

CHAPTER 183

NATURAL RESOURCES

HOUSE BILL 99-1313

BY REPRESENTATIVES Alexander, Hoppe, Johnson, Miller, Smith, Spradley, Taylor, Webster, Berry, Coleman, Dean, Hefley, Kester, Larson, Lawrence, McKay, Scott, Sinclair, Stengel, T. Williams, and Young;
also SENATORS Teck, Chlouber, Congrove, Hillman, Lacy, Nichol, Owen, Powers, Wattenberg, and Wham.

AN ACT

CONCERNING THE WILDLIFE COMMISSION, AND, IN CONNECTION THEREWITH, CHANGING THE MEETING SCHEDULE, OPERATION, AND COMPOSITION OF THE WILDLIFE COMMISSION.

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

SECTION 1. 33-1-103 (1) (b), (6), (7), and (9), Colorado Revised Statutes, are amended, and the said 33-1-103 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

33-1-103. Wildlife commission. (1) (b) (I) The commission shall consist of ~~eight~~ **TEN** members ~~who shall be selected as follows:~~ WITH AT LEAST one VOTING member from each of the five districts created under subsection (2) of this section, and ~~three~~ **TWO** VOTING members from the public at large, THE COMMISSIONER OF AGRICULTURE, AND THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF NATURAL RESOURCES, OR THEIR DESIGNEES, BOTH OF WHOM SHALL SERVE AS EX OFFICIO NONVOTING MEMBERS. NEITHER THE COMMISSIONER OF AGRICULTURE, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF NATURAL RESOURCES, NOR THEIR DESIGNEES SHALL BE CONSIDERED AS REPRESENTATIVES OF ANY POLITICAL PARTY FOR PURPOSES OF SUBSECTION (5) OF THIS SECTION. No more than two VOTING members shall be from any one of the five districts. The members of the commission shall be appointed by the governor, with the consent of the senate. Members of the commission shall be residents of this state, and each member appointed from a district created under subsection (2) of this section shall, at the time of ~~his~~ **THE MEMBER'S** appointment and at all times during ~~his~~ **THE MEMBER'S** term of office, be a bona fide resident of the district from which appointed. ALL MEMBERS OF THE COMMISSION SHALL HAVE A REASONABLE KNOWLEDGE OF WILDLIFE ISSUES, WILDLIFE HABITAT, OR WILDLIFE MANAGEMENT. Members shall be removed from office by the governor only for cause.

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

~~(II) Of the members holding office on June 16, 1987, two shall serve until March 1, 1989, two shall serve until March 1, 1990, two shall serve until March 1, 1991, and two shall serve until March 1, 1992. The governor shall designate which members of the commission shall serve for terms different from those terms for which they were originally appointed. Thereafter, The governor shall appoint two members of the commission on March 1 of each year and the terms of office for members of the commission shall be four years. NO MEMBER SHALL SERVE MORE THAN TWO FOUR-YEAR CONSECUTIVE TERMS. Vacancies on the commission shall be filled for the unexpired term by the governor, with the consent of the senate. A REQUEST FOR REMOVAL OF A MEMBER SHALL BE SUBMITTED TO THE GOVERNOR BY THE SECRETARY OF THE COMMISSION CONFIRMING THAT A MEMBER HAS FAILED, FOR REASONS OTHER THAN TEMPORARY MENTAL OR PHYSICAL DISABILITY OR ILLNESS, TO ATTEND ANY COMBINATION OF THREE REGULAR MEETINGS OF THE COMMISSION OR COMMISSION WORKSHOPS DURING ANY TWELVE-MONTH PERIOD WITHOUT THE COMMISSION HAVING ENTERED UPON ITS MINUTES AN APPROVAL FOR ANY SUCH ABSENCES. THE GOVERNOR, IN HIS OR HER DISCRETION, MAY REMOVE SUCH MEMBER.~~

(III) One member of the commission shall be appointed from each of the following categories: Livestock producers, agricultural or produce growers, sportsmen or outfitters, SPORTSMEN OR SPORTSWOMEN, wildlife organizations, and boards of county commissioners. ~~Three~~ TWO members of the commission shall be appointed from the public at large. WITH THE EXCEPTION OF MEMBERS SERVING ON THE COMMISSION ON JANUARY 1, 2000, A MEMBER SHALL SERVE HIS OR HER ENTIRE TERM, AND ANY SUBSEQUENT TERM, REPRESENTING THE CATEGORY FOR WHICH SUCH MEMBER WAS ORIGINALLY APPOINTED.

(6) A majority of the VOTING commission membership PHYSICALLY PRESENT shall constitute a quorum for the transaction of any business, for the performance of any duty, or for the exercise of any power; and the commission shall act by majority vote of such a quorum; AND SUCH MAJORITY OF THE VOTING COMMISSION MEMBERSHIP SHALL BE PHYSICALLY PRESENT AT THE MEETING OR WORKSHOP AT WHICH SUCH ACTION IS TAKEN.

(7) The members of the commission at their annual meeting in March shall elect from their membership a chairman, a vice-chairman, and a secretary. Those elected to such offices shall hold office for one year or until their successors are chosen. The commission shall hold regular meetings in ~~March and September and may hold additional meetings at such other times as the commission may deem necessary for the proper transaction of its duties and business~~ JANUARY, MARCH, MAY, JULY, SEPTEMBER, AND NOVEMBER AND SHALL HOLD COMMISSION WORKSHOPS IN FEBRUARY, APRIL, JUNE, AUGUST, OCTOBER, AND DECEMBER AND MAY HOLD ADDITIONAL MEETINGS AT SUCH OTHER TIMES AS THE COMMISSION MAY DEEM NECESSARY FOR THE PROPER TRANSACTION OF ITS DUTIES AND BUSINESS. EACH COMMISSIONER SHALL HOLD NO LESS THAN TWO PUBLIC MEETINGS PER YEAR IN HIS OR HER DISTRICT.

(9) (a) The division AND the office of director thereof ~~and the commission~~ shall exercise their powers and perform their duties and functions specified in articles 1 to 6 of this title under the department of natural resources and the executive director thereof as if the same were transferred to the department by a ~~type 1~~ **TYPE 2** transfer as such transfer is defined in the "Administrative Organization Act of 1968", article

1 of title 24, C.R.S.

(b) THE COMMISSION SHALL EXERCISE ITS POWERS AND PERFORM ITS DUTIES AND FUNCTIONS SPECIFIED IN ARTICLES 1 TO 6 OF THIS TITLE UNDER THE DEPARTMENT OF NATURAL RESOURCES AND THE EXECUTIVE DIRECTOR THEREOF AS IF THE SAME WERE TRANSFERRED TO THE DEPARTMENT BY A **TYPE 1** TRANSFER AS SUCH TRANSFER IS DEFINED IN THE "ADMINISTRATIVE ORGANIZATION ACT OF 1968", ARTICLE 1 OF TITLE 24, C.R.S.

(10) FOR PURPOSES OF THIS SECTION ONLY:

(a) "SPORTSMAN" OR "SPORTSWOMAN" MEANS ANY HUNTER OR ANGLER WHO HAS PURCHASED OR APPLIED FOR A HUNTING OR FISHING LICENSE FOR EACH OF THE PREVIOUS THREE YEARS OR WHO CAN DEMONSTRATE A REASONABLE KNOWLEDGE OF WILDLIFE ISSUES, WILDLIFE HABITAT, WILDLIFE MANAGEMENT, AND THE COMMISSION'S DUTIES, PROCEDURES, POLICIES, AUTHORITY, AND PAST DECISIONS.

(b) "WILDLIFE ORGANIZATION" MEANS A NONPROFIT ORGANIZATION, ASSOCIATION, OR CORPORATION REGISTERED WITH THE SECRETARY OF STATE'S OFFICE THAT:

(I) HAS ARTICLES OF INCORPORATION, BYLAWS, AND THE FIDUCIARY RESPONSIBILITIES OF OFFICERS AND MEMBERS OF THE BOARD OF DIRECTORS THAT ARE DESIGNED FOR OR RELATED TO THE SPECIFIC PURPOSE OF PROTECTING, ADVERTISING, OR ADVANCING THE CONCERNS OF ITS INDIVIDUAL MEMBERSHIP;

(II) SUPPORTS AND PROMOTES THE CONSERVATION AND ENHANCEMENT OF COLORADO'S WILDLIFE AND ITS HABITAT;

(III) RECOGNIZES AND PROMOTES PRIMARILY NONCONSUMPTIVE WILDLIFE USE; AND

(IV) HAS EXPERTISE IN WILDLIFE ISSUES, WILDLIFE HABITAT, OR WILDLIFE MANAGEMENT.

SECTION 2. 24-1-124 (3) (h) (I), Colorado Revised Statutes, is amended to read:

24-1-124. Department of natural resources - creation - divisions - repeal.

(3) The department of natural resources shall consist of the following divisions:

(h) (I) (A) Division of wildlife, the head of which shall be the director of the division of wildlife. The division of wildlife AND the office of director thereof ~~and the wildlife commission, created by article 1 of title 33, C.R.S., and the powers, duties, and functions thereof concerning game and fish~~ are transferred by a ~~type 1~~ **TYPE 2** transfer to the department of natural resources as the division of wildlife.

(B) THE WILDLIFE COMMISSION, CREATED BY ARTICLE 1 OF TITLE 33, C.R.S., AND THE POWERS, DUTIES, AND FUNCTIONS THEREOF CONCERNING GAME AND FISH ARE TRANSFERRED BY A **TYPE 1** TRANSFER TO THE DEPARTMENT OF NATURAL RESOURCES AS THE WILDLIFE COMMISSION.

SECTION 3. No appropriation. The general assembly has determined that this

act can be implemented within existing appropriations, and therefore no separate appropriation of state moneys is necessary to carry out the purposes of this act.

SECTION 4. Effective date. This act shall take effect January 1, 2000.

SECTION 5. 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: May 17, 1999