

SENATE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

April 15, 2010
Date

Committee on Agriculture and Natural Resources.

After consideration on the merits, the Committee recommends the following:

HB10-1250 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

1 Amend reengrossed bill, page 5, after line 7 insert:

2 "SECTION 7. 39-29-109 (2) (a), 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 **- distribution of moneys - repeal.** (2) State severance tax receipts shall
6 be credited to the severance tax trust fund as provided in section
7 39-29-108. Except as otherwise set forth in section 39-29-109.5, all
8 income derived from the deposit and investment of the moneys in the
9 fund shall be credited to the fund. At the end of any fiscal year, all
10 unexpended and unencumbered moneys in the fund shall remain therein
11 and shall not be credited or transferred to the general fund or any other
12 fund. All moneys in the fund shall be subject to appropriation by the
13 general assembly for the following purposes:

14 (a) **The perpetual base account.** (VI) (A) NOTWITHSTANDING
15 ANY PROVISION OF THIS PARAGRAPH (a) TO THE CONTRARY, THE STATE
16 TREASURER SHALL TRANSFER TO THE COLORADO WATER CONSERVATION
17 BOARD, ALSO REFERRED TO IN THIS SUBPARAGRAPH (VI) AS THE "BOARD",
18 THIRTY-SIX MILLION DOLLARS FOR THE PURCHASE OF ALL OR A PORTION
19 OF COLORADO'S ALLOTMENT OF ANIMAS-LA PLATA PROJECT WATER. THE
20 STATE TREASURER SHALL MAKE THE TRANSFER MANDATED BY THIS
21 SUB-SUBPARAGRAPH (A) IN THREE CONSECUTIVE ANNUAL INSTALLMENTS

1 OF TWELVE MILLION DOLLARS ON JUNE 30 OF EACH YEAR, COMMENCING
2 JUNE 30, 2011.

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

24 (C) EXCEPT AS PROVIDED IN SUB-SUBPARAGRAPH (D) OF THIS
25 SUBPARAGRAPH (VI), THE MONEYS TRANSFERRED TO THE BOARD
26 PURSUANT TO SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (VI)
27 SHALL REMAIN AVAILABLE TO THE BOARD UNTIL EXPENDED.

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

32 (E) THIS SUBPARAGRAPH (VI) IS REPEALED, EFFECTIVE JULY 1,
33 2015."

34 Renumber succeeding section accordingly.

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