

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

INTRODUCED

LLS NO. 09-0481.01 Duane Gall

HOUSE BILL 09-1017

HOUSE SPONSORSHIP

Pace,

SENATE SPONSORSHIP

Hodge,

House Committees

Agriculture, Livestock, & Natural Resources

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE WATER EFFICIENCY GRANT PROGRAM CASH FUND,**
102 **AND, IN CONNECTION THEREWITH, GIVING THE COLORADO**
103 **WATER CONSERVATION BOARD CONTINUOUS AUTHORITY TO**
104 **SPEND MONEYS TRANSFERRED TO THE WATER EFFICIENCY**
105 **GRANT PROGRAM CASH FUND FROM THE OPERATIONAL**
106 **ACCOUNT OF THE SEVERANCE TAX TRUST FUND.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Gives the Colorado water conservation board (CWCB) the authority to spend moneys transferred from the operational account of the

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.

severance tax trust fund to the water efficiency grant program cash fund, which were encumbered in a prior fiscal year, and to allow such moneys to be carried forward into future fiscal years. Allows such moneys to be charged against the appropriation from the year in which the funds were originally encumbered. Gives the CWCB the authority to expend unspent moneys from the prior fiscal year that revert to the water efficiency grant program cash fund. Makes statutory changes in accordance with the appropriations clause contained in Senate Bill 07-008.

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

2 **SECTION 1.** 37-60-126 (12) (a), Colorado Revised Statutes, is
3 amended to read:

4 **37-60-126. Water conservation and drought mitigation**
5 **planning - programs - relationship to state assistance for water**
6 **facilities - guidelines - water efficiency grant program - repeal.**

7 (12) (a) (I) There is hereby created the water efficiency grant program for
8 purposes of providing state funding to aid in the planning and
9 implementation of water conservation plans developed in accordance with
10 the requirements of this section and to promote the benefits of water
11 efficiency. The board is authorized to distribute grants to covered
12 entities, other state or local governmental entities, and agencies in
13 accordance with its guidelines from the moneys transferred to and
14 appropriated from the water efficiency grant program cash fund, which
15 is hereby created in the state treasury.

16 (II) MONEYS IN THE WATER EFFICIENCY GRANT PROGRAM CASH
17 FUND ARE HEREBY CONTINUOUSLY APPROPRIATED TO THE BOARD FOR THE
18 PURPOSES OF THIS SUBSECTION (12) AND SHALL BE AVAILABLE FOR USE
19 UNTIL THE PROGRAMS AND PROJECTS FINANCED USING THE GRANTS HAVE
20 BEEN COMPLETED. CONTRACTS, PURCHASE ORDERS, AND OTHER FISCAL
21 DOCUMENTS PROCESSED WITHIN A FISCAL YEAR SHALL CARRY OVER TO

1 SUBSEQUENT FISCAL YEARS, AND REVENUES ENCUMBERED IN A PREVIOUS
2 FISCAL YEAR SHALL BE AVAILABLE FOR USE IN THE CURRENT FISCAL YEAR
3 OR ANY FUTURE FISCAL YEAR.

4 (III) For the 2005-06 through 2010-11 fiscal years, the general
5 assembly shall appropriate from the fund to the board up to five hundred
6 thousand dollars annually for ~~the purpose of providing~~ PERSONAL
7 SERVICES AND TO PROVIDE grants to covered entities, other state and local
8 governmental entities, and agencies in accordance with this subsection
9 (12).

10 (IV) Commencing July 1, 2008, the general assembly shall also
11 appropriate from the fund to the board fifty thousand dollars each fiscal
12 year through 2011-12 to cover the costs associated with the
13 administration of the grant program and the requirements of section
14 37-60-124. ~~However, if less than five hundred thousand dollars is~~
15 ~~appropriated or expended in any such fiscal year, an amount equal to the~~
16 ~~difference between five hundred thousand dollars and the amount actually~~
17 ~~appropriated or expended in that fiscal year shall be available for~~
18 ~~appropriation and expenditure to the grant program in the next fiscal year~~
19 ~~in addition to the five hundred thousand dollars available for~~
20 ~~appropriation in that fiscal year~~ MONEYS APPROPRIATED PURSUANT TO
21 THIS SUBPARAGRAPH (IV) SHALL REMAIN AVAILABLE UNTIL EXPENDED OR
22 UNTIL JUNE 30, 2012, WHICHEVER COMES FIRST.

23 (V) Any moneys remaining in the fund on June 30, 2012, shall be
24 transferred to the ~~reserve in the~~ operational account of the severance tax
25 trust fund described in section ~~39-29-109.3 (3)~~ 39-29-109 (2) (b), C.R.S.

26 (VI) THE BOARD SHALL HAVE SPENDING AUTHORITY FOR ANY
27 MONEYS DEPOSITED, TRANSFERRED, APPROPRIATED, OR OTHERWISE

1 PLACED IN THE FUND FROM ANY SOURCE REGARDLESS OF WHETHER
2 LANGUAGE GRANTING SUCH SPENDING AUTHORITY ACCOMPANIES SUCH
3 DEPOSIT, TRANSFER, OR APPROPRIATION.

4 **SECTION 2.** 39-29-109.3 (2) (c) (I) (A), Colorado Revised
5 Statutes, is amended to read:

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

12 (c) (I) To the water efficiency grant program cash fund created in
13 section 37-60-126 (12), C.R.S., for use in accordance with that section,
14 the following amounts:

15 (A) For the state fiscal year commencing July 1, 2008, eight
16 hundred thousand dollars OF APPROPRIATED MONEYS. If, on June 30,
17 2008, there is more than one hundred thousand dollars of unobligated
18 revenue in the operational account above the reserve required by
19 subsection (3) of this section, the state treasurer shall transfer such
20 amounts over one hundred thousand dollars, up to a maximum of one
21 million dollars, to the water efficiency grant program cash fund on July
22 1, 2008.

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