

FINAL REGULATIONS - CHAPTER W-16 - PARKS AND WILDLIFE PROCEDURAL RULES

ARTICLE III – CITIZEN PETITIONS

#1606 - Citizen Petition Requirements

- A. ~~Any person may petition the Commission to initiate rulemaking pursuant to 24-4-103(7), C.R.S. All petitions for rulemaking must contain the following information: (1) The name, address, and telephone number of the person requesting the rulemaking; and (2) A copy of the rule proposed in the petition, preferably in redline format, and a general statement of the reasons for the requested rule or revision. Persons desiring to create, modify, or remove a Commission regulation pursuant to 24-4-103(7), C.R.S. must submit a citizen petition proposal for consideration. The petitioner shall have the burden of proof to demonstrate that the amendment should be adopted by the Commission. The petition shall be in writing, shall include the petitioner's name and adequate contact information, and shall contain a clear and concise statement of the basis and purpose behind the requested amendment. Each request shall also include appropriate additional evidence and documentation in support thereof. Petitions that do not meet these minimum requirements will be considered incomplete and will not be addressed by the Commission.~~
- B. ~~Proposed amendments to a chapter that is opened annually based on the Division's regulatory calendar will only be considered when that chapter is open. For amendments to chapters that are not opened annually, the petition will be heard at the public meeting determined most appropriate by the Commission Chair.~~
- C. ~~Any petition that is submitted late or without adequate time to be included in the applicable public rule-making notice will be held by the Division until that chapter reopens or the petition is scheduled to be heard by the Commission Chair.~~

#1607 - ~~Reserved~~**Citizen Petition Public Presentations**

- A. ~~A citizen petition presentation to the Commission will generally be limited to fifteen (15) minutes or less, unless otherwise determined appropriate by the Commission Chair.~~
- B. ~~Each petitioner is strongly encouraged to present their own petition. If a petitioner is unable to attend or present their petition to the Commission, Division staff will present the petition but will not address questions on behalf of the petitioner.~~

#1608 - ~~Reserved~~**Resubmission of Denied Petitions**

- A. ~~Citizen petitions that are denied by the Commission may not be re-submitted for further consideration until after at least one full calendar year after Commission action and then only if new and substantial information has been developed and added to the petition. Re-submitted petitions must also comply with the timelines outlined in Commission Regulations #1606(B) and #1606(C).~~

Basis and Purpose:

Revising the process by which the Division and Commission respond to citizen petitions for rulemaking

Previous regulations prompted staff to file a rulemaking notice with the Secretary of State if a petitioner filed a complete citizen petition for rulemaking on time. This presumed the Commission wanted to consider making a regulatory change and obligated the staff to analyze the petition without the benefit of any direction from the Commission. In addition, previous regulations granted citizen petitioners the opportunity to make oral presentations to the Commission, which may not be necessary in all circumstances and limited CPW's ability to manage Commission meeting agendas. The new regulations require petitioners to provide contact information, a copy of the proposed rule (preferably in redline format), the reasons for the proposed rule, and a statement of the Commission's statutory authority. The new regulations do not put a strict timeline on when citizen petitions would be noticed for rulemaking and do not automatically grant citizen petitioners the opportunity to make an oral presentation to the Commission concerning their petition. Citizens always have that right during public comment. These amendments maximize CPW's flexibility in responding to citizen petitions while retaining the public's ability to bring forward proposed regulatory changes.

The statements of basis and purpose for these regulations can be obtained from the Colorado Division of Parks and Wildlife, Office of the Regulations Manager by emailing Krista Heiner at krista.heiner@state.co.us. The statements of basis and purpose are not available at the Division of Parks and Wildlife headquarters due to the closure of these facilities to the public in light of the COVID-19 pandemic and Executive Orders D 2020 017 and D 2020 024.

The primary statutory authority for these regulations can be found in § 24-4-103, C.R.S., and the state Wildlife Act, §§ 33-1-101 to 33-6-209, C.R.S., specifically including, but not limited to: §§ 33-1-106, C.R.S.

EFFECTIVE DATE - THESE REGULATIONS SHALL BECOME EFFECTIVE JUNE 30, 2020 AND SHALL REMAIN IN FULL FORCE AND EFFECT UNTIL REPEALED, AMENDED OR SUPERSEDED.

APPROVED AND ADOPTED BY THE PARKS AND WILDLIFE COMMISSION OF THE STATE OF COLORADO THIS 30TH DAY OF APRIL, 2020.

APPROVED:
Michelle Zimmerman
Chair

ATTEST:
James Vigil
Secretary