

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

**PREAMENDED**

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

LLS NO. 23-0950.01 Jery Payne x2157

**SENATE BILL 23-255**

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**SENATE SPONSORSHIP**

**Roberts and Will**, Baisley, Ginal, Hinrichsen, Marchman, Mullica, Pelton B., Pelton R., Priola, Rich, Rodriguez, Simpson, Bridges, Van Winkle, Zenzinger

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**Senate Committees**

Agriculture & Natural Resources  
Appropriations

**House Committees**

Agriculture, Water & Natural Resources  
Appropriations

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**A BILL FOR AN ACT**

101     **CONCERNING THE PROVISION OF COMPENSATION TO PEOPLE WHO**  
102             **SUFFER DAMAGES BECAUSE OF GRAY WOLF DEPREDATION, AND,**  
103             **IN CONNECTION THEREWITH, MAKING AND REDUCING**  
104             **APPROPRIATIONS.**

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**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 creates the wolf depredation compensation fund (fund) to compensate landowners and agricultural producers for depredation of livestock and working animals by wolves. For the 2023-24 state fiscal

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.*

SENATE  
3rd Reading Unamended  
April 17, 2023

SENATE  
Amended 2nd Reading  
April 14, 2023

year and each state fiscal year thereafter, the state treasurer is directed to transfer \$350,000 from the general fund to the fund. At the end of the 2023-24 and 2024-25 state fiscal years, any unencumbered balance in the fund that exceeds \$100,000 is transferred to the wildlife cash fund. At the end of subsequent state fiscal years, the amount transferred to the wildlife cash fund is any unencumbered balance in the fund that exceeds 120% of the amount spent from the fund in the previous state fiscal year.

Each year, the director of the division of parks and wildlife will issue a report and make a presentation at the appropriate "SMART Act" hearing.

The bill reduces by \$175,000 the fiscal year 2023-24 general fund appropriation to the department of natural resources for use by the division of parks and wildlife for the reintroduction and management of gray wolves.

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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) In the 2020 general election, the citizens of Colorado passed  
5 proposition 114, which is codified as section 33-2-105.8, Colorado  
6 Revised Statutes, and mandates that the parks and wildlife commission  
7 restore the gray wolf to the state;

8 (b) The text of proposition 114 includes the requirement that the  
9 parks and wildlife commission pay "fair compensation to owners of  
10 livestock for any losses of livestock caused by gray wolves..."; and

11 (c) It is in the best interest of livestock owners and the intention  
12 of proposition 114's supporters to dedicate a source of funding that is  
13 available solely for wolf depredation compensation.

14 **SECTION 2.** In Colorado Revised Statutes, **add** 33-1-127 as  
15 follows:

16 **33-1-127. Wolf depredation compensation fund -**  
17 **compensation for damages - definitions - rules - repeal.** (1) AS USED

1 IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

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3 (a) "FUND" MEANS THE WOLF DEPREDATION COMPENSATION FUND  
4 CREATED IN SUBSECTION (2) OF THIS SECTION.

5 (b) "LIVESTOCK" HAS THE MEANING SET FORTH IN SECTION  
6 33-2-105.8 (5)(c).

7 (c) "LIVESTOCK GUARD OR HERDING ANIMAL" MEANS AN ANIMAL  
8 WHOSE PRIMARY PURPOSE IS PROTECTING LIVESTOCK FROM DEPREDATION  
9 OR HERDING LIVESTOCK.

10 (d) "WOLF DEPREDATION" MEANS THAT A GRAY WOLF HAS CAUSED  
11 DIRECT PHYSICAL TRAUMA RESULTING IN THE DEATH OF OR INJURY TO  
12 LIVESTOCK OR TO A LIVESTOCK GUARD OR HERDING ANIMAL.

13 (2) (a) THE WOLF DEPREDATION COMPENSATION FUND IS CREATED  
14 IN THE STATE TREASURY. THE FUND CONSISTS OF MONEY TRANSFERRED TO  
15 THE FUND IN ACCORDANCE WITH SUBSECTION (2)(b) OF THIS SECTION AND  
16 ANY OTHER MONEY THAT THE GENERAL ASSEMBLY MAY APPROPRIATE OR  
17 TRANSFER TO THE FUND.

18 (b) (I) FOR THE 2023-24 STATE FISCAL YEAR, THE STATE  
19 TREASURER SHALL TRANSFER ONE HUNDRED SEVENTY-FIVE THOUSAND  
20 DOLLARS FROM THE GENERAL FUND TO THE FUND. THIS SUBSECTION  
21 (2)(b)(I) IS REPEALED, EFFECTIVE JULY 1, 2024.

22 (II) FOR THE 2024-25 STATE FISCAL YEAR AND EACH STATE FISCAL  
23 YEAR THEREAFTER, THE STATE TREASURER SHALL ANNUALLY TRANSFER  
24 THREE HUNDRED FIFTY THOUSAND DOLLARS FROM THE GENERAL FUND TO  
25 THE FUND.

26 (c) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND  
27 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE

1       FUND TO THE FUND.

2               (3) (a) SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL  
3 ASSEMBLY, THE DIVISION MAY EXPEND MONEY FROM THE FUND TO  
4 COMPENSATE OWNERS OF LIVESTOCK OR LIVESTOCK GUARD OR HERDING  
5 ANIMALS THAT SUFFER DAMAGES DUE TO WOLF DEPREDATION.

6               (b) FOR AN OWNER OF LIVESTOCK OR A LIVESTOCK GUARD OR  
7 HERDING ANIMAL TO BE COMPENSATED FROM THE FUND:

8               (I) ONE OR MORE GRAY WOLVES MUST HAVE KILLED OR INJURED  
9 LIVESTOCK OR A LIVESTOCK GUARD OR HERDING ANIMAL OWNED BY THE  
10 CLAIMANT, AS DETERMINED BY THE DIVISION; AND

11              (II) THE CLAIMANT MUST BE ELIGIBLE FOR COMPENSATION UNDER  
12 THE GRAY WOLF RESTORATION AND MANAGEMENT PLAN, CREATED IN  
13 ACCORDANCE WITH SECTION 33-2-105.8, OR IN ANY RULES PROMULGATED  
14 BY THE COMMISSION.

15              (c) THE COMMISSION MAY PROMULGATE RULES TO IMPLEMENT  
16 AND ADMINISTER THIS SECTION. THE RULES MAY:

17              (I) INCLUDE ADDITIONAL CRITERIA NECESSARY TO RECEIVE  
18 COMPENSATION FROM THE FUND; OR

19              (II) AUTHORIZE AND SET CRITERIA FOR COMPENSATION FROM THE  
20 FUND FOR INDIRECT LIVESTOCK LOSS.

21              (4) (a) THE DIVISION SHALL EXPEND ANY UNEXPENDED AND  
22 UNENCUMBERED MONEY IN THE FUND THAT EXCEEDS THE FOLLOWING  
23 AMOUNTS FOR THE PURPOSES DESCRIBED IN SUBSECTION (4)(b) OF THIS  
24 SECTION:

25              (I) FOR STATE FISCAL YEARS 2023-24 AND 2024-25, ONE HUNDRED  
26 THOUSAND DOLLARS; AND

27              (II) FOR STATE FISCAL YEAR 2025-26 AND SUBSEQUENT FISCAL

1 YEARS, AN AMOUNT EQUAL TO THE AMOUNT OF MONEY EXPENDED FROM  
2 THE FUND FOR COMPENSATION OF OWNERS OF LIVESTOCK OR LIVESTOCK  
3 GUARD OR HERDING ANIMALS DURING THE IMMEDIATELY PRECEDING  
4 STATE FISCAL YEAR PLUS TWENTY PERCENT OF THIS AMOUNT.

5 (b) THE DIVISION SHALL EXPEND THE MONEY DESCRIBED IN  
6 SUBSECTION (4)(a) OF THIS SECTION TO IMPLEMENT THE GRAY WOLF  
7 RESTORATION AND MANAGEMENT PLAN, CREATED IN ACCORDANCE WITH  
8 SECTION 33-2-105.8, AS AMENDED BY THE COMMISSION.

9 (5) (a) ON OR BEFORE JANUARY 31, 2025, AND ON OR BEFORE  
10 JANUARY 31 OF EACH YEAR THEREAFTER, THE DIRECTOR SHALL SUBMIT A  
11 WRITTEN REPORT TO THE APPROPRIATE COMMITTEES OF REFERENCE AS  
12 DETERMINED IN ACCORDANCE WITH SECTION 2-7-203 (1). FOR THE  
13 IMMEDIATELY PRECEDING STATE FISCAL YEAR, THE REPORT MUST  
14 INCLUDE:

15 (I) THE NUMBER OF LIVESTOCK AND LIVESTOCK GUARD OR  
16 HERDING ANIMALS KILLED BY GRAY WOLVES;

17 (II) THE NUMBER OF CLAIMS MADE FOR COMPENSATION FROM THE  
18 FUND;

19 (III) THE NUMBER OF COMPENSATION CLAIMS THAT WERE  
20 APPROVED AND DENIED;

21 (IV) THE REASONS FOR THE DENIAL OF COMPENSATION CLAIMS;

22 (V) THE AMOUNT OF MONEY PAID FOR COMPENSATION FROM THE  
23 FUND;

24 (VI) AN EXPLANATION OF THE NUMBER AND COST OF LOSSES DUE  
25 TO WOLF DEPREDATION;

26 (VII) THE NUMBER OF RESIDENT GRAY WOLVES;

27 (VIII) THE NUMBER OF RESIDENT GRAY WOLF PACKS;

1 (IX) THE ACTIVITY OF THE GRAY WOLF PACKS, INCLUDING DATES,  
2 DETERMINED FROM GRAY WOLVES BEING TRACKED; AND

3 (X) THE NUMBER OF GRAY WOLF BREEDING PAIRS AND THE  
4 POPULATION CHANGES OF RESIDENT GRAY WOLVES.

5 (b) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), THE  
6 REPORTING REQUIREMENT SPECIFIED IN SUBSECTION (5)(a) OF THIS  
7 SECTION CONTINUES INDEFINITELY.

8 (c) THE DIVISION SHALL NOT INCLUDE, IN THE REPORT MADE  
9 UNDER SUBSECTION (5)(a) OF THIS SECTION, INFORMATION THAT THE  
10 DIVISION MAY WITHHOLD UNDER SECTION 24-72-204 (2)(a)(X).

11 (6) (a) COMPENSATION PAID UNDER THIS SECTION IS  
12 REIMBURSEMENT FOR DAMAGES AND NOT INCOME SUBJECT TO TAXATION.

13 (b) THIS SECTION DOES NOT AUTHORIZE THE RELEASE OF ANY  
14 PRIVATE INFORMATION ABOUT A CLAIMANT OR A CLAIMANT'S  
15 COMPENSATION.

16 **SECTION 3. Appropriation.** For the 2023-24 state fiscal year,  
17 \$175,000 is appropriated to the department of natural resources for use  
18 by the division of parks and wildlife. This appropriation is from the wolf  
19 depredation compensation fund created in section 33-1-127 (2)(a), C.R.S.  
20 To implement this act, the division may use this appropriation for wolf  
21 depredation compensation.

22 **SECTION 4. Appropriation - adjustments to 2023 long bill.** To  
23 implement this act, the general fund appropriation made in the annual  
24 general appropriation act for the 2023-24 state fiscal year to the  
25 department of natural resources for use by the division of parks and  
26 wildlife for the implementation of Proposition 114 for the reintroduction  
27 and management of gray wolves is decreased by \$175,000.

1           **SECTION 5. Safety clause.** The general assembly hereby finds,  
2 determines, and declares that this act is necessary for the immediate  
3 preservation of the public peace, health, or safety.