

CHAPTER 293

NATURAL RESOURCES

SENATE BILL 11-208

BY SENATOR(S) Schwartz and Hodge, Bacon, Boyd, Brophy, Cadman, Foster, Giron, Grantham, Guzman, Heath, Hudak, Jahn, King S., Kopp, Lambert, Nicholson, Shaffer B., Spence, Steadman, Tochtrop, White, Williams S., Harvey;
also REPRESENTATIVE(S) Sonnenberg and Gerou, Acree, Barker, Baumgardner, Becker, Beezley, Bradford, Coram, Ferrandino, Gardner B., Hamner, Holbert, Joshi, Labuda, Looper, Massey, McCann, Miklosi, Murray, Nikkel, Priola, Ramirez, Ryden, Schafer S., Scott, Stephens, Summers, Swalm, Swerdfeger, Waller, Wilson.

AN ACT**CONCERNING THE CONSOLIDATION OF WILDLIFE ENTITIES WITH PARKS AND OUTDOOR RECREATION ENTITIES UNDER THE DEPARTMENT OF NATURAL RESOURCES.**

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

SECTION 1. Legislative declaration. (1) The general assembly hereby finds, determines, and declares that:

(a) The people of Colorado value and seek to preserve the state's unique park, wildlife, and outdoor recreation heritage;

(b) Maintenance of a healthy outdoor recreation program is vital to local, regional, and state economies;

(c) It is important to leverage existing fiscal, personnel, and capital resources to achieve the greatest accountability, efficiency, and customer-focused service delivery possible;

(d) Combining similar or overlapping programs and functions has the potential to reduce costs, streamline processes, and provide a net benefit to state budgets;

(e) Coloradans and visitors to the state will benefit from the preservation of important programs, such as the aquatic nuisance species program, the recreational trails program, and the natural areas program, that would otherwise need to be scaled back or eliminated under current budget proposals;

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

(f) Policies, procedures, and accounting methods to ensure transparency, to prevent the unauthorized commingling or impermissible use of moneys in distinct funds, and to ensure that moneys are expended consistent with the purposes for which they are received, collected, or appropriated are fundamental to any successful effort to realize efficiencies;

(g) Preserving the missions of the division of wildlife and division of parks and outdoor recreation is a priority, as is transparency of the process for combining functions, streamlining processes, and reducing costs; and

(h) The board of parks and outdoor recreation and the wildlife commission have created strategic plans that identify goals and objectives for the division of parks and outdoor recreation and the division of wildlife for the next five to ten years, and combining divisions so that resources are shared and allocated toward the achievement of shared and mutually beneficial goals will further these objectives, including:

(I) Protecting, restoring, and enhancing habitats;

(II) Providing and protecting opportunities for hunting, fishing, and wildlife-viewing opportunities;

(III) Enforcing regulations that protect fish and wildlife;

(IV) Increasing public knowledge of agency missions;

(V) Increasing public awareness of, and participation in, a variety of outdoor activities;

(VI) Attracting and retaining a diverse workforce and promoting excellence within that workforce;

(VII) Creating and strengthening outreach and partnerships; and

(VIII) Maximizing funding.

SECTION 2. Title 33, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW ARTICLE to read:

ARTICLE 9
Administration of Parks and Wildlife

33-9-101. Board - creation - composition - terms - vacancies - removal - meetings. (1) THERE IS HEREBY CREATED THE PARKS AND WILDLIFE BOARD, ALSO REFERRED TO IN THIS ARTICLE AS THE "BOARD".

(2) (a) THE BOARD CONSISTS OF SIXTEEN MEMBERS, AS FOLLOWS:

(I) TWO MEMBERS, THE EXECUTIVE DIRECTOR AND THE COMMISSIONER OF THE DEPARTMENT OF AGRICULTURE, WHO ARE EX OFFICIO NONVOTING MEMBERS; AND

(II) THE FOLLOWING FOURTEEN VOTING MEMBERS, WHO ARE APPOINTED BY THE GOVERNOR WITH THE CONSENT OF THE SENATE:

(A) NINE MEMBERS APPOINTED PURSUANT TO PARAGRAPH (c) OF THIS SUBSECTION (2), OF WHOM NOT MORE THAN FIVE MAY BE OF THE SAME POLITICAL PARTY; AND

(B) FIVE MEMBERS APPOINTED PURSUANT TO PARAGRAPH (d) OF THIS SUBSECTION (2), OF WHOM NOT MORE THAN THREE MAY BE OF THE SAME POLITICAL PARTY.

(b) NOTWITHSTANDING SUBPARAGRAPH (II) OF PARAGRAPH (a) OF THIS SUBSECTION (2), THE FOURTEEN VOTING MEMBERS OF THE BOARD ORIGINALLY CONSIST OF THE NINE VOTING MEMBERS OF THE WILDLIFE COMMISSION, AS THE COMMISSION EXISTED ON JUNE 30, 2011, AND THE FIVE MEMBERS OF THE BOARD OF PARKS AND OUTDOOR RECREATION, AS THE BOARD OF PARKS AND OUTDOOR RECREATION EXISTED ON JUNE 30, 2011. SUBJECT TO SUBSECTION (5) OF THIS SECTION, THESE MEMBERS MAY SERVE OUT THE TERMS TO WHICH THEY WERE ORIGINALLY APPOINTED. IF A VACANCY OCCURS ON THE BOARD FOR ONE OF THESE ORIGINAL MEMBERS, THE GOVERNOR SHALL APPOINT A PERSON TO FILL THE REMAINDER OF THAT MEMBER'S UNEXPIRED TERM.

(c) **Board members with wildlife knowledge.** THE NINE MEMBERS OF THE BOARD APPOINTED UNDER THIS PARAGRAPH (c) MUST HAVE A REASONABLE KNOWLEDGE OF WILDLIFE ISSUES, WILDLIFE HABITAT, OR WILDLIFE MANAGEMENT, AND SHALL BE APPOINTED AS FOLLOWS:

(I) **Geographical representation.** AT LEAST ONE MEMBER MUST BE APPOINTED FROM EACH OF THE FOLLOWING FIVE DISTRICTS, AND NO DISTRICT SHALL BE REPRESENTED BY MORE THAN THREE MEMBERS APPOINTED UNDER THIS PARAGRAPH (c) AT ANY ONE TIME:

(A) DISTRICT 1 IS COMPRISED OF THE FOLLOWING COUNTIES: MOFFAT, RIO BLANCO, GARFIELD, MESA, ROUTT, EAGLE, PITKIN, JACKSON, GRAND, AND SUMMIT;

(B) DISTRICT 2 IS COMPRISED OF THE FOLLOWING COUNTIES: DELTA, MONTROSE, OURAY, SAN MIGUEL, DOLORES, MONTEZUMA, SAN JUAN, LA PLATA, GUNNISON, HINSDALE, ARCHULETA, SAGUACHE, MINERAL, RIO GRANDE, CONEJOS, ALAMOSA, AND COSTILLA;

(C) DISTRICT 3 IS COMPRISED OF THE FOLLOWING COUNTIES: LARIMER, WELD, MORGAN, LOGAN, WASHINGTON, SEDGWICK, PHILLIPS, AND YUMA;

(D) DISTRICT 4 IS COMPRISED OF THE FOLLOWING COUNTIES: LAKE, CHAFFEE, PARK, FREMONT, CUSTER, TELLER, EL PASO, PUEBLO, HUERFANO, THOSE LANDS IN ELBERT COUNTY NOT DESIGNATED AS LYING WITHIN DISTRICT 5, LINCOLN, CROWLEY, OTERO, LAS ANIMAS, KIT CARSON, CHEYENNE, KIOWA, BENT, PROWERS, AND BACA;

(E) DISTRICT 5 IS COMPRISED OF THE FOLLOWING COUNTIES AND CITIES AND COUNTIES: BOULDER, BROOMFIELD, JEFFERSON, DOUGLAS, ARAPAHOE, ADAMS,

ELBERT COUNTY, INCLUDING ONLY TOWNSHIPS 6 SOUTH THROUGH 10 SOUTH, RANGE 63 WEST, 64 WEST, AND THAT PART OF 65 WEST LYING WITHIN ELBERT COUNTY, 6TH PRINCIPAL MERIDIAN, COLORADO, CLEAR CREEK, GILPIN, AND DENVER;

(II) Areas of particular knowledge. OF THE MEMBERS APPOINTED UNDER THIS PARAGRAPH (c), ONE MEMBER MUST BE APPOINTED FROM EACH OF THE FOLLOWING CATEGORIES: LIVESTOCK PRODUCERS; AGRICULTURAL OR PRODUCE GROWERS; SPORTS PERSONS OR OUTFITTERS; SPORTS PERSONS; WILDLIFE ORGANIZATIONS; AND BOARDS OF COUNTY COMMISSIONERS. THE OTHER THREE MEMBERS MUST BE APPOINTED FROM THE PUBLIC AT LARGE. AS USED IN THIS SECTION:

(A) "SPORTS PERSON" 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; AND

(B) "WILDLIFE ORGANIZATION" MEANS A NONPROFIT ORGANIZATION, ASSOCIATION, OR CORPORATION REGISTERED WITH THE SECRETARY OF STATE'S OFFICE THAT: 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; SUPPORTS AND PROMOTES THE CONSERVATION AND ENHANCEMENT OF COLORADO'S WILDLIFE AND ITS HABITAT; RECOGNIZES AND PROMOTES PRIMARILY NONCONSUMPTIVE WILDLIFE USE; AND HAS EXPERTISE IN WILDLIFE ISSUES, WILDLIFE HABITAT, OR WILDLIFE MANAGEMENT.

(d) Board members from parks and outdoor recreation regions. THE FIVE MEMBERS APPOINTED TO THE BOARD UNDER THIS PARAGRAPH (d) INCLUDE ONE PERSON APPOINTED FROM THE STATE AT LARGE AND ONE PERSON APPOINTED FROM EACH OF THE FOLLOWING REGIONS:

(I) THE WEST REGION, WHICH IS COMPRISED OF THE FOLLOWING COUNTIES: ARCHULETA, DELTA, DOLORES, GARFIELD, GUNNISON, HINSDALE, LA PLATA, MESA, MOFFAT, MONTEZUMA, MONTROSE, OURAY, RIO BLANCO, SAN JUAN, AND SAN MIGUEL;

(II) THE NORTH REGION, WHICH IS COMPRISED OF THE FOLLOWING COUNTIES: EAGLE, GRAND, JACKSON, LARIMER, LOGAN, MORGAN, PHILLIPS, PITKIN, ROUNTT, SEDGWICK, SUMMIT, WASHINGTON, WELD, AND YUMA;

(III) THE METRO REGION, WHICH IS COMPRISED OF THE FOLLOWING COUNTIES AND CITIES AND COUNTIES: ADAMS, ARAPAHOE, BOULDER, BROOMFIELD, CLEAR CREEK, DENVER, DOUGLAS, GILPIN, AND JEFFERSON;

(IV) THE SOUTH REGION, WHICH IS COMPRISED OF THE FOLLOWING COUNTIES: ALAMOSA, BACA, BENT, CHAFFEE, CHEYENNE, CONEJOS, COSTILLA, CROWLEY, CUSTER, ELBERT, EL PASO, FREMONT, HUERFANO, KIOWA, KIT CARSON, LAKE, LAS ANIMAS, LINCOLN, MINERAL, OTERO, PARK, PROWERS, PUEBLO, RIO GRANDE,

SAGUACHE, AND TELLER.

(3) (a) TERMS OF OFFICE ARE FOUR YEARS FOR MEMBERS APPOINTED PURSUANT TO PARAGRAPH (a) OF SUBSECTION (2) OF THIS SECTION.

(b) NO MEMBER IS PERMITTED TO SERVE MORE THAN TWO CONSECUTIVE FOUR-YEAR TERMS.

(4) THE GOVERNOR SHALL FILL VACANCIES ON THE BOARD FOR ANY UNEXPIRED TERM, WITH THE CONSENT OF THE SENATE.

(5) THE GOVERNOR IS PERMITTED TO REMOVE MEMBERS OF THE BOARD ONLY FOR CAUSE.

(6) (a) (I) EXCEPT AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (6):

(A) A MAJORITY OF THE BOARD CONSTITUTES A QUORUM FOR THE TRANSACTION OF ANY BUSINESS.

(B) THE BOARD MAY TAKE ACTION ONLY UPON THE AFFIRMATIVE VOTE OF A MAJORITY OF A QUORUM.

(II) AS USED IN THIS PARAGRAPH (a), "MAJORITY" MEANS:

(A) MORE THAN ONE-HALF OF THE MEMBERS WHO ARE PRESENT AT A MEETING OF THOSE BOARD MEMBERS EITHER SERVING PURSUANT TO SUB-SUBPARAGRAPH (A) OF SUBPARAGRAPH (II) OF PARAGRAPH (a) OF SUBSECTION (2) OF THIS SECTION OR APPOINTED PURSUANT TO PARAGRAPH (c) OF SUBSECTION (2) OF THIS SECTION; AND

(B) MORE THAN ONE-HALF OF THE MEMBERS WHO ARE PRESENT AT A MEETING OF THOSE BOARD MEMBERS EITHER SERVING PURSUANT TO SUB-SUBPARAGRAPH (B) OF SUBPARAGRAPH (II) OF PARAGRAPH (a) OF SUBSECTION (2) OF THIS SECTION OR WHO WERE APPOINTED PURSUANT TO PARAGRAPH (d) OF SUBSECTION (2) OF THIS SECTION.

(b) THE BOARD MAY SPECIFY, BY MAJORITY VOTE, TYPES OF MATTERS UPON WHICH ACTION MAY BE TAKEN BY VOTE OF A SIMPLE MAJORITY. ANY SUCH MATTERS MAY THEREAFTER BE ACTED UPON BY A SIMPLE MAJORITY OF A QUORUM OF THE ENTIRE BOARD.

(7) FOR PURPOSES OF MAILING AND SERVICE, THE BOARD'S PRINCIPAL OFFICE IS IN THE OFFICE OF THE EXECUTIVE DIRECTOR.

(8) FOR EACH DAY ACTUALLY ENGAGED IN THE DUTIES OF THE BOARD, THE BOARD MEMBERS ARE ENTITLED TO RECEIVE A PER DIEM AMOUNT OF FIFTY DOLLARS, TOGETHER WITH ALL ACTUAL AND NECESSARY TRAVEL EXPENSES TO BE PAID AFTER THE EXPENSES ARE INCURRED. MILEAGE RATES ARE AS PROVIDED IN SECTION 24-9-104, C.R.S.

(9) THE BOARD SHALL EXERCISE ITS POWERS AND PERFORM ITS DUTIES AND FUNCTIONS UNDER THE DEPARTMENT AND THE EXECUTIVE DIRECTOR OF THE DEPARTMENT AS IF THE SAME WERE TRANSFERRED TO THE DEPARTMENT BY A **TYPE**

1 TRANSFER, AS DEFINED IN THE "ADMINISTRATIVE ORGANIZATION ACT OF 1968", ARTICLE 1 OF TITLE 24, C.R.S.

(10) (a) ON OR BEFORE JUNE 15, 2011, THE MEMBERS OF THE WILDLIFE COMMISSION AND THE BOARD OF PARKS AND OUTDOOR RECREATION SHALL MEET AS NECESSARY IN ORDER TO:

(I) ELECT, FROM AMONG THEIR MEMBERS, A CHAIRPERSON OR CO-CHAIRPERSONS, VICE-CHAIRPERSON, AND SECRETARY OF THE PARKS AND WILDLIFE BOARD, WHICH OFFICERS HOLD THOSE POSITIONS, BEGINNING JULY 1, 2011, FOR ONE YEAR OR UNTIL SUCCESSORS ARE CHOSEN BY MAJORITY VOTE OF THE BOARD;

(II) SCHEDULE, AT A MINIMUM, MONTHLY MEETING DATES THROUGH THE 2011 CALENDAR YEAR, COMMENCING IN JULY 2011, AT WHICH THE BOARD WILL TRANSACT REGULAR BUSINESS IN ADDITION TO FORMULATING THE IMPLEMENTATION PLAN DESCRIBED UNDER PARAGRAPH (b) OF THIS SUBSECTION (10); AND

(III) DESIGNATE TWO MEMBERS TO SERVE, BEGINNING JULY 1, 2011, AS REPRESENTATIVES TO THE STATE BOARD OF THE GREAT OUTDOORS COLORADO TRUST FUND ESTABLISHED UNDER ARTICLE XXVII OF THE STATE CONSTITUTION. ONE REPRESENTATIVE MUST BE A BOARD MEMBER APPOINTED TO THE WILDLIFE COMMISSION UNDER SECTION 33-1-103 AND THE OTHER REPRESENTATIVE MUST BE A MEMBER APPOINTED TO THE BOARD OF PARKS AND OUTDOOR RECREATION UNDER SECTION 33-10-104.

(b) IN ADDITION TO DISCHARGING ITS REGULAR DUTIES AND FUNCTIONS, THE BOARD, AT THE MEETINGS SCHEDULED PURSUANT TO SUBPARAGRAPH (II) OF PARAGRAPH (a) OF THIS SUBSECTION (10), SHALL SPECIFICALLY DISCUSS AND FORMULATE AN IMPLEMENTATION PLAN TO ADDRESS OUTSTANDING ISSUES AND IDENTIFY INCREASED EFFICIENCIES AND COST SAVINGS THAT MAY BE REALIZED FROM THE 2011 MERGER OF THE FORMER DIVISION OF WILDLIFE AND THE FORMER DIVISION OF PARKS AND OUTDOOR RECREATION INTO THE DIVISION OF PARKS AND WILDLIFE. THE IMPLEMENTATION PLAN MUST CONSOLIDATE THE OPERATIONS AND PROGRAMS OF THE TWO DIVISIONS IN A MANNER THAT, TO THE GREATEST EXTENT POSSIBLE, ALLOCATES COSTS OVER A REASONABLE PERIOD OF TIME AND WITHIN EXISTING BUDGET LEVELS AND USES THE BOARD'S PARTICULARLY IDENTIFIED COST SAVINGS TO FINANCE THE IMPLEMENTATION PLAN AND TRANSITION. THE IMPLEMENTATION PLAN MUST TAKE INTO ACCOUNT THE REAFFIRMATION OF ASSENT TO THE PITTMAN-ROBERTSON AND DINGELL-JOHNSON ACTS UNDER SECTION 33-9-107. THE IMPLEMENTATION PLAN MUST ALSO INCLUDE THE BOARD'S RECOMMENDATIONS FOR RESTRUCTURING THE BOARD, INCLUDING PROPOSALS FOR ITS NAME, SIZE, TERMS, GEOGRAPHICAL AND ISSUE REPRESENTATION, AND MEMBERSHIP QUALIFICATIONS. IN DISCUSSING AND MAKING RECOMMENDATIONS REGARDING RESTRUCTURING THE BOARD, THE BOARD SHALL SPECIFICALLY CONSIDER THE CREATION OF AN ELEVEN-MEMBER BOARD. ALL MEETINGS AT WHICH THE BOARD DISCUSSES THE IMPLEMENTATION PLAN ARE OPEN TO THE PUBLIC, AND THE BOARD SHALL SOLICIT PUBLIC INPUT REGARDING THE IMPLEMENTATION PLAN AND ANY STRATEGIC PLANS AT THOSE MEETINGS. THE BOARD SHALL PROVIDE THE IMPLEMENTATION PLAN TO THE EXECUTIVE DIRECTOR AS ITS FORMAL RECOMMENDATIONS.

(11) IN ADDITION TO ITS REGULAR MEETINGS, THE BOARD SHALL HOLD

WORKSHOPS EVERY TWO MONTHS TO DISCUSS PENDING MATTERS, BUT NOT TO TAKE OFFICIAL ACTION OR TRANSACT BOARD BUSINESS. THE BOARD MAY HOLD ADDITIONAL MEETINGS OR WORKSHOPS AT SUCH OTHER TIMES AS THE BOARD DEEMS NECESSARY FOR THE PROPER TRANSACTION OF ITS DUTIES AND BUSINESS AND TO SOLICIT PUBLIC INPUT REGARDING THE IMPLEMENTATION PLAN FORMULATED UNDER PARAGRAPH (b) OF SUBSECTION (10) OF THIS SECTION.

33-9-102. Powers and duties of the board - rules. (1) THE BOARD IS VESTED WITH ALL THE POWERS, RESPONSIBILITIES, OBLIGATIONS, FUNCTIONS, AND DUTIES THAT PREVIOUSLY WERE UNDER THE JURISDICTION OF EITHER THE WILDLIFE COMMISSION OR THE BOARD OF PARKS AND OUTDOOR RECREATION AS OF JUNE 30, 2011.

(2) IN ADDITION TO ANY OTHER SPECIFIC GRANT OF RULE-MAKING AUTHORITY, THE BOARD MAY ADOPT OR REVISE ANY RULES, IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S., THAT THE BOARD DEEMS NECESSARY OR CONVENIENT TO EFFECT THE PURPOSES OF, AND FULFILL ITS DUTIES UNDER, THIS TITLE.

(3) THE BOARD SHALL DESIGNATE A BOARD MEMBER WITH WILDLIFE KNOWLEDGE APPOINTED PURSUANT TO SECTION 33-9-101 (2) (c) TO SERVE AS A REPRESENTATIVE TO THE STATE BOARD OF THE GREAT OUTDOORS COLORADO TRUST FUND ESTABLISHED UNDER ARTICLE XXVII OF THE STATE CONSTITUTION. THE BOARD SHALL DESIGNATE A BOARD MEMBER WITH PARKS AND OUTDOOR RECREATION KNOWLEDGE APPOINTED PURSUANT TO SECTION 33-9-101 (2) (d) TO SERVE AS A REPRESENTATIVE TO THE STATE BOARD OF THE GREAT OUTDOORS COLORADO TRUST FUND ESTABLISHED UNDER ARTICLE XXVII OF THE STATE CONSTITUTION.

(4) (a) EXCEPT AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (4), IN PROMULGATING A RULE TO INCREASE OR DECREASE A PARK FEE OR CHARGE UNDER ARTICLES 10 TO 32 OF THIS TITLE, THE BOARD SHALL CONSIDER THE EFFECT THAT THE CHANGE IN THE FEE OR CHARGE WOULD HAVE ON PARK USAGE, THE DEMAND FOR THE SERVICE FOR WHICH THE FEE OR CHARGE IS USED, AND OPPORTUNITIES TO IMPLEMENT DIFFERENTIAL PRICING.

(b) THE BOARD MAY RAISE OR LOWER PARK FEES AND CHARGES DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (4) IF THE BOARD REASONABLY ANTICIPATES THAT THE TOTAL ANNUAL REVENUES REALIZED FROM SUCH FEES AND CHARGES WILL NOT INCREASE BY MORE THAN TWENTY PERCENT OVER THE ANNUAL AMOUNT EARNED FROM FEES AND CHARGES AS THEY EXISTED ON JULY 1, 2011.

33-9-103. Office of director of division created - duties. (1) (a) THE OFFICE OF DIRECTOR OF THE DIVISION IS HEREBY CREATED. THE BOARD, WITH THE CONSENT OF THE EXECUTIVE DIRECTOR, SHALL APPOINT THE DIRECTOR. THE DIRECTOR SHALL DEVOTE HIS OR HER ENTIRE TIME TO THE SERVICE OF THE STATE IN THE DISCHARGE OF HIS OR HER OFFICIAL DUTIES AND SHALL NOT HOLD ANY OTHER PUBLIC OFFICE. THE APPOINTMENT OR REMOVAL OF THE DIRECTOR IS SUBJECT TO SECTION 13 OF ARTICLE XII OF THE STATE CONSTITUTION. EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (1), THE DIRECTOR SHALL POSSESS SUCH QUALIFICATIONS AS MAY BE ESTABLISHED BY THE BOARD, THE EXECUTIVE DIRECTOR, AND THE STATE PERSONNEL DIRECTOR.

(b) (I) THE MEMBERS OF THE WILDLIFE COMMISSION AND THE BOARD OF PARKS AND OUTDOOR RECREATION SHALL MEET AS NECESSARY TO APPOINT, IN ACCORDANCE WITH THIS SECTION, A DIRECTOR OF THE DIVISION, WHOSE APPOINTMENT BEGINS JULY 1, 2011.

(II) UNTIL SUCH TIME AS THE BOARD, THE EXECUTIVE DIRECTOR, AND THE STATE PERSONNEL DIRECTOR ESTABLISH SPECIFIC QUALIFICATIONS THAT THE DIRECTOR MUST POSSESS, THE QUALIFICATIONS PREVIOUSLY ESTABLISHED FOR THE DIRECTOR OF THE FORMER DIVISION OF WILDLIFE AND THE DIRECTOR OF THE FORMER DIVISION OF PARKS AND OUTDOOR RECREATION, AS THOSE OFFICES EXISTED ON JUNE 30, 2011, APPLY TO THE DIRECTOR.

(2) THE DIRECTOR SHALL EXECUTE, ADMINISTER, PERFORM, AND ENFORCE THE RIGHTS, POWERS, DUTIES, FUNCTIONS, AND OBLIGATIONS VESTED PREVIOUSLY IN THE DIRECTOR OF THE DIVISION OF WILDLIFE AND THE DIRECTOR OF THE DIVISION OF PARKS AND OUTDOOR RECREATION, INCLUDING THOSE DUTIES DESCRIBED UNDER SECTIONS 33-1-110 AND 33-10-109.

(3) THE DIRECTOR SHALL EXERCISE ALL THE POWERS AND PERFORM ALL THE FUNCTIONS OF THE BOARD IN THE INTERIM BETWEEN ITS MEETINGS, SUBJECT TO THE RATIFICATION OF THE BOARD. THE DIRECTOR SHALL ACT AS RECORDING SECRETARY FOR THE BOARD AND IS THE CUSTODIAN OF ALL MINUTES AND OTHER RECORDS OF THE BOARD. THE DIRECTOR SHALL PERFORM SUCH DUTIES AS PRESCRIBED BY THE BOARD, BY THE EXECUTIVE DIRECTOR, OR BY LAW; EXCEPT THAT THE DIRECTOR HAS NO AUTHORITY TO PROMULGATE RULES.

33-9-104. Division - creation - duties. (1) THERE IS HEREBY CREATED A DIVISION OF PARKS AND WILDLIFE IN THE DEPARTMENT OF NATURAL RESOURCES, ALSO REFERRED TO IN THIS ARTICLE AS THE "DIVISION". THE DIVISION IS UNDER THE JURISDICTION OF THE BOARD.

(2) THE DIVISION SHALL EXERCISE ITS POWERS AND PERFORM ITS DUTIES AND FUNCTIONS SPECIFIED IN 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 DEFINED IN THE "ADMINISTRATIVE ORGANIZATION ACT OF 1968", ARTICLE 1 OF TITLE 24, C.R.S. THE DIVISION HAS ALL THE POWERS, DUTIES, OBLIGATIONS, AND FUNCTIONS PREVIOUSLY EXERCISED BY THE DIVISION OF WILDLIFE OR THE DIVISION OF PARKS AND OUTDOOR RECREATION, AS THOSE DIVISIONS EXISTED ON JUNE 30, 2011.

33-9-105. Enterprise status of the board and division. (1) THE DIVISION AND THE BOARD CONSTITUTE AN ENTERPRISE FOR THE PURPOSES OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION, SO LONG AS THE BOARD RETAINS THE AUTHORITY TO ISSUE REVENUE BONDS AND THE DIVISION RECEIVES LESS THAN TEN PERCENT OF ITS TOTAL ANNUAL REVENUES IN GRANTS, AS DEFINED IN SECTION 24-77-102 (7), C.R.S., FROM ALL COLORADO STATE AND LOCAL GOVERNMENTS COMBINED. SO LONG AS THEY CONSTITUTE AN ENTERPRISE PURSUANT TO THIS SECTION, THE DIVISION AND THE BOARD ARE NOT SUBJECT TO ANY OF THE PROVISIONS OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION.

(2) THE ENTERPRISE CREATED PURSUANT TO THIS SECTION HAS ALL THE POWERS

AND DUTIES OF THE BOARD AND THE DIVISION AS AUTHORIZED UNDER THIS TITLE.

(3) NOTHING IN THIS SECTION LIMITS OR RESTRICTS THE AUTHORITY OF THE DIVISION TO EXPEND ITS REVENUES CONSISTENT WITH THIS TITLE.

33-9-106. Reports. (1) (a) BEFORE OR DURING THE SECOND REGULAR SESSION OF THE SIXTY-EIGHTH GENERAL ASSEMBLY, BUT ON OR BY FEBRUARY 29, 2012, THE EXECUTIVE DIRECTOR SHALL REPORT TO THE JOINT HOUSE AGRICULTURE, LIVESTOCK, AND NATURAL RESOURCES COMMITTEE AND THE SENATE AGRICULTURE, NATURAL RESOURCES, AND ENERGY COMMITTEE, OR ANY SUCCESSOR COMMITTEES, REGARDING THE BOARD'S ACTIVITIES SINCE JUNE 1, 2011, IDENTIFICATION OF ANY PROBLEMS FOLLOWING THE BOARD'S INCEPTION, THE IMPLEMENTATION PLAN FORMULATED BY THE BOARD, AND ANY RECOMMENDATIONS FOR FURTHER LEGISLATION TO EFFECTUATE THE CREATION, AND FACILITATE OR IMPROVE THE OPERATION, OF THE DIVISION. THE REPORT MUST REFLECT PUBLIC INPUT RECEIVED REGARDING THE CREATION AND OPERATION OF THE DIVISION. THE REPORT MUST ALSO DESCRIBE ANY COST SAVINGS THAT ARE EXPECTED TO RESULT FROM THE MERGER OF THE FORMER DIVISION OF WILDLIFE AND THE FORMER DIVISION OF PARKS AND OUTDOOR RECREATION.

(b) ON NOVEMBER 30, 2011, THE EXECUTIVE DIRECTOR SHALL SUBMIT TO THE MEMBERS OF THE HOUSE AGRICULTURE, LIVESTOCK, AND NATURAL RESOURCES COMMITTEE AND THE SENATE AGRICULTURE, NATURAL RESOURCES, AND ENERGY COMMITTEE, OR ANY SUCCESSOR COMMITTEES, AN INFORMAL PROGRESS REPORT THAT PROVIDES A GENERAL UPDATE ON THE BOARD'S EFFORTS TO CREATE THE IMPLEMENTATION PLAN AND THAT IDENTIFIES ANY APPARENT CURRENT, OUTSTANDING, OR REASONABLY ANTICIPATED ISSUES AND POTENTIAL SOLUTIONS TO THOSE ISSUES. THE REPORT MUST BE IN PAPER OR ELECTRONIC FORMAT, AND NEED NOT EXCEED THREE PAGES IN LENGTH.

(2) BEGINNING IN 2013, THE EXECUTIVE DIRECTOR SHALL REPORT ANNUALLY TO THE JOINT HOUSE AGRICULTURE, LIVESTOCK, AND NATURAL RESOURCES COMMITTEE AND THE SENATE AGRICULTURE, NATURAL RESOURCES, AND ENERGY COMMITTEE, OR ANY SUCCESSOR COMMITTEES, REGARDING THE ADMINISTRATION OF THE DIVISION, INCLUDING AN EVALUATION OF DIVISION RESOURCES AND THEIR UTILIZATION AND AN IDENTIFICATION OF OPPORTUNITIES FOR EFFICIENCIES. EACH SUCH REPORT MUST SUMMARIZE STAKEHOLDER OUTREACH CONDUCTED DURING THE PRIOR YEAR AND MUST ALSO IDENTIFY DISPOSITION OF ASSETS AND COST SAVINGS, BOTH PLANNED AND REALIZED, SINCE THE PREVIOUS YEAR, INCLUDING SAVINGS PERTAINING TO PERSONNEL, EQUIPMENT, SERVICES, AND PROVISIONING.

33-9-107. Reaffirmation of assent to federal Pittman-Robertson and Dingell-Johnson acts. NOTHING IN THIS ARTICLE ALTERS OR AFFECTS THE STATE'S ASSENT TO THE FEDERAL ACTS DESCRIBED IN SECTIONS 33-1-117 AND 33-1-118, WHICH ASSENT PROHIBITS DIVERSION OF LICENSE FEES PAID BY HUNTERS AND SPORT FISHERMEN TO PURPOSES OTHER THAN ADMINISTRATION OF THE FISH AND WILDLIFE AGENCY.

33-9-108. Transfer of functions - employees - property - records - rules - contracts - lawsuits - statutory references. (1) (a) THE BOARD SHALL EXECUTE, ADMINISTER, PERFORM, AND ENFORCE THE RIGHTS, POWERS, DUTIES, FUNCTIONS,

AND OBLIGATIONS VESTED PREVIOUSLY IN THE WILDLIFE COMMISSION OR THE BOARD OF PARKS AND OUTDOOR RECREATION.

(b) (I) THE DIVISION SHALL EXECUTE, ADMINISTER, PERFORM, AND ENFORCE THE RIGHTS, POWERS, DUTIES, FUNCTIONS, AND OBLIGATIONS VESTED PREVIOUSLY IN THE DIVISION OF WILDLIFE OR THE DIVISION OF PARKS AND OUTDOOR RECREATION.

(II) THE DIRECTOR SHALL EXECUTE, ADMINISTER, PERFORM, AND ENFORCE THE RIGHTS, POWERS, DUTIES, FUNCTIONS, AND OBLIGATIONS VESTED PREVIOUSLY IN THE DIRECTOR OF THE DIVISION OF WILDLIFE OR THE DIRECTOR OF THE DIVISION OF PARKS AND OUTDOOR RECREATION.

(2) (a) ALL POSITIONS OF EMPLOYMENT IN THE WILDLIFE COMMISSION AND THE BOARD OF PARKS AND OUTDOOR RECREATION CONCERNING THE POWERS, DUTIES, AND FUNCTIONS TRANSFERRED TO THE PARKS AND WILDLIFE BOARD PURSUANT TO THIS ARTICLE AND DETERMINED TO BE NECESSARY TO CARRY OUT THE PURPOSES OF THIS TITLE BY THE PARKS AND WILDLIFE BOARD ARE TRANSFERRED TO THE BOARD AND ARE EMPLOYMENT POSITIONS THEREIN. ALL SUCH EMPLOYEES ARE EMPLOYEES OF THE BOARD FOR PURPOSES OF SECTION 24-50-124, C.R.S., AND RETAIN ALL RIGHTS UNDER THE STATE PERSONNEL SYSTEM AND TO RETIREMENT BENEFITS PURSUANT TO THE LAWS OF THIS STATE, AND THEIR SERVICES SHALL BE DEEMED CONTINUOUS.

(b) ALL POSITIONS OF EMPLOYMENT IN THE DIVISION OF WILDLIFE AND THE DIVISION OF PARKS AND OUTDOOR RECREATION CONCERNING THE POWERS, DUTIES, AND FUNCTIONS TRANSFERRED TO THE DIVISION OF PARKS AND WILDLIFE PURSUANT TO THIS ARTICLE AND DETERMINED TO BE NECESSARY TO CARRY OUT THE PURPOSES OF THIS TITLE BY THE DIRECTOR ARE TRANSFERRED TO THE DIVISION AND ARE EMPLOYMENT POSITIONS THEREIN. ALL SUCH EMPLOYEES ARE EMPLOYEES OF THE DIVISION FOR PURPOSES OF SECTION 24-50-124, C.R.S., AND RETAIN ALL RIGHTS UNDER THE STATE PERSONNEL SYSTEM AND TO RETIREMENT BENEFITS PURSUANT TO THE LAWS OF THIS STATE, AND THEIR SERVICES SHALL BE DEEMED CONTINUOUS.

(3) (a) ALL ITEMS OF PROPERTY, REAL AND PERSONAL, INCLUDING OFFICE FURNITURE AND FIXTURES, BOOKS, DOCUMENTS, AND RECORDS OF THE WILDLIFE COMMISSION OR THE BOARD OF PARKS AND OUTDOOR RECREATION ARE TRANSFERRED TO THE PARKS AND WILDLIFE BOARD AND BECOME THE PROPERTY THEREOF.

(b) ALL ITEMS OF PROPERTY, REAL AND PERSONAL, INCLUDING OFFICE FURNITURE AND FIXTURES, BOOKS, DOCUMENTS, AND RECORDS OF THE DIVISION OF WILDLIFE OR THE DIVISION OF PARKS AND OUTDOOR RECREATION ARE TRANSFERRED TO THE DIVISION OF PARKS AND WILDLIFE AND BECOME THE PROPERTY THEREOF.

(c) ALL PERSONAL AND REAL PROPERTY ACQUIRED IN WHOLE OR IN PART WITH LICENSE FEES OR FEDERAL GRANT FUNDS IS SUBJECT TO ACCOUNTABILITY AND CONTROL BY THE DIVISION TO ASSURE THAT THE PROPERTY SERVES THE PURPOSE FOR WHICH IT WAS ORIGINALLY ACQUIRED THROUGHOUT ITS USEFUL LIFE.

(4) (a) WHENEVER THE WILDLIFE COMMISSION OR THE BOARD OF PARKS AND OUTDOOR RECREATION IS REFERRED TO OR DESIGNATED BY ANY CONTRACT OR

OTHER DOCUMENT, THE REFERENCE OR DESIGNATION APPLIES TO THE PARKS AND WILDLIFE BOARD. ALL CONTRACTS ENTERED INTO BY THE WILDLIFE COMMISSION OR THE BOARD OF PARKS AND OUTDOOR RECREATION PRIOR TO JUNE 30, 2011, ARE HEREBY VALIDATED, WITH THE BOARD SUCCEEDING TO ALL RIGHTS AND OBLIGATIONS UNDER SUCH CONTRACTS. ANY CASH FUNDS, CUSTODIAL FUNDS, TRUSTS, GRANTS, AND ANY APPROPRIATIONS OF FUNDS FROM PRIOR FISCAL YEARS AVAILABLE TO SATISFY OBLIGATIONS INCURRED UNDER SUCH CONTRACTS SHALL BE TRANSFERRED AND APPROPRIATED TO THE BOARD FOR THE PAYMENT OF SUCH OBLIGATIONS.

(b) WHENEVER THE DIVISION OF WILDLIFE OR THE DIVISION OF PARKS AND OUTDOOR RECREATION IS REFERRED TO OR DESIGNATED BY ANY CONTRACT OR OTHER DOCUMENT, THE REFERENCE OR DESIGNATION APPLIES TO THE DIVISION OF PARKS AND WILDLIFE. ALL CONTRACTS ENTERED INTO BY THE FORMER DIVISIONS PRIOR TO JUNE 30, 2011, ARE HEREBY VALIDATED, WITH THE DIVISION SUCCEEDING TO ALL RIGHTS AND OBLIGATIONS UNDER SUCH CONTRACTS. ANY CASH FUNDS, CUSTODIAL FUNDS, TRUSTS, GRANTS, AND ANY APPROPRIATIONS OF FUNDS FROM PRIOR FISCAL YEARS AVAILABLE TO SATISFY OBLIGATIONS INCURRED UNDER SUCH CONTRACTS ARE TRANSFERRED AND APPROPRIATED TO THE DIVISION FOR THE PAYMENT OF SUCH OBLIGATIONS.

(5) (a) UNLESS OTHERWISE SPECIFIED:

(I) WHENEVER ANY PROVISION OF LAW REFERS TO THE WILDLIFE COMMISSION OR TO THE BOARD OF PARKS AND OUTDOOR RECREATION, THAT LAW SHALL BE CONSTRUED AS REFERRING TO THE PARKS AND WILDLIFE BOARD; AND

(II) WHENEVER ANY PROVISION OF LAW REFERS TO THE DIVISION OF WILDLIFE OR THE DIVISION OF PARKS AND OUTDOOR RECREATION, THAT LAW SHALL BE CONSTRUED AS REFERRING TO THE DIVISION OF PARKS AND WILDLIFE.

(b) THE REVISOR OF STATUTES IS HEREBY AUTHORIZED TO CHANGE ALL REFERENCES IN THE COLORADO REVISED STATUTES TO THE WILDLIFE COMMISSION OR THE BOARD OF PARKS AND OUTDOOR RECREATION FROM SUCH REFERENCES TO THE PARKS AND WILDLIFE BOARD, AS APPROPRIATE. THE REVISOR OF STATUTES IS ALSO AUTHORIZED TO CHANGE ALL REFERENCES IN THE COLORADO REVISED STATUTES TO THE DIVISION OF WILDLIFE OR THE DIVISION OF PARKS AND OUTDOOR RECREATION FROM SUCH REFERENCES TO THE DIVISION OF PARKS AND WILDLIFE, AS APPROPRIATE. IN CONNECTION WITH SUCH AUTHORITY, THE REVISOR OF STATUTES IS HEREBY AUTHORIZED TO AMEND OR DELETE PROVISIONS OF THE COLORADO REVISED STATUTES SO AS TO MAKE THE STATUTES CONSISTENT WITH THE POWERS, DUTIES, AND FUNCTIONS TRANSFERRED PURSUANT TO THIS ARTICLE.

(6) ALL RULES AND ORDERS OF THE WILDLIFE COMMISSION OR THE BOARD OF PARKS AND OUTDOOR RECREATION CONTINUE TO BE EFFECTIVE AND SHALL BE ENFORCED BY THE BOARD UNTIL SUPERSEDED, REVISED, AMENDED, REPEALED, OR NULLIFIED PURSUANT TO LAW. THE BOARD SHALL ADOPT ANY RULES NECESSARY FOR THE ADMINISTRATION OF THE DIVISION AND AS OTHERWISE AUTHORIZED BY THIS TITLE.

(7) ALL COMMISSIONED PEACE OFFICERS OF THE DIVISION OF PARKS AND WILDLIFE

HAVE ALL THE POWERS, DUTIES, FUNCTIONS, SPECIAL PROTECTIONS, AND RESPONSIBILITIES THAT SUCH OFFICERS EXERCISED OR ENJOYED UNDER THE DIVISION OF WILDLIFE OR THE DIVISION OF PARKS AND OUTDOOR RECREATION.

(8) NO SUIT, ACTION, OR OTHER PROCEEDING, JUDICIAL OR ADMINISTRATIVE, LAWFULLY COMMENCED, OR WHICH COULD HAVE BEEN COMMENCED, BY OR AGAINST THE WILDLIFE COMMISSION, THE BOARD OF PARKS AND OUTDOOR RECREATION, THE DIVISION OF WILDLIFE, OR THE DIVISION OF PARKS AND OUTDOOR RECREATION, OR ANY OFFICER THEREOF IN SUCH OFFICER'S OFFICIAL CAPACITY OR IN RELATION TO THE DISCHARGE OF THE OFFICIAL'S DUTIES, IS ABATED BY REASON OF THE TRANSFER OF DUTIES AND FUNCTIONS TO THE BOARD OR THE DIVISION UNDER THIS ARTICLE.

33-9-109. Funds - appropriations to former divisions in 2011 general appropriations act - repeal. (1) NOTHING IN THIS ARTICLE ALTERS OR AFFECTS FUNDS PREVIOUSLY ADMINISTERED BY THE WILDLIFE COMMISSION OR THE BOARD OF PARKS AND OUTDOOR RECREATION; EXCEPT THAT THE BOARD SHALL ADMINISTER SUCH FUNDS.

(2) THE BOARD SHALL ADOPT POLICIES, PROCEDURES, OR ACCOUNTING METHODS TO ENSURE TRANSPARENCY AND PREVENT THE UNAUTHORIZED COMMINGLING OR IMPERMISSIBLE USE OF MONEYS IN DISTINCT FUNDS, TO ENSURE THAT MONEYS ARE EXPENDED CONSISTENT WITH THE PURPOSES FOR WHICH THEY ARE RECEIVED, COLLECTED, OR APPROPRIATED, AND TO ENSURE THAT APPROPRIATE RECORDS ARE MAINTAINED FOR AUDIT PURPOSES.

(3) (a) THE BOARD SHALL SEGREGATE ALL MONEYS RECEIVED PURSUANT TO SECTION 3 (1) (b) (II) OF ARTICLE XXVII OF THE STATE CONSTITUTION FROM ALL OTHER MONEYS AND SHALL SPEND THESE MONEYS SOLELY FOR DEVELOPMENT AND IMPROVEMENT OF NEW AND EXISTING STATE PARKS, RECREATION AREAS, AND RECREATIONAL TRAILS.

(b) THE BOARD SHALL SEGREGATE ALL MONEYS RECEIVED PURSUANT TO SECTION 5 (1) (a) (I) OF ARTICLE XXVII OF THE STATE CONSTITUTION AND SPEND THESE MONEYS SOLELY FOR INVESTMENTS IN THE WILDLIFE RESOURCES OF COLORADO, INCLUDING THE PROTECTION AND RESTORATION OF CRUCIAL WILDLIFE HABITATS, APPROPRIATE PROGRAMS FOR MAINTAINING COLORADO'S DIVERSE WILDLIFE HERITAGE, WILDLIFE WATCHING, AND EDUCATIONAL PROGRAMS ABOUT WILDLIFE AND WILDLIFE ENVIRONMENT, CONSISTENT WITH THE PURPOSES SET FORTH UNDER SECTION 1 (1) (a) OF ARTICLE XXVII.

(c) THE BOARD SHALL SEGREGATE ALL MONEYS RECEIVED PURSUANT TO SECTION 5 (1) (a) (II) OF ARTICLE XXVII OF THE STATE CONSTITUTION AND SPEND THESE MONEYS SOLELY FOR INVESTMENTS IN THE OUTDOOR RECREATION RESOURCES OF COLORADO, INCLUDING THE STATE PARKS SYSTEM, TRAILS, PUBLIC INFORMATION AND ENVIRONMENTAL EDUCATION RESOURCES, AND WATER FOR RECREATIONAL FACILITIES, CONSISTENT WITH THE PURPOSES SET FORTH UNDER SECTION 1 (1) (a) OF ARTICLE XXVII.

(4) (a) THE STATE CONTROLLER SHALL ALLOW THE DIVISION TO EXPEND APPROPRIATIONS TO THE FORMER DIVISION OF WILDLIFE AND THE FORMER DIVISION

OF PARKS AND OUTDOOR RECREATION CONTAINED IN THE 2011 GENERAL APPROPRIATIONS ACT, SENATE BILL 11-209, AS ENACTED IN 2011. THE DIVISION SHALL ADMINISTER AND EXPEND THE APPROPRIATIONS CONSISTENT WITH THE PURPOSES FOR WHICH THE APPROPRIATIONS WERE MADE.

(b) THIS SUBSECTION (4) IS REPEALED, EFFECTIVE JULY 1, 2013.

SECTION 3. The introductory portion to 24-1-124 (3) and 24-1-124 (3) (h) (I), (3) (h) (II), and (3) (i), Colorado Revised Statutes, are 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. (3) The department of natural resources ~~shall consist~~ CONSISTS of the following divisions:

~~(h) (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 are transferred by a 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.~~

~~(H) The division of wildlife shall include the fish health board created by article 5.5 of title 33, C.R.S. The fish health board shall exercise its powers and perform its duties and functions as specified 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.~~

~~(i) (I) Division of parks and outdoor recreation, the head of which shall be the director of the division of parks and outdoor recreation. The division of parks and outdoor recreation, the office of director thereof, and the board of parks and outdoor recreation, created by article 10 of title 33, C.R.S., are transferred by a type 1 transfer to the department of natural resources. The powers, duties, and functions concerning the state parks and recreation areas of the division of game, fish, and parks, the director thereof, and the game, fish, and parks commission are transferred by a type 1 transfer to the division of parks and outdoor recreation as powers, duties, and functions of the division of parks and outdoor recreation.~~

~~(H) The board of parks and outdoor recreation shall include, as an advisory council, the Colorado natural areas council, created by article 33 of title 33, C.R.S.~~

~~(k) (I) (A) THE PARKS AND WILDLIFE BOARD, CREATED UNDER ARTICLE 9 OF TITLE 33, C.R.S. THE POWERS, DUTIES, AND FUNCTIONS OF THE WILDLIFE COMMISSION AND THE BOARD OF PARKS AND OUTDOOR RECREATION ARE TRANSFERRED BY A TYPE 1 TRANSFER TO THE PARKS AND WILDLIFE BOARD AS POWERS, DUTIES, AND FUNCTIONS OF THE PARKS AND WILDLIFE BOARD.~~

~~(B) THE PARKS AND WILDLIFE BOARD INCLUDES, AS AN ADVISORY COUNCIL, THE COLORADO NATURAL AREAS COUNCIL CREATED BY ARTICLE 33 OF TITLE 33, C.R.S.~~

(II) (A) THE DIVISION OF PARKS AND WILDLIFE, THE HEAD OF WHICH IS THE DIRECTOR OF THE DIVISION OF PARKS AND WILDLIFE. THE DIVISION OF PARKS AND WILDLIFE AND THE OFFICE OF THE DIRECTOR OF THE DIVISION OF PARKS AND WILDLIFE ARE TRANSFERRED BY A **TYPE 1** TRANSFER TO THE DEPARTMENT OF NATURAL RESOURCES.

(B) THE DIVISION OF PARKS AND WILDLIFE INCLUDES THE FISH HEALTH BOARD CREATED BY ARTICLE 5.5 OF TITLE 33, C.R.S. THE FISH HEALTH BOARD SHALL EXERCISE ITS POWERS AND PERFORM ITS DUTIES AND FUNCTIONS AS SPECIFIED BY LAW UNDER THE DEPARTMENT OF NATURAL RESOURCES AND THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF NATURAL RESOURCES AS IF THE SAME WERE TRANSFERRED TO THE DEPARTMENT BY A **TYPE 2** TRANSFER.

SECTION 4. The introductory portion to 24-33-104 (1) and 24-33-104 (1) (h) and (1) (i), Colorado Revised Statutes, are amended to read:

24-33-104. Divisions and boards of the department. (1) The department of natural resources ~~shall consist~~ CONSISTS of the following divisions AND BOARDS:

(h) The division of PARKS AND wildlife; and the PARKS AND wildlife ~~commission~~ BOARD;

~~(i) The division of parks and outdoor recreation; and the board of parks and outdoor recreation;~~

SECTION 5. 24-77-102 (7) (b) (IV), Colorado Revised Statutes, is amended to read:

24-77-102. Definitions. As used in this article, unless the context otherwise requires:

(7) (b) "Grant" does not include:

(IV) Any moneys received by the division of PARKS AND wildlife, created in section ~~24-1-124 (3) (h) (i)~~ 33-9-104, from the great outdoors Colorado trust fund established in section 2 of article XXVII of the state constitution;

SECTION 6. 33-1-102 (5), (8), and (10), Colorado Revised Statutes, are amended, and the said 33-1-102 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

33-1-102. Definitions. As used in this title, unless the context otherwise requires:

(2.5) "BOARD" OR "PARKS AND WILDLIFE BOARD" MEANS THE PARKS AND WILDLIFE BOARD CREATED IN SECTION 33-9-101.

(5) "Commission" OR "WILDLIFE COMMISSION" means the PARKS AND wildlife ~~commission~~ BOARD.

(8) "Director" means the director of the division of PARKS AND wildlife.

(10) "Division" means the division of PARKS AND wildlife and its employees, and, when necessary, it THE TERM may be construed as referring to the ~~commission~~ PARKS AND WILDLIFE BOARD.

SECTION 7. Repeal. 33-1-103, Colorado Revised Statutes, is repealed as follows:

33-1-103. Wildlife commission - wildlife division - enterprise status.

~~(1) (a) The division shall be under the jurisdiction of a commission.~~

~~(b) (i) The commission shall consist of eleven members with at least one voting member from each of the five districts created under subsection (2) of this section; and four 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; except that one of the at large members may be appointed from any district so that a district may have three voting members. 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 the member's appointment and at all times during 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.~~

~~(ii) 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; except that, as soon as possible but no later than June 1, 2002, the governor shall appoint the new member from the public at large authorized by subparagraph (iii) of this paragraph (b). Commencing March 1, 2006, and every fourth year thereafter, the governor shall appoint three members to the commission. 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 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:

~~(2) Commissioner districts shall be constituted as follows:~~

~~(a) District 1 shall be comprised of the following counties: Moffat, Rio Blanco, Garfield, Mesa, Routt, Eagle, Pitkin, Jackson, Grand, and Summit;~~

~~(b) District 2 shall be comprised of the following counties: Delta, Montrose, Ouray, San Miguel, Dolores, Montezuma, San Juan, La Plata, Gunnison, Hinsdale, Archuleta, Saguache, Mineral, Rio Grande, Conejos, Alamosa, and Costilla;~~

~~(c) District 3 shall be comprised of the following counties: Larimer, Weld, Morgan, Logan, Washington, Sedgwick, Phillips, and Yuma;~~

~~(d) District 4 shall be comprised of the following counties: Lake, Chaffee, Park, Fremont, Custer, Teller, El Paso, Pueblo, Huerfano, those lands in Elbert county not designated as lying within District 5, Lincoln, Crowley, Otero, Las Animas, Kit Carson, Cheyenne, Kiowa, Bent, Prowers, and Baca;~~

~~(e) District 5 shall be comprised of the following counties: Boulder, Jefferson, Douglas, Arapahoe, Adams, Elbert county, including only Townships 6 South through 10 South, Range 63 West, 64 West, and that part of 65 West lying within Elbert County, 6th Principal Meridian, Colorado, Clear Creek, Gilpin, and Denver.~~

~~(3) Repealed:~~

~~(4) The members of the commission shall receive for each day actually engaged in the duties of the office a per diem amount of fifty dollars, together with all actual and necessary travel and subsistence expenses to be paid after the same are incurred. Mileage rates shall be as provided in section 24-9-104, C.R.S.~~

~~(5) Not more than five members of the commission shall be members of the same political party.~~

~~(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 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.~~

~~(8) The commission shall have its principal office in the headquarters office provided for the division.~~

~~(9)(a) The division and the office of director thereof 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 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.~~

~~(9.5)(a) The division and the commission, created in section 24-1-124 (3)(h)(i), C.R.S., shall constitute an enterprise for the purposes of section 20 of article X of the state constitution, so long as the commission retains the authority to issue revenue bonds and the division receives less than ten percent of its total annual revenues in grants, as defined in section 24-77-102 (7), C.R.S., from all Colorado state and local governments combined. So long as it constitutes an enterprise pursuant to this section, the division and the commission shall not be subject to any of the provisions of section 20 of article X of the state constitution.~~

~~(b) The enterprise created pursuant to this section shall have all the powers and duties authorized by articles 1 to 6 of this title.~~

~~(c) Nothing in this section shall be construed to limit or restrict the authority of the division to expend its revenues consistent with the provisions of articles 1 to 6 of this title.~~

~~(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 8. Repeal. 33-1-109, Colorado Revised Statutes, is repealed as follows:

33-1-109. Office of director of division created. ~~The office of director of the division is hereby created. Any other provision of the law to the contrary notwithstanding, the commission, with the consent of the executive director, shall appoint the director who shall possess such qualifications as may be established by the commission, the executive director, and the state personnel board. The director shall devote his entire time to the service of the state in the discharge of his official duties and shall not hold any other public office. The appointment or removal of the director shall be subject to the provisions of section 13 of article XII of the state constitution.~~

SECTION 9. 33-10-102 (1), (4), and (5), Colorado Revised Statutes, are amended to read:

33-10-102. Definitions. As used in articles 10 to 15 of this title, unless the context otherwise requires:

(1) "Board" OR "BOARD OF PARKS AND OUTDOOR RECREATION" means the PARKS AND WILDLIFE board of parks and outdoor recreation ~~CREATED IN SECTION 33-9-101.~~

(4) "Director" means the director of the division of parks and ~~outdoor recreation~~ WILDLIFE ~~CREATED IN SECTION 33-9-104.~~

(5) "Division" means the division of parks and ~~outdoor recreation~~ WILDLIFE ~~CREATED IN SECTION 33-9-104~~ and its employees, and, when necessary, ~~it~~ THE TERM may be construed as referring to the board.

SECTION 10. Repeal. 33-10-103, Colorado Revised Statutes, is repealed as follows:

33-10-103. Division and board created. ~~(1) There is hereby created a division of parks and outdoor recreation and a board of parks and outdoor recreation in the department of natural resources. Subject to the provisions of section 13 of article XII of the state constitution, the board, with the consent of the executive director, shall appoint a director of the division of parks and outdoor recreation who shall possess such qualifications as may be established by the board, the executive director, and the state personnel board. The director shall devote his entire time to the service of the state in the discharge of his official duties and shall not hold any other public office.~~

~~(2) The division, the director thereof, and the board shall exercise their powers and perform their duties and functions specified in articles 10 to 15 and 32 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.~~

SECTION 11. Repeal. 33-10-104, Colorado Revised Statutes, is repealed as follows:

33-10-104. Board composition - jurisdiction. ~~(1) The division shall be under the jurisdiction of the board. The board shall consist of five members who shall be appointed by the governor, with the consent of the senate. One member shall be appointed from the state at large, and one member shall be appointed from each of the regions created under section 33-10-105, and each member shall, at the time of appointment and during his term of office, be a bona fide resident of the region from which he was appointed. No more than three of the appointed members shall be from the same political party. Members shall be removed from office by the governor only for cause.~~

~~(2) All board members shall serve for four-year terms. Vacancies on the board shall be filled for the unexpired term by the governor, with the consent of the senate.~~

~~(3) The board members shall receive for each day actually engaged in the duties of the office a per diem amount of fifty dollars, together with all actual and necessary travel expenses to be paid after the same are incurred. Mileage rates shall be as provided in section 24-9-104, C.R.S.~~

~~(4) The board shall hold regular meetings at least twice a year and shall hold special meetings at such other times as the board may deem necessary. A chairman shall be chosen by the board from its own membership.~~

~~(5) A majority of the board shall constitute a quorum for the transaction of any business.~~

~~(6) The board shall have its principal office in the headquarters of the division.~~

SECTION 12. Repeal. 33-10-105, Colorado Revised Statutes, is repealed as follows:

33-10-105. Board regions. ~~(1) Board regions shall be constituted as follows:~~

~~(a) The west region shall be comprised of the following counties: Archuleta, Delta, Dolores, Garfield, Gunnison, Hinsdale, La Plata, Mesa, Moffat, Montezuma, Montrose, Ouray, Rio Blanco, San Juan, and San Miguel;~~

~~(b) The north region shall be comprised of the following counties: Eagle, Grand, Jackson, Larimer, Logan, Morgan, Phillips, Pitkin, Routt, Sedgwick, Summit, Washington, Weld, and Yuma;~~

~~(c) The metro region shall be comprised of the following counties: Adams, Arapahoe, Boulder, Clear Creek, Denver, Douglas, Gilpin, and Jefferson;~~

~~(d) The south region shall be comprised of the following counties: Alamosa, Baca, Bent, Chaffee, Cheyenne, Conejos, Costilla, Crowley, Custer, Elbert, El Paso, Fremont, Huerfano, Kiowa, Kit Carson, Lake, Las Animas, Lincoln, Mineral, Otero, Park, Prowers, Pueblo, Rio Grande, Saguache, and Teller.~~

SECTION 13. The introductory portion to 24-33-109.5 (4) (a) and 24-33-109.5 (4) (a) (I) (D) and (4) (a) (I) (E), Colorado Revised Statutes, are amended to read:

24-33-109.5. Colorado kids outdoors grant program - created - fund created - rules - report - definitions - repeal. (4) (a) There is hereby created the Colorado kids outdoors advisory council to assist the executive director in implementing the grant program. The advisory council shall consist of ~~seven~~ SIX members as follows:

(I) The following ex officio members or their designees:

(D) The director of the division of parks and ~~outdoor recreation~~ WILDLIFE in the department of natural resources; and

(E) ~~The director of the division of wildlife in the department of natural resources;~~
and

SECTION 14. 24-33.5-415.6 (7) and (8), Colorado Revised Statutes, are amended to read:

24-33.5-415.6. Offender identification - fund. (7) A surcharge of two dollars and fifty cents is hereby levied against each penalty assessment issued pursuant to section 33-6-104 OR 33-15-102, C.R.S., that results in payment of the penalty assessment without the commencement of a criminal action. All moneys collected by the division of PARKS AND wildlife in the department of natural resources pursuant to this subsection (7) shall be transmitted to the state treasurer, who shall credit the same to the fund.

(8) ~~A surcharge of two dollars and fifty cents is hereby levied against each penalty assessment issued pursuant to section 33-15-102, C.R.S., that results in payment of the penalty assessment without the commencement of a criminal action. All moneys collected by the division of parks and outdoor recreation in the department of natural resources pursuant to this subsection (8) shall be transmitted to the state treasurer, who shall credit the same to the fund.~~

SECTION 15. The introductory portion to 30-25-302 (1) (a) and 30-25-302 (1) (b), (3), (4) (a), and (6), Colorado Revised Statutes, are amended to read:

30-25-302. Eligibility - determination of impact - procedures - legislative declaration. (1) (a) Except as provided in section 33-60-104.5, C.R.S., for real property interests acquired with funds made available from the great outdoors Colorado trust fund, in any county in which the division of PARKS AND wildlife ~~or the division of parks and outdoor recreation or both divisions own~~ OWNS property, the board of county commissioners of ~~such~~ THE county shall certify once a year during the regular tax assessment period, to the PARKS AND wildlife ~~commission, to the board, of parks and outdoor recreation, or to both said commission and said board if both own land in such county,~~ the current dollar amount representing the negative financial impact that ~~such~~ THE ownership has on ~~such~~ THE county's finances and the finances of any political subdivision ~~which~~ THAT lies within ~~such~~ THE county. ~~The calculation of such~~ IN CALCULATING THE dollar amount, THE BOARD OF COUNTY COMMISSIONERS shall take into consideration the following factors:

~~(b) Any certification relating to land owned by the division of wildlife made pursuant to paragraph (a) of this subsection (1) shall be made to the wildlife commission. Any certification relating to land owned by the division of parks and outdoor recreation made pursuant to paragraph (a) of this subsection (1) shall be made to the board of parks and outdoor recreation.~~

(3) The PARKS AND wildlife ~~commission and the board of parks and outdoor recreation~~ shall review the dollar amounts certified ~~to them~~ pursuant to subsection (1) of this section and shall certify to the general assembly these dollar amounts. In making ~~their~~ ITS determinations, the PARKS AND wildlife ~~commission and the board of parks and outdoor recreation~~ shall consider the factors set forth in subsection (1) of this section and may consider any additional relevant factors. All certifications to the general assembly ~~shall~~ MUST include an explanation of the grounds upon which the determinations of the certified amounts are based. The PARKS AND wildlife ~~commission and the board of parks and outdoor recreation~~ shall include an estimate of the amount to be certified for impact assistance grants in their budget requests for each fiscal year.

(4)(a) The general assembly may make an appropriation in the form of an impact assistance grant to any county qualifying for such grant upon certification by the PARKS AND wildlife ~~commission or the board of parks and outdoor recreation~~ of the amount for ~~such~~ THE grant. Appropriations concerning lands ~~owned by the division of PURCHASED WITH wildlife shall~~ CASH OR OTHER WILDLIFE MONEYS MUST be made from the wildlife cash fund. Appropriations concerning lands ~~owned by the division of PURCHASED WITH GENERAL FUND OR parks and outdoor recreation shall~~ CASH OR OTHER PARKS AND OUTDOOR RECREATION MONEYS MUST be made from the general fund or the parks and outdoor recreation cash fund.

(6) The general assembly hereby finds and declares that the acquisition of large amounts of property by the division of PARKS AND wildlife, ~~or the division of parks and outdoor recreation~~, through the great outdoors Colorado program or otherwise, can have serious financial consequences for the counties and political subdivisions in which ~~such~~ THE property is located. It is therefore the intent of the general assembly that any plans for acquisition of property by the division of PARKS AND wildlife ~~or the division of parks and outdoor recreation~~ include provisions for the payment of impact assistance grants pursuant to this section or payments in lieu of taxes pursuant to section 33-60-104.5, C.R.S., whichever is applicable.

SECTION 16. 33-6-105 (1), Colorado Revised Statutes, is amended to read:

33-6-105. Disposition of fines and surcharges. (1) (a) Except as otherwise provided in paragraph (b) of this subsection (1), all moneys collected for fines under articles 1 to 6 of this title, either by payment of a penalty assessment or assessed by a court upon conviction and resulting from issuance of a citation by ~~an~~ A WILDLIFE officer of the division of PARKS AND wildlife, shall be transmitted to the state treasurer, who shall credit one-half to the general fund and one-half to the wildlife cash fund or, for offenses involving nongame wildlife, to the nongame and endangered wildlife cash fund.

(b) When an arrest has been made or the citation for any wildlife offense has been issued by ~~an~~ A PARK officer of the division of parks and ~~outdoor recreation~~ WILDLIFE

or by any other Colorado peace officer, as defined in this title, the state treasurer shall credit one-half of the moneys collected to the general fund and one-half to the Colorado town, city, county, city and county, or state agency whose officer issued the citation.

SECTION 17. 33-10-106 (1) (e) and (1) (f), Colorado Revised Statutes, are amended to read:

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

(e) Through the division, enforce the laws AND rules ~~and regulations~~ relating to parks and outdoor recreation areas; ~~and cooperate with the division of wildlife in the enforcement of the wildlife laws, rules, or regulations;~~

(f) ~~Cooperate with the division of wildlife to~~ Assure maximum development and protection of wildlife habitat consistent with park and outdoor recreation operations and provide full opportunity for the hunter and fisherman to harvest the surplus wildlife resources on all state park and outdoor recreation areas whenever public safety can be maintained;

SECTION 18. 33-11-109 (3), Colorado Revised Statutes, is amended to read:

33-11-109. Trail categories. (3) The board, through the division, is authorized to conduct studies, and to promulgate such rules ~~and regulations~~ as may be necessary for establishing and managing the Colorado greenway trails system. The board shall consult and cooperate with the ~~wildlife commission;~~ Colorado water conservation board, transportation commission, Colorado water resources and power development authority, and all other appropriate units of state government and political subdivisions of the state, including, but not limited to, any county, city, city and county, and water conservation and conservancy district; any other public and private persons; and any appropriate federal agencies to establish a Colorado greenway trails system ~~which~~ THAT minimizes adverse impacts on activities, natural features, and sensitive habitats adjacent to trails.

SECTION 19. 33-14-102 (1) (b), Colorado Revised Statutes, is amended to read:

33-14-102. Snowmobile registration - fees - applications - requirements - penalties - exemptions. (1) (b) The division shall employ snowmobile agents, including dealers and licensing agents serving as such for the division, ~~of wildlife,~~ for snowmobile registration pursuant to ~~the provisions of section 33-12-104. Such~~ THE agents shall take the registration application and issue a temporary registration and shall forward the application to the division, which shall issue the registration. Snowmobile dealers employed as licensing agents for snowmobile registration ~~shall~~ ~~be~~ ARE authorized to issue annual registrations and shall retain a commission of up to one dollar, as authorized by the division, for each registration issued.

SECTION 20. 33-14-117 (1) (b) and (2), Colorado Revised Statutes, are amended to read:

33-14-117. Hunting, carrying weapons on snowmobiles - prohibitions. (1) It is unlawful for any person to:

(b) Operate or ride on any snowmobile with any firearm in his OR HER possession, unless such firearm is unloaded and enclosed in a carrying case or inserted in a scabbard, or with any bow unless it is unstrung or cased, but this paragraph (b) ~~shall~~ DOES not apply to any person to whom the division of ~~wildlife~~ has issued a permit for the control of predators such as coyotes, foxes, bobcats, and the like;

(2) Permits to use snowmobiles for the control of predators such as coyotes, foxes, bobcats, and the like may be issued by the division of ~~wildlife~~ or its district wildlife managers at no charge to persons applying therefor whose purpose is to protect livestock and other wildlife. ~~A notice of issuance of any such permit shall be given to the division by the division of wildlife.~~

SECTION 21. 33-14.5-102 (1) (b), Colorado Revised Statutes, is amended to read:

33-14.5-102. Off-highway vehicle registration - nonresident-owned or -operated off-highway vehicle permits - fees - applications - requirements - exemptions. (1) (b) The division shall employ off-highway vehicle agents, including dealers and licensing agents serving as such for the division, ~~of wildlife~~, for off-highway vehicle registration pursuant to ~~the provisions of section 33-12-104~~. Upon receiving a registration application, an agent shall collect the fee specified pursuant to section 33-10-111 (5) and issue a temporary registration and shall forward the application to the division, which shall issue the registration. An agent may retain a commission of not in excess of one dollar, as authorized by the division, for each registration issued. Any ~~off-highway~~ dealer is authorized to issue a temporary registration when a person purchases an off-highway vehicle from such dealer.

SECTION 22. 33-14.5-106 (2) (b) (I) and (2) (b) (II), Colorado Revised Statutes, are amended to read:

33-14.5-106. Off-highway vehicle recreation fund - creation - use of moneys. (2) All moneys collected for fines imposed pursuant to the provisions of this article shall be distributed as follows:

(b) One-half of such amount collected shall be distributed as follows:

(I) If the citing officer is a ~~parks and recreation~~ PARK officer, ~~such~~ THE amount shall be transferred to the state treasurer and credited to the off-highway vehicle recreation fund; or

(II) If the citing officer is a ~~Colorado~~ wildlife officer or special wildlife officer, ~~such~~ THE amount shall be transferred to the state treasurer and credited to the wildlife cash fund; or

SECTION 23. 33-15-103 (1) (a), (1) (b) (II) (A), and (1) (b) (II) (B), Colorado Revised Statutes, are amended to read:

33-15-103. Disposition of fines - notice of court decisions. (1) (a) All moneys collected for fines under this article and articles 10 to 13 and 32 of this title, either

by payment of a penalty assessment or assessed by a court upon conviction, shall be transmitted to the state treasurer, who shall credit such moneys to the parks and outdoor recreation cash fund; except that, when an arrest has been made or the citation for any offense, including those committed under article 14 of this title, has been issued by ~~an~~ A WILDLIFE officer of the division of PARKS AND wildlife, all moneys collected for the fine shall be transmitted to the state treasurer, who shall credit one-half to the wildlife cash fund and one-half to the general fund.

(b) All moneys collected for fines imposed pursuant to the provisions of article 14.5 of this title shall be distributed as follows:

(II) One-half of such amount collected shall be distributed as follows:

(A) If the citing officer is a ~~parks and recreation~~ PARK officer, ~~such~~ THE amount shall be transferred to the state treasurer and credited to the off-highway vehicle recreation fund; or

(B) If the citing officer is a ~~Colorado~~ wildlife officer or special wildlife officer, ~~such~~ THE amount shall be transferred to the state treasurer and credited to the wildlife cash fund; or

SECTION 24. 33-32-108 (1) (b), the introductory portion to 33-32-108 (2) (b), and 33-32-108 (2) (b) (II) and (2) (b) (III), Colorado Revised Statutes, are amended to read:

33-32-108. Enforcement. (1) (b) As used in this section, "peace officer" means any ~~parks and recreation officer~~ or division of PARKS AND wildlife officer or any sheriff or city and county law enforcement officer certified by the Colorado law enforcement training academy.

(2) (b) Pursuant to ~~the provisions of~~ paragraph (a) of this subsection (2), any expenses incurred by governmental entities stemming from search and rescue efforts ~~which~~ THAT are reimbursed by a river outfitter shall be distributed as follows:

(II) If to the division of parks and ~~outdoor recreation~~ WILDLIFE, ONE-HALF OF THE MONEYS SHALL BE CREDITED TO THE parks and outdoor recreation cash fund, created in section 33-10-111, AND ONE-HALF SHALL BE CREDITED TO THE WILDLIFE CASH FUND, CREATED IN SECTION 33-1-112.

(III) ~~If to the division of wildlife, credited to the wildlife cash fund, created in section 33-1-112:~~

SECTION 25. 33-33-106 (2), Colorado Revised Statutes, is amended to read:

33-33-106. Colorado natural areas council. (2) The council ~~shall consist~~ CONSISTS of the following seven members: One member each from the membership of the board ~~the wildlife commission~~; and the state board of land commissioners appointed by their respective boards or commissions, who shall serve for three-year terms; and ~~four~~ FIVE members appointed by the governor, who shall be individuals with a substantial interest in the preservation of natural areas and who shall serve for four-year terms.

SECTION 26. 33-60-104.5 (6), Colorado Revised Statutes, is amended to read:

33-60-104.5. Property acquired by state agencies with funds from the great outdoors Colorado trust fund - payments in lieu of taxes - restrictions - legislative declaration. (6) The general assembly may make appropriations for the purpose of funding a state agency's share of payments in lieu of taxes to any county entitled to receive such payments. Appropriations concerning lands ~~owned by the division of~~ PURCHASED WITH WILDLIFE CASH OR OTHER wildlife MONEYS shall be made from the wildlife cash fund. Appropriations concerning lands ~~owned by the division of~~ PURCHASED WITH parks and outdoor recreation CASH OR OTHER PARKS AND OUTDOOR RECREATION MONEYS shall be made from the parks and outdoor recreation cash fund.

SECTION 27. 34-60-103 (4.3) and (14), Colorado Revised Statutes, are amended, and the said 34-60-103 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

34-60-103. Definitions. As used in this article, unless the context otherwise requires:

(1.5) "PARKS AND WILDLIFE BOARD" OR "BOARD" MEANS THE PARKS AND WILDLIFE BOARD CREATED IN SECTION 33-9-101, C.R.S.

(4.3) "Division of PARKS AND wildlife" means the division of PARKS AND wildlife identified in ~~article 1~~ ARTICLE 9 of title 33, C.R.S.

(14) "Wildlife commission" means the ~~wildlife commission created in section 33-1-103, C.R.S.~~ BOARD.

SECTION 28. 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 29. Effective date. (1) Sections 33-9-101 (10) (a) and 33-9-103, Colorado Revised Statutes, as enacted in section 2 of this act, shall take effect upon passage.

(2) The remainder of this act shall take effect July 1, 2011.

SECTION 30. 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 6, 2011