

**Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 24-0361.01 Jennifer Berman x3286

SENATE BILL 24-026

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Senate Committees

Agriculture & Natural Resources
Appropriations

House Committees

Agriculture, Water & Natural Resources
Appropriations

HOUSE
3rd Reading Unamended
April 11, 2024

A BILL FOR AN ACT

101 **CONCERNING A REQUIREMENT THAT MEMBERS OF CERTAIN STATE**
102 **REGULATORY BODIES WHO ARE APPOINTED BY THE GOVERNOR**
103 **HOLD MEETINGS TO ELICIT PUBLIC ENGAGEMENT, AND, IN**
104 **CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

HOUSE
2nd Reading Unamended
April 10, 2024

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

SENATE
3rd Reading Unamended
March 13, 2024

Water Resources and Agriculture Review Committee. Prior to the consolidation of the division of wildlife and the division of parks and recreation and their respective commissions in Senate Bill 11-208,

SENATE
Amended 2nd Reading
March 12, 2024

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

enacted in 2011, members of the wildlife commission were required to hold at least 2 public meetings per year in their respective geographic districts.

The bill renews the public engagement requirement for the members of the parks and wildlife commission in the department of natural resources who are appointed by the governor and adds the same public engagement requirement for members of the state agricultural commission and the Colorado water conservation board who are appointed by the governor. The bill requires the public engagement meetings be held in person.

Commission and board members subject to the public engagement requirement are entitled to reimbursement for their reasonable costs in holding public meetings. Status updates on the commission and board members' compliance with the public engagement requirement must be reported to the chair of each member's respective commission or board and included in each member's respective executive department's annual "SMART Act" presentation to the general assembly.

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

2 **SECTION 1.** In Colorado Revised Statutes, 33-9-101, **amend** (8);
3 and **add** (3)(g) as follows:

4 **33-9-101. Commission - creation - composition - terms -**
5 **vacancies - removal - meetings - strategic plan - legislative**
6 **declaration - public engagement - reports.** (3) (g) (I) EACH YEAR THAT
7 A VOTING MEMBER OF THE COMMISSION SERVES ON THE COMMISSION, THE
8 VOTING MEMBER SHALL PARTICIPATE IN AT LEAST TWO PUBLIC MEETINGS
9 TO DIRECTLY ENGAGE PEOPLE IN THE GEOGRAPHIC AREA THAT THE
10 MEMBER REPRESENTS; EXCEPT THAT EACH OF THE MEMBERS APPOINTED
11 TO REPRESENT THE PUBLIC AT LARGE SHALL PARTICIPATE IN AT LEAST ONE
12 MEETING PER YEAR WEST OF THE CONTINENTAL DIVIDE AND AT LEAST ONE
13 MEETING PER YEAR EAST OF THE CONTINENTAL DIVIDE, UNLESS THE
14 MEETING IS VIRTUAL.

15 (II) THE DIRECTOR SHALL:

16 (A) FOR EACH COMMISSION MEMBER SUBJECT TO THE PUBLIC

1 MEETINGS REQUIREMENT SET FORTH IN SUBSECTION (3)(g)(I) OF THIS
2 SECTION, TRACK AND REPORT TO THE CHAIR OF THE COMMISSION ON THE
3 STATUS OF THE MEMBER'S PUBLIC MEETINGS AT LEAST ONCE PER YEAR AT
4 A TIME DETERMINED BY THE CHAIR; AND

5 (B) PROVIDE THE DATA TRACKED UNDER SUBSECTION (3)(g)(II)(A)
6 OF THIS SECTION TO THE EXECUTIVE DIRECTOR FOR INCLUSION IN THE
7 DEPARTMENT'S ANNUAL "SMART ACT" PRESENTATION TO THE GENERAL
8 ASSEMBLY PURSUANT TO SECTION 2-7-203.

9 (III) THE GOVERNOR MAY DETERMINE THAT A VOTING MEMBER'S
10 FAILURE TO PARTICIPATE IN PUBLIC MEETINGS PURSUANT TO THIS
11 SUBSECTION (3)(g) QUALIFIES AS CAUSE FOR REMOVAL PURSUANT TO
12 SUBSECTION (5) OF THIS SECTION.

13 (8) For each day actually engaged in the duties of the commission,
14 the commission members are entitled to receive a per diem amount of
15 fifty dollars, together with all actual and necessary travel expenses to be
16 paid after the expenses are incurred. Mileage rates are as provided in
17 section 24-9-104. ~~C.R.S.~~ VOTING COMMISSION MEMBERS ARE ENTITLED
18 TO BE REIMBURSED FOR REASONABLE COSTS INCURRED IN PARTICIPATING
19 IN PUBLIC MEETINGS PURSUANT TO SUBSECTION (3)(g) OF THIS SECTION.

20 **SECTION 2.** In Colorado Revised Statutes, 35-1-105, **add** (3.5)
21 as follows:

22 **35-1-105. State agricultural commission - creation -**
23 **composition - public engagement - reports.** (3.5) (a) EACH YEAR THAT
24 A MEMBER SERVES ON THE COMMISSION, THE MEMBER SHALL PARTICIPATE
25 IN AT LEAST TWO PUBLIC MEETINGS IN THE MEMBER'S DISTRICT; EXCEPT
26 THAT EACH OF THE FIVE MEMBERS APPOINTED FROM THE STATE AT LARGE
27 SHALL PARTICIPATE IN AT LEAST ONE MEETING PER YEAR WEST OF THE

1 CONTINENTAL DIVIDE AND AT LEAST ONE MEETING PER YEAR EAST OF THE
2 CONTINENTAL DIVIDE, UNLESS THE MEETING IS VIRTUAL.

3 (b) MEMBERS ARE ENTITLED TO BE REIMBURSED FOR REASONABLE
4 COSTS INCURRED IN PARTICIPATING IN PUBLIC MEETINGS PURSUANT TO
5 SUBSECTION (3.5)(a) OF THIS SECTION.

6 (c) THE COMMISSIONER SHALL:

7 (I) TRACK AND REPORT TO THE CHAIR OF THE COMMISSION THE
8 STATUS OF EACH VOTING MEMBER'S PUBLIC MEETINGS AT LEAST ONCE PER
9 YEAR AT A TIME DETERMINED BY THE CHAIR; AND

10 (II) INCLUDE THE DATA TRACKED UNDER SUBSECTION (3.5)(c)(I)
11 OF THIS SECTION IN THE DEPARTMENT'S ANNUAL "SMART ACT"
12 PRESENTATION TO THE GENERAL ASSEMBLY PURSUANT TO SECTION
13 2-7-203.

14 (d) THE GOVERNOR MAY DETERMINE THAT A COMMISSION
15 MEMBER'S FAILURE TO PARTICIPATE IN PUBLIC MEETINGS PURSUANT TO
16 THIS SUBSECTION (3.5) QUALIFIES AS CAUSE FOR REMOVAL FROM THE
17 COMMISSION.

18 **SECTION 3.** In Colorado Revised Statutes, 37-60-104, **add** (5)
19 as follows:

20 **37-60-104. Composition of the board - public engagement -**
21 **reports.** (5) (a) EACH YEAR THAT A BOARD MEMBER APPOINTED
22 PURSUANT TO SUBSECTION (1)(g) OF THIS SECTION SERVES ON THE BOARD,
23 THE MEMBER SHALL PARTICIPATE IN AT LEAST TWO PUBLIC MEETINGS IN
24 THE GEOGRAPHIC AREA THAT THE MEMBER REPRESENTS, UNLESS THE
25 MEETING IS VIRTUAL.

26 (b) MEMBERS ARE ENTITLED TO BE REIMBURSED FOR REASONABLE
27 COSTS INCURRED IN PARTICIPATING IN PUBLIC MEETINGS PURSUANT TO

1 SUBSECTION (5)(a) OF THIS SECTION AS NECESSARY EXPENSES ACTUALLY
2 INCURRED IN THE PERFORMANCE OF OFFICIAL DUTIES IN ACCORDANCE
3 WITH SECTION 37-60-111.

4 (c) THE DIRECTOR OF THE BOARD SHALL:

5 (I) FOR EACH BOARD MEMBER SUBJECT TO THE PUBLIC MEETINGS
6 REQUIREMENT SET FORTH IN SUBSECTION (5)(a) OF THIS SECTION, TRACK
7 AND REPORT TO THE CHAIR OF THE BOARD THE STATUS OF THE BOARD
8 MEMBER'S PUBLIC MEETINGS AT LEAST ONCE PER YEAR AT A TIME
9 DETERMINED BY THE CHAIR; AND

10 (II) PROVIDE THE DATA TRACKED UNDER SUBSECTION (5)(c)(I) OF
11 THIS SECTION TO THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF
12 NATURAL RESOURCES FOR INCLUSION IN THE DEPARTMENT'S ANNUAL
13 "SMART ACT" PRESENTATION TO THE GENERAL ASSEMBLY PURSUANT TO
14 SECTION 2-7-203.

15 (d) THE GOVERNOR MAY DETERMINE THAT A BOARD MEMBER'S
16 FAILURE TO PARTICIPATE IN PUBLIC MEETINGS PURSUANT TO THIS
17 SUBSECTION (5) QUALIFIES AS CAUSE FOR REMOVAL FROM THE BOARD.

18 **SECTION 4. Appropriation.** (1) For the 2024-25 state fiscal
19 year, \$10,504 is appropriated to the department of natural resources for
20 use by the division of parks and wildlife. This appropriation consists of
21 \$6,828 from the wildlife cash fund created in section 33-1-112 (1) (a),
22 C.R.S. and \$3,676 from the parks and outdoor recreation cash fund
23 created in section 33-10-111 (1), C.R.S. To implement this act, the
24 division may use this appropriation as follows:

25 (a) \$6,828 from the wildlife cash fund for wildlife operations; and

26 (b) \$3,676 from parks and outdoor recreation cash fund for state
27 park operations.

1 **SECTION 5. Act subject to petition - effective date.** This act
2 takes effect January 1, 2025; except that, if a referendum petition is filed
3 pursuant to section 1 (3) of article V of the state constitution against this
4 act or an item, section, or part of this act within the ninety-day period
5 after final adjournment of the general assembly, then the act, item,
6 section, or part will not take effect unless approved by the people at the
7 general election to be held in November 2024 and, in such case, will take
8 effect January 1, 2025, or on the date of the official declaration of the
9 vote thereon by the governor, whichever is later.