

First Regular Session  
Sixty-eighth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 11-0881.02 Kate Meyer

SENATE BILL 11-208

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**A BILL FOR AN ACT**

101 **CONCERNING THE CONSOLIDATION OF WILDLIFE ENTITIES WITH PARKS**  
102 **AND OUTDOOR RECREATION ENTITIES UNDER THE DEPARTMENT**  
103 **OF NATURAL RESOURCES.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)*

Effective July 1, 2011, the bill combines the following entities, all of which are located within the department of natural resources (department), as follows:

! The wildlife commission and the board of parks and

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

outdoor recreation are merged to form a new parks and wildlife board (new board); and

- ! The division of wildlife and the division of parks and outdoor recreation are consolidated into a new division of parks and wildlife (new division).

**Section 2** of the bill creates the new board and the new division. The new board consists of 16 members (the 11 members of the existing wildlife commission and the 5 members of the existing board of parks and outdoor recreation). The new division is under the direction of a single director, who will be chosen by the members of the wildlife commission and the board of parks and outdoor recreation, with the consent of the executive director of the department, and whose term begins July 1, 2011.

The new board and the new division each assume the duties, powers, and responsibilities previously exercised by their predecessor entities, which functions and duties otherwise remain intact. Similarly, all funds and expenditures of moneys from funds continue unaltered, and the new board is charged specifically with developing accounting procedures to ensure that moneys under its control are expended consistent with the purposes for which the moneys were received.

**Section 3** amends the "Administrative Organization Act of 1968" to reflect the existence and character of the new board and new division, and **section 4** alters the statute listing subdivisions of the department.

**Sections 5 through 11** amend current laws pertaining to wildlife, parks, and outdoor recreation to reflect the existence of the new board and new division, including, notably:

- ! Repealing and relocating duplicative or obsolete language regarding the composition, character, and terms of the new board; and
- ! Amending the defined terms "wildlife commission" and "board of parks and outdoor recreation" to mean the new board, and redefining "division of wildlife" and "division of parks and outdoor recreation" to mean the new division.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly  
3 hereby finds, determines, and declares that:

4 (a) The people of Colorado value and seek to preserve the state's  
5 unique park, wildlife, and outdoor recreation heritage;

6 (b) Maintenance of a healthy outdoor recreation program is vital  
7 to local, regional, and state economies;

1 (c) It is important to leverage existing fiscal, personnel, and  
2 capital resources to achieve the greatest accountability, efficiency, and  
3 customer-focused service delivery possible;

4 (d) Combining similar or overlapping programs and functions has  
5 the potential to reduce costs, streamline processes, and provide a net  
6 benefit to state budgets;

7 (e) Coloradans and visitors to the state will benefit from the  
8 preservation of important programs, such as the aquatic nuisance species  
9 program, the recreational trails program, and the natural areas program,  
10 that would otherwise need to be scaled back or eliminated under current  
11 budget proposals;

12 (f) It is important that Colorado's park, wildlife, and outdoor  
13 recreation managers respond to changing demographics and social values  
14 related to wildlife management and outdoor recreation and attend to the  
15 needs, values, and interests in outdoor recreation held by the population  
16 at large;

17 (g) Policies, procedures, and accounting methods to ensure  
18 transparency, to prevent the unauthorized commingling or impermissible  
19 use of moneys in distinct funds, and to ensure that moneys are expended  
20 consistent with the purposes for which they are received, collected, or  
21 appropriated are fundamental to any successful effort to realize  
22 efficiencies;

23 (h) Preserving the missions of the division of wildlife and division  
24 of parks and outdoor recreation is a priority, as is transparency of the  
25 process for combining functions, streamlining processes, and reducing  
26 costs; and

27 (i) The board of parks and outdoor recreation and the wildlife

1 commission have created strategic plans that identify goals and objectives  
2 for the division of parks and outdoor recreation and the division of  
3 wildlife for the next five to ten years, and combining divisions so that  
4 resources are shared and allocated toward the achievement of shared and  
5 mutually beneficial goals will further these objectives, including:

- 6 (I) Protecting, restoring, and enhancing habitats;
- 7 (II) Providing and protecting opportunities for hunting, fishing,  
8 and wildlife-viewing opportunities;
- 9 (III) Enforcing regulations that protect fish and wildlife;
- 10 (IV) Increasing public knowledge of agency missions;
- 11 (V) Increasing public awareness of, and participation in, a variety  
12 of outdoor activities;
- 13 (VI) Attracting and retaining a diverse workforce and promoting  
14 excellence within that workforce;
- 15 (VII) Creating and strengthening outreach and partnerships; and
- 16 (VIII) Maximizing funding.

17 **SECTION 2.** Title 33, Colorado Revised Statutes, is amended BY  
18 THE ADDITION OF A NEW ARTICLE to read:

19 **ARTICLE 9**

20 **Administration of Parks and Wildlife**

21 **33-9-101. Board - creation - composition - terms - vacancies -**  
22 **removal - meetings.** (1) THERE IS HEREBY CREATED THE PARKS AND  
23 WILDLIFE BOARD, ALSO REFERRED TO IN THIS ARTICLE AS THE "BOARD".

24 (2) (a) THE BOARD CONSISTS OF SIXTEEN MEMBERS, AS FOLLOWS:

- 25 (I) TWO MEMBERS, THE EXECUTIVE DIRECTOR AND THE  
26 COMMISSIONER OF THE DEPARTMENT OF AGRICULTURE, WHO ARE EX  
27 OFFICIO NONVOTING MEMBERS; AND

1           (II) THE FOLLOWING FOURTEEN VOTING MEMBERS, WHO ARE  
2 APPOINTED BY THE GOVERNOR WITH THE CONSENT OF THE SENATE:

3           (A) NINE MEMBERS APPOINTED PURSUANT TO PARAGRAPH (c) OF  
4 THIS SUBSECTION (2), OF WHOM NOT MORE THAN FIVE MAY BE OF THE  
5 SAME POLITICAL PARTY; AND

6           (B) FIVE MEMBERS APPOINTED PURSUANT TO PARAGRAPH (d) OF  
7 THIS SUBSECTION (2), OF WHOM NOT MORE THAN THREE MAY BE OF THE  
8 SAME POLITICAL PARTY.

9           (b) NOTWITHSTANDING SUBPARAGRAPH (II) OF PARAGRAPH (a) OF  
10 THIS SUBSECTION (2), THE FOURTEEN VOTING MEMBERS OF THE BOARD  
11 ORIGINALLY CONSIST OF THE NINE VOTING MEMBERS OF THE WILDLIFE  
12 COMMISSION, AS THE COMMISSION EXISTED ON JUNE 30, 2011, AND THE  
13 FIVE MEMBERS OF THE BOARD OF PARKS AND OUTDOOR RECREATION, AS  
14 THE BOARD OF PARKS AND OUTDOOR RECREATION EXISTED ON JUNE 30,  
15 2011. SUBJECT TO SUBSECTION (5) OF THIS SECTION, THESE MEMBERS  
16 MAY SERVE OUT THE TERMS TO WHICH THEY WERE ORIGINALLY  
17 APPOINTED. IF A VACANCY OCCURS ON THE BOARD FOR ONE OF THESE  
18 ORIGINAL MEMBERS, THE GOVERNOR SHALL APPOINT A PERSON TO FILL  
19 THE REMAINDER OF THAT MEMBER'S UNEXPIRED TERM.

20           (c) **Board members with wildlife knowledge.** THE NINE  
21 MEMBERS OF THE BOARD APPOINTED UNDER THIS PARAGRAPH (c) MUST  
22 HAVE A REASONABLE KNOWLEDGE OF WILDLIFE ISSUES, WILDLIFE  
23 HABITAT, OR WILDLIFE MANAGEMENT, AND SHALL BE APPOINTED AS  
24 FOLLOWS:

25           (I) **Geographical representation.** AT LEAST ONE MEMBER MUST  
26 BE APPOINTED FROM EACH OF THE FOLLOWING FIVE DISTRICTS, AND NO  
27 DISTRICT SHALL BE REPRESENTED BY MORE THAN THREE MEMBERS

1 APPOINTED UNDER THIS PARAGRAPH (c) AT ANY ONE TIME:

2 (A) DISTRICT 1 IS COMPRISED OF THE FOLLOWING COUNTIES:  
3 MOFFAT, RIO BLANCO, GARFIELD, MESA, ROUTT, EAGLE, PITKIN,  
4 JACKSON, GRAND, AND SUMMIT;

5 (B) DISTRICT 2 IS COMPRISED OF THE FOLLOWING COUNTIES:  
6 DELTA, MONTROSE, OURAY, SAN MIGUEL, DOLORES, MONTEZUMA, SAN  
7 JUAN, LA PLATA, GUNNISON, HINSDALE, ARCHULETA, SAGUACHE,  
8 MINERAL, RIO GRANDE, CONEJOS, ALAMOSA, AND COSTILLA;

9 (C) DISTRICT 3 IS COMPRISED OF THE FOLLOWING COUNTIES:  
10 LARIMER, WELD, MORGAN, LOGAN, WASHINGTON, SEDGWICK, PHILLIPS,  
11 AND YUMA;

12 (D) DISTRICT 4 IS COMPRISED OF THE FOLLOWING COUNTIES: LAKE,  
13 CHAFFEE, PARK, FREMONT, CUSTER, TELLER, EL PASO, PUEBLO,  
14 HUERFANO, THOSE LANDS IN ELBERT COUNTY NOT DESIGNATED AS LYING  
15 WITHIN DISTRICT 5, LINCOLN, CROWLEY, OTERO, LAS ANIMAS, KIT  
16 CARSON, CHEYENNE, KIOWA, BENT, PROWERS, AND BACA;

17 (E) DISTRICT 5 IS COMPRISED OF THE FOLLOWING COUNTIES AND  
18 CITIES AND COUNTIES: BOULDER, BROOMFIELD, JEFFERSON, DOUGLAS,  
19 ARAPAHOE, ADAMS, ELBERT COUNTY, INCLUDING ONLY TOWNSHIPS 6  
20 SOUTH THROUGH 10 SOUTH, RANGE 63 WEST, 64 WEST, AND THAT PART  
21 OF 65 WEST LYING WITHIN ELBERT COUNTY, 6TH PRINCIPAL MERIDIAN,  
22 COLORADO, CLEAR CREEK, GILPIN, AND DENVER;

23 (II) **Areas of particular knowledge.** OF THE MEMBERS  
24 APPOINTED UNDER THIS PARAGRAPH (c), ONE MEMBER MUST BE  
25 APPOINTED FROM EACH OF THE FOLLOWING CATEGORIES: LIVESTOCK  
26 PRODUCERS; AGRICULTURAL OR PRODUCE GROWERS; SPORTS PERSONS OR  
27 OUTFITTERS; SPORTS PERSONS; WILDLIFE ORGANIZATIONS; AND BOARDS OF

1 COUNTY COMMISSIONERS. THE OTHER THREE MEMBERS MUST BE  
2 APPOINTED FROM THE PUBLIC AT LARGE. AS USED IN THIS SECTION:

3 (A) "SPORTS PERSON" MEANS ANY HUNTER OR ANGLER WHO HAS  
4 PURCHASED OR APPLIED FOR A HUNTING OR FISHING LICENSE FOR EACH OF  
5 THE PREVIOUS THREE YEARS OR WHO CAN DEMONSTRATE A REASONABLE  
6 KNOWLEDGE OF WILDLIFE ISSUES, WILDLIFE HABITAT, WILDLIFE  
7 MANAGEMENT, AND THE COMMISSION'S DUTIES, PROCEDURES, POLICIES,  
8 AUTHORITY, AND PAST DECISIONS; AND

9 (B) "WILDLIFE ORGANIZATION" MEANS A NONPROFIT  
10 ORGANIZATION, ASSOCIATION, OR CORPORATION REGISTERED WITH THE  
11 SECRETARY OF STATE'S OFFICE THAT: HAS ARTICLES OF INCORPORATION,  
12 BYLAWS, AND THE FIDUCIARY RESPONSIBILITIES OF OFFICERS AND  
13 MEMBERS OF THE BOARD OF DIRECTORS THAT ARE DESIGNED FOR OR  
14 RELATED TO THE SPECIFIC PURPOSE OF PROTECTING, ADVERTISING, OR  
15 ADVANCING THE CONCERNS OF ITS INDIVIDUAL MEMBERSHIP; SUPPORTS  
16 AND PROMOTES THE CONSERVATION AND ENHANCEMENT OF COLORADO'S  
17 WILDLIFE AND ITS HABITAT; RECOGNIZES AND PROMOTES PRIMARILY  
18 NONCONSUMPTIVE WILDLIFE USE; AND HAS EXPERTISE IN WILDLIFE ISSUES,  
19 WILDLIFE HABITAT, OR WILDLIFE MANAGEMENT.

20 (d) **Board members from parks and outdoor recreation**  
21 **regions.** THE FIVE MEMBERS APPOINTED TO THE BOARD UNDER THIS  
22 PARAGRAPH (d) INCLUDE ONE PERSON APPOINTED FROM THE STATE AT  
23 LARGE AND ONE PERSON APPOINTED FROM EACH OF THE FOLLOWING  
24 REGIONS:

25 (I) THE WEST REGION, WHICH IS COMPRISED OF THE FOLLOWING  
26 COUNTIES: ARCHULETA, DELTA, DOLORES, GARFIELD, GUNNISON,  
27 HINSDALE, LA PLATA, MESA, MOFFAT, MONTEZUMA, MONTROSE,

1       OURAY, RIO BLANCO, SAN JUAN, AND SAN MIGUEL;

2               (II) THE NORTH REGION, WHICH IS COMPRISED OF THE FOLLOWING  
3       COUNTIES: EAGLE, GRAND, JACKSON, LARIMER, LOGAN, MORGAN,  
4       PHILLIPS, PITKIN, ROUTT, SEDGWICK, SUMMIT, WASHINGTON, WELD, AND  
5       YUMA;

6               (III) THE METRO REGION, WHICH IS COMPRISED OF THE FOLLOWING  
7       COUNTIES AND CITIES AND COUNTIES: ADAMS, ARAPAHOE, BOULDER,  
8       BROOMFIELD, CLEAR CREEK, DENVER, DOUGLAS, GILPIN, AND  
9       JEFFERSON;

10              (IV) THE SOUTH REGION, WHICH IS COMPRISED OF THE FOLLOWING  
11       COUNTIES: ALAMOSA, BACA, BENT, CHAFFEE, CHEYENNE, CONEJOS,  
12       COSTILLA, CROWLEY, CUSTER, ELBERT, EL PASO, FREMONT, HUERFANO,  
13       KIOWA, KIT CARSON, LAKE, LAS ANIMAS, LINCOLN, MINERAL, OTERO,  
14       PARK, PROWERS, PUEBLO, RIO GRANDE, SAGUACHE, AND TELLER.

15              (3) (a) TERMS OF OFFICE ARE FOUR YEARS FOR MEMBERS  
16       APPOINTED PURSUANT TO PARAGRAPH (a) OF SUBSECTION (2) OF THIS  
17       SECTION.

18              (b) NO MEMBER IS PERMITTED TO SERVE MORE THAN TWO  
19       CONSECUTIVE FOUR-YEAR TERMS.

20              (4) THE GOVERNOR SHALL FILL VACANCIES ON THE BOARD FOR  
21       ANY UNEXPIRED TERM, WITH THE CONSENT OF THE SENATE.

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

24              (6) (a) A MAJORITY OF THE BOARD CONSTITUTES A QUORUM FOR  
25       THE TRANSACTION OF ANY BUSINESS.

26              (b) THE BOARD MAY TAKE ACTION ONLY UPON THE VOTE OF A  
27       MAJORITY OF A QUORUM.



1 (c) AS USED IN THIS SUBSECTION (6), "MAJORITY" MEANS:

2 (I) MORE THAN ONE-HALF OF THE MEMBERS WHO ARE PRESENT AT  
3 A MEETING OF THOSE BOARD MEMBERS EITHER SERVING PURSUANT TO  
4 SUB-SUBPARAGRAPH (A) OF SUBPARAGRAPH (II) OF PARAGRAPH (a) OF  
5 SUBSECTION (2) OF THIS SECTION OR APPOINTED PURSUANT TO PARAGRAPH  
6 (c) OF SUBSECTION (2) OF THIS SECTION; AND

7 (II) MORE THAN ONE-HALF OF THE MEMBERS WHO ARE PRESENT AT  
8 A MEETING OF THOSE BOARD MEMBERS EITHER SERVING PURSUANT TO  
9 SUB-SUBPARAGRAPH (B) OF SUBPARAGRAPH (II) OF PARAGRAPH (a) OF  
10 SUBSECTION (2) OF THIS SECTION OR WHO WERE APPOINTED PURSUANT TO  
11 PARAGRAPH (d) OF SUBSECTION (2) OF THIS SECTION.

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

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

20 (9) THE BOARD SHALL EXERCISE ITS POWERS AND PERFORM ITS  
21 DUTIES AND FUNCTIONS UNDER THE DEPARTMENT AND THE EXECUTIVE  
22 DIRECTOR OF THE DEPARTMENT AS IF THE SAME WERE TRANSFERRED TO  
23 THE DEPARTMENT BY A **TYPE 1** TRANSFER, AS DEFINED IN THE  
24 "ADMINISTRATIVE ORGANIZATION ACT OF 1968", ARTICLE 1 OF TITLE 24,  
25 C.R.S.

26 (10) (a) ON OR BEFORE JUNE 15, 2011, THE MEMBERS OF THE  
27 WILDLIFE COMMISSION AND THE BOARD OF PARKS AND OUTDOOR

1 RECREATION SHALL MEET AS NECESSARY IN ORDER TO:

2 (I) ELECT, FROM AMONG THEIR MEMBERS, A CHAIRPERSON OR  
3 CO-CHAIRPERSONS, VICE-CHAIRPERSON, AND SECRETARY OF THE PARKS  
4 AND WILDLIFE BOARD, WHICH OFFICERS HOLD THOSE POSITIONS,  
5 BEGINNING JULY 1, 2011, FOR ONE YEAR OR UNTIL SUCCESSORS ARE  
6 CHOSEN BY MAJORITY VOTE OF THE BOARD;

7 (II) SCHEDULE, AT A MINIMUM, MONTHLY MEETING DATES  
8 THROUGH THE 2011 CALENDAR YEAR, COMMENCING IN JULY 2011, AT  
9 WHICH THE BOARD WILL TRANSACT REGULAR BUSINESS IN ADDITION TO  
10 FORMULATING THE IMPLEMENTATION PLAN DESCRIBED UNDER PARAGRAPH  
11 (b) OF THIS SUBSECTION (10); AND

12 (III) DESIGNATE TWO MEMBERS TO SERVE, BEGINNING JULY 1,  
13 2011, AS REPRESENTATIVES TO THE STATE BOARD OF THE GREAT  
14 OUTDOORS COLORADO TRUST FUND ESTABLISHED UNDER ARTICLE XXVII  
15 OF THE STATE CONSTITUTION. ONE REPRESENTATIVE MUST BE A BOARD  
16 MEMBER APPOINTED TO THE WILDLIFE COMMISSION UNDER SECTION  
17 33-1-103 AND THE OTHER REPRESENTATIVE MUST BE A MEMBER  
18 APPOINTED TO THE BOARD OF PARKS AND OUTDOOR RECREATION UNDER  
19 SECTION 33-10-104.

20 (b) IN ADDITION TO DISCHARGING ITS REGULAR DUTIES AND  
21 FUNCTIONS, THE BOARD, AT THE MEETINGS SCHEDULED PURSUANT TO  
22 SUBPARAGRAPH (II) OF PARAGRAPH (a) OF THIS SUBSECTION (10), SHALL  
23 SPECIFICALLY DISCUSS AND FORMULATE AN IMPLEMENTATION PLAN TO  
24 ADDRESS OUTSTANDING ISSUES AND IDENTIFY INCREASED EFFICIENCIES  
25 AND COST SAVINGS THAT MAY BE REALIZED FROM THE 2011 MERGER OF  
26 THE FORMER DIVISION OF WILDLIFE AND THE FORMER DIVISION OF PARKS  
27 AND OUTDOOR RECREATION INTO THE DIVISION OF PARKS AND WILDLIFE.

1 THE IMPLEMENTATION PLAN MUST CONSOLIDATE THE OPERATIONS AND  
2 PROGRAMS OF THE TWO DIVISIONS IN A MANNER THAT, TO THE GREATEST  
3 EXTENT POSSIBLE, ALLOCATES COSTS OVER A REASONABLE PERIOD OF  
4 TIME AND WITHIN EXISTING BUDGET LEVELS AND USES THE BOARD'S  
5 PARTICULARLY IDENTIFIED COST SAVINGS TO FINANCE THE  
6 IMPLEMENTATION PLAN AND TRANSITION. THE IMPLEMENTATION PLAN  
7 MUST ALSO INCLUDE THE BOARD'S RECOMMENDATIONS FOR  
8 RESTRUCTURING THE BOARD, INCLUDING PROPOSALS FOR ITS SIZE, TERMS,  
9 GEOGRAPHICAL AND ISSUE REPRESENTATION, AND MEMBERSHIP  
10 QUALIFICATIONS. ALL MEETINGS AT WHICH THE BOARD DISCUSSES THE  
11 IMPLEMENTATION PLAN ARE OPEN TO THE PUBLIC, AND THE BOARD SHALL  
12 SOLICIT PUBLIC INPUT REGARDING THE IMPLEMENTATION PLAN AND ANY  
13 STRATEGIC PLANS AT THOSE MEETINGS. THE BOARD SHALL PROVIDE THE  
14 IMPLEMENTATION PLAN TO THE EXECUTIVE DIRECTOR AS ITS FORMAL  
15 RECOMMENDATIONS.

16 (11) IN ADDITION TO ITS REGULAR MEETINGS, THE BOARD SHALL  
17 HOLD WORKSHOPS EVERY TWO MONTHS TO DISCUSS PENDING MATTERS,  
18 BUT NOT TO TAKE OFFICIAL ACTION OR TRANSACT BOARD BUSINESS. THE  
19 BOARD MAY HOLD ADDITIONAL MEETINGS OR WORKSHOPS AT SUCH OTHER  
20 TIMES AS THE BOARD DEEMS NECESSARY FOR THE PROPER TRANSACTION  
21 OF ITS DUTIES AND BUSINESS AND TO SOLICIT PUBLIC INPUT REGARDING  
22 THE IMPLEMENTATION PLAN FORMULATED UNDER PARAGRAPH (b) OF  
23 SUBSECTION (10) OF THIS SECTION.

24 **33-9-102. Powers and duties of the board - rules.** (1) THE  
25 BOARD IS VESTED WITH ALL THE POWERS, RESPONSIBILITIES, OBLIGATIONS,  
26 FUNCTIONS, AND DUTIES THAT PREVIOUSLY WERE UNDER THE  
27 JURISDICTION OF EITHER THE WILDLIFE COMMISSION OR THE BOARD OF

1 PARKS AND OUTDOOR RECREATION AS OF JUNE 30, 2011.

2 (2) IN ADDITION TO ANY OTHER SPECIFIC GRANT OF RULE-MAKING  
3 AUTHORITY, THE BOARD MAY ADOPT OR REVISE ANY RULES, IN  
4 ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S., THAT THE BOARD  
5 DEEMS NECESSARY OR CONVENIENT TO EFFECT THE PURPOSES OF, AND  
6 FULFILL ITS DUTIES UNDER, THIS TITLE.

7 (3) THE BOARD SHALL DESIGNATE A BOARD MEMBER WITH  
8 WILDLIFE KNOWLEDGE APPOINTED PURSUANT TO SECTION 33-9-101 (2) (c)  
9 TO SERVE AS A REPRESENTATIVE TO THE STATE BOARD OF THE GREAT  
10 OUTDOORS COLORADO TRUST FUND ESTABLISHED UNDER ARTICLE XXVII  
11 OF THE STATE CONSTITUTION. THE BOARD SHALL DESIGNATE A BOARD  
12 MEMBER WITH PARKS AND OUTDOOR RECREATION KNOWLEDGE APPOINTED  
13 PURSUANT TO SECTION 33-9-101 (2) (d) TO SERVE AS A REPRESENTATIVE  
14 TO THE STATE BOARD OF THE GREAT OUTDOORS COLORADO TRUST FUND  
15 ESTABLISHED UNDER ARTICLE XXVII OF THE STATE CONSTITUTION.

16 **33-9-103. Office of director of division created - duties.**

17 (1) (a) THE OFFICE OF DIRECTOR OF THE DIVISION IS HEREBY CREATED.  
18 THE BOARD, WITH THE CONSENT OF THE EXECUTIVE DIRECTOR, SHALL  
19 APPOINT THE DIRECTOR. THE DIRECTOR SHALL DEVOTE HIS OR HER ENTIRE  
20 TIME TO THE SERVICE OF THE STATE IN THE DISCHARGE OF HIS OR HER  
21 OFFICIAL DUTIES AND SHALL NOT HOLD ANY OTHER PUBLIC OFFICE. THE  
22 APPOINTMENT OR REMOVAL OF THE DIRECTOR IS SUBJECT TO SECTION 13  
23 OF ARTICLE XII OF THE STATE CONSTITUTION. EXCEPT AS OTHERWISE  
24 PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (1), THE DIRECTOR  
25 SHALL POSSESS SUCH QUALIFICATIONS AS MAY BE ESTABLISHED BY THE  
26 BOARD, THE EXECUTIVE DIRECTOR, AND THE STATE PERSONNEL DIRECTOR.

27 (b) (I) THE MEMBERS OF THE WILDLIFE COMMISSION AND THE

1 BOARD OF PARKS AND OUTDOOR RECREATION SHALL MEET AS NECESSARY  
2 TO APPOINT, IN ACCORDANCE WITH THIS SECTION, A DIRECTOR OF THE  
3 DIVISION, WHOSE APPOINTMENT BEGINS JULY 1, 2011.

4 (II) UNTIL SUCH TIME AS THE BOARD, THE EXECUTIVE DIRECTOR,  
5 AND THE STATE PERSONNEL DIRECTOR ESTABLISH SPECIFIC  
6 QUALIFICATIONS THAT THE DIRECTOR MUST POSSESS, THE QUALIFICATIONS  
7 PREVIOUSLY ESTABLISHED FOR THE DIRECTOR OF THE FORMER DIVISION OF  
8 WILDLIFE AND THE DIRECTOR OF THE FORMER DIVISION OF PARKS AND  
9 OUTDOOR RECREATION, AS THOSE OFFICES EXISTED ON JUNE 30, 2011,  
10 APPLY TO THE DIRECTOR.

11 (2) THE DIRECTOR SHALL EXECUTE, ADMINISTER, PERFORM, AND  
12 ENFORCE THE RIGHTS, POWERS, DUTIES, FUNCTIONS, AND OBLIGATIONS  
13 VESTED PREVIOUSLY IN THE DIRECTOR OF THE DIVISION OF WILDLIFE AND  
14 THE DIRECTOR OF THE DIVISION OF PARKS AND OUTDOOR RECREATION,  
15 INCLUDING THOSE DUTIES DESCRIBED UNDER SECTIONS 33-1-110 AND  
16 33-10-109.

17 (3) THE DIRECTOR SHALL EXERCISE ALL THE POWERS AND  
18 PERFORM ALL THE FUNCTIONS OF THE BOARD IN THE INTERIM BETWEEN ITS  
19 MEETINGS, SUBJECT TO THE RATIFICATION OF THE BOARD. THE DIRECTOR  
20 SHALL ACT AS RECORDING SECRETARY FOR THE BOARD AND IS THE  
21 CUSTODIAN OF ALL MINUTES AND OTHER RECORDS OF THE BOARD. THE  
22 DIRECTOR SHALL PERFORM SUCH DUTIES AS PRESCRIBED BY THE BOARD,  
23 BY THE EXECUTIVE DIRECTOR, OR BY LAW; EXCEPT THAT THE DIRECTOR  
24 HAS NO AUTHORITY TO PROMULGATE RULES.

25 **33-9-104. Division - creation - duties.** (1) THERE IS HEREBY  
26 CREATED A DIVISION OF PARKS AND WILDLIFE IN THE DEPARTMENT OF  
27 NATURAL RESOURCES, ALSO REFERRED TO IN THIS ARTICLE AS THE

1 "DIVISION". THE DIVISION IS UNDER THE JURISDICTION OF THE BOARD.

2 (2) THE DIVISION SHALL EXERCISE ITS POWERS AND PERFORM ITS  
3 DUTIES AND FUNCTIONS SPECIFIED IN THIS TITLE UNDER THE DEPARTMENT  
4 OF NATURAL RESOURCES AND THE EXECUTIVE DIRECTOR THEREOF AS IF  
5 THE SAME WERE TRANSFERRED TO THE DEPARTMENT BY A **TYPE 1**  
6 TRANSFER AS DEFINED IN THE "ADMINISTRATIVE ORGANIZATION ACT OF  
7 1968", ARTICLE 1 OF TITLE 24, C.R.S. THE DIVISION HAS ALL THE POWERS,  
8 DUTIES, OBLIGATIONS, AND FUNCTIONS PREVIOUSLY EXERCISED BY THE  
9 DIVISION OF WILDLIFE OR THE DIVISION OF PARKS AND OUTDOOR  
10 RECREATION, AS THOSE DIVISIONS EXISTED ON JUNE 30, 2011.

11 **33-9-105. Enterprise status of the board and division.** (1) THE  
12 DIVISION AND THE BOARD CONSTITUTE AN ENTERPRISE FOR THE PURPOSES  
13 OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION, SO LONG AS  
14 THE BOARD RETAINS THE AUTHORITY TO ISSUE REVENUE BONDS AND THE  
15 DIVISION RECEIVES LESS THAN TEN PERCENT OF ITS TOTAL ANNUAL  
16 REVENUES IN GRANTS, AS DEFINED IN SECTION 24-77-102 (7), C.R.S.,  
17 FROM ALL COLORADO STATE AND LOCAL GOVERNMENTS COMBINED. SO  
18 LONG AS THEY CONSTITUTE AN ENTERPRISE PURSUANT TO THIS SECTION,  
19 THE DIVISION AND THE BOARD ARE NOT SUBJECT TO ANY OF THE  
20 PROVISIONS OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION.

21 (2) THE ENTERPRISE CREATED PURSUANT TO THIS SECTION HAS ALL  
22 THE POWERS AND DUTIES OF THE BOARD AND THE DIVISION AS  
23 AUTHORIZED UNDER THIS TITLE.

24 (3) NOTHING IN THIS SECTION LIMITS OR RESTRICTS THE  
25 AUTHORITY OF THE DIVISION TO EXPEND ITS REVENUES CONSISTENT WITH  
26 THIS TITLE.

27 **33-9-106. Reports.** (1) BEFORE OR DURING THE SECOND

1 REGULAR SESSION OF THE SIXTY-EIGHTH GENERAL ASSEMBLY, BUT ON OR  
2 BY FEBRUARY 29, 2012, THE EXECUTIVE DIRECTOR SHALL REPORT TO THE  
3 JOINT HOUSE AGRICULTURE, LIVESTOCK, AND NATURAL RESOURCES  
4 COMMITTEE AND THE SENATE AGRICULTURE, NATURAL RESOURCES, AND  
5 ENERGY COMMITTEE, OR ANY SUCCESSOR COMMITTEES, REGARDING THE  
6 BOARD'S ACTIVITIES SINCE JUNE 1, 2011, IDENTIFICATION OF ANY  
7 PROBLEMS FOLLOWING THE BOARD'S INCEPTION, THE IMPLEMENTATION  
8 PLAN FORMULATED BY THE BOARD, AND ANY RECOMMENDATIONS FOR  
9 FURTHER LEGISLATION TO EFFECTUATE THE CREATION, AND FACILITATE  
10 OR IMPROVE THE OPERATION, OF THE DIVISION. THE REPORT MUST  
11 REFLECT PUBLIC INPUT RECEIVED REGARDING THE CREATION AND  
12 OPERATION OF THE DIVISION.

13 (2) BEGINNING IN 2013, THE EXECUTIVE DIRECTOR SHALL REPORT  
14 ANNUALLY TO THE JOINT HOUSE AGRICULTURE, LIVESTOCK, AND NATURAL  
15 RESOURCES COMMITTEE AND THE SENATE AGRICULTURE, NATURAL  
16 RESOURCES, AND ENERGY COMMITTEE, OR ANY SUCCESSOR COMMITTEES,  
17 REGARDING THE ADMINISTRATION OF THE DIVISION, INCLUDING AN  
18 EVALUATION OF DIVISION RESOURCES AND THEIR UTILIZATION AND AN  
19 IDENTIFICATION OF OPPORTUNITIES FOR EFFICIENCIES.

20 **33-9-107. Reaffirmation of assent to federal**  
21 **Pittman-Robertson and Dingell-Johnson acts.** NOTHING IN THIS  
22 ARTICLE ALTERS OR AFFECTS THE STATE'S ASSENT TO THE FEDERAL ACTS  
23 DESCRIBED IN SECTIONS 33-1-117 AND 33-1-118.

24 **33-9-108. Transfer of functions - employees - property -**  
25 **records - rules - contracts - lawsuits - statutory references.**

26 (1) (a) THE BOARD SHALL EXECUTE, ADMINISTER, PERFORM, AND  
27 ENFORCE THE RIGHTS, POWERS, DUTIES, FUNCTIONS, AND OBLIGATIONS

1 VESTED PREVIOUSLY IN THE WILDLIFE COMMISSION OR THE BOARD OF  
2 PARKS AND OUTDOOR RECREATION.

3 (b) (I) THE DIVISION SHALL EXECUTE, ADMINISTER, PERFORM, AND  
4 ENFORCE THE RIGHTS, POWERS, DUTIES, FUNCTIONS, AND OBLIGATIONS  
5 VESTED PREVIOUSLY IN THE DIVISION OF WILDLIFE OR THE DIVISION OF  
6 PARKS AND OUTDOOR RECREATION.

7 (II) THE DIRECTOR SHALL EXECUTE, ADMINISTER, PERFORM, AND  
8 ENFORCE THE RIGHTS, POWERS, DUTIES, FUNCTIONS, AND OBLIGATIONS  
9 VESTED PREVIOUSLY IN THE DIRECTOR OF THE DIVISION OF WILDLIFE OR  
10 THE DIRECTOR OF THE DIVISION OF PARKS AND OUTDOOR RECREATION.

11 (2) (a) ALL POSITIONS OF EMPLOYMENT IN THE WILDLIFE  
12 COMMISSION AND THE BOARD OF PARKS AND OUTDOOR RECREATION  
13 CONCERNING THE POWERS, DUTIES, AND FUNCTIONS TRANSFERRED TO THE  
14 PARKS AND WILDLIFE BOARD PURSUANT TO THIS ARTICLE AND  
15 DETERMINED TO BE NECESSARY TO CARRY OUT THE PURPOSES OF THIS  
16 TITLE BY THE PARKS AND WILDLIFE BOARD ARE TRANSFERRED TO THE  
17 BOARD AND ARE EMPLOYMENT POSITIONS THEREIN. ALL SUCH EMPLOYEES  
18 ARE EMPLOYEES OF THE BOARD FOR PURPOSES OF SECTION 24-50-124,  
19 C.R.S., AND RETAIN ALL RIGHTS UNDER THE STATE PERSONNEL SYSTEM  
20 AND TO RETIREMENT BENEFITS PURSUANT TO THE LAWS OF THIS STATE,  
21 AND THEIR SERVICES SHALL BE DEEMED CONTINUOUS.

22 (b) ALL POSITIONS OF EMPLOYMENT IN THE DIVISION OF WILDLIFE  
23 AND THE DIVISION OF PARKS AND OUTDOOR RECREATION CONCERNING THE  
24 POWERS, DUTIES, AND FUNCTIONS TRANSFERRED TO THE DIVISION OF  
25 PARKS AND WILDLIFE PURSUANT TO THIS ARTICLE AND DETERMINED TO BE  
26 NECESSARY TO CARRY OUT THE PURPOSES OF THIS TITLE BY THE DIRECTOR  
27 ARE TRANSFERRED TO THE DIVISION AND ARE EMPLOYMENT POSITIONS



1       THEREIN. ALL SUCH EMPLOYEES ARE EMPLOYEES OF THE DIVISION FOR  
2       PURPOSES OF SECTION 24-50-124, C.R.S., AND RETAIN ALL RIGHTS UNDER  
3       THE STATE PERSONNEL SYSTEM AND TO RETIREMENT BENEFITS PURSUANT  
4       TO THE LAWS OF THIS STATE, AND THEIR SERVICES SHALL BE DEEMED  
5       CONTINUOUS.

6               (3) (a) ALL ITEMS OF PROPERTY, REAL AND PERSONAL, INCLUDING  
7       OFFICE FURNITURE AND FIXTURES, BOOKS, DOCUMENTS, AND RECORDS OF  
8       THE WILDLIFE COMMISSION OR THE BOARD OF PARKS AND OUTDOOR  
9       RECREATION ARE TRANSFERRED TO THE PARKS AND WILDLIFE BOARD AND  
10       BECOME THE PROPERTY THEREOF.

11              (b) ALL ITEMS OF PROPERTY, REAL AND PERSONAL, INCLUDING  
12       OFFICE FURNITURE AND FIXTURES, BOOKS, DOCUMENTS, AND RECORDS OF  
13       THE DIVISION OF WILDLIFE OR THE DIVISION OF PARKS AND OUTDOOR  
14       RECREATION ARE TRANSFERRED TO THE DIVISION OF PARKS AND WILDLIFE  
15       AND BECOME THE PROPERTY THEREOF.

16              (4) (a) WHENEVER THE WILDLIFE COMMISSION OR THE BOARD OF  
17       PARKS AND OUTDOOR RECREATION IS REFERRED TO OR DESIGNATED BY  
18       ANY CONTRACT OR OTHER DOCUMENT, THE REFERENCE OR DESIGNATION  
19       APPLIES TO THE PARKS AND WILDLIFE BOARD. ALL CONTRACTS ENTERED  
20       INTO BY THE WILDLIFE COMMISSION OR THE BOARD OF PARKS AND  
21       OUTDOOR RECREATION PRIOR TO JUNE 30, 2011, ARE HEREBY VALIDATED,  
22       WITH THE BOARD SUCCEEDING TO ALL RIGHTS AND OBLIGATIONS UNDER  
23       SUCH CONTRACTS. ANY CASH FUNDS, CUSTODIAL FUNDS, TRUSTS,  
24       GRANTS, AND ANY APPROPRIATIONS OF FUNDS FROM PRIOR FISCAL YEARS  
25       AVAILABLE TO SATISFY OBLIGATIONS INCURRED UNDER SUCH CONTRACTS  
26       SHALL BE TRANSFERRED AND APPROPRIATED TO THE BOARD FOR THE  
27       PAYMENT OF SUCH OBLIGATIONS.

1 (b) WHENEVER THE DIVISION OF WILDLIFE OR THE DIVISION OF  
2 PARKS AND OUTDOOR RECREATION IS REFERRED TO OR DESIGNATED BY  
3 ANY CONTRACT OR OTHER DOCUMENT, THE REFERENCE OR DESIGNATION  
4 APPLIES TO THE DIVISION OF PARKS AND WILDLIFE. ALL CONTRACTS  
5 ENTERED INTO BY THE FORMER DIVISIONS PRIOR TO JUNE 30, 2011, ARE  
6 HEREBY VALIDATED, WITH THE DIVISION SUCCEEDING TO ALL RIGHTS AND  
7 OBLIGATIONS UNDER SUCH CONTRACTS. ANY CASH FUNDS, CUSTODIAL  
8 FUNDS, TRUSTS, GRANTS, AND ANY APPROPRIATIONS OF FUNDS FROM PRIOR  
9 FISCAL YEARS AVAILABLE TO SATISFY OBLIGATIONS INCURRED UNDER  
10 SUCH CONTRACTS ARE TRANSFERRED AND APPROPRIATED TO THE DIVISION  
11 FOR THE PAYMENT OF SUCH OBLIGATIONS.

12 (5) (a) UNLESS OTHERWISE SPECIFIED:

13 (I) WHENEVER ANY PROVISION OF LAW REFERS TO THE WILDLIFE  
14 COMMISSION OR TO THE BOARD OF PARKS AND OUTDOOR RECREATION,  
15 THAT LAW SHALL BE CONSTRUED AS REFERRING TO THE PARKS AND  
16 WILDLIFE BOARD; AND

17 (II) WHENEVER ANY PROVISION OF LAW REFERS TO THE DIVISION  
18 OF WILDLIFE OR THE DIVISION OF PARKS AND OUTDOOR RECREATION, THAT  
19 LAW SHALL BE CONSTRUED AS REFERRING TO THE DIVISION OF PARKS AND  
20 WILDLIFE.

21 (b) THE REVISOR OF STATUTES IS HEREBY AUTHORIZED TO CHANGE  
22 ALL REFERENCES IN THE COLORADO REVISED STATUTES TO THE WILDLIFE  
23 COMMISSION OR THE BOARD OF PARKS AND OUTDOOR RECREATION FROM  
24 SUCH REFERENCES TO THE PARKS AND WILDLIFE BOARD, AS APPROPRIATE.  
25 THE REVISOR OF STATUTES IS ALSO AUTHORIZED TO CHANGE ALL  
26 REFERENCES IN THE COLORADO REVISED STATUTES TO THE DIVISION OF  
27 WILDLIFE OR THE DIVISION OF PARKS AND OUTDOOR RECREATION FROM

1 SUCH REFERENCES TO THE DIVISION OF PARKS AND WILDLIFE, AS  
2 APPROPRIATE. IN CONNECTION WITH SUCH AUTHORITY, THE REVISOR OF  
3 STATUTES IS HEREBY AUTHORIZED TO AMEND OR DELETE PROVISIONS OF  
4 THE COLORADO REVISED STATUTES SO AS TO MAKE THE STATUTES  
5 CONSISTENT WITH THE POWERS, DUTIES, AND FUNCTIONS TRANSFERRED  
6 PURSUANT TO THIS ARTICLE.

7 (6) ALL RULES AND ORDERS OF THE WILDLIFE COMMISSION OR THE  
8 BOARD OF PARKS AND OUTDOOR RECREATION CONTINUE TO BE EFFECTIVE  
9 AND SHALL BE ENFORCED BY THE BOARD UNTIL SUPERSEDED, REVISED,  
10 AMENDED, REPEALED, OR NULLIFIED PURSUANT TO LAW. THE BOARD  
11 SHALL ADOPT ANY RULES NECESSARY FOR THE ADMINISTRATION OF THE  
12 DIVISION AND AS OTHERWISE AUTHORIZED BY THIS TITLE.

13 (7) ALL COMMISSIONED PEACE OFFICERS OF THE DIVISION OF  
14 PARKS AND WILDLIFE HAVE ALL THE POWERS, DUTIES, FUNCTIONS, SPECIAL  
15 PROTECTIONS, AND RESPONSIBILITIES THAT SUCH OFFICERS EXERCISED OR  
16 ENJOYED UNDER THE DIVISION OF WILDLIFE OR THE DIVISION OF PARKS  
17 AND OUTDOOR RECREATION.

18 (8) NO SUIT, ACTION, OR OTHER PROCEEDING, JUDICIAL OR  
19 ADMINISTRATIVE, LAWFULLY COMMENCED, OR WHICH COULD HAVE BEEN  
20 COMMENCED, BY OR AGAINST THE WILDLIFE COMMISSION, THE BOARD OF  
21 PARKS AND OUTDOOR RECREATION, THE DIVISION OF WILDLIFE, OR THE  
22 DIVISION OF PARKS AND OUTDOOR RECREATION, OR ANY OFFICER THEREOF  
23 IN SUCH OFFICER'S OFFICIAL CAPACITY OR IN RELATION TO THE DISCHARGE  
24 OF THE OFFICIAL'S DUTIES, IS ABATED BY REASON OF THE TRANSFER OF  
25 DUTIES AND FUNCTIONS TO THE BOARD OR THE DIVISION UNDER THIS  
26 ARTICLE.

27 **33-9-109. Funds.** (1) NOTHING IN THIS ARTICLE ALTERS OR

1 AFFECTS FUNDS PREVIOUSLY ADMINISTERED BY THE WILDLIFE  
2 COMMISSION OR THE BOARD OF PARKS AND OUTDOOR RECREATION;  
3 EXCEPT THAT THE BOARD SHALL ADMINISTER SUCH FUNDS.

4 (2) THE BOARD SHALL ADOPT POLICIES, PROCEDURES, OR  
5 ACCOUNTING METHODS TO ENSURE TRANSPARENCY AND PREVENT THE  
6 UNAUTHORIZED COMMINGLING OR IMPERMISSIBLE USE OF MONEYS IN  
7 DISTINCT FUNDS AND TO ENSURE THAT MONEYS ARE EXPENDED  
8 CONSISTENT WITH THE PURPOSES FOR WHICH THEY ARE RECEIVED,  
9 COLLECTED, OR APPROPRIATED.

10 (3) (a) THE BOARD SHALL SEGREGATE ALL MONEYS RECEIVED  
11 PURSUANT TO SECTION 3 (1) (b) (II) OF ARTICLE XXVII OF THE STATE  
12 CONSTITUTION FROM ALL OTHER MONEYS AND SHALL SPEND THESE  
13 MONEYS SOLELY FOR DEVELOPMENT AND IMPROVEMENT OF NEW AND  
14 EXISTING STATE PARKS, RECREATION AREAS, AND RECREATIONAL TRAILS.

15 (b) THE BOARD SHALL SEGREGATE ALL MONEYS RECEIVED  
16 PURSUANT TO SECTION 5 (1) (a) (I) OF ARTICLE XXVII OF THE STATE  
17 CONSTITUTION AND SPEND THESE MONEYS SOLELY FOR INVESTMENTS IN  
18 THE WILDLIFE RESOURCES OF COLORADO, INCLUDING THE PROTECTION  
19 AND RESTORATION OF CRUCIAL WILDLIFE HABITATS, APPROPRIATE  
20 PROGRAMS FOR MAINTAINING COLORADO'S DIVERSE WILDLIFE HERITAGE,  
21 WILDLIFE WATCHING, AND EDUCATIONAL PROGRAMS ABOUT WILDLIFE AND  
22 WILDLIFE ENVIRONMENT, CONSISTENT WITH THE PURPOSES SET FORTH  
23 UNDER SECTION 1 (1) (a) OF ARTICLE XXVII.

24 (c) THE BOARD SHALL SEGREGATE ALL MONEYS RECEIVED  
25 PURSUANT TO SECTION 5 (1) (a) (II) OF ARTICLE XXVII OF THE STATE  
26 CONSTITUTION AND SPEND THESE MONEYS SOLELY FOR INVESTMENTS IN  
27 THE OUTDOOR RECREATION RESOURCES OF COLORADO, INCLUDING THE

1 STATE PARKS SYSTEM, TRAILS, PUBLIC INFORMATION AND  
2 ENVIRONMENTAL EDUCATION RESOURCES, AND WATER FOR  
3 RECREATIONAL FACILITIES, CONSISTENT WITH THE PURPOSES SET FORTH  
4 UNDER SECTION 1 (1) (a) OF ARTICLE XXVII.

5 **SECTION 3.** The introductory portion to 24-1-124 (3) and  
6 24-1-124 (3) (h) (I), (3) (h) (II), and (3) (i), Colorado Revised Statutes,  
7 are amended, and the said 24-1-124 (3) is further amended BY THE  
8 ADDITION OF A NEW PARAGRAPH, to read:

9 **24-1-124. Department of natural resources - creation -**  
10 **divisions.** (3) The department of natural resources ~~shall consist~~  
11 CONSISTS of the following divisions:

12 (h) ~~(I) (A) Division of wildlife, the head of which shall be the~~  
13 ~~director of the division of wildlife. The division of wildlife and the office~~  
14 ~~of director thereof are transferred by a **type 2** transfer to the department~~  
15 ~~of natural resources as the division of wildlife.~~

16 ~~(B) The wildlife commission, created by article 1 of title 33,~~  
17 ~~C.R.S., and the powers, duties, and functions thereof concerning game~~  
18 ~~and fish are transferred by a **type 1** transfer to the department of natural~~  
19 ~~resources as the wildlife commission.~~

20 ~~(H) The division of wildlife shall include the fish health board~~  
21 ~~created by article 5.5 of title 33, C.R.S. The fish health board shall~~  
22 ~~exercise its powers and perform its duties and functions as specified by~~  
23 ~~law under the department of natural resources and the executive director~~  
24 ~~thereof as if the same were transferred to the department by a **type 2**~~  
25 ~~transfer.~~

26 (i) ~~(I) Division of parks and outdoor recreation, the head of which~~  
27 ~~shall be the director of the division of parks and outdoor recreation. The~~

1 ~~division of parks and outdoor recreation, the office of director thereof,~~  
2 ~~and the board of parks and outdoor recreation, created by article 10 of~~  
3 ~~title 33, C.R.S., are transferred by a **type 1** transfer to the department of~~  
4 ~~natural resources. The powers, duties, and functions concerning the state~~  
5 ~~parks and recreation areas of the division of game, fish, and parks, the~~  
6 ~~director thereof, and the game, fish, and parks commission are transferred~~  
7 ~~by a **type 1** transfer to the division of parks and outdoor recreation as~~  
8 ~~powers, duties, and functions of the division of parks and outdoor~~  
9 ~~recreation.~~

10 ~~(H) The board of parks and outdoor recreation shall include, as an~~  
11 ~~advisory council, the Colorado natural areas council, created by article 33~~  
12 ~~of title 33, C.R.S.~~

13 (k) (I) (A) THE PARKS AND WILDLIFE BOARD, CREATED UNDER  
14 ARTICLE 9 OF TITLE 33, C.R.S. THE POWERS, DUTIES, AND FUNCTIONS OF  
15 THE WILDLIFE COMMISSION AND THE BOARD OF PARKS AND OUTDOOR  
16 RECREATION ARE TRANSFERRED BY A **TYPE 1** TRANSFER TO THE PARKS  
17 AND WILDLIFE BOARD AS POWERS, DUTIES, AND FUNCTIONS OF THE PARKS  
18 AND WILDLIFE BOARD.

19 (B) THE PARKS AND WILDLIFE BOARD INCLUDES, AS AN ADVISORY  
20 COUNCIL, THE COLORADO NATURAL AREAS COUNCIL CREATED BY ARTICLE  
21 33 OF TITLE 33, C.R.S.

22 (II) (A) THE DIVISION OF PARKS AND WILDLIFE, THE HEAD OF  
23 WHICH IS THE DIRECTOR OF THE DIVISION OF PARKS AND WILDLIFE. THE  
24 DIVISION OF PARKS AND WILDLIFE AND THE OFFICE OF THE DIRECTOR OF  
25 THE DIVISION OF PARKS AND WILDLIFE ARE TRANSFERRED BY A **TYPE 1**  
26 TRANSFER TO THE DEPARTMENT OF NATURAL RESOURCES.

27 (B) THE DIVISION OF PARKS AND WILDLIFE INCLUDES THE FISH

1 HEALTH BOARD CREATED BY ARTICLE 5.5 OF TITLE 33, C.R.S. THE FISH  
2 HEALTH BOARD SHALL EXERCISE ITS POWERS AND PERFORM ITS DUTIES  
3 AND FUNCTIONS AS SPECIFIED BY LAW UNDER THE DEPARTMENT OF  
4 NATURAL RESOURCES AND THE EXECUTIVE DIRECTOR OF THE DEPARTMENT  
5 OF NATURAL RESOURCES AS IF THE SAME WERE TRANSFERRED TO THE  
6 DEPARTMENT BY A **TYPE 2** TRANSFER.

7 **SECTION 4.** The introductory portion to 24-33-104 (1) and  
8 24-33-104 (1) (h) and (1) (i), Colorado Revised Statutes, are amended to  
9 read:

10 **24-33-104. Divisions and boards of the department.** (1) The  
11 department of natural resources ~~shall consist~~ CONSISTS of the following  
12 divisions AND BOARDS:

13 (h) The division of PARKS AND wildlife; and the PARKS AND  
14 wildlife ~~commission~~ BOARD;

15 (i) ~~The division of parks and outdoor recreation; and the board of~~  
16 ~~parks and outdoor recreation;~~

17 **SECTION 5.** 33-1-102 (5), (8), and (10), Colorado Revised  
18 Statutes, are amended, and the said 33-1-102 is further amended BY THE  
19 ADDITION OF A NEW SUBSECTION, to read:

20 **33-1-102. Definitions.** As used in this title, unless the context  
21 otherwise requires:

22 (2.5) "BOARD" OR "PARKS AND WILDLIFE BOARD" MEANS THE  
23 PARKS AND WILDLIFE BOARD CREATED IN SECTION 33-9-101.

24 (5) "Commission" OR "WILDLIFE COMMISSION" means the PARKS  
25 AND wildlife ~~commission~~ BOARD.

26 (8) "Director" means the director of the division of PARKS AND  
27 wildlife.

1 (10) "Division" means the division of PARKS AND wildlife and its  
2 employees, and, when necessary, it THE TERM may be construed as  
3 referring to the ~~commission~~ PARKS AND WILDLIFE BOARD.

4 **SECTION 6. Repeal.** 33-1-103, Colorado Revised Statutes, is  
5 repealed as follows:

6 **33-1-103. Wildlife commission - wildlife division - enterprise**  
7 **status.** ~~(1) (a) The division shall be under the jurisdiction of a~~  
8 ~~commission.~~

9 ~~(b) (1) The commission shall consist of eleven members with at~~  
10 ~~least one voting member from each of the five districts created under~~  
11 ~~subsection (2) of this section, and four voting members from the public~~  
12 ~~at large, the commissioner of agriculture, and the executive director of the~~  
13 ~~department of natural resources, or their designees, both of whom shall~~  
14 ~~serve as ex officio nonvoting members. Neither the commissioner of~~  
15 ~~agriculture, the executive director of the department of natural resources,~~  
16 ~~nor their designees shall be considered as representatives of any political~~  
17 ~~party for purposes of subsection (5) of this section. No more than two~~  
18 ~~voting members shall be from any one of the five districts; except that one~~  
19 ~~of the at large members may be appointed from any district so that a~~  
20 ~~district may have three voting members. The members of the commission~~  
21 ~~shall be appointed by the governor, with the consent of the senate.~~  
22 ~~Members of the commission shall be residents of this state, and each~~  
23 ~~member appointed from a district created under subsection (2) of this~~  
24 ~~section shall, at the time of the member's appointment and at all times~~  
25 ~~during the member's term of office, be a bona fide resident of the district~~  
26 ~~from which appointed. All members of the commission shall have a~~  
27 ~~reasonable knowledge of wildlife issues, wildlife habitat, or wildlife~~



1 management. ~~Members shall be removed from office by the governor~~  
2 ~~only for cause.~~

3 ~~(H) The governor shall appoint two members of the commission~~  
4 ~~on March 1 of each year and the terms of office for members of the~~  
5 ~~commission shall be four years; except that, as soon as possible but no~~  
6 ~~later than June 1, 2002, the governor shall appoint the new member from~~  
7 ~~the public at large authorized by subparagraph (H) of this paragraph (b).~~  
8 ~~Commencing March 1, 2006, and every fourth year thereafter, the~~  
9 ~~governor shall appoint three members to the commission. No member~~  
10 ~~shall serve more than two four-year consecutive terms. Vacancies on the~~  
11 ~~commission shall be filled for the unexpired term by the governor, with~~  
12 ~~the consent of the senate. A request for removal of a member shall be~~  
13 ~~submitted to the governor by the secretary of the commission confirming~~  
14 ~~that a member has failed, for reasons other than temporary mental or~~  
15 ~~physical disability or illness, to attend any combination of three regular~~  
16 ~~meetings of the commission or commission workshops during any~~  
17 ~~twelve-month period without the commission having entered upon its~~  
18 ~~minutes an approval for any such absences. The governor, in his or her~~  
19 ~~discretion, may remove such member.~~

20 ~~(H) One member of the commission shall be appointed from each~~  
21 ~~of the following categories: Livestock producers, agricultural or produce~~  
22 ~~growers, sportsmen or outfitters, sportsmen or sportswomen, wildlife~~  
23 ~~organizations, and boards of county commissioners. Three members of~~  
24 ~~the commission shall be appointed from the public at large. With the~~  
25 ~~exception of members serving on the commission on January 1, 2000, a~~  
26 ~~member shall serve his or her entire term, and any subsequent term,~~  
27 ~~representing the category for which such member was originally~~

1 appointed.

2 ~~(2) Commissioner districts shall be constituted as follows:~~

3 ~~(a) District 1 shall be comprised of the following counties:~~

4 ~~Moffat, Rio Blanco, Garfield, Mesa, Routt, Eagle, Pitkin, Jackson, Grand,~~  
5 ~~and Summit;~~

6 ~~(b) District 2 shall be comprised of the following counties: Delta,~~

7 ~~Montrose, Ouray, San Miguel, Dolores, Montezuma, San Juan, La Plata,~~  
8 ~~Gunnison, Hinsdale, Archuleta, Saguache, Mineral, Rio Grande, Conejos,~~  
9 ~~Alamosa, and Costilla;~~

10 ~~(c) District 3 shall be comprised of the following counties:~~

11 ~~Larimer, Weld, Morgan, Logan, Washington, Sedgwick, Phillips, and~~  
12 ~~Yuma;~~

13 ~~(d) District 4 shall be comprised of the following counties: Lake,~~

14 ~~Chaffee, Park, Fremont, Custer, Teller, El Paso, Pueblo, Huerfano, those~~  
15 ~~lands in Elbert county not designated as lying within District 5, Lincoln,~~  
16 ~~Crowley, Otero, Las Animas, Kit Carson, Cheyenne, Kiowa, Bent,~~  
17 ~~Prowers, and Baca;~~

18 ~~(e) District 5 shall be comprised of the following counties:~~

19 ~~Boulder, Jefferson, Douglas, Arapahoe, Adams, Elbert county, including~~  
20 ~~only Townships 6 South through 10 South, Range 63 West, 64 West, and~~  
21 ~~that part of 65 West lying within Elbert County, 6th Principal Meridian,~~  
22 ~~Colorado, Clear Creek, Gilpin, and Denver.~~

23 ~~(3) Repealed.~~

24 ~~(4) The members of the commission shall receive for each day~~

25 ~~actually engaged in the duties of the office a per diem amount of fifty~~  
26 ~~dollars, together with all actual and necessary travel and subsistence~~  
27 ~~expenses to be paid after the same are incurred. Mileage rates shall be as~~

1 provided in section 24-9-104, C.R.S.

2 ~~(5) Not more than five members of the commission shall be~~  
3 ~~members of the same political party.~~

4 ~~(6) A majority of the voting commission membership physically~~  
5 ~~present shall constitute a quorum for the transaction of any business, for~~  
6 ~~the performance of any duty, or for the exercise of any power; and the~~  
7 ~~commission shall act by majority vote of such a quorum; and such~~  
8 ~~majority of the voting commission membership shall be physically~~  
9 ~~present at the meeting or workshop at which such action is taken.~~

10 ~~(7) The members of the commission at their annual meeting in~~  
11 ~~March shall elect from their membership a chairman, a vice-chairman,~~  
12 ~~and a secretary. Those elected to such offices shall hold office for one~~  
13 ~~year or until their successors are chosen. The commission shall hold~~  
14 ~~regular meetings in January, March, May, July, September, and~~  
15 ~~November and shall hold commission workshops in February, April,~~  
16 ~~June, August, October, and December and may hold additional meetings~~  
17 ~~at such other times as the commission may deem necessary for the proper~~  
18 ~~transaction of its duties and business. Each commissioner shall hold no~~  
19 ~~less than two public meetings per year in his or her district.~~

20 ~~(8) The commission shall have its principal office in the~~  
21 ~~headquarters office provided for the division.~~

22 ~~(9) (a) The division and the office of director thereof shall~~  
23 ~~exercise their powers and perform their duties and functions specified in~~  
24 ~~articles 1 to 6 of this title under the department of natural resources and~~  
25 ~~the executive director thereof as if the same were transferred to the~~  
26 ~~department by a **type 2** transfer as such transfer is defined in the~~  
27 ~~"Administrative Organization Act of 1968", article 1 of title 24, C.R.S.~~

1           ~~(b) The commission shall exercise its powers and perform its~~  
2 ~~duties and functions specified in articles 1 to 6 of this title under the~~  
3 ~~department of natural resources and the executive director thereof as if~~  
4 ~~the same were transferred to the department by a **type 1** transfer as such~~  
5 ~~transfer is defined in the "Administrative Organization Act of 1968",~~  
6 ~~article 1 of title 24, C.R.S.~~

7           ~~(9.5) (a) The division and the commission, created in section~~  
8 ~~24-1-124 (3) (h) (I), C.R.S., shall constitute an enterprise for the purposes~~  
9 ~~of section 20 of article X of the state constitution, so long as the~~  
10 ~~commission retains the authority to issue revenue bonds and the division~~  
11 ~~receives less than ten percent of its total annual revenues in grants, as~~  
12 ~~defined in section 24-77-102 (7), C.R.S., from all Colorado state and~~  
13 ~~local governments combined. So long as it constitutes an enterprise~~  
14 ~~pursuant to this section, the division and the commission shall not be~~  
15 ~~subject to any of the provisions of section 20 of article X of the state~~  
16 ~~constitution.~~

17           ~~(b) The enterprise created pursuant to this section shall have all~~  
18 ~~the powers and duties authorized by articles 1 to 6 of this title.~~

19           ~~(c) Nothing in this section shall be construed to limit or restrict the~~  
20 ~~authority of the division to expend its revenues consistent with the~~  
21 ~~provisions of articles 1 to 6 of this title.~~

22           ~~(10) For purposes of this section only:~~

23           ~~(a) "Sportsman" or "sportswoman" means any hunter or angler~~  
24 ~~who has purchased or applied for a hunting or fishing license for each of~~  
25 ~~the previous three years or who can demonstrate a reasonable knowledge~~  
26 ~~of wildlife issues, wildlife habitat, wildlife management, and the~~  
27 ~~commission's duties, procedures, policies, authority, and past decisions.~~

1           ~~(b) "Wildlife organization" means a nonprofit organization,~~  
2 ~~association, or corporation registered with the secretary of state's office~~  
3 ~~that:~~

4           ~~(I) Has articles of incorporation, bylaws, and the fiduciary~~  
5 ~~responsibilities of officers and members of the board of directors that are~~  
6 ~~designed for or related to the specific purpose of protecting, advertising,~~  
7 ~~or advancing the concerns of its individual membership;~~

8           ~~(II) Supports and promotes the conservation and enhancement of~~  
9 ~~Colorado's wildlife and its habitat;~~

10           ~~(III) Recognizes and promotes primarily nonconsumptive wildlife~~  
11 ~~use; and~~

12           ~~(IV) Has expertise in wildlife issues, wildlife habitat, or wildlife~~  
13 ~~management.~~

14           **SECTION 7. Repeal.** 33-1-109, Colorado Revised Statutes, is  
15 repealed as follows:

16           **33-1-109. Office of director of division created.** ~~The office of~~  
17 ~~director of the division is hereby created. Any other provision of the law~~  
18 ~~to the contrary notwithstanding, the commission, with the consent of the~~  
19 ~~executive director, shall appoint the director who shall possess such~~  
20 ~~qualifications as may be established by the commission, the executive~~  
21 ~~director, and the state personnel board. The director shall devote his~~  
22 ~~entire time to the service of the state in the discharge of his official duties~~  
23 ~~and shall not hold any other public office. The appointment or removal~~  
24 ~~of the director shall be subject to the provisions of section 13 of article~~  
25 ~~XII of the state constitution.~~

26           **SECTION 8.** 33-10-102 (1), (4), and (5), Colorado Revised  
27 Statutes, are amended to read:

1           **33-10-102. Definitions.** As used in articles 10 to 15 of this title,  
2 unless the context otherwise requires:

3           (1) "Board" OR "BOARD OF PARKS AND OUTDOOR RECREATION"  
4 means the PARKS AND WILDLIFE board ~~of parks and outdoor recreation~~  
5 CREATED IN SECTION 33-9-101.

6           (4) "Director" means the director of the division of parks and  
7 ~~outdoor recreation~~ WILDLIFE CREATED IN SECTION 33-9-104.

8           (5) "Division" means the division of parks and ~~outdoor recreation~~  
9 WILDLIFE CREATED IN SECTION 33-9-104 and its employees, and, when  
10 necessary, ~~it~~ THE TERM may be construed as referring to the board.

11           **SECTION 9. Repeal.** 33-10-103, Colorado Revised Statutes, is  
12 repealed as follows:

13           **33-10-103. Division and board created.** ~~(1) There is hereby~~  
14 ~~created a division of parks and outdoor recreation and a board of parks~~  
15 ~~and outdoor recreation in the department of natural resources. Subject to~~  
16 ~~the provisions of section 13 of article XII of the state constitution, the~~  
17 ~~board, with the consent of the executive director, shall appoint a director~~  
18 ~~of the division of parks and outdoor recreation who shall possess such~~  
19 ~~qualifications as may be established by the board, the executive director,~~  
20 ~~and the state personnel board. The director shall devote his entire time to~~  
21 ~~the service of the state in the discharge of his official duties and shall not~~  
22 ~~hold any other public office.~~

23           ~~(2) The division, the director thereof, and the board shall exercise~~  
24 ~~their powers and perform their duties and functions specified in articles~~  
25 ~~10 to 15 and 32 of this title under the department of natural resources and~~  
26 ~~the executive director thereof as if the same were transferred to the~~  
27 ~~department by a **type 1** transfer as such transfer is defined in the~~

1 "Administrative Organization Act of 1968", article 1 of title 24, C.R.S.

2 **SECTION 10. Repeal.** 33-10-104, Colorado Revised Statutes,  
3 is repealed as follows:

4 **33-10-104. Board composition - jurisdiction.** ~~(1) The division~~  
5 ~~shall be under the jurisdiction of the board. The board shall consist of~~  
6 ~~five members who shall be appointed by the governor, with the consent~~  
7 ~~of the senate. One member shall be appointed from the state at large, and~~  
8 ~~one member shall be appointed from each of the regions created under~~  
9 ~~section 33-10-105, and each member shall, at the time of appointment and~~  
10 ~~during his term of office, be a bona fide resident of the region from which~~  
11 ~~he was appointed. No more than three of the appointed members shall be~~  
12 ~~from the same political party. Members shall be removed from office by~~  
13 ~~the governor only for cause.~~

14 ~~(2) All board members shall serve for four-year terms. Vacancies~~  
15 ~~on the board shall be filled for the unexpired term by the governor, with~~  
16 ~~the consent of the senate.~~

17 ~~(3) The board members shall receive for each day actually~~  
18 ~~engaged in the duties of the office a per diem amount of fifty dollars,~~  
19 ~~together with all actual and necessary travel expenses to be paid after the~~  
20 ~~same are incurred. Mileage rates shall be as provided in section~~  
21 ~~24-9-104, C.R.S.~~

22 ~~(4) The board shall hold regular meetings at least twice a year and~~  
23 ~~shall hold special meetings at such other times as the board may deem~~  
24 ~~necessary. A chairman shall be chosen by the board from its own~~  
25 ~~membership.~~

26 ~~(5) A majority of the board shall constitute a quorum for the~~  
27 ~~transaction of any business.~~

1           (6) The board shall have its principal office in the headquarters of  
2 the division.

3           **SECTION 11. Repeal.** 33-10-105, Colorado Revised Statutes,  
4 is repealed as follows:

5           **33-10-105. Board regions.** ~~(1) Board regions shall be~~  
6 ~~constituted as follows:~~

7           (a) ~~The west region shall be comprised of the following counties:~~  
8 ~~Archuleta, Delta, Dolores, Garfield, Gunnison, Hinsdale, La Plata, Mesa,~~  
9 ~~Moffat, Montezuma, Montrose, Ouray, Rio Blanco, San Juan, and San~~  
10 ~~Miguel;~~

11           (b) ~~The north region shall be comprised of the following counties:~~  
12 ~~Eagle, Grand, Jackson, Larimer, Logan, Morgan, Phillips, Pitkin, Routt,~~  
13 ~~Sedgwick, Summit, Washington, Weld, and Yuma;~~

14           (c) ~~The metro region shall be comprised of the following counties:~~  
15 ~~Adams, Arapahoe, Boulder, Clear Creek, Denver, Douglas, Gilpin, and~~  
16 ~~Jefferson;~~

17           (d) ~~The south region shall be comprised of the following counties:~~  
18 ~~Alamosa, Baca, Bent, Chaffee, Cheyenne, Conejos, Costilla, Crowley,~~  
19 ~~Custer, Elbert, El Paso, Fremont, Huerfano, Kiowa, Kit Carson, Lake, Las~~  
20 ~~Animas, Lincoln, Mineral, Otero, Park, Prowers, Pueblo, Rio Grande,~~  
21 ~~Saguache, and Teller.~~

22           **SECTION 12. No appropriation.** The general assembly has  
23 determined that this act can be implemented within existing  
24 appropriations, and therefore no separate appropriation of state moneys  
25 is necessary to carry out the purposes of this act.

26           **SECTION 13. Effective date.** (1) Sections 33-9-101 (10) (a)  
27 and 33-9-103, Colorado Revised Statutes, as enacted in section 2 of this



1 act, shall take effect upon passage.

2 (2) The remainder of this act shall take effect July 1, 2011.

3 **SECTION 14. Safety clause.** The general assembly hereby finds,  
4 determines, and declares that this act is necessary for the immediate  
5 preservation of the public peace, health, and safety.