

CHAPTER 254

NATURAL RESOURCES

SENATE BILL 96-015

BY SENATORS Ament, Johnson, Wattenberg, L. Powers, Norton, and Rizzuto;
also REPRESENTATIVES Taylor, Entz, and Reeser.

AN ACT

CONCERNING REQUIRING THE DIVISION OF WILDLIFE TO IMPLEMENT CERTAIN POLICIES THAT AFFECT ITS PERSONNEL, AND, IN CONNECTION THEREWITH, ESTABLISHING A SCHEDULE FOR IMPLEMENTING RECOMMENDATIONS IN THE DELOITTE TOUCHEMANAGEMENT REVIEW REPORT AND MAKING AN APPROPRIATION.

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

SECTION 1. 24-31-301 (5), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

24-31-301. Definitions. As used in this part 3, unless the context otherwise requires:

(5) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (5), "peace officer" means any person described in section 18-1-901 (3) (1) (I), C.R.S., AND ANY DISTRICT WILDLIFE MANAGER OR SPECIAL DISTRICT WILDLIFE MANAGER DESCRIBED AS A "PEACE OFFICER, LEVEL II," IN SECTION 18-1-901 (3) (1) (III), C.R.S.

SECTION 2. 24-31-306, Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

24-31-306. Qualifications for peace officers - repeal. (7.5) (a) EVERY DISTRICT WILDLIFE MANAGER DESCRIBED IN SECTION 24-31-301 (5) MUST COMPLY WITH THE CERTIFICATION REQUIREMENTS OF THIS PART 3, EXCEPT SECTION 24-31-305 (1) (a) (III), NO LATER THAN JULY 1, 1998. ANY P.O.S.T. BOARD-APPROVED BASIC TRAINING, WHENEVER CONDUCTED, SHALL SATISFY THE TRAINING REQUIRED FOR BASIC CERTIFICATION PURSUANT TO SECTION 24-31-305 (1) (a) (II).

(b) NOTWITHSTANDING PARAGRAPH (a) OF THIS SUBSECTION (7.5), ANY DISTRICT

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

WILDLIFE MANAGER OR SPECIAL DISTRICT WILDLIFE MANAGER WHO, AS OF JULY 1, 1998, HAS MET ALL OF THE REQUIREMENTS OF THIS PART 3, EXCEPT SECTION 24-31-305 (1) (a) (II), SHALL BE CERTIFIED.

SECTION 3. Article 1 of title 33, Colorado Revised Statutes, 1995 Repl. Vol., is amended BY THE ADDITION OF A NEW SECTION to read:

33-1-120.5. Oversight of the division - target dates for implementation of management review recommendations - reports required. (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES, "MANAGEMENT REVIEW RECOMMENDATIONS" MEANS THE RECOMMENDATIONS MADE BY DELOITTE TOUCHE LLP IN THE MANAGEMENT REVIEW FINAL REPORT DATED JUNE 5, 1995.

(2) THERE IS HEREBY ESTABLISHED A DEADLINE OF NO LATER THAN JANUARY 1, 1998, FOR THE DIVISION TO IMPLEMENT THE MANAGEMENT REVIEW RECOMMENDATIONS.

(3) THE DIRECTOR SHALL:

(a) ESTABLISH A SCHEDULE FOR THE IMPLEMENTATION OF THE MANAGEMENT REVIEW RECOMMENDATIONS;

(b) PROVIDE A WRITTEN REPORT TO THE MEMBERS OF THE SENATE AGRICULTURE, NATURAL RESOURCES, AND ENERGY COMMITTEE AND THE HOUSE AGRICULTURE, LIVESTOCK, AND NATURAL RESOURCES COMMITTEE CONCERNING THE PROGRESS MADE TOWARD THE IMPLEMENTATION OF OR SPECIFIC DEPARTURE FROM THE MANAGEMENT REVIEW RECOMMENDATIONS ON JANUARY 15 AND APRIL 30 OF EVERY YEAR UNTIL THE DIVISION HAS EITHER IMPLEMENTED OR SPECIFICALLY DEPARTED FROM EACH REVIEW RECOMMENDATION;

(c) MAKE DECISIONS CONCERNING THE IMPLEMENTATION OF OR DEPARTURE FROM REVIEW RECOMMENDATIONS IN CONJUNCTION WITH THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF NATURAL RESOURCES AND THE WILDLIFE COMMISSION.

(4) THE DIRECTOR SHALL HAVE THE AUTHORITY TO REIMBURSE OR COMPENSATE EMPLOYEES RELOCATED DUE TO THE IMPLEMENTATION OF THE MANAGEMENT REVIEW IN THE FOLLOWING MANNER:

(a) (I) THE COST OF ALL REASONABLE AND NECESSARY MOVING EXPENSES INCURRED BY AN EMPLOYEE FOR THE PACKING AND UNPACKING, INSURANCE, TRANSPORTATION, STORAGE IN TRANSIT, AND INSTALLATION OF HOUSEHOLD EFFECTS SHALL BE REIMBURSED.

(II) NOTWITHSTANDING SUBPARAGRAPH (I) OF THIS PARAGRAPH (a), NO REIMBURSEMENT SHALL BE PAID FOR EXPENSES INCURRED FOR INSURANCE, TRANSPORTATION, OR STORAGE IN TRANSIT TO THE EXTENT SUCH EXPENSES COVER A PERIOD LONGER THAN SIXTY DAYS, NOR SHALL REIMBURSEMENT BE PAID FOR EXPENSES INCURRED FOR HOUSEHOLD EFFECTS EXCEEDING EIGHTEEN THOUSAND POUNDS WEIGHT.

(b) REIMBURSEMENT IS AUTHORIZED FOR EXPENSES CHARGED BY COMMERCIAL

BUSINESS ESTABLISHMENTS FOR RENTING TRAILERS OR TRUCKS FOR THE PURPOSE OF MOVING HOUSEHOLD EFFECTS AND FOR TOWING HOUSE TRAILERS CONTAINING THE HOUSEHOLD EFFECTS OF EMPLOYEES. IF SUCH EXPENSES EXCEED ONE THOUSAND DOLLARS, THE CLAIM THEREFOR SHALL BE ACCOMPANIED BY TWO COMPETITIVE BIDS. REIMBURSEMENT SHALL BE MADE AT THE RATE PROPOSED IN THE LOWEST BID. ANY EMPLOYEE WHO PERFORMS HIS OR HER OWN PACKING AND MOVING SHALL BE REIMBURSED AT THE RATE OF FIFTY PERCENT OF THE LOWEST COMMERCIAL MOVING BID, NOT TO EXCEED TWO THOUSAND FIVE HUNDRED DOLLARS.

(c) WHEN THE DIRECTOR REQUIRES AN EMPLOYEE TO RELOCATE DUE TO THE IMPLEMENTATION OF THE MANAGEMENT REVIEW, SUCH EMPLOYEE SHALL RECEIVE A PER DIEM ALLOWANCE FOR NOT MORE THAN SIXTY DAYS FOR THE NECESSARY AND REASONABLE EXPENSES INCURRED IN LOCATING A PRIMARY RESIDENCE AT THE NEW LOCATION. SUCH SIXTY-DAY PERIOD SHALL BE TOLLED DURING ANY INTERRUPTION CAUSED BY SICK LEAVE, VACATION, OR OTHER AUTHORIZED LEAVE OF ABSENCE OR ORDERED TRAVEL.

(d) NO REIMBURSEMENT RATE UNDER THIS SUBSECTION (4) SHALL EXCEED A RATE ESTABLISHED BY EXECUTIVE ORDER. THE PER DIEM RATE FOR DEPENDENT CHILDREN BETWEEN THE AGES OF TWELVE AND EIGHTEEN YEARS AND THE SPOUSE OR PARTNER OF AN EMPLOYEE SHALL NOT EXCEED SEVENTY-FIVE PERCENT OF THE RATE ESTABLISHED BY EXECUTIVE ORDER FOR EMPLOYEES. THE PER DIEM RATE FOR DEPENDENT CHILDREN OF AN EMPLOYEE WHO ARE LESS THAN TWELVE YEARS OF AGE SHALL NOT EXCEED FIFTY PERCENT OF THE RATE ESTABLISHED BY EXECUTIVE ORDER FOR EMPLOYEES.

SECTION 4. 33-6-101, Colorado Revised Statutes, 1995 Repl. Vol., is amended BY THE ADDITION OF A NEW SUBSECTION to read:

33-6-101. Powers and duties of officers. (4) EVERY DISTRICT WILDLIFE MANAGER AND SPECIAL DISTRICT WILDLIFE MANAGER MUST OBTAIN BASIC CERTIFICATION FROM THE PEACE OFFICER STANDARDS AND TRAINING BOARD NO LATER THAN JULY 1, 1998, PURSUANT TO PART 3 OF ARTICLE 31 OF TITLE 24, C.R.S.

SECTION 5. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the wildlife cash fund not otherwise appropriated, to the department of natural resources for allocation to the division of wildlife, for the fiscal year beginning July 1, 1996, the sum of one hundred sixty one thousand six hundred dollars (\$161,600), or so much thereof as may be necessary, for the implementation of this act.

SECTION 6. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: June 1, 1996