

Second Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 12-0788.02 Kate Meyer x4348

HOUSE BILL 12-1317

HOUSE SPONSORSHIP

Sonnenberg,

SENATE SPONSORSHIP

Schwartz,

House Committees

Agriculture, Livestock, & Natural Resources
Appropriations

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, AND REDUCING APPROPRIATIONS.**

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.

HOUSE
3rd Reading Unamended
April 18, 2012

HOUSE
Amended 2nd Reading
April 16, 2012

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

19 (III) THREE MEMBERS WHO CAN DEMONSTRATE THAT THEY ■
20 REGULARLY ENGAGE IN OUTDOOR RECREATION AND UTILIZE PARKS
21 RESOURCES. AT LEAST ONE OF THE MEMBERS APPOINTED PURSUANT TO
22 THIS SUBPARAGRAPH (III) MUST HAVE A BACKGROUND IN DIVERSIFIED
23 TRAILS INTERESTS AND ACTIVITIES, WHICH BACKGROUND MUST INCLUDE
24 BOTH MOTORIZED AND NONMOTORIZED TRAILS-RELATED PURSUITS. ONE
25 MEMBER APPOINTED UNDER THIS SUBPARAGRAPH (III) SHALL REPRESENT
26 A NONPROFIT ORGANIZATION THAT SUPPORTS AND PROMOTES THE
27 CONSERVATION AND ENHANCEMENT OF COLORADO'S WILDLIFE AND

1 HABITAT; RECOGNIZES AND PROMOTES PRIMARILY NONCONSUMPTIVE
2 WILDLIFE USE; AND HAS EXPERTISE IN WILDLIFE ISSUES, WILDLIFE
3 HABITAT, OR WILDLIFE MANAGEMENT; AND

4 (IV) TWO MEMBERS APPOINTED FROM THE PUBLIC AT-LARGE.

5 (b) (I) IN APPOINTING MEMBERS TO THE COMMISSION UNDER
6 PARAGRAPH (a) OF THIS SUBSECTION (3), THE GOVERNOR SHALL MAKE
7 APPOINTMENTS THAT ENSURE THAT A REASONABLE BALANCE OF THE
8 FOLLOWING AREAS OF KNOWLEDGE AND EXPERIENCE, AS THEY RELATE TO
9 PARKS AND WILDLIFE, ARE REPRESENTED: OUTDOOR BUSINESS, SERVICE
10 AS A CURRENT OR FORMER LOCAL ELECTED OFFICIAL, YOUTH OUTDOOR
11 EDUCATION, WILDLIFE BIOLOGY OR SCIENCE, ENERGY, CONSERVATION,
12 BENEFICIAL USES OF WATER, AND WILDLIFE HABITAT AND MANAGEMENT.
13 IN ORDER TO SATISFY THE REQUIREMENTS OF THIS PARAGRAPH (b), THE
14 GOVERNOR SHALL GIVE PREFERENCE TO PERSONS WITH EXPERIENCE OR
15 EXPERTISE IN MULTIPLE AREAS OF KNOWLEDGE.

16 (II) REGARDLESS OF THE PARTICULAR INTERESTS OR
17 QUALIFICATIONS POSSESSED BY EACH MEMBER APPOINTED TO THE
18 COMMISSION PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (3), EACH
19 COMMISSIONER REPRESENTS DIVERSE PARKS, WILDLIFE, AND OUTDOOR
20 RECREATION THROUGHOUT COLORADO.

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

24 (d) TO THE EXTENT POSSIBLE, VOTING MEMBERS SHALL BE
25 APPOINTED TO THE COMMISSION IN A MANNER THAT ENSURES BALANCED
26 GEOGRAPHICAL REPRESENTATION OF DIVERSE AREAS OF THE STATE. AT
27 LEAST FIVE VOTING MEMBERS SHALL BE APPOINTED FROM WEST OF THE

1 CONTINENTAL DIVIDE.

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

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

8 (f) (I) INITIAL APPOINTMENTS OF VOTING MEMBERS OF THE
9 COMMISSION ARE AS FOLLOWS: TWO MEMBERS TO SERVE UNTIL JULY 1,
10 2013; THREE MEMBERS TO SERVE UNTIL JULY 18, 2014; THREE MEMBERS
11 TO SERVE UNTIL JULY 18, 2015; AND THREE MEMBERS TO SERVE UNTIL
12 JULY 18, 2016. ALL SUBSEQUENT APPOINTMENTS ARE FOR TERMS OF FOUR
13 YEARS.

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

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

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

1 (6) SIX VOTING COMMISSIONERS CONSTITUTE A QUORUM FOR
2 PURPOSES OF CONDUCTING THE BUSINESS OF THE COMMISSION.

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

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

11 (9) THE COMMISSION SHALL EXERCISE ITS POWERS AND PERFORM
12 ITS DUTIES AND FUNCTIONS UNDER THE DEPARTMENT AND THE EXECUTIVE
13 DIRECTOR OF THE DEPARTMENT AS IF THE SAME WERE TRANSFERRED TO
14 THE DEPARTMENT BY A **TYPE 1** TRANSFER, AS DEFINED IN THE
15 "ADMINISTRATIVE ORGANIZATION ACT OF 1968", ARTICLE 1 OF TITLE 24,
16 C.R.S.

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

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

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

24 (B) DESIGNATE TWO MEMBERS TO SERVE AS REPRESENTATIVES TO
25 THE STATE BOARD OF THE GREAT OUTDOORS COLORADO TRUST FUND
26 ESTABLISHED UNDER ARTICLE XXVII OF THE STATE CONSTITUTION. ONE
27 REPRESENTATIVE MUST BE A COMMISSIONER WITH WILDLIFE KNOWLEDGE

1 APPOINTED PURSUANT TO SUBPARAGRAPH (I) OF PARAGRAPH (a) OF
2 SUBSECTION (3) OF THIS SECTION, AND THE OTHER REPRESENTATIVE MUST
3 BE A COMMISSIONER WITH EXPERIENCE IN OUTDOOR RECREATION
4 APPOINTED PURSUANT TO SUBPARAGRAPH (III) OF PARAGRAPH (a) OF
5 SUBSECTION (3) OF THIS SECTION.

6 (b) THE COMMISSION SHALL MEET AS OFTEN AS NECESSARY AND
7 MAY ADOPT POLICIES AND PROCEDURES NECESSARY TO CARRY OUT ITS
8 DUTIES.

9 (11) (a) IN ADDITION TO DISCHARGING ITS REGULAR DUTIES AND
10 FUNCTIONS, THE COMMISSION SHALL SPECIFICALLY DISCUSS AND
11 FORMULATE A FIVE-YEAR STRATEGIC PLAN TO ADDRESS ONGOING OR NEW
12 ISSUES RESULTING AFTER, AND IDENTIFY INCREASED EFFICIENCIES AND
13 COST SAVINGS THAT MAY BE REALIZED FROM, THE 2011 MERGER OF THE
14 FORMER DIVISION OF WILDLIFE AND THE FORMER DIVISION OF PARKS AND
15 OUTDOOR RECREATION INTO THE DIVISION OF PARKS AND WILDLIFE. THE
16 STRATEGIC PLAN MUST ADDRESS HOW THE MERGER HAS AFFECTED
17 POLICIES, OBJECTIVES, STRATEGIES, AND ESTIMATED ANNUAL FISCAL
18 COSTS AND SAVINGS ASSOCIATED WITH THE DUTIES AND PROGRAMS OF
19 THE DIVISION.

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

24 (c) NOTWITHSTANDING SECTION 24-1-136 (11), C.R.S., FOR EVERY
25 YEAR INCLUDED IN THE STRATEGIC PLAN, THE COMMISSION SHALL SUBMIT
26 A REPORT ANNUALLY TO THE HOUSE COMMITTEE ON AGRICULTURE,
27 LIVESTOCK, AND NATURAL RESOURCES AND THE SENATE COMMITTEE ON

1 AGRICULTURE, NATURAL RESOURCES, AND ENERGY, OR ANY SUCCESSOR
2 COMMITTEES, REGARDING THE PROGRESS AND STATUS OF THE STRATEGIC
3 PLAN. IN ORDER TO REDUCE COSTS ASSOCIATED WITH PREPARING AND
4 TRANSMITTING SUCH REPORTS, THE COMMISSION IS AUTHORIZED TO SEND
5 THE REPORTS IN AN ELECTRONIC FORMAT.

6 (12) (a) THE GENERAL ASSEMBLY HEREBY FINDS, DETERMINES,
7 AND DECLARES THAT IT IS THE POLICY OF THE STATE THAT:

8 (I) COLORADO'S WILDLIFE, NATURAL, SCENIC, AND SCIENTIFIC
9 RESOURCES MUST BE PROTECTED, PRESERVED, ENHANCED, AND MANAGED
10 FOR THE USE, BENEFIT, AND ENJOYMENT OF THE PEOPLE OF THE STATE AND
11 ITS VISITORS;

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

15 (III) A COMPREHENSIVE PROGRAM DESIGNED TO OFFER THE
16 GREATEST POSSIBLE VARIETY OF RECREATIONAL OPPORTUNITY TO THE
17 PEOPLE OF THE STATE AND ITS VISITORS IS PROVIDED;

18 (IV) THERE MUST BE A CONTINUOUS OPERATION OF PLANNING,
19 ACQUISITION, DEVELOPMENT, AND MANAGEMENT OF WILDLIFE HABITATS,
20 STATE PARKS, OUTDOOR RECREATION LANDS, TRAILS, WATERS, AND
21 FACILITIES IN A MANNER THAT RECOGNIZES THE PRIVATE PROPERTY
22 RIGHTS OF INDIVIDUAL PROPERTY OWNERS; AND

23 (V) BOTH EDUCATION AND OUTREACH ACTIVITIES MUST BE USED
24 TO PROMOTE NATURAL RESOURCES STEWARDSHIP.

25 (b) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT
26 THE MISSION OF THE COMMISSION AND THE DIVISION IS TO PERPETUATE
27 THE WILDLIFE RESOURCES OF THE STATE, TO PROVIDE A QUALITY STATE

1 PARKS SYSTEM, AND TO PROVIDE ENJOYABLE AND SUSTAINABLE OUTDOOR
2 RECREATION OPPORTUNITIES THAT EDUCATE AND INSPIRE CURRENT AND
3 FUTURE GENERATIONS TO SERVE AS ACTIVE STEWARDS OF COLORADO'S
4 NATURAL RESOURCES.

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

7 **2-3-1203. Sunset review of advisory committees.** (3) The
8 following dates are the dates for which the statutory authorization for the
9 designated advisory committees is scheduled for repeal:

10 (aa) July 1, 2014:

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

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

17 **2-3-1304. Powers and duties of capital development**
18 **committee.** (1) The capital development committee ~~shall have~~ HAS the
19 following powers and duties:

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

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

27 (IV) The ~~board of parks and outdoor recreation~~ PARKS AND

1 WILDLIFE COMMISSION in the department of natural resources on the
2 acquisition of certain interests in real property pursuant to section
3 33-10-107 (2), C.R.S.;

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

6 **18-9-120. Terrorist training activities - penalties - exemptions.**

7 (3) (a) Nothing in this section ~~shall make~~ MAKES unlawful any activity
8 pursuant to section 13 of article II of the state constitution or activity of
9 the PARKS AND wildlife commission, any law enforcement agency, any
10 hunting club, or any rifle club, any activity engaged in on a rifle range,
11 pistol range, or shooting range, or any activity undertaken pursuant to any
12 shooting school or other program or instruction, any of which activities
13 is intended to teach the safe handling or use of firearms, archery
14 equipment, or other weapons or techniques and is employed in connection
15 with lawful sports or teach the use of arms for the defense of home,
16 person, or property, or the lawful use of force as defined in part 7 of
17 article 1 of this title, or other lawful activities.

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

20 **18-9-202. Cruelty to animals - aggravated cruelty to animals**

21 **- cruelty to a service animal - restitution.** (3) Nothing in this part 2
22 ~~shall be construed to amend or~~ MODIFIES in any manner ~~change~~ the
23 authority of the PARKS AND wildlife commission, as established in title 33,
24 C.R.S., or to ~~prohibit~~ PROHIBITS any conduct ~~therein~~ authorized or
25 permitted UNDER TITLE 33, C.R.S.

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

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

4 (k) (I) (A) The parks and wildlife ~~board~~ COMMISSION, created
5 ~~under~~ IN article 9 of title 33, C.R.S. The powers, duties, and functions of
6 the wildlife commission and the board of parks and outdoor recreation are
7 transferred by a **type 1** transfer to the parks and wildlife ~~board~~
8 COMMISSION as powers, duties, and functions of the parks and wildlife
9 ~~board~~ COMMISSION.

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

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

15 **24-33-104. Composition of the department.** (1) The department
16 of natural resources consists of the following COMMISSIONS, divisions,
17 ~~and~~ boards, OFFICES, AND COUNCILS:

18 (h) The division of parks and wildlife; and the parks and wildlife
19 ~~board~~ COMMISSION;

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

22 **24-33-111. Conservation of native species - fund created.**

23 (3) **Species conservation eligibility list and annual report.** (a) The
24 executive director of the department of natural resources, after
25 consultation with the Colorado water conservation board and its director,
26 the PARKS AND wildlife commission, and the director of the division of
27 PARKS AND wildlife, shall annually prepare a species conservation

1 eligibility list describing programs and associated costs that are eligible
2 to receive funding pursuant to this section. The species conservation
3 eligibility list ~~shall be~~ IS subject to modification and adoption through
4 passage of a bill. At the same time as the species conservation eligibility
5 list is submitted, the director of the department of natural resources, after
6 consultation with the Colorado water conservation board and its director,
7 the PARKS AND wildlife commission, and the director of the division of
8 PARKS AND wildlife, shall also provide a detailed report to the general
9 assembly on the progress and status of activities to date and their
10 effectiveness in the recovery of the species and identify proposed future
11 activities. The report shall include an assessment of habitat benefits, both
12 public and private, attributable to such activities.

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

1 under title 33, C.R.S.

2 **SECTION 9.** In Colorado Revised Statutes, 24-34-104, **amend**
3 (50.5) (d) as follows:

4 **24-34-104. General assembly review of regulatory agencies**
5 **and functions for termination, continuation, or reestablishment.**

6 (50.5) The following agencies, functions, or both, shall terminate on
7 September 1, 2019:

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

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

14 **30-11-107. Powers of the board.** (3) The board of county
15 commissioners of any county eligible to receive impact assistance grants
16 pursuant to part 3 of article 25 of this title may certify a dollar amount to
17 the ~~PARKS AND wildlife commission or the board of parks and outdoor~~
18 ~~recreation or both said commission and said board~~ pursuant to part 3 of
19 article 25 of this title.

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

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

1 regular tax assessment period, to the parks and wildlife board
2 COMMISSION, the current dollar amount representing the negative
3 financial impact that the ownership has on the county's finances and the
4 finances of any political subdivision that lies within the county. In
5 calculating the dollar amount, the board of county commissioners shall
6 take into consideration the following factors:

7 (3) The parks and wildlife board COMMISSION shall review the
8 dollar amounts certified pursuant to subsection (1) of this section and
9 shall certify to the general assembly these dollar amounts. In making its
10 determinations, the parks and wildlife board COMMISSION shall consider
11 the factors set forth in subsection (1) of this section and may consider any
12 additional relevant factors. All certifications to the general assembly must
13 include an explanation of the grounds upon which the determinations of
14 the certified amounts are based. The parks and wildlife board
15 COMMISSION shall include an estimate of the amount to be certified for
16 impact assistance grants in their budget requests for each fiscal year.

17 (4) (a) The general assembly may make an appropriation in the
18 form of an impact assistance grant to any county qualifying for such grant
19 upon certification by the parks and wildlife board COMMISSION of the
20 amount for the grant. Appropriations concerning lands purchased with
21 wildlife cash or other wildlife moneys must be made from the wildlife
22 cash fund. Appropriations concerning lands purchased with general fund
23 or parks and outdoor recreation cash or other parks and outdoor recreation
24 moneys must be made from the general fund or the parks and outdoor
25 recreation cash fund.

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

1 **30-28-106. Adoption of master plan - contents.** (3) (a) The
2 master plan of a county or region, with the accompanying maps, plats,
3 charts, and descriptive and explanatory matter, shall show the county or
4 regional planning commission's recommendations for the development of
5 the territory covered by the plan. The master plan of a county or region
6 shall be an advisory document to guide land development decisions;
7 however, the plan or any part thereof may be made binding by inclusion
8 in the county's or region's adopted subdivision, zoning, platting, planned
9 unit development, or other similar land development regulations after
10 satisfying notice, due process, and hearing requirements for legislative or
11 quasi-judicial processes as appropriate. After consideration of each of the
12 following, where applicable or appropriate, the master plan may include:
13 ~~but shall not be limited to:~~

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

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

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

26 **31-23-206. Master plan.** (1) It is the duty of the commission to
27 make and adopt a master plan for the physical development of the

1 municipality, including any areas outside its boundaries, subject to the
2 approval of the governmental body having jurisdiction thereof, which in
3 the commission's judgment bear relation to the planning of such
4 municipality. The master plan of a municipality shall be an advisory
5 document to guide land development decisions; however, the plan or any
6 part thereof may be made binding by inclusion in the municipality's
7 adopted subdivision, zoning, platting, planned unit development, or other
8 similar land development regulations after satisfying notice, due process,
9 and hearing requirements for legislative or quasi-judicial processes as
10 appropriate. When a commission decides to adopt a master plan, the
11 commission shall conduct public hearings, after notice of such public
12 hearings has been published in a newspaper of general circulation in the
13 municipality in a manner sufficient to notify the public of the time, place,
14 and nature of the public hearing, prior to final adoption of a master plan
15 in order to encourage public participation in and awareness of the
16 development of such plan and shall accept and consider oral and written
17 public comments throughout the process of developing the plan. Such
18 plan, with the accompanying maps, plats, charts, and descriptive matter,
19 shall, after consideration of each of the following, where applicable or
20 appropriate, show the commission's recommendations for the
21 development of said municipality and outlying areas, including: ~~but not~~
22 ~~limited to:~~

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

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

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

7 **33-1-101. Legislative declaration.** (2) All wildlife within this
8 state not lawfully acquired and held by private ownership is declared to
9 be the property of this state. Right, title, interest, acquisition, transfer,
10 sale, importation, exportation, release, donation, or possession of wildlife
11 ~~shall be~~ IS permitted only as provided in articles 1 to 6 of this title or in
12 any rule ~~or regulation~~ of the PARKS AND wildlife commission.

13 **SECTION 15.** In Colorado Revised Statutes, 33-1-102, **amend**
14 (4.3), (5), (6), and (10); and **repeal** (2.5) as follows:

15 **33-1-102. Definitions.** As used in this title, unless the context
16 otherwise requires:

17 (2.5) ~~"Board" or "parks and wildlife board" means the parks and~~
18 ~~wildlife board created in section 33-9-101.~~

19 (4.3) "Colorado wildlife officer" means an employee of the
20 division of PARKS AND wildlife, or any other person who is commissioned
21 by the director ~~of the division~~ to enforce the wildlife statutes and rules
22 ~~and regulations~~ of the commission and all laws of the state of Colorado,
23 who is recognized as a peace officer in section 16-2.5-116, C.R.S.

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

26 (6) "Commissioner" means a member of the PARKS AND wildlife
27 commission.

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

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

6 **33-1-106. Authority to regulate taking, possession, and use of**
7 **wildlife - rules.** (3) (a) The state agricultural commission shall review
8 the ~~regulations~~ RULES concerning captive wild ungulates submitted by the
9 division and make recommendations to the PARKS AND wildlife
10 commission concerning ~~such regulations~~ THE RULES. The PARKS AND
11 wildlife commission shall not pass nor implement ~~regulations~~ RULES
12 concerning captive wild ungulates without the approval of the state
13 agricultural commission. If the PARKS AND wildlife commission ~~should~~
14 ~~make~~ MAKES the possession of red deer unlawful in this state, the division
15 shall compensate any person who owns or possesses any red deer on the
16 effective date of ~~such~~ THE prohibition for the cost to replace such red deer
17 with a legal elk of the same sex and comparable age.

18 **SECTION 17.** In Colorado Revised Statutes, 33-1-110, **amend**
19 (6.7), (7) (c) introductory portion, and (7) (c) (V); and **repeal** (2) as
20 follows:

21 **33-1-110. Duties of the director of the division.** (2) ~~The director~~
22 ~~shall exercise all the powers and perform all the functions of the~~
23 ~~commission in the interim between its meetings, subject to the ratification~~
24 ~~thereof by the commission. He shall act as recording secretary for the~~
25 ~~commission and shall be custodian of all minutes and other records of the~~
26 ~~commission. The director shall perform such duties as prescribed by the~~
27 ~~commission, by the executive director, or by law; except that he has no~~

1 ~~authority to make rules or regulations.~~

2 (6.7) The director shall certify to the state controller that
3 commitment or payment vouchers submitted by local habitat partnership
4 committees are consistent with distribution management plans and
5 guidelines approved by the ~~wildlife~~ commission. Such certification ~~shall~~
6 ~~be~~ IS the only requirement necessary to authorize the state controller to
7 disburse funds from the habitat partnership cash fund.

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

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

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

14 **33-1-120.5. Oversight of the division - target dates for**
15 **implementation of management review recommendations.** (3) The
16 director shall:

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

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

22 **33-4-102. Types of licenses and fees - rules - repeal.** (9) All
23 licenses issued pursuant to this section ~~shall~~ expire on the date written or
24 printed thereon, unless otherwise provided by the commission ~~or board~~
25 or by any other law.

26 **SECTION 20.** In Colorado Revised Statutes, 33-4-102.7, **amend**
27 (1.5), (4) (a) (I), and (4) (c) as follows:

1 **33-4-102.7. Colorado wildlife habitat stamp - review**
2 **committee - Colorado wildlife passport created - Colorado wildlife**
3 **passport fund - rules - study - repeal.** (1.5) A person eighteen years of
4 age or older and under sixty-five years of age shall purchase a Colorado
5 wildlife habitat stamp, or shall have purchased a lifetime Colorado
6 wildlife habitat stamp, when applying for or purchasing a hunting or
7 fishing license. No habitat stamp purchase ~~shall be~~ IS required prior to
8 application for or purchase of such person's first two one-day hunting or
9 fishing licenses, but a habitat stamp shall be purchased prior to applying
10 for or purchasing a third one-day hunting or fishing license. ~~Until March~~
11 ~~31, 2011, no person shall be required to purchase more than two Colorado~~
12 ~~wildlife habitat stamps within a twelve-month period. On and after April~~
13 ~~1, 2011, No person shall be~~ IS required to purchase more than one
14 Colorado wildlife habitat stamp within a twelve-month period. Any
15 person acquiring a license issued pursuant to section 33-4-104 and any
16 person who is mobility-impaired, as defined by ~~wildlife~~ commission
17 rules, ~~shall be exempted~~ IS EXEMPT from the requirement to purchase a
18 Colorado wildlife habitat stamp.

19 (4) (a) (I) All moneys received pursuant to the issuance of the
20 Colorado wildlife habitat stamp shall be used for the benefit of wildlife
21 habitat or access to wildlife habitat, including costs associated with the
22 operation and maintenance, such as weed control and fencing, of lands
23 under the Colorado wildlife habitat protection program administered by
24 the division. Revenues collected from the sale of the stamp ~~shall be~~ ARE
25 subject to annual appropriation. The Colorado wildlife habitat stamp
26 review committee shall annually review proposed projects for expenditure
27 of Colorado wildlife habitat stamp funds, including projects proposed

1 pursuant to subparagraph (II) of this paragraph (a), and make
2 recommendations to the director and the wildlife commission. In
3 consultation with the habitat stamp committee, the wildlife commission
4 shall, in its discretion, ensure that sufficient priority is given to improve
5 access for anglers to the waters of the state and to conserve and protect
6 winter range and vital habitats for deer, elk, and other big game wildlife
7 species in the allocation of revenues pursuant to this section.

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

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

1 **33-5.5-102. Duties of the fish health board.** (8) The board shall
2 periodically review ~~regulations of the~~ division RULES relating to
3 destruction or quarantine of aquaculture stock or facilities and ~~shall~~
4 recommend appropriate changes to the ~~wildlife~~ commission.

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

7 **33-6-208. Thirty-day period - administration - conditions**
8 **precedent to use of exemption.** (1) For purposes of the exemption
9 specified in section 33-6-207:

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

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

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

20 **33-9-102. Powers and duties of commission - rules.** (1) The
21 ~~board~~ COMMISSION is vested with all the powers, responsibilities,
22 obligations, functions, and duties that previously were under the
23 jurisdiction of ~~either~~ the FORMER wildlife commission or the FORMER
24 board of parks and outdoor recreation as of June 30, 2011.

25 (2) In addition to any other specific grant of rule-making
26 authority, the ~~board~~ COMMISSION may adopt or revise any rules, in
27 accordance with article 4 of title 24, C.R.S., that the ~~board~~ COMMISSION

1 deems necessary or convenient to effect the purposes of, and fulfill its
2 duties under, this title.

3 (3) The ~~board~~ COMMISSION shall designate a ~~board~~ COMMISSION
4 member with wildlife knowledge appointed pursuant to ~~section 33-9-101~~
5 ~~(2)(c)~~ SECTION 33-9-101 (3) (a) (I) to serve as a representative to the state
6 board of the great outdoors Colorado trust fund established under article
7 XXVII of the state constitution. The ~~board~~ COMMISSION shall designate
8 a ~~board~~ COMMISSION member with parks and outdoor recreation
9 knowledge appointed pursuant to ~~section 33-9-101 (2) (d)~~ SECTION
10 33-9-101 (3) (a) (III) to serve as a representative to the state board of the
11 great outdoors Colorado trust fund established under article XXVII of the
12 state constitution.

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

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

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

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

1 (1) (a) The office of director of the division is hereby created. The board
2 COMMISSION, with the consent of the executive director, shall appoint the
3 director. The director shall devote his or her entire time to the service of
4 the state in the discharge of his or her official duties and shall not hold
5 any other public office. The appointment or removal of the director is
6 subject to section 13 of article XII of the state constitution. Except as
7 otherwise provided in paragraph (b) of this subsection (1), The director
8 shall possess such qualifications as may be established by the board
9 COMMISSION, the executive director, and the state personnel director.

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

14 (II) ~~Until such time as the board, the executive director, and the~~
15 ~~state personnel director establish specific qualifications that the director~~
16 ~~must possess, the qualifications previously established for the director of~~
17 ~~the former division of wildlife and the director of the former division of~~
18 ~~parks and outdoor recreation, as those offices existed on June 30, 2011,~~
19 ~~apply to the director.~~

20 (3) The director shall exercise all the powers and perform all the
21 functions of the board COMMISSION in the interim between its meetings,
22 subject to the ratification of the board COMMISSION. The director shall act
23 as recording secretary for the board COMMISSION and is the custodian of
24 all minutes and other records of the board COMMISSION. The director shall
25 perform such duties as prescribed by the board COMMISSION, by the
26 executive director, or by law; except that the director has no authority to
27 promulgate rules.

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

3 **33-9-104. Division - creation - duties.** (1) There is hereby
4 created a division of parks and wildlife in the department of natural
5 resources, also referred to in this article as the "division". The division is
6 under the jurisdiction of the ~~board~~ COMMISSION.

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

9 **33-9-105. Enterprise status of commission and division.**

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

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

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

24 **33-9-106. Reports.** (1) ~~(a) Before or during the second regular~~
25 ~~session of the sixty-eighth general assembly, but on or by February 29,~~
26 ~~2012, the executive director shall report to the joint house agriculture,~~
27 ~~livestock, and natural resources committee and the senate agriculture,~~

1 natural resources, and energy committee, or any successor committees,
2 regarding the board's activities since June 1, 2011, identification of any
3 problems following the board's inception, the implementation plan
4 formulated by the board, and any recommendations for further legislation
5 to effectuate the creation, and facilitate or improve the operation, of the
6 division. The report must reflect public input received regarding the
7 creation and operation of the division. The report must also describe any
8 cost savings that are expected to result from the merger of the former
9 division of wildlife and the former division of parks and outdoor
10 recreation.

11 (b) On November 30, 2011, the executive director shall submit to
12 the members of the house agriculture, livestock, and natural resources
13 committee and the senate agriculture, natural resources, and energy
14 committee, or any successor committees, an informal progress report that
15 provides a general update on the board's efforts to create the
16 implementation plan and that identifies any apparent current, outstanding,
17 or reasonably anticipated issues and potential solutions to those issues.
18 The report must be in paper or electronic format, and need not exceed
19 three pages in length.

20 (2) Beginning in 2013 AND NOTWITHSTANDING SECTION 24-1-136
21 (11), C.R.S., the executive director shall report annually to the joint house
22 agriculture, livestock, and natural resources committee and the senate
23 agriculture, natural resources, and energy committee, or any successor
24 committees, regarding the administration of the division, including an
25 evaluation of division resources and their utilization and an identification
26 of opportunities for efficiencies. Each such report must summarize
27 stakeholder outreach conducted during the prior year and must also

1 identify disposition of assets and cost savings, both planned and realized,
2 since the previous year, including savings pertaining to personnel,
3 equipment, services, and provisioning.

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

6 **33-9-108. Transfer of functions - employees - property -**
7 **records - rules - contracts - lawsuits - statutory references.** (1) (a) The
8 ~~board~~ COMMISSION shall execute, administer, perform, and enforce the
9 rights, powers, duties, functions, and obligations vested previously in the
10 FORMER wildlife commission or the FORMER board of parks and outdoor
11 recreation.

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

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

1 (4) (a) Whenever the wildlife commission or the board of parks
2 and outdoor recreation is referred to or designated by any contract or
3 other document, the reference or designation applies to the parks and
4 wildlife ~~board~~ COMMISSION. All contracts entered into by the wildlife
5 commission or the board of parks and outdoor recreation prior to June 30,
6 2011, are hereby validated, with the ~~board~~ COMMISSION succeeding to all
7 rights and obligations under such contracts. Any cash funds, custodial
8 funds, trusts, grants, and any appropriations of funds from prior fiscal
9 years available to satisfy obligations incurred under such contracts shall
10 be transferred and appropriated to the ~~board~~ COMMISSION for the payment
11 of such obligations.

12 (5) (a) Unless otherwise specified:

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

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

20 (b) The revisor of statutes is hereby authorized to change all
21 references in the Colorado Revised Statutes to the wildlife commission,
22 ~~or the board of parks and outdoor recreation, OR THE PARKS AND WILDLIFE~~
23 ~~BOARD~~ from such references to the parks and wildlife ~~board~~ COMMISSION,
24 as appropriate. The revisor of statutes is also authorized to change all
25 references in the Colorado Revised Statutes to the division of wildlife or
26 the division of parks and outdoor recreation from such references to the
27 division of parks and wildlife, as appropriate. In connection with such

1 THIS authority, the revisor of statutes is hereby authorized to amend or
2 delete provisions of the Colorado Revised Statutes so as to make the
3 statutes consistent with the powers, duties, and functions transferred
4 pursuant to this article.

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

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

19 **SECTION 29.** In Colorado Revised Statutes, 33-9-109, **amend**
20 (1), (2), and (3) as follows:

21 **33-9-109. Funds - appropriations to former divisions in 2011**
22 **general appropriations act - repeal.** (1) Nothing in this article alters or
23 affects funds previously administered by the FORMER wildlife commission
24 or the FORMER board of parks and outdoor recreation; except that the
25 ~~board~~ PARKS AND WILDLIFE COMMISSION shall administer such funds.

26 (2) The ~~board~~ COMMISSION shall adopt policies, procedures, or
27 accounting methods to ensure transparency and prevent the unauthorized

1 commingling or impermissible use of moneys in distinct funds, to ensure
2 that moneys are expended consistent with the purposes for which they are
3 received, collected, or appropriated, and to ensure that appropriate records
4 are maintained for audit purposes.

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

10 (b) The ~~board~~ COMMISSION shall segregate all moneys received
11 pursuant to section 5 (1) (a) (I) of article XXVII of the state constitution
12 and spend these moneys solely for investments in the wildlife resources
13 of Colorado, including the protection and restoration of crucial wildlife
14 habitats, appropriate programs for maintaining Colorado's diverse wildlife
15 heritage, wildlife watching, and educational programs about wildlife and
16 wildlife environment, consistent with the purposes set forth under section
17 1 (1) (a) of article XXVII.

18 (c) The ~~board~~ COMMISSION shall segregate all moneys received
19 pursuant to section 5 (1) (a) (II) of article XXVII of the state constitution
20 and spend these moneys solely for investments in the outdoor recreation
21 resources of Colorado, including the state parks system, trails, public
22 information and environmental education resources, and water for
23 recreational facilities, consistent with the purposes set forth under section
24 1 (1) (a) of article XXVII.

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

27 **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.~~

1 (12) "Nonresident" means any person who is not a resident of this
2 state.

3 (15) "Parks and recreation officer" or "special parks and
4 recreation officer" means a person who is appointed by the director and
5 authorized to enforce the park laws and the rules and regulations of the
6 board COMMISSION and who shall cooperate with the division of wildlife
7 in the enforcement of the wildlife laws AND rules. and regulations.

8 (18) "Permit" means a document issued pursuant to board
9 regulation COMMISSION RULE and shall include INCLUDES such documents
10 as campground permits, electrical hookup permits, group picnic area
11 permits, and other permits as authorized by the board COMMISSION.

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

26 **SECTION 32.** In Colorado Revised Statutes, 33-10-106, amend
27 (1) introductory portion, (1) (j) (II), (1) (j) (III), (2) introductory portion,

1 and (4) as follows:

2 **33-10-106. Duties of the commission - rules.** (1) The board
3 COMMISSION shall:

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

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

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

19 (4) (a) Rule-making procedures ~~shall be~~ ARE as prescribed in
20 article 4 of title 24, C.R.S., except as otherwise provided in articles 10 to
21 15 and 32 of this title. Notice of rules may also be given ~~such~~ other
22 publicity as the board COMMISSION may deem desirable.

23 (b) A certified copy, which may be certified by the director or his
24 THE DIRECTOR'S designee, of any rule ~~regulation~~, or order of the board
25 ~~shall be~~ COMMISSION CONSTITUTES prima facie evidence in any court of
26 this state. A printed copy of any rule ~~or regulation~~ purporting or proved
27 to have been adopted and published by the authority of the board

1 COMMISSION or as published in the code of Colorado regulations in
2 accordance with ~~the provisions of~~ section 24-4-103, C.R.S., is
3 presumptive evidence of such rule ~~or regulation~~ and ~~of~~ its adoption.

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

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

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

12 (a) Acquire by gift, transfer, lease, purchase, or long-term
13 operating agreement such land and water, or interests in land and water,
14 as the director, with the approval of the executive director, deems
15 necessary, suitable, or proper for parks and outdoor recreation purposes
16 or for the preservation or conservation of sites, scenes, open space, and
17 vistas of public interest. As used in this section, "interest in land and
18 water" means any and all rights and interest in land less than the full fee
19 interest, including ~~but not limited to~~ future interests, easements,
20 covenants, and contractual rights. Every ~~such~~ interest in land and water
21 held by the ~~board~~ COMMISSION when properly recorded ~~shall run~~ RUNS
22 with the land or water to which it pertains for the benefit of the citizens
23 of this state and may be protected and enforced by the ~~board~~ COMMISSION
24 in the district court of the county in which the land or water, or any
25 portion thereof, is located.

26 (b) Lease, exchange, or sell any property, water rights, land, or
27 interest in land or water rights, including oil, gas, and other organic and

1 inorganic substances which now are or may become surplus or which, in
2 the proper management of the division, the board COMMISSION desires to
3 lease, exchange, or sell. All sales of property, water rights, or lands shall
4 be at public sale, and the board COMMISSION has the right to reject any or
5 all bids. As used in this paragraph (b), "exchange" means the transferring
6 of property, water rights, land, or interest in land or water rights to
7 another person in consideration for the transfer to the board COMMISSION
8 of other property, water rights, land, or interest in land or water rights, or
9 cash, or any combination thereof; except that any cash received may not
10 exceed fifty percent of the total value of the consideration. A transaction
11 otherwise qualifying as an exchange shall IS not be deemed a sale merely
12 because dollar values have been assigned to any property, water rights,
13 land, or interest in land or water rights, for the purpose of ensuring that
14 the board COMMISSION will receive adequate compensation.

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

22 (e) Receive and expend grants, gifts, and bequests, including
23 federal funds, made available for the purposes for which the board
24 COMMISSION is authorized. The board COMMISSION may provide matching
25 funds whenever funds are available on such a basis. The board
26 COMMISSION shall provide such information as may be required in order
27 to secure such funds. The receipt and expenditure of money so received

1 shall be reported to the executive director prior to the time of submission
2 of the board's COMMISSION'S annual budget requests.

3 (2) In the event that the board COMMISSION plans to acquire the
4 fee title to any real property at a cost to exceed THAT EXCEEDS one
5 hundred thousand dollars or to acquire an easement for a period to exceed
6 THAT EXCEEDS twenty-five years or at a cost to exceed THAT EXCEEDS one
7 hundred thousand dollars or to enter into any lease agreement for the use
8 of real property for a period to exceed THAT EXCEEDS twenty-five years
9 or at a cost to exceed THAT EXCEEDS one hundred thousand dollars, or to
10 sell or otherwise dispose of such property, after the board COMMISSION
11 has approved of the transaction but before it has completed the
12 transaction, the board COMMISSION shall submit a report to the capital
13 development committee that outlines the anticipated use of the real
14 property, the maintenance costs related to the property, the current value
15 of the property, any conditions or limitations that may restrict the use of
16 the property, and, in the event real property is acquired, the potential
17 liability to the state that will result from the acquisition. The capital
18 development committee shall review the reports submitted by the board
19 COMMISSION and make recommendations to the board COMMISSION
20 concerning the proposed land transaction within thirty days from the day
21 on which the report is received. The board COMMISSION shall not
22 complete the transaction without considering the recommendations of the
23 capital development committee, if the recommendations are made in a
24 timely manner.

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

27 **33-10-108. Duties of the division of parks and wildlife -**

1 **definitions.** (1) The division, unless otherwise provided by law, has the
2 following duties:

3 (f) To enter into and administer agreements with the United
4 States, or any appropriate agency thereof, for the planning, acquisition,
5 and development of projects involving participating federal aid funds on
6 behalf of any county, city, or other political subdivision if such county,
7 city, or other political subdivision gives necessary assurances to the
8 division that it has available sufficient funds to meet its share of the cost
9 of the project and that the acquired or developed areas will be operated
10 and maintained in perpetuity at its expense for public outdoor recreation
11 use. Funds distributed to a city, county, or any other political subdivision
12 pursuant to this section and not utilized shall, pursuant to rules and
13 regulations adopted by the board COMMISSION, revert to the division for
14 its use. Any administrative costs assessed by the division to any county,
15 city, or other political subdivision for local projects shall be for actual
16 administrative costs incurred by the division, not to exceed five percent
17 of federal aid funds distributed to such political subdivision.

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

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

24 **33-10-109. Powers and duties of director.** (1) It is the duty of
25 the director to:

26 (c) ~~Exercise all the powers and functions of the board in the~~
27 ~~interim between its meetings, subject to the ratification thereof by the~~

1 ~~board, act as recording secretary for the board and custodian of all~~
2 ~~minutes and other records of the board, and perform such duties as may~~
3 ~~be prescribed by the board, the executive director, or by law, but the~~
4 ~~director has no authority to make rules or regulations;~~

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

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

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

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

21 **33-10-111. Parks and outdoor recreation cash fund created -**
22 **fees - accounting expenditures for roads and highways - repeal.**

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

27 (I) Before adopting any such rule, provide the ~~general assembly's~~

1 joint budget committee with the proposed rule and the board's
2 COMMISSION'S analysis of the proposed rule;

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

8 (II) In its annual budget request to the general assembly, the board
9 COMMISSION shall include the amount of any fee changed, proposed, or
10 under consideration by the board COMMISSION.

11 (c) This subsection (5) is repealed, effective July 1, 2012
12 SEPTEMBER 1, 2017.

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

15 **33-10-114. Limitation on division and commission authority.**

16 (1) Neither the board COMMISSION nor the division shall enter into any
17 mitigation agreements with any agency of the federal government relating
18 to the transfer or exchange of land or water condemned by the federal
19 government without the express consent of the general assembly.

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

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

26 **33-10-115. Use of parks and recreational areas by nonprofit**
27 **search and rescue organizations - definitions - rules.** (4) The board

1 COMMISSION shall promulgate rules as are reasonably necessary for the
2 implementation of TO IMPLEMENT this section.

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

5 **33-10.5-102. Definitions.** As used in this article, unless the
6 context otherwise requires:

7 (1) "Aquatic nuisance species" means exotic or nonnative aquatic
8 wildlife or any plant species that have been determined by the board
9 COMMISSION to pose a significant threat to the aquatic resources or water
10 infrastructure of the state.

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

13 (5) "Decontaminate" means to wash, drain, dry, or chemically or
14 thermally treat a conveyance in accordance with rules promulgated by the
15 board COMMISSION in order to remove or destroy an aquatic nuisance
16 species.

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

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

23 **33-10.5-107. Commission to promulgate rules.** (1) The board
24 COMMISSION is authorized to promulgate rules pursuant to article 4 of title
25 24, C.R.S., as necessary to prevent, control, contain, monitor, and,
26 whenever possible, eradicate aquatic nuisance species. In promulgating
27 such rules, the board COMMISSION shall consult with ~~the commission and~~

1 any affected state, federal, and tribal governmental entities and
2 subdivisions thereof, including ~~but not limited to~~, special districts, water
3 conservancy districts, and water supply agencies.

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

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

8 **33-11-104. Acquisition.** (5) Nothing in this section shall alter,
9 ~~impair, supersede, or change~~ MODIFIES, IMPAIRS, OR SUPERSEDES the
10 authority of the ~~board~~ COMMISSION or the ability of the division to acquire
11 any interest in water or water rights pursuant to section 33-10-107 (1) (a).

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

14 **33-11-105. Recreational trails committee.** (1) There is hereby
15 created the Colorado recreational trails committee, which ~~shall be~~ IS
16 advisory and ~~shall consist~~ CONSISTS of nine members, eight of whom ~~shall~~
17 ~~be~~ ARE appointed by the ~~board of parks and outdoor recreation~~
18 COMMISSION. One member shall be appointed from the governing
19 committee of the state board of the great outdoors Colorado trust fund
20 created by section 6 of article XXVII of the state constitution. The TERMS
21 OF THE members appointed by the ~~board of parks and outdoor recreation~~
22 ~~shall be appointed for terms of~~ COMMISSION ARE four years. No member
23 shall serve more than two consecutive terms. One member shall be
24 appointed from each congressional district, one member shall be
25 appointed from the state at large, and one member shall represent and be
26 appointed by the state board of the great outdoors Colorado trust fund.
27 The committee shall include in its membership representation of the

1 broad spectrum of trail users. Vacancies ~~from the members appointed by~~
2 ~~the state board of parks and outdoor recreation~~ on the committee shall be
3 filled for the unexpired term by the ~~board of parks and outdoor recreation~~
4 APPROPRIATE APPOINTING AUTHORITY SET FORTH IN THIS SUBSECTION (1).

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

7 **33-11-106. Responsibilities of committee.** (1) The committee,
8 with the approval of the ~~board~~ COMMISSION, shall coordinate trail
9 development among local governments and shall assist local governments
10 in the formation of their trail plans and advise the ~~board~~ COMMISSION
11 quarterly of its findings. In carrying out this responsibility, the committee
12 shall review records of easements and other interests in land which are
13 available and may be adapted for recreational trail usage, including public
14 lands, utility easements, floodplains, railroad and other rights-of-way,
15 geological hazard areas, gifts of land or interests therein, and steep slope
16 areas. The committee shall advise the ~~board~~ COMMISSION in the
17 development of uniform standards for trail construction ~~which~~ that may
18 be adopted by the ~~board~~ COMMISSION for statewide use and ~~which~~ THAT
19 shall be made available to participating local governments. The
20 committee shall offer plans and methods for funding a trails system
21 through user fees or other financing methods.

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

24 **33-11-107. Availability of funds.** The ~~board~~ COMMISSION is
25 authorized to make funds appropriated by the general assembly for the
26 purposes of this article available to local governments and nonprofit
27 organizations in accordance with criteria developed by the committee and

1 adopted by the board COMMISSION. The committee shall advise the board
2 COMMISSION of its recommendations for the allocation of such funds
3 among participating local governments and nonprofit organizations.

4 **SECTION 45.** In Colorado Revised Statutes, 33-11-108, amend
5 (1), (2), (3), and (4) as follows:

6 **33-11-108. State trails system.** (1) The board COMMISSION shall
7 designate a state trails system. The trails comprising such system shall
8 meet criteria established by the board COMMISSION and shall be consistent
9 with the objectives of this article.

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

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

17 (4) The board COMMISSION may participate in the planning,
18 establishment, development, and long-term operation and maintenance of
19 segments of national scenic trails which might be authorized by the
20 congress of the United States.

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

23 **33-11-109. Trail categories - rules.** (3) The board COMMISSION,
24 through the division, is authorized to conduct studies, and to promulgate
25 such rules as may be necessary for establishing and managing the
26 Colorado greenway trails system. The board COMMISSION shall consult
27 and cooperate with the Colorado water conservation board, transportation

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

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

11 **33-11-110. Uniform signs and markers.** The ~~board~~ COMMISSION
12 may establish uniform signs and markers, ~~including thereon~~ WHICH SIGNS
13 AND MARKERS MAY INCLUDE appropriate and distinctive symbols. Where
14 trails cross lands administered by federal agencies, such markers may be
15 provided and erected by the appropriate federal agency at appropriate
16 points along trails and maintained by the federal agency administering the
17 trails in accordance with standards mutually established by the division
18 and the federal agency concerned. Where trails cross lands of state or
19 local governmental agencies, the division may provide such uniform signs
20 and markers to such agencies in accordance with written agreements and
21 may require such agencies to erect and maintain them in accordance with
22 standards established in such agreements.

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

25 **33-12-101. Passes and registrations - rules - definition.**
26 (1) (a) Except as specified in section 33-12-103 (1) (b), every pass or
27 registration ~~shall expire~~ EXPIRES on the date printed or written on the face

1 of said THE document. The board COMMISSION may adopt rules
2 establishing a subscription program through which a person to whom an
3 annual pass has been issued pursuant to this article is notified, prior to the
4 expiration of the pass, of the opportunity to renew the pass by mail or
5 other means determined by the board COMMISSION. As used in this article,
6 "document" means pass or registration.

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

9 **33-12-103. Aspen leaf annual pass - aspen leaf lifetime pass -**
10 **rules - report.** (1) (a) A resident of this state, as defined in section
11 33-10-102, may obtain from the division an aspen leaf annual pass, which
12 ~~shall be~~ PASS IS valid from the date the pass is purchased through the last
13 day of the month of purchase in the following year. The COMMISSION
14 SHALL DETERMINE THE age of eligibility for the aspen leaf pass. ~~shall be~~
15 ~~determined by the board.~~

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

25 (2) Except as provided by rule of the board COMMISSION, for the
26 purpose of this section, the holder of an aspen leaf annual pass or aspen
27 leaf lifetime pass shall own in whole or in part any vehicle used to enter

1 a park area, the vehicle shall have a current valid registration issued by
2 the department of revenue, and the pass holder shall be present in the
3 vehicle. An aspen leaf pass or aspen leaf lifetime pass entitles the holder
4 to enter state park and recreation areas during the period that the pass is
5 valid and when such areas are open.

6 (3) Each aspen leaf annual pass issued shall be affixed to the
7 vehicle for which it was issued in the manner prescribed by rule
8 promulgated by the ~~board~~ COMMISSION. Each aspen leaf lifetime pass
9 shall be displayed by the person to whom it was issued, in the manner
10 prescribed by the ~~board~~ COMMISSION by rule, when the person enters a
11 state park or state recreation area.

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

14 **33-12-103.5. Columbine annual pass - rules.** (2) (b) The ~~board~~
15 COMMISSION, by rule, shall provide for a transferable columbine annual
16 pass that ~~shall be~~ IS valid when temporarily affixed to any vehicle used to
17 bring such pass holder into a park.

18 **SECTION 51.** In Colorado Revised Statutes, 33-12-104, **amend**
19 (1), (9), and (10) as follows:

20 **33-12-104. Pass and registration agents - reports - board of**
21 **claims - unlawful acts - rules.** (1) The director may designate sole
22 proprietors, partnerships, or corporations having permanent business
23 locations in this state as pass and registration agents to sell, at their
24 permanent business locations, passes and registrations. Pass and
25 registration agents shall be paid a commission on all moneys collected for
26 passes and registrations sold by such agents in an amount determined by
27 the ~~board~~ COMMISSION by rule. All agents authorized to sell passes and

1 registrations shall keep accurate records of all sales of passes and
2 registrations and shall make such reports to the division regarding pass
3 and registration sales as may be required. Such agents shall be required
4 to give evidence of financial responsibility, in the form of a savings
5 account, deposit, or certificate of deposit meeting the requirements of
6 section 11-35-101, C.R.S., or an irrevocable letter of credit meeting the
7 requirements of section 11-35-101.5, C.R.S., or a bond, in such amount
8 as may be fixed by the division to insure the remittance of all moneys
9 collected from such pass and registration sales, less amounts allowed as
10 commissions, and the making of reports required by the division. The
11 ~~board~~ COMMISSION may promulgate rules for the establishment and
12 cancellation of pass and registration agencies. All pass and registration
13 moneys received shall be kept separate and apart from any other moneys
14 of the agent authorized to sell passes and registrations and shall at all
15 times belong to the state. All moneys due from the sale of passes and
16 registrations shall belong to the state and shall draw interest at the rate of
17 one and one-half percent per month from the time that the agency is
18 cancelled by the division until paid.

19 (9) The ~~board~~ COMMISSION may promulgate rules for the cash sale
20 of passes and registrations to pass and registration agents of the division
21 for resale to the public. Only agents of the division in good standing may
22 qualify to purchase and sell under this subsection (9); except that no
23 evidence of financial responsibility shall be required to qualify under this
24 subsection (9). A post or base exchange of the United States government
25 located in Colorado may qualify as an agent for the purpose of this
26 subsection (9). Failure to comply with all applicable rules of the ~~board~~
27 COMMISSION and lawful directives of the division regarding pass and

1 registration agents ~~shall be~~ CONSTITUTES grounds for the suspension or
2 termination of such an agent, and, upon suspension or termination, all
3 unsold passes and registrations shall be returned immediately to the
4 division for return of cash in the amount paid by the agent for the passes
5 and registrations. The ~~board~~ COMMISSION, in connection with a program
6 that it may adopt under this subsection (9), shall provide for redemption
7 by the division, at least annually, of any unsold passes and registrations
8 in the amount paid by the agent for such unsold passes and registrations.
9 ~~The provisions of~~ Subsections (1) to (8) of this section, except the
10 provisions of subsection (1) regarding the designation of pass and
11 registration agents, ~~shall~~ DO not apply to passes and registrations sold
12 under this subsection (9).

13 (10) The ~~board~~ COMMISSION may authorize certain employees to
14 sell passes and registrations at the headquarters and regional offices of the
15 division. Such employees are not entitled to a discount off of the face
16 value of the passes and registrations and are not required to give evidence
17 of financial responsibility. Such employees may make claims under oath
18 for relief from responsibility for passes and registrations or moneys that
19 have been lost, stolen, or destroyed and for which the employees are
20 unable to account in accordance with ~~the provisions of~~ subsections (4) to
21 (8) of this section.

22 **SECTION 52.** In Colorado Revised Statutes, 33-12-106, **amend**
23 (2.3) and (2.7) (b) as follows:

24 **33-12-106. Park entrance privileges - identified veterans -**
25 **wounded warriors - search and rescue organizations conducting**
26 **training activities - legislative declaration - rules.** (2.3) The ~~board~~
27 COMMISSION may promulgate rules to allow free entrance to any state

1 park or recreation area, not to include campgrounds, yurts, or other
2 amenities and services offered, for veterans on one day each year. The
3 ~~board~~ COMMISSION may determine by rule which day veterans are allowed
4 free entrance to state parks and recreation areas.

5 (2.7) (b) The ~~board~~ COMMISSION may promulgate rules to allow
6 free entrance to any state park or recreation area, not to include
7 campgrounds, yurts, or other amenities or services offered, for
8 participants in the United States armed services wounded warrior
9 programs who are residents of, or stationed in, Colorado. Any such rules
10 must also allow for free admission of persons accompanying the wounded
11 warrior program participant in the same vehicle.

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

14 **33-12.5-102. Legislative declaration.** The general assembly
15 recognizes that the Arkansas river is a major recreation attraction and a
16 vital resource for residents and nonresidents alike and hereby declares
17 that it is the policy of this state to safeguard the recreational quality of the
18 Arkansas river and the adjacent lands by granting the ~~board~~ COMMISSION
19 the authority to regulate recreational use on the Arkansas river. It is not
20 the intent of the general assembly to in any way interfere with private
21 landowner rights along the river or with the determination,
22 administration, or change of water rights in the drainage of the Arkansas
23 river and its tributaries and the legal utilization thereof.

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

26 **33-12.5-103. Powers of the commission.** (1) The ~~board shall~~
27 ~~have~~ COMMISSION HAS the authority, consistent with ~~the legislative~~

1 ~~declaration of this article~~ SECTION 33-12.5-102, to regulate the manner,
2 type, time, location, and amount of recreational and commercial use on
3 that portion of the Arkansas river that runs from the confluence of the
4 Lake Fork and the East Fork of the Arkansas river to the Pueblo reservoir.

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

10 (3) The ~~board~~ COMMISSION shall, to the maximum extent possible
11 but consistent with ~~the legislative declaration of this article~~ SECTION
12 33-12.5-102, keep the regulation of the recreational uses of the Arkansas
13 river to a minimum.

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

16 **33-12.5-104. Effect of article - rights of property owners -**
17 **water rights.** (1) Nothing in this article shall be construed as:

18 (c) Granting the ~~board~~ COMMISSION any vested water rights or
19 right to apply for or obtain any decree for a water right for recreational
20 purposes;

21 (f) Allowing the ~~board~~ COMMISSION or the division to require
22 minimum stream flows or minimum water levels in any lakes or
23 impoundments.

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

26 **33-13-103. Numbering of vessels required - rules.** (3) The
27 ~~board~~ COMMISSION shall prescribe by rule ~~or regulation~~ a system of

1 numbering ~~which is in compliance~~ THAT COMPLIES with the federal
2 system for numbering vessels.

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

5 **33-13-104. Application for vessel number.** (3) When a
6 numbered vessel is lost, destroyed, or abandoned, the registration issued
7 for the vessel shall be surrendered to the division within fifteen days after
8 any such event. When the owner of a numbered vessel changes his OR
9 HER address from that shown on the registration, ~~he~~ THE OWNER shall
10 notify the division within fifteen days of such change and, as a part of
11 such notification, shall furnish the division with his OR HER new address.
12 The ~~board~~ COMMISSION may provide in its rules ~~or regulations~~ for the
13 surrender of the registration bearing the former address and its
14 replacement with a registration bearing the correct address or for the
15 alteration of an outstanding registration to show the new address of the
16 owner.

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

19 **33-13-106. Equipment requirements.** (3) Every vessel, other
20 than a personal watercraft, operated on the waters of this state shall at all
21 times have aboard:

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

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

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

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

10 **33-13-108. Prohibited vessel operations.** (1) (a) No person shall
11 operate or give permission for the operation of a vessel:

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

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

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

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

21 **33-13-109. Collisions, accidents, and casualties - rules.** (2) The
22 ~~board~~ COMMISSION shall adopt rules ~~and regulations~~ concerning
23 notification and reporting procedures to be followed in the case of a
24 collision, accident, or other casualty involving a vessel or its equipment.
25 ~~Such~~ THE regulations ~~shall~~ MUST be consistent with applicable federal
26 requirements.

27 (3) The owner or operator of a vessel involved in a collision,

1 accident, or other casualty shall report the collision, accident, or casualty
2 as provided in the rules and regulations of the board COMMISSION.

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

5 **33-13-110. Water skis, aquaplanes, surfboards, inner tubes,**
6 **and similar devices - rules.** (2) (b) The board COMMISSION shall
7 promulgate such rules and regulations as are necessary or desirable for the
8 safe use of water skis, aquaplanes, surfboards, inner tubes, and other
9 similar devices.

10 (c) In addition, the board COMMISSION may promulgate rules and
11 regulations to prohibit recreational activities pertaining to the use of all
12 single-chambered air-inflated devices, including but not limited to, inner
13 tubes and air mattresses, on rivers and streams when water conditions are
14 considered dangerous to such activities and when bodily injury may result
15 to participants of those activities.

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

18 **33-13-111. Authority to close waters - rules.** (1) (a) The board
19 COMMISSION shall promulgate rules to prohibit the operation of vessels on
20 any waters of the state and ordering the removal of vessels from any
21 waters of the state when such operation constitutes or may constitute a
22 hazard to human life or safety.

23 (2) Any parks and recreation officer or other peace officer as
24 defined in section 33-10-102 has the authority to enforce the provisions
25 of this section under the rules promulgated by the board COMMISSION.

26 **SECTION 63.** In Colorado Revised Statutes, 33-14-107, amend
27 (1) introductory portion as follows:

1 **33-14-107. Rules.** (1) The ~~board~~ COMMISSION shall adopt rules,
2 ~~and regulations~~ in the manner provided by article 4 of title 24, C.R.S., for
3 the following purposes:

4 **SECTION 64.** In Colorado Revised Statutes, 33-14-119, **amend**
5 (2) as follows:

6 **33-14-119. Enforcement - federal cooperation.** (2) The
7 division, with the advice and consent of the ~~board~~ COMMISSION, is
8 authorized to enter into cooperative agreements with federal land
9 management agencies for the purpose of regulating snowmobile use on
10 federal lands.

11 **SECTION 65.** In Colorado Revised Statutes, 33-14.5-107,
12 **amend** (1) introductory portion as follows:

13 **33-14.5-107. Rules.** (1) The ~~board~~ COMMISSION shall adopt rules
14 ~~and regulations~~ in the manner provided by article 4 of title 24, C.R.S.,
15 concerning the following:

16 **SECTION 66.** In Colorado Revised Statutes, 33-15-101, **amend**
17 (1) as follows:

18 **33-15-101. Powers of officers.** (1) Every peace officer, as
19 defined in section 33-10-102 (17), ~~shall have~~ HAS the authority to enforce
20 ~~the provisions of~~ this article and shall assist parks and recreation officers
21 in the enforcement of articles 10 to 15 and 32 of this title and the rules of
22 the ~~board~~ COMMISSION adopted pursuant thereto. Each such officer has
23 the full power and authority to arrest any person who such officer has
24 probable cause to believe is guilty of a violation of articles 10 to 15 or 32
25 of this title or any rule adopted pursuant thereto, and, in accordance with
26 the constitutions and laws of the United States and the state of Colorado,
27 to open, enter, and search all places of concealment including motor

1 vehicles and vessels and all other places as provided by law where such
2 officer has probable cause to believe evidence relating to a violation of
3 this title is to be found and to seize the same.

4 **SECTION 67.** In Colorado Revised Statutes, **amend** 33-15-102
5 as follows:

6 **33-15-102. Imposition of penalty - procedures.** (1) Any person
7 who violates any of the provisions of articles 10 to 15 or 32 of this title
8 or any rule of the ~~board~~ COMMISSION that does not have a specific penalty
9 listed is guilty of a class 2 petty offense and, upon conviction, shall be
10 punished by a fine of fifty dollars.

11 (2) At the time that any person is charged with violating any petty
12 offense or misdemeanor provisions of articles 10 to 15 or 32 of this title
13 or any rule of the ~~board~~ COMMISSION, the officer shall issue a summons
14 and complaint to the alleged offender or, in the case of a violation for
15 which a fine of a fixed amount is prescribed, may give the alleged
16 offender an opportunity to voluntarily pay the fine and surcharge in the
17 form of a penalty assessment. Penalty assessments shall not be issued for
18 violations for which minimum and maximum fines have been established.
19 The penalty assessment notice given to the alleged offender shall contain
20 the information required in and be in the form of a summons and
21 complaint and shall specify in dollars the amount of the penalty to be
22 assessed for the alleged offense and the amount of the surcharge to be
23 collected pursuant to section 24-33.5-415.6, C.R.S. If the alleged offender
24 accepts such notice and pays the fine and surcharge entered thereon to the
25 division within twenty days of issuance of the notice, such acceptance and
26 payment shall constitute an acknowledgment of guilt by such person of
27 the violation set forth in the penalty assessment notice. Any person who

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

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

19 **33-15-107. Camping.** It is unlawful for any person to camp on
20 land or water under the control of the division unless ~~such~~ THE area is so
21 designated and posted pursuant to rule of the ~~board~~ COMMISSION. Any
22 person who violates this section is guilty of a class 2 petty offense and,
23 upon conviction, shall be punished by a fine of fifty dollars.

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

26 **33-15-114. Commercial use of state property.** It is unlawful to
27 operate any commercial business or to solicit business on any property

1 owned or managed by the division without first obtaining written
2 permission from the division or the ~~board as provided by~~ COMMISSION
3 PURSUANT TO this title or ~~pursuant to~~ any applicable rules promulgated by
4 the ~~board~~ COMMISSION. Any person who violates this section is guilty of
5 a misdemeanor and, upon conviction, shall be punished by a fine of not
6 less than one hundred dollars nor more than one thousand dollars, or by
7 imprisonment in the county jail for not more than one year, or by both
8 such fine and imprisonment.

9 **SECTION 70.** In Colorado Revised Statutes, 33-32-102, **repeal**
10 (1.4) and (2) as follows:

11 **33-32-102. Definitions.** As used in this article, unless the context
12 otherwise requires:

13 (1.4) ~~"Board" means the board of parks and outdoor recreation.~~

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

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

17 **33-32-103. Powers and duties of the commission - rules.** The
18 ~~board~~ COMMISSION shall promulgate rules to govern the licensing of river
19 outfitters, to regulate river outfitters, guides, trip leaders, and guide
20 instructors, to ensure the safety of associated river-running activities, to
21 establish guidelines to enable a river outfitter, guide, or trip leader to
22 make a determination that the condition of the river constitutes a hazard
23 to the life and safety of certain persons, and to carry out the purposes of
24 this article. The ~~board~~ COMMISSION may promulgate rules specifically
25 outlining the procedures to be followed by the ~~board~~ COMMISSION and by
26 the enforcement section of the division in the event of a death or serious
27 injury during a regulated trip. The ~~board~~ COMMISSION shall e-mail a

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

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

8 **33-32-103.5. Variances.** The director ~~of the division~~ may grant
9 variances from ~~regulations~~ RULES adopted by the ~~board~~ COMMISSION
10 pursuant to section 33-32-103 to any river outfitter on a case-by-case
11 basis if the director determines that the health, safety, and welfare of the
12 general public will not be endangered by the issuance of such variance.

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

15 **33-32-104. License required - fee.** (1) No person shall act in the
16 capacity of a paid river outfitter or advertise or represent himself or
17 herself as a river outfitter in this state without first obtaining a river
18 outfitter's license in accordance with rules prescribed by the ~~board~~
19 COMMISSION.

20 (2) An applicant for a river outfitter's license shall meet the
21 minimum qualifications pursuant to section 33-32-105 and shall apply on
22 a form prescribed by the ~~board~~ COMMISSION. All applicants shall pay a
23 nonrefundable license fee ~~to be~~ IN AN AMOUNT determined by the ~~board~~
24 COMMISSION, which fee shall be adequate to cover the expenses incurred
25 for inspections, licensing, and enforcement required by ~~the provisions of~~
26 this article, and shall renew such license pursuant to a schedule adopted
27 by the ~~board~~ COMMISSION upon payment of the fee. License terms shall

1 not exceed three years. The board COMMISSION may offer licenses that
2 differ in the length of their terms and may stagger the length of license
3 terms so that approximately equal numbers of licensees renew their
4 licenses each year.

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

7 **33-32-105. Minimum qualifications and conditions for a river**
8 **outfitter's license.** (1) A river outfitter's license may be granted to any
9 river outfitter, either within or without this state, meeting the following
10 minimum qualifications and conditions:

11 (b) The river outfitter shall submit to the board COMMISSION
12 evidence of liability insurance in the minimum amount of three hundred
13 thousand dollars' combined single limit for property damage and bodily
14 injury.

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

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

19 **33-32-105.5. Minimum qualifications of guides, trip leaders,**
20 **and guide instructors.** (1) Individuals providing the services of guides,
21 trip leaders, or guide instructors shall have the following minimum
22 qualifications and such additional qualifications as the board COMMISSION
23 may establish by rule:

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

26 **33-32-106. Equipment required - employees required to meet**
27 **minimum qualifications.** (1) All licensed river outfitters shall provide

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

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

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

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

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

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

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

1 33-32-106.

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

4 **33-32-110. Advisory committee - repeal.** (1) The ~~board~~
5 COMMISSION shall appoint a river outfitter advisory committee, consisting
6 of two river outfitters and one representative of the division. The
7 committee shall review and make recommendations concerning rules
8 PROMULGATED and proposed ~~rules promulgated~~ pursuant to this article.

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

11 **33-33-103. Definitions.** As used in this article, unless the context
12 otherwise requires:

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

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

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

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

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

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

27 **33-33-104. Colorado natural areas program.** (1) There is

1 hereby established a statewide Colorado natural areas program to
2 implement the intent and provisions of this article. The program shall be
3 administered by the ~~board~~ COMMISSION through the division with the
4 advice of the council.

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

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

11 (d) To seek and approve, upon recommendation by the council,
12 the designation of natural areas under the provisions of section 33-33-108
13 and, when necessary, to acquire by gift, devise, or grant the fee or other
14 interest in real property or accept, under ~~the provisions of~~ section
15 33-33-108, the designation of real property for inclusion in the system;
16 except that the ~~board shall~~ COMMISSION DOES not have the power of
17 eminent domain for such purposes;

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

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

26 (j) To notify, ninety days prior to the final designation action, the
27 board of county commissioners in the county in which any designation is

1 being considered. At the request of the board of county commissioners,
2 the ~~board~~ COMMISSION shall hold a public hearing in said county for the
3 purpose of evaluating any local concerns regarding the proposed
4 designation.

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

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

11 **33-33-106. Colorado natural areas council.** (1) There is hereby
12 created the Colorado natural areas council as an advisory council to the
13 ~~board~~ COMMISSION. The council shall advise the ~~board~~ COMMISSION on
14 the administration of the program and shall approve the registry and
15 recommend the designation of natural areas by the ~~board~~ COMMISSION.

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

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

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

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

26 **33-33-107. Responsibilities of the council.** (1) The council ~~shall~~
27 ~~have~~ HAS the following responsibilities:

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

5 (d) To advise the board COMMISSION of the promulgation of rules
6 for the registry and for the designation, management, protection, and use
7 of designated natural areas;

8 (h) To advise the board COMMISSION on the disbursement of funds
9 for the purposes of this article; and

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

12 **SECTION 84.** In Colorado Revised Statutes, 33-33-108, **amend**
13 (1), (2) introductory portion, (2) (c), (3), and (4) as follows:

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

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

25 (c) Define the respective rights and duties of the owner and the
26 board COMMISSION;

27 (3) The board COMMISSION may, with the approval or upon the

1 request of the owner of an interest therein and with the approval of the
2 council, amend the articles of a designated natural area.

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

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

9 **33-33-110. Public entities urged to encourage designation of**
10 **natural areas.** State agencies, counties, municipalities, institutions of
11 higher education, and all other entities and institutions of the state and its
12 political subdivisions are empowered and urged to recommend to the
13 board COMMISSION natural areas within their jurisdictions for inclusion in
14 the system.

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

17 **33-33-111. Periodic evaluation to be made by commission.** The
18 board COMMISSION shall make an evaluation of each designated natural
19 area every three years, or more often as it deems necessary, to determine
20 whether it is being administered in accordance with the conditions and
21 provisions of the articles of designation. If such conditions and provisions
22 are not ~~continuing to be~~ BEING met, the board COMMISSION may remove
23 the area from the system.

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

26 **34-32-115. Action by board - appeals.** (4) The board or the
27 office shall grant a permit to an operator if the application complies with

1 the requirements of this article. The board or the office shall not deny a
2 permit if the operator demonstrates compliance with the following:

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

4 (IV) ~~Which~~ THAT are within the boundaries of any unit of the
5 state park system or any state recreational area in which the entire fee
6 estate is owned by the state of Colorado, unless the mining operation is
7 approved jointly by the board, by the governor, and by the ~~board of parks~~
8 ~~and outdoor recreation~~ WILDLIFE COMMISSION, or unless the operation will
9 not create any surface disturbance therein.

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

12 **34-32.5-115. Action by board - appeals.** (4) In the determination
13 of whether the board or the office shall grant a permit to an operator, the
14 applicant must comply with the requirements of this article and section
15 24-4-105 (7), C.R.S. The board or office shall not deny a permit except
16 on one or more of the following grounds:

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

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

24 **SECTION 89.** In Colorado Revised Statutes, 34-60-103, **amend**
25 (7.1); and **repeal** (14) as follows:

26 **34-60-103. Definitions.** As used in this article, unless the context
27 otherwise requires:

1 (7.1) "Parks and wildlife ~~board~~ COMMISSION" or "~~board~~" means
2 the parks and wildlife ~~board~~ COMMISSION created in section 33-9-101,
3 C.R.S.

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

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

7 **34-60-104. Oil and gas conservation commission - report -**
8 **publication.** (2) (b) Members of the commission shall be appointed for
9 terms of four years each. The governor may at any time remove any
10 member of the commission, and by appointment the governor shall fill
11 any vacancy on the commission. In case one or more vacancies occur on
12 the same day, the governor shall designate the order of filling vacancies.
13 The members of the commission shall receive a per diem allowance of
14 fifty dollars for each day spent in attendance at ~~board~~ COMMISSION
15 meetings or hearings and shall be reimbursed for their actual expenses.

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

18 **34-60-128. Habitat stewardship - rules.** (3) In order to
19 minimize adverse impacts to wildlife resources, the commission shall:

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

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

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

3 **35-1-106. Powers and duties of commission.** (2) The PARKS
4 AND wildlife commission shall review the rules concerning alternative
5 livestock proposed by the commission pursuant to paragraph (o) of
6 subsection (1) of this section and shall make recommendations to the
7 commission concerning such rules. The commission shall not adopt or
8 implement rules concerning alternative livestock that impact native big
9 game wildlife without the prior approval of the PARKS AND wildlife
10 commission. In addition, the PARKS AND wildlife commission may
11 propose rules to the commission designed to protect native big game
12 wildlife.

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

15 **35-7-203. Release of destructive rodent pests - definitions.**
16 (1) No person shall release destructive rodent pests into a county unless
17 ~~such~~ THE person ~~has complied~~ COMPLIES with all requirements for such
18 release imposed by the PARKS AND wildlife commission and ~~obtained~~
19 OBTAINS both the prior approval of the commission and the prior
20 approval, by resolution duly adopted, of the board of county
21 commissioners of such county. A person need not obtain such prior
22 approval before:

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

25 **35-24.5-105. Duties of the board.** (1) The board shall consider,
26 initiate, and recommend rules, ~~and regulations,~~ not inconsistent with law,
27 to the commissioner concerning the regulation of the aquaculture industry

1 and its markets, except for rules ~~and regulations which~~ THAT regulate,
2 control, or otherwise relate to fish health, to the spread of aquatic disease,
3 or to the importation into the state or the distribution and management of
4 any exotic aquatic species, all of which subjects ~~shall be~~ ARE within the
5 jurisdiction of the PARKS AND wildlife commission.

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

8 **35-24.5-106. Rules.** (2) Nothing in this section ~~shall be construed~~
9 ~~to diminish or supersede~~ DIMINISHES OR SUPERSEDES the authority of the
10 division or the PARKS AND wildlife commission to regulate or manage
11 wild populations of aquatic organisms in the waters of the state or in
12 facilities controlled or managed by the division or by the United States
13 fish and wildlife service.

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

16 **35-24.5-107. Powers and duties of the commissioner.**
17 (2) Nothing in this section ~~shall be construed to diminish or supersede~~
18 DIMINISHES OR SUPERSEDES the authority of the division or the PARKS AND
19 wildlife commission to regulate or manage wild populations of aquatic
20 organisms in the waters of the state or in facilities controlled or managed
21 by the division or by the United States fish and wildlife service.

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

24 **35-40-100.2. Definitions.** As used in this part 1, unless the
25 context otherwise requires:

26 (1) "Animal" means coyotes, foxes, bobcats, bears, mountain
27 lions, wolves, beavers, muskrats, raccoons, opossums, and striped skunks

1 and any animals identified by rule promulgated by the commissioner and
2 approved by the PARKS AND wildlife commission.

3 (1.5) "At risk" means any depredating animal species that has
4 been designated by the PARKS AND wildlife commission as endangered,
5 threatened, or at risk after:

6 (c) Presentation of scientifically valid data, analysis, or
7 commentary by objective professionals, mutually identified by the state
8 agricultural commission and the PARKS AND wildlife commission relating
9 to depredating animals.

10 **SECTION 98.** In Colorado Revised Statutes, 35-40-101, **amend**
11 (2) introductory portion, (2) (a), (4) introductory portion, (4) (a), (7), and
12 (8) as follows:

13 **35-40-101. Powers and duties of the commissioner - rules -**
14 **agreements.** (2) The commissioner may take such steps as are necessary
15 to carry out ~~the provisions~~ of this part 1, including:

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

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

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

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

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

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

7 **35-41.5-105. Powers and duties of the board.** (2) The board
8 shall adopt any necessary and reasonable rules for the administration and
9 enforcement of this article, including ~~but not limited to~~, rules governing:

10 (b) Inspections of alternative livestock for purposes of licensing
11 or renewing a license, changes of ownership of alternative livestock, and
12 movement of alternative livestock, including requiring proof that
13 alternative livestock meet the requirements of a tuberculosis surveillance
14 plan adopted pursuant to section 35-1-106(1)(o) and that such alternative
15 livestock meet requirements concerning the control of infectious diseases
16 as required by the commission, and requirements concerning genetic
17 purity as required by the PARKS AND wildlife commission;

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

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

23 **35-41.5-109. Unlawful acts.** (2) It is unlawful and a violation of
24 this article for any alternative livestock farm to:

25 (a) Import or possess for the purpose of selling, trading, giving,
26 or otherwise transferring any alternative livestock without having said
27 alternative livestock inspected in accordance with this article; except that

1 this paragraph (a) shall not apply to alternative livestock sold, traded,
2 given, or transferred by an operating zoological park as defined by the
3 PARKS AND wildlife commission or research institution using such
4 animals for scientific research, if the park or institution otherwise
5 complies with this article and all rules promulgated pursuant thereto;

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

8 **35-44-114. Disputed ownership - animal deemed not**
9 **alternative livestock.** In any instance where the board determines that an
10 animal is not an alternative livestock, any dispute as to ownership shall
11 be decided by the ~~state~~ PARKS AND wildlife commission ~~CREATED IN~~
12 ~~SECTION 33-9-101, C.R.S.~~

13 **SECTION 102.** In Colorado Revised Statutes, **amend** 35-50-112
14 as follows:

15 **35-50-122. Savings clause.** Nothing in this article ~~shall be~~
16 ~~construed to diminish or supercede~~ DIMINISHES OR SUPERSEDES the
17 concurrent jurisdiction or the authorities of the PARKS AND wildlife
18 commission or the agriculture commission to regulate captive wildlife and
19 alternative livestock.

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

22 **37-60-122.2. Fish and wildlife resources - legislative**
23 **declaration - fund - authorization.** (1) (b) Except as provided in this
24 paragraph (b), the applicant for any water diversion, delivery, or storage
25 facility which requires an application for a permit, license, or other
26 approval from the United States shall inform the Colorado water
27 conservation board, PARKS AND wildlife commission, and division of

1 PARKS AND wildlife of its application and submit a mitigation proposal
2 pursuant to this section. Exempted from such requirement are the
3 Animas-La Plata project, the Two Forks dam and reservoir project, and
4 the Homestake water project for which definite plan reports and final
5 environmental impact statements have been approved or which are
6 awaiting approval of the same, applicants for site specific dredge and fill
7 permits for operations not requiring construction of a reservoir, and
8 applicants for section 404 federal nationwide permits. If an applicant that
9 is subject to the provisions of this section and the commission agree upon
10 a mitigation plan for the facility, the commission shall forward such
11 agreement to the Colorado water conservation board, and the board shall
12 adopt such agreement at its next meeting as the official state position on
13 the mitigation actions required of the applicant. In all cases the
14 commission shall proceed expeditiously and, no later than sixty days from
15 the applicant's notice, unless extended in writing by the applicant, make
16 its evaluation regarding the probable impact of the proposed facility on
17 fish and wildlife resources and their habitat and to make its
18 recommendation regarding such reasonable mitigation actions as may be
19 needed.

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

22 **37-60-123.7. Acquisitions of water for instream flows.** (1.5) In
23 any year that the board expends all of the moneys available for the costs
24 of acquiring water, water rights, and interests in water for instream flow
25 use from the moneys that have been appropriated for the current fiscal
26 year from the Colorado water conservation board construction fund
27 pursuant to this section, the board shall apply to the PARKS AND wildlife

1 commission for all or any portion of the five hundred thousand dollars
2 from habitat stamp moneys made available pursuant to section 33-4-102.7
3 (4) (a) (II), C.R.S. Any habitat stamp moneys received shall be used to
4 acquire water, water rights, or interests in water pursuant to section
5 37-92-102 (3), subject to the limitations set forth in this section.

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

8 **43-1-106. Transportation commission - powers and duties.**

9 (8) In addition to all other powers and duties imposed upon it by law, the
10 commission has the following powers and duties:

11 (l) To do all things necessary and appropriate in the construction,
12 improvement, and maintenance of the public roads serving the state parks
13 and recreation areas and, to this end, to cooperate with the ~~board of parks~~
14 ~~and outdoor recreation~~ PARKS AND WILDLIFE COMMISSION and the director
15 of the division of parks and ~~outdoor recreation~~ WILDLIFE;

16 (m) To do all things necessary and appropriate in the construction,
17 maintenance, and improvement of recreational trails along and across new
18 or existing state or interstate highways and, to this end, to cooperate with
19 the ~~board of parks and outdoor recreation~~ PARKS AND WILDLIFE
20 COMMISSION and the director of the division of parks and ~~outdoor~~
21 ~~recreation~~ WILDLIFE;

22 **SECTION 106. Appropriation - adjustments in 2012 long bill.**

23 For the implementation of this act, the appropriation made in the annual
24 general appropriation act to the department of natural resources for the
25 fiscal year beginning July 1, 2012, is decreased by \$18,055 cash funds. Of
26 this amount, \$11,607 shall be from the wildlife cash fund pursuant to
27 section 33-1-112 (1) (a), Colorado Revised Statutes, and \$6,448 shall be

1 from the parks and outdoor recreation cash fund pursuant to section
2 33-10-111 (1), Colorado Revised Statutes.

3 **SECTION 107. Safety clause.** The general assembly hereby
4 finds, determines, and declares that this act is necessary for the immediate
5 preservation of the public peace, health, and safety.