

**First Regular Session  
Sixty-sixth General Assembly  
STATE OF COLORADO**

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 07-0493.01 Karen Epps

**HOUSE BILL 07-1038**

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**HOUSE SPONSORSHIP**

**Gibbs,**

**SENATE SPONSORSHIP**

**Penry,**

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**House Committees**

Agriculture, Livestock, & Natural Resources  
Finance

**Senate Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING SUPPORT FOR THE CONTROL OF NONNATIVE PLANTS**  
102 **FROM COLORADO'S WATERSHEDS.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)*

Creates the nonnative plant control fund (fund) in the state treasury. Authorizes the department of natural resources, in collaboration with the interbasin compact committee, to use the moneys in the fund to award competitive grants to counties, municipalities, other political subdivisions of the state, and nonprofit organizations to be used to support riparian restoration efforts. Specifically references the need to control tamarisk and other nonnative plants that are severely impacting

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

the health of Colorado's river systems to the detriment of water resources, agricultural value, recreational use, and wildlife habitat. Requires the department of natural resources, in cooperation with the department of agriculture, to provide assistance, guidance, education, funding coordination, and technical resources to watershed partnerships.

Directs the department of natural resources to develop criteria for awarding grants from the fund. Requires annual reports to the governor and the general assembly.

Directs that any unexpended and unencumbered moneys in the fund shall revert to the general fund upon repeal of the program.

Transfers a specified amount each year from the operational account of the severance tax trust fund to the fund.

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

2 **SECTION 1.** 39-29-109 (1) (c), Colorado Revised Statutes, is  
3 amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

4 **39-29-109. Severance tax trust fund - created - administration**  
5 **- use of moneys - definitions - repeal.** (1) (c) (IV) NOTWITHSTANDING  
6 ANY PROVISION OF THIS SECTION TO THE CONTRARY, FOR FOUR STATE  
7 FISCAL YEARS BEGINNING WITH THE STATE FISCAL YEAR COMMENCING ON  
8 JULY 1, 2007, A PORTION OF THE OPERATIONAL ACCOUNT OF THE  
9 SEVERANCE TAX TRUST FUND SHALL BE TRANSFERRED TO THE NOXIOUS  
10 WEED MANAGEMENT FUND CREATED IN SECTION 35-5.5-116, C.R.S. THE  
11 AMOUNT TRANSFERRED SHALL BE ONE MILLION DOLLARS PER YEAR,  
12 SUBJECT TO THE LIMITATIONS STATED IN SECTION 35-5.5-116.5, C.R.S.

13  
14 **SECTION 2.** 35-5.5-116 (1), Colorado Revised Statutes, is  
15 amended to read:

16 **35-5.5-116. Noxious weed management fund - creation -**  
17 **allocation of funds.** (1) There is hereby created in the office of the state  
18 treasurer the noxious weed management fund. The fund shall consist of  
19 any civil penalties collected pursuant to section 35-5.5-118; any gifts,

1 donations, and grants received pursuant to section 35-1-104 (1) (cc);  
2 MONEYS TRANSFERRED FROM THE SEVERANCE TAX TRUST FUND; and any  
3 moneys approved by the general assembly for the purpose of funding  
4 noxious weed management projects. All interest derived from the deposit  
5 and investment of moneys in the fund shall be credited to the fund. ~~The~~  
6 ~~general assembly shall annually appropriate moneys in the fund to the~~  
7 ~~department of agriculture for the purposes specified in subsection (2) of~~  
8 ~~this section.~~ ALL MONEYS IN THE FUND SHALL BE CONTINUOUSLY  
9 APPROPRIATED IN IMPLEMENTING THE PROVISIONS OF THIS ARTICLE.

10 **SECTION 3.** Article 5.5 of title 35, Colorado Revised Statutes,  
11 is amended BY THE ADDITION OF A NEW SECTION to read:

12 **35-5.5-116.5. Grant program - creation - use of moneys -**  
13 **repeal.** (1) FOR THE STATE FISCAL YEARS COMMENCING ON JULY 1, 2007,  
14 JULY 1, 2008, JULY 1, 2009, AND JULY 1, 2010, THE GENERAL ASSEMBLY  
15 SHALL APPROPRIATE ONE MILLION DOLLARS TO THE NOXIOUS WEED  
16 MANAGEMENT FUND, CREATED IN SECTION 35-5.5-116 AND REFERRED TO  
17 IN THIS SECTION AS THE "FUND", TO BE USED TO MAKE GRANTS IN  
18 ACCORDANCE WITH SUBSECTION (2) OF THIS SECTION AND TO COVER THE  
19 DEPARTMENT'S DIRECT AND INDIRECT COSTS OF ADMINISTERING THE  
20 GRANT PROGRAM.

21 (2) (a) THE DEPARTMENT SHALL DEVELOP AND ADMINISTER A  
22 PROCESS BY WHICH PERSONS AND ENTITIES MAY APPLY FOR GRANTS FROM  
23 THE FUND. SUCH PROCESS SHALL INCLUDE OBJECTIVE CRITERIA FOR THE  
24 CONSIDERATION OF COMPETING APPLICATIONS FOR GRANTS.

25 (b) THE STATE NOXIOUS WEED ADVISORY COMMITTEE CREATED IN  
26 SECTION 35-5.5-108.7, MAY COLLABORATE WITH THE INTERBASIN  
27 COMPACT COMMITTEE ESTABLISHED PURSUANT TO SECTION 37-75-105,

1 C.R.S, AND THE COLORADO WATER CONSERVATION BOARD TO REVIEW  
2 ANDRECOMMEND APPLICATIONS FOR GRANTS PURSUANT TO THIS SECTION.

3 (c) BASED ON RECOMMENDATIONS RECEIVED PURSUANT TO  
4 PARAGRAPH (b) OF THIS SUBSECTION (2), THE COMMISSIONER SHALL  
5 AWARD COMPETITIVE GRANTS TO COUNTIES, MUNICIPALITIES,  
6 CONSERVATION DISTRICTS, OTHER POLITICAL SUBDIVISIONS OF THE STATE,  
7 OR NONPROFIT ORGANIZATIONS FOR THE PURPOSES DESCRIBED IN  
8 SUBSECTION (3) OF THIS SECTION.

9 (d) FOR EACH FISCAL YEAR IN WHICH MONEYS ARE EXPENDED  
10 PURSUANT TO THIS SECTION, THE STATE WEED COORDINATOR SHALL  
11 PREPARE AND SUBMIT TO THE GENERAL ASSEMBLY AN ANNUAL REPORT  
12 THAT SPECIFIES HOW THE MONEYS WERE EXPENDED AND  
13 RECOMMENDATIONS FOR ANY FUTURE PROGRAMS OF THIS NATURE.

14 (3) GRANT MONEYS AWARDED PURSUANT TO THIS SECTION MAY  
15 BE USED TO SUPPORT RIPARIAN RESTORATION EFFORTS TO CONTROL  
16 NOXIOUS WEEDS THAT ARE SEVERELY IMPACTING THE HEALTH OF  
17 COLORADO'S RIVER SYSTEMS TO THE DETRIMENT OF WATER RESOURCES,  
18 AGRICULTURAL VALUE, RECREATIONAL USE, NATIVE PLANT COMMUNITIES,  
19 OR WILDLIFE HABITAT.

20 (4) GRANT MONEYS MAY BE USED FOR THE RESTORATION OF ANY  
21 RIPARIAN LAND IN COLORADO, WITH THE EXCEPTION OF FEDERAL LANDS.

22 (5) THE STATE WEED COORDINATOR SHALL PROVIDE DETAILED  
23 INVENTORY AND MAPPING DATA ON TAMARISK TO THE NATURAL  
24 RESOURCES ECOLOGY LABORATORY AT COLORADO STATE UNIVERSITY.  
25 SUCH INVENTORY AND MAPPING DATA SHALL BE INTEGRATED INTO THE  
26 NATIONAL INVASIVE SPECIES DATABASE AND USED TO TRACK PROGRESS  
27 ON RESTORATION EFFORTS.

1           (6) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2011.

2           **SECTION 4. Safety clause.** The general assembly hereby finds,  
3 determines, and declares that this act is necessary for the immediate  
4 preservation of the public peace, health, and safety.