

Second Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 18-0394.01 Gregg Fraser x4325

HOUSE BILL 18-1291

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HOUSE SPONSORSHIP

Winter and Thurlow,

SENATE SPONSORSHIP

Sonnenberg,

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House Committees  
Transportation & Energy

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING THE CONTINUATION OF THE CONSERVATION EASEMENT  
102 OVERSIGHT COMMISSION, AND, IN CONNECTION THEREWITH,  
103 IMPLEMENTING THE RECOMMENDATIONS OF THE 2017 SUNSET  
104 REPORT BY THE DEPARTMENT OF REGULATORY AGENCIES.

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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://leg.colorado.gov/>.)*

**Sunset Process - House Transportation and Energy Committee.** The bill implements the recommendations of the department of regulatory agencies in its sunset review of the conservation easement

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

oversight commission by extending the repeal date of the commission for 7 years until 2025 (*Recommendation 2*). The bill modifies the composition of the commission and reduces the number of members on the commission from in 7 to 5 members in accordance with *Recommendation 3*; except that it retains the current member representing the great outdoors Colorado program and adds one member of the general public rather than two.

The commission is currently a **type 2** entity, which means its powers, duties, and functions belong to the executive director of the department of regulatory agencies. The bill changes the commission to a **type 1** entity, allowing the commission to exercise its powers, duties, and functions independently.

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

2           **SECTION 1.** In Colorado Revised Statutes, 12-61-725, **amend**  
3 (8) as follows:

4           **12-61-725. Conservation easement oversight commission -**  
5 **created - repeal.** (8) This section is repealed, effective ~~July 1, 2018~~  
6 SEPTEMBER 1, 2025. Prior to the repeal, the department of regulatory  
7 agencies shall review the commission as provided in section 24-34-104.  
8 C.R.S.

9           **SECTION 2.** In Colorado Revised Statutes, 12-61-725, **repeal**  
10 **and reenact, with amendments,** (1) and (2) as follows:

11           **12-61-725. Conservation easement oversight commission -**  
12 **created - repeal.** (1) THERE IS HEREBY CREATED IN THE DIVISION A  
13 CONSERVATION EASEMENT OVERSIGHT COMMISSION. THE COMMISSION  
14 SHALL EXERCISE ITS POWERS AND PERFORM ITS DUTIES AND FUNCTIONS  
15 UNDER THE DIVISION AS IF TRANSFERRED THERETO BY A **TYPE 1** TRANSFER,  
16 AS DEFINED IN THE "ADMINISTRATIVE ORGANIZATION ACT OF 1968",  
17 ARTICLE 1 OF TITLE 24. THE COMMISSION CONSISTS OF SEVEN MEMBERS AS  
18 FOLLOWS:

19           (a) ONE MEMBER REPRESENTING THE GREAT OUTDOORS

1 COLORADO PROGRAM, APPOINTED BY AND SERVING AT THE PLEASURE OF  
2 THE STATE BOARD OF THE GREAT OUTDOORS COLORADO TRUST FUND  
3 ESTABLISHED IN ARTICLE XXVII OF THE STATE CONSTITUTION;

4 (b) ONE MEMBER REPRESENTING THE DEPARTMENT OF NATURAL  
5 RESOURCES, APPOINTED BY AND SERVING AT THE PLEASURE OF THE  
6 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF NATURAL RESOURCES;

7 (c) ONE MEMBER REPRESENTING THE DEPARTMENT OF  
8 AGRICULTURE, APPOINTED BY AND SERVING AT THE PLEASURE OF THE  
9 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF AGRICULTURE; AND

10 (d) FOUR MEMBERS APPOINTED BY THE GOVERNOR AS FOLLOWS:

11 (I) TWO REPRESENTATIVES OF CERTIFIED CONSERVATION  
12 EASEMENT HOLDERS;

13 (II) AN INDIVIDUAL WHO IS COMPETENT AND QUALIFIED TO  
14 ANALYZE THE CONSERVATION PURPOSE OF CONSERVATION EASEMENTS;  
15 AND

16 (III) A MEMBER OF THE GENERAL PUBLIC.

17 (2) IN MAKING APPOINTMENTS TO THE COMMISSION, THE  
18 GOVERNOR SHALL CONSULT WITH THE THREE MEMBERS OF THE  
19 COMMISSION APPOINTED PURSUANT TO SUBSECTIONS (1)(a) THROUGH  
20 (1)(c) OF THIS SECTION AND WITH APPROPRIATE ORGANIZATIONS  
21 REPRESENTING THE PARTICULAR INTEREST OR AREA OF EXPERTISE THAT  
22 THE APPOINTEES IN SUBSECTIONS (1)(d)(I) AND (1)(d)(II) OF THIS SECTION  
23 REPRESENT. NOT MORE THAN TWO OF THE GOVERNOR'S APPOINTEES  
24 SERVING AT THE SAME TIME SHALL BE FROM THE SAME POLITICAL PARTY.  
25 IN MAKING THE INITIAL APPOINTMENTS, THE GOVERNOR SHALL APPOINT  
26 THREE MEMBERS FOR TERMS OF TWO YEARS. ALL OTHER APPOINTMENTS  
27 BY THE GOVERNOR ARE FOR TERMS OF THREE YEARS. NO MEMBER SHALL

1 SERVE MORE THAN TWO CONSECUTIVE TERMS. IN THE EVENT OF A  
2 VACANCY BY DEATH, RESIGNATION, REMOVAL, OR OTHERWISE, THE  
3 GOVERNOR SHALL APPOINT A MEMBER TO FILL THE UNEXPIRED TERM. THE  
4 GOVERNOR MAY REMOVE ANY MEMBER FOR MISCONDUCT, NEGLECT OF  
5 DUTY, OR INCOMPETENCE.

6 **SECTION 3.** In Colorado Revised Statutes, 24-34-104, **repeal**  
7 (14)(a)(II); and **add** (26)(a)(VIII) as follows:

8 **24-34-104. General assembly review of regulatory agencies**  
9 **and functions for repeal, continuation, or reestablishment - legislative**  
10 **declaration - repeal.** (14) (a) The following agencies, functions, or both,  
11 are scheduled for repeal on July 1, 2018:

12 (II) ~~The conservation easement oversight commission created in~~  
13 ~~section 12-61-725, C.R.S.;~~

14 (26) (a) The following agencies, functions, or both, are scheduled  
15 for repeal on September 1, 2025:

16 (VIII) THE CONSERVATION EASEMENT OVERSIGHT COMMISSION  
17 CREATED IN SECTION 12-61-725.

18 **SECTION 4. Effective date.** This act takes effect upon passage;  
19 except that section 2 takes effect July 1, 2019.

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