

Second Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 12-0788.02 Kate Meyer x4348

HOUSE BILL 12-1317

HOUSE SPONSORSHIP

Sonnenberg,

SENATE SPONSORSHIP

Schwartz,

House Committees

Agriculture, Livestock, & Natural Resources

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE CREATION OF THE PARKS AND WILDLIFE
102 COMMISSION TO REPLACE THE PARKS AND WILDLIFE BOARD IN
103 THE DEPARTMENT OF NATURAL RESOURCES, AND, IN
104 CONNECTION THEREWITH, DESCRIBING THE COMPOSITION AND
105 TERMS OF THE COMMISSION.

Bill Summary

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

Senate Bill 11-208 combined the wildlife entities and parks and

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

outdoor recreation entities and functions under the department of natural resources. In so doing, the existing wildlife commission was merged with the existing board of parks and outdoor recreation to form the 16-member parks and wildlife board (board).

Effective July 1, 2012, the bill replaces the board with the new parks and wildlife commission (commission). The commission is comprised of 11 voting members and 2 nonvoting ex officio members (the executive director of the department and the commissioner of the department of agriculture). The voting members are appointed by the governor with the consent of the senate and must represent various geographical regions in the state and certain areas of interest or knowledge. Initial term lengths are staggered to reduce the impact to the board that results from member turnover.

The commission is required to submit a 5-year strategic plan to specified committees of reference. Components of the plan are specified.

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

2 **SECTION 1.** In Colorado Revised Statutes, **repeal and reenact,**
3 **with amendments,** 33-9-101 as follows:

4 **33-9-101. Commission - creation - composition - terms -**
5 **vacancies - removal - meetings - strategic plan - repeal.**

6 (1) (a) EFFECTIVE JULY 1, 2012, THERE IS HEREBY CREATED THE PARKS
7 AND WILDLIFE COMMISSION, ALSO REFERRED TO IN THIS ARTICLE AS THE
8 "COMMISSION".

9 (b) (I) EFFECTIVE JULY 1, 2012, THE PARKS AND WILDLIFE BOARD
10 IS ABOLISHED AND THE TERMS OF MEMBERS OF THAT BOARD SERVING AS
11 OF THAT DATE ARE TERMINATED.

12 (II) THIS PARAGRAPH (b) IS REPEALED, EFFECTIVE JANUARY 1,
13 2013.

14 (2) THE COMMISSION CONSISTS OF THIRTEEN MEMBERS, AS
15 FOLLOWS:

16 (a) TWO MEMBERS WHO ARE EX OFFICIO NONVOTING MEMBERS, AS
17 FOLLOWS:

1 (I) THE EXECUTIVE DIRECTOR; AND
2 (II) THE COMMISSIONER OF THE DEPARTMENT OF AGRICULTURE;
3 (b) ELEVEN VOTING MEMBERS WHO ARE APPOINTED, IN
4 ACCORDANCE WITH SUBSECTION (3) OF THIS SECTION, BY THE GOVERNOR
5 WITH THE CONSENT OF THE SENATE.

6 (3) (a) THE ELEVEN VOTING MEMBERS OF THE COMMISSION ARE AS
7 FOLLOWS:

8 (I) THREE MEMBERS WHO ARE SPORTS PERSONS WHO CAN
9 DEMONSTRATE A REASONABLE KNOWLEDGE OF WILDLIFE ISSUES AND WHO
10 HAVE OBTAINED A HUNTING OR FISHING LICENSE ISSUED UNDER THIS TITLE
11 FOR AT LEAST EACH OF THE THREE YEARS PRIOR TO THEIR APPOINTMENTS.
12 ONE OF THE MEMBERS APPOINTED PURSUANT TO THIS SUBPARAGRAPH (I)
13 MUST BE AN OUTFITTER REGISTERED PURSUANT TO ARTICLE 55.5 OF TITLE
14 12, C.R.S.

15 (II) THREE MEMBERS WHO ARE ACTIVELY INVOLVED IN
16 PRODUCTION AGRICULTURE AS OWNERS OR LESSEES OF THE
17 AGRICULTURAL PROPERTY AND OWNERS OR PARTIAL OWNERS OF THE
18 COMMODITIES PRODUCED ON THE LAND; AND

19 (III) FIVE MEMBERS WHO CAN DEMONSTRATE A REASONABLE
20 KNOWLEDGE OF WILDLIFE ISSUES AND WHO REGULARLY ENGAGE IN
21 OUTDOOR RECREATION AND UTILIZE PARKS RESOURCES. AT LEAST ONE OF
22 THE MEMBERS APPOINTED PURSUANT TO THIS SUBPARAGRAPH (III) MUST
23 HAVE A BACKGROUND IN DIVERSIFIED TRAILS INTERESTS AND ACTIVITIES,
24 WHICH BACKGROUND MUST INCLUDE BOTH MOTORIZED AND
25 NONMOTORIZED TRAILS-RELATED PURSUITS.

26 (b) IN APPOINTING MEMBERS TO THE COMMISSION UNDER
27 SUBPARAGRAPH (III) OF PARAGRAPH (a) OF THIS SUBSECTION (3), THE

1 GOVERNOR SHALL MAKE APPOINTMENTS THAT ENSURE THAT A
2 REASONABLE BALANCE OF THE FOLLOWING AREAS OF KNOWLEDGE, AS
3 THEY RELATE TO PARKS AND WILDLIFE, ARE REPRESENTED: BUSINESS,
4 WILDLIFE BIOLOGY OR SCIENCE, ENERGY, CONSERVATION,
5 NONCONSUMPTIVE WILDLIFE USES, NONPROFIT ORGANIZATIONS,
6 OFF-HIGHWAY VEHICLE USE, AND WILDLIFE HABITAT AND MANAGEMENT.
7 IN ORDER TO SATISFY THE REQUIREMENTS OF THIS PARAGRAPH (b), THE
8 GOVERNOR SHALL GIVE PREFERENCE TO PERSONS WITH EXPERIENCE OR
9 EXPERTISE IN MULTIPLE AREAS OF KNOWLEDGE.

10 (c) OF THE VOTING MEMBERS APPOINTED TO THE COMMISSION,
11 THERE SHALL NOT BE A DIFFERENCE OF MORE THAN ONE PERSON BETWEEN
12 THOSE MEMBERS AFFILIATED WITH ANY MAJOR POLITICAL PARTY.

13 (d) TO THE EXTENT POSSIBLE, VOTING MEMBERS SHALL BE
14 APPOINTED TO THE COMMISSION IN A MANNER THAT ENSURES BALANCED
15 GEOGRAPHICAL REPRESENTATION OF DIVERSE AREAS OF THE STATE. NO
16 MORE THAN FOUR VOTING MEMBERS TOTAL MAY BE APPOINTED FROM THE
17 COMBINED EASTERN PLAINS AND DENVER METROPOLITAN AREA.

18 (e) (I) EXCEPT AS PROVIDED IN PARAGRAPH (f) OF THIS
19 SUBSECTION (3), TERMS OF MEMBERS SERVING PURSUANT TO PARAGRAPH
20 (b) OF SUBSECTION (2) OF THIS SECTION ARE FOR FOUR YEARS.

21 (II) NO MEMBER SERVING PURSUANT TO PARAGRAPH (b) OF
22 SUBSECTION (2) OF THIS SECTION IS PERMITTED TO SERVE MORE THAN TWO
23 CONSECUTIVE TERMS.

24 (f) (I) INITIAL APPOINTMENTS OF VOTING MEMBERS OF THE
25 COMMISSION ARE AS FOLLOWS: TWO MEMBERS TO SERVE UNTIL JULY 1,
26 2013; THREE MEMBERS TO SERVE UNTIL JULY 18, 2014; THREE MEMBERS
27 TO SERVE UNTIL JULY 18, 2015; AND THREE MEMBERS TO SERVE UNTIL

1 JULY 18, 2016. ALL SUBSEQUENT APPOINTMENTS ARE FOR TERMS OF FOUR
2 YEARS.

3 (II) IN MAKING INITIAL APPOINTMENTS TO THE COMMISSION UNDER
4 SUBPARAGRAPH (I) OF THIS PARAGRAPH (f), THE GOVERNOR MAY SELECT
5 PERSONS SERVING ON THE FORMER PARKS AND WILDLIFE BOARD, AS THAT
6 BOARD EXISTED ON JUNE 30, 2012. HOWEVER, A PERSON SO APPOINTED IS
7 INELIGIBLE TO SERVE ANY OF THE INITIAL APPOINTMENTS THAT WOULD
8 RESULT IN EXTENDING FOR MORE THAN TWO YEARS THE DATE ON WHICH
9 THE PERSON'S PARKS AND WILDLIFE BOARD TERM WOULD HAVE EXPIRED.

10 (4) THE GOVERNOR SHALL FILL VACANCIES ON THE COMMISSION
11 FOR ANY UNEXPIRED TERM, WITH THE CONSENT OF THE SENATE. THE
12 MEMBER APPOINTED TO FILL A VACANCY SHALL BE FROM THE SAME
13 CATEGORY DESCRIBED IN PARAGRAPH (a) OF SUBSECTION (3) OF THIS
14 SECTION AS THE MEMBER VACATING THE POSITION.

15 (5) THE GOVERNOR IS PERMITTED TO REMOVE MEMBERS OF THE
16 COMMISSION ONLY FOR CAUSE.

17 (6) SIX COMMISSIONERS CONSTITUTE A QUORUM FOR PURPOSES OF
18 CONDUCTING THE BUSINESS OF THE COMMISSION.

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

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

27 (9) THE COMMISSION SHALL EXERCISE ITS POWERS AND PERFORM

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

6 (10) (a) (I) THE INITIAL MEETING OF THE COMMISSION SHALL BE
7 CONVENED BY THE EXECUTIVE DIRECTOR.

8 (II) AT THE FIRST MEETING, THE COMMISSION SHALL:

9 (A) ELECT A CHAIR AND VICE-CHAIR FROM THE MEMBERS SERVING
10 PURSUANT TO PARAGRAPH (b) OF SUBSECTION (2) OF THIS SECTION, WHO
11 SHALL SERVE IN THAT CAPACITY FOR A TERM OF ONE YEAR BUT WHO MAY
12 BE REELECTED FOR ADDITIONAL TERMS; AND

13 (B) DESIGNATE TWO MEMBERS TO SERVE AS REPRESENTATIVES TO
14 THE STATE BOARD OF THE GREAT OUTDOORS COLORADO TRUST FUND
15 ESTABLISHED UNDER ARTICLE XXVII OF THE STATE CONSTITUTION. ONE
16 REPRESENTATIVE MUST BE A COMMISSIONER WITH WILDLIFE KNOWLEDGE
17 APPOINTED PURSUANT TO SUBPARAGRAPH (I) OF PARAGRAPH (a) OF
18 SUBSECTION (3) OF THIS SECTION, AND THE OTHER REPRESENTATIVE MUST
19 BE A COMMISSIONER WITH EXPERIENCE IN OUTDOOR RECREATION
20 APPOINTED PURSUANT TO SUBPARAGRAPH (III) OF PARAGRAPH (a) OF
21 SUBSECTION (3) OF THIS SECTION.

22 (b) THE COMMISSION SHALL MEET AT LEAST MONTHLY AND MAY
23 ADOPT POLICIES AND PROCEDURES NECESSARY TO CARRY OUT ITS DUTIES.

24 (11) (a) IN ADDITION TO DISCHARGING ITS REGULAR DUTIES AND
25 FUNCTIONS, THE COMMISSION SHALL SPECIFICALLY DISCUSS AND
26 FORMULATE A FIVE-YEAR STRATEGIC PLAN TO ADDRESS ONGOING OR NEW
27 ISSUES RESULTING AFTER, AND IDENTIFY INCREASED EFFICIENCIES AND

1 COST SAVINGS THAT MAY BE REALIZED FROM, THE 2011 MERGER OF THE
2 FORMER DIVISION OF WILDLIFE AND THE FORMER DIVISION OF PARKS AND
3 OUTDOOR RECREATION INTO THE DIVISION OF PARKS AND WILDLIFE. THE
4 STRATEGIC PLAN MUST ADDRESS HOW THE MERGER HAS AFFECTED
5 POLICIES, OBJECTIVES, STRATEGIES, AND ESTIMATED ANNUAL FISCAL
6 COSTS AND SAVINGS ASSOCIATED WITH THE DUTIES AND PROGRAMS OF
7 THE DIVISION.

8 (b) THE COMMISSION SHALL FINALIZE THE STRATEGIC PLAN
9 REQUIRED BY THIS SUBSECTION (11) BY DECEMBER 31, 2013. IN
10 DEVELOPING THE STRATEGIC PLAN, THE COMMISSION SHALL PLACE
11 SPECIAL EMPHASIS ON OBTAINING MEANINGFUL STATEWIDE INPUT.

12 (c) NOTWITHSTANDING SECTION 24-1-136 (5), C.R.S., FOR EVERY
13 YEAR INCLUDED IN THE STRATEGIC PLAN, THE COMMISSION SHALL SUBMIT
14 A REPORT ANNUALLY TO THE HOUSE COMMITTEE ON AGRICULTURE,
15 LIVESTOCK, AND NATURAL RESOURCES AND THE SENATE COMMITTEE ON
16 AGRICULTURE, NATURAL RESOURCES, AND ENERGY, OR ANY SUCCESSOR
17 COMMITTEES, REGARDING THE PROGRESS AND STATUS OF THE STRATEGIC
18 PLAN. IN ORDER TO REDUCE COSTS ASSOCIATED WITH PREPARING AND
19 TRANSMITTING SUCH REPORTS, THE COMMISSION IS AUTHORIZED TO SEND
20 THE REPORTS IN AN ELECTRONIC FORMAT.

21 **SECTION 2. Safety clause.** The general assembly hereby finds,
22 determines, and declares that this act is necessary for the immediate
23 preservation of the public peace, health, and safety.