

CHAPTER 8

NATURAL RESOURCES

HOUSE BILL 05-1082

BY REPRESENTATIVE(S) Balmer, Benefield, Berens, Brophy, Cadman, Crane, Curry, Frangas, Gallegos, Garcia, Green, Hall, Harvey, Knoedler, Larson, Liston, Lundberg, Marshall, Massey, Merrifield, Penry, Pommer, Romanoff, Rose, Schultheis, Solano, Soper, Todd, and White;
also SENATOR(S) Tochtrop, Gordon, Groff, Isgar, Spence, Taylor, and Williams.

AN ACT

CONCERNING AUTHORIZATION FOR THE DEPARTMENT OF NATURAL RESOURCES TO ENTER INTO AGREEMENTS WITH PRIVATE NONPROFIT ENTITIES TO AUGMENT THE SERVICES AVAILABLE TO PARK VISITORS.

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

SECTION 1. Article 10 of title 33, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

33-10-108.5. Interpretive and educational services - agreements with nonprofit groups - definitions. (1) TO PROVIDE INTERPRETIVE OR EDUCATIONAL SERVICES AT STATE PARKS, NATURAL AREAS, AND FACILITIES, THE DIVISION MAY ENTER INTO A CONTRACT OR AGREEMENT WITH ANY PRIVATE NONPROFIT, SCIENTIFIC, HISTORIC, VOLUNTEER, OR EDUCATIONAL ORGANIZATION ORGANIZED PRIMARILY FOR THE PURPOSE OF PROVIDING INTERPRETIVE OR EDUCATIONAL SERVICES AT SUCH PARKS, NATURAL AREAS, AND FACILITIES. AN ELIGIBLE ORGANIZATION MAY INCLUDE, BUT IS NOT LIMITED TO, A GROUP DESIGNATED AS "FRIENDS OF" AN IDENTIFIED STATE PARK OR AREA.

(2) IN ACCORDANCE WITH A CONTRACT OR AGREEMENT UNDER THIS SECTION, AN ORGANIZATION MAY:

(a) OFFER INTERPRETIVE OR EDUCATIONAL MATERIALS FOR SALE AT THE STATE PARK, NATURAL AREA, OR FACILITY FOR WHICH THE ORGANIZATION PROVIDES SERVICES UNDER THE TERMS OF THE CONTRACT. NET PROCEEDS RECEIVED FROM SALES UNDER THIS PARAGRAPH (a) SHALL BE USED TO PROVIDE INTERPRETIVE OR EDUCATIONAL SERVICES AT THE STATE PARK, NATURAL AREA, OR FACILITY.

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

(b) ACQUIRE DISPLAY MATERIALS AND EQUIPMENT FOR EXHIBIT AT THE STATE PARK, NATURAL AREA, OR FACILITY FOR WHICH THE ORGANIZATION PROVIDES SERVICES UNDER THE TERMS OF THE CONTRACT;

(c) SUPPORT SPECIAL STATE PARK, NATURAL AREA, OR FACILITY INTERPRETIVE OR EDUCATIONAL PROGRAMS AND OTHER INTERPRETIVE PROJECTS RELATED TO A SPECIFIC PARK, NATURAL AREA, OR FACILITY; OR

(d) SUPPORT STATE PARK, NATURAL AREA, OR FACILITY RESOURCE CENTERS.

(3) AS USED IN THIS SECTION, "STATE PARKS, NATURAL AREAS, AND FACILITIES" MEANS:

(a) STATE PARKS;

(b) STATE RECREATION AREAS;

(c) NATURAL AREAS, AS DEFINED IN SECTION 33-33-103 (8); AND

(d) ANY STATE-OWNED FACILITY RELATED TO OR ADJOINING A PARK OR AREA LISTED IN PARAGRAPHS (a) TO (c) OF THIS SUBSECTION (3), WHETHER INDOOR OR OUTDOOR, AND INCLUDING THE DEPARTMENT'S MANAGEMENT OFFICES AND OTHER BUILDINGS.

SECTION 2. 33-10-106 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

33-10-106. Duties of the board - rules. (1) The board shall:

(j) (I) PROMULGATE RULES AS NECESSARY TO IMPLEMENT SECTION 33-10-108.5, INCLUDING, WITHOUT LIMITATION:

(A) PROCEDURES FOR ENTERING INTO CONTRACTS OR AGREEMENTS FOR INTERPRETIVE OR EDUCATIONAL SERVICES;

(B) IF A CONTRACT OR AGREEMENT CALLS FOR THE PROVISION OF INTERPRETIVE OR EDUCATIONAL MATERIALS BY A PRIVATE ORGANIZATION, GUIDELINES FOR APPROVAL OF THE INTERPRETIVE OR EDUCATIONAL MATERIALS, INCLUDING BOTH PRINTED MATTER AND THE CONTENT OF ANY LECTURE, GUIDED TOUR, AUDIOVISUAL PROGRAM, OR OTHER PRESENTATION, TO ENSURE THAT FACTUAL REPRESENTATIONS ARE SCIENTIFICALLY VALID AND OBJECTIVELY SUPPORTED AND THAT WHERE THERE IS MORE THAN ONE RESPONSIBLE VIEWPOINT ON AN ISSUE, ALL SUCH RESPONSIBLE VIEWPOINTS ARE PRESENTED IN A BALANCED MANNER; AND

(C) PROCEDURES FOR RENEWAL AND DISSOLUTION OF CONTRACTS OR AGREEMENTS FOR INTERPRETIVE OR EDUCATIONAL SERVICES.

(II) IN ADOPTING RULES PURSUANT TO THIS PARAGRAPH (j), THE BOARD SHALL CONSULT WITH THE DIRECTOR AND PERSONNEL OF THE DIVISION AND SHALL NOT INITIATE ANY SPECIAL OR ADDITIONAL RULE-MAKING HEARINGS OUTSIDE THE BOARD'S

NORMAL RULE-MAKING SCHEDULE. THE INTENT OF THIS SUBPARAGRAPH (II) IS TO ALLOW THE BOARD AND THE DIVISION TO IMPLEMENT SECTION 38-10-108.5 WITHIN EXISTING APPROPRIATIONS.

(III) WHENEVER THE BOARD NEGOTIATES A CONTRACT OR AGREEMENT AFFECTING A SPECIFIC STATE PARK, NATURAL AREA, OR FACILITY, THE BOARD SHALL PROMPTLY GIVE WRITTEN NOTICE TO THE STAFF ASSIGNED TO THAT PARK, AREA, OR FACILITY.

SECTION 3. 33-10-108 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

33-10-108. Duties of the division of parks and outdoor recreation. (1) The division, unless otherwise provided by law, has the following duties:

(a.5) TO ENTER INTO CONTRACTS AND AGREEMENTS WITH PRIVATE ORGANIZATIONS FOR PURPOSES AUTHORIZED UNDER SECTION 33-10-108.5 AND TO KEEP FINANCIAL AND OTHER RECORDS RELATING THERETO;

SECTION 4. 33-10-108, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

33-10-108. Duties of the division of parks and outdoor recreation. (2) PURSUANT TO A CONTRACT OR AGREEMENT WITH AN ORGANIZATION AUTHORIZED BY SECTION 33-10-108.5, THE DIVISION MAY PROVIDE PERSONNEL SERVICES TO HELP THE ORGANIZATION CARRY OUT ITS INTERPRETIVE OR EDUCATIONAL PROGRAM AND PROVIDE SPACE AT OR WITHIN ANY STATE PARK, NATURAL AREA, OR FACILITY, AS DEFINED IN SAID SECTION, FOR INTERPRETIVE OR EDUCATIONAL MATERIALS PROVIDED BY THE ORGANIZATION.

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: March 11, 2005