

**First Regular Session  
Sixty-eighth General Assembly  
STATE OF COLORADO**

**PREAMENDED**

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

LLS NO. 11-0881.02 Kate Meyer

**SENATE BILL 11-208**

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**Senate Committees**

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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) (I) EXCEPT AS PROVIDED IN PARAGRAPH (b) OF THIS  
25       SUBSECTION (6):

26              (A) A MAJORITY OF THE BOARD CONSTITUTES A QUORUM FOR THE  
27       TRANSACTION OF ANY BUSINESS.



1           (B) THE BOARD MAY TAKE ACTION ONLY UPON THE VOTE OF A  
2 MAJORITY OF A QUORUM.

3           (II) AS USED IN THIS PARAGRAPH (a), "MAJORITY" MEANS:

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

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

14           (b) THE BOARD MAY SPECIFY, BY MAJORITY VOTE, TYPES OF  
15 MATTERS UPON WHICH ACTION MAY BE TAKEN BY VOTE OF A SIMPLE  
16 MAJORITY. ANY SUCH MATTERS MAY THEREAFTER BE ACTED UPON BY A  
17 SIMPLE MAJORITY OF A QUORUM OF THE ENTIRE BOARD.

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

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

26           (9) THE BOARD SHALL EXERCISE ITS POWERS AND PERFORM ITS  
27 DUTIES AND FUNCTIONS UNDER THE DEPARTMENT AND THE EXECUTIVE

1 DIRECTOR OF THE DEPARTMENT AS IF THE SAME WERE TRANSFERRED TO  
2 THE DEPARTMENT BY A **TYPE 1** TRANSFER, AS DEFINED IN THE  
3 "ADMINISTRATIVE ORGANIZATION ACT OF 1968", ARTICLE 1 OF TITLE 24,  
4 C.R.S.

5 (10) (a) ON OR BEFORE JUNE 15, 2011, THE MEMBERS OF THE  
6 WILDLIFE COMMISSION AND THE BOARD OF PARKS AND OUTDOOR  
7 RECREATION SHALL MEET AS NECESSARY IN ORDER TO:

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

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

18 (III) DESIGNATE TWO MEMBERS TO SERVE, BEGINNING JULY 1,  
19 2011, AS REPRESENTATIVES TO THE STATE BOARD OF THE GREAT  
20 OUTDOORS COLORADO TRUST FUND ESTABLISHED UNDER ARTICLE XXVII  
21 OF THE STATE CONSTITUTION. ONE REPRESENTATIVE MUST BE A BOARD  
22 MEMBER APPOINTED TO THE WILDLIFE COMMISSION UNDER SECTION  
23 33-1-103 AND THE OTHER REPRESENTATIVE MUST BE A MEMBER  
24 APPOINTED TO THE BOARD OF PARKS AND OUTDOOR RECREATION UNDER  
25 SECTION 33-10-104.

26 (b) IN ADDITION TO DISCHARGING ITS REGULAR DUTIES AND  
27 FUNCTIONS, THE BOARD, AT THE MEETINGS SCHEDULED PURSUANT TO

1 SUBPARAGRAPH (II) OF PARAGRAPH (a) OF THIS SUBSECTION (10), SHALL  
2 SPECIFICALLY DISCUSS AND FORMULATE AN IMPLEMENTATION PLAN TO  
3 ADDRESS OUTSTANDING ISSUES AND IDENTIFY INCREASED EFFICIENCIES  
4 AND COST SAVINGS THAT MAY BE REALIZED FROM THE 2011 MERGER OF  
5 THE FORMER DIVISION OF WILDLIFE AND THE FORMER DIVISION OF PARKS  
6 AND OUTDOOR RECREATION INTO THE DIVISION OF PARKS AND WILDLIFE.  
7 THE IMPLEMENTATION PLAN MUST CONSOLIDATE THE OPERATIONS AND  
8 PROGRAMS OF THE TWO DIVISIONS IN A MANNER THAT, TO THE GREATEST  
9 EXTENT POSSIBLE, ALLOCATES COSTS OVER A REASONABLE PERIOD OF  
10 TIME AND WITHIN EXISTING BUDGET LEVELS AND USES THE BOARD'S  
11 PARTICULARLY IDENTIFIED COST SAVINGS TO FINANCE THE  
12 IMPLEMENTATION PLAN AND TRANSITION. THE IMPLEMENTATION PLAN  
13 MUST TAKE INTO ACCOUNT THE REAFFIRMATION OF ASSENT TO THE  
14 PITTMAN-ROBERTSON AND DINGELL-JOHNSON ACTS UNDER SECTION  
15 33-9-107. THE IMPLEMENTATION PLAN MUST ALSO INCLUDE THE BOARD'S  
16 RECOMMENDATIONS FOR RESTRUCTURING THE BOARD, INCLUDING  
17 PROPOSALS FOR ITS NAME, SIZE, TERMS, GEOGRAPHICAL AND ISSUE  
18 REPRESENTATION, AND MEMBERSHIP QUALIFICATIONS. ALL MEETINGS AT  
19 WHICH THE BOARD DISCUSSES THE IMPLEMENTATION PLAN ARE OPEN TO  
20 THE PUBLIC, AND THE BOARD SHALL SOLICIT PUBLIC INPUT REGARDING THE  
21 IMPLEMENTATION PLAN AND ANY STRATEGIC PLANS AT THOSE MEETINGS.  
22 THE BOARD SHALL PROVIDE THE IMPLEMENTATION PLAN TO THE  
23 EXECUTIVE DIRECTOR AS ITS FORMAL RECOMMENDATIONS.

24 (11) IN ADDITION TO ITS REGULAR MEETINGS, THE BOARD SHALL  
25 HOLD WORKSHOPS EVERY TWO MONTHS TO DISCUSS PENDING MATTERS,  
26 BUT NOT TO TAKE OFFICIAL ACTION OR TRANSACT BOARD BUSINESS. THE  
27 BOARD MAY HOLD ADDITIONAL MEETINGS OR WORKSHOPS AT SUCH OTHER

1 TIMES AS THE BOARD DEEMS NECESSARY FOR THE PROPER TRANSACTION  
2 OF ITS DUTIES AND BUSINESS AND TO SOLICIT PUBLIC INPUT REGARDING  
3 THE IMPLEMENTATION PLAN FORMULATED UNDER PARAGRAPH (b) OF  
4 SUBSECTION (10) OF THIS SECTION.

5 **33-9-102. Powers and duties of the board - rules.** (1) THE  
6 BOARD IS VESTED WITH ALL THE POWERS, RESPONSIBILITIES, OBLIGATIONS,  
7 FUNCTIONS, AND DUTIES THAT PREVIOUSLY WERE UNDER THE  
8 JURISDICTION OF EITHER THE WILDLIFE COMMISSION OR THE BOARD OF  
9 PARKS AND OUTDOOR RECREATION AS OF JUNE 30, 2011. THE BOARD  
10 SHALL NOT INCREASE ANY FEE OR CHARGE UNLESS THE INCREASE IS  
11 APPROVED BY THE GENERAL ASSEMBLY, ACTING BY BILL APPROVED BY  
12 THE GOVERNOR.

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

18 (3) THE BOARD SHALL DESIGNATE A BOARD MEMBER WITH  
19 WILDLIFE KNOWLEDGE APPOINTED PURSUANT TO SECTION 33-9-101 (2) (c)  
20 TO SERVE AS A REPRESENTATIVE TO THE STATE BOARD OF THE GREAT  
21 OUTDOORS COLORADO TRUST FUND ESTABLISHED UNDER ARTICLE XXVII  
22 OF THE STATE CONSTITUTION. THE BOARD SHALL DESIGNATE A BOARD  
23 MEMBER WITH PARKS AND OUTDOOR RECREATION KNOWLEDGE APPOINTED  
24 PURSUANT TO SECTION 33-9-101 (2) (d) TO SERVE AS A REPRESENTATIVE  
25 TO THE STATE BOARD OF THE GREAT OUTDOORS COLORADO TRUST FUND  
26 ESTABLISHED UNDER ARTICLE XXVII OF THE STATE CONSTITUTION.

27 **33-9-103. Office of director of division created - duties.**

1 (1) (a) THE OFFICE OF DIRECTOR OF THE DIVISION IS HEREBY CREATED.  
2 THE BOARD, WITH THE CONSENT OF THE EXECUTIVE DIRECTOR, SHALL  
3 APPOINT THE DIRECTOR. THE DIRECTOR SHALL DEVOTE HIS OR HER ENTIRE  
4 TIME TO THE SERVICE OF THE STATE IN THE DISCHARGE OF HIS OR HER  
5 OFFICIAL DUTIES AND SHALL NOT HOLD ANY OTHER PUBLIC OFFICE. THE  
6 APPOINTMENT OR REMOVAL OF THE DIRECTOR IS SUBJECT TO SECTION 13  
7 OF ARTICLE XII OF THE STATE CONSTITUTION. EXCEPT AS OTHERWISE  
8 PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (1), THE DIRECTOR  
9 SHALL POSSESS SUCH QUALIFICATIONS AS MAY BE ESTABLISHED BY THE  
10 BOARD, THE EXECUTIVE DIRECTOR, AND THE STATE PERSONNEL DIRECTOR.

11 (b) (I) THE MEMBERS OF THE WILDLIFE COMMISSION AND THE  
12 BOARD OF PARKS AND OUTDOOR RECREATION SHALL MEET AS NECESSARY  
13 TO APPOINT, IN ACCORDANCE WITH THIS SECTION, A DIRECTOR OF THE  
14 DIVISION, WHOSE APPOINTMENT BEGINS JULY 1, 2011.

15 (II) UNTIL SUCH TIME AS THE BOARD, THE EXECUTIVE DIRECTOR,  
16 AND THE STATE PERSONNEL DIRECTOR ESTABLISH SPECIFIC  
17 QUALIFICATIONS THAT THE DIRECTOR MUST POSSESS, THE QUALIFICATIONS  
18 PREVIOUSLY ESTABLISHED FOR THE DIRECTOR OF THE FORMER DIVISION OF  
19 WILDLIFE AND THE DIRECTOR OF THE FORMER DIVISION OF PARKS AND  
20 OUTDOOR RECREATION, AS THOSE OFFICES EXISTED ON JUNE 30, 2011,  
21 APPLY TO THE DIRECTOR.

22 (2) THE DIRECTOR SHALL EXECUTE, ADMINISTER, PERFORM, AND  
23 ENFORCE THE RIGHTS, POWERS, DUTIES, FUNCTIONS, AND OBLIGATIONS  
24 VESTED PREVIOUSLY IN THE DIRECTOR OF THE DIVISION OF WILDLIFE AND  
25 THE DIRECTOR OF THE DIVISION OF PARKS AND OUTDOOR RECREATION,  
26 INCLUDING THOSE DUTIES DESCRIBED UNDER SECTIONS 33-1-110 AND  
27 33-10-109.

1           (3) THE DIRECTOR SHALL EXERCISE ALL THE POWERS AND  
2 PERFORM ALL THE FUNCTIONS OF THE BOARD IN THE INTERIM BETWEEN ITS  
3 MEETINGS, SUBJECT TO THE RATIFICATION OF THE BOARD. THE DIRECTOR  
4 SHALL ACT AS RECORDING SECRETARY FOR THE BOARD AND IS THE  
5 CUSTODIAN OF ALL MINUTES AND OTHER RECORDS OF THE BOARD. THE  
6 DIRECTOR SHALL PERFORM SUCH DUTIES AS PRESCRIBED BY THE BOARD,  
7 BY THE EXECUTIVE DIRECTOR, OR BY LAW; EXCEPT THAT THE DIRECTOR  
8 HAS NO AUTHORITY TO PROMULGATE RULES.

9           **33-9-104. Division - creation - duties.** (1) THERE IS HEREBY  
10 CREATED A DIVISION OF PARKS AND WILDLIFE IN THE DEPARTMENT OF  
11 NATURAL RESOURCES, ALSO REFERRED TO IN THIS ARTICLE AS THE  
12 "DIVISION". THE DIVISION IS UNDER THE JURISDICTION OF THE BOARD.

13           (2) THE DIVISION SHALL EXERCISE ITS POWERS AND PERFORM ITS  
14 DUTIES AND FUNCTIONS SPECIFIED IN THIS TITLE UNDER THE DEPARTMENT  
15 OF NATURAL RESOURCES AND THE EXECUTIVE DIRECTOR THEREOF AS IF  
16 THE SAME WERE TRANSFERRED TO THE DEPARTMENT BY A **TYPE 1**  
17 TRANSFER AS DEFINED IN THE "ADMINISTRATIVE ORGANIZATION ACT OF  
18 1968", ARTICLE 1 OF TITLE 24, C.R.S. THE DIVISION HAS ALL THE POWERS,  
19 DUTIES, OBLIGATIONS, AND FUNCTIONS PREVIOUSLY EXERCISED BY THE  
20 DIVISION OF WILDLIFE OR THE DIVISION OF PARKS AND OUTDOOR  
21 RECREATION, AS THOSE DIVISIONS EXISTED ON JUNE 30, 2011.

22           **33-9-105. Enterprise status of the board and division.** (1) THE  
23 DIVISION AND THE BOARD CONSTITUTE AN ENTERPRISE FOR THE PURPOSES  
24 OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION, SO LONG AS  
25 THE BOARD RETAINS THE AUTHORITY TO ISSUE REVENUE BONDS AND THE  
26 DIVISION RECEIVES LESS THAN TEN PERCENT OF ITS TOTAL ANNUAL  
27 REVENUES IN GRANTS, AS DEFINED IN SECTION 24-77-102 (7), C.R.S.,

1 FROM ALL COLORADO STATE AND LOCAL GOVERNMENTS COMBINED. SO  
2 LONG AS THEY CONSTITUTE AN ENTERPRISE PURSUANT TO THIS SECTION,  
3 THE DIVISION AND THE BOARD ARE NOT SUBJECT TO ANY OF THE  
4 PROVISIONS OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION.

5 (2) THE ENTERPRISE CREATED PURSUANT TO THIS SECTION HAS ALL  
6 THE POWERS AND DUTIES OF THE BOARD AND THE DIVISION AS  
7 AUTHORIZED UNDER THIS TITLE.

8 (3) NOTHING IN THIS SECTION LIMITS OR RESTRICTS THE  
9 AUTHORITY OF THE DIVISION TO EXPEND ITS REVENUES CONSISTENT WITH  
10 THIS TITLE.

11 **33-9-106. Reports.** (1) (a) BEFORE OR DURING THE SECOND  
12 REGULAR SESSION OF THE SIXTY-EIGHTH GENERAL ASSEMBLY, BUT ON OR  
13 BY FEBRUARY 29, 2012, THE EXECUTIVE DIRECTOR SHALL REPORT TO THE  
14 JOINT HOUSE AGRICULTURE, LIVESTOCK, AND NATURAL RESOURCES  
15 COMMITTEE AND THE SENATE AGRICULTURE, NATURAL RESOURCES, AND  
16 ENERGY COMMITTEE, OR ANY SUCCESSOR COMMITTEES, REGARDING THE  
17 BOARD'S ACTIVITIES SINCE JUNE 1, 2011, IDENTIFICATION OF ANY  
18 PROBLEMS FOLLOWING THE BOARD'S INCEPTION, THE IMPLEMENTATION  
19 PLAN FORMULATED BY THE BOARD, AND ANY RECOMMENDATIONS FOR  
20 FURTHER LEGISLATION TO EFFECTUATE THE CREATION, AND FACILITATE  
21 OR IMPROVE THE OPERATION, OF THE DIVISION. THE REPORT MUST  
22 REFLECT PUBLIC INPUT RECEIVED REGARDING THE CREATION AND  
23 OPERATION OF THE DIVISION. THE REPORT MUST ALSO DESCRIBE ANY COST  
24 SAVINGS THAT ARE EXPECTED TO RESULT FROM THE MERGER OF THE  
25 FORMER DIVISION OF WILDLIFE AND THE FORMER DIVISION OF PARKS AND  
26 OUTDOOR RECREATION.

27 (b) ON NOVEMBER 30, 2011, THE EXECUTIVE DIRECTOR SHALL

1 SUBMIT TO THE MEMBERS OF THE HOUSE AGRICULTURE, LIVESTOCK, AND  
2 NATURAL RESOURCES COMMITTEE AND THE SENATE AGRICULTURE,  
3 NATURAL RESOURCES, AND ENERGY COMMITTEE, OR ANY SUCCESSOR  
4 COMMITTEES, AN INFORMAL PROGRESS REPORT THAT PROVIDES A GENERAL  
5 UPDATE ON THE BOARD'S EFFORTS TO CREATE THE IMPLEMENTATION PLAN  
6 AND THAT IDENTIFIES ANY APPARENT CURRENT, OUTSTANDING, OR  
7 REASONABLY ANTICIPATED ISSUES AND POTENTIAL SOLUTIONS TO THOSE  
8 ISSUES. THE REPORT MUST BE IN PAPER OR ELECTRONIC FORMAT, AND  
9 NEED NOT EXCEED THREE PAGES IN LENGTH.

10 (2) BEGINNING IN 2013, THE EXECUTIVE DIRECTOR SHALL REPORT  
11 ANNUALLY TO THE JOINT HOUSE AGRICULTURE, LIVESTOCK, AND NATURAL  
12 RESOURCES COMMITTEE AND THE SENATE AGRICULTURE, NATURAL  
13 RESOURCES, AND ENERGY COMMITTEE, OR ANY SUCCESSOR COMMITTEES,  
14 REGARDING THE ADMINISTRATION OF THE DIVISION, INCLUDING AN  
15 EVALUATION OF DIVISION RESOURCES AND THEIR UTILIZATION AND AN  
16 IDENTIFICATION OF OPPORTUNITIES FOR EFFICIENCIES. EACH SUCH REPORT  
17 MUST SUMMARIZE STAKEHOLDER OUTREACH CONDUCTED DURING THE  
18 PRIOR YEAR AND MUST ALSO IDENTIFY DISPOSITION OF ASSETS AND COST  
19 SAVINGS, BOTH PLANNED AND REALIZED, SINCE THE PREVIOUS YEAR,  
20 INCLUDING SAVINGS PERTAINING TO PERSONNEL, EQUIPMENT, SERVICES,  
21 AND PROVISIONING.

22 **33-9-107. Reaffirmation of assent to federal**  
23 **Pittman-Robertson and Dingell-Johnson acts.** NOTHING IN THIS  
24 ARTICLE ALTERS OR AFFECTS THE STATE'S ASSENT TO THE FEDERAL ACTS  
25 DESCRIBED IN SECTIONS 33-1-117 AND 33-1-118, WHICH ASSENT  
26 PROHIBITS DIVERSION OF LICENSE FEES PAID BY HUNTERS AND SPORT  
27 FISHERMEN TO PURPOSES OTHER THAN ADMINISTRATION OF THE FISH AND



1 WILDLIFE AGENCY.

2 **33-9-108. Transfer of functions - employees - property -**  
3 **records - rules - contracts - lawsuits - statutory references.**

4 (1) (a) THE BOARD SHALL EXECUTE, ADMINISTER, PERFORM, AND  
5 ENFORCE THE RIGHTS, POWERS, DUTIES, FUNCTIONS, AND OBLIGATIONS  
6 VESTED PREVIOUSLY IN THE WILDLIFE COMMISSION OR THE BOARD OF  
7 PARKS AND OUTDOOR RECREATION.

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

12 (II) THE DIRECTOR SHALL EXECUTE, ADMINISTER, PERFORM, AND  
13 ENFORCE THE RIGHTS, POWERS, DUTIES, FUNCTIONS, AND OBLIGATIONS  
14 VESTED PREVIOUSLY IN THE DIRECTOR OF THE DIVISION OF WILDLIFE OR  
15 THE DIRECTOR OF THE DIVISION OF PARKS AND OUTDOOR RECREATION.

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

27 (b) ALL POSITIONS OF EMPLOYMENT IN THE DIVISION OF WILDLIFE

1 AND THE DIVISION OF PARKS AND OUTDOOR RECREATION CONCERNING THE  
2 POWERS, DUTIES, AND FUNCTIONS TRANSFERRED TO THE DIVISION OF  
3 PARKS AND WILDLIFE PURSUANT TO THIS ARTICLE AND DETERMINED TO BE  
4 NECESSARY TO CARRY OUT THE PURPOSES OF THIS TITLE BY THE DIRECTOR  
5 ARE TRANSFERRED TO THE DIVISION AND ARE EMPLOYMENT POSITIONS  
6 THEREIN. ALL SUCH EMPLOYEES ARE EMPLOYEES OF THE DIVISION FOR  
7 PURPOSES OF SECTION 24-50-124, C.R.S., AND RETAIN ALL RIGHTS UNDER  
8 THE STATE PERSONNEL SYSTEM AND TO RETIREMENT BENEFITS PURSUANT  
9 TO THE LAWS OF THIS STATE, AND THEIR SERVICES SHALL BE DEEMED  
10 CONTINUOUS.

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

16 (b) ALL ITEMS OF PROPERTY, REAL AND PERSONAL, INCLUDING  
17 OFFICE FURNITURE AND FIXTURES, BOOKS, DOCUMENTS, AND RECORDS OF  
18 THE DIVISION OF WILDLIFE OR THE DIVISION OF PARKS AND OUTDOOR  
19 RECREATION ARE TRANSFERRED TO THE DIVISION OF PARKS AND WILDLIFE  
20 AND BECOME THE PROPERTY THEREOF.

21 (c) ALL PERSONAL AND REAL PROPERTY ACQUIRED IN WHOLE OR  
22 IN PART WITH LICENSE FEES OR FEDERAL GRANT FUNDS IS SUBJECT TO  
23 ACCOUNTABILITY AND CONTROL BY THE DIVISION TO ASSURE THAT THE  
24 PROPERTY SERVES THE PURPOSE FOR WHICH IT WAS ORIGINALLY ACQUIRED  
25 THROUGHOUT ITS USEFUL LIFE.

26 (4) (a) WHENEVER THE WILDLIFE COMMISSION OR THE BOARD OF  
27 PARKS AND OUTDOOR RECREATION IS REFERRED TO OR DESIGNATED BY

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

11 (b) WHENEVER THE DIVISION OF WILDLIFE OR THE DIVISION OF  
12 PARKS AND OUTDOOR RECREATION IS REFERRED TO OR DESIGNATED BY  
13 ANY CONTRACT OR OTHER DOCUMENT, THE REFERENCE OR DESIGNATION  
14 APPLIES TO THE DIVISION OF PARKS AND WILDLIFE. ALL CONTRACTS  
15 ENTERED INTO BY THE FORMER DIVISIONS PRIOR TO JUNE 30, 2011, ARE  
16 HEREBY VALIDATED, WITH THE DIVISION SUCCEEDING TO ALL RIGHTS AND  
17 OBLIGATIONS UNDER SUCH CONTRACTS. ANY CASH FUNDS, CUSTODIAL  
18 FUNDS, TRUSTS, GRANTS, AND ANY APPROPRIATIONS OF FUNDS FROM PRIOR  
19 FISCAL YEARS AVAILABLE TO SATISFY OBLIGATIONS INCURRED UNDER  
20 SUCH CONTRACTS ARE TRANSFERRED AND APPROPRIATED TO THE DIVISION  
21 FOR THE PAYMENT OF SUCH OBLIGATIONS.

22 (5) (a) UNLESS OTHERWISE SPECIFIED:

23 (I) WHENEVER ANY PROVISION OF LAW REFERS TO THE WILDLIFE  
24 COMMISSION OR TO THE BOARD OF PARKS AND OUTDOOR RECREATION,  
25 THAT LAW SHALL BE CONSTRUED AS REFERRING TO THE PARKS AND  
26 WILDLIFE BOARD; AND

27 (II) WHENEVER ANY PROVISION OF LAW REFERS TO THE DIVISION

1 OF WILDLIFE OR THE DIVISION OF PARKS AND OUTDOOR RECREATION, THAT  
2 LAW SHALL BE CONSTRUED AS REFERRING TO THE DIVISION OF PARKS AND  
3 WILDLIFE.

4 (b) THE REVISOR OF STATUTES IS HEREBY AUTHORIZED TO CHANGE  
5 ALL REFERENCES IN THE COLORADO REVISED STATUTES TO THE WILDLIFE  
6 COMMISSION OR THE BOARD OF PARKS AND OUTDOOR RECREATION FROM  
7 SUCH REFERENCES TO THE PARKS AND WILDLIFE BOARD, AS APPROPRIATE.  
8 THE REVISOR OF STATUTES IS ALSO AUTHORIZED TO CHANGE ALL  
9 REFERENCES IN THE COLORADO REVISED STATUTES TO THE DIVISION OF  
10 WILDLIFE OR THE DIVISION OF PARKS AND OUTDOOR RECREATION FROM  
11 SUCH REFERENCES TO THE DIVISION OF PARKS AND WILDLIFE, AS  
12 APPROPRIATE. IN CONNECTION WITH SUCH AUTHORITY, THE REVISOR OF  
13 STATUTES IS HEREBY AUTHORIZED TO AMEND OR DELETE PROVISIONS OF  
14 THE COLORADO REVISED STATUTES SO AS TO MAKE THE STATUTES  
15 CONSISTENT WITH THE POWERS, DUTIES, AND FUNCTIONS TRANSFERRED  
16 PURSUANT TO THIS ARTICLE.

17 (6) ALL RULES AND ORDERS OF THE WILDLIFE COMMISSION OR THE  
18 BOARD OF PARKS AND OUTDOOR RECREATION CONTINUE TO BE EFFECTIVE  
19 AND SHALL BE ENFORCED BY THE BOARD UNTIL SUPERSEDED, REVISED,  
20 AMENDED, REPEALED, OR NULLIFIED PURSUANT TO LAW. THE BOARD  
21 SHALL ADOPT ANY RULES NECESSARY FOR THE ADMINISTRATION OF THE  
22 DIVISION AND AS OTHERWISE AUTHORIZED BY THIS TITLE.

23 (7) ALL COMMISSIONED PEACE OFFICERS OF THE DIVISION OF  
24 PARKS AND WILDLIFE HAVE ALL THE POWERS, DUTIES, FUNCTIONS, SPECIAL  
25 PROTECTIONS, AND RESPONSIBILITIES THAT SUCH OFFICERS EXERCISED OR  
26 ENJOYED UNDER THE DIVISION OF WILDLIFE OR THE DIVISION OF PARKS  
27 AND OUTDOOR RECREATION.

1 (8) NO SUIT, ACTION, OR OTHER PROCEEDING, JUDICIAL OR  
2 ADMINISTRATIVE, LAWFULLY COMMENCED, OR WHICH COULD HAVE BEEN  
3 COMMENCED, BY OR AGAINST THE WILDLIFE COMMISSION, THE BOARD OF  
4 PARKS AND OUTDOOR RECREATION, THE DIVISION OF WILDLIFE, OR THE  
5 DIVISION OF PARKS AND OUTDOOR RECREATION, OR ANY OFFICER THEREOF  
6 IN SUCH OFFICER'S OFFICIAL CAPACITY OR IN RELATION TO THE DISCHARGE  
7 OF THE OFFICIAL'S DUTIES, IS ABATED BY REASON OF THE TRANSFER OF  
8 DUTIES AND FUNCTIONS TO THE BOARD OR THE DIVISION UNDER THIS  
9 ARTICLE.

10 **33-9-109. Funds.** (1) NOTHING IN THIS ARTICLE ALTERS OR  
11 AFFECTS FUNDS PREVIOUSLY ADMINISTERED BY THE WILDLIFE  
12 COMMISSION OR THE BOARD OF PARKS AND OUTDOOR RECREATION;  
13 EXCEPT THAT THE BOARD SHALL ADMINISTER SUCH FUNDS.

14 (2) THE BOARD SHALL ADOPT POLICIES, PROCEDURES, OR  
15 ACCOUNTING METHODS TO ENSURE TRANSPARENCY AND PREVENT THE  
16 UNAUTHORIZED COMMINGLING OR IMPERMISSIBLE USE OF MONEYS IN  
17 DISTINCT FUNDS, TO ENSURE THAT MONEYS ARE EXPENDED CONSISTENT  
18 WITH THE PURPOSES FOR WHICH THEY ARE RECEIVED, COLLECTED, OR  
19 APPROPRIATED, AND TO ENSURE THAT APPROPRIATE RECORDS ARE  
20 MAINTAINED FOR AUDIT PURPOSES.

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

26 (b) THE BOARD SHALL SEGREGATE ALL MONEYS RECEIVED  
27 PURSUANT TO SECTION 5 (1) (a) (I) OF ARTICLE XXVII OF THE STATE

1 CONSTITUTION AND SPEND THESE MONEYS SOLELY FOR INVESTMENTS IN  
2 THE WILDLIFE RESOURCES OF COLORADO, INCLUDING THE PROTECTION  
3 AND RESTORATION OF CRUCIAL WILDLIFE HABITATS, APPROPRIATE  
4 PROGRAMS FOR MAINTAINING COLORADO'S DIVERSE WILDLIFE HERITAGE,  
5 WILDLIFE WATCHING, AN EDUCATIONAL PROGRAMS ABOUT WILDLIFE AND  
6 WILDLIFE ENVIRONMENT, CONSISTENT WITH THE PURPOSES SET FORTH  
7 UNDER SECTION 1 (1) (a) OF ARTICLE XXVII.

8 (c) THE BOARD SHALL SEGREGATE ALL MONEYS RECEIVED  
9 PURSUANT TO SECTION 5 (1) (a) (II) OF ARTICLE XXVII OF THE STATE  
10 CONSTITUTION AND SPEND THESE MONEYS SOLELY FOR INVESTMENTS IN  
11 THE OUTDOOR RECREATION RESOURCES OF COLORADO, INCLUDING THE  
12 STATE PARKS SYSTEM, TRAILS, PUBLIC INFORMATION AND  
13 ENVIRONMENTAL EDUCATION RESOURCES, AND WATER FOR  
14 RECREATIONAL FACILITIES, CONSISTENT WITH THE PURPOSES SET FORTH  
15 UNDER SECTION 1 (1) (a) OF ARTICLE XXVII.

16 **SECTION 3.** The introductory portion to 24-1-124 (3) and  
17 24-1-124 (3) (h) (I), (3) (h) (II), and (3) (i), Colorado Revised Statutes,  
18 are amended, and the said 24-1-124 (3) is further amended BY THE  
19 ADDITION OF A NEW PARAGRAPH, to read:

20 **24-1-124. Department of natural resources - creation -**  
21 **divisions.** (3) The department of natural resources ~~shall consist~~  
22 CONSISTS of the following divisions:

23 (h) ~~(I) (A) Division of wildlife, the head of which shall be the~~  
24 ~~director of the division of wildlife. The division of wildlife and the office~~  
25 ~~of director thereof are transferred by a type 2 transfer to the department~~  
26 ~~of natural resources as the division of wildlife.~~

27 ~~(B) The wildlife commission, created by article 1 of title 33,~~

1 C.R.S., and the powers, duties, and functions thereof concerning game  
2 and fish are transferred by a **type 1** transfer to the department of natural  
3 resources as the wildlife commission.

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

10 (i) ~~(I) Division of parks and outdoor recreation, the head of which~~  
11 ~~shall be the director of the division of parks and outdoor recreation. The~~  
12 ~~division of parks and outdoor recreation, the office of director thereof,~~  
13 ~~and the board of parks and outdoor recreation, created by article 10 of~~  
14 ~~title 33, C.R.S., are transferred by a **type 1** transfer to the department of~~  
15 ~~natural resources. The powers, duties, and functions concerning the state~~  
16 ~~parks and recreation areas of the division of game, fish, and parks, the~~  
17 ~~director thereof, and the game, fish, and parks commission are transferred~~  
18 ~~by a **type 1** transfer to the division of parks and outdoor recreation as~~  
19 ~~powers, duties, and functions of the division of parks and outdoor~~  
20 ~~recreation.~~

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

24 (k) (I) (A) THE PARKS AND WILDLIFE BOARD, CREATED UNDER  
25 ARTICLE 9 OF TITLE 33, C.R.S. THE POWERS, DUTIES, AND FUNCTIONS OF  
26 THE WILDLIFE COMMISSION AND THE BOARD OF PARKS AND OUTDOOR  
27 RECREATION ARE TRANSFERRED BY A **TYPE 1** TRANSFER TO THE PARKS

1 AND WILDLIFE BOARD AS POWERS, DUTIES, AND FUNCTIONS OF THE PARKS  
2 AND WILDLIFE BOARD.

3 (B) THE PARKS AND WILDLIFE BOARD INCLUDES, AS AN ADVISORY  
4 COUNCIL, THE COLORADO NATURAL AREAS COUNCIL CREATED BY ARTICLE  
5 33 OF TITLE 33, C.R.S.

6 (II) (A) THE DIVISION OF PARKS AND WILDLIFE, THE HEAD OF  
7 WHICH IS THE DIRECTOR OF THE DIVISION OF PARKS AND WILDLIFE. THE  
8 DIVISION OF PARKS AND WILDLIFE AND THE OFFICE OF THE DIRECTOR OF  
9 THE DIVISION OF PARKS AND WILDLIFE ARE TRANSFERRED BY A **TYPE 1**  
10 TRANSFER TO THE DEPARTMENT OF NATURAL RESOURCES.

11 (B) THE DIVISION OF PARKS AND WILDLIFE INCLUDES THE FISH  
12 HEALTH BOARD CREATED BY ARTICLE 5.5 OF TITLE 33, C.R.S. THE FISH  
13 HEALTH BOARD SHALL EXERCISE ITS POWERS AND PERFORM ITS DUTIES  
14 AND FUNCTIONS AS SPECIFIED BY LAW UNDER THE DEPARTMENT OF  
15 NATURAL RESOURCES AND THE EXECUTIVE DIRECTOR OF THE DEPARTMENT  
16 OF NATURAL RESOURCES AS IF THE SAME WERE TRANSFERRED TO THE  
17 DEPARTMENT BY A **TYPE 2** TRANSFER.

18 **SECTION 4.** The introductory portion to 24-33-104 (1) and  
19 24-33-104 (1) (h) and (1) (i), Colorado Revised Statutes, are amended to  
20 read:

21 **24-33-104. Divisions and boards of the department.** (1) The  
22 department of natural resources ~~shall consist~~ CONSISTS of the following  
23 divisions AND BOARDS:

24 (h) The division of PARKS AND wildlife; and the PARKS AND  
25 wildlife ~~commission~~ BOARD;

26 (i) ~~The division of parks and outdoor recreation; and the board of~~  
27 ~~parks and outdoor recreation;~~



1           **SECTION 5.** 24-77-102 (7) (b) (IV), Colorado Revised Statutes,  
2 is amended to read:

3           **24-77-102. Definitions.** As used in this article, unless the context  
4 otherwise requires:

5           (7) (b) "Grant" does not include:

6           (IV) Any moneys received by the division of PARKS AND wildlife,  
7 created in section ~~24-1-124 (3) (h) (I)~~ 33-9-104, from the great outdoors  
8 Colorado trust fund established in section 2 of article XXVII of the state  
9 constitution:

10           **SECTION 6.** 33-1-102 (5), (8), and (10), Colorado Revised  
11 Statutes, are amended, and the said 33-1-102 is further amended BY THE  
12 ADDITION OF A NEW SUBSECTION, to read:

13           **33-1-102. Definitions.** As used in this title, unless the context  
14 otherwise requires:

15           (2.5) "BOARD" OR "PARKS AND WILDLIFE BOARD" MEANS THE  
16 PARKS AND WILDLIFE BOARD CREATED IN SECTION 33-9-101.

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

19           (8) "Director" means the director of the division of PARKS AND  
20 wildlife.

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

24           **SECTION 7. Repeal.** 33-1-103, Colorado Revised Statutes, is  
25 repealed as follows:

26           **33-1-103. Wildlife commission - wildlife division - enterprise**  
27 **status.** ~~(1) (a) The division shall be under the jurisdiction of a~~

1 commission.

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

23           (H) ~~The governor shall appoint two members of the commission~~  
24 ~~on March 1 of each year and the terms of office for members of the~~  
25 ~~commission shall be four years; except that, as soon as possible but no~~  
26 ~~later than June 1, 2002, the governor shall appoint the new member from~~  
27 ~~the public at large authorized by subparagraph (H) of this paragraph (b).~~

1 ~~Commencing March 1, 2006, and every fourth year thereafter, the~~  
2 ~~governor shall appoint three members to the commission. No member~~  
3 ~~shall serve more than two four-year consecutive terms. Vacancies on the~~  
4 ~~commission shall be filled for the unexpired term by the governor, with~~  
5 ~~the consent of the senate. A request for removal of a member shall be~~  
6 ~~submitted to the governor by the secretary of the commission confirming~~  
7 ~~that a member has failed, for reasons other than temporary mental or~~  
8 ~~physical disability or illness, to attend any combination of three regular~~  
9 ~~meetings of the commission or commission workshops during any~~  
10 ~~twelve-month period without the commission having entered upon its~~  
11 ~~minutes an approval for any such absences. The governor, in his or her~~  
12 ~~discretion, may remove such member.~~

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

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

23 ~~(a) District 1 shall be comprised of the following counties:~~  
24 ~~Moffat, Rio Blanco, Garfield, Mesa, Routt, Eagle, Pitkin, Jackson, Grand,~~  
25 ~~and Summit;~~

26 ~~(b) District 2 shall be comprised of the following counties: Delta,~~  
27 ~~Montrose, Ouray, San Miguel, Dolores, Montezuma, San Juan, La Plata,~~

1     ~~Gunnison, Hinsdale, Archuleta, Saguache, Mineral, Rio Grande, Conejos,~~  
2     ~~Alamosa, and Costilla;~~

3             ~~(c) District 3 shall be comprised of the following counties:~~  
4     ~~Larimer, Weld, Morgan, Logan, Washington, Sedgwick, Phillips, and~~  
5     ~~Yuma;~~

6             ~~(d) District 4 shall be comprised of the following counties: Lake,~~  
7     ~~Chaffee, Park, Fremont, Custer, Teller, El Paso, Pueblo, Huerfano, those~~  
8     ~~lands in Elbert county not designated as lying within District 5, Lincoln,~~  
9     ~~Crowley, Otero, Las Animas, Kit Carson, Cheyenne, Kiowa, Bent,~~  
10    ~~Prowers, and Baca;~~

11            ~~(e) District 5 shall be comprised of the following counties:~~  
12    ~~Boulder, Jefferson, Douglas, Arapahoe, Adams, Elbert county, including~~  
13    ~~only Townships 6 South through 10 South, Range 63 West, 64 West, and~~  
14    ~~that part of 65 West lying within Elbert County, 6th Principal Meridian,~~  
15    ~~Colorado, Clear Creek, Gilpin, and Denver.~~

16            ~~(3) Repealed.~~

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

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

24            ~~(6) A majority of the voting commission membership physically~~  
25    ~~present shall constitute a quorum for the transaction of any business, for~~  
26    ~~the performance of any duty, or for the exercise of any power; and the~~  
27    ~~commission shall act by majority vote of such a quorum; and such~~

1 majority of the voting commission membership shall be physically  
2 present at the meeting or workshop at which such action is taken.

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

13 (8) The commission shall have its principal office in the  
14 headquarters office provided for the division.

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

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

27 (9.5) (a) The division and the commission, created in section

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

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

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

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

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

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

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

1           ~~(H) Supports and promotes the conservation and enhancement of~~  
2 ~~Colorado's wildlife and its habitat;~~

3           ~~(HH) Recognizes and promotes primarily nonconsumptive wildlife~~  
4 ~~use; and~~

5           ~~(IV) Has expertise in wildlife issues, wildlife habitat, or wildlife~~  
6 ~~management.~~

7           **SECTION 8. Repeal.** 33-1-109, Colorado Revised Statutes, is  
8 repealed as follows:

9           **33-1-109. Office of director of division created.** ~~The office of~~  
10 ~~director of the division is hereby created. Any other provision of the law~~  
11 ~~to the contrary notwithstanding, the commission, with the consent of the~~  
12 ~~executive director, shall appoint the director who shall possess such~~  
13 ~~qualifications as may be established by the commission, the executive~~  
14 ~~director, and the state personnel board. The director shall devote his~~  
15 ~~entire time to the service of the state in the discharge of his official duties~~  
16 ~~and shall not hold any other public office. The appointment or removal~~  
17 ~~of the director shall be subject to the provisions of section 13 of article~~  
18 ~~XII of the state constitution.~~

19           **SECTION 9.** 33-10-102 (1), (4), and (5), Colorado Revised  
20 Statutes, are amended to read:

21           **33-10-102. Definitions.** As used in articles 10 to 15 of this title,  
22 unless the context otherwise requires:

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

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

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

4 **SECTION 10. Repeal.** 33-10-103, Colorado Revised Statutes,  
5 is repealed as follows:

6 **33-10-103. Division and board created.** ~~(1) There is hereby~~  
7 ~~created a division of parks and outdoor recreation and a board of parks~~  
8 ~~and outdoor recreation in the department of natural resources. Subject to~~  
9 ~~the provisions of section 13 of article XII of the state constitution, the~~  
10 ~~board, with the consent of the executive director, shall appoint a director~~  
11 ~~of the division of parks and outdoor recreation who shall possess such~~  
12 ~~qualifications as may be established by the board, the executive director,~~  
13 ~~and the state personnel board. The director shall devote his entire time to~~  
14 ~~the service of the state in the discharge of his official duties and shall not~~  
15 ~~hold any other public office.~~

16 (2) ~~The division, the director thereof, and the board shall exercise~~  
17 ~~their powers and perform their duties and functions specified in articles~~  
18 ~~10 to 15 and 32 of this title under the department of natural resources and~~  
19 ~~the executive director thereof as if the same were transferred to the~~  
20 ~~department by a type 1 transfer as such transfer is defined in the~~  
21 ~~"Administrative Organization Act of 1968", article 1 of title 24, C.R.S.~~

22 **SECTION 11. Repeal.** 33-10-104, Colorado Revised Statutes,  
23 is repealed as follows:

24 **33-10-104. Board composition - jurisdiction.** ~~(1) The division~~  
25 ~~shall be under the jurisdiction of the board. The board shall consist of~~  
26 ~~five members who shall be appointed by the governor, with the consent~~  
27 ~~of the senate. One member shall be appointed from the state at large, and~~



1 ~~one member shall be appointed from each of the regions created under~~  
2 ~~section 33-10-105, and each member shall, at the time of appointment and~~  
3 ~~during his term of office, be a bona fide resident of the region from which~~  
4 ~~he was appointed. No more than three of the appointed members shall be~~  
5 ~~from the same political party. Members shall be removed from office by~~  
6 ~~the governor only for cause.~~

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

10 (3) ~~The board members shall receive for each day actually~~  
11 ~~engaged in the duties of the office a per diem amount of fifty dollars,~~  
12 ~~together with all actual and necessary travel expenses to be paid after the~~  
13 ~~same are incurred. Mileage rates shall be as provided in section~~  
14 ~~24-9-104, C.R.S.~~

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

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

21 (6) ~~The board shall have its principal office in the headquarters of~~  
22 ~~the division.~~

23 **SECTION 12. Repeal.** 33-10-105, Colorado Revised Statutes,  
24 is repealed as follows:

25 **33-10-105. Board regions.** (1) ~~Board regions shall be~~  
26 ~~constituted as follows:~~

27 (a) ~~The west region shall be comprised of the following counties:~~

1 Archuleta, Delta, Dolores, Garfield, Gunnison, Hinsdale, La Plata, Mesa,  
2 Moffat, Montezuma, Montrose, Ouray, Rio Blanco, San Juan, and San  
3 Miguel;

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

7 (c) The metro region shall be comprised of the following counties:  
8 Adams, Arapahoe, Boulder, Clear Creek, Denver, Douglas, Gilpin, and  
9 Jefferson;

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

15 SECTION 13. The introductory portion to 24-33-109.5 (4) (a)  
16 and 24-33-109.5 (4) (a) (I) (D) and (4) (a) (I) (E), Colorado Revised  
17 Statutes, are amended to read:

18 24-33-109.5. Colorado kids outdoors grant program - created  
19 - fund created - rules - report - definitions - repeal. (4) (a) There is  
20 hereby created the Colorado kids outdoors advisory council to assist the  
21 executive director in implementing the grant program. The advisory  
22 council shall consist of ~~seven~~ SIX members as follows:

23 (I) The following ex officio members or their designees:

24 (D) The director of the division of parks and outdoor recreation  
25 WILDLIFE in the department of natural resources; and

26 (E) The director of the division of wildlife in the department of  
27 natural resources; and

1           SECTION 14. 24-33.5-415.6 (7) and (8), Colorado Revised  
2           Statutes, are amended to read:

3           **24-33.5-415.6. Offender identification - fund.** (7) A surcharge  
4           of two dollars and fifty cents is hereby levied against each penalty  
5           assessment issued pursuant to section 33-6-104 OR 33-15-102, C.R.S.,  
6           that results in payment of the penalty assessment without the  
7           commencement of a criminal action. All moneys collected by the  
8           division of PARKS AND wildlife in the department of natural resources  
9           pursuant to this subsection (7) shall be transmitted to the state treasurer,  
10          who shall credit the same to the fund.

11          (8) A surcharge of two dollars and fifty cents is hereby levied  
12          against each penalty assessment issued pursuant to section 33-15-102,  
13          C.R.S., that results in payment of the penalty assessment without the  
14          commencement of a criminal action. All moneys collected by the  
15          division of parks and outdoor recreation in the department of natural  
16          resources pursuant to this subsection (8) shall be transmitted to the state  
17          treasurer, who shall credit the same to the fund.

18          SECTION 15. The introductory portion to 30-25-302 (1) (a),  
19          30-25-302 (1) (b), (3), (4) (a), and (6), Colorado Revised Statutes, are  
20          amended to read:

21          **30-25-302. Eligibility - determination of impact - procedures**  
22          - legislative declaration. (1) (a) Except as provided in section  
23          33-60-104.5, C.R.S., for real property interests acquired with funds made  
24          available from the great outdoors Colorado trust fund, in any county in  
25          which the division of PARKS AND wildlife or the division of parks and  
26          outdoor recreation or both divisions own OWNS property, the board of  
27          county commissioners of such THE county shall certify once a year during

1 the regular tax assessment period, to the PARKS AND wildlife commission,  
2 to the board, of parks and outdoor recreation, or to both said commission  
3 and said board if both own land in such county, the current dollar amount  
4 representing the negative financial impact that such THE ownership has  
5 on such THE county's finances and the finances of any political  
6 subdivision which THAT lies within such THE county. The calculation of  
7 such IN CALCULATING THE dollar amount, THE BOARD OF COUNTY  
8 COMMISSIONERS shall take into consideration the following factors:

9 (b) Any certification relating to land owned by the division of  
10 wildlife made pursuant to paragraph (a) of this subsection (1) shall be  
11 made to the wildlife commission. Any certification relating to land  
12 owned by the division of parks and outdoor recreation made pursuant to  
13 paragraph (a) of this subsection (1) shall be made to the board of parks  
14 and outdoor recreation.

15 (3) The PARKS AND wildlife commission and the board of parks  
16 and outdoor recreation shall review the dollar amounts certified to them  
17 pursuant to subsection (1) of this section and shall certify to the general  
18 assembly these dollar amounts. In making their ITS determinations, the  
19 PARKS AND wildlife commission and the board of parks and outdoor  
20 recreation shall consider the factors set forth in subsection (1) of this  
21 section and may consider any additional relevant factors. All  
22 certifications to the general assembly shall MUST include an explanation  
23 of the grounds upon which the determinations of the certified amounts are  
24 based. The PARKS AND wildlife commission and the board of parks and  
25 outdoor recreation shall include an estimate of the amount to be certified  
26 for impact assistance grants in their budget requests for each fiscal year.

27 (4) (a) The general assembly may make an appropriation in the

1 form of an impact assistance grant to any county qualifying for such grant  
2 upon certification by the PARKS AND wildlife commission or the board of  
3 parks and outdoor recreation of the amount for such THE grant.  
4 Appropriations concerning lands owned by the division of PARKS AND  
5 wildlife shall MUST be made from the wildlife cash fund. Appropriations  
6 concerning lands owned by the division of parks and outdoor recreation  
7 shall WILDLIFE MUST be made from the general fund or the parks and  
8 outdoor recreation cash fund.

9 (6) The general assembly hereby finds and declares that the  
10 acquisition of large amounts of property by the division of PARKS AND  
11 wildlife, or the division of parks and outdoor recreation, through the great  
12 outdoors Colorado program or otherwise, can have serious financial  
13 consequences for the counties and political subdivisions in which such  
14 THE property is located. It is therefore the intent of the general assembly  
15 that any plans for acquisition of property by the division of PARKS AND  
16 wildlife or the division of parks and outdoor recreation include provisions  
17 for the payment of impact assistance grants pursuant to this section or  
18 payments in lieu of taxes pursuant to section 33-60-104.5, C.R.S.,  
19 whichever is applicable.

20 **SECTION 16.** 33-6-105 (1), Colorado Revised Statutes, is  
21 amended to read:

22 **33-6-105. Disposition of fines and surcharges.** (1) (a) Except  
23 as otherwise provided in paragraph (b) of this subsection (1), all moneys  
24 collected for fines under articles 1 to 6 of this title, either by payment of  
25 a penalty assessment or assessed by a court upon conviction and resulting  
26 from issuance of a citation by an A WILDLIFE officer of the division of  
27 PARKS AND wildlife, shall be transmitted to the state treasurer, who shall

1 credit one-half to the general fund and one-half to the wildlife cash fund  
2 or, for offenses involving nongame wildlife, to the nongame and  
3 endangered wildlife cash fund.

4 (b) When an arrest has been made or the citation for any wildlife  
5 offense has been issued by an A PARK officer of the division of parks and  
6 outdoor recreation WILDLIFE or by any other Colorado peace officer, as  
7 defined in this title, the state treasurer shall credit one-half of the moneys  
8 collected to the general fund and one-half to the Colorado town, city,  
9 county, city and county, or state agency whose officer issued the citation.

10 **SECTION 17.** 33-10-106 (1) (e) and (1) (f), Colorado Revised  
11 Statutes, are amended to read:

12 **33-10-106. Duties of the board - rules.** (1) The board shall:

13 (e) Through the division, enforce the laws AND rules and  
14 regulations relating to parks and outdoor recreation areas; and cooperate  
15 with the division of wildlife in the enforcement of the wildlife laws, rules,  
16 or regulations;

17 (f) ~~Cooperate with the division of wildlife to~~ Assure maximum  
18 development and protection of wildlife habitat consistent with park and  
19 outdoor recreation operations and provide full opportunity for the hunter  
20 and fisherman to harvest the surplus wildlife resources on all state park  
21 and outdoor recreation areas whenever public safety can be maintained;

22 **SECTION 18.** 33-11-109 (3), Colorado Revised Statutes, is  
23 amended to read:

24 **33-11-109. Trail categories.** (3) The board, through the division,  
25 is authorized to conduct studies, and to promulgate such rules and  
26 regulations as may be necessary for establishing and managing the  
27 Colorado greenway trails system. The board shall consult and cooperate

1 with the ~~wildlife commission~~, Colorado water conservation board,  
2 transportation commission, Colorado water resources and power  
3 development authority, and all other appropriate units of state government  
4 and political subdivisions of the state, including, but not limited to, any  
5 county, city, city and county, and water conservation and conservancy  
6 district; any other public and private persons; and any appropriate federal  
7 agencies to establish a Colorado greenway trails system ~~which~~ THAT  
8 minimizes adverse impacts on activities, natural features, and sensitive  
9 habitats adjacent to trails.

10 SECTION 19. 33-14-102 (1) (b), Colorado Revised Statutes, is  
11 amended to read:

12 33-14-102. Snowmobile registration - fees - applications -  
13 requirements - penalties - exemptions. (1) (b) The division shall  
14 employ snowmobile agents, including dealers and licensing agents  
15 serving as such for the division, ~~of wildlife~~, for snowmobile registration  
16 pursuant to the provisions of section 33-12-104. ~~Such~~ THE agents shall  
17 take the registration application and issue a temporary registration and  
18 shall forward the application to the division, which shall issue the  
19 registration. Snowmobile dealers employed as licensing agents for  
20 snowmobile registration ~~shall be~~ ARE authorized to issue annual  
21 registrations and shall retain a commission of up to one dollar, as  
22 authorized by the division, for each registration issued.

23 SECTION 20. 33-14-117 (1) (b) and (2), Colorado Revised  
24 Statutes, are amended to read:

25 33-14-117. Hunting, carrying weapons on snowmobiles -  
26 prohibitions. (1) It is unlawful for any person to:

27 (b) Operate or ride on any snowmobile with any firearm in his OR

1 HER possession, unless such firearm is unloaded and enclosed in a  
2 carrying case or inserted in a scabbard, or with any bow unless it is  
3 unstrung or cased, but this paragraph (b) shall DOES not apply to any  
4 person to whom the division of wildlife has issued a permit for the control  
5 of predators such as coyotes, foxes, bobcats, and the like;

6 (2) Permits to use snowmobiles for the control of predators such  
7 as coyotes, foxes, bobcats, and the like may be issued by the division of  
8 wildlife or its district wildlife managers at no charge to persons applying  
9 therefor whose purpose is to protect livestock and other wildlife. A  
10 notice of issuance of any such permit shall be given to the division by the  
11 division of wildlife.

12 SECTION 21. 33-14.5-102 (1) (b), Colorado Revised Statutes,  
13 is amended to read:

14 **33-14.5-102. Off-highway vehicle registration -**  
15 **nonresident-owned or -operated off-highway vehicle permits - fees -**  
16 **applications - requirements - exemptions.** (1) (b) The division shall  
17 employ off-highway vehicle agents, including dealers and licensing  
18 agents serving as such for the division, ~~of wildlife,~~ for off-highway  
19 vehicle registration pursuant to the provisions of section 33-12-104.  
20 Upon receiving a registration application, an agent shall collect the fee  
21 specified pursuant to section 33-10-111 (5) and issue a temporary  
22 registration and shall forward the application to the division, which shall  
23 issue the registration. An agent may retain a commission of not in excess  
24 of one dollar, as authorized by the division, for each registration issued.  
25 ~~Any off-highway~~ POWERSPORTS VEHICLE dealer is authorized to issue a  
26 temporary registration when a person purchases an off-highway vehicle  
27 from such dealer.



1           SECTION 22. 33-14.5-106 (2) (b) (I) and (2) (b) (II), Colorado  
2 Revised Statutes, are amended to read:

3           33-14.5-106. Off-highway vehicle recreation fund - creation -  
4 use of moneys. (2) All moneys collected for fines imposed pursuant to  
5 the provisions of this article shall be distributed as follows:

6           (b) One-half of such amount collected shall be distributed as  
7 follows:

8           (I) If the citing officer is a ~~parcs and recreation~~ PARK officer, such  
9 THE amount shall be transferred to the state treasurer and credited to the  
10 off-highway vehicle recreation fund; or

11           (II) If the citing officer is a Colorado wildlife officer or special  
12 wildlife officer, such THE amount shall be transferred to the state treasurer  
13 and credited to the wildlife cash fund; or

14           SECTION 23. 33-15-103 (1) (a), (1) (b) (II) (A), and (1) (b) (II)  
15 (B), Colorado Revised Statutes, are amended to read:

16           33-15-103. Disposition of fines - notice of court decisions.

17 (1) (a) All moneys collected for fines under this article and articles 10 to  
18 13 and 32 of this title, either by payment of a penalty assessment or  
19 assessed by a court upon conviction, shall be transmitted to the state  
20 treasurer, who shall credit such moneys to the parks and outdoor  
21 recreation cash fund; except that, when an arrest has been made or the  
22 citation for any offense, including those committed under article 14 of  
23 this title, has been issued by an officer of the division of PARKS AND  
24 wildlife, all moneys collected for the fine shall be transmitted to the state  
25 treasurer, who shall credit one-half to the wildlife cash fund and one-half  
26 to the general fund.

27           (b) All moneys collected for fines imposed pursuant to the

1 provisions of article 14.5 of this title shall be distributed as follows:

2 (II) One-half of such amount collected shall be distributed as  
3 follows:

4 (A) If the citing officer is a ~~parcs and recreation~~ PARK officer,  
5 such THE amount shall be transferred to the state treasurer and credited to  
6 the off-highway vehicle recreation fund; or

7 (B) If the citing officer is a ~~Colorado~~ wildlife officer or special  
8 wildlife officer, such THE amount shall be transferred to the state treasurer  
9 and credited to the wildlife cash fund; or

10 **SECTION 24.** 33-32-108 (1) (b), the introductory portion to  
11 33-32-108 (2) (b), and 33-32-108 (2) (b) (II) and (2) (b) (III), Colorado  
12 Revised Statutes, are amended to read:

13 **33-32-108. Enforcement.** (1) (b) As used in this section, "peace  
14 officer" means any ~~parcs and recreation officer or division of PARKS AND~~  
15 wildlife officer or any sheriff or city and county law enforcement officer  
16 certified by the Colorado law enforcement training academy.

17 (2) (b) Pursuant to ~~the provisions of paragraph (a) of this~~  
18 subsection (2), any expenses incurred by governmental entities stemming  
19 from search and rescue efforts ~~which~~ THAT are reimbursed by a river  
20 outfitter shall be distributed as follows:

21 (II) If to the division of parks and ~~outdoor recreation~~ WILDLIFE,  
22 ONE-HALF OF THE MONEYS SHALL BE credited to the parks and outdoor  
23 recreation cash fund, created in section 33-10-111, AND ONE-HALF SHALL  
24 BE CREDITED TO THE WILDLIFE CASH FUND, CREATED IN SECTION 33-1-112.

25 (III) ~~If to the division of wildlife, credited to the wildlife cash~~  
26 fund, created in section 33-1-112.

27 **SECTION 25.** 33-33-106 (2), Colorado Revised Statutes, is

1 amended to read:

2 **33-33-106. Colorado natural areas council.** (2) The council  
3 shall consist CONSISTS of the following seven members: One member  
4 each from the membership of the board ~~the wildlife commission,~~ and the  
5 state board of land commissioners appointed by their respective boards  
6 or commissions, who shall serve for three-year terms; and ~~four~~ FIVE  
7 members appointed by the governor, who shall be individuals with a  
8 substantial interest in the preservation of natural areas and who shall  
9 serve for four-year terms.

10 **SECTION 26.** 33-60-104.5 (6), Colorado Revised Statutes, is  
11 amended to read:

12 **33-60-104.5. Property acquired by state agencies with funds**  
13 **from the great outdoors Colorado trust fund - payments in lieu of**  
14 **taxes - restrictions - legislative declaration.** (6) The general assembly  
15 may make appropriations for the purpose of funding a state agency's share  
16 of payments in lieu of taxes to any county entitled to receive such  
17 payments. Appropriations concerning lands owned by the FORMER  
18 division of wildlife, AS IT EXISTED PRIOR TO THE EFFECTIVE DATE OF THIS  
19 SUBSECTION (6), AS AMENDED, shall be made from the wildlife cash fund.  
20 Appropriations concerning lands owned by the FORMER division of parks  
21 and outdoor recreation, AS IT EXISTED PRIOR TO THE EFFECTIVE DATE OF  
22 THIS SUBSECTION (6), AS AMENDED, shall be made from the parks and  
23 outdoor recreation cash fund.

24 **SECTION 27.** 34-60-103 (4.3) and (14), Colorado Revised  
25 Statutes, are amended, and the said 34-60-103 is further amended BY  
26 THE ADDITION OF A NEW SUBSECTION, to read:

27 **34-60-103. Definitions.** As used in this article, unless the context

1 otherwise requires:

2 (1.5) "PARKS AND WILDLIFE BOARD" OR "BOARD" MEANS THE  
3 PARKS AND WILDLIFE BOARD CREATED IN SECTION 33-9-101, C.R.S.

4 (4.3) "Division of PARKS AND wildlife" means the division of  
5 PARKS AND wildlife identified in ~~article 1~~ ARTICLE 9 of title 33, C.R.S.

6 (14) "Wildlife commission" means the ~~wildlife commission~~  
7 created in section ~~33-1-103, C.R.S.~~ BOARD.

8 **SECTION 28. No appropriation.** The general assembly has  
9 determined that this act can be implemented within existing  
10 appropriations, and therefore no separate appropriation of state moneys  
11 is necessary to carry out the purposes of this act.

12 **SECTION 29. Effective date.** (1) Sections 33-9-101 (10) (a)  
13 and 33-9-103, Colorado Revised Statutes, as enacted in section 2 of this  
14 act, shall take effect upon passage.

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

16 **SECTION 30. Safety clause.** The general assembly hereby finds,  
17 determines, and declares that this act is necessary for the immediate  
18 preservation of the public peace, health, and safety.