

Suggested Ballot Question:

Shall Colorado create a Landscape Connectivity Commission, funded by a 0.05% sales tax (five cents per \$100 purchase), to support wildlife habitat protection, voluntary land stewardship, rural education, and local conservation partnerships?

The tax is estimated to raise about \$150 million per year and would be retained and spent under Colorado's Taxpayer's Bill of Rights (TABOR).

Be it Enacted by the People of the State of Colorado.

SECTION 1. In Colorado Revised Statutes, add article 8.5 to title 33 as follows:

ARTICLE 8.5
Colorado Working Lands and Wildlife Corridors Act

33-8.5-101. Short title. The short title of this article 8.5 is the “Colorado Working Lands and Wildlife Corridors Act.”

33-8.5-102. Legislative declaration. (1) The people of the state of Colorado recognize that:

- (a) Maintaining healthy landscapes and wildlife habitat is essential to the long-term prosperity of rural communities, outdoor recreation, agriculture, and responsible land management;
- (b) Landscape connectivity supports native wildlife, reduces costly wildfire and flood risks, and preserves Colorado’s natural heritage for future generations;
- (c) Local landowners, ranchers, and conservation partners play a critical role in voluntary habitat stewardship and long-term resource protection; and
- (d) A science-based, nonpartisan commission with clear accountability will ensure state investments are efficient, transparent, and aligned with Colorado’s constitutional protections;

(2) Accordingly, the purposes of this article 8.5 are to:

- (a) Establish a Landscape Connectivity Commission to strengthen voluntary conservation programs and support working lands, habitat resilience, and wildlife movement across Colorado;
- (b) Ensure that core ecological protections continue in the event existing state wildlife agencies are unable to carry out their duties;
- (c) Create a Colorado Habitat Stewardship Network to assist private landowners, improve habitat conditions, and support species recovery;
- (d) Provide financial tools, including voluntary incentives and grants, to advance conservation goals in partnership with rural communities, tribes, and local governments; and

(e) Ensure this article supplements — and does not conflict with — federal wildlife laws or local land use authority.

33-8.5-103. Definitions. As used in this article 8.5, unless the context otherwise requires:

(1) “Commission” means the wildlife and ecosystem conservation commission created in section 33-8.5-104.

(2) “Connectivity” means the degree to which the landscape allows native wildlife species to move freely between habitat patches for purposes of foraging, mating, dispersal, or seasonal migration. Connectivity may be supported by undeveloped corridors, wildlife crossings, permeable fencing, or similar landscape features.

(3) “Cost-share” means a conservation incentive program in which the commission or its partners contribute a portion of the documented cost of approved conservation activities, and the remainder is covered by the participating landowner or business.

(4) “Endangered species” means any species that, based on scientific evaluation by the commission, faces a risk of extirpation or extinction within the state.

(5) “Habitat degradation” means the alteration of land, water, vegetation, or soil conditions in a way that significantly diminishes ecological value, including but not limited to:

(a) Excessive erosion;

(b) Introduction of invasive species;

(c) Pollution;

(d) Habitat fragmentation; and

(e) Suppression of natural ecological processes, such as fire or flooding.

(6) “Harm” means any act that causes direct injury to a species or indirectly reduces the viability of a population by significantly impairing its habitat, reproductive success, or essential behavioral patterns, including foraging, migration, or sheltering.

(7) “Keystone species” means any species that the commission determines to have a disproportionately significant ecological role within an ecosystem, based on the best available science. In making such determinations, the commission may consult with the division, representatives of the Ute Mountain Ute Tribe and the Southern Ute Indian Tribe, and the United States Fish and Wildlife Service.

(8) “Mitigation” means a scientifically supported sequence of actions designed to first avoid, then minimize, and only as a last resort, compensate for adverse ecological impacts. Acceptable mitigation methods include habitat restoration, ecological connectivity enhancements, conservation easements, or, where no feasible alternatives exist, commission-approved offset mechanisms. Monetary impact fees may only be used when on-site ecological mitigation is infeasible and must be based on full ecological equivalency.

(9) “Public or private infrastructure project” means any construction or development activity proposed by a public agency, utility provider, private developer, or other entity that may involve roads, energy infrastructure, pipelines, fencing, transportation facilities, or other permanent land-altering structures.

(10) “Reintroduction program” means any effort to reestablish a keystone species within its historical or ecologically suitable habitat in Colorado.

(11) “Wildlife corridor” means a designated, contiguous ecological passage that facilitates the safe movement of wildlife between distinct habitat zones and is intended to reduce population fragmentation, genetic bottlenecks, and wildlife-vehicle conflict.

33-8.5-104. Wildlife and ecosystem conservation commission - creation - membership - authority. (1)(a) **Establishment and structure.** There is hereby established, within the department of natural resources, the wildlife and ecosystem conservation commission, referred to in this article 8.5 as the “commission.” The commission is vested with authority to carry out the purposes of this article. The commission shall operate with decision-making autonomy and be protected from financial or political interference, but shall remain administratively housed within the department of natural resources in accordance with section 22 of article IV of the state constitution.

(b) **Membership.** The commission consists of the following nine members:

(I) Three academic ecologists appointed by the governor from nominations submitted by a panel of accredited Colorado university departments specializing in ecology or related environmental sciences;

(II) Two conservation biologists appointed by the executive director of the department of natural resources from a list of nominees submitted by a panel of nonpartisan environmental organizations with recognized ecological expertise;

(III) One representative nominated by the Ute Mountain Ute Tribe and appointed by the governor;

(IV) One representative nominated by the Southern Ute Indian Tribe and appointed by the governor;

(V) One environmental policy specialist appointed by the attorney general from a list of nominees submitted by a panel of accredited academic or nonprofit legal or policy institutes with demonstrated conservation expertise; and

(VI) One wildlife management expert appointed by the executive director of the department of natural resources from a list submitted by a panel of academic, tribal, or field-based wildlife institutions with experience in ecological management or species regulation.

A nomination panel is valid only if composed of at least three eligible and independent entities. The entities serving on each panel shall be publicly disclosed at the time of nomination and may serve again in future nominations, provided there is no evidence of favoritism or conflict of

interest. New panels shall be formed only when a vacancy arises or a seat reaches the end of its term. No appointing authority may alter, substitute, or reject nominees provided by a valid panel, except in cases of documented conflicts of interest.

(c) **Term limits and appointments.** Each member of the commission shall serve a term of four years and may be reappointed for one additional term. No member may serve more than two consecutive terms. Vacancies shall be filled by the original appointing authority for the remainder of the unexpired term, using the nomination process outlined in subsection (1)(b).

(d) **Disqualifications.** No appointee may have any financial interest in extractive industries, including mining, logging, commercial development, or industrial agriculture.

(e) **Removal for cause.** Once appointed, commissioners may only be removed for cause, defined narrowly as gross misconduct, persistent neglect of duties, or permanent incapacity. Removal must follow a publicly documented process, include a written statement of cause, and afford the commissioner an opportunity to respond. No commissioner may be removed solely for political disagreement, changes in administration, or differences in policy opinion.

(f) **Nomination panel formation.** For each vacancy or expiring term, a public call for participation in the relevant nomination panel shall be issued by the Department of Natural Resources, the Office of the Governor, or the Attorney General, as applicable, no later than thirty days after the vacancy occurs or is anticipated. Eligible institutions may self-nominate to serve on the panel. The panel shall select and submit nominees for the commission seat. This process is intended to uphold scientific, legal, and tribal integrity in appointments and to prevent undue political influence.

(2) **Powers and responsibilities.** (a) The commission shall serve as an enforcement body and shall provide scientific and policy recommendations to the department of natural resources, the division, and other relevant state or federal agencies on matters related to wildlife protection, habitat connectivity, and biodiversity conservation.

(b) If a state wildlife conservation agency is legally disbanded, defunded, or determined by a court of competent jurisdiction to be legally incapable of fulfilling its statutory conservation responsibilities, the commission may, with approval of the Governor, temporarily assume those specific functions necessary to maintain continuity of species protection, habitat monitoring, and emergency ecological permitting. This authority shall not extend to federal or local agencies and shall expire upon the designation of a lawful successor agency by the State of Colorado.

(c) The commission may: (I) Designate state-listed endangered species under Colorado law, consistent with section 33-8.5-104(2)(d);

(II) Conduct independent ecological impact assessments, including assessments conducted by the commission or qualified third parties not affiliated with the project proponent;

(III) Require mitigation for any proposed land use, infrastructure, or development project that the commission determines may significantly harm endangered species or wildlife corridors. Mitigation must follow the standards and hierarchy established in this article, prioritizing avoidance and minimization before any compensatory actions;

(IV) Develop voluntary conservation programs for private landowners and businesses, including technical assistance, habitat management support, grant or cost-share programs, and voluntary conservation certification, which may be funded in whole or in part through commission revenues or external partnerships; and

(V) Issue investigative subpoenas at its discretion, consistent with applicable procedural law; inspect ecological sites, including any lands or waters with documented or potential ecological value relevant to this article; and refer enforcement cases to the attorney general, the district attorney with jurisdiction, or both.

(d) The commission may designate species as endangered under Colorado law based on the best available scientific evidence. Such designations shall complement, and not conflict with, protections established under the federal Endangered Species Act of 1973. Where appropriate, the commission shall coordinate with the United States Fish and Wildlife Service and other relevant authorities to support consistent, science-based conservation efforts across jurisdictions.

(e) In carrying out its duties under this article, the commission shall meaningfully incorporate the perspectives and expertise of tribal representatives, including traditional ecological knowledge, in all matters relevant to species protection, habitat connectivity, and conservation policy.

(3) **Accountability and transparency.** The Landscape Connectivity Commission shall operate with full transparency, including:

(a) Publicly accessible annual budgets and audits;

(b) Open meetings subject to the Colorado Open Meetings Law;

(c) Twice-yearly public comment sessions;

(d) A requirement to publish an annual report detailing all expenditures, conservation outcomes, and regional project distribution.

33-8.5-105. Colorado Habitat Stewardship Network - establishment - incentives - requirements. (1) The commission shall establish and maintain the Colorado Habitat Stewardship Network to promote habitat connectivity, reduce ecosystem fragmentation, and enable the safe movement of native wildlife.

(2) In developing and updating the network, the commission shall:

(a) Rely on scientifically validated ecological data;

(b) Consult existing corridor and habitat maps from the division and recognized conservation organizations; and

(c) Minimize duplication of effort and complement existing initiatives.

(3) **Voluntary participation and incentives.** (a) Participation in the Wildlife Corridor Network is entirely voluntary. No landowner is required to enroll or restrict land use beyond what is freely agreed to through a conservation incentive or cost-share program.

(b) Any private landowner who designates at least thirty percent of their property for participation in the wildlife corridor network is eligible for one or more of the following incentives:

(I) A state income tax credit equal to twenty percent of documented commission-approved conservation expenses;

(II) Eligibility for grant funding or cost-share assistance, subject to availability and commission approval; and

(III) Priority consideration for enrollment in any future state conservation incentive programs established by the general assembly or relevant agencies.

(c) No landowner may receive more than one incentive category for the same portion of land per year.

(d) Eligibility for incentives is subject to annual verification by the commission. Verification may include on-site inspection, third-party documentation, or self-certification.

(I) Self-certification shall be accepted only if accompanied by photographic, geospatial, or other verifiable evidence sufficient to demonstrate continued compliance with corridor protection standards.

(II) The commission may allow simplified reporting requirements in areas it determines to be low-risk, based on ecological prioritization maps, land use intensity, and species sensitivity.

(III) In such low-risk areas, landowners must still submit documentation sufficient to confirm that no material changes in land use or habitat condition have occurred that would undermine the purposes of this article.

(e) Any intentional falsification of self-certification materials, including misrepresentation of habitat conditions or conservation actions, constitutes a violation of this article. Upon determination of such a violation, the commission may revoke all associated incentive benefits for the year in question, impose restitution requirements equal to the full value of any incentives received, and refer the matter to the attorney general or local district attorney for investigation and potential prosecution under applicable fraud statutes.

(4) Eligibility criteria for corridor participation. To qualify for incentives under subsection (3), a landowner must maintain their designated corridor in accordance with the following conditions, as verified by the commission:

(a) No new residential, commercial, or industrial development is permitted in protected areas, except for restoration-related structures;

(b) The property must be managed to avoid habitat degradation;

(c) Wildlife connectivity must be reasonably maintained throughout the protected area;

(d) The protected area must remain free from invasive species and extractive land uses;

- (e) Existing agricultural or recreational uses must be compatible with a commission-approved conservation plan;
- (f) The landowner must allow annual compliance monitoring by the commission;
- (g) Additional implementation guidelines may be developed and published by the commission; and
- (h) The land must remain in protected status for a minimum of twelve consecutive months, with continued eligibility for incentives contingent on annual renewal. The commission may prioritize or award enhanced incentives for multi-year conservation commitments or enrollment in permanent protection programs, consistent with best available ecological science.

(5) Infrastructure project requirements. (a) All new public or private infrastructure projects that intersect a designated wildlife corridor must be designed to accommodate safe wildlife movement. Acceptable measures include overpasses, underpasses, directional fencing, or other site-specific solutions determined by the commission to maintain corridor function and safe wildlife movement.

(b) The commission may exempt a project from these requirements only if it determines, based on ecological data, that the project will not cause material harm to wildlife movement or corridor function.

(c) Impact fees may only be imposed if the commission determines that physical accommodation is infeasible due to site constraints. Such fees must be used exclusively for ecological restoration or connectivity enhancements within the same corridor system, as defined in commission-adopted guidelines to ensure ecological equivalency and local relevance.

(d) The commission shall coordinate with relevant permitting agencies to ensure efficient review and avoid duplicative regulation.

(e) The commission shall adopt and make publicly available technical guidelines identifying when corridor protections apply, including criteria to identify areas that are not ecologically significant for current or future connectivity.

33-8.5-106. Keystone species protection. (1) The commission may designate keystone species based on best available scientific evidence. The commission may consult with relevant experts, agencies, or tribal representatives at its discretion, but such consultation shall not be required for a designation to be valid.

(2) Any party whose operations may significantly harm a keystone species, as determined by the commission based on ecological data, impact assessments, or land use records, must submit a mitigation strategy to the commission. The strategy must be supported by peer-reviewed science or other scientifically validated sources and shall be reviewed for adequacy, feasibility, and ecological soundness. The commission shall issue a written decision to approve, request revisions, or reject the strategy within ninety days of receipt. The commission may take enforcement action if a required mitigation strategy is not submitted or is materially deficient.

(3) The commission may initiate or support the reintroduction of keystone species and other native species of ecological, cultural, or conservation significance where ecologically appropriate. The commission shall prioritize reintroduction efforts that restore key ecosystem functions or address species identified as vulnerable by state or tribal conservation authorities. Nothing in this section shall be construed to override the statutory responsibilities of Colorado Parks and Wildlife or federal agencies, including the United States Fish and Wildlife Service, and any reintroduction involving federally listed species shall be subject to applicable permitting and coordination requirements.

33-8.5-107. Enforcement - penalties - corporate accountability. (1) Any person who knowingly and willfully kills, injures, or otherwise causes material harm to a designated endangered or keystone species, outside of an approved mitigation or reintroduction plan, is subject to:

(a) A civil fine of up to five hundred thousand dollars per offense, calibrated to reflect the ecological and economic costs of harm, including the cost of restoring or replacing impacted species or habitats. The commission shall establish guidelines to determine appropriate fines based on severity, intent, and the feasibility of ecological remediation; and

(b) Criminal penalties may apply if the conduct described in this section also constitutes a violation of applicable criminal law, including but not limited to section 18-9-202, C.R.S. Nothing in this article shall be construed to limit prosecution under title 18. This section is intended to supplement, not preempt, existing criminal statutes.

(2) (a) Any person who knowingly or recklessly causes habitat degradation within a designated wildlife corridor is subject to a civil fine equal to the full ecological restoration cost, as determined by the commission, plus a penalty of up to three times that cost based on the severity of harm, the violator's intent, and the level of cooperation with remediation efforts.

(b) The commission may reduce penalties for damage resulting from gross negligence if the responsible party promptly undertakes corrective action in good faith and cooperates fully with habitat restoration efforts.

(c) The commission shall adopt guidelines for determining restoration costs and appropriate penalty multipliers based on species sensitivity, habitat type, and intent of the violator.

(3) The commission may assign investigations and inspections to its designated enforcement staff or contractors, and may conduct investigations, issue subpoenas, inspect sites, and refer enforcement actions to the Attorney General, the district attorney with jurisdiction, or both.

(4) Any business entity or corporate actor that knowingly causes ecological destruction in violation of this article may be held liable for treble damages. Continued participation in any state-funded conservation program may be suspended or revoked upon a finding of willful ecological violation.

33-8.5-108. Funding – revenue sources – fund administration – TABOR compliance. (1) Conservation and Biodiversity Protection Fund Created. There is hereby created in the state treasury the Conservation and Biodiversity Protection Fund, to be administered by the commission. The fund may receive revenue from the following sources:

- (a) A voter-approved statewide sales tax dedicated to conservation;
- (b) Fines and penalties assessed under this article;
- (c) Public or private grants and donations;
- (d) Other lawful, non-tax sources authorized under this article.
- (e) All money in the fund shall be used solely for purposes consistent with this article and shall be subject to annual audit by the state auditor. The commission shall publish an annual report detailing fund revenues and expenditures.

(2) **Dedicated Sales Tax for Conservation.** To ensure long-term funding for wildlife and biodiversity protection, a statewide sales tax of 0.05% is hereby established, subject to voter approval. The full proceeds of this tax shall be deposited into the Conservation and Biodiversity Protection Fund and shall not be used for any purpose unrelated to this article. This section shall be interpreted and implemented in full compliance with Article X, Section 20 of the Colorado Constitution (TABOR), and any required ballot language shall clearly state the tax rate and its intended use.

(3) **Allocation of Fund Resources.** The commission shall prioritize use of the fund to advance the following public objectives:

- (a) Effective operation and staffing of the commission;
- (b) Voluntary conservation incentives for private landowners, including cost-share programs;
- (c) Habitat restoration and the protection or reintroduction of keystone and endangered species;
- (d) Public education, tribal partnerships, and community-based conservation initiatives.
- (e) The commission shall adopt an annual budget that reflects these priorities, and shall include a summary of funding allocations in its annual public report. The commission may adjust spending in response to ecological urgency, emerging science, or community needs, provided such adjustments are transparently documented.

(4) **Fines and Penalties.** Civil fines collected under this article, including for violations related to habitat degradation or harm to protected species, shall be deposited into the fund. These penalties shall be proportional to the ecological harm caused and shall not be used to directly compensate commission members or staff in a manner that could incentivize enforcement actions.

(5) **Grants and Donations.** The commission may seek, accept, and expend gifts, grants, and donations from public or private sources for any purpose consistent with this article. All such funds shall be transparently accounted for in public reports and may be used to support implementation, monitoring, education, and conservation-related partnerships.

(6) **Startup Appropriation.** To support the initial launch and operation of the commission, five million dollars (\$5,000,000) shall be appropriated from the General Fund upon voter approval of

this article. These funds shall be used solely for staffing, rulemaking, administrative setup, ecological data systems, and early public engagement and conservation planning.

(7) **TABOR compliance and voter approval.** (a) The sales tax authorized by this article shall not take effect unless and until approved by a majority of voters at a statewide election, as required by Article X, Section 20 of the Colorado Constitution.

(b) The ballot title for such election shall clearly state:

(I) The proposed tax rate of 0.05%;

(II) The estimated first full fiscal year revenue to be collected from the tax;

(III) That the revenue will be used exclusively for wildlife protection, habitat conservation, and public education under this article; and

(IV) That the revenue may be collected and spent as a voter-approved revenue change, notwithstanding any limitations under Article X, Section 20 of the Colorado Constitution.

(c) Upon voter approval, all revenue from the sales tax shall be deposited into the Conservation and Biodiversity Protection Fund and used only for the purposes stated in this article.

(8) Geographic equity and local benefit. The commission shall ensure that conservation investments are distributed fairly across Colorado's diverse regions, and shall prioritize projects that involve local partnerships with landowners, local governments, or tribal communities.

33-8.5-109. Transparency - public oversight. (1) The commission shall publish an annual report detailing:

(a) Species status updates;

(b) Corridor designations;

(c) Fines and penalties collected;

(d) Revenues and expenditures.

(2) Public comment sessions shall be held twice per year.

33-8.5-110. Conflict avoidance – effective date. (1) This article shall be interpreted and applied to the fullest extent permitted by the Colorado Constitution and the United States Constitution.

(2) This article takes effect on the date of the official declaration of the vote thereon by proclamation of the governor.