

CHAPTER 248

NATURAL RESOURCES

SENATE BILL 23-255

BY SENATOR(S) Roberts and Will, Baisley, Ginal, Hinrichsen, Marchman, Mullica, Pelton B., Pelton R., Priola, Rich, Rodriguez, Simpson, Bridges, Van Winkle, Zenzinger;
 also REPRESENTATIVE(S) McCluskie and Catlin, Holtorf, Lukens, Martinez, McCormick, McLachlan, Soper, Velasco, Amabile, Bird, Bockenfeld, Bradley, Brown, DeGraaf, Duran, English, Epps, Evans, Frizzell, Hartsook, Joseph, Kipp, Lieder, Lynch, Marshall, Mauro, Pugliese, Snyder, Taggart, Titone, Winter T., Young.

AN ACT

CONCERNING THE PROVISION OF COMPENSATION TO PEOPLE WHO SUFFER DAMAGES BECAUSE OF GRAY WOLF DEPREDAATION, AND, IN CONNECTION THEREWITH, MAKING AND REDUCING APPROPRIATIONS.

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

SECTION 1. Legislative declaration. (1) The general assembly finds and declares that:

(a) In the 2020 general election, the citizens of Colorado passed proposition 114, which is codified as section 33-2-105.8, Colorado Revised Statutes, and mandates that the parks and wildlife commission restore the gray wolf to the state;

(b) The text of proposition 114 includes the requirement that the parks and wildlife commission pay "fair compensation to owners of livestock for any losses of livestock caused by gray wolves..."; and

(c) It is in the best interest of livestock owners and the intention of proposition 114's supporters to dedicate a source of funding that is available solely for wolf depredation compensation.

SECTION 2. In Colorado Revised Statutes, **add** 33-1-128 as follows:

33-1-128. Wolf depredation compensation fund - compensation for damages - definitions - rules - repeal. (1) **AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:**

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(a) "FUND" MEANS THE WOLF DEPREDAATION COMPENSATION FUND CREATED IN SUBSECTION (2) OF THIS SECTION.

(b) "LIVESTOCK" HAS THE MEANING SET FORTH IN SECTION 33-2-105.8 (5)(c).

(c) "LIVESTOCK GUARD OR HERDING ANIMAL" MEANS AN ANIMAL WHOSE PRIMARY PURPOSE IS PROTECTING LIVESTOCK FROM DEPREDAATION OR HERDING LIVESTOCK.

(d) "WOLF DEPREDAATION" MEANS THAT A GRAY WOLF HAS CAUSED DIRECT PHYSICAL TRAUMA RESULTING IN THE DEATH OF OR INJURY TO LIVESTOCK OR TO A LIVESTOCK GUARD OR HERDING ANIMAL.

(2) (a) THE WOLF DEPREDAATION COMPENSATION FUND IS CREATED IN THE STATE TREASURY. THE FUND CONSISTS OF MONEY TRANSFERRED TO THE FUND IN ACCORDANCE WITH SUBSECTION (2)(b) OF THIS SECTION AND ANY OTHER MONEY THAT THE GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER TO THE FUND.

(b) (I) FOR THE 2023-24 STATE FISCAL YEAR, THE STATE TREASURER SHALL TRANSFER ONE HUNDRED SEVENTY-FIVE THOUSAND DOLLARS FROM THE GENERAL FUND TO THE FUND. THIS SUBSECTION (2)(b)(I) IS REPEALED, EFFECTIVE JULY 1, 2024.

(II) FOR THE 2024-25 STATE FISCAL YEAR AND EACH STATE FISCAL YEAR THEREAFTER, THE STATE TREASURER SHALL ANNUALLY TRANSFER THREE HUNDRED FIFTY THOUSAND DOLLARS FROM THE GENERAL FUND TO THE FUND.

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

(3) (a) SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY, THE DIVISION MAY EXPEND MONEY FROM THE FUND TO COMPENSATE OWNERS OF LIVESTOCK OR LIVESTOCK GUARD OR HERDING ANIMALS THAT SUFFER DAMAGES DUE TO WOLF DEPREDAATION.

(b) FOR AN OWNER OF LIVESTOCK OR A LIVESTOCK GUARD OR HERDING ANIMAL TO BE COMPENSATED FROM THE FUND:

(I) ONE OR MORE GRAY WOLVES MUST HAVE KILLED OR INJURED LIVESTOCK OR A LIVESTOCK GUARD OR HERDING ANIMAL OWNED BY THE CLAIMANT, AS DETERMINED BY THE DIVISION; AND

(II) THE CLAIMANT MUST BE ELIGIBLE FOR COMPENSATION UNDER THE GRAY WOLF RESTORATION AND MANAGEMENT PLAN, CREATED IN ACCORDANCE WITH SECTION 33-2-105.8, OR IN ANY RULES PROMULGATED BY THE COMMISSION.

(c) THE COMMISSION MAY PROMULGATE RULES TO IMPLEMENT AND ADMINISTER THIS SECTION. THE RULES MAY:

(I) INCLUDE ADDITIONAL CRITERIA NECESSARY TO RECEIVE COMPENSATION FROM THE FUND; OR

(II) AUTHORIZE AND SET CRITERIA FOR COMPENSATION FROM THE FUND FOR INDIRECT LIVESTOCK LOSS.

(4) (a) THE DIVISION SHALL EXPEND ANY UNEXPENDED AND UNENCUMBERED MONEY IN THE FUND THAT EXCEEDS THE FOLLOWING AMOUNTS FOR THE PURPOSES DESCRIBED IN SUBSECTION (4)(b) OF THIS SECTION:

(I) FOR STATE FISCAL YEARS 2023-24 AND 2024-25, ONE HUNDRED THOUSAND DOLLARS; AND

(II) FOR STATE FISCAL YEAR 2025-26 AND SUBSEQUENT FISCAL YEARS, AN AMOUNT EQUAL TO THE AMOUNT OF MONEY EXPENDED FROM THE FUND FOR COMPENSATION OF OWNERS OF LIVESTOCK OR LIVESTOCK GUARD OR HERDING ANIMALS DURING THE IMMEDIATELY PRECEDING STATE FISCAL YEAR PLUS TWENTY PERCENT OF THIS AMOUNT.

(b) THE DIVISION SHALL EXPEND THE MONEY DESCRIBED IN SUBSECTION (4)(a) OF THIS SECTION TO IMPLEMENT THE GRAY WOLF RESTORATION AND MANAGEMENT PLAN, CREATED IN ACCORDANCE WITH SECTION 33-2-105.8, AS AMENDED BY THE COMMISSION.

(5) (a) ON OR BEFORE JANUARY 31, 2025, AND ON OR BEFORE JANUARY 31 OF EACH YEAR THEREAFTER, THE DIRECTOR SHALL SUBMIT A WRITTEN REPORT TO THE APPROPRIATE COMMITTEES OF REFERENCE AS DETERMINED IN ACCORDANCE WITH SECTION 2-7-203 (1). FOR THE IMMEDIATELY PRECEDING STATE FISCAL YEAR, THE REPORT MUST INCLUDE:

(I) THE NUMBER OF LIVESTOCK AND LIVESTOCK GUARD OR HERDING ANIMALS KILLED BY GRAY WOLVES;

(II) THE NUMBER OF CLAIMS MADE FOR COMPENSATION FROM THE FUND;

(III) THE NUMBER OF COMPENSATION CLAIMS THAT WERE APPROVED AND DENIED;

(IV) THE REASONS FOR THE DENIAL OF COMPENSATION CLAIMS;

(V) THE AMOUNT OF MONEY PAID FOR COMPENSATION FROM THE FUND;

(VI) AN EXPLANATION OF THE NUMBER AND COST OF LOSSES DUE TO WOLF DEPREDATION;

(VII) THE NUMBER OF RESIDENT GRAY WOLVES;

(VIII) THE NUMBER OF RESIDENT GRAY WOLF PACKS;

(IX) THE ACTIVITY OF THE GRAY WOLF PACKS, INCLUDING DATES, DETERMINED FROM GRAY WOLVES BEING TRACKED; AND

(X) THE NUMBER OF GRAY WOLF BREEDING PAIRS AND THE POPULATION CHANGES OF RESIDENT GRAY WOLVES.

(b) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), THE REPORTING REQUIREMENT SPECIFIED IN SUBSECTION (5)(a) OF THIS SECTION CONTINUES INDEFINITELY.

(c) THE DIVISION SHALL NOT INCLUDE, IN THE REPORT MADE UNDER SUBSECTION (5)(a) OF THIS SECTION, INFORMATION THAT THE DIVISION MAY WITHHOLD UNDER SECTION 24-72-204 (2)(a)(X).

(6) (a) COMPENSATION PAID UNDER THIS SECTION IS REIMBURSEMENT FOR DAMAGES AND NOT INCOME SUBJECT TO TAXATION.

(b) THIS SECTION DOES NOT AUTHORIZE THE RELEASE OF ANY PRIVATE INFORMATION ABOUT A CLAIMANT OR A CLAIMANT'S COMPENSATION.

SECTION 3. Appropriation. For the 2023-24 state fiscal year, \$175,000 is appropriated to the department of natural resources for use by the division of parks and wildlife. This appropriation is from the wolf depredation compensation fund created in section 33-1-128 (2)(a), C.R.S. To implement this act, the division may use this appropriation for wolf depredation compensation.

SECTION 4. Appropriation - adjustments to 2023 long bill. To implement this act, the general fund appropriation made in the annual general appropriation act for the 2023-24 state fiscal year to the department of natural resources for use by the division of parks and wildlife for the implementation of Proposition 114 for the reintroduction and management of gray wolves is decreased by \$175,000.

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

Approved: May 23, 2023