

CHAPTER 226

NATURAL RESOURCES

SENATE BILL 23-275

BY SENATOR(S) Ginal and Will, Cutter, Jaquez Lewis, Priola;
 also REPRESENTATIVE(S) Duran and Lynch, McLachlan, Amabile, Bird, Brown, Froelich, Hamrick, Lindsay, McCormick,
 Soper, Valdez, McCluskie.

AN ACT

CONCERNING MANAGING WILD HORSES, AND, IN CONNECTION THEREWITH, AUTHORIZING THE CREATION OF AN ENTITY TO SUPPORT MANAGEMENT OF WILD HORSE HERDS IN COLORADO, SEEKING LONG-TERM SOLUTIONS FOR HORSES REMOVED FROM THE WILD RANGE, AND MAKING AN APPROPRIATION.

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

SECTION 1. Legislative declaration. (1) The general assembly finds and declares:

(a) Colorado is home to four federally owned and protected wild horse herds generally that are found within federal herd management areas administered by the federal bureau of land management in accordance with the federal "Wild Free-Roaming Horses and Burros Act", Pub.L. 92-195;

(b) Wild horses are protected under federal law in the areas where they are presently found and are an integral part of the natural system of the public lands;

(c) Federal budgets have not kept pace with the many needs these wild horse herds have, and this underfunding has clear negative effects on state equities, Colorado's vital agricultural industry, rangeland conditions, wildlife, and more;

(d) Federal underfunding has exacerbated the challenging conditions that negatively affect the health of wild horse ranges and federal herd management areas, and this further affects state and private equities in state programs and rangeland quality;

(e) Colorado has the opportunity to serve the diverse interests of livestock

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

owners, wildlife, and range health by supporting responsible wild horse management, stabilizing herd numbers, and ending the unsustainable cycle of population growth followed by removal of wild horses from the range;

(f) Localized volunteers undertake the vast majority of care and management for these herds. These groups provide hundreds of hours of selfless work for the betterment of the wild horse herds, local communities, and surrounding rangelands. Yet these groups have insufficient resources to meet the need that exists and the growing challenges associated with sustained drought, and they often struggle to find and retain reliable and qualified volunteers to perform critical activities.

(g) Wild horse herds have long been a central part of the character of Colorado and the West; in particular, they have been ingrained in the history, culture, and current workings of local and ranching communities and operators;

(h) Large helicopter roundups of wild horses, the condition of these horses and herds, extended drought conditions, and our shared need to ensure that Colorado rangelands and natural resources are well cared for have been key concerns and challenges Colorado has recently faced, and Colorado has a deep need and interest to address these concerns and challenges to improve the situation;

(i) With current conditions, Colorado must take action to ensure that it maintains healthy wild horse herds and healthy rangelands and avoids key challenges, such as wild horse herds that are too large for the health of the horses, existing care systems, and rangeland;

(j) Colorado, federal land managers and external experts, the wild horse advocacy community, and key partners such as volunteer networks, conservationists, and the ranching community have worked together to identify strategies that would capitalize on current conditions, create a sustainable way to improve the care of our wild horse herds, and care for Colorado's natural resource equities;

(k) The federal bureau of land management in Colorado has recently invested additional funding in key herd management areas to improve conditions for wild horses and wildlife and is interested in partnering with the state, wildlife organizations, and wild horse advocates, and this interest further underscores the opportunity Colorado has to work with federal and stakeholder entities, creating real outcomes that will promote range health, horse herd health, and the health of Colorado's agricultural and local economies;

(l) After extensive evaluation, the following efforts have been identified as highly effective, highly efficient, and worthy of fostering:

(I) Providing state-level coordination, partnership development, and, in particular, volunteer and paid human resource development to support the existing work of the friend groups in delivering contraceptives through darting;

(II) Rangeland care, including fence repair and replacement;

(III) Installing and maintaining infrastructure needed to support the well-being of rangelands and wild horses; and

(IV) In particular, growing partnerships and networks to support wild horse management;

(m) With the public's strong interest in, care of, and love of wild horses, Colorado has an opportunity to catalyze a self-sustaining, but state-supported, independent entity that will draw from private gifts, grants, and donations to conduct its work;

(n) The core work of the independent entity will be to foster diverse and creative partnerships and enlist a broad and diverse, but reliable and sustainable, community to ensure the long-term sustainability of Colorado's wild horse herds and rangelands;

(o) The wild horse project could include engaging and funding volunteer networks, engaging veterans' organizations or other organizations that have members with existing shooting skills for darting efforts, engaging and creating partnership or funding opportunities in local and ranching communities with close proximity to the herds, or numerous other potential creative partnerships; and

(p) Through state action in creating the foundation from which these activities can launch, Colorado efficiently and effectively solves a multitude of challenges for a diverse range of interests in our state.

SECTION 2. In Colorado Revised Statutes, **add** article 66 to title 35 as follows:

ARTICLE 66
Colorado Wild Horse Management Support

35-66-101. Definitions. AS USED IN THIS ARTICLE 66, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "BUREAU" MEANS THE UNITED STATES BUREAU OF LAND MANAGEMENT IN THE DEPARTMENT OF THE INTERIOR.

(2) "COMMISSIONER" MEANS THE COMMISSIONER OF AGRICULTURE OR THE COMMISSIONER'S DESIGNEE.

(3) "DEPARTMENT" MEANS THE DEPARTMENT OF AGRICULTURE.

(4) "DIRECTOR" MEANS THE DIRECTOR OF THE WILD HORSE PROJECT.

(5) "FERTILITY CONTROL PROGRAM" MEANS THE WILD HORSE FERTILITY CONTROL PROGRAM CREATED IN SECTION 35-66-107 (1).

(6) "FUND" MEANS THE WILD HORSE PROJECT FUND CREATED IN SECTION 35-66-104 (1).

(7) "STEWARDSHIP PROGRAM" MEANS THE WILD HORSE STEWARDSHIP PROGRAM CREATED IN SECTION 35-66-106 (1).

(8)(a) "WILD HORSE" MEANS A MEMBER OF A SPECIES OF THE GENUS EQUUS THAT IS FREE ROAMING AND THAT IS HISTORICALLY ASSOCIATED WITH COLORADO AND WITH THE WESTERN UNITED STATES.

(b) "WILD HORSE" INCLUDES WILD FREE-ROAMING HORSES AND BURROS, AS DEFINED UNDER THE FEDERAL "WILD FREE-ROAMING HORSES AND BURROS ACT", PUB.L. 92-195, AND ANY OTHER FERAL HORSES, BURROS, AND MULES.

(9) "WILD HORSE PROJECT" MEANS THE COLORADO WILD HORSE PROJECT CREATED IN SECTION 35-66-102 (1).

35-66-102. Wild horse project - creation - director selection - operation - repeal. (1) THE DEPARTMENT MAY CREATE THE WILD HORSE PROJECT, WHICH, IF CREATED, IS A STATE-OWNED NONPROFIT ENTITY THAT MANAGES AND OPERATES THE STEWARDSHIP PROGRAM AND THE FERTILITY CONTROL PROGRAM.

(2) (a) A HIRING COMMITTEE IS ESTABLISHED TO HIRE THE DIRECTOR FOR THE WILD HORSE PROJECT. THE HIRING COMMITTEE CONSISTS OF FIVE MEMBERS:

(I) THE GOVERNOR OR THE GOVERNOR'S DESIGNEE, WHO IS CHAIR OF THE HIRING COMMITTEE;

(II) THE COMMISSIONER OR THE COMMISSIONER'S DESIGNEE;

(III) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF NATURAL RESOURCES OR THE EXECUTIVE DIRECTOR'S DESIGNEE;

(IV) THE MAJORITY LEADER OF THE HOUSE OF REPRESENTATIVES OR THE MAJORITY LEADER'S DESIGNEE; AND

(V) THE MINORITY LEADER OF THE SENATE OR THE MINORITY LEADER'S DESIGNEE.

(b) THE HIRING COMMITTEE CREATED IN THIS SUBSECTION (2) SHALL HIRE THE DIRECTOR OF THE WILD HORSE PROJECT ON OR BEFORE AUGUST 1, 2023, AND WITHIN ONE HUNDRED TWENTY DAYS AFTER A DIRECTOR RESIGNS, OTHERWISE LEAVES OFFICE, OR IS NO LONGER ABLE TO PERFORM THE DUTIES OF DIRECTOR. THE GOVERNOR MAY APPOINT AN INTERIM DIRECTOR UNTIL THE DIRECTOR IS HIRED.

(c) THE DIRECTOR SERVES AT THE PLEASURE OF THE HIRING COMMITTEE.

(3) TO IMPLEMENT THIS ARTICLE 66, THE WILD HORSE PROJECT MAY:

(a) MAKE PROPOSALS TO IMPLEMENT THIS ARTICLE 66 TO THE BUREAU, COMMISSIONER, AND DEPARTMENT;

(b) ENTER INTO CONTRACTS AND MEMORANDA OF UNDERSTANDING;

(c) ADOPT AND USE A SEAL OR LOGO;

(d) BUY, SELL, ACQUIRE, LEASE, AND OWN REAL AND PERSONAL PROPERTY;

(e) EXERCISE ANY LEGAL AUTHORITY OR SEEK LEGAL REMEDIES NECESSARY TO IMPLEMENT THIS ARTICLE 66;

(f) HIRE STAFF; AND

(g) TAKE ANY OTHER ACTION REASONABLY RELATED TO IMPLEMENTING THIS ARTICLE 66.

35-66-103. Wild horse project report - repeal. (1) ON OR BEFORE JANUARY 31, 2024, AND ON OR BEFORE JANUARY 31 OF EACH YEAR THEREAFTER, THE DEPARTMENT SHALL SUBMIT A WRITTEN REPORT TO THE GOVERNOR AND THE APPROPRIATE COMMITTEES OF REFERENCE AS DETERMINED IN ACCORDANCE WITH SECTION 2-7-203 (1). THE DEPARTMENT SHALL ALSO PRESENT THE REPORT TO THE APPROPRIATE JOINT COMMITTEE OF REFERENCE, IN ACCORDANCE WITH SECTION 2-7-203 (2), AS PART OF THE DEPARTMENT'S "SMART ACT" HEARING. THE REPORT MUST INCLUDE A DESCRIPTION OF THE MONEY SPENT, GRANTS MADE, AND ACTIONS TAKEN TO IMPLEMENT THIS ARTICLE 66, INCLUDING THE NUMBER OF HORSES TREATED UNDER THE FERTILITY CONTROL PROGRAM, THE NUMBER OF FOALS BORN THE PRIOR YEAR IN EACH HERD MANAGEMENT AREA, AND THE ACTIONS TAKEN AND ACCOMPLISHED IN ACCORDANCE WITH THE STEWARDSHIP PROGRAM.

(2) THIS SECTION IS REPEALED, EFFECTIVE DECEMBER 31, 2027.

35-66-104. Wild horse project fund - legislative declaration - repeal. (1)(a) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT ANY MONEY RECEIVED UNDER THIS ARTICLE 66 FROM THE FEDERAL GOVERNMENT OR FROM GIFTS, GRANTS, OR DONATIONS IS CUSTODIAL FUNDS AND, THEREFORE, IS NOT SUBJECT TO APPROPRIATION.

(b) THE WILD HORSE PROJECT FUND IS CREATED IN THE STATE TREASURY. THE FUND CONSISTS OF GIFTS, GRANTS, AND DONATIONS; PAYMENTS FROM THE FEDERAL GOVERNMENT IN CONNECTION WITH ASSISTING IN THE MANAGEMENT OF WILD HORSES; AND ANY OTHER MONEY THAT THE GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER TO THE FUND.

(2) (a) STATE MONEY IN THE FUND IS CONTINUOUSLY APPROPRIATED TO THE DEPARTMENT FOR USE BY THE WILD HORSE PROJECT TO IMPLEMENT AND ADMINISTER THIS ARTICLE 66.

(b) (I) STATE MONEY IN THE FUND IS CONTINUOUSLY APPROPRIATED TO THE DEPARTMENT TO IMPLEMENT AND ADMINISTER SECTION 35-1-119 AND THIS ARTICLE 66.

(II) THIS SUBSECTION (2)(b) WILL BE REPEALED WHEN THE DEPARTMENT CREATES THE WILD HORSE PROJECT. THE COMMISSIONER SHALL NOTIFY THE REVISOR OF STATUTES IN WRITING OF THE DATE ON WHICH THE CONDITION SPECIFIED IN THIS SUBSECTION (2)(b) HAS OCCURRED BY E-MAILING THE NOTICE TO REVISOROFSTATUTES.GA@COLEG.GOV. THIS SUBSECTION (2)(b) IS REPEALED, EFFECTIVE UPON THE DATE IDENTIFIED IN THE NOTICE THAT THE DEPARTMENT HAS CREATED THE WILD HORSE PROJECT OR, IF THE NOTICE DOES NOT SPECIFY THAT DATE, UPON THE DATE OF THE NOTICE TO THE REVISOR OF STATUTES.

(3) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE FUND TO THE FUND.

(4) THE WILD HORSE PROJECT MAY SEEK AND ACCEPT GIFTS, GRANTS, OR

DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF THIS ARTICLE 66. THE WILD HORSE PROJECT SHALL TRANSMIT ALL MONEY RECEIVED AS GIFTS, GRANTS, OR DONATIONS UNDER THIS SUBSECTION (4) TO THE STATE TREASURER, WHO SHALL CREDIT THE MONEY TO THE FUND.

(5) (a) ON THE EFFECTIVE DATE OF THIS ARTICLE 66, THE STATE TREASURER SHALL TRANSFER ONE MILLION FIVE HUNDRED THOUSAND DOLLARS FROM THE GENERAL FUND TO THE FUND.

(b) THIS SUBSECTION (5) IS REPEALED, EFFECTIVE JULY 1, 2025.

35-66-105. Working group for long-term solutions for off-range horses - repeal. (1) (a) A WILD HORSE WORKING GROUP IS CREATED IN THE DEPARTMENT. THE WILD HORSE WORKING GROUP SHALL IDENTIFY AND PURSUE:

(I) HUMANE, NONLETHAL ALTERNATIVES FOR WILD HORSES THAT ARE TAKEN OFF-RANGE IN COLORADO OR HELD IN FEDERAL HOLDING FACILITIES, INCLUDING:

(A) A STATE WILD HORSE PRESERVE;

(B) WILD HORSE SANCTUARIES OR CREATIVE COLLABORATIONS WITH WILD HORSE SANCTUARIES; AND

(C) OPPORTUNITIES FOR PARTNERSHIPS WITH THE STATE, INCLUDING PROGRAMS CREATED BY THE GOVERNOR'S COMMISSION ON COMMUNITY SERVICE, ANY DEPARTMENT OF CORRECTIONS PROGRAM, AND ANY CREATIVE PARTNERSHIPS WITH STATE PROGRAMS;

(II) OPPORTUNITIES FOR LONG-TERM CARE AND MANAGEMENT OF NONFEDERAL WILD OR UNCLAIMED HORSES CURRENTLY IN COLORADO; AND

(III) PARTNERSHIPS AND OPPORTUNITIES TO ENSURE THE SUCCESS OF ADOPTIONS AND LOCALIZED QUALITY ASSURANCE WHEN SUPPORTING ADOPTION NETWORKS WITHIN COLORADO.

(b) THE WORKING GROUP SHALL NOT CONSIDER OUTCOMES THAT INVOLVE THE CREATION OF AN EASEMENT OR THE TRANSFER OF LAND, GRAZING RIGHTS, OR OTHER SIMILAR PRIVATE HOLDINGS IF EITHER IS AGAINST THE WILL OF THE LANDOWNER OR GRAZING RIGHTS HOLDER.

(2) THE WILD HORSE WORKING GROUP CONSISTS OF AT LEAST FOURTEEN MEMBERS, INCLUDING THE FOLLOWING REPRESENTATION:

(a) (I) THE GOVERNOR SHALL APPOINT:

(A) A REPRESENTATIVE OF THE GOVERNOR'S OFFICE;

(B) A REPRESENTATIVE OF THE DEPARTMENT OF NATURAL RESOURCES;

(C) A REPRESENTATIVE OF THE COLORADO TOURISM OFFICE; AND

(D) A REPRESENTATIVE OF THE DEPARTMENT OF AGRICULTURE;

(II) THE MAJORITY LEADER OF THE HOUSE OF REPRESENTATIVES OR THE MAJORITY LEADER'S DESIGNEE;

(III) THE MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES OR THE MINORITY LEADER'S DESIGNEE;

(IV) THE MAJORITY LEADER OF THE HOUSE OF REPRESENTATIVES SHALL APPOINT:

(A) TWO REPRESENTATIVES OF NONPROFIT WILD HORSE ADVOCACY ORGANIZATIONS;

(B) A RESIDENT OF THE WESTERN SLOPE; AND

(C) A NONPROFIT ENVIRONMENTAL CONSERVATION ORGANIZATION;

(V) THE MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES SHALL APPOINT:

(A) TWO REPRESENTATIVES OF THE RANCHING AND GRAZING PERMIT HOLDER COMMUNITY; AND

(B) A REPRESENTATIVE FROM EACH OF THE LOCAL ON-RANGE WILD HORSE ORGANIZATIONS THAT MAINTAIN MEMORANDA OF UNDERSTANDING WITH THE BUREAU TO CONDUCT ON-RANGE ACTIVITIES;

(VI) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF NATURAL RESOURCES SHALL APPOINT A REPRESENTATIVE OF THE STATE BOARD OF LAND COMMISSIONERS; AND

(b) (I) THE COLORADO STATE DIRECTOR OF THE BUREAU MAY REPRESENT THE BUREAU OR MAY APPOINT A REPRESENTATIVE OF THE BUREAU;

(II) THE SOUTHERN UTE TRIBE MAY APPOINT A REPRESENTATIVE OF THE TRIBE;

(III) THE UTE MOUNTAIN UTE TRIBE MAY APPOINT A REPRESENTATIVE OF THE TRIBE; AND

(IV) THE REGION TWO REGIONAL FORESTER OF THE UNITED STATES FOREST SERVICE MAY APPOINT A REPRESENTATIVE OF THE UNITED STATES FOREST SERVICE.

(3) (a) NOT LATER THAN ONE HUNDRED TWENTY DAYS AFTER THE EFFECTIVE DATE OF THIS SECTION, THE APPOINTING AUTHORITIES SHALL APPOINT MEMBERS TO THE WILD HORSE WORKING GROUP IN ACCORDANCE WITH SUBSECTION (2) OF THIS SECTION.

(b) THE MEMBERS OF THE WILD HORSE WORKING GROUP SERVE WITHOUT COMPENSATION FROM THE STATE; EXCEPT THAT MEMBERS WHO ARE STATE EMPLOYEES MAY BE COMPENSATED AS STATE EMPLOYEES.

(4)(a) THE WORKING GROUP SHALL MAKE RECOMMENDATIONS TO THE GOVERNOR

AND GENERAL ASSEMBLY REGARDING SOLUTIONS TO THE ISSUES DESCRIBED IN THIS SECTION.

(b) THE WORKING GROUP SHALL ATTEMPT TO MAKE LEGISLATIVE RECOMMENDATIONS BY NOVEMBER 1, 2024, BUT SHALL MAKE THE RECOMMENDATIONS BY NOVEMBER 1, 2025.

(c) THE WORKING GROUP SHALL MAKE RECOMMENDATIONS NOT REQUIRING LEGISLATIVE ACTION AND REGARDING SOLUTIONS TO THE ISSUES DESCRIBED IN THIS SECTION TO THE APPROPRIATE ENTITY IN A TIMELY MANNER AND INCLUDE THE RECOMMENDATION IN THE ANNUAL REPORT REQUIRED IN SECTION 35-66-103.

(5) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2026.

35-66-106. Wild horse stewardship program. (1) THE WILD HORSE STEWARDSHIP PROGRAM IS CREATED TO COORDINATE AND ASSIST IN MANAGING AND SUPPORTING THE WELL-BEING OF COLORADO WILD HORSE HERDS AND WILD HORSE RANGELAND, INCLUDING HERDS WITHIN FEDERAL HERD MANAGEMENT AREAS, TO ENSURE THE LONG-TERM SUSTAINABILITY OF WILD HORSE HERDS AND WILD HORSE RANGE HEALTH BY:

(a) SUPPORTING THE MANAGEMENT OF RANGE HEALTH;

(b) IN PARTNERSHIP WITH THE BUREAU AND WITH PERMISSION FROM THE BUREAU, BUILDING, REPAIRING, AND MAINTAINING RANGE INFRASTRUCTURE, SUCH AS FENCING, NATURAL FEED SOURCES, OR NATURAL WATER SOURCES, ON PUBLIC LAND FOR THE BENEFIT OF THE WILD HORSE HERDS, THE WILD HORSE RANGELAND, AND THE RESIDENT POPULATIONS; AND

(c) COORDINATING WITH LOCAL ORGANIZATIONS ASSOCIATED WITH A HERD MANAGEMENT AREA.

(2) (a) THE DIRECTOR SHALL ANNUALLY REPORT TO THE DEPARTMENT ON THE ACTIONS TAKEN TO MEET THE REQUIREMENTS OF THIS SECTION. THE REPORT MUST INCLUDE THE ACTIVITIES PERFORMED AND ACCOMPLISHED IN ACCORDANCE WITH THE STEWARDSHIP PROGRAM.

(b) THE DIRECTOR MAY RESCIND A GRANT FOR:

(I) FAILURE OF THE GRANT RECIPIENT TO PERFORM THE DUTIES TO ACCOMPLISH THE PURPOSE FOR WHICH THE GRANT WAS MADE;

(II) LACK OF EFFECTIVENESS OF THE GRANT RECIPIENT'S ACTIONS CONCERNING THE PURPOSES FOR WHICH THE GRANT WAS MADE; AND

(III) A LACK OF CONSISTENCY WITH THE EXPECTATIONS OF THE WILD HORSE PROJECT IN MAKING THE GRANT.

(3) THE WILD HORSE PROJECT SHALL BEGIN IMPLEMENTING THIS SECTION BY JULY 31, 2024.

35-66-107. Wild horse fertility control program. (1) THE WILD HORSE FERTILITY CONTROL PROGRAM IS CREATED TO PROVIDE STATE-WIDE SUPPORT AND COORDINATION IN THE MANAGEMENT OF THE COLORADO WILD HORSE HERDS, INCLUDING HERDS WITHIN THE FEDERAL HERD MANAGEMENT AREAS, USING HUMANE FERTILITY CONTROL METHODS TO ENSURE THE LONG-TERM SUSTAINABILITY OF WILD HORSE HERDS. SUBJECT TO OBTAINING APPROVAL FROM THE BUREAU WHEN NECESSARY, THE WILD HORSE PROJECT SHALL, IN OPERATING THE FERTILITY CONTROL PROGRAM:

(a) COORDINATE AND ASSIST IN THE MANAGEMENT OF WILD HORSE HERD POPULATIONS;

(b) MAKE PROPOSALS TO THE BUREAU;

(c) COORDINATE WITH AND ENTER INTO CONTRACTS OR MEMORANDA OF UNDERSTANDING WITH THE BUREAU;

(d) COORDINATE WITH AND ENTER INTO CONTRACTS OR PARTNERSHIPS WITH VOLUNTEERS, INTERESTED GROUPS, AND NONPROFIT ENTITIES;

(e) RECRUIT, TRAIN, AND FACILITATE FEDERAL TRAINING FOR VOLUNTEERS, CONTRACTORS, AND STAFF TO PERFORM THE FUNCTIONS DESCRIBED IN THIS SECTION;

(f) COLLABORATE WITH GOVERNMENT AGENCIES THAT HAVE AN INTEREST IN WILD HORSES OR THAT MAY PROVIDE RESOURCES, INCLUDING PEOPLE, TO PERFORM THE FUNCTIONS DESCRIBED IN THIS SECTION;

(g) OBTAIN RESOURCES TO IMPLEMENT THE FERTILITY CONTROL PROGRAM; AND

(h) COLLABORATE WITH, COORDINATE WITH, AND SUPPORT LOCAL HERD MANAGEMENT AREA ORGANIZATIONS IN PERFORMING FERTILITY CONTROL OR OTHER ON-RANGE ACTIVITIES.

(2) FOR THE PURPOSES OF THIS SECTION AND SECTION 35-66-106, THE WILD HORSE PROJECT MAY:

(a) SEEK, ACCEPT, AND EXPEND GIFTS, GRANTS, OR DONATIONS IN ACCORDANCE WITH SECTION 35-66-104 (4);

(b) CREATE AND ADMINISTER GRANT PROGRAMS TO IMPLEMENT THE FERTILITY CONTROL PROGRAM AND THE STEWARDSHIP PROGRAM;

(c) EXERCISE THE POWERS GRANTED IN SECTIONS 35-66-102 (3) AND 35-66-106; AND

(d) FORM TECHNICAL, EXPERT, STAKEHOLDER, OR OTHER ADVISORY COMMITTEES.

(3) IN OPERATING THE FERTILITY CONTROL PROGRAM, THE WILD HORSE PROJECT SHALL:

(a) USE ONLY HUMANE, PROVEN, NONLETHAL, AND SAFE FERTILITY CONTROL

METHODS THAT ARE OR ARE SUBSTANTIALLY SIMILAR TO IMMUNOCONTRACEPTIVE FERTILITY CONTROL VACCINES;

(b) NOT USE OR AUTHORIZE LETHAL POPULATION MANAGEMENT METHODS; AND

(c) NOT SURGICALLY STERILIZE OR AUTHORIZE THE SURGICAL STERILIZATION OF WILD HORSES.

(4) (a) THE DIRECTOR SHALL ANNUALLY REPORT TO THE DEPARTMENT ON THE ACTIONS TAKEN TO MEET THE REQUIREMENTS OF THIS SECTION. THE REPORT MUST INCLUDE THE ACTIVITIES PERFORMED AND ACCOMPLISHED IN ACCORDANCE WITH THE FERTILITY CONTROL PROGRAM.

(b) THE DIRECTOR MAY RESCIND A GRANT FOR:

(I) FAILURE OF THE GRANT RECIPIENT TO PERFORM THE DUTIES TO ACCOMPLISH THE PURPOSE FOR WHICH THE GRANT WAS MADE;

(II) LACK OF EFFECTIVENESS OF THE GRANT RECIPIENT'S ACTIONS CONCERNING THE PURPOSES FOR WHICH THE GRANT WAS MADE; AND

(III) A LACK OF CONSISTENCY WITH THE EXPECTATIONS OF THE WILD HORSE PROJECT IN MAKING THE GRANT.

(5) THE WILD HORSE PROJECT SHALL BEGIN IMPLEMENTING THIS SECTION BY JULY 31, 2024.

SECTION 3. In Colorado Revised Statutes, **add 35-1-119** as follows:

35-1-119. Population management - repeal. (1) SUBJECT TO OBTAINING APPROVAL FROM THE UNITED STATES BUREAU OF LAND MANAGEMENT IN THE DEPARTMENT OF THE INTERIOR, THE DEPARTMENT MAY ASSIST WITH MANAGING WILD HORSE POPULATIONS USING FERTILITY CONTROL MANAGEMENT METHODS THAT ARE OR ARE SUBSTANTIALLY SIMILAR TO IMMUNOCONTRACEPTIVE FERTILITY CONTROL VACCINES. THE DEPARTMENT MAY ALSO SUPPORT ON-RANGE STEWARDSHIP AND MANAGEMENT TO ENSURE THE SUSTAINABILITY OF WILD HORSES AND WILD HORSE RANGE. IN IMPLEMENTING THIS SUBSECTION (1), THE DEPARTMENT MAY:

(a) ENTER INTO CONTRACTS OR INTERAGENCY AGREEMENTS WITH PRIVATE ENTITIES, INDIVIDUALS, TRIBES, LOCAL GOVERNMENTS, OR THE UNITED STATES BUREAU OF LAND MANAGEMENT IN THE DEPARTMENT OF THE INTERIOR; AND

(b) COOPERATE WITH:

(I) THE UNITED STATES BUREAU OF LAND MANAGEMENT IN THE DEPARTMENT OF THE INTERIOR;

(II) THE SOUTHERN UTE TRIBE;

(III) THE UTE MOUNTAIN UTE TRIBE;

(IV) LOCAL GOVERNMENTS;

(V) OTHER STATE AGENCIES;

(VI) VOLUNTEERS;

(VII) CONTRACTORS; AND

(VIII) INTERESTED GROUPS OR INDIVIDUALS.

(2) THIS SECTION IS REPEALED, EFFECTIVE JULY 31, 2024.

SECTION 4. Appropriation. (1) For the 2023-24 state fiscal year, \$1,654 is appropriated to the legislative department for use by the general assembly. This appropriation is from the general fund. To implement this act, the general assembly may use this appropriation for legislator per diem and travel reimbursement.

(2) For the 2023-24 state fiscal year, \$21,148 is appropriated to the department of law. This appropriation is from the legal services cash fund created in section 24-31-108 (4), C.R.S., from revenue received from the department of agriculture that is continuously appropriated to the department of agriculture from the wild horse project fund created in section 35-66-104 (1)(b), C.R.S. The appropriation to the department of law is based on an assumption that the department of law will require an additional 0.1 FTE. To implement this act, the department of law may use this appropriation to provide legal services for the department of agriculture.

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, or safety.

Approved: May 20, 2023