

CHAPTER 188

NATURAL RESOURCES

HOUSE BILL 24-1117

BY REPRESENTATIVE(S) McCormick and Soper, Amabile, Bird, Boesenecker, Brown, Clifford, Jodeh, Kipp, Lindsay, Lindstedt, Marvin, Mauro, Parenti, Rutinel, Sirota, Titone, Velasco;
also SENATOR(S) Marchman and Bridges, Buckner, Cutter, Danielson, Jaquez Lewis, Priola, Winter F., Zenzinger, Fenberg.

AN ACT

CONCERNING INCLUDING CERTAIN SPECIES UNDER THE AUTHORITY OF THE STATE AGENCIES THAT REGULATE PARKS AND WILDLIFE, AND, IN CONNECTION THEREWITH, 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 that:

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

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

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

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

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

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

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.

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

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

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

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

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

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

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

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

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

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

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

(37.5) "RARE PLANTS" MEANS NATIVE PLANTS THAT ARE AT RISK OF EXTINCTION OR ELIMINATION ACROSS THE ENTIRETY OF THEIR DISTRIBUTION DUE TO RESTRICTED RANGE, FEW POPULATIONS OR OCCURRENCES, STEEP DECLINES, OR SEVERE THREATS.

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

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

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

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

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

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

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

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

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

(a) RARE PLANTS AND INVERTEBRATES ARE NECESSARY ELEMENTS OF HEALTHY AND RESILIENT ECOSYSTEMS;

(b) IT IS THE POLICY OF THIS STATE TO:

(I) PROTECT AND ENHANCE BIODIVERSITY AND RESILIENT ECOSYSTEMS IN THE FACE OF POPULATION GROWTH, DEVELOPMENT, AND CLIMATE CHANGE;

(II) PROTECT AND CONSERVE RARE PLANTS AND INVERTEBRATES AS MEMBERS OF ECOSYSTEMS;

(III) SUPPORT THE WILDLIFE THAT DEPENDS ON RARE PLANTS AND INVERTEBRATES; AND

(IV) PREVENT THE DECLINE OF RARE PLANTS AND INVERTEBRATES BEFORE THEIR CONTINUED EXISTENCE IN THE STATE IS IMPERILLED;

(c) THE DIVISION SHOULD STUDY AND DETERMINE THE CONSERVATION NEEDS OF RARE PLANTS AND INVERTEBRATES FOUND IN THIS STATE AND IMPLEMENT VOLUNTARY PROGRAMS TO PROTECT THESE SPECIES.

SECTION 5. In Colorado Revised Statutes, **add** 33-2-104.5 and 33-2-104.6 as follows:

33-2-104.5. Investigations and surveys of rare plants - repeal. (1) THE DIVISION SHALL CONDUCT INVESTIGATIONS AND SURVEYS OF RARE PLANTS TO OBTAIN INFORMATION ABOUT POPULATION, DISTRIBUTION, LIMITING FACTORS, AND OTHER ECOLOGICAL DATA IN ORDER TO DETERMINE APPROPRIATE CONSERVATION AND MANAGEMENT MEASURES THAT ENSURE THE CONTINUED ABILITY OF RARE PLANTS TO PERPETUATE THEMSELVES.

(2) THE DIVISION MAY UNDERTAKE VOLUNTARY PROGRAMS DESIGNED TO CONSERVE, PROTECT, AND PERPETUATE RARE PLANTS.

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

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

33-2-104.6. Investigations and surveys of invertebrates - appropriation - repeal. (1) WHEN THE DIVISION DETERMINES APPROPRIATE, THE DIVISION SHALL CONDUCT INVESTIGATIONS AND SURVEYS OF INVERTEBRATES TO OBTAIN INFORMATION ABOUT POPULATION, DISTRIBUTION, HABITAT NEEDS, LIMITING FACTORS, AND OTHER BIOLOGICAL AND ECOLOGICAL DATA IN ORDER TO DETERMINE APPROPRIATE CONSERVATION AND MANAGEMENT MEASURES THAT ENSURE THE CONTINUED ABILITY OF INVERTEBRATES TO PERPETUATE THEMSELVES.

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

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

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

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

(a) THE GENERAL FUND; OR

(b) THE WILDLIFE CASH FUND CREATED IN SECTION 33-1-112; EXCEPT THAT MONEY FROM THE SALE OF HUNTING AND FISHING LICENSES OR FROM ASSOCIATED FEDERAL GRANTS IS NOT AVAILABLE FOR APPROPRIATION TO IMPLEMENT THIS SECTION.

SECTION 6. Appropriation. For the 2024-25 state fiscal year, \$774,788 is appropriated to the department of natural resources for use by the division of parks and wildlife. This appropriation is from the wildlife cash fund created in section 33-1-112 (1)(a), C.R.S., and is based on an assumption that the division will require an additional 4.0 FTE. To implement this act, the division may use this appropriation for wildlife operations.

SECTION 7. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an

item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2024 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: May 17, 2024