

Second Regular Session  
Sixty-sixth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 08-0589.01 Esther van Mourik

HOUSE BILL 08-1137

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**HOUSE SPONSORSHIP**

**Sonnenberg,** Gardner C., King, Lambert, Liston, Looper, Lundberg, McKinley, Rose, Summers, and Vaad

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Agriculture, Livestock, & Natural Resources

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**A BILL FOR AN ACT**

101 **CONCERNING THE ACQUISITION OF PROPERTY BY THE WILDLIFE**  
102 **COMMISSION.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)*

Requires the wildlife commission to sell land or water, or an interest in land or water, of equal or greater value when the commission acquires land or water, or an interest in land or water, by gift, transfer, devise, or purchase so that the division's total property assets do not grow above the division's total property assets as of a specified date.

Requires the commission to annually pay to any local government or public body corporate that is authorized to levy taxes upon land or

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

water, or an interest in land or water, purchased by the commission a payment in lieu of taxes equal to the amount of tax the taxing entity would annually receive if the land or water, or interest in land or water, were owned by any private person or corporation.

Requires the commission to seek approval by the general assembly, acting by bill, of every purchase of any fee title interest in real property or any interest in water.

Removes any requirement that the wildlife commission report to the capital development committee.

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

2 **SECTION 1.** 33-1-105 (1) (a) (I) and (3), Colorado Revised  
3 Statutes, are amended to read:

4 **33-1-105. Powers of commission.** (1) The commission has  
5 power to:

6 (a) (I) (A) Acquire by gift, transfer, devise, lease, purchase, or  
7 long-term operating agreement such land and water, or interest in land  
8 and water, as in the judgment of the commission may be necessary,  
9 suitable, or proper for wildlife purposes or for the preservation or  
10 conservation of wildlife. The term "interest in land and water", as used  
11 in this section, means any and all rights and interests in land, including  
12 but not limited to fee title interests, future interests, easements, covenants,  
13 and contractual rights. Every such interest in land and water held by the  
14 commission when properly recorded shall run with the land or water to  
15 which it pertains for the benefit of the citizens of this state and may be  
16 protected and enforced by the commission in the district court of the  
17 county in which the land or water, or any portion thereof, is located.  
18 Game cash funds shall not be expended for water development projects  
19 except in those projects specifically authorized by the commission.  
20 Whenever the commission purchases any fee title interest in land or water

1 as authorized by this section, it shall follow the procedures established in  
2 section 33-1-105.5.

3 (B) WHEN THE COMMISSION ACQUIRES LAND OR WATER, OR AN  
4 INTEREST IN LAND OR WATER, BY GIFT, TRANSFER, DEVISE, OR PURCHASE,  
5 THE COMMISSION SHALL SELL OTHER LAND OR WATER, OR INTERESTS IN  
6 LAND OR WATER, OF EQUAL OR GREATER VALUE WITHIN ONE YEAR AFTER  
7 THE CLOSING DATE OF THE ACQUISITION OF THE LAND OR WATER, OR  
8 INTEREST IN LAND OR WATER, SUCH THAT THE DIVISION'S TOTAL PROPERTY  
9 ASSETS DO NOT GROW ABOVE THE DIVISION'S TOTAL PROPERTY ASSETS AS  
10 OF JANUARY 1, 2008.

11 (C) NOTWITHSTANDING ANY LAW TO THE CONTRARY, WHEN THE  
12 COMMISSION ACQUIRES LAND OR WATER, OR AN INTEREST IN LAND OR  
13 WATER, ON OR AFTER JANUARY 1, 2008, BY GIFT, TRANSFER, DEVISE, OR  
14 PURCHASE, THE COMMISSION SHALL ANNUALLY PAY TO ANY LOCAL  
15 GOVERNMENT OR PUBLIC BODY CORPORATE THAT IS AUTHORIZED TO LEVY  
16 TAXES UPON SUCH LAND OR WATER, OR INTEREST IN LAND OR WATER, A  
17 PAYMENT IN LIEU OF TAXES EQUAL TO THE AMOUNT OF TAX WHICH THE  
18 TAXING ENTITY WOULD ANNUALLY RECEIVE IF THE LAND OR WATER, OR  
19 INTERESTS IN LAND OR WATER, WERE OWNED BY ANY PRIVATE PERSON OR  
20 CORPORATION. THE ANNUAL PAYMENTS REQUIRED BY THIS  
21 SUB-SUBPARAGRAPH (C) SHALL BE MADE BY THE COMMISSION FROM THE  
22 COMMISSION'S EXISTING RESOURCES. NEITHER THE DEPARTMENT NOR THE  
23 DIVISION SHALL SUBMIT A REQUEST FOR A SUPPLEMENTAL APPROPRIATION  
24 FOR THIS PURPOSE.

25 ~~(3) (a) In the event that the commission plans to acquire the fee~~  
26 ~~title to any real property or to acquire an easement for a period to exceed~~  
27 ~~twenty-five years or at a cost to exceed one hundred thousand dollars or~~

1 to enter into any lease agreement for the use of real property for a period  
2 to exceed twenty-five years or at a cost to exceed one hundred thousand  
3 dollars, or to sell or otherwise dispose of the fee title to any real property  
4 which has a market value in excess of one hundred thousand dollars, the  
5 commission shall first submit a report to the capital development  
6 committee which outlines the anticipated use of the real property, the  
7 maintenance costs related to the property, the current value of the  
8 property, any conditions or limitations which may restrict the use of the  
9 property, and, in the event real property is acquired, the potential liability  
10 to the state which will result from such acquisition. The capital  
11 development committee shall review the reports submitted by the  
12 commission and make recommendations to the commission concerning  
13 the proposed land transaction within thirty days from the day on which  
14 the report is received. The commission shall not complete such  
15 transaction without considering the recommendations of the capital  
16 development committee, if such recommendations are timely made.

17 (b) Repealed.

18 **SECTION 2.** 33-1-105.5 (1), (7), and (9), Colorado Revised  
19 Statutes, are amended to read:

20 **33-1-105.5. Acquisition of property - procedure.** (1) Except  
21 as provided in SUBJECT TO THE REQUIREMENTS OF subsection (7) of this  
22 section, before the commission purchases any fee title interest in real  
23 property or any interest in water pursuant to section 33-1-105 (1) (a), it  
24 shall solicit bid proposals from all interested parties through the issuance  
25 of a request for proposals. Notice of such request for proposals shall be  
26 published in a newspaper of general circulation in the area where the  
27 commission plans to purchase the real property or interest in water.

1           (7) (a) EVERY PURCHASE OF A FEE TITLE INTEREST IN REAL  
2 PROPERTY OR ANY INTEREST IN WATER PURSUANT TO SECTION 33-1-105  
3 (1) (a) SHALL BE APPROVED BY THE GENERAL ASSEMBLY ACTING BY BILL  
4 EITHER BEFORE OR AFTER THE COMMISSION SOLICITS BID PROPOSALS FROM  
5 ALL INTERESTED PARTIES AS SPECIFIED IN SUBSECTION (1) OF THIS  
6 SECTION. THE GENERAL ASSEMBLY SHALL ALSO APPROVE BY BILL ANY  
7 PURCHASE OF ANY FEE TITLE INTEREST IN REAL PROPERTY OR ANY  
8 INTEREST IN WATER PURSUANT TO SECTION 33-1-105 (1) (a) THAT THE  
9 COMMISSION HAS DECIDED NEED NOT BE SUBJECT TO THE BID PROCESS  
10 PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (7).

11           (b) The commission may decide not to use the bid process  
12 established in this section when the property or interest in water being  
13 purchased is located in such proximity to other property controlled by the  
14 division that, in the judgment of the commission, the bid process would  
15 not be effective, or when the property or interest in water to be purchased  
16 is offered through foreclosure, receivership, or auction, or when the  
17 property or interest in water is to be purchased from another  
18 governmental entity. ~~In the event that the bid process is not used, the~~  
19 ~~purchase of any fee title interest in real property or any interest in water~~  
20 ~~shall be approved by the general assembly acting by bill.~~

21           ~~(9) The commission shall include in its annual report, which~~  
22 ~~report shall be submitted to the capital development committee and to the~~  
23 ~~agriculture, livestock, and natural resources committee of the house of~~  
24 ~~representatives and the agriculture, natural resources, and energy~~  
25 ~~committee of the senate, a listing of all acquisitions of real property or~~  
26 ~~interests in water made pursuant to the provisions of this section. Such~~  
27 ~~report shall describe all property and interests in water acquired since July~~

1 ~~1, 1992, the acquisition cost of each such property or interest in water,~~  
2 ~~and the appraised value of each such property or interest in water, and~~  
3 ~~shall contain a description of all pending acquisitions of property and~~  
4 ~~interests in water.~~

5 **SECTION 3.** 2-3-1304 (1) (a.3) (II) and (1) (a.3) (III), Colorado  
6 Revised Statutes, are amended to read:

7 **2-3-1304. Powers and duties of capital development**  
8 **committee.** (1) The capital development committee shall have the  
9 following powers and duties:

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

12 (II) The adjutant general in the department of military and  
13 veterans affairs on the disposition of property pursuant to section  
14 28-3-106 (1) (s) (I), C.R.S.; AND

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

19 **SECTION 4. Effective date - applicability.** (1) This act shall  
20 take effect at 12:01 a.m. on the day following the expiration of the  
21 ninety-day period after final adjournment of the general assembly that is  
22 allowed for submitting a referendum petition pursuant to article V,  
23 section 1 (3) of the state constitution, (August 6, 2008, if adjournment  
24 sine die is on May 7, 2008); except that, if a referendum petition is filed  
25 against this act or an item, section, or part of this act within such period,  
26 then the act, item, section, or part, if approved by the people, shall take  
27 effect on the date of the official declaration of the vote thereon by

1 proclamation of the governor.

2 (2) The provisions of this act shall apply to any acquisitions of  
3 land or interests in land by the wildlife commission on or after the  
4 applicable effective date of this act.