

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

PREAMENDED

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

LLS NO. 10-0903.01 Kate Meyer

HOUSE BILL 10-1250

HOUSE SPONSORSHIP

Fischer, Curry, Apuan, Baumgardner, Hullinghorst, Kefalas, Looper, Roberts, Ryden, Scanlan, Solano, Sonnenberg, Tyler, Vigil

SENATE SPONSORSHIP

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House Committees

Agriculture, Livestock, & Natural Resources
Appropriations

Senate Committees

Agriculture and Natural Resources
Appropriations

A BILL FOR AN ACT

101 **CONCERNING THE FUNDING OF COLORADO WATER CONSERVATION**
102 **BOARD PROJECTS, AND MAKING APPROPRIATIONS IN**
103 **CONNECTION THEREWITH.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

The bill appropriates the following amounts from the Colorado water conservation board construction fund for the following projects:

! \$250,000 for continuation of satellite monitoring system maintenance;

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
3rd Reading Unam ended
March 15, 2010

HOUSE
2nd Reading Unam ended
March 12, 2010

- ! \$50,000 for instream flow engineering and technical support services;
- ! \$175,000 for continuation of the weather modification program;
- ! \$500,000 for continuation of the Colorado floodplain map modernization program;
- ! \$250,000 for continuation of the watershed restoration program; and
- ! Up to \$300,000 to restore the unencumbered balance in the flood response fund to \$300,000.

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

2 **SECTION 1. Continuation of the satellite monitoring system**
3 **maintenance - appropriation.** (1) In addition to any other
4 appropriation, there is hereby appropriated, out of any moneys in the
5 Colorado water conservation board construction fund not otherwise
6 appropriated, to the department of natural resources, for allocation to the
7 division of water resources, for the fiscal year beginning July 1, 2010, the
8 sum of two hundred fifty thousand dollars (\$250,000), or so much thereof
9 as may be necessary, for renovation of existing gauging stations,
10 replacement of outdated collection platforms, and upgrading of
11 transmission components of the satellite monitoring system established
12 and operated pursuant to section 37-80-102 (10), Colorado Revised
13 Statutes, stream gauge flood hardening projects, and data collection
14 efforts related to flood forecasting and warning.

15 (2) The moneys appropriated in subsection (1) of this section shall
16 remain available for the designated purposes until they are fully
17 expended.

18 **SECTION 2. Instream flow engineering and technical support**
19 **services - appropriation.** (1) In addition to any other appropriation,
20 there is hereby appropriated, out of any moneys in the Colorado water

1 conservation board construction fund not otherwise appropriated, to the
2 department of natural resources, for allocation to the Colorado water
3 conservation board, for the fiscal year beginning July 1, 2010, the sum of
4 fifty thousand dollars (\$50,000), or so much thereof as may be necessary,
5 for engineering and technical support services related to the board's
6 instream flow and natural lake level program.

7 (2) The moneys appropriated in subsection (1) of this section shall
8 remain available for the designated purposes until they are fully
9 expended.

10 **SECTION 3. Continuation of the weather modification**
11 **program - appropriation.** (1) In addition to any other appropriation,
12 there is hereby appropriated, out of any moneys in the Colorado water
13 conservation board construction fund not otherwise appropriated, to the
14 department of natural resources, for allocation to the Colorado water
15 conservation board, for the fiscal year beginning July 1, 2010, the sum of
16 one hundred seventy-five thousand dollars (\$175,000), or so much thereof
17 as may be necessary, for the board to continue to assist water
18 conservation districts, water conservancy districts, and other water
19 providers with the development of cloud seeding programs that provide
20 benefits to recreation, streams, and reservoirs through snowpack
21 enhancement.

22 (2) The moneys appropriated in subsection (1) of this section shall
23 remain available for the designated purposes until they are fully
24 expended.

25 **SECTION 4. Continuation of the Colorado floodplain map**
26 **modernization program - appropriation.** (1) In addition to any other
27 appropriation, there is hereby appropriated, out of any moneys in the

1 Colorado water conservation board construction fund not otherwise
2 appropriated, to the department of natural resources, for allocation to the
3 Colorado water conservation board, for the fiscal year beginning July 1,
4 2010, the sum of five hundred thousand dollars (\$500,000), or so much
5 thereof as may be necessary, to restore the unencumbered balance in the
6 previously appropriated map modernization account of the board to five
7 hundred thousand dollars (\$500,000), for the board to continue to assist
8 with the preparation of revised and improved floodplain studies and maps
9 for communities throughout Colorado and participate in federally
10 sponsored floodplain map modernization activities.

11 (2) The moneys appropriated in subsection (1) of this section shall
12 remain available for the designated purposes until the project is
13 completed.

14 **SECTION 5. Continuation of the watershed restoration**
15 **program - appropriation.** (1) In addition to any other appropriation,
16 there is hereby appropriated, out of any moneys in the Colorado water
17 conservation board construction fund not otherwise appropriated, to the
18 department of natural resources, for allocation to the Colorado water
19 conservation board, for the fiscal year beginning July 1, 2010, the sum of
20 two hundred fifty thousand dollars (\$250,000), or so much thereof as may
21 be necessary, for the board to continue to provide planning and
22 engineering studies, including implementation measures, to address
23 technical needs for watershed restoration and flood mitigation projects
24 throughout the state.

25 (2) The moneys appropriated in subsection (1) of this section shall
26 remain available for the designated purposes until they are fully
27 expended.

1 **SECTION 6. Restoration of flood response fund balance.** The
2 state treasurer shall transfer a total of three hundred thousand dollars
3 (\$300,000), or so much thereof as may be necessary, from the unreserved
4 cash in the Colorado water conservation board construction fund to the
5 flood response fund created in section 37-60-123.2, Colorado Revised
6 Statutes, in order to restore the unencumbered balance in the flood
7 response fund to three hundred thousand dollars (\$300,000).

8 **SECTION 7. 39-29-109 (2) (a), Colorado Revised Statutes, is**
9 amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

10 **39-29-109. Severance tax trust fund - created - administration**
11 **- distribution of moneys - repeal.** (2) State severance tax receipts shall
12 be credited to the severance tax trust fund as provided in section
13 39-29-108. Except as otherwise set forth in section 39-29-109.5, all
14 income derived from the deposit and investment of the moneys in the
15 fund shall be credited to the fund. At the end of any fiscal year, all
16 unexpended and unencumbered moneys in the fund shall remain therein
17 and shall not be credited or transferred to the general fund or any other
18 fund. All moneys in the fund shall be subject to appropriation by the
19 general assembly for the following purposes:

20 (a) **The perpetual base account.** (VI) (A) NOTWITHSTANDING
21 ANY PROVISION OF THIS PARAGRAPH (a) TO THE CONTRARY, THE STATE
22 TREASURER SHALL TRANSFER TO THE COLORADO WATER CONSERVATION
23 BOARD CONSTRUCTION FUND, FOR USE BY THE COLORADO WATER
24 CONSERVATION BOARD, ALSO REFERRED TO IN THIS SUBPARAGRAPH (VI)
25 AS THE "BOARD", THIRTY-SIX MILLION DOLLARS FOR THE PURCHASE OF ALL
26 OR A PORTION OF COLORADO'S ALLOTMENT OF ANIMAS-LA PLATA
27 PROJECT WATER. THE STATE TREASURER SHALL MAKE THE TRANSFER

1 MANDATED BY THIS SUB-SUBPARAGRAPH (A) IN THREE CONSECUTIVE
2 ANNUAL INSTALLMENTS OF TWELVE MILLION DOLLARS ON JUNE 30 OF
3 EACH YEAR, COMMENCING JUNE 30, 2011.

4 (B) NOTWITHSTANDING ANY OTHER LAW, INCLUDING SECTION
5 24-30-1303, C.R.S., ONCE SUFFICIENT FUNDS HAVE BEEN APPROPRIATED
6 TO THE BOARD FOR SUCH PURPOSES, THE DEPARTMENT OF NATURAL
7 RESOURCES, ACTING THROUGH THE BOARD, IS AUTHORIZED TO ENTER INTO
8 A CONTRACT OR OTHER AGREEMENT WITH THE UNITED STATES BUREAU
9 OF RECLAMATION TO ACQUIRE ALL OR A PORTION OF COLORADO'S
10 ALLOCATION OF WATER IN THE ANIMAS-LA PLATA PROJECT. THE
11 AUTHORITY TO ACQUIRE SUCH WATER INCLUDES THE ABILITY TO
12 CONTRACT WITH AND ALLOCATE WATER TO LOCAL ENTITIES AND WATER
13 PROVIDERS; TO RECEIVE AND EXPEND MONEYS FROM ENTITIES IN
14 REPAYMENT; TO UNDERTAKE OPERATIONS, MAINTENANCE, AND
15 REPLACEMENT COSTS; TO PAY THE COSTS OF STORAGE OR OTHER
16 NECESSARY EXPENSES; AND TO OTHERWISE IMPLEMENT THE PURPOSES OF
17 THIS SUB-SUBPARAGRAPH (B) AND UTILIZE THE WATER ACQUIRED. THE
18 BOARD IS ALSO AUTHORIZED TO UNDERTAKE SUCH ACTION AS IS
19 NECESSARY TO LEASE, SUBLEASE, EXCHANGE, SELL, ASSIGN, OR
20 OTHERWISE EFFECTUATE THE USE OF PROJECT WATER ACQUIRED UNDER
21 THIS SUBPARAGRAPH (VI). IN THE EVENT OF A CONFLICT BETWEEN THE
22 APPLICATION OF STATE OR FEDERAL LAW OR RULES, INCLUDING CHAPTER
23 3 OF THE STATE FISCAL RULES IN EXISTENCE AS OF THE EFFECTIVE DATE OF
24 THIS SUBPARAGRAPH (VI), FEDERAL LAWS AND RULES SHALL APPLY.

25 (C) EXCEPT AS PROVIDED IN SUB-SUBPARAGRAPH (D) OF THIS
26 SUBPARAGRAPH (VI), THE MONEYS TRANSFERRED TO THE BOARD
27 PURSUANT TO SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (VI)

1 SHALL REMAIN AVAILABLE TO THE BOARD UNTIL EXPENDED.

2 (D) IF, ON JUNE 30, 2015, ANY MONEYS APPROPRIATED UNDER
3 SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (VI) HAVE NOT BEEN
4 FULLY EXPENDED, THE UNEXPENDED MONEYS ARE DEAUTHORIZED AND
5 SHALL REVERT TO THE PERPETUAL BASE ACCOUNT.

6 (E) THIS SUBPARAGRAPH (VI) IS REPEALED, EFFECTIVE JULY 1,
7 2015.

8 **SECTION 8. Purchase of Colorado's allotment of Animas-La**
9 **Plata project water - appropriation.** (1) In addition to any other
10 appropriation, there is hereby appropriated, out of any moneys in the
11 Colorado water conservation board construction fund not otherwise
12 appropriated, to the department of natural resources, for allocation to the
13 Colorado water conservation board, for the fiscal year beginning July 1,
14 2010, the sum of twelve million dollars (\$12,000,000), or so much thereof
15 as may be necessary, for the purchase of all or a portion of Colorado's
16 allotment of Animas-La Plata project water pursuant to section 39-29-109
17 (2) (a) (VI) (B), Colorado Revised Statutes.

18 (2) The moneys appropriated in subsection (1) of this section shall
19 remain available for the designated purposes until they are fully
20 expended, or until June 30, 2015, whichever occurs first.

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