

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

DRAFT
10/10/23

Bill 5

LLS NO. 24-0361.01 Jennifer Berman x3286

INTERIM COMMITTEE BILL

Water Resources and Agriculture Review Committee

BILL TOPIC: Ag & Natural Resources Public Engagement Reqmnt

A BILL FOR AN ACT

101 CONCERNING A REQUIREMENT THAT MEMBERS OF CERTAIN STATE
102 REGULATORY BODIES WHO ARE APPOINTED BY THE GOVERNOR
103 HOLD MEETINGS TO ELICIT PUBLIC ENGAGEMENT.

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/>.)

Water Resources and Agriculture Review Committee. Prior to the consolidation of the division of wildlife and the division of parks and recreation and their respective commissions in Senate Bill 11-208, enacted in 2011, members of the wildlife commission were required to hold at least 2 public meetings per year in their respective geographic

*Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words indicate deletions from existing law.*

districts.

The bill renews the public engagement requirement for the members of the parks and wildlife commission in the department of natural resources who are appointed by the governor and adds the same public engagement requirement for members of the state agricultural commission and the Colorado water conservation board who are appointed by the governor. The bill requires the public engagement meetings be held in person.

Commission and board members subject to the public engagement requirement are entitled to reimbursement for their reasonable costs in holding public meetings. Status updates on the commission and board members' compliance with the public engagement requirement must be reported to the chair of each member's respective commission or board and included in each member's respective executive department's annual "SMART Act" presentation to the general assembly.

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

2 **SECTION 1.** In Colorado Revised Statutes, 33-9-101, **amend** (8);
3 and **add** (3)(g) as follows:

4 **33-9-101. Commission - creation - composition - terms -**
5 **vacancies - removal - meetings - strategic plan - legislative**
6 **declaration - public engagement - reports.** (3) (g) (I) EACH YEAR THAT
7 A VOTING MEMBER OF THE COMMISSION SERVES ON THE COMMISSION, THE
8 VOTING MEMBER SHALL HOLD AT LEAST TWO PUBLIC, IN-PERSON MEETINGS
9 TO DIRECTLY ENGAGE THE CONSTITUENCY OF THE INDUSTRY OR ACTIVITY
10 THE MEMBER WAS APPOINTED TO REPRESENT; EXCEPT THAT EACH OF THE
11 MEMBERS APPOINTED TO REPRESENT THE PUBLIC AT LARGE SHALL INVITE
12 THE GENERAL PUBLIC TO THE MEMBER'S MEETINGS AND HOLD AT LEAST
13 ONE MEETING PER YEAR WEST OF THE CONTINENTAL DIVIDE AND AT LEAST
14 ONE MEETING PER YEAR EAST OF THE CONTINENTAL DIVIDE.

15 (II) THE DIRECTOR SHALL:

16 (A) FOR EACH COMMISSION MEMBER SUBJECT TO THE PUBLIC
17 MEETINGS REQUIREMENT SET FORTH IN SUBSECTION (3)(g)(I) OF THIS

1 SECTION, TRACK AND REPORT TO THE CHAIR OF THE COMMISSION ON THE
2 STATUS OF THE MEMBER'S PUBLIC MEETINGS AT LEAST ONCE PER YEAR AT
3 A TIME DETERMINED BY THE CHAIR; AND

4 (B) PROVIDE THE DATA TRACKED UNDER SUBSECTION (3)(g)(II)(A)
5 OF THIS SECTION TO THE EXECUTIVE DIRECTOR FOR INCLUSION IN THE
6 DEPARTMENT'S ANNUAL "SMART ACT" PRESENTATION TO THE GENERAL
7 ASSEMBLY PURSUANT TO SECTION 2-7-203.

8 (III) THE GOVERNOR MAY DETERMINE THAT A VOTING MEMBER'S
9 FAILURE TO HOLD PUBLIC MEETINGS PURSUANT TO THIS SUBSECTION (3)(g)
10 QUALIFIES AS CAUSE FOR REMOVAL PURSUANT TO SUBSECTION (5) OF THIS
11 SECTION.

12 (8) For each day actually engaged in the duties of the commission,
13 the commission members are entitled to receive a per diem amount of
14 fifty dollars, together with all actual and necessary travel expenses to be
15 paid after the expenses are incurred. Mileage rates are as provided in
16 section 24-9-104. ~~C.R.S.~~ VOTING COMMISSION MEMBERS ARE ENTITLED
17 TO BE REIMBURSED FOR REASONABLE COSTS INCURRED IN HOLDING PUBLIC
18 MEETINGS PURSUANT TO SUBSECTION (3)(g) OF THIS SECTION.

19 **SECTION 2.** In Colorado Revised Statutes, 35-1-105, **add** (3.5)
20 as follows:

21 **35-1-105. State agricultural commission - creation -**
22 **composition - public engagement - reports.** (3.5) (a) EACH YEAR THAT
23 A MEMBER SERVES ON THE COMMISSION, THE MEMBER SHALL HOLD AT
24 LEAST TWO PUBLIC, IN-PERSON MEETINGS IN THE MEMBER'S DISTRICT;
25 EXCEPT THAT EACH OF THE FIVE MEMBERS APPOINTED FROM THE STATE AT
26 LARGE SHALL HOLD AT LEAST ONE MEETING PER YEAR WEST OF THE
27 CONTINENTAL DIVIDE AND AT LEAST ONE MEETING PER YEAR EAST OF THE

1 CONTINENTAL DIVIDE.

2 (b) MEMBERS ARE ENTITLED TO BE REIMBURSED FOR REASONABLE
3 COSTS INCURRED IN HOLDING PUBLIC MEETINGS PURSUANT TO SUBSECTION
4 (3.5)(a) OF THIS SECTION.

5 (c) THE COMMISSIONER SHALL:

6 (I) TRACK AND REPORT TO THE CHAIR OF THE COMMISSION THE
7 STATUS OF EACH VOTING MEMBER'S PUBLIC MEETINGS AT LEAST ONCE PER
8 YEAR AT A TIME DETERMINED BY THE CHAIR; AND

9 (II) INCLUDE THE DATA TRACKED UNDER SUBSECTION (3.5)(c)(I)
10 OF THIS SECTION IN THE DEPARTMENT'S ANNUAL "SMART ACT"
11 PRESENTATION TO THE GENERAL ASSEMBLY PURSUANT TO SECTION
12 2-7-203.

13 (d) THE GOVERNOR MAY DETERMINE THAT A COMMISSION
14 MEMBER'S FAILURE TO HOLD PUBLIC MEETINGS PURSUANT TO THIS
15 SUBSECTION (3.5) QUALIFIES AS CAUSE FOR REMOVAL FROM THE
16 COMMISSION.

17 **SECTION 3.** In Colorado Revised Statutes, 37-60-104, **add** (5)
18 as follows:

19 **37-60-104. Composition of the board - public engagement -**
20 **reports.** (5) (a) EACH YEAR THAT A BOARD MEMBER APPOINTED
21 PURSUANT TO SUBSECTION (1)(g) OF THIS SECTION SERVES ON THE BOARD,
22 THE MEMBER SHALL HOLD AT LEAST TWO PUBLIC, IN-PERSON MEETINGS IN
23 THE GEOGRAPHIC AREA THAT THE MEMBER REPRESENTS.

24 (b) MEMBERS ARE ENTITLED TO BE REIMBURSED FOR REASONABLE
25 COSTS INCURRED IN HOLDING PUBLIC MEETINGS PURSUANT TO SUBSECTION
26 (5)(a) OF THIS SECTION AS NECESSARY EXPENSES ACTUALLY INCURRED IN
27 THE PERFORMANCE OF OFFICIAL DUTIES IN ACCORDANCE WITH SECTION

1 37-60-111.

2 (c) THE DIRECTOR OF THE BOARD SHALL:

3 (I) FOR EACH BOARD MEMBER SUBJECT TO THE PUBLIC MEETINGS
4 REQUIREMENT SET FORTH IN SUBSECTION (5)(a) OF THIS SECTION, TRACK
5 AND REPORT TO THE CHAIR OF THE BOARD THE STATUS OF THE BOARD
6 MEMBER'S PUBLIC MEETINGS AT LEAST ONCE PER YEAR AT A TIME
7 DETERMINED BY THE CHAIR; AND

8 (II) PROVIDE THE DATA TRACKED UNDER SUBSECTION (5)(c)(I) OF
9 THIS SECTION TO THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF
10 NATURAL RESOURCES FOR INCLUSION IN THE DEPARTMENT'S ANNUAL
11 "SMART ACT" PRESENTATION TO THE GENERAL ASSEMBLY PURSUANT TO
12 SECTION 2-7-203.

13 (d) THE GOVERNOR MAY DETERMINE THAT A BOARD MEMBER'S
14 FAILURE TO HOLD PUBLIC MEETINGS PURSUANT TO THIS SUBSECTION (5)
15 QUALIFIES AS CAUSE FOR REMOVAL FROM THE BOARD.

16 **SECTION 4. Act subject to petition - effective date.** This act
17 takes effect January 1, 2025; except that, if a referendum petition is filed
18 pursuant to section 1 (3) of article V of the state constitution against this
19 act or an item, section, or part of this act within the ninety-day period
20 after final adjournment of the general assembly, then the act, item,
21 section, or part will not take effect unless approved by the people at the
22 general election to be held in November 2024 and, in such case, will take
23 effect January 1, 2025, or on the date of the official declaration of the
24 vote thereon by the governor, whichever is later.