION AND UTILIZE PARKS RESOURCES. ONE MEMBER APPOINTED UNDER THIS SUBPARAGRAPH (III) SHALL REPRESENT A NONPROFIT ORGANIZATION THAT SUPPORTS AND PROMOTES THE CONSERVATION AND ENHANCEMENT OF COLORADO'S

WILDLIFE AND HABITAT; RECOGNIZES AND PROMOTES PRIMARILY NONCONSUMPTIVE WILDLIFE USE; AND HAS EXPERTISE IN WILDLIFE ISSUES, WILDLIFE HABITAT, OR WILDLIFE MANAGEMENT; AND

(IV) TWO MEMBERS APPOINTED FROM THE PUBLIC AT-LARGE.

(b) (I) IN APPOINTING MEMBERS TO THE COMMISSION UNDER PARAGRAPH (a) OF THIS SUBSECTION (3), THE GOVERNOR SHALL MAKE APPOINTMENTS THAT ENSURE THAT A REASONABLE BALANCE OF THE FOLLOWING AREAS OF KNOWLEDGE AND EXPERIENCE, AS THEY RELATE TO PARKS AND WILDLIFE, ARE REPRESENTED: OUTDOOR BUSINESS, SERVICE AS A CURRENT OR FORMER LOCAL ELECTED OFFICIAL, YOUTH OUTDOOR EDUCATION, WILDLIFE BIOLOGY OR SCIENCE, ENERGY, CONSERVATION, BENEFICIAL USES OF WATER, LAND CONSERVATION AND CONSERVATION EASEMENTS, AND DIVERSIFIED TRAILS INTERESTS AND ACTIVITIES. IN ORDER TO SATISFY THE REQUIREMENTS OF THIS PARAGRAPH (b), THE GOVERNOR SHALL GIVE PREFERENCE TO PERSONS WITH EXPERIENCE OR EXPERTISE IN MULTIPLE AREAS OF KNOWLEDGE.

(II) REGARDLESS OF THE PARTICULAR INTERESTS OR QUALIFICATIONS POSSESSED BY EACH MEMBER APPOINTED TO THE COMMISSION PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (3), EACH COMMISSIONER REPRESENTS DIVERSE PARKS, WILDLIFE, AND OUTDOOR RECREATION THROUGHOUT COLORADO AND IS COMMITTED TO THE LONG-TERM FINANCIAL STABILITY AND SUSTAINABILITY OF THE DEPARTMENT.

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

(d) TO THE EXTENT POSSIBLE, VOTING MEMBERS SHALL BE APPOINTED TO THE COMMISSION IN A MANNER THAT ENSURES BALANCED GEOGRAPHICAL REPRESENTATION OF DIVERSE AREAS OF THE STATE. AT LEAST FOUR VOTING MEMBERS SHALL BE APPOINTED FROM WEST OF THE CONTINENTAL DIVIDE.

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

(II) NO MEMBER SERVING PURSUANT TO PARAGRAPH (b) OF SUBSECTION (2) OF THIS SECTION IS PERMITTED TO SERVE MORE THAN TWO CONSECUTIVE TERMS.

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

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

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

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

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

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

(8) FOR EACH DAY ACTUALLY ENGAGED IN THE DUTIES OF THE COMMISSION, THE COMMISSION MEMBERS ARE ENTITLED TO RECEIVE A PER DIEM AMOUNT OF FIFTY DOLLARS, TOGETHER WITH ALL ACTUAL AND NECESSARY TRAVEL EXPENSES TO BE PAID AFTER THE EXPENSES ARE INCURRED. MILEAGE RATES ARE AS PROVIDED IN SECTION 24-9-104, C.R.S.

(9) THE COMMISSION SHALL EXERCISE ITS POWERS AND PERFORM ITS

DUTIES AND FUNCTIONS UNDER THE DEPARTMENT AND THE EXECUTIVE DIRECTOR OF THE DEPARTMENT AS IF THE SAME WERE TRANSFERRED TO THE DEPARTMENT BY A **TYPE 1** TRANSFER, AS DEFINED IN THE "ADMINISTRATIVE ORGANIZATION ACT OF 1968", ARTICLE 1 OF TITLE 24, C.R.S.

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

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

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

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

(b) THE COMMISSION SHALL MEET AS OFTEN AS NECESSARY AND MAY ADOPT POLICIES AND PROCEDURES NECESSARY TO CARRY OUT ITS DUTIES. THE COMMISSION SHALL CONDUCT AT LEAST TWO MEETINGS PER CALENDAR YEAR AT LOCATIONS WEST OF THE CONTINENTAL DIVIDE.

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

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

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

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

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

(II) COLORADO'S AGRICULTURE PLAYS A VITAL ROLE IN PROVIDING THE STATE'S WILDLIFE, NATURAL, SCENIC, AND SCIENTIFIC RESOURCES THE HABITAT AND CONDITIONS THAT ALLOW THESE RESOURCES TO THRIVE;

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

(IV) THERE MUST BE A CONTINUOUS OPERATION OF PLANNING, ACQUISITION, DEVELOPMENT, AND MANAGEMENT OF WILDLIFE HABITATS, STATE PARKS, OUTDOOR RECREATION LANDS, TRAILS, WATERS, AND FACILITIES IN A MANNER THAT RECOGNIZES THE PRIVATE PROPERTY RIGHTS OF INDIVIDUAL PROPERTY OWNERS; AND

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

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

SECTION 2. In Colorado Revised Statutes, 2-3-1203, **amend** (3) (aa) (II) as follows:

2-3-1203. Sunset review of advisory committees. (3) The following dates are the dates for which the statutory authorization for the designated advisory committees is scheduled for repeal:

(aa) July 1, 2014:

(II) The Colorado natural areas council, an advisory council to the ~~board of parks and outdoor recreation~~ PARKS AND WILDLIFE COMMISSION, appointed pursuant to section 33-33-106, C.R.S.;

SECTION 3. In Colorado Revised Statutes, 2-3-1304, **amend** (1) introductory portion, (1) (a.3) introductory portion, (1) (a.3) (III), and (1) (a.3) (IV) as follows:

2-3-1304. Powers and duties of capital development committee. (1) The capital development committee ~~shall have~~ HAS the following powers and duties:

(a.3) To review and make required recommendations on reports from state agencies, including ~~but not limited to~~ reports from:

(III) The PARKS AND wildlife commission in the department of natural resources on the acquisition of certain real property interests pursuant to section 33-1-105 (3) (a), C.R.S., and the acquisition of certain interest in real property or water pursuant to section 33-1-105.5 (9), C.R.S.; and

(IV) The ~~board of parks and outdoor recreation~~ PARKS AND WILDLIFE COMMISSION in the department of natural resources on the acquisition of

certain interests in real property pursuant to section 33-10-107 (2), C.R.S.;

SECTION 4. In Colorado Revised Statutes, 18-9-120, **amend** (3) (a) as follows:

18-9-120. Terrorist training activities - penalties - exemptions.

(3) (a) Nothing in this section ~~shall make~~ **MAKES** unlawful any activity pursuant to section 13 of article II of the state constitution or activity of the PARKS AND wildlife commission, any law enforcement agency, any hunting club, or any rifle club, any activity engaged in on a rifle range, pistol range, or shooting range, or any activity undertaken pursuant to any shooting school or other program or instruction, any of which activities is intended to teach the safe handling or use of firearms, archery equipment, or other weapons or techniques and is employed in connection with lawful sports or teach the use of arms for the defense of home, person, or property, or the lawful use of force as defined in part 7 of article 1 of this title, or other lawful activities.

SECTION 5. In Colorado Revised Statutes, 18-9-202, **amend** (3) as follows:

18-9-202. Cruelty to animals - aggravated cruelty to animals - cruelty to a service animal - restitution. (3) Nothing in this part 2 ~~shall be construed to amend or~~ **MODIFIES** in any manner ~~change~~ the authority of the PARKS AND wildlife commission, as established in title 33, C.R.S., or ~~to prohibit~~ **PROHIBITS** any conduct ~~therein~~ authorized or permitted **UNDER** TITLE 33, C.R.S.

SECTION 6. In Colorado Revised Statutes, 24-1-124, **amend** (3) (k) (I) as follows:

24-1-124. Department of natural resources - creation - divisions.

(3) The department of natural resources consists of the following divisions:

(k) (I) (A) The parks and wildlife ~~board~~ **COMMISSION**, created ~~under~~ **IN** article 9 of title 33, C.R.S. The powers, duties, and functions of the wildlife commission and the board of parks and outdoor recreation are transferred by a **type 1** transfer to the parks and wildlife ~~board~~ **COMMISSION** as powers, duties, and functions of the parks and wildlife ~~board~~ **COMMISSION**.

(B) The parks and wildlife ~~board~~ COMMISSION includes, as an advisory council, the Colorado natural areas council created by article 33 of title 33, C.R.S.

SECTION 7. In Colorado Revised Statutes, 24-33-104, **amend** (1) introductory portion and (1) (h) as follows:

24-33-104. Composition of the department. (1) The department of natural resources consists of the following COMMISSIONS, divisions, ~~and~~ boards, OFFICES, AND COUNCILS:

(h) The division of parks and wildlife; and the parks and wildlife ~~board~~ COMMISSION;

SECTION 8. In Colorado Revised Statutes, 24-33-111, **amend** (3) (a) and (5) as follows:

24-33-111. Conservation of native species - fund created. (3) **Species conservation eligibility list and annual report.** (a) The executive director of the department of natural resources, after consultation with the Colorado water conservation board and its director, the PARKS AND wildlife commission, and the director of the division of PARKS AND wildlife, shall annually prepare a species conservation eligibility list describing programs and associated costs that are eligible to receive funding pursuant to this section. The species conservation eligibility list ~~shall be~~ IS subject to modification and adoption through passage of a bill. At the same time as the species conservation eligibility list is submitted, the director of the department of natural resources, after consultation with the Colorado water conservation board and its director, the PARKS AND wildlife commission, and the director of the division of PARKS AND wildlife, shall also provide a detailed report to the general assembly on the progress and status of activities to date and their effectiveness in the recovery of the species and identify proposed future activities. The report shall include an assessment of habitat benefits, both public and private, attributable to such activities.

(5) **Maximization of funds.** The Colorado water conservation board and the PARKS AND wildlife commission shall maximize the species conservation trust fund by applying for available grants consistent with the purposes of the fund. Federal grants and voluntary contributions may by

accepted and expended as provided in this section. Such grants and contributions shall, upon acceptance, be placed in the species conservation trust fund created in subsection (2) of this section. Nothing in this section ~~shall be construed to limit~~ LIMITS the authority of the Colorado division of PARKS AND wildlife to manage or regulate game, nongame, or threatened or endangered species. No funding shall be accepted, approved, or used to initiate the listing of species as threatened or endangered under federal law. Nothing in this section is intended to be construed as a mechanism to substitute funding that would otherwise be available for expenditure by the division of wildlife or to replace or reduce the obligation of the division to carry out nongame programs under title 33, C.R.S.

SECTION 9. In Colorado Revised Statutes, 24-34-104, **amend** (50.5) (d) as follows:

24-34-104. General assembly review of regulatory agencies and functions for termination, continuation, or reestablishment. (50.5) The following agencies, functions, or both, shall terminate on September 1, 2019:

(d) The function of licensing river outfitters through the ~~board of parks and outdoor recreation~~ WILDLIFE COMMISSION and the division of parks and ~~outdoor recreation~~ WILDLIFE in accordance with article 32 of title 33, C.R.S.

SECTION 10. In Colorado Revised Statutes, 30-11-107, **amend** (3) as follows:

30-11-107. Powers of the board. (3) The board of county commissioners of any county eligible to receive impact assistance grants pursuant to part 3 of article 25 of this title may certify a dollar amount to the PARKS AND wildlife commission ~~or the board of parks and outdoor recreation or both said commission and said board~~ pursuant to part 3 of article 25 of this title.

SECTION 11. In Colorado Revised Statutes, 30-25-302, **amend** (1) (a) introductory portion, (3), and (4) (a) as follows:

30-25-302. Eligibility - determination of impact - procedures - legislative declaration. (1) (a) Except as provided in section 33-60-104.5,

C.R.S., for real property interests acquired with funds made available from the great outdoors Colorado trust fund, in any county in which the division of parks and wildlife owns property, the board of county commissioners of the county shall certify once a year during the regular tax assessment period, to the parks and wildlife ~~board~~ COMMISSION, the current dollar amount representing the negative financial impact that the ownership has on the county's finances and the finances of any political subdivision that lies within the county. In calculating the dollar amount, the board of county commissioners shall take into consideration the following factors:

(3) The parks and wildlife ~~board~~ COMMISSION shall review the dollar amounts certified pursuant to subsection (1) of this section and shall certify to the general assembly these dollar amounts. In making its determinations, the parks and wildlife ~~board~~ COMMISSION shall consider the factors set forth in subsection (1) of this section and may consider any additional relevant factors. All certifications to the general assembly must include an explanation of the grounds upon which the determinations of the certified amounts are based. The parks and wildlife ~~board~~ COMMISSION shall include an estimate of the amount to be certified for impact assistance grants in their budget requests for each fiscal year.

(4) (a) The general assembly may make an appropriation in the form of an impact assistance grant to any county qualifying for such grant upon certification by the parks and wildlife ~~board~~ COMMISSION of the amount for the grant. Appropriations concerning lands purchased with wildlife cash or other wildlife moneys must be made from the wildlife cash fund. Appropriations concerning lands purchased with general fund or parks and outdoor recreation cash or other parks and outdoor recreation moneys must be made from the general fund or the parks and outdoor recreation cash fund.

SECTION 12. In Colorado Revised Statutes, 30-28-106, **amend** (3) (a) introductory portion and (3) (a) (XI) (B) as follows:

30-28-106. Adoption of master plan - contents. (3) (a) The master plan of a county or region, with the accompanying maps, plats, charts, and descriptive and explanatory matter, shall show the county or regional planning commission's recommendations for the development of the territory covered by the plan. The master plan of a county or region shall be an advisory document to guide land development decisions; however, the

plan or any part thereof may be made binding by inclusion in the county's or region's adopted subdivision, zoning, platting, planned unit development, or other similar land development regulations after satisfying notice, due process, and hearing requirements for legislative or quasi-judicial processes as appropriate. After consideration of each of the following, where applicable or appropriate, the master plan may include: ~~but shall not be limited to:~~

(XI) The location of areas containing steep slopes, geological hazards, endangered or threatened species, wetlands, floodplains, floodways, and flood risk zones, highly erodible land or unstable soils, and wildfire hazards. For purposes of determining the location of such areas, the planning commission should consider the following sources for guidance:

(B) The United States fish and wildlife service of the United States department of the interior and the Colorado PARKS AND wildlife commission CREATED IN SECTION 33-9-101, C.R.S., for locating areas inhabited by endangered or threatened species;

SECTION 13. In Colorado Revised Statutes, 31-23-206, **amend** (1) introductory portion and (1) (k) (II) as follows:

31-23-206. Master plan. (1) It is the duty of the commission to make and adopt a master plan for the physical development of the municipality, including any areas outside its boundaries, subject to the approval of the governmental body having jurisdiction thereof, which in the commission's judgment bear relation to the planning of such municipality. The master plan of a municipality shall be an advisory document to guide land development decisions; however, the plan or any part thereof may be made binding by inclusion in the municipality's adopted subdivision, zoning, platting, planned unit development, or other similar land development regulations after satisfying notice, due process, and hearing requirements for legislative or quasi-judicial processes as appropriate. When a commission decides to adopt a master plan, the commission shall conduct public hearings, after notice of such public hearings has been published in a newspaper of general circulation in the municipality in a manner sufficient to notify the public of the time, place, and nature of the public hearing, prior to final adoption of a master plan in order to encourage public participation in and awareness of the development of such plan and shall accept and consider oral and written public comments throughout the

process of developing the plan. Such plan, with the accompanying maps, plats, charts, and descriptive matter, shall, after consideration of each of the following, where applicable or appropriate, show the commission's recommendations for the development of said municipality and outlying areas, including: ~~but not limited to:~~

(k) The areas containing steep slopes, geological hazards, endangered or threatened species, wetlands, floodplains, floodways, and flood risk zones, highly erodible land or unstable soils, and wildfire hazards. For purposes of determining the location of such areas, the planning commission should consider the following sources for guidance:

(II) The United States fish and wildlife service of the United States department of the interior and the ~~Colorado~~ PARKS AND wildlife commission CREATED IN SECTION 33-9-101, C.R.S., for locating areas inhabited by endangered or threatened species;

SECTION 14. In Colorado Revised Statutes, 33-1-101, **amend** (2) as follows:

33-1-101. Legislative declaration. (2) All wildlife within this state not lawfully acquired and held by private ownership is declared to be the property of this state. Right, title, interest, acquisition, transfer, sale, importation, exportation, release, donation, or possession of wildlife ~~shall~~ **be** IS permitted only as provided in articles 1 to 6 of this title or in any rule ~~or regulation~~ of the PARKS AND wildlife commission.

SECTION 15. In Colorado Revised Statutes, 33-1-102, **amend** (4.3), (5), (6), and (10); and **repeal** (2.5) as follows:

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

(2.5) ~~"Board" or "parks and wildlife board" means the parks and wildlife board created in section 33-9-101.~~

(4.3) "Colorado wildlife officer" means an employee of the division of PARKS AND wildlife, or any other person who is commissioned by the director ~~of the division~~ to enforce the wildlife statutes and rules ~~and regulations~~ of the commission and all laws of the state of Colorado, who is

recognized as a peace officer in section 16-2.5-116, C.R.S.

(5) "Commission" or "PARKS AND wildlife commission" means the parks and wildlife ~~board~~ COMMISSION CREATED IN SECTION 33-9-101.

(6) "Commissioner" means a member of the PARKS AND wildlife commission.

(10) "Division" means the division of parks and wildlife and its employees, and, when necessary, the term may be construed as referring to the parks and wildlife ~~board~~ COMMISSION.

SECTION 16. In Colorado Revised Statutes, 33-1-106, **amend** (3) (a) as follows:

33-1-106. Authority to regulate taking, possession, and use of wildlife - rules. (3) (a) The state agricultural commission shall review the ~~regulations~~ RULES concerning captive wild ungulates submitted by the division and make recommendations to the PARKS AND wildlife commission concerning ~~such regulations~~ THE RULES. The PARKS AND wildlife commission shall not pass nor implement ~~regulations~~ RULES concerning captive wild ungulates without the approval of the state agricultural commission. If the PARKS AND wildlife commission ~~should make~~ MAKES the possession of red deer unlawful in this state, the division shall compensate any person who owns or possesses any red deer on the effective date of ~~such~~ THE prohibition for the cost to replace such red deer with a legal elk of the same sex and comparable age.

SECTION 17. In Colorado Revised Statutes, 33-1-110, **amend** (6.7), (7) (c) introductory portion, and (7) (c) (V); and **repeal** (2) as follows:

33-1-110. Duties of the director of the division. (2) ~~The director shall exercise all the powers and perform all the functions of the commission in the interim between its meetings, subject to the ratification thereof by the commission. He shall act as recording secretary for the commission and shall be custodian of all minutes and other records of the commission. The director shall perform such duties as prescribed by the commission, by the executive director, or by law, except that he has no authority to make rules or regulations.~~

(6.7) The director shall certify to the state controller that commitment or payment vouchers submitted by local habitat partnership committees are consistent with distribution management plans and guidelines approved by the ~~wildlife~~ commission. Such certification ~~shall be~~ IS the only requirement necessary to authorize the state controller to disburse funds from the habitat partnership cash fund.

(7) (c) The duties of the council are: ~~the following:~~

(V) To advise the director whether or not payment vouchers submitted by local habitat partnership committees are consistent with distribution management plans approved by the ~~wildlife~~ commission;

SECTION 18. In Colorado Revised Statutes, 33-1-120.5, **amend** (3) (c) as follows:

33-1-120.5. Oversight of the division - target dates for implementation of management review recommendations. (3) The director shall:

(c) Make decisions concerning the implementation of or departure from review recommendations in conjunction with the executive director of the department of natural resources and the ~~wildlife~~ commission.

SECTION 19. In Colorado Revised Statutes, 33-4-102, **amend** (9) as follows:

33-4-102. Types of licenses and fees - rules - repeal. (9) All licenses issued pursuant to this section ~~shall~~ expire on the date written or printed thereon, unless otherwise provided by the commission ~~or board~~ or by any other law.

SECTION 20. In Colorado Revised Statutes, 33-4-102.7, **amend** (1.5), (4) (a) (I), and (4) (c) as follows:

33-4-102.7. Colorado wildlife habitat stamp - review committee - Colorado wildlife passport created - Colorado wildlife passport fund - rules - study - repeal. (1.5) A person eighteen years of age or older and under sixty-five years of age shall purchase a Colorado wildlife habitat stamp, or shall have purchased a lifetime Colorado wildlife habitat stamp,

when applying for or purchasing a hunting or fishing license. No habitat stamp purchase ~~shall be~~ IS required prior to application for or purchase of such person's first two one-day hunting or fishing licenses, but a habitat stamp shall be purchased prior to applying for or purchasing a third one-day hunting or fishing license. ~~Until March 31, 2011, no person shall be required to purchase more than two Colorado wildlife habitat stamps within a twelve-month period. On and after April 1, 2011, No person shall be~~ IS required to purchase more than one Colorado wildlife habitat stamp within a twelve-month period. Any person acquiring a license issued pursuant to section 33-4-104 and any person who is mobility-impaired, as defined by ~~wildlife~~ commission rules, ~~shall be exempted~~ IS EXEMPT from the requirement to purchase a Colorado wildlife habitat stamp.

(4) (a) (I) All moneys received pursuant to the issuance of the Colorado wildlife habitat stamp shall be used for the benefit of wildlife habitat or access to wildlife habitat, including costs associated with the operation and maintenance, such as weed control and fencing, of lands under the Colorado wildlife habitat protection program administered by the division. Revenues collected from the sale of the stamp ~~shall be~~ ARE subject to annual appropriation. The Colorado wildlife habitat stamp review committee shall annually review proposed projects for expenditure of Colorado wildlife habitat stamp funds, including projects proposed pursuant to subparagraph (II) of this paragraph (a), and make recommendations to the director and the ~~wildlife~~ commission. In consultation with the habitat stamp committee, the ~~wildlife~~ commission shall, in its discretion, ensure that sufficient priority is given to improve access for anglers to the waters of the state and to conserve and protect winter range and vital habitats for deer, elk, and other big game wildlife species in the allocation of revenues pursuant to this section.

(c) Real property interest acquisitions made by the commission pursuant to this section shall emphasize the acquisition of easements and ensure that all other avenues are pursued prior to fee simple acquisition. Conservation easements, as described in section 38-30.5-104 (2), C.R.S., and fee simple title purchases are allowed. All fee simple title purchases made with revenues collected pursuant to this section, not including purchases of water for maintenance or enhancement of aquatic habitats, such as minimum storage pools or direct flow rights purchased specifically to protect habitat, shall be primarily for the purpose of providing access to the public for wildlife-related recreation, and shall be made available to the

public for hunting or fishing, subject to ~~wildlife~~ commission rules. The commission shall not use the power of eminent domain to obtain fee simple title or a conservation easement on real property. The commission shall comply with a seller's agreement or sections 33-1-105 and 33-1-105.5 prior to purchasing real property. ~~Prior to December 31, 2010, a minimum of sixty percent of the moneys received from the sale of the Colorado wildlife habitat stamp shall be spent to benefit big game winter range or big game migration corridors.~~

SECTION 21. In Colorado Revised Statutes, 33-5.5-102, **amend** (8) as follows:

33-5.5-102. Duties of the fish health board. (8) The board shall periodically review ~~regulations of the division~~ RULES relating to destruction or quarantine of aquaculture stock or facilities and ~~shall~~ recommend appropriate changes to the ~~wildlife~~ commission.

SECTION 22. In Colorado Revised Statutes, 33-6-208, **amend** (1) (b) introductory portion and (1) (b) (V) as follows:

33-6-208. Thirty-day period - administration - conditions precedent to use of exemption. (1) For purposes of the exemption specified in section 33-6-207:

(b) The division shall verify that the owner or lessee has made reasonable efforts to alleviate ongoing damage to livestock or crops through reasonable efforts using methods other than those prohibited by section 33-6-203. The use of at least two of the following methods ~~shall be~~ IS presumed to represent reasonable efforts:

(V) Any other industry-accepted method that is effective in reducing losses and whose use is approved by the agriculture commission and the PARKS AND wildlife commission for that purpose.

SECTION 23. In Colorado Revised Statutes, **amend** 33-9-102 as follows:

33-9-102. Powers and duties of commission - rules. (1) The ~~board~~ COMMISSION is vested with all the powers, responsibilities, obligations, functions, and duties that previously were under the jurisdiction of ~~either~~

the FORMER wildlife commission or the FORMER board of parks and outdoor recreation as of June 30, 2011.

(2) In addition to any other specific grant of rule-making authority, the ~~board~~ COMMISSION may adopt or revise any rules, in accordance with article 4 of title 24, C.R.S., that the ~~board~~ COMMISSION deems necessary or convenient to effect the purposes of, and fulfill its duties under, this title.

(3) The ~~board~~ COMMISSION shall designate a ~~board~~ COMMISSION member with wildlife knowledge appointed pursuant to ~~section 33-9-101 (2) (c)~~ SECTION 33-9-101 (3) (a) (I) to serve as a representative to the state board of the great outdoors Colorado trust fund established under article XXVII of the state constitution. The ~~board~~ COMMISSION shall designate a ~~board~~ COMMISSION member with parks and outdoor recreation knowledge appointed pursuant to ~~section 33-9-101 (2) (d)~~ SECTION 33-9-101 (3) (a) (III) to serve as a representative to the state board of the great outdoors Colorado trust fund established under article XXVII of the state constitution.

(4) (a) Except as provided in paragraph (b) of this subsection (4), in promulgating a rule to increase or decrease a park fee or charge under articles 10 to 32 of this title, the ~~board~~ COMMISSION shall consider the effect that the change in the fee or charge would have on park usage, the demand for the service for which the fee or charge is used, and opportunities to implement differential pricing.

(b) The ~~board~~ COMMISSION may raise or lower park fees and charges described in paragraph (a) of this subsection (4) if the ~~board~~ COMMISSION reasonably anticipates that the total annual revenues realized from such fees and charges will not increase by more than twenty percent over the annual amount earned from fees and charges as they existed on July 1, 2011.

SECTION 24. In Colorado Revised Statutes, 33-9-103, **amend** (1) and (3) as follows:

33-9-103. Office of director of division created - duties.

(1) (a) The office of director of the division is hereby created. The ~~board~~ COMMISSION, with the consent of the executive director, shall appoint the director. The director shall devote his or her entire time to the service of the state in the discharge of his or her official duties and shall not hold any

other public office. The appointment or removal of the director is subject to section 13 of article XII of the state constitution. ~~Except as otherwise provided in paragraph (b) of this subsection (1);~~ The director shall possess such qualifications as may be established by the ~~board~~ COMMISSION, the executive director, and the state personnel director.

~~(b) (I) The members of the wildlife commission and the board of parks and outdoor recreation shall meet as necessary to appoint, in accordance with this section, a director of the division, whose appointment begins July 1, 2011.~~

~~(H) Until such time as the board, the executive director, and the state personnel director establish specific qualifications that the director must possess, the qualifications previously established for the director of the former division of wildlife and the director of the former division of parks and outdoor recreation, as those offices existed on June 30, 2011, apply to the director.~~

(3) The director shall exercise all the powers and perform all the functions of the ~~board~~ COMMISSION in the interim between its meetings, subject to the ratification of the ~~board~~ COMMISSION. The director shall act as recording secretary for the ~~board~~ COMMISSION and is the custodian of all minutes and other records of the ~~board~~ COMMISSION. The director shall perform such duties as prescribed by the ~~board~~ COMMISSION, by the executive director, or by law; except that the director has no authority to promulgate rules.

SECTION 25. In Colorado Revised Statutes, 33-9-104, **amend** (1) as follows:

33-9-104. Division - creation - duties. (1) There is hereby created a division of parks and wildlife in the department of natural resources, also referred to in this article as the "division". The division is under the jurisdiction of the ~~board~~ COMMISSION.

SECTION 26. In Colorado Revised Statutes, 33-9-105, **amend** (1) and (2) as follows:

33-9-105. Enterprise status of commission and division. (1) The division and the ~~board~~ COMMISSION constitute an enterprise for the purposes

of section 20 of article X of the state constitution, so long as the ~~board~~ COMMISSION retains the authority to issue revenue bonds and the division receives less than ten percent of its total annual revenues in grants, as defined in section 24-77-102 (7), C.R.S., from all Colorado state and local governments combined. So long as they constitute an enterprise pursuant to this section, the division and the ~~board~~ COMMISSION are not subject to any of the provisions of section 20 of article X of the state constitution.

(2) The enterprise created pursuant to this section has all the powers and duties of the ~~board~~ COMMISSION and the division as authorized under this title.

SECTION 27. In Colorado Revised Statutes, **amend** 33-9-106 as follows:

33-9-106. Reports. (1) (a) ~~Before or during the second regular session of the sixty-eighth general assembly, but on or by February 29, 2012, the executive director shall report to the joint house agriculture, livestock, and natural resources committee and the senate agriculture, natural resources, and energy committee, or any successor committees, regarding the board's activities since June 1, 2011, identification of any problems following the board's inception, the implementation plan formulated by the board, and any recommendations for further legislation to effectuate the creation, and facilitate or improve the operation, of the division. The report must reflect public input received regarding the creation and operation of the division. The report must also describe any cost savings that are expected to result from the merger of the former division of wildlife and the former division of parks and outdoor recreation.~~

~~(b) On November 30, 2011, the executive director shall submit to the members of the house agriculture, livestock, and natural resources committee and the senate agriculture, natural resources, and energy committee, or any successor committees, an informal progress report that provides a general update on the board's efforts to create the implementation plan and that identifies any apparent current, outstanding, or reasonably anticipated issues and potential solutions to those issues. The report must be in paper or electronic format, and need not exceed three pages in length.~~

(2) Beginning in 2013 AND NOTWITHSTANDING SECTION 24-1-136 (11), C.R.S., the executive director shall report annually to the joint house

agriculture, livestock, and natural resources committee and the senate agriculture, natural resources, and energy committee, or any successor committees, regarding the administration of the division, including an evaluation of division resources and their utilization and an identification of opportunities for efficiencies. Each such report must summarize stakeholder outreach conducted during the prior year and must also identify disposition of assets and cost savings, both planned and realized, since the previous year, including savings pertaining to personnel, equipment, services, and provisioning.

SECTION 28. In Colorado Revised Statutes, 33-9-108, **amend** (1) (a), (2) (a), (3) (a), (4) (a), (5), (6), and (8) as follows:

33-9-108. Transfer of functions - employees - property - records - rules - contracts - lawsuits - statutory references. (1) (a) The ~~board~~ COMMISSION shall execute, administer, perform, and enforce the rights, powers, duties, functions, and obligations vested previously in the FORMER wildlife commission or the FORMER board of parks and outdoor recreation.

(2) (a) All positions of employment in the wildlife commission and the board of parks and outdoor recreation concerning the powers, duties, and functions transferred to the parks and wildlife ~~board~~ COMMISSION pursuant to this article and determined to be necessary to carry out the purposes of this title by the parks and wildlife ~~board~~ COMMISSION are transferred to the ~~board~~ COMMISSION and are employment positions therein. All such employees are employees of the ~~board~~ COMMISSION for purposes of section 24-50-124, C.R.S., and retain all rights under the state personnel system and to retirement benefits pursuant to the laws of this state, and their services shall be deemed continuous.

(3) (a) All items of property, real and personal, including office furniture and fixtures, books, documents, and records of the wildlife commission or the board of parks and outdoor recreation are transferred to the parks and wildlife ~~board~~ COMMISSION and become the property thereof.

(4) (a) Whenever the wildlife commission or the board of parks and outdoor recreation is referred to or designated by any contract or other document, the reference or designation applies to the parks and wildlife ~~board~~ COMMISSION. All contracts entered into by the wildlife commission or the board of parks and outdoor recreation prior to June 30, 2011, are

hereby validated, with the ~~board~~ COMMISSION succeeding to all rights and obligations under such contracts. Any cash funds, custodial funds, trusts, grants, and any appropriations of funds from prior fiscal years available to satisfy obligations incurred under such contracts shall be transferred and appropriated to the ~~board~~ COMMISSION for the payment of such obligations.

(5) (a) Unless otherwise specified:

(I) Whenever any ~~provision~~ of law refers to the wildlife commission, ~~or to the board of parks and outdoor recreation, OR THE PARKS AND WILDLIFE BOARD,~~ that law shall be construed as referring to the parks and wildlife ~~board~~ COMMISSION; and

(II) Whenever any ~~provision~~ of law refers to the division of wildlife or the division of parks and outdoor recreation, that law shall be construed as referring to the division of parks and wildlife.

(b) The revisor of statutes is hereby authorized to change all references in the Colorado Revised Statutes to the wildlife commission, ~~or the board of parks and outdoor recreation, OR THE PARKS AND WILDLIFE BOARD~~ from such references to the parks and wildlife ~~board~~ COMMISSION, as appropriate. The revisor of statutes is also authorized to change all references in the Colorado Revised Statutes to the division of wildlife or the division of parks and outdoor recreation from such references to the division of parks and wildlife, as appropriate. In connection with ~~such~~ THIS authority, the revisor of statutes is hereby authorized to amend or delete provisions of the Colorado Revised Statutes so as to make the statutes consistent with the powers, duties, and functions transferred pursuant to this article.

(6) All rules and orders of the wildlife commission or the board of parks and outdoor recreation continue to be effective and shall be enforced by the ~~board~~ COMMISSION until superseded, revised, amended, repealed, or nullified pursuant to law. The ~~board~~ COMMISSION shall adopt any rules necessary for the administration of the division and as otherwise authorized by this title.

(8) No suit, action, or other proceeding, judicial or administrative, lawfully commenced, or which could have been commenced, by or against the wildlife commission, the board of parks and outdoor recreation, THE

PARKS AND WILDLIFE BOARD, the division of wildlife, or the division of parks and outdoor recreation, or any officer thereof in such officer's official capacity or in relation to the discharge of the official's duties, is abated by reason of the transfer of duties and functions to the ~~board~~ PARKS AND WILDLIFE COMMISSION or the division under this article.

SECTION 29. In Colorado Revised Statutes, 33-9-109, **amend** (1), (2), and (3) as follows:

33-9-109. Funds - appropriations to former divisions in 2011 general appropriations act - repeal. (1) Nothing in this article alters or affects funds previously administered by the FORMER wildlife commission or the FORMER board of parks and outdoor recreation; except that the ~~board~~ PARKS AND WILDLIFE COMMISSION shall administer such funds.

(2) The ~~board~~ COMMISSION shall adopt policies, procedures, or accounting methods to ensure transparency and prevent the unauthorized commingling or impermissible use of moneys in distinct funds, to ensure that moneys are expended consistent with the purposes for which they are received, collected, or appropriated, and to ensure that appropriate records are maintained for audit purposes.

(3) (a) The ~~board~~ COMMISSION shall segregate all moneys received pursuant to section 3 (1) (b) (II) of article XXVII of the state constitution from all other moneys and shall spend these moneys solely for development and improvement of new and existing state parks, recreation areas, and recreational trails.

(b) The ~~board~~ COMMISSION shall segregate all moneys received pursuant to section 5 (1) (a) (I) of article XXVII of the state constitution and spend these moneys solely for investments in the wildlife resources of Colorado, including the protection and restoration of crucial wildlife habitats, appropriate programs for maintaining Colorado's diverse wildlife heritage, wildlife watching, and educational programs about wildlife and wildlife environment, consistent with the purposes set forth under section 1 (1) (a) of article XXVII.

(c) The ~~board~~ COMMISSION shall segregate all moneys received pursuant to section 5 (1) (a) (II) of article XXVII of the state constitution and spend these moneys solely for investments in the outdoor recreation

resources of Colorado, including the state parks system, trails, public information and environmental education resources, and water for recreational facilities, consistent with the purposes set forth under section 1 (1) (a) of article XXVII.

SECTION 30. In Colorado Revised Statutes, 33-10-101, **amend** (2) (d) as follows:

33-10-101. Legislative declaration. (2) In implementing the policy set forth in subsection (1) of this section, the state shall:

(d) Charge a fee for required passes or permits for the use of any state park or state recreation area where appropriate supervision and maintenance is required and when certain facilities, as determined by the ~~board of parks and outdoor recreation~~ PARKS AND WILDLIFE COMMISSION, are maintained at any such area;

SECTION 31. In Colorado Revised Statutes, 33-10-102, **amend** (15), (18), and (21) introductory portion; and **repeal** (1), (3), (4), (5), (6), (9), (11), (12) as follows:

33-10-102. Definitions. As used in articles 10 to 15 of this title, unless the context otherwise requires:

(1) ~~"Board" or "board of parks and outdoor recreation" means the parks and wildlife board created in section 33-9-101.~~

(3) ~~"Department" means the department of natural resources.~~

(4) ~~"Director" means the director of the division of parks and wildlife created in section 33-9-104.~~

(5) ~~"Division" means the division of parks and wildlife created in section 33-9-104 and its employees, and, when necessary, the term may be construed as referring to the board.~~

(6) ~~"Executive director" means the executive director of the department of natural resources.~~

(9) ~~"Hunt" or "take" shall have the same meaning as that specified~~

~~in section 33-1-102.~~

(11) ~~"Motor vehicle" means any self-propelled vehicle or any vehicle drawn by a self-propelled vehicle by which persons or property may be moved, carried, or transported from one place to another by land, air, or water.~~

(12) ~~"Nonresident" means any person who is not a resident of this state.~~

(15) ~~"Parks and recreation officer" or "special parks and recreation officer" means a person who is appointed by the director and authorized to enforce the park laws and the rules and regulations of the board COMMISSION and who shall cooperate with the division of wildlife in the enforcement of the wildlife laws AND rules. and regulations.~~

(18) ~~"Permit" means a document issued pursuant to board regulation COMMISSION RULE and shall include INCLUDES such documents as campground permits, electrical hookup permits, group picnic area permits, and other permits as authorized by the board COMMISSION.~~

(21) ~~"Resident" means any person who has been domiciled in this state for six consecutive months or more immediately preceding the date of application for or purchase of any registration or aspen leaf passport under the provisions of articles 10 to 15 of this title or the rules or regulations of the board COMMISSION, who resides in this state with the genuine intent of making this state his OR HER place of permanent abode, and who, when absent, intends to return to this state. A person who is a resident of this state does not terminate residency upon entering the armed services of the United States. A member of the armed services domiciled in Colorado at the time HE OR SHE entered military service is presumed to retain his OR HER status as a domiciliary of Colorado throughout his stay in the service, regardless of where he OR SHE may be assigned to duty or for how long. For the purposes of this subsection (21), the following shall be ARE deemed residents of this state:~~

SECTION 32. In Colorado Revised Statutes, 33-10-106, **amend** (1) introductory portion, (1) (j) (II), (1) (j) (III), (2) introductory portion, and (4) as follows:

33-10-106. Duties of the commission - rules. (1) The ~~board~~ COMMISSION shall:

(j) (II) In adopting rules pursuant to this paragraph (j), the ~~board~~ COMMISSION shall consult with the director and personnel of the division and shall not initiate any special or additional rule-making hearings outside the ~~board's~~ COMMISSION'S normal rule-making schedule. The intent of this subparagraph (II) is to allow the ~~board~~ COMMISSION and the division to implement section 33-10-108.5 within existing appropriations.

(III) Whenever the ~~board~~ COMMISSION negotiates a contract or agreement affecting a specific state park, natural area, or facility, the ~~board~~ COMMISSION shall promptly give written notice to the staff assigned to that park, area, or facility.

(2) The ~~board~~ COMMISSION shall adopt such rules ~~or regulations~~ as may be reasonably necessary for the administration, protection, and maintenance of all state parks and recreation areas under the direct control of the division. Specifically, the ~~board~~ COMMISSION has the power to adopt rules ~~or regulations~~ for such areas on the following matters:

(4) (a) Rule-making procedures ~~shall be~~ ARE as prescribed in article 4 of title 24, C.R.S., except as otherwise provided in articles 10 to 15 and 32 of this title. Notice of rules may also be given ~~such~~ other publicity as the ~~board~~ COMMISSION may deem desirable.

(b) A certified copy, which may be certified by the director or ~~his~~ THE DIRECTOR'S designee, of any rule ~~regulation~~; or order of the ~~board~~ ~~shall be~~ COMMISSION CONSTITUTES prima facie evidence in any court of this state. A printed copy of any rule ~~or regulation~~ purporting or proved to have been adopted and published by the authority of the ~~board~~ COMMISSION or as published in the code of Colorado regulations in accordance with ~~the provisions of~~ section 24-4-103, C.R.S., is presumptive evidence of such rule ~~or regulation~~ and ~~of~~ its adoption.

(c) All rules ~~regulations~~; and orders of the ~~board~~ COMMISSION, lawfully adopted and in force on December 31, 1984, ~~shall~~ continue to be effective until revised, amended, repealed, or nullified, or until they have expired, pursuant to law.

SECTION 33. In Colorado Revised Statutes, 33-10-107, **amend** (1) introductory portion, (1) (a), (1) (b), (1) (c), (1) (e), and (2) as follows:

33-10-107. Powers of commission - rules - definitions. (1) The ~~board~~ COMMISSION has power to:

(a) Acquire by gift, transfer, lease, purchase, or long-term operating agreement such land and water, or interests in land and water, as the director, with the approval of the executive director, deems necessary, suitable, or proper for parks and outdoor recreation purposes or for the preservation or conservation of sites, scenes, open space, and vistas of public interest. As used in this section, "interest in land and water" means any and all rights and interest in land less than the full fee interest, including ~~but not limited to~~ future interests, easements, covenants, and contractual rights. Every ~~such~~ interest in land and water held by the ~~board~~ COMMISSION when properly recorded ~~shall run~~ RUNS with the land or water to which it pertains for the benefit of the citizens of this state and may be protected and enforced by the ~~board~~ COMMISSION in the district court of the county in which the land or water, or any portion thereof, is located.

(b) Lease, exchange, or sell any property, water rights, land, or interest in land or water rights, including oil, gas, and other organic and inorganic substances which now are or may become surplus or which, in the proper management of the division, the ~~board~~ COMMISSION desires to lease, exchange, or sell. All sales of property, water rights, or lands shall be at public sale, and the ~~board~~ COMMISSION has the right to reject any or all bids. As used in this paragraph (b), "exchange" means the transferring of property, water rights, land, or interest in land or water rights to another person in consideration for the transfer to the ~~board~~ COMMISSION of other property, water rights, land, or interest in land or water rights, or cash, or any combination thereof; except that any cash received may not exceed fifty percent of the total value of the consideration. A transaction otherwise qualifying as an exchange ~~shall~~ IS NOT ~~be~~ deemed a sale merely because dollar values have been assigned to any property, water rights, land, or interest in land or water rights, for the purpose of ensuring that the ~~board~~ COMMISSION will receive adequate compensation.

(c) Construct, lease, or otherwise establish public parks or outdoor recreational facilities and conveniences at any site or on any land controlled by the ~~board~~ COMMISSION or in which it holds an interest; operate and

maintain any such lands, facilities, and conveniences, and provide services with respect thereto, and, when appropriate, make reasonable charges for their use or enter into contracts for their maintenance or operation;

(e) Receive and expend grants, gifts, and bequests, including federal funds, made available for the purposes for which the ~~board~~ COMMISSION is authorized. The ~~board~~ COMMISSION may provide matching funds whenever funds are available on such a basis. The ~~board~~ COMMISSION shall provide such information as may be required in order to secure such funds. The receipt and expenditure of money so received shall be reported to the executive director prior to the time of submission of the ~~board's~~ COMMISSION'S annual budget requests.

(2) In the event that the ~~board~~ COMMISSION plans to acquire the fee title to any real property at a cost ~~to exceed~~ THAT EXCEEDS one hundred thousand dollars or to acquire an easement for a period ~~to exceed~~ THAT EXCEEDS twenty-five years or at a cost ~~to exceed~~ THAT EXCEEDS one hundred thousand dollars or to enter into any lease agreement for the use of real property for a period ~~to exceed~~ THAT EXCEEDS twenty-five years or at a cost ~~to exceed~~ THAT EXCEEDS one hundred thousand dollars, or to sell or otherwise dispose of such property, after the ~~board~~ COMMISSION has approved of the transaction but before it has completed the transaction, the ~~board~~ COMMISSION shall submit a report to the capital development committee that outlines the anticipated use of the real property, the maintenance costs related to the property, the current value of the property, any conditions or limitations that may restrict the use of the property, and, in the event real property is acquired, the potential liability to the state that will result from the acquisition. The capital development committee shall review the reports submitted by the ~~board~~ COMMISSION and make recommendations to the ~~board~~ COMMISSION concerning the proposed land transaction within thirty days from the day on which the report is received. The ~~board~~ COMMISSION shall not complete the transaction without considering the recommendations of the capital development committee, if the recommendations are made in a timely manner.

SECTION 34. In Colorado Revised Statutes, 33-10-108, **amend** (1) (f) and (1) (h) as follows:

33-10-108. Duties of the division of parks and wildlife - definitions. (1) The division, unless otherwise provided by law, has the

following duties:

(f) To enter into and administer agreements with the United States, or any appropriate agency thereof, for the planning, acquisition, and development of projects involving participating federal aid funds on behalf of any county, city, or other political subdivision if such county, city, or other political subdivision gives necessary assurances to the division that it has available sufficient funds to meet its share of the cost of the project and that the acquired or developed areas will be operated and maintained in perpetuity at its expense for public outdoor recreation use. Funds distributed to a city, county, or any other political subdivision pursuant to this section and not utilized shall, pursuant to rules ~~and regulations~~ adopted by the ~~board~~ COMMISSION, revert to the division for its use. Any administrative costs assessed by the division to any county, city, or other political subdivision for local projects shall be for actual administrative costs incurred by the division, not to exceed five percent of federal aid funds distributed to such political subdivision.

(h) To study the availability of areas selected by the ~~board~~ COMMISSION pursuant to section 33-10-106 (1) (h) for the establishment of trails under article 11 of this title and to recommend trails to be included in the Colorado greenway trails system.

SECTION 35. In Colorado Revised Statutes, 33-10-109, **amend** (1) (d), (1) (e), and (1) (f); and **repeal** (1) (c) as follows:

33-10-109. Powers and duties of director. (1) It is the duty of the director to:

~~(c) Exercise all the powers and functions of the board in the interim between its meetings, subject to the ratification thereof by the board, act as recording secretary for the board and custodian of all minutes and other records of the board, and perform such duties as may be prescribed by the board, the executive director, or by law, but the director has no authority to make rules or regulations;~~

(d) Prepare such reports as the executive director requires the ~~board~~ COMMISSION or director to submit;

(e) Authorize, with approval of the ~~board~~ COMMISSION, such studies

as are necessary to collect, classify, and disseminate statistics, data, and other information which, in ~~his~~ THE DIRECTOR'S discretion, tend to accomplish the objectives of articles 10 to 15 and 32 of this title, consistent with the state policy as set forth in section 33-10-101;

(f) Appoint special parks and recreation officers who ~~shall~~ have the power to enforce ~~the provisions of~~ articles 10 to 15 and 32 of this title and rules of the ~~board~~ COMMISSION. Special parks and recreation officers commissions shall not be issued until the applicant has submitted an application to the division setting forth his OR HER qualifications. The director may revoke such appointments at any time.

SECTION 36. In Colorado Revised Statutes, 33-10-111, **amend** (5) (a) introductory portion, (5) (a) (I), (5) (b) (I), (5) (b) (II), and (5) (c) as follows:

33-10-111. Parks and outdoor recreation cash fund created - fees - accounting expenditures for roads and highways - repeal. (5) (a) Subject to ~~the provisions of~~ this subsection (5), the ~~board~~ COMMISSION may set fees by rule for the use of facilities and programs of the division, including discounts for marketing purposes. The ~~board~~ COMMISSION shall:

(I) Before adopting any such rule, provide the ~~general assembly's~~ joint budget committee with the proposed rule and the ~~board's~~ COMMISSION'S analysis of the proposed rule;

(b) (I) All actions of the ~~board~~ COMMISSION to change fees ~~shall be~~ ARE subject to the requirements of the "State Administrative Procedure Act", article 4 of title 24, C.R.S. Whenever the ~~board~~ COMMISSION desires to change any fee, the ~~board~~ COMMISSION shall conduct rule-making, with timely notice and an opportunity for comment by interested parties.

(II) In its annual budget request to the general assembly, the ~~board~~ COMMISSION shall include the amount of any fee changed, proposed, or under consideration by the ~~board~~ COMMISSION.

(c) This subsection (5) is repealed, effective ~~July 1, 2012~~ SEPTEMBER 1, 2017.

SECTION 37. In Colorado Revised Statutes, **amend** 33-10-114 as follows:

33-10-114. Limitation on division and commission authority.

(1) Neither the ~~board~~ COMMISSION nor the division shall enter into any mitigation agreements with any agency of the federal government relating to the transfer or exchange of land or water condemned by the federal government without the express consent of the general assembly.

(2) ~~The provisions of NOTHING IN~~ subsection (1) of this section ~~shall not be construed to prevent~~ PREVENTS the ~~board~~ COMMISSION or the division from entering into common agreements with a federal agency pertaining to the administration or management of federally owned lands.

SECTION 38. In Colorado Revised Statutes, 30-10-115, **amend** (4) as follows:

33-10-115. Use of parks and recreational areas by nonprofit search and rescue organizations - definitions - rules. (4) The ~~board~~ COMMISSION shall promulgate rules as are reasonably necessary ~~for the implementation of~~ TO IMPLEMENT this section.

SECTION 39. In Colorado Revised Statutes, 33-10.5-102, **amend** (1), (5), and (8); and **repeal** (3) as follows:

33-10.5-102. Definitions. As used in this article, unless the context otherwise requires:

(1) "Aquatic nuisance species" means exotic or nonnative aquatic wildlife or any plant species that have been determined by the ~~board~~ COMMISSION to pose a significant threat to the aquatic resources or water infrastructure of the state.

(3) ~~"Board" means the board of parks and outdoor recreation in the department of natural resources created in section 33-10-103.~~

(5) "Decontaminate" means to wash, drain, dry, or chemically or thermally treat a conveyance in accordance with rules promulgated by the ~~board~~ COMMISSION in order to remove or destroy an aquatic nuisance species.

(8) "Inspect" means to examine a conveyance pursuant to procedures established by the ~~board~~ COMMISSION by rule in order to determine whether an aquatic nuisance species is present, and includes examining, draining, or chemically treating water in the conveyance.

SECTION 40. In Colorado Revised Statutes, 33-10.5-107, **amend** (1) and (2) introductory portion as follows:

33-10.5-107. Commission to promulgate rules. (1) The ~~board~~ COMMISSION is authorized to promulgate rules pursuant to article 4 of title 24, C.R.S., as necessary to prevent, control, contain, monitor, and, whenever possible, eradicate aquatic nuisance species. In promulgating such rules, the ~~board~~ COMMISSION shall consult with ~~the commission and~~ any affected state, federal, and tribal governmental entities and subdivisions thereof, including ~~but not limited to~~, special districts, water conservancy districts, and water supply agencies.

(2) The ~~board~~ COMMISSION shall promulgate rules to administer and enforce this article. Such rules shall include: ~~but not be limited to~~:

SECTION 41. In Colorado Revised Statutes, 33-11-104, **amend** (5) as follows:

33-11-104. Acquisition. (5) Nothing in this section ~~shall alter, impair, supersede, or change~~ MODIFIES, IMPAIRS, OR SUPERSEDES the authority of the ~~board~~ COMMISSION or the ability of the division to acquire any interest in water or water rights pursuant to section 33-10-107 (1) (a).

SECTION 42. In Colorado Revised Statutes, 33-11-105, **amend** (1) as follows:

33-11-105. Recreational trails committee. (1) There is hereby created the Colorado recreational trails committee, which ~~shall be~~ IS advisory and ~~shall consist~~ CONSISTS of nine members, eight of whom ~~shall be~~ ARE appointed by the ~~board of parks and outdoor recreation~~ COMMISSION. One member shall be appointed from the governing committee of the state board of the great outdoors Colorado trust fund created by section 6 of article XXVII of the state constitution. The ~~TERMS OF THE~~ members appointed by the ~~board of parks and outdoor recreation shall be appointed for terms of~~ COMMISSION ARE four years. No member shall serve more than

two consecutive terms. One member shall be appointed from each congressional district, one member shall be appointed from the state at large, and one member shall represent and be appointed by the state board of the great outdoors Colorado trust fund. The committee shall include in its membership representation of the broad spectrum of trail users. Vacancies ~~from the members appointed by the state board of parks and outdoor recreation~~ on the committee shall be filled for the unexpired term by the ~~board of parks and outdoor recreation~~ APPROPRIATE APPOINTING AUTHORITY SET FORTH IN THIS SUBSECTION (1).

SECTION 43. In Colorado Revised Statutes, 33-11-106, **amend** (1) as follows:

33-11-106. Responsibilities of committee. (1) The committee, with the approval of the ~~board~~ COMMISSION, shall coordinate trail development among local governments and shall assist local governments in the formation of their trail plans and advise the ~~board~~ COMMISSION quarterly of its findings. In carrying out this responsibility, the committee shall review records of easements and other interests in land which are available and may be adapted for recreational trail usage, including public lands, utility easements, floodplains, railroad and other rights-of-way, geological hazard areas, gifts of land or interests therein, and steep slope areas. The committee shall advise the ~~board~~ COMMISSION in the development of uniform standards for trail construction ~~which~~ that may be adopted by the ~~board~~ COMMISSION for statewide use and ~~which~~ THAT shall be made available to participating local governments. The committee shall offer plans and methods for funding a trails system through user fees or other financing methods.

SECTION 44. In Colorado Revised Statutes, **amend** 33-11-107 as follows:

33-11-107. Availability of funds. The ~~board~~ COMMISSION is authorized to make funds appropriated by the general assembly for the purposes of this article available to local governments and nonprofit organizations in accordance with criteria developed by the committee and adopted by the ~~board~~ COMMISSION. The committee shall advise the ~~board~~ COMMISSION of its recommendations for the allocation of such funds among participating local governments and nonprofit organizations.

SECTION 45. In Colorado Revised Statutes, 33-11-108, **amend**

(1), (2), (3), and (4) as follows:

33-11-108. State trails system. (1) The ~~board~~ COMMISSION shall designate a state trails system. The trails comprising such system shall meet criteria established by the ~~board~~ COMMISSION and shall be consistent with the objectives of this article.

(2) The ~~board~~ COMMISSION shall establish a procedure whereby federal, state, and local governments and nongovernmental organizations may propose trails for inclusion within the system.

(3) In consultation with appropriate federal, state, and local governments and nongovernmental organizations, the ~~board~~ COMMISSION shall establish a procedure for review and public hearings upon proposals for the inclusion of trails in the system.

(4) The ~~board~~ COMMISSION may participate in the planning, establishment, development, and long-term operation and maintenance of segments of national scenic trails which might be authorized by the congress of the United States.

SECTION 46. In Colorado Revised Statutes, 33-11-109, **amend** (3) as follows:

33-11-109. Trail categories - rules. (3) The ~~board~~ COMMISSION, through the division, is authorized to conduct studies, and to promulgate such rules as may be necessary for establishing and managing the Colorado greenway trails system. The ~~board~~ COMMISSION shall consult and cooperate with the Colorado water conservation board, transportation commission, Colorado water resources and power development authority, and all other appropriate units of state government and political subdivisions of the state, including ~~but not limited to~~, any county, city, city and county, and water conservation and conservancy district; any other public and private persons; and any appropriate federal agencies to establish a Colorado greenway trails system that minimizes adverse impacts on activities, natural features, and sensitive habitats adjacent to trails.

SECTION 47. In Colorado Revised Statutes, **amend** 33-11-110 as follows:

33-11-110. Uniform signs and markers. The ~~board~~ COMMISSION may establish uniform signs and markers, ~~including thereon~~ WHICH SIGNS AND MARKERS MAY INCLUDE appropriate and distinctive symbols. Where trails cross lands administered by federal agencies, such markers may be provided and erected by the appropriate federal agency at appropriate points along trails and maintained by the federal agency administering the trails in accordance with standards mutually established by the division and the federal agency concerned. Where trails cross lands of state or local governmental agencies, the division may provide such uniform signs and markers to such agencies in accordance with written agreements and may require such agencies to erect and maintain them in accordance with standards established in such agreements.

SECTION 48. In Colorado Revised Statutes, 33-12-101, **amend** (1) (a) as follows:

33-12-101. Passes and registrations - rules - definition. (1) (a) Except as specified in section 33-12-103 (1) (b), every pass or registration ~~shall expire~~ EXPIRES on the date printed or written on the face of ~~said~~ THE document. The ~~board~~ COMMISSION may adopt rules establishing a subscription program through which a person to whom an annual pass has been issued pursuant to this article is notified, prior to the expiration of the pass, of the opportunity to renew the pass by mail or other means determined by the ~~board~~ COMMISSION. As used in this article, "document" means pass or registration.

SECTION 49. In Colorado Revised Statutes, 33-12-103, **amend** (1) (a), (1) (b) (I), (2), and (3) as follows:

33-12-103. Aspen leaf annual pass - aspen leaf lifetime pass - rules - report. (1) (a) A resident of this state, as defined in section 33-10-102, may obtain from the division an aspen leaf annual pass, which ~~shall be~~ PASS IS valid from the date the pass is purchased through the last day of the month of purchase in the following year. The COMMISSION SHALL DETERMINE THE age of eligibility for the aspen leaf pass. ~~shall be determined by the board.~~

(b) (I) A resident of this state, as defined in section 33-10-102, may obtain from the division an aspen leaf lifetime pass, which ~~shall be~~ IS valid from the date the pass is purchased through the lifetime of the pass holder.

The age of eligibility for the aspen leaf lifetime pass is the same as that for the aspen leaf annual pass pursuant to paragraph (a) of this subsection (1). Notwithstanding any provision of law to the contrary, the fee for the aspen leaf lifetime pass ~~shall be~~ IS AS set by rule of the ~~board~~ but COMMISSION; EXCEPT THAT THE FEE shall not exceed five times the cost of the aspen leaf annual pass.

(2) Except as provided by rule of the ~~board~~ COMMISSION, for the purpose of this section, the holder of an aspen leaf annual pass or aspen leaf lifetime pass shall own in whole or in part any vehicle used to enter a park area, the vehicle shall have a current valid registration issued by the department of revenue, and the pass holder shall be present in the vehicle. An aspen leaf pass or aspen leaf lifetime pass entitles the holder to enter state park and recreation areas during the period that the pass is valid and when such areas are open.

(3) Each aspen leaf annual pass issued shall be affixed to the vehicle for which it was issued in the manner prescribed by rule promulgated by the ~~board~~ COMMISSION. Each aspen leaf lifetime pass shall be displayed by the person to whom it was issued, in the manner prescribed by the ~~board~~ COMMISSION by rule, when the person enters a state park or state recreation area.

SECTION 50. In Colorado Revised Statutes, 33-12-103.5, **amend** (2) (b) as follows:

33-12-103.5. Columbine annual pass - rules. (2) (b) The ~~board~~ COMMISSION, by rule, shall provide for a transferable columbine annual pass that ~~shall be~~ IS valid when temporarily affixed to any vehicle used to bring such pass holder into a park.

SECTION 51. In Colorado Revised Statutes, 33-12-104, **amend** (1), (9), and (10) as follows:

33-12-104. Pass and registration agents - reports - board of claims - unlawful acts - rules. (1) The director may designate sole proprietors, partnerships, or corporations having permanent business locations in this state as pass and registration agents to sell, at their permanent business locations, passes and registrations. Pass and registration agents shall be paid a commission on all moneys collected for passes and

registrations sold by such agents in an amount determined by the ~~board~~ COMMISSION by rule. All agents authorized to sell passes and registrations shall keep accurate records of all sales of passes and registrations and shall make such reports to the division regarding pass and registration sales as may be required. Such agents shall be required to give evidence of financial responsibility, in the form of a savings account, deposit, or certificate of deposit meeting the requirements of section 11-35-101, C.R.S., or an irrevocable letter of credit meeting the requirements of section 11-35-101.5, C.R.S., or a bond, in such amount as may be fixed by the division to insure the remittance of all moneys collected from such pass and registration sales, less amounts allowed as commissions, and the making of reports required by the division. The ~~board~~ COMMISSION may promulgate rules for the establishment and cancellation of pass and registration agencies. All pass and registration moneys received shall be kept separate and apart from any other moneys of the agent authorized to sell passes and registrations and shall at all times belong to the state. All moneys due from the sale of passes and registrations ~~shall~~ belong to the state and shall draw interest at the rate of one and one-half percent per month from the time that the agency is cancelled by the division until paid.

(9) The ~~board~~ COMMISSION may promulgate rules for the cash sale of passes and registrations to pass and registration agents of the division for resale to the public. Only agents of the division in good standing may qualify to purchase and sell under this subsection (9); except that no evidence of financial responsibility shall be required to qualify under this subsection (9). A post or base exchange of the United States government located in Colorado may qualify as an agent for the purpose of this subsection (9). Failure to comply with all applicable rules of the ~~board~~ COMMISSION and lawful directives of the division regarding pass and registration agents ~~shall be~~ CONSTITUTES grounds for the suspension or termination of such an agent, and, upon suspension or termination, all unsold passes and registrations shall be returned immediately to the division for return of cash in the amount paid by the agent for the passes and registrations. The ~~board~~ COMMISSION, in connection with a program that it may adopt under this subsection (9), shall provide for redemption by the division, at least annually, of any unsold passes and registrations in the amount paid by the agent for such unsold passes and registrations. ~~The provisions of Subsections (1) to (8) of this section, except the provisions of subsection (1) regarding the designation of pass and registration agents, shall~~ DO not apply to passes and registrations sold under this subsection (9).

(10) The ~~board~~ COMMISSION may authorize certain employees to sell passes and registrations at the headquarters and regional offices of the division. Such employees are not entitled to a discount off of the face value of the passes and registrations and are not required to give evidence of financial responsibility. Such employees may make claims under oath for relief from responsibility for passes and registrations or moneys that have been lost, stolen, or destroyed and for which the employees are unable to account in accordance with ~~the provisions of~~ subsections (4) to (8) of this section.

SECTION 52. In Colorado Revised Statutes, 33-12-106, **amend** (2.3) and (2.7) (b) as follows:

33-12-106. Park entrance privileges - identified veterans - wounded warriors - search and rescue organizations conducting training activities - legislative declaration - rules. (2.3) The ~~board~~ COMMISSION may promulgate rules to allow free entrance to any state park or recreation area, not to include campgrounds, yurts, or other amenities and services offered, for veterans on one day each year. The ~~board~~ COMMISSION may determine by rule which day veterans are allowed free entrance to state parks and recreation areas.

(2.7) (b) The ~~board~~ COMMISSION may promulgate rules to allow free entrance to any state park or recreation area, not to include campgrounds, yurts, or other amenities or services offered, for participants in the United States armed services wounded warrior programs who are residents of, or stationed in, Colorado. Any such rules must also allow for free admission of persons accompanying the wounded warrior program participant in the same vehicle.

SECTION 53. In Colorado Revised Statutes, **amend** 33-12.5-102 as follows:

33-12.5-102. Legislative declaration. The general assembly recognizes that the Arkansas river is a major recreation attraction and a vital resource for residents and nonresidents alike and hereby declares that it is the policy of this state to safeguard the recreational quality of the Arkansas river and the adjacent lands by granting the ~~board~~ COMMISSION the authority to regulate recreational use on the Arkansas river. It is not the intent of the general assembly to in any way interfere with private landowner rights

along the river or with the determination, administration, or change of water rights in the drainage of the Arkansas river and its tributaries and the legal utilization thereof.

SECTION 54. In Colorado Revised Statutes, **amend** 33-12.5-103 as follows:

33-12.5-103. Powers of the commission. (1) The ~~board shall have~~ COMMISSION HAS the authority, consistent with ~~the legislative declaration of this article~~ SECTION 33-12.5-102, to regulate the manner, type, time, location, and amount of recreational and commercial use on that portion of the Arkansas river that runs from the confluence of the Lake Fork and the East Fork of the Arkansas river to the Pueblo reservoir.

(2) Subject to section 33-12.5-102, the ~~board shall~~ COMMISSION also ~~have~~ HAS the authority to enter into agreements with municipalities, water conservancy districts, and private individuals to effect reservoir operation in order to provide water flows beneficial to recreation and consistent with section 33-12.5-104.

(3) The ~~board~~ COMMISSION shall, to the maximum extent possible but consistent with ~~the legislative declaration of this article~~ SECTION 33-12.5-102, keep the regulation of the recreational uses of the Arkansas river to a minimum.

SECTION 55. In Colorado Revised Statutes, 33-12.5-104, **amend** (1) (c) and (1) (f) as follows:

33-12.5-104. Effect of article - rights of property owners - water rights. (1) Nothing in this article shall be construed as:

(c) Granting the ~~board~~ COMMISSION any vested water rights or right to apply for or obtain any decree for a water right for recreational purposes;

(f) Allowing the ~~board~~ COMMISSION or the division to require minimum stream flows or minimum water levels in any lakes or impoundments.

SECTION 56. In Colorado Revised Statutes, 33-13-103, **amend** (3) as follows:

33-13-103. Numbering of vessels required - rules. (3) The ~~board~~ COMMISSION shall prescribe by rule ~~or regulation~~ a system of numbering ~~which is in compliance~~ THAT COMPLIES with the federal system for numbering vessels.

SECTION 57. In Colorado Revised Statutes, 33-13-104, **amend** (3) as follows:

33-13-104. Application for vessel number. (3) When a numbered vessel is lost, destroyed, or abandoned, the registration issued for the vessel shall be surrendered to the division within fifteen days after any such event. When the owner of a numbered vessel changes his OR HER address from that shown on the registration, ~~he~~ THE OWNER shall notify the division within fifteen days of such change and, as a part of such notification, shall furnish the division with his OR HER new address. The ~~board~~ COMMISSION may provide in its rules ~~or regulations~~ for the surrender of the registration bearing the former address and its replacement with a registration bearing the correct address or for the alteration of an outstanding registration to show the new address of the owner.

SECTION 58. In Colorado Revised Statutes, 33-13-106, **amend** (3) (a), (4), and (6) as follows:

33-13-106. Equipment requirements. (3) Every vessel, other than a personal watercraft, operated on the waters of this state shall at all times have aboard:

(a) One personal flotation device of a type approved by the commandant of the United States Coast Guard in good and serviceable condition and in a readily accessible place of storage for each person on board; except that sailboard operators may wear a wet suit, as defined by the ~~board~~ COMMISSION, in lieu of carrying a personal flotation device as required by this paragraph (a);

(4) Every vessel operated on the waters of this state shall have such additional equipment that is designed to promote navigational safety and that the ~~board~~ COMMISSION may find to be necessary or desirable for the safe operation of vessels upon the waters of this state.

(6) The ~~board~~ COMMISSION may exempt vessels from ~~the provisions~~

of subsection (1), (2), (3), (4), or (4.5) of this section under certain conditions or upon certain waters.

SECTION 59. In Colorado Revised Statutes, 33-13-108, **amend** (1) (a) (II), (1) (a) (III), (1) (a) (IV) as follows:

33-13-108. Prohibited vessel operations. (1) (a) No person shall operate or give permission for the operation of a vessel:

(II) Which emits noise in excess of the permissible level established in standards promulgated by the ~~board~~ COMMISSION in accordance with article 4 of title 24, C.R.S.;

(III) Above a wakeless speed in areas zoned as wakeless, as defined by ~~board~~ COMMISSION rule; ~~or regulation;~~

(IV) In a manner that violates any rule promulgated by the ~~board~~ COMMISSION for safe use and operation of vessels.

SECTION 60. In Colorado Revised Statutes, 33-13-109, **amend** (2) and (3) as follows:

33-13-109. Collisions, accidents, and casualties - rules. (2) The ~~board~~ COMMISSION shall adopt rules ~~and regulations~~ concerning notification and reporting procedures to be followed in the case of a collision, accident, or other casualty involving a vessel or its equipment. ~~Such~~ THE regulations ~~shall~~ MUST be consistent with applicable federal requirements.

(3) The owner or operator of a vessel involved in a collision, accident, or other casualty shall report the collision, accident, or casualty as provided in the rules ~~and regulations~~ of the ~~board~~ COMMISSION.

SECTION 61. In Colorado Revised Statutes, 33-13-110, **amend** (2) (b) and (2) (c) as follows:

33-13-110. Water skis, aquaplanes, surfboards, inner tubes, and similar devices - rules. (2) (b) The ~~board~~ COMMISSION shall promulgate such rules ~~and regulations~~ as are necessary or desirable for the safe use of water skis, aquaplanes, surfboards, inner tubes, and other similar devices.

(c) In addition, the ~~board~~ COMMISSION may promulgate rules ~~and regulations~~ to prohibit recreational activities pertaining to the use of all single-chambered air-inflated devices, including ~~but not limited to~~, inner tubes and air mattresses, on rivers and streams when water conditions are considered dangerous to such activities and when bodily injury may result to participants of those activities.

SECTION 62. In Colorado Revised Statutes, 33-13-111, **amend** (1) (a) and (2) as follows:

33-13-111. Authority to close waters - rules. (1) (a) The ~~board~~ COMMISSION shall promulgate rules to prohibit the operation of vessels on any waters of the state and ordering the removal of vessels from any waters of the state when such operation constitutes or may constitute a hazard to human life or safety.

(2) Any parks and recreation officer or other peace officer as defined in section 33-10-102 has the authority to enforce ~~the provisions of~~ this section under the rules promulgated by the ~~board~~ COMMISSION.

SECTION 63. In Colorado Revised Statutes, 33-14-107, **amend** (1) introductory portion as follows:

33-14-107. Rules. (1) The ~~board~~ COMMISSION shall adopt rules, ~~and regulations~~ in the manner provided by article 4 of title 24, C.R.S., for the following purposes:

SECTION 64. In Colorado Revised Statutes, 33-14-119, **amend** (2) as follows:

33-14-119. Enforcement - federal cooperation. (2) The division, with the advice and consent of the ~~board~~ COMMISSION, is authorized to enter into cooperative agreements with federal land management agencies for the purpose of regulating snowmobile use on federal lands.

SECTION 65. In Colorado Revised Statutes, 33-14.5-107, **amend** (1) introductory portion as follows:

33-14.5-107. Rules. (1) The ~~board~~ COMMISSION shall adopt rules ~~and regulations~~ in the manner provided by article 4 of title 24, C.R.S.,

concerning the following:

SECTION 66. In Colorado Revised Statutes, 33-15-101, **amend** (1) as follows:

33-15-101. Powers of officers. (1) Every peace officer, as defined in section 33-10-102 (17), ~~shall have~~ HAS the authority to enforce ~~the provisions of~~ this article and shall assist parks and recreation officers in the enforcement of articles 10 to 15 and 32 of this title and the rules of the ~~board~~ COMMISSION adopted pursuant thereto. Each such officer has the full power and authority to arrest any person who such officer has probable cause to believe is guilty of a violation of articles 10 to 15 or 32 of this title or any rule adopted pursuant thereto, and, in accordance with the constitutions and laws of the United States and the state of Colorado, to open, enter, and search all places of concealment including motor vehicles and vessels and all other places as provided by law where such officer has probable cause to believe evidence relating to a violation of this title is to be found and to seize the same.

SECTION 67. In Colorado Revised Statutes, **amend** 33-15-102 as follows:

33-15-102. Imposition of penalty - procedures. (1) Any person who violates any of the provisions of articles 10 to 15 or 32 of this title or any rule of the ~~board~~ COMMISSION that does not have a specific penalty listed is guilty of a class 2 petty offense and, upon conviction, shall be punished by a fine of fifty dollars.

(2) At the time that any person is charged with violating any petty offense or misdemeanor provisions of articles 10 to 15 or 32 of this title or any rule of the ~~board~~ COMMISSION, the officer shall issue a summons and complaint to the alleged offender or, in the case of a violation for which a fine of a fixed amount is prescribed, may give the alleged offender an opportunity to voluntarily pay the fine and surcharge in the form of a penalty assessment. Penalty assessments shall not be issued for violations for which minimum and maximum fines have been established. The penalty assessment notice given to the alleged offender shall contain the information required in and be in the form of a summons and complaint and shall specify in dollars the amount of the penalty to be assessed for the alleged offense and the amount of the surcharge to be collected pursuant to

section 24-33.5-415.6, C.R.S. If the alleged offender accepts such notice and pays the fine and surcharge entered thereon to the division within twenty days of issuance of the notice, such acceptance and payment shall constitute an acknowledgment of guilt by such person of the violation set forth in the penalty assessment notice. Any person who accepts a penalty assessment notice but who does not furnish satisfactory evidence of identity or who the officer has reasonable and probable grounds to believe will disregard a written promise to pay the specified fine and surcharge may be taken by the officer to the nearest known post-office facility and be required to remit the amount of the specified fine and surcharge to the division immediately by mail in United States currency or other legal tender or by money order or personal check. Refusal or inability to remit the specified fine and surcharge by mail when required shall constitute a refusal to accept a penalty assessment notice. Checks tendered by the violator to and accepted by the division and on which payment is received by the division shall be deemed sufficient receipt. If the fine and surcharge are not so paid, then the officer who issued the penalty assessment notice shall docket the summons and complaint with a court of competent jurisdiction for appearance by the person to answer the charges therein contained at such time and place as is specified in the summons and complaint.

SECTION 68. In Colorado Revised Statutes, **amend** 33-15-107 as follows:

33-15-107. Camping. It is unlawful for any person to camp on land or water under the control of the division unless ~~such~~ THE area is so designated and posted pursuant to rule of the ~~board~~ COMMISSION. Any person who violates this section is guilty of a class 2 petty offense and, upon conviction, shall be punished by a fine of fifty dollars.

SECTION 69. In Colorado Revised Statutes, **amend** 33-15-114 as follows:

33-15-114. Commercial use of state property. It is unlawful to operate any commercial business or to solicit business on any property owned or managed by the division without first obtaining written permission from the division or the ~~board as provided by~~ COMMISSION PURSUANT TO this title or ~~pursuant to~~ any applicable rules promulgated by the ~~board~~ COMMISSION. Any person who violates this section is guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less

than one hundred dollars nor more than one thousand dollars, or by imprisonment in the county jail for not more than one year, or by both such fine and imprisonment.

SECTION 70. In Colorado Revised Statutes, 33-32-102, **repeal** (1.4) and (2) as follows:

33-32-102. Definitions. As used in this article, unless the context otherwise requires:

(1.4) ~~"Board" means the board of parks and outdoor recreation.~~

(2) ~~"Division" means the division of parks and outdoor recreation.~~

SECTION 71. In Colorado Revised Statutes, **amend** 33-32-103 as follows:

33-32-103. Powers and duties of the commission - rules. The ~~board~~ COMMISSION shall promulgate rules to govern the licensing of river outfitters, to regulate river outfitters, guides, trip leaders, and guide instructors, to ensure the safety of associated river-running activities, to establish guidelines to enable a river outfitter, guide, or trip leader to make a determination that the condition of the river constitutes a hazard to the life and safety of certain persons, and to carry out the purposes of this article. The ~~board~~ COMMISSION may promulgate rules specifically outlining the procedures to be followed by the ~~board~~ COMMISSION and by the enforcement section of the division in the event of a death or serious injury during a regulated trip. The ~~board~~ COMMISSION shall e-mail a notice of every proposed rule to each licensee. The ~~board~~ COMMISSION shall adopt rules regarding notification to outfitters of certain division personnel changes within ten days of the change and safety training standards and customer and outfitter interaction training standards for division rangers who monitor regulated trips.

SECTION 72. In Colorado Revised Statutes, **amend** 33-32-103.5 as follows:

33-32-103.5. Variances. The director ~~of the division~~ may grant variances from ~~regulations~~ RULES adopted by the ~~board~~ COMMISSION pursuant to section 33-32-103 to any river outfitter on a case-by-case basis

if the director determines that the health, safety, and welfare of the general public will not be endangered by the issuance of such variance.

SECTION 73. In Colorado Revised Statutes, 33-32-104, **amend** (1) and (2) as follows:

33-32-104. License required - fee. (1) No person shall act in the capacity of a paid river outfitter or advertise or represent himself or herself as a river outfitter in this state without first obtaining a river outfitter's license in accordance with rules prescribed by the ~~board~~ COMMISSION.

(2) An applicant for a river outfitter's license shall meet the minimum qualifications pursuant to section 33-32-105 and shall apply on a form prescribed by the ~~board~~ COMMISSION. All applicants shall pay a nonrefundable license fee ~~to be~~ IN AN AMOUNT determined by the ~~board~~ COMMISSION, which fee shall be adequate to cover the expenses incurred for inspections, licensing, and enforcement required by ~~the provisions of this article~~, and shall renew such license pursuant to a schedule adopted by the ~~board~~ COMMISSION upon payment of the fee. License terms shall not exceed three years. The ~~board~~ COMMISSION may offer licenses that differ in the length of their terms and may stagger the length of license terms so that approximately equal numbers of licensees renew their licenses each year.

SECTION 74. In Colorado Revised Statutes, 33-32-105, **amend** (1) (b) and (1) (c) as follows:

33-32-105. Minimum qualifications and conditions for a river outfitter's license. (1) A river outfitter's license may be granted to any river outfitter, either within or without this state, meeting the following minimum qualifications and conditions:

(b) The river outfitter shall submit to the ~~board~~ COMMISSION evidence of liability insurance in the minimum amount of three hundred thousand dollars' combined single limit for property damage and bodily injury.

(c) The river outfitter shall meet the safety standards for river-running established by the ~~board~~ COMMISSION by regulation.

SECTION 75. In Colorado Revised Statutes, 33-32-105.5, **amend**

(1) introductory portion as follows:

33-32-105.5. Minimum qualifications of guides, trip leaders, and guide instructors. (1) Individuals providing the services of guides, trip leaders, or guide instructors shall have the following minimum qualifications and such additional qualifications as the ~~board~~ COMMISSION may establish by rule:

SECTION 76. In Colorado Revised Statutes, **amend** 33-32-106 as follows:

33-32-106. Equipment required - employees required to meet minimum qualifications. (1) All licensed river outfitters shall provide the river-outfitting equipment required by ~~regulations~~ RULES promulgated by the ~~board~~ COMMISSION, and said equipment shall be in a serviceable condition for its operation as required by the ~~regulations~~ RULES promulgated by the ~~board~~ COMMISSION.

(2) All river outfitters who employ or contract with guides, trip leaders, or guide instructors shall employ or contract only with such individuals who meet the qualifications provided in section 33-32-105.5 (1) and provided by those ~~regulations~~ RULES promulgated by the ~~board~~ COMMISSION.

SECTION 77. In Colorado Revised Statutes, 33-32-109, **amend** (1) introductory portion, (1) (e), (1) (g), and (4) as follows:

33-32-109. Denial, suspension, or revocation of license - disciplinary actions. (1) The ~~board~~ COMMISSION may deny, suspend, or revoke a river outfitter license, place a licensed river outfitter on probation, or issue a letter of admonition to a licensed river outfitter if the applicant or holder:

(e) Violates section 18-4-503 or 18-4-504, C.R.S., resulting in two or more second or third degree criminal trespass convictions within any three- to five-year period while acting as a river outfitter or guide; except that the ~~board~~ COMMISSION shall be governed by section 24-5-101, C.R.S., when considering any such conviction;

(g) Violates any order of the division or ~~board~~ COMMISSION or any

other provision of this article or any ~~regulations~~ established RULES PROMULGATED under this article.

(4) The ~~board~~ COMMISSION may deny an application for a river outfitter license or a renewal of a river outfitter's license if the applicant does not meet the requirements specified in section 33-32-105 or 33-32-106.

SECTION 78. In Colorado Revised Statutes, 33-32-110, **amend** (1) as follows:

33-32-110. Advisory committee - repeal. (1) The ~~board~~ COMMISSION shall appoint a river outfitter advisory committee, consisting of two river outfitters and one representative of the division. The committee shall review and make recommendations concerning rules PROMULGATED and proposed ~~rules promulgated~~ pursuant to this article.

SECTION 79. In Colorado Revised Statutes, 33-33-103, **amend** (1) and (3); and **repeal** (2), (5), and (6) as follows:

33-33-103. Definitions. As used in this article, unless the context otherwise requires:

(1) "Articles" or "articles of designation" means the documents filed by or at the direction of the owner of a natural area or a government agency having ownership or control thereof with the ~~board~~ COMMISSION and accepted by the ~~board~~ COMMISSION in the process of the designation of a natural area as provided in section 33-33-108.

(2) ~~"Board" means the board of parks and outdoor recreation.~~

(3) "Council" means the Colorado natural areas council created as an advisory council to the ~~board of parks and outdoor recreation~~ COMMISSION by section 33-33-106.

(5) ~~"Director" means the director of the division of parks and outdoor recreation.~~

(6) ~~"Division" means the division of parks and outdoor recreation.~~

SECTION 80. In Colorado Revised Statutes, 33-33-104, **amend** (1) as follows:

33-33-104. Colorado natural areas program. (1) There is hereby established a statewide Colorado natural areas program to implement the intent and provisions of this article. The program shall be administered by the ~~board~~ COMMISSION through the division with the advice of the council.

SECTION 81. In Colorado Revised Statutes, 33-33-105, **amend** (1) introductory portion, (1) (d), (1) (f), (1) (i), (1) (j), and (2) as follows:

33-33-105. Powers and duties of the commission. (1) The ~~board~~ COMMISSION, through the division and with the advice of the council, shall administer the program in accordance with ~~the provisions of this article and shall have~~ HAS the following additional powers and duties:

(d) To seek and approve, upon recommendation by the council, the designation of natural areas under the provisions of section 33-33-108 and, when necessary, to acquire by gift, devise, or grant the fee or other interest in real property or accept, under ~~the provisions of section 33-33-108, the designation of real property for inclusion in the system; except that the board shall~~ COMMISSION DOES not have the power of eminent domain for such purposes;

(f) To administer and enforce ~~the provisions of this article and rules and regulations~~ adopted pursuant thereto, including the provisions of the articles of a designated natural area; except that the ~~board shall have~~ COMMISSION HAS no regulatory jurisdiction under this article over lands or interests therein which are not part of the system;

(i) To accept and disburse moneys and grants made available to the ~~board~~ COMMISSION under ~~the provisions of any federal law for the purposes of this article; and~~

(j) To notify, ninety days prior to the final designation action, the board of county commissioners in the county in which any designation is being considered. At the request of the board of county commissioners, the ~~board~~ COMMISSION shall hold a public hearing in said county for the purpose of evaluating any local concerns regarding the proposed designation.

(2) It ~~shall~~ IS not be a permitted function of the ~~board~~ COMMISSION under this article to make or pursue direct or indirect objection or opposition before any governing body to any application for development of private lands.

SECTION 82. In Colorado Revised Statutes, 33-33-106, **amend** (1) and (2) as follows:

33-33-106. Colorado natural areas council. (1) There is hereby created the Colorado natural areas council as an advisory council to the ~~board~~ COMMISSION. The council shall advise the ~~board~~ COMMISSION on the administration of the program and shall approve the registry and recommend the designation of natural areas by the ~~board~~ COMMISSION.

(2) The council consists of the following seven members:

(a) One member each from the ~~membership of the board~~ COMMISSION and the state board of land commissioners, appointed by their respective ~~boards or commissions~~ COMMISSION OR BOARD, who ~~shall~~ serve for three-year terms; and

(b) Five members appointed by the governor, who ~~shall be~~ ARE individuals with a substantial interest in the preservation of natural areas and who ~~shall~~ serve for four-year terms.

SECTION 83. In Colorado Revised Statutes, 33-33-107, **amend** (1) introductory portion, (1) (c), (1) (d), (1) (h), and (1) (i) as follows:

33-33-107. Responsibilities of the council. (1) The council ~~shall~~ ~~have~~ HAS the following responsibilities:

(c) To review and make recommendations on the ~~board's~~ COMMISSION'S criteria for and selection of natural areas to be included in the registry and the system; except that no area shall be included in the registry without permission of the owner of the land;

(d) To advise the ~~board~~ COMMISSION of the promulgation of rules for the registry and for the designation, management, protection, and use of designated natural areas;

(h) To advise the ~~board~~ COMMISSION on the disbursement of funds for the purposes of this article; and

(i) To review and make recommendations on ~~board~~ COMMISSION reports made to the governor on the status of the program.

SECTION 84. In Colorado Revised Statutes, 33-33-108, **amend** (1), (2) introductory portion, (2) (c), (3), and (4) as follows:

33-33-108. Designation of a natural area. (1) A natural area ~~which~~ THAT has been found by the ~~board~~ COMMISSION, pursuant to its criteria, to be desirable for inclusion within the system and which inclusion has been approved by the owner of the land, ~~shall become~~ BECOMES a designated natural area when articles of designation have been filed with the ~~board~~ COMMISSION by the owner of the land or by a governmental agency having ownership or control of the land and such articles have been accepted by the ~~board~~ COMMISSION with the advice and recommendation of the council.

(2) Articles of designation filed with the ~~board~~ COMMISSION under ~~the provisions of~~ subsection (1) of this section shall:

(c) Define the respective rights and duties of the owner and the ~~board~~ COMMISSION;

(3) The ~~board~~ COMMISSION may, with the approval or upon the request of the owner of an interest therein and with the approval of the council, amend the articles of a designated natural area.

(4) A notice of the designation shall be certified by the ~~board~~ COMMISSION to the county clerk and recorder in the county or counties in which the designated natural area is located for filing in the same manner as any document affecting real property.

SECTION 85. In Colorado Revised Statutes, **amend** 33-33-110 as follows:

33-33-110. Public entities urged to encourage designation of natural areas. State agencies, counties, municipalities, institutions of higher education, and all other entities and institutions of the state and its

political subdivisions are empowered and urged to recommend to the ~~board~~ COMMISSION natural areas within their jurisdictions for inclusion in the system.

SECTION 86. In Colorado Revised Statutes, **amend** 33-33-111 as follows:

33-33-111. Periodic evaluation to be made by commission. The ~~board~~ COMMISSION shall make an evaluation of each designated natural area every three years, or more often as it deems necessary, to determine whether it is being administered in accordance with the conditions and provisions of the articles of designation. If such conditions and provisions are not ~~continuing to be~~ BEING met, the ~~board~~ COMMISSION may remove the area from the system.

SECTION 87. In Colorado Revised Statutes, 34-32-115, **amend** (4) (f) (IV) as follows:

34-32-115. Action by board - appeals. (4) The board or the office shall grant a permit to an operator if the application complies with the requirements of this article. The board or the office shall not deny a permit if the operator demonstrates compliance with the following:

(f) The mining operation is not located upon lands:

(IV) ~~Which~~ THAT are within the boundaries of any unit of the state park system or any state recreational area in which the entire fee estate is owned by the state of Colorado, unless the mining operation is approved jointly by the board, by the governor, and by the ~~board of parks and outdoor recreation~~ WILDLIFE COMMISSION, or unless the operation will not create any surface disturbance therein.

SECTION 88. In Colorado Revised Statutes, 34-32.5-115, **amend** (4) (f) (IV) as follows:

34-32.5-115. Action by board - appeals. (4) In the determination of whether the board or the office shall grant a permit to an operator, the applicant must comply with the requirements of this article and section 24-4-105 (7), C.R.S. The board or office shall not deny a permit except on one or more of the following grounds:

(f) The mining operation is located upon lands:

(IV) Which are within the boundaries of any unit of the state park system or any state recreational area in which the entire fee estate is owned by the state of Colorado, unless the mining operation is approved jointly by the board, by the governor, and by the ~~board of parks and outdoor recreation~~ WILDLIFE COMMISSION or unless the operation will not create any surface disturbance therein.

SECTION 89. In Colorado Revised Statutes, 34-60-103, **amend** (7.1); and **repeal** (14) as follows:

34-60-103. Definitions. As used in this article, unless the context otherwise requires:

(7.1) "Parks and wildlife ~~board~~ COMMISSION" or "~~board~~" means the parks and wildlife ~~board~~ COMMISSION created in section 33-9-101, C.R.S.

(14) "~~Wildlife commission~~" means the ~~board~~.

SECTION 90. In Colorado Revised Statutes, 34-60-104, **amend** (2) (b) as follows:

34-60-104. Oil and gas conservation commission - report - publication. (2) (b) Members of the commission shall be appointed for terms of four years each. The governor may at any time remove any member of the commission, and by appointment the governor shall fill any vacancy on the commission. In case one or more vacancies occur on the same day, the governor shall designate the order of filling vacancies. The members of the commission shall receive a per diem allowance of fifty dollars for each day spent in attendance at ~~board~~ COMMISSION meetings or hearings and shall be reimbursed for their actual expenses.

SECTION 91. In Colorado Revised Statutes, 34-60-128, **amend** (3) (a) and (3) (d) introductory portion as follows:

34-60-128. Habitat stewardship - rules. (3) In order to minimize adverse impacts to wildlife resources, the commission shall:

(a) Establish a timely and efficient procedure for consultation with

the PARKS AND wildlife commission and division of PARKS AND wildlife on decision-making that impacts wildlife resources;

(d) Promulgate rules, by July 16, 2008, in consultation with the PARKS AND wildlife commission, to establish standards for minimizing adverse impacts to wildlife resources affected by oil and gas operations and to ensure the proper reclamation of wildlife habitat during and following such operations. At a minimum, the rules shall address:

SECTION 92. In Colorado Revised Statutes, 35-1-106, **amend** (2) as follows:

35-1-106. Powers and duties of commission. (2) The PARKS AND wildlife commission shall review the rules concerning alternative livestock proposed by the commission pursuant to paragraph (o) of subsection (1) of this section and shall make recommendations to the commission concerning such rules. The commission shall not adopt or implement rules concerning alternative livestock that impact native big game wildlife without the prior approval of the PARKS AND wildlife commission. In addition, the PARKS AND wildlife commission may propose rules to the commission designed to protect native big game wildlife.

SECTION 93. In Colorado Revised Statutes, 35-7-203, **amend** (1) introductory portion as follows:

35-7-203. Release of destructive rodent pests - definitions. (1) No person shall release destructive rodent pests into a county unless ~~such~~ THE person ~~has complied~~ COMPLIES with all requirements for such release imposed by the PARKS AND wildlife commission and ~~obtained~~ OBTAINS both the prior approval of the commission and the prior approval, by resolution duly adopted, of the board of county commissioners of such county. A person need not obtain such prior approval before:

SECTION 94. In Colorado Revised Statutes, 35-24.5-105, **amend** (1) as follows:

35-24.5-105. Duties of the board. (1) The board shall consider, initiate, and recommend rules, ~~and regulations~~, not inconsistent with law, to the commissioner concerning the regulation of the aquaculture industry and its markets, except for rules ~~and regulations which~~ THAT regulate,

control, or otherwise relate to fish health, to the spread of aquatic disease, or to the importation into the state or the distribution and management of any exotic aquatic species, all of which subjects ~~shall be~~ ARE within the jurisdiction of the PARKS AND wildlife commission.

SECTION 95. In Colorado Revised Statutes, 35-24.5-106, **amend** (2) as follows:

35-24.5-106. Rules. (2) Nothing in this section ~~shall be construed to diminish or supersede~~ DIMINISHES OR SUPERSEDES the authority of the division or the PARKS AND wildlife commission to regulate or manage wild populations of aquatic organisms in the waters of the state or in facilities controlled or managed by the division or by the United States fish and wildlife service.

SECTION 96. In Colorado Revised Statutes, 35-24.5-107, **amend** (2) as follows:

35-24.5-107. Powers and duties of the commissioner. (2) Nothing in this section ~~shall be construed to diminish or supersede~~ DIMINISHES OR SUPERSEDES the authority of the division or the PARKS AND wildlife commission to regulate or manage wild populations of aquatic organisms in the waters of the state or in facilities controlled or managed by the division or by the United States fish and wildlife service.

SECTION 97. In Colorado Revised Statutes, 35-40-100.2, **amend** (1), (1.5) introductory portion, and (1.5) (c) as follows:

35-40-100.2. Definitions. As used in this part 1, unless the context otherwise requires:

(1) "Animal" means coyotes, foxes, bobcats, bears, mountain lions, wolves, beavers, muskrats, raccoons, opossums, and striped skunks and any animals identified by rule promulgated by the commissioner and approved by the PARKS AND wildlife commission.

(1.5) "At risk" means any depredating animal species that has been designated by the PARKS AND wildlife commission as endangered, threatened, or at risk after:

(c) Presentation of scientifically valid data, analysis, or commentary by objective professionals, mutually identified by the state agricultural commission and the PARKS AND wildlife commission relating to depredated animals.

SECTION 98. In Colorado Revised Statutes, 35-40-101, **amend** (2) introductory portion, (2) (a), (4) introductory portion, (4) (a), (7), and (8) as follows:

35-40-101. Powers and duties of the commissioner - rules - agreements. (2) The commissioner may take such steps as are necessary to carry out ~~the provisions of~~ this part 1, including:

(a) Adopting rules for the control of depredated animals, in consultation with the PARKS AND wildlife commission;

(4) With respect to controlling depredated animals of an at-risk species, the following ~~shall apply~~ APPLIES:

(a) The PARKS AND wildlife commission must approve any rules concerning the taking of depredated animals of an at-risk species prior to the adoption of such rules by the commissioner.

(7) The commissioner is authorized to enter into agreements with the division of wildlife in the department of natural resources for assistance in carrying out ~~the provisions of~~ this part 1, which assistance may include resources, including financial assistance, at the discretion of the PARKS AND wildlife commission.

(8) The commissioner shall contact and provide information to the PARKS AND wildlife commission as said commission sets population levels and hunting permit numbers for predators in areas where there is depredation to agriculture.

SECTION 99. In Colorado Revised Statutes, 35-41.5-105, **amend** (2) introductory portion, (2) (b), and (8) as follows:

35-41.5-105. Powers and duties of the board. (2) The board shall adopt any necessary and reasonable rules for the administration and enforcement of this article, including ~~but not limited to~~, rules governing:

(b) Inspections of alternative livestock for purposes of licensing or renewing a license, changes of ownership of alternative livestock, and movement of alternative livestock, including requiring proof that alternative livestock meet the requirements of a tuberculosis surveillance plan adopted pursuant to section 35-1-106 (1) (o) and that such alternative livestock meet requirements concerning the control of infectious diseases as required by the commission, and requirements concerning genetic purity as required by the PARKS AND wildlife commission;

(8) The PARKS AND wildlife commission may review rules concerning alternative livestock proposed by the board and may make recommendations to the board concerning such rules.

SECTION 100. In Colorado Revised Statutes, 35-41.5-109, **amend** (2) (a) as follows:

35-41.5-109. Unlawful acts. (2) It is unlawful and a violation of this article for any alternative livestock farm to:

(a) Import or possess for the purpose of selling, trading, giving, or otherwise transferring any alternative livestock without having said alternative livestock inspected in accordance with this article; except that this paragraph (a) shall not apply to alternative livestock sold, traded, given, or transferred by an operating zoological park as defined by the PARKS AND wildlife commission or research institution using such animals for scientific research, if the park or institution otherwise complies with this article and all rules promulgated pursuant thereto;

SECTION 101. In Colorado Revised Statutes, **amend** 35-44-114 as follows:

35-44-114. Disputed ownership - animal deemed not alternative livestock. In any instance where the board determines that an animal is not an alternative livestock, any dispute as to ownership shall be decided by the ~~state~~ PARKS AND wildlife commission CREATED IN SECTION 33-9-101, C.R.S.

SECTION 102. In Colorado Revised Statutes, **amend** 35-50-122 as follows:

35-50-122. Savings clause. Nothing in this article ~~shall be construed~~

~~to diminish or supercede~~ DIMINISHES OR SUPERSEDES the concurrent jurisdiction or the authorities of the PARKS AND wildlife commission or the agriculture commission to regulate captive wildlife and alternative livestock.

SECTION 103. In Colorado Revised Statutes, 37-60-122.2, **amend** (1) (b) as follows:

37-60-122.2. Fish and wildlife resources - legislative declaration - fund - authorization. (1) (b) Except as provided in this paragraph (b), the applicant for any water diversion, delivery, or storage facility which requires an application for a permit, license, or other approval from the United States shall inform the Colorado water conservation board, PARKS AND wildlife commission, and division of PARKS AND wildlife of its application and submit a mitigation proposal pursuant to this section. Exempted from such requirement are the Animas-La Plata project, the Two Forks dam and reservoir project, and the Homestake water project for which definite plan reports and final environmental impact statements have been approved or which are awaiting approval of the same, applicants for site specific dredge and fill permits for operations not requiring construction of a reservoir, and applicants for section 404 federal nationwide permits. If an applicant that is subject to the provisions of this section and the commission agree upon a mitigation plan for the facility, the commission shall forward such agreement to the Colorado water conservation board, and the board shall adopt such agreement at its next meeting as the official state position on the mitigation actions required of the applicant. In all cases the commission shall proceed expeditiously and, no later than sixty days from the applicant's notice, unless extended in writing by the applicant, make its evaluation regarding the probable impact of the proposed facility on fish and wildlife resources and their habitat and to make its recommendation regarding such reasonable mitigation actions as may be needed.

SECTION 104. In Colorado Revised Statutes, 37-60-123.7, **amend** (1.5) as follows:

37-60-123.7. Acquisitions of water for instream flows. (1.5) In any year that the board expends all of the moneys available for the costs of acquiring water, water rights, and interests in water for instream flow use from the moneys that have been appropriated for the current fiscal year from the Colorado water conservation board construction fund pursuant to

this section, the board shall apply to the PARKS AND wildlife commission for all or any portion of the five hundred thousand dollars from habitat stamp moneys made available pursuant to section 33-4-102.7 (4) (a) (II), C.R.S. Any habitat stamp moneys received shall be used to acquire water, water rights, or interests in water pursuant to section 37-92-102 (3), subject to the limitations set forth in this section.

SECTION 105. In Colorado Revised Statutes, 43-1-106, **amend** (8) (l) and (8) (m) as follows:

43-1-106. Transportation commission - powers and duties. (8) In addition to all other powers and duties imposed upon it by law, the commission has the following powers and duties:

(l) To do all things necessary and appropriate in the construction, improvement, and maintenance of the public roads serving the state parks and recreation areas and, to this end, to cooperate with the ~~board of parks and outdoor recreation~~ PARKS AND WILDLIFE COMMISSION and the director of the division of parks and ~~outdoor recreation~~ WILDLIFE;

(m) To do all things necessary and appropriate in the construction, maintenance, and improvement of recreational trails along and across new or existing state or interstate highways and, to this end, to cooperate with the ~~board of parks and outdoor recreation~~ PARKS AND WILDLIFE COMMISSION and the director of the division of parks and ~~outdoor recreation~~ WILDLIFE;

SECTION 106. Appropriation - adjustments in 2012 long bill. For the implementation of this act, the appropriation made in the annual general appropriation act to the department of natural resources for the fiscal year beginning July 1, 2012, is decreased by \$18,055 cash funds. Of this amount, \$11,607 shall be from the wildlife cash fund pursuant to section 33-1-112 (1) (a), Colorado Revised Statutes, and \$6,448 shall be from the parks and outdoor recreation cash fund pursuant to section 33-10-111 (1), Colorado Revised Statutes.

SECTION 107. Safety clause. The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Frank McNulty
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Brandon C. Shaffer
PRESIDENT OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO