

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

**REREVISED**

*This Version Includes All Amendments  
Adopted in the Second House*

LLS NO. 08-1093.02 Kate Meyer

**SENATE BILL 08-226**

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**SENATE SPONSORSHIP**

**Isgar,**

**HOUSE SPONSORSHIP**

**Butcher and McFadyen, Fischer, and King**

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**Senate Committees**

Agriculture, Natural Resources & Energy  
Appropriations

**House Committees**

Agriculture, Livestock, & Natural Resources  
Appropriations

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**A BILL FOR AN ACT**

101     **CONCERNING THE PROHIBITION OF AQUATIC NUISANCE SPECIES IN**  
102             **COLORADO, AND MAKING AN APPROPRIATION IN CONNECTION**  
103             **THEREWITH.**

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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.)*

Prohibits the introduction of aquatic nuisance species in Colorado. Establishes aquatic nuisance species laws to be administered by the division of parks and outdoor recreation and the division of wildlife (divisions), in cooperation with the department of revenue and the commissioner of agriculture. Allows the divisions, peace officers, and port of entry officers to inspect motor vehicles and watercraft and any

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.*

HOUSE  
Am ended 3rd Reading  
May 5, 2008

HOUSE  
Am ended 2nd Reading  
May 2, 2008

SENATE  
3rd Reading Unamended  
April 25, 2008

SENATE  
Am ended 2nd Reading  
April 24, 2008

associated trailers or equipment (conveyances) upon reasonable belief that an aquatic nuisance species is present and, in cooperation with the department of revenue, to inspect conveyances at ports of entry. Empowers the divisions, peace officers, and port of entry officers to impound, quarantine, and decontaminate conveyances.

Requires persons who are aware of or suspect the presence of aquatic nuisance species to report such knowledge or belief to the divisions. Specifies penalties for knowingly violating the act or proper orders issued by law enforcement officers enforcing the act. Directs the board of parks and outdoor recreation to promulgate rules to implement the act. Authorizes the commissioner of agriculture to work with specified state agencies to develop a statewide plan to address aquatic nuisance species. Makes a legislative declaration.

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

**SECTION 1.** Title 33, Colorado Revised Statutes, is amended BY  
THE ADDITION OF A NEW ARTICLE to read:

**ARTICLE 10.5**

**Aquatic Nuisance Species**

**33-10.5-101. Legislative declaration.** THE GENERAL ASSEMBLY  
HEREBY RECOGNIZES THE DEVASTATING ECONOMIC, ENVIRONMENTAL,  
AND SOCIAL IMPACTS OF AQUATIC NUISANCE SPECIES ON THE AQUATIC  
RESOURCES AND WATER INFRASTRUCTURE OF THE STATE. THE GENERAL  
ASSEMBLY FURTHER RECOGNIZES THE POTENTIAL OF RECREATIONAL  
VESSELS TO BE A SIGNIFICANT SOURCE OF THE SPREAD OF AQUATIC  
NUISANCE SPECIES IN COLORADO. THEREFORE, THE GENERAL ASSEMBLY  
FINDS, DETERMINES, AND DECLARES THAT THE PURPOSES OF ENACTING  
THIS ARTICLE ARE TO IMPLEMENT ACTIONS TO DETECT, PREVENT, CONTAIN,  
CONTROL, MONITOR, AND, WHENEVER POSSIBLE, ERADICATE AQUATIC  
NUISANCE SPECIES FROM THE WATERS OF THE STATE AND TO PROTECT  
HUMAN HEALTH, SAFETY, AND WELFARE FROM AQUATIC NUISANCE  
SPECIES. IT IS THE INTENT OF THE GENERAL ASSEMBLY TO FOSTER AND

1 ENCOURAGE, TO THE GREATEST EXTENT POSSIBLE, VOLUNTARY  
2 COMPLIANCE WITH THIS ARTICLE. IT IS THE INTENT OF THE GENERAL  
3 ASSEMBLY THAT PREVENTION, CONTAINMENT, AND ERADICATION OF  
4 AQUATIC NUISANCE SPECIES IN WATERS OF THE STATE IN WHICH SUCH  
5 SPECIES HAVE BEEN DETECTED OR ARE LIKELY TO BE INTRODUCED SHALL  
6 BE THE DIVISIONS' HIGHEST PRIORITIES.

7 **33-10.5-102. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE  
8 CONTEXT OTHERWISE REQUIRES:

9 (1) "AQUATIC NUISANCE SPECIES" MEANS EXOTIC OR NONNATIVE  
10 AQUATIC WILDLIFE OR ANY PLANT SPECIES THAT HAVE BEEN DETERMINED  
11 BY THE BOARD TO POSE A SIGNIFICANT THREAT TO THE AQUATIC  
12 RESOURCES OR WATER INFRASTRUCTURE OF THE STATE.

13 (2) "AUTHORIZED AGENT" MEANS ANY PERSON, EMPLOYEE, OR  
14 REPRESENTATIVE OF LOCAL, STATE, OR FEDERAL GOVERNMENT OR ANY  
15 SUBDIVISION OF THE GOVERNMENT THAT IS AUTHORIZED BY THE  
16 GOVERNMENT OR GOVERNMENTAL SUBDIVISION TO TEMPORARILY STOP,  
17 DETAIN, AND INSPECT A CONVEYANCE FOR AQUATIC NUISANCE SPECIES.

18 (3) "BOARD" MEANS THE BOARD OF PARKS AND OUTDOOR  
19 RECREATION IN THE DEPARTMENT OF NATURAL RESOURCES CREATED IN  
20 SECTION 33-10-103.

21 (4) "CONVEYANCE" MEANS A MOTOR VEHICLE, VESSEL, TRAILER,  
22 OR ANY ASSOCIATED EQUIPMENT OR CONTAINERS, INCLUDING, BUT NOT  
23 LIMITED TO, LIVE WELLS, BALLAST TANKS, AND BILGE AREAS THAT MAY  
24 CONTAIN OR CARRY AN AQUATIC NUISANCE SPECIES.

25 (5) "DECONTAMINATE" MEANS TO WASH, DRAIN, DRY, OR  
26 CHEMICALLY OR THERMALLY TREAT A CONVEYANCE IN ACCORDANCE  
27 WITH RULES PROMULGATED BY THE BOARD IN ORDER TO REMOVE OR

1 DESTROY AN AQUATIC NUISANCE SPECIES.

2 (6) "DIVISIONS" MEANS THE DIVISION OF PARKS AND OUTDOOR  
3 RECREATION CREATED IN SECTION 33-10-103 AND THE DIVISION OF  
4 WILDLIFE IDENTIFIED IN SECTION 33-1-103.

5 (7) "EQUIPMENT" MEANS AN ARTICLE, TOOL, IMPLEMENT, OR  
6 DEVICE CAPABLE OF CONTAINING OR TRANSPORTING WATER.

7 (8) "INSPECT" MEANS TO EXAMINE A CONVEYANCE PURSUANT TO  
8 PROCEDURES ESTABLISHED BY THE BOARD BY RULE IN ORDER TO  
9 DETERMINE WHETHER AN AQUATIC NUISANCE SPECIES IS PRESENT, AND  
10 INCLUDES EXAMINING, DRAINING, OR CHEMICALLY TREATING WATER IN  
11 THE CONVEYANCE.

12 (9) "QUALIFIED PEACE OFFICER" MEANS A COLORADO WILDLIFE  
13 OFFICER OR SPECIAL WILDLIFE OFFICER; A PARKS AND RECREATION  
14 OFFICER; A PEACE OFFICER IN THE DEPARTMENT OF PUBLIC SAFETY; AND  
15 A PEACE OFFICER WITH JURISDICTION OVER ANY WATERS OF THE STATE.

16 **33-10.5-103. Powers and duties of the divisions - annual**  
17 **report.** (1) IN ORDER TO PREVENT, CONTROL, CONTAIN, MONITOR, AND,  
18 WHENEVER POSSIBLE, ERADICATE AQUATIC NUISANCE SPECIES FROM THE  
19 WATERS OF THE STATE, THE DIVISIONS ARE AUTHORIZED TO JOINTLY  
20 ESTABLISH, OPERATE, AND MAINTAIN AQUATIC NUISANCE SPECIES CHECK  
21 STATIONS IN ORDER TO INSPECT CONVEYANCES PURSUANT TO SECTION  
22 33-10.5-104.

23

24 (2) UPON A REASONABLE BELIEF THAT AN AQUATIC NUISANCE  
25 SPECIES MAY BE PRESENT, THE DIVISIONS MAY:

26 (a) REQUIRE THE OWNER OF A CONVEYANCE TO DECONTAMINATE  
27 THE CONVEYANCE; OR

1 (b) DECONTAMINATE OR IMPOUND AND QUARANTINE THE  
2 CONVEYANCE PURSUANT TO SECTION 33-10.5-104.

3 (3) THE DIVISIONS MAY MONITOR THE WATERS OF THE STATE FOR  
4 THE PRESENCE OF AQUATIC NUISANCE SPECIES, BUT ONLY IF THE DIVISIONS  
5 HAVE RECEIVED PERMISSION TO MONITOR FROM THE PERSONS  
6 CONTROLLING ACCESS TO SUCH WATERS.

7 (4) THE DIVISIONS SHALL, IN COOPERATION WITH THE DEPARTMENT  
8 OF PUBLIC SAFETY, THE COLORADO OFFICE OF ECONOMIC DEVELOPMENT,  
9 THE COLORADO TOURISM OFFICE, THE WATER CONSERVATION BOARD  
10 CREATED IN SECTION 37-60-102, C.R.S., AND THE DEPARTMENT OF  
11 AGRICULTURE, DEVELOP A STRATEGIC STATEWIDE PLAN TO PREVENT,  
12 CONTROL, MONITOR, EDUCATE PERSONS ABOUT, AND, WHENEVER  
13 POSSIBLE, ERADICATE AQUATIC NUISANCE SPECIES.

14 (5) BEGINNING ON JANUARY 15, 2009, AND ON OR BEFORE  
15 JANUARY 15 OF EACH YEAR THEREAFTER, THE DIVISIONS AND THE WATER  
16 CONSERVATION BOARD CREATED IN SECTION 37-60-102, C.R.S., SHALL  
17 MAKE AN ANNUAL REPORT OF THE EFFORTS IN ADDRESSING AQUATIC  
18 NUISANCE SPECIES IN COLORADO FOR THE PRECEDING CALENDAR YEAR TO  
19 THE JOINT HOUSE AGRICULTURE, LIVESTOCK, AND NATURAL RESOURCE  
20 COMMITTEE AND THE SENATE AGRICULTURE, NATURAL RESOURCES, AND  
21 ENERGY COMMITTEE, OR ITS SUCCESSOR COMMITTEE. EACH SUCH REPORT  
22 SHALL SET FORTH A COMPLETE OPERATING AND FINANCIAL STATEMENT  
23 COVERING THE AQUATIC NUISANCE SPECIES OPERATIONS OF THE DIVISIONS  
24 DURING THE YEAR.

25 **33-10.5-104. Inspection of conveyances - impoundment and**  
26 **quarantine.** (1) (a) EVERY QUALIFIED PEACE OFFICER IS AUTHORIZED  
27 TO ENFORCE THIS ARTICLE; EXCEPT THAT SUCH OFFICER SHALL HAVE A

1 REASONABLE BELIEF THAT A CONVEYANCE MAY CONTAIN AN AQUATIC  
2 NUISANCE SPECIES BEFORE THE OFFICER ORDERS THE CONVEYANCE  
3 DECONTAMINATED OR IMPOUNDED AND QUARANTINED.

4 (b) EVERY QUALIFIED PEACE OFFICER IS AUTHORIZED TO STOP  
5 AND INSPECT FOR THE PRESENCE OF AQUATIC NUISANCE SPECIES A  
6 CONVEYANCE:

7 (I) PRIOR TO A VESSEL BEING LAUNCHED ONTO WATERS OF THE  
8 STATE;

9 (II) PRIOR TO DEPARTING FROM THE WATERS OF THE STATE OR A  
10 VESSEL STAGING AREA;

11 (III) THAT IS VISIBLY TRANSPORTING ANY AQUATIC PLANT  
12 MATERIAL; AND

13 (IV) UPON A REASONABLE BELIEF THAT AN AQUATIC NUISANCE  
14 SPECIES MAY BE PRESENT.

15 (2) EXCEPT AS PROVIDED IN SUBSECTION (4) OF THIS SECTION, A  
16 QUALIFIED PEACE OFFICER MAY IMPOUND AND QUARANTINE A  
17 CONVEYANCE IF:

18 (a) THE QUALIFIED PEACE OFFICER FINDS OR REASONABLY  
19 BELIEVES THAT AN AQUATIC NUISANCE SPECIES MAY BE PRESENT AFTER  
20 CONDUCTING AN INSPECTION AUTHORIZED BY THIS ARTICLE;

21 (b) THE PERSON TRANSPORTING THE CONVEYANCE REFUSES TO  
22 SUBMIT TO AN INSPECTION AUTHORIZED BY THIS ARTICLE FOR THE  
23 PRESENCE OF AN AQUATIC NUISANCE SPECIES; OR

24 (c) THE PERSON TRANSPORTING THE CONVEYANCE REFUSES TO  
25 COMPLY WITH AN ORDER AUTHORIZED BY THIS ARTICLE TO  
26 DECONTAMINATE THE CONVEYANCE.

27 (3) THE IMPOUNDMENT AND QUARANTINE OF A CONVEYANCE MAY

1 CONTINUE FOR THE REASONABLE PERIOD NECESSARY TO INSPECT AND  
2 DECONTAMINATE THE CONVEYANCE AND ENSURE THAT THE AQUATIC  
3 NUISANCE SPECIES HAS BEEN COMPLETELY ERADICATED FROM THE  
4 CONVEYANCE AND IS NO LONGER LIVING.

5 (4) NOTWITHSTANDING ANY PROVISION TO THE CONTRARY, NO  
6 MOTOR VEHICLE THAT IS DRAWING A CONVEYANCE SHALL BE IMPOUNDED  
7 OR QUARANTINED PURSUANT TO THIS ARTICLE; HOWEVER, THE  
8 CONVEYANCE BEING DRAWN IS STILL SUBJECT TO IMPOUNDMENT AND  
9 QUARANTINE UNDER THIS SECTION.

10 (5) AN AUTHORIZED AGENT SHALL HAVE THE AUTHORITY TO STOP,  
11 DETAIN, AND INSPECT A CONVEYANCE FOR THE PRESENCE OF AN AQUATIC  
12 NUISANCE SPECIES; HOWEVER, UNLESS THE AUTHORIZED AGENT IS A  
13 QUALIFIED PEACE OFFICER, THE AUTHORIZED AGENT HAS NO AUTHORITY  
14 TO IMPOUND AND QUARANTINE OR ORDER A CONVEYANCE  
15 DECONTAMINATED.

16

17 **33-10.5-105. Prohibition of aquatic nuisance species -**  
18 **penalties.** (1) NO PERSON SHALL:

19 (a) POSSESS, IMPORT, EXPORT, SHIP, OR TRANSPORT AN AQUATIC  
20 NUISANCE SPECIES; [REDACTED]

21 (b) RELEASE, PLACE, PLANT, OR CAUSE TO BE RELEASED, PLACED,  
22 OR PLANTED INTO THE WATERS OF THE STATE AN AQUATIC NUISANCE  
23 SPECIES; OR

24 (c) REFUSE TO COMPLY WITH A PROPER ORDER ISSUED UNDER THIS  
25 ARTICLE.

26 (2) == A PERSON WHO KNOWINGLY OR WILLFULLY VIOLATES  
27 SUBSECTION (1) OF THIS SECTION:

1 (a) FOR A FIRST OFFENSE, SHALL BE SUBJECT TO A FINE OF ONE  
2 HUNDRED FIFTY DOLLARS AND SHALL BE ISSUED A WARNING FROM THE  
3 DIVISIONS;

4 (b) FOR A SECOND OFFENSE, IS GUILTY OF A MISDEMEANOR AND,  
5 UPON CONVICTION, SHALL BE FINED ONE THOUSAND DOLLARS; AND

6 (c) FOR A THIRD AND ANY SUBSEQUENT OFFENSE, COMMITS A  
7 CLASS 2 MISDEMEANOR AND, UPON CONVICTION, SHALL BE PUNISHED AS  
8 PROVIDED IN SECTION 18-1.3-501, C.R.S.

9

10 **33-10.5-106. Duty to report.** A PERSON WHO KNOWS THAT AN  
11 AQUATIC NUISANCE SPECIES IS PRESENT AT A SPECIFIC LOCATION SHALL  
12 IMMEDIATELY REPORT SUCH KNOWLEDGE AND ALL PERTINENT  
13 INFORMATION TO THE DIVISIONS.

14 **33-10.5-107. Board to promulgate rules.** (1) THE BOARD IS  
15 AUTHORIZED TO PROMULGATE RULES PURSUANT TO ARTICLE 4 OF TITLE  
16 24, C.R.S., AS NECESSARY TO PREVENT, CONTROL, CONTAIN, MONITOR,  
17 AND, WHENEVER POSSIBLE, ERADICATE AQUATIC NUISANCE SPECIES. IN  
18 PROMULGATING SUCH RULES, THE BOARD SHALL CONSULT WITH THE  
19 COMMISSION AND ANY AFFECTED STATE, FEDERAL, AND TRIBAL  
20 GOVERNMENTAL ENTITIES AND SUBDIVISIONS THEREOF, INCLUDING, BUT  
21 NOT LIMITED TO, SPECIAL DISTRICTS, WATER CONSERVANCY DISTRICTS,  
22 AND WATER SUPPLY AGENCIES.

23 (2) THE BOARD SHALL PROMULGATE RULES TO ADMINISTER AND  
24 ENFORCE THIS ARTICLE. SUCH RULES SHALL INCLUDE, BUT NOT BE LIMITED  
25 TO:

26 (a) PROCEDURES FOR THE INSPECTION OF CONVEYANCES FOR THE  
27 PRESENCE OF AQUATIC NUISANCE SPECIES;



1 (b) PROCEDURES FOR THE IMPOUNDMENT AND QUARANTINE OF  
2 CONVEYANCES PURSUANT TO SECTION 33-10.5-104, INCLUDING  
3 NOTIFICATION OF THE LOCATION AND CONTACT INFORMATION TO OWNERS  
4 OF IMPOUNDED CONVEYANCES;

5 (c) PROCEDURES FOR THE DECONTAMINATION OF CONVEYANCES  
6 AND DESTRUCTION OF AQUATIC NUISANCE SPECIES REMOVED FROM  
7 CONVEYANCES;

8 [REDACTED]  
9 (d) METHODS TO ESTABLISH PROOF THAT A CONVEYANCE HAS  
10 BEEN DECONTAMINATED;

11 (e) PROCESSES FOR THE FACILITATION OF THE REPORTING  
12 REQUIRED BY SECTION 33-10.5-106; AND

13 (f) POLICIES FOR THE MONITORING AND IDENTIFICATION OF THE  
14 WATERS OF THE STATE OR GEOGRAPHIC AREAS THAT ARE OR MAY BE  
15 INFESTED WITH AQUATIC NUISANCE SPECIES.

16 [REDACTED]

17 **33-10.5-108. Division of parks and outdoor recreation aquatic**  
18 **nuisance species fund - creation - division of wildlife aquatic nuisance**  
19 **species fund - creation. (1) (a) THERE IS HEREBY CREATED IN THE STATE**  
20 **TREASURY THE DIVISION OF PARKS AND OUTDOOR RECREATION AQUATIC**  
21 **NUISANCE SPECIES FUND, WHICH SHALL BE ADMINISTERED BY THE**  
22 **DIVISION OF PARKS AND OUTDOOR RECREATION IN THE DEPARTMENT OF**  
23 **NATURAL RESOURCES AND SHALL CONSIST OF ALL MONEYS TRANSFERRED**  
24 **BY THE TREASURER AS SPECIFIED IN SECTIONS 33-1-112 AND 39-29-109**  
25 **(9), C.R.S. ALL MONEYS IN THE FUND ARE CONTINUOUSLY APPROPRIATED**  
26 **TO THE DIVISION OF PARKS AND OUTDOOR RECREATION FOR THE PURPOSE**  
27 **OF IMPLEMENTING THE PROVISIONS OF THIS ARTICLE. ALL MONEYS IN THE**

1 FUND AT THE END OF EACH FISCAL YEAR SHALL REMAIN IN THE FUND AND  
2 SHALL NOT REVERT TO THE GENERAL FUND OR ANY OTHER FUND.

3 (b) IN THE USE OF SUCH MONEYS, PRIORITY SHALL BE GIVEN TO  
4 CONTAINMENT AND ERADICATION OF AQUATIC NUISANCE SPECIES IN THE  
5 WATERS OF THE STATE IN WHICH SUCH SPECIES HAVE BEEN DETECTED AND  
6 PREVENTION OF THE INTRODUCTION OF NUISANCE SPECIES IN AREAS  
7 DETERMINED TO BE MOST VULNERABLE TO SUCH AN INTRODUCTION.

8 (2) (a) THERE IS HEREBY CREATED IN THE STATE TREASURY THE  
9 DIVISION OF WILDLIFE AQUATIC NUISANCE SPECIES FUND, WHICH SHALL BE  
10 ADMINISTERED BY THE DIVISION OF WILDLIFE IN THE DEPARTMENT OF  
11 NATURAL RESOURCES AND SHALL CONSIST OF ALL MONEYS TRANSFERRED  
12 BY THE TREASURER AS SPECIFIED IN SECTIONS 33-1-112 AND 39-29-109  
13 (9), C.R.S. ALL MONEYS IN THE FUND ARE CONTINUOUSLY APPROPRIATED  
14 TO THE DIVISION OF WILDLIFE FOR THE PURPOSE OF IMPLEMENTING THE  
15 PROVISIONS OF THIS ARTICLE. ALL MONEYS IN THE FUND AT THE END OF  
16 EACH FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT REVERT  
17 TO THE GENERAL FUND OR ANY OTHER FUND.

18 (b) IN THE USE OF SUCH MONEYS, PRIORITY SHALL BE GIVEN TO  
19 CONTAINMENT AND ERADICATION OF AQUATIC NUISANCE SPECIES IN THE  
20 WATERS OF THE STATE IN WHICH SUCH SPECIES HAVE BEEN DETECTED AND  
21 PREVENTION OF THE INTRODUCTION OF NUISANCE SPECIES IN AREAS  
22 DETERMINED TO BE MOST VULNERABLE TO SUCH AN INTRODUCTION.

23 **SECTION 2.** 33-1-112 (1), Colorado Revised Statutes, is  
24 amended to read:

25 **33-1-112. Funds and cost accounting - repeal.** (1) (a) Except  
26 as provided in subsections (7) and (8) of this section, sections 33-1-112.5  
27 and 33-6-105, and in part 7 of article 22 of title 39, C.R.S., all moneys

1 received from wildlife license fees, and all moneys from all other wildlife  
2 sources, and all interest earned on such moneys shall be deposited in the  
3 state treasury and credited to the wildlife cash fund, which fund is hereby  
4 created, and such moneys shall be utilized for expenditures authorized or  
5 contemplated by and not inconsistent with the provisions of articles 1 to  
6 6 of this title for wildlife activities and functions and for the financing of  
7 impact assistance grants pursuant to part 3 of article 25 of title 30, C.R.S.  
8 All moneys so deposited in the wildlife cash fund shall remain in such  
9 fund to be used for the purposes set forth in the provisions of articles 1 to  
10 6 of this title and shall not be deposited in or transferred to the general  
11 fund of the state of Colorado or any other fund.

12 (b) FOR THE FISCAL YEAR COMMENCING JULY 1, 2008, THERE  
13 SHALL BE TRANSFERRED SIX HUNDRED TWENTY-FIVE THOUSAND DOLLARS  
14 FROM THE WILDLIFE CASH FUND TO THE DIVISION OF PARKS AND OUTDOOR  
15 RECREATION AQUATIC NUISANCE SPECIES FUND, CREATED IN SECTION  
16 33-10.5-108.

17 (c) FOR THE FISCAL YEAR COMMENCING JULY 1, 2008, THERE  
18 SHALL BE TRANSFERRED SIX HUNDRED TWENTY-FIVE THOUSAND DOLLARS  
19 FROM THE WILDLIFE CASH FUND TO THE DIVISION OF WILDLIFE AQUATIC  
20 NUISANCE SPECIES FUND, CREATED IN SECTION 33-10.5-108.

21

22 **SECTION 3.** 33-6-114, Colorado Revised Statutes, is amended  
23 BY THE ADDITION OF A NEW SUBSECTION to read:

24 **33-6-114. Transportation, importation, exportation, and**  
25 **release of wildlife.** (5) THIS SECTION SHALL NOT APPLY TO AQUATIC  
26 NUISANCE SPECIES, WHICH SHALL BE GOVERNED BY ARTICLE 10.5 OF THIS  
27 TITLE.

1           **SECTION 4.** 33-6-114.5, Colorado Revised Statutes, is amended  
2 BY THE ADDITION OF A NEW SUBSECTION to read:

3           **33-6-114.5. Native and nonnative fish - possession,**  
4 **transportation, importation, exportation, and release - penalties.**

5 (8) THIS SECTION SHALL NOT APPLY TO AQUATIC NUISANCE SPECIES,  
6 WHICH SHALL BE GOVERNED BY ARTICLE 10.5 OF THIS TITLE.

7

8           **SECTION 5.** 35-5.5-108, Colorado Revised Statutes, is amended  
9 BY THE ADDITION OF A NEW SUBSECTION to read:

10           **35-5.5-108. Designated noxious weeds - legislative declaration.**

11 (4) THE COMMISSIONER SHALL COOPERATE WITH THE DIVISION OF PARKS  
12 AND OUTDOOR RECREATION AND THE DIVISION OF WILDLIFE IN THE  
13 DEPARTMENT OF NATURAL RESOURCES AND THE DEPARTMENT OF  
14 REVENUE TO DEVELOP A STATEWIDE STRATEGIC PLAN TO PREVENT,  
15 CONTROL, CONTAIN, MONITOR, AND, WHENEVER POSSIBLE, ERADICATE  
16 THOSE NOXIOUS WEEDS THAT ARE AQUATIC NUISANCE SPECIES AS DEFINED  
17 IN SECTION 33-10.5-102, C.R.S.

18           **SECTION 6.** 39-29-109, Colorado Revised Statutes, is amended  
19 **BY THE ADDITION OF A NEW SUBSECTION to read:**

20           **39-29-109. Severance tax trust fund - created - administration**  
21 **- use of moneys - definitions - repeal.** (9) (a) (I) SUBJECT TO THE END  
22 BALANCE REQUIREMENT OF PARAGRAPH (f) OF SUBSECTION (1.5) OF THIS  
23 SECTION AND THE MAINTENANCE OF A TWO-YEAR RESERVE PURSUANT TO  
24 SUB-SUBPARAGRAPH (A) OF SUBPARAGRAPH (III) OF PARAGRAPH (c) OF  
25 SUBSECTION (1) OF THIS SECTION, FOR THE STATE FISCAL YEAR  
26 COMMENCING ON JULY 1, 2008, THE STATE TREASURER SHALL TRANSFER  
27 FIVE MILLION NINE HUNDRED FIFTY-SIX THOUSAND SIX HUNDRED

1 THIRTY-SIX DOLLARS OF THE OPERATIONAL ACCOUNT OF THE SEVERANCE  
2 TAX TRUST FUND AS FOLLOWS:

3 (A) TO THE DIVISION OF PARKS AND OUTDOOR RECREATION  
4 AQUATIC NUISANCE SPECIES FUND CREATED IN SECTION 33-10.5-108 (1),  
5 C.R.S., TWO MILLION SIX HUNDRED SIXTY-FOUR THOUSAND THREE  
6 HUNDRED NINETY-TWO DOLLARS FOR THE PURPOSE STATED THEREIN;

7 (B) TO THE DIVISION OF WILDLIFE AQUATIC NUISANCE SPECIES  
8 FUND CREATED IN SECTION 33-10.5-108 (2), C.R.S., THREE MILLION TWO  
9 HUNDRED NINETY-TWO THOUSAND TWO HUNDRED FORTY-FOUR  
10 DOLLARS FOR THE PURPOSE STATED THEREIN.

11 (II) THIS PARAGRAPH (a) IS REPEALED, EFFECTIVE JULY 1, 2010.

12 (b) SUBJECT TO THE END BALANCE REQUIREMENT OF PARAGRAPH  
13 (f) OF SUBSECTION (1.5) OF THIS SECTION AND THE MAINTENANCE OF A  
14 TWO-YEAR RESERVE PURSUANT TO SUB-SUBPARAGRAPH (A) OF  
15 SUBPARAGRAPH (III) OF PARAGRAPH (c) OF SUBSECTION (1) OF THIS  
16 SECTION, FOR THE FISCAL YEAR COMMENCING JULY 1, 2009, AND EVERY  
17 FISCAL YEAR THEREAFTER, THE STATE TREASURER SHALL TRANSFER FOUR  
18 MILLION SIX THOUSAND FIVE DOLLARS FROM THE OPERATIONAL ACCOUNT  
19 OF THE SEVERANCE TAX TRUST FUND AS FOLLOWS:

20 (I) TO THE DIVISION OF PARKS AND OUTDOOR RECREATION  
21 AQUATIC NUISANCE SPECIES FUND CREATED IN SECTION 33-10.5-108 (1),  
22 C.R.S., TWO MILLION SEVEN HUNDRED ONE THOUSAND FOUR HUNDRED  
23 SIXTY-ONE DOLLARS FOR THE PURPOSE STATED THEREIN;

24 (II) TO THE DIVISION OF WILDLIFE AQUATIC NUISANCE SPECIES  
25 FUND CREATED IN SECTION 33-10.5-108 (2), C.R.S., ONE MILLION THREE  
26 HUNDRED FOUR THOUSAND FIVE HUNDRED FORTY-FOUR DOLLARS FOR THE  
27 PURPOSE STATED THEREIN.

1           **SECTION 7.** 39-29-109 (1) (k) (V), Colorado Revised Statutes,  
2 is amended to read:

3           **39-29-109. Severance tax trust fund - created - administration**  
4 **- use of moneys - definitions - repeal.** (1) (k) (V) Subject to the  
5 maintenance of a two-year reserve pursuant to sub-subparagraph (A) of  
6 subparagraph (III) of paragraph (c) of this subsection (1), on or after July  
7 1, 2008, the state treasurer shall deduct from the operational account of  
8 the severance tax trust fund created in subparagraph (II) of paragraph (a)  
9 of this subsection (1):

10           (A) ~~One million~~ SIX HUNDRED TWENTY-FIVE THOUSAND dollars  
11 and transfer such sum to the capital account of the species conservation  
12 trust fund created in section 24-33-111 (2) (a), C.R.S.;

13           (B) ~~One million~~ SIX HUNDRED TWENTY-FIVE THOUSAND dollars  
14 and transfer such sum to the operations and maintenance account of the  
15 species conservation trust fund created in section 24-33-111 (2) (a),  
16 C.R.S.

17

18           **SECTION 8.** 33-10.5-108, Colorado Revised Statutes, as enacted  
19 by Senate Bill 08-226, enacted at the Second Regular Session of the  
20 Sixty-sixth General Assembly, is amended to read:

21           **33-10.5-108. Division of parks and outdoor recreation aquatic**  
22 **nuisance species fund - creation - division of wildlife aquatic nuisance**  
23 **species fund - creation.** (1) (a) There is hereby created in the state  
24 treasury the division of parks and outdoor recreation aquatic nuisance  
25 species fund, which shall be administered by the division of parks and  
26 outdoor recreation in the department of natural resources and shall consist  
27 of all moneys transferred by the treasurer as specified in section

1 ~~39-29-109 (9)~~ SECTIONS 33-1-112 AND 39-29-109.3 (2) (i), C.R.S. All  
2 moneys in the fund are continuously appropriated to the division of parks  
3 and outdoor recreation for the purpose of implementing the provisions of  
4 this article. All moneys in the fund at the end of each fiscal year shall  
5 remain in the fund and shall not revert to the general fund or any other  
6 fund.

7 (b) IN THE USE OF SUCH MONEYS, PRIORITY SHALL BE GIVEN TO  
8 CONTAINMENT AND ERADICATION OF AQUATIC NUISANCE SPECIES IN THE  
9 WATERS OF THE STATE IN WHICH SUCH SPECIES HAVE BEEN DETECTED AND  
10 PREVENTION OF THE INTRODUCTION OF AQUATIC NUISANCE SPECIES IN  
11 AREAS DETERMINED TO BE MOST VULNERABLE TO SUCH AN  
12 INTRODUCTION.

13 (2) (a) There is hereby created in the state treasury the division of  
14 wildlife aquatic nuisance species fund, which shall be administered by the  
15 division of wildlife in the department of natural resources and shall  
16 consist of all moneys transferred by the treasurer as specified in ~~section~~  
17 ~~39-29-109 (9)~~ SECTIONS 33-1-112 AND 39-29-109.3 (2) (i), C.R.S. All  
18 moneys in the fund are continuously appropriated to the division of  
19 wildlife for the purpose of implementing the provisions of this article.  
20 All moneys in the fund at the end of each fiscal year shall remain in the  
21 fund and shall not revert to the general fund or any other fund.

22 (b) IN THE USE OF SUCH MONEYS, PRIORITY SHALL BE GIVEN TO  
23 CONTAINMENT AND ERADICATION OF AQUATIC NUISANCE SPECIES IN THE  
24 WATERS OF THE STATE IN WHICH SUCH SPECIES HAVE BEEN DETECTED AND  
25 PREVENTION OF THE INTRODUCTION OF AQUATIC NUISANCE SPECIES IN  
26 AREAS DETERMINED TO BE MOST VULNERABLE TO SUCH AN  
27 INTRODUCTION.

1           **SECTION 9.** 39-29-109.3 (2), Colorado Revised Statutes, as  
2 enacted by House Bill 08-1398, enacted at the Second Regular Session of  
3 the Sixty-sixth General Assembly, is amended BY THE ADDITION OF  
4 A NEW PARAGRAPH to read:

5           **39-29-109.3. Operational account of the severance tax trust**  
6 **fund - repeal.** (2) Subject to the requirements of subsections (3) and (4)  
7 of this section, if the general assembly chooses not to spend up to one  
8 hundred percent of the moneys in the operational account as specified in  
9 subsection (1) of this section, the state treasurer shall transfer the  
10 following:

11           (i) FOR THE MITIGATION OF AQUATIC NUISANCE SPECIES AS  
12 SPECIFIED IN ARTICLE 10.5 OF TITLE 33, C.R.S.:

13           (I) (A) FOR THE STATE FISCAL YEAR COMMENCING JULY 1, 2008,  
14 FIVE MILLION NINE HUNDRED FIFTY-SIX THOUSAND SIX HUNDRED  
15 THIRTY-SIX DOLLARS AS FOLLOWS: TWO MILLION SIX HUNDRED  
16 SIXTY-FOUR THOUSAND THREE HUNDRED NINETY-TWO DOLLARS TO THE  
17 DIVISION OF PARKS AND OUTDOOR RECREATION AQUATIC NUISANCE  
18 SPECIES FUND CREATED IN SECTION 33-10.5-108 (1), C.R.S.; AND THREE  
19 MILLION TWO HUNDRED NINETY-TWO THOUSAND TWO HUNDRED  
20 FORTY-FOUR DOLLARS TO THE DIVISION OF WILDLIFE AQUATIC NUISANCE  
21 SPECIES FUND CREATED IN SECTION 33-10.5-108 (2), C.R.S.

22           (B) THIS SUBPARAGRAPH (I) IS REPEALED, JULY 1, 2010.

23           (II) FOR THE STATE FISCAL YEAR COMMENCING JULY 1, 2009, AND  
24 EVERY STATE FISCAL YEAR THEREAFTER, FOUR MILLION SIX THOUSAND  
25 FIVE DOLLARS AS FOLLOWS: TWO MILLION SEVEN HUNDRED ONE  
26 THOUSAND FOUR HUNDRED SIXTY-ONE DOLLARS TO THE DIVISION OF  
27 PARKS AND OUTDOOR RECREATION AQUATIC NUISANCE SPECIES FUND



1     CREATED IN SECTION 33-10.5-108 (1), C.R.S.; AND ONE MILLION THREE  
2     HUNDRED FOUR THOUSAND FIVE HUNDRED FORTY-FOUR DOLLARS TO THE  
3     DIVISION OF WILDLIFE AQUATIC NUISANCE SPECIES FUND CREATED IN  
4     SECTION 33-10.5-108 (2), C.R.S.

5             **SECTION 10.** Section 39-29-109.3 (2) (d) (I) (A) and (2) (e) (I)  
6     (A), Colorado Revised Statutes, as enacted by House Bill 08-1398 and  
7     amended by Senate Bill 08-168, enacted at the Second Regular Session  
8     of the Sixty-sixth General Assembly, are amended to read:

9             **39-29-109.3. Operational account of the severance tax trust**  
10    **fund - repeal.** (2) Subject to the requirements of subsections (3) and (4)  
11    of this section, if the general assembly chooses not to spend up to one  
12    hundred percent of the moneys in the operational account as specified in  
13    subsection (1) of this section, the state treasurer shall transfer the  
14    following:

15            (d) To the capital account of the species conservation trust fund  
16    created in section 24-33-111 (2) (a), C.R.S., the following amounts:

17            (I) (A) For the state fiscal year commencing July 1, 2008, eight  
18    million ~~six hundred thirty-one~~ TWO HUNDRED FIFTY-SIX thousand nine  
19    hundred ~~and~~ forty-three dollars.

20            (e) To the operation and maintenance account of the species  
21    conservation trust fund created in section 24-33-111 (2) (a), C.R.S., the  
22    following amounts:


23            (I) (A) For the state fiscal year commencing July 1, 2008, four  
24    million ~~six hundred thirty-one~~ TWO HUNDRED FIFTY-SIX thousand nine  
25    hundred forty-three dollars.

26            **SECTION 11. Appropriation.** (1) In addition to any other  
27    appropriation, there is hereby appropriated, out of any moneys in the

1 division of parks and outdoor recreation aquatic nuisance species fund  
2 created in section 33-10.5-108 (1), Colorado Revised Statutes, not  
3 otherwise appropriated, to the department of natural resources, for  
4 allocation to the division of parks and outdoor recreation, for the fiscal  
5 year beginning July 1, 2008, the sum of three million two hundred  
6 eighty-nine thousand three hundred ninety-two dollars (\$3,289,392) and  
7 7.0 FTE, or so much thereof as may be necessary, for the implementation  
8 of this act.

9 (2) In addition to any other appropriation, there is hereby  
10 appropriated, out of any moneys in the division of wildlife aquatic  
11 nuisance species fund created in section 33-10.5-108 (2), Colorado  
12 Revised Statutes, not otherwise appropriated, to the department of natural  
13 resources, for allocation to the division of wildlife, for the fiscal year  
14 beginning July 1, 2008, the sum of three million nine hundred seventeen  
15 thousand two hundred forty-four dollars (\$3,917,244), or so much thereof  
16 as may be necessary, for the implementation of this act.

17 (3) Any moneys earmarked from the operational account of the  
18 severance tax trust fund to the species conservation trust fund that have  
19 been declined for purposes of funding the appropriations necessary for  
20 the implementation of this act shall be used for mitigating the effects of  
21 any aquatic nuisance species on any threatened and endangered species  
22 protected by the species conservation trust fund.

23   
24 **SECTION 12. Effective date.** (1) This act shall take effect upon  
25 passage; except that:

26 (a) Sections 6 and 7 of this act shall not take effect if House Bill  
27 08-1398 is enacted at the Second Regular Session of the Sixty-sixth

1 General Assembly and becomes law;

2 (b) Sections 8 and 9 of this act shall take effect only if House Bill  
3 08-1398 is enacted at the Second Regular Session of the Sixty-sixth  
4 General Assembly and becomes law;

5 (c) Section 10 of this act shall take effect only if both House Bill  
6 08-1398 and Senate Bill 08-168 are enacted at the Second Regular  
7 Session of the Sixty-sixth General Assembly and both become law.

8 **SECTION 13. Safety clause.** The general assembly hereby finds,  
9 determines, and declares that this act is necessary for the immediate  
10 preservation of the public peace, health, and safety.