

**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. 23-0007.04 Jery Payne x2157

SENATE BILL 23-275

SENATE SPONSORSHIP

Ginal and Will, Cutter, Jaquez Lewis, Priola

HOUSE SPONSORSHIP

Duran and Lynch, McLachlan

Senate Committees

Agriculture & Natural Resources
Appropriations

House Committees

Agriculture, Water & Natural Resources
Appropriations

A BILL FOR AN ACT

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

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 Colorado wild horse management project (wild horse project), which is a nonprofit, state-owned corporate entity that

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 27, 2023

SENATE
Amended 2nd Reading
April 26, 2023

manages and operates programs benefitting wild horses and supports wild horse management. The director of the wild horse project will be selected by a committee of the governor, the commissioner of agriculture, the executive director of the department of natural resources, and the majority leader of the house of representatives. The wild horse project has the powers normally afforded to a nonprofit corporate entity. The wild horse project will annually report to the governor, the joint budget committee, and the appropriate joint legislative committee at "SMART Act" hearings.

The wild horse project may seek federal payment for wild horse management support activities and gifts, grants, or donations. On the effective date of the bill, the state treasurer is required to transfer \$1.5 million from the general fund to the wild horse project fund, which is created for use by the wild horse project.

A working group is established by the wild horse project to study and pursue long-term solutions for wild horses that are removed from federal horse management areas or held in federal facilities and make recommendations to the governor and the general assembly. The working group will have representation from the executive branch, the legislative branch, nonprofit organizations, businesses, the western slope, and the ranching community. The Colorado state director of the federal bureau of land management (bureau), the Southern Ute Tribe, and the Ute Mountain Ute Tribe may appoint representatives to the working group.

A wild horse stewardship program is created to help manage range health and infrastructure. The wild horse fertility control program is created to manage the wild horse herd population by collaborating, coordinating, and training people and entities to manage wild horse populations. Both programs are overseen by the wild horse project.

The commissioner of agriculture is required to provide support in the form of grants and contracts to assist with managing wild horse populations using fertility control methods, subject to approval by the bureau, until July 31, 2024, or until the wild horse project commences its own program to manage wild horse populations if commenced earlier than July 31, 2024.

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:

4 (a) Colorado is home to four federally owned and protected wild
5 horse herds generally that are found within federal herd management
6 areas administered by the federal bureau of land management in

1 accordance with the federal "Wild Free-Roaming Horses and Burros
2 Act", Pub.L. 92-195;

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

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

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

14 (e) Colorado has the opportunity to serve the diverse interests of
15 livestock owners, wildlife, and range health by supporting responsible
16 wild horse management, stabilizing herd numbers, and ending the
17 unsustainable cycle of population growth followed by removal of wild
18 horses from the range;

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

27 (g) Wild horse herds have long been a central part of the character

1 of Colorado and the West; in particular, they have been ingrained in the
2 history, culture, and current workings of local and ranching communities
3 and operators;

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

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

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

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

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

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

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

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

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

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

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

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

26 (p) Through state action in creating the foundation from which
27 these activities can launch, Colorado efficiently and effectively solves a

1 multitude of challenges for a diverse range of interests in our state.

2 **SECTION 2.** In Colorado Revised Statutes, **add** article 66 to title
3 35 as follows:

4 **ARTICLE 66**

5 **Colorado Wild Horse Management Support**

6 **35-66-101. Definitions.** AS USED IN THIS ARTICLE 66, UNLESS THE
7 CONTEXT OTHERWISE REQUIRES:

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

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

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

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

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

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

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

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

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

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

3 **35-66-102. Wild horse project - creation - director selection -**
4 **operation - repeal.** (1) THE DEPARTMENT MAY CREATE THE WILD HORSE
5 PROJECT, WHICH, IF CREATED, IS A STATE-OWNED NONPROFIT ENTITY THAT
6 MANAGES AND OPERATES THE STEWARDSHIP PROGRAM AND THE FERTILITY
7 CONTROL PROGRAM.

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

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

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

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

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

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

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

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

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

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

5 (b) ENTER INTO CONTRACTS AND MEMORANDA OF
6 UNDERSTANDING;

7 (c) ADOPT AND USE A SEAL OR LOGO;

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

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

12 (f) HIRE STAFF; AND

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

15 **35-66-103. Wild horse project report - repeal.** (1) ON OR
16 BEFORE JANUARY 31, 2024, AND ON OR BEFORE JANUARY 31 OF EACH
17 YEAR THEREAFTER, THE DEPARTMENT SHALL SUBMIT A WRITTEN REPORT
18 TO THE GOVERNOR AND THE APPROPRIATE COMMITTEES OF REFERENCE AS
19 DETERMINED IN ACCORDANCE WITH SECTION 2-7-203 (1). THE
20 DEPARTMENT SHALL ALSO PRESENT THE REPORT TO THE APPROPRIATE
21 JOINT COMMITTEE OF REFERENCE, IN ACCORDANCE WITH SECTION 2-7-203
22 (2), AS PART OF THE DEPARTMENT'S "SMART ACT" HEARING. THE REPORT
23 MUST INCLUDE A DESCRIPTION OF THE MONEY SPENT, GRANTS MADE, AND
24 ACTIONS TAKEN TO IMPLEMENT THIS ARTICLE 66, INCLUDING THE NUMBER
25 OF HORSES TREATED UNDER THE FERTILITY CONTROL PROGRAM, THE
26 NUMBER OF FOALS BORN THE PRIOR YEAR IN EACH HERD MANAGEMENT
27 AREA, AND THE ACTIONS TAKEN AND ACCOMPLISHED IN ACCORDANCE

1 WITH THE STEWARDSHIP PROGRAM.

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

3 **35-66-104. Wild horse project fund - legislative declaration -**

4 **repeal.** (1) (a) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT ANY
5 MONEY RECEIVED UNDER THIS ARTICLE 66 FROM THE FEDERAL
6 GOVERNMENT OR FROM GIFTS, GRANTS, OR DONATIONS IS CUSTODIAL
7 FUNDS AND, THEREFORE, IS NOT SUBJECT TO APPROPRIATION.

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

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

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

20 (II) THIS SUBSECTION (2)(b) WILL BE REPEALED WHEN THE
21 DEPARTMENT CREATES THE WILD HORSE PROJECT. THE COMMISSIONER
22 SHALL NOTIFY THE REVISOR OF STATUTES IN WRITING OF THE DATE ON
23 WHICH THE CONDITION SPECIFIED IN THIS SUBSECTION (2)(b) HAS
24 OCCURRED BY E-MAILING THE NOTICE TO
25 REVISOROFSTATUTES.GA@COLEG.GOV. THIS SUBSECTION (2)(b) IS
26 REPEALED, EFFECTIVE UPON THE DATE IDENTIFIED IN THE NOTICE THAT
27 THE DEPARTMENT HAS CREATED THE WILD HORSE PROJECT OR, IF THE

1 NOTICE DOES NOT SPECIFY THAT DATE, UPON THE DATE OF THE NOTICE TO
2 THE REVISOR OF STATUTES.

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

6 (4) THE WILD HORSE PROJECT MAY SEEK AND ACCEPT GIFTS,
7 GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE
8 PURPOSES OF THIS ARTICLE 66. THE WILD HORSE PROJECT SHALL TRANSMIT
9 ALL MONEY RECEIVED AS GIFTS, GRANTS, OR DONATIONS UNDER THIS
10 SUBSECTION (4) TO THE STATE TREASURER, WHO SHALL CREDIT THE
11 MONEY TO THE FUND.

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

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

16 **35-66-105. Working group for long-term solutions for**
17 **off-range horses - repeal.** (1) (a) A WILD HORSE WORKING GROUP IS
18 CREATED IN THE DEPARTMENT. THE WILD HORSE WORKING GROUP SHALL
19 IDENTIFY AND PURSUE:

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

23 (A) A STATE WILD HORSE PRESERVE;

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

26 (C) OPPORTUNITIES FOR PARTNERSHIPS WITH THE STATE,
27 INCLUDING PROGRAMS CREATED BY THE GOVERNOR'S COMMISSION ON

1 COMMUNITY SERVICE, ANY DEPARTMENT OF CORRECTIONS PROGRAM, AND
2 ANY CREATIVE PARTNERSHIPS WITH STATE PROGRAMS;

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

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

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

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

15 (a) (I) THE GOVERNOR SHALL APPOINT:

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

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

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

20 (D) A REPRESENTATIVE OF THE DEPARTMENT OF AGRICULTURE;

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

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

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

27 (A) TWO REPRESENTATIVES OF NONPROFIT WILD HORSE

1 ADVOCACY ORGANIZATIONS;

2 (B) A RESIDENT OF THE WESTERN SLOPE; AND

3 (C) A NONPROFIT ENVIRONMENTAL CONSERVATION
4 ORGANIZATION;

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

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

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

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

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

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

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

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

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

1 WITH SUBSECTION (2) OF THIS SECTION.

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

5 (4) (a) THE WORKING GROUP SHALL MAKE RECOMMENDATIONS TO
6 THE GOVERNOR AND GENERAL ASSEMBLY REGARDING SOLUTIONS TO THE
7 ISSUES DESCRIBED IN THIS SECTION.

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

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

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

17 **35-66-106. Wild horse stewardship program.** (1) THE WILD
18 HORSE STEWARDSHIP PROGRAM IS CREATED TO COORDINATE AND ASSIST
19 IN MANAGING AND SUPPORTING THE WELL-BEING OF COLORADO WILD
20 HORSE HERDS AND WILD HORSE RANGELAND, INCLUDING HERDS WITHIN
21 FEDERAL HERD MANAGEMENT AREAS, TO ENSURE THE LONG-TERM
22 SUSTAINABILITY OF WILD HORSE HERDS AND WILD HORSE RANGE HEALTH
23 BY:

24 (a) SUPPORTING THE MANAGEMENT OF RANGE HEALTH;

25 (b) IN PARTNERSHIP WITH THE BUREAU AND WITH PERMISSION
26 FROM THE BUREAU, BUILDING, REPAIRING, AND MAINTAINING RANGE
27 INFRASTRUCTURE, SUCH AS FENCING, NATURAL FEED SOURCES, OR

1 NATURAL WATER SOURCES, ON PUBLIC LAND FOR THE BENEFIT OF THE
2 WILD HORSE HERDS, THE WILD HORSE RANGELAND, AND THE RESIDENT
3 POPULATIONS; AND

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

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

10 (b) THE DIRECTOR MAY RESCIND A GRANT FOR:

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

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

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

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

19 **35-66-107. Wild horse fertility control program.** (1) THE WILD
20 HORSE FERTILITY CONTROL PROGRAM IS CREATED TO PROVIDE STATE-WIDE
21 SUPPORT AND COORDINATION IN THE MANAGEMENT OF THE COLORADO
22 WILD HORSE HERDS, INCLUDING HERDS WITHIN THE FEDERAL HERD
23 MANAGEMENT AREAS, USING HUMANE FERTILITY CONTROL METHODS TO
24 ENSURE THE LONG-TERM SUSTAINABILITY OF WILD HORSE HERDS. SUBJECT
25 TO OBTAINING APPROVAL FROM THE BUREAU WHEN NECESSARY, THE WILD
26 HORSE PROJECT SHALL, IN OPERATING THE FERTILITY CONTROL PROGRAM:

27 (a) COORDINATE AND ASSIST IN THE MANAGEMENT OF WILD HORSE

- 1 HERD POPULATIONS;
- 2 (b) MAKE PROPOSALS TO THE BUREAU;
- 3 (c) COORDINATE WITH AND ENTER INTO CONTRACTS OR
4 MEMORANDA OF UNDERSTANDING WITH THE BUREAU;
- 5 (d) COORDINATE WITH AND ENTER INTO CONTRACTS OR
6 PARTNERSHIPS WITH VOLUNTEERS, INTERESTED GROUPS, AND NONPROFIT
7 ENTITIES;
- 8 (e) RECRUIT, TRAIN, AND FACILITATE FEDERAL TRAINING FOR
9 VOLUNTEERS, CONTRACTORS, AND STAFF TO PERFORM THE FUNCTIONS
10 DESCRIBED IN THIS SECTION;
- 11 (f) COLLABORATE WITH GOVERNMENT AGENCIES THAT HAVE AN
12 INTEREST IN WILD HORSES OR THAT MAY PROVIDE RESOURCES, INCLUDING
13 PEOPLE, TO PERFORM THE FUNCTIONS DESCRIBED IN THIS SECTION;
- 14 (g) OBTAIN RESOURCES TO IMPLEMENT THE FERTILITY CONTROL
15 PROGRAM; AND
- 16 (h) COLLABORATE WITH, COORDINATE WITH, AND SUPPORT LOCAL
17 HERD MANAGEMENT AREA ORGANIZATIONS IN PERFORMING FERTILITY
18 CONTROL OR OTHER ON-RANGE ACTIVITIES.
- 19 (2) FOR THE PURPOSES OF THIS SECTION AND SECTION 35-66-106,
20 THE WILD HORSE PROJECT MAY:
- 21 (a) SEEK, ACCEPT, AND EXPEND GIFTS, GRANTS, OR DONATIONS IN
22 ACCORDANCE WITH SECTION 35-66-104 (4);
- 23 (b) CREATE AND ADMINISTER GRANT PROGRAMS TO IMPLEMENT
24 THE FERTILITY CONTROL PROGRAM AND THE STEWARDSHIP PROGRAM;
- 25 (c) EXERCISE THE POWERS GRANTED IN SECTIONS 35-66-102 (3)
26 AND 35-66-106; AND
- 27 (d) FORM TECHNICAL, EXPERT, STAKEHOLDER, OR OTHER

1 ADVISORY COMMITTEES.

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

4 (a) USE ONLY HUMANE, PROVEN, NONLETHAL, AND SAFE FERTILITY
5 CONTROL METHODS THAT ARE OR ARE SUBSTANTIALLY SIMILAR TO
6 IMMUNOCONTRACEPTIVE FERTILITY CONTROL VACCINES;

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

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

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

16 (b) THE DIRECTOR MAY RESCIND A GRANT FOR:

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

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

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

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

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

27 **35-1-119. Population management - repeal.** (1) SUBJECT TO

1 OBTAINING APPROVAL FROM THE UNITED STATES BUREAU OF LAND
2 MANAGEMENT IN THE DEPARTMENT OF THE INTERIOR, THE DEPARTMENT
3 MAY ASSIST WITH MANAGING WILD HORSE POPULATIONS USING FERTILITY
4 CONTROL MANAGEMENT METHODS THAT ARE OR ARE SUBSTANTIALLY
5 SIMILAR TO IMMUNOCONTRACEPTIVE FERTILITY CONTROL VACCINES. THE
6 DEPARTMENT MAY ALSO SUPPORT ON-RANGE STEWARDSHIP AND
7 MANAGEMENT TO ENSURE THE SUSTAINABILITY OF WILD HORSES AND WILD
8 HORSE RANGE. IN IMPLEMENTING THIS SUBSECTION (1), THE DEPARTMENT
9 MAY:

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

14 (b) COOPERATE WITH:

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

17 (II) THE SOUTHERN UTE TRIBE;

18 (III) THE UTE MOUNTAIN UTE TRIBE;

19 (IV) LOCAL GOVERNMENTS;

20 (V) OTHER STATE AGENCIES;

21 (VI) VOLUNTEERS;

22 (VII) CONTRACTORS; AND

23 (VIII) INTERESTED GROUPS OR INDIVIDUALS.

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

25 **SECTION 4. Appropriation.** (1) For the 2023-24 state fiscal
26 year, \$1,654 is appropriated to the legislative department for use by the
27 general assembly. This appropriation is from the general fund. To

1 implement this act, the general assembly may use this appropriation for
2 legislator per diem and travel reimbursement.

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

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