

# 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 31, 2025

**Subject:** Proposed initiative measure 2025-2026 #13, end 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 end the reintroduction of gray wolves on designated lands west of the continental divide by December 31, 2026.

### 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. Ending the reintroduction of gray wolves will not result in the removal of the gray wolves that are already reintroduced. Is that the intention of the proposed initiative?
3. Section 33-2-105.5, Colorado Revised Statutes, has a prohibition on introducing or reintroducing threatened or endangered species without legislative approval. But this provision arguably no longer applies to gray wolves because the species has already been reintroduced in the state. Because of this, requiring that the gray wolf reintroductions end by a certain date may not remove the division of parks and wildlife's authority to bring more gray wolves into the state without legislative approval. Is this the intention of the proposed initiative?

## 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. Section 33-2-105.8, Colorado Revised Statutes, already exists in statute; that section cannot be added by the proposed initiative. The full text of that section is attached as **Addendum A**.
2. If the yellow-highlighted and bold-faced text in the proposed initiative is meant to be new language added to the Colorado Revised Statutes, only subsection (2)(d) of section 33-2-105.8, Colorado Revised Statutes, needs to be amended by and included in the proposed initiative. If that is the purpose of the proposed initiative:

- a. The amending clause should read:

**SECTION 1.** In Colorado Revised Statutes, 33-2-105.9, **amend** (2)(d) as follows:

- b. The statute should be amended as shown below, with the language in current text shown in lowercase and the new language shown in small capital letters.

**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.** (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:

(d) Take the steps necessary to begin reintroductions of gray wolves by December 31, 2023, AND END REINTRODUCTION OF GRAY WOLVES BY DECEMBER 31, 2026, only on designated lands; and

## 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.