

SENATE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

March 31, 2011
Date

Committee on Agriculture, Natural Resources, and Energy.

After consideration on the merits, the Committee recommends the following:

SB11-208 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend printed bill, page 8, line 24, after "(a)" insert "(I) EXCEPT AS
2 PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (6):
3 (A)".

4 Page 8, line 26, strike "(b)" and substitute "(B)".

5 Page 9, line 1, strike "(c)" and substitute "(II)" and strike "SUBSECTION
6 (6)," and substitute "PARAGRAPH (a),".

7 Page 9, line 2, strike "(I)" and substitute "(A)".

8 Page 9, line 7, strike "(II)" and substitute "(B)".

9 Page 9, after line 11 insert:

10 "(b) THE BOARD MAY SPECIFY, BY MAJORITY VOTE, TYPES OF
11 MATTERS UPON WHICH ACTION MAY BE TAKEN BY VOTE OF A SIMPLE
12 MAJORITY. ANY SUCH MATTERS MAY THEREAFTER BE ACTED UPON BY A
13 SIMPLE MAJORITY OF A QUORUM OF THE ENTIRE BOARD."

14 Page 11, line 6, after the period insert "THE IMPLEMENTATION PLAN MUST
15 TAKE INTO ACCOUNT THE REAFFIRMATION OF ASSENT TO THE
16 PITTMAN-ROBERTSON AND DINGELL-JOHNSON ACTS UNDER SECTION
17 33-9-107."

1 Page 11, line 8, after "ITS" insert "NAME,".

2 Page 12, line 1, after the period add "THE BOARD SHALL NOT INCREASE
3 ANY FEE OR CHARGE UNLESS THE INCREASE IS APPROVED BY THE GENERAL
4 ASSEMBLY, ACTING BY BILL APPROVED BY THE GOVERNOR.".

5 Page 14, line 27, after "(1)" insert "(a)".

6 Page 15, line 12, after the period add "THE REPORT MUST ALSO DESCRIBE
7 ANY COST SAVINGS THAT ARE EXPECTED TO RESULT FROM THE MERGER OF
8 THE FORMER DIVISION OF WILDLIFE AND THE FORMER DIVISION OF PARKS
9 AND OUTDOOR RECREATION.".

10 Page 15, after line 12 insert:

11 "(b) ON NOVEMBER 30, 2011, THE EXECUTIVE DIRECTOR SHALL
12 SUBMIT TO THE MEMBERS OF THE HOUSE AGRICULTURE, LIVESTOCK, AND
13 NATURAL RESOURCES COMMITTEE AND THE SENATE AGRICULTURE,
14 NATURAL RESOURCES, AND ENERGY COMMITTEE, OR ANY SUCCESSOR
15 COMMITTEES, AN INFORMAL PROGRESS REPORT THAT PROVIDES A GENERAL
16 UPDATE ON THE BOARD'S EFFORTS TO CREATE THE IMPLEMENTATION PLAN
17 AND THAT IDENTIFIES ANY APPARENT CURRENT, OUTSTANDING, OR
18 REASONABLY ANTICIPATED ISSUES AND POTENTIAL SOLUTIONS TO THOSE
19 ISSUES. THE REPORT MUST BE IN PAPER OR ELECTRONIC FORMAT, AND
20 NEED NOT EXCEED THREE PAGES IN LENGTH.".

21 Page 15, line 19, after the period add "EACH SUCH REPORT MUST
22 SUMMARIZE STAKEHOLDER OUTREACH CONDUCTED DURING THE PRIOR
23 YEAR AND MUST ALSO IDENTIFY DISPOSITION OF ASSETS AND COST
24 SAVINGS, BOTH PLANNED AND REALIZED, SINCE THE PREVIOUS YEAR,
25 INCLUDING SAVINGS PERTAINING TO PERSONNEL, EQUIPMENT, SERVICES,
26 AND PROVISIONING.".

27 Page 15, line 23, strike "33-1-118." and substitute "33-1-118, WHICH
28 ASSENT PROHIBITS DIVERSION OF LICENSE FEES PAID BY HUNTERS AND
29 SPORT FISHERMEN TO PURPOSES OTHER THAN ADMINISTRATION OF THE
30 FISH AND WILDLIFE AGENCY.".

31 Page 17, after line 15 insert:

32 "(c) ALL PERSONAL AND REAL PROPERTY ACQUIRED IN WHOLE OR

1 IN PART WITH LICENSE FEES OR FEDERAL GRANT FUNDS IS SUBJECT TO
2 ACCOUNTABILITY AND CONTROL BY THE DIVISION TO ASSURE THAT THE
3 PROPERTY SERVES THE PURPOSE FOR WHICH IT WAS ORIGINALLY ACQUIRED
4 THROUGHOUT ITS USEFUL LIFE."

5 Page 20, line 7, strike "FUNDS AND" and substitute "FUNDS,".

6 Page 20, line 9, strike "APPROPRIATED." and substitute "APPROPRIATED,
7 AND TO ENSURE THAT APPROPRIATE RECORDS ARE MAINTAINED FOR AUDIT
8 PURPOSES."

9 Page 23, after line 16 insert:

10 "SECTION 5. 24-77-102 (7) (b) (IV), Colorado Revised Statutes,
11 is amended to read:

12 **24-77-102. Definitions.** As used in this article, unless the context
13 otherwise requires:

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

15 (IV) Any moneys received by the division of PARKS AND wildlife,
16 created in section ~~24-1-124 (3) (h) (i)~~ 33-9-104, from the great outdoors
17 Colorado trust fund established in section 2 of article XXVII of the state
18 constitution;"

19 Renumber succeeding sections accordingly.

20 Page 32, after line 21 insert:

21 "SECTION 13. The introductory portion to 24-33-109.5 (4) (a)
22 and 24-33-109.5 (4) (a) (I) (D) and (4) (a) (I) (E), Colorado Revised
23 Statutes, are amended to read:

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

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

30 (D) The director of the division of parks and ~~outdoor recreation~~
31 WILDLIFE in the department of natural resources; and

32 (E) ~~The director of the division of wildlife in the department of~~
33 ~~natural resources; and~~

34 **SECTION 14.** 24-33.5-415.6 (7) and (8), Colorado Revised

1 Statutes, are amended to read:

2 **24-33.5-415.6. Offender identification - fund.** (7) A surcharge
3 of two dollars and fifty cents is hereby levied against each penalty
4 assessment issued pursuant to section 33-6-104 OR 33-15-102, C.R.S.,
5 that results in payment of the penalty assessment without the
6 commencement of a criminal action. All moneys collected by the
7 division of PARKS AND wildlife in the department of natural resources
8 pursuant to this subsection (7) shall be transmitted to the state treasurer,
9 who shall credit the same to the fund.

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

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

20 **30-25-302. Eligibility - determination of impact - procedures**
21 **- legislative declaration.** (1) (a) Except as provided in section
22 33-60-104.5, C.R.S., for real property interests acquired with funds made
23 available from the great outdoors Colorado trust fund, in any county in
24 which the division of PARKS AND wildlife ~~or the division of parks and~~
25 ~~outdoor recreation or both divisions own~~ OWNS property, the board of
26 county commissioners of ~~such~~ THE county shall certify once a year during
27 the regular tax assessment period, to the PARKS AND wildlife ~~commission,~~
28 ~~to the board, of parks and outdoor recreation, or to both said commission~~
29 ~~and said board if both own land in such county;~~ the current dollar amount
30 representing the negative financial impact that ~~such~~ THE ownership has
31 on ~~such~~ THE county's finances and the finances of any political
32 subdivision ~~which~~ THAT lies within ~~such~~ THE county. ~~The calculation of~~
33 ~~such~~ IN CALCULATING THE dollar amount, THE BOARD OF COUNTY
34 COMMISSIONERS shall take into consideration the following factors:

35 (b) ~~Any certification relating to land owned by the division of~~
36 ~~wildlife made pursuant to paragraph (a) of this subsection (1) shall be~~
37 ~~made to the wildlife commission. Any certification relating to land~~
38 ~~owned by the division of parks and outdoor recreation made pursuant to~~
39 ~~paragraph (a) of this subsection (1) shall be made to the board of parks~~
40 ~~and outdoor recreation.~~

41 (3) The PARKS AND wildlife ~~commission and the board of parks~~

1 ~~and outdoor recreation~~ shall review the dollar amounts certified to them
2 pursuant to subsection (1) of this section and shall certify to the general
3 assembly these dollar amounts. In making their ITS determinations, the
4 PARKS AND wildlife ~~commission and the board of parks and outdoor~~
5 ~~recreation~~ shall consider the factors set forth in subsection (1) of this
6 section and may consider any additional relevant factors. All
7 certifications to the general assembly shall MUST include an explanation
8 of the grounds upon which the determinations of the certified amounts are
9 based. The PARKS AND wildlife ~~commission and the board of parks and~~
10 ~~outdoor recreation~~ shall include an estimate of the amount to be certified
11 for impact assistance grants in their budget requests for each fiscal year.

12 (4) (a) The general assembly may make an appropriation in the
13 form of an impact assistance grant to any county qualifying for such grant
14 upon certification by the PARKS AND wildlife ~~commission or the board of~~
15 ~~parks and outdoor recreation~~ of the amount for such THE grant.
16 Appropriations concerning lands owned by the division of PARKS AND
17 wildlife shall MUST be made from the wildlife cash fund. Appropriations
18 concerning lands owned by the division of parks and ~~outdoor recreation~~
19 shall WILDLIFE MUST be made from the general fund or the parks and
20 outdoor recreation cash fund.

21 (6) The general assembly hereby finds and declares that the
22 acquisition of large amounts of property by the division of PARKS AND
23 wildlife, ~~or the division of parks and outdoor recreation~~, through the great
24 outdoors Colorado program or otherwise, can have serious financial
25 consequences for the counties and political subdivisions in which such
26 THE property is located. It is therefore the intent of the general assembly
27 that any plans for acquisition of property by the division of PARKS AND
28 wildlife ~~or the division of parks and outdoor recreation~~ include provisions
29 for the payment of impact assistance grants pursuant to this section or
30 payments in lieu of taxes pursuant to section 33-60-104.5, C.R.S.,
31 whichever is applicable.

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

34 **33-6-105. Disposition of fines and surcharges.** (1) (a) Except
35 as otherwise provided in paragraph (b) of this subsection (1), all moneys
36 collected for fines under articles 1 to 6 of this title, either by payment of
37 a penalty assessment or assessed by a court upon conviction and resulting
38 from issuance of a citation by an A WILDLIFE officer of the division of
39 PARKS AND wildlife, shall be transmitted to the state treasurer, who shall
40 credit one-half to the general fund and one-half to the wildlife cash fund
41 or, for offenses involving nongame wildlife, to the nongame and

1 endangered wildlife cash fund.

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

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

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

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

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

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

22 **33-11-109. Trail categories.** (3) The board, through the division,
23 is authorized to conduct studies, and to promulgate such rules ~~and~~
24 ~~regulations~~ as may be necessary for establishing and managing the
25 Colorado greenway trails system. The board shall consult and cooperate
26 with the ~~wildlife commission~~, Colorado water conservation board,
27 transportation commission, Colorado water resources and power
28 development authority, and all other appropriate units of state government
29 and political subdivisions of the state, including, but not limited to, any
30 county, city, city and county, and water conservation and conservancy
31 district; any other public and private persons; and any appropriate federal
32 agencies to establish a Colorado greenway trails system ~~which~~ THAT
33 minimizes adverse impacts on activities, natural features, and sensitive
34 habitats adjacent to trails.

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

37 **33-14-102. Snowmobile registration - fees - applications -**
38 **requirements - penalties - exemptions.** (1) (b) The division shall
39 employ snowmobile agents, including dealers and licensing agents
40 serving as such for the division, ~~of wildlife~~, for snowmobile registration
41 pursuant to ~~the provisions of section 33-12-104.~~ ~~Such~~ THE agents shall

1 take the registration application and issue a temporary registration and
2 shall forward the application to the division, which shall issue the
3 registration. Snowmobile dealers employed as licensing agents for
4 snowmobile registration ~~shall be~~ ARE authorized to issue annual
5 registrations and shall retain a commission of up to one dollar, as
6 authorized by the division, for each registration issued.

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

9 **33-14-117. Hunting, carrying weapons on snowmobiles -**
10 **prohibitions.** (1) It is unlawful for any person to:

11 (b) Operate or ride on any snowmobile with any firearm in his OR
12 HER possession, unless such firearm is unloaded and enclosed in a
13 carrying case or inserted in a scabbard, or with any bow unless it is
14 unstrung or cased, but this paragraph (b) ~~shall~~ DOES not apply to any
15 person to whom the division ~~of wildlife~~ has issued a permit for the control
16 of predators such as coyotes, foxes, bobcats, and the like;

17 (2) Permits to use snowmobiles for the control of predators such
18 as coyotes, foxes, bobcats, and the like may be issued by the division ~~of~~
19 ~~wildlife~~ or its district wildlife managers at no charge to persons applying
20 therefor whose purpose is to protect livestock and other wildlife. ~~A~~
21 ~~notice of issuance of any such permit shall be given to the division by the~~
22 ~~division of wildlife.~~

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

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

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

41 **33-14.5-106. Off-highway vehicle recreation fund - creation -**

1 **use of moneys.** (2) All moneys collected for fines imposed pursuant to
2 the provisions of this article shall be distributed as follows:

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

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

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

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

13 **33-15-103. Disposition of fines - notice of court decisions.**

14 (1) (a) All moneys collected for fines under this article and articles 10 to
15 13 and 32 of this title, either by payment of a penalty assessment or
16 assessed by a court upon conviction, shall be transmitted to the state
17 treasurer, who shall credit such moneys to the parks and outdoor
18 recreation cash fund; except that, when an arrest has been made or the
19 citation for any offense, including those committed under article 14 of
20 this title, has been issued by an officer of the division of PARKS AND
21 wildlife, all moneys collected for the fine shall be transmitted to the state
22 treasurer, who shall credit one-half to the wildlife cash fund and one-half
23 to the general fund.

24 (b) All moneys collected for fines imposed pursuant to the
25 provisions of article 14.5 of this title shall be distributed as follows:

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

28 (A) If the citing officer is a ~~park and recreation~~ PARK officer,
29 ~~such~~ THE amount shall be transferred to the state treasurer and credited to
30 the off-highway vehicle recreation fund; or

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

34 **SECTION 24.** 33-32-108 (1) (b), the introductory portion to
35 33-32-108 (2) (b), and 33-32-108 (2) (b) (II) and (2) (b) (III), Colorado
36 Revised Statutes, are amended to read:

37 **33-32-108. Enforcement.** (1) (b) As used in this section, "peace
38 officer" means any ~~park and recreation officer~~ or division of PARKS AND
39 wildlife officer or any sheriff or city and county law enforcement officer
40 certified by the Colorado law enforcement training academy.

41 (2) (b) Pursuant to ~~the provisions of~~ paragraph (a) of this

1 subsection (2), any expenses incurred by governmental entities stemming
2 from search and rescue efforts ~~which~~ THAT are reimbursed by a river
3 outfitter shall be distributed as follows:

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

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

10 **SECTION 25.** 33-33-106 (2), Colorado Revised Statutes, is
11 amended to read:

12 **33-33-106. Colorado natural areas council.** (2) The council
13 ~~shall consist~~ CONSISTS of the following seven members: One member
14 each from the membership of the board ~~the wildlife commission~~, and the
15 state board of land commissioners appointed by their respective boards
16 or commissions, who shall serve for three-year terms; and ~~four~~ FIVE
17 members appointed by the governor, who shall be individuals with a
18 substantial interest in the preservation of natural areas and who shall
19 serve for four-year terms.

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

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

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

37 **34-60-103. Definitions.** As used in this article, unless the context
38 otherwise requires:

39 (1.5) "PARKS AND WILDLIFE BOARD" OR "BOARD" MEANS THE
40 PARKS AND WILDLIFE BOARD CREATED IN SECTION 33-9-101, C.R.S.

41 (4.3) "Division of PARKS AND wildlife" means the division of

- 1 PARKS AND wildlife identified in ~~article 1~~ ARTICLE 9 of title 33, C.R.S.
- 2 (14) "Wildlife commission" means the ~~wildlife commission~~
- 3 ~~created in section 33-1-103, C.R.S.~~ BOARD."
- 4 Renumber succeeding sections accordingly.

** ** ** ** **