

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

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 24-0318.03 Jery Payne x2157

HOUSE BILL 24-1117

HOUSE SPONSORSHIP

McCormick and Soper,

SENATE SPONSORSHIP

Marchman,

House Committees

Agriculture, Water & Natural Resources
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING INCLUDING CERTAIN SPECIES UNDER THE AUTHORITY OF**
102 **THE STATE AGENCIES THAT REGULATE PARKS AND WILDLIFE.**

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>.)

The bill adds rare plants and invertebrates to the species that may be studied and conserved under the current "Nongame, Endangered, or Threatened Species Conservation Act", which is renamed the "Nongame, Endangered, or Threatened Wildlife and Rare Plant Conservation Act". The general assembly is required to make a general fund appropriation to study invertebrates.

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.*

Imperiled or potentially imperiled plants are added to the species conservation trust fund, and this addition allows the money in the fund to be spent for conservation of these plants.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds and declares that:

4 (a) Colorado's policy is to protect and enhance biodiversity
5 because biodiversity is necessary for ecosystem health; supports
6 agricultural productivity by aiding pollination, pest control, and soil
7 fertility; and increases ecosystem resilience to drought and extreme
8 weather events;

9 (b) Healthy ecosystems underpin delivery of water supplies and
10 water quality and guard against water-related hazards and disasters;

11 (c) Studies show that 34% of plant species and 40% of animal
12 species may become extinct and 41% of ecosystems may collapse;

13 (d) Invertebrates provide vital ecosystem services, including
14 pollination, pest control, nutrient cycling, and sustenance for wildlife;

15 (e) Without conservation, invertebrates will continue to decline,
16 likely having profound effects on the environment, humans, and wildlife;

17 (f) Native rare plants are essential to both wildlife and humans,
18 and they contribute to clean air and water, carbon sequestration, food
19 sources, healthy ecosystems, and wildlife habitat;

20 (g) The state wildlife action plan identifies 75 invertebrates and
21 117 rare plants as species of greatest conservation need, over half of
22 which are endemic to Colorado;

23 (h) Information on habitats, threats, and conservation needs is
24 sorely lacking for Colorado's invertebrate and native rare plant species;

1 (i) With a few exceptions, Colorado parks and wildlife does not
2 have statutory authority over invertebrate species, nor does any state
3 agency have oversight of native rare plants;

4 (j) Lack of data limits Colorado's ability to assess the status of,
5 threats to, and conservation needs of invertebrates and rare plants;

6 (k) Creating programs designed to support conservation of native
7 rare plants and invertebrates can lessen the likelihood that the species will
8 be added to federal threatened or endangered lists;

9 (l) Addressing data gaps and creating voluntary conservation
10 programs for native rare plants and invertebrates can affect federal listing
11 decisions, which undercut private land management with regulations; and

12 (m) Authorizing surveys and investigations on these species
13 allows the state to fill data gaps; it does not grant the state the authority
14 to regulate the take of these species without further legislation.

15 (2) Therefore, the general assembly determines that the parks and
16 wildlife division should study and determine the conservation needs of
17 native rare plants and invertebrates and implement voluntary programs to
18 conserve and protect them.

19 **SECTION 2.** In Colorado Revised Statutes, 33-1-102, **add** (28.3)
20 and (37.5) as follows:

21 **33-1-102. Definitions.** As used in this title 33, unless the context
22 otherwise requires:

23 (28.3) "NATIVE PLANT" MEANS A PLANT SPECIES THAT IS
24 INDIGENOUS TO THE STATE OF COLORADO.

25 (37.5) "RARE PLANTS" MEANS NATIVE PLANTS THAT ARE AT RISK
26 OF EXTINCTION OR ELIMINATION ACROSS THE ENTIRETY OF THEIR
27 DISTRIBUTION DUE TO RESTRICTED RANGE, FEW POPULATIONS OR

1 OCCURRENCES, STEEP DECLINES, OR SEVERE THREATS.

2 **SECTION 3.** In Colorado Revised Statutes, **amend** 33-2-101 as
3 follows:

4 **33-2-101. Short title.** ~~This article shall be known and may be~~
5 ~~cited as~~ THE SHORT TITLE OF THIS ARTICLE 2 IS the "Nongame,
6 Endangered, or Threatened ~~Species~~ WILDLIFE AND RARE PLANT
7 Conservation Act".

8 **SECTION 4.** In Colorado Revised Statutes, **amend** 33-2-102 as
9 follows:

10 **33-2-102. Legislative declaration.** (1) The general assembly
11 finds and declares that:

12 (a) It is the policy of this state to manage all nongame wildlife,
13 recognizing the private property rights of individual property owners, for
14 human enjoyment and welfare, for scientific purposes, and to ensure their
15 perpetuation as members of ecosystems; ~~that~~

16 (b) Species or subspecies of wildlife indigenous to this state ~~which~~
17 THAT may be found to be endangered or threatened within the state should
18 be accorded protection in order to maintain and enhance their numbers to
19 the extent possible; ~~that~~

20 (c) This state should assist in the protection of species or
21 subspecies of wildlife ~~which~~ THAT are deemed to be endangered or
22 threatened elsewhere; and ~~that~~

23 (d) THE GENERAL ASSEMBLY SHOULD MAKE adequate funding ~~be~~
24 ~~made~~ available to the division annually by appropriations from the
25 general fund.

26 (2) THE GENERAL ASSEMBLY ALSO FINDS AND DECLARES THAT:

27 (a) RARE PLANTS AND INVERTEBRATES ARE NECESSARY ELEMENTS

- 1 OF HEALTHY AND RESILIENT ECOSYSTEMS;
- 2 (b) IT IS THE POLICY OF THIS STATE TO:
- 3 (I) PROTECT AND ENHANCE BIODIVERSITY AND RESILIENT
- 4 ECOSYSTEMS IN THE FACE OF POPULATION GROWTH, DEVELOPMENT, AND
- 5 CLIMATE CHANGE;
- 6 (II) PROTECT AND CONSERVE RARE PLANTS AND INVERTEBRATES
- 7 AS MEMBERS OF ECOSYSTEMS;
- 8 (III) SUPPORT THE WILDLIFE THAT DEPENDS ON RARE PLANTS AND
- 9 INVERTEBRATES; AND
- 10 (IV) PREVENT THE DECLINE OF RARE PLANTS AND INVERTEBRATES
- 11 BEFORE THEIR CONTINUED EXISTENCE IN THE STATE IS IMPERILLED;
- 12 (c) THE DIVISION SHOULD STUDY AND DETERMINE THE
- 13 CONSERVATION NEEDS OF RARE PLANTS AND INVERTEBRATES FOUND IN
- 14 THIS STATE AND IMPLEMENT VOLUNTARY PROGRAMS TO PROTECT THESE
- 15 SPECIES.

16 **SECTION 5.** In Colorado Revised Statutes, **add** 33-2-104.5 and

17 33-2-104.6 as follows:

18 **33-2-104.5. Investigations and surveys of rare plants - repeal.**

19 (1) THE DIVISION SHALL CONDUCT INVESTIGATIONS AND SURVEYS OF

20 RARE PLANTS TO OBTAIN INFORMATION ABOUT POPULATION,

21 DISTRIBUTION, LIMITING FACTORS, AND OTHER ECOLOGICAL DATA IN

22 ORDER TO DETERMINE APPROPRIATE CONSERVATION AND MANAGEMENT

23 MEASURES THAT ENSURE THE CONTINUED ABILITY OF RARE PLANTS TO

24 PERPETUATE THEMSELVES.

25 (2) THE DIVISION MAY UNDERTAKE VOLUNTARY PROGRAMS

26 DESIGNED TO CONSERVE, PROTECT, AND PERPETUATE RARE PLANTS.

27 (3) (a) BEGINNING IN JANUARY 2026, AND IN JANUARY EVERY

1 YEAR THEREAFTER, THE DEPARTMENT SHALL INCLUDE, AS PART OF ITS
2 PRESENTATION DURING ITS "SMART ACT" HEARING REQUIRED BY SECTION
3 2-7-203, INFORMATION CONCERNING THE INVESTIGATIONS CONDUCTED IN
4 ACCORDANCE WITH SUBSECTION (1) OF THIS SECTION.

5 (b) THIS SUBSECTION (3) IS REPEALED, EFFECTIVE JUNE 30, 2029.

6 **33-2-104.6. Investigations and surveys of invertebrates -**

7 **appropriation - repeal.** (1) WHEN THE DIVISION DETERMINES
8 APPROPRIATE, THE DIVISION SHALL CONDUCT INVESTIGATIONS AND
9 SURVEYS OF INVERTEBRATES TO OBTAIN INFORMATION ABOUT
10 POPULATION, DISTRIBUTION, HABITAT NEEDS, LIMITING FACTORS, AND
11 OTHER BIOLOGICAL AND ECOLOGICAL DATA IN ORDER TO DETERMINE
12 APPROPRIATE CONSERVATION AND MANAGEMENT MEASURES THAT ENSURE
13 THE CONTINUED ABILITY OF INVERTEBRATES TO PERPETUATE
14 THEMSELVES.

15 (2) THE DIVISION MAY UNDERTAKE VOLUNTARY PROGRAMS
16 DESIGNED TO CONSERVE, PROTECT, AND PERPETUATE INVERTEBRATES.

17 (3) (a) BEGINNING IN JANUARY 2026, AND IN JANUARY EVERY
18 YEAR THEREAFTER, THE DEPARTMENT SHALL INCLUDE, AS PART OF ITS
19 PRESENTATION DURING ITS "SMART ACT" HEARING REQUIRED BY
20 SECTION 2-7-203, INFORMATION CONCERNING THE INVESTIGATIONS
21 CONDUCTED IN ACCORDANCE WITH SUBSECTION (1) OF THIS SECTION.

22 (b) THIS SUBSECTION (3) IS REPEALED, EFFECTIVE JUNE 30, 2029.

23 (4) THE GENERAL ASSEMBLY SHALL APPROPRIATE SUFFICIENT
24 MONEY TO IMPLEMENT THIS SECTION FROM:

- 25 (a) THE GENERAL FUND; OR
- 26 (b) THE WILDLIFE CASH FUND CREATED IN SECTION 33-1-112;
- 27 EXCEPT THAT MONEY FROM THE SALE OF HUNTING AND FISHING LICENSES

1 IS NOT AVAILABLE FOR APPROPRIATION TO IMPLEMENT THIS SECTION.

2

3 **SECTION 6.** In Colorado Revised Statutes, 33-2-106, **amend** (1)
4 and (2) as follows:

5 **33-2-106. Management programs.** (1) The division shall
6 establish ~~such~~ programs, including acquisition of land or aquatic habitat,
7 ~~as~~ THAT are deemed necessary for management of nongame, endangered,
8 or threatened wildlife OR RARE PLANTS.

9 (2) In carrying out programs authorized by this section, the
10 division may enter into agreements with federal agencies or political
11 subdivisions of this state or with private persons for administration and
12 management of any area established under this section or utilized for
13 management of nongame, endangered, or threatened wildlife OR RARE
14 PLANTS.

15 **SECTION 7.** In Colorado Revised Statutes, 24-33-111, **amend**
16 (1), (3)(b) introductory portion, (3)(b)(II)(C), and (3)(b)(II)(D) as follows:

17 **24-33-111. Conservation of native species - fund created.**

18 (1) **Legislative declaration.** The general assembly ~~hereby~~ recognizes the
19 importance of conserving native WILDLIFE AND PLANT species that have
20 been listed as threatened or endangered under state or federal law or are
21 candidate species or are likely to become candidate species as determined
22 by the United States fish and wildlife service. The general assembly
23 ~~hereby~~ declares and determines that the Colorado department of natural
24 resources and the division of parks and wildlife are responsible for the
25 development, implementation, or approval of appropriate programs to
26 address the conservation of ~~such~~ THE species and for negotiating
27 agreements with federal agencies and other states to avoid regulatory

1 conflicts pursuant to section 24-33-103.

2 (3) **Species conservation eligibility list and annual report.**

3 (b) ~~Funding shall be distributed by~~ The executive director of the
4 department of natural resources SHALL DISTRIBUTE FUNDING among
5 projects included in the species conservation eligibility list for the
6 following purposes:

7 (II) Studies and programs established or approved by the division
8 of parks and wildlife and the executive director of the department of
9 natural resources regarding:

10 (C) Scientific research relating to listing or delisting any WILDLIFE
11 OR PLANT species; or

12 (D) If a WILDLIFE OR PLANT species that is not on the federal
13 endangered or threatened species list is proposed to be added to the state
14 endangered or threatened species list, the evaluation of the species
15 pursuant to this ~~sub-subparagraph (D)~~ SUBSECTION (3)(b)(II)(D) shall
16 include: Scientific evaluation of genetic data that proves the species is a
17 separate and distinct species in the ecosystem; evaluation of the species
18 habitat that encompasses the entire geographic area of the species habitat,
19 not just portions of ~~such~~ THE habitat; and the reliable scientific baseline
20 data used to ascertain that the number of the species in the habitat is
21 rapidly declining over time.

22 **SECTION 8. Act subject to petition - effective date.** This act
23 takes effect at 12:01 a.m. on the day following the expiration of the
24 ninety-day period after final adjournment of the general assembly; except
25 that, if a referendum petition is filed pursuant to section 1 (3) of article V
26 of the state constitution against this act or an item, section, or part of this
27 act within such period, then the act, item, section, or part will not take

1 effect unless approved by the people at the general election to be held in
2 November 2024 and, in such case, will take effect on the date of the
3 official declaration of the vote thereon by the governor.