

STATE OF COLORADO

Colorado General Assembly

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MEMORANDUM

To: Stan VanderWerf and Spencer Thomas
From: Legislative Council Staff and Office of Legislative Legal Services
Date: January 15, 2025
Subject: Proposed initiative measure 2025-2026 #10, concerning repeal wolf reintroduction

Section 1-40-105 (1), Colorado Revised Statutes, requires the directors of the Colorado Legislative Council and the Office of Legislative Legal Services to "review and comment" on initiative petitions for proposed laws and amendments to the Colorado Constitution. We hereby submit our comments to you regarding the appended proposed initiative.

The purpose of this statutory requirement of the directors of Legislative Council and the Office of Legislative Legal Services is to provide comments intended to aid proponents in determining the language of their proposal and to avail the public of knowledge of the contents of the proposal. Our first objective is to be sure we understand your intent and your objective in proposing the amendment. We hope that the statements and questions contained in this memorandum will provide a basis for discussion and understanding of the proposal.

Purpose

The major purpose of the proposed amendment to the Colorado Revised Statutes appears to be to repeal the statutory provisions related to the reintroduction of gray wolves on designated lands west of the continental divide.

Substantive Comments and Questions

The substance of the proposed initiative raises the following comments and questions:

1. Article V, section 1 (5.5) of the Colorado Constitution requires all proposed initiatives to have a single subject. What is the single subject of the proposed initiative?
2. What will be the effective date of the proposed initiative? Standard formatting and drafting language for an effective date clause is as follows:

SECTION 2. Effective date. This act takes effect Month Day, Year.

3. Under article V, section 1 (2) of the Colorado Constitution, proposed initiatives must amend either the Colorado Constitution or the Colorado Revised Statutes. Section 1 of the proposed initiative only repeals the language added by Proposition 114 in 2020 and does not repeal the amendments made by the General Assembly in [H.B. 21-1243](#), enacted in 2021. If the proponents' intent is to repeal section 33-2-105.8, Colorado Revised Statutes, that section, as it appears in current law, must be shown in the proposed initiative in its entirety in lowercase and strike type. (See **Addendum A** of this memorandum for the text of that section as it existed on January 15, 2025.)
4. If the proponents' intent is to repeal section 33-2-105.8, Colorado Revised Statutes, the proposed initiative should also amend or repeal the other statutory provisions that reference or rely on section 33-2-105.8, Colorado Revised Statutes, to avoid inconsistencies and gaps in the law. These statutory provisions include:
 - a. Section 33-1-112 (1)(c)(I), Colorado Revised Statutes, which requires the division of parks and wildlife (division) to use certain fees for purposes related to the restoration and management of gray wolves pursuant to section 33-2-105.8, Colorado Revised Statutes;
 - b. Section 33-1-128 (1)(b), Colorado Revised Statutes, which incorporates the definition of livestock from section 33-2-105.8, Colorado Revised Statutes;
 - c. Section 33-1-128 (3)(b)(II), Colorado Revised Statutes, which requires a claimant for compensation from the wolf depredation compensation fund to be eligible for compensation under the gray wolf restoration and management plan prepared pursuant to section 33-2-105.8, Colorado Revised Statutes;

- d. Section 33-1-128 (4)(b), Colorado Revised Statutes, which requires the division to use certain amounts of unexpended and unencumbered money from the wolf depredation compensation fund to implement the gray wolf restoration and management plan prepared pursuant to section 33-2-105.8, Colorado Revised Statutes; and
 - e. Section 33-2-105.9 (1)(b), Colorado Revised Statutes, which incorporates the definition of livestock from section 33-2-105.8, Colorado Revised Statutes.
5. What is the proponents' intent regarding the management of the gray wolves that are already introduced in Colorado? The proposed initiative repeals section 33-2-105.8, Colorado Revised Statutes, but does not provide any guidance to the division or the parks and wildlife commission about how to manage the gray wolves that have already been reintroduced in the state.
 6. Should the parks and wildlife commission continue to compensate livestock and herding animal owners for wolf depredation in accordance with section 33-1-128, Colorado Revised Statutes?
 7. How do the proponents intend that the funding already allocated for gray wolf reintroduction pursuant to section 33-2-105.8 (4.5), Colorado Revised Statutes, is to be used when the repeal of section 33-2-105.8, Colorado Revised Statutes, takes effect?

Technical Comments

The following comments address technical issues raised by the form of the proposed initiative. These comments will be read aloud at the public meeting only if the proponents so request. You will have the opportunity to ask questions about these comments at the review and comment meeting. Please consider revising the proposed initiative as suggested below.

1. See section 1 of [S.B. 24-128](#), enacted in 2024, which repealed a section of the Colorado Revised Statutes, for an example of how to:
 - Format the amending clause;
 - Format the headnote in bold; and
 - Show the statutory language in current law:

- With a hard return after each provision;
 - In lowercase; and
 - Repealed using strike type.
2. Subsection (5)(d) of the proposed initiative should end with a period.
 3. The "2" immediately prior to subsection (3)(a)(IV) of the proposed initiative should be deleted.

Addendum A

33-2-105.8. Reintroduction of gray wolves on designated lands west of the continental divide - public input in commission development of restoration plan - compensation to owners of livestock - definitions.

(1) The voters of Colorado find and declare that:

(a) Historically, wolves were an essential part of the wild habitat of Colorado but were exterminated and have been functionally extinct for seventy-five years in the state;

(b) The gray wolf is listed as an endangered species on the commission's list of endangered or threatened species;

(c) Once restored to Colorado, gray wolves will help restore a critical balance in nature; and

(d) Restoration of the gray wolf to the state must be designed to resolve conflicts with persons engaged in ranching and farming in this state.

(2) Notwithstanding any provision of state law to the contrary, including section 33-2-105.5 (2), and in order to restore gray wolves to the state, the commission shall:

(a) Develop a plan to restore and manage gray wolves in Colorado, using the best scientific data available;

(b) Hold statewide hearings to acquire information to be considered in developing such plan, including scientific, economic, and social considerations pertaining to such restoration;

(c) Periodically obtain public input to update such plan;

(d) Take the steps necessary to begin reintroductions of gray wolves by December 31, 2023, only on designated lands; and

(e) Oversee gray wolf restoration and management, including the distribution of state funds that are made available to:

(I) Assist owners of livestock in preventing and resolving conflicts between gray wolves and livestock; and

(II) Pay fair compensation to owners of livestock for any losses of livestock caused by gray wolves, as verified pursuant to the claim procedures authorized by sections 33-3-107 to 33-3-110.

(3) (a) The commission's plan must comply with section 33-2-105.7 (2), (3), and (4) and must include:

(I) The selection of donor populations of gray wolves;

(II) The places, manner, and scheduling of reintroductions of gray wolves by the division, with such reintroductions being restricted to designated lands;

(III) Details for the restoration and management of gray wolves, including actions necessary or beneficial for establishing and

maintaining a self-sustaining population, as authorized by section 33-2-104; and

(IV) Methodologies for determining when the gray wolf population is sustaining itself successfully and when to remove the gray wolf from the list of endangered or threatened species, as provided for in section 33-2-105 (2).

(b) The commission shall not impose any land, water, or resource use restrictions on private landowners in furtherance of the plan.

(4) In furtherance of this section and the expressed intent of voters, the general assembly:

(a) Shall make such appropriations as are necessary to fund the programs authorized and obligations imposed by this section, including fair compensation for livestock losses that are authorized by this section; and

(b) May adopt such other legislation as will facilitate the implementation of the restoration of gray wolves to Colorado.

(4.5) (a) For purposes of implementing and administering this section, the general assembly shall appropriate money to the division or otherwise authorize the division to expend money from one or more of the following funds:

(I) The general fund;

(II) The species conservation trust fund created in section 24-33-111 (2)(a);

(III) The Colorado nongame conservation and wildlife restoration cash fund created in section 33-1-125; or

(IV) The wildlife cash fund created in section 33-1-112 (1); except that any money within the wildlife cash fund that is generated from the sale of hunting and fishing licenses or from associated federal grants is not available for appropriation under this section.

(b) The lack of an appropriation from the general fund shall not halt reintroduction of gray wolves as required under subsection (2)(d) of this section.

(c) The division may solicit, accept, and expend any grants, gifts, sponsorships, contributions, donations, and bequests, including federal funds, for the purpose of implementing and administering this section.

(5) As used in this section, unless the context otherwise requires:

(a) "Designated lands" means those lands west of the continental divide in Colorado that the commission determines are consistent with its plan to restore and manage gray wolves.

(b) "Gray wolf" means nongame wildlife of the species *canis lupus*.

(c) "Livestock" means cattle, horses, mules, burros, sheep, lambs, swine, llama, alpaca, and goats.

(d) "Restore" or "restoration" means any reintroduction, as provided for in section 33-2-105.7 (1)(a), as well as post-release management of the gray wolf in a manner that fosters the species' capacity to sustain itself successfully.