

CHAPTER 152

**NATURAL RESOURCES**

**HOUSE BILL 00-1460**

BY REPRESENTATIVES Hoppe, Alexander, Gotlieb, Hefley, Johnson, Kester, Miller, Mitchell, Smith, Taylor, Webster, Williams T., Young, Coleman, Gagliardi, Hagedorn, McKay, Plant, Scott, Spradley, Stengel, and Tapia; also SENATORS Hillman, Congrove, Hernandez, and Musgrave.

**AN ACT**

CONCERNING DIVISIONS WITHIN THE DEPARTMENT OF NATURAL RESOURCES PERTAINING TO THE CONSERVATION OF NATIVE VEGETATION.

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

**SECTION 1.** 23-30-202, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**23-30-202. Powers and duties of state board of agriculture.** (2) IN ADDITION TO THE POWERS AND DUTIES SET FORTH IN SUBSECTION (1) OF THIS SECTION, THE STATE BOARD OF AGRICULTURE SHALL ENTER INTO AN AGREEMENT WITH THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF NATURAL RESOURCES PURSUANT TO SECTION 24-33-201 (1), C.R.S.

**SECTION 2.** 23-30-207, Colorado Revised Statutes, is amended to read:

**23-30-207. Employees and personnel.** The board is authorized to employ such necessary professional, clerical, and other personnel needed to carry out the provisions of this part 2. Persons employed in a technical forestry capacity must have completed the requirements for and received a degree from an accredited school of forestry and have had at least two years' experience in forest practice. Persons employed in other technical fields must have completed the requirements for and received a degree from an accredited school in their professional field. The board may ~~designate, as its agent to carry out the provisions of this part 2,~~ APPOINT, PURSUANT TO ITS PERSONNEL POWERS, IN CONSULTATION WITH THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF NATURAL RESOURCES, TO CARRY OUT THE PROVISIONS OF THIS PART 2 AND PART 3 OF THIS ARTICLE, a professional forester, to be known as the state forester, whose duties shall be primarily of an educational or

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

regulatory nature.

**SECTION 3.** 24-1-124 (3) (c), Colorado Revised Statutes, is amended, and the said 24-1-124 (3) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

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

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

(c) ~~The state soil conservation board, created by article 70 of title 35, C.R.S. All its powers, duties, and functions are transferred by a type 1 transfer to the department of natural resources as a division thereof.~~

(j) THE DIVISION OF FORESTRY, CREATED IN SECTION 24-33- 201 (1), THE HEAD OF WHICH SHALL BE THE STATE FORESTER, APPOINTED PURSUANT TO SECTION 23-30-207, C.R.S., AND THE FORESTRY ADVISORY BOARD, CREATED IN SECTION 24-33-202 (1). THE DIVISION OF FORESTRY, THE STATE FORESTER, AND FORESTRY ADVISORY BOARD SHALL EXERCISE THEIR POWERS, DUTIES, AND FUNCTIONS AS PRESCRIBED BY LAW UNDER THE DEPARTMENT OF NATURAL RESOURCES AND THE EXECUTIVE DIRECTOR THEREOF AS IF THE SAME WERE TRANSFERRED TO THE DEPARTMENT BY A **TYPE 2** TRANSFER.

**SECTION 4.** 24-33-104 (1) (b), Colorado Revised Statutes, is amended, and the said 24-33-104 (1) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

**24-33-104. Divisions under the department.** (1) The department of natural resources shall consist of the following divisions:

(b) ~~The state soil conservation board;~~

(k) THE DIVISION OF FORESTRY AND THE FORESTRY ADVISORY BOARD.

**SECTION 5.** Article 33 of title 24, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PART to read:

PART 2  
DIVISION OF FORESTRY

**24-33-201. Division of forestry - creation - state forest service agreement.**

(1) THERE IS HEREBY CREATED THE DIVISION OF FORESTRY IN THE DEPARTMENT OF NATURAL RESOURCES. THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF NATURAL RESOURCES SHALL ENTER INTO AN AGREEMENT WITH COLORADO STATE UNIVERSITY, THROUGH THE STATE BOARD OF AGRICULTURE, TO COOPERATE IN THE STATE'S EFFORTS TO IMPROVE THE MANAGEMENT AND HEALTH OF COLORADO'S FORESTS AND TO PROVIDE STAFF FOR THE DIVISION OF FORESTRY.

(2) THE DIVISION OF FORESTRY'S POWERS AND DUTIES SHALL INCLUDE:

(a) STRENGTHENING NATURAL RESOURCE POLICY FORMULATION AND COORDINATION CONCERNING PUBLIC AND PRIVATE FOREST LAND IN COLORADO BY:

(I) PRODUCING AN ANNUAL FOREST HEALTH REPORT FOR ALL FOREST LAND IN COLORADO;

(II) ADDRESSING COOPERATIVE MANAGEMENT OF FOREST LAND ACROSS JURISDICTIONS;

(III) MITIGATING THE NATURAL AND URBAN INTERFACE FIRE HAZARD;

(IV) RESTORING CRITICAL WATERSHEDS;

(V) ASSISTING IN THE MANAGEMENT OF FOREST LANDS UNDER THE JURISDICTION OF THE AGENCIES WITHIN THE DEPARTMENT OF NATURAL RESOURCES.

(b) PREPARING AND UPDATING THE MEMORANDUM OF UNDERSTANDING BETWEEN THE DEPARTMENT OF NATURAL RESOURCES AND COLORADO STATE UNIVERSITY THAT PROVIDES FOR THE STAFFING OF THE DIVISION OF FORESTRY BY THE COLORADO STATE FOREST SERVICE;

(c) PREPARING THE ANNUAL JOINT WORK PLAN FOR THE DIVISION OF FORESTRY AND COLORADO STATE FOREST SERVICE FOR SUBMITTAL TO AND APPROVAL BY THE DEPARTMENT OF NATURAL RESOURCES AND COLORADO STATE UNIVERSITY;

(d) PROVIDING, THROUGH THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF NATURAL RESOURCES OR THE EXECUTIVE DIRECTOR'S DESIGNEE, STAFF SUPPORT TO THE FORESTRY ADVISORY BOARD, CREATED IN SECTION 24-33-202;

(e) REVIEWING AND APPROVING ALL COLORADO STATE FOREST SERVICE PUBLICATIONS THAT ARE ISSUED AS A RESULT OF THE MEMORANDUM OF UNDERSTANDING BETWEEN THE DEPARTMENT OF NATURAL RESOURCES AND COLORADO STATE UNIVERSITY;

(f) PROMOTING COOPERATION WITH THE FEDERAL LAND MANAGEMENT AGENCIES TO FACILITATE COLLABORATION ACROSS BOUNDARIES WARRANTED BY FOREST LAND CONDITIONS;

(g) INCORPORATING RURAL DEVELOPMENT THROUGH FORESTRY IN PROGRAM DELIVERY;

(h) ASSURING THAT STATE WATER QUALITY BEST MANAGEMENT PRACTICES ARE AVAILABLE AND UNDERSTOOD; AND

(i) PREPARING AN ANNUAL REPORT ON THE ACCOMPLISHMENTS OF THE DIVISION OF FORESTRY.

(3) THE DIVISION OF FORESTRY, THE STATE FORESTER, AND THE COLORADO STATE FOREST SERVICE SHALL ENFORCE AND ADMINISTER THE PROVISIONS OF LAW CONFERRED UPON THE DIVISION OF FORESTRY, STATE FORESTER, AND COLORADO STATE FOREST SERVICE.

**24-33-202. Forestry advisory board - creation - repeal.** (1) THERE IS HEREBY CREATED A FORESTRY ADVISORY BOARD IN THE DEPARTMENT OF NATURAL

RESOURCES FOR THE PURPOSE OF ASSISTING THE GOVERNOR, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF NATURAL RESOURCES, AND THE DIVISION OF FORESTRY WITH ESTABLISHING STATE FOREST POLICY. THE BOARD SHALL CONSIST OF SEVEN MEMBERS. THREE MEMBERS SHALL INCLUDE THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF NATURAL RESOURCES OR THE EXECUTIVE DIRECTOR'S DESIGNEE, THE PRESIDENT OF COLORADO STATE UNIVERSITY OR THE PRESIDENT'S DESIGNEE, AND THE COMMISSIONER OF AGRICULTURE OR THE COMMISSIONER'S DESIGNEE. FOUR MEMBERS SHALL BE APPOINTED BY THE GOVERNOR AND SHALL SERVE THREE-YEAR TERMS. OF THESE FOUR MEMBERS, ONE SHALL BE A LOCAL GOVERNMENT REPRESENTATIVE, ONE SHALL BE A PRIVATE LAND OWNER WITH FOREST LAND IN THE STATE, ONE SHALL BE A REPRESENTATIVE OF THE FOREST PRODUCTS INDUSTRY, AND ONE SHALL BE A REPRESENTATIVE OF AN ORGANIZATION DEDICATED TO FOREST AND WILDLIFE HABITAT PRESERVATION.

(2) MEMBERS OF THE FORESTRY ADVISORY BOARD SHALL SERVE WITHOUT COMPENSATION BUT ARE ENTITLED TO REIMBURSEMENT OF ACTUAL AND NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES.

(3) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2010. PRIOR TO SUCH REPEAL, THE FORESTRY ADVISORY BOARD SHALL BE REVIEWED AS PROVIDED FOR IN SECTION 2-3-1203, C.R.S.

**SECTION 6.** 2-3-1203 (3), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

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

(w) JULY 1, 2010: THE FORESTRY ADVISORY BOARD, CREATED IN SECTION 24-33-202, C.R.S.

**SECTION 7.** 24-1-123 (4), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

**24-1-123. Department of agriculture - creation.** (4) The department of agriculture shall consist of the following divisions:

(i) THE STATE SOIL CONSERVATION BOARD, CREATED IN ARTICLE 70 OF TITLE 35, C.R.S. ALL ITS POWERS, DUTIES, AND FUNCTIONS ARE TRANSFERRED BY A **TYPE 1** TRANSFER TO THE DEPARTMENT OF AGRICULTURE AS A DIVISION THEREOF. THE EMPLOYEES OF THE STATE SOIL CONSERVATION BOARD APPOINTED PURSUANT TO SECTION 35-70-103 (5) (g), C.R.S., ARE TRANSFERRED TO THE DEPARTMENT OF AGRICULTURE BY A **TYPE 2** TRANSFER.

**SECTION 8.** 35-70-103 (1) and (6) (i), Colorado Revised Statutes, are amended to read:

**35-70-103. State soil conservation board - composition - powers.** (1) (a) There is hereby created IN THE DEPARTMENT OF AGRICULTURE the state soil conservation board, referred to in this article as the "state board", which shall consist

of nine members. One member shall be a qualified elector of the state appointed by the governor from the state at large for a term commencing January 1, 1974. The remaining eight positions on the state board shall be filled by elections held within the areas described in this section. The boards of supervisors of local soil conservation districts within each such area shall elect the number of members specified in this subsection (1) between November 1 and December 31 in 1973 for terms commencing January 1, 1974, and within such dates in succeeding years as necessary to fill expiring terms. A candidate shall be or shall have been an elected supervisor of a local soil conservation district. The number of members to be elected and the areas from which they are to be elected are as follows:

(a) (I) The White-Yampa and North Platte river watersheds, one member;

(b) (II) The San Juan basin, one member;

(c) (III) The Arkansas river watershed, two members, one from the upper Arkansas river watershed and one member from the lower Arkansas river watershed;

(d) (IV) The Rio Grande watershed, one member;

(e) (V) The Republican and South Platte river watersheds, two members, one from the upper South Platte river watershed and one member from the Republican river and lower South Platte river watersheds;

(f) (VI) The Colorado, Gunnison, and Dolores river watersheds, one member.

(b) THE STATE BOARD CREATED IN PARAGRAPH (a) OF THIS SUBSECTION (1) SHALL, ON AND AFTER JULY 1, 2000, EXECUTE, ADMINISTER, PERFORM, AND ENFORCE THE RIGHTS, POWERS, DUTIES, FUNCTIONS, AND OBLIGATIONS VESTED IN THE FORMER STATE BOARD IN THE DEPARTMENT OF NATURAL RESOURCES. ON JULY 1, 2000, ALL EMPLOYEES OF THE FORMER STATE BOARD WHOSE PRINCIPAL DUTIES ARE CONCERNED WITH THE DUTIES AND FUNCTIONS TRANSFERRED TO THE STATE BOARD CREATED IN PARAGRAPH (a) OF THIS SUBSECTION (1) AND WHOSE EMPLOYMENT IN THE FORMER STATE BOARD IS DEEMED NECESSARY BY THE COMMISSIONER OF AGRICULTURE TO CARRY OUT THE PURPOSES OF THIS ARTICLE SHALL BE TRANSFERRED TO THE STATE BOARD CREATED IN PARAGRAPH (a) OF THIS SUBSECTION (1) AND SHALL BECOME EMPLOYEES THEREOF. SUCH EMPLOYEES SHALL RETAIN ALL RIGHTS TO THE STATE PERSONNEL SYSTEM AND RETIREMENT BENEFITS UNDER THE LAWS OF THIS STATE, AND THEIR SERVICES SHALL BE DEEMED TO HAVE BEEN CONTINUOUS. ALL TRANSFERS AND ANY ABOLISHMENT OF POSITIONS IN THE STATE PERSONNEL SYSTEM SHALL BE MADE AND PROCESSED IN ACCORDANCE WITH STATE PERSONNEL SYSTEM LAWS AND RULES.

(c) ON JULY 1, 2000, ALL ITEMS OF PROPERTY, REAL AND PERSONAL, INCLUDING OFFICE FURNITURE AND FIXTURES, BOOKS, DOCUMENTS, AND RECORDS OF THE FORMER STATE BOARD IN THE DEPARTMENT OF NATURAL RESOURCES PERTAINING TO THE DUTIES AND FUNCTIONS TRANSFERRED TO THE STATE BOARD IN THE DEPARTMENT OF AGRICULTURE SHALL BECOME THE PROPERTY OF THE STATE BOARD CREATED IN PARAGRAPH (a) OF THIS SUBSECTION (1).

(d) ALL CONTRACTS ENTERED INTO BY THE FORMER STATE BOARD PRIOR TO JULY 1, 2000, IN CONNECTION WITH THE DUTIES AND FUNCTIONS TRANSFERRED TO THE

STATE BOARD, CREATED IN PARAGRAPH (a) OF THIS SUBSECTION (1), ARE HEREBY VALIDATED. ANY APPROPRIATIONS OF MONEYS FOR THE FISCAL YEAR BEGINNING JULY 1, 2000, AND FROM PRIOR FISCAL YEARS OPEN TO SATISFY OBLIGATIONS INCURRED UNDER SUCH CONTRACTS ARE HEREBY TRANSFERRED AND APPROPRIATED TO THE STATE BOARD CREATED IN PARAGRAPH (a) OF THIS SUBSECTION (1) FOR THE PAYMENT OF SUCH OBLIGATIONS.

(e) ALL RULES, REGULATIONS, RATES, ORDERS, AGREEMENTS, AND AWARDS OF THE STATE BOARD LAWFULLY ADOPTED PRIOR TO JULY 1, 2000, SHALL CONTINUE TO BE EFFECTIVE UNTIL REVISED, AMENDED, REPEALED, OR NULLIFIED PURSUANT TO LAW.

(6) In addition to the powers and duties granted to the state board in other sections of this article, the board has the following powers and duties:

(i) To report annually at such times and on such matters as the ~~executive director of the department of natural resources~~ COMMISSIONER OF AGRICULTURE may require. Publications circulated in quantity outside the executive branch are subject to the approval and control of the ~~executive director of the department of natural resources~~ COMMISSIONER OF AGRICULTURE.

**SECTION 9. Effective date.** This act shall take effect July 1, 2000.

**SECTION 10. 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, 2000