

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

INTRODUCED

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

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.** In Colorado Revised Statutes, 33-1-102, **add** (37.5)
3 as follows:

4 **33-1-102. Definitions.** As used in this title 33, unless the context
5 otherwise requires:

6 (37.5) "RARE PLANTS" MEANS PLANT SPECIES THAT ARE AT RISK
7 OF EXTINCTION OR ELIMINATION ACROSS THE ENTIRETY OF THEIR
8 DISTRIBUTION DUE TO RESTRICTED RANGE, FEW POPULATIONS OR
9 OCCURRENCES, STEEP DECLINES, OR SEVERE THREATS.

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

12 **33-2-101. Short title.** ~~This article shall be known and may be~~
13 ~~cited as~~ THE SHORT TITLE OF THIS ARTICLE 2 IS the "Nongame,
14 Endangered, or Threatened ~~Species~~ WILDLIFE AND RARE PLANT
15 Conservation Act".

16 **SECTION 3.** In Colorado Revised Statutes, **amend** 33-2-102 as
17 follows:

18 **33-2-102. Legislative declaration.** (1) The general assembly
19 finds and declares that:

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

24 (b) Species or subspecies of wildlife indigenous to this state ~~which~~

1 THAT may be found to be endangered or threatened within the state should
2 be accorded protection in order to maintain and enhance their numbers to
3 the extent possible; ~~that~~

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

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

10 (2) THE GENERAL ASSEMBLY ALSO FINDS AND DECLARES THAT IT
11 IS THE POLICY OF THIS STATE TO IDENTIFY AND CONSERVE RARE PLANT
12 SPECIES FOUND IN THIS STATE IN ORDER TO ENSURE THE PERPETUATION OF
13 RARE PLANT SPECIES AS MEMBERS OF ECOSYSTEMS AND TO PROTECT AND
14 ENHANCE THE BIODIVERSITY OF THOSE ECOSYSTEMS.

15 **SECTION 4.** In Colorado Revised Statutes, **add** 33-2-104.5 and
16 33-2-104.6 as follows:

17 **33-2-104.5. Investigations and surveys of rare plants.**

18 (1) WHEN THE DIVISION DETERMINES APPROPRIATE, THE DIVISION SHALL
19 CONDUCT INVESTIGATIONS AND SURVEYS OF RARE PLANTS TO OBTAIN
20 INFORMATION ABOUT POPULATION, DISTRIBUTION, LIMITING FACTORS, AND
21 OTHER ECOLOGICAL DATA IN ORDER TO DETERMINE APPROPRIATE
22 CONSERVATION AND MANAGEMENT MEASURES THAT ENSURE THE
23 CONTINUED ABILITY OF RARE PLANTS TO PERPETUATE THEMSELVES.

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

26 **33-2-104.6. Investigations and surveys of invertebrates -**

27 **appropriation - repeal.** (1) WHEN THE DIVISION DETERMINES

1 APPROPRIATE, THE DIVISION SHALL CONDUCT INVESTIGATIONS AND
2 SURVEYS OF INVERTEBRATES TO OBTAIN INFORMATION ABOUT
3 POPULATION, DISTRIBUTION, HABITAT NEEDS, LIMITING FACTORS, AND
4 OTHER BIOLOGICAL AND ECOLOGICAL DATA IN ORDER TO DETERMINE
5 APPROPRIATE CONSERVATION AND MANAGEMENT MEASURES THAT ENSURE
6 THE CONTINUED ABILITY OF INVERTEBRATES TO PERPETUATE
7 THEMSELVES.

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

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

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

17 (a) THE GENERAL FUND; OR

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

21 (5) THIS SECTION IS REPEALED, EFFECTIVE JUNE 30, 2029.

22 **SECTION 5.** In Colorado Revised Statutes, 33-2-106, **amend** (1)
23 and (2) as follows:

24 **33-2-106. Management programs.** (1) The division shall
25 establish ~~such~~ programs, including acquisition of land or aquatic habitat,
26 ~~as~~ THAT are deemed necessary for management of nongame, endangered,
27 or threatened wildlife OR RARE PLANTS.

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

7 **SECTION 6.** In Colorado Revised Statutes, 24-33-111, **amend**
8 (1), (3)(b) introductory portion, (3)(b)(II)(C), and (3)(b)(II)(D) as follows:

9 **24-33-111. Conservation of native species - fund created.**

10 (1) **Legislative declaration.** The general assembly ~~hereby~~ recognizes the
11 importance of conserving native WILDLIFE AND PLANT species that have
12 been listed as threatened or endangered under state or federal law or are
13 candidate species or are likely to become candidate species as determined
14 by the United States fish and wildlife service. The general assembly
15 ~~hereby~~ declares and determines that the Colorado department of natural
16 resources and the division of parks and wildlife are responsible for the
17 development, implementation, or approval of appropriate programs to
18 address the conservation of ~~such~~ THE species and for negotiating
19 agreements with federal agencies and other states to avoid regulatory
20 conflicts pursuant to section 24-33-103.

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

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

26 (II) Studies and programs established or approved by the division
27 of parks and wildlife and the executive director of the department of

1 natural resources regarding:

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

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

14 **SECTION 7. Act subject to petition - effective date.** This act
15 takes effect at 12:01 a.m. on the day following the expiration of the
16 ninety-day period after final adjournment of the general assembly; except
17 that, if a referendum petition is filed pursuant to section 1 (3) of article V
18 of the state constitution against this act or an item, section, or part of this
19 act within such period, then the act, item, section, or part will not take
20 effect unless approved by the people at the general election to be held in
21 November 2024 and, in such case, will take effect on the date of the
22 official declaration of the vote thereon by the governor.