

**HOUSE JOURNAL**  
**SIXTY-EIGHTH GENERAL ASSEMBLY**  
**STATE OF COLORADO**  
**Second Regular Session**

Ninety-seventh Legislative Day

Monday, April 16, 2012

1 The Speaker called the House to order at 10:00 a.m.  
2  
3 Prayer by the Reverend Brad Meuli, Denver Rescue Mission.  
4  
5 Pledge of Allegiance led by Reese Hummel, Cherry Hills Christian  
6 School, Highlands Ranch.  
7  
8 The roll was called with the following result:  
9  
10 Present--61.  
11 Excused--Representative(s) Bradford, Duran, A. Kerr, Pabon--4.  
12 Present after roll call--Representative(s) Bradford, Pabon.  
13

14 The Speaker declared a quorum present.  
15  
16

17 On motion of Representative Hamner, the reading of the journal of  
18 April 13, 2012, was declared dispensed with and approved as corrected  
19 by the Chief Clerk.  
20  
21

22  
23 On motion of Representative Ramirez, the House resolved itself into  
24 Committee of the Whole for consideration of General Orders, and he was  
25 called to the Chair to act as Chairman.  
26  
27

**GENERAL ORDERS--SECOND READING OF BILLS**

28  
29  
30 The Committee of the Whole having risen, the Chairman reported the  
31 titles of the following bills had been read (reading at length had been  
32 dispensed with by unanimous consent), the bills considered and action  
33 taken thereon as follows:  
34

35 (Amendments to the committee amendment are to the printed committee  
36 report which was printed and placed in the members' bill file.)  
37

38 On motion of Representative Waller, the following bills on the General  
39 Orders Calendar was laid over until April 17, retaining place on Calendar:  
40 **HB12-1294, SB12-118, HB12-1310, 1345.**

41  
42 **HB12-1048** by Representative(s) Waller; also Senator(s) Tochtrop--  
43 Concerning relieving the Colorado bureau of investigation

1 of its statutory duties as a point of contact for the national  
2 instant criminal background check system in cases of  
3 firearm transfers.  
4

5 (Previously amended as printed in House Journal, March 28, page 829.)  
6

7 As amended, ordered engrossed and placed on the Calendar for Third  
8 Reading and Final Passage.  
9

10 **HB12-1317** by Representative(s) Sonnenberg; also Senator(s)  
11 Schwartz--Concerning the creation of the parks and  
12 wildlife commission to replace the parks and wildlife  
13 board in the department of natural resources, and, in  
14 connection therewith, describing the composition and  
15 terms of the commission.  
16

17 Amendment No. 1, Agriculture, Livestock, & Natural Resources Report,  
18 dated March 7, 2012, and placed in member's bill file; Report also  
19 printed in House Journal, March 7, pages 574-575.  
20

21 Amendment No. 2, Appropriations Report, dated March 23, 2012, and  
22 placed in member's bill file; Report also printed in House Journal,  
23 March 23, page 779.  
24

25 Amendment No. 3, by Representative(s) Scott.  
26

27 Amend the Agriculture, Livestock, & Natural Resources Committee  
28 Report, dated March 7, 2012, page 2, line 15, strike "17." and substitute  
29 "17 and substitute "AT LEAST FIVE VOTING MEMBERS SHALL BE  
30 APPOINTED FROM WEST OF THE CONTINENTAL DIVIDE."."  
31

32 Amendment No. 4, by Representative(s) Sonnenberg.  
33

34 Amend the Agriculture, Livestock, & Natural Resources Committee  
35 Report, dated March 7, 2012, page 1, strike lines 3 and 4.  
36

37 Page 1 of the report, strike lines 9 through 16 and substitute:  
38

39 "Page 3 of the bill, line 25, after "PURSUITS." add "ONE MEMBER  
40 APPOINTED UNDER THIS SUBPARAGRAPH (III) SHALL REPRESENT A  
41 NONPROFIT ORGANIZATION THAT SUPPORTS AND PROMOTES THE  
42 CONSERVATION AND ENHANCEMENT OF COLORADO'S WILDLIFE AND  
43 HABITAT; RECOGNIZES AND PROMOTES PRIMARILY NONCONSUMPTIVE  
44 WILDLIFE USE; AND HAS EXPERTISE IN WILDLIFE ISSUES, WILDLIFE  
45 HABITAT, OR WILDLIFE MANAGEMENT; AND  
46

47 (IV) TWO MEMBERS APPOINTED FROM THE PUBLIC AT-LARGE."."  
48

49 Amendment No. 5, by Representative(s) Sonnenberg.  
50

51 Amend the Agriculture, Livestock, & Natural Resources Committee  
52 Report, dated March 7, 2012, page 2, after line 2 insert:  
53

54 "Page 4 of the bill, line 2, strike "KNOWLEDGE," and substitute  
55 "KNOWLEDGE AND EXPERIENCE,"."  
56

1 Page 2 of the report, line 3, strike "BUSINESS, "." and substitute "BUSINESS,  
2 SERVICE AS A CURRENT OR FORMER LOCAL ELECTED OFFICIAL, YOUTH  
3 OUTDOOR EDUCATION, ".".

4  
5 Page 2 of the report, strike line 4 and substitute "Page 4 of the bill, line  
6 4, after "CONSERVATION," insert "BENEFICIAL USES OF WATER, AND".

7  
8 Page 2 of the report, line 6, strike ""CONSERVATION AND WILDLIFE" and  
9 substitute ""WILDLIFE".

10  
11 Page 2 of the report, after line 27 insert:  
12

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

17  
18 Renumber succeeding subparagraphs accordingly.

19  
20 Page 3 of the report, strike line 6 and substitute "FACILITIES IN A MANNER  
21 THAT RECOGNIZES THE PRIVATE PROPERTY RIGHTS OF INDIVIDUAL  
22 PROPERTY OWNERS; AND".

23  
24 Amendment No. 6, by Representative(s) Sonnenberg.

25  
26 Amend printed bill, page 7, before line 21 insert:

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

29 **2-3-1203. Sunset review of advisory committees.** (3) The  
30 following dates are the dates for which the statutory authorization for the  
31 designated advisory committees is scheduled for repeal:

32 (aa) July 1, 2014:

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

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

39 **2-3-1304. Powers and duties of capital development**  
40 **committee.** (1) The capital development committee ~~shall have~~ HAS the  
41 following powers and duties:

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

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

49 (IV) The ~~board of parks and outdoor recreation~~ PARKS AND  
50 WILDLIFE COMMISSION in the department of natural resources on the  
51 acquisition of certain interests in real property pursuant to section 33-10-  
52 107 (2), C.R.S.;

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

55 **18-9-120. Terrorist training activities - penalties - exemptions.**  
56 (3) (a) Nothing in this section ~~shall make~~ MAKES unlawful any activity

1 pursuant to section 13 of article II of the state constitution or activity of  
2 the PARKS AND wildlife commission, any law enforcement agency, any  
3 hunting club, or any rifle club, any activity engaged in on a rifle range,  
4 pistol range, or shooting range, or any activity undertaken pursuant to any  
5 shooting school or other program or instruction, any of which activities  
6 is intended to teach the safe handling or use of firearms, archery  
7 equipment, or other weapons or techniques and is employed in connection  
8 with lawful sports or teach the use of arms for the defense of home,  
9 person, or property, or the lawful use of force as defined in part 7 of  
10 article 1 of this title, or other lawful activities.

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

13 **18-9-202. Cruelty to animals - aggravated cruelty to animals -**  
14 **cruelty to a service animal - restitution.** (3) Nothing in this part 2 ~~shall~~  
15 ~~be construed to amend or~~ MODIFIES in any manner ~~change~~ the authority  
16 of the PARKS AND wildlife commission, as established in title 33, C.R.S.,  
17 or to ~~prohibit~~ PROHIBITS any conduct ~~therein~~ authorized or permitted  
18 UNDER TITLE 33, C.R.S.

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

21 **24-1-124. Department of natural resources - creation -**  
22 **divisions.** (3) The department of natural resources consists of the  
23 following divisions:

24 (k) (I) (A) The parks and wildlife ~~board~~ COMMISSION, created  
25 ~~under~~ IN 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 recreation are  
27 transferred by a **type 1** transfer to the parks and wildlife ~~board~~  
28 COMMISSION as powers, duties, and functions of the parks and wildlife  
29 ~~board~~ COMMISSION.

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

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

35 **24-33-104. Composition of the department.** (1) The department  
36 of natural resources consists of the following COMMISSIONS, divisions,  
37 ~~and~~ boards, OFFICES, AND COUNCILS:

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

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

42 **24-33-111. Conservation of native species - fund created.**

43 (3) **Species conservation eligibility list and annual report.** (a) The  
44 executive director of the department of natural resources, after  
45 consultation with the Colorado water conservation board and its director,  
46 the PARKS AND wildlife commission, and the director of the division of  
47 PARKS AND wildlife, shall annually prepare a species conservation  
48 eligibility list describing programs and associated costs that are eligible  
49 to receive funding pursuant to this section. The species conservation  
50 eligibility list ~~shall be~~ IS subject to modification and adoption through  
51 passage of a bill. At the same time as the species conservation eligibility  
52 list is submitted, the director of the department of natural resources, after  
53 consultation with the Colorado water conservation board and its director,  
54 the PARKS AND wildlife commission, and the director of the division of  
55 PARKS AND wildlife, shall also provide a detailed report to the general  
56 assembly on the progress and status of activities to date and their

1 effectiveness in the recovery of the species and identify proposed future  
2 activities. The report shall include an assessment of habitat benefits, both  
3 public and private, attributable to such activities.

4 (5) **Maximization of funds.** The Colorado water conservation  
5 board and the PARKS AND wildlife commission shall maximize the species  
6 conservation trust fund by applying for available grants consistent with  
7 the purposes of the fund. Federal grants and voluntary contributions may  
8 by accepted and expended as provided in this section. Such grants and  
9 contributions shall, upon acceptance, be placed in the species  
10 conservation trust fund created in subsection (2) of this section. Nothing  
11 in this section ~~shall be construed to limit~~ LIMITS the authority of the  
12 Colorado division of PARKS AND wildlife to manage or regulate game,  
13 nongame, or threatened or endangered species. No funding shall be  
14 accepted, approved, or used to initiate the listing of species as threatened  
15 or endangered under federal law. Nothing in this section is intended to be  
16 construed as a mechanism to substitute funding that would otherwise be  
17 available for expenditure by the division of wildlife or to replace or  
18 reduce the obligation of the division to carry out nongame programs  
19 under title 33, C.R.S.

20 **SECTION 9.** In Colorado Revised Statutes, 24-34-104, **amend**  
21 (50.5) (d) as follows:

22 **24-34-104. General assembly review of regulatory agencies**  
23 **and functions for termination, continuation, or reestablishment.**  
24 (50.5) The following agencies, functions, or both, shall terminate on  
25 September 1, 2019:

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

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

32 **30-11-107. Powers of the board.** (3) The board of county  
33 commissioners of any county eligible to receive impact assistance grants  
34 pursuant to part 3 of article 25 of this title may certify a dollar amount to  
35 the PARKS AND wildlife commission ~~or the board of parks and outdoor~~  
36 ~~recreation or both said commission and said board~~ pursuant to part 3 of  
37 article 25 of this title.

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

40 **30-25-302. Eligibility - determination of impact - procedures -**  
41 **legislative declaration.** (1) (a) Except as provided in section 33-60-  
42 104.5, C.R.S., for real property interests acquired with funds made  
43 available from the great outdoors Colorado trust fund, in any county in  
44 which the division of parks and wildlife owns property, the board of  
45 county commissioners of the county shall certify once a year during the  
46 regular tax assessment period, to the parks and wildlife ~~board~~  
47 COMMISSION, the current dollar amount representing the negative  
48 financial impact that the ownership has on the county's finances and the  
49 finances of any political subdivision that lies within the county. In  
50 calculating the dollar amount, the board of county commissioners shall  
51 take into consideration the following factors:

52 (3) The parks and wildlife ~~board~~ COMMISSION shall review the  
53 dollar amounts certified pursuant to subsection (1) of this section and  
54 shall certify to the general assembly these dollar amounts. In making its  
55 determinations, the parks and wildlife ~~board~~ COMMISSION shall consider  
56 the factors set forth in subsection (1) of this section and may consider any

1 additional relevant factors. All certifications to the general assembly must  
 2 include an explanation of the grounds upon which the determinations of  
 3 the certified amounts are based. The parks and wildlife board  
 4 COMMISSION shall include an estimate of the amount to be certified for  
 5 impact assistance grants in their budget requests for each fiscal year.

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

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

17 **30-28-106. Adoption of master plan - contents.** (3) (a) The  
 18 master plan of a county or region, with the accompanying maps, plats,  
 19 charts, and descriptive and explanatory matter, shall show the county or  
 20 regional planning commission's recommendations for the development of  
 21 the territory covered by the plan. The master plan of a county or region  
 22 shall be an advisory document to guide land development decisions;  
 23 however, the plan or any part thereof may be made binding by inclusion  
 24 in the county's or region's adopted subdivision, zoning, platting, planned  
 25 unit development, or other similar land development regulations after  
 26 satisfying notice, due process, and hearing requirements for legislative or  
 27 quasi-judicial processes as appropriate. After consideration of each of the  
 28 following, where applicable or appropriate, the master plan may include:  
 29 ~~but shall not be limited to:~~

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

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

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

42 **31-23-206. Master plan.** (1) It is the duty of the commission to  
 43 make and adopt a master plan for the physical development of the  
 44 municipality, including any areas outside its boundaries, subject to the  
 45 approval of the governmental body having jurisdiction thereof, which in  
 46 the commission's judgment bear relation to the planning of such  
 47 municipality. The master plan of a municipality shall be an advisory  
 48 document to guide land development decisions; however, the plan or any  
 49 part thereof may be made binding by inclusion in the municipality's  
 50 adopted subdivision, zoning, platting, planned unit development, or other  
 51 similar land development regulations after satisfying notice, due process,  
 52 and hearing requirements for legislative or quasi-judicial processes as  
 53 appropriate. When a commission decides to adopt a master plan, the  
 54 commission shall conduct public hearings, after notice of such public  
 55 hearings has been published in a newspaper of general circulation in the  
 56 municipality in a manner sufficient to notify the public of the time, place,

1 and nature of the public hearing, prior to final adoption of a master plan  
 2 in order to encourage public participation in and awareness of the  
 3 development of such plan and shall accept and consider oral and written  
 4 public comments throughout the process of developing the plan. Such  
 5 plan, with the accompanying maps, plats, charts, and descriptive matter,  
 6 shall, after consideration of each of the following, where applicable or  
 7 appropriate, show the commission's recommendations for the  
 8 development of said municipality and outlying areas, including: ~~but not~~  
 9 ~~limited to:~~

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

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

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

21 **33-1-101. Legislative declaration.** (2) All wildlife within this  
 22 state not lawfully acquired and held by private ownership is declared to  
 23 be the property of this state. Right, title, interest, acquisition, transfer,  
 24 sale, importation, exportation, release, donation, or possession of wildlife  
 25 ~~shall be~~ IS permitted only as provided in articles 1 to 6 of this title or in  
 26 any rule or regulation of the PARKS AND wildlife commission.

27 **SECTION 15.** In Colorado Revised Statutes, 33-1-102, **amend**  
 28 (4.3), (5), (6), and (10); and **repeal** (2.5) as follows:

29 **33-1-102. Definitions.** As used in this title, unless the context  
 30 otherwise requires:

31 (2.5) ~~"Board" or "parks and wildlife board" means the parks and~~  
 32 ~~wildlife board created in section 33-9-101.~~

33 (4.3) "Colorado wildlife officer" means an employee of the  
 34 division of PARKS AND wildlife, or any other person who is commissioned  
 35 by the director ~~of the division~~ to enforce the wildlife statutes and rules  
 36 ~~and regulations~~ of the commission and all laws of the state of Colorado,  
 37 who is recognized as a peace officer in section 16-2.5-116, C.R.S.

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

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

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

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

47 **33-1-106. Authority to regulate taking, possession, and use of**  
 48 **wildlife - rules.** (3) (a) The state agricultural commission shall review  
 49 the ~~regulations~~ RULES concerning captive wild ungulates submitted by the  
 50 division and make recommendations to the PARKS AND wildlife  
 51 commission concerning ~~such regulations~~ THE RULES. The PARKS AND  
 52 wildlife commission shall not pass nor implement ~~regulations~~ RULES  
 53 concerning captive wild ungulates without the approval of the state  
 54 agricultural commission. If the PARKS AND wildlife commission ~~should~~  
 55 ~~make~~ MAKES the possession of red deer unlawful in this state, the division  
 56 shall compensate any person who owns or possesses any red deer on the

1 effective date of ~~such~~ THE prohibition for the cost to replace such red deer  
2 with a legal elk of the same sex and comparable age.

3 **SECTION 17.** In Colorado Revised Statutes, 33-1-110, **amend**  
4 (6.7), (7) (c) introductory portion, and (7) (c) (V); and **repeal** (2) as  
5 follows:

6 **33-1-110. Duties of the director of the division.** (2) ~~The director~~  
7 ~~shall exercise all the powers and perform all the functions of the~~  
8 ~~commission in the interim between its meetings, subject to the ratification~~  
9 ~~thereof by the commission. He shall act as recording secretary for the~~  
10 ~~commission and shall be custodian of all minutes and other records of the~~  
11 ~~commission. The director shall perform such duties as prescribed by the~~  
12 ~~commission, by the executive director, or by law; except that he has no~~  
13 ~~authority to make rules or regulations.~~

14 (6.7) The director shall certify to the state controller that  
15 commitment or payment vouchers submitted by local habitat partnership  
16 committees are consistent with distribution management plans and  
17 guidelines approved by the ~~wildlife~~ commission. Such certification ~~shall~~  
18 ~~be~~ IS the only requirement necessary to authorize the state controller to  
19 disburse funds from the habitat partnership cash fund.

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

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

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

26 **33-1-120.5. Oversight of the division - target dates for**  
27 **implementation of management review recommendations.** (3) The  
28 director shall:

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

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

34 **33-4-102. Types of licenses and fees - rules - repeal.** (9) All  
35 licenses issued pursuant to this section ~~shall~~ expire on the date written or  
36 printed thereon, unless otherwise provided by the commission ~~or board~~  
37 or by any other law.

38 **SECTION 20.** In Colorado Revised Statutes, 33-4-102.7, **amend**  
39 (1.5), (4) (a) (I), and (4) (c) as follows:

40 **33-4-102.7. Colorado wildlife habitat stamp - review**  
41 **committee - Colorado wildlife passport created - Colorado wildlife**  
42 **passport fund - rules - study - repeal.** (1.5) A person eighteen years of  
43 age or older and under sixty-five years of age shall purchase a Colorado  
44 wildlife habitat stamp, or shall have purchased a lifetime Colorado  
45 wildlife habitat stamp, when applying for or purchasing a hunting or  
46 fishing license. No habitat stamp purchase ~~shall be~~ IS required prior to  
47 application for or purchase of such person's first two one-day hunting or  
48 fishing licenses, but a habitat stamp shall be purchased prior to applying  
49 for or purchasing a third one-day hunting or fishing license. ~~Until March~~  
50 ~~31, 2011, no person shall be required to purchase more than two Colorado~~  
51 ~~wildlife habitat stamps within a twelve-month period. On and after April~~  
52 ~~1, 2011, No person shall be~~ IS required to purchase more than one  
53 Colorado wildlife habitat stamp within a twelve-month period. Any  
54 person acquiring a license issued pursuant to section 33-4-104 and any  
55 person who is mobility-impaired, as defined by ~~wildlife~~ commission  
56 ~~rules, shall be exempted~~ IS EXEMPT from the requirement to purchase a



1 Colorado wildlife habitat stamp.

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

18 (c) Real property interest acquisitions made by the commission  
19 pursuant to this section shall emphasize the acquisition of easements and  
20 ensure that all other avenues are pursued prior to fee simple acquisition.  
21 Conservation easements, as described in section 38-30.5-104 (2), C.R.S.,  
22 and fee simple title purchases are allowed. All fee simple title purchases  
23 made with revenues collected pursuant to this section, not including  
24 purchases of water for maintenance or enhancement of aquatic habitats,  
25 such as minimum storage pools or direct flow rights purchased  
26 specifically to protect habitat, shall be primarily for the purpose of  
27 providing access to the public for wildlife-related recreation, and shall be  
28 made available to the public for hunting or fishing, subject to ~~wildlife~~  
29 wildlife commission rules. The commission shall not use the power of eminent  
30 domain to obtain fee simple title or a conservation easement on real  
31 property. The commission shall comply with a seller's agreement or  
32 sections 33-1-105 and 33-1-105.5 prior to purchasing real property. ~~Prior~~  
33 ~~to December 31, 2010, a minimum of sixty percent of the moneys~~  
34 ~~received from the sale of the Colorado wildlife habitat stamp shall be~~  
35 ~~spent to benefit big game winter range or big game migration corridors.~~

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

38 **33-5.5-102. Duties of the fish health board.** (8) The board shall  
39 periodically review ~~regulations of the~~ division RULES relating to  
40 destruction or quarantine of aquaculture stock or facilities and ~~shall~~  
41 recommend appropriate changes to the ~~wildlife~~ wildlife commission.

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

44 **33-6-208. Thirty-day period - administration - conditions**  
45 **precedent to use of exemption.** (1) For purposes of the exemption  
46 specified in section 33-6-207:

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

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

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

1           **33-9-102. Powers and duties of commission - rules.** (1) The  
2 ~~board~~ COMMISSION is vested with all the powers, responsibilities,  
3 obligations, functions, and duties that previously were under the  
4 jurisdiction of ~~either~~ the FORMER wildlife commission or the FORMER  
5 board of parks and outdoor recreation as of June 30, 2011.

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

11           (3) The ~~board~~ COMMISSION shall designate a ~~board~~ COMMISSION  
12 member with wildlife knowledge appointed pursuant to ~~section 33-9-101~~  
13 ~~(2)(e)~~ SECTION 33-9-101 (3) (a) (I) to serve as a representative to the state  
14 board of the great outdoors Colorado trust fund established under article  
15 XXVII of the state constitution. The ~~board~~ COMMISSION shall designate  
16 a ~~board~~ COMMISSION member with parks and outdoor recreation  
17 knowledge appointed pursuant to ~~section 33-9-101(2)(d)~~ SECTION 33-9-  
18 101 (3) (a) (III) to serve as a representative to the state board of the great  
19 outdoors Colorado trust fund established under article XXVII of the state  
20 constitution.

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

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

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

35           **33-9-103. Office of director of division created - duties.**

36 (1) (a) The office of director of the division is hereby created. The ~~board~~  
37 COMMISSION, with the consent of the executive director, shall appoint the  
38 director. The director shall devote his or her entire time to the service of  
39 the state in the discharge of his or her official duties and shall not hold  
40 any other public office. The appointment or removal of the director is  
41 subject to section 13 of article XII of the state constitution. ~~Except as~~  
42 ~~otherwise provided in paragraph (b) of this subsection (1),~~ The director  
43 shall possess such qualifications as may be established by the ~~board~~  
44 COMMISSION, the executive director, and the state personnel director.

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

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

55           (3) The director shall exercise all the powers and perform all the  
56 functions of the ~~board~~ COMMISSION in the interim between its meetings,

1 subject to the ratification of the ~~board~~ COMMISSION. The director shall act  
2 as recording secretary for the ~~board~~ COMMISSION and is the custodian of  
3 all minutes and other records of the ~~board~~ COMMISSION. The director shall  
4 perform such duties as prescribed by the ~~board~~ COMMISSION, by the  
5 executive director, or by law; except that the director has no authority to  
6 promulgate rules.

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

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

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

15 **33-9-105. Enterprise status of commission and division.**  
16 (1) The division and the ~~board~~ COMMISSION constitute an enterprise for  
17 the purposes of section 20 of article X of the state constitution, so long as  
18 the ~~board~~ COMMISSION retains the authority to issue revenue bonds and  
19 the division receives less than ten percent of its total annual revenues in  
20 grants, as defined in section 24-77-102 (7), C.R.S., from all Colorado  
21 state and local governments combined. So long as they constitute an  
22 enterprise pursuant to this section, the division and the ~~board~~ COMMISSION  
23 are not subject to any of the provisions of section 20 of article X of the  
24 state constitution.

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

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

30 **33-9-106. Reports.** (1) ~~(a) Before or during the second regular~~  
31 ~~session of the sixty-eighth general assembly, but on or by February 29,~~  
32 ~~2012, the executive director shall report to the joint house agriculture,~~  
33 ~~livestock, and natural resources committee and the senate agriculture,~~  
34 ~~natural resources, and energy committee, or any successor committees,~~  
35 ~~regarding the board's activities since June 1, 2011, identification of any~~  
36 ~~problems following the board's inception, the implementation plan~~  
37 ~~formulated by the board, and any recommendations for further legislation~~  
38 ~~to effectuate the creation, and facilitate or improve the operation, of the~~  
39 ~~division. The report must reflect public input received regarding the~~  
40 ~~creation and operation of the division. The report must also describe any~~  
41 ~~cost savings that are expected to result from the merger of the former~~  
42 ~~division of wildlife and the former division of parks and outdoor~~  
43 ~~recreation.~~

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

53 (2) Beginning in 2013 AND NOTWITHSTANDING SECTION 24-1-136  
54 (11), C.R.S., the executive director shall report annually to the joint house  
55 agriculture, livestock, and natural resources committee and the senate  
56 agriculture, natural resources, and energy committee, or any successor

1 committees, regarding the administration of the division, including an  
2 evaluation of division resources and their utilization and an identification  
3 of opportunities for efficiencies. Each such report must summarize  
4 stakeholder outreach conducted during the prior year and must also  
5 identify disposition of assets and cost savings, both planned and realized,  
6 since the previous year, including savings pertaining to personnel,  
7 equipment, services, and provisioning.

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

10 **33-9-108. Transfer of functions - employees - property -**  
11 **records - rules - contracts - lawsuits - statutory references.** (1) (a) The  
12 ~~board~~ COMMISSION shall execute, administer, perform, and enforce the  
13 rights, powers, duties, functions, and obligations vested previously in the  
14 FORMER wildlife commission or the FORMER board of parks and outdoor  
15 recreation.

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

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

32 (4) (a) Whenever the wildlife commission or the board of parks  
33 and outdoor recreation is referred to or designated by any contract or  
34 other document, the reference or designation applies to the parks and  
35 wildlife ~~board~~ COMMISSION. All contracts entered into by the wildlife  
36 commission or the board of parks and outdoor recreation prior to June 30,  
37 2011, are hereby validated, with the ~~board~~ COMMISSION succeeding to all  
38 rights and obligations under such contracts. Any cash funds, custodial  
39 funds, trusts, grants, and any appropriations of funds from prior fiscal  
40 years available to satisfy obligations incurred under such contracts shall  
41 be transferred and appropriated to the ~~board~~ COMMISSION for the payment  
42 of such obligations.

43 (5) (a) Unless otherwise specified:

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

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

51 (b) The revisor of statutes is hereby authorized to change all  
52 references in the Colorado Revised Statutes to the wildlife commission,  
53 ~~or~~ the board of parks and outdoor recreation, OR THE PARKS AND WILDLIFE  
54 BOARD from such references to the parks and wildlife ~~board~~ COMMISSION,  
55 as appropriate. The revisor of statutes is also authorized to change all  
56 references in the Colorado Revised Statutes to the division of wildlife or

1 the division of parks and outdoor recreation from such references to the  
2 division of parks and wildlife, as appropriate. In connection with ~~such~~  
3 THIS authority, the revisor of statutes is hereby authorized to amend or  
4 delete provisions of the Colorado Revised Statutes so as to make the  
5 statutes consistent with the powers, duties, and functions transferred  
6 pursuant to this article.

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

13 (8) No suit, action, or other proceeding, judicial or administrative,  
14 lawfully commenced, or which could have been commenced, by or  
15 against the wildlife commission, the board of parks and outdoor  
16 recreation, THE PARKS AND WILDLIFE BOARD, the division of wildlife, or  
17 the division of parks and outdoor recreation, or any officer thereof in such  
18 officer's official capacity or in relation to the discharge of the official's  
19 duties, is abated by reason of the transfer of duties and functions to the  
20 ~~board~~ PARKS AND WILDLIFE COMMISSION or the division under this article.

21 **SECTION 29.** In Colorado Revised Statutes, 33-9-109, **amend**  
22 (1), (2), and (3) as follows:

23 **33-9-109. Funds - appropriations to former divisions in 2011**  
24 **general appropriations act - repeal.** (1) Nothing in this article alters or  
25 affects funds previously administered by the FORMER wildlife commission  
26 or the FORMER board of parks and outdoor recreation; except that the  
27 ~~board~~ PARKS AND WILDLIFE COMMISSION shall administer such funds.

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

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

39 (b) The ~~board~~ COMMISSION shall segregate all moneys received  
40 pursuant to section 5 (1) (a) (I) of article XXVII of the state constitution  
41 and spend these moneys solely for investments in the wildlife resources  
42 of Colorado, including the protection and restoration of crucial wildlife  
43 habitats, appropriate programs for maintaining Colorado's diverse wildlife  
44 heritage, wildlife watching, and educational programs about wildlife and  
45 wildlife environment, consistent with the purposes set forth under section  
46 1 (1) (a) of article XXVII.

47 (c) The ~~board~~ COMMISSION shall segregate all moneys received  
48 pursuant to section 5 (1) (a) (II) of article XXVII of the state constitution  
49 and spend these moneys solely for investments in the outdoor recreation  
50 resources of Colorado, including the state parks system, trails, public  
51 information and environmental education resources, and water for  
52 recreational facilities, consistent with the purposes set forth under section  
53 1 (1) (a) of article XXVII.

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

56 **33-10-101. Legislative declaration.** (2) In implementing the

1 policy set forth in subsection (1) of this section, the state shall:

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

7 **SECTION 31.** In Colorado Revised Statutes, 33-10-102, **amend**  
8 (15), (18), and (21) introductory portion; and **repeal** (1), (3), (4), (5), (6),  
9 (9), (11), (12) as follows:

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

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

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

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

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

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

22 (9) ~~"Hunt" or "take" shall have the same meaning as that specified~~  
23 ~~in section 33-1-102.~~

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

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

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

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

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

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

56 **33-10-106. Duties of the commission - rules.** (1) The ~~board~~

1 COMMISSION shall:

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

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

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

17 (4) (a) Rule-making procedures ~~shall be~~ ARE as prescribed in  
 18 article 4 of title 24, C.R.S., except as otherwise provided in articles 10 to  
 19 15 and 32 of this title. Notice of rules may also be given ~~such~~ other  
 20 publicity as the ~~board~~ COMMISSION may deem desirable.

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

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

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

35 **33-10-107. Powers of commission - rules - definitions.** (1) The  
 36 ~~board~~ COMMISSION has power to:

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

51 (b) Lease, exchange, or sell any property, water rights, land, or  
 52 interest in land or water rights, including oil, gas, and other organic and  
 53 inorganic substances which now are or may become surplus or which, in  
 54 the proper management of the division, the ~~board~~ COMMISSION desires to  
 55 lease, exchange, or sell. All sales of property, water rights, or lands shall  
 56 be at public sale, and the ~~board~~ COMMISSION has the right to reject any or

1 all bids. As used in this paragraph (b), "exchange" means the transferring  
2 of property, water rights, land, or interest in land or water rights to  
3 another person in consideration for the transfer to the ~~board~~ COMMISSION  
4 of other property, water rights, land, or interest in land or water rights, or  
5 cash, or any combination thereof; except that any cash received may not  
6 exceed fifty percent of the total value of the consideration. A transaction  
7 otherwise qualifying as an exchange ~~shall~~ IS NOT ~~be~~ deemed a sale merely  
8 because dollar values have been assigned to any property, water rights,  
9 land, or interest in land or water rights, for the purpose of ensuring that  
10 the ~~board~~ COMMISSION will receive adequate compensation.

11 (c) Construct, lease, or otherwise establish public parks or outdoor  
12 recreational facilities and conveniences at any site or on any land  
13 controlled by the ~~board~~ COMMISSION or in which it holds an interest;  
14 operate and maintain any such lands, facilities, and conveniences, and  
15 provide services with respect thereto, and, when appropriate, make  
16 reasonable charges for their use or enter into contracts for their  
17 maintenance or operation;

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

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

48 **SECTION 34.** In Colorado Revised Statutes, **amend** (1) (f) and  
49 (1) (h) as follows:

50 **33-10-108. Duties of the division of parks and wildlife -**  
51 **definitions.** (1) The division, unless otherwise provided by law, has the  
52 following duties:

53 (f) To enter into and administer agreements with the United  
54 States, or any appropriate agency thereof, for the planning, acquisition,  
55 and development of projects involving participating federal aid funds on  
56 behalf of any county, city, or other political subdivision if such county,



1 city, or other political subdivision gives necessary assurances to the  
 2 division that it has available sufficient funds to meet its share of the cost  
 3 of the project and that the acquired or developed areas will be operated  
 4 and maintained in perpetuity at its expense for public outdoor recreation  
 5 use. Funds distributed to a city, county, or any other political subdivision  
 6 pursuant to this section and not utilized shall, pursuant to rules ~~and~~  
 7 ~~regulations~~ adopted by the ~~board~~ COMMISSION, revert to the division for  
 8 its use. Any administrative costs assessed by the division to any county,  
 9 city, or other political subdivision for local projects shall be for actual  
 10 administrative costs incurred by the division, not to exceed five percent  
 11 of federal aid funds distributed to such political subdivision.

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

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

18 **33-10-109. Powers and duties of director.** (1) It is the duty of  
 19 the director to:

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

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

28 (e) Authorize, with approval of the ~~board~~ COMMISSION, such  
 29 studies as are necessary to collect, classify, and disseminate statistics,  
 30 data, and other information which, in ~~his~~ THE DIRECTOR'S discretion, tend  
 31 to accomplish the objectives of articles 10 to 15 and 32 of this title,  
 32 consistent with the state policy as set forth in section 33-10-101;

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

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

42 **33-10-111. Parks and outdoor recreation cash fund created -**  
 43 **fees - accounting expenditures for roads and highways - repeal.**

44 (5) (a) Subject to ~~the provisions of~~ this subsection (5), the ~~board~~  
 45 COMMISSION may set fees by rule for the use of facilities and programs of  
 46 the division, including discounts for marketing purposes. The ~~board~~  
 47 COMMISSION shall:

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

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

56 (II) In its annual budget request to the general assembly, the ~~board~~

1 COMMISSION shall include the amount of any fee changed, proposed, or  
2 under consideration by the ~~board~~ COMMISSION.

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

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

7 **33-10-114. Limitation on division and commission authority.**

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

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

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

18 **33-10-115. Use of parks and recreational areas by nonprofit**  
19 **search and rescue organizations - definitions - rules.** (4) The ~~board~~  
20 COMMISSION shall promulgate rules as are reasonably necessary ~~for the~~  
21 ~~implementation of~~ TO IMPLEMENT this section.

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

24 **33-10.5-102. Definitions.** As used in this article, unless the  
25 context otherwise requires:

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

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

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

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

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

42 **33-10.5-107. Commission to promulgate rules.** (1) The ~~board~~  
43 COMMISSION is authorized to promulgate rules pursuant to article 4 of title  
44 24, C.R.S., as necessary to prevent, control, contain, monitor, and,  
45 whenever possible, eradicate aquatic nuisance species. In promulgating  
46 such rules, the ~~board~~ COMMISSION shall consult with ~~the commission and~~  
47 any affected state, federal, and tribal governmental entities and  
48 subdivisions thereof, including ~~but not limited to~~, special districts, water  
49 conservancy districts, and water supply agencies.

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

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

54 **33-11-104. Acquisition.** (5) Nothing in this section ~~shall alter,~~  
55 ~~impair, supersede, or change~~ MODIFIES, IMPAIRS, OR SUPERSEDES the  
56 authority of the ~~board~~ COMMISSION or the ability of the division to acquire

1 any interest in water or water rights pursuant to section 33-10-107 (1) (a).

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

4 **33-11-105. Recreational trails committee.** (1) There is hereby  
5 created the Colorado recreational trails committee, which ~~shall be~~ IS  
6 advisory and ~~shall consist~~ CONSISTS of nine members, eight of whom ~~shall~~  
7 ~~be~~ ARE appointed by the ~~board of parks and outdoor recreation~~  
8 COMMISSION. One member shall be appointed from the governing  
9 committee of the state board of the great outdoors Colorado trust fund  
10 created by section 6 of article XXVII of the state constitution. The TERMS  
11 OF THE members appointed by the ~~board of parks and outdoor recreation~~  
12 ~~shall be appointed for terms of~~ COMMISSION ARE four years. No member  
13 shall serve more than two consecutive terms. One member shall be  
14 appointed from each congressional district, one member shall be  
15 appointed from the state at large, and one member shall represent and be  
16 appointed by the state board of the great outdoors Colorado trust fund.  
17 The committee shall include in its membership representation of the  
18 broad spectrum of trail users. Vacancies ~~from the members appointed by~~  
19 ~~the state board of parks and outdoor recreation~~ on the committee shall be  
20 filled for the unexpired term by the ~~board of parks and outdoor recreation~~  
21 APPROPRIATE APPOINTING AUTHORITY SET FORTH IN THIS SUBSECTION (1).

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

24 **33-11-106. Responsibilities of committee.** (1) The committee,  
25 with the approval of the ~~board~~ COMMISSION, shall coordinate trail  
26 development among local governments and shall assist local governments  
27 in the formation of their trail plans and advise the ~~board~~ COMMISSION  
28 quarterly of its findings. In carrying out this responsibility, the committee  
29 shall review records of easements and other interests in land which are  
30 available and may be adapted for recreational trail usage, including public  
31 lands, utility easements, floodplains, railroad and other rights-of-way,  
32 geological hazard areas, gifts of land or interests therein, and steep slope  
33 areas. The committee shall advise the ~~board~~ COMMISSION in the  
34 development of uniform standards for trail construction ~~which~~ that may  
35 be adopted by the ~~board~~ COMMISSION for statewide use and ~~which~~ THAT  
36 shall be made available to participating local governments. The  
37 committee shall offer plans and methods for funding a trails system  
38 through user fees or other financing methods.

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

41 **33-11-107. Availability of funds.** The ~~board~~ COMMISSION is  
42 authorized to make funds appropriated by the general assembly for the  
43 purposes of this article available to local governments and nonprofit  
44 organizations in accordance with criteria developed by the committee and  
45 adopted by the ~~board~~ COMMISSION. The committee shall advise the ~~board~~  
46 COMMISSION of its recommendations for the allocation of such funds  
47 among participating local governments and nonprofit organizations.

48 **SECTION 45.** In Colorado Revised Statutes, 33-11-108, **amend**  
49 (1), (2), (3), and (4) as follows:

50 **33-11-108. State trails system.** (1) The ~~board~~ COMMISSION shall  
51 designate a state trails system. The trails comprising such system shall  
52 meet criteria established by the ~~board~~ COMMISSION and shall be consistent  
53 with the objectives of this article.

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

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

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

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

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

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

26 **33-11-110. Uniform signs and markers.** The ~~board~~ COMMISSION  
27 may establish uniform signs and markers, ~~including thereon~~ WHICH SIGNS  
28 AND MARKERS MAY INCLUDE appropriate and distinctive symbols. Where  
29 trails cross lands administered by federal agencies, such markers may be  
30 provided and erected by the appropriate federal agency at appropriate  
31 points along trails and maintained by the federal agency administering the  
32 trails in accordance with standards mutually established by the division  
33 and the federal agency concerned. Where trails cross lands of state or  
34 local governmental agencies, the division may provide such uniform signs  
35 and markers to such agencies in accordance with written agreements and  
36 may require such agencies to erect and maintain them in accordance with  
37 standards established in such agreements.

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

40 **33-12-101. Passes and registrations - rules - definition.**  
41 (1) (a) Except as specified in section 33-12-103 (1) (b), every pass or  
42 registration ~~shall expire~~ EXPIRES on the date printed or written on the face  
43 of ~~said~~ THE document. The ~~board~~ COMMISSION may adopt rules  
44 establishing a subscription program through which a person to whom an  
45 annual pass has been issued pursuant to this article is notified, prior to the  
46 expiration of the pass, of the opportunity to renew the pass by mail or  
47 other means determined by the ~~board~~ COMMISSION. As used in this article,  
48 "document" means pass or registration.

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

51 **33-12-103. Aspen leaf annual pass - aspen leaf lifetime pass -**  
52 **rules - report.** (1) (a) A resident of this state, as defined in section 33-  
53 10-102, may obtain from the division an aspen leaf annual pass, which  
54 ~~shall be~~ PASS IS valid from the date the pass is purchased through the last  
55 day of the month of purchase in the following year. The COMMISSION  
56 SHALL DETERMINE THE age of eligibility for the aspen leaf pass. ~~shall be~~

1 ~~determined by the board.~~

2 (b) (I) A resident of this state, as defined in section 33-10-102,  
3 may obtain from the division an aspen leaf lifetime pass, which ~~shall be~~  
4 IS valid from the date the pass is purchased through the lifetime of the  
5 pass holder. The age of eligibility for the aspen leaf lifetime pass is the  
6 same as that for the aspen leaf annual pass pursuant to paragraph (a) of  
7 this subsection (1). Notwithstanding any provision of law to the contrary,  
8 the fee for the aspen leaf lifetime pass ~~shall be~~ IS AS set by rule of the  
9 ~~board but~~ COMMISSION; EXCEPT THAT THE FEE shall not exceed five times  
10 the cost of the aspen leaf annual pass.

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

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

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

27 **33-12-103.5. Columbine annual pass - rules.** (2) (b) The ~~board~~  
28 COMMISSION, by rule, shall provide for a transferable columbine annual  
29 pass that ~~shall be~~ IS valid when temporarily affixed to any vehicle used to  
30 bring such pass holder into a park.

31 **SECTION 51.** In Colorado Revised Statutes, 33-12-104, **amend**  
32 (1), (9), and (10) as follows:

33 **33-12-104. Pass and registration agents - reports - board of**  
34 **claims - unlawful acts - rules.** (1) The director may designate sole  
35 proprietors, partnerships, or corporations having permanent business  
36 locations in this state as pass and registration agents to sell, at their  
37 permanent business locations, passes and registrations. Pass and  
38 registration agents shall be paid a commission on all moneys collected for  
39 passes and registrations sold by such agents in an amount determined by  
40 the ~~board~~ COMMISSION by rule. All agents authorized to sell passes and  
41 registrations shall keep accurate records of all sales of passes and  
42 registrations and shall make such reports to the division regarding pass  
43 and registration sales as may be required. Such agents shall be required  
44 to give evidence of financial responsibility, in the form of a savings  
45 account, deposit, or certificate of deposit meeting the requirements of  
46 section 11-35-101, C.R.S., or an irrevocable letter of credit meeting the  
47 requirements of section 11-35-101.5, C.R.S., or a bond, in such amount  
48 as may be fixed by the division to insure the remittance of all moneys  
49 collected from such pass and registration sales, less amounts allowed as  
50 commissions, and the making of reports required by the division. The  
51 ~~board~~ COMMISSION may promulgate rules for the establishment and  
52 cancellation of pass and registration agencies. All pass and registration  
53 moneys received shall be kept separate and apart from any other moneys  
54 of the agent authorized to sell passes and registrations and shall at all  
55 times belong to the state. All moneys due from the sale of passes and  
56 registrations ~~shall~~ belong to the state and shall draw interest at the rate of

1 one and one-half percent per month from the time that the agency is  
2 cancelled by the division until paid.

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

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

33 **SECTION 52.** In Colorado Revised Statutes, 33-12-106, **amend**  
34 (2.3) and (2.7) (b) as follows:

35 **33-12-106. Park entrance privileges - identified veterans -**  
36 **wounded warriors - search and rescue organizations conducting**  
37 **training activities - legislative declaration - rules.** (2.3) The ~~board~~  
38 COMMISSION may promulgate rules to allow free entrance to any state  
39 park or recreation area, not to include campgrounds, yurts, or other  
40 amenities and services offered, for veterans on one day each year. The  
41 ~~board~~ COMMISSION may determine by rule which day veterans are allowed  
42 free entrance to state parks and recreation areas.

43 (2.7) (b) The ~~board~~ COMMISSION may promulgate rules to allow  
44 free entrance to any state park or recreation area, not to include  
45 campgrounds, yurts, or other amenities or services offered, for  
46 participants in the United States armed services wounded warrior  
47 programs who are residents of, or stationed in, Colorado. Any such rules  
48 must also allow for free admission of persons accompanying the wounded  
49 warrior program participant in the same vehicle.

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

52 **33-12.5-102. Legislative declaration.** The general assembly  
53 recognizes that the Arkansas river is a major recreation attraction and a  
54 vital resource for residents and nonresidents alike and hereby declares  
55 that it is the policy of this state to safeguard the recreational quality of the  
56 Arkansas river and the adjacent lands by granting the ~~board~~ COMMISSION

1 the authority to regulate recreational use on the Arkansas river. It is not  
2 the intent of the general assembly to in any way interfere with private  
3 landowner rights along the river or with the determination,  
4 administration, or change of water rights in the drainage of the Arkansas  
5 river and its tributaries and the legal utilization thereof.

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

8 **33-12.5-103. Powers of the commission.** (1) The ~~board shall~~  
9 ~~have~~ COMMISSION HAS the authority, consistent with ~~the legislative~~  
10 ~~declaration of this article~~ SECTION 33-12.5-102, to regulate the manner,  
11 type, time, location, and amount of recreational and commercial use on  
12 that portion of the Arkansas river that runs from the confluence of the  
13 Lake Fork and the East Fork of the Arkansas river to the Pueblo reservoir.

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

19 (3) The ~~board~~ COMMISSION shall, to the maximum extent possible  
20 but consistent with ~~the legislative declaration of this article~~ SECTION 33-  
21 12.5-102, keep the regulation of the recreational uses of the Arkansas  
22 river to a minimum.

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

25 **33-12.5-104. Effect of article - rights of property owners -**  
26 **water rights.** (1) Nothing in this article shall be construed as:

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

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

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

35 **33-13-103. Numbering of vessels required - rules.** (3) The  
36 ~~board~~ COMMISSION shall prescribe by rule ~~or regulation~~ a system of  
37 numbering ~~which is in compliance~~ THAT COMPLIES with the federal  
38 system for numbering vessels.

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

41 **33-13-104. Application for vessel number.** (3) When a  
42 numbered vessel is lost, destroyed, or abandoned, the registration issued  
43 for the vessel shall be surrendered to the division within fifteen days after  
44 any such event. When the owner of a numbered vessel changes his OR  
45 HER address from that shown on the registration, ~~he~~ THE OWNER shall  
46 notify the division within fifteen days of such change and, as a part of  
47 such notification, shall furnish the division with his OR HER new address.  
48 The ~~board~~ COMMISSION may provide in its rules ~~or regulations~~ for the  
49 surrender of the registration bearing the former address and its  
50 replacement with a registration bearing the correct address or for the  
51 alteration of an outstanding registration to show the new address of the  
52 owner.

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

55 **33-13-106. Equipment requirements.** (3) Every vessel, other  
56 than a personal watercraft, operated on the waters of this state shall at all

1 times have aboard:

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

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

12 (6) The ~~board~~ COMMISSION may exempt vessels from ~~the~~  
13 ~~provisions of~~ subsection (1), (2), (3), (4), or (4.5) of this section under  
14 certain conditions or upon certain waters.

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

17 **33-13-108. Prohibited vessel operations.** (1) (a) No person shall  
18 operate or give permission for the operation of a vessel:

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

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

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

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

28 **33-13-109. Collisions, accidents, and casualties - rules.** (2) The  
29 ~~board~~ COMMISSION shall adopt rules ~~and regulations~~ concerning  
30 notification and reporting procedures to be followed in the case of a  
31 collision, accident, or other casualty involving a vessel or its equipment.  
32 ~~Such~~ THE regulations ~~shall~~ MUST be consistent with applicable federal  
33 requirements.

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

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

39 **33-13-110. Water skis, aquaplanes, surfboards, inner tubes,**  
40 **and similar devices - rules.** (2) (b) The ~~board~~ COMMISSION shall  
41 promulgate such rules ~~and regulations~~ as are necessary or desirable for the  
42 safe use of water skis, aquaplanes, surfboards, inner tubes, and other  
43 similar devices.

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

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

52 **33-13-111. Authority to close waters - rules.** (1) (a) The ~~board~~  
53 COMMISSION shall promulgate rules to prohibit the operation of vessels on  
54 any waters of the state and ordering the removal of vessels from any  
55 waters of the state when such operation constitutes or may constitute a  
56 hazard to human life or safety.



1 (2) Any parks and recreation officer or other peace officer as  
2 defined in section 33-10-102 has the authority to enforce ~~the provisions~~  
3 ~~of this section under the rules promulgated by the board~~ COMMISSION.  
4 **SECTION 63.** In Colorado Revised Statutes, 33-14-107, **amend**  
5 (1) introductory portion as follows:  
6 **33-14-107. Rules.** (1) The ~~board~~ COMMISSION shall adopt rules,  
7 ~~and regulations~~ in the manner provided by article 4 of title 24, C.R.S., for  
8 the following purposes:  
9 **SECTION 64.** In Colorado Revised Statutes, 33-14-119, **amend**  
10 (2) as follows:  
11 **33-14-119. Enforcement - federal cooperation.** (2) The  
12 division, with the advice and consent of the ~~board~~ COMMISSION, is  
13 authorized to enter into cooperative agreements with federal land  
14 management agencies for the purpose of regulating snowmobile use on  
15 federal lands.  
16 **SECTION 65.** In Colorado Revised Statutes, 33-14.5-107,  
17 **amend** (1) introductory portion as follows:  
18 **33-14.5-107. Rules.** (1) The ~~board~~ COMMISSION shall adopt rules  
19 ~~and regulations~~ in the manner provided by article 4 of title 24, C.R.S.,  
20 concerning the following:  
21 **SECTION 66.** In Colorado Revised Statutes, 33-15-101, **amend**  
22 (1) as follows:  
23 **33-15-101. Powers of officers.** (1) Every peace officer, as  
24 defined in section 33-10-102 (17), ~~shall have~~ HAS the authority to enforce  
25 ~~the provisions of~~ this article and shall assist parks and recreation officers  
26 in the enforcement of articles 10 to 15 and 32 of this title and the rules of  
27 the ~~board~~ COMMISSION adopted pursuant thereto. Each such officer has  
28 the full power and authority to arrest any person who such officer has  
29 probable cause to believe is guilty of a violation of articles 10 to 15 or 32  
30 of this title or any rule adopted pursuant thereto, and, in accordance with  
31 the constitutions and laws of the United States and the state of Colorado,  
32 to open, enter, and search all places of concealment including motor  
33 vehicles and vessels and all other places as provided by law where such  
34 officer has probable cause to believe evidence relating to a violation of  
35 this title is to be found and to seize the same.  
36 **SECTION 67.** In Colorado Revised Statutes, **amend** 33-15-102  
37 as follows:  
38 **33-15-102. Imposition of penalty - procedures.** (1) Any person  
39 who violates any of the provisions of articles 10 to 15 or 32 of this title  
40 or any rule of the ~~board~~ COMMISSION that does not have a specific penalty  
41 listed is guilty of a class 2 petty offense and, upon conviction, shall be  
42 punished by a fine of fifty dollars.  
43 (2) At the time that any person is charged with violating any petty  
44 offense or misdemeanor provisions of articles 10 to 15 or 32 of this title  
45 or any rule of the ~~board~~ COMMISSION, the officer shall issue a summons  
46 and complaint to the alleged offender or, in the case of a violation for  
47 which a fine of a fixed amount is prescribed, may give the alleged  
48 offender an opportunity to voluntarily pay the fine and surcharge in the  
49 form of a penalty assessment. Penalty assessments shall not be issued for  
50 violations for which minimum and maximum fines have been established.  
51 The penalty assessment notice given to the alleged offender shall contain  
52 the information required in and be in the form of a summons and  
53 complaint and shall specify in dollars the amount of the penalty to be  
54 assessed for the alleged offense and the amount of the surcharge to be  
55 collected pursuant to section 24-33.5-415.6, C.R.S. If the alleged offender  
56 accepts such notice and pays the fine and surcharge entered thereon to the

1 division within twenty days of issuance of the notice, such acceptance and  
2 payment shall constitute an acknowledgment of guilt by such person of  
3 the violation set forth in the penalty assessment notice. Any person who  
4 accepts a penalty assessment notice but who does not furnish satisfactory  
5 evidence of identity or who the officer has reasonable and probable  
6 grounds to believe will disregard a written promise to pay the specified  
7 fine and surcharge may be taken by the officer to the nearest known post-  
8 office facility and be required to remit the amount of the specified fine  
9 and surcharge to the division immediately by mail in United States  
10 currency or other legal tender or by money order or personal check.  
11 Refusal or inability to remit the specified fine and surcharge by mail  
12 when required shall constitute a refusal to accept a penalty assessment  
13 notice. Checks tendered by the violator to and accepted by the division  
14 and on which payment is received by the division shall be deemed  
15 sufficient receipt. If the fine and surcharge are not so paid, then the  
16 officer who issued the penalty assessment notice shall docket the  
17 summons and complaint with a court of competent jurisdiction for  
18 appearance by the person to answer the charges therein contained at such  
19 time and place as is specified in the summons and complaint.

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

22 **33-15-107. Camping.** It is unlawful for any person to camp on  
23 land or water under the control of the division unless ~~such~~ THE area is so  
24 designated and posted pursuant to rule of the ~~board~~ COMMISSION. Any  
25 person who violates this section is guilty of a class 2 petty offense and,  
26 upon conviction, shall be punished by a fine of fifty dollars.

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

29 **33-15-114. Commercial use of state property.** It is unlawful to  
30 operate any commercial business or to solicit business on any property  
31 owned or managed by the division without first obtaining written  
32 permission from the division or the ~~board~~ as provided by COMMISSION  
33 PURSUANT TO this title or pursuant to any applicable rules promulgated by  
34 the ~~board~~ COMMISSION. Any person who violates this section is guilty of  
35 a misdemeanor and, upon conviction, shall be punished by a fine of not  
36 less than one hundred dollars nor more than one thousand dollars, or by  
37 imprisonment in the county jail for not more than one year, or by both  
38 such fine and imprisonment.

39 **SECTION 70.** In Colorado Revised Statutes, 33-32-102, **repeal**  
40 (1.4) and (2) as follows:

41 **33-32-102. Definitions.** As used in this article, unless the context  
42 otherwise requires:

43 (1.4) ~~"Board" means the board of parks and outdoor recreation.~~

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

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

47 **33-32-103. Powers and duties of the commission - rules.** The  
48 ~~board~~ COMMISSION shall promulgate rules to govern the licensing of river  
49 outfitters, to regulate river outfitters, guides, trip leaders, and guide  
50 instructors, to ensure the safety of associated river-running activities, to  
51 establish guidelines to enable a river outfitter, guide, or trip leader to  
52 make a determination that the condition of the river constitutes a hazard  
53 to the life and safety of certain persons, and to carry out the purposes of  
54 this article. The ~~board~~ COMMISSION may promulgate rules specifically  
55 outlining the procedures to be followed by the ~~board~~ COMMISSION and by  
56 the enforcement section of the division in the event of a death or serious

1 injury during a regulated trip. The ~~board~~ COMMISSION shall e-mail a  
2 notice of every proposed rule to each licensee. The ~~board~~ COMMISSION  
3 shall adopt rules regarding notification to outfitters of certain division  
4 personnel changes within ten days of the change and safety training  
5 standards and customer and outfitter interaction training standards for  
6 division rangers who monitor regulated trips.

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

9 **33-32-103.5. Variances.** The director of ~~the division~~ may grant  
10 variances from ~~regulations~~ RULES adopted by the ~~board~~ COMMISSION  
11 pursuant to section 33-32-103 to any river outfitter on a case-by-case  
12 basis if the director determines that the health, safety, and welfare of the  
13 general public will not be endangered by the issuance of such variance.

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

16 **33-32-104. License required - fee.** (1) No person shall act in the  
17 capacity of a paid river outfitter or advertise or represent himself or  
18 herself as a river outfitter in this state without first obtaining a river  
19 outfitter's license in accordance with rules prescribed by the ~~board~~  
20 COMMISSION.

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

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

35 **33-32-105. Minimum qualifications and conditions for a river**  
36 **outfitter's license.** (1) A river outfitter's license may be granted to any  
37 river outfitter, either within or without this state, meeting the following  
38 minimum qualifications and conditions:

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

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

45 **SECTION 75.** In Colorado Revised Statutes, 33-32-105.5,  
46 **amend** (1) introductory portion as follows:

47 **33-32-105.5. Minimum qualifications of guides, trip leaders,**  
48 **and guide instructors.** (1) Individuals providing the services of guides,  
49 trip leaders, or guide instructors shall have the following minimum  
50 qualifications and such additional qualifications as the ~~board~~ COMMISSION  
51 may establish by rule:

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

54 **33-32-106. Equipment required - employees required to meet**  
55 **minimum qualifications.** (1) All licensed river outfitters shall provide  
56 the river-outfitting equipment required by ~~regulations~~ RULES promulgated

1 by the ~~board~~ COMMISSION, and said equipment shall be in a serviceable  
2 condition for its operation as required by the ~~regulations~~ RULES  
3 promulgated by the ~~board~~ COMMISSION.

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

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

11 **33-32-109. Denial, suspension, or revocation of license -**  
12 **disciplinary actions.** (1) The ~~board~~ COMMISSION may deny, suspend, or  
13 revoke a river outfitter license, place a licensed river outfitter on  
14 probation, or issue a letter of admonition to a licensed river outfitter if the  
15 applicant or holder:

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

21 (g) Violates any order of the division or ~~board~~ COMMISSION or any  
22 other provision of this article or any ~~regulations-established~~ RULES  
23 PROMULGATED under this article.

24 (4) The ~~board~~ COMMISSION may deny an application for a river  
25 outfitter license or a renewal of a river outfitter's license if the applicant  
26 does not meet the requirements specified in section 33-32-105 or 33-32-  
27 106.

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

30 **33-32-110. Advisory committee - repeal.** (1) The ~~board~~  
31 COMMISSION shall appoint a river outfitter advisory committee, consisting  
32 of two river outfitters and one representative of the division. The  
33 committee shall review and make recommendations concerning rules  
34 PROMULGATED and proposed ~~rules-promulgated~~ pursuant to this article.

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

37 **33-33-103. Definitions.** As used in this article, unless the context  
38 otherwise requires:

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

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

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

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

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

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

53 **33-33-104. Colorado natural areas program.** (1) There is  
54 hereby established a statewide Colorado natural areas program to  
55 implement the intent and provisions of this article. The program shall be  
56 administered by the ~~board~~ COMMISSION through the division with the

1 advice of the council.

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

4 **33-33-105. Powers and duties of the commission.** (1) The ~~board~~  
5 COMMISSION, through the division and with the advice of the council,  
6 shall administer the program in accordance with ~~the provisions of this~~  
7 article and ~~shall have~~ HAS the following additional powers and duties:

8 (d) To seek and approve, upon recommendation by the council,  
9 the designation of natural areas under the provisions of section 33-33-108  
10 and, when necessary, to acquire by gift, devise, or grant the fee or other  
11 interest in real property or accept, under ~~the provisions of~~ section 33-33-  
12 108, the designation of real property for inclusion in the system; except  
13 that the ~~board shall~~ COMMISSION DOES not have the power of eminent  
14 domain for such purposes;

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

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

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

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

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

35 **33-33-106. Colorado natural areas council.** (1) There is hereby  
36 created the Colorado natural areas council as an advisory council to the  
37 ~~board~~ COMMISSION. The council shall advise the ~~board~~ COMMISSION on  
38 the administration of the program and shall approve the registry and  
39 recommend the designation of natural areas by the ~~board~~ COMMISSION.

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

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

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

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

50 **33-33-107. Responsibilities of the council.** (1) The council ~~shall~~  
51 ~~have~~ HAS the following responsibilities:

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

56 (d) To advise the ~~board~~ COMMISSION of the promulgation of rules

1 for the registry and for the designation, management, protection, and use  
2 of designated natural areas;

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

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

7 **SECTION 84.** In Colorado Revised Statutes, 33-33-108, **amend**  
8 (1), (2) introductory portion, (2) (c), (3), and (4) as follows:

9 **33-33-108. Designation of a natural area.** (1) A natural area  
10 ~~which~~ THAT has been found by the ~~board~~ COMMISSION, pursuant to its  
11 criteria, to be desirable for inclusion within the system and which  
12 inclusion has been approved by the owner of the land, ~~shall become~~  
13 BECOMES a designated natural area when articles of designation have been  
14 filed with the ~~board~~ COMMISSION by the owner of the land or by a  
15 governmental agency having ownership or control of the land and such  
16 articles have been accepted by the ~~board~~ COMMISSION with the advice and  
17 recommendation of the council.

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

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

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

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

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

31 **33-33-110. Public entities urged to encourage designation of**  
32 **natural areas.** State agencies, counties, municipalities, institutions of  
33 higher education, and all other entities and institutions of the state and its  
34 political subdivisions are empowered and urged to recommend to the  
35 ~~board~~ COMMISSION natural areas within their jurisdictions for inclusion in  
36 the system.

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

39 **33-33-111. Periodic evaluation to be made by commission.** The  
40 ~~board~~ COMMISSION shall make an evaluation of each designated natural  
41 area every three years, or more often as it deems necessary, to determine  
42 whether it is being administered in accordance with the conditions and  
43 provisions of the articles of designation. If such conditions and provisions  
44 are not ~~continuing to be~~ BEING met, the ~~board~~ COMMISSION may remove  
45 the area from the system.

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

48 **34-32-115. Action by board - appeals.** (4) The board or the  
49 office shall grant a permit to an operator if the application complies with  
50 the requirements of this article. The board or the office shall not deny a  
51 permit if the operator demonstrates compliance with the following:

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

53 (IV) ~~Which~~ THAT are within the boundaries of any unit of the  
54 state park system or any state recreational area in which the entire fee  
55 estate is owned by the state of Colorado, unless the mining operation is  
56 approved jointly by the board, by the governor, and by the ~~board~~ of parks

1 and ~~outdoor recreation~~ WILDLIFE COMMISSION, or unless the operation will  
2 not create any surface disturbance therein.

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

5 **34-32.5-115. Action by board - appeals.** (4) In the determination  
6 of whether the board or the office shall grant a permit to an operator, the  
7 applicant must comply with the requirements of this article and section  
8 24-4-105 (7), C.R.S. The board or office shall not deny a permit except  
9 on one or more of the following grounds:

10 (f) The mining operation is located upon lands:

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

17 **SECTION 89.** In Colorado Revised Statutes, 34-60-103, **amend**  
18 (7.1); and **repeal** (14) as follows:

19 **34-60-103. Definitions.** As used in this article, unless the context  
20 otherwise requires:

21 (7.1) "Parks and wildlife ~~board~~ COMMISSION" or "~~board~~" means  
22 the parks and wildlife ~~board~~ COMMISSION created in section 33-9-101,  
23 C.R.S.

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

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

27 **34-60-104. Oil and gas conservation commission - report -**  
28 **publication.** (2) (b) Members of the commission shall be appointed for  
29 terms of four years each. The governor may at any time remove any  
30 member of the commission, and by appointment the governor shall fill  
31 any vacancy on the commission. In case one or more vacancies occur on  
32 the same day, the governor shall designate the order of filling vacancies.  
33 The members of the commission shall receive a per diem allowance of  
34 fifty dollars for each day spent in attendance at ~~board~~ COMMISSION  
35 meetings or hearings and shall be reimbursed for their actual expenses.

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

38 **34-60-128. Habitat stewardship - rules.** (3) In order to  
39 minimize adverse impacts to wildlife resources, the commission shall:

40 (a) Establish a timely and efficient procedure for consultation with  
41 the PARKS AND wildlife commission and division of PARKS AND wildlife  
42 on decision-making that impacts wildlife resources;

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

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

50 **35-1-106. Powers and duties of commission.** (2) The PARKS  
51 AND wildlife commission shall review the rules concerning alternative  
52 livestock proposed by the commission pursuant to paragraph (o) of  
53 subsection (1) of this section and shall make recommendations to the  
54 commission concerning such rules. The commission shall not adopt or  
55 implement rules concerning alternative livestock that impact native big  
56 game wildlife without the prior approval of the PARKS AND wildlife

1 commission. In addition, the PARKS AND wildlife commission may  
2 propose rules to the commission designed to protect native big game  
3 wildlife.

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

6 **35-7-203. Release of destructive rodent pests - definitions.**  
7 (1) No person shall release destructive rodent pests into a county unless  
8 ~~such~~ THE person ~~has complied~~ COMPLIES with all requirements for such  
9 release imposed by the PARKS AND wildlife commission and ~~obtained~~  
10 OBTAINS both the prior approval of the commission and the prior  
11 approval, by resolution duly adopted, of the board of county  
12 commissioners of such county. A person need not obtain such prior  
13 approval before:

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

16 **35-24.5-105. Duties of the board.** (1) The board shall consider,  
17 initiate, and recommend rules, ~~and regulations,~~ not inconsistent with law,  
18 to the commissioner concerning the regulation of the aquaculture industry  
19 and its markets, except for rules ~~and regulations which~~ THAT regulate,  
20 control, or otherwise relate to fish health, to the spread of aquatic disease,  
21 or to the importation into the state or the distribution and management of  
22 any exotic aquatic species, all of which subjects ~~shall be~~ ARE within the  
23 jurisdiction of the PARKS AND wildlife commission.

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

26 **35-24.5-106. Rules.** (2) Nothing in this section ~~shall be construed~~  
27 ~~to diminish or supersede~~ DIMINISHES OR SUPERSEDES the authority of the  
28 division or the PARKS AND wildlife commission to regulate or manage  
29 wild populations of aquatic organisms in the waters of the state or in  
30 facilities controlled or managed by the division or by the United States  
31 fish and wildlife service.

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

34 **35-24.5-107. Powers and duties of the commissioner.**  
35 (2) Nothing in this section ~~shall be construed to diminish or supersede~~  
36 DIMINISHES OR SUPERSEDES the authority of the division or the PARKS AND  
37 wildlife commission to regulate or manage wild populations of aquatic  
38 organisms in the waters of the state or in facilities controlled or managed  
39 by the division or by the United States fish and wildlife service.

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

42 **35-40-100.2. Definitions.** As used in this part 1, unless the  
43 context otherwise requires:

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

48 (1.5) "At risk" means any depredating animal species that has  
49 been designated by the PARKS AND wildlife commission as endangered,  
50 threatened, or at risk after:

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

55 **SECTION 98.** In Colorado Revised Statutes, 35-40-101, **amend**  
56 (2) introductory portion, (2) (a), (4) introductory portion, (4) (a), (7), and



1 (8) as follows:

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

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

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

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

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

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

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

23 **35-41.5-105. Powers and duties of the board.** (2) The board  
 24 shall adopt any necessary and reasonable rules for the administration and  
 25 enforcement of this article, including ~~but not limited to,~~ rules governing:

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

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

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

39 **35-41.5-109. Unlawful acts.** (2) It is unlawful and a violation of  
 40 this article for any alternative livestock farm to:

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

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

51 **35-44-114. Disputed ownership - animal deemed not**  
 52 **alternative livestock.** In any instance where the board determines that an  
 53 animal is not an alternative livestock, any dispute as to ownership shall  
 54 be decided by the ~~state~~ PARKS AND wildlife commission CREATED IN  
 55 SECTION 33-9-101, C.R.S.

56 **SECTION 102.** In Colorado Revised Statutes, **amend** 35-50-112

1 as follows:

2 **35-50-122. Savings clause.** Nothing in this article ~~shall be~~  
 3 ~~construed to diminish or supercede~~ DIMINISHES OR SUPERSEDES the  
 4 concurrent jurisdiction or the authorities of the PARKS AND wildlife  
 5 commission or the agriculture commission to regulate captive wildlife and  
 6 alternative livestock.

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

9 **37-60-122.2. Fish and wildlife resources - legislative**  
 10 **declaration - fund - authorization.** (1) (b) Except as provided in this  
 11 paragraph (b), the applicant for any water diversion, delivery, or storage  
 12 facility which requires an application for a permit, license, or other  
 13 approval from the United States shall inform the Colorado water  
 14 conservation board, PARKS AND wildlife commission, and division of  
 15 PARKS AND wildlife of its application and submit a mitigation proposal  
 16 pursuant to this section. Exempted from such requirement are the  
 17 Animas-La Plata project, the Two Forks dam and reservoir project, and  
 18 the Homestake water project for which definite plan reports and final  
 19 environmental impact statements have been approved or which are  
 20 awaiting approval of the same, applicants for site specific dredge and fill  
 21 permits for operations not requiring construction of a reservoir, and  
 22 applicants for section 404 federal nationwide permits. If an applicant that  
 23 is subject to the provisions of this section and the commission agree upon  
 24 a mitigation plan for the facility, the commission shall forward such  
 25 agreement to the Colorado water conservation board, and the board shall  
 26 adopt such agreement at its next meeting as the official state position on  
 27 the mitigation actions required of the applicant. In all cases the  
 28 commission shall proceed expeditiously and, no later than sixty days from  
 29 the applicant's notice, unless extended in writing by the applicant, make  
 30 its evaluation regarding the probable impact of the proposed facility on  
 31 fish and wildlife resources and their habitat and to make its  
 32 recommendation regarding such reasonable mitigation actions as may be  
 33 needed.

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

36 **37-60-123.7. Acquisitions of water for instream flows.** (1.5) In  
 37 any year that the board expends all of the moneys available for the costs  
 38 of acquiring water, water rights, and interests in water for instream flow  
 39 use from the moneys that have been appropriated for the current fiscal  
 40 year from the Colorado water conservation board construction fund  
 41 pursuant to this section, the board shall apply to the PARKS AND wildlife  
 42 commission for all or any portion of the five hundred thousand dollars  
 43 from habitat stamp moneys made available pursuant to section 33-4-102.7  
 44 (4) (a) (II), C.R.S. Any habitat stamp moneys received shall be used to  
 45 acquire water, water rights, or interests in water pursuant to section 37-  
 46 92-102 (3), subject to the limitations set forth in this section.

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

49 **43-1-106. Transportation commission - powers and duties.**  
 50 (8) In addition to all other powers and duties imposed upon it by law, the  
 51 commission has the following powers and duties:

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

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

7  
8 Renumber succeeding section accordingly.

9  
10 As amended, ordered engrossed and placed on the Calendar for Third  
11 Reading and Final Passage.

12  
13 **SB12-087** by Senator(s) Foster; also Representative(s) Kerr J.--  
14 Concerning the period marking the commencement of the  
15 accrual of interest on the refund of property taxes  
16 erroneously collected.

17  
18 Laid over until May 10, 2012. Bill deemed lost.

19  
20 **HB12-1213** by Representative(s) Fields; also Senator(s) King S.--  
21 Concerning the penalty for a person who escapes from a  
22 place of confinement other than a county jail or  
23 correctional facility.

24  
25 Amendment No. 1, Judiciary Report, dated February 23, 2012, and placed  
26 in member's bill file; Report also printed in House Journal, February 24,  
27 pages 384-385.

28  
29 As amended, ordered engrossed and placed on the Calendar for Third  
30 Reading and Final Passage.

31  
32 **HB12-1332** by Representative(s) Balmer, Liston, Hullinghorst, Joshi,  
33 Kerr J., Peniston, Schafer S., Young, Ramirez; also  
34 Senator(s) Guzman, Boyd, King S., Morse, Newell--  
35 Concerning licensure of anesthesiologist assistants.

36  
37 Amendment No. 1, Health & Environment Report, dated April 3, 2012,  
38 and placed in member's bill file; Report also printed in House Journal,  
39 April 4, page 886.

40  
41 Amendment No. 2, by Representative(s) Balmer.

42  
43 Amend printed bill, page 3, line 23, strike "A LICENSED" and substitute  
44 "AN" and after "ASSISTANT" insert "LICENSED PURSUANT TO SECTION 12-  
45 36-107.3".

46  
47 Page 3, line 25, after "TASKS" insert "REFERRED TO IN THIS PARAGRAPH  
48 (a)".

49  
50 Page 5, after line 8 insert:

51  
52 "(3) A PERSON LICENSED TO PRACTICE AS AN ANESTHESIOLOGIST  
53 ASSISTANT SHALL NOT PERFORM ANY ACT THAT CONSTITUTES THE  
54 PRACTICE OF MEDICINE WITHIN A HOSPITAL OR AMBULATORY SURGICAL  
55 CENTER LICENSED PURSUANT TO PART 1 OF ARTICLE 3 OF TITLE 25, C.R.S.,  
56 OR REQUIRED TO OBTAIN A CERTIFICATE OF COMPLIANCE PURSUANT TO

1 SECTION 25-1.5-103 (1) (a) (II), C.R.S., UNLESS THE LICENSED  
2 ANESTHESIOLOGIST ASSISTANT OBTAINS AUTHORIZATION FROM THE  
3 GOVERNING BOARD OF THE HOSPITAL OR AMBULATORY SURGICAL CENTER.  
4 THE GOVERNING BOARD OF A HOSPITAL OR AMBULATORY SURGICAL  
5 CENTER MAY GRANT, DENY, OR LIMIT A LICENSED ANESTHESIOLOGIST  
6 ASSISTANT'S AUTHORIZATION BASED ON THE GOVERNING BOARD'S  
7 ESTABLISHED PROCEDURES."

8

9 Renumber succeeding subsections accordingly.

10

11 As amended, ordered engrossed and placed on the Calendar for Third  
12 Reading and Final Passage.

13

14

15

16

**AMENDMENT(S) TO THE COMMITTEE OF THE WHOLE REPORT**

17

18 Representative Fischer moved to amend the Report of the Committee of  
19 the Whole to reverse the action taken by the Committee in not adopting  
20 the following Fischer amendment, to HB12-1317, to show that said  
21 amendment passed, that Amendment No. 4, by Representative  
22 Sonnenberg (printed in House Journal page 966, lines 32-47), to HB12-  
23 1317, lost, and that **HB12-1317**, as amended, passed.

24

25 Amend proposed Agriculture, Livestock, & Natural Resources committee  
26 report, dated March 7, 2012, page 1, strike lines 3 through 16 and  
27 substitute:

28

29 "Page 3 of the bill, strike lines 8 through 25 and substitute:

30

31 "(I) TWO MEMBERS WHO ARE AGRICULTURAL LANDOWNERS OR  
32 PRODUCERS, ONE OF WHOM HAS EXPERIENCE IN LIVESTOCK PRODUCTION  
33 AND THE OTHER OF WHOM HAS EXPERIENCE IN CROP PRODUCTION;

34

35 "(II) TWO MEMBERS WHO ARE SPORTS PERSONS WHO HAVE  
36 PURCHASED OR APPLIED FOR A HUNTING OR FISHING LICENSE ISSUED  
37 UNDER THIS TITLE FOR EACH OF THE PREVIOUS THREE YEARS AND WHO  
38 CAN DEMONSTRATE REASONABLE KNOWLEDGE OF WILDLIFE ISSUES,  
39 WILDLIFE HABITAT, AND WILDLIFE MANAGEMENT; OR THE COMMISSION'S  
40 DUTIES, PROCEDURES, POLICIES, AUTHORITY, AND PAST DECISIONS;

41

42 "(III) TWO MEMBERS WHO HAVE EXPERIENCE IN OUTDOOR  
43 RECREATION AND WHO CAN DEMONSTRATE REASONABLE KNOWLEDGE OF  
44 PARKS AND OUTDOOR RECREATION RESOURCES AND MANAGEMENT AND  
45 THE COMMISSION'S DUTIES, PROCEDURES, POLICIES, AUTHORITY, AND PAST  
46 DECISIONS;

47

48 "(IV) ONE MEMBER WHO IS A COUNTY COMMISSIONER;

49

50 "(V) ONE MEMBER WHO IS A MEMBER OF A NONPROFIT  
51 ORGANIZATION THAT SUPPORTS AND PROMOTES THE CONSERVATION AND  
52 ENHANCEMENT OF COLORADO'S WILDLIFE AND ITS HABITATS AND  
53 RECOGNIZES AND PROMOTES PRIMARILY NONCONSUMPTIVE WILDLIFE USE  
54 AND WHO HAS EXPERTISE IN WILDLIFE ISSUES, WILDLIFE HABITAT, AND  
55 WILDLIFE MANAGEMENT; AND

56

1 (VI) THREE AT-LARGE MEMBERS."."

2  
3 Page 2 of the committee report, after line 16 insert:

4  
5 "Page 6 of the bill, line 17, strike "(I)" and substitute "(II)"."

6  
7 The amendment was declared **lost** by the following roll call vote:

	YES	28	NO	35	EXCUSED	2	ABSENT	0
10	Acree	N	Fischer	Y	Looper	N	Solano	Y
11	Balmer	N	Gardner B.	N	Massey	N	Sonnenberg	N
12	Barker	N	Gerou	N	McCann	Y	Soper	Y
13	Baumgardner	N	Hamner	Y	McKinley	N	Stephens	N
14	Becker	N	Holbert	N	Miklosi	Y	Summers	N
15	Beezley	N	Hullinghorst	Y	Murray	N	Swalm	N
16	Bradford	N	Jones	Y	Nikkel	N	Swerdfeger	N
17	Brown	N	Joshi	N	Pabon	Y	Szabo	N
18	Casso	Y	Kagan	Y	Pace	N	Todd	Y
19	Conti	N	Kefalas	Y	Peniston	Y	Tyler	Y
20	Coram	N	Kerr A.	E	Priola	N	Vaad	N
21	Court	Y	Kerr J.	N	Ramirez	N	Vigil	Y
22	DelGrosso	N	Labuda	Y	Ryden	Y	Waller	N
23	Duran	E	Lee	Y	Schafer S.	Y	Williams A.	Y
24	Ferrandino	Y	Levy	Y	Scott	N	Wilson	Y
25	Fields	Y	Liston	N	Singer	Y	Young	Y
26							Speaker	N

27  
28  
29 Representative Jones moved to amend the Report of the Committee of the  
30 Whole to reverse the action taken by the Committee in not adopting the  
31 following Jones amendment, to HB12-1317, to show that said amendment  
32 passed, that Amendment No. 4, by Representative Sonnenberg (printed  
33 in House Journal page 966, lines 32-47) to HB12-1317, lost, and that  
34 **HB12-1317**, as amended, passed.

35  
36 Amend the Agriculture, Livestock, & Natural Resources Committee  
37 Report, dated March 7, 2012, page 1, strike lines 3 through 16 and  
38 substitute:

39  
40 "Page 3 of the bill, strike lines 8 through 25 and substitute:

41  
42 "(I) THREE MEMBERS WHO ARE SPORTS PERSONS WHO HAVE  
43 PURCHASED OR APPLIED FOR A HUNTING OR FISHING LICENSE ISSUED  
44 UNDER THIS TITLE FOR EACH OF THE PREVIOUS THREE YEARS AND WHO  
45 CAN DEMONSTRATE REASONABLE KNOWLEDGE OF WILDLIFE ISSUES,  
46 WILDLIFE HABITAT, AND WILDLIFE MANAGEMENT, OR REASONABLE  
47 KNOWLEDGE OF THE COMMISSION'S DUTIES, PROCEDURES, POLICIES,  
48 AUTHORITY, AND PAST DECISIONS;

49  
50 "(II) TWO MEMBERS ACTIVELY INVOLVED IN PRODUCTION  
51 AGRICULTURE AS OWNERS OR LESSEES OF THE AGRICULTURAL PROPERTY  
52 AND OWNERS OR PARTIAL OWNERS OF THE COMMODITIES PRODUCED ON  
53 THE LAND;

54  
55 "(III) FOUR MEMBERS WHO HAVE EXPERIENCE IN OUTDOOR  
56 RECREATION AND WHO CAN DEMONSTRATE REASONABLE KNOWLEDGE OF

1 PARKS AND OUTDOOR RECREATION RESOURCES AND MANAGEMENT AND  
 2 THE COMMISSION'S DUTIES, PROCEDURES, POLICIES, AUTHORITY, AND PAST  
 3 DECISIONS; AND

4  
 5 (IV) TWO MEMBERS WHO ARE ACTIVELY INVOLVED IN OR HAVE  
 6 KNOWLEDGE OF NONCONSUMPTIVE WILDLIFE USES."."

7  
 8 The amendment was declared **lost** by the following roll call vote:

	YES	27	NO	36	EXCUSED	2	ABSENT	0
11	Acree	N	Fischer	Y	Looper	N	Solano	Y
12	Balmer	N	Gardner B.	N	Massey	N	Sonnenberg	N
13	Barker	N	Gerou	N	McCann	Y	Soper	Y
14	Baumgardner	N	Hamner	N	McKinley	N	Stephens	N
15	Becker	N	Holbert	N	Miklosi	Y	Summers	N
16	Beezley	N	Hullinghorst	Y	Murray	N	Swalm	N
17	Bradford	N	Jones	Y	Nikkel	N	Swerdfeger	N
18	Brown	N	Joshi	N	Pabon	Y	Szabo	N
19	Casso	Y	Kagan	Y	Pace	N	Todd	Y
20	Conti	N	Kefalas	Y	Peniston	Y	Tyler	Y
21	Coram	N	Kerr A.	E	Priola	N	Vaad	N
22	Court	Y	Kerr J.	N	Ramirez	N	Vigil	Y
23	DelGrosso	N	Labuda	Y	Ryden	Y	Waller	N
24	Duran	E	Lee	Y	Schafer S.	Y	Williams A.	Y
25	Ferrandino	Y	Levy	Y	Scott	N	Wilson	Y
26	Fields	Y	Liston	N	Singer	Y	Young	Y
27							Speaker	N

28  
 29  
 30  
 31 **ADOPTION OF COMMITTEE OF THE WHOLE REPORT**

32  
 33 Passed Second Reading: **HB12-1048 amended, 1317 amended, 1213**  
 34 **amended, 1332 amended.**

35  
 36 Laid over until date indicated retaining place on Calendar:  
 37 **HB12-1294, SB12-118, HB12-1310, 1345--April 17, 2012.**  
 38 **SB12-087--May 10, 2012.**

39  
 40 The Chairman moved the adoption of the Committee of the Whole  
 41 Report. As shown by the following roll call vote, a majority of those  
 42 elected to the House voted in the affirmative, and the Report was  
 43 **adopted.**

	YES	62	NO	1	EXCUSED	2	ABSENT	0
46	Acree	Y	Fischer	N	Looper	Y	Solano	Y
47	Balmer	Y	Gardner B.	Y	Massey	Y	Sonnenberg	Y
48	Barker	Y	Gerou	Y	McCann	Y	Soper	Y
49	Baumgardner	Y	Hamner	Y	McKinley	Y	Stephens	Y
50	Becker	Y	Holbert	Y	Miklosi	Y	Summers	Y
51	Beezley	Y	Hullinghorst	Y	Murray	Y	Swalm	Y
52	Bradford	Y	Jones	Y	Nikkel	Y	Swerdfeger	Y
53	Brown	Y	Joshi	Y	Pabon	Y	Szabo	Y
54	Casso	Y	Kagan	Y	Pace	Y	Todd	Y
55	Conti	Y	Kefalas	Y	Peniston	Y	Tyler	Y
56	Coram	Y	Kerr A.	E	Priola	Y	Vaad	Y

1	Court	Y	Kerr J.	Y	Ramirez	Y	Vigil	Y
2	DelGrosso	Y	Labuda	Y	Ryden	Y	Waller	Y
3	Duran	E	Lee	Y	Schafer S.	Y	Williams A.	Y
4	Ferrandino	Y	Levy	Y	Scott	Y	Wilson	Y
5	Fields	Y	Liston	Y	Singer	Y	Young	Y
6							Speaker	Y

### THIRD READING OF BILL(S)--FINAL PASSAGE

The following bill(s) was(were) considered on Third Reading. The title(s) was(were) publicly read. Reading of the bill at length was dispensed with by unanimous consent.

**HB12-1341** by Representative(s) Gerou, Becker, Levy; also Senator(s) Hodge, Steadman, Lambert--Concerning the repeal of the statewide strategic use fund.

The question being "Shall the bill pass?".

A roll call vote was taken. As shown by the following recorded vote, a majority of those elected to the House voted in the affirmative and the bill was declared **passed**.

	YES	62	NO	1	EXCUSED	2	ABSENT	0
25	Acree	Y	Fischer	Y	Looper	Y	Solano	Y
26	Balmer	Y	Gardner B.	Y	Massey	Y	Sonnenberg	N
27	Barker	Y	Gerou	Y	McCann	Y	Soper	Y
28	Baumgardner	Y	Hamner	Y	McKinley	Y	Stephens	Y
29	Becker	Y	Holbert	Y	Miklosi	Y	Summers	Y
30	Beezley	Y	Hullinghorst	Y	Murray	Y	Swalm	Y
31	Bradford	Y	Jones	Y	Nikkel	Y	Swerdfeger	Y
32	Brown	Y	Joshi	Y	Pabon	Y	Szabo	Y
33	Casso	Y	Kagan	Y	Pace	Y	Todd	Y
34	Conti	Y	Kefalas	Y	Peniston	Y	Tyler	Y
35	Coram	Y	Kerr A.	E	Priola	Y	Vaad	Y
36	Court	Y	Kerr J.	Y	Ramirez	Y	Vigil	Y
37	DelGrosso	Y	Labuda	Y	Ryden	Y	Waller	Y
38	Duran	E	Lee	Y	Schafer S.	Y	Williams A.	Y
39	Ferrandino	Y	Levy	Y	Scott	Y	Wilson	Y
40	Fields	Y	Liston	Y	Singer	Y	Young	Y
41							Speaker	Y

Co-sponsor(s) added: Representative(s) Hullinghorst.

**HB12-1342** by Representative(s) Levy, Becker, Gerou; also Senator(s) Hodge, Steadman, Lambert--Concerning a work therapy program in the department of human services, and, in connection therewith, making an appropriation.

The question being "Shall the bill pass?".

A roll call vote was taken. As shown by the following recorded vote, a majority of those elected to the House voted in the affirmative and the bill was declared **passed**.

	YES	63	NO	0	EXCUSED	2	ABSENT	0
55	Acree	Y	Fischer	Y	Looper	Y	Solano	Y
56	Balmer	Y	Gardner B.	Y	Massey	Y	Sonnenberg	Y

1	Barker	Y	Gerou	Y	McCann	Y	Soper	Y
2	Baumgardner	Y	Hamner	Y	McKinley	Y	Stephens	Y
3	Becker	Y	Holbert	Y	Miklosi	Y	Summers	Y
4	Beezley	Y	Hullinghorst	Y	Murray	Y	Swalm	Y
5	Bradford	Y	Jones	Y	Nikkel	Y	Swerdfeger	Y
6	Brown	Y	Joshi	Y	Pabon	Y	Szabo	Y
7	Casso	Y	Kagan	Y	Pace	Y	Todd	Y
8	Conti	Y	Kefalas	Y	Peniston	Y	Tyler	Y
9	Coram	Y	Kerr A.	E	Priola	Y	Vaad	Y
10	Court	Y	Kerr J.	Y	Ramirez	Y	Vigil	Y
11	DelGrosso	Y	Labuda	Y	Ryden	Y	Waller	Y
12	Duran	E	Lee	Y	Schafer S.	Y	Williams A.	Y
13	Ferrandino	Y	Levy	Y	Scott	Y	Wilson	Y
14	Fields	Y	Liston	Y	Singer	Y	Young	Y
15							Speaker	Y

16 Co-sponsor(s) added: Representative(s) Labuda, Summers.

17

18 **HB12-1343** by Representative(s) Gerou, Becker, Levy; also Senator(s)  
 19 Hodge, Steadman, Lambert--Concerning the transfer of  
 20 moneys from the state rail bank fund to the general fund.

21

22 The question being "Shall the bill pass?".

23 A roll call vote was taken. As shown by the following recorded vote, a  
 24 majority of those elected to the House voted in the affirmative and the bill  
 25 was declared **passed**.

26

	YES	48	NO	15	EXCUSED	2	ABSENT	0
28	Acree	N	Fischer	Y	Looper	Y	Solano	Y
29	Balmer	N	Gardner B.	Y	Massey	Y	Sonnenberg	N
30	Barker	Y	Gerou	Y	McCann	Y	Soper	Y
31	Baumgardner	N	Hamner	Y	McKinley	N	Stephens	Y
32	Becker	Y	Holbert	N	Miklosi	Y	Summers	Y
33	Beezley	N	Hullinghorst	Y	Murray	Y	Swalm	Y
34	Bradford	N	Jones	Y	Nikkel	Y	Swerdfeger	Y
35	Brown	Y	Joshi	Y	Pabon	Y	Szabo	N
36	Casso	Y	Kagan	Y	Pace	N	Todd	Y
37	Conti	Y	Kefalas	Y	Peniston	Y	Tyler	Y
38	Coram	N	Kerr A.	E	Priola	N	Vaad	Y
39	Court	Y	Kerr J.	Y	Ramirez	Y	Vigil	Y
40	DelGrosso	N	Labuda	Y	Ryden	Y	Waller	Y
41	Duran	E	Lee	Y	Schafer S.	Y	Williams A.	Y
42	Ferrandino	Y	Levy	Y	Scott	N	Wilson	Y
43	Fields	Y	Liston	N	Singer	Y	Young	Y
44							Speaker	Y

45 Co-sponsor(s) added: Representative(s) Young.

46

47

48 **HB12-1344** by Representative(s) Gerou, Becker, Levy; also Senator(s)  
 49 Hodge, Steadman, Lambert--Concerning transfers of  
 50 moneys relating to capital construction.

51

52 The question being "Shall the bill pass?".

53 A roll call vote was taken. As shown by the following recorded vote, a  
 54 majority of those elected to the House voted in the affirmative and the bill  
 55 was declared **passed**.

56



	YES	53	NO	10	EXCUSED	2	ABSENT	0
1								
2	Acree	Y	Fischer	Y	Looper	Y	Solano	Y
3	Balmer	N	Gardner B.	Y	Massey	Y	Sonnenberg	N
4	Barker	N	Gerou	Y	McCann	Y	Soper	Y
5	Baumgardner	N	Hamner	Y	McKinley	Y	Stephens	Y
6	Becker	Y	Holbert	N	Miklosi	Y	Summers	Y
7	Beezley	N	Hullinghorst	Y	Murray	Y	Swalm	Y
8	Bradford	Y	Jones	Y	Nikkel	Y	Swerdfeger	Y
9	Brown	Y	Joshi	Y	Pabon	Y	Szabo	N
10	Casso	Y	Kagan	Y	Pace	Y	Todd	Y
11	Conti	Y	Kefalas	Y	Peniston	Y	Tyler	Y
12	Coram	N	Kerr A.	E	Priola	Y	Vaad	Y
13	Court	Y	Kerr J.	Y	Ramirez	N	Vigil	Y
14	DelGrosso	Y	Labuda	Y	Ryden	Y	Waller	Y
15	Duran	E	Lee	Y	Schafer S.	Y	Williams A.	Y
16	Ferrandino	Y	Levy	Y	Scott	Y	Wilson	Y
17	Fields	Y	Liston	N	Singer	Y	Young	Y
18							Speaker	Y

19 Co-sponsor(s) added: Representative(s) Brown, Vigil.

20  
21  
22 **PRINTING REPORT**

23  
24 The Chief Clerk reports the following bill has been correctly printed:  
25 **HB12-1346.**

26  
27  
28 **MESSAGE(S) FROM THE SENATE**

29  
30 The Senate has passed on Third Reading and returns herewith: HB12-  
31 1313, HB12-1209, HB12-1236.

32  
33 The Senate has passed on Third Reading and transmits to the Revisor of  
34 Statutes:

35  
36 SB12-123 amended as printed in Senate Journal, April 12, 2012,  
37 page 723.

38 HB12-1321 amended as printed in Senate Journal, April 12, 2012,  
39 page 725.

40  
41 The Senate has postponed indefinitely HB12-1150. The bill is returned  
42 herewith.

43  
44  
45 The Senate has adopted and returns herewith: HJR12-1004.

46  
47  
48 The Senate has adopted and transmits herewith: SJR12- 029.

49  
50  
51 The Senate has passed on Third Reading and transmits to the Revisor of  
52 Statutes:

53  
54 SB12-004 amended as printed in Senate Journal, April 12, 2012,  
55 page 724.

56

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**MESSAGE(S) FROM THE REVISOR**

We herewith transmit:  
Without comment, as amended, HB12-1321 and SB12-123.



We herewith transmit:  
Without comment, as amended, SB12-004.



**INTRODUCTION OF RESOLUTION**

The following resolution was read by title and laid over one day under the rules:

**SJR12-031** by Senator(s) Aguilar; also Representative(s) Kefalas--  
Concerning Hepatitis C Awareness Day.



House in recess. House reconvened.



**MESSAGE(S) FROM THE GOVERNOR**

I certify I received the following on the 16th day of April, 2012, at 3:30 p.m. The original is on file in the records of the House of Representatives of the General Assembly.

Marilyn Eddins,  
Chief Clerk of the House

April 13, 2012  
To the Honorable House of Representatives  
Sixty-Eighth General Assembly  
Second Regular Session  
State Capitol  
Denver, CO 80203

Ladies and Gentlemen:

I have the honor to inform you that I have approved and filed with the Secretary of State the following Acts:

**HB12-1204** CONCERNING THE CONTINUATION OF THE REGULATION OF HEMODIALYSIS TECHNICIANS, AND, CONNECTION THEREWITH, IMPLEMENTING THE SUNSET REVIEW RECOMMENDATIONS OF THE DEPARTMENT OF REGULATORY AGENCIES

Approved April 13, 2012 at 3:09 pm

**HB12-1215** CONCERNING CHANGES TO THE "NONADMITTED INSURANCE ACT" TO CONFORM IT TO THE



**CHANGE IN SPONSORSHIP**1  
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The Speaker announced the following change in sponsorship:  
SB12-038--Representative Priola to replace Representative Vaad as prime sponsor.

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**LAY OVER OF CALENDAR ITEM(S)**

On motion of Representative Stephens, the following item(s) on the Calendar was (were) laid over until April 17, retaining place on Calendar:

Consideration of Third Reading--**HB12-1066, 1161, SB12-128, HB12-1328, SB12-134, HB12-1293, SB12-013, 124, 036, HB12-1326, SB12-110, 156.**

Consideration of General Orders--**HB12-1281, 1037, SB12-158, HB12-1045, 1099, 1311, 1314.**

Consideration of Resolution(s)--**SJR12-006, 024.**

Consideration of Senate Amendment(s)--**HJR12-1010, HB12-1008, 1034, 1114, 1151, 1070, 1270, 1224, 1262, 1239, 1244, 1276, 1307, 1012, 1052, 1019, 1063, 1105, 1146.**

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On motion of Representative Brown, the House adjourned until 9:00 a.m., April 17, 2012.

Approved:  
FRANK McNULTY,  
Speaker

Attest:  
MARILYN EDDINS,  
Chief Clerk