

CHAPTER 143

NATURAL RESOURCES

HOUSE BILL 99-1229

BY REPRESENTATIVES Johnson, Alexander, Hoppe, Larson, Miller, Paschall, Pfiffner, Smith, Young, Decker, King, Lee, McElhany, McKay, Spence, Spradley, Swenson, and Taylor; also SENATORS Wattenberg, Andrews, Arnold, Chlouber, Congrove, Epps, Evans, Hillman, Lacy, Lamborn, Musgrave, Powers, and Tebedo.

AN ACT

CONCERNING LEGISLATIVE ACTION REQUIRED BEFORE AN ENDANGERED SPECIES UNDER THE FEDERAL "ENDANGERED SPECIES ACT OF 1973" MAY BE RELOCATED TO COLORADO.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Article 2 of title 33, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

33-2-105.5. Reintroduction of endangered species - legislative declaration.

(1) THE GENERAL ASSEMBLY DETERMINES AND DECLARES THAT PURSUANT TO THE "FEDERAL MANDATES ACT", ARTICLE 78 OF TITLE 24, C.R.S., AND THE TENTH AMENDMENT OF THE UNITED STATES CONSTITUTION, THE STATE OF COLORADO HAS PRIMACY OVER AFFAIRS THAT ARE OF STATEWIDE CONCERN AND THAT MATTERS CONCERNING THE ENVIRONMENT, INCLUDING THE INTRODUCTION OR REINTRODUCTION OF SPECIES THAT ARE CURRENTLY NOT FOUND OR NO LONGER FOUND IN THIS STATE IS A STATEWIDE CONCERN AND SHOULD BE CONDUCTED BY THE STATE THROUGH SPECIFIC LEGISLATION. REINTRODUCTION DRIVES ENORMOUS LAND USE QUESTIONS AND IMPACTS PROPERTY AND WATER RIGHTS THROUGHOUT COLORADO.

(2) BEFORE ANY SPECIES MAY BE INTRODUCED OR REINTRODUCED INTO THIS STATE THROUGH ACTION BY ANY STATE OR LOCAL GOVERNMENT ENTITY, THE GENERAL ASSEMBLY SHALL ACT BY BILL TO SPECIFICALLY NAME SUCH SPECIES AND TO SPECIFY THE MANNER OF INTRODUCTION OR REINTRODUCTION. THE SPECIES TO BE INTRODUCED OR REINTRODUCED SHALL BE:

- (a) NOT OR NO LONGER FOUND IN THIS STATE; AND

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(b) A CANDIDATE FOR LISTING OR HAS BEEN PLACED IN THE THREATENED OR ENDANGERED SPECIES LIST PURSUANT TO THE FEDERAL "ENDANGERED SPECIES ACT OF 1973", 16 U.S.C. SEC. 1531, ET SEQ., AS AMENDED.

SECTION 2. Effective date. This act shall take effect October 15, 1999, unless a referendum petition is filed during the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution. If such a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: April 22, 1999