



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

Fiscal Note

Drafting Number:	LLS 21-0816	Date:	March 29, 2021
Prime Sponsors:	Rep. Esgar; Will Sen. Coram; Donovan	Bill Status:	House Agriculture
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Bill Topic: MORE ROBUST CHECK STATION AQUATIC NUISANCE SPECIES

Summary of Fiscal Impact:

<input type="checkbox"/> State Revenue	<input type="checkbox"/> TABOR Refund
<input checked="" type="checkbox"/> State Expenditure	<input type="checkbox"/> Local Government
<input type="checkbox"/> State Transfer	<input type="checkbox"/> Statutory Public Entity

The bill modifies the state's aquatic nuisance species program. It increases state workload on a one-time basis.

Appropriation Summary: No appropriation is required.

Fiscal Note Status: The fiscal note reflects the introduced bill.

Summary of Legislation

The bill modifies operations of Colorado Parks and Wildlife (CPW) in the Department of Natural Resources with regard to its duties to protect the state's waters from aquatic nuisance species (ANS). The following changes are made:

- a peace officer is authorized to stop and inspect a boat or associated equipment at an ANS check station, in addition to existing permissible checkpoints;
- a person transporting a boat or associated equipment is prohibited from refusing to stop at an ANS check station; and
- CPW is directed to study the methods other states are using to operate ANS check stations and include this information in its annual report to the General Assembly.

Comparable Crime Analysis

Legislative Council Staff is required to include certain information in the fiscal note for any bill that creates a new crime, changes the classification of an existing crime, or changes an element of an existing crime. This section outlines data on crimes comparable to the offense in this bill and discusses assumptions on future rates of criminal conviction for those offense.

Prior conviction data and assumptions. This bill creates the new offense of failure or refusal to stop at an ANS check station, a class 2 petty offense. To form an estimate on the prevalence of this new crime, the fiscal note analyzed all existing violations related to aquatic nuisance species as a comparable crime. From 2018 to 2020, zero offenders have been sentenced and convicted for these existing offenses; therefore, the fiscal note assumes that there will be minimal or no additional case filings or convictions for the new offense under the bill. Because the bill is not expected to have a tangible impact on criminal justice-related expenditures or revenue at the state or local levels, these potential impacts are not discussed further in this fiscal note.

Visit leg.colorado.gov/fiscalnotes for more information about criminal justice costs in fiscal notes.

Background

Colorado Parks and Wildlife is charged with operating an ANS program to prevent, control, monitor, and eradicate ANS from the waters of the state. Among other things, the program coordinates a network of inspection and decontamination stations operated by CPW, the National Park Service, counties and municipalities, and private businesses. Many of these interactions take place at boat ramps prior to a vessel being launched onto state waters. In 2019, CPW intercepted 86 watercraft coming from out-of-state infested with zebra or quagga mussels. FY 2019-20 expenditures for the program totaled \$5.3 million. Additional information can be found in the program's annual report here:

<http://www.leg.state.co.us/library/reports.nsf/ReportsDoc.xsp?documentId=BE5519ABE9E0BBA8872574710066E809>

State Expenditures

The bill increases workload in CPW on a one-time basis. It is assumed the agency will operate a roadside pilot program at select locations to gather information and assess the viability of an ongoing roadside check station program. This pilot, along with CPW's other duties to study methods for operating ANS check stations, can be accomplished within existing appropriations.

Effective Date

The bill takes effect 90 days following adjournment of the General Assembly sine die, assuming no referendum petition is filed.

State and Local Government Contacts

Natural Resources