

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

INTRODUCED

LLS NO. 07-0493.01 Karen Epps

HOUSE BILL 07-1038

HOUSE SPONSORSHIP

Gibbs,

SENATE SPONSORSHIP

Penry,

House Committees

Agriculture, Livestock, & Natural Resources

Senate Committees

A BILL FOR AN ACT

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

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.

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 NONNATIVE
10 PLANT CONTROL FUND CREATED IN SECTION 24-22-118, C.R.S. THE
11 AMOUNT TRANSFERRED SHALL BE TWO MILLION FIVE HUNDRED THOUSAND
12 DOLLARS PER YEAR, SUBJECT TO THE LIMITATIONS STATED IN SAID
13 SECTION.

14 **SECTION 2.** Article 22 of title 24, Colorado Revised Statutes, is
15 amended BY THE ADDITION OF A NEW SECTION to read:

16 **24-22-118. Nonnative plant control fund - creation - use of**
17 **moneys - repeal.** (1) THERE IS HEREBY CREATED IN THE STATE
18 TREASURY THE NONNATIVE PLANT CONTROL FUND, ALSO REFERRED TO IN
19 THIS SECTION AS THE "FUND". THE PURPOSE OF THE FUND IS TO PROVIDE

1 FINANCIAL SUPPORT FOR WATERSHED PARTNERSHIPS TO BE USED AS
2 MATCHING FUNDS FOR FEDERAL AND OTHER NONSTATE FUNDING SOURCES
3 FOR RIPARIAN RESTORATION THAT INCLUDES CONTROL, REVEGETATION,
4 MAINTENANCE, AND MONITORING OF WATERSHEDS.

5 (2) FOR THE STATE FISCAL YEARS COMMENCING JULY 1, 2007,
6 JULY 1, 2008, JULY 1, 2009, AND JULY 1, 2010, THE GENERAL ASSEMBLY
7 SHALL APPROPRIATE TWO MILLION FIVE HUNDRED THOUSAND DOLLARS
8 FROM THE FUND AS FOLLOWS:

9 (a) TWO HUNDRED FIFTY THOUSAND DOLLARS SHALL BE
10 APPROPRIATED TO THE DEPARTMENT OF NATURAL RESOURCES TO PROVIDE
11 ASSISTANCE, GUIDANCE, EDUCATION, FUNDING COORDINATION, AND
12 TECHNICAL RESOURCES TO WATERSHED PARTNERSHIPS, IN COOPERATION
13 WITH THE DEPARTMENT OF AGRICULTURE;

14 (b) TWO MILLION TWO HUNDRED FIFTY THOUSAND DOLLARS SHALL
15 BE APPROPRIATED TO THE DEPARTMENT OF NATURAL RESOURCES TO BE
16 USED BY THE DEPARTMENT OF NATURAL RESOURCES TO MAKE GRANTS IN
17 ACCORDANCE WITH SUBSECTION (3) OF THIS SECTION.

18 (3) (a) THE DEPARTMENT OF NATURAL RESOURCES, IN
19 COLLABORATION WITH THE INTERBASIN COMPACT COMMITTEE
20 ESTABLISHED PURSUANT TO SECTION 37-75-105, C.R.S, SHALL USE
21 MONEYS IT RECEIVES PURSUANT TO PARAGRAPH (b) OF SUBSECTION (2) OF
22 THIS SECTION TO AWARD COMPETITIVE GRANTS TO COUNTIES,
23 MUNICIPALITIES, OTHER POLITICAL SUBDIVISIONS OF THE STATE, AND
24 NONPROFIT ORGANIZATIONS FOR THE PURPOSES DESCRIBED IN SUBSECTION
25 (4) OF THIS SECTION.

26 (b) THE DEPARTMENT OF NATURAL RESOURCES SHALL DEVELOP
27 AND ADMINISTER A PROCESS BY WHICH PERSONS AND ENTITIES MAY APPLY

1 FOR GRANTS FROM THE FUND. SUCH PROCESS SHALL INCLUDE OBJECTIVE
2 CRITERIA FOR THE CONSIDERATION OF COMPETING PROPOSALS.

3 (c) FOR EACH FISCAL YEAR IN WHICH MONEYS ARE EXPENDED
4 PURSUANT TO THIS SECTION, THE DEPARTMENT OF NATURAL RESOURCES
5 SHALL PREPARE AND SUBMIT TO THE GENERAL ASSEMBLY AN ANNUAL
6 REPORT THAT SPECIFIES HOW THE MONEYS WERE EXPENDED AND
7 RECOMMENDATIONS FOR ANY FUTURE PROGRAMS OF THIS NATURE.

8 (d) EXCEPT AS PROVIDED IN SUBSECTION (7) OF THIS SECTION, ANY
9 MONEYS REMAINING IN THE FUND, TOGETHER WITH INTEREST EARNED ON
10 THE DEPOSIT AND INVESTMENT THEREOF, AT THE END OF A FISCAL YEAR
11 SHALL REMAIN IN THE FUND AND MAY BE USED IN SUBSEQUENT FISCAL
12 YEARS.

13 (4) GRANT MONEYS AWARDED PURSUANT TO THIS SECTION MAY
14 BE USED TO SUPPORT RIPARIAN RESTORATION EFFORTS TO CONTROL
15 NONNATIVE PLANTS THAT ARE SEVERELY IMPACTING THE HEALTH OF
16 COLORADO'S RIVER SYSTEMS TO THE DETRIMENT OF WATER RESOURCES,
17 AGRICULTURAL VALUE, RECREATIONAL USE, AND WILDLIFE HABITAT.

18 (5) GRANT MONEYS MAY BE USED FOR THE RESTORATION OF ANY
19 RIPARIAN LAND IN COLORADO, WITH THE EXCEPTION OF FEDERAL LANDS.

20 (6) THE DEPARTMENT OF NATURAL RESOURCES SHALL PROVIDE A
21 DETAILED INVENTORY AND MAPPING DATA ON TAMARISK TO THE NATURAL
22 RESOURCES ECOLOGY LAB AT COLORADO STATE UNIVERSITY. SUCH
23 INVENTORY AND MAPPING DATA SHALL BE INTEGRATED INTO THE
24 NATIONAL INVASIVE SPECIES DATABASE AND USED TO TRACK PROGRESS
25 ON RESTORATION EFFORTS.

26 (7) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2011. ANY
27 UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE

1 NONNATIVE PLANT CONTROL FUND AS OF JUNE 30, 2011, SHALL REVERT TO
2 THE GENERAL FUND.

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